

Increasing the Effectiveness of NGO Participation in ISO TC207

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1 EXECUTIVE SUMMARY

This paper seeks to increase the effectiveness of NGO involvement by clarifying the obstacles to effective participation in TC207, and recommending ways in which these obstacles can be reduced or removed.¹ There is inarguably a wide range of things that can be done in this area, and it is important to note that increasing the effectiveness of NGO participation is not something that TC207 should address for altruistic reasons. There are important external and internal reasons why this issue is fundamental to TC207's continued success.

Externally: It is increasingly recognized that international standards have important public policy implications. Processes that lead to standards that are used in public policy are held to higher levels of accountability than those that lead to "non-policy related" technical standards. And as international standards become more widely for policy purposes, their acceptability will become increasingly linked to the number and diversity of stakeholders involved in the standardization process. Whilst National Standards Bodies (NSBs) are the bedrock on which ISO's processes are built, stakeholders' interests in environmental issues are not a factor of geography alone. NGOs are an important sub-set of the stakeholder group and it is generally accepted that they have a legitimate stake in environmental issues, both at the national and international level. Thus, the sustained involvement of NGOs in TC207 should be considered of vital relevance to the continued acceptance of TC207's standards.

Internally: The quality of any standard is directly related to the depth and breadth of expertise brought to bear in its development. A standard-setting body that fails to engage the necessary expertise is compromising its ability to produce valuable standards. TC207 is not the only body setting environmental management standards. Due to resource limitations, all parties interested in environmental standardization face a choice between working within TC207 and working within other standardization bodies. NGOs are a stakeholder group with a unique perspective and particular expertise. As with other stakeholders, NGOs tend to engage with those bodies where they perceive their participation is most effective. If TC207 wishes to retain the expertise NGOs can bring, it should make an effort to address what NGOs perceive to be the main obstacles to their effective participation. Of course, effective NGO participation in a consensus-based process can only be assessed relative to the effectiveness of other stakeholder groups' opportunity to influence the decision-making process.

The paper is presented in four parts. The first part defines the scope and certain key terms and concepts. The second part outlines the broader context in which the paper is prepared, and considers the strategic importance to ISO and TC207 of improving the effectiveness of NGO involvement, particularly in certain areas of standardization. The third part of the paper discusses the obstacles to effective NGO involvement, with each set of obstacles accompanied by recommendations for addressing them. The final section raises issues relating to TC207's governance structure and offers suggestions toward a more formal, stakeholder-oriented approach.

This paper is intended for an internal TC207 audience. Although the paper focuses primarily on NGOs, many of the issues in this paper apply equally to other stakeholder groups, and many of its recommendations may therefore also benefit them. The analysis contained in the paper is drawn from

¹ The preparation of this paper is part of the formal mandate of the ISO TC207 Non-Governmental Organization Task Group (NGO TG), as described in the terms of reference section of ISO/TC 207 N419.

the experiences of the members of the NGO TG, as well as from the text of the ISO “rules of procedure” – the ISO/IEC Directives, Part 1 (hereafter, Directives). The information within this document is anecdotal and is not derived from surveys or interviews. It benefits from a wide variety of comments, both oral and written, by members of the NGO TG and the TC207 leadership. The paper presumes a basic understanding of the ISO Directives and the implementation of those procedures within ISO TC207.²

The broad conclusion of this paper is that, due to the uniquely strong link between sustainable development-related standards and public policy, the effective participation of a broad range of stakeholders is of greater importance to TC207 than it is to many other ISO technical committees. As a result, TC207’s scope may require slightly different operating procedures than other ISO TCs or subcommittees (SCs). A general recommendation of this paper is that TC207 should use the flexibility that is inherent in the ISO Directives to design procedures that more appropriately reflect the unique nature of its work. This paper does not seek to amend or revise the Directives but rather focus on refinements in their implementation within TC207 and its subsidiary bodies. Below is a summary of the paper’s specific recommendations:

Recommendation 1: The CAG should lead an effort to produce a public statement that: a) affirms the value of NGO involvement in TC207 standards development, b) identifies what the committee sees as the priority goals and objectives for NGO participation in coming years, and c) develops ways of measuring progress toward them.

Recommendation 2: TC207 should review its implementation of the Directives with a purpose of identifying where refinement or additional specific guidance is warranted to achieve more balanced stakeholder involvement.

Recommendation 3: Subsequent to the review, TC207 should document its policies and procedures, both in regard to the work in the technical committee and its subsidiary bodies. This document should be publicly available.

Recommendation 4: At the request of participating members (and on an ad hoc basis), chairs of SCs and conveners of WGs should hold briefing sessions prior to working meetings to update interested members on the status of discussions, and answer any questions relating to the changes proposed since the last meeting, the rationale for accepting or rejecting changes, and the overall evolution of the standard.

Recommendation 5: The Secretariats the TC and its subsidiary bodies should informally coordinate the establishment of “mentoring” programmes.

Recommendation 6: TC207 should conduct an assessment of the number of P-members have set up a mirror committee, as well as the number of those committees that are operating according to formal written procedures.

Recommendation 7: TC207 should encourage NSBs that have not already done so to establish a TC207 mirror committee with formal and clear internal decision-making procedures.

Recommendation 8: TC207 should create a best practice guidance document on managing stakeholder participation in national mirror committees.

² Background information on the ISO standard-setting process can be found in the document ISO/TC 207/NGO-TG N20: A Guide for NGO Participation in ISO TC207.

