

## Lobbying

### A) Introduction:

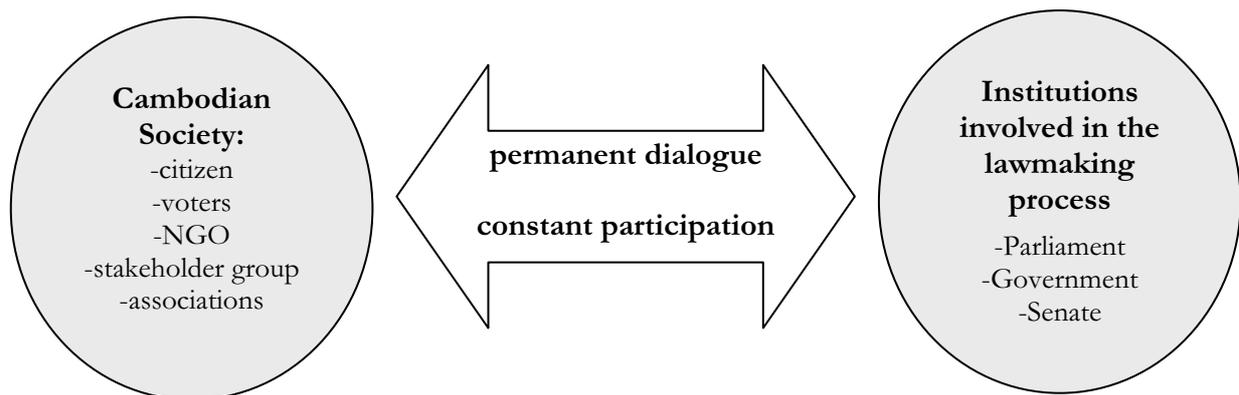
The most important act of democratic political participation happens when citizens elect their representatives (deputies, lawmakers). But **political participation** of citizen in a democracy **does not end with the election** because continued participation is necessary during the whole period until the next elections.

There are many reasons for this **need of constant political participation**:

- The political will of the voters can change.
- The situation can change: New problems can occur.
- Old laws can become obsolete, new laws can become necessary.
- Party programs and actions may not be translated into actions of government.

Therefore effective democracy requires the political institutions (lawmakers, government) to **keep in touch with the people** during the time between the elections and to respond to their views. Otherwise these institutions would loose contact with reality. They would not get any feedbacks or input from society if they do not ask the people for their views and listen to them.

This is why there must be a **permanent dialogue** between the **society** (voters, stakeholder groups, associations, single citizens, NGO, civil society and so on) and the democratic institutions. First of all there must be a dialogue with the **assembly** as the institution which has lawmaking power but of course also with those institutions which at least have the right to initiate laws (government, senate).



### B) Constitutional base for political participation:

The Cambodian Constitution clearly shows that the participation of the people in political life is not only their right but that it is one of the basic principles of Cambodian democracy and is highly welcomed.

So the constitution not only grants the right of **active participation as candidate or voter** during the election:



Article 34 I CC:

Citizens of either sex shall enjoy the right to vote and to stand as a candidates for the election.

But the Constitution in many articles also states that Cambodia is dedicated to a **multi-party, liberal democracy** and **pluralism**. This means all different voices have to be heard and considered:

Preamble of Cambodian Constitution:

...restore Cambodia into an “Island of Peace” based on a multi-party liberal democratic regime guaranteeing human rights and the respect of law.

Article 1 CC:

Cambodia is a Kingdom with a King who shall rule according to the Constitution and to the principles of liberal democracy and pluralism.

Article 50 CC:

Khmer citizens of either sex shall respect the principles of national sovereignty, liberal multi-party democracy.

Article 51 CC:

The Kingdom of Cambodia adopts a policy of Liberal Democracy and Pluralism.

The Cambodian people are the master of their own country.

All powers belong to the people.

This pluralism includes that the state institutions also have to listen to **contrary voices**, to **complaints** and to **criticism**.

Article 39 CC:

Khmer citizens shall have the right to denounce, make complaints or file claims against any breach of the law by state and social organs or by members of such organs committed during the course of their duties. The settlement of complaints and claims shall be the competence of the courts.



Finally the Constitution explicitly grants a **right for every citizen to participate in the political life** of the Cambodian Nation.

Article 35 CC:

Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation.

Any suggestions from the people shall be given full consideration by the grant of the State.

