

International Institutions, Global “Partnerships” and the Structural Power of Multinational Corporations: The UNHCR Case Study and a New Research Agenda

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Abstract — Throughout the last two decades, institutions of global security and governance have undergone a paradigmatic shift in their engagements with multinational corporations (MNCs). The United Nations, in particular, has increasingly embraced big business as “partner” in human security, humanitarian response and development through formalized “global public–private partnerships” (GP3s). Naturally, a debate has emerged on the efficacies of these GP3s and their implications for global governance. This paper contributes to this debate by proposing and employing a new research agenda that interrogates the impacts that GP3s have on international institutions themselves using a case study of a particular UN agency, the United Nations High Commissioner for Refugees (UNHCR). It will argue that UNHCR GP3s are a highly asymmetrical set of power relations that are having constitutive effects on the agency. The UNHCR is undergoing significant operational and ideological changes in the GP3 process in a manner that is synonymous with Stephen Gill’s (1998) concept of “new constitutionalism”; a reconstitution that opens up and further embeds the agency within the forces of

Résumé — À travers les deux dernières décennies, les organisations de sécurité et de la gouvernance mondiales ont connu un changement de paradigme en ce qui concerne leurs interactions avec les entreprises multinationales. Plus particulièrement, le « partenariat » entre l’Organisation des Nations Unies et les grandes entreprises est de plus en plus courant en matière de sécurité humaine, d’intervention humanitaire et de développement. Ce « partenariat » se concrétise par le biais des « partenariats publics–privés mondiaux » (PPPM). Un débat s’est ouvert sur l’efficacité de ces PPPM et de leur impact sur la gouvernance mondiale. Le présent article contribue au débat en proposant un nouveau programme de recherche qui se penche sur l’impact des PPPM sur les organisations internationales. L’article met en pratique ce programme de recherche en faisant appel à une étude de cas relative à une agence de l’ONU, le Haut-Commissariat des Nations Unies pour les réfugiés (HCR). Il est soutenu que les PPPM de le HCR présentent des rapports de force grandement asymétriques qui ont des effets constitutifs sur l’agence. Dans le processus des PPPM, le HCR subit d’importants changements opérationnels et

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the capitalist global political economy. Hence, this case study demonstrates that GP3s are capable of undermining the mandate and autonomy of global security and governance institutions.

Keywords: United Nations; UNHCR; global public–private partnerships; neo-Gramscian theory.

idéologiques qui se rapprochent du concept de « nouveau constitutionnalisme » proposé par Stephen Gill (1998); la reconstitution ancre davantage l’agence dans l’économie politique capitaliste mondiale. Ainsi, la présente étude de cas démontre que les PPPM peuvent porter atteinte au mandat des organisations de sécurité et de la gouvernance mondiales et à leur autonomie.

Mots-clés : Organisation des Nations Unies ; Haut-Commissariat des Nations Unies pour les réfugiés (HCR) ; partenariats publics–privés mondiaux; théorie néo-gramscienne.

Introduction

Throughout the last two decades, institutions of global security and governance have undergone a paradigmatic shift in their engagements with multinational corporations (MNCs). The United Nations, in particular, has increasingly embraced big business as “partner” in human security, humanitarian response and development through formalized “global public–private partnerships” (GP3s); relatively institutionalized, long-term and multidimensional engagements between public and for-profit entities established for the provision of global public goods. Naturally, a debate has emerged on the efficacies of these GP3s and their implications for global governance. Proponents contend that they increase the capacities of international organizations and fill governance gaps while extending participation in governance and encouraging best practices in corporate social responsibility (CSR). Critics, on the other hand, articulate the asymmetrical relations inherent within GP3s, positing them as manifestations of neoliberal hegemony and corporate dominance.

This paper contributes to this debate by proposing and employing a new research agenda that interrogates the impacts that GP3s have on international institutions themselves using a case study of a particular UN agency — the United Nations High Commissioner for Refugees (UNHCR). This agenda will assist in understanding the constitutive effects and politics in the GP3 process in order to sufficiently assess their wider implications for global security and governance. From a critical political economy perspective, this paper asks the following: a) What forms do UNHCR–business partnerships take? b) What power relations do they constitute? and c) What sort of impacts do they have on the UNHCR? It will show that UNHCR GP3s entail intensifying ideational interactions, most notably within epistemic forums centred on private sector knowledge-sharing, consultancy and advocacy activities. This paper will further demonstrate how the UNHCR GP3s are a highly asymmetrical set of power relations in terms of the actors’ structural positioning and the risks, commitments and benefits they accrue. Finally, it will argue that the UNHCR is undergoing significant operational and ideological changes in the GP3 process in a manner that is synonymous with Stephen Gill’s (1998) concept of “new constitutionalism”; a reconstitution that opens up and further embeds the agency within the forces of the

capitalist global political economy. Hence, this case study demonstrates that the political nature of GP3s is capable of undermining the mandate and autonomy of global security and governance institutions.

