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WORKING PAPERS ON
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ISO AND SOCIAL STANDARDISATION: UNCOMFORTABLE COMPROMISES IN GLOBAL POLICY-MAKING

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This is a work in progress. Feedback welcome.

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Abstract

This paper intends to explore the involvement of ISO, the world's most iconic standard-setting institution, in the field of social responsibility, leading to the publication of the ISO26000 standard in November, 2010. Through several aspects of this experience, an almost decade-long process, I will show how ISO developed a new political structure aimed specifically at creating global policy, originating one the most sophisticated frameworks in existence to consensualise 'universal' socio-political principles and infuse them with the legitimacy of a 'global' technocracy and liberal institutions. Moreover, I will use the latest ISO26000 experience to argue that conceptual and institutional minimalism, which favours 'soft' approaches towards global policy-making, paradoxically results from combining a technocratic aim for global compatibility with more participatory decision-making arrangements involving previously excluded socio-political actors. In that sense, ISO's upgraded participatory mechanisms solved certain deadlocks suffered by previous initiatives only to affront and spark a new round of contradictions and consequences. Thus, I will conclude commenting on the intrinsic relationship between global standards, governance and complexity, and the difficulties of politically articulating programmes with dissimilar functional differentiation.

Introduction

Processes of international standardisation have accompanied the spread of trade and industry since the mid-19th century. Among such efforts, the establishment of cross-border regulation and principles standardising social activities has permanently featured a heated debate between those advocating strong enforceable legal rules and those preferring laxer and voluntary schemes. The development of doctrines of 'social responsibility', and lately, of organisations attributing to themselves the capacity to normalise this field - such as the UN Global Compact (GC), Global Reporting Initiative (GRI), and as will be shown, the International Organisation for Standardisation (ISO) - can also be understood as a contemporary continuation of such cleavages. Such doctrines simultaneously encompass many of the previous historical tensions of the Polanyian pendulum; the dialectic struggle between self-regulatory market forces and societal self-

protective responses[1], albeit with unique characteristics of the late 20th and early 21st century: globalised concerns, a global capitalist system, and widespread international liberal institutions and values. In this paper I will use elements of the five-year long ISO26000 standard-setting experience to discuss some implications for global policy-making beyond state-mechanisms, and the difficulties of articulating international regulation, democratic politics, and technical and market rationalities. To do so, the paper is structured in three sections: presentation of the evolution and novel features of the ISO26000's forum, detailed observations on the standard-setting process and debate, highlighting certain key developments, and a conclusion signalling some uncomfortable, but maybe unavoidable implications for global policy-making.

The new ISO standard-setting structure: technocracy & political deliberation

ISO was already a world-recognised organisation in the areas of process quality and environmental management systems, with a much longer history in industrial normalisation, well before ideas of social responsibility assumed their current form. However, despite the relative success of its 14000's series on environmental management, ISO remained outside the main themes of the broader corporate responsibility debate. Not only in the 1970s and 1980s, when many of these ideas acquired publicity and were debated against Milton Friedman's famous neoliberal motto[2], but through the 1990s, when the concept of Corporate Social Responsibility (CSR) became mainstream in media, corporate, and academic circles, and the notion of 'sustainable development' gained publicity after the publication of the 1987 UN World Commission on Environment and Development 'Our Common Future' Report, and the 1992 UN Conference on Environment and Development in Rio de Janeiro. However, towards the end of the decade private 'social' standards outlining the responsibilities and best practices firms should adopt in relation to their activities, even when domestic law did not demand it, started to be promoted by elements within governments and civil society, leading to a number of independent NGOs launching their own codes, such as AA1000 by the British

[1] Polanyi, K., 2001. *The great transformation: the political and economic origins of our time*, 1944, Boston: Beacon Press.
[2] Friedman, M., 1970. "The Social Responsibility of Business is to Increase its Profits", The New York Times Magazine, September, Extracted August 13th, 2010 from: http://www.umich.edu/~thecore/doc/Friedman.pdf.

AccountAbility in 1999 and SA8000 by the American Social Accountability International [SAI] in 2001, the latter directly based on ISO formatting. These efforts were close followed by the intervention of technical normalisation bodies in countries like Australia, France, Japan and Brazil – bodies that formed the constituency of ISO itself – setting national recommendations regarding corporate responsibility. It was at this moment, following the call by the UN-Secretary General for a new compact between society and business, and the official launch of the Global Compact programme, that sectors within ISO became interested in the matter[3].

In April 2001 ISO asked its Consumer Policy Committee (COPOLCO) to consider the viability of an international standard concerning CSR, understanding that the official shift in global policy had opened a window of opportunity for international organisations to engage with corporate regulation with greater legitimacy and political will. As a matter of fact, in January 2000 the International Confederation of Free Trade Unions (now International Trade Union Confederation) plus other organised labour leaders had publicly endorsed the Global Compact project, stating that '...trade unions can strengthen corporate social responsibility and help build the social dimension of globalisation'[4].

In 2002, COPOLCO sent to the ISO board a report titled 'The Desirability and Feasibility of ISO Corporate Social Responsibility Standards'[5], recommending that ISO create a multi-stakeholder body to analyse further the implications of producing such standards and to engage in consultation with all affected parties concerning its findings. Among the key justifications was that the ongoing proliferation of standards projects both by recognised and non-recognised organisations could discourage corporate engagement with such topics, that corporations could exercise a leadership role and complement governmental activity in particular in the developing world, and that the new ISO standard would

[3] Annan's global 'quiet revolution' advocated the growing participation of non-state actors in global and domestic governance. It interlocked with quests for more transparent, accountable and enabling political mechanisms and market-based approaches to economic management, which made continuous participation of civil society and business fundamental for addressing both domestic and international issues. See Annan, K., 1998. "The Quiet Revolution", *Global Governance*, 4, 123-138.

[4] Joint UN-ICFTU Statement on the Global Compact, in http://www.icftu.org/displaydocument.asp?Index=991209381&Language=EN (Accessed October 22nd, 2010).

[5] See Full Report on www.**iso**.org/**iso**/livelinkgetfile?llNodeId=22124&llVolId=-2000 (Accessed May 19th, 2011).

build on the existing quality and environmental management system series[6]. The report recognised that this move would inaugurate a new era in ISO standardisation, as it would imply a shift away from technical-oriented standards to softer, more variable and less precise areas of corporate action, albeit benefiting from ISO's practical experience on management and industrial issues.