Lobbying activities are clearly backed by the Cambodian Constitution. Additionally some of the basic political human rights provide a legal base for lobbying activities:

- the right of **free expression** (Article 41 I CC and Article 19 ICCPR),
- the right of **free assembly and demonstration** (Article 41 I and Article 37 CC; Article 21 ICCPR)
- and – most important – the right of **free association** (Article 42 I, II CC and Article 22 ICCPR).

### **C) Definition of Lobbying:**

Now what does lobbying mean? Lobbying is a **specific form of participation** in the political life. While “advocacy” is a more general term which refers to any approach to change behaviour, attitudes and political opinions, “lobbying” has the **specific goal to influence the lawmaking process**. This means to initiate, change or amend laws.

The word “lobbying” stems from the word “lobby” which means a big entrance hall. The term “Lobbying” has a historical background: It refers to the activities of those stakeholders, citizens and representatives of powerful interest groups who - in the old times of the British parliament - tried to meet the deputies in the entrance hall (lobby) of the parliament and **persuade them to change laws or make new laws**. Today of course lobbying activities do not take place any more in the entrance hall of the parliament but on a lot of different levels and fields.

#### **DEFINITION:**

Lobbying is a directed action of an individual, an organization or groups of individuals/organizations to influence all those persons who are involved in preparing and passing legislation.

Lobbying means:

- putting a problem on the agenda of the public opinion and the lawmakers
- providing a solution for that problem
- building support fort that solution



### **E) The lawmaking Process as a Target of Lobbying**

The lawmaking process can be seen as a production process. This production process includes three levels:

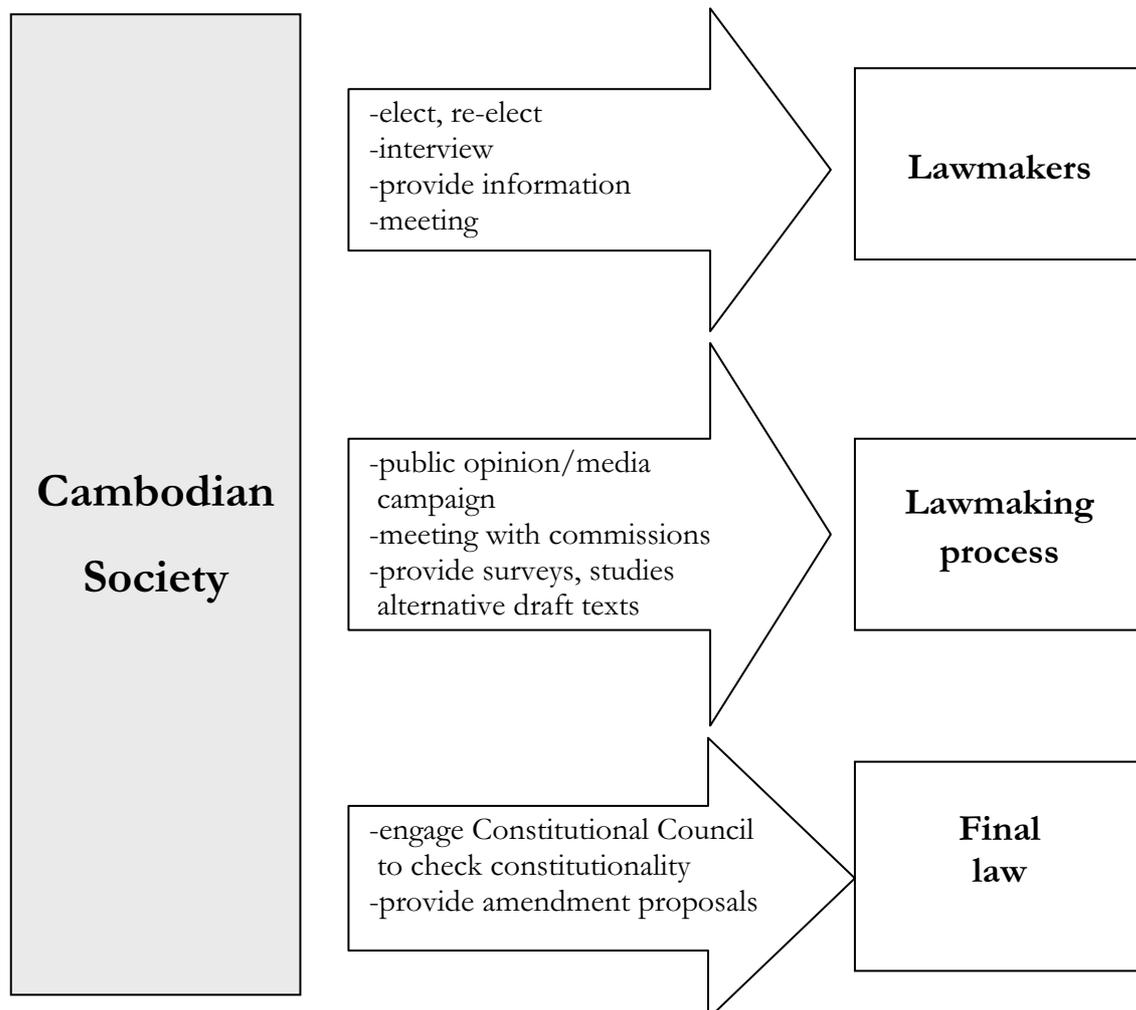
- the **producers** : The lawmakers
- the **production process**: The different steps of the lawmaking procedures
- the **final product**: The law.

