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Consultations and discussions regarding peer reviews on competition law and policy, review of the Model Law on Competition and studies related to the provisions of the Set of Principles and Rules

Capacity-building and the UNCTAD voluntary peer review as a capacity-building tool

Note by the UNCTAD secretariat

Executive summary

Since the adoption of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices by the United Nations General Assembly in its resolution 35/63 (December 1980), UNCTAD has played a key role in assisting developing countries in the establishment of their competition regimes. UNCTAD's technical assistance at both national and regional levels includes assisting developing countries in setting up legal frameworks, strengthening their institutional capacity for better implementation of competition laws and undertaking competition advocacy to create a competition culture and promote consumer welfare.

During 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 held in 2005, UNCTAD was given a new mandate to support developing countries and countries with economies in transition through the voluntary peer review of competition law and policy. The voluntary peer review is used as a tool to first identify areas for improvement in the competition regime of the country reviewed and then generate recommendations to address these areas through the development of a capacity-building project. This note shows how the UNCTAD voluntary peer review mechanism has become an innovative and appropriate tool to assist developing countries and countries with economies in transition in building a sound competition regime. It provides an overview of UNCTAD voluntary peer review practice and draws some lessons from the experiences gained since its inception in 2005.

Contents

	<i>Page</i>
Introduction.....	3
I. Voluntary peer reviews as a capacity-building tool for improving competition regimes and enhancing agency effectiveness.....	3
A. The purpose of voluntary peer reviews	3
B. The voluntary peer review process and outcome	4
C. Follow-up phase for implementation of recommendations of voluntary peer reviews	6
II. UNCTAD voluntary peer reviews	7
A. Background	7
B. Voluntary peer reviews at the national level	7
C. Voluntary peer reviews at the regional level.....	7
D. The impact of voluntary peer reviews.....	8
E. Cooperation with development partners.....	11
F. Lessons learned from voluntary peer reviews	11
III. Overview of UNCTAD capacity-building in the area of competition law and policy	12

Introduction

1. Since the adoption of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (the Set of Principles and Rules) by the United Nations General Assembly in its resolution 35/63 (December 1980), UNCTAD has played a key role in assisting developing countries and countries with economies in transition in setting up their competition regimes. UNCTAD technical assistance at both national and regional levels includes supporting beneficiary countries in drafting competition laws, regulations and implementation guidelines, as well as building or strengthening institutional capacity for better implementation of competition laws. Competition advocacy for the dissemination of a competition culture and the promotion of consumer welfare is another area of focus. 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 held in 2005 gave UNCTAD a new mandate. This mandate introduced a new programme, the voluntary peer review of competition law and policy, to support developing countries and countries with economies in transition in their efforts to strengthen their competition regimes. The voluntary peer review has been an innovative and effective capacity-building tool used to first identify the needs of beneficiary countries in the area of competition law and policy and second, to implement capacity-building projects specifically developed on the basis of recommendations resulting from the voluntary peer review process with a view to improving the competition regime of a given beneficiary country.

2. This note for the thirteenth session of the Intergovernmental Group of Experts on Competition Law and Policy provides an overview of UNCTAD capacity-building activities in the area of competition law and policy. It explains the UNCTAD voluntary peer review process, and the objective and outcome of the process as an innovative and effective tool in improving the competition regimes of beneficiary countries. The note then reviews the voluntary peer reviews carried out thus far at the national level and the regional or subregional level and their impact on competition law enforcement in the relevant countries. The note also draws some lessons from the experiences gained in undertaking voluntary peer reviews since 2005.

I. Voluntary peer reviews as a capacity-building tool for improving competition regimes and enhancing agency effectiveness

3. UNCTAD's experience working with competition authorities in developing countries and its unique development perspective guarantee that voluntary peer reviews are focused on the development dimension of competition policies, as requested by the Set of Principles and Rules.

A. The purpose of voluntary peer reviews

4. The voluntary peer review of competition law and policy emerged within the UNCTAD intergovernmental machinery as a complementary way to provide capacity-building and technical assistance to developing countries and countries with economies in transition. A voluntary peer review is scrutiny of a country's competition law and policy, institutional arrangements and effectiveness in competition law enforcement by the country's peers.

5. The purpose of a voluntary peer review is to assess the effectiveness of competition law enforcement in a country; to identify the challenges to be addressed and areas to be improved in the legal and institutional framework thereby contributing to enhancing the quality, efficiency and effectiveness of competition law enforcement in the countries reviewed; to formulate and recommend appropriate measures designed in consideration of the economic and developmental particularities of each country to address these challenges; and to assist countries in implementing these recommendations by developing a capacity-building project in consultation with the country concerned.

