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REPORT

TRENDS IN PUBLIC AFFAIRS 2022

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INTRODUCTION

"A good lobbyist is a person who is able to organize the power of others".
<https://www.bestinbrussels.eu>

Government policies and regulation have an impact on companies, both directly (on business and reputation) and indirectly (on social climate). This impact has only been accelerated by the pandemic which pits governments and companies against one another in the struggle to avoiding collapse (in March 2020) and rebuild the economic, regulatory, and social foundations of the system. We're currently in that rebuilding process.

The way in which the public and private sectors - governments and companies - interact and the new key elements to that relationship is the subject of this report. We called on CEOs, warned public affairs directors, and involved all other corporate departments (communication, marketing, and regulatory) in the discussion of one of the greatest challenges for companies in the years ahead: managing their influence on government policies and regulation.

In 2013, McKinsey **estimated** that interventions by governments and regulation accounted for some 30% of company profits (around 50% in the banking sector). It was therefore calculated that European regulation, for example, could potentially account for some 1.5 billion euros at a service company. Since then, company awareness about the scope of this impact has steadily increased to such an extent that there is now a blossoming public affairs or professional lobbying industry. These are understood as the legitimate actions undertaken by a company to manage its influence on the public agenda (based on win-win goals)¹. [see Image 1; adapt table. Source: The Economist. 15 May 2021] The OECD has stated that "lobbying can provide decision-makers with valuable insight and data, as well as facilitate stakeholders' access to the development and implementation of public policies".

¹ The European Union defines it as "all activities carried out with the objective of influencing the formulation of policy and the decision-making processes of the European institutions".

PEDDLING INFLUENCE

European Union, biggest corporate in-house lobby organisations, 2020 or latest

LOBBY	INDUSTRY	BUDGET (€M)
Google (US)	Technology	5,75
Facebook (US)	Technology	5,50
Microsoft (US)	Technology	5,25
Shell (Netherlands)	Oil & gas	4,25
Bayer (Germany)	Pharmaceuticals	4,25
Apple (US)	Technology	3,50
BP (Btirain)	Oil & gas	3,50
ExxonMobil (US)	Oil & gas chemicals	3,25
Huawei (China)	Technology	3,00
Volkswagen (Germany)	Automobiles	3,00

Source Transparency International EU

Though European subsidiary

The general framework for this project can be summarized as follows: the major consensuses of the mid-20th Century have been broken and the power of companies is on the rise, as is the inability of States to make decisions (climate change, digital governance, or immigration, among others.) These trends exist in a [non-linear, fragile, incomprehensible, and unsettled](#) situation. Within this transformational context, **traditional lobbying² is inefficient** and made worse by certain trends that are emerging in the decision-making environment (regulator), the social environment, and companies (regulated parties).

MORE REGULATION IN A LESS STABLE ENVIRONMENT

On 20 November, The Economist published an analysis entitled *The Triumph of Big Government* in which it observed a trend where governments grow or expand as a “hallmark of modernity.” This attracted media attention because it was also happening in countries that had historically defended a steady reduction of State power or control, such as the United States of America.

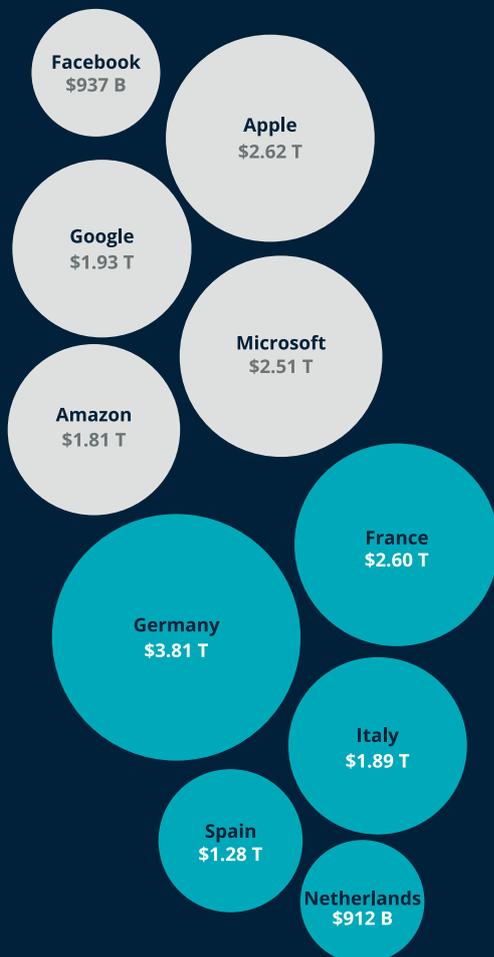
That growth by the State has brought with it greater State powers and increased regulation. “The growth of public spending is usually accompanied by growth in what States do”, said the international magazine, “and their control over what others do. In the United States, the number of federal rules has more than doubled since 1970. The total number of words in German laws is now 60% higher than in the mid-1990s”. Government action is expected to become increasingly more compulsory. In Spain we are witnessing extraordinary extensions to the periods of session in Parliament and a year-end that was characterized by two weekly meetings of the Council of Ministers (Cabinet.)

