

READER PUBLIC AFFAIRS AND EU

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1. INTRODUCTION

Lobbying often has a negative connotation, implying a rather sneaky way of getting your way. People try to exercise influence outside the regular channels and they only serve their own interests. Lobbying then is a small world of people knowing one another, of dinners and presents, of neglecting general interest and even a disregard for the checks and balances civil servants normally stand for in the preparation of decisions. The final decision in such a situation only benefits a small group of people.

There's no smoke without fire. Such negative perceptions do originate from negative experiences, sometimes tinted by envy and disappointment in one's own failure in guiding things in the desired direction. You also have to accept that things do happen this way. However, such situations reflect more the exception than the rule. Already for a long time lobbying forms part and parcel of political decision making and in the European Union definitely also a desired element. Desired, because lobbying also has many advantages, although you should be careful. Decision makers have to watch the way they deal with lobbyists and their information and lobbyists need to keep an eye on how they perform their job by also taking the general interest at heart.

Indeed, lobbying is one way to defend one's own interest. Just because the EU increasingly affects us all, more and more organizations start to promote their own interests in Brussels. Companies for instance may try to get money for supporting the development of a new product. Standard programmes will provide adequate answers in a number of cases and you only need to submit your application in accordance with the established rules. However, the situation may not be so clear. Lobbying may then help in realising a favourable decision on the application. In some cases a framework for providing possible support may lack completely, although latent willingness to do so exists. Lobbying may then provide a route towards a tailor-made solution. In a more general sense lobbying focuses on the issuing of rules: preventing the approval of certain rules, the specific form and content of desired or unavoidable rules or the implementation guidelines of already approved rules.

More often than not lobbying is not concerned with the interest of one organisation but rather those of an pressure group (a trade union or even a collaboration of trade unions; a European association of manufacturers of medicines which are not protected by patents; an umbrella of environmental protection organisations; etcetera). The interests of even the widest interest group may be at odds with the general interests. We know for instance that the protection of the environment may clash with economic development. The establishment of an enterprise may serve an economic interest while at the same time the environmental consequence may include the extinction of a unique colony of frogs.

The key question is why organisations try to promote their interests through an interests or pressure group. Just the simple fact that each Dutch municipality is a member of the Association of Dutch municipalities (VNG), that foundations establish umbrella organisations and that companies are members of one or more sectoral organisations shows that all types of organisations attach quite some importance to such representation. It implies a collective exercise of influence which cannot be realised by the individual organisation. Furthermore, it also implies that they do not trust that the outcome of governmental processes automatically results in an optimal decision. Such an outcome would also be impossible because the government has to choose between conflicting interests. For this reason the government requires lots of information and process it to be able to make any decision including the calculation of the consequences. The conflict between the government and a company or foundation lies in the difference between the general and the specific or private interests.

One of the important tasks of the lobbyist is to provide information. If one lobbyist does so in a somewhat better or more extensive way than another on the same topic and for the same government,

the first one gains the upper hand over the other. A careful government of course has to ensure an equal representation of interests and the correctness of information but reality proves the practical impossibility of doing so. Reality consists of time pressure, personal preferences (possibly unconsciously) and characteristics, unequal access to information, power games and politics, already approved policies, practical circumstances and so on.

Reality is too complex for government. However large a government, it may never be able to survey all interests and to balance them against one another. The government is also not aware of all new development. These two points are even more applicable in the European Union and in particular the European Commission. The European Commission is in comparison only a very small body (less civil servants than the municipality of Rotterdam) and depends for most of its activities on national experts and national civil servants. Every year tens of thousands of national civil servants and experts participate in thousands of committees which prepare and implement the decisions by the European Commission and the (European) Council. Interest groups support these committees with information, expressing their own opinion on the topics discussed along the way. Some authors even claim that lobbying is nothing less than a specific form of democracy.

Whatever your opinion on lobbying, fact is that you cannot neglect it in decision making. Sometimes people will not call their activity lobbying but rather 'a chat with a former fellow student', 'the old boys network', 'the circle of female managers' or 'the monthly drinks'. In all cases the underlying process is lobbying and nothing but lobbying. One national culture may accept lobbying more than another. The Netherlands for instance, has had a long time of finding the phenomenon rather difficult, possibly because of the proverbial omnipresence of Calvinistic attitudes (independent of the religion one adheres to or not).

Lobbying is a must, it is allowed, it provides information and promotes private interests. Lobbying is a tool of the organisation and fits within the public affairs of an organisation. Public affairs is (the whole of) activities through which an organisation monitors its environment and reacts to it. A company may for example obtain knowledge of the intention of the European Commission to develop rules with an impact on the product the company manufactures. Such information may be found in a newspaper or through an interest group, its own people in Brussels, the network of one of the staff members or whatever. The first step then is to consider whether the company has to react. Is the possible new legislation an opportunity or a threat? Does the intended rule limit the production processes or does it eliminate a number of competitors which have a rather loose interpretation of the required security regulations?

A possible decision to act follows these two steps of obtaining information and processing it. Lobbying is only one possible way forward. Acting may be limited to a conversation within the sectoral organisation or a telephone call to inform about the position of the government during the discussions on the initiative by the European Commission. If the company decides to start a lobby campaign, it needs to do a lot of homework before it turns its people loose. The activities 'in the field' (outside the offices of the organisation) encompass quite a bit more than a lunch with the civil servant who may decide on the topic or the most important element. This reader gives an overview of all this homework required.

2. PUBLIC AFFAIRS AND THE COURSE ON INTERNATIONALISATION

The course on internationalisation had defined the competence on internationalisation on the basis of four professional products in climbing order of complexity (1) reporting on relevant international aspects (2) reporting on relevant EU legislation (3) accompanying foreign visitors and (4) representing your own organisation abroad. Furthermore, you should be able to recognise and deal with cultural differences, next to a proper command of oral and written English. All these six aspects are also linked to public affairs. If monitoring the environment of the organisation lies at the heart of public affairs, reporting on international aspects may be considered as a specific form and the same applies to European legislation. Foreign visitors come to your own organisation because they are representing their own

interest and you be able to deal with them (or assist in doing so). You need to know in such a circumstance of being lobbied what your own interests are and how they may be promoted by the visit and its follow-up. Representing your own organisation abroad is the general form of your activities when you will actually lobby in Brussels. And for doing so, you need your English and you should be able to deal with cultural differences. In short, the international competence fits hand in glove with public affairs and lobbying.

