Civil Society, eXPERT communities, and PRIVATE STANDARDS

*“The problem with an apolitical standpoint is rather*

*that it does not stay clear of politics”*

Soderberg, J. (2008, p. 18), *Hacking Capitalism*

## Introduction

The value of transnational civil society is generally understood in terms of its positive contribution to processes of international agenda-setting, cooperation, and regulation. Within the political science and international relations literatures, civil society actors, such as NGOs, social movements, and advocacy networks, have been commonly portrayed as moral and principled agents, often acting in support universal and cosmopolitan values and rights, the defence of global public goods, and more inclusive mechanisms of global governance (Simmons 1998; Prakash & Gugerty 2010). This perspective has supported references to NGOs as ‘the conscience of the world’ (Willetts 1996), linkages between transnational advocacy networks, democratisation, and the spread of human rights (Risse & Sikkink 1999), and views of counter-hegemonic social movements as expressions of ‘bottom-up’ globalisation (Falk 1997). The very chapters of this book indicate the continuing prevalence of this perspective, with NGOs discussed in relation to peace, humanitarian aid, human rights, the environment, women’s rights, development, and democracy. As expressed by John Dryzek (2012, p. 105), for its supporters ‘Global civil society promises everything that established centres of power lack: openness, publicity, civility, inclusiveness, a broad variety of values, a potentially wide range of participants, contestation, and reflexivity’.

 This chapter will problematise this positive normative perspectivism, exploring NGO activity in relation to standardisation, a domain where civil society actors have had a long and illustrious role but where this role does not necessarily match view of NGOs as inclusive moral actors. [[1]](#footnote-1) At the same time, the chapter aims to review the activities of NGOs in areas of norm-making often secluded from public politics, but that have become pervasive, if not fundamental, for the operation and governance of global affairs.

Until the 1980s, the ‘world of standards’ and standardisation was considered a narrow field involving faceless engineers and bureaucrats working in obscure institutions such as the International Organisation for Standardisation (ISO), unworthy of the interest of political scientists (Mattli & Büthe 2003; Loya & Boli 1999). While technical standards are, quite possibly, one of the most ubiquitous mechanisms that ‘regulate and calibrate social life by rendering the modern world equivalent across cultures, time, and geography’ (Timmermans & Epstein 2010, p.70), the issues, actors, and processes involved in standardisation were considered peripheral to world political affairs.[[2]](#footnote-2) This perception progressively change as the century came to a close, in light of thickening of interdependences associated with the end of Cold War politics, including the expansion of transnational corporations and the consolidation of transnational networks of social activism (Rosenau & Czempiel 1992; Ruggie 2004; Keohane & Nye 2000). Authors like Boli and Thomas (1997, p. 183) underlined the paradox of the academic exclusion of this domain of civil and political action, by highlighting that about two thirds of the number of INGOs in existence by 1988 were technical, economic, and scientific bodies involved in standardisation and rationalisation activities. The question of standardisation, moreover, became linked with the erosion of what Keohane and Nye (2002, p. 223) called the ‘club system’ of economic governance, as non-state actors challenged the monopoly state bureaucrats from developed countries had enjoyed over international rule-making (Risse 2007; Hall & Biersteker 2002; Strange 1996).

In the following two decades, the landscape of global governance changed dramatically, as intergovernmental regimes and frameworks mutated into ‘regime complexes’ (Alter & Meunier 2009) that included or co-existed with an array of private governance and standardisation initiatives dealing with varied aspects of trade, production, and socio-environmental governance: from labour conventions and corporate social responsibility (CSR) guidelines, to standards on financial reporting and investment, product sourcing, fisheries, paper and palm-oil production, and internet protocols, among many others (O’Rourke 2003; Pattberg 2005; Hertel 2006; Vogel 2008; Clapp 2003; Fransen 2012; Bartley 2003; Bartley 2011; Gereffi et al. 2001; Sahlin-Andersson & Djelic 2006; Abbott & Snidal 2001; Davis et al. 2012; Orsini et al. 2013). Though the number of standards in existence cannot be calculated (ISO alone has published over 21,000), the Standard Map Database of the International Trade Centre (a joint agency of the UN and the WTO) refers to over 230 ‘standard systems’ in the field of sustainability governance alone (ITC 2015), each of which comprising distinct coalitions of NGOs, firms, and international organisations collaborating with each other.

 This proliferation and *de facto* (and often *de jure*) acceptance of standards as instruments of global governance, makes standardisation an interesting domain to nuance the international activities of NGOs beyond (liberal) normative preoccupations. This is because standards have a central particularity; they are voluntary, meaning that their diffusion and uptake hinges to a large extent on the legitimacy attributed to them by promoters and users, not on the penalties imposed by governments. But this legitimacy has two faces: one more instrumental, the other more political. At first hand, standards are technical regulatory instruments intended to reconcile expectations, lower transaction costs, and enhance efficiency, meaning that their legitimacy depends on how well they manage to do this. However, standards are highly political: not only they serve as ‘a guide of behaviour and for judging behaviour’ (Abbott & Snidal 2001, p.345), but they can have important distributional consequences for firms, states, and individuals (Büthe & Mattli 2011). In this manner, their legitimacy depends on who benefits and who loses (and by how much). Albeit the two rationalities are not exclusive, and historically had been somehow moderated with the humanist ‘savoir’ often found among the promoters of international technical cooperation (Higgins and Hallström, 2007, p. 688; Murphy, 1994), the role of civil society actors in international standardisation is framed in an ambivalent manner, oscillating between supportive views that see standards as more inclusive governance mechanisms than state- and market-based ones, and opposing stances where these are symptomatic of the privatisation of global regulation and the sidelining of democratic representation (Murphy & Yates 2011; Scholte 2004).

