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ANNA HOLZSCHEITER

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# Representation as power and performative practice: Global civil society advocacy for working children

ANNA HOLZSCHEITER\*

**Abstract.** This article analyses global civil society advocacy in the field of child labour through the lens of theories on political representation in global governance. The article is sympathetic to newer theories on political representation which, fundamentally, understand representation as a dialectic of performative practices between representatives and their real or imagined constituencies. However, the article argues that the contemporary literature on political representation turns a blind eye on two aspects that are central to understanding this dialectic of representation in the child labour case: first, representation as power and second, the contested nature of citizenship. The article thus proposes an approach to political representation that allows highlighting the power-dimension inherent to the interrelation between formal and performative aspects of representation, that is, between civil society actors' power to represent and their power over representation. Using such an approach, the article presents empirical insights on CSO representation in global policymaking on child labour – a field in which conflicts over legitimate representation, citizenship, and grassroots participation continue to be exceptionally fierce.

**Anna Holzscheiter** is Assistant Professor of Political Science and International Relations at the Freie Universität Berlin and Head of the Junior Research Group 'Governance for Global Health', a joint research unit of Social Science Research Centre Berlin and Freie Universität Berlin. During the academic year 2014–15 she has been John F. Kennedy Fellow at the Center for European Studies at Harvard University. Her current research focuses on the power and changing role of non-state actors in world politics as well as on emerging governance architectures in global health. She is an expert on human rights issues, particularly international law in the field of child protection and children's rights.

## Introduction

The ascent and mushrooming of civil society actors is still seen as the most visible sign of a power-adjusted global public sphere in which many state actors and intergovernmental institutions succumb to the unyielding force of local, national, and transnational societal activism.<sup>1</sup> For a long time, civil society organisations (CSOs)

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<sup>1</sup> See Jan Aart Scholte, 'Civil society and democracy in global governance', *Global Governance*, 8:3 (2002), pp. 281–304; Jan Aart Scholte, 'Civil society and democratically accountable global governance', *Government and Opposition*, 39:2 (2004), pp. 211–33; Jan Aart Scholte, *Building Global Democracy? Civil*

were cherished as perhaps the most important altruistic norm-entrepreneurs in international relations contributing to behavioural changes in both domestic and international politics. Newer scholarship, however, has subjected CSOs to a more critical scrutiny in terms of the foundations of their moral authority, the often considerable power they wield in international politics, and the competition for resources and authority that affects CSOs' access to the institutions of global governance.<sup>2</sup> In this vein, a number of studies have dared to picture CSOs as strategic actors embedded in a relief and advocacy market in which they trade with material and symbolic capital.<sup>3</sup> Such a refocusing of the debate on CSOs has not only led to a demystification of the 'conscience of the world'<sup>4</sup> – it also points to the constraints of the manifold social fields in which CSOs operate, the mounting pressures from donors they are subjected to and the increasingly competitive tendencies in overcrowded areas of activism with which they have to cope.<sup>5</sup> As this article seeks to show, the struggle for representational power is a central facet of these dynamics.

The article ties in with contemporary scientific interest in one of the most elemental power sources of globally influential advocacy CSOs – the representation of interests and concerns of others. Thus, it is embedded in the larger debate on the democratic credentials of CSOs.<sup>6</sup> The article proposes a theoretical approach to representational power in global governance that stems from a cross-fertilisation between contemporary theories on political representation as performative practice on the one hand and new avenues in thinking about power in global governance on the other.<sup>7</sup>

The inclusion of CSOs in intergovernmental organisations is rightfully seen as an increase in the representativity and public accountability of these international institutions. However, it has been all too easily assumed that a numerical growth of

*Society and Accountable Global Governance* (Cambridge: Cambridge University Press, 2011); B. Maragia, 'Almost there: Another way of conceptualizing and explaining NGOs' quest for legitimacy in global politics', *Non-State Actors and International Law*, 2:3 (2002), pp. 301–32; Vivienne Collingwood, 'Non-governmental organisations, power and legitimacy in international society', *Review of International Studies*, 32:3 (2006), pp. 439–54.

<sup>2</sup> Peter Gourevitch, David A. Lake, and Janice Gross Stein, *The Credibility of Transnational NGOs: When Virtue is Not Enough* (Cambridge: Cambridge University Press, 2012).

<sup>3</sup> A. Cooley and J. Ron, 'The NGO scramble: Organizational insecurity and the political economy of transnational action', *International Security*, 27:1 (2002), pp. 5–39; P. J. Simmons, 'Learning to live with NGOs', *Foreign Policy*, 112 (1998), pp. 82–96.

<sup>4</sup> Peter Willets, *The Conscience of the World* (Washington: The Brookings Institution, 1996).

<sup>5</sup> A. Bebbington, 'Donor-NGO relations and representations of livelihood in nongovernmental aid chains', *World Development*, 33:6 (2005), pp. 937–50.

<sup>6</sup> Eva Erman and Anders Uhlin, *Legitimacy Beyond State?: Re-examining the Democratic Credentials of Transnational Actors* (Basingstoke: Palgrave Macmillan, 2010); Paul J. Nelson, 'Agendas, accountability, and legitimacy among transnational networks lobbying the World Bank', in Sanjeev Khagram, James V. Riker, and Kathryn Sikkink (eds), *Restructuring World Politics. Transnational Social Movements, Networks, and Norms* (Minneapolis: University of Minnesota Press, 2002), pp. 131–54; Scholte, *Building Global Democracy?*; David Chandler, 'Building global civil society from below?', *Millennium*, 33:2 (2004), pp. 313–39; M. Ottaway, 'Corporatism goes global: International organizations, nongovernmental organization networks, and transnational business', *Global Governance*, 7:3 (2001), pp. 265–92; Nancy Fraser, 'Transnationalizing the public sphere on the legitimacy and efficacy of public opinion in a post-Westphalian world', *Theory, Culture & Society*, 24:4 (2007), pp. 7–30.

<sup>7</sup> In her research on civil society within the European Union, Kohler-Koch for example, argues that the discourse on representation is largely absent from the overall debate on diminishing the democratic deficit through inclusion of civil society actors. See Beate Kohler-Koch, *Efficient and Democratic Governance in a Multi-Level Europe* (Mannheim: 2008). Similarly, Dubash claims that in scholarship discussing the link between deliberation and legitimacy issues of representation are absent. N. K. Dubash, 'Global norms through global deliberation: Reflections on the world commission on Dams', *Global Governance*, 15:2 (2009), pp. 219–38.

CSOs would automatically result in a diversification of opinions, worldviews and voices, and a steadily increasing global societal pluralism. After years of observing the dynamics of CSO participation in global governance structures, we now know pluralisation has its limits, particularly when it comes to increasing genuine participation of organisations from the global South,<sup>8</sup> of those coming in unorthodox organisational forms that do not correspond to the conventional design of an 'NGO',<sup>9</sup> or of those addressing contentious issues such as sexual identity or reproductive rights. A number of seminal empirical studies have alerted us to the fact that despite unprecedented possibilities for CSOs to be involved in international organisations, networks and events, there are exclusionary mechanisms and structural inequalities at work that benefit some CSOs more than other. These include the unequal distribution of material resources as much as inclusion/exclusion resulting from formal systems of accreditation or the mastering of globally accepted terminologies of advocacy and relief.<sup>10</sup>

In this article, I aim to contribute to the burgeoning interest in the origins and effects of power asymmetries between CSOs and other societal actors in global governance. Building on theories of political representation as performative practice, the article suggests moving beyond a prevailing narrow focus on the unequal social positioning of CSOs within institutions of global governance. Instead, the article broadens the analytical gaze on the representational power of CSOs by pointing to the exclusionary effects of performative practices through which privileged CSOs seek to consolidate their representational authority *vis-à-vis* constituencies that are reclaiming representational power from them. The article thus, elaborates on the nexus between a formal entitlement to representation on the one hand and the constitutive effects of performative acts of representation on the other. To this end, it builds on Michael Saward's prominent theory of the 'representative claim'.<sup>11</sup> I contend that as much as Saward's political theory on representation highlights the performative aspects relevant to the empirical study of representation, it is strangely silent on the exclusionary effects of representational power, particularly when they result from performative practices that draw the boundaries between legitimate and illegitimate authors of representative claims, between citizens and non-citizens. In contrast, while International Relations (IR) theory has made significant advances in thinking about power and exclusion in global governance, its understanding of performative aspects of representation remains to date undertheorised. Hence, the article develops an approach that combines the strengths of Saward's theory on political representation with multidimensional theories on power in global governance.

In order to demonstrate the potential of such an approach, the article engages with advocacy CSOs involvement in global policymaking on child labour. Child labour is a

<sup>8</sup> Nelson, *Agendas, Accountability and Legitimacy*; Warren Nyamugasira, 'NGOs and advocacy: How well are the poor represented?', *Development in Practice*, 8:3 (1998), pp. 279–308; D. L. Carr and Emma S. Norman, 'Global civil society? The Johannesburg world summit on sustainable development', *Geoforum*, 39:1 (2008), pp. 358–71.

