Compendium of International Organisations' Practices

WORKING TOWARDS MORE EFFECTIVE INTERNATIONAL INSTRUMENTS

OECD

Compendium of International Organisations' Practices

WORKING TOWARDS MORE EFFECTIVE INTERNATIONAL INSTRUMENTS

OECD
BETTER POLICIES FOR BETTER LIVES

This work is published under the responsibility of the Secretary-General of the OECD. The opinions expressed and arguments employed herein do not necessarily reflect the official views of OECD member countries.

This document, as well as any data and map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

Please cite this publication as:
OECD (2021), *Compendium of International Organisations' Practices: Working Towards More Effective International Instruments*, OECD Publishing, Paris, *https://doi.org/10.1787/846a5fa0-en*.

ISBN 978-92-64-94705-4 (print)
ISBN 978-92-64-75302-0 (pdf)

Photo credits: Cover © Andrew Esson.

Corrigenda to publications may be found on line at: *www.oecd.org/about/publishing/corrigenda.htm*.

© OECD 2021

The use of this work, whether digital or print, is governed by the Terms and Conditions to be found at *http://www.oecd.org/termsandconditions*.

Preface

In today's complex and interconnected world, governments, citizens, businesses and civil society increasingly recognise that they cannot overcome the global challenges of today and tomorrow by acting alone. From combating pandemics, developing vaccines, and addressing climate change, biodiversity loss or ocean acidification to tackling corruption and fighting tax evasion, international organisations (IOs) play a critical role in helping governments across numerous policy fields. They provide vital platforms for sharing evidence, exchanging experiences, forging common approaches and developing joint instruments that, in turn, enrich evidence-based rulemaking at both the national and international level. They are the backbone of effective global co-operation and governance.

And yet, at a time when a global pandemic, climate change and other global emergencies require urgent, joint action, the multilateral system is showing its cracks and weaknesses and IOs are increasingly under pressure. Their pursuit of consensus, expert-driven approaches and responsiveness to members' needs can make them appear bureaucratic, slow and distant to many citizens. The deepening mistrust in public institutions has fuelled scepticism about the effectiveness of the international rules-based system. As governments are under pressure to strengthen their democratic systems, rulemaking processes and governance to best serve their constituencies, IOs, too, are forced to reflect on their own effectiveness and impact vis-à-vis the members and citizens they serve. The Partnership of International Organisations for Effective International Rulemaking (IO Partnership) has recognised the fractures, real and perceived, in the architecture of global governance. Since 2014, some 50 IOs have been working together to better understand and tackle the central challenges and criticisms they face. For eight years, the organisations in this Partnership have carried out detailed and comprehensive analytical work, combining their insights and experiences to improve international instruments.

This *Compendium of International Organisations' Practices: Working Towards More Effective International Instruments* brings together the lessons gathered by those IOs. It is the product of dialogue among IO secretariats, OECD members and leading academics. Mindful of each IO's different mandates and rulemaking practices, this Compendium untangles the web of worldwide rules to bring clarity to the international landscape, and sets out key building blocks for more effective, efficient and transparent international instruments going forward. Ultimately, this IO Compendium helps the international community in a number of ways: it supports a rethinking of international rulemaking, prompts the multilateral system more broadly to become more inclusive of members and stakeholders and promotes greater transparency and responsiveness in addressing their needs and priorities. It should help IOs to fulfil their mandates more effectively and efficiently to the benefit of their members, and ultimately the citizens they serve. We hope it will prove helpful for joining forces to create the public goods we need for a resilient future.

Mathias Cormann,

Secretary-General,

Organisation for Economic Co-operation and Development (OECD)

Fransisco Lima Mena,

Secretary-General,

Secretariat for Economic Integration of Central America (SIECA)

Monique Eloit,

Director General,

World Organisation for Animal Health (OIE)

Kunio Mikuriya,

Secretary-General,

World Customs Organization (WCO)

Anna Joubin-Bret,

Secretary,

UN Commission on International Trade Law (UNCITRAL)

Martin Milton,

Director,

International Bureau of Weights and Measures (BIPM)

Sergio Mujica,

Secretary-General,

International Organization for Standardization (ISO)

Foreword

The *Compendium of International Organisations' Practices: Working Towards More Effective International Instruments* represents a collective effort to reinforce and improve the process of international rulemaking, the backbone of global co-operation, for better impact and results for countries and their citizens. The document is designed to serve not only all national and international policy practitioners, but also civil society actors, academic experts, private actors, and citizens who seek to understand, benefit from and perhaps even contribute to the international rulemaking process, which is meant to benefit all.

This Compendium examines the rulemaking practices, governance arrangements, and organisational dynamics of international organisations from across and beyond the IO Partnership. A first chapter examines the diversity of instruments comprising the international rulemaking ecosystem. The subsequent sections describe the trends and challenges in international rulemaking, and set out key principles for improving the implementation and evaluation of international instruments, ensuring efficient stakeholder engagement and maximising opportunities for co-ordination across IOs.

The IO Compendium is the most recent contribution to a growing body of work on IOs carried out by the IO Partnership. This includes a broad-based stocktaking report in 2016 on *International regulatory co-operation: the role of international organisations in fostering better rules of globalisation*, a synthetic Brochure in 2019 on *The contribution of international organisations to a rule-based international system*, and eleven case studies of individual IOs. These analytical milestones have emerged from collaborative exchanges in working groups, annual and technical meetings, brainstorming sessions, academic discussions and workshops and thematic webinars. In September 2020, the IO Partnership reaffirmed its commitment to improving international rulemaking through a *Joint Statement from the Secretariats of the International Organisations* to continue working together to improve the quality of international rulemaking.

The IO Compendium was developed collaboratively between the OECD Secretariat, the IO Partnership Focal Points and the secretariats of participating IOs, via five dedicated working groups (see acknowledgements). A first draft was circulated to the IO Partnership and other participants in the 7th Annual Meeting of the IO Partnership to serve as background material for the discussions. It was then submitted for comments to the OECD Regulatory Policy Committee (RPC), the IO Partnership and Academic Friends of the IO Partnership in October-November 2020, then revised and submitted in a new iteration to the same constituency in March-April 2021. The content builds on two surveys of IO partners carried out in 2015 and 2018 and periodic discussions held within the IO Partnership and working groups between November 2019 and July 2020 as well as analytical work conducted in the context of the IO Partnership on international rulemaking since 2014. It also builds on lessons of individual IOs gathered through 47 detailed IO practice templates filled in by participating IOs throughout 2020. The final report was prepared for publication by the OECD Secretariat.

Acknowledgements

This report is the result of a collaborative, integrated process with all partner international organisations working together within the Partnership of International Organisations for Effective International Rulemaking (IO Partnership), through regular working group discussions and active participation in technical and annual meetings. In practice, it was developed by the OECD Public Governance Directorate (GOV) under the leadership of Elsa Pilichowski, Director, and Nick Malyshev, Head of the Regulatory Policy Division, in close co-ordination with the focal points of IO Partnership working groups, in particular Gandia Robertson (OECD Directorate for Legal Affairs); Caroline Nicholas (UNCITRAL), Karen Bucher (OIE); Claudia Nannini (WHO); Belinda Cleeland (ISO); Valentina Ferraro, Annegrett Rohloff and Maka Khvedelidze (WCO); Rahima Guliyeva and Andy Henson (BIPM); and Desiree Garcia (SIECA). It was co-ordinated and drafted by Céline Kauffmann and Marianna Karttunen, with significant contributions from James Correia, valuable inputs from Camila Saffirio and strategic leadership from Nicola Bonucci, Facilitator of the IO Partnership. The authors are very thankful to the OECD Directorate for Legal Affairs, particularly Céline Folsché and Gita Kothari, for their useful insights as well as to the rest of the Regulatory Policy Division. The IO Compendium was prepared for publication by Jennifer Stein.

The OECD Secretariat is very thankful to the focal points of the IO Partnership's working groups for their skilful channelling of working group member contributions, substantive inputs and dedication to this collaborative project. Special thanks also go to the secretariats of participating IOs who were active throughout the drafting and review of the IO Compendium, who submitted IO practice templates throughout 2020 as well as detailed responses to a largescale Survey of IOs carried out in 2018, which together represent the core evidence underpinning the IO Compendium.

The authors extend their gratitude to the Academic Friends of the IO Partnership, a dedicated network of experts on international organisations, for providing practical and constructive feedback throughout the development of this project and enhancing its analytical depth and relevance. In particular, the authors thank Ayelet Berman (National University of Singapore); Rita Guerreiro-Teixeira (KU Leuven Centre for Global Governance Studies); Oliver Westerwinter (University of St Gallen); Jeffrey Wool (Oxford University); Robert Wolfe (Queen's University, Canada); Angel Saz-Carranza (ESADE Business School) for their insights throughout the development of the IO Compendium.

The delegates of the OECD Regulatory Policy Committee (RPC) were also instrumental in the production of the report to bring the perspectives of the OECD Members. In particular, the Steering Group on International Regulatory Co-operation provided a key forum for gathering guidance in this regard, bringing together representatives from Canada, Chile, Colombia, Germany, Mexico, Israel, New Zealand, Norway, the United Kingdom, the United States, and the European Commission.

Table of contents

Abbreviations and acronyms 10

Executive summary 12

Background on the IO Partnership 14
- A structured framework 14
- IO partners 15
- Five working groups 15
- The story so far 15
- Methodology and process for developing the IO Compendium 16
- Notes 17

Glossary of key terms used in the Compendium 18
- References 19

1 Building understanding of the variety of international instruments 20
- Introduction 21
- Rationale 21
- Typology: families of instruments 22
- State of play on the variety of international instruments 24
- Notes 33
- References 33

2 Strengthening the Implementation of International Instruments 37
- Introduction 38
- Rationale 38
- Typology: Implementation mechanisms and tools 39
- Key principles of implementation 41
- State of play on implementation mechanisms of IOs 45
- References 56

3 Developing a greater culture of evaluation of international instruments 59
- Introduction 60
- Rationale 60
- Typology: evaluation mechanisms 61
- Key principles of evaluation 62
- State of play on evaluation of international instruments 65
- Notes 76
- References 76

4 Ensuring efficient stakeholder engagement 79
Introduction 80
Rationale 80
Typology: actors and modalities of stakeholder engagement 81
Key principles of stakeholder engagement 83
State of play on stakeholder engagement 86
References 97

5 Maximising the opportunities for co-ordination across IOs 100
Introduction 101
Rationale 101
Typology: areas and procedures of IO co-ordination 103
Key principles of co-ordination 106
State of play on co-ordination among IOs 109
Notes 119
References 119

Annex A. List of international organisations supporting the Partnership for Effective International Rulemaking (updated December 2019) 123

Tables

Table 1.1. Families of instruments: defining features, benefits and challenges 23
Table 3.1. Current evaluation practices of international organisations: overview of benefits and challenges 61

Figures

Figure 1.1. Families of international instruments developed by international organisations 23
Figure 2.1. Implementation mechanisms deployed by international organisations 39
Figure 2.2.Illustration of selected implementation mechanisms 40
Figure 2.3. Implementation phases in the life cycle of international instruments 42
Figure 3.1. Current evaluation practices of international organisations 61
Figure 3.2. Typology and examples of normative evaluation mechanisms 65
Figure 4.1. Actors regarded as stakeholders by IOs 82
Figure 5.1. Co-ordination mechanisms across IOs at the development and delivery stages of international instruments 104

Boxes

Box 1. Structure and content of each section 16
Box 1.1. Diversity in the definition of recommendations across IOs: selected examples 25
Box 1.2. Examples of the interaction between primary and secondary international instruments 27
Box 1.3. Examples of online databases of international instruments 29
Box 1.4. Procedures fostering coherence within IOs: examples 31
Box 1.5. Pivoting to remote decision-making during the COVID-19 crisis 32
Box 2.1. Intersection with section 1: variety of international instruments 45
Box 2.2. Assistance mechanisms applied by IOs 46
Box 2.3. Advocacy mechanisms mobilised by IOs 48
Box 2.4. Intersection with section 5: maximising the opportunities for co-ordination 49
Box 2.5. Examples of compliance mechanisms 50
Box 2.6. Monitoring mechanisms used by IOs 52
Box 2.7. The OIE Observatory: a comprehensive approach to implementation 54
Box 2.8. The use of databases to highlight and underpin implementation efforts 55

Box 2.9. Digital assistance mechanisms applied by IOs 55
Box 3.1. Examples of systematic evaluation carried out by IOs 66
Box 3.2. Examples of *ex ante* evaluation modalities applied by IOs 67
Box 3.3. Examples of *ex ante* evaluation modalities applied by IOs (cont') 67
Box 3.4. Systematic review of international technical standards: a replicable model? 69
Box 3.5. Reviews of core international instruments 70
Box 3.6. Examples of reviews of the overall stock or a thematic sub-set of instruments by IOs 71
Box 3.7. Lessons from evaluation methodologies applied by IOs 72
Box 3.8. Evaluation experience among IOs and the use of digital tools in support of evaluation 75
Box 4.1. Examples of IO understandings of stakeholders 87
Box 4.2. Between Members and Stakeholders – Integrated Approaches to Stakeholder Engagement 88
Box 4.3. Formal modalities of stakeholder engagement: Official Observers and Advisory Committees 90
Box 4.4. Thematic stakeholder engagement arrangements 91
Box 4.5. Examples of Comprehensive Approaches to Engaging with Stakeholders 94
Box 4.6. Streamlining Stakeholder Engagement through internal outreach departments and liaison officers 95
Box 4.7. Guidance for Stakeholder Engagement – Towards Consistency and Systematicity 95
Box 4.8. Reviewing and Evaluating Stakeholder Engagement Efforts 96
Box 5.1. Intersection with Chapter 4 "Ensuring Efficient Stakeholder Engagement": Orchestration 102
Box 5.2. Academic references on co-ordination of IOs 105
Box 5.3. Memoranda of Understanding: examples of a commonly used tool among IOs and Intersection with Chapter 1 Building understanding of the variety of international instruments 111
Box 5.4. Examples of IO co-operation in developing joint international instruments/ Intersection with Chapter 1 "Building Understanding of the Variety of International Instruments" 112
Box 5.5. Examples of IO co-ordination in the implementation of international instruments/ Intersection with Chapter 2 "Strengthening the implementation of international instruments" 113
Box 5.6. Examples of IO co-ordination in providing assistance/ Intersection with Chapter 2 "Strengthening the implementation of international instruments" 114
Box 5.7. Examples of IO co-ordination in their monitoring activity/ Intersection with Chapter 2 Strengthening the implementation of international instruments" 115

Abbreviations and acronyms

AHWP	Asian Harmonization Working Party
APEC	Asia-Pacific Economic Cooperation
ASTM	ASTM International
BIPM	Bureau International des Poids et Mesures
BRS Conventions	Basel and Stockholm Convention Secretariat and the UNEP part of the Rotterdam Convention Secretariat
CARICOM	Caribbean Community
CBD	Secretariat of the Convention on Biological Diversity
CITES	Secretariat to the Convention on International Trade in Endangered species of Wild Fauna and Flora
CODEX	Codex Alimentarius Commission
COMESA	Common Market for Eastern and Southern Africa
EC	European Commission
FAO	Food and Agriculture Organization of the United Nations
IAEA	International Atomic Energy Agency
IAF	International Accreditation Forum
IATA	International Air Transport Association
ICANN	The Internet Corporation for Assigned Names and Numbers
ICN	International Competition Network
ICRC	International Committee of the Red Cross
IEA	International Energy Agency
IEC	International Electrotechnical Commission
IFAC	International Federation of Accountants
IFRC	International Federation of Red Cross and Red Crescent
IGOs	Intergovernmental Organisations
IHO	International Hydrographic Organization
ILAC	International Laboratory Accreditation Cooperation
ILO	International Labour Organization
IMF	International Monetary Fund
IMO	International Maritime Organisation
INECE	International Network for Environmental Compliance and Enforcement
IOM	International Organization for Migration

IOs	International Organisations
IOSCO	International Organization of Security Commissions
IRC	International Regulatory Co-operation
ISO	International Organization for Standardization
ITU	International Telecommunication Union
IUCN	International Union for the Conservation of Nature
MOPAN	Multilateral Organization Performance Assessment Network
MoU	Memorandum of Understanding
OECD	Organisation for Economic Co-operation and Development
OIE	World Organisation for Animal Health
OIML	International Organization of Legal Metrology
OPEC	Organization of Petroleum Exporting Countries
OTIF	Intergovernmental Organization for International Carriage by Rail
OZONE Secretariat	Secretariat for the Vienna Convention for the Protection of the Ozone Layer and for the Montreal Protocol on Substances that Deplete the Ozone Layer
PIC/S	Pharmaceutical Inspection Co-operation Scheme
SAICM	Strategic Approach to International Chemicals Management
SELA	Latin American and Caribbean Economic System
SIECA	Secretariat for the Economic Integration of Central America
SPS	Sanitary and Phytosanitary
TBT	Technical Barriers to Trade
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNHCR	United Nations Office of the High Commissioner to Refugees
UNIDO	United Nations Industrial Development Organization
UNIDROIT	International Institute for the Unification of Private Law
UPU	Universal Postal Union
WADA	World Anti-Doping Agency
WCO	World Customs Organization
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
WTO	World Trade Organization

Executive summary

Global crises underscore the interdependency and complexity of today's world. Effective international regulatory co-operation, reinforced by well-functioning, transparent and effective international organisations (IOs), appears increasingly crucial to overcoming global challenges, containing and managing the risks of current and future crises and ensuring economic, social and environmental well-being for all. This *Compendium of International Organisation's Practices: Working Towards More Effective International Instruments (IO Compendium)* gathers the experiences of some 50 IOs with different mandates, memberships and institutional frameworks to draw lessons for better international rulemaking.

To be trusted, the international rulemaking landscape needs to be understood. Today, it encompasses a diversity of instruments and governance arrangements. IOs take a variety of institutional forms, including traditional intergovernmental organisations (IGOs), private standard-setting organisations and trans-governmental networks of regulators (TGNs). These organisations develop a broad range of international instruments, adapted to their mandates and institutional settings. This results in a landscape of over 70 000 international instruments with varying terminologies and legal effects, ranging from legally binding treaties to the increasingly broad and diverse range of non-legally binding international instruments. Chapter 1 provides clarity on the global rulemaking landscape, by arranging the multiplicity of international instruments into various groups or "families". This paves the way for a consideration of their defining features, benefits and challenges, to build understanding among IOs, their constituencies and the broader community of policy makers of what can be expected from a specific international instrument.

To have a direct impact on people's everyday lives, these international instrument needs to be applied and implemented. While IOs are rarely responsible for the actual implementation of the international instruments, they can support and facilitate their uptake through various means set out in Chapter 2: i) assistance mechanisms, to support members in the implementation of international instruments; ii) compliance mechanisms, to verify the implementation of international instruments and support conformity; iii) advocacy mechanisms, to foster ownership by members and enhance visibility; and iv) monitoring mechanisms to track the use of International instruments. The chapter describes these mechanisms and their use, and outlines the key principles that can enhance implementation.

The evaluation of international instruments can provide valuable information about their implementation and impacts. There is a growing commitment amongst IOs to develop a greater culture of evaluation of international instruments, even though evaluation can be challenging and resource-intensive. Chapter 3 identifies the variety of approaches through which IOs can evaluate, *ex ante* or *ex post*, individual instruments, a subset of instruments or the entire stock of regulations. Drawing on experience with evaluation at the national and international level, this chapter offers guidance and inspiration for IOs wishing to develop a greater culture of evaluation.

To be implemented and help foster trust in institutions, international instruments need to appeal to a wider range of constituencies than the traditional membership of IOs. Reaching out beyond their constituency to a variety of stakeholders, including those concerned and affected by their normative activity, is therefore crucial to strengthen the ownership of international instruments and improve implementation. All IOs now engage with stakeholders, though to varying degrees. Chapter 4 outlines how stakeholder engagement is

carried out at the international level, which stakeholders are usually engaged, and what key principles should be followed to ensure efficient stakeholder engagement.

Finally, a well-functioning international rulemaking landscape can greatly benefit from the right level of co-ordination among IOs. Numerous IOs were created to respond to the diverse policy needs of their members, and today most IOs operate in fields where many other IOs and international entities are also active. IOs working in silos may create analytical, regulatory, or administrative duplication. To prevent such inefficiencies, country representatives and other relevant stakeholders (for example, regional organisations) who are members in several IOs have a key role in highlighting inconsistencies and fostering co-ordination. Chapter 5 helps enhance understanding of the variety of mechanisms that can underpin co-ordination among IOs, in order to help them co-operate more systematically to maximise respective strengths and work together towards common global objectives.

This IO Compendium describes how IOs are working towards more effective international rulemaking and sets elements of reflection for IOs to advance towards more effective international instruments, summarised below:

Strengthening the implementation of international instruments

- Clarify the process of implementation and allocate roles among IOs and their members
- Disseminate and advocate
- Support implementation through assistance mechanisms
- Promote compliance
- Monitor implementation
- Learn lessons arising from monitoring of implementation to enhance the normative activities of the IO

Developing a greater culture of evaluation of international instruments

- Institutionalise the evaluation of instruments
- Start small and build evaluation practices over time
- Develop guidance for those undertaking the evaluation
- Establish objectives for international instruments to be evaluated against
- Promote the evaluation of sub-sets or the overall stock of instruments
- Be transparent about evaluation processes and results
- Use the results of evaluations

Ensuring efficient stakeholder engagement

- Adopt a comprehensive and strategic approach to stakeholder engagement
- Ensure the effective identification and selection of stakeholders
- Apply robust and transparent stakeholder engagement procedures
- Adopt consistent timing practices in stakeholder engagement
- Facilitate clear, effective and detailed communication with stakeholders

Maximising the opportunities for co-ordination across IOs

- Map potential partners for co-ordination
- Agree on common co-ordination objectives in principle among IOs
- Develop guidance and reviewing past/ongoing co-ordination approaches
- Enhance co-ordination in data collection and research activities

Background on the IO Partnership

International organisations (IOs) play a crucial role in supporting international regulatory co-operation and helping to achieve public policy objectives. They do so by providing their members with platforms for ongoing multilateral dialogue, exchange of experience and the development of common approaches. Ensuring the quality of the international instruments they help develop is key to promote global public goods, tackle transboundary issues, including core policy objectives including achieving the Sustainable Development Goals.

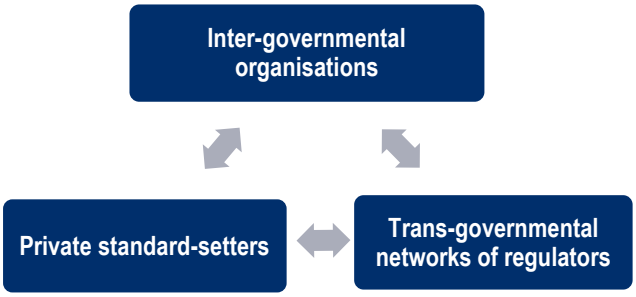
The Partnership on International Organisations for Effective International Rulemaking (IO Partnership) offers a voluntary platform to foster collective action among secretariats of IOs and IO constituencies to promote greater quality, effectiveness and impact of international instruments. Ultimately, this work aims to help to build greater confidence among domestic regulators and legislators that international instruments meet their policy aspirations and needs, and can support the greater uptake in the national legal framework.

A structured framework

- **Annual meetings** to foster dialogue on shared challenges and support common understanding on good practices in international rulemaking;
- **Analytical work** applying the OECD's long-standing method of peer exchange between the participating IOs and evidence-based analysis;
- **Collaborative workspace** through an e-platform to facilitate exchange of practices and experience;
- **Working groups** to better accommodate the specific areas of activity of IOs and to address more in-depth issues.
- **A group of Academic Friends of the IO partnership** to harness expertise and on-going research of relevant academics.

IO partners

- Some 50 secretariats of IOs:
- The partnership is flexible, cross-sector, and serves a wide variety of organisations involved in international rulemaking, notwithstanding their nature or mandate.
- It also invites contributions from a broad range of stakeholders, including governments, the private sector, civil society and academia



Five working groups

The work of the IO Partnership is advanced around **five focus themes** identified as priorities in 2016. Dedicated working groups – led by Secretariats of IO partners designated as focal points – join efforts to develop typologies and to build a common understanding of terminology, by sharing existing knowledge, collecting evidence, and exchanging experience and practices of rulemaking in their respective areas of activity.

WG1: Enhancing understanding of the variety in international instruments *(Focal point: UN OLA/ UNCITRAL)*	WG2: Strengthening the implementation of international instruments *(Focal point: OIE)*	WG3: Ensuring efficient stakeholder engagement *(Focal point: WHO)*	WG4: Developing a greater culture of evaluation of IO rules and standards *(Focal points: ISO and WCO)*	WG5: Maximising the opportunities for co-ordination *(Focal points: BIPM, SIECA)*

The story so far

Since 2014, some 50 secretariats of IOs have worked together to strengthen the quality, effectiveness and impact of international instruments through a voluntary partnership managed by the OECD:

- **Seven annual meetings** and intermediary **brainstorming sessions** fostering dialogue between IO representatives, country delegates and academics.
- **Academic discussions and workshops** with the Academic Friends of the IO Partnership, to gather evidence and research on international rulemaking.
- **Two surveys** on the landscape of IOs (2015) and the rulemaking practices of IOs (2018).
- 2 November 2016: Launch of a **cross-cutting report** on International regulatory co-operation: the role of international organisations in fostering better rules of globalisation, a unique stock-taking of the governance modalities and rulemaking practices of some 50 IOs, at the OECD Headquarters.
- 10 April 2019: Launch of a **brochure** on the Contribution of International Organisations to a Rule-based International System, which shed lights on key features of the international rulemaking and standard-setting landscape, at IFAC Headquarters.

- **Specific studies** on the governance and rulemaking practices of ASTM International, BIPM, FAO, IMO, ISO, OECD, OIE, OIML, UNECE, WHO, WTO.
- **Four thematic webinars** providing for in-depth discussion and exchange of experiences on the challenges and initiatives of IO rulemaking in response to the COVID-19 pandemic. A summary of the discussions was released in late 2020.
- A **Joint Statement from the Secretariats of the International Organisations** to continue working together to improve the quality of international rulemaking.

Methodology and process for developing the IO Compendium

This Compendium of International Organisations' Practices: Working Towards More Effective International Instruments (IO Compendium) was developed in the context of the IO Partnership. It was prepared in a collaborative approach between the OECD Secretariat, the IO Partnership Focal Points and the secretariats of partner IOs, via five dedicated working groups. A first draft was circulated to the IO Partnership and other participants in the 7th Annual Meeting of the IO Partnership to serve as background material for the discussions. It was submitted for comments to the Regulatory Policy Committee (RPC), the IO Partnership and Academic Friends of the IO Partnership in October-November 2020 and in March-April 2021. The final document is a revision based on comments from OECD RPC delegates, IO partner and Academic friends.

The chapters of this IO Compendium include an introduction, rationale, typology, key principles and state of play in the five areas of the IO Compendium (Box 1) following the outline defined in a scoping note discussed in November 2019 at a technical meeting of the IO Partnership and with the OECD RPC [GOV/RPC/RD(2019)7]. The content builds on data collected through two surveys of IO secretariats carried out in 2015 and 2018,[1] periodic discussions held within the IO Partnership and Working Groups between November 2019 and July 2020, as well as analytical work conducted in the context of the IO Partnership since 2014.[2] It also builds on lessons of individual IOs gathered through some 50 detailed IO practice templates filled in by partner IOs throughout 2020. Overall, the IO Compendium is supported by the work of the OECD RPC on IRC looking into the practices for international rulemaking of IOs.

Box 1. Structure and content of each section

Each section of this document includes the following components:

Introduction – introduces the structure, content and core objectives of the section, underline its normative basis, and highlight its evidence base.

Rationale – outlines the case for assessing the focus area in question. This generally highlights the expected benefits arising from the wider adoption of relevant practices, principles and instruments.

Typology – provides a snapshot of the landscape of mechanisms existing for each focus area as already outlined in the Brochure on *The Contribution of International Organisations to a Rule-Based International System* (OECD, 2019[1]).

Key principles – elaborates on the key principles underpinning the focus area involved to offer practical guidance for international rulemaking. This section draws upon a range of evidence, including the practical experiences of IOs, best practice principles available at the national level, and the insights of affiliated academics.

State of play – the existing practices undertaken by IOs in the applicable focus area identify in which manner the key principles are applied. This involves a broad overview of the uptake of the relevant practices across the IO Partnership, supplemented by illustrative examples. The section also highlights areas in which IOs have less experience, and where further action may be required.

Intersections – throughout the sections, links are drawn between the focus area under analysis and the various dimensions of international rulemaking, in order to ensure that each element is not treated in isolation and reflect their mutually complementary nature.

Lessons learned and pathways forward – overall, the combination of individual IO experiences, comparative trends, analytical work and continuous exchanges within the IO partnership will serve to sketch lessons learned and pathways forward for effective international rulemaking throughout the document.

Notes

[1] Respectively referenced throughout the document as “2015 IO Survey” and “2018 IO Survey”.

[2] http://www.oecd.org/gov/regulatory-policy/a-partnership-for-effective-international-rulemaking.htm

Glossary of key terms used in the Compendium

The description of the key terms are used for the purpose of the Compendium only and are without prejudice to the meaning of these terms in individual international organisations of the IO Partnership, including the OECD, as well as in their respective members.

International regulatory co-operation (IRC) can broadly be defined as "any agreement, formal or informal, between countries to promote some form of co-operation in the design, monitoring, enforcement or ex-post management of regulation" (OECD, 2013[1]).

There is no agreed definition of "**international organisation**". The academic literature acknowledges the diversity of IOs and offers several classifications based on functions, membership or purpose (OECD, 2016[2]). For the purpose of the IO Partnership, the term has been defined broadly to encompass a variety of organisations regardless of their mandate, sector, legal attributes or nature, engaged in normative activities, i.e. the development and management of "rules". These organisations share 3 critical features: 1) they generate international instruments, be they legal, policy or technical instruments ; 2) they rely on a secretariat; and 3) they are international in that they involve "representatives" from several countries. For the present report, the term of "international organisation" refers to an organisation composed of its members and supported by a permanent secretariat.

In line with this definition, the term "international organisation" used in the IO Partnership, including in this Compendium, covers three broad categories of entities (OECD, 2016[2]) (OECD, 2019[3]):

- Intergovernmental organisations (IGOs) are classical IOs created by "a treaty or other instrument governed by international law and poss[ess] [their] own international legal personality" (International Law Commission, 2011[4]). Their full members are primarily states and, in some cases, other IGOs or even non-governmental actors. Some may have universal membership. Others limit membership using a number of criteria, such as geographical location or shared values.
- Trans-governmental networks (TGNs) differ from IGOs by their membership, legal basis, and the nature of their decisions. They typically involve specialised units of national governments (principally ministries and regulatory agencies), but also nongovernmental actors such as private sector organisations or technical experts. They are established by voluntary agreements among regulators and generally described as "networks" because of their "loosely-structured, peer-to-peer ties" (Raustiala, 2002[5]). They make non-legally binding decisions and usually rely on member agencies to implement decisions within their respective jurisdictions.
- International private standard-setting organisations are generally international bodies established under domestic law and not by a treaty, which differentiates them from traditional IGOs. Their main activity is to produce international technical standards. It is however worth noting that this category gathers quite a variety of IOs with different governance models, be it in relation to the profit or not for profit nature of the IO or to the membership of the organisation (OECD, 2016[6]).

To encompass the broad range of documents adopted by international organisations as part of their normative activity, this document uses the broad term of **international instruments**. These cover legally binding requirements that are meant to be directly binding on members and non-legally binding requirements that may in some cases be given binding value through transposition in domestic legislation or recognition in international legal instruments; and statements of intent or guidance (OECD, 2016[2]). This broad notion therefore covers e.g. treaties, legally binding decisions, non-legally binding recommendations, model treaties or laws, declarations, international technical standards, statements of intent or any other guidance. They are further delineated in section 1 of this Compendium.

"**International rulemaking**": there is no internationally-agreed definition for "international rulemaking". For the purpose of this document, consistent with the analytical work led by the IO Partnership on the topic since 2014 (OECD, 2019[7]) and in the context of international organisations, "international rulemaking" encompasses the design, development, implementation and enforcement of international instruments developed by international organisations, or by the Secretariats of the international organisations based on mandates received from their members, regardless of their legal effects or attributes and of the nature of the organisation (public or private).

References

International Law Commission (2011), *Draft Articles on the Responsibility of International Organizations, Article 2(a)*. [4]

OECD (2019), *The Contribution of International Organisations to a Rule-Based International System*, OECD, Paris, https://www.oecd.org/gov/regulatory-policy/IO-Rule-Based%20System.pdf. [7]

OECD (2019), *The Contribution of International Organisations to a Rule-Based International System: Key Results from the Partnership of International Organisations for Effective Rulemaking*, https://www.oecd.org/gov/regulatory-policy/IO-Rule-Based%20System.pdf. [3]

OECD (2016), *International Regulatory Co-operation: The Role of International Organisations*, OECD Publishing. [2]

OECD (2016), *International Regulatory Co-operation: The Role of International Organisations*, OECD Publishing. [6]

OECD (2013), *International Regulatory Co-operation: Addressing Global Challenges*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264200463-en. [1]

Raustiala, K. (2002), "The Architecture of International Cooperation: Transgovernmental Networks and the Future of International Law", *Virginia Journal of International Law Association*, Vol. 43/1, p. 5. [5]

1 Building understanding of the variety of international instruments

This chapter outlines the variety of international instruments that collectively form an international rulemaking ecosystem. It organises these instruments into distinct “families”, highlighting the defining features, benefits and challenges of each. This provides a basis for understanding how different instruments compare and interact, how they are situated within the broader architecture of global governance, and how they are defined and adopted across international organisations. The sheer scale and diversity of the international rulemaking ecosystem can pose challenges for those seeking to use international instruments. This chapter shows the efforts IOs are undertaking to bring greater clarity into their instruments through transparent definitions and terminologies, making them accessible in databases, and introducing procedures to foster coherence.

Introduction

The international rule-based system is characterised by a fast-growing body of international instruments designed to support countries in addressing their policy challenges. The international organisations (IOs) that have been collaborating within the remit of the IO Partnership – some 50 to date (see Annex A) – are estimated to have collectively produced some 70 000 international instruments of varying denominations, nature and legal effects (OECD, 2016[1]) (OECD, 2019[2]). These instruments are the result of international regulatory co-operation within a multilateral setting, following specific decision-making processes agreed upon by members. Ultimately, these instruments help feed into countries' domestic rulemaking with international evidence, expertise and co-ordinated approaches. However, in the diverse landscape of IOs, the terminologies and legal effects of international instruments vary from one organisation to another. Navigating the ecosystem of international instruments is not an easy task for IOs or their constituencies. For the ultimate beneficiaries of these international instruments, the heterogeneity of the international normative framework maintains the image of a nebulous list of distant principles or rules.

A clearer picture of existing international instruments and their legal effects is vital to supporting IOs in making more informed decisions as to which instrument to develop and why. A typology on the families of instruments can help IOs co-ordinate with each other more easily on joint instruments despite their different legal and institutional contexts. This will also support national policy makers to navigate the complex international landscape and use different instruments more systematically in support of their domestic policy objectives.

This section of the Compendium of IO Practices provides clarity to the global rulemaking landscape, by distilling the multiplicity of international instruments into various groups or 'families' building on considerations from past analytical work carried out with IOs (OECD, 2016[1]) (OECD, 2019[2]). This paves the way for a consideration of their defining features, benefits and challenges, to build understanding among IOs, their constituencies and the broader community of policy makers on what can be expected from a specific international instrument.

Rationale

The international landscape is marked by a diversity of instruments and vocabularies, reflecting a diverse global governance system. A variety of IOs have emerged throughout the years to engage various constituencies in the pursuit of different policy objectives. Each IO is founded by its specific constituent instrument and exercises the powers attributed to it by this document within the areas under its purview (Combacau and Sur, 2016[3]). A corollary of this is that each IO has its own decision-making processes agreed on by its members and develops its own style of normative instruments, often several different types within a broad "ecosystem" of normative instruments (OECD, 2019[2]). Overall, with limited exceptions, there is no common understanding across IOs of the key features and legal effects of different instruments. As most instruments adopted by IOs have no commonly defined status, the same descriptive term for an instrument can have different features depending on the international organisation developing it, while different labels may cover the same types of instrument.

The multiplicity of international instruments and differences in approaches among IOs may result in uncertainty and confusion as to the key features and legal effects of such instruments. Different types of instruments reflect specific benefits and responses to different situations and challenges, and the ways in which they are developed varies accordingly. For instance, Legally binding international instruments such as international agreements, conventions and decisions, which can be adopted by intergovernmental organisations' governing or decision-making bodies or by ad hoc negotiating groups (e.g. negotiating conferences) specifically set up for this purpose. They are addressed to states, who – if any necessary procedures to become parties to them have been completed – will have an obligation under international

law to implement them (OECD, 2019[2]). Non-binding international instruments may be used to capture a commitment to policy principles or best practices but without creating a legally binding obligation to implement these in any specific manner. International technical standards, as understood by the current report,[1] are commonly developed in response to a targeted need expressed by stakeholders through a bottom-up approach and are voluntarily adopted by states if they are perceived as necessary (OECD, 2016[1]).

The variety of international instruments may be challenging for different regulators and policy makers to navigate, countering the very objective of supporting countries in enhancing good governance and their own rulemaking processes. Countries are members of more than 50 IOs on average (OECD, 2013[4]). States and other potential members and users have a multiplicity of international instruments to understand and use in their own regulatory contexts. At the same time, this multiplicity is often grounded in the particular history and functioning of each organisation and may also arise from a desire by countries to respect these specificities and avoid a “one size fits all” approach. Binding international treaties to which countries are parties are generally well-known by central governments and legislators, and often made accessible in public repositories. But such consolidated information is usually not available on all international instruments applicable across different sectors and resulting from different international bodies. In addition, international organisations have developed organically, leading to mandates and rules that may overlap and that are not always fully consistent with each other. Understanding this international landscape is essential to identifying the international rules that can best address national and local challenges and understanding how to use them effectively, not least because of their varying legal effects. Acquiring this knowledge can bolster local rulemaking capacities, and support the alignment and co-ordination of approaches across constituencies (OECD, 2018[5]). Improving understanding of the ecosystem of international instruments is therefore fundamental to ensuring that they are well-used by IO constituencies.

Differences in terminology used in relation to international instruments can also pose a challenge for collaboration between IOs. In particular, these differences need to be taken into account in agreements on the joint use of instruments, or referencing or endorsing other organisations’ instruments. Common understandings, definitions and aligned processes can help IOs work together to achieve common goals, and to overcome differences in rulemaking procedures without necessarily going as far as developing joint instruments (see Chapter 5). The definition of key terms used in the UN Treaty Collection,[2] for example, outlines some general characteristics and purposes of treaties, conventions and declarations and helps to bring clarity into how these terms are used within the UN framework. Similarly, the WTO/TBT’s Six Principles for International Standards frame the process for developing “international standards” (within the understanding of the WTO) across a variety of standard-setting bodies (OECD/WTO, 2019[6]).

Typology: families of instruments

Within the diverse landscape of international instruments, some patterns can be identified across the various instruments adopted by IOs, which allows them to be grouped into broad families with shared characteristics (Figure 1.1 and Table 1.1).[3] The figure and table below provide an overview of the families of instruments and their defining features, benefits and challenges. However, specific modalities and definitions may vary between IOs and the typology presented is not intended as an exhaustive categorisation of every type of instrument. There are significant fluidity and overlaps across families. International instruments form a continuum rather than a series of distinct categories. For example, treaties and conventions can be complemented by incentive instruments, supporting instruments or policy instruments, and international technical standards can serve as a basis for drafting treaties and conventions.

