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Method of work and work programme for the Intergovernmental Group of Experts on Consumer Protection Law and Policy for the period 2016–2020, including consultations and discussions regarding peer reviews on consumer protection law and policy, capacity-building and technical assistance on consumer protection law and policy

Review of capacity-building in and technical assistance on competition and consumer policies

Note by the UNCTAD secretariat

Executive summary

UNCTAD provides capacity-building in and technical assistance on competition law and policy to developing countries and countries with economies in transition in accordance with requests received and resources available. Activities include both national and regional-level assistance in drafting competition law and application guidelines, enhancing institutional capacity for better implementation of competition law and advocacy for the creation of competition culture and promotion of consumer welfare. Since the Fifth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices in 2005, new impetus was given to UNCTAD support for developing countries through the launch of voluntary peer reviews on competition law and policy. The recommendations of peer reviews are translated into capacity-building projects to help enhance the competition regimes of beneficiary countries.

This note presents a progress report on technical cooperation activities and assistance provided or received, bilaterally or regionally, in the area of competition and consumer protection policies, by UNCTAD and other international organizations, in 2015–2016.

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Introduction

The Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices was first adopted by the General Assembly in 1980,¹ and calls on UNCTAD and its member States to provide technical assistance, advisory and training programmes on restrictive business practices, particularly for developing countries.² In addition, the resolution of the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices requests UNCTAD, in implementing its new global strategy for capacity-building and technical assistance, to “perform, in consultation with relevant organizations and technical assistance providers, a review of technical cooperation activities, to avoid duplication and encourage providers and recipients of technical cooperation to recognize the results of the substantive work of UNCTAD”.³

Accordingly, this note contains information on the capacity-building and technical cooperation activities of UNCTAD since the seventh conference, held in 2015, as well as information provided by member States and other international organizations on technical cooperation activities in the field of competition law and policy.⁴ Chapter 1 describes the rationale for provision of capacity-building in competition and consumer protection policies in the developing world. Chapters 2 and 3 focus on capacity-building provided by UNCTAD, other international organizations and member States at national and regional levels in 2015–2016. Chapter 4 summarizes some of the lessons learned from the recent implementation of some capacity-building activities.

I. Rationale for capacity-building and technical assistance

A. UNCTAD mandate on competition law and policy

1. UNCTAD is the focal point within the United Nations system for work related to competition law and policy and consumer protection – with its mandate dating to 1980 – and this, in turn, forms part of United Nations work on trade and development. The basis of the work of UNCTAD is an acceptance of the view that the basic norms of competition law, which have long been in use in developed countries, should extend to the operations of enterprises, including transnational corporations, in developing countries. Thus, the objectives of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices emphasize that the interests of developing countries in particular should be taken into account in the elimination of the disadvantages to trade and development which may result from the restrictive business practices of transnational corporations or other enterprises, and that the Set forms an international contribution to a wider process of encouraging the adoption and strengthening of laws and policies in this area at national and regional levels.

2. The Sixth United Nations Conference to Review All Aspects of the Set called upon UNCTAD to “provide technical assistance for capacity-building in the area of competition

¹ A/RES/35/63.

² TD/RBP/CONF.10/Rev.2, section F, paragraphs 6 and 7.

³ TD/RBP/CONF.8/11.

⁴ The secretariat expresses its gratitude to the competition authority of France for information provided.

law and policy by ... (e) preparing and executing national, regional and subregional projects on technical cooperation and training in the field of competition law and policy, taking special account of those countries or subregions which have not received such assistance so far, especially in the field of law drafting and staff training, and enforcement capacity;

(f) mobilizing resources and widening the search for potential donors for UNCTAD technical cooperation in this area”.⁵

3. In addition, paragraph 56 (m) of the Doha Mandate requested UNCTAD to “conduct analysis and research and help developing countries and countries with economies in transition to formulate and implement competition and consumer protection policies, promote the sharing of best practices, and carry out peer reviews with regard to the implementation of such policies”.⁶

4. Finally, the Seventh United Nations Conference to Review All Aspects of the Set endorsed the secretariat’s “newly adopted global strategy as a response to increased needs for technical cooperation and assistance across both public and private sectors for all developing countries, particularly among small island developing States; landlocked developing countries and other structurally weak, vulnerable and small economies; and countries in transition”.⁷

5. Since the adoption of the Set in 1980, UNCTAD has provided capacity-building in and technical assistance on competition law and policy to developing countries, the least developed countries and countries with economies in transition, in accordance with requests received, the needs of the countries concerned and resources available. UNCTAD technical assistance is also conducted as follow-up to recommendations deriving from its voluntary peer reviews on competition law and policy.

