



The role of ex ante impact assessment in Finnish law drafting

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Background

- Collaborative research with Finnish Environment Institute (SYKE) and National Research Institute of Legal Policy
- Funded by Ministry of Environment, Ministry of Justice, National Research Institute of Legal Policy and SYKE



Goals

- How impact assessment (IA) and research affect the law drafting process?
- What factors define this effect?
- How does politics affects the IA?



Data and methods

- Qualitative research on 26 interviews
 - Experienced law drafting officials
 - Experienced representatives of key interest groups
 - Members of three law-drafting working groups
- Three administrative sectors (environment, justice and social affairs and health administration)
- Viewpoint is law drafting in working groups



Factors defining the role of IA

- Political steering
- Resources
- Initiative
- Timing
- Factors related to the working group
- Factors related to ordered IAs/researches
- Hearing and statements
- Media



Layers of the factors

- We found that there are primary, secondary and indirect factors that are in interaction between each other
- Primary factors
 - Political steering, resources, initiative
- Secondary factors
 - Timing, factors related to the working group and separately ordered IA, hearing and statements
- Indirect factors
 - Media, know-how in ordering IAs



Interaction between factors

- Primary factors define the frames for each law drafting process
 - The stricter the frames, the less impact secondary factors have
- Secondary factors affect within the frames
- Indirect factors affect primary and secondary factors, not directly to the impact of IAs



What's politics to do with IA?

- We found that politics can (but necessarily does not) get part of IA through different factors
 - Closely related especially to primary factors
 - More or less related to secondary factors
- Two types of steering can be seen: open and general steering and steering inside the process that can not necessarily be seen but does exist
- Drafting officials saw themselves and IAs as neutral and objective part of the process
- Altogether there seems to be tension in the role of IA: on one hand it is a way to make politics transparent but on the other hand it may be the way to cover the impacts of politics