

Multistakeholderism: Is it good for developing countries?

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EXECUTIVE SUMMARY

The preparations for the September 2024 Summit of the Future (SOTF) are well underway. In this process, the UN Secretary-General and most OECD countries argue that multistakeholderism should now be accepted as a part of global governance and multilateralism. This paper argues the opposite: multistakeholderism undermines multilateralism and limits the role of developing countries in global governance.

Global governance operates via a common narrative, a set of institutions, and the exercise of power. The first section of the paper provides the background to the World Economic Forum's role in developing the narrative and the preliminary efforts of transnational corporations (TNCs) and major Northern NGOs to build an institutional structure for multistakeholderism. The first section also locates these developments in the context of TNC pressures on the UN and developing countries, going back 50 years to President Allende's appeal to the General Assembly and UNCTAD.

The second section identifies six fundamental challenges presented by multistakeholderism to multilateralism and G77 governments.

- (a) an erosion of sovereignty
- (b) the outsourcing of global governance
- (c) a decline in accountability and trust in the international community
- (d) a shift in implementation from OECD governments to TNCs based in OECD countries
- (e) a narrowing of the range of policy directions to those that are compatible with a commercial return; and
- (f) a corruption of diplomatic language by masking the legitimate difference in governance actors as equivalent 'stakeholders'

After an indepth analysis of each challenge, the paper concludes with a menu of multilateral options to respond today and in the context of the SOTF to multistakeholderism's intrusion into global governance. The choices include counter-moves on the political level and on the procedural level, the combination of which allows governments to create a variety of counter-strategies.

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INTRODUCTION

Today the question about the next phase of global governance is in the air. One candidate that is being promoted is to formalize Transnational Corporation (TNC)-led multistakeholder governance within and adjacent to multilateralism, which some are saying may be the United Nations (UN) 2.0. Another direction, visible in the preparation for the Summit of the Future, is pressing ahead, endeavoring to strengthen multilateralism, democratic global governance, and enhanced equity and environmental justice, which of necessity would reduce corporate dominance over global governance in the future.

This report provides examples of the breadth of this challenge across the UN system to the long-standing State-centric governance system. It identifies six specific governance threats posed by multistakeholderism to governments, to multilateralism, and to citizens in the Global South and Global North. The paper concludes with a series of steps that could be taken by multilateral bodies to respond effectively to these challenges. All of these observations are meant to make the case that multistakeholderism should not be a part of the next phase of global governance. What should be an appropriate part of the next phase of global governance is a system that can address today's under-managed systemic crises and tomorrow's likely global threats in a democratic, people-centric manner that strengthens the decision-making power of currently marginalized peoples and governments around the world.

HISTORICAL BACKGROUND

TNCs¹ have a complicated history of engagement with multilateralism. For many years, the form of engagement was indirect. TNCs conveyed their views to their home governments, then such views were then conveyed by foreign ministries to other governments and the Secretariats of international agencies. A second form of indirect engagement was using trade and business associations to advocate at UN system organizations for globalization as well as for corporate and sector specific positions. Both of these indirect forms of engagements continue but in time they were not considered sufficiently effective by TNCs. With many sector specific challenges on the international agenda, indirect engagement often failed to meaningfully respond to rapid market changes.

Starting from the 1980s, Organisation for Economic Co-operation and Development (OECD) aid agencies, the World Bank, and individual TNCs encouraged national and global public-private partnerships (PPPs). In retrospect, PPPs can best be seen as an early specialized case of multistakeholder governance (Velásquez, 2023). In PPP language however, there appears to be only two categories of actors, but actually each term hides multiple actors.

The first 'P' - 'public'- combines State institutions, non-governmental organizations, and the general public. For the government component of a particular PPP, one might find a municipal government, a provincial authority, a UN system agency, a school board or a ministry of finance. Each of these actors has a specific role within traditional State structures. However the 'public' P is construed - it is the participation of the State institution and the participation of the local and international civil society organizations that offered political legitimacy to a PPP undertaking.

The second 'P' - 'private'- too can refer to multiple types of corporate actors. The private category could be just one firm that wishes to have a non-traditional relationship with a State actor. Or it could be a consortium of TNCs with several affiliated local businesses, a transnational bank, a small and medium sized enterprise, or a large, regional development bank. It is this component of the PPP that is claimed to be able to deliver the project in a more efficient manner than the State institution alone or the firm or sector in a competitive marketplace.

The third 'P' - 'partnership'- is the most ambiguous term. It seems to suggest a legal partnership, but there are seldom formal, legally binding documents for a PPP. It resonates with the idea of a matrimonial relationship, but there is seldom any meaningful joint interaction in a PPP except at key media events. It also sounds like a reference to a governance system that is consensus-based and mutually rewarding, but is generally driven by one or two key members. The ambiguity of 'the partnership' is crucial for the public acceptance of the arrangement. In this way national and global PPPs since the 1980s can be seen as early versions of multistakeholderism².

The 1992 Rio Conference on Environment and Development can be seen as a moment that marked a shift to direct engagement of TNCs with multilateralism. In this phase, TNCs were individually invited to speak directly to governments in international meetings. The direct engagement approach is also the basis for the Global Compact, an organization that was created to provide corporate executives access to the UN Secretary-General. As with the

¹ In this paper TNCs are used as a shorthand for global corporations, business associations of global corporations, and philanthropic foundations allied with global corporations. In some communities, the phrase 'multinational corporations' is used instead of 'transnational corporations' but for all practical purposes they are the same business form.

² Today the language of 'partnership' continues to be used in intergovernmental resolutions.

indirect approach, the direct engagement approach continues but by the 2000s the political limitations became obvious to part of the corporate world. Governments and civil society could block accepting direct messages from the corporate sector because they were recognized as corporate biased opinions and sometimes just public relations efforts. In the World Health Organization, there was institutional pushback as tobacco and infant formula firms were banned by treaties from international and government halls when their issues were being discussed (WHO, 2003, Article 5.3).

In both the indirect engagement process and direct engagement phase, TNCs focused on governments taking policy and program directions. Sometimes their concerns were to have governments take actions favorable to globalization, particular sectors or individual firms; sometimes their efforts were directed at preventing governments taking actions that they perceived were detrimental to globalization, specific sectors or firms. Whether it was to expand existing markets, to create new product markets, or to prevent losses in existing markets, the targets of their policy and program activities were States and the organizations of the multilateral system.

Today multistakeholderism is the new form of corporate engagement with multilateralism. It draws on the indirect and direct engagement models and the history of PPPs but adds an important new and complicated dimension. Multistakeholder bodies include direct firm involvement, at least one TNC or business association is in every multistakeholder group, and a group of other 'stakeholders'. These other 'stakeholders' are selected by the participating TNCs or the founders and can be willing government officials, industry-friendly civil society organizations, cooperative scholars, invited Secretariat staff, and business-friendly public figures. Collectively this multistakeholder team serves as the new corporate interface with multilateralism and the broader public. Proponents in certain circumstances see this type of multistakeholder unit as one that has a better ability to manage a global issue than any combination of governments or UN agencies.

In addition, multistakeholderism changed the focus of TNC engagement with States. While some multistakeholder bodies continue to focus on shifting the views of intergovernmental organizations and States, a quite traditional role, most multistakeholder bodies now seek a direct hand in global governance, marginalizing States and intergovernmental bodies.³

Multistakeholderism also allowed TNCs to shift the scope of their international work to include the implementation – or at least to claim better implementation capacities, than OECD governments and the UN system. One example of the complicated nature of these changes is the function of multistakeholderism around the implementation of the Sustainable Development Goals (SDGs). TNCs through multistakeholderism have created ways to co-opt a broad UN program and its narrative for their marketing advantage. For example, some TNCs use the UN's multi-colored SDG logo in product ads that tout their contribution to meeting an SDG goal, while omitting any reference to how their firm may be benefiting from – or a cause of – the crisis behind other SDGs. Were all the SDGs fully implemented, they would effectively threaten the rules of globalization, force changes in systemically damaging aspects of global politics and undermine corporate control for products and services that are global public goods. Multistakeholderism with its collection of civil society, academic, and government participants provides a form for TNCs to claim publicly that they are supporting human-centered, rights-centered global demands, while they pick and choose which SDGs they support – often re-defining in practice even these selected SDGs or the actions needed to achieve them to align with their interests - while continuing to take actions that undermine the remainder of the SDGs, knowing well that the presence of other constituencies in the multistakeholder group give them a new plausible public face.

³ This can be seen as analogous to national PPPs where PPPs in water services, transportation, or infrastructure services took on many of the traditional functions of national or local authorities.

As multistakeholder governance projects are a voluntary undertaking for individual participants, the structure allows these participants to pick and choose which multistakeholder projects they want to identify with and which they don't. The net result is that voluntary multistakeholder governance regimes are an opt-in-opt-out governance system with a high degree of built-in inefficiencies.

In line with the experiences of PPPs, TNCs for example can join a multistakeholder process if and when it looks lucrative or provides other benefits to the firm. A civil society group may join a multistakeholder process and then subsequently decide that they have other priorities for their financially constrained organization. A government body or UN agency may choose to participate in starting a multistakeholder process to gain public visibility but not have the energy or resources to engage actively in the process. As all participants are voluntary actors, all of them can withdraw whenever they wish.

