

RESPONSIBLE LOBBYING

A Short Guide to Ethical Lobbying
and Public Policy Engagement
for Professionals, Executives and Activists



Transparency International Ireland

Transparency International Ireland is an independent, non-profit and non-partisan organisation. Our vision is of an Ireland that is open and fair – and where entrusted power is used in the interest of everyone. Our mission is to empower people with the support they need to promote integrity and stop corruption in all its forms.

www.transparency.ie

Author: John Devitt

Project Coordinator and Contributor: Nuala Haughey

Special thanks to Camilla Mear, Peter Wilkinson, Steve Goodrich, Alice Shone, Myriam Savy, Anja Osterhaus, Helen Turek, and Paul Zoubkov for their valuable input.

Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of September 2015. Nevertheless, Transparency International Ireland cannot accept responsibility for the consequences of its use for other purposes or in other contexts.



(CC) Transparency International (Ireland) Limited 2015. This work is licensed under a Creative Commons Attribution Non Commercial-No Derivatives 4.0 International License. This project has been funded with support from the European Commission. This publication reflects the views only of the author and the Commission cannot be held responsible for any use which may be made of the information contained therein. No information contained within this publication constitutes legal advice and should not be relied upon as such. In addition, although every reasonable effort is made to present current and accurate information, Transparency International Ireland makes no guarantees of any kind. Any use of or reliance on the information contained in this report is solely at the user's risk.



With the financial support of the Prevention of and Fight against Crime Programme European Commission - Directorate-General Home Affairs.

CONTENTS

Introduction	4	Scenario 9 – The Donation	42
Who the guide is for	5	Scenario 10 – The Campaign	44
What is lobbying?	6	Useful Resources	46
Other terms used in this guide	7	Business Principles for Countering Bribery – Transparency International	46
What can go wrong with lobbying?	8	Global Reporting Initiative (GRI) G3 and G4 Sustainability Reporting Guidelines	46
What is Responsible Lobbying?	10	The International Organisation for Standardisation (ISO) 26000 Standards	46
Five Principles for Responsible Lobbying	12	International Corporate Governance Network Statement and Guidance on Political Lobbying and Donations	47
Legitimacy	13	Politics and Persuasion - SustainAbility and Government Policy Consultants (GPC)	47
Implementing this principle	14	Principles and Guidance for Responsible Corporate Political Activities – TI UK	47
Examples	14	The Private Life of Public Affairs - The Green Alliance	47
Transparency	15	Towards Responsible Lobbying - AccountAbility and the United Nations Global Compact	48
Implementing this principle	16	Transparency International (TI) Germany Model Code of Conduct and TI France Guidelines for a Lobbying Charter	48
Examples	16	Transparency and Integrity of Lobbying: A new challenge for CSR - Vigeo.....	48
Consistency	17	Where Do Companies Stand on Policy Engagement? Caring for Climate.....	49
Implementing this principle	18	Endnotes	49
Examples	18		
Accountability	19		
Implementing this principle	20		
Examples	20		
Opportunity	22		
Implement this principle	23		
Examples	23		
Scenarios	24		
Scenario 1 - The Charitable Donation	25		
Scenario 2 – Faking It	28		
Scenario 3 – Whatever It Takes	30		
Scenario 4 – Casting Doubt	32		
Scenario 5 - Family Ties	34		
Scenario 6 – The Holiday	36		
Scenario 7 –The Good Cause	38		
Scenario 8 – The Revolving Door	40		

INTRODUCTION

The purpose of this guide is to help lobbyists, executives and activists from the private and non-profit sectors understand:

1. What is meant by 'responsible lobbying',
2. The principles that underpin responsible lobbying and political engagement, and
3. How those principles should be applied in practice.

The guide is divided into four sections. The first section provides an overview of common lobbying techniques, describes how lobbying can be abused, and then explains what we mean by responsible lobbying.

The following section provides an explanation of the five principles for responsible lobbying, how they might be implemented, together with examples of how companies, professional bodies and non-profit groups have applied these principles in practice.

The third section contains ten hypothetical scenarios that should help the practitioner reflect on some of the ethical dilemmas faced by lobbyists, executives and activists; the possible approaches they might take in facing those dilemmas; and some of the principles at stake in each scenario.

Finally, we provide a summary of existing resources and helpful guides to lobbying published over the past ten years.

We should add that it's not our goal to 'spoon-feed' the practitioner with the right answers. Instead, we hope this guide and the accompanying report titled *Responsible Lobbying in Europe* will serve as useful resources for ongoing dialogue, training/ education and better understanding of this important topic.¹

Who the guide is for

This guide should be of particular interest to two professional categories:

- Consultant and in-house lobbyists (for both the private and non-profit sectors) as well as board members and management can use this guide as a reference for developing their own codes, responsible lobbying policy or in-house training.
- Regulators, academics, civil society professionals, and CSR practitioners should also find this a useful resource in promoting responsible lobbying with their stakeholders.

The *Responsible Lobbying in Europe* report will also help make sense of the different initiatives and existing practice, codes of conduct, standards and guidance on responsible lobbying.





What is lobbying?

Transparency International (TI) defines lobbying as ‘Any direct or indirect communication with public officials, political decision-makers or representatives for the purposes of influencing public decision-making, and carried out by or on behalf of any organised group’.²

Lobbying plays an important role in informing government policy and making sure that legitimate points of view from different interests in society are heard during public debates and decision-making. It is also important to understand that lobbying does not always directly influence a specific government policy but can be aimed at influencing the ‘underlying policy climate’. This policy climate will shape official attitudes on a given topic and will have a bearing on future government policy and legislation.

Common lobbying activities include:

- submitting formal written responses or draft legislation to government for proposed policies or laws;
- appearing before parliamentary bodies considering draft laws or particular issues;
- face-to-face meetings with politicians, elected representatives and officials;
- taking part in expert or advisory groups set up by government or public bodies to recommend changes to policies or laws;
- engaging in formal structures, like multi-stakeholder partnerships which regularly discuss laws and policies with public officials or elected representatives;
- ‘grassroots’ campaigns encouraging individuals to write to their elected representatives or government officials;

- publication of research and policy papers aimed at influencing public officials’ views on a topic.

Broadly speaking, people who lobby fall into three distinct categories:

- Consultant lobbyists – independent practitioners or specialists who work in agencies or as independent consultants and are hired by clients to lobby on their behalf. Often they describe themselves as public affairs specialists rather than lobbyists.
- In-house lobbyists – people who, as part of their job, lobby specifically in support of their employer’s organisation or for a particular cause. Many in-house lobbyists – especially those working for non-profit groups, describe what they do as ‘advocacy’ rather than lobbying.
- ‘Occasional’ lobbyists - although many lobbyists are paid to influence public policy, some work on a voluntary basis in support of a given cause such as for a charity. Others, for example business executives or owners, only spend a small amount of time lobbying public officials and might not consider themselves to be lobbyists.

Since there is a wide range of people engage in lobbying, this guide focusses on lobbying practice rather than the lobbying profession and we hope that it will be useful to anyone that seeks to influence public policy and is concerned about doing so in a responsible way.

Other terms used in this guide

The guide uses terms such as ‘stakeholder’ to highlight the importance of engaging or communicating with any group or individual with a direct stake (either positive or negative) in an organisation’s activities and their consequences.

The term ‘organisation’ used here applies to small businesses, multi-national corporations, or non-profit groups, though the reader can decide whether a certain recommendation or scenario is relevant to their circumstances.