Figure 1.1. Families of international instruments developed by international organisations

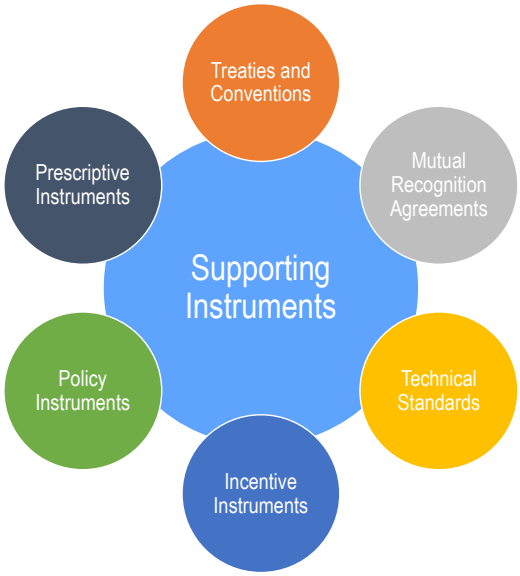


Table 1.1. Families of instruments: defining features, benefits and challenges

	Defining features	Benefits	Challenges
Treaties and Conventions	"An international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation" (Vienna Convention on the Law of Treaties, 1969). Subject to common definition and understanding, their provisions are legally binding, negotiated by States directly or under the supervision of an IO.	Generate high levels of compliance, follow established processes of engagement, implementation and evaluation, and ensure significant transparency, all of which enhance predictability of the regulatory environment across borders.	Resource-intensive creation process, requires significant political capital, may be disproportionate to the challenge addressed, finding the right balance between uniformity and the flexibility to accommodate national circumstances, ensuring updating mechanisms are available for rules to remain relevant, domestic procedures for countries to become Parties to a multilateral treaty could be lengthy (ratification process).
Prescriptive Instruments (e.g. decisions, resolutions, directives)	Instruments with legally binding provisions, which are adopted by within the framework of IOs (generally IGOs), through the intermediary of governing or decision making bodies composed of IO Member States (OECD, 2019). Require transposition and enforcement to fulfil international commitment.	Can be tailored to local institutional contexts so long as regulatory objectives are achieved, draw legitimacy associated with compliance with international obligation.	Members responsible for implementation; difficulties of monitoring/evaluation due to differences in transposition and implementation processes; possible resistance from implementers.
Mutual Recognition Agreements	Recognition of equivalence of legal decisions, norms and standards, compliance and certification procedures, and product and other requirements across jurisdictions. Depending on their nature, they can be both legally binding (usually bilateral governmental MRAs) and non-binding (usually multilateral MRAs).	Preserve regulatory frameworks, low initial transaction costs, localised accountability.	Require significant mutual trust, long-term transaction costs of monitoring regulatory changes
Policy Instruments (e.g. policies, statements, declarations, communiqués)	Express political commitment/statement of purpose on a given subject, non-binding.	Provides overarching strategic direction, guides actions of members, sets a shared agenda.	Lack of targeted applicability to certain policy areas/sectors

	Defining features	Benefits	Challenges
Incentive Instruments (e.g. model laws, legislative guides, best practices, guidelines, codes of practice)	Encourage certain behaviours, issue detailed guidance, non-binding.	Carry normative weight, draw upon broad range of experiences to develop instruments, flexibility to adjustment to local circumstances, less resource-intensive.	Non-binding nature may limit or alter compliance/adherence/implementation.
Technical standards	Instruments pertaining to this family tend to be developed "in response to a need in a particular area expressed by stakeholders through a bottom-up approach" (OECD, 2016). They are referred to by certain Organisations, though not all, as "international standards" as per the WTO TBT Committee Decision on Principles for the Development of International Standards, Guides and Recommendations.	Draw upon specialised knowledge, produce administrative streamlining and economic gains, encourage a sense of ownership through a bottom-up approach.	Require more frequent updating than other policy instruments, specialised nature and terminology may reduce scope.
Supporting instruments	Facilitate the implementation of normative instruments adopted by IOs (OECD, 2019).	Bridge policy instruments with modes of practical implementation.	May leave insufficient room for member discretion, or be of limited applicability to particular contexts.

Source: Author's own elaboration.

State of play on the variety of international instruments

The international normative landscape today

Variety of international instruments

IOs adopt a wide variety of international instruments with external normative value. While the approaches to international rulemaking vary across IOs and the ability to design and develop an international instrument depends on their respective mandates, the following categories of international instruments can be identified in the broader international normative landscape (OECD, 2016[1]) (OECD, 2019[2]):

- *Legally binding instruments* that are directly binding on contracting parties either upon signature or upon ratification depending on the provisions of the instrument (e.g. treaties and conventions, agreements, decisions and other forms of prescriptive instruments);
- *Non-legally binding instruments* which by nature or wording are not intended to be legally binding.
  - Where States transpose these instruments (or some of their provisions) into domestic legislation or recognise them in international legally binding instruments such as treaties, the relevant instruments or provisions acquire legally binding value (e.g. Mutual Recognition Agreements, model laws, legislative guides)
  - Statements of intent or guidance which are aimed specifically at encouraging certain behaviours and pooling experiences, or framing priorities and expressing commitments (e.g. declarations, guidelines, best practices).

It is worth noting that the proportionate use of non-legally binding instruments over those which are legally binding has increased, and continues to do so (OECD, 2016[1]) (OECD, 2019[2]). This is all the more the case that all the IOs adopting legally binding instruments also adopt non-legally binding ones (OECD, 2016[1]).

The variety of instruments is also present within individual IOs. Most IOs adopt many different types of instruments, and this can range from one type of instrument (e.g. ASTM International standards) to 16 types of instruments (2018 IO Survey) (OECD, 2016[1]). The selection and use of different instruments are systematic for certain IOs, but merely the result of living practice and ad-hoc processes for others. The extent of systematisation frequently depends on the membership characteristics, governance arrangements, rulemaking areas, founding mandates, and organisational objectives of IOs. For instance, intergovernmental organisations (IGOs) adopt a wider range of instruments than international private standard-setting organisations – which focus primarily on issuing international technical standards – and trans-governmental networks of regulators (TGNs), which generally develop best practice documents and guidelines (OECD, 2016[1]) (Abbott, Kauffmann and Lee, 2018[7]). With the exception of treaties, which are defined under international law and notably the Vienna Convention on the Law of Treaties,[4] there is no common denomination and/or definition of the various international instruments produced by IOs. This variety is reflected in the multiple terms used by IOs to qualify the same type of instrument, and in that a single label may cover instruments with different attributes (OECD, 2016[1]).

For example, the term "recommendation" is typically understood very differently across IOs. While some commonalities can be identified, recommendations are most often used as non-legally binding instruments, embodying characteristics of different "families" of instruments by different IOs (Figure 1.1), whether policy, incentive or supporting instruments (Box 1.1).

Beyond the definitions provided under international law, IOs themselves do not necessarily define their instruments. They sometimes rely on the texts of founding documents, or following practice over time to develop an understanding (2018 IO Survey). Because of this absence of definitions at the international level and at the level of individual IOs, there has not been any generally-accepted typology of IO international instruments to date.

Box 1.1. Diversity in the definition of recommendations across IOs: selected examples

The Asia-Pacific Economic Cooperation (APEC) refers to '**strategic policy recommendations**' (APEC, 2020[8]), which set overarching goals and initiatives and are issued by committees and working groups to APEC Leaders.

The **Common Market for Eastern and Southern Africa (COMESA)** Council of Ministers may issue **recommendations** which are non-binding in nature (Article 10(1) and 10(5) of the COMESA Treaty (COMESA, 2000[9]).

International Labour Organization (ILO) Recommendations (ILO, 2020[10]) provide guidance and are not subject to ratification by ILO member States. While certain recommendations stand alone, the great majority function as supplementary instruments to one or more conventions adopted concurrently or previously. These serve a variety of functions, including to focus on a particular aspect of the subject matter not covered by the convention, offer a higher level of protection, produce proposals to support ILO constituents in applying the convention which they accompany, or provide guidance specifically addressed to employers and workers (which are independent non-State actors and therefore do not directly assume obligations under international law, e.g. in the auspices of the Social Dialogue). While the content of Recommendations is non-binding, they may create reporting obligations for Member States (Article 19, paragraph 6(d) of the ILO Constitution). This aims to enhance compliance by reminding Members of unimplemented conventions and recommendations. To date, the ILO has adopted a total of 206 recommendations.

The **International Organization of Security Commissions (IOSCO)** produces and circulates **recommendations** which function essentially as best practices documents, such as in the case of the Recommendations for Liquidity Risk Management for Collective Investment Schemes (IOSCO, 2018[11]).

The **International Union for the Conservation of Nature (IUCN)** defines recommendations (IUCN, 2020[12]) as requests and calls for action and change, based on formal decisions of Members, and addressed to other agencies, third parties, or the world at large. However, it is important to note that there appears to be no official, organisation-level, explicit definition in this regard.

The **Organisation for Economic Co-operation and Development (OECD)** (OECD, 2020[13]) defines **recommendations** as "OECD legal instruments which are not legally binding but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a recommendation. Thus, Members which do not intend to do so usually abstain when a recommendation is adopted, although this is not required in legal terms". 170 OECD Recommendations are in force today, and the authority to undertake this action is embedded in Article 5(b) of the OECD Convention.

International Organization of Legal Metrology (OIML) Recommendations (OIML, 2020[14]) are designated as model regulations that establish the metrological characteristics required of certain measuring instruments and which specify methods and equipment for checking their conformity. OIML Member States are morally obliged to implement these Recommendations to the greatest possible extent. As the principal instrument of the OIML, 147 Recommendations have been issued to date.

The **Secretariat for Economic Integration of Central America (SIECA)** refers to **recommendations** as legal instruments that contain principles guiding the adoption of future, binding "administrative acts", i.e., resolutions, regulations and agreements (Art. 55.4 of the Guatemala Protocol (SIECA, 1993[15]). Recommendations are non-binding and do not generate specific duties or obligations, but their principles are expected to be observed.

The **United Nations Framework Convention on Climate Change (UNFCCC)** approaches **recommendations** as documents which provide advice, technical input and expertise to advance the implementation of the Convention, Kyoto Protocol, and Paris Agreement. These are produced by dedicated subsidiary bodies and in some instances constituted bodies, which report to and remain under the authority and guidance of their respective governing body. The Recommendations of the Standing Committee on Finance (UNFCCC, 2016[16]) provide an illustrative example of this.

World Intellectual Property Organization (WIPO) standards are presented as recommendations (WIPO, 2020[17]) and are directed to States and IOs, in particular to their national or regional industrial property offices, to the International Bureau of WIPO, and any other national or international institution interested in industrial property documentation**.** Under the organisation's Development Agenda, WIPO adopted 45 Recommendations in 2007 (WIPO, 2007[18]). These covered technical assistance and capacity-building; norm-setting, flexibilities, public policy and public domain; technology transfer, ICTs and access to knowledge; assessment, evaluation and impact studies; institutional matters including mandate and governance; and other issues.

Source: 2018 IO Survey, Author's elaboration based on inputs from IOs.

Nevertheless, looking at international instruments holistically, there is a complementarity between the different types of instruments, forming an overall "ecosystem of instruments". In this sense, Some instruments can be considered as "primary", in that they provide a broad framework for operation (typically treaties and conventions), whereas other instruments can be thought of more as "secondary" or "accessory to a primary instrument". The latter either prepare the ground *ex ante* (for example by building political

momentum via declarations) or support implementation *ex post* (i.e.through "supporting instruments") (Box 1.2).

While there is a widespread use of all families of instruments, the families of instruments that are non-legally binding (e.g. policy instruments, incentive instruments, international technical standards, and supporting instruments) tend to be used much more often than legally binding ones. This may be explicable in that non-legally binding families of instruments are often emanations of treaties or prescriptive instruments which lay down the foundational core of legally binding obligations (OECD, 2016[1]).

Box 1.2. Examples of the interaction between primary and secondary international instruments

Article 6 of the Convention on Mutual Administrative Assistance in Tax Matters (OECD, 2011[19]), developed jointly by the **OECD** and the **Council of Europe**, requires the Competent Authorities of the Parties to the Convention to mutually agree on the scope of the automatic exchange of information and the procedure to be complied with. To support the implementation of the provision, two multilateral competent authorities agreements have been developed at the OECD: the Multilateral Competent Authority Agreement on the Exchange of CbC Reports (OECD, 2020[20]) for the automatic exchange of Country-by-Country Reports, and the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information (CRS, 2020[21]) for the automatic exchange of financial account information.

Adopted in 1979, the **United Nations Economic Commission for Europe (UNECE)'s** Convention on Long-Range Transboundary Air Pollution **(CLRTAP)** (OECD, 2019[2]) (OECD; UNECE, 2016[22]) (UNECE, 1979[23]) was preceded by political statements from two key international events that helped build political momentum for multilateral solutions to environmental problems: the 1972 Stockholm Declaration from the United Nations Conference on the Human Environment, and the Final Act of the 1975 Conference on Security and Cooperation in Europe held in Helsinki. Since its adoption, the Convention has gone through different stages including the adoption of seven protocols signed between 1985 and 1999 addressing key air pollutants. A number of guidance documents adopted together with the protocols provide paths to secure implementation and compliance of the CLRTAP.

The Parties to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD, 1997[24]) have agreed to put in place new measures that will reinforce their efforts to prevent, detect and investigate foreign bribery with the adoption of the Recommendation for Further Combating Bribery of Public Officials in International Business Transactions by the OECD Council (OECD, 2009[25]).

SIECA classifies its instruments into three broad groups. These include Principal or Original Laws (SIECA, 2020[26]), which include constitutive treaties of the Central American economic-political community, operating within the institutional framework of the Central American Integration System (SICA). These are supported by Complementary Laws (SIECA, 2020[26]), which signify international treaties that develop the provisions of the Principal Law, as well as Derivative Laws or Administrative Acts (SIECA, 2020[27]), which are decisions emanating from regional bodies that are directly applicable and binding for member states.

International Telecommunication Union (ITU) Radio Regulations (RRs) (ITU, 1995[28]) are adopted by World Radiocommunication Conferences and are complemented by Rules of Procedure (RoPs) that are adopted by the Radio Regulations Board. ITU-R Recommendations may be incorporated by reference into the RRs, as appropriate.

The United Nations Convention on International Settlement Agreements Resulting from Mediation, (the "Singapore Convention on Mediation", adopted in 2018) is an example of a primary instrument of the **United Nations Commission on International Trade Law (UNCITRAL)**. Its use in practice is supported through domestic enactment of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, 2018 (amending the Model Law on International Commercial Conciliation, 2002). The United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005), which came after the UNCITRAL Model Law on Electronic Signatures (2001) and the UNCITRAL Model Law on Electronic Commerce (1996), turned the provisions in the non-binding incentive instruments into an international (and binding) agreement.

Source: Author's elaboration based on IO practice templates and inputs from IOs.

Variety of rulemaking processes

The process for developing and adopting instruments generally varies from one organisation to another (OECD, 2016[1]) (OECD, 2019[2]). The heterogeneity of international instruments and rulemaking processes is partly explained by the diversity in the types of IOs and their activities, developments in the international organisations' environments and in changing global circumstances (OECD, 2019[2]).

Treaties, prescriptive instruments and policy instruments such as recommendations and political declarations, as well as incentive instruments such as model laws, are mainly adopted by IGOs and secretariats of conventions (OECD, 2016[1]). International technical standards are typically developed by international private standard-setting organisations which tend to focus on those instruments. However, a number of open-membership IGOs also produce such standards (e.g. IAEA, WMO) (OECD, 2016[1]).

These rulemaking processes also display substantial variations within organisations themselves (OECD, 2019[2]) (2018 IO Survey). On the one hand, IGOs and secretariats of conventions adopt a wide variety of instruments. On the other hand, TGNs and international private standard-setting organisations tend to adopt fewer families of instruments (OECD, 2016[1]). This can be generally attributed to the various mandates of different types of IOs. While the subject matter covered by IGOs is broad in nature, the activities of TGNs foreground information-sharing, issuing best practices and producing guidance, and international private standard-setters (unsurprisingly) develop international technical standards.

Challenges posed by the variety of international instruments

The variety of international instruments, together with the sheer volume of such instruments today (which exceeds 70 000) (OECD, 2016[1]), may be challenging for those wishing to navigate the international normative landscape. Authorities regulating at the national level may struggle to identify the international instruments existing in their area of work, and thus to make use of them. Countries tend to have repositories of treaties that they are parties to, but rarely – if ever – possess broader repositories of all international instruments that exist in different sectors and that could apply to them (OECD, 2018[29]) (OECD, 2020[30]) (OECD, 2016[1]).

According to the 2018 IO Survey, 19 IOs have processes for developing, adopting or revising instruments that emerge from living practice,[5] and three IOs[6] do not follow any specific process (OECD, 2019[2]). The lack of clear, pre-established processes for developing and adopting international instruments may cause additional uncertainties, including for IOs themselves, due to reduced visibility and predictability of successive steps in the process.

The variety of terminology used and approaches followed also results in differences in legal effects, and corresponding uncertainty for members as to what process applies to their use, adoption and potential transposition in national jurisdictions. Treaties and conventions typically follow a well-established procedure of signature, ratification and entry into force, envisaged in particular in the Vienna Convention on the Law of Treaties (UN, 1969[31]). On the other hand, whether a treaty automatically becomes domestically binding once it has come into force internationally, or whether domestic transposing legislation is required, is a matter of varying national laws. The process is much less clear for other international instruments, particularly those that are voluntary such as policy instruments, incentive instruments, international technical standards and supporting instruments. The results of a survey across OECD Members recently confirmed that the majority do not have a standardised approach to incorporating international instruments, which are not treaties or conventions, into domestic legislation (OECD, 2018[32]).

IOs efforts to bring more clarity into the international normative landscape

IOs are increasing their efforts to provide greater clarity on the types of instruments they issue and their relevant rulemaking processes to their membership, as well as to the general public. These include general databases on all their instruments made available in a single source to facilitate easy access to their normative framework (Box 1.3). Some IOs also provide information on the status of legal instruments, thus supporting the overall predictability of the international normative framework (Box 1.3).

IOs have also put in place different procedures to help foster coherence within their overall normative framework. Some IOs have developed procedures that apply across the corpus of instruments (e.g. IEC), while others have specific coherence mechanisms in place (e.g. IFAC, IUCN). A few IOs prescribe a specific duration for the development and adoption of international instruments, beyond which a formal request must be submitted (e.g. ILO, Box 1.3). This encourages the time-efficient development of IOs' instruments.

The variety of rulemaking processes and what has long appeared as strict normative frameworks have demonstrated flexibility in the context of COVID-19. The exchange of experiences among IOs, in particular within a series of webinars on COVID-19 and international rulemaking, have underlined the shared challenges faced despite different governance structures and procedures and highlighted the benefits of mutual learning for improving the flexibility and resilience of international rulemaking (OECD, 2019[2]). IOs typically operate under strict normative frameworks which set long-term mandates and are enabled by governance modalities and decision–making practices that are heavily reliant on face-to-face interactions among different actors. These interactions and procedures were heavily impacted during the COVID-19 pandemic, with lockdown measures and travel restrictions.

Ensuring continuity of normative activities became one of the key challenges faced by IOs during the COVID-19 crisis (OECD, 2020[33]). While few organisations had pre-existing experience in remote decision-making, most IOs managed to rely on their existing normative frameworks to pivot to remote operations and adapt their rulemaking procedures (Box 1.5). The digitalisation of some IOs' rulemaking activities is likely to remain in place after the crisis. Going forward, IOs would benefit from intensified efforts to ensure that their frameworks and rules of procedure are suitable for remote operations, including normative activities, and to tap into the potential of these changes to improve their rulemaking practices.

Box 1.3. Examples of online databases of international instruments

The **International Bureau for Weights and Measures** (**BIPM**)[1] website (BIPM, 2021[34]) includes official (e.g. Metre Convention, Concession Convention, and Headquarters Agreement) and explanatory texts (e.g. Compendium and Notes), available in English and French. Resolutions of the

General Conference on Weights and Measures (CGPM), Decisions and Recommendations of the International Committee for Weights and Measures (CIPM), "international technical standards" (the International System of Units, SI and Coordinated Universal Time, UTC), CIPM MRA (Mutual Recognition Arrangement), related documents and BIPM key comparison database (KCDB), guides in metrology (International Vocabulary of Metrology, VIM and Guide to the Expression of Uncertainty in Measurement, GUM) maintained and promoted by the Joint Committee for Guides in Metrology (JCGM), an authoritative listing of available higher-order reference materials, measurement procedures and measurement laboratories maintained by the Joint Committee for Traceability in Laboratory Medicine (JCTLM), and Joint Declarations, MoUs and agreements with liaison partners.

The **International Federation of Accountants (IFAC)** Handbook of International Public Sector Accounting Announcements (IFAC, 2021[35]) constitutes an annual report, freely and publicly available on the organisation's website, which contains the body of standards produced by the International Public Sector Accounting Standards Board (IPSASB). The most recent edition is provided in English and Spanish and contains a Conceptual Framework for General Purpose Financial Reporting by Public Sector Entities.

The **International Laboratory Accreditation Cooperation (ILAC)** publishes on its website (ILAC, 2020[36]) requirements for Members, guidance and promotional materials for stakeholders and communiqués and MoUs with liaison partners.

The IUCN Resolutions and Recommendations database (IUCN, 2020[12]) provides a platform for any IUCN constituent to report on activities that they have undertaken towards the implementation of a resolution or recommendation adopted by the Membership. Each resolution and recommendation from the most recent World Conservation Congress is assigned a Secretariat focal point to synthesise all of the activities being carried out across the Union. Users can search for IUCN instruments by code, title, type, the Congress and General Assembly in which it was adopted, geographic scope, and individual country status.

The Compendium of OECD Legal Instruments (OECD, 2020[37]) provides the texts of all the legal instruments developed within the framework of the OECD since 1961 – including abrogated instruments – together with information on the process for their development and implementation as well as non-Member adherence. A downloadable booklet gathering this information is also available for each instrument. The Compendium is available to the general public and maintained by the OECD Directorate for Legal Affairs.

The full body of **OIML publications**, including **International Recommendations, International Documents, Vocabularies** and other relevant publications, are available without charge on the OIML website (OIML, 2020[14]). Current and superseded versions of publications are available in English and, in most cases, in French. The online interface also provides a brief definition of the type and purpose of each international instrument developed by the organisation. Other language translations (OIML, 2020[38]) submitted by OIML Member States or Corresponding Members, are also made available – to date, this includes Arabic, Chinese, German, Persian, Polish, Portuguese, Russian, Serbian, Spanish and Ukrainian. Prior to becoming an official OIML publication, various drafts are also made available online.

The SIECA website (SIECA, 2020[39]) includes all the legal instruments of the Central American Economic Integration Process. These are distinguished by the type of instrument (Treaties, Administrative Acts, Resolutions), as well as those currently in the process of development. Each section contains a brief description of the type of instrument, its function and its adoption procedure. There are both English and Spanish interfaces, but the legal texts are available only in the latter.

The **United Nations (UN)** Treaty Collection web page (UN, 2020[40]) provides access to all international treaties deposited with the United Nations Secretary-General, searchable by theme and with information on the status of the treaties' signature and ratification. It also offers guidance and model instruments to help countries in their process to ratify, accept, approve, or submit reservations or declarations to such treaties .

The **UNCITRAL** both promulgates and publishes its texts for free download, provides consolidated and updated overviews of their use at the national level, and offers general and subject-specific guidance on their adoption, use and interpretation (UNCITRAL, 2020[41]). Publications are available in the six UN official languages (Arabic, Chinese, English, French, Russian, and Spanish). Through the Case Law on UNCITRAL Texts (CLOUT) Database (UNCITRAL, 2020[42]), the Secretariat has also established a system for collecting and disseminating information – generally, case law abstracts and full-text judgments – on court decisions and arbitral awards interpreting UNCITRAL's legal texts – including Conventions and Model Laws.

The Status of WTO Legal Instruments (WTO, 2020[43]) publication provides a regular, consolidated, and digitally-accessible overview of key developments in relation to the treaty instruments of the organisation. The current edition includes information on WTO accessions, treaty amendments, certifications and procès-verbaux relating to WTO Members' goods, services, and GPA schedules since the previous edition was issued in 2015.

1. Bureau international des poids et mesures (BIPM).
Source: Author's elaboration based on IO practice templates and 2018 IO Survey.

Box 1.4. Procedures fostering coherence within IOs: examples

Pursuant to **Article 10.6.1 – Coordination with Other Committees** within the **American Society for Testing and Materials (ASTM International)** Regulations (ASTM International, 2020[44]), committees are instructed to maintain liaison representation and co-operation with other committees when mutual interests or potential conflicts exist. Upon request, committees shall also provide reviews of their standards to related or interested committees or those with particular expertise on certain sections of standards.

The **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Secretariat** has a mandate to update cross-references between existing texts following each Conference of the Parties (COP) (CITES, 2012[45]). If substantive changes are required, there are procedures through which the Secretariat can bring these to the attention of the Parties – either to the relevant Standing Committee or to the COP, depending on the content involved.

The Standardization Management Board (SMB) (IEC, 2020[46]) of the **International Electrotechnical Commission (IEC)** issues horizontal standards to ensure coherence across the corpus of standardisation documents and avoid duplication or contradictory requirements.

IFAC has developed both structure and content requirements that should be followed when developing agreements and standards. Moreover, a periodic post-implementation review of standards (IFAC, 2013[47]) and a structural revision are undertaken by the independent Standard-Setting Boards (SSBs) in order to foster coherence.

The **IUCN** has put in place mechanisms in order to ensure coherence between the same types of instruments over time. For resolutions and recommendations, when motions for developing such instruments are submitted, Members need to determine whether there are already recommendations or resolutions covering the proposed item in order not to double the work. Over the years, Members have adopted a number of important resolutions that contribute to ensuring coherence, including one that stipulates that in cases of incoherence the last adopted instrument prevails. Moreover, in 2016 IUCN Members have adopted **Resolution WCC/2016/Res/001** (IUCN, 2016[48]) which put in place a mechanism, according to which the IUCN Council has to review all existing resolutions and recommendations adopted since 1948 and retire such instruments that have already been implemented, have become obsolete, elapsed or superseded. This ensures coherence across all existing resolutions/recommendations adopted over time.

Within the **ILO framework**, a prescribed duration has been established for the development and adoption of the organisation's instruments. This duration should be respected, but some flexibility is provided. When developing a project, committees have to inform the central secretariat on whether the project will take 18, 24, 36 or 48 months. With the exception of the 48-month track, if any project goes beyond the established period, it will be moved to the next track. If a project requires more than 48 months to be developed then a formal extension request is submitted by the committee. The Technical Management Board may choose to approve or deny the extension request. Committees are encouraged to stick to the timeframes they establish.

Source: Author's elaboration based on IO practice templates, 2018 IO Survey and inputs from IOs.

Box 1.5. Pivoting to remote decision-making during the COVID-19 crisis

Before the COVID-19 crisis, only a few IOs had advanced experience with remote decision-making. These were typically IOs with large memberships that deploy virtual decision-making to facilitate participation. For example, **ASTM International** relies on a set of online tools to enable the participation of over 30 000 members in the standard-setting activities of 148 technical committees, including virtual balloting mechanisms. Similarly, standard-setting activities carried-out by the **International Organization for Standardization (ISO)** offer the possibility to cast votes by correspondence using an online balloting system and to take part in meetings via WebEx. The online balloting system is a key resource for facilitating decision-making in ISO and fostering the most widespread participation possible.

Facing the COVID-19 crisis, IOs largely succeeded in shifting to virtual operations. At times, this shift required IOs to rely on new instruments to complement their constitutive text and/or rules of procedure. For instance, the **OECD** developed guidance to clarify procedural aspects around virtual rulemaking, and the **Organisation for International Carriage by Rail (OTIF)** consulted with its constituents and relied on a written procedure to make necessary adjustments, including the modification of annexes to its convention. Overall, the rulemaking work of technical committees proved easier to adjust to a virtual environment than that of governing bodies. Notably, only a small fraction of the normative activities of technical committees and governing bodies was postponed.

IOs also manage to hold large events key to the global response to the pandemic. In May and November 2020, the **World Health Organization (WHO)** held virtual sessions of the Seventy-third World Health Assembly (WHA) and 147th session of the Executive Board as well as a special session of the Executive Board– WHO's governing bodies at the global level. Held over two days to accommodate global

participation, the May session of the WHA focused on the COVID-19 pandemic response as well as on matters required to ensure governance continuity. The session allowed, *inter alia*, the adoption of a Resolution on the COVID-19 Response.

Source: (OECD, 2020[33]), (OECD/ISO, 2016[49]) and https://apps.who.int/gb/ebwha/pdf_files/W.

Notes

[1] What this report refers to as "international technical standards" for descriptive purposes are sometimes referred to as "international standards" by some IOs, though not all. For example, in the context of the World Trade Organisation, to provide some guidance on the term, the Committee on Technical Barriers to Trade has adopted a Decision which sets out six principles for the development of international standards, including: i) transparency; ii) openness; iii) impartiality and consensus; iv) effectiveness and relevance; v) coherence; and vi) the development dimension. In addition, WTO case-law provides some guidance. According to such case law, for an instrument to be considered an "international standard" under the TBT Agreement it must both: constitute a "standard" (i.e. a document approved by a recognised body, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory) and be "international" in character, i.e. adopted by an international standardising body. (OECD/WTO, 2019[6]).

[2] https://treaties.un.org/Pages/Overview.aspx?path=overview/glossary/page1_en.xml.

[3] The figures are provided a for analytical purposes, and are not intended to create definitions.

[4] Article 2 (a) of the Vienna Convention on the Law of Treaties provides the following definition: " "treaty" means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation."

[5] APEC, BIPM, CITES, ICRC, IEA (for communiqués, recommendations, joint statements), IFAC, ILAC, ILO, IOSCO, IUCN (for standard, best practice guidance, guidelines), OECD, OIE, OTIF,PIC/S, UNECE, UNFCCC, UNIDO, WCO, WMO.

[6] IEA (for principles, best practice guidelines or best practices), IFRC (notably for the Code of Conduct for the International Red Cross and Red Crescent), IUCN (for the model treaties, declarations and principles).

References

Abbott, K., C. Kauffmann and J. Lee (2018), "The contribution of trans-governmental networks of regulators to international regulatory co-operation", *OECD Regulatory Policy Working Papers*, No. 10, OECD Publishing, Paris, https://dx.doi.org/10.1787/538ff99b-en. [7]

APEC (2020), *About Us*, https://www.apec.org/About-Us/About-APEC. [8]

ASTM International (2020), *ASTM Regulations Governing Technical Committees | Green Book*, https://www.astm.org/Regulations.html#s10. [44]

BIPM (2021), *About the BIPM*, https://www.bipm.org/en/about-us/ (accessed on 4 December 2020). [34]

CITES (2012), *Submission of Draft Resolutions, Draft Decisions and other Documents for Meetings of the Conference of the Parties*, https://www.cites.org/sites/default/files/document/E-Res-04-06-R18.pdf. [45]

Combacau, J. and S. Sur (2016), *Droit international public*, LGDJ-Lextenso, https://www.lgdj.fr/droit-international-public-9782275045092.html (accessed on 12 September 2018). [3]

COMESA (2000), *Treaty Establishing the Common Market for Eastern and Southern Africa (COMESA)*, https://www.comesa.int/wp-content/uploads/2020/07/Comesa-Treaty.pdf. [9]

CRS, I. (2020), *OECD*, https://www.oecd.org/tax/automatic-exchange/international-framework-for-the-crs/. [21]

IEC (2020), *Standardization Management Board (SMB)*, https://www.iec.ch/dyn/www/f?p=103:59:0::::FSP_ORG_ID,FSP_LANG_ID:3228,25. [46]

IFAC (2021), *Handbook of International Public Sector Accounting Announcements*, https://www.ipsasb.org/publications/2021-handbook-international-public-sector-accounting-pronouncements. [35]

IFAC (2013), *The Clarified ISAs - Findings from the Post-Implementation Review*, https://www.iaasb.org/publications/clarified-isas-findings-post-implementation-review. [47]

ILAC (2020), *Publications and Resources*, https://ilac.org/publications-and-resources/. [36]

ILO (2020), *Recommendations*, https://www.ilo.org/dyn/normlex/en/f?p=1000:12010:::NO:::. [10]

IOSCO (2018), *Recommendations for Liquidity Risk Management for Collective Investment Schemes Final Report*, https://www.iosco.org/library/pubdocs/pdf/IOSCOPD590.pdf. [11]

ITU (1995), *Radio Regulations*, https://www.itu.int/pub/R-REG-RR. [28]

IUCN (2020), *IUCN Resolutions and Recommendations Database*, https://portals.iucn.org/library/resrec/search?field_resrec_all_codes_value=&field_resrec_all_titles_value=&field_resrec_type_value=rec&field_resrec_status_value=1&sort_by=title&sort_order=ASC. [12]

IUCN (2016), *Identifying and Archiving Resolutions and Recommendations to Strengthen IUCN Policy and to Enhance Implementation of IUCN Resolutions*, https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2016_RES_001_EN.pdf. [48]

OECD (2020), *Action 13 - OECD BEPS*, https://www.oecd.org/tax/automatic-exchange/about-automatic-exchange/country-by-country-reporting.htm. [20]

OECD (2020), *Compendium of OECD Legal Instruments*, OECD Publishing, Paris, https://legalinstruments.oecd.org/en/. [37]

OECD (2020), *International organisations in the context of COVID-19: adapting rulemaking for timely, evidence-based and effective international solutions in a global crisis*, https://www.oecd.org/gov/regulatory-policy/Summary-Regulatory-management-Covid-19.pdf (accessed on 19 October 2020). [33]

OECD (2020), *OECD Legal Instruments*, https://legalinstruments.oecd.org/en/general-information. [13]

OECD (2020), *Review of International Regulatory Co-operation of the United Kingdom*, OECD Publishing, Paris, https://dx.doi.org/10.1787/09be52f0-en. [30]

OECD (2019), *The Contribution of International Organisations to a Rule-Based International System: Key Results from the Partnership of International Organisations for Effective Rulemaking*, OECD Publishing, Paris, https://www.oecd.org/gov/regulatory-policy/IO-Rule-Based%20System.pdf. [2]

OECD (2018), "Fostering better rules through international regulatory co-operation", in *OECD Regulatory Policy Outlook 2018*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264303072-9-en. [5]

OECD (2018), *OECD Regulatory Policy Outlook 2018*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264303072-en. [32]

OECD (2018), *Review of International Regulatory Co-operation of Mexico*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264305748-en. [29]

OECD (2016), *International Regulatory Co-operation: The Role of International Organisations in Fostering Better Rules of Globalisation*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264244047-en. [1]

OECD (2013), *International Regulatory Co-operation: Addressing Global Challenges*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264200463-en. [4]

OECD (2011), *The Multilateral Convention on Mutual Administrative Assistance in Tax Matters*, https://read.oecd-ilibrary.org/taxation/the-multilateral-convention-on-mutual-administrative-assistance-in-tax-matters_9789264115606-en#page1. [19]

OECD (2009), *Recommendation for Further Combating Bribery of Public Officials in International Business Transactions*, OECD Publishing, Paris, http://www.oecd.org/corruption/anti-bribery/OECD-Anti-Bribery-Recommendation-ENG.pdf. [25]

OECD (1997), *Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions*, http://www.oecd.org/daf/anti-bribery/ConvCombatBribery_ENG.pdf. [24]

OECD/ISO (2016), *The Case of the International Organization for Standardization (ISO)*, http://www.oecd.org/gov/regulatory-policy/ISO_Full-Report.pdf (accessed on 5 June 2019). [49]

OECD/WTO (2019), *Facilitating Trade through Regulatory Cooperation: The Case of the WTO's TBT/SPS Agreements and Committees*, OECD Publishing, Paris/World Trade Organization, Geneva, https://dx.doi.org/10.1787/ad3c655f-en. [6]

OECD; UNECE (2016), *International regulatory Co-operation and International Organisations: The Case of the United Nations Economic Commission for Europe (UNECE)*, http://www.oecd.org/gov/regulatory-policy/irc.htm (accessed on 28 April 2020). [22]

OIML (2020), *Introduction to OIML Publications — English*, https://www.oiml.org/en/publications/introduction. [14]

OIML (2020), *Other Language Translations — English*, https://www.oiml.org/en/publications/other-language-translations. [38]

SIECA (2020), *Actos Administrativos*, https://www.sieca.int/index.php/integracion-economica/instrumentos-juridicos/actos-administrativos/. [27]

SIECA (2020), *Legal Instruments*, https://www.sieca.int/index.php/economic-integration/legal-instruments/?lang=en. [39]

SIECA (2020), *Tratados Internacionales*, https://www.sieca.int/index.php/integracion-economica/instrumentos-juridicos/tratados-internacionales/. [26]

SIECA (1993), *Guatemala Protocol*, http://www.sice.oas.org/trade/sica/pdf/prot.guatemala93.pdf. [15]

UN (2020), *United Nations Treaty Collection*, https://treaties.un.org/Pages/Content.aspx?path=Publication/ModelInstruments/Page1_en.xml. [40]

UN (1969), *Vienna Convention on the Law of Treaties (1969)*, https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf (accessed on 24 March 2021). [31]

UNCITRAL (2020), *Case Law on UNCITRAL Texts (CLOUT) Database*, https://www.uncitral.org/clout/. [42]

UNCITRAL (2020), *Texts and Status*, https://uncitral.un.org/en/texts. [41]

UNECE (1979), *Convention on Long-Range Transboundary Air Pollution (CLRTAP)*, http://www.unece.org/fileadmin//DAM/env/lrtap/lrtap_h1.htm. [23]

UNFCCC (2016), *Summary and Recommendations by the Standing Committee on Finance on the 2016 Biennial Assessment and Overview of Climate Finance Flows 1*, https://unfccc.int/files/cooperation_and_support/financial_mechanism/standing_committee/application/pdf/2016_ba_summary_and_recommendations.pdf. [16]

WIPO (2020), *List of WIPO Standards, Recommendations and Guidelines*, https://www.wipo.int/standards/en/part_03_standards.html. [17]

WIPO (2007), *The 45 Adopted Recommendations under the WIPO Development Agenda*, https://www.wipo.int/ip-development/en/agenda/recommendations.html. [18]

WTO (2020), *Status of WTO Legal Instruments*, https://www.wto.org/english/res_e/publications_e/wto_legal_instruments_e.htm. [43]

2 Strengthening the Implementation of International Instruments

This chapter describes the role international organisations play in supporting the implementation of their instruments. It outlines the variety of mechanisms through which international organisations can do so, primarily through the provision of assistance, advocacy initiatives, compliance procedures, and monitoring tools. A set of key principles establish how to enhance implementation through these activities. The precise selection and composition of implementation mechanisms will depend on the level of ambition and normative strength characterising the instrument used, as well as the capacity of the IO secretariat concerned. Finally, the chapter gives an overview of trends in existing implementation practices. The core challenges faced by IOs involve the decentralisation of responsibilities, and information bottlenecks that may result from this. IOs are confronting these, particularly in the context of COVID-19, by tapping into emerging technologies, innovative methods, and comprehensive implementation approaches.