If the project works well, then the firm may be in a stronger financial position and the other participants can claim to have contributed to meeting a global goal. If the UN agency is a partner and it fails, then the UN is seen as failing in its mission and has to absorb the public displeasure in the failure.

Each of these shifts in the structure of the engagement of the corporate sector with multilateralism has occurred when the global economy is in a state of flux.

Multistakeholderism as a new form of global governance appeared on the international agenda with the tectonic shifts from the 2008 financial crisis and the growth of multiple international civil society organizations taking a lead in moving States to address systemic issues. To address such systemic issues, such as social and environmental inequities, would require a fundamental change in globalization, a process that some industry leaders did not want to be led by international civil society in concert with supportive governments.

The early views of President Salvador Allende (Chile) on multinational corporations some 50 years ago continue to reflect the challenges presented to global governance by the corporate world. Allende addressed the United Nations Conference on Trade and Development (UNCTAD) conference in the spring of 1972 in Santiago and then repeated the thrust of his remarks in New York to the General Assembly in the fall of that year. He told governments and the world that,

“At the third UNCTAD I was able to discuss the phenomenon of the transnational corporations. I mentioned the great growth in their economic power, political influence and corrupting action. . . . That is the reason for the alarm with which world opinion should react in the face of a reality of this kind. The power of these corporations is so great that it goes beyond all borders. ...

Their influence and their radius of action are upsetting the traditional trade practices of technological transfer among states, the transmission of resources among nations and labour relations.

We are faced by a direct confrontation between the large transnational corporations and the states. The corporations are interfering in the fundamental political, economic and military decisions of the states. The corporations are global organizations that do not depend on any state and whose activities are not controlled by, nor are they accountable to any parliament or any other institution representative of the collective interest. In short, all the world political structure is being undermined. ...

In the main, it was ... acts [by TNCs in Chile] that led the Economic and Social Council of the United Nations - following the denunciation made by Chile – to unanimously

approve ... a resolution that called for a group of world figures to meet and study the effects and function of transnational corporations in the process of development, especially in the developing countries, and their repercussions on international relations, and present recommendations for appropriate international action” (Progressive International, 2022).

It is obvious that Allende’s statement is prescient and it is equally obvious that the corporate world has continued to knock hard on the governance door, all too often breaking in to spaces that Allende deeply felt they really don’t belong. Following Allende’s General Assembly statement, the Economic and Social Council (ECOSOC) created the Commission on Transnational Corporations, the UN Centre on Transnational Corporations (UNCTC), with its wide range of research and policy papers, and a multi-year effort to formulate a Code of Conduct for Transnational Corporations (Hamdani & Ruffing, 2015). The Commission and UNCTC were dismantled the same year the 1992 Rio Conference on Environment and Development marked a shift in TNCs’ form of engagement with multilateralism. Today most UN system bodies have a designated ‘partnership’ office for direct engagement with the corporate world. This paper is looking at the more subtle and complex form of engagement where TNCs use a multi-constituency structure to pursue their interests in global governance.

THE FURTHER EVOLUTION OF MULTISTAKEHOLDERISM

The growth of multistakeholderism and its challenges to multilateralism have evolved in interesting ways since Rio. As indicated in Table 1, there were a number of experimental phases, such as the establishment of multistakeholder bodies by TNCs, leading civil society organizations and academics to create sustainability standards for specific products without government or UN Secretariat participation. Another experimental multistakeholder arrangement, in this case for governing the digital world, involved the United States government, as the owner of internet names, advocating aggressively for multistakeholderism so as to secure a dominate future role for the digital industry in overseeing global rules, rather than any intergovernmental body at the UN. Within the UN system, the tenth anniversary follow up conference to the 1992 Rio conference tested a new and official result of an intergovernmental meeting, a 'type-II' outcome⁴ that announced a series of private sector-government-civil society programs to bring the benefits of sustainable development to individual countries and regions (see Box 1). Nota Bene – none of these partnerships lasted more than 3 years and none are known to have produced confirmed results.

Box 1

Type II public-private outcomes become part of an intergovernmental process

“(d) Continue to promote multi-stakeholder participation and encourage partnerships to support the implementation of Agenda 21 at the regional and subregional levels.” (WSSD, 2002, paragraph 160(d))

On the political-security side, a multistakeholder group was created by the diamond industry, African diamond mining countries, Global Witness, and other civil society organizations to grapple with the consequences of a civil society media campaign to re-brand diamonds as 'blood diamonds' to reflect the way that the sales of diamonds were being used to fund regional wars. This multistakeholder group with the support of key OECD governments was successful in prompting the General Assembly and the Security Council to permit the multistakeholder group to take the global lead on this issue (UN Security Council resolution 1459, 2003). However three years after its founding the major participating civil society organizations withdrew their support, as the TNCs and the mining States in the Kimberley Process didn't meaningfully implement their own labeling rules (Rhode, 2014).

Developing country participation, indeed General Assembly participation, in these early multistakeholder projects was minimal. Table 1 identifies key moments in the evolution of multistakeholderism, notes the impact of each of these events on the UN system, and characterizes the minimal role of developing countries and the General Assembly in each of these milestones. The three major exceptions to the minimal role of the Group of 77 (G77) countries were as government participants in the two environment and development conferences, which gave a new role to TNCs and multistakeholderism in UN processes; the Kimberley Process, where African diamond countries were actively involved; and in the World Economic Forum's (WEF) Global Redesign Project which was financed in part by three developing oil countries (see Table 1, column 4). In most of these multistakeholder arrangements the UN General Assembly had effectively no participation with the exception of

⁴ At the Rio+10 Conference in Johannesburg, the conference had a regular inter-governmental declaration (called a 'Type I outcome') as well as a series of announcements of public-private partnerships (called officially 'Type II outcomes').

hosting and adopting the outcome of the two environment and developmental conferences (see Table 1, column 5).

Table 1

Multistakeholderism challenges to multilateralism have been evolving since the 1990s and have now reached a new level⁵

Year	Event	Impact on UN system	Developing country participation	UN General Assembly role
1990-1992	Rio Conference on Environment and Development	Individual TNC participation as one of recognized Major Groups	Active participation	Leading body
1990 to date	Creation of global multistakeholder product standards bodies	FAO, UNEP, UNCTAD, Biodiversity COP	0 – 2 per standard setting body	None
1997 – 2001	World Commission on Dams	UNEP	1 developing country	None
1999	On the side of World Economic Forum	Announcement of formation of Global Compact	None in senior advisory group	None
2002	Kimberley Process for the Certification of 'Blood Diamonds' starts	First peace and security multistakeholder effort	African diamond mining governments	Adopted by the General Assembly
2002	World Summit on Sustainable Development (South Africa)	Formal calls at a summit for a new official outcome document 'a type II outcome' incorporating partnerships with the private sector	Many developing Countries invited to be 'partners' but few of these type II initiatives resulted in real actions	Endorsement of conference outcome
2002	First Financing for Development (FfD) Conference	Certified individual businesses to a United Nations conference	None	Corporate accreditations were approved by governments at the FfD conference

⁵ For a more detailed history of the evolution of multistakeholder governance, see Gleckman, 2018, chapter 2 "How did we get here: a convergence of multiple trends".

2003	Push back at the WHO – infant formula & tobacco agreements exclude private sector	More open intergovernmental discussion	In the World Health Assembly	N/A
2010	World Economic Forum (WEF)	Publication of Global Redesign Initiative	Finance provided by three developing country governments	None
2015	Call for multistakeholder partnerships (SDG 17) to implement General Assembly resolution	Growing dependence on corporate partnerships to meet all SDGs	Adopted SDGs	Adopted SDGs
2019	Office of the UN Secretary-General partnership agreement with WEF	Office of the UN Secretary-General	None	Ex post announcement
2021	Creation of COVAX	WHO	Co-chair of COVAX and the Association of developing country pharma companies	None
2022 / 2023	Our Common Agenda and ten related policy briefs	Proposals for nine new multistakeholder groups	'Willing countries'	Under discussion

Following the 2008 financial crisis, the WEF established a major internal program involving 1200 people over 1 ½ years to develop a new global governance strategy that complemented WEF's stakeholder capitalism economic approach⁶. The final 600 page report published in 2010 was entitled 'Global Redesign Initiative' (WEF, 2010). The report laid out a governance framework that placed multistakeholderism above multilateralism (see Box 2) and created a series of high level multistakeholder Global Future Councils to implement their recommendations.

⁶ Schwab, 2021.

