

A Framing Theory and Discourse Analytic Study of the Child Labour Policy Debate:

A Framing-Governmentality Study of the Historical Relationship
between the ILO and Child Labour Policy

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Summary: This research has engaged with the relationship between the ILO and child labour over the course of five chosen moments across the 20th Century. The use of a novel hybrid theoretical approach has combined insights from framing theory and the Foucauldian concepts of governmentality and problematization to analyse the development of child labour policy within the International Labour Organisation (ILO). Framing theory was used to break down the way that argumentation was utilised in terms of policy debate and deliberation. Individual policy suggestions are thus framed issues, having particular solutions drawn from various alternative proposals.

A central task was to identify the major reoccurring aspects of child labour policy, which were termed ‘thematic pillars’. These included concerns as to child labour’s effect on safety and children’s educational attainment, and were designed to act as markers for changes in the governance of child labour. These could then be used to chart the changes that have occurred within policy at various significant moments in the shared histories of the ILO and child labour. The changes charted between moments reflect variations in the priorities of policymakers and responses to overarching geopolitical events which affected the governance of not only child labour, but of the international legal sphere more broadly.

Child labour policy is shown to be primarily deliberated at an international level through the ILO, and the institutional features of that organisation and the dynamics within the international arena have shaped the development of child labour as a policy matter. Problematization and governmentality have been used to provide a lexicon within which to discuss the way in which governing bodies are able to posit and advance their views. [275 words]

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Introduction

Chapter 1: Introduction – A Journey to the Beginning

1.1 Introduction

The concept of child labour has been said to have re-emerged in recent decades,¹ when the expectation had been that the practice would have been hoped to have ended naturally by this stage. The re-emergence of child labour appears to have correlated with increases seen in the levels of industrial production in the developing world, where the number of child labourers are highest. This very term is evocative and provokes a variety of proposed policy solutions, shaped by the way the practice is thought of. Some focus on the potential negative effects thus characterise its regulation as a matter of safeguarding against human rights abuses.² Others have focused on the positive indicating a vital social and economic mobility that children are able to attain by working,³ especially in the poorest areas of the developing world.

This thesis builds upon previous research undertaken by this author, which centred upon an open letter published in *The Guardian*,⁴ co-signed by a number of academics in the field, which criticised the current ILO legal framework for child labour as it is primarily regulated by the ILO and its Conventions. Previous research from this author concerned the debate around the definition of child labour that was alluded to within the open letter. The letter had levelled its criticisms at Convention 138 in particular, which stipulates the minimum age at which children are able to work.⁵ This specifies that the general minimum working age should be 15, and should not be set below the age at which compulsory schooling finishes in

¹ M. Rahikainen 'Historical and present-day child labour: is there a gap or a bridge between them?' (2001) 16(1) *Continuity and Change* 137, 139.

² ILO, 'Child Labour Platform (CLP) and the Global Compact: Public-Private Partnership', (Geneva: ILO Publications 2015) http://www.ilo.org/pardev/public-private-partnerships/factsheets/WCMS_409571/lang--en/index.htm Accessed: 9 July 2018, 1.

³ T Collins, 'The Relationship Between Children's Rights and Business', (2014) 18(6) *The International Journal of Human Rights* 582, 584.

⁴ The Guardian: Letters, 'Letters: Tech Companies Must Take Responsibility for Algorithms' (*The Guardian/Observer* 18 December 2016) <https://www.theguardian.com/theobserver/2016/dec/18/tech-companies-must-take-responsibility-for-algorithms> [Accessed: 24 April 2018.]

⁵ ILO, 'Convention No. 138: Convention concerning Minimum Age for Admission to Employment' 6 June 1973, Geneva Conference, Fifty-Eighth Session

the state in question.⁶ This author's research covered sources from the ILO and the publications of the academic co-signatories to the open letter, in the years leading up to the letter's publication in 2016, examining the types of arguments made about child labour.

While several viewpoints have been expressed from both academic and institutional sources on child labour, arguments can be said to generally fall into one of two main theoretical positions.⁷ The first, which was termed the 'abolitionist' point of view, has emphasised the negative impact that working can have on children and their physical⁸ and educational development.⁹ The main thrust of the argument lay with ending child labour as a practice immediately, so as to safeguard their basic human rights.

The second view, termed the 'adaptive' outlook on the matter, was a less absolutist stance, with a case made for some instances of child labour providing benefits on personal, community and national levels. Arguments of this type have tended to treat child labour as a symptom of global poverty rather than a cause¹⁰ and have also concentrated on the strong cultural motivations for children to join the workforce early.¹¹ The cautionary implication from them has been to restrain the potential damage that a moratorium on child work might have for the children concerned and their communities.¹²

Affiliation to either of the two broad policy positions, abolition or adaptive, could be a result of taking a position in relation to one or more major sub-issues that are regularly discussed in tandem with child labour. It should be noted that this is not the only delineation that has

⁶ ILO, 'Convention No. 138: Convention concerning Minimum Age for Admission to Employment' 6 June 1973, Geneva Conference, Fifty-Eighth Session, Art 2(3).

⁷ I Petrikova, 'NGO Effectiveness: Evidence from the Field of Child Labour in El Salvador', (2015) 42(2) *Forum for Development Studies* 225, 230-231.

⁸ International Labour Organization (ILO), International Programme on the Elimination of Child Labour (IPEC) and World Health Organization (WHO), *Creating safe futures: good practices to protect children and youth from hazardous work – Workshop Report* (Geneva: ILO Publications 2012) http://www.ilo.org/ipec/Informationresources/WCMS_182141/lang-en/index.htm Accessed 9 July 2018, 1.

⁹ P Termine, 'Eliminating child labour in rural areas through decent work' (Geneva: ILO Publications 2011) http://www.ilo.org/employment/units/rural-development/WCMS_165305/lang-en/index.htm Accessed: 9 July 2018, 1.

¹⁰ Winrock International, 'Best Practices in Preventing and Eliminating Child Labour Through Education' (Winrock Global Circle Projects 2008), 10.

¹¹ N Klocker, 'Struggling with Child Domestic Work: What Can a Postcolonial Perspective Offer?' (2014) 12(4) *Children's Geographies* 464, 465.

¹² M Bourdillon, 'Viewpoint: How Bad is Child Labour?' (2008) 4(3) *Quest* 48, 48.

been made between perspectives on child labour. For instance, some have distinguished between abolitionist, regulative and empowerment perspectives on child labour.¹³ While the abolitionist and regulative perspectives are analogous to the abolitionist and adaptive perspectives detailed above, the empowerment perspective centres on the children's agency and participation in child labour. From a policy perspective the solutions proposed are largely similar.

It was found that the main differentiating feature between the two sides in this debate centred on that of the role that the law should take. Abolitionists saw the law as a means of policing and preventing bad conduct. Institutions like the United Nations (UN) have used their influence to encourage actors within this space, such as national governments and employers, to take action to combatting child labour.¹⁴ Those who fall into the 'adaptive' camp generally expressed opinions suggesting that the law already goes too far, precluding instances of work that are not necessarily harmful, disadvantaging actual child workers as a result.¹⁵

The major means by which arguments were identified, coded and analysed in the previous research was through the implementation of 'thematic pillars', sub-areas within child labour policy around which arguments from various points of view have concentrated. These were designed as a useful filtering mechanism for the wider debate, issues on which adaptive and abolitionist actors were basing their case for or against current child labour law.

Additionally, an insight that this generated was that many sub-issues within the wider debate were themselves brought to light. For instance, the issue of schooling and how child labour affected this was encapsulated under the title of 'educational repercussions' was contested. Abolitionist sources were found to frame child labour and instances of children working as being inherently,¹⁶ or at least especially prone to, interfering with their

¹³ K Hanson and A Vandaele, 'Working children and international labour law: A critical analysis' (2003) 11 *The International Journal of Children's Rights* 73, 77-78.

¹⁴ ILO, 'Child Labour Platform (CLP) and the Global Compact: Public-Private Partnership', (Geneva: ILO Publications 2015) http://www.ilo.org/pardev/public-private-partnerships/factsheets/WCMS_409571/lang--en/index.htm Accessed: 9 July 2018, 1.

¹⁵ M Bourdillon, B White and W Myers, 'Reassessing Minimum-Age Standards for Children's Work' (2009) 29(3-4) *International Journal of Sociology* 106, 108.

¹⁶ International Labour Organization (ILO), International Programme on the Elimination of Child Labour (IPEC) and International Training Centre (ITC). *The Worst Forms of Child Labour in conflict and*

education¹⁷ and long-term economic prospects¹⁸ as a result. In mitigation adaptive accounts more commonly invoked frames that highlighted the lack of schooling infrastructure and funding in jurisdictions that have high child labour rates,¹⁹ suggesting that this might be cause for children to work instead of attending school.²⁰ Additionally, some adaptive accounts directly addressed and contested, or counter-framed, the abolitionist frame that schooling and work for children cannot coexist.²¹

Figure 1.1²² shows some examples of how themed pillars were used by both sides of the child labour debate as observed in the previous study. The thematic pillars represent positions for debate and framing, and are subject to differing interpretations from actors on both sides. This tool for analysis of resources will remain central in this study as it helps to contextualise the study of examining the resources in terms of this filtering system.

post conflict settings: results from a research project. (Turin: ITC Publications 2010) Available at: http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_24338/lang--en/index.htm [Accessed: 9 July 2018], 6; 28-29.

¹⁷ ILO (Governance and Tripartism Department). *Marking progress against child labour - Executive summary.* (Geneva: ILO Publications 2013). Available at: https://www.ilo.org/ipec/Informationresources/WCMS_221513/lang--en/index.htm [Accessed: 9 July 2018], 10.

¹⁸ P. Termine *Eliminating child labour in rural areas through decent work.* (Geneva: ILO Publications 2011). Available at: http://www.ilo.org/employment/units/rural-development/WCMS_165305/lang--en/index.htm [Accessed: 9 July 2018], 1.

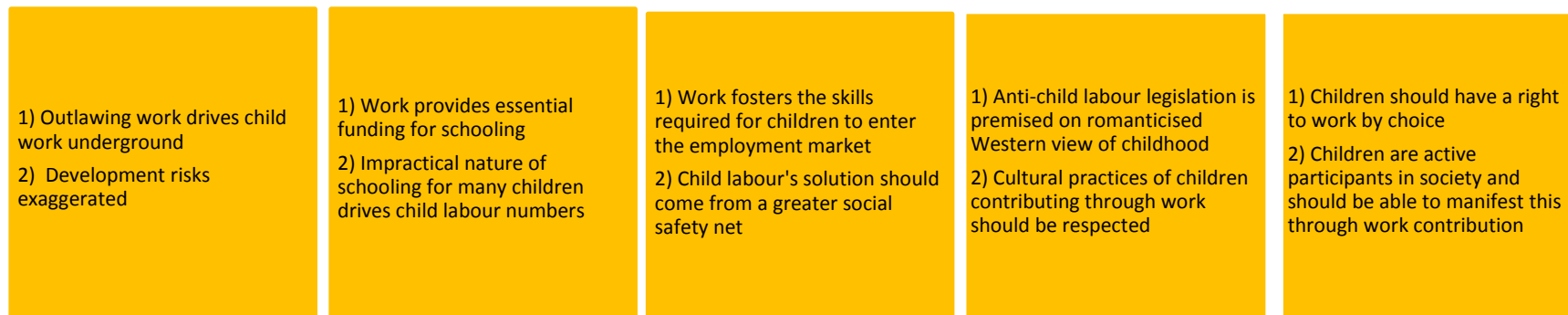
¹⁹ V. Morrow 'Show the world really be free of child labour? Some reflections' (2010) 17(4) *Childhood* 435, 438.

²⁰ R. Burr 'Rights and Wrongs of Children's Work' (2012) 41(3) *Contemporary Sociology* 318, 319.

²¹ T. Collins 'The relationship between children's rights and business' (2014) 18(6) *International Journal of Human Rights* 582, 602.

²² Taken from the findings of: D. McGarry 'Clarifying the Terminology Used in the International Child Labour Law Framework: A Discourse Analysis and Framing Theory Review of Official and Academic Child Labour Literature' (2018) *Unpublished MSc Thesis.*

Abolitionists



Adaptives

Figure 1.1: Diagram showing the anchoring effect of thematic pillars on the child labour debate. Examples of child labour frames at the heart of child labour policy discussions.

The thematic pillars as a concept not only aided in filtering the arguments made by proponents on both sides of the child labour debate, but they also allowed for a structural understanding of the way that arguments were constructed in relation to child labour. This enabled a focus on the type and frequency of arguments that were made in relation to child labour, and an indication of the policy priorities that actors were seeking.

This research aims to provide a novel look at the development of child labour law by examining the historical and discursive evolution of it within the ILO. Other research has focused on the history of the ILO or the development of child labour, though few have combined the two. Of those that have, none have used a discourse-focused research approach to investigate the means by which the ILO and child labour have dovetailed. The ILO has a longstanding relationship with child labour, dating back to the body's founding in 1919. The ILO has a longstanding connection to child labour and it has within its founding constitution the commitment to ensure the 'abolition' of child labour.²³

The length of that relationship proposes that a study of ILO discussions of child labour policy could generate significant findings regarding the way that the structure of child labour discussions evolved over time and responded to changes in the geopolitical landscape. This research seeks to achieve this by building upon the thematic pillars model developed in the author's previous research, and layering an institutionally-aware theoretical lens onto this to develop it further.

The thematic pillars idea came from engagement with framing theory, and therefore in constructing the theoretical tool used for this research, this school of thought will be researched so as to engage with and apply it fully. However, an additional element in this study, given its focus on the ILO, is the institutional dynamic, the way in which the venue of conversation has shaped the way in which child labour is discussed and in this way framing theory will be built upon with the use of governmentality. As a distinctly international organisation, bringing together representatives from national governments, workers' and employers' groups from across the globe the ILO will be examined from the viewpoint of its institutional regulatory efforts.

²³ League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.), 427.

Further, the rationale it has constructed for intervening on child labour hold special importance and investigating these sources could give some insight. It will include examining deliberations from the ILO and its Conferences, the legal instruments it produced and discussions from journals associated with it. Below is an example of a more explicit justification of why the ILO and the international community at large had viewed child labour as an issue of sufficient importance to regulate.

“The sole argument for special protection is a special set of conditions. The protection of children is on these grounds fully justified. But such protection must remain restricted within certain limits, and must not be made a pretext for social experiments applicable to all workers, as, for example, in the sphere of hygiene, in which protection should not be less general than the risks. The protection of child labour should be as simple and as absolute as possible. It should be the legal expression of a de facto situation, expressing the difference which really does exist between children and adults, and it should admit of the fewest possible exceptions. When it has reached this stage, it can be stabilised.”²⁴

This quote was taken from the ILO-adjacent journal, the *International Labour Review*, during the ILO’s early years and was written by, or at least with the consent of, the journal’s editorial board, as it lacked a by-line. It alludes to the underlying philosophy of regulation at the time, and constitutes a window into the institutional mind-set that undergirded policy interventions from the outset within the ILO. An absolutist ideal for child labour regulation is explicated here. The idea is that the more uniform the system of protection becomes; the more stable and less prone to being swayed by extraneous circumstances the regulatory scheme will be.

As mentioned above, the quote constitutes a very direct reference to why child labour is an area of interest for the ILO. Other sources might be less direct, and in such cases the way

²⁴ *International Labour Review*, ‘The International Labour Office and the Protection of Children’ (1921) 3(1) *International Labour Review* 3, 24.

child labour is discussed, the sub-issues that are prioritised for mention can be used to construct a fuller picture of how child labour has been regulated, and why reforms have been enacted in the way they have.

The regulation of child labour at an international level has been indelibly linked to the ILO over the course of the body's existence. The regulatory personality of the ILO and how this has shifted over time is of particular interest, given the longstanding and extensive relationship it thus makes for a useful lens through which to analyse this. This study is situated within the broad field of child labour research, and more specifically within the subset of research that covers the ILO and its relationship with child labour policy over the course of its history. Undertaking to analyse the relationship between the ILO and child labour over the course of its history, and the ways in which policy discussions have changed and evolved in relation to wider historical developments and events will be the aim going forward. The ILO Conventions that cover child labour will then be discussed in the context of the debate and deliberations around them, with the potential for seeking to broaden this to include other voices which have championed the cause.

This thesis will attempt to answer the following research questions:

- Can a hybrid framing theory and governmentality approach be used to provide greater insight into child labour policy? [Part I]
 - What is the proper definition of frames for the purposes of this study?
 - How do frames in this sense relate to other concepts in the policy space?
 - What specific approach within the school of framing theory will be utilised so as to appropriately engage with the materials selected?
 - What is governmentality and can it be applied beyond its original construct as a national phenomenon and into the international space?
 - Which tools of governance are observable within the policy space? How can they be identified in child labour sources?
 - How does problematization factor into policy and how does this manifest in the development of child labour policy within the ILO?

- Can child labour's policy development within the ILO be better explained by orienting research inquiry from an historical perspective? Can this be structured by focusing upon significant moments within the ILO's history? [Part II]
 - Can focusing on major geopolitical shifts and changes in child labour policy be used to narrow down the periods in ILO history that are most apt for study?
 - Within a moments-led structure, how should sources be selected and collated?
 - How can the thematic pillars concept be developed and be utilised in the current study?
- Can shifts in the regulatory outlook of the ILO be explained by structural changes in the types of arguments made in relation to child labour? Can thematic pillars be used to demonstrate this? [Part III]
 - By focusing on particular moments in the ILO's history, can the relationship between the ILO, child labour and wider geopolitical shifts be investigated?
 - Which sub-issues, represented through thematic pillars, were observed to be most prominent in each of the moments studied? How is this reflective of wider events occurring in and around the ILO?
- Is the development of child labour policy over time able to explain, and be explained by, changes in the regulatory outlook of the ILO? [Part IV]
 - How did the breakdown of child labour discussions change over time? What did this reveal about variations in the policy priorities of the ILO?
 - How can the findings in this research be used and extended into further study?
 - Could they be used to generate further results in the area of child labour policy? Could it be apt for engagement with other policy fields?

1.2 Amplification of the proposed research questions

Part I, child labour studies and a discursive approach

Child labour has been studied through a wide variety of specialist disciplines, including: childhood²⁵ and development studies;²⁶ anthropology;²⁷ global poverty and development;²⁸

²⁵ M Liebel, 'Working Children as Social Subjects: The Contribution of working children's organizations to social transformations' (2003) 10(3) *Childhood* 265.

and applied economics.²⁹ As such child labour studies are neither new nor uncommon, and bringing them under a single banner has proved difficult. As Basu stated, child labour academia covers a wide range of disciplines, and as a result is 'lacking a common theoretical foundation'.³⁰

Thus, when searching for an approach with which to engage with child labour, researchers from a variety of disciplines have expressed a range of options open to them. This study is rooted in legal policy, taking forward findings from this author's previous work on the debate around child labour. The previous research in question focused upon contemporary arguments concerning the precise formulation of child labour policy, and the two camps that have arisen in the debate.

The child labour policy space, including the debate focused on previously, lends itself to a discourse-led approach, as much of the discussion around child labour is premised on the precise definition of terms. This is because policy discussions in this area are often centred on the dividing line between acceptable and unacceptable occurrences of children working, and the labels that should be used to illustrate this delineation. For instance on the adaptive side, the inherent negative connotations that accompany an invocation of the phrase 'child labour' have been recognised.³¹ Some have suggested that as a result the utility of the phrase has been permanently compromised.³² Consequently some have sought to utilise an

²⁶ ST Tesfu, 'The effect of early childhood malnutrition on child labour and schooling in rural Ethiopia' (2016) 50(2) *The Journal of Developing Areas* 185; K Heissler and C Porter, 'Know Your Place: Ethiopian Children's Contributions to the Household Economy' (2013) 25(4) *European Journal of Development Research* 600.

²⁷ K Valentin and L Meinert, 'The adult North and the young South: Reflections on the civilizing mission of children's rights' (2009) 25(3) *Anthropology Today* 23.

²⁸ L. Groves, 'Implementing ILO child labour convention 182: lessons from the gold-mining sector in Burkina Faso' (2005) 15(1) *Development in Practice* 49; SE Dessy, 'A defence of compulsive measures against child labour' (2000) 62 *Journal of Development Economics* 261.

²⁹ SE Dessy and S Pallage, 'A Theory of the Worst Forms of Child Labour' (2005) 115 *The Economic Journal* 68; K Basu, 'The intriguing relation between adult minimum wage and child labour' (2000) 110 *The Economic Journal* C50; P Ranjan, 'An economic analysis of child labour' (1999) 64 *Economics Letters* 99.

³⁰ K Basu, 'Child Labour: Cause, Consequence, and Cure, with Remarks on International Labour Standards' (1999) 37(3) *Journal of Economic Literature* 1083, 1084.

³¹ TC Nhenga-Chakarisa, 'Who Does the Law Seek to Protect and From What? The Application of International Law on Child Labour in an African Context' (2010) 1 *African Human Rights Law Journal* 161, 161-162.

³² M Bourdillon, 'Children and Work: A Review of the Current Literature and Debates' (2006) 37(6) *Development and Change* 1201, 1221.

informal hierarchy of terms using 'child labour' to refer to damaging instances of children being in employment, and using 'child work' or 'child employment' to denote situations where children are not (necessarily) harmed. However, some adaptive scholars have warned against the reductionism of dichotomies, stating that instances of children working should instead be analysed on a continuum, materially varying in relation to the type of work, the age and capacity of the child.³³ The ILO also engages with child labour along similarly linguistic lines and distinguish in recent policy between child labour, and its 'worst forms'.³⁴ The latter delineates broad categories of conduct that are deemed to be *prima facie* inappropriate to be undertaken by children, and thus creates a list of priority areas for concern and policing at an international level.³⁵

Therefore, Part I (detailed in Figure 1.2) will focus on answering the first research question(s). This will be achieved by focusing upon the two largest theoretical traditions that this research relies upon, those of framing theory and governmentality to construct a discursively-focused theoretical tool to engage in this research. To this end, the next two chapters will specify the particular approach being taken in relation to both in this research, and how they fit into the wider bodies of scholarship. In particular, the way that thematic pillars are used to augment and supplement framing theory, filling in an important gap between individual arguments and policy proposals, will be explained. This will allow for a shift in the orientation of the research, away from the contemporary and chart the way discussions around child labour have altered over time within the ILO. The approach being taken to governmentality relies on Foucault's explanatory model of governmental regulation and control. However, this research uses global governmentality, an extension of Foucault's theory to international regulators like the ILO.

Parts II and III and historical studies of the ILO and child labour

Part II focuses on how the research is structured from a methodological standpoint, and how sources will be identified, filtered and analysed. Additionally, the historical orientation

³³ S Okyere, 'Are working children's rights and child labour abolition complementary or opposing realms?' (2012) 56(1) *International Social Work* 80, 81.

³⁴ ILO Convention No. 182 (Worst Forms of Child Labour, 1999)

³⁵ *Ibid* Art 3 (a)-(c)

and structure of this study, and how it relates to other research in this area will be outlined and explained. As this study is focused on a particular institution, and hones in upon notable moments within its history to assess changes to child labour policy, it will be apt to investigate what historical studies have already been done on this topic. Many historical analyses have been undertaken on the ILO, its relationships with the League of Nations and United Nations.

Some researchers have adopted an approach that has concentrated on particular incidents,³⁶ reports,³⁷ publications³⁸ or on legislation.³⁹ An extensive example of this type of research came from Maul, who studied the ILO and its role in the process of decolonisation during the 20th Century. He argued that the ILO has played a central role in mediating relations between the developing and developed worlds, and in shaping conversations around the 'right way' for countries to modernise.⁴⁰ He also charted the changes in the ILO and conversations around colonisation which had shifted in the transition between international orders shaped by the League of Nations, and its replacement by the UN,⁴¹ using the Philadelphia Declaration in 1944 as an anchor point.⁴²

A sub-division of ILO-related research engaged with some of the interconnected histories of child labour and the ILO. This research will utilise an analytical lens that has not been

³⁶ B Langille, 'The Curious Incident of the ILO, Myanmar and Forced Labour' (2015) *Research Handbook on Transnational Labour Law* 509; J Canonge, 'Something old, something new: The ILO response to the 2008 financial and economic crisis' (2015) 15(1) *Global Social Policy* 91.

³⁷ J Seekings, 'Does one size fit all? A comment on the ILO's 2014 *World of Work Report*' (2015) 15(2) *Global Social Policy* 192; B Selwyn, 'The ILO's World of Work 2014 Report: *Development with Jobs*' (2015) 15(2) *Global Social Policy* 195.

³⁸ P Bollé, 'The International Labour Review and the ILO: Milestones in a shared history' (2013) 152(S1) *International Labour Review* 1.

³⁹ S Kahn-Nisser, 'A Matter of Degree: Europeanization, ILO Treaty Ratification and Labour Standards in Europe' (2016) 24(3) *Journal of Contemporary European Studies* 356; KA Elliott, 'The ILO and Enforcement of Core Labour Standards' (2000) 00-6 *International Economics Policy Briefs (Institute for International Economics)* 1; S Marchetti, 'The Global Governance of Paid Domestic Work: Comparing the Impact of ILO Convention No. 189 in Ecuador and India' (2018) 44(7-8) *Critical Sociology* 1191.

⁴⁰ D Maul, *Human Rights, Development and Decolonization: The International Labour Organization 1940-70 (ILO Century Series)* (Basingstoke: Palgrave Macmillan 2012) 7.

⁴¹ D Maul, *Human Rights, Development and Decolonization: The International Labour Organization 1940-70 (ILO Century Series)* (Basingstoke: Palgrave Macmillan 2012) 96.

⁴² D Maul, *Human Rights, Development and Decolonization: The International Labour Organization 1940-70 (ILO Century Series)* (Basingstoke: Palgrave Macmillan 2012) 76-77.

applied elsewhere. In the following section some other examples of child labour-centred ILO research will be surveyed and differences in the current approach taken highlighted.

Dahlen's research, is one example, which covered the ILO's minimum age campaign, and used the concepts of children and work and the cultural context from which they derive as a central organising theme. The research she undertook used ILO discussions around child labour Conventions over this period and focused upon a number of themes. These included the relationship between colonised and industrialised nations, the importance attributed to schooling and the concepts of children and family and their relationship to the state.⁴³

Dahlen looked into from the ILO's founding in 1919 through to the passing of the Minimum Age Convention, No. 138, in 1973. She found that Western dominance of some the central themes she has discussed continued to shape child labour policy. However, she concluded that over the course of the 20th Century, the Western dominance of these questions shifted from being primarily European to being more driven by American interests.⁴⁴

The themes Dahlen engaged with were described as organising principles for her thesis,⁴⁵ contributing to a 'chronological and thematic approach'.⁴⁶ Dahlen focused her attempts upon presenting a flowing narrative coverage of the history of child labour policy during her chosen period of study. Unlike Dahlen, this research will consider the institutional position of the ILO and how this affected and was affected by, the position of child labour policy. The thematic pillars which are to be designed will be used to apply a specific analytical framework to particular moments in child labour policy's history, and analysing the spread of argumentation together with how these may have evolved over time. Furthermore, this research will seek to place more of an emphasis on the role of the ILO as a supranational state actor, by mediating relations between national governments and individual stakeholders who work directly with child labour.

⁴³ M Dahlen, *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007, 28.

⁴⁴ M Dahlen, *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007, 331.

⁴⁵ M Dahlen, *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007, 29.

⁴⁶ M Dahlen, *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007, 59-60.

Other researchers of note in this field are Van Daalen and Hanson, who have examined the role of working children's organisations in shaping the direction of child labour policy.⁴⁷ They have tailored from the outset a very specific approach to child labour research and looked at the dialogue between working children's groups and abolitionist institutions like the ILO, presenting both their views. Their research asserted that the debate boiled down to competing conceptions of rights: a right to be free from work during childhood against the right to work with dignity.⁴⁸ Van Daalen and Hanson also presented evidence of a case study with Nieuwenhuys on an example of a working children's group where advocacy was used in tandem with local NGOs so as to thwart the passing of an anti-child labour regulation in Indonesia.⁴⁹ This important topic would require the research to be designed specifically to generate findings on this matter. As such, working children's groups have largely been excluded from direct participation in ILO deliberations, and it would therefore be outside the scope of this research to assess this dynamic.

Van Daalen and Hanson also examined the orientation of ILO policy towards child labour. They asserted that a fundamental shift had occurred; away from policy that 'included reasonable regulation to an almost exclusive abolitionist' approach to child labour that had accompanied a broader moralising swing in international human rights discourse.⁵⁰ In their view this change had occurred in relation to the balancing of short-term and long-term objectives.

Previously, the ILO had been content to allow children to be at work in some cases in the present alongside the understanding of an overarching goal to end child labour entirely in the long run.⁵¹ This 'two-plank' approach to child labour and its eventual demise was

⁴⁷ K Hanson and E Van Daalen, 'Can campaigns to stop child labour be stopped?' (*opendemocracy.net* 26 February 2016) <<https://www.opendemocracy.net/beyondslavery/karl-hanson-edward-van-daalen/can-campaigns-to-stop-child-labour-be-stopped>> [Accessed: 25 October 2018].

⁴⁸ K Hanson and E Van Daalen, 'Can campaigns to stop child labour be stopped?' (*opendemocracy.net* 26 February 2016) <<https://www.opendemocracy.net/beyondslavery/karl-hanson-edward-van-daalen/can-campaigns-to-stop-child-labour-be-stopped>> [Accessed: 25 October 2018].

⁴⁹ E Van Daalen, K Hanson and O Nieuwenhuys, 'Children's Rights as Living Rights: The Case of Street Children and a New Law in Yogyakarta, Indonesia' (2016) 24 *International Journal of Children's Rights* 803, 812-813.

⁵⁰ E Van Daalen and K Hanson, 'The ILO's Shifts in Child Labour Policy: Regulation and Abolition' (2019) 11 *International Development Policy* 133, para 30.

⁵¹ E Van Daalen and K Hanson, 'The ILO's Shifts in Child Labour Policy: Regulation and Abolition' (2019) 11 *International Development Policy* 133, para 5-6.

replaced by a more urgent 'one-plank' attitude; the latter emphasising the immediate need for ending child labour.⁵² Van Daalen's most recent research on child labour has centred on working children's groups, their interactions with colonialism, unions and the ILO. He argued that the child labour legal regime has been shaped by relations between Western nations and the developing world and the political interests that flow from that relationship.⁵³

Part III covers the investigations undertaken in this study, focusing upon chosen, significant moments in the shared histories of the ILO and child labour. Research that focuses the history of the ILO exists and has taken various disciplinary approaches. Hughes and Haworth broadly covered the history of the ILO including the major moments that the ILO has been subject to and a driver of: such as the end of the First World War⁵⁴ and the Philadelphia Declaration.⁵⁵ Additionally, they outlined the structure of the ILO and its constituent parts,⁵⁶ and major changes in leadership and the pivots that came with them.⁵⁷ They remarked that studies of this kind were rarely undertaken within the research community, and when they were, research was predominantly produced 'in-house', i.e. by the ILO itself. This, they felt, led to a trend of somewhat self-aggrandising and hard to evaluate research being produced, which lauded the agenda and achievements of the ILO.⁵⁸ Hughes and Haworth, in order to balance this, took a more nuanced view, assessing the criticisms that have been levelled at the ILO from various schools of thought.⁵⁹

This thesis takes the form of a thematic and narrative analysis of child labour from both ILO and non-ILO sources at five significant junctures in the 20th Century. The thematic pillars

⁵² E Van Daalen and K Hanson, 'The ILO's Shifts in Child Labour Policy: Regulation and Abolition' (2019) 11 *International Development Policy* 133, para 27 and 30.

⁵³ E Van Daalen, *Decolonising the Global Child Labour Regime: The ILO, Trade Unions, and Organised Working Children* (Geneva: University of Geneva 2020) <<https://archive-ouverte.unige.ch/unige:147891>> [Accessed: 29 July 2021].

⁵⁴ S Hughes and N Haworth, *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 5.

⁵⁵ S Hughes and N Haworth, *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 46.

⁵⁶ S Hughes and N Haworth, *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 21-23.

⁵⁷ S Hughes and N Haworth, *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 73-74.

⁵⁸ S Hughes and N Haworth, *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) xv.

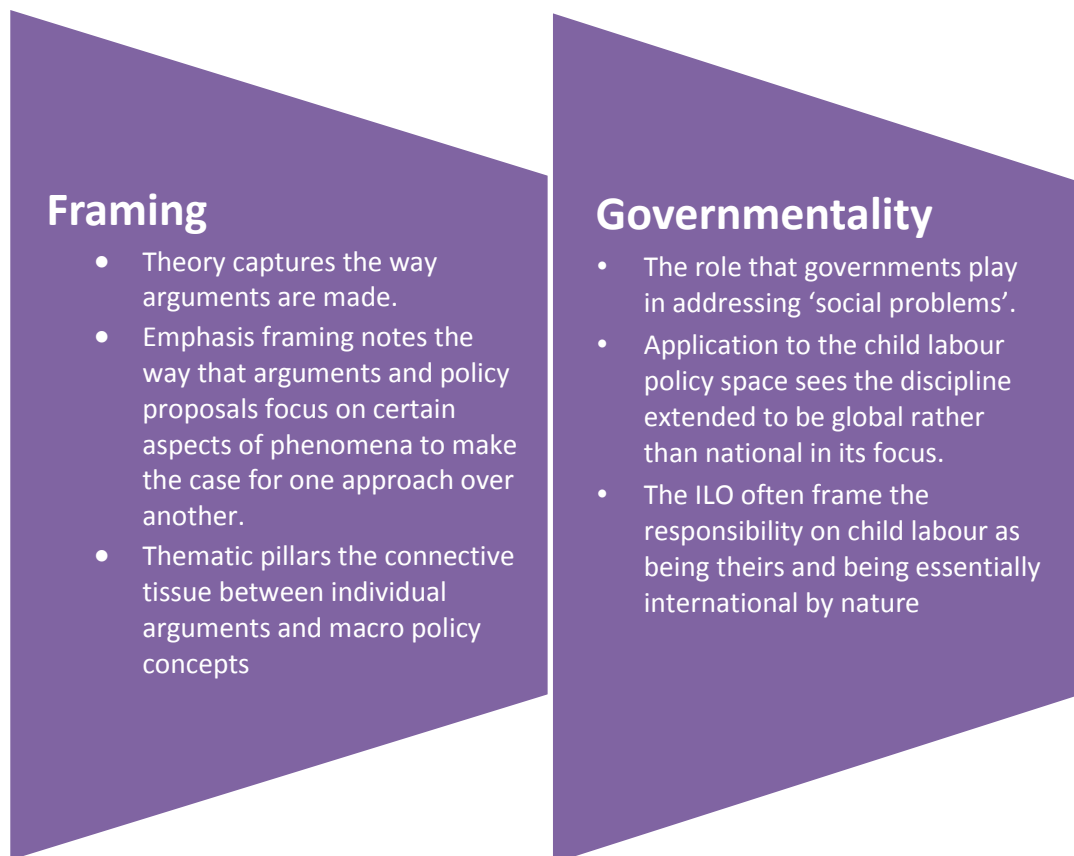
⁵⁹ S Hughes and N Haworth, *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 96-102.

referenced in this chapter, are theoretically interrogated and as developed in chapter 2, will be used to structure analysis of child labour sources in each of the selected moments. These will also note how policy priorities have evolved in relation to wider historical events, and how child labour was affected by the discussion and policy decisions examined.

Part IV, analysing observed trends in child labour policy discussions and future research

Part IV covers analysis of the meta-thematic developments over the course of the five moments analysed in Part III. There, themes that have been developed over the course of multiple moments will be analysed. Furthermore, the question of how the ILO's institutional position is both shaped and explained by the evolution of child labour policy will be considered in context. Lastly, the conclusions that can be drawn from the research and its findings as assessed will be considered in terms of possible potential for further related research in this area to be undertaken.

Figure 1.2: Chapter flow for the theoretical model constructed throughout Part I.



Part I: A Novel Theoretical Approach to Child Labour

Chapter 2: Framing Child Labour Policy

2.1 Introduction

This study seeks to investigate the development of child labour policy over time, and is primarily centred upon the ILO, incorporating sources from specific points in its history. This will be done so as to develop the themes derived from previous work from the current author⁶⁰ to allow a fuller picture of the development of child labour policy at these stages. By examining the legislative changes, and the direction of legal change that was deliberated and determined, an analysis of the various changes in policy may be made and throw light on the external factors that have shaped them.

The previous research, mentioned above, used framing theory as a means of investigating the debate around contemporary child labour policy, and was used to investigate positions on both sides of the issue. The present research seeks to evaluate the efficacy of using framing theory, and examine what value the additional use of governmentality may confer to this analysis.

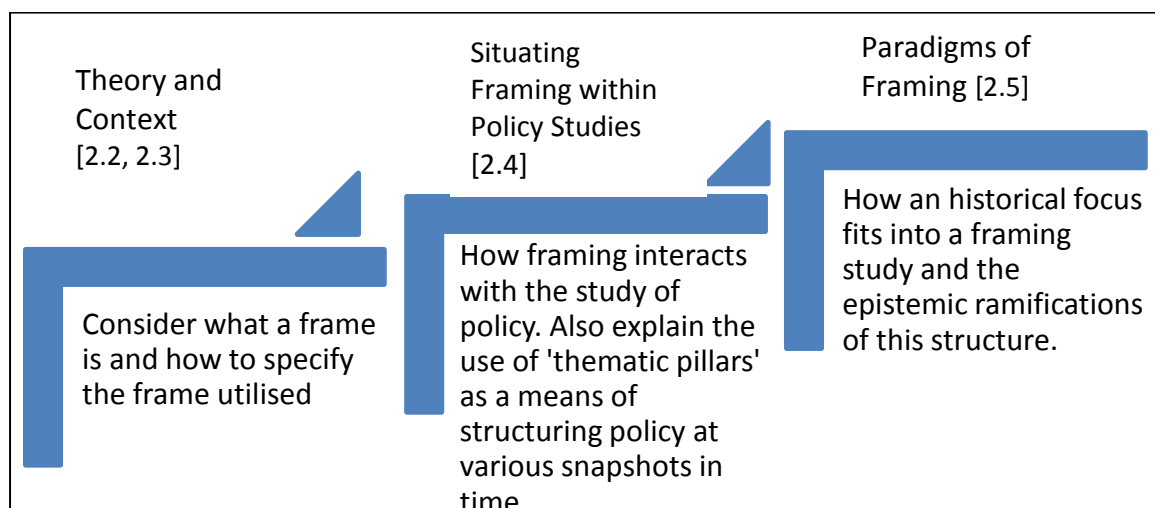
The deliberative and argumentative qualities of policy discussions lend themselves to be studied through the lens of framing theory. However, the object of this study, namely the ILO, offers the opportunity for the depth of a framing study to be enriched by a hybrid framing-governmentality theoretical approach for analysis of the institution at the heart of child labour policy. The two disciplines, framing and governmentality may be combined due to their shared reliance on the concept of discourse. This connective tissue will allow framing theory and governmentality to work in tandem in service of analysis of the policy development of child labour within the ILO, using materials generated from and around the ILO itself.

The next two chapters will engage with the two main aspects of the theoretical approach used for this research, namely framing theory and governmentality. This chapter (as outlined in Fig 2.1) starts with consideration of what exactly a frame is, and how the current

⁶⁰ D. McGarry 'Clarifying the Terminology Used in the International Child Labour Law Framework: A Discourse Analysis and Framing Theory Review of Official and Academic Child Labour Literature' (2018) *Unpublished MSc Thesis*.

study builds on the theoretical traditions of framing theory. Its application to the study of policy will be considered in deciding how to progress with this study of child labour and the evolution of child labour legal standards within the ILO. Additionally, the concept of 'thematic pillars' (referred to in Section 1.1) play a central role in the analysis of policy and its variation over time, the structural function that this fulfils will be explained. Finally, the types of findings that framing theory can generate for the current research, with its historical orientation, will be examined in the context of the epistemic outlook the research is taking.

Figure 2.1 Chapter 2 Structure



2.2 Framing Studies: Theoretical Background

Framing theory is being used in the context of this research to aid in the analysis of policy development over a large period of time. This section will consider the origins of framing theory and cover the modifications that have occurred over time, and will note the aspects which may be incorporated into this study.

Framing has been used to analyse journalism and news media conceptualisations of issues, which are 'an outcome of journalistic routines that allow them to quickly identify and classify information'.⁶¹ Initially, framing studies were used to assess the effects of manipulating equivalent information, on audience perception of an underlying phenomenon, emphasising one facet of it at the expense of another.⁶² This type of framing has come latterly to be known as 'equivalence framing'.⁶³ For example, such studies might highlight the variance in the way in which respondents reacted to the same story couched in terms of inverse percentages.⁶⁴ This could entail a story of conservation efforts which resulted in 96% of a wildlife population being saved, compared with one that states despite best efforts, 4% of said population perished.

A significant expansion beyond its initially restrained definition occurred when framing studies moved into the realm of public policy debates. This shift broadened the concept significantly, taking it beyond analysing variances in wording, and instead applying it to situations where the focus of analysis was the effect of selecting 'one set of facts or arguments over another' on public perception.⁶⁵ This signalled an evolution from 'equivalence framing' to 'emphasis framing' and in so doing became more narrative focussed.

⁶¹ D.A. Scheufele and S. Iyengar 'The state of framing research: A call for new directions'. In K. Kenski & K. H. Jamieson (Eds.), *The Oxford handbook of political communication* (pp. 619–632). (New York: Oxford University Press 2014), 619.

⁶² D. Kahneman and A. Tversky 'Choices, Values and Frames' (1984) 39(4) *American Psychologist* 341, 343.

⁶³ D.A. Scheufele and S. Iyengar 'The state of framing research: A call for new directions'. In K. Kenski & K. H. Jamieson (Eds.), *The Oxford handbook of political communication* (pp. 619–632). (New York: Oxford University Press 2014). DOI:10.1093/oxfordhb/9780199793471.013.47, 619.

⁶⁴ J. Druckman 'The Implications of Framing Effects for Citizen Competence' (2001) 23(3) *Political Behaviour* 225, 228.

⁶⁵ M.A. Cacciatore D.A. Scheufele and S. Iyengar 'The End of Framing as we Know it ... and the Future of Media Effects' (2016) 19(1) *Mass Communication and Society* 7, 10.

The broadening of framing studies, beyond mere question manipulation, has not been wholly embraced by its academic exponents. Cacciatore, Scheufele and Iyengar dubbed its effect as having muddied the mission statement of what was a clear discipline at its inception.⁶⁶ Not all voices have been sceptical on this matter however, with many suggesting that the broader 'emphasis framing' paradigm of research fits more naturally with the nature of public opinion. For instance, De Vreese posited the view that 'equivalence framing' does not fit with the vast majority policy debates, which cannot be merely reduced to different phrasing of the same scenario.⁶⁷

Logically, even if framing's most restrictive definition does not account for all types of policy debates, though that does not mean that the concept should necessarily be defined more widely. However, De Vreese's critique is persuasive, and has led to the novel implementation of 'thematic pillars' (see Figure 1.1 and section 1.1) into this study's use of framing theory. The concept of thematic pillars focuses on central areas of contested arguments within a wider policy debate, grouping together arguments that pertain to a similar area or sub-issue. By doing this, the basic notion of framing, i.e. different presentations of an issue, can be catalogued within the more complex field of legal policy.

Some have argued that there are a plethora of political issues in contemporary society that attempt to balance multiple concerns, strengthening the argument for thematic pillars. As such, public opinion will necessarily be shaped by prioritising and balancing various competing factors.⁶⁸ Therefore, the means by which child labour policy discussions will be engaged with will be to focus on the major sub-issues that are repeatedly drawn out which constitute the thematic pillars upon which, this analysis of child labour policy rests.

Consequently, if framing is to be a means of analysing public policy debate, as is its application in this study, then framing must be defined accordingly. Child labour policy within the ILO treated as a discursive space is more suited to analysis using the broader 'emphasis framing' research paradigm because it appears more reflective of the nature of

⁶⁶ M.A. Cacciatore D.A. Scheufele and S. Iyengar 'The End of Framing as we Know it ... and the Future of Media Effects' (2016) 19(1) *Mass Communication and Society* 7, 8-9.

⁶⁷ C.H. De Vreese 'News framing: Theory and typology' (2005) 13(1) *Information Design Journal and Document Design* 51, 53.

⁶⁸ F. Shen 'Effects of News Frames and Schemas on Individuals' Issue Interpretations and Attitudes' (2004) 81(2) *Journalism and Mass Communication Quarterly* 400, 400.

DW McGarry (1331926)

policy debates in general. Also, there is a substantial amount of scholarship that has embraced emphasis framing, and it is in this line that this research will proceed.

2.3 Defining Frames

Before undertaking a framing theory approach to study of a chosen subject, it would be beneficial to return to first principles and establish what a frame actually is, at least for the purposes of the current research. Examining the literature, it is notable that Reese outlined two main definitional positions taken within framing studies the first, dubbed the 'what perspective', as those which address the content of frames and 'specifically the network of concepts and the unique narrative and myths that make it work'.⁶⁹ The second embodies the 'how perspective' and digs into frames as 'strategic resources' used towards achieving a desired end, such as pushing for a particular policy.⁷⁰

The 'what perspective' allows an interrogation of the ideological and historical underpinnings of child labour policy. By focusing on the historical development of the concept and problematization of child labour (detailed in Chapter 3), light can be shed upon the ways in which the current state of the law has come into being. The 'how perspective' on framing can illuminate and strengthen analysis of policy spaces by focusing on the tactics used by those within it. The 'how perspective' provides a lens through which to take the totality of actors and arguments into account providing a coherent means of viewing the ILO as a venue for child labour policy as whole. The current research has therefore chosen to incorporate the 'what' and 'how' perspectives of framing to differing extents, rather than treating them as mutually exclusive models for frames.

Druckman argued that frames facilitate the communication of ideas in reference to social phenomena.⁷¹ Caragee and Roefs noted that frames are used to construct 'particular meanings and...advance specific ways of seeing issues'.⁷² In a similar vein, White⁷³ and De

⁶⁹ S.D. Reese 'Finding Frame in a Web of Culture: The Case of the War on Terror' in P. D'Angelo and J.A. Kuypers (eds.) *Doing News Framing Analysis: Empirical and Theoretical Perspectives* (New York: Routledge 2010), 19.

⁷⁰ S.D. Reese 'Finding Frame in a Web of Culture: The Case of the War on Terror' in P. D'Angelo and J.A. Kuypers (eds.) *Doing News Framing Analysis: Empirical and Theoretical Perspectives* (New York: Routledge 2010), 20.

⁷¹ J. Druckman 'The Implications of Framing Effects for Citizen Competence' (2001) 23(3) *Political Behaviour* 225, 227.

⁷² K.M. Carragee and W. Roefs 'The Neglect of Power in Recent Framing Research' (2004) *Journal of Communication* 214, 218.

⁷³ D.D. White 'Framing Water Sustainability in an Environmental Decision Support System' (2013) 26 *Society and Natural Resources* 1365, 1367.

Vreese⁷⁴ separately submitted that frames entailed the presentation and definition of issues, while Entman noted that frames are used to 'promote a particular problem definition'.⁷⁵

The tactical element of framing was noted by Shen in which he suggested that it was used by 'social elites' to hive off discussion of issues towards their own desired ends through the 'selecting and highlighting [of] certain facts while excluding other information'.⁷⁶ The discussed definitions draw links between frames and debate, because they focus on the ways in which frames entail the building blocks of argument *i.e.* ways of representing issues at the expense of other competing alternative conceptualisations.⁷⁷

Others have signalled that frames are used to simplify and explain, constituting a structure by which societies at large understand social issues. An example of this came from Snow and Benford who defined frames as 'an interpretive schemata that simplifies and condenses the "world out there" by selectively punctuating and encoding objects, situations, events, [and] experiences'.⁷⁸ Also, Lecheler and De Vreese posited that frames were 'patterns of interpretation used to classify information and process it efficiently'.⁷⁹

The definitions discussed so far elaborate the effects and uses of frames and framing within the context of policy discussions: to explain and define social issues and problems. This has some implications for the temporal and substantive nature of frames for the purposes of analysis. To expand, if a frame is defined by the effect it has then this might suggest that frames come into existence in retrospect, given that they can only be defined by the effect they have *i.e.* by shifting policy one way or the other. This conclusion is tacitly endorsed by

⁷⁴ C.H. De Vreese, 'News framing: Theory and typology' (2005) 13(1) *Information Design Journal and Document Design* 51, 51.

⁷⁵ R. Entman 'Framing: Towards Clarification of a Fractured Paradigm' (1993) 43(4) *Journal of Communication* 51, 52.

⁷⁶ F. Shen 'Effects of News Frames and Schemas on Individuals' Issue Interpretations and Attitudes' (2004) 81(2) *Journalism and Mass Communication Quarterly* 400, 400.

⁷⁷ B. Vyncke and B. Van Gorp 'Communicating about raising the retirement age using frames and counterframes' (2017) 21(2) *Journal of Communication Management* 155, 156.

⁷⁸ D. Snow and R. Benford 'Master Frames and Cycles of Protest' in A. Morris and C. Mueller (eds.) *Frontiers in Social Movement Theory* (New Haven: Yale University Press 1992) 137.

⁷⁹ S. Lecheler and C.H. De Vreese 'Framing Serbia: The Effects of News Framing on Public Support for EU Enlargement' (2010) 2(1) *European Political Science Review* 73, 77.

Reese who stated that frames were not identifiable and theoretically separable from their attendant context.⁸⁰

Some have argued that frames exist as linked ideas brought together in opposition to one another. Nelson expounded the idea that frames exist as alternate configurations of the same phenomenon. He took the view that frames are used to summarise arguments, but that individual frames are defined primarily by the fact that alternatives to them are present.⁸¹ To expand, frames only exist in so far as an alternative conceptualisation of the social phenomenon in question exists. This would suggest that frames cannot exist in isolation and that they necessarily come into being in 'collections' or 'sets', grouped by a common factual context. This would lend further weight to the aforementioned notion that frames are a post-hoc tool of analysis.

Following the preceding reasoning through to its logical conclusion thus suggests that frames are a production of the researcher in retrospect, a way by which argumentation and debate can be understood. This leans into the Benford and Snow conceptualisation of frames most clearly, described as 'interpretive schemata',⁸² imposed upon a set of discourse as a prism through which to understand the underlying mechanics at play within. This also concurs with the 'how perspective' of framing expounded by Reese,⁸³ as discussed above. Next, the body of scholarship that applies emphasis framing theory to policy studies will be weighed in relation to those areas where framing has been used to engage with legal development in the long term.

⁸⁰ S.D. Reese 'Finding Frame in a Web of Culture: The Case of the War on Terror' in P. D'Angelo and J.A. Kuypers (eds.) *Doing News Framing Analysis: Empirical and Theoretical Perspectives* (New York: Routledge 2010), 24.

⁸¹ T.E. Nelson 'Policy Goals, Public Rhetoric, and Political Attitudes' (2004) 66(2) *The Journal of Politics* 581, 582.

⁸² D. Snow and R. Benford 'Master Frames and Cycles of Protest' in A. Morris and C. Mueller (eds.) *Frontiers in Social Movement Theory* (New Haven: Yale University Press 1992) 137.

⁸³ S.D. Reese 'Finding Frame in a Web of Culture: The Case of the War on Terror' in P. D'Angelo and J.A. Kuypers (eds.) *Doing News Framing Analysis: Empirical and Theoretical Perspectives* (New York: Routledge 2010), 20.

2.4 Contextualising Framing Theory within Legal Policy Studies

2.4.1 Legal Policy: Framing and Changes Measured Over Time

For present purposes, framing will be used to engage with legal development over the course of a large period of time, using sources which concern the deliberation and justification of child labour legal standards. As such, scholarship which links framing and legal policy will prove valuable. Framing theorists have made the case that frames are inextricably linked to the process of public policy deliberation,⁸⁴ and considered at a more general level as ‘an unavoidable reality of the public communication process’.⁸⁵ This is because the majority of public policy debates, from the role of the welfare state,⁸⁶ to global climate policy⁸⁷ are characterised by a variety of viewpoint holders presenting their perspective on the issue as being superior to that of their competitors. By couching the issue in such a way to make their viewpoint appear ‘more correct’,⁸⁸ at the expense of as many of the various counter-positions as is possible, is an effective means of winning that battle and thus swaying the opinion of the public, stakeholders and ultimately policy, in their direction.⁸⁹

Framing, within the context of this study, seeks to denote the process by which conceptualizations of issues are arrived at, altered, and how the structure of child labour policy discussion has developed over time.⁹⁰ Different framings of child labour may hold some common features. This might be due to the framings centring on the same sub-issue or may be a result of different frames being based on a common presupposition, such as a particular attitude to child labour itself or towards the optimum role the government should

⁸⁴ D.A. Schön and M. Rein *Frame Reflection: Towards the Resolution of Intractable Policy Controversies* (New York: BasicBooks 1994), 30.

⁸⁵ M.C. Nisbet ‘Knowledge into Action: Framing Debates over Climate Change and Poverty’ in P. D’Angelo, and J.A. Kuypers (Eds.), *Doing News Framing Analysis: Empirical and Theoretical Perspectives*, (New York: Routledge 2010), 44.

⁸⁶ J.N. Druckman ‘On the Limits of Framing Effects: Who Can Frame?’ (2001) 63(4) *The Journal of Politics* 1041, 1061.

⁸⁷ J. Schuldt, S. Roh and N. Schwarz. ‘Questionnaire Design Effects in Climate Change Surveys: Implications for the Partisan Divide’ (2015) 658 *The Annals of the American Academy* 67, 76-79.

⁸⁸ B. Vyncke and B. Van Gorp ‘Communicating about raising the retirement age using frames and counterframes’ (2017) 21(2) *Journal of Communication Management* 155, 156.

⁸⁹ D. Chong and J. Druckman ‘Framing Theory’ (2007) 10 *Annual Review of Political Science* 103, 104.

⁹⁰ D. Chong and J. Druckman ‘Framing Theory’ (2007) 10 *Annual Review of Political Science* 103, 104-106.

take in regulating it. Accordingly, framing can take on most significance, as a process of ‘meaning construction’ and also provides a commonly utilised method of petitioning for reform in matters of policy.⁹¹ For instance, various framing techniques are leveraged by collective action groups to broaden the appeal of social movements, particularly as a means of pushing decision-makers towards reform.⁹²

Articulating exactly how frames interact with other factors within the policy space is not as straightforward as it first appears, nor has much coverage been given to its development in this area. A noteworthy exception to this general rule comes from Reese. He considered that the level of abstraction of frames, in relation to broad concepts such as worldview and ideology, would turn on which side of the aforementioned ‘what/how’ framing distinction the individual piece of research fell.⁹³ The ‘what perspective’ treats frames as culturally-embedded resources that rely upon various shared understandings underwritten by myths and narratives that are wider than the individual issue at hand.⁹⁴ Under this model, frames are derived from macro cultural touchstones. This would suggest that frames exist at a lower level of abstraction to social issues than these touchstones, thus drawing from a higher abstract concept and applying it to a socially contested setting like a debate around policy at a lower level.

An example of a ‘what frame’ is utilised by pro second Amendment advocates in the USA *i.e.* those who argue that American citizens have an incontrovertible right to bear arms. This is rooted in the notion that the second Amendment is based in America’s founding in conflict and revolution. In this example, the USA’s ideological origin is the cultural narrative that the ‘what frame’ borrows from to make its argumentative point.

The ‘how perspective’ of framing puts the tactical use of frames at the centre of analysis. Thus if frames are strategic resources in policy debates, this gives the concept a more

⁹¹ R. Benford and D. Snow ‘Framing Processes and Social Movements: An Overview and Assessment’ (2000) 26(6) *Annual Review of Sociology* pp. 611, 614.

⁹² W. Swart ‘The League of Nations and the Irish Question: Master Frames, Cycles of Protest, and “Master Frame Alignment”’ (1995) 36(3) *The Sociological Quarterly* 465, 478.

⁹³ S.D. Reese ‘Finding Frame in a Web of Culture: The Case of the War on Terror’ in P. D’Angelo and J.A. Kuypers (eds.) *Doing News Framing Analysis: Empirical and Theoretical Perspectives* (New York: Routledge 2010), 21.

⁹⁴ S.D. Reese ‘Finding Frame in a Web of Culture: The Case of the War on Terror’ in P. D’Angelo and J.A. Kuypers (eds.) *Doing News Framing Analysis: Empirical and Theoretical Perspectives* (New York: Routledge 2010), 19.

functional character, a means to an argumentative end. To return to the second Amendment debate, a ‘how frame’ in this context could be identified within any argument made in favour or against the right to bear arms. However, given that a ‘how frame’ is an argumentative tool, it would also include persuasive aspects of how the argument is made, potentially relying upon its method of delivery as well.

To build upon the US gun rights example, the ‘how framing’ aspect of this would attend to the persuasive tactics utilised to further its underlying point. This can be seen in how the discourses around the second Amendment constitutes a fundamental bulwark to government tyranny and that in its absence the US government would be able to act with considerable impunity.⁹⁵ Thus, it would suggest that the ‘how frame’ perspective conceptualises frames as existing at a closer level of proximity to the issues themselves than broader, higher-level considerations.

2.4.2 Thematic Pillars as a Tool for Understanding Policy Change

Child labour necessarily has been framed as a social problem worthy of coordinated international remedy, evidenced by the existence of international law precluding it. This framing process will have been undertaken and established by parties who have driven forward efforts in this area, for example the UN and, pertinently for the purposes of this study, the ILO. In the immediate case, ‘thematic pillars’ afford the chance to analyse how specific sub-issues within the broader child labour landscape are framed, and how this has changed over time.

In order to use frames within the policy context of this study, some means of filtering and grouping together individual arguments or frames is needed in order to build a comprehensive picture of the structure of the child labour policy space. This may be accomplished by implementation of the concept of ‘thematic pillars’, outlined in the first chapter, as anchoring points or major sub-issues within policy debates, around which

⁹⁵ N. Lund ‘The Second Amendment and the Inalienable Right to Self-Defense’ *The Heritage Foundation* (17 April 2014) Available at: <http://report.heritage.org/fp16> [Accessed: 1 November 2019] 3; R. Charles ‘If the Second Amendment falls, our entire Bill of Rights falls’ *Fox News* (28 March 2018) Available at: <https://www.foxnews.com/opinion/if-the-second-amendment-falls-our-entire-bill-of-rights-falls> [Accessed: 1 November 2019].

arguments tend to coalesce around. The conceptual innovation of ‘thematic pillars’, when combined with the fundamentals of framing theory, afford an opportunity to structure a coherent study of policy development over time.

Thematic pillars are used as a means of structuring policy discussions by grouping together the framings of policy that relate to a particular aspect or consideration within a wider policy debate. This structural approach will permit analysis of the variations in priorities of policy and policymakers at different points in time. Changes may be measured in terms of their relative prevalence, but also in relation to the types of framings that each thematic pillar contains over time. These changes over time may then be cross-referenced against wider historical trends, the position of the ILO within the international policy community, and geopolitical variations at different points in time.

These ‘thematic pillars’ will be examined within child labour policy as to how they are used as vehicles for viewing the practice, and how they couch calls for policy change and reform, and their use as resources for framing. The ‘emphasis framing’ approach is used in tandem with thematic pillars, which highlight the major aspects of child labour policy. This should not be taken to mean that there is a definitive hierarchy of factors because various pillars are invoked as appropriate or convenient for the speaker’s ‘desired ends’, or for the audience in question.⁹⁶

Carragee and Roefs, like others, warned that framing analyses should not treat policy positions themselves as frames,⁹⁷ as this would be a misuse of the framing concept, and the same is true of thematic pillars. Even if multiple frames fit under the purview of the same pillar should not automatically mean that they are being used to argue for the same policy outcome.

For instance, to return to the Second Amendment example both pro and anti-gun activists argue their case on the basis of safety. Those arguing for limitations to gun purchases,⁹⁸ or

⁹⁶ R.H. Williams ‘Constructing the Public Good: Social Movements and Cultural Resources’ (1995) 42 *Social Problems* 124, 130.

⁹⁷ K.M. Carragee and W. Roefs ‘The Neglect of Power in Recent Framing Research’ (2004) *Journal of Communication* 214, 215.

⁹⁸ P. Okamoto ‘Guns kill people in the US because we pervert the Second Amendment’ *The Guardian* (2 October 2015) Available at: <https://www.theguardian.com/commentisfree/2015/oct/02/oregon-college-shooting-guns-kill-people-in-us-pervert-second-amendment> [Accessed: 1 November 2019].

even the outright repeal of the second amendment,⁹⁹ posit that reducing the supply and availability of guns would lessen the number of crimes committed with them.¹⁰⁰ On the other side of the aisle, parties to the debate point to the number of instances where the presence of a gun has prevented a crime from happening, i.e. 'defensive uses of firearms'.¹⁰¹ These types of contradiction where the same idea is used to argue for opposing outcomes can create instances of friction where the various frames, even those fit within the same pillar, appeal to 'a range of sometimes competing policy recommendations and priorities', leaving no clear answer as a result.¹⁰² The plurality of frames and thematic pillars present in any policy arena can alter public and political opinions more broadly as there are often many accepted ways of viewing a social phenomenon in public discourse and numerous (sometimes contradictory) frames can gain traction simultaneously within policy spaces.

Temporal aspect of framing

Regarding the theoretical nature of frames, the question remains as to the process by which they come into existence, which might have implications regarding the nature of findings that arise from a framing analysis. A major breakdown between framing camps is the degree to which this co-construction is an active process, and to what extent frames are determined by their historical context. This aspect of the debate contends with the question as to whether those who utilise framing devices have control over the content and effects of the frames themselves. Additionally they may be at the mercy of broader societal factors which make up the major underpinning of the content of frames. For instance, Benford and

⁹⁹ J.P. Stevens 'John Paul Stevens: Repeal the Second Amendment' *The New York Times* (27 March 2018) Available at: <https://www.nytimes.com/2018/03/27/opinion/john-paul-stevens-repeal-second-amendment.html> [Accessed: 1 November 2019].

¹⁰⁰ J. Yang 'The Second Amendment solution to gun violence' *CNN* (7 August 2019) Available at: <https://edition.cnn.com/2019/08/07/opinions/second-amendment-solution-to-gun-violence-yang/index.html> [Accessed: 1 November 2019].

¹⁰¹ A.I. Leshner, B.M. Altevogt, A.F. Lee, M.A. McCoy and P.W. Kelley (Institute of Medicine and National Research Council of the National Academies). *Priorities for Research to Reduce the Threat of Firearm-Related Violence* (Washington: The National Academies Press 2013). Available at: <https://www.nap.edu/read/18319/chapter/1>. [Accessed: 4 November 2019]; P. Hsieh 'That Time the CDC Asked About Defensive Gun Uses' *Forbes* (30 April 2018) Available at: <https://www.forbes.com/sites/paulhsieh/2018/04/30/that-time-the-cdc-asked-about-defensive-gun-uses> [Accessed: 4 November 2019].

¹⁰² C. McInnes and K. Lee 'Framing and global health governance: Key findings' (2012) 7 (Supplement 2) *Global Public Health* pp. S191, S192.

Snow argued that if framing is to be viewed as a process concerned with the construction of meaning, this necessarily 'implies agency' on the part of those involved.¹⁰³ However, they do concede that social movements are often conceived in opposition to a perceived injustice. Therefore their framing of pertinent issues are inevitably structured by the dominant understanding or societal *status quo* that the movement has been designed to address and challenge.¹⁰⁴

Vliegthart and Van Zoonen took issue with framing scholarship in this regard indicating that it overstated the ownership over framing processes that individual journalists and members of the public can have.¹⁰⁵ They considered that the production and reception of frames is mediated by more than individual-level variations in the producers and audiences for frames. Instead they argued that frames 'are part of a collective struggle over meaning...[and] draws from a range of resources'.¹⁰⁶ Therefore in this context, the framing of issues and the success therein results from the ability of frames to resonate culturally, establishing a certain way of conceptualising a social phenomenon at the expense of other variations.

In essence Vliegthart and Van Zoonen felt that many studies under-represented the conceptualisation of issues at a societal level, thus ignoring the idea that generalised understandings of issues and events were mediated collectively. As discussed above, frames are most properly viewed as an analytical device applied after the fact by researchers seeking to understand the process of debates in greater mechanical and philosophical depth. This would also go some way to explaining and endorsing Vliegthart and Van Zoonen's hypothesis that frames are not engaged with affirmatively at the time debates are being waged by social actors. The frames themselves offer a link between the thematic pillars, with framing and governmentality offering a balanced concept with which to view the moments.

¹⁰³ R. Benford and D. Snow 'Framing Processes and Social Movements: An Overview and Assessment' (2000) 26(6) *Annual Review of Sociology* 611, 614.

¹⁰⁴ R. Benford and D. Snow 'Framing Processes and Social Movements: An Overview and Assessment' (2000) 26(6) *Annual Review of Sociology* 611, 614.

¹⁰⁵ R. Vliegthart and L. van Zoonen 'Power to the frame: Bringing sociology back to frame analysis' (2011) 26(2) *European Journal of Communication* 101, 111.

¹⁰⁶ R. Vliegthart and L. van Zoonen 'Power to the frame: Bringing sociology back to frame analysis' (2011) 26(2) *European Journal of Communication* 101, 112.

2.5 Conclusion

Framing theory establishes the central theoretical totem for the current study and will be the primary means by which the policy space created for child labour legal policy is to be analysed. In the most abstract terms, any actor within the child labour policy space would argue that they have equivalent aims: to safeguard and promote the interests of children worldwide. Framing theory allows a deeper examination of the ways in which arguments for policies are couched, conceptualised and proliferated, thus forming the foundation for this research.

The theoretical tool this study uses must also take into account the institutional dynamics that are brought to bear by the nature of international supranational governance such as that seen in the ILO. The ILO's means of policy deliberation is multilateral, taking in the input of governmental actors, both national and international, as well as policy stakeholders, including workers and employers. Further, the ILO comes to policy conclusions at an international level, but its conclusions must be implemented and enforced nationally and locally, thus the means by which ILO policy aims are achieved requires a degree of delegated authority. The aforementioned actors are represented in literature covering the deliberations around the formation and justification of child labour policy, and thus the theoretical tool used to analyse these materials needs to have a means of engaging with the dynamics created by international governance.

In summary, frames can be said to entail ways in which the understanding of issues is made more persuasive both towards explanatory and policy ends by actors within institutions that are used to deliberate and form legal schemes. This research will also seek to address the debate through the use of 'thematic pillars' so as to create a coherent picture of child labour policy, and the premises that policy relies upon at given times based on sources from various moments in time. By using thematic pillars as a structuring mechanism, comparisons can be made between the shape of policy at different points in the ILO's history.

This chapter has attempted to specify an approach to framing that will be apt for use with the object of this research, namely, the child labour legal policy debate. This has been necessary because of the wide variability in types of framing studies that have been undertaken by other researchers, which has left the discipline in a non-prescriptive place.

Thus, the type of framing approach taken must be tailored to the research area and the materials available. The more restrictive 'equivalence' framing model is a poor fit with the study of framing within policy debates, thus making the broader 'emphasis' model preferable.

This has offered the prospect for an in-depth examination of what frames actually are and how they are related to neighbouring concepts within the broad sphere of policy discussions. It was important to seek to map this route so that an appropriate analytical tool would be arrived at. The conclusion reached on these matters was that frames are an analytical lens by which researchers are able to consider the broad picture of debates after the fact. The thematic pillars concept was applied by selecting prominent sub-issues as a filtering mechanism for the large number of arguments made within policy discussions. This allowed a connection to be made between individual frames and the larger policy space around child labour.

Framing theory focuses on the way arguments are formed, the way policies are debated at the expense of others. This is central to the discussion of policy proposals and augments the analysis of the way an area of law has developed over time, by giving, for example, insight into the way in which the rationale for action may have changed. However, framing theory focuses on what changed rather than why that change has occurred. Governmentality and problematization provide a means of discussing the way that phenomena are formed as issues that require the intervention of a regulator, in this case the ILO. Further, it provides a set of concepts for the ways regulators propagate their own role within the process, justifying their continued utility and authority to act.

3. Addressing the ILO: Foucauldian Governmentality and Problematization

3.1 Introduction

In the previous chapter the appropriate approach to a study of policy development such as this by using framing theory was demonstrated, particularly in relation to its ability to capture the essentially argumentative nature of policy deliberation. Frames are a useful tool in relation to analysing specific arguments for particular policy reforms within a broader discursive space, and in this research context, it is used within the child labour policy when discussed by the ILO. Framing, given its own focus on the way arguments are constructed rather than as a reason for the argument, does not interrogate the rationale and coherently discuss the way an organisation addresses a particular issue.

Additionally, the concept which is unique to this study, of thematic pillars was also explained as a means of filtering the frames used in policy resources, and utilised as a means of ascertaining the structure of the underlying premise of regulation. This structural view makes it possible for comparisons to be made more easily between various points in time by comparing the types of arguments made in relation to a particular policy, expressed within the grouping of the pillars.

However, given the nature of this study and its focus on the ILO as the primary venue for child labour legal regulation, some account needs to be made for the institutional dynamics that an international legal body conveys to the development of the law. An aspect of policy formation that is not really captured by the concept of framing has been the idea of government and the role played by regulatory bodies in all policy contexts, with child labour being no exception. The venue from which policy comes conditions the nature of the laws it passes, thus any theoretical interrogation of ILO child labour policy should engage with it on these terms. The ILO and its role in the policing and regulation of child labour may be looked at through the lens of the Foucauldian concept of governmentality.

Governmentality is a theoretical and methodological approach to engaging with governance, and essentially posits that governmental power and control is much more varied and widespread than is typically thought. This is because governmentality attends to the means by which regulating authorities make the case for certain social problems being

worthy of intervention, and the terms upon which intervention should take place.¹⁰⁷ It suggests that “social fabric” resources like ‘common sense’ are utilised, and are perhaps even shaped by governmental actors and bodies to the end of regulating personal conduct on an individual level.¹⁰⁸

Governmentality is used as an approach to viewing the way that societies are governed, through various societal organs, towards ‘good, virtuous, appropriate, responsible conduct of individuals and collectives’.¹⁰⁹ Further, it is concerned with the means that social truths are produced through ‘social, cultural and political practices’.¹¹⁰ The upshot of these presuppositions from the perspective of this policy study, is that law reflects what is considered to be true and virtuous in a society. Thus, this will be expressed in both the policies passed and implemented, but also by the ways that they are communicated and enforced.

Another concept conceived by Foucault, is that problematization, is relevant to the discussion of policy. Problematizations are said to be the result of questioning the act of governance, by posing the question ‘how we conduct government, or how we govern conduct’.¹¹¹ This questioning is inherent to the process of policy deliberation and reform which is fundamentally a consideration of whether and how the role of the state should be amended in relation to a particular area, in this case: child labour.

These theoretical constructs therefore have the potential to add valuable explanatory context to the legal regulation of child labour. This is because the successful stewarding of children into adulthood is often a concern for regulators. In this regard child labour, given its alleged health, social and educational ramifications,¹¹² will engage with governmental

¹⁰⁷ P. Miller and N. Rose ‘Governing Economic Life’ (1990) 19(1) *Economy and Society* 1, 3-4.

¹⁰⁸ P. Miller and N. Rose ‘Governing Economic Life’ (1990) 19(1) *Economy and Society* 1, 18-19.

¹⁰⁹ M Dean, *Governmentality: Power and Rule in Modern Society* (London: Sage, 2nd edn., 2010) 19.

¹¹⁰ M Dean, *Governmentality: Power and Rule in Modern Society* (London: Sage, 2nd edn., 2010) 27.

¹¹¹ M Dean, *Governmentality: Power and Rule in Modern Society* (London: Sage, 2nd edn., 2010) 38.

¹¹² ILO, *Executive summary of Children in Hazardous Work. What we know, what we need to do.* (Geneva: ILO Publications 2011) Available at: http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_157340/lang--en/index.htm [Accessed: 9 July 2018] 12; ILO (Governance and Tripartism Department) *Marking progress against child labour - Executive summary.* (Geneva: ILO Publications 2013) Available at: https://www.ilo.org/ipecc/informationresources/WCMS_221513/lang--en/index.htm [Accessed: 9 July 2018] viii.

priorities. Thus, the concept of governmentality serves as a useful prism through which to analyse the actions of such regulatory bodies, like the ILO. Further, given that the primary venue chose for examining child labour regulation is the ILO, the position of regulators and the weight that their input has should be considered.

For the purposes of this research, framing and problematizations are being interlinked, with the connective tissue being the application of governmental rationale (or governmentality) to framing resulting in problematizations. Accordingly, in relation to identified social ills, as is the case with child labour, governmentality also interacts with another Foucauldian concept, problematization. This highlights the way in which an issue is formulated as being a problem worthy of corrective action or intervention (in this case governmental or quasi-governmental action). Problematization makes the assumption that any phenomenon that is accepted as a social problem necessarily relies upon its framing in that light and thus is a product of framing. Both problematization and framing share the common feature of being 'a particular way of constructing dispute'.¹¹³ The focus of this research is on subsequent interpretations of Foucault's governmentality concept, as some of those have applied the theory to models of governance more akin to contemporary international policymakers such as the ILO. To this end, the interpretations of governmentality that focus on the international, global governmentality will be examined in the section to follow.

The three concepts, framing, governmentality and problematization are linked within the context of policymaking. Framing something as a problem requires the individual or body making that case to make an affirmative argument that it is a problem, thus problematizing the issue. In so doing, solutions to the said problem are proffered, underwritten by a rationale of governance (or governmentality), so as to alleviate the alleged negative effects of the problem.

The application of Foucault's work to child labour policy specifically does not aim, nor purport to be, an authentic or exhaustive representation of Foucault and his analyses. Rather, the current study borrows two Foucauldian theoretical concepts, problematization and governmentality. These devices have been chosen due to their instructive and

¹¹³ A. Allen 'Why Foucault? Why not Afoulcut?' (2008) 16(3) *Pedagogy, Culture & Society* 315, 317.

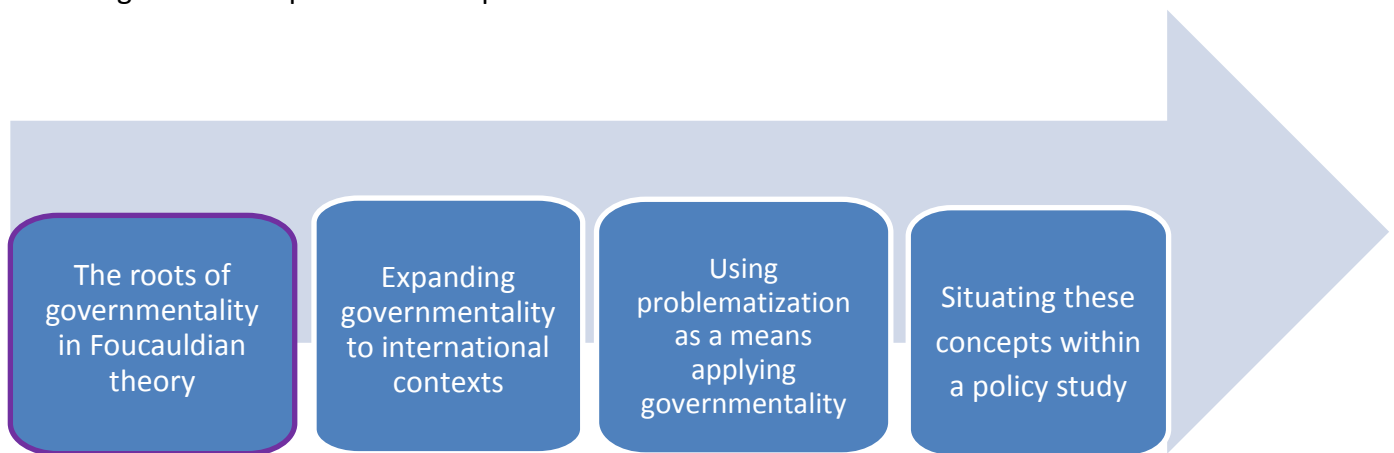
illustrative value in regard to the institutional culture that has shaped the development of child labour policy and their approaches to its solution.

The chapter will consider the following through the lens of the child labour policy debate by considering the following (detailed in Figure 3.1):

- The theory of governmentality and its application to international policymaking.
- The tactics that are used to define a problem as being worthy of intervention *i.e.* how issues are problematized.
- How the concepts of framing, governmentality and problematization are linked to one another and are mapped onto a policy study.

These steps will be applied to the child labour policy space to develop a model for analysing the actions and representations made by governmental organisations.

Figure 3.1: Chapter 3 Roadmap



3.2 Foucault's Governmentality

This section begins with an exploration of Foucault's concept of governmentality, what it is and how this can be applied to a study of policy. Governmentality explains the way that power 'functions and circulates in contemporary societies'¹¹⁴ to the end of regulating individual conduct in remote.¹¹⁵ Foucault identified that one of the most significant historical trends in Western societies was the shift from traditional monarchical states towards governmental societies. While sovereign monarchies were concerned with the growth and betterment of the regime and its resources, Foucault argued that governments had to concern themselves with 'disposing' collective resources in such a way as to achieve 'convenient' ends for the governed population.¹¹⁶ Walters was also keen to note that governmentality was not a unifying theory but merely a concept to 'enhance the thinkability and criticize-ability of past and present forms of governance'.¹¹⁷

Another way in which the governmentality model differed from the sovereign model of rule that preceded it was that governmental rule was characterised by rule through the freedom of its subjects. This particular aspect of governmentality theory sets it apart from other such theories, emphasising the notion that 'freedom and power [are] not mutually exclusive but mutually dependent'.¹¹⁸ Rose and Miller alleged that many governmental initiatives were pushed by using individual members of society to drive the priorities that were held at a high level, by 'enrolling individuals as allies in the pursuit of political, economic and social objectives'.¹¹⁹ They explicated an example of this through the way that economic norms in Western liberal democracies relied upon promoting a particular view of ideal individual behaviours within an economic system since the Second World War.

Foucault used the term 'governmentality' to refer to the rationality of government, or the delimiting of what is to be governed and the representations used to justify this

¹¹⁴ E. Foster 'Sustainable Development: Problematizing Normative Constructions of Gender within Global Environmental Governmentality' (2011) 8(2) *Globalizations* 135, 139.

¹¹⁵ P. Miller and N. Rose 'Governing Economic Life' (1990) 19(1) *Economy and Society* 1, 1-2.

¹¹⁶ M. Foucault, 'Governmentality' in M. Foucault and J. Faubion (ed.) *Power: Volume Three of the Essential Works of Foucault 1954-1984*. (Translated: R. Hurley et. al.) (London: Penguin Books 1994), 211.

¹¹⁷ W. Walters *Governmentality: Critical Encounters* (New York: Routledge 2012) 2.

¹¹⁸ M. Kopecky 'Foucault, Governmentality, Neoliberalism and Adult Education – Perspective on the Normalization of Social Risks' (2011) 2(2) *Journal of Pedagogy* 246, 251.

¹¹⁹ P. Miller and N. Rose 'Governing Economic Life' (1990) 19(1) *Economy and Society* 1, 18.

delineation.¹²⁰ By necessity such a concept requires that we define what is governable and thus must get to the root of what the governable entity or phenomenon is. Governmentality thus highlights the practical nature of governance, a practice that 'can be studied, historicized and specified at the level of rationalities, programmes, techniques and subjectivities which underpin it and give it form and effect'.¹²¹

This also meant, as Marinetto noted, that governmentality served as a way 'to depict the way the state is composed of various systems which do not originate in the central state'.¹²² To put this in more specific terms, the governmentality model sees the dispersion of state authority to satellite expert bodies¹²³ specifically charged with maintenance or regulation of particular aspects of governance.¹²⁴ The regulatory infrastructure around child labour is similarly diffuse, with practice mediated at local, national and international levels and is engaged with by governmental and non-state actors. It is because of regulatory composition around child labour that governmentality is vital to a study of it, as the concept is ready-made to analyse the capillary-like distribution of power seen in the child labour sphere.

Framing and governmentality share the feature of being premised on discourse. However, the critical eye that governmentality provides regarding forms of government and the types of devices and tactics that regulating bodies have at their disposal adds a vital element to the perspective given the institutional slant of this research.

Both theories work on the notion that the way ideas and authority are discussed creates the understanding of the things to which they refer,¹²⁵ and is therefore common to both schools of thought.¹²⁶ Foucault's definition of discourse suggests that regulating bodies delimits

¹²⁰ W. Larner, and W. Walters, 'Globalization as Governmentality' (2004) 29 *Alternatives* 495, 496.

¹²¹ W. Walters *Governmentality: Critical Encounters* (New York: Routledge 2012) 2.

¹²² M. Marinetto 'The Governmentality of Public Administration: Foucault and the Public Sphere' (2003) 81(3) *Public Administration* 621, 625.

¹²³ E Foster, 'Sustainable Development: Problematizing Normative Constructions of Gender within Global Environmental Governmentality' (2011) 8(2) *Globalizations* 135, 139.

¹²⁴ J. Joseph 'The limits of governmentality: Social theory and the international' (2010) 16(2) *European Journal of International Relations* 223, 227.

¹²⁵ A Llewellyn, 'Problematizing the Pursuit of Progress in Mathematics Education', (2016) 92 *Educational Studies in Mathematics* 299, 301.

¹²⁶ E Foster, 'Sustainable Development: Problematizing Normative Constructions of Gender within Global Environmental Governmentality' (2011) 8(2) *Globalizations* 135, 139 and 144; W Gamson and A Modigliani, 'Media discourse and public opinion on nuclear power: A constructionist approach'

what is able to be said in relation to a social phenomenon, establishing and reproducing specific forms of 'truth' over time.¹²⁷ Individual statements, or framings of particular issues for current purposes, are said to be 'elementary units of discourse'¹²⁸ that construct their meaning by becoming more refined and definite over time.¹²⁹ Discourses were explained so as to acquire legitimacy from a sense of 'embodying the truth about' the phenomena to which they referred and in so doing they shaped institutional practices in those areas.¹³⁰ The idea of discourses evolving over time makes this a useful concept for a longitudinal policy study such as this.

Law itself works as a discursive system, with its own linguistic rules that are reinforced, refined and reproduced over time and with use.¹³¹ Under such a system law became just one of many resources constituting the tactics and the 'science of government', alongside statistics and technologies of security and surveillance. These resources coalesced into the 'procedures, analyses, and reflections, the calculations and tactics' used to exercise governmental power¹³² that constituted the state's various 'regimes of control'.¹³³ This is similar to the idea that discourses create the ways in which certain phenomena are discussed, and are specific to its place in time and history.¹³⁴

A shortcoming of Foucauldian governmentality is that it refers to the governance of populations at a solely national level. However, it is noteworthy that Foucault did not

(1989) 95(1) *American Journal of Sociology* 1, 1-3; KM Carragee and W Roefs, 'The Neglect of Power in Recent Framing Research' (2004) *Journal of Communication* 214, 215-216.

¹²⁷ A Llewellyn, 'Problematising the Pursuit of Progress in Mathematics Education', (2016) 92 *Educational Studies in Mathematics* 299, 301.

¹²⁸ T Bourke and J Lidstone, 'What is Plan B? Using Foucault's Archaeology to Enhance Policy Analysis' (2015) 36(6) *Discourse: Studies in the Cultural Politics of Education* 833, 834.

¹²⁹ T Bourke and J Lidstone, 'What is Plan B? Using Foucault's Archaeology to Enhance Policy Analysis' (2015) 36(6) *Discourse: Studies in the Cultural Politics of Education* 833, 836.

¹³⁰ S Hall 'Reading Seven. Foucault: Power, Knowledge and Discourse' in S Wetherell, S Taylor and S Yates (eds.) *Discourse Theory and Practice: A Reader* (London: Sage 2001) 73-74; M Jorgensen and L Phillips, *Discourse Analysis as Theory and Method* (London: Sage 2002) 18.

¹³¹ A Kapczynski, 'The Access to Knowledge Mobilization and the New Politics of Intellectual Property' (2008) 117(5) *The Yale Law Journal* 804, 865-866.

¹³² M. Foucault, 'Governmentality' in M. Foucault and J. Faubion (ed.) *Power: Volume Three of the Essential Works of Foucault 1954-1984*. (Translated: R. Hurley et. al.) (London: Penguin Books 1994), 212, 219.

¹³³ N. Rose 'Government and Control' (2000) 40 *British Journal of Criminology* 321, 321.

¹³⁴ S Hall 'Reading Seven. Foucault: Power, Knowledge and Discourse' in S Wetherell, S Taylor and S Yates (eds.) *Discourse Theory and Practice: A Reader* (London: Sage 2001) 73-74; M Jorgensen and L Phillips, *Discourse Analysis as Theory and Method* (London: Sage 2002) 12.

explicitly delimit the concept in this way, although he did not specifically apply it to international governance either. This may throw its applicability to the debate over global child labour policy into doubt. Crucially for current purposes, some academics have attempted to extend the concept of governmentality to the international landscape, accounting for the structural changes that have emerged as the world has become more globalised.

Foucault's Law and Government

Foucault never developed a totalising theory of law per se,¹³⁵ as Barbour noted: his picture of law was inconsistent, 'multiple and ambiguous'.¹³⁶ Foucault tended to treat law and sovereign power as equivalent, or at least that law is subsumed into the repertoire of sovereign power.¹³⁷ Foucault treated law as being synonymous with power, though with a specific kind, the type of power that limits and prohibits. In the legal sense Foucault posited that 'power is what says no'.¹³⁸ In keeping with his view of power as unidirectional and web-like, Foucault noted that law had been used to rail against the powerful as well, alluding to the historical uses of law against overweening monarchical power.¹³⁹ To this extent Foucault dubbed law 'the language of power' which constituted a medium for the conduct of power relations.¹⁴⁰

Foucault has been used as a basis for studying law in various guises, including his archaeological work which has been used for the study on 'how law produces knowledge about its regulatory objects'.¹⁴¹ Hunt argued that law acted as the norms that undergirded

¹³⁵ S. Burgess, 'Review essay: Foucault's rhetorical challenge to law' (2012) 8(2) *International Journal of Law in Context* 297, 297.

¹³⁶ C. Barbour, 'Doing Justice to Foucault: Legal Theory and the Later Ethics' (2013) 26 *International Journal of Semiotic Law* 73, 74-75.

¹³⁷ G. Wickham, 'Foucault, Law, and Power: A Reassessment' (2006) 33(4) *Journal of Law and Society* 596, 599.

¹³⁸ M. Foucault 'Power and Strategies' in C. Gordon (ed.) *Power/Knowledge: Selected interviews and other writings 1972-1977* (Brighton: Harvester Wheatsheaf 1980) 139.

¹³⁹ M. Foucault 'Power and Strategies' in C. Gordon (ed.) *Power/Knowledge: Selected interviews and other writings 1972-1977* (Brighton: Harvester Wheatsheaf 1980) 140-41.

¹⁴⁰ M. Foucault 'The Confession of the Flesh' in C. Gordon (ed.) *Power/Knowledge: Selected interviews and other writings 1972-1977* (Brighton: Harvester Wheatsheaf 1980) 201.

¹⁴¹ B. Golder, 'How to do things with Foucault (legally)' (2021) 17 *International Journal of Law in Context* 44, 45.

the prescriptive rules and prohibitions and sanctions that structure social life.¹⁴² Despite this, academics have built upon his writing on the subject to further enmesh the study of the two together.¹⁴³

Under Foucault's model for the development of society, the growth of new 'knowledges' *i.e.* formalised areas of expertise such as medicine and criminology, and create means of thinking and new types of regulation. Smart noted that for Foucault this signalled the creation of a disciplinary society, rather than one that was characterised by law and its harsh form of negative power used for censure.¹⁴⁴

Foucault's standpoint was that problems were constructed from discourses¹⁴⁵ and that the study of discourses was inherently historical¹⁴⁶ and 'archival' in orientation,¹⁴⁷ as discourses were indelibly linked to the place and time from which they originated.¹⁴⁸ Also, discourses created the knowledge and practices that make up our understanding of the world around us,¹⁴⁹ and are shaped by power and the generative aspect of power.¹⁵⁰ Additionally within this mode of inquiry, discourses concerning concepts, such as child labour, were not static but were refined over time,¹⁵¹ and shaped by those in positions of influence. Munro noted, power in the Foucauldian sense was not merely 'an oppressive force imposed systematically from any one source',¹⁵² but was an unavoidable factor in 'all aspects of life and exerts itself in all directions'.¹⁵³ Thus for Foucault, politics, law and governance are inseparable from

¹⁴² A Hunt, 'Encounters with juridical assemblages: reflections on Foucault, law and the juridical' in B. Golder (ed.) *Re-reading Foucault: On Law, Power and Rights* (New York: Routledge 2013) 71-72.

¹⁴³ N. Piška, 'Radical Legal Theory Today, or How to Make Foucault and Law Disappear Completely' (2011) 19 *Feminist Legal Studies* 251, 252; R. Ramis Barceló, 'Foucault on Law' (2010) 16 *Res Publica* 333, 334.

¹⁴⁴ C. Smart, *Feminism and the Power of Law* (New York: Routledge 1989) 7; I.M Young, 'The Logic of Masculinist Protection: Reflections on the Current Security State' (2003) 29(1) *Signs* 1, 6.

¹⁴⁵ G. Danaher, T. Schirato, and J. Webb, *Understanding Foucault*. (St. Leonards: Allen & Unwin 2000) 39.

¹⁴⁶ C. Willig, J. Potter, G. Wickham, G. Kendall and D. Hook 'Commentaries on Hook, 'Genealogy, discourse, 'Effective History': Foucault and the work of critique'' (2005) 2(1) *Qualitative Research in Psychology* 32, 34.

¹⁴⁷ G. Danaher, T. Schirato, and J. Webb, *Understanding Foucault*. (St. Leonards: Allen & Unwin 2000) 36.

