

Initial Work and Advocacy Plan

Project - Regulating Lobbying in the Czech Republic
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Summary

The Initial Work and Advocacy Plan outlines the project on the possibilities of legal regulation of lobbying in the Czech Republic. Based on the research work done so far, the Plan introduces three such possibilities - 1) Legal regulation; 2) Ethical codex; 3) Partial amendments of current statutes. Moreover, it spells out the other objective of the project - to develop a network of lobbying policy advocates in the Czech Republic and throughout Central Europe. In addition, the Plan summarizes policy advocacy steps to be taken within the framework of the project. Finally, the Plan identifies the beneficiaries of the project.

Aims and objectives

The main objective of the project is to examine and propose possibilities of regulating lobbying in the Czech Republic. In order to achieve this aim, the project applies a three-tier strategy. First, it devotes attention to conceptualization of lobbying activities, so that lobbying can be understood as distinct from both various forms of corruption as well as from public advocacy. Second, the project integrates observations from research work conducted among politicians, lobbyists and interested public in the Czech Republic. Third, the project uses other three Central European countries (Hungary, Poland, Slovakia) as comparative cases, focusing on the possibilities of transplanting knowledge generated by research on lobbying and/or attempts to regulate lobbying in these countries. The second important objective of the project is to develop a network (both within the Czech Republic and in Central European region) of scholars conducting a research work on lobbying and public policy advocates devoted to the issue of lobbying. The results of the research project should be summarized in a 20-page policy study, policy briefing paper, one or two scholarly articles.

Initial work and possible regulative mechanisms

After the initial round of interviews among politicians, lobbyists, scholars, non-governmental activists and journalists, there appear to be three main venues that are to be explored with respect to providing a legal framework to lobbying in the Czech Republic. These are: 1) Legal regulation of lobbying; 2) Ethical codex for lawmakers and members of the executive; 3) Partial amendments of existing procedures and statutes.

1) **Legal regulation of lobbying** - Inspired largely by the model of regulation of lobbying in the United States, this seems to be the most ambitious form of formalizing lobbying in the public domain. The objective of a law would be to create a body of information, most likely through a register of lobbyists that would include a list of lobbyists and their clients, a list of politicians and public servants being lobbied, issues on which lobbying is/was being conducted, etc. This sum of information would be publicly available and could be used by rival political parties and groupings, media, non-governmental organizations, scholarly community, and/or other members of interested public. In this way, it is to be expected that public policy would be more transparent and both lawmakers and members of the executive could be held accountable more easily. Despite the explicit and strong skepticism shared by many in both the governmental and non-governmental circles regarding the feasibility of this model, the example of Slovakia shows that such a legal norm can be introduced and become a law in a Central European country. Therefore, this possibility should in no way be discarded as “unrealistic.” Several of my sources in Slovakia confirm, that it was indeed lobbyists themselves, who welcomed a “normalization” of their activities, because by its legalization, lobbying can be distinguished from corruption and loses some of the negative connotations (that it is the same as bribing, corrupting, etc.) typically imagined in connection with it.

2) **Ethical codex** - Some politicians in the Czech Republic have verbally introduced the idea of an ethical codex for the members of legislative and executive branches of the government on several occasions in the past (most recently the Speaker of the House of Deputies, Lubomír Zaorálek, who has been pushing for a codex since the summer of 2004). So far, this initiative has had no success. To a large extent, this form of regulation is inspired by the current British model. It is based on the idea of a personal integrity of those falling under the prescriptions of a codex and on the assumption that they can be held accountable for their actions at the ballot box. While those skeptical about the legal regulation of lobbying in the Czech Republic view this framework as much more likely to pass (not the least because it will concern only politicians and not lobbyists) there are some grounds for caution as to how much a codex would serve as an effective means of formalizing lobbying contacts and putting them more under public scrutiny. First, the tradition of investigative journalism that would uncover ethical lapses of politicians is and remains weak. Second, the necessary condition that a concrete politician can be held accountable at the ballot box (and voted out of the office) is absent because of the proportional election system to the Czech House of Deputies. Third,

political parties have shown little resolve in forcing their members to behave ethically and in pacifying/punishing them if they do not. Nevertheless, it would be wrong to abandon the idea of an ethical codex for these reasons: 1) It creates and reinforces a discursive structure connecting lobbying and ethical issues; 2) It provides at least something for those trying to hold politicians accountable; 3) An existence of an ethical codex does not undermine other modes of legally regulating lobbying.

3) **Partial amendments** - This would be arguably the least ambitious of the three possibilities in the sense that it would not provide a comprehensive approach to the formalization of lobbying in the public sphere. Nonetheless, the approach offers some concrete incremental goals that might bring more light into political lobbying (thus increasing transparency together with accountability and improvement in public policy-making) and at the same time would be easier to force through and implement in comparison to e.g. law on lobbying. This incremental approach is connected with significant hopes especially in non-governmental circles. Suggestion proposed by those I interviewed range from changes to the rules of proceedings of the House of Deputies and the Senate (especially when introducing amendments to bills that are being passed), making publicly available the list of participants in public hearings and sittings of the parliamentary committees, public availability of the diaries of meetings of the members of legislation and executive, availability of proposed amendments and the identity of their proponents, etc. The range of options here is wide and the list of possibilities could be expanded based on the experience of other countries. A possible drawback is that time and again there would have to be a new round of activism and advocacy surrounding these smaller measures thus making the option arguably quite demanding in terms of time and resources.

Advocacy plan

Since it is impossible to say outright, which of the modes of regulation, if any, will ultimately be successful, the project aims to develop all three of them. None of the three options excludes the other two and it would indeed be desirable for improved democratic governance in the Czech Republic, if all three succeeded. While this will hardly happen during the duration of the current project, the work conducted should set these matters into motion and, as suggested above, construct a network of those who would carry on with these activities both in the Czech Republic and Central Europe. In order to achieve the aims, the project will do the following: 1) Provide analysis of how lobbying works in the Czech Republic; 2) Devise the possible forms of regulation as suggested above; 3) Circulate and promote these ideas among politicians, non-governmental organizations, lobbyists, journalists and interested public. A window of opportunity to promote the regulation of lobbying exists, as the Czech Republic is to hold general elections in June

2006. To this end, the project will deliver not only a policy study and policy brief but will also actively advocate the issue of lobbying regulation at workshops and conferences as well as in newspapers and radio programs, as the author has already done in the past year.

Beneficiaries

The chief beneficiaries of the project are the citizens of the Czech Republic. A project that strives for greater transparency and accountability of public policy-making can strive for no less. In more particular terms, the project will benefit politicians (knowledge about lobbyists, protection against charges of corruption and illicit meetings), journalists (previously not available information becomes public), lobbyists (activity is legally recognized and loses some of its negative connotations), non-governmental organizations (new information around which they can build their activities), scholarly community (data for research).