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Discussion Paper

Regulatory Impact Assessment

A Survey of selected and
emerging economies

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Executive Summary

Regulatory impact assessment (RIA) involves a systematic appraisal of the social, economic and environmental impacts of proposed regulations and other kinds of policy instruments before they are adopted. A vast amount of academic literature in the last decade has charted the diffusion of RIA in OECD countries and EU member states. However, relatively little is known about the extent to which RIA has been adopted and implemented in developing countries. The last research attempting to shed light on this issue over a decade ago found that a number of were beginning to apply some form of regulatory assessment but that its development was at an early stage. Since then RIA has become almost universally adopted in OECD and EU member states as well as promoted as a tool for good (regulatory) governance in developing countries by international donors and organizations such as OECD, the International Finance Corporation of the World Bank Group (IFC). What, then, is the extent of RIA adoption and implementation in these countries today? This working paper addresses this question through a survey of RIA in 14 developing and emerging economies based on documentary analysis as well as semi-structured interviews with key stakeholders. The survey explores topics such as the legal and institutional framework of RIA, organizational capacity, and use of tools and methods (e.g. Cost Benefit Analysis). The results suggest that while an increasing number of developing countries have made efforts to introduce RIA in their decision making processes, these efforts have not yet led to a sustainable RIA system which significantly contributes to the good regulatory governance of these countries.

Table of Contents

Regulatory Impact Assessment: A survey of selected developing and emerging economies	1
Executive Summary	i
1 Introduction	1
2 The survey	3
3 Results	4
3.1 Origins of RIA	4
3.2 Institutional framework	7
3.3 Transparency and stakeholder consultation	10
3.4 Tools and methods	12
3.5 Quality of RIA	13
4 Conclusions	15
5 Recommendations for LIAISE	17
6 References	18
Annex I: Country Fiche	20
Annex II: 'Non-RIA Countries'	24

D 0.8.3 Regulatory Impact Assessment: A survey of selected developing and emerging economies

1 Introduction

Regulatory Impact Assessment (RIA) involves a systematic appraisal of the social, economic and environmental impacts of proposed regulations and other kinds of policy instruments before they are adopted. RIA is now almost universally practiced in OECD and EU member states as a key tool for improving the efficiency, transparency and accountability of regulatory decision making (Kirkpatrick 2014; Adelle and Weiland 2012). An increasing number of developing and emerging economies are also attempting to introduce RIA systems. The need for effective regulatory structures in these countries to sustain progress of economic growth that contribute to the objectives of social development and environmental protection is now well recognised (Parker and Kirkpatrick 2007). By providing a systematic, evidence based and consultative framework for policymaking, RIA systems are thought to encourage good governance and contribute to better business enabling environments – and ultimately economic growth (World Bank 2009). In many cases, RIA has been adopted as part of donor financed regulatory reform projects and programmes aimed at improving the operating environment for private investment and more generally enhancing the quality of public governance processes (Kirkpatrick 2014; Parker and Kirkpatrick 2007). The World Bank, for example, has included RIA in broader regulatory reform programmes, where it has been used as a tool for assessing the costs of regulation ('regulatory burden') on the business sector (Kirkpatrick 2014). The OECD has also been heavily involved in providing technical assistance for regulatory reform in these countries including the introduction of RIA.

While in principle RIA presents an opportunity to contribute to the good (regulatory) governance of developing countries, the practice of RIA faces significant challenges in these countries. One of the challenges is associated with transferring 'best practice' models rooted in different economic, social and political contexts of developed countries (Zhang and Thomas 2009). Ladegaard (2005, p. 13) argues "[t]he debate on how to apply RIA in developing countries has so far consisted of recycling well-known broad conceptual frameworks, spiced up with appropriate anecdotes from OECD countries and occasional warning that countries' different traditions and implementation capacities need to be taken into account". In particular, donor organizations and external consultants have been accused of not always being fully appreciative of the long-term complexities of establishing functioning RIA systems (World Bank 2009). This has led to a broader question of whether and how RIA can or should be transferred and adapted to developing country contexts (ibid).

A survey of RIA systems in EU member states conducted by LIAISE researchers in 2010 (Adelle et al 2011) found that the practice of RIA is context specific. In other words, the application of RIA needs to reflect the level of expertise, resources and information available as well as the pre-existing legislative, administrative and judicial arrangements (Parker and Kirkpatrick 2007). It is therefore vital that research on RIA examines not only practices in OECD and European countries, but also scrutinizes global practices – especially those in emerging developing countries - in order to improve the knowledge base on which to successfully implement RIA in this wider context.

A sizable body of academic literature now charts the diffusion and practice of RIA in OECD countries and EU member states (see Adelle et al 2012 for a review). However, relatively little is known about the extent to which RIA has been adopted and implemented in developing countries. This is partly because what information there is on the topic often does not reach the public domain. The information is often only available in the project and programme documents of the international agencies and donors that have been promoting RIA as part of their programme of regulatory reform (Kirkpatrick 2014). Nevertheless, a decade ago Kirkpatrick et al (2004) provided some details of the practice of RIA in 30 developing countries based on the results of a postal questionnaire to economic regulators. This revealed that, while a number of developing and emerging economies were beginning to apply some form of regulatory assessment, awareness of RIA in many jurisdictions was still low and the development of RIA remained at an early stage. A follow up study conducted in 2007 of seven of the 30 original countries found that the use of RIA remained limited to a small number of regulatory activities and that none of these countries had made significant progress in introducing an overarching programme to promote government-wide regulatory reform which included RIA (Zhang 2010). But has the situation improved since then? The research question that this paper seeks to address is therefore: What is the current state of play in the implementation of RIA in developing and emerging economies?

This working paper seeks to help fill this gap in our current knowledge of the implementation of RIA systems through an in depth survey of RIA in 14 developing and emerging economies. The survey is based on documentary analysis as well as semi-structured interviews with key stakeholders involved in the introduction and high level steering of RIA in the different countries. The next section of this working paper sets out the methods used in more detail as well as the criteria for country selection. The following section then outlines the key findings of this survey in terms of the origins of RIA in the selected countries, the legal and institutional framework in place, procedures to ensure transparency and openness, the tools and methods used and the perceived quality and functionality of the RIA systems. The final section makes some conclusions about the practice of RIA in emerging and developing countries and the main barriers to its further institutionalization.

2 The survey

The survey covered 14 developing and emerging economies (see Table 1). These countries were selected on the basis of several criteria, including that they were (mainly) included on the World Bank list of developing countries,¹ and that collectively represented a sample of different parts of the developing world, as well as practical considerations such as utilizing the research team's existing contacts and language skills. Two selected 'emerging countries' merit further explanation: Mexico is an OECD member state since 2006 but is still on the World Bank's list of 'emerging economies'; the United Arab Emirates is not on this list but was included in the survey in order to partly capture the apparent rising interest in RIA in the Gulf States. None of the country cases selected for the survey are official DAC member countries² providing development assistance according to the DAC principles and therefore all of the countries selected can be included in the category of 'developing and emerging' economies in the sense that they are outside the DAC membership.