In monitoring the international arena on behalf of your organisation you also need to report on developments with questions or suggestions on possible action to be taken. More often than not these reports will go to the higher management, because decisions on new or major courses of actions need to be taken at the top. It shows that public affairs represents a strategic function in the organisation.

Once developments have been noted and evaluated the management may decide to take action. The PA manager not only chooses and decides on the kind of action required but also on the way the organisation prepares and implements this action. S/he develops a plan and takes care of its implementation. It includes amongst other things the setting of objectives (maximum and minimum position), a description of activities, distribution of tasks, assignment of responsibilities, the allocation of means, time schedule, an analysis of parties involved and interests (force field analysis) and the inventory of information needs.

European legislation is of a direct concern for the PA manager from its very origins onwards, not when things have been approved, stamped and sealed. Influencing decision making works best in the very beginning when things are nothing more than a first idea, discussed once between two colleagues; 'should not we do something about ...'. The PA manager needs to get involved from the first mentioning of starting the development of new legislation and to make immediately a first assessment of the consequences for his or her own organisation. Furthermore, the PA manager has to have a clear idea on how decision making could be realised and the possible pitfalls on the road of drafting and approval. Does s/he have any possibilities for influencing the content of the legislation, the approval procedure or rather the implementation guideline for the new rule? The new idea will rarely be dropped completely, you cannot disinvent a new idea. If that would be the cause, you would return to the previous situation, including the reason for coming up with the idea in the first place.

3. THE FRAMEWORK: PUBLIC AFFAIRS

Just because much misunderstanding exists on the concepts of public affairs and lobbying, proper definitions are in order. However, you may have the best definitions in the whole wide world, if people do not apply them in reality, they still do not mean a thing. Many misunderstanding in the day-to-day reality result from careless use of language. Under the same word 'lobbying' people understand different phenomena. Furthermore, public affairs and lobbying are relative new concepts as functions of and in an organisation and of persons, partially virgin territory and hardly a well limited space. On the other hand both concepts exist already for many years, albeit mostly under different names.

Proper definitions are also a necessary condition for the study of both phenomena. Limited definitions allow specific studies and clarify possible distinctions with neighbouring phenomena. Broad definitions on the other hand carry the risk of bringing different things under one roof. A good definition keeps the balance between the two and brings order in a multitude of information from practice.

Part of the difficulty in defining public affairs results from novelty, at least under this name. Public affairs is a new discipline for research, a new educational programme in higher education and a new function in organisations. Interest in PA in scientific circles may be found primarily in political sciences and communication. Political sciences emphasize the influence on political decision making and communication focuses on the specific process of convincing someone from one's own point of view. In day-to-day reality companies have been for years organised in interest groups which are fully involved in decision making by the national government. The Netherlands offer with its

compartmentalized society till the end of the sixties a beautiful example in this field. The last few years show an ever more fragmented and less well-organised playing field (at least in the eyes of the players) by the increasing importance of the EU and the increasing complexity of the society. These developments forces entrepreneurs to get more and more involved in politics and society. This involvement took shape in the PA units of companies. Vierhout calls this the political entrepreneur¹.

Over the last few decades a strong increase of interest groups may be noted, groups of people which find something important and want the government to do something about it or to refrain for acting. Examples include Amnesty International, the Waddenzee Association and the neighbourhood committee promoting security on the streets. On the European level EU activities have shown to have major consequences for companies. These developments created the need to safeguard the interests of an organisation in one way or another.

Public affairs addresses the interaction between an organisation and its managerial and political environment (government at all levels, agencies, independent administrative bodies, social services and so on and all their rules). An organisations reacts to the public discussions in general and in particular the for the company important parts of government. Such reactions in themselves are nothing new because merchants adapt their behaviour to the market for centuries. The new element consists of the large amount of rules with major and often unexpected consequences for organisations.

One of the early definitions of PAM comes from Pijnenburg: public affairs management is the way a company deals with both the opportunities as the threats within its political managerial and societal environment². This definition focuses on 'company', a commercial entity. Nowadays we prefer to talk about an 'organisation'/ A company is an organization but a ministry or a foundation is also an organization. Government and NGO's (non governmental organisations) know about and apply PAM and lobbying.

Other definitions express the same idea but place a different emphasis, in particular the role of the management and influencing the environment. Vierhout perceives public affairs mainly as an instrument for management. *"I would like to define public affairs as the tool to manage relationships with politics, governments, public administration included, in order to reduce threats and increase opportunities arising from the political and bureaucratic environment of civil society in general"*.³ De Lange focuses on the strategic management function. *"From an organisational point of view, PA can be defined as the organisation's strategic management function directed at the politico-governmental environment surrounding the organisation, and which at times may be of considerable influence and importance to it."*⁴

Van Schendelen concentrates on interests and influencing the environment. *"The public affairs ... of an interest group refer to its external agenda. This is simply the group of interests to be protected and promoted by influencing the challenging environment."*⁵. Rebel concurs and develops it further. *"Public affairs is a concerted effort that is by definition meant to influence a decision maker on behalf of a principal. It pertains to nine subject fields, the ones described here, namely issues, networks and interests and each at a different level, macro-level, meso- and micro-level. The concerted effort indicates the presumed requirement of organising a strategic connection between all those subject fields."*⁶ Within the domain of exercising influence on the environment PAM is the latest member of the family of ways and means to get your way. Van Schendelen mentions for instance coercion, encasement, defence and argumentation. The new elements of PAM include the subtle way of influencing and the specific homework an organisation has to make⁷.

