

The Concept of Child Labour of the International Labour Organisation

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ABSTRACT

The aim of this Master's thesis is to bring up the problematic of defining the concept of child labour in a universal manner as the International Labour Organisation (ILO) attempts to do. The thesis is based on the argument that there is no universal definition of 'child labour' due to the tremendous complexity of the concept. What child labour means to different people, how do we define a 'child' and 'childhood' and what we consider 'labour' or 'work' varies tremendously from continent to continent, country to country, town to town, village to village and, even, family to family. Therefore, we must be sceptical about whether it is possible to define child labour in a way that should be applied internationally through instruments of international politics, such as the Conventions and Recommendations of the ILO. This thesis brings up the perspective that these policies may, in fact, be based on the perspective of a very small group of countries in the world, which, through these policies, attempt to impose their perspective worldwide.

The theoretical framework of the thesis is based on Robert W. Cox's theory on hegemony, according to which international organisations function as the agents expressing world hegemony. This thesis suggests that the child labour Conventions and Recommendations of the ILO may merely be another way of re-enforcing the hegemony of the economically and politically most powerful nations of the world, i.e. the 'core' countries, on the 'peripheral' countries, which do not possess this economic and political power.

The empirical material of the thesis consists of the Records of Proceedings of 31 sittings of the International Labour Conferences, 15 reports of the ILO written for those Conferences, and 12 child labour Conventions and 6 child labour Recommendations of the ILO. The methodology used for analysing this material is critical discourse analysis, through which we aim to find ways in which discourse and power are entangled together.

The thesis does not attempt to find 'right' or 'wrong' solutions to the complex problem of how to define international child labour policies but merely wishes to bring up the problematic of defining such a concept in a universal manner.

key words: child labour, childhood, labour, the International Labour Organisation, hegemony, international labour legislation

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1. INTRODUCTION

1.1. Why Child Labour?

As I visited my brother in Cambodia in March 2004, I saw, to my horror, little girls of 10 to 12 years old everywhere on the streets and the bars selling themselves to the wealthy 'western' tourists who visit the country. This was the first touch I had to the reality of working children in the 'developing countries'. My first reaction was pity and disgust as I watched the girls. Next, I simply wanted to cry. The rest of my time in Cambodia I kept wondering how was it possible that, despite all the international regulations on child labour and trafficking of children, the streets of Phnom Penh were full of Vietnamese child prostitutes. When I then got a chance to investigate something through my MA thesis in Finland, to me it was clear from the beginning that this was the topic I wanted to study. Something, in the end, must be 'wrong' with the international child labour regulations if the reality in the 'developing' countries is still so horrid. My initial idea was to study all the international regulations that relate to child labour but eventually, after some investigation, I arrived at the conclusion that the International Labour Organisation (ILO) was *the* international organisation responsible for the international child labour politics. In the end, all the other international organisations working in the field of child labour (such as UNICEF and the World Bank) base their regulations on those of the ILO. I also realised that the national laws on child labour worldwide are, to a great extent, based on the regulations of the ILO. Finally, I reached the conclusion that child labour as such is such a complicated concept that it may simply be impossible to draft regulations on it that could be applied all over the world. My question was, therefore, how was the ILO attempting to make universal child labour policies and why? And was it possible, due to the complexity of the concept of child labour, to draft universally applicable legislation on child labour? Asking myself these questions I investigated on the topic and found various articles and books on child labour in general, but no investigation on the development of the concept of child labour in the ILO. Therefore, I decided to investigate whether the ILO's concept of child labour could and/or should be universalised. My question was; does the ILO's concept of child labour represent truly a universal definition of child labour or just an opinion of a few?

1.2. The Theoretical, Conceptual and Political Framework of the Study

This Master's thesis is based on Robert W. Cox's notion of hegemony, developed from the political thought of Gramsci. In order to understand the neo-Gramscian theory promoted by Cox we must, therefore, first consider the main points of the Gramscian thought. Gramsci's concept of hegemony can be described as 'a relation between classes and other social forces' (Simon 1982:22) and an 'indissoluble union of political leadership and intellectual and moral leadership' (Mouffe 1979:179). A hegemonic class, in turn, is one which 'gains the consent of other classes and social forces through creating and maintaining a system of alliances by means of political and ideological struggle' (Simon 1982:22-23). According to Gramsci's Prison Notebooks (Mouffe 1979:181, citation from Prison Notebooks 1971:180-5, emphasis in the original)

hegemony [...] is [not] a question of a simple political alliance but of a complete fusion of economic, political, intellectual and moral objectives which will be brought about by one fundamental group and groups allied to it *through the intermediary of ideology* when an ideology manages to 'spread throughout the whole of society determining not only united economic and political objectives but also intellectual and moral unity.

The Gramscian concept of hegemony is, thus, made of a number of different concepts. One factor central to the concept of hegemony of Gramsci is the system of alliances. According to Gramsci, in order for a class to develop into a hegemony, it must take into account the interests of other classes and social forces and find ways in which to combine these interests with its own. In addition to this, the hegemonic class needs to consider the 'popular and democratic demands' and 'struggles' which do not arise directly out of production relations, i.e. which do not possess a class character. Whenever a non-hegemonic class finds itself under a threat from the hegemonic class, i.e. when a state attempts to change its social and economic structure without consulting its people, it engages into a 'passive revolution'. According to Gramsci, hegemony is also exercised in the underpinnings of the political structure in civil society. In other words, the notion of state does not simply mean the state apparatus itself, but also the church, the educational system, the press and other institutions which 'help to create in people certain modes of behaviour and expectations consistent with the hegemonic social order' (Cox 1999:126). The hegemonic class must also dominate the sphere of production. Without achieving this, the

class may not become hegemonic in civil society and the state apparatuses. Gramsci calls the way in which ‘a hegemonic class combines the leadership of a bloc of social forces in civil society with its leadership in the sphere of production’ the ‘historic bloc’ (Simon 1982:27). Power exercised by the hegemony, in turn, for Gramsci, is also both embodied in the apparatuses of the state and diffused throughout civil society. He names this conception of the nature of power as ‘hegemony armoured by coercion’ (ibid.). Let us now explain further how Gramsci’s concept of hegemony relates to our investigation.

Cox writes in his essay from 1983 on the political thought of Gramsci that when applying Gramsci’s concept of hegemony to international relations, the ‘great powers [i.e. the hegemonies] have relative freedom to determine their foreign policies in response to domestic interests’, while ‘small powers have less autonomy’. Therefore, ‘the economic life of subordinate nations is penetrated by and intertwined with that of powerful nations’ (Cox 1999:134). Hegemony as discussed here is, in other words, closely related to the word ‘dominance’. Cox develops the ideas of Gramsci further and relates them to international relations and world order in general, thereby applying them to the world system instead of following Gramsci’s idea of hegemonies within the national level. Applying Gramsci’s theory of hegemony to the world of today, Cox argues that international organisations are the agents through which the ‘universal norms’ of these *world* hegemonies are expressed. In other words, according to Cox, international organisations function as ‘the process through which the institutions of hegemony and its ideology are developed’ (ibid.:137). This world hegemony is initially ‘an outward expansion of the internal (national) hegemony established by a dominant social class’, as described by Gramsci. The institutions (economic and social), the culture and the technology associated with this *national* hegemony then become aspects of world hegemony through their imitation abroad. In other words (ibid.),

hegemony at the international level is not merely an order among states. It is an order within a world economy with a dominant mode of production which penetrates into all countries and links into other subordinate modes of production. It is also a complex of international social relationships which connect the social classes of the different countries. World hegemony can be described as a social structure, an economic structure, and a political structure; and it cannot be simply one of these things but must be all three. World hegemony, furthermore, is expressed in universal norms, institutions, and mechanisms which lay down general rules of behaviour for states and for those forces of civil society that act across national boundaries, rules which support the dominant mode of production.

The international organisations, which are the agents that assist in the practice of the world hegemony, have several features which express this role. Cox (ibid.:138) lists these features as follows:

- (1) the institutions embody the rules which facilitate the expansion of hegemonic world orders;
- (2) they are themselves a product of the hegemonic world order;
- (3) they ideologically legitimate the norms of the world order;
- (4) they co-opt the elites from peripheral countries; and
- (5) they absorb counterhegemonic ideas.

According to Cox, the international organisations are ‘framed’ to promote economic expansion but, in fact, perform as the agents promoting global hegemonies, through the features described above. They, therefore, perform an important ideological role by reflecting orientations that favour the dominant social and economic forces (ibid.). The International Labour Organisation, for example, by advocating tripartism, ‘legitimizes the social relations evolved in the core countries as the desirable model for emulation’ (ibid.:139) in the peripheral countries. According to Cox, the ILO, in other words, is merely an ‘accessory of hegemony’ (ibid.:24) instead of being what it itself claims, i.e. a promoter of ‘social justice’ and ‘human and labour rights’ (www.ilo.org). This point is raised up by Boyden, Ling and Myers (1998:190) who cleverly write about the ILO’s child labour Convention No. 138, today considered as the fundamental international child labour Convention, that

[the ILO’s 1973 Convention on Child Labour (No. 138)] does not pretend to be a product of social scientists and child welfare and development experts [...]. Like many or most conventions, its inspiration is more political than technical. The Convention’s assumptions, approach, objectives and provisions reflect the primary orientation of its authors toward economic and labour market issues, a natural outgrowth of the ILO’s mission to promote employment and economic justice.

According to Cronin (2001:104), most neo-Gramscian theories of hegemony agree on the fact that

hegemons create social structures and international organizations in order to advance particular sets of political, economic and other types of interests. These organizations help to facilitate the development of hegemonic institutions and the expansion of hegemonic world orders. Once established they stabilize global politics and increase the likelihood that the other states will act according to norms promoted by the hegemon.

In our research, we came to the conclusion that the child labour policies promoted by the ILO indeed follow Cox's notion of the role of international organisations as the agents promoting the hegemony of certain countries. In this particular case, we could see the hegemonic position of Western Europe and the United States (i.e. the 'western' world) through the look at the development of the ILO's child labour policy. It is argued that the organisation's concept of child labour proves to be developed from a very 'Eurocentric' or 'western' perspective, which the organisation attempts to universalise through its Conventions. The less powerful Members States of the ILO have had little to say in the formulation of the ILO's child labour policies which are, to a great extent, based on 'western' cultural and moral values. This may be a conscious choice from their part, as Boron points out, 'none of the members of the coalition [or the alliance mentioned above] can exert, in strategic policy areas, effective veto power against the preferences of the hegemonic power' (1994:213). Therefore, we can clearly see the neo-Gramscian theory becoming true through the look at the ILO's child labour policies. We will develop this idea further throughout the main body of the thesis.

1.3. The Empirical Material

The thesis is based on the Records of Proceedings of the annual International Labour Conferences (ILCs) of the ILO, the reports prepared for these Conferences and the ILO's child labour Conventions and Recommendations. The ILO is a United Nations specialized agency which, according to its world wide web pages (at www.ilo.org), 'seeks the promotion of social justice and internationally recognised human and labour rights'. The ILO Conventions and Recommendations are adopted by the ILCs, which meet annually in June, in Geneva, Switzerland (with the exception of the period of the immediate aftermath of the Second World War, during which the Conferences were held in Montréal, Canada and Paris, France). The Conventions are international treaties which, once adopted by the Conference, are open to ratification by the Member States. Their ratification creates a legal obligation to apply the provisions of the Convention in question. Here we must also specify the specific nature of the Conventions; their task is not to solve the problems of international relations, but to merely offer internationally controlled regulations on them. They also function as the basis for legitimating for the national parliaments and governments and for their control. The ILO Conventions have also had an important role to play in the conceptualisation of, in particular, the human rights discourse as part of international relations. Thus, they make up a

very interesting material on which to base studies on the development of any human rights concepts in the arena of international politics. The Recommendations, on the other hand, are intended to merely *guide* national action (policy, legislation and practice), but are not open to ratification, and are not legally binding. The ILCs are the most important decision-making body of the ILO. They follow the tripartite structure of the ILO and, hence, in them each Member State of the ILO is represented by a delegation consisting of two government delegates, an employer delegate, a worker delegate, and their respective advisers. According to the ILO, the employer and worker delegates are nominated in agreement with ‘the most representative national organisations of employers and workers’. In the Conferences, supposedly every delegate has the same rights, and can express their opinions freely and vote as they wish. Therefore, we can sometimes see that in the ILCs the representatives of the employers, for example, turn against the representatives of their governments (all information taken from www.ilo.org).

The Records of Proceedings of the ILCs record all the conversations held at the ILCs. Until the 1990s, the Records of Proceedings recorded all the discussions word by word, after which they no longer appear in this form. Today, the Records of Proceedings are written in a more narrative form, leaving out the names of the speakers and, we may suppose, also some of the specific comments made in the ILCs. The Records of Proceedings are mostly written in English, but in some cases some of the text may also be in French or in Spanish. The reports prepared for discussion in the ILCs (which also, therefore, form the basis of the Conventions and Recommendations) are also mostly in English, with the exception of the reports written in the immediate aftermath of the Second World War, which have been written in French. The empirical material of this thesis was made of all the discussions held in the ILCs on child labour. In total, it consisted of 31 sittings of ILCs held during the period 1919-2001. In addition to this, the material included the following 15 reports written for the ILCs: 1919 Report on Child Labour; 1920 Report III: Employment of Children at Sea; 1932 Report VII: Partial Revision of the Minimum Age (Non-Industrial Employment) Convention, 1932 (No.33); 1945 Report III: Protection des enfants et des jeunes travailleurs; 1946 Report III: Protection des enfants et des jeunes travailleurs; 1969 Report II (1): Special Youth Employment and Training Schemes for Development Purposes; 1970 Report VI (2): Special Youth Employment and Training Schemes for Development Purposes; 1972 Report C.: Admission of Children to Employment in Agriculture; 1981 Report III (Part 2): Minimum Age; 1998 Report VI (1): Questionnaire: Child Labour; 1998 Report VI (1): Child Labour –

Targeting the Intolerable; 1998 Report VI (2): Child Labour; 1999 Report IV (1): Child Labour; 1999 Report IV (2A): Child Labour; and 1999 Report IV (2B): Child Labour.

The material was collected in the library of the Finnish Parliament House by going through all the Records of Proceedings of the ILCs from 1919 till 2004 and selecting the discussion records on the sittings on child labour by using the content pages of the Records. Since this was done by one person only and within a limited time period, it must be kept in mind that the material may not be complete, due to possible human errors in the search for the material. In addition to the Records of Proceedings, the material was made of 12 child labour Conventions (the Minimum Age (Industry) Convention (No. 5), Minimum Age (Sea) Convention (No. 7), the Minimum Age (Agriculture) Convention (No. 10), the Minimum Age (Trimmers and Stockers) Convention (No. 15), the Minimum Age (Non-Industrial Employment) Convention (No. 33), the revised Minimum Age (Sea) Convention (No. 58), the revised Minimum Age (Industry) Convention (No. 59), the revised Minimum Age (Non-Industrial Employment) Convention (No. 60), the Minimum Age (Fishermen) Convention (No. 112), the Minimum Age (Underground Work) Convention (no. 123), the Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182)) and six child labour Recommendations (the Minimum Age (Non-Industrial Employment) Recommendation (No.41), the Minimum Age (Family Undertakings) Recommendation (No.52), the Minimum Age (Coal Mines) Recommendation (No.96), the Minimum Age (Underground Work) Recommendation (No.124), the Minimum Age Recommendation (No.146), the Worst Forms of Child Labour Recommendation (No.190)).

1.4. The Methodology

The analysis is based on rhetoric and discourse analysis. In carrying out our analysis, we are particularly interested in how discourse and power are entangled together, i.e. how discourse enforces hegemony through international politics. In relation to the specific topic under investigation, we are particularly interested in how a certain perspective on child labour has become the globally hegemonic perspective through the child labour discourses held in the ILCs. It is our claim that this perspective on child labour has reached the position of the 'ultimate, global truth' and the only way of seeing children's labour. However, the way in which the abolition of child labour has been promoted stems rather from economic interests than the interests for the well-being of children. This can be seen through a closer look at the child labour discourse within the ILO. We will, hence, be looking at the material

from the point of view of critical discourse analysis (CDA) as defined by van Dijk. According to him, CDA '[deals] primarily with the discourse dimensions of power abuse and the injustice and inequality that result from it' (Wodak and Meyer 2005:252). CDA is primarily interested and motivated by pressing social issues, which it hopes to better understand through discourse analysis. As is typical for the CDA, we are particularly interested in what part the opinions of the 'weaker' political and economic powers have played within the ILO's child labour discourse.

Hence, we will be looking at discourse in particular as 'communicative practices and 'ways of saying' that express the interests of a particular socio-historical group or institution' (Cockcroft and Cockcroft 2005:21-22). We will be paying attention at the *ethos* of the material, i.e. 'the set of values held either by an individual or by a community, reflected in their language, social attitudes and behaviour' (ibid.:28). We will pay special attention to the *personality* and *stance* of the speakers expressing their opinions at the ILCs. It is important to take into consideration the personality of the speakers, in order to bear in mind that the speakers may not always be truthful, since in the practice of legislation there are always personal interests involved. This is, especially, the case when investigating discourse that may have ideological implications. It may be the case sometimes in the analysis that the speaker can be seen as described by Plato as 'a mere expert in rhetorical subtlety' (logodaedalos), skilled in structuring speeches to give the appearance of proof, but without any concern for truthfulness (or indeed any real knowledge of the subject)' (Plato 1973:83, cited in Cockcroft and Cockcroft 2005:30). We will also consider the 'stance' aspect of *ethos*, i.e. where the speakers in the ILCs stand in relation to the issue under investigation and to their audience, i.e. the ILO and the other participants in the ILCs. One important aspect of *ethos* that shall also be considered is the expression of emotion (ranging from the extremes of pity, rage or grief to ironic humour) in the discussions in the ILCs. When discussing a topic so related to our moral values than child labour, this aspect often comes across from the speeches held at the ILCs. Finally, we will consider the different *topoi* in our analysis. In doing our analysis, we will follow Wodak's model of classifying the *topoi*, i.e. 'the parts of argumentation which belong to the obligatory, either explicit or inferable premises' (Wodak and Meyer 2005:74). We will be paying special attention to the fifteen different *topoi* listed below:

Table 1: List of Topoi

1 Usefulness, advantage	9 Finances
2 Uselessness, disadvantage	10 Reality
3 Definition, name-interpretation	11 Numbers
4 Danger and threat	12 Law and right
5 Humanitarianism	13 History
6 Justice	14 Culture
7 Responsibility	15 Abuse
8 Burdening, weighting	

(source: Wodak and Meyer 2005: 74)

The different *topoi* seen in the list can all be described by means of following a conditional. As described by Wodak, the conditionals that explain the meanings of the different *topoi* go as follows:

Table 2: The Conditionals Describing the *Topoi*

Topos	Conditional (Conclusion Rule)
1 Usefulness, advantage	If an action under a specific relevant point of view will be useful, then one should perform it
2 Uselessness, disadvantage	If one can anticipate that the prognosticated consequences of a decision will not occur, or if other political actions are more likely to lead to the declared aim, the decision has to be rejected
3 Definition, name-interpretation	If an action, a thing or a person (group of persons) is named/designated as X, the action, thing or a person (groups of persons) carries or should carry the qualities/traits/attributes contained in the (literal) meaning of X
4 Danger and threat	If a political action or decision bears specific dangerous, threatening consequences, one should not perform or do it
5 Humanitarianism	If a political action or decision does or does not conform with human rights or humanitarian convictions and values, one should or should not perform or take it
6 Justice	If persons/actions/situations are equal in specific respects, they should be treated/dealt with in the same way
7 Responsibility	Because a state or a group of persons is responsible for the emergence of specific problems, it or they should act in order to find solutions to these problems
8 Burdening, weighting	If a person, an institution or a country is burdened by specific problems, one should act in order to diminish these burdens
9 Finances	If a specific situation or action costs too much money or causes a loss of revenue, one should perform actions which diminish the costs or help to avoid the loss
10 Reality	Because reality is as it is, a specific action/decision should be performed/made
11 Numbers	If the numbers prove a specific topos, a specific action should be performed or not be carried out
12 Law and right	If a law or an otherwise codified norm prescribes or forbids a specific politico-administrative action, the action has to be performed or omitted
13 History	Because history teaches that specific actions have specific consequences, one should perform or omit a specific action in a specific situation (allegedly) comparable with the historical example referred to
14 Culture	Because the culture of a specific group of people is as it is, specific problems arise in specific situations
15 Abuse	If a right or an offer for help is abused, the right should be changed, or the help should be withdrawn, or measures against the abuse should be taken

(source: Wodak and Meyer 2005: 74-6)

In our analysis, we are most interested in the *topoi* of usefulness, uselessness, danger and threat, humanitarianism, justice, responsibility, finances, reality and culture. Child labour is often defended or accused as useful or useless both for the children themselves, their families and the societies as a whole. This aspect comes across frequently from the Records of Proceedings throughout the years. In the immediate aftermaths of the World Wars, in turn, child labour was seen as a threat to the societies in which the children were growing up. We will, therefore, also discuss in detail the *topos* of danger and threat. Some participants of the ILCs have also argued that child labour is against the human nature, whereas others argue that it is the children's right to work. We will, therefore, also see the *topoi* of humanitarianism and justice. The *topos* of responsibility can also be seen from the child labour discourse, as many believe that it is the responsibility of the international community and the State to control the use of children in work. For others, the culture or the economic or political reality of a country in question justify the use of child labour. However, we will see that the most frequently seen *topos* in relation to our analysis is that of finances, as the question of restricting or allowing child labour is related to economic profit and loss. In addition to these *topoi*, we will be looking at the *topos* of cause and consequence, i.e. the effects of the elimination or conservation of child labour to societies as has come up in the discussions in the ILCs.

In analysing the development of the concept of child labour within the ILO we must also consider the following factors influencing the nature of the discourse. Firstly, we must keep in mind that all human rights debates can be used to affirm existing power relations and discourses. The child labour debate is an ideological debate, which makes it also a power struggle. The nature of the Conventions, hence, depends to a great extent on the power relations that underlie them (Fairclough 2001). According to Hanson and Vandaele (2003:76), some critics see human rights discourses 'arising as an expression of the consolidation of newly emerging relations and structures of power, rather than as being constructed as challenges to extant relations and structures of power'. Therefore, whenever we discuss any developments in any human rights concepts used by the ILO, we need to be aware of the developments in the power relations within the organisation. A second point to keep in mind is that some critics blame the very basis of the ILO, i.e. its tripartite structure, to be 'Eurocentric'. According to Vihma, it is a typical product of the 'western' cultural heritage which corresponds to ideals that stem from and are spread by the system of parliamentary democracy. If we were to draw conclusions from these two claims, the ILO

may, therefore, be spreading its own ideals through the concepts of social justice it promotes. Myers' (1994:22) claim that

the definitional issue [of child labour] is important because it is essentially political, posing an emotionally charged choice of social values and objectives. The debate over what is meant by 'child labour' represents fundamental disagreement over what the social problem is that should be eliminated and the stakes are high for key interest groups divided between the positions

should, therefore, be kept in mind when looking at the development of the concept within the ILO. Let us also be aware of the words of Fairclough (2001:27, emphasis in the original), who writes that;

institutional practices which people draw upon without thinking often embody assumptions which directly or indirectly legitimize existing power relations. Practices which appear to be universal and commonsensical can often be shown to originate in the dominant class or the dominant bloc, and to have become *naturalized*.

Whenever we are looking at the development of a certain concept within an institution which is characterised by an internal power struggle, we are confronted by a battle of ideologies. The development of the concept often also becomes a battle for the perspectives of the most powerful actors in the debate. In other words, we may be able to see the neo-Gramscian thinking reflected in the speeches in the ILCs.

1.5. My Main Argument

This Master's thesis is based on the argument that there is no universal definition of 'child labour' due to the tremendous complexity of the concept. What child labour means to different people, how do we define a 'child' and 'childhood' and what we consider 'labour' or 'work' varies tremendously from continent to continent, country to country, town to town, village to village and, even, family to family. Therefore, we must be sceptical about whether it is possible to define child labour in a way that should be applied internationally through instruments of international politics, such as the Conventions and Recommendations of the ILO. This thesis brings up the perspective that these policies may, in fact, be based on the perspective of a very small group of countries in the world, which, through these policies, attempt to impose their perspective worldwide. In other words, the child labour Conventions

of the ILO may merely be another way of enforcing the hegemony of the economically and politically most powerful nations of the world, i.e. the ‘core’ countries, on the ‘peripheral’ countries, which do not possess this economic and political power.

Here we should also remind ourselves of the purpose of this thesis in relation to the main argument. This thesis should be considered not as a thorough investigation on the organisation’s concept of child labour but a peek at how the concept has developed, on which we could base another, more profound, study. It does not attempt to find ‘right’ or ‘wrong’ solutions to the complex problem of how to define international child labour policies but merely wishes to bring up the problematic of defining such a concept in a universal manner.

1.6. The Structure of the Thesis

This thesis is divided into four main parts. The part following this introduction discusses the context in which the ILO’s child labour concept has developed. This includes discussion on the historical context (the developments in the world around the ILO), the local context (the development of the Conventions as such), the institutional framework (the developments within the ILO), the discourse context (specific remarks about the nature of the child labour discourse within the ILO), and the actors involved in the development of the concept (the participants of the ILCs and the children themselves). In addition to these elements, this part includes a section on the issue of ratification and the formulation of the questionnaires on which the reports of the material are based. The aim of this part is to make up the basis for the discussion that follows in the thesis. This part is essential to the understanding of the development of the concept within the ILO since without understanding the circumstances in which it has been developed and who has developed it, we may not be able to draw valid conclusions about the discussions in the ILCs.