<sup>9</sup> Sonia E. Alvarez, 'Translating the global: Effects of transnational organizing on local feminist discourses and practices in Latin America', *Meridians: Feminism, Race, Transnationalism*, 1:1 (2000), pp. 29–67; Islah Jad, 'NGOs: Between buzzwords and social movements', *Development in Practice*, 17:4 (2007), pp. 34–43.

<sup>10</sup> Monika Krause, *The Good Project: Humanitarian Relief NGOs and the Fragmentation of Reason* (Chicago: University of Chicago Press, 2014); Jan Aart Scholte, 'A more inclusive global governance? The IMF and civil society in Africa', *Global Governance*, 18:2 (2012), pp. 185–206.

<sup>11</sup> Michael Saward, *The Representative Claim* (Oxford: Oxford University Press, 2010).

field with persistently strong ideological rifts and a history of struggles over legitimate participation and representation between charitable, abolitionist CSOs from industrialised countries and child worker organisations from the global South. While the child labour case may serve as a proxy for the typical confrontation between Northern and Southern CSOs, it is arguably more convoluted as it also involves struggles between adults/citizens and children/not-yet-citizens. The claims of the latter for representational power continue to be deeply antagonised by different transnationalised fractions, notably adult workforce trade unions and transnational networks such as the Global March Against Child Labour.

The article analyses struggles over rightful representation in this field by shedding light on the social and discursive practices with which these different factions have sought to establish their representative claim *vis-à-vis* third actors, particularly state representatives, within institutions of global governance. By studying the representation of children as claim-making within global governance institutions, the analysis reveals two things. First, that claims to legitimate representation in global governance are intertwined with questions of political citizenship. Second, it also exposes how traditionally powerful CSOs seek to reposition themselves and their representative authority in the face of ever fiercer and more organised opposition of their 'imagined constituencies'. These shifts in discursive and performative practices, I argue, point to changing identities of both the representers and the represented and, once more, highlight the contingent nature of the dialectic relationship between political representatives and their constituencies. The article concludes that, at present, those CSOs considered to be powerful actors in the global governance of child labour are sitting squarely between a historical legacy of altruistic protectionism (Northern charities) and self-interested abolitionism (trade unions) on the one hand and the recognition and promotion of the human rights, agency, and empowerment of children on the other.

### **Non-state actors and representational power in global governance**

To date, research on global civil society and representational power has predominantly focused on power asymmetries between state and non-state representatives in international institutions and forums. As a consequence, existing empirical analyses have been preoccupied mostly with the formal access of CSOs to international organisations, the deliberative space provided to them and their possibilities to influence state-dominated policymaking.<sup>12</sup> Much less emphasis has been placed on the exclusionary aspects of CSO participation in global governance and the competition for legitimacy, authority, and representational power *among* CSOs that accompanies the increasing openness of international organisations to societal actors.<sup>13</sup> Even studies that analyse

<sup>12</sup> Jens Steffek, Claudia Kissling, and Patrizia Nanz, *Civil Society Participation in European and Global Governance: A Cure for the Democratic Deficit?* (Basingstoke: Palgrave Macmillan, 2007); Christer Jönsson and Jonas Tallberg, *Transnational Actors in Global Governance: Patterns, Explanations, and Implications* (Basingstoke: Palgrave Macmillan, 2010); Rodger A. Payne and Nayef H. Samhat, *Democratizing Global Politics. Discourse Norms, International Regimes, and Political Community* (Albany: SUNY Press, 2004); Jonas Tallberg, Theo Sommerer, Theresa Squatrito, and Christer Jönsson, *The Opening Up of International Organizations: Transnational Access in Global Governance* (Cambridge: Cambridge University Press, 2013).

<sup>13</sup> For exceptions see Clifford Bob, *The Marketing of Rebellion. Insurgents, Media, and International Activism* (New York: Cambridge University Press, 2005); Shareen Hertel, *Unexpected Power: Conflict and Change among Transnational Activists* (Ithaca/London: Cornell University Press, 2006); Kristina

power asymmetries among CSOs focus on formal dimensions of representational power rather than the social and discursive practices of representation through which CSOs seek to buttress their authority in an increasingly competitive global civil society.<sup>14</sup> Therefore, a study of representational power of CSOs that looks at both formal *and* performative dimensions of representation appears to be particularly warranted.

### *What is representational power?*

Representation is as much the ‘fact that someone stands in place of another thing or person’ as it is this person’s act and ability to place ‘a fact before another or others by means of discourse’ (OED). Contemporary theories on political representation incorporate both of these propositions insofar as their engagement with the social and discursive processes of representation conceptualise it as a dynamic, co-constitutive process between different persons or entities that actively make representative claims or legitimise them.<sup>15</sup> Saward, in his widely noted theory on political representation, sees representation as an active and ongoing process of claim-making and claim-taking.<sup>16</sup> This perspective fundamentally rejects the idea of an electoral representative who has a clear idea of the interests of her constituency and represents these interests accordingly. Rather, such a contingent, dialectic conceptualisation of representation builds on the assumption that claims to legitimate representation need constant (re-)approval by a real or imagined constituency. The actual performances of claim-making are productive because through this ongoing process of claim-making and claim-taking the identities of both the representatives and the represented are constituted.

To conceive of representation as a contingent process of claim-making that incorporates different audiences for these claims constitutes a big leap in conceptualising (and also justifying!)<sup>17</sup> political representation by non-elective persons and entities such as CSOs. However, it appears that the theories discussed above turn a blind eye to two major aspects that are crucial for a critical inquiry into political representation through CSOs in global governance: First, representation not only as practice but also as a form of power and second, the problematic relationship between political representation and citizenship. Let me expand on both of these points.

In a nutshell, representation is a form of power to the extent that it encompasses the possibility and authority to express, defend, and advocate for the wishes and interests of others without their immediate involvement or control. Political representation therefore implies formal *empowerment* of someone, that is, their recognition as agents who advocate and act in the interests of others. Such empowerment happens in different ways: it can be observably conferred from constituencies to representatives by explicit authorisation (for example, election). It can happen through regular reporting to ‘policy takers’ and receiving approval from them (structures and mechanisms of accountability) or simply through tacit consent of

Hahn and Anna Holzscheiter, ‘The ambivalence of advocacy: Representation and contestation in global NGO advocacy for child workers and sex workers’, *Global Society*, 27:4 (2013), pp. 497–520.

<sup>14</sup> Carr and Norman, ‘Global civil society?’.

<sup>15</sup> Enrique Peruzzotti, ‘Democratic credentials or bridging mechanisms? Constituents, representatives, and the dual politics of democratic representation’, in Erman and Uhlin (eds), *Legitimacy Beyond the State? Re-Examining the Democratic Credentials of Transnational Actors* (Houndmills: Palgrave Macmillan, 2010), pp. 153–72; Saward, *The Representative Claim*.

<sup>16</sup> Saward, *The Representative Claim*.

<sup>17</sup> Peruzzotti, ‘Democratic credentials or bridging mechanisms?’

the constituency. Or, in many cases, and particularly where constituencies are remote or dispersed or where they are considered to be unable or incapable of approving such representational authority, it is simply assumed by those representing. CSOs may assume *interim* empowerment<sup>18</sup> when their objective lies in empowering their constituency in the long run and, consequently, disempowering themselves. Or, in fact, they may claim *auto-empowerment* in cases where their constituency is taken to be permanently incapable of representation. No matter how formal empowerment is justified, it is always coupled with performative<sup>19</sup> power as the power of choosing from a range of discursive practices through which the ‘cause’ or the ‘constituency’ is being represented.<sup>20</sup> This leads me directly into my second point of critique concerning contemporary approaches to political representation: the unquestioned nature of citizenship and its implications for non-elective forms of representation.

Acknowledging the importance of including the role of the constituency in political representation has been an important scholarly advancement. It calls for empirical inquiry into how an ‘imagined’<sup>21</sup> constituency is constructed through representative claim-making – and also into the ways in which real constituencies respond to such claim-making. Notwithstanding this theoretical refinement, an implicit but strong assumption regarding the nature of constituencies is that they are made up of *political* citizens. A true representative relationship between claim-makers and constituency, thus, only exists between political citizens, no matter if these are located at national, local, or even global levels. With this tacit assumption regarding representation as the representation of political citizens comes the implication that a constituency is composed of people who are legally acknowledged as political citizens; in the case of this article, adults who are at least theoretically capable to vote or approve of the authority of representatives in other ways.

Following this train of thought, my core argument is that a comprehensive theory on political representation as power and performance must embrace such performative practices through which the represented constituency is defined in the first place. In other words, addressing the power-dimensions of representation as performative practice exhibits how the boundaries are drawn between legitimate and illegitimate constituencies, between citizens who are capable of conferring representative authority and non-citizens who are not. To be fair, Saward acknowledges exclusion, but only insofar as it relates to the formal aspect of representation, that is exclusion through rules and procedures inherent to political institutions. By bringing both issues – power and citizenship – into the picture, an expanded theory on political representation in global governance can account for the discursive practices through which CSOs participating in international policymaking seek to legitimise *interim* or *auto-empowerment*. They often do so by defining their constituencies as non-citizens, that is, as persons and groups not or not yet able to be claim-makers and claim-takers. The exclusionary nature of representation is thus stretched to cover not only structural exclusion in political institutions but also the

<sup>18</sup> *Ibid.*, p. 163.