Box 2

World Economic Forum's view of the status of multilateralism in a multistakeholder world

"The ideas and proposals that have emerged from the Global Redesign process suggest that very substantial progress can be achieved by:

1. Redefining the international system as constituting a wider, multifaceted system of global cooperation in which intergovernmental legal frameworks and institutions are embedded as a core, but not the sole and sometimes not the most crucial, component." (WEF, 2010, pg. 7)

Subsequently in 2019, the WEF signed a memorandum of understanding (MoU) with the Office of the UN Secretary-General to move forward with this plan. The MoU called for parallel programming and mutual support with initial emphasis on six global important areas (see Annex I for the full text of the MoU and its brief public history). The MOU between WEF and the Office of the UN Secretary-General has never been submitted to the General Assembly for approval. Similarly, the FAO concluded an MoU with the WEF (FIAN, 2023). An Open Letter from hundreds of civil society organizations (CSOs) to the Secretary-General summarized their concerns as follows:

"We are very concerned that [the] ... WEF-UN partnership agreement will de-legitimize the United Nations and provide transnational corporations preferential and deferential access to the UN System. The UN system is already under a big threat from . . . those who question a democratic multilateral world. However, this corporatization of the UN poses a much deeper long-term threat, as it will reduce public support for the UN system in the South and the North." (Open Letter to the UN Secretary-General, 2019)

Today the key elements of the recommendations from the WEF Global Redesign Initiative are reflected in the UN Secretary-General's post 75th anniversary report, *Our Common Agenda* (OCA) (United Nations, 2021), in the report of the UN Secretary-General's High Level Panel on Effective Governance (HLAB, 2023), and in the Secretary-General's series of Policy Briefs (Secretary-General's Common Agenda Policy Briefs 1, 2, 3, 5, 8; 2023) (see Box 3).

Box 3

Parallel texts from the Global Redesign Initiative in recent reports from the Office of the UN Secretary-General

Our Common Agenda

“...as part of the follow-up to Our Common Agenda, I invite States to consider making the [Trusteeship] Council available as a multi-stakeholder body to tackle emerging challenges and, especially, to serve as a deliberative forum to act on behalf of succeeding generations. Among other tasks, it could issue advice and guidance with respect to long-term governance of the global commons, delivery of global public goods and managing global public risks.” (United Nations, 2021, paragraph 125)

Report of the High Level Advisory Board on Effective Multilateralism

“We must accept that individual aspirations are no longer principally mediated by national governments, though States continue to play a central role.”

In the same paragraph the report lists which actors should now, in their view, be jointly involve: “... all States, civil society, private sector actors, local and regional governments, and other groups that have been traditionally excluded from global governance”. (HLAB, 2023, pg. 13)

MULTISTAKEHOLDERISM HAS EXPANDED ACROSS THE UN SYSTEM

Today multistakeholder bodies are engaged across the UN system (see Table 2). All the life's major needs – food, housing, clean water, health, action against climate change – have multistakeholder mechanisms for corporate intrusion into global governance (Table 2, column 1).

The heads of all the UN system Secretariats convene regularly as the Chief Executive Board (CEB). Of the 31 member organizations of the CEB, ten are known to have multistakeholder bodies working in different policy spaces (Table 2, column 3). While the specific structure of the multistakeholder groups vary by global governance theme and related UN organizations, one common characteristic (Table 2, column 4) is that developing country participation in the leadership is basically minimal. As with developing country governments, international civil society organizations are being marginalized out of the international policy and program implementation space.

Table 2

Multistakeholderism is now widespread across the UN system

Global governance matter	Multistakeholder organization	Relevant UN system body	Developing country participation
Responding to the food/agricultural crisis	Food Systems Summit	FAO / Committee on Food Security (CFS)	Minor
Directing agricultural research	CGIAR	IFAD / FAO	5 seats on governing body of 20 members
Providing equitable access to the internet	Internet Governance Forum	ITU	Minor
Funding the SDGs	Corporate partner philanthropies	ECOSOC / HLPF	1-2 seats on governing body depending on the individual donor
Securing COVID-19 vaccines	COVAX	WHO	As participants in government advisory bodies
Mitigating climate change	NetZero organizations	UNFCCC	None
Macro-economic stability	Financial Stability Board (FSB)	World Bank, IMF	7 members of the 32 members of the Steering Committee
Maintaining biodiversity	Multi-stakeholder Platform for Protecting Biodiversity	ESCWA	Unknown

Managing complex risks	WEF Global Future Council on Complex Risks	UN	None
Building culture and the arts	UNESCO Multistakeholder Dialogue on Culture and Arts	UNESCO	Unclear
Creating inter-generational gender equity	Generation Equality Multi-Stakeholder Leadership Group	UN Women	3 seats in 8 person government group, one of five groups in the leadership structure
Dams	World Commission on Dams	UNEP, World Bank, UNDP	None
Setting global sustainable development product standards	Marine Stewardship Council	FAO, UNCTAD	Advisory

FOUR DIFFERENT TYPES OF MULTISTAKEHOLDER GROUPS

Table 2 also exhibits the four different types of multistakeholder groups⁷.

The first category concerns standard setting organizations. TNCs over the past decades have found – or have created – niches for sustainable products on the international market. To operate in these niche markets, the industry needs agreements on production standards and related labels that can connote to customers that the product was sustainably produced and/or is one without unnecessary health risks. These niche markets exist in part because of the growing number of concerned consumers and in part because environmental, health, and worker activists in the Global South are raising important matters about the production of an economically significant export (e.g. sustainably produced coffee, tea, or cotton). To create such product-specific definitions of sustainability and then monitor the implementation of these standards, firms working with leading environmental civil society organizations have established a range of multistakeholder standard setting bodies.

The governing task of setting product-related standards has traditionally been a function of national governments, domestic trade associations, and the ISO⁸. Today however the Marine Stewardship Council, one of the organizations listed in Table 2, is joined by the Forest Stewardship Council, Better Cotton Initiative, Global Coffee Platform, and Roundtable for Responsible Soy as multistakeholder standards bodies. These multistakeholder organizations have proliferated so significantly that they have their own international trade association⁹. This standard setting role could have been done by intergovernmentally authorized bodies, such as those affiliated with United Nations Environment Programme (UNEP), Food and Agricultural Organization (FAO), World Health Organization (WHO), United Nations Industrial Development Organization (UNIDO), United Nations Conference on Trade and Development (UNCTAD) or by international associations of government standard setting bodies. Were this to be the case, governments, particularly those from the Global South, could have had a direct role in defining the market for one of their exports and an opportunity to challenge any perceived political or economic bias in the *de facto* global standard¹⁰.

The second category of multistakeholder groups, also reflected in Table 2, are those that seek to establish a global policy framework, particularly for crises that have attracted significant international attention. The Food Systems Summit, the Internet Governance Forum and the World Economic Forum's Global Future Councils are multistakeholder organizations with an explicit goal of defining the global policies in their respective spaces. In some cases, policy-oriented multistakeholder groups operate autonomously from any intergovernmental bodies while they frame policy positions for adoption by global business-related associations or for joint corporate advocacy. In other cases, such as the Food Systems Summit, they are created and operate with the active support of UN system organizations. In both of these cases, the composition of policy-oriented multistakeholder groups is heavily tilted toward participants based in developed countries and heavily supported by Global North governments and related bodies.

The third category of multistakeholder groups are multi-actor groups that assert that they are assisting in implementing globally adopted standards and goals. The climate change-related Net-Zero multistakeholder group, listed in Table 2, is joined by many SDG-related

⁷ Gleckman, 2018, pgs. 16-28.

⁸ International Organization for Standardization (Geneva)

⁹ The International Social and Environmental Accreditation and Labeling Alliance (ISEAL) at <https://www.isealalliance.org/>

¹⁰ UNCTAD, Understanding Voluntary Sustainability Standards: A Strengths, Weaknesses, Opportunities, and Threats Analysis, UNCTAD/DITC/TAB/2023/3 - April 2023. Available from https://unctad.org/system/files/official-document/ditctab2023d3_en.pdf.

multistakeholder groups claiming to implement the Sustainable Development Goals. From a TNC perspective, these bodies are ideal operating structures because they provide a way for TNCs to show publicly that they are supportive of intergovernmental goals, but via their implementation practices they can 're-interpret' the agreed global goal such that it is consistent with their over-all corporate strategy. Implementing multistakeholder groups seldom file reports to the intergovernmental body which adopted the global standard or goal. What the multistakeholder form of these implementation multistakeholder groups provides for the leading TNCs is that they have no publicly identified responsibility for actually implementing the international goal. For OECD governments, multistakeholder groups that are prepared to say they are engaged in implementing global goals have a political and financial benefit. They allow the OECD aid offices to limit the expenditure of State funds designed for development on the grounds that TNC-aligned bodies can deliver greater resources in the area.

The fourth category of multistakeholder groups are those which are philanthropic bodies. Traditionally, family foundations and single corporate foundations have a leadership body composed of family members or corporate representatives with a limited number of 'outside' experts. Distinct from this structure, the leadership of multistakeholder philanthropic foundations tends to consist of individuals from a diversity of social groups, a range of geographic regions, a variety of academic disciplines in addition to the key contacts with the major capital donor(s). Internally the multistakeholder philanthropic foundation structure provides a way for the foundation to gain insight and contacts from a wider array of specialized communities and to bring a more sensitive and nuanced understanding of potential grantees than older styled foundations. Politically this more diverse leadership can convey to governments and civil societies that a particular funding source may be more acceptable than an OECD country aid program or a single corporate foundation donor. The agricultural research co-ordination and funding group, the Consortium of International Agricultural Research Centers (CGIAR)¹¹, in Table 2 is joined by the Bill and Melinda Gates Foundation and the European Climate Foundation, as philanthropic multistakeholder organizations. As OECD and other wealthier countries are under-funding global goals, multistakeholder private foundations can have very significant political and economic status. They can provide a way for the foundations to pick and choose which intergovernmental global goals are really important to their core funding sources and in so doing they can effectively re-prioritize intergovernmental decisions.

