
23. Regulation of lobbying: comparative state of the art and developments

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23.1 INTRODUCTION

Scholars and practitioners alike regard lobbying as a form of political participation that permits greater public access to politics beyond the act of voting (Jordan and Maloney, 2007). However, lobbying has sometimes been associated with terms like ‘corruption’ and ‘unethical practices’ (Holman and Susman, 2009; Kollmannová and Matušková, 2014). Scandals have helped foster a perception that lobbying is in fact influence peddling in which self-serving entities exercise greater than normal influence over policy outputs (Veksler, 2015). Studies conducted in the Czech Republic by Kollmannová and Matušková (2014) and Soukeník et al. (2017, p. 103) found that the majority of the general public saw lobbying as a ‘non-ethical practice’. Despite the negative connotations ascribed to lobbying it nevertheless represents a recognized form of engagement in contemporary democracies.

Some of these democracies have sought to introduce lobbying regulations in order to reduce the risk of corruption and foster a level playing field for the participation of interest groups in the policymaking process (Bitonti and Mariotti, 2023; Chari et al., 2019; Holman and Luneburg, 2012). Lobbying regulations are usually seen as part of the larger ecosystem of transparency regulations, together with ethics policies and freedom of information (FOI) laws, and are believed to strengthen confidence in public institutions and foster accountability (Crepaz and Chari, 2018; Fenster, 2017). Supposedly, transparency permits the public to hold policymakers accountable for their decisions, or the lack thereof (Etzioni, 2010). If policymaking is more transparent, not only will the public be able to see how decisions are made, but the whole process will allow for better decisions through deliberative discussion and reflection. Lobbying regulation shines a light into the black box of policymaking. It is often the case that countries have either introduced or amended extant lobbying regulations in response to corruption scandals involving lobbying, or lobbyists, as happened in Canada in 1989, the United States (US) in 1995 and Ireland in 2015 (Keeling et al., 2017; Rush, 1998; Šimral, 2020; Thomas, 1998).

The objective of this chapter is to briefly present some insights into the current state of international lobbying regulations in a comparative context. This presentation is conducted over five sections. We initially examine what is meant by the regulation of lobbying and in so doing strive to provide some clarity as to what lobbying itself is and encompasses, in order for it to be regulated. This involves the presentation of a range of different definitions that attempt to capture the essence of lobbying and its regulation. The chapter then explores the broad context of lobbying regulation found in the world today – everything from registers to access and revolving door provisions are discussed. The different kinds of lobbying registers, who creates and manages them, and what they entail, are then set out. Following this, the chapter moves on to comparing and classifying contemporary lobbying regulations in place across the world,

looking specifically at their robustness – the level of transparency and accountability that a set of regulations provides (Chari et al., 2019). Here we discuss approaches that have been developed in the last few decades to compare the strengths of lobbying regulations. Finally, the conclusion considers the main lessons that we can take from the chapter.

This chapter should provide scholars, practitioners and the general public a basis to gain an understanding of the phenomenon of lobbying regulation. The regulation of lobbying constitutes an increasingly popular public policy approach capable of enriching participatory democracy, enhancing transparency, reducing the risks of corruption sometimes associated with lobbying and setting the stage for conditions of equality. It will be seen here by the reader that some regulations provide more transparency and accountability than do others.

23.2 THE REGULATION OF LOBBYING

Before we can define lobbying regulation, we first of all need to define what lobbying is. This is a task that is easier said than done (Nownes, 2006; Scott, 2015). If we can define lobbying, we can then understand the activities that may come within the scope of regulations concerned with lobbying.

Lobbying, as an activity, is regarded as an essential component in the creation of public policy by policymakers, lobbyists, academics and those in favour of a more open and democratic policymaking process (Chari et al., 2007). Lobbying is also a key element of public affairs, which includes the management of social position and reputation. As Holman and Luneburg (2012, p. 78) argue ‘lobbying is absolutely essential to the success of representative government’. For a long time it has been recognized that lobbyists play a crucial role in the policymaking process (Easton, 1957; Howlett and Ramesh, 2003).

