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## PUBLIC RELATIONS: GOVERNMENT RELATIONS AND LOBBYING IN A EUROPEAN PERSPECTIVE

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## RELAÇÕES PÚBLICAS: RELAÇÕES GOVERNAMENTAIS E LÓBI NA PERSPETIVA EUROPEIA

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**ABSTRACT** The need for transparency and legitimacy in lobbying process has shaped a brand new organizational environment as well as new perspectives in the European Union institutions. This study is aimed to evaluate the significance of EU Green paper on transparency, by establishing a framework for legislation regulation on lobbying, and to explore the role of Public Relations and communication in the lobbying process, focusing on new influences and challenges.

### **KEYWORDS**

Lobby, European Union, Public Relations, Transparency

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## **An overview on transparency and the role of PR and communication in the lobbying process**

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### **ANALYSIS OF EU GREEN PAPER ON TRANSPARENCY**

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Almost lost among hundreds of definitions and shades, *lobby* is still trying hard to earn the right of being considered a suitable, respectable and genuine profession. Lobbying and lobbyist have been regarded for some time with suspicion, or even with outright, by European Union, journalists or by the wider public. But who can we blame? Is the fault of public for misjudging this industry or the lack of legitimacy and transparency coming from lobbyist's part that leads to mistrust? Even if lobbying is an enormous international industry, the way that is perceived by many becomes more of a problem in terms of poor public reputation. The ultimate goal should be related to the democratic context in which the people have the power to shape national and international policies.

In order to prove the importance of EU Green Paper on transparency to current EU lobbying practice and process, I will start by briefly presenting a case study which best portrays the need of honest lobbying practices. As found on WorstLobby.eu, Royal Bank of Scotland, one of the nominees for worst financial lobbying in 2010, has given us a lesson on how to lobby in an opaque environment. The fact that they secretly have

lobbied in Brussels, exploiting insider contacts by headhunting former EU Commissioner Günter Verheugen as an advisor, proves a serious lack of transparency and openness, despite the size and power of organization. With a very low profile in Brussels, not declaring lobbying activities in the European Commission's lobby register, they were feeling very comfortable doing lobby behind closed doors. Plus, in April 2010, RBS announced the hiring of former EU industry Commissioner Günter Verheugen, who had left the Commission just two months earlier and who had been involved in reform of the banking sector.<sup>1</sup> The appointment raised a conflict of interest, stating the clear lack of ethic, integrity, truthfulness and morality, breaking all codes of conduit specified in the EU Green Paper.

Even if it's proactive or reactive, lobby is used to influence knowledge, values and actions among the decision-makers of the European institutions. Government decisions can be improved through lobby but can also lead to unbalanced and inaccurate advantages for some interests that are subjectively represented due to a lack of transparency during the process. In order to increase openness and accountability, EU Commission launched The European Union Green Paper on Transparency. The document defines lobbyists as *persons carrying out activities of influencing, working in a variety of organizations such as public affairs consultancies, law firms, NGOs, think-tanks, corporate lobby units or tra-*

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<sup>1</sup> <http://www.worstlobby.eu/2010/nominee/royal-bank-scotland>, accessed on 05.05.2012.

*de associations*.<sup>2</sup> They need a range of personal qualities including integrity, honesty and credibility, observation, listening and relationship-building, followed by practical and professional skills. From this point of view, the similarities to PR practitioners are very high.

Also, they need to practice in a transparent and credible environment, not carry negotiations and take decisions behind closed doors, a way of saying that this profession shouldn't be reserved only for elites. Increased public expectations of transparency and integrity has pushed lobbying to the political agenda and set the need of new social demands. The citizens expect not to feel remote from any decision that concerns them, to have the sense of inclusiveness and participation through information made widely available on different channels.

The more important lobbyists become in the democratic process, the more imperative is that they are open and subscribed to common codes of practice, disclosure and ethical conduct. EU Green Paper on Transparency is a true statement on the importance of lobby to be seen as an accountable and legitimate profession and an instrument for building stronger and fairer economies.

The transparency premise can also be closely related to the arguments presented in the EU White Paper on European Governments, a plea for openness, participation, accountability, effective-

ness, coherence, for a decentralized approach and two-way symmetric communication possible through debate and dialogue. The transition to reinforced dialogue, from the well known "Brussels bubble" and "communication gap" to a more decentralized approach, can be considered a step forward in favoring the lobbying process.

