

The stakes of multi-stakeholder initiatives: thinking critically about MSIs as a tool of global governance for natural resources and beyond

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I: Introduction

In the last decade, multi-stakeholder initiatives (MSIs) have emerged as a valuable tool of global governance. They have been deployed to address all manner of adverse impacts arising from the operation of companies in a globalized economy, and are present in sectors as diverse as technology, manufacturing, and natural resources. These issues may range from highly generalized ideals, such as striving to improve a sector's environmental sustainability, through to precise and measurable goals, such as the elimination of a specific human rights violation from an industry. MSIs are particularly prominent in the governance of natural resources, where they have been lauded for successfully incorporating government actors.

In this paper, we seek to critically examine the emergence and current deployment of MSIs as a tool of governance, especially in the natural resources sector. In particular, we highlight three trends that we see emerging in this particular moment: proliferation, technologisation, and a limited isomorphism. At the heart of our argument is the notion that either sector-specific lenses or abstract, high-level principled approaches to MSIs have tended to prevail in both the critical and supportive strands of the emerging academic, policy and advocacy literature. These miss the current reality of MSIs, in which they are constructed and used as ready-made governance models transplantable across sectors, favouring a limited shared conception of form disembedded from functional context.

Proliferation, technologisation and limited isomorphism

The myriad of unique contexts in which MSIs evolve and operate give the appearance of highly variant instruments. The perception of MSIs as highly individualized or context-specific instruments may have been inadvertently emphasized by their academic treatment, which has either tended to adopt a case study and sector-specific lens of analysis or an abstract, principled approach. This may have been further compounded by highly fragmented participation and policymaking within MSIs. Their industry-based emergence has meant that there is often little overlap in personnel from government, civil society, business or community participants beyond MSIs within a given sector. Where repeat players exist, they tend to be from dedicated departments within well-resourced governments or within major NGOs (such as Human Rights Watch).

Yet an anatomical or institutional analysis of the structure of MSIs reveals the commonalities in their architecture and operation. If we situate MSIs in the natural

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resources sectors within the context of their brethren in other sectors, we find significant similarities in terms of a) internal governance structures and bureaucratic nature (e.g. charter focus, secretariats/staff); b) emphasis on monitoring/accountability mechanisms; and c) the dominance of standards-based approaches. We argue that these similarities play an important role in the production of the MSI as a transplantable policy technology and stakeholders' comfort with and amenability to it. In this sense, they are becoming technologized across sectors, as policy-makers focus on their *form rather than on their function*. We identify four approaches to MSIs as a technology of governance in the policy and academic literature. The first and most evident is *technological blindness* – those who do not see MSIs as a technology. The second is *technological optimism* – those who see MSIs as a cross-sectoral, transplantable tool. The third is *critical technological optimism* – the notion that MSIs are flawed but useful instruments in the institutional toolbelt of global governance. The fourth is *technological skepticism* – emphasizing the flaws and false narratives of MSIs.

We also argue that MSIs are not yet subject to clear isomorphism, understood in the loosest sense to mean a coalesced set of best practices (although we note the policy attempts by academic institutions such as the University of Washington²). There is no clear machinery for the circulation of lessons and practices in their “field”, nor is there an understanding of whether MSIs are effective at addressing their underlying aims. Rather, analysis usually emerges in the context of a particular MSI or in the context of a sector. As a result, the grounds on which they are deployed do not match our understanding of their potentials and pitfalls. This, we suggest, improves our knowledge of them as specific products, but not as tools of governance. In the current moment, we argue that the energy within the field is centripetal, expanding across sectors and adopting multi-stakeholder forms without exploring and reassessing their core functions.

We argue that this combination of proliferation, technologisation and limited isomorphism is having a profound impact on the current configuration of the world of MSIs – usefully understood as an *organizational field* in line with some recent research. Their horizons are broad and undefined, leading to a significant amount of diffuse generative energy without evidence that these efforts translate to improved governance. Some MSIs are expanding their scope to include new industries; others are co-operating, merging and consolidating; and yet others, problematically, feel free to propose for-profit models of multi-stakeholder governance of natural resources. We consider some examples of this brave new world, and further argue that a more robust critical engagement with the “practice” of MSIs within the organizational field will allow for a more informed development of alternative visions of MSIs, such as a call to function over form or to sector-specific context. As a result, we eschew a sectoral exploration of natural resource MSIs in favour of

2 Sanjeev Khagram *et al*, “Review of Best Practices for Multi-Stakeholder Initiatives: Recommendations for GIFT”, Henry M. Jackson School of International Studies Policy Paper (2012), at <https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/19669/M%20Khagram%20Task%20Force%20Final%20Report.pdf?sequence=1>

situating them in the broader context of MSIs as a field of enquiry. We do so in order to articulate a more effective call for natural resource MSIs to be re-sectoralized – that is, for their functions to again drive their form. We also consider how this is a critical juncture at which to articulate a research agenda in order to shape the boundaries of MSIs and their use. We begin to sketch out such an agenda that fits between the abstract and the sector-specific, and pinpoint institutional considerations and concerns that will shape its viability and impact.

The paper proceeds as follows: Part II briefly sketches the historical emergence of MSIs and their proliferation as tools of natural resource governance. Part III then examines the technologisation of MSIs, demonstrating that there are three architectural similarities amongst MSIs: a desire for standard-setting; complex yet constrained internal governance parameters; and the presence of implementation and accountability mechanisms. The paper then demonstrates how this basic architecture has problematically allowed for replication and expansion of MSIs in Part IV, before closing with a call for the development and execution of collaborative and cohesive research programme into MSIs.

II: The proliferation of MSIs and the governance of natural resources

Over the last two decades, MSIs have evolved from a relatively unknown institutional format to being promoted as a highly promising means of addressing a global “governance gap”, in particular in relation to corporate activity.³ The first generation of MSIs emerged in the 1990s in direct response to heightened public activism and campaigning by civil society. For example, the World Bank formed the World Commission on Dams after a high-profile campaign by 326 NGOs and affected communities that highlighted the social and environmental costs of dams.⁴ The Commission was a time-bound MSI that created a framework that established guidelines for taking societal considerations into account in the development of dams.⁵ Other prominent MSIs concerning the governance of natural resources were formed in similar circumstances. The Voluntary Principles on Security and Human Rights arose following sustained lobbying by NGOs against oil companies spurred by the execution of Ken Saro-Wiwa in 1995.⁶ The Kimberley Process, which seeks to stem the trade of conflict diamonds, began in 1999 following a targeted NGO campaign on “blood diamonds”.⁷ This is equally true of non-extracted resources,

3 See, Shepard Forman & Derk Segaar *New Coalitions for Global Governance: The changing dynamics of multilateralism* 12 *Global Governance* 205 (2006)

4 Patrick McCully *The Use of a Trilateral Network: An Activist's Perspective on the Formation of the World Commission on Dams*, 16 *Am. U. L. Rev.* 1453, 1456 (2001).

