



**Asia-Pacific  
Economic Cooperation**

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# **Stakeholder Engagement in Regional Trade Agreements and Free Trade Agreements: Malaysian Experience**

Submitted by: Malaysia



**Dialogue on Regional Trade Agreements and Free  
Trade Agreements  
Ho Chi Minh City, Viet Nam  
27 August 2017**



MINISTRY OF  
**INTERNATIONAL TRADE  
& INDUSTRY**  
[www.miti.gov.my](http://www.miti.gov.my)

APEC SOM DIALOGUE ON RTAS/FTAS

SESSION 3 – STAKEHOLDER ENGAGEMENT IN RTAS/FTAS:  
MALAYSIAN EXPERIENCE

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MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY

**27 AUGUST 2017**



# MALAYSIA'S INVOLVEMENT IN FTAs

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- Malaysia has implemented **13** Free Trade Agreements:

## ASEAN

1. ASEAN Free Trade Area (1992)
2. ASEAN-China (2004)
3. ASEAN-Korea (2006)
4. ASEAN-Japan (2008)
5. ASEAN-India (2009)
6. ASEAN-Australia-New Zealand (2009)

## BILATERAL

1. Japan (2005)
2. Pakistan (2007)
3. New Zealand (2009)
4. Chile (2010)
5. India (2011)
6. Australia (2012)
7. Turkey (1.8.2015)

- TPPA** was signed on 4<sup>th</sup> February 2016.
- Malaysia is still negotiating Regional Comprehensive Economic Partnership (RCEP), Malaysia-EU, Malaysia-EFTA and ASEAN-Hong Kong.



# EVOLUTION OF MALAYSIA'S RTA/FTAs

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Standard Legal Chapters	Traditional Trade Issues	New Issues
<ul style="list-style-type: none"><li>1 – Preamble</li><li>2 – Administrative / Institutional</li><li>27 – Dispute Settlement</li><li>28 – Exceptions</li><li>29 – Final Provision</li></ul>	<ul style="list-style-type: none"><li>3 – Goods</li><li>4 – Textiles and Apparel</li><li>5 – Rules of Origin</li><li>6 – Customs</li><li>7 – Technical Barriers</li><li>8 – Sanitary and Phytosanitary</li><li>9 – Investment</li><li>10 – Trade Remedies</li><li>11 – Cross Border Services</li><li>12 – Financial Services</li><li>13 – Temporary Entry</li><li>14 – Telecommunications</li><li>15 – E-Commerce</li><li>16 – Government Procurement</li><li>18 – Intellectual Property Rights</li><li>21 – Cooperation and Capacity Building</li><li>22 – Competitiveness / Business Facilitation</li></ul>	<ul style="list-style-type: none"><li>17 – Competition (SOE)</li><li>19 – Labour</li><li>20 – Environment</li><li>23 – Development</li><li>24 – SMEs</li><li>25 – Regulatory Coherence</li><li>26 – Transparency and Anti Corruption</li></ul>



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# The TPPA : A National Endeavour – Multi-sectoral, Cross-cutting

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1. Ministry of International Trade and Industry
2. Ministry of Finance
3. Ministry of Domestic Trade, Co-Operatives and Consumerism
4. Ministry of Agriculture & Agro-Based Industry
5. Ministry of Plantation Industries and Commodities
6. Ministry of Natural Resources and Environment
7. Ministry of Human Resources
8. Ministry of Communications and Multimedia
9. Ministry of Health
10. Ministry of Home Affairs
11. Royal Malaysian Customs Department
12. Department of Standards Malaysia
13. Attorney General's Chambers
14. Bank Negara
15. Khazanah Nasional
16. Securities Commission Malaysia



# NEGOTIATING PROCESS

	Stakeholders	Process
PRE-NEGOTIATIONS	Industry	Domestic consultations on new FTA initiatives
	Ministries and selected industry players	Preliminary Internal Assessment
	Ministries, Industry and NGOs	Comprehensive Study by Relevant Ministries, Universities/Research Institution
PROCESS	Cabinet	Approval to commence negotiations
NEGOTIATIONS	Negotiators	MITI is the Chief Negotiator but other ministries and agencies lead the working groups for areas under their responsibility
	TPP Ministers	TPP ministers meet regularly to provide political guidance
	TPP Leaders	TPP Leaders Meeting