What can go wrong with lobbying?

Although lobbying has an important and legitimate role to play in shaping public policy, this process can be abused. The incentives for abuse are particularly strong where financial interests are at stake. There are a number of ways that this abuse can take place. They include:

1. Making payments to public officials or their associates to influence government decisions. This is sometimes known as ‘trade in influence’.³ In other jurisdictions this is known as bribery.
2. Misleading policy makers or the public about the harm caused by specific proposals to the environment or health and safety of the public. Or ignoring or seeking to cast doubt on irrefutable scientific evidence that undermines the lobbyist’s positions.
3. Using trade or industry groups to make statements on public policy that are at odds with the companies’ own public announcements.
4. Secretly funding citizen groups and campaigns to lobby for decisions that benefit private interests (a practice sometimes known as ‘astro-turfing’).
5. Funding political candidates and parties in the hope or expectation that they will prioritise their funders’ interests.
6. Influencing public policy and decisions by offering policy makers and regulators future employment in an organisation affected by their decisions or paying staff to take up temporary employment in public bodies (a practice known as ‘revolving doors’).

Lobbying has sometimes been associated with political scandals and a small number of lobbyists have been found to have engaged in corrupt activity. However, someone does not have to break the law to undermine public trust or create a perception of wrongdoing. Because so much lobbying takes place behind ‘closed doors’, there is often a suspicion of malpractice. However, the report that accompanies this guide, *Responsible Lobbying in Europe*, shows that a number of professional associations and some companies have made genuine efforts to be more open and ethical when seeking to influence public policy. Our report also shows that lobbying responsibly involves more than just complying with the law. The following section explains what we mean by responsible lobbying.



What is Responsible Lobbying?

For the purposes of this guide we define ‘responsible lobbying’ as lobbying that is conducted in a way that is consistent with an organisation’s mission and internal policies, universal ethical principles, professional standards and the law.

Responsible lobbying is based on the understanding that regulations and laws, while important, are not enough on their own to promote ethical lobbying or to stop abuses such as those outlined above. Although we acknowledge that responsible lobbying will not stop abuse on its own, it should serve to complement other approaches – including regulation and open government – that will promote transparency and accountability in the public policy-making process.

A responsible lobbyist will also be expected to act consistently with universal principles such as those contained in the Universal Declaration of Human Rights, United Nations Global Compact or conventions such as the UN Convention against Corruption.

They will also observe relevant professional standards and codes – some of which are summarised in the accompanying report. A growing number of companies have codes and policies on lobbying or political engagement in place (see our *Responsible Lobbying in Europe* report for examples) and they will also be expected to act consistently with those codes.

Additionally, there is ample guidance available from bodies such as the UN Global Compact and non-profit organisations such as AccountAbility, SustainAbility and Transparency International (which is summarised in more detail in *Responsible Lobbying in Europe*).⁴ This guidance can help lobbyists and non-profit activists understand the importance of responsible lobbying to their stakeholders and the steps they might take in ensuring that they seek to influence public policy in an open and ethical way.

‘Responsible lobbying is based on the understanding that regulations and laws, while important, are not enough on their own.’

FIVE PRINCIPLES FOR RESPONSIBLE LOBBYING

TI has identified three principles that provide the framework for effective lobbying regulations and laws. These are Transparency, Equality of Access and Integrity (for more on these, see our *Lobbying in Europe: Hidden Influence, Privileged Access* report).⁵

In addition to the three principles for lobbying regulation, five principles for responsible lobbying by organisations and lobbying professionals have been identified in existing guidance and codes on responsible lobbying. These principles are:

1. Legitimacy
2. Transparency
3. Consistency
4. Accountability
5. Opportunity

This section looks at what we understand by the five principles and how they can be implemented.



Legitimacy

Legitimate lobbying will never be inconsistent with the public interest.

Legitimate lobbying will never be inconsistent with the public interest. A lobbyist will sometimes be called upon to represent interests that are perceived by others as harmful to the environment or public health. Examples include efforts to expand mineral exploration into nature reserves or campaigning against restrictions on tobacco advertising. While it might be argued that drilling for oil in a wildlife refuge will reap economic benefits for a society, or that tobacco companies have a right to advertise their products, a lobbyist should not mislead the public as to the potential harm their clients' activities will have on the environment or the health of consumers.

Likewise, lobbyists should not downplay or cast doubt on scientific evidence that undermines their positions without a scientifically-valid reason. If the potential harm to the public or the environment is irreversible or the potential costs outweigh the benefits of a particular activity, then the organisation or lobbyist should not engage in that activity.

Legitimate lobbying also means that:

- The lobbyist's arguments will be judged on the strengths of the case they present to convince policy makers.
- A lobbyist will not resort to making payments to public officials or donations to political parties to influence public policy. He or she should also not offer employment to public representatives or officials as a way of influencing their behaviour or decisions.



- Other conflicts of interest should be avoided that would interfere in the judgement of a policy maker. Any personal or business relationships between the lobbyist and public officials should therefore always be disclosed to clients, colleagues and the relevant authorities.
- A lobbyist will be prepared to walk away from a client that insists on engaging in unethical or unlawful activity and will also be ready to report wrongdoing to the appropriate authorities.

Implementing this principle

Organisations should engage with their stakeholders and determine whether their lobbying positions are aligned with universal principles and standards such as the UN Global Compact. Where possible, organisations should publish risk-benefit analyses of their positions and make them available to their stakeholders. They might also subject their policies to external review and criticism. They should also publish any funding they provide in support of scientific research or think-tanks. In addition, all organisations should implement and publish policies on payments, gifts and

political donations. They should also implement policies on recruitment of staff from the public service.

Examples

- A number of public relations and marketing firms including WPP, Waggener Edstrom (WE) Worldwide, Weber Shandwick, Text100, and Finn Partners state that they will not represent clients that deny climate change.⁶
- 'IBM is among a number of companies that does not make donations to political parties and candidates or operate a Political Action Committee (PAC)'.⁷
- ColgatePalmolive and Avon Products do not spend company funds on political action committees and/or prohibit trade associations of which they are members from using their payments for political purposes in the US.⁸
- The Public Relations Institute of Ireland (PRII) and the Association of Professional Political Consultants (APPC) in the UK provide for 'conscience clauses' in their codes of conduct that encourage lobbyists to walk away from business that might compromise their integrity.⁹

Transparency

Transparency means that lobbyists and organisations will be open and truthful in their communications with their stakeholders.

Transparency means that lobbyists and organisations will be open and truthful in their communications with their stakeholders. These stakeholders include (but are not limited to) their employers, their clients, share-holders, the public officials they engage with, and the wider public. Lobbyists therefore should always identify their clients or the beneficiary of the position they are lobbying for. In addition, they should only share information that they believe to be reliable and should also make their positions on key issues publicly known.

Transparent lobbying also implies that:

- Where possible and without compromising commercial or client confidentiality, organisations should proactively publish their lobbying submissions, policy papers and evidence to support their positions.
- The lobbyist or the organisation they work for, will not use covert tactics to influence public policy or public opinion. Such tactics might include setting up or funding 'front groups' that will pose as independent organisations that, in reality, are pursuing the funding organisations' interests.
- Lobbyists should also avoid using such groups to petition public representatives for the introduction of policies without those representatives knowing the true nature of the group petitioning them.