¹¹ CGIAR, which was founded by the Ford Foundation in 1971, had by 2011 sixty-four public and private institutional members working on agricultural research, thirteen international organizational members including the World Bank and four private foundations (Ford Foundation, Kellogg Foundation, Rockefeller Foundation and the Syngenta Foundation for Sustainable Agriculture). See https://cgspace.cgiar.org/bitstream/handle/10947/5277/Consortium_Constitution_05_03_2010.pdf?sequence=1 (accessed July 28, 2012).

RISKS FROM MULTISTAKEHOLDERISM ARE EXPANDING

The report on *Our Common Agenda* (OCA) calls for nine new multistakeholder groups covering a wide range of global public policy matters, stretching from programs to reduce violence against women and girls to managing global emergency challenges (see Table 3). Six of the nine are recommended to implement the SDGs (Table 3, column 2). Besides recommending a multistakeholder approach to these issues, the OCA noticeably does not propose any new intergovernmental negotiations on pressing global topics. With the exemption of transforming the Charter-created Trusteeship Council into a multistakeholder body, the extent of developing country participation in any of the newly proposed multistakeholder groups is unclear.

Table 3

Calls for new multistakeholder groups and activities in *Our Common Agenda*

Proposed multistakeholder activity	Relates to SDG	Developing Country Participation
A high level, multi-stakeholder Summit of the Future	n.a.	Unclear
A multi-stakeholder dialogue on outer space	n.a.	Unclear
A multi-stakeholder dialogue for the Global Digital Compact	9	Unclear
A multi-stakeholder effort to significantly reduce violence worldwide and in all its forms, including against women and girls	5	Unclear
A way to build a multi-stakeholder momentum for a Generation Equality Forum	n.a.	Unclear
A multi-stakeholder emergency task force on vaccines	3	Unclear
A multi-stakeholder meeting before the 2023 climate stocktaking	13	Unclear
A re-purposed Trusteeship Council as multi-stakeholder body able to tackle emerging challenges and to act on behalf of succeeding generations	16	Developing country members on the Trusteeship Council
Consideration of shifting the Commission on Women to a multi-stakeholder format	5	Unclear

In his spring 2021 OCA paper, the UN Secretary-General also called for a high level, multistakeholder Summit of the Future in September 2023 and a high level advisory body on multilateralism. The tasks he assigned to the multistakeholder Summit of the Future were new, cutting edge global concerns and inadequate current governance arrangements. His report explained:

“Once the Advisory Board has reported its findings, it will be important to hold a high-level, multi-stakeholder “Summit of the Future” to advance ideas for governance arrangements in the areas of international concern mentioned in this report, and potentially others, where governance arrangements are nascent or require updating.” (United Nations, 2021, paragraph 103)

The New York Group of 77+China leadership met with the UN Secretary-General and his Office and made clear that any planning for the future should be led by the UN General Assembly and the President of the General Assembly. They also made clear that laying out the future for the UN needed more planning time and that September 2023 conflicted with the previously scheduled mid-term SDG Summit. In subsequent statements by the Secretary-General, the President of the General Assembly and in procedural resolutions relating to the Summit of the Future, this event was referred to as a multilateral event. It was also re-scheduled to September 2024.¹²

Planning for the future takes a good deal of thought. The WEF for example hosts annually a series of policy-oriented multistakeholder groups under the title of Global Future Councils. These councils meet regularly via the web and then once or twice a year in face-to-face meetings. Table 4 selects from the 2023 themes of the Global Future Councils' (see column 1) topics that could well be on the Summit for the Future's agenda or the agenda of a specialized agency (see column 2). Once a policy-oriented multistakeholder group at the WEF has developed its governance, technology, or program strategy for a given area, the members can decide if they would find it advantageous to engage with the UN system Secretariats or intergovernmental bodies on the issue.

Table 4

Priority global policy areas Identified by the World Economic Forum's Multistakeholder Global Future Councils (2023) and the UN system bodies that could address these issues

Under-governed areas identified by the World Economic Forum's Global Future Councils (2023)	UN system body where topic could be considered by multilateralism
Advanced Manufacturing and Value Chains	UNCTAD
Artificial Intelligence	Special Envoy on Technology
Autonomous Mobilization	IATA, IMO, UNIDO
Care Economy	WHO
Cities	Habitat
Clean Air	UNEP, WHO
Future of Complex Risks	Not yet identified
Future of Cybersecurity	ITU
Future of Data Equity	Special Envoy on Technology
Economics of Equitable Transition	UNCTAD, Second Committee of the General Assembly
Future of Energy Transition	UNFCCC, IEA
Food and Water Security	FAO, UNEP
Geopolitics	Security Council
Good Governance	UN Department of Economic and Social Affairs
Growth	World Bank, UNDP, Second Committee of the General Assembly
Job Creation	ILO
Metaverse	Special Envoy on Technology
Nature and Security	UNEP, Security Council

¹² Author interview of a G77 ambassador.

NetZero Living	UNFCCC
Philanthropy for Climate and Nature	UNEP/World Bank
Quantum Economy	Second Committee of the General Assembly
Resilient Financial System	Financing for Development process
Responsible Investing	Financing for Development process
Responsible Resource Use	UN Department of Economic and Social Affairs
Space	Legal Counsel, Office of Outer Space
Sustainable Tourism	UN World Tourism Organization (UNWTO)
Synthetic Biology	WHO
Technology Policy	UNCTAD / UNIDO
Trade and Investment	UNCTAD / WTO/ World Bank

Each of these globally important topics (in column 1) could well be addressed within the UN system (column 2); these intergovernmental debates could be supported by contributions from think tanks, civil society research work, business advisory studies, and reports from international secretariats.

OTHER FEATURES OF MULTISTAKEHOLDERISM IN PRACTICE

The variety of structures and practices of multistakeholder groups is a testament to the creativity of their leadership. In some way this variability can disguise a number of core characteristics.

In practice each multistakeholder group has at least one, often two or more, executives from TNCs or their affiliated business organizations. These executives and other founders, when there are co-founders, largely select the remaining members (Gleckman, 2018, chapters 3 & 4). The other members may be government representatives, scholars from the academic community, religious authorities, civil society leaders, UN Secretariat staff, executives from national community organizations or other social groups. The particular combination depends on the nature and purpose of the specific multistakeholder group. Some of the members may be selected for their potential contributions within the multistakeholder group; others may be selected in order to have a stronger link between the multistakeholder group and specific outside constituencies or institutions.

Those selected for their outside-focused role are often presented to the wider world as 'representing' a class of self-defined 'stakeholders' in an issue, that is one or two government participants might be presented as 'representing' governments, one or two health care providers might be presented as 'representing' the needs of under-served patients. Similarly one or two selected UN staff might be said to be 'representing' the United Nations or governments including implicitly those governments officially overseeing their own office. Quite frequently the civil society members are presented as stakeholders for all classes of people or for 'nature'. The appointment of these 'representatives' is one of the powers that the founders have, as they balance the need for internal operational requirements with the need to create public legitimacy and to position the newly formed multistakeholder group into the constellation of existing legitimate international organizations.

All 'stakeholders' in a multistakeholder group are presented to the wider world – and sometimes within a given multistakeholder group – as equal in decision-making authority and program execution. Given the founding history and the nature of the external connections of individual members of a multistakeholder group (e.g. foundation ties, affiliations with major governments), there is an asymmetry in power between the members.

In short, membership is hand-picked and exclusive while the viability of any multistakeholder group depends largely on the determination of its founders and more powerful actors.

Most multistakeholder groups opt to work without an explicit connection to the UN system while they are performing global governance functions. Their founders believe that they are able to gain sufficient legitimacy because of their organizational aspirations (e.g. a market legitimacy via establishing product-sustainability standards), because of their association with a global or regional business associations (e.g. a thought-leadership legitimacy derived from alignment with the World Economic Forum) or because of their access to non-State financial resources (e.g. programmatic legitimacy as they can act in the developing countries largely without State permission or intergovernmental oversight).

When there is a direct connection, it is most often with a UN system Secretariat, not with intergovernmental bodies which oversee the Secretariat. Direct connections with the UN system Secretariat can take two different forms. The most powerful direct connection is when the Secretary-General or a Director-General is an important founder of a multistakeholder group, as in the case of the UN Secretary-General's call for new multistakeholder groups or

activities in the OCA or the Deputy Secretary-General and FAO Director-General's leadership in the Food Systems Summit.

