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Abstract

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Keywords

safety, application, regulatory, responsive, regime, bangladesh, regulation, theory, food

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Abstract

Bangladesh, a developing country of the South Asian region, has been suffering from a rampant food adulteration problem for the last couple of decades. Recent studies revealed that numerous deaths along with countless physical illness are happening as the consequences of this ongoing food adulteration. Several attempts have been through to change the *food safety regulatory regime* (FSRR) of Bangladesh to combat this alarming issue. Unfortunately the situation has hardly been changed. Rather it is getting worse day by day. However, Bangladesh has never changed the regulatory enforcement philosophy of its FSRR to combat this severe food safety concern. The current study will be an endeavour to apply the *responsive regulation* theory in the FSRR of Bangladesh as an attempt to make the current FSRR of Bangladesh more effective and updated. It has been demonstrated in this paper that *responsive regulation* can be successfully applied in the FSRR of Bangladesh having some changes and modifications.

Key Words: Food Safety, Bangladesh, Responsive Regulation, Regulatory Regime, Enforcement Mechanism, Network Governance.

1. Food Safety Problems and Its General Causes in Bangladesh

Food safety situation is extremely dangerous in Bangladesh. Everyday numerous food manufacturers, processors are producing, processing and preparing foodstuffs in serious unhygienic environments.¹ These unhealthy germ-infested foodstuffs are creating serious communicable diseases like diarrhoea, typhoid and so on. World Health Organisation referred the report of International Centre for Diarrhoeal Disease Research, Bangladesh (ICDDR,B) that more than 500 people visit hospitals in Bangladesh each day for diarrhoeal diseases and all of them get affected by unsafe foods.² This long diarrhoeal disease problem related to food safety persists and it has been a significant cause of malnutrition in Bangladesh for last couple of decades.³

Fruits, fishes and many other things sold in markets that are preserved with formalin,⁴ a dangerous chemical liable for various types of cancers.⁵ Poisonous DDT (*Dichloro Diphenyl Trichloroethane*) powder is unrestrainedly used in the dry fish,⁶ which can cause cancer⁷ along with various other reproductive problems.⁸ Foods are prepared with various toxic colours that are generally used as textile dyes.⁹ Consumption of these toxic textile dyes can form indigestions, allergies, asthmas, cancer and so on.¹⁰

Besides the above, manufacturers use urea fertilizer commercially to adulterate the *moodi* (puffed rice),¹¹ a very famous food in Bangladesh especially much used

in the month of fasting (*Ramadan*); sick, infected and poisonous dead chickens are used in soup preparation;¹² suppliers and retailers sell date expired energy drink, biscuits randomly.¹³ Numerous examples can be given like this regarding the food adulteration and unsafety of foods in Bangladesh.

It is true that various socio-economic, cultural, and regulatory reasons may be liable for these aforesaid food safety problems in Bangladesh, such as, lack of consumer education,¹⁴ product price,¹⁵ multiplicity of laws,¹⁶ lack of coordination,¹⁷ lack of adequate punishments,¹⁸ judicial restraint,¹⁹ and so on. However, it is argued that the lack of proper and effective enforcement of the food safety regulations is also a significant reason for the failure to combat the food adulteration in Bangladesh. The present study intends to critically examine the regulatory enforcement strategy of food safety laws and its lack to combat food adulteration in Bangladesh, leaving the other concerns for future endeavours.

The enforcement mechanisms of the current food safety regulatory regime (FSRR) of Bangladesh is not well-structured or systematically designed which could bring out the best from the application of enforcement tools. Civil and criminal penalties are enforced directly without any prior persuasion, training, warning letter or caution or improvement notice. Even the civil penalties are issued in the absence of any proper guidelines. Every human being is born with a sense of responsibility,²⁰ and thus, it is stressed that sanctioning of continuous punishment without having any motivation may destroy the good will and responsiveness of a particular regulatee, while a persuasive approach can have positive consequences to comply with the laws.²¹

Therefore, considering the current situations, it is undeniable that Bangladesh has long been due for an improved and effective enforcement framework in its FSRR. The following few sections of this paper will attempt to address this issue.

