

Chapter 9

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A private affair? Lobbying and transparency in modern Ireland

Across the modern democratic world, lobbying governments and policy makers is considered integral to the process of policy formulation. The work carried out by interest groups is a central and legitimate part of the policy process within all liberal democratic systems. Although the term lobbying has often had negative connotations, the work of lobbyists is essential when policy is being formulated. Lobbyists are an accepted element within society, providing the necessary input and feedback into the political system, thereby helping to develop the policy outputs that drive political, social, cultural and economic aspects of people's daily lives. Ireland is no different in this regard than any other democratic society.

Lobbying in Ireland and the questions of private influence, access and expectation have come to the fore of public policy debates given the catastrophic collapse of the Irish economy since late 2008 and the role played by lobbyists in contemporary Irish politics. The dramatic fall of the so-called Celtic Tiger and the ensuing misery faced by the Irish people has brought the shadowy world of lobbying to the fore of Irish public consciousness. As unemployment and emigration dramatically increased and negative equity and house repossessions became common it quickly emerged that Ireland's economic miracle of the 2000s was built on rather shaky foundations. But these were foundations that had been built under the urgings of lobbyists. In September 2008 the government decided to bail out the private banks, placing an enormous debt burden on the population, as well as ultimately bringing the IMF to

Ireland's shore. Lobbyists were again a crucial part of this decision, one that has had enormous consequences for every citizen of the Irish state.

In that context this chapter explores the relationship between lobbying and private interests in Ireland and assesses whether lobbying as a form of political communication has resulted in a politics that is dominated by a small elite that has access to the avenues and levers of power within the Irish body politic.

Definition and process

There has long been a vigorous academic debate as to the exact meaning and definition of a lobbyist. Classifying lobbying or interest groups, and explaining what exactly lobbying is, have proved immensely difficult. Two eminent scholars (Baumgartner and Leech, 1998, 34) in the field have pointed out that the word lobbying has seldom been used the same way twice by those studying the topic and they themselves define lobbying as simply 'an effort to influence the policy process.' For Nownes (2006, 5) lobbying is an effort designed to affect what the government does, while Hunter et al (1991, 490) argue that a common definition of a lobbyist is someone who attempts to affect legislative action. As Beyers et al (2008, 1107) point out, interest group activity provides a means of influencing governments between elections as interest groups are largely focused on 'influencing policy outcomes, trying to force issues onto, or up the political agenda, and framing the underlying dimensions that define policy issues.' However, it is not simply governments that interest groups lobby to affect decision making: they may also pursue their aims and exercise their influence on policy through public or private channels, both directly and indirectly.

Beyond access to policy makers and others who may influence decision making, the other key element to take into account regarding interest group behaviour is the expectation that such groups have for the lobbying they engage in. Gaining access to decision makers is one thing; the expectation that a group has, once it has been received inside the inner sanctum of power, is quite another in representative democracies where power lies with governments. That said, interest groups often have significant input into how public policy is directed in a representative democratic state. Such groups may include, but are not necessarily limited to, those with economic interests (such as businesses and corporations), professional interests (such as trade unions or professional societies) and civil society interests (such as environmental groups). They may directly, or indirectly, through consultants they have hired, seek to have public policy outputs reflect their own preferences and beliefs. In essence lobbying can take two forms; in house, and the hiring of professional lobbyists. In house lobbying refers to the practice whereby the lobbyist is an employee of the organisation engaged in the lobbying. Paid lobbying takes the form of professional lobbyists who perform that function for an organisation for a fee. Influencing political decisions may take place by various means, including direct communications with government officials, presentation of draft reports to such officials wherein specific details of policy itself are suggested and even simple telephone conversations with government personnel (Chari, Hogan, and Murphy, 2010, 3–4).

