

Chapter 2

The Pervasiveness and Persuasiveness of International Regulatory Cooperation in the ASEAN and New Zealand – Research Findings

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The Pervasiveness and Persuasiveness of International Regulatory Cooperation in the Association of Southeast Asian Nations and New Zealand – Research Findings

Derek Gill and Edo Setyadi

1. Introduction: International Regulatory Cooperation in East Asia

Chapter 1 discussed how international regulatory cooperation (IRC) has become increasingly widespread throughout the world, but that relatively little is known about IRC amongst Association of Southeast Asian Nations (ASEAN) countries and, more broadly, Asia and the Pacific region. The research outlined in this book aims to address that gap. IRC is a multifaceted phenomenon that raises the following questions:

- (i) Why undertake IRC?
- (ii) With whom do countries cooperate? (arrangements can be bilateral, subregional/regional, plurilateral, or multilateral)
- (iii) How intensively do the countries' regulators cooperate (from informal networks of national regulators, through to formal regulatory partnerships and harmonisation)?
- (iv) To what depth do they cooperate – regulatory policies (making rules); regulatory practices (interpreting, applying, and enforcing rules); or regulatory organisational management (supporting rules administration)?
- (v) Which IRC structures do they use (international organisations, agreements, regulatory chapters included in free trade agreements (FTAs), or other mechanisms)?

This chapter will explore these five questions – 'why', 'who', 'how', 'what', and 'which' – for IRC in East Asia. We explore IRC, as defined in the previous chapter, in the widest sense as engagements between national and international regulators, and do not simply focus on the narrower conception of IRC based on the World Trade Organization (WTO) Agreement on Technical Barriers to Trade. This study will draw on the findings of a series of country studies for all 10 ASEAN Member States (AMS), as well as New Zealand, based on an 'elite' survey of officials and selected commentators. The research was conducted in 2018 and involved 127 respondents from all 10 AMS as well as 15 respondents from New Zealand. This chapter includes excerpts from the country studies, four of which are included in Part 2 of this publication.

As the survey was conducted in English, different researchers adopted slightly different approaches to engage respondents. In New Zealand where English is the primary language, respondents completed a hard copy of the survey, which was transcribed manually into Survey Monkey. In most other jurisdictions, the researcher asked respondents the questions during an interview. Afterwards, the research team completed the survey on behalf of the interviewees, giving them the opportunity to edit their survey responses.

The semi-structured interview format generally started with a discussion of an example of IRC with which the respondent was most familiar. Interlocutors then completed the survey. The survey instrument was mainly closed-ended but also included some open-ended questions about respondents' experiences with particular IRC cases. The background of the survey respondents, as well as the survey itself, are included in the annex to this chapter.

Table 2.1. Survey Format

Nature of questions	Number of questions	Reference to questions
Questions on respondents' perception about IRC	15	11–26
Questions on the pervasiveness of IRC	15	27–41
Questions on the persuasiveness of IRC	33	42–75
Questions on willingness to develop IRC	9	76–84
Questions on IRC governance	3	85–88
Questions on IRC development	3	89–92

IRC = international regulatory cooperation.
Source: Author.

One key theme that emerges from the survey results is unity in diversity. This unity arises because IRC is not something that is unique, but is merely a special case of a more general range of cross-governmental cooperation that is a feature of day-to-day operations. One senior New Zealand respondent observed the interconnected nature of their regulatory agency's work as it was involved in a complex web of 'cooperation activities: domestically (i.e. with local government, and with other regulators); regionally in the Pacific (...with capability building but also working together in one or two well-established international cooperation regimes); in the Asia Pacific across agencies (a much "softer" network which is, after 20 years, still very much information sharing and relationship maintenance); and internationally as part of an international organisation which drives policy and operational activity around the globe'.⁵

There was a remarkable similarity in the responses across the different countries. This similarity was not expected when the project was designed given the variety in the levels of economic development amongst the various ASEAN countries and New Zealand, as well as significant cultural and historical differences. Beneath the surface similarities, however, lies differences in the countries' imperatives for IRC, and the use of different approaches in different sectors.

2. Different Countries Have Different International Regulatory Cooperation Imperatives

Attitudes towards IRC develop within the country context in response to needs, pressures, and levels of engagement on the issue. The summaries below, taken from the country reports, are indicative of the different contexts and formative influences.

In the case of Indonesia, the agenda of international regulatory cooperation has expanded beyond, across and behind national borders. Trade issues have expanded from tariffs to commercial regulation aspects, such as investment rights and protection, intellectual property rights, government procurement and competition policy, and other aspects such as labour standards, environmental standards and economic cooperation.

⁵ In this chapter, text in single quotes has been used to identify unattributable quotes provided in answer to the open-ended survey questions or as part of the interviews.

Indonesia's involvement in international agreements has the potential to break the impenetrable political economy barriers at home by pushing reforms from outside. There are examples of this, including the adoption of the anti-corruption law in Indonesia.... and the adoption of the anti-terrorism financing law following the G-20 Leaders commitment to comply with the Financial Action Task Force mandates'. (Damuri et al., 2018)

As a small and less developed economy, Cambodia is generally a rule taker of IRC in regional and multilateral settings. In the regional setting, it is mostly related to ASEAN, and Mutual Recognition Arrangements (MRAs) are one of the most important agenda items of IRC. In the multilateral framework, Cambodia's engagement with IRC is mostly related to WTO. Generally speaking, Cambodia's stance in IRC is clear. Cambodia takes a liberal approach by welcoming regional or international standards and tries to apply them in the country. It is a strategy to open up the country and catch up with more developed nations. (Ngov, 2018)

Thailand is deeply involved in a complex array of IRC initiatives. Government officials view IRC positively and are open to the 'persuasiveness' argument for IRC. In general, officials acknowledge IRC as an opportunity for Thailand to open up to trade, integrate with global supply chains, and exchange knowledge. Officials are willing to engage in IRC where there is a case for it.


To assess Thailand's IRC landscape, it is important to understand the context in the country operates. Thailand's history, its middle-income status in a fast-growing region, and the political backdrop of its governance are useful frames for understanding its IRC environment'. (Lam, Chapter 4)

Singapore as a small open trade-dependent economy must leverage external resources for its economic growth dynamics. The willingness and the impetus to initiate IRC coincide with its national interest and within the management scope of Singapore Good Regulatory Practice. (Lim, 2018)

Brunei Darussalam is the second richest country (second to Singapore) in terms of per capita GDP but when it comes to economic development and integration to the global world, Brunei Darussalam can still be considered as an emerging economy. Economic diversification through participation by both domestic and foreign investors is a key strategy under the Brunei Vision 2035/Wawasan 2035 launched in 2008. Obviously, international regulatory cooperation (IRC) becomes crucial to Brunei's integration to the global economy. (Khalid et al., 2018)

In pursuit of a market-oriented economy, the Government of Lao PDR has been involved in a number of reforms since 1986. Regulatory processes have gradually increased, but the pace of the country being integrated into the international standard of regulatory cooperation has occurred since the accession to ASEAN membership in 1997.

Admission to the WTO in 2013 has led to the Government of Lao PDR fully committing to international regulatory cooperation. The IRC arrangements have focused on the improvement of business and trade enabling environments. Multilateral cooperation is widely recognized through the World Bank initiative (for example WTO) and the ADB (for example Greater Mekong Sub-region – GMS) while Bilateral cooperation, in the form of deepening and expanding in economic, social and political aspects, is commonly arranged (particularly with neighbouring countries such as China, Vietnam and Thailand). (Leebouapao et al., 2018)



The Government of New Zealand is deeply embedded in a complex web of IRC arrangements. While these arrangements were predominantly multilateral (e.g. through the United Nations system) or bilateral (mainly with Australia), there were also a host of regional (e.g. APEC) and plurilateral (e.g. the OECD) arrangements. Unsurprisingly, AMS respondents reported more frequent use of regional arrangements than did New Zealanders. The imperatives for IRC were quite varied. *While a handful of agencies with trade policy responsibilities had a particular focus on removing technical barriers to trade, for the majority of agencies the imperatives for IRC included other objectives such as regulatory effectiveness and interoperability [emphasis added].* (Gill, Chapter 5)

3. Differences in Sector Approaches: 'Horses for Courses'

The second major theme that emerged from the dialogue generated through the research project was the 'horses for courses' approach (different ways suiting different issues in different domains). Of all of the propositions in the survey results (see section 6 below), the suggestion that, 'Regulators and politicians need to be shown the benefits from reduction in regulatory differences...under IRC', received the strongest support from New Zealand respondents and was also ranked highly by the other respondents. Yet, the differences in approach by sector comes through clearly in the country studies:

Since the accession to ASEAN and especially in preparation for the WTO accession, Vietnam has actively engaged itself in learning foreign regulatory practices. However, the activeness in learning and the unilateral adoption of foreign standards/regulatory regimes *appeared to vary drastically across sectors [emphasis added]*.... While the government of Vietnam has no explicit policy on IRC, promoting trade and investment has been high in the government agenda.... Looking forward, the implementation of CPTPP, AEC by 2025, and RAASR [sic – Renewed APEC Agenda on Structural Reform] will have important implications for IRC in Vietnam. (Vo, 2018)

[For New Zealand] (t)he locus or type of international regulatory cooperation (IRC) is arranged across the spectrum, from informal communities of practice to mutual recognition (mainly with Australia) to full harmonisation, mainly with the norms of International Organisations. Informal cooperation is more frequent than more formal arrangements such as exchange of staff or joint institutions. *The development of IRC is highly path dependent with quite different arrangements in apparently similar sectors [emphasis added].* (Gill, Chapter 5)

Overall, Thailand is heavily engaged in IRC in many forums. Government officials are creative in using existing forums to build coalitions to advance Thailand's agenda, as well as forging new alliances to achieve their objectives beyond the constraints of existing forums. Their creativity and flexibility allow Thailand to maximise the use of limited resources in a fast-changing and increasingly multi-polar world. (Lam, Chapter 4)

There are common characteristics in the development of IRC in Singapore, such as the well-defined objectives and strategies on how to leverage external resources, talents and knowledge to develop domestic economy and enterprise with the full support of the political leadership and bureaucracy. *However, there are also diversities in approaching and engaging IRC by different organisations, depending on the nature and characteristic of the sector or activity [emphasis added].* (Lim, 2018)

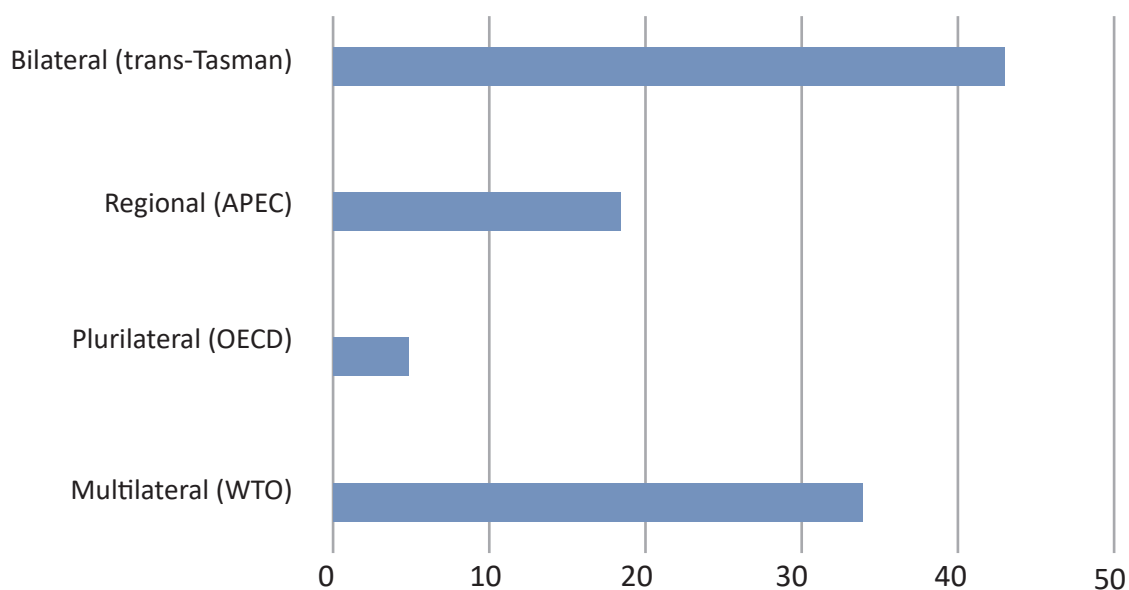
In interpreting the survey results that follow it is important to bear in mind the diversity of country contexts and imperatives, and differences in the approaches to IRC adopted in different sectors.

The rest of this chapter is in seven parts based on the structure of the survey. The next section will address how widespread IRC is (pervasiveness). Subsequent sections will discuss the willingness and facilitating factors for IRC, the persuasiveness of IRC, barriers and enablers, the evolution of IRC, and the governance system for IRC in ASEAN countries and New Zealand. The chapter will conclude with some speculative comments on future directions for IRC in East Asia.

4. Pervasiveness of International Regulatory Cooperation

The first research question for the project concerned the extent of IRC in the countries in East Asia. This question arose because, while there is a body of research on IRC amongst developed countries, much less is known about other countries' involvement. In Part 3 of the survey, respondents were asked about with whom IRC occurs ('who'). One question explored interviewees' perceptions about whether IRC was 'mainly bilateral, regional, plurilateral or multilateral', and respondents could select one or more options (consequently the totals add up to more than 100%). Figures 2.1 and 2.2 contrast the response for New Zealand with that of ASEAN countries. The New Zealand survey results (n = 15) showed a classic 'U' curve, with the main types selected being bilateral and multilateral. This pattern is not surprising, given the country's strong bilateral relationship with Australia where the extent of regulatory cooperation is unrivalled anywhere in the world outside of the European Union (EU).

