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SOME HISTORICAL ASPECTS OF THE DEVELOPMENT OF LOBBYISM IN UKRAINE AS AN INSTITUTION OF PUBLIC ADMINISTRATION

NIKTÓRE HISTORYCZNE ASPEKTY ROZWOJU LOBBYZMU NA UKRAINIE JAKO INSTYTUCJI ADMINISTRACJI PUBLICZNEJ

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Abstract:

The article presents a research on the history of lobbying in modern Ukraine and the development of domestic lobbying during the Russian Empire, the period of the National Liberation struggles of the Ukrainian people and the USSR. The author focuses on the peculiarities of domestic lobbying, which was formed under conditions of a totalitarian system and transformed into post-Soviet years.

Keywords: lobbying activity, representation of interests, history of lobbyism

Streszczenie:

Artykuł poświęcony jest historii pojawiania się lobbyingu na terytorium współczesnej Ukrainy i rozwojowi lobbyingu krajowego w czasach Imperium Rosyjskiego, walki narodowo-wyzwoleńczej narodu ukraińskiego i ZSRR. Autor koncentruje się na osobliwościach lobbyingu domowego, który ukształtował się w warunkach systemu totalitarnego i przekształcił się w lata postradzieckim.

Słowa kluczowe: działalność lobbyingowa, reprezentacja interesów, historia lobbyizmu

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Statement of the problem in general outlook and its connection with important scientific and practical tasks

Lobbyism, as a complex socio-political phenomenon, has attracted the attention of researchers for over a century. The high social significance of lobbyism is due to a number of factors, in particular the nature of this phenomenon, which can be considered one of the mechanisms of state governance in a democracy; its popularity in the most developed countries of the world, which gives rise to a kind of political reflection; and high potential of its application, including in the context of counteraction to corruption.

Despite the fact that domestic studies of lobbyism during the Russian Empire and the USSR, they did not have a complex character. This phenomenon was quite common, and sometimes acquired features of systemicity, although it did not have the proper legal regulation.

Conditions have emerged that allow the emergence of a properly regulated civilized lobbyism that harmoniously fits into the system of state administration with the independence of Ukraine and the proclamation of a democratic, social and law-governed state only. However, there is currently no legislative regulation of lobbyism, ongoing discussions on this phenomenon in general and the appropriateness of its regulation in Ukraine in particular. The root causes of this situation lie, among other things, in the historical features of the emergence and development of domestic lobbyism, which determines the high relevance of the study of this process.

Analysis of latest research where the solution of the problem was initiated

The issue of study of lobbyism in general and the process of its appearance and development in domestic realities was devoted to the attention of a number of domestic and foreign scientists. The bases for this study were individual ideas, the works of the following researchers, namely: P. Hai-Nyzhnyk, O. Grosfeld, A. Yevhenieva, M. Lendiel, R. Matskevych, V. Nesterovych, A. Onuprienko, O. Porfyrovych, V. Savchenko, Ye. Tykhomyrova, V. Fedorenko and other researchers. However, the emergence of domestic lobbyism has many unexplored aspects and deserves more detailed attention of scientists.

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Aims of paper. Methods

The purpose of the study is an overview of the process of the emergence and development of lobbyism, as an institution of public administration in domestic conditions and analysis of the laws of this process.

Exposition of main material of research with complete substantiation of obtained scientific results.

Discussion

Numerous researchers in the development of business in the Russian Empire at the end of the nineteenth and early twentieth centuries mentioned the existence of significant influence of the then-time entrepreneurial structures on the state authorities in general and on the process of adopting certain legal acts.

The main institutions of lobbying at that time are trade congresses, business unions, advisory organizations (councils), exchanges. Consider each of them in more detail.

