

5 Summary and conclusions

This chapter draws the main conclusions of the monitoring exercise and suggests key actions to strengthen the transparency and integrity of the policy-making process. It also proposes a way forward to reinforce the relevance and adequacy of the OECD Recommendation on Principles for Transparency and Integrity in Lobbying.

Introduction

Since the adoption of the OECD Recommendation on Principles for Transparency and Integrity in Lobbying in 2010 (hereafter “Lobbying Principles”), Adherents and selected non-Adherents (Brazil, Costa Rica and Romania) have made advances in providing access, transparency and integrity to the policy-making process. The rate of progress has varied, and different countries have emphasised different elements. Overall, countries have advanced the most in creating more mechanisms for stakeholder participation. In line with their legal, administrative and cultural context, some countries have emphasised transparency and scrutiny, while others have focused on the integrity culture of their public and private sectors.

This has taken place in a continuously evolving context. Lobbying in particular, and the level of influence of interest groups in the policy-making process more generally, have changed significantly since the Lobbying Principles were adopted in 2010. In 2014, in the first report monitoring the implementation of the Lobbying Principles, certain trends were identified that have since intensified. Today, lobbying activities have increased, as have the number and range of actors involved and the various means of influencing policy makers. Political and reputational risks have also greatly increased since 2010, for governments and the private sector, given the increased scrutiny and expectations to which they are subject.

Transparency measures have not caught up with these evolving trends, leaving many countries with little transparency on the policy-making process and on lobbying activities in particular. This may help explain why reviews are mixed on whether existing rules and guidelines on lobbying have enhanced transparency and integrity in policy making (Figure 5.1).

Overall, lobbyists agreed that lobbying regulations have contributed not only to an increase in transparency, but also to the recognition of lobbying as a legitimate activity. Having a legal framework also creates clear avenues for engagement, making it easier for policy makers to receive input. This also helps policy to better reflect the needs of society as a whole and enables those who influence policies not to be systematically stigmatised as corrupt. Many lobbyists also stated, however, that regulations were not clear enough to identify who is considered a lobbyist, and at times do not cover key actors influencing the policy-making process. Of lobbyists, 57% also pointed out that lobbying regulations do not always promote equity of treatment between those who influence decision-making processes, with powerful groups still capitalising on their resources and existing relations with public officials, leaving certain interests over-represented in decision making. Similarly, members of parliament agreed that despite strong improvements in transparency in the last two decades, loopholes remain.

Evidence shows that the abuse of lobbying and other means of influencing the policy-making process leads to suboptimal or misguided policies. Even if such abuse is infrequent, it damages trust both in governments and companies. The COVID-19 crisis has served to illustrate, as well as amplify, the concerns and risks of lobbying activities and the policy-making process. For example, perceptions of conflict of interest in the advisory groups and task forces that advise on the vaccines may reduce their acceptance by the public. More action may be required by all actors, across governments, the private sector and civil society, to promote a robust policy-making process, capable of facing global issues such as widening social inequalities and the impact of climate change. This will be vital for reducing the opportunities for undue influence, and to ensure that all stakeholders can inform policy makers, with reliable and accurate information, to design and implement the necessary policies to achieve the UN Sustainable Development Goals (SDGs) by 2030. A transparent and productive process engaging all stakeholders with integrity is possible, as demonstrated by the development of the Nutri-Score nutrition labels in France, which involved consumer groups, policy makers, academics, food companies and retailers (Julia and Serge, 2017^[1]; BEUC, 2020^[2]). Such practices can be expanded to other areas. However, guidelines may be needed to organise such policy engagement involving the participation of a wide range of actors.

Figure 5.1. Views of lobbyists and MPs on whether lobbying rules have increased transparency in decision making



Note: Members of Parliament were asked the following question: Please indicate your opinion regarding the following statements on a scale of 1 to 4, where 1 is completely disagree and 4 is completely agree: in my country, lobbying related regulations have (1) promoted transparency in decision-making; (2) promoted integrity in decision making. Lobbyists were asked the following question: If there are rules / guidelines on lobbying in the country where you work, please indicate your agreement with the following statements on a scale from 1 to 4 (where 1 is completely disagree and 4 is completely agree): (1) Lobbying regulations / guidelines have contributed to more transparency in decision-making; (2) Lobbying regulations / guidelines have contributed to more integrity in decision-making.

Source: OECD 2020 Survey on Lobbying.

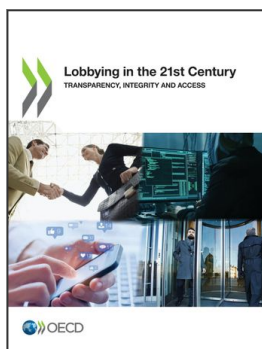
Continued relevance and next steps

A more comprehensive assessment of lobbying activities may be called for in the current context, given the complex variety of actors now involved and the diverse ways of influencing the policy-making process. To avoid one-size-fits-all frameworks, a risk-based approach may be warranted, to focus measures on undue influence and monopoly of influence in different contexts.

The Lobbying Principles remain relevant to inform and support this process, as they have been for the past ten years. However, monitoring on how they were applied suggests that they are not fully adequate. Their focus is largely confined to lobbying and lobbying registries, and does not cover the full spectrum of today's lobbying practices and risks, and the options for mitigation. The Public Governance Committee thus proposes in two years to prepare an update of the Recommendation for the Council through the Working Party of Senior Public Integrity Officials (SPIO), to reflect the evolving lobbying and influence landscape, and to help actors in government, business and civil society reinforce the frameworks for transparency and integrity in policy making.

References

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