Recommendation 9: TC207 should encourage larger NSBs to make an effort to have balanced stakeholder representation at international meetings, particularly at the WG level.

Recommendation 10: The TC207 Secretariat should request host countries to compile participant lists, including the organizational affiliation of attendees, for all meetings of the TC and all of its subsidiary bodies.

Recommendation 11: The TC207 Secretariat should request NSBs to begin tracking participants in their national mirror committee process including their company or organizational affiliation, and their respective stakeholder group (i.e., business, industry association, government, academia, NGO, etc.).

Recommendation 12: TC207 should conduct a review of the range of mechanisms and procedures through which the formal backing of liaison-A members can be sought, and should consider which mechanisms might be most appropriate at different stages in the standard-setting process.

Recommendation 13: TC207 should consider whether, and under what circumstances, it would be appropriate to give liaison organizations the right to appeal on specific procedural issues or matters of principle.

Recommendation 14: The TC207 Chair should conduct a review of the governance structure of the TC, particularly as regards its ability to undertake strategic planning, to set and implement policy decisions, and to fulfill both the explicit and implicit responsibilities assigned to it under the ISO Directives.

2 THE SCOPE AND CONTEXT OF THE PAPER

2.1 Definition of Terms and Concepts

2.1.1 Non-Governmental Organization (NGO)

For purposes of this paper, an NGO is a non-profit association of citizens that operates independently of government or business structures and has non-commercial objectives related to environmental, consumer interest or sustainable development.

2.1.2 Stakeholder

The term stakeholder is used in this paper to refer to an individual or collective body (formal or otherwise) of organizations with shared beliefs on a given issue whose interests are different in important respects from that of other organizations. With respect to environmental issues, the traditional breakdown of the major stakeholder groups is government, business, and environmental groups. Other important stakeholder groups include academia, media, and consumer organizations, as well as geographic areas and communities of interest. Because participation in ISO is mainly done through national standards bodies, this paper will consider obstacles to the integration in TC207 of a wide range of different stakeholder perspectives through the participation of mainly geographically-delineated organizations.

2.1.3 Effective Participation

ISO TC207 is a consensus-based forum, and there are over 70 national standards body members and 40 liaison members involved in its work. In most cases, participation in TC207 by any stakeholder

will require a degree of compromise. As a result, one cannot define the effectiveness of participation in ISO in terms of full adoption of NGO positions. Effective participation in consensus-based processes can only be assessed in terms of the effectiveness of one's opportunity to influence the decision-making process. Due to the unique nature of the ISO process, it is likely that external stakeholders may have an incomplete understanding of it. As a result, there may be difference between perceptions of "effectiveness" between internal stakeholders and external stakeholders. This paper is primarily concerned with internal stakeholders who are already familiar with ISO processes. Thus, it will focus on obstacles that reduce a stakeholder's opportunity to influence the decision-making process relative to other stakeholders in TC207.

2.2 Types of Obstacles to NGO Participation

A distinction can be made between the various types of obstacles – "capacity," "structural," "procedural" – that limit the effectiveness of NGOs in the work of TC207. Capacity obstacles here refer to those that are associated with the ability of NGOs to understand and participate in ISO and NSB structures. Such "capacities," for lack of a better term, include resources, attitudes, expectations and other attributes, such as leadership skills that enable NGOs to be effective participants. Many capacity limitations fall outside the scope of what TC207 can influence. For example, acquiring the financial resources needed to sustain NGO involvement in ISO 14000 standards development is not a TC207 responsibility. However, TC207 is not completely lacking in influence on this matter: it could, for example, encourage NSBs to engage NGOs in domestic activities and seek ways to help fund NGO involvement.

There are also certain obstacles to effective NGO participation that arise from the very nature of long-term, complex, international negotiations. These include the impact of staff-turnover; the costs of attending meetings; the predominant use of English as the language of negotiation; and others. Obstacles of this kind are referred to here as structural obstacles. The impact of many of these structural obstacles are also largely beyond the control of TC207, although this paper will discuss those structural obstacles for which TC207 or its members might be able to mitigate or eliminate.

Procedural limitations relate to rules of process that either open or close doors to NGO participation, and which either encourage or discourage such participation. To be effective participants, NGOs must have equal access to decision-making processes. As noted earlier, we believe there is a great degree of flexibility built into the Directives such that TC207 can customize the general process to suit its specific needs and circumstances, and this paper will only recommend procedural changes that the NGO TG feels are consistent with the general framework set by the Directives.

3 MAKING THE CASE FOR REFORM - THE IMPORTANCE OF NGO PARTICIPATION IN TC207

3.1 ISO's Evolution

Most would agree that ISO's evolution from an institution that promulgates technical engineering standards for industry to one that defines management standards with environmental and social policy implications has not been accompanied by a parallel shift in the representation of important stakeholders within ISO. However, if the ISO 14000 standards are to function as standards that

advance environmental and social policy objectives, in addition to promoting internal corporate efficiencies, ISO itself needs much stronger representation from all affected parties. Particularly in the area of environmental management, the effectiveness and legitimacy of the ISO and its products hinges upon this broad participation by countries around the world, as well as by the full range of affected stakeholders such as NGOs.

