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# Influential Factors Affecting Business Lobbying in Brazil: An Empirical Study

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## Abstract

This article explores the factors influencing Business Lobbying in Brazil. Using Agency and Social Exchange Theories, the study uses qualitative research and multiple-methods approaches to analyze prominent Brazilian Business Lobbying. Six themes emerged: Technology Use, Government Relations within corporations, Monitoring and Engagement, Soft Skills, Customer Needs, Corporate Governance, Transparency, and Integrity. This research contributes to the Agency Theory by providing new perspectives on the relationship between principals and agents, and the Social Exchange Theory explores the social interaction between public servants and business lobbyists. The findings can be applied to other sectors, such as government NGOs, educational institutions, international organizations, political organizations, cooperatives, and partnerships. The study's significance lays the groundwork for future research, helping business policymakers enhance transparency and integrity and create an efficient and equitable framework for accessibility and availability.

**Keywords:** Business Lobbying, Brazil, Agency Theory

## 1. Introduction

Business lobbying can be advantageous in democratic systems but can also result in influential groups manipulating laws and regulations, leading to unfair competition and policy capture (Barbera et al., 2017; Battaglini, 2017; Little, 2016; Manacorda, Tesei, 2016; Petrovay et al., 2016; Beyers, 2004; Bouwen, 2004)). In Brazil, in the 1990s, due to the implementation of privatization programs, redefining the relationship between private enterprises and the state has been a challenge, requiring a more explicit and well-defined connection between private companies and the state, impacting the market economy (Enikolopov et al., 2020; Battaglini & Patacchini, 2019; Campante et al., 2018; Frye, 2002; Rasmussen, 2015). Additionally, the privatization programs have created a demand for professionals who can deal with companies (Dias & Navarro, 2017; Baumgartner & Leech, 2001; Baye et al., 1993; Bernhagen, & Mitchell, 2009; Bertrand, Bombardini, & Trebbi, 2014)

Although scholars have become interested in business lobbying over the past decades, it is unrealistic to assume that the factors influencing it are entirely known. Nonetheless, business lobbying has been widely studied (a) between countries (Dokuka et al., 2014; Falck et al., 2014; Edmond, 2013; Bond et al., 2012); as a fundamental part of (b) global trade (Woll, 2008); (c) influencing oligarchies (Frye, 2002); and (d) environmental groups (Gullberg, 2008); about (e) professionalization, strategy, and influence (Santos et al., 2017); or (f) organized interests (Lowery, 2007). In addition, business lobbying has been associated with public policy, democracy, and corruption (Dokuka et al., 2014; Falck et al., 2014).

Therefore, the factors influencing business lobbying in Brazil are indeterminate and are examined in this work. It is designed to capture the complex texture of Brazilian democracy as a valuable goal in its concept.

In addition, despite a 40-year discussion in Congress, business lobbying remains unregulated in Brazil. However, Brazil is not the only country facing this issue. Over half of the OECD countries still lack laws governing lobbying interactions with public officials (OECD, 2023), as illustrated in the following Figure 1:

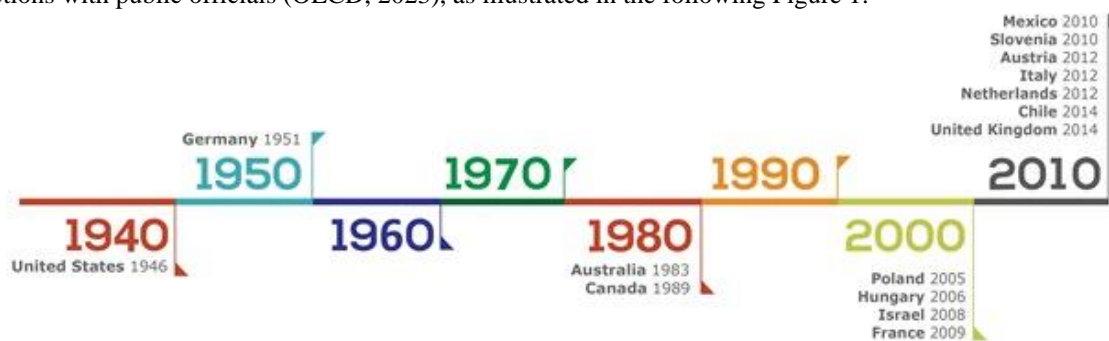


Figure 1: Timeline of Lobbying regulations. Source: OECD, 2023

As a result, influence may be illegitimate when exercised through dubious and illegal means (Cohen, 2007; 1998; 1997; Cohen & Malloy, 2014). Given this, narrow interest groups may attempt to monopolize influence, creating unnecessary and inefficient public policies that result in unsatisfactory outcomes and distrust in public institutions (Doner & Schneider, 2000; Drope & Hansen, 2006; Dür, 2008; Lowery, 2007).

