

THE ROLE OF TECHNICAL ASSISTANCE

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What is ‘technical assistance’?

“Technical assistance is the process by which a newer competition agency can take advantage of the experience of others as it develops that experience and judgment of its own.” (ICN, 2007)

“...activities...that enhance the individual and institutional capacities of developing countries’ antitrust agencies to pursue more effective antitrust casework and policy.” (Sokol & Stiegert, 2010)

Is there a distinction between 'technical assistance' and 'capacity building'?

Capacity building

“..the larger process of putting into place, at the national or regional level, sustainable competition policy frameworks and processes...”

Technical assistance

“...those components of capacity building that include the transfer of skills and know how from one agency or jurisdiction to another.”

BUT: “...at the practical level the distinction between the two concepts is not obvious.” (ICN, 2005)

Potential motivations behind the technical assistance relationship...

For providers

- Genuine belief in benefits of competition?
- Altruism?
- Economic imperialism – one-upmanship between jurisdictions?
- ‘Neoliberalism’?

For recipients

- Genuine belief in benefits of competition?
- International pressures (Washington Consensus, pressure from funders, trade requirements?)
- Domestic pressures?
- Everybody likes free stuff?

→ To what extent do recipients question incentives of providers?

(Emmert, Kronthaler & Stephan, 2005)

My (tentative) research question: *what is the role of technical assistance in developing competition laws and policy worldwide?*

- Who are the *players* (providers and recipients)?
- What does it *comprise*?
- *Why* is technical assistance provided...and *why* is it accepted?
- How does it *impact* upon the development of competition law in new jurisdictions?

I. Developing a typology of players and processes

- Largely descriptive and builds upon much earlier work, although attempting to collate, complete and systematise existing research
- *‘Players’* include:
 - Provider countries/agencies (e.g. EU, US)
 - International and regional organisations (e.g. UNCTAD, OECD, World Bank)
 - Recipient countries
- *‘Processes’* (assistance mechanisms) include
 - Drafting new legislation
 - Developing strengthening institutions
 - Capacity-building for enforcement
 - Advocacy
 - Peer reviews

II. A qualitative assessment of the motivations for and impact of technical assistance

- Series of *case studies* (via semi-structured interviews) exploring, in detail, relationship between certain providers and recipients, asking:
 - (i) Why provide/accept technical assistance?
 - (ii) To what extent has provision of assistance been instrumental for:
 - Initial decisions to adopt competition law?
 - Scope/structure of the laws adopted?
 - Application of those laws in practice?
- *Qualitative* rather than quantitative...*but* allowing for more nuanced consideration of dynamics of donor-recipient relationship and (ideally) more honest and thoughtful assessment of motivations and effects of assistance

Aims of the technical assistance project

To understand technical assistance, not merely as a technical phenomenon, but also a *political* one...

→ ⑤ to what extent can the provision of assistance influence economic policy choices in new competition jurisdictions?

→ ...and to what extent are providers and recipients aware of such influence, and complicit in these arrangements?