International Relations, UN–Business Relations and the “Partnerships Debate”

The study of International Relations has traditionally been concerned with relations between states, largely neglecting the political roles played by MNCs internationally. Though liberal institutionalists and regime theorists began recognizing the importance of institutions and non-state actors of global security and governance throughout the 1970s and 1980s (see Keohane & Nye, 1989; Krasner, 1983), these approaches progressively became more state-centric and pluralist, underplaying the for-profit sector as actor and the broader structures in the global political economy. Corresponding with the end of the Cold War and intensifying globalization processes was a massive increase in studies on “global governance” that began to take seriously the role of MNCs, “private authority” and the power of global capital (Cutler et al., 1999; Hall & Biersteker, 2002; Higgot et al., 2000; Ruggie, 2004). MNCs were shown to have impacted global trade rules (Cutler, 2010; Sell, 2000), climate change negotiations and global environmental regulatory schemes (Chatterjee & Finger, 1994; Levy & Egan, 2000) and to have formed a number of private international regimes of self-regulation and global rule-setting (Cutler et al., 1999; Haufler, 2000). Beginning in the early 2000s, research turned considerable attention toward UN–business relations and the evolving GP3 process (see Andonova, 2010; Berliner & Prakash, 2015; Bull & McNeill, 2010; Newell, 2005; Therien & Pouliot, 2006; Utting, 2000).

Historically, relations between the UN and big business have been antagonistic. During the Cold War period the UN largely avoided contact with corporations as a signal of impartiality towards free and command economies. In the 1960s, UN–business relations entered a period of what Therien & Pouliot (2006) describe as “institutionalized animosity.” This was the latest era of de-colonization that ushered a massive entry of new Southern states into the global system. An institutionalized North–South divide began to emerge in the UN with the formation of the Group of 77 (G77) and the subsequent UN Conference on Trade and Development which sought, among other things, a series of interventionist policies to establish equitable terms of trade and global corporate accountability. This trend continued in the 1970s with rising discussions of the New International Economic Order and attempts by the G77 to establish an international code of conduct for MNCs as well as develop stronger capacities to deal with them through the creation of the UN Commission on Transnational Corporations (UNCTC) and the UN Centre on Transnational Corporations, respectively. These efforts were strongly lobbied against by the International Chamber of Commerce (ICC), conservative think tanks and the Reagan administration that championed free markets and challenged the UN’s interventionist stance throughout the 1980s (Smith, 2010; Soederberg, 2007; Therien & Pouliot, 2006).

Tensions between the UN and business began to ease in the 1990s as the end of the Cold War centered power in the West, heralding in a neoliberal political economy under

the Washington Consensus and Bretton Woods institutions. Intensifying globalization processes were also changing the global landscape with the number, activities and rights of MNCs expanding exponentially. Simultaneously, the UN was encountering legitimacy issues, particularly in the West where it faced intense criticisms of ineffectiveness and irrelevance (Andonova, 2010; Backstrand & Kylsater, 2014). Opening up the institution and engaging with corporations provided the opportunity to reassert its relevance in the modern political economy and increase its capacity to fulfill its expanding security and governance mandates (Andonova, 2010; Backstrand & Kylsater, 2014; Pingeot, 2016). The unprecedented presence of MNCs at the 1992 Rio Conference on Environment and Development signalled a turning point in UN–business relations and resulted in the World Business Council on Sustainable Development. That same year, in part due as a symbolic gesture to business interests and their lobbying efforts, the UNCTC was abolished, ending the UN’s initiative toward creating a legally binding international code of conduct on MNC activities (Bull, 2010; Gregoratti, 2012; Smith, 2010).

This paradigmatic shift in the UN’s relations with business was consolidated in 1997 as Kofi Annan, himself a graduate of the Massachusetts Institute of Technology’s business school, assumed the position of UN Secretary-General. Annan entered during the UN’s biggest financial crisis due to unpaid membership arrears, largely from the US (which accounted for approximately 30% of the UN’s budget). At the same time, an emerging global social movement began to erupt against corporate globalization. Facing crises of legitimacy, financing and a global backlash against global neoliberalism, Annan committed himself to reforming and opening up the UN, declaring a “new universal understanding that market forces are essential for development” to the World Economic Forum (Tesner & Kell, 2000, 32; Witte & Reinicke, 2005). Symbolizing the private sector’s commitment, the vice chairman of AOL donated \$1 billion to the agency and the UN Foundation was established to manage the grant (Ibid).

The idea of “partnerships” began to enter the UN–business relations discourse in this period. The definitions of GP3s offered in the literature vary significantly, reflecting the dynamic relations they constitute. They operate in a variety of ways and capacities throughout the policy process. GP3s, however, are often academically and self-described as collaborative, mutually beneficial and grounded in common interests that navigate a “third way” between state intervention and market-based resource allocations. The various definitions of GP3s also share an acknowledgement that they entail an intensification of both material and ideational engagements between the UN and MNCs, including epistemic activities such as knowledge-sharing, norm-diffusion and advocacy (see Bexell & Morth, 2010; Borzel & Risse, 2007; Bull & McNeill, 2007; Schaferhoff et al., 2009). The UN institutionalized the term when it established the UN Fund for International Partnerships and the UN Office for Partnerships to facilitate and manage this escalating mode of corporate engagement (Andonova, 2006; Bull & McNeill, 2007; Gregoratti, 2012).

