Lobbying for Well-being

By Georg Jürgens

Lobbying for a paradigm shift

The European Union is frequently criticized for its predominantly economic focus and the perceived distance between decision-makers in Brussels and ordinary citizens. Media paint a picture of the EU being held hostage by corporate lobbyists at the cost of people's health and well-being. While there may be truth in this perception, civil society that makes too little use of the manifold opportunities presenting themselves in Brussels is the other side of the coin.

Only the active involvement of well-being-oriented stakeholders might eventually shift the balance towards more well-being-oriented policies. 'Lobbying' in its narrow definition is often seen as focusing only on one's own interest or a narrow field of interest. 'Lobbying for well-being' on the other hand requires a systemic approach based on an awareness of the whole system in its horizontal and vertical dimension.

The following article explains what lobbying is, illustrates its relevance for well-being-oriented stakeholders and democratic systems and gives practical advice on how to lobby in complex multi-level systems like the EU.

What is lobbying?

Lobbying can be defined as actions directed towards institutions and/or political decision-makers in order to influence concrete legislation or policy-making,[1] while there are variations when it comes to the range of lobby *actors*, lobby *targets*, the *methods* used and the concrete *goals*. The following considerations might be relevant in this regard:

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[1]   See e.g. Council of Europe (2009). Report *Lobbying in a democratic society (European Code of conduct on lobbying)*, Doc. 11937, Paragraph B.1.10., or OECD (2012) 'Private Interests, Public Conduct: The Essence of Lobbying', in: *Lobbyists, Governments and Public Trust, Volume 2: Promoting Integrity through Self-regulation*, OECD Publishing, pp. 21–33.

- Are corporations, lobby consultancies and trade associations the only lobby actors or do we also take NGOs, trade unions, law firms and think tanks into account?[2]
- Are governments, EU Institutions, officials and elected representatives the only lobby targets or do we include other stakeholders as well?[3]
- Is lobbying limited to *inside tactics* directly addressing decision-makers, or do we include *outside tactics* like grassroots lobbying, demonstrations and media campaigns into our definition?[4]
- With regards to goals, is it enough to distinguish positions according to whether they '*promote*', '*modify*' or '*block*' a proposed policy[5] or do we include attempts to influence the content of party programmes or the political agenda and the backing of preferred candidates for political posts?

While these considerations help to understand lobbying from an involved actor's perspective, they fail to explain the receptiveness of lobby targets and their specific interest in being lobbied. According to an OECD report of 2012,[6] governments and officials value lobbyists as sources of '*useful information and expertise*', a voice of those '*adversely and unintentionally impacted by a poorly deliberated public policy*' and as interpreters of information ranging '*from scientific data to public opinions*' thus pointing to a perceived need of lobbying.

A popular strand of lobbying theory integrates both sides of the spectrum and defines lobbying as '*trading information for access*'[7] with lobbyists providing '*understaffed and pressed-for-time decision-makers with policy-relevant information for legitimate "access" to the EU policymaking process.*'[8] According to Pieter Bouwen,[9] different types of stakeholders have different capacities with regards to the provision of '*access goods*', that is the information traded in this process. He sees companies as best suited to provide '*Expert Knowledge*' (EK), European-level associations to provide '*Information about the European Encompassing Interests*' (IEEI) and domestic-level associations to provide '*Information about the Domestic Encompassing Interest*' (IDEI).[10] European Institutions differ in their information needs as well with the European Commission most likely favouring EK, the European Parliament preferring IEEI and the Council most likely favouring IDEI.[11] Although empirical tests suggest the need for slight modifications to the theory,[12] it offers valuable

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[2]   For an overview of types of lobby actors in Brussels, see Lundy, David (2017): *Lobby Planet Brussels. The Corporate Europe Observatory guide to the murky world of EU lobbying.* Corporate Europe Observatory, Brussels. pp. 8–11.