Two approaches were used to gather data. First a desk-based analysis of relevant RIA literature and documents (RIA reports, draft and final legal texts, policy documents by the ministry and relevant publications by external stakeholders) provided a broad picture of how RIA is conducted in each country. This information was compiled in a standardised template or fiche (See Annex 1) which focused on several aspects of the RIA systems, including: the origins and purposes of RIA; institutional framework; tools and methods and the quality of RIA. The main questions were concerned with:

- When, why, how RIA was introduced
- The legal requirements to adopt RIA
- The intended form RIA should take in principle (i.e. according to the RIA guidelines)
- The form RIA took in practice
- Transparency issues in terms of published documentation
- Stakeholder consultation (in principle and in practice)
- The guidance and use of specific tools and methods for IA (e.g. Cost Benefit Analysis)
- Information on the quality of RIA and its role in the policy process

Second, at least one (and up to five) semi-structured elite interviews were conducted for each country with those people who at a strategic level

¹ World Bank , March 2013 - <http://data.worldbank.org/about/country-classifications/country-and-lending-groups> - Total of 145 countries.

² OECD 2014: Development Co-operation Directorate (DCD-DAC): DAC members, available at <http://www.oecd.org/dac/dacmembers.htm> (accessed: 3 April 2014)

champion, oversee, guide, audit or write guidance for RIA processes. These interviews allowed information from the documentary sources to be verified, helped fill remaining information gaps as well as brought to the attention of the researcher's new documentary sources of information not found in initial online searches.

In order to determine which country cases were to be included as countries with RIA systems and those countries considered to be 'non RIA countries' we used the following definition adapted from Radaelli et al (2006, p. 5).

Regulatory Impact Assessment is:

1. A systematic and consistent assessment of aspects of social, economic, or environmental impacts such as benefits and/or costs;
2. affecting interests external to the government;
3. of proposed regulations and other kinds of legal and policy instruments;
4. to i) inform policy decisions before a regulation, legal instrument, or policy is adopted; or ii) assess external impacts of regulatory and administrative practices; or iii) assess the accuracy of an earlier assessment.

Since RIA in developing and emerging economies may not be entirely systematic and consistent in some cases, (e.g. when there are only pilot RIA projects or only RIAs conducted in certain policy sectors), the above definition was used more as a guide rather than a strict definition or cut-off criteria.

3 Results

3.1 Origins of RIA

The results of the survey show that RIA is not yet widely practiced in developing and emerging economies and certainly not as widely practiced as in European and OECD countries. Of the 14 developing and emerging economies included in the survey eight had established, or were in the process of establishing, institutional frameworks for RIA (i.e. South Africa, Uganda, Tanzania, Philippines, Malaysia, Vietnam, Brazil and Mexico). Of these countries, only Mexico (an OECD and middle income country) had a well-established RIA system (i.e. long-standing and apparently largely functioning as intended). Many of the other countries had RIA systems that were in the very early stages of development and in some cases these had not yet gone much beyond a pilot phase (e.g. South Africa, Brazil (Pro-Reg), and the Philippines). It is important to note that Brazil has two RIA systems: first, the Pro-Reg programme was established in 2007 with technical support from the OECD to promote and develop RIA capacity within regulatory agencies in Brazil; second, a single regulatory agency, 'Inmetro', independently developed its own RIA methodology in 2007 and started producing its first RIA in 2009. Table 1 shows the countries included in the survey and the status of their RIA systems.

Table 1. The use of RIA in developing and emerging economies

Region/ Country	Status of RIA
<i>Africa</i>	
South Africa	RIA introduced in 2007
Uganda	RIA introduced in 2004
Tanzania	RIA introduced in 2004
<i>Asia/ Pacific Rim</i>	
India	No RIA framework yet established
China	No RIA framework yet established
Philippines	The need for RIA identified in 2006 but still in the early stages of development
Malaysia	Ad hoc pilot RIAs for over ten years but RIA more formally introduced in 2013
Vietnam	RIA introduced in January 2009
<i>Latin America</i>	
Brazil	The 'Pro-Reg' programme established in 2007 but still in the early stages of development. 'Inmetro' developed RIA methodology in 2007 and started producing RIA reports in 2009.
Chile	No RIA framework yet established
Columbia	No RIA framework yet established
Ecuador	No RIA framework yet established
Mexico	'Pre-RIA' practiced since the early 1990s; more contemporary RIA introduced around 2000
<i>Middle East/ North Africa</i>	
United Arab Emirates	No RIA framework yet established

Six countries included in the study did not appear to have or be developing a formal RIA system (i.e. China, India, UAE, Columbia, Chile and Ecuador). In most of these cases the policy making systems contained many of the elements found in formal RIA systems but these were not located within a systematic framework of RIA according to Radaelli et al (2004) definition discussed above. For example, in 2010 Chile introduced an assessment of social and economic impacts of new proposals affecting Small and Medium Sized Enterprises (SMEs). This SME Impact Assessment is intended to improve the conditions for doing business but is much narrower than a full RIA. Similarly, in Ecuador, a technical parliamentary committee uses a checklist to assess the consistency, constitutionality of proposed regulatory proposals from a legal point of view but this can also not be considered a full RIA. Furthermore, in the UAE certain emirates (such as Abu Dhabi) have undertaken pilot RIAs while at the same time the federal level 'Regulation and Supervision Bureau' appears to be supporting the use of RIA in certain circumstances. However, these initiatives are fragmented and issue specific and not part of wider efforts to introduce RIA across government. Annex 2 sets out a brief account of RIA relevant developments in these 'non-RIA' countries. These countries are not considered further in the analysis for this working paper.

The survey looked at how RIA was formally established in each of the eight countries with either an RIA system in place or being developed. A formally announced or even a legally mandated RIA system endorsed by the head of government or senior minister, is essential – but not sufficient – to ensure that regulators actually comply with the RIA requirement set out in RIA Guidelines or other procedural arrangements for government decision making (World Bank 2009). Of the eight countries which RIA has or is being established, RIA appeared to be legally mandated in three (Vietnam, Malaysia and Mexico). Furthermore, the Philippines intends to put in place an Executive Order for full (mandatory) implementation of RIA across the Government in 2015. While Inmetro claims that their system is mandatory, this is only within their own institutional framework (i.e. if an internal Inmetro committee decides that an RIA must be carried out for a particular issue then it is mandatory for this to be followed up elsewhere in the organization). In South Africa, Tanzania and Uganda RIA was not found to be legally binding, although in the cases of all South Africa and Tanzania, RIA had been formally approved or endorsed by high-up government officials. In Uganda, despite RIA being included in a large-scale programme of regulatory reform, approval for the requirement to include RIA in policy/legislation submissions to Cabinet had not been obtained (Opio-Lukone 2008).