¹⁴⁸ M. Jorgensen, and L. Phillips, *Discourse Analysis as Theory and Method*. (London: Sage 2002) 12.

¹⁴⁹ C. Willig, J. Potter, G. Wickham, G. Kendall and D. Hook 'Commentaries on Hook, 'Genealogy, discourse, 'Effective History': Foucault and the work of critique'' (2005) 2(1) *Qualitative Research in Psychology* 32, 33.

¹⁵⁰ L. Lincoln, 'Law, literature, morality: Michel Foucault and the problem of judgment' in B. Golder (ed.) *Re-reading Foucault: On Law, Power and Rights* (New York: Routledge 2013) 91.

¹⁵¹ T. Bourke and J. Lidstone, 'What is Plan B? Using Foucault's archaeology to enhance policy analysis' (2015) 36(6) *Discourse: Studies in the Cultural Politics of Education* 833, 836.

¹⁵² V. Munro, 'On Power and Domination: Feminism and the Final Foucault' (2003) 2(1) *European Journal of Political Theory* 79, 82.

¹⁵³ V. Munro, 'On Power and Domination: Feminism and the Final Foucault' (2003) 2(1) *European Journal of Political Theory* 79, 82.

power, but are instead indelibly shaped by it and its presence is detectable from the 'smallest elements of the social body'¹⁵⁴ upwards.

Foucault evolved traditional thinking on the notion of what discourse was, viewing it as a means of knowledge production,¹⁵⁵ and as language in action¹⁵⁶ situated in place and time.¹⁵⁷ Miller and Rose argued that for Foucault knowledge had the capacity to 'render aspects of existence thinkable and calculable'.¹⁵⁸ The very mechanisms for deciding what is true and what is not, according to Foucault, were shaped by power. In particular he noted that scientific discourses were used to confer an air of legitimacy on certain truth claims. Smart argued that law also worked in a similar sense to other expert fields, claiming a sense of speaking legal 'truths' by appealing to legal concepts and the knowledge base that came with specialist legal training.¹⁵⁹ This, Smart noted, allowed law to make knowledge claims, but also to disqualify countervailing arguments as 'non-legal knowledge is therefore suspect and/or secondary' within this paradigm.¹⁶⁰ Foucault also argued that the development of knowledge were not inevitable,¹⁶¹ rather it was the result of conflict and some ideas winning out over others.¹⁶² However, the way that history is presented leaves little leeway to consider how things may have arrived at a different point.¹⁶³

Foucault began to tackle the ideas of governments through the prism of discipline and surveillance technologies, which he argued were desirable to those in power as a means of norm creation.¹⁶⁴ To this end, surveillance and normalization were vital for identifying 'anomalies in the social body', identifying problems for governance in this way.¹⁶⁵ He evolved this further to consider the rationality that undergirded the exercise of

¹⁵⁴ G. Wickham, 'Power and power analysis: beyond Foucault?' (1983) 12(4) *Economy and Society* 468, 471.

¹⁵⁵ S. Hall, 'Reading Seven. Foucault: Power, Knowledge and Discourse' in S. Wetherell, S. Taylor and S. Yates (eds.) *Discourse Theory and Practice: A Reader* (London: Sage 2001) 72.

¹⁵⁶ G. Danaher, T. Schirato, and J. Webb, *Understanding Foucault* (St. Leonards: Allen & Unwin 2000) 31.

¹⁵⁷ S. Hall, 'Reading Seven. Foucault: Power, Knowledge and Discourse' in S. Wetherell, S. Taylor and S. Yates (eds.) *Discourse Theory and Practice: A Reader* (London: Sage 2001) 77.

¹⁵⁸ P. Miller and N. Rose, 'Governing Economic Life' (1990) 19(1) *Economy and Society* 1, 3.

¹⁵⁹ C. Smart, *Feminism and the Power of Law* (New York: Routledge 1989) 9-10.

¹⁶⁰ C. Smart, *Feminism and the Power of Law* (New York: Routledge 1989) 11.

¹⁶¹ M. Foucault, 'Politics and the Study of Discourse' in G. Burchell, C. Gordon and P. Miller (eds.) *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press 1991) 59.

¹⁶² M. Foucault, 'Truth and Power' in M. Foucault and J. Faubion (eds.) *Power: Volume Three of the Essential Works of Foucault 1954-1984* (Translated by R. Hurley et al.) (London: Penguin 1994) 114 and 116.

¹⁶³ G. Danaher, T. Schirato, and J. Webb, *Understanding Foucault* (St. Leonards: Allen & Unwin 2000) 21.

¹⁶⁴ P. Rabinow, *The Foucault Reader* (London: Penguin 1991) 20.

¹⁶⁵ P. Rabinow, *The Foucault Reader* (London: Penguin 1991) 21-22.

governmental power¹⁶⁶ and the consistent features that this rationality exhibited in developing his theory of governmentality.¹⁶⁷

In the Foucauldian formulation, government went beyond the political realm and acted at all levels from the state right down to households and familial dynamics.¹⁶⁸ Although government transcends arbitrary exercises of power,¹⁶⁹ government acts by implementing a set of rules and principles which guide its use.¹⁷⁰ Going beyond Foucault's conceptual framework and considering the notion of 'governance', Fitzpatrick observed that governance was often described as capturing the phenomenon of government, where those who are exercising it are not immediately revealed.¹⁷¹ Thus, the focus was on the process by which societies are ordered without the explicit exercise of direct power, something that Foucault shared, as he argued that societies had developed in such a way as to allow non-state power to become increasingly influential relative to raw exercises of negative state power.¹⁷²

Lemke stated that 'the concept of governmentality helps to pinpoint the strategic character of government.'¹⁷³ Legal scholars have used governmentality as a means of diagnosing the relationship between law and the history of legal institutions, particularly those of Western origin. Fitzpatrick noted that for Foucault, law acted in tension with the disciplinary power of the state, and was used to check the use of power¹⁷⁴ through reference to the ideals of justice which law is supposed to embody.¹⁷⁵ Within this model, disciplinary power is an

¹⁶⁶ A. Milchman, and A. Rosenberg, 'Marxism and Governmentality Studies: Toward a Critical Encounter' (2002) 14(1) *Rethinking Marxism* 132, 138.

¹⁶⁷ M. Foucault, 'Governmentality' in M. Foucault and J. Faubion (eds.) *Power: Volume Three of the Essential Works of Foucault 1954-1984* (Translated by R. Hurley et. al.) (London: Penguin 1994) 213-214.

¹⁶⁸ T. Lemke, 'Foucault, Governmentality and Critique' (2002) 14(3) *Rethinking Marxism* 49, 50.

¹⁶⁹ M. Foucault, 'Power and Strategies' in C. Gordon (ed.) *Power/Knowledge: Selected interviews and other writings, 1972-1977* (Brighton: Harvester Wheatsheaf 1980) 140-141.

¹⁷⁰ T. Lemke, 'Foucault, Governmentality and Critique' (2002) 14(3) *Rethinking Marxism* 49, 53.

¹⁷¹ P. Fitzpatrick, 'Still Not Being Modern: Law and the Insistence of Myth' (2017) 43(2) *Australian Feminist Law Journal* 231, 235.

¹⁷² C. Smart, *Feminism and the Power of Law* (New York: Routledge 1989) 11.

¹⁷³ T. Lemke, 'Foucault, Governmentality and Critique' (2002) 14(3) *Rethinking Marxism* 49, 56.

¹⁷⁴ N. Piška, 'Radical Legal Theory Today, or How to Make Foucault and Law Disappear Completely' (2011) 19 *Feminist Legal Studies* 251, 253.

¹⁷⁵ P. Fitzpatrick, 'Still Not Being Modern: Law and the Insistence of Myth' (2017) 43(2) *Australian Feminist Law Journal* 231, 244-245.

extension of the law and relies on the authority that law provides.¹⁷⁶ Burgess also termed governmentality as a 'mode of power aimed at regulating and producing populations'.¹⁷⁷

Fitzpatrick's description of governmentality as the 'science of government' which was targeted at managing populations to the end of controlling the way of life its citizens practice in a sustainable and self-reproducing way.¹⁷⁸ Further, Lemke asserted that the governmentality of neoliberalism which characterised much of the modern West acted by 'creating a social reality that it suggests already exists'.¹⁷⁹ Thus, governmentality extends than the official confines of what constitutes 'the state', and acts upon populations at all levels, by shaping conduct and ways of thought.¹⁸⁰ Within this structure law is viewed as a 'tactic' within the governance toolkit, a subordinate power used towards realisation of the overall goal of governmentality, namely its reproduction over time.¹⁸¹

¹⁷⁶ P. Fitzpatrick, 'Still Not Being Modern: Law and the Insistence of Myth' (2017) 43(2) *Australian Feminist Law Journal* 231, 248.

¹⁷⁷ S. Burgess, 'Review essay: Foucault's rhetorical challenge to law' (2012) (8(2) *International Journal of Law in Context* 297, 299.

¹⁷⁸ P. Fitzpatrick, 'Still Not Being Modern: Law and the Insistence of Myth' (2017) 43(2) *Australian Feminist Law Journal* 231, 236.

¹⁷⁹ T. Lemke, 'Foucault, Governmentality and Critique' (2002) 14(3) *Rethinking Marxism* 49, 60.

¹⁸⁰ G. Wickham, 'Foucault, Law, and Power: A Reassessment' (2006) 33(4) *Journal of Law and Society* 596, 602-603.

¹⁸¹ S. Burgess, 'Review essay: Foucault's rhetorical challenge to law' (2012) (8(2) *International Journal of Law in Context* 297, 299.

3.3 Extending into the International: Global Governmentality

Typically the idea of governmental rationality is conceived of in national terms; indeed Foucault's own coverage of governmentality discussed national¹⁸² and predominantly western¹⁸³ infrastructure. This section will consider the proposals for extending governmentality beyond its original trappings and into the international arena, which brings with it some further theoretical considerations. However, while some Foucault-inspired scholars have applied and extrapolated this concept to the international sphere, others have queried the appropriateness of this extension.

Larner and Walters noted that the purpose of global governmentality was to 'problematize the constitution, and governance of spaces above, beyond, between and across states'.¹⁸⁴ This has, in large part, been a reaction to shifts in the global political structure, with a growing number of contemporary issues that occur 'between or across the borders of nation states'.¹⁸⁵ Additionally, an increasing number of supranational organisations like NGOs and international governmental bodies such as the UN, NATO and the EU have amassed a large degree of influence over international law and policy.

While the development of a rationality of international government has manifested in a number of ways, in this instance, the most pertinent of these is, as Dean puts it, 'the formation of a domain of human rights and freedoms'.¹⁸⁶ The consolidation of power in the international sphere to a relatively small number of such super-legislatures lends itself to a more coherent governmental rationality as it has lent some consistency in the language used throughout the international arena.¹⁸⁷

¹⁸² M. Foucault, 'Governmentality' in M. Foucault and J. Faubion (ed.) *Power: Volume Three of the Essential Works of Foucault 1954-1984*. (Translated: R. Hurley et. al.) (London: Penguin Books 1994), 213-14.

¹⁸³ C. Death 'Governmentality at the limits of the international: African politics and Foucauldian theory' (2013) 39 *Review of International Studies* 763, 766-67.

¹⁸⁴ W. Larner and W. Walters 'Introduction – Global Governmentality: Governing International Spaces' in W. Larner and W. Walters (eds.) *Global Governmentality: Governing International Spaces* (New York: Routledge 2004) 2.

¹⁸⁵ M. Dean *Governmentality: Power and Rule in Modern Society* (London: Sage, 2nd edn., 2010), 228.

¹⁸⁶ M. Dean *Governmentality: Power and Rule in Modern Society* (London: Sage, 2nd edn., 2010), 248.

¹⁸⁷ J. Joseph *The Social in the Global: Social Theory, Governmentality and Global Politics* (New York: Cambridge University Press 2012), 19-20.

Under an international governmentality model based on rights, national sovereignty has been limited by an agreed standard of basic rights and freedoms, to which all must adhere.¹⁸⁸ This has been argued as reflecting a wider move towards a 'conditional [national] sovereignty' model and thus furthered the case that an international governmental rationality or governmentality had been developed to adapt to this change.¹⁸⁹

Joseph contended that the upshot of this move to a global/international governmentality has been the development of discourses of 'ownership, partnership and continuous monitoring'.¹⁹⁰ He argued that these discourses have proceeded under the cover of being constituent parts of an anti-poverty drive in the international policy movement. Given that child labour is often treated as an issue of child rights, existing global governmentality scholarship would appear to be applicable to its study, as it is a practice that is regulated from an international level down.

Governmentality in its original guise noted the capacity for the power of the state to be diffused through various levels of society, as governmental will and rationales which were promulgated by delegated bodies and social institutions. Joseph noted that a similar structure was present within the international sphere too, and that common threads could be seen through the identification of similar discourses present at various levels of government.¹⁹¹ He concluded that this was more easily visible within structures which are designed to facilitate a hierarchy of governance like the European Union. He felt that the EU 'achieves different effects at different levels, from the transnational to the national to the local and micro levels' by design, thus reflecting a hierarchy of governance akin to Foucault's original description.¹⁹²

Despite this, he posited that in other governance contexts the line between governmental rationality and its effects were less clear. Giving examples of the development agenda of the

¹⁸⁸ H.M. Jaeger 'UN reform, biopolitics, and global governmentality' (2010) 2(1) *International Theory* 50, 60.

¹⁸⁹ H.M. Jaeger 'UN reform, biopolitics, and global governmentality' (2010) 2(1) *International Theory* 50, 51-52; 60.

¹⁹⁰ J. Joseph 'Poverty Reduction and the New Global Governmentality' (2010) 35 *Alternatives* 29, 29.

¹⁹¹ J. Joseph *The Social in the Global: Social Theory, Governmentality and Global Politics* (New York: Cambridge University Press 2012), 19-20.

¹⁹² J. Joseph *The Social in the Global: Social Theory, Governmentality and Global Politics* (New York: Cambridge University Press 2012), 20.

World Bank and International Monetary Fund (IMF),¹⁹³ Joseph suggested that the micro effects of such organisations might not be readily apparent and that the more appropriate data points to focus in on was the 'global form of regulation applied to the behaviour of states and governments'.¹⁹⁴ In this case Joseph noted his agreement with a point made by Zanotti,¹⁹⁵ that in these types of cases, the international governmentality that is furthered proceeds by buying into discourses of 'good governance'¹⁹⁶ and collective security¹⁹⁷.

Zanotti argued that the UN has stepped into the role of global government and has exhibited its own form of global governmentality. This has been particularly apparent in the body's Millennium Declaration, which alleged the UN's unique capacity to act as international coordinator-in-chief.¹⁹⁸ This couched the value of international administration as a force for collective security through coordination with third party bodies like NGOs as a means of regulating individual conduct, a clear example of global governmentality in practice.¹⁹⁹ Egbo in relaying how the UN has leveraged NGOs and youth advocates to proliferate the UN's own best practice guidelines under the guise of 'youth participation', gave another example of this.²⁰⁰ He found that policy documentation covering youth participation in UN policy succeeded due to the fact that it was carefully managed, more so than the participation itself and where it led; the value coming from the UN guidance that youths had regarding their participation.²⁰¹

¹⁹³ J. Joseph, 'The limits of governmentality: Social theory and the international' (2010) 16(2) *European Journal of International Relations* 223, 233.

¹⁹⁴ J. Joseph *The Social in the Global: Social Theory, Governmentality and Global Politics* (New York: Cambridge University Press 2012), 20.

¹⁹⁵ L. Zanotti 'Governmentalizing the post-Cold War international regime: The UN debate on democratization and good governance' (2005) 30 *Alternatives* 461, 461.

¹⁹⁶ Joseph, J. 'The limits of governmentality: Social theory and the international' (2010) 16(2) *European Journal of International Relations* 223, 233.

¹⁹⁷ L. Zanotti 'UN Integrated Peacekeeping Operations and NGOs: Reflections on Governmental Rationalities and Contestation in the Age of Risk' (2010) 17(1) *International Peacekeeping* 17, 17-18.

¹⁹⁸ L. Zanotti 'UN Integrated Peacekeeping Operations and NGOs: Reflections on Governmental Rationalities and Contestation in the Age of Risk' (2010) 17(1) *International Peacekeeping* 17, 23.

¹⁹⁹ L. Zanotti 'UN Integrated Peacekeeping Operations and NGOs: Reflections on Governmental Rationalities and Contestation in the Age of Risk' (2010) 17(1) *International Peacekeeping* 17, 22-23.

²⁰⁰ R. Egbo 'Technologies of governance: an examination of youth participation in development discourses' (2012) 33(1) *Canadian Journal of Development Studies* 77, 78.

²⁰¹ R. Egbo 'Technologies of governance: an examination of youth participation in development discourses' (2012) 33(1) *Canadian Journal of Development Studies* 77, 86.

Also the translation of regulation to the international sphere has discursive implications because of the prevalence of large intergovernmental bodies such as the UN and the ILO. It has been noted that the standards that are developed within international institutions are often treated as ‘authorless’,²⁰² a product of the institutions, and the role of several individuals or a group who are responsible for crafting the said standards and is obscured as a result. Divorcing the standard from the people who develop them has the effect of framing them as a product of the process of governance rather than of the priorities of policy actors.

However, there are some academics who have made the case against using governmentality as a model for analysis within the international arena. The next section will address these critiques, and consider how and if they should develop the means by which this research engages with global governmentality as a means of analysing child labour policy within the ILO.

3.3.1 Addressing the Criticisms of Global Governmentality

Vrasti argued that governmentality as a concept does not map onto the international sphere as well as some of its proponents might suggest. She felt that the most serious shortfall of it was that the uneven nature of the international is not accounted for in the mapping of a coherent governmental rationality onto the multi-lateral international legal arena.²⁰³

Joseph argued that perhaps rather than states, the best candidates for applying the governmentality label in the contemporary international landscape are inter-governmental organisations.²⁰⁴ He suggested that it was the current configuration of these institutions, and the power-brokers (most notably the US)²⁰⁵ therein which promulgate a distinct

²⁰² C Gabay, ‘The Millennium Development Goals and Ambitious Developmental Engineering’ (2012) 33(7) *Third World Quarterly* 1249, 1254.

²⁰³ W. Vrasti ‘Universal but not truly “global”: governmentality, economic liberalism, and the international’ (2013) 39 *Review of International Studies* 49, 57.

²⁰⁴ J. Joseph ‘Governmentality of What? Populations, States and International Organisations’ (2009) 23(4) *Global Society* 413, 418.

²⁰⁵ R. Beardsworth ‘International Relations Theory Book Review – The social in the global: social theory, governmentality and global politics. By Jonathan Joseph.’ (2013) 89(4) *International Affairs* 1019, 1019.

neoliberal orthodoxy, and a specific mode of governance, in the process.²⁰⁶ However, intergovernmental organisations are not as able to achieve stable ‘technologies of enactment’ across ‘a series of different overlapping societies each with its own social and historical specificities’.²⁰⁷

To these arguments, Rosenow persuasively argued that critiques of global governmentality of this type fall into a logical trap of trying to treat ‘the international’ as a coherent sphere that should be ‘determined by a single overarching project’.²⁰⁸ In essence, the idea is that the multi-lateral nature of the international landscape does not preclude governmentality being a feature of it, rather it might indicate the presence of multiple governmentalities, specific to various geographical and policy jurisdictions.

Sending and Neumann cut against this narrative painted by Joseph and others regarding the trend of states surrendering power to non-governmental actors, leading to a ‘disaggregation of the loci of governance’.²⁰⁹ Instead they argued, much like Egbo, that non-governmental actors were generally used to promulgate governmental ideas,²¹⁰ trading the specific policy expertise held by non-governmental actors for funding from the UN.²¹¹ This leans towards the governmentality concept manifesting in practice in international policies.

Broome and Quirk made a similar assertion, by suggesting that the common lexicon of the international sphere was moderated by processes of global benchmarking.²¹² They argued that benchmarking was a force to ‘neutralise and universalise’ a variety of normative standards. They asserted that it ‘amounts to a comprehensive normative vision regarding

²⁰⁶ J. Joseph and O. Corry ‘Jonathan Joseph and Olaf Corry Review Each Other’s Books on Governmentality and Global Politics and Then Respond to Each Other’s Reviews’ (2014) 13 *European Political Science* 124, 129-30.

²⁰⁷ J. Joseph ‘Governmentality of What? Populations, States and International Organisations’ (2009) 23(4) *Global Society* 413, 421.

²⁰⁸ D. Rosenow ‘Decentering Global Power: The Merits of a Foucauldian Approach to International Relations’ (2009) 23(4) *Global Society* 497, 497.

²⁰⁹ O.J. Sending and I.B. Neumann ‘Governance to Governmentality: Analysing NGOs, States and Power’ (2006) 50 *International Studies Quarterly* 651, 654.

²¹⁰ O.J. Sending and I.B. Neumann ‘Governance to Governmentality: Analysing NGOs, States and Power’ (2006) 50 *International Studies Quarterly* 651, 651.

²¹¹ O.J. Sending and I.B. Neumann ‘Governance to Governmentality: Analysing NGOs, States and Power’ (2006) 50 *International Studies Quarterly* 651, 665.

²¹² A. Broome and J. Quirk ‘Governing the world at a distance: the practice of global benchmarking’ (2015) 41 *Review of International Studies* 819.

what various types of transnational actors should look like, what they should value, and how they should behave'.²¹³

This characterisation of benchmarking appears to fit seamlessly into the idea of global governmentality as rationality, described by Joseph.²¹⁴ Additionally, the benchmarking model correlates with the enforcement and recognition of international legal standards and policies,²¹⁵ such as those which pertain to child labour. Within the sphere of benchmarking, Broome and Quirk noted that there were instances, which mirror framing contests in policy deliberations, where various NGOs and inter-governmental actors compete to establish their metrics for benchmarking as 'part of strategic efforts to create and consolidate a distinctive brand',²¹⁶ and achieve a particular policy goal.

The international governmentality model appears to extend the core premise of governmentality, namely the 'conduct of conduct' and applies it to the management of the conduct of state and other regulatory forces. The legal standards that inform the infrastructure policing the child labour exist predominantly in treaty-like Conventions importing a duty on nation states, but also on communities, professional actors and workers' groups. Therefore, the will of governing bodies, expressed through child labour law, relies upon the delegated actions of States, monitoring bodies, NGOs and other ground-level actors to be realised. This reiterates that not only does the international regulation of child labour rely upon governmentality but that it has a global quality, promulgated through discourses of good governance and sustainable development.

This leads next to a consideration of the means by which the technologies of government used in traditional national contexts can manifest in the international sphere, as that is the locus of this research. Of special interest is the process of problematization, which promises a means of fusing a definitive link between the schools of framing and governmentality within the context of a policy study.

²¹³ A. Broome and J. Quirk 'Governing the world at a distance: the practice of global benchmarking' (2015) 41 *Review of International Studies* 819, 819.

²¹⁴ J. Joseph 'Governmentality of What? Populations, States and International Organisations' (2009) 23(4) *Global Society* 413, 421.

²¹⁵ A. Broome and J. Quirk 'Governing the world at a distance: the practice of global benchmarking' (2015) 41 *Review of International Studies* 819, 825.

²¹⁶ A. Broome and J. Quirk 'Governing the world at a distance: the practice of global benchmarking' (2015) 41 *Review of International Studies* 819, 824.

3.4 Problematization: The Connection between Framing and Governmentality

This research uses a hybrid framing-governmentality theoretical tool as a means of interrogating the historical development of child labour policy in the ILO. To achieve this, a major technology of governance namely, problematization, is used as a means of forging that link between the two theories. Framing itself, within the context of framing, is a problematizing action that uses discourse as medium for its propagation. This section covers how problematization can be used as the connective tissue to fuse governmentality and framing theory approaches to studying policy. Also, the reason for arriving at this conjunction will be reiterated through examples to illustrate the need to use them in combination in this research.

Foucault described problematization as a technology of governance, which are 'mechanisms, instruments, procedures, and techniques through which governance is achieved'.²¹⁷ He described problematization specifically as 'the development of a domain of acts, practices, and thoughts that seem to me to pose problems for politics'.²¹⁸ Further, this conditioned the way in which solutions to an identified problem could be ventured,²¹⁹ and makes a truth claim about a social phenomenon.²²⁰ Thus, the definition of the problem also put some strictures on the range of appropriate solutions.²²¹ Problematization is by its nature said to be historical, a means of analysing the way that cultural phenomena were dismantled and constituted a way of explaining how they had come to be.²²²

²¹⁷ A Milchman and A Rosenberg, 'Marxism and Governmentality Studies: Toward a Critical Encounter' (2002) 14(1) *Rethinking Marxism* 132, 138.

²¹⁸ M. Foucault, 'Polemics, Politics, and Problematizations: An Interview With Michel Foucault' in M. Foucault, and P. Rabinow (ed.) *Ethics: Subjectivity and Truth. Volume One of the Essential Works of Foucault 1954-1984*. (Translated: R. Hurley et. al.) (London: Penguin Books 1994), 114.

²¹⁹ M. Foucault, 'Polemics, Politics, and Problematizations: An Interview With Michel Foucault' in M. Foucault, and P. Rabinow (ed.) *Ethics: Subjectivity and Truth. Volume One of the Essential Works of Foucault 1954-1984*. (Translated: R. Hurley et. al.) (London: Penguin Books 1994), 118.

²²⁰ TR Flynn 'Truth and Subjectivation in the Later Foucault' (1985) 82(10) *The Journal of Philosophy* 531, 533.

²²¹ C Koopman and T Matza, 'Putting Foucault to Work: Analytic and Concept in Foucaultian Inquiry' (2013) 39 *Critical Inquiry* 817, 827-828.

²²² C Bacchi, 'Why Study Problematizations? Making Politics Visible' (2012) 2(1) *Open Journal of Political Science* 1, 2.

To give an example, Foster argued that within international policymaking circles, poverty was problematized in line with Western-focused market considerations,²²³ and thus policy solutions were constructed in that vein. Thus, policies to alleviate poverty in the developing world were undertaken to make their economies more closely resemble those in the Western world that were seen as successful and worthy of emulation. In this sense, the way that issue is problematized necessarily affects its solution.

Framing in a policy context comes to a similar conclusion. Viewing deliberations around policy as a process of framing treats frames as necessarily argumentative, and as such have been dubbed, 'schemes of interpretation...which offer a diagnosis of a particular social problem and a prognosis' for its resolution.²²⁴ Vyncke and Van Gorp concurred, stating that frames were used to limit the range of 'possible decodings' of an identified social ill, diagnosing the range of 'reasonable solutions to the defined problem' in the process.²²⁵ Therefore, viewing policy disputes through the lens of framing theory paints a more sequential picture of the link between policy direction and policy outcomes, as the way an issue is framed will 'open up specific acceptable pathways of governance response'.²²⁶

The presuppositions of problematization are similar, as Miller and Rose expounded that a problematizing governmental rationality is underwritten by two elements. The first is the moral and philosophical determination that a phenomenon should be addressed through exercise of governmental power and by whom it should be resolved by. The second aspect of problematization subsumes the governmental programmes or techniques that are deemed appropriate or necessary to be implemented towards the instrumental end of addressing the identified problem.²²⁷

²²³ E Foster, 'Sustainable Development: Problematizing Normative Constructions of Gender within Global Environmental Governmentality' (2011) 8(2) *Globalizations* 135, 142.

²²⁴ J. Harrington and A. O'Hare 'Framing the National Interest: Debating Intellectual Property and Access to Essential Medicines in Kenya' (2014) 17(1-2) *The Journal of World Intellectual Property* 16, 17.

²²⁵ B. Vyncke and B. Van Gorp 'Communicating about raising the retirement age using frames and counterframes' (2017) 21(2) *Journal of Communication Management* 155, 156.

²²⁶ C. McInnes, A. Kamradt-Scott, K. Lee, D. Reubi, A. Roemer-Mahler, S. Rushton, O. Williams and M. Woodling 'Framing global health: The governance challenge'. (2012) 7 (Supplement 2) *Global Public Health* S83, S86.

²²⁷ N. Rose and P. Miller 'Political power beyond the State: problematics of government' (2010) *The British Journal of Sociology* 271, 273.

The fact that child labour is considered an issue worthy of wide-ranging intervention, and its governance at the international level, are both results of the governmental rationality constructed in the international arena. Central to this is 'problematization', which Miller and Rose described as being *the* central activity of government. They posited that problematization gave governments much of their reason for being, carving out the areas where their intervention was required to achieve better outcomes for the governed at large.²²⁸

Child labour is a global concern, due to its problematization as an area worthy of regulatory intervention. Child labour is 'problematized', by dint of it being a practice that affects children, thus justifying more easily the appropriateness of regulation. In order to validate a coordinated international response, managed by the ILO, it would follow that the practice must be established as one that is warranting of international concern. The general perception is that it must be reacted to in relation to its global spread, combined with the fact that many instances of child labour have a significant cross-border aspect. In both these instances, an extra layer of justification is provided through reliance upon statistics, which are central to the process of problematization.²²⁹

Statistics played a particularly large role in the characterisation of the population for the purposes of governance. Political scholars have noted that numerical discourses enjoy a greater perception of legitimacy in the eyes of populations, they allude to a greater sense of objectivity, existing above the partisan fray.²³⁰ Rabinow argued that governmental bodies, in recognition of this, made 'an increasing appeal to statistical measures and judgments about what is normal and what is not in a given population'.²³¹ Rabinow dubbed these 'technologies of normalization',²³² which, by delineating societal norms, could be used as justification for the intervention of the law. The case against child labour is made even stronger through the use of statistical data to problematize the practice, and by extension

²²⁸ N. Rose and P. Miller 'Political power beyond the State: problematics of government' (2010) *The British Journal of Sociology* 271, 279.

²²⁹ N Rose, 'Governing by Numbers: Figuring Out Democracy' (1991) 16(7) *Accounting, Organization and Society* 673, 686.

²³⁰ H.K. Hansen and A. Mühlen-Schulte. 'The power of numbers in global governance' (2012) 15 *Journal of International Relations and Development* 455, 458.

²³¹ P. Rabinow *The Foucault Reader* (London: Penguin 1991), 21.

²³² P. Rabinow *The Foucault Reader* (London: Penguin 1991), 22.

justify legal intervention combatting it. Research findings have been used to demonstrate the correlation between child labourers and: lower incomes as adults;²³³ lower school attendance;²³⁴ and higher rates of workplace injuries when compared to adults.²³⁵

The idea of 'normalization' as a justification for governmental and legal action overlaps significantly with 'problematization'. Ostensibly this entails the way that problems are created and produced to be troublesome enough to require attention of regulatory forces to some extent.²³⁶ Foucault argued that determining that something is a problem worthy of political consideration 'defines the elements that will constitute what the different solutions will attempt to respond to'.²³⁷ In many cases this entails that issues enter the policy, and do so with a predetermined range of potential responses and strategies available for governmental actors to undertake, laying the groundwork for justifying the governmental intervention that is to follow.²³⁸

In the last chapter frames were established as ways in which issues are expressed so as to be understood and applied towards explanatory and political-policy ends. It should be noted that these are constructs applied *post-hoc* by researchers as a means of better understanding debates in retrospect. The Foucauldian definition of problematization shares the definitional element of frames, though it would appear to be a more active process.

²³³ J. Becker 'How Trump's Budget Would Hurt Kids – and US Workers' (*Human Rights Watch* 20 March 2017) <<https://www.hrw.org/news/2017/03/20/how-trumps-budget-would-hurt-kids-and-us-workers>> [Accessed: 1 November 2018].

²³⁴ International Labour Organization (ILO) and European Union (EU) *Measuring Decent Work in Indonesia: The Decent Work Country Profile at a glance*. (Geneva: ILO Publications 2012) Available at: http://www.ilo.org/integration/resources/pubs/WCMS_186205/lang--en/index.htm [Accessed: 9 July 2018], 2-3.

²³⁵ ILO *Executive summary of Children in Hazardous Work. What we know, what we need to do* (Geneva: ILO Publications 2011) Available at: http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_157340/lang--en/index.htm [Accessed: 9 July 2018], 12.

²³⁶ C. Bacchi 'Introducing the 'What's the Problem Represented to be?' approach' in A. Bletsas and C. Beasley (eds.) *Engaging with Carol Bacchi: Strategic Interventions and Exchanges* (Adelaide: University of Adelaide Press 2012) 22.

²³⁷ M. Foucault, 'Polemics, Politics, and Problematizations: An Interview With Michel Foucault' in M. Foucault, and P. Rabinow (ed.) *Ethics: Subjectivity and Truth. Volume One of the Essential Works of Foucault 1954-1984*. (Translated: R. Hurley et. al.) (London: Penguin Books 1994), 118.

²³⁸ M. Foucault, 'Polemics, Politics, and Problematizations: An Interview With Michel Foucault' in M. Foucault, and P. Rabinow (ed.) *Ethics: Subjectivity and Truth. Volume One of the Essential Works of Foucault 1954-1984*. (Translated: R. Hurley et. al.) (London: Penguin Books 1994), 118.

Inherent in the act of problematizing is making the case for a particular solution (or range of possible solutions) to the issue that is identified as being problematic therein.

In this sense, the process of problematization is very similar to that of framing. Despite being a technology of governance in governmentality scholarship, it is also used as a prerequisite for intervention. Framing fulfils a similar purpose in policy contexts. In combination, the two theories allow for two research functions to be achieved. First, the discussion of the structural properties of policy argument, the composition of reasoning undergirding policies, discussed in the previous chapter in relation to thematic pillars. Second, the use of governmentality and problematization provide a means of discussing the role that regulatory organisations play in the formation of policy and accounting for the way that the particular features of institutions affect policy development.

It therefore follows that there is an additional layer on top of framing that makes a frame into a problematization, one that relies on a position on the role of regulatory authority in the resolving of social problems. Thus it could be said that problematizations share a mixture of the summarising and definitional aspects of frames with the rationale for regulatory action of governmentality. The upshot of this relationship being outlined in this way is that it offers an umbrella concept under which the treatment of child labour by regulatory or governmental actors and organisations within the policy may be assessed. If the framing of child labour by regulatory bodies can be thought of in terms of problematizations, then the governmental rationality or governmentality that undergirds their actions can be more readily identified. The next section will show how the Foucauldian concepts marry with understanding and discussing solutions in socio-legal policy.

3.5 Governmentality, Problematization and Policy in Practice: Situating Foucauldian Concepts within Policy Deliberation

Foucault looked at how debates over definitions operated within the context of 'official knowledge', or 'discourses' that come to be established as 'true'. He described 'discourses' as a means of understanding and discussing phenomena and are bound tightly with the social power of the actors invoking them.²³⁹

For Foucault the very idea of the rationalisation and reasoning through of social issues was inextricably linked to questions of political power.²⁴⁰ His argument speaks to a similar process to that which is captured by framing, whereby alternative conceptualisations of social issues contest to establish the more persuasive view of a policy issue and its appropriate solution. This, Foucault argued, was due in large part to the 'political status of science and the ideological functions it could serve', in light of the academy's perceived credibility and importance put upon stewards of knowledge.²⁴¹ Thus, Foucault posited that truth itself has a gravitational and inhibiting effect, and presumed the very idea of truth as a 'permanent agent of these relations of domination, these polymorphous techniques of subjugation'.²⁴²

Foucault argued that putative knowledge came to be so by 'winning out over other' alternative conceptions and thus became established as the 'truth' of the matter, rather than being truer in any objective sense.²⁴³ This imports the idea that every instance of knowledge is established as the result of a conflict of ideas, and only by succeeding in this conflict can knowledge be proliferated over time.²⁴⁴ This idea charts the process of policy deliberation as the way forward is chosen through a phase of argumentation, negotiation and compromise. However, this is also affected by external political forces, the relative sway of various policy actors and stakeholders, and the social cache they can bring to bear. This is

²³⁹ M Foucault, 'Two Lectures', in C. Gordon (Ed.) *Power/Knowledge: Selected interviews and other writings 1972-1977*, (Brighton: Harvester Wheatsheaf 1980) 81-90.

²⁴⁰ P. Rabinow *The Foucault Reader* (London: Penguin 1991) 13.

²⁴¹ M. Foucault 'Truth and Power' in M. Foucault and J. Faubion (eds.) *Power: Volume Three of the Essential Works of Foucault 1954-1984* (London: Penguin Books 1994) 111.

²⁴² M Foucault, 'Two Lectures', in C. Gordon (Ed.) *Power/Knowledge: Selected interviews and other writings 1972-1977*, (Brighton: Harvester Wheatsheaf 1980) 96.

²⁴³ G Danaher, T Schirato and J Webb, *Understanding Foucault* (St. Leonards: Allen & Unwin 2000) 2.

²⁴⁴ J Cheek, 'At the Margins? Discourse Analysis and Qualitative Research' (2004) 14(8) *Qualitative Health Research* 1140, 1143.

especially pertinent when analysing deliberations within the ILO, which counts actors from various fields and interest groups among its members to lend weight to its status as a multilateral organisation.

It is possible that child labour policy when viewed through a Foucauldian lens constitutes something of a 'war'²⁴⁵ to establish the 'official knowledge' on the practice of children working. Foucault stated that the essential 'truth' of a particular phenomenon was of particular economic and political importance, due to the inseparable relationship that truth has with power.²⁴⁶

Foucault's consideration of the role of governing bodies, including the formal state and beyond, in regulating individual conduct and social problems can aid the analysis of the child labour policy by linking the argumentative process of framing to the actions of institutions. This is captured most ably by problematization, which constitutes the combination of the concept of framing with governmentality. This is because it entails the argument for a social phenomenon's problematic status, but also a specific governmental solution in the same breath.

In essence, the theory of governmentality casts the role of governance as highly managing, concerned primarily with, as Foucault put it, governing bodies achieving ends 'that [are] "convenient" for each of the things that are to be governed'.²⁴⁷ When viewing the child labour policy in terms of an international governmentality of the practice, the question of where the line should be drawn is answered, largely by the degree to which it is acceptable or desirable to prohibit children from engaging in work because it is found to be in their 'best interests'.

There are a variety of legal standards specifying ages for legally valid consent in relation to a variety of practices, including ages for acceptable marriage, alcohol consumption, and for

²⁴⁵ M. Foucault, 'Truth and Power' in M. Foucault and J. Faubion (ed.) *Power: Volume Three of the Essential Works of Foucault 1954-1984*. (Translated: R. Hurley et. al.) (London: Penguin Books 1994), 116.

²⁴⁶ M. Foucault, 'Truth and Power' in M. Foucault and J. Faubion (ed.) *Power: Volume Three of the Essential Works of Foucault 1954-1984*. (Translated: R. Hurley et. al.) (London: Penguin Books 1994), 131-32.

²⁴⁷ M. Foucault and J. Faubion (ed.) *Power: Volume Three of the Essential Works of Foucault 1954-1984*. (Translated: Hurley, R. et. al.) (London: Penguin Books 1994), 211.

the eligibility to drive amongst others. These are mostly due to the want to protect children from dangerous aspects of life that could have long-term ramifications, and all entail protecting children from themselves and the vicissitudes of life more broadly. To extrapolate somewhat, these seem to be premised on the assumption that to allow children to engage in such conduct unfettered would be committing an immoral social wrong, the contemporary generation failing the next one by allowing them into harm's way.

Child labour exhibits a rationale, with many of the arguments focusing on the lifelong cost that child labourers pay by dint of working – for example not being fully educated and thus having their earning potential hobbled artificially. Another example from within abolitionist child labour discourse takes on a more overtly moral tone; this being the argument child labour causes long-term injuries, which can have stark consequences for individuals and populations as a whole. This, it is argued, results in child workers joining the ranks of the permanently injured, requiring extra healthcare and other social security measures and incurring costs to the entire population.

3.5.1 Finding a Practical Means of Discussing Governmentality: Death's Four Analytics of Governance

It would also be useful to have a means of discussing child labour policy and the ILO from a governance perspective. At the root of this examination is the focus placed upon the ILO's history with a view to examining how the body's origins have changed over time and how their current position on child labour is shaped by its founding ideas. Central to governmentality are the actions taken by governmental actors and how these are justified. This would be undertaken so as to make the theoretical tool used attentive to the techniques of governance employed by the ILO, and reflected in the way that child labour policy interventions are discussed, formulated and justified. The work of Death and his analytics of governance provide a lexicon with which to achieve this.

Some raised concerns as to the applicability of governmentality to the international sphere, when given especially the differentiating structural features of globalised international governance as compared to their State-level counterparts. However, it is submitted that there are ways to navigate this dissonance between the current international landscape,

and the context within which governmentality was originally explicated by Foucault. In this vein, Death has provided a convincing means of using global governmentality as an analytical tool for government in the era of increasing internationalisation of regulatory bodies. For use in a policy study, Death's model for global governmentality is strengthened by its prescription of four specific metrics by which the governmentality that undergirds a particular policy area can be identified, thus bringing Foucault's somewhat abstract concept into practical focus.

Death posited that global governmentality has much to offer as a means of policy analysis by providing a lens through which to view the 'concrete empirical power relations' that are characteristic of the international legal and policy arenas.²⁴⁸ A focus on a common language of power and governance might be useful, Death suggested, for sidestepping criticisms of Western bias in international policy theories,²⁴⁹ which have been levelled at governmentality itself.²⁵⁰ He argued that this was because Foucault himself had described governmentality as a 'proposed analytical grid' for power relations, thus an analytical tool first and not necessarily wedded to a particular form of power relation or governmental model.²⁵¹

Death posited that an 'analytics of government' global governmentality model would need to pay special attention to four key aspects of the international legal and policy order. The first are the forms of knowledge which key into the rationalities that undergird governmental action.²⁵² The second factor for analysis is the 'subjectivities' which encapsulate the delegated actions of the state through 'plural and multiple free subjects' like NGOs, private companies and expert bodies.²⁵³ The third factor for consideration is the technologies and techniques of government which include metrics of assessment used by

²⁴⁸ C. Death 'Governmentality at the limits of the international: African politics and Foucauldian theory' (2013) 39 *Review of International Studies* 763, 768.

²⁴⁹ C. Death 'Governmentality at the limits of the international: African politics and Foucauldian theory' (2013) 39 *Review of International Studies* 763, 768.

²⁵⁰ C. Death 'Governmentality at the limits of the international: African politics and Foucauldian theory' (2013) 39 *Review of International Studies* 763, 769-70.

²⁵¹ C. Death 'Governmentality at the limits of the international: African politics and Foucauldian theory' (2013) 39 *Review of International Studies* 763, 770-71.

²⁵² C. Death 'Governmentality at the limits of the international: African politics and Foucauldian theory' (2013) 39 *Review of International Studies* 763, 773.

²⁵³ C. Death 'Governmentality at the limits of the international: African politics and Foucauldian theory' (2013) 39 *Review of International Studies* 763, 773-74.

powerful bodies such as auditing and benchmarking.²⁵⁴ The fourth and final measure is denoted as governmental ‘fields of visibility’ which are the spaces designated by governmental bodies as being within their legitimate ambit, in other words the aspects of public life deemed to be ‘governable’.²⁵⁵

However Death warned that the normative force of a global governmentality critique may be somewhat limited by virtue of its Foucauldian roots,²⁵⁶ as Foucault himself generally refrained from commenting on the desirability of certain types of power relation relative to one another.²⁵⁷ This research aims to analyse the discussion around child labour policy, rather than to advocate for one direction of reform over another. Thus use of a body of theory that utilises analytical lens is preferable here. This connects aptly with this research which refrains from an outwardly normative approach such as Marxist or postcolonial theories.

Death’s analytics of governance provide a useful lexicon through which to discuss the actions and attitudes implicit in the discussions within an intergovernmental policy institution such as the ILO. However, the analytic that Death refers to as ‘forms of knowledge’ overlaps with the definition outlined for problematization in section 3.4. Death used ‘forms of knowledge’ to refer to the rationales undergirding the form and type of governmental intervention, and thus during analysis in this study this will be referred to as problematization. Thus, an amended form of Death’s analytics (problematization, subjectivities, technologies and fields of visibility) will be used as markers for assessing policy documentation from the ILO at various points in its history, as will be discussed in Part II.

²⁵⁴ C. Death ‘Governmentality at the limits of the international: African politics and Foucauldian theory’ (2013) 39 *Review of International Studies* 763, 774.

²⁵⁵ C. Death ‘Governmentality at the limits of the international: African politics and Foucauldian theory’ (2013) 39 *Review of International Studies* 763, 774.

²⁵⁶ C. Death ‘Governmentality at the limits of the international: African politics and Foucauldian theory’ (2013) 39 *Review of International Studies* 763, 765.

²⁵⁷ W. Vrsti ‘Universal but not truly “global”: governmentality, economic liberalism, and the international’ (2013) 39 *Review of International Studies* 49, 62.

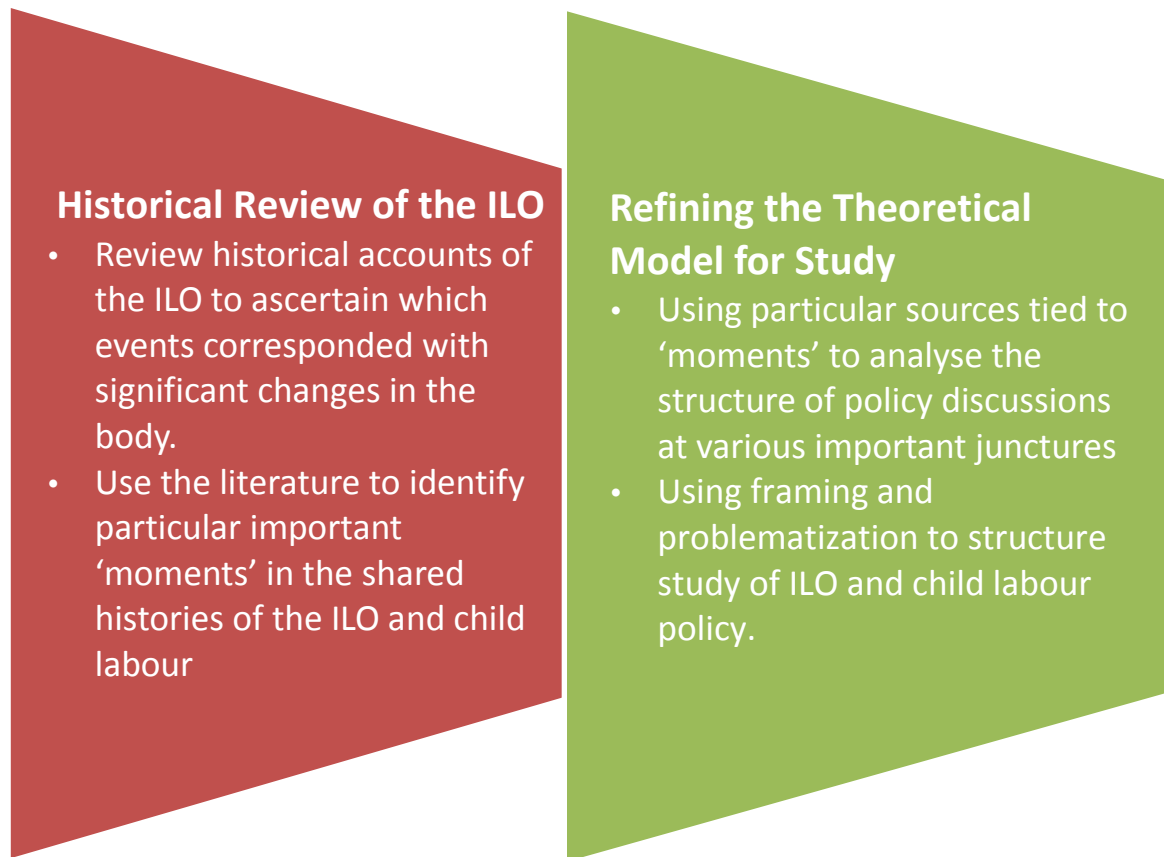
3.6 Conclusion and Looking Forward to Part II

Governmentality and problematization have been considered as a means for explaining why policy changes over time, by focusing on the role and position of regulators within the policy process. The institutions that act as venues for policymaking are shaped by the political context in which they exist. Governmentality allows for research to discuss the way in which the authority of particular organisations to take action to address issues is justified, and how this shifts in relation to external factors that affect policy actors, such as geopolitical change.

Chapters 2 and 3 have provided the theoretical development that has been arrived at for viewing child labour policy through the lenses of framing theory and the Foucauldian concepts of problematization and governmentality. Part I has sought to explore the two main theoretical foundations which will be implemented in this study, namely framing theory and governmentality. The approaches adopted from each body of study have also been outlined. The theoretical concept of thematic pillars, unique to this research, will be used to filter framings of child labour identified within policy documentation to paint a coherent picture of the shaping of policy, and the undergirding reasoning for child labour interventions at given 'moments'. Regarding governmentality, an international extension of the discipline beyond its original bounds will be used to examine the child labour policy space and its relationship with the ILO. This will take place at the level of global governance to view the international legal standards considered and the policy space that developed around child labour.

The appropriate structure of a study into child labour policy within the ILO will be deliberated. This will entail firstly, a review of the ILO's history, its nature, composition and remit as an international regulator and the particular moments which are warranting of in-depth analysis that have surrounded the child labour policy landscape. Secondly, the means by which resources for study will be identified, sourced and filtered and the way in which the findings will be compiled will be described. To further develop the theoretical model for the thesis, during Part II (see Figure 3.2), the next chapter will consider the specific way how such a study should be structured.

Figure 3.2: Chapter Flow for the Research Structure Utilised Throughout Part II



Part II: Fitting the Theoretical Model for Practical Inquiry

4. The Hub of the Study: Selecting ‘Moments’ in the ILO’s History for Analysis

4.1 Introduction

Within the context of child labour, the organisation that holds most sway has been and still is the ILO, given that it is their Conventions regulating the practice that current policy conversations largely focus on. The association between the ILO and child labour has been a persistent feature since its inception. At its founding this included a commitment to the abolition of child labour,²⁵⁸ which was reiterated again at the Declaration the ILO produced to mark its own centenary.²⁵⁹ The continuity with which child labour has been focused on within the ILO marks it out among labour issues, and confers child labour policy with a degree of prominence within the ILO’s history. An historical examination of the ILO’s coverage of child labour would therefore provide valuable context to the current state of child labour policy discussion.

As this study aims to analyse the development of child labour policy over a considerably large period of time, certain key periods or moments in the ILO’s history therefore will be particularly pertinent for scrutiny. With this in mind, this chapter will review studies that have already been done of the ILO’s history so as to identify which moments are of importance to warrant further analysis. Once these particular periods have been ascertained, the way these will be analysed and the sources and material chosen, from both within and from outside the ILO, for interrogation within these moments will be carefully considered.

Thus, Part II will develop the theoretical tool outlined in Part I, and will be directed towards analysis of the moments and sources identified in this chapter. The objective is to incorporate a framing theory structure to interrogate the international child labour legal framework, as it is shaped by forces outlined within an international governmentality

²⁵⁸ League of Nations, ‘The Versailles Treaty, Part XIII: Labour’ 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.) 327.

²⁵⁹ International Labour Conference, ‘ILO Centenary Declaration for the Future of Work Adopted by the Conference at its One Hundred and Eighth Session, Geneva, 21 June 2019’ (*ilo.org* 21 June 2019) Available at: https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_712047/lang--en/index.htm

[Accessed: 24 October 2019], 4.

theoretical model using problematization. Attention in Chapter 5 will be given to constructing a method that brings together framing and governmentality in a way that is appropriate for study of the sources selected. Additionally, the way in which the novel thematic pillars concept will be implemented will be discussed. By doing this, it will engender a more robust theoretical framing-governmentality model drawn from Part I.

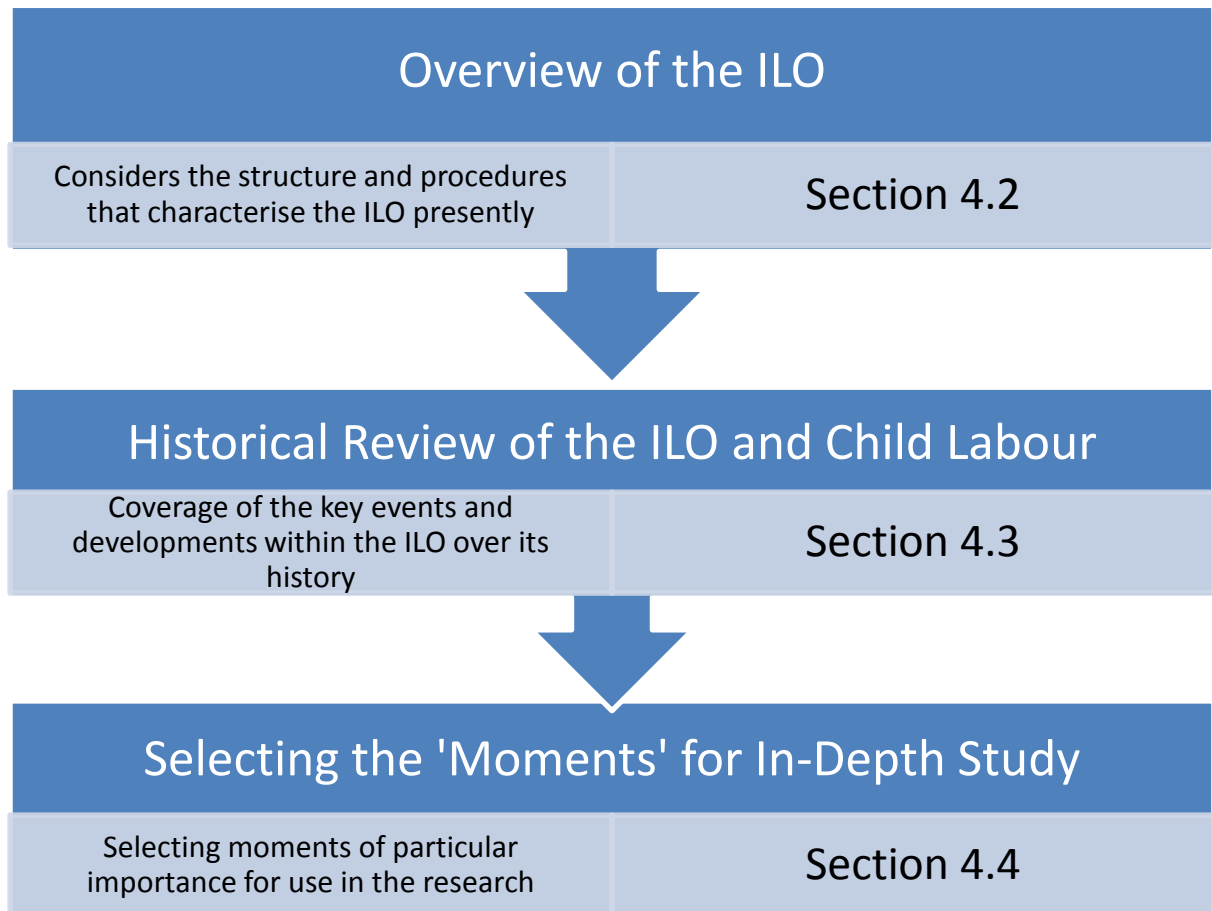


Figure 4.1: Chapter 4 Roadmap

4.2 The ILO's Structure and Procedure: Conventions and Recommendations

This section provides an overview of the way that the ILO is constructed and the functions it carries out presently. This preface will help to contextualise the study of the ILO from a historical perspective and examine where its development has led, as shaped by shifts in the geopolitical landscape over its century of existence.

The ILO performs its role as an arbiter of working rights at an international level primarily through the development of labour standards that member states are encouraged to adopt and promulgate domestically.²⁶⁰ The ILO as a whole is comprised of the International Labour Conference, the Governing Body and the International Labour Office.²⁶¹ The Conference, responsible for negotiating and passing labour standards,²⁶² sets itself apart from other similar organisations in a mechanical sense through its tripartite structure.²⁶³ This is because the Conference is made up of national governmental, employer and trade union actors in a 2:1:1 ratio,²⁶⁴ an arrangement that has persisted since the body's inception.²⁶⁵ The Governing Body makes up the executive arm of the ILO, and to this end it appoints the organization's Director-General and directs the Office, the bureaucratic centre of the ILO, to conduct studies in order to provide the hard data to underwrite the process of standard-setting.²⁶⁶

ILO Conventions, once ratified, are legally binding on the member states that choose to do so.²⁶⁷ In cases of non-compliance, complaints can then be made by individuals in cases

²⁶⁰ S. Hughes and N. Haworth *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 24.

²⁶¹ A. Wisskerchen 'The standard-setting and monitoring activity of the ILO: Legal questions and practical experience' (2005) 144(3) *International Labour Review* 253, 255-56.

²⁶² M. Louis 'Who Decides? Representation and Decision-Making at the International Labour Organization' (2019) 11 *International Development Policy* 40, para 4.

²⁶³ D. Maul *Human Rights, Development and Decolonization: The International Labour Organization 1940-70 (ILO Century Series)* (Basingstoke: Palgrave Macmillan 2012) 2-3.

²⁶⁴ S. Hughes and N. Haworth *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 23.

²⁶⁵ V. Jakovleski, S. Jerbi, and T. Biersteker 'The ILO's Role in Global Governance: Limits and Potential' (2019) 11 *International Development Policy* 82, para 6.

²⁶⁶ A. Wisskerchen 'The standard-setting and monitoring activity of the ILO: Legal questions and practical experience' (2005) 144(3) *International Labour Review* 253, 257.

²⁶⁷ L. Baccini and M. Koenig-Archibugi 'Why do States Commit to International Labour Standards? Independent Ratification of Core ILO Conventions, 1948-2009' (2014) 66(3) *World Politics* 446, 446-47.

where it is alleged that standards are not being properly implemented at which point the ILO's Governing Body will coordinate with member state governments in line with the determination the former has made.²⁶⁸ In the 1990s the ILO shifted to using its position to advocate for 'fair globalization' amid fears that the global economy and free market trading was leaving some areas of the world behind.²⁶⁹ The ILO has taken this forward into the 21st century with the 'decent work agenda', whereby the ILO has stumped for a development path for member states that increases labour productivity, and by extension, wages.²⁷⁰

However, the ILO lacks formal mechanisms to force ratification of its standards and instead has attempted to implement its preferred policies through inviting member states to make use of the ILO's technical and supervisory functions. This has been dubbed an approach based on 'sunshine' *i.e.* encouraging conformity rather than punishing divergence,²⁷¹ enshrining the ILO as something of a 'normative community' as a result.²⁷² This was seen as early as the interwar period, where the ILO took on the difficult task of alleviating the exploitation of the labour force, detailed below. It has been noted that this has drawn criticism from some on grounds that a broadly 'aspirational' approach to labour rights risks weakening actual protections of workers, by not laying down specific standards for member states to adhere to.²⁷³ This critique perhaps ignores the political reality of organisations like the ILO, which must rely upon diplomacy over iron-clad enforcement mechanisms. Additionally, it should be noted that the ILO has enforced its standards, albeit rarely, in cases where member states have not lived up to commitments under conventions, seen in

²⁶⁸ L. Cox 'The International Labour Organisation and fundamental rights at work' (1999) 5 *European Human Rights Law Review* 451, 453-54.

²⁶⁹ S. Hughes and N. Haworth *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 36-38.

²⁷⁰ J. Seekings 'Does one size fit all? A comment on the ILO's 2014 *World of Work Report*' (2015) 15(2) *Global Social Policy* 192, 193.

²⁷¹ K.A. Elliott 'The ILO and Enforcement of Core Labour Standards' (2000) 00-6 *International Economics Policy Briefs (Institute for International Economics)* 1, 2.

²⁷² L. Baccini and M. Koenig-Archibugi 'Why do States Commit to International Labour Standards? Independent Ratification of Core ILO Conventions, 1948-2009' (2014) 66(3) *World Politics* 446, 454.

²⁷³ V. Jakovleski, S. Jerbi, and T. Biersteker 'The ILO's Role in Global Governance: Limits and Potential' (2019) 11 *International Development Policy* 82, para 9.

the case against Myanmar and alleged violations by its military of the Forced Labour Convention, which the country had ratified in 1955.²⁷⁴

The major means by which ILO actions and priorities can be measured is by the legal instruments produced from or at its conferences, namely, Conventions and Recommendations. The ILO's Governing Body adds issues to the organisation's policy agenda, and allows interested parties to have their input.²⁷⁵ The International Labour Office then prepares a report and sends questionnaires to member states, who are obliged to present their answers to national trade unions and employers' organizations to allow for complaints to be made.²⁷⁶ The Office also requests the input of the ILO's own expert community, who are able to advise and comment.²⁷⁷

Conventions are thus developed over time, and once a draft is published for a prospective Convention, it is introduced to be covered at the International Labour Conference.²⁷⁸ Conventions are passed following their deliberation at the International Labour Conference through a vote from the members present. Once passed at the Conference, they can be ratified by domestic legislatures²⁷⁹ in ILO member states and this creates a legal obligation to co-opt in the national law and satisfy the terms of the Convention in question.²⁸⁰ Recommendations, however, which often accompany Conventions, provide guidelines for

²⁷⁴ B. Langille 'The Curious Incident of the ILO, Myanmar and Forced Labour' (2015) *Research Handbook on Transnational Labour Law* 509, 511 and 521-22; F. Maupain 'Revitalization Not Retreat: The Real Potential of the 1998 ILO Declaration for the Universal Protection of Workers' Rights' (2005) 16(3) *The European Journal of International Law* 439, 441.

²⁷⁵ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 235.

²⁷⁶ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 236.

²⁷⁷ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 235-236.

²⁷⁸ S. Hughes and N. Haworth *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 24-25.

²⁷⁹ L Baccini and M Koenig-Archibugi, . 'Why do States Commit to International Labour Standards? Independent Ratification of Core ILO Conventions, 1948-2009' (2014) 66(3) *World Politics* 446, 475.

²⁸⁰ KN Dahl, 'The Role of ILO Standards in the Global Integration Process' (1968) 5(4) *Journal of Peace Research* 309, 310; W Kim, 'The ratification of ILO Conventions and the provision of unemployment benefits: An empirical analysis' (2010) 63 *International Social Security Review* 37, 39; L Baccini and M Koenig-Archibugi, . 'Why do States Commit to International Labour Standards? Independent Ratification of Core ILO Conventions, 1948-2009' (2014) 66(3) *World Politics* 446, 446-447.

national policy and cannot be ratified in the same way as Conventions, and are therefore not legally binding.²⁸¹

The ILO additionally retains an overseeing role on the way that Conventions and Recommendations, reported in the ILO annual reports,²⁸² are being applied within member states, with non-conforming entities referred to the ILO's social partners for more detailed scrutiny.²⁸³ Employers' and workers' organisations are also able to make an application to the ILO to raise objections when they feel a member state is not acting in accordance with its Convention obligations, bringing it to the attention of the ILO's Governing Body.²⁸⁴

The following section will cover some of the notable events within the ILO's history, which spans a little over a century. This will be undertaken with a view to identifying areas that are suitable to be undertaken in this study and help to pin point the events which will generate the documentation for framing analysis.

²⁸¹ W Kim, 'The ratification of ILO Conventions and the provision of unemployment benefits: An empirical analysis' (2010) 63 *International Social Security Review* 37, 39.

²⁸² KA Elliott, 'The ILO and Enforcement of Core Labour Standards' (2000) 00-6 *International Economics Policy Briefs (Institute for International Economics)* 1, 3.

²⁸³ S. Hughes and N. Haworth *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 27-28.

²⁸⁴ L Cox, 'The International Labour Organisation and fundamental rights at work' (1999) 5 *European Human Rights Law Review* 451, 453-454.

4.3 Identifying Significant Moments in the ILO's History

4.3.1 The Beginnings of the ILO and Early Child Labour Regulation

The child labour question was first debated internationally, with the first international labour conferences called in Brussels in 1856 and 1857, before the establishment of the ILO; making the first calls for internationally mediated labour standards.²⁸⁵ Some thirty years prior to the ILO's founding, a diplomatic labour conference was called in Berlin in 1890, by the then Emperor of Germany, William II. The conclusion arrived at by the delegates centred on keeping children under the age of fourteen from working as miners. An addendum was that they should be limited to working a maximum of six hours a day and that legislation should be passed to that effect.²⁸⁶ Despite further conferences in the years that followed, efforts to pass binding legislation were frustrated by the outbreak of the First World War.²⁸⁷

In 1900, between the 1890 Berlin Conference and the establishing of the ILO in 1919, a primarily academic body, the International Association for the Legal Protection of Workers, emerged to try and settle on an amicable stance regarding labour rights issues.²⁸⁸ The Association had prepared child labour standards, though these were put on hold due to the outbreak of the First World War,²⁸⁹ with the intention that discussions would continue at the War's conclusion. The Association also concerned itself with issues of workplace safety, such as regulations for women working with dangerous materials.

However as the First World War concluded, desire for a state-based solution to the mediation of labour rights emerged. At the behest of the British Government, a body that more directly engaged with actors in the employment arena was sought. This could be

²⁸⁵ M. Dahlen *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007), 70.

²⁸⁶ South Australian Register, 'The Berlin Labour Conference. Limitation of Child and Female Labour. Abolition of Sunday Labour.' (*South Australian Register* 24 March 1890) 5. Available at: <https://trove.nla.gov.au/newspaper/article/47070758>. [Accessed: 14 November 2019.]

²⁸⁷ ILO Publications, 'Setting the terms of the child labour debate' (*ilo.org* 1 August 2010). Available at: https://www.ilo.org/global/publications/world-of-work-magazine/articles/ilo-in-history/WCMS_144687/lang--en/index.htm. [Accessed: 14 November 2019].

²⁸⁸ M. Dahlen *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007), 75-76.

²⁸⁹ G. Rodgers, E. Lee, L. Swepston and J. Van Daele, (International Labour Office) *The International Labour Organization and the Quest for Social Justice, 1919-2009* (Geneva: ILO Publications 2009) 68.

achieved by directly involving members of workers' groups, employers' associations and governments in what came to be the ILO.²⁹⁰

In the aftermath of the First World War the 1919 Treaty of Versailles attempted to construct the international sphere in such a way as to minimise the chance of conflict breaking out again.²⁹¹ The role of Woodrow Wilson, the then American President, was vital to this move.²⁹² Despite domestic political resistance,²⁹³ Wilson felt that the international coordination of nations, standing against autocracies, as a 'League of Nations', as it would be known, would be able to safeguard against major conflict and reorient international relations away from Empires and towards a 'cooperative commonwealth'.²⁹⁴

Part of the process of establishing the League of Nations involved the creation of the ILO, which was designed as a guardian of labour rights to prevent social unrest of the type that had provoked the Russian Revolution in the then recent past.²⁹⁵ Injustices in the labour system that had emerged during the Industrial Revolution, such as inordinately long working hours and dangerous working conditions which were leading to illness were becoming more widely recognised.²⁹⁶ These factors had the potential to lead to concrete response from working people as a homogenous bloc, which could have spilled out over Europe which had already been ravaged by the First World War, something no nation could afford. However, if any one nation acted alone in this regard, they risked conceding a competitive advantage to neighbouring countries economically. Therefore international coordination provided a

²⁹⁰ M. Dahlen *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007), 76.

²⁹¹ A.R. Forclaz 'A New Target for International Social Reform: The International Labour Organization and Working and Living Conditions in Agriculture in the Inter-War Years' (2011) 20(3) *Contemporary European History* 307, 310; S. Hughes and N. Haworth *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 5.

²⁹² M. Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 118-19.

²⁹³ M. Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 137.

²⁹⁴ M. Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 131, 133.

²⁹⁵ S. Hughes and N. Haworth *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 7; M. Van der Linden 'The International Labour Organisation, 1919-2019: An Appraisal' (2019) 16(2) *Labour: Studies in Working-Class History of the Americas* 11, 13.

²⁹⁶ B. Chigara 'Latecomers to the ILO and the Authorship and Ownership of the International Labour Code' (2007) 29(3) *Human Rights Quarterly* 706, 710.

means of walking this fine line, addressing the issue of potential social unrest, without cutting off national economies at the knees.²⁹⁷

This left the ILO with what Mazower referred to as an 'ideologically charged mandate', trying to find a way to regulate labour issues whilst walking a fine line between 'hostile capitalists to its right and revolutionary socialists to its left'.²⁹⁸ The ILO thus tried to salvage a consensus position within a fractious ideological conflict. A procedure agreed in 1925, allowed a mechanism for monitoring adherence to ILO Conventions through the Committee of Experts, and activated in 1927. The Committee were thus able to compare the laws passed at international level to the text of Conventions, although they did not have the capacity to monitor compliance in material terms.²⁹⁹

At the founding of the ILO one of the chief goals was to establish universal membership to the organisation in order to encourage adoption of ILO standards for work rights. If all countries were members, then individual nations could not gain a competitive advantage by staying outside the organisation and undercutting work standards.³⁰⁰ However, this aim was frustrated by the non-committal of the USA and the USSR. Both nations vacillated on the idea of membership over the course of ILO history due to the overarching conflict between the two superpowers.³⁰¹ Within the General Principles of the ILO, detailed in the Annex to the Treaty of Versailles, a commitment that the body would act towards the goal of 'the abolition of child labour' was made.³⁰²

²⁹⁷ M. Dahlen *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007), 21 and 69.

²⁹⁸ M. Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 152.

²⁹⁹ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 231.

³⁰⁰ L.R. Helfer 'Understanding Change in International Organizations: Globalization and Innovation in the ILO' (2006) 59(3) *Vanderbilt Law Review* 649, 672-74.

³⁰¹ S. Hughes and N. Haworth *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 10, 15; A.R. Forclaz 'A New Target for International Social Reform: The International Labour Organization and Working and Living Conditions in Agriculture in the Inter-War Years' (2011) 20(3) *Contemporary European History* 307, 311.

³⁰² Treaty of Versailles [1919], Part XIII Annex, Section II, Art 427

4.3.2 The Inter-War ILO

As a champion for internationalism, the ILO was a central player in the effort towards decolonizing, predominantly in the post-World War I period,³⁰³ spearheaded in conjunction with the United States. Therefore, ILO actors attempted to reinforce sovereignty by inviting representation from individual subject nations rather than representatives from the colonial powers who ruled over them.³⁰⁴ However, efforts made in the body's first two decades towards alleviating the exploitation of colonial labour forces were frustrated by the fact that many of the major nations had little motivation to undercut a system that was profitable for them. Thus the ILO's powers to limit instances of forced labour were distinguished from cases of 'native labour' whereby the ILO was not empowered to intervene.³⁰⁵

During the inter-war years, the ILO gained prominence as an instigator in the effort towards increasing international cooperation, triggered largely by the severe effects of the Great Depression in the 1920s.³⁰⁶ Consequently, the ILO attempted unsuccessfully to coordinate a network of public works programmes across its member nations to minimise the effects of the economic downturn.³⁰⁷ An area where the ILO saw most success in this period was in the commissioning of inquiries and research into the social issues that arose as a result of the instability of the time, including specific attention given to work in agriculture.³⁰⁸ Crucially, during the inter-war period the League of Nations had begun to carve out a role as a producer of statistics. This is pertinent from a governmentality-framing perspective, as the

³⁰³ D. Maul *Human Rights, Development and Decolonization: The International Labour Organization 1940-70 (ILO Century Series)* (Basingstoke: Palgrave Macmillan 2012) 14.

³⁰⁴ D. Maul *Human Rights, Development and Decolonization: The International Labour Organization 1940-70 (ILO Century Series)* (Basingstoke: Palgrave Macmillan 2012) 19-20.

³⁰⁵ D. Maul *Human Rights, Development and Decolonization: The International Labour Organization 1940-70 (ILO Century Series)* (Basingstoke: Palgrave Macmillan 2012) 24, 27.

³⁰⁶ A.R. Forclaz 'A New Target for International Social Reform: The International Labour Organization and Working and Living Conditions in Agriculture in the Inter-War Years' (2011) 20(3) *Contemporary European History* 307, 328.

³⁰⁷ M. Dahlen *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007), 230.

³⁰⁸ A.R. Forclaz 'A New Target for International Social Reform: The International Labour Organization and Working and Living Conditions in Agriculture in the Inter-War Years' (2011) 20(3) *Contemporary European History* 307, 326-27.

production and curating of statistics ‘laid the groundwork for future international problem-solving’.³⁰⁹

In the aftermath of the Great Depression, in the 1930s, a number of ILO Conventions were passed concerning the minimum age for employment in a variety of sectors: maritime,³¹⁰ industrial³¹¹ and non-industrial work.³¹² These constituted revisions of standards passed in the early years of the ILO. It has been suggested that the minimum age was raised in a variety of sectors so as to deal with the problem of mass unemployment created by the financial crash.³¹³

Ultimately, the attempts of the League of Nations to foreclose the possibility of further global conflict were unsuccessful, due in no small part to its lack of actual enforcement power.³¹⁴ Attempts at making inroads into the colonial structure were thwarted as the primary goal was instead to keep major powers engaged in international coordination. This was seen most noticeably in the development of the Mandate system, whereby colonial territories were classified by their ‘supposed civilizational capabilities’ and were earmarked for the level of national independence that their classification ‘purportedly’ warranted.³¹⁵ Pedersen argued that this system utilised the logic of ‘tutelage’, viewing the ‘uncivilized’ nations as being guided by their more developed counterparts.³¹⁶ This was an accepted justification for their continuation of colonial rule, and engaging the support of feminist groups to implicitly convey a maternal relationship whereby social progress was the winner.³¹⁷

³⁰⁹ M. Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 149.

³¹⁰ ILO Convention 58 (1936) ‘Convention No. 58: Minimum Age (Sea) Convention (Revised)’

³¹¹ ILO Convention 59 (1937) ‘Convention No. 59: Minimum Age (Industry) Convention (Revised)’

³¹² ILO Convention 60 (1937) ‘Convention No. 60: Minimum Age (Non-Industrial Employment) Convention (Revised)’

³¹³ G. Rodgers, E. Lee, L. Swepston and J. Van Daele, (International Labour Office) *The International Labour Organization and the Quest for Social Justice, 1919-2009* (Geneva: ILO Publications 2009) 71.

³¹⁴ M. Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 142-43.

³¹⁵ M. Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 169-70.

³¹⁶ S. Pedersen ‘Metaphors of the Schoolroom: Women Working the Mandates System of the League of Nations’ (2008) 66 *History Workshop Journal* 189, 192.

³¹⁷ S. Pedersen ‘Metaphors of the Schoolroom: Women Working the Mandates System of the League of Nations’ (2008) 66 *History Workshop Journal* 189, 189 and 192.

4.3.3 The League of Nations' Replacement: The ILO in the Post-UN World

These events taken together led to the League of Nations becoming associated with the failures following the First World War, which some felt ultimately culminated in the advent of the Second World War. As a result, if international coordination was going to survive the aftermath of the Second World War, then a fresh body would be required, which came in the form of the United Nations. The United Nations was the name given to the collective of countries who banded together against the Axis powers,³¹⁸ and thus made an appropriate title for the post-war efforts at lasting peace. Additionally, the end of the Second World War saw a large number of former colonies joined into the international arena as new members of the ILO,³¹⁹ with the overall number of ILO member states doubling between 1946 and 1970.³²⁰

As World War II drew to a close, and in the years after there was an increase in the number of international organizations, particularly those with connections to the new United Nations. Some of the newcomers were pre-existing bodies which had been reformulated under new banners such as the League of Nations Health Organisation, which gave way to the World Health Organisation (WHO), and was established in 1946 and brought into the UN fold in 1948.³²¹ Others were entirely new and reflected new priorities for international concern, regulation and debate, such as the first UN specialized agency the Food and Agriculture Organization founded in 1945.³²² Other new additions included the World Bank and International Monetary Fund (IMF), established in 1944,³²³ and the United Nations Educational, Scientific and Cultural Organisation (UNESCO), established in 1946.³²⁴

³¹⁸ M. Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 198.

³¹⁹ B. Chigara 'Latecomers to the ILO and the Authorship and Ownership of the International Labour Code' (2007) 29(3) *Human Rights Quarterly* 706, 712.

³²⁰ M. Dahlen *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007), 244.

³²¹ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 336.

³²² B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 336.

³²³ World Bank, 'Archive: History' (worldbank.org) Available at: <https://www.worldbank.org/en/archive/history> [Accessed: 7 March 2022]

³²⁴ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 336.

Aware of the shifting international landscape, the ILO's chief officials sought to reposition the organisation so that it would last. Their first major reform at a structural level came in 1944 with the Philadelphia Declaration, which constituted, as Van der Linden termed it, the ILO's 'second establishment'.³²⁵ Additionally, the ILO detailed its broader social policy intentions including a pivot towards encouraging states to redouble efforts regarding domestic economic, health³²⁶ and employment policies.³²⁷

Maul termed the shift at Philadelphia as one that saw the ILO take on 'the status of a human rights campaign', as the ILO committed itself to 'fully and universally applicable human rights'.³²⁸ This left behind the awkward distinctions of the inter-war period, whereby differential labour conditions and standards were accepted in the colonies when compared to the colonial powers' domestic equivalents.³²⁹ This juncture also saw the ILO make another attempt to undercut colonialism, with the then Director-General Benson keen to treat people in the colonies as poorer citizens of the colonizing state. This was designed to import the responsibility over the welfare conditions in the colonies onto the colonizing states, promoting overall social development. The hope was that an improvement of living standards would be seen even where major powers were unwilling to relinquish their economic control over the colonies.³³⁰

Political activists from the US were able to lobby against the continuing existence of colonial territories using official American bodies like the Peace Corps and latterly, Human Rights Watch,³³¹ in tandem with the UN, thus retaining control over the world stage while maintaining the veneer of apolitical action through the UN.³³² A degree of American control of the UN was ensured through funding, with the US contribution to the UN's overall budget

³²⁵ M. Van der Linden 'The International Labour Organisation, 1919-2019: An Appraisal' (2019) 16(2) *Labour: Studies in Working-Class History of the Americas* 11, 20.

³²⁶ C Sirrs, 'Promoting Health Protection Worldwide: The International Labour Organisation and Health Systems Financing, 1952-2012' (2020) 42(2) *The International History Review* 371, 372.

³²⁷ D. Maul *Human Rights, Development and Decolonization: The International Labour Organization 1940-70 (ILO Century Series)* (Basingstoke: Palgrave Macmillan 2012) 76-77.

³²⁸ D.R. Maul 'The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present' (2007) 48(4) *Labour History* 477, 483.

³²⁹ D.R. Maul 'The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present' (2007) 48(4) *Labour History* 477, 481.

³³⁰ D. Maul *Human Rights, Development and Decolonization: The International Labour Organization 1940-70 (ILO Century Series)* (Basingstoke: Palgrave Macmillan 2012) 69.

³³¹ M. Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 326-28.

³³² M. Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 270-71.

as high as 29% of the overall funding in 1954, dwarfing the aid provided even by large countries like the UK and USSR.³³³ The ILO was used as part of this strategy, seen most clearly by the tenure of David Morse, an American politician, as ILO director (between 1948 and 1970). Morse was requested to take the role specifically by the then US President, Harold Truman and enjoyed the endorsement of the British government as well.³³⁴

The presence and influence of American political actors within the ILO's highest office takes on greater significance when viewed as being part of a broader US strategy to use levers of international power to undermine the USSR. Forced labour in particular was used as a wedge issue within the international order, uniting the USA and its European allies against the Soviet Union.³³⁵ The abolition of forced labour was pursued as a means of highlighting the brutality of the Stalinist gulags, which could have the effect of counterbalancing losses incurred to Western economies during World War II.³³⁶

4.3.4 The ILO Post-WWII: Core Conventions and an Increasingly Crowded International Arena

In the 1950s the ILO put its influence behind the integration of European economies, in order to act as a backstop against further conflict breaking out in the region. To achieve this the ILO supported the intermingling of coal and steel production across Europe, which formed the basis of the European Common Market.³³⁷ Further, the ILO concentrated on underemployment in developed and developing countries to examine the differences and to ascertain how policy should be formulated to rectify this.³³⁸

³³³ M. Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 277.

³³⁴ S. Hughes and N. Haworth *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 14.

³³⁵ D.R. Maul 'The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present' (2007) 48(4) *Labour History* 477, 484.

³³⁶ D.R. Maul 'The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present' (2007) 48(4) *Labour History* 477, 483-84.

³³⁷ G Gregorini, 'A Value to Labour. The ILO and the Process of European Economic Integration During the 1950s.' (2017) 3 *The Journal of European Economic History* 51, 57-59 and 71.

³³⁸ G. Rodgers, E. Lee, L. Swepston and J. Van Daele, (International Labour Office) *The International Labour Organization and the Quest for Social Justice, 1919-2009* (Geneva: ILO Publications 2009) 181-182.

In the 1960s and 1970s the ILO continued to concern itself with the degree of employment across its member states, and sought to ensure 'productive and remunerative work' for all workers across the world as part of its World Employment Programme.³³⁹ This was also the period in which the ILO received international recognition for its work and legacy, as the ILO's work in promoting economic growth saw the organisation grow in renown.³⁴⁰ In 1969, the ILO achieved its 'symbolic peak' when it was awarded the Nobel Peace Prize.³⁴¹ However the 1970s saw the ILO weaken somewhat politically, being unable to mediate regional conflicts among member states, which occurred amidst the US withdrawal from the ILO, between 1977 and 1981, due to disagreements regarding its dealings with Israel.³⁴²

Akin to the Philadelphia Declaration in 1944, the ILO sought an opportunity to restate its platform, this time underpinned by the designating of the eight ILO 'core conventions' in 1998. These were the regulatory standards laid down by the ILO that were chosen to be prioritised for ratification by the ILO member states.³⁴³ They were aimed at making the ILO 'the source of standards' for economic and employment policy issues.³⁴⁴ The abolition of child labour, with the endorsement of the ILO, was deemed sufficiently important to be mentioned as a priority among the UN's Millennium Development Goals, in the context of achieving universal primary education.³⁴⁵

³³⁹ P Bollé, 'The International Labour Review and the ILO: Milestones in a shared history' (2013) 152(S1) *International Labour Review* 1, 10.

³⁴⁰ G. Rodgers, E. Lee, L. Swepston and J. Van Daele, (International Labour Office) *The International Labour Organization and the Quest for Social Justice, 1919-2009* (Geneva: ILO Publications 2009) 30-31.

³⁴¹ M Van der Linden, 'The International Labour Organisation, 1919-2019: An Appraisal' (2019) 16(2) *Labour: Studies in Working-Class History of the Americas* 11, 23.

³⁴² J Van Daele, 'The International Labour Organization (ILO) in Past and Present Research' (2008) 53 *International Review of Social History* 485, 502-503.

³⁴³ S. Hughes and N. Haworth *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 24-25; S. Kahn-Nisser 'A Matter of Degree: Europeanization, ILO Treaty Ratification and Labour Standards in Europe' (2016) 24(3) *Journal of Contemporary European Studies* 356, 356.

³⁴⁴ S. Hughes and N. Haworth *The International Labour Organization (ILO): Coming in from the cold* (Abingdon: Routledge 2011) 47.

³⁴⁵ United Nations, *The Millennium Development Goals Report 2015* (New York: United Nations Publications 2015) Available at: [https://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20\(July%201\).pdf](https://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf) [Accessed: 26 August 2021] 27.

These eight conventions became the measuring stick by which the ILO monitored the actions of member states.³⁴⁶ Also, the ILO made an accompanying declaration of the rights that the ILO, should and does hold as paramount, and by extension its Member States also.³⁴⁷ Maupain posited that the Declaration made concrete the principles that had always been supported and promulgated within the ILO's constitution but never had been expressed quite so specifically.³⁴⁸

The eight core conventions covered the rights to strike, to collectively bargain, freedom of association and the ending of child labour and forced labour.³⁴⁹ Thus, the Conventions already passed by the ILO on these matters were elevated somewhat to 'core labour standard' status,³⁵⁰ representing the major priorities of the ILO. Remarkably, both ILO Conventions 138³⁵¹ and 182³⁵² were deemed to be sufficiently important to be included in this list, demonstrating the import which the ILO ascribed to combatting child labour at an institutional level.

In the 1990s the ILO also sought to assess its body of work through a review of existing Conventions so as to ascertain whether any of them required revocation or revision. In 1997, the ILO Conference voted to allow a two thirds majority of the Governing Body to determine that a Convention should be removed due to it having lost its impact, and entrusted a Working Party within the ILO with the job of reviewing the ILO's output.³⁵³ The outcome of this investigation was that 71 Conventions, including all Core Conventions and

³⁴⁶ S. Kahn-Nisser 'A Matter of Degree: Europeanization, ILO Treaty Ratification and Labour Standards in Europe' (2016) 24(3) *Journal of Contemporary European Studies* 356, 356.

³⁴⁷ F. Maupain 'Revitalization Not Retreat: The Real Potential of the 1998 ILO Declaration for the Universal Protection of Workers' Rights' (2005) 16(3) *The European Journal of International Law* 439, 459.

³⁴⁸ F. Maupain 'Revitalization Not Retreat: The Real Potential of the 1998 ILO Declaration for the Universal Protection of Workers' Rights' (2005) 16(3) *The European Journal of International Law* 439, 444.

³⁴⁹ S. Kahn-Nisser 'A Matter of Degree: Europeanization, ILO Treaty Ratification and Labour Standards in Europe' (2016) 24(3) *Journal of Contemporary European Studies* 356, 359.

³⁵⁰ S. Kahn-Nisser 'A Matter of Degree: Europeanization, ILO Treaty Ratification and Labour Standards in Europe' (2016) 24(3) *Journal of Contemporary European Studies* 356, 359-360.

³⁵¹ ILO Convention 138 (1973) 'Convention Concerning Minimum Age for Admission to Employment'.

³⁵² ILO Convention 182 (1999) 'Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour'.

³⁵³ B. Chigara 'Latecomers to the ILO and the Authorship and Ownership of the International Labour Code' (2007) 29(3) *Human Rights Quarterly* 706, 719.

all Conventions passed after 1985, were deemed still fit for purpose with others requiring reconsideration, further examination or outright withdrawal.³⁵⁴

Thus, in the years since the establishment of the core conventions, the ILO has sought to build relationships with NGOs in an attempt to reach out to groups that have been beyond the body's ambit until now, in particular those in informal employment. This has been trumpeted as a way of improving the monitoring of workplace conditions and data quality to serve making tailored recommendations when assessing circumstances in member states.³⁵⁵

This section has given an overview of the first century of the ILO and the place in history that it has filled. The next section turns to consider which aspects, or moments, in this period warrant in-depth examination with the theoretical tool developed during Part I.

³⁵⁴ NORMLEX: Information System on International Labour Standards, 'Standards Reviews: Decisions on Status' *International Labour Organization*. Available at: <https://www.ilo.org/dyn/normlex/en/f?p=1000:12040:::NO:RP,12040::> (Accessed: 14 January 2020).

³⁵⁵ L.R. Helfer 'Understanding Change in International Organizations: Globalization and Innovation in the ILO' (2006) 59(3) *Vanderbilt Law Review* 649, 717.

4.4 Selecting Moments from the ILO's History

Colin Hay considered a number of models for analysing change over time in the context of policy change. The structure being pursued here is akin to Hay's model of 'comparative statics' whereby analysis focuses on the comparison between multiple snapshots in time.³⁵⁶ He identified that this method is effective for assessing what has changed between the 'snapshots', however the question of how those things changed is often unanswered.³⁵⁷ To try and address this potential shortfall, the current section will take a broader look at the history of the ILO, focusing on the changes seen over the long-term in service of landing on the most pertinent individual moments in the development of child labour policy.

When considering how to structure a study of the relationship between the ILO and child labour as an historical matter, examining other long-term studies of the ILO could prove useful. Helfer posited that the ILO's history could be split into four main phases: the body's founding, the inter-war years, the years following World War II and the post-Cold War globalization era.³⁵⁸ This is a helpful breakdown, evidenced by the fact that many studies of the ILO's history follow this structure, however the specific structure chosen for this study differs. Instead, some of Helfer's phases will be used in tandem with additional milestones in ILO history, so as to tailor the study to hone in on the areas of ILO history that pertain specifically to child labour. In particular, focus will be placed upon the proposal and ratification of the child labour conventions (77, 78, 138 and 182).

Thus, based on a review of historical accounts of particular moments in the ILO's history, as well as studies of the institution in the wider narrative, the most pertinent moments for study may be established. These significant moments would most likely be those when the ILO was given the occasion to establish its policy platform, and those instances when child labour Conventions and recommendations were passed. An approach that uses Helfer's breakdown for the way in which ILO history can be constructed in combination with child labour-specific milestones would allow the study to use a comparative statics model, zeroing on significant times where child labour was discussed, framed and problematized.

³⁵⁶ C. Hay *Political Analysis: A Critical Introduction* (Basingstoke: Palgrave Macmillan 2002) 145-146.

³⁵⁷ C. Hay *Political Analysis: A Critical Introduction* (Basingstoke: Palgrave Macmillan 2002) 146-147

³⁵⁸ L.R. Helfer 'Understanding Change in International Organizations: Globalization and Innovation in the ILO' (2006) 59(3) *Vanderbilt Law Review* 649, 651-52.

These 'moments' will act as sites of analysis and points of comparison for examination of the development of child labour policy.

The coverage of child labour policy over the course of ILO has been relatively scant when compared to broader institutional readings of the body,³⁵⁹ and its place within large historical events of the twentieth Century, such as the fall of colonialism,³⁶⁰ the Great Depression,³⁶¹ the Second World War,³⁶² and 2008 global financial crash.³⁶³ A recent exception came from Van Daalen and Hanson, who undertook a study of the ILO's history which described an attitude shift in the ILO from a 'two plank' approach to child labour, to one of 'sustained eradication' of child labour, especially in its worst forms.³⁶⁴ The idea therein was that the ILO were initially willing to combine an overall ambition to abolish child labour with more incremental steps in the immediate term, to deliver small increases to the child labour legal framework, constituting the 'two planks' of ILO policy.³⁶⁵

Van Daalen and Hanson felt that this change in attitude was detrimental to the wellbeing of children and called for the body to re-engage with the research community and social movements to make a step towards the ILO's 'two plank' approach.³⁶⁶ In contrast, the study being undertaken here looks to focus upon the development of the adaptive and abolitionist positions on child labour and the way in which particular issues have come to structure the argumentative cases made by abolitionist and adaptive proponents. This

³⁵⁹ P. Bollé 'The International Labour Review and the ILO: Milestones in a shared history' (2013) 152(S1) 1; M. Houssart 'The International Labour Organisation and film' (2019) 60(4) *Labour History* 339; M. Van der Linden 'The International Labour Organisation, 1919-2019: An Appraisal' (2019) 16(2) *Labour: Studies in Working-Class History of the Americas* 11.