We opted for the supporting Agency Theory because the relationship between the business lobbyists and their principals is relevant to this research (Eisenhardt, 1989; Arrow, 1985). In addition, we chose the Social Exchange Theory, which helps us understand the relationship between business lobbyists and public servants (Blau, 1964).

## 2. Background

After the dictatorship regime, a new democratic civilian government was elected in 1985, and a new constitution was enacted in 1988. A new era of Business Lobbying began after the privatizations that swept the Brazilian Economy after 1990 through the National Privatization Plan (Law 8.130/90).

On a global scale, Stopford, Strange, and Henley (1991) argued that while governments still maintained control over territorial boundaries and issued currency, they were increasingly weakened by the ever-increasing presence of private capital in the Economy. Globalization, then, swept the globe. Meanwhile, the Brazilian government considered it more appropriate to privatize banks, issuing concessions and services in Brazil (Teles & Dias, 2022). Consequently, the power of the government to control the Economy decreased, and the power of corporations increased (Stopford & Strange, 1991; Strange, 1992).

Finally, the research context is supported by the idea that in modern democracies, potent interests that attempt to influence government decisions, including policymaking, legislation, and the awarding of contracts, are an everyday reality (OECD, 2009). This work is limited to the company-government relationship. Other relationships, such as government-government and company-company, are not part of this work and should be investigated separately.

Therefore, the following assumptions are used here to explain the factors that influence activity in Brazil: (a) The lack of activity regulation highlights a risk of monopoly influence by narrow interest groups; (b) Influence may be undue when exercised through dubious and unlawful practices. (c) The lack of regulation of lobbying may unduly influence policymaking, and the resulting public policies may need to be more efficient, bringing about unsatisfactory results and distrust of public institutions. (d) The business lobby in Brazil has been an influential factor in shaping the country's economic landscape, leading to the Research Question: *What are the factors that influence Business Lobby in Brazil?*

### 3. Methodology

In this study, we opted for a qualitative, inductive study, following Saunders et al., 2009, adopting Focus Groups, or collective, semi-structured interview approach since it includes a predetermined list of questions and space for impromptu inquiries that could come during an interview, following Myers and Newman's (2007).

#### 3.1. Sampling

This article utilized three sampling methods: (i) purposive sampling, (ii) criterion sampling, and (iii) snowball sampling, as they were the most appropriate for the research. A purposeful sampling strategy was chosen because the data quality is more important than quantity. It would only be possible to comprehend the nuances of the analyzed phenomenon using a questionnaire. Because the following criteria were used to select participants and interviewees, criterion sampling was used: (a) Brazilians; (b) undergraduates; (c) from the Business Lobbying sector; (d) a minimum of 15 years of professional experience. The snowball sampling strategy was chosen because participants could assist in locating additional participants/interviewees. It was instrumental in the Focus Group, where, for instance, one participant (P#1) brought two additional participants (P#6 and P#7) to the session. Then, email invitations were sent to invite IT experts and interviewees from Brazil with at least five years of experience in the IT industry. Upon confirmation of their participation, an online chat was scheduled for 3 August 2023 at 20 h, conducted through the Zoom® platform. Raw data were collected and video recorded in MP4 format following the interview protocol.

### 4. Findings and Analysis

The Focus Group session gathered 18 participants and one facilitator, totaling 19 participants. The invitations (n = 20) were sent via Calendar, phone call, text, and voice mail, with a 90 percent response rate formalized via email to those who confirmed.

Prior to the commencement of the study, a disclaimer was presented to the participants outlining the absence of commercial intent, the voluntary nature of participation, the preservation of anonymity and confidentiality in regards to participant identities and company names for ethical and compliance reasons, as well as the freedom to withdraw from the study at any point. Ethnographic information pertaining to the participants is displayed in Table 1.

