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Lobbying practises in Slovenia: A comparative analysis between mayors and members of parliament

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Abstract

This study closely examines the influence of lobbyists on the decision-making processes of policymakers in Slovenia. It specifically looks into the processes that concern drafting and adopting legislation and public policies. The aim of the research is to determine whether the influence of lobbyists can lead to the domination of a specific sector or even an entire country. By conducting an empirical study, this paper offers a new perspective on the practices of lobbyists in Slovenia, shedding light on the less visible processes that often directly impact policy outcomes. The research targets decision-makers regularly approached by lobbyists—Members of Parliament (MPs) and mayors. The results reveal a significant lack of understanding of lobbying among these decision-makers. Less than half of the participants successfully recognized informal lobbying practices. This raises many concerns as decision-makers who reported interacting with lobbyists most likely interacted with both registered and informal lobbyists. Conversely, those who reported no contact with lobbyists may have encountered informal lobbying but failed to recognize it as such. Somewhat paradoxically, the study shows that most respondents agreed with the claims that informal lobbying is the greatest threat and that certain sectors are already under the control of specific interest groups. This study may serve as a valuable resource for legislators working on lobbying law. Additionally, the study should serve as a reminder of the frequently undertheorized area of informal lobbying and should encourage further research.

Keywords: Corruption, Decision-making, Deputies, Lobbying, Mayors, State.
JEL Classification: I32; M29; L59.

1. Introduction

Interests have historically been represented in various forms, with lobbying being one such method enacted at local, national, and international levels of governance. All democracies are therefore familiar with one form or another of lobbying. The capital of the United States—Washington, D.C.—remains the place where the largest, best-paid lobbying takes place, followed by Brussels, one of the European Union's (EU) capitals. Slovenia, well integrated into the extensive global capitalist network, thus remains no exception in this international landscape of lobbying. Most national legislations in liberal democracies strive to frame lobbying within legal norms. In Slovenia, the Act on Integrity and Prevention of Corruption (Zakona o integriteti in preprečevanju korupcije, hereafter, ZIntPK) regulates lobbying and includes a register of official lobbyists. The question, however, arises: How much lobbying is conducted by official lobbyists and within the legal framework?

Although lobbying and corruption are fundamentally different, with the first being a legally regulated activity, lobbying remains a volatile practice and can quickly turn into corruption if conducted outside the legal framework. The highest level of corruption undoubtedly remains state capture. This phenomenon is defined as a ruling structure under which certain economic centers shape and control all three branches of government—legislative, executive, and judicial—as well as the economic system as a whole. Such a structure mostly benefits the economic centers of the state and its loyal supporters and might give an outward appearance of perfect legality. While democratic means of decision-making might be in place, people in such countries do not rule, as no serious reforms can be carried out. As Avbelj (2015) points out, such countries are marked by the tyranny of the status quo.

Recent discourse and publications in Slovenia have overwhelmingly focused on the potential takeover of specific institutions or sectors, particularly public healthcare and the judiciary. It should be considered central, however, to investigate whether these issues are driven by lobbyists or informal networks operating behind the

scenes. Therefore, our research aims to determine the extent of lobbyists' influence on decision-makers at various levels in order to better understand the nature and scope of lobbying activities taking place in Slovenia.

Lobbying remains one of the most poorly understood and misrepresented activities in both politics and public discourse. It is often viewed as a socially harmful activity and frequently equated with corruption. Such an attitude is most commonly reflected in the statements of many public figures, including prominent political figures, who claim that they do not wish to engage with lobbyists. Lobbying is, in their view, frequently perceived as a negative action that harms broader social interests and tarnishes their reputation. This, in reality, means turning a blind eye on the reality of the political landscape in which avoiding lobbyists is nearly impossible (Cizelj and Mlakar, 2022). Slovenia is no exception, as lobbying here, due to the misuse and misunderstanding of the term "lobbying," similarly to other places, carries a largely negative connotation.

According to rough estimates, approximately 30,000 lobbyists operate in Brussels, establishing it as the second-largest hub for lobbying activity globally, surpassed only by Washington, D.C. It is widely accepted that few significant decisions in this European political center are made without some form of influence from lobbyists.

The European register of lobbyists lists approximately 12,400 companies and organizations, collectively allocating around 1.8 billion euros annually to lobbying activities. Leading this effort are major sectors such as Big Tech, Big Pharma, and Big Energy. These corporations officially report spending between four to six billion euros annually on lobbying efforts, with unofficial estimates suggesting even higher expenditures (Soban, 2022). In contrast, lobbyists in Washington are compensated more generously than their European counterparts. During President Obama's administration, the number of lobbyists was significantly reduced at his request, yet the funds dedicated to lobbying remained almost unchanged. This suggests that the majority of lobbyists merely adapted their methods of operation rather than ceasing their activities entirely.

