

# Long term planning in law-drafting and legislation

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Professor Anssi Keinänen  
University of Eastern Finland  
UEF Law School  
[anssi.keinanen@uef.fi](mailto:anssi.keinanen@uef.fi)

University Lecturer Niko Vartiainen  
University of Eastern Finland  
UEF Law School  
[niko.vartiainen@uef.fi](mailto:niko.vartiainen@uef.fi)

# The structure of the presentation

- What is (strategic) foresight (or long term planning) in Finland?
- Long term planning in law drafting
- How to use information from long term planning more efficiently?

# Legislative studies at the UEF – A short introduction

- A small major subject in the UEF Law School
- Focus is on the following themes:
  - Quality of law-drafting
  - Enforcement and inspections
  - Regulatory impact assessment
- Cooperation with ministries
  - E.g. education for ministries' law-drafters; 1,5 year long programmes
  - Research projects
- Main focus is to produce information and studies for ministries and decision-makers in Finland
- Courses are related to law-drafting: regulation theory, empirical legal studies, law and economics...

# What is (strategic) foresight (or long term planning) in Finland?

# Foresight (long term planning) in Finland

- Finland already has an **advanced national foresight system** and can be regarded as a **pioneer in future-regarding policymaking**.
  - The Committee for the Future in the Parliament was established in 1993 and the first Report on the Future was submitted that same year.
- **Geographical** (e.g. cold winters) and **geopolitical location** (Soviet Union/Russia) → preparing for “everything possible and even impossible”.
- Foresight is divided into two types of foresight: **basic foresight** and **strategic foresight**.
- Basic foresight information is produced by many different actors in Finland.
- Strategic foresight refers to the choices made by **political actors (e.g. government)** by utilizing foresight information in strategic planning, decision-making and preparedness.

# The actors of Finland foresight system

- Many operators of foresight: universities, companies, institutions, ministries, municipalities...
- Prime Minister's Office **try to coordinate** activities so that forecasting information is widely available.
- In Finland, foresight can be studied in many places (e.g. universities, universities of applied sciences).
- Strong foresight education together with a strong foresight culture guarantee that foresight skills are at a good level in Finland...
- ... But resources reserved for foresight in ministries are scarce.

# Actors in foresight process in administration

- Many groups/organisations exists: 1) Ministries' foresight working group, 2) Government foresight group and 3) National foresight network, 4) The Committee of the Future in the Finnish parliament
- Foresight is done **in all ministries** and ministries are involved in the ministries' *foresight working group*, which
  - coordinates *the Government's joint foresight work*,
  - acts as a mediator of forecasting information and a forum for communication in the Government level, and
  - works as a cooperation network of ministries in the preparation of **the government's future report**.
- The representatives of the ministries involve experts from their own administration and networks.

# Government Foresight Group (GFG)

- The *Government Foresight Group* is an **expert group** that supports the Government's foresight activities and the work of *the National Foresight Network*.
- GFG is located in the **Prime Minister's Office**.
- The main objective of the expert group is to **develop and strengthen the links between foresight activities and decision-making processes**.
- The Government Foresight Group serves as an **advisory body** in the preparation of the **Government Report on the Future** and the **ministries' futures reviews**.
- The Government Foresight Group also **supports national foresight cooperation** and promotes development and public awareness of foresight work at the national level.