6. Since 2007, at the request of member States and taking note of recommendation 19 of the Report of the Panel of Eminent Persons concerning the need for the consolidation of technical cooperation projects, the secretariat was requested to initiate, in consultation with member States, a process for establishing thematic trust funds within and among divisions.⁸ In accordance with this request, and in order to streamline UNCTAD technical assistance activities and increase their impact, the secretariat undertook the following two initiatives: extension of the programme for Competition and Consumer Protection for Latin America (COMPAL), with increased coverage from 5 to 10 countries; launch of the regional Africa Competition Programme. In providing assistance, UNCTAD often collaborates with member States and other development partners.

B. UNCTAD mandate on consumer protection

7. The Seventh United Nations Conference to Review All Aspects of the Set adopted a draft resolution on consumer protection and the revised United Nations guidelines for consumer protection and requested the General Assembly, at its seventieth session, to consider their adoption. On 22 December 2015, the General Assembly adopted resolution 70/186 on consumer protection, including the revised guidelines and establishment of the Intergovernmental Group of Experts on Consumer Protection Law and

⁵ TD/RBP/CONF.7/11.

⁶ TD/500/Add.1.

⁷ TD/RBP/CONF.8/11.

⁸ TD/RBP/CONF.7/2.

Policy, within the framework of an existing commission of the Trade and Development Board of UNCTAD, to provide the international institutional machinery for the guidelines.⁹

C. Global strategy on competition and consumer protection policies

8. The global strategy on competition and consumer protection policies, endorsed by the Seventh United Nations Conference to Review All Aspects of the Set, was derived from experience gained by UNCTAD in implementing capacity-building activities in developing countries.¹⁰ To ensure buy-in and commitment by beneficiary countries, all activities are planned and implemented with involvement by their competition and consumer protection agencies and other national, regional and global networks where appropriate. The strategy focuses on the following: technical assistance for competition and consumer protection policy and regulation; creating an enabling environment for the private sector; competition neutrality; expanded regional focus; follow-up and impact assessment of activities. Competition and consumer protection policies cross-cut these areas and seek to promote stable economic conditions, strengthen competitiveness, support trade diversification, mobilize domestic and foreign investment and improve basic infrastructure. Emphasis is placed on private sector development as a tool for promoting growth and reducing poverty.

II. Progress report on UNCTAD capacity-building and technical cooperation activities

9. In accordance with the above-mentioned mandates, UNCTAD provides technical assistance related to the preparation, adoption, revision or implementation of national competition and consumer protection policies and legislation, and to building national institutional capacity to enforce effective competition and consumer protection legislation. At the national level, UNCTAD therefore organizes the following:

- (a) Assistance in preparation of competition and consumer protection law and related legislation;
- (b) Consultative meetings to review draft competition and consumer protection law with government representatives, as an essential step towards the adoption of competition and consumer protection legislation;
- (c) Intensive courses on competition and consumer protection law and policy, including training in evidence gathering in competition cases and sectoral consumer protection enforcement;
- (d) Training courses for judges on issues related to competition law and policy;
- (e) Training courses for newly appointed commissioners on implementation of competition law.

10. At the regional level, UNCTAD assists in the drafting and implementation of regional rules on competition and organizes conferences, seminars and workshops aimed at contributing to capacity-building and multilateral cooperation in the area of competition. At the regional and subregional levels, UNCTAD prepares and conducts the following:

- (a) International conferences on competition policy for all global regions;

⁹ A/RES/70/1.

¹⁰ See TD/RBP/CONF.8/7.

- (b) Regional conferences and workshops on competition law and policy;
- (c) Studies and reports on strengthening institutions in the area of competition;
- (d) Studies and reports on a possible framework for cooperation on competition policy, trade and related issues, for regional integration groups;
- (e) Regional training for judges and public prosecutors in enforcement of competition law.

A. Country-level activities

11. UNCTAD provides technical assistance related to the preparation, adoption, revision or implementation of national competition and consumer protection policies and legislation, and in areas contributing to a better understanding of the issues involved, as well as building national institutional capacity to enforce effective competition legislation. In addition, UNCTAD assists Governments in identifying the role of competition policy in development, its implications at national, regional and international levels and strategies for international cooperation in this field. The main areas of intervention include training for competition officials and judges, advisory services, preparation and review of national competition and consumer protection law, competition advocacy, enhancement of regional cooperation, institution-building, consumer protection and voluntary peer reviews on competition law and policy.