2. Concept of Responsive Regulation and Its Application

The responsive regulation (RR) suggests a regulatory enforcement pyramid of sanctions (REPS) which targets the achievement of the maximum levels of regulatory compliance by persuasion.²² The REPS starts with persuasion, motivation, education, advice, training etc in the base of the pyramid. If persuasion

does not work, the regulators may consider an escalation in the pyramid and proceed to a warning letter. If the warning letter also fails to secure compliance, then the regulators may impose a civil monetary penalty in an attempt to prompt compliance; the next step will be the criminal penalty in the event that the civil penalty fails. If all the prior steps do fail, regulators will move to plant shutdown or temporary suspension of the licence in the case of a corporation. Finally, if the temporary suspension of licence does not work, regulators will have no option but to escalate to the last step of the pyramid and revoke the licence.²³ The following figure demonstrates the REPS under the RR.²⁴

Responsive regulation has already been adopted by several countries, such as Australia, Denmark and the Netherlands, and in different regulatory regimes, such as those applying to income tax, occupational health and safety, labour management, environmental inspection areas and so on.²⁵ Particularly, the RR is currently applied in the FSRR of New South Wales (NSW), Australia.²⁶ More specifically, the enforcement of food safety regulation of NSW is governed by the Australia New Zealand Food Regulation Enforcement Guideline, which has been built entirely following original philosophy of the RR theory.²⁷

3. Challenges of the Application of RR in the FSRR of a Developing Country

As Bangladesh is a developing country, it is a challenge of whether or not RR can be applicable in a developing country. Braithwaite acknowledged that RR is fundamentally designed for the developed countries and it may face few restrictions while applying in a developing nation. Firstly, the regulatory bodies, their infrastructures, functions, powers of a developing country may not be as good as those in the developed one.²⁸ Secondly, a developing country may lack a society with a strong state, markets, civil society where responsiveness generally works smoothly.²⁹ Thirdly, corruption is a common phenomenon among regulatory bureaucrats in most developing countries and the NGOs are not strong enough to act as overseers.³⁰ For these reasons, many developing countries hardly do possess the adequate regulatory capacity to get the best results that are predicted from RR theory.³¹

Braithwaite suggested that the shortcomings as mentioned above can be solved with the introduction of *network governance* (NG), modifying the basic RR theory. Braithwaite accepted the idea of Drahos and admitted that RR can be better enforced by escalation in terms of the REPS by involving networking with domestic and foreign actors.³² So, the idea of NG and its positive aspects are discussed below.

Firstly, Braithwaite has been persuaded by the concept that people now live in the era of NG and thus it is better for developing nations to move directly to the regulatory society era of NG from their current state regulatory system. He

believes that it will help such nations to let the 'responsive regulation work by escalating less in terms of state intervention and more in terms of escalating state networking with non-state regulators'.³³ After mentioning this, Braithwaite introduced a regulatory figure of pyramid³⁴ (Figure 2³⁵) specifically designed for developing countries where he has demonstrated that the various state and non-state actors can be included as network partners (NPs) to increase the expected effectiveness of RR. He has proposed the involvement of the NGOs, industry associates, professionals, international organisations as non-state actors.³⁶

