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The international standardisation arena and the civil society participation stakes: results of the INTERNORM project

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Policy recommendations

International standards are playing an increasingly important role in market governance while frequently exerting direct effects on health, safety and the environment. Yet civil society, more often than not, is absent from the standardisation procedures. The recommendation made here is to foster the participation of civil society actors in standardisation by framing standardisation topics in a way that will encourage the mobilisation of these actors in accordance with their repertoire of actions and interests and by organising the plural expertise required for the effective participation that is necessary if they are to exert an influence.

Introduction

The power conferred on international standards, technical specifications and other unconventional forms of regulation is a feature of the transfers of authority that have characterised the course of globalisation. Technical standards – ISO or other – affect more than 80% of international trade; their contribution to the economy is estimated at 1% of GDP (DIN 2000). International standards, and the associated conformity assessment procedures, may deal with measurements, design, performance or the associated effects of products, industrial processes, or the provision of private or public services. Such standards frequently have direct effects on health, safety and the environment, an obvious example being machinery safety standards. Given the current importance of international standards in the organisation of markets and societies, participation in standardisation procedures by organisations representing civil society is crucial; yet such participation remains weak. Although the international standardisation procedures are based on a voluntary approach and civil society associations may, by paying a subscription, become members of the groups of experts and thus take part in the process, various studies have revealed the existence of major obstacles to participation by civil society and trade unions: lack of familiarity with the standardisation arena; absence of market interests; lack of adequate resources. In fact, the so-called technical standards are today drawn up principally by representatives of business – accompanied by increasing numbers of consultants – who meet in specialised and generally private bodies such as the International Organisation for Standardisation (ISO) or the European Committee for Standardisation (CEN).

The weak presence of civil society actors in standardisation procedures raises the salient question of the legitimacy of the European and international standards that play such an increasingly important role in the context of globalisation. The entry into force of the World Trade Organisation (WTO) in 1995 gave international standards a major role in harmonising the technical specifications of goods and services traded on the global markets. At the European level, Council Resolution 85/C 136/01 on a 'New Approach' to technical harmonisation and standards and, more recently, Regulation 1025/2012 on European standardisation, attribute a central role, in completion of the

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internal market, to the European standardisation organisations; and a very real transfer of authority from States and intergovernmental organisations to international or regional standardisation bodies can indeed be observed. This increasingly strong role of standards in contemporary regulatory practices raises major questions and challenges concerning representativeness and legitimacy.

The INTERNORM project funded by the University of Lausanne (UNIL) was conceived as a contribution to this reflection on democratic representation in the forging of international standards by setting up a platform for an exchange of knowledge intended to foster the participation of civil society actors (see Box). By focussing specifically on the field of international standardisation, this project has facilitated a clearer understanding of the obstacles to participation by civil society in the standardisation arena and, on this basis, has contributed to the search for ways in which the involvement of these actors could be encouraged and improved. The project thus delivered some valuable lessons about the mobilisation of actors, the role of various forms of expertise, and possibilities for accessing decision-making procedures in the international standardisation arena.

Encouraging civil society associations to take up the standardisation challenge

At the outset of the project, numerous exchanges with civil society associations active at national or international level provided relevant findings concerning the (non-)participation of civil society actors and associations in international standardisation arenas, thereby offering new insights as regards the obstacles to mobilising civil society actors.

Unfamiliarity with the complex and confusing world of standardisation

High entry costs are a factor to be stressed from the outset. An essential prerequisite for effective participation in the work of the committees responsible for drawing up standards is the need to identify and analyse areas of standardisation likely to be of interest to civil society and the trade unions. The project was confronted with the daunting range of ongoing standardisation activities dealing with numerous and extremely wide-ranging topics. In 2011, for example, 224 technical committees were active at the ISO elaborating more than 4000 draft standards. The research team was thus faced with a major task involving the exploration, synthesis and evaluation of international standardisation activity in order to identify the main challenges and pinpoint the most relevant standards for potential project partners. Given the high entry costs, this exploratory work appeared crucial for subsequent mobilisation and effective participation of civil society associations and trade unions.