Box 4

Multistakeholder impact on the FAO Secretariat

“... for the current top leadership in FAO, multistakeholderism and a comprehensive open-door policy to corporate actors have become institutional priorities of FAO during the past years, and shall be enhanced and consolidated in the near future. It is also evident that this ever-increasing corporate influence in FAO and its tendency towards the globalized market value chain model come into an institution that lacks a robust accountability framework for corporate actors, clear rules for full transparency for the ways of engagement, as well as effective safeguards against conflict of interest.” (FIAN, 2023, pg. 8)

A more common form of direct connection is when a UN system staff member is invited by external actors to participate in a multistakeholder group. The UN system Secretariat largely has no formal obligation to report their engagement to their official intergovernmental bodies further weakening the intergovernmental 'ownership' of multilateralism. This 'freeing' of multistakeholder groups from intergovernmental oversight is believed by the advocates of multistakeholderism to be one of the strengths of multistakeholder governance.

When there is a direct connection with an intergovernmental body, it is often when the policy recommendations or program of the multistakeholder group is brought to an intergovernmental body for its endorsement and legitimization as with the case of the approval of the Kimberley Process noted earlier. More recently, the UN Secretary-General's Policy Brief on digital issues envisions the results of the Digital Cooperation Forum to be adopted by the General Assembly (United Nations, 2023d; IT for Change, 2023). Likewise, the UN Deputy Secretary-General, the Director-General and Deputy Director-General of FAO have moved to have the results of the Food Systems Summit incorporated officially in the decisions of the FAO Council (FIAN, 2023).

Multistakeholder groups seeking to operate autonomously and multistakeholder groups with an established public link to the UN system share however a common characteristic. They will often justify their organizational existence and its actions by reference to a UN system global norm or policy recommendation. This indirect connection to the official intergovernmental bodies has a contradictory element. A multistakeholder group asserting that they are responding to an intergovernmental goal, for example helping to meeting an SDG or the Paris climate agreement, acts to convey legitimacy to their organizational purpose but it also allows the multistakeholder group to re-define without a significant fear of public rebuke, climate goals or developmental priorities. The latter practice is seen in multistakeholder groups which announce commitment to the SDGs but in practice select one or two SDGs to focus on while their participants, particularly the corporate participants, may be benefiting from a crisis that prompted another SDG or even might be a significant driver of a given SDG-related crisis. Similarly, corporate members of multistakeholder groups that 'support' the Paris Climate goals may be active in both the alternative energy industry and the oil and gas industry.

In short, the relationship with the UN system is intentionally *ad hoc* (i.e. it varies widely) and not, with limited exceptions, under 'supervision' in any sense of the word by governments.

Intergovernmental bodies in the UN system are governed by a rule book and long-standing governance conventions which seek to ensure a basic level of democratic practice in global governance. These rule books also protect the rights of smaller delegations, require periodic financial and organizational reports, and define appropriate ways for civil society to contribute to global decision-making. On the other hand, multistakeholder groups lack any of the safeguards of normal UN rules and procedures. There is no common rule book for decision-making, no standards for the disclosure of the agenda, income sources, or expenditures. Given the important presence of TNCs and affiliated business associations in multistakeholder groups, they should have –but do not have – rules for identifying potential commercial-public conflicts of interests or rules governing disclosure of financial payments to the multistakeholder group or individual non-business participants in the multistakeholder group. As have been noted earlier, multistakeholder groups as a governing category and members of a multistakeholder group stand outside of the international legal standards for State responsibility, obligations or liability even when they are effectively acting as global governors.

For proponents of multistakeholderism, all relevant ‘stakeholders’ – or more accurately their designated representatives – are inside a multistakeholder group. Thus, proponents assert that multistakeholder groups are ‘inclusive’. The UN Charter foresaw the inclusion of non-governmental organizations (NGOs) as consultants to ECOSOC. Over the years it became apparent that the NGO category was no longer precise enough to describe the diversity of non-State actors that might be helpful to intergovernmental bodies. As FIAN recognizes in the food and agricultural area, “The emphasis on inclusiveness in governance structures is based on the recognition of the fact that marginalized groups and constituencies have been systematically excluded from decision-making in the food arena, especially the peasants, pastoralists, fisherfolks, landless, workers, women, youth and Indigenous Peoples” (FIAN, 2023). In the build up to the Rio ‘Earth Summit’ in 1992, this wider concept of inclusiveness was formalized with the creation of the ‘Major Groups’ categories¹³.

In the last ten years, the politics of participation in global governance changed with the advent of multistakeholderism. The international business community has adopted the ‘inclusiveness’ vocabulary to say that each separate part of the private sector – stock markets, international accountants, TNCs in the service sector, venture capitalists, investment advisors, developing country manufacturers, the banking sector, the corporate-led grant making foundations – should be independently recognized around the table, while re-casting most of the other communities previously designated as NGOs or part of Major Groups into a singular presence as ‘civil society organizations’, thus multiplying the influence and ‘votes’ of profit-driven actors while reducing those of voluntary, collective interest and solidarity-driven groups.

¹³ The original Rio ‘Major Groups’ were women, children & youth, Indigenous Peoples, Non-Governmental Organizations, Local Authorities, Trade Unions, Business & Industry, Scientific & Technological Community, and Farmers. Subsequently persons with disabilities, those supporting ageing, and education were added and the category itself was renamed as ‘Major Groups and Other Stakeholders’ (MGoS).

MULTISTAKEHOLDERISM CHALLENGES TO MULTILATERALISM

Multistakeholderism presents six challenges to multilateralism and to developing country governments:

- (a) an erosion of sovereignty
- (b) the outsourcing of global governance
- (c) a decline in accountability and trust in the international community
- (d) a shift in implementation from OECD governments to TNCs based in OECD countries
- (e) a narrowing of the range of policy directions to those that are compatible with current globalization rules or a commercial return; and
- (f) a corruption of diplomatic language by masking the legitimate difference in governance actors as equivalent 'stakeholders'

The next section of the paper explores each of these challenges in more detail.

(a) Multistakeholderism erodes sovereignty

A core principle in multilateralism is one-country-one-vote. Even if the practice has significant exceptions, the concept is that all States are equal in international relations.

Multistakeholderism takes a fundamentally different view, that is all 'stakeholders' are equal. In this formulation, a civil society organization, an academic, a government, a local business, a TNC, and a member of the UN system are seen as equal participants in a multistakeholder body. It is simply a false equivalence when ambassadors sit side by side with corporate executives and leaders from civil society, faculty members from a university, UN system staff to create global norms or to manage global development programs.

When other actors are seen as equivalent to States, it also undermines the long-standing international concepts of State responsibilities, obligations and liabilities, as the new actors are unencumbered by any such legal requirements when acting as governors. Not only are the non-State participants unencumbered with formal requirements for responsibility, obligation, and liability, but they actively oppose any international efforts to define these core requirements¹⁴. Within a multistakeholder group this avoidance of core requirements of governance leads to finger-pointing within the multistakeholder group when the group fails to deliver on a public declaration. Outside a multistakeholder group the absence of core governance requirements means that TNCs or other lead players can just 'drop out' a global arrangement whenever they wish, leaving any State members to shoulder public accountability and continued State responsibilities, obligations, and liabilities.

The WEF's Global Redesign Initiative also recommended multistakeholder co-management of governmental functions in fragile States. The GRI report called for

"the creation of a **dual-oversight agency** [bold in the original] where responsibility is shared between state authorities and external funders in order to meet the urgent needs of the population in fragile states through the delivery of essential social and economic services, while building sustainable and accountable systems of public authorities." (WEF, 2021, pg. 14).

¹⁴ E.g. Business associations and individual firms are actively opposing the negotiation under the UN Human Rights Council of a binding treaty on transnational corporations and human rights. See <https://www.southcentre.int/wp-content/uploads/2020/07/Designing-an-International-Legally-Binding-Instrument-on-Business-and-Human-Rights-REV.pdf>.

Most fragile states are also plagued by the resource curse. The battle for control of a natural resource can involve multiple domestic forces and a combination of competing foreign investors and their allied home governments. In these circumstances, the international extractive industries are very likely to be part of the original problem. These partisan firms, their home country governments, and other donors are being presented as multistakeholder replacements, albeit temporary, for fragile State authorities.

Another form of the threat to state sovereignty in the global space occurs when leading firms in a given sector decide for themselves how to establish and govern 'their' sector without State involvement or with minimal State involvement. This approach is now being taken by leading technological sectors such as nanotechnology, gene splicing, artificial intelligence and drones. It assumes that actors with the technological expertise and financial muscle can manage their competitive pressures without 'spill over' consequences of 'their' technology on peoples and the global environment. Traditionally the State plays a balancing role between the competitive interests of technology holders and the social, economic, and environmental interests of the wider public. Marginalizing governments from overseeing newer technologies unbalances this role. In the information technology (IT) governance structure for example, governments have only an advisory role – a precedent that should not be replicated in rule making for other new technologies.

State sovereignty is eroded by multistakeholderism from four directions – when non-State actors act as if they have equivalent standing in global governance; when non-State actors have the discretionary option to walk away from a multistakeholder undertaking, leaving public accountability to State members; when multistakeholder bodies 'assume' domestic governance functions in weak States; and when non-State actors simply ignore States and elect to take on the global governance by themselves of new industrial products and technologies.

