

**Seventh United Nations Conference to review the UN Set on
Competition Policy**

**MAKING MARKETS WORK
FOR PEOPLE
AS A POST-MILLENNIUM DEVELOPMENT GOAL**

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outline

- ▣ 1 Sustainable and inclusive growth and development –
 - ▣ **why prioritize** sustainable development goals (SDGs)
- ▣ 2 Where do competition law+markets come in?
 - ▣ **Market access for people without power**
 - ▣ It should be an SDG
- ▣ 3 Integrating antitrust and the SDGs
 - ▣ exemptions, fairness, public interest
- ▣ 4 Conclusion

I.

More than a billion people still live in extreme poverty.
Nearly 1/3 children in developing countries are underweight
or stunted.



Malnourishment causes severe physical/cognitive damage;
impacts productive work force for generations WORLD BANK

WORLD BANK A New Vision for Sustainable Development

... A new post-2015 development agenda is being designed. Today's global realities ... **require that the proposed agenda be more ambitious and interconnected** than its predecessor, with a more comprehensive vision of development ...

The proposed **SDGs** encourage every country to end poverty and enhance social and economic development ... **These goals will not be achieved with a business-as-usual approach.**

II. What can market policy do?

- ▣ Are markets – with competition law – a solution or a problem?
- ▣ 1. Oxfam plus: Markets are the problem
 - “Working for the Few: Political capture and economic inequality” 2014 – markets serve elites
- ▣ 2. Moving past Oxfam
 - ▣ Two ways markets are a solution
 - ▣ When antitrust might be a problem and step aside (exemptions)

The use of markets to accomplish the SDGs

- ▣ 1 The fruits of the market (+ antitrust as needed)
 - Lowering prices, increasing output, variety, innovation (for rich and poor; priorities)
- ▣ 2. **The right to be part of the market**
 - Right of participation free of unnecessary, exclusionary barriers and restraints, public and private
 - Right of access for freedom, dignity, autonomy, self-sufficiency
 - Freedom to help one's self and family by own good works
 - Where Amartya Sen, Friedrich Hayek, Hernando de Soto converge

The right to engage in the market; what it means for competition law

- ▣ For developing countries
 - and others with systemic deep poverty, entrenched skewed inequality, lack of mobility and lack of resources and institutions to satisfy basic human needs and pull people up the opportunity ladder:
- ▣ This means: competition law
 - is not or is not always aggregate wealth law
 - It is outsider law – **markets for the people**
 - ▣ Policing abusive restraints that fence out outsiders
- ▣ Access to markets stands alongside food, nourishment ... as an Inclusive Growth and Development goal and tool

III. Integrating antitrust and the SDGs

- ▣ Once it is understood that markets have great value to sustainable inclusive development
 - the question of integration with (other) SDGs takes a different dimension
- ▣ 1. Exemptions
 - No exemption for economic progress – it is built in
 - The Chicken for Tomorrow and animal welfare
- ▣ 2. Fairness
 - Fair competition
 - Fair bargaining

Integrating SDGs

- ▣ 3. Public interest
 - Jobs and small business
 - ▣ South Africa – the market friendly way



4. Agriculture

- ▣ Do we need exemptions? EU guidelines
- ▣ **78% of world's poor** live in rural areas
 - ▣ most are dependent on agriculture; child labor rampant
 - **Think positively: How can markets/antitrust help?**



Agriculture – Think positively

- ▣ Improve market access
 - IFAD: Promoting Market Access for the Rural Poor in Order to Achieve the Millennium Development Goals (2003)
- ▣ Antitrust challenges
 - 1. attacking international input cartels
 - 2. protecting from monopsonistic strategies
 - contracts that keep out competitors; oppressive terms; abuse of patent rights; cf. charges against Monsanto
 - 3. protecting against monopsonistic mergers
 - 4. confronting the not-our-problem problem

CONCLUSION

- ▣ MARKETS EMPOWER PEOPLE
- ▣ MAKING MARKETS WORK FOR PEOPLE WITHOUT POWER DESERVES TO BE A SDG
- ▣ BUT A GREAT MASS OF PEOPLE NEED TO BE CONVINCED THAT MARKETS CAN WORK FOR THE PEOPLE AND NOT FOR AN ELITE EXPLOITING FEW
- ▣ COMPETITION AUTHORITIES CAN BE PART OF THE SOLUTION