What difficulties present themselves when trying to compare how corrupt and democratic lobbying is in different countries?

Comparative study between Sweden and Slovenia

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Abstract

In the 15th of April 2015 Transparency International released a new report on Lobbying in Europe. They used terms such as ‘Unregulated lobbying opens door to corruption’, ‘six out of ten European citizens’ and ‘Across Europe’. This might give the reader the perception that the report is based on all European countries, which in fact it is not. It’s based only on 19 European countries while the EU have a total of 28 member states. I will argue in this thesis that TIs report should not be considered to be a starting point for a comparison between countries other than those already in the TIs report regarding lobbying. My findings will show that their report is somewhat misleading and can be questioned to some extent. I will be approaching this problem with a qualitative comparative case study the reason behind the choice of Sweden is because the country were excluded in TIs report while Slovenia received the highest score by Transparency International. The empirical evidence gathered here have shown that a comparative lobbying study is very problematic and that a comparison on how corrupt or democratic lobbying is between Sweden and Slovenia is not possible. Such reasons are e.g. that the two states defines lobbying differently and that a lobbyist in Sweden is not defined the same as in in Slovenia. I argue that TIs findings should be taken very cautiously due to fundamental differences, because each state in this thesis defines lobbying differently. Whether it be an organization, individual or state, it is important to know that taking TIs findings and comparing them to another country not listed in their report will have different results when one tries to gather information on how corrupt or democratic lobbying is.
Abbreviations

TI  Transparency International
OECD  Organisation for Economic Co-operation and Development
CPC  Commission for the prevention of corruption
PRECIS  The Association of Public Relations Consultancies in Sweden
SOU  The Government's official investigations – In Sweden

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1. Introduction

I argue that a comparison between two different countries where lobbying is conducted is not that easy or rather impossible to conduct due to several reasons. Transparency Internationals new report Lobbying in Europe: Hidden influence, privileged access published in 15th of April 2015(Suzanne Mulcahy, 2015) should not be considered to be the starting point for a comparison between countries other than those in the TIs report regarding lobbying and how corrupt and democratic lobbying is, because their report could be seen as misleading and can therefore be questioned. But first let us begin the journey on why lobbying is important.

According to European Public Affairs consultancies Association the European Commission (EPACA) believes that Lobbying is a legitimate part of the democratic system, whether it is performed by companies or private individuals (EPACA, n.d., The concept). Lobbying is an integral part of a healthy democracy and closely related to values such as right to petition of government and freedom of speech. It fills an important function as it provides both politicians and officials with both knowledge and information, enhances the quality of decision-making by providing channels for the input of expertise on difficult matters.(Suzanne Mulcahy, 2015, p. 6) Most OECD countries defines lobbying as an activity of communication with public officials in order to influence legislation, administrative and policy decisions.(OECD, Vol 3, 2014, p. 43)

My thesis will show that there are some faults with their report and that much criticism can be direct at Transparency International's report. Their report gives the reader the idea that if a country doesn’t have regulated lobbying, corruption is evident and freedom of speech might be affected. One might come to the conclusion that a country with no regulation or low score can have a higher corruption rate than another country with better regulation and score, because what is the meaning of giving a country a score if their aim is not to show which country have better regulations regarding lobbying in all the member states in the European Union? There is more detailed information available in the background section of Transparency Internationals report. The reason for choosing Slovenia and Sweden: In Transparency International report ‘Lobbying in Europe: Hidden influence, privileged access’ Slovenia received the highest score with 58%. That performed best of all 19 countries in their report.(Suzanne Mulcahy, 2015, p.37) “The score represent the strength of the overall system of regulatory safeguards against undue influence in lobbying and efforts to promote open and ethical lobbying”(Suzanne Mulcahy, 2015, p. 3)

Sweden's public sector is less corrupt than Slovenia according to the Corruption Perception Index in 2014.(TI, 2014, Corruption Index ) The country also received better ranking regarding how democratic the country is compared to Slovenia. according to The Economist Intelligence Unit’s Index of Democracy 2014 report.(The economist group, 2014, pp. 1, 3-4) Two indexes clearly shows that Sweden has less corruption and is in fact more democratic than Slovenia but lobbying is not regulated in Sweden.(EU transparency register, 2014, p. 7) Since Sweden was not mentioned in Transparency Internationals report I argue in this thesis, that if Sweden
was included in the report, their findings could be questioned as a whole due to fundamental reasons (each state
defines lobbying differently) which I will enlighten in this thesis.

I emanate from Direnç Kanol’s previous research that cultural differences might result in corporate political
action activities being quite different in other countries. (Kanol, D. 2015, p. 112)

If two states have different political systems, a comparison between the two countries where lobbying is
conducted is not that easy or rather impossible to conduct, as Dr Lowery said. (Lowery, D, 2007, p. 52)

Also if states defines lobbying differently, then a comparative study is not possible because there will be
different empirical results according to Abagail M, Donald S. and Patrick M. (Abagail M. Donald S, et al. 2006,
pp. 9-10)

In this bachelor thesis in political science I’ve selected two case studies which is Sweden and Slovenia both
of whom are members of the European Union (European Union, n.d., Member countries) and democratic
states. (European Commission, 2015, Conditions) I will provide empirical findings on how lobbying is
conducted in each country in order to finally explain why a comparison between countries is difficult if not
impossible and hopefully show some flaws in Transparency Internationals report ‘Lobbying in Europe: Hidden
influence, privileged access’ published on the 15th of April 2015. I will argue to some extent why TIs report is
faulty.

2. Purpose

I will examine why it is difficult to compare Sweden & Slovenia regarding lobbying. Because according to
comparative study is quite difficult to achieve if not impossible because each country have different lobbying
framework and different definitions.

One of my key factors for my research is Sweden, because it is not listed in Transparency Internationals
report. (Suzanne Mulcahy, 2015)

In this thesis I will show that if Sweden was listed their report on lobbying, their report could be questioned as a
whole.

I will argue to some extent why Transparency International's findings regarding lobbying in Europe are faulty.
My focus will be to show that their report should not be the starting point for a comparison between other
countries than only those in TIs report. The reason behind this research can be linked to one of my theories that
lobbying in one country does not look like the other country. (Lowery, D, 2007, p. 52) If my findings shows that
a comparison is not possible then Transparency International's report should be viewed with caution and that a
researcher might not be able to use their findings to compare it to another country not listed in their report.
3. Research questions

My main question is: What difficulties present themselves when trying to compare on how corrupt and democratic lobbying is in different countries?

In order for me to empirically show that such comparison is not possible or rather difficult in order to answer my main question I will investigate the following:

1. What political system does both countries have?
2. How Sweden and Slovenia define lobbying.
3. How does lobbying operate in both Sweden and Slovenia within the legal framework on lobbying?
4. What difficulties presents themselves when trying to compare lobbying?

