

» Transparency and good governance, key for democratic decision-making

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In modern democracies, decision-making in politics is closely connected with lobbying—by civil society, companies and nongovernmental organizations—which exercise certain influence in legislative processes.

Numerous experts have reflected on decision-making and the roles of transparency and fair lobbying. Robert Dahl has stressed the need to disclose equitably the interests of all those involved in making common decisions. He signals that in so far as each group has partial interests and views of reality and, consequently, diverging interests, all these points of view must be considered when making decisions. Along the same lines, Manuel Villoria has underlined the need to avoid privileged relationships and impervious, unequal access to public authorities. Tony Blair's opinion also stands out in the academic debate, arguing that representatives in modern societies will make better decisions if they take public opinion into

account and favor public debate on the major issues affecting people's lives.

From a practical point of view, organizations such as [Transparency International](#) and the Organization for Economic Cooperation & Development ([OECD](#)) uphold guiding principles in public decision-making, requiring all interested parties have equal access to information and the public decision-making processes, promoting:

- Level playing fields so all stakeholders have fair and equitable access to the development and implementation of public policies

Public authorities must ensure the interests of the public and private sectors are represented in the legislative processes to adopt solutions protecting the balance of interests of all those concerned.

The authorities are thus encouraged to foster the following measures:

- » More open lobbying models, encouraging participation online, via e-mail and through digital platforms.
- » Reasonable time allowed for interested parties to become familiar with the process for contributing their opinions and presenting them with adequate standards of quality and specification.
- » Clear, comprehensive information on the materials offered to interested parties to ensure they are readily understandable.
- » Transparency and accountability to know who participated in the decision-making process and what procedure was followed to consider the contributions submitted.



- Guarantee a legal framework that regulates lobbying in decision-making.

It is also advisable to regulate transparency in lobbying by the different stakeholders who participate in public decision-making processes. According to *Foro por la Transparencia*, a Spain-based organization bringing together several of the leading law firms and consultancies, which works to promote specific regulation of stakeholders, we need:

- » Public administrations to create compulsory stakeholder registers.
- » The publication of a Code of Conduct to guide the actions of lobbyists and penalize any breach of the Code.
- » Public access to the agendas of senior officials and freely designated staff, identifying the reasons for meetings and the principal documents exchanged, as far as possible within the confines of trade secrecy and personal data protection.
- » Institute the “legislative footprint” processes, publicizing meetings and reports used by MPs and officials in legislative processes.
- Compliance with the rules on lobbying in decision-making.

Compliance is a particular challenge when legislators address emerging concerns such as transparency in lobbying.

The mere approval of rules does not guarantee their correct implementation and application.

“All key actors should be involved both in establishing rules and standards to guide their activity and putting them into effect”

They need to be backed up with a system of penalties and sufficient human resources to enforce compliance. All key actors, particularly politicians, civil servants, lobbyists, civil society and independent watchdogs should be involved both in establishing rules and standards to guide their activity and putting them into effect.

- The growing complexity of **public decision-making recommends adopting** a technical view of the challenges facing legislators.

In these times of globalization and digitalization, it should not be overlooked that the areas to be regulated by legislators entail an unprecedented level of technical complication. Consequently, stakeholders can improve policy regulation by providing rigorous knowledge on technical issues. If the experts do not contribute their technical opinion, the interests of both citizens and the private sector may well be adversely and unwittingly affected by a poorly deliberated public policy.

Raising the transparency standards in public decision-making is essential to favor models of governance that allow the inclusion of several points of view and solutions in the legislative processes. They also contribute toward:

- Designing fairer laws and implementing fairer policies, reflecting the diversity of opinions and concerns, which have been included through a process that takes into consideration opinions from all interested parties.
- Establishing an early alert system enabling legislators to detect public concerns from civil society and the private sector.

Figure 1. Guiding principles for regulating lobbying in public decision-making



- Strengthening democracy and preventing social tension among different actors.
- Handling social conflicts by bringing different interested parties and stakeholders together around one table.
- Designing fairer laws and implementing fairer policies, reflecting the diversity of interests.

- Making sure proposed policies are legitimate, and implementation is responsible and appropriate.

In sum, the only way to move toward standards favoring lobbying by citizens, companies and nongovernmental organizations in legislative processes (thereby contributing toward a greater protection of public interests) is by enhancing transparency, integrity and impartiality.



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