In terms of defining lobbying, Baumgartner and Leech (1998, p. 34) regard it as simply ‘an effort to influence the policy process’. Nownes (2006, p. 5) sees lobbying as ‘an effort designed to affect what the government does’, while Binderkrantz and Bitonti (2021) define it as ‘an activity or a set of activities aimed at influencing the political decisions made by policymakers ... done by or on behalf of all kinds of interest groups ... following different strategies (trying to exert both direct and indirect influence) and in multiple arenas’. For Chari et al. lobbying is:

the act of individuals or groups, each with varying and specific interests, attempting to influence decisions taken at the political level. Such lobby groups may include, but are not necessarily limited to, those with economic interests (such as corporations), professional interests (such as trade unions or professional societies) and civil society and non-governmental (NGO) interests (such as environmental groups). (2019, p. 4)

The aim of lobbying may be to change, or to maintain, extant policies – so that public policy outputs reflect the preferences and interests of such groups (Holman and Luneburg, 2012). However, in contrast to many other forms of business, the lobbying industry remains largely unregulated across the world, with the majority of jurisdictions trusting the industry to self-regulate (Hogan et al., 2011).

Lobbying regulation refers to the set of rules, norms and practical frameworks that aims to shape how lobbying is done in a specific political system. These are the rules that lobbyists need to follow when trying to influence public policy (Chari et al., 2010), or that generally

affect the interaction between policymakers on the one hand and interest groups and lobbyists on the other (Bitonti and Mariotti, 2023). These rules include pieces of legislation and regulatory provisions such as ministerial decrees; norms include codes of conduct, or ethical standards, enforced more or less thoroughly in the various contexts; and practical frameworks refer to actual models or platforms (governmental or private) designed and used to enable lobbying and participation, for instance in consultation processes. As Brinig et al. (1993, p. 377) point out, the legislative regulation of lobbying takes ‘more account of the general welfare and less account of private interests’.

One of the main purposes of regulating lobbying is to create a level of transparency that allows the public greater opportunity to hold policymakers to account (Murphy, 2014). ‘One common line of reasoning is that lobbying transparency makes information publicly available, which aids public understanding of politics, scrutiny of legislative processes and therefore boosts accountability’ (Dinan, 2021, p. 241). As Héritier (1999) and Scharpf (2006) show, transparency not only increases policy actors’ responsiveness to public demands, but also helps prevent misconduct. Transparency refers to the ease with which the public can monitor not only the government with respect to its activity, but also which private interests are attempting to influence the state when public policy is formulated (Broz, 2002). The Organisation for Economic Co-operation and Development (OECD) (2009, p. 4) argues that the overall objective of lobbying regulation is the ‘imposition of some degree of transparency’ as well as a level of ethical standards and behaviours which ‘lobbyists are expected to comply with’.

Another important purpose of regulating lobbying is to level the playing field for all those aiming to participate in policymaking processes, allowing fairer conditions of access to policymaking itself (Bitonti and Mariotti, 2023; OECD, 2021). It is also the case that ‘many of the [early] European lobbying laws were designed to facilitate the interaction between business leaders and lawmakers in an effort to boost economic development’ (Holman and Luneburg, 2012, p. 77). Lobbying regulations serve to recognize lobbying as a legitimate activity and a beneficial part of the policymaking process (Laboutková et al., 2020). As such, lobbying regulation constitutes part of a larger strategy of open government.

However, difficulties with defining what exactly is meant by lobbying, and differing viewpoints as to what the problems with lobbying are and the possible solutions, have rendered definitions of lobbying for legislative purposes under-inclusive, inappropriate or vague (Keeling et al., 2017). Legislative attempts to regulate lobbying have sometimes foundered on definitional terms (Greenwood and Thomas, 1998). But, whether a person is representing a charity or a business, if they interact and communicate with a government or public official, they are engaged, however ad hoc, in lobbying (McGrath, 2009). Nevertheless, it is vital that lobbying regulations do not inhibit citizens from approaching their representatives (OECD, 2009).