This increased government involvement will be fed by new industries requiring certain ground rules (AI, crypto-currencies, etc.) and the spread of digitalization in all sectors of the economy. **A new consensus (‘social contract’, in European terms) has yet to be agreed upon**, and new operating licenses and their rules will depend on it.

“Government action is expected to become increasingly more compulsory”

ECONOMIC POWER: CORPORATE VS. STATE

Market capitalisation of GAFAM and gross domestic product of EU member states in 2020, in dollars.



Source: NASDAQ, World Bank.

² Based on a direct exchange of relevant information aimed at impacting legislative decisions.

However, government action has become a radically competitive space: increased regulatory demand in shorter and more complex terms of office. That new consensus must be reached amid far-reaching political, economic, social, and human [instability](#) influenced by:

• **‘Quick-win’ terms of office**

We are living with minority governments that stay in office for increasingly shorter periods and do so under constant threat, meaning that governing parties strive to make short-term positive impacts capable of improving their results *vis-à-vis* future elections. This leads to a sense of constant of political campaigning and enormous superficiality in government action (which produces a constant feeling of regulatory temporariness.) There is no capacity for medium-term planning because several terms of office are needed to achieve those goals, and there is no guarantee of reelection.

• **Wave of ‘devilish problems’**

We understand ‘devilish problems’ as those of such technical, technological, and social complexity that they challenge existing knowledge and the existing regulatory framework. (They also challenge the aforementioned ‘quick-win’ terms of office.) Their management requires: 1) different levels of jurisdiction with no clear boundaries (from the European Union, to central government, regional governments and/or local council authorities); and 2) collaboration from the private sector on education and legislative co-creation (which is another new focus for

companies in their relations with the public sector.) More and more of these problems will arise in the future. They include such issues as the fight against climate change, immigration policy, governance of the digital economy, and the pandemic.

The fact is that, faced with apparently overwhelmed public authorities, part of the responsibility for the social model currently being built will fall on companies. Any company that can embrace a medium-term outlook is able to steer an aspirational model of society, whether through technical solutions to our challenges or to the new demands for use and consumption. Companies taking a longer term outlook can minimize the inconsistency from public authorities and facilitating decision-making.

This situation requires the **professionalization of the actions taken by companies that inform their relationship with the public sector.**

Through public affairs teams capable of offering business insight for regulation and reducing the widening gap between innovation and regulation, companies can be more deliberate in that relationship. If, as we said at the start, traditional lobbying is somewhat inefficient in this complex situation that we have described, what are the keys to the new form of lobbying? To answer that question, we based our answers on a series of discussion groups and in-depth interviews with public affairs executives in partnership with the sociological analysis consultancy firm Peel the Onion. Our goal was to reveal the direction of this trend and companies’ current political influence.



PUBLIC AFFAIRS AT COMPANIES

The initial conclusions help us understand the challenges being faced by the public affairs departments of companies. **Public affairs are not understood or appreciated by many boards of directors.** There is a lack of education, measurement, and professionalization, even in those cases where such departments exist on an ad hoc basis.

If regulation is a strategic issue for the company, **its public affairs strategy should fall to the highest executive at the company** and its implementation must form part of its steering committees. This is not something that occurs often.

Public affairs are strategic because regulation defines the core business of the company (whether it operates or not and under what rules) and the social standard of the time (values, beliefs, and aspirations). **This is a moral and political outlook from the company that needs to be managed.** It exists, whether or not the company wants it to and whether or not the company manages it actively or not. This lends **outstanding weight to the public affairs strategy** because it connects values, beliefs, and aspirations to the ground rules that make them possible, seeking opportunities, and certainty for the business.

