



*Office of the
Registrar of
Lobbyists*

*Presentation to COGEL on the Draft OECD
Principles for Enhancing Transparency and
Accountability in Lobbying*

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Government of Canada
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The OECD

- ❖ 30 member countries committed to democracy and the market economy
- ❖ Provides statistics and economic and social data, and analyzes and forecasts economic developments
- ❖ Researches social changes and evolving patterns in trade, environment, agriculture, technology, fiscal policy and more
- ❖ Helps governments to
 - Compare policy experiences
 - Seek answers to common problems
 - Identify good practice
 - Co-ordinate domestic and international policies
- ❖ www.oecd.org



The OECD and Governance

- ❖ Promote effective public administration
- ❖ Encourage companies to run their affairs better
- ❖ Ensure transparent and fair tax systems
- ❖ Foster fair competition
- ❖ Fight corruption and money-laundering
- ❖ Promote high ethical standards
- ❖ Encourage citizen participation in policy-making



Objectives of the Principles

- ❖ Bring together lessons-learned in a policy instrument and supporting documentation that can inform policy debate when lobbying reaches the political agenda
- ❖ Provide options for policy-makers to determine whether, and how, to develop a regulatory framework for lobbying that is balanced and addresses concerns within their own socio-political and administrative contexts



The Work So Far

- ❖ Lobbying: Models for Regulation, a discussion paper prepared by Professor Paul Pross, Professor Emeritus at Dalhousie University in Halifax, Nova Scotia.
 - Comparative review of legislative models for regulating lobbying
 - Emerging principles

- ❖ OECD Special Session on Lobbying: Ensuring Transparency and Accountability, held June 7-8, 2007 in Paris
 - Participants from over 30 countries and organizations
 - Presentations by country representatives and experts on topics ranging from development of legislation to implementation and enforcement

- ❖ Draft principles sent to OECD Expert Group on Conflict of Interest prior to further OECD review in Fall 2007



Key Elements of the Principles

- ❖ Preamble
- ❖ Developing an appropriate regulatory framework
- ❖ Defining lobbyists and lobbying activities
- ❖ Establishing standards and procedures for disclosure and transparency
- ❖ Setting standards of conduct for fostering a culture of integrity in lobbying
- ❖ Putting in place mechanisms for supporting implementation and securing compliance



The Preamble

- ❖ Lobbying is a global phenomenon
- ❖ The dominance of “vocal vested interests” over “wishes of the whole community” has been cited as a major threat to public trust
- ❖ Although lobbying is widely considered as a legitimate activity across OECD countries, it is often perceived negatively in societies
- ❖ A good governance approach to regulation of lobbying acknowledges its legitimacy but aims at values such as transparency, ethical behaviour and accountability by all key players in order to increase confidence in the integrity of government decision-making



The Regulatory Framework

- ❖ Need to consider the jurisdiction's constitutional conventions and established democratic processes
- ❖ Important to understand the nature of the problem in order to develop an appropriate response – why has lobbying made its way to the political agenda at this time?
 - Integrity of decision-making?
 - Access to public office holders?
 - Behaviour of lobbyists?
- ❖ Needs to be harmonized with those elements of the wider governance framework that foster a culture of integrity, transparency and accountability in government
 - Codes of conduct
 - Post-employment codes
 - Values and ethics codes



Definitions of Lobbyist and Lobbying

- ❖ Need to be as clear and unambiguous as possible
- ❖ Exclusions must be equally precise
- ❖ Definitions must be robust enough to withstand legal challenges
- ❖ Primary target should be those who receive compensation for carrying out lobbying activities



Disclosure and Transparency

- ❖ Collected information should be relevant to the core objectives of ensuring transparency, integrity and efficacy
- ❖ Demands for information should be realistic in practical and legal terms
- ❖ Core disclosure should:
 - Capture the intent of the lobbying activity
 - Identify its beneficiaries
 - Identify the offices and institutions that are targets
- ❖ Supplementary disclosure could include:
 - Lobbying techniques
 - Fees, amounts spent on campaigns, funding sources
 - Former public offices held by lobbyists
- ❖ A public registry, preferably online, is essential



Standards of Conduct

- ❖ When apparent behaviour of lobbyists raises concern, ethical and professional standards of conduct for lobbyists could be imposed
 - Integrity, honesty
 - Transparency
 - Accuracy of information
 - Avoiding conflict of interest

- ❖ The development by professional associations of lobbyists of standards for lobbyists' conduct may be encouraged

- ❖ Shared responsibility -- "It takes two to lobby"



Supporting Implementation & Compliance

- ❖ A coherent spectrum of strategies and practices should involve key actors and should balance sanctions and incentives
 - Communication
 - Education
 - Formal reporting on levels of compliance, sanctions etc.
 - Leadership
 - Managerial directives
 - Incentives such as access to players and documents
 - Sanctions such as fines and debarring from the registry

- ❖ Administrators of lobbying regulation should be:
 - Visibly independent from influence and should have the capacity (financial, skills) to carry out their mandate
 - Empowered to verify information and pursue investigations if required



Next Steps

- ❖ Review of draft principles by the OECD Public Governance Committee
- ❖ Further public consultation through OECD outreach mechanisms
- ❖ Possible workshop at the OECD Global Conference, Chile
- ❖ Preparation of a final document for OECD sanction and publication in 2008



For More Information ...

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