Trade congresses. All-Russia trade congresses were one of the first experiments of the union of entrepreneurs in the Russian Empire. Despite the fact that such congresses were held irregularly (as a rule once or twice a year), they made a significant contribution to the representation of the capitalist movement. As I. I. Shapkin writes in this regard, "they (congresses) should be regarded as one of the varieties of advisory associations of the commercial and industrial bourgeoisie, designed to identify, not treat" pain points "of the economy." Another important function of the congresses was to reconcile the views of different groups of the bourgeoisie, reconcile the contradictions and develop a common position for defending it before the government [1].

The first trade and industrial All-Russian congress of manufacturers, breeders and persons interested in domestic industry, held in St. Petersburg from May 18 to June 16, 1870. Participants of the congress were 428 people. In his work, together with representatives of business, were also attended by members of the government [2]. Thus, representatives of the bourgeoisie could directly convey their point of view to statesmen. Even without considering the high probability of financial motivation of the latter from the first and unknown results of these actions, the congress proved to be productive. On the basis of the work of the congress, resolutions were adopted on studying the working question, the rights of artels, organizations of trade and industrial representation were determined. Business unions. The main purpose of creating business associations was to promote the development of a particular industry, trade or a particular region. All of them were legalized by the government. To the circle of

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interests of these organizations belonged separate branches of economy, financial and trade-industrial agreements. The most influential unions of on the boundary of the XIX and XX centuries were the Society for the Promotion of Industry and Trade, the Imperial Russian Technical Society, the Society for the Economic Revival of Russia, the All-Russia Union of Trade and Industry. Let's consider the main distinctive features of each of them. Society for the Promotion of Industry and Trade was established in 1867 by entrepreneurs in St. Petersburg. It grew from business meetings held at the apartment of the timber industry V.F. Gromov and was able to unite in their ranks industrialists, large traders and officials of various ranks, famous Russian scientists and professors, representatives of the engineering and technical intelligentsia and the government aristocracy, who replenished income entrepreneurial activity, as well as noble entrepreneurs. At various times, the Society included Nafiliers Nobel, owners of the capital's shops Eliseev, owners of the Petersburg paper mill Vargunina. Honorary members of the Society were D. I. Mendeleyev, S. Yu. Witte, and since 1884 he was promoted by members of the royal family. In 1890, the Association consisted of 1,500 participants and had offices in Riga, Yekaterinburg, Nizhny Novgorod, Kazan, Astrakhan, Tashkent and other cities [2]. The Imperial Russian Technical Society, founded on April 22, 1866, is one of the oldest representative unions in the Russian Empire. The purpose of the establishment of the Society, according to the statute, was "the promotion of the development of technology and technical industry in" [2]. Main directions of his activity: conducting of educational lectures, organization of exhibitions and libraries, technical laboratories, assistance in development of technical education. The main method of promoting interests, in accordance with the statute, was "a petition for the government to take measures that could have a beneficial effect on the development of the technical industry in." By 1893, the Society, which had 13 offices throughout Russia, had 1627 participants [3]. The initiator of the establishment of the Society for the economic revival of was A. I. Putilin. The Society, which had a total of 269 branches, included bankers and industrialists of Petrograd.

The All-Russian Union of Trade and Industry, created on the initiative of P. P. Ryabushinsky, included about 500 different associations of entrepreneurs [4]. One of its main tasks, the Union considered the execution of their protagonists to the Fifth State Duma, and after the February Revolution - to the Constituent Assembly. This fact clearly shows the close connection between economy and politics.

Advisory organizations. The peculiarity of advisory organizations that distinguishes them from business associations, which by any means sought to lobby for the neces-

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sary decisions, was limited to advisory nature. The heyday of this form of lobbying activity dates from the period of the military and economic crisis of 1915-1916, and the main purpose of its deliberations was to assist the state in seeking an exit from an extremely difficult economic situation. The most influential council was the Central Military-Industrial Committee, created on the initiative of the great entrepreneur A. I. Guchkov [3]. This committee, distributing military orders among large entrepreneurs, had weight and authority in politics and acted practically as a parallel government.