This chapter revises the role of civil society actors and NGOs in this domain and fleshes out this ambiguity and its implications. For this, the argument follows three lines of analysis, respectively: i) the ideal-type functions NGOs can play in alternative models of standardisation, ii) the historical participation civil society actors and NGOs have had in diverse standardisation initiatives and fields, and iii) the increasingly blurriness of the NGO-private boundary associated with this participation. The next section thus provides a conceptual typology to guide the more empirical narrative developed in the following two: the first examining the modern emergence of international standardisation initiatives, and the early interactions between movements of engineers and diplomats, and the second relying on more contemporary initiatives to explore how the role of NGO actors conflates with the multi-sectoral and exclusive character of epistemic communities. The fourth section concludes.

## Standardisation, Legitimacy, and Civil Society: A Typology

I propose a simple typology of different standardisation models drawing on two views of legitimacy. These typologies are not rare in the standardisation literature, and multiple authors have resorted to Fritz Scharpf (1999)’s distinction between ‘input’ and ‘output’ legitimacy to conceptualise the authority of standards as soft norms, and the contribution of different type of actors (Börzel & Risse 2010; Büthe 2010a; Mena & Palazzo 2012; Botzem & Dobusch 2012; Hahn & Weidtmann 2016; Risse 2006; Drezner 2007). I will not innovate significantly here, as will rely on these two established concepts to link standardisation models with NGO and civil society participation.

In general terms, input legitimacy refers to the credibility and authority of the actors and procedures behind the production of decisions and rules, while output legitimacy considers the actual operation and effectiveness of these in terms of solving coordination problems and/or meeting expectations. While in relation to public governance, the central concern of Scharpf’s original text, this underlined the difference between governance *by* the people and governance *for* the people, in relation to standardisation these categories have been redirected towards what Auld, Renckens and Cashore (2015) denominated a ‘logic of empowerment’ and a ‘logic of control’, in view of the inclusivity and openness of standard-setting institutions, and the regulatory effectiveness of standard in terms of credibility, applicability, and functionality.

Across this literature, in general, the contribution of civil society organisations is generally presented through a deliberative-democratic argument. This argument poses that greater civil society participation in governance initiatives narrows the democratic deficit and enhances political and social legitimacy in spheres where principles and mechanisms of popular sovereignty are not possible, while promoting democratic values and practices of consensus, transparency, fairness, and accountability (Bernstein 2004; Koenig-Archibugi & MacDonald 2012; Fung 2003; Keohane & Nye 2002). Hence, as moral actors primarily concerned with normative adequacy and performance, NGOs keep standardisation honest, guaranteeing that ‘whoever governs must be held accountable against international legal standards of human rights, the rule of law, and democracy’, and enhancing sensitivity for the distributional consequences and social externalities produced by regulatory processes and outcomes (Börzel & Risse 2010, p.128). Consequently, more inclusive norm-setting arrangements (input legitimacy) are expected to produce more socially-accepted norms (output legitimacy), which will better reflect interests, mobilise support, deter opponents, resonate culturally and travel across borders, all aspects *assumed* to be conducive to uptake and compliance (Espach 2009; Dobusch & Quack 2013). This argument tends to consider that the ‘enforcement’ of private norms and standards rests mostly on indirect non-coercive social mechanisms, such as reputational threat, peer-pressure, public opinion, and normative change, embedded in institutional arrangements such as third-party certification (Bartley & Child 2014; Gilbert et al. 2011) .

Less attention has been paid to the contribution of NGOs to the technical side of legitimacy, even if the linkage between technical adequacy and regulatory effectiveness is more straightforward than in the political case: the regulatory efficacy of standards follows from the knowledge of the actors involved in norm design, and the proper consideration of supply and demand-side requirements and factors.[[3]](#footnote-3) Appropriateness here does not necessarily mean democratic participation, but the inclusion of competent actors, so that effective application follows design processes that maximise knowledge input while avoiding political or culturally-motivated deadlocks and impractical or utopian considerations. NGOs and civil society actors can contribute to this, inasmuch as they provide expert advice during norm-setting, or deliver complementary roles supporting implementation. NGOs, particularly those with the capacity to support international initiatives, are thus treated as knowledge actors, members of a transnational technocratic community promoting a rational-humanistic view of global regulation and ordering (Meyer, 2000, p. 246; Meyer *et al.*, 1997) that accepts that

*‘…scientific knowledge becomes socially validated as truth, the power that is used on behalf of this truth acquires social legitimacy, instrumental rationality becomes deeply institutionalized, and efficient practices rather than good practices become the natural order of things.’* (Adler & Bernstein 2004, p.301)