ISO was well aware of the weaknesses of private business regulation, mainly expressed in a legitimacy gap and associated regime competition. These were a consequence of a range of factors, such as normative unilateralism, divergent standard-setting logic and orientation, lack of transparency and institutional atomisation, which by the beginning of the century embodied a prolific range of self-regulatory corporate programmes, sectoral labelling initiatives and multi-stakeholder standards varying from country to country as well as within industries[7]. Considering this situation by 2003 ISO decided to adopt a similar approach to that followed by other private initiatives and professed by the UN's 'public-private partnership' policy line: it extended participation to other social constituencies in its standard-setting process and created an expanded multi-sectoral and multi-national Strategic Advisory Group to conduct the final feasibility evaluation. This Group worked for 18 months until completing a detailed report on the potential of social standardisation within ISO, and the procedures to be followed to avoid deadlocks in the development of the standard, consequently leading to the launch of the project in June 2004[8].

Private governance frameworks had already innovated with this approach in the nineties, including in their structures and models participants from organised labour, civil society, business associations and academia. The US Fair Labour Association (FLA), created in 1996 by the Clinton administration was composed at the time by 13 firms, several NGOs and 170 university affiliates, while the UK European Ethical Trading Initiative (ETI) counts among its members the British Trade Union Confederation, other global Unions, plus a dozen NGOs including

[6] See Resolution on www.**iso**.org/**iso**/livelinkgetfile?llNodeId=22125&llVolId=-2000 (Accessed May 19th, 2011).

[7] Hassel, A., 2008. "The Evolution of a Global Labor Governance Regime", *Governance: An International Journal of Policy, Administration and Institutions*, 21, 2, 231-251; Urminsky, M., 2001. "Self-regulation in the workplace: Codes of Conduct, social labelling and socially responsible investment", *Working Paper No 1*, ILO Management and Corporate Citizenship Programme; Vogel, D., 2008. "Private Global Business Regulation", *Annual Review of Political Science*, 11, 261-282.

[8] See full report on http://inni.pacinst.org/inni/corporate_social_responsibility/WorkingReportonSR.pdf (Accessed May 19th, 2011).

Oxfam GB, Care International UK, Christian Aid and the Fairtrade Foundation[9]. However, these first-generation projects remained mostly centred on national constituencies. Later ones, such as the Global Compact and GRI, developed multi-stakeholder international boards to lead their agenda, though still with marked sectoral orientation: the former toward large firms and international bodies[10], and the latter to specialised groups such as accounting firms, certification bodies and environmental experts[11].

ISO realised as well that its 'engineering-laden' approach to standardisation, based on voluntary consensus and praised for embodying such values as practicality, rationality, universalism and democratic-deliberation, could prove an obstacle for the new enterprise[12]. This has been the previous experience of many traditional international organisations, where their bureaucratic and political structures emerged as limitations for developing international frameworks on social and corporate issues. These arrangements struggle when facing the diversity of social and cultural values, the different (and often antagonistic) political systems in place, the reluctance of governments to legislate on such matters, and the lack of an accepted body of knowledge shared by interested parties[13]. For instance, the UN Code of Conduct for Transnational Enterprises was abandoned after decades of political deadlock, and the ILO's 'Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy', launched in 1977 and amended in 2000 and 2005, had limited practical use. The last attempt to develop a piece of officially-recognised international social legislation was the campaign to include an ILO-based social clause within the WTO framework, and thus provide coercive

[9] See http://www.ethicaltrade.org/about-eti/our-members. The website also claims that in 2008 the initiative was able to reach to 40.000 suppliers, half of them being first-tier suppliers (that is, directly linked with one of the 50 companies that signed ETI), and 13,000 second-tier (suppliers of first-tier suppliers).

[10] Ruggie, J., 2001. "global_governance.net: The Global Compact as Learning Network", *Global Governance*, 7, 371-378.

[11] Levy, D., Brown, H., de Jong, M., 2010. "The Contested Politics of Corporate Governance: The Case of the Global Reporting Initiative", *Business and Society*, 49, 1, 88-115; Kell, G., Levin, D., 2002. "The Evolution of the Global Compact Network: An Historic Experiment in Learning and Action", Paper presented at The Academy of Management Annual Conference 'Building Effective Networks', August, Extracted from: http://unglobalcompact.org/docs/news_events/9.5/denver.pdf.

[12] Loya, T., Boli, J., 1999. "Standardization in the World Polity: Technical Rationality over Power", in Thomas, G., Boli, J. (Eds.), 1999, *Constructing world culture: international nongovernmental organizations since 1875*, Stanford: Stanford University Press; Castka, P., Balzarova, M., 2008. 'The impact of ISO 9000 and ISO 14000 on the standardisation of social responsibility – an inside perspective', *International Journal of Production Economics*, 113, 74-87; Yates, J., Murphy, C., 2009. *The International Organization for Standardization – Global Governance through voluntary consensus*, Routledge.

[13] Risse, T., 2006. "Transnational Governance and Legitimacy", in Benz, A., Papadopoulus, I. (Eds), *Governance and Democracy – Comparing National, European and International Experiences*, London, 179-199.

mechanisms to labour legislation. However, the social clause was defeated by 'North-South divide' polarizations, the general tag referring to the opposing interests of developed and developing countries, that emerged in the 1996 Singapore Round and continued until its abandonment[14]. Soon afterwards the whole ILO convention-setting process was dropped with the publication of the 1998 "Declaration on Fundamental Principles and Rights at Work and its Follow-up", which acknowledged that state-centred measures were ineffective to tackle labour issues and corporate behaviour in a globalised world.

Against this background, the Advisory Group report maintained the organisation's typical liberal humanist spirit, which considers that politically-neutral scientific knowledge is a fundamental driver of human progress and peace, but introduced several novel recommendations regarding how the topic of CSR should be standardised. First, it aimed for creating a norm capable of encompassing all the initiatives in existence in the field of corporate social responsibility, sustainability and international socio-environmental conventions: the goal was normalising, both conceptually and institutionally, an atomised and un-structured field through an institutional debate previously non-existent beyond narrow academic and specialist circles. Second, as part of this standardisation logic, it decided to drop the 'corporate' from the notion of CSR, the mainstream version of the concept, and envisioned a standard applicable to all types of organisation and not only private corporations. Third, the understanding of the 'social' in SR was conceived as overlapping and extending over human and labour dimensions, the traditional arena of the ILO, and addressing the 'triple bottom line' of the sustainability discourse which included environmental and economic concerns. Finally, it projected taking into account the situation of SMEs, frequently excluded from existing frameworksincluding GRI's guidelines, as mostly large public companies produce corporate reports, as well as the GC, criticised for being an 'elite' corporate club for those transnational corporations (TNCs) with access to international forums and organisations[15].

