CORRUPTION RISKS AND PREVENTION POSSIBILITIES IN LOBBYING ACTIVITIES

Summary

One of the principle elements of the liberal democracies which separates it from authoritarian regimes is the possibilities of citizens and groups thereof to participate in the governance of the state by submitting proposals and arguments for the adoption of political decisions. This right is enshrined in the Constitution of the Republic of Lithuania, which entitles citizens to participate in the governance of the state both directly and indirectly through the elected representatives (Article 33 of the Constitution of the Republic of Lithuania).

A number of particular rights of citizens to participate in the governance of the state are directly referred in the Constitution itself (for example, rights of petition, referendum, the initiative of legislation), and some are provided for in different laws (the Statue of the Seimas establishes the right to submit proposals to a Member of the Seimas, the Law on the Legislative Framework provides for the right of persons to participate in consultations on adoption of legal acts, the possibility to participate in working groups of the institutions, etc.) Lobbying as well is a means to participate in public life by influencing legislation both directly or through a professional lobbyist. To sum up, legal acts ensure possibilities to citizens to seek influencing political decisions in a number of ways.

However, the lobbying activity is closely related to a number of political corruption risks. The efforts of persons to influence public decisions might have both positive and negative result for the society. Some of public decisions initiated by lobbying activities may be beneficial only for a very narrow interest groups at the same time causing harm for the public at large. The paper seeks to determine the point where the lobbying activities become illegal, which criteria could be used for the separation lobbying activities from the trading in influence, in which cases illegal lobbying activities might turn out into bribery, and in which cases it might turn out into trading in influence and how the legislature should be oriented in order to reduce the risks posed by illegal lobbying activities.

The paper consists of three main parts. The first part introduces the concept of lobbying activities, underlining its elements and main regulation guidelines, the second part analyses risks connected with lobbying activities, analysing in detail the regulation and case-law on trading in influence and illegal lobbying activities. The third part is devoted to the regulation of lobbying activities with a view to reducing risks posed by lobbying activities, separately discussing the need to differently regulate lobbying activities in different legal contexts, and separately describing the national situation and providing proposals on the methods for efficient regulation in the context of other prevention instruments.