Currently, 18 countries regulate their lobbying industries through dedicated pieces of legislation (OECD, 2021). This is just above 9 per cent of all countries in the world. But many of these 18 countries only introduced regulations after the turn of the century, or during the second decade of the century (Chari et al., 2019). Nevertheless, jurisdiction in the Americas, Europe and Asia now boast of lobbying regulations. In federations, such as the US, Canada and Australia, there are lobbying regulations in place at the national and state/provincial levels. The US, which has the longest experience of regulating lobbying (having done so at the state level since the late 19th century), has sought to regulate lobbying at the federal level

in 1946, 1995 and 2007, in response to episodes of corruption and undue influence (Chari et al., 2019; Zeller, 1948). In examining the evolution of US and Canadian federal lobbying legislation, Chari et al. (2019) found that as these laws were amended the regulations tended to become stronger over time. Similarly, European Union (EU) institutions introduced lobbying regulations in 1996 and again in 2007 to ensure fairness in interest group participation, and strengthened these rules in 2011 and 2014 in response to the cash for laws scandal. The rules were again reformed and further strengthened in mid-2021, with the Transparency Register being made mandatory for interest representatives seeking to influence the EU.

Despite moves on the parts of many countries' governments to regulating lobbying through specific lobbying laws, most jurisdictions leave the industry to self-regulate, or have only fragmented regulations in place (Bitonti and Harris, 2017; OECD, 2021). The reason for such inactivity may be related to the fact that, as rational choice scholars (Brining et al., 1993; Ainsworth, 1993) argue, lobbying regulations could be perceived as barriers to entry. Nevertheless, Chari et al. (2010, p. 129) note 'there is no evidence to suggest that any lobbying legislation has inhibited ordinary citizens from going to see their representatives about ordinary issues'. Another plausible explanation for the absence of lobbying legislation relates to Gray and Lowery's (1998, p. 78) supposition that 'regulation may have a direct bearing on levels of lobbying activity if the stringency of regulations and their enforcement influence the numbers of registrations'. However, Chari et al. (2019) argue that 'self-regulation' by the lobbying industry cannot be considered part of any regulatory system.

It is the case that political scandals involving lobbyists tend to create intermittent outcries either to introduce lobbying regulations or to strengthen extant regulations (Dávid-Barrett, 2021). However, once the scandal has passed, and the outrage abated, the news cycle moves on and it is often the case that the impetus for reform abates. The result is that Bills often tend to languish and Acts with loopholes go unamended. Nevertheless, regulations extant in neighbouring jurisdictions, or emanating from international institutions, can serve to stimulate countries into considering the introduction of their own lobbying regulations (Crepaz, 2017). Of course, the election of a reform-minded administration, coming to office with a transforming mandate and agenda (Keeling et al., 2017; McGrath, 2011), or the activities of a reforming political entrepreneur (Hogan and Feeney, 2012), can impel the introduction of lobbying regulations. In some countries the ideology of the party in power may play a role in the introduction of lobbying regulations. In the Netherlands, for example, initiatives for regulation have almost invariably come from parties of the left seeking to limit the influence of business on policymaking. On the other hand, in Ireland, a government led by the centre right Fine Gael party, in coalition with the smaller Labour Party, introduced the Regulation of Lobbying Act 2015. 'The Act was a response to the growth of the lobbying industry in Ireland' (Chari et al., 2019, p. 131). It was also a part of Fine Gael's policy of substantial political and constitutional reform in response to the politico-economic factors that contributed to the economic crisis that started in 2008. Ultimately, country specific factors play a crucial role in the politics surrounding the introduction of lobbying regulations, making generalizations difficult.

23.3 THE BROAD CONTEXT OF LOBBYING REGULATION

According to proponents of lobbying regulation, it results in transparency in decision-making, increased accountability of public officials and better decisions through discussion and reflection.

tion (Fahey, 2016; Grant, 2018). ‘Transparent decision-making means reflecting offered views in the final decision and showing which views and why were taken into account’ (Šimral and Laboutková, 2021, p. 159).