After the presentation of this report, the ISO Technical Management Board outlined the parameters for the new forum, the ISO26000 Working Group, which would be in charge of developing the norm. The structure of this group introduced

[14] O'Brien, R., 2004. "Globalisation, Imperialism and the Labour Standards Debate", in Munck, R. (Ed.), 2004, *Labour and Globalisation: Results and Prospects*, Liverpool: Liverpool University Press.
[15] Ruwet, C., Tamm Hallström, K., 2007. How are the contents of multi-stakeholder standards shaped? The danger of using stakeholder categories as analytical tools – the case of the ISO 26000 standard on social responsibility, 23rd EGOS colloquium, July 2007, Vienna, Austria.

a combination of mechanisms which differed from existing decision-making arrangements, albeit the operationalisation of these parameters and the establishment of the procedures was an iterative task: the first meeting in Bahia in 2005 was reported to have been chaotic[16]. ISO was aware that its structure was excessively weighted towards three main groups: leading private firms; the national standardisation bodies more familiar with ISO's management systems, and key service providers; large management consultancies, certification and auditing firms, all groups composed by actors generally based in the global North[17]. A study concluded that, by 2004, Western European standardisation bodies represented 12% of ISO membership but made up almost half of the voting members in technical committees, while African countries, for instance, constituted 30% but only participated in 4% of the committees[18]. Such functioning, accepted in relation to industrial standards where best practices and technical knowledge converged in the role of large firms and developed countries, was a threat against the universality of the new 'social' project. The new ISO Working Group intended to expand both the celebrated tripartism of the ILO Assembly, still the sole officially recognised body able to set international labour norms but where only corporatist groups have representation, and the arrangements adopted by the latest industry-oriented regulatory initiatives, in particular the narrow epistemic communities existing behind projects such as GRI, the International Social and Environmental Accreditation and Labelling Alliance (ISEAL) and others technical associations[19].

ISO combined its traditional functioning around networks of functional expertise with the extended participation of other types of experts beyond engineers and business practitioners. It also maintained its traditional voluntary consensus standard-setting procedure, which had worked effectively in industrial regulation and international trade legislation (similar to the process used in the

[16] Ward, H., 2010. "The ISO 26000 international guidance standard on social responsibility: implications for public policy and transnational democracy", 2nd Draft, September, Foundation for Development and Sustainable Development, London. Available on http://www.fdsd.org/wordpress/wp-content/uploads/ISO26000_and_transnational_democracy_Sept_draft.pdf (Accessed May 19th, 2011).

[17] Yates, J., Murphy, C., 2009. *The International Organization for Standardization – Global Governance through voluntary consensus*, Routledge; Tamm Hallström, K., 2008. "ISO expands its business into Social Responsibility", in Boström, M., Garsten, C. (Eds), 2008, *Organizing Transnational Accountability*, Edward-Elgar Publishing.

[18] Heires, M., 2008. 'The International Organization for Standardization (ISO)', *New Political Economy*, 13, 3, 357-367.

[19] To see a good argument in support of the latter see, Murphy, C., Yates, J., 2010. 'ISO 26000, Alternative Standards, and the 'Social Movement of Engineers' involved with Standard-Setting', in Gibbon, P., Ponte, S., Vestergaard, J. (Eds), 2011 (Forthcoming), *Governing through Standards: Origins, Drivers, and Limitations*, Palgrave Macmillan.

WTO). Six interest groups were defined as sources of expertise for the themes to be covered by the new standard: Consumers, Governments, Industry, Labour, NGOs, and Service, Support, Research and Others (SSRO), the category grouping members of academia, standards institutes, consultancies and think-tanks. This typology reflected already a different stance to most contemporary private initiatives: it explicitly recognised a role for governments in private standardisation, the actor sidelined in the new wave of governance projects seeking precisely to minimise state involvement. But it also differed from established international organisations and forums as it gave an equal footing to civil society, labour and business actors, the latter two sectors with more consolidated bodies of representation. It also innovated by subdividing civil society among several interest groups: consumer associations, a category generally more economic than political, were distinguished from other NGOs and from academia, foundations and think-tanks.

However, while it is common for private governance initiatives to select their participants by sector but disregarding nationality - for instance, within GRI each stakeholder group selects their representatives on a regional level[20] - ISO kept the selection process in the hands of the national standardisation institutes; participants volunteered and were appointed by each national institute according to expertise, willingness and representativity by sector. In this sense, ISO retained a more conservative UN-ILO type of arrangement: each national constituency was allowed one expert and one observer, but only the experts had voting rights in plenary meetings. Additionally, the procedure still privileged a Westphalian hierarchy where the different constituencies had to agree on a common national position in order to vote. This had the consequence of forcing 'compromises' inside delegations, which had to accommodate the different weight each sector had in each country: aspects such as the independence of civil society, the strength of business lobbying, the development of the certification industry, governmental apathy, etc. This approach was criticised by the more progressive sector of the social responsibility movement for incentivizing a minimum-common-denominator style of consensus[21], and by international business for weakening the formation of

[20] GRI uses only five constituencies: Business, Labour, Civil Society, Inter-governmental Agencies and Mediating institutions, while the Global Compact classifies its constituencies as Firms, Business Associations, Labour, Civil Society, Academia, Public Sector and Cities.

[21] Murphy, C., Yates, J., 2010. 'ISO 26000, Alternative Standards, and the 'Social Movement of Engineers' involved with Standard-Setting', in Gibbon, P., Ponte, S., Vestergaard, J. (Eds), 2011 (Forthcoming), *Governing through Standards: Origins, Drivers, and Limitations*, Palgrave Macmillan.

transnational sectoral positions. On the other hand, ISO maintained its structure of local mirror committees, coordinated by each national standardisation body, with the tasks of following the international process, consulting national interested parties, formulating a national view point and promoting local implementation[22]. It was from these mirror committees that national delegates were selected.

