



## LOBBYING INSTITUTE IN LITHUANIA: CONCEPTION AND OBSTACLES FOR EFFICIENCY

**Žaneta Navickienė\***

*Mykolas Romeris University, Faculty of Public Security, Department of Police Activity  
V. Putvinskio str. 70, LT-44211, Kaunas  
Phone 8 (37) 303663  
e-mail [zaneta.navickiene@mruni.eu](mailto:zaneta.navickiene@mruni.eu)*

**Andrius Stankevičius\*\***

*Mykolas Romeris University, Faculty of Public Security, Department of Law  
V. Putvinskio str. 70, LT-44211, Kaunas  
Phone 8 (37) 303673  
e-mail [stankevicius@mruni.eu](mailto:stankevicius@mruni.eu)*

---

Law issued regardless the conditions in which people live,  
will not be effective  
(King Sunny Young, cit. A.Vaišvila, Theory of Law)

**Anotation.** This paper analyzes the definition of lobbying and the efficiency of this social institution interference in Lithuania. Examining Lithuanian and foreign scientific literature, the authors introduce the origins and objectives of lobbying and analyze various concepts of lobbying. This paper argues that lobbying can be described as a positive phenomenon, insofar as it is a social and governmental form of communication, acknowledging that hitherto it has not been efficient in Lithuania. Further discussion on how to make lobbying more transparent and purposeful is encouraged. Recently debates on legal regulation of lobbying, with the aim of reviewing and improving current regulation, have been strongly encouraged. Research on this phenomenon is characterised by interdisciplinarity: lobbying activity may be analysed from legal, political, economic and social perspectives.

The paper is divided into two parts: in the first part „Beginning and conception of lobbying“ authors deepen their knowledge in the concept of lobbying, introduce semantic definition of the term, examine main categories related to lobbying activities and analyze the content of this phenomenon. Assessing how relatively a new branch in Lithuania it is, the authors emphasize the need to educate the public, and to form deeper understanding of lobbying, promote positive thinking in the construction of a lobbying operation model. In the second part of "Lobbying effectiveness interference in Lithuania“ authors analyze the current Law on lobbying of the Republic of Lithuania, identify social and legal factors limiting the effectiveness of lobbying and encourage a discussion about the need to review not only the legal regulation of lobbying, but also to employ certain sociological evaluation methods in examining lobbying. This section also identifies the main debatable attitudes that would improve core lobbying procedures

**Keywords:** lobbying, lobbying activity, interest groups, influence decisions.



## INTRODUCTION

**Relevance of the research.** Category of lobbying in Lithuania is not entirely new, but it was approved by the law only a few years ago<sup>1</sup>. The phenomenon is closely related to another category – interest groups – that enables us to understand the rudiments of lobbying, which were formed much earlier than it was legally established by the law. Lobbying is perceived as a social phenomenon, as a communication link between the public and the government. It is an integral part of political governance in the modern and democratic society. Interest groups from ancient times are trying by different means to affect government policy – it is a natural phenomenon that can not be eliminated from the political arena. In foreign scientific sources the activity of such groups is outlined as mainly consisting of two sorts of actions: by making a contribution (contribution) and by providing information<sup>2</sup>. Proper, clear legal regulation of lobbying and transparency would ensure interest groups to be more transparent, more visible and identifiable within society. On the other hand, a clear definition of the institute would facilitate the implementation of desired expectations in the legal regulation, and would definitely abolish currently existing "routine" or "correction" methods, which basically shows regulation is a step behind current lobbying practices. Currently lobbying is perceived as a negative phenomenon in public space and associated with corruption, shadow political groups and, illegal means used to influence political decisions. So the question arises – is lobbying compatible with democratic principles? Scientists, who are studying lobbying, emphasize that lobbying should be perceived only in "democratic ethical frames"<sup>3</sup>.

Although Lithuania adopted the Law on Lobbying Activities, it has been assumed that the existing legal regulation in this area is not sufficient. Firstly, our society is not reasonably well informed about the objectives of the establishment of the institute, even lacks knowledge and awareness of the general understanding of the phenomenon – whether it is positive or negative. Secondly, the state lacks vision on the mechanism of lobbying: what is created and what are the effects of the institute and what is its effectiveness. Thirdly, a clear and laconic definition of

---

<sup>1</sup> Republic of Lithuania Lobbying Law was adopted in 2001. Later added to the Republic of Lithuania in lobbying on Amending the Law. IX-1385, 2003-03-20, Official Gazette., 2003, no. 35-1461 (2003-04-11).

<sup>2</sup> Austen-Smith D., Wright J. R. Counteractive Lobbying. American Journal of Political Science, Vol. 38, No. 1 (Feb., 1994). P. 25. [accessed 2014-02-16]. Internet access: <http://www.jstor.org/stable/2111334>

<sup>3</sup> Hall R. L., Deardorff A.V. Lobbying as Legislative Subsidy. The American Political Science Review, Vol. 100, No. 1 (Feb., 2006). P. 80. [accessed 2014-02-16]. Internet access: <http://www.jstor.org/stable/27644332>.



lobbying is indispensable that would prevent the interpretation and understanding of the institute ambiguities, so as to avoid certain actions and lawlessness or existence of corruption. In addition to this, the smooth functioning of the institute must be described as a mechanism of actions, as precise as possible – legally regulated, so that to maximize the available standards of performance and achieve the desired objectives – to give a sense to its procedure. Even though, as mentioned above, a large proportion of lobbying activity is unsanctioned, for example when support is provided for election campaign. Unregistered illegal lobbying actors operate through public advisers<sup>4</sup>. Thus, examining the principles of the operation of lobbying, it is essential to define the legal procedures in order to dismiss claims about this activity being illegal.

