

FOREIGN EXPERIENCE OF LOBBYING IN PUBLIC ADMINISTRATION IN TERMS OF THE IMPACT OF THIS TOOL ON NATIONAL AND STATE SECURITY

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Received: 2024-09-01

Accepted: 2024-10-15

DOI: <https://doi.org/10.5281/zenodo.14578601>

Annotation. The article is devoted to the study of foreign experience of lobbying in public administration, with a special emphasis on the impact of this tool on national and state security. In today's globalized world, lobbying has become an important component of democratic processes, allowing various interests, including large corporations and non-governmental organizations, to influence government decision-making. It is emphasized that lobbying plays an important role in shaping security-related policies, but at the same time creates new challenges, especially in the context of national sovereignty.

The author emphasizes the importance of regulating lobbying activities, especially in areas such as defense, energy, and cybersecurity, where private and foreign interests can significantly influence national strategies. The article examines examples of lobbying by large defense companies such as Lockheed Martin and Boeing, which actively influence the formation of US defense policy. Through their financial resources and close ties to political elites, these companies contribute to decisions that determine the size of the defense budget, strategic alliances, and the development of the military-industrial complex.

The European approach to regulating lobbying is also studied, in particular through the European Transparency Register, which was created to ensure the openness of the lobbying process. An important aspect is that all lobbying structures that intend to interact with EU institutions must register in this register, providing information about their interests and funding. Despite this, there is still a problem of voluntary registration, which allows individual lobbyists to avoid public disclosure of their activities.

Special attention should be paid to lobbying in the defense sector, which has a significant impact on the formation of national and international policies related to the security and defense capabilities of states. The article examines how large defense corporations use lobbying tools to influence decisions on arms procurement, defense budget allocation, and participation of states in international military coalitions. Lobbying in this area not only determines national security priorities, but also affects global stability and cooperation between states.

Keywords: lobbyism, lobbying, public administration, foreign experience, state security, national security, registration of lobbyists, labor relations, social security, social protection, labor law, financial resources, military-industrial complex.

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Justification of the relevance of the research topic

In recent decades, there has been a growing influence of lobbying structures on government decision-making processes in many countries. Lobbying, being an important component of the democratic process, is becoming a powerful tool for representing the interests of both individual groups and entire industries, which can both strengthen state security and create new challenges to its maintenance.

In the current context of globalisation and interstate cooperation, national security covers a much wider range of issues than just defence. It includes economic, energy, information and cyber security. Lobbying groups, especially those representing large corporations or foreign interests, can have a significant impact on the development of public policy in these areas. For example, lobbying by defence companies can influence government defence spending, strategic alliances and the direction of the military-industrial complex. Similarly, lobbying in the energy sector can influence the national energy strategy, which is directly linked to state sovereignty and economic independence.

It is extremely important for Ukraine, in the context of the war and in view of its European integration aspirations, to take into account the foreign experience of lobbying regulation, which makes the research topic relevant.

The purpose of the study is to examine the mechanisms used in different countries to regulate lobbying activities and to determine how these mechanisms affect state decision-making in security-related areas.

Analysis of previous studies and publications

A number of domestic and foreign scholars have paid attention to the study of lobbying in other countries, including as a public administration tool. The basis for this study were certain ideas and developments of A. Baikov, A. Bentley, O. Voynovych, O. Grosfeld, E. Zaslavska, A. Yevhenieva, T. Komarova, M. Lendiel, R. Matskevych, V. Nesterovych, A. Onuprienko, O. Porfyrovych, V. Sumska, E. Tikhomirova, V. Fedorenko, T. Yarovoi and other researchers.

At the same time, it is the security component of public lobbying management that is often overlooked by both domestic and foreign scholars. This is why it is important to study the foreign experience of lobbying in public administration, with a special emphasis on the impact of this instrument on national and state security.

The main content of the study

Lobbying as a process of influencing political decision-making is directly related to national and state security. This is due to the fact that national security covers a wide range of issues, including defence, economic stability, energy security and information threats. Lobbying groups representing the interests of both private companies and individual states often have a significant impact on the development of strategies and policies related to these areas [1]. In countries with a developed lobbying system, such as the US or the EU, the regulation of this process provides for transparency, but does not always prevent the possibility that the interests of individual corporations or groups may prevail over national priorities.

