

RESEARCH

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CONCEPTUAL AND LONGITUDINAL APPROACH OF THE LOBBY CONCEPT

APROXIMACIÓN CONCEPTUAL Y LONGITUDINAL DEL CONCEPTO LOBBY

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ABSTRACT

Currently there are thousands of groups of lobbies of different kinds and background. The lobby is an opaque activity by its very nature, mediated by information management – sometimes in a privileged way– that reduce the democratic handling of actors who have not been elected by themselves to the position they seat, that is to say, they are more susceptible to the pressures of those who served as their constituents. There is a need to identify persuasive actions in communication and policy that influence, Its decisions are relevant in many ways for the economic, social and territorial interests.

KEYWORDS: Lobby; lobbying; interest groups; lobbying-Advocacy; persuasion and influence; political interests; access to information

RESUMEN

Actualmente hay miles de grupos de interés o lobbies de distintos tipos y diversas procedencias. El lobby es una actividad opaca por naturaleza, mediada por el manejo de información privilegiada que reduce la maniobrabilidad democrática de actores que no han sido electos para el cargo que ocupan y sectores con poder (político, económico, mediático) y la intervención de factores externos involucrados en los procesos de toma de decisiones y políticas específicas para la primacía de intereses particulares sobre los intereses generales. El lobbista es el intermediario que representa los intereses de las empresas y de las organizaciones empresariales mediante la persuasión y el talento, ya que para poder influir hay que saber persuadir, ante los distintos poderes establecidos gracias al manejo de información privilegiada que poseen.

PALABRAS CLAVE: Lobby; cabildeo; grupos de interés; lobbying-Advocacy; persuasión e influencia; intereses políticos; acceso a la información.

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RESUME

Atualmente há milhões de grupos de interesse ou lobbys de distintos tipo e diversas procedências. O lobby é uma atividade opaca por natureza, mediada pelo manejo da informação privilegiada que reduz a manobra democrática de atores que não foram eleitos para o cargo que ocupam e setores com poder (político, econômico, mediático) e a intervenção de fatores externos envolvidos nos processos de tomada de decisões e políticas específicas para a primazia de interesses particulares sobre os interesses gerais. O lobista

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é o intermediário que representa os interesses das empresas e organizações empresariais mediante a persuasão e o talento, já que para poder influir necessita saber persuadir, ante os distintos poderes estabelecidos graças ao manejo de informação privilegiada que possuem.

PALAVRAS CHAVE: Lobby; Grupo de pressão; Grupos de intereses; lobbyng-advocacy; persuasão e influencia; interesses políticos; acesso a informação.

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1. INTRODUCCION

Currently there are thousands of groups of lobbies, of different types and diverse backgrounds, ranging from sectoral business groups, environmental defenders, foundations, NGOs, to the so-called paradiplomacy of regions and factions of territorial entities of the States.

The *lobby* is an opaque activity by its very nature, which although necessary for the exercise of democracy and rights, is mediated by the handling of information - sometimes in a privileged way - that reduces the democratic maneuverability of actors who, in and of themselves, have not been elected to the office they occupy, that is, they are more susceptible to the pressures of those who served as their constituents.

2. OBJECTIVES

Through qualitative research, explaining *lobbying* from the definition and characterization of *lobbies*, a broad understanding of the influence exerted by these pressure groups is sought, the objective being to denote and describe the main characteristics of the *lobbies*, as well as their origin and evolution and their current *modus operandi*.

3. METHODOLOGY

3.1. Conceptual approach to the *lobby*

Being a procedure decided by the interaction of actors and sectors with power (political, economic, media) and the intervention of external factors involved in decision-making processes and specific policies, the *lobby* lacks a pure semantic conceptualization, hence that research tends to a conceptual approach based on the formulations of the main academic authors on the subject. In this regard, Juan Hernández Viguera points out that,

Lobbies mean voluntary groupings of people or corporations, which are formed with the purpose of influencing the legitimate representatives of politics, mainly the legislative and executive power, although from the analysis of reality we can deduce that it is also exercised on the judicial power. These associations, also known under the more general expression of pressure groups or interest groups, seek to exert

their influence on the political decision-making process, prioritizing their particular interests over the general ones. (Hernández, 2013, p.17)

Influence on the decision-making process for the primacy of particular interests over the general interest is what Hernández (2013) observes about the *lobbies*, where their object of influence is power, that is, the impact on the decision-making process of those who hold political power on the part of specific groups with interests.