Table 1: Focus Group ethnographic summary

Participants	Job position	Local	Time of Experience (Years)	Gender (M/F)	Education Level
P#1	Executive Director	São Paulo	33	M	Doctorate
P#2	Director of Government Affairs	Distrito Federal	21	M	MBA
P#3	Journalist / Government Affairs Consultant	Distrito Federal	8	M	Undergraduated
P#4	Attorney / Government Affairs Coordinator	Distrito Federal	11	M	MBA
P#5	Translator / Regulatory Consultant	Distrito Federal	3	M	Undergraduated
P#6	Electronic Engineer / Professor	Rio de Janeiro	25	M	Doctorate
P#7	CEO	São Paulo	10	F	MBA
P#8	Corporate Attorney	São Paulo	10	M	Master
P#9	Executive Partner	Distrito Federal	19	M	Master
P#10	Executive Partner	Distrito Federal	11	M	MBA
P#11	Senior Consultant	São Paulo	16	F	Master
P#12	Journalist / Executive Partner	Distrito Federal	37	F	MBA
P#13	Government Affairs Director	Santa Catarina	12	M	MBA
P#14	Government Affairs Director	Rio de Janeiro	20	M	Doctorate
P#15	Executive Director	São Paulo	22	F	Master
P#16	Executive Director	Distrito Federal	25	M	MBA
P#17	Executive Partner	Distrito Federal	10	F	Master
P#18	Content Director	Distrito Federal	20	F	MBA
<b>Average</b>			<b>17</b>	<b>M (~84,6%)</b>	<b>Master (~30,8%)</b>

Note: Focus Group started on 28 August 2023, from 8:08 p.m. to 9:29 p.m.

Table 1 shows that 84.6 percent of the participants in the Focus Group session were male (15.4 percent female). The average time of work experience is 17 years. The participants were also mostly from the Southeastern Brazil (84.6 percent), 100 percent were business lobbyists. Finally, regarding the level of education, 100 percent are undergraduate, at least, while 30.8 percent are master's, and 15.4 percent doctors.

#### 4.1. Content Analysis

The raw data was transcribed and translated into English, resulting in 8,140 valid answers. The software NVivo® 12 - student edition was used to generate charts, including a frequency distribution, illustrated in Figure 2.