12. UNCTAD advisory services are provided through reviews of competition and consumer protection laws and policies. Training is delivered through seminars or workshops directed at specific participants, such as competition and consumer protection officials and other stakeholders, including government ministries, academia and business and consumer representatives. Such activities help raise awareness of the role of competition and promote a competition culture.

13. Specific activities in the other areas are detailed in the following sections.

1. Preparation and review of national competition and consumer protection law

14. In 2015, UNCTAD assisted the following States:

- (a) Albania – improving implementation of competition law and policy;
- (b) Ethiopia – reviewing and revising competition and consumer protection laws and competition policy;
- (c) Guatemala – drafting competition law;
- (b) Namibia – improving implementation of competition law and policy;
- (c) Paraguay – implementing competition and consumer protection laws;
- (d) Zimbabwe – reviewing and revising competition and consumer protection laws and competition policy.

2. Competition advocacy

15. In 2015, UNCTAD, in cooperation with the national authorities for markets and competition and consumer protection in Spain, organized an advocacy workshop in Colombia that aimed to highlight the importance of competition policy and law for an open economy and presented the activities of the Trade Competition and Consumer Protection Authority to a wider audience to reinforce its public visibility and credibility.

3. Enhancement of regional cooperation

16. In recent years, UNCTAD has been advocating regional cooperation in competition law and policy implementation. In 2015, UNCTAD organized a number of forums in Latin America, Africa and Asia (see section B). UNCTAD also continued to organize the Sofia Competition Forum in cooperation with the Government of Bulgaria, a regional initiative that strives to foster cooperation and the development of regional ties towards ensuring a uniform application of competition rules in the region. The initiative aims to assist countries in the region in adopting and enforcing competition law and to maximize the benefits of well-functioning markets for these countries, and the forum's key objectives are the creation and improvement of competition legislation, capacity-building, application of best practices in law enforcement and identification of common solutions to specific competition concerns in the region. The sixth and seventh sessions of the forum were held in May and November.

4. Institution-building

17. UNCTAD support to countries that have adopted national legislation and to newly established competition agencies includes institution-building activities. In 2015, UNCTAD assisted Paraguay in establishing its competition authority.

5. Consumer protection

18. In 2015, UNCTAD organized the following in Latin America: course on electronic commerce (e-commerce) hosted by the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI)-COMPAL school, Peru, 15–19 June; workshop on investigative techniques in competition and consumer protection, Colombia, 22–24 July; V International Consumer Protection Forum, Peru, 15–16 September.

19. In addition, UNCTAD continued to raise awareness of consumer protection through participation in the seventh African Consumer Protection Dialogue Conference, Egypt, 17–20 August, with the theme of achieving effective consumer protection through law enforcement collaboration and adjudication. Presentations on the United Nations guidelines for consumer protection and on the competition and consumer protection programme for the Middle East and North African region were delivered to participants from more than 15 African countries.

20. A project on competition and consumer protection policies in Ethiopia, funded by Luxembourg, is expected to provide consumer protection guidelines, a regulation on unfair commercial practices and training workshops on consumer protection. A consumer policy for regulating unfair commercial practices in Ethiopia is being drafted.

6. Peer reviews

21. With the aim of supporting Governments in their efforts to ensure coherence between different sectoral policies, UNCTAD initiated a programme of voluntary peer reviews on competition law and policy, which have become a core activity in its work on competition policy.¹¹ Peer reviews and their associated report review sessions provide an

¹¹ In 2005, the Jamaica Fair Trading Commission and Kenya Monopolies and Prices Commission were the first agencies to undergo the peer review process. Since then, the following have undergone peer reviews on competition policy: Tunisia (2006); West African Economic and Monetary Union (2007); Costa Rica (2008); Indonesia (2009); Armenia (2010); Serbia (2011); Mongolia (2012); United Republic of Tanzania, Zambia and Zimbabwe tripartite review (2012); Nicaragua (2013); Pakistan (2013); Ukraine (2013); Namibia (2014); Philippines (2014); Seychelles (2014); Albania (2015), Fiji and Papua New Guinea bipartite review (2015); Uruguay (2016).

ideal opportunity to discuss competition policy and its contribution to sustained and inclusive development.