Studies of lobbying regulations represent a niche in the broader literature on lobbying and interest groups that focuses on the various regulatory measures, implemented typically by governmental authorities, to shape the forms and the practices of lobbying in a given political context (Chari et al., 2010, 2019; Holman and Luneburg, 2012; Opheim, 1991). These studies can be single country examinations, comparative studies of the regulations in place in a variety of countries or in a range of subnational jurisdictions in federal countries, and even examinations of lobbying regulations in supranational institutions (Bauer et al., 2016; Brinig et al., 1993; Chari et al., 2007; Dinan and Miller, 2012; Greenwood and Dreger, 2013; Hrebendar et al., 1998).

While significant attention on this topic has concentrated on laws purposely labelled as regulating lobbying or the representation of interests – beginning from the oldest laws in the US at both the state (Massachusetts in 1890) and federal level (Federal Regulation of Lobbying Act of 1946) (Opheim, 1991; Chari et al., 2019), expanding in recent decades to the 18 countries that have adopted specific legislation on lobbying (OECD, 2021) – lobbying regulation can actually be considered much broader than what the label would suggest. In fact, as lobbying is a complex, dynamic and progressive phenomenon, regulating its forms and channelling its practices necessarily requires us to deal with a multiplicity of changing domains and areas.

Such domains and areas are all of those generally regarding the relationship between policymakers and interest groups. They also encompass the design of the policymaking process itself, operating under the principles of transparency (disclosing what happens), of participation (allowing for fairer and unbiased input in policymaking) and accountability (Bitonti and Mariotti, 2023).

Notably, one can focus on:

- Registers of stakeholders, conceived of as lists (usually located online) of organizations of different kinds that have an interest in participating in some policy processes. These registers can be more or less strongly connected to access to specific policymaking arenas and can require the disclosure of a certain amount of information on the organization itself, on its representatives and on its lobbying activities (such as the number of lobbyists employed or the amount of money spent generally or on specific dossiers) (Chari et al., 2019). Failure to abide by the rules of the register (such as failing to register, or to renew a registration, or giving false or misleading information, or failing to correct any misleading/incorrect information) can result in penalties ranging from the loss of certain lobbying rights and privileges, to fines and even imprisonment depending upon the jurisdiction in question (Crepaz et al., 2019).
- Registers of professional lobbyists. Sometimes overlapping with the previous category, these are lists (usually located online) that enable individual professionals (and in some countries nonprofessionals – where simply the act of lobbying itself is regulated) to be legally acknowledged as lobbyists (Keeling et al., 2017). These registers can also be more or less strongly connected to some obligations (such as the periodic filing of reports on activities or abiding by a code of conduct) and rights (such as permanent access to governmental buildings) (Chari et al., 2019). As previously, noncompliance with the register’s rules can result in penalties of varying severity.

- Procedures of consultation, designed and implemented in different ways by public authorities (more or less open and inclusive/exclusive), for example through Regulatory Impact Assessment (RIA) processes (Radaelli, 2020) or through informal dialogues with specific stakeholders.
- Physical access to governmental buildings, such as parliaments or ministries. As every institution regulates the physical access to its own premises, this can be relevant for how lobbying is actually conducted in specific circumstances.
- Revolving doors. This expression generally refers to policymakers becoming lobbyists after the end of their mandate, thus enjoying an ‘undue’ level of influence, and an advantage in comparison to others in terms of ‘insider’ knowledge, networks, etc. gained through their time spent in public service. Some regulatory solutions are based on a ‘cooling off’ period, which requires a certain amount of time to pass between the end of a public office (usually at the top levels) and the taking up of a position as a lobbyist for a private organization. In this case the criteria to be formally considered a lobbyist become crucial once again. The revolving doors can also turn in the opposite direction, with private actors getting elected or becoming policymakers, and in some cases keeping their positions in the private sector, with concerns over conflict of interests or undue overlap of positions.
- Conflicts of interest. Partially related to the previous point, this issue concerns how to address, disclose or generally regulate policymakers having specific private interests that can be affected by a decision they take in their public capacity.
- Political financing. As the financing of political parties and political candidates – as well as of policy think tanks – is one of the main strategies that interest groups can use to try to gain access to, or exert influence over, policymakers, the legal framework concerning political financing (who can finance whom, what amounts are permitted and how transparent this should be) can be considered as a relevant area to regulate lobbying as well.
- Public agendas of policymakers, with the calendars of meetings of top public officials disclosed in real time, or *ex post*, in order to aggregately ‘measure’ (and account for) the contacts held with specific interest groups.
- Legislative footprints. These are more or less short reports that flank pieces of legislation, or policies in general. They explain the process that led to the approval of the final decision, including the inputs of stakeholders involved and possibly the reasons behind the choices made.
- Public procurement and anti-corruption. Public procurement (public authorities buying products or services on the market) is an important area of lobbying, with companies being directly commissioned, or participating in public tenders, to win such contracts. This is probably the field where the risk of corruption is greatest. That is why public procurement procedures and anti-corruption measures can be considered part of a comprehensive regulatory framework for lobbying.