Both ISO as a whole, and TC207 in particular, have already taken steps to increase the involvement by less developed countries in the standards development. Both ISO, through the activities of DEVPRO/DEVCO and TCs, and individual industrialized countries, through technical assistance and funding programs, have worked to increase the effectiveness of less developed countries participation in standards development. Although still more needs to be done, the problem has been recognized and steps are being taken to address it. If TC207 plans to continue moving into areas of public interest, such as environmental reporting, global climate change, and corporate social responsibility, then similar efforts need to take place regarding NGOs.

3.2 Competition Amongst Standards Bodies

The past two years have seen a radical shift in international standards policy, which will have important implications for the traditional international standards bodies (ISBs). The main Geneva-based ISBs – the ISO, IEC and ITU – were created over the course of the 20th Century to act as unique fora through which national standards could be harmonized. Each ISB was given a specific mandate to address a specific range of standards issues. Ever since, these ISBs have been providing an essential service – both to international trade, and to the private sector and consumers – by reducing the number of overlapping national standards. But, for the first time, we are now seeing an increasing number of “international standards,” as well as the organizations that create them.

Developments within the WTO, such as Annex 4 of the Report of the Second Triennial Review of the Agreement on Technical Barriers to Trade are arguably facilitating this trend. Annex 4 includes a list of criteria to be used as a guide for the development of international standards. The implication is a shift in emphasis under international trade law away from the ISB, to international standards themselves, which can be developed by any number of organizations. A growing number of organizations are taking the initiative to develop standards and guidelines that have clear relationships with the ISO 14000 series. Some of these other initiatives have even become de facto international standards. The Global Reporting Initiative (GRI) is perhaps the most obvious case, but perhaps just as significant is the evolution of the International Social and Environmental Accreditation and Labeling (ISEAL) Alliance.³

Stakeholder balance is one of the issues that other international standard bodies have identified as an important issue and are now addressing in their governance reforms. The comparable challenge for

³ The ISEAL Alliance is an association of the main NGO bodies developing environmental and social standards. They are actively developing their own institutional rules of procedure based on the ISO Directives, but refined to accommodate what they see as the need for different procedures for the development of technical standards (e.g. traditional ISO areas such as screw-thread widths) and the standardization of environmental management and social responsibility tools. The ISEAL Alliance is, in broad terms, addressing the same issues that the ISO TC207 NGO Task Group has been mandated by TC207 to address within this paper. Seen from this perspective, TC207 has begun to respond to the issues of the day. For more information on ISEAL see: www.isealalliance.org

TC207, with its strong tradition of private sector and official standards bodies (both government and private sector-based), is to increase the level of NGO participation. There is also a need to increase the effectiveness of the involvement of other stakeholders, including in particular government agencies (in some countries) and consumer organizations, as well as developing countries as a whole. This paper can be seen as a first step in this process.

3.3 More Valuable Standards

Apart from a desire to mitigate the risk of losing market share to its competitors, there are other reasons why TC207 should want to increase the effectiveness of NGO involvement in its processes.

First, a diversity of stakeholders brings a diversity of opinions, and this is important for the development of useful environmental management standards. Organizations do not manage their environmental impacts for internal reasons alone. External stakeholder interest is one of the principal reasons why organizations implement environmental management tools. Thus, environmental management tools that do not reflect stakeholder concerns are less likely to respond to the needs of the organizations using them. Increasing the effectiveness of stakeholder involvement in TC207 will increase the robustness of the process and the usefulness of the products that are developed.⁴

Second, the involvement of a greater diversity of stakeholders in the standard-setting process brings a greater degree of credibility to the standards that are developed. In the long run, increased NGO involvement will add value for the users of ISO 14000 standards. This is because NGOs may serve as a trusted interface between companies and the public, and can be quite effective in shaping public opinion. NGOs are also influential in the public policy arena, and can affect the degree to which (and how) standards are adopted/used by governments. Thus, if NGOs support particular ISO 14000 standards, they will advocate their use in policy and will be more likely to publicly applaud companies that adopt those standards. Broader applicability of the standards and enhanced public image are of benefit to ISO 14000 users. The integration into public policy of the ISO 14000 series is also of benefit to those organizations that already implement them. Therefore, getting NGO support of the final standards, made possible by NGOs participating and becoming vested in their development, benefits businesses over the long-term.

4 OBSTACLES TO EFFECTIVE NGO INVOLVEMENT IN TC207

This section discusses specific obstacles to NGO participation in the TC207 standard setting process. Recommendations are proposed that help address the obstacles identified.

4.1 The flexibility to address procedural obstacles

Before discussing of the specific obstacles to effective NGO participation in TC207, it is important to reiterate that technical committees and their subcommittees are given broad powers by the ISO Central Secretariat to manage their respective standards development processes. Because of the vast range of subject matter being standardized, and due to both the figurative and literal distance between the ISO

⁴ This is also relevant for the strategic planning, policy, and governance of the technical committee itself.

Central Secretariat and the day-to-day management of the technical committees, the authority over many procedural issues rests with the TC. The Directives make it clear that individual TCs have the authority to refine the Directives to suit their specific needs.⁵

Thus, TC207 has the latitude to set procedures that it feels are needed to address its particular circumstances and challenges. Considering the strategic value of maintaining and improving NGO involvement in TC207 – a trend that has already been highlighted by the FVTF – and something that other environmental and social standard setting bodies have already begun to address, it can be argued that this issue deserves a high priority. In the short term, simply formalizing existing practice and implementing some basic administrative procedures to monitor their implementation can achieve a great deal. Over the longer term, a number of more significant actions may be required.