The next chapter (three) of the thesis is made of a discussion on the reasons in favour of and against the restrictions on child labour. In this chapter, we will discuss the different prevailing perspectives on child labour as discussed by various critics and, then, see how the Members of the ILO perceive it through a look at the discussions held at the ILCs. This part is, again, crucial for our understanding on what child labour means to the ILO and to its Member States. There is wide debate about whether child labour should be seen as an ‘evil to be eliminated’ or a natural part of a child’s life. The debate in the ILCs on this reveals the fundamental meaning of child labour to the ILO and its Members and is, therefore, crucial to

discuss when attempting to understand why and how has the concept developed within the organisation into what it is today.

In chapter four we will discuss one of the most controversial elements of the concept of child labour, i.e. the question of chronological age. From this discussion the reader shall see how the very basis of the ILO's concept of child labour, i.e. chronological age, becomes an enormously complex issue. The purpose of this chapter is to get across the complexity of attempting to define the concept of child labour in a way that would be applicable in all the circumstances and places in the world. Due to different cultural factors, this chapter argues that this seems extremely difficult, if not impossible.

The last chapter of the main body of this thesis, i.e. chapter five, is dedicated to the concepts of 'labour' and 'work', which, in the same way as the question of chronological age discussed in chapter four, proves to be extremely multifaceted. What is considered 'work', what 'labour', what 'play' and what merely an 'activity' varies tremendously from country to country and even from community to community. The idea behind this chapter is, therefore, again to open up our minds to the complexity of finding an internationally applicable definition for child labour. The chapters three, four, and five have as their aim to demonstrate the tremendous complexity of the concept of child labour. After the discussion, we may ask ourselves whether it is at all possible to define it in a way that could and should be applied to all the different countries of the world.

2. THE CONCEPT OF CHILD LABOUR IN THE ILO –THE CONTEXT

When looking at the development of any concept through critical discourse analysis, one must first consider the *context* in which it has developed. This should include both, the ‘global’ and ‘local’ contexts. This is crucial in any analysis based on critical discourse analysis since, as put by Van Dijk (in Wodak and Meyer 2005:108), ‘what we say and how we say it depends on who is speaking to whom, when and where, and with what purposes’. In relation to our analysis, we shall consider the historical context, the local context, the institutional context and the actors. We should also distinguish the ‘overall domain’ of the development of the concept in question (i.e. international politics), the ‘overall action’ (i.e. international legislation), the ‘local setting’ (i.e. the International Labour Organisation) and the ‘participants’ or the ‘actors’ in the development of the concept (i.e. the representatives of workers, employers, and governments and the children themselves), as following van Dijk’s context model of critical discourse analysis. After having identified this general setting in which the concept has developed, we can then take a closer look at the development of the concept as such.

2.1. The Historical Context

The history of the concept of child labour in the ILO dates all the way back to the creation of the organisation. The Preamble of the Constitution of the ILO (available at www.ilo.org), adopted in 1919 as Part VIII of the Treaty of Versailles, includes protection of children as one of the fundamental functions of the ILO as a way to ‘secure peace’ and spread ‘justice’ and ‘humanity’¹. This Constitution was adopted by the representatives of the

¹ The Preamble of the ILO Constitution reads:

Whereas universal and lasting peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by [...] the protection of children, young persons and women, [...], the organization of vocational and technical education and other measures;

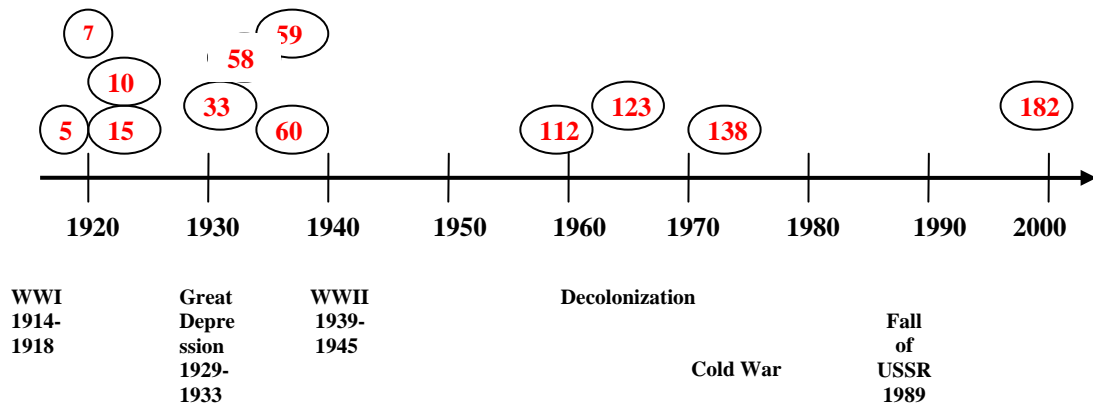
Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, and with a view to attaining the objectives set forth in this Preamble, agree to the following Constitution of the International Labour Organization.

governments of Belgium, Cuba, Czechoslovakia, France, Italy, Japan, Poland, the United Kingdom and the United States. In a world stuttered by war, these countries saw it that the protection of children was an essential part of social justice and the conservation of peace. With the ILO Constitution, the question of protection of children was made, therefore, not only a question of international concern, but also a question related to *labour*. The *term* ‘child labour’ as such might not yet appear in this Constitution, but the *concept*, thus, clearly lies deeply within the foundations of the organisation. In fact, it has been argued that the ILO played a fundamental part in introducing concepts of ‘recognised, protected and demanded human rights’ as part of the concept of labour rights to the international relations discourse (Wallin 2005: 92). In November 1919, the concept of child labour was officially introduced to the work of the ILO as the first ILO Convention on child labour, the Minimum Age (Industry) Convention (No. 5), was discussed in the first International Labour Conference (ILC). After this Convention the ILO adopted the following child labour Conventions; 1920 Minimum Age (Sea) Convention (No. 7), the 1921 Minimum Age (Agriculture) Convention (No. 10), the 1921 Minimum Age (Trimmers and Stockers) Convention (No. 15), the 1932 Minimum Age (Non-Industrial Employment) Convention (No. 33), the 1936 revised Minimum Age (Sea) Convention (No. 58), the 1937 revised Minimum Age (Industry) Convention (No. 59), the 1937 revised Minimum Age (Non-Industrial Employment) Convention (No. 60) and the 1959 Minimum Age (Fishermen) Convention (No. 112). In the 1960s the ILO adopted yet another Convention on child labour; the 1965 Minimum Age (Underground Work) Convention (no. 123). Arguably, the most important child labour Convention of the ILO was adopted in 1973; i.e. the Minimum Age Convention (No. 138). The latest ILO child labour Convention, the Worst Forms of Child Labour Convention (No. 182) was adopted in 1999. The developments of the ILO child labour Conventions can be seen in the timeline below².

² All the Graphs and Tables that appear in this thesis that do *not* have their source written below them have been constructed by the writer of the thesis herself, by using several different sources.

Graph 1: Timeline: Adoption of ILO Child Labour Conventions



The concept of child labour has, therefore, existed within the ILO policies throughout the existence of the organisation. In other words, the ILO has been developing the concept for more than 85 years. During these years, both the ILO itself and the world around it have gone through tremendous changes. The world in which the ILO was born has been described as ‘catastrophic’. Europe was suffering from the destruction of its industries and the disruption of communication, shortage of raw materials, widespread unemployment and significant food shortages. Its economy had also been severely damaged by the war. In addition to this, the political map of the continent had been and was going through enormous changes. Austria-Hungary had disappeared and Germany had been crushed. The USSR was rising from the ashes of the Tsarist Russia. Various small countries had been created within the continent. These new States, new ideologies and new institutions were, then, seeking to establish their authority by attacking the older ones. Europe was going through political upheaval. According to Vihma (1984), in these circumstances the suffering and unfair treatment of the workforce was seen as one of the factors creating unrest within Europe. Therefore, improving people’s working conditions was seen as a crucial part of securing peace. According to Cox (1974:102), the ILO was born in 1919 due to certain concerns of the victorious powers, i.e.

the fear that peace would be followed by widespread social conflict, the desire to protect Western Europe from the revolutionary situation emerging in the East, and the sense that some concerted action by the Allies was necessary to forestall these dangers.

During its history, the ILO was also to face another World War. After the Second World War, the United States had gone through its social and economic struggles, which, therefore, resulted in it gaining a hegemonic position within the world. Next, the political map of the world was going to go through enormous changes, first, through decolonization and then, at the end of the Cold War, through the collapse of the USSR. Both of these historical events had the finger prints of the hegemonic politics of the USA on them. Now, if this was the world in which the ILO was born and in which it developed, today it faces a world which is living through an era of 'globalisation' of economy, politics and ideologies alike. The countries of Europe which came out of the First World War totally wrecked are now, if not economically, at least politically very stable. Through the stabilisation of their political life, they have also, arguably, taken a hegemonic position in the world, on the side of the USA. The world has, thus, changed significantly in both economic and political terms from the time of the first ILO child labour Convention, adopted right after the First World War, to the latest ILO child labour Convention, signed at the end of the Millennium. However, the hegemonic position of the USA still seems to prevail. Let us now have a look at the local context in which the ILO's concept of child labour has been developed.

2.2. The Development of the Conventions –the Local Context

During the years, the child labour *Conventions* of the ILO have also gone through huge changes. In general, they have developed from very specific Conventions that not only tackle only one specific category of child labour, but also specify special conditions for specific countries and allow for exceptions to certain countries, to much more broad Conventions that attempt to define child labour in a universal, all-inclusive way that no longer permit exceptions for specific countries. According to some critics, this has been the general trend in the development of all the ILO Conventions; there has been a clear development towards avoiding restrictive details in the Conventions in order to facilitate their ratification. The criticism towards this trend is that the broadening of the Conventions' contents may have the effect of removing from them the degree of responsibility originally

assigned to them. In other words, the Conventions of today may be easier for the Member States to ratify, but they may, arguably, also be less effective than the earlier ones.

Another general point about the development of the child labour Conventions is the 'East-West' division, which can be seen from, especially, the early days of developing the ILO's child labour Conventions. This came up already in the first ILC, where the chairman of the commission on the employment of children, Sir Malcolm Delevigne, raised up one of the main challenges to the commission to have been how to consider the different conditions in Japan and the oriental countries of India, China, Persia and Siam. In the Minimum Age (Industry) Convention of the same year, exception is, in the end, granted to Japan and India only. Miss Margaret Bonfield, also from the delegation of Great Britain, expressed the clear East-West divide seen in relation to what standards to apply to different countries in her speech in the same conference, when she pointed out that 'where western methods of industry are introduced to an eastern country, they should be simultaneously accompanied by western safeguards' (ILC 1919:93), referring to all the colonies of the Great Powers. This thinking of 'east' versus 'west' comes out throughout the early history of the development of the concept of child labour in the ILO –both in the ILCs and the Conventions themselves. This is an important point to keep in mind about the nature of the organisation and its relation to its Members in the early history of the organisation. Arguably, this ideological division accepted as part of world politics within the organisation has also shaped its child labour politics throughout the years. This ideological division within the organisation is also discussed by Cox (1974:132), who has come to interesting conclusions on the influence of different states, classified according to the type of polity and the level of economic development, in the ILO during the period of 1950-1967. According to Cox, within this period the division of influence between the countries could be summarised as follows (ibid.);

- (1) rich, competitive polities [had] the greatest influence;
- (2) authoritarian polities [were] weakly represented;
- (3) mobilizing polities, though a small proportion of the total, [had] improved their position of influence since 1950 and [in the 1970s] had representation corresponding to their proposition of membership; and
- (4) poor countries [were] much less influential than their total numbers [would have suggested].

In short, the aggregate created by Cox suggests a 'cultural milieu' shaped according to 'values emanating from relatively rich competitive polities'. We may, therefore, conclude

that this milieu ‘may condition both thinking and behaviour’ (ibid.) of the ILO, or, rather, that it may *have* conditioned it during the period discussed by Cox.

2.3. The Institutional Context

In looking at the developments in the concept of child labour in the organisation, we must also keep in mind the changes *within* the ILO, i.e. in the institutional context in which the concept has been developed. For example, in comparison with the *nine* countries that adopted the first child labour Convention of the ILO, there are now 178 Member States in the organisation. In the words of Vihma (1984), the ILO has developed from an exclusive ‘club of industrialised nations’ to a truly universal organisation. For example, the initial decision that the organisation should embark upon the battle against child labour was made by the representatives of a very small group of countries. The majority of these countries were the politically and economically most powerful nations of the world at the time, i.e. the so called Great Powers (France, Italy, Japan, the United Kingdom and the United States). Secondly, no significantly ‘non-western’ country was included within the countries that signed the first ILO child labour Convention. Adopting a Convention which was created according to the opinion of such a restricted amount of countries clearly could not correspond to the conditions of all the countries of the world. Thus, one can hardly speak of the concept of child labour of the ILO of 1919 as a ‘universal’ concept, in the sense of the concept representing the values and conditions of all the countries of the world. Nor was this the intention of the organisation. However, we must remember that the significant increase in the number of Member States is in great part due to decolonization and the collapse of the USSR, which both significantly increased the number of countries in the world. When the ILO started with its nine Members, their colonies came with them. There is a change, therefore, in the fact that during the early days of the ILO many of the ‘non-western’ countries were represented by ‘western’ countries. Nowadays most of them have their own representatives in the organisation.

It has been argued that in its early days, the smaller size of the ILO made the decision-making procedures within the organisation faster and in this way facilitated its work. One significant problem that the ILO has been faced with since its early history is the different stages of economic development at which the different members of the organisation find themselves at. In the early days of the history of the organisation, this problem came out particularly in relation to Japan and India. For the ILO it was essential to have these countries

as Members (due to economic interests), but at the same time it was clear that they could not immediately accept the Western European standards on which the decisions within the ILO were mainly based (Alcock 1971). This problem was solved by allowing these countries exceptions within the Conventions, as can be seen, for example, from the 1919 Minimum Age (Industry) Convention (see more discussion later). The main complication of the differences between the levels of economic development of the Member States brings out another point that must be considered when looking at the development of any concept within the organisation. As a way to resolve these differences, the Conventions may end up being mere loose compromises. They may also, as put by Vihma (1984), end up stressing too much the conditions in the ‘western’ countries, or being clearly limited to only the needs of the ‘non-western’ countries. These outcomes may change as the organisation acquires more Members of different stages of economic development. Some might argue that this change has, in fact, occurred in relation to the child labour Conventions.

2.4. The Discourse Context

When analysing the child labour discourse held at the ILCs, it is also important to keep in mind its very particular discourse setting. The material we used as the basis of the analysis has been produced within the conferences within an international organisation. Therefore, first of all, we must keep in mind that there is limited access to the discussions making the foundations of this thesis. Also, in considering the discourse we must point out the genre of the material, i.e. conventions and political speeches. These types of genre have very specific terms of production, which may limit the way things are said and what is said in them (Jokinen, Juhila and Suoninen 2004: 190). The speech analysed within this thesis is very restricted due to the discourse setting and may also have been written before hand, i.e. it is not very spontaneous. It is also important to point out the type of discourse, which is very formal. Any exceptions to the normal level of formality seen in international conferences may, therefore, be considered as an interesting aspect worth deeper analysis.

2.5. The Actors –Who Defines Child Labour?

Another aspect of the discussions during the ILCs influencing the development of the concept of child labour within the ILO is who participates in them and who does not; who

has had something to say in the way the Conventions have been formulated and who has not. In defining the Conventions, there is, therefore, constant struggle of power, as mentioned above. As put by Fairclough, in political discourse ‘those who hold power at a particular moment have to constantly reassert their power, and those who do not hold power are always liable to make a bid for power’ (2001:57). It is, therefore, crucial to have a look at who asserts power within the debates in the ILCs if we want to analyse the development of a concept developed within them.

In general, it was seen from the Records of Proceedings of the ILCs that very few countries actually have commented the contents of the Conventions during the ILCs. Most of the countries have, however, replied to the questionnaires sent for the preparation of the reports for the ILCs. For example, in the 1919 ILC discussions on child labour, 36 countries were present but only *four* of them participated in the discussion. In 1921, out of the 33 countries present at the discussion, *two* countries had their say in the child labour discussions. In 1932, out of the 43 countries present in the discussions only *seven* countries took the floor. In 1945, there were 34 countries present of which *seven* countries participated in the discussions. A similar trend continues throughout the history of the ILCs. However, we must also mention that at one point the Records of Proceedings no longer list the Members who participated in the discussions in the ILCs. Therefore, it is impossible to draw conclusions from the latest discussions on this factor. This is an important point to make, since in discussing the definition of child labour of the ILO it is crucial to remember that it does not necessarily represent the opinion of *all* the Members of the organisation. However, in saying this, we must also consider the fact that even if everyone has not put across his/her opinion in the ILCs it does not necessarily indicate disagreement. It can, in fact, also indicate consensus on the problem or marginalisation of the problem.

Another point to make about the actors involved in the development of the ILO’s concept of childhood is that one can see very little, if any, traces of the opinions of the beneficiaries themselves, i.e. children, in the concept’s make-up. Whether this means that they have not been consulted *at all* during the process cannot be said, since we cannot be 100% certain about whether or not they have been consulted *before* or *after* the Conferences. We found two references to this in the literature read for the thesis. According to Ansell (2005:182), the ILO involved working children in consultations about the 1998 Convention, for the first time in its history. White, in turn, writes about the process of formulation of the Convention No. 182 that

the ILO –which for nearly 80 years has correctly insisted that workers be represented in this tripartite deliberations by their own elected representatives, but has so far applied this principle only to adult workers –has for the first time been confronted with organised working children demanding to be included in the process of consultation (1999:139).

The globally prevailing conception of childhood seems to have it that children are not capable of forming valid opinions about their own lives. White, however, writes that ‘children really have important things to tell us, if we are willing to listen’ (ibid.). By denying children the right to participate in the process of formulating the ILO’s child labour Conventions, the ILO can be seen again as an instrument spreading certain moral and cultural values worldwide and, hence, strengthening the position of the prevailing world hegemony.

It is highly questionable whether the ILO’s concept of child labour should be universalised if the beneficiary group itself has not been consulted in the process of its formulation. For many critics, it is crucial that the concept of child labour includes the children’s perspective, in order to not to be limited to the conception of adults. Rodgers and Standing (1981:42), for example, write that

action towards child work must be sympathetically oriented towards the needs and perceptions of the children themselves. It must also be based on a thorough understanding of the motivations behind child work, its functions, and the individual gains from it, whether for the children themselves or for other who benefit from their work.

In the ILO reports, this point is mentioned a few times, in the 1998 *Report IV 2: Child Labour* (p.56) as in it the representatives of Australia are said to be of the opinion that child workers should also be consulted, where appropriate. In the *Report IV (2A): Child Labour* of 1999, the government of Turkey also points out that ‘the views of the children affected by child labour and of their families must be sought and included in future action programmes designed to prevent child labour’ (p.16). In the ILC of 1964, Mr. Pelzl (a government adviser from Austria) points out that

the important people were not there at all, did not take part in the proceedings, and had no right to vote in the Committee [on the Employment of Young Persons], but they are the people who ought to give a final decision on our work; I refer, of course, to young workers (ILC 1964, 26th sitting:390).

It seems purely amazing that this factor does not come across more often in the ILCs or the ILO reports prepared for them.

2.6. Other Factors Affecting the ILO's Concept of Child Labour

2.6.1. The Ratification Issue

The ILO has two main ways of influencing world politics (this is not to underestimate the influence of the organisation on the non-Member States). Firstly, it has *direct* influence through the ratified Conventions, which must be put in practice in the Member States that ratify them. Secondly, it may have *indirect* influence through the Recommendations and the un-ratified Conventions which, although not legally binding, need to be discussed within the parliaments of all the Member States within a relatively tight schedule. In order to begin a deeper analysis on the development of the concept of 'child labour' of the ILO, one needs first, hence, to take a look at the ratifications of the child labour Conventions, since this is a key into the influence of the ILO. Before doing this, let us, however, first consider a few general points on the ratifications of the ILO Conventions.

Vihma and Alcock identify various complications in relation to the ratifications of the ILO Conventions. One of the challenges the Member States of the ILO face when ratifying the Conventions is the fact that the Conventions might simply not correspond to the circumstances in a given Member State (Vihma 1984). For example, some inland countries might consider the Minimum Age (Sea) Convention irrelevant to their child labour politics. Sometimes, in turn, the Conventions may simply fail to address the issues they tackle in an efficient manner. In the 'developing' countries, the ratification of some Conventions may be impossible simply because the economic situation of the country does not allow it. Another obstacle to the ratification is the unwillingness of the States to ratify unless their economic competitors do the same (Alcock 1971:56). Lastly, the way in which the ILO controls the application of the ratified Conventions through a system of constant reporting may also impede some countries from ratifying the Conventions (Vihma 1984). There are, thus, various factors that we should keep in mind when drawing conclusions about the ratifications. Now let us look into the ratification of the ILO's conventions on child labour.

We can reach several conclusions from the ratifications of the ILO's child labour Conventions³. Firstly, we can see that very few of the Member States have actually ratified *all* or most of the ILO Conventions on child labour. Thus, the Conventions have had only little success in this sense; the average number of ratifications per country is 4,5/12 Conventions. The harsh truth is, hence, that the number is very low. According to the rate of ratifications, it could be said that the only Conventions that have been successful are the two latest ones; No. 138 and No. 182, which have been ratified by a clear majority of the 178 Member States⁴. However, this assumption is only based on the *number of ratifications* of the Conventions. In reality, ratifying a Convention does not necessarily mean that its contents are put into practice and, sometimes, un-ratified Conventions can even have more policy effect in a given country than the ratified ones.

Another point to make about the ratifications is that the most politically and economically influential country within the ILO, i.e. the United States, has only ratified *two* of the ILO Conventions on child labour and, what is more interesting, it has not ratified the 1973 Minimum Age Convention (No. 138), which today makes up the basis of the ILO's child labour policy. Interestingly enough, there is only *one* other country that has ratified two Conventions of which one is not the 1973 Minimum Age Convention (No.138), i.e. Saudi Arabia. All the other countries that have ratified only two of the Conventions have ratified both, the 1973 Minimum Age Convention and the 1999 Worst Forms of Child Labour Convention. These low rates of ratifications could be contrasted with the countries that have ratified all of the ILO child labour Conventions. These include Spain, Bulgaria and Uruguay. This is also an interesting group of countries. The country that jumps into ones eyes first is Uruguay, which has been called 'the Switzerland of Latin America' because of its exceptionally high economic level within the continent. Let us have a closer look at these countries and make a quick comparison between them by looking at the Human Development Indexes of all the countries that have ratified only two of ILO's child labour Conventions.

³ For a complete list of ratifications, see Annex 1: Table : Ratifications of the ILO Conventions on Child Labour

⁴ In May 2006, the Convention No. 138 had been ratified by 144 Member States and the Convention No. 182 by 160 Member States.

Table 3: Human Development Indexes (HDI) of Countries that have Ratified Two of the ILO's Child Labour Conventions⁵

			Child Labour Conventions Ratified		
Country	Ranking according to the HDI	HDI	138	182	Other
High HDI					
United States	10	0.944		x	x
Slovenia	26	0.904	x	x	
Republic of Korea	28	0.901	x	x	
Lithuania	39	0.852	x	x	
United Arab Emirates	41	0.849	x	x	
Kuwait	44	0.844	x	x	
Croatia	45	0.841	x	x	
Saint Kitts and Nevis	49	0.834	x	x	
Medium HDI					
The Former Yugoslav Republic of Macedonia	59	0.797	x	x	
Antigua and Barbuda	60	0.797	x	x	
Bosnia and Herzegovina	68	0.786	x	x	
Dominica	70	0.783	x	x	
Oman	71	0.781	x	x	
Saudi Arabia	77	0.772		x	x
Kazakhstan	80	0.761	x	x	
Georgia	100	0.732	x	x	
Azerbaijan	101	0.729	x	x	
El Salvador	104	0.722	x	x	
Kyrgyzstan	109	0.702	x	x	
Indonesia	110	0.697	x	x	
Republic of Moldova	115	0.671	x	x	
Honduras	116	0.667	x	x	
Egypt	119	0.659	x	x	
South Africa	120	0.658			
Equatorial Guinea	121	0.655	x	x	
Tajikistan	122	0.652	x	x	
Namibia	125	0.627	x	x	
Sao Tome and Principe	126	0.604	x	x	
Botswana	131	0.565	x	x	
Lao People's Democratic Republic	133	0.545	x	x	
Nepal	136	0.526	x	x	
Sudan	141	0.512	x	x	
Zimbabwe	145	0.505	x	x	
Low HDI					
Gambia	155	0.470	x	x	
Malawi	165	0.404	x	x	
Democratic Republic of Congo	167	0.385	x	x	
Mozambique	168	0.379	x	x	
Ethiopia	170	0.367	x	x	

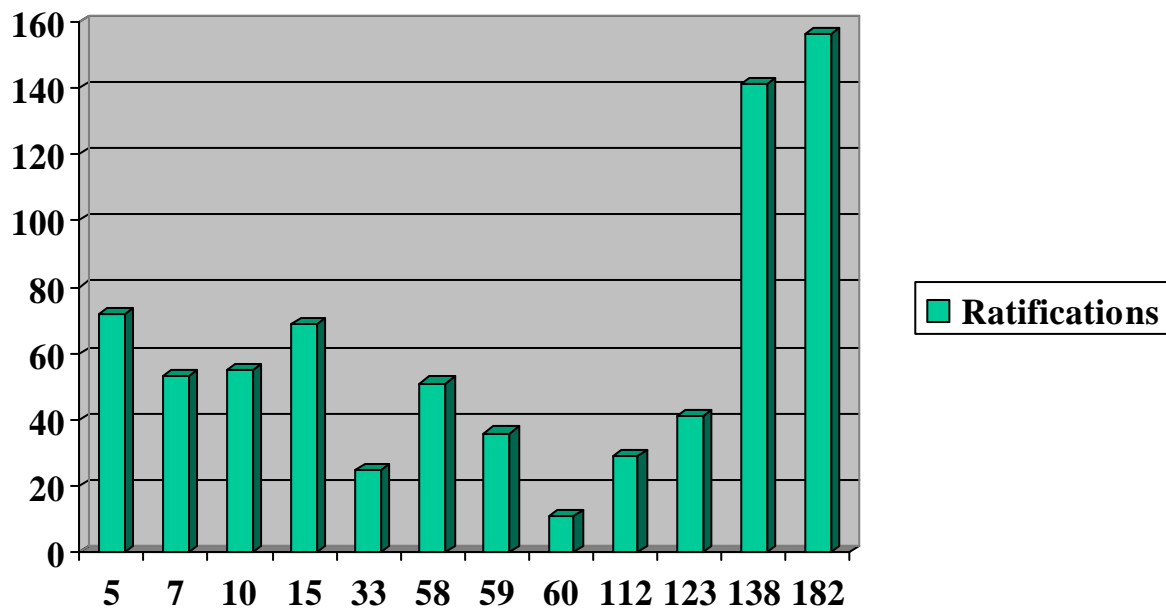
⁵ All the contents of the table are reduced from the Human Development Report 2005, it being the latest available Human Development Report at the time of writing the thesis.