Implementing this principle

Some statutory registers of lobbyists require that lobbyists disclose their clients, budgets and the objectives they pursue. But organisations should report on lobbying without a legal requirement to do so. An organisation's policies, internal lobbying guidelines and other information related to their lobbying activities – such as financial and other contributions to political parties, policy papers and other written input sent to policy-makers - should be published on its website.

Examples

- Microsoft has a dedicated webpage explaining its political engagement policy, its lobbying budgets and contributions to trade associations and NGOs.¹⁰
- Axa, Pernod Ricard and BNP Paribas developed a dedicated lobbying code of conduct and publish their main positions on their websites.
- The German chemicals company BASF has a dedicated webpage explaining its lobbying activities which includes information on staff exchanges between the firms and public bodies.¹¹
- Suez Environnement, Axa and Eurogrid publish financial data on their direct and indirect lobbying costs without a legal requirement to do so.¹² Suez Environnement also provides details of how much it provides to trade associations of which it is a member.
- Some professional associations such as the APPC and the Chartered Institute of Public Relations have a combined online members registers that allow the public check the client lists of their member consultancies and professionals.¹³
- GlaxoSmithKline and IBM publish their lobbying positions on their websites.¹⁴
- Diageo reports on its engagement with NGOs and think-tanks to address alcohol misuse.¹⁵

Consistency

Lobbyists and organisations should practice what they preach.

One of the most damaging accusations that can be levelled at any professional or organisation is that they do not 'practice what they preach'. Similarly, the accusation that they are sending mixed messages to stakeholders or that they are 'speaking with forked tongues', can damage their reputations.

Consistency therefore involves lobbyists and organisations acting in accordance with their professional codes, organisational values and/or Corporate Social Responsibility (CSR) policies. Just as importantly, individuals and organisations should formulate lobbying positions and lobby in a way that is consistent with those policies and values.

Consistency also implies that:

- An organisation should align its internal and external messaging to ensure it is not sending different messages to its internal and external stakeholders. Lobbyists should also be open with stakeholders in developing views and positions.
- Organisations should declare if their position is different from that of a network that they belong to (such as a trade association).
- In formulating positions, professionals and organisations should also consider how their activities, policies and lobbying objectives are consistent with universal principles and values.



Implementing this principle

Consistency can be measured by conducting a periodic audit of an organisation's lobbying and political activities. An audit will allow an organisation to compare its internal policies with universal standards, its actions with its public statements and its internal and external messaging. The audit should also detect any differences in policy between representative organisations such as trade bodies and the organisation itself. It can be conducted by an organisation's communications team with input from other internal stakeholders such as board members and management. Input from external stakeholders including NGOs and community groups will also help test whether an organisation is practicing what it preaches.

The results of an audit should inform an organisation's CSR/sustainability policies as lobbying strategies. They should also be communicated with its key stakeholders – particularly those that have provided input into the audit. A company's annual sustainability report and website could be used to share the findings of its audit and demonstrate its commitment to responsible lobbying and political activity. In addition, it is advised that

organisations create common core messages across platforms and regions. This is particularly important for multi-national companies who will often have representatives engaging policy makers in numerous jurisdictions.

Examples

- Co-operative Financial Services (CFS) in the UK was one of the first European companies to include their positions taken on public policy as well as their lobbying activities in their annual sustainability report.¹⁶
- Merck & Co and European energy company EDF are reported to have aligned their lobbying interests with their overall CSR strategies.¹⁷
- CFS has gone further than many of its peers by also taking public positions on companies it invests in.¹⁸
- CFS subsidiary Cooperative Insurance Society (CIS) opposed the re-election of Exxon Mobil's Chief Executive because of its 'head in the sand' stance on climate change.¹⁹
- In 2002, CIS also became the first UK institutional investor to put its voting record online.²⁰

Accountability

Lobbyists and organisations should be accountable to stakeholders for their actions.

While transparency and consistency can build trust with an organisation's stakeholders, this trust can quickly dissipate when an organisation fails to account for its actions. Accountability implies that a professional or organisation will explain to its stakeholders why it is taking a particular decision (or not, as the case may be). It also means that it will seek to hold individuals to account for any breaches of internal, legal or ethical standards and that it will put in place controls to prevent and detect future transgressions.

Accountability also implies that:

- Professional lobbyists will familiarise themselves with the relevant professional standards and publish their commitment to those standards.
- Organisations will ensure that lobbying positions are monitored by its board of directors and that management will account to their board for lobbying activities.
- Lobbyists should be prepared to advise clients if their proposed actions are illegal/ improper, and in appropriate circumstances, refuse to act.
- Notwithstanding the lobbyists' duty of confidentiality to his/her client, where a client engages in illegal activity the lobbyist should report this to the relevant legal authorities.



Implementing this principle

An organisation should publish its commitment to responsible lobbying standards on its website and ensure that lobbying strategies are aligned with those standards. A lobbying audit can also help highlight lobbying tactics that are potentially at odds with accepted standards, and compare the risks and benefits of a particular lobbying objective to an organisation. Where possible, an organisation or representative association should appoint a compliance officer to investigate apparent breaches of responsible lobbying standards. This should be accompanied by an internal disciplinary system to allow for fair and thorough examination of a breach and to allow for action to be taken to prevent further lapses.

Accounting for one's actions is a continuous process and a lobbyist or organisation should also engage with its stakeholders in a systemic way. Stakeholders – particularly those communities that are affected by the organisation's lobbying – should be consulted on the organisation's positions and activities. A process of ongoing consultation will help an organisation respond to its stakeholders and account for its decisions in a timely way (see also

Opportunity). The role of internal stakeholders in determining lobbying positions – particularly board members and senior management – should also be clear and reported upon in an organisation's annual report or sustainability review.

Examples

- The pharmaceutical company Merck & Co delegates responsibility to an Executive Committee for its public policy strategy. The Executive Committee and Vice President for public policy is guided and overseen by Merck's Board Committee on Public Policy and Social Responsibility.²¹
- The European Public Affairs Consultants Association (EPACA) publishes details of its disciplinary procedures online as well as decisions of its disciplinary bodies are posted on its website. The association has established a Professional Practices Panel consisting of individuals from outside the profession but 'appointed on the basis of their experience of EU institutions and affairs'.²²
- BASF is one of the first companies to subject its lobbying activities to third party audit.²³

‘Accountability implies that a professional or organisation will explain to its stakeholders why it is taking a particular decision... It also means that it will seek to hold individuals to account for any breaches of internal, legal or ethical standards and that it will put in place controls to prevent and detect future transgressions.’



Opportunity

Organisations should identify issues that further the public interest and are of common concern on which they can lobby together.

Opportunity means that organisations from the private and non-profit sectors should identify issues that further the public interest and are of common concern on which they can lobby together. This is based on the understanding that they will be stronger working together than they are on their own. However, businesses in particular also need to be able to communicate the business-case for working on issues (such as anti-corruption standards) to their internal stakeholders (such as staff, board members and shareholders).

Opportunity also implies that:

- Organisations will engage in research and dialogue to reflect on the relevance of particular issues to a business and to collaborate with their stakeholders to identify risks and potential benefits of their lobbying positions.
- Where the relevance of a given issue is established, organisations should also identify entry points for joint-intervention such as weak anti-corruption or environmental regulations and lobby collectively to ensure that such regulations are fit for purpose.
- Business and civil society should work together to promote higher standards of transparency and accountability from their counterparts in government.
- Trade and professional associations should also work with civil society groups in advancing responsible lobbying standards and working towards more open, accountable government.