Hence, **the business, public affairs, communication, and marketing goals of a company must all be the same.** Like the song by Leonard Bernstein for West Side Story: “make of our hands one hand, make of our hearts one heart”. A singular goal can help end imbalances where some departments are stagnant and others are overwhelmed. Specific techniques and specialization are increasingly more important, difficult to achieve, and inefficient on their own.

Professionals in this field warn that if they fail to take action in this direction that the work of public affairs departments will become merely technical, of a consultancy or supporting nature only, but unable to **manage the context** in which other departments (business, communication, or marketing) will need to operate.

All the above, as well as what follows, will depend on whether we are talking about public affairs teams for companies in emerging sectors (the new ones) or sectors undergoing transformation (the traditional ones), at B2B companies (with public affairs that are more sensitive to business and legal issues) or at B2C companies (with public affairs that are more sensitive to communication and marketing issues). Whether the company is regulated or not to begin with will also be relevant.

THE ROLE OF PUBLIC AFFAIRS CONSULTANTS

The professionals we asked all agree that the role of public affair consultants involves raising their standards of specialization and pro-activity, helping companies boost anticipation, transversality, and innovation. They posit that this would turn a consultancy firm into **a source of technical or strategic support.**

This can be seen in the European Union Next Generation Funds, which have opened a new dimension of consultancy firms by definitively connecting public affairs and business, making them speak the same language.

“Public affairs are not understood or appreciated by many boards of directors”

TRENDS IN PUBLIC AFFAIRS

Above all, a public affairs professional manages contexts and is someone able to organize and mobilize the power of others (within and beyond the company itself.) This allows them to achieve a regulatory goal capable of offering opportunities and certainty in business.

Despite the inefficiencies observed in traditional lobbying strategies, certain inseparable parts of this activity remain entirely applicable. Of those areas where “nothing changes,” we would highlight the following:

- The commodity used in lobbying is still information³.
- Lobbying activities still needs to manage the influence and relevance of the company within the regulatory and public policies environment.
- Lobbying activities still requires a high level of specialty and knowledge on decision-making processes and the rules of politics.
- There is still a need for direct dialogue with the decision-maker and for an exchange of positions and technical alternatives (arguments for and against, for example) to regulatory developments.
- There are still three key moments for the lobbyist:
 - a. Anticipation
 - b. Strategy and management
 - c. Results

The changes are happening in the channels and formats. A trial and error process is under way to define the new boundaries for this activity. However, there is a clear commitment to increasingly more cross-cutting strategies (indirect lobbying) with greater support from communication, marketing, and even advertising techniques, thereby hybridizing the teams involved.

³ Information that must be relevant and truthful. When we talk of professionalised lobbying, we do so from an ethical commitment to the activity that is endorsed throughout, from the sector associations (APRI in Spain, PACE or EPACA) to the hiring models.

INTELLIGENCE

Technology is improving the diagnostic capabilities of public affairs teams above all else. In the next two or three years, the public affairs strategy will organically weave technologically into its fabric and enable companies to **arrive earlier, better predict regulatory risk scenarios, and know more**. Investment is the greatest barrier to entry for this, meaning that consultancy firms will be the first to incorporate these capabilities followed by companies later on. The dilemma is complex, because clients are not currently willing to pay for that technology but will not accept the continued outsourcing of strategies. All the progress made in these areas will help boost corporate interest in public affairs activity at companies.

To begin with two areas in which work is already being done, we would highlight the following:

