

**REGULATORY REFORM AND GOVERNANCE: A SURVEY OF  
SELECTED DEVELOPING AND TRANSITION ECONOMIES**

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# REGULATORY REFORM AND GOVERNANCE: A SURVEY OF SELECTED DEVELOPING AND TRANSITION COUNTRIES

## **Abstract**

Regulation is now considered an integral instrument in developing policy toolkit to support market-led, pro-poor growth in developing and transition economies.

Institutional environment in general and regulatory governance in particular have increasingly been viewed as a factor of competitiveness. In search for better governance, regulatory reform is critical. This article assesses regulatory reform in selected developing and transition economies by reporting the results of a survey on the application of regulatory governance policies, tools and institutions. It is found that in these countries regulatory reform has not shifted in approaches and objectives to taking a systematic view of regulatory governance and the means of promoting and enhancing it. It is suggested that, in order to improve regulatory governance, focus should be put on each of the three elements: regulatory policies, tools and institutions, and that centralised and concerted efforts are needed to integrate the elements.

**Key Words: regulatory reform, regulatory governance, regulatory decision making, developing countries, transition economies.**

## **Introduction**

The role of the state and that of regulation have been changing over time. The earlier view of positive/interventionist government was replaced by the orthodoxy of minimal state, which in turn gave away to the notion of regulatory state. Under the notion of regulatory state, emphasis has shifted to 'better regulation' and 'good governance'. The need for effective regulatory frameworks to sustain the process of economic growth and development has now been widely recognised. There has also been empirical evidence from around the world (e.g. Nicoletti and Scarpetta (2003); Estache (2004); Dollar and Kraay (2002)) suggesting that good governance in general and regulatory governance in particular is critical to a sustainable development process; while excessive regulation has negative effects on private investment, international trade and growth (e.g. Djankov *et al.* (2002)). Appropriate regulatory frameworks are needed to tackle market failures, which can take the form of pervasive externalities in market transactions, monopoly abuse, missing markets and information asymmetries (Parker, 2002). Regulation may also be needed to align market-led development with the objectives of social development and environmental protection. Institutional environment and the quality of regulation which affect markets and business activities have increasingly been viewed as a factor of competitiveness that influences investment decisions of both domestic and foreign investors.

In search for better governance, regulatory reform is critical (Kirkpatrick, 2006). It is most true of developing and transition economies, where weaknesses in regulatory rule-making are pervasive and there is a lack of accountability, transparency and consistency in policy formulation and implementation. Foreign investors, and

domestic ones alike, are discouraged from investing in countries where the regulatory framework falls well short of ‘good governance’.<sup>1</sup> Government in such economies have now realised the urgency to improve regulatory governance in order to increase the levels of private investment and economic growth.

However, regulatory reform in developing and transition economies faces more and bigger difficulties than in developed countries. One of the difficulties and challenges is associated with transferring to these countries ‘best practice’ models rooted in different economic, social and political contexts of developed countries. A reality gap between ideas of best practice and the actual legal, administrative, political and economic processes that exist in low- and middle-income countries means that a ‘one size fits all’ approach is likely to produce perverse outcomes, or what is called ‘fatal remedies’ (Hood, 1998, p.208). Another challenge lies in the fact that low- and middle-income countries lack the essential institutional underpinnings for effective regulatory reform. In particular, there are constraints in regulatory capacity: most less-developed countries are short of resources and expertise required for regulatory reform. In addition, regulatory reform and policy in these countries needs to consider a wider range of objectives beyond just promoting market efficiency. It is important for regulatory policy in less-developed countries to be ‘pro-poor’.

So far, most literature has been concerned with regulatory reform in OECD countries, but not as much has been known about the experience in the other part of the world.

This article reports the results of a survey on the application of regulatory policies, tools and institutions in eleven developing and transition countries. The aim is to see

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<sup>1</sup> Jacobs (2003) lists five characteristics of modern regulatory system: security, transparency, legitimacy, efficiency and expertise. The Better Regulation Task Force in the UK published five ‘principles of good regulation’: transparency, consistency, proportionality, targeting and accountability (BRTF, 2000)

how far regulatory reform in less-developed countries has been on the way to improve regulatory governance. The rest of the paper is structured as follows: after a discussion of the concept and main principles of regulatory governance, a summary of the survey and the respondents is presented. The results of the survey are reported and discussed in the following section, with the last part of the article drawing conclusions.