[3]   A broad overview of relevant actors to address inside and outside EU institutions is given by Van Schendelen (2013). *The Art of Lobbying the EU. More Machiavelli in Brussels.* Amsterdam University Press, pp. 121–124.

[4]   For further explanations and comparative research on this important distinction, see Mahoney, Christine (2008): *Brussels Versus the Beltway: Advocacy in the United States and the European Union*, Washington D.C., pp. 127–165.

[5]   Ibid. pp. 63–64.

[6]   OECD (2012), *op. cit.*, p. 27.

[7]   Chalmers, Adam William (2013). "Trading information for access: informational lobbying strategies and interest group access to the European Union", in: *Journal of European Public Policy* 20:1 January 2013, pp. 39–58.

[8]   Ibid. p. 39.

[9]   Bouwen, Pieter (2002). "Corporate lobbying in the European Union: the logic of access", in *Journal of European Public Policy* 9:3 June 2002: pp. 365–390.

[10] Ibid. pp. 375–378.

[11] Ibid. pp. 379–382.

[12] See Bouwen, Pieter (2004). 'Exchanging access goods for access: A comparative study of business lobbying in the European Union institutions', in: *European Journal of Political Research* 43: 337–369; and Chalmers (2013) *op. cit.*

advice for lobby groups trying to identify the information needs of policymakers at different stages of the policymaking process.

Why lobbying?

Looking at it from a *practical angle*, the answer is *pragmatic*, plain and simple: As a lobbyist promoting a holistic educational approach on behalf of the European Council for Steiner Waldorf Education (ECSWE),[13] I have understood that aiming for systemic change in education inevitably requires political action. Learning for Well-being (L4WB) faces a similar challenge with implementing its vision *'to inspire and support individuals and communities in realizing their unique potential'.*[14] Bringing it to life requires systemic change in a whole range of relevant sectors and policy fields, such as *health*, *family*, *education*, *welfare*, *justice*, *media & ICT* and *arts & culture*[15] and, again, this is where political action and, thus, lobbying comes into the picture.

From a *normative perspective*, things are a little more complicated as we then enter the realm of *idealism*. Alberto Bitonti[16] has identified two camps holding different views in this regard: *'those who deem lobbying as a distortion of the democratic will'* and *'those who view lobbying precisely as a democratic right'* allowing for legitimate inputs into the policymaking process on behalf of both individuals and groups.

Quite surprisingly, even prominent lobby watchdogs like Transparency International follow the second camp in so far, as they describe lobbyism as *'an integral part of a healthy democracy'* that *'allows for various interest groups to present their views on public decisions that may come to affect them.'*[17] Their approach qualifies them as *pragmatic idealists*[18] focusing their efforts on the potential of regulation to sustainably change the rules of the game. Key measures to this effect are (1) maximizing *'transparency'*, (2) ensuring *'integrity'* and (3) achieving *'equality of access'* for all types of stakeholders.[19] This approach is fully in line with the L4WB principle to *'support the engaged participation of those concerned.'*[20]

Against this backdrop, I prefer sticking to a narrow definition of lobbying instead of using the wider concept *advocacy*: Advocacy not only encompasses policy-oriented lobbying but also less focused and more general forms of interest representation.[21] In my opinion, the

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[13]   ECSWE (2018a). *Factsheet 2017-2018*. Accessed via http://ecswe.net/wp-content/uploads/2017/11/ECSWE_Factsheet_2017-18.pdf on 3 March 2018.

[14]   Learning for Well-being (2018a). *1 Purpose*. Accessed via http://l4wb.org/#/en/we-promote/page/1-purpose on 3 March 2018.

[15]   Learning for Well-being (2018b). *Postcard / Core Capacities*. Accessed via http://l4wb.org/L4WB_Rest/uploads/ne7FCUz5/L4WB %20POSTCARD%20CCapacities%20v03.pdf on 3 March 2018.

[16]   Bitonti, Alberto (2017). "The Role of Lobbying in Modern Democracy: A Theoretical Framework", in: Bitonti, Alberto & Phil Harris (Ed.): *Lobbying in Europe*, Palgrave Macmillan, London, pp. 17–30, here: p.17.