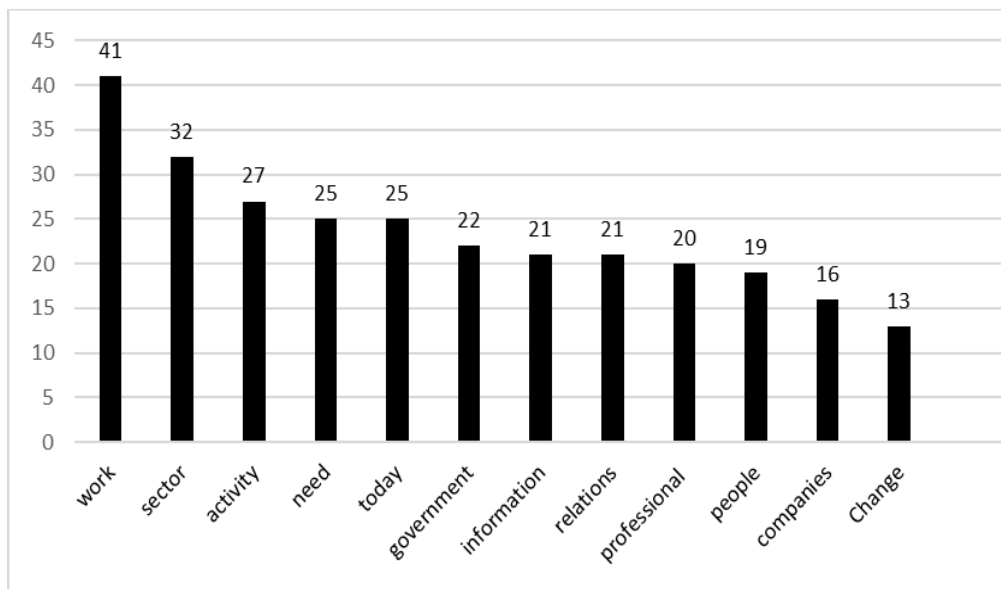


Figure 2: Focus Group Frequency Distribution. Source: NVivo 12 and dataset



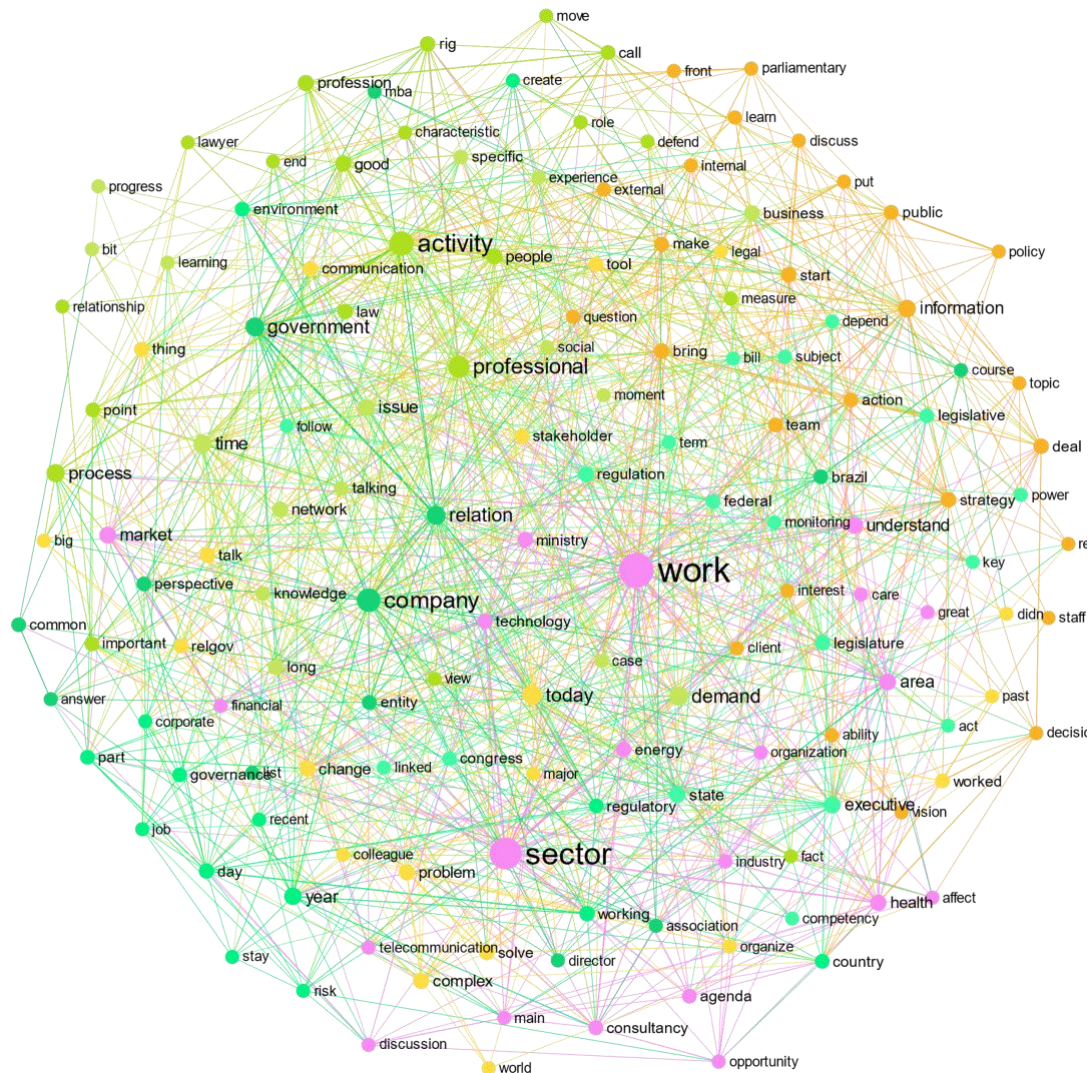


Figure 4: Focus Group Text Network. Source: InfraNodus Text Word Analysis

Figure 4 shows the cognitive diversity and a multitude of viewpoints within the debate. This methodology enabled participants to effectively shift between different levels of vision, including zooming in and zooming out, as well as varying degrees of intention, such as concentration and exploration. Consequently, it was possible to comprehend any speech's superficial and underneath layers, uncovering the primary themes and the inherent structural deficiencies. The focus group revealed a unique dynamic. Participants answered questions simultaneously, instead of sequentially, supplementing with additional comments at each participation round, providing powerful insights for analysis.