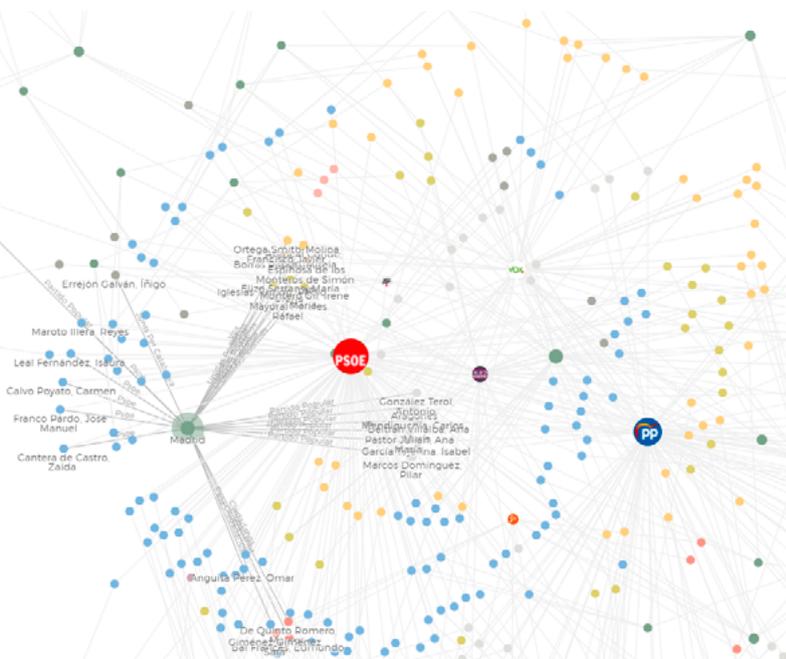
1. Data-driven lobbying:

Technology has come to the management of public affairs. It has done so in several ways but with a clear common purpose focused on the anticipation of scenarios (arriving earlier). The incorporation of Deep Learning and Big Data offers possibilities that were inconceivable before, both from the perspective of anticipating issues and from an electoral point of view.

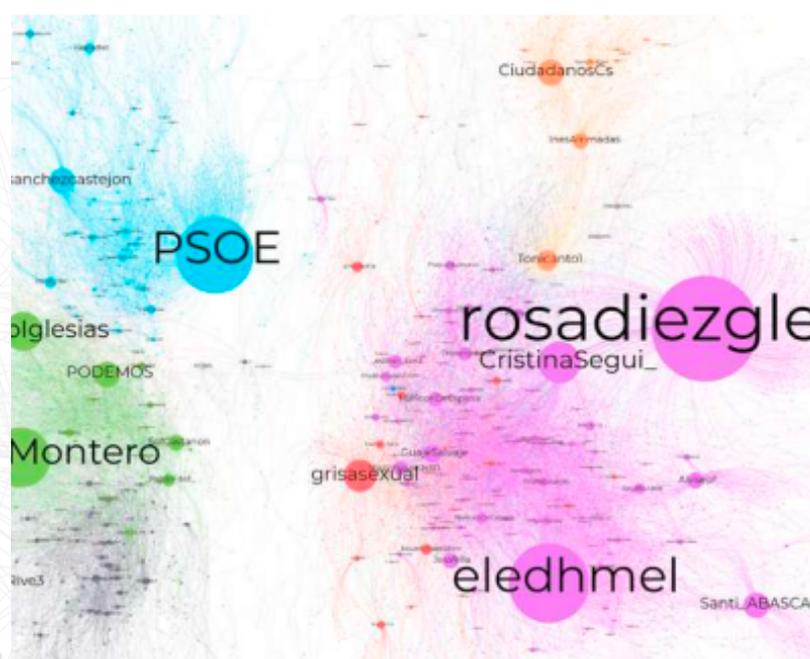
2. Data visualization and scenario maps:

Technology is also helping to visualize complex information by generating maps, scenarios, and predictions that facilitate the comprehension of complex issues and decision-making.