# NEGOTIATING PROCESS

	Stakeholders	Process
<b>DOMESTIC PROCESS</b>	Various Stakeholders	Government engaged with stakeholders and different interest groups to update and get feedback. (e.g. TPPA negotiations: 2013: MITI involved in 56 consultation sessions, 2014: 40 sessions, 2015 : 76 sessions, 2016 : 142 sessions).
	Cabinet	Cabinet was constantly updated on the TPP process and provides the mandate to our negotiators.
	Parliament	The finalized text debated in Parliament
<b>POST-IMPLEMENTATION</b>	Various stakeholders	FTA Outreach Programmes aimed at disseminating information but also obtaining public feedback on the impact of RTA/FTAs
	Joint Committees	Joint Trade and Investment Committee Meetings to discuss implementation issues.



# EVOLUTION OF STAKEHOLDER ENGAGEMENT

142

76



2016

January 2016 – Beginning of National Roadshows

40



2015

2-3 April 2015 - TPP Town Hall

- 1 August 2013 TPP Open Day
- 6 August 2013 – TPP Caucus first meeting

56



2014

- 15 April 2014 - TPP Mini Open Day with NGOs & Associations
- Cleared Advisors first meeting



2013

Engagement with *the Media, Parliament Caucus, NGOs, Academia, Think Tanks, Industries, State Governments* are carried out throughout the year.





# ESTABLISHMENT OF CLEARED ADVISORS AND BIPARTISAN PARLIAMENTARY CAUCUS

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## Cleared Advisors

Members: 35 (Experts in their own areas – pharmaceutical industry, Employers Association, NGOs, bankers, academicians etc)

Topics discussed : Environment, Labour, Market Access, Government Procurement, SOEs, Services, Financial Services and IPR

## Bipartisan Parliamentary Caucus (Lower and Upper House)

Members: 12 (representatives from all political parties)

Topics discussed : All chapters

# Outreach Programmes – Post-Atlanta



- Post-Atlanta (Post-TPP Conclusion)
  - 6<sup>th</sup> Oct 2015: **Media Conference** @ MITI Putrajaya with YB Minister
  - 16<sup>th</sup> Oct 2015: Sesi **TANYAGOMEN**
  - 5<sup>th</sup> Nov 2015: **TPP Workshop** with Business Associations / Industry Players
  - 1<sup>st</sup> Dec 2015: **TPP Townhall** @ Menara MITI
- Prior to Parliament Session, national roadshows were held during the first 2 weeks of January 2016:
  - 5 January @ Perak (3 sessions);
  - 7 January @ Terengganu (2 sessions);
  - 9 January @ Penang ( 3 sessions);
  - 10 January @ Johor (2 sessions)
  - 14 January @ Melaka
  - 15 January @ Kuching Sarawak (3 sessions)
- Round Table Sessions with Members of Parliament & Senators

# Post-Atlanta – TV Programmes





## PUBLIC PARTICIPATION AND TRANSPARENCY IN FORMULATING NEW REGULATIONS

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- New measures in improving stakeholder engagement. Some autonomous e.g. *PEMUDAH (The Special Task Force to Facilitate Business), Improving Competitiveness*, some as a result of commitment undertaken.
  - e.g. MPC Handbook on Good Regulatory Practices
    - Applies to Old and New Policies, Laws, Rules and Regulation
    - Must undertake RIAs, public consultation
  - MITI Public Consultation “Your Views Matter” akin to the US Federal Register

# CONCLUSION

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- Scope of Negotiations (new areas)
- Complexity of New Issues (e.g. cross-cutting regulatory issues)
- Rising awareness (especially among Civil Society)
- Technology (social media and dissemination of misinformation)
- RTA/FTA commitments (e.g. public participation, transparency clauses etc.)

All the above are new challenges faced in negotiating RTA/FTAs and require Government to engage with a wider audience and undertake customised approach towards engagement.



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# Thank You



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