

Big Tech, International Organizations, and the Discursive Constitution of Global AI Governance

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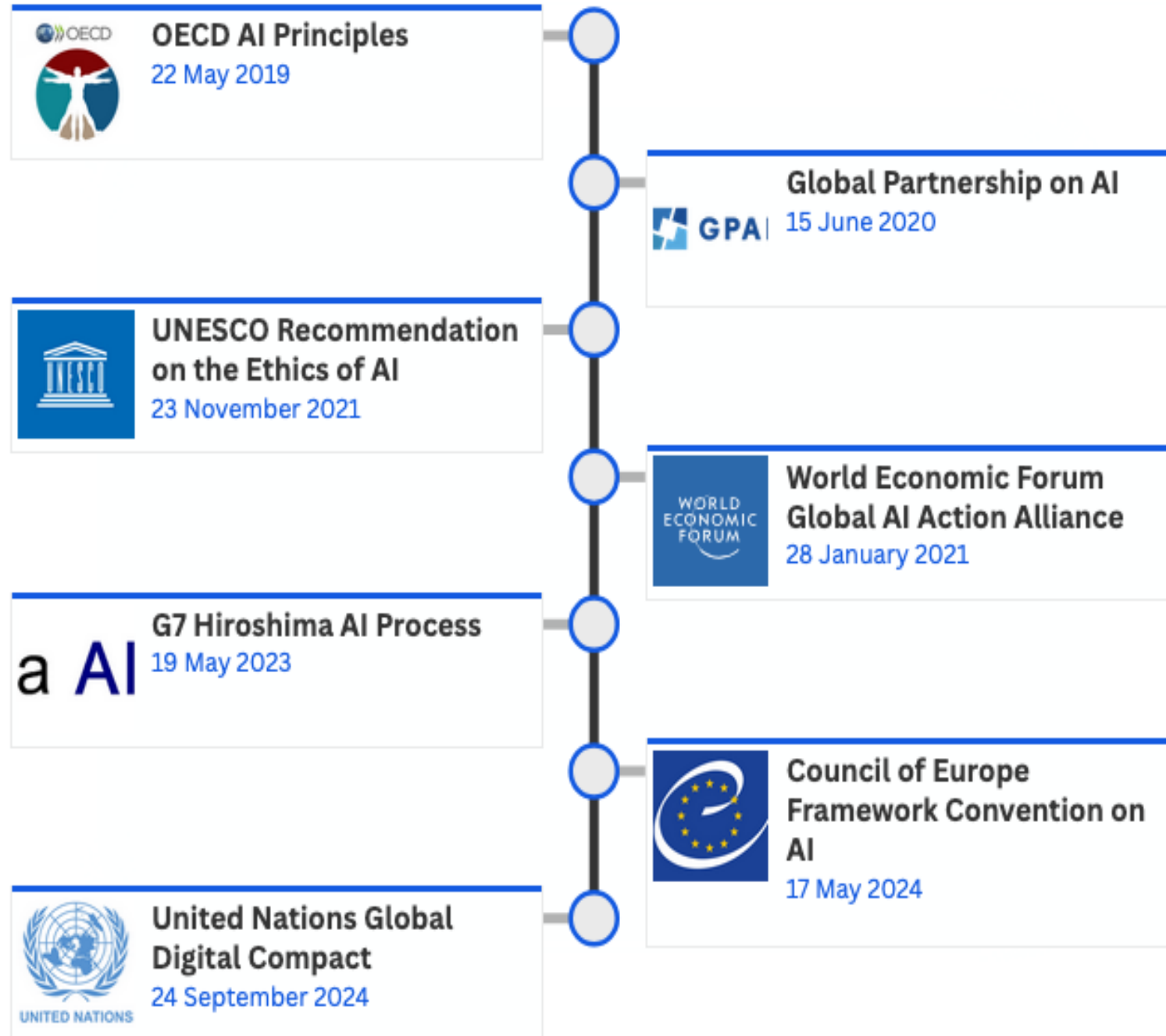
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IOs & AI Governance

- **‘Weak’ AI regime complex?**
(Cihon et al., 2020; Roberts et al., 2024; Veale et al., 2023; Tallberg et al., 2023; Erman & Furendal, 2024)
- **Discourse institutionalization**
(Francisco & Linnér, 2023)
- **Norm setting power of OECD**
(Schmitt, 2022)