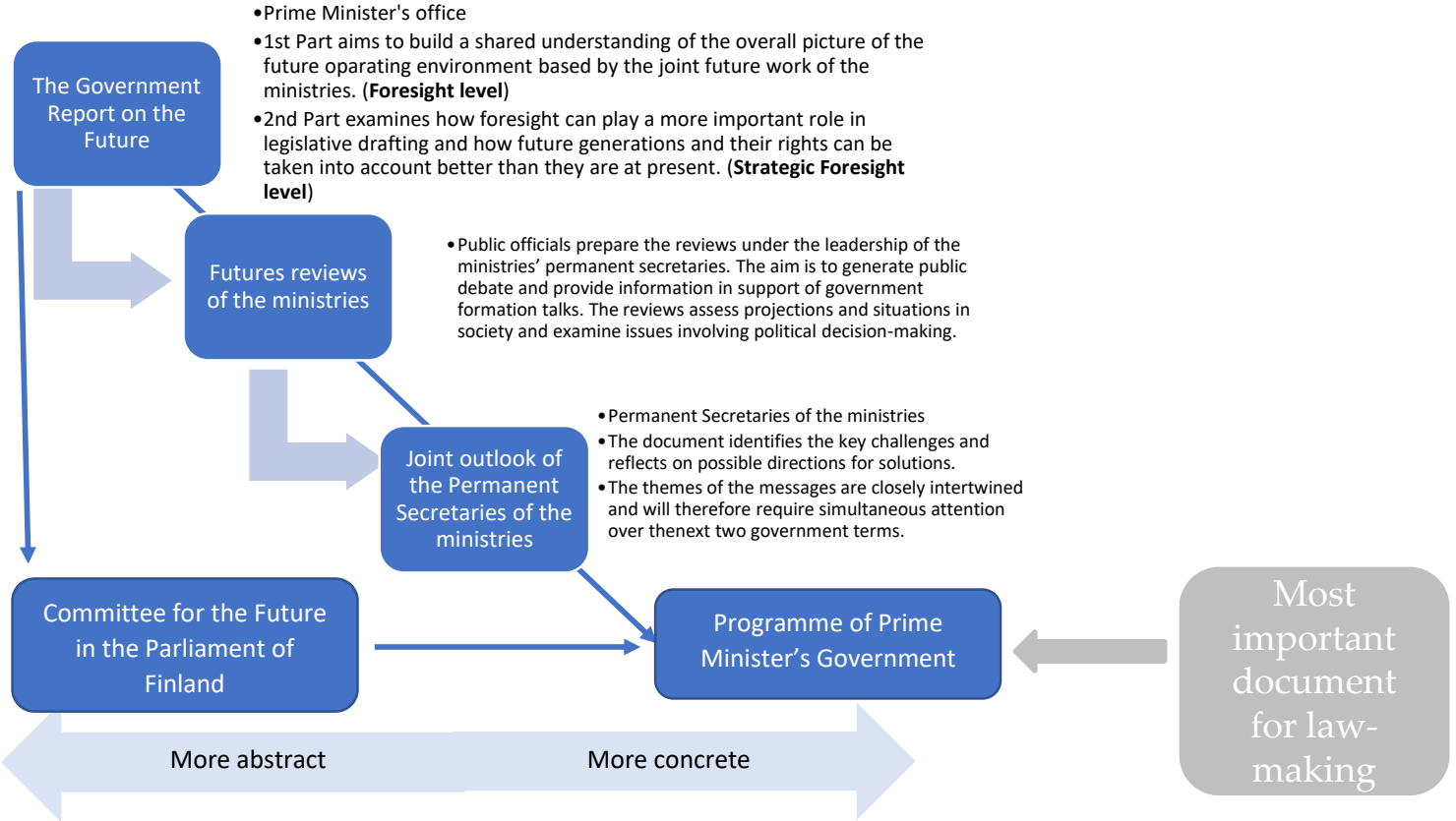
# The National Foresight Network

- The National Foresight Network brings together Finnish foresight data producers.
- The network is coordinated by the Prime Minister's Office and the Finnish Innovation Fund Sitra.
- It functions as a **discussion and coordination forum** for foresight operators and organises various events.
- Foresight events are open meetings.
- The topics and content of these events vary and they feature foresight presentations, training events and networking opportunities.
- They are open to anyone interested in foresight and futures research.

# The Committee of the Future in the Finnish parliament

- One of the key actors in foresight in Finland is **the Committee of the Future in the Finnish parliament**.
- Committee's mission is to **generate dialogue with the Government and the Parliament** on major future problems and opportunities.
- At least once during the Government period (4 years), the government gives a report (Government's Future Report) on long-term future prospects and the government's targets which is submitted from the Prime Minister's Office to the Parliament.
- The main task of the Committee for the Future is then to prepare the **Parliament's response** (Parliament's Future Report) to the Government's Report on the Future.
- By this way Finnish Government and Parliament can **recognize important political themes at an early stage** that different alternatives and policy lines are still completely open and under development.

