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# **Colonial Exceptions: The International Labour Organization and Child Labour in British Africa, c.1919-1940**

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## **Abstract**

From 1919, the International Labour Organization sought to improve protections for workers globally. Concurrently, the organization was dominated by colonial powers whose economies relied on the exploitation of colonized workers. This article explores how the International Labour Organization navigated this contradictory situation during the interwar period, focussing on its approach to child labour in British Africa. The introduction of a universal minimum employment age and the abolition of child labour were founding goals of the International Labour Organization. However, colonial powers wanted to maintain the extensive employment of children and the use of child labour in their colonies. Britain used its influence within the International Labour Organization to promote racialized constructions of childhood and to pluralize working children's rights in International Labour Organization instruments. While the International Labour Organization's tripartite structure did also provide a forum through which colonial labour practices could be challenged, Britain and its supporters ultimately succeeded in constructing a two-tier system of international labour law which rendered colonized children less protected than children in the industrialized West. In creating colonial exceptions, the International Labour Organization pursued and promoted a hierarchical and exclusionary form of internationalism. Overall, the article provides new insights into the development of the International Labour Organization and its legislation, as well as broader histories of childhood and of internationalism.

## **Keywords**

Africa, Britain, child labour, colonial, International Labour Organization, internationalism

Founded in 1919, the International Labour Organization (ILO) was the first international, intergovernmental organization dedicated to tackling labour issues. For over a century, it has shaped the laws and practices regulating labour relations around the world, including those involving children. Recognizing this, in 2020 the United Nations General Assembly asked the ILO to implement the International Year for the Elimination of Child Labour, scheduled for 2021. The ILO presented this request as the culmination of a century-long struggle for the regulation of children's employment and the abolition of child labour.<sup>1</sup> It emphasized the conventions and

recommendations on children's issues that it has adopted and promoted globally, from Convention Five in 1919, which stipulated minimum employment ages in industry, to Convention 182 in 1999, which sought to prohibit and eliminate the 'worst forms' of child labour.<sup>2</sup> While the ILO's response highlighted key aspects of its work on children's issues, it ignored the fact that many working children have historically been denied protection under ILO instruments on the basis of race or nationality.

Between 1919 and 1921, the ILO adopted seven conventions and three recommendations concerning working children, with additional instruments adopted in subsequent decades to extend the scope and scale of protections.<sup>3</sup> The earliest instruments constituted the 'first international, legally binding legislation governing children's rights'.<sup>4</sup> Indeed, during the interwar period, the ILO became the key forum where children's rights and employment were discussed and constructed. It was at the legislative forefront of debates on child labour and instrumentalized contemporary narratives of international collective responsibility towards children. This work contributed significantly to constructions of the modern notion of human rights. However, not all working children were equally protected by ILO instruments. Whilst member states were expected to apply ILO conventions in their colonies, protectorates and non-self-governing possessions, they were permitted to modify or 'not apply' conventions in those territories if 'local conditions' rendered them 'inapplicable'.<sup>5</sup> As we show in this article, the vagueness of such terms left them open to manipulation by colonial powers. By creating such legal exceptions for colonial powers, the ILO pursued and promoted a hierarchical and exclusionary form of internationalism. Specifically, it constructed a two-tier system of international labour law which rendered colonized children less protected than their Western counterparts.

The article explores the creation and workings of this unequal legal system in the interwar period by examining the ILO's approach to children's employment in British colonial Africa. Britain had the largest empire in the world during this period and exerted significant political and economic influence on the global stage. Britain's influence placed it at the centre of the ILO's governance, structures and work, including on children's issues. At the same time, Britain allowed the extensive employment of children and the use of child labour across its colonies in Africa and around the world. In the following sections, we show how Britain used its influence within the ILO to promote racialized constructions of childhood within the organization and to pluralize working children's rights in ILO instruments. We show how a diverse range of colonial authorities and structures influenced the development of the ILO and its legislation on children's employment, from colonial officials in London and the colonies, to settlers and colonized elites. ILO officials adopted the racialized constructions of childhood promoted by these actors and displayed ambivalence towards British labour policy involving colonized children. And yet, as explored in the final section, although the ILO often shielded Britain from criticism, it also provided a forum through which colonial powers could be challenged on labour issues. The ILO's

tripartite structure encompassed workers' representatives and non-governmental organizations (NGOs) who used ILO debates to challenge the exploitation of colonized working children.

This article makes significant interventions into several fields. In the wide-ranging and multidisciplinary literature on the ILO, there is little critical analysis of the organization's approach to child labour, in the colonies or elsewhere.<sup>6</sup> But, as our work shows, debates over children's employment were fundamental to the development of international labour laws in the interwar period. These debates reveal the strong influence of colonial power within the organization and the ways in which international labour laws bolstered colonial political and economic interests at the expense of working children's rights. These findings engage with recent critical studies of internationalism, illustrating the complex workings of imperial politics within the international organizations of the interwar period.<sup>7</sup> Moreover, they highlight the importance of age as a category of analysis in international labour history. Engaging with recent historical writing on age, we show how the ILO's work and legislation were shaped by and perpetuated colonial racial thinking about age and childhood.<sup>8</sup> We also address the comparative neglect of children and childhood in existing African labour history, examining children's employment across British African colonies and exploring how international and local pressures shaped colonial labour policies towards children.<sup>9</sup>

The article draws extensively on the ILO archives in Geneva alongside other documentary sources. As well as its empirical contribution, the article also synthesises several areas of secondary literature. This dual approach enables us to bring together two hitherto distinct fields of historical inquiry: interwar internationalism and colonial child labour. As we focus on the relationship between ILO and British officials in London and the African colonies, our analysis centres on those actors and their perspectives, though we also consider the viewpoints of African working children and their communities, colonized elites, workers' representatives, employers, and NGOs.<sup>10</sup>

In order to understand the ILO's stance on issues of childhood and children's labour, we begin by exploring the different ways these concepts have been conceptualized and understood. Historians of childhood and youth have demonstrated that neither concept is universal and should instead be understood as historically and culturally constructed, and spatially and temporally specific. In many precolonial African societies, childhood was not marked by strict boundaries of chronological age. Instead, age was understood in relative terms, with individuals located in the social structure according to seniority. In some societies, age sets were important, with generations marked out by shared experience of an event. This was particularly common in East Africa, including among the Maasai and the Karimojong.<sup>11</sup> Initiation practices, often at the onset of puberty, marriage and parenthood, marked transitions between life phases, and were tied to and expressive of generational and gender relations.<sup>12</sup> Control over children's labour was central to gerontocratic and patriarchal power relations within communities, with children expected to perform age- and gender-appropriate labour for parents and elders. Female children

might perform a range of labour around the household, including cleaning, food preparation and childcare. Male children might also perform chores around the household and help with herding and animal keeping. In towns, children might also engage in forms of vending, market work and domestic service, amongst other tasks. Diverse constructions of childhood and labour endured under colonial rule, but they were also challenged and reworked in response to racialized colonial capitalism and an emphasis on chronological age in colonial legal systems.<sup>13</sup>

In the British colonial world, class-based and gendered constructions of childhood were exported from the metropole to the colonies, where they were reworked to suit the racial hierarchies which structured colonial societies.<sup>14</sup> These ideas intersected with understandings of chronological age. Specific chronological ages were attributed to persons of different life phases, and age-based understandings of maturity contributed to the definition and demarcation of childhood in colonial legal systems. Combined, these processes resulted in different understandings of age for white and non-white children. In British colonial Africa, colonists constructed white childhood as a time for education and protection, and black childhood as a period of labour, as part of efforts to prepare children for their racialized and unequal future roles.<sup>15</sup> Racialized understandings of African childhood contributed to a reworking of pre-existing labour relations involving children. But colonists could not simply impose new labour systems onto colonized populations. Rather, they had to work within existing systems of labour and power, and African authorities (usually male elders) played a significant role in shaping colonial labour relations and associated laws. In many places, African authorities and colonial officials formed a patriarchal alliance to bolster their respective power and control over the labour of younger men, women, and children.<sup>16</sup>

In many British African colonies, particularly in settler societies such as Kenya, children engaged in a wider range of labour practices than in the precolonial period and laboured under revised terms, including as wage labourers. Colonial employers sought out children because they were seen as easier to control and cheaper to employ than adults. For their part, some African children were coerced into the labour force, including through forced labour recruitment drives. Others sought employment of their own accord, including as a response to rural poverty and as part of efforts to secure greater autonomy from parents and elders. Many children worked alongside family members, including under labour tenancy agreements. These young workers made significant contributions to the economies of households and the broader colonial state.<sup>17</sup> For that reason, efforts to regulate African children's employment and reduce access to child workers often provoked resistance from colonial officials, employers, African authorities, and from African children and their families.