³⁶⁰ D. Maul, *Human Rights, Development and Decolonization: The International Labour Organization 1940-70 (ILO Century Series)* (Basingstoke: Palgrave Macmillan 2012).

³⁶¹ A.R. Forclaz, 'A New Target for International Social Reform: The International Labour Organization and Working and Living Conditions in Agriculture in the Inter-War Years' (2011) 20(3) *Contemporary European History* 307.

³⁶² D.A. Morse 'The International Labour Organization in a Changing World' (1957) 310 *The Annals of the American Academy of Political and Social Science* 31.

³⁶³ J. Canonge 'Something old, something new: The ILO response to the 2008 financial and economic crisis' (2015) 15(1) *Global Social Policy* 91.

³⁶⁴ E. van Daalen and K. Hanson 'The ILO's Shifts in Child Labour Policy: Regulation and Abolition' (2019) 11 *International Development Policy* 133, para 2-3.

³⁶⁵ E. van Daalen and K. Hanson 'The ILO's Shifts in Child Labour Policy: Regulation and Abolition' (2019) 11 *International Development Policy* 133, para 1-2.

³⁶⁶ E. van Daalen and K. Hanson 'The ILO's Shifts in Child Labour Policy: Regulation and Abolition' (2019) 11 *International Development Policy* 133, para 31.

structuralist account of the two positions is captured by the novel idea of thematic pillars. In the case of the ILO the way that child labour has been framed and the governmental rationale that has developed in tandem with that framing becomes the object of analysis.

Following on from the historical review in section 4.3, it is worth noting that this historical study will focus upon particular events within the ILO's history for analysis of the organisation's position on the matter of child labour. This examination will shed light on the development of the argumentative positions that contribute to the current child labour debate, from the perspective of the ILO, and in so doing furnish the underpinnings of the abolitionist argument.

Of particular interest is the level of consistency between the child labour position of the ILO contemporaneously and its position over the course of its history. This query will afford the opportunity to interrogate the charge that child labour policy was formed in a uniquely Western context, with the English Factory Acts as their basis, and that they have been generalized outside of these parameters with limited success.³⁶⁷

Figure 4.2: Overview of ILO moments selected for study

Year	Event	Reason for Inclusion
[Moment 1] 1919-21	ILO Founding	The founding and constitution for the ILO was established here, with a specific mention of child labour. In the two years following the ILO's founding, eight Conventions were passed addressing issues of child work. Additionally, the International Labour Review was established in 1921, the official journal of the ILO.
[Moment 2] 1936-37	Inter-War Child Labour Regulations	The minimum age standards for work were re-assessed in the three main areas of employment: industrial, non-industrial and maritime.
[Moment 3] 1944	Philadelphia Declaration	ILO was itself undergoing a realignment of its place, following the fall of the League of Nations. It was significant that the Philadelphia Conference gave the ILO the opportunity to restate its mission.
[Moment 4] 1973	Passing of ILO Convention 138	A standard for the minimum age acceptable for children to work. This is the piece of legislation that is at the centre of the current child labour debate.
[Moment 5] 1998-99	Declaration of the ILO's fundamental principles and Core Conventions and Passing of ILO	This was documents a reiteration of the role of the ILO, in its own words. Additionally eight Conventions were highlighted as being of paramount importance for ILO Member States, the two main child labour Conventions

³⁶⁷ M. Dahlen *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007), 331-32.

	Convention 182	(138 and 182) were included in this significant list. Convention 182 identified the 'worst forms' of child labour, formed the important benchmark for child labour regulation.
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In addition to the periods focused on for extensive study detailed in Figure 4.2, other Conventions were passed concerning child labour which will not be included in the study, keeping in line with the parameters discussed above. These include Conventions 77, 78, and 90 passed in 1946 and 1948, which regulated workplace conditions for young people in industrial and non-industrial settings. Also in 1959, Conventions 112 and 113 which dealt with outlining the appropriate minimum age standards for children working in the fishing industry are not included. Additionally in 1965, standards for medical examinations of persons under the age of 18 in mining were covered in Conventions 123 and 124 but are not incorporated. These Conventions detail industry-specific problems and represent an interrogation that delves at a level that is outside the remit of the research purpose set out in this study. Focusing on the Conventions that regulate child labour practice as a whole will allow this study to follow and analyse the trajectory of discourse around child labour.

4.5 Conclusion

This chapter began with an overview of the ILO, its composition, function and structure through a review of the ILO's history. The appraisal of the historical relationship between the ILO and child labour centred on major constitutional and legislative moments, and the ways that these dovetailed with major events in the tumultuous international arena of the 20th Century.

These were used to settle on the five 'moments' from the shared histories of child labour policy and the ILO (detailed in Figure 4.2) which will be the subject of this research and will be analysed in line with the theoretical backdrop sketched out in Part I. These 'moments' were selected because they offer an opportunity to focus analysis of child labour policy development around key moments of change for child labour law and the ILO more broadly. The comparative statics model that the 'moments' structure uses permits an analysis of how child labour policy has evolved, through contrasting the use of thematic pillars at each moment. The way in which thematic pillars will be utilised as an analytical tool for assessing the way child labour policy has been problematized will be discussed in the next chapter.

Having established the key moments, attention in the next chapter will focus on features of research design. The way in which sources, pertinent to each of the moments will be sampled, selected and narrowed down will be clarified. Also the use of the theoretical tool developed in Part I will be considered in the context of the key moments selected in this chapter.

Chapter 5: Research Design, Sampling and Selecting Thematic Pillars

5.1 Introduction

This chapter takes the key moments that was outlined in the previous chapter and concentrates on the structure it offers to the design of the research, and the means by which analysis will proceed. This entails considering how sources will be selected and collated to provide a sufficiently representative picture of the way child labour policy was problematized at each of the selected moments in the ILO's history.

The hybrid framing-problematization theoretical tool outlined in Part I aims to use thematic pillars, as a means to filter and structure the discourse around child labour at various points in time. The specific content of thematic pillars, the framings that they include and the way they will be used in analysis will be explained. Further, the structure that the analysis will take at each of the key moments, including how the theoretical tool developed in Part I will be used is explained.

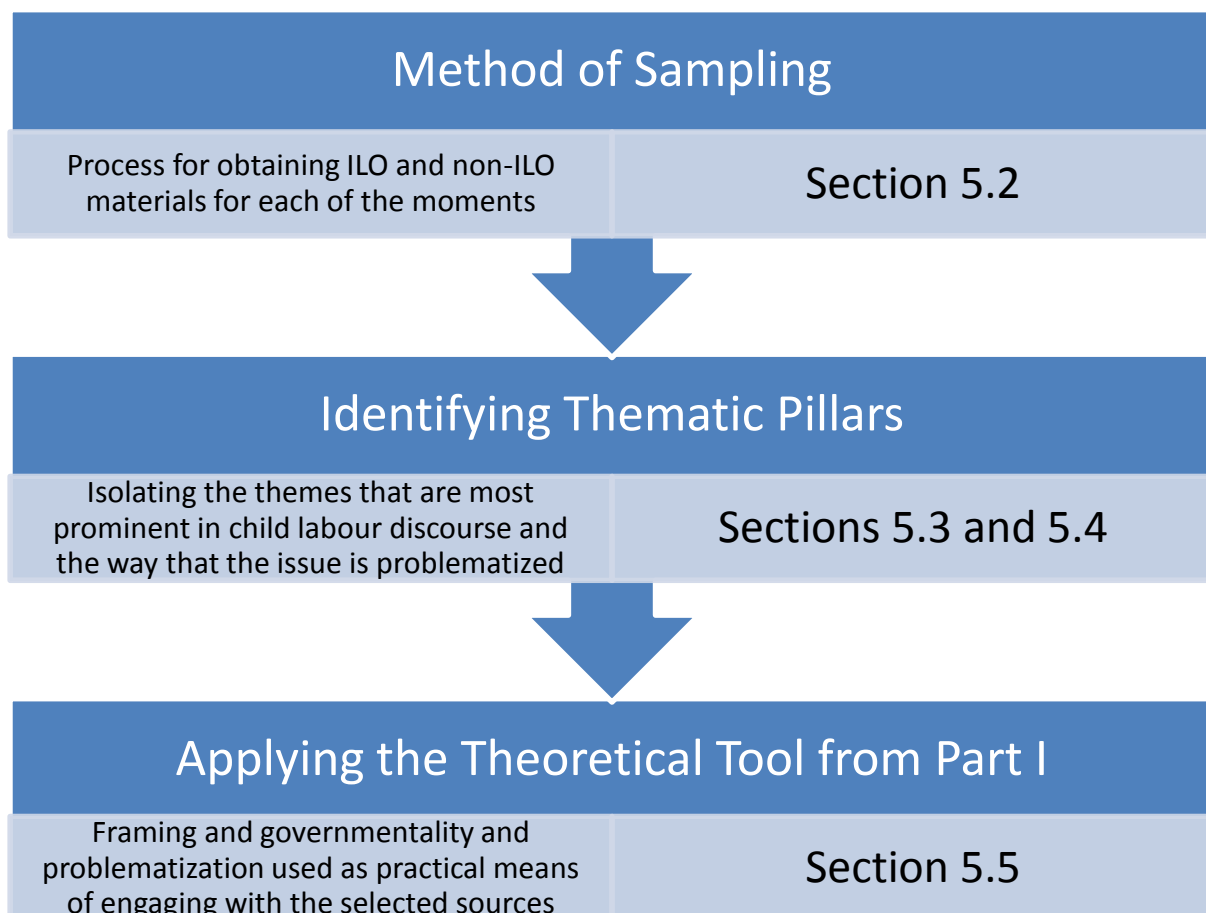


Figure 5.1: Chapter 5 Roadmap

5.2 Method of Sampling

This research aims to analyse the changes and development in child labour policy within the ILO by looking at the deliberations within the organisation as a primary source of how the issue of child labour was problematized and framed, using thematic pillars. Having settled on key moments for study within the ILO's history, the question is raised of which sources may be prioritised for analysis.

The ILO's own documentation and records are a logical place to begin the search for pertinent sources. However, an effort will also need to be made to analyse sources produced outside the ILO's sphere of influence as a means of ascertaining how changes settled on within the organisation were received by interested expert parties outside the institution. Thus, reproductions and summaries of debates and Labour Conference proceedings around each of the selected moments were deemed central to answering the research questions posed in this work.

Further, commentaries coming from the ILO-affiliated *International Labour Review*, also within the periods stipulated for study, were chosen. In the search for sources external to the ILO, expert labour rights and law journals were chosen as a means of analysing the way that policy changed during the moments selected. These were selected to allow a measurement of the priorities that policies entailed and the ways in which they were framed, thus giving an insight into the way that child labour had been problematized.

5.2.1 Interrogating ILO Archives

In service of making the current study sufficiently rigorous, documentation produced by the ILO will be analysed from its founding and at the selected significant moments in the intervening century as outlined in Figure 4.2. These constitute the events that are of sufficient significance to child labour regulation, and were selected after reviewing the literature on the ILO. To that end, these form the moments which constitute sites from where primary data will be sourced, and will include those listed in Figure 4.2. Sourcing the necessary data for this analysis was achieved by using the ILO Digital Collection, an archive of the proceedings of the ILO. Using the search function for the Digital Collection, the results

appended with the 'child labour' tag as used by the ILO database were collated and compiled to constitute the bank of data being used for analysis.

This study is centred on the discursive space created around child labour policy, whereby governmentality and problematization serve as apt means of interrogating the way that child labour is conceived as a problem and how its solutions are couched complementarily. The theoretical framework constructed in part I, combining elements of framing, governmentality and problematization will be used to study ILO debates. The analysis will focus on the framing and governmentality/problematization of child labour by the ILO at the determined points in the body's history (detailed in Figure 4.2). It will involve the manner in which the issue of child labour is framed and the 'thematic pillars' that arise in the course of that argumentation will be noted, with attention paid to the priority given to various different arguments within the overall structure (the framing aspect). Also, the way that the solution to child labour is represented and the institutional actions, from the ILO itself, that are alleged to be necessary to that end will be considered (the governmentality/problematization aspect).

The study will focus on the way that child labour has been framed by participants in ILO deliberations and actions over time as a matter of legal concern and intervention. International organizations like the ILO managed to involve themselves in national infrastructures by being at the forefront of the global research community. Maul argued that this allowed international organizations to 'articulate problems, create a framework for debates both on the political level and within civil society, [and in this way,] help States to identify their interests and formulate options for action'.³⁶⁸ This summation speaks clearly to the theoretical model being used here (discussed in part I), whereby major actors in the international legal infrastructure use their position to frame issues in certain ways as to justify past and future actions taken towards a stated goal. Though, as policy is problematized, the direction of change is also being negotiated shifting in relation to the frames invoked as part of the process of deliberation.

³⁶⁸ D. Maul *Human Rights, Development and Decolonization: The International Labour Organization 1940-70 (ILO Century Series)* (Basingstoke: Palgrave Macmillan 2012) 11.

A trawl was undertaken for the pertinent historical documents for each of the identified ‘moments’ in the ILO’s history (detailed in Figure 4.2). These were the official records of said events, such as the ILO’s founding constitution established at the first meeting of the organisation³⁶⁹ or the Declaration made in Philadelphia at the ILO’s 1944 Conference.³⁷⁰ To source all of the pertinent instruments enacted in relation to child labour the ILO’s digital repository of its norms, *NORMLEX*,³⁷¹ was searched for any and all Conventions³⁷² and Recommendations³⁷³ regarding child labour and the welfare of minors in employment.

The ILO’s own ‘Digital Collection’, an electronic documentary archive,³⁷⁴ was also searched for material pertinent to the study. Within the broader archives, the collection of documentation pertinent to the establishment of the ILO, under the heading ‘The origins of the International Labour Organization Constitution’, was searched. This enabled the deliberations undertaken in the months leading up to the Paris Peace Conference in June 1919 where the ILO was formed as part of the Treaty of Versailles negotiations and ratification to be compiled. However, not all of the deliberations concerned child labour and the role that the new body would play in its policing. Therefore, each of the documents in the sub-collection were also searched for references to child labour by using the search words ‘child’ and the prefix ‘you’, so as to catch references to youth and young persons or workers.

The ILO Digital Collection includes a function by which the work, deliberations that goes into ILO Conventions may be searched and sifted by subject. Using this, the sub-collection of ILO documents concerning Conventions that were pertinent to the ‘Elimination of child labour

³⁶⁹ ILO, ‘ILO Constitution’ (28 June 1919)

³⁷⁰ ILO, ‘ILO Declaration of Philadelphia’ (ILO General Conference 26th Session, 10 May 1944)

³⁷¹ NORMLEX: Information System on International Labour Standards, ‘NORMLEX Home’ *International Labour Organization* [Available at: <https://www.ilo.org/dyn/normlex/en/>] (Accessed: 14 January 2020.)

³⁷² NORMLEX: Information System on International Labour Standards, ‘NORMLEX Conventions’ *International Labour Organization* [Available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:12000:25441194716800:::P12000_INSTRUMENT_SORT:2] (Accessed: 14 January 2020.)

³⁷³ NORMLEX: Information System on International Labour Standards, ‘NORMLEX Recommendations’ *International Labour Organization* [Available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:12010:25441194716800:::P12010_INSTRUMENT_SORT:2] (Accessed: 14 January 2020.)

³⁷⁴ ILO, ‘ILO Digital Collections’ *Labordoc: ILO Digital Repository* [Available at: <https://labordoc.ilo.org/discovery/collectionDiscovery>] (Accessed: 20 November 2019)

and protection of children and young persons' were found, these covered Conventions 77, 78, 124, 138 and 182.

The sequential compilation of recent publications on the ILO website was the source used to access the repository of documents from the International Programme on the Elimination of Child Labour (IPEC: the ILO's specialist child labour subsidiary body).³⁷⁵ IPEC was created in 1992, thanks to significant investment and steering from the German government,³⁷⁶ under the overall strategic mandate to work towards the 'progressive elimination of child labour',³⁷⁷ with the worst forms of child labour a priority.³⁷⁸ IPEC uses the organizational resources provided by the ILO to obtain statistical and research projects at the grass roots, which are aimed at broadening the knowledge base for making child labour policy.³⁷⁹ Additionally, IPEC coordinates with national partners to aid in removing children from dangerous work, helping law enforcement and facilitating the assistance of victims.³⁸⁰

IPEC is the largest child labour-specific body in the world, and is the ILO's largest subsidiary programme,³⁸¹ yet again emphasising the centrality of child labour to the ILO's overall platform. The explanatory literature for IPEC, which provides details of the origins and goals

³⁷⁵ ILO, IPEC, 'Publications and Resources' (*ilo.org*) Available at:

<https://www.ilo.org/ipecc/informationresources/lang--en/index.htm> [Accessed: 26 November 2020].

³⁷⁶ ILO, *The International Programme on the Elimination of Child Labour (IPEC): What it is and what it does* (Geneva: ILO Publications 2010). Available at: https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/genericdocument/wcms_210580 [Accessed: 3 December 2020], 3; M Liebel, 'Opinion, Dialogue, Review: The new ILO report on child labour: a success story, or the ILO still at a loss?' (2007) 14(2) *Childhood* 279, 279.

³⁷⁷ ILO, 'About the International Programme on the Elimination of Child Labour (IPEC)' (*ilo.org*) Available at: <https://www.ilo.org/ipecc/programme/lang--en/index.htm> [Accessed: 26 November 2020].

³⁷⁸ ILO, *The International Programme on the Elimination of Child Labour (IPEC): What it is and what it does* (Geneva: ILO Publications 2010). Available at: https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/genericdocument/wcms_210580 [Accessed: 3 December 2020], 11.

³⁷⁹ ILO, *The International Programme on the Elimination of Child Labour (IPEC): What it is and what it does* (Geneva: ILO Publications 2010). Available at: https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/genericdocument/wcms_210580 [Accessed: 3 December 2020]

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³⁸⁰ ILO, *The International Programme on the Elimination of Child Labour (IPEC): What it is and what it does* (Geneva: ILO Publications 2010). Available at: https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/genericdocument/wcms_210580 [Accessed: 3 December 2020], 5-7.

³⁸¹ ILO, 'About the International Programme on the Elimination of Child Labour (IPEC)' (*ilo.org*) Available at: <https://www.ilo.org/ipecc/programme/lang--en/index.htm> [Accessed: 26 November 2020].

of the programme, stressed the historical overlap between the ILO and child labour and used this as justification for its establishment as a separate body.³⁸²

The ILO's publications tab was used to add all IPEC papers published within the stated time bounds for each moment, applying to the ILO Core Conventions and Convention 182 to the sample. As IPEC was established in 1992, the only moment during which IPEC was operational was Moment 5. The link between IPEC and ILO Convention 182 is clear and enduring, as the current IPEC goals take the wording from Convention 182, regarding the types of work that should be eliminated, directly.³⁸³

5.2.2 Broadening the Study to Include Journal and Non-ILO Sources

It is important to analyse material produced outside the ILO's official ambit, so as to triangulate, or cross-reference, child labour conversations occurring within its auspices against an external source. Doing so would help to situate the view of the ILO's framing of child labour from a separate perspective against the more carefully curated organisational discourse that takes place in official settings. The inclusion of sources external to ILO offers a clearer picture of the way that child labour is problematized, and the way that policy is being implemented and received.

However, the sheer number of potential external sources meant that a review of all child labour discussions taking place outside the ILO, even when limited to particular moments in history, would be impractical for this research. In order to answer the research questions posed by this thesis, the primary site for analysis remains the development of the ILO's child labour policy. Keeping this footing in mind the sources were selected as to prioritise the output of a few sources, with varying proximity to the ILO as a body. For instance, some of the representatives to the ILO, who engaged in discussions that are being analysed in this

³⁸² ILO, *The International Programme on the Elimination of Child Labour (IPEC): What it is and what it does* (Geneva: ILO Publications 2010). Available at: https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/genericdocument/wcms_210580 [Accessed: 3 December 2020], 2.

³⁸³ ILO, 'About the International Programme on the Elimination of Child Labour (IPEC)' (*ilo.org*) Available at: <https://www.ilo.org/ipec/programme/lang--en/index.htm> [Accessed: 26 November 2020].

study, also wrote in the journals outside the ILO being studied. This meant that the discussions taking place within the ILO could be examined beyond the immediate environs of the ILO.

Thus, the search for documentation for debates that took place outside of ILO deliberations relied upon sourcing academic commentaries of the actions and Conventions emanating from the ILO. The journals which hosted these observations and annotations were used as a jumping off point for sourcing additional documentation from outside the ILO to enable a view to be analysed that lay outside of the direct remit of the ILO. The focus on debate taking place outside the ILO therefore centred upon particular journals, identified in relation to the frequency of comments on child labour issues and ILO regulation. The university search engine 'Library Search' was used to search for and identify journals that were used to isolate documents that fell within the confines of the 'moments' structure.

Selection of further sources was undertaken in a style akin to 'snowball sampling' whereby established contacts are used to lead to others, usually in the context of interviews.³⁸⁴ Misgivings over this style of sampling usually address concerns that it does not produce a representative base from which to draw population-level generalisations as the overall stock of data is biased by who the original contact within a larger community is.³⁸⁵ This criticism holds less weight in the structure of this study, where the object of analysis of discussions concerning the ILO and child labour. Keeping within this context, the development of the discussion around child labour is the primary area of focus and it follows that sources that are related to the ILO would be those that had an influence on the development of policy.

It should be noted that there is some overlap in authors of ILO and non-ILO sources, which could reasonably be expected given the specialised nature of the subjects being engaged with. However, in this study a distinction is drawn between ILO and non-ILO sources on the basis that the forum for discussion can have a determinant effect on the way child labour is framed, and on the governmental rationale undergirding actions and arguments. Additionally, the topics and perspective on child labour issues was found to be distinct between the two categories, with non-ILO sources tending more towards national logistical

³⁸⁴ A. Bryman *Social Research Methods* (London: OUP 5th edn., 2016) 188.

³⁸⁵ A. Bryman *Social Research Methods* (London: OUP 5th edn., 2016) 188.

issues and direct policy outcomes. ILO sources, by comparison, were broader and more holistic, focusing on the philosophical questions at the heart of child labour regulation.

To begin with, an attempt was made to assimilate into the study ILO sources other than conference proceedings and the body's legislative output. To achieve this, the journal that works together with the ILO, the *International Labour Review* was canvassed. As a journal, the *Review* had the benefit of having some distance from the conference, reporting on them in retrospect rather than merely reproducing what was said, and the rigours of negotiation. Thus, it allowed for a more considered reflection on the issues that were deliberated on and the policy that followed.

The *Review* was established in 1921 shortly after the ILO's founding, 'in fulfilment of the Treaty of Peace'.³⁸⁶ It served as a venue for ILO actors such as the Director-General and other senior ILO officials to publish 'a periodical paper dealing with problems of industry and employment of international interest'.³⁸⁷ It was designed to inform members of the ILO Governing Body and national governments of the work of the ILO and developments relating to labour and industry across the world. It included statistical breakdowns of global employment figures and the results of independent studies in 'readable, non-technical language'.³⁸⁸ This, in the *Review's* own words, was undertaken so as to satisfy the expectation that the ILO should provide a publication that 'present[ed] impartially the facts needed by Governments, employers and employees to enable them to deal with the wholly unprecedented problems of the day'.³⁸⁹ The degree to which this is an accurate summation of the journal's output will be considered during analysis.

The founding motivation for the ILO was considered by Lee in the *Review* in 1997 in a retrospective article, and he resolved that the first concern of the ILO and its founders was

³⁸⁶ International Labour Review, 'The International Labour Review' (1921) 1 *International Labour Review* 3, 3.

³⁸⁷ International Labour Review, 'The International Labour Review' (1921) 1 *International Labour Review* 3, 3.

³⁸⁸ International Labour Review, 'The International Labour Review' (1921) 1 *International Labour Review* 3, 3.

³⁸⁹ International Labour Review, 'The International Labour Review' (1921) 1 *International Labour Review* 3, 4.

the promulgation of 'social justice and humanitarian concern'.³⁹⁰ Tapiola also mentioned that child labour was part of the ILO's founding constitution and had never been altered in the interim.³⁹¹ This review has been produced consistently from 1921 till the present day, though the journal now more closely resembles other specialist employment journals, as it has a more academic focus presently.

This study focused on particular volumes of the review around the aforementioned 'moments' in child labour history. The investigation chose to include a survey of articles relevant to child labour in volumes one year either side of the selected historical moments. These volumes were examined, for articles that might be relevant for study on the basis of relevance of their title, selected for further examination. The relevant articles were then word-searched for references to child labour by using the search words 'child' and the prefix 'you' again and those that contained references to child labour were included for analysis.

The ILO would look to its own history when forging its identity going forward. The way in which the *Review* fit into the 'moments' structure developed in this study was concluded by surveying its output during the fifth and final moment that coincided with the journal's 75th anniversary, marked in 1996. This was marked within the journal by a retrospective on the work and output of the journal and some articles from early issues being reprinted. It would appear that at the very least the ideas contained in the reprinted articles had some relevance to the contemporary issues facing the ILO and labour scholars and that the ideas therein would provide some insight to the arising problems. The choice to reprint older articles was also a way to reflect on influence of the *Review* itself, as it is seen as a forum for 'leading thinkers' to make interjections on policy solutions to the labour problems of the day.³⁹² It also reiterates the position taken by the ILO looking back institutionally, in a period where it was settling on its Core Conventions, and the ideals that undergirded its purpose within the fellowship of the ILO members.

³⁹⁰ E Lee, 'Globalization and Labour Standards: A Review of Issues' (1997) 136(2) *International Labour Review* 173, 174.

³⁹¹ K Tapiola et. al. (ILO), Protecting Children in the World of Work Labour Education 1997/3 No. 108: The ILO Bureau of Workers' Activities, (Geneva: ILO Publications 1 March 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_111504/lang-en/index.htm [Accessed: 26 November 2020] 4.

³⁹² International Labour Review, 'Introduction: 75 Years of the *International Labour Review*, A Retrospective' (1996) 135(3-4) *International Labour Review* 251, 252.

Next, a source that covered ILO matters and child labour specifically outside the ILO was searched for. Within these same parameters one journal reoccurred repeatedly, more than any other, namely the *Monthly Labor Review*, a longstanding publication that has covered the duration of the study and remains in print to this day. This made it an ideal comparator for the output of the *International Labour Review* as it has had a similar publication period and focus on employment issues, including child labour.

The *Monthly Labor Review (MOLAR)* was established in 1915 and compiles research undertaken by private sector professionals, government officials and expert economists and statisticians in concert with the US Bureau of Labor Statistics.³⁹³ According to its current mission statement, the MOLAR is written for a wide audience including practitioners, experts and laypersons and its publications are required to be 'objective and analytical, rather than polemical in tone'.³⁹⁴

Early moments saw significant coverage of child labour, with early issues featuring a regular reoccurring section dedicated specifically towards child labour, and issues that had arisen nationally and internationally. The focus on child labour in the *MOLAR* waned as time went on, and by this study's Moment 5 in the 1990s, only one *MOLAR* article fell within the parameters for this study and covered child labour.

To address the shortfall this caused it was important that another source external to the ILO was sampled for study. Using the search method detailed above, a journal which generated most results for a search for child labour for Moment 5 was used instead, namely the *International Journal of Children's Rights*. It published a large number of commentaries on child labour related issues, returning several results for a search of 'ILO child labour'. This journal focuses on policy relating to children's rights and publishes papers from a wide range of disciplines including law, politics and psychology among others.³⁹⁵ As this journal was established in 1993, it was possible to sample all of the journal's articles, however, its

³⁹³ Monthly Labor Review, 'About the *Monthly Labor Review*' (bls.gov) Available at: <https://www.bls.gov/opub/mlr/about.htm> [Accessed: 27 November 2020].

³⁹⁴ Monthly Labor Review, 'Submitting papers to *Monthly Labor Review*: Guidelines for non-BLS authors' (bls.gov) Available at: <https://www.bls.gov/opub/mlr/for-authors.htm> [Accessed: 27 November 2020].

³⁹⁵ Brill, 'The International Journal of Children's Rights: Overview' (brill.com 2020) Available at: <https://brill.com/view/journals/chil/chil-overview.xml> [Accessed: 27 November 2020].

output only fit into Moment 5 of study on the Core Conventions and Convention 182 and serves aptly to furthering analysis within Moment 5.

A trawl of its first 25 issues returned 117 papers that mentioned child rights within the context of child labour. By interrogating the articles manually, an effort was made to filter the journal's output within the 'moments' structure of the study of the ILO. The papers that were sampled are listed and sorted by moment in Appendix 1.

5.3 Applying a Novel Framing Theoretical Model: The Role of Thematic Pillars

The novel concept of ‘thematic pillars’ (detailed in section 2.4.3) has been further developed for use in this study, building upon previous work undertaken by the author.³⁹⁶ In the context of this historical study, thematic pillars will be used to focus on the types of frames utilised in each of the analysed publications. Thematic pillars are prominent issues that were found to reoccur within policy discourse, around which arguments over policy outcomes tended to gravitate. By specifying areas in which a large number of arguments are made, thematic pillars would allow for a more structured picture of policy discourse to be drawn. This in turn sheds light on the specific way that the policy issue is being problematized, with regards to the action of regulators, through enforcement, measurement and sanctions against offenders. This is done for the purposes of analysing where agreement may be found, and where actors on opposing sides of the issues are not attentive to the position from which the other side is arguing.

Based on a review of child labour literature in academic, institutional and NGO spheres, the five thematic pillars (outlined in figure 1.1) will be used as a starting point for analysis. These categories are: workplace hazards, educational repercussions, economic pragmatism, culture and colonialism, and agency and choice. The five pillars correspond to areas which were found in the previous review of ILO and academic publications to be the prime areas where arguments around child labour concentrated. The review in question concerned publications by the ILO written between 2010 and 2016, alongside academic journal articles published across a wider time-span, with the vast majority having been written post-2000. The timespan for that study was chosen so as to study the development of argumentation around child labour that ultimately resulted in the publishing of an open letter co-signed by a large number of academics criticising the position of the ILO towards child labour, in particular the continuing relevance of ILO Convention 138.³⁹⁷

³⁹⁶ D. McGarry ‘Clarifying the Terminology Used in the International Child Labour Law Framework: A Discourse Analysis and Framing Theory Review of Official and Academic Child Labour Literature’ (2018) *Unpublished MSc Thesis*.

³⁹⁷ The Guardian: Letters, ‘Letters: Tech Companies Must Take Responsibility for Algorithms’ (*The Guardian/Observer* 18 December 2016) <https://www.theguardian.com/theobserver/2016/dec/18/tech-companies-must-take-responsibility-for-algorithms> [Accessed: 24 April 2018.]

There are two major sources of development between previous work undertaken by the author and this current study. First there is a larger sampling in scale in terms of the number of documents being reviewed, and second, a far wider time-span is sampled from and covers ILO publications over its one hundred year history. Applying the aforementioned list of five pillars may be as relevant for the entirety of the study and some modifications must be made to allow for different thematic pillars to emerge as being more or less significant at the various selected points of study within the ILO's history which may correspond to shifts in overall policy.

Within the theoretical model designed for this study, frames pertain to individual arguments, and pertain to a particular aspect of a problem, though multiple frames, even contradictory ones, may fit under the same thematic pillar. Thematic pillars are to be developed and built out within the study. Frames are used as a means of generating data from discourse, and more specifically from argumentation which is particularly useful in the context of a policy study. Thematic pillars are used as an indicator of the way that framing had occurred in the particular moment chosen. Thus, thematic pillars represent the types of frames that were prominent and in use at a given moment, and provide a picture of the outcome of the framing process.

The element of governmentality adds to the explanatory potential of this research and is intended to fit the institutional dynamics of studying a governmental organisation like the ILO. Governmentality offers a more useful avenue for studying an organisation such as the ILO because it lacks direct enforcement capability and thus has to rely upon other means of persuasion in enacting its will. The aspect of governance as added to problematization thus takes it beyond the relatively narrow argument-centric bounds of a frame.

Problematizations are more totalizing than frames, as the concept attends to the nature of the problem on a fundamental level, i.e. defining what makes an issue a 'problem' worthy of governmental intervention. Furthermore, problematizations also imply solutions for the problem as defined, by identifying the authority that is appropriate to act. This additional consideration of governance involves focusing on problematizations and enrich the analysis to follow, and extends assessment of the arguments made in each of the moments.

Expanding on the idea of 'master frames' through thematic pillars

Kapczynski proffered that the law can have a 'gravitational effect' on the process of framing as it can act as a 'key location for normative and symbolic meaning making'.³⁹⁸ Therefore the law, or more specifically legal change, can act as a tent-pole of sorts for social movements, a target of normative and institutional endorsement for which to strive in the search of progress.³⁹⁹ Kapczynski argued that the law can often take a central strategic role in the process of framing. Using her perspective, it is argued that the law can constitute a means by which successful, resonant and persuasive frames within policy debates can be identified.

Nisbet argued that policy positions and frames should not be conflated, because opposing sides of policy debates often relied upon the same interpretive frames despite coming to contradictory conclusions.⁴⁰⁰ Nisbet's conclusion *i.e.* that frames and policy positions are not one and the same, alludes to the idea of cross-applicability of certain broad frames, encapsulated by the concept of 'master frames'. Swart defined master frames as 'schemes of interpretation that are utilized by a diversity of movements to frame grievances'.⁴⁰¹ Benford and Snow detailed this further stating that 'master frames' were more general than individual frames.⁴⁰² They also suggested that master frames resonated across multiple factual situations by appealing to 'empirical credibility, experiential commensurability, and ideational centrality or narrative fidelity'.⁴⁰³

Swart took issue with the traditional conceptualisation that defined master frames by their relevance and use within various movements. Instead, Swart defined master frames as emerging from, and interacting with, the socio-historical context of the time. He gave an

³⁹⁸ A. Kapczynski 'The Access to Knowledge Mobilization and the New Politics of Intellectual Property' (2008) 117(5) *The Yale Law Journal* 804, 809.

³⁹⁹ A. Kapczynski 'The Access to Knowledge Mobilization and the New Politics of Intellectual Property' (2008) 117(5) *The Yale Law Journal* 804, 818.

⁴⁰⁰ M.C. Nisbet 'Knowledge into Action: Framing the Debates over Climate Change and Poverty' in P. D'Angelo, and J.A. Kuypers (Eds.), *Doing News Framing Analysis: Empirical and Theoretical Perspectives*, (New York: Routledge 2010), 49.

⁴⁰¹ W. Swart 'The League of Nations and the Irish Question: Master Frames, Cycles of Protest, and the "Master Frame Alignment"' (1995) 36(3) *The Sociological Quarterly* 465, 468.

⁴⁰² D. Snow and R. Benford 'Master frames and cycles of protest' in A. Morris and C. Mueller (eds.) *Frontiers in social movement theory* (New Haven, CT: Yale University Press 1992), 139-40.

⁴⁰³ D. Snow and R. Benford 'Master frames and cycles of protest' in A. Morris and C. Mueller (eds.) *Frontiers in social movement theory* (New Haven, CT: Yale University Press 1992), 140.

example of such a master frame being central to the civil rights movement in the United States, which he posited that it traded on the optimism and appreciation of freedom that rose to prominence in the immediate aftermath of World War II.⁴⁰⁴ Departing from the traditional definition Swart referred to the cross-pollination of ideas between movements as ‘master frame alignment’, and noted that this process was ultimately invaluable to quests for reform.⁴⁰⁵

Carroll and Ratner argued that a common ‘counter-hegemonic’ master frame could be identified across collective action groups, with the unifying theme being opposition to injustice and those in power.⁴⁰⁶ They argued that in such movements, a common lexicon has emerged as the result of universal the ‘master-frame’ of injustice.⁴⁰⁷ Though there were a variety of specific differences between conceptualisations of injustice, there were many consistent features between activist groups.

In this vein the children’s rights movement and particularly the growing body of scholarship constructing children as agential actors in their own development have influenced the child labour discussion, and signify the emergence of an agency ‘master frame’. Several ‘adaptive’ academics have cited the opinions of children regarding the ability or right to work as invoking a rights discourse into the child labour discussion.

The concept of thematic pillars used in this research takes a similar approach with a few key differences. The idea of master frames captures ideas that are broad enough to be used towards different argumentative ends, particular notions of justice that can be invoked by proponents of different policies. Thematic pillars similarly engage with issues that could be argued in conjunction with a variety of policy outcomes, and refer to topics that are of governance interest without being necessarily connected with one viewpoint or another. For example, a framing of child labour that would fall under the economic thematic pillar could argue for the necessity of children working to fund vital household expenses.

⁴⁰⁴ W. Swart ‘The League of Nations and the Irish Question: Master Frames, Cycles of Protest, and the “Master Frame Alignment”’ (1995) 36(3) *The Sociological Quarterly* 465, 468.

⁴⁰⁵ W. Swart ‘The League of Nations and the Irish Question: Master Frames, Cycles of Protest, and the “Master Frame Alignment”’ (1995) 36(3) *The Sociological Quarterly* 465, 478.

⁴⁰⁶ W.K. Carroll and R.S. Ratner, ‘Master Framing and Cross-Movement Networking in Contemporary Social Movements’ (1996) 37(4) *The Sociological Quarterly* 601, 609.

⁴⁰⁷ W.K. Carroll and R.S. Ratner ‘Master Framing and Cross-Movement Networking in Contemporary Social Movements’ (1996) 37(4) *The Sociological Quarterly* 601, 601.

Conversely another economic framing might point to the long-term economic consequences felt by child labourers generationally as working during childhood correlates with lower life-time earnings.

Thus thematic pillars take the ethos behind 'master frames' but re-purposes them in a way that aids the study of a particular policy more ably. Thematic pillars are tailored specifically to the policy question that is being studied and allows for a detailed and accurate mapping of the discussion around that issue to be formed. Thus, thematic pillars must exist within the existing paradigm of framing theory as a discipline and extends the theory into a new context. Thematic pillars allow framing theory to provide the argumentative insights the discipline has been typically apt to make, whilst adding a degree of structural analysis. The ability to map a policy dispute in this manner, so as to account for the variety of arguments being made in a particular forum, and the relative prevalence of those arguments thus provides the potential for new findings to be unearthed from framing theory.

The thematic pillars theoretical framework developed in this study will be used to assess the relative importance put on particular types of frames at different points in the ILO's history, and the effect that this has on the way child labour was problematized at each of the selected moments. It is important to make accommodation for the possibility of trends within one or other of the pillars emerging from assessment of the publications, or for the development of more nuanced versions of the existing thematic pillars coming to the fore. Thus a metric for investigation will be the relative hierarchy of thematic pillars, based on the frequency of their use, relative to one another in a single 'moment' chosen for study. Additionally, the development that certain thematic pillars had over the entire history of the ILO will be of interest. Thus, the first five thematic pillars offer a starting point, or hypothesis for the constriction of child labour debates arising from within the ILO.

5.4 Outlines for the Thematic Pillars used in this Study

Thematic pillars are a unique theoretical construct utilised in this research as a means of filtering the frames used in arguing for particular types of child labour regulation in the context of policy discussion. They constitute broad topics within which a range of possible framings exist in relation to a particular policy, and could be used to argue for various policy outcomes. By examining the pillars used and the way in which they are invoked, a broader picture of the means by which child labour is problematized at different stages in the ILO's history is identified.

This section will discuss the main pillars used in this research, which are: framings of child labour that reference the safety implications of the practice; the educational effect of working during childhood; the economic drivers of child labour; the cultural considerations that are brought up by child labour; and framings that reference the agency of children in the decision to work. Each will be discussed referencing instances where they have been invoked in policy documentation and articles to give an indication of the variety of ways in which these pillars have been observed in use, and the way they are to be used in this research.

5.4.1 Safety

The safety concerns associated with various forms of child labour are often cited as reason enough to end the practice in its entirety.⁴⁰⁸ It has been alleged that children's lives are 'being lost or shortened' through exposure to particularly dangerous work.⁴⁰⁹

⁴⁰⁸ International Labour Organization (ILO), International Programme on the Elimination of Child Labour (IPEC) and World Health Organization (WHO), *Creating safe futures: good practices to protect children and youth from hazardous work – Workshop Report*. (Geneva: ILO Publications 2012). Available at: http://www.ilo.org/ipec/Informationresources/WCMS_182141/lang--en/index.htm [Accessed 9 July 2018] v.

⁴⁰⁹ ILO. *Executive summary of Children in Hazardous Work. What we know, what we need to do*. (Geneva: ILO Publications 2011). Available at: http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_157340/lang--en/index.htm [Accessed: 9 July 2018] 12.

For instance, mining enterprises often use children to make a significant percentage of their workforce exposing the children in question to risk of physical harm from cave-ins, developmental issues arising from exposure to harmful substances.⁴¹⁰ Industrial enterprises regularly work with heavy and dangerous machinery, long hours and work in poor conditions.⁴¹¹ Further, certain areas of the economy, like agriculture, have their own share of dangers due to widespread use of hazardous machinery and chemicals.⁴¹² Additionally, sites where agricultural child labour takes place are so widely spread geographically that they often fall outside the bounds of inspection and review.⁴¹³ Therefore, any risks that are present tend to go unchallenged by regulation.⁴¹⁴

Children are often argued to be at risk of sustaining development-hampering injuries whilst working as they are still growing and physical harm can impact them in both the short and long-term.⁴¹⁵ Furthermore, harm has been framed in psychological terms too,⁴¹⁶ with some children labourers said to be subject to mental harm and harassment in the workplace.

⁴¹⁰ M Guenlat and N White, *Golden Racket: The True Source of Switzerland's "Togolese" Gold* (Berne Declaration: Lausanne 2015) 3; International Labour Organization (ILO), International Programme on the Elimination of Child Labour (IPEC) and International Training Centre (ITC). *The Worst Forms of Child Labour in conflict and post conflict settings: results from a research project*. (Turin: ITC Publications 2010) Available at: http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_24338/lang--en/index.htm [Accessed: 9 July 2018] 12.

⁴¹¹ A Bequele and J Boyden, 'Working Children: Current Trends and Policy Responses.' (1988) 127(2) *International Labour Review* 153, 154-155.

⁴¹² Child Labour Platform (CLP), *Child Labour Platform: Good Practice Notes - with recommendations for companies*. (Geneva: ILO Publications 2014). Available at: http://www.ilo.org/ipec/Informationresources/WCMS_324013/lang--en/index.htm [Accessed: 9 July 2018] 5.

⁴¹³ R Carothers, C Breslin, J Denomy and M Foad, 'Promoting Occupational Safety and Health for Working Children through Microfinance Programming.' (2010) 16(2) *International Journal of Occupational and Environmental Health* 180, 182.

⁴¹⁴ V Morrow and U Vennam, 'Children's responses to risk in agricultural work in Andhra Pradesh, India' (2012) 22(4) *Development in Practice* 549, 550.

⁴¹⁵ N. Grisewood, S. Brand and H. Ruiz (Winrock International) *Best Practices in Preventing and Eliminating Child Labour Through Education Drawn from the Global CIRCLE Project* (Arlington: Winrock International 2008) 13; P Termine, *Tackling Hazardous Child Labour in Agriculture: Guidance on Policy and Practice – "Agriculture Kit"*. (Geneva: ILO Publications 2011). Available at: http://www.ilo.org/employment/units/rural-development/WCMS_159162/lang--en/index.htm [Accessed 9 July 2018] 2.

⁴¹⁶ International Labour Organization (ILO), International Programme on the Elimination of Child Labour (IPEC) and World Health Organization (WHO), *Creating safe futures: good practices to protect children and youth from hazardous work – Workshop Report*. (Geneva: ILO Publications 2012).

Though there are some that frame concerns around safety as being overstated, and argue that they can exaggerate the extent to which children are necessarily at risk of harm⁴¹⁷ from working. Often, they posit that work can be beneficial,⁴¹⁸ conferring valuable life skills⁴¹⁹ and other pragmatic and communal benefits that cannot be gleaned by simply not working. Thus this infers that regulation should be aimed solely at dangerous instances of work, rather than work *per se*.⁴²⁰

Among the framings that prioritise the safety concerns associated with child labour and its regulation, arguments are made that removing children from work through the force of law may have negative safety ramifications.⁴²¹ The argument in this case is that if children are removed from their existing workplaces they may still want or need to work and will thus pursue work outside the relative safety of the regulatory gaze of the state.⁴²² This could lead children working in less safe environments⁴²³ and would result in putting themselves at greater risk than they were in previously.⁴²⁴

There have also been arguments made around children's perception of the risks they are subject to and whether they lack the physical and mental maturity to adequately assess and

Available at: http://www.ilo.org/ipec/Informationresources/WCMS_182141/lang--en/index.htm [Accessed 9 July 2018] 1.

⁴¹⁷ M Bourdillon, B White and W Myers, 'Reassessing minimum-age standards for children's work.' (2009) 29(3-4) *International Journal of Sociology* 106, 108.

⁴¹⁸ R Bromley and P Mackie, 'Child experiences as street traders in Peru: Contributing to a reappraisal of working children' (2009) 7(2) *Children's Geographies* 141, 141.

⁴¹⁹ S Okyere, 'Are working children's rights and child labour abolition complementary or opposing realms?' (2012) 56(1) *International Social Work* 80, 80; E Robson, 'Children at work in rural northern Nigeria: Patterns of age, space and gender' (2004) 20 *Journal of Rural Studies* 193, 207.

⁴²⁰ International Labour Organization (ILO), International Programme on the Elimination of Child Labour (IPEC) and World Health Organization (WHO), *Creating safe futures: good practices to protect children and youth from hazardous work – Workshop Report*. (Geneva: ILO Publications 2012).

Available at: http://www.ilo.org/ipec/Informationresources/WCMS_182141/lang--en/index.htm [Accessed 9 July 2018] 15.

⁴²¹ S Okyere, 'Are working children's rights and child labour abolition complementary or opposing realms?' (2012) 56(1) *International Social Work* 80, 88.

⁴²² SE Dessy and S Pallage, 'A Theory of the Worst Forms of Child Labour' (2005) 115 *The Economic Journal* 68, 81; International Labour Organization (ILO), *World Day Against Child Labour (WDACL) 2013: No to child labour in domestic work! (Brochure)*. (Geneva: ILO Publications 2013) Available at: http://www.ilo.org/ipec/Informationresources/WCMS_208116/lang--en/index.htm [Accessed: 9 July 2013] 2.

⁴²³ P Ranjan, 'An economic analysis of child labour' (1999) 64 *Economics Letters* 99, 104.

⁴²⁴ J Lawrence French and RE Wokutch 'Child workers, globalization, and international business ethics: A case study in Brazil's export-oriented shoe industry' (2005) 15(4) *Business Ethics Quarterly* 615, 634-635; M Bourdillon, 'Viewpoint: How Bad is Child Labour?' (2008) 4(3) *Quest* 48, 49.

mitigate against the harms they encounter.⁴²⁵ This appears to be substantiated in relation to the higher rates of injuries among children when compared with adults in the same jobs.⁴²⁶ This could also be exacerbated by the fact that safety equipment is often not provided to child workers, and when it is said equipment is often not sized appropriately for them.⁴²⁷ This has the corollary effect of lowering the efficacy of the precautionary measures, increasing the risk of injury.

⁴²⁵ D Levison and M Murray-Close, 'Challenges in Determining How Child Work Affects Child Health.' (2005) 120(6) *Public Health Reports* 614, 615; P Termine, *Eliminating child labour in rural areas through decent work*. (Geneva: ILO Publications 2011). Available at: http://www.ilo.org/employment/units/rural-development/WCMS_165305/lang--en/index.htm [Accessed: 9 July 2018] 2.

⁴²⁶ ILO. *Executive summary of Children in Hazardous Work. What we know, what we need to do*. (Geneva: ILO Publications 2011). Available at: http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_157340/lang--en/index.htm [Accessed: 9 July 2018] 12.

⁴²⁷ International Labour Organization (ILO), International Programme on the Elimination of Child Labour (IPEC) and World Health Organization (WHO), *Creating safe futures: good practices to protect children and youth from hazardous work – Workshop Report*. (Geneva: ILO Publications 2012). Available at: http://www.ilo.org/ipecc/informationresources/WCMS_182141/lang--en/index.htm [Accessed 9 July 2018] 10.

5.4.2 Education

One of the most prominent sites of argumentation around child labour concerns education and the effect that working during childhood can have on educational attendance, attainment and future achievement. This has been intertwined at a policy level with various calls made for universal education to be free and available to all.⁴²⁸

The most common framing of child labour regarding education and child labour is that the two have at least an antagonistic relationship, i.e. the more a child works the less able and likely they are to attend and thrive in school. However, as Liebel noted, some arguments, including those made from the ILO, go further and suggest that work and school are mutually exclusive.⁴²⁹ Thus, it follows that child labour must be tackled in order to allow children to attend school unimpeded. Though, some research has indicated that trying to balance work and school can often lead to children struggling to achieve. Studies have found that educational attainment is lower on average among working children than children from the same communities who do not work.⁴³⁰

Though, it should be noted that the incompatibility of work and school is a contested issue,⁴³¹ and how tenable a discrete distinction between working children and children who attend school is in practice. As child labour is contemporarily a phenomenon overwhelmingly associated with the developing world, the paucity of schooling options for

⁴²⁸ International Labour Organization (ILO), International Programme on the Elimination of Child Labour (IPEC) and International Training Centre (ITC). *The Worst Forms of Child Labour in conflict and post conflict settings: results from a research project*. (Turin: ITC Publications 2010) Available at: http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_24338/lang--en/index.htm [Accessed: 9 July 2018] 28; R Anker and P Annycke, *Working Paper No. 94 – Reporting regularly on decent work in the world: Options for the ILO*. (Geneva: ILO Publications 2010). Available at: http://www.ilo.org/integration/resources/papers/WCMS_120744/lang--en/index.htm [Accessed: 9 July 2018] 45; N Wintour, *Child Labour and Education for All: “A resource Guide for trade unions and a call against Child Labour and for Education for All”*. (Brussels: Education International 2014). Available at: http://www.ilo.org/actrav/info/pubs/WCMS_305446/lang--en/index.htm [Accessed: 9 July 2018] 3.

⁴²⁹ M Liebel, ‘Opinion, Dialogue, Review – The new ILO report on child labour: a success story or the ILO still at a loss?’ (2009) 14(2) *Childhood* 279, 282-283.

⁴³⁰ K Basu, ‘Child Labour: Cause, Consequence, and Cure, with Remarks on International Labour Standards’ (1999) 37(3) *Journal of Economic Literature* 1083, 1093; E Mohammed, A Ewis and E Mahfouz, ‘Child labour in a rural Egyptian community: an epidemiological approach’ (2014) 59 *International Journal of Public Health* 637, 642.

⁴³¹ M Bourdillon, ‘Viewpoint: How Bad is Child Labour?’ (2008) 4(3) *Quest* 48, 48.

child workers is regularly noted in argument.⁴³² Arguments that frame the educational aspects of child labour often reference the lack of school infrastructure⁴³³ and quality⁴³⁴ and relevant⁴³⁵ education in the areas of the world where child labour is most common.⁴³⁶ Also, some have argued that the educative capacity of work during childhood has been ignored by policymakers.⁴³⁷ Furthermore, many have argued that in order to deliver effective and appealing education to communities in the developing world, it has been suggested that a greater focus on vocational training would be beneficial.⁴³⁸ The tension created and practicality of insisting upon a separation of work and schooling in the lives of working children will be considered in the historical analysis chapters under this pillar.

Also it is often noted that children in dire economic straits are often required to work to fund their attendance to school,⁴³⁹ through the purchasing of books, supplies and paying of

⁴³² F Siddiqi and HA Patrinos, 'Child Labour: Issues, Causes and Interventions' *Human Capital Development and Operations Policy Working Paper 56*, pp. 6-7.

⁴³³ R Burr, 'Rights and Wrongs of Children's Work.' (2012) 41(3) *Contemporary Sociology* 318, 319.

⁴³⁴ A Imoh, 'African Children at Work: Work and Learning in Growing Up for Life by Gerd Spittler and Michael Bourdillon (Review).' (2014) 84(2) *Africa: The Journal of the International African Institute* 347, 347; N Wintour, *Child Labour and Education for All: "A resource Guide for trade unions and a call against Child Labour and for Education for All"*. (Brussels: Education International 2014). Available at: http://www.ilo.org/actrav/info/pubs/WCMS_305446/lang--en/index.htm [Accessed: 9 July 2018] 5-6.

⁴³⁵ P Termine, *Eliminating child labour in rural areas through decent work*. (Geneva: ILO Publications 2011). Available at: http://www.ilo.org/employment/units/rural-development/WCMS_165305/lang--en/index.htm [Accessed: 9 July 2018] 1; J Blume and J Breyer, *Working Paper No. 53: Microfinance and Child Labour*. (Geneva: ILO Publications 2011). Available at: http://www.ilo.org/employment/Whatwedo/Publications/working-papers/WCMS_160842/lang--en/index.htm [Accessed 9 July 2018] 8.

⁴³⁶ M Bourdillon, 'Children and Work: A Review of Current Literature and Debates' (2006) 37(6) *Development and Change* 1201, 1216.

⁴³⁷ M Bourdillon, B White and W Myers, '[Reassessing minimum-age standards for children's work.](#)' (2009) 29(3-4) *International Journal of Sociology* 106, 110.

⁴³⁸ J Jokstad, H van de Glind, A de Vries and J Martens, *Child migrants in child labour: An invisible group in need of attention – A study based on child helpline case records*. (Geneva: ILO Publications 2012). Available at: http://www.ilo.org/ipecc/Informationresources/WCMS_189339/lang--en/index.htm [Accessed: 9 July 2018] 6; Child Labour Platform (CLP), *Child Labour Platform: Good Practice Notes - with recommendations for companies*. (Geneva: ILO Publications 2014). Available at: http://www.ilo.org/ipecc/Informationresources/WCMS_324013/lang--en/index.htm [Accessed: 9 July 2018] 23.

⁴³⁹ T McVeigh, 'UN's ban on child labour is a 'damaging mistake'' (*The Guardian*, 18 December 2016) Available at: <https://www.theguardian.com/world/2016/dec/18/child-labour-un-ban-damaging-mistake> [Accessed: 20/12/16].

tuition fees.⁴⁴⁰ In this case, school and work are framed as being interdependent rather than oppositional. While mandating school attendance and banning children from working was thought to be effective, there are concerns that in cases where facilities for school are insufficient and where economic pressures are fiercest, such measures will serve to lower welfare.⁴⁴¹

⁴⁴⁰ O. Adonteng-Kissi, 'Parental perceptions of child labour and human rights: A comparative study of rural and urban Ghana' (2018) 84 *Child Abuse & Neglect* 34, 42.

⁴⁴¹ P Ranjan, 'Credit constraints and the phenomenon of child labour' (2001) 64 *Journal of Development Economics* 81, 96.

5.4.3 Economic Concerns

The thematic pillar concerning economics encapsulates arguments that have framed child labour as essentially a phenomenon shaped by the financial plight of the children who engage in work.⁴⁴² Children and their families in poor conditions, it is argued, are forced into work in order to meet the subsistence needs of the family unit, or in order to fund essential activities for one or more of the children in the family.⁴⁴³ Further, economics drive decision-making in relation to the type of work that children engage in, with more dangerous types of work generally yielding better wages.⁴⁴⁴ Fors argued that poverty can be viewed in terms of subsistence poverty and poverty of opportunity, both of which drive up the incidence of child labour.⁴⁴⁵

This is sometimes explained as an outgrowth of financial constraints on poor families who are unable to make long-term economic decisions due to a lack of access to credit.⁴⁴⁶ Thus, even if forgoing work and attending school represented a better long-term financial decision in terms of future earning potential for children, families are not able to take a loan towards that end. Thus, some have advocated that some governmental mechanisms should be created to reward parents who choose to send their children to school rather than to work.⁴⁴⁷ By removing the need for child labour on an economic level, it is hoped that child labour might significantly reduce, without the need for blanket legal prohibitions.

⁴⁴² SE Dessy and S Pallage, 'A Theory of the Worst Forms of Child Labour' (2005) 115 *The Economic Journal* 68, 68.

⁴⁴³ ST Tesfu, 'The effect of early childhood malnutrition on child labour and schooling in rural Ethiopia' (2016) 50(2) *The Journal of Developing Areas* 185, 202.

⁴⁴⁴ SE Dessy and S Pallage, 'A Theory of the Worst Forms of Child Labour' (2005) 115 *The Economic Journal* 68, 69.

⁴⁴⁵ HC Fors, 'Child Labour: A Review of Recent Theory and Evidence with Policy Implications' (2012) 26(4) *Journal of Economic Surveys* 570, 573-575.

⁴⁴⁶ P Ranjan, 'An economic analysis of child labour' (1999) 64 *Economics Letters* 99, 100.

⁴⁴⁷ M Bonnal, 'The 'amelioration' of child labour, 'a modest proposal' (2015) 24(5) *The Journal of International Trade & Economic Development* 616, 617-618 and 633; ST Tesfu, 'The effect of early childhood malnutrition on child labour and schooling in rural Ethiopia' (2016) 50(2) *The Journal of Developing Areas* 185, 185; J Blume and J Breyer, *Working Paper No. 53: Microfinance and Child Labour*. (Geneva: ILO Publications 2011). Available at: http://www.ilo.org/employment/Whatwedo/Publications/working-papers/WCMS_160842/lang-en/index.htm [Accessed 9 July 2018] 1.

In some cases, child labour and other arguably exploitative labour arrangements, such as sweatshop work, are framed as being the least worst option for people in abject poverty.⁴⁴⁸ This is sometimes framed as a first step towards greater economic development at an individual and wider community level.⁴⁴⁹

Further, it is sometimes argued that by outlawing child labour and similar labour arrangements, the upshot would be the immediate disadvantaging of many current workers and their families. Kates argued that this is not in of itself a compelling argument against regulating and outlawing exploitative labour arrangements as any reform of economic structures will necessarily benefit some and harm others.⁴⁵⁰ This has the effect, he contended, of weakening the moral weight of criticisms of would-be abolitionists of child labour. Additionally, in the context of children working with members of their own families, in small scale cottage industries or on family farmland, child labour has been framed as a vital means of fostering small-scale industry and allowing families to earn their way out of poor economic conditions.⁴⁵¹

Another economic framing of child labour suggests that the practice limits the potential for development and future earnings among current child workers.⁴⁵² Children who work take away from other valuable aspects of their developing years, compromising their education and health and thus harm their earning potential as adults. This has been framed as an issue that has national implications too, as some have argued that the presence of child labour in an economy also has the effect of depressing wages of adults within the same labour market.⁴⁵³ This is essentially an extrapolation of supply and demand: by increasing the number of available workers, the average wage of workers decreases reflecting the

⁴⁴⁸ J Preiss, 'Global labour justice and the limits of economic analysis' (2014) 24(1) *Business Ethics Quarterly* 55, 58.

⁴⁴⁹ J Snyder, 'Exploitation and Sweatshop Labour: Perspectives and Issues' (2010) 20(2) *Business Ethics Quarterly* 187, 187.

⁴⁵⁰ M Kates, 'The Ethics of Sweatshops and the Limits of Choice' (2015) 25(2) *Business Ethics Quarterly* 191, 205.

⁴⁵¹ Lawrence French and RE Wokutch 'Child workers, globalization, and international business ethics: A case study in Brazil's export-oriented shoe industry' (2005) 15(4) *Business Ethics Quarterly* 615, 624

⁴⁵² M Bonnal, 'The 'amelioration' of child labour, 'a modest proposal' (2015) 24(5) *The Journal of International Trade & Economic Development* 616, 618-619.

⁴⁵³ P Termine, *Eliminating child labour in rural areas through decent work*. (Geneva: ILO Publications 2011). Available at: http://www.ilo.org/employment/units/rural-development/WCMS_165305/lang-en/index.htm [Accessed: 9 July 2018] 1.

improved bargaining position of employers. This has been used as a justification for introducing a minimum wage in some cases, though the efficacy of such a measure, particularly in countries without significant welfare systems has been questioned.⁴⁵⁴

⁴⁵⁴ K Basu, 'The intriguing relation between adult minimum wage and child labour' (2000) 110 *The Economic Journal* C50, C60; P Termine, *Eliminating child labour in rural areas through decent work*. (Geneva: ILO Publications 2011). Available at: http://www.ilo.org/employment/units/rural-development/WCMS_165305/lang--en/index.htm [Accessed: 9 July 2018] 2-3.

5.4.4 Cultural Questions

There is a geographical bias towards the developing world in terms of where child labour now predominantly takes place,⁴⁵⁵ in terms of sheer numbers and as a proportion of the youth population.⁴⁵⁶ Despite this, the major child labour policy apparatus are primarily Western in their outlook and funding.⁴⁵⁷ For instance, the ILO is based in Geneva and receives the largest amount of its funding for its programmes, including its child labour policy group, the International Programme for the Elimination of Child Labour (IPEC), from Western nations, in Europe and the United States.⁴⁵⁸ As a result, culture plays a central role in conversations around child labour.

Western nations have their own histories of child labour, especially during the Industrial Revolution.⁴⁵⁹ This has led some to make accusations that these are outdated views of childhood and the contemporary needs of children must predominate.⁴⁶⁰ Given that child labour in a contemporary sense predominantly occurs in the developing world, a Western hold on child labour regulation has been framed as troubling by some.⁴⁶¹ Arguments of this type frame regulation as being shaped by an essentially Western view of children and childhood in describing the 'proper' activities and structure that these should conform to.⁴⁶² Robson framed the disconnect between Global North and South as being propagated by 'northern myths of childhood as a time of play and innocence' and called for a more even

⁴⁵⁵ B Bhat, 'Human rights perspective and legal framework of child labour with special reference to India', *International Journal of Sociology and Anthropology* (2010) 2(2) 19, 19.

⁴⁵⁶ K Basu, 'Child Labour: Cause, Consequence, and Cure, with Remarks on International Labour Standards' (1999) 37(3) *Journal of Economic Literature* 1083, 1086.

⁴⁵⁷ DA Morse, 'The International Labour Organization in a Changing World' (1957) 310 *The Annals of the American Academy of Political and Social Science* 31, 33; M Bourdillon, 'Children and Work: A Review of Current Literature and Debates' (2006) 37(6) *Development and Change* 1201, 1202.

⁴⁵⁸ MJ Dennis, 'The ILO Convention on the Worst Forms of Child Labour' (1999) 93(4) *The American Journal of International Law* 943, 947.

⁴⁵⁹ K Basu and PH Van, 'The Economics of Child Labor' (1998) 88(3) *The American Economic Review* 412, 414.

⁴⁶⁰ M Bourdillon, B White and W Myers, '[Reassessing minimum-age standards for children's work.](#)' (2009) 29(3-4) *International Journal of Sociology* 106, 107.

⁴⁶¹ E Robson, 'Hidden Child Workers: Young Carers in Zimbabwe.' (2004) *Antipode* 227, 228-229.

⁴⁶² A Imoh, 'Children's perceptions of physical punishment in Ghana and the implications for children's rights.' (2013) 20(4) *Childhood* 472, 473.

balance of cultural considerations to be taken into account when constructing child labour policy.⁴⁶³

It has been argued that in many parts of the world, contribution to familial and community wellbeing is an expectation, and a vital part of the maturation process,⁴⁶⁴ inculcating good values and keeping children out of trouble.⁴⁶⁵ This frames children and childhood as something that is contingent on culture,⁴⁶⁶ that different cultures have a different views of what childhood is and should entail,⁴⁶⁷ and that this has corollary effects on child labour.

The proper relationship between legal regulation, particularly at the international level, and local culture is widely debated and has been a key site of argumentation around child labour.⁴⁶⁸ Some arguments state that some rights are universal and require consistent enforcement worldwide. These reflect the idea that there should be a floor of rights that are owed to all on the basis of respect for their humanity. In contrast, other framings cast some issues as being culturally relative. Therefore, in deference to legitimate variances in cultural priorities, room should be made for those issues to be treated differently.⁴⁶⁹

Also there are differential trends that have been observed between boys and girls regarding child labour.⁴⁷⁰ For instance, domestic service work has been seen to be much more commonly undertaken by girls.⁴⁷¹ It is also worth noting that this type of work arrangement is also much less likely to have any level of regulatory oversight. By comparison, boys have

⁴⁶³ E Robson, 'Hidden Child Workers: Young Carers in Zimbabwe.' (2004) *Antipode* 227, 227.

⁴⁶⁴ N Howard, 'Protecting children from trafficking in Benin: in need of politics and participation' (2012) 22(4) *Development in Practice* 460, 463.

⁴⁶⁵ OS Bahar, 'Should They Work or Should They Not? Low-Income Kurdish Migrant Mothers' Beliefs and Attitudes About Child Labor' (2014) 1 *Global Social Welfare* 37, 38 and 45.

⁴⁶⁶ A Invernizzi, 'Street-Working Children and Adolescents in Lima: Work as an Agent of Socialization.' (2003) 10(3) *Childhood* 319, 319.

⁴⁶⁷ O. Adonteng-Kissi, 'Parental perceptions of child labour and human rights: A comparative study of rural and urban Ghana' (2018) 84 *Child Abuse & Neglect* 34, 36.

⁴⁶⁸ T Zwart, 'Using Local Culture to Further the Implementation of International Human Rights: The Receptor Approach' (2012) 34 *Human Rights Quarterly* 546, 547.

⁴⁶⁹ O. Adonteng-Kissi, 'Parental perceptions of child labour and human rights: A comparative study of rural and urban Ghana' (2018) 84 *Child Abuse & Neglect* 34, 43.

⁴⁷⁰ JC Andvig, 'Child Labour in Sub-Saharan Africa – An Exploration' (1998) 25(2) *Forum for Development Studies* 327, 341-342.

⁴⁷¹ JC Andvig, 'Child Labour in Sub-Saharan Africa – An Exploration' (1998) 25(2) *Forum for Development Studies* 327, 349; M Robinson, 'Review: Child Labour and Human Rights: Making Children Matter' (2007) 13(1) *Feminist Economics* 150, 151.

been found to be more likely to engage in heavy manual labour:⁴⁷² in construction and mining operations. Thus, the safety and policy concerns around child labour have varied somewhat on the basis of gender, with different legal remedies proposed for each. It is of note that concerns have been raised over the capacity for physical and mental abuse of girls in domestic service.⁴⁷³

⁴⁷² E Gustafsson-Wright and HH Pyne, 'Gender Dimensions of Child Labour and Street Children in Brazil' *World Bank Policy Research Working Paper 2897*, p.12.

⁴⁷³ E Gustafsson-Wright and HH Pyne, 'Gender Dimensions of Child Labour and Street Children in Brazil' *World Bank Policy Research Working Paper 2897*, p.27.

5.4.5 Agency

As children are generally viewed as being vulnerable, the question of how children's own sense of self determination was often addressed in the course of child labour policy discussions. The general line of thinking in this respect relies on the notion that children do not enter into work on even footing with their employers, there is a power dynamic present⁴⁷⁴ and a degree of coercion in the transaction as a result.⁴⁷⁵ To this end, it is often framed that children are more vulnerable to being exploited through labour transactions, due to their relative lack of power in the relationship.⁴⁷⁶

Typically, the decisions around child labour are framed as being essentially questions of parental choice,⁴⁷⁷ because as Cigno and Rosati put it, children 'are not free agents'.⁴⁷⁸ This is because decisions around the way that children's time is allocated between work and school are often taken for them. Ranjan suggested that in most cases parents with some level of schooling were more likely to send their own children into school than their unskilled counterparts.⁴⁷⁹

The premise of this line of thinking has tended to manifest in a very paternalist tone of child labour policy conversations, where the responsibility of regulators is to make sure that children are adequately protected during their time of vulnerability. This trend has been

⁴⁷⁴ A Bequele and J Boyden, 'Working Children: Current Trends and Policy Responses.' (1988) 127(2) *International Labour Review* 153, 158.

⁴⁷⁵ K Basu and PH Van, 'The Economics of Child Labor' (1998) 88(3) *The American Economic Review* 412, 415.

⁴⁷⁶ P Termine, *Eliminating child labour in rural areas through decent work*. (Geneva: ILO Publications 2011). Available at: http://www.ilo.org/employment/units/rural-development/WCMS_165305/lang-en/index.htm [Accessed: 9 July 2018] 1.

⁴⁷⁷ E Gustafsson-Wright and HH Pyne, 'Gender Dimensions of Child Labour and Street Children in Brazil' *World Bank Policy Research Working Paper 2897*, pp.11-12; J Blume and J Breyer, *Working Paper No. 53: Microfinance and Child Labour*. (Geneva: ILO Publications 2011). Available at: http://www.ilo.org/employment/Whatwedo/Publications/working-papers/WCMS_160842/lang-en/index.htm [Accessed 9 July 2018] 4.

⁴⁷⁸ A Cigno and FC Rosati, 'Child Labour, Education, and Nutrition in Rural India' (2002) 7(1) *Pacific Economic Review* 65, 65.

⁴⁷⁹ P Ranjan, 'Credit constraints and the phenomenon of child labour' (2001) 64 *Journal of Development Economics* 81, 94.

criticised as not being reflective of the reality on the ground,⁴⁸⁰ where children take active roles in their lives, their communities and their work.⁴⁸¹

However, an opposing strain of arguments frames child labour as a decision taken by children to work, in order to gain independence or to earn in order to support their families.⁴⁸² These arguments frame children themselves as ‘highly agentic’⁴⁸³ and capable of making decisions regarding their own lives. This was something that Burr said Western policymakers, despite their good intentions, were omitting when making policy.⁴⁸⁴ Additionally, Boyden and Howard argued that questions of agency erroneously lump all children in together. They argued that while it is likely accurate to suggest that young children lack decision-making authority, teenagers, who are still considered children under most child labour laws, are more at liberty to have freedom to choose in relation to work.⁴⁸⁵

Another emerging trend has been to see children as a central part of reform initiatives and efforts. This has been seen in relation to children, child workers and children’s groups being consulted in relation to child labour reform.⁴⁸⁶ Additionally, efforts have been made to involve children in research around child labour, with some recruiting children as interviewers of their fellow child workers to gain insight into the experiences of children to inform policy.⁴⁸⁷

This trend has also been exhibited by the establishment of organizations of working children, who have come to the fore since the 1980s. These groups are oriented to make the

⁴⁸⁰ T Collins, ‘The relationship between children’s rights and business’ (2014) 18(6) *The International Journal of Human Rights* 582, 584.

⁴⁸¹ N Thomas, ‘Children in the International Political Economy by Alison M. Watson (Review)’ (2012) 26 *Children & Society* 415, 416.

⁴⁸² L. Groves, ‘Implementing ILO child labour convention 182: lessons from the gold-mining sector in Burkina Faso’ (2005) 15(1) *Development in Practice* 49, 54-55.

⁴⁸³ J Boyden and N Howard, ‘[Why does child trafficking policy need to be reformed? The moral economy of children's movement in Benin and Ethiopia](#)’ (2013) 11(3) *Children's Geographies* 354, 358.

⁴⁸⁴ R Burr, ‘Rights and Wrongs of Children’s Work.’ (2012) 41(3) *Contemporary Sociology* 318, 318.

⁴⁸⁵ J Boyden and N Howard, ‘[Why does child trafficking policy need to be reformed? The moral economy of children's movement in Benin and Ethiopia](#)’ (2013) 11(3) *Children's Geographies* 354, 363.

⁴⁸⁶ L. Groves, ‘Implementing ILO child labour convention 182: lessons from the gold-mining sector in Burkina Faso’ (2005) 15(1) *Development in Practice* 49, 56.

⁴⁸⁷ L. Groves, ‘Implementing ILO child labour convention 182: lessons from the gold-mining sector in Burkina Faso’ (2005) 15(1) *Development in Practice* 49, 51.

case that children 'can competently speak up for themselves'.⁴⁸⁸ Groups of this kind have called on regulators and lawmakers to attribute the appropriate value to the work that they do.⁴⁸⁹ Liebel argued that such groups have encountered significant resistance due to their inherent challenge to the modern Western understanding of childhood, which does not acknowledge a place for working during youth.⁴⁹⁰

⁴⁸⁸ M Liebel, 'Working Children as Social Subjects: The Contribution of working children's organizations to social transformations' (2003) 10(3) *Childhood* 265, 265.

⁴⁸⁹ M Liebel, 'Working Children as Social Subjects: The Contribution of working children's organizations to social transformations' (2003) 10(3) *Childhood* 265, 268-269.

⁴⁹⁰ M Liebel, 'Working Children as Social Subjects: The Contribution of working children's organizations to social transformations' (2003) 10(3) *Childhood* 265, 275.

5.5 Looking Forward to Part III

5.5.1 Applying the Theoretical Tool Developed in Part I

Having identified the sources which are to be analysed and the pillars around which framings of child labour can be organised, the question remains as to how analysis will proceed. Using the conceptual toolkit outlined in part I to analyse the ILO by focusing on the body at various points in its history (outlined in Figure 4.2) it has allowed the opportunity to examine the process involved in the way in which child labour was framed, and is consistent with the definition worked through in chapter 2. Additionally, the work in chapter 3 on governmentality and problematization is central to the way that child labour has been engaged with by the ILO as an institution. The thematic pillars outlined in the previous section provide a means of organising frames that are regularly used as part of child labour policy discourse.

The governmentality aspect of this research, using the four analytics outlined by Death,⁴⁹¹ offer a means of filtering the way in which techniques and rationales of governance can be identified in practice. These are: rationalities; subjectivities and delegated actions; technologies of governance; and fields of visibility (these are outlined and explained in Section 3.5.1). Each of Death's four analytics are tools, used to analyse the techniques inherent in the ILO's framing, justification and enforcement of child labour policy.

The analysis of child labour policy sources will be structured along the lines of the thematic pillars, using them as the primary means by which policy is discussed in each moment. This is because the breakdown in the way that pillars are observed in sources will be the most useful means of ascertaining the 'shape' of policy in each moment, the aspects and associated concerns around that are more or less prominent. The governmentality analytics will thus be used to supplement analysis and will provide a means for discussing the process of governance and the way that this can be demonstrated in policy documentation.

Having considered the thematic pillars that will be used as a basis for the analysis that is to follow, it is worth noting that the examples given in section 5.4 will likely not constitute all

⁴⁹¹ C. Death 'Governmentality at the limits of the international: African politics and Foucauldian theory' (2013) 39 *Review of International Studies* 763, 779.

the ways in which the pillars will be framed in practice. Additional framings will be expected to be observed and addressed when analysing the sources chosen (as outlined in section 5.2).

5.5.2 Conclusion and Summary of Part II

With the moments for analysis arrived at in chapter 4, attention in this chapter shifted to the means by which these could be analysed. As this research uses textual analysis as its main means of engagement, particular attention had to be paid to the sources used for analysis with a sufficiently rigorous and systematic approach taken.

Then, in chapter 5, consideration was made of the particular means by which sources would be analysed, the metrics by which they would be assessed and guides as to how data from them would be compiled. The combination of thematic pillars, problematization and Death's analytics of governance outlined several means by which sources from each moment will be analysed, creating something of a coding mechanism.

In subsequent chapters, using the theoretical concepts for methodological analysis will be used to produce the results for this study and will be reviewed to highlight the salient points that emerge. The next chapters will thus use thematic pillars, governmentality analytics and problematization to analyse the development of child labour policy over time, examining key sources of dispute between ILO stakeholders and the way that these were framed, deliberated and resolved. This will be structured using the research design outlined in this chapter, as each of the next five chapters will focus on one of the selected moments for study (using the structure seen in Figure 5.2, below).

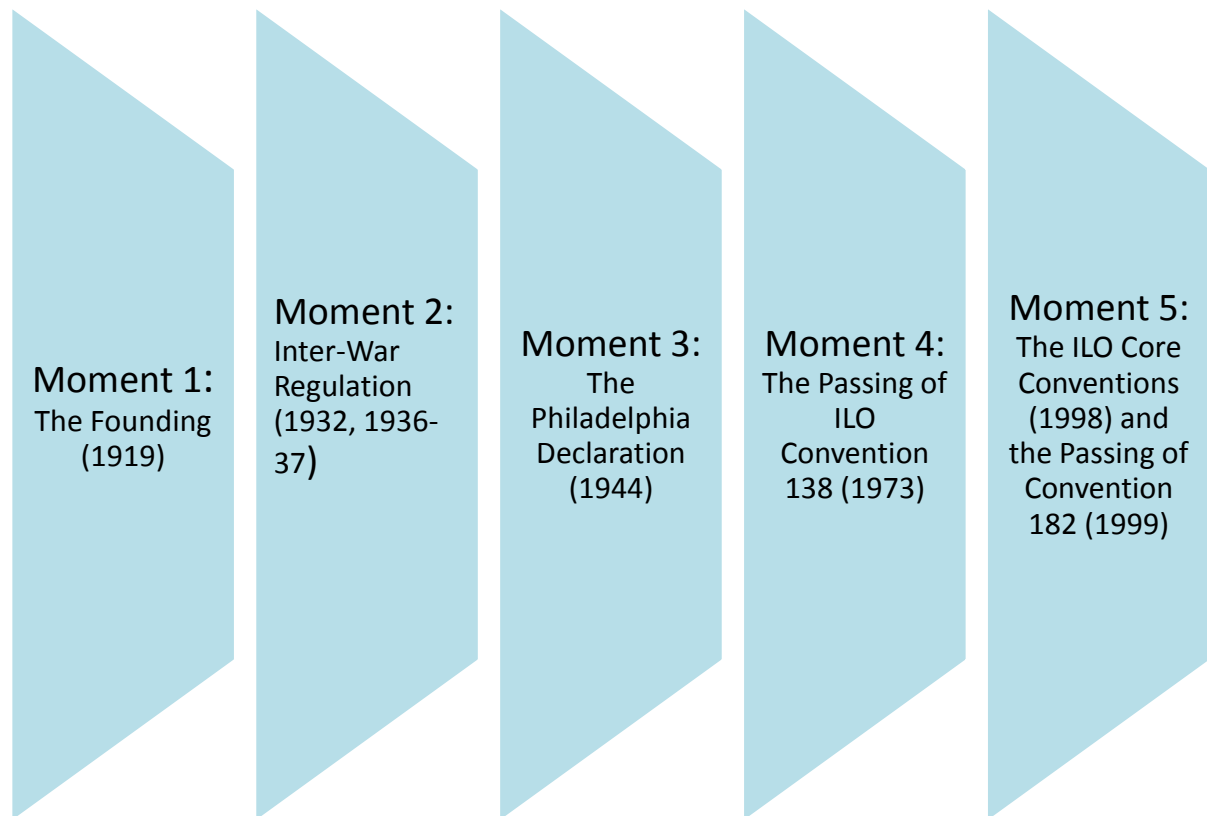


Figure 5.2: Chapter flow for the research structure utilised in Part III

**Part III: Analysing Moments of the ILO's History Using Thematic
Pillars and Governmentality Metrics**

Chapter 6: Moment 1, Analysing the Founding (1919)

6.1 Introduction

This chapter engages with the way that the ILO's founding was integrated into the wider ambit of the League of Nations. It will interrogate the information of how this has been problematized as the ILO has been structured within the international arena and will examine how it has established itself as a governable space, particularly with child labour.

The ILO and the League of Nations have their ideals rooted in safeguarding the 'well-being, physical, moral and intellectual, of industrial wage-earners',⁴⁹² with its reasoning being that there would otherwise be 'unrest' if not attended to.⁴⁹³ The manner in which child labour was framed as part of the commitment made by the ILO at its founding will be examined through the discussions that were debated at its inception and were part of the ILO's founding constitution⁴⁹⁴.

The 'pragmatic' phrasing found in the Versailles Treaty and the ILO's founding constitution⁴⁹⁵ seemed to allude to the class-based dissatisfaction that had boiled over spectacularly in Russia, and sought to head it off by dubbing workers' rights as a matter of 'supreme international importance'.⁴⁹⁶ This held particular significance for the ILO, whose remit concerned workers' rights, which had been the driving force behind much of the Russian Revolution. In the Treaty of Versailles, reference is made to the Conventions established in Berne by the International Association for Labour Legislation (IALL) regarding

⁴⁹² League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.) Art 427.

⁴⁹³ Commission on International Labour Legislation, 'Proposal submitted by the delegates of the British Empire: a Draft convention creating a permanent organisation for the promotion of the international regulation of labour conditions: Minutes of Proceedings, No. 2' (1 February 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 9-16.) 9; Commission on International Labour Legislation, 'Articles XVIII and XXIX, preamble, second reading concluded: Minutes of Proceedings, No. 18' (28 February 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 90-96.) 97.

⁴⁹⁴ League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.), 427.

⁴⁹⁵ G Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press 2013) 50.

⁴⁹⁶ League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.) Art 427.

women's and children's work with lead and other dangerous substances.⁴⁹⁷ This implies that the intention was for the ILO to build upon the labour standards established in the years prior, a position that was affirmed by both the French⁴⁹⁸ and Italian⁴⁹⁹ delegations to the pre-Conference proceedings. The end of the First World War constituted the first major instance of creating an international forum for policymaking, namely the League of Nations.

The League of Nations had other specialist bodies beyond the ILO, among these were: the League of Nations Health Organisation (LNHO), established in 1921;⁵⁰⁰ the Economic and Financial Organization (EFO), established in 1919;⁵⁰¹ and the League of Nations Health Committee, established in 1922.⁵⁰² The Secretariat, the League's bureaucratic arm was formed to promote and ensure the aims of the organization were realised.⁵⁰³ Among League sub-organizations, the ILO was dubbed as having 'perhaps the most ambitious political aspirations associated with the post-war peace and international government'.⁵⁰⁴ This was due to its novel representative structure and the potentially treacherous landscape over which it had control.

⁴⁹⁷ League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.), Art 426.

⁴⁹⁸ Commission on International Labour Legislation, '5. France: Draft of Scheme founded on the Recommendations made (see Annex) by the Inter-Departmental French Committee on Labour Treaties: Minutes of Proceedings, Appendix 5' (1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 234-240.) 238.

⁴⁹⁹ Commission on International Labour Legislation, '6. Italy: Statement of the Italian Delegation preliminary to the general discussion of the British Draft Convention: Minutes of Proceedings, Appendix 6' (1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 240-245.) 241.

⁵⁰⁰ I Borowy, 'Shifting Between Biomedical and Social Medicine: International Health Organizations in the 20th Century' (2014) 12(6) *History Compass* 517, 519.

⁵⁰¹ P. Clavin 'What's in a Living Standard? Bringing Society and Economy Together in the ILO and the League of Nations Depression Delegation, 1938-1945' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 233.

⁵⁰² United Nations, 'History: History of the League of Nations', (<https://www.ungeneva.org/en/history/league-of-nations#:~:text=The%20main%20constitutional%20organs%20of,several%20auxiliary%20agencies%20and%20commissions.>) [Accessed: 29 March 2022].

⁵⁰³ K. Gram-Skjoldager and H.A. Ikonou, 'The Construction of the League of Nations Secretariat. Formative Practices of Autonomy and Legitimacy in International Organizations' (2019) 41(2) *The International History Review* 257, 260.

⁵⁰⁴ G Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press 2013) 50.

Labour protection was seen as a bulwark against violent revolution, such as that seen in Russia in the years preceding the founding of the League of Nations and the ILO.⁵⁰⁵ The anxiety that this caused for the governments of the world⁵⁰⁶ over this period was obvious in the deliberations between them prior to the signing of the Treaty of Peace and seemed a large motivator in the establishment of the ILO. Unjust labour standards were said to be ‘productive of unrest which is a menace to the peace and harmony of the world’.⁵⁰⁷ Thus the safety of the world order is staked out as an area that the League of Nations (and by extension the ILO) is responsible for.

6.2 The ILO: Early matters of jurisdiction

The ILO’s field of visibility, constructed from within the organisation itself, was shaped by the role that ILO actors carved out for it, and discussions around the founding revealed the means by which this was negotiated. Of particular importance was the relationship that the ILO would have with the IALL, a private labour rights forum that emerged in the late nineteenth century. It ostensibly took over the functioning of the IALL, choosing its model of an expert community whose efforts were dedicated to improve labour legislation.⁵⁰⁸ This new, more comprehensive regulatory scheme provided for by the League of Nations meant that the IALL continued function was not necessary.⁵⁰⁹ Though, whether the ILO represented a continuation or a clean break from what came before was still debated by both the ILO and the League.

⁵⁰⁵ Commission on International Labour Legislation, ‘Articles XVIII and XXIX, preamble, second reading concluded: Minutes of Proceedings, No. 18’ (28 February 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 90-96.), 97.

⁵⁰⁶ *Monthly Labor Review*, ‘Industrial Relations and Labor Conditions’ (1921) 13(1) *Monthly Labor Review* 18, 30.

⁵⁰⁷ Commission on International Labour Legislation, ‘Proposal submitted by the delegates of the British Empire: a Draft convention creating a permanent organisation for the promotion of the international regulation of labour conditions: Minutes of Proceedings, No. 2’ (1 February 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 9-16.), 9.

⁵⁰⁸ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 226.

⁵⁰⁹ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 226.

Among its earliest actions, the ILO passed a number of Conventions concerning child labour. These primarily regulated the age at which children could enter employment in various sectors and included: Convention No. 5 which regulated work in industry;⁵¹⁰ work at seas in Convention No. 7;⁵¹¹ work in agriculture, covered by Convention No. 10;⁵¹² and work by trimmers and stokers which was provided for in Convention No. 15.⁵¹³ Additionally, Convention No. 6 was passed regulating night work in industry,⁵¹⁴ Convention No. 16 was aimed to ensure proper medical examination of young workers at sea,⁵¹⁵ and Recommendation No. 14 was passed to cover night work in agriculture.⁵¹⁶ At the time of inception, children were defined as under the age of eighteen in the context of work that was deemed dangerous or took place at night.⁵¹⁷ However, for work in industry and agriculture the minimum age for work was set at fourteen.⁵¹⁸

The large number of instruments passed during the first three Labour Conferences demonstrates the extent to which child labour constituted an important aspect of the ILO's remit during its early years. The wide array of professions covered by the ILO in this moment also indicates its willingness to provide a comprehensive legal scheme to tackle child labour. The regulation of most sectors of the economy meant that no one set of employers could claim to be unfairly regulated over other sectors. It is worth noting, that despite the large

⁵¹⁰ ILO, 'Convention No. 5: Minimum Age (Industry) Convention' 29 October 1919, Washington Conference, First Session, Art 2.

⁵¹¹ ILO, 'Convention No. 7: Minimum Age (Sea) Convention' 15 June 1920, Genoa Conference, Second Session, Art 1.

⁵¹² ILO, 'Convention No. 10: Minimum Age (Agriculture) Convention' 25 October 1921, Geneva Conference, Third Session, Art 1.

⁵¹³ ILO, 'Convention No. 15: Minimum Age (Trimmers and Stokers) Convention' 25 October 1921, Geneva Conference, Third Session, Art 2.

⁵¹⁴ ILO, 'Convention No. 6: Night Work of Young Persons (Industry) Convention' 29 October 1919, Washington Conference, First Session, Art 2.

⁵¹⁵ ILO, 'Convention No. 16: Medical Examination of Young Persons (Sea) Convention' 25 October 1921, Geneva Conference, Third Session, Art 2.

⁵¹⁶ ILO, 'Recommendation No. 14: Night Work of Children and Young Persons (Agriculture) Recommendation' 25 October 1921, Geneva Conference, Third Session, Art 1 and 2.

⁵¹⁷ ILO, 'Convention No. 16: Medical Examination of Young Persons (Sea) Convention' 25 October 1921, Geneva Conference, Third Session, Art 2; ILO, 'Convention No. 15: Minimum Age (Trimmers and Stokers) Convention' 25 October 1921, Geneva Conference, Third Session, Art 2; ILO, 'Convention No. 6: Night Work of Young Persons (Industry) Convention' 29 October 1919, Washington Conference, First Session, Art 2.

⁵¹⁸ ILO, 'Convention No. 5: Minimum Age (Industry) Convention' 29 October 1919, Washington Conference, First Session, Art 2; ILO, 'Convention No. 10: Minimum Age (Agriculture) Convention' 25 October 1921, Geneva Conference, Third Session, Art 1.

number of Conventions passed in the early years, only eight countries ratified the major minimum age regulation, Convention No. 5, between the ILO's founding in 1919 and 1924.⁵¹⁹

The Belgian delegate to the ILO in the pre-Peace Conference proceedings gave some insight into the conceptualisation of the League of Nation's position from the inside. He revealed that the grandiose aspiration for the League was for it to be a 'super-Parliament', that would 'be able to dictate laws to the world', with the ILO to be the labour arm of this endeavour.⁵²⁰ There were some who viewed the founding as an opportunity to begin a new era. The Chair for pre-Peace Conference during deliberations questioned the need for the new labour scheme to 'trouble about the past',⁵²¹ implying that continuity between the ILO system and what had come before was limited. The revolutionary potential of the new League of Nations system was similarly addressed by Albert Thomas, noted that the international arena itself was a new frontier for governance 'in which all has still to be created'.⁵²² Thomas was also keen to ensure that the ILO would have sufficient autonomy from the League, and to chart its own course. He was able to successfully negotiate independence from the League. Despite the links between the two, ILO action was not dependent on League approval and the two had established a funding arrangement.⁵²³

The Official ILO Bulletin would serve as a progress marker for legislation and likely a soft means of pressuring adherence within member states to the standards contained in Conventions and Recommendations. This conclusion is undergirded by the fact that editing duties of the Bulletin were delegated to the ILO's Diplomatic Division,⁵²⁴ suggesting that the

⁵¹⁹ J. Droux, 'From Inter-Agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 264-265.