The definitions by researchers and lobbyists cited above also appear to be in line with those by business. Marion for example discusses diplomacy by enterprises. The 'diplomacy by enterprises is exercising influence on the conditions by which market parties do their work. Diplomacy aims at obtaining advantages or nullifying disadvantages. It takes place through interventions on parties which are not directly involved in the market'⁸. According to him diplomacy may serve the formation of alliances or the relative weakening of competitors. *"The report Some basic considerations on*

industrial policy, published in 1975 by the executive board under the chairmanship of ir. Philips, reflects the close relation between personnel, enterprise and society'.⁹ The company strategy is linked to diplomacy and may be subordinate to the market image. The latter may differ from the image in political circles.

Next to quest for a proper definition the question arises on how scientists may direct their research on the phenomenon. Espindola places the research within the domain of political science. The key question then is how people may decide on the use of scarce items. A problem is that the research itself has a direct effect on people and hence, hardly may be conducted in an objective way. The approach mainly consists of a comparative approach by looking for patterns. One of the fields of research consists of the formulation and development of power. Research of public affairs fits in this field¹⁰. De Lange and Linders place public affairs research into the constructionism¹¹.

In day-to-day reality PAM mainly has a monitoring function, particularly in an active way. It is for instance not limited to reading the yearly report by the Social and Cultural Planning Office but requires an active communication with the environment on the basis of thorough knowledge (documentation, following developments), an extensive network of relevant contacts (to receive the appropriate signals) and self interest. Vels expresses more or less the same idea when he adds to his definition: 'the best way to observe trends and developments on time is to establish a long-lasting relationship with the government.'¹²

For this reason public affairs is the active monitoring of societal developments, the recognition of possible consequences of these developments for one's own organisation and the indication of the direction by which you may guarantee the interests of the organisation. You may emphasize the role of management and/or the influence an organisation exercises on its environment.

Indeed, De Lange states: public affairs includes lobbying (establishing coalitions and networks), political analysis (which political interests do exist? which are the points of view of the political parties?), a strategic analysis (identification of opportunities and threats, force field analysis), monitoring and definition of strategy. In terms of consecutive phasing the order is monitoring – problem and strategic analysis – political analysis – lobbying.¹³

The European context further delineates these concepts (PAM and the EU or EPAM). You cannot monitor the EU environment in the same way as the national environment, the consequences for one's own organisation often get a different shape and you have to meet quite different conditions to influence European decision making. For this reason EPAM deserves separate attention. This may happen in many different ways, ranging from the study of processes in the EU to observing the functioning of lobbyists in European power centres. Several other approaches lie in between those two end of the spectrum. However, for a successful EPAM you need both theory and practice, as well as a critical attitude.

Case

An example may clarify the effects of the EU for a company. Some years ago the EU approved a directive on amongst others the use of product names with a geographical origin (Scottish whisky, Parma ham, Edam chees and so on). In later years several implementation decisions protected many names by stipulating that only products which were produced in the region of that name, were allowed to use that name. A cheese manufacturer in the Netherlands produced a special cheese with a name which included the name of a region of another EU Member State. The cheese from that other region (though with another production technique, taste and form than the Dutch product) was protected through one of the implementation decisions of the directive mentioned. The Dutch sectoral organization omitted to pass on this decision to the Dutch manufacturer. The company got into troubles because it could not use the brand name of one of its core products. It only had one option, bringing the product to market in a different form within a short timeframe and a cost of several million (advertising campaign, re-labeling etc.).

Developing his concept for the European context Vierhout mentions four necessary conditions: (1) the establishment of a warning system to monitor the social and political topics which are of interest for business; (2) the analysis of the political process; (3) the development of a strategy; (4) the process of lobbying.¹⁴ Those four topics by the way only differ from the more general perceptions of public affairs in their application within the European context.

4. LOBBYING, ALSO FOR GOVERNMENT

Lobbying is an instrument of PAM. It encompasses all efforts to influence the decision making by government in an informal way in favour of the self-interest of an organisation. As soon as an organisation recognises that its interests come into play in a topic on which the national government or the EU wants to take a decision, it will (have to) try, in the interest of the organisation (or even its continued existence), to influence the decision making in a for the organisation favourable direction. Within this perspective lobbying is the logical reaction to a signal in the PAM framework. As De Lange states: "We will define lobby or lobbying here as the outward-directed or action-directed component of PA".¹⁵

Richard Linning perceives lobbying as the lifeblood of a democratic political system. Such a system has to be able to accept two conflicting points of view and to reconcile them. Lobbying to him is communication (exchange of information, two-sided), including influence. Henk Jan Rebel particularly use 'the term lobbying as indicating the techniques of practical interest representation and as such it forms the final piece of a public affairs building'.¹⁶ Thomas Bols regards a lobbyist as someone with an interest in scarce means who wants to influence the decision on their allocation. You may contract a consultant to do the job on your behalf but the consultant himself does not have that interest. That remains with his client¹⁷.

Not every PAM signal results in lobbying. If companies place large advertisements in daily newspapers to influence the decision making (e.g. commercial radio stations on the re-distribution of FM frequencies)¹⁸, PAM is still applicable but lobbying not. Advertisements happen not to ask for attention in an informal way.

An important question is whether the government lobbies as well (see for instance the article by Joep Boerboom on the Netherlands governmental lobby¹⁹). The government of course defends Dutch interests but is that lobbying or does it only coincide with lobbying in form and process?

Some Dutch municipalities have their own offices in Brussels to keep an eye on things. The existence of these offices alone may prove their usefulness. Indeed, the municipalities involved have to account for these expenditures, in the end to the tax payer; you and me. This is a remarkable phenomenon from a constitutional point of view because the Ministry of Interior represents the interests of municipalities on the level of the government and the government is represented in Brussels through the Permanent Representation to the EU. In addition a civil servant from the Ministry of Interior has been seconded to this Permanent Representation. If the role of the Ministry of Interior would be insufficient for whatever reason, the interests of municipalities may also be represented by the Association of Netherlands Municipalities (VNG) through its own office in Brussels. On top of all this we may also visit in Brussels the office of the Inter-provincial Consultation (IPO), also offering possibilities to present the interests of lower levels of government. These offices do not limit themselves to the collection of information, because you cannot account for a Brussels' office on such limited grounds. The conclusion may only be that governments lobby the EU.