In a series of meetings with the ICC, Secretary-General Annan affirmed his commitment to GP3s and proposed the “Global Compact of Shared Values and Principles” — the largest and most well-known global partnership program. Emphasizing the declining legitimacy of global neoliberalism mounted by the anti-globalization movement, Annan offered the idea of the Global Compact to “give a face to the global market” (UN, 1999)

through facilitating global CSR initiatives outlined in its ten principles (Kell & Ruggie, 1999; Soederberg, 2007). The Global Compact draws on these previously declared UN principles to stimulate “best practices” in CSR while simultaneously leveraging business capacities. It is not designed as a legally binding framework but as an arena for dialogue and social learning amongst the UN and corporate partners. The ICC and other free market advocates have supported this softer approach to regulating corporate conduct (Kell & Ruggie, 1999; Sethi & Schepers, 2014). In 2000, just months after the unprecedented anti-globalization protests at the WTO meeting in Seattle, the Global Compact was launched.

Though faced with criticisms from civil society organizations, GP3s have become normalized across the UN system since the Global Compact, existing across the domains of global governance (see Borzel & Risse, 2007), development (Bull, 2010; Newell, 2005), environmental security (see Bexell & Morth, 2010), health security (see Bull & McNeill, 2007) and, as this study demonstrates, human security more generally. They increasingly promote corporate input at every stage of the policy process and increased engagement in all major global conferences, many of which play a part in shaping the UN’s agenda, including the 2002 World Summit on Sustainable Development and the subsequent 2012 Conference (Bexell & Morth, 2010; Bull & McNeill, 2010; Gregoratti, 2010).

Generally, there are three approaches to explaining the paradigmatic turn to and rapid spread of GP3s in global security and governance. The first is the structural approach which can be further divided amongst the functionalists and constructivists. Structural-functionalists, many of whom are neoliberal institutionalists or public policy analysts, view GP3s as a natural result of governance gaps in the global environment and the structurally facilitated needs to enhance collaboration on the provision of public goods. GP3s, they argue, further compliment states and international institutions with market-based mechanisms and efficiencies (Reinicke & Deng, 2000; Ruggie, 2004; Witte & Reinicke, 2005). Structural constructivists, on the other hand, emphasize ideational factors with particular attention to the diffusion of neoliberal norms and their market-based prescriptions (Bull et al., 2004; Bull & McNeill, 2010) or the emergence of a new “global public domain” of shared public and private interests and arenas of interaction (Ruggie, 2004). The second set of approaches focuses on the rational agency of the UN and/or corporate actors. Authors have outlined the UN’s strategy in reasserting its authority and consolidating alternative avenues of financial and operational assistance (Andonova, 2006, 2010; Kell, 2012; Pingeot, 2016) and the strategic interests of business, including the development of a positive corporate image, the pre-emption of harder forms of regulation and the development new markets for profit (Andonova & Levy, 2003; Berliner & Prakash, 2015; Scherer & Palazzo, 2011). Finally, critical explanations generally focus on power asymmetries inherent in the global political economy. Critical theorists argue that GP3s result from the structural and ideological hegemony of business and capital (Gregoratti, 2010; Levy & Newell, 2002).

Linked to these explanations is a continuing debate on the efficacy of GP3s and their implications for global governance. Proponents generally come from fields related to the study of Global Public Policy and apply the functionalist logic to highlight their benefits. They frame partnerships as mutually beneficial collaborations with shared common purposes in filling governance gaps and providing public goods (Reinicke &

Deng, 2000; Ruggie, 2001). GP3s are understood as forms of “network governance” that induce social learning and diffusion of UN values toward impacting corporate behaviour and expanding CSR initiatives (Reinicke, 2000; Ruggie, 2001; Kell, 2012). Networks are posited as responses to the global democratic deficit and inefficiencies of the public sectors via expanding participation in global governance and combining the material and knowledge resources of both sectors (Rasche & Waddock, 2014; Reinicke & Deng, 2000; Ruggie, 2004). Finally, GP3s are also offered as another liberal compromise that addresses the societal backlash against corporate globalization similar to the post-war era of “embedded liberalism” (Reinicke, 2000; Ruggie, 2004).

Critics of GP3s, many of whom emanate from civil society groups in the anti-corporate globalization movement and the neo-Gramscian school of critical theory, problematize the pluralism of the functionalist perspective, arguing that its approach is apolitical, problem-solving theory that disregards issues of power and unproblematically reifies existing structures of inequality. GP3s, neo-Gramscians argue, exist in a global political economy constituted by massive inequalities in instrumental, discursive and structural power. The subsequent asymmetrical power relations operate throughout GP3s, threatening a potential corporate takeover of the global agenda, commercialization of the UN system and cooptation of any counterhegemonic protests (Gregoratti, 2012; May, 2015; Soederberg, 2007; Utting, 2000; Zammit, 2003). Other critical scholars focus attention on the poor institutional design and subsequent performance of GP3s, demonstrating their lack of clear mandates and the inadequate monitoring and enforcement mechanisms that encourage MNCs to shirk their CSR responsibilities (Berliner & Prakash, 2014; Sethi & Schepers, 2014; Soederberg, 2007). Companies such as PetroChina, Nike, Nestle and Shell, all of which are Global Compact signatories, have all been shown to have engaged in business practices that violate human rights, labour rights and environmental standards (Sethi & Schepers, 2014; TRAC, 2000). GP3s, they argue, amount to corporate “bluwashing” that enhances the legitimacy and brand of MNCs through UN association while avoiding any substantial changes to corporate behaviour (Paine, 2000; Utting, 2000; Utting & Zammit, 2009).