⁵²⁰ Commission on International Labour Legislation, 'The proceedings at the Preliminary Peace Conference, report of the Commission on International Labour Legislation' (11 April 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 284-308.) 296.

⁵²¹ Commission on International Labour Legislation, 'Agenda of first session of Conference: Minutes of Proceedings, No. 24' (15 March 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 141-149.), 143.

⁵²² A. Thomas, 'The International Labour Organisation – Its Origins, Development and Future' (1921) 1(1) *International Labour Review* 5, 8.

⁵²³ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 230.

⁵²⁴ *International Labour Review*, 'The First Year of the International Labour Organisation' (1921) 1(1) *International Labour Review* 23, 32.

reporting of data in this way did more than simply report progress, but served a political function too. This implies that the Bulletin was designed to promulgate the ILO's message, hence its link to the diplomatic wing of the organisation.

Specifically on the area of child protection, ILO actors were keen to emphasise the body's competence and 'obligation'⁵²⁵ to act, a question that was framed as being 'beyond controversy' in the *International Labour Review*.⁵²⁶ Furthermore, a deep link was 'traced back' between the need for child protection and the drive for international labour legislation as children required intervention on their behalf as they 'were so clearly unable to protect themselves'.⁵²⁷ However, the ILO's capacity to monitor and encourage compliance within its member states was somewhat lacking at the organisation's founding, although this was amended in the decade that would follow.⁵²⁸

However, limits were applied to this jurisdiction; children were not to be used as a test subset of the population to experiment with labour standards that would be progressively expanded to all classes of workers going forward.⁵²⁹ This limited schemes designed for the protection of children specifically to aspects of their working lives that affected them in ways that were a function of their nature, both societally and developmentally. Additionally, the scheme for protecting children was required to be as 'simple and as absolute as possible',⁵³⁰ which speaks to the legislative philosophy undergirding child protection within the ILO. The idea here is that the more uniform the system of protection becomes the more stable and less pliable by intervening circumstance it is.

⁵²⁵ International Labour Review, 'The International Labour Office and the Protection of Children' (1921) 3(1) *International Labour Review* 3, 25.

⁵²⁶ International Labour Review, 'The International Labour Office and the Protection of Children' (1921) 3(1) *International Labour Review* 3, 3.

⁵²⁷ International Labour Review, 'The International Labour Office and the Protection of Children' (1921) 3(1) *International Labour Review* 3, 3.

⁵²⁸ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 231.

⁵²⁹ International Labour Review, 'The International Labour Office and the Protection of Children' (1921) 3(1) *International Labour Review* 3, 24.

⁵³⁰ International Labour Review, 'The International Labour Office and the Protection of Children' (1921) 3(1) *International Labour Review* 3, 24.

6.3 Pillar spread in moment 1

Having considered the geopolitical context in which the ILO operated, a detailed analysis of the thematic pillars derived from the examined resources would help to understand the way in which child labour was framed. Analysis of sources from this moment (shown below in Figure 6.1), revealed that the primary concern of regulators was education and was the most commonly invoked thematic pillar, both in ILO and non-ILO sources. Framings that acknowledged a degree of cultural difference in the treatment of child labour were more common than one might assume given the ILO's Western bias in leadership and membership at this early stage. This perhaps reflects the precarious political context the ILO faced during its early years in this period. Among non-ILO sources, framings of child labour that emphasised educational and economic aspects were common. Educational concerns were framed in a variety of ways: covering logistical problems with the schooling systems; the capacity for school and work to coexist; and the equivocation of education and opportunity. The unrest that immediately preceded the founding of the League of Nations and the ILO, namely the First World War and the Russian Revolution, were immensely significant. These events loomed large in thinking around child labour specifically, and in the creation of an international space as a new frontier for regulating and standard-setting.

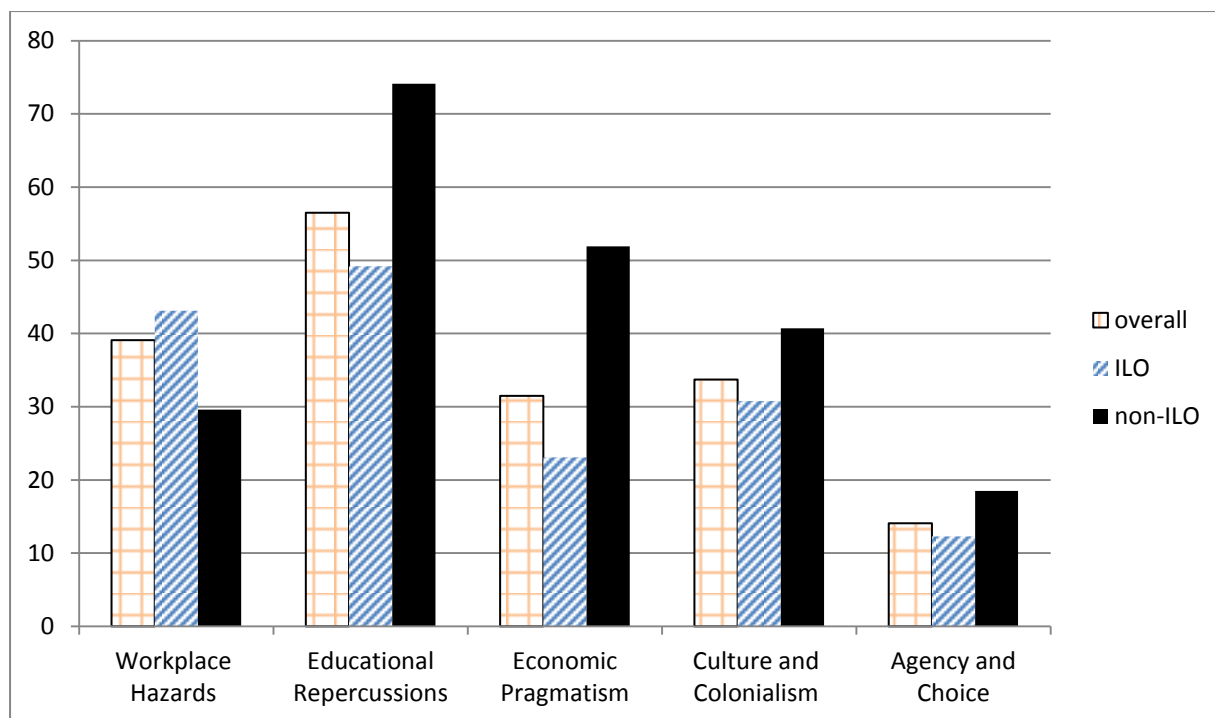


Figure 6.1: Moment 1 Pillar Breakdown

Number of Articles and Documents Manually Reviewed	ILO sources sampled	Non-ILO sources sampled
194	65	27

The spread of the pillars are discussed separately in each of the following sections that follow.

6.4 Educational repercussions: Education as a gateway to opportunity

In this moment child labour was problematized as having a deleterious effect on the educational prospects of children who engaged in it. Among child labour issues, education was the most frequently cited and could be seen as the most important consideration in this early establishment of child labour standards. Based on the sources surveyed, education appeared to be explicitly connected to the idea that productive and well-formed lives were linked to good childhoods, which were defined by education and not by working. This framed an oppositional relationship between work and schooling. These framings made the

case that children hampered their educations by entering employment as matter of course, and this was often used as justification for abolishing the practice altogether.⁵³¹

Educational framings of child labour in this period also suggested that it was negative in so far as work 'interfered' with children's education, although working during holiday periods was permitted and even encouraged in some jurisdictions.⁵³² This framing of child labour remains a common feature of contemporary policy debates and it is rooted in the ILO's mandate as far back as the Treaty of Versailles, where the abolition of child labour was said to be a goal that would 'permit the continuation of their [children's] education'.⁵³³ The abolition of child labour was noted as a priority for the ILO within the Treaty of Versailles and was couched in terms of safeguarding the development of children and continuation of their education.⁵³⁴

Many of the arguments underpinning the way child labour was framed had governmentality implications, as they tried to organise areas of public life, like education, in such a way that the populace would choose the 'right' option, *i.e.* prioritising education during childhood, of their own free will. An example came from a French delegate, who argued that educational facilities needed to be reoriented to fit with the needs of the people who were currently making a 'wrong' choice and working at the expense of education during their formative years.⁵³⁵

At their core, framings of this type couched education as a matter of child development, which compromised the children who were required to work by dint of their circumstances. This type of framing could be seen to construct child labour as a missed opportunity for children to 'continue their intellectual development and to perfect their vocational

⁵³¹ Commission on International Labour Legislation, 'The proceedings at the Preliminary Peace Conference, report of the Commission on International Labour Legislation' (11 April 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 284-308.), 306.

⁵³² International Labour Review, 'Government Reports: Administration of Labour Laws in Quebec 1920-1921' (1922) 6(1) *International Labour Review* 138, 138.

⁵³³ League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.), Art 427.

⁵³⁴ League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.), Art 427.

⁵³⁵ Commission on International Labour Legislation, 'Agenda of first session of Conference: Minutes of Proceedings, No. 23' (14 March 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 134-141.) 141.

education'.⁵³⁶ The way education is framed here suggests that schooling, approached correctly, goes beyond the inculcation of workplace 'dexterity'⁵³⁷ and contributes fundamentally to children's growth, maturation and graduation into full society.

It is worth noting that the long-lasting knowledge gained from schooling was also viewed as important. Many of the pieces of legislation given coverage in the *Labour Review*, passed in Czecho-Slovakia, Greece, the US and Britain, used attainment of a base level of education as a pre-requisite for entering into employment.⁵³⁸ This had the effect of reiterating the idea that some amount of education was required before children could be accepted into adult society. The requirement for a standard of education prior to entering work were part of the major minimum age Convention passed by the ILO in this period, Convention 5, which stipulated that children entering work below the minimum age of 14 needed to have finished elementary schooling before being eligible to work in industry.⁵³⁹

Further underlining this theme, the State Labor Department official in North Carolina noted that policy was not solely to be focused on 'the mere prevention of child labour', as in many cases there were few instances that breached legal standards on the practice. However, he argued that child welfare would only be secured through the 'provision of positive measures of education, recreation, and more wholesome home surroundings'.⁵⁴⁰ This widening of the purview of child labour policymakers, made it one of many indicators of overall child welfare.

⁵³⁶ Commission on International Labour Legislation, 'Hearing the representatives of the International Women's Council, Conference of Allied Women Suffragists, Office des Intérêts féminins, Syndicats ouvriers confédérés and Ligue française du Droit des Femmes: Minutes of Proceedings, No. 27' (18 March 1919) (Reproduced in (1923) 1 International Labour Office: Official Bulletin 161-175.), 167-168.

⁵³⁷ HS Woodbury, 'Working Children of Boston' (1921) 12(1) *Monthly Labor Review* 45, 59.

⁵³⁸ International Labour Review, 'Labour and Industrial Legislation: Labour Legislation in Czecho-Slovakia' (1921) 1(3) *International Labour Review* 22, 25; International Labour Review, 'Protection of Women and Children – New British Legislation Affecting Women and Young Persons' (1921) 1(1) *International Labour Review* 121, 125-126; International Labour Review, 'Legislative Notes' (1922) 6(4) *International Labour Review* 648, 650; AA Andreades, 'Labour Legislation in Greece' (1922) 6(5) *International Labour Review* 699, 712.

⁵³⁹ ILO, 'Convention No. 5: Minimum Age (Industry) Convention' 29 October 1919, Washington Conference, First Session, Art 5.

⁵⁴⁰ *Monthly Labor Review*, 'Child Labor' (1920) 11(6) *Monthly Labor Review* 126, 130.

6.4.1 Problems with school infrastructure

Problematization, particularly in this arena, encapsulated not only the establishment of a phenomenon as worthy of intervention, but also what form of governmental action is warranted in response. Thus, from a concrete policy perspective, if education was to be prioritised, school infrastructure would need to be of the sufficient standard to make the value proposition of delaying wage-earning worthwhile for children and their families. Thus there was nuance in the way that policy was constructed, with many policies accepting the reality of children's work and thus looked to find safer and more productive ways for this to occur. Policy discussions in this period were not dogmatic in their pursuit of child labour's abolition. With education being a prominent aspect of ILO child labour discussion, the question arose how this could be promoted.

There were some who expressed concerns that schools were not in the requisite state to manage all children being kept in education until the age of 18⁵⁴¹ and that any policy to that end would fall short as a result. However, as noted in the *Monthly Labor Review*, a representative of British Workers' delegation to the Labour Conference posited that prohibiting child labour outright could serve to force governments into taking more immediate action to fix the problems in schooling.⁵⁴² Another commonly expressed concern was that there were significant shortfalls in schooling infrastructure globally which were weakening the case for children to defer the wage-earning period of their lives long enough to begin schooling. Central to policy suggestions to alleviate this was the establishment of vocational training schools, including those who provided training for older children, beyond the period of compulsory schooling. These 'continuation schools' were proposed as compulsory even for working 16-18 year-olds in order to make sure that their development continued even after starting work, allowing children to gain as many marketable skills as possible.⁵⁴³ This was in part due to concerns that children who received only mandatory education whilst working only acquired skills that were of limited applicability to jobs they did as adults.⁵⁴⁴

⁵⁴¹ VB Turner, 'The International Labor Conference' (1920) 10(1) *Monthly Labor Review* 1, 18.

⁵⁴² VB Turner, 'The International Labor Conference' (1920) 10(1) *Monthly Labor Review* 1, 19.

⁵⁴³ *Monthly Labor Review*, 'Child Labor' (1919) 9(5) *Monthly Labor Review* 249, 250.

⁵⁴⁴ HS Woodbury, 'Working Children of Boston' (1921) 12(1) *Monthly Labor Review* 45, 59.

From a governance perspective, if citizens choosing the 'right' course for them and their children was the desired outcome, the societal structures that facilitated good decision making had to be in place. Thus, even if abolishing child labour was an immediate priority for some, the question of what was there to replace it in children's lives was considered. The question of whether the school infrastructure was a sufficiently robust to provide a legitimate alternative for children to be in employment was raised in the pre-Peace Conference deliberations. Jouhaux, a member of the French delegation in Versailles, posited that the goal of eliminating child labour needed to be allied to a drive to improve the 'facilities for general and technical education'.⁵⁴⁵ This aim would broaden the scope of ILO action, taking the body beyond merely acting as standard-setters, and on to a course for concrete wide-ranging reform.

Among the non-ILO sources sampled, the effect on education from working was considered most often of all the pillars, with the educational aspects of child labour coming up in upward of 70% of the papers surveyed. Among the issues considered were: friction between child workers and teachers;⁵⁴⁶ the differential effect working had on the educational prospects of minority children;⁵⁴⁷ and problems with school curricula driving children towards work.⁵⁴⁸ In practice there were also concerns relating the higher rates of illiteracy and school non-attendance among child workers.⁵⁴⁹

6.5 Workplace hazards: Physical development and the moral quality of safety

The other major pillar often observed in this moment was related to safety as child labour was also problematized as a substantial source of risk for the children taking part in it. As a result, it is often leveraged in this moment and was related to safety, focusing on the dangers inherent for children in the workplace. Child labour was often framed as a barrier to

⁵⁴⁵ Commission on International Labour Legislation, 'Agenda of first session of Conference: Minutes of Proceedings, No. 23' (14 March 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 134-141.), 141.

⁵⁴⁶ Monthly Review of the Bureau of Labor Statistics, 'Child Labor' (1918) 6(2) *Monthly Review of the Bureau of Labor Statistics* 398, 400.

⁵⁴⁷ Monthly Labor Review, 'Child Labor' (1919) 8(1) *Monthly Labor Review* 247, 247.

⁵⁴⁸ Monthly Labor Review, 'Child Labor' (1919) 8(2) *Monthly Labor Review* 514, 515.

⁵⁴⁹ Monthly Labor Review, 'Woman and Child Labor' (1922) 15(1) *Monthly Labor Review* 116, 118-119.

children's physical development in publications in this period.⁵⁵⁰ The ILO's founding constitution, contained within the Treaty of Versailles, alleged that ridding the world of child labour would 'assure their [children's] physical development.'⁵⁵¹

Among non-ILO sources, health was also a concern and was similarly stratified into bounds of children's 'physical and mental development, or their morals'.⁵⁵² A study of child labour in Boston questioned whether working had the capacity to impair children's 'health and physical vigour'⁵⁵³ and found that developmental difficulties were more common among child workers.⁵⁵⁴ Additionally, it was found that children who developed such issues were twenty times less likely in practice to progress to higher, more skilled clerical occupations and were forced to remain in hard physical labour permanently.⁵⁵⁵ Children's capacity, or lack thereof, was cited as a reason for a higher rate of injury in workplaces. The German authorities found that most workplace accidents concerning children were caused by 'ignorance and carelessness',⁵⁵⁶ likely due to their as yet incomplete cognitive and physical development. Arguments such as these served to problematize child labour as much a matter of public health as of labour impropriety.

US policy on child labour, enacted by the nation's Children's Bureau was problematized children's policy needing to be focused upon 'the needs and rights of childhood'.⁵⁵⁷ However, concerns were expressed as to the coverage of US domestic child labour law, which it was noted failed to cover as high as 85% of working children,⁵⁵⁸ focusing instead on industries where only a minority of children worked. Concerns at a domestic level over the law's reach might have heightened the appeal of international child labour regulation

⁵⁵⁰ Commission on International Labour Legislation, 'The proceedings at the Preliminary Peace Conference, report of the Commission on International Labour Legislation' (11 April 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 284-308.), 306; Commission on International Labour Legislation, 'Resolutions adopted by the Commission' (11 April 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 281-282.), 282.

⁵⁵¹ League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.), Art 427.

⁵⁵² Monthly Labor Review, 'Child Labor' (1920) 10(4) *Monthly Labor Review* 178, 179.

⁵⁵³ HS Woodbury, 'Working Children of Boston' (1921) 12(1) *Monthly Labor Review* 45, 45.

⁵⁵⁴ HS Woodbury, 'Working Children of Boston' (1921) 12(1) *Monthly Labor Review* 45, 48.

⁵⁵⁵ HS Woodbury, 'Working Children of Boston' (1921) 12(1) *Monthly Labor Review* 45, 58.

⁵⁵⁶ A Kalet, 'Effect of the War on Working Children in Germany' (1921) 13(1) *Monthly Labor Review* 6, 14-15.

⁵⁵⁷ Monthly Labor Review, 'Child Labor' (1919) 9(5) *Monthly Labor Review* 249, 250.

⁵⁵⁸ Monthly Labor Review, 'Child Labor' (1920) 10(4) *Monthly Labor Review* 178, 178.

through the ILO. By the nature of its founding and the framing of its role, the ILO's attitude towards child labour had taken on a more wide-ranging character, aimed from the outset toward ending the practice altogether, at least in the longer-term.

The type of work that children were engaged in was also framed as a matter with cultural significance. Agricultural work was deemed to be a more wholesome use of children's time, with the work of children in industry said to be fraught with 'moral dangers'.⁵⁵⁹ Efforts were made to frame protecting children from the hazards of the workplace as a moral imperative which states, and society more broadly, were obliged to uphold. From a regulatory perspective, agriculture brought its own share of problems for the ILO in this period, as much due to the perception of the effects of this type of work on children. Work of this type for minors was thought to predominantly take place as part of familial enterprises,⁵⁶⁰ with children under the supervision and protection of their parents.

A notable feature of discussions concerning children working, particularly with their parents, was not seen in a negative light and often was permitted in situations where work outside the family was not allowed, for example in industrial undertakings.⁵⁶¹ Work in a family enterprise was treated as a potentially constructive use of children's time,⁵⁶² as it put them under the supervision of their parents and it placed them in the conditions of work where they would be most likely to be safe. In relation to both education and safety, the cultural effect of child labour was considered, which widened the legitimate ambit of ILO intervention beyond workplace standards and toward school policy.

⁵⁵⁹ International Labour Review, 'Agriculture: Control of the Employment of Children in Agriculture in Europe' (1921) 4(2) *International Labour Review* 402, 402.

⁵⁶⁰ International Labour Review, 'Agriculture: Control of the Employment of Children in Agriculture in Canada and the United States of America' (1921) 3(2) *International Labour Review* 146, 155.

⁵⁶¹ ILO, 'Convention No. 6: Night Work of Young Persons (Industry) Convention' 29 October 1919, Washington Conference, First Session, Art 2.

⁵⁶² Commission on International Labour Legislation, 'Labour clauses points 8, 9, 10, 18, 19, 11 and 12: Minutes of Proceedings, No. 32' (21 March 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 207-211.), 208.

6.6 Child labour and social discord: Culture and education intersect

Cultural framings of child labour were prominent in this moment, and wrestled with the political tension between creating universal standards around child labour and respecting the interests and cultures of member states. This manifested in practice most often concerning the presence of different legal schemes governing child labour country-by-country, and engaged with the idea of children's agency in developing nations regarding work. In particular, countries that were deemed to be in less advanced stages of development were permitted to have looser standards around child labour to account for shortfalls in their industrial structures.

Framings of a cultural nature frequently problematized a link between child labour and social dysfunction. These were made in relation to the ill effects for the individual children, but also in regards the societal implications that a generation of child labourers would bring as they matured into adulthood. The cultural problems were also linked to the necessity for improved educational infrastructures so as to instantiate the values that made for productive individuals and thriving citizenries.

Concerns around juvenile delinquency were not new and had even been aired in Belgium before the founding of the League, and efforts were made to find an international solution to it to avoid it becoming a pervasive social issue.⁵⁶³ Outside the ILO, publications in this period seemed to frequently highlight concerns around the attitudinal effect of working on children during their development. A study from the US Children's Bureau noted that young boy's innate 'sense of adventure' drove them towards working, especially with higher wages on offer during wartime shortages⁵⁶⁴.

However, the Bureau of Labour Statistics publication noted that the generalised feeling in England was that there was a troubling connection being seen between child workers and juvenile delinquency.⁵⁶⁵ Juvenile employment groups in England noted that they had seen

⁵⁶³ D Marshall, 'The Construction of Children as an Object of International Relations: The Declaration of Children's Rights and the Child Welfare Committee of the League of Nations, 1900-1924' (1999) 7 *International Journal of Children's Rights* 103, 110.

⁵⁶⁴ NP McGill, 'Trend of Child Labor in the United States, 1913 to 1920' (1921) 12(4) *Monthly Labor Review* 1, 7-9.

⁵⁶⁵ Monthly Review of the Bureau of Labor Statistics, 'Child Labor' (1918) 6(2) *Monthly Review of the Bureau of Labor Statistics* 398, 403-404 and 406.

working children become social 'drifters', chasing higher pay rather than substantive work and development and losing their 'sense of responsibility' in the process.⁵⁶⁶ A study undertaken into the social situation for children in rural New York drew similar conclusions, citing the 'low moral plane' of the families and lack of 'organized community life' that children grew up in as drivers of delinquency.⁵⁶⁷ A study into German child labour during the War similarly reported that the extra responsibilities placed on children from work had 'filled them with a sense of their own importance' and that had led to attitudinal problems borne of immaturity.⁵⁶⁸

A similar study commissioned in Boston surmised that the ills of child labour were 'not confined to backwards communities or to backward industries' but were primarily a function of children forgoing necessary long-term development in favour of profit in the immediate term.⁵⁶⁹ The presence of social factors such as fathers being absent from the household and whether the child was born abroad were found to correlate with higher rates of child work.⁵⁷⁰ Again, child labour is framed as a by-product of social dysfunction and those responsible for employing them seen as being guilty of letting short-term considerations overtake the broader goal of 'good' social development for children during their vulnerable period. This problematization of child labour raised the incentive for getting policy right. Additionally, it further justified the ILO taking an active role in educational policy, which would not intuitively fall within the purview of labour rights.

It is worth noting that this framing does not seek to argue that this course of action is against the law, rather that it constitutes an irresponsible use of freedom, a fundamental building block of governmentality, i.e. free will should be discharged in the right way. This idea was further reinforced through the educational system in the United States, with the federal vocational education authorities including a section of the vocational curriculum dedicated to studying the 'causes, social cost and prevention of child labour'.⁵⁷¹ Therefore,

⁵⁶⁶ Monthly Labor Review, 'Child Labor' (1919) 8(3) *Monthly Labor Review* 833, 837.

⁵⁶⁷ Monthly Labor Review, 'Child Labor' (1919) 8(2) *Monthly Labor Review* 514, 514-515.

⁵⁶⁸ A Kalet, 'Effect of the War on Working Children in Germany' (1921) 13(1) *Monthly Labor Review* 6, 13.

⁵⁶⁹ HS Woodbury, 'Working Children of Boston' (1921) 12(1) *Monthly Labor Review* 45, 45.

⁵⁷⁰ HS Woodbury, 'Working Children of Boston' (1921) 12(1) *Monthly Labor Review* 45, 47 and 51.

⁵⁷¹ Monthly Labor Review, 'Woman and Child Labor' (1922) 14(3) *Monthly Labor Review* 133, 137.

the idea that child labour was an irresponsible choice was being reinforced through the educational system itself.

The attribution of an ethical weight to children's work was not only present in arguments that framed child labour as an outgrowth of educational policy. Framings that focused on safety also argued that the state was obliged by standards of good virtue to protect children from the harms that could befall them while working. Further, that this could only be achieved by significantly limiting the instances in which it was acceptable for children to work. Concerns around the safety and education were central to the problematization of child labour at the ILO's founding. To this end, child labour during moment 1 was problematized as a practice that needed to be eliminated in the long-term, and warranted coordinated international intervention to that end. Additionally, the broader field of worker rights was in the process of being established and child labour was earmarked as an important aspect of this.

6.7 Culture and colonialism: Political realities and incentivising international cooperation

While cultural framings of child labour were fused with concerns around education and safety, the other major cultural issue in this moment was the way that the ILO would discuss cultural differences when importing international standards. Among the moral orientation of arguments around child labour concerning education and safety, the fledgling ILO also had to deal with concrete political realities. It would mean that the ILO would need to govern through the consent of its member states in order to remain durable. Thus, a delicate balance would need to be struck between creating standards that were largely uniform and countenancing states to act in their own interests especially when it harmed their national interests. Ultimately, this would influence their electability domestically, and result in international regulation as a short-lived experiment.

Thus, political considerations were brought to the fore in the pre-Conference deliberations, as the ILO sought to find minimum age standards that were plausible and made economic sense for all Member States. Deviation from minimum working age restrictions in case of emergencies, instances where such a suspension would be deemed 'in the public

interest',⁵⁷² and in matters related to naval capacity for war were part of the appreciation for governmental authorities.⁵⁷³ It is worth bearing in mind that many of the major negotiating parties to ILO standards are national governmental actors and it thus makes sense that exceptional circumstances such as these are areas in which a limitation on national autonomy would not be agreed to.

The Italian government's delegate noted that a standard which was not agreeable to all Members risked creating friction between states at a time when peace was not a commodity that could be taken for granted.⁵⁷⁴ This message was reiterated in deliberations by some of the non-Western parties to deliberations like Japan and India (who both joined the ILO's Governing Board in 1922)⁵⁷⁵ who appealed for a spirit of cooperation to characterise the new body, rather than one where more powerful nations insisting on 'uniformity or coercion' to cram down standards that advantaged some states at the expense of others.⁵⁷⁶ A separate standard was allowed in industrial settings in India, though only in cases where 'Oriental industrial methods prevailed' and expectations were such that India would have to hold to the same standards as the rest of member states in sectors that implemented Western means of working.⁵⁷⁷ Furthermore, shipping regulations regarding minimum age of trimmers and stokers were relaxed in instances where they were working as part of the Indian and Japanese coasting trades.⁵⁷⁸

⁵⁷² ILO, 'Convention No. 6: Night Work of Young Persons (Industry) Convention' 29 October 1919, Washington Conference, First Session, Arts 4 and 7.

⁵⁷³ ILO, 'Convention No. 7: Minimum Age (Sea) Convention' 15 June 1920, Genoa Conference, Second Session, Art 1; ILO, 'Convention No. 15: Minimum Age (Trimmers and Stokers) Convention' 25 October 1921, Geneva Conference, Third Session Art 1; ILO, 'Convention No. 16: Medical Examination of Young Persons (Sea) Convention' 25 October 1921, Geneva Conference, Third Session Art 1.

⁵⁷⁴ Commission on International Labour Legislation, 'Labour clauses points 2 and 3: Minutes of Proceedings, No. 30' (20 March 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 196-203.), 197.

⁵⁷⁵ DS Cobble, 'Who Speaks for Workers? Japan and the 1919 ILO Debates Over Rights and Global Labour Standards' (2015) 87 *International Labour and Working-Class History* 213, 217.

⁵⁷⁶ Commission on International Labour Legislation, 'The proceedings at the Preliminary Peace Conference, report of the Commission on International Labour Legislation' (11 April 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 284-308.) 288 and 300.

⁵⁷⁷ International Labour Review, 'The International Labour Office and the Protection of Children' (1921) 3(1) *International Labour Review* 3, 15-16.

⁵⁷⁸ International Labour Review, 'The Third International Labour Conference' (1922) 5(2) *International Labour Review* 179, 191; ILO, 'Convention No. 15: Minimum Age (Trimmers and Stokers) Convention' 25 October 1921, Geneva Conference, Third Session, Art 3.

When discussing the enforcement of child work regulation across the globe the ILO noted the difficulties encountered in poorer parts of the world, particularly India due to the lack of adequate bureaucratic structures.⁵⁷⁹ Systems ensuring that birth certificates were issued for all children were scarce, which made reliably determining the age of children impossible and was explained as being a result of India being 'a country so deficient in education'.⁵⁸⁰ The air of inevitability that accompanies the summary of problems with Indian infrastructure is somewhat odd given that is part of an article outlining the ways in which Indian structures have been improved by attending the International Labour Conference, and alleges the 'debt' that India owed to the ILO broadly.⁵⁸¹

Appeals for a moderated system of standards, or 'technologies' of governance, tailored to the requirements of individual nations, seemed to bear fruit for both India and Japan in terms of the regulatory standards that were agreed during this period. Allowances were made in relation to enforcement of minimum age for working in a variety of sectors, with India generally benefitting from a lower accepted minimum working age in all Conventions agreed upon in the opening years of the ILO. Dahlen examined the provision for differing standards in Japan and India in this period and argued that this was motivated by a range of factors including the state of facilities and infrastructure in both nations, which made enforcement of a higher set of standards impractical.⁵⁸² She further noted that a request for a similar relaxation from the Greek delegation was rejected by the Conference,⁵⁸³ confirming that differential standards were not permitted uniformly, and efforts were being made to create as coherent and consistent an international legal sphere as was possible.

Exceptions appeared to allude to making allowances based on culture, by preserving the right for economic processes native to India to proceed as they have done previously. This cuts against the idea that differential standards were applied to India and other non-Western nations premised on the notion that the children in these countries were themselves fundamentally, biologically different. Strangely, the area where biological

⁵⁷⁹ CE Low, 'India and the Washington Conference' (1922) 5(1) *International Labour Review* 3, 8.

⁵⁸⁰ CE Low, 'India and the Washington Conference' (1922) 5(1) *International Labour Review* 3, 8-9.

⁵⁸¹ CE Low, 'India and the Washington Conference' (1922) 5(1) *International Labour Review* 3, 11.

⁵⁸² M Dahlen, *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007) 182.

⁵⁸³ M Dahlen, *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007) 182.

difference arguments were made to justify different standards for child work came from Greece. The argument was made against setting the minimum age for work at 14 in the country due to 'the much more rapid physical and intellectual development of children there than in other European countries.'⁵⁸⁴

6.8 Culture and agency: Child labour a legitimate choice for some

One exception was observed to the characterisation of children as lacking agency and was seen in the context of child labour in India. A proposal was made at the International Labour Conference that medical examinations should take place for 'each child who desires employment'⁵⁸⁵ to ascertain their age due to shortcomings in certification systems in India at the time. Quite apart from the content of the policy suggested, this proposal was novel in that it put the question of whether the child wanted to work to its centre. Across the publications sampled this is the only instance of this presupposition found at this time. Therefore, this should not be taken as a suggestion that this line of thinking was common place. However, given the relatively more common occurrence of arguments in favour of children working on grounds of their agency in contemporary debates, it is notable to see this line of thought breaking through as early as 1922. This theme is revisited in subsequent moments in relation to the thematic pillar concerning agency and choice.

In a similar vein to the Indian policy referenced above, the question of children having a 'preference' for working was raised in a survey of children's reasons for working undertaken in the USA. 10% of the respondents stated that they worked because it was their preference to do so rather than attending school, 5% noted that they worked as it was their parent's preference.⁵⁸⁶ Again this shows some concern is given, even at this early stage, for the idea of children have the decision to work or not and take an active role in this process. It is also worth noting that this example comes from a Western country where children are often held to different cultural standards than their counterparts from the developing world. However, a study on German child labour decried that factories had 'induced' many children

⁵⁸⁴ AA Andreades, 'Labour Legislation in Greece' (1922) 6(5) *International Labour Review* 699, 712.

⁵⁸⁵ CE Low, 'India and the Washington Conference' (1922) 5(1) *International Labour Review* 3, 8-9.

⁵⁸⁶ Monthly Review of the Bureau of Labor Statistics, 'Child Labor' (1918) 6(2) *Monthly Review of the Bureau of Labor Statistics* 398, 400.

to start working in industry rather than in trades.⁵⁸⁷ This phrasing downplayed the idea of agency, framing children as being more susceptible to their instincts, with a damaging tendency towards rash actions with negative long-term consequences.

6.9 Economic pragmatism: The financial pressures driving child labour

Permitting the presence of different child labour standards on grounds of industrial development, as was seen in the section on culture and the political realities of governance acknowledged that financial pressures played a large role in the practice of child labour. This, as some educational framings alluded to, was also true on a family-level, as children and their families were often pressured into accepting child labour in order to support themselves.

The British Government specifically considered the economic impact of implementing child labour regulations, accepting that too harsh an implementation of standards too quickly would result in many women and children who were currently employed being forced out of work with no alternate means of supporting themselves.⁵⁸⁸ It was also acknowledged that policy had to bear in mind that keeping poorer children in education longer than was necessary was counterproductive and would lead to drop out rates climbing due to their circumstances.⁵⁸⁹ These suggest that child work was viewed in this period as an inevitability to be worked with, rather than a process to be eliminated entirely, despite pronouncements from the ILO aspiring for child labour to be abolished.

The general thinking of the industrial revolution making the world more interconnected,⁵⁹⁰ strengthened the need for international cooperation and regulation. The idea was that

⁵⁸⁷ A Kalet, 'Effect of the War on Working Children in Germany' (1921) 13(1) *Monthly Labor Review* 6, 11.

⁵⁸⁸ International Labour Review, 'Protection of Women and Children – New British Legislation Affecting Women and Young Persons' (1921) 1(1) *International Labour Review* 121, 122.

⁵⁸⁹ International Labour Review 'Education' (1921) 3(1) *International Labour Review* 205, 206.

⁵⁹⁰ D Marshall, 'The Construction of Children as an Object of International Relations: The Declaration of Children's Rights and the Child Welfare Committee of the League of Nations, 1900-1924' (1999) 7 *International Journal of Children's Rights* 103, 132.

making nations subject to the same socio-economic rules would safeguard national economic interests, and would placate the demands from the workers' movement.⁵⁹¹ The ILO played an important role in providing workers and employers with a seat at the table alongside governments, and in doing so would keep union interests onside.

Industrial and mining sectors were another area where economic concerns were recognised on a national level, *i.e.* consideration was made of the economic cost that labour regulation could have on various industries to ILO member states. For instance, French and Belgian delegations expressed concerns over the effect of regulation of child work on their industrial and mining sectors respectively.⁵⁹² Exceptions were regularly made in shipping regulations for the coastal trades in Japan and India, relaxing the minimum age for children to work aboard ships engaged in this area.⁵⁹³

Outside the ILO discussions, economic framings of child labour were more common with a greater focus upon the financial calculus that often resulted in children and their families choosing work, often at the expense of school. A study published into the state of child labour in the USA surveyed child workers and sought to ascertain their reasons for working. The second most frequent reason given was economic necessity, with the most common reason being problems encountered when dealing school personnel.⁵⁹⁴ This shows the close relationship between child work and the dual factors of schooling and finances. Similarly, a study into child labour in the shrimp canning industry in the US found that child workers in those sectors were primarily from poorer families.⁵⁹⁵

⁵⁹¹ O. Hidalgo-Weber, 'Social and Political Networks and the Creation of the ILO: The Role of British Actors' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 19.

⁵⁹² International Labour Review, 'The International Labour Office and the Protection of Children' (1921) 3(1) *International Labour Review* 3, 5.

⁵⁹³ International Labour Review, 'The Third International Labour Conference' (1922) 5(2) *International Labour Review* 179, 191; ILO, 'Convention No. 15: Minimum Age (Trimmers and Stokers) Convention' 25 October 1921, Geneva Conference, Third Session, Art 3.

⁵⁹⁴ Monthly Review of the Bureau of Labor Statistics, 'Child Labor' (1918) 6(2) *Monthly Review of the Bureau of Labor Statistics* 398, 400.

⁵⁹⁵ Monthly Labor Review, 'Woman and Child Labor' (1922) 15(1) *Monthly Labor Review* 116, 119.

Additionally, the economic pressures created by the World War I were considered frequently, including the large rise seen in child work to deal with wartime supply issues⁵⁹⁶ and government war-contract work.⁵⁹⁷ Also it was noted in a few cases that the creation of more lucrative wartime work, particularly in munitions,⁵⁹⁸ had led to many children leaving the jobs they had been in prior to the War and move to industrial occupations with higher pay.⁵⁹⁹ This created the concern that many children were walking away from trade jobs to narrower processes that did not foster any skills. A study into juvenile employment during the war concluded that these changes could have a limiting effect on their future employment prospects,⁶⁰⁰ with these children being stunted by an inability to adapt to future changes to industrial work.⁶⁰¹

Agricultural child labour was a significant area where economic reality was accepted, and appeared to be the sector in which work was treated as a 'wholesome and physical moral training'.⁶⁰² This reiterates the idea that the regulation of child labour is problematized as a moral phenomenon, with working and engagement carrying cultural significance. Additionally, the way that school attendance laws were structured often allowed for lapses in attendance for children during busy periods on farms such as harvest,⁶⁰³ so long as the time was made up over the course of the school year.⁶⁰⁴

⁵⁹⁶ A Kalet, 'Effect of the War on Working Children in Germany' (1921) 13(1) *Monthly Labor Review* 6, 6.

⁵⁹⁷ *Monthly Labor Review*, 'Child Labor' (1919) 8(3) *Monthly Labor Review* 833, 834-835; NP McGill, 'Trend of Child Labor in the United States, 1913 to 1920' (1921) 12(4) *Monthly Labor Review* 1, 9.

⁵⁹⁸ NP McGill, 'Trend of Child Labor in the United States, 1913 to 1920' (1921) 12(4) *Monthly Labor Review* 1, 10.

⁵⁹⁹ *Monthly Labor Review*, 'Child Labor' (1919) 8(3) *Monthly Labor Review* 833, 835.

⁶⁰⁰ HS Woodbury, 'Working Children of Boston' (1921) 12(1) *Monthly Labor Review* 45, 45.

⁶⁰¹ *Monthly Labor Review*, 'Child Labor' (1919) 8(3) *Monthly Labor Review* 833, 836; HS Woodbury, 'Working Children of Boston' (1921) 12(1) *Monthly Labor Review* 45, 59.

⁶⁰² *International Labour Review*, 'Agriculture: Control of the Employment of Children in Agriculture in Canada and the United States of America' (1921) 3(2) *International Labour Review* 146, 146.

⁶⁰³ *International Labour Review*, 'Control of the Employment of Children in Agriculture in Canada and the United States of America' (1921) 4(1) *International Labour Review* 170, 171.

⁶⁰⁴ *International Labour Review*, 'Agriculture – Agricultural Conditions and Labour Agreements in Denmark and Sweden' (1921) 2(1) *International Labour Review* 97, 100; *International Labour Review*, 'Agriculture: Control of the Employment of Children in Agriculture in Canada and the United States of America' (1921) 3(2) *International Labour Review* 146, 155.

6.10 The League of Nations and the ILO: Problematizing an International Space

This final section reflects on the international context which the ILO was being forged in, and the implications that this had for the way that the ILO problematized its role and responsibilities from the outset. The League of Nations project was the first major effort to make governance an international reality. In order to make headway in this respect though, it was vital that such a radical overhaul could be framed as being necessary. In 1919, the end of the First World War and wide-ranging unrest in Soviet Russia resulted in problematizing the safeguarding of international peace as a goal that required international intervention and oversight.

The ILO was a part of this, with members and ILO staff framing labour regulation as fundamental to lasting peace. Forging a link discursively between the presence of international government and peace justified the presence of such a body, providing evidence of the self-sustaining nature of governance under a framing-governmentality analytical model. This point of view was strengthened substantially by the nature of the unrest in Russia, which concerned the position of workers within the nation.⁶⁰⁵ Thus, the problematization of the international arena within discussions relied more heavily on the spectre of Russian unrest going global, and less upon the recent conclusion of the First World War.

Pedersen dubbed internationalization as ‘the process by which certain political issues and functions are displaced from the national or imperial, and into the international realm’,⁶⁰⁶ which is a form of problematization. That is, the formation through discourse, of a realm of issues that need to be mediated and regulated internationally. In the aftermath of the First World War, the international arena was in its infancy and the League of Nations was the only international body of any note.⁶⁰⁷ Thus, it and its subsidiary bodies, like the ILO, had

⁶⁰⁵ R. O’Brien, *Contesting Global Governance: Multilateral Economic Institutions and Global Social Movements* (Cambridge: Cambridge University Press 2000) 77.

⁶⁰⁶ S Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (St Ives: OUP 2015) Available at: <<https://oxford-universitypressscholarship-com.abc.cardiff.ac.uk/view/10.1093/acprof:oso/9780199570485.001.0001/acprof-9780199570485-chapter-1>> [Accessed: 2 September 2021] 4-5.

⁶⁰⁷ S Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (St Ives: OUP 2015) Available at: <<https://oxford-universitypressscholarship-com.abc.cardiff.ac.uk/view/10.1093/acprof:oso/9780199570485.001.0001/acprof-9780199570485-chapter-1>>

more or less exclusive domain over issues that were too large for an individual government to tackle solely at the national level. The League in its early years tied itself to public opinion, which some of the body's architects felt was the most durable safeguard of security and international peace.⁶⁰⁸ To this end the League engaged in popular culture and adopted of new media technology to promote internationalism. This was seen with the establishment of the League's radio station 'Radio Nations', in addition to celebrity endorsement, as Charlie Chaplin became the League's foreign ambassador, promulgating its message.⁶⁰⁹

The end of the First World War saw the major powers searching for a means of ensuring that such catastrophic conflict would not break out again. Many of the norms of the contemporary international system came from the agreements reached at Versailles. These included: the regulation and oversight of arms proliferation; the provision of international financial systems; international tribunals; and the creation of the concept of war crimes.⁶¹⁰ The idea of norm creation is itself a discursive act, as it entails the construction of issues that are the within the remit of international actors. This engages with two of the analytics of governmentality,⁶¹¹ norm creation relies on certain problematizations being created and promulgated. Additionally, the delineation of certain areas of law and its enforcement being the reserve of the League rather than national authorities relied upon the notion of constructing 'fields of visibility', these areas being marked out as being within governable limits.

The political dynamic between League founding nations became particularly important against the backdrop of American hesitation on internationalist policymaking following the

com.abc.cardiff.ac.uk/view/10.1093/acprof:oso/9780199570485.001.0001/acprof-9780199570485-chapter-1 > [Accessed: 2 September 2021] 8.

⁶⁰⁸ S Pedersen, 'Review Essay: Back to the League of Nations' (2007) *American Historical Review* 1091, 1097.

⁶⁰⁹ G Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press 2013) 64.

⁶¹⁰ E. Goldstein, 'The Versailles System' in G Martel (ed), *A Companion to International History 1900-2001* (Oxford: Wiley-Blackwell 2007) 155.

⁶¹¹ C. Death 'Governmentality at the limits of the international: African politics and Foucauldian theory' (2013) 39 *Review of International Studies* 763, 773-774.

decline in health of President Woodrow Wilson,⁶¹² who had been keen for the US to take a central role in the international sphere after World War I.⁶¹³ Wilson's 'fourteen-point' speech in 1918 set out his vision for the shape that the post-WWI settlement would look like; international association that would promote free trade and safeguard territorial integrity.⁶¹⁴

While Wilson had been keen for the US to engage with the League, his two immediate successors, Harding and Coolidge, were actively hostile to the prospect of American submission to world governance of any kind.⁶¹⁵ As a result, the US did not ratify the Treaty of Versailles in its Congress⁶¹⁶ and thus did not join the League or the ILO at the outset, despite the extensive influence that Americans, most notably Wilson, had on its formation.⁶¹⁷ The US withdrawal from the League meant that the direction of travel became more shaped by European interests, and France was able to push for a punitive approach to the scheme outlining the war reparations incurred by Germany.⁶¹⁸ Further, the nationalities represented among the staff of the League's bureaucracy, the Secretariat, also reflected the European dominance of the League more broadly.⁶¹⁹ The ILO shared many of the structural features of the League, with 40 of the 45 founding states from the League attending the ILO's first Labour Conference. There was also a large Western bias to membership in this era, with only South Africa among the African attendees.⁶²⁰

⁶¹² P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King's Lynn: OUP 2013) 13-14.

⁶¹³ S Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (St Ives: OUP 2015)

Available at: <<https://oxford-universitypressscholarship-com.abc.cardiff.ac.uk/view/10.1093/acprof:oso/9780199570485.001.0001/acprof-9780199570485-chapter-1>> [Accessed: 2 September 2021] 35.

⁶¹⁴ United Nations, 'History: Before the League', (ungeneva.org), (Available at: <https://www.ungeneva.org/en/history/before-the-league>) [Accessed: 29 March 2022].

⁶¹⁵ M Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 140-141.

⁶¹⁶ R Blessing, 'A Changing Diplomatic World' in G Martel (ed), *A Companion to International History 1900-2001* (Oxford: Wiley-Blackwell 2007) 73.

⁶¹⁷ P Clavin, 'The Austrian hunger crisis and the genesis of international organization after the First World War' (2014) 90(2) *International Affairs* 265, 278.

⁶¹⁸ E. Goldstein, 'The Versailles System' in G Martel (ed), *A Companion to International History 1900-2001* (Oxford: Wiley-Blackwell 2007) 155-156.

⁶¹⁹ K Dykmann, 'How International was the Secretariat of the League of Nations?' (2015) 37(4) *The International History Review* 721, 723.

⁶²⁰ M Dahlen, *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007) 117-118.

At Versailles, from the British delegation perspective, the new League of Nations constituted the best means of fortifying British-American ties, whilst combating the growth of Bolshevism in Eastern Europe.⁶²¹ Britain, one of the major powers going into the post-WWI world, had also seen an uptick in the trade union movement in the preceding years,⁶²² and many of the League's British framers were keen to manage this trend through the international sphere, seeing off the potential for unrest. It also appeared that there was a general feeling among governmental actors that the socialist movement were headed by relative political novices, 'since they lack leaders trained in the intricacy of politics and also because the expense of maintaining an effective political party is greater than they could expect'.⁶²³ Against this backdrop, investment in a grand international project covering labour rights was geared to outflanking the growing socialist movement from the outset.⁶²⁴

6.11 Conclusion: Situating the ILO at its outset

The way in which child labour was problematized had an effect on the framings utilised in relation to thematic pillars concerning workplace safety and education. An education uninterrupted by working was framed as being conducive of a good and fruitful childhood. Further, working during childhood was framed as a barrier to healthy development and growth, strengthening the case for governmental action to be taken against child labour.

The issue of concern for the nascent ILO was the place that previous international work on labour standards would take in the new League of Nations era. The general consensus among many actors in this period was that the ILO was the natural next step on the path started by the Berlin Labour Conference in 1890 and the work on standards done by the International Association for Labour Legislation in the early 1900s. Though, it is worth noting that this work was not deemed completely successful, as the Berlin Conference was dubbed

⁶²¹ M Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton and Oxford: Princeton University Press 2009) 192.

⁶²² O. Hidalgo-Weber, 'Social and Political Networks and the Creation of the ILO: The Role of British Actors' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 18.

⁶²³ *Monthly Labor Review*, 'Industrial Relations and Labor Conditions' (1921) 13(1) *Monthly Labor Review* 18, 68.

⁶²⁴ R Blessing, 'A Changing Diplomatic World' in G Martel (ed), *A Companion to International History 1900-2001* (Oxford: Wiley-Blackwell 2007) 67.

a failure in retrospect by Mahaim, the Belgian delegate to deliberations at the ILO's founding.⁶²⁵

The way in which the ILO was internally considered to be different from the IALL was revealed by the former's first Director-General, Albert Thomas, who noted the various difficulties that the IALL ran into by dint of its structure. Thomas bemoaned the IALL's lack of representatives from governments, employers' and workers' groups who had been empowered to speak on behalf of said interests. Thus the developments that came from IALL rang somewhat hollow as a result, with the body's discussions taking place in 'the pure, but thin, atmosphere of academic abstraction'.⁶²⁶ Given that this summary of the IALL's faults came as part of a piece in the *International Labour Review* on the trajectory of the new ILO, it can be fairly assumed that Thomas is taking the opportunity to point out the pitfalls that the ILO was designed to avoid. Thomas also outlined the way in which the ILO would interact with national infrastructures, and chose to play down the concerns that the League of Nations would become an overweening super-State.⁶²⁷ Though, in the same breath he stated that the ILO would have to 'expect opposition' and 'hostility' from 'various quarters',⁶²⁸ and referenced the push-back that they had seen already at national levels in response to the proposal for an eight-hour work day standard across Member States.⁶²⁹

The ILO was forged in response to the tumultuous period in the early twentieth century, which had been blighted by war and violence. However, the true test of the new international infrastructure would only come if the turbulence of the recent past were to reoccur. In the 1930s, such a test would come for the ILO and the League, as the dual threats of the Great Depression and the outbreak of hostilities in the run-up to the Second World War broke out in quick succession. How the ILO pivoted to deal with these, and how child labour was treated among the wider global picture would dictate the fate of both for decades to come.

⁶²⁵ E Mahaim, 'International Labour Law' (1921) 1(3) *International Labour Review* 3, 3.

⁶²⁶ A. Thomas, 'The International Labour Organisation – Its Origins, Development and Future' (1921) 1(1) *International Labour Review* 5, 8-9.

⁶²⁷ A. Thomas, 'The International Labour Organisation – Its Origins, Development and Future' (1921) 1(1) *International Labour Review* 5, 14.

⁶²⁸ A. Thomas, 'The International Labour Organisation – Its Origins, Development and Future' (1921) 1(1) *International Labour Review* 5, 12.

⁶²⁹ A. Thomas, 'The International Labour Organisation – Its Origins, Development and Future' (1921) 1(1) *International Labour Review* 5, 13.

Cultural aspects of child labour and the different ways in which differing norms around childhood shaped views of the practice across the world reflected the political considerations that the ILO was forced to consider. The pillar pertaining to the economic calculus at the heart of child labour also reflected a degree of political pragmatism. There were some instances of child labour which could not be combatted without addressing wider pecuniary worries that families grappled with and that led them toward utilising the wage earning capacity of their children.

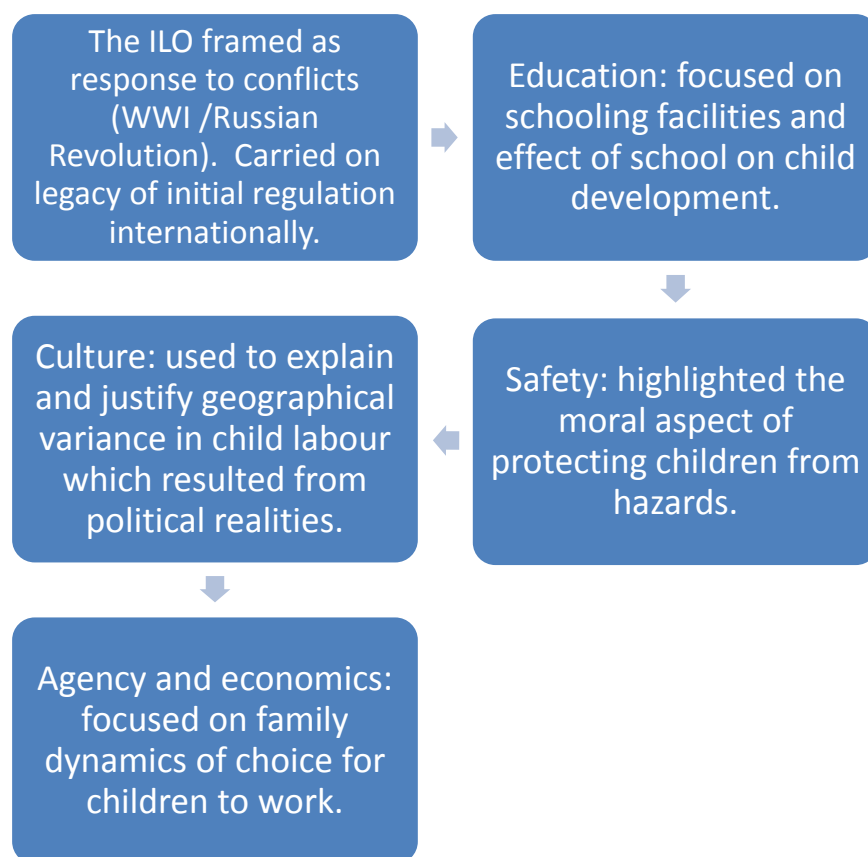


Figure 6.2: Chapter 6 Summary

Chapter 7: Moment 2 - Inter-War Child Labour Regulation

7.1 Introduction: The prospect of war and economic turmoil

The Great Depression and its after-effects were being keenly felt at a broad political level during this moment, as the ILO and the rest of the international community scrambled to take meaningful action to guard against catastrophic poverty taking hold globally. The Depression also played a large role in the use of child labour, with widespread unemployment becoming more the norm there was a tendency towards seeing fewer children in work. The economic hardship created by the Depression presented regulators like the ILO with an opportunity to reaffirm their commitment to combating child labour. This was achieved by passing updated legal instruments regulating children's work in various economic sectors.

The inter-war period was described by Laqua as having a 'paradoxical quality', in so far as it viewed internationalism pulling in two different directions.⁶³⁰ Global cooperation was hurt by simmering conflicts threatening to boil over in various areas of the globe, with battle lines slowly being drawn ahead of a Second World War that threatened the still relatively new international order. Despite this, international coordination between social actors seemed more prominent during the crises in both financial and political sectors of the 1930s, and was in many cases facilitated by the League of Nations infrastructure,⁶³¹ and the increased professionalization it brought.⁶³² Tournès termed the 1930s as a 'golden age' for the 'expert activities' that would become something of a backbone for the post-WWII order that would follow.⁶³³

The ILO, at an institutional level, positioned itself as well-placed to deal with the Depression's fallout due to its international nature and policy focus. This is evidenced within

⁶³⁰ D Laqua, 'Activism in the 'Students' League of Nations': International Student Politics and the Confédération Internationale des Étudiants, 1919–1939' (2017) 556 *English Historical Review* 605, 619.

⁶³¹ D Laqua, 'Activism in the 'Students' League of Nations': International Student Politics and the Confédération Internationale des Étudiants, 1919–1939' (2017) 556 *English Historical Review* 605, 637.

⁶³² T Kahlert, 'Pioneers in International Administration: A Prosopography of the Directors of the League of Nations Secretariat' (2019) 13(2) *New Global Studies* 191, 192.

⁶³³ L Tournès, 'American membership of the League of Nations: US philanthropy and the transformation of an intergovernmental organisation into a think tank' (2018) 55 *International Politics* 852, 866.

articles as a commonly held view, for example, an article referencing general ILO policy in the *International Labour Review* posited that the problems caused by the economic downturn could 'only be dealt with properly by an institution of world-wide extent'.⁶³⁴ Staricoff in the *Review* covered the relationship between the ILO and Australia, and dubbed the former as the 'most important institution which the world possesses to-day for the initiation and accomplishment of social legislation'.⁶³⁵ Likewise, the conclusion of the 19th Conference summary alluded to the 'great structure' being built within the ILO in aid of the 'great necessity' there was for internationally-mediated labour regulation in times such as these.⁶³⁶

Over the course of the 1930s three major nations, Germany, Japan and Italy all left the League of Nations due in no small part to disputes over territory and the capacity of the aforementioned nations to take control over colonies.⁶³⁷ Japanese incursions in Manchuria and Italy's conquest of Ethiopia soured relations with the international community and the League's Mandate system sufficiently to see both nations leave the League.⁶³⁸ The League eventually stood against Mussolini's invasion of Ethiopia in 1935, though the sanctions imposed had a limited impact due to a lack of coordination with the US on realising their effect.⁶³⁹

The employees of the League and its bureaucratic arm, the Secretariat, were made up of men and women hired exclusively by the League rather than officials on loan from national

⁶³⁴ International Labour Review, 'ILO Notes' (1935) 31 *International Labour Review* 1, 2.

⁶³⁵ J Staricoff, 'Australia and the Constitution of the International Labour Organisation' (1935) 32 *International Labour Review* 577, 577.

⁶³⁶ International Labour Review, 'Nineteenth Session of the International Labour Conference.' (1935) 32 *International Labour Review* 289, 343.

⁶³⁷ S Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (St Ives: OUP 2015) Available at: <<https://oxford-universitypressscholarship-com.abc.cardiff.ac.uk/view/10.1093/acprof:oso/9780199570485.001.0001/acprof-9780199570485-chapter-1>> [Accessed: 2 September 2021] 289.

⁶³⁸ S Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (St Ives: OUP 2015) Available at: <<https://oxford-universitypressscholarship-com.abc.cardiff.ac.uk/view/10.1093/acprof:oso/9780199570485.001.0001/acprof-9780199570485-chapter-1>> [Accessed: 2 September 2021] 289-291.

⁶³⁹ G Finaldi, 'Mussolini's War in Ethiopia' in G Martel (ed), *A Companion to International History 1900-2001* (Oxford: Wiley-Blackwell 2007) 163-164.

governments.⁶⁴⁰ As a result, the ‘genuinely international officialdom’ that this created bore primary loyalty to the League and to the spirit of internationalism rather than to an individual state.⁶⁴¹ The ILO though took a different direction, as Harold Butler, the Director-General of the ILO between 1932 and 1938 and Clarence Jenks, the ILO’s chief legal advisor at the time, both noted that an internationalist staff detached from the realities of national life were undesirable as employees for their vision of the ILO.⁶⁴² They both felt that the ILO would be best served by being populated by individuals with strong national connections, whose primary concern was the welfare of workers in their nations. This demonstrated a divergence in thinking between the ILO and the League, a difference that would be brought to bear as the destinies of the two bodies became disconnected coming out of the Second World War.

In order to maintain acceptance of its authority, the League had to present an impartial front.⁶⁴³ The League of Nations’ commitment to impartiality hampered it somewhat when it came to promoting policy that its actors had preferred. This extended to pressure being put on the League to not take sides between the Allies and the Axis powers during World War II, despite the League’s secretariat wanting to throw its weight firmly behind the Allies.⁶⁴⁴

Hitler’s rise to power, and his public disdain for the burden he felt had been put on the country had created friction amongst the international community.⁶⁴⁵ This was due to the post-WWI reparations scheme agreed at Versailles which imposed a financial obligation on

⁶⁴⁰ S Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (St Ives: OUP 2015)

Available at: <<https://oxford-universitypressscholarship-com.abc.cardiff.ac.uk/view/10.1093/acprof:oso/9780199570485.001.0001/acprof-9780199570485-chapter-1>> [Accessed: 2 September 2021] 47-48.

⁶⁴¹ S Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (St Ives: OUP 2015)

Available at: <<https://oxford-universitypressscholarship-com.abc.cardiff.ac.uk/view/10.1093/acprof:oso/9780199570485.001.0001/acprof-9780199570485-chapter-1>> [Accessed: 2 September 2021] 47-48.

⁶⁴² G Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press 2013) 60-61.

⁶⁴³ P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King’s Lynn: OUP 2013) 61.

⁶⁴⁴ P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King’s Lynn: OUP 2013) 241-242.

⁶⁴⁵ E Goldstein, ‘The Versailles System’ in G Martel (ed), *A Companion to International History 1900-2001* (Oxford: Wiley-Blackwell 2007) 160-161.

Germany that it was unable to fulfil following the global financial collapse,⁶⁴⁶ despite American-led Dawes plan restructured the payments system to help alleviate this.⁶⁴⁷ Germany's exit was implemented by Hitler, shortly after he took power in 1933, with an immediate withdrawal, and ignored the requirement for two years notice.⁶⁴⁸ Japan's break from the League had been building up for some time,⁶⁴⁹ and seemed to be rooted in unease within Japan with the body as an instrument for maintenance of the status quo,⁶⁵⁰ enshrining and promulgating the power of major nations, and making it harder for other nations to break in. Italy had attempted to engage with the League-led international expert community in order to further its own national ambitions,⁶⁵¹ though this fell away as nations began gearing up for conflict.

Despite the major departures, the US returned to the international fold to some extent in the years leading to WWII, and in 1934 re-joined the ILO.⁶⁵² The involvement of American philanthropic associations like the Rockefeller Foundation in international law diminished in the 1930s due to the economic pressures created by the Great Depression.⁶⁵³ Organisations like these had committed funding to international law projects through the League of Nations in an effort to promulgate Anglo-American values in the international sphere and create a degree of Westernised consensus in international organisations.⁶⁵⁴

⁶⁴⁶ E Goldstein, 'The Versailles System' in G Martel (ed), *A Companion to International History 1900-2001* (Oxford: Wiley-Blackwell 2007) 157.

⁶⁴⁷ E Goldstein, 'The Versailles System' in G Martel (ed), *A Companion to International History 1900-2001* (Oxford: Wiley-Blackwell 2007) 157.

⁶⁴⁸ S Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (St Ives: OUP 2015) Available at: <<https://oxford-universitypressscholarship-com.abc.cardiff.ac.uk/view/10.1093/acprof:oso/9780199570485.001.0001/acprof-9780199570485-chapter-1>> [Accessed: 2 September 2021] 289.

⁶⁴⁹ P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King's Lynn: OUP 2013) 125.

⁶⁵⁰ M Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 185.

⁶⁵¹ E Tollardo, 'International Experts or Fascist Envoys? Alberto Theodoli and Pietro Stoppani at the League of Nations' [2017] *New Global Studies* 1, 8-9.

⁶⁵² L Tournès, 'American membership of the League of Nations: US philanthropy and the transformation of an intergovernmental organisation into a think tank' (2018) 55 *International Politics* 852, 866; G. Standing, 'The International Labour Organization' (2010) 15(2) *New Political Economy* 307, 308.

⁶⁵³ K Rietzler, 'Fortunes of a Profession: American Foundations and International Law, 1910-1939' (2014) 28(1) *Global Society* 8, 22-23.

⁶⁵⁴ K Rietzler, 'Fortunes of a Profession: American Foundations and International Law, 1910-1939' (2014) 28(1) *Global Society* 8, 17-18.

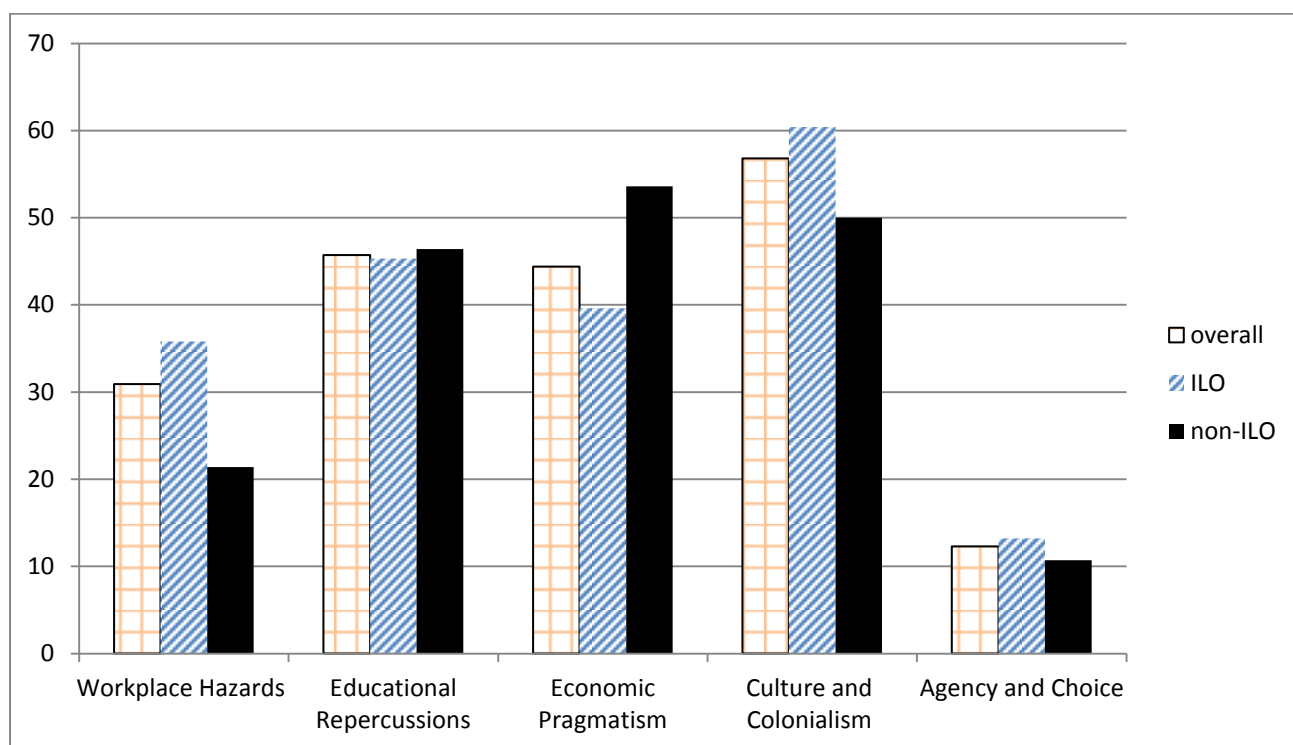


Figure 7.1: Moment 2 Pillar Breakdown

Number of Articles and Documents Manually Reviewed	ILO sources sampled	Non-ILO sources sampled
211	53	28

7.2 Matters of jurisdiction in moment 2

After the ILO’s early years, the organisation set about establishing fields of visibility, namely the areas which it deemed to be within its governable jurisdiction. Central to this were the Conventions, and ensuring their implementation and effect. To this end, the ILO’s Committee of Experts was established in 1926⁶⁵⁵ and tasked with monitoring compliance with Convention commitments in national laws.⁶⁵⁶ This was expanded in 1929 so as to allow

⁶⁵⁵ ILO, ‘Library Guides: History of the ILO’ (ilo.org) (Available at: <https://libguides.ilo.org/c.php?g=657806&p=4649148>) [Accessed: 29 March 2022]; ILO, ‘About the ILO: History of the ILO’ (ilo.org) (Available at: <https://www.ilo.org/global/about-the-ilo/history/lang--en/index.htm>) [Accessed: 29 March 2022].

⁶⁵⁶ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 231.

the Committee to query whether Conventions were being effectively applied, though this was limited by an inability to commission investigations to this end.⁶⁵⁷

However, the Depression also brought concerns around economics to the forefront of policymaking, blurring the line between workplace issues and international stability, thus bringing the areas covered by the League and the ILO closer together.⁶⁵⁸ In this sense, the presence of the larger League of Nations could threaten to intrude on the ILO's 'field of visibility' or jurisdiction, with the League possessing greater political and institutional resources. Furthermore, the League made data collection a large part of its mission in the 1920s and 1930s, particularly in the field of economics, and was aided substantially by the Rockefeller Foundation prior to the Depression.⁶⁵⁹

The League established its Child Welfare Committee in 1924 and it passed a Declaration on the Rights of the Child to set out its vision, further encroaching on the ILO's territory. The particular nature of children and their vulnerability to the turbulence of war and famine strengthened the argument for comprehensive action in favour of all children, rather than a subset such as orphans.⁶⁶⁰

Droux has argued that despite the extensive attention given to child labour in the early years of the ILO, this was used as a means of the ILO establishing its jurisdiction and forging transnational links with specialist institutions.⁶⁶¹ Droux submitted that the lack of ILO specialist personnel in the field of child protection demonstrated that the organization's focus was oriented more toward other areas like social insurance and industrial health.⁶⁶²

⁶⁵⁷ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 231.

⁶⁵⁸ P. Clavin, 'What's in a Living Standard? Bringing Society and Economy Together in the ILO and the League of Nations Depression Delegation, 1938-1945' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013) 235.

⁶⁵⁹ K.C. Lavelle, 'Exit, voice, and loyalty in international organizations: US involvement in the League of Nations' (2007) 2 *Review of International Organizations* 371, 378.

⁶⁶⁰ D Marshall, 'The Construction of Children as an Object of International Relations: The Declaration of Children's Rights and the Child Welfare Committee of the League of Nations, 1900-1924' (1999) 7 *International Journal of Children's Rights* 103, 145.

⁶⁶¹ J. Droux, 'From Inter-Agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 264-266.

⁶⁶² J. Droux, 'From Inter-Agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 266.

The renewed focus on child labour in the 1930s was attributed to the establishment of the Committee for the Protection of Children in 1924. Framings of child labour as a phenomenon with distinct economic implications were discussed frequently, with many linking the trajectory of the practice and eventual appetite for reform to impact of the Depression. Albert Thomas, the ILO's Director-General, sent delegates to the Committee with the express brief of restricting the areas the new Committee was qualified to address so as to avoid overlap with the ILO's ambit.⁶⁶³

During the 1930s the ILO increased cooperation with transnational networks including the International Save the Children Delegation and the Young People's Christian Unions among others.⁶⁶⁴ Droux has argued that this international coordination weakened the ILO's expert status in this period, as many other actors were demonstrably having a steering effect regarding child protection policy,⁶⁶⁵ and that the ILO's own influence was weakened during WWII.⁶⁶⁶ The idea that the presence of more actors in ILO fields of influence weakened its impact is persuasive. The tendency for the ILO to act in tandem with other organisations rather than imposing its sole institutional vision signalled the ILO's role was accordingly reduced in the field of labour regulation or child rights.

7.3 Conventions in moment 2

In this moment, the economic framings of child labour and international governance were shaped by overarching concerns over the Depression. The two were synonymous, and economic factors filtered into almost every other pillar as well. The new Conventions passed

⁶⁶³ J. Droux, 'From Inter-Agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 267 and 269.

⁶⁶⁴ J. Droux, 'From Inter-Agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 271.

⁶⁶⁵ J. Droux, 'From Inter-Agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 273.

⁶⁶⁶ J. Droux, 'From Inter-Agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 274.

in this moment were a function of the concerns brought about by the Depression, with the minimum age being raised so as to encourage adult and young adult workers to gain employment.

Young workers (the over-16s) were among the most adversely affected by the outbreak of the Depression, exhibiting some of the highest unemployment rates.⁶⁶⁷ It was understood that this was because of competition from child workers, who could be employed for less money, and from older workers, who had more extensive experience and proficiency.⁶⁶⁸ In this moment, influenced by the economic Depression, employers prioritised adult workers over their younger counterparts due to the inconveniences associated with hiring young people which included extra age registration requirements, regular medical exams and increased inspections.⁶⁶⁹

The prospect of young workers becoming an unpredictable and destabilising political force motivated the revisions of Conventions passed during the ILO's founding,⁶⁷⁰ raising the minimum working age to 15.⁶⁷¹ This indicates an indirect effect of regulation, namely, the economic cost to employers of hiring minors which dissuades them from doing so thus gradually reducing the numbers of child workers.⁶⁷² This was seen as the best means of realising the ILO's founding mission to end child labour by working through the consent of employers rather than trying to institute an outright ban.

⁶⁶⁷ J. Droux, 'From Inter-Agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 270.

⁶⁶⁸ J. Droux, 'From Inter-Agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 270.

⁶⁶⁹ International Labour Review 'Labour Conditions in Egypt' (1936) 34 *International Labour Review* 84, 86.

⁶⁷⁰ J. Droux, 'From Inter-Agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 270.

⁶⁷¹ ILO, 'Convention No. 58: Minimum Age (Sea) Convention (Revised)' 22 October 1936, Geneva Conference, Twenty-Second Session, Art 3; ILO, 'Convention No. 59: Minimum Age (Industry) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session Art 2; ILO, 'Convention No. 60: Minimum Age (Non-Industrial Employment) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Art 2.

⁶⁷² International Labour Review, 'Labour Inspections in Estonia, 1929-1933.' (1936) 33 *International Labour Review* 246, 247.

As economic growth fell precipitously after the crash in 1929, the number of employment certificates issued to children to permit working prior to attaining the minimum working age also fell.⁶⁷³ As the number of available jobs diminished, professions that were previously predominantly undertaken by children such as mail carriers, were done by older children and young adults.⁶⁷⁴

Employers in this period often needed fewer workers and could thus be more selective, prioritising those who already had gained experience of working and had a good level of education.⁶⁷⁵ This was described in one article in the *Monthly Labor Review*, as ‘survival of the fittest’ in the employment world,⁶⁷⁶ thus heightening the urgency of schemes that could provide children and young people with an education to instil marketable, useful skills. This seemed to define something of a departure from the previous moment where education and increasing children’s time in school was viewed as an end in of itself. Instead, the view of school had evolved and, education was seen as one constituent part in a system of policies necessary to ensure a healthy flow of children and young people into the world of work. This would also explain the increased policy focus on young people, on the borders of child labour legislation, and their work prospects.

In 1929 Thomas prompted ILO personnel to draft a preliminary report for a new minimum age Convention covering types of work that were not covered by the instruments passed at and around the founding.⁶⁷⁷ These included street performing and delivery work, and were thought of as building delinquency and providing scant relevant experience to jobs that children might go into as adults.⁶⁷⁸ This ultimately resulted in ILO Convention 33, passed in

⁶⁷³ *Monthly Labor Review*, ‘Child Labor’ (1937) 45(6) *Monthly Labor Review* 1371, 1372-73.

⁶⁷⁴ *Monthly Labor Review*, ‘Employment of Children in Newspaper and Magazine Distributing’ (1935) 40(5) *Monthly Labor Review* 1234, 1236.

⁶⁷⁵ *Monthly Labor Review*, ‘Unemployed Youth: Youth Commission of the American Council of Education’ (1936) 42(1) *Monthly Labor Review* 74, 76.

⁶⁷⁶ EN Matthews, ‘Unemployed Youth of New York City’ (1937) 44(2) *Monthly Labor Review* 267, 284.

⁶⁷⁷ J. Droux, ‘From Inter-Agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years’ in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 269.

⁶⁷⁸ J. Droux, ‘From Inter-Agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years’ in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013), 269.

1932, which set the minimum age for working and for leaving school at 14.⁶⁷⁹ It also was permissible for children over the age of 12 to undertake light work as long as it did not interfere with their health, development or school attendance.⁶⁸⁰ Also in 1932, the ILO passed Recommendation No. 41, which stipulated that non-industrial employment should be limited for children of school age so as to protect their 'physical, intellectual and moral development'.⁶⁸¹

In the Labour Conferences of 1936 and 1937, Conventions 58, 59 and 60 were passed revising the minimum age for working to 15 at sea,⁶⁸² in industry⁶⁸³ and in non-industrial professions⁶⁸⁴ respectively. At the latter Labour Conference, the ILO passed Recommendation No. 52 covering child work in family enterprises. This noted that while non-hazardous family work was excluded from the scope of existing Conventions, there was a hope that this exception would be removed in the future.⁶⁸⁵

Among non-ILO sources, the economic aspects of child labour were also considered frequently with repeated references made to the influence of the Depression on the labour landscape broadly and its corollary effects on children working.⁶⁸⁶

7.4 Educational repercussions: Economic concerns factoring into educational policy

The most prominent thematic pillars used in arguing about child labour were those relating to education, economics and culture. Though, the delineation between economic

⁶⁷⁹ ILO, 'Convention No. 33: Minimum Age (Non-Industrial Employment) Convention' 12 April 1932, Geneva Conference, Sixteenth Session, Art 2.

⁶⁸⁰ ILO, 'Convention No. 33: Minimum Age (Non-Industrial Employment) Convention' 12 April 1932, Geneva Conference, Sixteenth Session, Art 3(1).

⁶⁸¹ ILO, 'Recommendation No. 41: Minimum Age (Non-Industrial Employment) Recommendation' 12 April 1932, Geneva Conference, Sixteenth Session, Para 1.

⁶⁸² ILO, 'Convention No. 58: Minimum Age (Sea) Convention (Revised)' 22 October 1936, Geneva Conference, Twenty-Second Session, Art 3.

⁶⁸³ ILO, 'Convention No. 59: Minimum Age (Industry) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session Art 2.

⁶⁸⁴ ILO, 'Convention No. 60: Minimum Age (Non-Industrial Employment) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Art 2.

⁶⁸⁵ ILO, 'Recommendation No. 52: Minimum Age (Family Undertakings) Recommendation' 3 June 1937, Geneva Conference, Twenty-Third Session, Preamble.

⁶⁸⁶ EA Merritt, 'Child Labor under the NRA as Shown by Employment Certificates Issued in 1934' (1935) 41(6) *Monthly Labor Review* 1477, 1478.

arguments and other pillars was somewhat diminished in this moment, as the financial travails imported by the global market crash, were brought to bear on all areas of life. In particular, educational policy in relation to child labour had an economic slant to it, with considerations made of the composition of the workforce and ways to reduce a log-jam of available workers by keeping children in school and training facilities longer than previously. This served the short-term goal of mitigating unemployment numbers, which had grown substantially. It also solved the long-term objective of reducing child labour overall, by providing better training that was integrated with the school system and was subject to oversight mechanisms.

This next section covers the increasing efforts made to integrate education and work, and signifies the merging of matters relating to education and the economy during this moment. This trend blurred the distinction between the pillars relating to economics and education, and is mainly due to the economic pressures created by the Depression and the corollary effect this had on demand for labour. As a result, the need for child labour was reduced. Consequently, to reduce adult unemployment, a move was made within ILO instruments to encourage states to ensure that children remained in school longer. This was done by children completing their compulsory education and engaging with preparatory schools, vocational training institutions which would give children and young people leaving school the skills needed for the world of work.

Child labour was also explained in multiple instances as being the natural result of parents being unable to afford to support their children without supplemental income.⁶⁸⁷ This type of framing, where child labour was the result of a choice between two bad options, namely the risks of child labour and abject poverty, was also prevalent in 19th century child labour policy, which Blelloch reflected upon during this moment.⁶⁸⁸ This was ultimately framed as a lack of opportunity during this moment.

With the concept of opportunity in mind, the general attitude towards schooling was similar to that around the time of the ILO's founding. That being, education and work were

⁶⁸⁷ International Labour Review, 'The Mui Tsai System in China, Hong Kong, and Malaya' (1936) 34 *International Labour Review* 663, 676; International Labour Review, 'The Minimum Age for Employment in Switzerland' (1938) 38 *International Labour Review* 680, 680.

⁶⁸⁸ D.H. Blelloch, 'A Historical Survey of Factory Inspection in Great Britain' (1938) 38 *International Labour Review* 614, 618.

opposing forces and in cases where the two conflict; school attendance had to be prioritised and working prohibited in so far as it compromised the children's capacity to attend school.⁶⁸⁹ This was generally framed in terms of children losing out on 'benefits'⁶⁹⁰ and 'opportunities'⁶⁹¹ provided by education, whether in relation to general knowledge, preparing them for further education,⁶⁹² or gaining practical experience that would equip the child for success in their prospective working lives⁶⁹³ and careers.⁶⁹⁴

Raising the minimum age for working (in Conventions 58-60),⁶⁹⁵ taken together with the corresponding rise in the duration of compulsory education, was also said to have the consequence of 'raising the cultural level'⁶⁹⁶ and 'human value'⁶⁹⁷ of workers as a whole. This played into the concerns voiced that children should also be educated broadly 'to avoid premature specialisation of young workers and to provide scope for greater adaptation on the part of skilled workers'.⁶⁹⁸ Concerns over worker adaptability were explicitly shaped by

⁶⁸⁹ ILO, 'Convention No. 33: Minimum Age (Non-Industrial Employment) Convention' 12 April 1932, Geneva Conference, Sixteenth Session, Art 3(1); ILO, 'Recommendation No. 41: Minimum Age (Non-Industrial Employment) Recommendation' 12 April 1932, Geneva Conference, Sixteenth Session, Art I.

⁶⁹⁰ ILO, 'Recommendation No. 41: Minimum Age (Non-Industrial Employment) Recommendation' 12 April 1932, Geneva Conference, Sixteenth Session, Art I; ILO, 'Convention No. 58: Minimum Age (Sea) Convention (Revised)' 22 October 1936, Geneva Conference, Twenty-Second Session, Art 2.

⁶⁹¹ W.T. Ham, 'Regulation of Labour Conditions in Sugar Cultivation under the Agricultural Adjustment Act' (1936) 33 *International Labour Review* 74, 79.

⁶⁹² J. Rosner, 'Productive Occupation for Unemployed Young Workers in Poland' (1935) 31 *International Labour Review* 512, 514.

⁶⁹³ D.C. Tait, 'Unemployment of Young People in Great Britain' (1935) 31 *International Labour Review* 166, 170-71; *International Labour Review*, 'Nineteenth Session of the International Labour Conference.' (1935) 32 *International Labour Review* 289, 80; *International Labour Review*, 'The Twenty-Fourth Session of the International Labour Conference.' (1938) 38 *International Labour Review* 301, 307.

⁶⁹⁴ *International Labour Review*, 'The Twenty-Third Session of the International Labour Conference.' (1937) 36 *International Labour Review* 293, 340-41.

⁶⁹⁵ ILO, 'Convention No. 58: Minimum Age (Sea) Convention (Revised)' 22 October 1936, Geneva Conference, Twenty-Second Session, Art 3; ILO, 'Convention No. 59: Minimum Age (Industry) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session Art 2; ILO, 'Convention No. 60: Minimum Age (Non-Industrial Employment) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Art 2.

⁶⁹⁶ *International Labour Review*, 'The Twenty-Third Session of the International Labour Conference.' (1937) 36 *International Labour Review* 293, 340-41.

⁶⁹⁷ *International Labour Review*, 'The Twenty-Fourth Session of the International Labour Conference.' (1938) 38 *International Labour Review* 301, 310.

⁶⁹⁸ *International Labour Review*, 'The Twenty-Fourth Session of the International Labour Conference.' (1938) 38 *International Labour Review* 301, 304.

the widespread unemployment caused by the Depression, with ILO voices keen to avoid future generations of workers being as vulnerable to sudden economic downturns.⁶⁹⁹

The ILO's standards were acted upon in national legislatures, demonstrating something akin to delegated actions, or subjectivities of governance in effect. A general trend towards lengthening the duration of compulsory schooling in member states was seen over this period. In Britain, proposals were made to raise the upper age limit of compulsory schooling from 14 to 15 in line with the recommendations of educational experts who felt the extra time in school would equip children with 'a sound general knowledge' and the skills necessary for careers in industry.⁷⁰⁰

Outside of sources specifically documenting conversations taking place within ILO structures, the value of education for those who had left school and were struggling to find work was considered frequently. An oft-mentioned issue in this moment was widespread unemployment amongst young people,⁷⁰¹ many of whom had left school early in order to work as children and were subsequently struggling to attain work in a financially difficult labour market.⁷⁰² This seems to provide some evidence for the concerns around child labour more broadly, that compromising education during childhood can have longer term effects, even in the face of its short-term gains. In order to remedy this, the US federal government and many States attempted to institute work programmes⁷⁰³ and vocational education schemes to facilitate unemployed young people getting into work. This was especially pertinent as research undertaken into the work situation of youths in rural America found that illiteracy was a barrier to many getting into work, and that more libraries and greater vocational training facilities needed to be available in rural communities.⁷⁰⁴ This regional

⁶⁹⁹ International Labour Review, 'The Twenty-Fourth Session of the International Labour Conference.' (1938) 38 *International Labour Review* 301, 309-10.

⁷⁰⁰ D.C. Tait, 'Unemployment of Young People in Great Britain' (1935) 31 *International Labour Review* 166, 170-71.

⁷⁰¹ Monthly Labor Review, 'Secretary of Labor's Recommendations on the Problem of Unemployed Youth' (1935) 40(6) *Monthly Labor Review* 1460, 1460.

⁷⁰² EN Matthews, 'Unemployed Youth of New York City' (1937) 44(2) *Monthly Labor Review* 267, 271.

⁷⁰³ Monthly Labor Review, 'Secretary of Labor's Recommendations on the Problem of Unemployed Youth' (1935) 40(6) *Monthly Labor Review* 1460, 1460.

⁷⁰⁴ Monthly Labor Review, 'Activities of National Youth Administration' (1936) 42(4) *Monthly Labor Review* 922, 922.

bias seemed to be borne out by the facts as it was found that youths receiving financial relief were predominantly from 'open country', *i.e.* children living in rural areas.⁷⁰⁵

Policies that focused on the long-term work prospects of child workers reframed the metrics of success regarding child labour policy expanding the remit of policymakers in this field. It extended beyond whether children were protected from harm by being kept out of work that was inappropriate or dangerous. The aim of this legislation was to protect children's entry into, and their continuing presence in, the world of work.

Further on this theme, praise was made of the impact of combining child labour legislation with extensions of compulsory schooling under the law.⁷⁰⁶ This was said to have resulted from 'increased social impetus' to ensure that children's period in school was prolonged,⁷⁰⁷ as it was increasingly viewed as 'socially wasteful' for children to cut short 'school training'⁷⁰⁸ in favour of rudimentary work. Instead it was said that children required training in skills that would be useful in industry in order to 'develop their abilities constructively',⁷⁰⁹ and schools were called upon to provide said training.⁷¹⁰ This again shows that the focus of the way education was framed in this moment was somewhat broader, more geared towards practical skills and providing children with skills necessary to make a success of their working lives.

The framing of the role of schools in children's development thus became a large feature of policymaking discussions. In some quarters however, efforts were made to more coherently fuse the schooling and work infrastructures at a national level, and to discuss the way the two should work in tandem.

⁷⁰⁵ Monthly Labor Review, 'Youth on Relief' (1936) 43(1) *Monthly Labor Review* 45, 46.

⁷⁰⁶ EA Merritt, 'Child Labor under the NRA as Shown by Employment Certificates Issued in 1934' (1935) 41(6) *Monthly Labor Review* 1477, 1478.

⁷⁰⁷ Monthly Labor Review, 'Child Labor' (1937) 45(6) *Monthly Labor Review* 1371, 1388-89.

⁷⁰⁸ Monthly Labor Review, 'Child Labor' (1937) 45(6) *Monthly Labor Review* 1371, 1390.

⁷⁰⁹ Monthly Labor Review, 'Education and Training' (1938) 47(1) *Monthly Labor Review* 86, 87-88.

⁷¹⁰ Monthly Labor Review, 'Youth in Industry' (1938) 47(3) *Monthly Labor Review* 536, 538.

7.4.1 Educational repercussions: Debate around a possible coexistence of school and work

A visible change in the way the relationship between work and school was framed in this period was that specific ways which allowed work and schooling to co-exist were considered. It appeared that in a general sense there was a greater acceptance of child labour, at least in certain circumstances, such as in agriculture. A study of Swiss child labour noted that the practice of children working on farms, particularly around harvest season, enjoyed wider acceptance than the previous moment as a 'more objective view of the matter' had gained the upper hand in the public debate around the subject.⁷¹¹ This type of framing cast child labour as inevitable, a practice that did not necessarily by its nature cause harm to the children concerned, and thus should be regulated rather than restricted. This view gaining primacy was also evidenced by the greater and more common attempts to integrate school and employment policy, by structuring timetables around seasonal work commitments⁷¹² and orienting education towards workplace skills and competences.⁷¹³

This was shaped in part by the lack of schooling infrastructure in many national jurisdictions.⁷¹⁴ With this in mind, considerations were made in ILO Recommendation 41 for the potential for the school timetable to be augmented so as to facilitate the largest degree of attendance for children,⁷¹⁵ whilst allowing for unavoidable work commitments which children faced.⁷¹⁶

⁷¹¹ A Borel, 'The Conditions of Agricultural Workers in Switzerland' (1938) 38 *International Labour Review* 44, 47.

⁷¹² International Labour Review 'Employment and Remuneration of Farm Workers in Scotland' (1936) 34 *International Labour Review* 496, 497-98; J. Hilenga, 'The Situation of Agricultural and Horticultural Workers in the Netherlands' (1938) 37 *International Labour Review* 44, 58.

⁷¹³ International Labour Review, 'The Twenty-Fourth Session of the International Labour Conference.' (1938) 38 *International Labour Review* 301, 304; D.C. Tait, 'Unemployment of Young People in Great Britain' (1935) 31 *International Labour Review* 166, 170-71.

⁷¹⁴ International Labour Review, 'Labour Inspection in Poland, 1928-1933' (1937) 35 *International Labour Review* 384, 388; International Labour Review, 'The Twenty-Third Session of the International Labour Conference.' (1937) 36 *International Labour Review* 293, 341; International Labour Review 'Labour Conditions in Egypt' (1936) 34 *International Labour Review* 84, 85.

⁷¹⁵ For example: International Labour Review 'Employment and Remuneration of Farm Workers in Scotland' (1936) 34 *International Labour Review* 496, 497-98; A Borel, 'The Conditions of Agricultural Workers in Switzerland' (1938) 38 *International Labour Review* 44, 46.

⁷¹⁶ ILO, 'Recommendation No. 41: Minimum Age (Non-Industrial Employment) Recommendation' 12 April 1932, Geneva Conference, Sixteenth Session, Art I.