Next, the database was analyzed, following Strauss & Corbin (1990). A rigorous three-phase, iterative coding process, the open, axial, and selective codes were grouped into categories and subcategories, revealing six emerging themes after careful content analysis: (i) Use of Technology; (ii) Government Relations; (iii) Monitoring and Engagement; (iv) Soft skills, (v) Customer needs, and (v) Corporate governance. The emergent themes (categories) and subcategories are displayed in Table 2.

Table 2: Focus Group Coding: categories, subcategories and open codes

Themes	Theme 1	Theme 2	Theme 3	Theme 4	Theme 5	Theme 6
<b>Categories</b>	<b>Use of Technology</b>	<b>Government relations within corporations</b>	<b>Monitoring and Engagement</b>	<b>Soft skills</b>	<b>Customer needs</b>	<b>Corporate governance</b>
	large volume of activities	face-to-face communications	Virtual challenges	Communication	analysis	Capital markets
	large volume of information	remote communications	Lack of contact	Diplomacy	identify the customer's needs	business in general
	communication tools	government strategy	Socialization needed	Negotiation	organization	regulations
	efficient execution	heterogeneity	essential for engagement	persuasion	structured information	National Congress
<b>Subcategories</b>	Access to and efficient treatment of information update	essential for monitoring activities Stakeholder mapping		training		Legislative power / Executive power advocacy Transparency Integrity Legal terminology

#### 4.2. Cluster Analysis

Table 3 show the Cluster analysis, employed to avoid elite bias, following Myers & Newman (2007).

Table 3: Focus Group Cluster Analysis

Management Level	Themes	Theme 1	Theme 2	Theme 3	Theme 4	Theme 5	Theme 6
	Participants	Use of Technology	Government relations within corporations	Monitoring and Engagement	Soft skills	Customer needs	Corporate Governance
H	P#1	••	•••	•	•••	-	•••
H	P#2	••	••	•	•••	•••	••
H	P#7	•	•	•••	••	•••	-
H	P#13	•	•••	••	•	•	•••
H	P#14	••	-	•••	•	••	•••
H	P#15	-	••	•••	•	•••	•••
H	P#16	-	-	•••	-	•••	•••
H	P#17	••	-	•••	•••	••	••
H	P#18	••	•••	•••	•	•	••
M	P#3	-	-	•••	-	••	-
M	P#4	-	-	-	-	-	-
M	P#9	•••	••	•	•••	•••	•••
M	P#10	•	-	•••	•••	••	-
M	P#11	•••	•••	•••	••	•••	•
M	P#6	•••	•••	••	•••	•••	•
L	P#5	-	-	-	-	-	-
L	P#8	••	•••	••	•	•	••
L	P#12	••	-	•••	-	•••	-

Note: H=High; M=Medium; L= Low management level

Note<sub>2</sub>: (•) = Relevant; (•••) = Extremely Relevant; (-) =non-Relevant

Table 3 shows that not all participants agreed equally. For instance, Theme 3, Monitoring and Engagement, has been perceived as the most influential for the three management levels. The themes were found to be more relevant to certain management groups due to their different perspectives and weights.



## 5. Answers to the Research Question

The answer to the Research Question is that we found evidence to support six factors that influence Business Lobbying in Brazil, such as (a) the Use of Technology, (b) Government relations within corporations, (c) Monitoring and Engagement, (d) Soft skills, (e) Customer needs; (f) Corporate governance, including (f') transparency, and (f'') integrity; (g) Hard skills, and (h) legal uncertainty, detailed in the following paragraphs:

The analysis of the findings suggests that the (a) *Use of Technology* is a relevant factor affecting the Business Lobby activity in Brazil. Interviewee #12 highlights the negative impact of advanced technology on business lobbying, stating that it creates a distancing between public and private agents due to competitive issues and vulnerability. Introducing new technologies like Instagram and WhatsApp has significantly impacted phone companies, leading to significant regulatory changes. Interviewee I#1 states that “the improvement of communication channels, streaming capacity, peer-to-peer communication technologies were something that changed because there was no such thing in the past. In the old days, you talked to the person on the phone.” (I#1)