The first question lingering behind this dyadic distinction of legitimacy is whether it is possible to reconcile civil society’s role in standardisation with a balance between fairness and expertise. This has been a driving concern in the transnational governance literature, and the reason for the attraction many scholars in this field feel for Habermasian models of dialogic politics (Börzel & Risse 2010; Bernstein 2004; Risse 2000; Barnett & Duvall 2004). Habermas carved an extrinsic location for civil society that avoided ‘the bad alternative of either economic liberalism or *étatism’* (Cohen & Arato 1992, p.131) and linked this domain with a procedural and normative domain of social action based on notions of comprehensibility, truthfulness, and rightness. In this model, civil society comprised the institutional embodiment of a deliberative and pluralistic ‘lifeworld’, while communicational action hedged politics against the instrumentality of state and economic actors (Risse 2006; Habermas 1984; Habermas 2008). However, a noted problem with Habermasian liberal rationalism is that it risks sacrificing the societal in the altar of rationality: a perfectly rational dialogic politics ultimately specifies basic requirements for political interactions and norm-setting mechanisms to meet in order to be legitimate. By default, this makes certain arguments, interests, and identities problematic, raising the problem that certain regulatory commitments and arrangements may not only be undemocratic and exclusive, but also irrational (Mouffe 2000; Chambers & Kopstein 2001).[[4]](#footnote-4)

An alternative but less comfortable position – but one that this author sympathises with but that cannot be sufficiently developed in this article – is to distinguish two incommensurable governance logics operating transversally to both standardisation efforts and civil society participation: one normative, aimed at establishing authoritative rules, another technical, aimed at learning and problem-solving (Kerwer 2004, p.201). *Contra* Habermas emerges then the shadow of Luhmann, posing that modern society is divided into functionally-differentiated systems or fields, each striving to establish their own conditions of legitimacy according to their own functional logic (Peña 2015; Lash 2003; Luhmann 1997). In this case, it would not be convenient to speak of ‘civil society’, assuming a homogenous normative perspective, but rather of *civil societies,* manifesting themselves differently in different domains of social action. These domains would possess structurally different mixes of input and output legitimacy requirements, making them more or less suitable to the different regulatory models, with differential balances between expert and representative roles by civil society, state, corporate, and technical actors (Denardis & Raymond 2013).

**Figure 1. Types of International Standardisation**



On these ideas, it is possible to draw a 2x2 typology of standardisation models considering the primacy attributed to political and technical requirements in both input and output legitimacy. For the former, this would mean a greater consideration of either political representation or technical competence criteria. For the latter, the prioritisation of either distributional fairness or of functional efficiency rationales. As presented in figure 1 above, this results in four models of governance and standardisation: namely, state-based regulation, representing intergovernmental regimes and multilateral frameworks (such as those promoted by the UN or the OECD), pure technical standardisation, and two intermediate models that I refer as public standardisation (where technical suitability is validated by political authorities) and multi-stakeholder standardisation (where distributional fairness is addressed by the inclusion of affected and qualified parties). Across these types lies a spectrum of trade-offs resulting from the encounter of political and functional logics and their corresponding benefits and downsides. In practice, these tensions and trade-offs are contextual and issue-specific. In principle, the general hypothesis is that the more standard-setting initiatives seek political input legitimacy by broadening participation and trying to incorporate fairness considerations, the higher the chances coordination problems may emerge, lowering output effectiveness. Simultaneously, the more exclusive and technocratic these initiatives are, the higher the chances of reaching technical consensus at the expense of silencing or marginalising alternative visions and normative positions (Bernstein 2004, p.151; Drezner 2007, p.70). I propose that the contribution of NGOs to standardisation can be matched with these trade-offs according to four archetypical roles: as consultants to intergovernmental bodies widening social representation, as societal/technical representatives in instances of public and multi-stakeholder regulation, and as exclusive knowledge-actors in technical standardisation.

In the following section, the article develops these models, roles, and tensions historically, illustrating the variety of civil society actors and NGOs involved in standardisation initiatives since the early 20th century and their relationship with state and corporate actors across different regulatory domains.

## Engineers, Industrialists and Diplomats: The (re)Organisation of Technical Governance

The involvement of civil society groups with technical standardisation responded to the strengthening intertwinement between science, industry, and central technologies behind the second industrial revolution, from electrification and communications to industrial organisation, metallurgy, and transport.[[5]](#footnote-5) As part of this, associations of engineers and scientists became organised into national and international societies seeking to promote knowledge exchange and cooperation across the industrialised world, which, by way of its imperial reach, influenced the rest of the globe (Murphy 1994; Charnovitz 1997; Headrick 1988). Some of these technical associations had markedly professional (and civil) origins, as it was the case of the British Standardisation Institution (BSI), which followed an initiative London’s Tower Bridge designer Sir John Wolfe-Barry and resulted in the formation of the British Standards Committee (BSC) in 1901. Others included corporate elements, as it was the case in the of the American Engineering Standards Committee (AESC), created in 1918 by professional engineering societies seeking to coordinate standardisation activities taking place within industrial firms (Loconto & Busch 2010).