Examples of map visualization

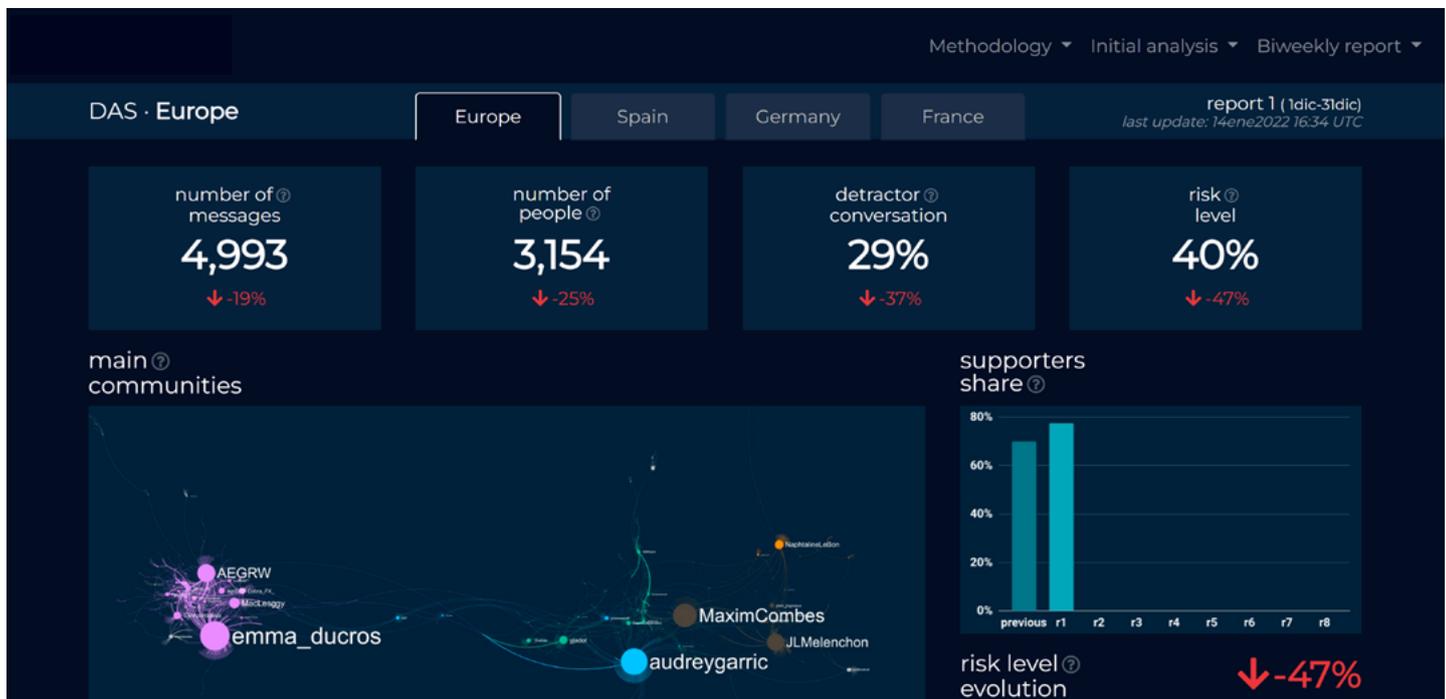


Map of the XIV legislature of the Congress of Deputies, showing the interactions between its members. Source: Onodo.



Map of political conversation in rrs elaborated by LLYC's Deep Digital Business team.

Data analysis example



Map by LLYC's Deep Digital Business team.

STRATEGY AND EXECUTION. INDIRECT LOBBYING

As stated above, traditional lobbying is being increasingly accompanied by indirect lobbying in an attempt to tackle the complexity of the political context and to lend **greater impact, understanding, and acceleration** to the strategy. The leverage for indirect lobbying mainly lies in public opinion, published opinion, and expert opinion, which can be influenced by partnerships and emotions, whereas direct lobbying is mainly and almost always rational. Hence the interest in adding communication, marketing, and advertising techniques to the strategy.

The main indirect lobbying tactics that we are starting to see are:

1. From the association to the hub:

Contributing to a strong associative environment is a key part of lobbying activity by companies⁴, but it is not enough on its own. With some obvious exceptions, this has no doubt been boosted by associative bureaucracy, growing polarization, the lack of resources, and the slow decision-making that has characterized a large number of traditional associations. This has opened the door to a certain degree of de-institutionalization that enables fewer operators to band together informally. They need not be from the same sector but they do often share a common cause and pool resources for targeting their lobbying activities. We are seeing this with the European Union Next Generation Funds, both in the listening stage and now in the management stage, and they are usually mono-causal in nature.

⁴As stated in <https://www.bestinbrussels.eu/measurement/>: "(...) almost half of respondents believe that their European associations have saved their companies over 50 million euros in the last 10 years by avoiding regulatory and policy threats. Furthermore, almost one in five respondents believe that their European associations have earned their companies over 50 million euros in the last 10 years by creating new opportunities, such as EU financing and the protection of intellectual property".

2. Thought leadership:

As stated earlier in this report, one of the barriers to political decision-making is a lack of understanding of the new phenomena resulting from innovation and science, or the unforeseen (COVID-19). Companies are investing in knowledge with a goal of sharing that with the legislator. Companies are also investing in the creation of research spaces and forums for debate between players that occupy distant positions on the same issue. This allows them to negotiate positions to provide a degree of consensus that public powers seem unable to produce on their own. This is another clear example of the win-win concept. The more information and understanding that the decision-maker has about a certain issue, the more willing they will be to regulate that issue and the better any resulting regulation will be.