Juan Francés describes in the same context that "The lobby is nothing more than the management of the defense of particular interests before the different established powers, carried out directly by the affected companies or organizations, or through intermediaries" (Francés, 2013, p.24)

In both conceptualizations, it is fundamentally about the preservation and achievement of advantages and preferences on the part of business sectors vis - à - vis the public sector represented in the political and institutional authorities of the nation - state. Most authors agree that it is "a political activity aimed at influencing the decisions of public authorities" (Mascot, 2006, p.6), based on what Dexter (1969) calls the "right of petition", used intelligently, intensively and consistently before the institution and / or authority in question.

So the conceptual approach of lobby is given by the procedures and techniques incurred by those who practice the office of the lobby, the lobbyist. In Spanish, it is the logic of lobbying that has had special attention before the institutional and academic environment, since it is not the job, but the ethics with which it develops, which generates consequences in its context.

Lobbying can reach a negative impact in favor of a sectorial interest before the general public interest, hence its limitations, scope and results will be closely scrutinized in the interests of transparency and institutional and public accountability of the authorities. Lobbying has long been identified as a political practice promoted by different channels and under different archetypes, so there are important differences in the levels and forms of institutionalization, legitimacy, practice, experience and regulation, among others.

The process of emergence, legitimization and institutionalization of lobbying in different countries has important variants in terms of the problems it faces and the resolution schemes implemented; so it is not academically logical to use the concept of lobby to refer equally to professional lobbying in countries such as the United Kingdom and the United States (where it originated), the Anglo-Saxon heirs such as Australia, New Zealand or South Africa.

Ronald Hrebenar and Clive Thomas observe that under, these types of contexts, the words interest and lobby tend to be associated to refer to the same case: "they can be used as nouns and can even denote from informal groups of people such as high ranking officials in the Army, even a large group or sector of society as environmental or business interests, they also refer to small groups and even individuals, causes or organizations in a particular way." (Hrebenar and Thomas, 2008, p.36)

It is also important to point out the differences between lobbying and advocacy, that is, between the Anglo-Saxon terms of lobbying and advocacy, since they represent an increasing academic tendency to be used as synonyms in many areas. Their main difference is related to the context in which they occur.

According to the Center for Effective Government (CEG), in English law, where there is a great equivalence with the term lawyer: the advocate is someone who speaks on behalf of another person; here the concept implicitly implies that the represented person lacks the knowledge and ability to speak for himself; in a political context: the advocate or advocacy group is an organization of people who try to influence the decisions on resource allocation or politics, without seeking to compete in the election to public offices and where the action may be motivated by ethical or moral principles, faith or simply to protect a good of interest.

The term is also used in contexts of social attention and inclusion, both terms (and more specific ones like Independent advocacy or Citizen Advocacy) are used in the United Kingdom within a network of interconnected organizations and projects that seek to benefit people who are in difficulties (due to disability, mental health or isolation). The exercise of the advocate can include many activities that involve the person or organization that supports him / her, including media campaigns, public speaking, commissioning and publication of research or surveys, or even the "presentation of friends" of the judicial offices.

It is in this sense when the terms overlap with lobbying since advocacy practically turns out to be a form of promotion that makes a direct approach to officials on a topic that plays an important role to the interested party.

The difference between advocacy and lobbying is that, though lobbying can happen also with non-profit associations, it will always have a political perspective as long as it wants to influence public power. For its part, advocacy is constantly associated with the particular legal environment and civic participation but also in interaction with private entities. Also, given that in some contexts the activity of lobbying is not yet formally recognized, nor is it sufficiently professionalized, apparently the practice of superimposing the terms brings confidence, formality and even legitimacy in its exercise. (CEG, 2003)

Unlike other professions the sphere of influence of which affects small groups in businesses, services, industries, markets or with very specific clients, the practice of lobbying is not identified so frequently in the private sphere, and, on the contrary, the professionals who work in this area are hired to represent private interests that direct their objectives to impact within the public sector. (Aguilar, 2013, p.13)

3.2. Origin and evolution of the *lobby*

The professional practice of the current lobbying finds its origin in the corridors of the British parliament at the end of the 18th century, when immersed in the industrial revolution, many prosperous merchants and entrepreneurs of the English economy met

informally - or through their representatives - with the deputies and assistants of the deputies in the corridors of the legislative seat.

Lobbying comes from the *lobby* (lobby or corridor in English) that precedes and surrounds the hemicycle of sessions of the House of Commons in the Parliament of the United Kingdom. These informal meetings were a recurrent practice by business groups to influence in their own favor and in their sector the laws and legislative edicts that were discussed by the representatives of the people in the House.

This way, the companies gradually established an increasingly fluid communication with parliamentarians, forging more complex and less public relations, thus the figure of the intermediary emerged, who in many cases were no longer the same responsible for companies that defended their interests, but they rather started doing it through them.