In addition to what is mentioned above, one may also consider other general elements of a political system which indirectly affect how lobbying is conducted in a given context. These include the constitutional framework, the party system, the judicial system, the FOI system, the political culture or the dimensions of the state itself.

23.4 THE RANGE OF LOBBYING REGISTERS IN OPERATION

Researchers on lobbying regulation (both political scientists and legal scholars) have devoted most of their attention to lobbying registers. The registers are one of the main objects of all of the pieces of legislation specifically (labelled as) dedicated to regulating lobbying and lobbyists (Brinig et al., 1993; Chari et al., 2010, 2019; Crepez and Chari, 2018; Greenwood and Dreger, 2013; Holman and Luneburg, 2012; McGrath, 2008; Newmark, 2005; Opheim, 1991; Ozymy, 2010; Thomas, 1998). This is primarily because the information stored in publicly accessible registers serves to shed light on the activity of lobbyists in the policymaking arena (Crepez et al., 2019).

As mentioned, such registers may take different forms, according to the subject issuing the register, to the actors that are targeted for registration and to the nature of the registration itself. ‘Registering lobbyists is not about regulating speech, but about preventing undue influence, including abuse of dominant financial position of some interest groups’ (Murphy et al., 2011, p. 117).

As for the subject issuing the register, the most important distinction is between registers implemented by private actors (such as professional associations of lobbyists or lobbying agencies) and registers created and managed by governmental actors. The former are voluntary in nature and represent a case of self-regulation, being usually associated with the ‘moral’ obligation to abide by some code of conduct (even if concerns are often raised over the actual likelihood of checks for compliance and the imposition of sanctions, so that according to some they cannot be considered regulation; see Chari et al., 2010). The latter are issued by governmental institutions, such as legislative assemblies, ministries or specific government agencies/offices, and are of various types.

As for the actors that are targeted for registration, some registers are conceived of as lists of organizations (stakeholders of some policy process or in some cases lobbying firms), others are directed at individuals that professionally engage in lobbying activities (in some cases they refer only to consultant lobbyists, excluding ‘in-house’ lobbyists – as is the situation with the United Kingdom’s (UK) Registrar of Consultant Lobbyists and the Polish Register of Professional Lobbyists (McKay and Wozniak, 2020)), whilst a number combine the two types, for example demanding that stakeholders disclose who acts as a lobbyist on their behalf.

As for the nature of the registration, three main types of registers can be identified: voluntary, mandatory and conditional.