In the interwar period, understandings of African childhood and labour at the international level were shaped by an increase in internationalist ideals and the growth of international humanitarian sentiment towards children.<sup>18</sup> Abosede George argues that the concept of 'the African child' emerged at this time, with children increasingly seen as individuals

rather than as members of family units by international humanitarian actors, liberal colonial officials and elite Africans.<sup>19</sup> The ILO's approach to African childhood and labour must be understood in relation to these internationalist and humanitarian trends. It sought to improve protections for child workers globally, whilst working within the parameters of interwar global power dynamics. As we will now explore, these aims could not coexist without compromise. Consequently, colonized children's needs were pushed aside in favour of colonial interests.

Colonial powers exerted significant influence within the ILO from the beginning. Britain and France had extensive empires, while other member states, such as Belgium, Italy and Japan, also possessed colonies.<sup>20</sup> Moreover, all colonial powers, apart from Portugal, became permanent members of the ILO Governing Body. Colonial influence within the ILO was further strengthened by the initial absence of the United States and the USSR, and by the longer-term absence of direct representation of colonial territories. Until 1939, India was the only colony to become a full member of the ILO, although representatives from colonial territories were sometimes called upon in an advisory capacity. Colonial dominance within the ILO led to the prioritisation of traditionally western labour forms, such as industrial wage labour and the neglect of non-industrial labour such as agriculture. The latter underpinned most colonial economies in Africa. Colonial dominance was also reflected in its allocation of resources. Throughout the interwar period, the ILO's Native Labour Section (NLS) was never staffed by more than three people, who between them conducted all the organization's work on colonial labour issues.<sup>21</sup> The NLS's work focussed on forced labour and slavery, with children's issues often collapsed into this work rather than examined on their own terms.<sup>22</sup> This meant that other labour practices involving colonized children, including wage labour, received limited attention.

Colonial powers played a contradictory role within the ILO. On the one hand, they helped to formulate international labour norms and to conceptualize and promote human rights narratives. However, they simultaneously developed and enforced exploitative labour policies in their empires. International labour legislation which mandated universal standards for workers across the world, including in colonies, would have challenged colonial economic models. Crucially, legislation mandating universal minimum ages for workers would have rendered the employment of large numbers of colonized children illegal. Colonial powers like Britain therefore used their influence within the organization to push for plural rather than universal labour norms and standards, in an attempt to protect their abilities to mobilize and exploit colonized children's labour.

To achieve their aims, colonial powers like Britain promoted racialized constructions of childhood within the organization which corresponded to those they applied in their colonies. One of the most pervasive arguments in this vein was that children in 'tropical' climates matured early and could work from a younger age than children in the industrialized West. Such arguments were made by delegates from Britain at the first International Labour Conference (ILC) in 1919, where there was extensive discussion of the differential levels of development of

children in industrialized versus 'tropical' contexts, and children's relative suitability for employment.<sup>23</sup> Such arguments spanned the interwar period. In reports sent to the ILO in 1931, the British government explained that child labour conventions had been modified or 'not applied' across the Empire because of the early maturity of 'tropical' children. Generally, modification of the conventions involved reducing the minimum age for employment from 14 to 12 years, though in the Gold Coast no minimum age for employment was applied.<sup>24</sup> This approach was supported by government officials in the colonies. For example, in 1942, Zanzibar's Director of Education, Robert Spence Foster, argued in a letter to *Zanzibari* that 'children mature early in a tropical country'.<sup>25</sup>

Delegates from Britain and the Empire bolstered their racialized arguments about 'tropical' children's suitability for employment by emphasising the benefits of work for the children involved. In 1936, British delegates asked the ILO if Convention Five and Convention 33, which stipulated minimum ages for non-industrial employment, could be amended to allow employment of younger children in occupations 'of a beneficial character'.<sup>26</sup> Such arguments reflected broader opinion within the ILO, with many delegates arguing for the benefits of employment for children, particularly outdoors.<sup>27</sup> For instance, in 1937, Swedish government delegate Kerstin Hesselgren argued that working in the 'fresh air', in agriculture and at sea, was beneficial to children.<sup>28</sup> Such arguments likely reflected a genuine belief in the benefits of such work alongside a desire to avoid imposing restrictions on children's employment outdoors. Colonial officials made similar arguments about the benefits of outdoor work for colonized children. British colonial officials in Tanganyika, for example, argued that plantations offered 'healthy, outdoor' work for African children, likening it to the tasks they might perform 'for free' at home.<sup>29</sup>

Britain's racialized arguments about childhood were often adopted by ILO officials, with terms including 'backward races', 'natives' and 'tropical' populations frequently used in official ILO documentation on children's employment.<sup>30</sup> ILO officials also promoted the racialized ideology of colonialism as a civilizing mission. In a debate on native labour and minimum age laws at the ILC in 1926, for instance, ILO officials stated that despite the fact that 'many African races are dying out under the burden' of 'arduous labour', British colonists acted with the 'best intentions' and sought to 'develop' colonized populations.<sup>31</sup> The ILO's defence of exploitative labour practices in British African colonies was likely shaped not only by the influence of racism within the organization but also by ILO officials' desire to maintain a positive relationship with Britain. During the 1926 debate, for instance, an ILO official supported Britain's colonial economic policies of using African labour to produce cash crops and to develop European settlers' estates. More than this, the official noted that the ILO may be able to assist the British by helping them to promote 'the well-being and development of peoples who are not able to stand by themselves under the strenuous conditions of the modern world'.<sup>32</sup> Although couched in the language of

benevolent developmentalism, the ILO was also attempting to appease British interests and acted as an extension of, rather than a check on, colonial power.

British delegates and their allies also pushed for the pluralization of working children's rights on 'practical' grounds, arguing that universal standards were unfeasible because of varying 'local conditions'. One such condition was the widespread lack of birth registration in many colonies and the resultant 'impossibility' of measuring colonized children by chronological age. Colonial officials in Tanganyika employed such arguments throughout the interwar period as part of broader campaigns of resistance to adopting or extending children's employment regulations.<sup>33</sup> Corinne Field and Nicholas Syrett alert us to the limited bureaucratization of childhood across colonial societies, with states often reliant upon 'age qualifications in the law long before they created a reliable means for recording vital statistics such as dates of birth'.<sup>34</sup> Delegates from Britain and its empire also highlighted the low levels of educational provision in many colonies and stressed that children may become 'idle' or 'delinquent' without employment. British delegates representing India within the ILO argued during the 1930s that they would find it impossible to apply the minimum age limits for industrial employment specified in Conventions Five and 33 without modification, because of inadequate schooling facilities and their fears that unoccupied children might engage in crime and delinquency.<sup>35</sup> Similarly, colonial officials in British Africa, including in Tanganyika and Southern Rhodesia, argued that employment prevented idleness and 'mischief' amongst children.<sup>36</sup>

ILO staff supported the adaptation of legislation owing to 'local conditions'. For example, they sympathised with the Indian government's 1930s protestations about the application of Conventions Five and 33.<sup>37</sup> More broadly, the ILO sought to account for different economic and social conditions in member states and their colonies. This was partly to expand the applicability and adoption of international labour legislation, and partly to reflect the interests of the industrial and colonial powers who dominated the organization. The 1919 ILO Constitution and subsequent instruments thus enabled significant 'flexibility', with colonial exceptions built into legislation. Article 19 of the Constitution drew clear distinctions between industrialized and non-industrialized states and allowed for modifications on the basis of climate, levels of development and other 'special circumstances'.<sup>38</sup> Article 35 of the Constitution outlined specific exceptions for colonies, protectorates and non-self-governing territories, enabling colonial powers to modify or not apply conventions if 'local circumstances' required.<sup>39</sup>

All conventions on children's employment that were adopted during the interwar period were subject to modification under Articles 19 and 35. Most conventions also contained additional special provisions to modify their scope and applicability in specific states. Article Six of Convention Five, for instance, stipulated that the standard minimum employment age of 14 years would not apply in India, though the employment of children under 12 years was prohibited in certain circumstances.<sup>40</sup> Although the ILO denied that these special provisions were based on racial distinctions, it justified these measures using racialized arguments about the early maturity

of Indian and other 'tropical' children.<sup>41</sup> The ILO's pluralization of working children's rights received support within the European-dominated League of Nations (LoN), with the Advisory Committee for the Protection and Welfare of Young People arguing in 1936 that when it came to many children's issues, 'uniformity of practice is not desirable, even if it were possible'.<sup>42</sup> This comment draws attention to the limits of universalism in the international organizations of the interwar period, and the ways in which exceptionalism was at times both accepted and preferred over 'uniformity'.