Secondly, the NG has been very positively advocated by Freiberg. He mentions that a regulation that involves non-state actors can be more effective than only state-centred regulation; it is because the former involves more concerned parties which help to bring more of the desired outcomes.³⁷ It is argued that in an era of NG, weaker actors can engage with stronger ones in their projects to overcome their inadequacies. Basically this is the main reason for the introduction of NG for developing countries, though the same reason can be true even in the case of developed countries. As an example of network governance Braithwaite cited that a health regulator of a developing country can enrol the United States Food and Drug Administration (FDA)'s aid and share that body's expertise while developing food or drug safety or standards etc.³⁸ This example signifies that, Braithwaite suggests that foreign state or non-state actors will help to increase the performance of a regulatory regime as well as ensuring and upgrading safety or standards. Besides this he also suggested the involvement of domestic NGOs of developing countries for overcoming the incapacities of state regulators.³⁹ However, the introduction of NG (especially networking with developed countries) in the FSRR of a developing country can be a good idea because most of the developed countries are very similar with regards to food standards.⁴⁰

Thirdly, Braithwaite expresses his concern that RR can sometimes be hard to implement in a developing country as it puts more discretion in the hands of regulatory bureaucrats, a move which may lead to rampant corruption.⁴¹ Thus, he thinks that the networking regulatory partnerships with the NPs will structurally reduce corruption in those countries.⁴²

Fourthly, regulatory NG has been suggested by much international literature. The 2004 *Canadian Regulatory Review* emphasised that the Canadian federal government needed to seek cooperation and work with its United States and Mexican counterparts so that they could build mutual trust and confidence in each other's regulatory processes,⁴³ in different areas (*including food*) in order to achieve a high level of consumer protection.⁴⁴ The Review stated that

Canada should also move toward accepting the approvals and reviews of products by its US and EU trading partners in sectors where there are well-established, internationally recognized conformity assessment procedures already in place.⁴⁵

This proposition significantly suggests the introduction of NG in Canadian regulatory regimes. It is worth mentioning that the NG in the current study does not intend to compromise the sovereignty of any of the participants nor does imply any kind of foreign intervention in the national government's operations or decision making, it will rather help to redefine the relationships and roles with the aforesaid state and non-state actors in the regulatory process.⁴⁶ In fact, living in the 21st century there is hardly any reason not to be connected with the international network as many voluntary standard bodies, international organisations and NGOs are generally ready to contribute as non-state actors.⁴⁷ For example, the food certification program under the American Heart Association (AHA) is totally voluntary,⁴⁸ and thus, Bangladesh or Australia could easily take this opportunity to upgrade or verify their food standards by adding the AHA in their regulatory network.

It is noteworthy that, some international regulatory networks are already in operation. Under the auspices of FAO-WHO Codex Alimentarius Commission, regulators from 144 countries gathered in Rome to make recommendations on food standards.⁴⁹ The current FSRR of Bangladesh is already involved in a type of NG to some extent. For example, the Bangladesh Standard Testing Institute (BSTI) has been linking with the International Standardisation Organisation (ISO), Codex and many others for upgrading the food standards in Bangladesh.⁵⁰

The above discussion of this paper suggests that introduction of NG is really needed for the developing nations for the internationalisation of its food standards as well as to ensure the food safety. The discussion of this section also signifies that, RR can be applied in a developing country by engaging the NPs in its FSRR.

4. Engagement of NPs in the FSRR of Bangladesh

The current section will discuss on the issues to involve the NPs in the FSRR of Bangladesh.

If any particular regulatee (especially food manufacturers and food processors for the purpose of this study) wants to start a food business in Bangladesh, before they receive approval from the BFSA (the proposed apex food safety authority for Bangladesh, see endnote 17) to enter the market, it would have to have its food standards, manufacturing processes, environment, cleanliness and all other relevant matters considered in regard to food safety and recognised by its respective NPs. It is suggested that at least one domestic food safety related NGO, for example, the Consumers Association of Bangladesh (CAB), and at least one foreign food safety authority of a developed country⁵¹ (for example, the FDA, or NSW Food Authority of Australia and so on) should be engaged as NPs for each regulatee. It is important to discuss that, NPs should be chosen very carefully. In this situation, recognition from the food standard authority of a developed country, recognised by the United Nations Development Program (UNDP) is wiser as their standards are already

accepted across the world. This would be preferable to the involvement of more domestic NGOs or other developing country food safety authorities, such as, the Food Safety and Standard Authority of India (FASSI) etc. However, if it is costly or otherwise tough to engage a developed country as NP, at least a developing country should be engaged. If possible, the BFSA can provide a list of countries who can be potential NPs.

