

LOBBYING THE LEGISLATURE: Romanian MPs and Culture. A View from Inside

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How do MPs perceive lobbying and being lobbied? What do they expect from those that lobby them? The answers to these questions would provide the cultural sector with a better understanding of how lobbying initiatives should be planned and realized in order to have the greatest possible impact. For this reason, Policies for Culture undertook a small inquiry whose results are presented below. Some key members of the Romanian Parliament were consulted, namely: (Members of the Committee for Culture, Arts and Mass Media of the Romanian Senate) Radu Feldman Alexandru, Eugen Marius Constantinescu, Grigore Zanc; (Members of the Committee for Culture, Arts and Mass Media of the Romanian Chamber of Deputies): Mihai Mălaimare, Márton Árpád; Mona Muscă, Ioan Onisei.

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A lot has been done since 1990 to improve the process of decision-making in Romania, particularly in legislative matters. We are, points out Márton Árpád (an MP since 1990 and a ‘permanent’ member of the Culture Committee), far from the state of affairs that prevailed when lobbying by unions or nationalist movements took the impersonal form of distributing leaflets to MPs.

However, despite advances in this area, the MPs questioned agreed that lobbying – and particularly lobbying for culture – is still not as professional as it should be, and that it hasn’t yet become a fully recognized, ‘respectable’ institution of Romanian democracy. According to Radu F. Alexandru, for instance, “in countries with a democratic tradition, lobbying is an institution that enjoys respect, requiring a high degree of professionalism and morality. Unfortunately, as in any beginning, we should discuss lobbying in Romania with an (unfortunate) indulgence; as for morality, I would observe the fact that lobbying is often confused with *trafique d’influence* and with party or group interests”. It should be noted that ‘*trafique d’influence*’ is a phrase that was mentioned by all interviewees. What form, then, did the MPs think lobbying should take?

Attempting a Definition

Márton Árpád considers lobbying to be a legal instrument for persuading decision-makers (at whatever level) through argument. From the lobbyist’s point of view, as senator Constantinescu pointed out, it is a way of dealing with certain problems, a valid way of making his or her opinion known to someone in power who could support it in one way or another. Mihai Mălaimare stated that, from the perspective of the decision-makers, lobbying should help them to make the right decision.

All MPs agreed that lobbying is highly useful for keeping decision-makers informed of different opinions and of the interests of the various target groups. Clarity of information and concrete proposals supported by valid argument help them to make well-founded decisions. They also agreed that ‘lobbying’ by applying pressure on decision-makers through strikes, marches, protests or ‘interventions’ on behalf of biased private or group interests should be “looked on with reservation”.

The MPs do vary in their opinions on the evolution and current practice of lobbying in Romania. Márton Árpád believes that lobbying as a provider of information and proposals has grown in strength and frequency over the last two legislatures, since 1996. Mihai Mălaimare feels that most lobbying actions targeting him were “more or less self-interested”, while Ioan Onisei’s experience of being lobbied was honest, without attempts to gain any material advantages. There is an agreement, however, that a more professional approach needs to be developed.

Culture – A Field Apart?

With these introductory remarks as a starting point, the inquiry turned its focus on lobbying in connection with legislation affecting the cultural sector. The first question was whether culture was ‘a field apart’ in terms of being regulated. The answer was unanimous: culture *is* a specific field, but in the legislative process it is and should be addressed as any other, without any rules or mechanisms peculiar to itself. Ioan Onisei pointed out though that party interests should be put aside when decisions influencing culture were being taken. According to most of the MPs, this was usually the case. Though parliamentary debates were generally excessively politicized, Onisei remarked, the party ‘accent’ was less evident in the workings of the culture committee of the Chamber of Deputies, which had a very important say in the decisions being taken in the House.

The MPs agree on another thing: that there is a general lack of interest in culture throughout society and among politicians. The reasons given for this vary considerably.

There is a vicious circle, says Mihai Mălaimare, an actor and theatre director as well as a politician: culture is not considered and culture does not want to make itself be considered. He advises opening up cultural institutions to a larger audience. Culture should be more socially committed, he says: at the moment it is too elitist, too closed within the walls of its institutions.

Radu F. Alexandru feels that politicians are responsible for this situation. Before 1989, he says, there was an ideology-based official culture, controlled and censored but enjoying some support from the State. Since 1989 culture has been considered a whim, a hobby. This is not expressed openly, but is apparent in the way culture is treated. It is a situation that has lingered on for twelve years, always excused by the endless difficulties of transition and the permanent austerity budgets. Senator Alexandru points out that the line “We do not have money for culture” simply demonstrates that culture is not thought to be a priority. Only impressive protests seem to achieve anything in this country. Culture’s lowly status is due to the fact that people working in the cultural sector have never been perceived as a threat to the status quo. How can this situation be improved and who should improve it? According to Radu F. Alexandru, politicians in general should assume responsibility, especially decision-makers in the cultural field: the cultural sector cannot force decision-makers to change their approach, nor is it their task to do so.