Introduction

For international instruments to have a concrete effect for their members and for citizens at large, they have to be implemented. Unimplemented instruments are not an efficient use of resources; they also affect the reputation of IOs individually and the credibility of the international system as a whole. However, conceptualising implementation of international instruments is particularly difficult. Broadly speaking, international instruments developed by international organisations aim to spur economic and social development in the broadest sense of the term and over a long period of time. While some have an aspirational dimension, they still need to be applied domestically to have a legal or practical effect. In practice, the ways in which this is pursued depends on each country's constitutional and legal systems. In addition, the mostly voluntary nature of international instruments grants domestic regulatory authorities a certain degree of leeway in interpreting and adapting the international text to the domestic context.

Going beyond the particularities of the jurisdictions implementing international instruments, a broad notion of "implementation" of international instruments has two main components: i) their *de jure* incorporation and application in domestic legislation, and ii) their *de facto* use, such as in the inspection and enforcement practices or by private companies in their production process (Combacau and Sur, 2016[1]). The responsibility to implement instruments frequently falls largely or solely to those members and non-members which have adhered or committed to the instrument (OECD, 2019[2]). In some cases, end-users, whether businesses, non-governmental organisations or IO partners, apply instruments directly. However, there are a range of mechanisms through which IOs can support the wider and more effective implementation of their instruments, thereby helping their members and constituencies to better leverage the landscape of international normative instruments.

The primary objective of this section of the Compendium is to set out the mechanisms and practices through which IOs can advance the implementation of their instruments, and share experiences on their use. It is designed to provide a systematic toolkit to IOs, as well as a guide to members regarding available modes of support.

Rationale

Broadly speaking, international instruments aim to improve the well-being of people worldwide by offering policy solutions in a range of different areas. And yet, to have a real impact on people's everyday lives, they need to be made use of, applied, implemented. The implementation of international instruments should in principle generate the key benefits of international regulatory co-operation (IRC), such as *inter alia*: 1) greater effectiveness at a global level in cases where collective action is needed to achieve the policy and societal objectives, 2) administrative efficiency at the national level through the pooling of knowledge and expertise of the IO membership, and 3) economic efficiency by reducing the costs for businesses and citizens through standardisation of approaches, and the provision of legal predictability and greater certainty.

Implementation is thus an early step in the long causal chain that leads from IO instruments to successful problem-solving. Without effective implementation, the issue that international instruments sought to address in the first place remains unresolved. Their failed or uneven implementation risks casting doubt on the capacity of the international organisation to achieve its mandate and deliver high-quality instruments. More generally, by association, it could risk undermining the credibility of the international system and of collective action.

While the development of international instruments falls to IOs, the responsibility for their implementation is most often shared between IO secretariats and their members and constituencies (OECD, 2019[2]). Although IOs do not retain the key national and local implementation levers, they have an important responsibility in driving implementation by indirectly facilitating co-ordination among actors such as national

regulators, business, or NGOs – rather than governing these actors directly. This responsibility is two-fold. On the one hand, in developing the international instruments IOs must ensure that they are sufficiently evidence-based and relevant to be fit for purpose and earn the trust of their members. On the other hand, IOs also have a key role in providing the relevant "accompanying infrastructure" to foster implementation, in terms of knowledge-sharing, guidance, advocacy, capacity building and support. Tracking the use of their instruments is also a sine qua non condition to assessing implementation challenges and improving their action over time.

With greater information on implementation, IOs can inform their rulemaking and strive for ever more relevant instruments. Indeed, with precise information on the use of international instruments, IOs can identify the improvements necessary for specific instruments and embed these lessons in revising them or in developing new ones (OECD, 2020[3]). This information can also support a more refined understanding on the uptake of instruments in different jurisdictions, sectors or policy communities. The information arising from tracking implementation also provides essential knowledge to design targeted support programmes for those constituencies struggling to implement the instrument. Ultimately, this should promote a wider uptake of IO normative instruments.

Typology: Implementation mechanisms and tools

IOs have developed a variety of mechanisms to facilitate the implementation of international instruments. These mechanisms can be grouped into four categories (Figure 2.1): i) assistance mechanisms, to provide support to members in the implementation of international instruments; ii) compliance mechanisms, to verify the implementation of international instruments and support conformity; iii) advocacy mechanisms, to foster ownership by members and enhance visibility; and iv) monitoring mechanisms to track the use of International instruments. IOs can develop several of these complementary options to increase the uptake of their instruments.

Figure 2.1. Implementation mechanisms deployed by international organisations

Figure 2.2.Illustration of selected implementation mechanisms

Advocacy mechanisms

- **Active communication by IOs –** involve information campaigns, targeted guidance documents, and training programmes, and occur through a variety of communication and social media platforms.
- **Active communication by members –** allow IOs to gauge the uptake of their instruments, provide an overview of implementation performance, raise awareness regarding the existence, rationale, and value of international instruments.
- **Peer-learning and knowledge-sharing –** highlight success stories and examples of best practices, and facilitate the exchange of experience regarding the common challenges faced and outcomes achieved with respect to implementation.
- **Alliances with other IOs –** co-operation among IOs to allow them to expand the reach of their advocacy activities, by appealing to multiple constituencies.

Assistance mechanisms

- **Toolbox –** informational materials to structure implementation, including guidelines, self-assessment tools and legislation models.
- **Capacity-building -** range of actions designed to strengthen skills and knowledge among IO constituencies, such as: training programmes, operational assistance, assistance for data collection, compliance assessment, and legal assistance and advice.
- **Databases –** support implementation as repositories of information and guidance, catalogues of relevant case law and arbitral decisions, knowledge-sharing platforms and sources of monitoring.
- **Informal Mediation** - mechanism to provide advice on the correct interpretation of the content of instruments and facilitate compliance.
- **Help-desk –** offer a single focal point which provides a feedback mechanism for IOs.
- **Financial assistance –** designed to target capacity gaps, proportional to the assistance required for implementation, distributed in conjunction with compliance mechanisms and informational resources.
- **Software applications –** designed and updated to facilitate the notification, examination and registration of actions to implement international instruments.

Compliance mechanisms

Conformity assessment

- **Accessional assessments –** a single and comprehensive examination of adherence to IO instruments and frameworks, with a view to providing membership.
- **Multilateral recognition of conformity –** a periodical review of progress in implementing one or several international instruments, subject to feedback from peers and involving a reporting mechanism.
- **Accreditation system of conformity assessment bodies** – a systematic assessment or audit of members' alignment with a particular instrument, according to a range of criteria with the aim being to grant accreditation, and a statement of competence.

Remedial action

- **Incentivising actions in cases of non-compliance –** a series of actions promoting compliance, including 'nudging' through exposure, highlighting the benefits of implementation through success stories, and mobilising assistance mechanisms.
- **Legal or economic sanctions in cases of non-compliance –** a range of mechanisms to punish lack of compliance, preceded by advance warning, accompanied by timelines by which to secure compliance, and involving steps by which sanctions can be imposed or lifted.

Monitoring mechanisms

Input: data collection

- **Active data collection by the secretariat –** application of both qualitative and quantitative methods to collect implementation information from members, generally through a designated body and formalised process.
- **Warning and alert systems** - networked arrangements enabling the supply of information to international rulemakers, which provide the basis for managing and responding to risks.
- **Complaints mechanisms which are open to third parties** - provision of communication channels to parties affected by international instruments (both within and beyond IO membership), which allow for ad-hoc feedback regarding issues encountered.
- **Voluntary reporting –** reliance on members to transmit information regarding their implementation activities, generally according to a structured framework or template.
- **Mandatory reporting –** formalised, periodical feedback mechanisms whereby members inform and update IOs with regard to the implementation of their instruments.
- **Third party monitoring –** the collection of information through a team of experts or other intermediary (with or without on-site data collection).

Output: review and analysis

- **Review by secretariat –** synthesis and analysis of information, generally conducted by the same division of the secretariat tasked with data collection.
- **Review by experts –** examination of monitoring data by technical specialists, selected on the basis of proven knowledge of the relevant subject matter and informed of its relationship with organisational objectives.
- **Peer review –** assessment of a given member's progress in the implementation of instruments by other members, involving reporting, feedback and experience-sharing.
- **Review by third body –** analysis of the implementation of one or several international instruments by an external party.

Key principles of implementation

The implementation phases in the life cycle of an international instrument can be characterised as follows (Figure 2.3):

1. Clarifying the process of implementation and allocating roles between IOs and members. The distribution of implementation competences between IOs and their members underscores the importance of co-ordinated action in this area.
2. Disseminating IOs instruments to members and end-users and advocating their use.
3. Providing support to members and end-users to encourage implementation.
4. Promoting compliance for both binding and non-binding instruments.
5. Monitoring implementation to track the use of IOs instruments.
6. Learning lessons arising from monitoring implementation to enhance the normative activities of the IO overall.

The selection of implementation mechanisms should be tailored to the nature of the instrument, the subject matter under consideration, and the collective issue it seeks to address. A comprehensive approach which draws upon a combination of mechanisms is central to advancing implementation. The lessons arising from the implementation of instruments should feed back into the rulemaking process.

Figure 2.3. Implementation phases in the life cycle of international instruments

The following factors are considered important to select the appropriate implementation mechanisms:

- **Level of ambition** – or expected scope of change. International instruments designed to promote prosperity, social justice, people's well-being, or protection of environment require a high level of ambition, political ownership and awareness by diverse stakeholders. In this case, the choice of the implementation mechanism will depend on the ability to involve all stakeholders up to the highest political level in order to produce "significant" and complex change of global policies. In other case, IOs instruments require "simple" technical reforms and implementation mechanisms involving stakeholders with appropriate expertise.
- **Normative strength** – the level of binding and non-binding characteristics of International instruments. Legally binding instruments require the use of formal implementation mechanisms to supervise implementation and typically provide for remedies and dispute settlement procedures. Conversely, the implementation of non-legally binding instruments is generally accompanied by soft tools with positive incentives.
- **Capacity of IO Secretariat** – the human resources, expertise, IT infrastructure and funding available to support implementation. For some IOs, developing implementation mechanisms may require seeking extra-budgetary funding from institutional or private donors.

Based on the processes described above, the following key principles can contribute to enhance implementation through the mechanisms identified in the typology.

Clarify the process of implementation and allocate roles between IOs and members

IOs are usually not directly in charge of implementing the instruments that they help develop, which is left to their members. However, IOs can develop the necessary mechanisms to support implementation. Implementation is therefore a shared responsibility between IOs and members. An explicit clarification of respective roles is central to encouraging similar approaches across the membership, and can be embedded either in the instruments themselves, the IO's founding document or an implementation action plan. To be clear and explicit on the implementation process, IOs may in particular:

- Provide a description of the process to follow for the instrument's implementation (acknowledging the respective roles of IOs, members and end-users).
- Map the implementation process and the related mechanisms identified in the typology that exist in the organisation.
- Develop a comprehensive implementation plan, which can be based on a theory of change, explaining linkages between the process of implementation of the international instrument, the mechanisms supporting implementation and the expected outputs and outcomes.

- Provide technical means for members and any other relevant actors to report actions related to the implementation of international instruments.

Disseminate and advocate

Promoting and advocating for international instruments is different from developing them, but still forms an important part of a normative process. By convincing members and end-users about the value and merit of the solutions proposed by international instruments, IO secretariats can play an important role in promoting implementation - namely as follows:

- Define a dissemination plan for international instruments: outlining how (e.g. online, printed copies) and to whom (target groups) this will take place.
- Plan advocacy activities and carry out follow-up to measure efficiency and impact.
- Define the relevant roles in dissemination and advocacy of IO headquarters, regional offices, national contact points and IO Partners.
- Develop communication strategies that directly target stakeholders and the general public, and mobilise adherents to international instruments in their disseminating/ promoting, (e.g. by providing translations, promoting the instruments on IO websites, etc.).

Support implementation through assistance mechanisms

IO secretariats play an important role in supporting their constituencies in the implementation of international instruments through various assistance mechanisms. This can take different forms, and involve supplying technical or financial assistance. To provide valuable support to their members, IO secretariats can:

- Map the instruments and related assistance mechanisms available at the organisational level.
- Identify the most appropriate assistance mechanisms to encourage the wider implementation of each category of instruments.
- Facilitate co-ordination and information-sharing between the national bodies tasked with instrument development and implementation support in the same field.
- Promote co-ordination and information sharing between different IOs when they operate in the same fields, produce similar instruments, and share (a part of) their membership (see Chapter 5).

Promote compliance, where relevant

Compliance with international instruments can occur in three distinct phases: first, by adopting national legal measures; second, by enforcing them; and third, by reporting on implementation measures. To promote compliance, IO Secretariats can consider various factors, in particular:

- Compliance can be promoted and supported through the use of appropriate tools such as guidance, toolkits and checklists.
- “Gap analysis” can help members understand how far they are away from full implementation and compliance.
- The frequency of compliance actions and the resources employed should be proportional to the level of risk, and actions should aim at reducing the actual risks posed by non-compliance.

Monitor implementation

Monitoring implementation is a regular and ongoing process to gain information on the use of international instruments from a variety of sources and may have different objectives, namely assistance purposes, compliance assessment, advocacy or evaluation. Monitoring mechanisms depend on the availability of data and information on implementation results (for instance, on adaptation, incorporation, and changes in practice) to evaluate progress and non-compliance. This data can be gathered either directly by the IO secretariat, via regular reporting by members (i.e. information sharing between members and the IO), on the basis of adversarial procedures (i.e. one member or several members alleging non-observance of a norm by another member of the IO) or via procedures external to the IO but with information on the use of international instruments. To favour availability of data and monitor implementation effectively, IOs may in particular:

- Encourage regular data-sharing across relevant entities within the IO and ensure that information about implementation is easy to look up.
- As much as possible, keep track of national information sources on the use of international instruments that may complement secretariat efforts.
- When relevant, make use of information collected by external sources (other IOs, civil society, academia), through a stakeholder engagement strategy (see chapters 4 and 5). In particular, it is very common that other IOs may retain critical information on the implementation of the instruments of another.
- Tap into capacity building exercises to keep track of and address implementation challenges.
- Develop a data management approach and a data strategy, including use of emerging technologies.

Learn lessons arising from monitoring of implementation to enhance the normative activities of the IO

Analysing the data collected through monitoring mechanisms contributes to understanding how the IOs instruments are implemented, to what degree, and for what outcomes and impact. Using monitoring results can assist IOs in advancing understanding of implementation challenges, and to evaluate the relevance and efficiency of International instruments (see Chapter 3). In addition, this contributes to the development of a virtuous cycle: providing information on the use of international instruments constitutes a positive incentive to encourage use by members which have not yet implemented them.

- Use monitoring results for tailoring assistance mechanisms to identified needs.
- Use monitoring results for evaluation of instruments to sustain relevance of existing norms and enhance the normative activities of the IO overall (see Chapter 3).
- Encourage frequent and effective dialogue and data sharing between different entities within the IO – those with information about implementation and those responsible for rulemaking – to ensure lessons are being drawn to improve the relevance and quality of instruments.
- Encourage dialogue between IOs and their members on implementation results to identify structural issues in the drafting of international instruments that could be improved (see Chapter 1).

State of play on implementation mechanisms of IOs

How implementation is organised between IOs and their constituency

International instruments need to be transposed or used domestically to have practical effect. The ways in which this is pursued depends on the type of international instrument, the targeted users (national regulators, businesses, non-governmental organisations or IO partners) and the subject matter covered.

The process of implementation is often undertaken without any involvement of IOs. However, IOs may provide useful guidance or assistance to support their constituencies in the implementation of their instruments. From this perspective, most IOs consider implementation as **a shared responsibility of the Secretariat and its members** (23 IOs responding to 2018 IO Survey) (OECD, 2019[2]).

Some IOs provide **guidance to describe the steps for their members to follow in implementing their instruments**, thus facilitating the process for their members and ensuring a coherent approach to implementation across their constituency. This is most often embedded in the instruments themselves (22 IOs responding to 2018 IO Survey) (see Chapter 1). Some organisations also provide for implementation in their founding documents (15 IOs responding to 2018 IO Survey) (OECD, 2019[2]).

For certain organisations, particularly intergovernmental organisations, the implementation of international instruments involves **adoption or modification of national legal frameworks** (18 IOs responding to 2018 IO Survey) (OECD, 2019[2]). Depending on each country's constitutional systems, this may require changing national legislation in line with the IO instrument (which is the case for legally binding instruments), or to provide changes in legislative frameworks to facilitate the implementation of international instruments (which is the case for voluntary instruments).

For other organisations, particularly international private standard-setting organisations, implementation means the **uptake of international technical standards directly by end-users** such as businesses.

Box 2.1. Intersection with section 1: variety of international instruments

Example of implementing legally binding instruments

International Labour Organisations (ILO)

Once ratified, ILO Conventions must be given effect. Most ILO Conventions are accompanied by recommendations which provide detailed guidance on their implementation. Sometimes the Convention will lay out a range of accepted implementation instruments – typically laws, collective agreements, judicial decisions or arbitration awards (e.g. C158 on Termination of Employment). Sometimes a Convention will call for a national law to be adopted through the Member State's internal system, whether through the publication of the relevant law in the Gazette (e.g. C. 29 calls specifically for adequate criminal penalties for forced labour). Alternatively, a Convention will specifically call for the law that is not in compliance to be repealed while more generally calling for a national policy to be developed and leaving it to the Member State to decide on the role and appropriateness of any new legislation (e.g. C. 111 on the Promotion of Equality of Opportunity and Treatment in Employment and Occupation).

Example of implementing international technical standards

ASTM International

ASTM standards are used by individuals, companies and other institutions around the world. Purchasers and sellers incorporate standards into contracts; scientists and engineers use them in their laboratories and offices; architects and designers use them in their plans; government agencies around the world reference them in codes, regulations and laws; and many others refer to them for guidance.

What mechanisms are most frequently used by IOs to enhance implementation

IOs are attentive to the implementation of their normative instruments and invest in related supporting mechanisms. This is **most frequently done via soft tools,** including assistance mechanisms and advocacy mechanisms that provide positive incentives for implementation.

IOs are most active in providing support to their members in the implementation of international instruments, via assistance mechanisms (36 respondents to 2018 Survey) (OECD, 2019[2]). This support is a natural continuation of their rulemaking role and technical expertise. The forms of assistance are manifold and require more or less significant human and financial resources, which can range from the provision of a toolbox, a public database or capacity-building activities in the countries concerned (Box 2.2).

Well-adapted assistance mechanisms can help members assess their own capacity to target improvements (e.g. IFRC OCAC), or leverage IO tools effectively in crisis situations (e.g. IEA ERE). Some organisations have an organisation-wide overview of assistance activities by theme and country, ensuring that technical assistance is well distributed across members and the IO's instruments (e.g. WIPO).

Most IOs have specific advocacy mechanisms to actively disseminate and communicate about their instruments, fostering implementation through raising awareness and promotional activities (27 respondents to 2018 Survey) (OECD, 2019[2]). Communication strategy is an important part of these advocacy mechanisms. Some IOs invest significant efforts into their website, newsletters and social media to increase the visibility of their instruments. Certain IOs have specific departments to support these activities (e.g. ASTM; ICN; ISO) (Box 2.3).

Annual events are also used to raise visibility about lesser-known areas to the wider public (OECD, 2019[2]). Various organisations hold specific days on their main area of work, including World Metrology Day, World Accreditation day, or World Telecommunications and Information Society Day (Box 2.3).

Because of the flexible and open nature of advocacy mechanisms, they can be organised around a thematic focus rather than the strict limits of a single organisation's mandate. They can thus be an opportunity for several IOs to co-ordinate in their advocacy efforts and jointly promote knowledge about and use of their respective instruments (Box 2.5).

Box 2.2. Assistance mechanisms applied by IOs

The **International Bureau of Weights and Measures (BIPM)** Capacity Building and Knowledge Transfer (CBKT) Programme (BIPM, 2016[4]) encompasses a range of activities designed to help the worldwide metrology community obtain, strengthen and maintain the capabilities needed to fulfil its missions and objectives. The principal aim is to increase the effectiveness with which Member States and Associates engage in the worldwide co-ordinated metrological system. Participation is open to all National Metrology Institutes (NMIs) and Designated Institutes (DIs) of Member States and Associates, which can engage either as beneficiaries to learn from CBKT initiatives or contribute directly to their delivery. The CBKT Programme involves three core sets of activity, including capacity building initiatives (covering areas of vital importance to Member States), topic-based initiatives (relying on external sponsorship and focussed on specific areas), and knowledge-transfer initiatives (carried out by BIPM staff, visiting scientists from NMIs/DIs, as well as groups assembled from around the world and focussed on laboratory-based projects). These are delivered through dedicated workshops, laboratory placements, and remote-learning online training exercises.

The **International Energy Agency (IEA)** Emergency Response Exercise (ERE) (IEA, 1976[5]) takes place every two years, and is designed to train delegates on the IEA's co-ordinated emergency response system in order to ensure that participants are capable of implementing the system quickly and effectively in the event of a major global oil supply disruption. The primary objective of the ERE is to familiarise participants with the IEA emergency response system as well as the key trends and risk factors impacting the global oil market, by making use of hypothetical disruption scenarios. The modern formulation of the ERE consists of two exercises with each designed to test a specific aspect of the emergency response system. The exercise in capitals (EXCAP) is conducted entirely via email and tests the communications and emergency data collection capabilities of participating countries. The Main Exercise (EXMAIN) is conducted in Paris and is designed to train delegates in key aspects of global oil market functioning and the process of implementation of an Initial Contingency Response Plan.

The **International Federation of Red Cross and Red Crescent Societies (IFRC)** Organisational Capacity Assessment and Certification (OCAC) (IFRC, 2011[6]) for National Societies enables members to assess their own organisational capacity, performance and relevance in their country to determine opportunities for self-development. This functions to ensure that all National Societies commit and comply with a comprehensive set of organisational minimal standards, and to protect and improve the performance of the overall Federation network.

Through its Approach to Advancing Accountancy Education at the Global Level (IFAC, 2019[7]), **IFAC** assists professional accountancy organisations and other key stakeholders in creating future-ready professional accountants. This leverages the organisation's comparative advantages as a facilitator, intermediary, and knowledge-sharing platform (which illustrate the added value of international organisations' rulemaking activities in general), to equip accountants to respond to emerging challenges and opportunities. This brings together and is informed by an International Panel on Accountancy Education, representing key stakeholders and the major regions of the world and contributing advice, access and advocacy. This assistance mechanism is designed primarily to support the implementation of the International Education Standards (IES), through capacity-building, providing thought leadership, commissioning research, and advocacy of quality accountancy education. These activities culminated in the 2020 Global Summit, The Anticipatory Accountant: Global Trends Transforming Learning & Development – a virtual conference organised around three core pillars: technology, environment, and society.

The **UNFCCC** (UNFCCC, 2019[8]) has spearheaded a number of initiatives to build capacity among Parties and non-Party stakeholders on law and governance approaches towards implementing the provisions of the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the Paris Agreement. This involves a suite of outreach efforts including side-events, workshops, e-learning modules, webinars and publications. This has resulted in consistent and topical engagement, the identification of gaps and sectoral spaces in which interventions can be effectively mobilised to support the implementation of instruments. Provisions underpinning these activities are embedded in Article 6 of the UNFCCC, Article 10(e)(b) of the Kyoto Protocol, and Article 12 of the Paris Agreement.

With the **WCO** Mercator Programme (WCO, 2014[9]) WCO offers technical assistance and capacity building to its members to help them implementing the WTO Trade Facilitation Agreement (TFA) expeditiously and in a harmonized manner by using core WCO instruments and tools. It is designed to support its Members in the implementation of the **WTO** Trade Facilitation Agreement (TFA). This programme proceeds through two tracks: First, the overall track focuses on overall requirements of Members in implementing the TFA (including development of guidance tools). This involves the development of tools to support TFA implementation under the WCO Working Group on the WTO Trade Facilitation Agreement (TFAWG), the Permanent Technical Committee and other WCO working bodies

in collaboration with relevant international organisations; participation in the WTO Trade Facilitation Committee (TFC) that monitors implementation of the TFA at international level; the organisation of regional workshops and other initiatives; and regular meetings with other international organisations to update each other on the work carried out in the Members, for the purpose of avoiding duplication and identifying areas of synergy and collaboration. Second, a tailor-made track focuses on individual requirements of Members or sub-regions where Members work together on TFA implementation (primarily technical assistance and capacity building). Within this track, the WCO provides experts for technical assistance and capacity-building missions, contributes to the WTO TFA Grant Programme, collaborates with development partners and donors in designing projects for TFA implementation, and undertakes joint projects with other IOs to support the implementation of the TFA.

WIPO's Technical Assistance for Member States (WIPO, 2020[10]) encompasses the full spectrum of IP rights and includes developing national IP strategies, providing policy and legislative advice, and offering business solutions for national IP offices to enable them to participate in the global IP system. The framework of the WIPO Development Agenda facilitates and encourages implementation in a broader sense, such as the National IP Academies which enable Member States to create their own self-sustaining IP training infrastructure. The organisation's technical assistance webpage provides a comprehensive overview of the range of technical assistance activities by theme and country, with a roster of the consultants leading such assistance and access to relevant studies. The formal basis for the performance of this function is set out in Article 4(v) of the WIPO Convention, which grants the organisation the responsibility to carry out "legal-technical assistance in the field of intellectual property".

Source: Author's elaboration based on IO practice templates and 2018 IO survey.

Box 2.3. Advocacy mechanisms mobilised by IOs

ASTM International's Corporate Communication Department (CCD) (ASTM International, 2005[11]) develops and implements information policies, tools and campaigns that help raise awareness of ASTM standards in the marketplace. These include newsletters and social media campaigns. Each technical committee is responsible for developing its own communication campaign aimed at attracting stakeholders and raising awareness on its standards portfolio, which it may elect to pursue with the support of the CCD.

The **BIPM** and **OIML** jointly organise World Metrology Day (BIPM/OIML, 2021[12]), an annual celebration of the signature of the Metre Convention on 20 May 1875 by the representatives of seventeen countries. Each year, World Metrology Day invites the participation of national metrology institutes and regional metrology organisations, and is used to promote the value of the work advanced by the metrology community worldwide. The theme "Measurement for Health" for World Metrology Day 2021 was chosen to draw attention to the importance of measurement to support the protection of health. It comes at a time when the experience and capabilities invested in metrology organisations around the world have been turned at short notice to address new national health challenges.

The **International Competition Network (ICN)'s** Advocacy Working Group (ICN, 2018[13]) aims to undertake projects, develop practical tools and guidance, and facilitate experience-sharing among ICN member agencies, in order to support members in advocating the dissemination of competition principles and to promote the development of a competition culture. This is advanced through the cultivation of a competitive environment by means of non-enforcement mechanisms, building

relationships across government entities involved in the formation of competition policy, and raising public awareness with regard to the benefits of competition.

ILAC develops and maintains a suite of promotional brochures (ILAC, 2020[14]) to promote awareness and forge understanding of accreditation, and to support the implementation of its instruments. These outreach materials encompass the role of accreditation in supporting food safety and clean water, delivering energy, supporting health and social care, facilitating trade, and adding value to supply chains. The organisation also publishes documents underscoring the benefits of its core instrument, the ILAC Mutual Recognition Agreement (ILAC MRA), as well as an annual report summarising its primary activities undertaken.

The **ISO** Central Secretariat has a Communications Department that frequently runs campaigns to promote the use of standards on specific topics and in specific sectors. This is often to promote the release of a high-profile standard. Campaigns involve articles in the ISO magazine (ISO Focus), websites (example on services), videos, and social media (Facebook, Instagram, Twitter). The materials are shared with ISO members so that they can pursue similar advocacy at the national level. In support of its standard-setting activities, the organisation has also developed a Media Kit (ISO, 2020[15]), which includes annual reports, key achievements in figures, a brief introduction to the ISO ecosystem, and a range of publications on the benefits ISO standards can provide to SMEs, the UN SDGs, trade, health, energy and innovation. The Kit also contains the ISO Code of Ethics (ISO, 2004[16]), a dedicated principles framework to guide the organisation's activities.

Source: Author's elaboration based on 2018 IO survey and subsequent inputs from IOs.

Box 2.4. Intersection with section 5: maximising the opportunities for co-ordination

Different advocacy mechanisms, including outreach and visibility events but also alliances among IOs, can enhance implementation and can take place among several IOs with normative activities in similar areas.

For example, World Metrology Day is jointly organised by **BIPM** and **OIML**, World Accreditation day was established jointly by the initiative of **ILAC** and **IAF**, and each year, the members of **IEC**, **ISO** and **ITU** celebrate World Standards Day.

The **UN Alliance of Climate Change** (**FAO, ILO, UNDP, UNDPI, UNEP, UNESCO, UNFCCC, UNICEF, UNITAR, UN Women, UNU-IAS, WHO, WMO**) aims to promote meaningful, result-oriented and effective international co-operation in support of action on climate change education, training, public awareness, public participation and access to information. Since 2013, the UNFCCC secretariat has been organising examination of options and opportunities to enhance climate change ambition and the Global Climate Agenda through engagement with Parties and non-Party stakeholders. These activities aim at identifying best practices in climate policy action, and replicating and scaling up these practices.

Source: (UNFCCC, 2012[17]), 2018 IO Survey.

Roughly half of IOs develop **compliance mechanisms** to promote conformity with, and adherence to, their instruments (19 respondents to the 2018 IO Survey) (OECD, 2019[2]). Such assessments can be part of the international instrument itself (e.g. WADA's World Anti-Doping Code) (see Chapter 1). The IO assess conformity with international instruments for different purposes: accession to the IO, multilateral recognition of conformity, and certification/accreditation procedure (Box 2.5).

More formal mechanisms such as sanctions, dispute settlement or mandatory peer reviews are less commonly used and mostly tied to legally binding instruments. These compliance mechanisms entail a more binding legal framework and likely a more developed institutional framework. In cases of non-compliance, IOs most frequently provide recommendations to the non-compliant member, and some require national action plans for ensuring implementation. Non-compliance can also be an indicator for providing assistance on implementation.

Box 2.5. Examples of compliance mechanisms

The **Pharmaceutical Inspection Co-operation Scheme (PIC/s)** runs a Compliance Programme (PIC/S, 2020[18]) which encompasses both the assessment of Applicants for accession and the periodical review of existing Members. This involves a gap analysis as well as a review of the GMP (Good Manufacturing Practice) inspection system against PIC/S requirements, undertaken by a dedicated assessment team under the monitoring of the PIC/S Subcommittee on Compliance (SCC). The gap analysis and review is done according to standardised procedures and tools, which include a qualitative review of the documentation and an on-site assessment visit of the country to ensure that policies and procedures, as prescribed by PIC/S, are effectively applied. Compliance is verified against 78 indicators (critical, very important and important). To be considered as equivalent, Members and Applicants must comply with all indicators. The primary objective is to ensure initial and continued compliance of potential and current Members with PIC/s requirements. This bolsters mutual trust and reliance, maximises inspectional resources and improves public health by ensuring the quality and safety of pharmaceutical products.

One of the core activities of the **World Anti-Doping Agency (WADA)** is to operate a Compliance Programme (WADA, 2020[19]), which monitors and aims to ensure the adherence of Signatories to the World Anti-Doping Code (the principal instrument of the organisation) and its supporting International Standards. WADA's Signatories include International Federations (IFs), National Anti-Doping Organizations (NADOs), Major Event Organizations (MEOs) and National Olympic Committees (NOCs), among others. If a non-conformity with the Code is identified and not corrected throughout the process set out by the International Standard for Code Compliance by Signatories (ISCCS), WADA can assert non-compliance of the relevant Anti-Doping Organization (ADO) and impose sanctions. The ADO can dispute the assertion in front of the Court of Arbitration for Sport (CAS). Since 2017, over 10 000 corrective actions have been identified by WADA through its compliance programme and more than 6 000 of them have been implemented by ADOs to date. In 2019, 44 compliance enforcement procedures were opened. 15 Signatories were referred to the independent Compliance Review Committee (CRC); however, in 13 cases, the issues were resolved prior to the CRC meeting.

The **ILO's** Committee on the Application of Standards of the International Labour Conference (CAS) (ILO, 1926[20]) is a permanent tripartite (governments, workers and employers) body of the International Labour Conference and an essential component of the ILO supervisory system. Following the technical and independent examination of government reports carried out by a legal body, the Committee of Experts on the Application of Conventions and Recommendations, the CAS procedure offers the representatives of governments, employers and workers the opportunity to undertake a joint examination of the manner in which ILO Members States comply with their obligations deriving from the ILO Conventions they have ratified. The CAS is thus responsible for determining the extent to which international labour standards are given effect at the national level and to report to the annual ILO International Labour Conference. The CAS is an institutional body with a long-standing practice, having been established in 1926 following a resolution of the International Labour Conference.

Pursuant to Legal Resolution No. 170-2006 (COMIECO-XLIX), **SIECA** manages the Central American Trade Dispute Settlement Mechanism **(MSC)** (SIECA, 2006[21]), to support a rules-based approach through a dispute settlement mechanism based on that of WTO and various FTAs. The Secretariat's role is mainly administrative, assisting diplomatic and arbitration phases of the process. The process has an optional, diplomatic phase in addition to consultations and arbitration, where the dispute is submitted to the Council of Ministers for Economic Integration of Central America (COMIECO) (Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica & Panama). This promotes a general assessment of the implementation and compliance with specific provisions of economic community law. SIECA also provides technical assistance in support of the MSC, and co-ordinates stakeholder participation.

OZONE's Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol (OZONE, 1990[22]) represents an example of a body which reviews non-compliance with the core instrument of the organisation. This occurs in particular through receiving, considering, and reporting on any submission by parties in connection with the preparation of reports on the production and consumption of ozone-depleting substances, and acting on any other information received and forwarded by the Secretariat concerning compliance with the provisions of the Protocol.

The **UNFCCC** process comprises a Compliance Committee under the Kyoto Protocol as well as The Paris Agreement's committee to facilitate implementation and promote compliance. The Kyoto Protocol Compliance Committee is made up of two branches: a facilitative branch and an enforcement branch. The facilitative branch aims to provide advice and assistance to Parties in order to promote compliance, whereas the enforcement branch has the responsibility to determine consequences for Parties not meeting their commitments. The Paris Agreement Implementation and Compliance Committee (PAICC) was established under Article 15, paragraphs 1 and 2, of the Paris Agreement. Further detail was included in decision 1/CP.21 paragraphs 102 and 103. Its modalities and procedures were adopted in decision 20/CMA.1 at Katowice. Its role is to facilitate implementation of and promote compliance with the provisions of the Paris Agreement. It is guided by principles in Article 15 and paragraphs 1 to 4 of the annex to decision 20/CMA.1, including that it shall function in a manner that is transparent, non-adversarial and non-punitive and paying attention to the respective national capabilities and circumstances of Parties. The Committee is currently drafting recommendations on its rules of procedure for adoption by CMA 3 in Glasgow in 2021 (UNFCCC, 2020[23]).

Source: Author's elaboration based on IO practice templates.

A large share of IOs also conduct **monitoring of implementation** (31 respondents to 2018 Survey) (Box 2.6) (OECD, 2019[2]). Thanks to the platforms IOs provide for sharing information, the direct relation with all of their members as well as the technical expertise of secretariat staff, they are well-placed to collect data, review and analyse the implementation of their instruments.

IOs collect a mix of qualitative and quantitative information on the implementation of their normative instruments, through a range of different reporting mechanisms. IO secretariats play a strong role in data collection and analysis. IOs most frequently collect qualitative information on laws and policies, as well as on relevant projects and activities. 23 respondents to the 2018 Survey of IOs also gather quantitative information, both on scientific and technical data as well as performance indicators (OECD, 2019[2]). In most cases, the information gathered is reviewed by IO secretariats. A large share of IOs also rely on external experts (20 respondents) or peer review by other members (15 respondents).

Box 2.6. Monitoring mechanisms used by IOs

CITES has mandatory reporting mechanisms (CITES, 2020[24]) on trade in endangered species, containing a summary of information on, *inter alia*, the number and type of permits and certificates granted, the States with which such trade occurred, the quantities and types of specimens, and the names of species. A standing committee verifies countries which have not provided reports for three consecutive years. Based on this reporting, CITES develops Implementation Reports, which provide guidance on the legislative, regulatory and administrative measures that members can take to ensure the effective implementation of the Convention. It also outlines the distribution of responsibilities between members (submit structured information on progress in implementing the Convention) and the CITES Secretariat (collating and synthesising the information received).

The **IEA** conducts periodic peer reviews – known as Emergency Response Reviews (ERRs) (IEA, 1979[25]) – of all member countries to assess the readiness of each country to respond to an emergency. The ERRs assess each country's emergency response frameworks for oil, natural gas and electricity as well as their emergency data-reporting capabilities. ERRs are now carried out in conjunction with the IEA's In-Depth Reviews (IDRs), which are peer reviews focussing more broadly on assessing each IEA member's energy policies. Review teams for the ERRs include not only IEA Secretariat staff but also representatives from other IEA member countries. Following the reviews, the IEA Secretariat prepares reports containing the assessment and recommendations based on the reviews, and presents the report to the IEA's Standing Group on Emergency Questions (SEQ). The country under review is called upon by the SEQ to accept the recommendations from the review, and each review includes an assessment of the steps taken by the country to address the recommendations of the previous review. Unlike the IDR reports, an ERR report is not made public.

The **ILO** Supervision Mechanism facilitates the monitoring of the implementation of its instruments in member states and identifies areas where they could be better applied. These offer an example of IO practice where information by a third party body is used for implementation monitoring purposes. Comments by national and international organisations of employers and workers on the application of ratified Conventions are taken into account by regular ILO supervisory bodies. The supervision process comprises legal assessment, tripartite (members, employers, workers) scrutiny and, where appropriate, direct contact with and technical support to Member States on the basis that optimal implementation will be achieved through a combination of dialogue, encouragement, advice and assistance.

IOSCO carries out implementation monitoring reviews, in the form of Thematic Reviews (IOSCO, 2019[26]), which are intended primarily to provide a stimulus to members who have not applied guidance to take steps toward this end. This is achieved by enhancing understanding of the significance of any identified differences in approach and measures which may be developed to work with those differences, identifying examples of best (or good) practice in implementing the IOSCO Principles and Standards to assist other IOSCO members in implementation, and targeting areas in which IOSCO Principles and Standards may warrant revision or where further IOSCO work would be necessary.

The **OECD** peer review process (OECD, 2020[27]) in relation to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Anti-Bribery Convention), functions to monitor and promote the full implementation of this Convention. This mandate is carried out within the framework of a dedicated Working Group on Bribery, and embedded in Article 12 of the Convention. The peer reviews proceed in four distinct phases. First, the adequacy of a country's legal framework to combat bribery and implement the Convention is evaluated. The second phase assesses whether the country is applying the legislation in practice. Third, the evaluation focusses on enforcement, cross-cutting issues, and unimplemented recommendations from Phase 2. Finally, Phase 4 foregrounds enforcement and cross-cutting issues tailored to specific country needs, and

unimplemented recommendations from Phase 3. Each evaluation results in a published report with recommendations to the evaluated country for improvement. A follow-up process after each evaluation assesses the country's implementation the Working Group's recommendations. The peer review process has led Parties to enact legislation for implementing the Convention, and to increase their enforcement of such legislation.

Source: Author's elaboration based on IO practice templates and 2018 IO survey.