The motivation for introducing RIA set out in the official documents in all eight countries is to improve the business environment of these countries. Underlying this appears to be the thinking that RIA can deliver a business environment that is characterized by greater transparency, accountability and consistency in the development and application of regulations, a focus on minimizing unnecessary and excessive regulation and even helps address corruption. In some countries (e.g. Vietnam, Philippines and Tanzania) RIA is specifically mentioned as a tool to transform historically autocratic and/or socialist systems to market driven economies and (in the case of Vietnam) the accession to the WTO. In Uganda Better Regulation - and RIA within this - is seen as a key tool to achieve its economic growth targets (Welch 2007). Similarly, in South Africa RIA was introduced with a specific aim of improving the regulatory environment for SMEs, which are seen as critical to the success of the economy (SBP 2005; interview 1). In Malaysia, attempts to establish RIA was argued to ensure that its regulatory regime 'supports the nations aspirations to become a high-income economy by 2020' (Hamsa, 2013, p. 5).

Another, less explicit, driver of RIA is the involvement of international donor agencies and organizations. The OECD has played a significant role in establishing RIA in Brazil through the Pro-Reg programme. The OECD and the Inter-American Development Bank have also provided technical and financial support to Malaysia in their attempts to set up RIA. In the Philippines the Asian Development Bank, through its technical assistance programme, supports the implementation of RIA. While in Tanzania RIA was introduced as part of much wider programme 'Business Environment Strengthening for Tanzania' (BEST) programme which received 25 million US dollars in funding from four donors – the UK's Department for International Development (DFID), Danish International Development Agency (DANIDA),

Swedish International Development Cooperation Agency (SIDA) and the Royal Netherlands Embassy (Welch 2007, p. 202). DIFID also sponsored the introduction of RIA in Uganda under the Regulatory Best Practice Programme. While in Vietnam, RIA was established with support from its Administrative Procedure Control Agency, the German GTZ, and the USAID's Vietnam Competitiveness Initiative (Truen 2011).

3.2 Institutional framework

The survey attempted to gain information on the institutional framework of RIA in the different countries as well as the extent to which this framework is being applied in practice. The results reveal that the coverage of the RIA systems varies considerably between the different countries. RIA is apparently being systematically and widely applied in only relatively few instances, namely: Mexico, which conducts over 200 RIAs a year; Vietnam, where RIA is now relatively common as RIA is required before a Bill may be presented to the National Assembly; and by Inmetro in Brazil, which only conducts roughly ten RIA studies a year but in an apparently systematic way (interview 2). In the majority of the other countries (South Africa, Tanzania, Uganda, Malaysia, Philippines, Brazil (ProReg), RIA is also still implemented in an ad hoc fashion either officially as part of a pilot phase or, in other cases, having progressed little beyond that point years after the anticipated end of the pilot phase.

Crucially, the results of the pilot RIAs and the lessons learnt in many of these countries are not always widely publicized and disseminated reducing the many potential benefits of such phases. In addition, the survey found that the extent to which the institutional frameworks in practice actually resemble those described in the RIA Guidelines also varies. For example, in South Africa the Guidelines call for all new primary legislation as well as subordinate legislation to undergo an initial RIA and for those items with significant impacts to then undergo a full RIA. However, in practice only a relatively few RIAs have ever been conducted. In addition, many of these were (at least initially) undertaken very late in the policy making process and after the proposal had been presented to Cabinet (interview 1 and 3). An assessment of RIA in Tanzania argues that the guidelines should more be interpreted as 'a statement of intent rather than a description of actual practice' (ICAS 2010a, p.14).

The coordination and oversight of RIA by a central unit can be essential in ensuring that the framework for RIA set out in the Guidelines is translated into practice by government Departments. These units are often located in central government departments or offices such as the Cabinet Office or the Presidency Office. The survey found central RIA units in all RIA systems examined except Pro-Reg and Inmetro in Brazil, where RIA is being developed at the level of individual regulatory agencies. However, many if not most, of these central RIA units suffered from serious capacity and political issues. For example, in South Africa, it was decided to house the central RIA unit in the Cabinet Office and not the Treasury (which had more resource and technical capacity and had previously taken the lead in championing RIA) because other ministries were suspicious of this idea as they thought the Treasury might use the RIA system to control their activities (The

Presidency 2006). Other RIA units such as the RIA Unit established in the Office of the Presidency in Uganda suffer from serious under staffing. A report published in 2010 stated that this unit only had three staff members and so is not able to go beyond its other duties (including the scrutiny of draft Cabinet papers) to expand its horizons to promoting introduction of RIA (ICAS 2010b, p.20). However, the situation has apparently recently changed and the RIA unit is now embedded in a new Department of Policy Development and Capacity Building for Policy which has its own budget and ability to hire new staff in order to carry out its duties (Interview 4). In Malaysia, despite ad hoc pilot RIAs being conducted for over ten years, a central RIA unit has only just been established in 2013 (inline with the new mandatory status of RIA in the country).

Table 2. Central RIA Units and other institutional support for RIA

Country	Location of central RIA unit	Other institutional support for RIA
Vietnam	A central RIA unit is located in the Ministry of Justice.	The Prime Minister's Research Council is also said to champion RIAs across government.
Malaysia	The National Development Planning Committee over sees the implementation of the RIA process.	The Malaysia Productivity Corporation will perform a review of RIA; the National Institute of Public Administration is responsible for training on RIA; there is an RIA coordinator in each ministry.
Philippines	An Inter-Agency RIA Steering Committee is overseeing the development and implementation of the RIA pilot programme.	Each participating department has established an internal RIA committee. The Inter-Agency RIA Steering committee is supported by the Ministry of Finance (which will take the lead in giving advice and advocating RIA across government and with external stakeholders).
South Africa	A Central RIA Unit is located in the Presidency.	In theory departmental RIA units champion RIA within each department. Treasury also offer technical support on RIA. The process is overseen by a Steering Committee comprised of Presidency and Treasury DGs .
Uganda	RIA Unit is embedded in the Policy Analysis and Coordination Unit within the Office of the Cabinet Secretariat (in the Office of the Presidency).	The Ministry of Tourism, Trade and Industry also has a Regulatory Best Practice Unit which evaluates the business compliance costs of new policies. Other RIA focal points

		in the five ministries piloting RIA. Very recently the Department of Policy Development and Capacity Building for Policy has been tasked with institutionalizing RIA across government.
Tanzania	The Government's Better Regulation Unit is in the Office of the President.	The Office of the Cabinet Secretariat is the focal point for RIA compliance.
Mexico	The Federal Commission for Regulatory Improvement (COFEMER) under the Ministry of Economy is responsible for the scrutiny and championing of RIA.	Agencies and decentralized bodies of the Federal Public Administration as well as states and municipalities are responsible for promoting RIA within their own institutional frameworks.
Brazil	Pro-Reg – no central governmental RIA unit as the initiative is within individual regulatory agencies. Inmetro – no central governmental RIA unit or wider institutional support as the initiative is within individual regulatory agencies.	Pro-Reg – no wider institutional support as the initiative is within individual regulatory agencies. Inmetro – no wider institutional support as the initiative is within individual regulatory agencies.

