

SUMMARIES

The Constitutional Reform in Finland: Background and Perspectives

by Jaakko Nousiainen

The constitutional reform now under consideration got its most direct incentive during the latter half of the 1960s from the 50th anniversary of the national independence and the present Constitution Act. The first intermediary goal in the procedure has now been reached: the parliamentary commission in charge of preliminary work has given its first report, meant to serve as a basis for ensuing public discussion and opinions to be asked from various interest groups.

The core of the matter is contained in the following sentence in the original mandate of the commission: »The commission shall investigate how the position of the Parliament as the central political institution can be strengthened and the parliamentary system of government developed. Moreover the commission shall examine how the provisions dealing with the legal status and election of the President of the Republic could be developed.» In many circles this expression has been interpreted to mean the revision of the juridical norm structure and the entire political system in the direction of more normal European parliamentarism. The basic and largely controversial themes of the reform design can be condensed as follows:

- A. Institutional decision-making
 - Separation of powers v. parliamentarism (role of the President and the judiciary)
 - Parliamentary division of labour and sanctions (Parliament v. Government and bureaucracy)
 - Specific problems of collective decision-making (e.g. requirements for qualified majorities in the Parliament)
- B. Subjects and citizens: legal protection and participation
 - Basic rights (modern social rights, protection of private property)
 - Equality before the law
 - Citizen participation (elections, party system, direct democracy)
 - Economic power and political democracy

The preliminary report largely reflects the diverging ideological and interest-based constitutional views of the politically committed member groups. The majority of the non-socialist members of the commission endorse the prevailing constitutional structure which combines traits of both presidential and parliamentary government and are ready to suggest only minor modernising revisions. Social democrats and communists, on the other hand, strive for a through-going reform, based on an assembly government model of democracy. On most central issues the commission is thus badly split. Because the commission, instead of giving final recommendations, only makes comparisons between alternative models and reveals its disagreements as separate hypothetical conclusions it is difficult to predict the substance of the final product. It is only after the final report has been submitted that the question will be taken up for legislative consideration by the Government and the legislature.

Toward Parliamentary Foreign Policy?

By Osmo Apunen

The lines of responsibility and the limits of decision-making in foreign policy of the President of the Republic on one hand and the Cabinet and the Parliament on the other hand are the central issues in the proposals for the reorganization of foreign policy management put forward by the Constitutional Committee. The Committee split clearly into »alarmists» and »reformers» over its views of these issues. In addition to the problems it discussed the Committee has established that there is a possibility to insert in the constitutional laws clauses pertaining to the substance of Finnish foreign policy. However, this is something the Committee did not go into any further.

As to the question of organizing the lines of responsibility between the state organs, the majority of the Committee proposes that the President in making foreign policy decisions be tied to the opinion of the Cabinet majority. The minority of the Committee wants to retain the present extensive powers of the President.

The author sets out from premise that the reform of the Constitution should, as far as foreign policy is concerned, be based on the execution of the actual tasks set by foreign policy. Instead of appealing in argumentation to how the things have been in the past, one should draw attention to how the things are now and how they will apparently turn out in the future. He then distinguishes between four different fields of activity: the preparation and execution of individual foreign policy decisions, the monitoring of the overall development of international relations and the internal and external supervision of administration; internal supervision referring to the guidance and surveillance exerted by higher authorities vis-à-vis lower ones and external supervision being manifested in the mutual relations of key political organs.

In the opinion of the author the Constitutional Committee has too narrowly concentrated on only one of the four fields of activity: external supervision, or the power relations between the President, the Cabinet and the Parliament. The author argues that the rapid growth and specialization of international interaction has given rise to a paradox as far as the overhaul of the foreign policy machinery is concerned. On one hand, the fact that international affairs have branched out into the domains of a number of Ministries has brought about such a multiplicity of details and special knowledge that highly centralized decision-making easily loses its hold of totality. Some foreign policy decision-making power has in fact shifted to different administrative organs regardless of constitutional provisions. On the other hand, the superabundance of details also frustrates, in the view of the author, the system proposed by the majority of the Constitutional Committee, i.e. tying the President to the opinion of the Cabinet as a whole, because the adequate briefing of all Cabinet members is likewise an insurmountable task. In view of this, the author opines that the discharge of foreign policy tasks should be organized so that the decisions would be taken by the President and those ministers whose portfolios comprise a great deal of international intercourse. Such a reform measure would in the first place concern the Cabinet Committee on Foreign Relations.