4.2 NGO Involvement in the ISO Standard-Setting Process

There are two channels through which NGOs participate in the development of ISO standards: national standards bodies and international liaison organizations. The first part of this section will discuss the general obstacles to effective NGO participation that are common to both channel. The second and third parts will review the obstacles that are specific to stakeholders that participate in TC207 through national standards bodies and liaison organizations, respectively.

4.2.1 Obstacles Faced by All NGOs

4.2.1.1 HUMAN AND FINANCIAL RESOURCES:

Following a standard-development process that can last numerous years is relatively straightforward; influencing it is not. Staying actively and consistently involved with the large number of overlapping SCs and WGs, and the high volume of material associated with each, requires a significant investment of financial and human resources. This is one of the obstacles that all stakeholders must overcome. Travel costs are a particular challenge, but they perhaps receive an undue amount of attention: funding for staff time is even more important. Many NGOs face funding challenges because they must rely on project-based grants rather than general support funds. For these NGOs, they may face donors who, unlike the private sector, are frequently unaware of the importance of ISO or of the significance of the ISO 14000 series. Also, many donors are reluctant to provide funding for participation in processes: they want to see impacts and tangible outcomes. ISO's consensus-based procedures make it impossible for an NGO to guarantee, or "sell", any outcome other than participation in a process (a process in which NGOs are a constant minority voice – further reducing the likelihood of significant impacts). This situation would be improved if NGOs had specific targets, and if these targets were also identified as priorities by higher authorities. For example, the creation of the TC207 NGO TG itself has helped some NGOs raise funds simply by making it clear that there is a problem that both NGOs and the TC itself have identified, and there is a set process with clear deliverables in place to address it.

Recommendation 1: The CAG should lead an effort to produce a public statement that: a) affirms the value of NGO involvement in TC207 standards development, b) identifies what the committee sees as the priority goals and objectives for NGO participation in coming years, and c) develops ways of

⁵ See for example ISO Directives Clause 2.3.5 and Clause 3.3.3

measuring progress toward them.⁶ While it is neither appropriate nor possible for the TC to provide funds directly to NGOs, this declaration by TC207 will help NGOs obtain funding assistance. The TC207 statement will have the added benefit of sending a clear and positive message to NSBs and ISO Central Secretariat that NGO involvement in standards development within TC207 is an important issue that is worthy of their consideration and action.

4.2.1.2 AWARENESS OF TC207'S SPECIFIC PROCEDURES

There are two main issues that work together to limit awareness and understanding of TC207's procedures: first, for the purpose of ensuring flexibility, the Directives are left intentionally vague on the specific processes TCs may use to meet their needs. For example, Clause 1.17.5 states that "Technical committees and subcommittees shall seek the full and, if possible, formal backing of the organizations having A-liaison status for each International Standard in which the latter are interested." But the Directives do not specify the sort of procedure that a TC should have in place to seek this level of backing. As a result, a simple reading of the Directives is an insufficient means of understanding the specific procedures TC207 uses to achieve its desired outcomes.

Second, there is often a lack of consistency in TC207's subsidiary bodies in the application of the Directives. For example, the Directives recommend that WGs be limited in size, that formal voting not occur, or that participation in WGs be on an individual level without national or liaison member affiliation. In practice, SCs and WGs vary in their adherence to suggested procedures, and without a written compilation of rules of procedure for TC207 and its subsidiary bodies, the only way to understand how it operates is to experience it over an extended period of time.

Recommendation 2: TC207 should review its implementation of the Directives with a purpose of identifying where refinement or additional guidance is warranted to achieve more balanced stakeholder involvement. Annex A contains a specific example – using the case of New Work Item Proposals – of the kind of analysis that should be undertaken for the entire standard-setting process.

Recommendation 3: Subsequent to the review, TC207 should document its policies and procedures, both in regard to the work in the technical committee and its subsidiary bodies. This document should be publicly available.

4.2.1.3 INFORMATION ON EVOLUTION OF DISCUSSIONS:

A main obstacle faced by new TC207 members is the significant amount of time needed to "catch up" with the "state" of a document.⁷ (This is also relevant when an existing member changes the composition of its delegation, or when a particular delegate misses a meeting.) It is difficult to propose revisions to a draft standard if one is unaware how the existing document evolved. This difficulty has been expressed by some of the more experienced delegates during the revision of ISO 14001: new members do not have the same level of understanding and so this can create a situation where a significant amount of time is spent re-clarifying the intent of a standard, or of a particular clause. This gap in awareness and understanding is an important factor in determining how soon a new member can participate effectively in TC207.

⁶ These goals and objectives might be related to NGO involvement in national standards bodies, participation in specific WGs, production of specific deliverables, tangible activities to facilitate outreach to other NGOs, etc.

⁷ Some have suggested that it takes over a year before they understand the issues and history well enough to be able to participate effectively. Missing a TC, SC, or WG meeting can further extend this time period.

Recommendation 4: At the request of participating members (and on an ad hoc basis), chairs of SCs and conveners of WGs should hold briefing sessions prior to working meetings to update interested members on the status of discussions, and answer any questions relating to the changes proposed since the last meeting, the rationale for accepting or rejecting changes, and the overall evolution of the standard. Such ad hoc briefings would serve two purposes: first, they would enable new delegates or delegates that had missed a meeting to understand the evolution of the standard; second, they would reduce the need for time to be spent during TC, SC or WG meetings on reviewing what has been accomplished to date and why, including discussions on the intent of the standard.