Finally, the Westphalian hierarchy was further sustained as interested international organisations and networks were grouped in a separate non-national category, allowed to appoint two experts each, but with restricted voting rights: in particular, they were not allowed to vote on the final version of the draft, only to provide opinions. This is a particularly unusual approach to private international regulation, which is considered to be the realm of exactly this type of actor. Forty two of these organisations, denominated 'Liaison', participated in the process: an heterogeneous group including private standards actors such as the Fair Labour Association, the GC, GRI, SAI, and ISEAL, international corporatist groups such as the ILO, ICC , ITUC, IOE and WBCSD[23], and international and surpranational bodies such as the OECD, the European Commission and the WHO. By 2010, 70% of the total individual participants belonged to national delegations from almost 100 countries.

The forum thus constituted a new type of evolving institutional arrangement explicitly designed to create international policy alongside the figure of the State. The framework not only moved away from previous ISO functioning, but also differed from other governance schemes such as tripartism, multilateralism, multi-stakeholder standardisation and self-regulation, all of them institutional developments intended to augment, in diverse contexts, the legitimacy and efficacy of increasingly complex norm-setting processes. Hence, ISO's arrangement intended to amalgamate the legitimacy emanating from both technical specialisation and liberal democratic procedures, and create a global assembly for both domestic and international constituencies. ISO also directly engaged with mechanisms to moderate the 'North-South' divide: the cleavage that had risen as a blockade to international regulation in trade and labour after the Cold War. In 2004, before the formation of the main Working Group, the ISO Secretariat decided to establish a combined chair to lead the creation of the standard, integrated by two standardisation bodies from a developed and a developing country. This new

[22] See http://www.iso.org/iso/supporting_stakeholders.pdf (Accessed May 19th, 2011).
[23] Respectively: International Chamber of Commerce; International Trade Union Confederation; International Organisation of Employers and World Business Council for Sustainable Development.

leadership strategy, called 'twining', resulted in the selection for the first time in ISO history of two co-convenors: Sweden's Standards Institute SIS and the Normalisation Institute of Brazil ABNT, a nation with a highly organised social responsibility sector and even a national norm published in 2004[24]. Furthermore, the composition of the delegations was subjected to multiple balancing rounds: through the eight plenary meetings that took place between 2005 and 2010 the composition was altered to obtain a more egalitarian distribution among experts in terms of gender (reaching a 60% male – 40% female distribution), constituency, and region of origin. By 2009, 17% belonged to industry, 13% to Government, 11% to NGOs, 7% to consumers, 6% to Labour and 46% to SSRO, with over 60% of the experts belonging to developing countries (from an initial proportion of 47%)[25]. Moreover, translation Task Forces covering nine languages, including Spanish, Portuguese, Korean, Chinese and Arabic, were put in place by the experts themselves in parallel to the English-held debates, and not a posteriori publication, so as to ameliorate conceptual and cultural disagreements as the contents were discussed[26]. The plenary meetings themselves were held in different locations over four continents, in order to facilitate attendance by local participants, from Bahia and Bangkok to Quebec, Copenhagen and Sydney. Finally, all the working files of the project were made publicly available online[27].

In summary, this section has explained the logic behind ISO's involvement in the development of an international standard of social responsibility, the main features of the novel institutional structure set to do so, and how this structure responded to ISO's interpretations of its surrounding context and the defects of previous initiatives. The next section focuses on some of the intended and unintended consequences of this arrangement, and provides a theoretical justification for the logic that emerged for obtaining consensus.

[24] Alonso, V., 2006. "Avances en la discusión sobre la ISO 26000 en América Latina: antecedentes para apoyar el proceso ISO en la region" [Advances on the discussion over IS0 26000 in Latin America: Antecedents to support the ISO process in the region], *ECLAC – GTZ Proyect Document*, United Nations.

[25] ISO, 2010. Report of the Secretariat, Agenda Item 6, Document N183, 8th Meeting Copenhagen, Denmark. Extracted from: http://isotc.iso.org/livelink/livelink?func=ll&objId=9167811&objAction=Open&vernum=1.

[26] The author attended the Spanish meetings in the Copenhagen Forum.

[27] See http://www.iso.org/sr_archives (Accessed November 2nd, 2010).

Technocracy & political deliberation: compromises, minimalist consensus & convergence

The ISO26000 Working Group can be said to envision a type of international technocratic plebiscitary democracy. This section of the paper reviews the political compromises that are expected to emerge under this kind of arrangement. The Working Group forced many national and international actors to bargain with each other for the first time: private standardisation bodies entered in contact with local labour groups, environmental NGOs exchanged information with South American business representatives, while Scandinavian consumer activists discussed with Islamic public officials[28]. These exchanges carried several unexpected consequences worth reviewing. Fundamentally, resulting from the forced nation-based consensus mechanism and the expanded social constituencies, there was a shift towards consensual minimalism to solve political blockages, an outcome that often disappointed many groups and analysts.

Such a tendency was present from the project's inception: originally ISO intended to produce a certifiable management standard, the format assumed by its previous successful 9000s and 14000s series. Nonetheless, it switched to a weaker 'guidance' version after an internal inter-sectoral debate started in 2004. In this debate, the ILO, international labour and several NGOs were strongly against creating a certifiable social norm, partly concerned by the deficiencies of a profit-oriented certification industry. TNCs' representatives were also divided on the matter: many large TNCs opposed it claiming that they already possessed solutions to deal with these issues, while the ICC-IOE front rejected any additional non-voluntary regulatory mechanism that could restrict free trade[29]. Some developing countries were concerned, expectedly, that the new standard could become a formal requirement on suppliers or to access developed markets, and were more interested in obtaining greater participation in the standard-setting process as a whole[30]. Thus, expectations varied within each sector and not only vis-a-vis business, as is commonly assumed. Organisations like the ILO, GRI and

[28] The author participated in a workshop where a Norwegian private consultant sat across from a Malaysian labour official and two Chinese NGO members.
[29] ICC, 2004. Joints views of ICC and the IOE on the recommendations of the ISO Advisory Group on Social Responsibility, May. Extracted from: http://iccwbo.org/home/business_society/ICC-IOE%20views%20for%20ISO%20Conference.pdf.
[30] Castka, P., Balzarova, M., 2008. 'The impact of ISO 9000 and ISO 14000 on the standardisation of social responsibility – an inside perspective', *International Journal of Production Economics*, 113, 74-87.

different national governments, in contrast to technical agencies, were not only concerned with the technical dimensions of creating a new directive, but also with protecting their own political turf and obtaining new resources[31]. Under such conditions ISO's technical board opted for a 'compromise' not to risk the outcome of the process, and be able to publish a standard in an arena where both the UN and the ILO had not been successful.