These ‘epistemic communities’ – often bringing together scientists, aristocrats, business leaders, and diplomats, the most cosmopolitan individuals of the time – were central for the organisation of many of the international technical conferences taking place since mid-19th century, and the creation of the first International Public Unions (IPUs), the predecessors of modern international organisations. Hence, these efforts resulted in the creation of bodies such as the International Telegraphic Union (ITU, 1865), the International Union of Railway Freight Transportation (1893), and the International Association of Labour Legislation (IALL, 1900), the predecessor of the International Labour Organisation (ILO), among others. Certainly, the shadow of the state – and of business – was never far away, not only as the work conducted by technical societies complemented ‘intergovernmental work on weights and measures, money, banking transactions, and various areas of public administration’ (Murphy & Yates 2009, p.11), but as inventors and commercial developers also had major stakes in standard-setting processes (Büthe 2010b). This presented problems, as state and private actors could collude to maintain (and profit from) standard heterogeneity, and support minimal forms of international compatibility to prioritise national and sectoral preferences (Spruyt 2001).

The tension between these two aspects, national interests and technical considerations, and the increasing politicisation of technical negotiations, represented a disquieting development for technical groups advocating a civil and often technocratic vision of international norm-making. These tensions were evident from the start: the founding meeting of the ITU resulted in both a formal international treaty, signed by attending diplomats, and a separate *règlement*, signed by experts (Reinsch 1907, p.583). In other spheres, civil society actors managed nonetheless to create specialised bodies that excluded governments. The most representative of these was the International Electro-Technical Commission (IEC), founded in 1906 by electrical engineering associations, and generally referred as the oldest technical standard-setting body in existence. The IEC’s model involved ‘civil’ expert groups voluntarily participating in specialised and decentralised sub-committees setting standards over highly technical questions (Murphy 2015; Büthe 2010a), so that in the words of Paul Agnew (1928, p. 14), first secretary of the AESC, each technical subcommittee was ‘essentially a miniature industrial legislature organized upon a subject basis instead of upon a geographical basis’. The IEC can be considered the pioneer organisation representing the transnational ‘deliberative technocratic’ model that would influence later governance initiatives, from the ISO (created in 1947), the standard-setting agency per excellence,[[6]](#footnote-6) to sustainability reporting guidelines, such as the Global Reporting Initiative (GRI), and the decentralised networks behind the Open Software Movement (Soderberg 2008; White 1999).

These technical communities shared a strong cosmopolitan ethos based on the universality of scientific knowledge and on the ecumenical benefits technical standardisation carried for societal and economic progress. Scholars have highlighted the techno-progressive spirit behind the ‘evangelical engineers’ promoting bodies such as the EIC and ISO – two organisations that could be characterised as NGOs of NGOs, at least in their origins. The groups saw themselves as part of a global movement that was ‘practical, internationalist, modest, democratic, and process-oriented’ (Murphy & Yates 2009, p.14). Relevantly, this practical orientation was considered rational but also apolitical, differentiating them more idealistic and purist technical groups, but also from ideological actors, while making them more receptive to new ideas, and more flexible than intergovernmental bodies to respond to new challenges and developments.[[7]](#footnote-7)

The space for civil-technical norm-making would narrow dramatically following WWI and the Soviet Revolution, as labour governance and industrial standards became tightly coupled with matters related with inter- and intra-state stability (Murphy 1994; Silver 2003).[[8]](#footnote-8) While bodies like the IEC managed to successfully defend its civil society character from the encroachment of state interests, most IPUs did not. In this regard, the creation of the League of Nations formalised the nationalisation of global regulation, centralising the organisation of technical conferences and the activities of many international associations and conferences, and the sanctioning of international norms and recommendations. In this sense, in the early 20th century the brief spring of technical standardisation came to a sudden stop, displaced by a state-centric global governance architecture that would remain in place for the next fifty years. In this second period, the role of civil society and technical actors in international standardisation changed: civil society and technical groups, formerly core promoters and norm-entrepreneurs, became peripheral consultants to be granted or denied access to official international fora, such as for example, the United Nations Economic and Social Council (ECOSOC) (Charnovitz 1997).[[9]](#footnote-9) A good example of this is the ILO. While predecessor entities, such as the IALL, were led by legal experts, economists, and Christian social leaders, the ILO was re-founded as a corporatist institution revolving around a tripartite assembly integrated by governments, trade unions, and business representatives.[[10]](#footnote-10) The corporatisation of labour governance, that granted labour a seat in international negotiations, simultaneously excluded other civil society groups previously active in promoting labour-related norms, from women’s organisations to religious and radical social movements. More technical agencies like ISO also experienced the nationalisation of its initial civil society membership, as many developing states centralised industrial normalisation in purposely-created governmental agencies and institutes, with the consequence that by 1980s most ISO members were state-sanctioned bodies (Murphy & Yates 2009, p.21). In this manner, distinct from the corporatist ILO and the technocratic IEC, ISO came to represent a middle ground between state-centred and technical models of standard-setting – what in figure 1 is called the ‘public standardisation’ model – as experts remained central but participation was structured around national delegations supervised by official bodies.[[11]](#footnote-11)

The secondary position of NGOs in global governance lasted well until the sixties and seventies, albeit some civil society groups could influence developments in two areas with contrasting mixes of political and technical legitimacy (Charnovitz 1987, p.258). The first was human rights, where some civil society organisations inputted to the intergovernmental negotiations resulting in the UN International Covenant on Civil and Political Rights of 1966, as well as to other initiatives dealing with world heritage, decolonisation, and refugee matters. The other was nuclear and chemical weapons. Here technical expertise allowed networks of nuclear scientists, organised around groups such as the ‘Pugwash movement’, the international Conferences on Science and World affairs, and the Stockholm International Peace Research Institute (SIPRI), to influence the position of core states on the design of nuclear control regimes and conventions on chemical and biological weapons (Matousek 2010; Robinson 1998).