# The main foresight documents



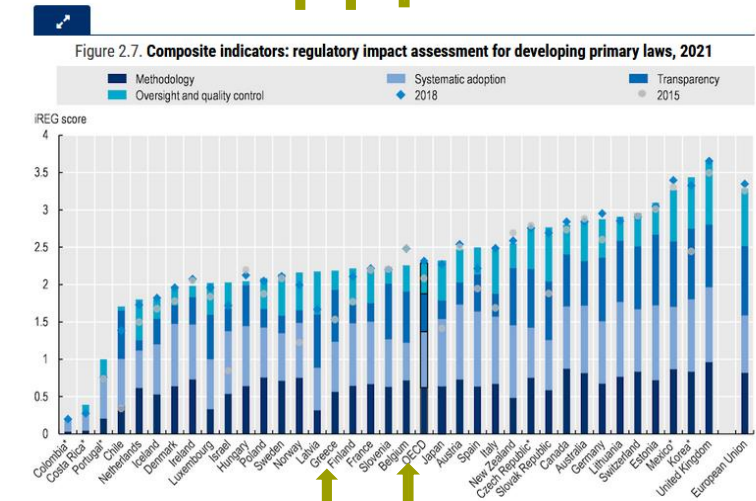
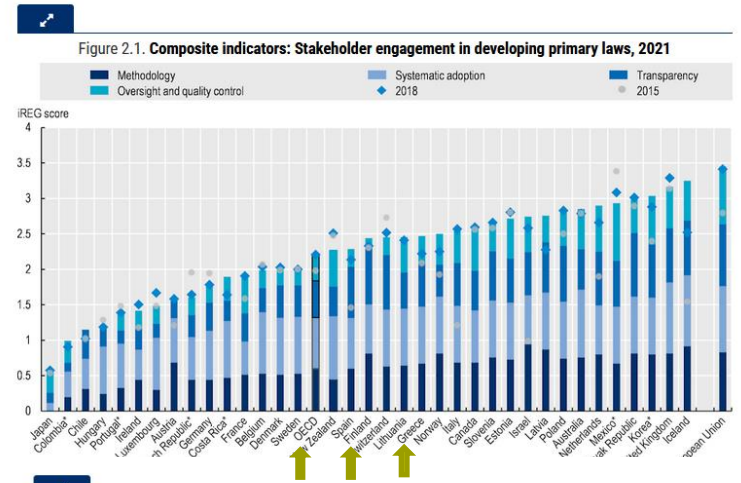
# All looks fine, but...

- Resources in ministries are scarce. → With better resources and more systematic foresight management in ministries, it would be possible to get **better effectiveness** for foresight work.
- Although strategic foresight work has been performed in Finland for several decades, **proper cooperation between ministries** has only started to be implemented in recent years.
- Producing foresight information is at good level, but there is lack of utilization of foresight information in decision making.