### **Concept of Regulatory Governance**

The concept of regulatory governance is still relatively new even in developed economies. Simply put, it can be seen as the framework for regulation and defined as ‘the mechanisms that societies use to constrain regulatory discretion and to resolve conflicts that arise in relation to these constraints’ (Levy and Spiller, 1994, p.205).

More precisely, the concept covers both the design and implementation of instruments and methods for assessing the impact of regulation, and the governance principles such as transparency, accountability, efficiency, adaptability and coherence (OECD, 2002).

According to OECD (2002), a successful approach to regulatory governance involves three elements: regulatory policies, tools and institutions. Compared to earlier reforms which focused on ‘de-regulation’ and ‘re-regulation’, the regulatory governance agenda has a dynamic and system oriented focus. This involves the adoption of processes and institutions that assure the quality of regulation is maintained and improved over time. Under this concept, regulatory structures are considered as an integrated whole, rather than being reviewed and evaluated as a collection of unrelated elements. It also emphasises the importance of linking regulatory reform

with wider governance values like transparency, consistence and accountability. The central principle is that the success of regulatory reform for improving regulatory governance is based on an integrated approach to these three mutually supportive elements.

Regulatory policy is the systematic development and implementation of government-wide policies on how government use their regulatory powers (ibid.). The principle here is that regulatory policies should be adopted at a high political level in order to lend authority and aid transparency. Focus needs to be put on improving rule-making by establishing or reforming regulatory appraisal of new regulation and keeping regulation up to date.

As state regulation can produce both ‘goods’ and ‘bads’, it is therefore important to improve regulatory decision-making through deploying in a consistent and mutually supporting way a range of tools, including regulatory impact assessment (RIA)<sup>2</sup>, public consultation, and consideration of regulatory alternatives. The tools for improving regulatory decision-making and transparency are mutually reinforcing. They are most effective when applied in combination as part of a structured system. For instance, by integrating RIA and consultation, the provision of additional information prior to consultation commencing can assist consultation in serving the goals of accountability and transparency, as well as help it fulfil the RIA related function of improving the empirical basis for decision-making. Quite often in developed countries, RIA requires identifying and weighing regulatory alternatives and even non-regulatory options before applying formal benefit-cost assessments.

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<sup>2</sup> It is also know as ‘regulatory impact analysis’.

The implementation of regulatory policies and the usefulness of regulatory instruments/tools depend on the existence and functioning of a right set of institutions. They include regulatory oversight bodies at the centre of government and independent regulators in addition to other key contributors to regulatory quality. Promoting regulatory reform and improving regulatory governance require the allocation of responsibilities and powers to agencies across the whole of the public administration. It is widely agreed among OECD countries that the primary responsibility for quality regulation and reform should be at the level of the ministry or independent regulators where the expertise lies and policies are formulated (ibid.). Meanwhile, there has been a tendency to establish central regulatory co-ordination and management capacities (regulatory oversight bodies) and a shift in the location of these units toward the centre of government. The establishment of these bodies can also facilitate the integration of regulatory reform into government management systems.

One of the objectives of regulatory reform is to establish a regulatory framework that provides an effective institutional design. However, any regulatory regime, itself, is embedded in a wider institutional context (Granovetter, 1985). That is, any regulatory regime is embodied in the specific institutional context of a country as reflected in its formal and informal rules. The institutional context is critical to the processes and outcomes of any regulatory regime. In recognition of differences in the constitutional, legal and political characteristics, one should expect different regulatory structures and instruments to be used in different countries. However, the main elements of regulatory governance and the principles based on the OECD model are still useful in assessing regulatory reform in less-developed countries.