These questions will provide an increased knowledge base on how lobbying is defined and conducted in both Sweden and Slovenia, and also provide further insight on difficulties that presents themselves when trying to compare how corrupt and democratic lobbying is between two countries.

4. Methodological approaches & Material

4.1. Method & Design

This paper is a qualitative comparative case study which is an explanatory study. In a comparative case study the researcher applies a minimum of (two) units of analysis, and then conducts a comparison between the units that has been analyzed. (Peter Esaiasson et al. 2012, pp. 121) In this case, our analysis units are Sweden and Slovenia.

According to Yin, case studies is preferred when the research question(s) consists of a "how" and "why" question(s), and when the researcher can’t control the outcome. The objective of this report is to identify: What difficulties present themselves when trying to compare how corrupt and democratic lobbying is in different countries?

Over the years the method being used have had a lot of criticism point at it. One reason is that there aren't well documented procedures for researchers to follow in case studies. This is why many argue that the results of a case study can be somewhat arbitrary. Yin explains that if the researcher is meticulous in his work and uses many different sources to collect data and makes use of the theory properly, so says he that case study is "not either a data collection tactic or merely a design feature alone but a comprehensive research strategy "(Yin 2007, pp. 14-17) in order to make the study more credible, I have therefore chosen to access official documents and websites operated by both the state and the government in each country.
There are three different types of explanatory studies (theory testing -, theory consuming -, and theory development studies) the approach selected is theory testing studies. According to Peter Esaiasson in his book ‘metodpraktikan’ he mention that the researcher has "one or several" theories into concrete hypotheses on the empirical material. He believes that the findings gained will either strengthen one's theory, weaken it or that one theory will prove to more successful than the other one. With theory testing studies, it is important that the current theory is at the center and where the selection of cases must be justified and chosen carefully.(Peter Esaiasson et al. 2012, pp. 35, 40)

**Figure 1. Overview**

**Box 1. The order of the research**

4. What difficulties present themselves when trying to compare lobbying?

3. How lobbying is conducted within the Legal framework on lobbying

2. How Sweden and Slovenia Defines lobbying

1. Political System

**Box 2. Background Information**

The importance of Trade secrets

Defining the term corruption

Defining the term Lobbying

The definition of Corporatism and Pluralism

Transparency Internationals report & recommendations

Fig 1: Figure one is an overview over the structure and order of this research, where 'political system' is the starting point:

The reasons behind my questions are:

First question: What political systems does both countries have? This can be linked to one of my theories that lobbying is different across different democratic political systems.(Lowery, D, 2007)

Second question: How Sweden and Slovenia define lobbying. Before we continue on how each state defines lobbying, I will provide information on how lobbying is defined from different actors and organizations, which is called “Defining the term lobbying” will be provided in the background section. Different definitions can be linked to my theory that there exist many different definitions on lobbying.(OECD, Vol 2, 2012, p. 12) This can also be linked to my second theory that it is impossible to compare different definitions of something, because if conducted there will be different empirical results.(Abagail M. Donald S, et al. 2006, pp. 9-10)

Third question: How does lobbying operate in both Sweden and Slovenia within the legal framework on lobbying? This will both help give the reader “the big picture” on how lobbying is conducted and by whom?
And also by providing information on how the legal framework looks like in each country, if there is one, which will help us get a better understanding on the rules of the game for lobbying for various actors.

Fourth question: What difficulties presents themselves when trying to compare lobbying? After that I’ve shown the differences in political systems in each country, how each state defines lobbying, and how lobbying is conducted, I will then present some difficulties including freedom of expression. There are lots of difficulties that can be presented in order to answer this question and I will only provide a few examples that are quite relevant.

The reason for the choice of Slovenia proceeds from the Transparency International report ‘Lobbying in Europe: Hidden influence, privileged access’. The report’s purpose was to show how European countries compare in terms of lobbying regulation. The report conducted by Transparency International organization ranked Slovenia number one, and received the highest score of 55(%) between all participants. A scale of 0-100, where 0 is the weakest and the 100 is the strongest.

The overall score is an un-weighted average of the results in three sub-categories which is Transparency, Integrity and Equality of access. “The score represent the strength of the overall system of regulatory safeguards against undue influence in lobbying and efforts to promote open and ethical lobbying”. (Suzanne Mulcahy, 2015, p. 3) Nine countries have been excluded in Transparency Internationals report as earlier mentioned, and Sweden is one of them.

The reason for choosing Sweden is because according to The Economist Intelligence Unit’s Index of Democracy 2014 report they provide a snapshot on how democratic a state is. Sweden ranked #2 while Slovenia ranked #37 in the world. (The economist group, 2014, pp. 1, 3-4) Yet another index by Transparency International that shows how corrupt a country is, The Corruption Perceptions Index ranks countries/territories based on how corrupt a country’s public sector is perceived to be in 2014 that ranks Sweden #4 and Slovenia #39, out of 175 countries. (TI, 2014, Corruption Index )

These two indexes clearly shows that Sweden has less corruption and is more democratic than Slovenia. There have been lots of discussions in the media about regulating lobbying in Sweden. (Ewa Stenberg, 2015; DN, 2012) In 2014 the European Union reported that Sweden does not have a regulated framework on lobbying. (EU transparency register, 2014, p. 7) One question comes to mind, why wasn’t Sweden in Transparency Internationals report? I could not find any reason why Sweden wasn’t in the report, and if they included Sweden, their report could be questioned as a whole due to several reasons which will be explained in this research.

4.2. Material

There is a fairly wide range of material on the subject of lobbying. Therefore, I have chosen to limit myself to use for the most part official websites (e.g. Riksdagen.se in Sweden and kpk-rs.si in Slovenia), official documents, as well as from other sources such organizations Transparency International (TI), the Organization for Economic Co-operation and Development (OECD), etc., which I think will be most suitable for this study. I
have used the Linnaeus University's search database "OneSearch" to find the relevant academic articles such as the theories used in this research, and other articles that mention lobbying. Official websites and documents are meant to bring out the laws / rules that exist in each country, so as to ultimately perform a comparison between Sweden and Slovenia. The word “Official” means information obtained from the state or government websites in each country in order to increase the credibility of this study.

Because my study proceeds from Transparency International report on lobbying, which was published in 2015. I chose to find the latest relevant materials from various official sources. In this thesis it is obvious that relevant information is quite old which have been published several years ago. But it is important here to remember that even if the information is old, the information collected is the “latest published articles” on the subject which I’m researching on. “This is the case for Sweden”

The discourse on lobbying is extremely involved in other contexts than in scientific studies and research, such as in the media. There is some problems such as the fact that a large part of the discussion around the topic of ‘lobbying’ is based on different opinions. Therefore, under the material section it has been particularly important to carefully choose credible sources. Reliability means that we can measure exactly what we were looking for, which means that if we want to achieve good reliability, it is important to absence of random and unsystematic error (Esaiasson et al, 2007, p. 70).

