

Advocacy for a cause

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To reach an agreement with an African Government you can either:

- + negotiate an outcome based on past practice and what is accepted; or
- + envisage the desired outcome and advocate to achieve that outcome.



- + If the outcome you are seeking is what is needed to stabilise the investment the Company is proposing to make and not one which is the replica of past practice then you need to “Advocate” for it.
- + Advocacy requires you to shape the political and social outcomes for Government and society.



- + Make no mistake, all Governments do it – either to influence their society or to influence those outside of their society.
- + African Governments are very active in this area, particularly in relation to their attempts to influence the international community.
- + Washington DC law firms have this as core business.
- + Squire Patton Boggs (previously Squire Sanders and Patton Boggs), the largest firm engaged in lobbying in Washington DC was paid US\$4,751,186.13 in 2013* for its activities in this space and a cumulative US\$21,415,760.22* for the same activities over the period 1 April 2008 to 30 December 2013.

**Foreign Influence Explorer*

To undertake effective Advocacy, you need to develop an understanding of the following factors affecting a country:

- + Culture
- + Economic drivers
- + History
- + Legal system
- + Political influences
- + Precedent
- + Precedent
- + Religion
- + Role of Civil Society and other Non Government Organisations
- + Sophistication
- + Stability

The objective of the Advocacy is to achieve the desired outcome. Regard must be had to some of the following influences on a Project that the host Government may be sensitive to:

- + Ability to monetise
- + Black empowerment
- + Bribery and corruption
- + Financeability
- + Government participation
- + Sovereign risk
- + Tax efficiency
- + Treaty access



Construction proceeds on the new presidential palace in Equatorial Guinea

Source: Human Rights Watch: World Report 2011

Mechanics of negotiation (if applicable)

- + Agenda/preparation
 - briefing papers
 - site visits
- + Cultural sensitivity
- + Financial support
- + Language
- + Lead negotiator
- + Local delivery and receipt
- + Local support
- + Location of negotiations
- + Maps and diagrams
- + Managing disagreement
- + Negotiating team
- + Record of proceedings
- + Regular communication
- + Regular engagement
- + Side meetings

Key drivers in any Advocacy

Level of general support

Corporate social responsibility

Employment

Environment

Fiscal take

Local participation

- + Advocacy is often a skill associated with the legal profession because of the role lawyers play in Court rooms or in contractual negotiations.
- + These skills may not translate to Advocacy in a developing environment.
- + It takes more than being good on your feet in an air-conditioned, IT connected environment to reach an agreement.

In order to effectively advocate for an outcome, you need to:

- + have a **clear goal**; and
- + establish **realistic milestones**.

The practice often used by advocates to achieve the desired outcome is termed “EPIC”:

Engage an audience
State the problem
Inform
Call to action

You will see many NGO’s do this but when acting for clients you can apply the same principles.

Over my time representing clients that are engaging with Governments, I have identified a number of key activities which increase the chances of success:

- + listen more than talk
- + understand the environment and the connections
- + show respect and don't act like a colonial
- + spend time at a social level, forming a relationships
- + have patience
- + know your subject
- + involve a team so you have multiple points of contact
- + be conscious of language used and measure the amount of aggression displayed
- + DO NOT BRIBE

Engage on your terms:

- + without showing disrespect try and control the ground so you avoid confrontation or if you must, bring it on at your pace. Allows you to achieve interim milestones
- + facilitates you learning about what the Government wants before having to concede ground

Use the media:

- + although not as sophisticated as the Western media, it nonetheless influences locals, and appeals to politicians
- + ensures your message is broadcast as you want it heard
- + creates greater credibility than we in Australia afford it

Techniques that may be helpful

Look for credibility:

- + if you don't have it because you are not known then associate with someone or something that is credible
- + use of locals with credibility is key
- + support something in the community that connects with people and politicians (e.g. soccer team)

Group support:

- + look for others to support your message so that you are not the lone advocate e.g. embassies, industry groups, NGO's, community leaders, traditional authority

Techniques that may be helpful

Information sessions:

- + these are sponsored events in hotels with food and drink. Gets discussion flowing on issues, opens dialogue and allows you to fly propositions to get informed feedback
- + generates media exposure
- + allows Ministers to gain credibility by opening the event

Engage with:

- + consult with those likely to be against what you are trying to do. Allows you to understand their issues, what disinformation they are working with and assess their effectiveness
- + divide and conquer

Techniques that may be helpful

Gather intelligence:

- + learn about those factors which will impact the outcome, both positive or negative

Social media:

- + don't underestimate the penetration of this so get positive messages out in the form you want them reported in the local media

Engagement:

- + contact with politicians and bureaucrats
- + trips to inspect and create knowledge (not junkets)
- + create access

Questions?



Thank you

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