Before commenting Table 3 further, let us remind ourselves of what the HDI is composed of. According to the Human Development Report 2005 (p.214),

the Human Development Index is a composite index that measures the average achievements in a country in three basic dimensions of human development; a long and healthy life, as measured by life expectancy at birth; knowledge, as measured by the adult literacy rate and the combined gross enrolment ratio for primary, secondary, and tertiary schools; and a decent standard of living, as measured by GDP per capita in purchasing power parity US dollars. The index is constructed from indicators that are currently available globally using a methodology that is simple and transparent.

The United States is the only country which is ranked within the ten wealthiest and most developed countries of the world that appears in our table. When the first country in the HDI list, i.e. Norway, has a HDI of 0.963, the United States does not stay far behind with an index of 0.944. The majority of the countries that have ratified only two conventions are either so called 'medium HDI' countries or 'low HDI' countries. Out of the 38 countries that have only ratified two of the ILO's child labour conventions, 24 countries are counted among the 'least developed' countries of the world. Hence, if poverty is taken as one of the indicators of child labour, the majority of the countries appearing in this table are countries that are still tackling with a high number of child workers and of which most do not yet have the means to deal with child labour. What is the United States, then, doing in this table? This is an extremely interesting question, particularly if we take Cox's theory on hegemony as our starting point. Is the world hegemony, therefore, advancing ideas through the ILO that it is not willing to apply itself? This is clearly a great contradiction and worth further study. Let us now take a look at Graph 2 below.

Graph 2: Number of Ratifications per ILO Child Labour Convention



From Graph 2 we can see how the ratifications of the Conventions have developed throughout the years. In general, it can be seen that there has been rather little interest on the Conventions. The countries may have participated in the discussions in the ILCs and the creation of the Conventions, but the graph shows that the rate of ratifications has been extremely low. No wonder, one could claim, that the Conventions seem to have such little effect in the reality of working children. The first ILO Convention on child labour has been ratified by relatively many Member countries. This could be so due to the fact that at that moment the world had just come out of the war and was willing to use all the methods possible in order to secure peace for future generations. The Convention that has the fewest amount of ratifications is the 1937 Minimum Age (Non-Industrial Employment) Convention (No. 60). From the table we could see that it has only been ratified by 11 Member States. The question therefore arises on the function of this Convention. How could it possibly ease the situation of the working children? Clearly there has been no political or other will to ratify it, therefore it does not have much value.

The Conventions with the most ratifications are the 1973 Minimum Age Convention (No. 138) and the 1999 Worst Forms of Child Labour Convention (No. 182). This could very well be due to the changed world situation –after the wars, there has been a will to unite and to participate in international organisations in order to be accepted universally. Also, these Conventions have been given the most publicity and, thus, they bear the most political value. The countries that do not ratify them may be seen as intentionally wanting to complicate the

work of a powerful international organisation. Also one could suppose that the content of these Conventions has facilitated their ratification. Somehow, as can be seen from the Records of Proceedings of the ILCs, it is easier for countries to come into an agreement on the most damaging forms of child labour. Some moral values, hence, seem to be universal. No adult would say that it is acceptable for a child to be used for commercial sexual exploitation, for example, whereas whether it should be accepted that a child works on the pineapple farm of his grandfather could be very much debated among people from different backgrounds. From the European point of view it may be seen as exploitation, whereas from the Nicaraguan point of view, for example, it might be seen as the only decent way for the child to live. This will be developed further later on in this thesis.

Let us now move forward in the discussion and take a look at another factor that influences the development of the concept of child labour of the ILO.

2.6.2. The Formulation of the Questionnaires

In addition to the points made above, one remark must also be made about the way the questionnaires on which the Reports that make the basis of the ILC discussions, sent to the Member States for their replies, are formulated. It was noted that the questions included in the questionnaires are very leading. In other words, they leave very little room for the countries to comment freely on the development of the Conventions and the concept of child labour as such. As an example, let us look at a question found in the 1972 *Report (No. IV, Part 2): Minimum Age for Admission to Employment*. The question No. 3.3 of the Report reads as follows:

Do you consider that the new Convention should refer, in its preamble, to the existing minimum age Conventions applicable to limited economic sectors, and should indicate the desirability of a general instrument which will gradually replace the more limited ones so as to achieve the total abolition of child labour, and will further provide a basis for the general and progressive raising of the minimum age for admission to employment?

Another example from the same Report is Part 3 of Question 8.8;

Do you consider that the new Convention should provide that its provisions shall be applicable as a minimum to the following branches of economic activity; mining and quarrying; manufacturing; construction; electricity, gas, water and sanitary services; and transport, storage and communication?

And here is a more recent example, from the 1998 *Report (No. IV, Part 2): Child Labour*:

Question 7: Should the Convention provide that each ratifying Member should suppress immediately all extreme forms of child labour including:

- (a) all forms of slavery or practices similar to slavery, slave and trafficking of children, forced or compulsory labour including debt bondage and serfdom?
- (b) The use, engagement or offering of a child for prostitution, production of pornography or pornographic performances, production of or trafficking in drugs or other illegal activities?
- (c) The use or engagement of children in any type of work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize their health, safety, or morals?

These questions, used as just an example among many in order to illustrate the issue, leave little room if any for the person answering the questions to think for himself what he wants the Convention to refer to. Instead, they already give the person the answers within the questions. Since many of the questions that the Reports are based on are redacted in this manner, we must be a little sceptical about what we read in the Reports; their reliability and to what extent they actually represent the Member States' opinions.

Let us now look at some specific issues that reflect the complexity of defining child labour.

3. CHILD LABOUR –AN EVIL TO BE ELIMINATED OR AND ACCEPTABLE PART OF A CHILD’S LIFE?

3.1. Different Perspectives on Child Labour

When looking at the definition of child labour, it is essential to take a closer look at the reasons *why* child labour should be restricted or not. This question is a key to understanding what is understood as ‘child labour’ by different parties of the debate. In this way, it forms the basis of the concept of child labour. From the answer to this question we can, therefore, get an insight into what child labour means for the ILO and its Members –do they see it as an acceptable part of a child’s life or an evil to be eliminated?

There are various ways of seeing child labour, even though today the hegemonic perspective on the work of children in the global child labour discourse is that, eventually, all the forms of child labour should be eliminated. This is also the position the ILO takes on the question. However, as we will see further on, this is a very narrow way of seeing child labour, based mainly on ‘western’ moral standards and cultural practices. Let us expand this further. According to Hanson and Vandaele (2003:77-8), there are *three* ways of viewing child labour. The first way of viewing child labour is the *abolitionist* perspective. This aims at the full abolition of all forms of child labour. According to the abolitionist perspective, the concepts of child labour and childhood are mutually exclusive. In other words, children should not be working at all, since work is seen as something that is part of the world of adults. The second perspective is the *regulative* perspective, which sees that children should be allowed to work as long as adequate protective legislation exists. Similarly, as in the case of the abolitionist perspective, according to this perspective it is the adults’ responsibility to decide what is best for children. In this case, they have the right and the responsibility to restrict children’s participation in productive activities. This includes the right to decide on the categories of work that children are allowed to participate in. The last perspective is the *empowerment* perspective. The empowerment perspective sees children as active subjects or agents of change who are able to make their own decisions about their lives. According to this perspective, children should be given the right to choose whether they wish to work or not. It encourages the self-organisation of working children and argues that children should be listened to when drafting regulations on child labour. The significant difference between these three perspectives on child labour is that the two first perspectives are based on the notion that adults have superior power over children, whereas the last perspective drives from

the idea that children are themselves the rulers of their own worlds. There is yet another perspective on child labour that should be mentioned, i.e. the *protectionist* perspective. This perspective follows the ideas of the empowerment perspective. The protectionist perspective has three main characteristics. Firstly, it follows the line of thinking that children often work out of necessity and will, thus, continue to work so long as structural problems of poverty and inequality continue. Secondly, the followers of the protectionist perspective point out that work may be beneficial to children by providing them income and vocational and social skills, as long as it is done in conditions that are not exploitative and do not present dangers to the health and the development of the child. Finally, the protectionist perspective highlights children's right to work (Bessell 199:355). At this point, we must remind the reader that when in various cultures it is believed that children should be raised up under the superior power of adults, in many other cultures of the world adults do not possess this kind of power over children. Instead, children are given, to a great extent, the liberty to lead their lives as they wish. Equally, in some cultures children are given more responsibility over their lives than in others. Many critics claim that this division is particularly clear between the 'developing' and the 'developed' (or 'western') world. We will see specific examples of this later on in this thesis.

Other critics divide the ways of thinking about child labour to just two categories; the *abolitionist* perspective and the *anti-abolitionist* perspective (Manier 2003). The anti-abolitionist perspective drives for the protection of the rights of children *at* work, but it also condemns *all* forms of exploitative work. However, the anti-abolitionist perspective, as seen here, also includes aspects of the adult-ruling culture in it, since according to this perspective, the adults have the power to define the 'exploitative forms' of work. Therefore, the empowerment perspective seen above is the only perspective from the ones discussed that truly recognises the power of children over their own lives. It is also the only perspective that, thus, gives space for other moral standards and cultural practices than those prevailing in the 'western' world. The 'exploitative forms of work' condemned by the anti-abolitionist perspective as described by Manier are often if not always drafted up by adults, with little consultation from the children themselves. Therefore, even the anti-abolitionist perspective has elements of the adult-ruling culture in it.

Nowadays, the discussion on the regulation of child labour is also influenced by the 'subject versus object debate' on children. Some critics argue that so far children have been treated as mere *objects* in the discussions on child labour, i.e. as members of the society who do not and should not have full rights to decide whether they wish to work or not. Instead,

this decision has been made for them by other human beings, i.e. adults. This is the perspective supported by the abolitionists. Today, more and more critics claim that children should rather be seen as ‘social subjects’, who have their own rights, characteristics and abilities and should be given the right to decide themselves whether they wish to work or not. According to this perspective,

childhood is regarded not as a special sphere in which as yet immature and undeveloped creatures have to be protected and promoted, but as a sphere in which children too count as people of equal value, having the right and the ability to be supported, to have their say, and to take part in decisions as to when they wish to begin working, and at what (Liebel 2004:7).

This line of thinking questions whether child labour and childhood are mutually exclusive as claimed, to a great extent, by the ILO. This idea, too, follows the line of thinking of the empowerment perspective on child labour and has lately been gaining a considerable amount of ground among different critics.

We now have an idea of the general debates on child labour. Now, in order to understand what the concept of child labour means to the ILO, it is important to take a look at arguments used to defend and to argue against the use of child labour as they have come up throughout the years in the International Labour Conferences. In general, the discussions on the restrictions on child labour in the ILO have evolved around the economic interests of particular countries, having very few traces of theories of childhood and child labour as briefly discussed above. In other words, one could claim that the ILO’s child labour policies are merely a way of confirming the hegemonic position of the prevailing global economic and political models originating from the current global hegemonies. Let us investigate this further by taking a look at the comments raised in the discussions in the ILCs.

3.2. Child Labour –An Evil to Be Eliminated?

The ILO of today (ILO 2004:16) defines child *labour* as ‘work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development’. This is defined in contrast to child *work* that can be regarded as positive, i.e. work that does not interfere with these aspects considered necessary for a ‘full childhood’. ‘Child *labour*’ according to the ILO of today refers to work that 1) ‘is mentally, physically, socially or morally dangerous to children’; and 2) ‘interferes with their schooling by

depriving them of the opportunity to attend school, by obliging them to leave school prematurely; or by requiring them to attempt to combine school attendance with excessively long and heavy work'. According to the ILO report *A Future without Child Labour* (2002:1),

child labour is clearly detrimental to individual children, preventing them from enjoying their childhood, hampering their development and sometimes causing lifelong physical or psychological damage; it is also detrimental to families, to communities and to society as a whole.

The ILO of today, therefore, sees child labour as a purely negative phenomenon. The use of 'clearly' in this paragraph implies that according to the ILO, there is no doubt about the negative nature of child labour. This position can be said to have taken a hegemonic position within the global child labour discourse of today.

During the years of the existence of the ILO, this definition (which is not spelled out as such in any of the Conventions or Recommendations) has seen significant changes. In the Records of Proceedings of the ILCs one can see a development from an emphasis on the 'physical dangers' of labour towards the perspective of child labour as an obstacle for receiving education and finally towards the 'moral dangers' of child labour. However, it can also be clearly seen from the discussions held in the ILCs that throughout the existence of the ILO the discussions on the restriction on the use of child labour have, to a great extent, been backed up by economic arguments of the Member States, leaving very little room for the children's well-being perspective. At times of war, restrictions on child labour have also been seen as a way of securing peace and social order. Let us now have a closer look at some specific examples from the ILCs and the reports prepared for them. The child labour Conventions and the Recommendations must be left aside at this point of the analysis since there has been no mention about these reasons in them.

In the early days of the ILO, the discussions on why child labour should be restricted frequently evolved around the 'physical dangers' child labour has on children. This was first raised up in the ILC of 1919 by Mr. Jofi Sofianapoulos (a Greek government representative), according to whom

irregular and excessive physical work during childhood prevents the normal development of the body and contributes to the creation of weak and sickly generations by exhausting prematurely the working capacity before its full development (ILC 1919, 14th sitting: 97).

He continued by saying that

employment of children who have not reached a certain age does not allow for elementary instruction and creates ignorant generations (ibid.).

Therefore, he concluded that

an excessive supply of child labour would not only lower the wages of adult skilled workers, but would also injure national industry, which, by employing weak and ignorant labour, would not be in a position to attain the same degree of quality and efficiency in production necessary to the country as would be attained in other countries (ibid., emphasis added).

Since a strong ‘national industry’ is the basis of a welfare state, Mr. Sofianapoulos need not to explain himself further. The speaker is referring to the ‘common good’, which he uses in order to convince his listeners of the fact that child labour is clearly a negative phenomenon (see Jokinen, Juhila and Suoninen 2004). An important detail of his speech is that we cannot say what ‘child labour’ means to the him, i.e. what categories of labour is he referring to or is he simply referring to all forms of child labour. When making statements like this we as speakers assume that the listener understands all the concepts we use in the same way as we do. However, this is most often not the case, especially when talking about concepts that are based on our moral judgements, such as child labour.

In his speech, the Greek government representative brings up three points on defence of the restriction of child labour. Firstly, the negative physical effect of labour on children. However, he links this closely to the economic well-being of his country. The fact of emphasizing the ‘physical harm’ caused by child labour on children can, in fact, be based on economic interests rather than on the will to ensure the well-being of children. Nardinelli (1990:22) describes in his work child labour during the industrial revolution in, especially, the United Kingdom. In his analysis he writes about the physical effects of child labour on children that

although child labour [may] temporarily increase output, the damage done to young bodies [may] permanently reduce the productivity of labour. In other words, long hours of employment while a child [may] reduce the productivity of the worker in adulthood.

This *may* also be what Mr. Sofianapoulos means in his speech by linking the physical well-being of children to the economic well-being of his country. Next, Mr. Sofianapoulos brings

up the question of education. According to him, child labour should be banned because it presents an obstacle to the education of the children. However, also this is connected to the 'efficiency in production'. Thirdly, he sees that the restriction of child labour is necessary for his country so that it can keep up with the (economic) competition with other countries. This is an aspect that we also saw above as a motivating factor for countries in the process of the ratification of the ILO Conventions. The main point seen from the arguments of Mr. Sofianapoulos is, therefore, clearly an economic one. Following the model of Wodak described above, here we see, hence, a *topos* of finances. Employing children may cause a loss of revenue to the Member States if the ILO and, therefore, every action should be taken in order to avoid this. This is a *topos* that is seen throughout the years in the ILCs in relation to the elimination of child labour.

According to the line of thinking of some critics of today, the claim from Mr. Sofianapoulos may merely be seen as an example of a *European* perspective on child labour, which sees child labour as an obstacle to social and economic development. This would only be natural as, as put by Jokinen, Juhila and Suoninen (2004:193), 'argumentation is always performed within a specific culture'. Liebel, in turn, writes that

the phenomenon of working children has been regarded in the contemporary societies of Europe predominantly as a kind of deficiency or regression in social development. It is accounted as the anachronistic expression of an erroneous development that threatens the childhood project of the modern era, hampers children in their personal development and prevents them from living their childhood appropriately. Occasionally, children's work is seen as a problematic sign that poverty is returning, and that the children will become victims of deteriorating living conditions (2004:112, emphasis added).

The prevailing attitude in Europe throughout the history of the ILO has been that child labour is a cause and a consequence of poverty and, therefore, it must be eliminated. As concluded in an ILO study carried out in 2003, however, the economic benefits of eliminating child labour would clearly beat the benefits of using children as labour force. The study reads that the elimination of child labour and its replacement by universal education would bring about enormous economic benefits, in addition to important social benefits (ILO 2003). Other critics and entities would, in turn, argue against this by claiming that child labour does *not* contribute significantly to economic 'underdevelopment'. According to Nardinelli (1990:7),

nothing in economic theory implies that the employment of children is a bad thing. Child labour can easily be the outcome of family decisions to improve the well-being of children. The important decision with respect to child labour [...] may not be between working and not working but between working and not working at home or working away from home.

As in all the discussions evolving around child labour, we are faced with an aspect of the concept which follows the universal rule that there are always two sides of the coin.

The discussions on the reasons why child labour should be restricted continue in 1921, in the ILO's *Report: C: Admission of Children to Employment in Agriculture*, prepared for the ILC of the same year. In this report it is mentioned that there are also 'moral dangers' which threaten children who work. The report reads that

throughout Europe the public conscience has been awakened to the evils resulting to children from their premature admission to factory life. It does not need close study of any industry to realise that a *child must suffer physically* if he spends most of his waking hours in a crowded workshop [...]. *It is easy also to appreciate the moral dangers* which beset children too early absorbed into industry (1921 ILO Report: C: Admission of Children to Employment in Agriculture: 228, emphases added).

Here we can point out various factors. Firstly, this passage implies that those who do not 'understand' that child labour is 'morally dangerous' to children, are somehow incapable of understanding simple things. We can see this from the use of the phrase 'it is *easy* to appreciate that [...]'. This way of argumentation also brings us to the *topos* of reality, inherent in political speech. This is emphasised in the phrase 'a child *must* suffer physically'. These two examples imply that the reality simply is that child labour in industry is detrimental to children both physically and mentally and, therefore, it is logical that it should be abolished. However, at no point are the 'moral dangers' defined more specifically. As discussed briefly above, the question of 'moral dangers' is profoundly culture bound. Since our judgements on what is moral and what immoral are tied to our own experiences and background, the moral dangers are also different to all of us.

In the ILC of 1937, one can see more traces of the concern of the effects of child labour on the well-being of children. Mr. Pauwels (a workers' adviser from Belgium) says that during work,

on ravit à l'enfant le temps destiné aux *jeux joyeux* de l'enfance qui sont le lot *naturel* et *nécessaire* de cet âge. De plus, le travail de la fabrique *ruine la santé* de l'enfant et porte un grave préjudice à sa

moralité. J'estime qu'il est une cruauté monstrueuse de notre temps, je le tiens pour un assassin à petit feu du corps et de l'âme de l'enfant (ILC 1937, 14th sitting: 326, emphases added).

In his speech, this speaker clearly uses what Jokinen, Juhila and Suoninen point out about the use of positive claims. According to them, it is easier to win an audience through the use of positive, 'beautiful' images than negative ones (2004 :205). Mr. Pauwels also seems to master the art of using oppositions in order to emphasise the negative nature of child labour (*jeux joyeux* versus *cruauté monstrueuse* and *un assassin à petit feu du corps et de l'âme de l'enfant*). However convincing and well equipped with rhetorical means, it could be argued that this quote presents a rather narrow perspective on what childhood should represent; 'a time dedicated to happy games, which are necessary at that age'. According to Fyfe (1989:13), 'the myth of childhood innocence where the child must be both happy and separated from the corrupt adult world' is one of the two key features of the modern ('western') conception of childhood. Ansell (2005), too, reminds us that the 'western' view that childhood should be a happy time, devoted to play and learning rather than work, is relatively recent. This idea dates back to the Apollonian view of childhood, which casts children as 'little angels'; innocent creatures that need special protection. This perspective includes the belief that 'childhood' represents a time period that should be devoted to play, not work. This contrasts the Dionysian view, which, in turn, sees children as 'little devils' who need constant strict moral guidance.

Table 4: Western Concepts of Childhood

Dionysian	Apollonian
Childhood should be seen and not heard	Childhood is a time for play, and not for work
Children need protection from themselves	Children need protection from the world
Childhood is a time to learn discipline	Children are innocent
	Children are passive
	Childhood should be happy
Both	
Childhood is a time set apart from the adult world	
Children belong in families	
Children are closer to nature than adults	
Children are incomplete –less than adults	

(source: Ansell 2005:11)

The importance of mentioning these two perspectives on childhood is to realise that the way we see child labour is always influenced by the way we see childhood. Maria de la

Luz Silva (in Rodgers and Standing 1981:160) presents a very typical, 'western' (if we follow Ansell's model), definition of a child. She writes that a 'child' can be defined as 'someone who needs adult protection for physical, psychological and intellectual development until able to become independently integrated into the adult world'. In her opinion, the essential condition of children is that they cannot survive without help. In 'western' societies, this help is normally provided by the family and, to an increasing extent, by educational institutions. This is a typical example of the 'western' concept of a child, as we can see from the table. This definition establishes that, until reaching a certain age, 'children are physically and mentally incapable of performing the tasks or of assuming responsibilities of the world of work' (ibid.:162). It is, however, highly debatable whether this conception should be applied to all children in the world and, hence, to internationally applied regulations on child labour.

Liebel, for example, gives us various interesting examples on *other* ways of spending childhood than playing. In fact, in some cultures, working can be as important to children as play. Let us consider the following example from Ethiopia.

In some rural areas in Ethiopia, 'children are given little fields to motivate them to work and to render it possible for them to develop an economically sound basis for their lives as adults' (Melaku 2000:7). The children are given the task of cultivating the land in their keeping during a particular period of the year. Sometimes children are given plants, a calf or a cow to care for on their own (ibid.:46). In the coffee-growing regions of Ethiopia, it is usual to leave to the children the coffee beans that are left over after harvest. 'Coffee beans are left to fall to the ground, or not picked up on purpose, so that the children can collect them later. The coffee collected by the children is either kept in a particular vessel with the agreement of the children and their families, or is sold soon after it has been collected. The money is used, regardless of the amount, to buy a hen, a sheep or any other kind of domestic animal' (ibid.: 46), which is then at the children's disposal. Sometimes the money is also used to cover the costs of attending school or to buy clothing (Liebel 2004:97-8).

Also, among the nomadic people of Kel Adagh, who live most of the time in the north of Mali, children carry out various jobs.

Apart from looking after young animals, [children] collect firewood, fetch and carry, help with preparing and cooking meals, take the donkey to water, work at the drinking-trough, and do milking; sensible girls or boys are entrusted with herds of small animals by the day or the week. Even if children do not match the strength and endurance of adults... looking after the herds and performing the domestic work of the Kel Adagh would be unthinkable without them. The many and varied tasks of

the children by no means mean that children are regarded as miniature adults; a clear distinction is made between the work of children and that of adults (cited from Klute 1996, in Liebel 2004:85).

Here a difference is made between work of children and work of adults. This differentiation can also be seen from the Records of Proceedings of the ILCs (we will return to this later on in this thesis). Liebel continues by writing that in some ‘non-western’ cultures,

it is part of the basic repertoire of the culture to entrust children from an early age with tasks that are of vital importance for the community. The work is not infrequently physically demanding, but is experienced positively by the children, as it is accompanied by respect for them as individuals and by social recognition. (Liebel 2004:87)

Hence, work and play are not necessarily mutually exclusive, as suggested by the statement above. These ideas reflect the new social studies of childhood that contrast with the prevailing ‘western’ views on childhood (Dionysian and Apollonian) discussed above. However, it should be recognised that in many situations children find themselves working in very demanding conditions. As put by Siddiqi and Patrinos (1995, cited in Schmitz, Traver and Larson 2004:2),

the work of children can be helpful to the child, family and community. [...] Child labour can support the family or it can provide the child with money. It is possible for children to continue their education, to benefit economically and socially, and to contribute to family income if they work limited hours in non-abusive conditions. However, such ideal work conditions are unequally available throughout the world depending on the country’s culture, political stability, social values, and position within an emerging global economy. For example, children in poor countries contribute more to family income in paid and unpaid labour than children in wealthy countries. They are not the ‘economic burden’ they have become in wealthy countries.