I also argue that the materials is significant to fulfill the purpose of the essay. Because the documents and other information will be taken directly from each country's own official website(s), and that they are easily accessible by anyone. The materials gathered are mostly taken from the original source, and aims to give the reader a better understanding and the fundamental differences concerning lobbying, when comparing Sweden and Slovenia to each other.

5. Previous research

Hans Blokland in his book called Pluralism, democracy and political knowledge Robert A. Dahl and his critics on modern politics. In the nineteenth-century literature distinguished between government and state. According to Gunnell in Hans book he explains that the state was a supreme, indivisible, divine and omnipotent while, the government had limitations as an institutional agent. Both citizens and newly arrived illiterate immigrants in cities such as New York fell quickly under the sway of political bosses that ruled politics in these cities. A widespread corruption of politics was induced by companies. The companies offered all kind of favors for the government in return for protection, subsidies and contracts. This phenomena subsequently stimulated scholars in political science to conduct empirical research on these interest groups and lobbyists. (Hans B. 2011, p. 25)
The interest of understanding why organizations lobby grew from the evolution of the literature on organized interest. The starting point is the pluralist theory that was developed by both Robert A. Dahl and David Truman. In their view they explained that lobbying was not problematic. Individuals naturally come together in response to disturbances in the policy environment. While lobbying was highly constrained it was essential on supporting the democratic government, rather than threatening it. In short these interest groups used influence tactics by providing information to elected officials. The formation and operation of organized interest was largely viewed to supporting the democratic government. (Lowery, D 2007, p. 31-32)

The pluralist model of democracy exists when many organizations operate separately from the government, by pressing their interest on the government, and even challenge the government, because this is democracy according to Dahl. Robert A. Dahl claims that the fundamental axiom of pluralist democracy is: instead of one or single center of sovereign power there needs to be multiple centers of power, where none of which is or can be wholly sovereign.(Dahl 1967, p. 24) According to Dahl he bluntly states that all modern democratic countries are pluralistic. (Dahl 1982, p. 5)

In February 2015, Direnç Kanol wrote an article titled Comparative lobbying research: advances, shortcomings and recommendations. He suggested that a new school of comparative lobbying is emerging. However, this development is taking only place gradually.

I chose his article because he argues that studies on comparative lobbying is a bit problematic. He claims that unlike what is currently accepted in the United States of America, a comparative study on lobbying should not be understood as a study of lobbying in countries other than The United states of America.(Kanol, D. 2015, p. 110)

Sartori once wrote the following in 1991 “A scholar who studies American presidents is an Americanist, whereas a scholar who studies only French presidents is a comparativist. Do not ask me how this makes sense – it does not”(Sartori G. 1991, p. 243)

Kanol found in recent research that if differences in culture exists, then that might result in corporate political action activities being very different in various states.(Kanol, D. 2015, p. 112)

I will emanate from Kanol’s research that comparative lobbying is problematic. I will be testing whether this is true with Transparency Internationals new report on lobbying, and also empirically test if it’s possible to make a comparative study between Sweden and Slovenia that will show how corrupt and democratic lobbying is in each country. My findings will only help strengthen or weaken Direnç Kanol’s research and Transparency Internations Lobbying in Europe report published in 15th of April 2015.

The Swedish government has repeatedly made several inquiries regarding lobbying. In 1998 the Government Official Reports (SOU) conducted a democracy investigation and their report describes what lobbying is and what negative and positive effects lobbying have which was done by several authors in the report. One worth mentioning is Dennis Pamlin. He explains that lobbying weakens democracy where lobbyists are working for vested interests. He also points out problems in transparency and the need for resources to take part in lobbying
which can be quite expensive. (Ahlsson 1998, p. 57)

In 1999 SOU investigating how lobbying was developed in Sweden. The report describes the Swedish system, which for under a long time been corporatism. However, while corporatism declined, pluralism flourished and lobbying is now a large part of the Swedish system. Investigators differ on the “impact” both inside and outside that is about contacts, advocacy and action. The authors define advocacy as an indirect impact on decision-makers by influencing public opinion and important social groups. The authors' conclusion was that lobbying can lead to a richer democratic dialogue, however, there is great risk that such work done by lobbyists is done in secret, which concludes that lobbying is also a democratic problem. (Hermansson 1999, pp. 12, 254-255)

In 2000, SOU further investigated democracy, where lobbying was raised. It was concluded that lobbyists should not be registered, because lobbyists can help spread influence. The authors mention the more information the better. They claim that lobbying can provide better information base so that can take better decisions. (Regeringen 2000, pp. 94-95)

In 2012, Verčič, Dejan and Tkalac Verčič, Ana published an article explaining public relations and lobbying in Slovenia. Because lobbying is increasing its influence regarding political and public agendas, governments and international organizations are developing new rules to cope with this development. USA was the first government to legislate lobbying in 1935, which created a “wave in the world” where countries started to legislate lobbying as well. The national assembly of the republic of Slovenia approved the integrity and prevention of corruption act which was enacted in 2010. By defining the conditions for lobbying activities in the public sector. The intention was to ensure transparency of lobbying so as to support sound lobbying practice and restricting and punishing unethical lobbying practices. They also explain that Lobbying is a fundamental human right (protected by Article 19 of the Universal declaration of human rights) and instead of limiting the exercise of lobbying it is perhaps better to list its misuses instead. (Verčič & Tkalac, 2012, p. 14,19)

Transparency International published a thorough investigation. By analyzing the lobbying landscape they listed problems that existed with lobbying in Slovenia. In order to improve the countries regulation of lobbying TI, showing existing problems and gave Slovenia recommendations on what actions the country needs to take. Their report evaluated the extent to which the regulatory framework promotes transparency of lobbying efforts, integrity by those who lobby and being lobbied and the equality of access to the public decision making process for various interest groups. Their findings showed that although the regulation on lobbying in Slovenia is a good start for a country, it does not fully safeguard public decision making against undue influence. For instance the current system does not provide sufficient transparency of all lobbying contacts. According to TI, information technology facilitates better supervisions and better control over lobbying but Slovenia is insufficient on using such technology. While the technology is in place it is not used to its fullest. (Transparency, 2014, lifting the lid, p. 7)
6. Theoretical framework & Hypothesis

6.1. The difference in political systems theory:

Dr. David Lowery is a Professor in the Department of Public Administration at the University of Leiden in Netherlands. He claimed that lobbying is quite different across different democratic political systems. The open pluralist system in the United States is different from some of the European national governments with a neo-corporatist system and that such differences are easily attributed to variations in institutions. (Lowery, D, 2007, p. 30)

