

9. Lobbying

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Introduction

Many animal protection organisations are apprehensive about lobbying, as it appears to be a very complex and technical activity, and few activists have governmental or political backgrounds. In reality, if you do your research and get to know the people involved, it will no longer be a threat or a mystery.

Lobbying can be used to achieve a number of legislative aims, including: -

- Introduction of legislation
- Improvement of legislation
- Use of existing legislation
- Any combination of the above

It can also be used to influence consumers and animal use industries. Both strands are vital. To carry out educational work without lobbying is akin to laying foundations without ever building the house (although others may well do this later). To carry out practical/service provision work without lobbying is akin to continuously patching up the symptoms of a disease without attempting a cure (although one is known/available).

Purpose

The Concise Oxford Dictionary defines a lobby as: -

'A body of persons seeking to influence legislators on behalf of a particular interest.'
'An organised attempt by members of the public to influence legislators.'

Whereas Dictionary.com provides the following definition for the verb: -

‘To try to influence the thinking of legislators or other public officials for or against a specific cause.’

The purpose of lobbying is to influence government policy and its implementation, and to help set the political agenda, in favour of animal protection aims. Lobbying can also be used to influence commercial enterprises, international and regional organisations and other NGOs.

The Lobbyist

The lobbyist needs: -

- To know the subject
(if you focus this can be a few basic facts)
- To know political structures, processes and systems
- Belief in cause
- Interpersonal skills

A lobbyist should have the right attitude: -

- Dedication to cause/conviction
- Loyalty to organisation
- Optimism – set sights high
- Stand by your principles
- Always be a tough opponent – you will not be respected for caving in!
- Persuasive, not argumentative
- Understand opponents’ views and position, but don’t be won over!
- Never concede anything too early in the game

Lobbying is a combination of psychology and legal/political knowledge. You need to know the legislation (and legislative threats and opportunities), the legislative structures, processes and systems. But equally important is to know the people involved – both their positions and power bases, and their personal attributes. Understanding the people involved, and their views and motivations, can be central to successful lobbying.

Lobbying Errors

Charles Miller, a leading US lobbyist made an astute observation that there were three main errors in NGO lobbying: -

- ‘Speak First, Think Later’
- Knowing ‘People in High Places’
- ‘Eating Your Way Out of Trouble’

Charles Miller of Charles Miller Associates

This highlights the ineffectiveness of the approach taken by some NGOs, who rub shoulders with, and ‘wine and dine’, major ‘figureheads’ – who often do not know the issues involved in any depth. Lobbying is not about status and influence, it is about changing the ‘hearts and minds’ of government and legislators – using information, communication, public pressure and engagement.

Charles Miller’s observation highlights the need for research – and this would include not only the issue in question, but also political structures, processes and systems.

Strategy

Lobbyists need to know the following: -

- How lobby fits into the overall advocacy strategy
- What is the policy context of your lobby (structures, systems, power/influence etc.)?
- Who are the people involved (and what are their motivators/influencers etc.)?
- Who are the targets of your lobby?
- What channels will you use to reach them?
- What is your key 'ask'?
- What are your core messages?
- The law (and practice) relating to lobbying activities

Strategy Formulation

This relates back to campaign strategy. The key questions are: 'what you want to achieve' and 'what is feasible in reality'. But you should always stretch your limits (as although politics is the 'art of the possible', the process of negotiation always involves bartering and bargaining, so you always achieve a lot less than your 'opening bid').

The type of international and external factors involved in strategy analysis for lobbying would include: -

Internal Factors

The organisation's strengths and weaknesses - (unique) capabilities (e.g. staffing, availability of funds, contacts in government, access to legal expertise)

External Factors

External opportunities and threats (e.g. seriousness of the problem, urgency, public support, opponents' strength)

Lobbying strategy is of major importance to the achievement of legislative goals. It should include: -

- The overall aim of the lobby
- The targets of the lobby (President/Prime Minister, Ministers, Parliament, Political parties, Civil Servants [and if so, which departments/levels])
- Channels and methods to be used (e.g. meetings, letters, petitions, motions in Parliament, questions in Parliament, initiation of Parliament enquiries etc.)
- Arguments/influences to be used (including accurate facts, use of opinion polls to show public support etc.)
- Allies - forming alliances/coalitions to give added weight to the lobby

The strategy should be planned meticulously, including timings

The organisation's mission should be the starting and finishing point to any lobby strategy. Aims and SMART objectives should be set (Strategic, Measurable, Achievable, Relevant, Targeted).

