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Lobbying in the sunshine—hiding behind transparency?

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Lobbying in Israel was unregulated for 60 years. Scholars have decried the fact that high value is attached to the written decree, but implementation does not necessarily follow: quite a few laws have remained at symbolic level in Israel. There were two unsuccessful bills submitted to legislate lobbying regulation: first by Knesset Member (MK) Merom in 1993 and the second one by MK Naot in 2001. The bill submitted by MKs Yechimovich and Sa'ar in 2007 resulted in passing the Israeli lobbying regulations in 2008, but the Lobbyist Law displayed unexpected characteristics, and there was a 500% growth in lobbyist numbers. In 2012, a scandal shook the Israeli lobbying world as a crew from the Israeli Channel 2's investigative show *Uvda* ('Fact') infiltrated the training program of the Gilad Government Relations & Lobbying firm. Following the Channel 2 exposé, the Speaker of the Knesset MK Rivlin instructed Knesset employees to immediately forbid the entrance of all lobbyists to areas heavily used by MKs. These steps, taken almost 4 years after that the Knesset had passed a weak Lobbyist Law, scoring 28 points according to the Center of Public Integrity score, did not create more transparency but only set certain restrictions on the lobbyists' movements in the Knesset building. In 2013, MK Koll submitted a bill to further regulate the lobbying followed by another bill by MKs Yechimovich and Tsur in 2014. However, these bills were thrashed as the Knesset was dispersed in December 2014. This paper would analyze the bills from 1993, 2001, 2007, 2013, and 2014 by measuring their strength according to the Center of Public Integrity Index in order to explore the path that resulted in passing the Lobbyist Law in 2008 and in the following developments. Copyright © 2015 John Wiley & Sons, Ltd.

INTRODUCTION

Chari *et al.* (2007: 422; 2009: 28) presented evidence that lobbying regulations offer several advantages to the political system: increased accountability to the voters and transparency of the decision-making processes, as well as diminishing gaps in the system, which would otherwise allow for corrupt behavior. Thomas (1998: 512–513) further explained that the major value of lobbying regulation laws has been in providing public disclosure that increases the potential for public/press scrutiny. Thomas' (1998) research presented evidence that the more public disclosure of lobbying exists in a state and the more stringently regulations are enforced, the

more open the process of group attempts to influence public policy is in the USA.

Yishai (1998b: 575) decried the fact that the written decree has a high value in Israel, but implementation does not necessarily follow—quite a few laws have remained at symbolic level. Shroff *et al.* (2012: 223) argued that a given legal act is symbolic when it serves the primary function of articulating aspirations for social betterment, but will not necessarily lead to implementation of any new actions on the ground. Also, Campbell (1993: 326) called the third-party regulation of the Canada Post essentially symbolic, as it did not mark the creation of independent coercive power to alter Canada Post's behavior. Similarly, Matten (2003: 217) observed a legislative act symbolic in that it prescribes a certain regulatory intent of the government without at the same time transforming this intent into concrete and enforceable legal requirements. We will explore the path that resulted in passing the Lobbyist Law

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in 2008 in order to determine the dynamics of the legislative process, and to analyze the nature of the Israeli Lobbying Law and the following legislative developments.

THE ISRAELI CASE

Although lobby activity has existed in Israel since prestate days, the commercial lobby was formed only in the last decade of the 20th century (Tal, 2009: a–b). During the 60 years of unregulated lobbying in Israel, there were several unsuccessful attempts made to regulate lobbying—first of them was foiled in 1954 (Yishai, 1998a: 164), as the Labour Party’s attempt to extend its surveillance over the civil society and to regulate interest groups was blocked by parties and unions unwilling to accept state regulation (Yishai, 1998b: 572). The diversification of participants in the political system during Begin’s government exposed the need for new communication channels for newcomers (Tal, 2009: f); however, only one paid lobbyist operated in the Knesset by the end of the 1980s (Tal, 2012a: 154).

The Associations Law Bill was passed as a law—after another failed attempt to pass the bill in 1964—after a highly contentious Knesset debate in 1980 (Yishai, 1987). Highlighting an important characteristic of this legislative initiative, Yishai (1998a, 1998b: 575) argued that the Associations Law may have exemplified these symbolic laws whose purpose is more to manifest an attitude than to impose a mode of behavior. Shroff *et al.* (2012: 223) differentiated that policy instruments are into two basic groups: symbolic and material. A symbolic policy instrument serves the primary function of articulating aspirations for social betterment, but will not necessarily lead to implementation of any new actions on the ground. Shroff *et al.* (2012: 223) claimed that legislatures often use resolutions to state these symbolic aspirations. Material policy instruments, categorized as either substantive or procedural,

are likely to result in changes in actual implementation practices. Material procedural policy instruments are those that affect implementation processes, for example, creating a task force to change the situation on the ground (Shroff *et al.*, 2012: 223).