In Ireland the growth of lobbying has been facilitated by a concomitant growth in those providing professional lobbying services. The list of lobbyists – or public affairs consultants – as they like to be known in Ireland, now includes former government

press secretaries, former officials of all the major political parties, some ex-TDs and a host of former journalists. While these lobbyists originally catered primarily for foreign interests wishing to operate in Ireland, they are now involved in much more mainstream lobbying. Politicians argued that in the past private companies made donations to political parties not for particular purposes but for the access to government that such donations provided. It would appear that companies and others are paying lobbyists for the same purpose, though now on a more formal footing. In general lobbyists claim that what they are doing is providing advice and access to the decision making process for business people who are ignorant of the public policy process and need a specialist to introduce them to the complex workings of government. Most lobbyists now working in Ireland have long experience of how the political and administrative systems work and claim that the people they represent, in practically all cases large business interests, have no idea of how government works.

Lobbyists speak of trying to convince their clients that there is rarely if ever any point in talking to the relevant government minister and that it is more important to talk to the senior civil servant who is handling the specific file. This is where their role is questionable in a parliamentary democracy. While all lobbyists claim that the lobbying system is above board, there are no guidelines governing the interaction between lobbyists and civil servants, who are, after all, servants of the state and are supposed to offer advice impartially without recourse to any interest group pressure. In April 2013 the Irish government finally moved towards establishing a lobbying regulatory framework by publishing a draft regulation of lobbyists' bill that would cover such interactions between lobbyists and representatives of the state.

In any case, advice from the civil service can be ignored by the minister – as was shown at the beef tribunal in the early 1990s. This tribunal, investigating allegations of malpractice in the beef industry found that Albert Reynolds, as minister for industry and commerce, was legally entitled to make all the decisions he had made in relation to export credit insurance of Irish beef firms operating across the globe and had done so in good faith. Reynolds, however, through the whole period under investigation by the tribunal, had systematically overruled the advice of his senior civil servants in relation to such export credit insurance (O'Toole, 1995, 79–85). The tribunal could find no link between such decisions and the relationship between highly powerful beef industry figures and either politicians or political parties in general. What the tribunal did find was that one such beef figure, Larry Goodman, profited from advance business information that he had acquired because he was on the 'inside political track.' Goodman, the tribunal found, 'had reasonably ready access to members of the government . . . for the purpose of discussing his plans for the development of his companies and his exports. It is clear that he had similar access to previous governments' (Collins and Ó Raghallaigh, 1995, 706).

The closeness of relations between senior members of various governments and the business community would seem to cast doubt on the view of the majority of lobbyists that dealing with the civil servant, not the minister, is what counts. One Irish lobbyist is of the opinion that it is the ear of the minister that is key. He maintains that politicians are swamped with paperwork and that the case has to be made to them in a personal way: 'Our job is to get our client into a position to make their case but at the end of the day the decisions are made by the politicians themselves' (Murphy, 1999, 287). While lobbyists deny that it matters who is in power, many major companies are

now covering their options by having different lobbyists cover approaches to different political parties: this is now quite easy as there are so many former officials and government press secretaries involved in the lobbying business.

Such developments led the Public Relations Institute of Ireland (PRII), the organisation that promotes the professional practice of public relations in Ireland, in December 2003 to adopt a specific code of professional practice for public affairs and lobbying. For the PRII, professional public affairs practice and lobbying are proper, legitimate and important activities that ensure an open two-way communication process between national and local government including the Oireachtas and the citizen. It also believes that the existence of a defined code for the practice of public affairs and lobbying serves to enhance the integrity of the democratic process. Yet public relations lobbyists are not obliged to make it publicly known whose interests they are representing under this code of conduct. The code does require PR professionals to tell the subjects of their lobbying exactly who they are representing. For the PRII 'public affairs practice' is taken to mean 'all activity associated with representing the interests of a client or employer in relation to any matter of public policy' including the provision of information and 'professional advice' and the 'making of representations, or the advocacy of a point of view, to any persons or institutions' (PRII, 2003). Thus, lobbyists themselves clearly recognise that 'lobbying involves more than simply direct contact with policy makers, and that it does encompass information gathering and dissemination' (McGrath, 2011, 131). The PRII is also active in professionalizing the lobbying and public relations industries and offers professional qualifications for entrants into the profession and for experienced practitioners.