**Novelty of the research.** Lobbying topics in foreign countries, especially in the United States, have been sufficiently and broadly analyzed, a number of scientific studies have been accomplished on lobbying, on its regulatory problems<sup>5</sup>. It should be noted that in the literature of foreign countries, lobbying was extensively examined and the subjects are often controversial. However, the subjects must always be generated and reviewed<sup>6</sup>. However, this topic has been relatively little examined in Lithuania, less understood and comprehended, often giving us the impression of lobbying as a negative phenomenon. Superficial and perhaps even a strained interpretation of lobbying is most likely a consequence of the fact that the public is not well informed and educated on this issue, and we do not have a deep tradition of lobbying, so it does not establish adequate and fair view of the same phenomenon. In addition, the legal regulation of this process was first defined in just over ten years ago. In 2001, the Republic of Lithuania adopted the Law on Lobbying. Lobbying activity studies are needed for better understanding of the phenomenon in political, legal and sociological sense, involving the studies of the strategies and activity of interest groups dealing with business or political issues. This particular scientific subject is difficult to explore. In fact, certain changes in this field are needed. The phenomenon of

---

<sup>4</sup>Shadow lobbying thrives in Lithuania [Accessed 2014-01-21].

Available at: <http://lzinios.lt/lzinios/Lietuvoje/lietuvoje-klesti-seseliniis-lobizmas/164494>

<sup>5</sup> Austen-Smith D., Wright J. R. Counteractive Lobbying. American Journal of Political Science, Vol. 38, No. 1 (Feb., 1994). P. 25-44. [Accessed 2014-02-16]. Available at: <http://www.jstor.org/stable/2111334>.

Also see: Hall R. L., Deardorff A.V. Lobbying as Legislative Subsidy. The American Political Science Review, Vol. 100, No. 1 (Feb., 2006). P. 69-84. [Accessed 2014-02-16]. Available at: <http://www.jstor.org/stable/27644332>. Also see: Logan E. B., Patten Fellow S. N. Lobbying. Annals of the American Academy of Political and Social Science, Vol. 144, Supplement (Jul., 1929). [Accessed 2014-02-14]. Available at: <http://www.jstor.org/stable/1017495>.

<sup>6</sup> Hall R. L., Deardorff A.V. Lobbying as Legislative Subsidy. The American Political Science Review, Vol. 100, No. 1 (Feb., 2006). P. 80. [Accessed 2014-02-16]. Available at: <http://www.jstor.org/stable/27644332>

lobbying is not widely examined in the scientific literature of our country. Several researchers, for example, R. Geleževičius, P. Ragauskas, A. Lukošaitis, E. Vaidelytė and L. Slavickaitė explored the nature of this social institution. Their academic work examines the concept of lobbying, operational forms and tools<sup>7</sup>, focusing more on the legal regulation: unanimously emphasized the process of operational problems and loopholes<sup>8</sup>, it is also noted that the legitimate lobbying activity is very important for open and transparent political process, as well as a corruption prevention measure<sup>9</sup>. Examining lobbying phenomenon P. Ragauskas claims that the law on lobbying does not actually work properly in practice in the Republic of Lithuania and in some other legal acts accepted by legal regulation of lobbying provisions<sup>10</sup>. This might be the primary reason why the institute of lobbying in Lithuania is not viable and effective. According to E. Vaidelytė and L. Slavickaitės opinion, there are a number of legal loopholes and changes in the regulation of this activity occur quite passively<sup>11</sup>. It should be emphasized that the discussion on lobbying often becomes a contravertial issue in the public sphere: in the media, in various debates and discussions<sup>12</sup>. Currently, more and more active discussions take place to come back again and review the legal regulation of lobbying<sup>13</sup>. On the other hand, recently it is suggested to abolish altogether lobbying regulating lobbying under a special legal act – Lithuania should take the road chosen by absolute majority of democratic countries<sup>14</sup>.

**Scope of the research.** This article examines the origins of lobbying, conception and substantial interferences that affect the efficient operation of the process in Lithuania. The authors of the study focus on the overall picture of the process, due to the volume of the

---

<sup>7</sup> Geleževičius R. Interest groups and lobbying. University of Law, Lithuania, Vilnius, 2004.

<sup>8</sup> See more details: Ragauskas P. Assumptions about work lobbying for legal regulation of Lithuania. Legal problems. No. 3 (73). 2011. See also: Lukošaitis A. Lobbying in foreign countries and in Lithuania: legal and regulatory problems of institutionalization. Political Science. 2011/2 (62).

<sup>9</sup> Lukošaitis A. Lobbying in foreign countries and in Lithuania: legal and regulatory problems of institutionalization. Political Science. 2011/2 (62).

<sup>10</sup> Ragauskas P. Assumptions about non-functioning lobbying for legal regulation of Lithuania. Legal Problems. No. 3 (73). 2011.

<sup>11</sup> Vaidelytė E., Slavickaitė L. 2000-2013. Lobbying and lobbying trends in Lithuania. Public Policy and Administration. 2014, Vol 13, no.1.

<sup>12</sup> Lobbying in Lithuania: what operates on politicians unofficially. Available at: <http://www.ekonomika.lt/naujiena/lobizmas-lietuvoje-kas-politikus-veikia-neoficialiai-40472.html>.

<sup>13</sup> Bilotaitė A. Lobbying: between rumors and reality. [Accessed 2014-01-20]. Available at: <http://www.delfi.lt/archive/abilotaite-lobizmas-tarp-gandu-ir-realybes.d?id=59488679>.

<sup>14</sup> Geleževičius R. The legal regulation and insitutionalisation of lobbying in Lithuania: outcomes and lessons of the first decade. Studies of Social Sciences. 2013.5(1). P. 191.



research, looking over categories, without a deep and conscious examining of lobbying regulatory features – this is going to be done in a separate study.

**The object of the research** – to identify the definition of lobbying and interference of effectiveness in Lithuania.

**The objective of the research** – analyzing the definition of lobbying and principles of the mechanism, to examine the process of interference of the effectiveness in Lithuania.

**In pursuance of achieving the aim of the research, the following questiones are raised:**

1. To analyse the concept of lobbying and its definition.
2. Analysing the social and legal levers of lobbying activities, to evaluate factors limiting effectiveness, to suggest opprtunities of improvement.