Besides RIA Guidelines or Handbooks setting out how RIA should be practiced in a particular context, training on RIA is an essential component of a best practice RIA system (World Bank 2009). Such training efforts must be maintained over the long term in order to account for the constant supply of new officials and the increasing standards of RIA over time. In most of the countries included in this survey training has been a major feature of the attempts to establish RIA systems. This has often been financially and technically supported by international donor organizations. In Vietnam during 2004 a series of workshops on RIA were held with USAID support for key national stakeholders including state actors – some 2,500 government officials received practical training on RIA. In South Africa several training workshops were held in 2009 and 2011 funded by OECD, USAID and the Open Society. In Mexico COFEMER has organized, with the help of the OECD, various training sessions at the federal and municipal level: 17 training sessions took place in 2010 and were attended by 476 officials (OECD 2013, p. 69).

This training, however, is not always sustained after the international programmes and donors disappear: In Uganda the Regulatory Best Practice Programme put a major emphasis on training and awareness raising with over 350 people receiving training including the media, civil society and parliamentarians. In addition, the Ugandan Management Institute (UMI) was assisted - by the Civil Service College in London - to produce a one week training course for officials (Welch 2007, p. 221). Developing local capacity to

provide training was considered a key advantage of the programme, because it reduced resource costs and enabled training to be linked closely to local conditions and examples (ibid). However, following the end of the Regulatory Best Practice Program, funding for training courses dried up, and reports vary on whether formal RIA training has now taken root (see ICAS 2010b; Interview 4).

3.3 Transparency and stakeholder consultation

One of the most important functions of RIA systems is to increase the openness and transparency of policy making. Involving stakeholders in consultation is one way to do this (see below). Another is to publish the RIA reports systematically on a single website so that they can be easily located and scrutinized by external stakeholders. Table 3 summarises the availability and accessibility of the RIA reports in the different countries. Only in two RIA systems are the RIAs reports made available in an easily accessible central online location (i.e. Mexico and Malaysia). Although in the case of Malaysia this is a newly launched RIA portal and it is still too early to see how well these good intentions will be implemented. In other countries the RIA reports are difficult to find online and in many cases not sat all. In South Africa it is reported that certain government departments have resisted releasing RIAs publically and sometimes even to their own parliament (interviews 1 and 3).

Table 3. Availability and accessibility of RIA reports

Country	Availability and accessibility of RIA reports
Vietnam	Some RIA reports are available on web.
Malaysia	The newly launched RIA portal does not yet list any RIA reports but should contain all RIAs in future. http://ris.mpc.gov.my/?page_id=661 (Prior to 2013 there were only a limited number of RIA reports were produced).
Philippines	Where 'approved for release', all final RIA documents are to be published on the pilot department's website.
South Africa	The RIAs are not systematically published online and are very hard to locate. Some RIA reports are not published at all.
Uganda	The few RIA reports produced during the RBP programme were not made public.
Tanzania	The few RIA reports produced were not widely published.
Mexico	All RIA reports are available on the COFEMER webpage: http://www.cofemermir.gob.mx/mir/
Brazil	Some RIAs for the pilot Pro-Reg project have been made public but not on a centralized website. Inmetro has published summaries of the RIA reports on its website:

	http://www.inmetro.gov.br/qualidade/iaac/eiv.asp
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Consultation with affected stakeholders and the public is an essential element of an RIA system: it provides a cost-effective (and often the only) way to gather the information needed to assess impacts in a data poor environment (World Bank 2009). Stakeholder consultation is regarded an important element of all the RIA systems studied (see Table 4). The rationale given in the official guidance for stakeholder consultation is, among others, to understand the policy problem, its significance and possible risks (Philippines); to provide for information needs (South Africa, Malaysia); to identify and assess competing interests (Philippines); to build trust in the political process (Malaysia), and to increase accountability (South Africa). The guidance documents in a number of countries only claim that consultation ‘should be’ carried out (e.g. in South Africa, Malaysia, Philippines). Consultation is mandatory, however, only in Vietnam and Mexico. While the guidance documents of most country cases stipulate only that the ‘affected parties’ of the planned regulation are to be consulted, other countries go further to give indicative lists of stakeholder groups that fall under this category, typically business, NGOs, communities, and other government agencies (e.g. Malaysia, South Africa and Uganda). In two countries (Mexico and Vietnam), the guidance documents explicitly state that drafting agencies must take the stakeholder comments into account. In South Africa a summary of the views expressed in the consultation process are, in principle, to be provided as part of the full RIA which should also note the ways in which the consultation process influenced the final outcome of the findings and recommendations. (In practice this rarely occurs – see below).

Two ways of organizing the consultation process are discussed in the guidance documents (see Table 4): 1) the government or regulatory agency contacts the affected parties directly and invites their comments (e.g. Uganda, South Africa, Mexico, Brazil (Pro-Reg)); 2) the regulatory draft is posted online so that the public can comment on the proposal (e.g. Vietnam, Mexico). In South Africa, Brazil (Inmetro) and Mexico, both ways of consulting stakeholders are foreseen. The periods for online consultation vary (from a minimum of 10 days in Mexico to 60 days in Vietnam and Pro-Reg in Brazil). Permanent bodies, such as committees or round tables with civil society or business representatives are more the exception than the norm in most countries.

Table 4. Provisions for stakeholder involvement in RIA

Country	Provisions for stakeholder involvement
Vietnam	Draft regulatory proposal is published online, 60 days period for public comments.
Malaysia	Consultation of stakeholders (specifically: business, NGOs, communities, other government agencies).
Philippines	Consultation of stakeholder groups affected by regulations, minimum of 30 days for public comment.
South Africa	Stakeholders should be consulted but this is not mandatory and left up to the individual consultants conducting the RIA.

Uganda	Consultation of stakeholders but in practice this can be limited.
Tanzania	Consultation of stakeholders.
Mexico	Draft regulatory proposal is published online, minimum of 10 days for public comment.
Brazil	For Pro-Reg ,stakeholder consultation is mandatory, minimum of 60 days for public comment. Inmetro hold online consultations as well as meetings and visits with stakeholders.