Interest groups and lobbyists pursue their goals through a number of different channels. These include public and private pressure on government, individual politicians and other interest groups and the use of the mass media. Yet despite all the other avenues open to groups it is still the Oireachtas – most particularly the Dáil and its members – that remains the prime focus, principally because parliament is the centre for information, access and publicity for such groups. TDs have access to insider information, can generate publicity, particularly given the televising of Dáil proceedings, and are in a position to put pressure on governments and individual ministers by tabling parliamentary questions. Two levels of lobbying of parliament are apparent in Ireland. One seeks to influence national policy, the other local or constituency issues. While members of parliament are lobbied by the full range of interest groups they are most sensitive to representations that have a constituency resonance, either because these concern a local issue, a national issue with a local dimension, or are simply so emotive that they can affect the electoral preferences of a significant number of voters. In this context it is important to note that Ireland operates a proportional representation system of government whereby members of the same party compete against each other as well as other parties in national and local elections.

Saving the banks: a peculiar case of Irish lobbying

Interest group activity in Ireland spans numerous strands and was identified on one level with the process of social partnership, whereby sectional groups, such as trade unions, employers, and farmers' interests, had central roles in the economy from 1987 to 2009. The collapse of the economy also led to the end of social partnership. Self-regulating professional groups, such as accountants, doctors, and lawyers, also come

under this category of sectional groups, as they represent and articulate the interests of certain sections of society. At a second level, interest group activity spans what we call cause-centred groups that attempt to influence policy outcomes in specific areas. They advocate for a particular outcome and articulate the interests of people who promote a specific cause. Moral issue groups and environmental issue groups are two examples of such causes that have resulted in significant activity in the interest group sphere in modern Ireland. But beyond these two categories a new form of interest group activity has emerged that has involved vigorous lobbying on behalf of business or private interests, in an attempt to influence specific government policy, as distinct from the sectional demands of the wider business community. This was a feature of evidence heard between 1997 and 2010 at the Flood/Mahon and Moriarty tribunals of inquiry into rezoning in County Dublin and payments to politicians respectively.

There has long been a view held by practically all sections of Irish society that the main political parties, but Fianna Fáil in particular, had an especially close relationship with property developers and the construction industry. This was particularly important in relation to local government in Ireland and planning decisions where county councillors charged with deciding on land rezoning were continuously and vigorously lobbied by property developers. Such lobbying was probably best epitomised by the career of Frank Dunlop who, while he started off his role in public life as press secretary in 1978 to the then majority Fianna Fáil government, later set up his own lobbying firm in the mid-1980s (McGrath, 2009, 257–58). His clients were mostly property developers and in dramatic evidence to the government-appointed Tribunal of Inquiry on Certain Planning Matters in Dublin, (commonly known as the Flood tribunal, and later Mahon tribunal) in April 2000 he

admitted to having paid numerous bribes to county councillors in return for their votes on rezoning land. His evidence over the course of 124 days in the witness box implicated property developers and politicians and he ended up being convicted of corruption and sentenced to two years imprisonment in 2009 (Murphy, 2006, 96).

In late 2008 the Irish property market crashed spectacularly causing the virtual failure of the banking industry due to the enormous sums loaned by all the main banks, on little security, and with little oversight by the regulators, to property developers. The result of such lax regulation by the Central Bank and regulatory authorities and colossal lending by the banks to property developers was the collapse in the solvency of the Irish banks and the government had to step in to bail out these banks on the fateful night of 29 September 2008. Ireland had, since 1987, prided itself on an economic model of low taxation and little regulation in relation to foreign direct investment. The establishment of the Irish Financial Services Sector in the late 1980s was a classic example of this. Private interests with access to politicians were able to persuade such politicians that a low regulatory and low tax regime in relation to financial services and banking was crucial in making Ireland an attractive place for foreign direct investment in those services.