Once a strategy has been agreed, operational plans should be prepared. These should form a 'critical pathway' towards your aims.

Lobbying has far greater impact when part of a strategic – and phased - campaign

Lobbying should be an integral part of any political – or corporate/consumer – campaign.

Prioritising

- Focus for maximum effect
- The biggest mistake is to have more than one 'number one priority'
- You can follow a number of issues, but only have one agreed priority
- All issue to have priority ranking
- Number one priority should take most proactive time and effort
- It is counter-productive to target policy makers on any more than three proactive campaign issues at any one time. This results in confused messages and loss of impact.
- Suggest working group for priority campaign/lobby

Focus is a key determinant of success of a campaign.

- Defining problem
- Pinpoint first target
- Focussing efforts towards its resolution
- Requires proactive approach
- Like route planning from map (homing in on destination).

Timing

Timing is a vital element of strategy formulation. Key questions include: -

- What is the timing for the legislative process
- Committee dates?
- Meetings when decisions are taken?
- Elections might mess up the schedule, or be an opportunity?
- Government sittings/sessions?
- Recesses and holidays?

Fix your holidays to fit into the process e.g. EU lobbyists holiday in August closure!

Importance of Pressing for High Standards

- The status of animals can be raised by improvements to legislation
- Practical treatment can be raised by high legislative provisions/enforcement
- Opponents – include vested financial interests – will seek to lower standards (Big companies have whole departments – Corporate/Public affairs)
- Animal protection groups are advocates for the voiceless – animals
- Time element – legislative timetable tight and animals not priority so: -

Make the most of present opportunity

Legislative Structures

The overall government structure contains: -

- The ruling elite (core group who run the nation)
- Strategies, policies and processes
- Administrative functions
- The legal system



The System

- Legislative system
- Legislative procedures?
- Legislative stages?
- Committee system and procedures?
- Role of any government animal welfare committees?

Legislative Processes

- Which government department deals with your issue?
- Who is the Minister responsible?
- Spokesperson for opposition?
- Head of any relevant committees?
- Who advises the decision makers?
- In the UK there are both civil servants (in relevant division/section of Ministry responsible) and special advisers (political appointees who advise Ministers)

Parliamentary Initiatives

- What mechanisms are available to raise issues?
- Introduction of bills into Parliament?
- Motions/speeches for debate?
- Parliamentary Questions – oral and written?
- What are relevant parliamentary rules and procedures?
- Parliament information office?

Public action/pressure

- Seek to raise political awareness by campaign
- Members of Parliament (MPs) press coverage/media pressure
- Public letters
- Petitions
- Meetings with MPs
- Constituency system makes MPs more accountable (and vulnerable to pressure)

Overcoming Prejudices

Prejudices include: -

- Animal welfare seen as marginal issue
- Thought that animal welfare is white, middle class, luxury consideration
- Prejudice towards people issues

Possible ways to overcome/answer:

- Opinion surveys in different communities to demonstrate popular support
- Show that situation can improve without substantial cost
- Show potential costs of inactivity
- Suggested arguments below.

Arguments

Some of the arguments that can be used in support of animal protection: -

- Altruistic: protection of animals for their own sakes, recognising the intrinsic value of animal life
- Moral/ethical: 'The greatness of a nation and its moral progress can be judged by the way its animals are treated' Gandhi
- International acceptance: As above, but playing on a country's desire for international acceptance and regard
- Democracy: The 'people want it'
- Protecting country's fauna 'heritage': domestic animals/wildlife
- Humanistic/social: Preventing animal cruelty because this can have adverse impact upon human values and actions
- Public health: protecting animal and public health
- Ownership/responsibility: Encouraging responsibility (liability)
- Economic: following changing consumer trends and competition

Conflict or Engagement

Among civil organisations, contrasting modes of operation with regard to governments have been identified: -

➤ *Advocacy*

This has various forms. Best-known is 'adversarial advocacy', which is the type of activity most commonly associated with rights organisations and protest movements. They document the failures of government, criticise them with the aim of embarrassing those in power ('mobilising shame'), and thereby effecting change.

➤ *Programmatic Engagement*

This is the activity more commonly undertaken by organisations that work with government structures to deliver services, to discuss policies, and to effect internal reform and capacity building within existing systems. But there are also possibilities for alliances - usually informal - between individuals in government and those in advocacy organisations, to promote common goals.