Therefore, despite its more detailed normative ambition, ISO preferred to emphasise the voluntary character of the project and rejected the labelling and certification mechanism, a salient aspect of its prior standard series. Labelling has been a key feature of 'non-state governance' and is considered by several authors as an 'evolutionary' response to previous regulatory deadlocks[32], used in a multitude of established guidelines and frameworks created by organisations such as FSC, SAI, ETI and Fair Labour Association. ISO26000, in contrast, rejected the creation of official certificatory bodies to monitor compliance, certify firms and facilities, or provide consulting. Not only this, but the guidelines were decided to be offered freely downloadable from the internet. Hence, as a guidance standard ISO26000 cannot be legally certified either by ISO or any other third-party, nor can it be subjected to customary law by nations or as a basis for international procedures, as was the case with ISO 9000 and 14000 within the WTO and the EU, which became on many occasions de facto market requirements. This decision was criticised severely by different social sectors even to the last plenary meeting, from labour unions and civil society which considered it business-favouring, to consulting and certificatory organisations which saw their activities threatened.

It is possible to affirm that this liberal policy, generally attributed to the lobby of the sector most favoured by it – i.e.: business – was instead a result of the greater normative ambition of the project and the diversification of the participants: it was understood by ISO as a necessary condition to achieve consensus. The same can be argued of another typical compromise witnessed during the last Copenhagen Plenary Meeting, where a temporary deadlock erupted around the use of the term 'sexual orientation' within the draft of the norm, in order to enumerate unacceptable discriminatory practices. Delegations from Muslim countries formed a bloc and were able to deter its inclusion in the final draft,

[31] Ibid.
[32] Bartley, T., 2010. "Certification as a Mode of Social Regulation", Forthcoming, Levi-Faur, D. (Ed.), *Handbook of Politics of Regulation*. Extracted from: http://www.indiana.edu/~tbsoc/handbook.pdf (Accessed May 2nd, 2011); Berstein, S., Cashore, 2007. "Can non-state global governance be legitimate? An analytical global framework", *Regulation & Governance*, 1, 1-25.

arguing that it conflicted with religion, national laws and culture, and obtained its replacement by the more ambiguous term 'personal relationships'. This was perceived as a defeat by many civil society groups and representatives from Western countries to the pressures of conservative sectors, although it is also evident that it was an outcome facilitated from the opening and 'democratisation' of the forum rather than the actual influence of the latter groups.

Another of the implications revealed by this new political arrangement is that many national and sectoral positions were articulated as the debate evolved and were not outlined prior to it. This allows questioning the application of conceptual approaches such as those of rational-actor analysis, which assume pre-assigned interests and expectations for each type of social actor, and highlight instead the role of communicative and social processes with focus on meaning construction, learning and ideological co-optation. Ruwet & Tamm Hallström observed that many participants even changed their a priori positions. This was the case for SMEs, which entered the process on the conception that social responsibility was purely a concern of large companies[33]. Some civil society representatives that participated hoping to impose harder regulations over firms discovered they had a much weaker discursive and practical experience when they too became an object of standardisation, as the removal of the 'corporate' orientation gave place to wider applications of this discourse. Moreover, the debate fostered the intertwinement of a business-based vocabulary (populated by terms such as stakeholder, value chain and operating practices), popular in related literature and media, with notions more frequently associated with international conventions and political analysis (rule of law, accountability, gender equality, complicity, etc)[34]. Thus, these authors concluded that the widening of the social and political participation in ISO standard-setting, which was initially approached combining the 'moral' authority of social movements, the financial resources of corporations, or the hierarchical authority of the ILO, generated new positions of power emerging from familiarity with its own technical vocabulary and procedures –'enclaves'[35] – that gave place to other types of distinctions and hierarchies.

[33] Ruwet, C., Tamm Hallström, K., 2007. How are the contents of multi-stakeholder standards shaped? The danger of using stakeholder categories as analytical tools – the case of the ISO 26000 standard on social responsibility, 23rd EGOS colloquium, July 2007, Vienna, Austria.

[34] Some of these concepts were subject to difficult translation into other languages beyond their English matrix, as stakeholders, rule of law and even governance itself.

[35] Ruwet, C., Tamm Hallström, K., 2007. How are the contents of multi-stakeholder standards shaped? The danger of using stakeholder categories as analytical tools – the case of the ISO 26000 standard on social responsibility, 23rd EGOS colloquium, July 2007, Vienna, Austria.

Nonetheless, the production of 'new' power positions also fostered collaboration among civil society and social groupings within and among countries: for instance, the Brazilian civil society 'expert' attended as the representative of a specially-created NGO Articulation Group [GAO ISO 26000], a virtual network created in 2006 to coordinate a civil society-wide position in Brazil in relation to the development of the international norm[36]. In this sense the ISO26000 forum has triggered certain associational interest among civil society groups given the necessity to face other social sectors with higher degrees of organisation. Historically this is not unprecedented: organised labour and employers groups consolidated with the creation of the ILO in the 1920s and its reform in the 1940s, and the UN Global Compact and other corporate regulatory projects have contributed to the renewal and organisation of international business and its associations as political actors[37].

Eventually the final standard was approved by majority voting, even though the final draft was rejected by five national delegations on different grounds, including those of the US and India[38]. Several Liaison organisations rejected it as well, but did so based on different and sometimes opposing reasons. Organised business, in groups such as the ICC, the IOE and BIAC[39], frequently accused of co-opting private governance initiatives, did not provide formal backing to the final version as they considered it overly detailed and complex, too inviting to the possibility of becoming certifiable in the future, and having privileged national over sectoral hierarchies[40]. The International Federation of Standard Users rejected the norm disagreeing with, among other things, ISO's decision to offer the standard for free. Other organisations, such as GRI, Transparency International, SAI, the

[36] See http://www.gao.org.br/ (Accessed March 22nd, 2011).

[37] Several authors addressed the phenomenon of business as an international political actor and the rise of business diplomacy. See Kelly, D., 2001. "The Business Diplomacy: The International Chamber of Commerce meets the United Nations", Working Paper, Centre for the Study of Globalisation and Regionalisation, Warwick University, May, Extracted October 11th, 2010 from: http://www2.warwick.ac.uk/fac/soc/csgr/research/workingpapers/2001/wp7401.pdf; Hocking, B., Kelly, D., 2002. "Doing the business? The International Chamber of Commerce, the United Nations, and the Global Compact", in Cooper, A., English, J., Thakur, R. (Eds), 2002, *Enhancing global governance: Towards a new diplomacy?*, Tokyo, United Nations University Press.