**Methodology of the research.** The research has been carried out having analysed legal and scientific literature analysis methods. During the research it was aimed to investigate different concepts of lobbying, preconditions for effective functioning of the lobbying institute and the main obstacles of the operation in Lithuania. During the first stage of the study, key words were selected according literature selection criteria: lobbying, lobbyist, interest groups, and influence on decisions. In accordance with the selection criteria – variety of laws, educational sources, search of scientific publications, legislations were carried out. In consonance with the key words ten significant literature sources were selected for futher investigation. During the second stage of the research data method analysis was applied as a descriptive content analysis. The essence of the method is determine the meaningful units for the research, some certain words and concepts related to lobbying in the existance of the text. Seeking to substantiate novelty and relevance of the reserach in terms of scientific literature the authors aimed to reveal the phenomenon of lobbying in other countries and its assumptions for effective functioning of the institute. Adopting document descriptice content analysis the main focus is put on examining the concept of lobbying in our country, the other key concepts related to lobbying, to identify the the main obstructions on the ineffeciency of the Institute.

## **ORIGIN AND CONCEPT OF LOBBYING**

The word „lobbying“ is derived from the English word „lobby“ and may refer to „a room“, an atranceway, a foyer in a buiding, and also is associated with members of the public, groups or

individuals seeking to influence a view point to politicians or the activities of government representatives. It is a business group's interest protection, which influences politicians, especially Members of Parliament, in various ways. Semantic definition of lobbying should not be overlooked. The concept of „lobbying“ does not come from Lithuanian word „to make a fortune“ which means „to make a mint“ and does not relate to its negative meaning – to endeavour to make a mint. In 1994, in the United State's scientific literature a term „a counteractive lobbying“ was established which describes anti supporters of the legislator interest group, and do counteract the influence of opposition groups.<sup>15</sup> In the scientific literature of the aforesaid country lobbying is named as a persuasive phenomenon<sup>16</sup> or a big business<sup>17</sup>, or even a negotiation between the interested parties<sup>18</sup>.

The other phenomenon is closely related to „lobbying activity“ – „lobbyist“. Lobbyist – the person who by exerting pressure on public bodies, members of parliament, the economic and political means in order to benefit certain political groups and the public.<sup>19</sup> In the earlier scientific literature lobbyist is defined as a person who tries influence legislators, or interferes in the process<sup>20</sup>. Former lobbyist profession names: representer, public relation officer, lobby agent<sup>21</sup>. In the modern context – lobbyist is a political consultant, mediator between the government and society, the spokesman for the government, and so on. In the academic literature the other characteristics and assertions of lobbyist can be identified: legal agent, legal representative, legislative consultant<sup>22</sup>. In American scientific literature lobbyists are called as the most experienced, skillful, astute, knowledgeable „strategic actors“, agents of exchange<sup>23</sup>. Hence, an

---

<sup>15</sup> Austen-Smith, D., JR Wrigt Counteractive lobbying. *American Journal of Political Science*, Vol. 38, No. 1 (Feb. 1994). [Accessed 2014-02-16]. Available at: <http://www.jstor.org/stable/2111334>.

<sup>16</sup> Hall R. L., Deardorff A.V. Lobbying as Legislative Subsidy. *The American Political Science Review*, Vol. 100, No. 1 (Feb., 2006). P. 69-84. [Accessed 2014-02-16]. Available at: <http://www.jstor.org/stable/27644332>

<sup>17</sup> Kelleher Richter B., Samphantharak K., Timmons J. F. Lobbying and Taxes. *American Journal of Political Science*, Vol. 53, No. 4 (Oct., 2009). P. 893. [Accessed 2014-02-16]. Available at <http://www.jstor.org/stable/20647957>

<sup>18</sup> Ibid. P. 895.

<sup>19</sup> [www.lietuviuzodynas.lt](http://www.lietuviuzodynas.lt)

<sup>20</sup> Logan E. B., Patten Fellow S. N. Lobbying. *Annals of the American Academy of Political and Social Science*, Vol. 144, Supplement (Jul., 1929). [Accessed 2014-02-14]. Available at : <http://www.jstor.org/stable/1017495>

<sup>21</sup> Geleževičius R. Interest groups and lobbies. University of Law, Lithuania, Vilnius, 2004.

<sup>22</sup> Logan E. B., Patten Fellow S. N. Lobbying. *Annals of the American Academy of Political and Social Science*, Vol. 144, Supplement (Jul., 1929). [Accessed 2014-02-14]. Available at: <http://www.jstor.org/stable/1017495>.

<sup>23</sup> Hall R. L., Deardorff A.V. Lobbying as Legislative Subsidy. *The American Political Science Review*, Vol. 100, No. 1 (Feb., 2006). P. 70. [Accessed 2014-02-16]. Available at: <http://www.jstor.org/stable/27644332>.



individual who carries out the lobbying activities is called a lobbyist. Elaborating the word, emphasis is put on the influence of the person upon the state institutions. There is a great variety of lobbyists. It could be a contract lobbyists, people who work under the contact and receiving a salary for the work. In Lithuania, lobbyists who are registered in the Chief Official Ethics Commission, and moreover are reporting, declaring and receiving income for lobbying activities are assigned lobbyists. The other lobbying group – staff lobbyist – the organisation and corporate executives, presidents, directors, public relations representatives who represent a client. The third group of lobbying – lobbyists related to legislators: advisors, consultants, who are not within companies or institutions, employed as full-time workers and not registered as lobbyists. To this group belong consulting or public relations companies, where they exercise the lobbying activity for someone else, under contractual circumstances.

It should be pointed out that a deeper awareness and a proper attitude towards lobbying activities was aggravated by lack of definition and the absence of a legal regulation. Nowadays, it should be noted that lobbying is associated with a negative occurrence, what is allowed or not allowed outside the law.

Lobbying itself is a positive phenomenon, its goal – to solve the problems of the public, saving taxes, so it should not be confused with illegal lobbying activities. R. Geleževičius points out that transparency and legitimacy of lobbying are the most significant features<sup>24</sup>. In this case, we should not follow the stereotypes and what more is lobbying must not be treated as unconditionally unlawful action – it is not a criminal act. Lobbying is only being developed as a brand new political branch, in Lithuania and the lobbying process is not acknowledged, recognised in details and it makes stereotypical assumptions to think as if it is a kind of illegal activities. Lobbying tradition has not been developed in Lithuania so far, there is a lack of original model of the process of regulation, thus the public's awareness of this activity is limited. The fundamental lobbyists' activity – is to mix with the public sector representatives as public servants, politicians, members of parliament. The main aim – to control and monitor efforts of governmental and political work, to give advise on political strategies and tactics, to develop and maintain their own lobbying activity. In case of non-transparent and undeclared activity within the lobbying process it makes us to think that this is illegal.

