



Commission on Civil Society and Democratic Engagement

Request for written submissions to be given to the Commission, for possible inclusion in their report to Parliamentarians by **close of business – Thursday Oct 24th 2013**

1. **Question:** What sort of campaigning activity does your organisation want to do ahead of elections (irrespective of regulation at this stage)?

ActionAid UK campaigns against the structural causes of poverty. We wish to see all political parties take international development issues seriously in their manifestos and commit to tackling issues such as tax-avoidance by UK corporations which contributes to poverty in developing countries.

2. **Question:** Is policy campaigning important ahead of elections in a democracy? If so why, and what is your organisation trying to achieve?

Policy campaigning is vital ahead of elections. Areas of policy such as global tax law, which can be complex and opaque, have immediate and very human impacts that are most effectively communicated by campaigning charities like ActionAid UK. Mobilisation of the electorate on policy grounds puts pressure on political parties to establish a position on a particular issue and to prioritise it in their legislative programme, should they be voted into power.

3. **Question:** Is it right that voluntary organisations try to influence the policy positions of parties, elected politicians and candidates?

Voluntary organisations come in all shapes and sizes, with a multitude of different objectives. Some focus on the Victorian charity model whereby they collect money from privileged society on behalf of a defined group and redistribute it to them. While there will always be a place for such activity, increasingly campaigning organisations, especially those in the international development field, are focussed upon ending the long-term causes of poverty, rather than simply treating the symptoms.

ActionAid, for example, deals with structural issues as the role of international tax law in diverting revenue from the public purse in developing countries. Tackling these issues is a legitimate charitable objective, and is recognised as such by the Charity Commission and by governments across the world. But we cannot deal with poverty by simply collecting money from rich people or governments and giving it to the poor. We must instead campaign against the legal frameworks that

allow such inequality to occur. We do that internationally but we also campaign in the UK, focussing on the role the UK government can play in changing some of those rules. It is vital that we are able to campaign on these fundamental issues in the UK.

4. **Question:** Is it right that voters should understand politicians' policy positions and what voluntary organisations think about these positions? – or would that information unduly influence politicians?

The manifesto is both an established tool for political parties to demonstrate their policy positions and a public document. To suggest that we should legislate so that the information contained within a manifesto or any other policy document should only be used by the political party is to fundamentally misunderstand the modern democratic process. Campaigning organisations and individuals have the right and duty to hold political parties to account against what they propose to achieve in government.

A campaigning organisation's response on a particular issue should, of course, influence politicians and encourage them to reflect on their position.

5. **Question:** What are the principles that regulation of third-party campaigning should be based on?

Regulating the role of third-parties during election periods should be based on the Nolan principles of public life and should be focussed on parliamentary candidates and third parties being able to demonstrate their adherence to those principles.

6. **Question:** What transparency is needed in relation to donors who give money towards a campaign run by a voluntary organisation? (i.e. registration thresholds and how burdensome reporting should be – size of organisation, timescale ahead of elections)

Transparency is not just an issue in relation to third-party campaigning. The question should focus upon the influence of lobbying more generally and the role of large multinational corporations and how they influence government during an election period and after.

7. **Question:** Are you concerned about a current lack of transparency?

ActionAid agrees with our colleagues in the INGO sector that campaign for better transparency around the interactions between wealthy businesses or individuals and government in this country.

8. **Question:** Should regulation of voluntary organisations be based on those for political parties? If so, why? E.g. Should spending limits for voluntary organisations be based on a percentage of political party spending? If so why?

The spending limits on third-parties should remain at their current levels until a more comprehensive set of proposals is produced that outlines more clearly the mischief that third-parties create and a response that would resolve this effectively.

9. **Question:** Should definitions of campaigning activity for voluntary organisations be based on a percentage of political party spending? If so why? And do you have any thoughts about what the percentage should be?

See answer to question 8.

10. **Question:** Do you think the existing law regulating third party campaigning works – or are changes needed? What changes, if any, would you propose?

The current legal framework for regulating third parties is shared between election and charity law. The current definition in the Political Parties, Elections, and Referendums Act (2000) has always been too broad and poorly defined, creating uncertainty among campaigning charities. The strategy of much of the sector was to simply avoid controlled expenditure during the election period. A new definition of election activity should be created that allows organisations or individuals to exercise their freedom of speech without undue concern.