22. During the Seventh United Nations Conference to Review All Aspects of the Set, report review sessions were held for Albania, Fiji and Papua New Guinea, including the presentation of projects to implement the recommendations in the peer reviews.

23. In February 2015, UNCTAD organized a dissemination event in Namibia to present the results of the country's peer review.

24. Peer reviews provide meaningful recommendations on how the application of legislation might be made more effective at regional and national levels and also serve in the design of capacity-building activities for the enforcement and advocacy of competition policy. In this regard, in 2015–2016, a training course, seminars and workshops were organized in Zimbabwe to follow up on the recommendations of its peer review, aimed at assessing progress achieved by the authority in enhancing enforcement of competition law.

B. Regional and subregional activities

25. Specific activities are detailed in the following sections.

1. Programme for Competition and Consumer Protection for Latin America

26. On 27 February 2015, UNCTAD and the State Secretariat for Economic Affairs, Switzerland, signed a trust fund agreement instituting the third phase of the UNCTAD programme for strengthening institutions and capacities in the area of competition and consumer protection policies in Latin America. The programme focuses on regional cooperation and integration and its members are the competition and consumer protection authorities of Argentina, the Plurinational State of Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay. The programme implemented 87 per cent of planned activities for 2015, with 70 per cent of its budget. Activities in 2015 were as follows:

(a) Workshop on investigative techniques in competition and consumer protection, Colombia, 22–24 July. UNCTAD cooperated with Colombia, Spain and Switzerland in organizing this workshop, with participation by authorities from each of the 16 COMPAL beneficiary countries. The workshop aimed at policy and enforcement coherence in competition and consumer protection among and within members, and concluded that national joint investigations or information sharing between authorities in investigations yielded best results;

(b) Annual meeting of working group on trade and competition, Ecuador, 2–3 December. The meeting was hosted by Ecuador, the Latin American and Caribbean Economic System and UNCTAD, and brought together trade and competition authorities from 26 countries in Latin America and the Caribbean. The group adopted a new method of work, and invited the Inter-American Development Bank to co-host future meetings;

(c) V International Consumer Protection Forum, Peru, 15–16 September. The forum showcased best practices for policymaking in agency effectiveness, educational campaigns and alternative dispute settlement, and had a total of 156 participants from government agencies, consumer associations and the private sector;

(d) Course on e-commerce, 15–19 June, and course on competition-related leniency programmes, 23–27 November, INDECOPI-COMPAL school, Peru. According to an internal survey, 98 per cent of participants valued the experience as

excellent, and overall knowledge in these issues in agencies (including participating and non-participating staff) increased by 64 per cent. Such one-week high-level intensive courses are offered to operative staff of COMPAL member agencies and respond to capacity needs identified by the agencies. They aim at replication in respective home agencies, and have resulted in a total of 800 trained participants.

2. Competition Programme for Africa

27. This programme, mandated in the Accra Accord and launched in June 2009, aims to help African countries develop appropriate administrative, institutional and legal structures for the effective enforcement of competition and consumer laws and policies. It provides for a more coordinated and streamlined approach to technical cooperation activities based on the needs of each beneficiary country while promoting regional cooperation, and emphasizes beneficiary ownership and the demand-driven aspect of technical cooperation. The programme further seeks to establish closer links with the private sector, as well as with non-governmental organizations and local learning institutions. In this connection, in 2015, country-specific capacity-building activities in competition policy and law were undertaken in Africa, including a training course for case handlers of the West African Economic and Monetary Union and representatives of its member States, in cooperation with the competition authority of Japan, held in Switzerland from 1 to 3 July, prior to the Seventh United Nations Conference to Review All Aspects of the Set.

a) *Zimbabwe: Strengthening technical capacities for policy formulation and the review of competition law*

28. In 2012, UNCTAD conducted a tripartite peer review of competition law and policy in the United Republic of Tanzania, Zambia and Zimbabwe.¹² The peer review of Zimbabwe included recommendations to reform and strengthen its competition regime and reinforce competition culture. In this regard, to assist the implementation of the recommendations, UNCTAD, under a trade and private sector development programme aimed at supporting economic recovery and diversification and poverty reduction in Zimbabwe, funded by the European Union, continued to implement competition law and policy-related activities, and carried out the following activities in 2015:

(a) A competition assessment toolkit was developed, to examine draft laws and regulations that might have implications for competition law and policy or for identifying economic issues in Zimbabwe;

(b) A competition policy framework for Zimbabwe was developed;

(c) On 2 September, UNCTAD, in collaboration with the Competition and Tariff Commission of Zimbabwe, organized a stakeholder workshop to create awareness and understanding of the draft competition policy among stakeholders, including government ministries, sector regulators, business representatives, lawyers and academia, and to accord them an opportunity to discuss the draft;

(d) A report on the application of the competition assessment toolkit to the information and communications technology sector was drafted, which was finalized in January 2016.