Across these initiatives, the universal character of technical knowledge was a strong source of legitimacy for actors working in different social domains. However, albeit this character possesses a certain civil ethos, expert epistemic communities did not necessarily meet the conventional distinctions separating NGOs from other type of organisations and sectors. Thus, when referring to nuclear arm controllers, Adler (1992, p. 112) considered: ‘They were one community, yet they were everywhere: dispersed among government bureaus, research organizations and laboratories, profit and non-profit organisations, university research centres, and think tanks’. This consideration is far from trivial, as the public model relegated NGOs to a secondary role within international norm-making that would start to unravel in the eighties and nineties, simultaneously obscuring distinctions between public, private, and civil society actors.

## Beyond NGOs? Multi-stakeholder Standards and ‘Communities of Governance’

The spread of private and multi-stakeholder initiatives, ranging from unilateral codes of conduct to multi-stakeholder certification schemes and public-private partnerships, followed a wave of civil society and media campaigns in the eighties and nineties against the practices of large corporations, and the recognition of the limited impact of intergovernmental frameworks such as OECD’s ‘Guidelines for Multinational Enterprises’ (1976), the ILO’s ‘Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy’ (1977), and the failed code of conduct for international business initiated by United Nations Conference on Trade and Development (UNCTAD) (Bartley 2003; Peña 2018; Hale & Held 2011; Rubin 1995). Contrary to intergovernmental and public models, these hybrid initiatives saw coalitions of firms, NGOs, academics, labour, and occasionally, state actors, adopting a technical standardisation model to deal with issues exceeding industrial and technical matters, on the basis that ‘standard organizations promise technical expertise without political entanglement’ (Timmermans and Epstein, 2010, p. 80; O’Rourke, 2003; Nadvi and Waltring, 2004; Pattberg, 2005; Sahlin-Andersson and Djelic, 2006; Bernstein and Cashore, 2007; Vogel, 2008; Abbott and Snidal, 2009). The notion that NGOs and business needed inclusion in global governance regimes was somehow institutionalised with the launch of initiatives such as the UN-led Global Compact in 2000,[[12]](#footnote-12) set to align corporate behaviour with universal principles of human rights, labour and environmental protection (Kell & Ruggie 1999), and with the growing involvement of ISO in ‘“soft” standards with significant public relevance’ (Clapp 1998, p.302), first in the area of environmental governance and later in the field of CSR.

However, as new multi-stakeholder initiatives started to engage with issues of significant social and political relevance, establishing a balance between technical competence and political participation became growingly complicated (Mayer & Gereffi 2010; Vogel 2010; Murphy 2015). This complication extended to civil society, as these initiatives could include more conventional advocacy NGOs motivated by principled beliefs, official sectoral associations acting in representation of specific constituencies, such as trade unions and consumer groups, technical and professional networks and associations, and an expanding array of GONGOS and BONGOS, government and business-organised NGOs (Abbott & Snidal 2009, pp.60–61). In these schemes, the role of NGOs as such can no longer be established in an isolated manner: rather, NGOs became part of complex and multi-layered networks, or communities, of governance, where they could occupy more insider (usually technical) positions, or a more outsider (political) ones, depending on the rules that govern the system in question (Prakash & Gugerty 2010, p.299).

In this article, I propose that this position depends to a substantial extent on the level of technical closure (or political openness) of the subject matter targeted by a given initiative. Hence, when this subject matter is open to political scrutiny and public debate, civil society actors can more readily wield political legitimacy to gain access and voice in international fora, although in practice, this is expected to favour resourceful and highly-institutional NGOs, usually well-connected with elite institutions. Now, as the technical character of the issue accentuates, the access/institutionalisation trade-off reverts, with political representation giving way to technical competency considerations. This reduces the opportunity for wide-spectrum NGOs to get involved, but also lowers institutional barriers, benefiting more informal and specialised groups to gain access, such expert associations.