Currently, interest groups or *lobbies* are manifested in different ways and can be classified simplifying into traditional for-profit interest groups and NGOs or nonprofit interest groups. From banks, companies and professionals, traditional unions and sector associations, and citizen platforms that defend a general interest or group of entities with a general orientation of defense or reporting of social deficiencies. The current society and its complexity in administrative and public issues require technical knowledge and dedication that have turned the *lobby* into a professional work. Hence, as stated by Juan Hernández,

The organized defense of private interests before the governors and public authorities leads to the paid intervention of professionals, specialized or communication agencies, as well as law firms and consultancies that professionally assume the mission of the lobby; and with their expertise and social contacts, they are indispensable de facto for the political process of the elaboration of the legislation. (Hernández, 2013, p.18)

This way, professional lobbying is welcome in the discursive dynamics of democratic debates, since it allows the legislator additional information available on the impact or potential impact on sectors and interests of society in general, and of specific *lobbying* sectors.

Frank Farnel defines *lobbying* as "an activity consisting of intervening to directly or indirectly influence the processes of preparation, enforcement or interpretation of legislative measures, norms, regulations and, generalizing, any intervention or decision of the public powers" (quoted in Xifra, 2000, p.23)

For its part, the legitimacy of the lobbying activity will increase according to the influence of certain values in the society in which it occurs: within a framework of positive social perception regarding the relationship between the business sector and political power, *lobbying* will be better valued and criticisms regarding its negative influence and potential privileged information management will be minimized; while, in a society in economic and political crisis, *lobbying* can be perceived as a form of misappropriation by business groups with specific interests against the general interest. That is to say, the health of democratic institutions and the strength of the political culture are closely related to social valuation as opposed to professional lobbying. Anastasiadis argues that:

Lobbying seeks to affect public policies and legislation by providing policy makers with specific information on preferences or political positions of different interest groups. It can involve transmitting information about the costs and benefits of different decisions on different topics, or more broadly: trying to lay the foundations to influence the debates in a certain way and thus channel the political discussions favorably for the latter [...] the good provided is information . The objective of lobbying is therefore to influence the legislator or public official with decision-making capacity. For this, lobbying includes a range of tactics, both direct and indirect: report results of research and surveys; organize research groups in various projects; assist as experts in different informative hearings of the different bodies of government; and provide technical reports and research to decision makers. In addition to the votes needed to achieve the political goal outlined, a main goal of lobbying is also to develop a strong reputation, so that politicians are able to trust the information provided, and consequently go to the lobbyists to get information when they are developing or discussing a political issue. (Anastasiadis, 2006, p.119-123)

3.3. The *lobbyist*

His activity is to represent the interests of companies and business organizations in a transparent and beneficial manner for the system as a whole. He intends to do so by using the term *lobby*, highlighting the benefits of this activity for the dynamism and richness of a democratic system that formally contains limitations and imperfections.

Being an activity settled in the main Anglo-Saxon democracies (United Kingdom and the United States), it is considered a legitimate professional activity, encompassed in the offices on *government relations* exercised by professionals that lead directly to the authorities of political power (especially executive and legislative, and to a lesser extent, judicial) a set of petitions, proposals and reforms tending to influence the decision-making process. (Fernández, 2013).

In the case of the United States, since the Convention of Philadelphia and the Federal Constitution of 1786, *lobbies* committees will be formed around the legislators, protected by the first amendment to its Magna Carta referred to "request the government a repair of grievances" as an initial laxative framework for the exercise of the office of lobbying in the American continent. It is from 1946 on when this process is officially regulated with the approval in the United States Congress of the *Federal Regulation of Lobbying Act*, with which such an exercise was subject to a legitimate acting framework and governed by a series of procedures tending to make its relationship with legislators and with political power in general, especially in Washington, transparent.

In Article 307 thereof, the FRLA established a definition for both the *lobby agent (lobbyist)* and the activity itself that is developed, *lobbying* as any individual or collective person that:

By itself or through any agent or employee or other persons in any way whatsoever, directly or indirectly, solicits, collects or receives money or anything else of value to be used primarily in assisting compliance. of any of the following objectives: a) the approval or denial of any legislation by the Congress of the United States; b) directly or indirectly influence the approval or denial of any legislation by the Congress of the United States.