In the field of defense and military technology, large private companies operating in the field of defense lobby their interests to obtain government contracts for the production of weapons or defense systems. This can affect government decisions on defense spending, strategic priorities, and even international military alliances. In some cases, decisions influenced by lobbyists may be aimed at generating profits for individual companies rather than strengthening national security in general.

Lobbying also plays an important role in energy security issues. Energy corporations can influence governments' decisions about energy resource choices, supply routes, and alternative energy policies. The strategic independence of the state and its ability to withstand economic and political threats from foreign states or transnational corporations depend on these decisions.

It should also be noted that lobbying structures can affect cybersecurity legislation, which is critical in the context of growing threats in the information space. Lobbying in this area can shape government policy on protecting national infrastructure from cyber threats, which are increasingly being used to disrupt the stability of states. Given these factors, lobbying in public administration should be as transparent as possible and carefully regulated to avoid situations where private interests dominate national security priorities.

The specificity of the American approach to lobbying reflects the deep rootedness of this process in the US political system. Lobbying in the United States is a legalised and clearly regulated tool for influencing decision-making, which is considered an important part of the democratic process [2]. In the United States, lobbying organisations are authorised to represent their clients' interests before government agencies and legislators, trying to impact decision-making that may promote or restrict the activities of certain industries or groups. The American approach is based on the concept that lobbying, when transparent and accountable, is an important mechanism for taking into account a wide range of opinions and needs in the political process.

One of the key aspects of the US approach is the clear legal regulation of lobbying activities, which was enshrined in the Lobbying Disclosure Act (LDA), which was adopted in 1995 [3]. This law was a response to the growing influence of lobbying groups on politics and the need to establish clear rules to ensure transparency and accountability. The main purpose of the LDA was to create a system of mandatory registration of lobbyists and disclosure of information about their activities, including who they represent, what topics they lobby on, which government agencies they are involved in, and what expenses they incur.

The LDA requires that anyone who engages in lobbying activities and exceeds a certain spending threshold must register with the federal lobbyist registry [4]. This applies not only to individuals, but also to legal entities such as consulting agencies, corporations, non-profit organisations and professional associations. They are obliged to submit regular reports that contain detailed information on lobbying expenditures and the topics they influence. This allows the public, the media and government agencies to monitor who is influencing political decision-making and how.

An important element of the LDA is the requirement to report not only on expenditures, but also on specific legislation that is the subject of lobbying activities. This allows government agencies and the public to track which laws or policy initiatives are most important to lobbyists, which makes it possible to understand what interests are behind certain changes in legislation. Such transparency ensures control over lobbyists' activities and helps to avoid covert impact on political decisions.

However, despite the established rules, the US lobbying system is often criticised for the excessive affect of large corporations and interest groups on public policy [5]. Defence companies, energy giants, pharmaceutical corporations and other major players use lobbyists to promote their commercial interests, which can lead to situations where political decisions are made in favour of certain industries or groups rather than in the interests of the whole society. This poses risks to democratic processes and can have a negative impact on public policy in the areas of security, health, environment, etc.

Legalised lobbying in the United States also provides for the regulation of relations between legislators and lobbyists. Officials and representatives of government agencies are

required to disclose information about meetings with lobbyists, which helps to avoid conflicts of interest and ensure open decision-making. In addition, the LDA provides for sanctions for violations of the disclosure requirements, including financial penalties and possible criminal penalties.

Another important aspect of the American approach is the importance of so-called Political Action Committees (PACs) [6], which often work closely with lobbyists. PACs allow organisations and individuals to raise funds to support candidates in elections, which further enhances the ability of lobbying groups to influence policy through financial support of candidates who support their interests. However, such committees are also subject to strict regulation by the government and their activities must be transparent.

Defence and security companies also play an important role in shaping public policy in the areas of national security and military policy through lobbying. They use their resources, expertise and influence to direct political decisions in their favour, often through direct interaction with government officials and legislators.

One of the most prominent examples of this influence is the activity of major US defence contractors such as Lockheed Martin, Boeing, Northrop Grumman and Raytheon. These companies regularly lobby the US Congress and the Pentagon to obtain contracts for the production of weapons, aircraft and defence systems. Thanks to their significant financial resources and long-term relationships with politicians, these companies influence the allocation of budget funds for defence programmes. For example, Lockheed Martin's lobbying was a key factor in the decision to purchase F-35 fighter jets [7], which became one of the largest defence projects in US history.