Despite the growing literature and intensifying debate on GP3s, there are very few empirical studies that inquire into the partnerships of particular UN agencies and the impact these relations have on the agencies themselves (see Bull, 2010; Gregoratti, 2010 as exceptions). We have little insight into how these partnerships operate, the types of activities they envelope nor their inherent politics. This paper therefore offers an in-depth case study to understand their underlying political nature.

Analytical Framework and Methodology

In general, the literature outlines UN–business partnerships as multi-dynamic processes linked to overarching structures in the global political economy that include material (i.e., supply-driven) and ideational (i.e., norm-diffusion, legitimacy claims) interactions. This inquiry therefore employs a neo-Gramscian analytical framework to situation UNHCR GP3s in an analysis of the global political economy but also to combine analysis of both structure and agency and transcend state-centrism and the levels-of-analysis problem by

focusing on social forces. Neo-Gramscian theory assumes that structural and discursive power relations among social forces — such as business or social movements — undergird the global political economy. Social forces operate throughout the state and global levels of analysis as well as global regimes and institutions. Power is largely constituted by a social forces' position within the material and ideological structure of the capitalist global political economy and is enacted by strategic agency and discourse (Cox, 1981, 1987; Gill, 1993; Bieler & Morton, 2004; Levy & Newell, 2005). Structural power is a resultant of overarching political, economic and ideological conditions that privilege particular social forces or institutions over others (Gill & Law, 1989). Privileged structural positioning simultaneously affords discursive power by granting actors access to arenas of legitimation, norm diffusion and agenda-setting (van Dijk, 1993). This analysis is not structure all-the-way-down, however. Power is not automatic but enacted by purposive, strategic agents, often through discourse and ideology. The question is to what extent does structural and discursive power impact agency and vice-versa.

This analysis, therefore, is methodologically interpretivist. It entails an in-depth deconstruction of the structural and ideological conditions and communicative acts of UNHCR GP3s to identify their inherent power relations. It also involves contextualizing and tracing key factors and processes to understand structure-agency determinacy. Information for this research was collected from primary sources, including the UNHCR, UN and their respective corporate partners' reports, public statements, websites and other related documents as well as secondary sources including research in Refugee and Forced Migration Studies and Global Political Economy.

Structure and Asymmetry of UNHCR–Business “Partnerships”

UNHCR GP3s do not function as mutually beneficial collaborations, nor do they exist in a pluralist, apolitical environment. Rather, they are largely a product of the overarching political, material and ideological structures of the global political economy. The agency of the UNHCR, dependent upon voluntary contributions for its work, is in a perpetually weak structural position with mounting pressures from a series of refugee crises, the increasing restrictive refugee policies of states and the agency's resulting financial crises that have severely constrained the options available to secure funding and fulfill the agency's mandate. Simultaneously, the “partnerships” ideology spreading throughout the UN system has constituted and legitimized the GP3 option. MNCs continue to enjoy a powerful position in the global political economy, controlling vast resources and buttressed by the free-market tenants of neoliberalism (Cox, 1981, 1987; Gill, 1993, 1998) and the Global Compact's legitimization of market-based processes and resource allocations. Their asymmetrical power relations are mirrored in the GP3 process, distributing asymmetrical benefits to business and asymmetrical risk and commitment to the UNHCR. The following analysis will outline the structural determinacy of GP3s and their inherent political relations.

The UNHCR was established in 1950 under the authority of the UN General Assembly as a temporary agency to assist the over 30 million Western Europeans displaced

by World War II. The agency was mandated with protecting and assisting these refugees, including assistance with the “durable solutions” to their displacement — either repatriation to their home country, local integration in their initial state of asylum or third country resettlement. During the decolonization period of the 1960s and the subsequent regional and civil conflicts that erupted, the General Assembly acknowledged that the refugees were not confined to Western Europe and passed the 1967 Protocol Relating to the Status of Refugees, waiving the temporal and geographic limitations of the original 1951 Convention. Today, the UNHCR’s mandate has since expanded to include internally displaced persons (IDPs) and those in protracted displacement situations and refugee camps around the world (Loescher et al., 2008; UNHCR, 2013).