[17]   Mulcahy, Suzanne (2015). *Lobbying in Europe. Hidden Influence, Privileged Access.* Published by Transparency International, Brussels. Accessed via: http://files.transparency.org/content/download/1909/12646/file/2015_LobbyingInEurope_EN.pdf on 3rd March 2018, p. 6.

[18]   For a good definition of this term, see Anikst, Jennifer (2015)."How millennials make 'pragmatic idealism' work.", in: *The Globe and Mail*, 5 October 2015, Accessed online via https://www.theglobeandmail.com/report-on-business/careers/leadership-lab/how-millennials-make-pragmatic-idealism-work-for-them/article26663877/ on 20 February 2018.

[19]   Mulcahy (2015). *op. cit.*, pp. 24–51.

[20]   Learning for Well-being (2018c). *7 Principles*. Accessed via http://l4wb.org/#/en/we-promote/page/7-Principles on 4 March 2018.

[21]   See e.g. Lobbyit.com 2016. *Advocacy vs. Lobbying: Understanding the difference.* Accessed via http://lobbyit.com/advocacy-vs-lobbying-understanding-difference/ on 4 March 2018.

frequent interchangeable use of both concepts is dangerous. Personally, I often experience their selective and political use by various stakeholders. Own lobby work is then whitewashed as advocacy while the advocacy of despised opponents is discredited as lobbying.

Of course, lobby regulation and a more neutral perception of lobbying alone cannot guarantee the meaningful participation of all actors. Even with a lot of goodwill on the institutional side, a substantial change in policies can only be achieved if stakeholders seriously concerned with the well-being of EU citizens become aware of the manifold opportunities to participate in policymaking at European level, enter the political arena and take action.[22]

Let us now take the view of a pragmatic idealist as we explore how lobbying for well-being could look like in practice:

Lobbying in complex systems

Having clear objectives

In order to lobby successfully, firstly the *nature of your cause*[23] should be clear. Four categories can be distinguished in this regard:

- *'Intent'*[24] refers to whether your cause requires political *change* (activity) or upholding the *status-quo* (inactivity). When lobbying the European Commission on revising the key competences framework, ECSWE aimed for strengthening its focus on personal development.[25] We therefore suggested substantial changes to many competences. Regarding the national implementation of the framework on the other hand, ECSWE called for flexibility (status quo) in order to preserve the special status that our schools enjoy in many countries.
- *'Scope'*[26] refers to whether your cause is *controversial* or *simple* and thus requires a bigger or smaller lobby effort. While getting first references to age-appropriate media education into the European Parliament report on a new skills agenda for Europe[27] was challenging, lobbying the MEPs for re-tabling similar amendments on later occasions has proven to be much simpler.

22 How the presence and active involvement of a broad range of different stakeholders in EU policy making and their growing professionalism can contribute to more democratic policymaking at EU level and why the inactiveness of others is not only to their own disadvantage but also to the disadvantage of the system, is well illustrated by Van Schendelen (2013), *op. cit.*, pp. 325–361.

23 Vance, Stephanie (2012). *The Influence Game. 50 Insider Tactics from the Washington D.C., Lobbying World That Will Get You to Yes*, Hoboken, NJ, pp. 32-36.

24 Ibid. pp. 32–33.

25 ECSWE (2017b). *Towards a human-centred education: 7 priorities for the revision of the Key Competences Framework*, Position paper prepared for the public consultation on revising the key competences framework, accessed via http://ecswe.be/wp-content/uploads/2017/05/2017-05-15-ECSWE-Position-Key-Competences-revision.pdf on 3 March 2018.

26 Vance (2012). *op. cit.* pp. 33–34.

27 See European Parliament 2017. Report on a new skills agenda for Europe (2017/2002(INI)). Accessed via http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A8-2017-0276&language=EN on 4 March 2018.