Implementing this principle

A review of CSR, sustainability or public affairs strategy can offer an opportunity for a business to identify emerging public policy issues in which it has a direct or indirect stake. While reviewing its policy priorities, it can identify relevant stakeholders – including civil society partners – with whom it can work. One way of engaging with civil society organisations is to hold or sponsor joint workshops and meetings on issues of common concern. Dialogue can evolve into a partnership or collective action plans to lobby or monitor compliance with agreed standards of behaviour. Online platforms and forums such as conferences provide additional opportunities for learning, dialogue and external communication. The goal of such activities might not always be to change a specific government policy but to also influence the underlying policy climate and change behaviour in a way that complements any desired policy reform.

Examples

- The building materials company Lafarge was the first French corporate to develop and publish its lobbying charter with the support of Transparency France in April 2010.²⁴
- CEOs from German businesses including Siemens and Allianz successfully lobbied the German government to ratify the UN Convention against Corruption in 2014.²⁵
- Transparency France also worked with social ratings agency Vigeo to include the evaluation of lobbying practices in its CSR assessment. As a result, 15 French organisations signed a joint statement on promoting transparent and honest lobbying practices.²⁶

SCENARIOS

The following scenarios can be used as a resource for training and group discussion. They are aimed at helping lobbyists from the private and non-profit sectors understand the challenges faced in dealing with individual cases and the potential consequences of a particular course of action.

In some of the scenarios outlined here, there are few simple right or wrong answers. Instead, the guide invites you to consider how, in making your decision, you should consider the potential

consequences or factors involved in each decision and how to apply some of the key principles for responsible lobbying outlined in the previous section. Lobbyists should also consult relevant codes of conduct and in other guidance listed in the Useful Resources section.

Additionally, the reader should be aware that public officials have a duty to respect clear rules and principles when dealing with lobbyists.²⁷

These scenarios are for educational purposes only. They do not represent legal advice and should not be relied upon as such.



Scenario 1 The Charitable Donation

You are the Chief Executive of 'Garden Farms' Inc. Garden Farms is seeking a change in the law to make it easier to hire seasonal migrant workers to pick fruit and vegetables. You have been lobbying the Minister for Immigration and her adviser about the legal changes you seek.

By chance, you meet the Minister at a function organised by a charity. The charity's Chief Executive is the Minister's daughter.

The Minister tells you that she plans to make the legal changes your organisation has sought. You say you are grateful for the attention she has paid to this issue. The Minister smiles and replies that your organisation should consider making a significant donation to her daughter's charity as a 'thank you'.

While you have authority to sign off on donations below €5,000 you must consult with your board before donating larger amounts. You are also concerned that if your organisation donates to the charity, having secured the legal change, it could look like you have paid a bribe.

What should you do?

- A.** Proceed with a donation of €5,000 but donate to other charities at the same time.
- B.** Refuse to make a donation and make a complaint to the relevant statutory body about what you perceive to be an unlawful solicitation.
- C.** Offer to consider the Minister's suggestion and tell her that you will add the name of the charity to a list of organisations or projects that your organisation may consider for sponsorship in the future.



D. Refer to your organisation's Board of Directors, and invite the charity's Chief Executive to submit a funding proposal to them.

E. Offer to discuss the request directly with the charity's Chief Executive at a later date.

Points to consider

A. The donation request could be regarded as an attempt to exert illicit influence over public policy and the donation could be considered a bribe. Donating to other charities at the same time is unlikely to divert attention away from this donation. Making additional donations to other charities will not be a strong legal defence if you were found by a court to have paid a bribe.

B. You might be entitled to make a complaint about the Minister's request but without documentary evidence or witness testimony, the statutory body might be left to choose your word over the Minister's. Whether you decide to report your concern to the authorities or not, you should ensure that you document the meeting carefully and report the details of the meeting to the responsible person inside your organisation.

C. Offering to consider the Minister's suggestion might diffuse

any tension. But even an offer of consideration, or the addition of the charity to a list of potential grantees as a 'thank you' for the Minister's intervention, might also constitute an advantage and be considered unethical or even illegal.

D. Delegating responsibility to your Board to make a decision will not absolve you of your duty to advise them of the risks associated with making the donation. You should advise them of the ethical and reputational issues at stake and suggest that they may need to seek separate legal advice on the matter. You should also not be seen to promise or imply to the Minister that the charity's application will be successful.

E. Arranging to meet with the charity's Chief Executive at a later date might buy some time. However, it would be important not to make any decision before discussing the issue with your legal advisors and Board. Having transparent criteria, policies and processes in place to decide on charitable donations will help in explaining why you cannot donate in such circumstances. You will also need to be honest and open with the charity on the potential harm that could be done by making a donation.

Relevant principles – Legitimacy, Transparency, Accountability

As a professional, you need to maintain good relations with policy-makers in your area. However, you also have a duty to respect the rule of law, uphold ethical standards, and work with honesty in the best interests of your company. Your company should also have policies in place dealing with both charitable donations and the solicitation of such donations. Further guidance on this is available in the Business Principles for Countering Bribery published by Transparency International.²⁸



Scenario 2 Faking It

You are a consultant lobbyist acting for a large pharmaceutical company, which is a long-standing and valued client. The company wants you to lobby the national drug regulator to approve a generic copy of another company's drug that treats arthritis and allow it to be marketed.

During a strategy meeting, the company says it wants you to set up a fake patients' group to encourage members of the public to sign up for an online campaign to pressure lawmakers for access to the drug. The sale of the generic drug would reduce prices for patients – many more of whom will avail of the treatment for the crippling condition.

Although you can see the public health benefits of your client's position, you are concerned that their suggested tactics might be in breach of your professional standards.

What should you do?

- A.** Refuse to set up the fake patient group and walk away.
- B.** Consider that the 'ends justify the means' and agree to set up the fake patients group.
- C.** Offer the client an alternative lobbying strategy.
- D.** Argue against the client's suggestion, but offer to put them in touch with another consultant who will handle that aspect of the work.
- E.** Threaten to go public and expose the client's intentions.

Points to consider

- A.** Ending a long-standing client relationship should normally be considered only as a last resort. But it might be necessary to cut your ties with the client if it insists on adopting a strategy which you consider to be fundamentally dishonest and unethical.
- B.** You might be able to justify to yourself the use of a fake front group in these particular circumstances. However, you should also consider the long-term harm to your reputation and that of your profession by deceiving the public and policy makers. Given that there is a strong public interest case to be made for the client's proposals, there should be alternative ways of reaching the same goal.
- C.** You should help the client understand your professional standards as well as the possible reputation damage they could suffer if they set up a fake grassroots organisation. Moreover, since their position seems to be in the interests of patients, it should not be too difficult to convince arthritis sufferers and their families as well as public representatives to speak up in favour of your client's proposals.

D. By delegating responsibility to another consultant for this aspect of the work, you are helping the client deceive the public and policy makers. You are also failing in your ethical duty to act truthfully and to communicate your ethical standards to your client.

E. You are likely to have a duty of loyalty towards your client and should not normally publish information gained under commercial confidence. However, if the client persists and you believe that potential harm could be done by their activities, you will likely have a duty to report your concerns to the responsible authorities.