Each of these levels can be the target of lobbying activities:

The **lawmakers** can be elected or re-elected. Lobbyists can invite them, ask them, try to convince them personally. Interview them. Provide information for them.

The **lawmaking process** can be influenced by public hearings, pressure of the public (media), demonstrations, surveys, facts and information submitted to the acting institutions (ministries, assembly commissions), talks with assembly members and political parties.

The **final law** can be publicly criticized. Amendments can be proposed. Expert studies can show the flaws of the law. Surveys can show that a law does not work in reality. And finally the Constitutional Council can be engaged in examining a law and declaring it null and void if it is incompatible with the constitution and human rights.





## **F) How to Develop a Lobbying Strategy:**

### **I) Preparation:**

Lobbying activists must be well prepared before they start their activities. They must **clearly know what they want** before they try to influence the public and the lawmaking process. They need to **be well informed** so they can answer the questions which the people they contact will inevitably ask them. They should **know about the different other possible solutions** and also about the position and arguments of people who are opposed to their goals. Finally it is necessary that lobbying activists present a **clearly formulated policy (political goal)** which they can explain in a simple and short way to everybody they contact

A good preparation takes four basic steps:

- **identify the **problem****

Example:

Women and children are beaten by their husbands/ fathers. They need effective and prompt protection against this domestic violence.

- **collect all available **information****

Example:

Make a survey about how big the domestic violence problem really is: 25-30 % of all Cambodian women suffer from violence. Find out how good the protection is. Survey result: In only very few cases victims are sufficiently protected by the police and criminal courts.

- **discuss different **solutions****

Example:

Different problem solutions are possible: a) To step up criminal punishment of the perpetrator (but fines and imprisonment leave family without support). b) Fast track divorce proceedings including enforced compensation and subsidy payment (but bad situation of single women with children) c) Immediate stop of violence by excluding violent man from his house for limited period of time by police/or civil law court order.

- **formulate a **policy** (= political goal )**

Example:

The abovementioned discussion of solutions has led to the conclusion that solution c) seems to be most appropriate and effective. The political goal (policy) therefore would be formulated like this:

- We want a special domestic violence law.
- This law shall authorize police/or civil law courts to order a quick exclusion of violent husbands out of the family house for a limited period of time.
- This brings immediate relief for the victim, cools down the husband and teaches them a lesson but leaves space for reconciliation and a future life for the family.



Once the lobby activists have developed a policy about what they want to propagate they need to **check their resources**. They have to do this before they draft a strategic planning of detailed lobbying activities. Otherwise they will waste time with planning steps that prove to be unrealistic concerning the actual means and resources the lobbyists really have.

Following questions have to be answered:

- what is the **timeframe**?
- what **resources** do we have? (personnel/budget/rooms)
- what are our **strengths/capacities**?
- what is the overall **cultural/social/political and economic context**?

## II) Detailed Planning of the Lobbying Activities:

There are four different questions to consider when planning lobbying strategies in detail:

- **who** shall lobby? (**Actors**)

**Single** citizen can try to lobby. But most likely this will be ineffective because politicians and the public usually only respond to bigger groups. A **group of individuals** can lobby thus combining their strengths, information, capacities and budgets. To make this even more effective they can form an alliance or an **association with other groups** who follow the same goal.

Example:

All the Khmer women groups who want to lobby for more rights and better laws to protect women joined each other in a big alliance called CAMBOW (Cambodian Organization of Women) to increase their impact.

- **whom** shall we lobby? (**Recipients**)

The **key actors** of the lawmaking process **must be identified**.