Mobilisation subject to the usual repertoire of trade union and civil society actions

The prospect of influencing the content of standards naturally acted as an incentive to civil society associations and trade unions to join the project. Yet activists often have difficulty in perceiving a link between their activities, principally conducted at the local or national level, and international negotiations purportedly global in their scope. The challenge here is thus to reconcile the international scope of standards devised within the ISO with strategies geared to national or regional regulations or projects. This difficulty of establishing links between an international arena and local- or regional-level concerns undoubtedly constitutes a key obstacle to the mobilisation of civil society activists and trade unions for standard-setting activities.

By contrast, standardisation topics that find direct reflection in the national debate will act as a catalyst for mobilising civil society. The involvement of associations is thus clearly influenced by the topics under consideration within the standardisation bodies, which will need to be already significant within their usual repertoire of actions and goals. To give one example: an important demand of Swiss consumer associations in relation to nanotechnologies is the labelling of products containing nanomaterials so as to guarantee transparency and freedom of choice for consumers; as such, the standard on product labelling that was drawn up at ISO triggered their involvement. The standardisation topics selected for the project thus turned out to be decisive criteria in determining whether or not the associations contacted felt motivated to participate. If this lesson seems trivial, it should be remembered that the identification of standardisation procedures finding a reflection in national debates and/or some resonance in the priorities of the associations concerned cannot be taken for granted, given the breadth of standardisation work and the magnitude of the entry costs to this world.

Risk of exploitation

Although the associations involved in the project shared the awareness of a democratic deficit in the international standardisation arenas and welcomed the project aim of facilitating their entry to related negotiations, they were extremely cautious in deciding to become involved. Trade union and civil society involvement in the preparatory process can indeed be used to justify the existence of the resulting standard, irrespective of whether or not these parties' desiderata are incorporated into the final text which can be presented, notwithstanding, as the outcome of a broad consensus involving all stakeholders – trade unions and civil society representatives included. The uncomfortable sense, on the part of these associations, of having been exploited can be exacerbated by the fact that the standards are subsequently sold, though their existence is the fruit of voluntary participation. The question frequently raised is as follows: what do trade unions and civil society activists stand to gain from their participation? They have, after all, expended a great deal of time, effort and resources in contributing to the legitimation of standards that will then constitute the backdrop of the buoyant certification market and that are, as such, invariably regarded as key drivers of a globalised economy.

The ethos of standardisation as a brake on mobilisation

Aspects of the *modus operandi* of international standardisation discourage many associations from participation. One feature of

standardisation is its relative inertia; several years inevitably pass between a new topic being launched and its publication as an international standard. Associations may thus prefer to devote resources to other projects over which they are in a position to exert more direct influence within a shorter time scale and in a manner more likely to attract media attention. Secondly, the voluntary character of standards and the consensual approach to their elaboration cause associations to question the value or relevance of devoting resources to this cause. Organisations like ISO stress the voluntary nature of standards which firms remain free to adopt or not; yet some standards do acquire a quasi-legal status as they may, for example, be incorporated into legislation or other types of regulation. While civil society associations are definitely interested in gaining a hearing within a framework destined to influence States' regulatory framework and environment, they will perceive it as much less in their interest to become involved in the definition of standards that may or may not ultimately be used by the relevant manufacturers or service providers. A question thus repeatedly asked by the project partners concerned the potential usefulness of the discussions in which they were involved, given that the standards under discussion were in no way binding on businesses. As to the 'consensual' aspect of the development of standards, this feature makes it difficult, if not impossible, for an association or trade union to attribute a specific improvement of the standard to its own involvement. In this situation, it is as difficult for an association to justify to its members its involvement in standard-setting activities as it is to measure the impact of a standard on the practices of the business interests to which it is addressed.

Knowledge and the need for wide-ranging expertise

The highly technical nature of standards is frequently presented as a major obstacle to participation by civil society associations (Loya and Boli 1999). While the INTERNORM experiment certainly confirms that expertise is a crucial requirement in the work of standardisation, to restrict this to the technical knowledge required to understand the debates is to deliberately ignore the multi-faceted nature of the expertise necessary to make sense of international standardisation activities. Technical knowledge of the subject in question; detailed familiarity with standardisation procedures; understanding of the relevant political and legal context; skills and knowledge peculiar to civil society activists and trade unionists: all form part of the extensive toolkit required for effective participation in this work.