Implementation challenges faced by IOs

IOs generally have **ambitious governance goals but moderate governance capacity,** which influences their role in encouraging implementation. In particular, IGOs are charged with broad and ambitious objectives such as containing the use of violence, supporting human and animal health, facilitating free trade, advancing economic development, fighting organised crime, promoting human rights, improving labour standards, defending biodiversity and providing relief after natural disasters and armed conflicts. Yet their ability to pursue these goals is subject to restrictive treaty mandates, close member state oversight and limited financial and administrative resources. In sum, IGOs often lack the capabilities to perform the roles they have been nominally allocated (Abbott et al., 2015[28]).

The **capacity of IO secretariat**, in terms of human resources, expertise, IT infrastructure, and funding has an impact on the choice and the development of implementation mechanisms. For some IOs, developing implementation mechanisms may require seeking extra-budgetary funding from institutional or private donors. IOs must be inventive by pursuing effective actions which minimise risk (see Chapter 4).

IOs also face **difficulties in collecting information on implementation,** especially for non-binding instruments. When IOs manage to collect such information, it requires IO secretariats to invest resources in "cleaning", standardising and gathering the information into comparable datasets.

In addition, it is **not easy to use information on implementation** by defining an appropriate methodology. Using this information on implementation effectively to improve the relevance of International instruments and identify areas of improvement requires a holistic vision and significant strategic planning, which in turn require human, IT and financial resources. As a result, a common disconnect remains between the information collected and the rulemaking process in itself (see Chapter 1).

The wealth of information about implementation is not systematically made publicly available, which does not give full visibility to the use made of international instruments. Half of survey respondents report making information about information available online (2018 IO Survey) (OECD, 2019[2]).

How innovative practices and new technologies can support implementation

The large amounts of qualitative data that IOs collect are often under-utilised, often seen merely as individual qualitative texts and reports rather than tools to contribute to broader strategic objectives. However, these texts about implementation and other IO activities often contain a wealth of information and detail that could be made accessible with text-mining and machine-learning methods. The **use of big data analytics and machine learning** could therefore be further explored by IOs.

Some IOs have adopted **a comprehensive approach to improve implementation**. This involves outlining successive steps and constitutive elements to gather information about implementation, making this information available, analysing this information and using it to feed back into the rulemaking process (OECD, 2020[3]).

Comprehensive, virtual databases on implementation can help to make the information on implementation more effective and usable. This can support members to identify other members' levels of implementation and to share experiences across the IO constituency, or IO secretariats to observe overall trends on implementation and draw important lessons from this for their rulemaking activities.

In response to the COVID-19 crisis, a number of IOs reacted by adapting or delivering dedicated instruments to facilitate their implementation by members (OECD, 2020[29])**.** For instance, the World Anti-Doping Agency (WADA) took normative action to adjust the implementation of the World Anti-Doping Code to current sanitary requirements, while the World Customs Organisation (WCO) and World Health Organization (WHO) developed specific guidance materials to support the smooth flow of priority medicines and other essential products across borders. Similarly, the International Accrediation Forum (IAF) established a COVID-19 Task Force for the development and publication of Frequently Asked Questions to help accreditation bodies continuously operate in the context of COVID-19 and avoid contradictions with relevant international instruments. The OECD has worked on highlighting the relevance of its legal instruments for the COVID-19 Response and Recovery by providing specific references on its publically-available Compendium of OECD Legal Instruments (OECD, 2020[30]), as well as developing ongoing thematic notes on policy responses for tackling the COVID-19 pandemic (OECD, 2021[31]). The Secretariat for the Economic Integration of Central America (SIECA) developed a set of Biosafety Guidelines (SIECA, 2020[32]) for the Central American Land Transport Sector. The Guidelines contain a biosafety protocol and establish co-ordinated procedures among participating countries to avoid the spread of COVID-19 and guarantee the fluidity of trade at land border posts (SIECA, 2020[32]).

Going forward, it will be key to evaluate the effectiveness of IO responses to the crisis, identify changes and innovations that may stay in place after the crisis, revise instruments as needed and draw lessons for upcoming crises. As an example, the World Organisation for Animal Health (OIE), is already planning an "after-action-review" of the incident recording system.

Box 2.7. The OIE Observatory: a comprehensive approach to implementation

The **World Organisation for Animal Health (OIE)** Observatory, currently in the process of elaboration, is envisaged to provide a continuous and systematic mechanism of observation and analysis of Members' practices in implementing OIE international standards, through the development of a data-driven approach across the organisation. It intends to build on, tie together, and benefit from the combined strengths of various information collection mechanisms that already exist within and outside the OIE. The information collected and analysed by the OIE Observatory would aim to contribute to improved understanding on OIE standards are implemented, key global trends, and common challenges faced by OIE Members. To this effect, it is envisaged that the OIE Observatory will produce analytical reports that is expected to allow the OIE to :

- Tailor capacity building activities on identified needs and by sharing practices (peer learning);
- Enhance the OIE standard setting-process through evidence-based assessment of the use of OIE standards;
- Improve accessibility and visibility of data for use by both OIE Members and other stakeholders.

Taken together, the OIE Observatory is intended to bring out the interlinked, mutually-complementary, and internally-varied nature of the mechanisms mobilised by IOs to support implementation. The core emphasis of the project is in monitoring. The leveraging of several monitoring approaches through this Observatory, and their deployment for several interlinked purposes capitalises on their respective benefits, while minimising the challenges associated with a more one-dimensional focus.

Source: (OECD, 2020[3]), Author's elaboration from IO practice templates.

Box 2.8. The use of databases to highlight and underpin implementation efforts

The IUCN Resolutions and Recommendations Database (IUCN, 2020[33]) accompanies the catalogue of instruments with a series of progress reports, which outline those members and non-members who have adopted each instrument, a brief overview of the actions undertaken to facilitate its implementation, its concrete results and achievements, outstanding challenges and obstacles in implementing the instrument, and proposed reforms to address these. This is paralleled by Activity Reports, whereby individual adherents provide an account of their implementation efforts.

The UNCITRAL Secretariat's CLOUT Database (UNCITRAL, 2020[34]) has the central objective of facilitating the interpretation and application of UNCITRAL texts, by enabling judges and arbitrators to consider the international origin of the law and the need to promote uniformity in its application, and access to judicial precedents from the various jurisdictions that have adhered to or implemented an UNCITRAL text is a useful tool. This encompasses 1857 cases from 71 jurisdictions, to date. A network of National Correspondents are tasked with researching national case law and preparing abstracts for publication on CLOUT. In addition, a CLOUT Steering Committee establishes and maintains partnerships with relevant stakeholders to promote awareness and use of UNCITRAL texts. A dedicated User Guide facilitates the effective implementation of the CLOUT Database itself, by setting out the scope and purpose of the information system, establishing the structure of abstracts and submissions, outlining a common terminology underpinning the database, and providing a checklist for drafting documents for inclusion within it.

WTO Trade Policy Reviews **(TPRs)** (WTO, 2020[35]) include a detailed report written independently by the Trade Policy Review Division, a technical body within the WTO Secretariat. An online database collates these in a chronological list, and is searchable by country, code number, full text, or document date. The selection of publications within the database include the TPRs issued by the WTO Secretariat, policy statements by the government of the member under review, minutes of the meeting in which the TPR has been presented, questions and answers by other WTO members present, and press releases for each TPR.

Source: Author's elaboration based on IO practice templates, 2018 IO survey.

Box 2.9. Digital assistance mechanisms applied by IOs

The OIML Legal Metrology e-Learning Platform provides an accessible, comprehensive and interactive way of understanding the implementation of many common legal metrology activities. Through online courses, training materials, and background information on previous workshops and events, the organisation seeks to advance understanding with regard to metrology concepts and terminology; its role for trade, health, medicine and environmental protection; the regulatory infrastructure surrounding legal metrology in Europe and other regions; and the OIML Certification System. The Platform was developed by the Intra-Africa Metrology System (AFRIMETS), the CARICOM Regional Organisation for Standards and Quality (CROSQ) and the International Organisation of Legal Metrology (OIML) and facilitated by the ACP-EU TBT Programme. It was funded by the European Union at the request of the African, Caribbean, and Pacific Group of States (ACP Group). This pooling of resources and expertise provides a practical illustration of how IOs can work together with their members to transfer knowledge, advance implementation, and strengthen collaboration.

Source: (OIML, 2020[36]).

References

Abbott, K. et al. (2015), *International organizations as orchestrators*, Cambridge University Press, http://dx.doi.org/10.1017/cbo9781139979696. [28]

ASTM International (2005), *Corporate Communications Department*, https://www.astm.org/SNEWS/AUGUST_2005/schindler_aug05.html. [11]

BIPM (2016), *Capacity Building and Knowledge Transfer (CBKT) Programme*, https://www.bipm.org/en/cbkt/. [4]

BIPM/OIML (2021), *World Metrology Day*, http://www.worldmetrologyday.org/. [12]

CITES (2020), *Reporting Requirements - Annual Report*, https://cites.org/eng/imp/reporting_requirements/annual_report. [24]

Combacau, J. and S. Sur (2016), *Droit international public*, LGDJ-Lextenso, https://www.lgdj.fr/droit-international-public-9782275045092.html (accessed on 12 September 2018). [1]

ICN (2018), *Advocacy Working Group*, https://www.internationalcompetitionnetwork.org/working-groups/advocacy/. [13]

IEA (1979), *Emergency Response Reviews (ERRs)*, https://www.iea.org/reports/energy-supply-security-the-emergency-response-of-iea-countries-2014. [25]

IEA (1976), *Emergency Response Exercises*, https://www.iea.org/areas-of-work/ensuring-energy-security/emergency-response-exercises. [5]

IFAC (2019), *Approach to Advancing Accountancy Education at the Global Level*, https://www.youtube.com/watch?v=2vfOlORv6hQ&ab_channel=InternationalFederationofAccountants%28IFAC%29. [7]

IFRC (2011), *Organisational Capacity Assessment and Certification (OCAC)*, https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2019/05/Overview-of-Key-Assessment-Tools.pdf. [6]

ILAC (2020), *ILAC Promotional Brochures*, https://ilac.org/publications-and-resources/ilac-promotional-brochures/. [14]

ILO (1926), *Committee on the Application of Standards of the International Labour Conference*, https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/conference-committee-on-the-application-of-standards/lang--en/index.htm. [20]

IOSCO (2019), *Thematic Review on Suitability Requirements with respect to the Distribution of Complex Financial Products*, https://www.iosco.org/library/pubdocs/pdf/IOSCOPD638.pdf. [26]

ISO (2020), *ISO Media Kit*, https://www.iso.org/media-kit.html. [15]

ISO (2004), *ISO Code of Ethics*, https://www.iso.org/files/live/sites/isoorg/files/archive/pdf/en/codeethics_2004-en.pdf. [16]

IUCN (2020), *IUCN Resolutions and Recommendations Database*, https://portals.iucn.org/library/resrec/search?field_resrec_all_codes_value=&field_resrec_all_titles_value=&field_resrec_type_value=rec&field_resrec_status_value=1&sort_by=title&sort_order=ASC. [33]

OECD (2021), *OECD Policy Responses to Coronavirus (COVID-19)*, https://www.oecd.org/coronavirus/en/policy-responses (accessed on 25 March 2021). [31]

OECD (2020), *Country Monitoring of the OECD Anti-Bribery Convention*, https://www.oecd.org/daf/anti-bribery/countrymonitoringoftheoecdanti-briberyconvention.htm. [27]

OECD (2020), *International organisations in the context of COVID-19: adapting rulemaking for timely, evidence-based and effective international solutions in a global crisis*, https://www.oecd.org/gov/regulatory-policy/Summary-Regulatory-management-Covid-19.pdf (accessed on 19 October 2020). [29]

OECD (2020), *OECD Compendium of Legal Instruments*, https://legalinstruments.oecd.org/en/ (accessed on 21 October 2020). [30]

OECD (2020), *OECD Study on the World Organisation for Animal Health (OIE) Observatory: Strengthening the Implementation of International Standards*, OECD Publishing, Paris, https://dx.doi.org/10.1787/c88edbcd-en. [3]

OECD (2019), *The Contribution of International Organisations to a Rule-Based International System: Key Results from the Partnership of International Organisations for Effective Rulemaking*, OECD Publishing, Paris, https://www.oecd.org/gov/regulatory-policy/IO-Rule-Based%20System.pdf. [2]

OIML (2020), *Legal Metrology e-Learning Platform*, https://www.oiml.org/en/structure/ceems/e-learning-platform. [36]

OZONE (1990), *Montreal Protocol Annex III: Non-Compliance Procedure*, https://ozone.unep.org/meetings/second-meeting-parties-montreal-protocol/decisions/annex-iii-non-compliance-procedure. [22]

PIC/S (2020), *PIC/S Compliance Programme*, https://picscheme.org/en/activites-compliance. [18]

SIECA (2020), *Biosafety Guidelines*, https://www.sieca.int/index.php/lineamientos-bioseguridad-sector-transporte-terrestre-ca/. [32]

SIECA (2006), *Central American Trade Dispute Settlement Mechanism*, https://www.sieca.int/index.php/economic-integration/economic-integration/dispute-settlement/?lang=en. [21]

UNCITRAL (2020), *Case Law on UNCITRAL Texts (CLOUT) Database*, https://www.uncitral.org/clout/. [34]

UNFCCC (2020), *Compliance Committee*, https://unfccc.int/Compliance-Committee-CC. [23]

UNFCCC (2019), *Capacity Building on Climate Law and Governance*, http://www.climatelawgovernance.org/. [8]

UNFCCC (2012), *UN Alliance on Climate Change*, https://unfccc.int/topics/education-and-outreach/focal-points-and-partnerships/un-alliance-on-climate-change-education--training-and-public-awareness. [17]

WADA (2020), *Code Compliance*, https://www.wada-ama.org/en/code-compliance. [19]

WCO (2014), *WCO Mercator Programme: A Strategic Initiative to Support Trade Facilitation*, http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/wto-atf/mercator-programme/councilwco-mercator-programme.pdf?la=en. [9]

WIPO (2020), *Technical Assistance for Member States*, https://www.wipo.int/cooperation/en/technical_assistance/. [10]

WTO (2020), *Trade Policy Reviews - List of Reviews*, https://www.wto.org/english/tratop_e/tpr_e/tp_rep_e.htm. [35]

3 Developing a greater culture of evaluation of international instruments

This chapter illustrates the range of evaluation practices applied by international organisations. IOs mainly review individual instruments rather than sub-sets or the overall stock, conduct evaluation *ex post* rather than *ex ante*, and assess implementation more than impact. There is increasingly widespread commitment to upgrading evaluation among international organisations. This is reflected in a series of key principles, which aim to institutionalise, incrementally scale up, and guide evaluation activities, while broadening their scope and transparently publishing and acting on their results. Undertaking evaluation can be resource-intensive, methodologically difficult, and politically sensitive. IOs are taking innovative steps to overcome these hurdles, particularly by strengthening the interface with their members and deploying digital technologies and information sources.

Introduction

The evaluation of international instruments can provide valuable information about their implementation and impacts. Ultimately, evaluation improves the international rulemaking process at several levels. It enhances the quality of international instruments and is a key tool to ensure that international instruments remain fit-for-purpose - that is, that they continue to meet their objectives and address the needs of constituencies. Evaluation can also help to promote the wider adoption of international instruments and to build trust in IOs and their practices.

"Evaluation" refers here not to evaluating the quality of the provisions of international instruments themselves, which would consider whether they set out clear and comprehensive rules. Rather, it refers to evaluating the effectiveness, use, implementation, or impacts of these instruments. Such an evaluation often involves the collection and analysis of data related to the policies that the instruments address; who is using them, why and how; the costs and benefits of using the instruments (intended or unintended); and the extent to which they achieve their objectives in practice. IOs collect a range of data in relation to their instruments, and the information generated reflects the nature of the instrument(s) concerned (see Chapter 1).

There is a broadening commitment amongst IOs to developing a greater culture of evaluation of international instruments, despite the fact that they generally find evaluation to be a challenging and resource-intensive activity. For example, while IOs may have the technical expertise and resources to conduct evaluation of their instruments, domestic constituents generally possess the detailed information regarding their implementation and impacts, as well as knowledge of their coherence with national regulatory frameworks (OECD, 2016[1]). IOs may also face methodological challenges, such as difficulties associated with measuring and isolating impacts.

Against this backdrop, this section of the IO Compendium aims to inform the evaluation practices of IOs by setting out the variety of available approaches, as well as their associated benefits and challenges. The evaluation practices considered in this section are carried out by IOs themselves (i.e. evaluations by other organisations of international instruments are not considered).[1] The discussion is grounded in the existing practices of IOs, collected through the framework of the IO Partnership.

Rationale

IOs conduct evaluations of their instruments for a variety of purposes. These include encouraging the implementation and use of their instruments, supporting advocacy initiatives, gauging the assistance needs of members, assessing levels of compliance, and feeding evaluation results into monitoring procedures (see Chapter 2).

Evaluation can also contribute to improvements in the design of international instruments by highlighting areas for updating. Overall, evaluation can help international rule-makers to take stock of the costs and benefits associated with their instruments (Parker and Kirkpatrick, 2012[2]). This can facilitate consideration of how these costs and benefits are distributed, whether there are differential impacts across members, and whether the benefits outweigh the costs.

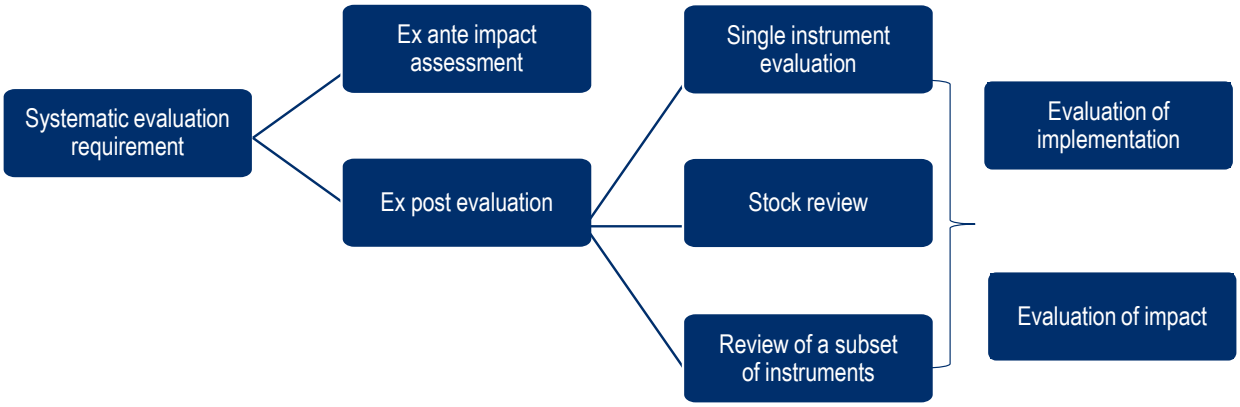
The benefits of evaluation can be magnified when applied to the stock or a sub-set of instruments, and co-operation with other IOs active in relevant fields can enhance the outcomes where instruments may complement one another (see Chapter 5).

Ex ante impact assessments can serve to clarify the objectives and purpose of international instruments before the rulemaking process commences, supporting efficiency as well as effectiveness. It also encourages rule-makers to examine the variety of potential pathways for action – including the possibility of inaction – in advance of the adoption of instruments (OECD, 2020[3]). *Ex ante* impact assessment also facilitates the systematic consideration of potential negative effects and costs in advance of adoption, which can support their mitigation (OECD, 2020[3]).

Typology: evaluation mechanisms

Figure 3.1 and Table 3.1 enumerate the existing mechanisms to evaluate international instruments, building on the typology outlined in the Brochure (OECD, 2019[4]) and the responses to the 2018 Survey. The typology was developed to represent the evaluation practices undertaken by the IOs that are part of the IO partnership. It is therefore illustrative only and does not necessarily provide a complete picture of all possible kinds of evaluation practices that IOs could use.

Figure 3.1. Current evaluation practices of international organisations



Source: The Contribution of International Organisations to a Rule-Based International System, (OECD, 2019[4]).

Table 3.1. Current evaluation practices of international organisations: overview of benefits and challenges

	Description	Benefits	Challenges
Ex ante impact assessment	Examining the expected social, economic and environmental impacts of instruments in advance of adoption.	Strategic focus and planning, improved resource allocation, help anticipate data needs and establish benchmarks for ex post monitoring.	Reliance on estimation and projection, vulnerability to unanticipated impacts
Ex post evaluation	Gauging realised impacts of international instruments retrospectively	Feedback loop between implementation and instrument development, identification of unexpected issues of implementation	May lack baseline data, rely on external agencies for reporting information, encounter stronger resistance than prospective evaluation, and involve resource intensiveness
Evaluating the use/ implementation of a single instrument	Review focussing on use and administration	Methodological simplicity, tracks assistance needs, promotes compliance, enhances advocacy, less resource intensive than evaluation of impact	Limited applicability to organisational learning processes
Evaluating the impact of a single instrument	Analysis of outcomes against a set of criteria, emphasis on attribution, results, performance	Methodological rigour and credibility of evidence, stronger learning processes	Resource intensiveness, may lack informational/control mechanisms to carry out this form of evaluation at the international level, methodological complexity
Stock review	Assessing overall regulatory output	Holistic account of instruments, overall strategic direction, identification of gaps in coverage	Resources intensiveness, lack of targeted depth of analysis
Review of subset of instruments	Evaluating a range of instruments within a certain sector, rulemaking area, or initiative	Account for interaction between various instruments and cumulative effects, reduced duplication	May encounter difficulties of attribution

Source: Author's own elaboration via exchanges in IO partnership.

Key principles of evaluation

This section contains key principles that may support IOs in enhancing their evaluation practices. These principles are derived from the experiences of a wide range of IOs. They also build on the *OECD Best Practice Principles for Regulatory Impact* Assessment (OECD, 2020[3]) and *Reviewing the Stock of Regulation* (OECD, 2020[5]), which synthesise domestic experiences in the evaluation of laws and regulations. Given the diversity of IOs and the kinds of normative instruments they develop, not all of the below principles will be relevant or practical for all IOs. Nevertheless, they can provide useful guidance and inspiration for IOs wishing to develop a greater culture of evaluation.

1. Institutionalise the evaluation of instruments

Institutionalising the systematic evaluation of normative instruments developed by IOs is an important step towards ensuring their continued relevance. The level of formality of such institutionalisation can vary – for example, 'institutionalising' an evaluation commitment could mean including evaluation practices in IOs' rules of procedure, or via the creation of a unit whose job it is to carry out evaluations. Either way, it is a demonstration of the commitment of IOs to the continual improvement of their instruments and to ensuring that they remain fit-for-purpose.

When evaluation processes are clearly prioritised, defined and accessible (including who has the responsibility for overseeing and carrying out these processes), this can help embed evaluation into everyday organisational culture and practice.

2. Start small and build evaluation practices over time

IOs find it challenging to evaluate their instruments for a number of different reasons (see Section 5). Indeed, it may not even be possible to effectively evaluate every kind of IO instrument. For a type of instrument that has not been evaluated before and for which no evaluation best practice can easily be identified, it makes sense to first **assess the "evaluability"** of the instrument – looking at its objectives and considering how it is implemented and by whom, and whether evaluation will be possible and/or useful. In most cases, the answer will be "yes", but the scope and breadth of evaluation may differ.

The first level of evaluation for International instruments is to **evaluate their use or implementation** – who is implementing the instrument, why, where, when and how (see Chapter 2). This is particularly relevant for non-binding instruments.

Because IOs often do not have oversight of the implementation of their instruments, especially for non-binding instruments, evaluation of use is not always straightforward and it can be hard to collect complete data. Nevertheless, even incomplete data can provide extremely useful information that can lead to international instruments being revised – or withdrawn – and help IOs better target and design the support they provide to encourage implementation of their instruments (see Chapter 2). Evaluation of use is also possible for international instruments that were not developed with clearly measurable objectives.

The next level of evaluation for international instruments is to **evaluate their impacts**. This is a much more complex undertaking than evaluation of use and IOs face major challenges related to availability of data; the difficulty of establishing causality (e.g. how much of the observed results can be attributed to the IO instrument in question vs other factors such as the enabling environment and complementary actions by other actors); and the fact that normative work can take a long time to have an impact.[2] Because of these challenges and more, IOs generally have less experience conducting impact evaluation. Nonetheless, many IOs are conscious of this fact and are actively looking at how they can successfully move from evaluating use to also evaluating impact. There are a wide range of effective practices and methodologies for evaluating impact, and some IOs have prepared guidance documents to help others perform effective

impact evaluation.[3] IOs could also explore collaboration with other stakeholders such as academia or NGOs if the required technical expertise for impact evaluation is not available in-house (see Chapter 4).

A culture of evaluation cannot be created from scratch overnight. Defining the scale and objectives of the evaluations less ambitiously in the beginning could allow to take intermediate outcomes and use these to build confidence in evaluation processes within IOs, leading eventually to a greater willingness to go further in terms of evaluation. Even small amounts of data and limited results from smaller scale evaluations can demonstrate valuable impact and be important in influencing more actors to implement international instruments (see Chapter 2).

3. Develop guidance for those undertaking evaluation

Developing guidance documents aimed at those responsible for planning or undertaking the evaluation will help to harmonise practices and set expectations for the IO and its stakeholders. A common approach is especially important if evaluations are carried out in a decentralised manner (for example, not led by the IO secretariat, but conducted by members or by external consultants).

Guidance could consider elements such as how to address:

- Objective setting: how to set objectives that are practical and viable and establish clear and measurable evaluation criteria.
- Selection of people to undertake the evaluation: outline the criteria /qualifications needed for undertaking the evaluation in question.
- Evaluation costs: ensure the costs involved in the process of evaluation are proportionate to the expected impacts of the international instrument.
- Benchmarking: when possible, consider benchmarking comparisons across jurisdictions.
- Stakeholder engagement: ensure inclusive and effective consultation with relevant stakeholders/ those affected or likely to be affected.
- Use of technology: think about how digital technologies can be used to increase efficiency of evaluation processes, analyse or collect data.
- Use of data: make use of all available sources of information, and consider including less traditional ones such as open source data, satellite data, mobile phone data, social media etc.
- Confidentiality, impartiality and independence: think about how to reflect these qualities at each stage of the evaluation process.

4. Establish objectives for International instruments to be evaluated against

When international instruments have clearly-measurable objectives, these serve as helpful criteria for the evaluation. However, when this is not feasible or leads to an incomplete understanding of the instrument, it becomes important to provide qualitative descriptions of those impacts that are difficult or impossible to quantify, such as equity or fairness. Depending on the nature of the instrument and the level of evaluation foreseen, objectives might be specific to one instrument, or could apply to a set of instruments or type/class of instruments. Alternatively, the objectives for the instrument may be set or modified by the State or organisation implementing the instrument, according to local circumstances.

Using and documenting a rigorous process to establish objectives for international instruments – involving, for example, data collection, research and consultation with stakeholders likely to be affected by the implementation of the instrument – can help ensure objectives are coherent across different instruments of the same IO. It can also contribute to making the objective-setting process more transparent, potentially increasing the acceptance of and confidence in both the instruments themselves and the evaluation practices that later rely on these objectives.

The establishment of objectives needs to be part of the development process of IO normative instruments (see Chapter 1). Where possible, the process of objective-setting should be embedded within the larger practice of ex-ante objective setting and impact assessment (OECD, 2020[3]).[4]

Before developing an instrument, typically the IOs can consider the use of alternative options for addressing the objectives that have been established, including the effects of inaction. They should collect the available evidence and solicit scientific expertise and stakeholder input in order to assess all potential costs and benefits (both direct and indirect) of implementing the proposed instrument. The results of this assessment can help to improve the design of the proposed instrument, and communicate these results openly (where possible) to increase trust and stakeholder buy-in in the international instruments or the IO's evaluation culture more broadly.[5]

5. Promote the evaluation of sub-sets or the overall stock of instruments

The IOs should consider evaluating their instruments on more than an individual basis. Evaluating a sub-set of instruments or the whole stock of international instruments can introduce greater strategic direction into the practices of IOs by providing a detailed overview of the range of instruments applied and lessons on which instruments work better than others (OECD, 2020[5]).

IOs can begin with analysing sets of instruments within a given sector, policy area, or initiative, and gradually expand to include wider ranges of instruments. This will allow for the identification of gaps in portfolios where new international instruments may be needed and overlaps or duplication between existing instruments can be addressed.

6. Be transparent about evaluation processes and results

The open availability of information about evaluation processes and transparent dissemination of evaluation results are important to build trust and demonstrate that a given IO has a sound culture of evaluation and of accountability for its instruments.

Consultation of key stakeholders at each stage of the evaluation process greatly contributes to transparency and can also increase the credibility of evaluation results (see Chapter 4). Sharing the draft conclusions of evaluation exercises for comment may help the evaluating body to strengthen its evidence base.

Evaluation reports should be made available as broadly as possible, including within the IO, to IO members and possibly even the broader public (unless, for example, there are issues related to the protection or confidentiality of stakeholders). Establishing a repository of past evaluation results (for example on the IO website) offers a means to achieve this. Providing copies of evaluation reports directly to stakeholders who contributed to the evaluation process is also good practice (UNEG, 2014[6]).

7. Use the results of evaluations

Not only should the results of evaluations be used, but the IO should be able to show how they have been used by the IO, its respective governing bodies, its members or other stakeholders to:

- Improve International instruments and/or their implementation, including closing regulatory gaps in the stock of instruments (see Chapter 1).
- Identify follow-up actions related to other IO practices and items that need to be fed into the next cycle of IO decision-making.
- Identify lessons-learned during the evaluation process that can improve the evaluation process itself (e.g. improving guidance documents, objective-setting processes or communication of results).
- Advocate the value of international instruments (see Chapter 2).

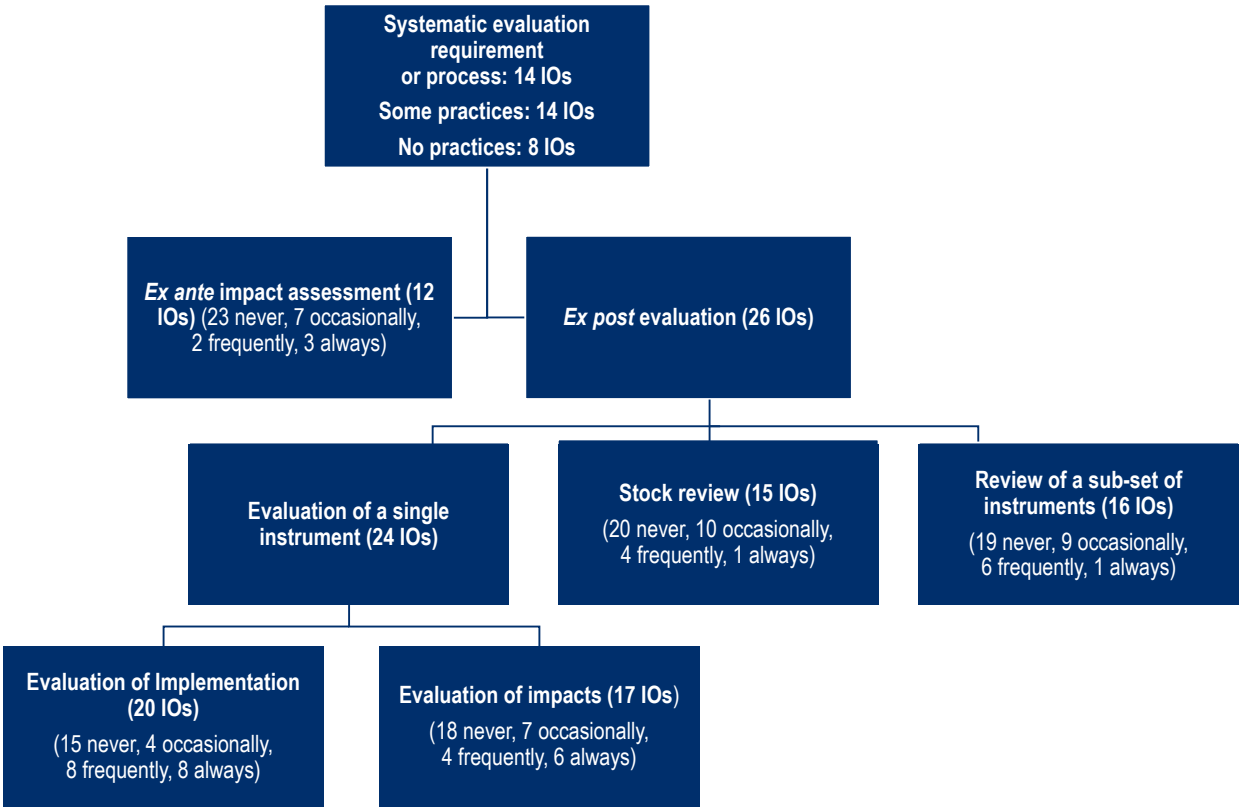
State of play on evaluation of international instruments

Trends in evaluation practices by IOs

Uptake of evaluation practices

In comparison with the other practices described in this Compendium, evaluation is not as frequently used by IOs. Nevertheless, more and more IOs are taking up evaluation practices. In the 2018 Survey of IOs conducted by the OECD, the great majority of IOs (28 out of 36) reported having adopted some form of evaluation mechanism. Of these 28, 14 IOs reported having a systematic requirement to conduct evaluation. Only 8 IOs reported having no evaluation practices at all (Figure 3.2).

Figure 3.2. Typology and examples of normative evaluation mechanisms



Note: Number of IOs reporting such mechanisms out of 36 respondents.
Source: 2018 IO Survey.

When taking a look at the different categories of IOs,[6] it becomes clear that evaluation is most frequently conducted by **IGOs with smaller, closed memberships or Secretariats of Conventions.** This is likely to be a function of the formality of the instruments used (secretariats of conventions) and the practicality of conducting evaluations with smaller memberships ("closed" IGOs).

When engaging in evaluation, IOs most frequently **focus on evaluating the use, or implementation of international instruments, as opposed to their impacts** (OECD, 2019[4]) (OECD, 2016[1]). For example, a number of IOs, including OIML and ISO, report some sort of periodic review of the use or implementation of their instruments to decide whether these should be confirmed, revised, or withdrawn. One example of an IO that does evaluate impacts is the Secretariat of the Convention on Biological Diversity (CBD), which

reported conducting mandatory reviews of the effectiveness of its instruments (the protocols). However, despite the relatively low uptake of the practice, IOs and their constituencies nevertheless acknowledge the need to review the impacts of instruments in order to assess their continued relevance and/or the need for their revision. This was a clear take away from the second meeting of international organisations[7] and is reflected in the results of the 2018 Survey.

While all **categories of instruments** are evaluated, the results of the 2018 Survey show that instruments qualified as "standards" by the IOs are the type of instrument most frequently reviewed. International *technical* standards more specifically (e.g. ASTM International, IEC, ISO) undergo regular evaluation with the aim of ensuring quality, market relevance and that they reflect the current state-of-the-art. Often, evaluations of international technical standards take place on a systematic basis and with a set frequency (e.g. at least every 5 years). Whilst they are not as frequent, there are various examples of other types of instruments being evaluated, including conventions (e.g. the evaluation of all six Cultural Conventions by UNESCO), and even voluntary instruments (e.g. MOUs etc.).

Institutionalisation, governance of evaluation

According to the 2018 Survey, out of those who reported having adopted some form of evaluation mechanism, half reported having made **evaluation a systematic requirement** for their instruments. The other half does not have such a general requirement, i.e. only a subset of their instruments is subject to evaluation or evaluations are carried out only on an ad-hoc basis. There are different ways to embed evaluation requirements, including as clauses of specific instruments themselves, or in broader rules of procedure, guidelines, or terms of reference (see Chapter 1).

Whether or not there is an **obligation to take action in response to the evaluation** of international instruments often depends on the outcome of the evaluation itself. For example, if an instrument is 'confirmed', no action may be required. Whereas if the evaluation results in a proposal to 'revise' or 'withdraw' the instrument, further action will be necessary. In some cases, IOs may only recommend action rather than impose it on their members.

Regarding the **governance of evaluation processes,** this is generally a shared responsibility between the IO Secretariat and members. Survey responses indicate that this shared responsibility is systematic for some, but for others is decided for each instrument on an ad-hoc basis.

As far as the **entity in charge of the evaluation**, in some IOs technical committees responsible for the development of the instrument are also in charge of the evaluation. This is mainly the case for standardisation organisations. Other IOs have a permanent standing body or unit dedicated to the evaluation of instruments, including a governance or global policy unit, or the department which has developed the instrument. Other less frequent forms of evaluation governance include ad-hoc working groups, and governing boards or presidential councils that assume evaluation responsibilities. Only in very few cases is an external body contracted to conduct the evaluation.

Box 3.1. Examples of systematic evaluation carried out by IOs

The **OECD** systematically embeds clauses within its legal instruments requesting the responsible body/bodies to support the implementation, dissemination and continued relevance of the instrument, including a five years report to the governing board ("OECD Council"). These frequently instruct the responsible body to consult with other relevant bodies (within and beyond the OECD) and serve as a forum to exchange information and assess progress against benchmark indicators. The reporting to the governing board is intended to evaluate the usefulness of the instrument rather than compliance by individual adherents (OECD, 2014[7]).

The **ILO** Standards Review Mechanism (SRM) (ILO, 2011[8]) was established to ensure that the organisation has a clear, robust and up-to-date body of international labour standards. The Standards Review Mechanism Tripartite Working Group (SRM TWG) assesses and issues recommendations on a) the status of the standards examined, including up-to-date standards, standards in need of revision, outdated standards, and possible other classifications; b) the identification of gaps in coverage, including those requiring new standards; c) practical and time-bound follow-up action, as appropriate.

Source: Author's elaboration of 2018 IO survey responses.

*Type of evaluation (*ex ante *and* ex post *evaluation; single instrument/sub-set/stock review) and tool (manual/online survey, analytical tool)*

There is a notable tendency for IOs to evaluate their instruments ***ex post*, rather than *ex ante*** *(*Figure 3.2*)*. In the 2018 Survey, only 12 IOs indicated that they conduct *ex ante* impact assessment and, of these, most do not do so on a regular basis (only three IOs reported that they always perform an *ex-ante* evaluation, and two reported that they do so frequently). When *ex post* evaluation is carried out, it is generally for a single instrument rather than for the overall stock (OECD, 2019[4]). Many *ex post* review processes of IOs are time-bound, with provisions often mandating a review-process five years after implementation.

Box 3.2. Examples of *ex ante* evaluation modalities applied by IOs

The **Structure of the ILAC Mutual Recognition Arrangement and Procedure for Expansion of the Scope of the ILAC Arrangement (ILAC – R6:05/2019)** (ILAC, 2019[9]) establishes a framework for the inclusion of conformity assessment activities, normative documents, and sectoral publications within the scope of the organisations core instrument, the ILAC MRA. This includes several key steps, beginning with a proposal for expansion, its review and approval, its practical development, and its final launch. The proposal for expansion can come from conformity assessment body (CAB) associations, industry, and professional associations; regulators; recognised regions; and individual accreditation bodies. The review involves an interrogation of the background evidence on the need for a new area, an assessment of the implications of a lack of inclusion, and the gathering of views and conduct of consultations with affected parties. This signifies a comprehensive approach to international rulemaking, which combines and capitalises on the overlapping strengths of instrument development (WG1), stakeholder engagement (WG3), and evaluation (W4), while strengthening the interface between ILAC and its members.