Recent research has used data from the Center of Public Integrity (2003), in order to theoretically classify different lobbying regulatory environments. The Center of Public Integrity (CPI) created a ranking system that assigns a score to each US state with lobbying legislation, based on a survey containing a series of questions regarding state lobby disclosure (Appendix). The questions used in the CPI addressed eight key areas of disclosure for state lobbyists and the organizations that put them to work: (i) definition of lobbyist; (ii) individual registration; (iii) individual-spending disclosure; (iv) employer-spending disclosure; (v) electronic filing; (vi) public access to a lobbyist registry; (vii) enforcement; and (viii) revolving-door provisions, focusing on ‘cooling-off’ periods. There are a total of 48 questions for all of the eight sections: the more points that are given, the stronger the legislation in terms of promoting concepts such as full disclosure, public access, and transparency. Chari *et al.* (2010: 109) took the CPI Index that was designed specially for the USA, extended it beyond the USA and compared the results with other democracies, which have lobbying regulations; for the selected results, see Table 1.

According to Chari *et al.* (2009: 8–10), the CPI index goes well beyond the extent of earlier index by Opheim (1991: 405–421) as it looks at individual lobbyist registration, electronic filing, public access, and revolving-door provisions, all of which Opheim (1991) bypassed. Thus, in expanding upon the range of lobbying regulations studied by Opheim (1991), and setting out 48 separately scored items, as opposed to Opheim’s 22, the CPI’s framework constitutes a broader, and deeper, approach to analyzing the rigor with which jurisdictions regulate lobbies. In addition, Hogan *et al.* (2012)

Table 1 Examples of high-regulation, medium-regulation and low-regulation jurisdictions

High-regulation jurisdiction	CPI score	Medium-regulation jurisdiction	CPI score	Low-regulation jurisdiction	CPI score
Washington	87	Canada Federal, 2008	50	Israel	28
Kentucky	79	Hungary	45	EU Commission	24
New York	74	Lithuania	44	Poland	28
US Federal, 2007	62	Australia Federal	33	EU Parliament	15

CPI, Center for Public Integrity, EU, European.

Sources: Chari *et al.* (2010: 109) and the present research.

combined the freedom of information laws with measures on the strength of lobbying regulations established in the extant literature and produced something that they referred to as ‘sunshine score’.

Chari *et al.*, (2010: 104–106) classified the regulatory systems as low, medium, and high regulation systems. In the low-regulated systems, the definition of lobbyist does not recognize executive branch lobbyists. Lobbyists’ lists are available to the public, but not all details are necessarily collected (such as spending reports by lobbyists). In the medium-regulated systems, the lobbyist must generally state the subject matter/bill/governmental institution to be lobbied. In addition, the definition of lobbyist does recognize executive branch lobbyists. There are clearly gaps in individual-spending disclosures, such as free ‘consultancy’ given by lobbyists to political parties. In the highly regulated systems, not only is subject matter/institution required when registering but also the lobbyists must state the name of all employees, notify almost immediately any changes in the registration, and must provide a picture. Similar to medium-regulated systems, the definition of lobbyist does recognize executive branch lobbyists. Tight individual-spending disclosures are required: a lobbyist must file a spending report, his or her salary must be reported, all spending must be accounted for and itemized, all people on whom money was spent must be identified, spending on household members of public officials must be reported, and all campaign spending must be accounted for. Employer-spending disclosure is also tight. Unlike other ‘low-regulated’ or ‘medium-regulated’ systems, the employer of a lobbyist is required to file a spending report, and all salaries must be reported. State agencies can, and do, conduct mandatory reviews/audits, and there is a statutory penalty for late and incomplete filing of a lobbying registration form (Chari *et al.*, 2010: 104–106). For more, please see Tables 1 and 2.

LOBBYIST BILL OF 1993

At this stage, we will review the history of different bills laid on the Knesset table and will start with analyzing the bill from 1993 in order to measure its strength according to the CPI Index. According to the proposal, submitted by Knesset Member (MK) Merom in 1993, the Knesset Speaker was to be authorized to disqualify lobbyists at his or her discretion alone and deny them access to the Knesset. Lobbyist was defined as someone performing activity aimed at influencing an MK for pay in regard to legislation and Knesset resolutions. Only the lobbyists were the target of regulation, not those who hired their services (Yishai, 1998b: 569–570). The initial proposal forbade lobbying activity on the Knesset committees’ floor, in the corridors, and in the cafeteria; and a lobbyist could enter the Knesset only after securing permission from the MK he or she wished to meet. The meeting could take place only in a specified place, as no lobbying activity would be permitted elsewhere (Yishai, 1998b: 570). The lobbyist would face a series of prohibitions: not to offer any benefits, not to prod the MK into personal commitment, not to deceive an MK, not to mislead an MK regarding the public benefit of proposals, and not to conceal the fact that lobbyists attempt to influence an MK’s activities (Yishai, 1998b: 570). The Merom’s Bill strength, according to the CPI Index, reaches only the low score of 17.