2. Literature Review

Lobbying involves enacting influence by an individual (lobbyist) on policymakers who engage in drafting and adopting legislation and public policies with the intention of swaying their decisions. This influence is, in most cases, exerted privately, usually on behalf of interest organizations. Fundamentally, lobbying entails expressing and representing the specific interests of individuals, groups, and organizations, and attempting to influence decision-makers in favor of these interests.

Lobbying is therefore the practice of trying to influence the decisions of various government officials and has been present in various forms throughout the centuries. Zetter (2008, p. 6), for example, describes lobbying as a natural and inevitable process that has influenced the development of British democracy since the signing of the Magna Carta in June 1215. This historic event, in the author's view, marked the beginning of limiting royal power under the pressure of rebel barons, illustrating an early example where the limits of royal power were set under the pressure of rebel barons. Zetter (2008, p. 6) however also points out that some authors argue that different forms of lobbying existed as far back as during the time of Cicero and Atticus in antiquity.

Originally, the term "lobby" referred to a vestibule situated centrally in public buildings. Over time, it also came to denote a space adjacent to legislative chambers where the public, alongside elected representatives, could access. This dual meaning evolved further with its association with political practices. Most existing scholarship agrees that lobbying has a long historical tradition; however, there is no consensus on when and where specifically it began. Zetter (in Dreven, 2012, p. 36) locates the beginning of lobbying in the US, citing records that Virginia veterans allegedly hired a lobbyist who lobbied for an extension of their war rights. While Zetter acknowledges also a potential British origin, he concludes that commercial lobbying as we understand it began in the United States. Others, such as Fink-Hafner (2017), agree that lobbying emerged within American political practices and pinpoints to the year 1829, during which, according to the author lobbying became a formally recognised practise. This period, Fink-Hafner argues, was marked by the use of the term "lobby-agent" which was used to denote individuals seeking legislative favors in the corridors of the Albany legislature. Contrary to Zetter (2008) and Fink-Hafner (2017), Ritlop (Novak et al., 2006, p. 43) argues that lobbying gained political significance in 17th-century England. The author explains that citizens during this period presented demands to deputies in designated rooms, signifying an early form of lobbying. In another perspective, Cooper (2017) credits President Ulysses S. Grant with popularizing the term "lobbyist." According to Cooper, Grant frequented the lobby of the Willard Hotel in Washington, attracting members of parliament and others seeking to influence presidential decisions.

Lobbying in Europe, except for Great Britain, began much later but saw significant growth with the establishment of the European Union. According to Geuguen (in: Blaznik, 2023, p. 9), lobbying in Europe can be divided into four distinct phases:

- **Foundational Period (1957–1970):** This phase saw advocacy lobbying focused on legislative and regulatory activities, particularly in areas such as the common agricultural policy and the organization of the common market. The period was marked by constructive cooperation between officials and professionals, with Henry Carey often cited as a pioneer of modern lobbying.
- **Transition Period (1971-1987):** Due to complex geopolitical issues, this era required more sophisticated and diplomatic lobbying efforts to navigate complex European dynamics.
- **Strategic Lobbying – Single European Market (1988-2005):** This phase is characterized by the intensification of lobbying activities particularly around issues like sugar policy. Paris and Brussels started forming as hubs of lobbying. Modern lobbying techniques were developed and refined out of these lobbying centers. The increase in lobbyists contributed to lobbying gaining credibility and acceptance, although achieving consensus remained challenging due to the diverse interests of national organizations.
- **European Integration (from 2006 onwards):** In recent years, non-governmental organizations have played a prominent role, displacing financially and administratively weaker business associations. This period has been markek by transversal lobbying with key associations based on partnerships between sectors over and above strictly sectorial interests.

However, lobbying often transcends the boundaries of legislation. Since unofficial lobbying frequently turns into corruption, this raises concerns about its potential to facilitate state capture, even in a country like Slovenia.

Despite strict legislation that governs lobbying, problems persist as misunderstanding and non-compliance with the regulatory framework occur frequently. The limited academic literature written on the subject (Cizelj and Mlakar, 2023) highlights the need for a comprehensive investigation. Questions about the nature of informal lobbying therefore arise. This paper, however, takes the position that, depending on the context, informal lobbying can be illegal and is certainly at least illegitimate, as it involves lobbyists acting in contravention of established codes of conduct.