From the expertise standpoint, the main obstacles stem not exclusively from the technicalities of the matters up for standardisation but also from the difficulty of following the discussions with an ear to their main implications for civil society. The standardisation arena produces a host of documents (proposals for new standards, written comments from experts, minutes of meetings and resolutions, opinions from external actors, etc.) making it hard to gain one's bearings and difficult to identify the stakes within such a dauntingly complex procedural maze. Understanding the voluminous documentation on standards currently in preparation demands not only a great deal of time but

also an extremely sound grasp of the standardisation procedures themselves. This expertise relating to procedures and, more broadly, all the developments behind the negotiating scenes, is a manifest prerequisite for any genuine involvement by civil society in the standardisation arena.

The recommendation is accordingly to consider, as broadly as possible, the multi-faceted expertise required to handle standardisation topics. Appreciating the relevance of the standards under discussion demands an in-depth understanding of the organisation of the fields to which they relate and of how their adoption would alter existing practices. This generally means not only high-level scientific knowledge but also a detailed understanding of the institutional and legal framework in which the standards are to be applied, and, naturally, the knowledge developed by an association of the concerns of the actors who will be affected by the resulting standards. Only on the basis of this broad spectrum of understanding and expertise will civil society actors be able to grasp any particular instance of standardisation.

Real – but limited – influence

Open procedures...

An important observation stemming from the project is that, in the standardisation field, they *who participate get the power*: i.e. it is up to those who are determined and able to afford a hearing in the standardisation arena to take part in votes and negotiations. The very fact that participation in drawing up standards is voluntary can sometimes represent an unexpected lever for action, generating situations in which a single association determines the national position. For example, during a vote on a draft standard, INTERNORM was the only member of the Swiss mirror committee[1] to reject the draft standard. In accordance with procedures, the Swiss vote at the ISO was based on this single vote. This experience underlines the extent to which the content of standards may depend upon the participation – or absence – of specific actors. It also shows the influence that associations may be in a position to exert on the sole basis of their participation, as happened in the debates on tourism where, on the proposal of the project partners, a specific section on complaints handling was incorporated into the standard.

...but still restricted room for manoeuvre

Standard-drafting is subject to strict procedures and based on a pre-defined structure, entailing constraints of non-reversibility and also, frequently, the subordination of substantial stakes to procedural mechanisms. Consumers' associations at the European and Swiss level have, for example, expressed opposition to the notion of intentionality included in the definition of nanomaterials, for it is obviously the presence or absence of nano-objects, and not the producer's intention, that is crucial. Yet this notion is

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1 Participation in the work of standardisation at ISO or CEN is conditional upon membership of the national standardisation body in which so-called 'mirror committees' are formed to reflect the work of an ISO and/or CEN technical committee.

present in all ISO/CEN documents and, for reasons pertaining essentially to the internal consistency of standards, civil society demands to eliminate it met with blank refusal.

The possibility of influence by civil society and trade union representatives is also largely constrained by mechanisms governing the adoption and recognition of standards. In spite of their supposedly voluntary character, some standards are subsequently used as references in legislative and other regulatory texts. The standardisation efforts thus tend frequently towards devising standards that will minimise the constraints on firms so as to minimise also the subsequent risks should a standard be incorporated into legislation. What is more, in order to encourage the voluntary adoption and effective use of the standards – i.e. in the hope of preventing any binding policy or legislative intervention – the standardisation proceedings are heavily marked by a concern to find a largest-common-denominator formulation. Accordingly, demands from civil society may be set aside because of the risk that the resulting standard might be regarded as excessive and ultimately not taken up by firms. For civil society associations and trade unions taking part in the process of standardisation, it is thus necessary to find a balance between pursuit of their strategic objectives (e.g. transparency of nano-products throughout the production chain) and proposals likely to be voluntarily accepted by the firms supposedly intending to use these standards.