23.4.1 Voluntary Registers

Voluntary registers are open lists where individual professionals or organizations can voluntarily enrol, usually in exchange for benefits of some kind, if only in terms of reputation (Năstase and Muurmans, 2018). As mentioned above, such voluntary registers can be issued by professional associations (whose membership is entitled to register themselves) – examples can be found in Spain, Romania or Latvia (Bitonti and Harris, 2017) – or by governmental authorities that invite organizations and professionals to enrol, offering facilitated access to premises or involvement in consultation processes – such as in the German Bundestag or EU institutions until 2014. Thus, good incentives are key to this form of register to encourage lobbyists to sign up. Such non-legislative rules act as guidelines, however there are no legal repercussions should actors fail to abide (Asimow, 1985). In many cases it has been found that

voluntary registers only ever contain a small fraction of the total estimated number of lobbyists active in a jurisdiction (Chari et al., 2019). The costs of this form of register tend to be lower than mandatory registers as less staff are required to monitor the register and to enforce its rules (Brandt and Svendsen, 2016).

23.4.2 Mandatory Registers

Mandatory registers are conceived of as lists that legally entitle enrolled actors to lobby, and that theoretically aim to prevent those not on the list from engaging in the activity and the profession. In this case the legal definition of lobbying is core to any lobbying legislation and ‘delineates who is required to register and disclose information’ (Opheim, 1991, p. 407). Examples of these registers may be found in the US, Canada, Lithuania, Chile, Ireland and France. Problems can arise when legal definitions of lobbying and lobbyist are under-inclusive, inappropriate or vague, as in the case of the UK’s Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (Keeling et al., 2017). These legally established registers, and their codified formal rules, must be complied with by lobbyists, and those lobbying, when trying to influence government officials and public policy outcomes. It is not simply a matter of voluntarily complying with suggestions made by the political system (Chari et al., 2019). Failure by lobbyists to comply with the rules of the register can result in penalties ranging from fines to prison sentences.

23.4.3 Conditional Registers

Conditional registers may be seen as a sort of mid-way option between the previous two, as such registers are formally voluntary, but public authorities can require presence in the register itself as a precondition to access consultation processes, or to even meet policymakers. Such is the case with the Transparency Register of the EU between 2014 and 2021.

23.5 COMPARING AND CLASSIFYING LOBBYING REGULATIONS

Over the years, a number of different approaches have been developed and adopted in order to quantitatively measure and compare the relative strengths of lobbying regulations across jurisdictions. Opheim’s (1991) index and Newmark’s (2005 and 2017) index focus upon domestic US state level regulatory developments. Holman and Luneburg (2012) seek to conceptualize the robustness of lobbying regulations while focusing on lobbying laws in Europe. Chari et al. (2010) adopted the Center for Public Integrity’s (CPI) ‘hired guns method’, designed for analysing the legislative text of lobbying regulations at the US state and federal levels, for global application, resulting in what they refer to as CPI scores. They did this because they found that the CPI’s index possessed more of the measurements necessary to capture the robustness of lobbying regulations – it had a higher content validity than the other indices (Chari et al., 2019). The CPI index has also been employed by Sgueo (2015) and Veksler (2016).

The CPI index employs eight major criteria for coding and scoring legislative texts: Definition of Lobbyist; Individual Registration; Individual Spending Disclosure; Employer Spending Disclosure; Electronic Filing; Public Access (to a register); Revolving Door

Provisions (cooling off periods); and Enforcement. These criteria encompass a total of 48 detailed questions, compared to the 18 of Newmark (2005, 2017), 21 of Holman and Luneburg (2012) and 22 of Opheim (1991), allowing one to consider more accurately the nuances in the regulations being examined (Chari et al., 2019). Based upon an examination of legislative text, each item contained within it is assigned a numerical value on the index according to the code given. The coding and scoring process is conducted manually. The procedure weighs some items more heavily than others, depending upon whether or not the item is considered a critical feature of lobbying regulation.

The CPI score, a measure of the robustness of a lobbying law, is calculated out of a maximum of 100 possible points. The minimum possible score a jurisdiction could theoretically attain is 1. The more points that are assigned to a piece of lobbying legislation the more robust it is considered to be. Crepez (2016, p. 5) defines *robustness* as ‘the level of transparency and accountability that the lobbying regulation can guarantee’, ‘robust regulations provide more information about lobbying to the public, introduce stricter sanctions for cases of non-compliance and are enforced more effectively’ (Chari et al., 2019, p. 160). Overall, this produces more effective lobbying regulation (Crepez and Chari, 2018). While the CPI only applied its method of analysis to US lobbying regulations, Chari et al. (2010, 2019) applied it to all of the jurisdictions across the globe that have introduced legislation regulating lobbying. This, for the first time, allowed for the direct comparison of different regulatory systems in a range of countries.