5 See The World Commission on Dams, *Dams and Development: A New Framework for Decision-Making* (2000).

6 For example, the Forest Stewardship Council, see Michael E. Conroy *Branded! How the 'Certification Revolution' is Transforming Global Corporations* 62-3 (2007); and the Voluntary Principles on Security and Human Rights, see Bennett Freeman et al., *New Approach to Corporate Responsibility: The Voluntary Principles on Security and Human Rights*, 24 *Hastings Int'l & Comp. L. Rev.* 423, 426-7 (2000-2001)

7 Ingrid J. Tamm *Diamonds in Peace and War: Severing the conflict-diamond connection* (2002).

where MSIs relating to coffee, timber and fisheries were established following large-scale campaigns in the 1990s.

Recent years have seen a rapid proliferation of MSIs, some of which are now developing in the absence of targeted civil society campaigns.⁸ While there has been no global stock-take of the number or the growth of MSIs generally, a database on initiatives in the extractive industries alone tracks more than 30 initiatives, the majority of which strive to be multi-stakeholder in form.⁹ This has been recognized by academics and policy-makers alike. The story of proliferation is frequently told in the context of the failure of existing methods of corporate regulation within the architecture of global governance and in response to globalization:

These non-governmental systems of regulation are expanding extremely rapidly across industries and regulatory arenas—from garments, to shoes, toys, forest products, oil and gas, diamonds, chemicals, coffee, electronics, and even tourism—in response to recent trends in the weakening of national regulatory systems, the strengthening of multi-national corporations, increasing importance of brands, and growing demands from civil society actors for new mechanisms of corporate accountability (citations omitted).¹⁰

In response, so the story goes, their proliferation has been rapid and widespread. One study in 2005 suggested that MSIs “...have become mainstream on the international development policy scene, as illustrated by the 2002 Johannesburg World Summit on Sustainable Development (WSSD), which elevated such initiatives to the level of inter-governmental agreements.”¹¹ In 2007, academics were still noting that “the sheer number of multi-stakeholder standards that has emerged in the past decade is striking”.¹²

Global governance actors of all stripes have thrown their weight behind MSIs as a governance tool for natural resources and beyond. The “development [of MSIs] has... been promoted... actively, for example by the UK and US governments, as well as the World Bank (through its Business Partners for Development scheme).”¹³ The prominence of MSIs prompted the UN Special Representative on Business and Human Rights, John Ruggie, to include MSIs as a source of soft law in his report to the UN Human Rights Council.¹⁴ His proposed Guiding Principles on Business and

8 For example, the Global Reporting Initiative and the United Nations Global Compact.

9 Extractive Industries Sourcebook *Extractive Industries Initiatives Database* <http://www.eisourcebook.org/initiatives/> (last accessed 13 August 2013).

10 Dara O’Rourke, “Multi-stakeholder Regulation: Privatizing or Socializing Global Labor Standards?”, 34 *World Development* 899 (2006), at 899

11 Jem Bendell, “In whose name? The accountability of corporate social responsibility”, *Development in Practice*, 15:3-4, 362-374 (2005), at p. 363

12 Luc W. Fransen and Ans Kolk, “Global Rule-Setting for Business: A Critical Analysis of Multi-Stakeholder Standards”, *Organization* 14: 667 (2007), at 672

13 Fransen and Kolk (2007) at 668

14 U.N. General Assembly, Human Rights Council, “Implementation of General Assembly Resolution 60/251: Business and Human Rights: Mapping International Standards of Responsibility and Accountability for Corporate Acts”, A/HRC/4/35, 19 February 2007 at [52] – [62].

Human Rights, unanimously approved by the Human Rights Council in March 2011, also include express reference to MSIs throughout.¹⁵ The United Nations Research Institute for Social Development (UNRISD) has long trumpeted MSIs' ability to further consensus-building and dialogue and the sharing of knowledge and expertise in the name of regulating globalized industries.¹⁶ The World Bank has made a general case for their worth (using the fight against corruption in the construction sector as a backdrop): "Each stakeholder is like a stick. By itself, it is brittle. Bundled together, they can be quite strong."¹⁷ In the specific context of the extractives sector, the Bank is taking the position that "[m]ulti-stakeholder approaches are useful in tackling governance problems in the [extractives] sector that often reflect collective action failures."¹⁸ It is piloting the "facilitation of emerging multi-stakeholder coalitions to monitor the award and implementation of extractives contracts" in West and East Africa in order to "delineate ways to fill gaps in government capacity, strengthen oversight of the award and implementation of contracts."¹⁹

Within this context of proliferation, no one clear definition of MSIs has emerged. There is not even agreement on the name to be used for this phenomenon of different stakeholders – governments, civil society, business or affected communities – working collaboratively to address the externalities of private actors, with "MSI" being perhaps the most popular, but by no means only, label used.²⁰ Studies of MSIs might focus on the generic regulatory form MSIs take: "These multistakeholder instruments can be seen as public-private or civic-private co-

15 For example, principle 30 is specifically targeted at MSIs, requiring that they "should ensure that effective grievance mechanisms are available": U.N. General Assembly, 17th Session, Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect, and Remedy" Framework*, (A/HRC/17/31), Official Record, 21 May 2011, Principle 30.

16 UNRISD (2004) 'Corporate social responsibility and development: towards a new agenda?', Conference News, Geneva: UNRISD, at [http://www.unrisd.org/80256B3C005BCCF9/\(httpAuxPages\)/6F494652C0B9111BC1256EDA00337C95/\\$file/cn13e.pdf](http://www.unrisd.org/80256B3C005BCCF9/(httpAuxPages)/6F494652C0B9111BC1256EDA00337C95/$file/cn13e.pdf); Utting, P. (2002) 'Regulating business via multi-stakeholder initiatives: a preliminary assessment' in UNRISD, *Voluntary Approaches to Corporate Responsibility*. Geneva: NGLS.