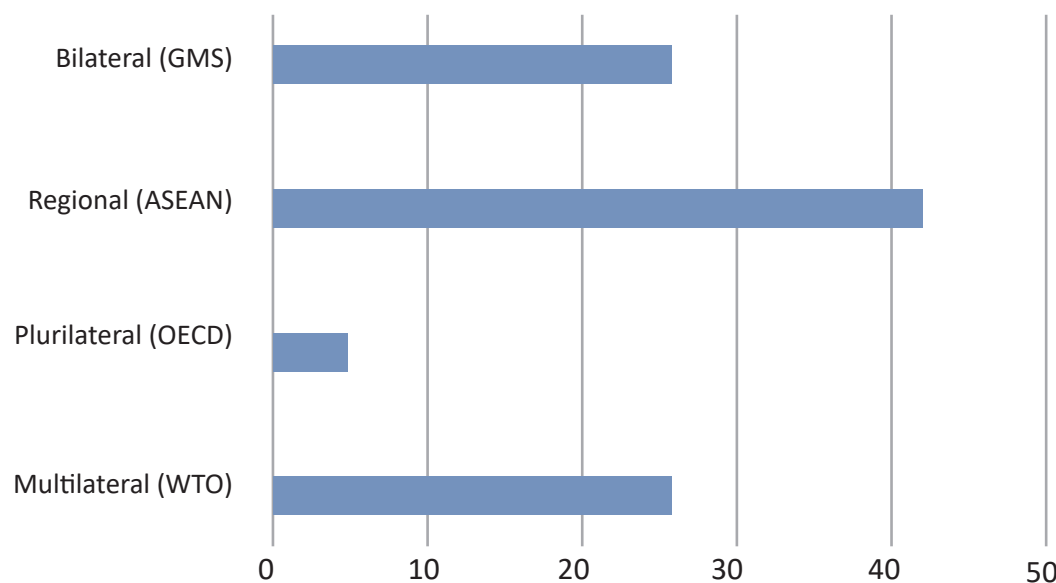
Figure 2.1. International Regulatory Cooperation in New Zealand



APEC = Asia-Pacific Economic Cooperation, OECD = Organisation for Co-operation and Development, WTO = World Trade Organization.

Source: Economic Research Institute for ASEAN and East Asia International Regulatory Cooperation Survey Question 41.

Figure 2.2. International Regulatory Cooperation in the Association of Southeast Asian Nations



APEC = Asia-Pacific Economic Cooperation, GMS = Greater Mekong Subregion, OECD = Organisation for Co-operation and Development, WTO = World Trade Organization.

Source: Economic Research Institute for ASEAN and East Asia International Regulatory Cooperation Survey Question 41.

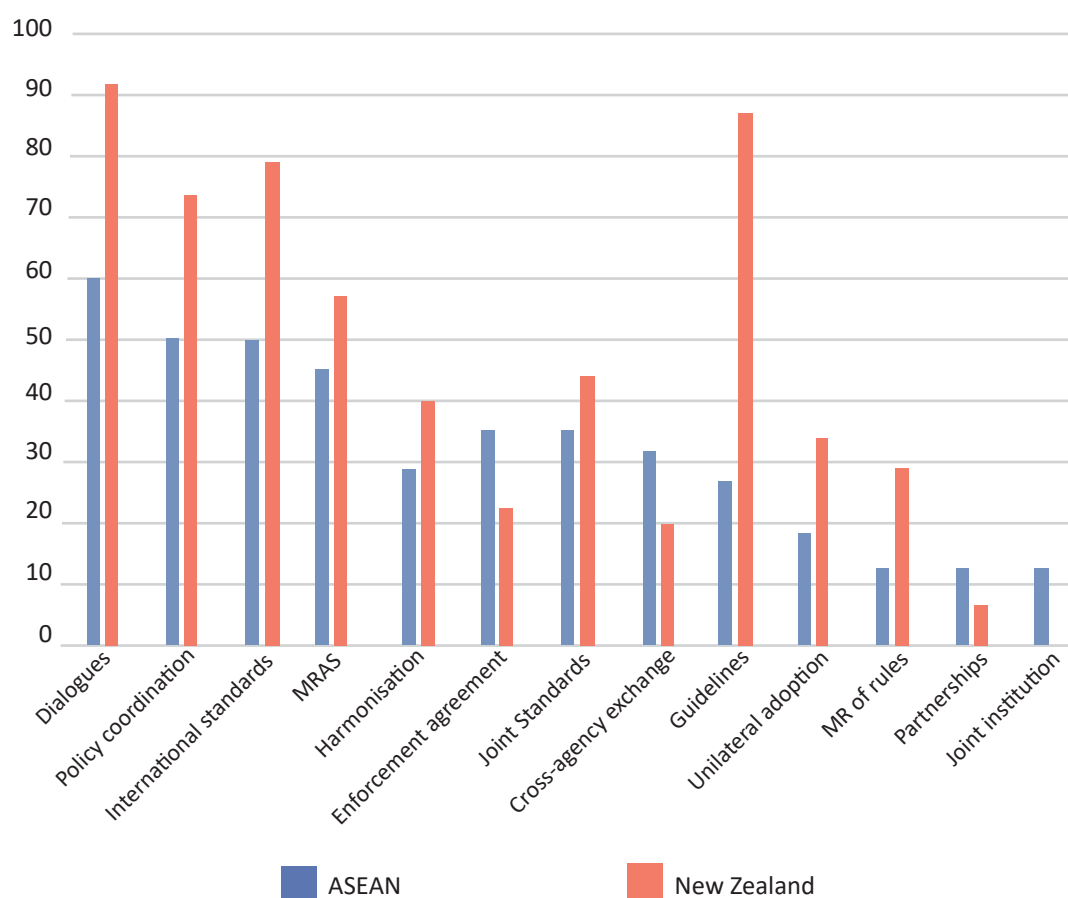
By contrast, ASEAN countries' regional connections were much stronger, as shown in Figure 2.2. Equally unsurprisingly, the results show that, when asked about the perceived frequency of IRC, 42% of respondents indicated that IRC was mainly regional; this response was followed by bilateral (27%), multilateral (26%), and plurilateral (minimal).

The choices of multilateral, plurilateral, or regional IRC should not be interpreted as mutually exclusive alternatives, but can be complementary: 'and' not 'or'. Regional groupings, such as the cases of ASEAN intellectual property cooperation and ASEAN cosmetics harmonisation (discussed in Chapter 3), have led to convergence with international standards. Similarly, plurilateral 'coalitions of the willing' can add to multilateral rules and procedures while remaining compatible with them.

The survey also investigated how intensively different countries cooperate by exploring the perceived frequency of different forms that IRC can take. IRC can range from unilateral recognition or adoption of another country's regulatory settings or standards at one end of the spectrum, through to harmonisation of policies and practices at the other, with several forms in between. These include relatively soft and informal transgovernmental engagements, such as policy dialogues, as well as more structured formal intergovernmental agreements, such as mutual recognition agreements covering standards and conformity assessments, or mutual recognition of rules. IRC also includes supranational agreements such as the EU.

For each type of IRC, respondents were asked whether there were 'none (that I know of)', 'one or two', 'few (between 3 and 5)', and 'many (more than 5)'. Figure 2.3 ranks the types of IRC from high to low based on the number of respondents from ASEAN countries who selected 'many', and contrasts this with the results from the New Zealand respondents.

Figure 2.3. Main Forms of International Regulatory Cooperation in East Asia



ASEAN = Association of Southeast Asian Nations, MR = mutual recognition, MRA = mutual recognition agreement.
 Source: Economic Research Institute for ASEAN and East Asia International Regulatory Cooperation Survey, Questions 26–39.

The results for New Zealand and the ASEAN countries on the relative frequency of different types of IRC were relatively similar. The most common were:

- (i) regulatory dialogues and exchange of information with another country or region (e.g. ASEAN and the Asia-Pacific Economic Cooperation [APEC]) (discussed in Box 2.1 below);
- (ii) policy coordination with a partner country on a specific area or sector regulation;
- (iii) adoption of international standards developed by international public and private standard-setting bodies (e.g. the norms set by the International Maritime Organisation, or the International Organization for Standardization);
- (iv) intranational or region-wide mutual recognition agreements (MRAs) on conformity (discussed in Box 2.3 below); and
- (v) harmonisation of technical regulations (involving specific products) with another country or regionally.

Box 2.1. Regulatory Dialogues

Regulatory dialogues are informal exchanges of information involving regulators and stakeholders who meet in a discussion forum, conference, workshop, or similar environment to exchange information on regulatory policy settings and regulatory enforcement practices. One example of this form is the Association of Southeast Asian Nations (ASEAN) Regulatory Reform Dialogue, which involves the World Bank and Asia-Pacific Economic Cooperation Secretariat, as well as regulators from ASEAN Member States and the ASEAN Secretariat.

Source: Authors.

Forms of IRC less frequently used in both ASEAN and New Zealand included:

- (i) joint institutions, or an institution established by two or more countries;
- (ii) formal regulatory cooperation partnerships with another country (or region) that stop short of harmonisation; and
- (iii) mutual recognition of the regulatory outcomes from applying rules.

For New Zealand, and two ASEAN countries (Lao People's Democratic Republic and Viet Nam),⁶ guidelines (i.e. 'voluntary, non-justiciable commitment to best practice guidelines and principles') also featured as a frequent form of IRC. In New Zealand's case, this likely reflects involvement with a range of plurilateral organisations.

New Zealand is an active contributor to APEC (along with Viet Nam), and is also a member of the Organisation for Economic Co-operation and Development (OECD). The ASEAN good regulatory practice (GRP) guidelines (discussed in Box 2.2) are an example of high-level guidelines where AMS have committed to embedding GRP into their respective national regulatory regimes.

Overall, the results suggest that relatively informal arrangements (e.g. dialogues and communities of practice) were more common than formal structures involving mutual recognition of rules (73% suggested few or none for ASEAN countries) or joint institutions (72% suggested few or none for ASEAN countries).

⁶ The low reported frequency of guidelines for a number of ASEAN countries was somewhat surprising given that ASEAN has developed high-level guidance for a range of sectors. Several of these are discussed in Box 2.2. One plausible interpretation is that respondents did not consider this guidance sufficiently prescriptive to be a form of IRC. For a listing of these guidelines, see ASEAN, Policy and Guidelines. <https://asean.org/asean-economic-community/sectoral-bodies-under-the-purview-of-aem/standards-and-conformance/policy-and-guidelines/>

Box 2.2. Association of Southeast Asian Nations Good Regulatory Practice Guidelines

The Association of Southeast Asian Nations (ASEAN) good regulatory practice guidelines focus on standards, technical regulations, and conformity assessment procedures. This has three elements: (i) transparency on non-tariff measures and the removal of trade barriers, (ii) the implementation of mutual recognition agreements, and (iii) the harmonisation of standards and technical regulations. The guidelines are used in conjunction with the ASEAN Policy Guidelines on Standards and Conformance (2005) and the ASEAN Work Plan on Good Regulatory Practice (2016–2025).

Source: Authors.

Participants in the research workshops highlighted the limitations of FTAs as a vehicle for pursuing IRC. While FTAs can be useful as a platform from which opportunities for considering IRC can grow, most IRC provisions in FTAs are formulaic and focus on narrow areas traditionally covered by trade agreements. In part, that is because the relevant experts (on policy and regulatory practice) are not generally at the table, and the timetable does not allow negotiations at the level of detail needed for IRC. This is also partly because negotiations are normally led by trade officials and not regulatory policy officials. Trade officials and negotiators tended to adopt more positional bargaining and a mercantilist approach based on trading concessions. This contrasted with more informal transgovernmental networks where peer-to-peer negotiations were more collaborative.

MRAs are a framework that takes two main forms: recognition of another's conformity assessment procedures (such as product testing regimes), and recognition of others' regulatory standards and hence the outcomes from their regimes. The survey included separate questions on the perceived frequency of MRAs on standards and on conformity assessment, and the responses were markedly different. While nearly 50% of respondents suggested that there were many MRAs on conformity assessment, only 12% of AMS respondents and 29% of New Zealanders reported many MRAs covering standards.

In the case of ASEAN, this is not altogether surprising. The ASEAN Consultative Committee on Standards and Quality is a good example of cooperation using an MRA. The committee, whose end goal is 'one standard, one test, accepted everywhere', was established to harmonise national regimes with international standards and implement MRAs on conformity assessment. However, ASEAN has examples of MRAs on the testing of both goods and standards, such as the MRA for professional services discussed in Box 2.3, which seemed to have less widespread recognition.⁷

⁷ Research by de Brito, Kauffman, and Pelkmans (2016) on OECD countries suggests there is a significant gap between the rhetoric of MRAs and the practical enacted reality on the front line.

Box 2.3. Association of Southeast Asian Nations Mutual Recognition Agreements for Professional Services

The Association of Southeast Asian Nations (ASEAN) has implemented a regional mutual recognition agreement (MRA) for professional services to facilitate trade in services. For example, the MRA on medical practitioners requires each medical practitioner to be licensed by the professional medical regulatory authority in their country, and this recognition then allows medical practitioners licensed in any ASEAN member state to move across ASEAN. Other professional services covered by MRAs include engineering services, nursing services, architectural services, dental practitioners, tourism professionals, surveying qualifications, and accountancy services.

Source: Authors.

5. Willingness to Undertake Particular Types of International Regulatory Cooperation

We turn now to which IRC mechanisms are used, as IRC can take a variety of forms. Traditional 'intergovernmental' state-to-state relationships tend to occur through formal diplomatic channels and were often formalised in treaties, other legal agreements such as FTAs, or occasionally with 'mirror' legislation (such as the Trans-Tasman Mutual Recognition Agreement between New Zealand and Australia). IRC occasionally also goes beyond intergovernmental to supranational agreements involving international organisations (such as the EU).⁸ By contrast, direct regulator-to-regulator 'trans-governmental' network arrangements are less visible, more under the radar, and less costly to negotiate and execute; these have become a common form of IRC.