When the CPI index is applied to various countries’ lobbying legislation, wide variations in the robustness of those regulations become evident. In order to enable better comparisons between countries’ CPI scores, Chari et al. (2019) set out a three-tiered classification system for the level of robustness of the regulations being examined. Regulatory environments scoring above 60 points are rated as high robustness systems, those scoring between 30 and 59 points are rated as medium robustness systems and those scoring 29 points or below are considered to be low robustness systems (Chari et al., 2019). What they offer is a classification scheme that helps to better conceptualize the common traits and rigour of different regulatory environments. Legislation falling into the same category tend to have similar characteristics. Of course, this approach only captures jurisdictions and their lobbying legislation at a point in time, and this may change over time with amendments to that legislation or the introduction of new legislation. Table 23.1 shows, in the context of the theoretical classifications of Chari et al. (2019) and CPI index’s major criteria for coding and scoring legislative text, the regulatory features that are likely to be encountered in *low*, *medium* and *high robustness systems*.

Table 23.1 Features of the three classifications of the robustness of lobbying laws

	Low Robustness Systems (CPI Score 1–29)	Medium Robustness Systems (CPI Score 30–59)	High Robustness Systems (CPI Score 60+)
Registration regulations	Rules on individual registration, but few details required	Rules on individual registration, more details required	Rules on individual registration are extremely rigorous
Spending disclosure	No rules on individual spending disclosure, or employer spending disclosure	Some regulations on individual spending disclosure; none on employer spending disclosure	Tight regulations on individual spending disclosure, and employer spending disclosure
Electronic filing	Weak on-line registration and paperwork required	Robust system for on-line registration, no paperwork necessary	Robust system for on-line registration, no paperwork necessary
Public access	List of lobbyists available, but not detailed, or updated frequently	List of lobbyists available, detailed, and updated frequently	List of lobbyists and their spending disclosures available, detailed, and updated frequently
Enforcement	Little enforcement capabilities invested in state agency	In theory state agency possesses enforcement capabilities, though infrequently used	State agency can, and does, conduct mandatory reviews /audits
Revolving door provisions	No cooling off period before former legislators can register as lobbyists	There is a cooling off period before former legislators can register as lobbyists	There is a cooling off period before former legislators can register as lobbyists

Source: Chari et al. (2019).

Lobbying regulations located in the same scoring band (same robustness) tend to have broadly similar characteristics (Chari et al., 2019). Table 23.2 summarizes the international situation in terms of lobbying laws according to the CPI index. Low robustness systems are found in those states, whose lobbying regulations provide only low levels of transparency and accountability. Poland and Mexico, with CPI scores of 27 and 29 respectively, are examples of jurisdictions possessing low robustness systems, with neither having revolving door provisions in place. On the other hand, Ireland and the Canadian federal government, scoring 37 and 50 respectively, have medium robustness systems in place that have revolving door provisions/cooling off periods – the minimum amounts of time in which former politicians and senior civil servants cannot engage in lobbying activities on account of potential conflicts of interest. Chari et al. (2010, 2019) found that the regulations in place in several US states and at the federal level constituted high robustness systems, with Washington State obtaining the highest score of all at 87 and the federal regulations scoring 62.

Many of the countries that have introduced lobbying regulations have tended, with a few exceptions such as Hungary for example, to make those regulations more robust when it came to amending the initial legislation. In the case of Canada, for example, its initial 1989 legislation, the Lobbyist Registration Act, scores only 37 on the CPI index, whereas the 2008 Lobbying Act scores 50. The 2008 legislation introduced larger and more significant fines for lobbyists who break the rules, as well as new obligations. In the US, the 1995 Lobbying Disclosure Act scores 36 (Chari et al., 2010), while the amendments introduced by the Honest Leadership and Open Government Act of 2007 ensured that the CPI score for federal lobbying regulations reached 62. The amendments not only enhanced the disclosure of lobbying activities, but also regulated some of the conduct of lobbyists and lawmakers in Washington DC, requiring that campaign fundraising by lobbyists be disclosed to the public on the internet, and

prohibiting the giving of gifts and travel by lobbyists and lobbying organizations to lawmakers (Holman, 2009, pp. 277–278).

