

**LIVE UNCTAD WEBINAR**  
**on**  
**Key Competition and Consumer Protection Priorities for Regional Integration in Africa**  
**17 June 2020**  
**14h00 – 16h00 (CEST)**

*The work of regional networks in the field of Competition and Consumer Protection*

**Speaking notes: Mr. Hardin Ratshisusu, Deputy Commissioner, South Africa Competition Commission:**  
**“Work of the Africa Competition Forum in competition and consumer protection”**

*1. Genesis of ACF*

- ACF is an informal network of African national and multinational competition authorities
- It was in 2011 in Nairobi Kenya with only 19 African competition agencies and one African regional body in attendance
- As of **October 2019 ACF encompasses 36 national competition authorities and relevant government departments and 6 regional competition bodies** – some of these regulators have dual mandates for competition and consumer protection regulation

*2. Objectives of the ACF:*

- Promote the adoption of competition principles in the implementation of national and regional economic policies of African countries through 3 workstreams:
  - a. Enhancing the adoption of competition laws (in countries where there is no authority, the network would assist in paving the way for the development of a competition law)
  - b. Building the capacity of new authorities
  - c. Advocacy in the implementation of competition reforms that benefit African economies

*3. Role and achievements of ACF*

- The ACF has been a significant regional intervention in the promotion of competition policy on the African continent and an important tool in fostering cooperation across the various RECs and advocating for the introduction of competition legislation in jurisdictions where non exist.
- Absent formal regional cooperation agreements, the ACF has formed an important platform for engagement across the entire continent. Some important projects undertaken by the ACF include:
  - a. ACF COVID-19 response where it initiated a Steering Committee Heads discussion on COVID-19 (participating heads from South Africa, Mauritius, eSwatini, Kenya, Morocco, Botswana, the Gambia), a capacity building webinar discussing an African response to COVID-19 with over 70 participants across the continent and the biennial newsletter covering health and sanitation advice relating to COVID-19
  - b. A study, “*Competition in Africa - Insights from Key Industries*” in six ACF member countries (Botswana, Kenya, Namibia, South Africa, Tanzania and Zambia) in four key sectors cement, sugar, poultry and fertiliser

- c. The World Bank Group and African Competition Forum (2016) *“Breaking Down Barriers: Unlocking Africa's Potential through Vigorous Competition Policy”*
- d. Ongoing cross-country sector research projects:
  - Telecommunications (in which two competition authorities participated)
  - Cement (in which one competition authority participated)
  - Construction (in which six competition authorities participated and was published in 2019)
  - Fertilizer (in which two competition authorities participated)
  - Liquefied petroleum gas (in which two competition authorities participated)
- e. In February 2017, the Human Sciences Research Council in South Africa published a book containing cross-country ACF studies entitled *‘Competition in Africa: Insights from Key Industries’*, which draws insights on the nature of competitive rivalry and the power and interests of large firms in four key sectors in southern and East Africa
- f. Joint workshops with ACF, United Nations Conference on Trade and Development (UNCTAD), Organisation for Economic Co-operation and Development (OECD) and the International Competition Network (ICN) on agency effectiveness, international cooperation, cartel enforcement and bid-rigging
- g. Capacity-building workshops held with multiple partners such as the US Federal Trade Commission for cartel investigative skills, merger review, preparation and execution of dawn raids and agency effectiveness
- h. World Bank, which has been a longstanding partner of the ACF, has committed to conducting a study on *Institutional Design for Agency Effectiveness* in partnership with the ACF over the next two years. We look forward to this collaboration.

#### 4. Challenges

- Slow growth on the continent and across the world due to COVID-19 which will lead to a change in the global, regional and domestic economic landscapes
- Fiscal restraint will mean governments will reduce budgets – this will impact regulatory authorities like the competition authorities in the ACF also stretching their resources

#### 5. Way forward

- **Enforcement: important to continue strengthening competition enforcement especially across newer authorities and smaller economies within the ACF:**
  - a. Focusing on the investigation and prosecution of all anticompetitive conduct especially mergers, cartel enforcement, abuse of dominance and advocacy
  - b. Enforcing for inclusive economic development – supporting SMMEs and start-ups (garnering innovation and job creation)
  - c. Breaking down barriers to entry and deconcentrating markets and focusing on cartel and market conduct investigations especially those that are cross-border related (prominent examples shipping liners, car parts, forex market manipulation, pharmaceuticals and mega-mergers in agro-chemicals)

- **Deepening cooperation within the ACF:**
  - a. Impact of likely budgetary constraints as outlined will mean that cooperation will become imperative by sharing resources in research, advocacy and cross-border enforcement actions
  - b. Cross-border conduct should be the catalyst to the implementation of the AfCFTA integration agenda which should encourage harmonisation of standards/rules across the region
  
- **Advocacy**
  - a. This tool will become important to all competition authorities which must centre competition regulation and policy integral to the regional economic recovery and development as well as the AfCFTA integration agenda