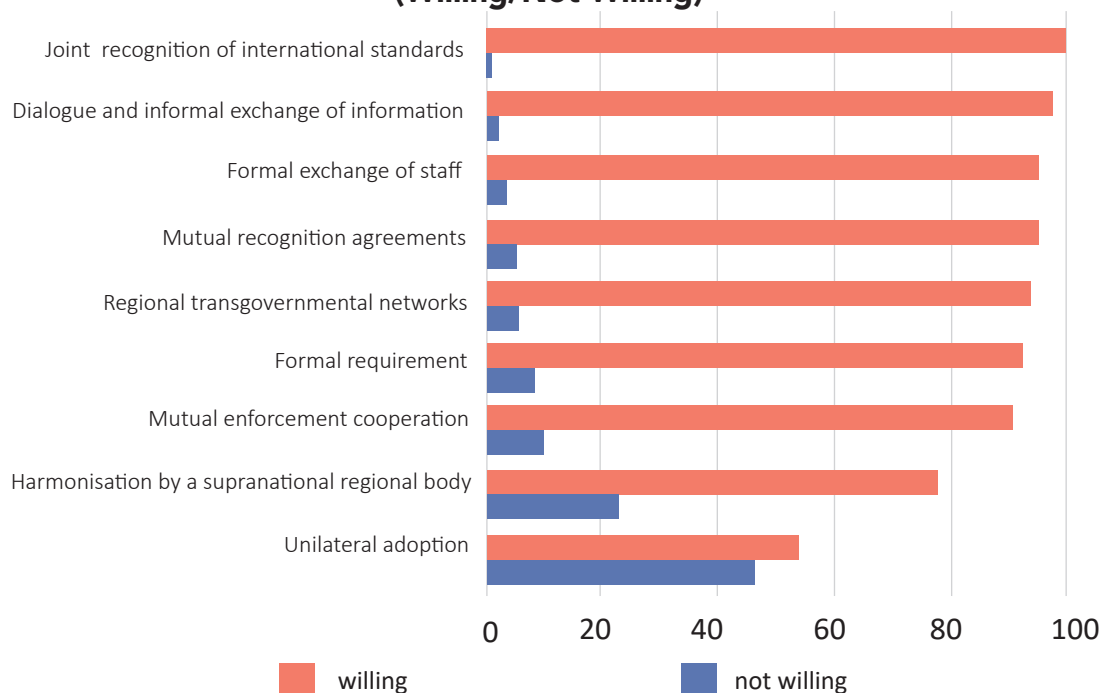
The Indonesian country study emphasised how the relative costs of IRC processes lead to a preference for more informal transgovernmental arrangements.

The cost of the process related to IRC, e.g. meeting, traveling and coordination [at the] national level, are tangible costs that must be borne by the relevant agencies. Moreover, the implications of such cooperation, including efforts to align domestic regulations to international practices, require more resources and a lengthy process. It is then understandable that most of the respondents prefer to engage in the less committed forms of cooperation, such as dialogue or informal exchange of information, in comparison to IRCs that lead to international commitments, such as mutual recognition or supranational processes. (Damuri et al., 2018)

The project's second research question focused on willingness to undertake IRC. Section 4 of the survey asked about respondents' perceptions of their countries' willingness to engage in IRC of different types. Respondents had four options: 'strongly not willing', 'not willing', 'willing', and 'strongly willing'. Figure 2.4 shows the total willingness to undertake particular types of IRC, and contrasts this with the lack of willingness, combining the results for the ASEAN countries and New Zealand as they were relatively consistent. The figure adds together 'strongly willing' and 'willing', and 'strongly not willing' and 'not willing'.

⁸ For a list of supranational organisations see http://www.actuaries.org/CTTEES_SCIENTIFIC/Documents/Chicago_Oct2017/SCIENTIFIC_Chicago_10.i_ListofSupraOrganizations.pdf

Figure 2.4. Openness to Types of International Regulatory Cooperation (Willing/Not Willing)




Source: Economic Research Institute for ASEAN and East Asia International Regulatory Cooperation Survey, Questions 76–84.

Respondents viewed their countries as very willing to develop and strengthen various forms of IRC, with two notable exceptions (discussed below). The types of IRC where willingness was highest included (i) the adoption of international standards (i.e. international norms and guidelines); (ii) dialogue and the informal exchange of information on policy, enforcement, and other regulatory practices; (iii) the formal exchange of staff; (iv) MRAs on conformity; and (v) regional, transgovernmental networks amongst regulators.

There were some intriguing country differences in the types of IRC preferred. In Thailand, formal regulatory cooperation partnership attracted strong support (67%), whereas in other ASEAN countries this type of IRC was less popular (averaging 34%). Thailand and Viet Nam generally preferred the adoption of international standards as their most common form of IRC, whereas regulatory dialogue and the exchange of information with other countries was the most common form of IRC for other ASEAN countries. In Viet Nam, cross-agency exchange of personnel was ranked the second most popular form after the adoption of international standards. By contrast, New Zealand respondents reported relatively low willingness to engage in staff exchanges compared to the ASEAN countries in the survey. Rather than being specific to IRC, this probably reflects certain features of the New Zealand public management regime, including the absence of restrictions on citizens of foreign countries joining the public service, and open entry into the public service at all levels up to and including chief executive. The lowest support was for the unilateral adoption of policy or regulatory practices of others, and bilateral or regional legally binding regulatory agreements and/or harmonisation, with oversight enforcement by a supranational or regional body.

5.1. Unilateral Adoption

One interesting feature of the findings is how unilateral adoption was perceived relatively unfavourably as a form of IRC by most ASEAN countries as well as New Zealand. At first glance, unilateral adoption is the easiest form of IRC, as the costs are low and the benefits



high. A simple AMS example can be drawn from the case study on ASEAN intellectual property (see Chapter 3). Cambodia has unilaterally recognised patent searches undertaken in select other jurisdictions, including Singapore, as equivalent to a search undertaken domestically. Similarly, the ASEAN Cosmetics Directive has in effect unilaterally adopted the EU cosmetics regime as a de facto international standard.

More generally the relatively low willingness to undertake unilateral adoption, both in ASEAN countries and New Zealand, is somewhat puzzling. Two explanations are plausible, one technical and one concerning political optics. On the technical side, since open economies interact with many trading partners, harmonising by adopting the standards of one economy risks diverging with others (unilaterally recognising the outcomes from the regulatory settings of one or more other jurisdictions gets around this problem). With respect to optics, unilateral adoption by one country of the standards of another runs against the notion of regulatory sovereignty and that one should control one's own destiny. Although this is a matter of appearances rather than logic, political optics matter.

For ASEAN respondents, half of the respondents viewed their country as either not willing (43%) or strongly not willing (3%) to undertake unilateral adoption. The Philippines country study sheds some light on this conundrum:

In the interviews, the respondents, especially those coming from the trade sector, manifested strong hesitation against two IRC activities, that is, (a) unilateral adoption of policy and regulatory practices of other countries or international bodies, and (b) governance of IRC by a supranational regional body. IRC in these two forms seems to be perceived by the respondents as a potential surrender of policy space or a diminution of sovereignty. The perception of 'surrender of policy space' may be driven by the fear that unilateral adoption of a trading partners' regulations may not result in positive outcomes because those partners issue regulations that serve their self-interest.

5.2. Regional Harmonisation

ASEAN has developed three regional harmonised regulatory regimes, as follows:

- (i) Agreement on the ASEAN Harmonised Cosmetic Regulatory Scheme (2003), which has been fully implemented as discussed in the next chapter;
- (ii) Agreement on the ASEAN Harmonized Electrical and Electronic Equipment (2005), which is currently being implemented; and
- (iii) ASEAN Agreement on Medical Device Directive (2014), which is at an initial stage of planning for implementation.

The ASEAN Cosmetics Directive (discussed in detail in Chapters 3 and 6) provides a regional example of harmonisation, albeit without a regional or international body overseeing enforcement. This regime allowed all AMS to adopt the main features of the regime of standards for cosmetics ingredients in the EU Cosmetics Directive.

The Philippines country study quoted above also highlighted the concerns of practitioners in a range of countries about harmonisation using an international or regional body. Almost a quarter of respondents (23%) suggested that they were unwilling or strongly unwilling to engage in harmonisation, while three-quarters supported this approach. These more formal types of IRC require formal agreements to be negotiated and formally ratified. This implies that some respondents viewed international and supranational bodies with some suspicion, given that the agreements are legally binding and could potentially reduce regulatory

flexibility and infringe on national policy discretion.

5.3. Adoption of International Standards

A main focus of international networks and organisations is the development and mutual adoption of guidelines and standards. Their reluctance to undertake 'harmonisation through a supranational body' contrasts with their high willingness to adopt international standards, which generally takes place on a voluntary, case-by-case basis. Standards can be set by international organisations such as the International Maritime Organisation, by private standard setters like the International Organization for Standardization and GS1, or de facto standards, such as ASEAN adopting the EU Cosmetics Directive.

6. Persuasiveness of International Regulatory Cooperation

Across all the countries in the project, the respondents taking part in the questionnaire and interviews expressed generally positive views on IRC. This support for IRC should be interpreted as 'in general and on average' rather than support that 'applies to each and every case'. Support for IRC was conditional on a case-by-case approach – a 'horses for courses' approach. The country study for Thailand is instructive here:

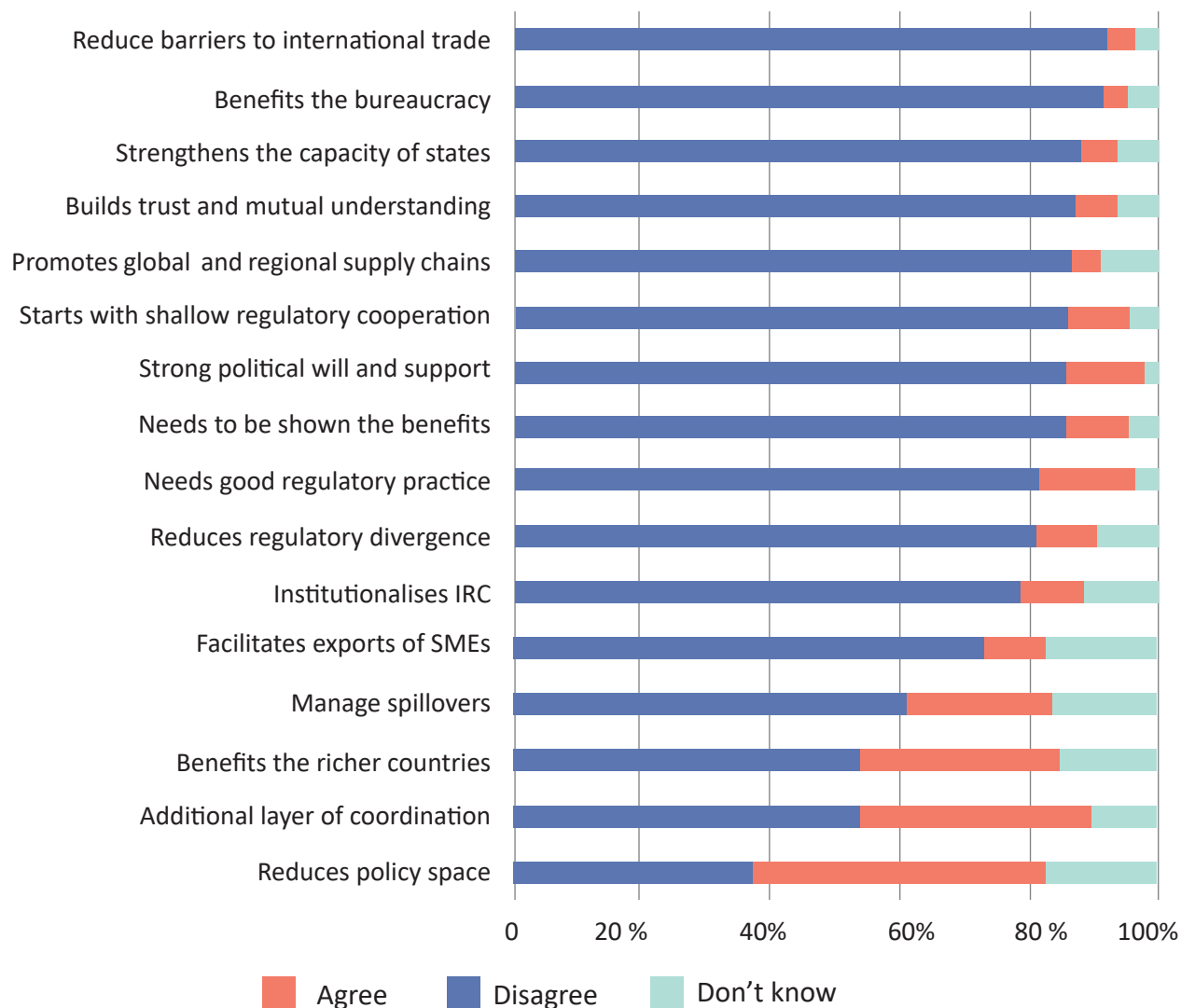
In general, government officials have a positive view of IRC, in that it presents opportunities to bring Thailand in line with global standards and open it up for trade and knowledge exchange. When they engage, government officials are adept at playing different roles in different forums, adopting the 'swaying bamboo' approach, being flexible to the situation at hand. Where appropriate, officials employ a 'tailgating' strategy, using multiple international regulatory forums to achieve one particular outcome. Configurations and alliances are chosen on a case-by-case basis, targeting the best potential outcome for Thailand. The approaches used are not ideological. (Lam, Chapter 4)

Section 2 of the survey asked respondents about their views on a series of propositions about IRC. There were five options: 'strongly disagree', 'disagree', 'agree', 'strongly agree', and 'don't know'. While the propositions about IRC in the questionnaire were generally expressed in the positive, three were expressed as negatives: IRC reduces policy space to a countries' disadvantage, benefits richer counties more than poorer, and makes life more difficult. In Figure 2.5 below, we have reversed the display of agree/disagree for these three questions to make it easier to compare them with the other questions.

