Achieving Consensus Despite Opposing Stakes: A Case of National Input for an ISO Standard on Sustainable Wood

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ABSTRACT

Decision-making in many standardization committees is consensus-based, but this can be difficult to achieve if stakeholders have conflicting interests. This article develops an approach to consensus-building in standardization by applying the Harvard method of negotiation to standardization. The authors apply this method in a single case study using action research. The case concerns the first meeting of a national standardization committee aimed at preparing national input for a new ISO standard on sustainable wood. Some stakeholders were in favor of a new standard, others opposed it strongly. Consensus was achieved during the first meeting by adopting the Harvard method and by adding a role play exercise. This outcome is promising for similar standardization cases. Both topic and research method are new in standardization research.

KEYWORDS

Action Research, Chain of Custody, Consensus, Forestry, FSC, ISO, PEFC, Role-Playing, Standards Development, Sustainability

INTRODUCTION

Many standardization organizations prescribe consensus-based decision-making. Achieving consensus can be difficult, particularly if stakeholders’ interests differ substantially. Prominent papers about the process of standards-making lack attention to the art of reaching consensus (e.g., Backhouse, Hsu, & Silva, 2006; Dokko, Nigam, & Rosenkopf, 2012; Fransen & Kolk, 2007; Markus, Steinfield, & Wigand, 2006; Nickerson & zur Muehlen, 2006). Van den Ende, van de Kaa, den Uijl, and de Vries (2012) argue that in order to involve stakeholders with different interests, the standard’s contents may need modifications, otherwise the standard may not be acceptable to them. Mallard (2000) describes the process of writing standards in more detail, but does not focus on achieving consensus. Ewald (1996) shows the subtle role of power in standardization – via language, objectification, relativization, stakeholder representation, and the rules and practices of a standards body. It typically lacks a transcendent reference and a presumption of equality that are characteristic for democracy. Therefore, consensus-building in standardization differs from the political form of consensus. Taking the example

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of environmental standards, Mayntz (1990) describes the challenge of achieving consensus among participants with conflicting stakes. However, in her paper, the standardization committee is a black box. Jakobs, Procter, and Williams (2001) open the black box, examine the functioning of working groups in charge of making standards, and give insights in how participants with different backgrounds (e.g., producers and users) develop standards. However, they do not explicitly address consensus. Van de Kaa and de Bruijn (2015) suggest that achieving consensus may be stimulated by the perspective of future or enduring gains, voting rules, a sense of urgency, and an incentive to compromise. However, their empirical data on IEEE 802.11 fail to underpin this. In the IEEE procedures, majority voting provides an escape if consensus cannot be achieved. Our paper develops an approach to consensus-building based on negotiation theory and explores its feasibility in a case study.

Standardization organizations that subscribe to the World Trade Organization’s principles should establish consensus procedures that seek to consider the views of all parties concerned and to reconcile any conflicting arguments (World Trade Organization, 2014, p. 124). Normally, these procedures only prescribe that decision-making in committees is consensus-based and often this is followed by voting on the draft standard. But how can consensus be achieved in cases of conflicting interests? Here, hardly any guidance is available. The problem of opposing stakes is core to negotiation theory. We apply the Harvard method (Fisher & Ury, 1983) to standardization. Their method of ‘principled negotiation’ to find acceptable solutions by determining which needs are fixed and which are flexible for negotiators seems to be well-applicable to standardization. We have chosen not to review other literature on negotiation theory, but rather apply the Harvard method to standardization immediately and then use this in the form of action research in an empirical case to explore the feasibility of this approach.

The International Organization for Standardization (ISO) defines consensus as a “general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments” (International Organization for Standardization & International Electrotechnical Commission, 2004). The consensus principle gives interested parties the power to block or at least delay the development (Simcoe, 2012) and may indeed lead to considerable delays (Rada, 2000). Standards bodies may therefore interpret consensus in slightly different ways. The ISO itself has embedded consensus-based decision-making in its processes. Working Groups (WGs) write standards, which are approved by Technical Committees (TCs) or, if applicable, Subcommittees (SCs). National ISO members of the TC vote on drafts. These national members are National Standards Bodies (NSBs), which normally have a committee structure in place called National Mirror Committees (NMCs). ISO’s standard development process has various stages. The decision to circulate an enquiry draft is consensus-based:

It is the responsibility of the chair of the technical committee or subcommittee, in consultation with the secretary of his committee and, if necessary, the project leader, to judge whether there is sufficient support bearing in mind the definition of consensus given in ISO/IEC Guide 2:2004. Note: Consensus need not imply unanimity. (...) In the process of reaching consensus, many different points of views will be expressed and addressed as the document evolves. However, “sustained oppositions” are views expressed at minuted meetings of committee, working group (WG) or other groups (e.g. task forces, advisory groups, etc.) and which are maintained by an important part of the concerned interest and which are incompatible with the committee consensus. The notion of “concerned interest(s)” will vary depending on the dynamics of the committee and must therefore be determined by the committee leadership on a case by case basis. The concept of sustained opposition is not applicable in the context of member body votes on CD, DIS or FDIS! since these are subject to the applicable voting rules. Those expressing sustained oppositions have a right to be heard and the following approach is recommended when a sustained opposition is declared.
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