This political/technical balance can be illustrated by looking at the type of civil society actors involved in multi-stakeholder initiatives emerging in this period. On the one end, for example, we find the board of the Global Compact, a ‘high-politics’ initiative promoting very general norms and benchmarks for organisations to follow in their activities. Its governance board is composed of CEOs from leading global firms, high representatives of international business and trade union federations, and civil society representatives. The latter, however, are very high profile, of the like of the Managing Director of Transparency International, the Director General of the International Union for the Conservation of Nature (former World Bank), the President of Imagine Africa International (former Secretary General of Amnesty International), and the chairperson of Ethos Institute of Enterprise and Social Responsibility (an influential business-backed Brazilian NGO). When we move towards more specialised initiatives, like the Marine Stewardship Council (MSC), which states as its mission to provide ‘science-based’ standards for sustainable fishing, the technical character of the actors involved becomes evident. Still, the MSC’s stakeholder council (in 2017) includes individuals associated with international NGOs like World Wide Fund (WWF), the Pew Charitable Trust, and the Nature Conservancy,[[13]](#footnote-13) but its technical advisory board includes experts associated with the International Council for the Exploration of the Sea, the International Seafood Sustainability Foundation, the Indian Central Marine Fisheries Research Institute, the International Seafood Sustainability Foundation, the Institute of Baltic Sea Fisheries, the Forest Stewardship Council (one of the first and most recognised private certification bodies), and individuals attached to private or public research institutions (MSC 2017).

Furthermore, technical and exclusive orientations were noted to be reinforced by an endogenous identity developing among those participating in transnational governance, an identity characterised not so much by sectoral belonging but by normative orientation and organisational knowledge. Hence, individuals and bodies involved in transnational governance initiatives have been noted to emphasise an ideology focused on values of transparency, inclusiveness, and deliberation, plus a preference for multi-sectoral norm-setting structures and market-based implementation mechanisms (Pattberg 2006, p.725).[[14]](#footnote-14) On this basis, some scholars started to discuss standardisation as a separate domain of transnational action that surpasses private/non-private distinctions, using categories such as ‘global public policy networks’ (Benner et al. 2004), ‘organisational field’ (Dingwerth & Pattberg 2009), ‘transnational communities of practice’ (Bartley & Smith 2010), or ‘sustainability networks’ (Ponte & Cheyns 2013). In this sense, the technical-laden character of standardisation, plus the development of a technocratic multi-sectoral identity, has blurred the classic separation between NGOs and non-NGOs, and the manner in which legitimacy is inputted into these schemes. Participation in these networks often is heavily predicated on the possession of exclusive knowledge resources: insider experience in standardisation processes and bureaucracies, professional and peer recognition, and organisational capacity to boot – which again has favoured well-resourced service-providing Northern NGOs (Benner et al. 2004, p.199; Ponte & Cheyns 2013; Boström & Hallström 2010; Pattberg 2005).[[15]](#footnote-15)

Thus, while in intergovernmental governance and public standardisation the outsider identity of NGOs actors supported arguments about a normative civil society contribution, with NGOs emerging as sectoral advisors or societal advocates, in multi-stakeholder and technical initiatives, the role of NGOs and civil society groups is more ambivalent, as some elite NGOs can exploit their social representative credential while simultaneously wielding their technical competency to marginalise groups considered exogenous and illegitimate.[[16]](#footnote-16) For critics, this makes private and multi-stakeholder standardisation a sphere suffering from the problems of ‘NGO-isation’, with transnational harmonisation conflating with technocratic, bureaucratic, and neoliberal rationalities promoted by elite international organisations and transnational firms (Fransen & Kolk 2007; Kerwer 2005). In this sense, it could be considered that standardisation, as a logic of governance, reveals the extent to which conventional definitions of civil society were crafted according to political-normative views of the state and the economy, at least in the tradition of Anglo-Saxon political philosophy (Rucht 2011). However, when approaching civil society from the direction of functional expertise, and the notion of epistemic communities, a strict separation between civil society, state, and the economy can no longer be sustained, questioning the characterisation of NGOs as inclusive non-instrumental actors.

The functioning of standardisation in two different technical domains serves to illustrate this ambiguity further: international accounting standards and internet governance. The first is an interesting case because, while accounting practices affect the interests of very powerful actors, these standards have been developed largely by a non-profit organisation, the International Accounting Standards Board (IASB), which has managed to retain a significant degree of autonomy (Perry & Nölke 2006; Porter 2005; Botzem & Quack 2009). But the IASB achieved this autonomy by becoming a highly technocratic and exclusive body: originally formed by (Anglo-American) professional associations, and for a period operating on a multi-stakeholder format, since 2001 it mutated into a technical standard-setter run by a 15-member board without any form of democratic accountability or regional representation (Botzem & Dobusch 2012, p.751). This is possible, partly due to the tight institutional coupling that in this field exists between professional bodies, national regulatory agencies (from core countries), and the ‘Big Four’ accounting firms (Pricewaterhouse Coopers, KPMG, Deloitte, and Ernst & Young), who are essentially the sole purveyors of finance and knowledge (and thus, of input legitimacy) for regulatory agencies. This tight coupling between experts and practitioners has reinforced a highly autonomous, homogenous and transnational expert culture, insulating the IASB from external interference while facilitating the displacement of national professional and regulatory bodies (Botzem 2005; Porter 2005).