In practice, however, there is evidence that the consultation procedures instituted in the RIA documents are not well performed. In particular, a lack of standardized consultation procedures is evident. Instead, stakeholders are often consulted on an *ad hoc* basis, often through personal contacts with a minister or senior civil servant, or informal meetings with government representatives. For example, in Uganda the framework for policy consultation is not well established, especially for cross-cutting issues where there are a number of gaps in the dialogue framework at sectoral and local government levels. Opportunities for external input (e.g. from civil society of business membership organizations) to the policy process in Uganda are therefore often limited (interview 4; ICAS 2010b).

In South Africa, consultation is left up to the lead department and – some are more proactive than others. Certain departments (e.g. the Department of Labour which has a constitutional requirement to put legislative proposals that affect economic and labour interests before certain stakeholders) are more accustomed to consultation than others, which at times can operate in a culture of secrecy (interview 1). In addition, consultation (including with actors inside the government) can depend on the preference of individual external consultants carrying out RIA. Therefore, while there have been some good examples of consultations, a whole range of methodologies and coverage can be seen in the RIAs conducted so far (interview 3). Even more worryingly, there have been reports that stakeholder responses did not influence the final policy proposal, such as in one of the pilot RIAs in South Africa (SBP 2005). In Pro-Reg’s RIA system in Brazil, while online consultation on draft regulations was compulsory for a minimum of 60 days, in the opinion of one expert on RIA in Latin America, in many cases the policy decision had already been taken so that the published draft regulation – in reality – was the final one (interview 5). The same expert also indicated that in many cases only large businesses participated in many of the consultations (ibid).

3.4 Tools and methods

The guidance documents in some countries studied include information on the use of methods and tools. In South Africa, for example, a number of methodologies are briefly described in the guidelines, such as risk analysis, cost benefit analysis (CBA), cost effective analysis and soft benefit-cost analysis and integrated analysis. The RIA Handbook in Uganda also provides suggestions on different methods to be used including for the quantification of benefits where analysis of costs reveals that the costs are significant; quantification of impacts in monetary terms; shadow pricing techniques;

Multi-Criteria Analysis; and stakeholder analysis. In Mexico, there is evidence that a number of specific tools are actually in use in practice. These include: the so called Regulatory Impact Calculator – a scoping tool used at an early stage to identify the likely impacts of regulatory proposals and to determine whether more in-depth analysis is required; the Competition Impact Analysis – a checklist included in the Regulatory Impact Calculator for assessment of competition impacts of regulation; the Standard Cost Model – to assess administrative burdens for business; and Risk Impact Analysis – to identify areas for the improvement of risk governance. According to an OECD evaluation (OECD 2013, p. 56), the adoption of the Regulatory Impact Calculator has increased the attention paid to problem definition and to consideration of regulatory alternatives.

Cost-benefit analysis (CBA) is the tool most commonly mentioned in the RIA guidelines. In South Africa, for example, it is stated that the major costs and benefits of the proposal should be quantified where feasible (The Presidency 2012, p. 22). This should include full economic costs and benefits including social, environmental, and health and safety costs and benefits. In Mexico, there is evidence that both, costs and benefits are supposed to be quantified and monetarised. To support this, the electronic RIA form includes standard questions as well as further features to help regulators to make their RIA. Among others, OECD highlights: “CBA calculation occurs via an integrated calculator using a Standard Cost Model (SCM) type methodology that requires estimates of the costs of individual compliance obligations to be built up via inputs of unit cost, frequency, and number of affected parties . Where a full CBA is not possible, provision is made for quantitative analysis to be included” (OECD 2013, p.65). In the Philippines, CBA is not required in a preliminary IA but is regarded to be useful to assess the significance of impacts. A detailed CBA is however required in a full RIA – although it is acknowledged that not all impacts may be quantifiable. In this case, it is stated that the benefits and costs of impacts should be described in a qualitative way so that regulatory options can still be compared. In Uganda, the RIA handbook goes further and encourages the qualification of impacts in monetary terms.

3.5 Quality of RIA

The assessment of the quality of RIA systems in the countries under investigation is not an easy task as many of them have only been established recently or are still in the process of implementing institutional frameworks for RIA. Independent evaluations of the quality of RIA systems, however, still exist for four of the eight countries studied with RIA systems in place. An evaluation of RIA in South Africa published in 2011 found that the few pilot RIAs existing were done mostly by consultants in an ad hoc fashion (Truen 2011). The RIAs were reported to come too late in the policy making process, and had little effect on policy proposals (ibid). An evaluation of the framework for Better Regulation in Uganda stated that an “effective capacity to promote, manage, and coordinate regulatory reform in Uganda has not developed since the conclusion of the Regulatory Best Practice programme, funded by DFID, primarily because of reduced funding within the government’s budget” (ICAS 2010b, p. xi).

In Mexico, which is the ‘oldest’ of the RIA systems under investigation, an OECD report found that only seven of the thirty-one Mexican states were implementing RIA in practice “with wide variation in terms of the stage of adoption and sophistication” (OECD 2013, p. 25). Notwithstanding, an internal evaluation of the quality of RIAs by the government’s central RIA unit, COFEMER, found that, of the 263 RIAs assessed in 2011, 87.8% were satisfactory (OECD 2013, p. 67). A review of the implementation of RIA in Vietnam between 2009 and 2010 by the Central Institute for Economic Management and USAID (CIEM and USAID 2011) reported that only 55% of ministry officials actually knew that RIA was a process of policy analysis and 43% of drafting officials said they had been trained in RIA. While the compliance with the RIA requirement improved from 2009 to 2010, the review showed that the quality of RIA reports was low with an average score of just over 1 out of 4.

One of the main barriers to achieving better quality RIA across the country cases was an obvious lack of institutional capacity – despite the efforts of donor programmes. As discussed above, an evaluation of the RIA system in Uganda found that an effective capacity to carry out RIA had not developed, despite, the significant investment over a number of years by international donors (ICAS 2010b). In many countries the central RIA unit was staffed only by a few officials and not large enough to obtain the ‘critical mass’ needed to successfully champion RIA across government. A difficulty in attracting and retaining high-quality staff at the pay levels available also meant that plans to increase and train the staff in the RIA units in some cases was slow to progress (Welch 2007, p. 220). Similarly, in Mexico officials and RIA experts within Ministries occupy often a position just for a few years – sometimes six or even less, depending of the institution they work for - and can be then substituted by the new team of the elected party (Interview 5). In South Africa the lack of institutional capacity is, in part, over come by the use of external consultants to carry out RIAs but this has led to a lack of ownership and the almost complete separation of RIA from the decision making process. In these circumstances RIAs are not used so much to shape policy but instead to block policy proposals at a very late stage of development (interview 1 and 3).