Once the particular regulatee achieves certification by their NPs and applies to the BFSA for entering into the market for business, the BFSA will consider and verify the certifications. Then the BFSA may allow the particular food product of the regulatee concerned to be sold in the market. There will be a seal affixed beside the indication of approval of the particular NP. Every year the particular regulatee would need to renew their certification from NPs. For example, if NSWFA certifies a particular food manufacture of Bangladesh in 2013 as maintaining all food standards of NSW, this certificate will be valid for one year. The manufacturer would have to renew it in 2014. In the interim, the inspector or any other consumer can challenge the safety of the food, and the manufacturer would have to demonstrate the quality of the product to the relevant authority. It is true that maintaining all these certifications each and every year may add to the cost of manufacture; however, if the particular manufacturer is recognised by one or more foreign NPs, it could export its food products to all over the world and earn greater profits than it could otherwise expect.

It is worth mentioning that in every case of the escalation by the enforcement authorities in accordance with the REPS, the report of the NPs should be given a serious consideration. Firstly, the NPs would have the power to give their recognition or withdraw such recognition in regard to a particular regulatee based on their standards after the NPs' inspection of every possible area. Secondly, whenever an inspector inspects the particular food manufacturer and finds any violation of any standard, the inspector will first collect the particular food sample or any other evidence, such as a video record on cleanliness, environment, temperature recordings and so on. After collecting the evidence, he/she will send a copy or portion of such evidence to the NPs (either to all or to selected partners) for their comments to be submitted within a short span of time, for example within two weeks, so that the inspector can rapidly and on the basis of the best advice make a considered decision, before punishing the particular manufacturer following the REPS. At this stage, the NPs have the opportunity to provide their opinion after testing the food sample in the laboratory or testing the evidence record, for example, videos as to whether or not the regulatee is maintaining the standard as earlier certified by the NPs. Once the inspector receives the feedback from the NP/s, he/she can decide on the basis of his findings whether to escalate to the enforcement pyramid or not.

Finally, as described above in this paper regarding the application of REPS, in every case a competent court will have the power to intervene in every step

including the civil penalty, criminal penalty, licence suspension or licence cancellation. An aggrieved regulatee may wish to challenge any sanction under the REPS issued by the inspectors or any enforcement authority in an authorised court. In that case the court will take the ultimate decision.

5. Conclusion

It is argued in this study that if the above mentioned changes and modification can be done, RR can be successfully applied in the FSRR of Bangladesh. However, it can be said that the above modification can be subject to further change or modification, especially in regard to the numbers of NPs so as to make it more flexible and effective enough to ensure safe food for every consumer in Bangladesh.

Notes

1 For example, see Staff Correspondent, Rajshahi, '2 Fast Food Shops Fined', *The Daily Star*, 24 February, 2010, viewed 15 November, 2012, <<http://www.thedailystar.net/newDesign/news-details.php?nid=127700>>; Staff Correspondent, '2 Illegal Lube Factories Sealed Off in Chittagong', *The Daily Star*, 31 August, 2005, viewed 10 August, 2012, <<http://thedailystar.net/2005/08/31/d50831060355.htm>>.

2 World Health Organization: Country Office for Bangladesh, 'Sustainable Development and Healthy Environment: Food Safety', Viewed 8 November, 2012, <<http://www.ban.searo.who.int/en/Section3/Section40/Section104.htm>>.