The version presented to the Knesset in the first reading of the bill was more moderate: the proposer commended the important function of lobbyists, representing legitimate interests in the House, yet described the lobbying activity as incompatible with the orderly conduct of parliamentary life. MK Merom denounced personal pushing and shoving by the lobbyists and the tacit pressure exerted by visitors with a stake in the Knesset agenda—watching deliberations from the gallery constituted

Table 2

High-regulation jurisdiction	CPI score	Medium-regulation jurisdiction	CPI score	Low-regulation jurisdiction	CPI score
Washington	87	Canada Federal, 2008	50	Israel Bills 2013 and 2014	33
Kentucky	79	Hungary	45	Israel 2008	28
New York	74	Lithuania	44	Poland	27
Wisconsin	73	US Federal, 1995	36	EU Commission	24
Texas	66	Australia Federal	33	Israel Bills 1993 and 2001	17
US Federal, 2007	62	Canada Federal, 1989	32	EU Parliament	15

CPI, Center for Public Integrity; EU, European.
Sources: Chari *et al.* (2010: 109) and the present research.

a covert threat against the MK's discretion. The Speaker was to direct and manage the lobbyists' activity after consultation with the Knesset committee. The laws on party finances imposed a total ban on financial contributions from all types of associations, leaving interest groups outside the electoral arena. This did not apply to individual candidates running within their own parties: they could solicit contributions within the period of 9 months before the elections.

The move to regulate lobbying in 1993 proved ineffectual—the Merom's Bill attracted too little attention—only six MKs in addition to the initiator participated in the debate as it pertained to only ten paid lobbyists operating in the Knesset. MK Merom criticized lobbyists 'inflicting moderate physical pressure through eye contact', in order to ensure that MKs vote in accordance with their preferences (Yishai, 1997: 103). Other speakers portrayed lobbying as a major civic right, and MK Tichon suggested group professional representatives be invited regularly to testify before a Knesset committee (Yishai, 1997: 103).

The reasons for the legislative initiative regarding lobbying were grounded in the awareness that interest groups accumulated excessive power, which may interfere with orderly parliamentary conduct. MK Hanegbi described the situation with lobbyists as follows:

The openness of parliamentary life constitutes a cause of distress. We have lost the intimacy of the Knesset; there are corridors that you cannot cross in less than half an hour, because they catch you on your way. You cannot have lunch without somebody hovering over your head, you cannot sit in your room as somebody will enter without first knocking on the door (Yishai, 1998b: 572).

This quotation reveals the wide access available to representatives of interest groups and that MKs were constrained by their overwhelming presence. This duality caused ambivalence: MKs said they would support the bill and indeed did so, yet voicing strong criticism simultaneously. First, no distinction was made between lobbyists of sectional interest groups and those representing ideological movements. Secondly, was it only professional lobbyists (estimated 10 at that time) or all those attempting to influence legislators that were to be regulated? Thirdly, it was difficult to implement the law, precisely because the Knesset was teeming with citizens having an interest in its activity.

This story had a happy end for the lobbyists, whose activity remained unregulated. Although the bill was passed unanimously in a committee,

it was shelved there, never reaching the Knesset plenum again (Yishai, 1998b: 572–573). The appearance of commercial lobbyists was not the real genesis of the phenomena. In the beginning, it was carried out by close associates of the government and by MKs themselves, and therefore, the formal banning of MKs from taking additional occupations since September 1995 was an additional cause of commercial lobby growth (Tal, 2009: d). Implementation of this ban harmed the ability of MKs to act as lobbyists, and commercial lobby stepped in to fill the need for lobbying (Tal, 2009: f).

Yishai (1998b: 573–575) explained the absence of parliamentary lobbying regulation during this period with the *modus operandi* of the interest groups: many MKs were affiliated to associations—trade unions, local communities, and women/peace/religious movements—which were linked to parties. Limiting the options to influence the Knesset could curtail the MK reelection prospects. Over-access of group representatives to the Knesset made MKs feel uncomfortable with pressures exerted by 'other' associations, but also made them reluctant to regulate associations with which their parties were linked.