A whole host of activities must play a part in this, ranging from training, to communication, and even mediation. All of them lead to efforts aimed at making viable decisions and at increasing knowledge about the reality of the future of regulation.

Sandboxes and spaces for self- and co-regulation are one unexpected result from this process. However, they do not seem to be taking off in Spain and Latin America, unlike the situation in some US states and northern Europe. One example of self-regulation featured Mastercard and was reported on by *The Economist* en un artículo titulado [Plastic policemen. Financial firms are becoming reluctant regulators of the internet](#). In this regard, the most ambitious examples emerging in Europe involve the development of pilot schemes in which [territories](#) are constantly competing to be chosen as the location for the pilot project. These initiatives are perhaps most clearly seen in the financial field (due to its already comprehensive [legislation](#)) and in the field of micro-mobility.



3. Campaign lobbying. From purpose to activism:

Many companies are starting to approach issues with a “campaign” mentality. This campaign lobbying can be mostly seen at digital economy companies (mainly platforms) but it is a way for all other companies to seek new means of influence. It is used:

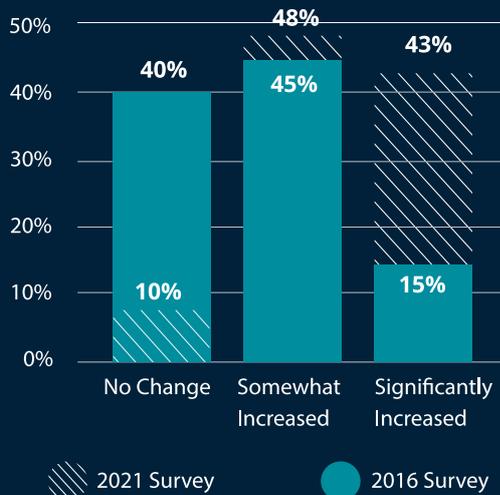
- for issues with a direct impact on the business and reputation (operating licenses and their rules,) for inbound marketing techniques, grassroots techniques, etc.
- with a focus on the new [ESG](#) requirements; or

- by exploring [Corporate Political Responsibility](#) (Lobbying for Good,) which we understand as the active and voluntary contribution made by companies to formulate public policies capable of improving public well-being and protecting their rights.

Regarding the latter, there is a recent report by [Public Affairs Council](#) that makes a comparison between the weight of social issues on the management of lobbying at US companies between 2016 and 2021. The trend in this area is interesting to observe.

HAS PRESSURE TO GET INVOLVED IN SOCIAL ISSUES INCREASED?

Data from 2016 and 2021 Taking A Stand Surveys Public Affairs Council.



CORPORATE INVOLVEMENT BY ISSUE

Data from 2016 and 2021 Taking A Stand Surveys Public Affairs Council.



6. Diplomacy and Geopolitics

Finally, a growing trend can be seen in terms of strategy and management to integrate international issues and geopolitics. The more internationalized the business is, the more relevant these issues become. This began as an exercise in intelligence (monitoring major political and regulatory trends) and has become more an issue of management. This is partly due to the ‘devilish problems’ we mentioned earlier which mostly escape State control and partly due to the scope of geopolitical movements, which stress the financial forecasts of major operators and industries. We saw this in 2021 with gas supplies and we will continue to see it in many other issues amid a process of global de-governance because the institutions created in the mid-20th century are broken. Hence the weight being taken on by such private initiatives as Davos and other more informal initiatives that bring together executives from major companies to identify significant trends, risks, and opportunities in the future.