In a formal sense the relations of the Netherlands state, the Netherlands government and the Netherlands lower levels of government are all part of foreign policy, but this rule appears in practice somewhat unmanageable. The Ministry of Foreign Affairs (MFA) has a central position. If the MFA lobbies, it wants to safeguard the interests of the Netherlands state. The MFA does not do anything else²⁰ with the exception of consular affairs. Even development co-operation serves the interest of the Netherlands by contributing to the international legal order and security (see the discussion on soft

security in the framework of the war on terrorism). With the MFA as a lobbyist the state as a whole is the organisation of which the interests are at issue and is the Netherlands PAM an important part of governmental policy. Such a wide perception of PAM and lobbying of course goes way too far and is not even intended. At this point we face a border, resulting from the involvement of the MFA in a formal framework.

The role of the MFA on behalf of the Netherlands government indicates an important point: the government serves the general interest, a company or a NGO its private interest. It also presupposes the unity of government, an important principle of our constitutional state. However, the interests of parts of the Netherlands government frequently do not run on parallel tracks and hence, each party defends its own interest. In an open society with a well functioning dialogue municipalities may have their own office in Brussels as long as they do not have a negative impact on the general interest. Whether the co-ordination is really sufficient, may be an open question. The story goes for instance that the Ministry of Agriculture won a major victory during the European Council meeting in Edinburgh in 1992, which in the end turned the Netherlands into a net contributor to the EU. Whether true or false such situations may occur in many different shapes. The Dutch constitution does offer autonomy to the different parties but only limited possibilities for co-ordination, leave alone an authority to instruct. The Prime Minister for instance cannot instruct a cabinet minister to do something (but a premier can) and the Interior Minister cannot instruct a province or a municipality. The emphasis on the unity of government and on autonomy anyway results in a limitation of the possibilities for influence. For instance, only Dutch municipalities are not represented in hundreds of Brussels committees because one Dutch municipality cannot speak on behalf of others.

Lobbying by the government also makes a difference as far as the informal nature of the exercise to influence concerns. An organisation which does not belong to the government, is not involved in the decision making process (the formal part) and hence, does not have any other possibility than informal approaches. The government on the other hand is indeed involved in the European decision making process. This puts another light on governmental efforts as lobbying: they support the government in the formal decision making in Brussels. For this reason governmental lobbying gets a more instrumental nature. Because companies and NGO's only have informal means at their disposal, these means will get more weight than in governmental circles. In short, the Netherlands government participates in the decision making, a company or NGO is the object of that decision making.

Lobbying by parts of the Netherlands government in Brussels has four specific aspects.

- The representation of one's own governmental organisation in addition to the formal representation through the Ministry of Foreign Affairs and the Permanent Representation to the EU in particular..
- The requirement to represent the general interests of the citizens of the governmental organisation involved in contrast to the interests of the organisation itself.
- Watching and maintaining the unity of governmental policy and the for these required careful co-ordination between all governmental parties.
- The participation in both the formal and informal aspects of the decision making in and by the EU in mutual dependency.

The discussion on different forms of lobbying concerns both governmental parties (the EU, the national and lower levels of government) and private parties (companies, governmental agencies, NGO's). Both are actor and target group at the same time: they actively try to influence the decision making by others and other actively try to influence their decision making. This interactive process results in four positions according to the following matrix.

target group \ actor	public organisation	private organisation
public organisation	co-ordination lobby	classic lobby
private organisation	public support lobby	societal lobby ²¹

I have called the lobbying of one governmental organisation by another the co-ordination lobby. It may take the following forms:

- the internal lobby within one organisation
- the horizontal lobby within one government (municipality-municipality; province-province; ministry-ministry)
- the vertical lobby within one government (e.g. municipality-province)
- lobbying the EU by whatever part of the government
- lobbying one governmental organisation in an EU Member State by a governmental organisation in another EU Member State.

Public interests may clash in co-ordination lobbies, including lobbying within one government at the same level. The sovereignty which in the case of lobbying often is mentioned as threatened, has already been labelled as an illusion by Van Schendelen: 'They do not loose at the moment their national sovereignty but the myth that they had it'²².

The public support lobby (governmental efforts to influence private decision making) appears a growing phenomenon. Private organisations and in particular NGO's become more and more independent of the government and may thwart or threaten to thwart in a major way. However, governmental activities in this domain may face quite some suspicion. One example is a deputy minister lobbying major companies for their support of security and social policy in major cities.

Private lobbying of the government and the EU in particular is the most traditional form of lobbying. However, this lobby is not yet a generally accepted idea because it has too much the connotation of favouritism and striking bargains. That phase is long past in day-to-day reality and even more so in Brussels. Lobbying in Brussels rather represents a professional and full-time activity which is even considered by some as a special form of bottom-up democracy ('a hybrid form of European people's sovereignty, characterised by active participation, mutual competition and limited juridification'²³).

The societal lobby also receives more and more attention. It is the situation in which private parties mutually defend their interests without any intervention by the government.

We call the co-ordination and the public support lobby together governmental lobby (by the actor) and in a similar vein the classic lobby and the societal lobby the private lobby.

You may also make different distinctions. Bursens recognizes the following interests groups: (1) the professional lobbyists (2) actors who represent their interests with their own personnel and (3) interests groups with a territorial focus²⁴. Van Schendelen differentiated governmental lobbies and independent lobbies (with the ability to cope for themselves).

Hence, lobbying is the combination of efforts by an organization on the basis of its own interest to influence the decision making by another organization in an informal way. An important condition is that the topic which creates the need for lobbying, is part and parcel of the decision making procedure. If your angle is not a part of the discussion but the outcome of the decision making may affect you, you first need to submit your topic.

