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Navigating Between Inconvenient and Mistaken Facts Among Multiple Stakeholders

Dr. Deborah Avant and Dr. Tricia Olsen

Much of what we know about the policy process focuses on the policy process in governments. Opening up the black box, though, is different when we are speaking of multi-stakeholder engagement.

Government representatives are present in such engagements, but representatives from commercial firms and civil society organizations are also there. And UN working groups often have a particular culture of their own.

Understanding the rhythms of different kinds of actors is important, as well as potential tensions between these different rhythms.

It is also important to be aware of the perspective (or, possibly, baggage) we bring as academics.

In other segments, we have talked about the potential seduction of the policy world. But there is the potential for academic seduction as well. There are assumptions in academia, and conventional wisdom about what counts most, what assumptions make sense, etc. that can make it harder to understand what is going on in these settings.

Key Ideas We'll Explore

- -DELIVERING UNWELCOME FINDINGS
- -THE DIFFERENCE BETWEEN ACADEMIC CONSENSUS AND GOOD POLICY ADVICE
- -THE COMPLEXITY OF MULTI-STAKEHOLDER GOVERNANCE PROCESSES
- -HOW ACADEMIC INTERVENTIONS CAN AFFECT ACTION AMONG STAKEHOLDERS

The genesis of this session is really in the experiences of two academics: Tricia Olsen and Deborah Avant. This session goes over their personal experiences and then reflects on some more general issues related to the complexity of multi-stakeholder governance and how academic interventions affect not only the substance of what we "reported" but also the relationships among the stakeholders.

When Data Closes Doors: Lessons for Sharing Unpopular Findings

(Tricia Olsen)

The story

Professor Olsen and her coauthor were contacted by a member of the UN working group on business and human rights because they were interested in collecting data to better understand where allegations of human rights abuse were occurring and weather victims have access to remedy. The scholars had completed other large database projects related to human rights and so this was a natural progression for us. They were excited about the partnership and, with a bit of seed money from their universities, got to work.

After collecting data for the pilot project, Professor Olsen was invited to attend a closed meeting with members of the UN working group, civil society, and state representatives. As someone who cares deeply about her work having practical implications for policy makers, business leaders, and human rights advocates around the world she was thrilled that she would have an opportunity to share some findings. she was particularly excited because some of the findings, in short, challenged some of the underlying assumptions of the UN Guiding Principles on Business Human Rights, the primary document that to this day still guides much of the work in the space.

What Professor Olsen didn't appreciate at the time is that this group was wholly

dedicated to ensuring that the UN GPS were adopted broadly. They were not interested, at least in this forum, in disgusting its shortcomings. In retrospect this is completely obvious, but at the time she was so pleased to share interesting, unexpected findings from what was, at the time, the most comprehensive data collection effort on business and human rights, that she lost sight of her audience, their constraints, and better understanding her role therein.

When Data Closes Doors: Lessons for Sharing Unpopular Findings

(Tricia Olsen)

- **Lesson 1: Clarifying Your Role as a Scholar**
  - Setting the stage for this conversation and revisiting it, periodically, and understand the constraints policymakers may face.

- **Lesson 2: Recognizing Misaligned Incentives**
  - "Motivated inference" describes a scenario in which people have strong motivations or incentives, and thus they are very selective in the sort of evidence they absorb or internalize.

- **Lesson 3: Sharing Unpopular Research and Fostering Conversation Amid Contention**
  - Thinking through how to encourage conversation and collaboration, even when findings challenge policymakers' existing assumptions.

1) The first lesson Professor Olsen learned is the importance of clarifying my role. From the start, there were misconceptions about what her analysus (or data) could do. In fact, when they were first approached about this partnership the contact said that they could collect data to show that the UNGPs were working. They quickly explained that whether the UN GPSR quote working in quote is an empirical question which they would be happy to explore. But they could not guarantee that the data would fall one way or the other. They thought we had clarified this point, but in retrospect it's important to have this conversation at length and revisit it periodically.

2) Second, it is important to consider how research aligns with the policy cycle. While Professor Olsen and her co-author had numerous conversations about filling the data gap and the powerful role that data could play in data-driven policymaking, the findings they had to share were not helpful as the UNWG was charged with implementing the UNGPs, not reconsidering core assumptions therein. In psychological research "motivated inference" describes a scenario in which people have strong motivations or incentives, and thus they are very selective in the sort of evidence they absorb or internalize. We've all been there:

once we've made a decision, we only want to hear information that supports that decision.

    a) This observation is in no way meant to be a criticism of the UNWG, but rather an observation that understanding the difference between the scholar's incentives (share fascinating findings) and the policymaker's incentives (show that policies are working, are widely adopted) will shape the interaction. Importantly, this is when the UNWG on Business and Human Rights was also being pulled into broader discussion about the need for a human rights treaty to create an international legally binding instrument on transnational corporations. While the UNWG and those working on the treaty are coordinating efforts now, at the time it wasn't clear whether the treaty effort would usurp the work of those seeking to spread the adoption of the voluntary UNGPs.