17 Rory Truex and Tina Søreide, "Why Multi-stakeholder Groups Succeed and Fail", World Bank Policy Research Working Paper 5495 (2010), at 2

18 Deval Desai and Michael Jarvis, "Governance and Accountability in Extractive Industries: Theory and Practice at the World Bank", 30 *Journal of Energy and Natural Resources Law* 101 (2012), at 125

19 Desai and Jarvis (2012) at 125, 126

20 Terms that have been used to describe this phenomenon, with varying degrees of specificity, include "multistakeholder partnerships", "multi-stakeholder networks", "global action networks", "private standard initiatives", "societal learning and change initiatives", "global public policy networks", "nonstate market-drive governance systems", "trisectional networks", "multilateral transnational governance schemes", "private transnational governance", "public private partnerships", and "civil regulation". The term "multi-stakeholder initiative" appears to have been first used prior to the United Nations Conference on Environment and Development (the Rio Summit) in 1992: Lucy Koechlin & Richard Calland, "Standard setting at the cutting edge: an evidence-based typology for multi-stakeholder initiatives", in Anne Peters et al., *Non-State Actors as Standard-Setters* 84, 85 (2009).

regulation mechanisms” (citations omitted).²¹ Others might focus on the range of stakeholders and the function of the MSI: Jeroen Warner, writing on water governance, sees MSIs as some form of “institutional innovation” within which stakeholders come together to solve a problem (a “resource problem”, in his world) that they all perceive in the same way. It shares some quality of the democratization of the management of a good or sector.²² Yet others simply stress the special nature of MSIs (with a nod to their collaborative process): “...expectations from practitioners and research warrant an analytical separation of [MSIs] into a separate category of inquiry, specifically because of the collaborative nature of standard setting involving groups across public-private and profit-nonprofit boundaries, contrary to NGOs.”²³ We note the lack of definitional consensus and do not try to offer a definition in lieu. Rather, we note in **Section III** below the emerging boundaries of isomorphism among MSIs that seek to be global in nature – what have been taken in practice as commonalities and what have not – and enquire into the perspective that this offers us into the world of MSIs as a whole.

As MSIs have proliferated, this lack of definitional consensus perhaps causes or is caused by the subsequent treatment of MSIs in the academic and much of the policy literature. We see the literature as either *sector-specific* or as engaging with MSIs as part of a broader *macro-principled* analysis (in some cases, we identify a combination of the two). Both modes of analysis enable authors to define MSIs in the context of an external reference point – the context of the sector or a set of higher-level principles. With respect to the latter, the broader principles that authors use MSIs to explore tend to be about some combination of *governance*, *collaboration* and *participation*. For example, writers on corporate (co-)regulation use MSIs as examples of the provision of global goods in situations where public global governance cannot adequately engage with private actors.²⁴ We thus read about “dialogue across the corporate boundary”²⁵ and of consensus-building and knowledge-sharing.²⁶ In a more recent study, Fransen analyses this trend to embed stories of MSIs in broader discourses of corporate co-regulation within global governance, turning to issues of inclusiveness, effectiveness and fairness that plague global governance more generally:

Most studies focus generally on the governance procedure as a distinctive characteristic of [MSI] design. Emphasis is on the participation of various stakeholder groups and the way responsibilities in governance are organized [citation omitted]. Three types of arguments support the idea that multi-

21 Laura Albareda “Corporate responsibility, governance and accountability: from self-regulation to co-regulation” 8 *Corporate Governance* 430 (2008), at 436

22 Jeroen Warner, “The Beauty of the Beast: Multi-Stakeholder Participation for integrated Catchment Management”, in Jeroen Warner (ed.), “Multi-Stakeholder Platforms for Integrated Water Management”. Aldershot: Ashgate (2007), at 1.

23 Fransen and Kolk (2007) at 670

24 Albareda (2008) at 437

25 Roberts, John (2003) ‘The Manufacture of Corporate Social Responsibility: Constructing Corporate Sensibility’, *Organization* 10(2): 249–65, p. 264

26 Utting (2002).

stakeholder- governed programmes have specific qualities that programmes with other governance-models lack, corresponding to Quack's [citation omitted] division of normative legitimation of rule-making in global governance: inclusiveness, expertise-based effectiveness and procedural fairness.²⁷

This sits alongside the collaborative emphasis of writers who use MSIs as examples of "third way" regulation.²⁸ Peter Utting, Deputy Director of UNRISD, sees MSIs as a policy tool very much in this vein,²⁹ meaning they are part of a discourse:

... centred on voluntary approaches, collaboration, and partnerships... The third-way approach was also reinforced by pressures and incentives that encouraged NGOs to move beyond confrontation and criticism, and to propose solutions and engage 'constructively' with mainstream decision-making processes. And in a context where certain regulatory roles of government and trade unions were being constrained by both the ideology and impact of neo-liberalism, and where some forms of regulatory authority were, in effect, being privatised, NGOs assumed regulatory functions by designing and administering new institutions associated, for example, with codes of conduct, certification and labelling schemes, and monitoring and reporting activities.³⁰

Other authors, particularly those writing from a development perspective, emphasize the participatory dimensions of MSIs, using the notions of stakeholder democracy³¹ and participatory development.³²

By contrast, many analyses venture no further than the sector in which the MSI is established, and sector-specific problems they are trying to address, such as oil and gas,³³ water³⁴ and money-laundering.³⁵ Still others, particularly ones from around 2005 onwards, combine both approaches, developing a macro-principled argument through a treatment of a sector. Thus work on the institutional structures of global

27 Luc Fransen, "Multi-stakeholder governance and voluntary programme interactions: legitimation politics in the institutional design of Corporate Social Responsibility", 10 *Socio-Economic Review* 163 (2012), at 168-169

28 See, for example, Mathias Koenig-Archibugi, "Transnational Corporations and Public Accountability", 39 *Government and Opposition* 234 (2004)

29 Peter Utting, "Corporate responsibility and the movement of business", 15 *Development in Practice* 375 (2005), at 379

30 Utting (2005), at 376

31 Bendell (2005)

32 Hans Peter Schipulle, "Lessons Learned from Multi-Stakeholder Partnerships Supported by German Development Cooperation", in Witte, J.M., Benner, T. and Streck, J.M. eds. (2003): *Progress or Peril? Partnerships and Networks in Global Environmental Governance in the Post-Johannesburg Agenda*, Washington, D.C./Berlin: Global Public Research Institute.

33 Cynthia A. Williams. (2004) "Civil society initiatives and 'soft law' in the oil and gas industry", 36 *NYU Journal of International Law and Policy* 457

34 Warner (2007)

35 Mark Pieth "Multistakeholder Initiatives to Combat Money Laundering and Bribery", Basel Institute on Governance Working Paper Series No 02 (2006)

environmental governance delves directly into the forestry sector;³⁶ work on the processes of rule generation in global governance is done through a detailed analysis of supply chain MSIs;³⁷ and a study of co-regulation in global governance (and the power dynamics it grapples with and masks) uses labour standards to make its broader points.³⁸