5. EUROPEAN PUBLIC AFFAIRS MANAGEMENT

5.A DIFFERENCES BETWEEN NATIONAL AND EU

Public affairs in relation to the EU (EPA) is a specialised kind of sports. It is a form of PA to start with but different in its application. When discussing PA in general terms we mentioned three areas of difference: the environment you have to monitor, the consequences for the organization and different ways and means of influencing. The The Hague arena differs from the Brussels' one, the effects of rules take different forms and people in Brussels decide in different ways, resulting in quite different possibilities for exercising influence. EPA focuses on the politics and institutions of the EU, such as the EU politicians (including national politicians involved in EU affairs) and EU civil servants. Furthermore, you have to deal with foreign languages, different cultures, approaches, procedures, networks, distances and so on. Just because of these differences between PA and EPA an organisation sometimes prefers to contract a specialised consultant, rather than to start lobbying in Brussels itself.

A proper knowledge of the EU is a necessary condition for an EPA expert or consultant. S/he has to know for instance the structure of the EU in quite some detail (tasks, competences, responsibilities of the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Communities and the European Court of Auditors), the directorate-generals of the European Commission, the decision making procedures (from assent to co-decision) and the possibilities to influence them, the forms of legislation (directives, regulations, decrees, recommendations) and their effects, the persons involved (networks), the time schedules and the locations. All this requires a thorough knowledge of and experience with the European integration and European law in particular.

As soon as the national framework does not suffice anymore, organisations give preference to the wider European framework. They may do so independently or in co-operation with others, depending their assessment of opportunities. On the EU level they may try to block things or rather try to promote them (parallel to negative and positive integration). These 'things' are in particular legislation and financial opportunities. If you cannot move things your way (more often than not in the form of a compromise) you may at least try to block the path of your opponent. Van Marion gives a nice successful example at high level. 'Japan had to get the impression that Europe and Philips were one and the same and that caution was called for. The European interests of Philips went way beyond the Netherlands opportunities for support and hence, the network with European authorities was quickly built up. The main pillar of the strategy consisted of the identification of Philips with Europe as a counterforce to Japanese violence. Fighting Philips had to have an equal meaning for the Japanese as . fighting Europe'.²⁵

Van Schendelen perceives three approaches to influence the European Commission: formal, semi-formal and informal. In a somewhat older article he explains as follows:

'in the formal approach one promotes ... an official assignment for the Commission to develop policy in a certain direction ... In a semi-formal approach ... one tries to arrange an additional round of consultation, to involve the Cabinet of the Commissioner of one's own country or to give the initiative to like-minded persons within the Commission. The informal approach or lobbing implies that one outside the (semi-)formal frameworks visits persons considered to be important within the Commission and win them over. ... Reality shows that the combination of the three approaches results in the best chances for influence.'²⁶

If we would take this text literally, only the informal approach would be lobbying and not the semi-formal way. This impression is reinforced later on: 'because important members [of committees] deliberated with the persons involved of the Commission in an intensive and informal way: an informal approach within the semi-formal ... more or less a standard practice'.²⁷ However, the activities within and around the approximately 2500 Brussels' committees are in practice of such a key importance for lobbyists that Van Schendelen's semi-formal approach has to be included in lobbying in Brussels.

Within the context of this reader we do not need to discuss the committees at length and hence, we limit ourselves to a number of key points to indicate their importance. Committees support the EU

institutions in the preparation and implementation of policy. They are composed of experts from public and private organizations. Van Schendelen estimates the total number of committees at around 2500²⁸: 450 so called comitology committees, 1000 centrally registered committees and 1000 committees established by organizational parts of the European Commission. The comitology committees are established by the Council, assigned with specific tasks and procedures and they play a role in the implementation of policy (in particular advisory committees, management committees and legislative committees). The influence of the 2000 committees for the European Commission depends on subject and time but may be considerable. If indeed experts reach consensus on a specific topic, the European Commission will not be inclined to resist the content part of their opinion.

Vierhout also emphasizes the specific nature of PAM in the European context (EPA), in particular the dynamics and effects of the European integration in nearly every sector of the society, the special characteristics of the European institutions and the presence of many PA consultants and lobbyists in Brussels (the 'you cannot stay behind' argument)²⁹.

The specific nature of public affairs in an EU framework may also be clarified by comparing the contexts of the EU and the Netherlands. To start with, the European Parliament may not be compared with the Lower House of Parliament (Second Chamber). In the national context (Second Chamber) civil servants and Member of Parliament in principle do not maintain contacts because the Cabinet Minister concerned is politically accountable to the Second Chamber, including public statements by civil servants. This is not the case in European Parliament, although the European Parliament does represent the citizens.³⁰ Boerboom emphasizes the latter point in the separation of powers with the Council, representing the Member States. This distinction is of course important in decision-making. The question, flowing theoretically from this distinction then is what party the Commission represents. The Commission in principle only serves EU interests as a whole although day-to-day reality at the individual level sometimes appears to suggest otherwise.

Other important differences between the Netherlands and the EU arena have already been mentioned: the structures and institutions of the EU; the procedures, competences and decision-making; the international character of the EU; the plurality of languages and intercultural aspects; the Euro jargon³¹; national and ideological fault lines³²; multicultural composition of and lack of means for the Commission (underresourced nature)³³.

On top of all this a lobbyist needs to make a much larger effort in Brussels to have success. From this perspective larger parties do have an advantage and prefer to keep the game between them. Hence, Bal notes: 'Lobbyists do not have an interest in a proportional representation of interests in Brussels; only the smartest, the biggest and the richest sit at the table.'³⁴

Case

The most successful lobbying that I have ever done, was in a corridor and it was with a Member of the European Parliament (MEP) who is now a lobbyist. Her name is Carol who is with the socialist group in the European Parliament and she was the rapporteur or shadow rapporteur on a particular report. And there were two reports, competing reports, on this particular issue. I wanted one of them pass for my client. I walked down the corridor and I said: what will it take, Carol to you, the socialist group to support this report? And she said: if Jeff will accept my amendment. Now her amendment was about questioning the Council, a very commendable issue to be promoted, but it did not have anything to do with the issue under discussion, which was tobacco. I said to Carol: OK. And I went upstairs to Jeff and I said to Jeff: Carol and the Socialist Group will support your report if you will accept her amendment. And he said: are you sure? And I said: yes, she is downstairs in her office now, go and talk to her. I disappeared then for three days. And I came back and Jeff had spoken Carol and Jeff's report was voted in. And I was a great success.