29. In 2015, with regard to advocacy, UNCTAD, in collaboration with the Commission, organized two awareness-raising seminars on the role of competition law and policy in

¹² UNCTAD, 2012, *Voluntary Peer Review of Competition Law and Policy: A Tripartite Report on the United Republic of Tanzania–Zambia–Zimbabwe* (New York and Geneva, United Nations publication).

Zimbabwe, on 5 June and 4 September. In addition, UNCTAD assisted the Commission with developing an online complaint-filing system to facilitate the lodging of complaints by citizens related to anti-competitive business practices without their having to access the Commission in person. The system began operations in March 2016.

30. One of the project activities for 2016 is the development of a curriculum for the law and economics faculties of the University of Zimbabwe. On 11–15 April 2016, UNCTAD organized a training course on competition law and policy at the university. The development of workshop materials and delivery of the course assisted, in part, the fulfilment of the university's social and educational obligation to deliver dedicated and trained human resources in the field of competition law and policy, to build awareness of competition law within the legal fraternity and business community and act as advocate of a fully functioning and legally sound competition law enforcement regime in Zimbabwe.

31. On 16 April 2016, UNCTAD organized an advocacy workshop for parliamentarians on the economic benefits of competition policy, held in Zimbabwe. The workshop objectives were as follows:

(a) Create awareness and understanding among parliamentarians of the benefits of competition;

(b) Review the Competition Act of Zimbabwe and any publicly available mandates or enforcement plans of the Commission, as well as recent case laws and progress made by competition authorities in the region, with a view to preparing awareness-building materials to be issued to parliamentarians;

(c) Review publicly available country reports and status reports on Zimbabwe industries, with a view to making workshop presentations fit for purpose;

(d) Review the voluntary peer review of competition law and policy in Zimbabwe and its recommendations, with a view to understanding the status of the competition law framework presently in place and any previous recommendations made regarding updates to the framework.

b) *Ethiopia: Strengthening competition and consumer protection enforcement capacities*

32. In 2015, UNCTAD prepared a review of the status of competition policy in Ethiopia, including recommendations on possible actions and measures to remove regulatory barriers to competition. The report is being finalized by taking into consideration feedback from the Trade Competition and Consumer Protection Authority of Ethiopia. UNCTAD worked with the authority to draft complementary guidelines on handling mergers and acquisitions and abuse of dominance cases, finalized in February 2016. On 10–11 December 2015, UNCTAD organized a training workshop for staff members from the authority on mergers, abuse of dominance and analysing competition cases. The workshop assisted the collection of input from officials on the merger review framework and enforcement mechanisms for investigating and resolving abuse of dominance cases, which were taken into consideration in the preparation of the guidelines. On 13–15 June 2016, UNCTAD organized a training course for officials from the authority. Its principal objective was to familiarize officials with the economics underpinning national competition laws and how this combines with the legal approach to enforcing competition policy in order to promote the smooth and effective enforcement of competition legislation in line with competition policy objectives. On 16–17 June 2016, UNCTAD organized a training workshop for judges on cartels and abuse of dominance cases. Its aim was to familiarize judges with the relevant concepts underpinning national competition laws and how they combine with the legal approach to enforcing competition policy in order to promote the smooth and effective enforcement of competition legislation in line with competition policy objectives.

3. Programme for regional economic integration, gender equality and anti-corruption through consumer protection policies in the Middle East and North African region, 2015–2020

33. UNCTAD, with the support of the Swedish International Development Cooperation Agency and funding by Sweden, developed this regional capacity-building programme, launched in 2015, which aims to contribute to regional economic integration, anti-corruption, good governance and gender equality by strengthening markets through improved competition and consumer protection policies in the Middle East and North African region. The programme also seeks to contribute to achievement of the Sustainable Development Goals. The beneficiaries are Algeria, Egypt, Jordan, Lebanon, Morocco, Tunisia, Yemen and the State of Palestine. The programme is designed to help ensure the achievement of the following five outcomes:

(a) Outcome 1: Competition policies are effective, sustainable and recognized as tools for regional economic integration in the Middle East and North African region;

