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The Academic and the Policy Maker

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Peng Hwa Ang has been able to observe policy formation at the highest national and international levels as well as provide input at those levels as an academic. He was appointed by then-Secretary General of the United Nations Kofi Annan to the Working Group on Internet Governance which he participated in 2004-2005 and saw a number of recommendations adopted at the 2005 World Summit on the Information Society in Tunis. Chief among them was the convening of Internet Governance Forum that has since met annually from 2006. Along with fellow Group member Wolfgang Kleinwachter, he organized a symposium in 2006 that led to the establishment of the Global Internet Governance Academic Network (GigaNet) where he served as the inaugural chair. This Network is intended to provide academic input to the Forum and holds its annual symposium a day before the Forum starts. Back at home in Singapore in 2007, he was inducted into a group to revise the laws and policies on and about the Internet. At the time of writing, the group was embarking on a visit to Australia to round up the data collection for that report.

I joined the Working Group on Internet Governance with very low expectations of how my input would be received. The reason is simple: this was a Group that was to deliver a report on a very sensitive (read "political") area of the Internet. Where the urban legend said the Internet could not be regulated or controlled, this Group would say that there is a chokepoint in the hands of one government-appointed entity. I saw the recommendations as giving a selection of ammunition to the diplomats and their ilk to pick and choose. At the end of it all, however, I am pleased to say that my expectations have been more than met, and not just because they were set low. Perhaps because the subject matter is new. Perhaps because governments did lack expertise and thus had no choice but to look to the Group for help. Or perhaps it was because the report did make sense. Whatever the "real" reasons, I found that diplomats and their ilk were prepared to and did indeed listen. I came away much more heartened about academic input into policies, which was why I was prepared to help form GigaNet.

When Is Academic Input Sought

In presentations, I have tended to remark, half in jest, but only half, that no one listens to academics. As indicated above, that is not quite the case. Sometimes academics do get listened to.

Common sense suggests that academic input would be sought where the subject matter under discussion is new and policy makers are uninformed. In fact, the first criterion is whether there is a culture of consultation beyond the circle of usual suspects of the policy makers. In short, the political culture in question must be open to academic input.

In Singapore, until fairly recently, policy was formed almost entirely in-house by the Singapore government. To be fair, there was a lot of expertise internally. The Singapore government has been offering scholarships to top students to attend top universities around the world. These "scholars," as Singapore calls them, then return to serve the government on bonds of six to eight years. Often, they rise quickly if they do good work and get noticed. Part of the process of getting noticed is developing creative responses to challenges to Singapore. This could concern traffic, education, defense, etc. Or it could include the Internet. Academics sometimes are involved in policy formation, but they are hired as consultants to conduct studies. Their input may or may not be used in the final policy decision.

Such a model of in-house policy formation may be acceptable and usable in the past when there were well-worn paths to follow. But as Singapore moves to the fore on these issues, it has to blaze its own trail. There is consequently an increasing openness to allow various input on policy formation as opposed to merely inviting comments on a penultimate policy draft.

It was a similar situation in the WGIG, where fewer than a handful of academics working on policy were counted among its 40 members. Most telling was that at the very first meeting, there were insufficient electrical outlets for the 40 laptops. And there was not even the wireless broadband in the UN building, a situation that was rectified by the second meeting.

There were many more technical experts and others working on policy on behalf of governments and the private sector. This is not to say that academic input was not seen as important. They were acknowledged as important. Other political forces were also at play so that representation of various parties was at least as important.

Another reason for the use of academics is that the academy is supposedly blessed with a combination of expertise, neutrality, objectivity and, so legend goes, a degree of social consciousness exists. Expertise is a necessary condition for being heard during data collection and sometimes also during analysis. But as with intelligence, that is not enough. Also necessary is a major dose of social consciousness.

The Value of Academic Input

Such consciousness is essential because a policy decision can cause sociological, cultural, political and economic change and upheaval. Policy makers therefore have to be cognizant of many factors beyond just the policy itself. And indeed, I have always been impressed, and humbled, by the intelligence present in groups, especially international groups, that are convened to discuss and form policy.

Most policy makers tend to be trained in law or economics. Lawyers tend to depend on the specialized skills and knowledge of the legal profession. Economists assume the consumer is autonomous and acts rationally with the goal of efficiency. Academic inputs can be helpful in bringing in diverse views.