Therefore, we should also be wary of blindly accepting the perspective of the defenders of child labour.

After seeing these arguments, however, the claim made by Mr. Pauwels can be questioned. It may be seen as a generalisation which looks at the concept of childhood from a very narrow perspective. These kinds of general statements are very common in the ILCs. They were particularly prevailing at the beginning of the work of the ILO. Therefore, the concept of child labour was also largely based on a very limited, point of view, which some critics may claim to be ‘Eurocentric’. The second feature of the statement discussed, i.e. the

‘rigid age hierarchy which separates children from adults’ will be discussed later within this analysis. We should also note that here we can also see the perspective that the idea of child labour hampering economic growth might not always be applicable.

The French Government representative, Mr. Justin Godart, reflects the words of Mr. Pauwels when he states in the same Conference that:

il s’agit avant tout de l’enfant et de son avenir, qui sera d’autant meilleur que sa *santé* aura été mieux protégée, que son instruction et son *éducation* auront été complètes. *C’est lui qui est l’avenir de la race* et qui doit, par conséquent, être notre unique préoccupation (ILC 1937, 14th sitting : 347, emphases added).

Here work is seen again as depriving children from education, which is given as a reason why it should be restricted. Let us remember at this point that both of the speakers are representatives of European countries (Belgium and France) and, therefore, their ideas reflect what *their* societies consider as ‘happy childhood’. It is also interesting that a *government* representative should defend the interests of children the way Mr. Godart does. In general in the Records of Proceedings the government and employers’ representatives tend to take a more economic point of view to the work of children. This is one of the power struggles seen within the ILCs; that between workers, employers and governments. This quotation also brings up the issue that protection of children guarantees better future for ‘the race’. This is a means used in order to emphasise the fact that child labour is a ‘problem’ that concerns everyone; it is a concern for the whole of humanity. This reason for the restriction of child labour is also seen throughout the years in the ILCs. Also, from this passage we see the reference to the future. The comparison between the past, today and the future, enforce the credibility of the speaker. They also introduce to us a *topos* of cause and consequence; if certain actions are or are not carried out, other actions occur as a consequence. In this case, if child labour is not restricted, it will have grave consequences.

In the 1937 *Report: Partial Revision of the Minimum Age (Non-Industrial Employment) Convention, 1932 (No.33)*, we can find three main lines of thinking on the reasons why children should not be allowed to work. Firstly, the raising of the age of admission of children to paid employment is seen as a means of ‘alleviating unemployment’ (Czechoslovakia, p.12). This is echoed by the government of Uruguay, which is of the opinion that ‘children should not be employed so long as there is widespread unemployment among adults. The employment of children should [...] be only supplementary to [the

employment of adult workers]’ (p.18). The government of Finland agrees with this, hoping that the raising of the minimum age ‘means to ease the situation in the labour market’ (p.13). Here we can see the *topos* of advantage, i.e. eliminating child labour would benefit the societies by reducing adult employment. This is also a reoccurring *topos* in the ILCs. The second and third reasons for the abolition of child labour and the raising of the minimum age for employment can be summarized by the quotes taken from the governments of Finland and Uruguay, who say, respectively, that the raising of the minimum age is an endeavour to

protect children against overtaxing their *physical* and *mental* powers and against other dangers, but also with the desire to endow children with as complete as possible an *education* generally and technically, before they engage in employment for remuneration (p.13, emphasis added).

Again, we can see the three reoccurring themes in favour of the restriction of child labour, i.e. its negative physical and mental effects and its effect on the education of children. Therefore, so far from what we have seen, the arguments for the restriction of child labour as they have come up in the ILCs are that the employment of children is harmful to their ‘physical and moral development’ and prevents them from completing their education.

The 1945 *Report III: Protection des enfants et des jeunes travailleurs*, follows this line of thinking. According to this report, it is crucial to protect children from work since their production capacity depends on their *physical condition*, which work can damage;

C’est [...] dans l’enfance que se forme *le monde travailleur de demain*. Cette étape initiale de la vie commande toutes les autres. Si elle se passe en de mauvaises conditions, tout l’avenir d’un individu risque d’être compromis. Sa force physique, donc sa *capacité de production*, dépend dans une très large mesure des soins qu’il reçoit dans son jeune âge (ILO Report III: Protection des enfants et des jeunes travailleurs, 1945:1, emphases added).

Let us point out here, again, that the ultimate reason for the restriction of child labour seems to be an economic one, the economic prosperity of the nations taking, again, the main role in the discussions. In addition to this feature, we can also again distinguish the reference to the future; a *topos* of cause and consequence. According to the same report, the rules denying child labour have two ends;

protéger l’enfant contre des *efforts physiques* susceptibles de compromettre sa santé ou de nuire à son développement corporel, et aussi le laisser disposer de toute son énergie pour suivre un *enseignement* à

plein temps et en retirer le maximum de bénéfice pour sa préparation «à une vie pleinement développée» (p.579, emphasis added).

This passage implies that we can make a distinction between a ‘fully developed life’ and a life that is not ‘fully developed’, that we should all understand in equal terms, since the speaker does not explain this distinction further. The same report continues; ‘l’enfant doit être protégé contre un travail précoce, quel qu’il soit, qui le détournerait de *la tâche essentielle de l’enfance : l’instruction*’ (ibid., emphasis added). This is arguable, however. Firstly, we must disagree with the implication that one’s life can only be ‘fully developed’ if he has been through a formal system of education. Secondly, we may question the point of departure that childhood’s most important task would be education, since ‘education’ as well as ‘childhood’ and ‘work’ can have very different meanings and dimensions for different cultures and in different settings. The ILO has driven the perspective that child labour should be restricted because it represents a threat to the formal education of children throughout the years, and particularly since the Declaration of Philadelphia of 1944⁶. However, when discussing the importance of formal education we must consider various factors. Different societies may have very different conceptions on what and how children should learn. Rodgers and Standing, for example, remind us that ‘work itself may be an important component of “education” especially in household-based production systems, but also in various apprenticeship arrangements’ (1981:33). Further on, they add that

the value of the type of schooling generally available should be regarded as a matter of debate. It should not be presumed that it is clearly preferable to the type of work the children would be doing. That is not to glamourise child work, only to try to correct the view that simply regards child work as the obstacle to effective learning (ibid.: 42).

Various critics also remind us that the globally predominating form of schooling of today was originally developed in Western Europe and spread to the rest of the world (the colonies) by Christian missionaries between the 16th and 20th centuries. Ansell (2005) also points out that according to the Marxists, the very function of this form of education was originally to serve capitalism, by providing the labour force with the necessary skills. Some critics claim that it serves capitalism by stimulating consumption. According to the neo-

⁶ Part III of the Declaration of Philadelphia reads that ‘the solemn obligation of the International Labour Organization’ is ‘to further among the nations of the world programmes which will achieve: [...] (h) provision for child welfare and maternity protection; and [...] (j) the assurance of equality of educational and vocational opportunity’.

Gramscian theory on hegemony, education is one of the means by which a hegemonic power can enforce its status worldwide. In contrast, the ‘human capitalists’ see education as something that benefits both individuals and the society as a whole by providing people with better economic prospects, better health and greater control of their lives and enhancing democracy and social justice. This thesis would like to simply point out these perspectives on the importance of schooling. None of them should be ignored, nor put on a pedestal. In the end, it is true that ‘the school is neither a miraculous medicine for all societal diseases nor an all-powerful poison’, as put by Freitag (1996, cited in Ansell 2005:156). In some cases, work can benefit children more than schooling, while in others schooling may be the best option for the child. Sometimes the child may benefit the most from a combination of the two. On the other hand, if looked at from the point of view of the nations as a whole, education also renders benefits that cannot be denied.

Therefore, so far we have identified various *topoi* in the development of the concept of child labour in the ILO. Within these, following Wodak’s model described above, we can identify the *topoi* of usefulness (child labour advances economic growth), uselessness (counter arguments for economic growth, claiming that child labour hampers economic growth rather than advances it and arguments based on the claim that child labour hampers the ‘normal development’ of a child), and justice and humanitarianism (it is human to eliminate child labour, work for children is against the human nature). From the discussions held after and between the two World Wars, we can also find the *topos* of danger or threat. Let us have a closer look at this.

The ILCs held in the aftermath of the Second World War hold together the fact that the elimination of child labour is seen essential as a way of securing peace and reconstructing the countries devastated by war. In these periods there was also clearly preoccupation on the health of the children, which had suffered greatly during the war years. Therefore, the argument that child labour would endanger the health of children was particularly strong among the ILC participants. As put by Ms. Rousset (a government adviser from France) in the ILC of 1945,

We must revive French industry, crafts and arts, but above all the *sparkle* and *gaiety* and the *love* of life which has always been a characteristic of the French people. [...] Our children have *suffered* greatly [...]. They must now be given a normal, healthy life which will ensure their *full physical and mental development* (ILC 1945, 22nd sitting: 243, emphases added).

Again, we can see the use of two rhetorical tools; the use of positive arguments (sparkle, gaiety and love of life) and oppositions (sparkle, gaiety, love of life versus suffering). Child labour is seen as an obstacle to the happiness of the French people. The Government adviser for Canada, Mr. Phelan, also brings up the relation between the protection of children and young people and peace as he says in the same Conference that

the future of all our nations rests in the hands of the children and youth of today, and we would hope that it is an augury of the future that there is evidence at this Conference, in regard to young people, that when they have matured and are in turn conducting international relations, it will be under more amicable and peaceful conditions than it has been in the past (ibid.:244, emphases added).

Again, the concept of child labour is connected to the ‘future of all nations’, i.e. it is made a global concern. Also, it is made a concern of not only today but also of the future. This reflects what we have seen above. The words of Mr. Myrddin-Evans (a government representative from the United Kingdom) reflect the atmosphere in the post-WWII Europe in the same ILC.

We stand facing a future [...] in which complex and difficult problems of international relations are bound to arise. The men and women who will have to face these problems and play a great part in human destiny, are today, some in school, but for the most part in the factory and in the workshop, and on the care we can and will give them today will depend the effectiveness with which they will meet these problems, and *upon that power will perhaps depend also the fate of the world*. No sacrifice that we can make is too great in order to equip them for the great difficulties they will have to solve. They need opportunities of *education*; they need protection from *injurious overstrain*, which tells on *mind* and *body*; they need conditions under which they can develop, to fit themselves for the great responsibilities of the future; and they can only do this in conditions which permit the fullest liberties of the individual and the maintenance of the dignity of the human soul (ibid.: 251).

These are grand words, indeed. The question of child labour is made into a matter concerning the whole globe; ‘the international relations’, ‘the fate of the world’ and ‘the human destiny’. The claim that child labour is a ‘problem’ considering not only all the countries but also all the levels of society within those countries is not formalised until the 1999 Recommendation (No. 190) on the Worst Forms of Child Labour brings, which reads that

Other measures aimed at the prohibition and elimination of the worst forms of child labour might include the following:

- (a) informing, sensitizing and mobilizing the *general public*, including national and local political leaders, parliamentarians and the judiciary;
- (b) involving and training *employers' and workers' organizations and civic organizations*;
- (c) providing appropriate training for the *government officials* concerned, especially inspectors and law enforcement officials, and for other relevant professionals;
- (d) providing for the prosecution in their own country of the Member's nationals who commit offences under its national provisions for the prohibition and immediate elimination of the worst forms of child labour even when these offences are committed in another country;
- (e) simplifying legal and administrative procedures and ensuring that they are appropriate and prompt;
- (f) encouraging the development of policies by undertakings to promote the aims of the Convention;
- (g) monitoring and giving publicity to best practices on the elimination of child labour;
- (h) giving publicity to legal or other provisions on child labour in the different languages or dialects;
- (i) establishing special complaints procedures and making provisions to protect from discrimination and reprisals those who legitimately expose violations of the provisions of the Convention, as well as establishing helplines or points of contact and ombudspersons;
- (j) adopting appropriate measures to improve the *educational infrastructure* and the training of teachers to meet the needs of boys and girls;
- (k) as far as possible, taking into account in *national programmes of action*:
 - (i) *the need for job creation and vocational training for the parents and adults* in the families of children working in the conditions covered by the Convention; and
 - (ii) the need for *sensitizing parents* to the problem of children working in such conditions (emphases added).

This Recommendation makes the fight against child labour a matter concerning the 'general public', 'employers' and workers' organizations and civic organizations', 'government officials', 'adults' and 'parents etc. Therefore, the question of child labour is made into a question concerning various different members of society. Curiously enough, the children themselves are not mentioned, except in relation to the need for their 'education', a reoccurring theme in the child labour discourse under investigation. This Recommendation, thus, also connects education and the elimination of child labour.

Going back to the quote from Mr. Myrddin-Evans, various references are made on the future and the threats posed to it. This is emphasised, again, through the use of opposites such as 'injurious overstrain', 'complex and difficult problems' and 'fullest liberties' and 'dignity'. In the Europe destroyed by war, the challenges presented by the future were perhaps bigger than today. Europe needed peace and reconstruction more than anything.

Protection of children was seen as part of this, as was the case immediately after the First World War. Since it was seen that ‘the deprivations and horrors of the war years struck particularly sharply on the children and growing youth’ (ILC 1946, 15th sitting: 175, quote from Miss McConnell, a government adviser from the USA) in order to reconstruct a peaceful world, it was seen crucial that the children and youth would be better protected. In order to achieve this, the world needed to invest in children and the youth. According to the government adviser from Poland, Mrs. Rusin (ibid.:178)

Our principal objects are to see that our soil is *fertile*, that our *factory chimneys smoke*, that social income *increases*, that the distribution of this income is *fair*, and , above all, that the social and intellectual level of our population, particularly our young population, is *as high as possible*’ (emphases added).

In other words, it was seen that if protection of children was not provided, the children might become not an asset but a liability to the societies. This is made clear through the use of various positive images. Here we can clearly see the *topos* of threat since it was seen that if not protected, children may become a threat to the societies in which they are born.

After the immediate post-WWII years, the ILO had a break in discussing the child labour issue. This is interesting as such, as the interest towards child labour seemed to be at its peak right after the two World Wars. Perhaps there were other issues that were seen as more urgent in the 1950s, or perhaps child labour was not seen as such a big problem during those years. One thing is certain, however, and it is that child labour as such did not disappear during the years the ILO was silent about it. Europe was in the middle of reconstruction and change and needed a lot of workforce, be it children or adults.

In the 1970s, the child labour question returned to the ILO agenda. This time it could be seen that the emphasis on the reasons why child labour should be eliminated started to turn more towards the developmental point of view, i.e. as a way to enhance the well-being of children. This idea came up in the 1972 *Report IV (2): Minimum Age for Admission to Employment* in which (to give just one example), the Czechoslovakian government is of the opinion that ‘child labour is harmful to the physical and mental development of the child. If tolerated, it leads to grave consequences’ (p.4). What are these consequences does not come clear from this statement. Perhaps this implies that the position that child labour is a negative phenomenon has become naturalised, as it need not be explained what these ‘grave consequences’ are. These could be grave to the development and future of the child or the

development and future of the country, or, perhaps, both. In any case we can, again, see the *topos* of threat. According to the opinions of Mr. Ahmad from the workers' delegate of Pakistan in the ILC of 1972,

there must be *elimination of all forms* of child labour and [...] children should attend school because the *future of mankind* is linked to how we bring up our children, how we provide them with full opportunity to develop their mental and physical abilities; and that can be done only if they are given proper *education* and proper opportunity to develop their *natural qualities* (ILC 1972, 29th sitting: 642, emphases added).

Here there are three interesting points to raise. Firstly, the speaker mentions the elimination of *all* forms of child labour, which has not been mentioned so far. Secondly, education is again connected to the 'future of mankind'. And, thirdly, the speaker speaks about the 'natural qualities' of children, as if there were 'natural qualities' that are inherent to all children that may be damaged by child labour. Thus, this speech also includes the *topoi* of humanitarianism and justice, by implying that it is against human nature for children to work. This would be argued by Arendt, whose concept of labour will be discussed later on in this thesis. But again this developmental point of view is linked to the economic survival of a country. So far we could, therefore, argue that the ILO child labour policies have been based on the economic needs of countries and neglected the children's well-being as such as being the starting point.

At this point one would wish to see that the latest developments in the ILO would show that there has been a development towards a child well-fare centred approach. Unfortunately, the conclusions we must draw prove otherwise. In the 1998 *Report VI (1): Child Labour –Targetting the Intolerable*, the ILO says the following:

The fight against child labour has to go hand in hand with a campaign to create *full, freely chosen and productive employment* and ensure that this goal is considered as an ethical, social, political and economic imperative of mankind (p.117, emphasis added).

According to the ILC of the same year, the Government member of China

agreed that work at an early age had great physical and psychological bearing on the development of a child. Moreover, child labour [is] not conducive to the economic development of a country (p.9).

This quote summarizes the two aspects of child labour discussed throughout the years in the ILO. The same is echoed by the government member of Morocco in the same Conference, who says that ‘child labour [preoccupies] many countries because of the detrimental effect it [has] on the children involved and the burden it [places] on economic development’ (p.9). These three quotes prove very good examples for summarizing everything that we have seen above. It can still be seen clearly that the Conventions are, therefore, mostly based on economic arguments and that they lack certain understanding on *how* to define child labour as the definition should, arguably, rather stem from theories of childhood than from economics. It is until the 1999 ILC that we can see signs of a child-centred approach towards the reasons for the abolition of child labour. According to the Records of Proceedings of that year,

childhood is *undoubtedly* the most tender, most formative and most impressionable stage of human development. A child of today cannot develop to be a responsible, responsive and productive member of tomorrow’s society unless an environment which is conducive to his social and physical health is assured to him. *If children are neglected and deprived of their childhood and the excitement and joy associated therewith, the nation as a whole is deprived of the potential human resources for social progress, economic development and order, social stability and good citizenry* (ILC 1999, 20th sitting: 26/6, emphasis added).

Here, the fact that childhood be a very tender age is naturalised, by the use of the word ‘undoubtedly’. However, even if this quote includes traces of the interest in the well-being of children, the terms ‘production’, ‘social progress’, ‘economic development’, ‘social stability’ and ‘good citizenry’ bring us back to the *topos* of finances. Equally, we could argue that this statement is principally ‘Eurocentric’, based on a European view of childhood and the needs of children, again, thus promoting the Euro-American hegemony in the child labour discourse. It reflects the globally accepted model of childhood, which, according to Ansell, is based on a ‘Western’, middle-class ideal to which people are expected to aspire (2005:23). This ‘global notion of childhood’, which has become naturalised within the global discourse on child labour, has the following features:

- There is a natural and universal distinction between children and adults, based on biological and psychological features that are taken for granted
- Children are smaller and weaker and defined by things they cannot do
- Children develop through scientifically established stages, for which there is a normal route and timetable

- The global model is superior to all other childhoods (ibid.).

Let us, in this connection, consider a quote from Boyden and Gibbs (1997:22, quote taken from Ansell 2005:34);

for their own protection, nurture and enlightenment, children in Western societies are excluded from work and other such responsibilities and confined, largely, to the home and the school, where they experience a prolonged period of social immaturity and dependence. These are the conditions and circumstances that are thought to best favour children's psycho-social well-being and development. Thus, children who do not enjoy such life circumstances are believed to be at risk, their development and adaptation to society undermined.

This reflects the opinion taken from the Records of Proceedings seen above, which also presupposes that there are 'conditions and circumstances' which are the 'best to favour children's psycho-social well-being and development' despite where and in what conditions the child find her/himself. Equally, the quote from the Records of Proceedings implies that there are conditions of childhood that can be universalised, i.e. conditions that can be applied to all children around the world. However, if childhood is as much a social, political and circumstantial construction as biological, it seems quite impossible to attempt to make universal statements on what is good and what is bad for children. As put by Fyfe (1989: 5-6), 'we should be conscious of the dangers of imposing our Western values to other societies, in particular our notions of 'normal' childhood and child development'. Let us now get back to the *topos* of threat.

According to Mr. Mishra (a government delegate from India) in the ILC of 1999, the mistreatment and lack of protection of children can pose a threat to the nations as he says that

according to the 1997 annual report of UNICEF: "The day will come when nations will be judged not by their military or economic strength, nor by the splendour of their capital cities and their public buildings but by the well-being of their people, by the levels of health, nutrition and education, by the opportunities to earn a fair reward for their labour, by their ability to participate in the decisions which affect their lives, by the respect which is shown for their civil and political liberties, by the provision which is made for those who are vulnerable and disadvantaged and by the protection which is afforded to the growing minds and bodies of their children". When that day comes, our children will enter a new realm of critical consciousness which Rabindranath Tagore described as one where the mind is without fear, where the head is held high, where knowledge is free. They will mobilize and organize themselves and demand their liberation from the shackles and fetter which have chained them from

generations and robbed them of their basic rights. That day is not far away (ILC 1999, 20th sitting: 26/7).

From this statement you can sense fear, which is backed up by a quotation taken from an internationally hegemonic institution on children's rights. Mr. Ahmed (a workers' delegate from Pakistan) continues this idea by highlighting that child labour must be eliminated in order to secure the well-being of the international community, by saying that

We believe that children are the future [...]. Their physical, social, mental and spiritual well-being is not only a good thing for them but also for the *family*, the *nation* and *mankind as a whole*. Therefore, their care, nourishment, education and training, and the provision of a proper environment are the responsibility of family, State and the international community (ibid.: 26/7, emphasis added).

The idea of the State being responsible for the abolition of child labour is an idea that follows the ILO's child labour policies throughout the years. This could also be argued as being one of the problems, as in many countries the State is very weak and unable to carry out this task. Also, some may argue that giving such a central role to the State is merely another way of spreading a 'Western' model of wellbeing. As pointed out by Fairclough (2001:27),

the power of the capitalist class depends [...] on its ability to control the state. [...] The state is the key element in maintaining the dominance of the capitalist class, and controlling the working class. This political power is typically exercised not just by capitalists, but by an alliance of capitalists and others who see their interests as tied to capital.

Mr. Kudo (a government adviser from Japan) also questions the perspective which sees it natural that the State regulates the work of children in the ILC of 1958 when he says that

as a matter of principle I feel that we should as far as possible leave the welfare and protection of children to their parents. Parents love their children and take the greatest care of their health and safety and we should rely on parental love and responsibility. I believe that the government should be the last to interfere in family affairs. Some may say that in certain cases children require protection against their own parents. In this case educational measures would be more likely to give satisfactory results than the enacting of prohibitory regulations and their consequent sanctions. In Asian countries, at least in my own country, the home may be called the individual's castle and the government should refrain as far as possible from interfering therein (ILC 1958, 19th sitting: 298).

We should, therefore, perhaps, be wary about the position the ILO gives to the State in the formulation and enforcement of its child labour policies.

We have now seen how the reasons why child labour should be restricted have developed within the ILO. Let us now turn to the counter arguments that are against the elimination of child labour.

3.3. Child Labour –An Acceptable Part of a Child’s Life?

The complexity of the concept of child labour makes it almost impossible to take a rigid stance on the question. In reality, however, it is debatable whether abolishing all forms of child labour is possible or necessary, or even *desirable* in all parts of the world. As written by Rodgers and Standing,

traditionally, a welfare perspective has been adopted, by which child labour is regarded as an evil to be eliminated. But it is difficult to make a general welfare judgement on the work of children that can be maintained across time and cultures (1981: v).

According to Abernethie, in turn,

the determination of law of what is or is not included in our meanings and responses has [...] *produced* a certain truth, namely that child labour is a negative phenomenon and a violation of children’s rights, that ought to be eliminated (cited in Hanson and Vandaele 2003:77, emphasis in the original).

Arguably, in some cases the abolitionist approach on child labour dominating the ILO’s agenda can, in fact, *fail* to protect the children. Some critics argue that it has been shown to even *increase* cases of unacceptable forms of child labour. According to Murshed, ‘banning child labour may force children to work clandestinely in unregulated undertakings where they are impossible to either detect or protect’ (2001:183). Therefore, their working conditions may, in fact, be made worse by the restrictions on child labour. Hanson and Vandaele agree with him by pointing out that

[...]legislation prohibiting child labour which is intended to protect children “often turns out in practice to be regressive and counterproductive, driving child work underground and making children even *more* vulnerable to exploitation” (2003:121, emphasis added).

And these critics are not alone. Various critics today argue that too rigid restrictions on child labour can end up harming the children rather than helping them. Grootaert and Patrinos (1999) warn us that

a zero-tolerance approach to child labour in short term –such as legislative bans [...]–can actually *harm* working children, because such policies fail to address the *root causes* of child labour (155, emphasis added).

Sloan (Schmitz, Traver and Larson 2004) also points out that

preventing [children] from working may be harmful to their emotional well-being. Similarly, prohibitions and enforcement may push child workers further underground, making them more vulnerable to the most intolerable forms of child labour (p.181).

The abolitionist perspective on child labour presents, therefore, only one, very specific, way of perceiving child labour. Hence, it should not be accepted as universal without questioning it.

If child labour is to be restricted or even eliminated, it is also crucial to pay special attention to *how* this is pursued. According to Grootaert and Patrinos (1999), ‘certain interventions have the potential for making the working child worse off, if the intervention is not where the market failure occurs’. For example, a ban on child labour imposed when child labour occurs as a result of a failure in the education market can lead to ‘a further reduction of the child’s already limited opportunity set; since it does not address the failure in the education market, the child now can neither work nor attend school’ (pp.8-9). This is another point that may have perhaps been paid too little attention to when developing the ILO’s child labour Conventions and Recommendations.