[38] For instance, the US rejection was based on understanding that the final draft was too long and complex, and oriented mainly to the needs of TNCs. The Indian position was justified on the recognition granted in the standard's Annex to private and commercial certification programmes and initiatives, arguing that this clashed with the principles behind ISO26000 itself. See http://isotc.iso.org/livelink/livelink/9779426/N196_Result_of_ballot_ISOFDIS_26000.pdf?func=doc.Fetch&nodeid=9779426 (Accessed November 2nd, 2010).

[39] Business and Industry Advisory committee to the OECD.

[40] The main representative of SMEs, the European Office of Crafts, Trades and Small and Medium-Sized Enterprises for Standardisation, also withhold support based on the complexity of the standard for use by small companies.

European Commission and ITUC voted in favour, though labour expressed reservations with setting a precedent for quasi-official public policy-making involving constituencies which are not formally democratic and representative[41]. Some local unions, such as Argentine ones, rejected even the legitimacy of the whole process based on this consideration, as for them social and labour norms were the exclusive arena of the ILO[42].

This paper argues that the consensual minimalism that enabled the resolution of these divergent stances should not be understood as a 'defect' of anachronistic nation-based arrangements when dealing with global issues. Rather, it is the product of two systemic processes that ISO triggered when it expanded and re-politicised its structure: the de-differentiation of distinct functional programmes, and the growing scalar complexity of global governance, two notions that should be understood from the conceptual base of Niklas Luhmann's systemic social theory[43]. The first refers to the (intended) articulation under a common code – what is and what is not 'socially responsible' – of a wide array of previously independent or semi-independent 'technical' domains: environmental regulation, labour and human rights, financial governance, management practices, human resource management, product and process design, etc. This code running behind the ISO project proposed that such themes should be treated by a new type of technique, crystallised in specialised norms and principles, which not only superseded previous ones but articulated them as dimensions of an overarching discourse. On the other hand, growing scalar complexity refers to the process whereby as new scales and temporalities emerge or gain institutional relevance, social forces struggle to develop mechanisms to link and coordinate them, which in turn leads to further cleavages and interest in managing and articulating the new mechanisms, producing even greater complexity, scales and temporalities[44]. In this case, this was operationalised by an expanding set of institutions that functionally overlapped with pre-existent local and international organisations, further convoluting the institutional and normative environment, especially at the

[41] A traditional criticism of that organised labour uses against against civil society. See files in http://isotc.iso.org/livelink/livelink/9781660/x_Comments_received_on_ISO_FDIS_26000.zip?func=doc.Fetch&nodeid=9781660 (Accessed October 28th, 2010).
[42] This comment is derived from ongoing research beyond the scope of this paper.
[43] A detailed treatment of the use of such theory is beyond the scope of this piece. For a brief introduction to it, see Luhmann, N., 1986. "The autopoiesis of social systems", *Journal of Sociocybernetics*, 6, 2008, 84-95. For more detailed treatment, see Luhmann, N., 1995. *Social Systems*, 1984, Stanford: Stanford University Press.
[44] See Jessop, B., 2008. *State Power: A Strategic-Relational Approach*, Polity Press.

international level, where no ultimate source of authority exists, and fueling the creation of new bodies, forums and agreements.

ISO26000 approached social responsibility both as a theme that could be subjected to technical standardisation, and as a wider socio-political forum for debating and consolidating global values. The previous analyses, and the positions in the final voting round, confirm that the standard was achieved by a combination of international technical debate, political bargaining and democratic voting procedures. But the articulation of these cleavages required diluting the specialisation and restrictiveness of the discourses involved in order to encompass the requirements of a growing sectoral, international and functional constituency, a move that certainly favoured certain actors over others. In this sense, the 'weakening' of both terminology and regulatory goals to please certain sectors can be understood as embodying the necessary generalisations that allow expanding 'meaning' across a growingly complex environment, where the contributions formerly provided by governments, unions, the ILO, or the UN were perceived as growingly insufficient. In this sense, the idea of standardising 'social responsibility', at least discursively, not solely addressed the actions of rational profit-maximising firms from the developed North, but of all types of organisations and themes as diverse as global governance, political principles, labour and human rights, environmental concerns, consumer issues, community development, financial and operating practices and organisational behaviour irrespective of national background. Correspondingly, the ISO26000 'global' working group emerged as a new form of governance even before publication, and kick-started an ongoing phase of 'meta-regulatory' convergence[45]. The forum became a mechanism for social standard-setting and an institution legitimising the actors involved. International organisations, such as the ILO and the OECD, not only acted as 'symbolic points of reference' – providers of legitimacy rather than regulators themselves, a status that still denotes hierarchy and influence[46] – but became 'forced' participants: to stay relevant in the expanding field of international labour and corporate regulation, a field in which they had been historically key contributors, they were obliged to get involved in new initiatives and forums even when this involvement eroded their own sphere of influence and brought new

[45] Rosenau, J., 2006. "Governance in the twenty-first century", in Rosenau, J., 2006, *The Study of World Politics, Volume 2: globalization and governance*, Routledge.
[46] Bartley, T., Smith, S., 2008. Structuring Transnational Fields of Governance: Network Evolution and Boundary Setting in the World of Standard, *Working Paper,* Department of Sociology, Indiana University. Extracted from: http://www.indiana.edu/~tbsoc/fields.pdf (Accessed October 20th, 2010).

actors into the arena. This is exactly what the ILO did, for instance, by launching in 2006 its own CSR-In Focus Initiative re-connecting CSR to the principles of its 1977 Declaration of Multinational Enterprises, organising a combined series of conferences on the matter with the OECD in 2008, and launching in 2009 a specialised Helpdesk on Social Responsibility[47].

Sahlin-Andersson observed that by 2006 private governance initiatives in social and environmental issues were starting to behave like 'steering networks': constellations of mobilising, policy making, reporting and monitoring bodies which as a group formed a regulatory framework characterised by reciprocity and co-regulation[48]. Bartley & Smith[49] concluded that between 2001 and 2006 private certification consolidated as a 'field', in Bourdieu's sense of the term[50], moving from a relatively disconnected array of actors to a coherent network with a greater density of interconnections, common intermediaries and a common symbolic references. They observed that in 2001 around 2,100 organisations in the world were connected to one or more ´focal´ certification associations, those whose main purpose is certifying labour on environmental standards. By 2006, a year after the ISO26000 project was launched, that number had risen to over 13,000.