Research on the UNHCR in Refugee and Forced Migration Studies has drawn out the direct and indirect links between forced displacement and regional, international, human and environmental insecurities along with the roles institutions play toward mitigating insecurity. Refugee movements and populations have been found to be both a consequence and cause of national and regional insecurities, often fleeing from intra- and inter-national conflicts while simultaneously provoking local social instabilities and providing warring factions with potential combatant recruits. Protracted refugee situations, most often in the form of large encampments, often exacerbate these local and regional insecurities while also threatening the human security of refugee populations and the environmental security of the surrounding area (Betts, 2014; Loescher, 2011; Milner, 2009). The restrictiveness of refugee camps often leads to violations of refugee rights outlined in the Refugee Convention, thereby undermining their socioeconomic security (Crisp, 2010; Milner, 2009; Slaughter & Crisp, 2009). On the global scale, refugee populations have been shown to be particularly vulnerable to exploitation and recruitment by international terrorist organizations (Milner, 2009; Moller, 2015). For its part, the UNHCR has played the refugee regime’s largest role as a security actor in its attempts toward minimizing these insecurities in both material and social ways. While the agency employs its resources for the protection and assistance of refugee populations, it has also promoted a security discourse around the refugee question and has leveraged its moral and epistemic authority to promote global burden-sharing and multilateralism (Hammerstad, 2014; Loescher & Milner, 2011; Slaughter & Crisp, 2009).

Business engagement with the UNHCR is not a new phenomenon. Being dependent on voluntary contributions to service its budget, the agency has accepted financial contributions from the corporate sector since its inception. Unlike the UN, the UNHCR’s mandate had no direct concern for the global regulation of MNCs that set in place a history of antagonism. From the beginning the UNHCR and business had a different relationship, albeit with similar tones of hesitation and mutual skepticism of motives (see Ogata, 1999; BHF, 2017a). Their interactions throughout the post-war and Cold War period centered on philanthropic and procurement activities.

Coinciding with the paradigmatic shift occurring throughout the UN system, the UNHCR began to embrace the idea of partnerships in the late 1990s when the agency was facing unprecedented pressures and constraints to fulfill its mandate. During the Cold War, refugees possessed geopolitical value between the great powers. After the war, however, refugees no longer possessed this value and many Western states began to employ more

pronounced restrictive refugee policies and encourage repatriation (Chimni, 1998; Gibney, 2004). Compounding the stress this placed on the UNHCR were increasing flows of forced migrations, much of which was linked to political and economic crises in developing countries (Gibney, 2001). Consequently, more and more refugees were ending up in camps, creating an unprecedented number of protracted situations and peoples of concern for the organization. Corporate “partnerships” became a much more normalized approach internationally, stemming from their legitimation in the UN and constituted a readily available option to an agency that possessed very limited positional power and alternatives. The moral authority commanded by the UNHCR was not a sufficient resource under current conditions as appeals for additional voluntary support and co-operation from states to keep pace with the expanding needs of the agency went unmet.

Spearheading the UNHCR’s shift to GP3s was the 1999 establishment of the Business Humanitarian Forum (BHF), the first major epistemic forum and link between the agency and business. The BHF is a self-described private research, consultancy and advocacy partnership, co-chaired by now former UNHCR Commissioner Sadako Ogata, former Secretary-General of the ICC and former President of Unocal Corporation (among other business representatives) (BHF, 2017b). It states that it seeks to “bridge the gap of understanding and promote co-operation,” emphasizing “common goals” and “corporate social responsibility” (BHF, 2017a). In a landmark speech made by then High Commissioner Ogata to the BHF on facilitating the partnership, Ogata cautioned on their potential conflicts of interest, emphasizing the underlying profit motive of business and highlighting business involvement in undermining global security by perpetuating conflicts and violating human and labour rights. She rationalized partnerships as to create a common interest in business pursuing a “sustainable profit”; stable societies and markets. Working together, she argued, would help to address and avoid dangerous business practices while collaborating on humanitarian assistance (Ogata, 1999). However, there were no explicit mechanisms or procedures put in place to ensure corporate partners would take steps toward genuine CSR initiatives nor any indications or reports that the BHF has facilitated any change in the considerations of MNCs. Rather, the BHF largely facilitates corporate investment in humanitarian projects and leverages the expertise and ideas of business for refugee protection and assistance.

The creation of the BHF came with opposition from civil society, though it was hardly acknowledged institutionally. Critics highlighted the unethical business practices of particular BHF partners, including Unocal’s widely publicized human and labour rights violations complicity in Burma, which themselves sparked a massive population displacement, and Nestlé’s widely known violations of infant formula codes and environmental standards. The concern was that business partners were receiving asymmetrical benefits from the BHF, including a soft regulatory environment to avoid substantive CSR initiatives, an opportunity to “bluwash” nefarious business activities and increased input and influence in humanitarian governance (CorpWatch, 1999; TRAC, 2000). The UNHCR, on the other hand, developed a long-term partnership with Microsoft that, at the time, was facing significant decreases in stock value as a result of multiple anti-trust lawsuits (Suder & Nicolas, 2009). The partnership afforded Microsoft positive brand exposure with the company contributing a newly designed refugee registration system for Kosovar refugees. The UNHCR established its Private Sector and Public Affairs Service

office to strengthen private sector fundraising and build stronger institutional links with potential corporate partners that same year (UN-NGLS, 2017).

Throughout the early years of the GP3 process and the 2000s, conditions under which the agency operated had increasingly placed significant constraints and pressures on the agency. The post-9/11 security concerns ushered in a new era of restrictionist refugee policies across many Southern and Northern states. State contributions to the UNHCR also became more politicized as they began tightly earmarking their contributions to specific strategic areas of their respective interests (Barnett, 2002; Loescher et al., 2008). Additionally, new wars in Afghanistan and Iraq were increasing the flow of forced migrations, adding to the existing peoples of concern to the UNHCR.