Mathias Koenig-Archibugi lamented a decade ago that MSIs remained *too* sectoral and had not expanded into other domains. He highlighted the generic benefits of moving away from sectoral MSIs and argued for proliferation through the replication of aspects of form across sectors: “[T]he capacity of multi-stakeholder initiatives to ensure accountability has limits... multi-stakeholder initiatives frequently have a narrow sectoral focus and have not expanded (yet) into domains where they would be particularly required...”.³⁹ This, we believe, prefigured a turn to the technological *in the practice* of MSIs that this combination of sectoral and macro-principled analyses have not adequately captured. Hans Peter Schipulle (the former Deputy Deputy Director General of the German Federal Ministry for Economic Cooperation and Development (BMZ)), in an otherwise generic piece on the benefits of participation to governance and development, writes from a practitioner’s perspective of the importance of mutual learning from the process of MSIs in general and across sectors – the interaction that takes place and the change that results (albeit in a utopian register): “Through continuous interaction, these [MSIs] permit mutual learning at each step of the process towards implementation, thus broadening the basis of consensual knowledge and opening ways towards far-reaching processes of change.”⁴⁰ We thus note an emerging interest in technical questions of form with respect to MSIs. For example, in 2005 Peter Utting derived from his policy experience at UNRISD in the early-2000s a series of universal technical questions for MSIs to consider:

In addition to these governance and political questions, there are also more technical concerns. The early experience with the new set of non-governmental or multi-stakeholder initiatives has highlighted serious questions about the possibility of scaling them up in a meaningful manner. Monitoring, reporting, auditing, and certification procedures can be extremely complex and quite costly, and the methods employed fairly superficial. Some that are more rigorous tend to involve very few companies, and those that involve more companies are often criticised for their inability to significantly improve corporate social and environmental performance.⁴¹

36 Philipp Pattberg, “What Role for Private Rule-Making in Global Environmental Governance? Analysing the Forest Stewardship Council (FSC)”, 5 *International Environmental Agreements* 175 (2005)

37 Khalid Nadvi, “Global standards, global governance and the organization of global value chains”, 8 *Journal of Economic Geography* 323 (2008)

38 O’Rourke (2006)

39 Mathias Koenig-Archibugi, “Transnational Corporations and Public Accountability”, 39 *Government and Opposition* 234 (2004), at 256.

40 Hans Peter Schipulle (2003)

41 Utting (2005) at 383

We take this up the nature of technologisation in more detail in the next section. As analytical responses in the main have remained sectoral or macro-principled, we also outline a possible analytical framework for studies more adequately to respond to technologisation and its dynamics.

III: The technologisation of MSIs as a transplantable policy tool

On their surface, it is difficult to appreciate how an initiative that seeks to eliminate corruption with respect to natural resources, such as the Extractive Industry Transparency Initiative (EITI), could be comparable to a grouping of stakeholders that seeks to improve the economic, social and environmental conditions of coffee production, such as the Common Code for the Coffee Community (4C). However, prominent global MSIs, both within the natural resource sector and beyond, have developed a familiar three-tier structure.

Some early global MSIs were focused on reforming policy or awareness-raising rather than standard-setting,⁴² these appear to have diminished in number and prominence. Instead, MSIs have moved toward a professional, quasi-regulatory approach, centered around a firm governance system and monitoring members for compliance with agreed-upon standards.

In the last five years, this shift has generated a handful of initial assays explicitly aimed at analyzing MSIs as technologies. The World Bank's recent study of multi-stakeholder groups, while anchored in the construction sector, derived generic recommendations for what the authors call multi-stakeholder groups (oversight and implementation) and multi-stakeholder platforms (policy bargaining, and rule-generation) at a very technical level, such as recommendations over the processes by which members are selected.⁴³ Two other studies have begun to explore multi-stakeholder voluntary standards from this perspective,⁴⁴ noting the emergent nature of technologisation: "[v]oluntary programmes across different sectors and issue fields are becoming similar in their organization of governance, and multi-stakeholder types of decision-making and oversight predominate"⁴⁵ (citation omitted). One of the studies notes "increased similarities between voluntary programmes, in particular with regard to the institutional design of governance."

Approaches to technologisation tend to fall into one of four camps. The first, *technological blindness*, does not engage with MSIs' technologisation, remaining bound by sectoral or macro-principled approaches. The second, *technological optimism*, emphasizes the benefits and "best practices" that can ensue from MSIs

42 Such as the MFA Forum, which brought together companies, trade unions, NGOs, and national and international organisations to identify and promote collaborative strategies to support vulnerable national garment industries and reduce the potential negative impact to workers that followed the elimination of import quotas for the apparel and textile sectors in 2005.

43 Truex and Søreide (2010), at pp. 12-15.

44 Luc Fransen (2012); Fransen and Kolk (2007).

45 Luc Fransen (2012) at 164.

being replicable and scalable.⁴⁶ The third, *critical technological optimism*, reminds us of the underlying advantages to plurivocality, participation and collaboration while acknowledging the limitations of replicable form:

... there is certainly no guarantee that voluntary codes of conduct and monitoring schemes will naturally converge on more complete or democratic systems of regulation. They are just as likely to diverge into a plethora of initiatives competing for the hearts and minds of consumers, serving to confuse the public and undermine the credibility of non-governmental initiatives. However, with strategic policies and coordinated efforts, non-governmental regulation could instead move toward more credible, transparent, and accountable systems...⁴⁷

The fourth, *technological skepticism*, emphasizes the limitations and perverse outcomes of replicable form. This is the position we have some significant sympathy with – we are concerned with the formalist trend and outline its dynamics and our problematization of it below.

To do so, we borrow the concept of an organizational field as a frame to talk about the technologisation of MSIs, providing a rich basis for initial empirical analysis.⁴⁸ We are by no means the first; it has already been ascribed to MSIs by others: Fransen identifies “an organizational field of voluntary programmes with increasing isomorphic processes and analyse increased exchange of policy ideas between representatives of voluntary programmes and their supporters across policy fields” (citations omitted).⁴⁹ Dingwerth and Pattberg suggest that it reflects “[a] set of commonly accepted core norms, the increasing density of interaction among the field’s members, and the success and legitimacy ascribed to the field’s key players by the outside world helped to solidify the organizational field until it eventually develop[s] a ‘life of its own’.”⁵⁰ Christine Overdeest, in applying it to forest certification schemes, puts it a little more generically and in doing so provides helpful analytical entry points: “The [organizational] field is conceptualized as a ‘socially constructed arena of self-referencing, mutually dependent organizations’. Organizational fields include not only network relations among actors but also the cognitive or symbolic constructions that provide order and meaning: ‘It is the intersection of relations and meanings—networks and frames—that constitute an organizational field’” (citations omitted).⁵¹ Articulating the networks and the cognitive and symbolic frames that come to dominate MSIs will be important in our

46 Truex and Søreide (2010); Karin Bäckstrand, “Multi-Stakeholder Partnerships for Sustainable Development: Rethinking Legitimacy, Accountability and Effectiveness”, *European Environment* 16, 290–306 (2006)

47 O’Rourke (2006) at 911

48 Christine Overdeest, “Comparing forest certification schemes: the case of ratcheting standards in the forest sector”, 8 *Socio-Economic Review* 47–76 (2010), at 51

49 Fransen (2012), at 170

50 Klaus Dingwerth and Philipp Pattberg “World Politics and Organizational Fields: The Case of Transnational Sustainability Governance”, *European Journal of International Relations* 15: 707 (2009), at 708-9

51 Overdeest (2010), at 50

understanding of the patterns of their emergence, persistence and proliferation as technologies of governance for natural resources and beyond.