The ILO's approach to childhood and labour reflected the power and influence of European norms and knowledge production in the interwar period. Dipesh Chakrabarty's *Provincialising Europe*, though silent on issues of childhood, offers important theoretical insights into the universalization of European thought and practices that illuminate the ILO's approach.<sup>43</sup> Whilst the ILO did not attempt to universalize working children's rights, it did apply a Eurocentric and hierarchical vision of childhood in its policy-making. This reflected the power of European member states and European norms within the organization and the silencing of African and other non-Western constructions of childhood and labour. This mirrored approaches within the LoN, an organization which consistently venerated European imperial knowledge whilst stigmatizing indigenous knowledge and practices.<sup>44</sup>

Britain's approach to the application of ILO conventions demonstrates how colonial exceptions worked in practice. In August 1921, British Secretary of State for the Colonies, Winston Churchill, asked all British colonial governments to assess the possibility of applying the recently passed ILO conventions on children's employment. By 1926, Convention Five was applied in Ceylon and with modification in Hong Kong, and application with modification was being considered in the Straits Settlements. It was not applied in any other colony because colonial officials said that 'local conditions' rendered it 'inapplicable'. Convention Six, which regulated the night work of children and youth in industry, was similarly applied in Ceylon, modified in Hong Kong, and deemed inapplicable in all other colonies. Convention Seven, which stipulated the minimum age for employment at sea, was applied in Ceylon and with modifications in the Gold Coast, but was similarly argued to be inapplicable in all other colonies.<sup>45</sup> The nature of the modifications was not stipulated in the available primary material but, in light of other evidence, they likely involved reducing the minimum age for employment stipulated in the conventions. Overall, limited application of these ILO conventions in British colonies during the 1920s, coupled with the absence of other labour legislation, meant that most working children in Britain's colonies could claim almost no protection under the law and were instead subject to the will of colonial administrators and employers. This reflected a broader pattern across the colonial world in the 1920s, with these ILO conventions rarely applied in colonies. For instance, Belgium, Denmark and Japan adopted Convention Five but failed to apply this to their colonies, and Belgium, Denmark, France and Italy did the same for Convention Six. As in the British cases, 'local conditions' were said to be the reason for non-application.<sup>46</sup>

In Britain's African colonies, the limited progress towards developing legislation in accordance with the ILO conventions resulted in part from the objections of colonial employers who widely opposed the introduction or extension of labour laws. Opposition was particularly strong in settler colonies, where settlers used political and private channels to pressure colonial officials into protecting and furthering their interests.<sup>47</sup> In Southern Rhodesia, settler farmers lobbied the government to forcibly impose apprenticeships onto African children to increase the labour supply and strengthen disciplinary measures for apprenticed children. The colonial government rejected these demands as they were originally conceived, but still developed 'involuntary' six-month apprenticeships for unemployed and 'vagabond' children in towns, and imposed legally enforceable labour contracts and passes for working children.<sup>48</sup> In Natal, settler farmers successfully lobbied colonial authorities during the 1920s to not extend labour legislation to protect child and youth workers on the sugar estates, despite clear evidence of exploitation and maltreatment.<sup>49</sup> Even in non-settler colonies, such as Tanganyika and the Uganda Protectorate, employers could exert pressure on the government over labour issues. In Tanganyika, employers successfully lobbied the government not to adopt legislation on child labour throughout the 1920s and 1930s. They did so by deploying both 'practical' and racialized arguments, stating that they could not determine the chronological age of African children in the absence of identity documents and that, anyway, African children 'matured early' and were suited to employment.<sup>50</sup>

The ILO was aware of the influence settlers had on the development of colonial labour legislation and sought to avoid confrontations with settler populations and, by extension, with colonial powers. This is exemplified by a small furore which erupted in August 1927 when *The East African Standard* reported that the LoN, via the ILO, was planning to send a commission to investigate labour conditions in Kenya. ILO officials in Geneva became aware of these rumoured inspections when they received worried letters from British officials in Nairobi.<sup>51</sup> ILO officials were keen to reassure British officials and settlers by quickly denying the claims. 'Tempers are short in Kenya... A prompt denial... seems necessary', stated one official in an internal memo, while another official responded that 'twisted information of this kind may have unfortunate consequences'. Officials were also concerned that South Africa might respond negatively to the rumours and use its significant influence within settler circles to generate challenges to the ILO's influence in Africa.<sup>52</sup> The ILO Director, Albert Thomas, shared the concerns of his officials and ordered a prompt denial of the rumours.<sup>53</sup> This incident demonstrates the ILO's broader willingness to placate British colonial power.

Settler exploitation of African children's labour was not adequately challenged by the ILO or colonial officials, but there is evidence that African children pursued their own strategies against this. Beverly Grier argues that large numbers of male children in Southern Rhodesia deserted their jobs on white farms during the 1920s due to low wages and poor working and living conditions. Grier argues that it was this which prompted settlers to push for the imposition

of involuntary apprenticeships and tightened control over children's mobility.<sup>54</sup> Desertion was common amongst child workers in British African colonies and, as Grier argues, may well have been a strategy to challenge their exploitation. Other possible examples of working children challenging workplace exploitation include deliberately working slowly, stealing, damaging property and injuring farm animals.<sup>55</sup> Although it is difficult to firmly assign an intentionality of 'resistance' to such acts, they may have been part of broader struggles by children to assert control over their lives, and to challenge colonial constructions of African childhood as a period of labour and submission to whites.

Parents and elders also challenged exploitation of children's labour, though again it is difficult to specify their precise intentions in doing so. Walters, for example, notes how parental and chiefly opposition to children's employment on coffee, tea and sisal estates in Tanganyika increased during the 1920s. Their arguments against settler employers emphasized children's vulnerability and immaturity, directly challenging the racialized arguments about early maturity deployed by settlers and colonial officials.<sup>56</sup> Parents and elders may well have sought to protect children from exploitation but they may also have sought to reassert their own control over children's labour. As noted above, this control was central to gendered and gerontocratic power relations within communities. Parents and elders may well have challenged settler employers in order to exploit children's labour in different ways.