The Commission, through EU Green Paper, tries to define a specific framework of relationship between EU institutions and lobbyists by outlining the importance of a *high level of transparency* seen as part of the legitimacy of any democratic system. Transparency goes hand in hand with legitimacy that, nowadays, is more about public consent, moving from the traditional definition of conformity to rules and laws to discursive processes, seen as a concept negotiated in public sphere.<sup>3</sup> According to Phillip Young, the framing of legitimacy *enables participation in policy making through information offered, focuses accountability towards citizen and promotes political responsiveness by improving knowledge about their preferences*.<sup>4</sup> The matter of transparency is put on the EU agenda as a matter of great importance, reflecting the interest of EU Commission regarding lobby activities and, why not, a step closer to recognize and legitimate this profession.

Lobbyists should be clear on who they represent (list of clients), what their mission is (the issues they deal with) and how they are funded (the mo-

<sup>2</sup> Green Paper. European Transparency Initiative, Commission of the European Communities, Brussels, 3.5.2006 COM (2006) 194 final, p. 2. [http://ec.europa.eu/transparency/eti/docs/gp\\_en.pdf](http://ec.europa.eu/transparency/eti/docs/gp_en.pdf), accessed on 04.05.2012

<sup>3</sup> Mark Phillimore, Presentation: *Transparency and legitimacy*, 26.03.2012.

<sup>4</sup> Phillip Young, Presentation: *Social Media and its contextual impact on Public Affairs*, 20.03.2012.



ney they are paid by each client). By stating the industry issues – improper lobbying methods, distorted information provided to EU institutions or the lack of information about their financial resources at their disposal (as seen in the case study presented earlier) – the Green Paper is trying to establish some general principles and conduct codes for lobbyists. Among them, the importance of public consultations in terms of seeking feedback is undeniable. Also, the accreditation system - a range of specific formal rules on registration that allows physical access to the Parliament - should cover all the activities with the objective of directly or indirectly influencing the policy formulation and decision making process of the European Union institutions. The value of this registration process is needed in order to enable them not to hide, to declare, to make things clear, transparent.

The integrity rules are another important contribution to transparency in lobbying. EU Green Paper states the necessity of lobbyist to act honest, declare the interest they represent, not disseminate misleading information or not offer any form of inducement to receive preferential treatment.<sup>5</sup> The existence of EU Green Paper is a big step forward but it doesn't make the system work flawless. There is still a lot of improving to be made at this level. For example, the existing codes must be consolidated; a sanction system trusted by all must be created.

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## THE ROLE OF PR AND COMMUNICATION IN THE LOBBYING PROCESS

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Lobbying, described as a process that allows citizens (groups, organizations, union or others) to be heard in the political arena, by identifying issues and presenting relevant information to EU institutions in order to influence them in the decision-making process, can closely resemble to the work of Public Relations practitioners. First of all, we have to agree that lobby and communication needs to be put together as means of influencing and changing perceptions. We need to deeply analyze the clear lack of presence in the PR literature and the tendency of treating this profession as a simple piece of public affairs or a small part of issues management.

Second of all, we need to underline the similarities between lobbyists and PR professionals, mentioned before at the beginning of this essay. According to "The ideal lobbyist" paper, the honesty, credibility or courtesy are as important for a PR practitioner as they are for a lobbyist, as well as specific personal qualities: being a good listener, relationship-builder, persuasive and charming, friendly and flexible.<sup>6</sup> The range of personal and professional qualities draws the perfect portrait of a professional in charge of representing the best interests of public sphere.

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<sup>5</sup> [http://ec.europa.eu/transparency/eti/docs/gp\\_en.pdf](http://ec.europa.eu/transparency/eti/docs/gp_en.pdf) , accessed on 04.05.2012

<sup>6</sup> Conor McGrath, *The ideal lobbyist. Personal characteristics of effective lobbyists*, Journal of Communication Management, Vol. 10, No. 1, Emerald Group Publishing Limited, pp. 67-70.