ASEAN respondents strongly agreed that IRC reduces barriers to international trade; can benefit the bureaucracy through enhanced knowledge flow about technical issues and options, and about the policy experiences of other countries; strengthens the capacity of states to deliver effective regulation to citizens and businesses; builds trust and mutual understanding amongst institutions in countries in the region; and helps with the design and implementation of regulations that promote global and regional supply chains.

Figure 2.5 ranks support for the propositions from high to low by adding together 'strongly agree' and 'agree', and 'disagree' and 'strongly disagree' for ASEAN countries only (this is contrasted in Figure 2.6).

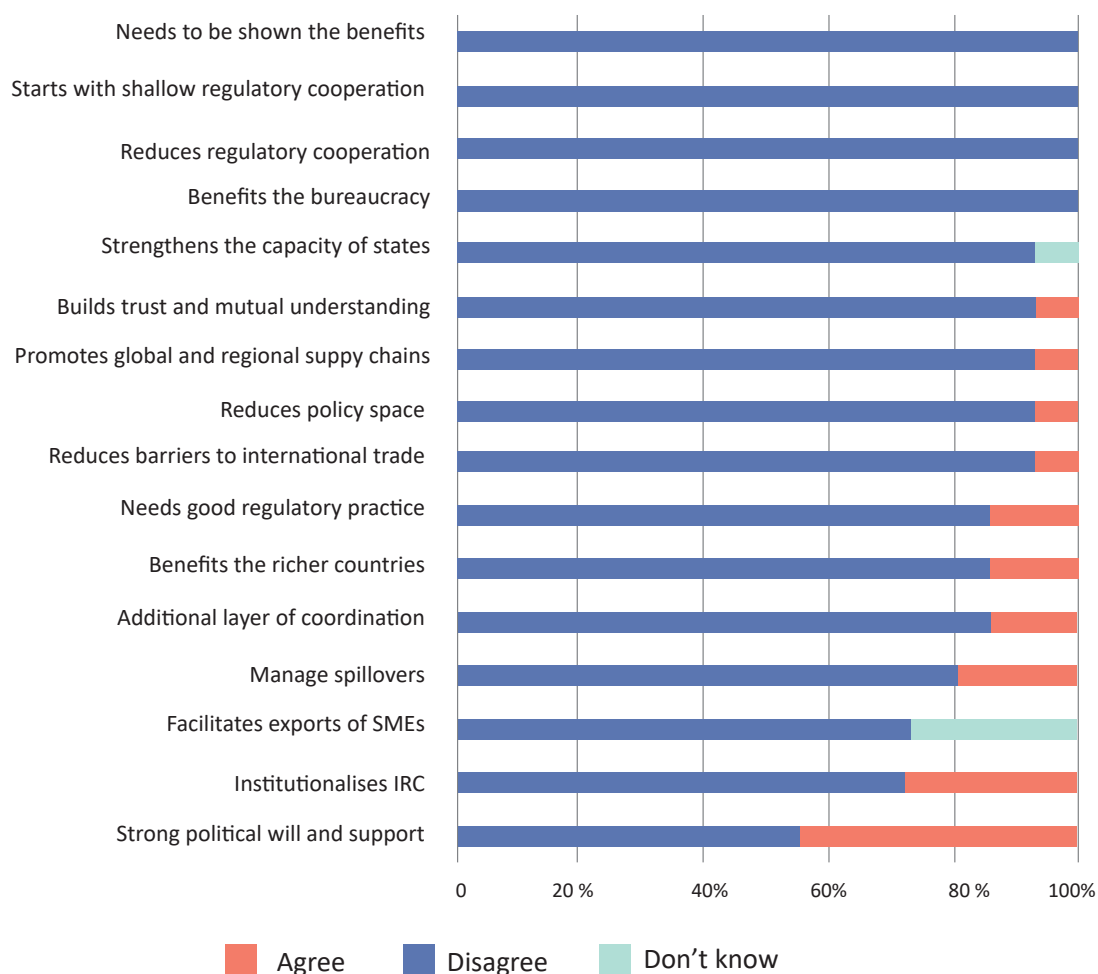
Figure 2.5. Association of Southeast Asian Nations Attitudes to International Regulatory Cooperation (Agree/Disagree)



IRC = international regulatory cooperation, SMEs = small and medium-sized enterprises.
 Source: Economic Research Institute for ASEAN and East Asia International Regulatory Cooperation Survey, Questions 11–26.

New Zealanders’ responses were reasonably consistent with those for ASEAN. However, the ordering of the intensity of support differs. For example, the ‘horses for courses’ proposition ‘Regulators and politicians need to be shown the benefits from reduction in regulatory differences...under IRC’ earned the strongest support in New Zealand but was only ranked seventh highest by AMS respondents.

Figure 2.6. New Zealanders' Attitudes to International Regulatory Cooperation




IRC = international regulatory cooperation, SMEs = small and medium-sized enterprises.
 Source: Economic Research Institute for ASEAN and East Asia International Regulatory Cooperation Survey, Questions 11–26.

Across all countries there was reasonably strong agreement with all of the propositions except two (the last two bars on Figure 2.5), where agreement and disagreement were divided: (i) IRC adds an additional layer of coordination and makes life for administrators and regulators even more difficult and bureaucratic (37% agree, 53% disagree); and (ii) IRC that requires treaties and protocols reduces the policy space of a country to the country's disadvantage (45% agree, 37% disagree). There was also some support (31% agree, 54% disagree) for the proposition that IRC benefits richer countries more than poorer ones. There were also marked contrasts between ASEAN and New Zealand respondents to several of the propositions.

6.1. Policy Space

There was quite strong support (45%) amongst practitioners in ASEAN countries for the proposition that IRC reduces the policy space of a country. This may explain why some respondents were very willing to engage in informal communities of practice, but much more reluctant to engage with IRC 'harmonisation with oversight enforcement by a supranational regional body'. Interestingly, few New Zealand respondents agreed with this proposition (7%). One seasoned observer commented on how the development of regulations in New Zealand has changed over the last 30 years.



Regulatory policy design no longer aims to develop 'best of breed', stand-alone regulatory policy regimes. Instead increasing attention is paid to international regulatory interoperability as New Zealand goods and services need to compete in accessing international value chains. New Zealand is simply too small to be able to develop bespoke regimes that cannot interoperate with international systems and standards. Seamless interoperability is particularly important for the tradeable sector. (Gill, Chapter 5)

There was strong support in New Zealand for the proposition that IRC strengthens the capacity of states to deliver effective regulation (53% strongly agree, 40% agree, 7% don't know). This is consistent with the view that, while the political optics of IRC are that regulatory sovereignty is eroded de jure, in practice de facto regulatory sovereignty may actually be increased. This is because cooperation may enhance the capability and capacity of regulatory agencies to exercise their regulatory powers effectively.⁵

6.2. Political Mandate

There was also a striking difference in opinion between New Zealand and ASEAN respondents about the role of political mandate. While amongst ASEAN countries there was 86% support for the proposition that, 'Without strong political will and support, IRC cannot be sustained', 46% of New Zealand respondents disagreed with this view. This difference may be semantics as much as a substantive cross-jurisdictional difference, since the survey question did not clearly distinguish between political mandate and political champions.

Political leaders can take either a passive symbolic role, lending legitimacy to and providing a formal mandate for IRC, or an active role as well, championing specific IRC initiatives. In all of the case studies discussed in Chapter 3, political leaders played a symbolic role. In none of the cases did political leaders act as champions, providing the drive and impetus required to get an IRC initiative over the line. This is discussed further in Chapter 3 on the lessons learned about the craft of IRC.

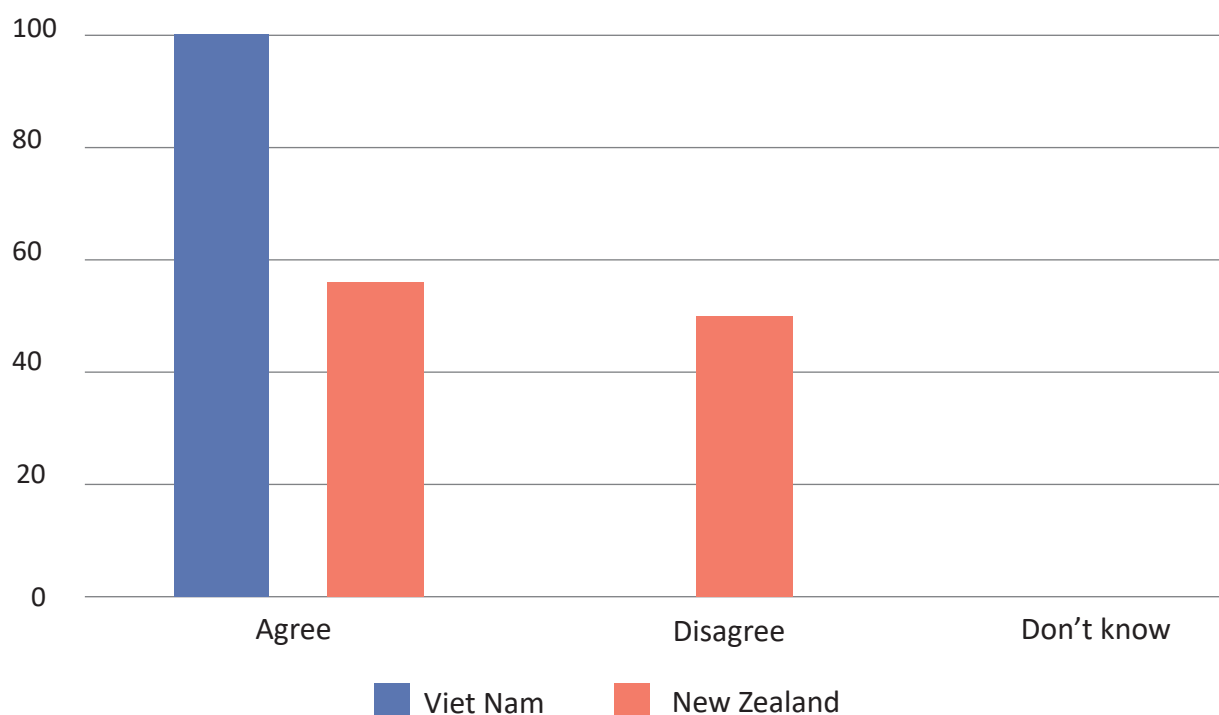
However, all rules have exceptions. In the case of the Philippines (discussed in Chapter 6), the intervention of a cabinet declaration, followed by a memorandum from the Office of the President directing agencies to undertake computerisation, was required for Philippines to be able to connect to the ASEAN Single Window.

Differences in political and public management systems have resulted in significant differences in the perceived importance of political mandate. For example, Figure 2.7 contrasts the responses from New Zealand, a mature democracy with a high degree of delegation to the professional public service, and Viet Nam to the proposition 'Without strong political will and support, IRC cannot be sustained'.

Looking across willingness and persuasiveness, survey respondents in all of the countries took a positive view of IRC overall. In general, respondents believed that IRC could benefit countries in the long term by enhancing transparency, preventing unnecessary trade barriers, and enhancing regulatory effectiveness. However, this is very much a 'horses for courses' approach, depending on the sector and the precise form of IRC.

⁵ Krasner (1999) contends that states have never been as sovereign as some have supposed. Sovereignty refers to a wide range of things, and the principles associated with the concept are routinely violated in practice.

Figure 2.7. Political Mandate for International Regulatory Cooperation - The Contrast Between New Zealand and Viet Nam



Source: Economic Research Institute for ASEAN and East Asia International Regulatory Cooperation Survey, Question 24.

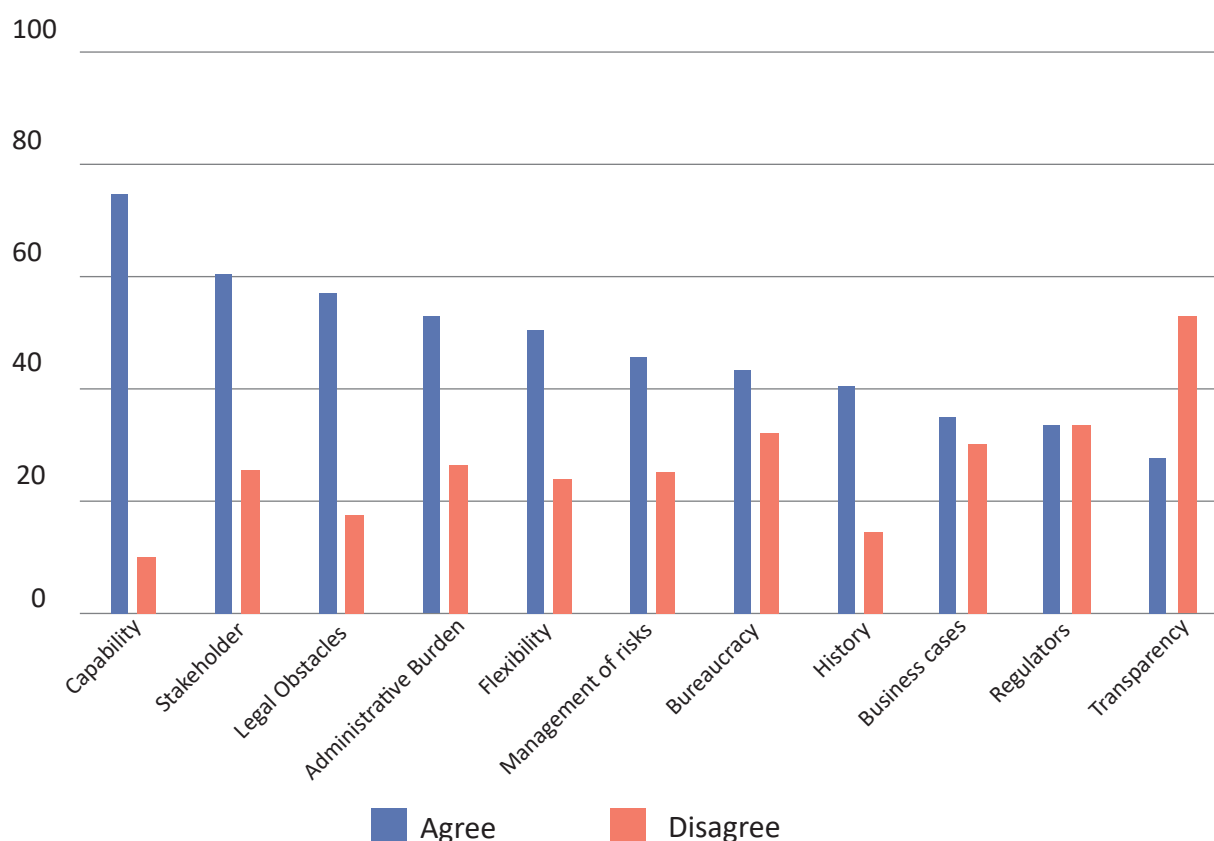
7. Barriers and Enablers of International Regulatory Cooperation

IRC is a 'long march'; in game theory terms it is a repeated game that plays out over a long time. This is illustrated in Chapter 3, which discusses five IRC case studies that play out over decades. In one case, Tasman Therapeutics, the IRC initiative was abandoned in 2014 after over a decade of sustained effort starting in 2003 when the treaty was signed establishing the framework for the regime.