Lobbying is a widely known phenomenon across all modern states and has become an essential part of their political landscape. Due to its dual nature, lobbying is systematically regulated through monitoring and sanctioning mechanisms. On the other hand, lobbying constitutes a multibillion-euro industry (Jenkins and Mulcahy, 2018). In established democracies, this practice is well-entrenched, with clearly defined frameworks and restrictions. However, in the so-called new democracies or countries in transition—primarily post-socialist or post-communist countries—regulation exists but is frequently not adhered to.

Interest groups are often represented by lobbyists who attempt, whether legally or not, to influence the government, parliament (in Slovenia, the National Assembly), or other state institutions. When lobbyists start to possess excessive influence, the adoption of questionable laws is likely to follow. These primarily benefit a narrow group rather than the broader citizenry or taxpayers, and often result in dubious policy decisions (Beyers and De Bruycker, 2017; Albamate; Šumah and Borošak, 2020; Kokal Golčer et al., 2022). This dynamic is one of the mechanisms that can facilitate state capture by interested groups. In this context, Begović's (2005) research is particularly noteworthy, as it examines various methods of state capture through corruption and lobbying.

The potential for lobbyists capturing the state is exemplified by the case of India, where research by Bidwaj (2010) indicates that the country is on the verge of corporations taking control through lobbying efforts. Kudamatsu (2002, p. 2) defines state capture as the bribing of parliamentarians, officials, and civil servants through non-transparent payments, with the aim of inducing them to enact laws, rules, and regulations that benefit the bribers. This definition also includes the bribery of the judicial and executive (police) branches of government. This introduction into the existing scholarly literature serves as a guide for the next section of the paper, where we explain the mechanics of the empirical research we have conducted.

3. Data & Methodology

3.1. Study

For the purpose of easy analysis and statistical processing, this study makes use of a survey. A well-established local survey website, 1ka, which provides easy survey execution, anonymity, and assistance in statistical processing, was used as a platform to conduct this research.

The target population comprised decision-makers and legislators in the highest positions in the country (MPs) as well as those that hold the most power at the local level (mayors). While mayors hold significantly less power, both groups face substantial pressure from lobbyists. More specifically, lobbying at the local level takes on a different form—one far more secretive and removed from media attention. Both these groups should therefore be conceived as central for the purpose of this research. Through this target population, this study aims to assess the extent that lobbyists have on decision-makers and whether this influence has the potential to lead to the capturing of specific state sectors or even the entire state apparatus.

Requests to complete the survey with a link to the website were sent to the e-mail addresses of MPs and mayors. Even though the survey included some high-profile individuals in Slovenia, the survey was totally anonymous. A total of 302 requests with a link to the survey were sent to all 212 mayors and 90 members of parliament. For the survey to be considered valid, we aimed at getting at least 100 responses (a third of the target population). Within one month, 140 surveys (46.36%)—a fairly satisfactory response—were completed.

3.2. Metrics

The survey was sent to 34 female deputies (37.78%) and 56 male deputies (61.22%). Women in Slovenia occupy significantly fewer mayoral positions, holding 29 (13.68%) compared to men who hold 183 (86.32%) of the mayoral positions.

In total, the survey was sent to 63 (20.86%) women and 239 (79.14%) men. It should be emphasized that the respondents also had the ability to choose "other" when being questioned about their gender identity. Among respondents, almost 20% identified as women and almost 70% identified as men, making the respondents groups highly representative of the gender within the target population. One respondent identified their gender by choosing the option "other," making this category represent just under 1% of the population.

In the first phase, 296 respondents (90.1%) clicked on the link that leads to the website of the survey, while 200 respondents (68%) clicked on the survey itself. 143 (48%) started filling the survey out. Among those, almost everyone (47%) completed it, making the total number of respondents 140.

3.3. Research Questions

RQ1: *Have you dealt with or been in contact with lobbyists, or have you ever received offers that indicated that lobbying was involved?*

Lobbying is present, so it should be conceived as central to determine the extent of both actual and perceived lobbying in the perception of decision-makers.

RQ2: *Is lobbying, both formal and informal, more present at the local or the national level?*

Fundamentally, the objective of lobbying is to obtain some sort of benefit—whether it be passing a specific law, issuing a specific decree, or obtaining business rights—for a specific interest group. Both types of lobbying—formal and informal—are present at both the national and local levels. While lobbying at the national level remains under more media scrutiny, "insiders" at the local level, where lobbying remains more hidden, are able to provide many significant details.

RQ3: *Can lobbying in its most severe form lead to state capture? Do lobbyists in Slovenia hold enough power for such a phenomenon to occur?*

Each time a law favoring individual interest groups to the detriment of the majority gets adopted, it represents a step towards potential state capture.