LOBBYIST BILL OF 2001

Next, we will analyze the bill proposed by MK Naot to regulate lobbying in the Knesset in 2001 and measure its strength according to the CPI Index. The bill, submitted to the Knesset Speaker in March, was to bring order to the lobbyist activity in the Knesset (Knesset Committee Protocols, 2010). The Naot's Bill defined lobbyist as a person whose occupation is to persuade an MK concerning legislative bills and regarding decisions of the Knesset. Her bill defined legislative action as formulation, submission, permission, presentation, discussion, or votation concerning a bill in the Knesset or in the Committee, or concerning statutes that need permission or an agreement of the Knesset or of a committee. Lobbyists had to request a permit from the Knesset Chairman for their activity in the Knesset, and the Knesset Chairman was to clarify the conditions for the permit with the permission of the Knesset Committee through the Knesset Rules of Procedure. The lobbyist permit was not be given to state workers, defined according to the Civil Service (Pensions) Law, 5730–1970 (consolidated version), and to party workers, defined according to the Political Parties (Financing) Law, 5733–1973. A lobbyist could not be a member of the electing body, according to the definition of the

Civil Service Law 5719–1959 (Restriction of Party Activities and Fund-raising).

Analyzing the Naot's Bill according to the CPI Index, it only scores a low 17. Moreover, on 4 July 2001 at the Knesset plenum discussion, Minister of Justice MK Meir Sheetrit did not recommend proceeding with the bill, but to change the Knesset Rules of Procedure, because the Knesset Chairman (the Speaker) was authorized to regulate the lobbyist activities in the Knesset. Because the minister of Justice MK Meir Sheetrit recommended changing the Knesset Rules of Procedure, the Knesset Chairman (Speaker) wrote that he is not interested in passing a law that would regulate lobbying now. MK Naot's Bill was shelved (Knesset Committee Protocols 2002.07.09).

LOBBYIST BILL OF 2007

MKs Yechimovich and Sa'ar proposed a bill for regulating the lobbyists' activity in the Knesset, and the ministerial committee on legislation confirmed that the government was in favor of the bill, on 16 December 2007 (Tal, 2012a: 154–155). The bill was approved through a rushed procedure, which obviated the need to lay it on the Knesset's table (Knesset Committee Protocols, 2010.12.17).

During the discussions in the Knesset Committee, MK Sa'ar claimed that public interest was the idea behind the legislation: '...when a lobbyist comes to represent an issue that touches the legislation in the Knesset, then this is already a public interest issue. It's not just something between the client and the lobbyist, or the lobbyist and the member of Knesset. This is the very idea behind the law' (Knesset Committee Protocols, 2010.12.26: 19).

MK Steinitz emphasized that it is unacceptable that lobbyists would put pressure on the MK or make comments against the MKs during the committee meetings—there needs to be a restraint. He explained that

...even without mentioning any benefits, it is clear for any Knesset member that when they are approached by "Yediot [Aharonot]" or "Ma'ariv" or "Ha'aretz" – since they are also owners of Channel 2, and some also owners of Channel 10, "Vesti" and local newspapers – it is clear that one would want to maintain good relations, here are many benefits. It was clear to all MKs and to me that if I would damage the relations, this would come with a certain price. Thus first, how do we cope with this problem that sometimes the lobbyists represent so powerful organizations that only by ...expressing protest against them would make the

MKs to fear for their souls... (Knesset Committee Protocol, 2010.12.26: 36).

MK Sa'ar objected the lobbyists' attempt to curb the bill and promised that the regulation will be continued with a much more comprehensive law:

I announce that there will be an additional bill to this bill. This current bill is minimalistic; ...gentlemen, it is impermissible that they would bring this House to their knees over this minimalistic bill, which prescribes a set of regulations, most minimalistic limitations that only can be and transparency in work and even this they try to uproot (Knesset Committee Protocol, 2010.12.26: 45).

The bill passed the second and third reading by a vote of 54 in favor, with no abstainers or opponents. The press covered the bill extensively, and most of the reports took no explicit stand on the issue, but their wording implied objection to the lobbyists' activity. The Knesset passed a weak Lobbyist Law, limited to regulate lobbying that takes place within the limits of the Knesset compound and scoring the low 28 points according to the CPI score. The Israeli case does not fall clearly in the category of the low-regulated systems, but displays the characteristics of both low-regulated and medium-regulated systems: lobbying lists are available for public scrutiny, and no spending disclosures are required like in low-regulated systems, while lobbyists must reveal their employers—a characteristic to the medium-regulated systems.