<sup>19</sup> The notion of performativity goes back to classical speech-act theory and relates to the productive force of speaking, that is, the effects that a specific linguistic representation of the world has on individuals’ perception of social reality and the ways in which they react towards it. See John L. Austin, *How To Do Things with Words* (Oxford: Clarendon, 1975).

<sup>20</sup> J. S. Dryzek and S. Niemeyer, ‘Discursive representation’, *American Political Science Review*, 102:4 (2008), pp. 481–93.

<sup>21</sup> Saward, *The Representative Claim*, p. 51.

claim-making practices through which asymmetrical power relationships between representatives and represented are buttressed.

*Analysing CSOs' representational power in global governance*

A comprehensive analysis of the co-constitutive relationship between formal and performative aspects of CSOs' representational power in global governance needs a multidimensional framework to capture the 'production, in and through social relations, of effects that shape the capacities of actors to determine their circumstances and fate'.<sup>22</sup> In their seminal contribution to IR thinking on power, Barnett and Duvall encourage us to examine both the 'kinds of social relations through which power works as well as the specificity of the social relations through which power's effects are produced'.<sup>23</sup> Such an extended theory on power in global governance builds on the co-constitution of interactionist and constitutive dimensions of power.<sup>24</sup> It implies the exposition of the co-constitutional relationship between the social positioning of actors and their ability to make representative claims. Thus, the positioning of actors within a social environment affects the performative room for manoeuvring available to them – their performative acts of representation within that social environment, in turn, impact their social positioning. The representational power of CSOs is therefore both produced by the specific institutional histories, structures and discourses of a policy field *and* productive of their identities and those of others.<sup>25</sup>

To put it differently: representation is as much about the object/person/issue/cause represented as it is about securing the representational authority of the representative. An empirical investigation of representational power therefore necessitates an examination of how actors are positioned in relation to others – their *power to* – as well as their social and discursive interactions in which we may observe their influence – their *power over* – in order to fully account for the constitutive effects of representation. We can then understand and critically review the actions and strategies of political representation that CSOs employ in order to gain and keep representational power from a sociological standpoint that takes into account the complex social dynamics and institutionalised practices that shape different fields of transnational activism and advocacy. What is more, a study of the co-constitutional relationship between formal and performative representational power is warranted

<sup>22</sup> Michael N. Barnett and Raymond Duvall, *Power in Global Governance* (Cambridge: Cambridge University Press, 2005), p. 3. Much constructivist theorising on power in international politics emphasises the relevance of incorporating institutional arrangements into an analysis of power, following suit of sociological institutionalism's mission to fully grasp how institutions enable and constrain the behaviour of individuals and how actors perpetuate or transform institutions. Bourdieu's theory on social fields which define speaking positions for actors operating within this field has been a source of inspiration for those IR scholars who have sought to contextualise the play of power in actors' communicative exchange – and to show that material and symbolic power cannot be dissociated from each other. Institutions have thus emerged as a core 'source' of power, conferring authority to specific authors simply by means of their position within institutional arrangements; see Barnett and Duvall, *Power in Global Governance*, p. 16.

<sup>23</sup> *Ibid.*, p. 12

<sup>24</sup> Michael N. Barnett and Raymond Duvall, 'Power in international politics', *International Organization*, 59:1 (2005), p. 42.

<sup>25</sup> See, for example, Mato's research on the 'making of' indigenous identities in Latin America through transnational activism. Daniel Mato, 'Transnational networking and the social production of representations of identities by indigenous peoples' organizations of Latin America', *International Sociology*, 15:2 (2000), pp. 343–60.



with regard to addressing the mechanisms of inclusion and exclusion that characterise political representation in global governance. The question of how some CSOs acquire representational power within the institutions of global governance is intimately tied to their ability to secure funds that allow (meaningful) participation in the first place as well as the immaterial resources (legitimacy; knowledge) that determine the extent to which their representational claims are endorsed by states within these institutions.<sup>26</sup> The latter are a product of social relationships between CSOs and states, inasmuch as the acknowledgment of CSOs' representational claims may result from their historical relationship with states, their recognition as experts, or last but not least their ability to make claims that are consistent with frames acceptable to their intended audience (states). Both Michel Foucault and Anthony Giddens remind us that it is also on this immaterial level that exclusion is at work, inasmuch as the structures of signification underlying representational claims are also structures of domination.<sup>27</sup> Representational power is thus intimately tied to discourse in both of its dimensions: the *power to represent* determines who is acknowledged as a legitimate participant or author in a discourse (according to Foucault the privileged right to speak of certain subjects), the *power over* representation works through discourse inasmuch as discourse defines the boundaries of what is acceptable, thinkable, and speakable.<sup>28</sup>

As the case study on child labour below will show some CSOs have been successful in making their claims meaningful and acceptable to those actors (states) with the authority to grant access and speaking rights. These claims were tapping into an image of the child that continues to be dominant in international politics (and thus among the majority of Member States in international organisations): the image of the child as a passive and vulnerable human-being who should be protected not only from harm and exploitation but also from the responsibilities and duties associated with most kinds of work. The claim to legitimate representation, thus, was built on the exclusion of a threatening idea of the working child as an economic agent and a political citizen. Ultimately, the child labour case exemplifies how *power over* representation is also always *power without* inasmuch as representative claims result from drawing the boundaries between capable and representative agents and incapable represented subjects.

Following the above reasoning, an inquiry into political representation by CSOs in global governance means to analyse claim-making as meaning-making, that is, as context-dependent performative discursive practices.<sup>29</sup> Only then is it possible to extrapolate the co-constitutional relationship between the institutional and social foundations of CSOs authority (access to institutions, positions within institutions) and practices of 'claim-making' that may, themselves, evolve into institutionalised forms of acting and speaking. Incorporating such discursive aspects into the analysis of representational power is the only viable route that allows us to draw inferences on how actors create, perpetuate, or transform meaning-structures through their textual practices.<sup>30</sup> Analysing representational power as discursive performance thus sheds

<sup>26</sup> Anna Holzscheiter, 'Discourse as capability: Non-state actors capital in global governance', *Millennium*, 33:3 (2005), pp. 723–46.

<sup>27</sup> Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Cambridge: Polity Press, 1984), p. 31.

<sup>28</sup> Michel Foucault, *The Archeology of Knowledge & the Discourse on Language* (London: Tavistock, 1972).

<sup>29</sup> Anna Holzscheiter, *Children's Rights in International Politics: The Transformative Power of Discourse* (Basingstoke: Palgrave Macmillan, 2010).

<sup>30</sup> Holzscheiter, 'Discourse as capability'.

light on how the advocates' claims represent the very identity of their actual or imagined constituencies. In the following, I will discuss how such an analytical framework for the study of representational power relates to the specificities of CSO participation in global governance.

### **Advocacy CSOs' 'power to' represent in global governance**

CSOs' *power to represent* is dependent on material and social factors. In terms of the material basis for CSOs' representational power, empirical analyses of CSO access to and participation in the institutions of global governance almost ritually confirm that the control and distribution of material resources is a crucial factor explaining why some CSOs participate extensively (and often also across a wide variety of institutional contexts) while others struggle to secure the means to travel and to advocate and network effectively and professionally (for example, paying for translation services or database access). As the case study will show, these power asymmetries among CSOs are quite marked in the child labour case where grassroots child worker organisations funded through membership contributions are competing with well-organised, professional, and foreign-funded adult organisations. These limitations of international outreach for child worker organisations are, for example, reflected in the circumstance that most websites published by child worker organisations from Latin America or francophone Africa are only available in Spanish respectively French.

With regard to the social factors that explain CSOs' *power to represent* two different layers of social relations stand out as crucial: first, those involving other global governance actors (that is, their 'peers', states, intergovernmental organisations) who are, in Saward's terminology, the 'intended audience'<sup>31</sup> of representative claims and secondly, social relationships involving actual constituencies. As I aim to show in the empirical example, CSOs' authority to represent in global governance is often a product of tensions between these two different strata of social relations. The empirical analysis of CSO advocacy in the field of child labour is a testament to the frequent incongruence of different social relations, as approval of a legitimate claim to representation through the intended audience can undermine the acceptance of the claim as legitimate by the actual constituency.

Following the above reasoning, it is plausible to assume that where there is just one globally operating multilateral organisation, multi-stakeholder initiative or network around which CSOs in a specific issue-area organise, struggles for representational power may be fiercer than where multiple institutional contexts exist which CSOs are able to participate in. This struggle may further intensify where that global governance institution is one that has considerable rule-setting authority. As CSOs' access to these institutions is determined by Member States' recognition of their legitimate representation of the interests, lifeworlds, and fates of others, the 'power politics of representation' occupies centre stage in competition for access.

### **Advocacy CSOs' 'power over' representation in global governance**

The factors outlined above are seen as constitutive of CSOs' *power to represent*, that is their potential capacity to act as authorised representatives of causes, interests, or

<sup>31</sup> Saward, *The Representative Claim*, p. 49.

people. Their *power over representation* is the actual practice of power. It manifests itself in the concrete social and discursive practices through which they advocate for others, and their ability to actively construct identities, narratives, and knowledge. The discourses CSOs promote constitute ‘systems of representation’.<sup>32</sup> These systems create subjectivities that eventually not only influence policy preferences and decision-making within global governance institutions but also the identities and livelihoods of those targeted by international policies.