Relevant principles – Legitimacy and Transparency

Professional codes of conduct stress the importance of truthfulness and transparency in communicating with audiences. Deception can and will undermine trust between you, your client, policy makers and the public. It could also damage the reputation of the lobbying profession and undermine future attempts to advance similar reforms. Your organisation's responsible lobbying policy should therefore make it clear that it will not engage in astro-turfing.



Scenario 3 Whatever It Takes

Your public affairs company is pitching for a contract with a corporate client from overseas which is demanding that you guarantee a change in tax regulation that will benefit the client. The client has made it clear that you should 'do whatever it takes' to deliver results.

However, the changes in tax regulation require agreement in parliament and are subject to debate and public scrutiny. The outcome of any campaign on the tax regulations is hard to predict. You are concerned that you will not secure the contract unless you promise to deliver what they want but know that committing to the contract will compromise your company's values.

What should you do?

- A.** Promise to do 'whatever it takes' to secure the client account, even though you know you might not deliver.
- B.** Walk away from the opportunity.
- C.** Write your pitch in a way that satisfies your client's demands, but try to educate the client if you win the contract.
- D.** Promote an alternative strategy as part of your business pitch.
- E.** Subcontract part of the work to another lobbying professional who might be less scrupulous about getting results.

Points to consider

- A.** Most professional codes of conduct prohibit the making of a promise that you know you cannot keep. Promising to do 'whatever it takes' in these circumstances also places you and your company in a position where you might be expected to

pursue unethical or even illegal means to secure results for your client.

- B.** You might have to consider withdrawing from the tender process if you consider that the prospective client is setting unrealistic targets and pressing you to engage in unethical behaviour to secure results. You should be prepared to turn down work where you believe that a prospective client's demands are unrealistic, unreasonable or unethical.

- C.** You should be clear with your client about what they should expect from you. You should also avoid using vague or ambiguous language that lends the impression that you will guarantee results or compromise on professional standards to win the contract. The use of ambiguous language might also mislead your client.

- D.** In pitching for the account or building a relationship with a client, you should help them understand the complexity of the policy making process as well as legal and ethical standards that you both have to meet. Helping them understand the risks and opportunities associated with alternative strategies and the likelihood of a successful campaign, should build trust with your client and help avoid future problems.

- E.** Subcontracting or delegating responsibility to someone else to do the 'dirty work' still exposes you, your company and your client to legal and reputational risks. Many jurisdictions will hold clients and contractors legally responsible for the activities of subcontractors.

Relevant principles – Legitimacy, Transparency, Accountability

All of the leading professional lobbying codes demand that professionals be truthful and avoid misleading their stakeholders. Professional public relations codes also demand that professionals do not promise results or mislead clients on what they can expect. Furthermore, they demand that professionals do not engage in any unethical activity and that they advise their clients against engaging in unethical activity. Others encourage professionals to refuse to take on accounts if they believe they will be forced to engage in wrongdoing.



Scenario 4 Casting Doubt

You are an in-house lobbyist for a waste disposal business which is concerned about proposed environmental regulations which could considerably increase its costs. Environmental non-profit groups have lobbied for the regulations and are citing scientific research to support their arguments.

The chief executive of the business asks you to discredit the environmental groups' claims in a submission on the regulations to the sponsoring government department.

You can find no credible evidence to back your employer's claim that the evidence the environmental groups are presenting is unsound. In fact, your research has indicated that the environmental groups are right and that the only 'evidence' against them comes from industry-sponsored research which has been widely discredited.

You are concerned that if you follow the chief executive's instructions you will mislead the officials and other stakeholders of the company.

What should you do?

- A.** Draft the submission as your chief executive requested, undermining the claims of the environmental groups.
- B.** Refuse to draft the submission if your chief executive insists on including the misleading claims and discredited evidence.
- C.** Issue a statement that casts doubt on the available scientific evidence or claims that further scientific research is required to test the NGO's position.
- D.** Suggest an alternative course of action to your company's chief executive that highlights industry's problems with the regulations but does not challenge the NGOs' evidence.

E. Tell your employer that you will go public with your view of the research if he insists on making false claims that are against public interest.

Points to consider

A. Drafting the submission as your chief executive has demanded, would be to support a position that you know to be misleading. It might also backfire on you if it later emerges that your company is the only industry organisation that is casting doubt on sound scientific evidence for commercial gain. Policy makers will be less likely to take on board your concerns if you present them with unsound evidence.

B. While you need to be careful in sharing your concerns, your chief executive should know about them. You should tell her of the risks of making false claims – including potential reputational damage as well as loss of trust between your company and the government. You should also be prepared to explain the ethical and professional standards by which you and your company are expected to behave.

C. You should not tell the government that the claims made by the environmental groups need to be tested if you know them to be sound. Not only would you be

misleading policy makers but you could be also accused of deceiving the general public.

D. You should be ready to propose alternative solutions to your chief executive. You should propose a submission which clearly detail's your company's position, but which does not seek to undermine the credibility of the environmental NGOs.

E. You should avoid threatening to escalate the issue by going public before trying to convince the chief executive of alternative approaches. However, if you have a reason to believe that your employer's behaviour might harm the environment or the health and safety of the public, you may have a legal right to share your concerns outside the organisation. You should always seek legal advice before doing so.

Relevant principles – Legitimacy, Transparency, Accountability

Most professional and corporate codes on political engagement or lobbying demand that you be truthful when communicating with your audiences. Casting doubt on scientific evidence without a scientifically sound reason and/or for commercial advantage serves to mislead policy makers and the public. This sort of behaviour can also be damaging to your professional reputation and that of your employer.



Scenario 5 Family Ties

You are an account director in a public affairs consultancy that has many corporate clients. You have just been asked to work with a multinational telecommunications company. The company plans to enter the telecommunications market in your country and wants to secure a new mobile phone licence.

Your husband is the chief civil servant in the government department which is responsible for telecommunications regulation policy and is overseeing the licence award process. You are concerned that by agreeing to take on this client, you may be in breach of your professional duty to avoid conflicts of interest between your personal and professional life.

What should you do?

- A.** Take on the new client without telling your husband about it.
- B.** Declare your husband's professional position to your line-manager, and ask to be taken off the client account.
- C.** Immediately inform your line-manager about the situation, and assure them that you and your husband never discuss business.
- D.** Inform your client about your position and ask them to advise you on how to proceed.
- E.** Decline the business from the new client and suggest that they acquire the services of an alternative public affairs consultant.

Points to consider

A. You are facing a clear potential conflict between your client's interests and your personal interests. Your husband could also be confronted with allegations of a conflict of interest if your role in the licence process was exposed. Addressing the conflict of interest would demand more from you than committing yourself not to tell

your husband about the new client. What's more, it is likely that your role in the process would be disclosed at some point in the process.

B. You should always brief your colleagues on any potential conflict of interest - even if the conflict is just perceived or potential. This will allow your company to make a decision based on a full assessment of risks and allow them the opportunity to implement procedures for managing any conflicts of interest.

C. Regardless of whether you and your husband do or do not discuss work affairs at home, the perception of a conflict of interest remains. It is just as important to manage perceived conflicts of interest as actual conflicts. If the client benefitted from favourable policies developed by officials in your husband's government department, there could be a perception that your personal connection had inappropriately influenced these. It might be necessary to take you off the client account.

D. While you should inform the client about the potential conflict of interest, you should not leave it to them to decide on the best course of action. The final decision on whether you will work on the account or not should be your employers.