3 See for details, Motarjemi et al, 'Contaminated Weaning Food: A Major Risk Factor for Diarrhoea and Associated Malnutrition', *Bulletin of the World Health Organization* 71 (1993): 79. See also Clydette Powell, 'Nutrition', in *Understanding Global Health*, ed. William H. Markle, Melanie A. Fisher, and Raymond A. Smego, (McGraw-Hill Companies, 2007), 122. For the details of the diarrhoeal diseases and its dangerousness in Bangladesh, see the health statistics produced by the Directorate General of Health Services, Government of Bangladesh, 'Communicable Diseases', Viewed 15 November, 2012, <http://nasmis.dghs.gov.bd/dghs_new/dmdocuments/Communicable%20diseases%20in%20Bangladesh.pdf>, 5–6.

4 See, eg, Staff Correspondent, 'Trader Fined for Selling Fish Treated with Formalin', *Bangladesh2day*, 1 September, 2009, Viewed 16 November, 2012, <<http://www.bangladesh2day.com/newsfinance/2009/September/1/Trader-fined-for-selling-fish-treated-with-formalin.php>>; Staff Correspondent, 'RAB Seizes 24 Tonnes of Mangoes Mixed with Poisonous Chemicals', *The Daily Star*, 10 July, 2008, Viewed 10 November, 2012, <<http://www.thedailystar.net/newDesign/news-details.php?nid=45073>>.

5 See generally Greg A. Wooster, Casandra M. Martinez, and Paul R. Bowser, 'Human Health Risks Associated with Formalin Treatments Used in Aquaculture: Initial Study', *North American Journal of Aquaculture* 67 (2005): 111.

6 Md Nurul Huda Bhuiyan et al, 'Screening of Organochlorine Insecticides (DDT and Heptachlor) in Dry Fish Available in Bangladesh', *Bangladesh Journal of Pharmacology* 3 (2008): 114.

7 See generally Md Nurul Huda Bhuiyan et al, 'Organochlorine Insecticides (DDT and Heptachlor) in Dry Fish: Traditional Washing and Cooking Effect on Dietary Intake', *Bangladesh Journal of Pharmacology* 4 (2009): 46–7.

8 See the more details of DDT effect on the public health of Bangladesh on M. H. Rahman, and M. J. B. Alam, 'Risk Assessment of Pesticides used in Bangladesh,' *Journal of Civil Engineering* 25 (1997): 97–106; Powell, 'Nutrition', 122.

9 For example, see Staff Correspondent, 'Traders Fined for Selling Toxic Chemicals as Food Colour', *The Daily Star*, 30 January, 2007, Viewed 3 March, 2012, <<http://www.thedailystar.net/2007/01/30/d70130013625.htm>>; **Rifat Munim**, 'Camouflaging Adulterants', *The Daily Star*, 19 August, 2011, Viewed 12 July, 2012, <<http://www.thedailystar.net/magazine/2011/08/03/cover.htm>>.

10 For details of the toxicity of the food colors, see Jack L. Radomski, 'Toxicology of Food Colors', *Annual Review of Pharmacology* 14 (1974): 127–37.

11 See Md Asadullah Khan, 'Bitter Truth: Rampant Adulteration Plays Havoc', *The Daily Star*, 4 August, 2012, Viewed 5 August, 2012, <<http://www.thedailystar.net/newDesign/news-details.php?nid=244692>>; Staff Correspondent, 'Two Puffed Rice Factories Fined Tk 1 Lakh', *The Daily Star*, 28 July, 2011, Viewed 12 March, 2012, <<http://www.thedailystar.net/newDesign/news-details.php?nid=196107>>.

12 Staff Correspondent, 'Two Collectors of Dead Chicken Jailed', *The Daily Star*, 10 April, 2012, Viewed 21 November, 2012, <<http://www.thedailystar.net/newDesign/news-details.php?nid=229647>>; Staff Correspondent, '2 Jailed for Selling Dead Chicken', *The Daily Star*, 19 April, 2012, Viewed 16 November, 2012, <<http://www.thedailystar.net/newDesign/news-details.php?nid=230783>>.

