

Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill

Progressio's position

October 2013

Since its introduction to Parliament by the Government on 17 July 2013, the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill has attracted a great deal of attention from a variety of civil society groups and their supporters, Progressio among them.

In the main, Progressio's position shares many similarities with the BOND position¹ but there are some important additional points which do not only relate to Part 2.

Keep the Bill

Over the last few years and due to a number of scandals,^{2,3} lobbying transparency and the need to increase accountability has become an important national debate.

In 2012, the UK Parliament⁴ made an attempt to bring about statutory regulation but this was dropped because it was too limited. There is a serious need to regulate lobbying in order to enhance transparency and accountability at the heart of Westminster, for which coherent and effective steps should be taken.

This time around the proposed legislation seems to be unworkable and confusing. We should change the Bill, so that it clearly addresses its current flaws with well-defined objectives and procedures. The legislation should not be dropped but a realistic pathway should be created for its effective and efficient implementation.

In 2012, the OECD published a paper where it highlighted the role access and transparency plays in promoting and sustaining a healthy democracy:

Allowing all stakeholders, from the private sector and the public at large, fair and equitable access to participate in the development of public policies is crucial to protect the integrity of decisions and to safeguard the public interest by counterbalancing vocal vested interests.⁵

The proposed legislation would constrain, rather than encourage, the participation of the third sector and will not level the playing field between private sector lobbyists and NGOs. It is widely acknowledged that private sector lobbying has more resources to invest in relationship building, placing NGOs at a marked disadvantage. Bringing lobbying into the open will help redress this imbalance and ensure a variety of voices are heard by decision-makers.

Consult more widely

The Bill was introduced with very little opportunity for proper consultation or pre-legislative scrutiny. The Second Reading of the Bill was in the House of Commons on 3 September, and was followed by Committee Stage on 9, 10 and 11 September 2013.

It is important to pause and properly consult. A coalition of organisations, including Progressio, has launched an independent Commission for Civil Society, chaired by Baron Harries of Pentregarth. The commission will take evidence from a cross-section of civil society to ensure the widest range of views are heard. It is not civil society's role to consult on the Government's behalf, but the Commission's findings should be considered.

Regulating lobbying

In 2012, Transparency International emphasised that “in Brussels and across Europe, unregulated lobbying and limited controls over Parliamentarians’ conduct pose serious corruption risks”.⁶

Therefore, any legislative proposal should address the conduct of those who will be registered as lobbyists, including how standards will be set, or what happens if lobbyists (or Parliamentarians) fail to meet those standards. It is important to consider these issues if the public is to have faith in the Bill.

Additionally, the fines suggested in the Bill are high. The risk of accidentally and unknowingly breaching the new rules and being subject to high criminal penalties may mean that NGOs avoid engagement of this type altogether, further restricting the voices heard in public debates.

Poor and marginalised voices

Progressio has a mandate to bring the voices of the poorest and most marginalised people around the world to debates in the UK. As it stands, the proposed legislation could mean that these voices may not be heard for a year before elections.

Including existing guidance

There is already clear guidance from the Charity Commission for charities’ political campaigning (including during election time), so this part of the legislation may be unnecessary – and some experts have warned it is even unworkable.

Modelling good practice

At Progressio we have projects around the world founded on ideas of transparency, accountability and civil society participation. As Carmen Medina, our Country Representative in El Salvador, said this week:

Britain has a proud tradition of the rule of law and democratic participation which provides everyone with access to decision-making. How can we support local civil society in developing countries to push our governments to become more accountable and transparent to the poorest people, if a powerful and democratic country like the UK sets a precedent with a badly-written and rushed law?

Notes

- 1 Bond Briefing: Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Bill (Bond for international development, 9 September 2013) www.bond.org.uk/data/files/Bond-briefing-lobbying-bill-FINAL_08_Sept_2013.pdf
- 2 Caught on camera: Top lobbyist boasting how they influence the PM (The Independent, 6 December 2011) www.independent.co.uk/news/uk/politics/caught-on-camera-top-lobbyists-boasting-how-they-influence-the-pm-6272760.html
- 3 Cash for Questions Undercover (BBC 1 Panorama, 16 June 2013) www.bbc.co.uk/iplayer/episode/b02xrksz/Panorama_Cash_for_Questions_Undercover/
- 4 Lobbying’s hidden influence: Government’s new lobbying proposals slated by MPs (The Bureau of Investigative Journalism, 13 July 2012) www.thebureauinvestigates.com/2012/07/13/government-new-lobbying-proposals-slated-by-mps/
- 5 Transparency and integrity in lobbying (Organisation for Economic Co-operation and Development, 2012) www.oecd.org/gov/ethics/Lobbying%20Brochure%202012.pdf
- 6 Money, corruption, power: Corruption risks in Europe (Transparency International, 2012) www.transparency.org/enis/report

All URLs accessed 11 October 2013.

Progressio is an international development charity supporting poor and marginalised people, especially women, to empower themselves

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Progressio
Units 9-12, The Stabeyard
Broomgrove Road, London SW9 9TL

Registered charity number 294329

www.progressio.org.uk

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