(b) Multistakeholderism creates routes for outsourcing global governance

A major principle in international relations is that intergovernmental bodies make normative global guidelines, negotiate international conventions, and manage and fund international programs. Multistakeholderism seeks to alter this principle by shifting certain global governance activities from the multilateral arena to one involving multistakeholder bodies without formal international authority. This shift occurs in five different ways.

A multistakeholder group can be established to govern an area when leading economic or political actors perceive that there is a gap in global governance and they would prefer not to have States involved or judge that an effort to get States involved would be too demanding. Examples of this self-declared global governance role are product-specific standard setting bodies, technology-specific rule making processes, multistakeholder philanthropic groups which use their financial resources to define priorities for global actions and the World Economic Forum's Global Future Councils. For self-regulatory advocates, it is important that the role of intergovernmental bodies and Secretariats remain largely minimal or advisory. In product-specific sector multistakeholderism, States can opt to 'take back' this outsourcing of governance, provided that the States that support public-private governance mechanism do not block intergovernmental consensus by asserting that multilateralism should not 'duplicate' what public-private standard setting bodies are already doing.

In the second type, intergovernmental bodies issue a call for public-private partnerships or multistakeholder engagement in the implementation of major resolutions. In these cases, multistakeholder groups and their participants get to choose which policy or program issues they want to participate in, picking and choosing the ones that they perceive most likely to

benefit their sector or firm. They may conversely choose to engage in UN system activities that they perceive would negatively impact their own market in an effort to deflect or defer international action (e.g. oil and gas firms joining in climate groups). When they do get involved in the governance of a certain issue, they act in such a way as to narrow the range of policy decisions to only those that are compatible with commercial interests. Needless to say this is not always aligned with the public good.

A third form of outsourcing governance occurs when TNCs and TNC-related bodies invite the UN Secretariats or intergovernmental bodies to 'join' their multistakeholder endeavor. The invitation to 'join' can either be as important leaders or simply as members of an advisory body. In the case of important leader role, the multistakeholder body can then assert to the wider public that UN presence means that the UN or governments are involved in the undertaking even though neither the Secretariat or an intergovernmental body has formally approved the participation of UN staff or individual government delegates. A recent example is the structure of the multistakeholder COVAX which engaged WHO into COVAX governance arrangements as both a leader and as support staff (Gleckman, 2022). As COVAX had the financial support from governments (over 75% of COVAX initial funding was from governments), active engagement of multistakeholder health organizations and sectors of the vaccine industry, the WHO had little choice in accepting the invitation to provide vaccines via COVAX, rather than through an emergency program within WHO (Gleckman, 2022). At no point did the Office of the Director-General of WHO submit the COVAX arrangement for approval by the World Health Assembly.

The fourth form of outsourcing is a reverse of the initiation approach of the third. In the fourth form, an international Secretariat (usually the Secretary-General or a Director-General) 'asks' a multistakeholder centric-group to lead certain themes. Recent examples include the Food Systems Summit and the various calls for multistakeholder governance in *Our Common Agenda* (see Table 3 above). The incentive for a Secretariat-led call for outsourcing governance can vary. In some situations it derives from a hope that the financial capacities and technological knowledge of leading TNCs can contribute to solving a global problem; in other cases the Secretariat may be influenced by the perspective of major OECD governments that would prefer the global self-regulation of a market. In the fourth form, Secretariat involvement can again vary from chairing the undertaking to providing staff support.

The fifth form of outsourcing governance is where the governing bodies of the UN system call for private sector partnership as a crucial component for the implementation of their approved global goals. The drivers for this type of outsourcing of implementation can be a combination of three factors: the realization (1) that major Northern States are not likely to take responsibility for implementation of a resolution, (2) that any implementation by private sector organizations or multistakeholder groups is a plus and (3) that OECD States seek to widen acceptance of 'public-private partnerships' as a national or international goal. Major examples of this form of outsourcing are the call in the Paris Climate Agreement for partnership and the implementation call in SDGs for partnerships. As SDG targets 17.16 and 17.17 state:

"Multi-stakeholder partnerships

17.16 Enhance the global partnership for sustainable development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries

17.17 Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships"

In all such calls for outsourcing the implementation of global decisions, the intergovernmental body does not require or expect any progress reports nor have they set the terms for measuring effectiveness of the outsourcing.

(c) Multistakeholderism results in a decline in accountability and trust in the UN system

A major premise today in international relations is that accountability and trust is built by successful on the ground projects, by open and public access to meetings, and by regular public reports by UN system organizations. Yet significant populations from around the world see the international system as not being trustworthy and accountable.¹⁵ This concern led in part to the Our Common Agenda call for a new global social contract (United Nations, 2021, pg. 22).

Multistakeholderism adds to this loss of trust by not having open meetings and by not disclosing what the multistakeholder groups are actually doing. Policy recommendations from such groups are greeted sceptically as they are seen as likely to be commercially viable ‘solutions’ which do not – which cannot – address today’s major structural crises. The decline in accountability and trust is tied up with the lack of accountability of individual participants in a multistakeholder group to their designated constituency, the manner that individual participants are projected to the public as ‘representing’ a given constituency, and the lack of creditable periodic reports to the public and the UN system.

For example, UN Secretariat staff are often assigned by founders of multistakeholder groups to represent ‘the UN’, ‘governments’ and sometimes ‘developing countries’. However, they may have no training about the appropriate roles for an international civil servant in a multistakeholder group. While Secretariat staff are given instructions on their regular work assignments pursuant to decisions by intergovernmental bodies, there is no intergovernmental pre-clearance for Secretariat staff to participate in a given multistakeholder group nor clear reporting lines back from their engagement. This sharp decline in Secretariat staff accountability and the implicit support for the activities of a multistakeholder group with the participation of Secretariat staff weakens public acceptability for the UN system as a whole.

Civil society members of a multistakeholder group are often assigned by founders to represent the ‘public’, ‘civil society organizations’ or ‘developing country peoples’. In general staff of CSOs too do not get guidance from their organizational board for the positions they take within a multistakeholder project nor does their board get detailed post-meeting reports. As with civil society members of a multistakeholder project, religious leaders and academics in multistakeholder groups seldom have formal mandates from or report back to their sponsoring organization. This free floating membership practice and lack of clear ties to acknowledged public representative bodies cannot but weaken trust in the global international community by potential beneficiaries and the wider public.

As noted earlier corporate members in a multistakeholder group have an asymmetric power relationship within a multistakeholder group. These executives don’t have to disclose potential conflicts of interests. This lack of basic disclosure by multistakeholder groups and their corporate participants, particularly with multistakeholder groups closely affiliated with— or asserting that they are affiliated with – the UN system may add an unnecessary level of

¹⁵ Albert Trithart and Olivia Case, “Do People Trust the UN? A Look at the Data”, IPI Global Observatory, 22 Feb. 2023. Available from <https://theglobalobservatory.org/2023/02/do-people-trust-the-un-a-look-at-the-data/#:~:text=A%20global%20level%202020%20survey,27%20percent%20that%20does%20not> (accessed 7 August 2023).

skepticism toward the public acceptability of multilateralism as an institution that has the best intentions of the powerless in mind.

Government members of the multistakeholder group also do not have requirements to report back to related intergovernmental bodies nor to operate with the rules for openness of intergovernmental meetings. Founders of multistakeholder groups select which countries they wish to participate in a given group. Consequently, there may be a loss of geographic balance in the government composition of multistakeholder groups, which adds to the disquiet of people in regions not 'represented' in a given multistakeholder group.

Box 5

Exclusion of governments from the follow up to the multistakeholder Food Systems Summit

"National governments are not part of the governance structure of the [Coordination] Hub (editor: the follow up mechanism to the Food Systems Summit). This is a critical point that undermines the centrality of intergovernmental decision-making and then opens the way to the corporate sector and the de-facto shift from the intergovernmental process to a nebulous and opaque grey zone where everyone is invited to join in. The leading role of Senior UN staff in such moves faces increasing criticism from several member states". (FIAN, 2023, pg. 4)

Trust and accountability are hard to build particularly at the global level. The working practices of multistakeholder groups weaken further the level of global trust in the international community and multilateralism.

(d) Implementation shifts from OECD governments to TNCs based in OECD countries

Long before the Pearson Commission (1969) recommended the 0.7% target for Official Development Assistance (ODA), it was recognized that developed country governments should provide resources to developing countries to build a solid post-colonial economy.

Multistakeholderism allows developed States to have a new public management way to avoid not meeting the 0.7% ODA target. It allows them to step aside from funding commitments as TNCs and corporate-based multistakeholder groups from their countries are seen as open wallets that could – *emphasis could*— provide trillions to underwrite global public goods and development better than the billions in OECD aid programs. Since the 1960s the OECD has led the way in defining what flows of resources from Northern governments to the Global South should count as development assistance. Based on these rules, Northern countries provide annually their data on flows for development to the OECD for release to the global community against a common set of data rules.

The enhanced role of multistakeholderism in international affairs raises three basic issues : (1) the lack of a publicly agreed definition of what corporate-related flows to the Global South counts as development support; (2) the ability of philanthropic multistakeholders to re-set – or self-declare – international goals simply because they control a significant share of the potential financial flows into a public policy area; and (3) grant applications from developing

countries can be distorted in their planning process and framed in ways that might get a better reception by corporate-funding organizations. For example, corporate-led flows to Southern countries come in many forms – investments, loans– that involve flows to Southern countries AND flows back to corporate headquarters. As such they cannot simply be added to direct philanthropic transfers as an indicator of the implementation of global goals. In the area of health care, the decisions of the Bill and Melinda Gates Foundation can impact global health policy directions in many situations more than those of the World Health Assembly.