The non-material sources of CSOs’ legitimacy and authority and the diffuse aspects of their influence in international politics have been emphasised for a long time.<sup>33</sup> Their discursive power – that is, their *power over representation* – is considered central here, inasmuch as CSOs’ intervention in public discourses and their engagement in processes of argumentation and deliberation are seen as cornerstones of civil society’s influence on international politics.<sup>34</sup> This focus on ideational power resources has resulted from the state-centrism of IR scholarship, in which CSOs’ influence on international politics was primarily researched in institutional contexts dominated by state actors.<sup>35</sup> Despite the critical twist in the debate on global civil society, there is a persistent vision of CSOs as actors least driven by self-interested goals.<sup>36</sup> Looking at their discursive power as significant *power over representation* distorts this vision by highlighting CSOs’ potential to make calculated representational claims – claims that serve the purpose of buttressing some CSOs’ representational authority through tactical positioning and profiling in a global competition over legitimacy and authority. As Stephen Lukes infamously reminds us we have to suspect that such representational power is even greater where there is no observable conflict over political representation.<sup>37</sup> As the following insights from a prominent field of global governance will show, representational power is more easily assumed and possibly exploited where resistance and opposition are considered to be minimal – such as when the policy-takers are politically disenfranchised or assumed incapable of advocating for their own interests and desires. Yet, where resistance and opposition to such power take shape and transnationalise, as in the case of working children, the taken-for-granted authority of established CSOs derived from their representative role is exposed and opened up for renegotiation.

### **Advocacy CSOs, representational power, and citizenship of children in global governance**

Advocacy as non-elective representation of the interests, claims, and fates of individuals or groups is commonly justified on two grounds: first, that the human

<sup>32</sup> Stuart Hall, ‘The spectacle of the other’, in Hall (ed.), *Representation. Cultural Representations and Signifying Practices* (Milton Keynes: Open University Press, 1997), pp. 223–69 (p. 44).

<sup>33</sup> Leon Gordenker and Thomas G. Weiss, ‘NGO participation in the international policy process’, in Weiss and Gordenker (eds), *NGOs, the UN, and Global Governance* (Boulder: Lynne Rienner, 1996), pp. 209–21; Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998).

<sup>34</sup> Holzscheiter, ‘Discourse as capability’.

<sup>35</sup> Robert O. Keohane, ‘Global governance and democratic accountability’, in Rorden Wilkinson (ed.), *The Global Governance Reader* (London: Routledge, 2005), pp. 120–37; Thomas Risse, ‘Transnational actors and world politics’, in Walter Carlsnaes et al. (eds), *Handbook of International Relations* (London: Sage Publishers, 2002), pp. 255–74.

<sup>36</sup> John W. Meyer, ‘World society, institutional theories, and the actor’, *Annual Review of Sociology*, 36 (2010), pp. 1–20.

<sup>37</sup> Stephen Lukes, *Power a Radical View* (London: MacMillan, 1974), p. 23.

beings represented lack the intellectual or physical capacity to act in their own interests (for example, children, mentally disabled people, the 'illiterate', or very old people) and secondly, that they are excluded and disenfranchised, therefore lacking opportunities and capacities for effectively communicating their interests and wishes in the political, judicial, and social spheres. Both of these assumptions serve as a powerful underpinning for CSOs as *interim* or *auto-empowered* representatives in global governance. In fact, they often go hand in hand, because a supposed lack in physical or intellectual capacity to participate meaningfully in the political process is associated with increased vulnerability and marginalisation.

The international protection of children showcases for advocacy CSOs' vocal claims to legitimate non-elective representation. Non-elective representation in this area of global concern is firmly anchored in the two justifications outlined above. Beyond that, however, CSOs advocating on behalf of children customarily justify their representative claims as *interim* or *auto-empowered* advocates by pointing to children's innate lack of political citizenship.<sup>38</sup> At first sight, political representation of children might be considered a likely case for strong asymmetries in representational power, and therefore also a case with limited generalisability if we assume that *auto-empowered* representational authority might be more difficult to claim and sustain when adults are being represented. However, as the case study below will demonstrate, a closer look at representational power in this issue-area challenges the portrayal of children as such an easy case – it points to significant discursive resistance to certain CSOs' representational practices and therefore suggests that even under seemingly favourable circumstances the producers of dominant discourses can fail to monopolise a discursive field.<sup>39</sup>

Children are a complex case when analysing the representational power of CSOs, since childhood is a phase that covers human beings with disparate needs and interests, from the newborn to the 17-year-old apprentice. In this regard, the assumption that very young children are incapable of expressing or voicing their interests, let alone make reasonable decisions or advocate for themselves comes close to an undisputed truth<sup>40</sup> – since their lack of political citizenship is taken as a given, the protection of and advocacy for their needs and interests by adults remain unquestioned.

However, the more the capacities of children evolve throughout childhood and adolescence and the more functions they assume associated with adult citizenship in the social, economic, and political spheres, the trickier the question of advocacy CSOs' *interim* or *auto-empowerment* becomes. Children will be defined here according to the universally accepted definition in the UN Convention on the Rights of the Child of 1989 (UNCRC): as human beings between 0 and 18 years of age.<sup>41</sup> The broad age span implies that this group encompasses both human beings that are extremely dependent on others (newborns, toddlers, small children) as well as persons that are assumed to be largely capable to act autonomously and directly standing for their own interests (adolescents). It is in this area of adolescence, the legal grey zone between childhood and adulthood, in which claims for political representation and advocacy by CSOs on the grounds of incomplete political

<sup>38</sup> For recent discussions on the citizenship of children see Timothy Fowler, 'The status of child citizens', *Politics, Philosophy & Economics*, 13:1 (2014), pp. 93–113; Cath Larkins, 'Enacting children's citizenship: Developing understandings of how children enact themselves as citizens through actions and acts of citizenship', *Childhood*, 21:1 (2014), pp. 7–21.

<sup>39</sup> I am grateful to one of the two anonymous reviewers for this article who highlighted this point.

<sup>40</sup> Holzscheiter, *Children's Rights in International Politics*.

<sup>41</sup> General Assembly resolution 44/25 of 20 November 1989, 'United Nations Convention on the Rights of the Child', entered into force 2 September 1990, Article 1.

citizenship (justified by irrationality, immaturity, and vulnerability) stand out as particularly troublesome.<sup>42</sup>

The political citizenship of children, understood as the ‘opportunities the child is given to become a full and active member of her/his community and society’,<sup>43</sup> is increasingly debated as an indispensable part of children’s broader citizenship that goes beyond a legal status of membership of a nation-state (embodied in the rights to be registered at birth and to have a nationality). To acknowledge the political citizenship of children, thus, implies seeing them as persons endowed with a range of human rights that include political rights such as the right to freedom of opinion, the right to be heard or the right to freedom of assembly.<sup>44</sup> As I will show in the following section, not only the economic but also the political citizenship of children is broadly contested in global civil society advocacy for working children, where the performative acts of representation by established (adult) CSOs are actively constructing the boundaries between legitimate adult/citizen representers on the one hand and constituencies of politically incapacitated non-citizens on the other. The case of working children therefore exemplifies the indivisibility of *power to* and *power over representation* by uncovering the power asymmetries which sustain the unquestioned political authority of specific CSOs in this field – above all abolitionist international charities and global networks as well as trade unions of the adult workforce.<sup>45</sup>

### *CSO advocacy in the field of child labour*

International concern for the commercial exploitation of children dates back to the labour movement that originated in the first industrialised countries in nineteenth-century Europe,<sup>46</sup> particularly in Britain where the notion of ‘child labour’ is said to have emerged.<sup>47</sup> The transnational organisation of workers from leading industrialised nations such as Britain, France, and Germany, and their growing voice in international politics triggered off the adoption of the earliest international standards on child labour, most prominently ILO Convention No. 5 defining the minimum age for child employment, which entered into force in 1919. The priority given to child labour in the International Labour Organization (ILO) was evidenced by the fact that the issue was discussed during the inaugural meeting of the International Labour Conference.<sup>48</sup> CSOs with a long tradition such as the Anti-Slavery Society<sup>49</sup> founded in 1839 or workers’ associations such as the ‘International Trade Secretariats’ strongly contributed to the

<sup>42</sup> Gerison Lansdown, *Evolving Capacities and Participation* (Victoria/British Columbia: Institute for Child Rights and Development, 2003); Jeremy Roche, ‘Children: Rights, participation and citizenship’, *Childhood*, 6:4 (1999), pp. 475–94.

<sup>43</sup> Jaap E. Doek, ‘Foreword’, in Invernizzi and Williams (eds), *Children and Citizenship* (London et al.: SAGE Publishers, 2008), pp. xii–xvi, p. xv.

<sup>44</sup> Antonella Invernizzi and Jane Williams, *Children and Citizenship* (London et al.: SAGE Publishers, 2008).

<sup>45</sup> Among the most well-known global CSOs working in the field of child protection are: the Save the Children Alliance, CARE, PLAN, World Vision, the Terre des Hommes International Federation, and the Bernard van Leer Foundation. In child labour, Anti-Slavery International is commonly considered to be the most influential non-state actor while the Global March Against Child Labour is the largest network of organisations in this field.