The core element of lobbying is, without doubt, the power of influencing. This will be the starting point for proving that, nowadays, we are witnessing a continuous struggle to persuade, a battle won by the best negotiator and by the best strategies developed in order to solve identified issues. But besides personal skills and ability of earning hundreds of useful contacts, lobbyists need to reinforce their influence and ensure the expected effect by developing a well-organized plan, borrowing steps and concepts from PR and communication field.

Since scholarly literature does not properly define lobbying as a communication process, the public opinion misjudges the concept and its role in the society. Because the notion of persuasion can create negative connotations of the practice, the activity of lobbying must be at the same level about expertise, providing also technical information during communication process. Unfortunately, this information-providing communication process is not discussed and linked more with a larger framework as Public Relation. Lobbying, as a communicative process, is similar to PR by the simple attempt to persuade a target audience on behalf of a client.

We can also talk about a series of terms and steps used by both professions: stakeholders, research, strategies and tactics, issues, evaluation, relationship management, key messages and one-way or two-way communication. The use of

media in campaigns makes the matter of communicating the issue more simple.

The best case study to prove the importance of PR elements developed in a complex lobby campaign is JTI's plan for minimum price introduction in Romania (2005-2006).<sup>7</sup> Gilda Lazar outlined the importance of market and fiscal environment overview and research on excise tax on tobacco products. After analyzing the facts at European and national level and mapping the issues, the objectives were set - to protect JTI Operating Environment by maintaining the level playing field, fair competition and equal fiscal treatment for all the players on the Romanian cigarettes market, to oppose to any additional tax over the EU excise calendar, etc. Also, the awareness related strategy was established and stakeholders mapping was made. They've decided to apply at direct and indirect lobby activities, but also they've developed an entire media campaign in order to achieve their goals. Based on a timetable and with specific tactics, the lobby campaign was designed to incorporate all the PR concepts in order to solve the identified issues.

Also, to emphasize the importance of strategic lobby, the case study of The Mediterranean Corridor as regional lobby in the EU indicated the necessity of a well-prepared and coherent plan in order to represent and promote the interests of the Region of Valencia with professionalism, commitment and awareness of performing a public service – key elements for a lobby campaign.<sup>8</sup>

<sup>7</sup> Gilda Lazar, Presentation: *Management of lobby activities*, 29.03.2012.

<sup>8</sup> [http://ec.europa.eu/regional\\_policy/sources/docgener/evaluation/pdf/projects/mediterranean\\_corridor.pdf](http://ec.europa.eu/regional_policy/sources/docgener/evaluation/pdf/projects/mediterranean_corridor.pdf), accessed on 13.05.2012.



In case of proactive lobbying, the early detection of the issues is the desired way. Part of the data to be gathered for analysis is the general scanning of issues that could potentially affect citizens. Mapping the issues is composed by a diagnosis component in which we establish what is the issue about (causes and consequences), a motivational component (why should policy-makers, media and the general public feel concerned and act on the issues), and the last one, a prognosis component regarding the best way to solve the issues, based on causes. This step was best illustrated with the case study presented by Gilda Lazar. Whether the frame is adopted by the target audience will depend on audience's perception in terms of credibility, resonance with target's experiences and concerns, but also urgency of the issue. Identifying the target publics, the actors to approach, will include also the policy-makers as well as the participants in the debate, only after a thorough analysis of the players. A lobbyist can be political arena's gate keeper. In order to make this a fact, mapping the most important stakeholders, another PR term, is relevant at the level of finding their interests and their policy positions.

The research part will always be followed by setting measurable, adequate objectives in order to achieve the intended goals. Closely linked to a proper communicator's path, lobbyists will need relevant, true, clear, concise key messages to be adapted to the players and delivered through powerful strategies and long term perspectives. Over-

rused notion, nowadays everything is about strategy and everybody is talking about strategic actions. But the right use of definition refers more to strategy as "*a processes and efforts to understand and engage key audiences to create, strengthen, or preserve conditions favorable to advance national interests and objectives through the use of coordinated information, themes, plans, programs, and actions.*"<sup>9</sup> Even if we talk about the integrated approach of 3 D-strategy (Deny, Delay, Dominate), about engaging in stakeholder dialogues and standard-setting processes or about more pressure-oriented type strategies, lobbying needs to be perceived as a long-term endeavor, as a blend of characteristics that, together, can lead to the most useful tactics to be implemented in order to influence the key publics. Lobbying is about anticipation by in dept monitoring and strategy which gives the best chances to reach this target. Every step of the plan must be conceived and framed in a calendar in order to outline the necessary milestones. Also, the relevance of evaluation through a mix of techniques is undeniable, marked by the use of quantitative and qualitative methods that should be applied in combination and provide insights into results.