Vierhout also indicates a difference in the development of public affairs. Public affairs originated in countries by societal and political changes and in the EU by initiatives of business. The EU internal market came about by the suggestion and the request of European round Table of Industrialists (ERT). Business continuously monitored developments in the EU, such as policy areas, standards, co-ordination between national rules, the Euro and the increasing power of the European Parliament³⁵.

Bols emphasizes that over the last few years next to business two groups have gained in power in Brussels: the NGO's (foundations, associations etcetera) and the media. NGO's not only get into the picture by their campaigns but they are also quite active in influencing decision making and legislation. The mass media went through a development from purely national orientation toward European reporting.³⁶

A lobbyist not only asks something but also has something to offer. In Brussels this offer encompasses the wide variety of an industry or a sector in a multinational framework and lobbyists often speak on behalf of such large groups of companies. For this reason they may offer specific expertise which the Commission itself does not have at its disposal.³⁷

5B THE APPROACH

Bols effectively summarised the approach of lobbying in Brussels in four C's: *Case, Context, Calendar and Culture*³⁸.. They imply a thorough knowledge of the case or topic your defending, of all factors which may influence it, the time schedule of Brussels' decision making in question and the influence of cultural aspects. Those four topics split up in more detailed questions. Next to the four C's you may follow the three-pronged approach of content (the case, the dossier), the human factor (in particular relations between people) and environmental variables. The latter approach in three forms the shortest summary of the do's and don'ts lists of several authors (Van Schendelen, Linning, Bols, Vierhout) in catchwords³⁹.

- ◆ the content of the dossier
 - ◆ vision, long-term perspective, knowing exactly what you want and from whom; timing
 - ◆ knowledge of the topic concerned, the sector, the industry
 - ◆ well documented (well aware of points of view and interests of other parties; political loyalties and connections, including previous relevant cases)
 - ◆ information at your disposal to provide to interested parties (in time, focused on the phase of the procedure in question, concrete texts, dedicated to target group)
 - ◆ overview of all relevant arguments (legally, economically, as well as politically) in relation to their feasibility
- ◆ human relations
 - ◆ overview of all relevant persons, stakeholders and parties, also in capitals
 - ◆ force field analysis; public support; resistance; possible coalitions
 - ◆ use of social network of one's own organization, careful selection of counterparts at the different levels; connections between people
 - ◆ also pay attention to the seemingly less important parties and persons (smaller factions, assistants, faction staff members, staff members of the secretariat). The larger factions in the European Parliament may be of more importance but because of it they also receive all the attention
 - ◆ attend informal meetings
 - ◆ keep the first contact short; give at a later stage a thorough presentation on the basis of arguments
 - ◆ a Dutch lobby has a bigger chance of success by focusing on Dutch people
 - ◆ the best target group for a lobby directed to the Council, consists of the civil servants preparing the meeting (Coreper and working groups)
 - ◆ do not only ask but also offer something in return (attractive: solutions, information, concessions, alternatives, compensation, co-operation); dialogue
 - ◆ personal relation; be discreet, polite, patient, courageous, convincing, consistent, not arrogant, build up trust but do not be too trusting; do not nag
 - ◆ "don't forget you have two ears and one mouth and they should be used in that proportion" 40
 - ◆ do not belittle people, do not put someone in the wrong (communicate on the basis of your own strength, not from the weakness of others)
 - ◆ do not wave your national flag

- ♦ take the agenda of the other into account
- ♦ create opportunities for a follow-up
- ♦ speak with one mouth (no conflicting messages from one and the same organisation); take care of co-ordination and harmony
- ♦ emphasis on the national interest, not the dossier as such
- ♦ take time for detailed homework (strategy and technique, evaluation, arena analysis)
- ◆ environmental variables
 - ♦ rules, procedures, deadlines and political and managerial mores
 - ♦ political background, policy context
 - ♦ remember: politics is the art of the possible; logic has its own time and place
 - ♦ subsidiarity offers more freedom in implementation and should be preferred over European harmonisation
 - ♦ trade unions, environmental pressure groups and volunteer organisations in particular perceive the European Parliament as their prime target
 - ♦ promote a positive image of the industrial and social policy of one's own enterprise
 - ♦ complex cultural environment
 - ♦ be aware that decisions normally get the form of a compromise

5C PROFILE OF A LOBBYIST

Above mentioned list of the different aspects of the art and ideal approach of lobbying is quite long and encompassing, partially because of the variety in ways of lobbying. Nevertheless a good lobbyist has to satisfy a range of criteria. Once again we summarise the opinion of the authors mentioned. The focus on the knowledge required, skills, personality characteristics and experience. The latter appears again and again but cannot be discussed in any detail because experience depends on individual persons and his or her individual working conditions. Experience enables an individual person to draw parallels with similar situations, whether or not in the past.

De Lange researched the profile of people who are at present public affairs manager or lobbyist⁴¹. The key points are

- ✓ man (83% of response), between 40 and 50 years of age
- ✓ with higher education (20% professional university, 65% academic university, 5% with PhD), in particular in the field of economics, law, political sciences, languages and communication
- ✓ between 6 and 10 years fulltime involved in public affairs with a salary above € 50,000, in particular in the function of adviser to the top of the organization (or within a consultancy firm); stand alone or in a small team
- ✓ with previous experience in communication / public information / public relations / journalism, politics and government or commercial / marketing / management
- ✓ with a political preferences for the Dutch political parties VVD, D66, PvdA, CDA in decreasing order

De Lange has submitted 24 statements to the professionals concerned to find out about their opinions. Three clusters of answers come to the fore after statistical processing.