By the mid-2000s the UNHCR’s GP3 approach had become normalized. The agency underwent a number of changes, both organizationally and ideologically, as the GP3 process intensified. It established several offices as new institutional points of contact with business including the Private Sector Fundraising Unit and the Corporate Foundation Partnership Unit. It also began playing a significant discursive role in legitimizing and normalizing the approach, particularly when it started including specialized “partnership” sections in its annual *Global Report* and *Global Appeals* publications in 2005. These UNHCR publications emphasize the common goals of the UNHCR and business, including the “development of more stable societies [which is] clearly good for business” (UNHCR, 2005, 2007a). They were further legitimized with reference to leveraging the knowledge and expertise of business to apply the “rigours of the marketplace” to UNHCR operations (UN Business, 2017; UNHCR, 2005, 2007). Since these publications began, there has been no mention of distributing UN ideas or values to MNCs. Rather, ideational interactions in epistemic forums seem to be a one-way street for the diffusion of the ideas of business.

The UNHCR underwent another significant alteration in how it operated with the private sector when it established another major epistemic forum, the Council of Business Leaders, in 2005. The Council is the self-described “driver” of the UNHCR’s GP3 program, is composed of representatives from five major corporations — Microsoft, Nestle, Nike, Merck and PricewaterhouseCoopers — and is chaired by the Deputy High Commissioner (UNHCR, 2007, 2007b). It is meant to provide consultation from the corporate sector on “how to be more business-like in carrying out humanitarian work” and establishing a more integrated partnership program (UNHCR, 2007). The Council does not indicate any changes to corporate conduct outside of promoting investment from MNCs to humanitarian causes. Like the Business Humanitarian Forum, it applies a strictly market-based logic to CSR and humanitarianism. Critics have protested against the inclusion of partners such as Nike and Nestle, both of which are facing some of the largest consumer boycott campaigns for their violations in labour rights (CorpWatch, 1999; TRAC, 2000). The inclusion of MNCs involved in highly contentious activities adds additional risk to the UNHCR as such affiliations have the potential to compromise the moral authority and integrity of the agency (Ibid; Utting, 2000). MNC partners need not worry of such issues, as affiliation with a humanitarian actor offers only positive legitimacy and branding opportunities.

This level of engagement with MNCs has intensified in the post-2010 period and is indicated in the discursive and ideological changes of the UNHCR. The agency has begun applying a market-based, rather than strictly rights or CSR-based, rationales to GP3s, emphasizing core business interests and “innovation.” The UNHCR’s discourse has shifted to marketizing refugee populations and issues, reflecting neoliberal, market-based prescriptions of GP3s more generally. The agency has started to advertise partnerships to the business community by appealing directly to the profit motive, highlighting branding and market opportunities, scalability and profit (Betts et al., 2016; see UNHCR, 2015b; UNHCR, 2017c). As stated on the agency’s website:

Collaboration with UNHCR provides businesses with branding, marketing and growth opportunities. Joint initiatives can also instill pride and loyalty among employees, as well as trust and credibility in customers and decision-makers. Benefits include positioning the company as a social actor, building an international profile, understanding new and emerging markets, identifying local and international partners, and, in some cases, co-developing new products and solutions (UNHCR, 2017c).

The UNHCR has simultaneously been undergoing a modernization process after it had commissioned a private company, Synthesis Corp, for an internal organizational review in 2011. The company recommended “modernizing” the agency by opening it up to further GP3s as sources of expertise and institutional innovation (Betts et al., 2016). A result of this process was the creation of UNHCR Innovation, another epistemic forum and research group that leverages the ideas of business. Innovation partners include Vodafone Foundation, UPS, Hunt Power and Hewlett Packard, among others. The partnership’s council, known as “iCircle,” includes IKEA Foundation, Hunt Oil and Microsoft. iCircle facilitates regular meetings between the UNHCR, business and researchers for “strategic guidance, technical expertise [and] advice on public-private partnerships” (Refugee Studies Centre, 2014). Innovation’s first project was an experiment in developing IKEA-based, flat-backed “Better Shelter Units” as alternatives to traditional refugee tents (UNHCR Innovation, 2017). Similar to the BHF and the Council of Business Leaders, UNHCR Innovation does not contain any additional commitments on MNCs toward CSR outside of contributing materials and ideas to GP3 programs. They do not reflect the initial institutional skepticism of for-profit motives and the initial ideas of mutuality and shared learning toward impacting the outside behaviours of business. Rather than reconstituting the interests and CSR initiatives of MNCs, partnerships facilitate core business interests in positive branding, market opportunities and voluntary, non-binding CSR — as advertised by the UNHCR (see UNHCR 2015b, 2017c).