<sup>46</sup> Marianne Dahln, *The Negotiable Child: The ILO Child Labour Campaign 1919-1973* (PhD thesis, Department of Law, Uppsala University, 2007); Alexander Fyfe, *The Worldwide Movement Against Child Labour: Progress and Future Directions* (Geneva: International Labour Office, 2007).

<sup>47</sup> Michael Bourdillon, Deborah Levison, William E. Myers, and Ben White, *Rights and Wrongs of Children’s Work* (New Brunswick/New Jersey/London: Rutgers University Press, 2010), p. 40.

<sup>48</sup> Already by 1921, the ILO had adopted six entire Conventions concerned with working children.

<sup>49</sup> Today the NGO is called Anti-Slavery International.

evolution of international legislation in this field.<sup>50</sup> However, international cooperation in this area also demonstrates that child labour has evolved from a consensual international abolitionist movement consisting of different fractions such as trade unions, women's organisations, and charities – driven by ethical *and* more self-interested motives – into a fiercely debated area of international regulation with a strong polarisation of actors around conflicting global childhood norms.<sup>51</sup>

At the onset of international cooperation to regulate labour issues, child labour owed its prominence to the circumstance that 'it was the easiest question to agree upon'.<sup>52</sup> However, the expansion and reconsideration of international standards on child labour that began in the late phase of decolonisation in the 1970s and the fiery debate on where to draw the line between harmful labour and harmless work has constituted a challenging endeavour for an international community that sought to define a 'proper childhood' while at the same time paying heed to a diversity of cultural, economic, and political contexts.<sup>53</sup> In the eyes of many, though, this area of global policymaking stands to represent a larger debate in international law in which the modern notion of childhood as a happy, playful phase of life devoid of sorrow and responsibility still figures as an undisputed ideal.<sup>54</sup> The appropriate settings that are typically associated with such an ideal childhood are school, family, and home – while street, field, and factory have come to be defined as the non-places for children. From the history of international and national legislation in the field of child labour it is clearly evident that the more such a perspective on childhood gained ground, the more inconceivable the image of the child as an economic actor became.<sup>55</sup>

### *Child advocacy CSOs' 'power to' in global efforts to tackle child labour*

In the area of child labour, the landscape of intergovernmental institutions has remained surprisingly stable and straightforward throughout the twentieth century. The ILO has formed the centre of international standard-setting in this field for almost one hundred years, and has aimed to assist Member States in implementing its child labour legislation through its International Program for the Elimination of Child Labour (IPEC) since 1992.<sup>56</sup> On the intergovernmental level, ILO was joined by

<sup>50</sup> Geir Myrstad, 'What can trade unions do to combat child labour?', *Childhood*, 6:1 (1999), pp. 75–88.

<sup>51</sup> Dahlén, *The Negotiable Child*.

<sup>52</sup> *Ibid.*, p. 112.

<sup>53</sup> See, for example, William E. Myers, 'The right rights? Child labor in a globalizing world', in Jude L. Fernando (ed.), *Globalization and Children's Rights* (Thousand Oaks, CA: SAGE, 2001), pp. 38–55; R. Pierik and M. Houwerzijl, 'Western policies on child labor abroad', *Ethics and International Affairs*, 20:2 (2006), pp. 193–218; David M. Smolin, 'Conflict and ideology in the international campaign against child labour', *Hofstra Labor & Employment Law Journal*, 16 (1999), pp. 383–450; David M. Smolin, 'Strategic choices in the international campaign against child labor', *Human Rights Quarterly*, 22 (2000), pp. 942–87; Karl Hanson and Arne Vandaele, 'Working children and international labour law: a critical analysis', *The International Journal of Children's Rights*, 11:1 (2003), pp. 73–146; B. White, 'Children, work and child labour: Changing responses to the employment of children', *Development and Change*, 25:4 (1994), pp. 849–78.

<sup>54</sup> Jo Boyden and Deborah Levison, *Children as Economic and Social Actors in the Development Process, Expert Group on Developmental Issues* (Stockholm: Ministry for Foreign Affairs, 2000); Judith Ennew, 'The history of children's rights: Whose story?', *Cultural Survival*, 24:2 (2000), pp. 44–8; Myers, *The Right Rights?*; Olga Nieuwenhuys, 'Global childhood and the politics of contempt', *Alternatives*, 23:3 (1998), pp. 267–89; Martin Woodhead, *Is There a Place for Work in Child Development?* (Stockholm: Save the Children Sweden, 1999); Dahlén, *The Negotiable Child*.

<sup>55</sup> Boyden and Levison, *Children as Economic and Social Actors*.

<sup>56</sup> ILO, International Program on the Elimination of Child Labour, available at: {<http://www.ilo.org/ipec/lang-en/index.htm>} accessed 7 May 2015.

UNESCO in its efforts towards universal, free, and compulsory education already in the mid-1950s; by UNICEF in the mid-1990s when UNICEF formulated its own policy on child labour for the first time; and by the World Bank, which has been involved in this issue-area under its Global Child Labour Programme, seeking to mainstream child labour policies into its poverty alleviation strategies.<sup>57</sup> Following the increasing collaboration between the United Nations and the private sector, the Global Compact established in 2000 has served as an important business code of conduct that, *inter alia*, stipulates in its ten principles that businesses should work towards ‘the effective abolition of child labour’.<sup>58</sup> Yet, to date, the ILO remains the centre of international law-making on child labour, with its three core Conventions on Child Labour (No. 5, No. 138, and No. 182), defining the Minimum Age of Employment (14 years in Convention No. 5; 15 years in Convention No. 138) as well as the Worst Forms of Child Labour (Convention No. 182).

While all of the intergovernmental institutions mentioned above have become increasingly susceptible and open to civil society participation, the ILO undoubtedly has the longest history of CSO involvement, due to its particular tripartite governance structure in which States Parties, employers’ associations and trade unions enjoy an equal voice in deliberations. Ever since international standards on child labour were discussed and adopted, trade unions have been outspoken proponents of very strict prohibitions on child labour, both in terms of the type of work children should be allowed to do as well as the appropriate minimum age for and the maximum allowable hours of employment.<sup>59</sup> Unlike charitable organisations and advocacy networks concerned with adequate protection of children from harm, suffering, and exploitation, trade unions were acting as interest groups representing ‘adult male workers and “breadwinners”’,<sup>60</sup> primarily seeking to reduce competition between adult workers and those whom they perceived as cheap, submissive child workers.<sup>61</sup> The abolition of child labour, thus, was a means to an end: to keep wages high and avoid a surplus in the workforce in times of rising unemployment. When the ‘new’ ILO Convention 182 was debated in the late 1990s, aiming to refocus international attention on the worst forms of child labour, trade unions opposed this new instrument, fearing that it might undermine the larger goal of total abolition of child labour.<sup>62</sup> As the history of trade unions’ campaigning for the abolition of child labour shows, working children were neither recognised as legitimate economic citizens in national and international workforces, nor acknowledged as political agents and their voices and opinions were not included in the representative actions of trade unions *vis-à-vis* the ILO.

Apart from trade unions who have been continuously engaged in promoting anti-child labour policies, several transnational CSOs, or CSO networks such as Anti-Slavery International (ASI),<sup>63</sup> Education International, or the Global March Against Child Labour have enjoyed considerable *power to represent* working children *vis-à-vis* ILO – particularly since renewed attention to the issue of child labour arose in the

<sup>57</sup> The Programme, however, does not exist any longer; see {[http://web.worldbank.org/archive/website01048/WEB/0\\_\\_MENUP.HTM](http://web.worldbank.org/archive/website01048/WEB/0__MENUP.HTM)} accessed 7 May 2015.

<sup>58</sup> United Nations Global Compact, ‘The Ten Principles’, available at: {[www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html](http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html)} accessed 7 May 2015.

<sup>59</sup> International Labour Office, *Union Policies and Action Plans to Combat Child Labour* (Geneva: ILO, 2000).

<sup>60</sup> Dahlén, *The Negotiable Child*, p. 185.

<sup>61</sup> International Confederation of Free Trade Unions, ‘Campaigning Against Child Labour’, available at: {<http://library.fes.de/pdf-files/netzquelle/01316.pdf>} accessed 7 May 2015.

<sup>62</sup> Fyfe, *The Worldwide Movement Against Child Labour*, p. 26, fn. 55.