Such business interests have long had the ear of the Irish political class, dating back to the back to the 1960s, when Fianna Fáil, in particular, began to accept large donations – out of which the organisation Taca [‘support’ in the Irish language] was born. The original idea behind Taca was to bring together 500 large subscribers whose money would be invested for a year and then transferred into the Fianna Fáil election account (Keogh, 1994, 270). With the development of Taca, Fianna Fáil realised that the

financial support of the entrepreneurial class could be substantial and would become vital as the business of running a large political organisation became more expensive. Taca, however, soon acquired a reputation for influencing ministerial decisions (Collins and Ó Raghallaigh, 1995, 707). While it was later disbanded its influence over Fianna Fáil remained and was showcased by that party's famous fundraising tent at the annual Galway race festival. This tent was basically a Fianna Fáil fundraising initiative and served as a sort of annual gathering of some of Ireland's richest property developers and construction company owners. The tent was reckoned to have raised €160,000 for the party at its height but was abandoned by Brian Cowen just over two weeks after he became Taoiseach in 2008.

Financial success by such firms saw them make increased demands for even less regulation. This was perhaps best epitomised by the chairman of Anglo Irish Bank, Seán FitzPatrick, who in June 2007 claimed that Ireland's prosperity was being put at risk by what he termed 'corporate McCarthyism' in which excessive regulation was shackling Irish entrepreneurs. This 'move to a heavily regulated economy needs to be challenged vigorously and challenged now' he declared in a speech to business executives (Cooper, 2009, 208). Fifteen months later when his bank was saved from imminent failure by the government's bailout it became clear that it was the lack of any regulation at all that was at the heart of its downfall.

On the night of 29 September 2008 Brian Goggin chief executive of Bank of Ireland and Eugene Sheehy chief executive of Allied Irish Banks, Ireland's two largest and most important banks, came together at 6.30 pm to ring then Taoiseach, Brian Cowen requesting an immediate meeting with him and then minister for finance, Brian

Lenihan. Although the request was granted by the government the well-heeled bankers who turned up at the department of finance at 9.30 pm, with their respective chairmen Richard Burrows and Dermot Gleeson, were made to wait until 11.30 pm to have their case heard. In the meantime Cowen, Lenihan, the governor of the Central Bank, the secretaries general of the departments of the Taoiseach and finance, the chief executive of the Financial Services Regulatory Authority, the attorney general and a whole raft of advisors were grappling with a crisis of unprecedented proportions within the history of the Irish state; the very survival of the Irish banking system and with it the prosperity of the Irish state and its people. The bankers feared the immediate failure of Anglo Irish Bank due to its over exposure to the property market, and perhaps one more financial institution, probably Irish Permanent Building Society. If that were allowed to happen, they argued, contagion in the banking system could sweep away their institutions as well and in turn bring the solvency of the Irish state into question. Shares in Anglo Irish Bank had fallen by almost 50% that day alone and threatened to depreciate much more the following day, leading to what would be the inevitable failure of that bank and the very likelihood of a domino effect on all other Irish banks. The bankers told the politicians in no uncertain terms that the government had to act or the entire Irish banking system could fail (Cooper, 2009).

The cabal of politicians, civil servants and advisors that met on that September night took the view that doing nothing was not an option. The experience of the fall of Lehman Brothers, the enormous Wall Street investment bank, just two weeks earlier in the United States demonstrated the huge risk with the 'leaving the market decide' approach. In that context the group led by Cowen concluded that some form of state underwriting of the banking system was necessary. When told by the bankers that

Ireland's two largest banks were at risk there was some scepticism in government circles. Allied Irish Banks in particular had previously received state aid. In 1986, during a serious recession, it sought government help to the tune of £100 million after its purchase of the Insurance Corporation of Ireland went disastrously wrong. The scale of that particular rescue was later viewed as overly generous to the bank yet here it was again seeking government assistance. Not wanting an Irish bank to fail, a staple view of both the Irish government and the European Central Bank, or be taken into public ownership, the decision was taken to guarantee the deposits, loans, obligations and liabilities of the six Irish banks, a total sum, it later turned out, of €440 billion – more than twice the country's gross national product. This was one of the options presented to the government by the giant financial consultancy firm Merrill Lynch earlier that night, wherein it also warned that the market would 'be aware that Ireland could not afford to cover the full amount if required' (Lyons and Carey, 2011, 181–82). The ultimate result of the near-collapse of the Irish banking sector was the acceptance in November in 2010 by the Fianna Fáil led government of an €85 billion rescue package from the EU and the IMF. The economic mayhem in Ireland caused by the recklessness of bankers and property developers, along with the evidence heard at the Flood/Mahon tribunal has brought the role of lobbyists in these industries amongst others to public prominence.