(b) *Government relations within corporations* are a relevant factor affecting the Business Lobby activity in Brazil. P#14 highlights the importance of metric recognition for business lobbyist activity, such as president recognition or subsidies to work within Congress or the Executive. However, there is yet to be a quick solution to this issue. P#13 emphasizes the relevance of government relations within corporations to business lobbyist activity, as it helps align the business’s radar with the specific demands of the business. This level of grip is sought through performance, ensuring that the business’s positioning and dialogue with Social Exchanges are well-aligned with the specific issues the business is experiencing. For instance, I#3 declared, “I think every self-respecting company, a big company, has to have a Government Relations (GR) professional. I say big because it has more representation. So, the question of the GR professional itself is who makes the approximation. I can joke here in the interview; I heard a person saying something that I found super interesting. GR is the entrepreneur’s Tinder® with the government.” (I#3)

(c) *Monitoring and Engagement* is a relevant factor affecting the Business Lobby activity in Brazil. Evidence suggests that Monitoring is a crucial aspect of business, with the use of technology, data, advanced searches, and robots significantly changing the daily Monitoring of matters of interest. It involves monitoring and following up on proposals for clients and engaging with Social Exchanges such as parliamentarians, public service executives, and those with influence on public policies and bills. Monitoring and engagement involve mapping opportunities and risks, establishing strategies to minimize risks, and capitalizing on opportunities for business improvement.

(d) *Soft skills* are a relevant factor affecting the Business Lobby activity in Brazil. Evidence supports the idea of the importance of pursuing soft skills in government relations, as it often involves working under pressure and dealing with last-minute client pressure. They also highlighted the need to develop relational skills, such as communication, rhetoric, and negotiation, to perform well in business lobbying. They also highlighted the need to understand legislative processes, the judiciary, and the Chamber of Deputies’ rites. The interviewees also highlighted the significance of investing in soft skills in government relations, as they generate factors that influence communication, negotiation, persuasion, and influence. The Social Exchange Theory supports the importance of mastering soft skills for public servants and government relations professionals in Brazil’s business lobbying activity. For instance, I#4 revealed that “I think it has to have a persuasion bias, it has to have well-defined negotiation characteristics because what we do is negotiate all day.” (I#4)

(e) *Customer needs* are a relevant factor affecting Business Lobby activity in Brazil. Evidence highlights customer requests’ complex and demanding nature, including organizing requests for essential issues in their National Congress and assisting in elaborating direct action strategies with parliamentarians. The back-office activity involves Monitoring, following up on proposals, and engaging with Social Exchanges like parliamentarians and public service executives. Customer satisfaction is based on a solid understanding of the business, not necessarily the person who is the interlocutor, and having the necessary support for arguments or defenses. In order to support this idea, evidence was disclosed by I#7: “The person mainly needs to know how to listen; he needs to have good listening. You need to be very cold-blooded to take the demands, work under pressure and know how to talk to

the decision-makers.” (#7) The Agency Theory suggests that public officials and government relations professionals should prioritize addressing Customer needs to enhance their effectiveness in corporate lobbying in Brazil.

(f) *Corporate governance* is a relevant factor affecting the Business Lobby activity in Brazil. Corporate Governance includes two subthemes: transparency and integrity, two out of ten pillars of business lobbying according to the OECD principles, which recommends ten principles, including enhancing transparency, fostering integrity, and implementing effective mechanisms for compliance and review, to ensure fair and equitable access to information (OECD, 2023). Corporate governance is a central theme for higher managerial positions. However, it is often overlooked due to the bias of Parliament in defending collective interests. Consolidated consultancies often have relationships with parliamentary fronts and civil society associations, making it easier to act on behalf of society. For instance, I#9 revealed that: “We have a governance linked to the top management of the company, and we always have definitions and guidelines that come out of this, this governance, this governance process.” (I#9)

In addition, two emerging subthemes were considered vital by the interviewees: (f’) business lobbying transparency and (f’’) integrity. Transparency is fundamental in corporate governance, prioritizing a company’s principles and goals over personal interests. It highlights the impact of the lack of corporate governance principles on government relations, particularly in business lobbying. Integrity is crucial in business lobbying, requiring executives and management to prioritize the firm’s values and purpose over personal interests. Maintaining honesty is vital for confidence in business lobbying and understanding corporate governance in Brazil. The Social Exchange Theory supports Corporate Governance, defined by rules and factors controlling a company’s operations.