## **The Questionnaire Survey**

Empirical evidence on regulation in developing and transition economies is growing. World Bank (2003) looked at business regulations in developing countries, but the focus was put on measuring the impact of development policy. Stern and Holder (1999) assessed the performance of regulatory systems in developing countries in Asia, but the appraisal was only made in relation to economic regulations in infrastructure industries. A collection of case studies on institutional reform in developing countries was published in Minogue and Carino (2006). However, the cases were either concerning with a particular sector or focusing on a specific aspect of regulation. Based on a questionnaire survey on RIA, Kirkpatrick, *et al.* (2004) reported on the awareness and use of RIA in 40 developing and transition economies. In spite of the wider coverage of countries, the survey focused mainly on RIA, with other elements of regulatory governance largely uncovered.

OECD (1998, 1999, and 2002) reported on regulatory reform in developing countries in relation to Mexico and South Korea. Publications (OECD, 2001, 2007) under the SIGMA programme, a joint initiative between the European Union and the OECD, also provided empirical information on regulatory reform in transition economies in eastern and central Europe. As regulatory reform in OECD countries has moved away from 'de-regulation' and 're-regulation' towards 'better regulatory governance', there is naturally an interest in knowing whether and to what extent less-developed countries have adapted and applied regulatory policies, tools and institutions to improve their regulatory governance.



To contribute to the literature in this area, the article reports the results of a questionnaire survey conducted in 2006 and updated in 2007. The survey covered 11 developing and transition economies. Participation in the survey was based on the partnership between the Centre on Regulation and Competition at the University of Manchester and research institutes in selected Asian, African and south-eastern European countries. The sample was therefore not random and qualification should be taken in interpreting the results. However, the use of local partners in distributing and collecting questionnaires proved to be useful. They had better information about the regulatory regime in their countries and were therefore in a better position to identify which regulatory agencies and government departments to send the questionnaire to. Frequent contacts made by them with informants also led to, in more than half of the participated countries, a collection of responses from agencies and government departments across different sectors and different administrative levels. Table 1 shows the number of questionnaires returned and the distribution of the respondents in each of the countries. Most of the respondents were from agencies at the national level. The analysis of the results reported below is based mainly on the responses from such agencies, cross-checked by those from lower government departments and other organisations.

(Table 1 here)

### **The Survey Results**

The questionnaire had four main parts, covering regulatory policies and institutions to improve regulatory quality and promote regulatory reform; regulation appraisal

procedures and institutions; and the use of two important regulatory tools – public consultation and RIA. A copy of the questionnaire can be obtained from the authors.

### ***Regulatory Policies and Institutions for Promoting Regulatory Reform***

Questions were asked about regulatory policies to promote regulatory reform and improve regulatory quality. Among the eleven surveyed countries, clear indication of the introduction of a published policy promoting government-wide regulatory quality was obtained only from two countries (Croatia and Serbia). In the other two south-eastern European countries – Macedonia and Montenegro, the respondents claimed explicitly that there was no such a policy (see the 2<sup>nd</sup> column of table 2). In all the other countries, mixed answers were collected. What is clear from the mixed responses is that, in each of the countries, most of the government agencies surveyed reported the non-existence of the programme. This suggests either that there was no programme promoting the improvement of regulatory quality across the board or that some of government agencies were not aware of its existence if it did exist.

In addition to the introduction of the aforementioned programme, resource commitment is important to bring about potential improvement in regulatory quality. The respondents were asked whether the government had increased resources for regulatory reform over the last five years. The responses collected showed no promising sign. In three countries –Pakistan, Ghana, and Montenegro, ‘no’ was reported by all the respondents. Although mixed answers were given, more than half of the respondents in each of the other countries did not think there was any increase in resources devoted to regulatory reform. To some extent, this finding is not

surprising given the fact that, in general, governments in less-developed countries are resource stretched.

As far as the institutions are concerned, only three countries, namely Pakistan, Ghana and Serbia, indicated the establishment of a dedicated, permanent body for encouraging regulatory reform and monitoring regulatory quality in the national administration (see column three of table 2). It was the Cabinet Committee on Regulatory Bodies in Pakistan, Ministry for Public Sector Reform in Ghana, and a department for regulatory reforms at the Secretariate of the Council in Serbia. It was indicated that in both Ghana and Serbia such a body was routinely consulted in the process of developing new regulations, had the power to scrutinise regulations issued by other ministries or regulatory agencies and monitor their progress made on reform, and could initiate reform actions. The respondents from Croatia and Montenegro reported that there were only temporary task forces which no longer operated. In all the other countries, mixed results were received, but the majority of the respondents claimed either non-existence or non-awareness of a body for encouraging and monitoring regulatory quality.