Box 3.3. Examples of *ex ante* evaluation modalities applied by IOs (cont')

Under the Inter-institutional Agreement on Better Law-Making in the European Union (European Commission, 2016[10]), the **European Commission (EC)** requires that RIA be conducted for regulatory proposals with significant economic, environmental or social impacts on the EU. The Commission publishes an inception impact assessment (IIA) that outlines the policy problem and a preliminary assessment of the anticipated impacts. Following public consultation on the IIA, the Commission undertakes a full RIA including data collection and evidence gathering, as well as public consultations. Regulatory impact assessments (RIAs) are subject to scrutiny by the Regulatory Scrutiny Board, where

regulatory proposals may need to be revised. In terms of EU-made laws, RIA is much more likely to be required when transposing EU directives than it is to form the basis of individual EU Member States' negotiating position. Where Member States do not have formal requirements to conduct RIA at the negotiating phase, they do rely on the European Commission's impact assessments, albeit not systematically.

The **International Maritime Organisation (IMO)** occasionally conducts Ex ante Impact Analysis (OECD, 2014[7]) of its regulations, particularly in cases for controversial or complex issues on which divergent views exist. The analysis of the probable and potential effects of regulations, as well as their extent, serves to enhance the legitimacy of proposals and forge agreement in difficult areas. For example, the organisation has issued a variety of feasibility studies and impact assessments related to market-based mechanisms to reduce greenhouse gas emissions from shipping. The examinations of the Energy Efficiency Design Index (EEDI) and the Ship Energy Efficiency Management Plan (SEEMP) in advance of their adoption estimated that, under high uptake scenarios, these instruments would both reduce global emissions below the status quo by an average of 330 million tonnes (40%) annually by 2030, and increase savings in the shipping industry by USD$310 billion annually. This highlights an intersection between various areas of international rulemaking, as *ex ante* impact assessment can function simultaneously as a core element in the development of instruments, an advocacy and compliance mechanism, and a form of evaluation (see chapters 1 and 2).

Pursuant to the Convention Establishing an International Organisation of Legal Metrology (OIML, 1955[11]), the **OIML** scrutinises a number of critical factors before any new project is submitted for approval, including the development of new international standards. The range of factors subject to review include the rationale for an OIML publication in the proposed subject area, the envisaged scope of the proposed publication, the reasons for regulating this category of instrument, a selection of details regarding the countries already regulating this category of instrument or have expressed an intention to regulate it, a description of similar work underway in other organisations (if applicable), and details of potential liaison organisations. In the final two instances, the OIML demonstrates an integrated approach to evaluation and co-ordination (See chapters 3 and 5). These horizon-scanning activities can expand the field of evidence and expertise contributing to the development of new instruments, underpin effective resource allocation, and minimise unnecessary duplication. These factors and others are reviewed prior to submitting the project for approval by Member States.

Source: (OECD, 2019[12]); (OECD, 2014[7]); Author's elaboration of the 2018 IO survey responses and inputs received from IOs.

Among those international organisations which routinely conduct evaluation, the analysis of individual instruments represents the most common type. According to the 2018 Survey results, two in three IOs evaluate the use, implementation or impact of single instruments. Within this group, international private standard-setting organisations stand out for the consistency with which evaluation is applied, its scope and format, and its embeddedness within the development of instruments (Box 3.4, see Chapter 1). The uniformity of this practice illustrates a mutual learning process across IOs, and opens new spaces for co-ordination (see Chapter 5). Beyond the OECD, these forms of evaluation are not replicated by IGOs. However, there is no necessary institutional reason for this, and IGOs could consider integrating similar minimum review requirements into their instruments.

Box 3.4. Systematic review of international technical standards: a replicable model?

Under the **ASTM** Review of Standards Procedure (ASTM International, 2020[13]), all standards are entirely reviewed by the responsible subcommittee and balloted for re-approval, revision, or withdrawal within five years of its last approval date. If a standard fails to receive a new approval date by December 31 of the eighth year since the last approval date, the standard is withdrawn.

All **IEC** International Standards are subject to a review process, under Maintenance of Deliverables procedures set out in the ISO/IEC Directives Part 1 + IEC Supplement (ISO/IEC, 2018[14]) These support and frame the review of all IEC publications for their acceptable usage, and determines whether revisions or amendments are required. The Maintenance of Deliverables reviews are governed by a set of indicators, which establish the relevance and coverage of the standard under analysis. These include the degree of adoption or future adoption of the publication as a national standard, its use by National Committees (NCs) without national adoption or for products manufactured or used based on the publication, reference to the publication or its national adoption in regulation, and IEC sales statistics.

Through the Systematic Review (SR) (ISO, 2019[15]) process, **ISO** determines whether its standards are current and are used internationally. Each standard is reviewed at least every 5 years – the committee responsible for the standard can launch a review sooner than 5 years, if it feels this is necessary. If no action is taken by the committee, an SR ballot is automatically launched at the 5-year mark. The ballot is sent to all members of ISO and contains a series of questions related to the use of the standard in their country, its national adoption or use in regulations, and its technical soundness. This requires national standards bodies to review the document to decide whether it is still valid, needs updating, or should be withdrawn. ISO has issued dedicated guidance to support this Systematic Review process.[1] Beyond the core function of ensuring that the body of ISO standards remains relevant and fit-for-purpose, SR serves a data collection function. Part of the information received from SR is integrated within the "ISO/IEC national adoptions database", which provides information on which standards have been nationally adopted, whether in identical or modified form, and the national reference numbers. This provides a vital resource through which to monitor the global uptake of standards.

Under the Recommendation Review process (OECD; OIML, 2016[16]), **OIML** recommendations and documents are reviewed every five years after their publication, to decide whether it should be confirmed, revised or withdrawn. The priority for the periodic review of OIML publications is defined by the Presidential Council and the OIML secretariat in consultation with the OIML-CS Management Committee, and approved by the International Committee of Legal Metrology (CIML). High priority publications shall be subject to a periodic review every two years.

1. www.iso.org/publication/PUB100413.html.

Source: (OECD, 2021[17]); Author's elaboration of IO practice templates and subsequent inputs from IOs.

The evaluation of individual instruments also occasionally extends to the core and/or founding instruments of an international organisation. The rationale for undertaking such an evaluation is clear. As these instruments frame, establish the basis for, and encompass an expansive range of international rulemaking activities undertaken by the IO in question, knowledge that these instruments are fit-for-purpose is vital to lending credibility and legitimacy to the organisation, demonstrating the effectiveness of their efforts, and making the case for the wider adoption of their instruments. In addition to the practices included in Box 3.5, this form of evaluation would equally apply to the ILO SRM (Box 3.1); the OECD SSR (Box 3.6), IUCN's review of Resolutions, and UNESCO's Evaluation of its Culture Conventions (Box 3.2); and the Standards Review procedures outlined in Box 3.3.

Box 3.5. Reviews of core international instruments

After more than 15 years of operation, a Review of the CIPM MRA (BIPM, 2016[18]), one of the core instruments of the BIPM, established views on what was working well and what needed to be improved regarding its implementation. The primary objective of the evaluation was to ensure that the *"Mutual Recognition Arrangement (MRA) of the International Committee for Weights and Measures (CIPM) of national measurement standards and of calibration and measurement certificates issued by national metrology institutes (CIPM MRA)"* remained fit-for-purpose, and to ensure its sustainability into the future. This generated a variety of Recommendations from the Working Group on the Implementation and Operation of the CIPM MRA, including with respect to managing the level of participation in key comparisons (KCs), improving the visibility of services provided by Calibration and Measurement Capabilities (CMCs) in the BIPM key comparison database (KCDB), constraining the proliferation of CMCs, improving the efficiency of review processes, encouraging and enabling states with developing metrology systems to become signatories and fully participate in the MRA, enhancing the governance of this instrument, and ensuring the effective and timely implementation of the Recommendations themselves.

The **ILAC** Mutual Recognition Agreement (ILAC MRA) (ILAC, 2015[19]) is a multilateral agreement that offers coherence across regional recognition agreements and arrangements, and can be seen as enabling evaluation of ILAC decisions on accreditation. The ILAC MRA links the existing regional MRAs/MLAs of the Recognised Regional Cooperation Bodies. For the purposes of the ILAC MRA, and based on ILAC's evaluation and recognition of the regional MRAs/MLAs, ILAC delegates authority to its Recognised Regional Cooperation Bodies for the evaluation, surveillance, re-evaluation and associated decision making relating to the signatory status of the accreditation bodies that are ILAC Full Members. The accreditation bodies that are signatories to the ILAC MRA have been peer evaluated in accordance with the requirements of ISO/IEC 17011 – Conformity Assessment Requirements to demonstrate their competence. The ILAC MRA signatories then assess and accredit conformity assessment bodies according to the relevant international standards including calibration laboratories (using ISO/IEC 17025), testing laboratories (using ISO/IEC 17025), medical testing laboratories (using ISO 15189), inspection bodies (using ISO/IEC 17020), proficiency testing providers (using ISO/IEC 17043) and reference material producers (using ISO 17034). The integration of ISO/IEC 17011 into the peer review processes of ILAC represents an intersection between the evaluation (WG4) and co-ordination (WG5) aspects of international rulemaking. This may be expected to bring greater consistency into peer review procedures. The assessment and accreditation of conformity assessment bodies through the prism of dedicated international standards in various sectors (ISO/IEC 17025, ISO/IEC 17025, ISO 15189, ISO/IEC 17020, ISO/IEC 17043, ISO 17034) demonstrate further instances of this phenomenon, and illustrates the complementarity between ISO, ILAC and IEC more broadly.

Source: Author's elaboration based on IO practice templates, subsequent inputs from IOs.

Some IOs have demonstrated an organisation-wide ambition to assess the effects and relevance of their instruments and embark on broader evaluation efforts. The 2015 and 2018 IO Surveys showed that stock reviews were not as frequent as *ex post* evaluations of individual instruments. Nevertheless, in recent years, some initiatives have emerged, with several organisations recently conducting broad reviews of their sets of instruments (Box 3.6).

Box 3.6. Examples of reviews of the overall stock or a thematic sub-set of instruments by IOs

The **IMO** Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR) (OECD, 2014[7]) was established in 2011 to conduct a comprehensive review of the administrative requirements contained in the mandatory instruments of the organisation, with a view to issuing recommendations on how the burdens imposed by these requirements could be reduced. This involved the creation of an Inventory of Administrative Requirements, which identified 560 administrative requirements, and the conduct of an extensive public consultation process.

From 2013-2019, the **United Nations Educational, Scientific and Cultural Organization (UNESCO)** conducted a series of evaluations of all six of its Culture Conventions, within an overall Evaluation of UNESCO's Standard-Setting Work of the Culture Sector (UNESCO, 2019[20]) The primary objective of the evaluations was to generate findings and recommendations regarding the relevance and the effectiveness of standard-setting work with a focus on its impact on legislation, policies, and strategies of Parties to the conventions. The evaluations of the Culture Conventions specifically assessed the contribution of UNESCO's standard-setting work, which is designed to support Member States with the: i) ratification (or accession / acceptance / approval) of the Conventions; ii) the integration of the provisions of the Conventions into national / regional legislation, policy and strategy (policy development level), and iii) implementation of the legislation, policies and strategies at national level (policy implementation level). All evaluations of UNESCO's standard-setting work were requested by Management and included in the Evaluation Office's evaluation plans that are published annually in the Internal Oversight Service Annual Reports. In terms of results, the evaluations have led to the development of results frameworks for the 2003 and 2005 Conventions, revised periodic reporting systems (1970, 2003, 2005 Conventions) as well as resource mobilisation strategies for the instruments, improvements in respective Conventions' capacity development programmes and communication initiatives, as well as changes to the working methods of the Conventions' Secretariats.

In 2018, the **IUCN** published a review of the Impact of IUCN Resolutions on International Conservation Efforts (IUCN, 2018[21]). The central objective of this paper is to highlight some of the major impacts and influences a particular sub-set of IUCN instruments – its 1305 adopted Resolutions – have had on conservation. According to the report, these occur across four key areas. First, Resolutions have served to set the global conservation agenda. Under the auspices of the World Conservation Strategy, developed in Christchurch, New Zealand in 1980, these instruments have framed national conservation efforts, promoted co-operation between public, private, and rural sectors, and underpinned a range of international programmes. Second, Resolutions have supported the development of international conservation law, in particular through the establishment of landmark instruments (and international organisations in their own right) such as the Convention on International Trade in Endangered Species (CITES) and the Convention on Biological Diversity (CBD). Third, these instruments have facilitated the identification of emerging issues in conservation, by phasing out a focus on individual species and promoting ecosystem management, addressing the intersections between energy and conservation and between trade and the environment, calling for the conservation of marine resources, recognising the growing importance of the private sector in both contributing to and addressing environmental issues, and encouraging the protection of mangroves. Fourth, the Resolutions have supported specific actions on species and protected areas. Primary among these are the introduction of quotas on species affected by trade, promoting the sustainable use of wild living resources, and driving the establishment of a United Nations List of National Parks and Equivalent Reserves.

In 2016, the **OECD** Secretary-General launched an organisation-wide Standard-Setting Review (SSR) C/MIN(2019)13 (OECD, 2019[22]). During its first phase, the SSR involved a comprehensive assessment by OECD substantive committees of the overall stock of OECD legal instruments and led to the

abrogation of a first set of 32 outdated legal instruments. Now in the second phase of the SSR, substantive committees are implementing their respective standard-setting Action Plans (i.e. the review, revision or monitoring of implementation of 134 legal instruments), and considering proposals for additional abrogations or the development of new instruments in some areas.

Currently under development by a dedicated working group, the **World Customs Organization (**WCO) Performance Measurement Mechanism (PMM) (WCO, 2020[23]) aims to provide an evaluation tool, which will apply a set of quantitative and qualitative key performance indicators (KPIs) to examine all the Customs competences (revenue collection, trade facilitation and economic competitiveness, enforcement, security and protection of society, etc.) for assessing and improving organisational efficiency and effectiveness, but also to reflect the extent to which the relevant WCO tools and Conventions are applied in support of revenue mobilisation and safe and smooth movement of people and goods. The PMM will also set out to measure the performance of customs administrations, with the objective of strengthening a measurement culture across its membership and supporting the development of metrics for strategic planning and evidence-based decision-making. To facilitate the effective development of the mechanism, relevant consultations are envisaged with other interested stakeholders including Private Sector Consultative Group (PSCG), academia and partner international organisations. Taking advantage of the WCO participation in the work of the IO Partnership, the design of the prospect WCO PMM adopts the evaluation principles of progression and proportion presented in this Compendium and prospectively aims to build up an evaluation framework that connects Members' implementation, awareness and use of the main WCO tools to the relevant organisational performance dimensions of the WCO constituency.

Source: Author's elaboration of the IO practice templates.

Criteria and indicators to be used for evaluation (qualitative/quantitative)

There is **no common or frequently-used methodology** employed by IOs to conduct evaluations. The methodologies to evaluate impacts remain nascent and specific to each IO, often vary according to the different kinds of instruments within the IO (Box 3.7) (OECD, 2016[1]).

Box 3.7. Lessons from evaluation methodologies applied by IOs

CITES: Resolution Conf. 14.8 – Periodic Review of Species (CITES, 2011[24]) sets out a detailed methodological framework for the conduct of periodic evaluations. The process involves the establishment of a dedicated schedule of operation, the selection of a practical sub-set of CITES-listed species of flora or fauna for analysis, and the appointment of qualified consultants to undertake the review. The outputs must include a summary of trade data, the current conservation statues of the subject matter – including the IUCN category of the species, the current listing in the CITES Appendices, and the distribution of species across states. The review results can underpin the production of Recommendations for changes in species status.

IAF: in conducting its evaluations, the **International Accreditation Forum (IAF)** applies ISO/IEC 17011 – Conformity Assessment Requirements (ISO/IEC, 2017[25]) and ISO 19011 – Guidelines for Auditing Management Systems (ISO, 2018[26]). These provide dedicated guidance for assessing and accrediting conformity assessment bodies in the first instance, and on the principles, management, and competence evaluation of auditing management systems in the second.

ISO: every June, the Technical Management Board (TMB) (ISO, 1986[27]) reviews all the statistics related to the standards development process, which includes those related to standards reviews (for example, assessing the response rate and percentage of responses sent on time). If any issues are identified, then the whole process, or parts of it, may be reviewed further by the TMB or the Directives Maintenance Team (DMT) – the DMT is the group that is responsible for the ISO Directives and Supplement (the rules for the standards development process). The DMT can propose changes to the rules, which must then be approved by the TMB.

OTIF: the Draft Decision on the Monitoring and Assessment of Legal Instruments (OTIF, 2019[28]), OTIF's forthcoming evaluation procedure, establishes a three-year timeframe beyond which outcomes and impacts of its instruments can be meaningfully monitored and assessed, instructs members to ensure the comprehensiveness and timeliness of the information required to conduct effective evaluations, and sets out the data sources that could be included within the scope of an evaluation (reports, academic literature, case law, surveys of Member States, regional organisations and/or stakeholders). The various categories of 'relevant stakeholders' are also explicitly outlined, and evaluators are encouraged to seek their experience, expertise and perspectives as a primary source of information on the practical application of its regulations.

WCO: the upcoming WCO Performance Measurement Mechanism (PMM) (WCO, 2020[23]) will be marked by the application of a set of quantitative and qualitative key performance indicators (KPIs) to examine four performance dimensions covering the full range of customs competences (revenue collection, trade facilitation and economic competitiveness, enforcement, security and protection of society, organisational development.) and the application of the relevant main WCO instruments and tools. The PMM will also be positioned with respect to the global impact, by mapping the list of its expected outcomes against the Sustainable Development Goals (SDGs), in order to ensure greater clarity as to Customs' role in contributing to a sustainable future through its performance.

Of the IOs responding to the 2018 Survey, 13 reported having **written guidance** on evaluation. Some IOs have developed their own internal guidelines or evaluation policy, while others reported that they used the Handbook by the United Nations Evaluation Group (UNEG) - an inter-agency group that brought together the evaluation units of the UN system (UNEG, 2014[6]). Other sources of written guidance on evaluation include the UNEG document library (which now includes guidelines for evaluation under COVID-19) and the Inspection and Evaluation Manual of the United Nations Office of Internal Oversight Services Inspection and Evaluation Division (OIOS-IED) (UNEG, 2021[29]) (UNEG, 2020[30]) (OIOS-IED, 2014[31]).

In the exceptional cases in which IOs conduct an *ex ante* assessment before developing an international instrument, this is pursued for example with a list of questions and factors that are systematically posed to the rulemaking body. The results can be submitted for members' approval prior to embarking on the rule-making process.

Core challenges to the effective evaluation of international instruments

The evaluation of international instruments is still far from systematic across IOs, largely because they face a number of common challenges to evaluation. For one thing, the subject-matter – evaluation of normative activity itself – is recognised as being extremely difficult. Moreover, there are challenges related to resources, co-operation with constituents, organisational culture and the ability to use the results of evaluation, as well as specific challenges regarding the evaluation of impact and the type and the age of the instrument in question.

One of the most prevalent challenges is the resource intensiveness of evaluations. This resource challenge applies across IOs, but can be particularly challenging for IOs with smaller secretariats and limited resources. Resource intensiveness is a challenge in terms of both quantitative resources (time and

money), and qualitative resources (expertise). Expertise can be very expensive to obtain if it is not available in-house and a cost-benefit analysis may be needed to determine if the evaluation is justified (OECD, 2016[1]).

Another set of difficulties in evaluating instruments stems from the respective role of IOs and their constituencies. IOs typically need to have a mandate from their members to engage in evaluation activity, but this is not necessarily straightforward. This arises from both the dynamics between governing bodies and members, as well as the heterogeneity across members' interests. Firstly, the relevant governing bodies of the instrument need to have a key role in the evaluation, particularly to ensure follow-up to the recommendations. Nevertheless, it can be difficult to achieve consensus among governing bodies and IO members on precisely *what* should be evaluated, the depth of the evaluation and on the development of specific recommendations. Secondly, the heterogeneity of IO members can mean that they have very different needs and capabilities and, consequently very different objectives. For example, the engagement by different Member States and Associates in the CIPM Mutual Recognition Agreement (Box 3.5) varies significantly due to the different needs of their economies and highly divergent scientific and technical capabilities. Countries with advanced metrology systems prefer to focus on the higher-level capabilities, while economies with emerging metrology systems focus on the provision of more basic services. These challenges can sometimes be overcome by conducting broad-based consultations and using an iterative process, leading to a consensus built around broad, common objectives.

The increased evaluation of international instruments also faces some challenges of organisational culture. IOs may be reluctant to 'lift the lid' on instruments, in case the results of evaluation are not positive and the consequent need to publish negative findings. This is a sensitive issue but could be turned into a positive message on the value of evaluation if there is better awareness of the benefits that evaluation can bring both for IOs and their members, and particularly if IOs demonstrate improvements on the quality and effectiveness of their instruments following an initially disappointing or negative assessment. To help minimise these challenges, IOs have much to gain from ensuring that they get the messaging around evaluation right. This involves promoting evaluation as an assessment of the effectiveness of instruments, as opposed to a review and comparison of their members' performance in relation to those instruments.

IOs can also face challenges when it comes to using the results of evaluations**.** Even if the evaluation itself can be conducted, this does not necessarily mean its benefits will be fully realised. For example, if new technologies are needed in order to implement recommendations following an evaluation, the appropriate infrastructure or necessary resources may not be available.

Regarding evaluation of impact, there are significant methodological difficulties associated with measuring and assessing the effects of international normative activity given the potentially diffuse scope of application and the problem of establishing causality (attributing specific effects to international instruments). International instruments often lack assessment measures which allow for the measurement of both quantitative and qualitative data, thereby limiting understanding of the full breadth and complexity of their achievements (or reasons for their absence). Gathering the data required to evaluate impact can be particularly difficult for IO Secretariats because this information is mostly held by their members. Even in cases where there is willingness to share this information, there may be practical impediments.

Considering the different types of instruments, evaluation can be more challenging for voluntary instruments than for those which are mandatory (see Chapter 1). Voluntary instruments tend to be more flexible and there may be little homogeneity in terms of how they are implemented.

Depending on the age of the instrument, it can also be challenging for an evaluation to account for both implementation and impact. This is particularly relevant for recent instruments, which are merely trying to achieve adequate levels of ratification. To address this, evaluations need to consider the maturity of the instrument(s) in question and set realistic objectives from the outset.

Forward-looking practices that can help overcome IOs' evaluation challenges

Although the evaluation of international instruments remains relatively scarce, the increase in evaluation efforts is progressively contributing to improving the knowledge-base and understanding about the implementation and impacts of international instruments. With this growing experience and the emergence of new information technology tools, IOs can unlock new opportunities to gather and process broad quantities of data and information about international instruments and share it more fluidly among interested parties – whether between countries and IO secretariats or among IOs themselves, to leverage common information sources (see Chapter 5).

Box 3.8. Evaluation experience among IOs and the use of digital tools in support of evaluation

According to **UNESCO**, the first of its Evaluations of UNESCO's Standard-setting Work of the Culture Sector (UNESCO, 2013[32]) functioned as a de facto pilot phase with respect to the evaluation of normative instruments. These evaluations were generated in parallel with, and informed by, the UN Evaluation Group (UNEG) Handbook for Conducting Evaluations of Normative Work in the UN System (UNEG, 2013[33]). This provides a comprehensive framework for evaluation underpinned by the accumulated experiences of evaluators across the UN network of agencies, and contains detailed guidance on determining the evaluability of normative work, preparing the evaluation (including stakeholder identification, overall purpose, and criteria and indicators), data collection and analysis, reporting, and follow-up activities. More broadly, the lessons emerging from the initial evaluation were fed into subsequent assessments, through living practice as well as the implementation of reforms to the Terms of Reference governing UNESCO's evaluation practice.

The **Food and Agriculture Organization (FAO)** has developed and actively maintains the FAOLEX Database (FAO, 2020[34]) which includes national legislation, policies and bilateral agreements on food, agriculture and natural resource management. This provides the foundation for a thematic stocktaking under the scope of the FAO's mandate, and is practically administered by the Development Law Service (LEGN) of the FAO Legal Office. The key outputs of FAOLEX include a comprehensive database of legal and policy documents drawn from more than 200 countries, territories, and economic integration organisations (with 8 000 new entries per year), thematic datasets organised by subject matter, and country profiles containing an overview of national policies, legislation and international agreements in force. This provides a practical illustration of the link between monitoring (WG2) and evaluation (WG4), as the ability to undertake the latter is contingent on the quality and expansiveness of the former. Moreover, it demonstrates the enabling potential of emerging technologies, the use of which reduces the administrative, economic, and informational barriers to conducting effective evaluations.

Source: (OECD, 2020[35]), Author's elaboration of IO practice templates.

National regulators gather important information via domestic *ex ante* and *ex post* evaluation, which can fill the information gaps faced by IO secretariats on the impacts of their instruments. A 2017 survey of the OECD Regulatory Policy Committee (RPC) indicates that a third of member countries review the implementation of international instruments to which they adhere. Of those, six share the results of these evaluations with the relevant IOs (OECD, 2018[36]). In the 2018 IO Survey, 12 IOs indicated that they occasionally take into consideration the results of national evaluation of international instruments transposed into domestic legislation.

Notes

[1] Some IOs may distinguish between 'internal evaluations' (where the evaluation is carried out by a dedicated, independent evaluation unit that is part of the IO) and 'self-evaluations' (where the evaluation is carried out directly by the unit responsible for the instrument for their own purposes). In both cases, external consultants/specialists may be contracted to assist, but the evaluation is still driven internally by the IO. This chapter does not make this distinction between 'internal' and 'self-evaluation' – both are relevant here.

[2] UNEG Handbook for conducting evaluations of normative work in the UN system (2014) www.uneval.org/document/detail/1484.

[3] For example, the OECD DAC Better Criteria for Better Evaluation (2019) www.oecd.org/dac/evaluation/revised-evaluation-criteria-dec-2019.pdf, the UNEG Handbook for conducting evaluations of normative work in the UN system (2014) and the European Commission's Guidelines on evaluation, https://ec.europa.eu/info/sites/info/files/better-regulation-guidelines-evaluation-fitness-checks.pdf.

[4] According to the *OECD Regulatory Policy Outlook* (2018), *ex ante* regulatory impact assessment refers to the "systematic process of identification and quantification of the benefits and costs likely to flow from regulatory and non-regulatory options for a policy under consideration".

[5] For more information on best practice in impact assessment see: the OECD's publication on Regulatory Impact Assessment (2020) www.oecd.org/gov/regulatory-policy/regulatory-impact-assessment-7a9638cb-en.htm and the European Commission's Guidelines on Impact Assessment https://ec.europa.eu/info/sites/info/files/better-regulation-guidelines-impact-assessment.pdf.

[6] See Glossary section.

[7] http://www.oecd.org/regreform/regulatory-policy/IO-Meeting-Agenda-17-april-2015.pdf.

References

ASTM International (2020), *ASTM Regulations Governing Technical Committees | Green Book*, https://www.astm.org/Regulations.html#s10. [13]

BIPM (2016), *Recommendations from the Working Group on the Implementation and Operation of the CIPM MRA*, https://www.bipm.org/utils/common/documents/CIPM-MRA-review/Recommendations-from-the-WG.pdf. [18]

CITES (2011), *Resolution Conf. 14.8 - Periodic Review of Species included in Appendices I and II*, https://cites.org/sites/default/files/document/E-Res-14-08-R17_0.pdf. [24]

European Commission (2016), *Inter-Institutional Agreement on Better Law-Making in the European Union*, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016Q0512%2801%29. [10]

FAO (2020), *FAOLEX Database*, http://www.fao.org/faolex/en/. [34]

ILAC (2019), *Structure of the ILAC Mutual Recognition Arrangement and Procedure for Expansion of the Scope of the ILAC Arrangement (ILAC - R6:05/2019)*, https://ilac.org/?ddownload=122555. [9]

ILAC (2015), *ILAC Mutual Recognition Agreement (ILAC MRA)*, https://ilac.org/ilac-mra-and-signatories/. [19]

ILO (2011), *Standards Review Mechanism (SRM)*, https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/jur/legal-instruments/WCMS_712639/lang--en/index.htm. [8]

ISO (2019), *Guidance on the Systematic Review Process*, https://www.iso.org/files/live/sites/isoorg/files/store/en/PUB100413.pdf. [15]

ISO (2018), *ISO 19011:2018 Guidelines for Auditing Management Systems*, https://www.iso.org/standard/70017.html. [26]

ISO (1986), *ISO Technical Management Board (ISO/TMB)*, https://www.iso.org/committee/4882545.html/. [27]

ISO/IEC (2018), *ISO/IEC Directives Part I + IECD Supplement*, https://www.iec.ch/members_experts/refdocs/iec/isoiecdir1-consolidatedIECsup%7Bed14.0%7Den.pdf. [14]

ISO/IEC (2017), *ISO/IEC 17011:2017 Conformity Assessment — Requirements for Accreditation Bodies Accrediting Conformity Assessment Bodies*, https://www.iso.org/standard/67198.html. [25]

IUCN (2018), *Impact of IUCN Resolutions on International Conservation Efforts*, https://portals.iucn.org/library/node/47226. [21]

OECD (2021), *International Regulatory Cooperation and International Organisations: The Case of ASTM International*, OECD Publishing. [17]

OECD (2020), *OECD Best Practice Principles for Reviewing the Stock of Regulation*, OECD Publishing, Paris, https://www.oecd.org/gov/regulatory-policy/reviewing-the-stock-of-regulation-1a8f33bc-en.htm (accessed on 25 March 2021). [5]

OECD (2020), *OECD Study on the World Organisation for Animal Health (OIE) Observatory: Strengthening the Implementation of International Standards*, OECD Publishing, Paris, https://dx.doi.org/10.1787/c88edbcd-en. [35]

OECD (2020), *Regulatory Impact Assessment*, OECD Best Practice Principles for Regulatory Policy, OECD Publishing, Paris, https://dx.doi.org/10.1787/7a9638cb-en. [3]

OECD (2019), *Better Regulation Practices across the European Union*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264311732-en. [12]

OECD (2019), *OECD Standard-Setting Review (SSR)*, OECD Publishing, Paris, https://one.oecd.org/document/C/MIN(2019)13/en. [22]

OECD (2019), *The Contribution of International Organisations to a Rule-Based International System: Key Results from the Partnership of International Organisations for Effective Rulemaking*, https://www.oecd.org/gov/regulatory-policy/IO-Rule-Based%20System.pdf. [4]

OECD (2018), *OECD Regulatory Policy Outlook 2018*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264303072-en. [36]

OECD (2016), *International Regulatory Co-operation: The Role of International Organisations in Fostering Better Rules of Globalisation*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264244047-en. [1]

OECD (2014), *International Regulatory Co-operation and International Organisations: the Cases of the OECD and the IMO*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264225756-en. [7]

OECD; OIML (2016), *International Regulatory Co-operation and International Organisations: The Case of the International Organization of Legal Metrology (OIML)*. [16]

OIML (1955), *Convention Establishing an International Organisation in Legal Metrology*, https://www.oiml.org/en/files/pdf_b/b001-e68.pdf. [11]

OIOS-IED (2014), *OIOS-IED Inspection and Evaluation Manual Inspection and Evaluation Manual*, https://oios.un.org/sites/oios.un.org/files/images/oios-ied_manual.pdf (accessed on 26 March 2021). [31]

OTIF (2019), *Explanatory Note on the Draft Decision on the Monitoring and Assessment of Legal Instruments*, http://otif.org/fileadmin/new/2-Activities/2G-WGLE/2Ga_WorkingDocWGLE/2020/LAW-19054-GTEJ2-fde-Explanatory-Notes-on-the-Draft-Decision-text-as-endorsed.pdf. [28]

Parker, D. and C. Kirkpatrick (2012), *The Economic Impact of Regulatory Policy: A Literature Review of Quantitative Evidence*, OECD Publishing, Paris, http://www.oecd.org/regreform/measuringperformance (accessed on 21 October 2020). [2]

UNEG (2021), *UNEG Document Library*, http://uneval.org/document/library (accessed on 26 March 2021). [29]

UNEG (2020), *Detail of Synthesis of Guidelines for UN Evaluation under COVID-19*, http://uneval.org/document/detail/2863 (accessed on 26 March 2021). [30]

UNEG (2014), *UNEG Handbook for Conducting Evaluations of Normative Work in the UN System*, http://www.uneval.org/document/detail/1484 (accessed on 4 December 2020). [6]

UNEG (2013), *UNEG Handbook for Conducting Evaluations of Normative Work in the UN System*, http://www.uneval.org/document/detail/1484. [33]

UNESCO (2019), *Evaluation of UNESCO's Standard-Setting Work in the Culture Sector*, https://unesdoc.unesco.org/ark:/48223/pf0000223095. [20]

UNESCO (2013), *Evaluation of UNESCO's Standard-setting Work of the Culture Sector, Part I: 2003 Convention for the Safeguarding of the Intangible Cultural Heritage*, https://unesdoc.unesco.org/ark:/48223/pf0000223095. [32]

WCO (2020), *WCO Performance Measurement Mechanism (PMM)*, http://www.wcoomd.org/zh-cn/wco-working-bodies/capacity_building/working-group-on-performance-measurement.aspx. [23]

4 Ensuring efficient stakeholder engagement

All international organisations now engage with stakeholders, though to varying degrees. This chapter brings clarity into the stakeholder engagement practices available to and adopted by international organisations. IOs engage a diverse range of stakeholders, across various stages in the rulemaking cycle, and through several modalities for participation. A collection of key principles in this chapter seeks to build on these efforts by encouraging whole-of-IO approaches to stakeholder engagement, systematising mapping and selection, streamlining communications, and refining the procedures for involving stakeholders. An overview of common challenges and recent efforts across IOs provides a state of play in stakeholder engagement at the international level. The barriers to effective international stakeholder engagement echo and amplify those at the domestic level. IOs face difficulties in managing conflicts of interest, avoiding undue influence, and reaching marginalised groups. Progress is visible in concerted efforts to establish and build stakeholder relationships, target and clarify communications, and centralise engagement responsibilities.

Introduction

To be effective, international instruments must tap into a broad range of evidence and expertise. To be trusted, implemented, and complied with, international instruments need to appeal to a wider range of constituencies than the traditional membership of IOs. Reaching out beyond IO constituencies to those concerned by their normative activity is crucial to strengthen ownership of international instruments and improve implementation. Stakeholder engagement provides a practical vehicle to progress toward these objectives and enhance the quality of international instruments, and is therefore recognised as an increasing priority for international organisations. Indeed, all IOs now engage with stakeholders, though to varying degrees (OECD, 2019[1]).

In practice, however many IOs continue to face significant challenges in engaging with relevant stakeholders in a meaningful and inclusive manner, and reconciling transparency and effectiveness of discussions in the development of international instruments. Stakeholder engagement can be resource intensive, and IO staff may encounter difficulties in investing the necessary time and human capital. Stakeholder engagement of a broad audience, requires literacy and awareness of certain topics and processes among those concerned. Because of their indirect involvement with citizens, it may be particularly difficult for IOs to engage with less experienced or marginalised stakeholders. Like in domestic rulemaking, there is a risk of capture of the engagement process by those who have sufficient resources to exert influence.

This section of the Compendium aims to help IOs overcome these challenges and make stakeholder engagement an integral part of the international rulemaking process. To this end, it provides a wide-ranging account of the variety of actors involved and mechanisms used to facilitate stakeholder engagement. The common risks and challenges faced by international organisations are outlined, to assist in their effective management and enable IOs to fully unlock the benefits of engagement. While the primary inputs for this section are the practical experiences of the IO Partnership, the section is also informed by OECD work and principles on stakeholder engagement following the *2012 OECD Recommendation on Regulatory Policy and Governance* [OECD/LEGAL/0390].

Rationale

In the face of varying perceptions *vis-à-vis* globalisation and the international rules-based system, transparent, evidence-based and inclusive international rulemaking is recognised as increasingly critical. By engaging with their stakeholders, IOs can build trust in the rulemaking process and improve the quality of their instruments.

Stakeholder engagement is important from both a principled and practical perspective (OECD, 2017[2]). The *principled* dimension views stakeholder engagement as a core element of good governance, and a fundamental determinant of public trust, process legitimacy, and rule credibility. The *practical* dimension focuses on the role of stakeholder engagement in enhancing the quality of rulemaking, by allowing IOs to tap into a broader and more diverse range of inputs, broadening the evidence base underpinning international instruments, and increasing IOs' responsiveness to the needs of those affected by their activities. Through their contributions, stakeholders can provide vital support to the implementation of an IO's mandate and programme of work. The extent to which these benefits are realised depends on the practical management of the stakeholder engagement process by IOs.

Stakeholder engagement provides a central pillar of transparency and inclusive governance. Greater openness to stakeholder inputs can foster a sense of ownership, confidence and trust in the processes and results of rulemaking among affected parties (OECD, 2018[3]). However, the mere openness to stakeholders is insufficient to attaining these goals. A number of procedural prerequisites are important to ensure an effective dialogue. In particular, the adoption of a whole-of-organisation stakeholder

engagement policy, the provision of clear and timely information regarding the opportunity to engage, the setting of appropriate expectations and procedures regarding the nature of engagement (e.g. ICN Operational Framework), and the justification of decisions to incorporate or depart from the inputs received (e.g. IOSCO Consultation Policy and Procedure) offer essential building blocks for dynamic engagement between IOs and stakeholders. The more systematic application of these procedural guarantees across IOs can build stronger incentives for stakeholders to engage more actively in international rulemaking processes and avoid consultation fatigue, knowing that their voice will be heard. Ultimately, this is key to expand the evidence base underpinning international rulemaking processes and cultivate a greater culture of transparency and inclusiveness.

Stakeholder engagement can expand the evidence base underpinning international rulemaking processes. In practice, this is facilitated through the establishment of advisory groups and expert committees, which allow IOs to tap into specialised knowledge and technical expertise. IOs also grant official status to other IOs (see Chapter 5) and non-governmental organisations, to enable them to participate in meetings and share relevant experiences. Engagement with those tasked with applying international instruments can raise awareness regarding the practical aspects of implementation, and alert IOs to challenges unforeseen during the development of rules (see Chapter 2). In some cases, the opening of stakeholder engagement processes to the wider public can help IOs to capture a diverse range of insights, some of which may be unanticipated. Beyond expanding the evidence base, engagement of various domestic stakeholders and other international organisations is likely to foster knowledge transfer, which in turn should promote greater coherence between domestic and international rulemaking processes.