According to some, child labour may be beneficial to children. It can be an integral part of the cultural setting in which the child lives and work can even be necessary for the child in order for her/him to be accepted in the society. According to Siddiqi and Patrinos (1995, quoted in Schmitz, Traver and Larson 2004: 2, emphasis added),

the work of children can be helpful to the child, family and community. [...] It is possible for children to continue their education, to benefit economically and socially, and to contribute to family income if they work limited hours in *nonabusive conditions*.

According to Roderger and Standing (1981:32),

there are [...] many situations in which some work by children may make a positive contribution to the health and physical capacity of themselves and other family members –in situations of extreme poverty, the mobilisation of all household labour available, including that of children, may be necessary if basic consumption needs are to be met. Also it is conceivable that *some work is beneficial to the health and physical development of children*, if it is not too strenuous and develops muscular and related physical powers, thereby increasing fitness and strengthening resistance to certain types of illness (emphasis added).

The idea that some work is beneficial ‘to the health and physical development of children’ is interesting to see here since the statements made in the ILCs seen in favour of the restriction of child labour discussed above seem to claim the opposite. As has been seen, it was claimed in them that child labour represents a threat to the physical development of children, regardless of the type of labour.

In general, in the Records of Proceedings of the ILCs, the opinions of those who are *against* the elimination of child labour are very few in comparison with those in favour of its elimination. It could be, therefore, claimed that the ILO has presupposed from the beginning that child labour is an evil that should be restricted and, eventually, eliminated. It could also, however, merely mean that those who are against the ILO’s main line of thinking do not have the courage to put it forward in the ILCs, due to the global and economic power structures or other reasons. Or, it could merely be an indicator of consensus on the negative implications of labour on children. Let us now take a closer look at why child labour should not be considered so strictly as a negative part of children’s lives, according to critics and the participants of the ILCs. The main argument against the use of child labour is a cultural one. Let us consider this further in relation to different countries as discussed by different critics.

Gustaffson-Wright and Pyne (2002, quoted in Smitz, Traver and Larson 2004:34-5), claim that in *Brazil*, the social norm values child labour as an ‘integral’ and ‘positive’ part of a child’s development. According to the two writers,

[in Brazil] a working child is perceived as receiving discipline and training for their future entry into the labor market as an adult. Furthermore, working occupies time that might otherwise be spent “getting into mischief”.

According to Bennet, in *Thailand*, in turn,

there is no public consensus that children under 15, or even 13, should not be working, a view that is also reflected among officials and non-government workers, many of whom still feel that there are many cases when these children's welfare is better protected by allowing them to remain in work (Bennet 1998, cited in Schmitz, Traver and Larson 2004:180).

For Bangladesh (and various other poor agricultural countries), 'child labour remains a critical source of income for many poor families despite government efforts to combat poverty through education, health, and nutrition' (ibid.,:20). Similarly, in Iran

the larger families with more mouths to feed have no choice but to have every able-bodied member of the family, including the young ones, earning wages. This is needed to sustain the whole family (ibid.: p.119).

In Colombia, in turn,

child labour is embedded in the cultural and social norms of the lower socioeconomic classes[...]. Children are viewed as old-age security for their parents and tend to be regarded as mini-adults whose labour is necessary for the survival of the family (Salazar 1988, cited in Grootaert and Patrinos 1999: 64).

In many African countries, the spread of AIDS also makes it necessary for children to work as they remain as the heads of family. This is the case, for example, in South Africa. In Zimbabwe, too, children labour in order to survive (Moa in Schmitz, Traver and Larson 2004:210).

In other societies, in turn, children may need to work in order to be socially accepted.

In Mexico, for example,

some parents encourage children to work as a means to learn how to make a living and prepare for life. [...] Child labour is part of the socialization process, especially among marginalized populations. Work does not necessarily impede the development of children; it can contribute to their self-esteem (Carey, ibid.:133).

Similarly,

African cultures value children's contributions to the family. Work is part of socializing children so they learn responsibility, acquire an appropriate work ethic, and appreciate the value and the dignity of work (Chiniyangara et al. 1997, ibid.:209).

In the Ivory Coast,

many poor rural societies do not view child labour as “bad” –they see it as part of a socialization process that gradually introduces children to work activities and teaches survival skills (Grootaert and Patrinos 1999:23).

There should, now, be no doubt on the variety of perceptions on the effect of child labour. These perceptions seen above have been reflected by various participants of the ILCs throughout the existence of the ILO. The arguments in favour of the use of child labour as seen in the ILCs have mainly evolved around these cultural arguments but also around the economic benefits of using children as workforce, hence strikingly contrasting the economic arguments seen above in defence of the restrictions on the use of child labour. In this section we will see the *topoi* of usefulness, finances, reality, and culture.

In the ILC of 1919, the main objections (unsurprisingly –in the end India has specific conditions in the 1919 child labour Convention) came from the representatives of India. According to Mr. Atul Chandra Chatterjee (a government representative),

until there are adequate educational facilities available for children in India, and until such children can be compelled to avail themselves of the facilities, the raising of the age of employment will only throw such children on the street (ILC 1919, 14th sitting: 94).

In this speech we can see that education and child labour are, again, connected. However, as seen before, they should not be seen as necessarily mutually exclusive. The speaker also suggests that the only other option for the children of India than working is life on the streets. It is hard to believe that this would be the reality, even though here introduced as such.

In the 14th session of the ILC of 1937, the Belgian employers’ representative, Mr. Gérard, speaks very directly about the consequences of the elimination or restriction of child labour on the Belgian economy:

il y a bien des branches dans lesquelles, jusqu’à présent –et je crois que cela continuera – l’emploi d’une main-d’œuvre jeune est, pour des raisons d’ordre technique, absolument indispensable. Notamment dans l’industrie textile, il est nécessaire que le travail commence suffisamment tôt (ILC 1937, 14th sitting : 333).

As an example of this, he says that

il faut [...] que les ouvrières commencent le travail assez tôt pour avoir devant elles quelques années de plein rendement et d'une activité rémunératrice pour elles, avant le moment où, très fréquemment et très normalement, elles quittent l'usine pour s'établir, pour se marier (ibid.).

His point is, therefore, that it is in the interest of the industries to employ children since in this way they can benefit economically. Clearly here there are no signs of concern on the children's well-being in the short term, but these economic benefits may reach them in the long-term. The employers have various reasons for defending the use of children as workforce. Children are a way of cutting production costs. Hence we see both, the *topoi* of finances and usefulness. Curiously enough, however, they are defended in an opposite manner than in the previous section. As put by Manier,

l'emploi d'enfants répond au souci des industriels d'ajuster les coûts aux fonctions : pourquoi payer un adulte à effectuer des tâches simples, exigeant peu de force physique ? (1999 :9).

Furthermore she writes that 'salarier un enfant relève d'un choix social et économique : c'est délibérément opter pour un salarié plus docile et moins cher qu'un adulte' (ibid. :85). It is interesting to consider, again, how this economic argument contradicts the economic arguments seen above, in relation to the reasons in favour of the restriction of child labour.

The most interesting quote from the Belgian government representative is, arguably, the opinion according to which the use of child labour is indispensable for the exportation capacity of Belgium. He says that

il est certain que si la Belgique adoptait un âge minimum d'admission au travail plus élevé, alors que des pays concurrents ne le ferait pas, notre capacité de lutte sur les marchés du monde en serait diminuée. Par conséquent, nous travaillerions ainsi contre les intérêts mêmes de l'ensemble des travailleurs de notre pays (ILC 1937, 14th sitting : 334).

This is a surprisingly direct comment, which puts it out very clearly; limiting the use of child labour is a threat to the national economy. This is also echoed by Brazil in the 1937 *Report: Partial Revision of the Minimum Age (Industry) Convention, 1919 (No.5)* in which it reads that 'in 1936 the Brazilian delegation opposed the raising of the minimum age on the ground that it would lead to serious economic difficulties' (p.10). Again, in both of the examples

child labour is discussed as a purely economic matter. However, the contrast to the previous chapter is striking.

Finally, we can also see some arguments against the abolition of child labour in the 1972 *Report IV (2): Minimum Age for Admission to Employment*. According to the Report, at the time of the publication of the Report, the Nigerian government was of the opinion that

the total abolition of child labour in all economic sectors is not recommended. The instruments should continue to provide exceptions in limited cases. The degree of unemployment, the stage and nature of economic activity and tradition and culture are very important factors in this regard for developing countries (p. 14, emphasis added).

This is very interesting; this is the only time so far that we have seen ‘culture’ being mentioned in such a direct way in relation to the discussions on the elimination of child labour in the ILO. This is quite surprising as such –as we have seen so far, cultural factors should, in fact, according to many be the starting point for defining child labour and what is acceptable and what unacceptable work for children. Arguably, this is one of the main challenges to forming a universally applicable definition of child labour.

In conclusion, we can see that in the ILCs the use of child labour has been defended mainly by using *economic* arguments. Also, it seems that child labour may not be harmful in all sectors as many speakers in the ILCs agree on the fact that child labour should be allowed in some sectors. This is interesting since the defenders of its elimination seem to also mostly base their arguments on economical factors. We are, thus, faced a tremendously ambiguous and complex concept.

Let us now turn back to the definition of child labour and to two factors that shape it the most, the question of chronological age and the question of labour.

4. THE AGE QUESTION –IS THERE A UNIVERSAL AGE FOR CHILDHOOD?

Throughout the years, chronological age has made the basis of the ILO’s concept of a ‘child’, and, therefore, of the concept of ‘child labour’. However, one starts to question the validity of using chronological age as the basis of international Conventions on child labour after taking a closer look at the problematic of the concept of chronological age. In fact, according to various critics, there is *no* universal definition of a ‘child’ or universally acceptable definition of ‘child labour’, due to the complexities evolved around the concept of chronological age. If these claims are to be true, then what should we think of the foundations of the ILO’s child labour policy?

4.1. The Concept of Chronological Age in the ILO’s Child Labour Conventions

In terms of chronological age, the definition of a ‘child’ has developed in the following manner⁷ in the ILO’s child labour Conventions:

Table 5: The Chronological Ages Used to Define a ‘Child’ in the ILO’s Child Labour Conventions

Year	Convention	Chronological age used to define a ‘child’ in the Convention
1919	Minimum Age (Industry)	14
1920	Minimum Age (Sea)	14
1921	Minimum Age (Agriculture)	14
1921	Minimum Age (Trimmers and Stockers)	18
1932	Minimum Age (Non-Industrial Occupations)	14
1936	Minimum Age (Sea) (revised)	15
1937	Minimum Age (Industry) (revised)	15
1959	Minimum Age (Fishermen)	15
1965	Minimum Age (Underground Work)	16
1973	Minimum Age	15
1999	Worst Forms of Child Labour	18

From Table 5 we can see that in the Conventions there has been a general increase from 14 to 15 years of age in the definition of a ‘child’ according to chronological age. The first ILO Convention on child labour, the 1919 Minimum Age (Industry) Convention, defines children as everyone under *14* years of age. However, this same Convention permits exceptions to

⁷ This table excludes exceptions, for those see the Tables 9 and 10 in Chapter 6.

Japan and *India* in relation to the age. In relation to the application of the Convention to Japan, the Convention states that children over 12 years of age may be admitted into employment if they have finished the course in the elementary school. This Convention, therefore, also puts across the idea that school and work for children are incompatible. In fact, even the minimum age for work is based on the minimum age for schooling. This trend continues throughout the Conventions. The age used to measure childhood is almost always closely connected to the age for the end of primary education. Arguably, hence, here we see a combination of two ‘western’ concepts making the basis for the ILO’s definition of child labour; chronological age and primary education.

According to the Annex of the Records of Proceedings of the ILC of 1919,

the proposal to fix the age of admission at 14 was adopted by a *unanimous vote* of the commission after proposals to raise the limit to 15 and 16 years, respectively, had been brought forward and defeated by large majorities (ILC Annex 1919:248, emphasis added).

However, *how* has this specific age been decided as the age for the end of childhood does not come across from the Record of Proceedings of this ILC. According to Fyfe, the numbers seven and fourteen were already associated with childhood in the fifteenth century Europe. Seven was the age for the rite of passage for boys, and the age when apprenticeship contracts were drawn up. Also by the age of 14 schooling in reading, writing and religion was over (1989:12-13). It seems, therefore, that we are again dealing with a very narrow, arguably Eurocentric, perspective on childhood. Nonetheless, ever since this first ILO Convention on child labour, the age 14 has frequently made the basis of the ILO child labour Conventions, as seen from the table above. This is one of the questionable aspects of the ILO’s definition of child labour. Bearing in mind the above discussion on the ambiguity of the question of chronological age, can we truly say that a child of 14 years old is equally mature in all the areas of the world? Can we define childhood in such strict terms, based on the occidental, ‘western’ system of chronological age? Is it realistic to categorize children so strictly according to their age in a universal manner in a world full of different cultures, customs and traditions? Let us develop this further by, first, having a look at the discussions in the ILCs.

According to the President of the first International Labour Conference, Sir Malcolm Delevigne (from the delegation of the United Kingdom), there were two matters which caused the Commission on the Employment of Children ‘considerable difficulty’, namely 1) allowing some exception through the transitional period in the case of those countries where

the age of leaving school under the education law has not been fixed at as high an age as 14, and 2) modifications to be allowed in the case of those countries with special climatic or industrial conditions. In this Conference, the definition of a 'child' raised a significant amount of discussion, particularly in relation to Japan, India, China, Persia and Siam. The question of whether children develop at the same age in all the parts of the world is raised up as the government representative of India, Mr. Atul Chandra Chatterjee, who argues that

in a country where children develop much earlier than in the North or the West [such as India], and where the customs of the country do not enable the mothers to look after their children with the same freedom and capacity as they could do in the West, the result [of raising the age of employment from 14 years] would be more *disastrous* to the children than otherwise (ILC 1919, 14th sitting: 94, emphasis added).

Various critics agree with the speaker, in recognising that children live in different conditions and cultures and, therefore, we should not apply the same rules across the world. As put by Ansell (2005:63),

individual (and collective) identities and experiences of childhood and youth are shaped by attributes which range from characteristics of the body (sex, 'race', dis/ability, age); characteristics of their families, and their position within the family (including birth order); and wider social distinctions such as class, affluence, religion, ethnicity, caste.

Fyfe also reminds us that

we should be conscious of the dangers of imposing our western values on other societies, in particular our notions of 'normal' childhood and child development. This often leads outsiders into 'shock-horror' reactions to child work in developing countries and resultant over-idealistic and impractical recommendations for action (1989:6).

In other words, there are as many conceptions of how children mature as there are different cultures. The quote from Miss Matyas (Workers' Representative from the United States) serves as a good illustration of these variations;

I know there are some countries where what we call children are considered *very mature people*. In my country, children that we are talking about now are classed as *babies*, really (ILC 1946, 12th sitting: 145).

From this statement we can see how differently childhood can be conceived; the speaker mentions it herself by using the opposition ‘very mature people’ and ‘babies’ in talking about a person of the same age. By using this method of persuasion, the speaker intends to impose her way of thinking on the listeners. This may be the case, since as we have seen there is a great power struggle behind these Conventions. Often it can be seen that the people making references to cultural factors come from countries outside of Europe and the United States, which are the countries that have had the most influence in the development of the concept of child labour in the ILO since the creation of the organisation. The way of thinking of Miss Matyas comes out clearly from the Conventions. Arguably, the influence of ‘western’ thinking on the ILO’s definition of child labour is quite striking.

Looking in general at the ILO’s child labour Conventions it can be, therefore, claimed, that the basis for the definition of a ‘child’, i.e. the question of chronological age, is based on ‘western’ principles. Boyden, Myers and Ling follow this same line of thinking by writing about the definition of a child and childhood in relation to child labour that

the debate regarding the work of children has, in both industrialized and developing countries, been informed largely by conceptions of childhood and child development devised some time ago by developmental psychologists and educationalists in Europe and in North America. This has presented some problems, especially in relation to the application of northern understandings and definitions of childhood to other cultures where very different norms prevail (1998: 27).

This idea is reflected by Mr. Abate (Employers’ delegate, Ethiopia, Vice-Chairman of the Committee on Minimum age) in the 1973 ILC, where he reminds the participants of the Conference that:

we must be cognisant of the differences in social and economic conditions that exist in the world today and reflect these in the instruments that we adopt. The Conventions and Recommendations we adopt must not be expressions of our wishes but must show, and prove without any doubt, that *today’s realities* –as well as *tomorrow’s possibilities* –are reflected therein. In no way should we or can we impose tomorrow upon today (ILC 1973, 29th sitting: 679, emphases added).

In other words, in an ideal world, the Conventions should consider not only differences in the conception of childhood in place but also in time. This is seen again through the use of the terms ‘today’s realities’ and ‘tomorrow’s possibilities’.

However, from the quote above we can see that the speaker does not mention the question of *cultural* differences as part of defining childhood as such, but rather as an *economic* concern. The same comes clear in the comment of the Czechoslovakian government representative, Mr. Suchel, in 1973, when he says that:

we strongly oppose [the] proposal which aims to lower the basic minimum age from 15 to 14 years. The minimum age of 14 years was already fixed in 1919. Now we are asked to adopt this same age as the basic minimum age for admission to employment. This would mean that we have achieved *no social progress at all* since 1919! (ibid.:682, emphasis added)

Economics seem to form, once more, the basis of the ILO's definition of child labour.

4.2. Culture, Climate, Biology or Psychology?

4.2.1 Culture?

According to various researchers of child labour, there are various other ways of defining 'childhood' than chronological age. Liebel points out that in general in the cultures of Ethiopia, the delimitation of age between childhood and adulthood is not very important. In Ethiopia,

no-one asks children their age when they perform various tasks. In the countries of the North, when required to identify himself, a person will give his name and date of birth, but in Ethiopia this question is usually answered with the name of the grandfather and his ethnic group (Melaku 200:32, cited in Liebel 2004:82).

In the Inca culture in Southern America, age is not calculated in years either. People are classified according to their physical condition and ability to perform certain kinds of work, rather than according to chronological age. A young woman in the Peruvian province of Ayacucho describes the different stages of life in the following way:

the *Llulla Wawas*, the babies, the *Tiyagña*, those who can eat alone –between about six and eight months; the *Tawanpaq*, the crawlers between eight and nine months; the *Puriq* and *Sacaña*, from that age up to about one and half years old, and the *Iqu* up to a good two and a half years, who can already help by bringing firewood or driving dogs away. The *Warma* from the age of three then help, for instance, by looking after sheep and guarding the house. From about the age of 11, different terms are

used for girls and boys. *Maptacha* and *Pasñacha* do not work independently, and from about the age of 12 the *Llawimaqta* and *Llawirimuq* perform the same tasks as the *Maqta* and *Cepas* (from 16) and the *Machu Maqta* and *Takyasqa*, as those over 20 are called (Machaca Mendieta 2000: 11f, cited in Liebel 2004: 81-2)

In Papua New Guinea, the tribe of the Baining, instead, use mode of *locomotion* as a means of describing age.

A newborn baby is carried in an adult's arms or in a cloth tied across the chest. In answer to the question 'How old is he (or she)?' a child of this age is described as *tat al ka/ki* (they carry him/her). After the age of five to six months, parents begin to carry their children on their shoulders. Children of this age are described as *ka/ki kalak* (he/she sits on the shoulders). And older child is identified by the phrase *ka/ki tit* (he/she walks). Of an older child that has become even more independent (e.g. boys and girls in the seven-to-nine range) it is said *ka/kit mas* (he/she goes fully), meaning that he or she goes for water, firewood, gathering, travelling in the bush, etc. (Fajans 1997:86f, cited in Liebel 2004:82)

Should we not, therefore, ask whether the ILO's view on childhood as beginning at 14 or 15 is perhaps too strict a way to categorise children? Let us have a further look at this.

Defining 'childhood' can be tied to other factors than chronological age, such as performance, comprehension and capabilities (Schmitz, Traver and Larson 2004:2). It can also be measured through factors such as whether or not an individual has been through an initiation ritual, has married or has borne children (Ansell 2005:1). Measuring childhood is, in fact, very culture-related. The concept of chronological age, which is so central in many societies (not necessarily only 'western') in measuring childhood, may even be completely irrelevant in other cultures. For example,

in the African bush, age is still quite an obscure notion, something which is not so important that one cannot forget it. But in our technical civilization, how could anyone forget the exact date of his birth, when he has to remember it for almost every application he makes, every document he signs, every form he fills (Ariès 1962:15)

In the same context, 20 years later, Schildkrout reminds us that

in western society we rely so heavily on chronological age that we often forget that this way of calculating age is unusual. Western practice is, in part, the result of our educational system which has

become increasingly structured according to annual age grades (Ariès 1962). However, systems of age classification are very variable (Rodgers and Standing 1981:96).

The differences in the conceptions of how to measure children's maturity make the issue of child labour extremely complex. The French researcher on child labour, Manier (2003 :17), also wonders how to define childhood according to chronological age.

Quel âge retenir pour définir l'enfance? Il s'agit d'une période de développement physique et psychique qui nécessite la protection des adultes, qui est plus naturellement consacrée au jeu qu'au travail, mais qui admet l'apprentissage progressif d'un savoir. L'acceptation de l'enfance varie considérablement selon les pays. Les étapes qui se sont imposées en Occident -petite enfance, âge scolaire, adolescence [Ariès 1975]- ne sont pas partagées par toutes les cultures.

In some societies, chronological age may form only a *part* of the definition of childhood. Stakeman (in Schmitz, Traver and Larson 2004:145) gives us the example of South Africa. According to her,

grasping the concept of child labour requires an understanding of how a child might be defined in some South African cultures. Common biological and socio-cultural ways of defining a child are by: chronological age as defined by law; socially and culturally defined life phases; rites of passage; physical and mental development; and dependency on parental care. Among some South Africans, however, biological maturity is often reached after rites of passage associated with first menstruation for girls and circumcision for boys, which can be from the ages of eleven through thirteen. Others are considered adults and socially independent when they marry. This may occur before and individual reaches the legal age of eighteen. Traditionally or culturally, a married person is not considered a child, regardless of chronological age.

The above discussion serves as a brief illustration of the complexity of the concept of 'child labour' as looked at from the point of view of different cultural conceptions of measuring children's maturity. As put by Morice (in Rodgers and Standing 1981:137), the adoption of a universal age criterion, hence, 'comes up against many obstacles'. According to her, these obstacles include

variations from one society to another, the danger of a Western perception of the age above which a child becomes an adult, geographical variations (rural/urban) and differences according to social milieux, differences in age limits according to the sex of the child and the methodological difficulty of follow-up; each child, by definition, passes beyond whatever limit is set.

Despite the complexities seen above, the ‘western’ concept of chronological age is what seems to shape the international policies and practices on child protection. This is also the case in the area of international child labour Conventions. However, we must remind ourselves here that in order to make up international legislation, we must restrict ourselves to a certain way of perceiving childhood and child labour and it is purely impossible to take into consideration the cultures of all the 178 Member States of the ILO.

4.2.2 Climate?

Another interesting *topos* that we see in the ILCs as part of the child labour discourse is that of climate. The claim of children maturing earlier in some countries than others is brought up from a different point of view in the Conference of 1919 by Mr. Narayan Malham Joshi (from India, a workers’ representative), who questions the claim of his compatriot of the *climate* being a crucial factor in the development of children:

I admit we have more of the sun than western countries. But are you going to believe that in India children of 9 years of age are as well developed as children of 14 years of age in western countries? *Do you think that climate can make that great difference*, that children of 9 can be as well developed as children of 14 in Europe? (ILC 1919, 14th sitting: 96, emphasis added)

This is the question that this analysis would like to raise at this point. Is it really true that climate is such a defining factor in the question of how to define childhood? Already the Spirit of Laws (available at <http://www.constitution.org/cm/sol.htm>) by Charles de Secondat, the Baron of Montesquieu, dating back to 1752, distinguished climate as a factor affecting the way people in the north and in the south are by stating that ‘the temper of the mind and the passions of the heart are extremely different in different climates’. Even if the contents of the work might be somewhat questionable, it is interesting that climate was seen already then as a crucial factor that affects the way people are. This claim can be seen from various earlier documents of the ILO.

In the 1937 *Report: Partial Revision of the Minimum Age (Industry) Convention of 1919*, the *Brazilian* delegation claims that children ‘in the tropics’ develop physically and mentally more quickly than ‘in temperate or cold regions’ (p.10). This same idea is repeated by the delegation of *Iraq* in the 1937 *Report: Partial Revision of the Minimum Age (Non-*

Industrial Employment) Convention of 1932, in which it reads that Iraq ‘has adopted an age limit under 15 years for a number of reasons, the most important of which is the comparatively early age at which youths become adults, owing to the nature of the climate’ (p.15). In the same report, the *Venezuelan* delegation claims that ‘since Venezuela is a tropical country, a child of 14 years is in most cases more developed there than a child of the same age in most industrial countries’ (p.19). It is surely true that children develop differently in different countries and even in different regions, cities, towns, villages and *families* within those countries. Whether the reason for these differences is the climate, though, could be questioned, as briefly mentioned above. During the research done for this thesis, we have found no experts of childhood research who would support the claims of the *climate* being an essential factor in the maturing of children. However, we must consider this factor as possibly affecting children’s development.

4.2.3. Biology?

According to the Bolivian government representative in the ILC of 1999 (Corr.) there is, in turn, a *biological* reason why 14 is the age of the end of childhood for men and 12 for women;

del punto de vista biológico, el término niño se aplica a los menores de 14 años en el caso de los varones y las menores de 12 años en el caso de las mujeres. A partir de dichas edades, las personas que en el caso de los varones han llegado a *la pubertad* y en el de las mujeres que han llegado a *la nubilidad*, son adolescentes (ILC 1999, 19th sitting:19 (Corr.)/8, emphasis added).