### ***Rule-making Processes and Institutions***

Questions were asked about one of the two dimensions of regulatory policies – the appraisal process for proposal regulations. Established procedures for making draft regulations are important to ensure that a rational and comparative approach to the achievement of policy goals has been taken during policy development (OECD, 2002). They also deal with issues of transparency and accountability in decision making. The survey revealed that, in nine of the eleven countries (the exceptions are the

Philippines and Pakistan), all the respondents at the national level reported that there were established administrative procedures for making draft regulations. However, one agency at a lower government level in both India and Malaysia and two research institutes in Sri Lanka answered 'no' to this question. Although they cannot overthrow the conclusion made on the basis of the responses from the national-level agencies, this may indicate that there is a need to make lower government agencies and the general public better informed about government policy. In the Philippines, 'yes' was reported by all except one of the respondent agencies at the national level. The two responses from Pakistan gave contradictory answers. Nonetheless, it is safe to conclude that there exist established procedures for making draft regulations in at least ten of the eleven surveyed countries (see column four of table 2).

At the institutional level, it is essential that the substantive appraisal of new regulations is reviewed by a public body that is independent of the regulator proposing the regulations and ideally located at the centre of government (OECD, 2002). The responses to the survey indicated that practice varied across countries (see column five of table 2). Respondents from Ghana, Croatia, Macedonia and Serbia claimed that there was a dedicated body responsible for ensuring the compliance of the procedures for draft regulations and for reviewing the appraisal of new regulations for conformity to these procedures. It was the drafting division of the Attorney General in Ghana, the Cabinet Office for Legislation in Croatia, and the Secretariat General in both Macedonia and Serbia. It is clear that the bodies were located at the centre of government and to some extent independent of the agencies proposing new regulations. The Responses from Malaysia, Sri Lanka, India and Montenegro indicated that there was no dedicated body for such responsibilities at the national government

level. However, it was reported that in Malaysia, Sri Lanka and India regulators usually acted as the agencies for monitoring compliance with the procedures, which were also the agencies proposing new regulations. It was therefore likely that the review process was not independent because of the residence of the dual-responsibility in the same agency. Inconsistent answers were received from the respondents in Nigeria, the Philippines and Pakistan, suggesting either that there was no such a dedicated body or that practice varied across regulated activities within the same country.

Responses indicated that legal scrutiny was the most common type for draft regulations in ten of the eleven countries; the exception was the Philippines, where it appeared that policy coherence (especially intra-agency policy coherence) was most rated, followed in order by legal scrutiny and budget concerns. Combining this finding with the location of the reviewing body for appraising draft regulations at the a legal department of national administration in Ghana and Croatia (see the preceding paragraph), it is clear that in majority of the countries the primary goal was still to ensure standards of legal quality. The south-eastern European countries also reported that draft regulations were checked by the government department responsible for European integration to ensure that they were in conformity with the *acquis*. This is not surprising given their interest in possible EU membership.

(Table 2 here)

Many tools can be employed to improve transparency in rule making and are more effective if combined in a systematic way. A question was asked whether government

policy required the adoption of the following tools: administrative simplification, RIA, consideration of regulatory alternatives, consultation with affected parties, plain language drafting and evaluation of the results of regulatory programmes. According to the responses, the use of consultation with affected parties was the most cited among the surveyed countries. In almost all the countries, most of the informants reported that this tool was required, although in some countries it was imposed only on some sectors. The least reported tool was evaluation of the results of regulations, while RIA which focused on ex-ante assessment was cited slightly more often. This suggests that RIA had not been widely adopted (this is confirmed by the responses on RIA which is reported later on) and, even when it was, it was more likely to be used for proposed regulations than for monitoring or ex post evaluation purposes.