Schooling was viewed by some as a means to an end of getting children into jobs that are sustainable and safe. Thus, a variety of exceptions to the rules on compulsory schooling were found at international and national level, provided there were methods for tracking numbers of child workers such as certification. For instance, in Martinique the minimum age of employment was 13 though this was lowered to 12 in cases where the child was able to produce a certificate proving they had completed the compulsory aspects of their schooling with regards to competence with literacy and numeracy.⁷¹⁷

This suggests that the main function that schooling provided was the necessary skills to enter the world of work, and thus once a base level of education had been imparted children, if able, should be free to work. This was also demonstrated by the ILO's advocacy for continuation schools: educational establishments which provided workplace-relevant skills sessions for children past the point where mandatory schooling ended.⁷¹⁸ Recommendations from the International Labour Conference were that all children were advised to take these classes up to the age of 18, though children who were not working were mandated to attend.⁷¹⁹ In practice, for example, such schemes were implemented in Britain⁷²⁰ and Australia.⁷²¹ These examples showed more permissive attitudes towards children working, provided there was some degree of state oversight, or technologies of government that allowed for tracing of the phenomenon.

Further to this, debates at the International Labour Conference about raising the minimum age resulted in governments ultimately retaining the veto for 14 year-olds to be employed with the proviso that it was seen as to their benefit.⁷²² Some states made the case that raising the minimum working age would have a beneficial effect on adult employment in a difficult economic period. Others posited that their own unemployment rates remained low

⁷¹⁷ L. Debretagne, 'Labour Conditions in Martinique' (1935) 32 *International Labour Review* 792, 796.

⁷¹⁸ International Labour Review, 'Nineteenth Session of the International Labour Conference.' (1935) 32 *International Labour Review* 289, 305-06.

⁷¹⁹ International Labour Review, 'Nineteenth Session of the International Labour Conference.' (1935) 32 *International Labour Review* 289, 305-06.

⁷²⁰ D.C. Tait, 'Unemployment of Young People in Great Britain' (1935) 31 *International Labour Review* 166, 178.

⁷²¹ G.R. Giles, 'Unemployment among Young People in Australia' (1935) 31 *International Labour Review* 811, 834.

⁷²² International Labour Review, 'The Twenty-Third Session of the International Labour Conference.' (1937) 36 *International Labour Review* 293, 343.

despite the Depression and as such should be able to refrain from raising working age limits.⁷²³ Ultimately this resulted in governments retaining the capacity to allow work for 14 year-olds in cases where work could be judged beneficial despite a general rise being implemented to the minimum working age, from 14 to 15.⁷²⁴

Integration between schooling and work policy, through means such as amending the school timetable, was explicitly a result of balancing the needs of industry and the supply of juvenile labour with the welfare and prospects of children.⁷²⁵ The cultivation of the next generation of workers had to be balanced against the interests of the pre-existing workforce, with concerns raised about the prospect of certain sectors suffering from an exclusion of young workers altogether.⁷²⁶

However, arguments were made that framed child labour as fit for complete abolition also came to the fore during this moment. In reference to the practice of children working on farms, the Scottish Labour Committee notably remarked that they could see 'no reason why the practice of employing children on work of, this nature should not be entirely abolished throughout the country'.⁷²⁷ Similar calls for 'root and branch' abolition of child domestic work in Ceylon from the minority report.⁷²⁸ Additionally, a more generalised abolition of child labour was proposed by representatives of the Atlantic and New England States in the USA at an interstate compact for labour regulation.⁷²⁹ Furthermore, the Swiss government expressed the 'wholesome effect' of raising the minimum working age in the country, having benefits for child health, education and for wider employment prospects of its

⁷²³ International Labour Review, 'The Twenty-Third Session of the International Labour Conference.' (1937) 36 *International Labour Review* 293, 341.

⁷²⁴ International Labour Review, 'The Twenty-Third Session of the International Labour Conference.' (1937) 36 *International Labour Review* 293, 343.

⁷²⁵ G.R. Giles, 'Unemployment among Young People in Australia' (1935) 31 *International Labour Review* 811, 822.

⁷²⁶ J. Rosner, 'Productive Occupation for Unemployed Young Workers in Poland' (1935) 31 *International Labour Review* 512, 517.

⁷²⁷ International Labour Review 'Employment and Remuneration of Farm Workers in Scotland' (1936) 34 *International Labour Review* 496, 497-98.

⁷²⁸ International Labour Review, 'The Employment of Women and Children in Domestic Service in Ceylon.' (1935) 32 *International Labour Review* 808, 816

⁷²⁹ E.M. Johnson, 'Interstate Compacts on Labour Legislation in the United States' (1936) 33 *International Labour Review* 790, 796.

citizenry.⁷³⁰ At this period in time, the abolition of child labour seemed to be a medium-to-long-term goal, as direct allusions were made to the desire of the British government to undertake the 'gradual suppression' of the practice in some of its Asian colonies.⁷³¹

Despite some dissent there was clearly an appetite for greater oversight of child work while it remained a prominent feature of the labour market. With this in mind, monitoring and data collection of the extent of child labour, and the transition between school and work, took on greater significance.

7.4.2 Educational repercussions: Workplace regulation and managing the school-to-work transition

There was a general move towards oversight mechanisms for young people getting into work for the first time, placement and monitoring mechanisms to ensure that the young found the right jobs.⁷³² There were guidance and placement services that were extended to overseeing the process of getting 16-24 year olds into work.⁷³³ These imported a variety of schemes including individual counselling, try-out courses and group guidance sessions.⁷³⁴

Most commonly guidance took the form of government-backed organisations facilitating the transition between school and work, through advice and/or preparatory training. In this vein, childhood was discussed as a concept, as a time where children needed both 'rest and playtime' in order to grow correctly and that this was compromised by working.⁷³⁵ It was

⁷³⁰ International Labour Review, 'The Minimum Age for Employment in Switzerland' (1938) 38 *International Labour Review* 680, 681.

⁷³¹ International Labour Review, 'The Mui Tsai System in China, Hong Kong, and Malaya' (1936) 34 *International Labour Review* 663, 676.

⁷³² Monthly Labor Review, 'Unemployed Youth: Youth Commission of the American Council of Education' (1936) 42(1) *Monthly Labor Review* 74, 76.

⁷³³ Monthly Labor Review, 'Young and Old at the Employment Office' (1938) 46(1) *Monthly Labor Review* 3, 4-5.

⁷³⁴ Monthly Labor Review, 'Unemployed Youth' (1938) 47(1) *Monthly Labor Review* 64, 65.

⁷³⁵ Monthly Labor Review, 'Employment of Children in Newspaper and Magazine Distributing' (1935) 40(5) *Monthly Labor Review* 1234, 1235.

said that there was increasing 'recognition' in American society that childhood needed to be 'a longer period' of development to prepare children for the 'burdens' of adulthood.⁷³⁶

Further, early adulthood was framed as a period in life where 'character development is so important' and that this was served by gaining work.⁷³⁷ This ultimately saw the extension of the framing of education beyond the limits of school years, and into the early stages of employment.

To this end, the British Government as part of the Unemployment Insurance Act 1934, stipulated that all unemployed boys and girls between the ages of 14 and 18 would have to attend 'authorized courses of instruction' to provide them with the skills necessary to be reabsorbed into employment as soon as possible.⁷³⁸ This suggests that there were no objections to young people working during adolescence, and it was expected that they would suffer 'demoralization'⁷³⁹ if they were unemployed during their teenage years. Preparatory schools were instituted in multiple nations to engage children who had completed compulsory schooling but had not yet taken up employment.⁷⁴⁰ It suggests that this trend had been influenced by the mass unemployment characteristic of the period due to the Depression.

The British Government established a means of monitoring child employment through advisory bodies which attempted to match children with available jobs and help to guide them away from 'non-progressive occupations'.⁷⁴¹ These bodies were also able to follow up with children after they were matched with an employer, facilitating the monitoring of children in the workplace by involving the government at as early a stage as possible. The

⁷³⁶ EA Merritt, 'Child Labor under the NRA as Shown by Employment Certificates Issued in 1934' (1935) 41(6) *Monthly Labor Review* 1477, 1478.

⁷³⁷ Monthly Labor Review, 'Secretary of Labor's Recommendations on the Problem of Unemployed Youth' (1935) 40(6) *Monthly Labor Review* 1460, 1460.

⁷³⁸ Monthly Labor Review, 'Compulsory Schooling for Unemployed Juveniles in Great Britain' (1936) 42(2) *Monthly Labor Review* 376, 376.

⁷³⁹ Monthly Labor Review, 'Compulsory Schooling for Unemployed Juveniles in Great Britain' (1936) 42(2) *Monthly Labor Review* 376, 376.

⁷⁴⁰ For example: D.C. Tait, 'Unemployment of Young People in Great Britain' (1935) 31 *International Labour Review* 166, 178; J. Rosner, 'Productive Occupation for Unemployed Young Workers in Poland' (1935) 31 *International Labour Review* 512, 516.

⁷⁴¹ D.C. Tait, 'Unemployment of Young People in Great Britain' (1935) 31 *International Labour Review* 166, 172.

Australian⁷⁴² and Swiss Governments⁷⁴³ also established similar schemes reporting success in driving down the amount of child labour occurring in factories.

The policy pursued in relation to child labour and schools in this moment reflected a desire to give regulators at the national and international levels the ability to oversee and shape the way that children spent their time. This was oriented towards making sure that children gleaned as much as they could to best qualify them for the world of work, a long-term investment in the economy and in society.

The protective character of regulation regarding schooling and the shepherding of children from the classroom to the workplace was extended around the dangers posed to children by working. Framings which highlighted the safety aspect of child labour took on a distinctly scientific slant, focusing on the health concerns that had resulted from children working. Further, the responsibility for child labour infractions was framed as being the employer's, as child workers were not punished for working. This further illustrates the paternalism that characterises child labour policy in this moment.

7.5 Workplace hazards: Safety remains a chief concern

Despite recognition of some of the benefits of work, there was still a large focus on the worst case scenarios, where child safety was a concern. A custodial and clinical tenor was adopted towards children throughout this period, with focus put squarely on the health and developmental damage that could occur to children while working. The underlying attitude that produced this asserted that regulation should be geared towards protecting and guiding children through their most vulnerable years.⁷⁴⁴ This was seen in highlighted case studies of child domestic work where wages accrued to the children's parents rather than the children themselves.⁷⁴⁵ This practice was taken as being entirely natural and reflected

⁷⁴² G.R. Giles, 'Unemployment among Young People in Australia' (1935) 31 *International Labour Review* 811, 822.

⁷⁴³ International Labour Review, 'Factory Inspection in Switzerland, 1929-1935' (1937) 35 *International Labour Review* 830, 841-42.

⁷⁴⁴ D.C. Tait, 'Unemployment of Young People in Great Britain' (1935) 31 *International Labour Review* 166, 172.

⁷⁴⁵ International Labour Review, 'The Employment of Women and Children in Domestic Service in Ceylon.' (1935) 32 *International Labour Review* 808, 812.

the social perception that children were viewed as being under the authority of their parents, even when working, as if the work they did was naturally property of their parents and was being loaned out to a third party. This perhaps explains the variety of exceptions to child work rules on the proviso that children would undertake their work with their families, or on familial enterprises.⁷⁴⁶

Children's successful development was still in many cases thought of as being largely beyond their control, alluding to the question of children's agency or their lack thereof. The impact of parental attitudes on children was considered and it was posited that children's eventual ability to gain good employment in many cases depended on their parents' outlook on education. Young people who had struggled to gain work in their early years outside of school cited the influence of their parents, and the lack of emphasis put upon success in school as contributing to their struggles.⁷⁴⁷

Similar to the trend observed in the time around the founding, child labour is frequently framed as a barrier to development in this period. Regulations were constructed with this in mind, however, exceptions to prohibitions on child work were made so long as 'light work' did not interfere with the child's 'health or normal development'.⁷⁴⁸ Safety was defined in relation to children being in 'reasonable comfort, health and good morals',⁷⁴⁹ akin to the 'physical and moral wellbeing'⁷⁵⁰ approach taken around child safety at the founding.

Notably, taking a very scientific tone and outlook, work in factories was identified as a subset of work that had the capacity to do 'incalculable harm to juvenile organism'.⁷⁵¹ The

⁷⁴⁶ ILO, 'Convention No. 58: Minimum Age (Sea) Convention (Revised)' 22 October 1936, Geneva Conference, Twenty-Second Session, Art 2; ILO, 'Convention No. 59: Minimum Age (Industry) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Art 2; ILO, 'Convention No. 60: Minimum Age (Non-Industrial Employment) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Art 1; W.T. Ham, 'Regulation of Labour Conditions in Sugar Cultivation under the Agricultural Adjustment Act' (1936) 33 *International Labour Review* 74, 75.

⁷⁴⁷ *Monthly Labor Review*, 'Youth in Industry' (1938) 47(3) *Monthly Labor Review* 536, 538.

⁷⁴⁸ ILO, 'Convention No. 33: Minimum Age (Non-Industrial Employment) Convention' 12 April 1932, Geneva Conference, Sixteenth Session, Art 3(1).

⁷⁴⁹ *International Labour Review*, 'The Employment of Women and Children in Domestic Service in Ceylon.' (1935) 32 *International Labour Review* 808, 814.

⁷⁵⁰ League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.), Art 427.

⁷⁵¹ L. Teleky, 'The Place of the Doctor in Factory Inspection' (1935) 31 *International Labour Review* 28, 28.

inherent vulnerability of children to injury in this type of setting was framed in relation to their 'youth and inexperience'.⁷⁵² To this end, there was an increase in the number of articles in the *International Labour Review* covering the work of inspectorates in various national and regional infrastructures policing child work in industry.⁷⁵³ This signified an endorsement of national inspection mechanisms from the ILO which were technologies of governance. This appears to show that ILO actors were attempting to frame the impact of inspectors as being its own delegated action, or as a subjectivity of the ILO's international governance.

A continuation of this trend of scientific and developmental attitudes towards safety in child labour policy was seen in Switzerland. There the national government distinguished between children on the basis of them having the 'sufficient maturity' to safely undertake the work with which they were tasked.⁷⁵⁴ This was considered by doctors with expertise in child psychology and development, and focused upon the typical age ranges where children grew most physically and mentally. This was deliberated in practical terms as it was alleged that having undergone development, said typically to occur between the ages of 14 and 16, that children were more equipped to understand their work and made less mistakes resulting in injury.⁷⁵⁵ This framing suggested that the ability of children to make decisions around their work was hampered by their lack of intellectual development and experience, alluding somewhat to agency.

Similarly to within the ILO, the *Monthly Labor Review* discussed the physical aspects of child work in terms of development and the 'tax'⁷⁵⁶ that working puts on the growing body of a

⁷⁵² International Labour Review, 'Labour Inspection in New Zealand' (1938) 38 *International Labour Review* 83, 95.

⁷⁵³ Examples include: International Labour Review, 'Industrial Inspection in Austria, 1929-1933' (1935) 31 *International Labour Review* 221; International Labour Review, 'Labour Inspections in Hungary, 1928-1933.' (1935) 32 *International Labour Review* 389; International Labour Review, 'Labour Inspections in Estonia, 1929-1933.' (1936) 33 *International Labour Review* 246; International Labour Review, 'Factory Inspection in Switzerland, 1929-1935' (1937) 35 *International Labour Review* 830.

⁷⁵⁴ International Labour Review, 'The Minimum Age for Employment in Switzerland' (1938) 38 *International Labour Review* 680, 682.

⁷⁵⁵ International Labour Review, 'The Minimum Age for Employment in Switzerland' (1938) 38 *International Labour Review* 680, 682-83.

⁷⁵⁶ ES Johnson, 'Wages, Employment Conditions, and Welfare of Sugar-Beet Laborers' (1938) 46(2) *Monthly Labor Review* 322, 329.

child. Development was described as having both mental and physical aspects,⁷⁵⁷ with work being prohibited in many countries in specified 'unhealthful' occupations.⁷⁵⁸

A feature of ILO Conventions and Recommendations in this moment of study, was that again there was a reliance put upon national legislatures to find means of achieving the aims of said instruments as various parts were left to the discretion of governments. In particular, exceptions to general prohibitions on working, whether due to age or type of undertaking, were left to governments. This is likely the result of the ILO's lack of legal recourse to enforce compliance; rather they rely upon the willing cooperation of nations and their governments to put their policies into effect, again focusing on the delegated implementation of ILO policy through national means, with national governance acting as a subjectivity of ILO action.

For instance, the instruments covering restrictions on non-industrial work (ILO Conventions 33 and 60 and Recommendation 41)⁷⁵⁹ left definitions of light work, dangerous work and work of an educative character to the national legislatures.⁷⁶⁰ However, in deciding what 'light work' entailed, both Conventions stipulated that national legislatures were required to consult with employer and employee representatives,⁷⁶¹ while Recommendation 41 required the same on the definition of dangerous occupations.⁷⁶² Similarly, the British Government Delegation to the 23rd Labour Conference successfully proposed an amendment to the minimum age Conventions which allowed national governments to relax

⁷⁵⁷ Monthly Labor Review, 'Employment of Children in Newspaper and Magazine Distributing' (1935) 40(5) *Monthly Labor Review* 1234, 1235; EA Merritt, 'Child Labor under the NRA as Shown by Employment Certificates Issued in 1934' (1935) 41(6) *Monthly Labor Review* 1477, 1478.

⁷⁵⁸ Monthly Labor Review, 'Legislation Concerning Employment of Minors in Cuba' (1935) 40(6) *Monthly Labor Review* 1509, 1509.

⁷⁵⁹ ILO, 'Convention No. 33: Minimum Age (Non-Industrial Employment) Convention' 12 April 1932, Geneva Conference, Sixteenth Session; ILO, 'Convention No. 60: Minimum Age (Non-Industrial Employment) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session.

⁷⁶⁰ ILO, 'Convention No. 33: Minimum Age (Non-Industrial Employment) Convention' 12 April 1932, Geneva Conference, Sixteenth Session, Arts 1, 3 and 5; ILO, 'Convention No. 60: Minimum Age (Non-Industrial Employment) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Arts 1, 3, 5 and 6.

⁷⁶¹ ILO, 'Convention No. 33: Minimum Age (Non-Industrial Employment) Convention' 12 April 1932, Geneva Conference, Sixteenth Session, Art 3(3).

⁷⁶² ILO, 'Recommendation No. 41: Minimum Age (Non-Industrial Employment) Recommendation' 12 April 1932, Geneva Conference, Sixteenth Session, Art II.

standards in cases where the type of work was beneficial to the child in question.⁷⁶³ This permitted 'competent national authorities' to make such distinctions taking into account the 'interests of the child'.⁷⁶⁴

7.6 Agency and choice: The question of responsibility

The degree to which children were viewed to have agency was seen in aspects of discussions surrounding safety, particularly in regard to children's ability to properly assess danger. Framings that touched upon agency within this context reflected the view that children were not sufficiently capable of making decisions around work, due to latent long-term effects they may have. Legal penalties took on significance and their treatment reflected a broadly paternalistic outlook toward children, premised on their lack of agency.

A policy undertaken by the ILO's Credential Committee that addressed the question of child agency was highlighted by its decision to remove criminal penalties for illegal labour contracts completed by children taken at the 24th Labour Conference in 1938.⁷⁶⁵ This policy change framed children as lacking the capacity or competence to consent to illegal employment. It was thus considered that children by their nature should not be liable for an illegal transaction with an adult. This is because the adult has full autonomy and should thus be held responsible for the infraction.

The power dynamic between child labourers and their employers was considered as being precarious. Owing in large part to supply of potential workers outweighing demand, the position of various child workers was fragile, with the example of delivery workers given very little leeway before getting let go. A survey of children working in newspaper and magazine deliveries noted that child workers were fired in any cases where subscribers made a complaint about them, any instance of being late or missing a

⁷⁶³ International Labour Review, 'The Twenty-Third Session of the International Labour Conference.' (1937) 36 *International Labour Review* 293, 341-43; International Labour Review, 'The Twenty-First and Twenty-Second (Maritime) Sessions of the International Labour Conference: II' (1937) 35 *International Labour Review* 141, 170-71.

⁷⁶⁴ International Labour Review, 'The Twenty-Third Session of the International Labour Conference.' (1937) 36 *International Labour Review* 293, 343.

⁷⁶⁵ International Labour Review, 'The Twenty-Fourth Session of the International Labour Conference.' (1938) 38 *International Labour Review* 301, 323.

delivery.⁷⁶⁶ Additionally, discussions around child labour framed children as lacking true agency in many cases, being 'induced' into working.⁷⁶⁷ Also, the streak of paternalism in child labour policy came through once again, as it did in moment 1, as legislation was framed as serving what children's 'best interest' required.⁷⁶⁸

7.7 Culture and colonialism: Public opinion shaping reform

This moment saw an update of the child labour Conventions that had been ratified in the early years of the ILO, raising minimum age standards in most sectors of the economy. This seemed to have been motivated by a cultural shift whereby 'an increasing number of people had come to the conclusion that it is desirable and possible to raise the international standard'.⁷⁶⁹ The problematization undergirding ILO action in this moment saw an increase in responsiveness to public opinion, whilst steering the ILO towards being an intellectual leader in the move against child labour.

The existing Conventions had proved effective and largely uncontroversial, at least among the states that had ratified it. To use the example of the maritime child labour convention, 16 of the 30 ratifying states passing accompanying legislation to give effect to it, importing duties to ensure young people working at sea had annual medical checks and that records of their employment were kept.⁷⁷⁰ However, following the easing of the worst effects of the Depression in the late 1920s and early 1930s, action to extend child labour standards became a possibility.⁷⁷¹

This shows the somewhat complicated position of the ILO, that they as much as anyone were at the mercy of broader political and social conditions as they lacked concrete means

⁷⁶⁶ Monthly Labor Review, 'Employment of Children in Newspaper and Magazine Distributing' (1935) 40(5) *Monthly Labor Review* 1234, 1237.

⁷⁶⁷ Monthly Labor Review, 'Employment of Children in Newspaper and Magazine Distributing' (1935) 40(5) *Monthly Labor Review* 1234, 1239.

⁷⁶⁸ Monthly Labor Review, 'Child Labor' (1937) 45(6) *Monthly Labor Review* 1371, 1390.

⁷⁶⁹ WG Rice Jr and WE Chalmers, 'International Labor Conference of June 1936' (1936) 42(4) *Monthly Labor Review* 953, 972.

⁷⁷⁰ WG Rice and RW Chalmers, 'Improvement of Labor Conditions on Ships by International Action' (1936) 42(5) *Monthly Labor Review* 1181, 1185-86.

⁷⁷¹ WG Rice and RW Chalmers, 'Improvement of Labor Conditions on Ships by International Action' (1936) 42(5) *Monthly Labor Review* 1181, 1191-92.

of enforcing their policies at the national level. Further, more robust labour protections were viewed as a luxury that the world simply could not afford at the nadir of the economic crash. Though, it should be noted that if standards were going to be raised in one sector, they needed to be raised in all of them. This was shown during negotiations with representatives for the maritime sector, who would only agree to raising the minimum working age in shipping if a corresponding change was imposed on land-based industries.⁷⁷²

The ILO's interest in particular policy areas were overtly tied to the corresponding interest from the public in the underlying issues. For example, it was noted at the 1935 Labour Conference that unemployment rates among young persons was an issue that had received significant public interest, evidenced by numerous petitions and resolutions sent to the ILO by youth interest groups.⁷⁷³ At the Conference, commitment to addressing youth unemployment was deemed vital as it had 'awakened so keen an interest in the public mind', with even former critics of the ILO seeking the body's intervention in the matter.⁷⁷⁴ Reference was also made to the effect of public interest on states' action; the increasing professionalization of national inspectorates was said to have been motivated, in part, by a surge in public concern for workplace injuries due to an increase in the use of heavy machinery in various industries.⁷⁷⁵ Also, there was confirmation in a 'ILO Notes' bulletin in the *Review* that the move towards raising the minimum working age for children was considered in response 'a fairly general movement of opinion in favour' of the change.⁷⁷⁶

However, it should be noted that the ILO did not desire to be led into merely following the prevailing trend of public opinion; they wished to take the lead in shaping it going forward. At the meeting of American ILO Member States, many governmental representatives noted the need to guide and foster 'an educated public opinion' in order to facilitate 'progressive

⁷⁷² WG Rice Jr and WE Chalmers, 'International Labor Conference of June 1936' (1936) 42(4) *Monthly Labor Review* 953, 972-73.

⁷⁷³ International Labour Review, 'Nineteenth Session of the International Labour Conference.' (1935) 32 *International Labour Review* 289, 304.

⁷⁷⁴ International Labour Review, 'Nineteenth Session of the International Labour Conference.' (1935) 32 *International Labour Review* 289, 343.

⁷⁷⁵ L. Teleky, 'The Place of the Doctor in Factory Inspection' (1935) 31 *International Labour Review* 28, 30-31.

⁷⁷⁶ International Labour Review, 'ILO Notes' (1936) 34 *International Labour Review* 433, 434.

legislation on social questions'. This, it was said, could be achieved by a wider distribution of ILO materials, integration between university education and ILO policy initiatives.⁷⁷⁷

If the ILO was successful in shaping public opinion on an international scale, this might hold the key to creating a more uniform global labour community where its standards could be implemented more smoothly. However, in this moment the ILO still had to mediate its message so as to allow for some flexibility regarding material differences between its members.

7.7.1 Culture and colonialism: The tension between universalism and local custom

The ILO's 'main goal' was elucidated in the Australia-ILO case study, namely the body was founded to 'prevent competitive nationalism from impeding the establishment in all countries of humane labour conditions'.⁷⁷⁸ During the interwar years, the ILO exerted influence in discussions around anti-colonialism with efforts made to pressure colonial powers to end the use of forced labour in occupied territories.⁷⁷⁹ Historical analyses have shown that the ILO spearheaded 'the formation of an international network of scholars, journalists and non- state organizations'⁷⁸⁰ who sought to frame the colonial relations as harmful and immoral.⁷⁸¹

The thematic pillar relating to culture demonstrated the ILO's abiding efforts to change the culture around child labour. The ILO perhaps sensed that it would be more practical to inculcate a culture that was opposed to child labour rather than to ban the practice outright.

⁷⁷⁷ International Labour Review 'The Labour Conference of the American States Which Are Members of the International Labour Organisation, Santiago de Chile, 2-14 January 1936' (1936) 33
International Labour Review 479, 488.

⁷⁷⁸ J Staricoff, 'Australia and the Constitution of the International Labour Organisation' (1935) 32
International Labour Review 577, 581.

⁷⁷⁹ J.P. Daughton, 'ILO Expertise and Colonial Violence in the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013) 91.

⁷⁸⁰ J.P. Daughton, 'ILO Expertise and Colonial Violence in the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013) 93.

⁷⁸¹ J.P. Daughton, 'ILO Expertise and Colonial Violence in the Interwar Years' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013) 95.

This was reflected in a dialectic relationship between ILO policy and public opinion, with the ILO's main interest being shaping public interest and not being led by it.

Universality was spelt out as a goal clearly within the preamble of Recommendation 41 which vested the responsibility to ensure the uniform application of ILO standards to national governments.⁷⁸² Reference was made again to the 'universal character of the Organisation' at the regional American ILO States Conference, the existence of which was said to strengthen the ILO's drive for universality.⁷⁸³ The reasoning here would seem to be that if regional concerns can also be addressed under the ILO's banner, with truly global issues reserved for the International Labour Conference, then the ILO could guide the trajectory of reform at both levels. Another boon for the ILO's quest for universality came from the USA and USSR both accepting membership to the Organisation in this period, which was received as a gesture of solidarity in the international community in a difficult time.⁷⁸⁴

An implementation of varying standards in several sectors was still permitted though, most notably in India and Japan.⁷⁸⁵ As in the early ILO years, covered in Moment 1, the inter-war period saw separate labour schemes permitted in ILO legislation for various non-Western nations. In particular, akin to the situation at the founding, India and Japan were able to make the case for lower regulatory standards of work. This resulted in lower minimum age standards in a variety of sectors being permitted, with exceptions for India on the whole being more common.⁷⁸⁶ Unlike the previous period of study, China was also specifically allocated a separate scheme in relation to children working in industrial undertakings.⁷⁸⁷

⁷⁸² ILO, 'Recommendation No. 41: Minimum Age (Non-Industrial Employment) Recommendation' 12 April 1932, Geneva Conference, Sixteenth Session, Preamble.

⁷⁸³ International Labour Review 'The Labour Conference of the American States Which Are Members of the International Labour Organisation, Santiago de Chile, 2-14 January 1936' (1936) 33 *International Labour Review* 479, 479.

⁷⁸⁴ International Labour Review, 'The Twentieth Session of the International Labour Conference.' (1936) 34 *International Labour Review* 289, 335.

⁷⁸⁵ ILO, 'Convention No. 59: Minimum Age (Industry) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Arts 6-8; ILO, 'Convention No. 33: Minimum Age (Non-Industrial Employment) Convention' 12 April 1932, Geneva Conference, Sixteenth Session, Art 9; ILO, 'Convention No. 60: Minimum Age (Non-Industrial Employment) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Art 9.

⁷⁸⁶ ILO, 'Convention No. 59: Minimum Age (Industry) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Arts 6-8; ILO, 'Convention No. 33: Minimum Age (Non-Industrial

This appeared to be part of the ILO's wider drive towards greater uniformity, though it was accepted that this effort would take time and change in certain countries would take longer to achieve than in others. This was explicated most clearly in a commentary on the labour situation in Tunisia, where the academic conducting the study noted that the drive towards greater regulation of labour conditions aimed 'to seek for means of gradually lessening the differences in degree of civilization and in customs'.⁷⁸⁸ Phrasing that reflected attitudes of the time aside, it suggests that a prominent view held within academia and the international infrastructure was that some of the largest barriers to change were cultural, and these could *only* be teased away slowly, with public support,⁷⁸⁹ if anything approaching uniformity was to be achieved.

It should be noted that the trajectory, culturally speaking, was towards a more Western outlook taking precedence throughout the world, rather than a hypothetical middle ground at the nexus of all of the ILO's member state cultures. It was for the non-Western nations to become more like their 'enlightened' Western counterparts, as a report on the colonial French empire put it, and not the other way around.⁷⁹⁰ In the 1920s and 30s the primary industry of sorts in the colonies was indentured labour. Recruiters coordinated with local leaders to contract males over the age of 12 to work in various hard labour sectors including mining and farming.⁷⁹¹

7.7.2 Cultural problems for governance: The case of Ceylon

Culturally-focussed discussions of child labour were occupied with the overarching goal of achieving a degree of universalism regarding standards across the world in this moment.

Employment) Convention' 12 April 1932, Geneva Conference, Sixteenth Session, Art 9; ILO, 'Convention No. 60: Minimum Age (Non-Industrial Employment) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Art 9.

⁷⁸⁷ ILO, 'Convention No. 59: Minimum Age (Industry) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Art 8.

⁷⁸⁸ R. Plissard, 'Handicrafts in Tunisia: II' (1936) 34 *International Labour Review* 198, 217.

⁷⁸⁹ *International Labour Review*, 'The Mui Tsai System in China, Hong Kong, and Malaya' (1936) 34 *International Labour Review* 663, 676.

⁷⁹⁰ F. Maurette, 'A Year of Experiment in France: II' (1937) 36 *International Labour Review* 149, 163.

⁷⁹¹ S Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (St Ives: OUP 2015)

Available at: <<https://oxford-universitypressscholarship-com.abc.cardiff.ac.uk/view/10.1093/acprof:oso/9780199570485.001.0001/acprof-9780199570485-chapter-1>> [Accessed: 2 September 2021] 300-301.

However, as a practical matter of governance, this was mediated by concessions made to the prevailing trend of public opinion, and differing conditions, particularly seen in the developing world. This saw some of political realities that were brought to bear on child labour policy in moment 1 continue into moment 2. A practical example of the diplomatic tightrope that the ILO was walking in this respect was outlined in the *International Labour Review* pertaining to the child labour situation in Ceylon.

A clear example of these political difficulties that the ILO had to balance in regulating child labour came from a report the body commissioned into the custom of children working in the households of richer families in Ceylon. The debate and discussions around the report, gives some insight into the way that disagreements were mediated between ILO expert personnel. Further, it demonstrated the role that the *International Labour Review* played in being a venue for these types of discussion to take place.

The report found that this generally took place with the consent of the children's parents and constituted a net benefit for the child concerned, as they were afforded opportunities they otherwise would not have.⁷⁹² Any abuses that did occur were rare⁷⁹³ and could be traced to the misbehaviour of a small number of bad actors which could be mitigated by more extensive registration and oversight systems.⁷⁹⁴ However, the debate around domestic child work in Ceylon took place in the *International Labour Review*, with an ILO inspector's report assessing the nature of the practice and the potential for abuse juxtaposed with a 'minority report' which took an altogether more negative view of a practice they dubbed tantamount to slavery.⁷⁹⁵ The minority report took a strongly abolitionist stance and stated that all instances of child domestic work were child slavery due to the unavoidable 'mental agony' that the practice entailed. Further, this stunted the

⁷⁹² International Labour Review, 'The Employment of Women and Children in Domestic Service in Ceylon.' (1935) 32 *International Labour Review* 808, 809.

⁷⁹³ International Labour Review, 'The Employment of Women and Children in Domestic Service in Ceylon.' (1935) 32 *International Labour Review* 808, 810.

⁷⁹⁴ International Labour Review, 'The Employment of Women and Children in Domestic Service in Ceylon.' (1935) 32 *International Labour Review* 808, 812-13.

⁷⁹⁵ International Labour Review, 'The Employment of Women and Children in Domestic Service in Ceylon.' (1935) 32 *International Labour Review* 808, 810 and 815.

social development of the child by imparting a permanent inferiority complex never allowing them to 'rise above the slave mentality'.⁷⁹⁶

The ILO ultimately rejected the findings of the minority report on Ceylon, as the committee considering the issue refused to consent to throwing out the long held custom at the core of child domestic work. However, the prospect of mental problems arising led to a recommendation from the ILO that local universities should establish a psychological unit to attend to the needs of neglected children employed in domestic service.⁷⁹⁷ Moreover, it is instructive that the ILO allowed the debate around the subject to play out openly, with interjections from both sides, rather than merely presenting the final policy without the debate that went into forming it.

The minority report called for the end of the practice of having live-in child domestic workers, which it would be fair to assume would have been consistent with the ILO's stated goal to end child labour, as was presented in the organisation's constitution. However, in siding with the main report, the ILO sought to take a more gentle approach to local custom, preferring instead to allow the long-held practice to continue, with some governmental handrails in the form of inspections and oversight from educators. This example shows the practical considerations the ILO undertook in resolving contentious issues. By integrating with the local culture, where they would have little on-site enforcement capacity, they were able to extend their regulatory scope, and would have the ability to contribute to longer-term change.

7.8 Conclusion: The ILO positioned as a distinct, moral international body

At the 1938 Labour Conference the ILO reiterated the type of rationale that was prevalent around the founding i.e. international labour regulation was 'laying the only firm foundation for peace'.⁷⁹⁸ This was part of the ILO's novel structure, through which an international staff considered global problems 'without any national bias or predilection', which was bringing

⁷⁹⁶ International Labour Review, 'The Employment of Women and Children in Domestic Service in Ceylon.' (1935) 32 *International Labour Review* 808, 815.

⁷⁹⁷ International Labour Review, 'The Employment of Women and Children in Domestic Service in Ceylon.' (1935) 32 *International Labour Review* 808, 816.

⁷⁹⁸ International Labour Review, 'The Twenty-Fourth Session of the International Labour Conference.' (1938) 38 *International Labour Review* 301, 355.

about 'as revolutionary a change as the change from the mediaeval to the modern outlook'.⁷⁹⁹ If the ILO was to remain a 'trailblazing' entity at the forefront of the international sphere, then it would have to play a part in the world that the conclusion of the Second World War would bring. The League of Nations had aided in bringing the ILO into being, but increasingly the League was not necessary to the ILO's continued existence.

The ILO took the stance that its own actions were apolitical, evidenced by the rejection of the Indian Workers' Delegation proposal at the 19th Labour Conference. The proposal wanted to extend the rights of workers to obtain property, voter rights and equal treatment before the law through an amendment to a Convention. This proposal was rejected on its face at the Conference and was not voted on due to it being a proposal of a 'political nature'.⁸⁰⁰ The ILO perceived its remit as broader than purely being a labour ombudsman, and they often expressed that their concern was primarily to alleviate 'social problems'.⁸⁰¹ Reflecting on the then newly cast statue of the first ILO Director-General Albert Thomas, the 1937 Labour Conference summary lauded the ILO's impact as 'an apostle of social progress' and a 'driving force of the movement' that the ILO had continued to forge.⁸⁰² The use of this type of terminology alluding to a divine purpose, echoed the conclusion of the 19th Labour Conference which called on the 'believers' in the international cause to continue to partake in the 'great structure' being built by the ILO.⁸⁰³

This aspirational phrasing, combined with the ILO's self-definition as being apolitical, indicates the view within the ILO that it held a remit which rose above the regional squabbles that national governments were forced to engage with. Instead, the concerns of the international, and by extension the ILO, were something grander and altogether more philanthropic. The perception of the ILO from the outside seemed to echo the sentiments that came from the body itself in this moment, particularly regarding the ILO's nature.

⁷⁹⁹ International Labour Review, 'The Twenty-Fourth Session of the International Labour Conference.' (1938) 38 *International Labour Review* 301, 359.

⁸⁰⁰ International Labour Review, 'Nineteenth Session of the International Labour Conference.' (1935) 32 *International Labour Review* 289, 312.

⁸⁰¹ International Labour Review, 'Factory Inspection in Czechoslovakia, 1930-1935' (1938) 37 *International Labour Review* 651, 652.

⁸⁰² International Labour Review, 'The Twenty-Third Session of the International Labour Conference.' (1937) 36 *International Labour Review* 293, 370.

⁸⁰³ International Labour Review, 'Nineteenth Session of the International Labour Conference.' (1935) 32 *International Labour Review* 289, 343.

The British union representative at the Labour Conference noted that the ILO had a unique capacity to create 'a common international knowledge' of labour issues.⁸⁰⁴ This suggests that problematization and framing were among the ILO's primary functions, and at least in some quarters, this was how the body was conceived of from an early stage. The sentiment from the British union representative seems to take the role of the ILO merely beyond specifying what problems are worthy of international attention and action. The ILO was also expected to create a 'common' understanding of problems between nations. This alluded to consensus-building being necessary, a corollary effect of the ILO's structure.

As was the case in the previous moment, the value of education for children, their development and society as a whole, was often emphasised. Additionally, from a regulatory perspective, child labour and education were often discussed in tandem, premised on the notion that child labour regulation was to some extent a part of reforms to school infrastructures and timetables.

The ILO also assumed the responsibility to act on the issue as being within its jurisdiction as a wider part of its efforts to handle the fallout from the economic collapse that occurred in the late 1920s. This was problematized as an issue that could only be addressed internationally⁸⁰⁵ and the ILO's membership structure made it well placed to contribute towards good social legislative ends.⁸⁰⁶

The most notable difference between this period and the last was the focus on economic concerns, brought on predominantly by the economic depression which was affecting national economies all over the world. This directly affected child labour policy and led some employers to limit or entirely stop hiring minors. This was because the overall number of available jobs was reduced by the dual factors of the Depression and technological advancement in industry,⁸⁰⁷ and a related surplus of adult male labour,⁸⁰⁸ made the position for young workers leaving school more tenuous than previously.⁸⁰⁹

⁸⁰⁴ Monthly Labor Review, 'International Labor Relations' (1937) 44(1) *Monthly Labor Review* 72, 73.

⁸⁰⁵ International Labour Review, 'ILO Notes' (1935) 31 *International Labour Review* 1, 2.

⁸⁰⁶ J Staricoff, 'Australia and the Constitution of the International Labour Organisation' (1935) 32 *International Labour Review* 577, 577.

⁸⁰⁷ International Labour Review, 'The Twenty-Third Session of the International Labour Conference.' (1937) 36 *International Labour Review* 293, 368-69.

The moral case for child regulation saw the practice was in part problematized in relation to the financial turmoil caused by the Depression and the warping effect that this had on the employment market. This saw child labour framed as an economic phenomenon, and an inefficient allocation of an economy's labour force. Children were framed as being better served with additional time spent in education, a force for cultural and moral enrichment.⁸¹⁰ By comparison, it was determined that adults, in particular those entering the workforce for the first time, should take priority for the dwindling number of available jobs. Further, child labour was also problematized as a potential source of harm to children in the immediate term in relation to the capacity for injuries and in terms of long-term developmental damage.

The normative role that the ILO attempted to carve out for itself in this moment, would be built upon in the one to follow, as the body tried to establish a place for itself in the post-war world as a part of the new United Nations. By framing in the moral aspect of child labour regulation extensively, whilst also fully engaging with the political arena in matters of culture. With war very clearly on the horizon, some form of international space would remain at its conclusion and the ILO was keen to retain its sphere of influence.

The actions of the ILO on child labour, and the techniques of government used during moment 2 were defined by two major themes. The first was moral paternalism, children required guidance during their formative years and governments, both national and international, should provide this as a societal duty. The problematization and subjectivities that the ILO used emphasised oversight and extending the period for which the state was responsible for children through schooling achieved this. The second theme concerned diplomacy as the ILO attempted to engage a wider range of states than previously. However, as was the case in moment 1, the ILO were forced to permit some nations to maintain different standards than their counterparts. The ILO's actions in this area were also

⁸⁰⁸ International Labour Review, 'Labour Inspections in Estonia, 1929-1933.' (1936) 33 *International Labour Review* 246, 247.

⁸⁰⁹ J. Rosner, 'Productive Occupation for Unemployed Young Workers in Poland' (1935) 31 *International Labour Review* 512, 513-14.

⁸¹⁰ International Labour Review, 'The Twenty-Third Session of the International Labour Conference.' (1937) 36 *International Labour Review* 293, 340-41; International Labour Review, 'The Twenty-Fourth Session of the International Labour Conference.' (1938) 38 *International Labour Review* 301, 310.

shaped by public opinion, and to that end the organization attempted to frame issues and change attitudes through softer forms of power and gradually directing cultural changes over time. During the late 1920s and early 1930s, one of the ILO's major concerns was over living standards, and a large-scale inquiry was commissioned towards investigating the global state of living standards.⁸¹¹ The project ultimately signalled a shift within the ILO toward viewing international economic policy as being part of its organisational remit.⁸¹² This trend would bear significant fruit at the Philadelphia Conference in 1944, covered in the next moment, where the ILO would position itself going into the post-WWII world.



Figure 7.2: Chapter 7 Summary

⁸¹¹ P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King's Lynn: OUP 2013) 171-172.

⁸¹² P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King's Lynn: OUP 2013) 178-179.

Chapter 8: Moment 3 – The Philadelphia Declaration (1944)

8.1 Introduction: The War's end and the prospect of recovery and renewal

The impact of the Great Depression coupled with the outbreak of WWII compromised efforts towards international governance and the impacts of international organisation. International organisations and their ability to make an impact were hindered by the double impacts of the Great Depression and the outbreak of WWII. Both events compromised efforts towards global governance, and thus in the final analysis, the decline of the League of Nations already visible by the late 1930s, would be defined by its failure to prevent the outbreak of the Second World War.⁸¹³ Its consolation was in the 'scaffolding in intellectual and practical terms' of the system that would follow on from its legacy.⁸¹⁴ It should be noted that the League's technical and data collecting arms, which included among others the ILO, retained their utility and prominence.⁸¹⁵ In many ways the technical bodies⁸¹⁶ and the arms of the League that concerned themselves with the development of norms had the longest life and farthest reaching impact. Thus, it appeared that the ILO might not only survive the League but come out stronger on the other side of the inevitable shake-up that would follow the conclusion of the Second World War. Consequently, the ILO viewed planning for the coming post-War world as its central concern.⁸¹⁷ Thus, a reframing and renewal of its role within the international order was necessary, and this came to the fore at the 1944 Labour Conference in Philadelphia.

In the hoped-for peace that was to follow the conclusion of the War, the ILO recognised that the new international order, which included the United Nations, were engaged in setting

⁸¹³ L Tournès, 'American membership of the League of Nations: US philanthropy and the transformation of an intergovernmental organisation into a think tank' (2018) 55 *International Politics* 852, 852.

⁸¹⁴ P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King's Lynn: OUP 2013) 307.

⁸¹⁵ S Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (St Ives: OUP 2015) Available at: <<https://oxford-universitypressscholarship-com.abc.cardiff.ac.uk/view/10.1093/acprof:oso/9780199570485.001.0001/acprof-9780199570485-chapter-1>> [Accessed: 2 September 2021] 356-357; P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King's Lynn: OUP 2013) 266.

⁸¹⁶ S Pedersen, 'Review Essay: Back to the League of Nations' (2007) *American Historical Review* 1091, 1116.

⁸¹⁷ P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King's Lynn: OUP 2013) 272.

shaping the international infrastructure that would emerge. The Chairman of the ILO's Governing Body, felt that the ILO had much to contribute by bringing its experience to the prospective new international landscape. This was because the ILO had been an important part of the League of Nations infrastructure, and its expertise on economic and social matters underlined its importance.⁸¹⁸ More than that, the assembled delegates at the 26th Labour Conference in 1944 approached their role in the coming peace as one that promised 'vast opportunity' conditioned by 'grave responsibility'.⁸¹⁹

The UN was the product of a 1944 meeting at Dumbarton Oaks between representatives from the US, China, Great Britain and the USSR, where a structure for a world organization was agreed. This was ratified by representatives from 50 countries the following year in San Francisco.⁸²⁰ The United Nations name came from the forces united in the war effort against the Axis powers.⁸²¹ The new order that would follow seemed to focus on universal respect and enshrining of human rights for all was a characteristic feature of the rhetoric of the United Nations in its early years.⁸²² In 1945 delegates from fifty states gathered to discuss what form the UN should take to effectively replace the League of Nations, with the primary aim to avoid catastrophic global conflict breaking out again.⁸²³ So far as the League had not been successful, Chatham House's 'Post War Problems' were a series of reports⁸²⁴ suggested that this had been a function of member states not utilising the League in the right way.⁸²⁵ The reports argued that the establishment of an international civil service through the League Secretariat had been an unequivocal success and that this would need

⁸¹⁸ International Labour Review, 'Industrial and Labour Information: International Labour Organisation Ninety First Session of the Governing Body' (1944) 49(3) *International Labour Review* 347, 348.

⁸¹⁹ International Labour Review, 'The Twenty-Sixth Session of the International Labour Conference' (1944) 50(1) *International Labour Review* 1, 2.

⁸²⁰ United Nations, 'History: The United Nations', (ungeneva.org), (Available at: <https://www.ungeneva.org/en/history/united-nations>) [Accessed: 29 March 2022].

⁸²¹ M Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 198.

⁸²² S Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (St Ives: OUP 2015) Available at: <<https://oxford-universitypressscholarship-com.abc.cardiff.ac.uk/view/10.1093/acprof:oso/9780199570485.001.0001/acprof-9780199570485-chapter-1>> [Accessed: 2 September 2021] 398-399.

⁸²³ JL Pearson, 'The French Empire Goes to San Francisco: The Founding of the United Nations and the Limits of Colonial Reform' (2020) 38(2) *French Politics, Culture & Society* 35, 36.

⁸²⁴ B Auberer, 'Digesting the League of Nations: Planning the International Secretariat of the Future, 1941-1944' (2016) 10(3) *New Global Studies* 1, 8.

⁸²⁵ B Auberer, 'Digesting the League of Nations: Planning the International Secretariat of the Future, 1941-1944' (2016) 10(3) *New Global Studies* 1, 11.

to be a central cog in the reconstruction of the international space in the post-War period.⁸²⁶

The UN has been characterised by its large number of delegated and subsidiary bodies that claim expertise in a variety of policy areas,⁸²⁷ some of which were inherited from the League, notable among which was the ILO. The ILO became a UN specialized agency in 1946, joining other newer organisations such as, the World Bank and Food and Agriculture Organization, both established in 1945. Additionally, the World Health Organization (WHO) and United Nations Educational, Scientific and Cultural Organization (UNESCO) were established in 1948⁸²⁸ and 1946⁸²⁹ respectively and were also UN subsidiaries. UNESCO was formed to promote a degree of cultural pluralism and respect for the individual and to tamp down the worst forms of nationalism.⁸³⁰ This addressed the balance regarding respect for cultural tradition whilst promoting a universal respect for rights that the ILO had been trying to strike from its inception and in particular in the previous moment. Within this new UN structure, the ILO needed to evolve in order to retain its presence within international governance, to be the pre-eminent actor in relation to labour matters. The changes that the ILO underwent to ensure this happened, culminating with the policy renewal signalled at the Labour Conference in 1944 in Philadelphia is detailed in the next section.

8.2 The ILO and the Post-War: The Philadelphia Conference

Prior to Philadelphia at the 1941 Labour Conference, Edward Phelan, the ILO Director-General had attempted to frame the ILO as the agency best equipped to deal with post-war

⁸²⁶ B Auberer, 'Digesting the League of Nations: Planning the International Secretariat of the Future, 1941-1944' (2016) 10(3) *New Global Studies* 1, 11.

⁸²⁷ M Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton and Oxford: Princeton University Press 2009) 202.

⁸²⁸ I Borowy, 'Shifting Between Biomedical and Social Medicine: International Health Organizations in the 20th Century' (2014) 12(6) *History Compass* 517, 521-522.

⁸²⁹ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 336.

⁸³⁰ J. Pemberton, 'The Changing Shape of Intellectual Cooperation: From the League of Nations to UNESCO' (2012) 58(1) *Australian Journal of Politics and History* 34, 42.

labour reconstruction at an international level.⁸³¹ In 1942 the ILO received support from the White House for its project as the American administration endorsed the idea of the ILO taking significant ownership of the social aspects of post-war policy.⁸³² The League of Nations had also tried to position itself as a vanguard for internationalism in the post-war,⁸³³ and published a report on post-war economics which highlighted 'the necessity for coherent and co-ordinated planning'.⁸³⁴

The International Labour Conference at Philadelphia in 1944 saw the ILO restate its purpose, as it passed resolutions regarding economic and social rights,⁸³⁵ and charted the ILO's future social objectives to engage with in the post-War world.⁸³⁶ US President Roosevelt lent his endorsement to the ILO as a 'permanent instrument' of the international order, due to its novel representative structure and spoke of his hope that it would act as a blueprint for international collaboration going forward.⁸³⁷ Among the issues that would be addressed, a renewed focus on education and raising the school leaving age was also prioritised as a central totem of employment policy and planning going forward.⁸³⁸ This appeared to be a nod to post-war employment restructuring, as upheaval was to be expected as the workforce reoriented to peacetime conditions and the large-scale return of men to the domestic economy.

The Philadelphia Declaration was developed as an annex and supplement to the ILO's Constitution,⁸³⁹ and reaffirmed the relevance of the Constitution in its text.⁸⁴⁰ It committed

⁸³¹ P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King's Lynn: OUP 2013) 275-276.

⁸³² P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King's Lynn: OUP 2013) 278.

⁸³³ P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King's Lynn: OUP 2013) 289-290.

⁸³⁴ P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King's Lynn: OUP 2013) 285-286.

⁸³⁵ P Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946*, (Bodmin and King's Lynn: OUP 2013) 273-274.

⁸³⁶ WJ Cohen and JH Barr, 'The 1944 International Labor Conference' (1944) 7 *Social Security Bulletin* 11, 11.

⁸³⁷ WJ Cohen and JH Barr, 'The 1944 International Labor Conference' (1944) 7 *Social Security Bulletin* 11, 11.

⁸³⁸ WJ Cohen and JH Barr, 'The 1944 International Labor Conference' (1944) 7 *Social Security Bulletin* 11, 16.

⁸³⁹ ILO, 'About the ILO: History of the ILO' (ilo.org) (Available at: <https://www.ilo.org/global/about-the-ilo/history/lang-en/index.htm>) [Accessed: 29 March 2022].

the ILO to furthering the cause of full employment globally and to various policy priorities including the right to collective bargaining and extending social security.⁸⁴¹ Further, it affirmed that the ILO would cooperate with international organisations towards shared goals and asserted its share of the responsibility in promoting ‘the health, education and well-being of all peoples’.⁸⁴²

The ILO’s mission and the principles in its Constitution were reiterated at Philadelphia. However, the body’s brief was somewhat broadened,⁸⁴³ adding the protection of human rights and international economics to its list of areas of expertise.⁸⁴⁴ The ILO was now concerned with spearheading the movement towards full employment in the post-War world.⁸⁴⁵ Dahlen argued that the ILO staked its claim for influence over the creation of a complete social welfare state at Philadelphia.⁸⁴⁶ The pivot towards a greater engagement with economic policy may have resulted from an organisational reflection on the failings of the ILO, and the international order more broadly, in the inter-war period. Sir John Forbes-

⁸⁴⁰ ILO, ‘ILO Declaration of Philadelphia: Declaration concerning the aims and purposes of the International Labour Organisation’ 10 May 1944 (Available at: <https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwiWypaZ57TIAhVPQ0EAHR4BD94QFjAAegQIBhAC&url=https%3A%2F%2Fwww.ilo.org%2Flegacy%2Fenglish%2Fnetwork%2Fcb-policy-guide%2FdeclarationofPhiladelphia1944.pdf&usg=AOvVaw2jqbFbxhB9PEbBEbcAs8m1>) [Accessed: 24 October 2019] para II.

⁸⁴¹ ILO, ‘ILO Declaration of Philadelphia: Declaration concerning the aims and purposes of the International Labour Organisation’ 10 May 1944 (Available at: <https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwiWypaZ57TIAhVPQ0EAHR4BD94QFjAAegQIBhAC&url=https%3A%2F%2Fwww.ilo.org%2Flegacy%2Fenglish%2Fnetwork%2Fcb-policy-guide%2FdeclarationofPhiladelphia1944.pdf&usg=AOvVaw2jqbFbxhB9PEbBEbcAs8m1>) [Accessed: 24 October 2019] para III.

⁸⁴² ILO, ‘ILO Declaration of Philadelphia: Declaration concerning the aims and purposes of the International Labour Organisation’ 10 May 1944 (Available at: <https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwiWypaZ57TIAhVPQ0EAHR4BD94QFjAAegQIBhAC&url=https%3A%2F%2Fwww.ilo.org%2Flegacy%2Fenglish%2Fnetwork%2Fcb-policy-guide%2FdeclarationofPhiladelphia1944.pdf&usg=AOvVaw2jqbFbxhB9PEbBEbcAs8m1>) [Accessed: 24 October 2019] para IV.

⁸⁴³ E Lee, ‘The Declaration of Philadelphia: Retrospect and Prospect’ (1994) 133(4) *International Labour Review* 467, 468.

⁸⁴⁴ G Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press 2013) 95.

⁸⁴⁵ E Lee, ‘The Declaration of Philadelphia: Retrospect and Prospect’ (1994) 133(4) *International Labour Review* 467, 484.

⁸⁴⁶ M Dahlen, *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007) 242-243.

Watson, the British Empire Delegate to the International Labour Conference in Philadelphia argued that a lack of acuity in economic matters had stymied the ILO in the years prior. A lack of a macro-economic vision had harmed the ILO's ability to deal adequately with the problems encountered in the 1930s, between the Depression and the outbreak of war.⁸⁴⁷

It is worth noting that child labour was not specifically mentioned among the core principles of the ILO going forward reflecting a widening of the ILO's regulatory scope in this moment. This focus on broader matters, such as the global economic recovery from the War resulted in specific policy areas that had previously been the ILO's primary concern, such as child labour, receiving lesser focus at Philadelphia. The only mention made of children at Philadelphia was broader than child labour and made reference to the safeguarding of, and provision for, children's welfare and the protection of maternity.⁸⁴⁸ Although it should be noted that child labour was discussed extensively during this moment, both among attendees to Labour Conferences and through ILO communication methods such as the International Labour Review.

Edward Phelan, the ILO Director-General, noted that the ILO did not wish 'to occupy a position of isolation' and would strive to 'establish the closest possible co-operative relations with other international agencies',⁸⁴⁹ thus making for an association with the prospective United Nations organisation. However, it stipulated that any cooperation would need to allow the ILO to retain sufficient authority to fulfil its constitutional brief spelt out in the Declaration given at the Philadelphia Conference in 1944, and from its founding constitution from the Versailles Treaty delivered in 1919.⁸⁵⁰ Phelan also noted that the ILO would need to have at least as prominent a role as it had under the League of Nations, if cooperation was to bear fruit in the post-war era.⁸⁵¹

⁸⁴⁷ E Lee, 'The Declaration of Philadelphia: Retrospect and Prospect' (1994) 133(4) *International Labour Review* 467, 478.

⁸⁴⁸ DM Smolin, 'Strategic Choices in the International Campaign against Child Labor' (2000) 22(4) *Human Rights Quarterly* 942, 944.

⁸⁴⁹ EA, 'Reviewed Work(s): "A New Era": The Philadelphia Conference and the Future of the I. L. O.' (1945) 19(1) *Social Service Review* 154, 154.

⁸⁵⁰ JHE Fried, 'International Affairs: Relations Between the United Nations and the International Labor Organization' (1947) 41(5) *The American Political Science Review* 963, 963.

⁸⁵¹ EA, 'Reviewed Work(s): "A New Era": The Philadelphia Conference and the Future of the I. L. O.' (1945) 19(1) *Social Service Review* 154, 154.

The ILO conceded that alterations to its Constitution would have to be made to 'provide the necessary links with the United Nations',⁸⁵² though lines had still to be drawn, which was reflected in the new funding arrangement. The ILO had, under the League of Nations system received all financing directly from the League budget.⁸⁵³ However, under the new UN arrangement the ILO took control of its own funding, becoming more independent as a result.⁸⁵⁴ There were reciprocal invitations for members of the UN and ILO to attend the meetings and deliberations of the other, though neither ILO nor UN delegates were given voting rights when attending, and did so only in an expert guest capacity.⁸⁵⁵ Further independence came in terms of legal remedies available to the ILO, as it were now permitted to take legal claims to the International Court of Justice without requiring UN assent, as was mandatory with the League of Nations.⁸⁵⁶ It should be noted that there was an agreement between the UN and ILO to coordinate on data collection and statistical work, with the UN positioned to act as the central agency for the standardizing of data.⁸⁵⁷

The ILO used Philadelphia and the early post-War years to establish itself as the pre-eminent international actor regarding labour standards.⁸⁵⁸ David Morse was appointed as the Director General of the ILO in 1948⁸⁵⁹ and pivoted the organisation away from standard-setting in the post-War years, and instead focusing on technical assistance programmes.⁸⁶⁰ Though, it should be noted that standard-setting did not entirely subside as a governance

⁸⁵² JHE Fried, 'International Affairs: Relations Between the United Nations and the International Labor Organization' (1947) 41(5) *The American Political Science Review* 963, 965-966.

⁸⁵³ JHE Fried, 'International Affairs: Relations Between the United Nations and the International Labor Organization' (1947) 41(5) *The American Political Science Review* 963, 975.

⁸⁵⁴ JHE Fried, 'International Affairs: Relations Between the United Nations and the International Labor Organization' (1947) 41(5) *The American Political Science Review* 963, 968.

⁸⁵⁵ JHE Fried, 'International Affairs: Relations Between the United Nations and the International Labor Organization' (1947) 41(5) *The American Political Science Review* 963, 972.

⁸⁵⁶ JHE Fried, 'International Affairs: Relations Between the United Nations and the International Labor Organization' (1947) 41(5) *The American Political Science Review* 963, 974.

⁸⁵⁷ JHE Fried, 'International Affairs: Relations Between the United Nations and the International Labor Organization' (1947) 41(5) *The American Political Science Review* 963, 976.

⁸⁵⁸ H. Thomas and P. Turnbull, 'From a 'Moral Commentator' to a 'Determined Actor'? How the International Labour Organization (ILO) Orchestrates the Field of International Industrial Relations' (2021) 59(3) *British Journal of Industrial Relations* 874, 874-875.

⁸⁵⁹ ILO, 'About the ILO: History of the ILO' (ilo.org) (Available at: <https://www.ilo.org/global/about-the-ilo/history/lang-en/index.htm>) [Accessed: 29 March 2022].

⁸⁶⁰ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 339; C Sirrs, 'Promoting Health Protection Worldwide: The International Labour Organisation and Health Systems Financing, 1952-2012' (2020) 42(2) *The International History Review* 371, 375-376.

priority following the end of the War. In the ILO's first five years as a subsidiary body for the UN, between 1946 and 1951, 43 Conventions were passed.⁸⁶¹ In 1948 the ILO contributed to the reconstruction efforts in Europe, improving training mechanisms in member states, and helping to establish labour exchanges, thus facilitating the movement of skilled workers to states where they were needed.⁸⁶² In 1949, the ILO extended its ability to investigate complaints against member states, though this could only be enacted in relation to alleged non-compliance with the commitment to freedom of association.⁸⁶³

8.3 Pillar spread in moment 3

When compared to the previous moment, the prevalence of the economic and cultural thematic pillars fell while education, safety and agency all saw substantial increases in their presence in sources surveyed during this moment (see Figs 7.1 and 8.1). The largest factor that characterised child labour discourse in this moment was the imminent end of the Second World War, and preparations for the reorganisation of the international sphere that would follow came to the fore.

The League of Nations was in the process of being replaced by the United Nations, and the ILO sought to establish a position for itself within the new international order. The ways in which the War had affected various areas of child labour regulation, particularly education, were also discussed in the context of the way that policy would progress in the post-War period. Changes in the regulatory structure brought about by the necessity to ramp up Wartime production and the lack of male workers had seen significant shifts in the composition of the workforce. The introduction of more children into work during the War had acted as a barrier to educational achievement, and this would need to be addressed going forward.

There was a substantial increase in educational framings of child labour seem to have been driven by the primary concern that a generation had lost opportunities during the War for

⁸⁶¹ G. Standing, 'The International Labour Organization' (2010) 15(2) *New Political Economy* 307, 309.

⁸⁶² B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 339.

⁸⁶³ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 526.

schooling, and that this needed addressing urgently in the years to follow. Child labour was problematized as an issue that had its solution rooted in educational reform. Thus, in this moment, education was viewed as a central building block of post-War child labour policy, and a large proportion of child labour policy going forward was geared toward using schooling as a means of achieving its goals. As a result the most frequently observed pillar was that relating to education. The most typical framing of this stressed that child labour constituted a lost opportunity, predominantly in terms of the loss incurred to education and development of skills during adolescence. This was framed as an unfortunate side effect of the demands of the War being brought to bear on societies across the globe. A primary concern in relation to this was that the post-War policy focus should be oriented to correcting for the costs incurred during the tumult of the War.

In addition, consideration was also regularly given to the changes within societies that had been brought about by the onset of War. This was particularly acute in the west, where there had been widening of the workforce, and the more regular reliance upon the labour of women and children. How these trends would be addressed, amended and changed after the War was a prominent concern, given significant coverage both in and outside of ILO discussions. Also, the idea that children and their prospects going forward were the responsibility of those in positions of authority was a common framing in this moment, continuing the moral paternalist theme of regulation observed in moment 2. This seemed to allude to a growing sense that children were the beneficiaries of a duty of care, a feeling held among regulators and the public at large. However, the more custodial tenor was not as much of a feature of framings concerning safety and workplace hazards as was observed in the previous moment during the inter-war period.

The instances of framing child labour as an economic issue were rarer than in the previous moment, where the after-effects of the Great Depression were still keenly being felt. Though, the economic aspects of child labour were considered more often among non-ILO sources, namely sources that were not produced directly by the ILO or their adjacent journal the *International Labour Review*. Despite this, ILO actors reiterated the organisation's desire to guard against economic fluctuations in a more general sense going forward into the post-

War era.⁸⁶⁴ The ILO did not reference any potential source of economic downturn, though this warning seemed to evince a determination to not allow the devastating effects of the Depression to be repeated. Among the surveyed non-ILO sources, educational aspects of child labour and the effect that having an education had on the working prospects of young people entering the post-War workforce were most prevalent. These were discussed much more frequently than within ILO discussions, as will be discussed below. Also, the effect that the youth labour force that had been pressed into action by the war might have on the post-war economy was addressed frequently. Framings that stressed the cultural and safety aspects of child labour were much less common outside the ILO when compared to their ILO counterparts.

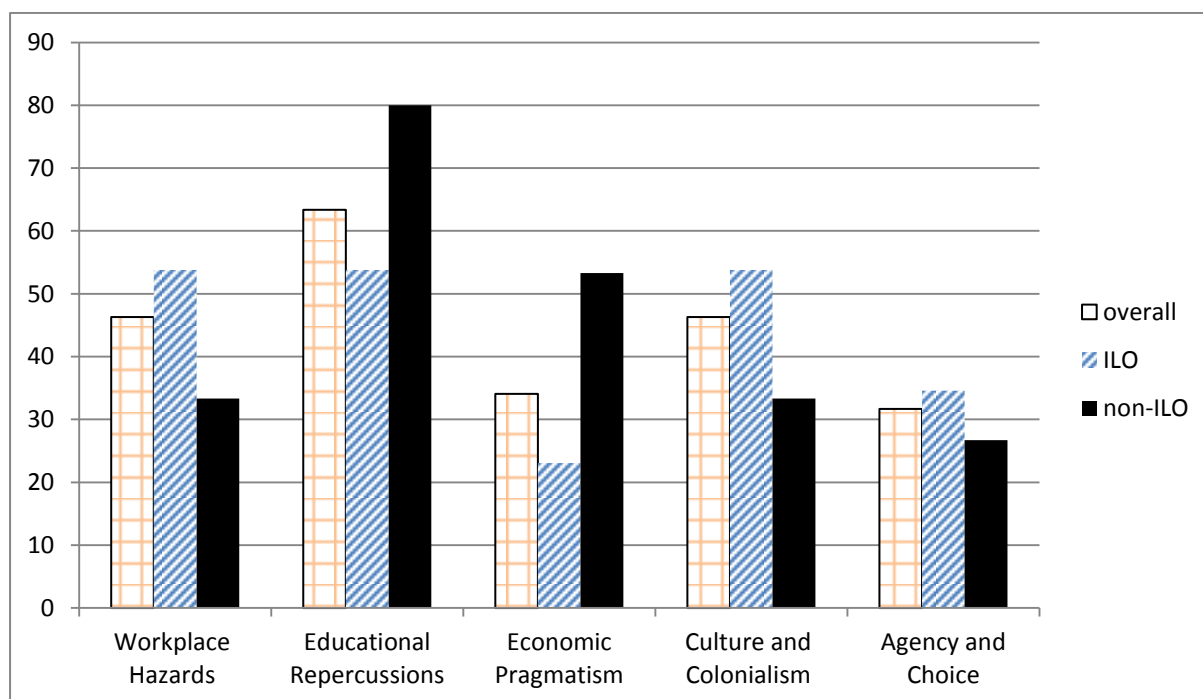


Figure 8.1: Moment 3 Pillar Breakdown

Number of Articles and Documents Manually Reviewed	ILO sources sampled	Non-ILO sources sampled
116	26	15

⁸⁶⁴ ILO, 'ILO Declaration of Philadelphia: Declaration concerning the aims and purposes of the International Labour Organisation' 10 May 1944 (Available at: <https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwiWypaZ57TIAhVPQ0EAHR4BD94QFjAAegQIBhAC&url=https%3A%2F%2Fwww.ilo.org%2Flegacy%2Fenglish%2Fnetwork%2Fcb-policy-guide%2Fdeclarationofphiladelphia1944.pdf&usg=AOvVaw2jqbFbxhB9PEbBEbcAs8m1>) [Accessed: 24 October 2019], para IV.

8.4 Educational repercussions: Work framed as a barrier to schooling

As the most prominent pillar during moment 3, detailed in Section 8.3, schooling was a central tenet of prospective policy in this moment as educational reform made up a significant amount of the problematization of child labour. An implicit link was still drawn between childhood and attending school, which came to the fore in policy discussions at various levels. For instance, British schooling legislation so explicitly tied together the ideas of children and schooling and the Education Act 1944 defined children in reference to the bands of compulsory schooling, between the ages of 5 and 15.⁸⁶⁵ The opportunities that school provided and were 'removed' from those who worked at the expense of schooling was stressed frequently.⁸⁶⁶ Consequently, the policy balance that was often struck was that schooling would be permitted going forward so far as it did not interfere with children's schooling.⁸⁶⁷

Among non-ILO publications, the most prominent framings of child labour highlighted the educational aspects of the practice, emphasising the need for adequate training in schools and vocational programmes in order to prepare children for the world of work.⁸⁶⁸ Specific programmes were instituted, known as continuation schools which provided training and 'general education for citizenship', for young people who had finished the compulsory period of education.⁸⁶⁹ When citing the past failings around attendance and usefulness of continuation schools, an article in the *Monthly Labor Review* suggested that schools should take on some of the workplace training burden.⁸⁷⁰ This, it was argued, would especially benefit smaller businesses which, by dint of their size, were often unable to provide training

⁸⁶⁵ International Labour Review, 'Education reconstruction in Great Britain' (1944) 50(4) *International Labour Review* 481, 485-86.

⁸⁶⁶ International Labour Review, 'Social and Economic Policy' (1943) 47 *International Labour Review* 63, 68-69; International Labour Review, 'Social and Economic Policy: Reconstruction Planning in Great Britain' (1943) 47 *International Labour Review* 748, 748; International Labour Review, 'Social and Economic Policy: The United Nations Interim Commission on Food and Agriculture' (1943) 48(3) *International Labour Review* 344, 354.

⁸⁶⁷ International Labour Review, 'Social and Economic Policy' (1943) 47 *International Labour Review* 63, 69; International Labour Review, 'Employment: The Wartime Employment of Women and Children in the USSR' (1943) 48(3) *International Labour Review* 361, 363; International Labour Review, 'Education reconstruction in Great Britain' (1944) 50(4) *International Labour Review* 481, 486.

⁸⁶⁸ Monthly Labor Review, 'Youth in Industry' (1943) 56(1) *Monthly Labor Review* 56, 56.

⁸⁶⁹ Monthly Labor Review, 'Youth in Industry' (1943) 56(1) *Monthly Labor Review* 56, 57.

⁸⁷⁰ Monthly Labor Review, 'Youth in Industry' (1943) 56(1) *Monthly Labor Review* 56, 56.

to young workers, thus limiting the options of school leavers to working larger enterprises.⁸⁷¹

In practice, a few case studies featured examinations of working life in ILO Member States and focused on the drop in enrolment in schools during the war. The problematization undergirding policy stated rules would need to be constructed so as to smooth the transition into peacetime, and to offer a redress for the opportunities lost in the War. Additionally, schooling infrastructure remained poor in a number of Member States, particularly outside the West, and this remained a barrier to fully tackling child labour as many children lacked a viable alternative to working.⁸⁷²

It was noted that, contrary to trends over the prior 20 years,⁸⁷³ during the early 1940s the level of high school enrolment in the USA had begun to decline.⁸⁷⁴ The source of this decline was likely the War, as children were being increasingly used to fulfil short-term labour needs, though it could also be owed to long-term effects of the Depression. In either instance, child labour was borne out of necessity, but by the time of the Philadelphia Declaration regulatory concerns shifted to the post-war world of work and how that would and should look, with reinforcing the legal framework a large part of this effort.⁸⁷⁵

There was a general assumption that at the close of the war, previous trends would reassert themselves and schooling rather than work would be on the rise once more,⁸⁷⁶ and preliminary evidence seemed to suggest that this was already happening.⁸⁷⁷ As a result, schooling was set up as a large part of this, and already moves were being made in the State of New York in engaging a back to school campaign,⁸⁷⁸ which would set about coaxing children back into education after the war-time hiatus. This would have its work cut out for

⁸⁷¹ Monthly Labor Review, 'Youth in Industry' (1943) 56(1) *Monthly Labor Review* 56, 57.

⁸⁷² TK Djang, 'Factory Inspection in China' (1944) 50(3) *International Labour Review* 284, 292; International Labour Review, 'The Twenty-Sixth Session of the International Labour Conference' (1944) 50(1) *International Labour Review* 1, 24.

⁸⁷³ Monthly Labor Review, 'Teen-Age Youth in the Wartime Labor Force' (1944) 60(1) *Monthly Labor Review* 6, 16; EA Merritt and F Hendricks, 'Child Labor' (1944) 60(4) *Monthly Labor Review* 756, 756.

⁸⁷⁴ Monthly Labor Review, 'Child Labor' (1944) 59(5) *Monthly Labor Review* 1034, 1034.

⁸⁷⁵ EA Merritt and F Hendricks, 'Child Labor' (1944) 60(4) *Monthly Labor Review* 756, 757.

⁸⁷⁶ Monthly Labor Review, 'Extra Workers in the Postwar Labor Force' (1945) 61(5) *Monthly Labor Review* 841, 841 and 843.

⁸⁷⁷ Monthly Labor Review, 'Employed Youth' (1945) 61(5) *Monthly Labor Review* 996, 996.

⁸⁷⁸ Monthly Labor Review, 'Child Labor' (1944) 59(5) *Monthly Labor Review* 1034, 1035.

it as it was noted that previous experience suggested that children who had left education were generally disinclined from returning.⁸⁷⁹ Further, it had been noted that general trends which saw school enrolment declining and child work increasing in America during the war years, had coincided with a significant rise in workplace injuries, which were said to be even more common in illegal employment.⁸⁸⁰

8.4.1 Educational repercussions: School policy central to seizing post-War opportunity

In Britain, women and children had been installed in positions to address shortfalls caused by men being drafted,⁸⁸¹ and in particular by certain sectors requiring increased manpower for production in order to satisfy new requirements during the war. Thus, among the major economic concerns in this period, how national economies would transition from wartime to peacetime was prominent. This was shaped by the effect that a large reintroduction of men into the workforce would have as they returned from the War.⁸⁸² This expanded the fields of visibility of ILO action, drawing areas like children's and women's work into wider economic and post-War reconstruction policy. This also resulted in an additional expansion of ILO jurisdiction, going beyond workplace conditions and into the area of preparing young people for entering the world of work.

The economic impact that children in the workforce could have going forward was considered and it was noted that policy would have to intervene so as to 'avoid industrial chaos' as returning soldiers from the war were reintegrated into the workforce.⁸⁸³ Child labour had been under greater demand during the war years because necessity of production meant the demand for workers tempted many children into work before completion of schooling.⁸⁸⁴ To this end it was advocated that children's entry into work

⁸⁷⁹ Monthly Labor Review, 'Teen-Age Youth in the Wartime Labor Force' (1944) 60(1) *Monthly Labor Review* 6, 6.

⁸⁸⁰ Monthly Labor Review, 'Child Labor' (1944) 59(5) *Monthly Labor Review* 1034, 1034-35.

⁸⁸¹ International Labour Review, 'Employment: Post-War Employment Policy in Great Britain' (1944) 49(2) *International Labour Review* 220, 227.

⁸⁸² International Labour Review, 'A Post-War Programme for the United States' (1943) 47 *International Labour Review* 450, 453.

⁸⁸³ Monthly Labor Review, 'Youth in Industry' (1943) 56(1) *Monthly Labor Review* 56, 58.

⁸⁸⁴ EA Merritt, 'Trend of Child Labor, 1939 to 1942' (1943) 56(3) *Monthly Labor Review* 450, 450.

should be subject to a 'period of constructive delay',⁸⁸⁵ where focus was put upon education, training and skills development, and would allow the flow of new workers into the economy could be regulated somewhat. This was likely also motivated by the idea that children might find the workplace skills they had gained during the war 'of little value in obtaining peacetime jobs'.⁸⁸⁶

A major consideration in non-ILO labour publications, during this moment was how the shift from away from wartime economy conditions could and should be managed, termed 'reconstruction' policy.⁸⁸⁷ This accompanied something of a change in attitude, seen in London's policy towards post-war work as explained by the London Regional Advisory Council for Juvenile Employment. They advocated that children's transition from school to work should no longer be viewed as discrete, but rather as a continuum with 'the young person moving by degrees from school life into the sphere of youthful work and later into a wider world of adult labor'.⁸⁸⁸

The effect of the War on schooling was frequently referenced in discussions of child labour in this moment and often stressed the opportunity cost of working for children, and that said lost opportunities would have to be made up for in the post-War to come. A new focus in child labour policy was put upon the need for children to gain specialised education⁸⁸⁹ and training⁸⁹⁰ in order to better fit them for their chosen careers.⁸⁹¹ However, something of a shift in framing accompanied the embrace of advisory services focusing on the choice of vocation that children made in tandem with advice. Advisory services could thus act as delegated authorities for ILO policy or, to put this in terms of governmentality analytics: subjectivities of governance. A review of Swedish vocational guidance services noted that

⁸⁸⁵ Monthly Labor Review, 'Youth in Industry' (1943) 56(1) *Monthly Labor Review* 56, 58.

⁸⁸⁶ Monthly Labor Review, 'Teen-Age Youth in the Wartime Labor Force' (1944) 60(1) *Monthly Labor Review* 6, 17.

⁸⁸⁷ Monthly Labor Review, 'Youth in Industry' (1943) 56(1) *Monthly Labor Review* 56, 56.

⁸⁸⁸ Monthly Labor Review, 'Youth in Industry' (1943) 56(1) *Monthly Labor Review* 56, 58.

⁸⁸⁹ International Labour Review, 'A Post-War Programme for the United States' (1943) 47 *International Labour Review* 450, 462; International Labour Review, 'Social and Economic Policy: The United Nations Interim Commission on Food and Agriculture' (1943) 48(3) *International Labour Review* 344, 354.

⁸⁹⁰ International Labour Review, 'The Twenty-Sixth Session of the International Labour Conference' (1944) 50(1) *International Labour Review* 1, 17.

⁸⁹¹ International Labour Review, 'Social and Economic Policy: Reconstruction Planning in Great Britain' (1943) 47 *International Labour Review* 748, 748.

the child's decision of their vocational path was the starting point of the service towards the desired end of 'carrying out of his vocational decision'.⁸⁹² Whilst a degree of choice would always have been part of children and young people starting work, the idea that policy explicitly highlighted children's agency marked a discursive break from the tenor of discussions previously.

This rationale trades upon the same type of concerns implicit in the framing of education in this period, one of lost opportunities during the War that will be made good upon in its aftermath. However, in this instance the ILO seem keen to frame the lost opportunity having an effect not just on the individual children who missed schooling over the course of the War, but also on the nations who will rely on these same children in the future.

An increased collaboration between national legislatures and local authorities, particularly in the education sector was a feature of this period, and delegated governance which could be identified as subjectivities of governance. The British Government termed the local educational bodies as 'duty-bound' to ensure the provision of adequate educational facilities.⁸⁹³ The links between state and local governance were relied upon to roll out reforms including: vocational education schemes,⁸⁹⁴ increased recreational opportunities for young people,⁸⁹⁵ and job advice and monitoring programmes.⁸⁹⁶ Coordination between youth organisations and the state were also used as means of reaching out to young people to get as many as possible involved in the War effort.⁸⁹⁷

An example from the US showed the way in which the ILO's position on schooling was being effectuated at the national level. Central to this was coordination between federal actors

⁸⁹² International Labour Review, 'Vocational Guidance for Young Persons in Sweden' (1944) 51(4) *International Labour Review* 471, 479.

⁸⁹³ International Labour Review, 'Education reconstruction in Great Britain' (1944) 50(4) *International Labour Review* 481, 483-84.

⁸⁹⁴ International Labour Review, 'Social and Economic Policy: Reconstruction Planning in Great Britain' (1943) 47 *International Labour Review* 748, 748.

⁸⁹⁵ International Labour Review 'The Work of the Factory Department in Great Britain' (1943) 47 *International Labour Review* 466, 470; International Labour Review, 'Conditions of Work: The Situation in India' (1943) 48(3) *International Labour Review* 377, 383-84.

⁸⁹⁶ EM Johnstone, 'Principles of Employment Supervision in War and Peace' (1943) 48(3) *International Labour Review* 277, 300.

⁸⁹⁷ International Labour Review, 'Conditions of Work: The Situation in India' (1943) 48(3) *International Labour Review* 377, 383-84; International Labour Review, 'Education reconstruction in Great Britain' (1944) 50(4) *International Labour Review* 481, 489.

and their local counterparts, with representatives from school and local authorities used to promulgate the international policy. In the USA amidst a school attendance campaign, central government relied upon delegated forms of authority at a variety of levels. As part of a wide-ranging public awareness campaign, the US Government sought to re-situate children who had missed a part of their education due to working during the War in schools.⁸⁹⁸

Working in tandem with the National Child Labour Committee, the Federal Government engaged more than forty national organisations to lend active support to the campaign.⁸⁹⁹ Thereafter, parent-teacher associations, high school boards, local and national media sources were coordinated to promote the benefits of children being in school and utilised several non-governmental measures such as letter writing, networking via phone trees, radio and newspaper advertising.⁹⁰⁰ It is worth noting that the 'back to school' campaign was in service of the national government's policy, though it was enacted through non-governmental means, thus masking its presence at the forefront of this to a large degree. In this respect, the campaign was enacted through subjectivities of governance, or delegated action.

8.5 Agency and Choice: Stewardship and the concept of a duty of care

The trend observed during moment 2, where regulators took a paternalistic role shepherding children through education and into the world of work as young adults continued into moment 3. To this end, guidance services for children were highlighted in commentaries on child labour policy in this moment.⁹⁰¹ It was frequently claimed that minors were beneficiaries of a duty of care from the authorities and this was a duty that

⁸⁹⁸ International Labour Review, 'Recent Developments in Juvenile Employment in the United States' (1944) 51(2) *International Labour Review* 191, 200.

⁸⁹⁹ International Labour Review, 'Recent Developments in Juvenile Employment in the United States' (1944) 51(2) *International Labour Review* 191, 197-98.

⁹⁰⁰ International Labour Review, 'Recent Developments in Juvenile Employment in the United States' (1944) 51(2) *International Labour Review* 191, 197-98.

⁹⁰¹ International Labour Review, 'Social and Economic Policy' (1943) 47 *International Labour Review* 63, 69.

could not be abrogated.⁹⁰² Thus the form of knowledge undergirding discussions of agency was that society, the state and by extension the ILO had some responsibility to safeguard children and manage their decision-making.

Young people were thought to be victims of their own poor decision making,⁹⁰³ easily able to be manipulated into making poor and impulsive decisions on their work lives,⁹⁰⁴ and thus needed guidance.⁹⁰⁵ To this end, a complete education was framed as constitutive of good citizenship⁹⁰⁶ and was considered vital to the raising of the next generation.⁹⁰⁷ In India, child labour was framed in the context of being the cause of disaffection amongst the younger generation, with mental staleness and a lack of interest in public affairs alleged consequences of children spending their formative years in work rather than school.⁹⁰⁸ The function of education was deemed as the means by which children's minds were developed so that they would make the 'right' choices in their working lives.⁹⁰⁹

There is a stronger significance in light of the prevailing trend in this period towards extending education, as many national legislatures made greater provisions for education as a matter of course, so that young people will be best placed to succeed in life and work.⁹¹⁰ Furthermore, in the context of a study into the effects of working on children, interviewers from the British Board of Education explained that schooling provision should be extended

⁹⁰² International Labour Review, 'Social and Economic Policy: Reconstruction Planning in Great Britain' (1943) 47 *International Labour Review* 748, 748.

⁹⁰³ International Labour Review, 'Conditions of Work: Wages and Hours in Great Britain' (1944) 50(3) *International Labour Review* 376, 386.

⁹⁰⁴ EM Johnstone, 'Principles of Employment Supervision in War and Peace' (1943) 48(3) *International Labour Review* 277, 297.

⁹⁰⁵ EM Johnstone, 'Principles of Employment Supervision in War and Peace' (1943) 48(3) *International Labour Review* 277, 299-300.

⁹⁰⁶ International Labour Review, 'Social and Economic Policy: The United Nations Interim Commission on Food and Agriculture' (1943) 48(3) *International Labour Review* 344, 354.

⁹⁰⁷ International Labour Review, 'Employment: Post-War Employment Policy in Great Britain' (1944) 49(2) *International Labour Review* 220, 232.

⁹⁰⁸ International Labour Review, 'Conditions of Work: The Situation in India' (1943) 48(3) *International Labour Review* 377, 384.

⁹⁰⁹ International Labour Review, 'Conditions of Work: The Situation in India' (1943) 48(3) *International Labour Review* 377, 385.

⁹¹⁰ International Labour Review, 'Conditions of Work: The Situation in India' (1943) 48(3) *International Labour Review* 377, 385; International Labour Review, 'Social and Economic Policy: The United Nations Interim Commission on Food and Agriculture' (1943) 48(3) *International Labour Review* 344, 354; International Labour Review, 'Social and Economic Policy: Reconstruction Planning in Great Britain' (1943) 47 *International Labour Review* 748, 748; International Labour Review, 'A Post-War Programme for the United States' (1943) 47 *International Labour Review* 450, 463.

so as to ensure that young people made best use of their time and 'enable a wise choice to be made'.⁹¹¹ This translates towards a preferred outcome of governance whereby society is structured such that when individuals are faced with a choice, they exercise their free will in line with the sovereign's preferred outcome. Additionally, policy changes generally made children the responsibility of their parents. British educational reform made parents responsible for ensuring their children's attendance for the duration of compulsory schooling, between the ages of 5 and 15.⁹¹²

While many children had made the choice to work instead of attending school, particularly during the war, some who attempted to do both. However, a prevailing attitude still seemed to be that this choice compromised children's capacity to achieve their full potential in school. An article in the *Monthly Labour Review* covering survey data of working children in Illinois concluded that even working children who were performing well in school were 'actually doing it in spite of part-time activities'.⁹¹³ Thus, from a subjectivity of governance perspective, if school was to be properly prioritised, then it would be best if this was done without working in tandem. This was still preferable to leaving school early, as this would leave children 'unprepared for [the] responsibilities of adulthood'.⁹¹⁴ The hope was that children who had been working and schooling would quit their jobs and devote their full efforts to schooling as wartime demand subsided.⁹¹⁵

Among non-ILO sources a recurring theme was the effect that parental attitudes towards their own jobs had on their children. In particular it was noted that children often made decisions in response to the difficulties their own parents had during their working lives.⁹¹⁶ The impact of home lives on the success of children in the workplace was said to be

⁹¹¹ International Labour Review, 'Conditions of Work: The Situation in India' (1943) 48(3) *International Labour Review* 377, 385.

⁹¹² International Labour Review, 'Education reconstruction in Great Britain' (1944) 50(4) *International Labour Review* 481, 483.

⁹¹³ Monthly Labor Review, 'Youth in Industry' (1944) 59(1) *Monthly Labor Review* 134, 134.

⁹¹⁴ Monthly Labor Review, 'Youth in Industry' (1944) 59(1) *Monthly Labor Review* 134, 135.

⁹¹⁵ Monthly Labor Review, 'Teen-Age Youth in the Wartime Labor Force' (1944) 60(1) *Monthly Labor Review* 6, 16.

⁹¹⁶ Monthly Labor Review, 'Youth in Industry' (1943) 56(1) *Monthly Labor Review* 56, 58.

extensive, and considered to have a greater effect than the child's own intelligence and ambition.⁹¹⁷

Children were often said to have been induced into working against their better interests, as the prospect of immediate financial was 'highly attractive to an inexperienced adolescent'.⁹¹⁸ In this sense, children's judgment was questionable and they needed some protections from their own damaging instincts. However, this prevailing attitude did not prevent the US Children's Bureau from calling for children and youths to be involved in policies concerning them and their work.⁹¹⁹ The trend at the end of the war of children returning to, or remaining in school, was said to be indicative of children stopping to 'consider the situation a little more carefully'.⁹²⁰ This example frames children as taking significant ownership of their time and development, exhibiting a high agency conception of children and their role in the child labour picture.

In an article in the *Monthly Labor Review*, representatives of the US government in discussing the role of international organisations, termed child labour something that was 'exploited' rather than 'used' or 'utilised', suggesting that the practice was viewed as inherently predatory.⁹²¹ Outside the large area of child labour policy that concerned schooling during this moment, attitudes around children and childhood began to show signs of change. A paternalist outlook could still be observed, with children still being viewed as fundamentally lacking agency and being at the mercy of the competence of the state. However, in terms of safety, the hazards children had faced during the War were less frequently framed as a moral failing of society. Instead, the injuries incurred by children when working in industrial and agricultural settings in service of wartime pressures on production were deemed an unfortunate by-product of necessary work. The next section will consider the role that the framing of safety and child labour had during this moment.

⁹¹⁷ Monthly Labor Review, 'Youth in Industry' (1943) 56(6) *Monthly Labor Review* 1122, 1122.

⁹¹⁸ Monthly Labor Review, 'Youth in Industry' (1944) 59(1) *Monthly Labor Review* 134, 135.

⁹¹⁹ Monthly Labor Review, 'Youth in Industry' (1944) 59(1) *Monthly Labor Review* 134, 136.

⁹²⁰ Monthly Labor Review, 'Employed Youth' (1945) 61(5) *Monthly Labor Review* 996, 997.

⁹²¹ Monthly Labor Review, 'Social Progress – How Can We Work for It' (1945) 60(6) *Monthly Labor Review* 1182, 1184-85.

8.6 Workplace hazards: Removing the moral weight from safety

Despite the focus on the state as a protector in relation to agency, there was a tonal shift regarding safety and child labour in this moment when compared to moment 2. Framing regarding safety in non-ILO sources took a less moral tone than in previous moments. During this moment, child labour that led to workplace injuries was framed as an accepted and unfortunate fact, rather than an ethical failing of regulators and an indictment of their inability to protect children. This perhaps reflected child labour shifting down the list of priorities during the war, superseded by pressures brought about by the shortfalls caused by conflict.