E. Your employer, having consulted the client, should decide on whether it will work on the account based on an assessment of the risks. Your colleagues might well consider that due to your senior position in the company the reputational risk of taking the client account is too high and pass on the opportunity to work on the project altogether.

At the same time, your client might decide that the risks associated with working with your firm disqualify you from working with them.

Relevant principles – Legitimacy and Transparency

Actual, perceived and potential conflicts of interest occur quite frequently in business and the world of lobbying. They are not inherently unethical or wrong. However, acting with integrity requires those conflicts to be identified, disclosed and managed to ensure that they do not damage clients' interests, the public interest, or the interests of the company itself.



Scenario 6 The Holiday

You work as an in-house public affairs manager for a large hotel chain which owns a number of luxury hotels around the world.

Your company is seeking planning permission to build state-of-the-art conference facilities to host up to 2,000 people on land adjacent to one of your hotels. But the chief planning officer is unconvinced by your company's proposals to avoid traffic congestion in the nearby village.

Your line manager suggests that the planning officer's concerns about traffic congestion would be allayed by a visit to a similar conference venue in one of your company's five-star resorts overseas. He proposes that you offer the planning officer and his wife a week-long all-expenses-paid trip to the resort.

While you can see the logic in such a fact-finding trip, you are concerned that by offering what looks like a 'junket' to the official, it may be viewed as an inducement to help your company secure planning permission.

What should you do?

- A.** Refuse to offer the trip to the official and explain to your line manager why it is inappropriate.
- B.** Offer the official and his wife a shorter stay in a less expensive hotel in your group.
- C.** Follow through on your line manager's suggestion and offer the trip to the official and his wife.
- D.** Talk through alternative approaches to convincing the planning officer of the merits of your company's proposals.
- E.** Report your concerns about your line-manager's behaviour to a responsible person within your organisation.

Points to consider

- A.** There is a risk that such an extravagant offer of hospitality could be seen as an illegal attempt to induce (or bribe) the official to award planning permission. Even where the offer of hospitality is declined, the offer itself could be a criminal offence in some jurisdictions.
- B.** Any offer of hospitality could be perceived as an inducement – irrespective of the cost involved. There would need to be a clear business-case for the visit. Inviting the wife of the planning official to accompany him would not be justifiable in any circumstances.
- C.** By offering the official such a trip, you are not only potentially committing a criminal offence, you are also putting the reputation of your company at risk. Your company may also be putting the official in a difficult situation by inviting them to breach their own ethical rules in relation to gifts and hospitality.
- D.** There is more than one way of presenting your company's case to a planning official. For instance, you could suggest that the official views videos, plans and official reports of other developments in your hotel chain to help him consider the potential impact of your proposals.

E. If your line manager persists with the suggestion that you provide hospitality to the official after you have outlined your concerns, you might want to seek legal advice before reporting to someone else in your organisation. You might find Transparency International Ireland's Speak Up Safely Guide helpful in raising a concern.²⁹

Relevant principles – Legitimacy and Transparency

Whether intended or not, the offer of a luxury hotel break to an official who is in a position to offer your company a major government contract clearly has the appearance of a financial inducement. Businesses and public officials should have rules and procedure in place in relation to gifts and hospitality. These rules should be strictly observed. Even where there are no rules in place, you should consider the ethical and reputational issues at stake and the potential damage that could be done to your company, the integrity of the planning process, and public trust in government.



Scenario 7 The Good Cause

You are the chief executive of a large charity which receives €1 million from the State every year. You have been told this funding will be cut in half due to a downturn in the economy. The reduction in funding will take effect in three months' time. One of the charity's board members offers to lobby the government on its behalf to retain current levels of funding.

The board member has close links to the political party in government, offering unpaid strategy advice to senior ministers and advisers. As a former government minister, the board member also has automatic access to parliament buildings. Given the short timeframe, the board member insists that she is the best person to lobby on your behalf and is prepared to engage in the lobbying for a fee of €20,000 - which represents a 10% discount on her normal lobbying fee.

While you find the offer very appealing, you are concerned that by paying a Board member to lobby on your charity's behalf, you would be breaching governance codes.

What should you do?

- A.** Move quickly to reverse the government's decision and accept your board member's offer to lobby on behalf of your charity.
- B.** Seek advice from your chairperson or other board members on what your next steps should be.
- C.** Decline the offer from your board member stating that it would be improper to pay a charity board member for any services.
- D.** Ask if she will act on a pro-bono basis.
- E.** Commit to compensate the Board member after she has stepped down from the Board of Directors.

Points to consider

A. As a senior manager you have executive responsibility and should have the final say on who is paid to engage in paid consulting work. You also have a right and responsibility to consider your options – irrespective of the time pressure.

B. You should inform your chairperson of the approach by the board member and prepare a brief on the advantages and disadvantages of paying her to lobby on your behalf. Your decision should be easier where there is a prohibition on paying board members for lobbying work.

C. Many jurisdictions prohibit payments to board members of non-profit organisations and charities. Payment might also create the perception that the board member is profiting from their association and call the organisation into disrepute.

D. Most board members are expected to offer services to charities on a pro-bono basis. Furthermore, it is not unusual for them to make representations on the charity's behalf without a fee.

E. It would normally be improper to offer any payment for services while the same person is serving on

the Board of directors. Delaying the payment without disclosing it could also create the perception that the payment was hidden and possibly amount to a criminal offence.

Relevant principles – Accountability

Your charity's code of conduct and internal policies should govern payments to board members. Charities and non-profit organisations should also have clear rules in place when lobbying or engaging in any political activity. These procedures should set out who is responsible for deciding on the organisation's policies, who can be paid to lobby, and how representatives of the charity will be held to account for breaches of a policy.



Scenario 8 The Revolving Door

A senior civil servant who is about to retire, approaches your public affairs agency inquiring whether you would consider hiring him immediately after he quits public office. The civil servant has good contacts and influence with many officials and politicians who you regularly have dealings with on behalf of your corporate clients. However, you are concerned that by offering the official a private sector position so soon after retirement, you will be facilitating 'revolving door' practices that could give you an unfair advantage over your competitors.

What should you do?

- A.** Recruit the official and put her to work lobbying her former colleagues a month after retirement.
- B.** Tell the official that you have no opportunities at the moment but may have at a future date.
- C.** Recruit the official but insist that she does not lobby her former colleagues until an amount of time has passed.
- D.** Ask the official to seek permission from their former employer.
- E.** Decline the official's offer on the grounds that it could harm your firm's reputation.

Points to consider

A. The recruitment of retiring public officials as lobbyists is a controversial practice in a number of countries. Some jurisdictions place a legal requirement on officials to wait a set period known as a 'cooling off period' (up to three years in some cases) before they can lobby their former employer. Depending on the jurisdiction in which you operate, the recruitment could therefore be unlawful.

B. It would be helpful to have a policy on appointments from the public service in place. A standard requirement would be to only recruit retired public officials if allowed to do so by law. Your corporate policies should therefore be clearly communicated with the official and other stakeholders (by posting them on your company website for example). You might also want to discuss the potential ethical and reputational issues for you and the official so that both of you are fully informed of the potential consequences of any decision.

C. The recruitment of a public official might cause some reputational harm to your practice whether or not they are seen to lobby their former employers. Irrespective of the decision you take, it would be worth having clear procedures in place to guide any new employees or consultants on engaging with their former employer or the public sector.