At these ages, men have started puberty and women nubility. Can we justify such strict ages for this, though? It is highly questionable whether this could be generalised in the manner done by the representative of Bolivia in the quote above. As discussed above, factors such as climate and culture may affect the development of children as much as biological factors.

In 1999 the Government member of Bolivia also points out that national traditions and economies differ and so does the conception of when and individual ceases to be *considered* a child;

stated that the issue of the age to which the provisions of the Convention applied might lead to difficulties, as national traditions and economies differed on the age at which and individual ceased to be *considered* a child (ibid.:19/75, emphasis added).

It is interesting that he uses the word ‘considered’. It is true, in the end, that the definition of a child is a question of what we *consider* being a child –arguably, there are no rules or strict definitions of what a child is or is not that could be applied universally, there are only different *considerations*. As put before, in order to make up internationally applied legislation, we must, therefore, pick up one of these considerations as the basis of the legislation. However, since it is impossible to take all the different ways of measuring childhood mentioned here into consideration when making up international legislation, the question is *whose* definition should, then, be applied and *why*?

4.2.4. Psychology?

Here we want to also mention briefly the psychological perspective on childhood. Even though not seen from the empirical material forming the basis of the analysis in this thesis, we consider it interesting to also briefly bring up psychology as a field of study determining its own concept of ‘childhood’. Taking a different stand point than the ones seen on the sections on culture, climate, and biology many psychologists argue that the limit between adulthood and childhood is determined by psychological factors. Here we should, for example, consider the ideas of Freud, in particular in relation to childhood traumas and their subsequent effect on adult life. According to the main studies of Freud, whatever we experience in childhood (in particular in relation to sexual traumas) affects our lives in adulthood. Adulthood is, therefore, ‘conditioned’ by our childhood. Looked at from this perspective, the effect of child labour should, in fact, be quite significant in determining our development (as individuals) and that of the societies in which we live. We should also consider whether there are psychological factors which should be considered as defining the boundary between childhood and adulthood. From this perspective, mathematical concepts such as chronological age become rather questionable.

In order to expand our previous discussion further, let us now have a look at the variations between the minimum ages for work between different countries.

4.3. Variations in the Minimum Ages between Countries

The conception of ‘minimum age’ for labour varies tremendously between countries, even today with the international legislation making up the framework for setting the age

limits. In order to illustrate this, let us have a brief look at the variations between the minimum working ages set by different countries. Let us consider Table 6 below.

Table 6: Minimum Ages Specified by Ratifying States in Declarations

Ratifying State	Minimum age specified			
	14	15	16	18
Bulgaria			X	
Byelorussian SSR			X	
Costa Rica		X		
Cuba		X		
Finland		X		
German Democratic Republic			X	
Federal Republic of Germany		X		
Honduras	X			
Ireland		X		
Israel		X		
Kenya			X	
Libyan Arab Jamahiriya				X
Luxembourg		X		
Netherlands		X		
Niger	X			
Norway		X		
Poland		X		
Romania			X	
Spain		X		
Ukrainian SSR			X	
USSR			X	
Uruguay		X		
Zambia		X		
TOTAL	2	13	7	1

(source: ILO 1981, Report III (Part 2): Minimum Age: 39)

From Table 6 we can see how differently different countries define a ‘child’ according to chronological age. The reasons for this could be various. The conception of ‘age’ as such could be different in the different countries that appear in the table (see discussion above). In some of the countries, children’s births are not even recorded, which highlights the little importance chronological age has in such societies. How are these societies, therefore, to specify an age at which a child becomes an adult? The complicity of this can surely be seen. In the case of defining what is a child in relation to the limiting or elimination of child labour, the age question is also most often defined according to the economic needs of the country rather than the theories of childhood. Also, these tables are examples of how an international organisation based on particular principles, may they be called ‘western’ or something else, also requires all its members to follow those principles.

Often those principles (such as the question of chronological age) might not have much to do with the reality of some of the Member States. This makes it very questionable whether the organisation should attempt to define childhood in such strict terms in the first place. Let us now have a look at Table 7 in order to illustrate this point further.

Table 7: Compulsory Education Ages and Minimum Age for Admission to Employment in Africa

Africa				
Country	Age limits for compulsory education	Minimum age for work		
		Basic Minimum Age	Light Work	Dangerous/Hazardous Work
Algeria	6-15	16	none	16 to 18
Angola	7-15	14	-	18
Benin	6-11	14	12	18
Botswana	-	15	14	15 to 18
Burkina Faso	7-14	14	12	16 to 18
Burundi	7-13	16	12	18
Cameroon	6-12	14	-	18
Cape Verde	7-13	14 to 15	12	16 to 18
Central African Republic	6-14	14	12	16 to 18
Chad	6-14	12 to 14	12	16 to 18
Comoros	7-16	15	-	-
Congo	6-16	16	12	16 to 18
Côte d'Ivoire	7-13	14	12	18
Djibouti	6-12	14	-	16 to 18
Egypt	6-11	12	-	15 to 17
Equatorial Guinea	6-14	14	12 to 13	16
Eritrea	7-13	-	-	-
Ethiopia	7-13	14	-	14 to 18
Gabon	6-16	16	-	18
Gambia	-	-	-	-
Ghana	6-14	15	No limit	18
Guinea	7-13	16	-	-
Guinea-Bissau	7-13	14	-	18
Kenya	6-14	16	-	16
Lesotho	6-13	15	13 (apprentice)	18 (16 for male apprentice)
Liberia	7-16	14 to 16	-	18
Libyan Arab Jamahiriya	6-15	15	-	18
Madagascar	6-13	14 to 15 (by sector)	-	16 to 18
Malawi	6-14	14 to 15 (by sector)	12	18
Mali	8-15	14	12	16 to 18
Mauritania	-	14 to 15 (by sector)	-	18
Mauritius	5-12	15	-	18
Morocco	7-13	12	-	16
Mozambique	7-13	15	-	18
Namibia	6-16	14	-	15 to 16

Africa				
Country	Age limits for compulsory education	Minimum age for work		
		Basic Minimum Age	Light Work	Dangerous/Hazardous Work
Niger	7-15	14	12	16 to 18
Nigeria	6-12	12 to 15 (by sector)	No limit	16 to 18
Rwanda	7-13	14	-	-
São Tomé and Príncipe	7-14	14 to 15	12	16 to 18
Senegal	7-13	14 to 15 (by sector)	12	16 to 18
Seychelles	6-15	15	12	18
Sierra Leone	-	12 to 16 (by sector)	No limit	16 to 18
Somalia	6-14	15	12	16 to 18
South Africa	7-16	15	-	16
Sudan	7-12	12	-	18
Swaziland	6-13	13 to 15 (by sector)	-	18
United Republic of Tanzania	7-13	12 to 15 (by sector)	12	18
Togo	6-12	14	-	18
Tunisia	6-16	13 to 15 (by sector)	13 to 14	18
Uganda	-	-	12	16 to 18
Zaire	6-12	16	14	18
Zambia	7-14	14	-	18
Zimbabwe	7-15	-	-	17

(source: ILO 1998, Report VI (1): Child Labour –Targeting the Intolerable: 39)

From Table 7 we can see the variations that exist between the minimum ages that different African countries have set. Let us now turn to Table 8, in order to illustrate further the enormous complexity of defining a universal minimum age for employment.

Table 8: Compulsory Education Ages and Minimum Age for Admission to Employment in Europe

Europe				
Country	Age limits for compulsory education	Minimum age for work		
		Basic Minimum Age	Light Work	Dangerous/Hazardous Work
Albania	6-14	16	12	16 to 18
Austria	6-15	15	12	16 to 18
Belarus	6-17	16	12	18
Belgium	6-18	14	13 to 14	16 to 21
Bosnia and Herzegovina	-	-	-	-
Bulgaria	7-16	16	15	18
Croatia	7-15	15	-	generally no
Cyprus	6-15	15	No limit	16 to 18
Czech Republic	6-15	15	-	18

Europe				
Country	Age limits for compulsory education	Minimum age for work		
		Basic Minimum Age	Light Work	Dangerous/Hazardous Work
Denmark	7-15	15	13	15 to 18
Estonia	7-17	-	-	-
Finland	7-15	15	14	16 to 18
France	6-16	16	12 to 14	16 to 18
Georgia	-	-	-	-
Germany	6-18	15	13	18
Greece	6-15	15	-	16 to 18
Hungary	6-16	15	14	16 to 18
Iceland	7-15	15	14	18 to 19
Ireland	6-15	15	14	18
Israel	5-16	15	-	16 to 18
Italy	6-13	14 to 15 (by sector)	14	15 to 18
Kyrgyzstan	-	-	-	-
Latvia	7-15	15	13	18
Lithuania	7-16	-	-	-
Luxembourg	6-15	15	-	18
Malta	5-16	15 to 16 (by sector)	-	18
Republic of Moldova	6-17	-	-	-
Netherlands	5-16	15	13 to 15	18
Norway	7-15	15 to 16 (by sector)	13	18
Poland	7-14	15	15	18
Portugal	6-15	16	14	18
Romania	6-14	14 to 16	-	16 to 18
Russian Federation	7-17	15	14	18
San Marino	6-13	16	14	-
Slovakia	6-15	15	-	18
Slovenia	7-15	15	-	18
Spain	6-15	16	-	18
Sweden	7-15	16	13	18
Switzerland	7-15	15	13	16 to 18
Turkey	6-14	15	13	18
Turkmenistan	7-15	-	-	-
The former Yugoslav Republic of Macedonia	7-15	-	-	-
Ukraine	7-15	15 to 16	-	17 to 18
United Kingdom	5-16	13 to 16 (by sector)	-	16 to 18
Yugoslavia	7-15	15	-	18

(source: ILO 1998, Report VI (1): Child Labour –Targeting the Intolerable: 45-6)

By comparing the Tables 7 and 8 to each other and by looking at the contents within them, we can easily see how greatly the chronological age set as the basis of child labour policies varies between not only continents, but also *between* and *within* countries in those continents. Saying this we have to also remember that even these tables have been constructed using the

concept of chronological age. An interesting aspect that arises from these tables is also the categorisation of work into 'light' and 'dangerous/hazardous' work. This distinction will be discussed further later on in this thesis. This table is, in fact, another illustration of how children's work is categorised by the ILO. However, as seen before, child labour may be such a complex issue that it may, in fact, be somewhat questionable to attempt to categorise it so strictly. Saying this, if we want to attempt to restrict or record its use, we must have some way of categorising it. How this should be done and on what should these categories be based on is a different question altogether.

In the ILCs the distinction between different ways of seeing childhood has been widely questioned, in particular in relation to India, which seems to be the country that we see most often raising its voice in defence of keeping it as an exception. This point is raised by Mr. Chaman Lall (a workers' delegate from India) in 1932;

How are conditions in India any different from the point of view of the protection of the Indian children? Do Indian children not need the same protection from the dangers that accrue to them from the point of view of health, of morals, and of life, as the children of any other country in the world? (ILC 1932, 19th sitting: 33)

It can be seen how feelings ran high in the first ILCs. These kinds of expressions of subjective emotions can no longer be seen from the latest Records of Proceedings of the ILCs. Here, however, we can clearly see the expression of emotion, as Mr. Lall continues:

How many of you would like *your children* to be employed at the age of 10 in places where drink is sold? Is there a man who has courage to get up and declare here openly that he would not mind his child being thrown within the portals of what is really a brothel at the age of 10? Why? Why? Because, forsooth, conditions in India are different! (ibid., emphasis added)

Mr. Chaman Lall also cleverly refers to the feelings of his listeners by referring to 'your children'. This is a means that can make the speech more persuasive. These quotes from Mr. Chaman Lall also bring us to the question of 'whether all ways of 'doing childhood' are acceptable' (Prout and James 1990, cited in Ansell 2005). Should we attempt to define childhood in universal terms? Does one have the right to impose his/her conceptions of what is 'best for children' on another person?

To conclude this brief section on the 'age question' in the ILO, let us look at this quote from the *Report III* of 1945: *Protection des enfants et des jeunes travailleurs*

Le choix d'un niveau d'âge n'est pas facile. A défaut de toute réglementation, l'âge auquel la majorité des enfants de chacun des pays chercherait à s'engager dans une occupation rémunérée différerait considérablement d'un pays à l'autre en relation avec le niveau général de vie et les autres conditions d'existence (ILO 1945, Report III: Protection des enfants et des jeunes travailleurs: 58).

From this brief look at the question of age as the basis for the definition of child labour we can, therefore, see the complicity of the attempt to define it in universally applicable terms. The most recent ILO Conventions and Recommendations on child labour leave much more room for different cultural interpretations of child labour than the previous ones, which follows the general development in the ways of seeing childhood as perceived by theories of childhood.

Let us now look at the last but crucial concept that makes up the basis of the concept of child labour.

5. HOW DO WE DEFINE 'WORK'?

5.1. 'Work' or 'Labour'?

Labour forms the basis of human societies, which is why it is seen as such a fundamental factor in many debates on the development of these societies. As put by Mr. Sottile (a government representative for Liberia and Nicaragua) in the ILC of 1929 (24th sitting: 541),

it is labour which rules the world, ennobles man, constitutes the greatness of nations and [...] it is labour not Capital which is the basis of the greatness, prosperity and true nobility of peoples.

There is, therefore, no doubt of the importance of labour for all human societies. This idea is reflected by Marx, who praises the importance of labour to human beings by putting forward that 'labour (not God) created man' and that 'labour (and not reason) distinguished man from other animals' (Arendt 1998:86). If this is the function of labour, what is that of work? What is the difference between the two concepts? Is there a difference that justifies the division made by the ILO between 'labour' and 'work' of children?

The basic problem in the debate on child labour seems to be that there is no agreement as to what 'childhood' and 'work' mean. Similarly, as the definition of a 'child', the definitions of 'work' and 'labour' are largely marked by moral and cultural values, which determine which activities we consider as work. Before getting more deeply into the discussion on the meaning of 'work', let us have a look at the dictionary definitions of the concepts. The Cambridge Online Dictionary (<http://dictionary.cambridge.org>) defines 'work' as 'an activity, such as a job, which a person uses physical or mental effort or do, usually for money'. The same dictionary defines 'labour' as 'practical work, especially that which involves physical effort'. The Oxford Advanced Learner's Dictionary (at <http://www.oup.com/elt/catalogue/teachersites/oald7/?cc=global>), in turn, gives the definition 'the job that a person does especially in order to earn money' for 'work' and 'work, especially physical work' for 'labour'. According to both of these dictionaries, 'work' is, therefore, characterised by the fact that one receives money for it, whereas 'labour' can be physical work that one receives no payment for. This is curious as such when looking at the ILO definitions of child 'labour' and child 'work', since the ILO categorises child 'labour' as 'unacceptable' and remunerative, and child 'work' as 'acceptable' and non-remunerative.

This seems to be the opposite of what the dictionaries say. Webster's New World Dictionary (1980) also considers 'labour' as 'more often [implying] strenuous physical work' than 'work', which is defined as 'the general word for effort put forth in doing or making something, whether physical or mental, easy or difficult, pleasant or unpleasant etc.'. Let us now expand the complexity of the concepts further by contrasting these dictionary definitions to the way Arendt distinguishes between 'work' and 'labour'.

According to Arendt, the fundamental distinction between labour and work is founded in the following:

It is indeed the mark of all labouring that it leaves nothing behind, that the result of its efforts is almost as quickly consumed as the effort is spent (1998: 87).

Arendt continues that

unlike *working*, whose end has come when the object is finished, ready to be added to the common world of things, *labouring* always moves in the same circle, which is prescribed by the biological process of the living organism and the end of its "toil and trouble" comes only with the death of this organism (ibid.: 98, emphasis in the original).

In Arendt's opinion, labour is a fundamental element of a man's life, i.e. 'the human condition'. In fact, she claims, that labour has an aspect of 'blessing of life as a whole', which, in turn, can never be found in work. Labour is a fundamental part of human life which creates 'happiness', and the 'right to the pursuit of this happiness' is 'as undeniable as the right to life'. According to Arendt labour is, therefore, a human right itself, not a violation of it. This is an interesting way of seeing labour considering the definition given to it by the ILO, which seems to imply the opposite, at least in the case of children. The joy brought to human beings by labour is described by Arendt as follows:

The "blessing or the joy" of labour is the human way to experience the sheer bliss of being alive which we share with all living creatures, and it is even the only way men, too, can remain and swing contentedly in nature's prescribed cycle, toiling and resting, labouring and consuming, with the same happy and purposeless regularity with which day and night and life and death follow each other (ibid.:106).

To Arendt labour is, therefore, a natural condition of the human being. As she writes, the worker, or the *homo faber* is ‘the destroyer of nature’, that ‘conducts himself as lord and a master of the whole earth, while the labourer, or the *animal laborans*, is ‘the servant of nature and the earth’ (ibid.:139). We now have an idea of the complexity of defining the concept of ‘work’ and distinguishing it from ‘labour’. Let us now tie this discussion to our topic.

This thesis uses the term ‘child labour’ simply for the reason that this is the term used most frequently when discussing children’s work. Also, it is the term most frequently used by the ILO. Schildkrout (in Rodgers and Standing 1981:95) suggests that one possible definition of children’s work might be ‘any activity done by children, which either contributes to production, gives adults free time, facilitates the work of others, or substitutes for the employment of others’. Hence, here we can already get an insight into the complexity of defining this term. It is, thus, everything else but easy to attempt to formulate international Conventions, which should reflect the voices of nearly 200 countries. Let us consider the following example that illustrates further the complexity of defining the concept of ‘work’ in relation to child labour.

Imagine a young African girl living in a rural area who, typically, would help her family in a number of different tasks. When she gets up an hour before sunrise to help clean the house, fetch water, and make breakfast, she is not working, according to official definitions. That is because these activities are not considered to contribute to the national economy. But when she goes outside to help her mother tend the garden from which they sell products in the local market, she now begins to work, as indeed she still does when they go together to the market to sell some produce. However, when she takes vegetables from the same garden inside and prepares the midday meal from them, she is no longer working. Later she goes out to fetch firewood, which is heavy to carry and must be brought from over a mile away, but she is not working. Then she goes back out to gather fodder to feed the farm animals which are used for traction, and she is no working again. She is also officially working when she helps the family in the fields. When she goes back inside to clean up in the kitchen and to help bed down her younger brother and sister, singing them to sleep long after sundown, she is not working. And, of course, she was not working during the three hours she spent in school (Boyden, Ling and Myers 1998:20-1).

Is it, hence, possible to define child ‘work’ or child ‘labour’ in a strict way? Is it possible to distinguish between these two terms in a way that takes into consideration the conditions of living of all the children of the world? Can the distinction made by the ILO represent a universal view on the meaning of ‘child labour’? This leaves very much room for

doubt. Let us now have a closer look at the discussions on labour and what work categories should be included in the ILO's child labour Conventions and which not, as seen from the Records of Proceedings of the ILCs.

5.2. The Development of the Concept of Work in the Child Labour Conventions of the ILO

The general developments of the ILO Conventions as regards to the categories of work included in them can be seen from the table below.

Table 9: Contents of the ILO Child Labour Conventions

Year	Convention	Categories of Work Included	Categories of Work Excluded
1919	No. 5, Minimum Age (Industry)	-any public or private industrial undertaking -particularly (a) mines, quarries and other works for the extraction of minerals from the earth; (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind; (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure; (d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.	-undertakings in which only members of the same family are employed -work done by children in technical schools
1920	No. 7, Minimum Age (Sea)	-work on all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether	-ships of war -vessels upon which only members of the same family are employed

Year	Convention	Categories of Work Included	Categories of Work Excluded
		publicly or privately owned	-school-ships or training-ships
1921	No. 10, Minimum Age (Agriculture)	-any public or private agricultural undertaking	-work outside the hours fixed for school attendance. If [children] are employed outside the hours of school attendance, the employment shall not be such as to prejudice their attendance at school -For purposes of practical vocational instruction the periods and the hours of school attendance may be so arranged as to permit the employment of children on light agricultural work and in particular on light work connected with the harvest, provided that such employment shall not reduce the total annual period of school attendance to less than eight months. -work done by children in technical schools
1921	No. 15, Minimum Age (Trimmers and Stockers)	-work on all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned	-ships of war -work done by young persons on school-ships or training-ships, provided that such work is approved and supervised by public authority; -employment of young persons on vessels mainly propelled by other means than steam; -young persons of not less than sixteen years of age, who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in the coastal trade of India and of Japan, subject to regulations made after consultation with the most representative organisations of employers and workers in those countries. -When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.
1932	No. 33, Minimum Age (Non-Industrial Employment)	-applies to any employment not dealt with in the following Conventions adopted by the International Labour Conferences: Convention fixing the minimum age for admission of children to industrial employment	-employment in sea-fishing; -work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved and supervised

Year	Convention	Categories of Work Included	Categories of Work Excluded
		<p>(Washington, 1919); Convention fixing the minimum age for admission of children to employment at sea (Genoa, 1920); Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921); The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned, define the line of division which separates the employments covered by this Convention from those dealt with in the three aforesaid Conventions.</p>	<p>by public authority. -It shall be open to the competent authority in each country to exempt from the application of this Convention— (a) employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous within the meaning of Articles 3 and 5 of this Convention; (b) domestic work in the family performed by members of that family. -In the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films; 2. Provided that-- (a) no such exception shall be allowed in respect of employment which is dangerous within the meaning of Article 5, such as employment in circuses, variety shows or cabarets; (b) strict safeguards shall be prescribed for the health, physical development and morals of the children, for ensuring kind treatment of them, adequate rest, and the continuation of their education; (c) children to whom permits are granted in accordance with this Article shall not be employed after midnight.</p>
1936	No. 58, Minimum Age (Sea) (revised)	-work on all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned	-ships of war -school-ships or training-ships, provided that such work is approved and supervised by public authority
1937	No. 59, Minimum Age (Industry) (revised)	-particularly: (a) mines, quarries, and other works for the extraction of minerals from the earth; (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any	-undertakings in which only members of the employer's family are employed -technical schools, provided that such work is approved and supervised by public authority

Year	Convention	Categories of Work Included	Categories of Work Excluded
		<p>kind;</p> <p>(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;</p> <p>(d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.</p> <p>2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.</p>	
1937	No. 60, Minimum Age (Non-Industrial Employment) (revised)	<p>-any employment not dealt with in the Convention concerning the age for the admission of children to employment in agriculture (Geneva, 1921), the Minimum Age (Sea) Convention (Revised), 1936, or the Minimum Age (Industry) Convention (Revised), 1937</p> <p>- 2. Children under thirteen years of age shall not be employed:</p> <p>a) in shops, offices, hotels or restaurants,</p> <p>b) in places of public entertainment; or</p> <p>c) in any other non-industrial occupations to which the provisions of this paragraph may be extended by the competent authority.</p>	<p>-employment in sea-fishing;</p> <p>-work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved and supervised by public authority</p> <p>-It shall be open to the competent authority in each country to exempt from the application of this Convention-</p> <p>(a) employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous within the meaning of Articles 3 and 5 of this Convention;</p> <p>(b) domestic work in the family performed by members of that family</p> <p>- 1. Children over thirteen years of age may, outside the hours fixed for school attendance, be employed on light work which--</p> <p>(a) is not harmful to their health or normal development; and</p> <p>(b) is not such as to prejudice their attendance at school or capacity to benefit from the instruction there given.</p> <p>2. No child under fourteen years of age shall--</p> <p>(a) be employed on light work for</p>

Year	Convention	Categories of Work Included	Categories of Work Excluded
			<p>more than two hours per day whether that day be a school day or a holiday; or</p> <p>(b) spend at school and on light work a total number of hours exceeding seven per day.</p> <p>- In the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.</p>
1959	No. 112, Minimum Age (Fishermen)	<p>-work on all ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters</p>	<p>-fishing in ports and harbours or in estuaries of rivers, or to individuals fishing for sport or recreation</p> <p>-children may occasionally take part in the activities on board fishing vessels during school holidays, subject to the conditions that the activities in which they are engaged-</p> <p>-</p> <p>(a) are not harmful to their health or normal development;</p> <p>(b) are not such as to prejudice their attendance at school; and</p> <p>(c) are not intended for commercial profit</p> <p>-Provided further that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.</p> <p>-work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority</p>
1965	No. 123, Minimum Age (Underground)	<p>-any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth by means involving the employment of persons underground.</p> <p>-employment or work underground in quarries</p>	

Year	Convention	Categories of Work Included	Categories of Work Excluded
1973	No. 138, Minimum Age	-the provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes	-family and small-scale holdings producing for local consumption and not regularly employing hired workers -work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of-- (a) a course of education or training for which a school or training institution is primarily responsible; (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.
1999	No. 182, Worst Forms of Child Labour	(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.	

We can now draw some general conclusions about the overall development of the concept of child labour in the ILO. Firstly, it can be seen from Table 9 that the ILO Conventions on child labour have developed from limiting very specific categories of child labour to Conventions that have attempted to eliminate child labour in general (Minimum Age) and then returning to restricting only specific categories of child labour (Worst Forms). This

raises up some matters about the nature of ILO child labour Conventions. Firstly, this can merely be seen as a trend following the general trend in the ILO of Conventions moving from very specific ones to broader, all-inclusive Conventions, as mentioned at the beginning of this thesis. The Convention of 1973 can be seen as a broad Convention, which was hoped to be easily ratifiable. According to some critics, the Convention of 1999, in turn, was intentionally limited to the most horrific forms of child labour, in order for all the Member States to be able to agree upon on its contents. Secondly, we may conclude about the child labour Conventions that

the early Conventions illustrate that child employment was not considered to be intrinsically problematic; on the contrary, it could even be beneficial. Hence, employment was in all Conventions allowed when its purpose was to educate the young person, apparently again stressing the beneficial character of work (Hanson and Vandaele 2003: 98).