This was framed in terms of the developmental cost of working,⁹²² and the health and safety consequences that children were likely to suffer in the course of employment.⁹²³ Thus, children were barred from working in particular roles or sectors on the basis of safety.⁹²⁴ The British authorities governing within India also framed the practice of children working in factories as abusive by its very nature in a letter to the provincial authorities.⁹²⁵ This upsurge in accidents in the workplace, particularly amongst minors,⁹²⁶ was attributed to children being tasked with working with more dangerous machinery than they would ordinarily be due to the demands put on workplaces by the War.⁹²⁷

Child labour was infrequently framed as a matter of safety in non-ILO sources, though policy calls were made for child labour legislation to protect the 'health and educational opportunities' of children under the age of 18,⁹²⁸ and to protect 'normal physical and social development'.⁹²⁹ Goodrich noted that the war had aggravated the precarious situation of child workers and that the post-war period would need to take 'measures to insure for all

⁹²² W Benson, 'A People's Peace in the Colonies' (1943) 47 *International Labour Review* 141, 155.

⁹²³ International Labour Review, 'Social and Economic Policy: The United Nations Interim Commission on Food and Agriculture' (1943) 48(3) *International Labour Review* 344, 354.

⁹²⁴ International Labour Review, 'Social and Economic Policy: Reconstruction Planning in Great Britain' (1943) 47 *International Labour Review* 748, 759.

⁹²⁵ AC Chatterjee, 'Federalism and Labour Legislation in India' (1944) 49(4-5) *International Labour Review* 415, 441-42.

⁹²⁶ International Labour Review 'The Work of the Factory Department in Great Britain' (1943) 47 *International Labour Review* 466, 467-68.

⁹²⁷ International Labour Review 'The Work of the Factory Department in Great Britain' (1943) 47 *International Labour Review* 466, 468.

⁹²⁸ Monthly Labor Review, 'Youth in Industry' (1944) 59(1) *Monthly Labor Review* 134, 136.

⁹²⁹ EA Merritt and F Hendricks, 'Child Labor' (1944) 60(4) *Monthly Labor Review* 756, 757.

children normal and healthy conditions of life which favour the full development of their talents and aptitudes'.⁹³⁰ This is a slightly wider definition of development than was seen in previous moments. Tying schooling to health had some precedent, but the wider cultural framing of development had been less common. There is an allusion to drawing back on child labour standards that had been brought about by the outbreak of the War,⁹³¹ and an indication that this trend would be addressed through education policy in the post-War peace that was to follow.

During the War, the shift towards wider use of child labour in industry brought with it a slew of regulatory concerns. In the USA, these were generally fielded by the Children's Bureau, whose impact was referenced frequently during this moment. For instance, they published advisory standards for children's work during wartime, identifying sources of danger and went above the legal standards regulated child work at the time. The way this was justified was that the legal procedure for designating certain types of work hazardous and thus inappropriate for children was slow and did 'not lend itself to the quick action necessitated by the war'.⁹³² Therefore, the Children's Bureau provided non-binding guidance in the hope of being more reactive to workplace issues as they arose. However, the Bureau noted that mechanisms needed to be implemented to ensure that the standards they recommended were adhered to, and this required legal intervention.⁹³³ This relationship shows the role of government and its delegated authority, or its subjectivities, in managing child labour in practice, delegated authority benefited from flexibility but lacked the concrete legal force to make its actions stick.

8.7 Culture and colonialism: Child labour and cultural change

This pillar skewed more towards questions of culture and variation between national norms, rather than being linked to imperial dynamics between Western nations and their

⁹³⁰ C Goodrich, 'ILO Preparations for Paris Conference' (1945) 61(3) *Monthly Labor Review* 433, 434-35.

⁹³¹ International Labour Review, 'Juvenile Labour in Wartime in the United States' (1943) 48(3) *International Labour Review* 324, 324.

⁹³² Monthly Labor Review, 'Employed Youth' (1943) 56(4) *Monthly Labor Review* 694, 695.

⁹³³ Monthly Labor Review, 'Employed Youth' (1943) 56(4) *Monthly Labor Review* 694, 701.

counterparts in the colonies. The ILO stated its desire in the Philadelphia Declaration to bring all nations along with it, integrating all nations into its overarching 'world structure',⁹³⁴ though taking account of the 'stage of social and economic development reached by each people'.⁹³⁵ However, in the context of child labour there seemed to be some allowance made for the acceptance of differential standards on the issue from different ILO member states.

The thematic pillar concerning culture was less prominent in non-ILO sources in this moment, one recurring framing was that the general public's perception of child labour was shifting towards viewing childhood as a long period for growth and education.⁹³⁶ The idea that the public wanted children in school longer perhaps served other policy priorities, in particular it spoke to regulator's concerns over stewarding the economy effectively out of wartime. A novel argument from the US, which attempted to explain the trend of children working during the war, was that this was an example of 'patriotic pressure' in effect.⁹³⁷

The colonial structure was also up for renegotiating in the post-War era as many colonial powers had their resources stretched by the War and were less able to rule in remote as they had done previously. In a trend that was reflective of this, the British Empire was increasingly inclined to delegate its authority to local leaders.⁹³⁸ The new colonial oversight mechanisms were designed in a similar means to the League's mandate system, which had in some cases exacerbated the worst elements of colonial rule rather than improving

⁹³⁴ W Benson, 'A People's Peace in the Colonies' (1943) 47 *International Labour Review* 141, 142.

⁹³⁵ ILO, 'ILO Declaration of Philadelphia: Declaration concerning the aims and purposes of the International Labour Organisation' 10 May 1944 (Available at: <https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwiWypaZ57TIAhVPQ0EAHR4BD94QFjAAegQIBhAC&url=https%3A%2F%2Fwww.ilo.org%2Flegacy%2Fenglish%2Fnetwork%2Fcb-policy-guide%2FdeclarationofPhiladelphia1944.pdf&usg=AOvVaw2jqbFbxhB9PEbBEbcAs8m1>) [Accessed: 24 October 2019], para V.

⁹³⁶ EA Merritt, 'Trend of Child Labor, 1939 to 1942' (1943) 56(3) *Monthly Labor Review* 450, 450.

⁹³⁷ EA Merritt and F Hendricks, 'Child Labor' (1944) 60(4) *Monthly Labor Review* 756, 756.

⁹³⁸ JL Pearson, 'The French Empire Goes to San Francisco: The Founding of the United Nations and the Limits of Colonial Reform' (2020) 38(2) *French Politics, Culture & Society* 35, 36.

conditions.⁹³⁹ The US remained opposed to the operation of formal colonial empires, a position that was shaped by American public opinion at the time.⁹⁴⁰

Regulators at the international level were also responsive to sentiment amongst the public, and some sought to utilise enthusiasm for reform. A stated concern for regulators was the leveraging 'an alert and aroused public opinion'⁹⁴¹ in favour of child labour reform in order to reverse the trends around falling school enrolment and increased child labour during the war. Notably civic groups in New York were said to be involved in instigating back to school campaigns to this same end.⁹⁴² In favour of this, it was referenced on occasion that public opinion was indeed shifting in this direction,⁹⁴³ with an increasing sense that children needed to prioritise school throughout their youth.⁹⁴⁴

8.8 Conclusion: The ILO's constructs its role at Philadelphia

The problematization of child labour during moment 3 centred on the role that education and wide ranging reform of schooling could have on combating child labour going forward into the post-War world. A tone of custodianship as the legitimate purview of the state characterised framings seen in relation to the thematic pillar concerning agency. However, safety focused less on the role of the state as ultimate protector and instead reframed development as a function of education with cultural repercussions.

Continuity can be seen between this and previous moments regarding the move towards more state and international oversight, particularly through educational policy. Further, the ILO made recognition of the effect of slowly shifting cultural norms as the means by which radical overhauls on policy could be made. However, evidence was also found of areas in which child labour policy had evolved with time. Among the changes, the disaggregation of safety and a moral duty to protect children from all forms of harm was notable. This could

⁹³⁹ JL Pearson, 'The French Empire Goes to San Francisco: The Founding of the United Nations and the Limits of Colonial Reform' (2020) 38(2) *French Politics, Culture & Society* 35, 38-39.

⁹⁴⁰ JL Pearson, 'The French Empire Goes to San Francisco: The Founding of the United Nations and the Limits of Colonial Reform' (2020) 38(2) *French Politics, Culture & Society* 35, 40.

⁹⁴¹ Monthly Labor Review, 'Youth in Industry' (1944) 59(1) *Monthly Labor Review* 134, 136.

⁹⁴² Monthly Labor Review, 'Child Labor' (1944) 59(5) *Monthly Labor Review* 1034, 1035.

⁹⁴³ EA Merritt, 'Trend of Child Labor, 1939 to 1942' (1943) 56(3) *Monthly Labor Review* 450, 450; .

⁹⁴⁴ EA Merritt and F Hendricks, 'Child Labor' (1944) 60(4) *Monthly Labor Review* 756, 770.

be said to have paved the way for an agency-centric perception of children and child work that is much more prevalent in contemporary child labour policy discussions. However, in many ways the child labour agenda played second fiddle in this moment to an organisational reset for the ILO within the international arena. The culmination of the Second World War, the failure of the League of Nations and possibility of long-term global peace underscored by international cooperation fundamentally changed the landscape.

The ILO used the Philadelphia Conference to reassert their founding ideals, which ‘remained as true today as they were in 1919’.⁹⁴⁵ Further, the ILO was keen to set out the underlying principles that would motivate its actions going forward, amended in light of the ‘tremendous social change’ that had occurred since the body’s founding.⁹⁴⁶ The International Labour Conference at Philadelphia affirmed that a lasting peace could only be achieved in an international environment where all were free to pursue their ‘material well-being and their spiritual development’ in ‘freedom and dignity’.⁹⁴⁷ This was dubbed the ‘central aim of national and international policy’ and *the* yardstick against which policy should be judged at all levels,⁹⁴⁸ and further that unnecessary competition between nations should be avoided if this dream was to become reality.⁹⁴⁹

The ILO’s structure was represented as being the pinnacle of labour regulation as seen in an article in the *Monthly Labor Review* which covered the state of labour conditions in India.

⁹⁴⁵ International Labour Review, ‘The Twenty-Sixth Session of the International Labour Conference’ (1944) 50(1) *International Labour Review* 1, 4.

⁹⁴⁶ International Labour Review, ‘The Twenty-Sixth Session of the International Labour Conference’ (1944) 50(1) *International Labour Review* 1, 4.

⁹⁴⁷ ILO, ‘ILO Declaration of Philadelphia: Declaration concerning the aims and purposes of the International Labour Organisation’ 10 May 1944 (Available at: <https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwiWypaZ57TIAhVPQ0EAHR4BD94QFjAAegQIBhAC&url=https%3A%2F%2Fwww.ilo.org%2Flegacy%2Fenglish%2Fnetwork%2Fcb-policy-guide%2FdeclarationofPhiladelphia1944.pdf&usg=AOvVaw2jqbFbxhB9PEbBEbcAs8m1>) [Accessed: 24 October 2019], Para II.

⁹⁴⁸ ILO, ‘ILO Declaration of Philadelphia: Declaration concerning the aims and purposes of the International Labour Organisation’ 10 May 1944 (Available at: <https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwiWypaZ57TIAhVPQ0EAHR4BD94QFjAAegQIBhAC&url=https%3A%2F%2Fwww.ilo.org%2Flegacy%2Fenglish%2Fnetwork%2Fcb-policy-guide%2FdeclarationofPhiladelphia1944.pdf&usg=AOvVaw2jqbFbxhB9PEbBEbcAs8m1>) [Accessed: 24 October 2019], Para II.

⁹⁴⁹ International Labour Review, ‘Social and Economic Policy’ (1943) 47 *International Labour Review* 63, 65-66.

The article noted that India's recent 'progress' in this respect was a result of the country instituting various ILO regulations and Conventions⁹⁵⁰ and it reorienting its own labour structure to more closely mirror that of the ILO.⁹⁵¹ This included implementing an annual labour conference and using the same employer, employee, government tripartite representation that defined the ILO.⁹⁵² It is revealing that progress for India was equated with emulating the ILO, in methods and structure.

The Philadelphia Conference itself was described in grand terms, said to be taking place 'at a critical time in the history of the world'.⁹⁵³ The stakes were thus high, and the ILO's own role was described as being 'the international watchdog to rouse the world when poverty and unemployment threaten'.⁹⁵⁴ This reference to financial tribulation demonstrates the enduring scars left by the Depression, discussed in moment 2 but were still being felt a decade later. A primary goal of governance in this moment was the overwhelming desire to avoid another instance of financial tumult and resulted in structuring international bodies to act against this risk. Child labour and its effect on the labour market at large had to be considered within this context, and reforms around schooling were being constructed with these concerns in mind.

This statement also defines the ILO's role widely, as something of a bellwether for coming trouble, and by stating that the ILO was 'the international watchdog'⁹⁵⁵ it seems to delimit this space in international governance as the ILO's exclusive domain. In this vein, Carter Goodrich, writing in the *Monthly Labor Review*, noted that the ILO's priorities post-war were to support the UN whilst 'retaining the authority essential for the discharge of its responsibilities'.⁹⁵⁶ This phrasing structures the ILO-UN relationship as one between

⁹⁵⁰ RK Das, 'Employment and Working Conditions in India' (1943) 57(3) *Monthly Labor Review* 452, 452.

⁹⁵¹ RK Das, 'Employment and Working Conditions in India' (1943) 57(3) *Monthly Labor Review* 452, 457-458.

⁹⁵² RK Das, 'Employment and Working Conditions in India' (1943) 57(3) *Monthly Labor Review* 452, 452 and 457-458.

⁹⁵³ C Goodrich and J Gambs, 'Results of International Labor Conference, April-May 1944' (1944) 59(1) *Monthly Labor Review* 1, 1.

⁹⁵⁴ C Goodrich and J Gambs, 'Results of International Labor Conference, April-May 1944' (1944) 59(1) *Monthly Labor Review* 1, 2.

⁹⁵⁵ C Goodrich and J Gambs, 'Results of International Labor Conference, April-May 1944' (1944) 59(1) *Monthly Labor Review* 1, 2 (underline added).

⁹⁵⁶ C Goodrich, 'ILO Preparations for Paris Conference' (1945) 61(3) *Monthly Labor Review* 433, 435.

partners rather than a hierarchical one, and it carves out ‘responsibilities’ that belong to the ILO alone and note the need for the body to retain sufficient independence to achieve them.

The tone was somewhat similar around the ILO’s founding, which is unsurprising as both occurred around the end of World Wars. However, ‘a significant difference in emphasis’ between the 1919 ILO Constitution and the Declaration set forth in Philadelphia was noted.⁹⁵⁷ The focus at Philadelphia was more overtly international; where before the aim had been to encourage nations to take steps to improve conditions for working people in their own countries, now the ILO encouraged collective responsibility among all nations in the broader ‘war against want’.⁹⁵⁸ Further, the ILO took on the responsibility to oversee this shift, as a watchdog, though ‘its concern [was] with general direction, not with technical details’.⁹⁵⁹ National actors including a former US Secretary of State stated that the object of the emerging post-war consensus was to not allow the free peoples of the world to ‘sink into weakness and despair’.⁹⁶⁰ The Canadian and American governments began efforts to collaborate on issues that concerned both nations. The two nations also resolved that a ‘just and enduring world peace’⁹⁶¹ required the establishment of a ‘New World Order’ which censured ‘unrestricted national sovereignty’ and limited unnecessary international competition.⁹⁶² In this context, child labour could be viewed as a means of unfair labour competition, driving labour standards down to reduce production costs and give national economies an unfair competitive edge.

Wartime seemed to reinforce the notion that children and their proper development required national attention as the children of today would become the society of tomorrow. This idea was most clearly outlined by the Labour Conference representative for the Canadian Chamber of Commerce who noted that ‘it should be recognised that children are a

⁹⁵⁷ C Goodrich and J Gambs, ‘Results of International Labor Conference, April-May 1944’ (1944) 59(1) *Monthly Labor Review* 1, 3.

⁹⁵⁸ C Goodrich and J Gambs, ‘Results of International Labor Conference, April-May 1944’ (1944) 59(1) *Monthly Labor Review* 1, 3.

⁹⁵⁹ C Goodrich and J Gambs, ‘Results of International Labor Conference, April-May 1944’ (1944) 59(1) *Monthly Labor Review* 1, 3.

⁹⁶⁰ Monthly Labor Review, ‘Social Progress – How Can We Work for It’ (1945) 60(6) *Monthly Labor Review* 1182, 1182.

⁹⁶¹ International Labour Review, ‘Social and Economic Policy’ (1943) 47 *International Labour Review* 63, 64.

⁹⁶² International Labour Review, ‘Social and Economic Policy’ (1943) 47 *International Labour Review* 63, 65-66.

national as well as a family asset'.⁹⁶³ Within this framing, the child and the issue of their development was one of national concern and thus appears to be pertinent to the ILO's reaffirmed plea that nations refrain from unnecessary competition with one another.⁹⁶⁴ Success would limit instances of nations undercutting each other on labour standards for short-term economic gain, through the establishment of a common base provision of rights. In turn, this would allow children to benefit from fuller development, in particular with regard to education and training, and satisfy the ILO's other stated major goal *i.e.* all should be able to pursue their wellbeing and development without impediment.⁹⁶⁵

This seems to frame the ILO and its role as above national conflict, no matter how severe, acting more as an umpire, rather than taking a normative position on the nature of conflict. By framing the ILO as above the fray, it also perhaps served a broader function as it represented the body as being a permanent fixture of the international scene, and not a potential casualty of the League of Nations' demise. The ILO was, as such, keen to frame itself as a senior partner to the UN in the new era, with an article in the *Review* referring to the Labour Conference in Paris in 1945 as when 'the mature I.L.O. took the decision to seek affiliation with the youthful U.N.O.'.⁹⁶⁶ This positions the two bodies, the UN and the ILO, as peers with the latter having greater experience given its involvement with the League of Nations over the previous quarter century. It also frames the ILO as the body that is taking initiative, seeking the input of the UN in ILO affairs. The same article makes reference to the possibility of the ILO asserting its 'autonomous existence during the period of its severance from the League' and the ILO's 'vigorous past' and 'promising future'.⁹⁶⁷

⁹⁶³ International Labour Review, 'Social and Economic Policy: The United Nations Interim Commission on Food and Agriculture' (1943) 48(3) *International Labour Review* 344, 354.

⁹⁶⁴ International Labour Review, 'Social and Economic Policy' (1943) 47 *International Labour Review* 63, 65-66.

⁹⁶⁵ ILO, 'ILO Declaration of Philadelphia: Declaration concerning the aims and purposes of the International Labour Organisation' 10 May 1944 (Available at: <https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwiWypaZ57TIAhVPQ0EAHR4BD94QFjAAegQIBhAC&url=https%3A%2F%2Fwww.ilo.org%2Flegacy%2Fenglish%2FInwork%2Fcb-policy-guide%2FdeclarationofPhiladelphia1944.pdf&usg=AOvVaw2jqbFbxhB9PEbBEbcAs8m1>) [Accessed: 24 October 2019], Para II.

⁹⁶⁶ International Labour Review, 'Industrial and Labour Information: International Labour Organisation' (1945) 52(6) *International Labour Review* 656, 666.

⁹⁶⁷ International Labour Review, 'Industrial and Labour Information: International Labour Organisation' (1945) 52(6) *International Labour Review* 656, 666.

Child labour got relatively scant treatment at the level of 'headline' action from the ILO during moment 3, and instead was dealt with through the delegated local groups and national initiatives. In the next moment, an effort would be made by the ILO to consolidate the existing child labour Conventions under a single regulatory banner, namely that of Convention 138, the 'Minimum Age Convention'.

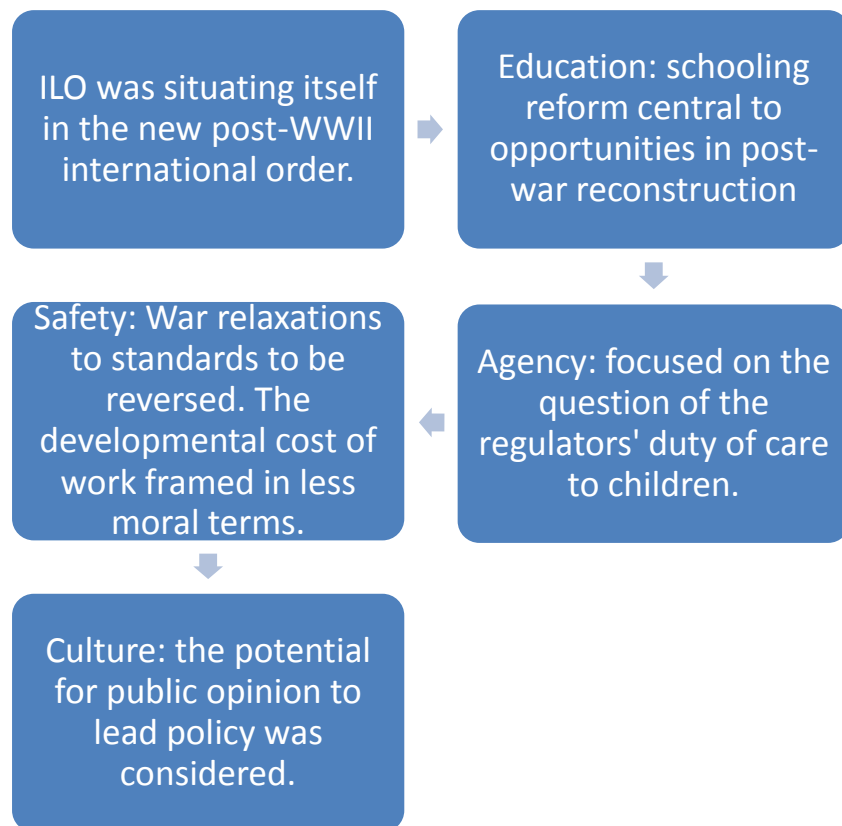


Figure 8.2: Chapter 8 Summary

Chapter 9: Moment 4 – The Passing of ILO Convention 138 (1973)

9.1 Introduction: Elimination of child labour as part of an historic regulatory reset

The international landscape had become distinctly more crowded in the years since the conclusion of WWII, with a large number of NGOs, multinational corporations and other internationalist bodies increasing significantly.⁹⁶⁸ In the 1960s and 1970s a movement grew to increase the representation and influence for developing nations within international organisations. In 1974 a plan for a New International Economic Order (NIEO) was put forth to challenge the US-led order which had culminated in the rise of neoliberalism and US military strength. This move came against a backdrop of an inflation-led global economic crash which had been exacerbated by the scale of third nations' debt. The Declaration and Action Programme was adopted and called on the international community to reorient itself around the ideals of equity and cooperation.⁹⁶⁹ The plan also aimed to reform the nature of the relationship between the Global North and South, in order to make the latter less reliant on the North.⁹⁷⁰

Despite initial optimism that this might reorient the power dynamic in the international arena, these proved premature. Reinalda argued that in many ways the Third World was more dependent on the richest states and corresponding state aid, even despite receiving higher prices for the raw materials that continued to be exported.⁹⁷¹ Thus, the ILO in the 1970s shifted with the changing international landscape particularly due to the emergence of dominant institutional actors in various policy sectors. The World Bank had come to dominate international health and social policy was shaped increasingly by the Organisation of Economic Co-Operation and Development (OECD).⁹⁷²

⁹⁶⁸ G Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press 2013) 125-126.

⁹⁶⁹ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 486-487.

⁹⁷⁰ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 487.

⁹⁷¹ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 488.

⁹⁷² C Sirrs, 'Promoting Health Protection Worldwide: The International Labour Organisation and Health Systems Financing, 1952-2012' (2020) 42(2) *The International History Review* 371, 378-379.

Brooks has noted that increasing internationalisation had changed the global picture in two ways: incentivising international cooperation and dependency, but also it had concentrated 'control of resources and capital in fewer and fewer states'.⁹⁷³ The ILO's global influence was hampered by the tumultuous relationship with the US during the 1970s when the US pulled back from funding the ILO and signalled its intent to withdraw from membership in 1975.⁹⁷⁴ Despite this, the US returned to full membership in 1980.⁹⁷⁵ This could be termed the 'Cold War' effect, as the animosity between the US and the Soviet Union led to both disengaging from the international sphere, hindering the impact of the UN and the ILO.⁹⁷⁶ The ILO continued regional work that began in moment 3, extending many of its operations and focus towards Africa. The ILO engaged in its first African regional conference in 1960 and also widened its activities by instituting a programme aimed towards ending apartheid in South Africa in 1963.⁹⁷⁷

The ILO's Director-General at the close of the Second World War, David Morse, felt that it was vital that the ILO remained relevant and at the forefront of international policymaking. In order to do so, Morse felt that expansion of the organisation's knowledge base was of paramount importance.⁹⁷⁸ To this end the ILO had used the post-WWII years to expand its field operations and by extension its expertise.⁹⁷⁹ As has been discussed in previous moments, the ILO often sought to establish its field of visibility or jurisdiction; however this only functioned so far as the organisation was recognised as having the authority which it claimed. Central to this can be expertise, which as Reinalda surmised, is used by

⁹⁷³ RE Brooks, 'Failed States, or the State as Failure' (2005) 72 *University of Chicago Law Review* 1159, 1182.

⁹⁷⁴ C Sirrs, 'Promoting Health Protection Worldwide: The International Labour Organisation and Health Systems Financing, 1952-2012' (2020) 42(2) *The International History Review* 371, 378-379.

⁹⁷⁵ G. Standing, 'The International Labour Organization' (2010) 15(2) *New Political Economy* 307, 311.

⁹⁷⁶ M. Barnett and M. Finnemore, *Rules for the World: International Organizations in Global Politics* (Ithaca: Cornell University Press 2004) 127.

⁹⁷⁷ ILO, 'Library Guides: History of the ILO' (ilo.org) (Available at: <https://libguides.ilo.org/c.php?g=657806&p=4649148>) [Accessed: 29 March 2022].

⁹⁷⁸ J Guthrie, 'The ILO and the International Technocratic Class, 1944-1966' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013) 126.

⁹⁷⁹ J Guthrie, 'The ILO and the International Technocratic Class, 1944-1966' in S. Kott and J. Droux (eds.) *Globalizing Social Rights: The International Labour Organization and Beyond* (New York: Palgrave Macmillan 2013) 126.

international organisations to ‘fortify their authority’.⁹⁸⁰ Barnett and Finnemore agreed that expertise provides international bodies with authority, but also that the way it is cultivated shapes the way organisations act, and the solutions that they proffer for the problems identified.⁹⁸¹ Thus Morse’s institutional shift had implications for the way that child labour was problematized, the way it was framed and by extension had governmentality ramifications.

The culmination of many of the post-War shifts in ILO operations, in a child labour sense, came in the 1970s where it was decided that an all-encompassing child labour Convention was required to consolidate legal protections under one banner.⁹⁸² In particular, the focus here was on the lowest age at which it would be appropriate for a child to work. The ILO also appeared to view this as an opportunity to make a wider organisational shift, an exercise in re-positioning. This pivot was to be centred on a significant regulatory overhaul of the previously piecemeal child labour regulatory framework. This structural shift represented a departure from a sector-specific narrow instrument, which had been the norm, to then passing a comprehensive instrument, one oriented towards the elimination of child labour. The reasoning for this shift was outlined in the Convention’s preamble, where it was noted that it was time to establish a single touchstone legal instrument as a means of abolishing child labour.⁹⁸³

The premise for reform was reiterated and expanded upon within the Minimum Age Recommendation, which was passed alongside Convention 138, which stated: ‘the effective abolition of child labour and the progressive raising of the minimum age for admission to employment constitute only one aspect of the protection and advancement of children and

⁹⁸⁰ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 757.

⁹⁸¹ M. Barnett and M. Finnemore, *Rules for the World: International Organizations in Global Politics* (Ithaca: Cornell University Press 2004) 24.

⁹⁸² ILO, ‘Convention No. 138: Convention concerning Minimum Age for Admission to Employment’ 6 June 1973, Geneva Conference, Fifty-Eighth Session, Preamble; International Labour Review, ‘The 57th session of the international labour conference, June 1972.’ (1972) 106(4) *International Labour Review* 295, 296.

⁹⁸³ ILO, ‘Convention No. 138: Convention concerning Minimum Age for Admission to Employment’ 6 June 1973, Geneva Conference, Fifty-Eighth Session, Preamble.

young persons'.⁹⁸⁴ This manifested in practice as child labour becoming a constituent part of the ILO's wider social policy goals towards the improvement of children and young people's welfare, a cog in the machine for social change. The new Minimum Age Convention was designed as part of the overarching fight to abolish child labour and was described as being 'broad-gauged' by nature.⁹⁸⁵ This suggests that the new Convention could work on two levels in parallel: serving the short-term goal of raising the minimum age for working while progressing towards the longer-term objective of bringing about the end of child labour.

Reform in this moment exhibited a tonal shift, with a new focus on the 'total abolition' of child labour. Standing has argued in retrospect that this was likely a result of child labour becoming increasingly central to the ILO's platform as its international sway weakened. Thus, he argued that pursuing child labour reform was the policy equivalent of taking aim at 'low hanging fruit'.⁹⁸⁶ This had been referenced in the past, as early as the ILO's founding in 1919,⁹⁸⁷ but now abolition became the chief objective of child labour policy,⁹⁸⁸ endorsed unanimously by the workers' and employers' members of the Conference.⁹⁸⁹ This was explicitly stated within the text of Convention 138⁹⁹⁰ and confirmed as the 'ideal'⁹⁹¹ and a 'necessity'⁹⁹² that ILO members were striving for during the course of Conference

⁹⁸⁴ ILO, 'Recommendation No. 146: Minimum Age Recommendation' 6 June 1973, Geneva Conference, Fifty-Eighth Session, Preamble.

⁹⁸⁵ JP Goldberg, 'Results of the 1973 International Labor Conference' (1973) 96(10) *Monthly Labor Review* 28, 30.

⁹⁸⁶ G. Standing, 'The International Labour Organization' (2010) 15(2) *New Political Economy* 307, 312.

⁹⁸⁷ League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.), Art 427; Commission on International Labour Legislation, 'The proceedings at the Preliminary Peace Conference, report of the Commission on International Labour Legislation' (11 April 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 284-308.), 306; *International Labour Review*, 'The International Labour Office and the Protection of Children' (1921) 3(1) *International Labour Review* 3, 12.

⁹⁸⁸ ILO, 'Convention No. 138: Convention concerning Minimum Age for Admission to Employment' 6 June 1973, Geneva Conference, Fifty-Eighth Session, Art 1; ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 12-13.

⁹⁸⁹ ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (Appendix 25)' (Geneva: International Labour Office 1972) 539.

⁹⁹⁰ ILO, 'Convention No. 138: Convention concerning Minimum Age for Admission to Employment' 6 June 1973, Geneva Conference, Fifty-Eighth Session, Preamble.

⁹⁹¹ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 13.

⁹⁹² ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 7.

deliberations. During the course of deliberations the stakes were set for discussions of child labour as the delegation from Pakistan asserted that ‘there must be elimination of all forms of child labour...because the future of mankind is linked to how we bring up our children’.⁹⁹³

Up until this point child labour Conventions had prioritised a sector-specific approach and it was hoped that this would have the effect of simplifying the legal framework,⁹⁹⁴ setting standards to be applied in particular types of undertaking. The debate around the prospective minimum age Convention touched upon the longstanding engagement between the ILO and child labour. The summary of the 58th Conference, published in the *International Labour Review* noted that the ILO had tackled child labour with ‘appreciable success’ in the past.⁹⁹⁵ The Director General considered that the elimination of child labour was one of the pillars upon which ILO action could be ‘reinvigorated’.⁹⁹⁶ All three wings of the ILO’s tripartite structure welcomed the organization’s reengagement with child labour, and indicated that addressing the issue in an authoritative, global way was ultimately the body’s responsibility.⁹⁹⁷ The Czechoslovakian government confirmed that ‘the restriction of child labour represents one of the basic objectives of social policy’,⁹⁹⁸ while the Ethiopian representative equated the struggles against child labour with the ILO’s commitment to child wellbeing.⁹⁹⁹ The Dutch¹⁰⁰⁰ and Japanese¹⁰⁰¹ governments noted that child labour and its negative effect on children’s welfare was rooted in the ILO’s founding mission and a review of the practice stood as a timely return to the organisation’s roots. The next section

⁹⁹³ ILO, ‘International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)’ (Geneva: International Labour Office 1972) 642.

⁹⁹⁴ ILO, ‘International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (Appendix 25)’ (Geneva: International Labour Office 1972), 544.

⁹⁹⁵ International Labour Review, ‘The 58th Session of the International Labour Conference, June 1973’ (1973) 108(4) *International Labour Review* 263, 266.

⁹⁹⁶ International Labour Review, ‘The 59th Session of the International Labour Conference, June 1974’ (1974) 110(4) *International Labour Review* 277, 294.

⁹⁹⁷ ILO, ‘International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (Appendix 25)’ (Geneva: International Labour Office 1972) 537.

⁹⁹⁸ ILO, ‘International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)’ (Geneva: International Labour Office 1972) 4.

⁹⁹⁹ ILO, ‘International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)’ (Geneva: International Labour Office 1972) 638.

¹⁰⁰⁰ ILO, ‘International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)’ (Geneva: International Labour Office 1972) 637.

¹⁰⁰¹ ILO, ‘International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)’ (Geneva: International Labour Office 1972) 5.

will consider the thematic pillars observed in the documentary review undertaken for this moment, and the trends that were identified at a macro level.

9.2 Pillar spread in moment 4

Looking at the distribution of thematic pillars observed during this moment, the discourse around child labour became more focused in this moment. This was seen in particular around the pillars concerning education, economics and culture, which were the three most prominently observed pillars during this time and will be discussed in Sections 9.3 and 9.4. This trend reflected the consolidation of the child labour legal scheme into one ‘tent-pole’ Convention, and the concerns that were mirrored in its text and the deliberations that led to its passing.

At the outset of the Second World War in 1939 the ILO had 57 members and this had increased to 77 by 1957 and by 1972,¹⁰⁰² the ILO had grown to 123 member states.¹⁰⁰³ Linked to this, the drive for universal standards in this moment was complicated by changes to the voting makeup of the ILO, which had shifted in favour of Asian and African nations as the number of member states grew tremendously in the ILO and within the UN more broadly.¹⁰⁰⁴ This was part of the wider overarching theme of ILO action in this period which saw the body pivot into a regulatory force with moral authority. Furthermore, a comprehensive child labour instrument would necessarily raise the question of universalism, and the costs importation of a uniform standard could incur on a cultural level. Child labour, and progress against it, was also framed frequently as an indicator of social progress, establishing success against child labour as a marker of good governance.

From a governmentality perspective, moment 4 saw the ILO try to extend the bounds of its expertise by engaging with research operations on the ground in member states, and expand its knowledge base as a result. This served to broaden the body’s field of visibility, namely increase the policy areas it could claim as part of its jurisdiction. Further it could

¹⁰⁰² DA Morse, ‘The International Labour Organization in a Changing World’ (1957) 310 *The Annals of the American Academy of Political and Social Science* 31, 33.

¹⁰⁰³ International Labour Review, ‘The 57th session of the international labour conference, June 1972.’ (1972) 106(4) *International Labour Review* 295, 295.

¹⁰⁰⁴ M Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 272.

serve in time to contribute to metrics by which policy progress could be measured, by collecting more data on work issues, the ILO would be able to chart progress against changes in the recorded data on the ground. This also manifested in an increased focus on the types of work being undertaken, with more gradations and specifics of working taken into account as part of the new Convention.

Child labour became a more central issue for the ILO in this moment, which has been argued to be a result of waning ILO influence in other policy areas.¹⁰⁰⁵ Thus, establishing a central place in the regulation child labour could be viewed as an attempt to reiterate the importance of the ILO on the international stage. Further, the construction of a child labour Convention with universal application set the ILO up as guardians of the global fight against the practice. Within the new Convention, No. 138, the ILO put particular import on young people completing a base level of education before being permitted to join the workforce. This form of knowledge, the rationale for regulation, was premised on the notion that productive work lives in adulthood were based on the solid grounding of a good education. This also served to widen the ILO's area of influence, subsuming child labour to being an outgrowth of education policy.

When compared to previous moments, the frequency of framings within the workplace hazards pillar fell to their lowest point in the study. Meanwhile agency framings took a slight fall from moment 3 but still stayed substantially above the low points seen in moments 1 and 2. There were no instances of child labour being framed as being a matter of child agency among the non-ILO sources, and framings of child labour as being a matter of safety were less common than in ILO sources in this moment. In contrast education, culture and economics all rose significantly in prevalence when compared to moment 3. Noteworthy among these was education which was present in 76% of sampled sources, the highest proportion of mentions in the entire study.

¹⁰⁰⁵ G. Standing, 'The International Labour Organization' (2010) 15(2) *New Political Economy* 307, 311.

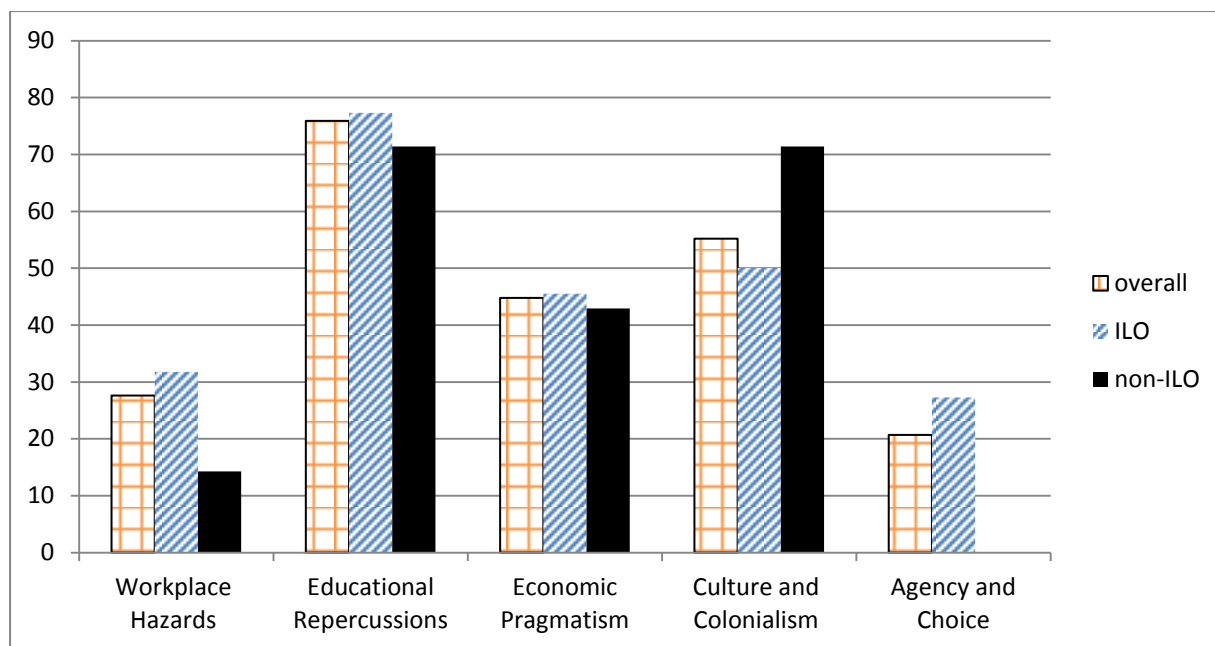


Figure 9.1: Moment 4 Pillar Breakdown

Number of Articles and Documents Manually Reviewed	ILO sources sampled	Non-ILO sources sampled
66	22	7

9.3 Educational repercussions and economic pragmatism: Deliberating a new Convention

Among the thematic pillars, education remained dominant in both ILO and non-ILO sources, which carried on the trend seen in the previous moment where education was also the most commonly observed thematic pillar. The focus on education was reflected in the wording of Convention 138, which tied the minimum working age primarily to the completion of a set level of schooling. Economic considerations were debated widely as having a significant effect on the types of regulatory change that would be practical in various regions of the world. However, during debates, efforts were made to represent child labour as an outdated and financially irresponsible practice, for children, the families and communities and for employers.

In addition, education was the major consideration within child labour discussions in this moment, and child employment was generally framed as a barrier to children completing their education. By and large, discussions of the educational repercussions of child labour framed education as an area that had been shaped by wider factors, particularly economic ones. As in moment 2, the pillars corresponding to education and economics were often

interconnected during moment 4, making the generally clear distinction between the two weaker in this moment. In line with this, educational discussions centred on the practicality of mandating schooling in all countries, keeping in mind the varying levels of economic stability in different countries. A framing of mandatory schooling as impractical in the developing world was commonly observed and contributed to issues around education and economics as being interrelated, with the latter sometimes taking precedence. In this moment, the pillars pertaining to education and the economy overlapped significantly. Economic framings of child labour situated this practice within plans for wider financial reforms, brought about by concerns over the flagging health of the world economy at the time.¹⁰⁰⁶ Child labour was often framed as being a symptom of wider economic problems that needed addressing in a wider welfare sense.

The intermingling of economic concerns was doubtless shaped by the financial downturn that was present globally during this moment. As Dahlen has noted, the global recession represented a significant reversal of fortunes for the world economy, undoing many of the gains that had been gleaned during the immediate post-War years.¹⁰⁰⁷ She drew an analogy between the upheaval created by the economic downturn in the 1970s and the global turmoil from which the ILO and League of Nations had emerged, discussed in moment 1. This was said to have created a destabilising effect that international actors sought to guard against.¹⁰⁰⁸ However, despite those similarities, it should be noted that the international arena of 1919 was markedly less developed than it was by moment 4, in 1973. International actors, like the ILO, had over fifty years of experience in dealing with global problems, and thus had the infrastructure in place, and diplomatic relationships already established, to aid in dealing with them. This meant that rather than needing to create a space where global problems could be addressed, international bodies could spend their resources on dealing with particular policy issues, such as child labour.

¹⁰⁰⁶ International Labour Review, 'The 59th Session of the International Labour Conference, June 1974' (1974) 110(4) *International Labour Review* 277, 297.

¹⁰⁰⁷ M Dahlen, *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007) 272-273.

¹⁰⁰⁸ M Dahlen, *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007) 273.

The interrelated nature of child labour and wider economic worries were a prominent feature of the deliberations around what would become the Minimum Age Convention (No. 138) at the 58th Labour Conference in 1972. For instance, the Malaysian representative of the Minimum Age Committee framed 'the exploitation of child labour' as a natural outgrowth of poor economic conditions, with families with a large number of children particularly vulnerable to it.¹⁰⁰⁹ At the Conference, it was said to be 'unrealistic' to seek to prevent children from working in developing countries, and thus permitting children to work was necessary, provided they had finished compulsory schooling.¹⁰¹⁰

Some delegates took a wider view of the shifting economic calculus at the centre of child labour, not just for individual workers, but for their families too. This resulted in proposals that framed child labour as an economic matter that could be addressed through welfare policy. One such example was the Finnish government's representative to negotiations, who posited that any instrument that limited children's ability to work and earn should be coupled with economic reforms that provided allowances for families to ensure that they were not worse off.¹⁰¹¹

The representative to the Minimum Age Committee from Pakistan went further still and put the blame for the economic conditions that facilitated child labour in the developing world on the 'colonial Powers' and their lingering influence. He argued that no parent anywhere would choose to send their children to work instead of school, but that the poor economic conditions imposed upon former colonies made that trend unavoidable.¹⁰¹² Thus he demanded that the former colonial powers undertook their 'responsibility and the obligation' that they had to take action on child labour, but also on addressing

¹⁰⁰⁹ ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)' (Geneva: International Labour Office 1972) 639.

¹⁰¹⁰ ILO, 'International Labour Conference: Fifty-Eighth Session. Geneva, 1973 (Appendix 24)' (Geneva: International Labour Office 1973) 483.

¹⁰¹¹ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972), 5.

¹⁰¹² ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)' (Geneva: International Labour Office 1972) 641.

macroeconomic issues that contribute to child labour, such as ‘mass unemployment and underemployment’.¹⁰¹³

Workers’ representatives to the ILO framed child labour as being a poor economic proposition for children as they alleged that the practice was characterised by ‘low wages and other abuses’. Furthermore this was a case where the economic effects ran deeper still, suggesting that the use of children for work also ‘tended to deprive adult workers of job opportunities’.¹⁰¹⁴ The Italian Workers’ envoy also framed child labour as a barrier to national economic development, as widespread child labour was often coupled with widespread adult unemployment.¹⁰¹⁵ He also argued that children who worked at the expense of schooling remained unskilled into adulthood, a problem that would pursue them throughout their lives, creating a permanent underclass.¹⁰¹⁶

There were some arguments oriented from the opposite side of the debate around the new Convention that framed child labour as being an economic hindrance for employers. Among non-ILO sources it was argued that child labour represented bad value for employers, who had traditionally been viewed as chief beneficiaries of the practice as they obtained labour below market value. However, it appeared that there was something of a shift regarding the perceived value of young workers in the US, with young people as old as 16 or 17 deemed to be fundamentally inexperienced and thus not a preferable option for employers.¹⁰¹⁷ This seems to mark a change in the place of young workers in the economy, and reflects a change in the nature of work, at least in the West.

¹⁰¹³ ILO, ‘International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)’ (Geneva: International Labour Office 1972) 642.

¹⁰¹⁴ ILO, ‘International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (Appendix 25)’ (Geneva: International Labour Office 1972) 537.

¹⁰¹⁵ ILO, ‘International Labour Conference: Fifty-Eighth Session. Geneva, 1973 (Second Discussion)’ (Geneva: International Labour Office 1973) 680.

¹⁰¹⁶ ILO, ‘International Labour Conference: Fifty-Eighth Session. Geneva, 1973 (Second Discussion)’ (Geneva: International Labour Office 1973) 680.

¹⁰¹⁷ AM Young, ‘The High School Class of 1972: More at Work, Fewer in College’ (1973) 96(6) *Monthly Labor Review* 26, 28.

As technology advanced, the number of low-skill jobs appropriate for early school leavers dwindled, and the call for young workers similarly fell.¹⁰¹⁸ In this context, education took on an even greater value than before, not just for children but for employers and society at large. Therefore, reforms of child labour restrictions could be served by ensuring that children completed a certain level of schooling before entering the workforce.

Arguments like these generally framed child labour as an avoidable economic inefficiency for all parties, which harmed adult workers, the generation of children that would follow, and society more broadly. It was implied that this constituted a waste of potential that could be better developed through educational investment at a national level. Inefficiencies in this area would especially harm countries in 'developing societies', as the margin for error was naturally narrower in countries where Government resources were tighter.¹⁰¹⁹ The counter-argument could be made, however, that child labour constituted a means of developing countries using the same tactics that saw major Western powers grow their economies during the Industrial Revolution.

Education was central to Convention 138, and the way child was problematized as it acted as the limiting factor on children entering work. However, economic considerations were often framed as being prohibitive of global schooling reform and thus, education and economics were often discussed in tandem.

9.3.1 Educational repercussions: A lack of consensus on mandatory schooling

Typically, the major limiting principle for young people entering work, and thus a primary form of knowledge undergirding regulation, was a base level of educational attainment. This was used in Convention 138, which specified that the child in question had to have completed some amount of schooling before entering work.¹⁰²⁰ Convention 138 stipulated

¹⁰¹⁸ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 8-9; HJ Neary, 'The BLS Pilot Survey of Training in Industry' (1974) 97(2) *Monthly Labor Review* 26, 26.

¹⁰¹⁹ L Emmerij, 'Education and Employment: Some Preliminary Findings and Thoughts' (1973) 107(1) *International Labour Review* 31, 33 and 37.

¹⁰²⁰ JP Goldberg, 'Results of the 1972 International Labor Conference' (1972) 95(9) *Monthly Labor Review* 38, 44-45; JP Goldberg, 'Results of the 1973 International Labor Conference' (1973) 96(10) *Monthly Labor Review* 28, 30.

that the minimum age for working should not be less than 15 and no less than the age required to complete compulsory schooling.¹⁰²¹ While education was central to the reform of child labour law, there were disagreements as to the practicality and the utility of making school compulsory. Some argued that school and work could not mix without compromising the former. However, as this section will cover, actors both within ILO deliberations and from the wider research community argued that the character benefits of working and the state of school infrastructure in developing nations were not being accounted for.

Research conducted in the US had produced some evidence of an uneasy coexistence between work and school. In the majority of studied cases working young people were not in school, and that their absence was on account of their work commitments.¹⁰²² School and work were thus still deemed largely incompatible, and a certain fundamental level of schooling would need to be completed before work was allowed. This appeared to have the corollary effect that fewer children in the USA progressed onto higher education and university than previously.¹⁰²³ This was explained as resulting from dissatisfaction with the educational programmes on offer and personal problems that young people had experienced with school staff which likely gives some insight into the renewed interest in child labour regulation from the international community.¹⁰²⁴

Despite this, the Canadian representatives to Convention 138 deliberations expressed concerns that if demarcations were spread too widely, a moratorium on work could limit children's ability to engage in work that was actually educationally beneficial during their school years. They argued that casual work such as deliveries and babysitting could have a

¹⁰²¹ ILO, 'Convention No. 138: Convention concerning Minimum Age for Admission to Employment' 6 June 1973, Geneva Conference, Fifty-Eighth Session, Art 2(3); International Labour Review, 'The 58th Session of the International Labour Conference, June 1973' (1973) 108(4) *International Labour Review* 263, 264.

¹⁰²² K Michelotti, 'Young Workers: In School and Out' (1973) 96(9) *Monthly Labor Review* 11, 11.

¹⁰²³ AM Young, 'The High School Class of 1972: More at Work, Fewer in College' (1973) 96(6) *Monthly Labor Review* 26, 26.

¹⁰²⁴ AM Young, 'The High School Class of 1972: More at Work, Fewer in College' (1973) 96(6) *Monthly Labor Review* 26, 28.

beneficial influence on children's character¹⁰²⁵ or skillset and would have no corresponding ill effect on their educational prospects.¹⁰²⁶

In a similar vein, working was sometimes framed, particular in instances where schooling was limited or unavailable, as a good use of children's time and kept them from becoming 'delinquent'.¹⁰²⁷ There were concerns that imposition of a flat minimum working age would disproportionately and negatively affect children in countries where working was the only constructive use of their time. During Convention 138 discussions, it was argued that working kept children away from 'vagrancy and delinquency',¹⁰²⁸ or from being 'indolent or aggressive',¹⁰²⁹ from representatives from Nicaragua and Brazil respectively.

Arguments that put child labour into wider contexts, particularly in the areas of education and culture were made frequently. It is noteworthy that educational framings of child labour often emphasised the economic issues that affected imposing a minimum age standard. In addition to the concerns over the personal ramifications of educational reform, some argued that the national economic consequences of setting too high a regulatory burden could be damaging. Deliberations concerning Convention 138 flagged that setting one standard minimum age would affect different nations disparately. The Algerian government representative expressed concerns that education was neither universal nor uniform across the world,¹⁰³⁰ especially those in the developing world where satisfactory secondary education remained rare. This claim did not seem to persuade policymakers, as a representative of the ILO's Minimum Age Committee offered the view that developing countries needed to invest more heavily in schooling infrastructure and 'stop spending

¹⁰²⁵ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 87.

¹⁰²⁶ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972), 13.

¹⁰²⁷ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972), 4-5; ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (Appendix 25)' (Geneva: International Labour Office 1972) 537-38.

¹⁰²⁸ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 6.

¹⁰²⁹ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 86.

¹⁰³⁰ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 8.

money on prestige projects'.¹⁰³¹ This exchange highlighted a source of tension between reformers, and the nations who were often the object of said reforms. Political actors within developing nations were under the burden of having to find solutions to implement the ILO's long-term vision amidst short-term practical limitations: notably economic ones.

To this point, research conducted into the state of education in India that asserted while secondary schooling presented opportunities for individual children, it represented a poor investment on a national level. Indian secondary and higher education was dubbed by Emmerij, the Deputy Chief of Employment Planning and Promoting Department at the ILO,¹⁰³² to have been 'badly over-expanded' and it was said that this trend was 'beyond any possible justification'.¹⁰³³ The research concluded that the resources that were being spent on secondary and higher schooling would be better utilised in the creation of jobs and making primary education more widely available.¹⁰³⁴ For the first time some of the negative aspects of education, particularly as it pertained to the economy, were drawn out and discussed in this period.

In Liberia other research published in the *Review* on the situation argued that the approach to primary education taken in the developed world should not be replicated in their less developed counterparts. It argued that in developed nations primary schooling was treated as a precursor to the secondary schooling that would inevitably follow.¹⁰³⁵ The problem when applying this to developing nations was that in many cases there were no available secondary schools, thus primary schools needed to be used to inculcate valuable skills that would fit children for employment at a young age and make best use of the small amount of schooling that most children would receive.¹⁰³⁶

¹⁰³¹ ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)' (Geneva: International Labour Office 1972) 639.

¹⁰³² L Emmerij, 'Education and Employment: Some Preliminary Findings and Thoughts' (1973) 107(1) *International Labour Review* 31, 31.

¹⁰³³ L Emmerij, 'Education and Employment: Some Preliminary Findings and Thoughts' (1973) 107(1) *International Labour Review* 31, 37.

¹⁰³⁴ L Emmerij, 'Education and Employment: Some Preliminary Findings and Thoughts' (1973) 107(1) *International Labour Review* 31, 36-37.

¹⁰³⁵ JP Metcalf, 'From Economic Growth to Total Development: A Strategy for Liberia' (1974) 109(2) *International Labour Review* 119, 130.

¹⁰³⁶ JP Metcalf, 'From Economic Growth to Total Development: A Strategy for Liberia' (1974) 109(2) *International Labour Review* 119, 130-31.

These pieces of research and their conclusions allude to a divide occurring between the policymaking and research communities. It is implicit within the recommendations of both studies that children would not complete a full slate of schooling and would likely have to work sooner than the age of 14 (the lower limit for minimum working age provided for in Convention 138).¹⁰³⁷ Also it petitions national authorities to make changes on the basis that children will work, before the age provided in the ILO legal instruments. These represent the first clear indications of the divide in opinion that came to form the abolitionist-adaptive debate over child labour policy that can be observed clearly in contemporary child labour discussions.

Effort put into improving provision for training and guidance services for young people entering the world of work in this period would create oversight mechanisms and benchmarking technologies of governance, one of the analytics this research uses. The Recommendation for youth schemes stipulated that guidance, inspection and training services should be overseen by local or national education authorities, thus retaining a governmental control over the administration of delegated tasks.¹⁰³⁸ Additionally, at the 59th Labour Conference a resolution was passed to make provision for people already in work to take leave for educational purposes,¹⁰³⁹ thus no longer limiting education to merely being a concern for the young. Guidance services that linked up young workers with enterprises that fit their skill sets were proposed as a means of making industry and education more efficient in India.¹⁰⁴⁰ Responsibility for training was delegated to a wide array of social institutions in the USA, including schools, universities and other educational establishments, alongside the army and federally funded training facilities.¹⁰⁴¹

The practicality of work and school coexisting was considered, and in many cases national representatives deliberating the Convention argued in favour of children undertaking small jobs. This specified that child labour was something more severe than casual work, rather it

¹⁰³⁷ ILO, 'Convention No. 138: Convention concerning Minimum Age for Admission to Employment' 6 June 1973, Geneva Conference, Fifty-Eighth Session, Art 2(4).

¹⁰³⁸ ILO, 'Recommendation No. 146: Minimum Age Recommendation' 6 June 1973, Geneva Conference, Fifty-Eighth Session, Para 14(3).

¹⁰³⁹ International Labour Review, 'The 59th Session of the International Labour Conference, June 1974' (1974) 110(4) *International Labour Review* 277, 278-79.

¹⁰⁴⁰ S Guha, 'The Contribution of Non-Farm Activities to Rural Employment Promotion' (1974) 109(3) *International Labour Review* 235, 249.

¹⁰⁴¹ HJ Neary, 'The BLS Pilot Survey of Training in Industry' (1974) 97(2) *Monthly Labor Review* 26, 26.

was an interfering force in childhood. However, some of the representatives to the Labour Conference warned against treating the school-work dynamic that was present in richer countries with their developing counterparts. This meant that differences in the schooling infrastructure had to be accounted for in policy. This again revisited the practical political considerations that the ILO was forced to grapple with seen notably during moment 1.

9.4 Culture and colonialism: The ILO and social progress in a changing international landscape

The political dynamics that came with creating an overarching child labour instrument were realised in relation to discussions around culture. The main source of friction thus, was whether child labour restrictions should be able to vary to accommodate differing cultural attitudes in various nations. By 1970 the UN had a majority for voting purposes of Asian and African member states, as the ILO had also more than doubled its number of member states, between 1946 and 1970.¹⁰⁴² This consequently had the capacity to change institutional dynamics, as the developing world had a *de facto* voting majority within the ILO and other international institutions which had experienced similar levels of change in the post-WWII years. However, as Mazower noted, the change in membership led to the UN General Assembly degenerating into a ‘talking shop’ of sorts, as major Western powers still held significant sway despite being outnumbered. International organisations became venues where grand policy ideas were discussed, but ones with little-to-no capacity to keep the most powerful nations in check.¹⁰⁴³

In the *Monthly Labor Review* it was noted that the ILO’s defining characteristic was its tripartite structure and this was fundamental to the achievement of the body’s wider goals.¹⁰⁴⁴ It was posited that the ILO assisted freedom and improving conditions for workers only because negotiations within it saw employers, workers and governments all come to

¹⁰⁴² M Dahlen, *The Negotiable Child: The ILO Child Labour Campaign 1919-1973*. (Uppsala: Uppsala Universitet 2007) 244.

¹⁰⁴³ M Mazower, *Governing the World: The History of an Idea* (St Ives: Penguin 2012) 272.

¹⁰⁴⁴ JP Goldberg, ‘Results of the 1972 International Labor Conference’ (1972) 95(9) *Monthly Labor Review* 38, 38.

the table on equal footing.¹⁰⁴⁵ At the 1973 Conference however, concerns were raised that the ILO was being used to serve the interests of particular powerful governments, in particular the US, rather than improving working conditions globally.¹⁰⁴⁶ The increase in the number of non-Western nations within the UN, ILO and other major bodies seemed to diminish the importance of the international arena. For the most powerful nations, the calculus remained simple: if acting by committee was made more difficult, then the path of least resistance was merely to act unilaterally.

It was also noted that while the Convention passed in this moment set standards that were to be achieved immediately, the Recommendation regarding minimum age standards served a broader role, outlining a longer-term 'social goal for progressive raising of the minimum entry age'.¹⁰⁴⁷ This suggests that ultimately progress on child labour would need to be viewed with a degree of patience, as results would not be seen immediately, and therefore policy would need to be focused in this direction. This likely served political considerations within ILO membership, by balancing the interests of nations that would like to see the minimum age raised further and those that would be resistant to ratifying the new instruments if it was raised. Additionally, it suggests that the ILO were assuming, as its field of visibility or purview, the role of long-term guardians of the fight against child labour, instituting long and short-term goals regarding its elimination.

A significant effort was made in this moment, during deliberations over the new instrument to position the reforms as a wider indicator of social progress. The Nigerian government felt that among the exceptions to the general rule on minimum age there should be one that enshrined the 'tradition and culture' of countries, specifically those in the developing world.¹⁰⁴⁸ The Brazilian government also made a similar proposal.¹⁰⁴⁹ These types of cultural arguments effectively tie the presence and prevalence of child labour in a nation to the

¹⁰⁴⁵ JP Goldberg, 'Results of the 1972 International Labor Conference' (1972) 95(9) *Monthly Labor Review* 38, 39-40.

¹⁰⁴⁶ JP Goldberg, 'Results of the 1973 International Labor Conference' (1973) 96(10) *Monthly Labor Review* 28, 33.

¹⁰⁴⁷ JP Goldberg, 'Results of the 1972 International Labor Conference' (1972) 95(9) *Monthly Labor Review* 38, 44-45.

¹⁰⁴⁸ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 14.

¹⁰⁴⁹ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 17.

social, and perhaps even moral evaluation of the said nation and its prospects. This suspicion seems to be confirmed as a majority of government representatives to the Labour Conference argued that the Minimum Age Convention was oriented in part towards 'social progress'.¹⁰⁵⁰ Thus, the issue of child labour was seen as a marker for progressive social change, part of a series of steps that would see the undeveloped countries modernise.

Despite the aforementioned proposals, a cultural exception did not feature in Convention 138. Exceptions on grounds of culture were generally included to facilitate said nations' ability to ratify ILO Conventions. The lack of such a measure reflected the discomfort with such a wide discretion being allowed, despite a similar exception being featured in previous Conventions on minimum age. Specifically, Article 4 of Convention 60, passed in 1937, had allowed for derogation from minimum age restrictions on grounds that it could be justified in 'the interests of science, art or education'.¹⁰⁵¹ A study into the implementation of ILO Conventions into West German law noted that this exception had seen 'considerable use'.¹⁰⁵² On first glance this is somewhat surprising as most conversations of culture have focused on how child labour restrictions have affected countries in the Global South. However, in practice it would appear that the margin of appreciation has proved to be as useful to more economically developed countries in the West too.

9.4.1 Culture and colonialism: Situating universalism within cultural debates

Ultimately, the question of cultural norms and the capacity for member states to use cultural arguments to evade Convention requirements were limited in the text of Convention 138. This was largely due to the ILO's concern with universalising its standards, which was a particular concern for the ILO's Director General, Wilfred Jenks.

¹⁰⁵⁰ ILO, 'International Labour Conference: Fifty-Eighth Session. Geneva, 1973 (Appendix 24)' (Geneva: International Labour Office 1973) 483.

¹⁰⁵¹ ILO, 'Convention No. 60: Minimum Age (Non-Industrial Employment) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Art 4.

¹⁰⁵² G Schnorr, 'The Influence of ILO Standards on Law and Practice in the Federal Republic of Germany' (1974) 110(6) *International Labour Review* 539, 557-58.

Jenks took over as the Director-General of the ILO from David Morse in 1970 and took a particular interest in universalising legal principles across nations and cultures.¹⁰⁵³ Jenks felt that this was above questions of partisanship and political theories and that the ILO was as a result also above the fray and framed the organisation's role as a guardian of human rights.¹⁰⁵⁴

The ILO was underlining its field of visibility or its governable jurisdiction, as providing regulations with global effect. The preclusion of exceptions based on cultural differences appeared to be a decision reached by the ILO to enhance the universal nature of Convention 138 and to create a coherent international legal framework. Within the deliberations concerning the text of the Convention, there was some disagreement over whether the new child labour Convention should prioritise universalism, and whether the law should import a definitive minimum age that applied across all areas of work across the globe. The ILO Director-General, Wilfred Jenks, was emphatic on this point and declared that the ILO's 'vocation to universality remained unimpaired' even in the face of economic hardships across the globe.¹⁰⁵⁵

Ultimately, this argument appeared to win the day as the majority voted in favour of passing an all-sector binding¹⁰⁵⁶ Convention setting the minimum age to work, with India amongst the minority of dissenting members at the survey stage.¹⁰⁵⁷ When it came to the final vote on the Minimum Age Convention at the 58th Labour Conference there were no votes against either the Convention or the accompanying Recommendation, albeit with some abstaining from the vote. There were 24 abstentions relating to the Convention, including representatives from Brazil and the UK and 13 for the Recommendation including delegates

¹⁰⁵³ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 339.

¹⁰⁵⁴ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 339.

¹⁰⁵⁵ International Labour Review, 'The 57th session of the international labour conference, June 1972.' (1972) 106(4) *International Labour Review* 295, 311-12.

¹⁰⁵⁶ International Labour Review, 'The 58th Session of the International Labour Conference, June 1973' (1973) 108(4) *International Labour Review* 263, 264.

¹⁰⁵⁷ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 12.

from Sweden and Ukraine.¹⁰⁵⁸ Representatives from Austria, Denmark, Iran, New Zealand, Pakistan and Turkey abstained on both the Recommendation and the Convention.¹⁰⁵⁹

Arguments that child labour policy should account for biological difference returned in this moment, having last been observed during moment 1 (section 6.7). In one instance, it was again suggested that work might be more acceptable in regions of the world where children physically matured earlier.¹⁰⁶⁰ Unlike its previous mention, this type of argument was not directly attributed to a particular nation or region, though it was implied that developing or 'tropical' nations might be the places where children matured earliest, as reference was made to developing economies' dependence on hard labour.¹⁰⁶¹

Both the Bulgarian and Burundian delegations felt that such a change was necessary, and the Indian representative noted that the scheme that existed at the time benefitted from being segmented, allowing nations to ratify Conventions as was practical. India thus proposed that the new instrument take the form of a non-binding resolution rather than a Convention.¹⁰⁶² Similarly, Brazil and Colombia warned the ILO members against passing a 'Utopian international standard¹⁰⁶³ with 'excessive rigidity'¹⁰⁶⁴ which served no one and set unrealistic targets that many developing nations would be unable to meet. The Ethiopian representative of the Minimum Age Committee noted that passing international regulations would have little effect if they 'have no bearing on reality' and feared that the age limit in the Convention might have 'been set emotionally and not realistically'. To this end, he petitioned that the Conference 'fix standards that can be effectively applied in the largest

¹⁰⁵⁸ ILO, 'International Labour Conference: Fifty-Eighth Session. Geneva, 1973 (Votes)' (Geneva: International Labour Office 1973) 710, 716 and 718.

¹⁰⁵⁹ ILO, 'International Labour Conference: Fifty-Eighth Session. Geneva, 1973 (Votes)' (Geneva: International Labour Office 1973) 710, 716 and 718.

¹⁰⁶⁰ ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (Appendix 25)' (Geneva: International Labour Office 1972) 538.

¹⁰⁶¹ ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (Appendix 25)' (Geneva: International Labour Office 1972) 538.

¹⁰⁶² ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 8.

¹⁰⁶³ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 17.

¹⁰⁶⁴ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 29.

possible number of countries'.¹⁰⁶⁵ The representative for the workers' union in Ethiopia struck a similar tone when he warned that the ILO risked 'reflecting our own pious wishes, our own high ideals' if the instruments it passed were not 'realistic, applicable and flexible'.¹⁰⁶⁶ The British representative to ILO raised similar concerns.¹⁰⁶⁷

Countries where economic and educational facilities were 'insufficiently developed',¹⁰⁶⁸ were provided for within Convention 138 with a lowering of the minimum age permitted to be set at 14 rather than 15.¹⁰⁶⁹ While an explicitly cultural argument was not used, as was proposed by the Nigerian representatives to deliberations, the end result was the same. That is, developing nations were permitted to set a lower minimum age, albeit on grounds of economic and educational shortcomings, not on grounds of culture. There would appear to be a hierarchy of concerns deemed relevant to the child labour question, and in this case education and financial concerns trump cultural ones. This suggests that cultural differentiations regarding child rearing and development were not recognised at the international level, strengthening the idea of 'childhood' being a universal phenomenon.

There were some who took the opposite side on the issue of culture and alleged that child labour had a deleterious effect on national custom and worth. For instance, the Worker's members reporting to the ILO on the prospective minimum age Convention argued that children working were generally deprived of school and training opportunities, and as a result begat an unskilled generation of workers which 'perpetuated the poverty and backwardness of a society'.¹⁰⁷⁰ The Ugandan government's representative to negotiations made a similar point when he noted that the 'greatness of a nation' was determined by the extent to which it was able and willing to protect and care for children, their welfare and development. It is worth noting that this was termed as the ability to 'derogate from the

¹⁰⁶⁵ ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)' (Geneva: International Labour Office 1972) 638.

¹⁰⁶⁶ ILO, 'International Labour Conference: Fifty-Eighth Session. Geneva, 1973 (Second Discussion)' (Geneva: International Labour Office 1973) 679.

¹⁰⁶⁷ ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)' (Geneva: International Labour Office 1972) 642.

¹⁰⁶⁸ ILO, 'Convention No. 138: Convention concerning Minimum Age for Admission to Employment' 6 June 1973, Geneva Conference, Fifty-Eighth Session, Art 2(4).

¹⁰⁶⁹ International Labour Review, 'The 58th Session of the International Labour Conference, June 1973' (1973) 108(4) *International Labour Review* 263, 264.

¹⁰⁷⁰ ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (Appendix 25)' (Geneva: International Labour Office 1972) 537.

prohibition for cultural purposes',¹⁰⁷¹ but national culture is not directly referenced in the Article. Instead, the cultural aspect of the exception is covered by a focus on the artistic merit of the work being undertaken. This constituted a largely universal and international view of cultural variation, and was a shift when compared to previous moments where cultural considerations turned on the question of entrenched local customs and practices.

An opposing argument, a middle way of sorts, was offered regarding the prospect of ratifying the new minimum age Convention by government members to the Labour Conference. They argued that instead of focusing on the number of nations who would be able to conform to the standards set within the Convention, that perhaps the aim should be 'to fix a goal to which countries could work, even if they could not ratify the Convention'.¹⁰⁷² The summary of the 58th Labour Conference made reference to this divide in opinion, terming it as being between those who prioritised that the Convention should promote sufficiently significant social change and those who felt that how widely the Convention could be ratified was the barometer of its success.¹⁰⁷³

A central source of friction in arguments around culture, were the divergent views that societies had regarding children and their autonomy to decide to work, or whether this fell solely to the judgment of their parents. In this moment, the discussions of children's agency were therefore shaped not only by culture but by major geopolitical events. Notable among these was the Cold War, and the competing visions that both sides promulgated for the world, and the differing role that the Soviet Union had envisioned for children.

9.5 Agency and choice: The tension between parental responsibility and individual choice

The degree to which children could be appropriately viewed as having agency, and the sufficient capacity to exercise their autonomy was the subject of competing forces during this moment. There was still a large extent of paternalism that characterised the regulation

¹⁰⁷¹ G Schnorr, 'The Influence of ILO Standards on Law and Practice in the Federal Republic of Germany' (1974) 110(6) *International Labour Review* 539, 558.

¹⁰⁷² ILO, 'International Labour Conference: Fifty-Eighth Session. Geneva, 1973 (Appendix 24)' (Geneva: International Labour Office 1973) 483.

¹⁰⁷³ International Labour Review, 'The 58th Session of the International Labour Conference, June 1973' (1973) 108(4) *International Labour Review* 263, 264.

of children's issues, whereby children were subject to the authority of adults generally and in particular their parents. However, Cold War counter-briefings saw the Soviet Union attempting to sell their vision for society, which among other things emphasised the autonomy of young people, especially in the world of work. Additionally, cultural shifts around protest drew young people into the political sphere more and more which saw an increase in youth advocating for their rights, in work and other spheres of society.

As was the case in previous moments, children were still framed as being the responsibility of their parents, and the dangers engendered by working were deemed to be the responsibility of parents as children lacked the capacity to assess risk appropriately.¹⁰⁷⁴ Additionally it was noted that children without, or living apart from, their parents should benefit from extra protections as their situation made them 'even more vulnerable' than other children.¹⁰⁷⁵

Further concerns were raised about the prospect of children who were subject to 'irresponsible' parenting,¹⁰⁷⁶ noted as those who over-indexed the economic value of children working at the expense of the child's wider interests. However, Pakistan's governmental representative to the 1972 Labour Conference argued that this was a misnomer and that the blame lay at the feet of colonial powers. He argued that mass poverty caused by colonisation was to blame for the phenomenon of parents sending their children to work instead of school.¹⁰⁷⁷ In this case, the nature of choice is contested as the representative from Pakistan argued that the 'choice' parents made was no choice at all and was entirely shaped by external factors. This problematizes child labour as an outgrowth of living standards and undercuts the idea of agency, not just for children but among their parents too.

Perhaps as an outgrowth of the protest moments of the 1960s, the 1970s saw a growth in youth activism and participation in political matters, with movements against apartheid and

¹⁰⁷⁴ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 4-5.

¹⁰⁷⁵ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 54-55.

¹⁰⁷⁶ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 4.

¹⁰⁷⁷ ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)' (Geneva: International Labour Office 1972, 641.

international inequality led by young people becoming more common.¹⁰⁷⁸ In this vein, research was published on the growing trend of children *choosing* to work in the *International Labour Review*. Therein, it was asserted that there was a need for further research to be undertaken to properly assess ‘the attitudes and preferences of young rural workers’ and the influences on decisions to migrate for work.¹⁰⁷⁹

An article in the *Review* covering the position of young workers in the USSR, centred on the idea of choice as being central to the experience of young people and dubbed youth as ‘a period of decision making, [and] of seeking identity’.¹⁰⁸⁰ Additionally, provision was being made in the Soviet Union for children coming towards the end of their schooling to aid them in their choice of profession going forward.¹⁰⁸¹ Within the ILO Recommendation on youth schemes and programmes there was also a focus on engaging young people into playing ‘an active part’ in the development of their countries.¹⁰⁸²

In this area, the previous trend of paternalism and parental authorities are carried forward from previous moments, though with some caveats. The focus here from a governance perspective pivoted away from parental authority being a good in of itself and instead toward prioritising and highlighting good exercises of parent’s duties. Though shifts in political trends saw young people engaging more in the matters that concerned them. This theme will be returned to in the next moment in the context of discussing the UN Convention on the Rights of the Child. The concept of safety in terms of workplace hazards, which diminished in their prominence relative to other pillars and in absolute terms between moments 3 and 4 as discussed in the next section.

¹⁰⁷⁸ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 500.

¹⁰⁷⁹ S Guha, ‘The Contribution of Non-Farm Activities to Rural Employment Promotion’ (1974) 109(3) *International Labour Review* 235, 242.

¹⁰⁸⁰ A Kotlyar, ‘Problems of Younger Workers in the USSR’ (1974) 109(4) *International Labour Review* 359, 359 and 370.

¹⁰⁸¹ A Petrov, ‘Rural Vocational Training in the USSR’ (1974) 110(4) *International Labour Review* 319, 331.

¹⁰⁸² ILO, ‘Recommendation No. 136: Special Youth Schemes Recommendation’ 3 June 1970, Geneva Conference, Fifty-Fourth Session, Preamble.

9.6 Workplace hazards: Safety and worker welfare

Health and safety was addressed relatively infrequently in this moment, though some significant changes can be seen when compared to previous moments. The primary safety concern was still towards the long-term effects that children would suffer from working and damaging themselves during years of physical and mental growth. Though, child labour was increasingly framed as having more gradations relating to the safety of the work in question. Consequently, efforts were made to draw distinctions between hazardous other types of work when drawing up standards, allowing for restrictions to be stricter as was appropriate. Additionally, Blanchard the new ILO Director-General noted at the 1974 Labour Conference that safety in workplaces became a more widely considered issue, not just for children, but for workers of all ages and should be viewed as a policy priority for the organisation.¹⁰⁸³ Therefore, delineating the line between safe and unsafe work took on new significance as this now had the potential to affect all workers, and by extension all employers.

Outside the ILO, framing child labour and work issues as being driven by wider cultural factors were more common than in the corresponding ILO sources. It is worth noting that safety and agency framings were infrequent in both ILO and non-ILO sources. Despite this, safety framings took into account the different types of work and opened the door for a more gradated legal framework that would not bear fruit until moment 5.

As in previous moments, child labour was still generally framed as a barrier to children's bodily development,¹⁰⁸⁴ and safeguarding mental and physical growth was labelled a central aim of the new instrument.¹⁰⁸⁵ This was explored best in the deliberations between government representatives in discussions of Convention 138. As part of catalogued responses to an ILO survey on a prospective minimum age Convention, the Czechoslovakian government dubbed child labour as 'harmful to the physical and mental development of children'. The Czechoslovakian delegation also argued that the international community

¹⁰⁸³ International Labour Review, 'The 59th Session of the International Labour Conference, June 1974' (1974) 110(4) *International Labour Review* 277, 294.

¹⁰⁸⁴ ILO, 'Convention No. 138: Convention concerning Minimum Age for Admission to Employment' 6 June 1973, Geneva Conference, Fifty-Eighth Session, Art 1 and 7.

¹⁰⁸⁵ ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)' (Geneva: International Labour Office 1972) 639.

risked 'grave consequences' by not taking decisive action to see to its abolition.¹⁰⁸⁶ Representatives of the Khmer Republic in the same deliberations framed safety in 'moral and physical development' in terms of rights; that children everywhere should be permitted 'rigorous protection that would permit such development'.¹⁰⁸⁷ Tunisian representatives felt that this responsibility should fall to governments, and that the ILO instrument should implore legislatures to enact national policies oriented to 'ensuring the more complete physical and mental development of children'.¹⁰⁸⁸

However, one area where there was an observable departure from previous moments in child labour policy deliberations was over the delineation of hazardous work. In general by this stage, most governments appeared to be content to be allowing young people to work in hazardous occupations from the age of 18, or at 16 provided they were given adequate supervision and training. This standard was enshrined in Convention 138.¹⁰⁸⁹ It was confirmed that 18 was generally next to be seen as the uniform age at which adulthood began, at least for legal purposes.¹⁰⁹⁰

This mirrored a wider shift towards viewing safety at work as a priority for all workers, rather than something that was specifically a matter that affected child and young workers exclusively. An article in the *Review* on the USSR posited that it was 'well known' that working conditions applied to all workers, and there was no observable category of 'working conditions peculiar to young people'.¹⁰⁹¹ It is worth noting that this is within the context that young workers in the USSR were defined as 16-30 year old workers¹⁰⁹² and thus most who met this definition would be outside the ambit of Convention 138, apart from work that was hazardous and undertaken by under-18s. Nevertheless, this combined with an

¹⁰⁸⁶ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972), 4.

¹⁰⁸⁷ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972), 9.

¹⁰⁸⁸ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972), 53.

¹⁰⁸⁹ ILO, 'Convention No. 138: Convention concerning Minimum Age for Admission to Employment' 6 June 1973, Geneva Conference, Fifty-Eighth Session, Art 3.

¹⁰⁹⁰ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 69.

¹⁰⁹¹ A Kotlyar, 'Problems of Younger Workers in the USSR' (1974) 109(4) *International Labour Review* 359, 370.

¹⁰⁹² A Kotlyar, 'Problems of Younger Workers in the USSR' (1974) 109(4) *International Labour Review* 359, 360.

acceptance for hazardous work to be undertaken by under-18s with supervision developed from the emergent view of workplace safety as a consideration for workers of all kinds, not merely the young and child workers. However, a relaxation of attitudes towards hazardous work was not universal, with some still wishing to take a hard line on the matter. For instance, the Spanish delegation to negotiations designated dangerous work as a risk to the moral safety of children.¹⁰⁹³

The emergence of a more categorical approach to work, where types of work can be distinguished from one another, could be said to be laying the groundwork for the regulation that followed, which will be discussed further in moment 5. Though it is worth noting that the development of a more stratified categorisation of child labour reflects the evolutions seen in ILO operations and the emphasis put on expanding the organisation's knowledge base post-World War II. Increasing the technical nature of ILO standards further served to instantiate the ILO as an expert actor in the field of labour regulation, and provided more granular metrics for assessing and implementing policies. The next major child labour reform would focus on the 'worst forms' of child labour rather than on setting standards to apply to all work.

9.7 Conclusion: The ILO repositioning beyond merely labour matters

The economic recession had raised a number of problems that seemed to require international solutions. Correspondingly, this moment saw the ILO shifting its focus away from the particular landscape of mediating relations between employers, workers and their governments and towards tackling larger problems. A new focus on issues that specifically affected young people was justified in reference to the fact that 'youth was in the majority in the world [and] meant that ILO action primarily concerned young people' going forward.¹⁰⁹⁴

The problematization of child labour during this moment relied on the necessity for a comprehensive legal instrument to be passed to combat the practice and ultimately

¹⁰⁹³ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 26.

¹⁰⁹⁴ International Labour Review, 'The 59th Session of the International Labour Conference, June 1974' (1974) 110(4) *International Labour Review* 277, 299.

eliminate it. The ILO by dint of its expertise and programme of initiatives felt that it was aptly placed to spearhead such a move. In addition child labour had become more important to the ILO institutionally, as it remained an area where the ILO held seniority among other international bodies when it came to dealing with child labour.

The ILO's efforts were oriented towards pushing for progress, and the new instrument pertaining to child labour was merely an outgrowth of this overarching goal. Reinalda noted that a global common legal structure was the ILO's basis for the international order of the future.¹⁰⁹⁵ From a governmentality perspective, reforms tied to the idea of progress positions reformers as being aware of the arc of history. If you, as an organisation, are not only aware of what progress entails, but ultimately, where it is leading, it lends significant moral weight to the cause you are pushing for. To oppose 'progress' is to oppose something larger than partisan preferences, it is to oppose the overall moral good. Internally the ILO seemed convinced that they had much to offer any new hegemony and reassessed its priorities to meet the demands of the coming new age.¹⁰⁹⁶

This intimated a pivot away from being a work ombudsman or regulator to the ILO becoming a driver for wide-ranging reform. This was evidenced when the Vice Chairman of the Minimum Age Committee referred to the ILO's role in international matters as being 'the pacesetter' of social change.¹⁰⁹⁷ A study on the effect of ILO Conventions on West German law noted that the ILO's ever-increasing social focus put the body on course for more conflicts with national authorities as its goals would gradually overlap more with areas of policy that had been the sole reserve of state authority. The researcher predicted that the ILO ran the risk of 'conflict with the general ideological and social structure of national law' if it carried on with its current trajectory.¹⁰⁹⁸

The ILO was now often a forum for conversations around fundamental economic reform. During the Convention 138 debates, the desire for there to be a comprehensive minimum

¹⁰⁹⁵ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 339.

¹⁰⁹⁶ International Labour Review, 'The 59th Session of the International Labour Conference, June 1974' (1974) 110(4) *International Labour Review* 277, 295-96.

¹⁰⁹⁷ ILO, 'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)' (Geneva: International Labour Office 1972) 640.

¹⁰⁹⁸ G Schnorr, 'The Influence of ILO Standards on Law and Practice in the Federal Republic of Germany' (1974) 110(6) *International Labour Review* 539, 564.

age scheme via the Convention was often paired with a call made for greater financial support for families and young people.¹⁰⁹⁹ The Minimum Age Recommendation, which accompanied Convention 138, called for national policy to ‘prioritise youth in national development policy’ and devote special attention to policies that benefitted young people such as ensuring full employment, welfare, social security, full vocational training among others initiatives.¹¹⁰⁰ Meanwhile, policy analyses published in the *Review* noted the ILO’s wider concerns regarding macro-social issues such as maximising GNP, ‘a “desired” level of employment and distribution of outcome’.¹¹⁰¹ The ILO Director-General seemed to confirm this pivot, when he noted that during deliberations at the 58th Conference ‘it was suggested that the ILO should become the focal point within the United Nations family for all matters concerning income distribution in the world’.¹¹⁰² Further, he posited that inequalities within nations would be aided by ‘a larger measure of equity at the international level’.¹¹⁰³ While it could be argued that labour and work issues have an effect on global wealth distribution, it would be hard to argue that a focus on this had constituted the ILO’s mission statement from the outset.

The existing Conventions were built up primarily in an era where the ILO’s membership was skewed towards the West and the developed world and that the landscape and composition of the body had changed significantly in the interim. Thus, the latest Convention was not an excuse to reinforce every standard that had come before, but rather was an opportunity to create an instrument that was ‘realistic, applicable and flexible’ for all ILO members to enforce.¹¹⁰⁴ Regardless, the focus in Convention 138 was put on delivering a uniform minimum age standard as far as possible rather than making an allowance for cultural variation.

¹⁰⁹⁹ S Guha, ‘The Contribution of Non-Farm Activities to Rural Employment Promotion’ (1974) 109(3) *International Labour Review* 235, 249.

¹¹⁰⁰ ILO, ‘Recommendation No. 146: Minimum Age Recommendation’ 6 June 1973, Geneva Conference, Fifty-Eighth Session, Para 1-3; International Labour Review, ‘The 57th session of the international labour conference, June 1972.’ (1972) 106(4) *International Labour Review* 295, 297.

¹¹⁰¹ E Thorbecke, ‘Employment Problem: A Critical Evaluation of Four ILO Comprehensive Country Reports’ (1973) 107(5) *International Labour Review* 393, 421-22.

¹¹⁰² International Labour Review, ‘The 58th Session of the International Labour Conference, June 1973’ (1973) 108(4) *International Labour Review* 263, 278.

¹¹⁰³ International Labour Review, ‘The 58th Session of the International Labour Conference, June 1973’ (1973) 108(4) *International Labour Review* 263, 278.

¹¹⁰⁴ ILO, ‘International Labour Conference: Fifty-Eighth Session. Geneva, 1973 (Second Discussion)’ (Geneva: International Labour Office 1973) 679.

A summary of the 1973 Labour Conference lauded the leadership for ensuring that standard setting 'predominated over some extraneous political manoeuvres'.¹¹⁰⁵ This is premised on the form of knowledge that the ILO's fundamental role was as a guardian of the standards of work and that, as in previous moments, this stands above partisan politics. At the subsequent Conference in 1974, ILO Director-General, Blanchard, made reference to 'the spirit of change'¹¹⁰⁶ that was increasingly animating relations between political and economic actors. As a result of changes to the power dynamics in a post-empire world, the UN had called for a new international economic order to be established to resolve the 'problem of international economic relationships and possible solutions'.¹¹⁰⁷ The ILO had thrown much of its diplomatic resources behind the Minimum Age Convention, and if it was a success then this could set the stage for the ILO to be a major international force going forward. If, however, the Convention was not deemed to have had a large effect, then, as the next moment will uncover, it would be the case that another major reform would have to follow.

¹¹⁰⁵ JP Goldberg, 'Results of the 1973 International Labor Conference' (1973) 96(10) *Monthly Labor Review* 28, 28.

¹¹⁰⁶ International Labour Review, 'The 59th Session of the International Labour Conference, June 1974' (1974) 110(4) *International Labour Review* 277, 295-296.

¹¹⁰⁷ International Labour Review, 'The 59th Session of the International Labour Conference, June 1974' (1974) 110(4) *International Labour Review* 277, 295-296.

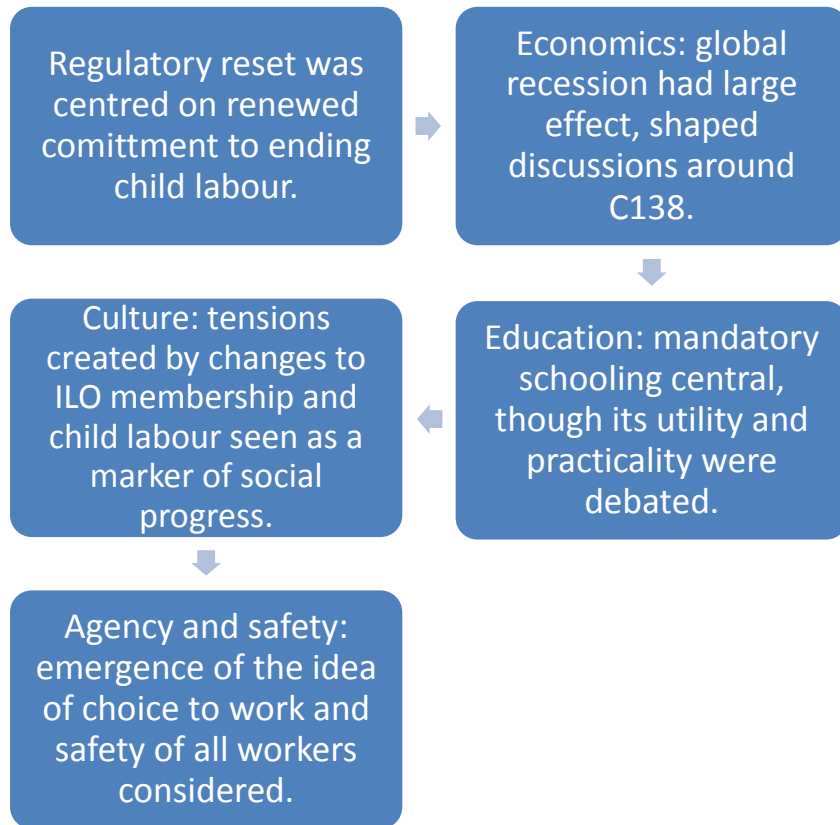


Figure 9.2: Chapter 9 Summary

Chapter 10: Moment 5 – The ILO Core Conventions (1998) and the Passing of ILO Convention 182 (1999)

10.1 Introduction: Remediating past failures with a new Convention

The 1990s were a decade of flux for the ILO, as the organization attempted to ‘rethink its role’ in an increasingly globalised world,¹¹⁰⁸ and took steps to make sure its regulations kept up with the changing times. In addition, many felt that the ILO were provoked into action on child labour in order to respond to the relative failure of the Minimum Age Convention, and the need to increase the number of international actors with influence on child welfare policy. In response the ILO were sought to ‘propel more practical programmes to address the child labour issue’,¹¹⁰⁹ which however, in the long run, called into question the usefulness of Convention 138. Ultimately, this resulted in the passing of Convention 182, which covered the ‘worst forms of child labour’. Moment 5 saw child labour return to a central place in the ILO’s policymaking platform, demonstrated by the composition of the ILO’s Core Conventions, passed in 1999.

Significant developments in the intervening years since the passing of Convention 138 included the passing and widespread ratification of the UN Convention on the Rights of the Child (CRC), in 1989. Following this, a trend that began in the 1970s¹¹¹⁰ continued to manifest as children’s rights discussions took on greater focus on autonomy and the choice and opinions of children.¹¹¹¹ The CRC did make broad reference to child labour within Art 32, which gave children a right to be protected against economic exploitation, though it did not specify whether age limits should be imported to national legislatures and what these

¹¹⁰⁸ A Poshuma and A Rossi, ‘Coordinated governance in global value chains: supranational dynamics and the role of the International Labour Organization’ (2017) 22(2) *New Political Economy* 186, 191-192.

¹¹⁰⁹ V Muntarhorn, ‘Child Rights and Social Clauses: Child Labour Elimination as a Social Cause’ (1998) 6 *International Journal of Child Rights* 255, 263.

¹¹¹⁰ EH Essary and E Theisner, ‘Monitoring World Society: The Convention on the Rights of the Child in Cameroon’ (2013) 26 *International Journal of Politics, Culture and Society* 305, 309.