The Colonial Office continued to exert pressure on African colonies to pass legislation on children's employment during the 1930s. It had successes, despite the continued resistance of employers, settlers and some colonial officials. For instance, the first laws governing the employment of children in Kenya were introduced in 1933, through the 'Employment of Women, Young Persons and Children Ordinance'. Complying with Convention Five, the Ordinance established a minimum age for the employment of Africans in industry of 14 years. Reflecting the right of colonial powers to modify ILO conventions, however, it also allowed African children's employment in industry from the age of 12 if government approval was secured. Convention Five was similarly applied with modification in Uganda, Tanganyika, Nyasaland, Northern Rhodesia and the Gold Coast, with a minimum employment age in industry of 12 years. Additional provisions determined the minimum age of children allowed to operate machinery and work in dangerous industrial occupations, such as underground mining.<sup>57</sup> In Kenya, the legal provisions surrounding children's employment were extended to cover contracts of service in 1937 via the 'Employment of Servants Ordinance'. This Ordinance stipulated that children who appeared below the age of 10 years could not enter contracts of service, and children aged 10 and over could enter such contracts only with parental approval.<sup>58</sup> In neighbouring Uganda, similar laws were passed to regulate the minimum employment age for service and apprenticeships, with children able to enter such contracts from the age of nine years with parental approval.<sup>59</sup>

The effectiveness of these laws was hindered by many practical obstacles. These included continued bureaucratic limitations, including low levels of birth registration and possession of

identity documents.<sup>60</sup> Sometimes legislation was drafted to avoid the problem of precisely identifying children by chronological age, with emphasis instead placed on appearance. As noted above, the 1937 'Employment of Servants Ordinance' in Kenya, barred the employment of children in service who 'appeared' to be below 10 years. Such laws made the lack of identity documents less of a hindrance for employers and officials, but the scope for interpretation was inherently problematic. Employers and sympathetic officials could argue that children 'appeared' to be of age in order to secure underage labour. This occurred more widely across European African colonies, including in Portuguese Angola where government officials and employers used children's appearance to judge their 'maturity' and suitability for employment in mining.<sup>61</sup> Such practices are illustrative of Field and Syrett's arguments that 'age was less a fact than it was a negotiation, a claim on the part of individuals that had to be verified or rejected by public officials'.<sup>62</sup> There was also a lack of capacity to enforce legislation. In Kenya, for instance, settler farms were treated as domestic spaces by the Kenya Police. The Kenya Police could not enter a farm without the farmer's invitation and would have found it difficult to investigate the abuse of child workers or enforce relevant legislation. The ability for employers to escape inspection was furthered by the scaling back of the Kenya Police during the global depression of the 1930s, as the colonial government reduced expenditure and staffing.<sup>63</sup> Other colonies faced similar financial challenges in the early 1930s and reduced expenditure accordingly. Combined, these factors created an environment in which the application and enforcement of child employment laws was unlikely and difficult.

Even when colonial legislation was applied, there were obstacles to workers securing their legal rights. In the Gold Coast, industrial labour contracts involving children had to be 'attested before a district commissioner, who had to satisfy himself that the contract had been read over and explained to the employee and that it was entered into voluntarily and with full understanding of its meaning and effect'.<sup>64</sup> Due to limited educational provision and low literacy rates in the Gold Coast and other British colonies in this period, few child workers would have been able to read the labour contracts into which they entered and therefore be certain about what they were signing up to.<sup>65</sup>

There was also continued resistance against the adoption and application of child labour conventions from colonial employers. This was heightened in settler colonies such as Kenya where settler communities wanted to maintain and extend their control over colonized workers. Writing about the widespread use of Master and Servant legislation in East Africa, David Anderson argues that colonial labour legislation served to protect employers and extract the maximum amount of labour from African workers. Labour contracts in the region were borne out of disputes between large employers, small-scale settler farms, the local colonial administration and the Colonial Office.<sup>66</sup> Colonial employers sought to maintain the status quo and reap the financial benefits of exploitative labour practices. Their interests intersected with the Colonial Office's own desires to maximise the economic productivity and profitability of the colonies.

Whilst labour laws were the subject of consistent negotiation between local and metropolitan governments, employers and settlers, and were shaped by the varying priorities of these groups, each of these actors ultimately placed the rights of employers and the demands of the colonial economy ahead of the rights of child and adult workers. This bolstered the trend of non-application or non-enforcement of ILO child labour conventions in British Africa.

A number of legislative gaps also remained during the 1930s. Colonial governments continued to prevaricate and delay incorporating ILO conventions into colonial law and children's employment in key sectors continued to go unregulated. Agriculture is a case in point. In 1921, the ILO adopted Convention 10 to regulate the minimum employment age for agriculture and Recommendation 14 to regulate night work by children and youth in agriculture.<sup>67</sup> Agriculture was the largest sector employing children across British Africa, with children employed on small and large farms and plantations owned by both settlers and Africans. Despite, and indeed because of the scale of children's agricultural employment, colonial officials under pressure from farmers, sought to avoid regulating agricultural labour. For instance, the 'Employment of Women, Children and Young Persons Ordinance' that was passed in Kenya in 1933, in Nyasaland in 1939 and Tanganyika in 1940, excluded agriculture.<sup>68</sup> Such laws reveal the continued influence of settler interests and colonial capital during the 1930s. They also demonstrate the harmful impact of colonial exceptions on colonized working children, with Britain legally permitted to avoid regulating the largest sector of African children's employment.

Night work also often went unregulated into the 1930s. In 1931, Convention Six, which regulated the night work of children and youth in industry, was only applied, and with modification, in Uganda.<sup>69</sup> British officials justified the narrow application of Convention Six in Africa by arguing that 'the question of the employment of young persons during the night does not arise' in most colonies. However, such arguments did not reflect the reality of working conditions on the ground, with many African children employed at night in agriculture and industry throughout the 1930s. In Zanzibar, children were employed in the 'transport and handling of goods' at dockyards. British officials sought to dismiss such work as 'inconsiderable' and 'purely voluntary... in no sense... a hardship'.<sup>70</sup> In neighbouring Tanganyika, children engaged in night work in cotton ginneries throughout the decade.<sup>71</sup> In Nyasaland, children worked at night in the tobacco and tea industries, the importance of such work being demonstrated by the exclusion of tobacco and tea from relevant night work regulations in 1939.<sup>72</sup> When legislation on night work was applied in African colonies, government officials frequently defined 'night' in a way which permitted the employment of children from sunrise to sunset in order to maximize permissible working hours.<sup>73</sup>

Some African working children used weaknesses in labour legislation to their advantage. For children seeking work, the absence or lax application of legislation on minimum employment ages could be useful. William Beinart examines how children and youth in the Transkei sought to escape rural poverty and parental control during the 1910s and 1920s by migrating to work on

the sugar estates of Natal. Existing minimum age laws were not applied to the sugar estates and this enabled children and youth to secure cash-based employment.<sup>74</sup> Parents and guardians also sought to capitalize on lax or absent legislation. Walters notes how parents in Tanganyika 'exaggerated' their children's ages so that they could find employment without parental consent, or sent their children to find work in the company of relatives or acquaintances who might act as a parent and provide consent.<sup>75</sup> These findings illustrate some of the ways African working children and their families sought to extract economic benefits from colonial labour policies.

The ILO failed to effectively tackle the exploitation of African children's labour but, as we will now examine, it did provide a space where colonial powers could be challenged on labour issues involving children. The ILO became a vehicle for 'internationalization' in Susan Pedersen's terms, transforming child labour from being the sole responsibility of national and colonial governments to a subject that could be interrogated and debated on a global stage.<sup>76</sup> The tripartite structure of the organization was fundamental, enabling diverse interests, including employers' and workers' organizations and NGOs, to vocalize their views through the ILC and other meetings.<sup>77</sup> This structure also theoretically provided mechanisms for marginalized workers to have their interests represented. The presence of diverse organizations within the ILO triggered open and difficult debates regarding colonialism, child labour and international responsibility. Specifically, workers' representatives and NGOs sought to prevent the erasure of colonized children from debates on childhood employment.

One of the key opportunities for African workers to engage with the ILO was through the trade unions and workers' associations which were forming across the continent during the 1930s. The Labour Union of East Africa (LUEA) wrote letters to the ILO annually to provide information about its work and propose subjects for the ILO's consideration. LUEA was composed solely of adult males and this shaped its aims and activities. Most LUEA letters to the ILO focussed on the grievances of adult workers, from working conditions to wages and colonial suppression of trade union activity. Despite its adult membership and core focus, LUEA also attempted to shape ILO instruments on children's employment. The union discussed child labour at its 1939 conference and adopted the aim of fighting for improved regulation of child labour. The union also called on East African colonial governments to adopt legislation to increase the minimum employment age to 16 years.<sup>78</sup> The intentions behind these moves are not fully explained in the primary material but it is likely that they served a dual purpose, reflecting both a genuine interest in child welfare and a secondary desire to remove the competition that adult workers faced from low-paid child workers.<sup>79</sup> LUEA's approach was also shaped by the ILO, with the minutes for the 1939 conference stating that ILO officials had provided 'advice, encouragement, finance and publicity'.<sup>80</sup> But LUEA's discussion of child labour also went beyond ILO guidance. LUEA linked child labour to the limitations of colonial rule in British East Africa where African children faced significant socio-economic barriers to accessing education. The union also challenged racialized arguments about the 'early maturity' of African children which were deployed by colonialists and

accepted by ILO officials. Trade unions like LUEA thus both benefited from ILO support and used their connections with the ILO to challenge colonial structures of knowledge and power.