Lowery explains that there isn’t a single theory “that would explain why different systems develop what on their face seems to be strikingly different answers to the question of why organizations lobby” (Lowery, D, 2007, p. 30) He then continues to explain that there are fundamental differences in the interpretation of the role of lobbying within democratic systems. He also explains that political scientists haven’t yet fully explored why different democratic systems generate divergent interest systems within a single theoretical framework (Lowery, D, 2007, p. 30), and continues to say that “Lobbying in Washington does not look like lobbying in Vienna” (Lowery, D, 2007, p. 52)

6.2. Different definitions on the term Lobbying:

It is clear by OECDs report which is called ‘Private Interests, Public Conduct: The Essence of Lobbying’ that there is no consensus on what the term lobbying actually means. Their report provides an overview of different definitions and also points out that once one recognizes the complexity of the concept of lobbying, it will be essential to the debate about rules and regulation of the profession. (OECD, 2012, Essence of lobbying, pp. 22-23)

In short Abagail McWilliams, Donald S. Siegel and Patrick M. Wright attempt to measure corporate social responsibility. But problems appeared when they tried to measure the costs and benefits of CSR activities. The measurement continued to cloud their understanding of the strategic implications of CSR. The major obstacle to their empirical research was that there was no clear definition of what they tried to measure. They claimed that it is quite impossible to measure something that they cannot define. And as long as there are different definitions there will be different empirical results that cannot be reliably compared. (Abagail M. Donald S, et al. 2006, pp. 9-10) I will be using their conclusion when trying to compare lobbying between Sweden and Slovenia. If two different definitions exists, then a comparison will not possible, because the findings will provide different empirical results.
6.3. The relationship between Lobbying and Corruption:

In 2007 Nauro F. Campos and Francesco Giovannoni published an article that provided a theoretical framework that focused on the relationship between lobbying and corruption. They claim that lobbying and corruption are ways of obtaining help from the public sector in exchange for some favor. However there are several differences. First off lobbying doesn’t always take the form of bribes. They continue to explain that lobbyists have expertise that politicians don’t have and that lobbyists influences politicians by strategically sharing their expertise. There are other cases where lobbyists provides politicians with endorsements or by threatening to provide voters with damaging information, such as their policies or about them personally. In order to influence politicians decisions. In short lobbying can either be a substitute for, or a complement to, corruption.

Their analysis suggested that lobbying is likely to occur in systems that enjoy high levels of political stability. Companies can influence politicians to change rules to their advantage, while bribing bureaucrats, companies can only hope to stop the latter from enforcing the laws and rules that isn’t beneficial for the company. (Campos & Giovannoni, 2007, p. 1-3)

In 2015, Kanol Direnc published an article that provided a better understanding on pluralism, corporatism and perception of corruption. He claims that when citizens know who is influencing the elected politicians they may remove these so called rascals out if they feel that these incumbents are corrupt, and that the citizen’s perception of the level of corruption should not be affected by lobbying. However if the citizens doesn’t know how many or which actors are influencing public policy they won’t be able to hold the government accountable, and thus making the citizens more likely to perceive the government as corrupted.

In Corporatism the number of interest groups that can influence the decision-making process are kept to a minimum, and are usually known by the public, this provides clarity of responsibility and are less likely to be perceived as corrupt.

However in a pluralistic system there are many interest groups that can lobby the government, bureaucrats and parliamentarians. In this system the public doesn’t necessarily know who these interest groups are. These organizations influences public policy without much transparency, because pluralism tends to favor business groups and firms. While accountability is absent and there is less transparency and in this system it is perceived as corrupt. (Kanol, D. 2015, Pluralism, pp. 243-244, 248) More information on lobbying & corruption can be found in sections 7.3. Defining the term lobbying & 7.4 Defining the term corruption.

6.4. Hypothesis:

My hypothesis is that a comparative study between Sweden and Slovenia on how corrupt and democratic lobbying is not possible. The reason is because after some research, I’ve found a few variables which will make
a comparative study quite problematic. For example, if two states defines lobbying differently, than the framework of lobbying will be operated differently within the different political systems.

7. Background information

7.1 Transparency Internationals report

Transparency International have got one vision which is: A corruption free world regarding civil society, business, daily life of people and governments. This global movement are leading the fight against corruption to turn their vision into reality. (Transparency International, n.d., our organisation)

In 15th of April 2015 Transparency International published a report under the name, Lobbying in Europe: Hidden influence, privileged access. That report examines the practice of lobbying and the attempts to regulate it in 19 European countries and within the three core EU institutions (Suzanne Mulcahy, 2015)

In their report, the organisation makes several claims:

The first claim is that lobbying is an integral part of a healthy democracy and that it is closely related to universal values such as freedom of speech. (Suzanne Mulcahy, 2015, p. 6) And in their press release the headline on the same report reads ‘Europe: unregulated lobbying opens door to corruption’. (TI, press release, 2015) Their second claim is that lobbying practices is opaque and unfair, this constitutes one of the key corruption risks facing Europe, and the fact that 6 out of 10 European citizens consider their own government to be gravely influenced or completely co-opted by a few vested interests. (Suzanne Mulcahy, 2015, p. 6)

In their first claim, noting that unregulated lobbying opens door to corruption (TI, press release, 2015) and that lobbying is closely related to freedom of speech, and that if lobbying practices is opaque it will constitute one of the key corruption risks facing all European countries. (Suzanne Mulcahy, 2015, p. 6)

I’ve chosen Sweden because this will show that their report is both right and wrong at the same time. Sweden doesn’t have regulated lobbying (EU transparency register, 2014, p. 7) does that make the country more corrupt, undemocratic and could it endanger freedom of speech?

In their second claim, they generalized the statement by saying “6 out of 10 European citizens”. Such a claim is delusive because their report is based on only 19 European member states. (Suzanne Mulcahy, 2015, p. 6)

The European Union have 28 member states. (European Union, n.d., Member countries)

And the word ‘across Europe’ have been used to often in their report. (Suzanne Mulcahy, 2015, pp. 12, 14, 15, 22, 31, 33, 41, 42)

When reading such statements it gives the reader an incomplete picture whether it’s a citizen, organization or government, the reader asks himself whether that statement is based on all twenty eight European countries or only on the nineteen that their report was based on.
7.2 Transparency Internationals recommendations

TI’s Lobbying in Europe report have recommendations aimed at national decision-makers. The first recommendation or rather ‘goal n.1’ provided by the organization, are that each country should guarantee that the public has sufficient information on contact between lobbyists and public officials. This is meant to help the public understand how decisions have been made and to hold representatives to accountable. (Suzanne Mulcahy, 2015, p. 56)

In order to increase transparency they recommend that all European member states should demand that its public institutions and representatives publish information of their interactions with lobbyists, which includes meeting summaries, agendas, calendars and documentation received and also to ensure that a legislative footprint is created for each and every legislative proposal, in order to ensure full transparency of the decision-making process. All this information should comply with the open data principles, that it should be online, free of charge and easily accessible in a machine-readable format. (Suzanne Mulcahy, 2015, p. 56)

This is where my thesis comes into picture. I will show that these claims made earlier can be argued with if not also criticized, because these claims are related to another variable (defining lobbying) in that a comparison is difficult or rather impossible to conduct. And as I mentioned, some of their claims are both right and wrong depending on which countries one examines.