We can also conclude from the contents of Table 9 that before the ILO seems to have considered work undertaken in the family nucleus or the private sphere more acceptable than it does today. Many of the earlier Conventions permitted the work of children in ‘undertakings in which only members of the employer’s family are employed’. The acceptance of child work in family undertakings for further highlighted through the Minimum Age (Family Undertakings) Recommendation (No. 52) adopted in 1937. However, in this Recommendation one could also see the signs of this exception being questioned since the Recommendation states that ‘it is reasonable to hope that it will be possible to suppress this exception completely in the not distant future’. From the point of view of the well-being of children, the conditions of work may not be any better in the ‘family undertakings’ than in other undertakings. As put by Fyfe (1989:3), ‘one should not be blind to the fact that parents can and do exploit their own children’. This possibility is also brought up in this very controversial Article of the Minimum Age (Non-Industrial Employment) Recommendation (No.41) of 1932 (emphases added);

IV. Prohibition of Employment of Children by Certain Persons

(7) With a view to safeguarding the moral interests of children *persons who gave been condemned for certain serious offences or who are notorious drunkards* should be prohibited from employing children *other than their own*, even if such children live in the same household with these persons.

Clearly, there is quite a disturbing exception in this Article, which permits the ‘persons who have been condemned for certain serious offences’ or who are ‘notorious drunkards’ to employ their own children.

The question of family owned businesses has also been discussed in relation to specific categories of work. For example, in the ILC of 1958, Mr. Ivanov (a government adviser from the USSR) point out that making an exception in the case of vessels in which only members of the same family are employed ‘means that for a large category of persons there is no minimum age at all and that children can be used of vessels which are owner-operated by a family’ (p.295). Equally, in the same Conference, Mr. Seidman (a workers’ adviser from the USA) point out that

If employment of fishing vessels is a threat to the health and safety of immature children under the age of 15 then it does not matter whether the vessel is family-owned or not (ILC 1958, 19th sitting: 295).

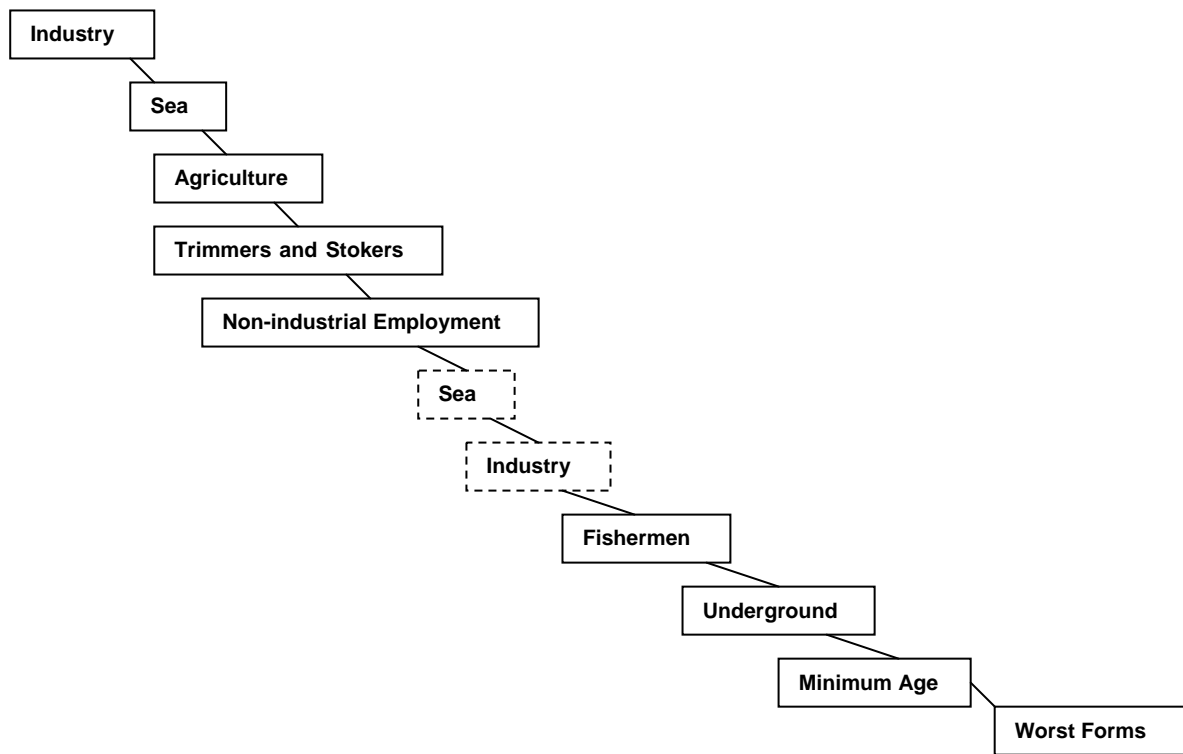
The same idea is repeated by Mr. Henderson (Workers’ adviser, UK) in the same Conference in a more concrete way as he says that

it is an absolute myth to think that because a child sails with a father or an uncle or a cousin perhaps four or five times removed his welfare will be looked after; nothing could be further from the truth because it is a discreditable part of our human history that nobody exploits families so much as families –would feel differently if they had my experience (ibid.: 298).

According to Hanson and Vandaele, also the particular use of language, such as ‘young people’ instead of ‘children’ and the absence of the term ‘child labour’ as such from the early Conventions indicate a degree of acceptance on work performed by adolescents. Also, there was a more flexible attitude towards child labour in countries with a lower level of economic development. Nowadays no exceptions are granted to any countries. In the general terminology used in the Conventions and the Recommendations, the ‘abolition of child labour’ was also absent in the early Conventions. It was until 1973 and the Convention No 138 that set the landmark for the ILO’s abolitionist approach towards child labour.

The general development of the concept as regards to categories of work can be seen more clearly from the graph below.

Graph 3: Development of the ILO's Child Labour Conventions by Work Category



Even though the 1973 Minimum Age Convention is still in force, it could be, therefore, said that the ILO has, in one sense, ‘taken a step backwards’ in adopting the Worst Forms of Child Labour Convention in 1999. This is said because it seems from the conversations at the ILCs that the step was taken towards the Convention on the Worst Forms because it was easier to agree upon a universal child labour Convention that tackles with more specified categories of labour; categories that no human being can see acceptable for children. From the general Convention of 1973, the Convention of 1999 was, therefore, like a step backwards towards the older Conventions that equally concerned very specific categories of labour.

When going back to the table, it is also interesting to see that almost every Convention has allowed a significant number of exceptions to certain categories of work. In the earlier days of the Conventions, there were also various exceptions permitted to specific countries, as can be seen below.

Table 10: Exceptions for Specific Countries/Regions Included in the ILO's Child Labour Conventions

Year	Convention	Exceptions for Specific Countries/Regions
1919	No. 5, Minimum Age (Industry)	<p>-application to Japan:</p> <p>a) children over twelve years of age may be admitted into employment if they have finished the course in the elementary school;</p> <p>b) as regards children between the ages of twelve and fourteen already employed, transitional regulation may be made.</p> <p>-The provisions in the present Japanese law admitting children under the age of twelve years to certain light and easy employments shall be repealed.</p> <p>-The provisions of Article 2 shall not apply to India, but in India children under twelve years of age shall not be employed--</p> <p>a) in manufactories working with power and employing more than ten persons;</p> <p>b) in mines, quarries, and other works for the extracting of minerals from the earth;</p> <p>c) in the transport of passengers or goods, or mails, by rail, or in the handling of goods at docks, quays, and wharves, but excluding transport by hand.</p>
1920	No. 7, Minimum age (Sea) Convention	<p>-Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing –</p> <p>a) except where owing to the local conditions its provisions are inapplicable</p>
1932	No. 33, Minimum Age (Non-Industrial Employment)	<p>-The provisions of Articles 2, 3, 4, 5, 6 and 7 of this Convention shall not apply to India, but in India--</p> <p>(1) The employment of children under ten shall be prohibited: Provided that in the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the above provision in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.</p> <p>Provided also that should the age for the admission of children to factories not using power which are not subject to the Indian Factories Act be fixed by national laws or regulations at an age exceeding ten, the age so prescribed for admission to such factories shall be substituted for the age of ten for the purpose of this paragraph.</p> <p>(2) Persons under fourteen years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organisations of employers and workers concerned, may declare to involve danger to life health or morals.</p> <p>(3) An age above ten shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.</p> <p>(4) National laws or regulations shall provide for the due enforcement of the provisions of this Article and in particular shall provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Article.</p> <p>(5) The competent authority shall, after a period of five years from the date of passing of legislation giving effect to the provisions of this Convention, review the whole position with a view to increasing the minimum age prescribed in this Convention, such review to cover the whole of the provisions of this Article.</p>

		2. Should legislation be enacted in India making attendance at school compulsory until the age of fourteen this Article shall cease to apply, and Articles 2, 3, 4, 5, 6 and 7 shall thenceforth be applicable to India.
1937	No. 59, Minimum Age (Industry) Convention (Revised)	<p>-1. The provisions of this Article 6 shall be applicable in Japan in substitution for the provisions of Articles 2 and 5.</p> <p>2. Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof. Provided that national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.</p> <p>3. Children under the age of sixteen years shall not be employed or work on dangerous or unhealthy work as defined by national laws or regulations in mines or factories.</p> <p>-The provisions of Articles 2, 4 and 5 shall not apply to India, but in India the following provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.</p> <p>2. Children under the age of twelve years shall not be employed or work in factories working with power and employing more than ten persons.</p> <p>3. Children under the age of thirteen years shall not be employed or work in the transport of passengers or goods, or mails, by rail, or in the handling of goods at docks, quays or wharves, but excluding transport by hand.</p> <p>4. Children under the age of fifteen years shall not be employed or work:</p> <p>a) in mines, quarries, and other works for the extraction of minerals from the earth;</p> <p>b) in occupations to which this Article applies which are scheduled as dangerous or unhealthy by the competent authority.</p> <p>5. Unless they have been medically certified as fit for such work:</p> <p>a) persons who have attained the age of twelve years but are under the age of seventeen years shall not be permitted to work in factories working with power and employing more than ten persons;</p> <p>b) persons who have attained the age of fifteen years but are under the age of seventeen years shall not be permitted to work in mines.</p>

From Table 10 we can see that Japan and India have, throughout the early years of the ILO, enjoyed a special position within the child labour Conventions. This exception has, arguably, been due to economic and political factors rather than cultural ones. The exceptional position of India within the ILO's child labour policy is also reflected in the ILCs, where India has often been seen to oppose the general trends on child labour. This has also been seen in the material discussed in this thesis.

Another interesting yet somewhat horrifying exception is the one permitted in the Minimum Age (Sea) and Minimum Age (Fishermen) Conventions, which make an exception in the case of ships of war. Clearly this has been made for national interests, not for those of children. In a way, and to our surprise, we can even see this exception in the 1999 Convention on the Worst Forms of Child Labour, which only prohibits the 'forced' or 'compulsory' recruitment of children for the use in armed conflict. This could be interpreted in such a way that if a child him/herself *wants* to be a soldier, he can be recruited. This, as such, and to say the least, is quite a disturbing idea. In addition to the exceptions written out

in them, the Conventions, therefore, also allow a lot of room for exceptions simply by not mentioning certain categories of work or aspects of these categories. As put by Fairclough (1999: 5), ‘textual analysis can often give excellent insights about what is ‘in’ a text, but what is absent from a text is often just as significant’. As mentioned above, these absent categories or work may indicate a certain degree of acceptance of child labour in the organisation.

5.3. The ‘Hazardous Forms’ of Child Labour

Looking at the ‘hazardous’ or ‘dangerous’ types of work is crucial when discussing the definition of child labour, as in relation to this term, the terms ‘employment’ or ‘work’ are often euphemisms for ‘exploitation’ (Alain Morice in Rodgers and Standing 1981:136). We could also see this from the ILCs as seen from the examples seen in the discussions above. The term ‘exploitation’ is, in fact, very often treated almost as a synonym of ‘child labour’. It comes as no surprise that there are significant variations between the countries in what they consider ‘hazardous’ child labour -as Fyfe puts it, ‘exploitation [lies] in the eye of the beholder’ (1989:4). The categories of work seen in the Table on the *Prohibited Hazardous Industries, Occupations or Activities in the World*, found in the 1998 Report VI (1): *Child Labour –Targeting the Intolerable* (57-62)⁸ that have the most variation in the age at which they are forbidden include ‘agriculture’, ‘construction and/or demolition’, ‘crystal and/or glass manufacture’, ‘entertainment (night clubs, bars, casinos, circuses, gambling halls)’, ‘maritime work (trimmers and stokers, stevedoring)’, ‘mining, quarries, underground work’, ‘tanneries’, ‘textile industry (specific tasks)’ and ‘transportation, operating vehicles’. In some of these categories, the ages at which labour is prohibited in them vary as much as between 12 and 21 between different countries. The countries India, Pakistan, Belize and Cyprus appear almost without exception among the countries which have the lowest ages for these categories of work. This is interesting, since the information in the table is from the year 1998 and, thus, in this sense, it seems that India still has, to a certain degree, a special position within the child labour legislation of the ILO. It is also interesting to see that the category of ‘domestic service’ is only included as part of ‘hazardous’ child labour in the labour legislation of Denmark and that prostitution and child soldiers, for example, do not

⁸ For details see Annex 2: Table: Prohibited Hazardous Industries, Occupations or Activities in the World

appear to be included in any of the countries' labour legislation. Nowadays, in the end, they are included within the worst forms of child labour. Clearly, hence, the conceptions of child labour vary significantly in time and across the world. If they vary so much, what is the real function of an international Convention if it has to be left 'too general', such as the 1973 Convention on Minimum Age? On the other hand, it seems simply impossible to attempt to find a way to define labour in universal terms.

Another question that arises on the discussion on the definition of 'work' is whether 'labour' can be defined in the same way for children and adults? Maria de la Luz Silva raises this question in Rodgers and Standing (1981:159), by stating that

One of the complications [...] is that child work seems to be different from adult work; its negative connotations do not necessarily derive from the actual work done by children; nor do they arise solely from the social relations of production [...]. The negative connotations of child work specifically concern the age of those performing it. [...] This raises several questions. Why do the ages at which a person is regarded as a minor for purposes of work vary from one society to another, and why is it not the same for children to work as for adults to work? Why is child work generally regarded as undesirable? Why is it illegal?

Mr. Pelzl (a government representative from Austria) brings up this question in the ILC of 1964 by stating that

the work of the Committee [on the Employment of Young Persons] arose out of the need to protect young persons in mining from the particular dangers to which they have been found to be more sharply exposed in underground work than adults. Lack of daylight, dust in the air, high temperatures and other harmful influences may hamper the natural development of a juvenile in the decisive years of his life and dangerously weaken the body's ability to protect itself. Occupational diseases [...] also threaten to undermine his health, and lack of experience often leads to serious accidents (ILC 1946, 26th sitting: 389).

As seen from the ILO's Conventions, it seems that there is a different definition for *child* labour and labour in general. If such a difference did not exist, arguably, no 'Minimum Age Conventions' would have been seen as a necessary part of labour legislation. This distinction between child and adult labour is, thus, an essential element of the concept of child labour, as meanings of concepts are created through their relationship with other concepts. The distinction between adult and child labour gives child labour its specific meaning. The contrast between the 'labour' of children and the 'labour' of adults may, also, explain the

difference between the ILO's definition of 'labour' in relation to the concept of 'child labour' and that seen in the dictionaries, as discussed above. Thus, we may, also, think more carefully about whether the concept of 'labour' as explained by Arendt also applies to the concept of *child* labour.

Also, in defining the categories of work included within the concept of child labour, it is important to take into account the comment from the *Report III* of 1945 on *Protection des enfants et des jeunes travailleurs* (p.60)

si la réglementation se limite à une seule catégorie professionnelle, l'emploi des enfants n'est pas supprimé, le problème est seulement *déplacé* ; les enfants se dirigeront des occupations strictement réglementées vers celles qui ne le sont pas ou qui le sont moins strictement, et ils y trouveront souvent des conditions d'emploi inférieures (emphasis added).

Again, we are looking at the question of *how* to restrict child labour. As can be seen from the quote above, it is a crucial factor that perhaps needs to be paid more attention in the international child labour policies. In 1972, in the *Report IV (2): Minimum Age for Admission to Employment* the government of Canada points out the further complexity of defining child labour by saying that

the terms "child labour" and "employment" need to be carefully defined so as to make it clear that all economic activity by persons below a specified age is not forbidden. It needs to be recognised that *employment can in some instances have positive as well as negative aspects* for young workers where the work is light and the hours short, and where there is no conflict with schooling. Examples are such activities, undertaken for an hour or two after school or during part of the school holidays, as newspaper delivery, wrapping up packages in a grocery store or baby-sitting (ILO Report IV (2): Minimum Age for Admission to Employment, 1972:13).

The government of Nigeria supports this idea by saying that:

the total abolition of child labour in all economic sectors is not recommended. The instruments should continue to provide exceptions in limited cases. The degree of unemployment, the stage and nature of economic activity and tradition and culture are very important factors in this regard for developing countries (ibid.:14).

The quote above questions the abolitionist view on child labour. This is interesting since it happens to be also an opinion of a government of a 'developing' country. The same idea is brought up in the *Report III (Part 2): Minimum Age* of 1981, which reads that (p.1)

It should [...] be made clear that not every kind of activity by children should be forbidden by national legislation, nor is it by ILO standards. Work within the family circle, for example, should not in general be considered as undesirable.

The complexity of defining 'labour' in relation to the term of child labour is, therefore, clearly recognised within the ILCs. It could also be said that the complexity of the term 'labour' comes out more clearly from the development of the concept of child labour of the ILO than that of 'childhood', since it can be seen not only from the ILCs but also from the Conventions and the Recommendations. The key question in relation to the categories of activities included in the definition of 'child labour' seem, therefore, to be the distinction between 'acceptable' and 'unacceptable' forms of work. How can we define the 'hazardous' categories of work in a manner that can be applied in an international Convention? And how do we define 'worst forms' of child labour? The concept of 'child labour' becomes even more complex, as pointed out in the 1998 *Report VI (1): Child Labour –Targeting the Intolerable*:

But by what criteria is it possible to set priorities according to risk? It is certainly helpful to start with lists of industries, occupations and working conditions known to place children in jeopardy, but generic information of this sort does not automatically address the most vexing questions. *How does one decide whether one kind of work is more detrimental to children than another?* How can one rank injurious effects of different types? Is vision loss worse than lung disease? How much physical risk equates with how much psychosocial jeopardy? How should short- and long-term effects be compared? In setting priorities, such questions are inescapable, but *there are no easy or universal answers to them* and the process of deciding whom to consider most at risk necessarily involves an element of subjective judgement (ILO Report VI (1): Child Labour –Targeting the Intolerable, 1998: 21, emphasis added).

It seems simply impossible to find a universal definition of the hazardous forms of child labour and, in consequence, on what categories of work the definition of child labour should include.

There has been a significant amount of debate within the ILCs on the definition of the hazardous forms of child labour. Therefore, the assumption seen before that this would be an

‘easy’ category of work to agree upon may also be argued. The most problematic point has been the distinction between crime and labour. Again, we are touching very culture specific issues, which can be seen from the ILCs.

The government of Bolivia points out in the in the same report from 1998 that

A clear distinction should be drawn between criminal offences and child labour. There are activities in which the child is a *victim* or object of the work done by other persons, while in other cases the child is the *worker*. Thus, the sale and trafficking of children and prostitution are criminal offences, the victims of which are children, and should not be considered as “worst forms of child labour” (p.41, emphasis added).

These categories were discussed widely in the 1999 *Report IV (2A): Child Labour* prepared for the discussions on this Convention. The government of Peru points out in this report that

It is forms of “labour” that are being defined. Other forms of child exploitation, however disgusting and intolerable they might be (such as prostitution or the use of children in illicit activities such as drug trafficking), do not fall within this sphere, as *they do not correspond to the concept of work*. In spite of the condemnation of these forms of child exploitation in the proposed Convention and other international instruments, it does not seem appropriate to define them as “forms of labour” (1999 Report IV (2A): Child Labour: 54, emphasis added).

A significant amount of discussion is also caused on the use of children in *armed conflicts*. The majority of the countries that appear in the report think that this should be included as a category of work, whereas others are of the opinion that (ibid.:56, Syrian Arab Republic) ‘war and conflict cannot be considered as employment or a form of ‘labour’’.

Equally it is discussed in detail whether *prostitution* is a form of work that should be included in the Convention or not. For example, the Venezuelan government

opposes the reference to prostitution, the production of pornography and pornographic performances as forms of work because this *degrades the very concept of labour* and the use of children for such activities is a crime against childhood and a violation of the human rights of children that merits universal condemnation and repudiation. Considering prostitution as a form of labour legitimizes an activity that is supposed to be eliminated (ibid.:58, emphasis added).

If we go back to Arendt’s concept of labour, such horrific forms do, in fact, ‘degrade’ the concept of labour, which is supposed to be the basis of human happiness. Using Arendt’s

concept as the basis, any form of harmful work or labour should, therefore, not form part of any concept of labour. Unless, again, we shall consider that *child* labour mean a different thing than *adult* labour.

Another equally controversial theme is *trafficking of drugs*. Can we really include it within categories of labour or is it a criminal activity? Is the definition of labour the same for adults and children? According to Spain the Article of the Convention on the Worst Forms of Child Labour

includes purely illegal or criminal activities among the worst forms of child “labour”. To call selling drugs “labour” is contrary to the logic and the law’. Equally, ‘the sale and trafficking of children should not be considered as child labour but as activities using children for commercial purposes (ibid.:55).

In the same report, the government of South Africa points out the problematic of ‘*selling stolen goods*’ as a category of child labour;

forms of illegal activity, for example, selling stolen goods, should also be included in a definition of the worst forms of child labour. [...] Any explicit reference to armed and military combat/service could jeopardize universal ratification of the proposed Convention (pp.54-55).

The debates on the categories of activities that should be considered work has, therefore, been the most intense when discussing the categories included in the Convention 182. However, several other specific work categories have also raised a considerable amount of discussion in the ILCs. Let us have a closer look at them.

5.4. Other Highly Debated Categories of Work

The *inclusion of industry* as one category in which child labour should not be permitted has not been questioned much in the ILCs. It seems that most of the participants of the ILCs agree with Mr. Pauwels (a workers’ adviser from Belgium) who points out in the ILC of 1937 that

Interdiction du travail des enfants à l’usine pendant le temps où ils sont encore astreints à la fréquentation de l’école. Austrement, on ravit à l’enfant le temps destiné aux jeux joyeux de l’enfance qui sont le lot naturel et nécessaire de cet âge. De plus, le travail de la fabrique ruine la santé de l’enfant et porte un grave préjudice à sa moralité. J’estime qu’il est une cruauté monstrueuse de notre

temps, je le tiens pour un assassin à petit feu du corps et de l'âme de l'enfant' (ILC 1937, 14th sitting : 325-6).

Taking industry as such an important category of work to be included within the definition of child labour has caused, however, some discussion on whether stressing industry so much undermines children who work in so called 'non-industrial' employment. In the opinion of the writer, however, work of all kinds can be equally harmful to the child, depending on the conditions in which it is performed. Also, as pointed out by Miss McConnell (a government adviser from the USA) in the ILC of 1946, in the 12th session,

the employment of children and young persons in non-industrial occupations is an area in which we have made much less progress in the safeguarding of the health and the general welfare and the conditions of employment than we have been able to make throughout the world for children who are employed in industry. The occupations of children in non-industrial employment are frequently as trying, as arduous, and as difficult for the health and the general development of the young person as are employments in industrial occupations (ILC 1946, 12th sitting: 143).

Agriculture is another category that has raised a significant amount of discussion in the ILCs throughout the years. The Minimum Age (Agriculture) Convention was adopted in the aftermath of the First World War, in which period agriculture was extremely important, providing food for all the needing people. Equally it still causes discussion today since it is, in the end, the oldest category of work in which children have worked and, on the other hand, the basis of many of the national economies and the well-being of the people worldwide. The difficulty in relation to the question of agriculture has always been the difference between work done for the family and work done for an outsider of the family. The question is, is there really a difference in a child working in a family owned farm or in a farm owned by outsiders of the family? In 1921, in *Report C: Admission of Children to Employment in Agriculture*, Canada and the United States state that:

The majority of children engaged in agriculture are working either for their parents or with them, and *parental influence* and *protection*, accordingly, are usually present. Perhaps it may be universally granted that the child on the farm is in general more *fortunate* in every way than the child employed in manufacturing, mining, or trade (1921 Report C: Admission of Children to Employment in Agriculture:188, emphases added).

This passage includes a wide variety of positive expressions which have clearly been used in order to persuade the listener (*parental influence, protection, fortunate*). However, this should all be questioned. The presence of parents does not necessarily mean that the children are protected from harmful forms of work. This is especially true in conditions of extreme poverty, where all the members of a family are expected to work equally hard for the survival of the family unit. Children are expected to take part in the harvest with their machetes in the same way as adults, which can make the conditions very dangerous.

Within the discussions on agriculture, many categories of work that different countries want to exclude from the reach of the Convention have also been discussed. It is always important to remember that it is not only important what is written in the Convention –it is also important to look at what is *not* mentioned in them. In the British Columbia in Canada, for example, an exception is made in children’s ‘employment in canning fish, packing fruit, and work incidental thereto, but only during the time of fish runs and in fruit season’. Clearly, again we are talking about the export and, therefore, economic interests of the countries rather than the well-being of children.

