The views expressed herein are those of the author, and do not necessarily represent the view of UNCTAD, the Federal Trade Commission or any individual Commissioner.
A Short History of Technical Assistance

• Trial and Error
• Initial Focus on Substantive Norms
• Procedural Norms
• Investigative and Analytical Skills
• Supporting Institutions
  – Courts, Regulators, Civil Society
• Building Institutional Strength
Building Institutional Capacity

• An effective institutions should be able to:
  – Establish goals that fulfill the law’s purpose;
  – Set realistic priorities to achieve the goals;
  – Align its workflow with those priorities;
  – Find the right people to do the job;
  – Make use of available knowledge; and
  – Build alliances with potential supporters --
  – All while ensuring appropriate transparency
    and procedural fairness
Establishing Goals

• Requires understanding of the conditions affecting markets and competition
  – Conditions differ across economies;
  – Market structure, history, regulatory barriers, and scale affect conditions;
  – Other economies may offer lessons, but one size does not fit all

• Impediments to competition will be better understood

• Informs agencies about goals
Prioritization

• What can the agency do that will make a difference?

• What is the potential impact compared to the achievability of the goal, considering:
  – Political support,
  – Adequacy of law and institutions,
  – Human resources,
  – Budget.
Knowledge Management Challenges

• “Knowledge management:” A new term to organize some old ideas

• International Competition Network
  – “Knowledge is the combination of data and information, to which is added expert opinion, skills, and experience, to result in a valuable asset, which can be used to aid decision-making process.”
• What does your organization already know, what can it learn, and what can it retain and share, about:
  – Economic principles;
  – The markets involved;
  – Relevant prior experience
  – Particular firms, individuals, and conduct;
  – Investigational and analytical “know-how”
A New World for Technical Assistance

• Technical assistance has only recently begun to focus on building institutional capacities.
• Economic principles and investigational approaches are cross-jurisdictional.
• Institutional issues are more jurisdiction-specific
  – Status of agency
  – Agency priorities
  – Legal principles
• What has worked in other contexts?
ICN and Agency Effectiveness

• Recent ICN focus on agency effectiveness
  – Agency survey
  – Agency effectiveness manual and workshop
  – Curriculum Project

• Key issues identified include:
  – Knowledge storage and collection sharing
  – Knowledge retrieval
  – Sharing knowledge within the agency
  – Disseminating knowledge outside the agency

• Building a culture of knowledge sharing
Knowledge Management: the old way

• Old technologies
  – Libraries
  – Filing systems
  – Training programs
  – Still valid, but not enough

• Risks
  – Forget it
  – Lose or misfile it
  – People move on
  – Inconsistent knowledge
  – Reinventing the wheel
Knowledge Management: Newer Ways

• Newer approaches include
  – Shared electronic files
  – Networking
  – Online learning
Networking: an Example

• A simple idea: bring together enforcers who share geography, common issues, and language to build an enforcement network

• Consensus developed among competition agencies in the Americas that a network was needed

• Inter American Competition Alliance includes agencies in the Americas, with focus on Latin America
Inter American Competition Alliance

• Monthly conference calls in Spanish supplemented with Webinar technology
• Typical Agenda:
  – Presentation on a topic of interest
  – Questions and Answers
  – Roundtable discussion of current activities
• Confidentiality Issues
• Website
Shared Online Learning

• ICN is developing a series of practically-oriented on-line training modules

• Cooperation and assistance from agencies, private sector, academics, UNCTAD and other international organizations

• Eight modules unveiled to date
  – Origins and Purposes (2)
  – Market Power
  – Market Definition
  – Competitive Effects
  – Mergers
  – Predatory Pricing
  – Leniency
The ICN Curriculum Project

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CCPC
Conclusions

• Institution building is as important as building technical skills
• Institution-building is jurisdiction specific
• Knowledge management is a component of building institutional strength
• New approaches such as online training and regional networking can help supplement traditional technical assistance