Legislative Impact Analysis of the NARS: Current Status and Future Challenges

Aug. 2015

Woong-Jo, You
(NARS, Republic of Korea)
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1. A brief history of LIA in Korea

Definition

- Legislative Impact Analysis (LIA)
  - assessment or evaluation of the impact of the legislation (*ex ante, ex post*)

- Cf: Regulatory Impact Analysis (RIA)
- **Terminology**
  - Germany, Switzerland: *Getzesfolgenabschätzung: GFA*
  - France: *étude d’impact*
  - EU: *legislative impact assessment*
  - US, UK: *evaluation of legislation, legislative impact analysis, legislative impact assessment*
  - Korea: *legislative impact assessment (evaluation)*
  - NARS: *legislative impact analysis* (more cautious expression)
Short history of LIA in Korea (1)

- First article in 2002, first PhD thesis in 2004
- Some high ranking officials of National Assembly and MOLEG advocated LIA
Short history of LIA research in Korea (2)

- Korean Legislation Research Institute (KLRI) leads LIA research (LIA Research Center)
- MOLEG supported KLRI’s LIA research with funding
- Many law professors urged the necessity of LIA in the legislative process
2. Increasing demand for LIA

- Flood of Bills

Figure 1. Numbers of Bills Submitted (12th~18th National Assembly)

Flood of Legislation

Figure 2. Numbers of Bills Passed (12th~18th National Assembly)

Flood of Laws and Regulations

Figure 3. Numbers of Laws and Regulations (1984~2014)

Source: Ministry of Government Legislation, Statistics of Laws and Regulations
Various impact assessment (IA) systems

- RIA introduced in 1998
- Gender Impact Assessment, in 2005
- Corruption Impact Assessment, in 2006

- However, these only focused on the administrative regulations, decrees and bills prepared by the executive body

- Lack of IA system on the lawmakers’ bill

- Strong Voices for the IA on the MP’s bill
- NARS began study on LIA
3. LIA of the NARS: Achievements and Challenges

- From a voluntary study activity to a budget-based project
  - 2008: a voluntary group was formed to conduct a study on LIA
  - 2010: NARS launched the LIA TF for a pilot study
  - 2011: LIA pilot study became a budget based project
Achievements (2010 ~ 2014) (1)

- 57 LIA case studies
  - 20 case studies were published in the LIA report series
- Mostly focused on *ex post* LIA
  - 19 case studies are *ex post* LIA
  - 1 case study is ex ante LIA

Is *ex ante* IA similar to “Skating on thin ice” or “astrology”?
Achievements (2010 ~ 2014) (2)

- 8 research projects (outsourced)
- 7 books
  - *LIA TF Annual Reports* (2010 ~ 2014)
**Achievements (2010 ~ 2014) (3)**

- **7 Open Seminars Series** including the presentation on case studies
- **11 Capacity Building Programs** focused on statistical literacy
- **2 Expert Consultations** on methodology
- **25% of Staff members** gained practical LIA work experiences
• Challenges

• No legal basis
  → LIA at NARS is only an ‘experimental project’

• No unit or department in charge of LIA
  (TF is just a temporary team.)

• Insufficient expertise

• lack of optimized analysis tools
4. Prospects of LIA in Korea

- Future of LIA in Korea is promising
  - Growing demands from civil society
  - Motions from MPs to introduce IA systems
  - Some local councils have enacted ordinances for LIA

- NARS should be prepared
  - A regular unit responsible for LIA should be established
  - Recruiting experts and training staff
  - Secure MPs support for LIA (Top priority)
    → Institutionalization of LIA
      (need to amend the National Assembly Act and the NARS Act)
Thank you