Like in low-regulated systems, Israel has a weak paperwork for registration, the definition of lobbyist does not recognize executive branch lobbyists, and the list of lobbyists is available, but not detailed, or updated frequently. Little enforcement capabilities are invested in state agency, similar to low-regulated systems, yet there is a 1-year cooling-off period, which again refers to medium-regulated systems. While the public can see who the lobbyist is and what issue the lobbying might be on, they cannot obtain a complete picture of those employing the lobbyists (Veksler, 2012: 274–275). For a more thorough analysis of the Israeli law, see Appendix.

LOBBYIST SCANDAL

Zrahiya (2013) described the scandal that shook the Israeli lobbying world. A crew from the Israeli Channel 2's investigative show Uvda ('Fact') infiltrated the training program of the Gilad Government Relations & Lobbying firm. Using a hidden

camera, they showed a lecturer on behalf of Gilad Government Relations & Lobbying in a course on lobbying, who boasted about promoting laws in the Knesset, designed for the narrow business interests of specific companies. One example given by him was the Fluorescent Vest Law, allegedly promoted by the Gilad Government Relations & Lobbying, stipulating that every Israeli driver carries a fluorescent vest in his car and uses it when exiting it on the road's shoulder. The legislation was presented as an instance in which the firm was able to advance the interests of its client, the 3 M Company. He also bragged how they succeeded feeding necessary information to the Knesset Research and Information Centre, responsible for writing the policy papers for the MKs, in order to promote a law on the immunization against cervical cancer on behalf of a pharmaceutical company.

Following the Channel 2 exposé, the Speaker of the Knesset MK Rivlin instructed Knesset employees to immediately forbid the entrance of all lobbyists to areas heavily used by MKs, as well as from the many office areas. Rivlin barred lobbyists from entering the Knesset cafeteria as well as the offices of the speaker, the director general, the parliamentary secretary, the legal department and the Knesset research center, among other locations in the building (Zrahiya, 2014a). He also sent a missive to all the Knesset staff, forbidding them from having any contact with lobbyists, directly or indirectly. Today, as the new rules are in place, any meeting between a lobbyist and a Knesset employee must receive advance, written approval from a senior Knesset official, and they must report on any chance meeting with a lobbyist. Any such meeting must be followed by a written report, and any materials provided by the lobbyist must also be submitted (Harkov, 2012b). These desperate steps were late, as they were taken almost 4 years after that the Knesset had passed a weak Lobbyist Law, scoring only 28 points according to the CPI Index. These steps—although presented as a solution for the problem—did not create more transparency but only set certain restrictions on the lobbyists' movements in the Knesset building and curbed lobbyists' access to certain areas (Veksler, 2012: 274–275).

Knesset lobbyists published an ethical code on 13 May, following a wave of negative publicity about their profession (Harkov, 2012a). The Forum for Government Connections, which consists of most Israeli lobbying firms, released the list of rules after a series of meetings in which lobbyists discussed the proper way to work with elected officials and government bureaucrats. The new ethical code was based on those of the

Association of Accredited Lobbyists to the European Union and the American League of Lobbyists, two of the strictest lobbying groups in the world, according to the forum. According to the code's introduction, its goal is to 'increase the public's faith in the profession and the democratic process'(Harkov, 2012a).

LOBBYIST BILL OF 2013

A bill seeking to define any Knesset visitor with an agenda as a lobbyist was brought to a Ministerial Committee for Legislation vote on 2 June (Zrahiya, 2014b), submitted by MK Koll (Yesh Atid) having received the support of 12 party colleagues (MKs Lapid, German, Peri, Razvozov, Shelah, Tamano-Shata, Kariv, Levi, Cohen, Toporovsky, Hoffman, and Elharar). The bill proposed several changes to the existing Lobbyist Law: lobbyists have to submit periodic reports to the Knesset speaker, and he or she would impose a waiting period of a year and a half before MKs, cabinet members, and senior ministry staff could engage in lobbying after leaving the government (Knesset Laws. Bill, 830/19/9).

According to the Explanatory Part of the Bill, the proposal would increase transparency in lobbyists' work and turn anyone who enters the Knesset to convince MKs of something as subject to the laws applying to lobbyists (Knesset Laws. Bill, 19/9/830). This would include in-house lobbyists, employed by an organization or company as opposed to a lobbying agency; lawyers or accountants representing a company or group in committee meetings; and parties' central committee members (Harkov, 2013). The bill expands the application of the Lobbyists' Law beyond the Knesset, meaning that lobbyists would have to register and identify themselves in parliamentary committee meetings taking place outside the Knesset building. Harkov (2013) thought that the proposed law would also cover lobbying the government ministers, but there is no clear mention of it in the text of the bill (Knesset Laws. Bill, 830/19/9). This legislative initiative took into account the report by Israel Democracy Institute (2013) on lobbyists. As a result, MK Koll's Bill would significantly limit lobbyists' access to the Knesset and its meetings by taking away their permanent entry identification and requiring them to register with security each time they enter. The lobbyists also would have to report the reason why they want to enter the Knesset each time they apply for the entrance permit (Knesset Laws. Bill, 830/19/9).