More detailed questions were asked about the use of two important regulatory tools – public consultation and RIA.

### ***Public Consultation***

Public consultation is important for improving regulatory transparency when used on its own or in combination with other tools like RIA. Questions were asked about the use of consultation in the process of regulatory decision-making (see column two of table 3 for the results). The responses from the four south-eastern European countries indicated that consultation had not been systematically used as part of the rule-making process, although in Serbia and Macedonia it was mandated by law. In another four countries, namely Ghana, Nigeria, Sri Lanka and Pakistan, public consultation seemed to be undertaken in a more formal and wide-based way. The respondents in the four countries claimed the systematic use of consultation, even in some areas it was not

mandated. They also reported that stakeholder groups could volunteer or require participating in consultation. According to the respondents from India, systematic consultation with the public (invited stakeholders and any groups which volunteered to be involved) was conducted by regulatory agencies, and it was mandated at least in the electricity sector<sup>3</sup>. In both Malaysia and the Philippines, only about half of the respondents indicated that consultation were systematically undertaken, suggesting that consultation was not applied government-wide and practice varied across sectors within the countries.

The replies to the questionnaire revealed that in four of the eleven countries (Pakistan, Croatia, Macedonia and Montenegro) no guidelines existed for consultation. In all the other countries, such guidelines existed only in some sectors (see column three of Table 3).

(Table 3 here)

A question was asked about the use of five public consultation mechanisms: informal consultation, circulation of proposals for comments, public notice, public meetings and advisory groups. Table 4 focuses on the most frequently used mechanisms claimed by the respondents. It is obvious that different countries preferred different mechanisms. It was reported that public notice was the most frequently used in three countries - India, the Philippines and Croatia. Informal consultation was claimed as the most preferred in both Malaysia and Macedonia. It seemed that there was a more

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<sup>3</sup> All the regulators from India who responded to the survey were electricity regulatory commissions at the state level.

balanced use of different mechanisms in both Ghana and Nigeria, where all the five mechanisms were used in a rather equal frequency.

(Table 4 here)

### ***Regulatory Impact Assessment (RIA)***

RIA is a tool involving the process of systematically assessing the benefits and costs of a new regulation or an existing regulation. It can contribute to both the outcome and the process dimensions of national objectives. Emphasising on both *ex ante* assessment of regulation proposals and *ex post* evaluation of existing regulations, the contribution of RIA to better regulatory decision-making rests on the systematic assessment of the impact of a regulatory measure, and the adherence to the principles of accountability, transparency and consistency (Kirkpatrick, *et al*, 2004).

The survey revealed that in nine of the eleven countries RIA was conducted, although in most of the cases its use was not widespread and limited to a few regulatory activities (see column four of table 3). Within each of the countries where the use of RIA was claimed, laws, rules and decrees were more likely to be subject to RIA than sub-national and municipal regulations. Clear indication of the existence of guidelines for RIA was obtained only from one country –Serbia (see column five of table 3).

Even in this country, the respondent mentioned that the guidelines had not yet finalised by the time when the survey was conducted. In the nine countries, not only was the use of RIA limited, but its quality was also much less likely to be reviewed. The existence and functioning of a body responsible for reviewing RIAs and ensuring quality was clearly claimed only by two of the nine countries – Croatia and Serbia. It was the Central Government Office for the Public Administration in Croatia and the



Council for Regulatory Reform in Serbia. The two countries in which the use of RIA was not claimed were Macedonia and Montenegro.

A question was asked about consideration of regulation alternatives and non-regulation options. The respondents from Croatia and Serbia reported that it was required in the process of RIA. Those from Pakistan, Macedonia and Montenegro reported the otherwise. In all the other countries, identification and assessment of alternatives to regulation was conducted in few regulatory activities.

Interest in implementing RIA was expressed by almost all the respondents who claimed no current use of RIA in their government or agencies. When it comes to the assistance required for implementing RIA, capacity building/training and resources were identified, in order, as the most needed.

### *Discussion*

In this sub-section, the results of the survey reported above are discussed against the principles of the OECD model of regulatory governance.