7.3 The definition of Corporatism and Pluralism

According to Philip J Kitchen it is impossible to separate lobbying from politics (Philip J. Kitchen, 1997, pp. 32-33) Lobbyists operate within rules of behavior and in a procedure that have been set by politicians as well as inside the political culture controlled by the attitudes and behaviors of politicians. One can understand this phenomenon, that lobbyists which operate in a political environment and in a set of formal and informal rules which they do not prescribe, and argues that the society gets the kind of lobbying which their politicians permit. (Philip J. Kitchen, 1997, pp. 80-81)

Schmitter describes corporatism in short as an exchange relationship between the State and the organizations concerned. (Philippe C. Schmitter, 1974, pp. 87-89) One of the most important contribution that define corporatism has been made by P. Schmitter:

Corporatism can be defined as a system of interest representation in which the constituent units are organized into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports. (Philippe C. Schmitter, 1974, pp. 93-94)
According to Coombs, Cawson and Kitchen when defining Pluralism: "In essence, pluralism is the ideal type of government where all parties have equal access to and equal power in the policy making process" (Coombs, 1993, p. 112) According to Cawson who defines the pluralist system in that there are various organizations trying to compete with each other for power and influence over political decision making. In other words this aims to influence and to exert pressure on elected politicians. (Carl H, et al. p. 450)

This means that lobbyists in a pluralistic system have greater opportunity to freely compete with others and act as a force in society to influence decision makers. (Philip J. Kitchen, 1997, pp. 33, 176-181)

### 7.4 Defining the term lobbying

There are several different definitions of lobbying, the term according to OECD is quite well known and is frequently invoked and that one would expect a consensus behind what the term lobbying means. OECDs conclusion is that there isn’t any consensus on the term lobbying. (OECD, Vol 2, 2012, p. 12)

In the views of political scientists Beth Leech and Frank Baumgartner when reviewing the literature on lobbying they have come to the conclusion that the term ‘lobbying’ has rarely been used the same way twice by those who have been studying the topic. (Baumgartner, Leech, 1998, p. 33)

Bouetiez shows that some practitioners in the lobbying profession view lobbying, as acting to influence the decision making of others, whether it is governmental, business or personal. (Bouetiez, 2006)

One academic scholar by the name of Lester Milbrath offers a broad philosophical definition of lobbying but he focuses on its governmental function aspect. He explains lobbying as that there is a stimulation and transmission of communication, by a third party such as an intermediary whom aren’t a citizen, that acts on someone's behalf directed to a governmental decision-maker with the aim of influencing his decision. (Milbrath, 1963, pp. 7-8)

The public relations institute of Ireland, chartered institute of public relations and the public relations consultants association provided a general definition on lobbying according to OECD which states as follows:

> The specific efforts to influence public decision making either by pressing for change in policy or seeking to prevent such change. It consists of representations of any public office holder on any aspect of policy, or any measure of implementing that policy, or any matter currently being considered, or which is likely to be considered by a public body. (OECD, Vol 2, 2012, p. 23)

In Lithuania Australia and Poland the term lobbyist only include those who are hired by a third party to lobby, and excludes large segments of the lobbying community who work ‘in house’ at corporations or other such as non-profit organization. (OECD, Vol 2, 2012, pp. 25-26)
A clear definition is quite elusive according to OECD. Lobbying can have clear differences which have been shown above, lobbying can be an effort to influence many different branches of government. Lobbying can be carried out by many distinct actors with different objectives. There are two forms of lobbying, ‘direct lobbying’ which is a mean to make contacts with government officials or ‘indirect lobbying’ well known as grassroots lobbying according to OECD that appeals to the general public to influence government decisions.

And one important note is that it is vital to recognize the complexity of the concept of lobbying, because it is essential when there is a debate about rules and regulations of the profession. A clear definition will help to determine who, when and what is subject to any transparency or regulatory regime. (OECD, Vol 2, 2012, p. 23)

The term lobbying has many different meanings as shown above, and these definitions above cannot be generalized because each country might define lobbying differently. In order for this thesis to become reliable, it is essential that I provide information from official sources on how Sweden and Slovenia defines the term lobbying which will be presented in the analysis section.

7.5 Defining the term Corruption

A. Lambert-Mogiliansky wrote an article on corruption were she explains that in order to contain corruption it is important to hold the public officials accountable, by monitoring their activities. (Lambert, 2015, p. 158)

According to Fukuyama, Accountability is one of the three basic components of a modern political order. The government obtains its legitimacy through substantive more than procedural accountability: it means that the government provides its citizens what they want such as protection, services and more. If the will of the people is not fulfilled, the government’s legitimacy will falter. (Fukuyama, 2014. pp. 1326, 1331)

One of the most serious obstacles to development is generally corruption. Recent evidence shows that some indicators of corruption are negatively associated with economic outcomes. Corruption is a type of crime, and by shaping the rules of interaction between public officials and citizens, public institutions can prevent high levels of corruption which will lead to fostering an honest public official. Because public officials have been elected these officials can allocate budget resources to various activities such as delivering public services to citizens. These officials have discretion over the use of resources and they can divert some of these resources for private ends. In short accountability allows for the punishment of public officials that adopt bad policies if they do not follow the citizen’s wishes and if they are corrupt. (Lederman, Loayza & Soares, pp. 1-2, 4)

It is clear that corruption is a type of crime and in order to prevent such crimes, accountability is needed by monitoring the official’s activities. How corruption relates to lobbying can be found in section 6.3 The relationship between Lobbying and Corruption.
7.6 The importance of Trade secrets

Kirsten, David and Brenda wrote an article regarding trade secrets. They claim that companies tend protect their secrets so that they can exploit the competitive advantage for long periods of time. Actors such as companies or organizations withholds their secrets because it is commercially valuable information. If the company or organization fails to keep their trade secrets secret, and it falls into the hands of their competitors, it can be extremely costly and even jeopardize their continued survival. Organizations or companies relies on secrets in order to have a competitive advantage.(Kirsten, David, Brenda, 2015, pp. 669-670)

