

Lobbying as negotiation

Dr Laurie Throness
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The main thing for you

- Your best interests
- Your best interests can be derailed by:
 - Personalities
 - Emotions
 - Side agendas
- Subordinate less important things to your own interest
- Success requires focus. Keep your eye on the ball

The main thing for government

- The public interest
- The government understands and accepts that you have a private interest
- A negotiation can only succeed when your private interest coincides with the public interest

Traditional negotiating tactics

- You are adversaries involved in a contest of will, therefore:
 - Demand concessions and dig in your heels
 - Look for one-sided gains at the other's expense
 - Make threats, deceive, and take risks
 - Be hard on people

Results of the traditional framework

- Only very large or very strategically-placed nongovernmental organizations can afford to use these tactics with governments
- For most others:
 - Government will reject you
 - Government will ignore or marginalize you
 - It will be harder to get in the door next time
- So how do you make an impact?

You have advantages

- The government is big, but it operates under constraints:
 - must act lawfully and responsibly, in the public interest
 - is not omniscient. It needs to know what you know
 - craves consensus; public criticism is damaging
 - needs, and is always seeking, partners

The ideal negotiation

- Criteria of an ideal, principled negotiation
 - A wise agreement...
 - in the shortest possible time...
 - that preserves relationships into the future
- A lesson in life as well as in lobbying

Separate PEOPLE from PROBLEM

- Government officials are people
- Your best interests lie in preserving long-term relationships, not only in winning the policy
- Don't let it get personal
- To preserve relationship while disagreeing with government direction, separate people from problem

How to separate people/problem

- 'Just the facts,' not personalities
- Empathy is not agreement. Avoid making assumptions about what the government thinks and try to understand the government's point of view
- 'Active listening'
- Position issue as a common problem both sides face. You have solutions

Focus on interests, not positions

- Often a negotiation focuses on positions

This regulation must pass

VS

This regulation must not pass

- The result: win, loss, or saw-off

\$10,000

VS

\$5,000

Solution: \$7,500

Look to underlying interests

- Starting from a position, risk of loss is greater
- Starting with a principle, negotiation becomes a mutual exploration of interests
- Why does government want the regulation? Why do I think my car is worth \$10,000?
- Look for a way both interests could be met

How to advance your interests

- Start with your problem rather than your answer
- Share your interests, and ask government to do the same
- Fight hard for your interests, not your position
- Forget the past, look to the future
- Keep discussion to the problem, not the person

Seek options for mutual gain

- Deflect a strong position rather than attack it
- Focusing on interests forces creative solutions
- Be inventive:
 - Agree on shared interests and narrow down areas where interests diverge
 - Broaden options, and adjust scope/strength/timing of agreements
- Make their decision easy!

Insist on objective criteria

- Avoid contests of will and move instead to the merits of proposals
- Insist on objective criteria to determine merits: third parties/standards/rules
- Insist on a fair process
- Document your efforts

When all else fails...

- Your ace in the hole: political pressure
- Align your forces and speak with one voice
- ‘Go public’ – in a carefully-staged appeal to the public interest
- When you return to the table, return to a principled negotiation

Don't forget the golden rule

- The golden rule of negotiating with government:

Care

- Care about the people you lobby, and the people of BC

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