Example:

Who is the chairwomen/chairmen of the respective **commissions** (for example: “Commission of Women’s Affairs”) of the National Assembly and the Senate?

What other groups influence the lawmaking process (for example: **political parties**. Who in these parties is in charge of women’s affairs?). Who is the relevant civil servant in the **ministry** who drafts law texts? Which **single lawmakers** are interested in the topic and have signaled support? Where are these people? How can they be met, **contacted** or addressed (by email, personal talks)? What is their family **background**, political position? Where is their constituency, in which province?

- **when** shall we lobby? (**Timing**)

Example:

A good time could be short before elections as most lawmakers can be addressed directly when they tour their constituency district and try to raise support.

It may be good as well to choose the International Women’s Day for Anti Domestic Violence Activities because public interest is already focused on the women’s topic.



It may be an inappropriate timing for lobbying when other even more important topics are on the political agenda and catch the public attention (for example when everybody talks about the anti/Thai riots in January 2003).

- **how** shall we lobby (**Activities**)

There is a whole number of possible activities:

**Meetings** with key figures:

-single meetings: providing information and surveys to lawmaker, commission presidents, ministry officials, presenting a victim story (case study), asking and interviewing him/her

-public meetings, invitation to join seminar, conference, providing contacts with victims, arranging seminars

**Popular persons** support the lobbying topic:

Like for example public statements or letters of support or at least a signature on a prominent place of a petition list from actors/actresses, or from the King, or from sportsmen, or from singers or from authors/moviemakers.

**Example:**

The Women's Ministry Campaign produced a movie spot against domestic violence with a very famous Cambodian actress.

**Events** created as eye catchers for public:

Touring the province with information bus, theater plays, festivals, music (concerts), arranging competitions (drawing competition, cyclo race, essay writing on the lobbying topic), creating a special day, giving an award for lawmakers or other persons who have shown especially active commitment to the lobbying topic, public submission of an own law proposal by NGO to the National Assembly Chairman.

**Example:**

The Anti Malaria Campaign organized a cyclo race in Phnom Penh and published a comic book; the street children organized a Children's Parliament that raised the voice of street children and published their needs; the Anti Aids Campaigns toured the country with a puppet-show to teach people about the problem; the Cambodian Center for Human Rights arranged theater plays in the province about human rights topics.

**Mass actions:**

Handing over a public petition with many thousand signatures,/thumbprints; demonstrations in front of parliament;; a nationwide minute of silence for a special cause, candle light chains as a very peaceful way to show mass support.

**Example:**

The women's organization CABMOW organized a march of 600 women through the streets of Phnom Penh to raise awareness for women's rights.

**Media:**

TV/Radio Spots; open forum talks; letter to the editor; article in newspapers and magazines about the lobbying topic.

**Pilot case at court:**

Filing a claim with a law court in a special case with a lot of publicity. Using the court proceedings as a stage for publicity and showing problem to the public by an example case.

## Some good examples for lobbying activities in Cambodia:

The HIV/AIDS campaign toured the provinces with a puppet show (Phnom Penh Post, 21 July 2002)

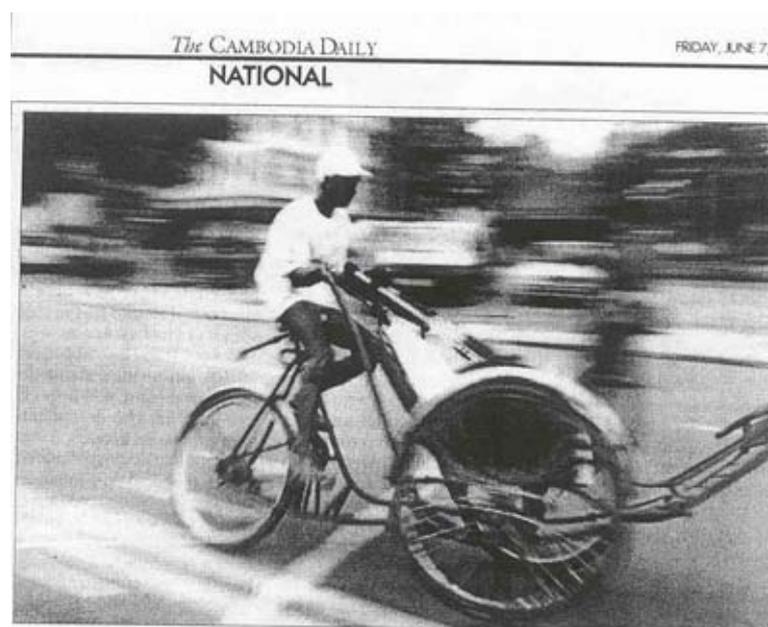


It's traveling puppet show. The performers illustrate to crowds of to 20,000 around the country the importance of safe sex.