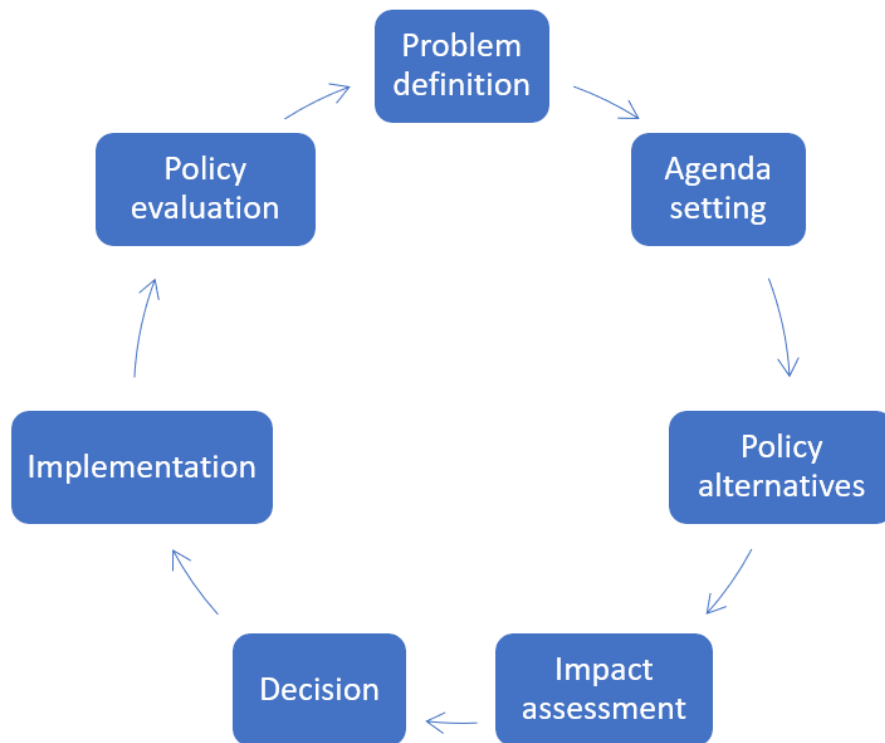
# Long term planning in law drafting

# Law-drafting in Finland and Greece: a lot of similarities

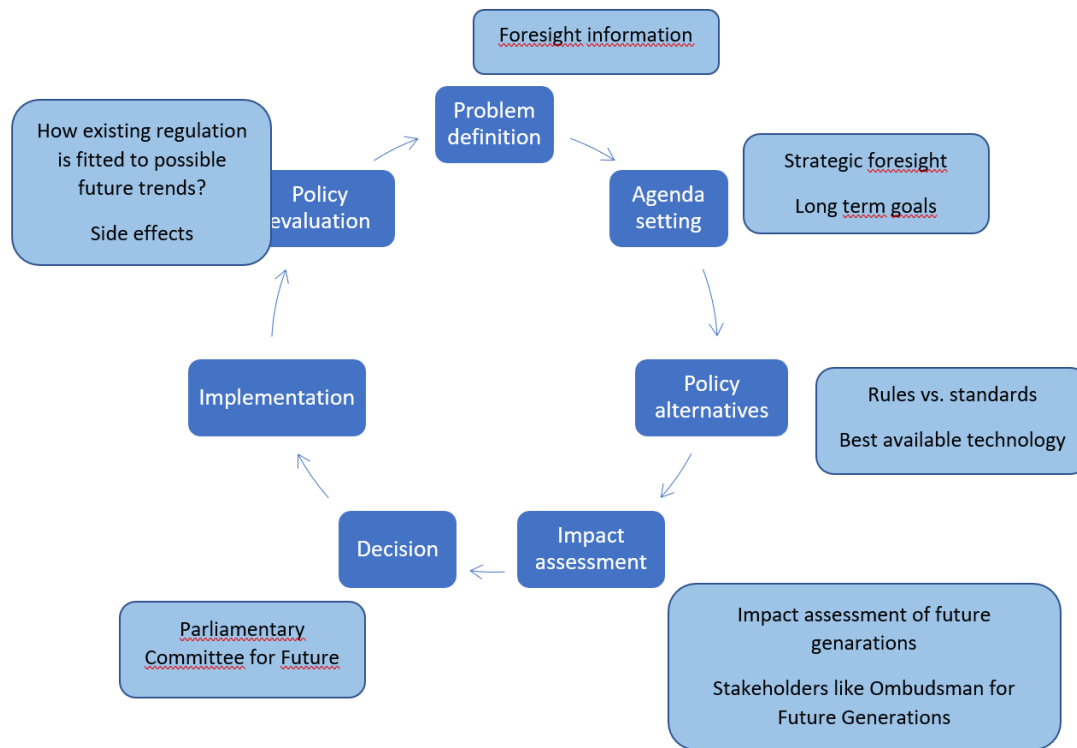
- Bills are generated within government
- Process of drafting legislation is weakly regulated, where as the Parliament process is detailed regulated
- Law is the main regulatory methods
- Education of drafters is low
- Better coordination in law drafting at governmental level in Greece (?)
- Quality of ex ante impact assessment is moderate in both countries



# Basic policy cycle



# Foresight related policy cycle



# Some identified problem points for the realization of the policy cycle

- Impact assessments are accomplished narrowly and alternatives are not considered properly
  - Lack of expertise
  - Lack of resources
  - Lack of research and data
- Even properly accomplished evaluations might not necessarily have a great position in decision-making – Political guidance
- Disputes between decision-makers
- Ex post impacts assessments are conducted unsystematically
- These problem points are relevant not just for the law drafting in general, but for the future planning as well

# Foresight related regulation network (phenomenon-based regulation)

- Law drafting should consider the main future targets as a whole
- One single law or single ministry cannot solve complex societal problems (etc. ageing, government debt, carbon neutrality)
- This means:
  - Cooperation between ministries
  - Identification of the joint effect of proposals on a certain phenomenon
  - Long term political planning instead of one electoral term
  - Future planning should be included in the government program

# How to use information from long term planning more efficiently?

# A few recommendations from Finnish perspective

- Political guidance should be conducted after the groundwork (evidence-based decision-making)
- To utilize foresight information comprehensively, unsystematic and fragmented information should be coordinated
  - Prime Minister's Office is a natural choice in Finland
- Future planning should be integrated to the drafting of individual regulatory projects and impact assessments in a way that it considers the joint and long term effects
  - For example future generation impact assessments to the law drafting guidelines
- Strengthening the position of the Committee for the future as a statement committee
  - Statements from the most central legislative projects

- Future planning establishes the role of experts in law drafting – How to ensure the stakeholders participation in law drafting?
- Systematical utilization of both, ex ante and ex post impact assessment, should be part of an "everyday law drafting"
- A change in law drafting mindset – From reactive to proactive law drafting
- One way to improve the quality of future planning is to improve the problem points in the law drafting in general

# References

- Airos – Ahlqvist – Knudsen – Mutanen – Rapeli – Schauman – Setälä - Taskinen – Taylor (2022): Strengthening foresight and the role of future generations in Finnish lawmaking. Prime Minister's Office. Policy Brief 2022:33.
- Mousmouti (2020) Legislation in Greece. In Karpen, Ulrich , and Helen Xanthaki. Legislation in Europe: A Country by Country Guide. Oxford: Hart Publishing, 2020.
- OECD (2021) Regulatory Policy Outlook 2021.
- Uusikylä – Keinänen – Vartiainen – Ervasti – Salminen – Kettinen – Lintinen – Köppä – Lindström (2023): Towards High Quality Law Drafting. Quality Indicators of the Law Drafting Process in Finland – English Summary. Publications of the Government's Analysis, Assessment and Research Activities 2023:37.

*Thank you!*



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