11. **Question:** Part 2 of the Lobbying Bill proposes to introduce changes to the current regulation of non-party campaigning ahead of elections – how do you think they would affect your organisation’s campaigning activity? You may wish to draw on plans for the next general election, or on campaigns you ran at the last election.

The amended Bill still brings us into scope if our activity ‘enhances the standing of parties and candidates’. The following could be included under that definition:

1)AAUK supporters write to the candidates in their constituencies regarding their position on tax-avoidance rules and their impact on developing countries. Replies are sent to AAUK where a staff-member uploads them to a website which it then references in other materials. It could be claimed in court that this work enhanced the standing of one or more candidate

2)AAUK joins a coalition of NGOs in the year before a general election, and campaigns to increase support for developing countries in the mould of Make Poverty History.

3)AAUK write a blog on our website that examines the recently published political parties’ manifestos against our charitable objectives.

12. **Action:** Please can you gather specific examples of campaigning activity that is planned or happened at the last election that:

See answer to question 11.

13. **Question:** Do you agree with the thresholds set for third parties needing to be registered with the Electoral Commission as set out in the Bill? Do you have any suggestions for what the thresholds should be?

See answer to question 8.

14. **Question:** Do you agree with the limits on constituency spending by third parties set out in the Bill? If you do not think the limits set out are right, what would be appropriate?

See answer to question 8.

15. **Question:** What do you think the particular effects of Part 2 of the Lobbying Bill will be on your campaigning in Scotland/Wales/NI?

ActionAid UK supports the concerns raised by our colleagues in other organisations that their campaigning spend in these elections would produce a ‘chilling’ effect on political discourse in these parts of the UK.

16. **Question:** Do you think there should be a pause in the passage of this legislation? How long do you think this pause should be?

The bill should be paused until there has been a thorough consultation with the voluntary sector, and then its passage through parliament should be in-keeping with parliamentary convention.

17. **Question:** If this Bill passes, how long do you think the Electoral Commission should take to consult civil society on its guidance?

The time taken by the Electoral Commission should be at least long enough for the 50 organisations that support this commission to meet with their representatives and then for the Commission to demonstrate their understanding of our concerns.

18. **Action:** Please share any other thoughts which you feel your organisation would like to share with the Commission on Civil Society and Democratic Engagement

One of the most significant weaknesses of this bill lies in its broad scope and its legal ambiguity. It is difficult to even enter into a public debate on its contents as much of what is proposed cannot be properly scenario-planned. In order for new laws governing elections to be successful, they need to be avoidable without undue risk or uncertainty.

Election law should start from a principle of supporting participation in the democratic process, not discouraging it.

For further information please contact Clare Hammacott, Commission Secretariat manager:
clare.hammacott@civilsocietycommission.info 07841 114999

For information: Guidance about what campaigning will be regulated

This is how the Electoral Commission currently interprets the types of material which are caught by the existing law. If you apply this test to the wider set of activities which the Bill will cover (including public rallies, press activity, research, staff time etc), you will get a feel for the kinds of expenditure which may go towards the new threshold of £5,000 in England (£2,000 in the devolved nations), after which registration and regulation will be required:

Material will meet this test if it promotes or opposes:

- *specific political parties*
- *parties or candidates that support particular policies or issues, or*
- *types of candidates – for example, candidates in a certain age group*

The material does not need to name a particular party or candidate. For example, it could be campaigning for a policy that is associated with one or more parties.

In almost all cases, an item will be campaign material if it:

- *identifies candidates or parties who support or oppose your campaign's aims*
- *sets out or compares the positions of particular parties or candidates on a policy that you are promoting*
- *promotes or opposes policies which are so closely and publicly associated with a party or parties that it is not reasonable to argue that the item isn't campaign material*

Sometimes, a political party may publicly adopt policies that you are already campaigning for. Your material will not become campaign material as a result of the party's decision, unless you:

- *publicise the political party's support in your subsequent campaigning, or*
- *alter or increase your campaigning activity on the policy as a result of their support*