8. Analysis

8.1. The political system in Sweden

The form of government in Sweden is a constitutional monarchy, unitary state. The head of state in Sweden is a King, whereas the monarch’s role is limited to only symbolic representation of the country. The political power lies with the elected Parliament “Riksdagen”. The government, parliamentarism has been operating since 1917, and became constitutional in 1974. And it was at that time that the monarch came to have a representative role.(Landguiden, 2015, Sweden)

According to the Swedish parliament “Riksdagen” all public power in Sweden proceeds from the people and the parliament is the people’s foremost representative. It says in the Constitution - the Constitution as the foundation of our democracy. In the Constitution it describes how the country should be governed, what democratic rights citizens should have and how the public power should be distributed in Sweden.(Riksdag, 2013, Regeringsformen)

The legislative power is in the Swedish parliament “Riksdagen”. Their main job is to pass new laws and approve the economic budget for the country provided by the government.(Landguiden, 2015, Sweden)

The executive power is the Swedish government. Their main job is to implement the decisions of the Parliament and also to formulate new laws or law amendments to present to the legislative power.(Sweden, 2015, System of government)

In Sweden’s case one can now speak of a decline of corporatism, and that corporatism have been on the decline since the 1970s. According to Leif Sweden the best example of this fundamental change is the one from the social democratic corporative state towards greater pluralism.(Leif Lewin, 1994, pp. 72-74)

The decline of corporatism is about new actors and interest are involved in a more independent position vis-à-vis the public authorities are playing an increasing role at the expense of a few traditional interest groups that
previously had enjoyed a close relation with the state. This change means that access to those decision-makers are no longer limited to a few interest, that the state defines as legitimate. (Perola Öberg, 1994, pp. 22, 56 158; Walter & Paul, 1991, p. 221-222)

**Figure 2. Political system in Sweden**

![Corporativism Pluralism](image)

**8.2. The political system in Slovenia**

The form of government in Slovenia is a Republic monarchy, unitary state. The head of state and commander in chief of Slovenia is a President, whereas his role is mainly a ceremonial, but he retains the right to rule by decree of the National Assembly. The political power lies with the elected Parliament. (Landguiden, 2015, Slovenia) The National Assembly “Državni zbor Republika slovenija”. (DRŽAVNI ZBOR, n.d., Functioning)

The legislative power lies within The National Assembly that consists of 90 members that are appointed for a period of four years in general public elections. Their main job is to pass and approve new laws and approve the states budget and long-term policy guidelines. (DRŽAVNI ZBOR, n.d., Functioning)

The executive power in Slovenia lies with the Government who is also accountable to Parliament. The government’s “Vlada Republike Slovenije” job is to implement the new laws and decisions made by the Parliament, and also to formulate new laws or make law amendments to The National Assembly. (vlada n.d.)

Slovenia became a sovereign state in 1991, when the Assembly of the Republic of Slovenia adopted the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia. The constitution is the supreme legal act for the new state, that laid the foundations of state power and of the position of individuals in the Republic of Slovenia. (Slovenia, Constitutional system)

In the late 80s in Slovenia, pluralism became the new hegemonic ideology in the country. The concept was very close to Kardelj’s framework of self management pluralism. (Bibic`, 1993, pp. 367-386) Pluralism and democratization was a result of four main factors which are, The intelligentsia’s autonomous initiatives, Civil society; Reformers role within the ranks of the former political elite and self-management.
Official politicians in Slovenia followed a path towards political pluralism. And in the 1980s, the public accepted political pluralism, including the political parties. (Bucar, 1994, p. 169)

Corporatism since its beginnings have been an extremely influential doctrine in Slovenian policy since the prime of democratization in the early 1990s. It still remains strong and continues to have a great deal of influence in Slovenia.

According to Igor Lukšič, one can conclude that after the development of pluralism in Slovenia it still relies heavily on corporatism. The reason behind this is the general lack of liberal foundations in the country. (Igor Lukšič, 2003, p. 524)

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**Figure 3. Political system in Slovenia**

[Diagram of Corporativism and Pluralism]

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### 8.3. How Sweden defines lobbying

Between 2010 and 2014 the ruling government in Sweden was the Alliance, that consists of the Moderate Party, the Centre Party, Liberal Party and Christian Democrats. (Alliansen)

And one of Sweden’s news sites Aftonbladet interviewed several politicians of the different parties asking if lobbying should be regulated in 2013. (Victor and Josefin, 2013) The focus here will be on the ruling government between 2010 and 2014 that consists of the parties mentioned above.

This is what each group leader in the parliament said when they were trying to answer whether lobbying should be regulated or not!

The group leader Anna Kinberg Batra in the Moderate party said that organizations and civilians can contact elected politicians which is a positive and important part of democratic society. Each commissioner have their own responsibilities to formulate their own opinions and stand for said opinions themselves, without the risk of be questioned. She says that it’s not appropriate to make rule changes on how contacts should be taken with different members of parliament (MPs).

Group leader Johan Pehrson in the Liberal party said: There is no major recurring problem in that some members could be easily influenced by lobbying. And he continues to explain that lobbyists in Sweden are
clever, open and quite transparent.
The group leader Anders W Jonsson of the Center Party said: He doesn’t want lobbyism in itself being regulated, however there are reasons to incessantly review the rules over employees that quit the cabinet office.
The group leader Emma Henriksson of the Liberal and Christian democrats said: That there isn’t a simple definition of what constitutes lobbying. Because any forms of contact with someone who represents an interest is according to her a form of lobbying.
There is no simple definition of what constitutes lobbying. Any contact with someone who represents an interest is indeed a form of lobbying.(Victor and Josefin, 2013)

The legislative power the “Parliament” or in Swedish “Riksdagen” have had several motions in order to regulate the framework of lobbying.
Here are the most recent and important motions raised in the parliament to regulate lobbying in Sweden:
Motion 1999/2000: K225 - Registration of lobbyists, as of 2015 no decision has been taken yet. (Riksdag, 1999, Motion 1999/2000:K225)
Motion 2005/06: K289 - Regulated lobbying in parliament, was Rejected. (Riksdag, 2005, Motion 2005/06:K289)
Motion 2005/06: K338 - Lobbying with greater transparency, Rejected. (Riksdag, 2005, Motion 2005/06:K338)
Motion 2012/13: K325 - Waiting period for politicians, Rejected. (Riksdag, (2012), Motion 2012/13:K325)
Motion 2013/14: K301 - Quarantine rules for cabinet ministers and senior government officials, Rejected.
(Riksdag, (2013), Motion 2013/14:K301)
Most recent was filed in 2015-10-06: Motion 2015/16: 2181 - Increase transparency on lobbying, no decision have yet been taken by the parliament, because it is still being discussed.(Riksdag, (2015), Motion 2015/16:2181)