An epistemic community has begun to develop from both outside and within the “innovation” process, providing intellectual leadership and neoliberal logic to applying market mechanisms in refugee assistance. This community invokes the functionalist insights from the study of Global Public Policy (see Betts et al., 2012; Betts et al., 2016; Boyer & DuPont, 2016). Their approach conceptualizes refugee communities as “new humanitarian markets” and emphasizes the opportunities they provide for developing economies of scale for corporate products and services (Ibid). “Situations of displacement,” it is argued, “can provide opportunities to innovate, test new products and enter new markets, leading to increasing value for the company and its shareholders, including the

opportunity to increase competitive advantage” (Boyer & DuPont, 2016, 367). This marketized humanitarianism is best understood as being based off the “bottom of the pyramid” model of consumer markets that targets the largest (and poorest) socioeconomic class, the global poor. The approach also proposes freer regulatory environments for business to operate. As a prominent organic intellectual of this neoliberal approach articulates, “The challenge is how to create incentive structures that facilitate the private provision of public goods while mitigating any possible risks that may stem from regulating these alternative, private providers” (Betts et al., 2016). The legitimacy that is afforded to market-based approaches and for-profit actors across the epistemic community and UNHCR discourses indicates an ideological terrain in the global refugee regime that works in the interest of business.

This period of operational and ideological change and intensifying relations with business is coinciding with one of the largest refugee crises in history. Beginning in 2011, the Syrian War has produced the largest displacement of a state’s population (40%) since WWII. The UNHCR is currently serving over 16 million displaced globally (UNHCR, 2015, 2017). It is also facing its greatest funding gap ever, with contributions standing at just 40% of their current budget in the 3rd quarter of 2015 with the gap expected to increase through 2017 (UNHCR, 2017b). Many Western and Southern states are continuing to tightly earmark their contributions and apply the restrictive refugee policies they’ve had in place over the last two decades.

Business as Usual, for Business

The preceding analysis of UNHCR–business relations and the GP3 process reveals their structural determinants and inherent power asymmetries. Prior to and throughout the process the UNHCR has contended with increasing pressures and constraints to fulfilling its mandate. GP3s were a readily available opportunity, legitimized and normalized by the UN’s Global Compact. At the same time, business enjoyed very strong structural positioning, constituted by its command of resources and the neoliberal ideological environment that promoted free market mechanisms and processes in their interests. The asymmetrical structural relations between the UNHCR and corporate partners are mirrored in their GP3s. Business is accruing more benefits from the engagement while the UNHCR has taken on more risk and commitment. Contrary to the functionalists, pluralists and partnership advocates in the debate on UN GP3s, this inquiry finds that UNHCR GP3s are highly political and asymmetrical arrangements that are having constitutive effects on the agency. Business, on the other hand, has not undergone such dramatic changes.

A collection of research has demonstrated the autonomous agency of the UNHCR and instances of its international leadership (see Andonova, 2010; Barnett & Finnemore, 1999; Hammerstad, 2014). The agency has leveraged its moral authority and discursive techniques to impact state behaviour, including its post-9/11 securitization discourse strategy (Hammerstad, 2014). The UNHCR does play a necessary role in understanding the GP3 process. In this analysis, the agency of the UNHCR is apparent in the discursive contributions it made to legitimizing GP3s. However, its weak structural position — constituted by its dependence on voluntary contributions, compounding refugee crises,

decreasing state responsibilities and subsequent financial crises — strongly constrained the UNHCR’s agency and available strategies. The UN’s Global Compact further shaped options through its legitimization and normalization discourses, creating another structural incentive to embrace the partnerships approach.

The structural determinants of GP3s are reflected in the asymmetrical relations they envelope. Relative to the UNHCR, business is in a very powerful position commanding the material and ideational resources the UNHCR seeks to leverage while holding a significant degree of global legitimacy and authority in the neoliberal political economy. The functional legitimacy of MNCs has been bolstered by the emerging pro-partnership epistemic community and the GP3 discourse. The asymmetrical relations of GP3s are further indicated in their distribution of benefits, risks and commitments. According to the UNHCR, the pro-partnership epistemic community and their critics, GP3s afford corporations the benefits of positive imaging and branding opportunities, increased access to new and expanding markets and opportunities to produce economies of scale. GP3s also offer corporations an opportunity to engage in CRS activities without the burden of legally binding regulations or substantive changes in behaviour while further legitimizing the capitalist global political economy (Andonova, 2006; Betts et al., 2016; Boyer & DuPont, 2016; Ruggie, 2001; UNHCR, 2017c). The benefits of positive CSR exposure and avoidance of legal obligations essentially override any risks in financial donations or investments incurred by MNCs. Furthermore, outside of the financial and knowledge-sharing commitments of business, which ultimately work to its benefit, MNCs have not had to make any substantive commitments to changing their behaviours or the way they operate in the global political economy. Instead of embedding values in the economy, GP3s embed refugee assistance in the market. For business, it’s business as usual.