The Role of the Cultural Sector in the Legislative Process

The MPs all recognized that the cultural sector has (or should have) an input in developing legislation that effectively responds to the needs and challenges of the sector. Mona Muscă, for instance, remarked: “Receiving information and expertise on various issues and subjects is not only useful, but absolutely necessary in parliamentary activity. Any political or legislative decision should be based on serious analysis and solid arguments, which cannot be done if information is not available. That is precisely the reason why all the legislative projects I have initiated as a parliamentarian were developed in collaboration with the representatives of the civil society, which even had the opportunity of presenting their point of view directly, during the debates inside the Culture Committee of the Chamber of Deputies. In the framework of the partnership with the civil society I have organized numerous public debates on draft bills, which led to amendments being agreed upon, amendments which I took over and presented in the debates in the Parliament. I have also had personal discussions and consultations with the representatives of civil society. Such actions bore fruit, their efficiency being like a two-way road. I have taken advantage, on the one hand, of the expertise and support of the civil society organisations in promoting my own projects; on the other hand, the civil society could present, through me, their points of view and amendments in the Parliament.”

Mihai Mălaimare commented: “When drafting or discussing a legislative proposal I should have on my table as many elements of this puzzle – opinions, points of view, proposals – in order to make as clear an image as I can of the problems and issues to be regulated.”

Opinions differ as to the real extent of the cultural sector's input. As Ioan Onisei acknowledged: "We politicians and decision-makers do very little consulting of specialists and public opinion in general, whereas this consultation should exist in all phases of the legislative process – from the first drafting of a legislative project to the final debate on the draft bill." Mona Muscă has "stressed on numerous occasions that unfortunately in Romania there is no permanent and stable partnership with civil society (including NGOs, various associations and foundations, institutes, interest groups and unions, academics and even opinion leaders), nor a practice of collaboration with it." Senator Constantinescu on the other hand stated that beneficiaries of the law were always invited for discussions with the Culture Committee of the Senate, while Deputy Márton insisted that he never failed to ask the opinion of representatives of the cultural sector on legislation that was being drafted.

Why are the position and experience of the cultural sector not always taken into consideration? Ioan Onisei thinks that one reason is the "ignorance and stupid pride" of many parliamentarians. "Many MPs or top members of the Executive start considering themselves...as omniscient"; in other words, they do not require anyone else to tell them what to do. A less condemnatory reason is that it is sometimes difficult for MPs to identify a sufficiently knowledgeable potential partner for dialogue.

A measure that could improve this situation is the Law on Transparency in Decision Making in Public Administration, which is currently being debated in Parliament. Ioan Onisei considers that this law, which will ensure a legal framework for consultation, is necessary, but that more needs to be done, and perhaps more time is needed in order to overcome inertia. Continuous pressure on decision-makers at all levels is required, Onisei asserts.

Taking Initiative

Nevertheless, Ioan Onisei also maintains that the most decisive steps need to be taken by representatives of the cultural sector, the final beneficiaries of the regulations being adopted. And since MPs, even if they wanted to consult and involve the sector, would not know whom to approach, the issue of lobbying is crucial.

The cultural sector, like any other interested party, can address parliamentarians when:

- the Legislative is not considering making a decision in a certain area, and therefore the lobby should aim to initiate a legislative proposal;
- debates concerning a specific and concrete legislative project are taking place; in this case, lobbying aims to intervene during parliamentary debate in order to influence the adoption of certain provisions.

Most MPs remarked that, as far as the cultural area is concerned, the second type of intervention characterized the overwhelming majority of cases. Onisei estimates that this is even more the case in Romania since the Government initiates the vast majority of legislative proposals. There are, however, examples of successful lobbying for the initiation of a legislative project. One such was the law on access to public information, which was lobbied for by representatives of the mass media and associations actively protecting freedom of expression.

Ioan Onisei believes that lobbying to influence cultural policy comes too late in the parliamentary process. It is often only during the advanced stage of debate that concerned people discover, generally through the media, that a particular legislative project is being debated. Attempts to influence the adoption of certain provisions will normally fail at this late stage. And this happens, Onisei says, because the cultural sector in general is not really interested in these legislative aspects: it is *reactive* rather than active. This attitude was also identified by other MPs questioned. "We need a theatre law" the cultural sector will say, but do nothing to make it happen. All aspects of the legislative process, suggests Onisei, need to be closely followed by the cultural sector. Those working in public institutions responsible to the Ministry of Culture and Religious Affairs, the initiator of many draft bills, could also cooperate in this process. Local authority institutions should also keep in close contact with professional associations.

As both Onisei and Márton point out, ultimately what the sector needs is **a clear and coherent voice**; it also needs to **structure** itself, since it is very difficult for decision-makers to listen to a hundred points of view, make sense of them all and then make a choice. Though their experience of lobbying by the cultural sector differed (Mihai Mălaimare, for instance, has always found partners for dialogue and worked with umbrella organisations representing cultural actors and their interests) all MPs agreed on the need to make the lobbying approach more professional.