D. It is common practice in some countries for a retiring public servant to seek permission from their former employer before taking on a position that could present a real or perceived conflict of interest. It would be prudent to ask the official for written confirmation from their former employer that they are permitted to engage in lobbying after they have retired and any conditions that have been attached to the clearance.

E. It is important to make it clear why you believe the recruitment would be harmful to your reputation. In addition, your professional association might have rules in place or legislation might restrict the movement of retiring public officials into the private sector. It would be important to justify your decision based on ethical and/or legal grounds as well as reputational factors.

Relevant principles – Accountability

The movement of personnel between the public and private sectors (known colloquially as 'revolving doors') can be in the public interest when it allows for the transfer of skills and knowledge to the public sector. However, very often revolving doors pose conflicts of interest for a public servant. The prospect of employment to a private company can affect a public servant's judgement when making decisions. If they are considering the interests of future employers when making a decision then the public interest can also be compromised. A number of professional associations make it clear that their members should not recruit public servants unless permitted by law. Likewise, voluntary standards also encourage private sector actors to put in place policies prohibiting the recruitment of retiring public servants without serving a 'cooling off period' beforehand. You should always refer to your organisation's policy on revolving doors (where one is in place) and also to relevant legislation.



Scenario 9 The Donation

You are a consultant lobbyist for a medium-sized European company and campaigning to change intellectual property law to benefit your client. You are approached by a senior politician who offers to fast-track an amendment to the relevant law. However, he requests that you also donate €5,000 to his political party. You are assured by the politician that the donation is perfectly lawful and will be published in accordance with national regulations.

You are aware that the use of political donations to influence laws is quite common in your country but are concerned that some observers might consider the donation unethical. In addition, your country also has laws in place that criminalise bribery and trade in influence (although they have never been enforced). Your client is also subject to national and US foreign bribery laws that prohibit payments to win or retain business in your country.

What should you do?

- A.** Make the donation and write it off as an expense without informing your client.
- B.** Inform your client of the request and ask them to seek legal advice before donating.
- C.** Tell the politician that you will consider his offer but approach different members of parliament to seek their views on the prospects of an amendment.
- D.** Advise your client against making the donation and tell them you will consider ending the contract if they go ahead with the donation.
- E.** Go public with your allegations or report to the police.

Points to consider

A. It would be illegal to make a donation that might be perceived as securing an advantage for you or your client and is likely considered to be a bribe. It would also be unethical to withhold information from your client. Your client might be held responsible for any payment and subject to legal action as a result.

B. Your client has a right to be fully informed of any communications between you and third parties when acting on their behalf. While, they should also have the final say on whether to make a political donation or not, they should also be advised to seek a legal opinion on whether a payment is legally permissible. In addition, you have a responsibility to inform them of the potential reputational risks arising from any decision they make.

C. It would be prudent to approach more than one member of parliament with your client's submission. This is particularly so where you are likely to encounter obstacles within government to your proposals. Be aware that any donations made to any other political party during the process could also be perceived as an attempt to buy influence.

D. Your client should be aware of your boundaries and your professional code might stipulate that you have a responsibility to refuse to engage in activities that could damage your reputation or that of the profession. If you are expected to engage in activity that you perceive as unethical or illegal you should be prepared to end your relationship with your client.

E. Depending on the jurisdiction in which you are based, you might be obliged to make a report to the police of any request that could be perceived as an illegal payment.

Although the politician has assured you that the donation would be perfectly legal, a donation in return for a legislative amendment could be perceived as a bribe. In such circumstances it would be advisable to seek legal advice and keep your client informed of whatever action you decide to take.

Relevant principles – Legitimacy and Transparency

The use of political donations to exert influence over public policy is the subject of increasing public scrutiny and has been outlawed in some jurisdictions. Trade in influence and anti-bribery laws provide for criminal penalties where there is a link between a decision made and a financial contribution (including political donations). Irrespective of whether donations are lawful, you should ask yourself whether the client's case is strong enough without money entering the equation. If not, then you should advise your client to reconsider their position. You might want to also refer to 'conscience clauses' contained in a number of professional association codes that make it clear you are entitled to decline business or refuse to engage in activity you perceive to be either illegal or unethical. You could make your own terms of engagement public on your website and engage with your professional association to ensure that they are raising awareness of the importance of ethical conduct in lobbying.



Scenario 10 The Campaign

You are the in-house public affairs manager at a large cancer charity. The charity is a member of a coalition of other organisations that are working on a national campaign to raise awareness of support to those battling addiction to tobacco, alcohol and other drugs. An international company with majority shareholdings in a number of alcohol brands has offered to provide the funding needed to launch the campaign but would like its name and logo attached to any publicity material.

Your charity's donation policy makes it clear that it will not receive funding from tobacco, alcohol or pharmaceutical companies but it is silent on funding provided to third parties (such as the coalition-run addiction awareness campaign). That said, you are still concerned that your charity's association with the campaign could harm its reputation if the donation is accepted.

What should you do?

- A.** Agree to the funding on condition that the company is not publicly associated with the campaign. Seek assurances from the company that they will not seek a commercial advantage from their support of the campaign.
- B.** Inform the coalition that you will withdraw your support for the campaign if funding is accepted from the company.
- C.** Go to the press with your concerns about the proposed funding of the campaign.
- D.** Organise a meeting of coalition members to discuss funding strategy and alternative donors.
- E.** Agree to the funding on the basis that your organisation is not directly benefiting from the donation or that funding is not directly in breach of your organisation's policies.

Points to consider

- A.** You should expect the company's funding of the campaign to become public knowledge at some point in the future. It would also be unethical for you to withhold information from your stakeholders (including the public and the media) about who is providing funding to the campaign.
- B.** It is your organisation's prerogative to decide whether it will join a campaign or coalition. You should not do anything that could undermine your organisation's credibility or damage trust with its stakeholders.
- C.** Before turning to the media, it would be worthwhile to set out your concerns with your colleagues in the coalition and to discuss the risks and benefits of available options. You might also want to consider the potentially damaging impact of going to the press on the campaign, and other coalition members and its stakeholders.
- D.** It would be worth testing your colleagues' assumptions that there are no alternative funding sources. Exploring alternative funding sources would be prudent, even if you decided to secure funding from the company in question.
- E.** Your actions are likely to be judged on whether they are consistent with the spirit as well as the letter of your

charity's donation policies. You should reflect on how the donation will be perceived by those who are not familiar with the finer details of your charity's procedures.

Relevant Principles – Consistency and Opportunity

This scenario illustrates the importance of acting consistently with your organisation's public policies and value statements. Consistency is particularly important when engaging in a public or policy-based campaign. If your stakeholders believe you are not practicing what you preach – irrespective of whether you or your organisation is directly benefitting from your activity – your message and the reputation of your organisation can suffer long-term damage. Your organisation might also want to consider whether you are acting consistently with other ethical values and human rights norms (even those that are not clearly articulated in your policies). Finally, this scenario illustrates an opportunity to collaborate with business in promoting a good cause. Yet it also demonstrates the risks associated with such ventures and the need to be careful when undertaking new partnerships.

USEFUL RESOURCES

The following resources have been published by international organisations such as the UN Global Compact or civil society organisations including AccountAbility, SustainAbility or Transparency International. These reports and guides are summarised in more detail in our Responsible Lobbying in Europe report (pages 23 to 37). A summary and analysis of codes of conduct from professional associations representing lobbyists in Ireland, the Netherlands and the UK is also featured between pages 13 and 20 in Responsible Lobbying in Europe.