Assessing the benefits that the UNHCR gains from GP3s is a much more nuanced and difficult task. There are cases — such as IKEA’s “Better Shelter Unit” or Vodafone’s “Instant Network classrooms” — that seemingly provide genuine contributions to refugee assistance. However, as current research stands, we do not know the extent to which even these partnerships may be systemically changing the agency’s agenda by virtue of their areas of expertise and investments. Innovation partner projects such as IKEA’s “Better Shelter Unit” may be refocusing efforts toward encampment techniques over durable solutions, for example. More research is needed into this particular systemic dynamic. Yet, despite the intensifying engagement with the corporate sector, which is now the 10th largest contributor to the agency, the UNHCR continues to contend with an annually increasing budget deficit. It is more apparent, however, that the agency has taken on a disproportionate amount of the risk and commitment in these arrangements. Considering the significant asymmetries of power between the UNHCR and MNCs, it is troubling to find that the agency has no safeguards put in place to protect institutional autonomy nor mechanisms to ensure corporate accountability. The agency not only risks questions of moral legitimacy in its engagements with its widely scrutinized MNC partners, but also the very real potential of corporate capture of the agency’s agenda as the UNHCR increasingly re-constitutionalizes and commits itself to the whims of the global capitalism.

Stephen Gill (1998) articulated the process through which states reconfigure themselves both institutionally and ideologically, in order to attract, and yet be

subsequently vulnerable to, the power of private investment. This process, known as “new constitutionalism,” has witnessed states increasingly enact policies that essentially internationalize state governance, re-constituting themselves as arenas for transnational investment and increasing the legal protections of business while decreasing regulations. The UNHCR has undergone a similar process, increasingly re-constitutionalizing itself, both operationally and ideologically, in a manner that further embeds the agency within the global political economy. The UNHCR has altered the way it operates with MNCs, sharing and establishing epistemic forums where the ideas and logics of business are leveraged and where we can assume that, at the very least, MNCs are promoting their core interests. The UNHCR is also changing ideologically as indicated in its emerging market-based discourse. Considering the structural positioning of the agency and the current refugee crisis, this new constitutionalism process should provoke questions of institutional integrity and autonomy.

This is not to argue that genuine collaboration with the private sector is inherently undesirable. Fully accountable and refugee needs-focused efforts do provide opportunities for public-private co-operation, though the inherent nature of these relations need at least a consideration. This paper is meant to show that GP3s reflect broader patterns of structural and discursive relations and that their considerable power asymmetries can have real effects, as manifested in the ongoing new constitutionalism of the UNHCR. To what extent this impacts the efficacy and mandate of the agency is a matter of further research. However, there are indications that marketizing refugee issues can be injurious to refugee dignity, well-being and overall human security and should serve as a cause for caution. Samasource, a silicon valley-based company, provides such an indication. The company partnered with the UNHCR to provide “micro virtual work” for refugees, essentially outsourcing small digital projects that are easily delegated to an unskilled workforce. However, Samasource was found to be exploiting the cheap labour it found in a refugee camp, paying their refugee workers \$50/month compared to the average \$100/month found in the camp. This resulted in some of the refugee workers walking off the job, voicing concerns of long hours and low pay, and cancellation of the program (Betts et al., 2016). These types of exploitative business practices not only threaten to undermine the agency’s goals in assisting in the socioeconomic, and hence human, security of refugee communities but may also undermine the socially perceived integrity and moral authority of the UNHCR, one of the very few sources of power it has at its disposal. Hence, the UNHCR case study shows that GP3s are capable of undermining the mandate and autonomy of global security and governance institutions.

Conclusion

Considering the asymmetries of power inherent in UNHCR GP3s, there may be some potential options to offset structural differences and mitigate the risks that the UNHCR faces. One obvious recommendation from current findings would be to ensure a secure operating budget that is not completely dependent on the voluntary (and highly politicized) contributions of states to offset the agency’s structurally dictated dependence. However, this would be an incredibly difficult political task. For now, we could recommend establishing open and publicly assessable avenues for civil society input and oversight

across the GP3s, including in the epistemic forums where business knowledge and norms are diffused. This could provide an extended deliberative space to counter inherent biases in knowledge claims. We should also recommend articulating and emphasizing in GP3s not just the human rights of refugees, but also their social and economic rights to protect their well-being and livelihoods if they are to be embedded within market processes. Additionally, we should avoid discourses that reduce refugees to their economic value as new markets and commodities. This marketization of the refugee question trivializes solutions according to their economic viability. Finally, at the very least, we should recommend further research into the politics and power dynamics inherent within the GP3s of the UNHCR, other UN agencies and international institutions of security and governance to inform and counter the apolitical conceptualization and unproblematic promotion of GP3s and other market-based approaches.

This paper is meant to facilitate a new research agenda into the impacts UN–business partnerships have on the institution itself. Further research toward this agenda could include comparative analyses across UN agencies and/or other international institutions to establish a more comprehensive understanding of the nature of these relations and inquire into the other new constitutionalism processes. In terms of global security, understanding GP3s in particular security regimes would assist in producing new knowledge and filling the mutual analytical gaps in both the GP3 and Security Studies literature. Additionally, more research is needed into the discursive and structural dynamics of these arrangements. We know very little of the discursive processes that occur within epistemic forums and the longer-term structural impacts these GP3s may have for an agency’s agenda. Understanding these dynamics between the UNHCR and MNCs is particularly pertinent now more than ever considering the bleak outlook for peace in Syria, the stated impeding isolationism of the Trump administration, and the increasing salience of xenophobic and protectionist sentiments in the West.

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