Despite this example of mutual exchange, trade union engagement with the ILO was overwhelmingly hierarchical, with access for workers' organizations defined by prevailing power dynamics within the ILO and globally. Trade union representation at the ILO was primarily organized through the International Federation of Trade Unions (IFTU), an organization which was 'International' by name but European dominated. Of the 29 countries represented in the IFTU in 1930, only four were non-European and none were African. This European dominance was exacerbated by the activities of individual trade unions. No British trade unions represented colonial workers. Moreover, Britain's Trade Union Congress campaigned against the IFTU allowing representation from workers in any British colonies.<sup>81</sup> British colonial workers were instead primarily represented by the Colonial Office which, as we have shown, allowed significant modification or non-application of ILO instruments.

Workers' representatives from India also highlighted the implications of colonial labour policies for colonized workers. Despite numerous distinctions between experiences of colonialism within the British Empire, Indian delegates also sought to represent the interests of colonized peoples beyond India.<sup>82</sup> In particular, they used their position within the ILO to speak about the racialization and exploitation of colonized children. At the 1921 ILC, N. M. Joshi criticized the ILO's adoption of lower minimum ages for entry to employment for Indian and Japanese children, arguing that there was no scientific evidence that Asian children matured earlier than children in the West, and that Asian children deserved education and protection.<sup>83</sup> At the 1931 ILC, the Indian workers' advisor, Mr Moodaliar, proposed a universal minimum employment age of 14 years. Challenging the racialized trope of 'tropical childhoods', he asserted that 'the question of the welfare of the child is a universal one, transcending race, class and creed'. Although this proposal didn't succeed, Moodaliar defeated the Indian government delegates' attempts to lower the minimum employment age for 'tropical' children from 12 years to 10. During the same session, Moodaliar linked contemporary child labour practices with British rule, stating that 'alien conquerors' and 'modern civilisation' had destroyed previous social and economic systems which had better protected children.<sup>84</sup> Joshi and Moodaliar thus directly and publicly challenged British colonial authority and questioned Britain's international reputation as a leader in improving workers' and children's rights. Despite the boldness of such workers' representatives, these perspectives failed to persuade the ILO to develop a more critical institutional stance towards colonialism. The ILO instead asserted its 'neutrality' and dismissed these representatives and other colonial critics as 'too political' or 'irrelevant'.<sup>85</sup>

NGOs were also key in pushing the ILO on the issue of colonized children's rights. Some NGOs, such as the Women's International League and the International Council of Women, focussed on children's issues as part of broader campaigns for women's rights.<sup>86</sup> The most sustained and significant lobbying on colonized children's issues was conducted by child-focused

NGOs such as the Save the Children Fund (SCF) and its sister organization the Save the Children International Union (SCIU).<sup>87</sup> Eglantyne Jebb, the co-founder of SCF and SCIU, drafted a 'Declaration of the Rights of the Child' in 1923.<sup>88</sup> Following lobbying from SCIU, the LoN endorsed the Declaration in 1924. The Declaration was international and inclusive in scope and was highly influential in constructing the notion of universal children's rights. On employment, it stated that 'the child must be put in a position to earn a livelihood, and must be protected against every form of exploitation'.<sup>89</sup> The Declaration's universalism challenged the ILO's pluralization of working children's rights along lines of race and nationality. SCIU lobbied the ILO to be more inclusive and to incorporate the principles of universality into its instruments. SCIU also strongly advocated for African child workers, an interest which reflected the broader trend within international humanitarianism in the interwar period discussed above, with African children increasingly visible to and targeted by humanitarians. These developments were instrumental in generating critical and informed debate about children's employment at the international level.

The 1931 International Conference on African Children organized by SCIU was a key moment in the development of international debates on African childhood. The Conference focussed on key issues impacting African children's welfare, including health, education and labour. It took place in Geneva, with attendees from Europe, the United States and Africa, including representatives from metropolitan and colonial governments, missionaries, anthropologists, doctors and ILO representatives. The five African attendees included Jomo Kenyatta, representing the Kikuyu Central Association, and Gladys Casely-Hayford, representing the National Congress of British West Africa.<sup>90</sup>

The Conference provided ILO officials with an opportunity to engage with those working in Africa on children's and labour issues.<sup>91</sup> European missionaries and colonial officials prepared reports on children's employment for the final conference session. In his report, Archdeacon W. E. Owen argued that 'an adequate inspectorate of child labour' should be established in all African colonies to protect African child workers.<sup>92</sup> G. van der Kerken's assessment of government oversight of children's employment in Central Africa was highly critical: 'The legislation in force...is not at present nearly sufficient. It must be increased and developed... it should be based to a certain extent upon similar laws already in force in European countries'.<sup>93</sup> This use of Europe as a model for African development was a common theme at the Conference and simultaneously perpetuated notions of Western superiority whilst challenging the unequal and racialized two-tier system of labour law developed by the ILO.

The five African delegates provided African perspectives on childhood and international approaches towards 'the African child'. Casely-Hayford discussed links between education and employment in Sierra Leone, arguing that education could not be prioritized until there were sufficient skilled employment opportunities for school leavers. Until that time, she said, children were better positioned as labourers within the home or in agriculture, where they could contribute to building the economy and the longer-term goal of developing the educational

system. Casely-Hayford's approach to children's labour was highly gendered, situating girls within the home rather than in public spaces because 'domestic life will always be a woman's chief vocation'. She also argued that girls' domestic labour freed up boys to engage in agricultural employment.<sup>94</sup> Although Casely-Hayford favoured the short-term continuation and extension of children's employment, she argued that African working children should be protected by legislation. She also suggested that the ILO translate its instruments into African languages and distribute these to African recruiters and employers.<sup>95</sup>

The varied contributions and recommendations on African children's employment generated less enthusiasm and interest than the Conference organizers had hoped. The official conference report stated that the 'indifference' of delegates to children's employment hindered the potential for open and productive debate.<sup>96</sup> The ILO's approach lacked enthusiasm and revealed serious shortcomings in its approach. W.H.W Weaver, the ILO representative to the Conference, argued in his opening speech that it was a 'necessity...[that] the evils attendant upon industrialism in our western civilisation are to be avoided in Africa while there is still yet time'.<sup>97</sup> This statement demonstrated how the ILO's approach to labour in Africa was clouded by its focus on industrial development and failed to consider the variety of labour practices and working conditions on the continent. It also suggests that the ILO saw African children's exploitation as a future problem rather than a present-day reality. This misguided approach was demonstrated throughout the session on African children's employment, with discussion focussed on how best to prepare Africans for future changes rather than addressing current problems. Such discussions failed to engage with the critiques and recommendations presented by Owen, van der Kerken and others. These findings clearly support Jean Allman's argument that Conference delegates avoided questions of economic exploitation of African children.<sup>98</sup> Colonial dominance within the ILO shaped its priorities and prevented it from taking alternative viewpoints on board and acting on these to better protect African working children.

The 1931 Conference demonstrates the intransigence faced by NGOs when they challenged the ILO's position on colonized children's employment. This continued throughout the 1930s. In 1938, SCF wrote to Malcolm MacDonald, the British Secretary of State for the Colonies, and to the ILO to enquire about child labour in Kenya. SCF asked specifically why children as young as 10 were permitted to enter contracts of service and were subject to the penal clauses of the 1937 'Employment of Servants Ordinance'.<sup>99</sup> In both internal communications and their reply to SCF, ILO officials in Geneva and London refused to accept SCF's criticisms, instead stressing that the British government was applying the relevant conventions with modifications to suit 'local conditions'.<sup>100</sup> The ILO's response to SCF's enquiries reveals the ILO's continued ambivalence towards child labour in British Africa and its support for colonial power.