Typology: actors and modalities of stakeholder engagement

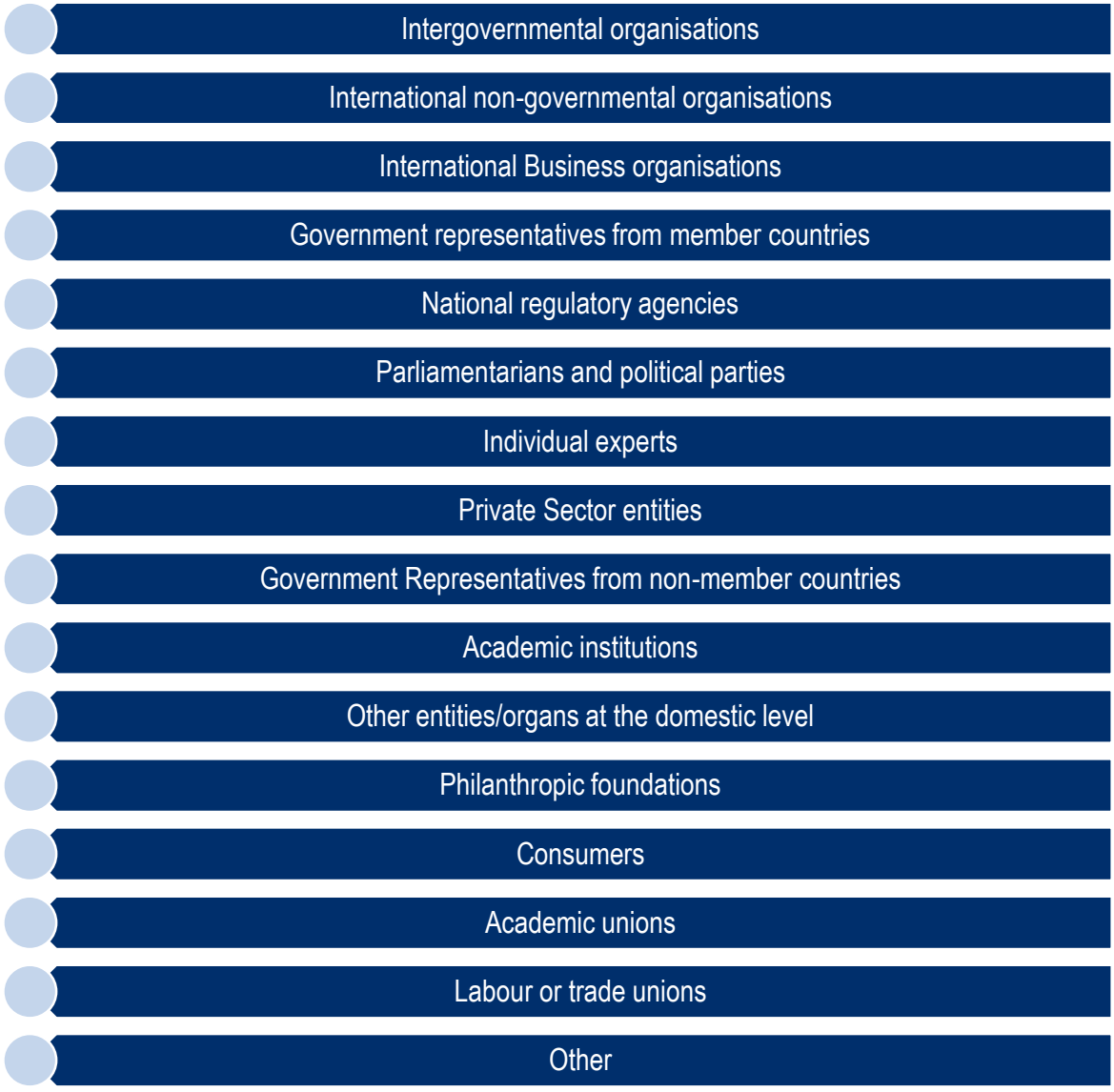
This section canvasses the composition of actors involved in stakeholder engagement by IOs, as well as the various mechanisms through which this process occurs. This systematic overview draws upon the categories developed in the Brochure (OECD, 2019[1]), and provide the foundation for a strategic approach to stakeholder engagement based on the key principles outlined in the following section.

It highlights the core challenges and risks of stakeholder engagement, which must be effectively managed to ensure the realisation of its benefits. These involve, inter alia, the possibility of capture; uneven distributions of participation literacy, access, and capacity to meaningfully take part in engagement processes; the difficulty of ensuring the applicability of stakeholder contributions; applying appropriate minimum standards for the evidence submitted; and adequately identifying and managing potential conflicts of interest and other risks related to the engagement.

1. Actors: which stakeholder groups are engaged?

Results from the 2018 Survey show that the concept of “stakeholders” is broad and highly IO-specific (OECD, 2019[1]). To account for this diversity, a multi-layered classification is required (Figure 4.1), By considering the main traits of the organisations included in such a diverse classification, stakeholders may be grouped into three broad categories: i) governmental actors; ii) commercial actors; and iii) non-commercial actors, while at the same noting that such broad categories could be entangled and present hybrid elements.

Figure 4.1. Actors regarded as stakeholders by IOs



Source: The Contribution of International Organisations to a Rule-Based International System, 2019.

2. Modalities: how to engage stakeholders?

Stakeholder engagement encompasses an extensive range of practices, from the dissemination of information and solicitation of consultation to participatory collaboration, coproduction, co-decision and partnership. This section highlights the various procedures and modalities used to obtain inputs from stakeholders, and identifies the stage of the international rulemaking process at which stakeholders are engaged.

- **Opportunity to be consulted on proposed instruments –** includes a range of formal and informal modes of facilitating stakeholder contributions to specific instruments, generally proceeding according to a designated timeline, accompanied by the provision of information regarding the relevant international instrument, outlining the nature of participation, and providing feedback on the receipt/content of comments received.

- **Invitations to participate in instrument development –** involving different types of stakeholders actively in formal or informal consultations to respect diversity of stakeholders and different points of view and directly in the design of international instruments, generally in cases where the relevant competencies are shared (see Chapter 1).
- **Invitations to participate in the dissemination and implementation of instruments –** enlisting stakeholders in the delivery of international instruments, which may be facilitated through formal mechanisms or on an ad-hoc basis (see Chapter 2).
- **Invitations to participate in the monitoring of use and evaluation of instruments –** engaging stakeholders in the monitoring and evaluation of international instruments, to leverage their technical expertise and/or practical experiences regarding these instruments (see Chapter 3). Encouraging dialogue between IOs and stakeholders on implementation results can help to identify structural issues in the development of international instruments that could be improved.
- **Official status enabling regular inputs from stakeholder groups –** formalised processes of engagement with a variety of designated stakeholders, selected on the basis of particular interests, experience and/or expertise in the subject matter covered.
- **Invitations to participate in governing body meetings –** the possibility for stakeholders to participate in work of IOs at a more strategic level through either standing or occasional invitations to the meetings of IO governing bodies.
- **Expert processes facilitating technical inputs from stakeholders, such as advisory groups or expert committees –** involves engagement throughout both the development and delivery of international instruments with a selected group of experts, practitioners, implementers, and/or those concerned by international instruments, particularly to provide technical evidence.
- **Specific processes that allow engagement of wider audiences, offering in particular the opportunity for the general public to comment on proposed instruments –** engaging the broadest possible range of stakeholders, generally according to a structured template for engagement.

Key principles of stakeholder engagement

This section highlights the key principles and steps that IOs may consider in engaging stakeholders. It builds on best practices and principles for engagement from across the IO Partnership and the OECD Best Practice Principles for Stakeholder Engagement (OECD, 2017[4]),while also bearing in mind the differences in nature, purpose and mandate between various nature of IOs and the implications that this may have for stakeholder engagement. The list of key principles suggested below is therefore not intended as an exhaustive account.

Some of these principles pertain to the need for a systemic whole-of-organisation approach; and some apply at the instrument level. At the organisational level, the adoption of a comprehensive framework for stakeholder engagement and the systematic application of a number of core stakeholder procedures would enhance the effectiveness of the international instruments and ensure the alignment between engagement processes and organisational objectives. At the level of the instrument, the adoption of consistent timing practices, facilitation of clear and detailed communication with those engaged, and systematic identification and selection of stakeholders would maximise the quality and applicability of stakeholder contributions.

1. Adopt a strategic and comprehensive stakeholder engagement approach

For successful stakeholder engagement to take place, IOs need to plan and act strategically. A clear and comprehensive approach identifying when, how and to what extent consultations with relevant stakeholders on the development of international instruments will take place is an important basis to ensure

effective stakeholder engagement by IOs. A whole-of-organisation approach to stakeholder engagement will serve to enhance inclusiveness and buy-in for international instruments. The format, content and development process of this strategy will depend on each IO's nature, mandate and governance processes.

A strategic approach offers the opportunity to set clear objectives for stakeholder engagement, and provide stakeholders with enough information to participate in a transparent, uniformly applied, and accountable process. More broadly, the objectives of the strategic approach could reflect *inter alia* the instrumental value of stakeholder engagement to advance the organisation's mandate, and the support such engagement may provide to facilitate the implementation of instruments by fostering ownership across a wide range of stakeholders. These objectives may also support intrinsic values, such as ensuring accountability, and building capacity and trust in the international rules-based system. Finally, this approach may also seek to align views among stakeholders who have diverging interests and priorities, in order to build consensus on common outcomes. Any stakeholder engagement activity should be consistent with the organisation's mandate, as defined in its constituent document(s), priorities and programme of work. This should also be respectful of the nature of the organisation concerned, including its decision-making processes and authorities.

In addition, a comprehensive approach involves the adoption of transparent processes and mechanisms to establish understanding of stakeholder engagement across the organisation and to allow for uniformity of the process and harmonisation with other practices relevant to the subject matter. These are helpful for all IO staff and members involved in the rulemaking process, and provide clear benchmarks to all parties involved regarding the added value of the consultations conducted.

At the same time, it is important that the stakeholder engagement approach and guiding principles include consultations and maintain some flexibility to be used in different circumstances. Additional tailored tools and instruments may be needed for different types of stakeholder engagement. Overall, to use resources effectively, the stakeholder engagement activities conducted by IOs need to be proportionate to the significance and impact of international instruments under discussion.

To support IO staff in the implementation of the stakeholder engagement strategy, and ensure the quality of the engagement practices and their continued relevance, the approach adopted may provide opportunities to set up a mechanism to monitor and oversee the stakeholder engagement practices of the organisation. Options in this regard may include tasking specific units and bodies within the IO itself to perform this function.

2. Ensure the effective identification and selection of stakeholders

Given the global reach of stakeholders that are potentially interested in contributing to international instruments and the broad range of public and private actors that may provide valuable insights, IOs are encouraged to identify, keep track of and reach out to relevant stakeholders depending on their nature, purpose and mandate as well as the relevant type of engagement.

An important element of reaching out to stakeholders is to identify the relevant stakeholders and keep track of their areas of work and expertise. In practice, IOs can **map stakeholders according to type, mandate, function, expertise, interest and responsibilities**, and keep a database of this information readily available to facilitate engagement. Such a mapping exercise will also be helpful for IOs to ensure inclusiveness and reach out to stakeholders less represented in the international rulemaking process.

Establishing clear and objective criteria informing the selection of stakeholders would further guarantee that all stakeholders are engaged in a transparent manner and without prejudice. Thes criteria may include, for example, demonstrating documented expertise in the technical area concerned and the added value that the stakeholders may bring to meaningfully support the work of the IO within its field of competence. The protection of the IO's integrity, reputation and mandate are key considerations to be

taken into account when selecting stakeholders with which to engage. This involves adequately managing potential risks, including but not limited to conflicts of interest and avoiding any undue influence in its rulemaking processes.

3. Apply robust and transparent stakeholder engagement procedures

Stakeholder engagement is a fundamental building block for the transparency and accountability of the international rulemaking process and, as such, the specifics of the engagement procedures followed require transparency, accountability and uniformity.

To ensure well-established and consistent stakeholder engagement, IOs may **define the methods, tools and structure of the engagement process**. These can be aligned with the general objectives, principles and standards included in the organisation-wide strategy. This will allow for those conducting the engagement to prepare and apply the processes set for the engagement, and for the interested stakeholders to understand the process they will participate in. Within this general framework, IOs may tap into a variety of practices to engage stakeholders, from the dissemination of information and solicitation of consultation to participatory collaboration, co-development of documents and partnership. These intervene at different stages of the process of international rulemaking and may be complementary. A central overview of which practices are available and applicable within the IO may guide staff decision on best practices to consider when undertaking stakeholder engagement for specific instruments.

Digital tools can be helpful for IOs to facilitate participation of stakeholders at a global level, ensuring broader participation while requiring limited resources logistically and for those participating. For instance, central consultation web-portals, referencing ongoing and upcoming engagement processes within an IO can help stakeholders to keep up with any consultations relevant to them. These portals are most helpful when made as user-friendly as possible, and enabling for example the sorting of ongoing projects according to the thematic area and setting up personalised alerts for new consultations. In addition, IOs may find it useful for the portal to enable an interactive exchange of informed-opinions among stakeholders and the IO (for instance through “discussion spaces”). Nevertheless, information and communications technologies (ICTs) should be considered in conjunction with other forms of participation to encourage more inclusive approaches for communicating with the public.

To ensure the transparency and accountability of the results of the stakeholders’ engagement, IOs may also **provide feedback regarding the receipt and handling of the contributions received.** This should**,** include the role that such contributions have played vis-à-vis the development of the concerned instrument, either individually or in a synthesised report, depending on the modalities set for the engagement. Such feedback would contribute to build public confidence in the value of the consultation process and enhance the rationale for the final adopted instrument.

4. Adopt consistent timing practices in stakeholder engagement

Along with adopting a strategic vision, identifying the appropriate stakeholders for a particular subject matter, and defining relevant tools for participation, deciding on the timing for consultations is essential in ensuring the effectiveness of stakeholder engagement. Consideration should be given to the IO rulemaking process and the flexibility for modifications, as well as the necessary time that stakeholders may need to react. IOs may choose to issue early notificiations of upcoming consultations and initiate the consultation taking into account the subsequent steps of the rulemaking process, and the additional necessary period needed to consider stakeholder inputs and advance toward the finalisation of international instruments.

5. Facilitate clear, effective and detailed communication with stakeholders

Ultimately, whatever the purpose of the engagement, whichever the modalities followed, whoever the stakeholders consulted, **clear, effective and detailed communications about each individual consultation with stakeholders are key** for an effective two-way process.

Clear, effective and detailed dialogue starts with informing the concerned stakeholders about the possibility and eligibility of participating in the dialogue. IOs may want to start by **notifying relevant stakeholders of the opportunity to engage**, through the appropriate means including the use of digital communication technologies, or whichever communications tools are used by each IO to engage with their constituency and beyond.

Clear, effective and detailed communication then entails providing relevant information about the process, the conditions for participation and the subject of engagement. As such, each consultation follows specific objectives and modalities. The units conducting the consultation are, therefore, encouraged to **outline the core objectives of their stakeholder engagement process** and how it aims to contribute to improving the quality and impact of the international instrument under development.

The nature of engagement should, in principle, be adapted to these objectives and fit under the broad range of stakeholder engagement practices available within the organisation. The units responsible for conducting the engagement can **clarify the nature of the process** and the concrete roles, responsibilities and expectations that the specific process involves for the stakeholders engaged.

To maximise the quality of the feedback received from stakeholders, consulting IO units are encouraged, to the extent possible, to **provide relevant stakeholders with the most relevant and timely information available about the proposed instrument itself**. In case of a proposal or draft instrument under consideration, this may include background analysis, expert papers, and descriptions of the challenges the instrument aims to address. If relevant and available, information on possible alternative solutions and approaches followed in other international, regional or national *for a* can also be shared. IOs may find it useful to outline specific questions for the stakeholders engaged, to guide the consultation process.

State of play on stakeholder engagement

Trends in stakeholder engagement among IOs

In a context of growing uncertainty with regard to globalisation, inclusive international governance is increasingly perceived as crucial to encourage the implementation of rules and enhance trust in the international rule-based system. Stakeholder engagement is of cenral importance to promote trust and transparency in international rulemaking, following a similar trend at the domestic level in recent years (Alemanno, 2015[5]) (OECD, 2017[4]).

All IOs engage stakeholders to ensure the quality of their instruments, although to varying degrees (OECD, 2016[6]) (OECD, 2019[1]). They are increasingly opening their rulemaking processes beyond their usual constituency, by enlarging and diversifying their membership or through more systematic consultation practices with members and other non-member entities. The stronger engagement of stakeholders coincides with shifting membership structures of IOs, and a tendency to enlarge constituency beyond usual membership (OECD, 2016[6]).

Who do IOs engage with?

There is no international agreement on the concept of “stakeholders”, which is broadly-conceived and highly IO-specific. Of the IOs surveyed in 2018, only 12 reported establishing some sort of understanding of stakeholders, for the purposes of their rulemaking activities, for instance listing their characteristics or their relation and relevance to their organisation (Box 4.1) (OECD, 2019[1]).

Nevertheless, three main and non-mutually exclusive approaches to stakeholders emerge from this exercise, which reflect their relation with IOs' normative or rulemaking activities (when appropriate) (OECD, 2019[1]):

- Those not having decision-making power, i.e. observers
- Interested parties / members / IGOs or associations with specific interests in the work of the IO
- Entities attending in an advisory capacity

Box 4.1. Examples of IO understandings of stakeholders

ILAC maintains a transparent, online list of stakeholders (ILAC, 2020[7]). This encompasses representative of international, regional and national organisations having an interest in the work of ILAC including bodies such as associations of laboratories, associations of laboratory practitioners, inspection body associations, purchasing organisations, regulatory authorities, consumer associations and trade organisations are able to participate in ILAC as Stakeholder members. ILAC also has designated liaison officers with key international partner organisations, including the WTO, WHO, OECD, European Commission, APEC and the Cooperation on International Traceability in Analytical Chemistry (CITAC).

Under the Framework for Engagement with Non-State Actors (FENSA) (WHO, 2016[8]) the **WHO** sets out a detailed categorisation of non-state actors which includes non-governmental organisations, private sector entities, philanthropic foundations, and academic institutions. Each of these groups is subject to an explicit definition, as well as a specific policy of engagement under the overarching framework. Non-governmental organisations, for example, are described as non-profit entities which operate independently from government. Private sector entities are referred to as commercial enterprises, or businesses that are intended to make a profit for their owners, while a sub-category of 'international business organisations' are defined as private sector, non-profit entities that represent the interests of their membership (commercial enterprises, and/or national or other business associations. Philanthropic foundations are donor-driven entities whose income is spent on socially useful purposes, which are clearly independent from the private sector in their governance and decision-making. Finally, academic institutions are designated as entities engaged in the pursuit and dissemination of knowledge through research, education, and training.

Source: Author's elaboration of IO practice templates and 2018 IO survey responses.

The nature and governance arrangements of IOs influence their understanding of stakeholders, and the composition of those engaged in the international rulemaking process. Private standard-setters involve business representatives and civil society more than the rest of IOs. Intergovernmental organisations (IGOs) have a more homogeneous approach to stakeholders, as going beyond government representation. In this perspective, stakeholder engagement entails engaging those that are not involved in the formal governance and decision-making processes of the IGO. In certain cases, this also means seeking expert advice on scientific and technical matters from international independent experts, so that the best available knowledge and experience can be taken into account during the decision-making process. Even this requires specific modalities and conditions as a number of IGOs seek to complement decision-making processes considered challenging to fully engage their members (OECD, 2016[6]).

De facto, a wide range of public and private actors are reported as stakeholders, ranging from government representatives, private sector actors, and NGOs among others. Representatives of other intergovernmental organisations (IGOs) represent the most significant actor engaged with by IOs in their

rulemaking activities (35 respondents) (see Chapter 5), followed closely by international non-governmental organisations (33 respondents). International business associations are the private sector actors most engaged with by IOs (31 respondents). Just over half of respondents reach out to individual consumers and consumer organisations (19 respondents) (OECD, 2016[6]) (OECD, 2019[1]).

Diversifying membership of IOs and "decisional" participation of stakeholders in rulemaking

A range of new actors have emerged in global governance, producing a shift from multilateral governance to "multistakeholder governance". Both the recent rise and loose, decentralised structure of transgovernmental networks of regulators (TGNs) serves as a testament to this trend (Abbott, Kauffmann and Lee, 2018[9]). Many IOs have enshrined stakeholder engagement in their membership by enabling "decisional" participation for the various members of society that are affected by their activities (OECD, 2016[6]) (Box 4.2).

In response to changes in global governance, IGOs have sought to expand their membership – geographically and/or in their nature – through other forms of participation, such as partial membership (which generally remains a state status); observership or stakeholder engagement. This has allowed non-state actors to contribute to the process of international rulemaking. These different forms of participation offer additional channels to engage more actively with developing countries, in line with the trends observed in the specific fields of global financial and health governance institutions (Pauwelyn et al., 2018[10]). As the world has become increasingly interconnected and economic and political centres of gravity have evolved, IOs have considered that their continued relevance and the quality of their rulemaking is a function of their capacity to involve a wider range of actors in their activities. This illustrates a broader transition beyond the strictly legal perspective regarding member or non-member rights (OECD, 2016[6]).

Box 4.2. Between Members and Stakeholders – Integrated Approaches to Stakeholder Engagement

The membership of **ASTM International** (ASTM International, 2020[11]) comprises over 30 000 actors from over 150 countries, representing producers, users, consumers, governments, universities and other stakeholders. The breadth of this membership, in concert with the compact size of the ASTM Secretariat, results in a strong reliance on members to conduct a committee-led standard-development process. The primary objective underpinning this structure is to ensure an open participation in the decision-making process, promoting the representation of as many interested and affected actors as possible. This is exemplified, for instance, through the allowance of certain technical experts to participate in the standards development process with full voting rights and without charge. The organisation distinguishes between four types of membership, with different levels of access to ASTM's standard-development activities. These include participating and organisational members, which can participate and vote in committees, and informational and student members, which constitute de facto 'observers' of the standards development process. Membership is open to individuals or organisations and to several individuals per country, each representing their own interests.

The Tripartite Structure (ILO, 2020[12]) of the **ILO** is marked by the incorporation of employer and worker representatives alongside governments. In addition to its 187 Member States, Trade Unions participate thanks to the Bureau for Workers' Activities (ACTRAV), a specialised unit within the ILO Secretariat which co-ordinates all the Office's activities in relation to workers and organisations, both at headquarters and in the field. Its mandate is to strengthen representative, independent and democratic trade unions in all countries, to enable them to play their role effectively in protecting workers' rights and interests, helping them to provide effective services to their members at national and international levels, and supporting the ratification and implementation of ILO Conventions. In parallel, the ILO

Bureau for Employers' Activities (ACTEMP) is responsible for cultivating and developing the relationship between the ILO Secretariat and employers' organisations. This is advanced through the maintenance of close and direct relations with employers' organisations across member states, to make the ILO's resources available to them, and to keep the ILO constantly aware of their views, concerns and priorities.

The **IUCN** applies a diversified membership model (IUCN, 2020[13]) which involves over 1 400 organisations and institutions from more than 170 countries. This encompasses states and government agencies, large and small non-governmental organisations, indigenous organisations, scientific and academic institutions, and business associations. The central objective is to mobilise the knowledge, resources, and reach of these actors in support of IUCN's conservation efforts. A catalogue of these members is made available on the IUCN website, and is searchable by name, category, region, or state, which illustrates how the integration of emerging technologies can advance international rulemaking processes. This is supported by a dedicated Union Portal, which provides a web-based, password protected system, which allows for networking, interaction and the sharing of information across the entire Union. This represents both a working area and communication tool for IUCN constituents, as a source of knowledge, hub for the creation of new institutional partnerships, and space to explore new opportunities for engagement. The benefits of membership include influence over the trajectory of conservation and sustainable futures, participation in a collective and global voice in these areas, the development of partnerships and networks, and increased knowledge and capacity.

Source: Author's elaboration based on IO practice templates and inputs from IOs.

Engaging with stakeholders beyond IO members: "non-decisional" participation of stakeholders in rulemaking process

A large majority of IOs have put in place mechanisms to collect inputs and feedback from stakeholders on their rulemaking and international regulatory co-operation (IRC) activities (OECD, 2016[6]). This type of stakeholder participation can be both general and specific, but remains non-decisional.

Most IOs have set up specific standing bodies or processes to engage stakeholders at key points in the development of their instruments. Stakeholder engagement practices mainly take place in substantive committees and working groups, and much less in governing bodies. In the overwhelming majority of cases (47 respondents to the 2015 IO Survey), IOs receive comments from specific stakeholder groups (OECD, 2016[6]). This trend reflects what can be observed in domestic contexts (OECD, 2015[14]). IOs frequently manage which stakeholder groups are allowed to comment, by issuing targeted invitations to particular groups (44 IOs) (OECD, 2016[6]).

To ensure that relevant stakeholders are engaged with and support the reception of effective inputs, IOs often grant certain stakeholders official status in the organisation or enable them to serve on specific advisory committees (two thirds of respondents to 2015 IO Survey) (Box 4.2). The granting of this status allows stakeholders to participate systematically in the meetings of IO bodies and obtain detailed information on the decision-making process and rules developed. As a result, the stakeholders have the opportunity to participate actively on specific issues. However, it does not grant stakeholders the right to vote in meetings, and therefore maintains a distinction with the rights of members.

Box 4.3. Formal modalities of stakeholder engagement: Official Observers and Advisory Committees

The **Codex Alimentarius Commission (Codex)** grants nations which are not members of the FAO and WHO, but which are members of the UN, the capacity to participate in its meetings under observer status upon request. Similarly, the organisation facilitates the participation of intergovernmental and non-governmental organisations as observers through a dedicated Rule IX in the Codex Procedural Manual (Codex, 2005[15]). Taken together, this currently comprises a total of 237 Codex Observers, of which 58 are IGOs, 163 are NGOs, and 16 are UN members.

The **IEC** Ambassadors Programme (IEC, 2020[16]) aims to enable and enhance active involvement in IEC activities, help identify new areas of work, and underpin advocacy efforts. The selected ambassadors, as stakeholders themselves, also function as intermediaries between the IEC and key stakeholders in industry, government and academia. IEC Ambassadors are appointed by the Executive Committee for a two-year term, which can be renewed twice. They serve as independent, unpaid volunteers.

The **IAF** MLA Management Committee (IAF, 2020[17]) includes representatives of Users and Associations of conformity assessment bodies (CABs) as observers, in which they can provide inputs in the management of IAF peer evaluations. Moreover, the organisation operates an Associate Membership scheme in parallel to its core Accreditation Body Membership programme, which allows organisations and associations to participate in IAF decision-making and grants them diluted voting rights (i.e. the accumulated total of these votes cannot exceed 3/7 of the overall count).

In line with Article 4 of the General Regulations of the IHO (IHO, 2017[18]) and *IHO Resolution 5/1957 – IHO Relations with other Organisations* (IHO, 2018[19]) observers that meet the criteria listed may be invited to Assembly meetings and all subsidiary bodies of the **International Hydrographic Organization (IHO)** in which they have an interest and to which they are capable of making a contribution. These include governments that are not parties to the Convention, intergovernmental organisations with which an agreement or special arrangement has been made, and non-governmental international organisations with which the IHO has established relationships in accordance with the Guidelines for the Accreditation of Non-governmental International Organisations.

The **WHO** Regulations for Expert Advisory Panels and Committees (WHO, 2020[20]) govern the establishment of expert groups, from whom the organisations may obtain technical guidance and support within a particular subject, either by correspondence or at meetings. Membership of these panels and committees is open to any person possessing qualifications or experience relevant and useful to the organisation in the field covered. In selecting experts, the Director-General considers technical ability and experience, but also seeks to ensure the broadest possible international representation in terms of the diversity of knowledge, experiences, and approaches in the fields for which the panels have been established. For each meeting, an expert committee is required to draw up a report setting forth its findings, observations, and recommendations. To date, over 550 experts from over 100 countries have been enlisted in the support of WHO programmes.

Source: Author's elaboration from the 2018 IO Survey.

Overall, external stakeholders are mainly engaged in the technical, upstream phases of the work. They are often sought to make contributions on data collection, to offer advice or technical expertise, to participate in research activities and policy analysis, and to support the adoption of international instruments. In addition, stakeholders are often invited to provide financial or in-kind contributions to IOs'

activities (OECD, 2016[6]) (OECD, 2019[1]). The specific mechanisms used to engage stakeholders and the intensity at which engagement is pursued vary according to the type of actvity undertaken by Ios (OECD, 2016[6]).

Challenges to international stakeholder engagement

Despite increasing efforts to provide stakeholders an opportunity to participate, IOs still face *constraints* in setting up reforms for "good participation" that entail removal of barriers to involvement and managing risks such as conflict of interest and undue influence.

Challenges of stakeholder engagement around national rulemaking may be amplified at international level. At the domestic level, stakeholder engagement is perceived as resource intensive, requiring significant time and human capital (Alemanno, 2015[5]). In the absence of a specific mandate to conduct stakeholder engagement, IO secretariats may face difficulties investing sufficient resources in consultation. In this sense, IOs may be still more limited in their ability to reach less-experienced or marginalised stakeholders, although it remains to be seen whether IOs with a strong presence at country level face the same challenges.

The 2018 IO Survey illustrates that the major challenges IOs perceive in engaging stakeholders involve managing existing or potential conflicts of interest, avoiding undue or improper influence on the organisation's work, reaching out to unaware or under-represented stakeholders, and engaging effectively with marginalised stakeholders (OECD, 2019[1]).

Despite the undeniable efforts of a large majority of IOs to engage more systematically with stakeholders, their practices in terms of mechanisms, openness and frequency of consultation vary widely from one organisation to another and occasionally across departments, programmes and bodies within individual IOs. This makes it difficult to provide a global view. Many efforts can be identified across IOs to lay down stakeholder engagement practices, but these are most often focused on specific stakeholder groups, most often from the private sector, or relate to selected parts of their respective work-streams (Box 4.4).

The adoption of a clear, whole-of-organisation stakeholder engagement policy remains the exception among IOs. Except for a couple of IOs responding to the 2018 IO Survey, there is no set of minimum standards that determine a consistent vision of the purpose, ways and timing of stakeholder engagement (OECD, 2019[1]). As a consequence, stakeholder engagement is rarely undertaken strategically and systematically with clear timelines, phases, mechanisms, and systematic feedback.

Box 4.4. Thematic stakeholder engagement arrangements

The **Codex** Principles Concerning the Participation of International Non-governmental Organizations in the Work of the Codex Alimentarius Commission (Codex, 2005[15]) govern the granting of observer status to international non-governmental organisations, which allows those holding such status to participate in meetings, without the right to vote, submit written statements, and receive all working documentation and discussion papers. These organisations must also fulfil a range of obligations, including a commitment to advancing the objectives of the Joint FAO/WHO Food Standards Programme, co-operate with the Codex Secretariat to avoid duplication and overlapping activities, promote better knowledge and understanding of Codex, share reports and publications to the Secretary of the Commission, and report promptly any changes in its structure and membership. From the perspective of Codex, this collaboration supports the acquisition of expert information, advice and assistance from international non-governmental organisations, the reception of the views of their members, and the harmonisation of inter-sectoral interests.

In line with its **Approach to Advancing Accountancy Education, IFAC** is currently developing a Multi-Stakeholder Engagement Framework (IFAC, 2019[21]). The relevant actors envisaged for inclusion within the framework include adopting authorities, those involved in the initial preparation and continuous development of professional accountants, and those who use the services of professional accountants. The nature of stakeholder engagement foreseen is composed of three key pillars. First, an online survey will be used to identify developments, propose potential improvements to the education programme, and establish relevant topics to be addressed. Second, an International Forum for Key Accountancy Education Stakeholders will be held every two years, comprising representatives from interested organisations and tied into the implementation of survey outcomes. Third, an International Forum for Accountancy Education Directors will provide advice on the continued appropriateness of the programme and needed revisions, inform implementation support, and identify opportunities for collaboration and knowledge-sharing.

The **IUCN** Operational Guidelines for Private Sector Engagement (IUCN, 2009[22]) cover all aspects of developing, implementing, managing and concluding an engagement with the private sector. This outlines processes for defining the nature of engagement, selecting partners, negotiating and formalising engagement, and implementing, managing the engagement, and concluding the engagement. The Guidelines emerged from the third IUCN World Conservation Congress, held in Bangkok in 2004, and are grounded in twelve Principles of Engagement. Engagement between IUCN and the private sector must be relevant to the IUCN vision and mission, consistent with the general policies of the organisation, responsive to the aspirations of its membership, empower the IUCN to implement its programme, generate concrete results, promote the efficient use of resources, transparent in ensuring access to necessary information, participatory in creating opportunities for involvement by affected stakeholders (with a particular emphasis on vulnerable groups), enhance the credibility and autonomy of the IUCN, promote further development and inclusion of the principle of Free Prior and Informed Consent, build on commitments to supporting sustainable development, and ensure the independence of IUCN from the company or industry group with which co-operation takes place. Each engagement initiative is informed by a dedicated ethics framework, and subject to evaluation and feedback under the IUCN Monitoring and Evaluation Policy.

Introduced in 2013, the **PIC/S Guidelines on Professional Organisations** describe how to co-operate with these organisations – notably when organising joint training events (for regulators and industry). The core objective of the Guidelines is to facilitate co-operation with other organisations in the field of pharmaceutical manufacturing, which are important to PIC/S and which can significantly contribute to PIC/S' goals. The core results of this initiative consist in avoiding the duplication of activities within the same field, facilitating synergies across stakeholders, pooling resources, and increasing PIC/S' visibility and reach. The delivery of joint events is evaluated internally by the PIC/S Subcommittee on Training.

The **WCO** Private Sector Consultative Group (PSCG) (WCO, 2005[23]) is a WCO body, consisting of 27 private sector representatives from associations covering different industry sectors, different sized businesses and all six WCO regions. Under normal circumstances, it meets twice to three times a year at the WCO Headquarters. Furthermore, its members take an active part as observers to WCO working bodies and contribute to the development of its instruments and tools. The PSCG's key deliverables involve informing and advising the WCO Secretary General, the Policy Commission and WCO Members on Customs and international trade matters from the perspective of the private sector; supporting the adoption and effective implementation of agreed WCO and other relevant international instruments; and leveraging business resources and government relationships to advocate for and implement programmes developed and adopted by the WCO. The PSCG was established with the approval of the WCO Council, and its activities are framed by a dedicated Terms of Reference. During the first four months or more of the COVID-19 pandemic, the PSCG was holding virtual weekly/bi-weekly online meetings with the WCO Secretary General, Deputy Secretary General and Council Chairperson, to provide status updates relevant to their respective industries, discuss the impact of the COVID-19

pandemic on international trade and the global economy, and explore proposals for courses of action by the global Customs community.

Source: Author's elaboration based on IO Practice Templates.

IO efforts to overcome challenges to effective stakeholder engagement

IOs are pursuing a variety of initiatives to ensure that their engagement with stakeholders is effective and offers meaningful inputs to their rulemaking activities. For instance, a majority of IOs responding to the 2018 Survey provide a minimum period for feedback. In addition, specific efforts are being undertaken to reach out to more interest groups and to ensure that stakeholders are also consulted without prejudice to their status or resources. To this end, a large share of IOs make available relevant and timely information about the subject of consultations, proactively build a relationship with stakeholders over time, or provide information in a clear language, easy to understand (OECD, 2019[1]).

Despite its recognised importance, few IOs have developed a whole of organisation policy or strategy for stakeholder engagement to date, mapping their stakeholders and defining objectives and key steps to engage them and manage risks. They mostly rely on provisions in founding or procedural documents highlighting its importance, rather than a framework of systematic practices and tools. There are exceptions to this broad feature. Certain IOs, such as the WHO, have a more systematic approach to stakeholder engagement (OECD, 2016[24]). Without going that far, many IOs have taken pragmatic steps to structure their engagement with other IOs and establish principles applying to observers or specific groups, such as those in the private sector (Box 4.5) (see Chapter 5).

Beyond a comprehensive policy, some IOs have developed concrete guidance to support IO secretariat staff and rulemaking bodies in engaging effectively with stakeholders.

Policies and guidance documents are in certain cases complemented – or substituted – by a dedicated body in charge of overseeing stakeholder engagement throughout the Organisation (Box 4.6). Six respondents to the 2018 IO Survey indicate having some sort of oversight mechanism of their Organisation's stakeholder engagement activities. Beyond formal oversight, 19 indicate having some informal co-ordination mechanism or practice group in place that brings together staff members working on stakeholder engagement (OECD, 2019[1]).

Some organisations request partner entities and stakeholders to appoint liaison officers to have single contact points for engaging in their organisations' work, to channel the inputs received and potentially help reduce the resource needed to process comments and contributions (Box 4.7).

The risk remains that progress in engaging stakeholders stays limited until further understanding on the impacts of stakeholder engagement practices is gathered. Only a few IOs evaluate their stakeholder engagement efforts as is recommended at the national level, with only eight IOs responding to the IO 2018 Survey having in place a formal mechanism to track and measure the impact of stakeholder engagement on the organisation's work (Box 4.8).

More broadly, the allocation of roles and responsibilities between IOs and their respective members is of central importance, and building greater connection between the two levels is an area to be further explored. Members are closer to the field where international rules apply, and consequently closer to the evidence and lessons learned needed for good rulemaking as well as the stakeholders affected by these rules. They have a critical role to play in sharing information and identifying relevant stakeholders. Through their own open-government and stakeholder engagement practices, they also have processes in place to inform and engage stakeholders in rulemaking that could form a relevant channel for international norms. However, stakeholder engagement in international rulemaking is largely disconnected from their engagement at the domestic level so far (OECD, 2018[3]).

Box 4.5. Examples of Comprehensive Approaches to Engaging with Stakeholders

The **IOSCO** Consultation Policy and Procedure (IOSCO, 2005[25]) was adopted in 2005. This stipulates that the organisation must establish the rationale for seeking stakeholder inputs in its consultation reports; offer a period of three months for the reception of these inputs; publish contributions within a dedicated online 'Public Documents' interface; and provide an explanation for the manner in which comments have been addressed. The primary objectives which IOSCO seeks to advance through its consultation activities include obtaining substantive inputs to the organisation's work; benefitting from the expertise of the international financial community in assessing and analysing regulatory issues; obtaining information and views on the potential impacts, benefits and costs of any proposed standards and principles; promoting understanding of IOSCO's mission as the "international standard setter" for securities markets; increasing the transparency of the organisation's activities and work programme; to foster and enhance consistency through early dialogue with the private sector and forging approaches to deal with common concerns; and contributing to the convergence of securities regulatory standards. There is also a list of factors framing the decision to seek public comments, as well as the form of each consultation process.

The engagement activities that occur between the **OIML** and its stakeholders are framed by a Policy on Liaisons between the OIML and other Bodies (OIML, 2004[26]) which was adopted in 2004 and is published on the organisation's website. The policy distinguishes between six categories of actors, including intergovernmental bodies and development organisations; regional metrology organisations and regional legal metrology organisations; international standard-setting organisations and international accreditation organisations; regional and national standard-setters; and industrial federations and other bodies. In relation to each of these organisations, the OIML outlines the various modalities through which stakeholder engagement is pursued. For example, intergovernmental bodies and development organisations receive the OIML Bulletin and all relevant information regarding its rulemaking activities; are invited to report annually to the OIML about their metrology activities; are able to attend the Conference and CIML Meetings in the capacity of observers; and may establish co-operative agreements as well as joint working groups to develop technical documentation or carry out studies, advocacy initiatives, or capacity-building initiatives in developing countries.

Introduced in 2016, the WHO Framework for Engagement with Non-State Actors (FENSA) (WHO, 2016[8]) establishes an overarching stakeholder engagement approach which is applicable across all levels of the organisation. FENSA endeavours to strengthen engagement with non-State actors (NGOs, private sector entities, philanthropic foundations, and academic institutions) while protecting its health-related work from potential risks such as conflicts of interest, reputational risks, and undue influence. Across each of the four categories of non-state actors, the organisation has developed a tailored policy and a differentiated set of operational procedures. The Framework also sets out a range of stakeholder engagement modalities, including participation in consultations, hearings, and other meetings of the WHO's provision of financial or in-kind contributions; submissions of evidence; co-operation in advocacy activities; and technical collaboration in product development, capacity-building, emergency responses, and contributions to the implementation of WHO policies. FENSA also establishes detailed mechanisms to manage and mediate conflicts of interest, as well as other risks of engagement.

Source: Author's elaboration based on IO practice templates and inputs received from IOs; (OECD, 2019[1]).

Box 4.6. Streamlining Stakeholder Engagement through internal outreach departments and liaison officers

The **BIPM** operates a dedicated International Liaison and Communication Department (BIPM, 2021[27]), which oversees its stakeholder engagement and international co-ordination activities. In particular, this department manages liaison with other intergovernmental and international bodies, supports the promotion of the Metre Convention and the International System of Units (SI), and underpins the CIPM Mutual Recognition Arrangement – the core instrument of the organisation.