Since these years, and with the launch of the ISO project, a sequence of Memos-of-Understanding (MoU) and compatibility documents were signed between international and related organisations and ISO26000: with the ILO in 2005, with GC in 2006[51] and with the OECD in 2008[52]. Other initiatives started to articulate common positions in view of the coming standard: in 2007 GRI and GC published their first common platform and in 2010 GC adopted GRI as the recommended reporting framework for all its members[53]. In 2009, ISO signed another MoU with UNIDO, '[...] to promote sustainable development and economic growth through standards development and implementation...' and assist developing countries integrate to the global economy[54].

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[47] http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_116336.pdf (Accessed November 13th, 2010).

[48] Sahlin-Andersson, K., 2006. "Corporate Social Responsibility: a trend and a movement, but of what and for what?, *Corporate Governance*, 6, 5, 595-608.

[49] Ibid, p30.

[50] See Bourdieu, P., 1989. "Social Space and Symbolic Power", *Sociological Theory*, 7, 1, 14-25.

[51] http://isotc.iso.org/livelink/livelink?func=ll&objId=5936532&objAction=Open (Accessed October 28th, 2010).

[52] http://isotc.iso.org/livelink/livelink?func=ll&objId=7369892&objAction=Open (Accessed October, 28th, 2010).

[53] http://www.amsterdamgriconference.org/index.php?id=39&item=37 (Accessed November 12th, 2010).

[54] http://www.iso.org/iso/pressrelease.htm?refid=Ref1233 (Accessed October 28th, 2010).

It can be seen that the normative effort itself drove the generation of new institutional linkages, as the 'logic of equivalence' supplied by normative minimalism facilitated the creation of functional bridges between previously distinct projects. A good example stems from the Annex of the ISO26000 standard, which included a list of the current initiatives concerned with social responsibility and reporting, and how they compared to the core subjects of ISO26000 and its recommended practices. Several dozen initiatives are catalogued ranging from intergovernmental ones, such as the GC and the OECD's frameworks, multi-stakeholder initiatives, such as GRI, International Frameworks Agreements and SAI, to single-sector initiatives, such as those provided by the ICC, the Sullivan Principles or tools by the WBCSD. In this regard, GRI, unsatisfied with this list claiming that it insufficiently explained the linkages among the different programmes, and did not distinguish between the more developed frameworks and peripheral ones[55], developed its own guidance to explain how its own guidelines complemented ISO26000. A similar document detailing the complementarity between the GC principles and ISO26000 core subjects was shortly made available online[56]. Since them a myriad of documents have been written adopting a position in relation to the standards, revealing how something apparently trivial as a list in an annex, can turn into a driver of normative convergence and institutional association when accepted as an element of a wider universalising project.

Furthermore, other effects of this growing 'systemic closure' of the social responsibility field are becoming evident. Closure, in Luhmannian terminology, refers to the state where a system becomes capable of operating according to its own coding: once a system is 'closed', a system controls its own possibilities of negation and the production of its own elements through a specific proposal of meaning, which it also uses to interpret the environment[57]. In the context of this paper, this would mean that a new dyadic code of 'socially responsible/not socially responsible' is accepted and starts to structure communication, leading to the re-interpretation of external and internal phenomena through this lens. This is case for the ILO and organised labour, for example, which can be now evaluated to behave more or less 'socially responsibly', and where labour regulation itself can now be

[55] Comments by the GRI on the final draft of the ISO 26000 Guidance Standard, submitted August 15th, 2010. See documents in: http://isotc.iso.org/livelink/livelink/9781660/x_Comments_received_on_ISO_FDIS_26000.zip?func=doc.Fetch&nodeid=9781660 (Accessed November 1st, 2010).

[56] http://www.unglobalcompact.org/docs/news_events/8.1/UNGC_ISO_DRAFT.pdf (Accessed November 5th, 2010).

[57] Luhmann, N., 1995. *Social Systems*, 1984, Stanford: Stanford University Press.

understood as being a part of a wider social responsibility framework, and not the other way around. But closure also implies that the involved institutions evaluate themselves against this coding: they can conclude that they themselves are imperfect, that they should improve and adapt better in accordance with their own expectations, leading to the proposal of new institutions and discourses in order to increase the legitimacy of the system itself for itself. Thus, participants in the standardisation code 'realise' that they and their environment should be more socially responsible (transparent, accountable, representative, coherent, etc). In this sense ISO26000 is one expression, and the involvement of the ILO, OECD, UN and ITUC in it, another, of the standardisation system reproducing itself.

This process is still advancing beyond the ISO Working Group. For instance, Consumers International, the main organisation for consumers rights and main representative of the sector of civil society that ISO favoured by granting it a separate constituency, stated on its website the importance of ISO26000 as a tool to increase accountability between consumers and business, adding that it '…is intended to add value and not to replace, existing inter-governmental agreements with relevance to Social Responsibility, such as the United Nations Universal Declaration of Human Rights, and those adopted by the ILO'[58]. This quote is a case of the retrospective interpretations enabled by systemic closure. Previous official international norms as the UN Human Rights Declaration and ILO Conventions, that did not originally have any connection whatsoever with a posterior notion such as social responsibility or the current initiatives of private social standardisation, are re-interpreted as building blocks of a common movement. Moreover, this discourse previously drove the re-structuring of not only the departments, but the agenda of the ILO itself: the main concerns of its campaign for a 'Fair Globalisation' are issues such as employment promotion, skills development, sustainable enterprises and social dialogue, sidelining the traditional less liberal industrial relations categories[59]. And in 2002, the labour section of GRI's guidelines were named 'Labour Practices & Decent Work', in alignment with the title of the 1999 ILO Agenda oriented to implement the new CLS strategy[60]. As

[58] http://www.consumersinternational.org/our-work/social-responsibility/key-projects/promoting-csr/iso-26000/key-information (Accessed November 13th, 2010).
[59] See http://www.ilo.org/public/english/anniversary/90th/download/spfpresentation.ppt, Accessed November, 14th, 2010).
[60] See Sustainability Reporting Guidelines, Version 3.0. Extracted October 26th, 2010 from: http://www.globalreporting.org/ReportingFramework/G3Guidelines/.

well, this convergence is reaching into domestic policy, where some countries, such as Denmark, are basing their national directive directly on ISO26000[61], and many others plan to follow by either creating compatibility documents to adapt their local regulations or creating completely new norms aligned with it.