Ultimately, the ILO's approach to African children's employment in the interwar period provides unique insights into the development of the organization and its legislation. Debates

over childhood and children's employment within the ILO reveal the strong influence of Britain and other colonial powers within the organization and the prioritization of colonial political and economic interests in the development of international labour law. More than this, our findings reveal how racialized hierarchies of colonial difference took hold within the ILO from the very beginning and were used to justify exceptionalism rather than universalism within the organization and its legislation. This is exemplified by the construction of a two-tier system of working children's rights defined in terms of race and nationality, with children in colonies and the non-industrial world unable to claim the same rights and protections as children in the industrialized West. Our findings also demonstrate how the ILO became an unlikely but important vehicle for critiquing colonial power and the exploitation of colonized children. Whilst colonial authorities sought to shape ILO programmes in ways that would bolster their economic interests, the organization's tripartite structure ensured that worker representatives and NGOs could engage in critical and informed debates about colonial labour policy towards children. These actors also critiqued colonial dominance within the ILO and highlighted the limits of the organization's claims of universality.

The article's findings speak to wider debates about both age and internationalism that are vital to an understanding of international labour history more broadly. They challenge normative assumptions in labour historiography that overlook age, and childhood specifically, as categories of analysis. As we have shown, debates over constructions of childhood were fundamental to the development of international labour laws and organizations in the interwar period. These laws bolstered the powers of colonial and local elites and had direct consequences for colonized working children. Our findings also reveal shortcomings in existing African labour history, demonstrating the importance of children's employment to colonial economies and revealing how international and local pressures shaped colonial labour policies towards children. Finally, our findings provide new perspectives on the development of international organizations during the twentieth century. The ILO was the first international organization to develop and apply international labour norms in both colonial and metropolitan spaces. Our findings show how the ILO's construction of legal exceptions for colonial powers institutionalised and promoted a hierarchical and exclusionary form of internationalism.

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<sup>1</sup> In this article, the term 'child labour' is used to refer to work that was harmful to children's physical and mental development. Not all forms of children's employment involved child labour, and only the latter has tended to be targeted for abolition by intergovernmental organizations, including the International Labour Organization (ILO), and by national governments and non-governmental organizations. For discussion of the terminology on children's employment and relevant scholarly debates, see Allison James, Chris Jenks and Alan Prout, *Theorizing Childhood*

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(New York, NY 1998); and Allison James and James Prout (eds) *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (London 1997).

<sup>2</sup> ILO, *2021 Declared International Year for the Elimination of Child Labour*. Available at: [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_713925/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_713925/lang--en/index.htm) (accessed 14 April 2020). Minimum Age (Industry) Convention, 1919 (No. Five), available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312150:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312150:NO) (accessed 11 May 2020); Worst Forms of Child Labour Convention, 1999 (No. 182), available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312327:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO) (accessed 12 May 2020).

<sup>3</sup> Conventions are legally binding whereas recommendations are non-binding guidelines..

<sup>4</sup> Marianne Dahlén, 'The Negotiable Child. The ILO Child Labour Campaign 1919-1973', unpublished PhD thesis, Uppsala University (2007), 66.

<sup>5</sup> ILO, *ILO Constitution*, Article 35. Accessed at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62\\_LIST\\_ENTRIE\\_ID:2453907:NO#A35](https://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO#A35) (accessed 11 May 2020).

<sup>6</sup> Exceptions include Dahlén, 'The Negotiable Child'; Joëlle Droux, 'From Inter-agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues During the Interwar Years', in S. Kott and J. Droux (eds) *Globalizing Social Rights: The International Labour Organization and Beyond* (Basingstoke 2012), 262-279; and G. K. Lieten, 'The ILO Setting the Terms in the Child Labour Debate', in Jasmien van Daele, Magaly Rodriguez Garcia, Geert van Goethem and Marcel van der Linden (eds) *ILO Histories: Essays on the International Labour Organization and Its Impact on the World During the Twentieth Century* (Bern 2010), 443-460. For a survey of the extensive literature on the ILO, see Jasmien Van Daele, 'The International Labour Organization (ILO) in Past and Present Research', *International Review of Social History*, 53, 3 (2008), 485-511.

<sup>7</sup> Studies include Patricia Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946* (Oxford 2013); Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism* (New York, NY 2007); Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford 2015).

<sup>8</sup> For an overview of historical approaches to age and existing literature, see Corinne T. Field and Nicholas L. Syrett, 'Chronological Age: A Useful Category of Historical Analysis', *American Historical Review*, 125, 2 (2020), 371-384.

<sup>9</sup> For further discussion of the neglect of children in African labour history, see Beverly Grier, 'Child Labor and Africanist Scholarship: A Critical Overview', *African Studies Review*, 47, 2 (2004), 1-25.

<sup>10</sup> African voices rarely feature in the archival sources on which this article is based, with African children's voices entirely absent, and so we draw where possible on existing secondary literature. On the challenges of accessing African children's voices in archives, see Wiseman Chijere Chirwa, 'Child and Youth Labour on the Nyasaland Plantations, 1890-1953', *Journal of Southern African Studies*, 19, 4 (1993), 663; Grier, 'Child Labor and Africanist Scholarship', 13-14; Christopher J. Lee, 'Children in the Archives: Epistolary Evidence, Youth Agency, and the Social Meanings of "Coming of Age" in Interwar Nyasaland', *Journal of Family History* 35, 1 (2010), 25-47.

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<sup>11</sup> Neville Dyson-Hudson, 'The Karimojong Age System', *Ethnology*, 2, 3 (1963), 353-401; Paul Spencer, 'Becoming Maasai, Being in Time', in Thomas Spear and Richard Waller (eds), *Being Maasai: Ethnicity and Identity in East Africa* (Athens, OH 1993), 140–156. More broadly see Corrie Decker, 'A Feminist Methodology of Age-Grading and History in Africa', *American Historical Review*, 125, 2 (2020), 418-426.

<sup>12</sup> For further discussion see Abosede George, *Making Modern Girls: A History of Girlhood, Labor, and Social Development in Colonial Lagos* (Athens, OH 2014); Paul Ocobock, *An Uncertain Age: The Politics of Manhood in Kenya* (Athens, OH 2017); Oyèrónké Oyèwùmí, *The Invention of Women: Making an African Sense of Western Gender Discourses* (Minneapolis, MN 1997); Lynn M. Thomas, *The Politics of the Womb: Women, Reproduction, and the State in Kenya* (Berkeley, CA 2003).

<sup>13</sup> Studies of children's labour in pre-colonial and colonial Africa include Kwabena O. Akurang-Parry, "'The Loads Are Heavier than Usual": Forced Labor by Women and Children in the Central Province, Gold Coast (Colonial Ghana), ca. 1900-1940', *African Economic History*, 30 (2002), 31-51; William Beinart, 'Transkeian Migrant Workers and Youth Labour on the Natal Sugar Estates 1918-1948', *The Journal of African History*, 32, 1 (1991), 41-63; Chirwa, 'Child and Youth Labour'; Grier, 'Child Labor and Africanist Scholarship'; Beverly Carolease Grier, *Invisible Hands: Child Labor and the State in Colonial Zimbabwe* (Portsmouth, NH 2006); Jack Lord, 'Child Labor in the Gold Coast: the economics of work, education and the family in late-colonial Africa, c.1940-57', *The Journal of the History of Childhood and Youth*, 4, 1 (2011), 88-115; Sarah Walters, "'Child! Now you are": Identity Registration, Labor, and the Definition of Childhood in Colonial Tanganyika, 1910–1950', *The Journal of the History of Childhood and Youth*, 9, 1 (2016), 66-86.

<sup>14</sup> Class-based and gendered constructions of childhood developed in Britain during the eighteenth and nineteenth centuries. See Nigel Goose and Katrina Honeyman (eds) *Childhood and Child Labour in Industrial England: Diversity and Agency, 1750-1914* (Abingdon 2016); Eric Hopkins, *Childhood Transformed: Working Class Children in Nineteenth Century England* (Manchester 1994); Jane Humphries, *Childhood and Child Labour in the British Industrial Revolution* (Cambridge 2010).