The Global Stakeholder Engagement (GSE) (ICANN, 2020[28]) team in **ICANN** is responsible for leading engagement and outreach to stakeholders on ICANN and its mission around the world. The team provides a point of contact in the regions for the ICANN Organisation and the ICANN Community, raising awareness, providing outreach and understanding of ICANN's role and remit, driving participation in ICANN policy development and technical activities. The team is at the forefront to deliver on ICANN's Commitments and Core Values to ensure broad, informed participation reflecting the functional, geographic and cultural diversity of the Internet. The GSE team comprises 34 staff across 21 countries, and provides for the management and oversight of ICANN's engagement function in eight regions of the world.

The **ICN** has a designated Non-Governmental Advisors (NGAs) Liaison (ICN, 2020[29]), whose mandate is to better engage NGAs to participate in the ICN. More broadly, the central objective of this practice is to expand the spectrum of experiences, expertise and interests informing the development of ICN products.

ILAC has dedicated liaison officers, which establish, build, and manage relationships with all key international partner organisations.

Each liaison organisation that the **OIML** works with appoints a liaison officer. These include international business organisations, intergovernmental organisations, and others IOs. The liaison officer acts as their organisation's representative (without committing their organisation) with the OIML.

Source: 2018 IO Survey, and Author's elaboration based on inputs received from IOs.

Box 4.7. Guidance for Stakeholder Engagement – Towards Consistency and Systematicity

The **ICN** has developed a Non-Governmental Advisors (NGAs) Toolkit (ICN, 2020[29]), which aims to support engagement both from the perspective of member agencies and existing and prospective NGAs. These actors include competition experts in the form of lawyers and economists from private practice, in-house counsels, representatives of non-governmental IOs, members of industry and consumer groups, academics and judges. The document also sets out the various channels through which NGAs can participate in the ICN's working groups, including through their consultation in the creation of work plans, commenting on or contributing to written work, and engaging in meetings and events (conference calls, webinars, workshops, and the ICN Annual Conference). The toolkit outlines how NGAs can benefit the ICN, through inclusiveness, dissemination of communications and work, and resource-sharing; as well as how the ICN can help NGAs in network-building, the ability to contribute to the formation of international competition policy, and knowledge-promotion.

The **WHO** has produced a Handbook for Non-State Actors for Engagement with the World Health Organization (WHO, 2018[30]). First, this begins by providing a basic description of the Framework for Engagement with Non-State Actors (FENSA), the organisation's overarching strategy for stakeholder engagement, as well as setting out a definition of a 'non-state actor'. Second, the document subsequently establishes the various groups of non-state actors, and the mechanics underpinning the decision to categorise these actors. Third, the Handbook outlines the various types of engagement that take place through FENSA, including technical and scientific inputs to transmit information and knowledge, advocacy and awareness-raising activities with regard to health issues, and technical collaboration on product development, capacity-building collaboration in emergencies, and contributions to the implementation of WHO policies. Fourth, the overarching principles applying to engagement are enumerated, including that any stakeholder engagement initiative pursued must demonstrate a clear benefit to public health; conform to the WHO's Constitution, mandate, and Programme of Work; respect the intergovernmental nature of the WHO and the decision-making authority of Member States; support and enhance, without compromising, the scientific and evidence-based approach that underpins the WHO's work; protect the WHO from any undue influence; not compromise the WHO's integrity, independency, credibility and reputation; be effectively managed to avoid conflicts of interest and other risks; and be conducted on the basis of transparency, openness, inclusiveness, accountability, integrity, and mutual respect.

The **IOSCO** Consultation Policy and Procedure, **IUCN** Operational Guidelines for Private Sector Engagement, **OIML** Policy on Liaisons, **WCO** Terms of Reference on the PSCG, **Codex** Principles on the Participation of NGOs, and **PIC/S** Guidelines on Professional Organisations, as well as **WHO**'s FENSA itself, described in previous boxes, also display at least some features and aspects of guidance on stakeholder engagement.

Source: Author's elaboration based on IO practice templates, 2018 IO survey.

Box 4.8. Reviewing and Evaluating Stakeholder Engagement Efforts

According to their terms of reference, the Assessment Body Advisory Committee (CABAC) and User Advisory Committee (UAC) of the **IAF** monitor the responses to their recommendations. More broadly, the IAF Board reviews the performance of all Main and Advisory Committees on an annual basis.

ILAC has built-in review clauses embedded within its Supplement to the ILAC Strategic Plan 2015-20. Under Action 2.4 of this document, the organisation is currently reviewing key relationships to leverage limited resources and adjust priorities in response to emerging circumstances. This will form the basis for a dedicated strategy for stakeholder engagement, which will presumably be introduced within the scope of the next strategic plan.

The **ILO** provides a comprehensive Development Cooperation Dashboard, which tracks the full range of the organisations' initiatives in this area as well as the stakeholder funding and collaboration on these projects. This comprises its rulemaking activities, including enhancing labour standards, advancing social protections, and – with particular reference to its stakeholder engagement activities – strengthening tripartite constituents with a view to facilitating influential and inclusive social dialogue.

Pursuant to Article 3(6) of the Framework for Engagement with Non-State Actors (WHO, 2016[8]), the **WHO** is currently conducting an initial evaluation of its implementation and its impact on the work of the organisation. The results of this evaluation, together with any proposals for revisions of the framework, will be submitted to the Executive Board through its Programme, Budget and Administration Committee.

This provides a practical illustration of how the results of evaluation processes can underpin and contribute to programme improvements.

Source: 2018 IO Survey, Author's elaboration based on inputs by IOs.

References

Abbott, K., C. Kauffmann and J. Lee (2018), "The contribution of trans-governmental networks of regulators to international regulatory co-operation", *OECD Regulatory Policy Working Papers*, No. 10, OECD Publishing, Paris, https://dx.doi.org/10.1787/538ff99b-en. [9]

Alemanno, A. (2015), "Stakeholder engagement and regulatory policy", in *OECD Regulatory Policy Outlook 2015*, Organisation for Economic Co-operation and Development, http://www.oecd-ilibrary.org/content/chapter/9789264238770-8-en. [5]

ASTM International (2020), *ASTM International - Membership - Member Types & Benefits*, https://www.astm.org/MEMBERSHIP/MemTypes.htm (accessed on 30 September 2020). [11]

BIPM (2021), *International Liaison and Communication Department*, https://www.bipm.org/en/bipm/int/members.html. [27]

Codex (2005), *Principles Concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission*, http://www.fao.org/3/a0247e/a0247e02.htm. [15]

IAF (2020), *IAF Multilateral Recognition Agreement (MLA) Management Committee*, https://www.iaf.nu/articles/IAF_MLA/14. [17]

ICANN (2020), *Global Stakeholder Engagement (GSE)*, https://www.icann.org/resources/pages/gse-2012-02-25-en. [28]

ICN (2020), *Non-Governmental Advisors (NGA)*, https://www.internationalcompetitionnetwork.org/wp-content/uploads/2020/05/NGAToolkit.pdf. [29]

IEC (2020), *IEC Ambassadors Programme*, https://www.iec.ch/about/profile/ambassadors.htm. [16]

IFAC (2019), *Call for Information: Multi-Stakeholder Engagement Framework*, https://www.ifac.org/system/files/publications/files/IFAC-Call-for-Information.pdf. [21]

IHO (2018), *Resolutions of the International Hydrographic Organization*, https://iho.int/iho_pubs/misc/M3-E-AUGUST18.pdf. [19]

IHO (2017), *Basic Documents of the International Hydrographic Organization (IHO)*, https://iho.int/uploads/user/About%20IHO/Assembly/basicDocs/General%20Regulations%20of%20the%20IHO.pdf. [18]

ILAC (2020), *List of Members by Category*, https://ilac.org/ilac-membership/members-by-category/. [7]

ILO (2020), *Who We Are - Tripartite Constituents*, https://www.ilo.org/global/about-the-ilo/who-we-are/tripartite-constituents/lang--en/index.htm. [12]

IOSCO (2005), *IOSCO Consultation Policy and Procedure*, https://www.iosco.org/library/pubdocs/pdf/IOSCOPD197.pdf. [25]

IUCN (2020), *IUCN Members*, https://www.iucn.org/about/members/iucn-members. [13]

IUCN (2009), *Operational Guidelines for Private Sector Engagement*, https://www.iucn.org/sites/dev/files/import/downloads/ps_20guidelines.pdf. [22]

OECD (2019), *The Contribution of International Organisations to a Rule-Based International System: Key Results from the Partnership of International Organisations for Effective Rulemaking*, OECD Publishing, Paris, https://www.oecd.org/gov/regulatory-policy/IO-Rule-Based%20System.pdf. [1]

OECD (2018), *OECD Regulatory Policy Outlook 2018*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264303072-en. [3]

OECD (2017), "Improving regulatory governance through stakeholder engagement", in *Improving Regulatory Governance: Trends, Practices and the Way Forward*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264280366-8-en. [2]

OECD (2017), *Public consultation on the draft OECD Best Practice Principles on Stakeholder Engagement in Regulatory Policy - OECD*, https://www.oecd.org/gov/regulatory-policy/public-consultation-best-practice-principles-on-stakeholder-engagement.htm (accessed on 26 March 2021). [4]

OECD (2016), *International Regulatory Co-operation: The Role of International Organisations in Fostering Better Rules of Globalisation*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264244047-en. [6]

OECD (2016), *The Case of the World Health Organization (WHO)*, OECD Publishing, Paris, https://www.oecd.org/gov/regulatory-policy/WHO_Full-Report.pdf. [24]

OECD (2015), *OECD Regulatory Policy Outlook 2015*, OECD Publishing, http://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2015_9789264238770-en. [14]

OIML (2004), *Policy on Liaisons betweent the OIML and other Bodies*, https://www.oiml.org/en/files/pdf_b/b012-e04.pdf. [26]

Pauwelyn, J. et al. (2018), "Rethinking Stakeholder Participation in Global Governance, Framing Paper"*, SNIS Project, Graduate Institute, Geneva*. [10]

WCO (2005), *Private Sector Consultative Group (PSCG)*, http://www.wcoomd.org/en/topics/key-issues/private-sector-consultative-group.aspx. [23]

WHO (2020), *WHO Regulations for Expert Advisory Panels and Committees*, https://www.who.int/about/collaborations/expert_panels/en/. [20]

WHO (2018), *Handbook for Non-State Actors for Engagement with the World Health Organization*, https://www.who.int/about/collaborations/non-state-actors/Handbook-for-non-State-actors-on-engagement-with-WHO.pdf?ua=1. [30]

WHO (2016), *Framework for Engagement with Non-State Actors (FENSA)*, https://apps.who.int/gb/ebwha/pdf_files/WHA69-REC1/A69_2016_REC1-en.pdf#page=9. [8]

5 Maximising the opportunities for co-ordination across IOs

Today, while the global rulemaking landscape is increasingly diverse and dynamic, it is at the same time characterised by strong linkages across issue areas and intersections between various domains of activity. The case for co-ordination is broadly recognised by IOs, and has been accelerated by the COVID-19 pandemic. This chapter discusses how international organisations work together and co-ordinate their activities. A framework of key principles is designed to help identify and map partners, establish common objectives, and select appropriate instruments, stages and procedures for co-ordination. The existence of specific mandates across IOs, the expansion and overlapping of rulemaking domains, path-dependent and siloed approaches, and resource constraints present both the central obstacles to, and a strong rationale for, deeper co-ordination. Efforts are underway to grapple with these challenges, by creating common pathways for co-ordination, smoothing communication channels, and adopting virtual collaboration tools.

Introduction

IOs provide a permanent framework for IRC at the international level. They extend the reach of national governments to offer platforms for sharing data and experiences; as well as consensus-building and the adoption of common approaches (OECD, 2020[1]). In recent decades, the emergence of new business models, the scale of technological change, and the pace of globalisation have blurred the boundaries of their traditional portfolios and generated increasing interaction between the activities of IOs.

Numerous IOs have been created to respond to the diverse policy needs of their members. The great number of IOs reflects the ever-growing need to conduct activities at the international level. Country representatives, being members to several IOs, have a comprehensive vision of their existing complementarities, the specific strengths of each IO, and potential areas of overlap. With the increasing realisation that "orchestrators" need "orchestration", co-ordination[1] among IOs has become a strong centre of interest in the search for greater coherence and effectiveness of collective action.

At a minimum, co-ordination can serve to ensure that the operations and instruments of IOs are not in direct conflict. At best, co-ordinated international activity has the potential to unlock the combined strengths of IOs, by maximising expertise, administrative capacities, economic resources, and rulemaking capabilities. Ultimately, co-ordination among IOs is essential to effectively addressing the needs and priorities of members, and country representatives participating in several IOs have an important role in fostering such co-ordination.

Despite these opportunities, the current co-ordination practices of IOs remain largely informal and concentrated in the initial phases of the rulemaking cycle (OECD, 2019[2]). There remains significant room to accelerate and deepen co-ordination in international rulemaking.

To support this process, this chapter of the IO Compendium aims to enhance understanding of the variety of mechanisms that can underpin co-ordination among IOs, and to help them co-ordinate more systematically, maximise their respective strengths and work together towards common global objectives. In the absence of a structured body of knowledge for how IOs can co-ordinate effectively, this section builds on the practices of IOs collected through the framework of the IO Partnership and existing academic research.

Rationale

IOs were created with different mandates and for different purposes, with different membership structures and varying geographic coverage. The richness of the international system is in its diversity, with IOs that have respective technical expertise, networks and working methods bringing their own added value. Nevertheless, with time there is inevitably growing interaction among them. Today, while the global rulemaking landscape is increasingly diverse and dynamic, it is at the same time characterised by strong linkages across issue areas and intersections between various domains of activity (OECD, 2013[3]).

Most IOs operate in fields where many other IOs and international entities are also active (OECD, 2016[4]). In a fragmented international legal order, two or more IOs or legal regimes frequently purport to govern the same individuals, activities, or policy domains. For example, at least a half-dozen international bodies currently address international financial issues, no less than ten international bodies claim regulatory authority over internet infrastructure, and roughly two dozen international bodies address climate change (Cerf, Ryan and Senges, 2014[5]); (Keohane and Victor, 2010[6]).

Collective action among IOs is fundamental to manage shared policy challenges and ensure the effective achievement of joint objectives. Collective action to achieve common objectives was the very reason for which IOs were created: in order to support countries to join their efforts towards shared approaches to advancing goals and addressing challenges. As a result, IOs were set up as platforms for dialogue and

negotiation between a broad range of actors with very different positions. They are therefore predisposed towards multi-stakeholder collaboration, consensus-building and 'orchestration', as opposed to more centralised and top-down modes of operation (Hale and Roger, 2014[7]) (Abbott et al., 2015[8]) (Box 5.1). This experience in fostering dialogue, encouraging peer learning and developing a level playing field among stakeholders with different interests and priorities can and should be used by IOs themselves to learn from each other, exchange information and share best practices. Ultimately, co-ordination among IOs is beneficial for the effective achievement of common goals, collectively and individually: when two international bodies collaborate on issues of mutual concern, their interactions effectively reaffirm the stature and legitimacy of each agency to operate in the area under consideration (Dunoff, 2015[9]).

Box 5.1. Intersection with Chapter 4 "Ensuring Efficient Stakeholder Engagement": Orchestration

Orchestration is a mode of governance that is widely used by intergovernmental organisations (IGOs). IGOs engage in orchestration when they enlist intermediary actors on a voluntary basis, by providing them with ideational and material support, to address target actors in pursuit of IGO governance goals. Orchestration is thus both indirect (because the IGO acts through intermediaries) and soft (because the IGO lacks control over intermediaries). These features distinguish orchestration from traditional hierarchical governance, which addresses targets directly through hard instruments; from governance through collaboration with targets, which is direct but soft; and from delegation, which is indirect but hard.

The intermediaries in IGO orchestration are often NGOs, but may also include business organisations, public-private partnerships, transgovernmental networks and other IGOs. Intermediaries are crucial to orchestration because they possess governance capabilities – such as local information, technical expertise, enforcement capacity, material resources, legitimacy and direct access to targets – which the IGO lacks.

Source: (Abbott et al., 2015[8]).

Peer learning and dialogue among IOs is a fundamental building block of effective international rulemaking. Each IO has an established body of expertise, policy community and process that is well-adapted to develop a policy response to specific international needs and challenges. In certain cases, however, the expertise of one organisation is not enough to address a complex policy challenge. It may need confronting with the scientific evidence of another IO, or may benefit from exchanges among policy communities that are constituencies of several different IOs. Through more systematic, purposive co-ordination from the early stages of international rulemaking, including when information is exchanged and policy analysis is conducted prior to the development and negotiation of international texts, IOs can pool efforts to develop better international instruments with broad relevance and reach.

Joint IO approaches are also crucial to help improve the overall clarity and coherence of the international rulemaking landscape. This allows IOs to agree on a common "language", an important baseline both to align approaches among IOs and for their respective constituencies to access coherent international tools. The development of common approaches, terminologies and classifications among IOs helps to minimise confusion and misinterpretation among constituents regarding applicable rules, and maximise use of international instruments (OECD, 2016[4]) (see Chapter 1).

But co-ordination among diverse actors in a decentralised landscape is not easy. Each IO must operate in accordance with its specific mandate and governance processes. Despite IO complementarities, sharing of purposes and intersecting mandates, the different constituencies and specific rulemaking processes of

each IO lead them to develop international instruments mostly in silos, with a tendency to co-ordinate mainly *ad hoc* among peers. This may result in sometimes overlapping – and in worse cases duplicative – instruments. It can also produce inefficiencies in the use of members' resources, particularly when they are members of several IOs working in parallel. Most importantly, it can fail to effectively achieve the intended objectives of international instruments.

IOs working in silos may create *analytical duplication,* with research, data collection or analysis conducted in parallel instead of in common; *regulatory duplication*, where several international instruments with overlapping objectives are adopted without cross-linkages; or *administrative duplication,* with country and IO representatives needing to participate in several meetings in different countries for example. It should be noted that in any given country two IOs with overlapping or strongly-related mandates may well have different constituents within government (for example, energy and environment portfolios). To prevent such inefficiencies, country representatives and other relevant stakeholders (for example, regional organisations) with membership in several IOs have a key role in highlighting inconsistencies and fostering co-ordination among IOs.

The membership and mandate of IOs frequently overlap, and the coverage of their instruments often coincides (Hofmann, 2011[10]) (Urpelainen and Van De Graaf, 2014[11]). IOs have frequently confronted concerns regarding the risk of overlap and gaps, with a view to improving effectiveness. In some cases, this has induced them to include a breakdown of their activities within the framework of co-operation agreements, which lists the responsibilities of each organisation as well as the activities that are subject to joint action (Boisson de Chazournes, 2016[12]). Co-operation among IOs aims to enhance problem-solving in a given issue area, including the added value achieved through merging complementary competences and avoiding costly duplication in order to free resources for other activities. In practical terms, co-ordination among IOs also helps the members who fund and mandate their activities, by streamlining resources and achieving more effective results.

Typology: areas and procedures of IO co-ordination

IO relationships can range from *dyadic*, involving just two organisations, to *multiplicitous,* involving networks of many organisations. Relations between two or more IOs can develop along a continuum of *formal* or *informal* channels of interaction. Formal relations are based on at least a minimum level of institutionalisation (Cerf, Ryan and Senges, 2014[5]) (OECD, 2016[4]) and (Biermann, 2017[13]) (Box 5.2). Concretely, responses to the 2018 IO survey show that co-ordination can be operationalised via different practical tools. These range from soft mechanisms such as exchange of information, observation in respective bodies, joint meetings, technical platforms for co-operation and joint task groups; to harder co-operation mechanisms such as Memoranda of Understanding (MoUs), exchanges of letters or other agreements, joint work programmes, mutual participation in a co-ordinating institution, or the development of joint instruments (OECD, 2016[4]) (OECD, 2019[2]).

To help IOs target their co-ordination efforts, this Compendium distinguished between co-ordination mechanisms depending on their objectives and outcomes, and based on the phase of international rule-making at which they intervene. This encompasses co-ordination in the preparatory work; co-ordination in the development of instruments; co-ordination in the provision of assistance; co-operation in the monitoring activity; and co-ordination to ensure compliance of international instruments (Figure 5.1).

Figure 5.1. Co-ordination mechanisms across IOs at the development and delivery stages of international instruments

Preparatory co-ordination work in the development of international instruments

- Formal information and expertise exchange arrangements which contribute to the fulfilment of 'identified and agreed' common objectives
- Shared platforms for engagement, which are periodical, generate analytical content, and foster shared understanding of common challenges
- Stock-taking activities which seek to promote common terminologies, classifications and approaches, facilitate comparison among various approaches, and encourage peer learning
- Collaborative research to gather a data, manage information and to expand the evidence base underpinning international instruments
- Granting observer status to relevant IOs to exchange information, identify areas of common interest and co-ordinate respective policies
- Visits and secondments of liaison or other subject expert staff at each other's Secretariats and in the field in order to stimulate information exchange, institutional understanding, co-ordination, and learning
- Preparatory work by Secretariats with their respective governance bodies for higher level cooperation instruments, including, but not limited to, MoUs to ensure that mandates and objectives are supported
- Cross IO participation in an advisory capacity to provide technical and subject matter expertise to preparatory activities leading towards the development or next revision of instruments or policies
- Interaction in online debates, conversations and formal consultations

Co-ordination in the development of international instruments

- Deconfliction through the identification of potential opportunities for collaboration where mandates overlap
- Targeted engagement toward the development of common standards, guidelines, conformity assessment procedures or other instruments
- Mutual participation in the establishment of performance indicators and other goal-setting activity
- Integration of references to relevant international frameworks in the development of instruments

Co-ordination in the implementation of international instruments

- Adoption of harmonised templates/reporting format with regard to the implementation of instruments
- Joint programmes which bridge various phases
- Sharing implementation responsibilities on the basis of mutual strengths

Co-ordination in the provision of assistance

- Administration of joint training programmes
- Co-ordination of the delivery of legal and technical guidance
- Pooling resources to deliver financial assistance

Co-ordination in monitoring activity

- Shared databases and online portals which maximise available analytical resources
- Joint programmes which enable the management of cross-border risks, involve periodical reporting and facilitate planning

Co-ordinated responses to compliance and non-compliance assessment

- Adoption of harmonised templates/reporting format with regard to compliance assessment
- Recognition of equivalence of standards and categories across international organisations
- Joint application of incentivising actions
- Collective sanctions in response to non-compliance

Box 5.2. Academic references on co-ordination of IOs

(Dunoff, 2015[9]) develops a typology of the various ways actors from different IOs engage in co-operation. He identifies two different axes to categorise these interactions:

- one axis focuses on the various *forms* interactions can take, which centres on the activity or function being co-ordinated:
  - regulatory: actors from different IOs interact with the express intention of generating new instruments,
  - operational: actors from multiple bodies interact on operational issues, with new regulatory norms as an incidental by-product,
  - conceptual: actors from different bodies engage to lay the analytic and conceptual underpinnings for future regulatory efforts;
- the second axis focuses on the *nature* of the interaction, which spans a continuum from the rationalisation of parallel or overlapping efforts, to the expansion of powers or jurisdiction, to competitive and conflictual interactions.

There are two related dimensions across which organisations can engage in co-ordination. They can have:

- *interactive relationships*, for instance in the exchange of information or resources; or
- *non-interactive relationships* when they share particular attributes – such as status, identity, cognitive structures, strategic positioning, or core technology – that induce the same behavioural stimuli in related members and/or expose the organisations to the same evolutionary forces.

Most research focuses on direct interactions between and among organisations (Cropper, 2008[14]).

(Biermann, 2015[15]) identifies the following types of co-operation:

Co-operation is *strong* when partners engage in joint decision-making on major issues, often involving ambitious projects with shared responsibility and divisions of labour. Co-operation is *moderate* when partners engage in joint decision-making but exclude essential issues. Co-operation is *minimal* when joint decisions are rare or non-existent and co-operation is largely confined to occasional representation in joint meetings and inconsistent sharing of basic information. Co-operation is *absent* when partners who would profit from co-operation forego co-operation in favour of unilateralism.

(Agranoff, 2003[16]) describes the following typology of networks:

- *Informational Networks:* Partners come together exclusively to exchange agency policies and programs, technologies and potential solutions.
- *Developmental Networks:* Partner information and technical exchange are combined with education and member services.
- *Outreach Networks:* Partners come together to exchange information and technologies, sequence programming, exchange resource opportunities, pool client contacts, and enhance access opportunities that lead to new programming avenues.
- *Action Networks:* Partners come together to make interagency adjustments, formally adopt collaborative courses of action, and/or deliver services along with exchanges of information and technologies.

Another typology prevalent in academic research is that of (Provan and Kenis, 2008[17]), who distinguish organisational co-operation or networks in terms of their brokerage or governance:

- *Self-governed:* where all members take on the tasks of co-ordinating joint action and information sharing.
- *Lead-organisation:* where one of the participating organisations takes on the responsibility to co-ordinate all other organisations.
- *Network administrative organisation:* where a specific secretariat is set up to co-ordinate all participating organisations.

Others describe co-operative relationships as taking the form of complementary rules, standards, and governance activities, policy co-ordination, joint decision making, and the creation of formal inter-institutional partnerships or joint participation in institutionalised relationships with other actors (Betts, 2009[18]), (Andonova, 2017[19]) (Sommerer and Tallberg, 2019[20]).

Relations between two or more IOs can develop along a continuum of *formal* or *informal* channels of interaction. Formal relations are based on at least a minimum level of institutionalisation. One-off or *ad hoc* relations often occur at the beginning of an inter-organisational life cycle or are deliberately pursued when formal channels are blocked or the open pursuit of co-operation is politically sensitive (Biermann and Koops, 2017[21]).

Key principles of co-ordination

This section highlights a set of key principles to guide the co-ordination activities of IOs. It builds upon the responses to the 2018 IOs Survey. These principles are not exhaustive. However, they shed light on some of the most important steps that should be taken by IOs in pursuing co-ordination activities.

1. Mapping potential partners for co-ordination

To know who to co-operate with, IOs need to identify who is active in the area they are working in. With the growing number of international actors of different nature and often overlapping mandates, this is not always self-evident. Therefore, to help identify the right players to co-ordinate with, IOs can greatly benefit from systematically mapping the IOs undertaking normative activities in areas of relevance to them. Partners for co-ordination may be differentiated on the basis of the type of organisations (such as regional, private, sectoral, etc.) and the envisaged forms of co-ordination:

- **Inter-institutional co-ordination:** refers to jointly-established, institutionalised structures (usually at inter-secretariat level) and processes between two or more autonomous international organisations, created with the explicit aim of facilitating inter-organisational relations. In such a co-ordination arrangement, partner IOs develop and formulate international instruments and oversee their implementation through inter-agency mechanisms such as joint committees and/or working groups, including ensuring effective communication. IOs may also appoint a staff member to act as inter-organisational liaison in order to facilitate co-ordination, exchange information, and build trust.
- **Multilevel co-ordination:** occurs across the policy cycle with regional organisations, facilitates implementation, and enhances the impact of international instruments.
- **Public/private/academic co-ordination:** capitalises on the combined strengths of public, private and academic entities, involves the clear designation of roles and responsibilities, and is subject to an oversight mechanism. The advantages of network co-ordination in both public and private sectors are considerable, including enhanced learning, more efficient use of resources, increased

capacity to plan for and address complex problems, greater competitiveness, and better services for clients and customers (Provan and Kenis, 2008[17]). Network co-ordination with academia, whilst less common, can also be advantageous where academia play an important role in the development of international instruments and best practices in policy-regulatory environments. Academia may also share some objectives with IOs and contribute to the dissemination of information to a broader public.

- **Thematic or sectoral co-ordination:** occurs within a given area of activity, minimises duplication, promotes common approaches, develops inclusive channels of sharing context specific knowledge and expertise, enhances rule credibility, and proceeds on the basis of shared objectives and organisational mandates. Such a type of relationship embodies the principle of the division of labour – considering each institution's expertise and the resulting comparative advantages – but in a co-ordinated upstream framework based on specific and identified purposes. Co-operation is therefore carried out primarily through the identification of specific goals. The activities recognised as being essential to achieving these goals are subsequently distributed among the various agencies with a view to making their co-ordination truly effective (Boisson de Chazournes, 2016[12]).
- **Horizontal (or heterarchical) co-ordination:** takes advantage of issue-linkages across similar or related activities existing among autonomous organisations and cultivates an integrated approach to tackling a given challenge.
- **Logistical co-ordination:** allows IOs to co-ordinate and monitor supply chain operations by sharing resources and pooling costs of certain activities (e.g. organising events, participation in meetings).

2. Agreeing on common co-ordination objectives in principle between IOs

IOs often pursue different goals that are directly related to their mandate and constituency. However, to co-ordinate normative action effectively, IOs need to find the shared objectives which will help structure their collaboration. Indeed, **collective goals of co-ordination** are essential for tackling complex global issues adequately. Agreeing on common objectives is therefore a prerequisite for initiating detailed steps for co-operation. Dialogue on mutual objectives early in the international rulemaking process – and as a first step for co-ordination – provides for a meaningful way to define the common objectives for the collaboration exercise. These common objectives can then be used throughout the collaboration, and offer a benchmark for evaluating its effectiveness going forward. Once common objectives are identified, IOs may want to bear in mind the following points to build on the common objectives and make the best of them:

- Identifying collective concerns and practical necessities to tackle them, which can induce new forms of co-operation;
- Recognising the multiple ways in which a common objective may be pursued, and the different policy instruments available to IOs with regard to their mandates, competencies and capabilities. Particular consideration may be given to organisations operating at different regional scales, for example those with global, intra-regional (IOs operating in specific regions or with a shared set of countries) and inter-regional (IOs operating among regions different or partially-overlapping sets of countries) scope;
- In certain cases, IOs may identify broader needs and shared interests within global, inter-regional or intra-regional settings, while the pursuit of common objectives could happen at different levels and through different policy mechanisms, as allowed by IOs mandates and competencies.

Still, **individual organisational goals** are also fundamental in the survival and success of any co-operation. While collective goals are necessary conditions for co-ordination, the collaborators must recognise that each one of the participating organisations benefit and fulfil individual goals. If all members

are to partake in and assign resources to the co-operation, they must see a contribution in the joint effort to their individual mandates.

Each IO has its mandate established through its constituent documents (and subsequent plenary decisions). IOs should make efforts to respect not only their own mandate but also those of existing or potential partners. Such respect a prerequisite for successful collaboration. Challenges arise when the mandates themselves leave room for the overlap or duplication of responsibilities and activities. Clearly, in such circumstances interfaces and boundaries need to be established and agreed early, and at senior level.

3. Developing guidance and reviewing past/ on-going co-ordination approaches

Preparing a whole-of-organisation guidance document on co-ordination possibilities can help IO staff identify the right approach. Having such a guidance document may help to ensure close co-operation between IOs by using of existing platforms for co-ordination, which would help them to minimise duplication and overlap of work, and create more clarity for their constituency and interested stakeholders on the use of their instruments. In particular, the guidance document on co-ordination could include specific principles to support staff in selecting the instruments, stages and procedures for collaboration, and facilitate joint development of international instruments by allowing for improved co-operation between IOs:

- **Selecting instruments for co-ordination –** an overview of the existing instruments available for the IO and the respective strengths and weaknesses of these instruments will provide staff with a useful understanding on *how* to engage in co-ordination and adapt their collaboration with peers to desired outcomes;
- **Identifying the right stages for co-ordination –** highlighting the phases of the policy cycle at which co-ordination initiatives presently occur, as well as those at which it is possible within the mandate of the international organisation in question, can help IO staff in deciding *when* to co-ordinate;
- **Following specific procedures –** outlining the processes and modalities for co-ordination with other IOs will help IO staff co-ordinate consistently with their peers according to their needs and objectives and better predict the outcomes of the collaboration that would most effectively contribute to the fulfilment of strategic objectives.

The guidance document on co-ordination may provide practical support to IOs in ensuring both the stability and flexibility of co-ordination with other organisations. Stability is critical for maintaining legitimacy, both inside and outside the network. Stable networks mean that participants can develop long-term relationships with other members, so that each understands the other's strengths and weaknesses and acts accordingly to maximise network outcomes. At the same time, flexibility allows networked organisations to respond quickly to competition and other environmental threats, as well as to opportunities. Essentially, flexibility is important for ensuring rapid network responses in ways that meet changing stakeholder needs and demands.

Finally, the review of past and on-going co-ordination activities can help identify pathways toward their enhancement and adaptation to new circumstances, as the context or external environment evolves. A frequent reassessment of structural mechanisms and procedures in light of new developments, together with a willingness to make needed changes even if they are disruptive, are key to continuously guarantee that co-ordination among IOs is both stable and flexible. The same organisations can reduce or even rescind their current relationships and develop ties to others, as needs and tasks change (Provan and Kenis, 2008[17]).

4. Enhancing co-ordination in data collection and research activities

In their everyday work, many IOs first and foremost act as data and information hubs. They provide the framework to "orchestrate" the sharing of evidence among their constituencies within their respective areas, in various forms (raw, compiled in databases, analysed in thematic or country reports). To mutualise the benefits of this sharing of information and make even broader evidence available to the wider public, IOs may find it useful to co-ordinate their data collection and research activities. This may help expand the evidence base underpinning international instruments, ensure efficiency of services, avoid or reduce duplication, and maximise synergies in IO activities. IOs can therefore establish and actively participate in information-sharing agreements which facilitating access to the collected data, for instance by:

- Cross-referencing their respective work, which is publicly-available information on their dedicated websites;
- Engaging in research initiatives that seek to further common objectives across interlinked themes to ensure the comparability of information retrieved, and ultimately adopting shared processes of classification, benchmarking and performance assessment;
- Pooling resources to support mutually-advantageous research initiatives as far as possible and gathering available data and information within a shared portal (including open-access portals) across IOs engaging in a co-ordinated approach, to facilitate the production of collaborative reports in cross-cutting policy areas.

State of play on co-ordination among IOs

This section describes the current status and practices commonly used by IOs to exercise co-ordination. It covers key trends in co-ordination practices, challenges IOs face when engaging in such practices and efforts undertaken to co-ordinate more closely using integrated and innovative means. It also reflects some illustrative examples of existing co-ordination practices used by IOs and the intersections between this chapter and others in the Compendium.

Trends in co-ordination practices of IOs

Increasing intersection in IO mandates, a need for co-ordination

Many of the interactions outlined above are designed to permit IOs to achieve their objectives more effectively or in some cases more efficiently. In the face of strongly intersected domains and memberships, co-ordination is more than ever critical to support international rulemaking that operates as a system. Most IOs operate in fields where many other IOs and international entities are also active, or where activities of one IO may impact upon objectives of another IO (or IOs). In areas as disparate as peacekeeping, fighting HIV/AIDS, monitoring trade in dangerous chemicals, offering debt relief, protecting endangered species, co-ordinating international criminal enforcement, and providing humanitarian assistance, actors from different IOs and regimes routinely collaborate to jointly address issues of common concern (OECD, 2016[4]) (Dunoff, 2015[9]).

Certain IOs with broad mandates may find themselves working in parallel with a number of international and regional actors whose mandate may be different or more specific, but still coincides. For example, although the WHO for instance is the specialised agency for global health within the United Nations system, the institutional landscape in which international health co-operation takes place has become increasingly complex. As such, specific health-related matters also fall within mandates of other international or regional bodies such as the FAO, the WTO, the OIE, or WIPO. The WHO therefore has a variety of collaboration practices in place with these organisations and with other specialised UN agencies, as well as with regional and intergovernmental organisations. Modes of interaction span a broad range of instruments, including

co-sponsored programmes, MoUs, joint meetings and exchange of information (OECD/WHO, 2016[22]). Similarly, while the WTO has a comprehensive mandate to regulate the conduct of international trade relations through multilateral agreements, countries also negotiate bilateral and regional trade agreements and adopt international technical standards to facilitate trade in bilateral or regional contexts. This creates a diverse landscape that complements and intersects with the work of the WTO. In this view, the WTO co-operates with a number of international organisations and institutions. This involves including them as observers to the General Council and WTO Committees, participating in various partnerships with other IOs to support capacity building in developing countries (e.g. Aid for Trade with the OECD, the Standards and Trade Development Facility, and the Enhanced Integrated Framework), and developing joint instruments (e.g. with WIPO) (OECD/WTO, 2019[23]).

Other examples include the Global Protection Cluster (GPC) and the United Nations Country Team (UNCT). The mission of the GP is ensuring well co-ordinated, effective and principled protection preparedness and responses, and that protection is at the core of all humanitarian action and recognised as essential in any nexus with development and peace. UNHCR is the Global Cluster Lead Agency for Protection and in light of their thematic expertise, other agencies (UNICEF, UNFPA, NRC, UNMAS) have been designated as focal point agencies for specific Areas of Responsibilities (AORs) within the GPC. The UNCT exists in 131 countries, covering all of the 162 countries where there are United Nations programmes. The UNCT encompasses all the entities of the UN system that carry out operational activities for development, emergency, recovery and transition in programme countries. The UNCT ensures inter-agency co-ordination and decision-making at the country level. The main purpose of the Country Team is for individual agencies to plan and work together, as part of the Resident Coordinator system, to ensure the delivery of tangible results in support of the development agenda of involved governments.

Strong reliance on soft tools for co-ordination

IOs mostly rely on informal and/or soft tools of co-ordination to overcome co-ordination difficulties from engaging with different constituencies, rules of procedure and bureaucracies, and to avoid long negotiations. For the most part, co-ordination related to international instruments consists in agreements to co-operate or specific co-ordination meetings. Over a quarter of IOs responding to the 2018 IO Survey report co-ordinating with other IOs via Memoranda of Understanding (MoUs) (OECD, 2019[2]), which establish a formal structure for joint work or observing action of respective bodies. Such agreements list the responsibilities of each organisation, establish the nature and arrangements which will frame it, display the agreed objectives informing co-operative initiatives, and outline the activities that are subject to joint action. For instance, the OIML has a number of MoUs in place with IOs, to avoid contradictory or duplicate requirements and to establish common interpretations and understanding in the field of legal metrology. In some cases, MoUs can form the necessary basis for stronger forms of collaboration in the future, as illustrated by relations between IAF and ILAC and the Tripartite Arrangement between OIE-FAO-WHO. While serving as an important baseline for co-ordination and opening up possibilities for joint action, such instruments do not in themselves result in the integration of international normative action. Most often they serve as a common roadmap to co-ordinate activities. A similar number of IOs co-ordinate via joint meetings with their peers (26% of IOs responding to the 2018 IO Survey), typically by observing action of relevant bodies or holding joint co-ordination events (OECD, 2016[4]). For example, OTIF and the UNECE hold joint meetings twice a year, while IAF and ILAC organise joint annual and mid-term meetings.

Box 5.3. Memoranda of Understanding: examples of a commonly used tool among IOs and Intersection with Chapter 1 Building understanding of the variety of international instruments

The OIML has a number of Memoranda of Understanding (MoUs) (OIML, 2020[24]) in place with other international organisations to co-ordinate activities, reduce the possibility of duplication and to enhance communication and collaboration. In practice, this involves co-ordinating a joint approach in areas of common understanding and, when relevant, developing joint technical documents. The objective is to avoid contradictory or duplicate requirements and to establish common interpretations and understanding in the field of legal metrology; consequently, manufacturers and users of measuring instruments, certification bodies, test laboratories, etc. may simultaneously apply OIML Publications and those of other institutions. The organisation has established MoUs with **ISO** (1966), **ILAC** and the **IAF** (2006), **UNIDO** and **BIPM** (2008), and the **IEC** (2011). The recent increase in uptake of these instruments is illustrative of a broader trend toward collaboration among IOs, as due to overlapping mandates as well as a wider recognition of the benefits of co-ordination in terms of resource allocation and instrument coverage.