According to the OECD model, regulatory policies and supportive institutions are important for the improvement of regulatory governance. In terms of regulatory policies, it is clear that only two of the countries have introduced an explicit, published programme to promote government-wide regulatory reform or regulatory quality improvement. At the institutional level, a dedicated, permanent body for encouraging regulatory reform and monitoring regulatory quality in the national administration was absent in eight of the 11 countries. Resource constraints may be one of the reasons for the non-existence of such a central oversight body, as reflected

in the responses to the question about whether government increased resources to regulatory reform over the past five years. But more fundamentally, the absence of such a body is a clear sign that the focus of regulatory reform has not shifted to a broad conception of regulatory quality and a dynamic approach to regulatory management and governance.

The OECD model also suggests the focus being put on two dimensions of regulatory activity: appraisal of new regulations and evaluation of existing ones. The survey indicated that procedures for making draft regulations were introduced in at least ten of the surveyed countries. Legal quality was the main concern in approval of draft regulations. However, supportive institutions were an area of weakness. In seven of the countries there lacked a body at the centre of the government to review the appraisal process of proposal regulations. In some countries the practice of reviewing draft regulation appraisal by the regulator proposing the regulation put the independence of the review process in doubt. As far as evaluation of existing regulations is concerned, the responses to the questions on the use of RIA for ex post evaluation purpose did suggest that this was an area that was mostly neglected.

The survey suggests that regulatory tools has been far from being systematically used and combined to improve rule-making in the countries. Relatively speaking, public consultation was used more often than other tools. However, in most of the countries it has not been systematically undertaken even although it was sometimes mandated. One of the reasons for this may lie in the absence of uniformed guidelines for its use, which was indicated by the responses to a question in the questionnaire.

Compared to public consultation, RIA was a less used tool in the surveyed countries. Its use was claimed in nine of the countries. Even there, its application was rather limited and unsystematic. It was conducted only for selected regulatory activities with large parts of the regulatory structure in most of the countries not being subject to its disciplines. There was also a disproportional emphasis on using it for proposed regulations. This may reflect a lack of resources within governments to undertake evaluation of existing regulations, or alternatively, there may be reluctance on the part of governments to dwell on whether previously introduced regulatory measures have achieved their desired results. Nonetheless, the limited scope of coverage and the concentration on ex ante assessment, together with the absence of uniformed guidelines for its use and of a government body to review its quality, suggest that RIA has not been integrated into policy decision-making. That consideration of alternatives to regulation was rarely required in the process of RIA was confirmation that regulatory tools have not been combined in a systematic way.

In summary, the findings from the questionnaire survey suggest that in the surveyed countries regulatory reform has not shifted its focus to improving regulatory governance. Some efforts have been made in this direction in Croatia, Serbia and Ghana. However, such efforts were patchy, partial, and far from an integrated approach to the three elements – regulatory polices, tools and institutions.

In addition, the survey reveals that practice varies across countries and that inter-country variation does, to some extent, reflect difference in institutional endowment of the countries. There is also indication of intra-country variation across sectors and government levels and of discrepancy between what was required or mandated by

policy and how reform measures were implemented in practice. Improvement can therefore be made by simply making some reform measures more widespread and/or by reducing the gap between policy and practice.

## **Conclusions**

Regulation is now considered an integral instrument in the development policy toolkit to support market-led, pro-poor growth as developing and transition countries are seeking to increase levels of private investment in order to help stimulate and sustain economic growth. The institutional environment in general and regulatory governance in particular has increasingly been viewed as a factor of competitiveness. By presenting a ‘snapshot’ of regulatory reform and practice in developing and transition countries based on a questionnaire survey, the article seeks to find out whether regulatory reform in the countries has shifted its focus to improving regulatory governance.