(b) Outcome 2: Consumer rights are respected at national and regional levels and consumer protection policies are effective, sustainable and recognized as tools for regional economic integration in the Middle East and North African region;

(c) Outcome 3: Private sector support is increased and compliance programmes are adopted on competition and consumer protection laws and policies. Gender equality and economic empowerment of women are increased at the regional level;

(d) Outcome 4: Competition neutrality principles are applied. State-owned enterprises and government departments have increased understanding and awareness of the importance of competition neutrality;

(e) Outcome 5: Regional cooperation on competition and consumer protection is improved and strengthened. Final number of countries from the Middle East and North African region participating in the project is increased. Stakeholder capacity, awareness and commitment at the regional and national levels is enhanced.

34. As part of the inception phase of the programme – essential to obtain a clear picture of the context and environment in which it will be implemented – UNCTAD participated in and/or organized the following activities in 2015:

(a) Information session for Geneva-based delegates, 23 January;

(b) Participation by countries from the Middle East and North African region in COMPAL Annual Conference, Peru, 5–6 March;

(c) Fact-finding visit to conduct needs assessment, Jordan, 16–18 March;

(d) Fact-finding visit to conduct needs assessment, Egypt, 19–22 March;

(e) Fact-finding visit to conduct needs assessment, Lebanon, 23–25 March;

(f) Participation in sixth Islamic Conference organization, Tunisia, 3–4 June;

(g) Fact-finding visit to conduct needs assessment, Morocco, 10–12 June;

(h) Fact-finding visit to conduct needs assessment, Algeria, 14–15 June;

(i) Fact-finding visit to conduct needs assessment, Tunisia, 16–17 June;

(j) Palestinian study visit to Seventh United Nations Conference to Review All Aspects of the Set, and needs assessment interview, Geneva, 6–10 July;

- (k) Consultative stakeholder regional workshop, Morocco, 27–29 July;
- (l) Middle East and North African Region Programme Forum, Morocco, August.

35. Beneficiary countries participated in the COMPAL Annual Conference to become acquainted with the objectives, lessons learned, methods of work and achievements of another UNCTAD programme on competition and consumer protection. The conference provided an opportunity to exchange experiences in emerging issues in the competition and consumer protection policies of leading institutions in Latin America, with a view to strengthening competition law and policy and consumer protection in beneficiary countries.

36. The fact-finding visits to Algeria, Egypt, Jordan, Lebanon, Morocco and Tunisia to conduct needs assessments – in order to decide on and design individual national and regional activities – involved interviews with government officials, judiciaries and legislative powers in relation to the administrative, regulatory and enforcement aspects of competition and consumer protection laws. UNCTAD also held interviews with legal, economic and business professionals, local business and consumer associations, former enforcers or policymakers, academia and media representatives and other relevant stakeholders in competition and consumer protection. Interviews were also held with other international partners in the private and public sector (such as other United Nations agencies and development agencies working in the field of competition and consumer protection). The objectives of the missions were to obtain a clear picture of the state of consumer protection and competition in the beneficiary countries, to establish prioritization in relation to consumer protection and competition needs, to obtain input for implementation strategies and activities in the regional operational plan and to establish long-term working relationships between UNCTAD and all stakeholders.

37. UNCTAD continued to raise awareness of the relation between competition policy and consumer protection, the relation between competition authorities and regulatory authorities and the effectiveness of competition, for example through its participation in the sixth Islamic Conference organization. UNCTAD initiated discussions with regard to collaboration with European Union competition authorities attending the event (such as the competition authority of Austria) and regional organizations such as the International Islamic Trade Finance Corporation, Islamic Centre for Development of Trade and League of Arab States.

38. On the margins of the Seventh United Nations Conference to Review All Aspects of the Set, UNCTAD organized the side meeting with Palestinian delegates to conduct needs assessments on competition and consumer protection and obtain a clear picture of the state of competition and consumer protection. This was also an opportunity for Palestinian delegates to attend the conference and establish linkages with countries in attendance.

39. The regional workshop in Morocco provided a platform for beneficiary countries to propose areas of interest for assistance within the programme and to interact and share information on their experiences in enforcing competition and consumer protection laws focusing on policy, legal and institutional frameworks, advocacy, international cooperation, capacity-building and challenges. Apart from competition and consumer protection practitioners, the workshop was attended by high-level representatives from government ministries, judiciaries, sector regulators, representatives on gender issues, academia, consumer associations and the private sector. A special session on women was attended by all participants in a plenary format. Participants underscored the need to include women in all sectors of the economy, in particular in competition and consumer protection matters.