Conclusion

Given the prominent role played by international standardisation in contemporary societies, it is important to support civil society and trade union involvement in this insufficiently well-known power arena. Reacting against the conventional explanations that stress a lack of resources of civil society organisations, thereby placing the democratic deficit of standardisation on their shoulders, this Policy Brief has sought to contribute a more detailed and nuanced understanding of the obstacles to expanding the participatory dynamics of international standardisation.

While there exist, as we have seen, significant limits to the effective involvement of civil society (e.g. risks of exploitation or manipulation, uncertain impact of participation, high entry costs), the associations concerned are nonetheless likely to seek involvement in the process of international standardisation insofar as they are in a position to perceive links between this practice and their own strategies and regular activities. In coming face-to-face with the world of standards, whether in the workplace or the supermarket, civil society activists become aware of the need to grasp and engage with these instruments and influence their content. Such mobilisation indeed requires operational support, but the essential factor is a thematic one since associations will wish to become involved in standardisation work in those areas that fit meaningfully into their usual priorities and repertoire of actions. Regarding the situation in this light, a task of monitoring and framing standardisation activities is required to enable civil society activists to make sense of the process as a whole and subsequently choose to become involved on a case-by-case basis, depending on the topics and challenges being dealt with.

In terms of expertise, participation by civil society requires multi-faceted and wide-ranging forms of knowledge. The first task is to become familiar with the complex standards drafting and elaboration procedures, Then, the requisite expertise include a variety of forms of knowledge and skill sets associated not only with the specific subject matter of a given standard and scientific knowledge underlying it but also with an understanding of the institutional framework in which the standard is to be used and debates about how the standard would affect and interact with existing practices and regulatory frameworks. All action designed to foster civil society participation in standardisation must therefore conceive of expertise beyond its narrowly technical dimension so as to develop competences and knowledge on an ad hoc basis in accordance with these actors' specific needs.

In terms of influence, merely attending ISO and CEN meetings enables proposals from civil society to be put forward and defended, conferring on its representatives a power which would otherwise remain beyond their reach. Still there exist numerous limits to their influence, e.g. the non-reversibility features of standardisation procedures or the mechanisms governing the adoption of standards. Though participation by civil society comes up against genuine limits that make it an inevitably risky business, giving up on it will not prevent the continuing development of international and European standards that affect our everyday world and lives. The opening of the standardisation arena to the world of civil society, as practised today, is a limited opening operating principally at the level of procedures. Access, in other words, is currently a matter of formalities that need to

The INTERNORM project

The purpose of the INTERNORM pilot project (2010-2014), conducted in Switzerland and funded by the University of Lausanne (UNIL), was to support involvement of civil society actors in the preparation of international standards of the type produced by ISO. The project was conceived as an interactive knowledge centre based on the pooling of academic skills and the accumulated experience of social activists, particularly consumer associations, environmental protection associations, and trade unions. Responsibility for conducting the project was entrusted to a research team from UNIL whose main tasks were to initiate and develop discussion, in particular with the project partners, to facilitate access to standardisation documents and procedures, and to seek the necessary expertise to support the partner associations in their discussions on the standardisation work underway at ISO in the areas selected by them (nanotechnologies and tourism services). On completion of the project, INTERNORM had taken part in 11 expert groups in the areas selected for focus, spent more than 45 days in sittings of the technical committees, and submitted more than 150 comments and drafting recommendations resulting from various series of meetings held by the partner associations to discuss the standards under scrutiny.
For more information: www.unil.ch/vei/internorm

be translated into substantive opportunities by robust measures designed to enable monitoring of largely ignored standardisation issues, influencing of standardisers' agendas to include subjects of potential interest to civil society, and impacting the course of negotiations that, generally speaking, are confined to experts. From this standpoint, the INTERNORM project represented an opportunity to tackle the democratic challenges posed by an unconventional but currently burgeoning form of regulation, namely, international standardisation with its diverse and daunting maze of practices, processes and procedures.

Translation from the French by Kathleen Llanwarne

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