- A. the importance of democratic control
 - ‘Public affairs needs to be subjected to democratic control’, ‘a public register of those who work in the field of public affairs enhances trust in the professionals’, ‘a legal framework for public affairs is required’, and ‘there is a need for a code of conduct for all professionals in the field of public affairs’
- B. the importance of the client
 - ‘A public affairs professional gives priority to the wishes of the directorate or the client’, ‘the public affairs professional is only accountable for his or her activities to the directorate or the client’, and ‘for the public affairs professional the interests of the company or organization in question take precedence of everything else’
- C. the importance of public affairs

‘Public affairs is more and more used as an instrument to realize the objectives of the organisation or company’, ‘public affairs is one of the most important critical success factors in policy or entrepreneurship’

“The Ideal Profile of the EU Public Affairs Expert ... a threefold master: a *Socrates* in asking the same enduring questions for every case when it occurs, a *Max Weber* in developing the answers by preparatory work, and a *Niccoló Machiavelli* in applying the insights through fieldwork.”⁴² Van Schendelen develops this fine profile in some more detail but mentions as key discipline for an academic education science and methodology, political sciences, law, psychology and economics. Indeed, a wide and interdisciplinary palette which might find its proper place within the new structures for higher education in the Netherlands.

The knowledge and understanding of EU political decision making, as well the different ways of influencing it, mentioned by others, would fit within the domain of political sciences in the above perception. Exactly the thorough knowledge of EU decision making renders an important element of the offer the professional lobbyist makes to his client. Other important knowledge domains include European history, in particular that of the EU, EU policy areas, the EU institutions and their authority, the development of public opinion and national political cultures.

Regarding skills the focus lies on personal communication, intercultural communication, negotiations, finding, processing and storing information, languages, client orientation, monitoring of political and economic developments, research (both implementing it and the proper use of results by others), political skills, argumentation, (social) networking and the maintenance of contacts, social skills and a commercial orientation.

The already mentioned research by De Lange shows that public affairs managers and lobbyists prefer a higher education for their successors (43% mentions a professional university, 53% an academic university; a shift to the former compared to their own education). Regarding the discipline, the respondents mention first communication/PR/journalism (27%) and then in decreasing order political sciences, law, economics and public management.

Espindola mentions the following ideal requirements for a lobbyist⁴³:

- ✓ a thorough knowledge of political decision making, in particular the EU
- ✓ familiar with the origins and the development of the EU and the different regions
- ✓ awareness of democratisation processes and the ever more encompassing decision making
- ✓ knowledge of the influence of intercultural and economic processes on public decision making, legal tendencies and developments within the EU
- ✓ capable of following political and economic developments
- ✓ able to do and use of research

Bols’ perceptions are in line with those lists: knowledge, political skills, experience, objectivity and argumentation and handling of contacts.⁴⁴ A good lobbyist has an additional value (knowledge of the Brussels machinery) for his client and makes that available on a commercial basis. Lining in addition points at motivation and enthusiasm and more generally the skill of how to get on with people.⁴⁵

5D DO’S AND DON’TS

Thomas Bols emphasises that not the consultant but his client presents the case to people concerned, such as politicians and civil servants, because the client represents an interest⁴⁶. S/he is more involved for exactly that reason.

Furthermore, a lobbyist should really communicate with the person of his or her attention. One directional traffic, only posing questions, does not work. The lobbyist has to have something to offer. Preferably s/he should take a position in the middle between the organisation of the client and the decision maker⁴⁷.

Also of importance is an open and flexible attitude because you need to be able to communicate in different environments, in different cultures, in different political systems etc.⁴⁸.

If you want to approach a Member of the European Parliament, you need to take into account the way through which s/he is elected. The Netherlands has a system of proportional representation and elections through party lists. Other countries have different systems. Knowing how someone has been elected, helps with your lobbying approach and sometimes directs your way of exercising influence (e.g. contribution to re-election)⁴⁹.

During an introduction at the Hogeschool van Utrecht in 1998 Richard Linning presented the following list with practical tips.

- Keep it short – a page, a paragraph but preferably a sentence. Start from the position that no one is interested in what you have to say: they can always ask for more.
- Know the rules, procedures and deadlines. Almost every time they will determine what you or anyone else can achieve.
- Be discreet. The effectiveness of your contacts may be destroyed if they are seen with you.
- Know precisely what you want from whom.
- Be patient. Fitting in with your contact's timetable is one way of acknowledging his importance.
- Recognise that decisions are the result of compromise. Best to select your own solution; but always let someone else propose it.
- Realise compromises make bad law. Increasingly the Community is resorting to the European Court of Justice for interpretation.
- Remember, politics is the art of the possible. Logical argument has its time and place: both are often in short supply.
- Be brave. Courage, conviction, consistency.
- Don't ever fully believe or trust a politician (or official). They probably don't know the full story, and certainly won't admit their ignorance or impotence.
- Don't ask for the impossible. There's only a limited amount a single individual can do or achieve: know their limitations.
- Don't believe what you read. The full and accurate story won't sell newspapers: most journalists and their sources probably know less than you do anyway.
- Don't forget the national capitals. Decisions are not taken by Brussels: more often than not they are simply announced in Brussels.
- Don't believe in European harmonisation. Subsidiarity leaves more and more scope for freedom of implementation.
- Don't be arrogant. For every industry or argument that cannot be ignored there's someone eating humble pie.
- Don't ignore the common courtesies. In the competition for attention and influence, every little advantage helps.
- Don't wave your national flag. It is a red flag to an easily provoked and angry European bull.
- Don't ever boast about victory. The only final victory is mutual destruction: in war there's always another battle ahead.
- Don't forget you have two ears and one mouth and they should be used in that proportion.

CONCLUSION

Public Affairs Management receives more and more attention as a strategic management function of an organisation to safeguard the interests of that organisation. If need be that safeguarding may take an active form by a focused effort to influence the decision making by other parties; lobbying. Within the European context PAM and lobbying get a special meaning through the context of the activities. This context differs considerably from the Netherlands, amongst others by the intercultural aspect, the scope, the complexity, the different structure of the organisation and the power of the institutions.

In order to realise a successful lobby campaign experienced people stress the need to satisfy a large number of criteria. Those criteria fall in three groups, the content of the case being represented, the relations between people and the environmental variables. However, no single person will be able to meet all of them, if only because s/he should be able to possess sometimes contradictory qualities. Nevertheless, a dedicated educational programme may bring the ideal and the day-to-day practice closer to one another, although the list of desirabilities will still be too encompassing. A choice for a specific approach is a practical way out of this dilemma⁵⁰.