As we can see, the structure of a plan developed by lobbyists is very similar to the structure of a plan implemented by Public Relation practitioners. It is not only about some keywords that have been lent up at the definition level, but about the essence of the followed steps in order to

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<sup>9</sup> Hellene Boulanger, Violaine Appel, Presentation: Strategic Communication, 26.03.2012.

achieve certain objectives and goals. For that matter, the role and implications of Public Relations and communication in the lobbying process are vital.

The most important part to the job is being there, monitoring and conceiving the best strategy, using networks with the right timing, the right character and correctness. Fostering good relationships is a vital component to both PR and lobby industries. Lobbyists are influencing and shaping policies but they also represents different organizations interests throughout the entire process, playing the roles of mediators. Relationship management involves recognizing and respecting different competencies and achieving common goals by taking into consideration different points of view. This collaborative approach is more and more used by lobbyists, the ones responsible for maintaining good relationships with different key stakeholders during the entire process. For that matter, reputation, seen as a balancing act between credibility, honesty and transparency, is considered the best investment in the future and the best way for lobbyists to establish good relationships with their key audience.<sup>10</sup> Representing the interests of the public sphere, they have to be seen as real connection between EU institutions and citizens. In this way, the shared concept of two-way communication reveals its importance and effectiveness. The exchange of ideas between lobbyists and the ones being lobbied, re-

ceiving and incorporating feedback into future actions must be a permanent concern.

Many people perceive lobby, as is the case of Public Relations too, as less respectable practice using strategies to convince the target audience what is right or what is wrong. Rather than conveyors of truth, they both are seen as manipulators of facts and realities. That is likely the main reason of conduct codes existence, stressing honesty above all. We can dive deep into pools of ethical thoughts or examine codes of conduct, just to see how ethic should be considered and respected as the main characteristic of lobbying process. But all we have to do is to return to the concept of transparency debated in EU Green Paper on identity and funding, to the importance of honesty, respect of public roles and accuracy of information. Any worthwhile relationship must be founded on trust. If you habitually lie, mislead, cover up or manipulate, the relationship is damaged. That's why in ethical decision making we need to respect Parsons five pillars, indicating the importance of telling the truth, doing good instead of harm, respecting privacy and being fair and social responsible. As Phillip Young said, *it is inescapable that the transparency and porosity inherent in the intermediated environment will force a lot of people to think a lot more clearly about the ethical implications of their actions.*<sup>11</sup>

Also, we cannot forget about the importance of new media in shaping fresh perspectives inside

<sup>10</sup> Kati Tusinski Berg, *Finding Connections between Lobbying*, Public Relations and Advocacy, Public Relations Journal, Vol. 3, No. 3, 2009. Public Relations Society of America, pp. 9-12.

<sup>11</sup> Phillip Young, Presentation: *Social Media and its contextual impact on Public Affairs*, 20.03.2012.



organizations and professions. We can talk about new integrated campaigns and the use of social media for increasing transparency and legitimacy.

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## NEW INFLUENCES ON LOBBYING EVALUATED IN A PR AND COMMUNICATION PERSPECTIVES

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To gain the trust of citizens, EU is trying to look more beyond classic strategies developed until now and integrate new social tools to encourage social dialogue, debates, and the sense of inclusiveness. In order to reduce until elimination *the communication gap* between European Union institutions and the public sphere, they are trying to listen to people's views instead of telling them about what EU does. The path to a reinforced dialogue will come with the help of new communication channels.

New media can be seen as a revolution for different practices, by changing the way we live, work and connect with others. Social media means transparency at all levels. Not only how institutions, companies, groups of lobbyists, NGOs or other type of organizations do business, but how they act doing business, how they behave. The use of new media is believed to have the power of increasing trust and solidarity, just a step far from civic engagement, seen as a powerful regulatory tool against malpractice. More virtual lobbying is expected as a result of intensive use of this channels that have the benefit of directly accessing more individuals, media and politicians.