As is clear from the literature, there is a dearth of studies of the networks that shape the field of MSIs. However, on the basis of some publically available information and anecdotal findings, we make the following assays. The industry-based emergence of MSIs to address specific industry issues has resulted in few, if any, company personnel appearing in MSIs in different sectors. The overwhelming exclusion of communities or rights-holders has largely left these groups outside of MSIs altogether, let alone seeing the same community representatives present in multiple MSIs (see **Section IV(B)** below). This primarily leaves governments and civil society actors to pollinate MSIs across sectors. MSIs initially generated significant enthusiasm among civil society organizations, many of whom relished the opportunity “to influence corporate activities to move in a more sustainable direction”.⁵² However, many civil society organizations have only played a limited role in MSIs, or avoided them altogether owing to resource limitations or a fundamental disagreement as to their effectiveness. For example, Amnesty International originally joined major MSIs - such as the VPs and the Global Network Initiative - but subsequently walked out because of concerns regarding their ability to generate change.⁵³ They have since been absent in prominent global MSIs. Over time we have observed that that MSIs have sometimes struggled to retain civil society members, with significantly higher turn-over of civil society members in most MSIs than company or government members. Those civil society organizations that are present in MSIs from different sectors tend to be well-resourced, global organizations with broad missions. For example Human Rights First and Human Rights Watch have joined a number of different MSIs over time, ranging from EITI to the technology-based Global Network Initiative. Anecdotally, it appears that in such organizations, the same individuals are repeatedly appointed as the organizational representative in the MSI, allowing for cross-sectoral learning. Similarly, only a handful of governments tend to have the same staff populate or monitor multiple MSIs. This is often dependent upon the structural organization of governments and (again anecdotally) appears to be more prevalent among governments from the global north. The United States appears to be the exception in having a specific business and human rights team, the Bureau of Democracy, Human Rights, and Labor, housed with the Department of State, that is often present within MSIs and therefore accumulating cross-sectoral knowledge.

We are able to outline with more certainty some of the emerging technological frames that we can derive from the recent proliferation of MSIs. The dominant

52 Mariëtte van Huijstee, “Multi-Stakeholder Initiatives: A Strategic Guide for Civil Society Organizations” (SOMO) at 12.

53 Bobbie Johnson, *Amnesty criticises Global Network Initiative for online freedom of speech* (The Guardian, October 30, 2008). Amnesty International stated that “In particular ambiguous language leaves, in our view, too many loopholes that would enable participant companies to circumvent or ignore their commitments under the Principles”: Amnesty International *Amnesty International’s Involvement with the Internet Multi Stakeholder Initiative* (Press release, October 29, 2008).

frame we identify is one of MSIs as *objects of form rather than function*. Take, for example, the problematic but ubiquitous technological justification for accredited auditors as part of the Social Accountability International MSI, in which accreditation trumps contextual problem-solving: “SAI- accredited auditors argue that they are more ‘objective’ than local NGOs, presenting their lack of knowledge and experience of local contexts as a positive attribute” (citation omitted).⁵⁴ Technological form – audit accreditation – is presented as more desirable than contextual knowledge that could be applied to solve specific problems. This is reflected in some of the recent concerns expressed about MSIs, such as the appropriation of MSI-like structures to give legitimacy to industry-only, industry-heavy or industry-captured regulation.⁵⁵ We break down the replication of form into three distinct categories: *standards*; *governance*; and *implementation and accountability*.

(A) Setting industry standards

Generally, an MSI begins with a group of stakeholders working together to define the specific scope of the MSI in terms of the issues, industry and geographic regions that it will address.⁵⁶ Emphasis is placed on stakeholders coming together to define certain problems and generate certain standards with respect to those problems. Underlying this form, there is no expectation that an MSI should set standards that address all the issues relevant to an industry, or even to take account of the most critical issues identified by affected communities or rights-holders. Indeed, participation in standard-setting rarely engages those most affected; the participation of organizations with scale is preferred, such as large agricultural co-operatives or plantations rather than smallholders or vulnerable communities. Moreover, the form tends to lie over or even mask the events that led to the instigation of the MSI, along with the power dynamics of these initial players. Thus, high-profile NGO campaigns about the role of diamonds in funding conflict in Africa prompted international discussions that led to the Kimberley Process focusing exclusively on diamonds produced by “rebel movements or their allies to finance conflict aimed at undermining legitimate governments”.⁵⁷ This resulted in the initiative being hamstrung when faced with allegations that diamonds were being certified by the Kimberley Process which had resulted from killings and widespread violence by the Zimbabwean military in the Marange region, issues which fell outside its mandate.⁵⁸ Similarly, advocacy campaigns in the 1990s that exposed sweatshops and poor labor conditions in the apparel industry broadly spurred negotiations that led to the development of numerous MSIs focusing on labor rights: the Fair Labor Association and the Worker Rights Consortium in the US, and the Fair

54 Bendell (2005) at 367.

55 Fransen (2012) at 165; Utting (2005), at 383

56 Some MSIs may be spearheaded by one lead stakeholder, such as the WWF who convened two MSIs: WWF *Certification and Roundtables: Do they work?* (2010) 9.

57 Kimberley Process (KP) *Kimberley Process Certification Scheme* (2002) 2.

58 See Global Witness *Kimberley Process lets Zimbabwe off the hook (again)* (Press release, November 2, 2011).

Wear Foundation in Europe and Ethical Trading Initiative in the United Kingdom.⁵⁹ However other relevant issues in the apparel industry, such as those relating to the environment, appear to have been left behind because of the focus of the initial campaigning. By comparison, those MSIs formed without direct and immediate confrontation, such as Global Reporting Initiative, the United Nations Global Compact and even the Fair Trade Labeling Organization, have generally addressed a broader range of issues or industries.

It is worth noting that many cite the scope of an MSI by reference to its mission or purpose statement. We see this approach as echoing and reinforcing the privileging of form. An MSI might purport to address the social and environmental impacts from an industry, but may only set standards relating to the environment. Indeed, MSIs can simply consist of a set of ideals or standards and intentionally develop no further.⁶⁰

(B) Governance systems

MSIs now have highly formalized internal governance systems, which are established in detailed charters, statutes or bylaws. These systems provide a permanent decision-making framework, such as which stakeholder groups may participate, how decisions will be made and whether specified levels of consent are required from each stakeholder group, and how internal disputes are to be resolved. Theoretically, there are a seemingly endless number of ways that MSIs could be governed and at surface assessment, each MSI appears quite unique in its composition and structure. However, there are fundamental underlining structural similarities amongst MSI governance systems that appear to have emerged as accepted norms.