According to The political scientist Jörgen Hermansson interviewed by Aftonbladet in 2013. He claims that even though many countries heavily regulates lobbying, in Sweden this is not the case.(Erik and Richard, 2013, Inga regler)
This can also be confirmed in EPRS | European Parliamentary Research Service briefing which shows that Sweden does not have lobbying regulation in place.(EU transparency register, 2014, p. 7)
According to political scientist and author Olof Petersson who claims that, there are no rules or laws that govern how lobbying should be operating in Sweden. He claims that a clear definition is needed on what a lobbyist is published by the (SVT) the Swedish public service television company in 2013.(Maria Holmin, 2013)
A clear definition on lobbying is absent in Sweden. Like Emma Henriksson in the Liberal and Christian democrats party, and many others earlier mentioned, there is no unambiguous definition of what constitutes lobbying in Sweden.(Victor and Josefin, 2013)
8.4. How Slovenia defines lobbying

The debate on regulation of lobbying in Slovenia began in the early 1990s which is protected by the Constitution and is a key component of the democratic process. (Transparency.si, 2014, lifting the lid p. 13) There have been arguments that if limitations was to be put in place, then it would oppose the constitutional provisions providing for the freedom of expression, freedom of trade unions and the right to petition & other initiatives of general significance. (Danica, 2007, pp. 44-45)

These discussions had both the important impact of regulating lobbying and were also influenced by how lobbying should be defined in legal terms. Assured provisions on lobbying, were implemented in 2010 within Chapter VIII of the Integrity and Prevention of Corruption Act. (Gazette, 2010, 2011, pp. 1, 21)

The so called Commission for the prevention of corruption (CPC) have a mandate in the field of investigation and the prevention corruption. It is an independent state body like the human rights Ombudsman. (CPC’s) job is to monitor ethics, the integrity of public office breaches. It also operates an registration body for lobbyists and have the legal right to impose sanctions if breaches have been found. (CPC, n.d., Commission)

The European Parliamentary Research Service briefing also shows that Slovenia does indeed have regulated lobbying. (EU transparency register, 2014, p. 7)

ZIntPK (14th point of Article four) shows how Slovenia defines lobbying. It focuses on persons who are engaged on behalf of interest organizations in non-public influence on decisions of government bodies, local authorities and holders of public power. Lobbying includes any non-public contact of a lobbyist. In short a lobbyists is one that has the goal of influencing contents or procedures. (CPC, n.d., Lobbying)

Figure 4. Does each state have a CLEAR regulated definition of lobbying?

<table>
<thead>
<tr>
<th>Country</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sweden</td>
<td>No</td>
</tr>
<tr>
<td>Slovenia</td>
<td>Yes</td>
</tr>
</tbody>
</table>
8.5. How lobbying is conducted in Sweden

According to McGrath there are countries that follows some kind of voluntary self-regulation which a minority of the lobbying industry follows. (McGrath, 2009, p. 256) And this is how it is operated in Sweden via the association PRECIS.

According to the association Precis: Companies are not obligated (only those who want) to adhere to the association. (PRECIS) - The Association of Public Relations Consultancies in Sweden is a trade association of consulting firms that specialize in consultative service in public relations. Their aim is to create, maintain and protect their client's relationship with more audiences than customers and even potential customers. The objective is to represent both its members and the industry’s interests as a whole by pointing out the value of public relations in order to achieve organizational and business related goals, and that public relations is exercised in a professional manner and also that both members(firms and client) are in compliance with the standards of the industry.

They said that those who become members of PRECIS, the consultants(companies) highlights the willingness and commitment to provide good development and quality performance. (PRECIS, n.d., förening)

In short, these norms/standards provided by PRECIS, are meant to provide member companies and also their customers with guidance on what constitutes good practice in the industry.

The PR companies assignments are controlled and guided by the wishes of their customers. (PRECIS, n.d., Pr-konsultbransch)

It is clearly stated that the PR consultant company should not have interests or activities that can undermine the role of being a professional advisor. (PRECIS, n.d., Rådgivarrollen)

The association PRECIS tells its members that the PR consultant company doesn’t have a general obligation to explain to outsiders or the public about their clients objectives. (PRECIS, n.d., Sekretess)

Any person or company acting as a PR consultant (lobbyists), are not obligated to register him/her self because there isn’t any register in Sweden that is operational. (Riksdag, 1999/2000:K225)

8.6. How lobbying is conducted in Slovenia

Lobbying is defined as the work of lobbyist who are engaged on behalf of interest organizations. (CPC, n.d., Lobbying)

In Slovenia’s case when compared with other European countries, it has relatively healthy laws regarding the
regulation of lobbying. (Transparency.si, 2014, lifting the lid, p. 13)

However lobbyist needs to regularly submit reports to the CPC on with whom they have had contacts with, and professional lobbyists needs to report annually.(Transparency.si, 2014, lifting the lid, p. 16)

The legal framework for self-regulation and ethical mechanisms allows lobbyists to take control over their activities and the ethical code advocates for more ethical lobbying.(Transparency.si, 2014, lifting the lid, p. 17)

In order for one to become a professional and to uphold the status of the profession as a lobbyist one must first start by registering oneself with the register of lobbyists. It is not permitted to exercise lobbying activities if the person in question is not registered.

In order to register oneself to become a lobbyist one cannot be employed by the public sector. The so called mandatory Register of Lobbyists exists only for professional lobbyists, and one sends his/her application to the CPC.(Transparency.si, 2014, lifting the lid, p. 22)

8.7. What difficulties presents themselves when trying to compare lobbying?

Well according to the Swedish newspaper Aftonbladet which revealed in 2013, that some politicians had two roles of both being a politician and a lobbyist. This so called dual roles have allowed some Swedish politicians to gain access to information which was not public.(Erik and Richard, 2013, Företräder inte..) There is evidence that in Sweden politicians are able to change their representative role to represent the public's interests to ‘special interest’ or lobbyist in other words.