(e) Narrowing the range of policy directions to those that are compatible with a commercial return and the continuation of the current system of globalization

In countries where the views of the public are reflected in government actions, public policies take precedence over commercial interests. However, on the international level, multistakeholder governance can side-step this accepted national practice.

The non-accountability of multistakeholder groups allows them to re-craft international agreed goals to take into account their business perspective. For example SDG 7 calls for ‘affordable, reliable, sustainable, and modern energy for all’ by 2030. Shortly after the adoption of the SDGs, the UN Secretary-General Ban Ki-moon hosted in his Office a new multistakeholder body ‘Sustainable Energy for All (SE4All)’. In a significant deviation from the intergovernmental goal, this body deleted a crucial economic condition, ‘affordable’, from its new terms of reference.¹⁶

Proponents of public-private partnerships have long argued that there are win-win ways to reconcile corporate profit seeking activities with global public goals. One way to evaluate this claim, which continues to be made by proponents of multistakeholderism, is to envisage a classic Venn diagram. The circle on the left could represent all TNC business activities in a given sector; the circle on the right could represent what needs to be done to meet a global goal. In this Venn perspective, the question is whether the two circles overlap with 25% of each circle or 5% of overlap. If it is 5% then claims for a significant win-win reality are clearly overblown. If the overlap is 25%, it means that 75% of the global needs are unmet and that 75% of the business activities are likely to be antithetical to the global goal.

(f) Corruption of diplomatic language by masking the legitimate differences in governance actors by designating them as equivalent ‘stakeholders’

A major principle in international relations is that States are duty bearers and make global decisions and all other participants advise or provide their views to States. The ‘stakeholder’ vocabulary however assigns to everyone and every organization, including the governing bodies of the UN system and governments, the label ‘stakeholder’.

The long-standing diplomatic references used for ‘peoples’, ‘citizens’, ‘communities’, ‘constituencies’, ‘NGOs’, ‘non-State actors’ are falling into disuse. The ‘stakeholder’ vocabulary also displaces diplomatic language for governments by ignoring the difference between ‘nations’, ‘governments’, ‘ministries’, ‘departments’, and ‘sub-national bodies’. Stakeholder-based language also minimizes the difference between ‘transnational corporations’, ‘small and medium sized enterprises’, ‘cooperative firms’, and ‘state enterprises’. Indicative of this trend, the OCA report uses the word ‘stakeholder’ on the

¹⁶ In 2016 after criticism of its program, Sustainable Energy for All left the Office of the Secretary-General and became a quasi-independent, Austrian registered NGO. Its leader however continued as a Special Representative of the UN Secretary-General for Sustainable Energy and chair of the UN system inter-agency group on energy (Wikipedia, accessed 3 July 2023).

average of every third page. In the 39 page concluding statement from the 2022 High Level Policy Forum, the word 'constituency', 'non-State' and 'non-governmental' do not appear; a search for the letters 'NGO' only appear in the word 'ongoing'; the word 'community' appears most often in the phrase 'international community'; the word 'peoples' appears most often as in 'indigenous peoples'; the word 'citizen' appears 3 times; the word 'stakeholder' appears 22 times (HLPF, 2022) .

The effect of this switch in diplomatic language is that it makes it linguistically easy to move to a multi-stakeholder frame of reference. It also weakens the implicit support for democracy by marginalizing the 'citizen', the recognition of diversity by the types of civil society organizations, forms of business, and national governance systems.

MULTILATERAL COUNTER-MOVES

Governments have a menu of options to consider when responding to multistakeholderism's intrusion into global governance. Their choices include counter-moves on the political level and on the procedural level. The menu below is structured around each of the six threats to multilateralism posed by multistakeholderism. It is presented as a menu because the responses can be combined together to form a variety of counter-strategies. Possible governmental actions include:

- I. To defend against the further erosion of sovereignty
 - a. On the political level
 - i. develop an alternative vision for the next phase of global governance;
 - ii. challenge the legitimacy of multistakeholderism as a potential component of UN 2.0;
 - iii. create an intergovernmental group to review the institutional structures at the UN (a section 109 conference) as well as those at the UN system;
 - iv. authorize intergovernmental negotiations to set standards for relations between UN system bodies and TNCs and multistakeholder groups;
 - v. create new open doors into the intergovernmental arena for major international non-commercial organizations and social movements which seek to share their expertise and views with governments
 - b. On the procedural and working levels
 - i. host public hearings on the role of multistakeholderism and TNCs in global governance in general and in specific sectors;
 - ii. create a standing agenda item at the governing bodies of UN system organizations on the impact of multistakeholderism and networked governance on the individual organizations and multilateralism;
 - iii. request the UN Secretary-General or relevant Directors-General to submit all MoUs with multistakeholder groups for review and approval and to request prior approval of such MoUs in the future
- II. To regulate/limit the outsourcing of global governance
 - a. On the political level
 - i. convene intergovernmental working groups, drawing on the expertise of the relevant UN system organizations, to establish product and process-sustainability standards to replace the existing public-private product-safety standard setting bodies;
 - ii. authorize an intergovernmental negotiation to update the concepts of international liability, responsibility, and obligations to include all powerful actors in global governance, to include the consequences of actions and non-actions on peoples and the planet;
 - iii. establish under the appropriate UN agency the intergovernmental governance of the digital world;
 - iv. establish multilateral-based governance systems for new technologies (e.g. AI, nanotechnologies, robotics, drones) that have the potential to impact global standards of life¹⁷.
 - b. On the procedural level
 - i. request the relevant Secretary-General or Director-General to submit annually a list of new topics that ought to be on the intergovernmental

¹⁷ UNCTAD's Technology and Innovation Reports from [2021](#) and [2023](#) identify ten such sectors.

agenda, including those topics identified as important by major multistakeholder organizations;

- ii. request the relevant Secretary-General or Director-General to submit annually reports on the participation of any UN system staff in multistakeholder bodies in the prior year and planned in the forthcoming year

III. To enhance accountability and trust in multilateralism

a. On the political level

- i. adopt a robust multistakeholder and corporate accountability framework governing the engagement of international Secretariats and intergovernmental bodies with multistakeholder groups and TNCs. Such a robust framework should include:
 - financial reporting to declare sources of income, major categories of expenditures, and significant financial transfers within a multistakeholder groups and between the multistakeholder group and third parties;
 - disclosure of potential conflicts of public and private interests for corporate participants or by multistakeholder bodies in any UN system-related activity;
- ii. define new institutional ways that the intergovernmental process can open the doors of the international system to different categories of civil society actors (e.g. scholars, parliamentarians, non-national government organizations, farmer/worker cooperatives), drawing on prior arrangements for the FAO's Committee on Food Security, the concept of Major Groups and Other Stakeholders, and the practices of the conferences of the 1990s;
- iii. complete the negotiations for an international binding treaty on TNCs and human rights, including clear provisions for international product and process liabilities and access to national and international court systems to close the legal cross-border gap in economic justice

b. On the procedural level

- i. put in place structures that can register multistakeholder groups asserting they are acting in accordance with UN goals and objectives; such registration should include:
 - names of all members of the multistakeholder group;
 - their terms of reference and
 - their annual financial statements.

For non-complying multistakeholder or TNCs, the UN Office of the Legal Counsel should be requested to inform them that they cannot use the UN name or logo in public statements;

- ii. avoid generic references to 'civil society' substituting more precisely the specific civil society communities of relevance (e.g. scientists, farmers, academic bodies);
- iii. develop a register for missions and civil society organizations to disclose annually their participation in any multistakeholder group associated with a UN system organization. Such a register would allow others to assess potential conflicts of interests

IV. To discourage the shift in implementation of financial commitments from OECD governments to voluntary actions by TNCs and multistakeholder groups based in OECD countries

a. On the political level

- i. commit to significant increases in state funding for free public education, health care, infrastructure, housing and expand the tax base in order to provide free quality state programs for all and counter the trend towards the privatisation and commercialisation of public functions
 - b. On the procedural level
 - i. request the UN Secretary-General and Directors-General to convene expert meetings to define the measurement standards for development-oriented private sector flows (e.g. how to measure the sustainability and additionality component of investments, contracts, license agreements);
 - ii. create requirements for all bodies asserting they are implementing UN goals and programs to provide documentation to support these claims in order to prevent greenwashing of the UN name
- V. To re-assert the primacy of global public values and goods over commercial matters
 - a. On the political level
 - i. adopt a resolution that defines global public goods, the global commons, the atmosphere, space, and the high seas as belonging to the peoples of the world and that they are not therefore marketable products or services;
 - ii. review the over-all regular budget government financing of the UN system in order to have the institutional capacity to deliver meaningful global governance and to oversee effectively the global economy
 - b. On the procedural level
 - i. establish a pre-approval process for multistakeholder groups that seek to work with any intergovernmental or Secretariat part of the UN system. The application for pre-approval should include the proposed multistakeholder groups' terms of reference, founding members, current members, rules for making organizational decisions, and annual financial statement
- VI. to cleanse diplomatic language of the 'stakeholder' vocabulary
 - a. On the political level
 - i. revert to using 'constituencies', 'citizens', 'communities' and 'peoples' in resolutions and government policy statements instead of language of 'stakeholders' or 'partnerships';
 - ii. similarly revert to appropriate, disaggregated language to refer to governments and businesses
 - b. On the procedural level
 - i. request the Secretary-General and Directors-General to increase the precision of their reports by using more accurate social categories rather than generic 'stakeholder' or 'partnership' language

CONCLUSION: MULTISTAKEHOLDERISM IS A RISKY AND UNHELPFUL ADDITION TO MULTILATERALISM

Global governance is at a transition point with a call for a UN 2.0 that is based on a combination of multistakeholderism and networked governance. An alternative vision – or combination of visions – for global governance post- the UN 75th anniversary is available. These visions return the nation-State to the center of global governance with a renewed commitment to provide the necessary finances and political leadership for the UN system and to open the door to the diversity of civil society institutions and social movements which are committed to supporting true multilateralism.