In addition, these companies often promote their interests by supporting legislative initiatives aimed at increasing funding for the defence sector as a whole. They also contribute to the development of national security strategies by lobbying for changes in foreign policy that involve the US in international conflicts, which can increase demand for their products. For example, during the wars in Iraq and Afghanistan, defence contractors actively influenced the decision to continue military operations and increase the supply of military equipment.

Companies also impact the regulation of arms and defence technology exports. They lobby the government to facilitate the sale of their products to foreign countries, especially US allies, which contributes not only to their financial interests but also to the formation of strategic alliances that strengthen US international influence.

Thus, lobbying by defence companies directly influences state policy in the areas of national security and military policy, allowing them to allocate huge budgetary resources to defence programmes and promote strategic interests that often overlap with their commercial goals.

Lobbying regulation at the European Union (EU) level aims to ensure transparency and accountability of the decision-making process involving various stakeholders, from business to NGOs [8]. As already mentioned, lobbying is considered an integral part of the democratic process, as it allows representatives of different sectors to influence policy and legislative decisions. However, without proper control and transparency, lobbying can lead to private interests dominating public interests, creating risks for democratic institutions. That is why the EU, following the US, has also developed a number of instruments and rules to regulate lobbying activities, one of which is the European Transparency Register. Although they are not as effective in terms of security, they should also be considered as a promising foreign experience.

The EU Transparency Register [9], established in 2011, is a joint initiative of the European Commission and the European Parliament that serves as an important tool for ensuring transparency of lobbying activities. The European Transparency Register aims to provide the

public with access to information about those who are trying to affect decision-making in the EU, what interests they represent, and what resources are spent on lobbying. According to the rules of the register, any organisation or individual engaged in lobbying activities in the EU institutions is obliged to register in the register. This applies not only to business structures, but also to non-governmental organisations, consulting agencies, trade associations, research institutes and even regional or municipal authorities [10]. Registration in the register is voluntary, but it is in fact a prerequisite for gaining access to key EU individuals and institutions.

Registry members must regularly update information about their activities, including details such as:

- financial resources allocated for lobbying activities;
- the main issues that lobbyists are focused on;
- with which EU institutions and on which topics they are in contact [10].

This information is publicly available, allowing the public to monitor lobbying processes and track who influences decision-making on specific political and legislative issues. This approach is aimed at ensuring maximum transparency and enabling the public to assess whether certain decisions are in the interests of society as a whole, rather than narrow interest groups.

In addition to the registration of lobbyists, the EU has introduced clear rules on the interaction between lobbyists and officials of the EU institutions to ensure transparency of this process. In particular, members of the European Commission, commissioners, their cabinets and senior officials of the Commission are obliged to publicly report on all their meetings with representatives of interests. These reports contain information on the date of the meeting, its participants, the organisation represented by the lobbyist, and the main topics of discussion.

The publication of such reports allows tracking who EU officials meet with and what issues are on the agenda. This ensures public scrutiny of how decisions are made and allows for the identification of possible conflicts of interest or undue influence of certain groups on political or legislative decision-making.

The European Parliament also applies its own rules on the interaction of MEPs with lobbyists. MEPs are obliged to publicly disclose information about all meetings with representatives of interests that aim to influence the legislative process. An important aspect is that lobbyists are granted access to the European Parliament buildings only if they are registered in the transparency register [11], which further strengthens the motivation of lobbyists to participate in the register. These measures are aimed at preventing shadow arrangements and ensuring openness of the process of interaction between lobbyists and officials. They also contribute to greater accountability of MPs to their constituents, as citizens can track who exactly their elected representatives meet with and what issues are discussed.

Despite the significant achievements in the regulation of lobbying at the EU level, there are a number of challenges and issues that remain relevant. One of the main problems is that registration in the European Transparency Register is still voluntary. Although most large companies and organisations are registered, some entities may avoid this obligation by using intermediaries or operating in the grey area of lobbying activities. This reduces the effectiveness of regulatory mechanisms and creates opportunities for non-public influence on decision-making.

In addition, although reports on meetings with lobbyists are made public, they may sometimes be insufficiently detailed or provide information in general terms. This can make it difficult to fully understand what issues were discussed and what interests were actually

behind a particular decision. At the same time, such limitations on transparency undermine efforts to ensure that the decision-making process is as open as possible.