Lobbying, money and private influence

If the bank guarantee scheme tells us anything about how Ireland is governed it is surely that those interests that control significant sums of capital are listened to far more closely than other groups in Irish society. There is ample evidence that those groups with money can be a corrosive influence on the body politic. While

investigating the evasion of DIRT tax in 1999 the Oireachtas public accounts committee sub-committee found that there was a particularly close and inappropriate relationship between banking interests and government: ‘The evidence suggests that the State and its Agencies were perhaps too mindful of the concerns of the banks, and too attentive to their pleas and lobbying’ (Oireachtas, 1999, 5). The banking crisis of late 2008 and the decision to guarantee the banks would seem to copper-fasten the view that those with more money can wield more influence. While one could well argue that the whole banking infrastructure, and thus monetary survival of the state, was at risk during this period, it is still instructive as an example of lobbying influence.

The question of access to decision making is crucial to interest group politics and in Ireland was bound up with financial donations to both individual politicians as well as to political parties. It is clear that Fianna Fáil and Fine Gael have received substantial donations from business interests over a long number of years. In its second interim report of September 2002 the Flood tribunal found that the former minister for foreign affairs, for justice and for communications, Ray Burke, had received ‘corrupt payments’ from a succession of builders (Tribunal, 2002, 34). It also found that Burke, during his time as minister for communications in the late 1980s, had made decisions that were not in the public interest after receiving payments from a private radio station’s main backer, Oliver Barry (Tribunal, 2002, 65). Burke was eventually imprisoned for six months in 2005 for failing to make tax returns on over £100,000 that he had received in payments over a ten year period between 1982 and 1991. The link between business contributions to political parties, and by extension to the political process, and favourable treatment for such business interests had been proven

to Justice Flood's satisfaction. In recognition that corporate donations, if nothing else, gave the public the impression that undue influence could be linked to private donations, Fine Gael, under the ill-fated leadership of Michael Noonan, went as far as banning corporate donations in 2001. Once Enda Kenny became Fine Gael leader after the 2002 election he promptly overturned this decision.

Yet throughout the duration of the Flood/Mahon and Moriarty tribunals only one politician admitted that a link between corporate donations and political decision making existed in modern Ireland. Former Fianna Fáil leader and Taoiseach Bertie Ahern regularly voiced his view that those who financially supported Fianna Fáil, and all political parties for that matter, did so out of a sense of altruism and loyalty to the state maintaining that the 'vast majority of donations to Fianna Fáil are not made in expectation of either favours or special access.' However, when asked by the Flood tribunal why land developers gave money to councillors, Fianna Fáil local councillor and senator Don Lydon stated: 'I believe that they hoped to influence (them). That's my firm belief. They did it then, they did it before, they do it now' (Murphy, 2006, 94). There can be little doubt that Fianna Fáil in particular had a particularly close relationship with property developers and the construction industry. This dates back to the early 1980s when those 'involved in county council politics rapidly realised how their influence could be exploited, and on this fertile ground countless corrupt relationships began to flourish' (Foster, 2007, 87).

The question of financial donations and influence is particularly important considering the difficulties, personally and professionally, that Bertie Ahern faced once the *Irish Times* revealed in September 2006 that as minister for finance in 1993

and 1994 he had accepted payments of somewhere between €50,000 and €100,000 from a variety of business people and that the matter was being investigated by the Mahon tribunal. Ahern subsequently went on to win the 2007 general election but resigned as Taoiseach within a year stating that the effects of the tribunal had taken its toll on him, his party and those closest to him but insisting that he had done nothing wrong. He had endured some agonising days in the witness box at the Mahon tribunal trying to explain apparent discrepancies between his oral accounts to the tribunal of various payments he had received and the evidence from banking records that the tribunal's legal team had uncovered in the course of its investigations. Most of Ahern's answers as to the sources of his money were opaque, not backed up by any documentary evidence and consisted of explanations from the then Taoiseach that were different to his previous enunciations on the matter of his finances. Finally Ahern was reduced to telling the deeply sceptical tribunal judges that he could not remember a number of crucial events central to the controversy. The sheer oddness of Ahern's evidence culminated after he had left political life when he told the tribunal in June 2008 that he had won a significant amount of money on a horse (Clifford and Coleman, 2009, 360).