4. Results, Analysis, and Discussion

4.1. Have You Dealt with Or Been in Contact with Lobbyists, or Have You Ever Received Offers that Indicated that Lobbying Was Involved?

Almost half of the respondents (67 or 48%) stated that they have either dealt with, been in contact with, or received offers that indicated that lobbying was involved. Almost the same amount of respondents, however, also answered that they have never dealt with any sort of lobbying. 4% of respondents reported that they were unsure whether they have been in contact with any lobbyists. The high amount of respondents that indicated that they have dealt with lobbyists confirms our hypothesis that lobbying is a widely prevalent activity among decision-makers. This result, however, also leads us to speculate that a certain number of respondents who have indicated that they have not been in contact with lobbyists or that they are unsure whether they have been in contact with lobbyists might have in fact been approached by lobbyists but they did not perceive it as such.

Table 1. Decision-maker's encounter with lobbyists.

Sub questions	Frequency	Valid	Valid (%)	Relevant	Relevant (%)
Yes	67	140	48%	296	23%
No	67	140	48%	296	23%
Don't know	6	140	4%	296	2%
Total	/	140	/	296	47%

There are currently 83 registered lobbyists in Slovenia. We speculate that some of these lobbyists are most likely only registered "pro forma," which leads us to assume that those who confirmed contacts with lobbyists only dealt with registered lobbyists and were most likely able to recognize informal lobbyists as well. On the other hand, those who reported not having any contact with lobbyists most likely already had contacts with informal lobbying, however, they did not recognize it as such. The latter especially applies at the local level, where mayors engage with various non-governmental organizations and local interest groups on a daily basis. These interactions, by definition, constitute a form of lobbying.

There is, however, another possibility under which decision-makers act inconsistently in regards to the ethics and transparency which is required of them. More specifically, lobbying, when conducted informally, with unregistered lobbyists might in some cases be deliberately perceived by decision-makers as something else in order to evade accountability. If decision-makers encounter unregistered lobbyists, it is their duty to report any attempts outside the framework of lobbying legislation to the Commission for the Prevention of Corruption. This is, however, a lengthy process, which most decision-makers, for the purpose of convenience, attempt to avoid. Therefore, informal lobbying has likely become a routine activity in the landscape of politics that decision-makers must navigate, but in most cases do not report.

Conclusion: Regardless of the fact that almost half of the respondents answered the question "Have you dealt with or been in contact with lobbyists, or have you ever received offers that indicated that lobbying was involved?" with yes, there is a high probability that the rest did not recognize informal lobbying attempts, which is worrying. At the municipal level, the political apparatus seems to rely much more on the local networks and acquaintances which often function similarly to informal lobbying. Such lobbying—due to the lengthy bureaucratic system of reporting and potential disapproval from part of their electorate—often persists and becomes a part of the everyday political landscape of most mayors. This phenomenon most likely extends to the national level, where decision-makers similarly face unnecessary and time-consuming formalities and where lobbying might equally be bypassed through connections and familiarity.

4.2. Is Lobbying, Both Formal and Informal, More Present at the Local or the National Level?

85 (61%) respondents stated that they believe that lobbying is much more present at the state level, while 51 (36%) respondents stated that they believe that lobbying is equally present at both the national and local levels. Only 6 (4%) respondents answered that they believe that local politics involve more lobbying than state politics. This result allows us to speculate that many respondents most likely do not understand the concept of lobbying correctly or comprehensively enough.

Table 2. Decision-makers' opinions on the prevalence of lobbying.

Subquestions	Frequency	Valid	Valid (%)	Relevant	Relevant (%)
On the local level	6	140	4%	296	2%
On the state level	85	140	61%	296	29%
On the local and on the state level	51	140	36%	296	17%
Total	/	140	/	296	47%

Conclusion: The majority of respondents conceptualize lobbying in its official, legally permitted form that takes place on a national level. However, most respondents do not recognize lobbying as an unofficial activity that takes place between various interest groups and municipal governing bodies. An example used to highlight this point is major construction works that include various stakeholders and interest groups—all of which have vested interests in the project's outcome. On a national level, lobbying in these situations takes on both official and unofficial forms. Official forms most often consist of documented interactions between decision-makers and lobbyists, while unofficial forms include media scrutiny and other processes that indirectly impact decision-making processes. On a local level, where local networks play a significant role, the same processes that take place on a national level do not occur, which often results in greater reliance on personal relationships. Decision-makers in these situations often choose contractors with whom they have previously interacted and use public tenders as mere formalities.