Why is this urgent? Multistakeholderism has built a track record that is marginalizing intergovernmental bodies, developing countries, and the peoples identified in the first words of the UN Charter. Multistakeholderism is changing the premises of international law, allowing TNCs to be directly engaged in global policy-making and interfering in the implementation of urgently needed programs to protect global public goods, meet global society needs, and safeguard the global commons. The urgency is heightened because the World Economic Forum and the heads of UN system organizations – the UN Secretaries-General and Directors-General – are presenting a positive narrative in support of corporate-led multistakeholderism. The urgency is further heightened because the peoples of the world are losing trust in global governance, as wars, climate change, and health are not being appropriately addressed by the current intergovernmental system and can only be made worse by corporate-led multistakeholder groups. States and the multilateral system can significantly shift the momentum back to a State-led global governance system if they commit themselves to a new global narrative and a major renewal of the institutions of global governance.

ANNEX 1

The United Nations – World Economic Forum

Strategic Partnership Framework for the 2030 Agenda

The United Nations and the World Economic Forum are committed to accelerate implementation of the 2030 Agenda for Sustainable Development – the world's plan for peace, prosperity, and a healthy planet.

Recognizing the ambition of the 2030 Agenda, the United Nations and the World Economic Forum seek to strengthen their partnership by focusing on jointly selected priorities and by pursuing a more strategic and coordinated collaboration, by leveraging their respective strengths and broadening their combined impact, building on existing and new collaborations by UN entities.

The partnership envisions for the United Nations (hereinafter “UN”) and the World Economic Forum (hereinafter “Forum”) to help each other increase their outreach, to share networks, communities, knowledge and expertise, to foster opportunities for innovation, and to encourage a wide understanding of and support for priority issues among their relevant stakeholders.

The strategic partnership framework seeks to ensure the consultation, exchange of information and coordination required for effective collaboration. Working together with the agility needed for rapidly changing contexts and requirements, adapting to technology-driven trends, other frontier issues and increasing complexities, as well as harnessing the opportunities presented by multi-stakeholder engagement is critical to accelerating the implementation of the Sustainable Development Goals, addressing inequalities within and among countries, and leaving no one behind.

The partnership will be structured and advanced along the following key focus areas:

1. **Financing the 2030 Agenda:** The UN-Forum partnership will focus on aligning financial systems and accelerating finance flows toward the 2030 Agenda and the Sustainable Development Goals. Collaboration will seek to build a shared understanding of sustainable investing, especially in small island developing State, least developed countries and landlocked developing countries, and identify and take forward solutions to increase the long-term SDG investments, including in areas of fragility; mobilize the private sector to scale up green, renewable energy and energy efficiency investments; harness the potential of financial innovation, new technologies and digitalization to increase financing for the SDGs and to meet the Paris Agreement on Climate Change; enhance digital financial inclusion; and support inclusive trade and investment as a means to achieve the SDGs.
2. **Climate Change:** The UN-Forum partnership will focus on achieving clear, measurable and public commitments from the private sector to reach carbon neutrality by 2050 and scale-up the services required to adapt to the impact of climate change. Collaboration will seek to increase the ambition of and accelerate commitments and platforms for public-private cooperation in critical high-emitting sectors such as transportation, including land-based transport, shipping and air travel, and heavy industry, particularly steel, cement, oil and gas and aluminum in order to advance the economic transformation necessary to limit global temperature rise to no more than 1.5 degree Celsius. Furthermore, the UN-Forum partnership will increase the ambition

of and accelerate commitments and platforms for public private cooperation in critical areas of adaptation such as early warning systems, disaster risk reduction, improving the resiliency of essential services such as water/sanitation, health, education (where the private sector plays an increasingly important role) and in providing livelihood opportunities and skills for the circular economy.

3. Health: Health is both an outcome and a driver of sustainable development, and requires a multisectoral, gender-responsive, rights-based response. The UN-Forum partnership will support countries to realize universal health coverage to achieve good health and well-being for all, within the context of the 2030 Agenda. Collaboration between the UN and the Forum will focus on addressing key emerging global health threats, including antimicrobial resistance, mental health and other issues that demand stronger multi-stakeholder partnerships and action.

4. Digital Cooperation: Collaboration between the UN and the Forum to meet the needs of the Fourth Industrial Revolution will seek to advance global analysis, dialogue and standards for digital governance and digital inclusiveness; and promote public-private partnerships to address global reskilling and lifelong learning for the future requirements for work and preparing the world's 1.8 billion young people for this transition.

5. Gender equality and the empowerment of women: Gender equality is a goal in its own right and fundamental for upholding the commitments of the 2030 Agenda. The UN and the Forum will foster multi-stakeholder partnerships and coalitions for full participation and equal opportunities of women at all levels of decision-making and for productive participation of women in the labour force and will promote equal pay for work of equal value across sectors and occupations as well as within them. The UN and the Forum will advocate for legal frameworks and policies and effective mechanisms for the elimination of discrimination and harassment towards women in the workplace, in public and private spheres.

6. Education and Skills: Education is an indispensable force for reducing inequalities, promoting social and economic inclusion, and driving inclusive green growth to achieve the SDGs. To keep pace with shifting labour market demands, technological disruptions and the increasing mobility of people, education has to transform in relation to the rapidly changing world of work. The UN-Forum partnership will strengthen linkages between governments, business, education and civil society to improve access to relevant education and training, strengthen skills anticipations systems, recognize skills and qualifications within and across-borders, integrate AI in education and empower youth, especially the most vulnerable, with the competencies for life and decent work.

In practice, this should involve, but not be limited to:

- Invitation to the Secretary-General to deliver a keynote at the World Economic Forum Annual Meetings in Davos-Klosters.
- Invitation to the Deputy Secretary-General, together with relevant Heads of UN Agencies, Funds and Programmes and UN Regional Economic Commissions, to take part in the Forum's Annual Meeting of the New Champions, different regional meetings and the Sustainable Development Impact Summit and engage with the Forum with a view to identifying a thematic approach relevant to each context.
- The UN's review of the possibility to connect Resident Coordinators with the relevant Forum Hubs of the Global Shapers Community at the national level.

- Utilizing the respective communication platforms of the UN and of the Forum to increase visibility for the agreed key focus areas.
- Early and advanced planning for more effective cooperation and impact.

Subject to their respective mandates, competencies, institutional settings and legal and operational frameworks, the United Nations and the World Economic Forum may inform and consult with each other, as appropriate, on additional issues of mutual interest in which cooperation may foster their respective and collective purposes.

The partnership between the UN and the Forum is well placed to facilitate and encourage multi-stakeholder engagement necessary to accelerate progress on the 2030 Agenda. The success of the partnership depends on strategic guidance, coordinated and coherent institutional arrangements for planning, collaboration, and a strong mechanism for knowledge development, learning, and accountability.

The leadership of the UN and the Forum will meet annually to review the partnership. In parallel, the technical teams of the UN and the Forum will meet to seek to ensure effective implementation of the commitments assumed under this Strategic Partnership Framework, including by enhancing coordination between the teams at the regional and country levels.

The Strategic Partnership Framework may be amended at any time and is not intended to be legally binding. The UN and the Forum will each bear its own costs to implement this Framework. Neither is the transfer of any intellectual property nor the exchange of confidential information intended; should the case or need arise, a separate agreement will be signed by the UN and the Forum addressing the above and other relevant issues. Any question of interpretation or difference concerning the terms of the implementation of the Framework will be settled between the UN and the Forum by negotiation and in good faith.

Signed at the United Nations, New York, 13 June 2019

Amina J Mohammed
Deputy Secretary-General
United Nations

Borge Brende
President
World Economic Forum

(The United Nations did not publish this memorandum of understanding. The World Economic Forum did publish the memorandum as a pdf that however could not be downloaded. Given this unusual circumstance, I transcribed the complete memorandum of understanding. Within a week the World Economic Forum's pdf version was no longer available on their website.)

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