---

<sup>24</sup> Ibid. P. 31.



In ancient Rome and Greece, early manifestations of lobbying can be detected, as the legislative power at that time were trying to influence some interests. The primordial definition of lobbying was defined as actions that were intended to influence MP<sub>s</sub> votes. The beginning of the contemporary lobbying is linked to the end of the eighteenth century, in the United States. Since the nineteenth century lobbying activities moved forward, however the content and the nature survived for interests of the interests groups defence, promotion of influencing policy makers, influencing legislative and administrative decisions. And it is not the only backstairs activity, as it is usually considered. It is an art of persuasion, argumentation, presentation of drawing up legislation and the adoption of a mechanism based on transparency.

Although, the lobbying was assessed negatively in public and the registration of lobbying for the first time was attempted unsuccessfully in 1928. Federal regulation of the lobbying act was adopted by the United States after the Second World War – it defines lobbying, lobbyists provide certain positions (for instance, to register, to declare their interests, income and so on) and sanctions for failure comply with these requirements. While analysing lobbying, it should be pointed out that another type of lobbying was mentioned and developed – counteractive lobbying<sup>25</sup>. As it was already mentioned the core of the study – is to reveal another interest group – who are predisposed to vote against their favourite positions.

Currently, the prevalence of lobbying and legal regulation levels vary in different countries and continents (see more Scheme No. 1)<sup>26</sup>. All lobbying regulation levels could be divided into four groups:

1. Law regulated lobbying activity (for instance as the United States, Lithuania, Poland, France, Germany, Hungary, Australia).
2. The other normative legal acts regulated lobbying activities (for instance Scandinavian countries, Spain, Italy, Austria, and Switzerland).
3. Unregulated lobbying activities yet, but there were attempts to regulate the process (such as Ukraine, Russia).
4. Unregulated lobbying activities under no legislation (such as South Africa, Africa).

---

<sup>25</sup> Austen-Smith D., Wright J. R. Counteractive Lobbying. *American Journal of Political Science*, Vol. 38, No. 1 (Feb., 1994). P. 25-44. [Accessed 2014-02-16]. Available at: <http://www.jstor.org/stable/2111334>

<sup>26</sup> Lobbying adjustment in the world. [Accessed 2014-04-11]. Available at: [http://lobbying.ru/content/sections/pageid\\_49.html](http://lobbying.ru/content/sections/pageid_49.html)



Implementing the following goals lobbying activity:

5. Information transferring of the appropriate target. This is special information that the group or organisation is required to pass a politician, office representative or so on. Sometimes it could be an outlook or an aspect of the position, as well as a fact or some statistics.
6. The transmitting information is required to express the define problem, intended to focus on the target.

Examining the content of lobbying three important components are highlighted:

1. Individuals, bussiness purposeful activities seeking to achieve a desired result.
2. Striving to influence legislative and executive law.
3. Obtaining some certain benefits by a favorable agreement.

Evaluating all of these components, it is essential to realise that lobbying activity influencing legislative or other law – makers processes is bound up with a high risk, while inflencing vulnarabilty of transparency might be contravened. There is a great gap for unfair practices and abuse of public interests, for the state itself. In this case a disorted lobbying phenomen occurs instead of the real one. Therefore, it is important to clarify the definition of lobbying, as far as possible. From the legal point of view, the narrow and limited definition of the concept is drawn up for misinterpretation, arbitrariness of actions and corruption as well. On the other hand, the legal regulation of lobbying does not have deep roots and traditions in Lithuania, it is relatevely a young enterprise, so lobbying procedures should be developed and improved in the future. Lobbying activity can practice an individual or a group so called – interest group. According to the European Parliament 2013 annual report in 2003, in Brussels and its surroundings 2600 lobbyist groups were registered with permanent offices.

Approximately one-third of them is the European Trade Association, one-fifth – commerce consultants, about ten per cent – non-governmental organizations, trade unions, the National Business Association, about five per cent – international organizations and about one per cent – panels. Interest groups are usually classified according to the interests they represent. The European Commission proposes to classify them into two groups – the business or the public interest. The public interest is represented by the non-profit-making organization or aiming to be for example, lawyers, consultants. Lobbying in the United States goes much wider. The State of



Ohio in 1925 has been one hundred seventy<sup>27</sup> registered lobbyists and lobbying expenses in 2005 amounted to 2.47 billion dollars (in 1998 it accounted for 1.44 billion dollars)<sup>28</sup>.

It should be noted that currently a lot of debates raise the lobbying approach and its definition. The analysis of the evolution of the concept of lobbying, it should be noted that in the initial conception of this social institution dominated by much narrower approach: lobbying – are actions taken to affect voting in parliament, or introducing, amending and supplementing the act of lobbying services to the customer who ordered a useful direction<sup>29</sup>. In Lithuania lobbying activity is defined as a natural or legal person, with or without compensation actions to influence the lobbying client's interests would be altered, supplemented, or declared invalid laws passed or failed the new legislation<sup>30</sup>. The current Lithuanian Republic Law on lobbying in the construction of the definition of lobbying, also emphasized the adoption of legislation, changing, abolition. However, it is clear that this lobbying activity includes not only the legislature, but much broader actions such as executive decisions. It should be noted that it is necessary not only to clarify lobbying, provided the principles of operation, but also to create an original sound and that meets the expectations of our state of the legal work. On the other hand, it is important to encourage people to get to know the process, educate the public about the positive sides of the process, to shape the public's awareness of the effectiveness of lobbying.

## **INTERFERENCE OF LOBBYING EFFECTIVENESS IN LITHUANIA**

Since only a small part of the information on lobbying activities, and the results are available to the public, lobbying governing law is going to give its transparency. As senator Carl Levin said (United States, 1992) lobbying laws purpose – is to tell people what, how much and by whom in the interest paid for lobbying activities and in which it is carried out in the field<sup>31</sup>. "Lobbying can be regulated by legislation, codes of conduct, declaration of interests, habits, and

---

<sup>27</sup> Logan E. B., Patten Fellow S. N. Lobbying. *Annals of the American Academy of Political and Social Science*, Vol. 144, Supplement (Jul., 1929). [Accessed 2014-02-14]. Available at: <http://www.jstor.org/stable/1017495>.