13 Correspondent, Dinajpur, 'Date Expired Energy Drinks Seized', *The Daily Star*, 20 June, 2011, Viewed 17 November, 2012, <<http://www.thedailystar.net/newDesign/news-details.php?nid=190753>>.

14 For example, S. S. M. Sadrul Huda, Ahmed Taneem Muzaffar, and Jasim Uddin Ahmed, 'An Enquiry into the Perception on Food Quality among Urban People: A Case of Bangladesh', *African Journal of Business Management* 3 (2009): 228.

15 For details, see Md Motaher Hossain, Visa Heinonen, and K. M. Islam, 'Consumption of Foods and Foodstuffs Processed with Hazardous Chemicals: A Case Study of Bangladesh', *International Journal of Consumer Studies* 32 (2008): 591.

16 There are at least a dozen of laws to deal with the food safety issues in Bangladesh. For a detailed list of the laws governing food safety issues in Bangladesh in 2004, see, Shah Mahfuzur Rahman, and A. T. M. Ismail, 'Strengthening Official Food Safety Control Services', (paper presented at the FAO/WHO Second Global Forum for Food Safety Regulators, Bangkok, Thailand, 12–14 October 2004), 1–2. The current study is a part of my PhD project. It is suggested and presumed in my study that all the existing food safety laws should be consolidated to a single law (the name of the law can be, for example, 'Bangladesh Food Safety Act, 2013' or 'Bangladesh Food Act, 2013' and so on).

17 Quazi Mohammad Ali, 'Some Aspects of Consumer Protection in Bangladesh', *The Dhaka University Studies Part-C* (1984): 113. While working on my PhD research, I found that at least 11 ministries are engaged to deal with the single food safety issue in Bangladesh which is creating much confusion for enforcement. It is, thus, suggested and presumed in this study that, there should have a single regulatory and coordinating body which would work for the entire food safety issues. This apex coordinating body can be named as the 'Bangladesh Food Safety Authority' (BFSa).

18 For example, the penalty as set in section 272 of the Penal Code 1860 (Bangladesh) for the adulteration of food or drink is a maximum term of six months of imprisonment or up to a maximum fine of BDT (Bangladesh taka) 1000 (equivalent to USD 12); section 284 of the same Act prescribes the same penalties for negligent conduct in regard to having any kind of poisonous substances in food.

19 For details, see Zafrin Andaleeb, and Abu Noman Mohammad Atahar Ali, 'The Development of Consumer Protection law in Bangladesh: A Critical Comparative Study', *Independent Business Review* 2 (2009): 133–4.

20 John Braithwaite, *Restorative Justice and Responsive Regulation* (New York: Oxford University Press, 2001), 36.

21 Ian Ayres and John Braithwaite, *Responsive Regulation: Transcending the Deregulation Debate* (Oxford University Press, 1992), 19, 24.

22 George Gilligan, Helen Bird, and Ian Ramsay, 'Civil Penalties and the Enforcement of Directors' Duties', *University of New South Wales Law Journal* 22 (1999): 426; see also Michelle Welsh, 'Civil Penalties and Responsive Regulation: The Gap between Theory and Practice', *Melbourne University Law Review* 33 (2009): 910.

23 Ayres and Braithwaite, *Responsive Regulation: Transcending*, 35; Arie Freiberg, *The Tools of Regulation* (Federation Press, 2010), 97–8.

24 Ayres and Braithwaite, *Responsive Regulation: Transcending*, 35.

25 Peter Mascini, and Eelco Van Wijk, 'Responsive Regulation at the Dutch Food and Consumer Product Safety Authority: An Empirical Assessment of Assumptions Underlying the Theory', *Regulation & Governance* 3 (2009): 27–8.

26 See Productivity Commission, 'Performance Benchmarking of Australian and New Zealand Business Regulation: Food Safety', (Commonwealth of Australia, 2009) xx.