Public affairs and lobbying have become important elements of the European decision making. Although in particular lobbying had an informal characteristic, both topics are far from being marginal ones. However, the attention for those two topics in study and research does not reflect their importance in day-to-day reality.

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- ¹ Rob Vierhout, in: *Public Affairs in a European Context; a first introduction*, Utrecht: Faculteit Communicatie en Journalistiek, Hogeschool van Utrecht (cahier 26), 2002, p. 12; hereafter: Cahier
 - ² A.A.G. Pijnenburg, 'Public Affairs Management', in: M.P.C.M. van Schendelen and B.M.J. Pauw, *Lobbyen in Nederland, professie en profijt*, Den Haag, Sdu Uitgevers 1998, p. 54
 - ³ Rob Vierhout, Cahier, p. 12
 - ⁴ De Lange, Cahier, p. 10. This definition coincides with the one in his later PhD thesis: "Onder PA verstaan we de strategische managementdiscipline die zich richt op de politiek-bestuurlijke omgeving waarin de organisatie zich bevindt of zal gaan bevinden" (Under PA we understand the strategic management discipline which focuses on the political governmental environment in which the organisation is located or will be located); in: Rob de Lange and Paul Linders: *Public Affairs & Werkelijkheidconstructie*, Utrecht, 2003, p. 17.
 - ⁵ Rinus van Schendelen, *Machiavelli in Brussels, the Art of Lobbying the EU*; Amsterdam: Amsterdam University Press, 2002, p. 42.
 - ⁶ Henk Jan Rebel, Cahier, p. 14
 - ⁷ Van Schendelen, a.h. 2002, p. 40, 41
 - ⁸ Marcel F. van Marion, 'Wisselstroom of dwaallicht, internationale diplomatie van Philips', in: *Internationale Spectator*, LIII-2, February 1999, p. 74
 - ⁹ Marion, o.c., p. 76 en 77
 - ¹⁰ Espindola, Cahier, p. 19
 - ¹¹ De Lange and Linders, PhD thesis, see note 4
 - ¹² Drs. Floris Vels, 'Vorm de juiste coalitie, public affairs als managementinstrument', in: *Marketing rendement*, nr. 6/7, June 2002, p. 18
 - ¹³ Rob de Lange, 'Exploratief onderzoek onder *Public affairs*-functionarissen', in: *Tijdschrift voor Communicatiewetenschap*, jrg. 28, nr. 2, 2000, p. 125-144
 - ¹⁴ Rob Vierhout, Cahier, p. 20
 - ¹⁵ Rob de Lange, Cahier, p. 11
 - ¹⁶ Henk Jan Rebel, Cahier, p. 16
 - ¹⁷ Bols, Cahier, p. 18
 - ¹⁸ A short article in the newspaper NRC mentions a number of ways in which organisations use advertising for non advertising purposes. Maarten Schinkel, De achterkant van de achterkant (rubriek Lux), in: *NRC*, 14 January 2003
 - ¹⁹ Joep Boerboom, 'De Nederlandse overheidslobby bij het Europees Parlement', in *Internationale Spectator*, LVI-12, December 2002
 - ²⁰ The overall purposes of each foreign policy encompass the security of the state and the well-being of the citizens. The activities are in practice divided in political affairs, economic affairs, press and cultural affairs, development co-operation and consular affairs.
 - ²¹ M.P.C.M. van Schendelen en B.M.J. Pauw, *Lobbyen in Nederland, professie en profijt*, Den Haag: Sdu Uitgevers, 1998, o.c., p. 12 (Van Schendelen, 1998-1)

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- ²² M.P.C.M. van Schendelen, 'De mythe van soevereiniteitsverlies in Europa', in: *Internationale Spectator*, LI 7/8, July / August 1997, p. 371
- ²³ Van Schendelen, o.c. 1997, p. 369
- ²⁴ Peter Bursens, 'Belangenbehartiging bij het Europees Parlement; de lange weg naar reglementering van het lobbyen', in: *Internationale Spectator*, LI-3, March 1997, p. 146
- ²⁵ Van Marion, o.c., p. 77
- ²⁶ M.P.C.M. van Schendelen, 'Brusselse comités als semi-formeel invloedskanaal', in: *Internationale Spectator*, LII-10, October 1998, p. 493 (Van Schendelen, 1998-2)
- ²⁷ Van Schendelen, o.c. 1998-2, p. 496
- ²⁸ Van Schendelen, o.c. 1998-2, p. 493, Van Schendelen, o.c. 2002, p. 56, 67
- ²⁹ Rob Vierhout, Cahier, p. 38, 39
- ³⁰ Boerboom, o.c., p. 597
- ³¹ Leendert Jan Bal, Lobbyen in Brussel; book review, in: *Internationale Spectator* XLIX-9, September 1995
- ³² Peter Bursens. o.c.
- ³³ Van Schendelen, o.c. 2002, p. 62, 63
- ³⁴ Bal, o.c., p. 496
- ³⁵ Vierhout, Cahier, p. 37
- ³⁶ Bols, Cahier, p. 39, 40
- ³⁷ Bols, Cahier, p. 40
- ³⁸ Thomas Bols, Cahier, p. 48
- ³⁹ We do not refer explicitly to specific pages. The authors have been mentioned in the notes. Linning is mentioned in the cahier.
- ⁴⁰ Richard Linning, Cahier, p. 51
- ⁴¹ Rob de Lange 2000, o.c..
- ⁴² Van Schendelen, o.c. 2002, p. 235-238
- ⁴³ Espindola, Cahier, p. 44, 45
- ⁴⁴ Bols, Cahier, p. 45
- ⁴⁵ Linning, Cahier, p. 46
- ⁴⁶ Bols, Cahier, p. 18
- ⁴⁷ Bols, Cahier, p. 49
- ⁴⁸ Linning, Cahier, p. 42
- ⁴⁹ Linning, Cahier, p. 42 en 43
- ⁵⁰ De Hogeschool van Utrecht (in particular the School for Communication Management of the Faculty for Communication and Journalism) has established a master's programme European public affairs in co-operation with the University of Bradford. Public affairs in de European context is approached from a communications point of view.