Business Principles for Countering Bribery – Transparency International

The Business Principles for Countering Bribery provide a framework for companies to develop comprehensive anti-bribery programmes. www.transparency.org/whatwedo/tools/business_principles_for_countering_bribery

Global Reporting Initiative (GRI) G3 and G4 Sustainability Reporting Guidelines

The GRI G3 and G4 Sustainability Reporting Guidelines provide participating organisations with a framework for reporting information that allows their stakeholders to compare public policy positions with formal sustainability policies and objectives. www.globalreporting.org

The International Organisation for Standardisation (ISO) 26000 Standards

The ISO 26000 standards offer guidance on reporting corporate political activity. Section 6.6.4.1 of the guidelines encourage companies to train employees and representatives and raise their awareness of responsible political involvement; to be transparent around policies and avoid misinformation, misrepresentation, threat or compulsion. www.iso.org

International Corporate Governance Network Statement and Guidance on Political Lobbying and Donations

The International Corporate Governance Network Statement and Guidance on Political Lobbying and Donations sets out definitions and concepts defining lobbying and encourages companies to adopt a policy framework which is 'grounded in the corporation's code of conduct'. www.icgn.org/file/593/download?token=Mj6Qv6-f

Politics and Persuasion - SustainAbility and Government Policy Consultants (GPC)

Politics and Persuasion explains the importance of responsible lobbying by the corporate sector. The report was the first to identify the five principles of responsible lobbying. The report also outlines a series of questions for companies to answer and examples of best practice to help them and their stakeholders determine whether they were fulfilling the principles. <http://flourishingenterprise.org/wordpress/wp-content/uploads/2011/09/janus1.pdf>

Principles and Guidance for Responsible Corporate Political Activities – TI UK

This forthcoming guide on Corporate Political Activities, including lobbying, is aimed at helping companies on responsible management of corporate political activities. www.transparency.org.uk

The Private Life of Public Affairs - The Green Alliance

The 'Private Life of Public Affairs', shows how inconsistent positions by companies are undermining efforts to tackle climate change and makes a number of detailed and innovative recommendations for governments, companies as well as trade associations. www.green-alliance.org.uk/resources/The%20private%20life%20of%20public%20affairs.pdf





Towards Responsible Lobbying - AccountAbility and the United Nations Global Compact

Towards Responsible Lobbying outlines the importance of responsible lobbying for sustainable business practice and provides step-by-step guidance for companies. www.accountability.org/about-us/publications/towards.html

Transparency International (TI) Germany Model Code of Conduct and TI France Guidelines for a Lobbying Charter

Transparency International (TI) Germany's Model Code of Conduct and TI France's Guidelines for a Lobbying Charter are aimed at organisations that have already committed to lobbying responsibly. The TI Germany model code and TI France's Guidelines are aimed at promoting transparent lobbying and preventing abuses associated with lobbying. www.transparency.de/fileadmin/pdfs/Themen/Politik/Verhaltenskatalog_09-04-27.pdf and http://www.transparency-france.org/ewb_pages/div/Encadrement_du_lobbying.php

Transparency and Integrity of Lobbying: A new challenge for CSR - Vigeo

French social ratings agency Vigeo outlines ten principles of action and combines measures at both individual and organisational levels. It guides corporates on the steps they should take to assure that lobbying policies and activities are not in contrast with internationally recognised principles of CSR and are adequately transparent. www.vigeo.com/csr-rating-agency/en/etude-lobbying-062013

Where Do Companies Stand on Policy Engagement? Caring for Climate

Caring for Climate, an initiative led by the UN Global Compact, produced its guidance for Responsible Corporate Engagement in Climate Policy. The resource highlights some of the key issues for both companies and civil society to address in promoting responsible corporate engagement and focusses on three actions (Identify, Align and Report) that a company of any size might take when engaging on climate change policy. www.unglobalcompact.org/library/1511

Endnotes

¹The Responsible Lobbying in Europe report is available at www.transparency.ie/resources/responsiblelobbying

²Transparency International, See www.transparency.org/whatwedo/publication/lobbying_in_europe

³Article 12 of the Council of Europe (Criminal) Convention on Corruption defines 'Trade in Influence' as 'the intentionally, promising giving or offering, directly or indirectly, of any undue advantage to anyone who asserts or confirms that he or she is able to exert an improper influence over the decision making of any person, whether the undue advantage is for himself or herself or for anyone else, as well as the request, receipt or acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result'.

⁴Available at www.transparency.ie/resources/responsiblelobbying

⁵Available at www.transparency.org/whatwedo/publication/lobbying_in_europe

⁶<http://www.theguardian.com/environment/2014/aug/04/worlds-top-pr-companies-rule-out-working-with-climate-deniers>

⁷<http://www.ibm.com/investor/governance/public-policy-matters.html> and DeNicola, Paul, Bruce F.

Freed, Stefan C. Passantino, and Karl J. Sandstrom, Handbook on Corporate Political Activity: Emerging Corporate Governance Issues (U.S.A.: The Conference Board, 2010), pp. 1–52 <https://www.conference-board.org/retrievefile.cfm?filename=1189_1309335497.pdf&type=subsite>.

⁸DeNicola and others

⁹See Responsible Lobbying in Europe www.transparency.ie/resources/responsiblelobbying

¹⁰<http://www.microsoft.com/about/corporatecitizenship/en-us/working-responsibly/principled-business-practices/integrity-governance/political-engagement/>

¹¹<https://www.basf.com/us/en/company/sustainability/responsible-partnering/advocacy/lobbying.html>

¹²Vigeo, *Transparency and Integrity of Lobbying: A New Challenge for CSR* (Paris: Vigeo, June 2013)

¹³<http://www.publicaffairsCouncil.org.uk/en/search-the-register/>

¹⁴Vigeo

¹⁵SustainAbility and the World Wildlife Fund (WWF), *Influencing Power: Reviewing the Conduct and Content of Corporate Lobbying*, 2005, pp. 1–24, p.13

¹⁶AccountAbility and the UN Global Compact (UNGC), *Towards Responsible Lobbying: Leadership and Public Policy*, 2005, pp. 1–77, p.60.

¹⁷Vigeo, p.13.

¹⁸AccountAbility and the UN Global Compact (UNGC)

¹⁹AccountAbility and the UN Global Compact (UNGC)

²⁰See page 60, AccountAbility and the UN Global Compact (UNGC)

²¹Vigeo, p.10.

²²'EPACA: Members of the Professional Practices Panel', <http://www.epaca.org/code-of-conduct/members-of-the-ppp-list>

²³Vigeo, p.21.

²⁴http://www.transparency-france.org/ewb_pages/div/Encadrement_du_lobbying.php

²⁵http://www.transparency.org/news/pressrelease/20120808_german_ceos_join_transparency_international_calls_for_revision_of

²⁶http://www.transparency-france.org/ewb_pages/div/Encadrement_du_lobbying.php

²⁷More information is available at http://www.transparency.org/whatwedo/publication/lobbying_in_europe

²⁸http://www.transparency.org/whatwedo/tools/business_principles_for_countering_bribery

²⁹<http://transparency.ie/helpline/guides>

Transparency International Ireland

Floor 2, 69 Middle Abbey Street
Dublin 1

Phone: +353 1 554 3938
info@transparency.ie
www.transparency.ie

facebook.com/transparencyireland
twitter.com/transparency_ie