<sup>63</sup> Fyfe, *The Worldwide Movement Against Child Labour*.

mid-1970s.<sup>64</sup> As the first global network of CSOs advocating for an end to child labour (growing since 1998), the Global March Against Child Labour has had privileged access to the high-level conferences where child labour standards were debated and drafting exercises prepared such as the conferences in preparation for the latest ILO Child Labour Convention 182 of 1999 (in Oslo, Trondheim, and Amsterdam). While Global March representatives were not directly involved in the drafting of Convention 182, their lobbying is repeatedly described as being among the major driving-forces behind the 'new' ILO Convention. In fact, at the latest ILO Conference in Den Haag in 2010, a Global March spokesperson was the only CSO representative allowed to speak on one of the conference's high-level panel discussions.<sup>65</sup>

Even though this advocacy network has claimed that child workers were included in their advocacy efforts, external observers have depicted the Global March as an organisation in which participation is channeled through 'adult selection rather than child representatives'.<sup>66</sup> Those critical of the Global March insist that it is ruled by the perceptions of adult advocates none of whom have a child worker background. The Global March has been attacked on the ground that it fails to address child workers' empowerment, and that it does not adequately recognise and value the views, perspectives, and experiences of working children and young people themselves.<sup>67</sup> Alexander Fyfe critically recalls the origins of the Global March: 'As increasing numbers of working children were recruited as marchers ... The Global March gave these children a voice, and they talked – not about working part-time to pay for continuing schooling, or about losing out through starting work at 14 instead of 15 years – but rather about being subjected to a range of abuse.'<sup>68</sup> And even though, by early 1998, the Global March had considerably broadened its support base, organisations that defended the 'right to work' of under-18s were excluded.<sup>69</sup> Likewise, trade unions have opposed the attempts of some global NGO coalitions such as the International Working Group on Child Labour to open up to child worker organisations and recognise their agency – particularly when these newly empowered groups claimed their right to work and called for improvement rather than condemnation of their work situation.<sup>70</sup>

For transnational CSOs like ASI and CSO coalitions like the Global March, the ILO has been the chief entry point to participation in global rule-making. For other civil society actors, notably grassroots organisations of child workers, it has been the main target for opposition and resistance to global child labour policies. Working children have been organising and advocating for themselves since early

<sup>64</sup> The institutionalisation of cooperative relationships between ILO and these CSOs is evidenced by the fact that Education International and the Global March are partners in the Global Task Force on Child Labour and Education, hosted by the ILO, available at: {<http://www.ilo.org/ipecc/Action/Education/GlobalTaskForceonchildlabourandeducation/lang-en/index.htm>} accessed 7 May 2015.

<sup>65</sup> See ILO/Dutch Ministry of Social Affairs and Employment, *The Hague Global Child Labour Conference 2010, The Hague Conference Report*, p. 7 (The Hague, 2010), available at: {<http://www.ilo.org/ipeccinfo/product/viewProduct.do?productId=14575>} accessed 7 May 2015.

<sup>66</sup> Ennew, 'The history of children's rights', p. 48.

<sup>67</sup> Boyden and Levison, *Children as Economic and Social Actors*, p. 6; Manfred Liebel, 'Working children as social subjects: the contribution of working children's organizations to social transformations', *Childhood*, 10:3 (2003), pp. 265–85.

<sup>68</sup> Fyfe, *The Worldwide Movement Against Child Labour*, p. 48.

<sup>69</sup> The eschewed politics of child participation of the Global March have also been studied at the national/local level. See Susan Levine's article on the Global March campaign in South Africa in the late 1990s; Susan Levine, 'Bittersweet Harvest: Children, work and the global march against child labour in the post-apartheid state', *Critique of Anthropology*, 19:2 (1999), pp. 139–55.

<sup>70</sup> Fyfe, *The Worldwide Movement Against Child Labour*, p. 46.



industrialisation in Europe and North America.<sup>71</sup> In the course of the 1970s and 1980s, social movements of working children and grassroots organisations of working children and youth emerged in the developing world: first in Latin America and the Caribbean, later in Africa and Asia.<sup>72</sup> These movements have evolved from local into national and then transnational social movements with considerable outreach. They usually involve children between the age of 5 and 18.<sup>73</sup> Working children and young people have formed workers' organisations akin to those of adult workers aiming not only to counteract exploitative and abusive forms of work but also to improve their work situation and youth, fighting for higher wages, health and safety regulations or regulated working hours. While their actions continue to be mostly focused on mutual support at the local level, these organisations have also increasingly immersed themselves in transnational advocacy. In particular, they began targeting international institutions, primarily the ILO but also CSOs collaborating with ILO, in an attempt to reclaim representational power from them.<sup>74</sup> Child worker organisations have been contesting the participatory approaches and accountability mechanisms with which transnational advocacy CSOs have sought to ascertain 'empowerment' of (former) child workers, claiming that they were rarely accompanied by true respect for the opinions, realities, and interests of these children and young people.<sup>75</sup> In their various regional and global declarations, they have claimed their right to be seen as social agents in their own right, capable of expressing opinions, taking responsibility for their own lives and representing political interests in international policymaking.

Their vocal claims to be considered legitimate advocates of working children's interests and wishes and their increasing transnationalisation have brought about a brief opening of ILO Conferences and workshops to child worker organisations in the late 1990s, resulting in pronounced conflicts between these grassroots organisations and historically powerful abolitionist charities and trade unions. At the 1997 Child Labour Conference in Oslo, eight representatives of child worker organisations had, for the first time, been invited by Ministers of ILO Member States to speak at a plenary debate during the conference. In what was described as a 'new dimension to the conference', these child workers demanded to be fully included in policymaking on behalf of working children, making a case against a total abolition of child labour and for improvement of working conditions. Asked by state representatives about their opinion on 'education', they contended that many working children were learning more from their work than through educational offers in poorly run schools.<sup>76</sup> The interventions of child worker representatives provoked strong reactions on the

<sup>71</sup> Bourdillon et al., *Rights and Wrongs of Children's Work*, pp. 143ff.

<sup>72</sup> Following their emergence in Latin America, most working children's organisations have adopted the acronym NATs (niños y niñas trabajadores). Today, the largest child worker organisations are the African Movement for Working Children and Youth/Mouvement Africain d'Enfants et Jeunes Travailleurs; the Latin America Movement of Working Children and Adolescents (MOLACNATS); the Working Children's Movement in South and Central Asia; and EUROANATS.

<sup>73</sup> Per Miljeteig, *Creating Partnerships with Working Children and Youth* (Washington: The Social Protection Unit. Human Development Network. The World Bank, 2000).

<sup>74</sup> See the statement by MOLACNATs in the context of the 2010 Global Child Labour Conference Conference organised by ILO in the Hague, available at: {[www.cetri.be/spip.php?article1609](http://www.cetri.be/spip.php?article1609)} accessed 7 May 2015.

<sup>75</sup> Beatrice Hungerland, Manfred Liebel, Bryan Milne, and Anne Wihstutz, *Working to be Someone: Child Focused Research and Practice with Working Children* (London/Philadelphia: Jessica Kingsley Pub, 2007).

<sup>76</sup> Dutch Ministry of Social Affairs and Employment, 'Combating the Most Intolerable Forms of Child Labour: A Global Challenge, Report of the Amsterdam Child Labour Conference (February 1997), available at: {<http://ilo-mirror.library.cornell.edu/public/english/comp/child/conf/amsterdam/report.pdf>} accessed 7 May 2015.

part of state representatives such as when some state delegates contended that child representatives had lied about their age or when the Norwegian minister responsible for the organisation of the conference publicly condemned all those who find it acceptable that children work.<sup>77</sup>

As a consequence of these turbulent encounters between child worker representatives, other CSOs, trade unions, and ILO Member States in Oslo, child worker organisations have been denied access to high-level meetings ever since. At the International Child Labour Conference in The Hague in 2010, for example, child worker organisations were not accepted as official participants – instead, they hosted one of their many alternative events in the vicinity of the conference location. In fact, the transnational organising effort of their struggle for representational power has often taken the form of alternative forums staged alongside international child labour conferences.<sup>78</sup> Child participation at the latest Global Child Labour Conference in Brasilia in 2013 (sponsored, as always, by the ILO) was even more channelled into peaceful and apolitical waters, insofar as its main components were Brazilian adolescents' media reporting on the conference and an exclusive web space for 'youth' to contribute to the so-called *Child Labour Dialogues* – symbolised by a smiley.<sup>79</sup>

The history of international policymaking on child labour evidences a gradual recognition of working children's political citizenship and a potential representative claim of transnational working children's organisations. In fact, at the Child Labour Conference in Brasilia, some participants openly criticised that working children were denied meaningful inclusion in the international dialogue on child labour.<sup>80</sup> Nonetheless, the involvement of CSOs in the global governance of child labour – particularly within the confines of the ILO – still testifies to the robust *power to represent* of a handful of transnational advocacy organisations, even in the face of mounting opposition by grassroots movements and organisations of working children. It is evident from the politics surrounding child labour that strong power imbalances persist which have allowed historically and/or materially influential CSOs to successfully suppress the political agency of their imagined constituency.

### *CSOs' power over representation in global child labour politics*

Without doubt, international concern on behalf of working children has been profoundly influenced by abolitionist movements that, from the nineteenth century onwards, sought to ban all forms of work for children.<sup>81</sup> Large transnational child-focused organisations such as CARE and the Global March Against Child Labour still work towards a complete abolition of all work that is harmful to the child – harmful being understood in a very broad sense as including not only work that is outright exploitative and detrimental to the child's health and dignity but also work that interferes with children's school education. This broad definition of the 'worst

<sup>77</sup> Miljeteig, *Creating Partnerships with Working Children and Youth*, pp. 18–19.

<sup>78</sup> The 2010 meeting of EUROANATS took place alongside the official 2010 ILO Conference in The Hague, staged as an alternative meeting to express 'deep disagreement' with ILO's child labour policies, available at: {[www.italianats.org/index.php?option=com\\_content&view=article&id=216%3Aprogramma-incontro&catid=35%3AAmericaLatina&Itemid=69&lang=en](http://www.italianats.org/index.php?option=com_content&view=article&id=216%3Aprogramma-incontro&catid=35%3AAmericaLatina&Itemid=69&lang=en)} accessed 7 May 2015.