Such situations in most cases do not occur on the national level where the media as well as the general public often closely observe such tenders.

4.3. Can Lobbying in its Most Severe Form Lead to State Capture? Do Lobbyists in Slovenia Hold Enough Power for Such a Phenomenon to Occur?

97 (70%) of the respondents answered that they believe that lobbyists in Slovenia have enough influence to dominate one or more state sectors. 31 (22%) respondents reported that they believe that this influence is, however, not powerful enough for state capture to occur, while only 11 (8%) of all respondents believed that such a scenario is possible.

Table 3. Decision-maker's opinion on the influence of lobbyists in Slovenia.

Subquestions	Frequency	Valid	Valid (%)	Relevant	Relevant (%)
Lobbyists in Slovenia do not have sufficient power to execute state capture	31	139	22%	296	10%
Lobbyists in Slovenia hold sufficient power to dominate one or more sectors of the state	97	139	70%	296	33%
Lobbyists in Slovenia have sufficient power to execute state capture	11	139	8%	296	4%
Total	/	139	/	296	47%

Conclusion: While decision-makers in Slovenia generally believe that lobbyists hold enough power to dominate specific sectors, they do not believe that this power could potentially extend to state capture. This indicates that decision-makers in Slovenia perceive lobbyists as powerful actors; however, their ability to sway important decisions is somewhat limited to specific sectors. This opinion may not fully reflect the reality of the political landscape in Slovenia, especially considering recent attempts to pass laws ranging from the Amendment to the Animal Protection Act to the government's decision on the abolition of the Day of Remembrance for the Victims of Communist Violence, which were strongly influenced through informal lobbying channels.

5. Conclusion

There is a thin line that exists between lobbying (a legally regulated activity) and corruption. This is usually the reason why lobbying gets attributed such negative connotations in public discourse. However, as long as lobbying takes place within the legal framework, it should not it should not be viewed as inherently unethical.

Problems only arise once lobbying takes place without being monitored and officially documented. In these cases, we no longer deal with lobbying but corruption—an illegal and unethical activity.

Lobbying in Slovenia is strictly defined in the ZIntPK. However, this definition is too narrow as it merely encompasses political actors and institutions at the national level and omits potential lobbying that takes place at the municipal or local level. Furthermore, the definition of lobbying in the ZIntPK is solely linked to decisions that relate to the adoption of regulations and other general acts which are not the subject of judicial, administrative, and public procurement procedures. In this way, the definition of lobbying in ZIntPK excludes too many potential scenarios in which lobbying can or does take place.

Based on the analysis of the conducted survey, we have reached the following conclusions:

- The survey we conducted indicates that a big portion of decision-makers most likely do not fully understand the concept of lobbying. This proved to be especially true for the decision-makers who operate at a local level, who did not recognize informal interactions with interest groups as lobbying practices.
- The dominant view that lobbying is more present at the state rather than the local level can partially be attributed to the first finding, as informal lobbying at the local level is often not perceived as such. This is most likely due to higher levels of media attention on national politics and consequently on lobbying that takes place at the national level. Local decision-makers, as a result of this, either inadvertently or perhaps deliberately do not recognize interactions with various interest groups and their representatives as a form of lobbying.
- According to decision-makers, lobbyists have a strong but still limited influence. However, this does not reflect the political reality when considering the recently passed laws in parliament that have been heavily influenced by lobbyists.

Looking from a legal point of view, it seems like decision-makers in Slovenia hold a moralistic view of lobbying that is more emotional than realistic. Many of them likely heard that lobbying is regulated by law, but they do not know the law and may even assume that it is prohibited. In any case, this discrepancy—between the fact that decision-makers know that lobbying is regulated by law, while at the same time, a large proportion of respondents consider lobbying to be an illegal activity—would be worthy of additional research.

The contrast between perceived and actual lobbying is most likely the result of the very modest legislation in this area, which allows many lobbyists to work through "alternative" lobbying channels, be it connections, acquaintances, or other networks behind the scenes. This dual understanding of lobbying permeates Slovenian language as well, with phrases such as "we will lobby" or "we need to lobby" used incorrectly in relation to specific jobs or business permits. The word "lobbying" has also recently been misused to describe activities that are, in fact, nothing more than the acquisition of some legitimate benefit. Consequently, the term has acquired a specifically negative connotation. The word has therefore been used incorrectly in both professional settings (among decision-makers and lobbyists) as well as in everyday conversations.

This paper addresses discrepancy between perception and reality of lobbying in Slovenia, which should be the subject of further academic inquiry. By doing so, it also explores current legislative gaps and societal misconceptions that surround this crucial aspect of decision-making.

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