<sup>28</sup> Kelleher Richter B., Samphantharak K., Timmons J. F. Lobbying and Taxes. *American Journal of Political Science*, Vol. 53, No. 4 (Oct., 2009). P. 893-894. [Accessed 2014-02-16]. Available at: <http://www.jstor.org/stable/20647957>

<sup>29</sup> Ibid. P. 30-31.

<sup>30</sup> Republic of Lithuania Law on lobbying activities (as amended by Law. IX-1385, 2003-03-20, Official Gazette, 2003, no. 35-1461 (2003-04-11).

<sup>31</sup> Sen. Carl Levin, Hearing on S. 2279, Senate Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, Washington, D.C. (Mar. 26, 1992).

so on. For example, in the United States each state has its own governing lobbying law, although some of the content in terms of state laws are similar, such Massachusetts and Wisconsin<sup>32</sup>, but a breach of the steps has an antitethic assessment of the activity – may be the offense, and the offense is so very different, and also penalties spectrum differ from fines to imprisonment<sup>33</sup>. From the choice of legal regulation model public awareness depends on the lobbying activities. Lobbying can be finetune in two ways:

- Acts and their implementing bodies. For example, in 2000 the Republic of Lithuania adopted the Law on Lobbying Activities. It defines the basic concepts, establish lobbying activity includes lobbying the rights and duties of the registration procedure, accountability requirements. There is also a Chief Official Ethics Commission (COEC), which records the lobbyists. In 2011, 27 indicated COEC registered lobbyists Lithuania. According to the declarations of registered lobbyists, only 8 out of 27 indicated conducting lobbying activities in 2011.
- Civil society development and implementation of measures. For example, in 2008 the United Kingdom established lobbying transparency Alliance (The Alliance for Lobbying Transparency)<sup>34</sup>. In order to increase transparency in lobbying, the organization works in 3 directions: 1) maintain the registration of lobbyists and execute their monitoring activities, 2) carry out all the lobbyists and the public sector monitoring meetings, 3) provide suggestions and recommendations for lobbying ethics issues.

In order to identify and define the lobbying effectiveness of regulatory interference, it is first important to understand and discuss the effectiveness of the same category. Effectiveness is understood as a process of functioning of reaching their targets<sup>35</sup>. Legal theory of regulatory effectiveness is defined as the regulatory objectives and actual results ratio<sup>36</sup>. Thus, the efficiency describes the objectives and the expected results obtained in relative terms. The identification of

---

<sup>32</sup> Logan E. B., Patten Fellow S. N. Lobbying. *Annals of the American Academy of Political and Social Science*, Vol. 144, Supplement (Jul., 1929). [Accessed 2014-02-16]. Available at: <http://www.jstor.org/stable/1017495>.

<sup>33</sup> Ibid.

<sup>34</sup> Lobbying: it will come back to bite them. [Accessed 2014-03-10]. Available at: <http://www.lobbyingtransparency.org/>.

<sup>35</sup> In particular, the effectiveness of the concept, in this context, is a very important category. Formal effectiveness – this is the finding that the legal authority functions, laws are accepted, a certain percentage of violations of the law is revealed, the real offenders serving a sentence, etc. Social effectiveness – this is the real human rights protection, the degree of social stability (effects), which leads to all the legal effect of the human behavior system. See more details: Vaišvila A. *Theory of Law. Justitia*. Vilnius, 2009. P. 479-480.

<sup>36</sup> Vaišvila A. *Theory of Law. Justitia*. Vilnius, 2009. P. 479.



lobbying effectiveness interference Lithuania, distinguished by several important reasons. First, not put up these traditions of their lack of stress on critical thinking – why do we need this regulatory process and how to run a real life, this process did not provide the real functionality of this activity. Lobbying Activities Act Lithuania came into force in 2001 and with some changes are still operating, in the field of legal regulation of lobbying loopholes in this legislation – are many. It should be noted that some countries have a long tradition of lobbying and this is fairly clearly regulated, but each individual country-specific legal models are not always efficient to move in another operating principles for the definition of some of the processes and the mechanical application of the law. Scientists say that there is a lack of internal law of developing maturity, self-unconscious needs an authentic Lithuanian authorities endeavor<sup>37</sup>. On the other hand, some of the processes involved in lobbying has had in the past. For example, in November 1943 established the 25th Chief Lithuanian Liberation Committee (VLIK) had been the most influential organization of all emigrants, who raised a non-recognition occupation issue. VLIK performed a kind of the Seimas functions, consistently achieved the set goals with measurable erected program aiming to unite all political forces. So, lobbying is achieving a certain interest groups, the result – can be found in the rudiments long before the entry into force of the Law on Lobbying activities. However, in our opinion, there was the lack of a deeper tradition of lobbying formation.

The second reason, influenced and led to this result – haste. In 2001 the preparation of the law regulating the activities took a full advantage of Bar of the law and it was not accepted as the proper regulation of lobbying activities, and then to meet the Lithuania's formal accession to the European Union requirements. So it is not surprising that this area still have problems. It is true, in 2006 some attempts were made to improve the situation, but in the end the draft law was put in a drawer. So today, publicly registered lobbyists are just a handful in Lithuania. It is humorous to say that the law was designed for almost two dozen people. Registered lobbyists are required to declare their ambitions, relationships with politicians, specify the amount of honorariums, etc. like seeking transparency in lobbying. On the other hand, what the meaning is when we realize that still lobbying activities are carried out illegally, and the people involved in the activity do not

---

<sup>37</sup> Ragauskas P. Assumptions about non-functioning lobbying for legal regulation of Lithuania. Legal Problems. No. 2011. 3 (73).

declare anything at all. Seimas of the Republic of Lithuania Board will be encouraged to set up a working group to revise the regulation of lobbying and offered to make lobbying more transparent.