Structures, Systems and Democracy

In addition to lobbying on specific campaigns, organisations can usefully lobby on wider institutional factors that can seriously help or hamper their activities, for example: -

- Government structures

- Systems
- Democratic principles
- Human rights
- Openness & transparency – freedom of information
- Consultation
- International sensitivities
- Animal protection & constitution

‘Players’ Involved

People

- The legislative process is controlled by people, not institutions
- All members of legislature not equal.
- Majority party members have more power
- Senior members more influential
- Senior legislative staff wield enormous power
- Know legislators – interests, past records etc.
- Lobby the administration (do all briefing & recommendations)
- Never be put off by being referred to an aide. Some aides wield enormous influence

Gather Support & Neutralise Opposition

- Organising coalitions or a lobby committee
- Other animal protection societies
- Other NGOs for issue alliance
- Unusual allies can be useful
- Know your opposition
- Neutralise your opposition (press on weak points, answer their points)

Media

A much-used quotation, which has much truth, is: - ‘Legislators note organisations that the media quotes’. Legislators and administrators have press clipping services and rank news items and editorials highly. Criticism in the media of the government’s position can have an enormous impact.

Information

Credibility

- Reliable research is essential
- Accurate and well-presented
- Be sure of your facts
- Do not be over-emotional or exaggerate
- *Most animal issues are strong enough to make an impact without*
- You might need/use European precedents
- Scientific evidence may already exist (or commission?)

Time spent in reconnaissance is never wasted

Enforcement

‘Enforcement is of fundamental importance, because any measures to improve animal welfare can only be effective if they are properly implemented and enforced.’ -*Professor Sir Colin R W Spedding KBE, former Chairman, UK Farm Animal Welfare Council*

Enforcement is often thought of in terms of policing and prosecutions, whereas in fact it is 90% education and advice.

One key consideration is that of the allocation of enforcement duties and responsibilities. It is important that legislation gives a clear duty to enforce, including the allocation of responsibilities.

As to the various considerations affecting the choice of enforcement agency, these are complex and would include: -

- Expertise necessary
- Conflict of duties
- Accountability
- Level of coverage
- Control/co-ordination
- Role of NGOs?
- Practical arrangements – think through
- Animal ethics committee to advise government?

Legal Challenges

Opportunities to use the law to further cause: -

- Testing dubious provisions
- Pressing breaches
- Enforcement complaints

E.g. Judicial review, ombudsman, advertising standards, courts, enforcement authorities etc.

Penalties

Level and nature of penalties impact upon effectiveness of legislation

- Monetary fine (levels)
- Imprisonment
- Prohibition of ownership
- Prohibition of care
- Prohibition of production

Communications

General

Effective lobby communications are: -

- Accurate
- Brief
- Clear
- Timely
- Followed up by telephone call

Briefing

- One page
- Rest in Annex, if necessary
- Or if longer, start with short summary (less than one page)

Written Contacts

- Faxes and e-mail becoming acceptable
- But formal letters still ranked highest
- Always use formal letters to 'high-ups'

Letters

- Use personal or business letterhead
- Be sure to get name, titles, address and other details correct
- Aim for one page maximum
- Ask for reply – ask what he/she supports
- Don't use threatening tone – be courteous
- Don't overstate influence
- Be certain letter arrives well before vote/decision
- Say 'thank you'

Meetings

- Nervous? You know more about the subject!
- Advance appointment important
- Small delegation usually OK
- Prepare well
- Decide what you want to achieve and plan tactics
- Make note of 'key point' that must be made
- Discuss issue from legislator's perspective
- Provide briefing to leave
- Don't bluff! If you don't know, follow-up later
- Write to say 'thank you' and always record agreements made and/or hopes for action

Telephoning

- Can be persuasive
- Keep it brief
- If you can't get through, speak to an aide
- Follow up points of agreement in writing and say 'thank you'

Further Resources

Web Sites

Charity Lobbying in the Public Interest

<http://www.clpi.org/>

The Democracy Centre – Free Advocacy Materials

<http://www.democracctr.org/advocacy/materials.htmcs>

Hearts and Minds – Lobbying Links

<http://www.heartsandminds.org/links/lobbylinks.htm>

Tips on Political Lobbying

http://ne.essortment.com/lobbyingpolitic_rrxj.htm

Books

Politico's Guide to Political Lobbying

By: Charles Miller

Publisher: Politico's Publishing

ISBN: 1902301250

The Nonprofit Lobbying Guide: Advocating Your Cause-and Getting Results

By: Smucker

Publisher: Jossey Bass Wiley

ISBN: 1555423744

Amnesty International Handbook

Publisher: Amnesty International UK

ISBN: 0862102057