In May 2018 the Directors General of **FAO, OIE** and **WHO** signed a Memorandum of Understanding (OIE/FAO/WHO, 2018[25]) regarding the co-operation to combat health risks at the animal-human-ecosystems interface in the context of the "One Health" approach. This covered several modalities of co-operation, including supporting the establishment of a joint secretariat of the Interagency Coordination Group on Antimicrobial Resistance; reinforcing national and regional services at the animal-human-ecosystems interface through their assessment; improving collaboration in foresight, risk assessment, preparedness and response to emerging, remerging and neglected infectious diseases, addressing food safety and security challenges, adopting a common communication strategy in order to raise awareness, and preparing a voluntary code of conduct to reinforce the implementation of international instruments on antimicrobials. This Memorandum also requested the development of a Tripartite Work Plan to be adopted at the Annual Tripartite Executive Meeting. The initial areas of co-operation envisaged by the MoU include anti-microbial resistance, emerging and endemic zoonotic diseases and information-sharing, and strengthening health systems. The parties committed to continue to meet at least annually to discuss strategic issues related to the objectives of the MoU, review the progress of the work undertaken, establish dedicated taskforces on areas of joint interest, and identify focal points in each organisation to advance collaboration.

Source: Author's elaboration based on IO Practice Templates.

Albeit less frequent, a number of IOs also engage in co-ordination activities which entail closer engagement in their respective work and a greater regularity in following the work that other IOs active in similar areas conduct. Nearly a quarter of IOs responding to 2018 IO Survey set up technical platforms for co-operation or some form of joint task groups or committees with other IOs having common interests (OECD, 2019[2]). Such bodies allow IOs to pursue more concrete action towards common objectives. For example, the goal of the Joint Committee for Traceability in Laboratory Medicine (JCTLM) created by the BIPM, IFCC and ILAC is to provide a worldwide platform to promote and give guidance on internationally recognised and accepted equivalence of measurements in Laboratory Medicine and traceability to appropriate measurement standards. The WCO/UPU Contact Committee deals with issues of common interest and, in particular, seeks to speed up and simplify Customs formalities in the postal service. The WCO/IATA/ICAO Contact Committee on Advance Passenger Information (API) & Passenger Name Record (PNR) Data in particular, seeks to keep the API Guidelines and such other instruments and tools current and reflective of the needs of Members and of the air transport industry. The Tripartite FAO-OIE-WHO collaboration aims to jointly develop global strategies and tools to ensure a consistent, harmonised approach throughout the world and to put the "one health" vision into practice.

Despite of the existence of various forms of co-ordination among IOs to foster coherence in the international normative landscape, the agreement on joint work programmes or the actual development of joint instruments among several IOs still remains limited (OECD, 2016[4]) and (OECD, 2019[2]). Indeed, these entail close convergence of mandates and vetting from respective constituencies of the involved IOs, which may have different backgrounds, expertise and interests, thus making agreements difficult to achieve. Some cases do prevail, in which the common objective provides sufficient incentive to bring together constituencies and Secretariats to elaborate joint instruments.

Frequent co-ordination in upstream of rulemaking, untapped collaboration potentials downstream

Co-ordination among IOs takes place mostly in the *ex ante* preparatory work (including research, mapping, stock taking, etc.) as part of the development of instruments. (OECD, 2019[2]). For example, ASTM International/ISO co-operate through A Partner Standards Developing Organization (PSDO) agreement for developing joint standards. The JCGM composed of broadly-based eight international organisations working in the field of metrology, maintains and promotes the use of international reference documents (VIM and GUM). ITU and the World Bank co-operated in the preparation of the ICT Regulation Toolkit.

Box 5.4. Examples of IO co-operation in developing joint international instruments/ Intersection with Chapter 1 "Building Understanding of the Variety of International Instruments"

Established in 1997, the Joint Committee for Guides in Metrology (JCGM) (BIPM et al., 2009[26]) is composed of broad-based international organisations working in the field of, or dependent on, metrology, that is; **BIPM, IEC, IFCC, ISO, ILAC IUPAC, IUPAP, IFCC** and **OIML**. As revealed by this list, these organisations focus their rulemaking activities on metrology, standardisation, particular aspects of science and technology, and accreditation. The tasks of the JCGM are to develop and maintain guidance documents (the *Guide to the Expression of Uncertainty in Measurement* (known as the GUM) and the *International Vocabulary of Metrology* (known as the VIM)) addressing the general metrological needs of science and technology, and to consider arrangements for their dissemination. This is achieved through the issuance of guidance documents, updating and aligning of terminologies, provision of advice, and promotion of the worldwide adoption and implementation of the results of the committee's work.

The **ISO/IEC Directives** define the basic procedures to be followed in the development of international standards and other publications. They are the 'official rules' for IEC and ISO technical work. The Directives are composed of two parts; namely, the Procedures for the Technical Work (ISO/IEC, 2020[27]) and the Principles and Rules for the Structure and Drafting of ISO and IEC Documents (ISO/IEC, 2018[28]). Part 1 contains information on the organisational structure and responsibilities for the technical work (roles and responsibilities of the different stakeholders in the process and rules and procedures for establishing committees), details of the stages of standards development (procedures and obligations at each stage of the process), procedures for developing other deliverables, procedures for meetings and appeals, and a series of annexes on specific topics related to standards development. Part 2 comprises the rules for structuring and drafting international standards and other deliverables (e.g. verbal forms of expression, organisation of clauses, formatting of numbers, figures, etc.).

A Partner Standards Developing Organization (PSDO) (ASTM International/ISO, 2011[29]) agreement between **ASTM International** and **ISO,** signed in 2011, paved the way to create joint AM standards in additive manufacturing by: fast-tracking the adoption process of an ASTM international standard as an ISO final draft standard; the formal adoption of a published ISO standard by ASTM International; and the maintenance of published standards.

The **OTIF-UNECE** RID/ADR/ADN **Joint Meeting** (OTIF, 2001[30]) develops harmonised dangerous goods provisions for carriage by rail, road and inland waterways. It has resulted in close co-operation with the United Nations Economic Commission for Europe (UNECE) since it was set up. The Joint Meeting's task is to ensure that the dangerous goods provisions for land transport (RID – Regulation concerning the International Carriage of Dangerous goods by Rail, ADR –Agreement concerning the International Carriage of Dangerous Goods by Road and ADN – European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway) are harmonised as closely as possible in order to simplify and promote multimodal transport. The RID/ADR/ADN Joint Meeting examines amendments arising from the UN Model Regulations, which apply globally (also to the maritime and air transport), and proposals which only concern land transport, such as the provisions for RID/ADR tanks.

As part of its *Coordination Activities*, **UNCITRAL** frequently unilaterally endorses the instruments developed by other IOs (UNCITRAL, 2020[31]), incorporating them into its corpus of instruments – including most recently the Uniform Rules for Forfaiting of the International Chamber of Commerce. This innovative practice pools experiences, expertise and resources; minimises duplication and optimises rulemaking activities; and advances harmonisation in the field of international trade law.

Source: Author's elaboration based on IO Practice Templates.

Co-ordination among IOs in the implementation of instruments, for instance through harmonised templates or a common reporting format to facilitate implementation of international instruments is mostly occasional, if done at all. Such co-ordination creates an environment that facilitates the adoption of joint programmes and share implementation responsibilities by relying on other international organisations for the provision of relevant expertise, assistance and support for the effective implementation (2018 IO Survey) (see Chapter 2). For instance, UN Alliance of Climate Change contributes to the work under the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the Paris Agreement and UNCITRAL has a partnership with other IOs to design joint implementation tools.

Box 5.5. Examples of IO co-ordination in the implementation of international instruments/ Intersection with Chapter 2 "Strengthening the implementation of international instruments"

The **UNFCCC** UN Alliance of Climate Change (with **FAO, UNEP, UNESCO, UNFCCC, UNICEF, UNITAR, WMO**) (UNFCCC, 2012[32]) aims to promote meaningful, result-oriented and effective international co-operation in support of action on climate change education, training, public awareness, public participation and access to information. More broadly, the Conference of the Parties (COP) and the Subsidiary Bodies (SBs) have encouraged other organisations within the UN system and at the international level to undertake several activities in support to their work. These span across capacity building activities, partnerships for technical support, and research and innovation. Recognising the many inter-linkages of the complex UNFCCC process, the co-ordination activities attempt to streamline expertise and channel resources – human, financial or otherwise so that they may be efficiently optimised across the United Nations System (UNS), within IGOs, the COP and SBs. The core objective linking and underpinning these collaborative efforts is to advance the implementation of the UN Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, the Paris Climate Agreement, and the Sustainable Development Goals (SDGs).

In 2016, **UNCITRAL** jointly developed the Insolvency Creditor-Debtor Regimes (ICR) Standard (UNCITRAL et al., 2016[33]) with the **WBG, IMF** and **INSOL.** This comprises the World Bank's Principles for Effective Insolvency and Creditor/Debtor Rights Systems and the UNCITRAL Legislative Guide on Insolvency Law. The ICR Standard provides States with tools to reform their national and cross-border

insolvency regimes and to meet international consensus on best practices for evaluating and strengthening national insolvency and creditor rights systems. These systems should balance the need to address a debtor's financial difficulty as quickly and efficiently as possible; the interests of the various parties directly concerned with that financial difficulty, principally creditors and other stakeholders in the debtor's business; and public policy concerns, such as employment and taxation. They are therefore important tools for sustainable development. The Legal Guide to Uniform Legal Instruments in the Area of International Criminal Contracts (UNCITRAL et al., 2020[34]) represents another example of a joint instrument prepared by **UNICTRAL,** the **HCCH** and **UNIDROIT**. This will be published in 2020. The Legal Guide aims to map the instruments developed by each organisation, provide a comparative understanding of the coverage and basic themes of each instrument, and clarify the relationship among them. The Guide therefore benefits parties to cross-border commercial transactions and encourages those transactions, and consequently also supports sustainable development. In particular, the tool modernises and harmonises commercial contract and sales law, integrating the United Nations Convention on Contracts for the International Sale of Goods, the HCCH Principles on Choice of Law in International Commercial Contracts, the United Nations Convention on the Limitation Period in the International Sale of Goods and the UNIDROIT Principles of International Commercial Contracts, among others. Under its Technical Cooperation and Assistance Document (A/CN.9/1032).

Source: Author's elaboration based on IO Practice templates.

There are some combined co-operation efforts in providing assistance to foster the use of normative instruments and for monitoring them (see Chapter 2). A majority of respondents to the 2018 IO survey co-ordinate with other IOs for assistance, on a varying frequency, whether to pool financial assistance or reinforce capacities (OECD, 2019[2]) and 2018 IO Survey. For example, INetQI, OIE/WHO, and WCO/WTO members closely collaborate in providing capacity building activities to their constituencies where necessary.

Box 5.6. Examples of IO co-ordination in providing assistance/ Intersection with Chapter 2 "Strengthening the implementation of international instruments"

The International Network on Quality Infrastructure (INetQI) (BIPM et al., 2021[35]) facilitates enhanced co-operation among 14 international organisations in promoting the understanding, value and acceptance of the quality infrastructure and providing guidance and support for its effective implementation and integration worldwide. This encompasses several IOs within the Partnership of International Organisations for Effective International Rulemaking (IO Partnership) (OECD, 2020[36]), including the BIPM, IAF, IEC, ILAC, ISO, OIML, ITU, UNECE, UNIDO, WBG, and WTO**.** Moreover, it brings together IOs from across the quality infrastructure ecosystem, including those involved in standardisation, metrology, accreditation, and conformity assessment. In order to advance its core mission of working together to promote the understanding, value and acceptance of the quality infrastructure and provide guidance and support for its effective implementation and integration, INetQI has produced a common terminology of quality infrastructure, contributed to and its elements prepared by its participating IOs, produced and contributed towards initiatives of participating IOs (for example the UNECE initiative on standards for the SDGs), and engaged in seminars, webinars and side-events arranged by participating IOs to build understanding of quality infrastructure.

The **FAO-OIE-WHO** Tripartite Collaboration (FAO/OIE/WHO, 2020[37]) aims to support their member countries and partners to undertake collaborative efforts to address challenges and threats at the human-animal-ecosystems interface. For example, within its flagship 'One Health' programme, these

organisations have developed a 'Tripartite Guide to Addressing Zoonotic Diseases in Countries' (TZG) (OIE/FAO/WHO, 2019[38]) – with accompanying online training – to address health challenges such as avian influenza, rabies and Ebola. Through a selection of principles, best practices and operational tools, this supports countries in developing multi-sectoral responses and risk assessments; boosting planning and preparedness; engaging in surveillance, information-sharing, investigation and response; and guidance for monitoring and evaluation of these policy tools. In addition, the WHO and OIE have developed tools to assist members in implementing their respective standards, and help them to identify tailored and co-ordinated strategies to deal with national health risks at the human-animal interface. This is achieved by evaluating the national capacity of existing animal and human health sectors, and identifying gaps in the implementation of health standards. These organisations have produced an OIE-WHO Operational Framework on Good Governance at the Human-Animal Interface (OIE/WHO, 2014[39]) and run a series of national workshops on their core instruments – the International Health Regulations (IHR) (WHO) and PVS Pathway (OIE). These aim to consult on results of evaluations of country capacities, improve dialogue and co-ordination between human and animal health sectors, develop tools and mechanisms for multi-sectoral co-ordination, and improve understanding of the respective roles and mandates of various stakeholders.

Under its Technical Cooperation and Assistance Document (A/CN.9/1032), **UNCITRAL** participates in several co-ordination activities in order to advance the implementation of its instruments and the fulfilment of its organisational objectives. These include the provision of legislative advice and capacity-building under the **EBRD-UNCITRAL** Public Procurement Initiative, capacity-building with the **ILO** and University of Turn Masters programmes in International Trade Law and Public Procurement, legislative advice and assistance with the United Nations Economic and Social Commission for Asia and the Pacific **(ESCAP)** through readiness assessments for cross-border paperless trade, and support initiatives with the International Anti-Corruption Academy. The primary purpose of the practice is to co-ordinate reforms among partners, improving efficiency and effectiveness for all partners, improving the application of scarce resources. For enacting States and other users of UNCITRAL texts, the practice facilitates commercial law reform, helps to provide an enabling legal framework for trade and supports sustainable development. Where users are also borrowers from multilateral development banks or receive assistance from other agencies, the practice maximises the benefits to them from all assistance received.

Source: Author's elaboration based on IO Practice templates.

Co-ordination in monitoring activity can help IOs share efforts in gathering information about the use of their instruments. For example, IOSCO and CPMI jointly monitor the implementation of the principles for financial market infrastructure and IAF/ILAC jointly evaluate regional groups of accreditation bodies. ILAC and WADA's complementary roles and activities provide a sound and robust framework for effective laboratory assessments based on ISO/IEC 17025 and the WADA "International standard for laboratories" (ISL).

Box 5.7. Examples of IO co-ordination in their monitoring activity/ Intersection with Chapter 2 Strengthening the implementation of international instruments"

IOSCO and the **CPMI** (within the Bank for International Settlements – **BIS**) jointly monitor the implementation of the Principles for Financial Market Infrastructures (PFMI) (IOSCO/BIS, 2012[40]) to ensure their full, timely and consistent application. This is achieved through an online tracker and

implementation database, a disclosure framework and assessment methodology, and the issuance of joint periodical assessment reports.

The **IAF** and **ILAC** conduct joint peer evaluations of regional accreditation groups and bodies. These are underpinned by a series of collective instruments, including **IAF/ILAC** A1 – Multilateral Mutual Recognition Arrangements: Requirements and Procedures for Evaluation of a Regional Group (IAF/ILAC, 2020[41]) and **IAF/ILAC** A2 – Multilateral Mutual Recognition Arrangements: Requirements and Procedures for Evaluation of a Single Accreditation Body (IAF/ILAC, 2018[42]) which are continually revised in response to emerging developments. These evaluations contribute to the issuance of recognition, which increases confidence in conformity assessment results in international markets, eliminates the need for products and services to be re-tested, re-calibrated, re-inspected or re-certified in each country into which they are imported and sold, and supports international trade at the global level. Test reports and certification documents issued by an accredited conformity assessment body are accepted and recognised as equivalent across the signatories to the **IAF** and **ILAC** mutual recognition arrangements.

The **ILAC-WADA Cooperation** (ILAC/WADA, 2020[43]) is aimed at exchanging relevant information on matters related to the criteria for the assessment and accreditation of anti-doping laboratories, harmonising the application of these criteria and optimising practices in the assessment and accreditation of anti-doping laboratories worldwide. The objective of the ILAC-WADA Cooperation is to achieve greater consistency in laboratories' monitoring of compliance with their international standards. This compliance monitoring is performed by ILAC MRA signatory accreditation bodies at the national level, and by WADA internationally. The arrangement supports the exchange of information across organisations, facilitates harmonisation and optimisation in the application of accreditation practices, and enables the identification of opportunities for mutual representation on selected committees and working groups. In June 2020, **ILAC** and **WADA** issued Joint Guidelines for the Harmonisation of Scopes of ISO/IEC 17025 Accreditation of WADA Anti-Doping Laboratories (ILAC/WADA, 2020[44]) which include recommendations on how to adjust the formulation of different types of scopes of accreditation for the WADA anti-doping laboratories and describe the level of scrutiny that should be granted to these laboratories.

Source: Author's elaboration based on IO Practice Templates.

There is still untapped co-operation potential in the areas of compliance assessment and support for collective action in case of non-compliance. Some of IOs responding to the 2018 Survey indicate they do so occasionally or frequently, but the majority of respondents indicated they never do so (OECD, 2019[2]). For instance, In the Central American Economic Integration Process, there is a monitoring mechanism on the compliance of regional commitments. For such purposes, a six-monthly action plan is defined, which includes specific actions, goals and responsible for compliance (regional bodies). The Council of Ministers of Economic Integration (COMIECO) oversees the compliance of such plan. This mechanism allows monitoring progress and guiding actions among regional bodies to achieve the fulfilment of the objectives.

Challenges to co-ordination among IOs

Scholars have identified multiple factors that help explain why international organisations often fail to co-operate effectively (Biermann, 2015[15]). Rationalist accounts stress resource dependence and insufficient environmental pressure (Biermann, 2007[45]). Constructivist and psychological accounts point to a lack of openness to co-operate due to diverging organisational cultures, incompatible identities and norms among organisations, adverse legitimacy assessments, antagonistic relationships, and distrust (Biermann, 2015[15]).

IOs and regimes are typically created in response to specific problems and hence have been formed at different times by different actors for different purposes. Thus, each IO comes with its own constitutive text, legal rules and principles, subsidiary bodies, and expertise, all designed to pursue specific tasks and advance certain values. These bodies operate in a highly decentralised and largely non-hierarchical environment. Activities and decisions in one regime are often taken with little knowledge of or regard for decisions in neighbouring regimes, and there are few formal rules to govern their relations or mechanisms to promote accountability or co-ordination (Dunoff, 2015[9]). Differing administrative requirements among organisations can also add time and cost for the implementation of instruments.

Conflicting domains of IOs can create certain challenges as IOs might unilaterally expand into the domain of others and impact another organisation with little or no co-ordination. This might be accidental and even unintended or not. When IOs expand their domains by duplicating another organisation's mandates or tasks, they affect the relevance of the other organisation, stimulating domain conflicts (Biermann and Koops, 2017[21]). When operating in the same work area co-ordination between donor IOs helps to avoid both confusion for recipients and duplicating efforts. Co-ordination is equally valid for bilateral and regional support projects, irrespective of the type of assistance.

Agreeing on coherent and co-ordinated approach with other IOs can be particularly difficult as each of them must follow its own specific mandates, objectives and procedures. In such cases the 'dual consensus rule' which implies that co-operation can only proceed when consensus has been reached both within and among organisations, should be applied. Lack of sufficient level of flexibility in IOs mandate derived from constituent or other instruments for co-ordination actions can lead to lengthy negotiations of, for example co-operation agreements and/or joint instruments. It is natural that IOs find it challenging to become comfortable with the necessary relinquishing of some degree of control when pursuing joint initiatives. Lack of mapping of potential partners and the limited shared understanding of the scope and modalities of co-ordination can lead to difficulties. Only seven IOs responding to the 2018 IO Survey report mapping potential partners systematically (OECD, 2019[2]), although many IOs will be aware of at least some potential partners through other mechanisms and the key major players in the field. The number and nature of organisations of regulators and private/mixed bodies may also make the precise monitoring of their existence and activities difficult. Likewise, 15 IOs responding to the 2018 IO Survey report written guidelines or formal instruments addressing co-ordination with other IOs, and these remain usually targeted to co-operation on specific activities, projects or with individual organisations (for example, through MoUs) (OECD, 2019[2]).

At times, co-ordination across IOs may mirror silo-ed approaches among their constituencies. For example, few countries have a systematic and whole-of-government strategy promoting international regulatory co-operation and a co-ordinated approach to participation in international organisations (OECD, 2021[46]). Effective co-ordination at national level among line ministries resulting in a common perspective, can aid promote co-operation among IOs. Some states may also want to be able to leverage the tools developed by different IOs for different priorities, thus strengthened co-ordination might not be desirable or at least not a priority for them. The concept of *forum shopping* among instruments developed by different international bodies typically emerges as states have a choice between multiple international organisations they can turn to in pursuing goals (Biermann and Koops, 2017[21]).

Finally, IOs may also face certain challenges to optimise expertise and allocate sufficient human, financial, etc. resources for the co-ordination of joint actions with other IOs, when this is not their priority/core area of activity.

IO efforts to co-ordinate closely through more integrated and innovative means

The continuous expansion of mandates and activities of IOs and the ever increasing interactions among them have highlighted the need for a better grasp of the relationship between them. In the various areas of international concern there is a common dynamic toward the increased involvement of international

organisations (Boisson de Chazournes, 2016[12]). Global challenges such as global financial crises, pandemics, climate change, refugee crises, or peacebuilding endeavours seem to increasingly exceed the resources of individual states or organisations, necessitating a co-ordinated response. This task intensification stimulates resource pooling and provision as well as division of labour, allowing actors to share tasks and responsibilities (Biermann, 2007[45]). Having a dedicated staff and allocation of adequate budget can become helpful to overcome resource inefficiency, but above all helps to ensure the self-sustainability of the task. IOs may also appoint a liaison officer who acts as their organisation's representative (without committing their organisation) to ensure effective communication between partners. For example, IAF/ILAC have a logistic co-ordination in organisation of joint meetings or liaisons who occasionally to represent both organisations in the context of meetings with other IOs. It remains to be seen whether the more recent move towards unilateralism impacts on the trends towards the increased involvement of international organisations in a longer term.

Where an IO identifies an opportunity to collaborate with another IO, unless pre-existing, it will wish to seek a mandate from its own constituency to initiate such a collaboration. Informal information exchange and advocacy through effective channels of communication is important both for IOs involved with their own constituencies and between IOs. Where such channels exist the formal process of obtaining mandates run far more smoothly. These same channels of communication will help IO constituencies better understand opportunities derived from co-ordination and get a greater level of engagement to support co-ordination itself and its implementation.

When guidelines or written procedures for co-ordination exist, these can help overcome the practical difficulties of integrating normative activities, and the co-ordination to be more effective and systematic and create common roadmap and organisational structure. The ISO/IEC joint principles for drafting ISO and IEC documents are a good example.

Perhaps the most extreme example of IO co-ordination would be a merger of two IOs by forming one single international organisation. This is rare but not without precedence. For instance, IAF/ILAC joint work lead to form one single international organisation for accreditation which will minimise the duplication of work and improve the opportunities for presenting one accreditation "voice" in international *fora*, with other IOs and stakeholders.

Virtual tools can also facilitate systematic co-operation among IOs, particularly by helping overcome the practical difficulties of setting up joint meetings (finding timing, location, etc.).

More recently, the COVID-19 crisis has seen a surge in calls for and implementation of co-ordination efforts among IOs (OECD, 2020[47]). Joint efforts have taken place to support their constituencies in a range of traditional and new areas but generally in alignment with traditional co-ordination practices. IOs have mostly joined efforts with existing partners and resourced to existing co-operation tools, focusing on data collection, definition of good practices, conducting analytical work and assisting countries in the implementation of international instruments. For instance, historical co-operation between FAO, OIE and WHO around the "One Health" concept has proved particularly relevant in the context of the COVID-19 pandemic. Similarly, the WCO and WHO developed a HS Classification List for COVID-19 Medical Supplies and List of priority medicines for customs during COVID-19 pandemic. The WCO has also worked closely with the WTO to maintain the continuity of global supply chains. The WTO has made various joint statements on responding to the COVID-19 crisis with partners including WHO,[2] FAO,[3] WCO[4] and IMF.[5] Co-ordination has also aimed at ensuring implementation of instruments in unprecedented circumstances. WADA has worked with the Council of Europe to ensure complementarity of guidance to countries on anti-doping regulations. Some international standard-setting bodies (ASTM International, IEC and ISO) agreed together to make available standards on medical devices, respirators and personal protective equipment at no cost (OECD, 2020[1]).

The crisis has built momentum to renew co-ordination efforts among IOs avoiding inertia and adopting innovative approaches. The lessons learned from co-operation during the COVID-19 crisis may well be relevant in the longer term to ensure that IOs stand ready to provide joint solutions for emerging challenges.

Notes

[1] The terms “co-ordination”, “co-operation”, “collaboration” used in this section of the Compendium are interchangeable.

[2] https://www.wto.org/english/news_e/news20_e/igo_14apr20_e.htm.

[3] https://www.wto.org/english/news_e/news20_e/igo_26mar20_e.htm.

[4] https://www.wto.org/english/news_e/news20_e/igo_06apr20_e.htm.

[5] https://www.wto.org/english/news_e/news20_e/igo_15apr20_e.htm.

References

Abbott, K. et al. (2015), *International organizations as orchestrators*, Cambridge University Press, http://dx.doi.org/10.1017/cbo9781139979696. [8]

Abbott, K. et al. (eds.) (2014), *International Organizations as Orchestrators*, Cambridge University Press, Cambridge, http://dx.doi.org/10.1017/cbo9781139979696. [48]

Agranoff, R. (2003), “Understanding Networks - A Guide for Public Managers”, http://www.unm.edu/~marivera/524%20readings%201/Understanding%20Networks_Guide%20for%20Public%20Managers%20Agranoff.doc. [16]

Andonova, L. (2017), *Governance entrepreneurs: International organizations and the rise of global public-private partnerships*, Cambridge University Press, http://dx.doi.org/10.1017/9781316694015. [19]

ASTM International/ISO (2011), *ASTM/ISO AM Standards Development Plan*, https://www.astm.org/COMMIT/AM_Standards_Development_Plan_v2.docx. [29]

Betts, A. (2009), “Institutional proliferation and the global refugee regime”, *Perspectives on Politics*, Vol. 7/1, pp. 53-58, http://dx.doi.org/10.1017/S1537592709090082. [18]

Biermann, R. (2017), “The Role of International Bureaucracies”, in *Palgrave Handbook of Inter-Organizational Relations in World Politics*, Palgrave Macmillan UK, http://dx.doi.org/10.1057/978-1-137-36039-7_11. [13]

Biermann, R. (2015), *Designing Cooperation among International Organizations: The Quest for Autonomy, the Dual-Consensus Rule, and Cooperation Failure*. [15]

Biermann, R. (2007), "Towards a theory of inter-organizational networking The Euro-Atlantic security institutions interacting", http://dx.doi.org/10.1007/s11558-007-9027-9. [45]

Biermann, R. and J. Koops (2017), "Studying Relations Among International Organizations in World Politics: Core Concepts and Challenges", in *Palgrave Handbook of Inter-Organizational Relations in World Politics*, Palgrave Macmillan UK, http://dx.doi.org/10.1057/978-1-137-36039-7_1. [21]

BIPM et al. (2021), *International Network on Quality Infrastructure (INetQI)*, https://www.inetqi.net/. [35]

BIPM et al. (2009), *Joint Committee for Guides in Metrology Charter*, https://www.bipm.org/utils/en/pdf/JCGM-charter.pdf. [26]

Boisson de Chazournes, L. (2016), "Relationships of International Organizations with Other Actors", in Katz Cogan, J., I. Hurd and I. Johnstone (eds.), *The Oxford Handbook of International Organizations - Jacob Katz Cogan, Ian Hurd, Ian Johnstone - Oxford University Press*, https://global.oup.com/academic/product/the-oxford-handbook-of-international-organizations-9780199672202?cc=fr&lang=en& (accessed on 20 August 2020). [12]

Cerf, V., P. Ryan and M. Senges (2014), *Internet Governance Is Our Shared Responsibility*, https://research.google/pubs/pub45894/ (accessed on 20 August 2020). [5]

Cropper, S. (2008), "Introducing Inter-organizational Relations", http://10.1093/oxfordhb/9780199282944.003.0001. [14]

Dunoff, J. (2015), "Mapping a Hidden World of International Regulatory Cooperation", *Law and Contemporary Problems*, Vol. 78/4, https://scholarship.law.duke.edu/lcp/vol78/iss4/11 (accessed on 20 August 2020). [9]

FAO/OIE/WHO (2020), *Tripartite Collaboration*, https://www.oie.int/en/for-the-media/onehealth/controlling-health-risks/collaboration-internationale/. [37]

Hale, T. and C. Roger (2014), "Orchestration and transnational climate governance", *Review of International Organizations*, Vol. 9/1, pp. 59-82, http://dx.doi.org/10.1007/s11558-013-9174-0. [7]

Hofmann, S. (2011), "Why Institutional Overlap Matters: CSDP in the European Security Architecture", *JCMS: Journal of Common Market Studies*, Vol. 49/1, pp. 101-120, http://dx.doi.org/10.1111/j.1468-5965.2010.02131.x. [10]

IAF/ILAC (2020), *Multilateral Mutual Recognition Arrangements: Requirements and Procedures for Evaluation of a Regional Group*, https://european-accreditation.org/wp-content/uploads/2018/10/IAF_ILAC_A1_01_2018.pdf. [41]

IAF/ILAC (2018), *Multilateral Mutual Recognition Arrangements: Requirements and Procedures for Evaluation of a Single Accreditation Body*, https://european-accreditation.org/wp-content/uploads/2018/10/IAF_ILAC_A2_01_2018.pdf. [42]

ILAC/WADA (2020), *ILAC-WADA Partnership*, https://ilac.org/about-ilac/partnerships/international-partners/wada/. [43]

ILAC/WADA (2020), *Joint Guidelines for the Harmonisation of Scopes of ISO/IEC 17025 Accreditation of WADA Anti-Doping Laboratories*, https://www.wada-ama.org/en/resources/science-medicine/guidelines-for-harmonization-of-scopes-of-isoiec-17025-accreditation-of. [44]

IOSCO/BIS (2012), *Principles for Financial Market Infrastructures (PFMI)*, https://www.iosco.org/library/pubdocs/pdf/IOSCOPD377-PFMI.pdf. [40]

ISO/IEC (2020), *Procedures for the Technical Work*, https://www.iso.org/sites/directives/current/part1/index.xhtml. [27]

ISO/IEC (2018), *Principles and Rules for the Structure and Drafting of ISO and IEC Documents*, https://www.iso.org/sites/directives/current/part2/index.xhtml. [28]

Keohane, R. and D. Victor (2010), *The Regime Complex for Climate Change The Harvard Project on International Climate Agreements*, http://www.belfercenter.org/climate (accessed on 20 August 2020). [6]

OECD (2021), "OECD Best Practice Principles for International Regulatory Co-operation", https://doi.org/10.1787/5b28b589-en. [46]

OECD (2020), *A Partnership for Effective International Rulemaking*, https://www.oecd.org/gov/regulatory-policy/a-partnership-for-effective-international-rule-making.htm. [36]

OECD (2020), *International organisations in the context of COVID-19: adapting rulemaking for timely, evidence-based and effective international solutions in a global crisis*, https://www.oecd.org/gov/regulatory-policy/international-organisations-in-the-context-of-covid-19.pdf (accessed on 14 October 2020). [47]

OECD (2020), *No policy maker is an island: The international regulatory co-operation response to the COVID-19 crisis*, http://www.oecd.org/coronavirus/policy-responses/no-policy-maker-is-an-island-the-international-regulatory-co-operation-response-to-the-covid-19-crisis-3011ccd0/ (accessed on 10 July 2020). [1]

OECD (2019), *The Contribution of International Organisations to a Rule-Based International System: Key Results from the Partnership of International Organisations for Effective Rulemaking*, https://www.oecd.org/gov/regulatory-policy/IO-Rule-Based%20System.pdf. [2]

OECD (2016), *International Regulatory Co-operation: The Role of International Organisations in Fostering Better Rules of Globalisation*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264244047-en. [4]

OECD (2013), *International Regulatory Co-operation: Addressing Global Challenges*, OECD Publishing, Paris, https://dx.doi.org/10.1787/9789264200463-en. [3]

OECD/WHO (2016), *International Regulatory Cooperation and International Organisations: the Case of the World Health Organization (WHO)*, http://www.oecd.org/gov/regulatory-policy/irc.htm (accessed on 28 April 2020). [22]

OECD/WTO (2019), *Facilitating Trade through Regulatory Cooperation: The Case of the WTO's TBT/SPS Agreements and Committees*, OECD Publishing, Paris/World Trade Organization, Geneva, https://dx.doi.org/10.1787/ad3c655f-en. [23]

OIE/FAO/WHO (2019), *Tripartite Guide to Addressing Zoonotic Diseases in Countries (TZG)*, https://www.oie.int/fileadmin/Home/fr/Media_Center/docs/pdf/WHO_OIE_Operational_Framework_Final2.pdf. [38]

OIE/FAO/WHO (2018), *Memorandum of Understanding on Tripartite Collaboration between FAO, OIE and WHO*, https://www.oie.int/fileadmin/Home/eng/Media_Center/docs/pdf/onehealthportal/MoU_Tripartite_Signature_May_30_2018.pdf. [25]

OIE/WHO (2014), *OIE-WHO Operational Framework on Good Governance at the Human-Animal Interface*, https://www.oie.int/fileadmin/Home/fr/Media_Center/docs/pdf/WHO_OIE_Operational_Framework_Final2.pdf. [39]

OIML (2020), *Memoranda of Understanding (MoUs)*, https://www.oiml.org/en/about/mou. [24]

OTIF (2001), *OTIF-UNECE RID/ADR/ADN Joint Meeting*, https://otif.org/en/?page_id=136. [30]

Provan, K. and P. Kenis (2008), "Modes of network governance: Structure, management, and effectiveness", *Journal of Public Administration Research and Theory*, Vol. 18/2, pp. 229-252, http://dx.doi.org/10.1093/jopart/mum015. [17]

Sommerer, T. and J. Tallberg (2019), *Diffusion Across International Organizations: Connectivity and Convergence*, Cambridge University Press, http://dx.doi.org/10.1017/S0020818318000450. [20]

UNCITRAL (2020), *Texts of Other Organisations Endorsed by UNCITRAL*, https://uncitral.un.org/en/texts/endorsed. [31]

UNCITRAL et al. (2020), *Legal Guide to Uniform Legal Instruments in the Area of International Criminal Contracts*, https://undocs.org/en/A/CN.9/1029. [34]

UNCITRAL et al. (2016), *Insolvency Creditor-Debtor Regimes (ICR) Standard*, http://pubdocs.worldbank.org/en/919511468425523509/ICR-Principles-Insolvency-Creditor-Debtor-Regimes-2016.pdf. [33]

UNFCCC (2012), *UN Alliance on Climate Change*, https://unfccc.int/topics/education-and-outreach/focal-points-and-partnerships/un-alliance-on-climate-change-education--training-and-public-awareness. [32]

Urpelainen, J. and T. Van De Graaf (2014), "Your Place or Mine? Institutional Capture and the Creation of Overlapping International Institutions", *British Journal of Political Science*, Vol. 45/4, pp. 799-827, http://dx.doi.org/10.1017/S0007123413000537. [11]

Annex A. List of international organisations supporting the Partnership for Effective International Rulemaking (updated December 2019)

ASTM	ASTM International
BIPM	Bureau International des Poids et Mesures
BRS Conventions	Basel and Stockholm Convention Secretariat and the UNEP part of the Rotterdam Convention Secretariat
CARICOM	Caribbean Community
CBD	Secretariat of the Convention on Biological Diversity
CITES	Secretariat to the Convention on International Trade in Endangered species of Wild Fauna and Flora
IAF	International Accreditation Forum
IATA	International Air Transport Association
ICANN	The Internet Corporation for Assigned Names and Numbers
ICRC	International Committee of the Red Cross
IEA	International Energy Agency
IEC	International Electrotechnical Commission
IFAC	International Federation of Accountants
IFRC	International Federation of Red Cross and Red Crescent
ILAC	International Laboratory Accreditation Cooperation
ILO	International Labour Organization
IMF	International Monetary Fund
IMO	International Maritime Organisation
INECE	International Network for Environmental Compliance and Enforcement
IOM	International Organization for Migration
IOSCO	International Organization of Securities Commissions
ISO	International Organization for Standardization
ITU	International Telecommunication Union
IUCN	International Union for the Conservation of Nature

MOPAN	Multilateral Organization Performance Assessment Network (MOPAN)
OECD	Organisation for Economic Co-operation and Development
OIE	World Organisation for Animal Health
OIML	International Organization of Legal Metrology
OPEC	Organization of Petroleum Exporting Countries
OTIF	Intergovernmental Organization for International Carriage by Rail
OZONE Secretariat	Secretariat for the Vienna Convention for the Protection of the Ozone Layer and for the Montreal Protocol on Substances that Deplete the Ozone Layer.
PIC/S	Pharmaceutical Inspection Co-operation Scheme
SAICM	Strategic Approach to International Chemicals Management
SELA	Latin American and Caribbean Economic System
SIECA	Secretariat for the Economic Integration of Central America
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Commission on Trade And Development
UNECE	United Nations Economic Commission for Europe
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNHCR	United Nations Office of the High Commissioner to Refugees
UNIDO	United Nations Industrial Development Organization
UNIDROIT	International Institute for the Unification of Private Law
UPU	Universal Postal Union
WADA	World Anti-Doping Agency
WCO	World Customs Organization
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
WTO	World Trade Organization

Compendium of International Organisations' Practices

WORKING TOWARDS MORE EFFECTIVE INTERNATIONAL INSTRUMENTS

From combating COVID-19 and climate change to tackling corruption and tax evasion, international organisations (IOs) play a critical role in helping countries find solutions to common problems. But for IOs to deliver optimal support to countries and their populations, the international instruments they develop need to be inclusive, well understood and have a tangible impact. This *Compendium of International Organisation's Practices* gathers the experiences of some 50 IOs with different mandates, members and institutional frameworks to draw lessons for international rulemaking. It examines the diversity of instruments in the international rulemaking ecosystem; describes trends and challenges; and discusses how to strengthen the implementation and evaluation of international instruments, ensure efficient stakeholder engagement, and maximise opportunities for co-ordination across IOs.

The IO Compendium is designed to serve not only all national and international policy practitioners, but also civil society actors, academic experts, private actors, and citizens who seek to understand, benefit from and possibly contribute to the international rulemaking process.

PRINT ISBN 978-92-64-94705-4
PDF ISBN 978-92-64-75302-0

9 789264 947054