¹¹¹¹ D Reynaert, MB De Bie and S Vandevelde, ‘A Review of Children’s Rights Literature Since the Adoption of the United Nations Convention on the Rights of the Child’ (2009) 16(4) *Childhood* 518, 520-521.

would be.¹¹¹² Further, reference was made to the relevant aspects of other international instruments to elaborate on more specific guidance regarding policy.¹¹¹³ Thus, drawing into focus the UN CRC to be viewed as ‘complementary’ to ILO standards on child labour,¹¹¹⁴ thus mutually strengthening the normative authority of both.

The novel feature of the UN CRC when compared with its ILO equivalents was that the CRC was legally binding upon its ratifying states.¹¹¹⁵ Due to the nature of this commitment, the UN CRC forced governments to account for young people’s preferences, as it made it incumbent on states to have a duty towards regarding consultation with young people on policies that affected them.¹¹¹⁶ Therefore, the prevailing opinion of young people regarding child labour took on new significance as efforts were made to pass a new Convention in the post-CRC world.

Commentators such as Reinalda argued that after a period of ‘under performance’ during the 1960s and 1970s,¹¹¹⁷ the ILO was able to reassert its position within the international arena during this moment.¹¹¹⁸ Sirrs argued that the ILO showed its political acumen as an institution by being reactive to changes in the composition of the international arena and moving with changing tides regarding the ascendancy and falls of other actors in the space.¹¹¹⁹

The ILO had trouble engaging with, and communicating to, people outside the organisation’s membership. In particular, the ILO struggled to communicate to the public its

¹¹¹² K Orkin, ‘In the Child’s Best Interests? Legislation on Children’s Work in Ethiopia’ (2010) 22 *Journal of International Development* 1102, 1103.

¹¹¹³ Y Noguchie, ‘20 years of the Convention on the Rights of the Child and International Action against Child Labour’ (2010) 18 *International Journal of Children’s Rights* 515, 524-525.

¹¹¹⁴ Y Noguchi, ‘ILO Convention No. 182 on the worst forms of child labour and the Convention on the Rights of the Child’ (2002) 10 *The International Journal of Children’s Rights* 355, 357.

¹¹¹⁵ EH Essary and E Theisner, ‘Monitoring World Society: The Convention on the Rights of the Child in Cameroon’ (2013) 26 *International Journal of Politics, Culture and Society* 305, 309-310.

¹¹¹⁶ NR Gasson, JE Calder, JA Diorio, AB Smith and JR Stigter, ‘Young people’s employment: Protection or participation?’ (2015) 22(2) *Childhood* 154, 167.

¹¹¹⁷ C Sirrs, ‘Promoting Health Protection Worldwide: The International Labour Organisation and Health Systems Financing, 1952-2012’ (2020) 42(2) *The International History Review* 371, 373.

¹¹¹⁸ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 758.

¹¹¹⁹ C Sirrs, ‘Promoting Health Protection Worldwide: The International Labour Organisation and Health Systems Financing, 1952-2012’ (2020) 42(2) *The International History Review* 371, 374.

role in defending rights and combating social ills, including child labour.¹¹²⁰ This was reflected in the Barbadian workers' representative at the 1998 Labour Conference argued that there was a prevalent attitude that the ILO was a 'useless, outdated Geneva-based talkshop' which kowtowed to the whims of big businesses and bigger governments in exchange for paltry improvements to labour standards.¹¹²¹ In a similar vein, Helfer noted that the lofty goals of the ILO had often been limited by the body's distinctly more limited reach, largely due to its constituency being made up of 'insiders well-versed in politically acceptable 'ILO speak''.¹¹²² These trends reflected a waning influence of ILO Conventions among its members, with Meyer noting that the majority of Conventions passed since 1984 were ratified by less than 10% of member states.¹¹²³ The Barbadian workers' representative argued that a new child labour Convention would give the ILO a much needed chance to salvage and even 'heighten' the body's flagging reputation, amidst a trend of low ratifications of its instruments among members.¹¹²⁴

By this moment, other international bodies had also entered the child labour space, with UNICEF engaging with child labour for the first time in 1994,¹¹²⁵ as did the World Bank in 1998 through the prism of its wider anti-poverty efforts.¹¹²⁶ Though, the ILO had also taken action in relation to child labour in the years preceding Convention 182. In 1992 the ILO established the International Programme for the Elimination of Child Labour (IPEC), a subsidiary anti-child labour taskforce within the ILO, through collaboration with the German

¹¹²⁰ LR Helfer, 'Symposium on Transnational Futures of International Labor Law, The ILO at 100: Institutional Innovation in an Era of Populism' (2019) 113 *American Journal of International Law* 397, 400.

¹¹²¹ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)' June 1998, Geneva, Eighty-Sixth Session, 7-8.

¹¹²² LR Helfer, 'Symposium on Transnational Futures of International Labor Law, The ILO at 100: Institutional Innovation in an Era of Populism' (2019) 113 *American Journal of International Law* 397, 400.

¹¹²³ WH Meyer, 'Testing Theories of Labor Rights and Development' (2015) 37 *Human Rights Quarterly* 414, 416.

¹¹²⁴ ILO, 'International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour)' 17 June 1999, Geneva, Eighty-Seventh Session, 5.

¹¹²⁵ A Fyfe, *The Worldwide Movement Against Child Labour: Progress and Future Directions* (Geneva: ILO Publications 2007) 30-31.

¹¹²⁶ A Fyfe, *The Worldwide Movement Against Child Labour: Progress and Future Directions* (Geneva: ILO Publications 2007) 36.

government. The object of IPEC was to end child labour in the long-term while promoting and heading a global movement against the practice in the short-term.¹¹²⁷

This period was referred to as a 'new era of innovation for the ILO' as the body zeroed in on freedom of association, forced labour, non-discrimination and the elimination of child labour as its main priorities.¹¹²⁸ This reframing was also accompanied with other objectives that could be termed organizational spring-cleaning. Such measures included: the review and renewal of existing Conventions and Recommendations; renewed efforts for enhancing methods data collection; and improving monitoring procedures applicable to all member states.¹¹²⁹ The ILO had to navigate a more crowded international sphere amidst the growing influence of the World Trade Organization (WTO), the International Monetary Fund (IMF) and the World Bank,¹¹³⁰ and had to take action to maintain its influence among its contemporaries. This culminated in the ILO's production of their 1998 Declaration on Fundamental Principles and Rights at Work and the associated promotion of 'ILO Core Conventions'. While this crystallised the ILO's fundamental policy priorities, Thomas and Turnbull argued that the Declaration and Core Conventions may have had the effect of 'muting' other issues that were not included.¹¹³¹

The 1998 Declaration on Fundamental Principles and Rights at Work saw the ILO narrow its focus, on the issues it deemed most important, the body's Core Conventions.¹¹³² These covered rights to collective bargaining and freedom of association, and protections from

¹¹²⁷ ILO, 'Library Guides: History of the ILO' (ilo.org) (Available at: <https://libguides.ilo.org/c.php?g=657806&p=4649148>) [Accessed: 29 March 2022].

¹¹²⁸ LR Helfer, 'Symposium on Transnational Futures of International Labor Law, The ILO at 100: Institutional Innovation in an Era of Populism' (2019) 113 *American Journal of International Law* 397, 397.

¹¹²⁹ LR Helfer, 'Symposium on Transnational Futures of International Labor Law, The ILO at 100: Institutional Innovation in an Era of Populism' (2019) 113 *American Journal of International Law* 397, 397.

¹¹³⁰ C Sirrs, 'Promoting Health Protection Worldwide: The International Labour Organisation and Health Systems Financing, 1952-2012' (2020) 42(2) *The International History Review* 371, 385.

¹¹³¹ H. Thomas and P. Turnbull, 'From a 'Moral Commentator' to a 'Determined Actor'? How the International Labour Organization (ILO) Orchestrates the Field of International Industrial Relations' (2021) 59(3) *British Journal of Industrial Relations* 874, 886.

¹¹³² WH Meyer, 'Testing Theories of Labor Rights and Development' (2015) 37 *Human Rights Quarterly* 414, 415.

forced labour, child labour and discrimination.¹¹³³ These were also made subject to annual review in each of the member states, regarding the status of each and the ratification of the corresponding ILO Conventions.¹¹³⁴ In order to protect against child labour, both Conventions 138 and the new Convention 182, passed to combat the 'worst forms' of child labour were deemed to be among the Core Conventions of the ILO.¹¹³⁵

The prospective Convention 182, was earmarked for prioritising among the ILO's Core Conventions, even before its finalisation and passing,¹¹³⁶ demonstrating how central child labour had become to the ILO's mission. Convention 182 was thus shaped in a large part by lessons learnt from the mixed reception to its predecessor, the Minimum Age Convention 138. The quarter century between the passing of Convention 138 in 1973 and Convention 182 in 1998 were described as a 'lost opportunity'.¹¹³⁷ This was because it was felt this was a time when the possibility of shaping and fostering a coherent anti-child labour movement on a global scale had not been realised. Due to the relatively low ratification rate of Convention 138, at least initially,¹¹³⁸ the ILO sought to more fully establish something of a global consensus on child labour.¹¹³⁹

Convention 182 thus served an important function by allowing the discourse around child labour to be simpler than was previously seen during moment 4. The debate around Convention 138 had centred on the age when work was appropriate, and this perhaps detracted from having a unified opposition to child labour in abstract. By reframing the anti-child labour movement around the 'worst forms' of child labour, the ILO could unite nations

¹¹³³ R. O'Brien, *Contesting Global Governance: Multilateral Economic Institutions and Global Social Movements* (Cambridge: Cambridge University Press 2000) 105; International Labour Organization, *Membership in the International Labour Organization: Information Guide* (Geneva: ILO Publications 2014) 4.

¹¹³⁴ R. O'Brien, *Contesting Global Governance: Multilateral Economic Institutions and Global Social Movements* (Cambridge: Cambridge University Press 2000) 105-106.

¹¹³⁵ J. Koti and D. Janaki, 'ILO, WTO & Indian Industrial Relations' (2016) 51(3) *Indian Journal of Industrial Relations* 371, 383.

¹¹³⁶ Y Noguchi, 'ILO Convention No. 182 on the worst forms of child labour and the Convention on the Rights of the Child' (2002) 10 *The International Journal of Children's Rights* 355, 362-363.

¹¹³⁷ A Fyfe, *The Worldwide Movement Against Child Labour: Progress and Future Directions* (Geneva: ILO Publications 2007) 10.

¹¹³⁸ N De Guzman Chorny, A Raub, A Earle and J Heymann, 'The state of child labor protections in 193 countries: Are countries living up to their international commitments?' (2019) 39(7/8) *International Journal of Sociology and Social Policy* 609, 619.

¹¹³⁹ RA Mavunga, 'A Critical Assessment of the *Minimum Age Convention* 138 of 1973 and the *Worst Forms of Child Labour Convention* 182 of 1999' (2013) 16(5) *PER/PELJ* 122, 158.

and stakeholders around taking action on the types of work that were widely agreed upon as being unacceptable. Thus, the ILO could retain its message of elimination whilst significantly narrowing its focus, away from children being in employment, to a reduction on the most egregious instances of child labour because of the harm it causes.¹¹⁴⁰ This served to underline both the fight against child labour and the ILO's institutional priorities in the dynamic and ever-more-crowded arena of international governance.

10.2 Pillar spread in moment 5

During moment 4, the most prominent pillar was education by a significant distance. This was a result of schooling level being the primary limit that was placed on young people entering the world of work under the framework implemented by Convention 138. Discussions in this moment gravitated towards all of the pillars with a greater frequency than was seen in previous moments. ILO sources also used a larger range of arguments during this period, with more frequent uses of most pillars seen when compared to non-ILO sources. Engagement with a larger range of pillars can be explained in part by the fact that the Convention 182 was a broad-based instrument geared towards regulating specific types of work.

Culture was the most commonly invoked pillar, though education, safety and economics were all used similarly often, with the four all being utilised in 60-70% of sampled sources. Additionally agency, which saw a large decline in use between moments 3 and 4, was used more frequently during moment 5 than in any other moment in this study. This is likely a result of the changes made to child rights by the UN CRC 1989 which, as mentioned in Section 10.1, imported a duty on policymakers to account for and seek out the opinions of children when constructing regulations that affected them.

Within this discourse of the 'worst forms' of child labour and the types of work that were *de facto* unacceptable for children to engage in, safety was a central consideration. Safety was hotly contested, and as in previous moments, characterised by concerns over the long-term

¹¹⁴⁰ R Huijsmans and S Baker, 'Child Trafficking: 'Worst Form' of Child Labour, or Worst Approach to Young Migrants?' (2012) 43(4) *Development and Change* 919, 940.

effects of working on children while they were still developing *i.e.* within the context of their physical, mental and even moral or social terms. These facets of development were explicitly considered during the deliberations over Convention 182.

The new Convention on the worst forms of child labour was the central part of wider efforts to end child labour entirely. Discussions of the abolition of child labour were frequent in this period, and for the first time this became the explicit conscious goal of the ILO motivating the policymaking decisions completed during this moment. The need for immediate action to be taken on child labour was underlined, as delegates to the Labour Conference from multiple nations maintained that a new legal instrument was required so as to ensure that the renewed enthusiasm within the anti-child labour movement was not squandered. The ILO itself centred itself within reform efforts, and positioned itself as leader of the vanguard, at the head of the 'worldwide movement' against child labour.

From a governmentality perspective, the ILO used this moment as a means for re-establishing its field of visibility, or jurisdiction, within the international arena. This was in part to respond to the relatively muted reception to Convention 138, passed during the previous moment. Central to the new Convention was the concept of the 'worst forms' of child labour, which constituted the form of knowledge undergirding the new regulation.

Additionally, the ILO continued to attempt to extend its field of visibility both in terms of the policy areas that fell within its jurisdiction and the degree to which it could legitimately implement truly universal standards. The Decent Work agenda saw the ILO concern itself with larger sections of economic policy, and expanded its ambit to ensuring a base level of rights for all people in employment, rather than specified classes of vulnerable or at-risk workers.

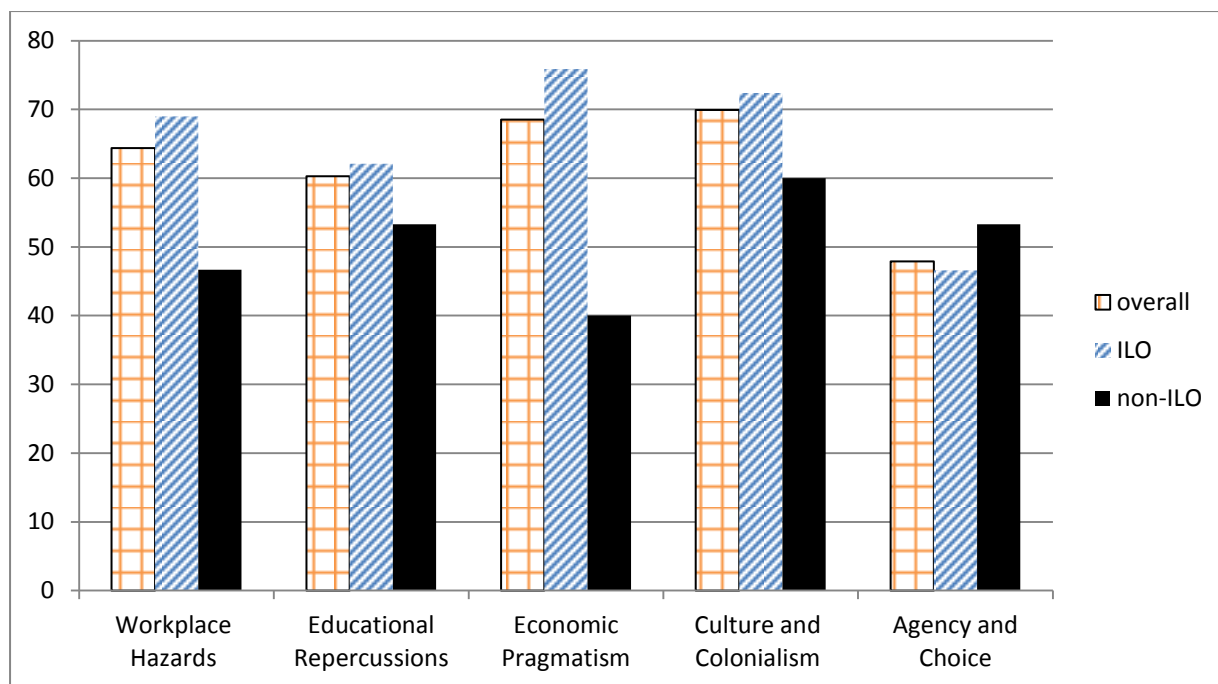


Figure 10.1: Moment 5 Pillar Breakdown

Number of Articles and Documents Manually Reviewed	ILO sources sampled	Non-ILO sources sampled
86	58	15

10.3 Workplace hazards: Defining unacceptable hazards and ‘worst forms’

Due to the focus on the ‘worst forms’ of child labour, safety concerns associated with children working were problematized in relation to the types of work that were inherently inappropriate for children to undertake. Central to discussions of safety was the framing of the concept of ‘harm’, which the new Convention 182 constructed as having physical, psychological and emotional consequences.

Physical safety and the risks that children are exposed to in the workplace have been the focus of many child labour discussions, primarily because the major child labour legislation passed in this moment concerned the ‘worst forms’ of child labour. These were defined in relation to specific types of offending work (illegal and illicit jobs) and in reference to their effect on the child. The form of knowledge undergirding the new Convention stipulated that work would be considered a ‘worst form’ if by nature or circumstance it was likely to cause

harm to the health, safety or morals of the child undertaking it.¹¹⁴¹ As in previous moments, the notion of harm within the remit of immediate physical harm (accounting also for its longer-term effects) and also references to damage that could be caused on a deeper, ethical level were discussed. Policy was constructed in order to more ably target particular subsets of child workers, endorsed by the ILO instruments published during this time which referenced the greater risks faced by vulnerable classes of workers: particularly girls¹¹⁴² and very young or disabled children.¹¹⁴³

Views from the various participants at the Labour Conference included the South African employers' delegate, who noted that hazardous work posed significant long-term risk to health, causing physical development to be 'stunted' and children to have 'their morals subverted, their psyches damaged, their view of the world that made them clouded by reality'.¹¹⁴⁴ The last point showed an underlying attitude towards childhood as a period necessarily removed from the harsh 'reality' of life, a time to be sheltered and looked after, due in part to children being 'tender physically' and more prone to injury and harm.¹¹⁴⁵

The types of work that put children at risk of serious abuses were framed as having effects beyond the physical, with an ILO report noting that children put in such situations could be 'permanently damaged psychologically and emotionally'.¹¹⁴⁶ This is attributed to children

¹¹⁴¹ ILO, 'Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour' 1 June 1999, Geneva Conference, Eighty-Seventh Session, Art 3.

¹¹⁴² ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour)' June 1998, Geneva, Eighty-Sixth Session, 5.

¹¹⁴³ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 11; ILO, 'Recommendation 190: Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour Adopted by the Conference at its Eighty Seventh Session, Geneva, 17 June 1999' 17 June 1999, Geneva, Eighty Seventh Session Para 2.

¹¹⁴⁴ ILO, 'International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)' 17 June 1999, Geneva, Eighty-Seventh Session, 3.

¹¹⁴⁵ K Ashagrie, Statistics on Working Children and Hazardous Child Labour in Brief (Geneva: ILO Publications 29 October 1997) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_28895/lang--en/index.htm [Accessed: 26 November 2020] 10.

¹¹⁴⁶ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session 12.

being 'tender physically'.¹¹⁴⁷ It was confirmed by the Office during Convention 182 negotiations that they considered the concept of 'health' broadly, encompassing physical and mental health, wellness in the body and mind.¹¹⁴⁸ The African Charter on the Rights and Welfare of the Child 1990 was framed similarly, precluding hazardous work which interferes with 'the child's physical, mental, spiritual, moral or social development'.¹¹⁴⁹ An ILO report on worst forms of child labour referred to some types of work as being so obviously unsafe that they were 'plainly dangerous and hazardous'. These types of jobs were specified in terms of the materials and equipment that children were working with, chemicals, pesticides and using heavy machinery.¹¹⁵⁰

The central concept pertaining to physical safety that was given extensive consideration during this moment was that of 'hazardous work'. This was a part of Recommendation 190, and rather than spelling out a comprehensive definition, the instrument lists a number of factors that are indicative of work being hazardous. These include work underwater, in difficult or dangerous conditions and work with dangerous machinery.¹¹⁵¹ The definitions of hazardous work also stressed the heightened vulnerability that children had to 'more devastating' after effects of working in dangerous environs. It was also argued that safety precautions taken within work were often less effective when pertaining to children, if precautions were taken at all.¹¹⁵² Specifically, protective equipment and workplace tools are

¹¹⁴⁷ K Ashagrie (ILO Bureau of Statistics), Statistics on Working Children and Hazardous Child Labour in Brief (Geneva: ILO Publications 13 April 1998) Available at:

https://www.ilo.org/ipecc/informationresources/WCMS_IPEC_PUB_28896/lang--en/index.htm

[Accessed: 26 November 2020] 10; V Forastieri, Children at Work: Health and Safety Risks (Geneva: ILO Publications 1 January 1997) Available at:

https://www.ilo.org/ipecc/informationresources/WCMS_IPEC_PUB_14563/lang--en/index.htm

[Accessed: 26 November 2020] 10.

¹¹⁴⁸ ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)' 17 June 1999, Geneva, Eighty Seventh Session, 68.

¹¹⁴⁹ ILO, Child Labour in Africa: Targeting the Intolerable. African Regional Tripartite Meeting on Child Labour: Kampala, Uganda 5-7 February 1998 (Geneva: ILO Publications 1 February 1998) Available at: https://www.ilo.org/ipecc/informationresources/WCMS_IPEC_PUB_5827/lang--en/index.htm

[Accessed: 26 November 2020] 1 and 20.

¹¹⁵⁰ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 5.

¹¹⁵¹ ILO, 'Recommendation 190: Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour Adopted by the Conference at its Eighty Seventh Session, Geneva, 17 June 1999' 17 June 1999, Geneva, Eighty Seventh Session, Para 3.

¹¹⁵² ILO-IPEC, Central Bureau of Statistics, Ministry of Finance and Planning of the Republic of Kenya The 1998/99 Child Labour Report Kenya, (Geneva: ILO Publications 1 January 1999) Available at:

designed with adult workers in mind and thus when used by children are often not the right size to adequately protect children in the workplace from harm.¹¹⁵³ Also, children were often said to be incapable of adequately assessing the risks posed to them when in the workplace.¹¹⁵⁴

Widening the focus of regulation somewhat, hazardous working conditions were framed as risking 'irreversible damage to their physical and physiological development'.¹¹⁵⁵ The Dutch Social Affairs Minister framed the consequences of child labour in a variety of ways, covering 'physical, mental, intellectual, moral and social consequences'.¹¹⁵⁶ A study into child labour in Bangladesh noted that children were safeguarded from harm by remaining within the family unit, which provided 'security, emotional support and for social and psychological development'.¹¹⁵⁷

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5106/lang--en/index.htm

[Accessed: 26 November 2020] 49-50.

¹¹⁵³ V Forastieri, *Children at Work: Health and Safety Risks* (Geneva: ILO Publications 1 January 1997)

Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_14563/lang--en/index.htm [Accessed: 26 November 2020] 21; ILO-IPEC, Central Statistical Office, Ministry of Public Service, Labour and Social Welfare, *Zimbabwe National Child Labour Survey, Country Report: Zimbabwe 1999* (Geneva: ILO Publications 1999) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_8651/lang--en/index.htm

[Accessed: 26 November 2020] 69.

¹¹⁵⁴ ILO, State Statistics Committee of Ukraine, *Child Labour in Ukraine 1999: Statistical Bulletin* (Geneva: ILO Publications 1 January 1999) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5108/lang--en/index.htm

[Accessed: 26 November 2020] 30; RT Jensen (ILO-IPEC), *Development of Indicators on Child Labour* (Geneva: ILO Publications 1 June 2000) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_445/lang--en/index.htm

[Accessed: 26 November 2020] 25.

¹¹⁵⁵ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 9.

¹¹⁵⁶ The Netherlands Ministry of Social Affairs and Employment, the Netherlands Ministry of Foreign Affairs and the ILO, *Combating the Most Intolerable Forms of Child Labour: A Global Challenge. Amsterdam Child Labour Conference Report, 26 to 27 February 1997.* (Geneva: ILO Publications 1 February 1997) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5825/lang--en/index.htm

[Accessed: 26 November 2020] 8.

¹¹⁵⁷ W Rahman (ILO-IPEC, Bangladesh), UNICEF Dhaka, *Child Labour Situation in Bangladesh: A Rapid Assessment* (Geneva: ILO Publications 14 April 1997) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_29936/lang--en/index.htm

[Accessed: 26 November 2020] 54.

In the academic sphere, Ochaita, Espinosa and Calvo broke down the developmental costs of hazardous work into 'physical, cognitive and social' aspects.¹¹⁵⁸ This three-pronged breakdown of health is common throughout all moments that have been studied, however, the third aspect has usually referred to a moral risk engendered by children. However, this breakdown refers instead to social costs that might be incurred, which in turn could be indicative of an attitude shift, one that can be seen in the academic community at least, away from viewing child labour as a moral phenomenon and towards seeing it non-normatively. Among the social costs, it was noted that child workers were often subject to discrimination and isolation, inflicting a possible psychological risk as a result.¹¹⁵⁹ Normative framings of safety did not diminish entirely in this moment however, it was accompanied with preclusions on child labour which contravened human dignity or that which constituted cruel and degrading treatment.¹¹⁶⁰

In addition to safety, which ostensibly centred upon the legislative standard that Convention 182 would set, other concerns would also have to be attended to. In response to Convention 138's shortcomings, the ILO had to ensure that the new Convention was able to be ratified and implemented widely. One way in which this could be aided was through working with members to ensure that national infrastructures took ownership of national programmes against child labour. In order to achieve this, it was important that national legislatures were able to act within their cultural and social structures and thus the question of cultural norms and their effect on anti-child labour programmes was raised.

10.4 Culture and colonialism: Universalism and its social cost

As in previous moments, the discussion of child labour and the enforcement of standards gravitated towards the degree to which universal standards could or should be expected, and this was essentially a question of the extent of ILO jurisdiction, or the organisation's field of visibility. Though, in this moment the question of making national ratification as easy

¹¹⁵⁸ E Ochaita, A Espinosa, E Calvo, 'Child Work and Labour in Spain: A First Approach' (2000) 8 *International Journal of Child Rights* 15, 17.

¹¹⁵⁹ MC Salazar, 'Child Work and Education in Latin America' (1998) 6 *International Journal of Child Rights* 155, 166-67.

¹¹⁶⁰ V Muntarhorn, 'Child Rights and Social Clauses: Child Labour Elimination as a Social Cause' (1998) 6 *International Journal of Child Rights* 255, 260.

as possible was a central concern for deliberators to Convention 182. During the deliberations around the passing of Convention 182, states noted that the new instrument would need to be ‘flexible and not overly prescriptive’,¹¹⁶¹ and that ‘idealism must defer to pragmatism’¹¹⁶² if real change was to be achieved. This seemed to be shaped by a concern that the new Convention be widely ratified, as the previous child labour Convention, No. 138, had relatively low ratification numbers, with only 50 member states ratifying it by the beginning of 1997, making it the least widely respected of the ILO’s Core Conventions,¹¹⁶³ and was thus viewed as something of a failure.

Within IPEC’s policy papers it was proffered that greater national ownership of anti-child labour programmes would lead to more sustainable progress against child labour.¹¹⁶⁴ Representatives to the Amsterdam Child Labour Conference in 1997 argued that national policy had to be the framework through which action was taken,¹¹⁶⁵ and thus national infrastructures became the subjectivities or delegated instruments through which ILO policy was enacted. This was summarised within the policy philosophy of ‘diversity within unity’.¹¹⁶⁶

¹¹⁶¹ ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 3.

¹¹⁶² ILO, ‘International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)’ 17 June 1999, Geneva, Eighty-Seventh Session, 15.

¹¹⁶³ K Tapiola et. al. (ILO), Protecting Children in the World of Work Labour Education 1997/3 No. 108: The ILO Bureau of Workers’ Activities, (Geneva: ILO Publications 1 March 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_111504/lang--en/index.htm [Accessed: 26 November 2020] 6.

¹¹⁶⁴ IPEC, ILO-IPEC Highlights of 1996-97 and Guidelines for Future Action (Geneva: ILO Publications 14 October 1996) Available at: https://www.ilo.org/ipec/informationresources/WCMS_072049/;ang--en/index.htm [Accessed: 26 November 2020] 6.

¹¹⁶⁵ The Netherlands Ministry of Social Affairs and Employment, the Netherlands Ministry of Foreign Affairs and the ILO, Combating the Most Intolerable Forms of Child Labour: A Global Challenge. Amsterdam Child Labour Conference Report, 26 to 27 February 1997. (Geneva: ILO Publications 1 February 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5825/lang--en/index.htm [Accessed: 26 November 2020] 31.

¹¹⁶⁶ IPEC, ILO-IPEC Highlights of 1996-97 and Guidelines for Future Action (Geneva: ILO Publications 14 October 1996) Available at: https://www.ilo.org/ipec/infromationresources/WCMS_072049/;ang--en/index.htm [Accessed: 26 November 2020] 3.

Thus, the primary justification for entering into child labour regulation again was said to be the response to demands from the 'global community'. The ILO seemed to personally claim responsibility to satisfy the demands of this community to put an 'end to the intolerable' amid a 'growing consensus' that such intervention was necessary,¹¹⁶⁷ as 'a matter of urgency'.¹¹⁶⁸ Further raising the stakes, an ILO-UNICEF joint statement decried child labour as a 'global phenomenon of massive proportions'.¹¹⁶⁹ Practically, it was stated that anti-child labour efforts would 'need to combine many approaches' to succeed, and that making child labour a necessary consideration when formulating broader policy, such as economic and development policies, would be vital.¹¹⁷⁰ As in previous moments this served to extend the ILO's field of visibility into policy areas with less direct pertinence to labour rights. Regarding technologies of governance, namely policy programmes and their metrics for success, IPEC noted the need for time-bound projects, with 'clear, progressive and achievable targets and a verification and monitoring system'.¹¹⁷¹

Cultural practices in Asia, Latin America and Africa were cited as having an exacerbating effect on child labour's worst outcomes; in particular, caste systems were mentioned as a driver of sexual abuse.¹¹⁷² Japan went further, and suggested that requiring countries where child labour was not an issue to implement national plans of action to end it would

¹¹⁶⁷ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 4-5.

¹¹⁶⁸ ILO, 'Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour' 1 June 1999, Geneva Conference, Eighty-Seventh Session, Art 1; ILO, A New Tool to Combat the Worst Forms of Child Labour: ILO Convention 182 (Geneva: ILO Publications 1 August 1999) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5264/lang--en/index.htm

[Accessed: 26 November 2020] 2.

¹¹⁶⁹ ILO, UNICEF, Investigating Child Labour: Guidelines for Rapid Assessment – A Field Manual (Geneva: ILO Publications 1 January 2000) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_442/lang--en/index.htm

[Accessed: 26 November 2020] 5.

¹¹⁷⁰ ILO, Oslo International Conference on Child Labour – Final Report (Geneva: ILO Publications 31 October 1997) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_28935/lang--en/index.htm

[Accessed: 26 November 2020] 2.

¹¹⁷¹ ILO-IPEC, Implementation Report 2000: IPEC Action Against Child Labour: Achievements, Lessons Learned and Indications for the Future [1998-1999] (Geneva: ILO Publications 1 October 1999)

Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_171/lang--en/index.htm [Accessed: 26 November 2020] 19.

¹¹⁷² ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 14.

constitute a waste of resources and 'cause excessive administrative burdens'.¹¹⁷³ However, the Guatemalan employers' representative noted that the fact child labour was most prevalent in the developing world meant that the international community could not ignore its 'responsibility' to poorer countries in making sure the practice became a thing of the past.¹¹⁷⁴ The Indian government made a similar point and called for the international community's role in fulfilling the Convention's goals to be stipulated in its text, calling for a joint responsibility on rich and poor nations to end child labour.¹¹⁷⁵

During this moment, cultural framings of child labour remained common, with consideration of the social cost of importing a universal standard one of the chief ways this was expressed in argumentation. Meanwhile on the economic front, the tensions between differing spheres of the globalised economy were also more common. Framings of this type constructed child labour as a question of unfair economic competition, reducing overheads for industry in the developing world at the expense of the Western workforce. Economic solutions to child labour were also proffered, with greater provision for a social safety net proposed as a means of making the choice to send children to work less necessary for families in poor financial health.

10.5 Economic pragmatism: Competing priorities in an interconnected global economy

In this moment, the developing world was viewed in some instances as an economic threat to prosperity in the West and represented an overlap between the pillars relating to economic and cultural arguments on child labour. An article in the *International Labour Review* referred to concerns aired in the USA regarding the effect of poorer working conditions on domestic economic prospects.¹¹⁷⁶ This argument stressed the

¹¹⁷³ ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)' 17 June 1999, Geneva, Eighty Seventh Session, 86.

¹¹⁷⁴ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)' June 1998, Geneva, Eighty-Sixth Session, 16.

¹¹⁷⁵ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour)' June 1998, Geneva, Eighty-Sixth Session, 51.

¹¹⁷⁶ H Feis, 'International Labour Legislation in the Light of Economic Theory' (1996) 135(3-4) *International Labour Review* 303, 306.

interconnectedness of the global economy¹¹⁷⁷ and the effect that poor labour conditions, including child labour, had on workers throughout the world. Also, the globalized economy and the prospect it brought of increased growth were framed as a temptation, one that some poorer nations might be willing to sacrifice labour standards in service of.¹¹⁷⁸

In response, the ILO's major policy initiative during the 1990s was the Decent Work Agenda,¹¹⁷⁹ which was argued to have been motivated by globalization and the way that it had altered work relations at national and international levels. The increasingly interconnected global economy presented many opportunities but there was concern that without international oversight, it could lead to a 'race to the bottom' in terms of regulation, and by extension worker welfare.¹¹⁸⁰ It was claimed that the Decent Work Agenda saw the ILO expanding its constituency, or fields of visibility, to all workers, rather than to merely specified forms of 'put upon' workers.¹¹⁸¹

The Assistant Director of the ILO, among others,¹¹⁸² stated at the 1998 Labour Conference that child labour was still viewed as a 'primarily a developing country problem'.¹¹⁸³ Though at the 1997 Amsterdam Child Labour Conference, richer nations were called to contribute significantly to ending child labour¹¹⁸⁴ as this was an issue that was a joint responsibility for

¹¹⁷⁷ H Kellerson, 'The ILO Declaration of 1998 on Fundamental Principles and Rights: A Challenge for the Future' (1998) 137(2) *International Labour Review* 223, 224.

¹¹⁷⁸ International Labour Review, 'Supervising Labour Standards and Human Rights: The Case of Forced Labour in Myanmar (Burma)' (1998) 137(3) *International Labour Review* 391, 403.

¹¹⁷⁹ L.F. Vosko, "'Decent Work' The Shifting Role of the ILO and the Struggle for Global Social Justice' (2002) 2(1) *Global Social Policy* 19, 20.

¹¹⁸⁰ A.E. Eckes 'Globalization' in G Martel (ed), *A Companion to International History 1900-2001* (Oxford: Wiley-Blackwell 2007) 409.

¹¹⁸¹ L.F. Vosko, "'Decent Work' The Shifting Role of the ILO and the Struggle for Global Social Justice' (2002) 2(1) *Global Social Policy* 19, 25-26.

¹¹⁸² ILO, State Institute of Statistics Prime Ministry Republic of Turkey, *Child Labour in Turkey 1999* (Geneva: ILO Publications 1 January 1999) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5104/lang-en/index.htm

[Accessed: 26 November 2020] foreword.

¹¹⁸³ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour)' June 1998, Geneva, Eighty-Sixth Session, 1-2.

¹¹⁸⁴ The Netherlands Ministry of Social Affairs and Employment, the Netherlands Ministry of Foreign Affairs and the ILO, *Combating the Most Intolerable Forms of Child Labour: A Global Challenge. Amsterdam Child Labour Conference Report, 26 to 27 February 1997.* (Geneva: ILO Publications 1 February 1997) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5825/lang-en/index.htm

[Accessed: 26 November 2020] 9.

the entire international community.¹¹⁸⁵ Child labour was also said to have been complicated by globalization,¹¹⁸⁶ as ILO material stated that the overwhelming majority of instances occurred in the developing world, with only 'pockets' of the practice seen in their more economically advanced counterparts.¹¹⁸⁷ However, as the developing world in many instances was utilising child labour in its manufacturing for Western nations, attributing the responsibility solely to developing nations was not entirely fair.

There is a contrast with moment 4, where the developing world was seen as an area which required help in implementing wide-ranging economic reform (see section 9.3), and here viewed through a competitive lens. For example, this was seen during negotiations when the Pakistani government called on the ILO to make a firm stand against any attempts to link 'protectionist measures with the issue of child labour'.¹¹⁸⁸ In this instance the pillars regarding economic concerns and those addressing the global aspects of child labour intermingle, blurring the distinction between the two. Academic suspicion of trade mechanisms being used to this end was laid bare, with Cullen stating that trade sanctions were often ineffective in eliminating child labour as violations were hard to detect in practice in light of widespread shortfalls in inspection mechanisms.¹¹⁸⁹

This was seen during trade negotiations between nations from the Global North and their Southern counterparts, where the former tried to affix a commitment to a base level of labour standards to any agreements on trade and was referred to as a 'social clause'. This caused some degree of consternation amongst developing nations who felt that this really amounted to developed nations using human rights discourses as a smokescreen for

¹¹⁸⁵ The Netherlands Ministry of Social Affairs and Employment, the Netherlands Ministry of Foreign Affairs and the ILO, *Combating the Most Intolerable Forms of Child Labour: A Global Challenge*. Amsterdam Child Labour Conference Report, 26 to 27 February 1997. (Geneva: ILO Publications 1 February 1997) Available at:

https://www.ilo.org/ipecc/informationresources/WCMS_IPEC_PUB_5825/lang-en/index.htm

[Accessed: 26 November 2020] 7.

¹¹⁸⁶ V Muntarhorn, 'Child Rights and Social Clauses: Child Labour Elimination as a Social Cause' (1998) 6 *International Journal of Child Rights* 255, 255.

¹¹⁸⁷ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 5 and 7.

¹¹⁸⁸ ILO, 'International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)' 17 June 1999, Geneva, Eighty-Seventh Session, 20-21.

¹¹⁸⁹ H Cullen, 'The Limits of International Trade Mechanisms in Enforcing Human Rights: The Case of Child Labour' (1999) 7 *International Journal of Child Rights* 1, 1 and 11.

economic protectionism of their own domestic industries and producers tamping down on global competition.¹¹⁹⁰

Further, the types of rights that were purported to be protected by a social clause were 'relative and culture-specific' and thus seen as promoting one conception of these at the expense of other interpretations and 'would constitute political and cultural imperialism'.¹¹⁹¹ The Sudanese, Indian and Ivorian governments were keen to note that much of the work undertaken by children within their borders was rooted in tradition and was of general benefit to their younger generation and 'part of the social and cultural integration of a child into society'¹¹⁹² and passed skills from one generation to the next.¹¹⁹³

However, the economic effect of child labour on an individual child was also considered, and made up a portion of the rationale for the new Convention. To this extent, financial reforms were also framed as a potential way of fighting child labour, which served to justify, as the next section will cover, the widening of ILO policymaking into economic matters, such as welfare and access to finance.

10.5.1 Economic pragmatism: Economics as both a driver and solution for child labour

Convention 182 framed child labour in its worst forms as essentially an economic phenomenon, one that was 'to a great extent caused by poverty', continuing a prevailing trend seen and analysed in previous moments. The narrative contained in the convention's Preamble posited that national economic growth and alleviating family poverty contained the key to tackling, and ultimately ending, the worst forms of child labour.¹¹⁹⁴ IPEC also

¹¹⁹⁰ E Lee, 'Globalization and Labour Standards: A Review of Issues' (1997) 136(2) *International Labour Review* 173, 177.

¹¹⁹¹ E Lee, 'Globalization and Labour Standards: A Review of Issues' (1997) 136(2) *International Labour Review* 173, 183-184.

¹¹⁹² ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour)' June 1998, Geneva, Eighty-Sixth Session, 8-9.

¹¹⁹³ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour)' June 1998, Geneva, Eighty-Sixth Session, 11.

¹¹⁹⁴ ILO, 'Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour' 1 June 1999, Geneva Conference, Eighty-Seventh Session, Preamble; ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 15.

noted that child labour was primarily concentrated among the poor.¹¹⁹⁵ A common refrain in ILO policy papers during this period was to frame child labour as being driven by poverty, or at least that the practice was exacerbated by financial difficulty.¹¹⁹⁶ Further, it was stated that child labour was self-sustaining, in that it perpetuated the conditions that created it by ensuring that another generation remained poor and drive to rely on child labour from the next.¹¹⁹⁷

Many argued during this moment that poverty was not in of itself an excuse for the continued existence of child labour, from academics,¹¹⁹⁸ to government and union delegates to the Labour Conference.¹¹⁹⁹ Nevertheless, this moment saw a growth in problematizations of child labour that supposed that economic measures could be used to alleviate child labour with proposals made to implement policies for lessening adult unemployment,¹²⁰⁰ and making credit more widely available to the poor.¹²⁰¹ Thus, the aim of child labour Conventions and ILO policy more broadly was to increase liquidity to the poorest

¹¹⁹⁵ IPEC, ILO-IPEC Highlights of 1996-97 and Guidelines for Future Action (Geneva: ILO Publications 14 October 1996) Available at: https://www.ilo.org/ipec/infromationresources/WCMS_072049/;ang--en/index.htm [Accessed: 26 November 2020] 9.

¹¹⁹⁶ MC Salazar, 'Child Work and Education in Latin America' (1998) 6 *International Journal of Child Rights* 155, 167; M Rishmawi, (ILO-IPEC) National Report on Child Labour in the West Bank and Gaza Strip (Geneva: ILO Publications 1 June 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_8030/lang--en/index.htm [Accessed: 26 November 2020] 30.

¹¹⁹⁷ ILO, Oslo International Conference on Child Labour – Final Report (Geneva: ILO Publications 31 October 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_28935/lang--en/index.htm [Accessed: 26 November 2020] 9.

¹¹⁹⁸ MC Salazar, 'Child Work and Education in Latin America' (1998) 6 *International Journal of Child Rights* 155, 172-73.

¹¹⁹⁹ ILO, 'International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)' 17 June 1999, Geneva, Eighty-Seventh Session, 8; ILO, 'International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour)' 17 June 1999, Geneva, Eighty-Seventh Session, 25.

¹²⁰⁰ MC Salazar, 'Child Work and Education in Latin America' (1998) 6 *International Journal of Child Rights* 155, 172-73; ILO, Oslo International Conference on Child Labour – Final Report (Geneva: ILO Publications 31 October 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_28935/lang--en/index.htm [Accessed: 26 November 2020] 9.

¹²⁰¹ V Muntarhorn, 'Child Rights and Social Clauses: Child Labour Elimination as a Social Cause' (1998) 6 *International Journal of Child Rights* 255, 308-09; RT Jensen (ILO-IPEC), Development of Indicators on Child Labour (Geneva: ILO Publications 1 June 2000) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_445/lang--en/index.htm [Accessed: 26 November 2020] 9.

communities. In turn this would result in families being more likely to send their children to school, and be able to meet the costs associated with schooling, tuition and supply costs.¹²⁰²

Child labour was regularly framed during this moment as a decision driven by desperation on behalf of parents, and resulted in calls for economic assistance to be provided for families caught in such situations.¹²⁰³ This policy proposal was justified in two ways. Firstly, in order to provide immediate relief to individuals and families who needed it authorities needed to remove situations where families sacrificed future prospects in service of immediate needs.¹²⁰⁴ Secondly, it was hoped that by imposing a financial duty on countries to help families, it might hasten efforts to combat child labour at a national level as policies would be enacted to lessen or remove incurring extra costs for the families.¹²⁰⁵

During negotiations the Irish workers' representative expressed their unease at the potential for poverty to be treated as an excuse for not fully implementing reform.¹²⁰⁶ On the other side, the Kenyan workers' envoy posited that poverty had to be mentioned, not only because it drove and caused child labour, but also because poverty would need to be eliminated if there was to be any meaningful progress made on ending child labour.¹²⁰⁷ An American government official noted that the key to successful child labour policy lay with 'breaking the cycle' of child labour and poverty which has typically fed one another.¹²⁰⁸ The Indian government's representative at the 87th Labour Conference in 1999 noted that the

¹²⁰² JY Lim (ILO-IPEC), *East Asian Crisis and Child Labour in the Philippines* (Geneva: ILO Publications 1 January 2000) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_8950/lang--en/index.htm [Accessed: 26 November 2020] 36.

¹²⁰³ E Lee, 'Globalization and Labour Standards: A Review of Issues' (1997) 136(2) *International Labour Review* 173, 185; G Myrstad (ILO-IPEC), *From Exploitation to Education: Action Against the Worst Forms of Child Labour through Education and Training* (Geneva: ILO Publications 1 April 2000) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_1104/lang--en/index.htm [Accessed: 26 November 2020] 8..

¹²⁰⁴ E Lee, 'Globalization and Labour Standards: A Review of Issues' (1997) 136(2) *International Labour Review* 173, 185.

¹²⁰⁵ E Lee, 'Globalization and Labour Standards: A Review of Issues' (1997) 136(2) *International Labour Review* 173, 188.

¹²⁰⁶ ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)' 17 June 1999, Geneva, Eighty Seventh Session, 25.

¹²⁰⁷ ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)' 17 June 1999, Geneva, Eighty Seventh Session, 26.

¹²⁰⁸ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour)' June 1998, Geneva, Eighty-Sixth Session, 14.

case against child labour could be framed as an economic loss. By losing children to work, and thus hampering social and physical development, ‘the nation as a whole is deprived of the potential human resources for social progress, economic development, peace and order’.¹²⁰⁹

In the preamble for Convention 182, mention was made that child labour was ‘to a great extent caused by poverty’, but that sustained economic growth held the key to combating the worst forms of child labour.¹²¹⁰ A compromise between the arguments made during deliberations, instead problematized child labour as requiring an economic solution, and that economic progress would necessarily have to dovetail with progress against child labour.

A variety of policy proposals mooted that provision of financial relief to families of child workers might remove the necessity for children to work and function to circuitously lessen instances of child labour.¹²¹¹ However, there were concerns that economic reforms could create bad incentive structures and create dependency that would be difficult, perhaps impossible, to unpick should they become entrenched.¹²¹² Alternatively, Kearney proposed that businesses should be incentivised to remove child labour from their manufacturing chains, removing the supply-side demand for child labour.¹²¹³

These are both typical examples of governmentality in practice, structuring delegated social mechanisms and subjectivities in such a way as to promote a socially desirable outcome, so that it is chosen by citizens and not imposed. One of the most well established ways in

¹²⁰⁹ ILO, ‘International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)’ 17 June 1999, Geneva, Eighty-Seventh Session, 9.

¹²¹⁰ ILO, ‘Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour’ 1 June 1999, Geneva Conference, Eighty-Seventh Session, Preamble.

¹²¹¹ V Forastieri, *Children at Work: Health and Safety Risks* (Geneva: ILO Publications 1 January 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_14563/lang--en/index.htm [Accessed: 26 November 2020] 54-55.

¹²¹² ILO, ‘International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable’ June 1998, Geneva, Eighty-Sixth Session, 54.

¹²¹³ K Tapiola et. al. (ILO), *Protecting Children in the World of Work Labour Education 1997/3 No. 108: The ILO Bureau of Workers’ Activities*, (Geneva: ILO Publications 1 March 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_111504/lang--en/index.htm [Accessed: 26 November 2020] 23.

which choice mechanisms were structured was through education, which still occupied a prominent space in child labour policy in this moment.

10.6 Educational repercussions: Framings concerning schooling

Child labour remedies were discussed in broader, holistic terms during this moment, particularly during preliminary negotiations for passing of Convention 182. Educational framings of child labour, while still relatively frequent, were made with less frequency than in previous moments. The framing of schooling as a vital tool to combat child labour remained, though the oppositional relationship between school and work was framed as a violation of children's rights to a proper development. Additionally, the implementation of programmes to look after children once they were removed from child labour was emphasised as a metric for policy success during this moment, which can be seen as a technology of government in practice. These were implemented through services like counselling and monitoring after they had been put into schools to assess progress.

Education remained a central part of policy proposals regarding child labour in this moment, with Convention 182 pressing nations to pursue policies providing free basic education as a matter of course.¹²¹⁴ The policy to end child labour still featured the provision for extended schooling as a vital part of breaking the cycle of child labour. There was particular concern that children removed from dangerous labour would find themselves in worse occupations if they were not provided with viable alternatives to working.¹²¹⁵ Despite this, the ILO's 1998 'Child Labour: Targeting the Intolerable' report noted that while such programmes were effective, they were also expensive to maintain and deliver to an appropriate standard.¹²¹⁶

¹²¹⁴ ILO, 'Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour' 1 June 1999, Geneva Conference, Eighty-Seventh Session, Art 7.

¹²¹⁵ IPEC, ILO-IPEC Highlights of 1996-97 and Guidelines for Future Action (Geneva: ILO Publications 14 October 1996) Available at: https://www.ilo.org/ipec/infromationresources/WCMS_072049/ang--en/index.htm [Accessed: 26 November 2020] 14-15.

¹²¹⁶ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 54.

Therefore, a common framing in this moment was that child labour programmes would be more effective if they worked on preventative measures.¹²¹⁷

IPEC Conference papers, published in 1999, which reported research findings from Myanmar, Turkey and Zimbabwe all noted that working was one of many reasons why children failed to attend school. They found that ill health, restricted school access,¹²¹⁸ a lack of interest in school,¹²¹⁹ and high costs of enrolling¹²²⁰ also served to drive down school attendance.¹²²¹ To counter this, it was proposed that school needed to be fun, appealing and relevant¹²²² to successfully make the case for children to choose schooling over work.¹²²³

Many of the negotiators, including representatives from Canada,¹²²⁴ India,¹²²⁵ and Portugal¹²²⁶ amongst others, when discussing the text of Convention 182, noted the central

¹²¹⁷ A Bequele, Speech by Assefa Bequele at the Oslo Conference on Child Labour, 1997 (Geneva: ILO Publications 27 October 1997) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_30575/lang--en/index.htm

[Accessed: 26 November 2020] 3.

¹²¹⁸ ILO-IPEC, Central Statistical Office, Ministry of Public Service, Labour and Social Welfare, Zimbabwe National Child Labour Survey, Country Report: Zimbabwe 1999 (Geneva: ILO Publications 1999) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_8651/lang--en/index.htm [Accessed: 26 November 2020] 8.

¹²¹⁹ ILO, State Institute of Statistics Prime Ministry Republic of Turkey, Child Labour in Turkey 1999 (Geneva: ILO Publications 1 January 1999) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5104/lang--en/index.htm

[Accessed: 26 November 2020] 45.

¹²²⁰ ILO-IPEC, Central Statistical Office, Ministry of Public Service, Labour and Social Welfare, Zimbabwe National Child Labour Survey, Country Report: Zimbabwe 1999 (Geneva: ILO Publications 1999) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_8651/lang--en/index.htm [Accessed: 26 November 2020] xi-xii.

¹²²¹ K Tapiola et. al. (ILO), Protecting Children in the World of Work Labour Education 1997/3 No. 108: The ILO Bureau of Workers' Activities, (Geneva: ILO Publications 1 March 1997) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_111504/lang--en/index.htm

[Accessed: 26 November 2020] 57.

¹²²² RT Jensen (ILO-IPEC), Development of Indicators on Child Labour (Geneva: ILO Publications 1 June 2000) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_445/lang--en/index.htm

[Accessed: 26 November 2020] 52.

¹²²³ H van de Glind and C Coenjaerts (ILO-IPEC South-East Asia), Combating Trafficking in Children for Labour Exploitation in the Mekong Sub-Region: A Proposed Framework for ILO-IPEC Action and Proceedings of a Mekong Sub-Regional Consultation (Geneva: ILO Publications 1 December 1998)

Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_1302/lang--en/index.htm [Accessed: 26 November 2020] 38-39.

¹²²⁴ ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)' 17 June 1999, Geneva, Eighty Seventh Session, 5.

role that education would play in combating child labour. A wider role for schools in acting as delegated enforcers of child labour law was also mooted in this moment, notably at the 1997 Oslo Conference on Child Labour, as enforcement shortfalls remained a prominent source of frustration.¹²²⁷ It was thus proposed that schools should be used to monitor absences from school and this information could be used to identify children at risk of falling into child labour.¹²²⁸ Myrstad claimed that the education system could be viewed as ‘a low cost monitoring system to ensure that children continue to be in school and not at work’.¹²²⁹ This observation strengthened the argument for increasing funding to schools, as it served more than one function. This policy demonstrates the use of schools as a delegated regulatory authority, and is an example of a subjectivity of governance.

The functional and interdependent aspects of educational reform relative to child labour were considered. The aforementioned ‘Targeting the Intolerable’ 1998 report made note of the palpable effect that compulsory schooling legislation had taken previously in driving down child labour numbers.¹²³⁰ Reference was made to the Universal Declaration of Human Rights which made education a right and imported an obligation on States to make provision for at least elementary education. To achieve this the ILO report on worst forms of child labour dubbed working children as having their rights compromised and made the stark statement: ‘a child working is therefore a future denied’.¹²³¹ The invoking of a

¹²²⁵ ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 8.

¹²²⁶ ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 13.

¹²²⁷ ILO, Child Labour in Africa: Targeting the Intolerable. African Regional Tripartite Meeting on Child Labour: Kampala, Uganda 5-7 February 1998 (Geneva: ILO Publications 1 February 1998) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5827/lang-en/index.htm [Accessed: 26 November 2020] 24.

¹²²⁸ ILO, Oslo International Conference on Child Labour – Final Report (Geneva: ILO Publications 31 October 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_28935/lang-en/index.htm [Accessed: 26 November 2020] 5.

¹²²⁹ G Myrstad (ILO-IPEC), From Exploitation to Education: Action Against the Worst Forms of Child Labour through Education and Training (Geneva: ILO Publications 1 April 2000) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_1104/lang-en/index.htm [Accessed: 26 November 2020] 1.

¹²³⁰ ILO, ‘International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable’ June 1998, Geneva, Eighty-Sixth Session, 25.

¹²³¹ ILO, ‘International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable’ June 1998, Geneva, Eighty-Sixth Session, 8.

discourse premised on rights in this context likely shows the effects of the UN CRC 1989 (discussed in section 10.1), which itself centred children's rights and respect for them as central.

The emotional tenor of the framing used in this context was continued as the report used equally stark phrases such as 'seething anger' and 'lingering sadness' highlighting the 'continuous tragedy' of children wasting their potential.¹²³² However, it was noted that compulsory education legislation had only been effective in cases where there had been the educational infrastructure to support reform,¹²³³ and the schools and teachers available to facilitate large numbers of children to attend school.¹²³⁴ The Brazilian government worried that tying together new child labour regulations with the commitments to improve schooling would import too great a burden on developing nations and would result in hesitancy to ratify the new Convention,¹²³⁵ framing an economic stricture on this solution.

A pivot towards rights when framing the educational aspect of child labour policy brought with it a more emotional tenor during policy deliberations. This reflected the new focus on the most egregious examples of child labour in Convention 182 and the effect that the UN CRC had on shaping discussions around child welfare as being premised upon respect for their rights. This also factored into discussions around children and their ability to contribute to efforts to reform, and the growth of framings premised on the agency of children as it pertained to child labour.

10.7 Agency and choice: Changing attitudes and children as reformers

The increase in prominence of the agency pillar, discussed in section 10.2, during this moment was likely also motivated by the legal duty to consult children on matters pertaining to them as implemented by the UN Convention on the Rights of the Child, which

¹²³² ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 57.

¹²³³ ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)' 17 June 1999, Geneva, Eighty Seventh Session, 39.

¹²³⁴ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 26.

¹²³⁵ ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)' 17 June 1999, Geneva, Eighty Seventh Session, 88.

passed in 1989. A 1998 IPEC report praised the general change in attitude seen over child labour, from ‘a mixture of indifference, apathy and even cynicism’ to being at the top of many a policy agenda.¹²³⁶ It was stated that the previous lack of seriousness that child labour was treated with was borne out of ‘ignorance’ and that IPEC had made great strides in helping to ‘advance thinking’ on the issue.¹²³⁷ The above frames child labour as a barrier to progress, that the arc of history is bending towards a particular outcome, that being child labour’s abolition. In this respect, it would appear that the scales were tipping towards universalism, and away from cultural sensitivity.

There were calls from the ILO’s Director-General, Juan Somavia, for ‘solidarity’ between adults and children on the matter of child labour.¹²³⁸ This seemed to frame the relationship between generations as more peer-like and less hierarchical. Despite this, references were also made to the idea that child labour constituted an ‘abuse of power’ on the part of adults,¹²³⁹ reinforcing the idea of a hierarchy by emphasising a difference in power on the basis of seniority.

Abernethie noted that the basic debate around children’s agency concerned those who emphasised children’s need for self-determination and those who took a more caretaking, or paternalistic approach to children as a matter of policy.¹²⁴⁰ Hammarberg struck a similar tone, framing the attitude towards children as balancing vulnerability against their ‘capacity

¹²³⁶ ILO-IPEC, Implementation Report 1998: Action against Child Labour: Lessons and Strategic Priorities for the Future – A Synthesis Report (Geneva: ILO Publications 1 January 1998) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_20098/lang--en/index.htm [Accessed: 26 November 2020] 8.

¹²³⁷ ILO-IPEC, Implementation Report 1998: Action against Child Labour: Lessons and Strategic Priorities for the Future – A Synthesis Report (Geneva: ILO Publications 1 January 1998) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_20098/lang--en/index.htm [Accessed: 26 November 2020] 8.

¹²³⁸ ILO, A New Tool to Combat the Worst Forms of Child Labour: ILO Convention 182 (Geneva: ILO Publications 1 August 1999) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5264/lang--en/index.htm [Accessed: 26 November 2020] 3.

¹²³⁹ ILO, A New Tool to Combat the Worst Forms of Child Labour: ILO Convention 182 (Geneva: ILO Publications 1 August 1999) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5264/lang--en/index.htm [Accessed: 26 November 2020] 3.

¹²⁴⁰ L Abernethie, ‘Child Labour in Contemporary Society: Why Do We Care’ (1998) 6 *International Journal of Child Rights* 81, 90.

and strength'.¹²⁴¹ This choice is balanced somewhat in the text of the UN Convention on the Rights of the Child, which stipulated the need for children's views to be considered on policy questions relating to them. However, the Convention also stipulated that the overriding concern should be the children's best interests.¹²⁴²

The Executive Director of UNICEF, Carol Bellamy, proclaimed that children were entitled to the same 'spectrum' of rights as adults.¹²⁴³ While this falls some way short of saying that children are entitled to the same level of self-determination as adults, it does imply that he felt a degree of personal sovereignty was owed to children. Despite this, children were framed as being often more vulnerable¹²⁴⁴ and less able to assert themselves and push for their rights in the workplace.¹²⁴⁵

Reflecting the impact of the UN Convention on the Rights of the Child, concerns were raised that children be consulted directly during policy deliberations in individual member states. The Irish workers' representative to Convention 182 negotiations petitioned that it be stipulated in the instrument that children and their families be involved in negotiations with other stakeholders, like workers and employers, when deciding on any national plans of action.¹²⁴⁶ However, at the African Tripartite Meeting on Child Labour in 1998, the call was made to involve children at every level of policy, 'problem identification, needs assessment and designing solutions'.¹²⁴⁷

¹²⁴¹ T Hammarberg, 'Children, the UN Convention and the Media' (1997) 5 *International Journal of Child Rights* 243, 243-44.

¹²⁴² L Abernethie, 'Child Labour in Contemporary Society: Why Do We Care' (1998) 6 *International Journal of Child Rights* 81, 107.

¹²⁴³ ILO, Oslo International Conference on Child Labour – Final Report (Geneva: ILO Publications 31 October 1997) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_28935/lang--en/index.htm

[Accessed: 26 November 2020] 4.

¹²⁴⁴ BR Suwal, B Kumar and KP Adhikari, Child Labour Situation in Nepal (Report from Migration and Employment Survey, 1995/96) (Geneva: ILO Publications 1 January 1997) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5182/lang--en/index.htm

[Accessed: 26 November 2020] 13.

¹²⁴⁵ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 16.

¹²⁴⁶ ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)' 17 June 1999, Geneva, Eighty Seventh Session, 74.

¹²⁴⁷ ILO, Report of the African Regional Tripartite Meeting on Child Labour, Kampala, Uganda 5-7 February 1998 (Geneva: ILO Publications 1 February 1998) Available at:

The final Convention did make import a duty of consultation of 'other concerned groups as appropriate' when designing policies aimed at ending the worst forms of child labour.¹²⁴⁸ However, in relation to determining which professions would qualify as the worst forms, or in relation to monitoring of implementation, the duty to consult was only extended to workers' and employers representatives i.e. those within the ILO's tripartite structure.¹²⁴⁹ This appears to fall more in line with the proposal made by the Irish workers' representative, rather than involving children at 'all levels' as was suggested at the African regional meeting. It is also worth noting that a duty to consult children specifically was not part of the Convention text, though they could reasonably be considered among 'other concerned groups' mentioned in Art 6(2). However, the text of the Recommendation which accompanied worst forms Convention, Recommendation 190 stipulated directly that 'children directly affected by the worst forms of child labour' should have their views taken into consideration when programmes of action were being developed at a national level.¹²⁵⁰

As has been customary, the punishment for child labour infractions continued in most countries was aimed at employers, as the children 'should not be considered as criminals, but victims'.¹²⁵¹ However, in a few countries, including Norway and Kenya, penalties were levied against the parents of child labourers,¹²⁵² premised on the notion that children are ultimately the responsibility of their parents. A problem was noted with the latter scheme however *i.e.* in many cases the parents of child labourers were illiterate¹²⁵³ or were unaware

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5884/lang--en/index.htm

[Accessed: 26 November 2020] 2.

¹²⁴⁸ ILO, 'Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour' 1 June 1999, Geneva Conference, Eighty-Seventh Session, Art 6(2).

¹²⁴⁹ ILO, 'Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour' 1 June 1999, Geneva Conference, Eighty-Seventh Session, Arts 4(3) and 5.

¹²⁵⁰ ILO, 'Recommendation 190: Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour Adopted by the Conference at its Eighty Seventh Session, Geneva, 17 June 1999' 17 June 1999, Geneva, Eighty Seventh Session, Para 2.

¹²⁵¹ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour)' June 1998, Geneva, Eighty-Sixth Session, 5.

¹²⁵² ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 40.

¹²⁵³ ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)' 17 June 1999, Geneva, Eighty Seventh Session, 56.

of the risks posed to their children by work.¹²⁵⁴ These types of framing of child labour all downplay children's agency in work, a conclusion that is evidenced further by an amendment to the text of the Convention proposed by the African members of the ILO. They recommended 'to replace the words "children from engaging" with the words "the engagement of children"' in the text of the new Convention.¹²⁵⁵ While this amendment was withdrawn after the meaning of its original formulation was clarified by the ILO, this does reveal that the agency of children in working was generally ignored, the assumption being that they were placed in work, rather than taking the decision to do so.

The trend towards granting children more scope for self-determination within child labour policy did not mean that the law lacked the paternalist outlook that was seen in previous moments, notably in regard to discussions of safety. For instance, German law precluded children from undertaking prescribed types of hazardous work on grounds that children were insufficiently able to divine risk by dint of their lack of experience of life.¹²⁵⁶ On a similar track, the Pakistani workers' representative dubbed children 'flowers in the forest', unseen and vulnerable highlighting the fragility with which children have been viewed.¹²⁵⁷ This type of comment also invoked the same emotional framing that was observed in relation to discussions surrounding the role of education in combating child labour.

10.8 ILO governance and managing international calls for action

During moment 5, child labour was problematized as requiring new and immediate legal intervention, due to the shortfalls in the pre-existing legal protections against it, most notably the low ratifications of Convention 138. The central message promulgated by the ILO during this moment was that the need to immediately end hazardous child labour 'here

¹²⁵⁴ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 45.

¹²⁵⁵ ILO, 'International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour)' 17 June 1999, Geneva, Eighty-Seventh Session, 45.

¹²⁵⁶ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 28.

¹²⁵⁷ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)' June 1998, Geneva, Eighty-Sixth Session, 10.

and now'¹²⁵⁸ was clear, and part of the overall goal towards ending all instances of child labour.¹²⁵⁹ This was an objective that Director General of the ILO, Michael Hansenne, felt all nations should commit to.¹²⁶⁰ An IPEC statement of aims noted that this would have to be undertaken in a 'progressive' manner,¹²⁶¹ advancing toward the overall goal by strengthening the national governments' capacity to address the child labour problem.¹²⁶² However, the wording here shifted frequently and in some instances the standard for success was ending 'abusive child labour' over the long-term.¹²⁶³ Further, Jensen referred to the goal of ending child labour as an 'eventual' result of the policies being put in place in the short term,¹²⁶⁴ which appeared to downplay the potential effect of the policies being pursued at the time.

¹²⁵⁸ K Tapiola et. al. (ILO), Protecting Children in the World of Work Labour Education 1997/3 No. 108: The ILO Bureau of Workers' Activities, (Geneva: ILO Publications 1 March 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_111504/lang--en/index.htm [Accessed: 26 November 2020] vi.

¹²⁵⁹ The Netherlands Ministry of Social Affairs and Employment, the Netherlands Ministry of Foreign Affairs and the ILO, Combating the Most Intolerable Forms of Child Labour: A Global Challenge. Amsterdam Child Labour Conference Report, 26 to 27 February 1997. (Geneva: ILO Publications 1 February 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5825/lang--en/index.htm [Accessed: 26 November 2020] 31.

¹²⁶⁰ ILO, Oslo International Conference on Child Labour – Final Report (Geneva: ILO Publications 31 October 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_28935/lang--en/index.htm [Accessed: 26 November 2020] 4.

¹²⁶¹ ILO, State Statistics Committee of Ukraine, Child Labour in Ukraine 1999: Statistical Bulletin (Geneva: ILO Publications 1 January 1999) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5108/lang--en/index.htm [Accessed: 26 November 2020] 238; ILO-IPEC, Implementation Report 2000: IPEC Action Against Child Labour: Achievements, Lessons Learned and Indications for the Future [1998-1999] (Geneva: ILO Publications 1 October 1999) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_171/lang--en/index.htm [Accessed: 26 November 2020] 7.

¹²⁶² ILO-IPEC, Implementation Report 1998: Action against Child Labour: Lessons and Strategic Priorities for the Future – A Synthesis Report (Geneva: ILO Publications 1 January 1998) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_20098/lang--en/index.htm [Accessed: 26 November 2020] 3.

¹²⁶³ IPEC, ILO-IPEC Highlights of 1996-97 and Guidelines for Future Action (Geneva: ILO Publications 14 October 1996) Available at: https://www.ilo.org/ipec/informationresources/WCMS_072049/lang--en/index.htm [Accessed: 26 November 2020] 12-13.

¹²⁶⁴ RT Jensen (ILO-IPEC), Development of Indicators on Child Labour (Geneva: ILO Publications 1 June 2000) Available at:

On a similar theme, Manning referred to any proposals of abolishing child labour ‘overnight’ as ‘foolhardy’,¹²⁶⁵ and alluded to the need to press for achievable change in the short-term. Likewise, the British government noted that a goal set at the ‘immediate elimination’ of child labour was ‘impractical and unenforceable at the current time’.¹²⁶⁶ The Spanish government took a stronger stance with the Spanish representative describing this move as being tantamount to outlawing poverty, a goal too lofty and destined to be unfulfilled.¹²⁶⁷

Many negotiators to Convention 182 proffered the opinion that while total abolition of child labour was a longer term goal,¹²⁶⁸ immediate action can and should be taken on child labour in its worst forms.¹²⁶⁹ It was acknowledged that not all nations would be able to achieve instantaneous results on child labour reform, even if this was only targeted at the subset the practice’s most egregious instances. Consequently appeals were made against insisting on the immediate elimination of the worst forms of child labour, which some government delegations felt would act as a barrier to ratification of the new Convention.¹²⁷⁰

Hopes were high for an instrument that targeted the most serious abuses, with the Canadian government noting at the 86th Labour Conference, that the expectation was that ratification of this new instrument would be universal and its implementation full.¹²⁷¹ Hansenne speaking at the Oslo Conference on Child Labour in 1997, felt that the fact of the strong response was in of itself a positive. He argued that this meant that ‘the war against

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_445/lang--en/index.htm

[Accessed: 26 November 2020] 5.

¹²⁶⁵ C Manning (ILO-IPEC), *Economic Crisis and Child Labour in Indonesia* (Geneva: ILO Publications 1 January 2000) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_8951/lang--en/index.htm

[Accessed: 26 November 2020] 6.

¹²⁶⁶ ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 30.

¹²⁶⁷ ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 35.

¹²⁶⁸ ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 5, 10.

¹²⁶⁹ ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 9-10.

¹²⁷⁰ ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 12.

¹²⁷¹ ILO, ‘International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour)’ June 1998, Geneva, Eighty-Sixth Session, 7.

child labour is being won and can be won in all countries in the coming 15 years'.¹²⁷² By being 'top of the global agenda', the days of child labour were numbered and the tide had inexorably turned in towards inevitable abolition,¹²⁷³ reinforcing calls for setting short-term goals.

Representatives from South Africa and Barbados both also made reference to the newly found consensus and the need to act upon it to generate real results on ending child labour.¹²⁷⁴ The Ivorian government felt that it was past time to act, and that the excuses of the past, such as poverty were no longer acceptable, 'on the eve of the twenty-first century'.¹²⁷⁵ Bill Clinton, the then US President took the opportunity to speak to the Labour Conference at its 87th session and hit on the significance of the time too, claiming that the new child labour Convention would be 'a gift to our children worthy of the millennium'.¹²⁷⁶

The end of child labour was often framed as inevitable and that to stand in the way of it was to stand in the way of progress, carrying on the theme of child labour's abolition being part of the progressive arc of history mentioned above. This carried on a trend that was seen in deliberations around Convention 138 in the previous moment, where the ILO positioned itself as guardians of a broader move towards 'social progress'. Querenghi, the Director of the ILO Bureau for Workers' Activities, referred to public actors who did not take action

¹²⁷² M Hansenne, Speech by Mr. Michel Hansenne at the Oslo Conference on Child Labour, 1997 (Geneva: ILO Publications 27 October 1997) Available at: https://www.ilo.org/ipecc/informationresources/WCMS_IPEC_PUB_30576/lang--en/index.htm [Accessed: 26 November 2020] 1.

¹²⁷³ M Hansenne, Speech by Mr. Michel Hansenne at the Oslo Conference on Child Labour, 1997 (Geneva: ILO Publications 27 October 1997) Available at: https://www.ilo.org/ipecc/informationresources/WCMS_IPEC_PUB_30576/lang--en/index.htm [Accessed: 26 November 2020] 1.

¹²⁷⁴ ILO, 'International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)' 17 June 1999, Geneva, Eighty-Seventh Session, 4-5.

¹²⁷⁵ ILO, 'International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)' 17 June 1999, Geneva, Eighty-Seventh Session, 8.

¹²⁷⁶ ILO, 'International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)' 17 June 1999, Geneva, Eighty-Seventh Session, 9.

despite wielding democratic power and political will as serving to ‘paralyze the process of change’.¹²⁷⁷

The relationship between the new Convention, number 182, and the previous major child labour Convention, number 138 (as discussed in moment 4) was hotly debated over the course of this moment. The Preamble of Convention 182 stipulated that the new Convention was designed to be complementary to Convention 138.¹²⁷⁸ However, the debates that led to the passing of the Convention often addressed whether ratification of the new Convention implied, or perhaps mandated, adherence to Convention 138 and the standards therein. Some states had raised concerns around the prospect of ratifying a new instrument which committed the states to ending child labour, even if it was by reference to Convention 138. Unease seemed to centre on whether this would require that ratifying states end all instances of children working, which Finland and New Zealand both noted had benefits in the appropriate setting and under the right conditions.¹²⁷⁹ The South African employers’ representative at the 86th Labour Conference noted the need to delineate between child labour in the broad sense and the narrower concept of its ‘worst forms’.¹²⁸⁰ This concept, of the worst forms of child labour, hit upon concerns around safety relating to work, which became a prominent feature of child labour policy discourse in this moment.

The American government, seemingly speaking authoritatively on behalf of the ILO, stated outright that ratification of Convention 182 did ‘not commit ratifying Members to embrace the terms of Convention No. 138’.¹²⁸¹ To this point, the French government called for Convention 182 to build upon the foundations Convention 138, not replacing but adding to

¹²⁷⁷ K Tapiola et. al. (ILO), Protecting Children in the World of Work Labour Education 1997/3 No. 108: The ILO Bureau of Workers’ Activities, (Geneva: ILO Publications 1 March 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_111504/lang--en/index.htm [Accessed: 26 November 2020] v.

¹²⁷⁸ ILO, ‘Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour’ 1 June 1999, Geneva Conference, Eighty-Seventh Session, Preamble.

¹²⁷⁹ ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 6, 27.

¹²⁸⁰ ILO, ‘International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)’ June 1998, Geneva, Eighty-Sixth Session, 4.

¹²⁸¹ ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 78.

the standards set out in the Minimum Age Convention.¹²⁸² Similarly, the Indian government stated that Convention 138 remained ‘the fundamental instrument for the abolition of child labour’.¹²⁸³

However, the US government, who had notably declined to ratify Convention 138, stressed that this meant that the new Convention would need to be more than a mere restatement of the standards in 138.¹²⁸⁴ The Canadian workers’ representative made it clear that overlap with Convention 138 would not benefit the new instrument, as the earlier Convention had permitted too few exceptions and had seen low numbers of ratifications as a result.¹²⁸⁵

The way child labour was problematized emphasised the urgency with which it had to be tackled, and the necessity of ILO action to address it. To some degree this was a case that the ILO was ‘fixing’ problems of its own making. Convention 182 was, from a governance perspective, a second attempt at fixing the problems that Convention 138 had tried to address. Primarily, the two Conventions, 138 and 182, were designed to consolidate efforts against child labour, with the ILO at its centre. In the years between moments 4 and 5, the ILO had taken steps to further entrench itself at the heart of child labour policy, notably the establishment of IPEC. A central problematization of child labour in this moment was that there needed to be a concentrated movement against child labour, and that the ILO should spearhead it, which the next section will discuss.

¹²⁸² ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 7.

¹²⁸³ ILO, ‘International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)’ 17 June 1999, Geneva, Eighty-Seventh Session, 10.

¹²⁸⁴ ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 17-18.

¹²⁸⁵ ILO, ‘International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)’ 17 June 1999, Geneva, Eighty Seventh Session, 22; J Blagrough, ‘Eliminating the Worst Forms of Child Labour – A New International Standard’ (1997) 5 *International Journal of Child Rights* 123, 124.

10.9 Conclusion: The ILO at the head of the 'worldwide movement' against child labour

In this moment, the ILO framed itself as not only a member of the global community but a leader of a 'worldwide movement'¹²⁸⁶ within it, spearheading the intervention on child labour with the backing of the ILO structure and drawing upon its vast experience to do so.¹²⁸⁷ This was accentuated with overtly moral framing, referring to the need to 'identify and denounce' child labour.¹²⁸⁸ This sentiment centred the ILO's place as the primary source of child labour policy, an issue that it said had only come to prominence outside of ILO circles in the years since the mid-1980s.¹²⁸⁹ This was further emphasised as the ILO stressed its 'duty and obligation' to tackle the worst forms of child labour,¹²⁹⁰ which was part of the overarching goal of 'eliminating' child labour altogether.¹²⁹¹

Child labour was singled out as important amongst the hazards specific to children, and the same ILO report declared that it was 'the single most important source of child exploitation and abuse'.¹²⁹² The wording here is carefully framed, not making a hard objective appeal to data, not claiming that child labour is the most widespread source of abuse or the one most likely to result in serious harm or death. Rather, the report posits that child labour is the most 'important', thus proscribing any room for doubting the ILO's mission or the essential nature of its role in the process, as a leader of the 'worldwide movement' against child labour.¹²⁹³

¹²⁸⁶ IPEC, ILO-IPEC Highlights of 1996-97 and Guidelines for Future Action (Geneva: ILO Publications 14 October 1996) Available at: https://www.ilo.org/ipcec/infromationresources/WCMS_072049/;ang--en/index.htm [Accessed: 26 November 2020] 1.

¹²⁸⁷ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 4.

¹²⁸⁸ ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Report IV)' 17 June 1999, Geneva, Eighty Seventh Session, 6.

¹²⁸⁹ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 6.

¹²⁹⁰ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 5.

¹²⁹¹ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI: Questionnaire – Child Labour' June 1998, Geneva, Eighty-Sixth Session, 1.

¹²⁹² ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 5.

¹²⁹³ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 6.

As part of the ILO's Declaration of its guiding principles it suggested that member states implicitly accepted a duty to adhere to the ILO's core values as membership to the body was voluntary. Lee suggested that as ILO membership was nearly universal that this implied broad acceptance of the core values embodied in the ILO's founding constitution, further evidenced he said, by the lack of questioning of them in the public arena.¹²⁹⁴ Among said values was a commitment to the 'effective abolition of child labour'.¹²⁹⁵ Additionally, an article covering labour rights published in the *Review* posited that the abolition of child labour was one of the 'four key areas' which made up the fundamental principles and rights of the ILO.¹²⁹⁶

Thus the passing of a new instrument, Convention 182, took on extra significance as it bore the load of rectifying the ILO's past and securing its future, a problematization of child labour that emphasised the necessity of the ILO tackling child labour successfully. This moment also gave an early opportunity for the ILO's specific child labour subsidiary body, IPEC to demonstrate its expertise regarding implementing practical policy solutions to child labour. IPEC and their role as ground-level coordinators, was frequently referenced within the deliberations surrounding Convention 182.

The ILO in moment 5 was shaped in many ways by the actions it took during moment 4 and the passing of the Minimum Age Convention. Though, arguably for the first time, child labour appeared to be at the very centre of what the ILO was designed for and oriented around. This saw something of a return to the predominant view of child labour that the ILO had at its founding during moment 1. For the first time since then, the total elimination of child labour was a central organizational goal and one that the ILO was throwing its entire weight behind. The steps taken in Convention 182 could be seen as a modest step in the right direction, as the focus was on a generally smaller subset of child work than previously.

¹²⁹⁴ E Lee, 'Globalization and Labour Standards: A Review of Issues' (1997) 136(2) *International Labour Review* 173, 184.

¹²⁹⁵ ILO, 'ILO Declaration on Fundamental Principles and Rights at Work' 18-19 June 1998, Geneva Conference, Eighty-Sixth Session; (1998) 137(2) *International Labour Review* 253, 254; N Valticos, 'International Labour Standards and Human Rights: Approaching the Year 2000' (1998) 137(2) *International Labour Review* 135, 136; H Kellerson, 'The ILO Declaration of 1998 on Fundamental Principles and Rights: A Challenge for the Future' (1998) 137(2) *International Labour Review* 223, 223.

¹²⁹⁶ *International Labour Review*, 'Introduction: Labour Rights, Human Rights' (1998) 137(2) *International Labour Review* 127, 133.

The major organising themes of this moment that came out of child labour policy discussions were that action needed to be taken to remedy the 'failure' of Convention 138 and in order to meet this urgent need for action on ending child labour in a significant sense. On reflection, the standards it sets do not constitute a major breakthrough, as it did not reach a degree of consensus on child labour that had not existed prior to its passing. Rather, Convention 182 saw ILO member states rallying around taking action against the types of child labour that had been long accepted as worthy of abolition.



Figure 10.2: Chapter 10 Summary

Part IV: Analysis and Conclusions

Chapter 11: Analysis of overarching themes and looking forward

11.1 Introduction

This research has analysed the relationship between the ILO and child labour over the course of five chosen moments across the 20th Century. Child labour, as an enduring and central part of the ILO's policy front has made an appropriate lens through which to chart the development of the ILO as an international policymaking entity. Given the specificity of child labour, and its proximity to the ILO beyond other comparable organisations, and its longevity has offered the opportunity for this hybrid theoretical study.

The research questions posed in the introductory chapter will be evaluated against the trends that were observed over the five moments regarding each of the five pillars. They will be discussed and explained, in reference to the relative and absolute prevalence of each, and the evolutions and change seen within the pillars will be considered by focusing on the ways in which the expression of each has shifted over this period. As this research has opened unique themes that have been highlighted, a consideration will be made of possible avenues for widening the use of pillars to amplify the potential findings that can be generated from this type of study.

11.2 Assessing the approach used in this study

This research was undertaken with the intent of addressing four major research questions, which are as follows:

- Can a hybrid framing theory and governmentality approach be used to provide greater insight into child labour policy?
- Can child labour's policy development within the ILO be better explained by orienting research inquiry from an historical perspective? Can this be structured by focusing upon significant moments within the ILO's history?
- Can shifts in the regulatory outlook of the ILO be explained by structural changes in the types of arguments made in relation to child labour? Can thematic pillars be used to demonstrate this?

- Is the development of child labour policy over time able to explain, and be explained by, changes in the regulatory outlook of the ILO?

The following sub-sections will cover the first two of these questions, relating to the theoretical approach used in this study and how the structure was formulated to put said theory into practice. A reflection of how the choices were made in relation to both questions worked in practice and the impact that these selections had on the findings generated by this study will be discussed.

The hybrid theoretical model of framing and governmentality

Child labour policy is a distinctly international space, in terms of the primary site for its deliberation and the setting of standards. With this in mind, it was necessary that the theoretical structure used should encapsulate both the deliberative and argument-centric aspect of policy discussions,¹²⁹⁷ whilst also accounting for the international political context in which child labour policy is shaped. To this end, framing theory was used in combination with international governmentality (covered in Part I), making a hybrid framing theory and governmentality approach which provided greater insight into the development of child labour policy over time.

Framing theory, as a means of understanding the way in which arguments are presented¹²⁹⁸ was combined with the theoretical insights from international governmentality.¹²⁹⁹ Framing theory offered an apt means of analysing policy as the deliberations around new legal instruments are characterised and shaped by the argumentation that leads up to their passing. Once legal instruments are passed, the site of argumentation often becomes the text of the Convention, Recommendation or policy document in question. Further, in the international legal context that the ILO works within, the passing of Conventions at ILO-level

¹²⁹⁷ J. Joseph *The Social in the Global: Social Theory, Governmentality and Global Politics* (New York: Cambridge University Press 2012), 19-20.

¹²⁹⁸ M.A. Cacciatore D.A. Scheufele and S. Iyengar 'The End of Framing as we Know it ... and the Future of Media Effects' (2016) 19(1) *Mass Communication and Society* 7, 10; K. Hallahan 'Seven Models of Framing: Implications for Public Relations' (1999) 11(3) *Journal of Public Relations Research* 205, 207.

¹²⁹⁹ H.M. Jaeger 'UN reform, biopolitics, and global governmentality' (2010) 2(1) *International Theory* 50, 51-52; 60.

is not the end of the process. The focus shifts thereafter to encouraging member states to ratify and implement the standards therein.¹³⁰⁰

Due to the presence of national governments among its membership, inherently the ILO exists in a political context,¹³⁰¹ and thus purely focus on argumentation would not have been sufficient for this research. Instead, a theoretical model that recognized the dynamics between international and national regulators and the coordination required with stakeholders at various levels was required. To achieve this, international or global governmentality was used. At the level of international legal regulation, governmentality is as much a question of forming an institutional composition or personality and to this end this process entails the use of framing techniques. The most obvious examples in this study come from the way that the ILO framed itself as an apolitical actor within the international space,¹³⁰² and a senior organ of the international arena, due to it being one of the few holdovers from the League of Nations era.¹³⁰³

This hybrid framing-governmentality theoretical model has used child labour policy as a means of analysing the way in which the state, its roles, responsibilities and jurisdiction have been constructed over time within the ILO. These issues are presented in various aspects of policy and offered as arguments for the role of international regulation in relation to child labour, and the utility of global governance more broadly. Further, due to the political realities brought to bear, many of the arguments made within the discursive space of the ILO also seek to justify why it is the ILO and not an alternative body or organisation that is best placed to foster and drive meaningful, positive change.

¹³⁰⁰ ILO, 'Child Labour Platform (CLP) and the Global Compact: Public-Private Partnership', (Geneva: ILO Publications 2015) http://www.ilo.org/pardev/public-private-partnerships/factsheets/WCMS_409571/lang--en/index.htm Accessed: 9 July 2018, 1.

¹³⁰¹ G Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press 2013) 50.

¹³⁰² International Labour Review, 'Nineteenth Session of the International Labour Conference.' (1935) 32 *International Labour Review* 289, 312; JP Goldberg, 'Results of the 1973 International Labor Conference' (1973) 96(10) *Monthly Labor Review* 28, 28.

¹³⁰³ International Labour Review, 'Industrial and Labour Information: International Labour Organisation' (1945) 52(6) *International Labour Review* 656, 666.

The structure of the study

The focus of the study was ultimately on the parallel histories of the ILO as an institution and the development of child labour as a distinct international policy space. By focusing the study on developing an institutional history of the ILO, it enabled an examination of how the body's roots have shaped and continue to influence policy over time. The way arguments had been constructed, or more specifically framed, combined with the thematic pillars paint a coherent picture of the state of child labour policy in each of the five studied moments.

The moments structure was decided upon as the optimum means of mapping the international child labour policy space within the ILO (see Section 4.4). In order to cover a larger period of time, and analyse variations in this arena particular significant events and legislation were pinpointed as apt locations for in-depth examination. Additionally, in the light of recognising the major role that the ILO has, this study chose to strike a balance by including the voices of other actors who commented on the actions of the ILO at the time. Examination of sources external to ILO proceedings was a vital means of widening the perspective within the moments.

The next section will consider the shifts observed among each of the thematic pillars and evolution across the moments studied, together with the way these were influenced by major historical events, addressing the latter two research questions outlined in the introductory chapter.

11.3 The study and analysis of its findings: Trends of pillar usage to chart development over the course of the study

The shifts in the regulatory outlook of the ILO were interpreted by using thematic pillars to chart the changes in the types of arguments that were made in relation to child labour. A breakdown of the spread of thematic pillars being utilised in the analysed documents was recorded to facilitate an overview of the resources as charts (Figure 10.1). Fluctuations in the relative prominence of thematic pillars, represented as a percentage of the sampled sources in which they were observed, across the moments were also recorded (Figure 10.2). Additionally, each pillar will be examined as to how it changed and shifted in the way it was framed across the moments. Reasons for the changes, as well as the governance and geopolitical shifts that accompanied them were discussed and will be amplified here.

The changes for all five pillars as they changed in relation to the previous moment were considered in each of the separate chapters (6 through 10). However, an overarching view needs to be made so that an analysis of changes so as to give an insight into the development of the thematic pillars is useful for review.

