



Initiative für Transparenz und Demokratie

## **The Erosion of Democracy: Ten Theses About Lobbyism in Germany**

Why is lobbyism a problem as such? We have presented our perspective on today's lobbyism in Germany and the EU in 10 theses in our Lobbyreport 2013:

### **1) Lobbyism in Germany and the EU occurs against the background of growing social inequalities and fortified power structures.**

Unequal starting conditions are reinforced. Without political counteracting forces or institutional barriers, this unequal distribution of resources favours big powerful actors and endangers a democratic balancing of interests oriented in the public welfare. The pluralist ideal of equally represented interests where the best argument automatically prevails is an illusion.

### **2) Lobbyism in its present form puts at a disadvantage those with fewer resources or accesses.**

The growing lobby superiority of corporations and business associations threatens to marginalise ecological and social interests. Power structures within and between individual economic branches lead to decisions that are not well-balanced. As one example, the deregulation of the financial sector – one of the causes of the most recent economic and financial crisis – was strongly promoted by the financial lobby. Yet society as a whole has to bear the costs of the crisis.

### **3) Lobbyism has become more diverse, more sectional and more professional.**

With the government relocation to Berlin and deepened European integration, the landscape of lobby actors has expanded and diversified. Classical units lose significance. Many large corporations maintain their own lobby office in Berlin to exert a direct influence. Many specialised and highly professional lobby service providers sell their expertise to financially sound customers.

Lobby agencies, law firms, consultancies and non-transparently financed think tanks are involved in the political trade. At private universities, lobbyists learn the tools of modern lobby work. As a result, lobbying has become more expensive and less transparent – favouring financially strong actors and complicating processes of political deliberation.



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#### **4) Lobbyism is more than the direct influencing of political decision-makers: Science, media and the broad public have long been the focus of lobby- and PR-campaigns.**

Lobby strategies today include the targeting of relevant groups outside official politics: academics, journalists, citizens, and even children and adolescents. The overarching objective is to influence the long-term political discourse. For example, certain messages are launched ("social is what creates jobs") or the image is polished up to escape political regulation ("green-washing"). Moods and trends on a concrete question of political decision-making are strengthened or weakened.

Journalists are harassed by interest-guided expertise and expert opinions. Like political decision-makers, they are invited to trips and costly events. Academics and universities are desired partners for lobbyists and often depend on additional financing. Lobbyists do not even stop at schools and attempt to influence pupils with advertising messages – for example in teaching materials or partnerships.

#### **5) The state opens itself more and more to lobbying influences.**

Given the more diverse and tailored attempts at influencing, democratic institutions should keep a distance and rely on their own capacities for considering different arguments and interests. Yet overall, we witness the opposite. The state and political parties include private actors and lobbyists more than ever in the decision-making process.

The state undermines its own responsibility for a fair and transparent balancing of interests when political decisions are outsourced to expert groups and commissions, or legal texts drafted by law firms. Firstly, these developments are an expression of the fundamental shift in power between the market and the state, caused by market-oriented globalisation, liberalisation and deregulation. Secondly, they correspond to an understanding of politics as management with the state fulfilling a moderating role rather than a creative role. Those who profit most from political outsourcing are the driving forces of this understanding of the state.



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**6) Increasing financial and personnel linkages endanger the independence of democratic institutions and the balanced nature of political decisions.**

Revolving doors between former members of government and lobbyists, lucrative side jobs of representatives, external co-workers in ministries or the outsourcing of law drafting to private law firms can lead to conflicts of interest ("servants of two masters") and create privileged access for individuals. Political decisions are then made with a side-glance at other employers, customers or financiers.

**7) The increasing shift of many important decisions to Brussels leads to a structural advantage for strong lobby actors.**

The structure of the European institutions complicates equal access. The relatively small Brussels bureaucratic machinery tempts commissioners often to rely on proposals of external "experts". To close gaps in technical competence, the commission relies on about 800 advisory groups. Many of them are under-staffed and allow lobby groups to influence law-making early on.

There is no scholarly service in the EU Parliament as it exists in the German Bundestag. The lack of a classical opposition with its control function, a weak European general public and a shortage of possibilities for democratic participation facilitate lobby work outside the purview of public control and criticism.

**8) Non-transparency aggravates possibilities of democratic control.**

Lobbyism in Germany is largely non-transparent. There are no legal obligations to disclosure to which lobbyists must submit. Weak transparency rules allow privileged access and influencing to avoid public scrutiny. Without transparency, the space for criticism and protest dwindles. Non-transparency creates advantages for those with an information edge through informal ways, like good contacts. Furthermore, a lack of transparency facilitates dishonest methods like the establishment of camouflage organisations or simulated citizen protests.



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## **9) Citizens are far more critical towards lobbyists than their representatives.**

Amid financial connections, revolving doors and non-transparent decisions, the closeness between politicians and lobbyists is judged very negatively by the public. However, the chances for fundamental change among the political establishment are slim. Being engaged with concrete steps for more democracy and transparency is uncomfortable and damages one's own interests. Affairs become skirmishes of parties and are quickly forgotten after the end of media attention. A confrontation with present-day lobbyism, its methods and underlying power shifts has not occurred. Through this failure, the political conditions to adequately frame lobbyism in Germany lag far behind real developments. This increasing gap endangers democracy.

## **10) Democracy is in peril – lobby regulation is a challenge for the future.**

The developments of the last decades point in a dangerous direction. Democracy threatens to become an empty vessel where the formal demands for democratic decision-making processes are met, yet the contents of the debate are defined by a small elite (catchphrase “post-democracy”). It is vital to oppose the political apathy of many and the privileged creative power of a few with a living democracy.

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