Another very much discussed category of work is *domestic work*. In the *Report III of 1945 (Protection des enfants et des jeunes travailleurs)*, it is argued that

en raison des difficultés que rencontre le contrôle des conditions d’emploi dans une maison particulière, ce service peut donner lieu à de graves abus, et il est d’autant plus nécessaires d’établir à cet égard un âge d’admission convenable. Mention doit être faite d’une coutume qui s’est développée dans nombre de pays où certains éléments de la population vivent dans une indigence extrême : celle de placer de jeunes enfants dans une famille étrangère qu’ils servent pour leur entretien (p.61).

Should domestic work be considered as a form of labour or not? How can we compare domestic work in Nicaragua to that in Switzerland? It is the same job? Fyfe is of the opinion that domestic work becomes ‘social exploitation’ if it denies children their ‘right to play, to learn and to enjoy a normal childhood’ (1989:14). However, as seen in the discussions above, this opinion is again made of various concepts that themselves are extremely culture related. In the ILCs the discussions on domestic work have evolved from whether to include it at all in the Conventions or not to including it as one of the ‘worst forms’ of child labour. Miss Hancock (workers’ adviser, UK) pointed out already in the ILC of 1946 that ‘in most countries, [domestic] worker has generally been the most exploited of all workers’ (ILC 1946, 15th sitting: 179). She also points out that (ibid.: 180)

domestic work is a great social service, upon which we all depend for our health and our well-being, whether that work is performed by paid labour or by the unpaid labour of the mother in the home. We all depend upon it if we are going to do various jobs outside satisfactorily. It is important, therefore, that we should give close study to the whole question of domestic work (ibid.).

The *Underground Convention* also caused a significant amount of discussion in the ILCs. According to most of the participants in the discussions it is very harmful and should be included as part of the forbidden types of work for children, but different interpretations of what ‘mining’ actually means have caused some discussion within the Conferences. Even *within* underground work there are differences. So, how to define what categories of these should be restricted? Mr. Aslanyan (Govnt adviser, USSR) points out in the 1964 ILC (26th sitting: 393, emphasis added)

As you all know, *underground work per se involves special dangers to life and health*; but if it is done under certain conditions, the dangers can be greatly increased, e.g. during the operation of pneumatic tools, shotfiring, the driving of underground transport, the operation of winding machines, heavy concentrations of dust and high temperatures; such jobs and such conditions of course require special and higher standards to protect the workers’ lives and health. A higher minimum age should more particularly be set for admission to employment under such conditions and in such types of work.

Another interesting example on the question of underground work is the Underground Recommendation (No. 124), which shows a certain degree of *acceptance* of underground work by including the following article (6) in it (emphasis added):

(1) *Measures should be taken to meet the problems of persons who wish to work in mines but are too young* for employment or work underground because the minimum age for admission to such employment or work is higher than the minimum school-leaving age. These measures should be related to or integrated with measures to educate, train and utilise all youth in the country.

(2) The measures to be taken in accordance with subparagraph (1) of this Paragraph might include one or more of the following:

(a) employment in surface work with appropriate training;

(b) vocational training on the surface designed to prepare the persons concerned for their future occupations;

(c) further education and vocational guidance;

(d) raising the minimum school-leaving age.

This example from the Recommendation clearly indicates a certain way of acceptance of child labour underground, which contradicts what the previous example was illustrating. These two examples, thus, illustrate clearly the controversy of the question of underground work.

This brief look at the categories of work discussed in the ILCs and included in the Conventions shows us how complicated it is to attempt to define child labour in universal terms or to try to make up international Conventions on the matter.

6. CONCLUSIONS

What can we say to conclude our investigation on the ILO's child labour policy? The tremendous complexity and the wide variety of ambiguities evolved around the concept of child labour comes exceptionally clear throughout the analysis and the discussion carried out in the thesis. We are talking about a concept which seems to be made of all the aspects affecting human life; culture, biology, psychology, geography, politics, economics etc. Clearly, it would be a mission impossible to take into all the aspects of the concept when drafting international legislation on it. It must be highlighted that this thesis cannot, therefore, conclude with any ideal, or 'correct', solutions to the question of how to form international policies on child labour –nor was it the intention of this thesis to come to such conclusions. In fact, it seems that there simply are none, due to the tremendous complexity of the phenomenon. Instead, we may have to settle for compromises, which, as has been seen from the thesis, often reflect the perspective of the economical and political world powers. Instead, we may draw conclusions that highlight the enormous complexity of the concept and, therefore, the ambiguities that evolve around the international Conventions and Recommendations which guide national policies on how to tackle with the 'problem' of child labour.

We also wish to point out as a point to conclude that the theories on childhood and labour are all equally debatable and none of them should be put on a pedestal. This thesis aims simply to emphasise the problematic of drafting international legislation on child labour. Who is right and who wrong is, therefore, a question which is irrelevant to us. The concepts of childhood and labour are in themselves already extremely complex constructions. Since international legislation must always be limited to some perspective, it must also ignore other points of view. However, it must be said that according to this study the perspective that is promoted worldwide in relation to the phenomenon of child labour seems still to be tied to Cox' claims on the function of international organisations as the agents of promoting world hegemonies. Saying this, we must point out that all theories are equally dubious and experts equally unreliable. In other words, we should not believe blindly either the defenders or the opponents of the ILO. In the same way as we could see a chain of defence on the 'western' moral and cultural values in the debates in the ILCs, we could also pinpoint the paternalism, at times excessive, on the part of the representatives of other countries, in particular from India. In other words, the economic interests that lie behind the child labour policy are equally transparent in the speeches of, for example, the Indian

representatives as they are in the speeches of their Western European and North American counterparts.

We must also bring up the fact that, arguably, it seems that the basis of the ILO's child labour Conventions does not lie in the theories of childhood and work as one might suppose from hearing the term 'child labour'. Instead, the main point raised in this thesis is that the ILO's child labour Conventions may, in fact, be based on Cox' neo-Gramscian theory on hegemonies. In other words, the child labour policy of the organisation may be nothing else than a way to expand the hegemony of the United States and some European Powers, i.e. the 'Western world'. It must be said that this is, to say the least, unfortunate, since in this way the Conventions become nothing else than a mechanism for maintaining the current balance of power in the world. The well-being of children seems, in this discussion, to only take the second place. We may quote the words of Boyden, Ling and Myers in agreeing that the ILO's 'Convention No. 138 is meant to be more about the health and development of society than about the health and development of *children*' (1998:190, emphasis added). Unfortunately, we have also come to same conclusion about the ILO's child labour Conventions in general. Mostly we can see the political and economic interests of the Member States of the ILO speaking behind the voices of the participants in the ILCs. However, we must equally doubt our own claim since international legislation is always, in the end, a compromise between different interests. Therefore, somebody's opinion must always take the hegemonic position. Equally it is a fact that international organisations are players of international politics and economics. Therefore, it should come as no surprise that politics and economics play an important part in the construction of different concepts within the arena of international relations. The question that we raise frequently is, however, *whose* ideas rule the ILO's concept of child labour and *why*.

Finally, we must point out the role of children in formulating policies that concern their well-being. In relation to this, we seem to find two forces fighting each other within the discourse on child labour. Instead of naming these forces as 'adults' and children', we may call these forces 'autonomy' and 'dependence'. Whether children should be given a voice in formulating international child labour legislation seems to be a question that gives rise to various different opinions among the critics of today. We should think about this in terms of how much should we listen to them, and where does the limit go in relation to how valid children's opinions are. While it seems that the child labour conventions may not function unless the children themselves are heard, we must also question whether the children's opinion is always valid or necessary and if it is necessary, who decides at which age children

should be included in the discussions. While the empowerment perspective on childhood sometimes sounds the only way to get the conventions to correspond more to the reality of working children, in reality organising the working children may be a challenge impossible to meet.

Perhaps the complicity and the difficulty of taking a strong stance on child labour is best illustrated by two of the ILO's child labour Conventions; the Child Labour Convention (No.138) of 1973 and the Convention on the Worst Forms of Child Labour (no.182) of 1999. The first Convention is meant to be the basis of the ILO's child labour policy, which aims at the eventual elimination of all forms of child labour. While this Convention is still in force, the 1999 Convention on the Worst Forms of Child Labour seemed, however, to draw our attention to the fact that the ILO does not, in fact, want to emphasise the elimination of all forms of child labour anymore. The organisation's child labour policy is, therefore, arguably, at the moment based on a contradiction in terms. This is a clear illustration of the enormous complexity of drafting international child labour legislation. Even the ILO itself seems not to be certain of what stance to take on the question of the elimination of child labour. What seems to make our research topic so ambiguous is the definition issue of 'labour' and 'childhood'. While dictionaries may guide us to one direction and anthropology and psychology to other, how do we define such concepts in terms that could be applied to international legislation? The question is, is it possible to draft functioning and relevant legislation if the foundations of it are based on such a complex net of ambiguities as found in this analysis?

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Annexes

Annex 1: Table: Ratifications of the ILO Child Labour Conventions⁹

COUNTRY	CONVENTION												No. of Conventions Ratified/Country
	5	7	10	15	33	58	59	60	112	123	138	182	
Albania	X		X			X	X		X		X	X	7
Algeria			X			X					X	X	4
Angola		X									X	X	3
Antigua and Barbuda											X	X	2
Argentina	X	X	X	X	X	X					X	X	8
Australia		X	X	X		X			X	X			6
Austria	X		X		X						X	X	5
Azerbaijan											X	X	2
Bahamas	X	X	X								X	X	5
Bahrain												X	1
Bangladesh				X			X					X	3
Barbados	X	X	X								X	X	5
Belarus			X	X		X	X	X		X	X	X	8
Belgium	X	X	X	X	X	X			X	X	X	X	10
Belize	X	X	X	X		X					X	X	7
Benin	X				X						X	X	4
Bolivia	X									X	X	X	4
Bosnia and Herzegovina											X	X	2
Botswana											X	X	2
Brazil	X	X				X					X	X	5
Bulgaria	X	X	X	X		X	X	X	X	X	X	X	11
Burkina Faso	X				X						X	X	4
Burundi							X				X	X	3
Cambodia											X		1
Cameroon	X		X	X	X					X	X	X	7
Canada		X		X		X						X	4
Cape Verde												X	1
Central African Republic	X		X		X						X	X	5
Chad	X				X						X	X	3
Chile	X	X	X	X							X	X	6
China		X		X			X				X	X	5
Colombia	X	X	X	X							X	X	6
Comoros	X		X		X						X	X	5
Congo	X				X						X	X	4
Democratic Republic of the Congo											X	X	2
Costa Rica									X		X	X	3

⁹ According to the situation of ratifications in June 2005.

Côte D'Ivoire	X				X						X	X	4
Croatia											X	X	2
Cuba	X	X	X	X	X	X	X	X	X		X		10
Cyprus				X		X				X	X	X	5
Czech Republic	X		X							X		X	4
Denmark	X	X		X		X			X		X	X	7
Djibouti	X		X	X	X	X				X	X	X	8
Dominica											X	X	2
Dominican Republic	X	X	X								X	X	5
Ecuador								X	X		X	X	4
Egypt											X	X	2
El Salvador											X	X	2
Equatorial Guinea											X	X	2
Eritrea											X		1
Estonia	X	X	X	X								X	5
Ethiopia											X	X	2
Fiji	X					X	X				X	X	5
Finland		X		X							X	X	4
France	X		X	X	X	X			X	X	X	X	9
Gabon	X		X		X					X		X	5
Gambia											X	X	2
Georgia											X	X	2
Germany		X	X	X					X		X	X	6
Ghana				X		X	X					X	4
Greece	X	X		X		X					X	X	6
Grenada	X	X	X	X		X					X	X	7
Guatemala			X	X		X	X		X		X	X	7
Guinea	X		X		X				X		X	X	6
Guinea Bissau		X											1
Guyana	X	X	X	X							X	X	6
Haiti	X												1
Honduras											X	X	2
Hungary		X	X	X						X	X	X	6
Iceland				X		X					X	X	4
India	X			X						X			3
Indonesia											X	X	2
Iran												X	1
Iraq				X		X	X				X	X	5
Ireland	X	X	X	X							X	X	6
Israel	X		X						X		X	X	5
Italy		X	X	X		X	X	X	X	X	X	X	10
Jamaica		X		X		X					X	X	5
Japan	X	X	X	X		X					X	X	7
Jordan										X	X	X	3
Kazakhstan											X	X	2
Kenya	X			X		X	X		X	X	X	X	8
Republic of Korea											X	X	2
Kuwait											X	X	2
Kyrgyzstan											X	X	2
Lao People's Democratic											X	X	2

Republic													
Latvia	X	X		X									3
Lebanon				X		X	X				X	X	5
Lesotho	X										X	X	3
Liberia						X			X			X	3
Libyan Arab Jamahiriya							X				X	X	3
Lithuania											X	X	2
Luxembourg	X	X	X	X			X	X			X	X	8
The former Yugoslav Republic of Macedonia											X	X	2
Madagascar	X				X					X	X	X	5
Malawi											X	X	2
Malaysia		X		X						X	X	X	5
Mali	X				X						X	X	4
Malta	X	X	X	X							X	X	6
Mauritania	X			X	X	X			X		X	X	7
Mauritius	X	X		X		X	X				X	X	7
Mexico		X				X			X	X		X	5
Republic of Moldova											X	X	2
Mongolia							X			X	X	X	4
Morocco				X							X	X	3
Mozambique											X	X	2
Myanmar				X									1
Namibia											X	X	2
Nepal											X	X	2
Netherlands	X	X	X	X	X	X			X	X	X	X	9
New Zealand			X	X		X	X	X				X	5
Nicaragua	X	X	X	X							X	X	6
Niger	X				X						X	X	3
Nigeria				X		X	X			X	X	X	6
Norway	X	X	X	X		X	X		X		X	X	9
Oman											X	X	2
Pakistan				X			X					X	3
Panama			X	X		X			X	X		X	6
Papua New Guinea		X	X								X	X	4
Paraguay							X	X		X	X	X	5
Peru			X			X	X		X		X	X	6
Philippines							X				X	X	3
Poland	X	X	X	X					X	X	X	X	8
Portugal		X									X	X	3
Qatar												X	1
Romania	X	X	X	X			X				X	X	7
Russian Federation			X	X		X	X	X	X	X	X	X	9
Rwanda										X	X	X	3
Saint Kitts and Nevis											X	X	2
Saint Lucia	X	X		X								X	4
Saint Vincent and the Grenadines	X	X	X									X	4

San Marino											X	X	2
Sao Tome and Principe											X	X	2
Saudi Arabia										X		X	2
Senegal	X		X		X						X	X	5
Serbia and Montenegro											X	X	2
Seychelles	X	X	X	X		X					X	X	7
Sierra Leone	X	X		X		X	X						5
Singapore	X	X		X								X	4
Slovakia	X		X							X	X	X	5
Slovenia											X	X	2
South Africa											X	X	2
Spain	X	X	X	X	X	X	X	X	X	X	X	X	12
Sri Lanka	X	X	X	X		X					X	X	7
Sudan											X	X	2
Suriname								X					1
Swaziland	X						X			X	X	X	5
Sweden		X	X	X		X					X	X	6
Switzerland	X			X		X				X	X	X	6
Syrian Arab Republic										X	X	X	3
Tajikistan											X	X	2
Tanzania	X	X		X		X	X				X	X	7
Thailand										X	X	X	3
Togo	X				X						X	X	4
Trinidad and Tobago				X							X	X	3
Tunisia						X	X		X	X	X	X	6
Turkey				X		X	X			X	X	X	6
Uganda	X									X	X	X	4
Ukraine			X	X		X	X	X	X	X	X	X	9
United Arab Emirates											X	X	2
United Kingdom	X	X	X	X							X	X	6
United States						X						X	2
Uruguay	X	X	X	X	X	X	X	X	X		X	X	11
Venezuela	X	X									X		3
Viet Nam	X									X	X	X	4
Yemen				X		X	X				X	X	5
Zambia	X									X	X	X	4
Zimbabwe											X	X	2
Total No. of Ratifications/ Convention	72	53	55	69	25	51	36	11	29	41	141	156	Average: 4.5 Conventions Ratified/Country

Annex 2

Table: Prohibited Hazardous Industries, Occupations or Activities in the World

Industry, Occupation or Activity	Minimum Age	Country
Abattoirs and meat rendering	18	Central African Republic, Congo, Denmark, Finland, Gabon, Guinea, Luxembourg, Thailand, Togo, United States, Zaire
	17	Egypt
	16	Bahrain, Lebanon
Aluminium industry	16	Bahrain, Cyprus
Agriculture	21	Uruguay
	18	Colombia, Costa Rica, France, Spain
	17	Australia (Queensland), Ukraine
	16 or 18	France
	16	Denmark, United Kingdom, United States
	15	Syrian Arab Republic
14	India, Pakistan	
Airport runaways	18	Portugal
Animals, work with dangerous or wild	18	Denmark, Netherlands
Archaeological excavations	18	Iraq
	16	Mexico
Bakery	21	Uruguay
	18	United States
Brick manufacture	18	Austria, Colombia, United States
	16	Bahrain, Cameroon
Cable laying	18	Turkey
Care for mentally disturbed persons	18	Finland
Carpet weaving	14	India
	12	Bangladesh
Catering at railway stations	14	India
Cinderpicking, clearing an ashpit	14	India
Circular saws and other dangerous machines	18	Argentina, Australia (Victoria), Austria, Bolivia, Cameroon, China, Colombia, Congo, Côte d'Ivoire, Denmark, Djibouti, Ecuador, France, Gabon, India, Luxembourg, Madagascar, Mali, Mauritius, Peru, Saudi Arabia, Spain, Thailand, Trinidad and Tobago, United Kingdom, United States, Zaire
	17	Pakistan
	16	Burkina Faso, Chad, Central African Republic, Guinea, Malaysia, Senegal

Industry, Occupation or Activity	Minimum Age	Country
Construction and/or demolition	18	Austria, Bolivia, Burundi, Colombia, El Salvador, France, Gabon, Luxembourg, Madagascar, Netherlands, Peru, Spain, Turkey, United States
	16	Bahrain, Barbados, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Djibouti, France, Guinea, Kenya, Mali, Morocco, Senegal, Somalia, United States, United Kingdom
	15	Dominica, Jamaica
	14	Belize, Cyprus, India
Cranes/hoists/lifting machinery	18	Argentina, Austria, Canada, Central African Republic, Chad, Colombia, Congo, Cyprus, Denmark, Gabon, Guinea, Japan, Luxembourg, Madagascar, Mauritius, Netherlands, Thailand, United Kingdom, United States, Zaire
	16	Bahrain, Denmark, France, Israel
Crystal and/or glass manufacture	18	Angola, Argentina, Austria, Bolivia, Cameroon, Colombia, Côte d'Ivoire, Cyprus, Denmark, Djibouti, Ecuador, Ireland, Madagascar, Mali, Portugal, Senegal
	17	Austria, Egypt
	16 to 18	France
	16	Bahrain
	15	Syrian Arab Republic
14	Pakistan	
Domestic service	16	Denmark
Entertainment (night clubs, bars, casinos, circuses, gambling halls)	21	Chile, Seychelles, Uruguay
	18	Angola, Austria, Bolivia, Brazil, Burundi, Cameroon, Colombia, Costa Rica, Ecuador, El Salvador, Italy, Latvia, Luxembourg, Madagascar, Panama, Peru, Philippines, Seychelles, Switzerland, Thailand
	17	Egypt
	16	Djibouti, France, Honduras, Mali
	15	Thailand
	14 to 18	Dominican Republic
	14	Nicaragua, Republic of Korea
Excavation	18	Central African Republic, United States
Fire brigades and gas rescue services	18	Austria
Forestry	18	China, Netherlands, Philippines, United States
	16 to 18	Spain
Machinery in motion (operation, cleaning, repairs etc.)	21	Uruguay
	18	Argentina, Austria, Bolivia, Burundi, Cameroon, Central African Republic, Colombia, Chad, Congo, Côte d'Ivoire, Cyprus, Denmark, Djibouti, Dominica, Dominican Republic, El Salvador, Equatorial Guinea, France, Gabon, Greece, Guinea, India, Ireland, Japan, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Myanmar, Netherlands, Peru, Saudi Arabia, Spain, Sweden, Switzerland, Thailand, Zaire,

Industry, Occupation or Activity	Minimum Age	Country
		Zambia
	17	Egypt, Pakistan
	16	Bahrain, Bangladesh, Djibouti, France, Guyana, Jamaica, Malaysia, Morocco, Nigeria, Saint Lucia, Senegal, Singapore, United Kingdom
	15	Italy, Syrian Arab Republic
Matches, manufacture of	16	Cameroon
	14	India, Pakistan
Maritime work (trimmers and stokers, stevedoring)	21	Brazil
	19	Denmark (stokers), Iceland
	18	Algeria, Argentina, Australia, Austria, Bahamas, Bangladesh, Belgium, Belize, Burundi, Cameroon, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Denmark (trimmers), Djibouti, Ecuador, El Salvador, Fiji, Gabon, Iraq, Ireland, Japan, Kenya, Liberia, Luxembourg, Malawi, Malta, Myanmar, Nigeria, Pakistan, Papua New Guinea, Peru, Philippines, Romania, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, United republic of Tanzania, Trinidad and Tobago, Tunisia, United Kingdom, Yugoslavia, Zaire
	17	Canada (federal), Cuba
	16	Denmark, Finland, Singapore
	15	Kenya
	14	India, Pakistan
Mining, quarries, underground work	21	Brazil
	18	Afghanistan, Albania, Angola, Argentina, Australia (South and Western), Austria, Belarus, Belgium, Belize, Bolivia, Botswana, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Fiji, France, Gabon, Germany, Ghana, Greece, Guinea, Guinea-Bissau, India, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Jordan, Lao People's Democratic Republic, Lesotho, Luxembourg, Mongolia, Nicaragua, Panama, Peru, Philippines, Poland, Portugal, Sao Tome and Principe, Saudi Arabia, Slovenia, Somalia, South Africa, Sudan, Swaziland, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, United Kingdom, United States, Venezuela, Zaire, Zambia
	17	Australia (Victoria), Bangladesh, Canada (federal), Jamaica, Myanmar, Pakistan
	16	Bahrain, Barbados, Burkina Faso, Côte d'Ivoire, Hungary, Kenya, Mali, Mexico, Nicaragua, Nigeria, Sierra Leone, Singapore, Solomon Islands, Uganda
	15	Dominica, Syrian Arab Republic
	14	Belize, Cyprus
Oil prospecting/work with petroleum	18	China, Sudan
	16	Bahrain, Mexico
	15	Egypt

Industry, Occupation or Activity	Minimum Age	Country
Oxyacetylene blowpipes	16	Australia (all states), Bahrain
Paper/printing	18 14	Spain, United States Pakistan
Pedal/crank operated equipment	16	Cameroon, Congo, Djibouti, Mali
Pornographic material, production of or work at premises handling	18	Bolivia, Brazil, Cameroon, Colombia, Côte d'Ivoire, Djibouti, Ecuador, Honduras, Uruguay, Zaire
Salt and brine processes	18	Cyprus
Shipbuilding	16	Cyprus
Soap manufacture	14	Bangladesh, India, Pakistan
Steam engines or equipment (work with)	18 16	Côte d'Ivoire, France, Sudan Cameroon, Djibouti, Mali
Street trades	18 16 15 14 to 18 14	Austria, Bolivia, Brazil, Peru Burkina Faso, Cyprus, Djibouti, Dominican Republic, Italy, United Kingdom Costa Rica Ecuador Sri Lanka
Sugar mil	16	Jamaica
Tanneries	18 17 16 15 14 12	Chad, France, Gabon, Guinea, Zaire Austria, Egypt Dominican Republic, Mexico Syrian Arab Republic India, Pakistan Bangladesh
Textile industry (specific tasks)	21 18 16 15 12	Uruguay Spain Bahrain Egypt Bangladesh
Transportation, operating vehicles	18 17 16 15 14	Argentina, Austria, Bolivia, Burundi, Central African Republic, Chad, Congo, Denmark, Ecuador, Equatorial Guinea, Gabon, Guinea, Pakistan, Panama, Peru, Philippines, Portugal, Spain, United States, Zaire Egypt Barbados, Dominican Republic, Israel, Kenya, Senegal, United Kingdom Dominica, Jamaica Belize, Cyprus, India
Underwater work	18	Austria, China, Colombia, Croatia, El Salvador, Lao People's Democratic Republic, Poland, Sudan, Sweden, Thailand, Turkey

Industry, Occupation or Activity	Minimum Age	Country
	16	Dominican Republic, Mexico
Water and gas industry	18	Spain
Weights and loads	14 to 18	Afghanistan, Australia (Victoria), Bahrain, Belarus, Belgium, Belize, Bolivia, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, Djibouti, Ecuador, Egypt, Gabon, Guinea, India, Israel, Italy, Latvia, Mali, Netherlands, Niger, Poland, Saint Lucia, Spain, Switzerland, Ukraine, Uruguay, Zaire
Welding and smelting of metals, metal working	18	Argentina, Australia (all states), Austria, Bolivia, Cameroon, Colombia, Cyprus, Denmark, Ecuador, Luxembourg, Portugal, Spain, Sudan, Sweden, Thailand, United States, Venezuela
	17	Egypt
	16	Bahrain, Mexico
	15	Syrian Arab Republic
Work alone if it involves a risk of accidents or criminal acts	18	Finland
Work at courts, prisons or as probation officers	18	Seychelles

(source: ILO 1998, Report VI (1): Child Labour –Targeting the Intolerable: 57-62).