<sup>15</sup> Studies of childhood and race in British African colonies include S. E. Duff, 'Saving the Child to Save the Nation: Poverty, Whiteness and Childhood in the Cape Colony, c.1870–1895', *Journal of Southern African Studies*, 37, 2 (2011), 229-245; and Will Jackson, 'An Unmistakable Trace of Colour: Racializing Children in Segregation-era Cape Town, 1908-1933', *Past and Present*, 238, 1 (2018), 165-195. For other colonial contexts, see for instance Christina Elizabeth Firpo, *The Uprooted: Race, Children, and Imperialism in French Indochina, 1890–1980* (Honolulu, HI 2016); Shurlee Swain and Margot Hillel, *Child, Nation, Race and Empire: Child Rescue Discourse, England, Canada and Australia, 1850–1914* (Manchester 2010); Owen White, *Children of the French Empire: Miscegenation and Colonial Society in French West Africa, 1895 1960* (Oxford 1999).

<sup>16</sup> It is beyond the scope of this article to explore this dynamic in depth, but for further discussion of the development of colonial law, and the role of African authorities in these processes, see Martin Chanock, *Law, Custom, and Social Order: The Colonial Experience in Malawi and Zambia* (Cambridge, 1985); K. Mann and R. Roberts (eds), *Law in Colonial Africa* (Portsmouth, NH, 1991); R. Roberts, 'Law, Crime and Punishment in Colonial Africa', in John Parker and Richard Reid (eds), *Oxford Handbook of Modern African History* (Oxford, 2013), 171–188.

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<sup>17</sup> On the employment of African children and its impact in British colonial Africa, see Akurang-Parry, “‘The Loads Are Heavier than Usual’”; Beinart, ‘Transkeian Migrant Workers and Youth Labour’; Chirwa, ‘Child and Youth Labour’; Grier, *Invisible Hands*; Lord, ‘Child Labor in the Gold Coast’; Walters, “‘Child! Now you are’”.

<sup>18</sup> Emily Baughan, “‘Every Citizen of Empire Implored to Save the Children!’ Empire, Internationalism, and the Save the Children Fund in Inter-War Britain’, *Historical Research*, 86, 231 (2013), 116-137; Rhian Elinor Keyse, ‘Imperial, International and Local Responses to Early and Forced Marriage in British Colonial Africa, c. 1920-1962’, unpublished PhD thesis, University of Exeter (2019), 70-124; Linda Mahood and Vic Satzewich, ‘The Save the Children Fund and the Russian Famine of 1921-23: Claims and Counter-Claims about Feeding “Bolshevik” Children’, *Journal of Historical Sociology*, 22, 1 (2009), 55-83; Siân Roberts, ‘Exhibiting Children at Risk: Child Art, International Exhibitions and Save the Children Fund in Vienna, 1919-1923’, *Paedagogica Historica*, 45, 1-2 (2009), 171-190.

<sup>19</sup> George, *Making Modern Girls*, 19, 64-72.

<sup>20</sup> We use the term ‘colony’ both to refer to territories which were administered as colonies and as a catch all term to refer to territories which were administered as colonies, protectorates or else were non-self-governing.

<sup>21</sup> Maul, Puddu and Tijani, ‘The International Labour Organization’, 225-226.

<sup>22</sup> ILO, *Conférence Internationale du Travail, VIII Session, Vol II* (Geneva 1926), 427; ILO, *Conférence Internationale du Travail, XII Session, Vol 2* (1929); International Labour Organization archives (hereafter ILO archives), N206/4/25, Observations on the reports on forced labour classified under the ILO code number of countries 1931 - The British Colonial Office; ILO archives, L12/12/10, Child Welfare Committee, Seventh Session, 1931.

<sup>23</sup> *Record of Proceedings, ILC, First Session, 1919, League of Nations*, 50-51, 92, 94, as cited in Janice R. Bellace and Beryl ter Haar (eds) *Research Handbook on Labour, Business and Human Rights Law* (Cheltenham 2019), 255-256.

<sup>24</sup> ILO archives, Minimum Age for Children 1931, Minimum Age Conventions 1931, 182.

<sup>25</sup> Zanzibar National Archives AD 21/3, Director of Education to editor, *Zanzibari*, 1 October 1942, as cited in Corrie Decker, ‘The Elusive Power of Colonial Prey: Sexualizing the Schoolgirl in the Zanzibar Protectorate’, *Africa Today*, 61, 4 (2015), 52.

<sup>26</sup> ILO archives, D600/2010/06, Revision of the Minimum Age Convention 1936-1937.

<sup>27</sup> The Convention regulating children’s employment at sea was amended to reflect these ideas. Minimum Age (Sea) Convention (Revised), 1936 (No. 58), Article 2. Available At: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312203:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312203:NO) (accessed 11 May 2020).

<sup>28</sup> International Labour Conference, Twenty-Third Session, Geneva. Record of Proceedings (1937), 343, as cited in Dahlén, ‘The Negotiable Child’, 236.

<sup>29</sup> Walters, “‘Child! Now you are’”, 71.

<sup>30</sup> ILO, *Conférence Internationale du Travail, VIII Session, Vol II* (Geneva 1926), 438; ILO archives, Minimum Age for Children 1931, Minimum Age Conventions 1931, 182.

<sup>31</sup> ILO, *Conférence Internationale du Travail, VIII Session, Vol II* (Geneva 1926), 438.

<sup>32</sup> ILO, *Conférence Internationale du Travail, VIII Session, Vol II* (Geneva 1926), 427.

<sup>33</sup> Walters, “‘Child! Now you are’”, 66.

<sup>34</sup> Field and Syrett, ‘Chronological Age’, 377.

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- <sup>35</sup> ILO archives, D600/2010/06, Revision of the Minimum Age Convention 1936-1937, note from Mr Mortished.
- <sup>36</sup> See for instance Walters, “‘Child! Now you are’”, 71; Grier, *Invisible Hands*, 113-122, 129-134.
- <sup>37</sup> ILO archives, D600/2010/06, Revision of the Minimum Age Convention 1936-1937, note from Mr Mortished.
- <sup>38</sup> *ILO Constitution*, Article 19.
- <sup>39</sup> *ILO Constitution*, Article 35.
- <sup>40</sup> Convention Five, Articles Five and Six.
- <sup>41</sup> ILO, *Report of the Commission on Maritime Questions* (Geneva 1921), 762-3, as cited in Dahlén, ‘The Negotiable Child’, 172.
- <sup>42</sup> League of Nations archives (hereafter LoN), R4661/11B/428, Advisory Committee for the Protection and Welfare of Young People – General (1933-1936).
- <sup>43</sup> Dipesh Chakrabarty, *Provincialising Europe: Postcolonial Thought and Historical Difference* (Princeton, NJ, 2000), 22.
- <sup>44</sup> Keyse, ‘Imperial, International and Local Responses’, 72, 78-79, 83, 87, 105, 113-115, 123.
- <sup>45</sup> ILO, *Conférence Internationale du Travail, VIII Session, Vol II*, 430.
- <sup>46</sup> ILO archives, Minimum Age for Children 1931, Minimum Age Conventions 1931, 182, 203-204.
- <sup>47</sup> For Francophone examples see Martin Thomas, *The French Empire Between the Wars: Imperialism, Politics and Society* (Manchester 2005
- <sup>48</sup> Grier, *Invisible Hands*, 129-130.
- <sup>49</sup> Beinart, ‘Transkeian Migrant Workers and Youth Labour’, 44, 48-53.
- <sup>50</sup> Walters, “‘Child! Now you are’”, 76-77.
- <sup>51</sup> ILO archives, I/4076/1, letter from V. M. Fisher to A. Thomas, 15 August 1927.
- <sup>52</sup> ILO archives, I/4076/1, minute sheet with notes from various officials on 14 September 1927.
- <sup>53</sup> ILO archives, I/4076/1, draft telegram from Albert Thomas, undated.
- <sup>54</sup> Grier, *Invisible Hands*, 111-159.
- <sup>55</sup> *Ibid*, 116-117.
- <sup>56</sup> Walters, “‘Child! Now you are’”, 69, 72, 80-81.
- <sup>57</sup> House of Commons, *Hansard’s Parliamentary Debates*, 1 June 1938, vol. 336, cols. 2024-8. Available at: <https://api.parliament.uk/historic-hansard/commons/1938/jun/01/african-colonies-employment-of-children> (accessed 11 May 2020).
- <sup>58</sup> O. Ooko-Ombaka, ‘The Law and Child Labour in Kenya: 1900-1980s’, *Journal of Eastern African Research and Development*, 13 (1983), 173-174.
- <sup>59</sup> House of Commons, *Hansard’s Parliamentary Debates*, 1 June 1938, vol. 336, cols. 2024-8.
- <sup>60</sup> See for instance Walters, “‘Child! Now you are’”, 76-77.
- <sup>61</sup> Todd Cleveland, ‘Minors in Name Only: Child Laborers on the Diamond Mines of the Companhia de Diamantes de Angola (Diamang), 1917-1975’, *Journal of Family History*, 35, 1 (2010), 92.
- <sup>62</sup> Field and Syrett, ‘Chronological Age’, 377.
- <sup>63</sup> David M. Anderson, ‘Policing, Prosecution and the Law in Colonial Kenya, c. 1905-1939’, in David M. Anderson and David Killingray (eds) *Policing the Empire: Government, Authority, and Control, 1830-1940* (Manchester, 1991), 183-200; and Justin Willis, ‘Thieves, Drunkards and Vagrants: defining crime in colonial Mombasa, c. 1902-1932’, in David M. Anderson and David Killingray (eds) *Policing the Empire: Government, Authority, and Control, 1830-1940* (Manchester, 1991), 219-235.