The third research question for the project concerned the main barriers to and constraints of IRC that need to be overcome. In the course of the interviews used to administer the survey, other factors not covered by the survey, such as power imbalances, emerged very clearly. These other factors are discussed after the survey results in Box 2.4, along with some criticisms of IRC.

To address the enablers of and barriers to IRC, section 4 of the survey asked respondents about their views on a series of propositions on the factors that most restrict or inhibit the growth of IRC in their country. There were five options: 'strongly agree', 'agree', 'disagree', 'strongly disagree', and 'don't know'. Two propositions were expressed as negatives: IRC reduces transparency and reduces management of risks at the border. For ease of comparison, in Figure 2.8 below we have reversed the display of agree/disagree for these two questions. The graph shows the types of IRC barriers arranged from high to low by adding together 'strongly agree' and 'agree', and 'disagree' and 'strongly disagree'.

Figure 2.8. Barriers to International Regulatory Cooperation – Association of Southeast Asian Nation Member States and New Zealand Respondents (Agree/Disagree)



Source: Economic Research Institute for ASEAN and East Asia International Regulatory Cooperation Survey, Questions 65–75.

There was a high degree of agreement between AMS and New Zealand respondents that the main barriers to IRC were the following:

- (i) differences in capability because trust in other countries' systems is sometimes lacking,
- (ii) legal obstacles to IRC (e.g. restrictions on information sharing and confidentiality rules),⁶
- (iii) increased administrative burden for the countries involved in IRC, and
- (iv) concerns on the lack of regulatory flexibility and sovereignty arising from the adoption of IRC.

In addition, 50% of AMS respondents (but no New Zealanders) saw one potential barrier as important: IRC leads to reduced transparency between countries.

Differences in capability between economies at different levels of development came through as the most important blocker. This is because of the importance of trust in other countries' regulatory regimes and systems that is required. For example, trust is critically important to the mutual recognition of standards as it requires accepting outcomes from another country's regime as equivalent.

The capacity and capability of domestic regulators also came through as an important constraint in the country studies. In the case of Thailand:

⁶ See the discussion on information sharing and issues of confidentiality, registration, and enforcement (IMF, 2007: xviii to xxvi).

'...at a practical level, time and capable staff are limited in a fast-changing, complex, and increasingly multipolar world. For many regulatory organisations, keeping up with international standards or negotiating IRC can be a challenge. An increasingly multipolar world leads to a proliferation of IRC. At the same time, many industries are changing rapidly and capable resources are limited'. (Lam, Chapter 4)

In a similar vein, other country studies discussed capability constraints. In the case of the Lao PDR, 'Lack of systematic capacity building and financial resources have inhibited various government sectors to fully commit to the IRC' (Leebouapao et al., 2018). In Cambodia the concerns particularly related to implementation capacity. 'The capability of bureaucrats was related more to the effectiveness of the enforcement. It was stressed that the capability of bureaucrats (the ones who actually implement the policies) is relatively low and quite a number of them are not assigned to where their expertise lies.... Furthermore, inter-ministry coordination has been often pointed out by the respondents as key factors to inefficiency of the bureaucracy in Cambodia.' (Ngov, 2018)

Limited capacity and capability are challenges facing all economies. The interviews made it clear that New Zealand was entering into some IRC arrangements because of concerns that the domestic regulator lacked the technical capabilities required to exercise their regulatory powers effectively. As noted above, while the appearance of regulatory sovereignty is eroded de jure, in practice de facto regulatory sovereignty may actually be increased.

There were some intriguing country differences with respect to the barriers to IRC, as follows:


- (i) Reduced management risk across borders was perceived as a significant barrier in Singapore, but not in New Zealand or Viet Nam.
- (ii) Limited awareness and understanding of IRC ranked highly as a barrier for all countries except New Zealand and Singapore.
- (iii) Limited appetite by regulators for the joint design, monitoring, and evaluation of regulations was seen as a lower barrier by respondents in Indonesia, Philippines, Singapore, and Thailand, but was ranked highest in New Zealand.
- (iv) Indonesian respondents indicate that their bureaucracy has knowledge of and trusts the regulatory regimes of other AMS.

As the research progressed through case studies as well as country studies, the importance of power imbalances emerged very clearly. IRC is more likely to succeed when the parties manage conflict effectively and use mechanisms to address power imbalances. If there is one dominant country with an effective veto, then the IRC will need to be selected and designed carefully. In the case of New Zealand, a small country with limited bargaining power, there was a strong preference for plurilateral or multilateral over regional or bilateral cooperation.

For Thailand:

'An examination of the 'imperatives' and 'blockers' of IRC reveals that Thailand operates in a complicated landscape. Three issues are consistent. First, in terms of international relations, relative state power is a key determinant of the outcome of international regulatory arrangements. In a fast-growing region, relative power balances are fluid, adding dynamism to IRC engagement. Second, at a domestic level, a complex web of factors influences engagement in and adoption of regulation.... Third, at a practical level, time and capable staff are limited in a fast-changing, complex, and increasingly multipolar world'. (Lam, Chapter 4)

In the case of Indonesia, coordination costs emerged as a significant factor influencing the preparedness to undertake IRC.



'One of the major factors behind such low willingness is the coordination efforts to perform regulatory cooperation. In the process to implement the IRC, the focal point agencies need to communicate with their peers in other agencies, which have more authority on specific issues and deal with day-to-day regulatory process, to come up with a national position for international commitments. Those technical agencies often have different perspectives and interests to regulate their sectors or areas.

The coordination is getting more problematic in the process to ratify or incorporate IRC into the domestic regulatory framework. It takes a lot of effort for focal point agencies to obtain approval from technical agencies. The "coordination cost" increases significantly if the IRC requires a revision in national law or is related to trade agreement i.e. must have an approval by the parliament. Even after the international agreement has been signed, ratified and implemented, government agencies often introduce regulations which do not comply with the commitments'. (Damuri et al., 2018)

Chapter 3 discusses the common success factors identified by IRC practitioners based on their own experience and a series of IRC case studies. They suggested that crafting successful IRC involves:

- (i) all participants seeing the IRC programme as a win-win;
- (ii) the programme design being clearly focused on what to cooperate on to get mutual gain, and on starting small and growing forward;
- (iii) aligning the intensity of IRC to what is required and choosing the least demanding type of IRC that gets the win;
- (iv) keeping tabs on the key drivers (hard factors such as membership, leadership, and secretariat are important, but soft factors of relationships, trust, and sustained commitment are critical); and
- (v) facilitating enablers (including legal mandate, addressing power imbalances, resourcing, capability, and stakeholder management).

What matters for the success of IRC in particular instances is, however, very case specific. As the country study for Thailand observed,

'Overall, it is difficult to make generalisations about the "imperatives" or "blockers" of IRC. The outcome of any particular IRC depends on a complex weave of international, domestic, political, social, and economic factors. Each IRC initiative needs to be examined in isolation to determine its particular "imperatives" or "blockers"'. (Lam, Chapter 4)

Box 2.4. International Regulatory Cooperation and its Critics

While all survey respondents took a generally positive view of international regulatory cooperation (IRC), that does not mean IRC and good regulatory practice more generally are not more controversial with wider stakeholders. In particular, the inclusion of regulatory coherence chapters in the draft Trans-Pacific Partnership text, and chapters on behind-the-border technical barriers to trade in the North American Free Trade Agreement, and the Transatlantic Trade and Investment Partnership have attracted both academic and interest group criticism (see, for example, Canadian Centre for Policy Alternatives, 2019). Other commentators on financial markets, especially in the wake of the global financial crisis, have criticised IRC in that sector for being insufficiently stringent and intrusive.

Wiener and Alemanno (2015) identify four costs associated with IRC when it results in regulatory convergence: the costs of negotiating and overseeing the agreement, mismatches with local preferences and circumstances, regulatory error with a harmonised approach, and the loss of learning. Research participants highlighted the resource costs associated with IRC. The later three costs relate to the cost of harmonisation, rather than IRC per se. Other lines of criticism of IRC identified by the Organisation for Economic Co-operation and Development (Abbott et al. 2018) include: (i) limited public accountability, (ii) ineffectiveness in implementation and enforcement, (iii) the fact that it benefits powerful actors, and (iv) its focus on small problems rather than addressing significant regulatory problems. Several of these criticisms are actually a potential argument for more IRC rather than less.

A major constraint that emerged from the research was the risk from the lack of public legitimacy to pursue a more active IRC agenda. As one interviewee observed 'IRC is often not well understood. More needs to be done with stakeholders to explain the benefits'. There is a potential disconnect between the generally positive view of IRC expressed by survey respondents and the wider public. The contrast between 'expert' respondents' views and those of ordinary citizens is most obvious in the vexed issue of regulatory sovereignty. Experts nearly unanimously supported the proposition that IRC strengthens states' capacity to deliver effective regulation. In this view, the decision to engage in IRC would increase the effective exercise of regulatory sovereignty. The same experts identified public concerns about eroding the perception of regulatory sovereignty as a major obstacle to IRC.

Source: Authors, Canadian Centre for Policy Alternatives (2019); Weiner and Alemanno (2015); Abbot et al (2018)

8. Dynamics of International Regulatory Cooperation

IRC is a dynamic process that plays out over time. Cooperation is costly as it takes time and commitment to build up trust. IRC involves group dynamics, including ‘forming, storming, norming, performing, and then potentially deforming’ if the cooperation stalls and breaks down.

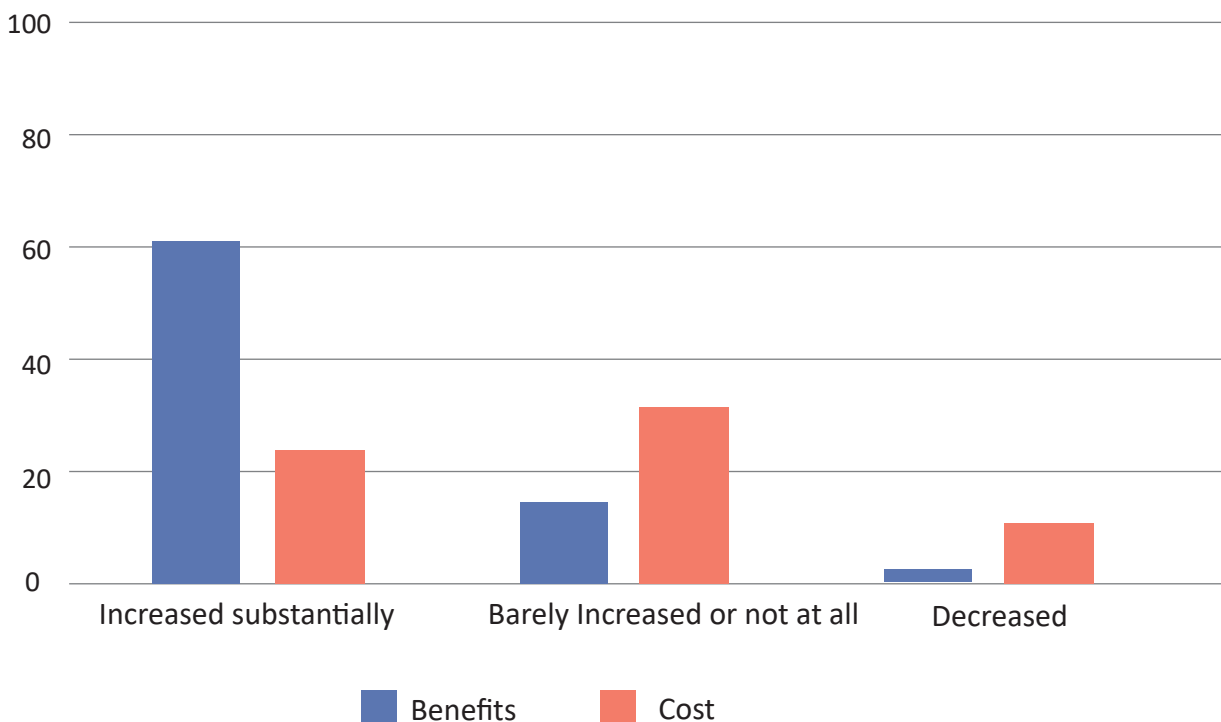
The benefits of IRC are usually hard to quantify in advance, frequently take time to be realised, and will typically require experience-based fine tuning of the regulatory rules, structures, and enforcement. As a result, IRC tends to change over time as the scope tends to expand (broadening), or the intensity of cooperation increases (deepening).

As part of the survey, respondents were asked to reflect upon an example of IRC with which they were most familiar and compare it with another case involving IRC. The survey explored how the costs and benefits changed over time and the importance of different actors at different stages in the process.