Table 23.2 CPI scores for lobbying regulations found internationally

Lobbying Regulation	CPI Score	Theoretical Classification (Chari et al., 2010)
US (2007)	62	High robustness
Canada (2008)	50	Medium robustness
Slovenia (2010)	47	Medium robustness
Lithuania (2021)	47	Medium robustness
Hungary (2006 and abandoned in 2011)	45	Medium robustness
EU Transparency Register (2021)	44	Medium robustness
Chile (2014)	42	Medium robustness
France (2016)	42	Medium robustness
Taiwan (2008)	38	Medium robustness
Ireland (2015)	37	Medium robustness
Australia (2022)	33	Medium robustness
Austria (2012)	32	Medium robustness
Mexico (2010)	29	Low robustness
Israel (2008)	28	Low robustness
UK (2014)	28	Low robustness
Poland (2005)	27	Low robustness
Netherlands (2022)	24	Low robustness
European Commission (2008)	24	Low robustness
Germany (1951)	17	Low robustness
European Parliament (1996)	15	Low robustness

Source: Chari et al. (2010); Crepez and Chari (2018); Chari et al. (2019).

23.6 CONCLUSION

Our aim in writing this chapter has been to show how, in the limited space available, lobbyists and lobbying are regulated, both formally and informally, in political systems. We have seen that lobbying regulation has deep roots in the value of transparency, that requires the disclosure of how lobbying is conducted using the ‘sunshine’ principle as a disincentive for improper behaviour (this is derived from a famous remark by US Supreme Court Justice Louis Brandeis in the early 20th century, who said ‘Sunlight is ... the best of disinfectants’) (Etzioni, 2010; Stasavage, 2004). Through increasing transparency and accountability, lobbying regulation is seen to shed light on the black box of policymaking and improve the overall quality of the political decisions reached (Dryzek, 2000; Elster, 1998; Keohane and Nye, 2003; Ng, 2020). However, as open government philosophy has clarified in the last few decades, beyond transparency the values of policymakers’ accountability and stakeholder participation (with fair conditions of equality) in policy processes are also crucial in shaping a more comprehensive regulation of lobbying in a given political context (Bitonti and Mariotti, 2023).

Scholars of lobbying regulation have generally devoted their attention to the analysis of the various pieces of legislation focusing on lobbyists and on the lobbying profession. Here we tackled the issue of lobbying registers, but we also outlined a wider set of areas and topics that

can be included in a more comprehensive analysis of lobbying regulations, pertaining to the policymaking process as much as to the activities of lobbyists and interest groups. We recalled the motives that generally drive the introduction of lobbying laws, and briefly illustrated the indexes used to compare different lobbying regulations in different jurisdictions, focusing in particular on Chari et al.'s (2019) threefold classification of the robustness of lobbying laws.

Regulating lobbying, an approach developed for almost a century exclusively in the US, has now become accepted across a range of diverse countries. Today such regulation constitutes an internationally recognized standard of good governance (Năstase, 2020). The more countries that introduce lobbying regulations, the more likely it is that other jurisdictions will take notice and eventually follow suit. Since the turn of the century an additional 14 countries have adopted lobbying regulations, a much faster rate of take up than in the 20th century. If this pace was to continue, over 30 countries could have lobbying regulations in place by mid-century. Those countries that have lobbying regulations in place tend to regard them as part of an open government ecosystem, as opposed to an end in themselves. Ultimately, 'the more that citizens know about the actions of government officials, the easier they will find it to judge whether officials are acting in the public interest' (Stasavage, 2004, p. 668).

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