1) The third and final lesson is that unpopular research must be shared, but in a way that fosters conversation. The findings were (are!) intriguing and Professor Olsen assumed others would think so, too. When it came time to share, she was so wrapped up in these findings, she expected they would spur greater inquiry and interest. At a minimum, she expected some type of engagement: perhaps thoughtful glances or some furious note taking in the audience. As she presented these findings, instead of pleasantly surprised and engaged faces, the room fell silent. If she had a redo button, she would frame unpopular findings as the beginning of a conversation. It would entail saying something as simple as *I know what I'm telling you is unexpected and even unwanted, but how can we use this information as we move forward?"* There are countless conversations to be had in light of (and despite of) unpopular findings. Sparking conversation is a good outcome, much preferred to stopping discussion all together.

In short, one key question engaged scholars must ask is: how do we criticize the very institutions (and its stakeholders) we are working with when their good will is necessary to bring about better policy outcomes? When sharing unpopular findings, what obligations (if any) do scholars have when policymakers do not care to hear the message? I hope these lessons helps you think through your own research and how to share unpopular findings, especially in a way that insights conversation, rather than closure.

When the Consensus is Wrong: Reporting Findings versus Giving Advice

(Deborah Avant)

The Story

In 2004 Professor Avant sat with a representative of the ICRC in her office at GW and used her political science expertise to tell him why any hope for regulating private security was a lost cause. Its use in Iraq had sent us on a downward spiral toward more abuse, less accountability, more expense. Things were moving toward a "Mad Max" world.

She explained why every option he brought up would not possibly work given who decides on US policy, the incentives they had, and their worldview – even if Democrats came back in power.

Policymakers in the US took as gospel that contractor flexibility was key to US national security and resisted anything that would impede that flexibility.

Plus, many of the problems in Iraq were caused by companies working for clients that didn't even understand how to manage them – from Mercy Corps to ABC News.

And no one could even agree on the scope of private security as it had spread so quickly in Iraq and Afghanistan – every thing from personal security to intelligence to prison guards and more.

The meeting ended with a sad realization that they could see no path forward.

Nonetheless, the ICRC and the Swiss Ministry of Foreign Affairs pressed ahead.

They held a meeting of stakeholders – bowing to the lowest common denominator to get as many in the room as possible just to discuss existing international commitments and what they might mean for private security. No self-respecting political scientist, including Professor Avant, had any hope for that meeting.

Yet, five years later Professor Avant sat at a CNAS seminar and listened to Gary Motsek, DoD Deputy Assistant Secretary for Program Support (the office in charge of contractors), argue for a system to, in effect, translate International Humanitarian and Human Rights commitments for private security companies, license those who pledged to uphold these and hire only them. Already the Montreux Document had been issued, defining private security, offering three categories of state relationship to the industry, and identifying relevant international law and best practices. The US was not only a signatory, it had become an advocate for a follow on process to develop a code of conduct for private security to facilitate something like the licensing system Gary was advocating for.

This experience caused Dr. Avant's to reflect critically on some academic assumptions. So much mainstream work in international relations is focused on structural variables. Scholars put so much effort into articulating them and indictors about them, that they may lose sight of their potential to change. And, assumptions in international relations are overwhelmingly focused on who wins, which assumes that people know their interests ahead of time. But one of the key ways policy solutions emerge is when processes generate changes in the way people or organizations see their interests.

When the Consensus is Wrong: Reporting Findings versus Giving Advice

(Deborah Avant)

- **Lesson 1: Attend to process as well as structure**
  - Academic work often focuses on structure, stasis, and gaining advantage; making policy progress can occur through process, change, and problem solving.

- **Lesson 2: Scholars can switch hats from researcher to participant**
  - Developing a stake can be hard while playing a purely academic role. It can be useful to consider what you are most concerned with which role is most appropriate to reach that goal.

- **Lesson 3: It is hard to control how others see your role**
  - No matter how you see your role, others may see you differently because of what you say, the company you keep (even outside the process), adjacent turf struggles, or some combination of the above.