Lobbying regulation: the cure to private influence?

Due to concerns with issues surrounding the openness of the policy-making process, an increasing number of countries have recently sought to regulate the activities of lobbyists. As Bertók (2008, 18) argues, 'when public concern is about the integrity of government decision making, measures to ensure transparency and accountability become essential.' Many democracies have attempted to do this by means of freedom of information legislation, while others have sought to regulate lobbyists through the

decision-making process. In both cases, the focus is on transparency and accountability. There is a large literature on the themes of transparency and accountability in democratic societies and a growing awareness of the global importance of citizens being reassured by transparent politics in their respective polities.

In relation specifically to lobbying, Largerlof and Frisell (2004, 16) contend that lobbying regulation helps promote transparency and is thus justified in order to render government officials more accountable and to promote the activities of lobbyists in a more open and transparent fashion. Moreover, by imposing an obligation on lobbyists to disclose the identity of those on whose behalf they are acting, a government is making laws that take account of the public interest (Graziano, 2001, 99). For Thomas (2004, 287) such rules ‘constrain the actions of lobbyists and public officials alike, even if they do not ultimately affect which groups are powerful and which ones are not.’ Through contributing to transparency and accountability, lobbying regulations shed light onto policy-making and in so doing should improve the overall nature of the decisions reached by policy makers (Dryzek, 2000; Elster, 1998). The basic rationale behind implementing regulations is that the public should have some insight into, as well as oversight of, the mechanisms that draw lobbyists into the policy-making environment, in order to better understand how they influence policy outputs (Chari, Hogan, and Murphy, 2010, 1–2).

One of the reasons advanced by politicians in Ireland for not engaging in lobbying regulation is the worrying view that one senior politician imparted to the author in a private interview: ‘we are a small state and we all know each other.’ While Ireland

might be a relatively small jurisdiction of roughly four million people the cliché of ‘we all know each other’ does not hold up to any rigorous analysis. While it would be true to say that elites all know each other, it is nothing short of wishful thinking on behalf of Irish politicians to think that there is no reason for lobbying regulation because everyone knows what is going on. The evidence in relation to any number of policy decisions taken in relation to banking for instance, since the Irish state rescued the insurance arm of Allied Irish Banks in 1985, right up to the bank guarantee scheme of September 2008, decisions taken by different governments comprising all the major political parties, shows that they were all taken in secret and after significant lobbying by the banks. These decisions have had catastrophic implications for Irish citizens as the bank guarantee scheme has proven to be a gigantic millstone around the necks of ordinary Irish people and of the Irish state itself (Murphy, Hogan and Chari, 2011, 116).

In 2003 the then minister for justice, equality and law reform, Michael McDowell eloquently noted that lobbying regulation would result in a professionalization of the lobbying industry with the result that ‘professional ethical lobbyists’ would take the place of ‘fly-by-night secretive intermediaries with dubious motives and ethics’ (McGrath, 2009, 269). Coming just a year after his party, the Progressive Democrats (PDs), had performed well in the general election and seen publically as the watchdog element of the Fianna Fáil – Progressive Democrats coalition, McDowell’s pronouncement seemed a clear indication that the government was of the view that some sort of lobbying regulation was essential to a well-run society. While low taxation and a weakening of the regulatory system were PD mantras during its years in politics, it seemed that regulating lobbyists constituted recognition that many of the

corporate entities that the government was trying to attract to Ireland were used to dealing with a professionalized, regulated lobbying industry, such as exists in the USA. Yet in 2007, McDowell, still the minister for justice, equality and law reform but now Tánaiste as well, told the Dáil ‘that it is not intended at this stage to introduce lobbyists’ registration legislation’ (McGrath, 2009, 265). Why he took this stance is something of a mystery. The revelations uncovered by both the Flood and Mahon tribunals showed a vast network of opaque and complex payments by lobbyists to politicians. The view of Bertie Ahern and others that these were payments for no political response now holds little currency in a country where such transfers have been inextricably linked to policy decisions. Given the disservice done to professional lobbyists by the likes of Frank Dunlop, the following questions need to be asked: why has some specific form of lobbying regulation not taken place in Ireland?, why did Michael McDowell fail to act on his 2003 statement?, and why have other politicians equally failed to act on similar promises made to the electorate?