Under the bill, lobbyists would be required to report their clients, the issues they deal with, and whether they are a candidate for a position through a political party. All of these details would be added to the section on the Knesset website where lobbyists are listed. Former ministers, MKs, and directors-general of ministries (according to the current law, only MKs and ministers) would not be able to be lobbyists for at least 18 months after they left their positions. Finally, under MK Koll's Bill, a committee composed of the Knesset Speaker and two of his deputies would be allowed to ban a lobbyist from the Knesset if he or she breaks the law (Harkov, 2013). MK Koll's Bill scores the medium 33 according to the CPI Index. The bill was not passed, and in December 2014, the 19th Knesset was dissolved.

LOBBYIST BILL OF 2014

MKs Yechimovich and Tsur (Hatnua) proposed another bill that they called the 'Machers' Bill (macher is a well connected lobbyist/fixer in the Israeli political system), expanding the existing Lobbyists Law to government ministries, municipalities, state-owned companies, and other public offices (Harkov, 2014a, 2014b). This new bill would expand the Lobbyist Law of 2008—applying only to the Knesset, and also to government ministries, municipalities, state-owned companies, and other public offices. This would be the first time that a major gap in the Lobbyist Law of 2008 would be dealt with. The Explanatory Part of the Bill states:

The presence of "machers" in public offices became a fact on the ground already long ago. The "machers" know the bureaucratic system well and enjoy personal connections with the clerks and the publicly elected officials as they take care of their clients' needs for a fee. This phenomenon creates an inappropriate situation in which those with money get preferred care by government bodies due to their "machers" talents and connections (Yechimovich & Tsur, 2014).

The Explanatory Part of the Bill also states that 'machers' work is often connected to corruption and possible criminal acts, because of the economic interests of the clients and the closeness of the 'machers' to the public officials. In addition, the legislation quotes Judge Rozen's (10291-01-12) ruling:

Use of mediators, "machers", as they're commonly known, to promote different interests in public offices

is a common phenomenon in Israeli public service. "Macher" is a person who can arrange and smooth matters and bureaucratic processes in the offices of the public bodies and with the policy makers and decision makers. This is a fast and comfortable track that is not open to innocent, regular citizens who take the normal path. The "macher" uses his personal "contacts" in the public system. The ones using "macher" services are citizens who seek to promote their private interests, as well as business and political organisations that seek to promote their financial interests. This is an inappropriate, corrupt and corrupting phenomenon. Rich people, who can afford "macher" services, enjoy a "special" channel to deal with their private interests. This situation deteriorates citizens' trust in public services and government institutions... It is worthy that the lawmakers should make the limits of what is permissible and forbidden clear even in areas of legitimate lobbying (Yechimovich & Tsur, 2014).

In spite of the worthy cause and important aspirations, the 'Machers' Bill of 2014 scores again a low 31 according to the CPI Index. Moreover, in December 2014, the 19th Knesset was dissolved, and this bill ended up in the trash bin of history.

DISCUSSION

Chari *et al.* (2010: 4) described lobbying regulations as a set of codified formal rules, which are passed by the parliament and often written in law that must be respected and enforced. The latter point suggests that the risk that lobbyists run in not complying with the rules results in penalization. In many cases, this can mean a fine or, potentially, a jail sentence. Examples of such rules that lobbyists may have to follow that Chari *et al.* (2010: 4) suggest include the following: (1) registering with the state before contact can be made with any public official, clearly indicating which ministry/public actors the lobbyist intends to influence; (2) providing the state with individual-spending or employer-spending disclosures; (3) having a publicly available list with lobbyists details available for citizens to scrutinize; and (4) ensuring that former legislators cannot immediately jump into the world of lobbying once they have left public office. The theoretical justification for having this information is based on ensuring transparency and accountability in the political system (Veksler, 2013: 2).

Firstly, it is important to point out that although the lobbyists were supposed to register, the issues

of spending disclosures were never discussed. In spite of the fact that the Lobbyist Law of 2008 provided the publicly available list of lobbyists' names, the previously discussed bills and the Lobbyist Law of 2008 did not even mention using any statutory penalties. We are not talking about a fine or a jail sentence; the only possible penalty is losing one's lobbyist' tag or being banned from the Knesset as a lobbyist.