First, the concept of multi-stakeholder decision-making is embodied through explicit requirements of stakeholder diversity in core decision-making bodies. This ordinarily involves establishing specific chambers or quotas for different stakeholder groups. For example, the VPs and EITI establish three pillars for government, civil society and industry in their governing bodies; the Roundtable on Sustainable Palm Oil (RSPO) and 4C (which focuses on coffee-growing) have more complex structures, identifying up to seven stakeholder categories for differing types of growers, trade and industry participants and civil society organizations. However, in practice, these representational requirements extend only to one quality: stakeholder type. Other qualities, such as geographic location or gender, are rarely requirements.

59 See Dara O'Rourke, "Market Movements: Nongovernmental Organization Strategies to Influence Global Production and Consumption", *Journal of Industrial Ecology* Volume 9, Number 1-2, 115 (2005), at 122.

60 Standard-setting MSIs are those organizations that expressly state that their purpose is exclusively to develop standards and relegating issues relating to the adoption of the standards either to a designated body or to individual adoptees. Examples include the Aquaculture Dialogue or the Access to Basic Services for All initiative.

Second, these structures all rely upon a voting system to reach decisions, although vote structuring and weighting for each stakeholder group is tailored differently in each MSI. Third, almost all MSIs are now legal entities, incorporated in the United States or Europe. Consistent with this formalization, the initiatives employ or contract administrative staff or secretariats to conduct the day-to-day running of the organization. For example, EITI is incorporated and headquartered in Norway and conducts its executive business through a 20 member multi-stakeholder board that is supported by more almost 20 staff. Its charter requires that the EITI board is comprised of eight governments, six companies, five civil society organizations and one independent chair.⁶¹ At least one-third of each stakeholder group, and 13 members in total, must support a resolution for it to pass.⁶² Similarly, the Better Cotton Initiative is incorporated and headquartered in Switzerland and conducts its executive business through a 12-person multi-stakeholder council supported by a secretariat. Its statutes allow up to three members from each of stakeholder group of suppliers and manufacturers, retailers and brands, civil society organizations and producers to sit on the council.⁶³ Generally, at least one member in each stakeholder group, plus a majority of the council, must support a resolution for it to pass.⁶⁴

Finally, almost all MSIs impose dues or fees on its members. These may be fixed, or may vary depending on the size, revenue or geographic location of the member.

(C) Implementation and accountability mechanisms

MSIs regularly develop additional components that seek to boost the likelihood that its members comply with established standards. These might include those focused on accountability, such as developing on-site monitoring mechanisms; creating grievance mechanisms to allow complaints of non-compliance to be voiced; or establishing sanctions where members are found to breach MSI standards. Such tools are variously found in EITI and non-natural resource MSIs such as the Global Network Initiative (GNI) and the Fair Labour Association (FLA). They may look at incentivizing membership and good behaviour, for example by creating product certification schemes or other market benefits where members are deemed in compliance, such as the certification labels offered by RSPO and Round Table on Responsible Soy (RTRS).

In particular, without adequate accountability components the effect of any initiative may be severely limited. For example, the VPs, which launched with standards and an internal governance framework in 2001, has almost no system for monitoring whether members of the extractive industry sector are meeting its standards. Consequently, the initiative relies largely on the goodwill of members, and it is difficult to assess whether companies are discharging their human rights obligations under the initiative. The recent departure of founding civil society

61 EITI *Articles of Association* (2009), art 10(2).

62 EITI *Articles of Association* (2009), art 15(5).

63 Better Cotton Initiative *Statutes* (2001), art 8(1)(3).

64 Better Cotton Initiative *By-laws of the Council* (2001), art 11(7).

members, Oxfam America, from the VPs was publicly made in part because of the lack of any accountability measures.

While it is possible to conclude that the absence of implementation mechanisms or other basic components is problematic for an initiative, the mere existence of such components should not be overstated. For example, if the VPs introduced a monitoring system, but one in which companies effectively controlled the terms and exposure of on-site evaluations, the net position is the same: uncertainty about whether the outcome of the monitoring does conclude that companies are actually complying with standards.

One glaring exception to these commonalities is the KPCS. However, it was the inadequacy of the KPCS's accountability measures that was one of the factors that led one of its founding members, as well as Global Witness, to walk out in December 2011. Its failing in respect of adopting the hallmarks of accepted internal governance are also the source of criticism.⁶⁵ However, while such criticisms may be justified in the case of the KPCS, we argue below that a detailed assessment is necessary to understand whether each of these components has been appropriately structured and will contribute to the effectiveness of the MSI before lamenting its formalistic absence.

IV: The current state of the field and its implications: limited isomorphism

Although each MSI is cloaked in details that may make understanding their operation dense and difficult, we have argued above that in the current moment MSIs borrow or share some basic formal features across standard-setting, governance, and implementation and accountability. We call this *limited isomorphism* in the context of technologisation. The simplicity of their basic structure allows for replicability and scalability in a seemingly endless variety of industries, regions and issues.

We borrow Dingwerth and Pattberg's isomorphic framework of looking at shared institutional design, shared notions of participatory elements, and shared rhetorics (such as the rhetorical use of transparency and participation) to articulate the dimensions of limited isomorphism below.⁶⁶ Dingwerth and Pattberg also outline three types of isomorphism. Coercive isomorphism is founded on an externally-driven emergence of binding professional norms, whereas normative isomorphism is based on internally-driven norms. To this end, we note the emergence in 2002 of the ISEAL Alliance, which is effectively a membership-based standard-setting body for sustainability standard-setting bodies. Its membership is open to "all multi-stakeholder sustainability standards and accreditation bodies that demonstrate

65 See Ian Smillie *Assessment of the Kimberley Process in Enhancing Formalization and Certification in the Diamond Industry – Problems and Opportunities 3* (Deutsche Gesellschaft für Internationale Zusammenarbeit, 2011). In late 2012, the Kimberley Process addressed its lack of administrative staff by establishing an administrative support mechanism. This mechanism is currently being provided by the World Diamond Council, however the contract will be revised and renewed annually. Consequently, the Kimberley Process still lacks formal permanent staff or a secretariat.

