

## ISO26000: BUILDING CONSENSUS, FROM VIENNA TO SANTIAGO

Dear fellow experts,

*This letter shows the personal perspectives and suggestions of its co-authors, regarding the controversy at the closing plenary of the Vienna meeting, and about the next steps on the process of building ISO26000. We do not intend to re-open decisions already taken, neither to create pressure or any sort of doubts about the process or its leadership. It is just a means to share our thoughts with our respective stakeholder groups, aiming to support the process and to increase its quality and speed. If you also agree with this letter, you may show your support forwarding it to the WG SR leadership, to your stakeholder group, to your representatives at IDTF, and to your mirror committee experts. Or you may comment it, and also share your contribution on this issue.*

At the closing plenary of the 5<sup>th</sup> ISO/WG/SR Meeting, in Vienna, a very difficult and controversial decision was taken, regarding to proceed or not from the WD to the CD phase in the process of building ISO 26000. There is a clear consensus that time and resource constraints - as well as expectations of the rest of the world and the dynamics of environment and society – urge us to deliver the first version of ISO 26000 as soon as possible. No voice against this was heard in Vienna.

- So, why not move forward to a CD phase?
- Why we could have decided to move forward to a CD phase?
- Why haven't we decided that way?
- How can we still recover the speed of the process and keep on the target schedule?

With all due respect to the outstanding results so far achieved by the Working Group - in large measure based on its democratic, wise and sensitive leaders and experts - and without any intent to undermine the authority of either the leadership or the rules of the process, the experts signing this document would like to share with their fellow stakeholder groups and mirror committees their perceptions about what happened (and why) and some ideas about moving forward. Decision is taken, we agree, but it is essential to recall the steps that led to it, in order to inform the next ones.

### Why not move forward to a CD phase?

The main points raised by those who were not favorable to move to a CD phase were based on the following arguments:

- The document still needs improvements to be ready to become a CD, and forcing it into that phase would cause greater delays than working through these challenges in the more flexible WD phase.
- There is a risk that minority groups will lose their voices if consensus building is moved to the level of national mirror committees, as it would happen in a CD phase. The reason for this would be that, if any minority is overwhelmed by the majority in a mirror committee, the consensus position sent to the WG will not reflect their disagreement.
- Not all mirror committees have representatives of all stakeholder groups, thus there is a fear that rushing the process will risk new experts being dragged into the process just to fulfill this requirement, maybe without the qualification needed.

### Why we could have decided to move forward to a CD phase?

- At the CD phase the document is still flexible to changes and can be improved. Getting into CD phase would enhance the necessity to build national consensus and would lead experts to the prioritization of comments and topics for negotiation.

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- To improve the quality of ISO 26000 draft text, the WG SR created the Integrated Drafting Task Force (IDTF), with balanced and effective representativeness of regions, stakeholder and gender. Also:
  - IDTF has a meaningful base of comments, debates and advice to work with, in addition to an explicit mandate to provide for feedback mechanisms and reporting to stakeholder groups.
  - Institutional memory is guaranteed by the presence of drafters from the previous phases, as well as by a number of “fresh eyes”, documents and contact persons from TGs 4/5/6 and WD3 drafting teams.
  - IDTF works for not only the technical content of the document, but also as a channel for strong expression from the minority stakeholder groups.
- The consideration of minority’s concerns facing the consensus building at national level is also clearly safeguarded by the operational procedures shown in document N131 (Operational procedure on national inputs to the WG SR). This clearly reflects the commitment of the leadership to consider and protect the rights of minorities to be heard in WG SR, including at the CD phase. Some examples of such safeguards include:
  - provision that stakeholder groups’ positions in disagreement with their mirror committee consensus should be taken into account separately and transmitted to WG SR;
  - identification of which stakeholders from each mirror committee are signing the comments;
  - clarification that “no comments” means support to existing text;
  - enhancement of the importance to equal treatment for each stakeholder group at mirror committees, regardless of how many members the group has; and
  - requirement that mirror committees should provide a list of stakeholder groups present in its process, explaining the absence of some, if relevant.
- On top of that, both N131 and Vienna’s resolution #9, urge national mirror committees to complete and improve the presence of stakeholder group representatives from all six categories in their work, observed WG SR provisions, as in N48 rev1 (Definition of stakeholder groups).

### Then, why didn’t we move forward to a CD phase?

- Despite all arguments and safeguards, there was a minority in the plenary that strongly rejected the idea of moving forward to a CD phase, and remained attached to the arguments firstly presented, among others. This was interpreted as an exercise of the right that any expert has, which is to raise a sustained opposition against something that he or she thinks is wrong or harmful to the group’s task. A sustained opposition might be interpreted as unfair only if exercised by the expert as a means to defend their own individual interests.
- As stated by the plenary chairs, previous consultation that has been exhaustively made at many WG SR bodies shown that this minority but significant opposition would not cease. Plenary chairs also stated that possible compromises were tried during the previous consultation, but were not successful, due either to time constraints or anticipated difficulties in the drafting process and its broad consultation phases.
- Facing this situation and its background, the plenary chairs – according to ISO rules and recognizing the inexistence of consensus - took the only possible decision, which meant not to move forward, thus keeping the process in the WD phase. This was clearly a bitter decision, against the vast majority of the group and the will of the leadership, but was the responsible way to prevent future and even worse problems and delays.

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### How we can still recover the speed of the process and keep on the target schedule:

- In order to maximize the productivity in the period from Vienna to Santiago, and to increase the chances of moving quickly after Santiago, some actions can be taken:
  - To immediately start working actively to build consensus within national mirror committees;
  - To struggle to achieve full representation and participation of all stakeholders within national mirror committees, encouraging NSBs to broadly call representatives from all six stakeholders categories, and to follow guidance provided in documents N131 (Operational procedure on national inputs to the WG SR) and N48 rev1 (Definition of stakeholder groups);
  - To prioritize comments in order to reduce their overall amount and allow focus on the most relevant topics (quality is better than quantity). This should not be interpreted as an incentive to disregard any specific stakeholder's concerns, but rather to ask for clarification about the most relevant topics that might stop consensus.
  - To develop within each stakeholder group a firm willingness to compromise, getting clarity on the main conflicting aspects, and setting priorities about what can be changed, and what is part of an essence or principle, that should not be lost. To recognize that the final document will not be perfect for any part involved, but will be acceptable by all, as a good basis to proceed.
  - To closely support stakeholder representatives involved in the IDTF, allowing them to work efficiently and providing them with inputs and feedback from their stakeholder groups (which should be based, whenever possible, in consensus amongst the groups' members, and reflecting the mentioned willingness to compromise).

The experts signing this letter ask all their fellow experts to consider these proposals and reflections, working in cooperation to keep ISO/TMB/WG SR active and productive, reiterating confidence in the process and in its members and leadership, and thus keeping it able to accomplish the greater task and objectives embraced by ISO and the Working Group.

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