The third reason – has not been fully defined in the process of regulatory expediency, not fully argued for the benefits and negative effects of this process. Discussing the purpose and effects of lobbying, it is worth noting that lobbying leads to positive consequences, such as increasing public interest group representation, recruiting better skilled in certain areas of professional development of law professionals. R. Geleževičius notes that as educated citizens of society, social conflicts are neutralized, reduced corruption. Also mentions that it is a form of control of state institutions, one of the forms of self-organization of society, political pluralism in the form of stimulus to try to understand their citizens' interests or a way to compromise<sup>38</sup>. As stated by P. Ragauskas, lobbying activities, the implementation of the right of citizens allow us to participate in the government of his country, or allowing decision makers to have the widest possible range of information material<sup>39</sup>. Overall, compared to the prevention of corruption and legal lobbying the general principles can be seen in a lot of similarities between human rights and freedoms, the legitimacy of state institutions, openness and so on<sup>40</sup>.

Undoubtedly, negative consequences would be possible to see in lobbying. It is difficult to answer unambiguously whether it is possible to control fully lobbying or is it possible an absolute control of this phenomenon? Apparently not. So there is a risk that decisions will be not taken by the majority, but far more money supported individuals or groups benefits. On the other hand, the researchers say that this activity can be enhanced the officialdom, weakening fragile minority<sup>41</sup>.

Fourth, an attempt to legally regulate this process is enough superficially examined and defined with the process associated with this category. In fact, in scientific literature this problem is sufficiently clearly and completely ventilated. In order to define some of lobbying-related

---

<sup>38</sup> Geleževičius R. Interest groups and lobbies. University of Law, Lithuania, Vilnius, 2004.

<sup>39</sup> Ragauskas P. Assumptions about non-functioning lobbying for legal regulation of Lithuania. Legal Problems. No. 3 (73). 2011.

<sup>40</sup> Russian scientists studying the prevention of corruption, identifies the following basic principles of human rights and freedoms, the legitimacy of state institutions openness, political, organizational, legal, socio-economic instruments. See more details: Counter corruption: domestic and foreign experience, Kaliningrad. 2011. P. 44.

<sup>41</sup> Geleževičius R. Interest groups and lobbies. University of Law, Lithuania, Vilnius, 2004.

categories, disqualifying features were selected instead of qualifying, the basic provisions are formulated streamlined such as lobbyists' rights do not have a particular connection with it.

According to P. Ragauskas, lobbying law does not define a separate legal entity that may be in lobbying clients group. On the contrary, it defines the entities to which these activities shall be permitted as clients<sup>42</sup>. A similar method is used for, and in order to define the status of the lobby: the Law on Lobbying<sup>43</sup>. Activities marked with the insurance conditions in which the entity can not be a lobbyist. In this situation, large category of interpretation is emerging, theory of law category is applied – everything is allowed – what is forbidden.

According to the authors, it is possible to identify the following main lobby of the institute of improving efficiency and related trends:

1. Develop public awareness and understanding of the phenomenon of lobbying, to promote interest in it, forming a positive approach to lobbying.

2. Create a clear vision of the institute: lobbying place in our country and how the institute can serve. At the same time finally decide whether sufficient improvement of existing law or lobbying activities, however, require a new comprehensive legislative proposal.

3. A clear and concise definition of lobbying-related categories.

4. Define lobbying work.

5. Simplifying bureaucratic procedures in order to increase the motivation of unregistered lobbying publicly declare their activities.

6. To address the issue of lobbying transparency. For example, to decide on a public declaration or move the administrative burden from the shoulders of lobbyists on politicians that they themselves publicly declared his relationship with lobbyists.

7. Create a reporting mechanism for lobbying activities when they are not provided during the process, rather than at the end.

8. See lobbyists status. Currently, registered lobbyists are usually divided into individually operated, associations, non-governmental organizations. The latter is not required to offer any returns on their aspirations, relations with politicians, and lobbyists for the individual to feel

---

<sup>42</sup> Ibid. P. 81-82.

<sup>43</sup> Republic of Lithuania Law on lobbying activities, art 3.



discriminated against and would like to see that the conditions are equalized. Of course non-governmental organizations and do not want to argue that it is clear who they represent.

9. Lobbyist wheel extension. Now there are ten registered lobbyists. Associations representing various business sectors, other than the lobby. Have no control, they do not need to register their communications. And they should declare the relationship between alignment decisions.