<sup>79</sup> See 'Child Labour Dialogues', available at: {<http://www.childlabourdialogues.org/>} accessed 7 May 2015.

<sup>80</sup> See speech by Antje Weber, VENRO, during the Brasilia Conference, available at: {<http://blog.kinder-nothilfe.org/de/archives/3368>} accessed 7 May 2015.

<sup>81</sup> Hugh D. Hindman, *The World of Child Labor: An Historical and Regional Survey* (New York: ME Sharpe, 2011).

forms' of child labour reflects the prevalence of Northern childhood norms in international debates on child labour.<sup>82</sup> In the discursive practices of the most influential transnational advocacy CSOs collaborating with ILO, the school has emerged as the ideal place for a child while the street and the factory are characteristic symbols of 'non-childhood'.<sup>83</sup> The following two quotes use a typical discursive repertoire that sustains the 'carefree childhood' norm:

Childhood should be a happy time spent playing with friends, enjoying a favourite toy – even planning for the first day of school. But children in the developing world spend most of their childhood struggling to survive, without much hope for a secure, productive life.<sup>84</sup>

And

Every day, an estimated 168 million boys and girls work as child labourers, in the farms, fields, factories, homes, streets and battlefields. They face hunger, hard work, ill-health and poverty. The term 'child labour' is often defined as work that deprives children of their childhood, right to free existence and work which harm their physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling ...<sup>85</sup>

The everyday experiences and identities of child labourers are commonly represented through binary oppositions such as happy vs unhappy, misery vs sorrow-free, home/family vs street/factory, play/school vs work, etc. Those who have analysed the notion of 'child labour' as it figures in the international debate surrounding law-making exercises conclude that it follows a 'pathological model of harm, [i.e.] a simplistic model of cause and effect within which the effects of work are analogous to the impact of an injury of the body'.<sup>86</sup> In their path-breaking volume *Rights and Wrongs of Children's Work*, Bourdillon et al. argue that this pathological model of harm is reflected in the high currency of the very expression 'child labour'.<sup>87</sup> 'Child labour' is not only the term most widely used to refer to work performed by children that goes beyond the occasional job, but it has also shown to be historically imbued with the notion of 'child abuse' and, thus, carries a strong bias towards children's work as *per se* harmful and of working children as, inevitably, victims of abuse and exploitation.<sup>88</sup> This proposition of the generally abusive nature of children's work is commonly coupled with the aim of 'eradication' or 'abolition' – a terminology that has been denounced by working children themselves as a stigmatising portrayal of

<sup>82</sup> Global March Regional Coordinators, 'From Exploitation to Education', *Global March Position on Child Labour and Education* (2004), available at: {<http://www.globalmarch.org/images/GM-Position-Paper-on-Child-Labour-and-Education.pdf>} accessed 7 May 2015.

<sup>83</sup> This focus arguably distorts the image of the working child, considering that the majority of children who work full time do so within a family context. In 2011, ILO reported that worldwide, 60 per cent of all child labourers were working in agriculture, and of these the 'majority of working children are unpaid family members', available at: {<http://www.ilo.org/ipecc/areas/Agriculture/lang-en/index.htm>} accessed 7 May 2015.

<sup>84</sup> CARE on 'Children and Poverty Campaign', available at: {[www.careusa.org/campaigns/children-poverty/index.asp](http://www.careusa.org/campaigns/children-poverty/index.asp)} accessed 7 May 2015. For a similar statement see: SOS Children's Villages, 'How does child labour undermine literacy?', available at: {<http://www.soschildrensvillages.org.uk/about-our-charity/news/international-literacy-day/how-does-child-labour-undermine-literacy>} accessed 7 May 2015.

<sup>85</sup> Global March on 'Child Labour', available at: {[www.globalmarch.org/issues/child-labour](http://www.globalmarch.org/issues/child-labour)} accessed 7 May 2015. For a similar quote, see terre des hommes on 'child labour', available at: {[www.tdh.ch/en/topics/protection/trafficking-abuse-and-exploitation](http://www.tdh.ch/en/topics/protection/trafficking-abuse-and-exploitation)} accessed 7 May 2015.

<sup>86</sup> Woodhead, *Is There a Place for Work in Child Development?*

<sup>87</sup> Bourdillon et al., *Rights and Wrongs of Children's Work*, p. 11.

<sup>88</sup> A word search in Google, in fact, produced 11,350,000 hits for 'child labour' and 'child labor', while 'children's work', 'child work', and 'working children' together accounted for only 1,263,000 hits.

child labour as an impersonal 'scourge'<sup>89</sup> that denies any agency to the working child.<sup>90</sup> The language of abolition and eradication coupled with the emphasis on schooling as the only viable alternative to child labour also points to the suppression of agency because it is mostly concerned with the working child as a future citizen, with little concern for the opinions and wishes of working children in the 'here and now'. Accordingly, Marianne Dahlén, in what is the only existing study of international legal history in the field of child labour to date, concludes that in negotiations of the ILO Conventions the 'best interests of (future) nations' were prioritised over 'the best interests of the child'.<sup>91</sup>

Child worker organisations have not only contested the representational power of some global advocacy CSOs in terms of their *power to* enjoy access to intergovernmental institutions. They have also voiced their resistance to the discursive construction of their lives and identities in the performative practices of those advocacy organisations involved in the formulation of international child labour standards.<sup>92</sup> They have rejected the vocabularies of victimhood, vulnerability, and distress that are omnipresent in global civil society activism on behalf of working children, claiming their right to political citizenship, that is, to participate in communicative spaces where they are given the opportunity to express their own opinions and perceptions.<sup>93</sup> Child worker organisations have sought recognition of their identity as social agents and as active shapers of their own lived realities, not merely passive targets of abuse and manipulation.<sup>94</sup> In their view, a branding of working children's childhood as only a miserable, exposed, and unhappy phase of life is at odds with acknowledging children as social and political agents who take active decisions and bear at least partial responsibility for their actions.

Only a few transnational advocacy CSOs, particularly the Global March, enjoyed considerable *power of representation* in the drafting of the ground-breaking ILO Convention No. 182 that, for the first time, differentiated between 'child labour' and 'worst forms of child labour'. This formal power to represent global civil society in the making of international child labour legislation was coupled with the Global March's *power over representation*, leading to the exclusion of (the voices of) child workers from the Global March's activities, which also meant that they were not consulted to identify hazardous types and conditions of work.<sup>95</sup> This strong representational claim of trade unions and the Global March has also been visible during the 2010 Den Hague Conference on Child Labour. The proceedings of the Den Hague Conference once more affirmed an interpretation of the link between representation and participation that sees participation as a 'one-way street',<sup>96</sup> that is, as given to children and adolescents or granted to them rather than as a dynamic, relational

<sup>89</sup> See speech by ILO Director General Guy Ryder at the 2013 Global Conference on Child Labour in Brasilia, available at: {<http://www.ilo.org/ipecc/Campaignandadvocacy/BrasiliaConference/lang-en/index.htm>} accessed 7 May 2015.

<sup>90</sup> Bourdillon et al., *Rights and Wrongs of Children's Work*, p. 9.

<sup>91</sup> Dahlén, *The Negotiable Child*, p. 185.

<sup>92</sup> See, for example, Kathmandu Declaration, 'Convergence of working children from South and Central Asia' (August 2005), available at: {[http://www.italianats.org/index.php?option=com\\_content&view=article&id=49%3Akathmandu&catid=40%3Adichiarazioniufficiali&Itemid=62&lang=en](http://www.italianats.org/index.php?option=com_content&view=article&id=49%3Akathmandu&catid=40%3Adichiarazioniufficiali&Itemid=62&lang=en)} accessed 7 May 2015; Final Declaration of the 2<sup>nd</sup> World Meeting of Working Children and Adolescents, Berlin (April/May 2004), available at: {[http://www.italianats.org/index.php?option=com\\_content&view=article&id=48%3Aberlino&catid=40%3Adichiarazioniufficiali&Itemid=62&lang=en](http://www.italianats.org/index.php?option=com_content&view=article&id=48%3Aberlino&catid=40%3Adichiarazioniufficiali&Itemid=62&lang=en)} accessed 7 May 2015.

<sup>93</sup> Miljeteig, *Creating Partnerships with Working Children and Youth*.

<sup>94</sup> Hertel, *Unexpected Power*, ch. 3.

<sup>95</sup> Fyfe, *The Worldwide Movement Against Child Labour*.