The results of the survey suggest that practice varies across countries. However, it is clear that, despite some patchy reform efforts made by a few countries, regulatory reform has not amounted to a marked shift in approaches and objectives to taking a systematic view of regulatory governance and the means of promoting and enhancing it. The absence of government-wide regulatory policies signifies a lack of government’s commitment to and endorsement for regulatory reform. Crucially, governments have in general not provided an adequate level of tangible support for the implementation of the policies, in terms of resources and required institutions. Neglect of ex post evaluation of regulations constitutes an important limitation and

hampers a dynamic approach to policy effectiveness and efficiency. Regulatory tools have not been systematically combined to improve policy development and review processes. Rather, there is indication that the use of the tools such as RIA and consultation is grafted and regarded as an additional procedural requirement. The central policy implication from the survey is: in order to improve regulatory governance, focus should be put on each of the three elements: regulatory policies, tools and institutions; and more importantly, centralised and concerted efforts are needed to integrate the three mutually enforced elements.

The findings reported in the paper should be qualified by acknowledging the possibility of sample bias. The survey was conducted based on the partnership between the CRC and the research institutes in the participated countries. The selection of the partners when the CRC was first established was based on evidence that governments in these countries were advocated to adopt regulatory reform. This means that the participated countries may be relatively more established in regulatory practices, and therefore the findings may present a brighter picture, even though regulatory reform in these countries still lacks a focus on regulatory governance. Further research is needed to undertake surveys based on wider and bigger samples on the one hand and to conduct detailed country studies on the other.

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Table 1: Returned Questionnaires in Participated Countries

Country	Number of questionnaires	Of Which			
		National (or federal) level	State level	lower levels	Other *
India	6	1	5		
Malaysia	25	19	2	4	
Pakistan	2	2			
The Philippines	19	16		2	1
Sri Lanka	13	7			6
Ghana	8	8			
Nigeria	6	5			1
Croatia	1	1			
Macedonia	1	1			
Montenegro	1	1			
Serbia	1	1			
<i>Total</i>	<i>83</i>	<i>62</i>	<i>7</i>	<i>6</i>	<i>8</i>

\*The respondents in the 'other' category include those from research institutes and NGOs.

Table 2. Regulatory Policies and Institutions

Country	Policy to promote government-wide regulatory reform	Institutions: a central body to promote regulatory reform and review regulatory quality	Procedures for draft regulations	Institutions: a central body to review the appraisal of draft regulations
India			Yes	
Malaysia			Yes	
Pakistan		Yes		
The Philippines			Yes	
Sri Lanka			Yes	
Ghana		Yes	Yes	Yes
Nigeria			Yes	
Croatia	Yes		Yes	Yes
Macedonia			Yes	Yes
Montenegro			Yes	
Serbia	Yes	Yes	Yes	Yes

Table 3. The Use of Public Consultation and RIA

Country	Use of public consultation	Guidelines for consultation	Use of RIA	Uniformed guidelines for RIA
India	Some sectors	Sector-specific	Some cases	No
Malaysia	Some sectors	Sector-specific	Some cases	No
Pakistan	Systematically used	No	Some cases	No
The Philippines	Some sectors	Sector-specific	Some cases	No
Sri Lanka	Systematically used	Sector-specific	Some cases	No
Ghana	Systematically used	Sector-specific	Some cases	No
Nigeria	Systematically used	Sector-specific	Some cases	No
Croatia	Some cases	No	Some cases	No
Macedonia	Some cases	No	No	No
Montenegro	Some cases	No	No	No
Serbia	Some cases	Sector-specific	Some cases	Yes, but not yet finalised

Table 4. Frequently Used Mechanisms for Public Consultation\*

Country	Informal consultation	Circulation of proposals	Public notice	Public meetings	Advisory groups
India	2/6	5/6	6/6	4/6	5/6
Malaysia	9/25	5/25	1/25	7/25	3/25
Pakistan		1/2	1/2		1/2
The Philippines	5/18	11/18	12/18		7/18
Sri Lanka	2/7	5/7	4/7		3/7
Ghana	6/8	5/8	6/8	6/8	7/8
Nigeria	4/5	4/5	4/5	5/5	5/5
Croatia		1/1	1/1	1/1	
Macedonia	1/1				
Montenegro					1/1
Serbia				1/1	

\*the results reported in the table are based on the responses from government agencies.

Two numbers appear in each entry, with the one before ‘/’ as the number of respondents who reported the frequent use of that particular mechanism, and the one behind as the total number of respondent government agencies (at both the central and lower levels) from that particular country.