8.1. Costs and Benefits

Figure 2.9 shows that for all AMS countries, 60% of respondents suggested that the benefits of the specific IRC case had increased substantially over time, while the majority suggested that the costs had decreased or barely increased. There was general support for the view expressed in the Indonesia country study quoted above that more informal IRC has lower costs as line regulatory agencies do not incur the same ‘coordination costs’ as more formal IRC, which requires executive agreement, ratification in law, or inclusion in an FTA.

Figure 2.9. Costs and Benefits of International Regulatory Cooperation



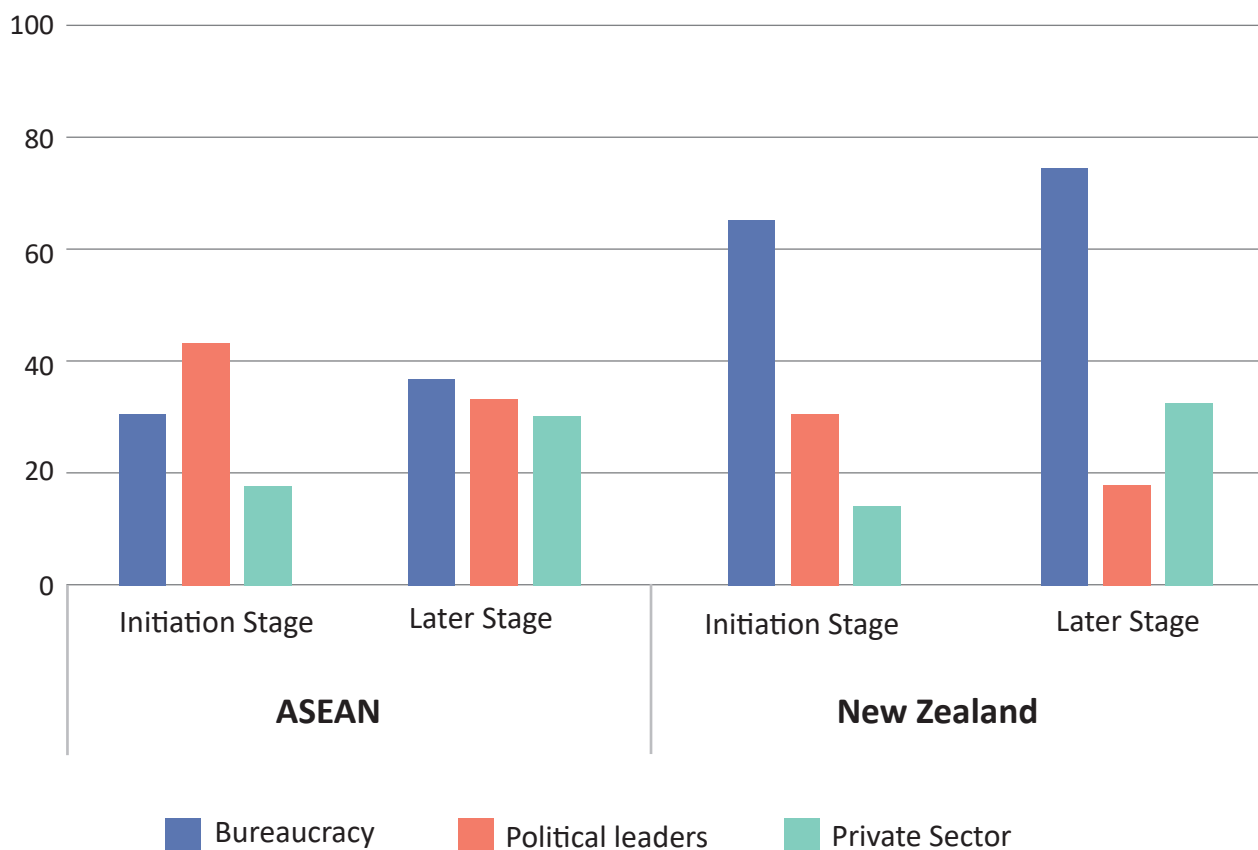
Source: Economic Research Institute for ASEAN and East Asia International Regulatory Cooperation Survey, Questions 57–58.

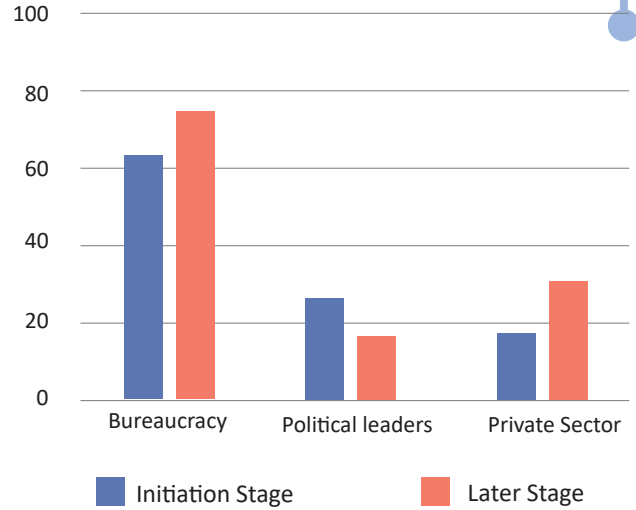
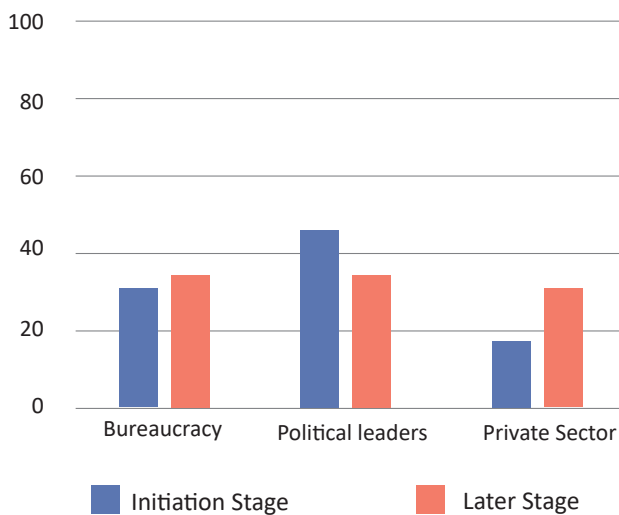
The patterns of support for IRC varied markedly between New Zealand and the AMS. Figure 2.10 below compares the support at different stages from political leaders, bureaucrats, and the private sector in the AMS with the support in New Zealand. In New Zealand, having the support of the bureaucracy comes through as critical, but that of the ministers much less so. One explanation for this is that much IRC in New Zealand is bilateral with Australia and more bottom-up. Transgovernmental networks (i.e. direct, informal, domestic, agency-to-agency arrangements) operate without the direct involvement of foreign ministries and 'beneath the radar' of politicians. New Zealand respondents emphasised that the ministers' role was generally limited to lending a symbolic legitimacy, rather than actively championing the IRC and committing to its success. By contrast, respondents from ASEAN countries perceived 'from-the-top' political mandate as more critical and going beyond symbolic support.

In both ASEAN and New Zealand, however, the importance of political support diminished over time, while that of the bureaucracy and the private sector tended to increase. This is consistent with the view that, although political support was more important in getting up-front commitment, the benefits were less obvious to politicians than other actors. This is consistent with the propositions discussed in section 6, where the majority of respondents agree that 'regulators and politicians need to be shown the benefits from reduction in regulatory differences among AMS under IRC'.

There is a remarkable similarity in the role of the private sector in AMS and in New Zealand. Private sector support was weak or very weak at the initiation stage, but becomes much stronger as the IRC evolves (83% responded that this was strong or very strong in New Zealand, 82% responded that this was so in later stages in AMS).

Figure 2.10. Dynamics of International Regulatory Cooperation – Support by Phase





(left) ASEAN (right) New Zealand

ASEAN = Association of Southeast Asian Nations.

Source: Economic Research Institute for ASEAN and East Asia International Regulatory Cooperation Survey, Questions 50–61.

9. The Governance of International Regulatory Cooperation in the Association of Southeast Asian Nations and New Zealand

Every country has its own unique regulatory management system (RMS) for developing laws, regulations, and rules (see Intal and Gill, 2017). ‘Regulatory management refers to the systematic appraisal of the impacts of proposed legislative rules and the sustained maintenance of existing laws and regulations’ (Gill, 2019). This appraisal occurs through the use of regulatory quality tools, such as regulatory impact analysis or administrative burden reduction. IRC is an integral part of high-performing RMSs. This is because RMSs and GRP generally need to consider the international implications of domestic regulatory processes for the design and operation of regulatory regimes.

In the IRC country studies, each researcher was asked to look at the interface between the RMS and the IRC in their country and the degree of central oversight of IRC. The focus questions were:

- (i) Was there one or more lead agency in the national government specifically responsible for promoting overall regulatory quality (GRP)?
- (ii) If so, did that body’s role include oversight of IRC?
- (iii) Was there an explicit government policy on IRC?

9.1. Lead Agency on Good Regulatory Practice and for International Regulatory Cooperation

There is a wide range of lead agency arrangements on GRP, as would be expected given the diversity of RMS arrangements across the countries in the study. Some countries (e.g. Indonesia and the Philippines until very recently) reported no GRP lead agency, or one with a relatively narrow focus (e.g. Brunei Darussalam on ease of doing business, and Thailand and Singapore on law drafting); some such as Viet Nam had a single lead agency (the Ministry of Justice); and some had two GRP leads (e.g. New Zealand and Malaysia).

In no case did the GRP lead body’s role include explicit oversight of IRC. However, in the case of New Zealand, the Ministry of Business, Innovation and Employment played a lead role

in promoting international regulatory coherence, which includes promoting IRC in its many forms. This diversity of arrangements is not unique to ASEAN. Across the world there is little evidence about what good IRC governance looks like, or what a 'best practice model' might be.

9.2. International Regulatory Cooperation Oversight and Policy

While there was limited central oversight of IRC and a wide variety of IRC arrangements in place, there were a number of similarities. All countries have to grapple with the range of types of IRC, including:

- (i) informal networks for which the lead regulatory agency generally decides the extent of participation,
- (ii) more formal executive agreements that generally need cabinet or presidential ratification to enter into force, and
- (iii) treaties that typically require executive agreement and some form of legislative concurrence.

There were two common themes: (i) for formal treaties and executive agreements, most countries reported that the ministry with responsibility for foreign affairs had an oversight role; and (ii) for informal transgovernmental networks, IRC responsibility generally lies solely with the relevant individual line ministry or public agency. IRC, when formal, is implemented through a range of legal instruments. As a result, most countries have developed arrangements to manage whether and how to become a party to international treaties and protocols.

In some countries where there is a separate ministry with responsibility for international trade (e.g. Malaysia and Viet Nam), this also oversees international trade and economic agreements. In other jurisdictions (e.g. the Philippines and Viet Nam), the planning agency also oversees GRP and hence indirectly IRC. The case of the Philippines is instructive.

'In general, there is no single government agency that oversees the quality of regulations or monitors the number and type of regulatory issuances made by government regulatory agencies.... there is no lead government body that promotes overall regulatory quality. Instead, each government department (ministry)...perform[s] regulatory functions over their respective sectors [e.g. health in the Department of Health]....

While international coordination concerning regulations and policies depends on the sector involved (e.g. the Department of Trade and Industry for trade-related matters), the National Economic and Development Authority (NEDA) is the closest agency that monitors and coordinates activities relevant to the formulation of government policies, plans, and programs; and undertakes policy reviews.... The NEDA implicitly oversees IRC activities across different sectors because it is tasked with providing policy reviews and recommendations to policy makers and is also the lead agency that prepares the Philippine Development Plan. Consequently, there is no explicit or distinct institutional framework governing IRC in the country'. (Llanto, Chapter 6)

For informal transgovernmental networks, the dominant governance model was a devolved approach. Under this approach, responsibility for a particular IRC initiative lies directly with the relevant individual line ministry or public agency.

Cambodia provides a typical example:

'With regards to IRC, which deals with international regulatory matters, there is no dedicated body in the country to oversee/coordinate it. In general, each ministry has its department of international cooperation/affairs, dealing with IRC-related matters. The technicalities of the issues are chiefly handled at the department level, while the decisions are, in most case, referred to the general directorate or higher level in the hierarchy'. (Ngov, 2018)

No country reported an explicit cross-sectoral IRC policy, although some were implicit. For example, New Zealand's regulatory stewardship framework, while not explicitly mentioning IRC by name, does refer to IRC in effect, The Government's Expectations for Good Regulatory Practice (published in April 2017), which expects regulations to be 'consistent with relevant international standards and practices' and for regulatory agencies to 'periodically look at other similar regulatory systems, in New Zealand and other jurisdictions'.⁷

The governance of IRC varies between countries but also across different sectors within the same jurisdiction. The country study for Thailand (Chapter 4 in this volume) points out: 'The international regulatory landscape of each individual organisation is complex, as it reflects the industry being regulated, the different forums at which Thailand is represented, and the domestic setup of the regulatory organisations'.

However, there are also commonalities. The Office of the Council of State (OCS), '...oversees one aspect of the IRC process. As a key stakeholder for all organisations involved in regulation that impacts domestic law, the OCS is responsible for reviewing and assessing every piece of draft legislation before it is submitted to Parliament. The OCS is also responsible for translating every piece of legislation and regulation into English and Thai'. (Lam, Chapter 4)

A deeper understanding of the different approaches to IRC, both within and across countries, is likely to be a key part of the GRP toolkit. The governance of IRC is particularly challenging as it is not yet clear what good practice in IRC governance looks like. In the next and final section of this chapter we explore likely future trends in the development of IRC.

10. Concluding Comments: The Future of International Regulatory Cooperation

No discussion of IRC would be complete without a discussion of the possible future of IRC in East Asia. The concluding section of the survey included an open-ended question: 'Are there any developments that will shape how IRC will develop (e.g. AEC Blueprint 2025 or CPTPP (TPP11))?'