<sup>96</sup> Miljeteig, *Creating Partnerships with Working Children and Youth*, p. 23.

process between different makers of claims to non-elective representation. Over 500 representatives from 97 countries attended the event, but child worker organisations had neither been permitted to attend the conference itself nor its preparatory meetings. Transnational child worker coalitions such as MOLACNATS distributed leaflets in the vicinity of the official conference venue, claiming their right to participation and ‘to be heard’ under Article 12 of the UNCRC and demanding their recognition as ‘social agents, economic and political actors’.<sup>97</sup> The only voices of children that were included in the official conference were two testimonials of former child labourers in front of Queen Beatrix of the Netherlands – the emotional contribution typically valued as legitimate in many official international events. The ILO-sponsored child labour conferences evidence the strong prevalence of tokenist approaches to child participation, where children’s voices are only included whenever they emphasise their misery or underline the protective, ‘rescuing’ role of the global community or a specific organisation. Children’s narratives are valued for their emotional appeal, but not appreciated as opinions or a source of policy-relevant information. These forms of inclusion are therefore a far cry from acknowledging the political citizenship of under-18s in institutions of global governance.

## Conclusion

The long-standing centrality of the ILO in global policymaking on child labour and the relatively slim global governance architecture in this domain has facilitated the taken-for-granted authority of only a handful of CSOs while, at the same time, constituting the necessary target for grassroots resistance towards both ILO and its affiliated CSOs. The child labour case thus showcases political representation as claim-making – a process that constructs the identities of both representatives and represented. An analysis of the exclusionary facets of such claim-making depicts global policymaking in the area of child labour as a field of power struggles between CSOs of adult representatives with ample *power to represent* and awakening constituencies of minors who show increasingly well-organised reactions to the representative claims of their self-proclaimed advocates.

The main motivation behind this article was to uncover resistance towards and contestation over representational power in global governance – even by opponents such as children that appear, at first sight, to be insignificant to world politics. By pointing out the exclusionary dimensions of the *power to represent* and the *power over* representation enjoyed by a limited number of CSOs in global child labour policymaking, the empirical analysis has somehow given differential treatment to the abolitionist coalition of adult organisations (charities, trade unions). As a consequence of its analytical purpose the article is biased in favour of child worker organisations who have not been subjected to the same critical scrutiny as their historically powerful counter-parts. This differential portrayal, however, has mostly resulted from the principal aim to challenge the representational power of CSOs by pointing to dynamics of power and opposition that characterise the landscape of global civil society actors in the area of child labour. It is of course absolutely essential (and thus a motivation for future research) to explore this dialectic of representative

<sup>97</sup> Declaration of MOLACNATS on the occasion of the Global Child Labour Conference in Den Hague (May 2010), p. 3, available at: {<http://www.pronats.de/assets/Uploads/molacnats-erklaerung-deutsch.pdf>} accessed 7 May 2015.

claim-making further and in a more symmetrical manner. What is warranted is a systematic analysis of how child worker organisations themselves have handled issues of non-elective representation and accountability in the face of their growing transnationalisation (and detachment from their constituencies). It is an interesting finding that the more these organisations transnationalise, the more they are subjected to critiques of representational bias and weakening links to their constituencies.<sup>98</sup> So far, existing yet sparse evidence on the internal organisation and ‘governance’ of child worker organisations suggests they often promote philosophies such as ‘protagonismo infantil’ in Latin America in which children are the main social agents and adults confined to a role of ‘facilitators’.<sup>99</sup> Nonetheless, the more these organisations work globally and professionalise with the aim to attract funding for their advocacy in international venues, the more their sources of funding and their supposed independence will become an issue.

As the case study has shown child worker organisations still confront limited opportunities for institutional access to global governance institutions (that is, limited *power to*), even though the transnationalisation of their resistance has led to increasing political space for the articulation of their interests (*power over*). The antagonistic dynamics of representational claim-making analysed in this article are also reflected in the different ways in which the contenders connect to the human rights of children enshrined in the UNCRC. As the most comprehensive human rights treaty in existence in international law, the UNCRC encompasses both the human right to be protected from economic and sexual exploitation (Arts 31 and 34) as well as a number of political human rights that, *inter alia*, ascertain children’s freedom of speech, of assembly, their right to privacy or, generally, their right to be involved in decisions affecting their lives. Article 12 of the UNCRC lays down the right of the child ‘to express [his or her] views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child’.<sup>100</sup> The article is considered to be the cornerstone of a fundamental change in the international legal status of children: they are no longer solely treated as passive objects of charity and protection, but also recognised as partly autonomous social actors and political citizens who can be involved in decisions affecting them in accordance with their ‘evolving capacities’.<sup>101</sup>

The developments in global child labour policymaking described above exemplify the continued existence of an ideological rift between traditional abolitionist advocacy organisations that focus on the protective principles of the UNCRC and child worker organisations whose representative claims are based on the emancipatory principles of the UNCRC. Notwithstanding the fact that working children’s contestation of both the *power to represent* and the *power over representation* of influential advocacy organisations has resulted in increasing attempts to shun them from high-profile international events, it has catalysed learning processes in some advocacy

<sup>98</sup> IREWOC, *Studying Child Labour: Policy Implications of Child-Centered Research* (Amsterdam: IREWOC, 2005).

<sup>99</sup> See, for example, the information provided by MOLACNATS, available at: {<http://molacnats.org/index.php/movimientos/argentina/263-presentacion-del-manthoc>} accessed 23 April 2015; or the ‘protagonismo infantil’ promoted by Infejant, an educational institution for child workers in Latin America and the Caribbean, available at: {<http://www.ifejant.org.pe/>} accessed 23 April 2015.

<sup>100</sup> General Assembly resolution 44/25 of 20 November 1989, ‘United Nations Convention on the Rights of the Child’, entered into force 2 September 1990, Art. 12.

<sup>101</sup> Anna Holzscheiter, ‘Power of discourse or discourse of the powerful? The reconstruction of global childhood norms in the drafting of the UN Convention on the Rights of the Child’, *Journal of Language and Politics*, 10:1 (2011), pp. 1–28.

organisations such as the Save the Children Alliance or *terre des hommes*. These organisations show a growing propensity for closer cooperation with and participation of (former) child workers in advocacy, policymaking, and policy-implementation. Most global advocacy organisations working in the field of child protection today acknowledge this changed status of the child in international law that has been established with the participatory dimension of the UNCRC.<sup>102</sup> This recognition of children as active constituencies by global advocacy CSOs theoretically brings with it the same existential endangerment that many other CSOs have been facing: advocating for empowerment implies to become superfluous in the long run.<sup>103</sup> In practice, however, historically influential advocacy CSOs are fending off this threat of self-extermination by carefully upholding the boundaries between citizen/adult representatives and not-yet-fully-citizen constituencies, albeit more subtly. Reviewing Save the Children's progress in implementing a rights-based approach, Lansdown concluded in 2005 that

Although much of Save the Children's work is dedicated to promoting children's right to participation, much of its advocacy work does not involve the creation of opportunities for children to advocate for themselves, but rather involves the organization in direct advocacy on their behalf. Much of that advocacy involves seeking to hold duty bearers to account in their obligations to children, including the obligation to create avenues for listening to children.<sup>104</sup>

Thus, child labour remains a field of global governance in which powerful CSOs' growing ambiguity about the extent to which economically active children should be granted political citizenship puts them between a rock and a hard place: between promoting children's right to protection from commercial exploitation on the one hand and their right to emancipation, independence, and autonomy that increases with their 'evolving capacities' (the formulation used in the CRC) on the other.<sup>105</sup> Despite the growing acceptance of the latter dimension of international law on the rights of the child, existing implementation of the participatory principles by CSOs points to ongoing contestation over the political citizenship of children. As a consequence, global policymaking on child labour within the confines of international organisations demonstrates the decoupling of the child as a political actor and the child as an economic actor.<sup>106</sup> This decoupling serves to undermine child workers, demand for non-elective representation in global governance institutions and to safeguard the legitimacy of a conglomerate of CSOs working to abolish not only child labour as it exists today around the world but the very idea of the 'child worker' as an autonomous social and political agent.

<sup>102</sup> The twenty-fifth anniversary of the UNCRC offered an opportunity to observe the degree to which child-focused CSOs had opened up to the principles enshrined in the Convention. Plan International, available at: {<https://plan-international.org/where-we-work/geneva/news/commemorating-25-years-of-the-convention-on-the-rights-of-the-child/>}; Terre des homes on the twenty-fifth anniversary of the UNCRC, available at: {<http://www.terredeshomes.org/universal-childrens-day-25th-anniversary-convention/>} accessed 7 May 2015. CARE as one of the leading charities working in child protection, however, is occasionally making reference to the UNCRC but does not include a broad children's rights agenda in its advocacy activities.

<sup>103</sup> Peruzzotti, 'Democratic credentials or bridging mechanisms?', p. 163.

<sup>104</sup> Gerison Lansdown, *Benchmarking Progress in Adopting and Implementing Child Rights Programming* (London: International Save the Children Alliance, 2005), p. 62.

<sup>105</sup> In fact, the 2012 UNICEF report card on adolescents (aged 10–19 years) argues that the international community knows less about adolescents 'than other segments of the child population: too little about their situations, habits, hopes and dreams'; see UNICEF, *Progress for Children: A Report Card on Adolescents* (New York: UNICEF, 2012), p. 3. Interestingly, however, the 56-page report card contains only a small passage on working adolescents, which talks solely about exploitative labour, avoiding picturing adolescents as, potentially, economic actors earning an independent living.

<sup>106</sup> On the child as an economic actor see Boyden and Levison, *Children as Economic and Social Actors*; Deborah Levison, 'Children as economic agents', *Feminist Economics*, 6:1 (2000), pp. 125–34.