66 Dingwerth and Pattberg (2009), at 713-714

their ability to meet the ISEAL Codes of Good Practice and accompanying requirements, and commit to learning and improving”.⁶⁷ Its codes of good practice relate specifically to the process for assurance (accountability), standard-setting and measuring impact, reinforcing the commonalities amongst MSIs. Yet we also note that two of these three core codes were released in 2010 and 2012 and it began attempts to scale up its membership in 2011.⁶⁸ As a result, we bracket these two types of isomorphism as the field undergoes the process of coalescing around professional norms. Given how recent and limited this emergence of the norms is, we argue that design, participation and rhetoric are replicated through what they identify as a third type of isomorphism, *mimetic isomorphism*, or the diffusion and reproduction of form without core normative constraint.⁶⁹

(A) Institutional design

The sensibility or effectiveness of the design of the three-tier architecture of MSIs remains untested. Instead of a deep questioning of each tier and its application, there appears to simply be an acceptance that this form is not only effective, but universally effective. This is perhaps best evidenced by examination of the structural commonalities of MSIs, as explained in **Section III** above. For example, almost all MSIs have now moved towards models of decision-making based on segregated participatory democracy. By segregating decision-making based on stakeholder type, requiring internal chambers or pillars of civil society, government or business to support motions, its possible that this stakeholder segregation results in the loss of the purported benefits of multi-stakeholder governance. Divisions amongst stakeholder groups may be reinforced, or even heightened, by these formalistic requirements, encouraging the primary step in decision-making to be intra-stakeholder group communication and negotiation, rather than fully open pluralistic decision-making.

In the realm of accountability, limited isomorphism has led to the replication of checklist-based auditing across MSIs. However, there is compelling evidence that such mechanisms rarely address underlying problems or leads to deep structural change.⁷⁰ Unfortunately while this has been recognized by some MSIs, such as the FLA,⁷¹ it is far from being fully acknowledged or addressed. This is likely to be at least in part because of the limited number of repeat players across sectors. Consequently, lessons learned in one sector rarely translate into improvement or innovation in another sector.

(B) Participation

67 <http://www.isealalliance.org/about-us>

68 <http://www.isealalliance.org/about-us/our-history>

69 Dingwerth and Pattberg (2009), at 721-722

70 See, for example, Diana Auret and Stephanie Barrientos, “Participatory Social Auditing: Developing a Worker-focused Approach”, in Stephanie Barrientos and Catherine Dolan (eds.), *Ethical Sourcing in the Global Food System*. London and New York: Earthscan (2006), at 129.

71 Fair Labor Association *Sustainable Compliance Methodology* (2012) at 3.

MSIs appear focussed on increasing the participation rates of their targeted stakeholders (ordinarily government or companies). For example, the Kimberley Process has continually placed significant emphasis on attracting as many governments as possible. This is sensible, as the KP is premised on an authorized exception to international trade law that prohibits its members from trading diamonds with non-members, and therefore requires that most diamond producers are participant to be effective. However, this obsession with growth in numbers often risks undermining the goals of the MSIs, often makes little sense in other contexts where such incentives do not exist.

While the driver for expansion is often not explicit, it seems likely to be based on efforts at demonstrating effectiveness or legitimacy. Yet to widen participation, it is likely that there needs to low barriers to entry, such as weak standards or accountability mechanisms, to make compliance cost of joining the MSI feasible for some companies or governments. This, in turn, may undermine the goal of the MSI. Or, perhaps, the growth is driven because of sheer financial survival. The latter may be a result of one of the limited isomorphic features of MSIs: the expensive staff and office costs that follow from being incorporated and headquartered in the Global North, combined with a major source of revenue being a fee-based structure. Instead of lowering barriers to entry, another way to expand membership (and therefore revenue), is to expand the scope of the MSI to include other sectors. The rapid expansion of an MSI across sectors raises obvious questions about the suitability of an initiative conceived to address a very narrow issue. For example, over the last three years the FLA, originally set up to focus on apparel and footwear companies, has expanded by monitoring cocoa production and by including technology giant Apple, without its multi-stakeholder governance changing by including community or civil society organizations with specialized knowledge in these areas.

Rather than focusing on participation rates or sector expansion as indicators of success, a better universal metric would be the level of change or impact that MSIs have had on both members and its influence on non-members, the absence of which discussed further in **Section V** below. Another critical measure could include the participation and satisfaction of rightsholders within an initiative.

(C) Rhetoric

As noted, while standards, if issued, often reveal more about the nature of an MSI and its commitments, mission statements remain a *sine qua non* for MSIs, playing an important rhetorical role. While standards tend to vary, we observe an interesting convergence in the mission statement rhetoric adopted. For example, in the coffee industry there has been a proliferation of MSIs whose mission or purpose statements read similarly: 4C suggests it pursues “more sustainable production”,⁷² the Rainforest Alliance exists “to conserve biodiversity and ensure sustainable

72 4C *Our Mission and Values* <http://www.4c-coffeeassociation.org/about-us/mission-and-vision.html> (last accessed 13 August 2013).

livelihoods”,⁷³ UTZ “create[s] a world where sustainable farming is the norm”,⁷⁴ Fair Trade International “empower[s] producers to combat poverty, strengthen their position and take more control over their lives”,⁷⁵ and so on. To those active in the industry, it is generally accepted that there is some level of hierarchy or differentiation: take, for example, the reciprocity scheme established by some coffee MSIs, in which members of Rainforest Alliance are automatically considered compliant with 4C standards; while 4C members are encouraged to “step up” to Rainforest Alliance standards.⁷⁶ Yet this is extremely difficult to discern for those outside the initiative. By making aspects of legitimacy rhetoric subject to mimetic isomorphism (the mission statement but not the standard, for example), MSIs create the obvious risk of forum shopping: allowing actors to select the least rigorous initiative, while obtaining benefits of external perspective of participating in a voluntary regime.

A consequence of limited isomorphism is that the organizational field is currently *centripetal*: while MSIs proliferate and are technologized, there is a very limited prescriptive core around design, participation and rhetoric. This means that there is space for experiments in form relieved of the burden of contextual or functional purpose. In other words, MSIs are creature of form without the constraints of broad-based “good practice” nor of concerns of functional utility. We do not inquire too deeply here into the reasons for the sharing of particular features and not others (although we feel that the political science-inflected charges of intentionally using the MSI form to generate legitimacy while eliding over power disparities⁷⁷ is too reductive, and does not account for the socialization of norms of practice and of ideational regimes). We rather focus on the impacts.

Interestingly, and from our perspective of most concern, whereas most prominent global MSIs have emerged following intensive civil society campaigning and global agenda-setting regarding the adverse impacts or consequences of a particular globalized industry, the current technologized nature of MSIs also allows for external actors to replicate these initiatives on a for-profit basis. We focus here on Equitable Origin, a stakeholder-based certification scheme for the oil and gas industry. Its certification scheme rests on compliance with its proprietary “EO100 Standard”.⁷⁸ With regard to institutional design and participation, it has proposed a stakeholder council that has various advisory and review functions, and which will “ensure that all views are represented” by having up to three pillars from business,

73 Rainforest Alliance *About Us* <http://www.rainforest-alliance.org/about> (last accessed 13 August 2013).

74 UTZ Certified *Vision and Mission* <https://www.utzcertified.org/en/aboututzcertified/vision-mission> (last accessed 13 August 2013).

75 Fairtrade International *Our Vision* <http://www.fairtrade.net/our-vision.html>

76 4C *Benchmarking* <http://www.4c-coffeeassociation.org/our-services/verification/benchmarking.html> (last accessed 13 August 2013).