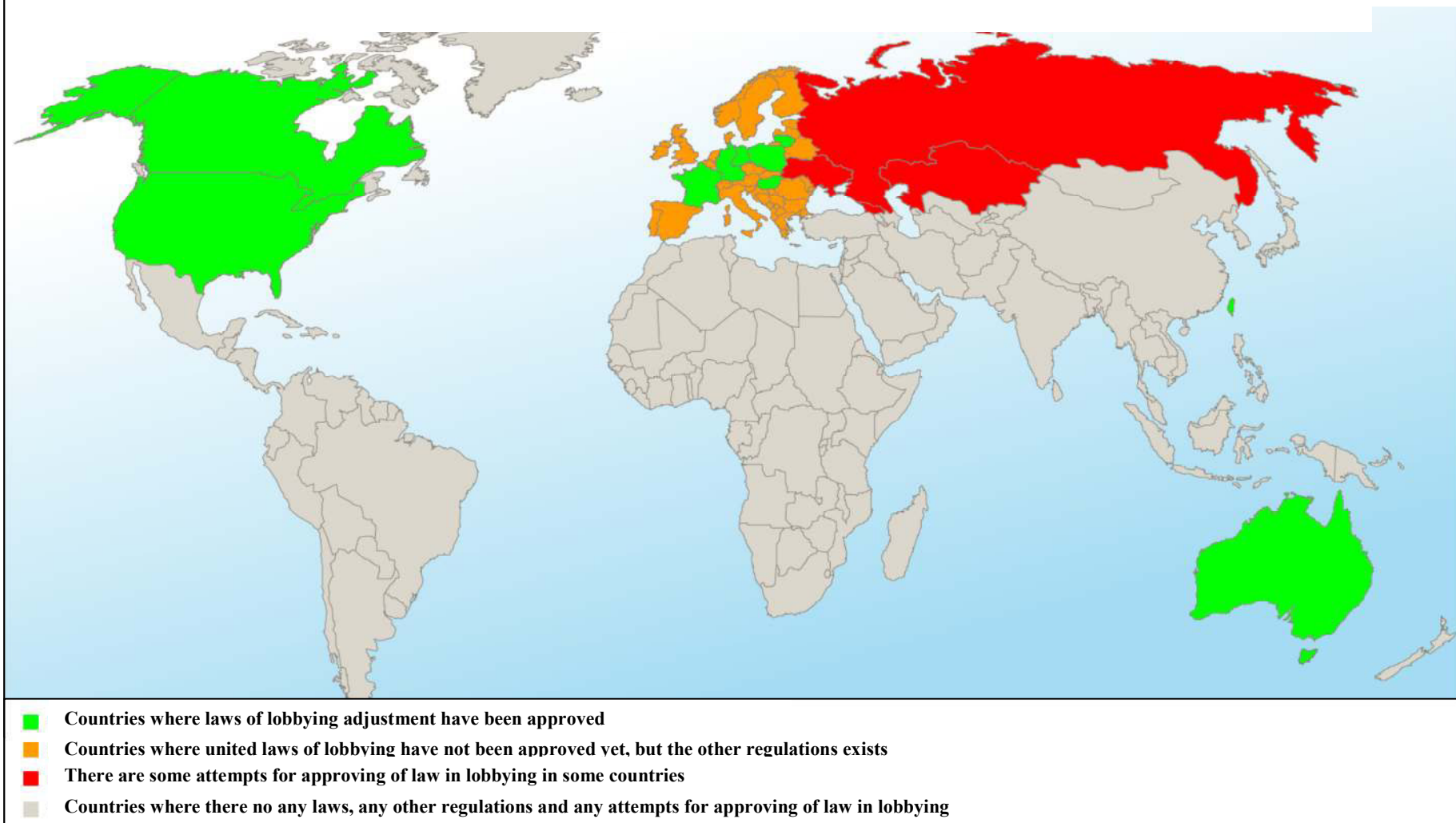
## CONCLUSIONS

Lobbying concepts shows that there is no uniform definition of lobbying: lobbying is widely perceived as emphasis on not only the legal but also the negotiating, mediation, consultation, social nature. Different definitions of lobbying formats preconditions dynamics of this phenomenon, the controversy, and at the same time lobbying for a permanent review process. Some countries of the world have different levels of legal process adjustment measures, and different countries formed the distinctive features of the regulatory process.

Lobbying activities are natural by typical interdisciplinary exploration: this phenomenon is both lawyers and political scientists, and economists as well as social communication representatives under the spotlight is their research object. In Lithuania, the legal regulation of lobbying is not effective, because the institute remains static and non-functional enough. Weak lobbying origins in our country, lack of the real lobbying vision, haste in trying to legally regulate this process are substantial lobbying effectiveness interferences, unpurified lobbying activities relate to the definition of the categories and the lack of a logical, purposeful and functional mechanism of this process.

The essential point of reference for making this institute a viable legal framework would be a real vision and implementation of functional mechanisms. More over, persueing transparency it is necessary to identify and make it concrete for certain categories relating to lobbying. On the other hand, Lithuania has a lack of public education and a more global phenomenon of lobbying, a deeper understanding of the process definition. Therefore a targeted approach for public on lobbying would allow to formate a deeper understanding of this phenomenon and deliberately involve the public in the process.

# LOBBYING ADJUSTMENT IN THE WORLD



**Scheme 1.** Lobbying adjustment in the world (source: [http://lobbying.ru/content/sections/pageid\\_49.html](http://lobbying.ru/content/sections/pageid_49.html))



## REFERENCES

1. Austen-Smith, D., JR Wrigt Counteractive lobbying. American Journal of Political Science, Vol. 38, No. (Feb. 1994). Available at: <http://www.jstor.org/stable/2111334>.
2. Bilotaitė A. Lobbying: between rumors and reality. Available at: <http://www.delfi.lt/archive/abilotaite-lobizmas-tarp-gandu-ir-realybes.d?id=59488679>.
3. Countering corruption: national and international experience. Kaliningrad. 2011.
4. Geleževičius R. Interest groups and lobbies. University of Law, Lithuania, Vilnius, 2004.
5. Geleževičius R. The legal regulation and insitutionalisation of lobbying in Lithuania: outcomes and lessons of the first decade. Studies of Social Sciences. 2013. 5(1).
6. Hall R. L., Deardorff A.V. Lobbying as Legislative Subsidy. The American Political Science Review, Vol. 100, No. 1 (Feb. 2006). Available at: <http://www.jstor.org/stable/27644332>
7. Kelleher B., Richter, K. Samphantharak, JF Timmons. Lobbying and Taxes. American Journal of Political Science, Vol. 53, No. 4 (Oct., 2009). Internet access <http://www.jstor.org/stable/20647957>
8. Republic of Lithuania Law on lobbying activities (as amended by Law. IX-1385, 2003-03-20, Official Gazette, 2003, no. 35-1461 (2003-04-11)).
9. Lobbying: it will come back to bite them. Available: <http://www.lobbyingtransparency.org/>
10. Lobbying adjustment in the world. Available at: [http://lobbying.ru/content/sections/pageid\\_49.html](http://lobbying.ru/content/sections/pageid_49.html)
11. Lobbying in Lithuania: what operates on politicians unofficially. Available at: <http://www.ekonomika.lt/naujiena/lobizmas-lietuvoje-kas-politikus-veikia-neoficialiai-40472.html>
12. Logan E. B., Patten Fellow S. N. Lobbying. Annals of the American Academy of Political and Social Science, Vol. 144, Supplement (Aug., 1929). Available at: <http://www.jstor.org/stable/1017495>
13. Lukošaitis A. Lobbying in foreign countries and in Lithuania: legal and regulatory problems of institutionalization. Political Science. 2011/2 (62).
14. Shadow lobbying thrives in Lithuania. Available at: <http://lzinios.lt/lzinios/Lietuvoje/lietuvoje-klesti-seselinis-lobizmas/164494>.
15. Sen. Carl Levin, Hearing on S. 2279, Senate Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, Washington, DC (Mar. 26, 1992).
16. Ragauskas P. Assumptions about non-functioning lobbying for legal regulation of Lithuania. Legal Problems. No. 3 (73). 2011.
17. Vaišvila A. Theory of Law. Justitia. Vilnius, 2009th.
18. Vaidelytė E., Slavickaitė L. 2000-2013 Lobbying and lobbying trends in Lithuania. Public Policy and Administration. 2014, Vol 13, no.1.
19. [www.lietuviuzodynas.lt](http://www.lietuviuzodynas.lt).