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- *'Importance':[28]* The question here is whether, from a decision-makers point of view, your cause is *necessary* or merely *optional*. Finding support for the public funding of independent schools has proven to be more challenging than convincing MEPs to promote parental involvement. ECSWE therefore started highlighting the interrelation between public funding and parental school choice to increase the 'weight' of our arguments.
- *'Time frame'[29]* refers to whether your cause is *short-term* or *long-term*. To implement L4WB's vision of a paradigm shift in EU policy towards well-being is a long-term challenge requiring systemic change and thus a long-term strategy, whereas merely getting the term well-being into specific legal texts is a short-term goal that has proven to be realistic on several occasions.

Your cause should, furthermore, be transformed into SMART goals, meaning that they are *specific* in terms of the issue, *measurable* by means of concrete success indicators, *attainable* in terms of external factors, *realistic* based on your own capacities, and *timely* in relation to external deadlines.[30]

When lobbying the European Parliament on its report on a New Skills Agenda for Europe,[31] ECSWE derived SMART goals from its cause of an age-appropriate media pedagogy: *Specificity* was achieved by lobbying for the tabling of concrete amendments. They were *measurable* as the thorough documentation of the decision-making process on the Parliament's website allowed for verification of the tabling and adoption of amendments to the committee and plenary. Furthermore, they were *attainable*, as MEPs on both committees appeared to be open to inputs from civil society, and *realistic* in terms of established routines of our Brussels office when following committee work. Finally, the goals were *timely*, as parliamentary deadlines were used as a basis for defining the concrete milestones to be achieved.

Understanding the system

An important factor in successful EU lobbying is understanding the EU's political system in its horizontal and vertical complexity. The deepening and widening of European integration over several decades[32] have resulted in a complex and constantly evolving multi-level system of governance that not only produces binding legislation for a very diverse group of Member States, it has also created a European playing field for a constantly growing number of stakeholders, who have come to realise that national and European-level administration are more and more intertwined.[33] Interest groups who manage to master the inherent complexity can benefit considerably, e.g. by means of orchestrated lobbying across all system levels.

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[28]   Ibid. pp. 34–35.
[29]   Ibid. pp. 35–36.
[30]   See Vance (2012). *op. cit.*, pp. 37–43.
[31]   European Parliament 2017: Report on a new skills agenda for Europe (2017/2002(INI)). Accessed via http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A8-2017-0276&language=EN on 4 March 2018.
[32]   See Europa.eu 2018: *The history of the European Union*, accessed online via https://europa.eu/european-union/about-eu/history_en#the_founding_fathers_of_the_eu on 27 February 2018.
[33]   To better understand the implications of this development, consult: Van Schendelen (2013), *op. cit.*, pp. 71–118.

In our current attempt to get references to *freedom in education* into a resolution of the European Parliament, ECSWE makes use of such an orchestrated approach. Our Brussels office has provided relevant MEPs with information of European relevance, while additional information of domestic relevance was presented through the national associations in an MEP's country of origin. Our lobby approach thus reflects the interdependence of European decision-making under the specific conditions of a *nested system.*[34] In this way, we seek to strengthen our cause and to increase its relevance for all actors involved.

Another way to benefit from the EU's multi-level governance is our membership in the *ET 2020 Working Group Schools*[35] that brings together experts from national ministries and a selected group of other stakeholders and social partners to *'support Member States in reviewing the governance of school education systems in order to promote higher quality through sustainable innovation and inclusion.*[36] In this context, we can contribute to both EU-level and national-level policymaking while benefiting from various synergies.