Training and awareness raising is therefore an essential component for improving the quality of RIA in many countries, not only to increase the institutional capacity to carry out RIA, but also more fundamentally to raise awareness and buy-in for RIA amongst government officials and stakeholders as a useful policy tool. While some countries established large training programmes before RIA was rolled out (e.g. Uganda), other countries (e.g. South Africa) did not invest heavily in this type of preparation, this may have contributed to the resistance to RIA witnessed within some government departments. Further investment in training for civil servants and other key stakeholders is frequently recommended for improving the quality of RIA (e.g. Vietnam, South Africa, Mexico). Furthermore these activities need to be carried out over a medium to long-term time horizon to ensure the sustainability of RIA systems. This is something not always fully appreciated by international organizations and donors. In the case of Uganda, DFID but in place more than the standard three year programme period was required with two back-to-back programmes spanning six years (2000- 2006).

However, in hindsight the time horizon for successfully institutionalizing RIA looks likely to be even longer than this.

Another, related, challenge to the full implementation to RIA is how to develop assessment techniques in an environment where the information required to address the questions is not readily available or can be secured only by extraordinary efforts (ICAS 2010b). A lack of data and analytical skills was reported as a problem particularly in African countries (i.e. Tanzania, South Africa, Uganda) but is also more widely (i.e. Mexico and Brazil). In many cases information gathered from stakeholders may be the only way to fill in data gaps or at least make reasonable assumptions on which to base the analysis of impacts (see above). However, poor consultation practices and a lack of transparency provides a barrier to greater stakeholder engagement in a number of countries (e.g. the Philippines, Uganda and South Africa). The lack of transparency also prevents the proper scrutiny of RIAs and at times even their intended use by decision makers.

Turning towards more underlying factors, the lack of high level sustained political support was reported as a barrier to the full implementation of RIA in a number of countries (e.g. Uganda, South Africa, Brazil and Mexico). In Uganda the Cabinet did not approve the institutionalization of RIA and implementation thereafter stalled until very recently when there are signs that it has been taken up again by a new champion in Department of Policy Development. A lack of high level support for RIA was also thought to be an important issue in South Africa, where the Cabinet had officially approved RIA. In terms of gathering support and understanding for RIA. It is also important to consider that RIA is often just one of many competing reform priorities within government which may also weaken its institutional support. For example, in Uganda RIA has had to compete for attention and resources with other public sector policy management and efficiency improvement tools being implemented such as Results Oriented Management. A multiplicity of reform initiatives and lack of effective government harmonization has meant competition for the limited resources, capacities, and staff time (ICAS 2010b, p. xi).

4 Conclusions

RIA in principle has the potential to contribute to the good regulatory governance and improve the business environment of developing and emerging economies. This survey has added to the rather fragmented and outdated academic literature on the state of play of RIA systems in these countries. Similar to the earlier survey published by Kirkpatrick et al (2004) over a decade ago, the findings of this survey suggest that RIA is being applied in a number of developing and emerging economies, but that in the majority RIA remains at an early stage of development. While new RIA systems have sprung up in some countries over the last ten years, others have died out while still others are in the process of review and redesign. In some countries no RIA exists at all.

We have not attempted to cover a statistically representative sample in this survey and therefore do not aim to quantify what proportion of developing countries have established or are in the process of establishing RIA systems. However, of the eight out of fourteen countries included in our survey which did have RIA systems of some form, only one RIA system (Mexico) could be considered relatively well institutionalized. We have found, however, that across the countries with RIA systems there is a general recognition of the importance of the opportunities and purposes of RIA – especially in terms of pursuing a healthy business environment. There is also an understanding in principle at least that consultation with stakeholders is an important element of RIA. Central RIA units have been set up in all the RIA systems studied except in Brazil where RIA is being promoted not at a national level but within individual regulatory agencies. In addition, in many cases training for government officials, politicians as well as stakeholders has been an important aspect of the RIA systems, at least initially. However, in practice some important aspects of RIA have not been well implemented. Consultation has been ad hoc and patchy, the level of transparency surrounding the process – especially in terms of the publication of the final RIA reports – has been disappointing and the level of analysis of the impacts of policy proposals is challenged by a lack of data.

Only Mexico – which is an OECD member – has an RIA system which appears to be functioning roughly in line with the best practice set out in its guidance documents. Even then, a report by the OECD has uncovered a wide variety of stages of adoption and sophistication within this RIA system (OECD 2013). Crucially and in common with many other OECD countries, some form of ‘pre-RIA’ has been practiced in Mexico since the early 1990s and the more contemporary form of RIA was introduced around 2000. This contrasts with the other countries included in the survey which have attempted to establish RIA systems much more recently (i.e. from 2004; see Table 1) and none of which appear to apply RIA consistently to regulatory proposals. In some cases, such as Malaysia, it is just too early to tell how well the new RIA system will be implemented but for other countries such as Uganda and South Africa, it appears that RIA systems have not been sustainable in the medium to long-term despite considerable investment of resources and expertise.

Considerable barriers need to be overcome if RIA systems are to be embedded in policy making processes of these developing and emerging economies. Several of these have been highlighted in this survey, these include the lack of institutional capacity within government as well as within the external stakeholder community; the lack of data and quantitative skills to fully assess the costs and benefits of proposals; a lack of participatory culture within government which prevents adequate input and scrutiny of RIA from external stakeholders; the lack of high level and consistent support for RIA and the competition of RIA with other reform measures. This does not mean that the ‘story’ of RIA in many of these countries is over – in fact tentative evidence suggests rather the redesign and/or resurgence of some older RIA systems is just as likely. However, the institutionalization of RIA in developing countries may take considerably longer - with many more ‘chapters’ - than first assumed by international organisations and donor agencies. This is perhaps not surprising when considering that many RIA

systems in OECD and EU countries have been operating for almost two decades and that no such system can yet be held up as fully compliant with its own guidance and best practice.

5 Recommendations for LIAISE

A future interaction with LIAISE could help developing countries in their quest to institutionalise RIA in their countries. It could contribute to the continuous improvement of RIA by maintaining fora for developing the knowledge base and the practice of RIA. In order to facilitate this, LIAISE could broaden its focus on emerging and developing countries and take into account the specific political and societal contexts in which RIA is taking place in these countries. Table 5 provides several concrete topics and areas which could form the base for future interaction between the LIAISE Community of Practice on RIA and the practice of RIA in developing countries.

Table 5. Options for LIAISE to contribute to the development of LIAISE in developing and emerging economies.