The case of internet governance is similar albeit it underlines the political/technical duality cutting across civil society configurations. Moreover, this is a field where core regulatory activities are led by hybrid multi-sectoral institutions, such as the Internet Engineering Task Force (IETF), the Internet Activities Board (IAB), the Internet Corporation for Assigned Names and Numbers (ICANN), and the World Wide Web Consortium (W3C), where civil, corporate, and public distinctions agencies and competencies intertwine in complex forms (Denardis 2009; Murphy 2002). The IETF is perhaps the most intriguing of these bodies: the principal developer of internet protocol standards, it started activities as a group of computer scientists, researchers, and academics supported by the US government, but has since evolved into an open and unincorporated ‘community’ (this is how it defines itself) with no formal membership or conditions of entry (IETF 2017a). Its pragmatic and technocratic regulatory philosophy was famously synthesised in 1992 by David Clark, chair of the IAB, who stated: ‘We reject: kings, presidents, and voting. We believe in: rough consensus and running code’ (Denardis 2009, p.47).[[17]](#footnote-17) This philosophy aims for a norm-setting process that is ‘as short and simple as possible without sacrificing technical excellence, thorough testing before adoption of a standard, or openness and fairness’ (IETF 2017b).[[18]](#footnote-18)

The IETF’s vision and set up reflect the input/output legitimacy trade-off at play as standardisation becomes increasingly technical. For scholars such as Denardis (2009, pp. 208–210), this body constitutes one of the best instances of ‘democratic’ standardisation available: it is knowledge-based, deliberative, transparent and open, certainly more so than public standard-setters such as ISO or ITU which scrutinise participants according to institutional and national membership. At the same time, the IETF is an extremely technocratic body. Active participation requires mastering knowledge in a field where, as with the case of accounting standards, there is significant overlap between the community of governance, ‘high tech’ knowledge institutions, and the activities of IT and internet giant firms.[[19]](#footnote-19) In practice, this imposes very high barriers to entry for most individual and organisational actors while reinforcing a tight and homogeneous collective identity: in the case of the IETF, mostly US-centred, with no representation of users, and characterised by the libertarian ethos enshrining freedom and efficiency common among programmer communities (Coleman & Golub 2008).[[20]](#footnote-20)

In these two highly technical and closed-off domains, we can see how technical and political legitimacy emerge as orthogonal categories, irrespective of sectoral belonging. These two examples point towards very different assessments about the contribution of NGOs to governance arrangements, and raise questions about the relevance ‘NGO’ as a category has for illuminating relevant aspects of standardisation and governance: it is hard to see NGOs in a ‘pure’ manner when we are confronted with nested networks involving experts, international bureaucracies, NGOs of sorts, corporate actors, and state offices and regulators. At best then, if we accept epistemic communities as a civil society category, we could say that non-state actors continue to occupy central roles in the development and promotion of international standards, wielding substantial influence in a diversity of fields. Instead, if we maintain more political and liberal definitions of civil society, the picture is less positive: the more technical certain fields become, the more limited the capacity outsider NGOs have to wield influence as social advocates, and the higher technical identities would displace representative concerns.

## Conclusion

This article has discussed the role of civil society actors and NGOs in different moments and initiatives of technical standardisation. It has done so through a framework that considered four archetypal roles played by NGOs, posing that NGO participation can entail a combination of political and technical legitimacy inputs. On this basis, the article indicated that, while civil society organisations have had an active history in promoting and supporting different formats of international and transnational regulation, their role and character has changed, accommodating to the general orientation of states and international institutions, and to the degree of politicisation/technocratisation of specific themes and arenas. Accordingly, the article questions the dominant liberal normative treatment of NGOs and their contribution to international governance, nuancing this according to the tension between two logics at play within modern society. This tension hides strong contradictions that perhaps only become starkly evident in the extreme, in instances of high technocratisation or high politicisation, instances where the conventional (liberal) normative/participatory role attributed to civil society blurs. For instance, let’s go back to the case of the IETF. This community, in principle highly rational, transparent, and democratic, treats the inputs of its participants as *individual* contributions: even when most of the experts work for powerful stake-holding organisations, their opinions to the forum are not considered to represent organisational or sectoral interests, but apolitical and individual technical opinions. In a rather Huxleyan fashion, this reminds us that just as in a totalitarian environment there is little space for politics and individual freedoms, in an ideal world of pure technical expertise and rationality, there is little space for participatory claims, cultural identities, and normative disagreements.

In a little-known article (at least according to his later standards), a young Robert Putnam (1977) assessed the rising ‘technocratic mentality’ found among elites in both capitalist and communist societies.[[21]](#footnote-21) Optimistically, Putnam observed that ‘although the future belongs to the technically trained, it needs not belong to the technocrat’ (Putnam 1977, p.409): not only nothing indicated that experts would concur with each other on the substance of policy but more importantly, this technocratic turn coincided with a visible secular tendency towards more responsive governance, political equality, and mass political participation. Putnam was not wrong: both technical knowledge and political participation have advanced and now exist as structuring dimensions of contemporary (capitalist) society, more than he could have ever imagined. But whether these tendencies are aligning or diverging remains an open and pressing question, in an era marked by the growing pervasiveness of highly complex expert systems, technologies, and organisations, unforeseen political applications of complex technologies, and troublesome grassroots reactions against the authority of elites and technocrats. As a recommendation, scholars of civil society should leave aside axiomatic and orthodox positions to pay greater attention to the rapidly evolving interface between politics, technology, and the economy; to changing values, identities, and interests stemming from new civil society spaces, to regulatory demands and technological advances shaping social interactions, and to the rapidly developing ‘knowledges’ civil society actors require to have participation, voice, and influence in non-conventional spheres of political action.