A number of common themes emerged from the survey responses and the workshop discussions about how IRC might play out in East Asia. These discussions occurred in the context of slowing growth of world trade, a lack of progress on further multilateral liberalisation, ongoing strategic competition between the United States (US) and China, and US disengagement from its traditional leadership role on international economic issues.

There is an old saying that 'all models are wrong but some are useful'. In the futures space, it can be said that 'all futures work will be wrong, but some of it will be useful and insightful'. The trick is to distinguish between the trends that will continue to play out over time from the discontinuities that have the potential to throw things off course.

⁷ See Box 5.1 in Chapter 5 on New Zealand for a more detailed discussion.

10.1. Most Long-Term Drivers of International Regulatory Cooperation Continue to Operate

The growth of IRC since World War Two has been driven by the combined impact of (i) globalisation, (ii) technological change, and (iii) geopolitical developments. Looking ahead, beyond the coronavirus disease, for the next decade two of these drivers will continue to operate:

- (i) global economic trends including the growth in global supply chains, globalisation, growth in multinational corporations, and pressure from business to reduce technical barriers to trade; and
- (ii) technology driving the Fourth Industrial Revolution through the combination of digitisation, artificial intelligence, cloud technology, big data analytics, and high-speed mobile.

10.2. Geopolitical Tensions Will Continue

On the geopolitical side, there is significant potential for discontinuity, with the slowdown in international economic integration, ongoing US–China rivalry, loss of American leadership, and loss of momentum of multilateral initiatives. As the size and heterogeneity of members' interests in multilateral institutions grow, the prospect of universally binding commitments recedes. As a result, there will be less impetus for IRC from the multilateral agreements that provide for widening and deepening regulatory cooperation.

In East Asia, there are several overlapping regional trade and regulatory initiatives that might help drive the future of IRC in the region, including:

- (i) the AEC Blueprint 2025;
- (ii) regulatory provisions in the FTAs between ASEAN and six countries in the region (the Republic of Korea, Japan, China, India, New Zealand, and Australia);
- (iii) APEC with its agenda on structural reform that includes a number of countries from this study (Brunei Darussalam, Indonesia, Malaysia, New Zealand, the Philippines, Singapore, Thailand, and Viet Nam);
- (iv) the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which currently involves 11 countries in Asia and the Pacific region including Brunei Darussalam, Malaysia, New Zealand, Singapore, and Viet Nam; and
- (v) the Regional Comprehensive Economic Partnership, which includes the 10 AMS, plus the five of the six countries with which ASEAN has an FTA.

In the longer term, the objective of the Free Trade Area of the Asia-Pacific is to link Pacific Rim economies from China to Chile to the US with the aim of harmonising the 'noodle bowl' of regional and bilateral FTAs that proliferated following the collapse of the Doha Round of the WTO talks in 2006.

The AEC 2025 provides a focus for GRP and IRC efforts in the region. The Closer Economic Relationship and vision of a Single Economic Market between New Zealand and Australia have driven many of the trans-Tasman IRC initiatives. Similarly, the ambition of the AEC should be to be a strong driver of IRC in the region.

In the workshops held to support this study, several sources saw US disengagement as an opportunity to expand IRC by providing 'freer paths of evolution, not constrained by US legalism, less dominance by a single powerful player', and observed that it was 'politically less hard to be seen to be responding to a US agenda'. The counterview, however, was that US–

China tensions will inevitably spill over into engagement between second-tier nations, making collective agreements harder to achieve in regional forums like ASEAN and APEC.

10.3. Alongside Discontinuity Is Continuity

Other trends will persist, providing continued impetus for IRC. The technological developments associated with the Fourth Industrial Revolution – digitisation, artificial intelligence, cloud technology, big data analytics, and high-speed mobile – will continue, and these drivers do not respect country borders.⁸ The need to manage international spillovers will increase the need for cooperation on regulatory policy design, enforcement, and other regulatory agency practices to ensure that the domestic regime remains effective. Cooperation is more likely to develop in newer ‘greenfield’ areas such as emerging technology, as it is much easier to start with a clean slate, both technically and politically, than to cooperate on ‘brownfield’ areas where different countries’ regulatory policy regimes and practices are much more entrenched.

In addition, the slowing growth of world trade, and economic growth in East Asia may increase the pressure for growth-enhancing structural policies, including greater interoperability of regulatory policies and practices.

10.4. International Regulatory Cooperation as a Flexible Pragmatic Response

In the absence of progress in multilateral forums, there is scope for more emphasis on plurilateral and regional arrangements such as the AEC, APEC, and CPTPP. IRC provides a pragmatic flexible approach that can be pursued selectively through the use of more informal mechanisms.

A recent example of plurilateral ‘coalitions of the willing’ developing ‘framework agreements’ is the Digital Economy Partnership Agreement between New Zealand, Chile, and Singapore that was formed to take advantage of opportunities from digital trade. We can also point to the Singapore–New Zealand-inspired agreement on trade in general medical supplies and equipment, which has been joined by several other economies; and the interim arrangement on a temporary replacement for the WTO Appellate Body, in which New Zealand is one of 15 economies.

The view from Viet Nam is instructive.

‘Looking forward, the implementation of CPTPP, AEC Blueprint 2025, and Renewed APEC Agenda on Structural Reform (RAASR) will have important implications for IRC in Vietnam. The CPTPP is often considered a high-quality agreement of the 21st century, with model standards on GRP, competition, [sanitary and phytosanitary measures], [technical barriers to trade], etc. Meanwhile, ASEAN has acquired more experiences in promoting intra-regional regulatory cooperation. The RAASR provides another framework for Vietnam’s voluntary and unilateral adoption of international regulatory standards to foster structural reform, with technical assistance from more advanced APEC member economies (Australia, New Zealand, [Republic of] Korea, etc.). The opportunities are thus diverse for Vietnam to participate in IRC, at different scopes and depth.’ (Vo, 2018)

⁸ See Yeung and Lodge (2019) for a discussion of the ambiguities and complexities posed by regulating algorithms.

10.5. Sovereignty as a Potential Wild Card

Parallel to international development, ongoing social trends (e.g. aging populations in developed countries and the expansion of the middle classes in some developing countries), as well as new energy technologies can enable a greener global economy. There is an old international negotiator's aphorism that states, 'the people who cause the most trouble in making a deal are not the other countries but those on your own side'. The importance of the domestic political atmosphere for IRC came up repeatedly in the country studies. A complex web of factors influences whether regulation generally and IRC in particular is adopted. Concerns about 'sovereignty' (discussed in Box 2.4) risks becoming an all-purpose tool to derail IRC proposals. In the face of the loss of favour for globalisation generally and freer movement of people in particular, willingness to adopt formal IRC dissipates. This line of argument emphasises the likely importance of diverse 'bottom up' routes to deeper regulatory cooperation further in the future.

10.6. Bringing it All Together: International Regulatory Cooperation – Why, Who, How, What, and Which

This chapter started with five key questions that IRC practitioners must address:

- (i) Why? Why undertake IRC?
- (ii) Who? With whom will countries cooperate (arrangements can be bilateral, sub-regional/ regional, plurilateral, or multilateral)?
- (iii) How? How intensively will the country regulators cooperate (from informal networks of national regulators, through to formal regulatory partnerships and harmonisation)?
- (iv) What? On what will they cooperate – regulatory policies (making rules); regulatory practices (interpreting, applying, and enforcing rules); or regulatory organisational management (supporting rules administration)?
- (v) Which? Which structure will they use?

These questions inevitably involve forces pulling in different directions, and the dynamics will vary across different sectors. Box 2.5 highlights some speculative propositions produced from the research about how IRC in East Asia may play out in the future.

Box 2.5: Conjectures about the Future of International Regulatory Cooperation in East Asia

Why undertake IRC?	To gain economic benefits, and improve regulatory effectiveness, and achieving geo-political imperatives such as the AEC Blueprint 2025 for AMS
Who will countries cooperate with?	Less multilateral and more regional and plurilateral arrangements, the latter built on coalitions of the willing
How intensively will countries cooperate?	Full regulatory integration will be the rare exception to the rule. Rather IRC will start at the less intensive cooperation end of the spectrum, but intensity will grow over time – while stopping short of regulatory integration
What will they cooperate on?	IRC will occur across the spectrum of regulatory policy and practices and to a lesser extent, regulatory governance. IRC will expand but based on a selective case by case organic evolution rather than big push. Cooperation will be more likely to develop newer 'greenfields' areas, such as the fourth Industrial Revolution for example, than on 'brownfields' areas with more entrenched regulatory regimes.
Which structure will they use?	Growing emphasis on more informal, below the radar IRC mechanisms, such as Trans-Governmental Networks. FTAs and formal trade agreements will have limited role in shaping IRC beyond TBT/SPS. However, IRC will remain important in the TBT/SPS space whereby cooperation can occur as part of the wider regulatory agenda.

In the futures space, it is important to bear in mind the old Danish proverb, 'It is difficult to make predictions, especially about the future'. In the case of this project, the coronavirus pandemic occurred just as documentation of the research findings was being completed. As the world is in the middle of the event as this text is being finalised (March 2020), it is too early to speculate in any detail on the impact on the world economic outlook generally and on IRC in particular.

There will likely be an important role for IRC even in a post-coronavirus world where the cross-border movement of people and international trade in goods and services may be more restricted. IRC can, of course, help create an environment that supports cross-border trade and investment. However, more importantly, as the pandemic has dramatically demonstrated, there are few regulatory regimes where factors outside domestic territorial borders do not have the potential to have a significant local impact. Some regulatory effectiveness issues will require more concerted action. Thus, another significant driver is the use of IRC to support the effectiveness of regulation to achieve domestic policy objectives.

Leaving aside the effect of the pandemic, the research in this project has provided some pointers about how IRC is likely to evolve in East Asia. If IRC is to continue to flourish, it will rely on the commitment of bureaucrats to get initiatives over the line. The next chapter focuses on the practical craft of IRC and examines the common success factors drawn from a range of IRC case studies.

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Country Studies in This Volume

Chapter 4: International Regulatory Cooperation in Thailand – The Waving Bamboo and Tailgating Strategies (Dominique Lam)

Chapter 5: International Regulatory Cooperation in New Zealand – Embedded in a Complex Web of Arrangements (Derek Gill)

Chapter 6: International Regulatory Cooperation in the Philippines – The Drive for Improved Regulatory Quality and Regulatory Coherence (Gilberto M. Llanto, Ma. Kristina Ortiz, and Aljan Salvanera)

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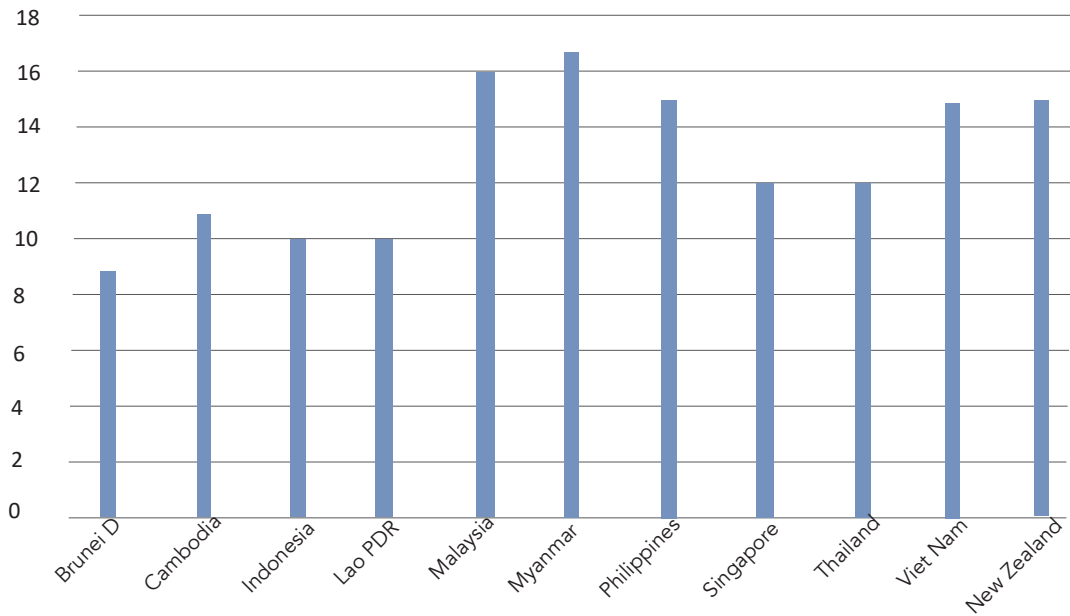
Internationally Networked Government: The Case of International Regulatory Cooperation in Singapore (Hank Lim Giok-Hay)

Appendix: Background on the International Regulatory Cooperation Survey

This appendix summarises the background material on respondents to the International Regulatory Cooperation (IRC) Survey, including the breakdown by country, institutional affiliation, and years of IRC experience as well as providing the actual survey questions given to Association of Southeast Asian Nations member state respondents. The New Zealand survey had the same structure and format, but the contextual details were tailored to New Zealand's situation.

As an expert survey, the survey design required a small number of people from each country with good understanding and direct practical experience with IRC.