## LOBIZMO INSTITUTAS LIETUVOJE: SAMPRATA IR EFEKTYVUMO TRIKDŽIAI

**Žaneta Navickienė\***,  
Mykolas Romeris University

**Andrius Stankevičius\*\***  
Mykolas Romeris University

---

## Santrauka

Straipsnyje atliekant kokybinį tyrimą – šaltinių (teisės aktų ir mokslinės literatūros) analizę, nagrinėjama lobizmo apibrėžtis ir šio socialinio instituto veiksmingumo trikdžiai Lietuvoje. Tyrinėdami Lietuvos ir užsienio šalių mokslinę literatūrą, autoriai supažindina su lobizmo ištakomis, analizuoja įvairias lobizmo sampratas, išryškina pagrindinius šio socialinio instituto tikslus. Vertindami kaip teigiamą reiškinį – visuomenės ir valdžios komunikacijos būdą – identifikuoja lobizmo ypatumus ir neveiksmingumo priežastis Lietuvoje, skatina diskusiją, kokie teisiniai ir socialiniai pokyčiai efektyvintų lobistinę veiklą, darytų ją tikslingesnę ir skaidresnę. Pažymėtina, jog ypač pastaruoju metu vis aktyviau diskutuojama sugrįžti prie debatų apie šio proceso teisinio reguliavimo peržiūrą, o šio reiškinio tyrinėjimui būdingas tarpdisciliniškumas: lobistinė veikla yra tiek teisininkų, tiek politologų, tiek ekonomistų, tiek socialinių komunikacijų atstovų akiratyje ir yra jų tyrinėjimo objektas.

Straipsnį sudaro dvi dalys: pirmoje dalyje „Lobizmo ištakos ir samprata“ autoriai gilinaisi į lobizmo ištakas, pristato semantinę šio žodžio reikšmę, nagrinėja pagrindines kategorijas, susijusias su lobistine veikla, tyrinėja lobizmo turinį. Vertindami kaip pakankamai naują šaką Lietuvoje, autoriai pabrėžia būtinumą šviesti visuomenę, formuoti gilesnį ir teisingą supratimą apie lobizmą, skatina pozityvų mąstymą konstruojant lobizmo veikimo modelį. Antroje dalyje „Lobizmo veiksmingumo trikdžiai Lietuvoje“ autoriai analizuoja šiuo metu galiojantį Lietuvos Respublikos lobistinės veiklos įstatymą, identifikuoja socialinius ir teisinius lobistinės veiklos veiksmingumo trikdžius, skatina diskusiją apie būtinybę peržiūrėti ne tik lobizmo teisinį reguliavimą, bet ir atlikti tam tikras socialines injekcijas lobistinės veiklos vertinimo srityje. Šioje dalyje taip pat identifikuojamos pagrindinės diskusinės nuostatos, leisiančios tobulinti pagrindines su šiuo institutu susijusias procedūras. Lobizmo sampratų analizė rodo, jog lobizmo apibrėžtis nėra vienalytė: lobizmas suvokiamas labai plačiai akcentuojant ne tik teisinį, bet ir jo derybinį, tarpininkavimo, konsultacinį, socialinį pobūdį. Skirtingi lobizmo sąvokų formatai sudaro prielaidas šio reiškinio dinamiškumui, jo vertinimo kontraversiškumui, o tuo pačiu nuolatinei lobizmo proceso peržiūrai. Lobistinės veiklos tyrinėjimui būdingas tarpdisciliniškumas: šis reiškinys yra tiek teisininkų, tiek politologų, tiek ekonomistų, tiek socialinių komunikacijų atstovų akiratyje ir yra jų tyrinėjimo objektas. Lobizmo teisinis reguliavimas Lietuvoje nėra efektyvus, todėl šis institutas tebėra statiškas ir nepakankamai funkcionalus. Esminiai lobistinės veiklos veiksmingumo trikdžiai yra silpnos lobizmo ištakos mūsų šalyje, realios lobistinės veiklos vizijos nebuvimas, skubotumas bandant teisiškai sureguliuoti šį procesą, neišgryninta su lobistine veikla susijusių kategorijų apibrėžtis ir nebuvimas logiško, tikslingo ir funkcionalaus šio proceso mechanizmo. Esminis atskaitos taškas darant šį institutą gyvybingą būtų realios teisinės bazės vizijos ir funkcionalaus įgyvendinimo mechanizmo sukūrimas. Be to, siekiant skaidrumo, būtinas tam tikrų kategorijų, susijusių su lobizmu, identifikavimas ir konkretizavimas. Kita vertus, Lietuvoje stokojama ir globalesnio visuomenės švietimo apie lobizmo reiškinį, gilesnio šio proceso apibrėžties suvokimo. Todėl kryptingas visuomenės požiūrio apie lobizmą formavimas leistų giliau suprasti šį reiškinį ir sąmoningai įtraukti visuomenę dalyvauti šiame procese.

---

**Raktiniai žodžiai:** lobizmas, lobistinė veikla, interesų grupės, įtaka sprendimams.

---

**Žaneta Navickienė\***, Mykolas Romeris universiteto Viešojo saugumo fakulteto Policijos veiklos katedros docentė. Mokslinių tyrimų kryptys: visuomenės saugumas, ikiteisminio tyrimo organizavimas, policijos pareigūnų kompetencija ir profesinis mokymas.

**Žaneta Navickienė\***, Associate professor of Police Activities Department, Public Security Faculty of Mykolas Romeris University. Research interests: public security, organizing of pre-trial investigation, police competence and vocational training.

---

**Andrius Stankevičius\*\***, Mykolas Romeris universiteto Viešojo saugumo fakulteto Teisės katedros lektorius. Mokslinių tyrimų kryptys: visuomenės saugumas, interesų grupės, lobizmas.

**Andrius Stankevičius\*\***, lecturer of Department of Law, Public Security Faculty of Mykolas Romeris University. Research interests: public security, interest groups, lobbying .