## 6. Implications and Discussion

The first implication regards the term “Lobby” and “Business Lobbyist” in Brazilian Portuguese have a derogatory connotation associated to corruption, fraud, influence peddling, and favoritism, as stated by P#6: “interesting to mention how the term business lobbyist (*lobista* in Brazilian Portuguese, direct translation) is falling into disuse, whereas “government relations professional” is preferred,” (P#6), corroborated by I#1: “incredible how the term business lobby is misused in (Brazilian) Portuguese, always associated to corruption. The preference is for Government Relations Professional.” (I#1)

The significant implications and challenges for business lobbying law in Brazil regard legal certainty as a fundamental principle of the Rule of Law, once there is not a specific law regulating lobbying, representing interests before public authorities, while this article is written. However, some norms issued, such as the Code of Conduct for Senior Federal Administration, which establishes ethical principles and standards of conduct for public servants. This code prohibits general agents, including high-ranking authorities, from receiving benefits, advantages, or gifts in exchange for favors.

Furthermore, the Access to Information Law (Law No. 12,527/2011) allows citizens and organizations to request information from public bodies, which helps with transparency and social control. However, it is essential to highlight that the project is still under discussion and may undergo modifications before becoming law. Therefore, lobbying activity in Brazil still needs to be fully regulated.

## 7. Theoretical Contributions

We contributed to the Agency Theory and Social Exchange Theory by introducing a perspective on the relationship between the principal and the agent and the business lobbyist and the public servant. In sum, while the Agency Theory (Arrow, 1985) is focused on the economic and power relation between business lobbyists and their principals, the Social Exchange Theory helps understand the interaction between business lobbyists and government representatives (Thibaut & Kelley, 1959; Blau, 1964).

Regarding the theoretical contributions, improving the communications channels through *The Use of Technology* (Theme 1) provides new nuances and perspectives on the relationship, especially after the coronavirus pandemic, not foreseen by the Agency Theory, which was created before the advent of internet, and the improvements of Information and Communication Technology (ICT).

A second contribution lies in the improvement of the quality of the relationship through enhancing (b) Government relations and (c) Monitoring and Engagement, including (d) Soft skills, (e) Customer needs, (f) Corporate governance, (g) Hard skills, not anticipated by the Agency Theory.

The Social Exchange Theory is notable in examining and evaluating social interactions. If the pros are superior to the cons, one should keep the social interaction; otherwise, one should abandon the relationship. However, the Social Exchange Theory is not concerned with measuring the relationship. Therefore, Social Exchange Theory supports our findings. Nevertheless, assuming that a social transaction occurs only in one way is unrealistic.

Therefore, this research contributes theoretically to the Agency Theory by showing new nuances of the relationship between a business lobbyist (agent) and a given principal by presenting perspectives other than purely economics or power. In contrast, this research contributes theoretically to the Social Exchange Theory by showing new nuances of the relationship between a public servant (principal) and a business lobbyist (agent).

Finally, this research provides valuable insights for business lobbying improvement and regulatory changes. It is transferable to other sectors, such as the relationship between the government and (a) NGOs, (b) philanthropic organizations, (c) educational institutions, (d) armed forces, (e) charities, (f) international organizations, (g) political organizations, (h) cooperatives, (i) partnerships, to name a few types.

## 8. Future Research

It is recommended to conduct further research to strengthen the discussion on regulating Business Lobbying in Brazil. The Brazilian business lobbyists can be compared to business lobbyists from several nations, including entire regions like the Americas, Europe, and Asia. Statistical studies are being conducted to create an index that determines the rank of corporate lobbying. These studies are beneficial to researchers, decision-makers, politicians, Human Resource managers, corporate lobbyists, and other professionals.

In terms of propositions, we have adhered to the work of Johnson (2020), a frequent contributor to qualitative research articles who provides well-defined links that researchers might explore in future studies. Therefore, it is crucial to explore the following hypotheses in future studies: (a) The positive impact of mastering soft skills on business lobbying makes it intriguing to assess the potential connections between these aspects (variables) using statistical analysis.

Another topic for further investigation is "In what extent do soft skills influence the results of business lobbying?" It is recommended to conduct further research to better understand the influence of soft skills on the outcome of corporate lobbying in future studies.

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