However, the FRLA of 1946 regulated the field of action of *lobbying* around the legislative power and left aside the pressures exerted on the federal executive power, which resulted in several criticisms until its comprehensive reform in 1996, the year in which the *Lobbying Disclosure Act* (LDA) is created. This legal reform, which took 50 years to complete, was based on correcting the limitations that the federal government of the United States defined in terms of *lobby* and *lobbying*: "communication with members of Congress about pending legislation or proposal, excluding from the legal perimeter those people and contributions that only had influence on the legislation as their incidental purpose ". (Library of Congress, 2002, p.10)

However, in the 1996 LDA, according to Jordi Xifra (2000), a pedagogical regulation was produced that was based on a broad interpretation of the activities of the lobbying and the professional agents dedicated to it:

What activity constitutes lobbying? Those contacts or tasks that support them, including the preparation and planning of activities, research or any other training task, intended to be used in the preparation of such contacts. Such tasks also include coordinating them with third parties, such as, for example, the formation of coalitions.

Lobbying contact, on the other hand, is defined as any oral or written (including electronic) communication addressed to public managers (of the Executive) or politicians, on behalf of the client, regarding the formulation, modification or adoption of a federal legislation, including bills; the actions of the Federal Executive, such as rules, regulations, orders, or any other program, policy or position of the US Government; the administration or execution of a federal program, including negotiation; award and management of federal licenses and contracts; and the nomination and ratification of a person subject to the ratification of the Senate. (Xifra, 2000, pp. 219-222)

This way, the *lobbying* agent was recognized for his broad persuasive abilities in a broad arena of influence on the political power of the United States. The LDA of 1996 synthesizes and collects almost 200 years of informal activities of this important group which, being of British origin, endorsed the pressures in Washington.

Finally, persuasion and talent are weapons of incalculable value in the profession of the *lobbyist*, since to be able to influence you have to know how to persuade, and although it may seem strange, in many cases the official in charge of a matter does not have a predetermined opinion in advance. The work of the *lobbyist* will consist in achieving the complicity of the official with the company, sector or pressure group that he represents, creating natural alliances and identifying the natural antagonists, cultivating a good

climate of negotiation and work with these officials, implementing strategies of international relations, providing the technical assistance and experience of the sector or company that the *lobbyist* represents in the preparation of proposals.

3.4. Access to information and the *lobby*

The technological revolution of the 20th century and the first decade of the 21st century (social networks and mobile technology: smartphones) as a result of the enormous economic advances imbued in world globalization have allowed the immediacy of communications and the multiplication of information available within reach of millions of citizens at the same time and in different parts of the globe.

This informative immediacy, characteristic of information and communication technologies (ICTs), has placed emphasis on the management of public affairs along with social processes that have opted for transparent management in public administration and political probity of their management

Information and access to sources of information are - like for other communication agents - the primary vehicles that nourish the bidirectional channels of trust among the politician - *lobbyist* - entrepreneur / represented - in the professional dynamics of lobbying.

Information and access are relevant variables for *lobbying*. This is a product consistent with the interaction between the need of politicians for the specific information of the sectors that the *lobbyists* represent, on the one hand, and the urgency of the latter for having access to information and decision making of the former, on the other hand. (Bouwen, 2002, p.369).

Access and information are, therefore, key variables for *lobbying*. Access is fundamental, because, without it, there is no way to achieve the purposes of those for whom *lobbying* takes place, much less to exchange data or opinions tending to favor a sectoral position. Information, then, plays a crucial role because, to politicians, it is a fundamental good in order to effectively carry out the tasks for which they were elected. This way, the information for *lobbying* becomes something like a "transactional good of access" (Bouwen, 2002, p.370).

It is possible to argue that *lobbying* increasingly deals, "[with] the search for alternative channels to get information rather than influence, since without it, one could not act consistently in politics and, therefore, interest groups would not manage to survive " (Petracca, 1992, p.16).

Although the handling of information is subject to different types of persuasion or pressure strategies, such as spreading false and true data simultaneously to create a certain context of uncertainty, it is the quality, the reputation of the source, the relevance of the information provided, plus the need for information when faced with a complicated issue, which determines the degree of *lobbying* access in government decision-making (Anastasiadis, 2006, p.12). Thus, as Borrini argued (1991):

Lobbying, although known and often reviled as influence peddling, can be redeemed by its usefulness, clearer rules of the game and vocation for information. In this aspect, it is a two-way road: and it consists in obtaining information for the one who takes the initiative, let us say the company, and in offering it to those who want to win for the cause. To legislators, for example, a professional lobbyist is usually a guarantee, because he is respectful of the law and serves as a data collector. To any representative of the people, information has a strategic importance. (cited by Piñeiro, 2000, p.23).

4. CONCLUSIONS

The *lobby* is a political activity aimed at influencing the decisions of public authorities, used intensively and consistently with the institution and / or authority in question, where the *lobby* is still seen as a fundamental part of the exercise of civil society in petitioning the State for their interests, where the *lobbyist* is the intermediary that defends these interests before the different powers established thanks to the handling of information that they have.

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