

**Intergovernmental Group of Experts on Competition Law
and Policy
Geneva, 8-10 July 2013**

**Roundtable on:
Capacity-Building and the UNCTAD Voluntary
Peer Review as a capacity-building tool**

**Contribution
by
Zimbabwe**

The views expressed are those of the author and do not necessarily reflect the views
of UNCTAD.

Q1. Describe how UNCTAD peer review process has improved your competition law enforcement?

The peer review recommendations on Zimbabwe were directed to the following parties: the Legislature, the Government, and the Competition & Tariff Commission. The purpose of the recommendations was, if well executed by the parties, to have competition law enforcement in line with international best practices, whilst tailor-made for the Zimbabwe nation.

In order to have a systematic approach of ensuring the implementation of the recommendations an Inter-Organisational Committee was formed for purposes of monitoring progress on implementation of the recommendations as there are time limits for the implementation plan. Members of this Committee were drawn from key stakeholders with direct or indirect effect on competition policy and law formulation. The list of members include: Ministry of Industry and Commerce, Ministry of Finance, Ministry of Parastatals and State Enterprises, Ministry of Economic Planning and Regional Integration, Ministry of Constitution and Parliamentary Affairs, Attorney Generals' Office, Ministry of Justice, National Incomes and Pricing Commission, Consumer Council of Zimbabwe, Posts and Telecommunications Regulatory Authority, and Zimbabwe Energy Regulatory Authority.

The Committee has been periodically meeting in order to assess progress. This has proved to be a very useful organ in the implementation of the peer review recommendations. Following are the areas with notable improvements in competition law enforcement:

- i. Increased awareness in law firms: many law firms are showing interest in competition law. The last UNCTAD sponsored workshop held at Cresta Oasis Hotel, Harare, on 19th November 2012 bears witness. There were about ten law firms in attendance with more than one participant from each. As a result of increase awareness all merger filings are now coming through law firms.
- ii. Increased Government Awareness: Government is now paying attention to the Commission requests and addressing them where they can. The parent Ministry, in particular, is now very supportive or pledging to be so.
- iii. The Commission Board, in January 2013, set time limits for assessing mergers and restrictive business practices, possibly for inclusion in the reviewed Act.
- iv. The Commission has arranged for awareness campaigns in all towns and cities. Also a research Unit has been set-up, initially, to carry-out sector studies starting with the health sector.
- v. Ministry of Parastatals and State Enterprises is in the process of drafting a document proposing the bringing of all regulators and parastatals under one Ministry so as to iron out overlaps and gaps in salary structures.
- vi. The Commission is in the process of negotiating, with the hope of finalising, cooperation agreements with two sector regulators, namely, Zimbabwe Electricity Regulatory Authority (ZERA) and Postal & Telecommunications Regulatory Authority as these two have provisions in their Acts relating to competition law. There is great improvement in relations with sector regulators, as can be testified by meetings being held with ZERA, which at one time was very hostile to the Commission concerning issues of cooperation.
- vii. The Commission, successfully, conducted its first dawn raid at I-way Africa and obtained the sought documents.

- viii. CTC has started publishing articles in the local newspapers and also holding meetings with Trade Associations in view of enlightening them on importance of competition law. For instance meetings were held with Bakers Association of Zimbabwe, Pharmaceutical Manufacturers Association, Beverages Wholesalers Association of Zimbabwe, Cotton Ginners' Association, Association of Health Funders in Zimbabwe, Safari Operators Association, and Meet Traders Association, and Motor Traders' Association.
- ix. CTC held meetings with the University of Zimbabwe (Law Faculty and Economics Department) aiming to have introduction of competition law courses, and had one public lecture on competition law with the Department of Private Law at the same University.
- x. CTC is participating at Law Seminars. For instance, both the Winter and Summer Schools.

Q2. Which areas would you recommend to UNCTAD to improve the delivery of the peer review process?

- i. There has been slow implementation of the recommendations especially on carrying out study preceding drafting of the competition policy and the subsequent review of the competition law. Donors were identified but the funds have not yet been released. UNCTAD can help pushing for the release of funds and identification of the international experts to carry-out the necessary work.
- ii. Review of the competition law and drafting of relevant guidelines.

Thank you
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