However this is not the case in Slovenia. Officials are not allowed to lobby until a period of two years have elapsed after the termination of their office. (CPC, 2011, Integrity act, p. 44)

The association PRECIS in Sweden, tells its members that, the PR-consultant companies operates within the framework of an open and democratic society and that they should follow its regulations, laws and standards. The companies operate within the framework in the instance of freedom of expression legislation.(PRECIS, n.d., Metoder och Ersättning)

The Swedish parliament explains more about the Freedom of expression Constitutional Law that the Freedom of speech act of 1991 is one of the country's youngest additions to the constitution. The law specifies for instance the prohibition of censorship, citizens have the freedom of information, the right to free dissemination and the right to be anonymous.(Riksdag, 2014, yttrandefrihetsgrundlag)

And there exists some discussions in Sweden whether or not lobbying regulation would mean restrictions which will come in conflict with freedom of expression.(Olof Petersson, 2013)

There is a law that protects Swedish companies and helps them keep their trade secrets, secret. Translated into English: Law (1990:409) on the protection of business secrets. The law says that: Information about the business or operating conditions are kept secret and that if such information was disclosed it will likely to cause damage to the company, and cripple its competition ability.(Riksdag, 1990:409)
I mentioned earlier that TI had recommendations to national decision-makers in the European Union. That each country should guarantee that the public have access to information between the different public institutions, representatives and their interactions with lobbyists. Which includes inter alia agendas and documentation received. So that one can achieve full transparency of the decision-making process. (Suzanne Mulcahy, 2015, p. 56)

If Sweden would take TI’s recommendation to make the interaction between lobbyists and public institutions public. Then trade secrets won’t be secrets anymore, because as earlier mentioned those who lobby are the companies themselves. (PRECIS, n.d., Rådgivarrollen)

However, this is not the case in Slovenia. Lobbyists are to be an intermediator who is engaged on behalf of interest organizations. (CPC, n.d., Lobbying)

According to TI Slovenia report they explain that those who are professional lobbyists are required to register in the mandatory Register of Lobbyists in Slovenia. However, the register only includes a small number of interest groups or lobbyists. And those who are so called non-professional lobbyists are not obligated to register. Indirect lobbying (grassroots) is also a big problem in Slovenia which is also highlighted in CPC’s annual report that such cases are not currently being dealt with in the current legislation. (Transparency.si, 2014, lifting the lid, pp. 22, 24)

Slovenia have big problems with weak implementations and lack of enforcement of existing rules. For example, the watchdog culture in the country is quite weak in both the media and civil society.

An even more alarming fact is what some researchers have found when studying regulation. They discovered a number of weaknesses when it comes to the regulation of lobbying. For example both the ZIntPK and Civil Servants act defines ‘Civil servants’ differently. (Transparency.si, 2014, lifting the lid, pp. 13, 18, 20)

9. Conclusion

I argued that a comparison between two different countries where lobbying is conducted is not that easy or rather impossible to conduct due to several reasons, and that Transparency Internationals report Lobbying in Europe: Hidden influence, privileged access published in 15th of April 2015 should not be the starting point for different actors such as states, organizations or individuals. My research have been quite clear and comprehensive to a certain degree. I chose Sweden as a case study because IF Sweden were to be included in TIs report, then their findings could have been questioned due to several differences in which I’ve found with this research. I started out by providing information on Transparency Internationals report and their recommendations given to European member states. I have shown the differences between corporatism and
pluralism and I have also shown that the term lobbying is quite elusive and that there does not exist any consensus behind the term lobbying and then I have provided some information on trade secrets which is quite important in Sweden’s case.

According to TIs press release headline they stated that if lobbying were to be unregulated, it would open the doors to corruption. While this statement can be true in many cases it is not in this case. One of the many reasons is because Sweden have got a different political system than Slovenia. Corporatism in Sweden have been in decline while the state have been moving towards greater pluralism. This is not the case in Slovenia as corporatism still remains strong and have a great deal of influence with pluralism, because there are general lack of liberal foundations.

My first theory was based on Dr. David Lowery that lobbying is quite different across different democratic political systems. And this is true when comparing Sweden and Slovenia. But this does not answer our question whether lobbying is more corrupt or democratic in Slovenia or Sweden when trying to compare these states with each other. That is why I had another theory, that when measuring something if it isn’t defined in the same way by two different actors then there will be different empirical results that cannot be reliably compared. I’ve shown with empirical evidence that a clear definition on lobbying is absent in Sweden, while in Slovenia it is regulated and clearly defined. My findings showed that when investigating precisely how lobbying is conducted in Slovenia it was the work of lobbyist who is engaged on behalf of interest organizations. This is not the case in Sweden, since there exists an absence of regulation for the companies who themselves are those who lobby. Those who have the title as lobbyist or PR-consultant in Sweden have a consultant job rather than working on behalf of interest organizations, and this is the most important factor when trying to compare Sweden with Slovenia and vice versa.

Because Sweden doesn’t have any regulation in place regarding lobbying, an association by the name PRECIS came about to give guidance on how one should operate as a lobbyist.

TI mentioned in their report that lobbying is an integral part of a healthy democracy and is closely related to values such as freedom of speech. In Sweden there have been a lot of discussions in the media discussing that if lobbying were to be regulated it would mean restrictions on values such as freedom of expression. Members of the association PRECIS follows their recommendations which is that the companies should operate within the framework in the instance of freedom of expression legislation. The legislation allows among other things the right to be anonymous.

Swedish companies also follows the Law on the protection of business secrets, which means that companies have the right to keep their information secret.

This means that in Sweden companies (lobbyists in this case) have two legislations that protects the company’s secrets and gives them the right to be anonymous. This is the democracy that is in place in Sweden today.
If Sweden were to be in their report and also take Transparency’s International’s recommendations then the state should guarantee that the public has sufficient information on contact between lobbyists and public office representatives and that such information and agendas should be easily accessible by any citizen so that the transparency aspect increases and also so that one can hold the representatives accountable. Such change would damage businesses in the country. Because those who lobby in Sweden are the companies themselves and it would mean that they have to disclose their agendas to the public, and their competitors would also have that information which would most definitely cripple the company’s future. In this sense, these findings does not make Sweden more corrupt, undemocratic or even endanger freedom of expression, it is rather being dealt with in another manner, which isn't TI’s guidelines.

When trying to compare Sweden with Slovenia it have been a challenge because both states doesn’t define lobbying the same way and aren’t even close to having the same legislation on lobbying procedures. This is exactly what Direnc Kanol meant when he claimed that comparative lobbying is problematic. Even my hypothesis have been strengthened by this information.

While Slovenia received the highest score and performed best out of all 19 countries in TIs report there are big issues that threatens to make a comparison with another country quite alarming. The reasons are while the state have functioning regulation on lobbying it is quite weak on matters such as the lack of enforcement of existing rules and weak implementations of policies. There also exists different definitions in ZIntPK and Civil Servants act. This shows that there are laws in place in Slovenia but are far from perfect and cannot be compared to the example of Sweden. Even the watchdog culture in Slovenia is weak in both the media and civil society.

The main goal with this thesis was to show that a comparison can be very problematic, and that Transparency International’s report on lobbying published in 15th of April 2015 should not be considered as a starting point for a comparison between other countries other than those already in their report on how democratic or corrupt lobbying is. Even though they have been using terminology such as ‘across Europe’ and ‘six out of ten European citizens’ which has proven to be quite misleading.

10. Suggestions for further research

I would like to recommend for further research that one should examine if it’s possible e.g. to score lobbying in both Sweden and Slovenia. If it’s feasible, then that would mean that comparing countries to each other is possible even though states are quite different as shown in this thesis.
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