During the years of the tribunals, from 1997 to 2010, Irish political parties actively considered the issue of regulating lobbyists. In 1999 the Labour Party introduced the first of five specific private members’ bills on this issue while in opposition. At the 2011 general election it again promised that it would introduce a register of lobbyists once returned to power. During the 2007 general election campaign the Green Party pledged in its election manifesto to establish a register of lobbyists. Once it entered government the pledge appeared on the last page of the 2007 Agreed Programme for Government as ‘Consider legislation to regulate lobbyists’ (Government, 2007, 87). However, when the programme for government was renewed in late 2009, in light of the changed economic circumstances of the state, this decision appeared to have

become more concrete: it was no longer located on the final page of the document and stated unequivocally that the government ‘will introduce a Register of Lobbyists, including professional, corporate and NGO’ (Government, 2009, 33). That government fell, however, without having made any progress whatsoever in introducing a lobbying register.

In March 2010 the then main opposition party, Fine Gael, published a comprehensive political reform plan entitled ‘New Politics’. This document called for substantial political and constitutional reform and provided specific details on how lobbying would be regulated under a Fine Gael led government. Within a year Fine Gael and the Labour Party won a crushing victory in the February 2011 general election and formed a coalition government with the largest majority in the history of the state. The new government promised in its programme for government to introduce ‘a statutory register of lobbyists, and rules concerning the practice of lobbying’ (Government, 2011, 20). Two years on from its election, in April 2013 the government approved the drafting of the Regulation of Lobbying Bill 2013, which aims to ‘bring greater openness and transparency on public policy formulation and to provide valuable input to the decision making process. The intention of the bill is to continue to encourage such participation in the decision making process, but to ensure that it is done in a fully open manner’ (Government, 2013).

This is clearly a welcome step and the Fine Gael – Labour Party government’s commitment to openness in Irish public life is to be commended. The question of whether such regulation will be a panacea to the problems of the Irish state needs to be addressed. Is lobbying regulation a form of political communication to the public

that the Irish state operates in an open and transparent manner? For instance, would lobbying regulation have prevented the bank guarantee scheme decision being taken? The answer to the latter question is surely no while the answer to the former question is somewhat more complex but we could probably give a qualified yes. In an age when disenchantment with public life has been a feature of Irish politics, particularly given the dramatic economic downturn and where tribunals of inquiry and the collapse of the banks have opened up all sorts of questions about the influence of lobbyists in Irish public life, it would seem reasonable that establishing a mandatory register of lobbyists is an essential step for the Irish state to take to ensure that undue influence over public policy and governance cannot take place. Such a register would not have stopped the bank guarantee scheme. But as we still know very little about the events of that murky night a lobbying regulation scheme, if it had been in existence at the time, would at least mean there would have been more openness and transparency to the decision than there was.

Conclusion

There can be little doubt that private influence has resulted in an unhealthy situation in Ireland where those with access to money and capital appear to have had significant influence on political decision making. Lobbying regulation, as per the government's proposed bill will, if nothing else, put an end to the perception that undue influence is an issue in Irish politics. What is being regulated is behaviour by interests that have the money or clout to have their expectations met by the access they have. Registering lobbyists is not about regulating speech, but about preventing undue influence, including abuse of dominant financial position of some interest groups, private organisations such as the banks, or even private citizens. In essence it is a form of

political communication between citizens and the politicians and civil service bureaucracy that runs the Irish state. The key point is that the system should be transparent. This benefits the lobbyists, the legislators and the citizens. Regulation should be something that gives all stakeholders confidence in the system. Public confidence in the process is essential. If private influence is to be removed from the way the state operates then the state's political communication apparatus needs a register of lobbyists to ensure just that. The government's decision in April 2013 to commit to a lobbying regulation bill may just be a sign that Ireland is facing up to both its past and its future.

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