77 O’Rourke (2006), at 899

78 Equitable Origin *EO100 Standard* (February 2012). Note that this document is available from the Equitable Origin website only after providing personal information, including organizational affiliation and contact details.

human rights and environmental organizations, each of whom is entitled to up to five representatives.⁷⁹ This is reinforced through participatory rhetoric: according to EO's mission statement it seeks to establish an “independent, stakeholder-negotiated, market-driven certification system” that is underpinned by a rhetoric of process:⁸⁰

... Equitable Origin spearheaded a multi-stakeholder effort that brought together oil and gas companies, governments, local and indigenous communities, academics and environmental and social NGOs, to create a rating system for social and environmental responsibility in oil and gas exploration and production. Negotiated by these stakeholders, the EO100™ Standard consolidates and ensures alignment with existing global standards and regulations.

While EO has adopted the isomorphic characteristics of other MSIs, it has been able to do so while incorporated as a limited liability company. Its highest decision-making body is its board of directors, which in turn is ultimately answerable to EO's shareholders. By comparison, the proposed stakeholder council does not appear to have any final authority or decision-making powers.⁸¹ The shareholder ownership of Equitable Origin is not public and there is no indication that the shareholders, nor board, have any diversity requirements. Indeed, there is nothing stopping an oil company itself from privately purchasing such shares. Given that shareholders are the ultimate owners of a company, the initiative should be seen as distinct departure from other MSIs, which have retained multi-stakeholder ownership in their governance. In this way, EO has been able to leverage the legitimacy and credibility now frequently associated to MSIs, without guaranteeing the protections regarding diversity of power-sharing from which it has accrued. This highlights the risks of failing to critically analyze MSIs not as sectoral entities or reflections of macro principles, but within their own organizational field.

V: Moving forward, looking backward: towards a new research agenda on MSIs in the natural resources sector and beyond

Our critique of MSIs thus far has revolved around the following five points:

- (1) the stakes are high: MSIs are becoming an important part of the global governance of natural resources;
- (2) the current moment in the trajectory of their evolution is marked a move to form over function, shaped by practices of proliferation, technologisation and limited isomorphism;

79 Equitable Origin *Equitable Origin Stakeholder Council: Draft Terms of Reference for Public Consultation* (15 November 2012) at 4. Note that at the time of writing, the proposed arrangements are still subject to review following public consultation.

80 <http://www.equitableorigin.com/about-us/our-story/>

81 See Equitable Origin *Equitable Origin Stakeholder Council: Draft Terms of Reference for Public Consultation* (15 November 2012) at 4-5.

- (3) the current state of the research lags behind, caught in either a sectoral or macro-principled register. It sheds little light on how, why, and how far these three practices occur, offering a limited critical base from which to engage;
- (4) this has enabled unusual and problematic experimentation in form, including for-profit approaches;
- (5) an approach that looks at MSIs as a centripetal organizational field - marked by mimetic isomorphism in institutional design, shared notions of participation, and shared rhetorics - offers a promising framework for critical engagement.

This framework cannot remain an abstraction. It is easy to call for a (re)turn to function over form; however, this risks a simplistic return to sectoral analyses devoid of the context of the organizational field. The approach to form on the part of the networks that drive the proliferation of MSIs is essential context for an argument for a functional approach - one with which we have much sympathy, but which requires a better understanding of those networks. That context allows us to understand where and why innovations such as Equitable Origin emerge; it also enables us to envisage alternatives to given forms and push back against the naturalization of aspects of MSIs. The ability to reimagine and rearticulate is important for the effective strategic use of MSIs in resource governance. For example, litigation may in some cases be strategically preferable for groups of actors such as affected communities - in other words, conflict over consensus. In the context of water management, Warner argues: "While international water wars have yet to happen, *local* water disputes continue to break out. [Multi-stakeholder partnerships] may be less than suitable in adversative cultures where social changes develop with clashes and jumps - 'litigation cultures' such as the United States or Chile - rather than gradual motion. In a traumatised post- violence society like Perú however, and in countries where states are eager to reach out to society like South Africa, the [multi-stakeholder partnership] approach as alternative dispute resolution can be a breather, a novel option worth exploring."⁸² Putting to one side the cultural essentialism of his argument, his underlying point is a valuable one: alternatives to MSIs may be more effective at fulfilling a function; these will be obscured by a naturalised form.

The limitations of the existing research pose a challenge to an operationalization of this framework. They can to some extent be compensated for by the recent movement within MSIs to publicly reflect upon their performance, establishing internal committees or commissioning external organizations to review particular aspects of their effectiveness. In practice, however, this mode of knowledge is quite limited. Publicly released material is often only in the form of key summaries, or else the publicly released terms of reference for external reviewers do not provide sufficient confidence in their independence, access or ability to be of great use. As a

82 Warner (2007) at 6.

result, the overarching networks and frames that permeate MSI evolution and operation across sectors remain largely unexamined. Research into participation factors that may affect impact is lacking: the relevance of the limited networks and actors with experience in different MSIs, of including rightsholders and communities, through to the tendency to headquarter MSIs in the global north rather than in areas of application to MSI, are all basic cross-cutting questions that remain unexplored. Indeed, there are even more fundamental questions to explore: anecdotally, some practitioners have privately questioned the helpfulness of involving governments in MSIs, citing the political baggage they bring to pluralistic decision-making.

What factors influence an MSI's capacity to affect change? In order adequately to resolve this nebulous question, it is necessary for there first to be a systematic enquiry into the form of MSIs in the context of the emerging organizational field. Given the febrile moment in which the field finds itself, such research will need to have one eye towards intervention - to shaping the field's trajectory and regulating its boundaries in the near to medium term. This requires robust, detached and critical analysis of the field (and across sectors) while participating in the field closely enough to chart its networks over time and intervene with a whole range of stakeholders to shape its trajectory. This poses three challenges. First, it requires conducting research into the effectiveness of MSIs while fostering direct engagement with them and their participants, a balance that demands significant care. Second, the knowledge gap in this area is so vast that it is difficult to ascertain the specific forms of evaluation and research that would be of most value in practice. Third, analysis of an MSI must be deep enough to stimulate dialogue yet balanced against the need for a cross-sectoral, broad and comparative mapping of MSIs. As a result, the research requires a complex institutional platform(s). One of the authors of this paper has initiated an attempt at such a platform,⁸³ an NGO with fused research and advocacy functions that also serves as a platform for a network of academic institutions. The magnitude and variation of the requisite research is daunting, and well beyond any one actor. A critical, collaborative and multi-disciplinary initiative must emerge to question the dominance, form and effectiveness of multi-stakeholder initiatives.

83 The Institute for Multi-Stakeholder Initiative Integrity (www.msi-integrity.org).