

ICPS newsletter[®]

Lobbying is the only legitimate instrument for influencing policy

In Ukraine, lobbying is perceived as an illegitimate process. The country has not yet set any rules for lobbying, with the result that lobbying is frequently associated with corruption. Yet defending the interests of various groups of a society—businesses, pensioners, minorities, and so on—has long been a regular practice in many mature democracies. And lobbying is an instrument that allows these various interest groups to be involved in the decision- and policy-making process

To lobby is to influence

Lobbying is the process by which groups formed around common interests have an impact on their government—the Government or the legislature—with the aim of getting a particular piece of legislation, regulation or other decision adopted.

In the majority of mature democracies, lobbying tends to largely pursue business goals. Thus, lobbying is often aimed at improving the conditions for doing business: ownership and the right to dispose of property, the right to engage in specific activities, taxes, quotas, licenses, state procurements, Budget subsidies, and so on.

There is a wide range of views as to who can actually engage in lobbying activity. For instance, US law says lobbyists may be private individuals or legal entities. In Germany, only legal entities have the right to lobby officially. At the other end, Russia is currently drafting a law that will allow only private individuals to lobby, acting “on behalf and in the interests of specific clients.”

Regulating lobbying activity

The regulation of the institution of lobbying plays an important role. The legitimization of lobbyists’ activity makes it possible for relations between the government and business to be transparent so that voters can see whose interests a particular politician is defending.

World practice shows that, as a rule, two main approaches are used in regulating lobbyists. The first approach is to use a number of special regulations and legislate specific issues related to lobbying activity, such as the procedures for registering individuals from associations,

interest groups and unions who represent particular interests in the legislature, the limits and parameters of relations between lobbyists and government representatives, and procedures for organizing public hearings on drafts of legislation. This is the approach in Germany, France and Italy.

The second approach is to regulate the activity of lobbyists in government bodies through a single overarching law. The US, Canada and other countries have done this.

Three approaches to lobbying

World practice shows that the entire range of democratic lobbying approaches can be divided more-or-less into three groups:

1. an “exchange” of the politician’s vote for an issue that is important to the lobbying group in return for the group’s support in the next election;
2. activities intended to persuade and change the opinions and sometimes even the values of key decision-makers;
3. input into the decision-making process by providing politicians with help in analyzing a particular problem and preparing documents such as reports, draft legislation and so on needed to resolve it.

The first approach works only in where the particular interest group represents a very large number of voters and is well organized. Examples of such groups are trade unions, social movements, networked community organizations, and political parties that are not represented in the legislature.

The second option is one of the most democratic and public, as it provides

representatives of interest groups with broad opportunities to participate in the lobbying process. However, it requires considerable effort on the part of the interest group over a sustained period of time. Activities in this approach include preparing and disseminating serious studies on policy issues, running major public awareness campaigns, and organizing high-profile events involving politicians, well-known experts and interest groups.

Lobbying as help

Lately, the third lobbying approach is becoming a more and more popular option. It views lobbying as a specific type of assistance that interest groups can provide to lawmakers. Moreover, this kind of lobbying offers mutual benefits, so its success rate is good.

On one hand, politicians minimize their own efforts and preserve their resources. Lobbyists can actually provide additional resources that allow politicians to do more in areas that they think are important.

On the other, by helping politicians, interest groups gain access to the decision-making process and an opportunity to submit their proposals regarding various issues for legislation that is being drafted by those politicians.

In this approach, the most successful lobbyists are, as rule, community-based NGOs and think-tanks. Unlike professional lobbyists, they specialize in specific issues and they have a good knowledge of the approaches and standards that make it possible to analyze a given problem effectively and to professionally present the results of their analysis and their proposals. ■

For more on lobbying, read the Centre’s report “Lessons in Democracy: World Practice and Ukraine” (in Ukrainian).

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