Role and functions of LIAISE	Options for developing countries
IA knowledge and information hub <ul style="list-style-type: none"> • Web-platform on IA for Sustainable development • Meta-data repository 	<ul style="list-style-type: none"> • The information in the LIAISE KIT on IA processes and RIA knowledge could be of relevance for developing countries. However, a lack of information and data is only one (important) reason why RIA is proving difficult to institutionalize in developing countries). • It could be worthwhile to develop a section in the LIAISE KIT specifically designed for emerging and developing countries so that the specific context of developing countries could be represented in the KIT e.g. the need for a simple approach which focuses on certain vulnerable groups in society. Further interaction with key experts in developing countries would provide a valuable contribution to this.
Networking and discussion forum <ul style="list-style-type: none"> • Methodological reflection • Interaction with policy-makers at EC and MS 	<ul style="list-style-type: none"> • Learning from best practice examples in RIA is of interest to actors in developing countries. Therefore, networking options would be welcomed.
Innovation and testing <ul style="list-style-type: none"> • Innovation generator, Experimental Lab • Research programming 	<ul style="list-style-type: none"> • One issue that is of particular interest for developing countries is whether there are forms of 'RIA light' that might be more appropriate for these countries than the elaborated, full-blown versions of IA in the OECD world. What would be options to simplify IA processes and tools/methods, so that they are suitable to the specific situation of IA in developing countries?
Tool identification and quality monitoring <ul style="list-style-type: none"> • Evaluating quality of IA and IA 	<ul style="list-style-type: none"> • Quality monitoring in IA is a big issue in the developing world. Therefore, assistance with developing indicators and setting standards of quality

tools	for IAs would be useful. <ul style="list-style-type: none"> The ‘tools question’ in developing countries is different from that in the OECD world. Hence, it would be interesting to explore whether there are ‘simple’ tools that are applicable in a developing context.
Learning <ul style="list-style-type: none"> Training courses 	<ul style="list-style-type: none"> Capacity building is a major issue in developing countries. LIAISE should cater for this need by providing training as well as appropriate information provided in the LIAISE KIT. These types of training courses would have to be carefully tailored to the needs of developing countries.

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- Interview 1: Consultant (South Africa), January 2014
- Interview 2: Consultant (Brazil), February 2014
- Interview 3: Consultant (South Africa), February 2014
- Interview 4: Government Official (Uganda), April 2014
- Interview 5: Consultant (Mexico), February 2014

Annex I: Country Fiche

Survey of the Practice of Impact Assessment in Developing Countries

COUNTRY FICHE

Country: Prepared by: Date:
Part A: Design and Practice of the IA System
A.1 When was Impact Assessment introduced in this country? [<i>Has its name/form changed since then? What are the key laws etc establishing the legal framework? What do these stipulate in relation to IA? Has there been a pilot RIA phase? Has the adoption of RIA gone beyond this pilot phase?</i>]
A.2 Why was IA introduced? [<i>Was it to reduce administrative burdens/ improve the quality of legislation/ improve communication and information flow/ achieve sustainable development/ contribute to Better Regulation? Was it recommended by a donor or international organization?</i>]
A.3 Is IA voluntary or mandatory? [<i>Is it a legal requirement? has this status changed over time?</i>]
A.4. What is the coverage of the IA system and what criteria are used to select policy proposals for assessment? [i.e. are all policy proposals supposed to have an IA or only some?]

<p>A.5 At what stage in the policy cycle is an IA carried out? <i>[E.g. at an early stage – before ministry has drafted a proposal? at an intermediary stage - based on a proposal but before consultation? at a late stage – before proposal is submitted to parliament?]</i></p>
<p>A.6 Are there other assessment systems in place? What is the relationship of policy IA with these? <i>[e.g. Strategic Environmental Assessment (SEA); Environmental Impact Assessment (EIA); Sustainability Impact Assessment (SIA); Administrative Burdens Assessment etc.]</i></p>
<p>A.7 Is there over all coordination of IA e.g. an IA unit? If so how does this operate?</p>
<p>A.8 How many IAs are carried out? <i>[Please give the number of IAs per year for the last few years if known.]</i></p>
<p>A.9 What documentary records are produced? <i>[Please also give some indication of the length e.g. are they very full covering many pages of text with lots of explanation/reasoning, or just short tick box exercises covering 2 pages?]</i></p>
<p>A.10 Who is in charge of conducting IAs? (desk officers, consultants, IA unit in each department?)</p>
<p>A.11 What guidance documents/expert resources are available/supposed to be consulted by those carrying out IAs? <i>[e.g. guidelines/ websites/ training courses/ economic analysis units. NB. Please send a copy of guidelines to CA if possible]</i></p>
<p>A.12 How are these guidance documents/expert resources implemented in practice?</p>
<p>A.13 What other resources are in place to support the practice of RIA? <i>[Training? Access to information sources? Economists to help provide the quantitative data?]</i></p>
<p>A.14 What procedure is there for involving stakeholders? <i>[Are all stakeholders able to participate? Is there a minimum time span for consultation?]</i></p>
<p>A.15 How well is this procedure implemented in practice? <i>[Which groups normally respond to these consultations e.g. NGOs, industry, civil society]</i></p>
<p>A.16 Are the resulting IAs publicly available and easily accessible <i>[eg centrally available in a systematic way on a website? published in an ad hoc manner? not published at all?]</i></p>

A.17 Does the IA system include provision for monitoring and ex-post evaluation?
A.18 How well is this implemented in practice?
A.19 What types of impacts are generally considered in the IAs? [<i>What is the range of impacts considered? Are economic aspects covered more or less than other aspects (i.e. social and environmental)? Does the Guidance specifically mention the integration of sustainable development as one of the roles of IA? Which groups of people or issues are specifically mentioned in the Guidance e.g. poor/rural communities, different tribes, religious groups, gender, HIV?</i>]
A.20 Do the guidelines request that costs and benefits are quantified or monetarised? [<i>Is this done in practice?</i>]
A.21 What quality control provisions/structures have been built into (if any) the IA system? [<i>Is there a process for quality control or a body in charge of monitoring quality control?</i>]
A.22 What assessments/studies have been made to measure the quality of IAs and the IA system in this country? [<i>What academic and consultancy studies have been carried out? What do these studies show? Has the quality of IAs changed as a result of them?</i>]
A.23 What are the key barriers to the full implementation of IA in this country?
A.24 Do you have any other information/conclusions on the practice/implementation of IA in this country?
Part B – Tool Use and User Needs related to Tools and Information
B.1 Are there any sources of guidance specifically relating to the use of methods and tools? How comprehensive/useful do you think these are? [<i>Is there a section on tool use in the guidance/ any online sources of information/ training on tool use? What tools do they mention? e.g Cost-Benefit Analysis, scenarios, scientific models indicators, checklists etc.</i>]
B.2 Which methods and tools actually used in practice (and how well)?
B.3 Is there any evidence of IA tool inventories being used?
B.4 What kind of information (e.g. on specific policy fields/problems) is needed to perform IA better?
B.5 Which tools and methods are needed to perform IA better?
B.6 Which kind of support and guidance is needed? (procedural guidance, good practice examples, contact details of experts who would be willing to support an IA)

B.7 Is there any other information/conclusions that you feel are relevant to tool selection, decisions and practices?

Part C – Supplementary Questions for Interview *[These are in addition to asking questions to fill in any information gaps above – see instruction sheet]*

C.1 What do you consider to be the purposes for doing IA in your country? *[e.g. Reducing regulatory costs; following ‘best practice’ in other jurisdictions/the OECD; Improving transparency by opening up policy-making to a wider range of stakeholders; Increasing co-operation between different departments/ministries; Making policy more evidence-based; Pursuing Sustainable Development; Integrating different policy areas such as transport and energy; So politicians can check what officials are doing]*

C.2 What do you perceive the quality of the IAs in your country to be?