Children addressed the lawmakers and published a list of clear wishes (Phnom Penh Post, 7 July 2002)

The Anti Tobacco Campaign lobbyists organized a cyclo race thus attracting a lot of attention for their goals (Cambodian Daily, 7 June 2002)



LUNG POWER - A cyclo driver powers by Wat Phnom Thursday during an anti-tobacco rally in Phnom Penh. Dozens of cyclo drivers in the capital participated in the race, which was designed to help draw attention to anti-tobacco campaigns. World Health Organization country representative Jim Tulloch said the event was timed to coincide with the World Cup, during which lobbyists have successfully pushed for a ban on tobacco sales.



### III) Golden Rules for Lobbying:

There are some rules that should be obeyed at every stage of lobbying activities to make sure these activities will be successful. (You can find a lot more of such rules looking at the different homepages of experienced lobbying and advocacy organizations -see below) but the following three rules seem to be the very basic ones.

- Keep it **short**
- stick to the **truth** and the **facts**
- avoid aggressiveness/be **constructive** and **polite**

The reasons for these rules are:

If you are not able to **present your cause in a clear, short and structured way** no one will listen to you. Policy goals must be formulated in a simple way so everyone can understand them. Lawmakers, bureaucrats, important officials usually do not have much time to listen. People in the streets normally also do not have much time for political discussion. Furthermore most of these target persons of lobbying may not be experts on the topic of your lobbying. So clearly tell them what exactly the problem is, what is your solution and what exactly you want to achieve and what the target person can do to support you.

#### Example:

If you lobby for a change of a constitutional article you should present the text of this article, show the text of your proposed amendment and name one or two reasons for your proposal.

Only if you stick to the truth you can have success. **Lobbying means persuading** and convincing people. It does **not** mean to **manipulate** them with tricks, untrue allegations and other such means. Give clear facts and information. Quote surveys. Publish interviews with victims. Present case studies. These are your tools to convince.

Judgments, accusations or aggressive verbal attacks will not help to create an environment of support for your cause. Therefore **being polite and constructive** is the only helpful way to be successful. Of course unpleasant facts and information shall be named and not be concealed but your target person must feel that you are interested in a positive solution of the problem that includes all involved persons. So be also aware of opposite views and groups who may dislike your ideas. Try to consider their position as well.

### IV) Helpful Internet Homepages for Lobbying:

A lot of international organizations provide ideas, tools and strategy papers for advocacy activities<sup>34</sup>. A look at their internet homepages<sup>35</sup> may be helpful to get more ideas how to lobby, what strategies to choose and so on.

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<sup>34</sup> The organization “PACT” which is also active in Cambodia offers training on advocacy for NGO.