Secondly, the declared goals of the previously discussed bills were always very general—'public interest', 'order', 'transparency'—and practically impossible to achieve, enforce, or implement with the policy tools that the bills actually provided. For example, the MK Merom's Bill viewed lobbying activity as incompatible with the orderly conduct of parliamentary life, yet no relevant policy tools were offered to bring the solution to the problem. The MK Naot's Bill called to bring order to the lobbyist activity in the Knesset (Knesset Committee Protocols, 2010.11.21). Again, no relevant policy tools were provided to achieve the declared goal. The low CPI score revealed the weakness of the legislative initiative. Similarly, in 2007, MK Sa'ar declared that public interest, order, and transparency were the goals of the Lobbyist Bill. MK Yechimovich declared that the Lobbyist Law balanced the strength of the rich who are represented by lobbyists in the parliament and the wide public, through manifestation of the lobbyists' details and their clients, and wearing a special badge (Shelly Yechimovich, 2009). The goals were worthy, yet there was no legal provision made, and there were no adequate policy tools offered to achieve the previously mentioned goals. True, the law did create some transparency, but not as it was declared—transparency for the public to know. It created a new situation where the lobbyists were officially declared to work in the sunshine, while in reality they were conveniently hiding behind transparency.

MK Koll's Bill scored the best according to the CPI Index, but its weakness was ignoring the executive branch lobbyists and not demanding the spending disclosures from the lobbyists. Macher's Bill intended for the first time to close the yawning gap and to recognize the executive branch lobbyists as lobbyists. Yet, the policy tools offered are not very promising either, when one looks at the low CPI score it has. For some reason, Israeli legislators have feared to touch the spending issues and have not demanded the mandatory spending disclosures, as is widely practiced in the highly regulated lobbying regimes in order to create transparency and accountability.

Following the analysis of the effects of the lobbying regulation in the USA by Thomas (1998) and Chari *et al.* (2010), one could ask, did Israeli MKs know about the US lobbying regulations laws? It appears in the Knesset Committee Protocols that the initiators had outstanding knowledge about the US lobbying laws—MK Sa'ar even gave a short yet comprehensive lecture on the subject (Knesset Committee Protocols, 2010, 31.12.07: pp. 44–45). Also, MK Yechimovich had studied the US lobbying laws with the purpose of bringing order to the lobbying sphere in Israel (Veksler, 2012: 275). One cannot but wonder whether the bills discussed served the function of articulating aspirations for social betterment only, because they did not lead to implementation of any new actions on the ground, like Shroff *et al.* (2012: 223) explained. One must admit that the previously discussed legislative acts were symbolic in that they prescribed a certain regulatory intent of the government without at the same time transforming this intent into concrete and enforceable legal requirements, as Matten (2003: 217) saw it.

CONCLUSION

We have analyzed the bills submitted to the Knesset Speaker on 1993, 2001, 2007, 2013, and 2014, and measured each bill's strength according to the CPI Index. The declared goals of all the previously mentioned bills were general and practically unachievable by using the policy tools of low regulations systems. These legal initiatives were symbolic in that they articulated aspirations for social betterment, but did not lead to implementation of new actions on the ground.

There were high hopes in terms of transparency and accountability at the time of the introduction of the Lobbyist Law in 2008. If the MKs would have really wanted to achieve more transparency in the lobbying sphere, they should have adopted a highly regulated regime, similar to the US lobbyist regulation with which they were well familiar with. Why were more powerful policy tools of highly regulated systems not used in order to achieve tangible results? Maybe the institutional failure in modern societies that Matten (2003) observed in the environmental politics invites symbolic action also in the lobbying regulations area? These and other questions must be answered by further research by investigating the possible disjuncture between what the Lobbying Law says and how in fact it operates. So far, the legislative path in Israel—as seen in the proposed bills—is following the lobbying

regulation trend of the USA and Canada (Chari *et al.*, 2010: 109; Veksler 2012: 277) and will hopefully become more rigorous as the bills will be passed, and a new lobbyist law will finally have some teeth.

BIOGRAPHICAL NOTES

Albert Veksler (PhD candidate, Public Policy, Dublin Institute of Technology) is the founder and the CEO of Wexler Consulting, Israel. He has been selected to manage multiple consulting and leadership training projects, involving team development, strategic research, and NGO structuring and coalition building. Clients include members of the Knesset, Committee on Standards in Public Life of the House of Commons, UK, Israel's Senior People's Party, Databanks International, Israel Empowerment Lobby, Jerusalem Institute of Justice, NGO Global Aliya, and Israel Empowerment Fund. He has published articles about the Israeli Lobbying Law and the analysis of the regulatory regimes. His current research interests are comparative analysis of lobbying regulation in Israel and around the world, comparative analysis of policy change and evolution in Israel.