C.3 Please give examples of one of two aspects which are going well as well as one or two aspects which are going less well? *[e.g. are the IAs being conducted early in the policy cycle? Are a range of impacts covered? Are the guidance documents adhered to well? Is there a good level of stakeholder involvement? Are there adequate resources allocated to IA?]*

C.4 What do you think are the main barriers to implementing IA in your country?

C.5 What influence do IAs have on the decision making process in your country?

Part D – References and Contacts

D.1 References

[Please list your references including academic references, consultant reports, government documents, previous research deliverables and websites etc.]

D.2 List of interviewees

[Please list how your interviewees would like to be referred to in any publications e.g. a government official from South Africa]

D.3 LIAISE Contacts

[Please also fill in the LIAISE contact sheet with suggestions of experts/stakeholders who are involved or interested in Regulatory Impact Assessment in your country.]

Annex II: 'Non-RIA Countries'

China: *China does not have a systematic, standardized and integrated system of RIA.* There is, however, an evaluation framework that contains certain elements of RIA, namely 'legislative evaluation', also referred to as 'ex-ante legislative evaluation and 'ex-post legislative evaluation'. The legal basis for this framework is Article 17 and Article 18 of the 'Outline on the overall promotion of administrative implementation in accordance with the law' by the State Council, promulgated in 2004. This 'Outline' is fairly general and relies on subordinate administrative units (e.g. ministries, local governments) to implement it. Consequently, legislative evaluation significantly varies among administrative units. Various ministries have defined ministry-level rules for legislative evaluation. However, so far there are no examples of ex-ante legislative evaluation at the national level and only very few ex-post evaluations. There are no rules when a policy has to be evaluated in this way. Some have been evaluated after a few months, others after several years.

India: *RIA is not incorporated in India's policy processes on a regular, systematic and institutionalized basis.* Only in some policy sectors, such as the financial and business sector, has RIA been introduced, but not in a very regularly way and with limited scope. For instance, the Securities and Exchange Board of India has introduced RIA in decision-making for new regulation by its boards. There is also a 'Judicial Impact Assessment' in place to preview the impacts on the judicial system. However, since the start of economic de-regulation in the early 1990s, there have been debates on the merits of introducing RIA in India. In the course of the latest five-year plan process, different working groups and committees for reformation of regulatory environment, such as the 'Working Group on Business Regulatory Framework' of the Indian Planning Commission, have recommended the introduction of RIA and the development of an appropriate methodology to be employed in the Indian context. The 'Committee for Reforming the Regulatory Environment for Doing Business in India' (or the 'Damodaran Committee') within the India Ministry of Cooperate Affairs even calls for a special body, 'Regulation Review Authority', within every regulatory authority of the central and state government to mandatorily review intended regulations.

Chile: *Although Chile joined the OECD in 2010, RIA is not yet practiced.* There have been a couple of preliminary steps towards more RIA like procedures. For example, there has been a law since 1994 requiring cost benefit analysis for proposed environmental regulations and another law requiring cost benefit analysis for proposed health actions. In addition, in 2010 a type of RIA to estimate the social and economic costs of regulations on SMEs. This is intended to improve the conditions for doing business, and requires government agencies to assess the costs of new subordinate regulations on small businesses. The process involves a brief questionnaire to be completed by the agencies, which are required to explain and justify the legislative proposal, and then to estimate the potential compliance and financial costs. Chile reports that completed questionnaires are published online (OECD 2011). Also the Directorate of the Budgets (DIPRES) of the Ministry of Finance evaluates new programmes and initiatives before going into a budgetary approval process. The programmes and initiatives are assessed on: diagnosis of the problem; target population; objectives and expected results; strategy; components and efficiency. The OECD has apparently tried to encourage the establishment of RIA in Chile but this has not so far been taken up.

Columbia: *No RIA system is currently in place but the Government of Columbia has recently shown an interest in introducing RIA to improve the quality of new regulations (OECD 2013). To date, a few Colombian institutions have had some initial experiences with RIA, but this does not extend to undertaking a robust cost-benefit analysis, and the supporting documents do not always feed into the decision-making process. Other elements of a RIA system are still to be developed in Colombia, such as establishing clear criteria, procedures, and thresholds for RIA and the selection of the methodological approach for RIA. Some good practices do exist in the regulatory process and these have been encouraged over the last few years. The development of recent guidelines on the preparation of new regulations could help advance standards for preparing norms and improve them over time. During the process of preparing new regulations, the administration focuses predominantly on the review of legal quality. When preparing laws, for instance, a careful review of the constitutionality of the proposed laws is conducted to avoid future issues with the*

Ecuador: *No RIA system is currently in place in Ecuador.* However, there are indications from The National Secretary of Planning and Development that there is a desire to introduce RIA in the future. The ‘new’ government (with its new constitution in 2007) wants to replace all the legislation with new regulations but the government’s capacity is weak. The Inter-American Development Bank is attempting to support the development of these capacities and commissioned an assessment of regulatory capacities in 2013. This found a technical parliamentary committee has created a small initial checklist (on consistency, constitutionality, legal point of view) to review new legislation. At least one pilot RIA in the Ministry of Commerce (on trade and industrial policy), funded by CIDA (Canadian International Development Agency) has been conducted.

United Arab Emirates: *There is no overarching framework for RIA currently being implemented in the United Arab Emirates (UAE).* There are a few examples of RIA activities or plans for the future but these remain fragmented and issue-specific. For example, the Regulation and Supervision Bureau aims to regulate water supplies by tankers and ensures compliance of drinking water regulations for which ‘a regulatory impact assessment may be included’. Beyond that, Abu Dhabi seems to be the most advanced emirate with at least two RIA pilot projects: For the case of *wastewater treatment* the Regulation and Supervision Bureau launched the region’s first framework for wastewater regulation in 2010 after a three years long process of consultation. The regulation process included a ‘regulatory impact assessment carried out by independent consultants’. The Regulation and Supervision Bureau, therefore, seems to be a frontrunner in terms of RIA – at least when it comes to water, wastewater and electricity regulation. For *healthcare* the Health Authority Abu Dhabi was established in 2007 and developed a process for developing and reviewing policies and standards following the OECD’s Guiding Principles for Regulator Quality and Performance. According to the authority, ‘Regulatory Impact Assessment will apply to major proposed policies and standards, in the future’. The World Bank and the Islamic Development Bank emphasize the need for ‘establishing good regulatory practices, including the institutionalization of regulatory impact assessments (RIAs) and the creation of regulatory oversight bodies’ not only in the UAE, but in the whole Arab world.

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