Knowing and managing the arena

While drafting SMART Goals helps to clarify and concretize an issue, an arena analysis helps to grasp the context of decision-making. '*An arena is not a physical place, but the virtual collection of stakeholders, including EU officials, together with their interests-at-issue with regard to a specific dossier at a specific moment.*[37] The analysis includes cataloguing all involved stakeholders, analysing their previous actions and potential influence and figuring out their specific hopes and concerns with regards to the issues at stake.[38]
While the approach was not yet fully implemented in ECSWE, when lobbying the European Parliament on its report on a New Skills Agenda for Europe,[39] our first step was identifying relevant MEPs from each political group and gathering information on their position on media education. Further work went into getting an idea of who else holds a stake in the matter. As a result, we left all shared themes and concerns to the Lifelong Learning Platform, knowing that they would prominently champion a holistic vision of learning. ECSWE in turn focused its main efforts on drafting amendments calling for an age-appropriate media education and promoting these to MEPs through our Brussels office, the very supportive staff of the Lifelong Learning Platform and our national members from the Czech Republic and the Netherlands.[40]

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34   L4WB principle 6, see: Learning for Well-being (2018c), *op. cit.*
35   European Commission (2018a): *Working Group on Schools.* Accessed online via https://ec.europa.eu/education/policy/strategic-framework/expert-groups/schools_en on 3 March 2018.
36   Ibid.
37   Van Schendelen (2013). *op. cit.*, p. 165.
38   Ibid. pp. 165–204.
39   European Parliament (2017), *op. cit.*
40   ECSWE (2017c): *European Parliament calls for age-appropriate media pedagogy*, accessed via http://ecswe.net/european-parliament-calls-for-age-appropriate-media-pedagogy/ on 4 March 2018.

Mastering the process

Klemens Joos has recently identified a *'paradigm shift from content competence to process competence.'*[41] His diagnosis is of particular relevance for EU lobbying where, as a result of continued European Integration and growing complexity,[42] awareness of the *procedural dimension* of politics is growing, while the *formal dimension* (polity) and the *content-related dimension* (policy) have decreased in value.[43] A valuable analytical instrument in this regard is the *policy cycle*[44] with its six stages of (1) *problem definition*, (2) *agenda setting*, (3) *policy formulation and decision*, (4) *policy implementation*, (5) *policy evaluation* and (6) *policy termination*.[45] After tailoring it to the specifics of EU policymaking in a given sector, its thorough monitoring and confident management in combination with careful observation of the *'temporal dimension of politics'*[46] are essential pre-conditions of lobby success.

Learning for Well-being, ECSWE and many others have identified the narrow focus of traditional school education on knowledge acquisition as a political problem that could be solved by placing more emphasis on personal development[47] (problem definition). When the European Commission announced a revision of the key competences framework in 2017[48] (agenda setting), a window of opportunity opened to lobby for including a holistic vision of learning[49] into the new framework (policy formulation). To this end, ECSWE, like many others, contributed a policy paper that called for *'making personal development a priority'*[50] in the ongoing revision. The joint effort of many involved stakeholders must have been heard as the current Commission draft indeed features personal development.[51] Once the Council of the EU has decided on the final wording, policy implementation at Member State level will follow, and ECSWE members will have to convince their national governments to follow suit.[52] In the evaluation stage, ECSWE and its partners might then want to contribute their assessment of policy implementation and, if necessary, lobby for a redefinition on the next opportunity.[53]

[41] Joos, Klemens (2016). *Convincing political stakeholders. Successful lobbying through process competence in the complex decision-making system of the European Union.* Wiley, Weinheim, Germany, p. 113.

[42] Ibid., pp. 121–123.

[43] Ibid., pp. 118–120.

[44] Jann, Werner & Wegrich, Kai (2007). 'Theories of the Policy Cycle'. In: Fischer, Frank et. al. (ed.): *Handbook of Public Policy*, Taylor & Francis Group, Boca Raton, pp. 43–62.

[45] Ibid.

[46] Joos. (2016). *op. cit.*, pp. 130–134.

[47] For the specific relevance to L4WB, see Principle 2: 'allow the unfolding of unique potential in individuals and communities' in: Learning for Well-being (2018c) *op. cit.*

[48] European Commission (2017b): *Roadmap. Proposal for a Council recommendation on strengthening and reinforcing the operation of the European Framework of Key Competences Framework.*, accessed via http://ec.europa.eu/smart-regulation/roadmaps/docs/2016_eac_020_key_competences_en.pdf on 4 March 2018.