Recommendation 5: The Secretariats the TC and its subsidiary bodies should informally coordinate the establishment of “mentoring” programmes. Less experienced delegations could discuss with the Secretary their interest in establishing an informal relationship with a more experienced delegation, and the Secretariat could facilitate this process. This has been a particular help to developing country delegations. Seating plans could also be rearranged so that a delegation can sit next to their “mentor” during negotiations.

4.2.2 National Standards Body (NSB) Involvement

The NSB is the cornerstone of ISO. As such, ISO’s legitimacy as a forum for the development of international standards lies in the extent to which it enables and facilitates the broad involvement of over 130 NSBs. ISO’s status in the international community depends on maintaining a fully representative process. This representation refers not only to the geographic distribution of the NSBs themselves, but also to the diversity of stakeholders involved in the NSBs. This is recognized in the Directives, which states very clearly that NSBs that participate in ISO have a *responsibility* to represent the full range of national interests.⁸ Nevertheless, the Directives say very little about how NSBs should conduct their internal decision-making processes. And to date TC207 has no mechanism in place to determine the degree to which this element of the Directives is being implemented.

In practice, most of the larger NSBs involved in TC207 convene national mirror committees that operate in parallel with the TCs/SCs in which they participate. These mirror committees give national stakeholders the opportunity to comment on the standards being developed. ISO Central Secretariat has indicated its “understanding” that national mirror committees – or technical advisory groups (TAGs) – are to be set up. But while some NSBs have gone so far as to established formal guidelines, including procedures for ensuring balanced stakeholder involvement in the mirror committee process,⁹ others either have not established mirror committees at all, or do not have formal, transparent operating procedures. Although national standard bodies should have a degree of flexibility in setting their procedures, each should have a process in place for identifying stakeholders, seeking their active involvement, communicating with them, eliciting their comments on drafts, developing consensus positions, and composing the national delegations to international meetings.

Recommendation 6: TC207 should conduct an assessment of the number of P-members have set up a mirror committee, as well as the number of those committees that are operating according to formal written procedures. The review should also determine the degree to which fundamental principles,

⁸ Clause 1.7.1: (...) “National bodies have the responsibility to organize their national input in an efficient and timely manner, taking account of all relevant interests at their national level.”

⁹ A description of the Canadian guidelines for its mirror committees is included as Annex B.

such as transparency and balanced stakeholder involvement in the decision-making process are being followed. Without this assessment, it is unclear how TC207 (or the ISO Central Secretariat itself) can begin to understand whether this very important element of the Directives is being implemented.

4.2.2.1 CERTAIN STAKEHOLDER GROUPS ARE CONSISTENTLY OUTNUMBERED

Minority interests are given significant attention during most stages of the TC207 process because of the principle of consensus on which ISO is based. But the reality is that the views of national stakeholders who happen to be in the minority can be completely obscured at the international level. The analogy can be made of a tennis match. A final score of 3 sets to 0 may hide the fact that the players were actually relatively evenly matched and that each set went to a tiebreaker. National positions may lose their nuance when they are communicated at the international level, especially when national delegations do not include varied stakeholder representation.

Apart from general efforts to facilitate the participation of a broad range of stakeholder groups, both at the national and international level, TC207 cannot change the reality that certain interests will perhaps always be in the minority. That said, national standards bodies and the TC could help to ensure that the voice of minority stakeholders is not lost.

Recommendation 7: TC207 should encourage NSBs that have not already done so to establish a TC207 mirror committee with formal and clear internal decision-making procedures. National-level decision-making should be transparent in both process and outcome. Clear records of discussions and decisions should be maintained, and drafts should be circulated to all mirror committee members prior to their formal submission to a TC, SC or WG. Without these steps in place, it is difficult for stakeholders to verify that their interests were reflected in official national positions.

Recommendation 8: TC207 should create a best practice guidance document on managing stakeholder participation in national mirror committees. To be used by NSBs on a voluntary basis, this guidance should include a set of general principles on stakeholder participation that should underpin the mirror committee processes, as well as practical guidance on the development specific procedural approaches. The guidance should be sufficiently flexible so as to be applicable to various national circumstances. Such a document could be drawn from existing national guidelines that address the issue of stakeholder participation, such as those in Canada and Germany, among others.

Recommendation 9: TC207 should encourage larger NSBs to make an effort to have balanced stakeholder representation at international meetings, particularly at the WG level.¹⁰ There are many instances when deliberations at the international level move into areas beyond the scope of national consensus positions, thus it is beneficial to have all stakeholder groups represented at international meetings in order to have the opportunity to weigh in on such spur of the moment matters.

Recommendation 10: The TC207 Secretariat should request host countries to compile participant lists, including the organizational affiliation of attendees, for all meetings of the TC and all of its subsidiary bodies. The Secretariat should serve a repository for these records and make them available to TC207 members upon request.

¹⁰ The NGO TG recognizes smaller NSBs typically send only one or two delegates to TC207 meeting, which poses an obvious challenge for “balanced” stakeholder representation.

Recommendation 11: The TC207 Secretariat should request NSBs to begin keeping records of participation in their national mirror committee process including their members' company or organizational affiliation, and their respective stakeholder group (i.e., business, industry association, government, academia, NGO, etc.). To facilitate consistency among NSB submissions, the TC207 Secretary should lead an effort to develop definitions for the general stakeholder group categories. The records should be periodically submitted to the Secretariat, which should serve a repository and make them available to TC207 members upon request.