40. UNCTAD continued to raise awareness of consumer protection through its participation in the seventh African Consumer Protection Dialogue Conference (see paragraph 19). On the margins of the event, UNCTAD organized a meeting at the

headquarters of the League of Arab States to continue discussions regarding their involvement in the programme in the Middle East and North African region.

41. Finally, in March 2016, UNCTAD organized a meeting in Egypt to discuss the work plan for 2016 with beneficiary countries.

4. Strengthening technical competency for consumer protection in the Association of Southeast Asian Nations

42. Under the framework of this project, UNCTAD carried out a number of activities in 2015. The main activities were as follows:

(a) Field visits to Brunei Darussalam, Malaysia and Singapore, 20–28 April. The objective was to identify national agencies with consumer protection responsibilities and the laws they administer, with regard to the six project areas, namely, product safety and labelling; telephone and Internet services and e-commerce; consumer credit and banking; the environment; health-care services; and professional services; the consumer protection issues currently prioritized by the agencies with regard to each area; and the regulatory responses currently used with regard to the identified issues, and considerations given to amending or reviewing regulatory responses, including legislation and administrative practices and procedures.

(b) Validation workshop for the consumer protection training modules prepared under the project, Indonesia, 27–31 July. This workshop, convened at the Association of Southeast Asian Nations secretariat, aimed at validating the relevance and effectiveness of the training materials in the six project areas. Catering to the growth of consumers in member States of the Association and the influx of consumers demanding their right to access adequate information, effective redress mechanisms and product standards and safety requirements, the training modules were developed as an avenue to enhance awareness of various consumer protection issues and the means by which they may be prevented or resolved. In developing the modules, comprehensive study visits were undertaken to several member States of the Association prior to the validation workshop. The modules will serve as pioneering materials for member States of the Association, offering comprehensive insights on consumer protection issues in salient and emerging areas. Experts from ministries, relevant agencies and consumer protection associations from member States of the Association and staff members of its secretariat participated in the workshop, which was facilitated by UNCTAD and prominent experts in the field. Participants deliberated on the modules, which identified consumer protection issues in each area, laws and legislations in each member State of the Association pertaining to each area and possible redress mechanisms to resolve consumer protection cases. Recommendations to strengthen existing legislations, policies and facilities were highlighted and several pre-market and post-market intervention mechanisms were discussed. According to participants, consumer protection, if implemented properly, should be seen as an essential part of human rights.

(c) Full-scale training session to strengthen technical competency for consumer protection, Viet Nam, 31 August–2 September. This session focused on strengthening consumer protection in three of the key areas, namely, consumer credit and banking; the environment; and professional services. Comprehensive modules were developed as references for government agency personnel in member States of the Association in developing training programmes required to effectively implement consumer protection laws at the national level. Participants, consisting of government personnel from relevant ministries and agencies, identified consumer-related issues in each area and corresponding consumer protection laws and policies

or regulatory frameworks, as well as pre-market and post-market interventions that should be taken, including dispute resolution mechanisms. The session provided an opportunity for member States of the Association to share information and best practices in consumer complaint handling in their respective agencies and identify issues hindering effective consumer protection enforcement and the means to improve their respective consumer redress schemes. Complaint and redress mechanism models and guidelines were developed to facilitate the development, by member States of the Association, of relevant redress mechanisms to facilitate consumer complaints. Facilitated by UNCTAD and prominent experts in the field, participants are expected to use the finalized modules to train officers and advocate the importance of consumer protection in their respective ministries and agencies.

(d) Train-the-trainer workshop to strengthen technical competency for consumer protection, Philippines, 5–7 October. This workshop aimed to strengthen the capacity of government officers to develop and deliver training programmes focused on technical requirements in three of the key areas, namely, product safety and labelling; telephone and Internet services and e-commerce; and health-care services. Following a comprehensive study in six member States of the Association, project consultants, led by UNCTAD, determined that there was an overall need to strengthen internal capacity in member States, including thorough understanding national laws and procedures, and to resolve consumer issues through mediation, arbitration and the design of appropriate remedies and sanctions. Participants recognized the importance of ensuring utilization of the modules and agreed to explore several avenues, including translation into local languages, delivery of local seminars and/or workshops and development of training programmes, with the modules as their basis, catered to the needs of respective ministries and/or agencies. UNCTAD will revise the modules to be used by member States of the Association to strengthen capacity in government agency personnel and to design, develop and deliver training to effectively implement consumer protection.