Professional and Effective Lobbying of MPs

Márton Árpád suggested that the cultural sector should follow everything that is happening in the legislative field and quickly react to the slightest change or initiative. Secondly, in addressing decision-makers, he estimates that success comes when the targeted decision-maker becomes aware that the lobbyist knows what he or she wants, and knows how to support and argue for his or her proposals.

Mona Muscă has had experience, as an MP, of seeking support inside Parliament for important legislative initiatives. She describes her approach as follows: “When initiating campaigns on specific issues (such as access to public information), which I usually developed in several phases, I start from the identified need and build the campaign aimed at promoting or supporting a particular point of view by bearing several aspects in mind: building the campaign on concrete arguments; choosing the best moment for launching it and choosing the right partners – namely, the representatives of civil society, who offered me expertise and concrete support.”

Ultimately, the key to success is to define a lobbying strategy precisely – with clearly stated objectives, methods and instruments; sources; clearly defined target group; people in charge etc. – and to apply it until one’s objectives are achieved. The following are the key questions one should ask and give an answer to:

WHAT is it all about? *What are the objectives of the lobbying campaign? What does it intend to lead to?*

This might sound obvious, but MPs stated that they were often approached by people who had a very vague idea on a certain topic and actually did not know what they wanted to obtain.

WHY?

MPs are unanimous in asking that for every proposal made, for every opinion presented, clear, concrete, well-developed and realistic arguments, based on solid information and experience of the sector, must be given.

As Ioan Onisei points out, it is difficult to persuade financial people to give money, and this is particularly important in the cultural field where financial support is often being sought. Strong, convincing arguments are necessary. Mona Muscă states: “Unlike other sectors, culture does not bring immediate and significant profit; it is, however, the ‘oxygen’ of society and gives it its specificity and individuality. To put it differently, a society that does not promote and protect its own cultural values risks losing precisely what defines it and makes it different.”

WHO lobbies?

The sector needs clearly identifiable representation if it is to have any real weight and influence. Márton Árpád believes the lobbyist should be a convincing and charismatic person; supporting your position with clear arguments is not enough.

WHOM to lobby?

Those lobbied must be able to change something themselves or influence the decision-makers. Moreover, one must target people who can be convinced, and adapt one’s strategy and discourse to suit the partner in the dialogue. Mălaimare believes that lobbying should give members of the Culture Committee a more profound understanding of the context surrounding an issue; it should also address the other MPs – whose vote is ultimately what counts – by raising awareness and making them more sensitive to the issue.

WHEN?

Choosing the right moment and the right context is critical.

HOW long?

Lobbying does not end after the first contact with an MP has been made. It must be pursued until the adopted law is published in the Official Gazette/Journal. (MPs provided examples of strong and successful lobbying campaigns which were not then pursued when the draft bill entered the other House, thus leading to the projects being delayed or even forgotten about.)

WITH WHOM?

Identifying partners in the campaign can only improve the chances of success. A key partner can be the media. Mona Muscă considers that media campaigns on concrete subjects influence public opinion, which cannot be ignored by the decision-makers. Márton Árpád says that decision-makers should be prepared by being informed through the mass media. Onisei sees the media as an instrument that can apply pressure inside the Parliament, as it did in the case of the Audiovisual Law and the Cinema Law.

Most MPs agree that the cultural sector has benefited to a lesser extent from media support, and some even doubt the impact the media can have. Márton Árpád points out that the way the Romanian mass media has evolved over the past twelve years has resulted in journalists who can write with ease but who also add an element of sensationalism to their articles. Using the media to support lobbying initiatives in the field of culture becomes difficult therefore, if not dangerous to one's campaign. Mihai Mălaimare thinks the Romanian media has a credibility problem, given the fact that what it does is *trafique d'influence*, done in a totally biased and ridiculous way.

In conclusion, then, progress in two areas is vital if relations between the parliamentary and the cultural sector are to improve and lobbying become more effective:

- Bridges must be built and better ways to conduct dialogue and partnership identified, so that a more responsive legislative framework can be developed;
- The cultural sector must produce initiatives that are more understandable and translatable politically and legally.

It will take both sectors to make it happen.

For more information and resources:

On the workings of the Romanian Parliament and its two houses visit: www.cdep.ro; www.senat.ro.

Please also consult www.policiesforculture.org for:

- **Guide to the Legislative Process in Romania**, by Virgil Nițulescu, available in Romanian, Croatian and English
- the dossier of the Policies for Culture workshop **Advocating Culture: Putting Culture Centre-stage in Croatia's Development** (November 2001), available in Croatian and English.
- Virgil Nițulescu's **Lobbying Guide** (Romanian version only). Paper included in the dossier of the workshop 'Advocating Culture', which took place in the framework of the MOSAIC seminar on 'Culture and Civil Society' (June 2001, Bucharest, Romania)

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