4.2.3 International Liaison Organizations

The Directives give a prominent role to regional and international organizations, which can participate directly in international meetings as liaison members. Indeed, with the recent creation of a new category of liaison, D-Liaison,¹¹ ISO has reaffirmed the importance of directly involving stakeholder groups at the international level.

Clause 1.17.5 of the Directives requires TCs and SCs to seek the formal backing of Liaison-A members for each standard that it is interested in. Although a positive vote is the most formal indication of an organization's backing, the ISO Directives do not give liaison members the right to vote at the SC or TC level. To date, TC207 has not considered how clause 1.17.5 can be implemented through mechanisms *other* than formal voting.

Clause 5.1.2 gives P-members of TC207 the right to appeal against decisions that they feel are not in keeping with the agreed procedures or guiding principles.¹² The right to appeal is a fundamental element in the accountability of any governance process: by giving them recourse to a higher authority, it empowers stakeholders; by raising the specter of sanction, it holds decision-makers accountable to accepted procedures and principles. Although they are recognized as an important component of the standardization process, the Directives do not give liaison bodies the right to appeal.

Recommendation 12: TC207 should conduct a review of the range of mechanisms and procedures through which the formal backing of liaison-A members can be sought, and should consider which mechanisms might be most appropriate at different stages in the standard-setting process.

Recommendation 13: TC207 should consider whether, and under what circumstances, it would be appropriate to give liaison organizations the right to appeal on specific procedural issues or not in the best interests of international trade and commerce, or such public factors as safety, health or environment. (See footnote 12)

¹¹ Clause 1.17.2: (...) "**Category D:** Organizations that have indicated a wish to participate in the work of a working group or project team. Experts nominated by such organizations are sent copies of relevant documents and invited to meetings by the convener of the WG/PT concerned."

¹² Clause 5.1.2: "A P-member of a technical committee or subcommittee may appeal against any action, or inaction, on the part of the technical committee or subcommittee, when the P-member considers that such action or inaction is
a) not in accordance with the Statutes and Rules of Procedure; the ISO/IEC Directives; or
b) not in the best interests of international trade and commerce, or such public factors as safety, health or environment."

5 POLICY AND GOVERNANCE IN TC207

If TC207 is to maintain its status as a leading forum for the development of environmental management standards and tools, it must take a more strategic and competitive approach. The FVTF process will help by undertaking a SWOT¹³ analysis to guide TC207 in the future; its latest draft document has outlined more than 10 trends that TC207 must address if it is to be successful in the next decade. One of the issues that the FVTF has identified as a priority for attention is the level of stakeholder participation. This paper by the NGO TG should be seen as an important first step in addressing this trend.

This paper also illustrates that there are many ways in which TC207 can refine or complement its existing procedures so as to promote more effective NGO participation at both the national and international level. If TC207 is serious about addressing the limits to effective NGO participation, then all that is needed is the political will. However, this is not solely an NGO issue; it is an issue that affects a wide range of stakeholders, including in particular, governments, academia, and consumer organizations, but also developing countries and SMEs. As a result, the NGO TG believes that it would not be a great challenge to marshal the necessary political will amongst the membership of TC207 to begin to address these issues.

But there is nonetheless an important impediment to both the consideration and implementation of these recommendations with the TC207 membership. Perhaps the single most important overarching obstacle to improving stakeholder participation is the absence of a body within TC207 that has a formal responsibility for considering strategic issues and making and implementing policy decisions. The CAG is the closest that TC207 has to a policy-making body, but it does not currently operate with rules for policy-making, transparency, or inclusiveness¹⁴.

Recommendation 14: The TC207 Chair should conduct a review of the governance structure of the TC, particularly as regards its ability to undertake strategic planning, to set and implement policy decisions, and to fulfill both the explicit and implicit responsibilities assigned to it under the ISO Directives. As with any such review, it should consider certain fundamental components of sound governance, including in particular transparency, accountability, and equitable decision-making.

¹³ Strength-Weakness-Opportunity-Threat (SWOT) Analysis is a strategic planning tool.

¹⁴ For example, it is unclear how CAG members are chosen/appointed; there is no record of the decisions/discussions of the CAG; there is no procedure for adding agenda items to CAG meetings; there is no procedure for involving external stakeholders on issue-specific discussions in the CAG, ...

6 ANNEX A: NEW WORK ITEM PROPOSALS

This Annex is a short “case study” which demonstrates how TC207 could undertake a detailed review of the implementation of the ISO Directives. It covers only a very specific part of the ISO Directives: that relating to the submission and acceptance of New Work Item Proposals (NWIP). The analysis is not comprehensive; it is intended only to clarify the value to TC207 of undertaking such a review for this and other important parts of the Directives.

The NWIP represents the first stage in the development of an ISO standard. It is the “terms of reference” for the development of a specific standard that must be voted on by ISO or TC members prior to adoption. The exact wording of the NWIP will determine the nature of the final standard that is developed.