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APPENDIX

CPI Index questions	1993	2001	2007	2013	2014
1. In addition to legislative lobbyists, does the definition recognize executive branch lobbyists?	0	0	0	0	3
2. How much does an individual have to make/spend to qualify as a lobbyist or to prompt registration as a lobbyist, according to the definition?	4	4	4	4	4
3. Is a lobbyist required to file a registration form?	3	3	3	3	3
4. How many days can lobbying take place before registration is required?	4	4	4	4	4
5. Is subject matter or bill number to be addressed by a lobbyist required on registration forms?	0	0	0	1	0
6. How often is registration by a lobbyist required?	0	0	0	2	0
7. Within how many days must a lobbyist notify the oversight agency of changes in registration?	0	0	4	4	4
8. Is a lobbyist required to submit a photograph with registration?	0	0	0	0	0
9. Is a lobbyist required to identify by name each employer on the registration form?	0	0	1	1	1
10. Is a lobbyist required to include on the registration form any additional information about the type of lobbying work he or she does (i.e., compensated or non-compensated/contract or salaried)?	0	0	0	0	0
11. Is a lobbyist required to file a spending report?	0	0	0	0	0
12. How often during each two-year cycle is a lobbyist required to report spending?	0	0	0	0	0
13. Is compensation/salary required to be reported by a lobbyist on spending reports?	0	0	0	0	0
14. Are summaries (totals) of spending classified by category types (i.e., gifts, entertainment, postage, etc.)?	0	0	0	0	0
15. What spending must be itemized?	0	0	0	0	0
16. Is the lobbyist employer/principal on whose behalf the itemized expenditure was made required to be identified?	0	0	0	0	0
17. Is the recipient of the itemized expenditure required to be identified?	0	0	0	0	0
18. Is the date of the itemized expenditure required to be reported?	0	0	0	0	0
19. Is a description of the itemized expenditure required to be reported?	0	0	0	0	0
20. Is subject matter or bill number to be addressed by a lobbyist required on spending reports?	0	0	0	0	0
21. Is spending on household members of public officials by a lobbyist required to be reported?	0	0	0	0	0
22. Is a lobbyist required to disclose direct business associations with public officials, candidates or members of their households?	0	0	0	0	0
23. What is the statutory provision for a lobbyist giving and reporting gifts?	3	3	3	3	3
24. What is the statutory provision for a lobbyist giving and reporting campaign contributions?	2	2	2	2	2
	0	0	0	0	0

(Continues)

APPENDIX (Continued)

CPI Index questions	1993	2001	2007	2013	2014
25. Is a lobbyist who has done no spending during a filing period required to make a report of no activity?					
26. Is an employer or principal of a lobbyist required to file a spending report?	0	0	0	0	0
27. Is compensation/salary required to be reported on employer/principal spending reports?	0	0	0	0	0
28. Does the oversight agency provide lobbyists/employers with online registration?	0	0	1	1	1
29. Does the oversight agency provide lobbyists/employers with online spending reporting?	0	0	0	0	0
30. Does the oversight agency provide training about how to file registrations/spending reports electronically?	0	0	0	0	0
31. Location/format of registrations or active lobbyist directory:	0	0	2	2	2
32. Location/format of spending reports:	0	0	0	0	0
33. Cost of copies:	0	0	0	0	0
34. Are sample registration forms/spending reports available the Web?	0	0	1	1	1
35. Does the state agency provide an overall lobbying spending total by year?	0	0	0	0	0
36. Does the state agency provide an overall lobbying spending total by spending-report deadlines?	0	0	0	0	0
37. Does the state agency provide an overall lobbying spending total by industries lobbyists represent?	0	0	0	0	0
38. How often are lobby lists updated?	1	1	1	3	1
39. Does the state have statutory auditing authority?	0	0	0	0	0
40. Does the state agency conduct mandatory reviews or audits?	0	0	0	0	0
41. Is there a statutory penalty for late filing of lobby registration form?	0	0	0	0	0
42. Is there a statutory penalty for late filing of a lobby spending report?	0	0	0	0	0
43. When was a penalty for late filing of a lobby spending report last levied?	0	0	0	0	0
44. Is there a statutory penalty for incomplete filing of a lobby registration form?	0	0	0	0	0
45. Is there a statutory penalty for incomplete filing of a lobby spending report?	0	0	0	0	0
46. When was a penalty for incomplete filing of a lobby spending report last levied?	0	0	0	0	0
47. Does the state publish a list of delinquent filers either on the Web or in a printed document?	0	0	0	0	0
48. Is there a 'cooling off' period required before legislators can register as lobbyists?	0	0	2	2	2
Total CPI score	17	17	28	33	31