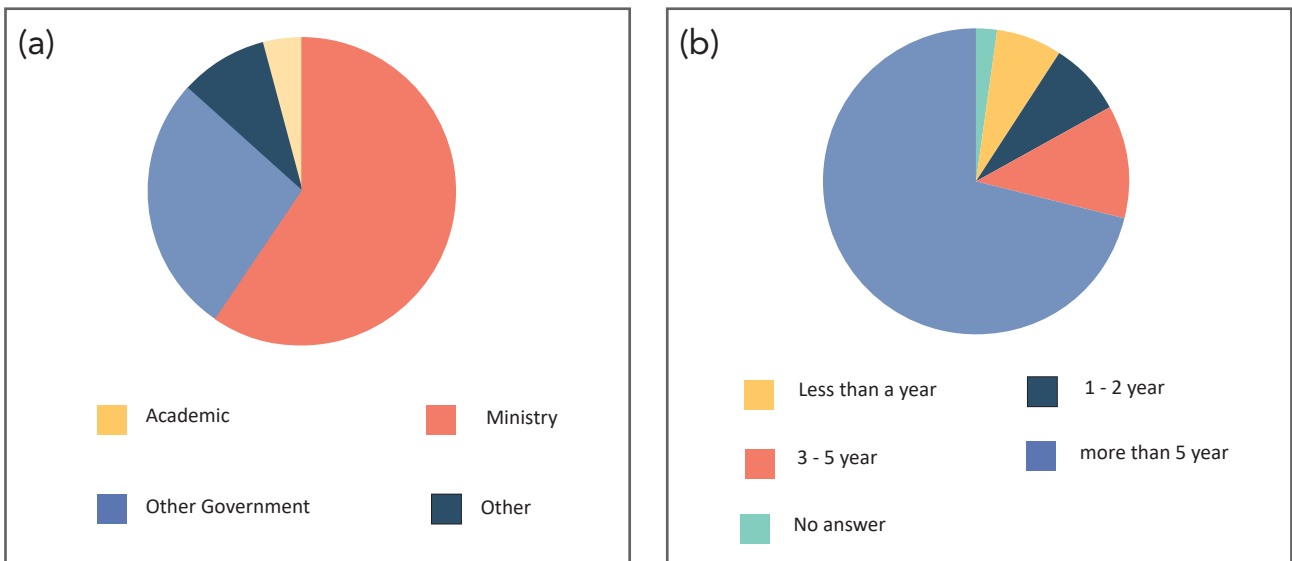
Figure A2.1: Total Respondents by Country



Brunei D. = Brunei Darussalam, Lao PDR = Lao People’s Democratic Republic.
 Source: Economic Research Institute for ASEAN and East Asia International Regulatory Cooperation Survey, Question 1.

Unsurprisingly, the expert survey was predominantly made up of government officials. Figure A2.2 shows that the interlocutors were mainly ministry (57%) or line agency (28%) officials, with some academic and private interviewees. Respondents generally had considerable IRC experience – the majority (72%) of those interviewed reported that they have been involved in IRC for more than 5 years.

Figures A2.2: (a) Respondent Institutional Affiliations and (b) Degree of Involvement in International Regulatory Cooperation



Source: Economic Research Institute for ASEAN and East Asia International Regulatory Cooperation Survey, Question 1.

INTERNATIONAL REGULATORY COOPERATION (IRC) SURVEY QUESTIONNAIRE – Association of Southeast Asian Nations Member States version

Please be as frank as possible as the responses will be summarized and reported so that individual responses are not identifiable. Where your statements and insights are particularly worth noting, we would ask your permission if we can quote you for the country report and for the overall integrative report.

(The response is indicated by an X in the relevant column for each question)

1. Demographic Questions

1a. Name : Title Mr. Ms. Dr.

First Name:

Last Name:

1b. Country : Brunei Darussalam Cambodia
 Indonesia Lao PDR
 Malaysia Myanmar
 Philippines Singapore
 Thailand Viet Nam

: Lead Position,
(e.g. Director, Manager, Associate)

Sector focus of the institution.....
(e.g. agriculture, manufacturing, telecommunications,
whole economy, monetary policy, planning)

1d. Institutional Affiliation : Academic Ministry
 Other Government, (Please indicate)
 Other,(Please indicate)

1e. Degree of Involvement in IRC : Less than a year
 1-2 year
 3-5 year
 More than 5 year

1f. Main Area of IRC Involvement : Bilateral
 Sub-Regional (e.g. GMS)
 Regional (e.g. ASEAN)
 Multilateral

2. Views on International Regulatory Cooperation (IRC)

We would like to get your views on international regulatory cooperation (IRC) by responding to the following statements. Specifically, please check or tick the appropriate box for each of the statements below:

- A. IRC enhances transparency and predictability and reduces barriers to international trade.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- B. IRC facilitates exports of SMEs that are usually handicapped in meeting compliance challenges in foreign markets.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- C. IRC strengthens the capacity of states to deliver effective regulation to citizens and businesses.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- D. IRC that requires treaties and protocols reduces policy space of a country to the disadvantage of the country.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- E. Regulators (in my sector) often do not consider the trade implications of what they do. ASEAN needs IRC to manage spillovers across borders of national regulations in an integrated region.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- F. IRC in ASEAN benefits the richer countries much more than the poorer countries.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- G. IRC helps with the design and implementation of regulations that promote global and regional supply chains.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- H. IRC needs good regulatory practice (GRP) (e.g. stakeholder consultation) to make regulations more effective and beneficial to firms and citizens.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- I. IRC builds trust and mutual understanding among institutions in AMS.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- J. In ASEAN, regulations and their implementation differ substantially across countries. IRC reduces regulatory divergence and introduces more harmonized processes among AMS, thereby benefiting firms and citizens of the region.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- K. IRC can benefit the bureaucracy through enhanced knowledge flow about technical issues and options and about policy experiences of other countries.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- L. In ASEAN, with member states of widely varied levels of economic and institutional development and diverse cultures, it is best to start with shallow regulatory cooperation that apply to all members and deep (high level) cooperation for those who are willing and/or interested.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- M. Regulators and politicians need to be shown the benefits from reduction in regulatory differences among AMS under IRC.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- N. Without strong political will and support, IRC cannot be sustained.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- O. A more integrated ASEAN needs to institutionalize IRC.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know
- P. IRC adds additional layer of coordination and makes life for administrators and regulators even more difficult and bureaucratic.
 Strongly Disagree Disagree Agree Strongly Agree Don't Know

3. Pervasiveness of IRC

This section asks your perception of how pervasive IRC initiatives are in your country. You can answer for the sector you are involved in or the country as a whole. By IRC we include bilateral, regional (e.g. ASEAN) level, or multilateral initiatives. Please tick the appropriate box on your perception of the magnitude of IRC initiatives, according to different forms of IRC. We will also ask you to list down examples of IRC, except where there is none.

The response boxes are for: none (that I know of); one or two; few (between 3 and 5 IRC); and many (more than 5 IRC).

- A. Unilateral adoption of regulatory regime of a trading partner (in ASEAN or outside ASEAN)
 None One or Two Few Many
- B. Regulatory dialogues and exchange of information with another country or regional (e.g. ASEAN)
 None One or Two Few Many
- C. Voluntary, non-justiciable commitment to best practice guidelines, and principles (e.g. APEC).
 None One or Two Few Many
- D. Adoption of international standards developed by international standard setting bodies (e.g. ISO, GS1 barcodes, etc.)
 None One or Two Few Many
- E. Policy coordination with partner country (ies) on specific area or sector of regulation
 None One or Two Few Many
- F. Mutual recognition agreements (MRAs) with other countries or region-wide (e.g. ASEAN) on conformity results which allow specifications (qualifications of professionals, products) gained in one country to be recognized in another country (e.g. ASEAN MRAs on engineering, architecture, etc.).
 None One or Two Few Many
- G. Joint development of standards with another country or regionally (e.g. ASEAN)
 None One or Two Few Many
- H. Cross agency exchange of personnel (short term, long term) with other institution (s) in another country or regionally
 None One or Two Few Many
- I. (Formal) cooperation agreement on the enforcement of regulations with another country or regionally
 None One or Two Few Many
- J. Harmonization of technical regulations (involving specific products) with another country or regionally (e.g. ASEAN Cosmetics Directive)
 None One or Two Few Many
- K. Mutual recognition of rules: equivalent objectives, regulatory requirements, standards, and conformity procedures between countries. This is a stronger IRC than mutual recognition of conformity results e.g. APEC Asian Passport Funds.
 None One or Two Few Many
- L. Joint Institution or an institution established by two or more countries to supervise regulatory aspects in a particular area in the participating or member countries
 None One or Two Few Many
- M. Formal regulatory cooperation partnerships with another country (or region) which are broad political agreements between countries in order to promote better quality regulations and reduce regulatory divergences; e.g. US-Mexico High Level Regulatory Council
 None One or Two Few Many

Please list down examples of IRC involving your country, and if possible, indicate what is the nature or form of the IRC:

1. _____

2. _____

3. _____

4. _____

Thinking of your country's experience with IRC across the board (and not just in your sector/ industry) are your country's IRC initiatives mainly bilateral, regional or multilateral?

- Bilateral
- Regional (ASEAN)
- Multilateral

4. Persuasiveness of IRC

From the examples that you have listed, let us examine one IRC case that you are most familiar with. We would like to know, based on your understanding and knowledge, the evolution of the IRC over time, the factors (enabling or constraining) that have affected its contributed to the shaping of the form of IRC and the extent of its implementation over time.

A. Please indicate the IRC you are most familiar with that you would like to examine in some depth

B. When did the IRC start involving your country? _____

Is it global or regional or bilateral?

What is the nature of the IRC? _____

C. How has the IRC evolved over time:

Is the form or nature of the IRC the same now as it was at the start of the IRC?

Yes No

If No, what were the changes in the form or nature of the IRC; e.g. country coverage, sector coverage, deepening or expansion in the form or nature of the IRC to higher levels of cooperation? Please indicate below

D. In your understanding or perception (please encircle which), what are the key factors that contributed to the choice of the form of IRC and its evolution over time. Specifically,

	Very Strong	Strong	Weak	Very Weak
1. At initiation stage, support of political leaders--	[]	[]	[]	[]
2. At initiation stage, support of the bureaucracy	[]	[]	[]	[]
3. At initiation stage, support of the private sector	[]	[]	[]	[]
4. Other factors that have contributed to the decision of the country to be part of the IRC. Please state and explain briefly importance of each				

	Very Strong	Strong	Weak	Very Weak
5. At later stage, support of political leaders--	[]	[]	[]	[]
6. At later stage, support of the bureaucracy	[]	[]	[]	[]
7. At later stage, support of the private sector	[]	[]	[]	[]
	Increased Substantially	Barely Increased or Not at All	Decreased	Remained Not Understood or Known
8. At later stages of the IRC, benefits from IRC have proven to have	[]	[]	[]	[]
9. At later stages of the IRC, costs of undertaking the IRC have proven to have	[]	[]	[]	[]

10. Please briefly explain what kind of benefits and costs of the IRC:

E. In your understanding, what were the major problems that faced the initiation and implementation of the IRC, and how were those problems addressed? Please elaborate below

- F. What are the key lessons and insights that you think can be drawn from the IRC experience?
- _____
- _____
- _____
- G. In comparing this IRC discussed above and another one that you know of (please indicate here the name)
- _____
- _____
- _____
- H. Is this other more successful / less successful (please encircle one) than the IRC above? What do you think are the similarities and/or differences in the (enabling and/or constraining) factors that have influenced the performance of the other IRC compared to the IRC discussed above?
- _____
- _____
- _____

Thinking of your country's experience with IRC across the board (and not just in your sector/industry), which of the following most restricts or inhibits the growth of IRC in your country?

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
There is little awareness on and understanding of, and hence no push for, IRC by stakeholders (private business, academe, etc.)	[]	[]	[]	[]	[]	[]
Bureaucracy has little knowledge and trust of the regulatory regimes of other AMS	[]	[]	[]	[]	[]	[]
There is concern on the lack of regulatory flexibility and sovereignty arising from IRC	[]	[]	[]	[]	[]	[]
There is little appetite by regulators for joint design, monitoring and evaluation of regulations with other AMS	[]	[]	[]	[]	[]	[]
There is little appetite by regulators for joint design, monitoring and evaluation of regulations with other AMS	[]	[]	[]	[]	[]	[]
There are legal obstacles to IRC (e.g. restrictions on information sharing/confidentiality rules)	[]	[]	[]	[]	[]	[]
There is concern on increased administrative burden of IRC on the country	[]	[]	[]	[]	[]	[]

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
The lack of persuasiveness – as business cases for IRC don't stand up	[]	[]	[]	[]	[]	[]
The history to date – with mixed experience	[]	[]	[]	[]	[]	[]
Differences in capability and country size means trust in other country's systems is uneven	[]	[]	[]	[]	[]	[]
IRC led to reduced transparency between countries	[]	[]	[]	[]	[]	[]
IRC contributed to reduced management of risks across borders	[]	[]	[]	[]	[]	[]

*Interviewer's prompts - Has the variation come on the costs or benefits side?
Would a lower intensity / higher intensity level of IRC have worked better?*

	Strongly Not Willing	Not Willing	Willing	Strongly Willing
Unilateral adoption of policy or regulatory practices of other AMS and other countries	[]	[]	[]	[]
Dialogue and Informal exchange of information on policy, enforcement, and other regulatory practices	[]	[]	[]	[]
Joint recognition of international standards (e.g. through ASEAN)	[]	[]	[]	[]
Mutual recognition agreements	[]	[]	[]	[]
Regional trans-governmental networks among regulators (ASEAN)	[]	[]	[]	[]
Mutual enforcement cooperation in AMS/other countries	[]	[]	[]	[]
Formal requirement for transparency and considering IRC when developing regulations	[]	[]	[]	[]
Formal exchange of staff	[]	[]	[]	[]
Bilateral or regional legally binding regulatory agreements and/or harmonization, with oversight enforcement by a supranational regional body	[]	[]	[]	[]

6. Institutional Arrangements for IRC [answered by the researcher]

Some countries centres of government have a lead agency which has overall responsibility for regulatory policy and quality.

6a. Is there one or more lead body / agency in the national (central / federal) government specifically responsible for promoting the overall regulatory quality (GRP)?

Yes, Please Elaborate

No

6b. If so, does that body's role include oversight of IRC?

Yes, Please Elaborate

No

6c. Is there an explicit government policy on international regulatory cooperation?

Yes, Please Elaborate

No

7. Concluding Questions

7a. Are there any other issues that you wish to cover or comment you wish to raise?

7b. Are there any developments that will shape how IRC will develop (e.g. AEC Blueprint 2025 or CPTPP (TPP11))?

7c. What are your thoughts and suggestions on institutionalizing, expanding and/or deepening IRC in ASEAN?