The ISO Directives outline a general process through which NWIPs are to be developed, considered and approved/rejected. TC207’s standards have an important impact on public policy. An analysis of the Directives’ guidance on NWIPs suggests that it may be appropriate for TC207 to refine its own procedures in respect of the NWIP process. The following table outlines some of the relevant issues that deserve consideration by TC207:

ISO Directive	Comments	Possible Refinements
<p>2.3.2 A new work item proposal within the scope of an existing technical committee or subcommittee may be made in the respective organization by</p> <ul style="list-style-type: none"> <input type="checkbox"/> a national body; <input type="checkbox"/> the secretariat of that technical committee or subcommittee; <input type="checkbox"/> another technical committee or subcommittee; <input type="checkbox"/> an organization in liaison; <input type="checkbox"/> the technical management board or one of its advisory groups; <input type="checkbox"/> the Chief Executive Officer. <p>2.3.4 Each new work item proposal shall be presented using the appropriate form, and shall be fully justified (see C.5 for all new work other than</p>	<p>Environmental management standards affect a uniquely broad and diverse group of stakeholders. The NWIP is the terms of reference for the working group undertaking the standardization work. In some cases, the NWIP is also accompanied by a working draft, which sets the tone for the development of the actual standard.</p> <p>In the past, even in those cases where there has been a degree of consultation in workshops prior to their submission, NWIPs have generally been submitted by individual NSBs. This gives a single NSB a significant degree of influence over the scope of a future standard – a standard that can be expected to have important public</p>	<p>TC207 could require that NWIPs be developed and submitted by a drafting group, appointed by the Chair of the relevant TC/SC from among those member bodies that express interest and nominate members. This drafting group could also complete the relevant justification studies, review existing work done in the field, and undertake proactive outreach with interested parties.</p> <p>This approach would be an extension of the “workshop approach” that the FVTF has suggested be formalized, and would be consistent with clause 1.13.3, which outlines the roles of groups having advisory functions within a committee:</p> <p>1.13.3 The tasks allocated to such a group may include the</p>

<p>amendments to existing publications). The originator of the new work item proposal shall</p> <ul style="list-style-type: none"> <input type="checkbox"/> make every effort to provide a first working draft for discussion, or shall at least provide an outline of such a working draft; <input type="checkbox"/> nominate a project leader. 	<p>policy implications for many TC members.</p>	<p>making of proposals relating to the drafting or harmonization of publications (in particular International Standards, Technical Specifications, Publicly Available Specifications and Technical Reports), but shall not include the preparation of such documents.</p>
<p>C.5 Elements to be clarified when proposing a new field of technical activity (new standard)</p> <p>C.5.6 Cooperation and liaison</p> <p>C.5.6.1 Relevant organizations or bodies with which cooperation and liaison should exist, shall be listed.</p> <p>C.5.6.2 In order to avoid conflict with, or duplication of efforts of, other bodies, it is important to indicate all points of possible conflict or overlap.</p> <p>C.5.6.3 The result of any communication with other interested bodies shall also be included.</p>	<p>Annex C of the Directives outlines the information that must accompany a NWIP. It requires that the NWIP include a list of bodies with which cooperation should exist. That is, a list of those organizations whose participation the submitter believes to be important to the ultimate quality or usefulness of the new work item.</p> <p>Considering both the public-policy implications of international environmental management standards, and the importance of the wording of the NWIP, it seems slightly incongruous that a NWIP should include a list of desired liaison organizations without requiring the submitter of the NWIP to actually contact these interested parties to give them a chance to comment on the NWIP itself.</p>	<p>The NWIP drafting group should be required to proactively contact all listed liaison bodies, giving them the opportunity to comment on and approve of the NWIP.</p> <p>This would also be consistent with clauses 1.17:</p> <p>1.17 Liaison with other organizations</p> <p>1.17.1 The desirability of liaison between a technical committee or subcommittee and other international or broadly based regional organizations working or interested in similar or related fields shall be taken into account at an early stage of the work.</p> <p>1.17.5 Technical committees and subcommittees shall seek the full and, if possible, formal backing of the organizations having A-liaison status for each International Standard in which the latter are interested.</p>

7 ANNEX B: CSA STRUCTURE AND PROCESS FOR DEVELOPING CONSENSUS STANDARDS PRODUCTS

The following paragraphs describe the participants, structures and processes used by the Canadian Standards Association (CSA) to develop national standards. The descriptions are adapted from the publication CSA-SDP-1-96 titled, “CSA Policy Governing Standardization — Code of good practice for standardization.” This document outlines the principles of the standards development process at the Canadian Standards Association and highlights the roles and responsibilities of committee members involved in this process. The focus in this study is on what are termed “Consensus Products Standards.”

7.1.1.1 PARTICIPANTS IN STANDARDS DEVELOPMENT

A Consensus Products Standard is one developed and approved by a defined standards-development consensus process among a broad group of affected parties or their representatives. Consensus means substantial agreement. It implies more than a simple majority, but not necessarily unanimity. A consensus process is the development and approval procedures followed in order to achieve consensus. It includes applying the following four principles of consensus processes:

- inclusive, not exclusive, participation;
- respect for diverse interests;
- accountability, and,
- consensus achievement.

In practice, these principles are balanced against the availability of resources, balance of interests, and timely publication of standards. It is CSA policy that any individual who has technical expertise or interest in a project, and who is able to participate actively in the activities of the relevant committee, shall be eligible for appointment. Committee membership is not restricted to Canadians.

The composition (matrix) of each committee shall provide for representation of relevant stakeholder groups. Subcommittees, Task Forces, etc., are not required to have a defined structure or matrix.

It is CSA policy to ensure that all Consensus Standards Products are developed through an open and transparent consensus process. The committee structure and approach to ensuring balanced representation of interest categories in standards development are important features of the process. The following additional information has been adapted from the publication CSA-SDP-4.1-00 titled, “Committee Membership — Notes for committee members.”