The argument provided proposes that this reduction of inter-regime competition and enhanced compatibility with other private and public standardisation projects is a consequence of the politically-bargained ISO26000 minimalism, outcomes difficult to conceive if ISO had maintained a closed technocratic stance. But normative minimalism is both a response to the increasing complexity generated by the opening impulse of the reviewed ISO project, and to the closure reflecting the system trying to be coherent with itself: in colloquial terms, ISO26000 has to be politically correct, technically legitimate and socially accepted, all the three simultaneously. It was through the combination of its aim to standardise the whole conceptual field of social responsibility, via its new and expanded multi-stakeholder forum, and the authority of ISO within business and industrial regulation, that the Working Group managed to convene not only the major international interested parties but also a myriad of local ones. In this manner it became an acting platform of global and local theorisation and socialisation, not only of technical standard-setting. This platform constituted itself as a social and a political space of interaction and planning[62]: it allowed and reproduced the practice of a language, the reflexive debate over its own institutional and discursive contents, over its own limits and future evolution, and the critique and legitimation of the participants, independently from the publication of any text or document[63]. In this manner, ISO26000 accelerated closure due to facilitating systemic self-reflection: the discussion about the system by the system.

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[61] http://www.csrgov.dk/ (Accessed November 3rd, 2010). The website not only promotes the Danish standard, but also refers to the GC, GRI, ISO 26000 and other principles and initiatives. The EC launched its own Multi-Stakeholder forum on CSR, as well as an EU-wide business initiative under the name of "European Alliance for CSR" (See ec.europa.eu/enterprise/policies/sustainable-business).

[62] Planning, for Luhmann, is a specific way of producing the self-description of a system where this self-description is oriented to the future. But planning therefore introduces further complexity and generated implementation and resistance at once. See Luhmann, N., 1995, p471. *Social Systems*, 1984, Stanford: Stanford University Press.

[63] Yates, J., Murphy, C., 2009. *The International Organization for Standardization – Global Governance through voluntary consensus*, Abingdon: Routledge; Heires, M., 2008. 'The International Organization for Standardization (ISO)', *New Political Economy*, 13, 3, 357-367; Schwartz, B., Tilling, K., 2009. "'ISO-lating' Corporate Social Responsibility in the Organizational Context: a Dissenting Interpretation of ISO 26000", *Corporate Social Responsibility and Environmental Management*, 16, 289-299; Castka, P., Balzarova, M., 2007. 'A critical look on quality through CSR lenses – Key challenges stemming from the development of ISO 26000', *International Journal of Quality and Reliability Management,* 24, 7, 738-752.

Conclusion

This brief analysis unveils several difficulties attached to global 'policy-making' when addressing themes beyond traditional politics and nation-state regulation. Through this case, it is suggested that socially-oriented global governance faces the difficulty of balancing the 'globality' of its aims with distinct sources of legitimacy. When ISO faced this struggle, it became evident that a complicated and even inverse relationship arose between technocratic expertise, democratic principles and market rationality, a relationship often assumed to be unproblematic. Such difficulties turn more evident the more encompassing a given standard intends to be, as is the case with the ambitious 'triple-bottom line' of the global sustainability discourse, attempting to unify in a coherent and applicable discourse (liberal) economic logic, social protections and environmental concerns.

Djelic & Sahlin-Andersson suggested that transnational governance mechanisms expand in part by a self-reinforcing spiral of distrust which is fuelled by three specific institutional forces: the absence of a formal authority or holder of legitimacy in the transnational arena, which must be compensated, the authority attributed to science and technical expertise, and the demands arising from the expansion of deliberative democracy[64]. These forces support an understanding of governance as a system of rule that is more dependent on inter-subjective meaning than on sanctioned constitutions or treaties[65], which in respect to many issues are mere statements of intention without any organisational resources or substance. In this sense, the legitimacy and relevance of new global policy-making initiatives, such as ISO26000, rest on their capacity to embed their standardisation projects with recognised traits that make them 'meaningful' both locally, but specially, globally: science is one of them, universal human values is the other.

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[64] Djelic, M., Sahlin-Andersson, K., 2006, p380. "Institutional dynamics in a re-ordering world", in Djelic, M., Sahlin-Andersson, K. (Eds), 2006, *Transnational Governance – Institutional Dynamics of Regulation*, Cambridge: Cambridge University Press.

[65] Rosenau, J., 2000. "Governance, order and change in world politics" in Rosenau, J., Czempiel, E., (Eds), 2000, *Governance without Government: Order and Change in World Politics*, 1992, Cambridge: Cambridge University Press. This author doubted that any form of global governance of the issues involved in sustainable development would ever manage to achieve sufficient consensus against empirical findings, and balance the impact of economic development, the policies put in place to govern them, and the demands stemming from the global discourse. See Rosenau, J., 2006, p154. "Global governance as disaggregated complexity", in Rosenau, J., 2006, *The Study of World Politics, Volume 2: globalization and governance*, Abingdon: Routledge.

Hence, it would appear that global policy-making faces a Luhmannian dilemma of either sacrificing the effectiveness of specialisation or hampering making 'global' sense, an unwelcomed conclusion to both technocrats and cosmopolitans promoting global solutions or global ethics. This then invites questioning the limitations of any non-state policy-making arrangements reluctant to agree on inclusive, albeit minimalist, principles, which reflect the political compromises across different programmes, parties and scales. Alternatives to such 'politics' of course exist: the un-democratic exclusion of certain actors from decision-making, the dominance of a 'world culture', some form of isomorphic technical-economic hegemony or global liberalism[66], or, as ever, force. Instances such as ISO26000 show the uncomfortable contradictions that articulating liberal politics with liberal economic effectiveness will certainly keep posing in the near future as struggles to govern and promote values and the rule of law stretch beyond the physical and conceptual frontiers of the nation-state.

[66] Meyer, J., 2000. "Globalization: Sources and Effects on National States and Societies", *International Sociology*, 15, 2, 233-248; Tickell, A., Peck, J., 2003. "Making global rules: globalisation or neoliberalisation", in Peck, J., Yeung, H. (Eds), 2003, *Remaking the Global Economy*, London.

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