III. Capacity-building and technical assistance by member States and international organizations

A. Example of assistance provided by donor countries

43. The competition authority of France conducted the following activities in 2015: workshop on sanction procedures, Morocco, June; advocacy workshop on benefits deriving from enforcement of competition law, Polynesia, July; training course on platform structure and antitrust analysis, China, October; training workshop on how to foster compliance and spur reform through advocacy, Cyprus, October; training workshop on enforcement priorities, Israel, November. The following activities were conducted in 2016: training workshop on digital economy and competition, Mexico, January; advocacy work on early steps towards future competition, Cuba, January; workshop on best strategies for young competition authorities, Malta, January; training workshop on the fight against cartels, Dominican Republic, February; training workshop on competition in the telecommunications sector, Guatemala, May; training workshop on technology, innovation and competition policy, Taiwan Province of China, June; capacity-building workshop on competition policy, Hong Kong (China), June.

B. Capacity-building provided by other international organizations

1. Organization for Economic Cooperation and Development

44. The Organization is a key player in capacity-building and technical assistance in the international arena. Most of its capacity-building advice is delivered in the form of seminars and workshops.¹³ Its support to developing countries and emerging economies is provided through the Global Forum on Competition, Latin American and Caribbean Competition Forum and regional centres for competition in Hungary and the Republic of Korea.¹⁴

2. International Competition Network

45. The International Competition Network relies on its members to provide technical assistance to new competition agencies. To make best use of its increasing volume of work products, the Network has sought ways of facilitating their integration into the work of member agencies.¹⁵ In light of these developments, the Network conducted several activities in 2014–2015.¹⁶

IV. Impact of capacity-building

46. The assessment of the impact of capacity-building is a difficult and complex task and requires information and data that may be difficult to collect.¹⁷ Nevertheless, in 2015, an audit was carried out of UNCTAD projects on strengthening institutions and capacity-building in competition and consumer protection. The audit focused on COMPAL as one of the capacity-building programmes undertaken by the Competition and Consumer Policies Branch in the last 12 years, and assessed COMPAL and its related or component projects, as well as the adequacy and effectiveness of UNCTAD governance, risk management and control processes in the management of COMPAL and related or component projects. The audit was included in the 2015 internal audit work plan for UNCTAD due to the project's high strategic and operational risks, key in delivery of the branch mandate. The findings and recommendations of the audit will become available in 2016.

47. Finally, it is relevant to mention some of the impacts of activities carried out in 2015–2016.

48. The stakeholder consultation workshop held in Zimbabwe in September 2015 contributed to awareness and understanding in stakeholders (including government ministries, sector regulators, business representatives, lawyers and academia) and enhanced participant knowledge of the benefits of competition law and policy. Participants also gained a better understanding of competition principles as they relate to competition and other market-based policies and their contribution to the development process in Zimbabwe. The awareness seminars held in Zimbabwe in 2015 contributed to improving

¹³ Organization for Economic Cooperation and Development, 2003, Capacity-building for effective competition policy in developing and transitioning economies, *Journal of Competition Law and Policy*, 4(4):7–23.

¹⁴ See <http://www.oecd.org/competition/> for details of technical assistance activities.

¹⁵ International Competition Network, 2011, Activity Report on International Competition Network Advocacy and Implementation Network Support Programme 2010–2011.

¹⁶ International Competition Network, 2015, Summary of work product, presented at fourteenth annual conference, Sydney, 29 April–1 May, available at <http://www.internationalcompetitionnetwork.org/uploads/library/doc1029.pdf> (accessed 11 August 2016).

¹⁷ TD/B/C.I/CLP/11/Rev.1.

stakeholder understanding of competition principles and laws and their implications for the business community.

49. In addition, the report on the status of competition policy in Ethiopia enhanced the knowledge of government and Trade Competition and Consumer Protection Authority officials on barriers to competition in the Ethiopian economy and measures needed to remove them. The information provided to stakeholders on necessary legal and institutional reforms was a positive contribution to improving the legal framework to enhance competitive markets in Ethiopia and in designing soft law tools for better implementation of competition law in the country. Training activities enhanced the capability of 35 officials from the authority in analysing cases related to mergers and acquisitions and the abuse of dominance, and their capacity in implementing competition law and consumer protection.