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- <sup>64</sup> ILO archives, Minimum Age for Children 1931, Minimum Age Conventions 1931, 182.
- <sup>65</sup> On education and literacy in British colonial Africa, see Lord, 'Child Labor in the Gold Coast', 92-98; Carol Summers, *Colonial Lessons: Africans' Education in Southern Rhodesia, 1918-1940* (Portsmouth NH, 2002); Carol Summers, 'Education and Literacy', in John Parker and Richard Reid (eds) *The Oxford Handbook of Modern African History* (Oxford 2013), 319-337.
- <sup>66</sup> David M. Anderson, 'Master and Servant in Colonial Kenya', *The Journal of African History*, 41, 3 (2000), 459.
- <sup>67</sup> Minimum Age (Agriculture) Convention, 1921 (No. 10), available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312155:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312155:NO) (accessed 12 May 2020); Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14), available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312352:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312352:NO) (accessed 11 May 2020).
- <sup>68</sup> Chirwa, 'Child and Youth Labour', 677-678; Grier, *Invisible Hands*, 20; and Walters, "'Child! Now you are'", 75-76.
- <sup>69</sup> Convention 14; Night Work of Young Persons (Industry) Convention, 1919 (No. 6), available at: [http://www.ilo.ch/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100\\_ILO\\_CODE:C006:NO](http://www.ilo.ch/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C006:NO) (accessed 11 May 2020).
- <sup>70</sup> ILO archives, Minimum Age for Children 1931, Minimum Age Conventions 1931, 204.
- <sup>71</sup> Walters, "'Child! Now you are'", 74.
- <sup>72</sup> Chirwa, 'Child and Youth Labour', 677.
- <sup>73</sup> Ibid.
- <sup>74</sup> Beniart, 'Transkeian Migrant Workers and Youth Labour', 40, 56-57.
- <sup>75</sup> Walters, "'Child! Now you are'", 80.
- <sup>76</sup> Pedersen, *The Guardians*, 4-5.
- <sup>77</sup> Lars Thomann, 'The ILO, Tripartism and NGOs: Do too many cooks really spoil the broth?', in J. Steffek, C. Kissling and P. Nanz (eds) *Civil Society Participation in Europe and Global Governance* (London 2008), 71.
- <sup>78</sup> ILO archives, D1081.3, 'Record of proceedings for the Third Annual Conference of the Labour Trade Union of East Africa (22nd July, 1939), 6-8.
- <sup>79</sup> The competitive justification for trade union campaigning on child labour has been discussed in Edward van Daalen and Karl Hanson, 'The ILO's Shifts in Child Labour Policy: Regulation and Abolition', *International Development Policy/Revue internationale de politique de développement*, 11 (2019), 140.
- <sup>80</sup> ILO archives, D1081.3, 'Record of proceedings for the Third Annual Conference of the Labour Trade Union of East Africa', 5.
- <sup>81</sup> Geert van Goethem, *The Amsterdam International: the world of the International Federation of Trade Unions (IFTU), 1913-1945* (Aldershot 2006), 26.
- <sup>82</sup> N. N. Kaul, *India and the International Labour Organization* (New Delhi 1956); Gerry Rodgers, 'India, the ILO and the Quest for Social Justice since 1919', *Economic and Political Weekly*, 46, 10 (2011), 47.
- <sup>83</sup> Dahlén, 'The Negotiable Child', 175-176.
- <sup>84</sup> International Labour Conference, 'Age of Admission of Children: Report of Committee and Discussion', *Fifteenth Session: Record of Proceedings* (Geneva, 17th June, 1931), 436, 438.

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<sup>85</sup> Ibid, 442.

<sup>86</sup> ILO archives, N206/1/1/1, Native Labour, Correspondence with the International Council of Women, London; ILO archives, WN/1000/6/10, Women's Questions: Women's International League (British section of the Women's International League for Peace and Freedom) - Conference on Forced Labour, 1927, London.

<sup>87</sup> ILO archives, D600/406/9/8, Save the Children International Union – Conference on the African Child; ILO archives, Y/7/0/1, Child Labour Young Persons - Save the Children Fund Great Britain (UK). On the history of the Save the Children Fund and the Save the Children International Union see <https://www.savethechildren.org.uk/about-us/our-history> (accessed 1 April 2020); Baughan, "Every Citizen of Empire Implored to Save the Children!", 116-137; Linda Mahood, *Feminism and Voluntary Action: Eglantyne Jebb and Save the Children, 1876–1928* (Basingstoke 2009).

<sup>88</sup> On the origin and drafting of the Declaration, see Mahood, *Feminism and Voluntary Action*, chapter 10.

<sup>89</sup> Office of the United Nations High Commissioner for Human Rights, *Legislative History of the Convention on the Rights of the Child*, Vol. 1 (Geneva 2007), 3.

<sup>90</sup> The other African delegates were J. W. de Graft Johnson and Olutunu Tuboku-Metzger, also representing the National Congress of British West Africa, Sierra Leone branch, and Henry Carr, an educator and administrator from Nigeria. A full list of conference delegates can be found in Evelyn Sharp, *The African Child: An Account of the International Conference on African Children, Geneva* (London 1931), 98-108.

<sup>91</sup> Save the Children Fund archives (hereafter SCF), 'Proceedings of the International Conference on African Children, Geneva, June 22-25, 1931', 77-90.

<sup>92</sup> SCF, 'Proceedings of the International Conference on African Children', The Ven. Archdeacon W.E. Owen, 'General Conditions of Work for Children and Adolescents and the Protection of Children at Work - East Africa', (Geneva 1931), 6.

<sup>93</sup> Sharp, *The African Child*, 70

<sup>94</sup> SCF, 'Proceedings of the International Conference on African Children', 110.

<sup>95</sup> Sharp, *The African Child*, 89.

<sup>96</sup> Ibid, 72.

<sup>97</sup> Ibid, 70.

<sup>98</sup> Jean Allman, 'Making Mothers: Missionaries, Medical Officers and Women's Work in Colonial Asante, 1924- 1945', *History Workshop*, 38 (1994), 23-24.

<sup>99</sup> ILO archives, Y/7/0/1, letter from V de Bunsen to M. MacDonald, 13 July 1938; ILO, Y/7/0/1, letter from E. Fuller to R. K Burge, 13 July 1938.

<sup>100</sup> ILO archives, Y/7/0/1, letter from R. K. Burge to E. Fuller, 21 July 1938, letter from C. W. H. Weaver to R. K. Burge, 19 July 1938.