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1. To be true, assessments about ‘bad’ civil society exists, though they are scarce (Chambers & Kopstein 2001; Bob 2012; Prakash & Gugerty 2010) [↑](#footnote-ref-1)
2. In the words of Boli and Thomas (1997, p. 182): ‘This is the core of world culture: technical, functional, rationalizing, highly differentiated […] and peculiarly invisible’. As pointed by Star and Lapland (2009, p,11), perhaps a reason for this neglect is that standards are boring, appearing fixed and neutral, often associated with routine background infrastructures. [↑](#footnote-ref-2)
3. This dual model is of course, highly simplistic. In addition to cultural and expertise questions, standards can be set *de facto* by market dynamics (Grindley 2002). [↑](#footnote-ref-3)
4. Habermas struggled to incorporate this possibility, distinguishing between emancipatory ‘offensive’ and particularistic ‘defensive’ social movements (Ray 1993, p.62). [↑](#footnote-ref-4)
5. Spruyt (2001)provides a relevant analysis of standard-setting in pre-modern contexts. This is complemented by Charnovitz (1997)’ analysis, which situates the emergence of NGO involvement in international governance in the late 18th century, in relation to issues such as slave trade, workers solidarity, peace and free trade. [↑](#footnote-ref-5)
6. ISO currently coordinates hundreds of national standards committees involving around 100,000 participants. [↑](#footnote-ref-6)
7. ‘The division of labour across technical committees reflects the functional differentiation of the world in which standards may be needed and its points to the specific expertise relevant to the field. The inclusion of representatives of all stakeholders and the ideal of decision by consensus help assure that standards are legitimate, and hence, widely adopted. The voluntary nature of standards produced assures that they would not impede innovation; inventors and entrepreneurs are spared the rigidity of autocratic regulation.’ (Murphy and Yates, 2009, p. 15). [↑](#footnote-ref-7)
8. Scientific internationalism historically developed in tension with scientific nationalism, given the obvious crossovers between physical sciences and military applications, but also due to the very logic of competition embedded in scientific activity (Stroikos 2017). [↑](#footnote-ref-8)
9. This included NGOs as different as the International Federation of Trade Unions, the International Commerce Chamber (ICC), an early promoter of industrial standardisation and international trade, and the Rotary Club, to name a few. [↑](#footnote-ref-9)
10. This reflected both the European post-War paradigm of ‘national welfare capitalism’, and the jealousy of post-war governments to commit to international rules over sensitive questions such as labour (Standing 2008, p.356). [↑](#footnote-ref-10)
11. This logic has been indicated to generate some problems, as participants were expected ‘to represent a national point of view while at the same time as an expert he or she was expected to be an objective individual’ (Hallström 2004, p.70). [↑](#footnote-ref-11)
12. Former UN Secretary General Kofi Annan (1998, p. 134) actively promoted this agenda, considering that NGOs and firms had become an ‘operational partner’ of international organisations. [↑](#footnote-ref-12)
13. Alongside representatives from the Australian government, the Norwegian Fishermen’s Association, and Carrefour, among others. [↑](#footnote-ref-13)
14. This ‘pragmatic’ identity shares commonalities with that of the early evangelical engineers behind initiatives such as ISO. [↑](#footnote-ref-14)
15. This even led to the formation of meta-governance bodies, networks of multi-sectoral standardization bodies, International Social and Environmental Accreditation and Labelling (ISEAL), working to normalise the production of standards over certain issues. ISEAL’s full members include the Fair Trade International, the FSC, the MSC, the Rainforest Alliance, the Roundtable on Sustainable Palm Oil, among others (Fransen 2015) [↑](#footnote-ref-15)
16. Boström and Hallström (2010, p. 54) noted that long-term involvement in multi-stakeholder organisations could generate ideological and identity conflicts among civil society actors, due to clashing demands and logics. [↑](#footnote-ref-16)
17. This was said during a conflict when part of the IETF community opposed the introduction of a standard developed by ISO, considered by IETF members as an intrusion by a ‘politicised’ body. [↑](#footnote-ref-17)
18. Rough consensus means that decisions do not consider majority rules but rather a general sense of agreement/disagreement by a group convenor, while running code points to rapid user uptake. [↑](#footnote-ref-18)
19. For example, current IETF Working Group leaders include the Director of Network Technology for Time Warner, leading engineers in Cisco, Microsoft, Google, and Huawei Technologies, and senior researchers at Bell Laboratories and Trinity College Dublin, among others. [↑](#footnote-ref-19)
20. This spirit is also colorfully summarised in the phrase by Richard Stallman, father of the Open Source Software movement: ‘Free software is a matter of liberty, not price. To understand the concept you should think of free as in free speech, not as in free beer’ (GNU 2018). [↑](#footnote-ref-20)
21. Interestingly, he highlighted a difference between experts trained in natural and technical disciplines; who understood their roles in terms of ‘apolitical expertise’, felt animosity against the political process, and were relative insensitive to conflicting social interests and issues of distributive justice, from those trained as social scientists, more inclined to affirm the reality of social conflict, the importance of social justice, and to assume markedly political stances as policy advocates. [↑](#footnote-ref-21)