When we think about new ways of doing lobby, we have to take into consideration the fact that new media and online campaigns are creating the need of dialogue, bidirectional communication, interactive participation, engagement and transparency. We cannot talk about Public Relations without referring to the new online tools and their power of changing the way organizations communicate with their publics. Also, we cannot talk about lobbying EU institutions in the absence of social media and the relevance for a better sense of inclusiveness and participation. Every institution has an online reputation shaped by citizens with or without its consent. Now anyone can have a voice and anyone can search for information online. Also, social networks have changed the classic approach in crisis management. It is necessary to think even faster, to disseminate real time answers and take real time measures in order to solve issues and crisis. If information is not available, everybody will think it's because an organization is not transparent and have something to hide.

There is also a transition from the traditional perspective of lobbying as business made behind closed doors to a legitimate accountable profession. Also, legitimacy is moving away from its traditional definitions created around regulations and laws to a *social construction based on discourse*. That's how transparency has become more important in the eyes of citizens, but also in the eyes of European Union. Based on this premise, the role of PR and communication in solving issues related to organizational legitimacy and transpa-



rency has increased. Developing PR strategies in order to build and maintain a strong reputation and clear relationships with stakeholders is part of the new trend in lobby field. Today, legitimacy requires public consent and transparency is shaping an environment where only substantial, truthful information is accepted as relevant to the needs of stakeholders. The shift has been made in the visibility and connectivity of created relationships. Now, we can see the connections and we can aggregate them in what we call reputation.

PR is about relationship management, a core concept applicable also in lobbying. The two concepts of trust and transparency are relevant for both PR and lobby industries, in terms of shaping good relationships with stakeholders and maintaining a credible strong reputation. Nowadays, the symmetrical approach of transparency requires more than disclosure: *"Transparency as a process involves not just availability of information but active participation in acquiring, distributing and creating knowledge."* (Rawlins (p.74) cites Cotterrell (2000).

As seen in the example of Nokia corporate blog that shows a debate between CEO of Nokia and Microsoft, transparency of discourse has become an important agenda for both organizations and PR practice.<sup>12</sup> It is possible to gain legitimacy by proving an open corporate culture and transparency around discourse. Nowadays, organizational legitimacy has become more in-

fluenced by hot topics as Corporate Social Responsibility. Companies are changing the way they market their CSR initiatives, more and more of them becoming increasingly transparent and fostering dialogue with their publics. Strategic alliances are becoming more important, subtle effective messages are placed in order to enforce credibility, organizations are engaging more openly with their stakeholders. The trend is *to increase the emotional value of brands and decrease the environmental impact of the communication.*

## CONCLUSIONS

Without any doubt, the need for transparency and legitimacy in lobbying has shaped a new organizational environment as well as new perspectives in the EU institutions. The importance of EU Green Paper in establishing a framework for legislation regulation on lobbying is outlined by the raised interest of good and fair governance, transparency and accountability. Lobbyists, as part of a growing industry that must get rid of a poor public reputation, need to develop their activities in a transparent and credible environment and solve the industry's issues by being honest and by giving up at decisions made behind closed doors.

Increased public expectations of transparency and integrity has pushed lobbying to the political agenda and set the need of new social demands. They need open dialogue and debates, openness

<sup>12</sup> Mark Phillimore, *Transparency and legitimacy*, 26.03.2012, <http://conversations.nokia.com/2011/02/11/stephen-elop-andsteve-ballmer-answer-questions-from-nokia-conversations-readers/>

and engagement via social media platforms, strategic integrated PR campaigns to raise awareness and accomplish the set objectives. That's why lobby and communication needs to be put together as means of influencing and changing perceptions.

The case studies will always represent the best way to observe the changes in lobby environment - trends and influences, new perspectives and new channels of communications but also new threats and issues. The ideal solution would

be a close and honest relationship between the three important actors: lobbyists, EU institutions and represented citizens. But in order to gain the trust of public opinion, the first two actors must comply with codes of moral conduct and respect the rules of transparency. In this way, the citizen will have to trust that their interests are best represented and their voices are heard, beyond subjective business interests and political games.

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