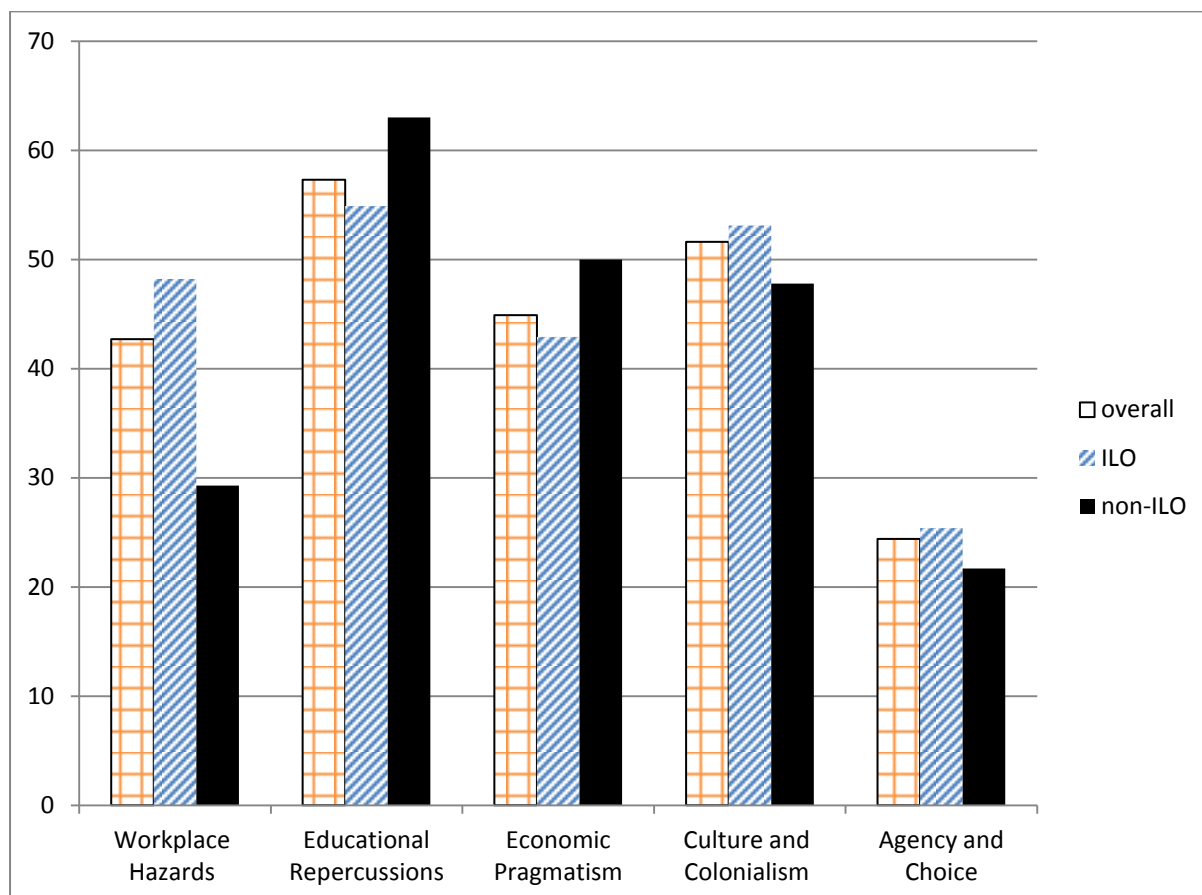


Figure 11.1: Overview of focal points in thematic pillar analysis across all moments

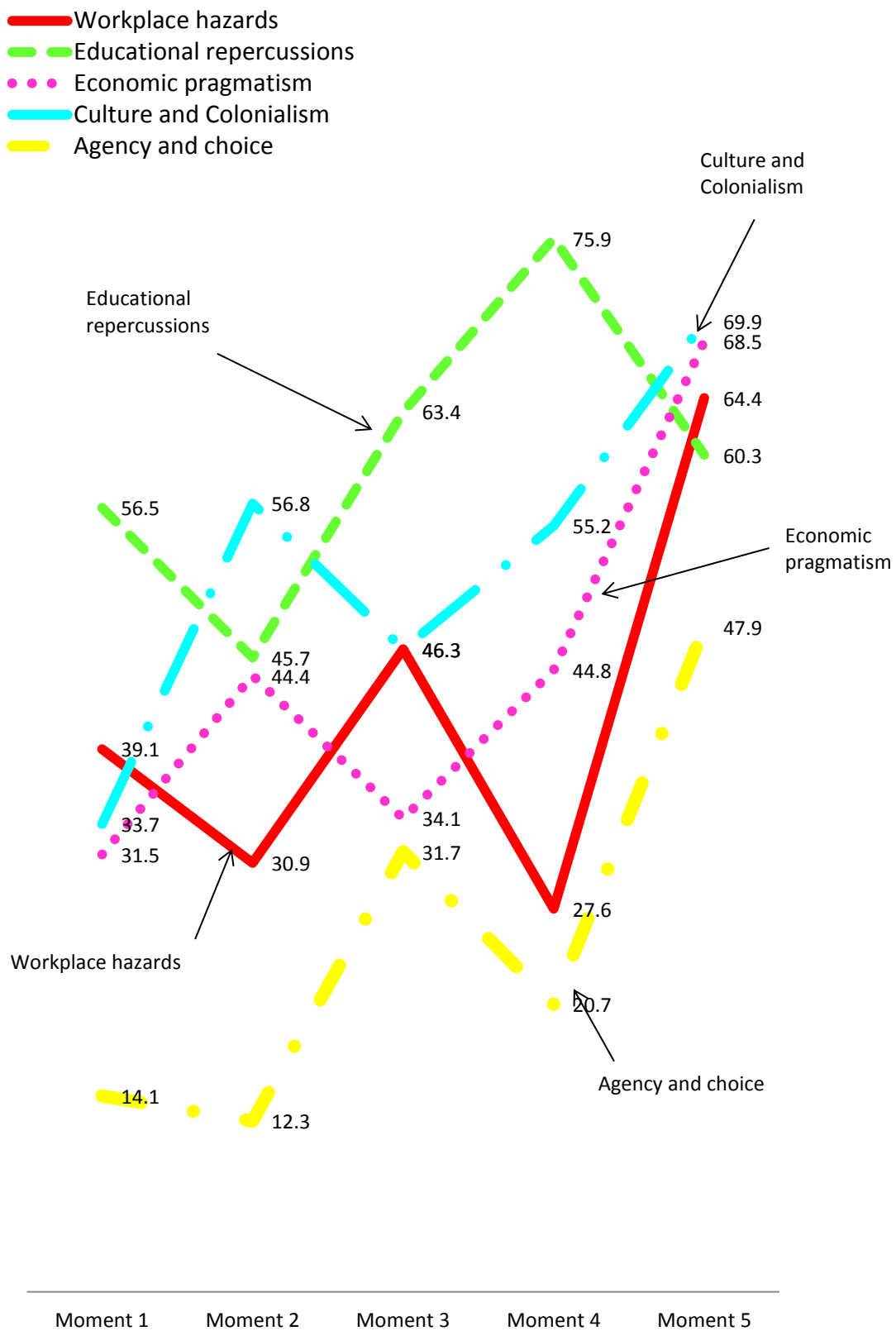


Figure 11.2: Trend of thematic pillar usage across the five moments of study (numerical values correspond to how often each pillar was observed in the papers sampled in each moment among both ILO and non-ILO sources).

11.3.1 Workplace hazards pillar

Trends in use

The prominence of the safety pillar in relation to the other pillars fluctuated, rising and falling in relative use from one moment to the next. The spike seen with of the safety pillar in moment 5 are a result of the new focus on the ‘worst forms’ and particularly hazardous instances of child labour at that time. The primary aim of the ILO and international community at large during moment 5 was to end the worst and hazardous forms of child labour.¹³⁰⁴ Thus, discussions were focused on specifying what would be considered a ‘worst form’ of child labour, and this elicited definitions in relation to risk of harm to the health, safety or morals of a child posed by work.¹³⁰⁵ Further, safety was a central part of the definition of hazardous work which featured in Recommendation 190,¹³⁰⁶ passed alongside Convention 182.

Moments 2 and 4 exhibited the lowest percentage of sources that framed child labour as an issue of safety. During the commentary of moment 4, it was explained that the question of child safety in the workplace became subsumed into larger conversations around the welfare of all workers, irrespective of age.¹³⁰⁷ Thus, it is logical that safety would fall in relative prominence in comparison to other arguments concerning child labour. In moment 2 the sources that did mention safety did so with the same vigour that was seen during other moments where the pillar was more common. Child labour was still framed as a barrier to physical development in moment 2, with concerns raised as to the long-term

¹³⁰⁴ K Tapiola et. al. (ILO), Protecting Children in the World of Work Labour Education 1997/3 No. 108: The ILO Bureau of Workers’ Activities, (Geneva: ILO Publications 1 March 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_111504/lang-en/index.htm [Accessed: 26 November 2020] vi.

¹³⁰⁵ ILO, ‘Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour’ 1 June 1999, Geneva Conference, Eighty-Seventh Session, Art 3.

¹³⁰⁶ ILO, ‘Recommendation 190: Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour Adopted by the Conference at its Eighty Seventh Session, Geneva, 17 June 1999’ 17 June 1999, Geneva, Eighty Seventh Session, Para 3.

¹³⁰⁷ A Kotlyar, ‘Problems of Younger Workers in the USSR’ (1974) 109(4) *International Labour Review* 359, 370.

effects of working on the children in question.¹³⁰⁸ The relative fall in the frequency of safety framings likely resulted from increased delegation to national authorities on the questions of light and dangerous work,¹³⁰⁹ which would have had the corollary effect of lessening the prominence of safety discussions at the international level.

Based on the findings, safety was a significantly larger concern within ILO auspices than outside its institutional sphere. Workplace hazards were observed more commonly among ILO sources in all 5 moments than the corresponding non-ILO sources.

Evolution and development across moments

During moments 1 and 2 the framing of child labour in relation to safety stressed primarily the hazards engendered by children in the workplace. Work was also often framed as a barrier to physical development,¹³¹⁰ including in the Versailles Treaty that was used to establish the existence of the ILO as an organisation, which among its aims was built to combat and end child labour.¹³¹¹ In particular during moment 2, the discussion of safety took on a scientific weight, with medical professionals becoming involved in designating

¹³⁰⁸ D.C. Tait, 'Unemployment of Young People in Great Britain' (1935) 31 *International Labour Review* 166, 172; ILO, 'Convention No. 33: Minimum Age (Non-Industrial Employment) Convention' 12 April 1932, Geneva Conference, Sixteenth Session, Art 3(1).

¹³⁰⁹ ¹³⁰⁹ ILO, 'Convention No. 33: Minimum Age (Non-Industrial Employment) Convention' 12 April 1932, Geneva Conference, Sixteenth Session, Arts 1, 3 and 5; ILO, 'Convention No. 60: Minimum Age (Non-Industrial Employment) Convention (Revised)' 3 June 1937, Geneva Conference, Twenty-Third Session, Arts 1, 3, 5 and 6.

¹³¹⁰ Commission on International Labour Legislation, 'The proceedings at the Preliminary Peace Conference, report of the Commission on International Labour Legislation' (11 April 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 284-308.), 306; Commission on International Labour Legislation, 'Resolutions adopted by the Commission' (11 April 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 281-282.), 282; Commission on International Labour Legislation, 'Labour clauses points 2 and 3: Minutes of Proceedings, No. 30' (20 March 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 196-203.) 202; *International Labour Review*, 'The International Labour Office and the Protection of Children' (1921) 3(1) *International Labour Review* 3, 12; *International Labour Review*, 'Agriculture: Control of the Employment of Children in Agriculture in Europe' (1921) 4(2) *International Labour Review* 402, 402-403; *International Labour Review*, 'Factory Inspection in Czechoslovakia, 1930-1935' (1938) 37 *International Labour Review* 651, 656; *International Labour Review*, 'The Minimum Age for Employment in Switzerland' (1938) 38 *International Labour Review* 680, 681.

¹³¹¹ League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.), 427.

work appropriate or otherwise for children based on their levels of development.¹³¹² The utilisation of medical experts in this field showed a use of expert discourses as the delegated authority, or subjectivities, which undergirded ILO action against child labour in this field.

In moment 3 framings of safety utilised moralising discourses concerning safety less frequently, and instead discussed child labour as an unfortunate fact of the difficulties created in various nations by the pressures brought on by the Second World War.¹³¹³ Though, in moments 4 and 5 safety framings changed to reflect the new child labour Conventions,¹³¹⁴ which designated differences between hazardous and non-hazardous instances of child work. The delineation between hazardous and non-hazardous work was an example of the ILO outlining its field of visibility, drawing definitional lines around the types of labour that fell under its jurisdiction to fight against. Further, the question of safety in work and employer welfare was considered more broadly, as it had become a political priority that concerned all classes of workers, not just children.¹³¹⁵ The standard that was approved of was that young people at least at the age of 16 could be permitted to work in hazardous occupations, if provision had been made for adequate supervision and oversight.¹³¹⁶

During moment 5 in particular, as the focus of Convention 182 was combatting the ‘worst forms’ of child labour, the question of what these were took a central place in policy deliberations. Among the factors that were considered indicative of work being a ‘worst form’, were instances of work that incurred harm in a physical, psychological and emotional

¹³¹² International Labour Review, ‘The Minimum Age for Employment in Switzerland’ (1938) 38 *International Labour Review* 680, 682-83.

¹³¹³ Monthly Labor Review, ‘Employed Youth’ (1943) 56(4) *Monthly Labor Review* 694, 695; International Labour Review, ‘Juvenile Labour in Wartime in the United States’ (1943) 48(3) *International Labour Review* 324, 324.

¹³¹⁴ ILO, ‘Convention No. 138: Convention concerning Minimum Age for Admission to Employment’ 6 June 1973, Geneva Conference, Fifty-Eighth Session, Art 1 and 7; ILO, ‘Recommendation 190: Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour Adopted by the Conference at its Eighty Seventh Session, Geneva, 17 June 1999’ 17 June 1999, Geneva, Eighty Seventh Session, Para 3; ILO, ‘Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour’ 1 June 1999, Geneva Conference, Eighty-Seventh Session.

¹³¹⁵ International Labour Review, ‘The 59th Session of the International Labour Conference, June 1974’ (1974) 110(4) *International Labour Review* 277, 294.

¹³¹⁶ ILO, ‘Convention No. 138: Convention concerning Minimum Age for Admission to Employment’ 6 June 1973, Geneva Conference, Fifty-Eighth Session, Art 3.

way. This shaped the way that safety framings of child labour were made during moment 5 and signified a shift in the way 'health' was framed, now as having physical and mental aspects.¹³¹⁷

11.3.2 Educational repercussions pillar

Trends in use

The framings of child labour which emphasised the educational ramifications of the practice were most prominent across the entire study (seen in Figure 10.1), both when observing ILO and non-ILO sources in total across all five moments of the study. Education was also the most often used pillar in moments 1, 3 and 4 (seen in Figure 10.2). This was explained primarily by the fact that the threshold between acceptable and unacceptable instances of child labour was often determined by the level of schooling completed by the child in question, seen in Conventions 138,¹³¹⁸ 182.¹³¹⁹ Additionally, a primary concern in all moments was the capacity for child labour to interfere with the completion of schooling, a sentiment that was present in the founding constitution of the ILO,¹³²⁰ detailed in moment 1. However, the relative import of education fluctuated, seeing steep decreases in moments 2 and 5 when compared with the prior moments. It is notable that both moments 2 and 5 saw the discussion of the potential for the coexistence of work and schooling in children's lives becoming more prominent.¹³²¹

¹³¹⁷ ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)' 17 June 1999, Geneva, Eighty Seventh Session, 68.

¹³¹⁸ ILO, 'Convention No. 138: Convention concerning Minimum Age for Admission to Employment' 6 June 1973, Geneva Conference, Fifty-Eighth Session, Art 2(3); International Labour Review, 'The 58th Session of the International Labour Conference, June 1973' (1973) 108(4) *International Labour Review* 263, 264.

¹³¹⁹ ILO, 'Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour' 1 June 1999, Geneva Conference, Eighty-Seventh Session, Art 7.

¹³²⁰ Commission on International Labour Legislation, 'The proceedings at the Preliminary Peace Conference, report of the Commission on International Labour Legislation' (11 April 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 284-308.), 306.

¹³²¹ For moment 2: ILO, 'Recommendation No. 41: Minimum Age (Non-Industrial Employment) Recommendation' 12 April 1932, Geneva Conference, Sixteenth Session, Art I.

And moment 5: R Anker, 'The Economics of Child Labour: A Framework for Measurement' (2000) 139(3) *International Labour Review* 257, 261-262.

Education was proportionally more common among non-ILO sources overall, though it was only observed in moments 1 and 3, with a broadly similar prominence in moment 2 between ILO and non-ILO sources. In moments 4 and 5, the education pillar was relatively more prominent among ILO sources. The growth in coverage of education in ILO sources in moments 4 and 5 reflects the passage of new child labour legislation in both moments. As both Conventions 138 and 182 directly mentioned schooling in constructing the standard for acceptable child work, it was to be expected that education would see an increase in coverage among ILO sources in the moments that these instruments were deliberated and passed.

Evolution and development across moments

Education was the most widely invoked of all the pillars across the study, but it was also the pillar that had the most overlap with others. In moments 2 and 3, educational concerns overlapped substantially with economic concerns, namely those brought about by the Depression and the Second World War. In moment 4, educational policy intersected with questions around the different regulatory picture that was present globally. Namely, the lack of infrastructure in poorer nations meant that effectively mandating school would have limited practical impact.

Schooling was framed in moment 1 as being central to opportunities for children as they went into adulthood, as education and work were necessarily opposed.¹³²² Moment 2 covered the Conventions passed during the years following the Great Depression in the early-to-mid-1930s, and understandably economic concerns shaped the attitude towards education during that time. In particular the usefulness of schooling and the practical expertise it conferred was of central importance, as there was a concern that young workers were struggling to enter the workforce in a depressed economy.¹³²³ Consequently, there was a softening of the hard line drawn between school and work in moment 1, and instead

¹³²² League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.), Art 427.

¹³²³ International Labour Review, 'The Twenty-Fourth Session of the International Labour Conference.' (1938) 38 *International Labour Review* 301, 309-10.

educational establishments that were attached to an employer were implemented in some nations during moment 2.¹³²⁴

Additionally in the early moments, education was framed as serving the important social function: building children into productive and high achieving citizens.¹³²⁵ Framings of these types served to raise the stakes for the ILO getting regulation of child labour right, as it was not just individual children who served to benefit, but society as a whole. Thus, this widened the field of visibility of the labour policy and the ILO itself, as its concern had to extend to the social wellbeing of children and the nations over which it presided. The social effect of child labour was considered once again in moment 3, though through the lens of its macroeconomic impact. Within educational policy in moment 3, training facilities were again prioritised,¹³²⁶ though a redoubling of efforts to ensure that children completed schooling was committed to after this fell to wayside during the War years.¹³²⁷

This widened the ILO's field of visibility, as it concerned itself not only with child labour, but with helping to provide viable alternatives to it. This included alternative routes for children and young people to receive education such as apprenticeship schemes,¹³²⁸ which was a policy priority for the ILO from as early as moment 1. This continued especially in the later moments where oversight mechanisms were implemented to ensure that young workers were trained to sufficiently to enter the world of work successfully.¹³²⁹ Moment 5 saw the

¹³²⁴ International Labour Review, 'Nineteenth Session of the International Labour Conference.' (1935) 32 *International Labour Review* 289, 305-06; G.R. Giles, 'Unemployment among Young People in Australia' (1935) 31 *International Labour Review* 811, 834; D.C. Tait, 'Unemployment of Young People in Great Britain' (1935) 31 *International Labour Review* 166, 178.

¹³²⁵ Commission on International Labour Legislation, 'Agenda of first session of Conference: Minutes of Proceedings, No. 23' (14 March 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 134-141.) 141; Commission on International Labour Legislation, 'Hearing the representatives of the International Women's Council, Conference of Allied Women Suffragists, Office des Intérêts féminins, Syndicats ouvriers confédérés and Ligue française du Droit des Femmes: Minutes of Proceedings, No. 27' (18 March 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 161-175.), 167-168.

¹³²⁶ Monthly Labor Review, 'Youth in Industry' (1943) 56(1) *Monthly Labor Review* 56, 56.

¹³²⁷ Monthly Labor Review, 'Teen-Age Youth in the Wartime Labor Force' (1944) 60(1) *Monthly Labor Review* 6, 16; EA Merritt and F Hendricks, 'Child Labor' (1944) 60(4) *Monthly Labor Review* 756, 756; Monthly Labor Review, 'Child Labor' (1944) 59(5) *Monthly Labor Review* 1034, 1034.

¹³²⁸ Commission on International Labour Legislation, 'Agenda of first session of Conference: Minutes of Proceedings, No. 23' (14 March 1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 134-141.), 141.

¹³²⁹ International Labour Review, 'The 59th Session of the International Labour Conference, June 1974' (1974) 110(4) *International Labour Review* 277, 278-79.

potential for schools to act as a delegated enforcement and monitoring mechanism for child labour infractions was proposed.¹³³⁰ It was mooted that teachers could observe and flag potential child labourers who were not attending school regularly. This saw an extension for the potential delegated ILO actors, and technologies of government, beyond national governments to local school personnel.

Moment 4 saw education used as the primary limiting factor on children's labour participation, as children would be ineligible to work in any profession before achieving a base level of education under the new Convention 138.¹³³¹ However, central to this was the quandary around the level of funding and schooling available across the globe. Many nations lacked the necessary resources to ensure that all children had access to school. However, workplace developments over the prior decades had meant that low-skilled jobs were becoming increasingly automated and thus made education all the more vital as a means of getting out of poverty long-term.¹³³² Moment 5 saw a pivot in the use of the educational pillar as discourses around education in this moment took on a more emotive tone.¹³³³ The tenor of policy deliberation tilted towards framing child labour as an attack on the potential of children and their capacity to achieve as it limited their ability to attend school.¹³³⁴ Though, the focus shifted here to ways in which schooling could and should be changed to make it a more useful and attractive option to children and their families.¹³³⁵

¹³³⁰ ILO, Child Labour in Africa: Targeting the Intolerable. African Regional Tripartite Meeting on Child Labour: Kampala, Uganda 5-7 February 1998 (Geneva: ILO Publications 1 February 1998) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5827/lang--en/index.htm [Accessed: 26 November 2020] 24.

¹³³¹ ILO, 'Convention No. 138: Convention concerning Minimum Age for Admission to Employment' 6 June 1973, Geneva Conference, Fifty-Eighth Session, Art 2(3).

¹³³² ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 8-9; HJ Neary, 'The BLS Pilot Survey of Training in Industry' (1974) 97(2) *Monthly Labor Review* 26, 26.

¹³³³ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 57.

¹³³⁴ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 8; .

¹³³⁵ ILO-IPEC, Central Statistical Office, Ministry of Public Service, Labour and Social Welfare, Zimbabwe National Child Labour Survey, Country Report: Zimbabwe 1999 (Geneva: ILO Publications 1999) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_8651/lang--en/index.htm [Accessed: 26 November 2020] xi-xii; ILO, State Institute of Statistics Prime Ministry Republic of Turkey, Child Labour in Turkey 1999 (Geneva: ILO Publications 1 January 1999) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5104/lang--en/index.htm [Accessed: 26 November 2020] 45.

11.3.3 Economic pragmatism pillar

Trends in use

The presence of the economic pillar was more common proportionally among non-ILO sources, which likely reflects the effect of the more national focus of the non-ILO sources on the whole. The fact that national publications were more concerned with the implementation of programmes against child labour explicates the increased focus upon the financial ramifications of reforms. Non-ILO sources considered the administrative aspects of child labour policy more frequently, covering the working of permit systems and certification systems.¹³³⁶ Among non-ILO sources there were more frequent instances of the child labour being considered from the employers' side, with some arguing that child workers presented a poor financial choice for the hiring party.¹³³⁷ Economic framings were significantly more common in non-ILO sources in moments 1 and 3, and economics were proportionally more prominent among ILO sources in moment 5.

Economic framings of child labour varied in their relative prominence to other pillars over the course of the study. The main factor determining the frequency of economic framings appeared to be wider political issues and the state of the global economy. During moments 2¹³³⁸ and 4¹³³⁹ the international sphere was being severely affected by global economic recessions. Therefore it was unsurprising to observe relative increases in the number of views expressed that framed child labour as an economic phenomenon, or at least one with a significant financial impact. Economic framings were at their absolute lowest during moment 3, where the focus of international governance was toward the new norms that would be established in the post-WWII era.¹³⁴⁰ This meant that with the removal of wartime expenses, national governments would likely spend more as a general matter in order to realise the recovery and renewal that the new peacetime era promised.

¹³³⁶ Monthly Labor Review, 'Child Labor' (1937) 45(6) *Monthly Labor Review* 1371, 1372-73; EA Merritt, 'Child Labor under the NRA as Shown by Employment Certificates Issued in 1934' (1935) 41(6) *Monthly Labor Review* 1477, 1491.

¹³³⁷ AM Young, 'The High School Class of 1972: More at Work, Fewer in College' (1973) 96(6) *Monthly Labor Review* 26, 28.

¹³³⁸ International Labour Review, 'ILO Notes' (1935) 31 *International Labour Review* 1, 2.

¹³³⁹ International Labour Review, 'The 59th Session of the International Labour Conference, June 1974' (1974) 110(4) *International Labour Review* 277, 297.

¹³⁴⁰ WJ Cohen and JH Barr, 'The 1944 International Labor Conference' (1944) 7 *Social Security Bulletin* 11, 11.

Evolution and development across moments

Across all moments, the economic calculus lay at the heart of child labour as a present and central concern for ILO policymakers. It was always accepted that for many children and their families that their financial situation made engaging in child labour a necessity for their subsistence. Economic framings of child labour throughout the study were influenced substantially by the geopolitical picture around the ILO, and the governance of child labour was often influenced by major events. It was also common for the economic aspects of child labour to be discussed in tandem with educational reform, as better education was often framed as the best means for poorer families to escape their economic straits.

In moment 1 the ILO's founding constitution stated that child labour was a practice that the body had been founded to eliminate.¹³⁴¹ Despite this, representatives to the early Labour Conferences appeared to accept that abolition was a long-term goal and that in an immediate sense some degree of child labour was contemporaneous to allow poor families to survive.¹³⁴² During moment 2, economic concerns brought about by the Great Depression influenced framings amongst all other pillars to some extent. The economic difficulties seen across the globe at this time were framed as strengthening the argument for action against child labour as uneducated young people were finding gaining sustainable employment especially difficult.¹³⁴³

The passing of Convention 138 in moment 4 saw another overlap between economics and educational policy. Notably, at Labour Conferences during moment 4, the practicality of imposing mandatory schooling on the developing world was met with scepticism from many representatives as to how realistic this proposition was.¹³⁴⁴ The most prominent economic

¹³⁴¹ League of Nations, 'The Versailles Treaty, Part XIII: Labour' 28 June 1919 (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 332-345.) Art 427.

¹³⁴² International Labour Review, 'Protection of Women and Children – New British Legislation Affecting Women and Young Persons' (1921) 1(1) *International Labour Review* 121, 122; International Labour Review 'Education' (1921) 3(1) *International Labour Review* 205, 206.

¹³⁴³ Monthly Labor Review, 'Secretary of Labor's Recommendations on the Problem of Unemployed Youth' (1935) 40(6) *Monthly Labor Review* 1460, 1460; EN Matthews, 'Unemployed Youth of New York City' (1937) 44(2) *Monthly Labor Review* 267, 271.

¹³⁴⁴ JP Goldberg, 'Results of the 1972 International Labor Conference' (1972) 95(9) *Monthly Labor Review* 38, 44-45; ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 86; ILO,

framing during moment 4 of child labour was that its practice constituted an economic inefficiency. Essentially the argument was that societies that relied on child labour it were prioritising short-term gains at the expense of developing a skilled workforce that would pay dividends in the long term, especially necessary in an increasingly skills-based economy.¹³⁴⁵

During moment 5 the economic thematic pillar was shaped by a more interconnected global economy.¹³⁴⁶ For the first time in the study, the developing world was framed as a competitor to its Western counterparts and framing of regulation shifted in response.¹³⁴⁷

Regulation of child labour was being framed as necessary, and a means to avoid Third World economies gleaning an illegitimate competitive advantage by bringing down production costs.¹³⁴⁸ For the first time, it appeared that child labour regulation was perceived as a safeguard for the West rather than as a scheme aimed at improving welfare in the Global South.

11.3.4 Culture and colonialism pillar

Trends in use

The cultural pillar was observed frequently, ranking relatively high across the study as it was always among the top three most prominent pillars in each of the moments. Cultural framings were broadly as common among ILO and non-ILO sources, reflecting that it was a similarly large priority within and outside the ILO.

'International Labour Conference: Fifty-Seventh Session. Geneva, 1972 (First Discussion)' (Geneva: International Labour Office 1972) 641-642.

¹³⁴⁵ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 8-9; HJ Neary, 'The BLS Pilot Survey of Training in Industry' (1974) 97(2) *Monthly Labor Review* 26, 26; L Emmerij, 'Education and Employment: Some Preliminary Findings and Thoughts' (1973) 107(1) *International Labour Review* 31, 33 and 37.

¹³⁴⁶ H Kellerson, 'The ILO Declaration of 1998 on Fundamental Principles and Rights: A Challenge for the Future' (1998) 137(2) *International Labour Review* 223, 224.

¹³⁴⁷ A.E. Eckes 'Globalization' in G Martel (ed), *A Companion to International History 1900-2001* (Oxford: Wiley-Blackwell 2007) 409.

¹³⁴⁸ International Labour Review, 'Supervising Labour Standards and Human Rights: The Case of Forced Labour in Myanmar (Burma)' (1998) 137(3) *International Labour Review* 391, 403.

In moment 1 this took the form of certain nations being permitted to derogate from Convention standards where cultural practices prevented full compliance. Differing standards were often justified in relation to a lack of infrastructure in poorer, less developed nations.¹³⁴⁹ For instance, in Indian industry lower minimum working ages were permitted in settings where 'Oriental industrial methods' were in use.¹³⁵⁰ There was an appreciation that reducing the degree of difference in cultural norms, and methods of working would take time,¹³⁵¹ and that as a result provision had to be made for the different labour picture observed in various parts of the world.

Cultural arguments trended upwards in the last two moments, with it being the most prominent pillar observed in the study in moment 5. This was influenced by shifts in the priorities of the ILO during these two moments. In moments 4 and 5, the ILO appeared to be more concerned with passing legal instruments that would apply in all nations, and this manifested in a focus on the ratification rates of the Conventions passed in moments 4 and 5. The deliberations around Conventions 182 in particular focused on the question of balancing standards in such a way as to encourage the largest number of nations to ratify the Worst Forms Convention.¹³⁵² This was in part shaped by the relative lack of ratifications of Convention 138 in its early years, which had led to the Minimum Age Convention being viewed as something of a failure,¹³⁵³ at least in political terms.

Evolution and development across moments

The tension between creating a coherent legal environment that protected children globally whilst allowing for cultural differences to affect the way that children were treated in society has been seen throughout. In moments 1 and 2 (see sections 6.8 and 7.7.1) nations

¹³⁴⁹ CE Low, 'India and the Washington Conference' (1922) 5(1) *International Labour Review* 3, 8.

¹³⁵⁰ International Labour Review, 'The International Labour Office and the Protection of Children' (1921) 3(1) *International Labour Review* 3, 15-16.

¹³⁵¹ R. Plissard, 'Handicrafts in Tunisia: II' (1936) 34 *International Labour Review* 198, 217.

¹³⁵² ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)' 17 June 1999, Geneva, Eighty Seventh Session, 12.

¹³⁵³ K Tapiola et. al. (ILO), Protecting Children in the World of Work Labour Education 1997/3 No. 108: The ILO Bureau of Workers' Activities, (Geneva: ILO Publications 1 March 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_111504/lang-en/index.htm [Accessed: 26 November 2020] 6.

that were deemed to be less developed whether economically or socially, were permitted to have different and more lenient standards on child labour. During moment 3 (see section 8.7) and in response to the diminishing reach of imperial rule after the Second World War, developing nations were encouraged to take greater ownership of national projects against child labour. The ILO framed its version of progress, in moment 4, against child labour as being indicative of social and cultural development of the nations that upheld its standards.

In moment 2, reference was made to the general trend of public opinion shifting toward increasing the minimum working age as a motivating factor for passing new Conventions on child labour during the 1930s.¹³⁵⁴ This trend continued into moment 3 where it was accepted that there was a growing perception amongst the public that the predominantly Western view of childhood was preferable.¹³⁵⁵ This cast youth as a time where it was inappropriate to work, and concerns were raised that child workers developed attitudinal problems as a result of working. This framed child labour as a cultivator of delinquency, which it was thought could have substantial behavioural disadvantages as these children grew up.¹³⁵⁶

During moment 4, the effect of changes to the ILO's membership, namely the increase of members from the Global South, shaped the framing of the cultural dimension of child labour. Child labour was framed as an indicator of a nation's degree of social development, and progress against its elimination was viewed as a marker of cultural evolution.¹³⁵⁷ Also during moment 4, the ILO were still wrangling with the degree to which universalism was an achievable target for regulation. Wilfred Jenks, the ILO's Director-General during moment 4, saw the universal application of ILO standards as a priority,¹³⁵⁸ even in the face of the

¹³⁵⁴ WG Rice Jr and WE Chalmers, 'International Labor Conference of June 1936' (1936) 42(4) *Monthly Labor Review* 953, 972; International Labour Review, 'Nineteenth Session of the International Labour Conference.' (1935) 32 *International Labour Review* 289, 304.

¹³⁵⁵ EA Merritt, 'Trend of Child Labor, 1939 to 1942' (1943) 56(3) *Monthly Labor Review* 450, 450.

¹³⁵⁶ Monthly Labor Review, 'Child Labor' (1944) 59(5) *Monthly Labor Review* 1034, 1035; Monthly Labor Review, 'Youth in Industry' (1944) 59(1) *Monthly Labor Review* 134, 136.

¹³⁵⁷ ILO, 'International Labour Conference: Fifty-Eighth Session. Geneva, 1973 (Appendix 24)' (Geneva: International Labour Office 1973) 483.

¹³⁵⁸ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 339.

economic difficulties faced in poorer parts of the world.¹³⁵⁹ Universalism served to outline the ILO's fields of visibility, its areas of governable authority, as applying to all member states. In moment 5, universalism was considered once again, though with a greater degree of 'pragmatism'¹³⁶⁰ than in moment 4. The relative lack of ratifications for Convention 138¹³⁶¹ meant that when deliberating what would become Convention 182, the ILO focused on means by which states could be encouraged to accept ILO authority and act as delegated enforcers of its standards. Thus, Convention 182 was constructed so as to be flexible enough to be ratified. This was also shaped by its focus on the 'worst forms' of child labour to ensure that regulatory efforts could concentrate on areas where there was a pre-existing consensus¹³⁶² on the necessity of legislative action. If the ILO could take ownership of the 'consensus' position, it strengthened their authority on a policy area that had been central to its international platform since the organisation's inception.

The development of the cultural thematic pillar demonstrated the two-way relationship that ILO policymaking had with public opinion, in some ways the ILO sought to reach out and shape public perception of issues including child labour through awareness-raising campaigns.¹³⁶³ Though, the organisation also sought to be responsive to, or at least work in tandem with shifts in the general feeling around policy issues. This relationship engages two of the governmental analytics this study used (see sections 3.5.1 and 5.5.1).¹³⁶⁴ Public opinion can be seen as a technology of government, a resource used to further its case for the ILO's institutional vision for reform. Additionally, sentiment among citizens is also observed as a form of knowledge, and the justification for the internationally mediated ILO policies to be implemented at a local level.

¹³⁵⁹ International Labour Review, 'The 57th session of the international labour conference, June 1972.' (1972) 106(4) *International Labour Review* 295, 311-12.

¹³⁶⁰ ILO, 'International Labour Conference: Eighty-Seventh Session. Geneva, 1999. (Report of the Committee on Child Labour. Submission, Discussion and Adoption)' 17 June 1999, Geneva, Eighty-Seventh Session, 15.

¹³⁶¹ K Tapiola et. al. (ILO), Protecting Children in the World of Work Labour Education 1997/3 No. 108: The ILO Bureau of Workers' Activities, (Geneva: ILO Publications 1 March 1997) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_111504/lang--en/index.htm [Accessed: 26 November 2020] 6.

¹³⁶² ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. Report VI. Child Labour: Targeting the intolerable' June 1998, Geneva, Eighty-Sixth Session, 4-5.

¹³⁶³ Monthly Labor Review, 'Child Labor' (1944) 59(5) *Monthly Labor Review* 1034, 1035.

¹³⁶⁴ C. Death 'Governmentality at the limits of the international: African politics and Foucauldian theory' (2013) 39 *Review of International Studies* 763.

11.3.5 Agency and choice pillar

Trends in use

As the study progressed through the moments, the degree to which children were seen as possessing political sovereignty increased. However, despite this ILO discourse on child labour throughout the study centred on a paternalist attitude towards children and the prospect of them working. Child labour was problematized throughout as something that children were victims of, and thus it was the place of regulators to act so as to protect them from it and its worst effects.

The trend seen in the prevalence of the agency pillar could be explained by the trend in relation to treating child labour as an extension of women's issues. This was seen particularly in moments 1 and 2, where women's and children's work were treated as one issue warranting of a joint response.¹³⁶⁵ In practice this reflected a large emphasis on children's welfare among female delegates to the ILO and League of Nations more broadly, some of whom were prominent Western feminists.¹³⁶⁶ Examples were found of said delegates viewing child labour as an issue that required female oversight and thus led to proposals of increased participation of women in inspection and oversight mechanisms of workplaces where children, young people and women were present at home and in the developing world.¹³⁶⁷ Over time the issues of women's and child work became somewhat decoupled,¹³⁶⁸ and the focus of child labour discussions centred more on the children

¹³⁶⁵ Moment 1: Commission on International Labour Legislation, '7. Czecho-Slovak Republic: Memorial of the Czecho-Slovak Delegation about the Eight-hour Day: Minutes of Proceedings, Appendix 7' (1919) (Reproduced in (1923) 1 *International Labour Office: Official Bulletin* 245-255.), 253; E Mahaim, 'International Labour Law' (1921) 1(3) *International Labour Review* 3, 6; Moment 2: International Labour Review 'The Labour Conference of the American States Which Are Members of the International Labour Organisation, Santiago de Chile, 2-14 January 1936' (1936) 33 *International Labour Review* 479, 494; International Labour Review 'Labour Conditions in Egypt' (1936) 34 *International Labour Review* 84, 84.

¹³⁶⁶ S. Pedersen 'Metaphors of the Schoolroom: Women Working the Mandates System of the League of Nations' (2008) 66 *History Workshop Journal* 189, 189 and 192; S. Pedersen 'The Materialist Moment in British Colonial Policy: The Controversy Over 'Child Slavery' in Hong Kong 1917-1941' (2001) 171 *Past and Present* 161, 184.

¹³⁶⁷ AC Chatterjee, 'Federalism and Labour Legislation in India' (1944) 49(4-5) *International Labour Review* 415, 436.

¹³⁶⁸ G Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press 2013) 102-103.

themselves, and with it a discourse of child agency and work as a legitimate choice emerged.¹³⁶⁹

Policy discussions that included the perspectives of child labour towards their work became more prominent following the passing of the UN Convention on the Rights of the Child in 1989. Further, the impact of children as activists within the child labour space during moment 5 was strengthened significantly by the 'Global March against Child Labour'. The 1989 Convention centred the participation of children in policy which concerned them,¹³⁷⁰ which extended to similar efforts in ILO deliberations.¹³⁷¹ The change in attitude to the involvement of children in policy explains the significant rise in the prominence of the agency pillar in moment 5.

Evolution and development across moments

In earlier moments children were sometimes framed as having the requisite agency to legitimately choose to work. For instance, in moment 1, child workers in India were discussed as having a 'desire for employment',¹³⁷² and in the US child workers were framed as having a 'preference' for work.¹³⁷³ However, oppositional framing was also common in moments 1 and 2, with children often referred to as being manipulated or 'induced'¹³⁷⁴ into working, suggesting that the young were unable to freely choose due to a lack of experience of life. During moments 3 and 4 this was largely attributed to a sense that children were

¹³⁶⁹ EH Essary and E Theisner, 'Monitoring World Society: The Convention on the Rights of the Child in Cameroon' (2013) 26 *International Journal of Politics, Culture and Society* 305, 309.

¹³⁷⁰ NR Gasson, JE Calder, JA Diorio, AB Smith and JR Stigter, 'Young people's employment: Protection or participation?' (2015) 22(2) *Childhood* 154, 167.

¹³⁷¹ ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Conference Proceedings)' 17 June 1999, Geneva, Eighty Seventh Session, 74; ILO, Report of the African Regional Tripartite Meeting on Child Labour, Kampala, Uganda 5-7 February 1998 (Geneva: ILO Publications 1 February 1998) Available at:

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_5884/lang--en/index.htm

[Accessed: 26 November 2020] 2.

¹³⁷² CE Low, 'India and the Washington Conference' (1922) 5(1) *International Labour Review* 3, 8-9.

¹³⁷³ Monthly Review of the Bureau of Labor Statistics, 'Child Labor' (1918) 6(2) *Monthly Review of the Bureau of Labor Statistics* 398, 400.

¹³⁷⁴ A Kalet, 'Effect of the War on Working Children in Germany' (1921) 13(1) *Monthly Labor Review* 6, 11; Monthly Labor Review, 'Employment of Children in Newspaper and Magazine Distributing' (1935) 40(5) *Monthly Labor Review* 1234, 1239.

unable to appropriately assess the long-term effects of the decisions¹³⁷⁵ made during their adolescence, and were victims of their own poor decision making capabilities.¹³⁷⁶

The premise of children fundamentally lacking agency in moments 2 and 3, was manifested in policy in relation to the parties that were held responsible for infractions of child labour standards. However, criminal penalties for work contracts completed by child workers were removed in 1938.¹³⁷⁷ Another change that came in moments 2 and 3 was that the responsibility for child labour was attributed to the adult in the situation, either the employer, or the child worker's parent.¹³⁷⁸ During moment 4, the framing of children's agency intersected with trends around youth activism which heightened considerations of the potential for children to choose to work,¹³⁷⁹ rather than work being framed as something that children were duped into.

Agency-related framings increased substantially in their frequency in moment 5, and shaped in large part by the change to policymaking processes enshrined in the UN Convention on the Rights of the Child 1989. The UN CRC required that children be consulted on policies that concerned them and their interests,¹³⁸⁰ and this affected the manner in which child labour standards were deliberated on during this moment. Consultation of children was not explicitly included in the text of Convention 182,¹³⁸¹ though the accompanying

¹³⁷⁵ ILO, 'International Labour Conference: Fifty-Seventh Session. Minimum Age for Admission to Employment (Report IV)' (Geneva: International Labour Office 1972) 4-5.

¹³⁷⁶ International Labour Review, 'Conditions of Work: Wages and Hours in Great Britain' (1944) 50(3) *International Labour Review* 376, 386.

¹³⁷⁷ International Labour Review, 'The Twenty-Fourth Session of the International Labour Conference.' (1938) 38 *International Labour Review* 301, 323.

¹³⁷⁸ International Labour Review, 'Education reconstruction in Great Britain' (1944) 50(4) *International Labour Review* 481, 483.

¹³⁷⁹ S Guha, 'The Contribution of Non-Farm Activities to Rural Employment Promotion' (1974) 109(3) *International Labour Review* 235, 242.

¹³⁸⁰ L Abernethie, 'Child Labour in Contemporary Society: Why Do We Care' (1998) 6 *International Journal of Child Rights* 81, 107.

¹³⁸¹ ILO, 'Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour' 1 June 1999, Geneva Conference, Eighty-Seventh Session, Arts 4(3) and 5.

Recommendation 190 did import a duty on national policymakers to engage with children's groups when implementing policy.¹³⁸²

The main thrust of the thesis was thus oriented toward charting the development of child labour policy over time in order to explain the changes that occurred. This occurred in part as the regulatory steps that were taken as part of the positional outlook of the ILO. The next section will consider the means by which the theoretical model used in this thesis could be expanded to apply in further research, whether on the same topic of child labour policy, or other subject areas.

¹³⁸² ILO, 'Recommendation 190: Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour Adopted by the Conference at its Eighty Seventh Session, Geneva, 17 June 1999' 17 June 1999, Geneva, Eighty Seventh Session, Para 2.

11.4 Applying the theoretical model to other policy areas

Child labour has remained an issue, seemingly always in need of addressing because of insufficient progress made. This should not be read as a criticism of those who have acted against child labour on behalf of the ILO and others, and also it is not to say that child labour is unique in this respect. Poverty and educational reform, which have significant overlap with child labour, have also remained central policymaking concerns over a large period of time. Given the presence of other long-term policy challenges, the theoretical model used in this study could be used to address another policy space, engaging with the major actor or actors within the international regulatory space around policy in that area.

Framing has been used in other research to study the changes in the role of the ILO, especially its position as a mediator for industrial relations. Thomas and Turnbull's recent paper focused on the dynamics that the ILO's tripartite membership structure created around the formulation of the ILO's Centenary Declaration.¹³⁸³ Boris, Hoethker and Zimmerman also focused on the ILO's institutional history, though did so through the lens of the networks that emerged from efforts made to further women's issues within the organisation.¹³⁸⁴ This work discussed the institutional dynamics at play within the ILO, and the external geopolitical pressures that affected the development of women's issues, however it did not apply a governmentality analysis of the ILO in doing so.

Both studies show the value of applying a theoretical lens to a long-term historical study of an international organisation in the context of a particular policy event or area. Some research has focused on the ILO from an historical perspective, however without the novel hybrid framing-governmentality theoretical tool utilised in this research. It shows the capacity for the type of analysis undertaken in this research to be expanded successfully to other areas beyond child labour. Additionally, this study also has the potential to be expanded to more fully interrogate the development of child labour by applying the theoretical model from this study to increase the coverage of child labour policy

¹³⁸³ H. Thomas and P. Turnbull, 'From a 'Moral Commentator' to a 'Determined Actor'? How the International Labour Organization (ILO) Orchestrates the Field of International Industrial Relations' (2021) 59(3) *British Journal of Industrial Relations* 874, 892-893.

¹³⁸⁴ E. Boris, D. Hoethker, S. Zimmerman (eds.), *Women's ILO: Transnational Networks, Global Labour Standards, and Gender Equity, 1919 to Present* (Leiden; Boston: Brill 2018).

development. The capacity is there to add additional moments, either within the study or beyond the chosen period.

Childhood Studies as Another Theoretical Avenue

Alternatively, insights from other theoretical traditions, such as childhood studies or children's rights studies could be used to inform additional research. Children's rights scholarship has been investigated with a children's rights journal, the *International Journal of Children's Rights*, and used as part of the documentary study in moment 5.

Childhood studies as a discipline concerns itself with the study of the concept of childhood as a social phenomenon and the development of it in response to social conditions throughout time through a social scientific lens.¹³⁸⁵ Childhood studies has also had an historical leaning, inspiring work on the development of children and their representation in political and legal matters,¹³⁸⁶ leading to comparative work and analysis.¹³⁸⁷ A premise shared between this research and some childhood studies is that discourses around children's rights are an outgrowth of governance and the modes of thinking that arise from it.¹³⁸⁸

Childhood and its ideological nature¹³⁸⁹ is a subject of conjecture within childhood studies,¹³⁹⁰ whether it should be viewed as a period or a permanent segment of the societal structure.¹³⁹¹ The former treats of childhood as a period outside of society allowing for the

¹³⁸⁵ J. Qvortrup, W.A. Corsaro and M.S. Honig, 'Why Social Studies of Childhood? An Introduction to the Handbook' in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 1-3.

¹³⁸⁶ B. Sandin, J. Josefsson, K. Hanson and S. Balagopalan, 'Representing Children' in B. Sandin, J. Josefsson, K. Hanson and S. Balagopalan (eds.), *The Politics of Children's Rights and Representation* (Cham: Palgrave Macmillan 2023) 3-4 and 22.

¹³⁸⁷ J. Qvortrup, W.A. Corsaro and M.S. Honig, 'Why Social Studies of Childhood? An Introduction to the Handbook' in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 6.

¹³⁸⁸ B. Sandin, J. Josefsson, K. Hanson and S. Balagopalan, 'Representing Children' in B. Sandin, J. Josefsson, K. Hanson and S. Balagopalan (eds.), *The Politics of Children's Rights and Representation* (Cham: Palgrave Macmillan 2023) 11.

¹³⁸⁹ Y. Ofosu-Kusi, 'Deliberative Disobedience as a Strategy for Claiming Rights and Representation in the Family: The Case of Accra's Street Children' in B. Sandin, J. Josefsson, K. Hanson and S. Balagopalan (eds.), *The Politics of Children's Rights and Representation* (Cham: Palgrave Macmillan 2023) 221.

¹³⁹⁰ M. Bluebond-Langner and J.E. Korbin, 'Challenges and Opportunities in the Anthropology of Childhoods: An Introduction to "Children, Childhoods, and Childhood Studies"' (2007) 109(2) *American Anthropologist* 241, 243.

¹³⁹¹ J. Qvortrup, 'Childhood as a Structural Form' in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 23.

necessary socialization which integrates the former child, now an adult, into society.¹³⁹² The ‘childhood as a permanent segment’ model treats childhood as a specific cultural part of society, rather than a ‘preparatory stage’. Thus, childhood is simultaneously a societal constant and in flux with other social factors.¹³⁹³ An historical study on child labour was undertaken by Kinsey who examined the concept of childhood and how it was used to export British imperialism and culture to its colonies, which also had an effect on the idea of childhood within Britain itself.¹³⁹⁴ Education and work were used as a means of governing the population of children, organising children into social roles according to class and gender norms.¹³⁹⁵

Some historically-focused childhood studies have focused on 1979, which was the UN’s International Year of the Child and saw the development of the concept of the ‘world’s children’ gain traction. Along with this, increasing global media coverage has meant that people were more aware of the international situation and large disparity in childhood experiences seen across the world further unsettling the concept of one essential childhood.¹³⁹⁶ Others have used discourse and documentary analysis within childhood studies to examine changes to legal instruments, such as the UN Convention on the Rights of the Child¹³⁹⁷ and their treatment of children.¹³⁹⁸

Academics within childhood studies have also used the discipline to examine the practice of child labour. Miller argued that the tenor of child labour policy was misguided in many cases, too ‘limited and limiting’ in terms of notions of what children should be doing, and

¹³⁹² J. Qvortrup, ‘Childhood as a Structural Form’ in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 24.

¹³⁹³ J. Qvortrup, ‘Childhood as a Structural Form’ in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 25-26.

¹³⁹⁴ D. Kinsey, ‘Atlantic World mining, child labour, and the transnational construction of childhood in Imperial Britain in the mid-nineteenth century’ (2014) 11(4) *Atlantic Studies* 449, 467.

¹³⁹⁵ D. Kinsey, ‘Atlantic World mining, child labour, and the transnational construction of childhood in Imperial Britain in the mid-nineteenth century’ (2014) 11(4) *Atlantic Studies* 449, 461.

¹³⁹⁶ A. James, ‘Agency’ in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 37.

¹³⁹⁷ N.H. Kaufman and I. Rizzini, ‘Closing the Gap Between Rights and the Realities of Children’s Lives’ in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 423; B. Sandin, J. Josefsson, K. Hanson and S. Balagopalan, ‘Representing Children’ in B. Sandin, J. Josefsson, K. Hanson and S. Balagopalan (eds.), *The Politics of Children’s Rights and Representation* (Cham: Palgrave Macmillan 2023) 9.

¹³⁹⁸ A. Lange and J. Mierendorff, ‘Method and Methodology in Childhood Research’ in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 89.

suggested that listening to children and understanding their relation to working would help open new possibilities.¹³⁹⁹ Nieuwenhuys argued that prohibitions on child labour were a means by which the modern concept of childhood was carved out.¹⁴⁰⁰ She argued that the term child labour itself was tainted, shaped by Western misunderstandings of the way work, family and society is ordered in the Global South¹⁴⁰¹ and working children need to be provided with viable alternatives to working.¹⁴⁰² Unlike this present study, her work centred on the phenomena of child-led advocacy and working children's groups within the child labour legal framework.

Van Daalen also similarly approached child labour from within childhood studies, examining the actions of working children's groups and their attempts to 'claim the recognition of their right to dignified work'.¹⁴⁰³ He further argued that forces such as the Global March Against Child Labour were used to underline the ILO's authority to act through 'mutual legitimation' between the two, and that true representation for working children's groups would disrupt that fundamentally.¹⁴⁰⁴ Hanson went advance the argument that working children's groups view the ILO 'as their opponent rather [than] as their spokesperson'.¹⁴⁰⁵ He went on to argue that moralizing discourses had been used to obscure the practical economic and social inequalities that had driven children's suffering particularly in the Global South.¹⁴⁰⁶ This provides some indication of the reticence to include working children's groups in the

¹³⁹⁹ V. Miller, 'Wandering off the Road to the End of Child Labour' (2013) 3(3) *Global Studies of Childhood* 339, 347.

¹⁴⁰⁰ O. Nieuwenhuys, 'From Child Labour to Working Children's Movements' in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 289.

¹⁴⁰¹ O. Nieuwenhuys, 'From Child Labour to Working Children's Movements' in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 290-291 and 298.

¹⁴⁰² O. Nieuwenhuys, 'From Child Labour to Working Children's Movements' in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 293.

¹⁴⁰³ E. van Daalen, 'Could It Be That They Do Not Want to Hear What We Have to Say? Organised Working Children and the International Politics and Representations of Child Labour' in B. Sandin, J. Josefsson, K. Hanson and S. Balagopalan (eds.), *The Politics of Children's Rights and Representation* (Cham: Palgrave Macmillan 2023) 132.

¹⁴⁰⁴ E. van Daalen, 'Could It Be That They Do Not Want to Hear What We Have to Say? Organised Working Children and the International Politics and Representations of Child Labour' in B. Sandin, J. Josefsson, K. Hanson and S. Balagopalan (eds.), *The Politics of Children's Rights and Representation* (Cham: Palgrave Macmillan 2023) 150.

¹⁴⁰⁵ K. Hanson, 'Children's Representation in the Transnational Mirror Maze' in B. Sandin, J. Josefsson, K. Hanson and S. Balagopalan (eds.), *The Politics of Children's Rights and Representation* (Cham: Palgrave Macmillan 2023) 182.

¹⁴⁰⁶ K. Hanson, 'Children's Representation in the Transnational Mirror Maze' in B. Sandin, J. Josefsson, K. Hanson and S. Balagopalan (eds.), *The Politics of Children's Rights and Representation* (Cham: Palgrave Macmillan 2023) 194.

official deliberations around child labour law within the ILO and can be explained by differing priorities between the two.

Engagement with childhood studies could shed further light on expanding the concept of the agency thematic pillar which was used in this study to a central concept within this field.¹⁴⁰⁷ The shift towards viewing children as having their own social agency began within childhood studies in the 1970s and led to them as being viewed as the objects of research in their own right within the discipline.¹⁴⁰⁸

Additionally, there has been an increasing focus on international policymaking, with international regulatory bodies like the UN, NATO and WHO making regular appearances in mainstream media in recent years. In particular, the Covid-19 pandemic has markedly increased the profile of these organisations as part of international efforts towards addressing the various challenges that have arisen. The way in which the global pandemic has shifted the child labour picture globally could be a significant avenue for study, not least due to the disruption that has been seen relating to the global supply chain as a result. These could be the subject of another study using the framing-governmentality hybrid theoretical model used in this research, focusing on the international governance dynamics and the way that arguments around policy and deliberations have been framed. This could take a more financial approach to viewing the issue, though if this was to include the framing-governmentality model from this thesis, then it would likely be most appropriate to filter this through the international lens of an organisation, and perhaps the interplay between concerned parties, e.g. the World Bank and the International Monetary Fund.

As this chapter seeks to reflect on the findings the moments study, one area which warrants further consideration was how a future study might use the findings and augment the theoretical model used. The thematic pillars were decided upon at the outset of the research based upon the review of academic literature undertaken prior to sampling the

¹⁴⁰⁷ J. Qvortrup, W.A. Corsaro and M.S. Honig, 'Why Social Studies of Childhood? An Introduction to the Handbook' in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 5; Y. Ofosu-Kusi, 'Deliberative Disobedience as a Strategy for Claiming Rights and Representation in the Family: The Case of Accra's Street Children' in B. Sandin, J. Josefsson, K. Hanson and S. Balagopalan (eds.), *The Politics of Children's Rights and Representation* (Cham: Palgrave Macmillan 2023) 222.

¹⁴⁰⁸ A. James, 'Agency' in J. Qvortrup, W.A. Corsaro and M.S. Honig (eds.), *The Palgrave Handbook of Childhood Studies* (New York: Palgrave Macmillan 2009) 34.

sources that were used in this study (outlined in Section 5.4). An apt means of achieving this could take the form of expanding the number of thematic pillar; though, over the course of the review and analysis of the sources identified for study, other topics emerged with some degree of regularity.

To this end, consideration now turns to the themes that reoccurred over multiple moments without comfortably fitting into the pre-existing thematic pillars used as filtering mechanisms for the sources studied. In effect, these themes were sufficiently different from existing pillars and were observed with enough regularity that a subsequent iteration on the research approach taken here would benefit from their inclusion as distinct child labour thematic pillars for data collection and inspections, and addressing the relationship of the practice to gender dynamics. These could be more fully explored in a future study, if they were considered from its inception. These additional pillars could be used to bolster a more contemporary-focused study, one aimed at the current policy disagreement between abolitionist and adaptive camps (explained in section 1.1 and figure 1.1).

This research may be expanded to a consideration of the ideological underpinnings of the disagreement that has arisen by function of this debate, i.e. the foundations of the adaptive and abolitionist points of view (detailed in Section 1.1). This could be achieved by incorporating a wider range of actors within the debate and identifying further pillars of contestation. Deeper analysis could also be achieved through focus on the specifics of the disagreement and the way that it is expressed, the tactical methods employed, and the areas where similar arguments and attitudes have been repurposed toward persuasive ends. The debate on child labour encompasses various broad positions on it which result from the ideological grounding its proponents. The use of framing theory in this study contextualises the identified gap in opinion by putting it in terms that arise from the breakdown of consensus surrounding it.

Discussion on child labour has drawn out a debate that has seen one view, the adaptive, contest the abolitionist *status quo*, which reflects the attitudes held and promulgated among the bodies that regulate child labour, notably the ILO. Establishing the proper policy response to an identified social or legal problem relies heavily on the terminology utilised, and in the case of child labour the term itself has been contested. This manifests in part as

both sides make linguistic adjustments to the phrase 'child labour' to denote the level of severity of the practice being described. It became obvious that terminology and language constituted a significant area of contention within a wider theoretical divide. The divergence between the two groups is owed to the respective definitions that are ascribed to the phrase child labour, thus making the debate a battle to establish the 'true' meaning of the term.

A large part of the adaptive/abolitionist debate concerns the specific meaning of child labour, and where the line is drawn when drafting the law between what is acceptable and unacceptable practice for children to be working. The problem that this often entails is that actors on both sides of the debate have not addressed the discrepancy in the usage of terms. In practice this can make it difficult to make direct comparisons of alternative pitches for the child labour legal framework, as each side uses terms interchangeably. Often this is because those making their arguments fail to sufficiently address the points of view as expressed by those on the other side of the aisle.

A focus on organisational disputes

Another means of interrogating child labour policy's development within the ILO would be to focus on the tripartite membership of the ILO, namely its members from governments, unions and employers, with a focus on the instances where significant discord occurred between these groups. There were such instances where the interplay between the ILO as an organization and these groups were considered as part of the thematic pillar analysis in the moments chapters. For example, at the ILO's founding during moment 1, the ILO's managing of union complaints regarding workplace conditions were at the forefront of policymaking concerns due to the social unrest created by the Russian Revolution (see Section 6.10). Additionally, in moment 4 during deliberations over the Minimum Age Convention 138, union representatives from multiple nations expressed concerns that the ILO's policy priorities with the new Convention were unrealistic and unduly shaped by the interests of major Western nations (see Section 9.4.1).

A focus on disputes between governments, unions and employers would facilitate an alternative approach. However, this would fundamentally shift the focus of the current study more towards collective bargaining, and the specifics of national-level deliberations amongst labour law stakeholders, thus making for another opportunity for another separate study.

It is worth noting that the potential additional pillars referred to in the following sections are summarised and not subject to the depth of analysis that would accompany their addition from the outset of prospective research. Suggested pillars for consideration found were child labour and its relationship to gender; and data collection and inspections. Both will be discussed in terms of the trends that they exhibited across some of the moments studied through the same framing-governmentality lens that has characterised the main research.

11.5 Themes that could be used as pillars in a subsequent study

11.5.1 Data gathering and inspections

Data collection was a significant institutional priority for the ILO over the course of the study, as it attempted to harmonise the means by which data was collected and collated to ease the process by which comparisons between nations could be made. Furthermore, gaps in the data were more common in some areas of the world, which made targeting child labour policy more difficult. Inspections were another means by which governing authorities could keep tabs on workplaces, and the conditions in which children and young people were working in to make sure that internationally ratified standards were being adhered to. Statistical comparison was a common and reoccurring theme in child labour policy discussions over all the sources in the five moments studied, as efforts were consistently made to improve the quality and extent of data collection on child labour so as to paint as accurate a picture of the global child labour landscape as was possible.

Inspections and data collection, within this study would fall under the analytic of technologies of governance. Inspections and data collection appeared in policy deliberations with regularity, and could benefit from using them as a thematic pillar and as a theme around which future research could be anchored.

Recommendations presented at the first Labour Conference, proposed that an inspectorate service should be established in every member state, and further that the service should be treated as ‘belonging to the International Labour Organization where it does not already exist’.¹⁴⁰⁹ How the ILO’s ‘ownership’ of nation-based inspectorates was to work in practice is not detailed in the proposal. However, it speaks to the ILO’s strategy that there was such an early attempt to take ownership not only of maintaining labour standards, but it can be extrapolated also to the compilation of statistics regarding labour infractions.

An issue raised on a few occasions during moment 2 was the potential for statistics to act as a means of tracking child labour trends and its extent. Mechanisms for comprehensive statistical coverage of child labour seemed to be limited in many nations during this period,

¹⁴⁰⁹ VB Turner, ‘The International Labor Conference’ (1920) 10(1) *Monthly Labor Review* 1, 22.

with Polish¹⁴¹⁰ and Iranian¹⁴¹¹ studies noting this difficulty. In the latter, the researcher bemoaned that there was no centralised Iranian statistical office, so investigators were forced to process information for their enquiries themselves. In practice this meant that research into labour infractions generally relied upon employers reporting their own figures with their own, sometimes different, definitions of 'child workers'.¹⁴¹² In a similar vein, a study of labour infractions in Austria noted that inspectors found so many infractions of standards on minimum working age that they explicitly only recorded 'special cases' for statistical breakdowns of the nation's workplace landscape.¹⁴¹³

The ILO introduced oversight mechanisms with the new instruments passed in moment 4 which in effect installed the ILO as the coordinating body for global policy on child labour, development and employment. The central nature of the ILO to reform efforts also saw the organisation try to assert its authority, and an effective means of doing this came from a renewed interest in data collection. A problem identified with data collection during for child labour during moment 5 concerned definitions, and as Cullen noted the discussions around child labour were shifting and becoming more complex and less absolutist.¹⁴¹⁴ This may have been true academically, as Anker noted that some academics had attempted to draw delineations between grades of child labour, distinguishing between work and labour, or attempting to construct a continuum of child labour, between more and less acceptable variants.¹⁴¹⁵ However, the more absolutist leanings within the ILO seemed as strong as ever in moment 5 with several references being made by ILO and state actors regarding the need to abolish child labour entirely.¹⁴¹⁶

¹⁴¹⁰ J. Rosner, 'Productive Occupation for Unemployed Young Workers in Poland' (1935) 31 *International Labour Review* 512, 535.

¹⁴¹¹ International Labour Review, 'The Cotton Industry in Iran' (1938) 37 *International Labour Review* 80, 80.

¹⁴¹² International Labour Review, 'The Cotton Industry in Iran' (1938) 37 *International Labour Review* 80, 83.

¹⁴¹³ International Labour Review, 'Industrial Inspection in Austria, 1929-1933' (1935) 31 *International Labour Review* 221, 228.

¹⁴¹⁴ H Cullen, 'The Limits of International Trade Mechanisms in Enforcing Human Rights: The Case of Child Labour' (1999) 7 *International Journal of Child Rights* 1, 2-3.

¹⁴¹⁵ R Anker, 'The Economics of Child Labour: A Framework for Measurement' (2000) 139(3) *International Labour Review* 257, 266.

¹⁴¹⁶ ILO, 'International Labour Conference: Eighty-Sixth Session. Geneva, 1998. (Report of the Committee on Child Labour)' June 1998, Geneva, Eighty-Sixth Session, 7; ILO, 'ILO Declaration on Fundamental Principles and Rights at Work' 18-19 June 1998, Geneva Conference, Eighty-Sixth

In the years since moment 5, the ILO has attempted to harmonise data collection measurements for child labour through the production of model questionnaires for researchers to use, and by adopting household and establishment-based rather than individual surveys to avoid individual child labourers falling through the cracks.¹⁴¹⁷ Data and inspections played a large role in the regulatory actions of the ILO throughout the study, and as mentioned above, could be said to be an aspect of policy unto itself. Therefore, any further studies would try and deal with data and inspections as separate aspects of policy and the enforcement infrastructure from the outset. Another topic that falls into the same category is gender and the relationship that it had with child labour policy over the course of the research.

Session; (1998) 137(2) *International Labour Review* 253, 254; N Valticos, 'International Labour Standards and Human Rights: Approaching the Year 2000' (1998) 137(2) *International Labour Review* 135, 136; ILO, 'International Labour Conference Eighty Seventh Session, Geneva, 1999 (Report IV)' 17 June 1999, Geneva, Eighty Seventh Session, 14, 30.

¹⁴¹⁷ W Bertrand and E de Buhr, 'Trade, Development and Child Labor: Regulation and Law in the Case of Child Labor in the Cocoa Industry' (2015) 8(2) *Law and Development Review* 503, 515.

11.5.2 Child Labour and gender

The second additional pillar was the often conjoined theme of child labour and gender, which was also a consistent feature of child labour policy discussions. In earlier moments, the tendency was to view child labour as an extension of women's work, or at least an area in which female delegates and representatives had particular expertise to volunteer to the policymaking endeavour. Latterly, the focus of gender-based discussions was more attuned to the different trends and corollary effects seen in the employment of boys and girls. This was reflected in policy, as ILO Convention 182 and the accompanying Recommendation 190 made reference to the particularly stark situation faced by girl workers. Research has suggested that girls are more likely to be in unofficial labour situations outside typical regulatory and oversight structures, in domestic and private settings, working as live-in maids or childcare providers. This, it has been said increases the risk of particular kinds of abuse and harm towards girls in these sectors. These findings highlighted in the sources studied in this research are discussed in this section.

The pairing of women's and children's issues was made manifest in the pre-Peace Conference discussions around the managing of mandated territories, i.e. the colonial states who would be managed with a degree of international oversight in the new post-WWI order. The thrust of the women's movement in the early years of the ILO came from the idea of sexual difference and the premise that women were best placed to make policy for, and safeguard the rights of, women in the workplace.¹⁴¹⁸ Among the issues that they deemed of prime import was that the needs of women and children were given 'special consideration' among the work issues of the day. It is telling that women's groups themselves also viewed children's welfare as being an extension of their own, an issue within their purview as a group representing the interests of women. That is to say that the idea of women and children being paired groups of workers appeared to be a widely held presupposition, rather than merely being a creation of the ILO, it was at some level rooted in wider cultural norms.

¹⁴¹⁸ E. Boris, D. Hoehtker, S. Zimmerman, 'Introduction: A Century of Women's ILO' in E. Boris, D. Hoehtker, S. Zimmerman (eds.), *Women's ILO: Transnational Networks, Global Labour Standards, and Gender Equity, 1919 to Present* (Leiden; Boston: Brill 2018) 13-14.

During moment 2 reviews of the work of national and regional inspectorates in ILO member nations became commonplace in the *International Labour Review*. A common practice in various nations was the implementation of female-led or female-driven inspectorates especially concerned with the welfare of their fellow women and of children in the workplace. This was partly underpinned by the notion that women possessed some insights into the professions where the employment of women and children were most common.¹⁴¹⁹ Additionally, it was justified on grounds that women were naturally more attuned to questions of welfare and care than male inspectors and that a gender balance was required to prevent inspectorates from becoming preoccupied with questions of a technical nature.¹⁴²⁰ Also, the societal position occupied by women afforded them opportunities to monitor and inspect on less formal footing, which allowed them to familiarise themselves with working children and their families to ensure conditions were adequate.¹⁴²¹

During moment 4, the ILO's slate of instruments passed in the 1970s focused on women's rights, such as Conventions covering equal remuneration and combating workplace discrimination.¹⁴²² This carried on the trend seen in moment 3, whereby women's work came to be framed as an issue quite separate from child labour. The prominence of women's issues at this time was viewed as an outgrowth of the cultural cache that the feminist movement had accrued in the preceding years. This had resulted in a growth in the number of politicians, bureaucrats and international advisors who had participated in the feminist movement at various levels.¹⁴²³

In moment 5 the situation of young girls was often framed as being especially vulnerable to abuse, with girls more likely to work more for less pay.¹⁴²⁴ The ILO's Recommendation

¹⁴¹⁹ International Labour Review, 'Labour Inspection in Poland, 1928-1933' (1937) 35 *International Labour Review* 384, 387.

¹⁴²⁰ D.H. Belloch, 'A Historical Survey of Factory Inspection in Great Britain' (1938) 38 *International Labour Review* 614, 659.

¹⁴²¹ International Labour Review, 'The First Session of the Permanent Agricultural Committee' (1938) 37 *International Labour Review* 697, 712.

¹⁴²² B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 507 and 509.

¹⁴²³ B Reinalda, *Routledge History of International Organizations: From 1815 to the Present Day* (Abingdon: Routledge 2009) 511.

¹⁴²⁴ K Ashagrie (ILO Bureau of Statistics), Statistics on Working Children and Hazardous Child Labour in Brief (Geneva: ILO Publications 13 April 1998) Available at:

passed in this moment also made specific reference to the plight of girls, who were said to be more at risk of being in 'hidden work' situations, outside the protective oversight of the state.¹⁴²⁵ There was a growing recognition that the working patterns of young boys and girls were distinct,¹⁴²⁶ in terms of the types of jobs and the types of hazards that they encountered as a result.

https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_28896/lang--en/index.htm

[Accessed: 26 November 2020] 9.

¹⁴²⁵ ILO, 'Recommendation 190: Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour Adopted by the Conference at its Eighty Seventh Session, Geneva, 17 June 1999' 17 June 1999, Geneva, Eighty Seventh Session, Para 2.

¹⁴²⁶ MC Salazar, 'Child Work and Education in Latin America' (1998) 6 *International Journal of Child Rights* 155, 158-59.

11.6 Conclusions and looking forward

This research has considered the role of the ILO as a discursive actor and venue within child labour policy. The Labour Conferences and various publications generated by the ILO have constituted the most significant contributions to problematizations of child labour and framing the best possible solutions for combating its worst effects.

The hybrid theoretical approach of thematic pillars and governance analytics used to structure this study and to demonstrate the ways in which child labour policy discussions have varied over specific time periods. The research has revealed how policymakers' priorities shifted throughout the 20th century particularly the place that child labour policy has played in the wider image and position of the ILO within the international legal sphere evolved in relation to historical change.

Education was the most commonly invoked pillar, as it was observed that the largest number of framings relating to a single pillar framed child labour as a practice with substantial educational effect and repercussions. It would be fair to surmise that the major problematization of child labour observed throughout was that working and school interfered inherently to some extent, and policymakers would need to construct legislative solutions with this in mind. The way in which the ILO utilised and worked with local enforcement mechanisms, and the extent to which they should be viewed as delegated arms of the ILO's will, or technologies of the ILO's governance was another notable trend throughout the study.

Safety, which was a primary concern very early on in the study, decreased in its prominence as hazards in the workplace became less common, and thus framings that highlighted this aspect of child labour generally decreased in response. However, in moment 5, where there was a need to coalesce international efforts around a particular issue, safety became central once more when problematizing policy concerning the 'worst forms' of child labour. This shift introduced a new degree of urgency into policymaking discourse, as egregious instances of child labour were earmarked for immediate termination.

Child labour was also often problematized as an essentially economic phenomenon, with increases in framings of this type seen in moments 2 and 4, where the geopolitical economic

picture was front and centre due to global downturns. This saw the ILO widen its policymaking ambit into issues that were economic in nature, focusing on the root causes of child labour, and over time saw the body work on issues like minimum wage and national programmes for financial security.

Cultural framings of child labour shifted with time in response to the changing membership makeup of the ILO and questions as to the degree of flexibility related to norms in member states were a perennial regulatory challenge. Additionally, in an area that overlapped significantly with cultural framings of child labour, the degree to which the ILO could realistically enforce universal child labour standards was frequently considered. On multiple occasions it appeared that the ILO was content to allow for some variability in the short-term. This was done in pursuit of the long-term goal of harmonising standards, and reducing cultural differences between member states as the world and the ILO became more global and less atomised.

From a governance perspective, the role that the ILO took within the international space, its institutional field of visibility, was a chief concern throughout and referenced to some degree in all moments. Agency began the study as a relatively small issue, though over time the degree to which children's decisions around work should make up part of child labour policy increased substantially. However, as the 'worldwide movement' against egregious child labour became increasingly activist and child-led, the ILO positioned itself at the vanguard for it.

Regarding the state of child labour regulation going forward, the ILO-IPEC 1998 Annual Implementation Report described child labour as 'the most serious violations of children's rights in the world today'.¹⁴²⁷ Striking a similar tone, Hansenne, posited that child labour was 'the single most important cause of child exploitation and child abuse in the world today'.¹⁴²⁸ By framing child labour as the most important, rather than the most widespread

¹⁴²⁷ ILO-IPEC, Implementation Report 1998: Action against Child Labour: Lessons and Strategic Priorities for the Future – A Synthesis Report (Geneva: ILO Publications 1 January 1998) Available at: https://www.ilo.org/ipec/informationresources/WCMS_IPEC_PUB_20098/lang--en/index.htm [Accessed: 26 November 2020] 2.

¹⁴²⁸ M Hansenne, Speech by Mr. Michel Hansenne at the Oslo Conference on Child Labour, 1997 (Geneva: ILO Publications 27 October 1997) Available at:

or damaging source of abuse, Hansenne appeared to argue that there was more at stake with policy efforts against the practice than merely limiting harm. It seemed to suggest that tackling child labour would be a sign of wider progress, a cultural shift that would bring about systemic change and would 'create a world community based on what is morally right, and a world environment that encourages the establishment of a common set of values'.¹⁴²⁹

Over the course of the moments studied here, it has been demonstrated that the 'shape' of child labour policy discourse has shifted with time. This has been influenced strongly by a variety of geopolitical factors that have been brought to bear on international policymaking institutions that have occurred as the international has developed and evolved. Large events over the course of the 20th Century, including two World Wars, economic tribulations and the end of colonial empires have affected international relations in all areas and by extension child labour policy. Throughout, the ILO has remained *the* child labour regulatory body and prominent ILO actors have sought to underline and reaffirm this position.

In practice, as with many longstanding disagreements in the international arena, the ILO's engagement with parties other than employers, workers' representatives and national governments may prove more difficult than it appears. Although given the widespread and rapid ratification of a variety of child welfare and child labour-specific international instruments in the past, it suggests that there is a base consensus to work from. The existing Treaty infrastructure constitutes a fairly significant body of agreement regarding child rights and proper protection of minors in a range of contexts, including workplace ones. Also, it should be noted that the legal framework should allow for a degree of cultural and ideological plurality so as to make functioning of issues beyond child labour, such as trade and international criminal policing viable. It can be hoped that the ILO's legacy of engaging with child labour continues in such a way as to improve the picture for children in all walks of life, in work, school and beyond.

https://www.ilo.org/ipecc/informationresources/WCMS_IPEC_PUB_30576/lang--en/index.htm

[Accessed: 26 November 2020] 2.

¹⁴²⁹ M Hansenne, Speech by Mr. Michel Hansenne at the Oslo Conference on Child Labour, 1997 (Geneva: ILO Publications 27 October 1997) Available at:

https://www.ilo.org/ipecc/informationresources/WCMS_IPEC_PUB_30576/lang--en/index.htm

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Appendix A1: Sampled Sources Arranged by Moment

ILO Founding (1919-1921) [Includes ILR Volumes 1-6, 1921-22] Number of Articles and Documents Manually Reviewed: 194			
No.	Author	Title	Citation/Date
1	League of Nations	The Versailles Treaty, Part XIII: Labour	28 June 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 332-345.)
2*	ILO	ILO Constitution	28 June 1919
3	Commission on International Labour Legislation	Draft submitted by the British Delegates adopted as basis of Discussion: Minutes of Proceedings, No. 2	1 February 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 7-9)
4	Commission on International Labour Legislation	Proposal submitted by the delegates of the British Empire: a Draft convention creating a permanent organisation for the promotion of the international regulation of labour conditions: Minutes of Proceedings, No. 2	1 February 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 9-16.)
5	Commission on International Labour Legislation	Articles XXXIV, XXXVI and XXXVII: Minutes of Proceedings, No. 15	27 February 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 73-78.)
6	Commission on International Labour Legislation	Protocol to article VII, article XVIII: Minutes of Proceedings, No. 17	28 February 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 83-90.)
7	Commission on International Labour Legislation	Articles XVIII and XXIX, preamble, second reading concluded: Minutes of Proceedings, No. 18	28 February 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 90-96.)
8	Commission on International Labour Legislation	Agenda of first session of Conference: Minutes of Proceedings, No. 23	14 March 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 134-141.)
9	Commission on International Labour Legislation	Agenda of first session of Conference: Minutes of Proceedings, No. 24	15 March 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 141-149.)
10	Commission on International Labour Legislation	Hearing the representatives of the International Women's Council, Conference of Allied Women Suffragists, Office des Intérêts féminins, Syndicats ouvriers confédérés and Ligue française du Droit des Femmes: Minutes of Proceedings, No. 27	18 March 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 161-175.)
11	Commission on International Labour Legislation	Article III, amendments to the Draft convention, amendments to the agenda of the First International Conference, discussion of labour clauses: Minutes of Proceedings, No. 29	19 March 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 186-195.)

12	Commission on International Labour Legislation	Labour clauses points 2 and 3: Minutes of Proceedings, No. 30	20 March 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 196-203.)
13	Commission on International Labour Legislation	Labour clauses points 8, 9, 10, 18, 19, 11 and 12: Minutes of Proceedings, No. 32	21 March 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 207-211.)
14	Commission on International Labour Legislation	Labour clauses point 15 and Protocol to Article XIX, points 16, 17, 1 and 2; consideration of the suggestions put forward by the Special Conference of the Women: Minutes of Proceedings, No. 34	22 March 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 215-221.)
15	Commission on International Labour Legislation	Clauses proposed for insertion in the Treaty of Peace.	1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 282-283.)
16	Commission on International Labour Legislation	The proceedings at the Preliminary Peace Conference, report of the Commission on International Labour Legislation.	11 April 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 284-308.)
17	Commission on International Labour Legislation	Resolutions adopted by the Commission	11 April 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 281-282.)
18	Commission on International Labour Legislation	1. United States of America: Proposal submitted by the Delegates of the United States of America: Minutes of Proceedings, Appendix 1	1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 225-229.)
19	Commission on International Labour Legislation	2. Belgium: Proposals of the Belgian Delegation: Minutes of Proceedings, Appendix 2	1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 230-232.)
20	Commission on International Labour Legislation	5. France: Draft of Scheme founded on the Recommendations made (see Annex) by the Inter-Departmental French Committee on Labour Treaties: Minutes of Proceedings, Appendix 5	1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 234-240.)
21	Commission on International Labour Legislation	6. Italy: Statement of the Italian Delegation preliminary to the general discussion of the British Draft Convention: Minutes of Proceedings, Appendix 6	1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 240-245.)
22	Commission on International Labour Legislation	7. Czecho-Slovak Republic: Memorial of the Czecho-Slovak Delegation about the Eight-hour Day: Minutes of Proceedings, Appendix 7	1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 245-255.)
23	Commission on International Labour Legislation	8. Berne Conference: Manifesto of the International Trade Union Conference at Berne, 1919, on International Labour	1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 255-259.)

		Legislation: Minutes of Proceedings, Appendix 8	
24	Commission on International Labour Legislation	The observations of the Austrian and Hungarian Peace Delegations	10 July 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 327-329.)
25	German Peace Delegation	The proposals of the German Peace Delegation	10 July 1919 (Reproduced in (1923) 1 <i>International Labour Office: Official Bulletin</i> 309-326.)
26	A Thomas	'The International Labour Organisation – Its Origins, Development and Future'	(1921) 1(1) <i>International Labour Review</i> 5-22
27	International Labour Review	'The First Year of the International Labour Organisation'	(1921) 1(1) <i>International Labour Review</i> 23-40
28	International Labour Review	'Protection of Women and Children – New British Legislation Affecting Women and Young Persons'	(1921) 1(1) <i>International Labour Review</i> 121-126
29	International Labour Review	'Agriculture – The Agricultural Labourers of Hungary'	(1921) 1(1) <i>International Labour Review</i> 137-149
30	E Mahaim	'International Labour Law'	(1921) 1(3) <i>International Labour Review</i> 3-6
31	International Labour Review	'Labour and Industrial Legislation: Labour Legislation in Czecho-Slovakia'	(1921) 1(3) <i>International Labour Review</i> 22-47
32	International Labour Review	'Industrial Hygiene – Occupational Diseases in Germany'	(1921) 1(3) <i>International Labour Review</i> 117-142
33	International Labour Review	'Agriculture – Agricultural Conditions and Labour Agreements in Denmark and Sweden'	(1921) 2(1) <i>International Labour Review</i> 97-121
34	International Labour Review	'Labour Conditions'	(1921) 2(2) <i>International Labour Review</i> 57-87
35	International Labour Review	'The International Labour Office and the Protection of Children'	(1921) 3(1) <i>International Labour Review</i> 3-26
36	International Labour Review	'Education'	(1921) 3(1) <i>International Labour Review</i> 205-215
37	International Labour Review	'Agriculture: Control of the Employment of Children in Agriculture in Canada and the United States of America'	(1921) 3(2) <i>International Labour Review</i> 146-160
38	International Labour Review	'Control of the Employment of Children in Agriculture in Canada and the United States of America'	(1921) 4(1) <i>International Labour Review</i> 170-194
39	International Labour Review	'Agriculture: Control of the Employment of Children in Agriculture in Europe'	(1921) 4(2) <i>International Labour Review</i> 402-439

40	CE Low	'India and the Washington Conference'	(1922) 5(1) <i>International Labour Review</i> 3-12
41	International Labour Review	'The Third International Labour Conference'	(1922) 5(2) <i>International Labour Review</i> 179-208
42	International Labour Review	'Labour Conditions in Japanese Coal Mines'	(1922) 5(2) <i>International Labour Review</i> 251-264
43	International Labour Review	'Government Reports: Factory Inspection in the United Kingdom in 1920'	(1922) 5(2) <i>International Labour Review</i> 337-344
44	ED Newcomb	'Industrial Welfare Work in Great Britain'	(1922) 5(4) <i>International Labour Review</i> 553-572
45	WW Martna	'The Position of the Agricultural Labourer in Estonia'	(1922) 5(5) <i>International Labour Review</i> 731-738
46	International Labour Review	'Government Reports: Factory Inspection in Sweden in 1920'	(1922) 5(6) <i>International Labour Review</i> 1004-1014
47	M Turmann	'The Christian Social Movement and International Labour Legislation'	(1922) 6(1) <i>International Labour Review</i> 3-10
48	International Labour Review	'Legislative Reports'	(1922) 6(1) <i>International Labour Review</i> 120-137
49	International Labour Review	'Government Reports: Administration of Labour Laws in Quebec 1920-1921'	(1922) 6(1) <i>International Labour Review</i> 138-142
50	International Labour Review	'The Second Congress of the International Confederation of Christian Trade Unions'	(1922) 6(2) <i>International Labour Review</i> 201-211
51	International Labour Review	'Government Reports: Industrial Inspection in the Netherlands in 1920'	(1922) 6(3) <i>International Labour Review</i> 457-469
52	International Labour Review	'Legislative Notes'	(1922) 6(4) <i>International Labour Review</i> 648-669
53	International Labour Review	'Government Reports: Factory Inspection in the United Kingdom in 1921'	(1922) 6(4) <i>International Labour Review</i> 670-675
54	AA Andreades	'Labour Legislation in Greece'	(1922) 6(5) <i>International Labour Review</i> 699-720
55	International Labour Review	'Education: Vocational Guidance and Education'	(1922) 6(5) <i>International Labour Review</i> 807-824
56	International Labour Review	'Government Reports: Condition of India in 1921'	(1922) 6(6) <i>International Labour Review</i> 1016-1026
57	ILO	'Convention No. 5: Minimum Age (Industry) Convention'	29 October 1919, Washington Conference, First Session
58	ILO	'Convention No. 6: Night Work of Young Persons (Industry) Convention'	29 October 1919, Washington Conference, First Session
59	ILO	'Convention No. 7: Minimum Age (Sea) Convention'	15 June 1920, Genoa Conference, Second Session
60	ILO	'Convention No. 10: Minimum Age (Agriculture) Convention'	25 October 1921, Geneva Conference, Third Session

61	ILO	'Convention No. 15: Minimum Age (Trimmers and Stokers) Convention'	25 October 1921, Geneva Conference, Third Session
62	ILO	'Convention No. 16: Medical Examination of Young Persons (Sea) Convention'	25 October 1921, Geneva Conference, Third Session
63	ILO	'Recommendation No. 4: Lead Poisoning (Women and Children) Recommendation'	29 October 1919, Washington Conference, First Session
64	ILO	'Recommendation No. 14: Night Work of Children and Young Persons (Agriculture) Recommendation'	25 October 1921, Geneva Conference, Third Session
65	International Labour Review	'Social Welfare in Japan'	(1921) 1(3) <i>International Labour Review</i> 32-47
66	B Mackaye	'Labor and the War'	(1918) 6(1) <i>Monthly Review of the Bureau of Labor Statistics</i> 48-77
67	Monthly Review of the Bureau of Labor Statistics	'Women in Industry'	(1918) 6(1) <i>Monthly Review of the Bureau of Labor Statistics</i> 114-120
68	Monthly Review of the Bureau of Labor Statistics	'Child Labor'	(1918) 6(2) <i>Monthly Review of the Bureau of Labor Statistics</i> 398-406
69	Monthly Labor Review	'Women and Child Labor'	(1919) 8(4) <i>Monthly Labor Review</i> 1134-1143
70	Monthly Labor Review	'Child Labor'	(1919) 8(1) <i>Monthly Labor Review</i> 247-277
71	Monthly Labor Review	'Child Labor'	(1919) 8(2) <i>Monthly Labor Review</i> 514-516
72	Monthly Labor Review	'Child Labor'	(1919) 8(3) <i>Monthly Labor Review</i> 833-838
73	Monthly Labor Review	'Report of the Commission on International Labor Legislation to the Peach Conference'	(1919) 8(5) <i>Monthly Labor Review</i> 1227-1252
74	JT Shotwell	'Labor Provisions in the Peace Treaty'	(1919) 9(2) <i>Monthly Labor Review</i> 27-40
75	Monthly Labor Review	'Child Labor'	(1919) 9(5) <i>Monthly Labor Review</i> 249-252
76	VB Turner	'The International Labor Conference'	(1920) 10(1) <i>Monthly Labor Review</i> 1-26
77	Monthly Labor Review	'Child Labor'	(1920) 10(4) <i>Monthly Labor Review</i> 178-182
78	Monthly Labor Review	'Child Labor'	(1920) 11(6) <i>Monthly Labor Review</i> 126-131
79	S Jacob	'Immigrant Farm Colonies in Southern New Jersey'	(1921) 12(1) <i>Monthly Labor Review</i> 1-22
80	NP McGill	'Trend of Child Labor in the United States, 1913 to 1920'	(1921) 12(4) <i>Monthly Labor Review</i> 1-14

81	HS Woodbury	'Working Children of Boston'	(1921) 12(1) <i>Monthly Labor Review</i> 45-59
82	Monthly Labor Review	'Women in Industry, and Child Labor'	(1920) 12(5) <i>Monthly Labor Review</i> 121-125
83	Monthly Labor Review	'Women in Industry, and Child Labor'	(1920) 12(3) <i>Monthly Labor Review</i> 157-158
84	A Kalet	'Effect of the War on Working Children in Germany'	(1921) 13(1) <i>Monthly Labor Review</i> 6-17
85	Monthly Labor Review	'Industrial Relations and Labor Conditions'	(1921) 13(1) <i>Monthly Labor Review</i> 18-63
86	Monthly Labor Review	'Woman and Child Labor'	(1921) 13(6) <i>Monthly Labor Review</i> 140-144
87	R Kanta	'Rise of Factory Labor in India'	(1922) 14(3) <i>Monthly Labor Review</i> 7-27
88	Monthly Labor Review	'Woman in Industry – International Congress of Working Women at Geneva'	(1922) 14(2) <i>Monthly Labor Review</i> 112-112
89	Monthly Labor Review	'Woman and Child Labor'	(1922) 14(3) <i>Monthly Labor Review</i> 133-137
90	JP Meade	'Problems and Importance of Factory Inspection'	(1922) 15(1) <i>Monthly Labor Review</i> 13-23
91	Monthly Labor Review	'Woman and Child Labor'	(1922) 15(1) <i>Monthly Labor Review</i> 116-123
92	Monthly Labor Review	'Child Labor'	(1922) 15(5) <i>Monthly Labor Review</i> 152-156

*No 2. is the same as No. 1 – Same as the Treaty of Versailles. They are referred to separately in some accounts hence the confusion.

Inter-War Child Labour Regulation, Conventions 58-60 (1936-37) [Includes ILR Volumes 31-38, 1935-38]			
Number of Articles and Documents Manually Reviewed: 211			
No.	Author	Title	Citation/Date
1	ILO	'Convention No. 33: Minimum Age (Non-Industrial Employment) Convention'	12 April 1932, Geneva Conference, Sixteenth Session
2	ILO	'Convention No. 58: Minimum Age (Sea) Convention (Revised)'	22 October 1936, Geneva Conference, Twenty-Second Session
3	ILO	'Convention No. 59: Minimum Age (Industry) Convention (Revised)'	3 June 1937, Geneva Conference, Twenty-Third Session
4	ILO	'Convention No. 60: Minimum Age (Non-Industrial Employment) Convention (Revised)'	3 June 1937, Geneva Conference, Twenty-Third Session
5	ILO	'Recommendation No. 41: Minimum Age (Non-Industrial Employment) Recommendation'	12 April 1932, Geneva Conference, Sixteenth Session
6	ILO	'Recommendation No. 52: Minimum Age (Family Undertakings) Recommendation'	3 June 1937, Geneva Conference, Twenty-Third Session
7	International Labour Review	'ILO Notes'	(1935) 31 <i>International Labour Review</i> 1-5
8	L. Teleky	'The Place of the Doctor in Factory Inspection'	(1935) 31 <i>International Labour Review</i> 28-63
9	D.C. Tait	'Unemployment of Young People in Great Britain'	(1935) 31 <i>International Labour Review</i> 166-189
10	M Osman	'Handicrafts in Turkey'	(1935) 31 <i>International Labour Review</i> 190-220
11	International Labour Review	'Industrial Inspection in Austria, 1929-1933'	(1935) 31 <i>International Labour Review</i> 221-231
12	International Labour Review	'ILO Notes'	(1935) 31 <i>International Labour Review</i> 309-310
13	J. Rosner	'Productive Occupation for Unemployed Young Workers in Poland'	(1935) 31 <i>International Labour Review</i> 512-538
14	G.R. Giles	'Unemployment among Young People in Australia'	(1935) 31 <i>International Labour Review</i> 811-836
15	International Labour Review	'Native Labour in Kenya in 1933'	(1935) 32 <i>International Labour Review</i> 104-109
16	International Labour Review	'Nineteenth Session of the International Labour Conference.'	(1935) 32 <i>International Labour Review</i> 289-343
17	International Labour Review	'Labour Inspections in Hungary, 1928-1933.'	(1935) 32 <i>International Labour Review</i> 389-396
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* No. 3 and No.4 are reprints of previously published articles, covered in the moment 1 of study, No. 26 and 30.