Committee structure

The Standards Policy Board of CSA provides leadership and strategic direction for standards development. It also develops, maintains and governs the implementation of procedural documentation for the standards development consensus process. Strategic Steering Committees are established under the authority of the Standards Policy Board. These committees provide broad-based direction for standardization within industry, business and social sectors, to ensure that the strategic direction of standards development within each sector is consistent with the needs of society and the marketplace.

Technical Committees are established under the authority of the appropriate Strategic Steering Committee. Technical Committees provide the expertise to develop the technical content of a

consensus standard. They also vote on its technical content. It is a requirement of CSA’s accreditation by the Standards Council of Canada to have and maintain a balanced committee matrix, which ensures that the appropriate interested stakeholders are involved in standards development. A Technical Committee may create a Technical Subcommittee to draft the standard, or a significant portion of the standard. The role of the Technical Subcommittee is to prepare recommendations and/or draft the standard for formal approval by the Technical Committee. The Technical Subcommittee does not finalize the content of a standard or vote on it.

To qualify as a consensus standard, a standard must be developed and approved by a broad group of affected parties or their representatives. CSA standards are developed by volunteer committees made up of representatives of groups such as manufacturers, governments, consumers, academics and others affected by the product or service covered by the standard. This ensures that no one group dominates the development of a standard.

CSA committees are formed according to a matrix system, in which the memberships are made up of representatives from different interest categories affected by the standard. To ensure balanced representation, there are procedures for establishing the minimum and maximum number of voting members from each interest category. For committees that prepare standards concerning products, most materials, and some services, the following interest categories typically apply:

- producer interest;
- user interest;
- regulatory authority; and,
- general interest.

Table 1 sets out an example of a balanced committee matrix. Balance of representation is defined to mean that the actual number of voting members in any one interest category is not more than the sum of the actual number of voting members in the two smallest interest categories.

Interest categories	Minimum no. of members	Maximum no. of members
Producer interest	4	6
User interest	4	6
Regulatory authority	4	6
General interest	4	6

A consensus standard requires more than a simple majority of affirmative votes from the voting members of a committee, but does not require unanimous affirmative votes. The numerical requirements for approval are as follows:

- the affirmative votes shall constitute at least 50% of the total voting membership; and,
- the affirmative votes shall constitute at least two-thirds of the votes cast.

There is an established process for dealing with negative votes and comments on Consensus Products Standards. Attempts are made to resolve each negative vote by editorial changes or explanation and thereby have the negative vote changed to affirmative. Only the negative voter can change his/her vote. The negative vote can also be ruled as “non-germane” if not accompanied by supporting reasons or if the reasons are not relevant to the items being balloted. It can be ruled as “non-persuasive” if the reasons for the vote have previously been considered and not accepted by the TC (as supported by

committee records). Or it can be referred back to the TC if the reasons for the vote have not previously been considered by the TC. The negative vote could be ruled as persuasive and accepted by the TC or non-persuasive and the reasons for this decision documented. If requested by the submitter of an unresolved negative vote, a due process ballot can be submitted to the Strategic Steering Committee to confirm (or not) that the appropriate procedures were adhered to with regard to the handling of the unresolved negative vote. When a negative vote is considered persuasive, the Strategic Steering Committee chair consults with the TC chair and the CSA project manager to determine the appropriate steps to be taken.

Consensus of the TC on the technical content of a standard is confirmed by letter ballot or by recorded vote at a meeting held in person or by video/teleconferencing. The technical content of the standard is the responsibility of the TC, not the Strategic Steering Committee that created it. The Strategic Steering Committee only authorizes the scope of a proposed new Consensus Standards Product and approves the chairperson of the TC.

7.1.1.2 CONSULTATION WITH STAKEHOLDERS AND PUBLIC REVIEW OF STANDARDS

Any stakeholders who have been identified as having an interest in the development of the product are contacted and/or consulted in the early stages of developing a new standard.

The CSA issues a public notice of intent to begin work on a standard in its publication, *Info Update*. This gives other interested parties the opportunity to offer input or ask to participate in the committee's work. Interested parties can keep up-to-date on the project through a Sustaining Membership Committee Information Subscription or by accessing *Info Update*.

When a Technical Committee has achieved an informal consensus on the technical content of a standard, the draft standard is referred to CSA staff for internal review and pre-approval editing. Notification of a public review period (minimum of 30 days) is given in *Info Update*, and CSA staff distribute copies of the draft standard to individuals who respond to this notice. Comments received through the public review process are referred to the Technical Committee for consideration and a response, if requested. Technical experts, peer groups or members of the CSA Consumer Network may be called upon to review and comment on the draft standard.

At this stage a second level review of the draft standard is held based on the following criteria:

- public announcement was given at an appropriate stage to allow for meaningful contribution from the public;
- the draft standard was offered for public review;
- the Technical Committee had an approved matrix and the membership met the matrix requirements at the time of ballot or recorded vote;
- the Technical Committee approved the technical content of the draft and due consideration was given to negative votes;
- the draft is acceptable for final edit and the quality of presentation is acceptable; and,
- the draft Consensus Standards Product meets the intent of the project as authorized by the appropriate Strategic Steering Committee.

Upon final edit the CSA staff can request approval from the Standards Council of Canada to publish the Consensus Standards Product as a National Standard of Canada.

Note: For further details the reader should consult the appropriate CSA directives and guidelines governing standardization. See www.csa.ca