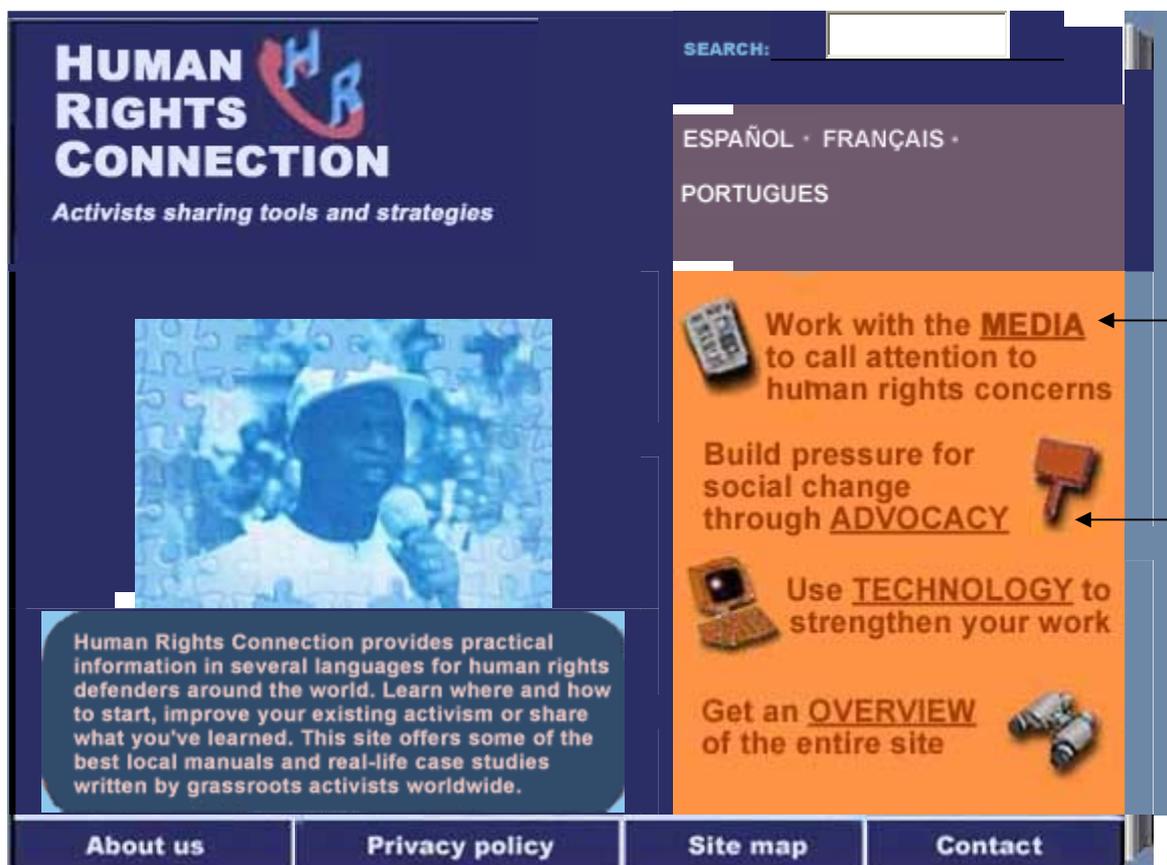
See [www.pactworld.org](http://www.pactworld.org)

More about PACTS advocacy training can be found at:

[www.pactworld.org/programs/sectoral/advocacy/index-advocacy.htm](http://www.pactworld.org/programs/sectoral/advocacy/index-advocacy.htm)



- 1) On the homepage of the United Nations High Commissioner for Human Rights you can find “More than **50 ideas** for commemorating the Universal Declaration of Human Rights” ([www.unhchr.ch/html/50th/ideas.htm](http://www.unhchr.ch/html/50th/ideas.htm)). The **list of suggested activities** gives quite a good overview of the actual state of advocacy techniques.
- 2) A lot of very useful practical information about lobbying and advocacy can be found on the homepage of the **Human Rights Connection** ([www.hrconnection.org](http://www.hrconnection.org)):



Click for example on “Media” to find useful information about how to use the media: Here you can find a guideline how to write a **press release** including an example text of a press release. Or you will find information about how to conduct **interviews** or how to give interviews. Furthermore you will find guiding on how to write a **letter to the editor**. All information texts include a lot of practical examples.

Or click on "Advocacy" and you will find a lot of guidelines for such different topics like “**Timing**: Matching the strategy to the moment”. When you click on “Advocacy” you will also find three **case studies** written by NGO practitioners that show how actual advocacy strategy worked in practice (for example about a Campaign against Child Abuse in India).

- 3) If you want to find a general article about all the details and strategies of advocacy and especially lobbying just have a look at the following homepage address: [www.advocacy.org.za/sector.php?sector\\_type=DB](http://www.advocacy.org.za/sector.php?sector_type=DB). When you click on this address you will find a long list of articles about different topics in chronological order. If you

<sup>35</sup> The organization “developmentgateway” provides a long link list to different kind of advocacy NGOs and related interesting articles:  
See [www.developmentgateway.org/node/130664](http://www.developmentgateway.org/node/130664)



look at the date: Thursday 12 December 2002 you will find one article named: **“A basic guide to advocacy and lobbying”** and **“Golden rules of advocacy and lobbying”**. You can load down this article and you will find a lot of recommendations on every aspect of lobbying which are useful in general although some of the information refers especially to the African state of Zimbabwe where this homepage was produced.



# Lobbying

Preparation
identify the <b>problem</b>
collect all necessary <b>information</b>
discuss different problem <b>solutions</b>
formulate a <b>policy</b> (political goal)
check your <b>resources</b>

Strategy
<b>who</b> shall lobby?
<b>whom</b> to lobby?
<b>when</b> to lobby ?
<b>how</b> to lobby ?

Golden Rules of Lobbying
keep it <b>short</b>
stick to the <b>truth</b> and <b>facts</b>
be <b>polite</b> and <b>constructive</b>