Another problem is the lack of compulsory sanctions for those who do not comply with the registration rules or do not publish meeting reports. In some cases, the punishment for violations are not severe enough to deter lobbyists from non-compliance.

Therefore, the regulation of lobbying at the EU level, in particular through the European Transparency Register and rules on meetings with EU officials, can be considered an important step towards ensuring openness and accountability of the political process. Transparency of lobbying activities contributes to a better understanding by the public of how decisions are made at the EU level and what interests are behind certain legislative initiatives.

Although there are some problems and challenges, such as voluntary registration and insufficiently detailed reports, the EU transparency system is an example of how to strike a balance between the right to lobby and the need to protect democratic principles. Improving control mechanisms and ensuring stricter enforcement of rules can contribute to even greater openness of decision-making in the European Union. Ukraine, on the other hand, should take into account both the EU and US experience, given the prospects for its application in the domestic context.

Conclusions and prospects for further research

A study of foreign experience of lobbying in public administration shows that lobbying is an integral part of political systems in many developed countries, such as the United States and the European Union member states. It allows representatives of various interests, including large corporations and non-governmental organisations, to influence decision-making in the areas of national and state security. Legalised and regulated lobbying, as in the case of the United States, promotes transparency in the political process, allowing different groups to represent their interests and ensuring their participation in policy-making.

However, despite significant advances in transparency, lobbying can have negative consequences if it is not sufficiently regulated. For example, the influence of large corporations on decision-making in the areas of defence and energy security can pose risks to the public interest when private interests dominate public ones. Lobbying in the areas of environmental and cybersecurity can also have both positive and negative consequences, depending on how effectively it is regulated.

Further research in this area could focus on analysing the new challenges posed by the expansion of globalisation and digital technologies. This includes the study of mechanisms for regulating lobbying activities in the context of growing cyber threats and hybrid warfare. In addition, it is important to study the effectiveness of national and international lobbying control mechanisms, in particular at the EU level, in order to increase transparency and avoid excessive influence of private interests on public policy. Particular attention should be paid to a comparative analysis of lobbying systems in different countries to identify best practices in regulating this process.

List of references

1. Lobbying in Ukraine and abroad: experience, problems and prospects / edited by V. Fedorenko. K. : *SPD Moskalenko O. M.*, 2009. 36 c.
2. Regional lobbying as one of the democratic institutions of the US political system. *Philosophy and Political Science in the Context of Modern Culture*. 2014. Issue 7. C. 267-271.
3. Lobbying Disclosure Act: Public Law 19 December 1995 104-65-DEC/ *Congress*. URL: <https://lobbyingdisclosure.house.gov/lda.html>.
4. LDA. Lobbying Disclosure Act Guidance Effective 1 January 2008. Last Revised 28 February 2021. URL: https://lobbyingdisclosure.house.gov/amended_lda_guide.html.

5. Kim B.-J. Explaining the Country Patterns of Foreign Lobbying in the United States: Issues, Capabilities, and Norms. 1999. 187 p.
6. Janda, Kenneth; Berry, Jeffrey M.; Goldman, Jerry (19 December 2008). *The Challenge of Democracy: American Government in a Global World* (10th ed.). Boston: *Cengage Learning*. p. 309. ISBN 978-0547204543.
7. Petrescu, R. V., Aversa, R., Akash, B., Bucinell, R., Corchado, J., Apicella, A., & Petrescu, F. I. *Lockheed martin-a short review. Journal of Aircraft and Spacecraft Technology*, 2017. 1(1), p. 53.
8. Komarova T. V. The Role of the Court of Justice of the European Union in the Formation of the Doctrine of Constitutionalisation of EU Law. *Law of Ukraine*. 2019. № 6. C. 69-85
9. Union of democratic change. *Inter-institutional agreement on a mandatory Transparency Register for lobbyists of the European Parliament*: website. URL: <https://www.europarl.europa.eu/legislative-train/theme-union-of-democratic-change/file-inter-institutional-agreement-ona-mandatory-transparency-register-for-lobbyists>.
10. Voynych O. M. Communication of EU institutions with lobby groups and civil society. *International Relations*. 2017. № 17.
11. OECD. Recommendation of the Council on Principles for Transparency and Integrity in Lobbying. *OECD/LEGAL/0379 and C/M(2010)3/PROV*. February 18, 2010. URL: <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0379? ga=2.80245783.1899335524.1665248008-1431016265.1665248008>