Exchanges were the most significant group of representative organizations (more than 100 in 1913). The first exchange appeared in 1703 on the orders of Peter I. At first they were created only for trading activities, but gradually acquired representative functions, for a long time remaining the only form of representation of capital in power. The realization of the functions of representing and protecting the interests of trade and industrial capital before the "imperial" and local authorities, as well as society, was a feature of the Russian stock exchanges, unlike the western ones, where the functions of representation of business interests were performed by specially created bodies - chambers of commerce and industry. This feature is explained by the fact that since its inception, Russian exchanges have been closely linked with state power.

A major event in the development of the representative movement in the Russian Empire was the emergence of special legislative rules, which gave stock exchanges the right to exercise representative functions. In particular, stock exchanges have developed detailed proposals for the development of individual industries and trade.

The most influential exchanges, whose annual budgets ranged from 50 to 200 thousand rubles, were Moscow, Libava, Nikolaev, Nizhny Novgorod Fair, Kalashnikovsky Bread and others.

Several forms of organizations can be identified, with the help of which the individual bills were promoted, which had a direct or indirect relation to the interests of the bourgeoisie. These are all kinds of employer communities (the Moscow Community of Perfumery Manufacturers, the Union of St. Petersburg Owners of Printing Companies and Russian Entrepreneurs' Organizations, etc.).

Representative function for Ukrainian entrepreneurs was carried out by the General Imperial Association of Businessmen as the Council of the Congresses of Industry and Commerce, where they had their permanent delegates. This structure was accumulated in fact by all representative associations of the bourgeoisie of the Russian Empire and representing a peculiar association. In particular, as of 1908, it consisted of 200 members, most of whom had the status of representative associations [5, p.

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21]. Contemporary of these processes, Ye.S. Lurieu in the book 'Entrepreneurial Unions in Russian Law', published in St. Petersburg in 1914, emphasized that the role and significance of these organizations, their influence on various aspects of social and political life are beyond any doubt [6, p. 4]. As V.F. Nesterovych notes on the same subject, entrepreneurial associations of business in pre-revolutionary Russia had quite a significant influence on the process of adoption of legal acts. Labour, tax, customs legislation, public finances and many other issues of law-making were solved with the participation of representative economic unions and associations [7, p. 134]. All this testifies to positive changes in the field of promotion and protection of corporate interests of the business community, and therefore the formation of the domestic Institute of lobbying as an effective mechanism for the implementation of the interests of individual groups (mainly entrepreneurs) of the Ukrainian population in the Russian Empire. Of course, the lobbying of that time was not a little structured form, it was not planning and systematic, but it had a certain potential for development. The World War I, the February Revolution, and then the October Revolution put an end to the prospects of civilized lobbying, as well as in the Russian Empire as a state as a whole. However, Ukrainian lobbyism acquired a new life in the process of the National Liberation Struggle of the Ukrainian people of 1917-1922. Probably part of the active, conscious population of the Ukrainian lands laid the hope for the prospects of representing their interests, on the activities of the Central Council. Unfortunately, this body of state power was not able to realize such expectations. 'Posing the task of cultural and moral leadership of the nation, the leaders of the Central Council have previously stated their self-withdrawal from the leadership of the political and state-building and administrative-economic', the historian P. Hai-Nyzhnyk very accurately described this situation [8, p. 20]. Despite the high ambitions and proclaimed ideals, the leaders of the Central Council in the year failed to win the trust of the population, to build an efficient state apparatus, and even more so to ensure the representation of the interests of active groups of the population in the process of public administration. On April 29, 1918, there was an event that could be considered a significant stage in the history of the formation of domestic lobbyism, although it is extremely ambiguously evaluated by domestic historians, and is generally ignored by domestic researchers of lobbyism. That day, the All-Ukrainian Congress of Farmers, convened by the Union of Landowners and Ukrainian Farmers-Democrats, was opened in Kyiv. It was suggested at the Congress that PavloSkoropadskyi would be selected as the Hetman of Ukraine. With the support of large landowners, conservative officers and German occupation troops carried out a coup