Big Tech and Global AI Governance

- **“Super-policy entrepreneurs”** (Khanal et al, 2025)
- **Epistemic authority** in global AI governance (Taeihagh, 2021)
- Governance norms **prioritizing AI industry and Big Tech interests over human rights concerns** (Svitych, 2025; Hohmann & Kollár, 2025)
- Google **diffuses industry-friendly governance norms** through multilateral platforms (Li, 2025)
- **Fail to challenge Big Tech interests** on digital competition, power concentration, or control over technologies (Veale et al. 2023; Floridi & Cowls, 2022)

Big Tech Involvement in IOs

International Organization	Stated Role of Tech Corporations
Council of Europe Digital Partnership	“Companies play a critical role in addressing technology-related challenges because they provide and control the digital infrastructure”
Businesses at OECD’s Digital Policy Committee	“ <i>Business at OECD’s</i> Digital Policy Committee provides both high-level and technical private sector perspectives across the OECD agenda on digital policy...organises policy events in partnership with the OECD and undertakes special projects on cutting-edge issues”
UNESCO Business Council for Ethics of AI	“The private sector played an instrumental role in the construction of the Recommendation and actively participated in global and regional consultation spaces. The Recommendation recognizes the fundamental role of companies in the ethical impact”

What is Digital Constitutionalism?



“Constellation of **initiatives that have sought to articulate a set of political rights, governance norms, and limitations on the exercise of power**” in digital environments (Redeker et al., 2018, p. 2)



“The *mere elaboration of constitutional principles at societal level can mark the presence of a process of constitutionalization in the digital environment*...even if norms are not yet institutionalized or positivized in the hierarchy of legal sources” (Celeste, 2019, p. 14)



Principles: 1) basic or fundamental rights and freedoms, 2) general limits on state power, 3) internet governance and civic participation, 4) transparency and openness, 5) open data, 6) right to participation, and 7) digital inclusion (Redeker et al., 2018)

Global AI Governance & Constitutionalist Language

Initiative	Constitutionalist Values
OECD AI Principles (2019, revised 2024)	“AI Actors should <i>respect rule of law, human rights and democratic and human centered values</i> throughout the AI system lifecycle”
Global Partnership on AI (2020)	“Established to guide the responsible development and use of artificial intelligence (AI) in a manner that <i>respects human rights</i> and the shared <i>democratic values</i> of its members.”
Council of Europe Framework Convention on AI (2024)	“The provisions of this Convention aim to ensure that activities within the lifecycle of artificial intelligence systems are <i>fully consistent with human rights, democracy and the rule of law</i> ”
UNESCO Recommendation on the Ethics of AI (2021)	“AI systems must <i>respect, protect, and promote human rights and fundamental freedoms</i> throughout their lifecycle”
G7 Hiroshima AI Process (2023)	“Recognizes need to manage risks and to protect individuals, society, and our shared principles including <i>the rule of law and democratic values</i> , keeping humankind at the center. “