[49] A concrete way of delivering on L4WB principle 5: 'Support the engaged participation of those concerned' in: Learning for Well-being (2018c): *op. cit.*

[50] ECSWE (2017b). *op. cit.*

[51] European Commission (2018b). Annex to the Proposal for a Council Recommendation on Key Competences for Lifelong Learning, (COM(2018) 24 final), accessed via https://ec.europa.eu/education/sites/education/files/annex-recommendation-key-competences-lifelong-learning.pdf on 4 March 2018, pp. 4–5.

[52] Here, L4WB principle 6 becomes visible: 'Recognize nested systems as impacting one another.' See Learning for Well-being (2018c) *op. cit.*

[53] This would best be achieved under the condition of systemic awareness for L4WB principle 7: 'Ensure conditions for feedback and self-organization'. See Learning for Well-being (2018c). *op. cit.*

Joining forces

While being a lone ranger is sometimes necessary to protect your own interests, the importance of *'collective action'*[54] for both lobby success and high-quality policymaking at system level cannot be underestimated. While forming alliances helps to reduce lobbying costs on the supply side of information and promises an increased political weight, alliance formation is actively promoted on the receiving end as well. EU institutions appreciate the provision of aggregated interests by European stakeholder platforms and federations, benefiting from simplified information acquisition and consultation procedures while achieving greater representativeness of the inputs for a given sector.[55] If all types of actors enjoy equal access, collective action thus contributes to better policies at system level.

While ECSWE itself represents 26 national Steiner Waldorf Schools Associations,[56] these are neither representative for the independent school sector as a whole nor for school education in general. To partially compensate for these limitations, we have joined European platforms and networks such as the Lifelong Learning Platform that bring together a wide range of stakeholders across education sectors, or the Alliance for Childhood and the Learning for Well-being Community that have joined forces to promote quality of childhood and well-being. Apart from that, we have repeatedly and successfully engaged in ad hoc and issue-specific cooperation with various organizations representing independent schools.

Making yourself heard

A lot could be said on the importance of good communication, but to keep things simple, allow me to focus on Stephanie Vance's *SPIT formula*. She suggests making communication *specific* in terms of your target's needs, *personal* by means of telling stories, *informative* by means of offering additional context, and *timely* with regards to the decision-making process.[57]

When lobbying the European Parliament for freedom in education, we have asked our local members for help with explaining to national MEPs the *specific* political implications of our policy proposals in their constituencies, we have tried making our demands more *personal* by showing their effect on families in a given MEP's country, we have aimed for *informative* communication by sharing our views on how freedom in education promotes social cohesion of society at large and, we have communicated all information in a *timely* manner by respecting key dates of the decision-making process.

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[54]   Van Schendelen (2013). *op. cit.*, p. 142.
[55]   Ibid., p. 142–146.
[56]   ECSWE (2017a). *op. cit.*
[57]   Vance (2012). *op. cit.*, pp. 148–152.

The importance of being involved

I hope, my little journey into the Brussels lobby jungle helped to illustrate both the importance of lobbying and the opportunities presenting themselves in Brussels and beyond. My goal was not only to show that systemic change indeed requires the *'engaged participation of those concerned'*;[58] I also wanted to demonstrate with practical examples that small steps towards realising Learning for Well-being's vision are entirely feasible at any time. If similar little *drops* rain down in all the different policy fields and sectors targeted by L4WB,[59] they might eventually turn into a powerful *network* of *streams* and *rivers* bringing the whole vision of L4WB to life at all levels of the system. And while a paradigm shift of the envisioned scope will not happen overnight, work towards our shared vision is already in full swing. Want to join in?

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[58]   Learning for Well-being (2018c). *op. cit.*
[59]   Learning for Well-being (2018b). *op. cit.*