In the WGIG, I happened to have a book on Internet law and policy that had been in my drawer for a some time, held back by my administrative workload. I was able to quickly draft responses to a number of issues from materials in my book. I felt that, for a few others and myself in academia or working closely to academia, we were given close listening.

Having said that, when it came to the final draft, the diplomats, and those familiar with working out text in the international arena, were in their elements. The academic approach would have been too blunt and insufficiently politically nuanced to be palatable. In short, it would appear that it begins and ends with the political types.

Barriers in the Way of Academics

Thus far, the picture I have painted is that of an "ideal type" academic—one who is neutral, objective, and able to accommodate views. But as with life, the very seeds of success for an academic—critical careful work—may also be the very source for failure.

Probably the first obstacle is that academics tend to fall into the nirvana fallacy¹—that something will not work if it is imperfect relative to the model or framework proposed. In policy work, the nirvana fallacy ignores real world constraints so anyone who falls here may not be able to get up.

I remember a group of academics in a rather internationally well-known university who were upset that my presentation had not shown them an ideal case model but instead had "merely" shown that a framework that works. To be sure, sometimes such questions are good as they can challenge one's assumptions. But too much of it—and no one has a weighing scale to say how much is too much—and the recommendations along with the recommender are likely to be ignored.

This means that policy researchers must be open to seeing other viewpoints and frames of reference. Again, this goes against the academic legend of the solo researcher who, against the odds, proves that his theory is correct and the rest of the world is wrong. Tenure was given for this reason—so that the "strange" ideas may be protected through protecting the academic who dreamt them up in the first case.

¹ Harold Demsetz, 1969. Information and Efficiency: Another Viewpoint, *12(1) Journal of Law & Economics*. 1-22 coined the term nirvana fallacy, which he defines thus: the nirvana fallacy "implicitly presents the relevant choice as between an ideal norm and an existing 'imperfect' institutional arrangement. This nirvana approach differs considerably from a comparative institution approach in which the relevant choice is between alternative real institutional arrangements."

I have to confess that I have been guilty of the nirvana fallacy myself. My work on self-regulation has been used in a couple of settings both internationally and in Singapore. One issue with self-regulation is that a self-selected group decides on the rules and then applies them to those who choose to sign up. Who is to say that the adjudicator of the rules may not be biased? Well, in the model I propose, the adjudicators should have an appeal body above them. These adjudicators and members of the appeal body would come from the members. But to avoid any perception of bias—say because of business rivalry—there should be a final appeal body made up of respected community leaders such as, say retired judges.

The first time I proposed this to an international body, I was offended when I was greeted with the phrase “gold-plating.” Yes, it would be necessary to pay an honorarium for them to be on standby to be the final arbiters. But in my model, this group was essential to foster the perception of the self-regulatory body as an association where members can be assured of a fair and impartial hearing. That association did not implement this final appeal committee.

Back in Singapore, the consumer association I have been involved with was embarking on several initiatives that would use the self-regulatory model. And this final appeal committee was implemented. To my surprise, in the several years of their existence, this committee has been used just once or twice. So perhaps the other association that I had been offended by was right after all.

Conclusion

No one doing policy work should assume that one will change anything. It is impossible to predict how policy inputs might effect change. For example, I once made a casual remark in a discussion, but obviously carrying my tone of frustration, that in a project on media laws in 10 countries, only Singapore required copyright clearance of the laws because the laws were copyrighted by the government-appointed printers. There was a high-ranking civil servant in that discussion that day and I cannot be sure that what I said made the difference but soon after that the copyright of the statutes was removed.

In the discussion on of the formation of the IGF, a meeting was convened in Malta and a panel of us discussed the shape of the IGF. Again, it is not possible to say that the panel had a singular impact but a number of ideas on key areas in the Forum have been thrown up and adopted. For example: that the members of the IGF Advisory Council should meet several times a year for social lubrication, one becomes less disagreeable when one meets a person several times a year to discuss issues. Parallel sessions for small group discussions of issues have turned into the surprisingly successful dynamic coalitions. While the plenary sessions have turned into places to be seen and heard, these coalition meetings are in fact where the more substantive work is done.

In Singapore, where Internet rules have been more or less static, there has been recent momentum to examine the rules with a view to revise them. But this is occurring only now, after I had urged a revision many years ago. Sometimes it takes years to get heard. When that happens, it can be a pleasant surprise.