Research Question

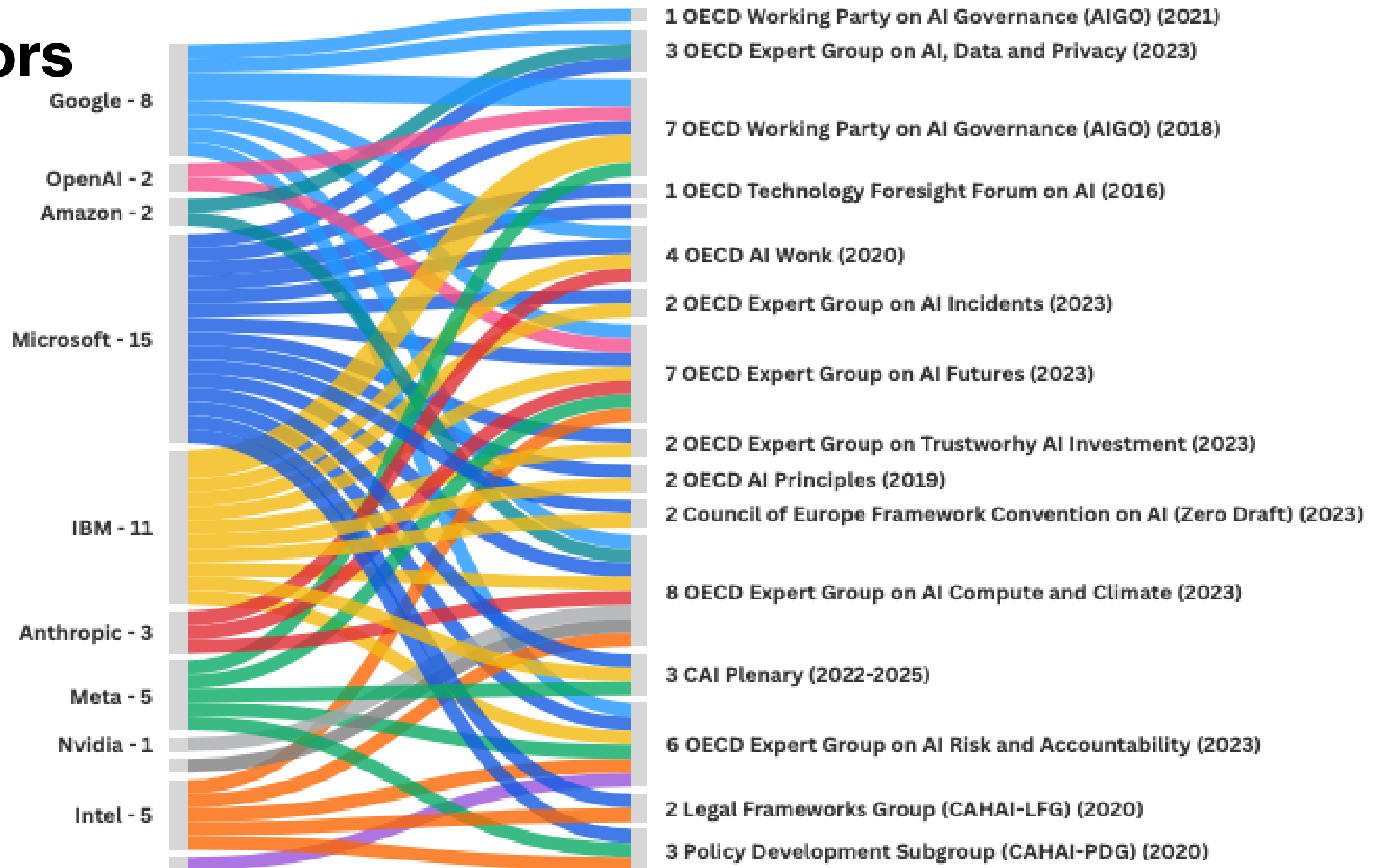
How does Big Tech co-opt digital constitutionalist discourse within IO-led governance processes, and how does this reinforce their power in global AI governance?

Theoretical Lens: Discursive Constitutionalism

- “Discursive Constitutionalism” (Bui, 2023)
 - The “struggle of constitutionalism through discourse” (Bui, 2023)
- Digital constitutionalism a *discursive process* through which governance imaginaries and policy frameworks are contested and constructed.

Four Pillars	Functions
Spaces	Sphere(s) in which the debate on constitutionalism takes place.
Actors	Those engaged in debates on constitutionalism.
Actions	Coordinative - exchange of the ideas of constitutionalism within groups and organizations Communicative – circulation of ideas of constitutionalism to the broader public for general discussion and support of the idea.
Ideas	Articulation of Principles & Rules

Actors



Actions

- “Actions of discourse” (Bui, 2023)
 - Agenda Steering:
 - Members/observers in policy drafting committees/expert groups
 - OECD AI Futures
 - Consultation submissions
 - Public-private partnership groups
 - Businesses at OECD’s Digital Policy Committee Reports
 - OECD AI Wonk Blog

Ideas

Principles

- Techno-solutionist, innovation-led, market-centric model of AI governance closely aligned with Big Tech's strategic interests.
 - Transparency vs explainability
 - Shaping AI imaginaries
- Balancing human rights with flexible innovation friendly governance (trustworthy AI)
- Resisting hard law and external regulatory actions

Rules

- Technical/procedural tools
- Google Model Cards for transparency & Synth ID for misinformation
 - Business at OECD Report on Implementing the OECD AI Principles (2024)
 - Amazon, Meta, Microsoft, IBM

Conclusion

Cross-institutional discursive convergence of ideas producing normative isomorphism in IO global AI governance frameworks

Diffusion into national AI policies

Big Tech engaged in constitutionalist theatre