MEASUREMENT

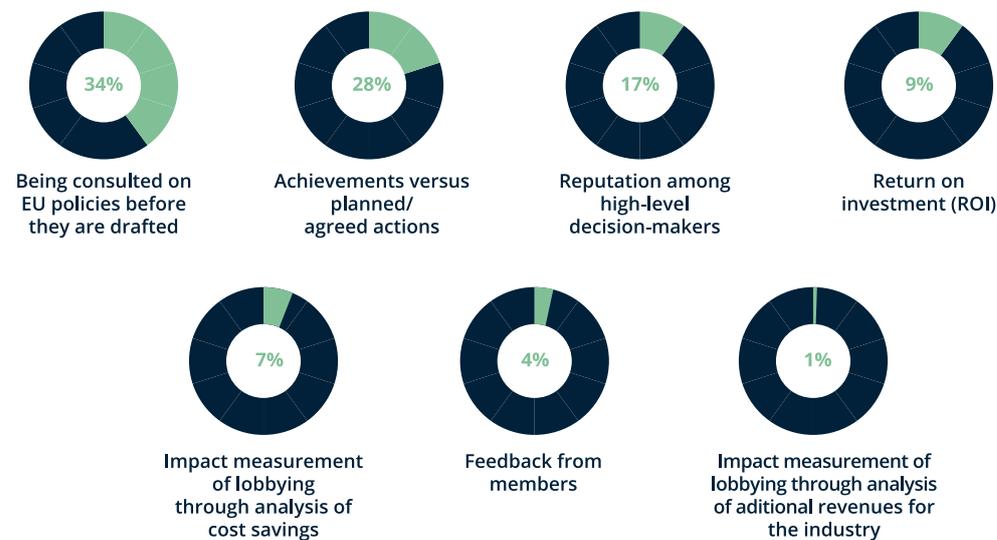
One of the trends that might decide the future “survival” is measuring the impact of public affairs. Measuring this impact has gained importance alongside the activity itself. We could say that the activity has become professionalized over the last 10-15 years and, now that the process is streamlined, another stage is beginning in the business world. This analysis promotes accountability and reflection.

Within a competitive environment, those departments that wish to see their resources and internal influence increase will need to be able to measure what they bring to the table in terms of business and reputation for their company.

• **Toward a KPI model**

A number of recent reports exist on this topic that can help map out the situation. We would highlight [Best in Brussels.eu](#), from which the table below was taken, and the report conducted by Political Intelligence with Corporate Excellence. Some interesting initiatives are starting to emerge for modeling the impact of public affairs on companies and this will no doubt be a turning point for how lobbying is carried out.

Which would you consider as the most effective way for an association to measure its public policy activities and objectives?



Source: Key Success Factors for European Associations.

BONUS TRACK. SHADOW, DOUBT, WARNING

There is also room for a shadow, doubt, and warning within the topic of lobbying trends.

SHADOW: FAKE-LOBBYING

These dark “shadows” include fake lobbying, which harnesses the power of technology and social media to generate confusion and falsify reality, or illegitimately alter the opinion climate on pending regulatory decisions. Such campaigns are *worrying* and shouldn't be ignored by the sector. Whereas fake news seeks to mislead us all, fake lobbying seeks to mislead the politician. In fact, the expression of falsehoods contrary to scientific evidence that would not stand up to even the lowest level of fact checking are starting to be seen in parliaments. The launch of the Science and Technology Office of the Spanish Lower House of Parliament following a drive by *Science in Parliament* will need to work against this pattern that jeopardizes trust in our institutions.

DOUBT. FROM INFLUENCE TO INFLUENCER

The use of social media by politicians has also led companies to seek notoriety in these channels and endorsement from some of the causes they defend. This trend takes us from influence to influencer and brings positives and negatives to the table. When done well, it can boost the cause the company supports. When done poorly, it can confuse media and purpose, making light of a relationship (that of the company with the political class) that should be nurtured and respected.

WARNING: E-LOBBYING

In line with the above, there is a final warning to be heeded around the new possibilities brought by the pandemic for the development of e-lobbying. The pandemic brought new ways for us to interact, expediting dialogue processes, but relational informality was another by-product (widespread use of WhatsApp, the breakdown of basic conversation protocols, etc.). We still need to find the right balance between the possibilities uncovered and the necessary formality surrounding the relationship.

CONCLUSION

In this report, we have briefly looked at some of the trends we are starting to see in the field of lobbying. Technology, transversality, specialization, indirect lobbying, and measurement are the cornerstones underpinning the new influence market, potentially leading to a golden age for this activity. For that to happen, we will need cooperation from governments and commitment to transparency and rigor from the private sector. The Economist explained this in its article entitled *Making money and influencing people*: “Most interest groups or stakeholders are a legitimate, even necessary, part of the democratic process to balance competing interests when drawing up policies. But greater transparency will do wonders for the reputation of a profession that is often dragged through the mud”. This warning is one we should heed in order to properly harness the possibilities offered to us by breaching the frontiers of specialization and technology.

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