27 See the details of the guidelines at Department of Health and Ageing, Australian Government, 'Australian & New Zealand Food Regulation Enforcement Guideline: Version 8', 10 November 2009, accessed 20 November, 2012, <[http://www.health.gov.au/internet/main/publishing.nsf/Content/67D23247DB8204FACA2578A2001F21F6/\\$File/Australia-and-New-Zealand-Enforcement-Guideline.pdf](http://www.health.gov.au/internet/main/publishing.nsf/Content/67D23247DB8204FACA2578A2001F21F6/$File/Australia-and-New-Zealand-Enforcement-Guideline.pdf)>.

28 John Braithwaite, 'Responsive Regulation and Developing Economies', *World Development* 34 (2006): 884, 886.

29 See generally Braithwaite, 'Responsive Regulation and Developing', 886.

30 Ibid., 885, 889.

31 See generally Colin Scott, 'Regulation in the Age of Governance: The Rise of the Post-Regulatory State', in *The Politics of Regulation: Institutions and Regulatory Reforms for the Age of Governance*, ed. Jacint Jordana and David Levi-Faur, (Edward Elgar, 2004), 158.

32 See generally Peter Drahos, 'Towards an International Framework for the Protection of Traditional Group Knowledge and Practice', (paper presented at the UNCTAD-Commonwealth Secretariat Workshop on Elements of National *Sui Generis* Systems for the Preservation, Protection and Promotion of Traditional Knowledge, Innovations and Practices and Options for an International Framework, Geneva, February 4–6, 2004), 40.

33 Braithwaite, 'Responsive Regulation and Developing', 890.

34 In fact, Braithwaite mentioned that he has gained the idea of this kind of figure of Pyramid from Drahos's literature. See Drahos, 'Towards an International', 34–5.

35 Braithwaite, 'Responsive Regulation and Developing', 890.

36 Ibid.

37 Freiberg, *The Tools*, 25.

38 For more precise examples, see Braithwaite, 'Responsive Regulation and Developing', 896.

39 Ibid.

40 See generally John Braithwaite, 'Prospects for Win-win International Rapprochement of Regulation', in *Regulatory Co-operation for an Interdependent World* (Paris: OECD Publishing, 1994), 202.

41 Braithwaite, 'Responsive Regulation and Developing', 896.

42 Ibid.

43 External Advisory Committee on Smart Regulation (EACSR), 'Smart Regulation: A Regulatory Strategy for Canada', (Government of Canada, 2004), 137.

44 Ibid., 17.

45 Ibid., 138.

46 Les Metcalfe, 'The Weakest Links: Building Organisational Networks for Multilevel Regulation', in *Regulatory Co-operation for an Interdependent World* (Paris: OECD Publishing, 1994), 49–50.

47 See generally Hilary Charlesworth, and Christine Chinkin, 'Regulatory Framework in International Law', in *Regulating Law*, ed. Christine Parker et al, (Oxford University Press, 2004), 277.

48 Rose Marie Robertson, American Heart Association/American Stroke Association, 'Food and Drug Administration Public Hearing: Food Labelling: Use of Symbols to Communicate Nutrition Information', 10 September, 2007, accessed 15 October, 2012, <http://www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm_312845.pdf>, 2.

49 Scott H. Jacobs, 'Regulatory Co-operation for an Interdependent World: Issues for Government', in *Regulatory Co-operation for an Interdependent World* (Paris: OECD Publishing, 1994), 24.

50 National Taskforce on Food Safety, 'Bangladesh Country Paper', (paper presented at the FAO/WHO Regional Conference on Food Safety for Asia and Pacific, Seremban, Malaysia, May 24–27, 2004), <<http://www.fao.org/docrep/meeting/006/ad730e/ad730e00.htm>>, 4 [2.1.8].

51 The reason for engaging a developed country food safety authority as the NP is that, it may more help to reduce the chances of corruption in managing the recognition from a food safety authority.

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