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d'état, which resulted in the removal of the government of the Central Council from power. As it was noted by P. Hai-Nyzhnyk in this regard, the Ukrainian state secured the right to private property, the authorities took the course towards the construction of liberal capitalism (in economic terms) with a large share of state monopolies and an influential stratum of the great bourgeoisie and landowners. It was a dictatorial unitary state with a temporary restriction of democratic freedoms. At the same time, the Hetmanate was the state of the Ukrainian territorial nationalism of the modern model (the unionistic policy, Ukrainians were considered all citizens of a unitary state without distinction of ethnic origin, etc.), which was based on Ukrainian conservative traditions and ideology. Hetman's state has received the recognition of more than 20 countries in the world [8, p. 21]. Thus, the landowners, disappointed with the ideas and actions (and in some cases inaction) of the Central Council, actually committed an act of direct influence on state power. With the interpretation of this event, lobbying cannot be accepted as a manifestation of lobbying, since in all definitions lobbying is considered as an influence on public authorities carried out by a person or group of persons in order to promote their interests exclusively in a lawful way.

This coup undoubtedly can be considered as an example of radical advocacy of its interests from the side of more than 6 thousand 'authorized representatives', which formally represented the interests of 7-8 million peasant landowners from 9 provinces of Ukraine. The Congress was to become the public support of the coup, and to serve as confirmation of legitimacy, election of the new government to the broad masses of the country. The issue of the legitimacy of such influence remains controversial, as in the general issue of the legitimacy of any revolutionary events. The opinions of researchers diametrically differ as to the real support of this coup by the Ukrainian population. Thus, the modern Ukrainian historian V.A. Savchenko, refuses the hetman's coup in broad social support, noting that P. Skoropadskyi was not supported by either the Ukrainian revolutionary circles for which he was the 'landowner-exploiter' or the conservative Russian elements, who perceived him as a separatist [9, p. 217]. The opposite position is taken by P. Papakin, who argues that the coming to power of P. Skoropadskyi was supported by the broadest Ukrainian circles, arguing his argument by a number of arguments [10, p. 136]. We are inclined to a second point of view. One of the evidence of the broad support of P. Skoropadskyi is the lack of a negative reaction of Ukrainian masses to the actual usurpation of power. Thus, the events that took place on April 29, 1918 can be interpreted as 'aggressive lobbying' by the 'authorized representatives' of the All-Ukrainian Congress of

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Farmers, aimed at changing the ruling elite, the political course, and the current legislation. The events that could have been interpreted as lobbying influence in the Ukrainian lands were not observed after the collapse of the Hetmanate. All power was concentrated in the hands of the Bolsheviks at the end of the civil war of the early 20's of the 20th century on the territory of modern Ukraine. The 20th and 30th years were characterized by an increase in repressive pressure, a total curtailment of entrepreneurial activity, and the construction of a clear vertical power, headed by communist partyocracy. Soviet scientific thought, like politicians, rejected the possibility of the existence of lobbying, naming it as a 'product of American capitalism'. In such a situation, manifestations of lobbying can be considered as the appearance of 'favourites' of certain political leaders (initially V. Lenin, and later J. Stalin), who were able to promote their interests, often even to the detriment of the interests of the state. Thus, Marshal M.N. Tukhachevskiy promoted the comprehensive development of armoured troops (even donating to the financing of other types of troops), and the aircraft designer A.M. Tupoliev lobbied for the development and production of aircraft of a certain construction (including discrediting competitive design bureaus). In most cases, such actions were rather dangerous and 'lobbyists' risked everything at that time. In particular, A.M. Tupoliev spent several years in prison, and M.N. Tukhachevskiy was executed in 1937. Most researchers agree that a full-fledged Soviet lobbying (within which it can be considered in a non-democratic country) originates from the post-Stalinist USSR, when as a result of political rehabilitation, the intensification of intrigues at the top of the CPSU, interest groups that were in their infancy, began to gain political weight quickly, to increase their influence on the development of the economy and society as a whole. In this case, the specificity of lobbying was determined, as in the future, by two main factors, namely: the nature of the most interested groups and the peculiarities of the political system in which they had to act. The skilful demagogues, hiding behind the construction of a 'bright future' and 'workers interests' defended mainly the interests of individual enterprises, sometimes entire sectors of the economy, which generated a huge imbalance in the economy. Since the main feature of lobbying is representation in order to defend individual interests in state authorities, the presence of lobbying in the USSR can be considered indisputable. At that time, the interests of the region, the collective farm, the factory, etc. were defended by the Deputies of the Supreme Soviets Councils of the USSR and the republics in the State Planning Committee [11, p. 164]. During the reign of L. Brezhnev, a rather complex and balanced management system was formed. It included both industry vertical and regional system. Thus, the main role in the coordi-