So, lesson #1 is about how scholars might pay attention to different arguments when they are thinking about the policy process. Rather than focusing only on structural arguments, they might examine process arguments that do focus on change. These can be quite helpful understanding when change is more likely and when it is not. This is a situation where scholars might take precautions to avoid the academic "seduction" that leads us to focus on what is prominent in the field. Even though process arguments are not often as prominent in the field, they can be very important for understanding how events are unfolding. If Professor Avant had a redo button, she would outline the structural impediments but also elements of the process that could be promising.
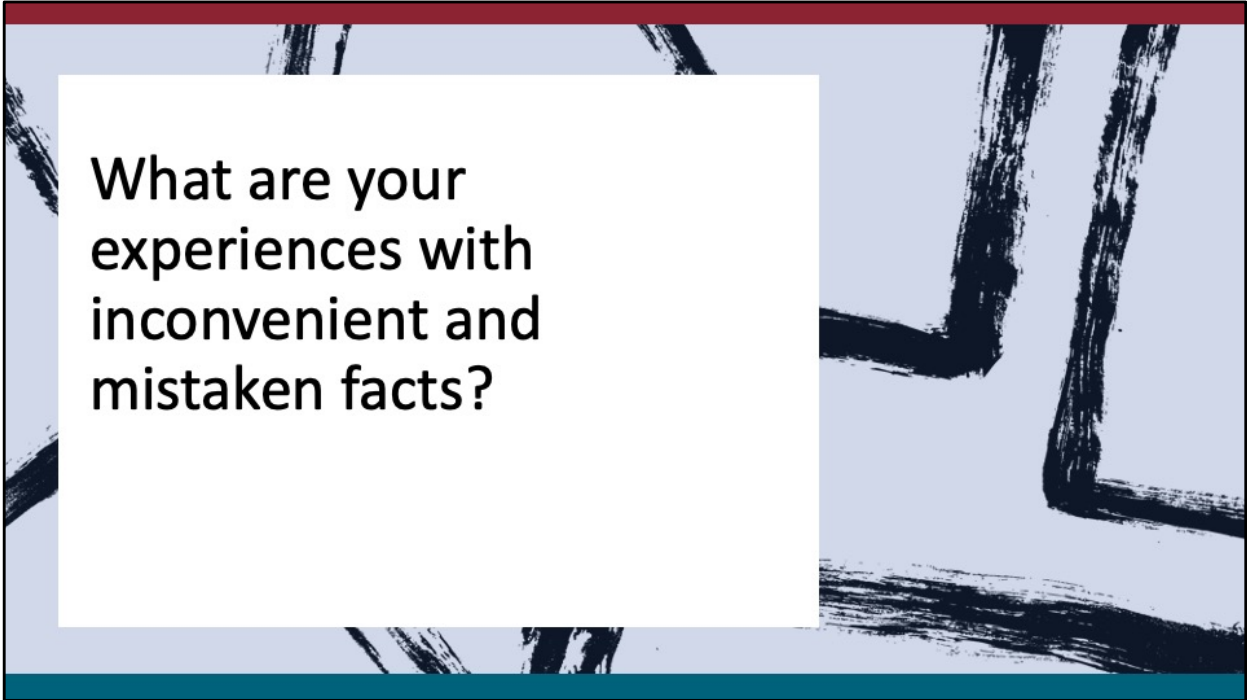
Lesson #2 focuses on different ways that one can interact as a process begins to move in ways you, as a scholar, do not expect.
- One is to remain committed to a researcher hat, perhaps drawing new hypotheses and seeing what unfolds.

- Another, though is to switch hats from researcher, per se, to participant observer. Professor Avant adopted this second strategy. She was more

curious about what would happen than ready to share her expertise. Plus, she really wanted the governance process to work and was not sure her scholarly work was relevant to that. She witched hat to being a participant, a booster for governance. She sees that as being critical to her to play a productive role. But it also was useful to her future research as she was able to later look back and analyze the very process she had participated in.

Lesson #3. Professor Avant's entrée to the process was through the relationships she had in government and industry, and the knowledge she had of their process. This, though, made her a bit suspect in civil society's eyes. This was especially true among those civil society representatives she did not know already. As an academic, she was placed with civil society in the three pillar process that developed around the International Code of Conduct Association. Though her knowledge of industry was useful in this process (because she had done so many interviews in the industry, she could weigh in with thoughts on how different companies might react differently), some saw her as a apologist for the companies because of this knowledge. Also, she had relationships at both the State and DoD, who approached the process very differently even though both were representing the "US government". Each were sometimes wary that she might be "on" the other team.

Being aware of how others see your role and why is important for your capacity to maintain your presence in the process and move conversations in a productive direction.

What are your experiences with inconvenient and mistaken facts?

Have you had experiences that are similar in any way to Professor Olsen's and/or Professor Avant's?

Group discussion.

Group Discussion Questions

1. Have you had to share unpopular findings? What findings of yours might be unpopular? To whom? Can you think of particular strategies that could be useful in addressing these challenges?
2. What kinds of assumptions or definitions go into the work you are doing that may limit your ability to see processes of change (or structures that might influence them)? How might you take into account, and help others understand, these limitations?
3. What are the complexities in the governance process with which your work engages? Are there strategies you have developed to account for the multi-faceted (and multi-interest) nature of large, complex governance initiatives?
4. What has been your experience with relationships in the policy world related to your research? What thoughts do you have for engaging in ways that enhance actors' capacity to problem solve, rather than constraining action?
5. Who do you engage with in the policy world? How do you think strategy should change depending on the actors with whom scholars engage (i.e., government (or different levels of government), industry, civil society, international organization)?

We are now going to break you into five groups – each to address the associated question. We will reconvene after and report back on our discussions.

Lessons Learned?

Concluding discussion, including time for each participant to jot down their key take aways.