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nation of industrial enterprises was played by sector ministries. In particular, the Ministry of Automobile Industry oversaw the automotive industry, the Ministry of Medium Engineering oversaw of the nuclear industry, the Ministry of General Mechanical Engineering oversaw the rocket and space industry, and the Ministry of Petroleum Industry oversaw the oil industry, and so on. The leadership of the ministries defended the interests of their industries in the CPSU Central Committee, the Council of Ministers, as well as in the State Plan and State Security [12, p. 27]. There was also regional lobbyism in addition to the sectorial lobbyism, where the interests of Moscow and Leningrad were traditionally considered key. The significance of other areas was determined by the presence of priority enterprises, their share in the economy of the country. So, if Kharkiv Oblast always had priority, due to relations to the lobbyist structures of the military-industrial complex and heavy industry, then the Ternopil Oblast appeared as a negative example of the implementation of ‘party and government plans’ in the resolutions of the Central Committee. Therefore it was funded by the residual principle. After the collapse of the USSR and Ukraine’s independence, proclaiming its power to build a democratic state, a situation favourable to the emergence of full-fledged lobbyism has developed. However, as O.V. Grosfeld quite rightly notes in this regard, there was a peculiar’ change in the paradigm’: the place of Soviet bureaucratic corporatism took on another hypostasis as oligarchic corporatism in the post-Soviet Ukraine. In the process of its formation, firstly, there were regional features of Ukraine, the lack of a centralized start, dispersion and even chaotic interaction between oligarchs and oligarchic groups with the state. Secondly, the absence of not only a national idea, but even a start-up socially important goal was immediately clear. Each group tried to use the current situation to achieve its purely group and selfish goals [13, p. 71]. To a certain extent, this situation has led to two following significant consequences: firstly, in the Ukrainian politics and among specialists and an extremely critical attitude towards lobbyism has emerged as a phenomenon; and secondly, any attempt to legalize lobbying, the formation of proper regulatory legislation was blocked, discredited, and is still going on.

Conclusions

Domestic studies of lobbyism had its origin in the 20th century. To a certain extent, lobbyism was considered by the scientists of the time of the Russian Empire, but only indirectly, as processes of influence on the adoption of certain decisions. Soviet studies of lobbyism as a phenomenon were mainly politicized, reduced to the ‘revelation’

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of lobbying in the capitalist world, and its naming as an exclusively negative phenomenon.

Despite the lack of proper studies, lobbying itself existed, albeit in somewhat specific forms, during the late nineteenth and throughout twentieth centuries. During the Russian Empire, pressure groups were the All-Imperial Association of Farmers (Council of the Congresses of Industry and Commerce) and other communities that had the proper political influence. A vivid example of lobbying during the National Liberation Struggle of the Ukrainian people can be considered a coup of April 29, 1918, as a result of which Hetman P. Skoropadskyi came to power in the then Ukrainian state. Lobbyism was manifested as the persistent advocacy by high-ranking party figures of the interests of individual enterprises, branches of economy, and regions in Soviet times.

With the proclamation of independence by Ukraine, a new stage in the formation of domestic lobbying began, which, given historical luggage, is characterized by a number of problems: the lack of regulatory regulation, the inertia of the thinking of the masses, and the corruption of politicians.

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