6. Voluntary peer reviews provide an opportunity for beneficiary countries to learn from the experiences of other competition authorities, in particular more mature ones, to improve their competition regimes and agencies' effectiveness. Voluntary peer reviews are also an important tool for countries to compare their performance against international best practices. The interactive aspect of peer review discussions promote knowledge- and experience-sharing between the authorities at regional and international levels and enhance informal cooperation networks.

B. The voluntary peer review process and outcome

7. The voluntary peer review is initiated upon official request to UNCTAD by a member State who wishes the member State's competition regime to be evaluated by an independent international expert. In consultation with the beneficiary country, UNCTAD then identifies possible international competition experts to do the peer review report in cooperation with an UNCTAD official designated as the focal point for the respective voluntary peer review. Once the expert(s) is identified, a fact-finding visit to the country reviewed is undertaken by the expert(s) and UNCTAD officials involved. The aim of this visit is to collect relevant information and documents, and relevant laws and regulations on competition, as well as to interview officials of the competition authority, sector regulators and other relevant ministries and government bodies, the judiciary, consumer organizations, the business community, and lawyers and academics. All information received during this visit together with the relevant legislation and documents are used in the preparation of a peer review report. The reviewed party has the opportunity to correct factual errors before the report is finalized. The role of UNCTAD in the preparation of the peer review report is to ensure the report's quality, independence and objectivity on the one hand, and its constructive nature on the other hand. The peer review report is the first outcome of the voluntary peer review process. The report is an in-depth analysis of the strengths and weaknesses of the country's competition legislation and policy, the respective enforcement practices and the institutional framework, and includes recommendations for improvement.

8. The next step is the interactive discussion on the findings and recommendations of the peer review report at a round-table session held during the meeting of the Intergovernmental Group of Experts on Competition Law and Policy. The round-table discussion involves a review panel composed of officials from other competition authorities and respected academics. The members of the review panel are determined in consultation with authorities of the country reviewed and by taking into consideration those countries with which the authorities have or are likely to have cooperation, particularly in the area of competition law and policy. The panel usually consists of three but no more than five members, including a Chair. The role of the reviewers is advisory and focused on assisting the party being reviewed in addressing weaknesses and identifying solutions to problems. During the interactive discussion, officials from the competition authority under review have the opportunity to clarify the findings and recommendations of the peer review report as well as to inform participants of the most recent developments concerning their competition law and policy. Reviewers pose questions to the competition authority of the country undergoing the peer review. The latter responds to questions and provides

clarifications and comments on the peer review report and its findings and recommendations.

9. Following the panel discussion during the round table, other member countries may pose questions and provide insights into issues arising from the peer review report, drawing from their own experience in competition enforcement. The reviewed country also has the opportunity to ask questions of its peers on specific issues raised in the report and to hear the experiences of other competition authorities on how they overcame similar challenges. This allows an exchange of knowledge and experience, and stimulates further cooperation amongst competition authorities.

10. In the last part of the round table session, UNCTAD presents a capacity-building project which includes activities to implement the recommendations of the peer review report. This project is based on the findings and recommendations of the peer review and is prepared in consultation with the country reviewed. It is aimed at responding to the needs of the reviewed competition agency as identified in the peer review report and specifies ways in which UNCTAD can provide assistance to meet those needs. Table 1 provides an overview of the entire voluntary peer review process, including the main phases, various activities under each phase and approximate time frames required for the completion of each phase.

Table 1
The voluntary peer review process

<i>Phases</i>	<i>Activities</i>	<i>Duration</i>	<i>Outcome</i>
Peer review report	Identify and contract independent experts in consultation with the reviewed country; prepare and undertake a fact-finding visit to the country; prepare the draft peer review report and share it with the reviewed party for correction of factual errors; finalize the peer review report	Up to six months	Peer review report
Assessment	Constitute the panel of reviewers; prepare capacity-building project in consultation with the reviewed country; conduct formal interactive discussion during the Intergovernmental Group of Experts meeting between the panel, the reviewed country and Intergovernmental Group of Experts participants; present the UNCTAD capacity-building project proposal	Three months	UNCTAD project proposal
Follow-up	Disseminate the findings and recommendations of the peer review report and present the UNCTAD capacity-building project proposal in the reviewed country; seek funding.	Within maximum six months after the assessment	
	Implement activities in the capacity-building project.	Two to three years	

C. Follow-up phase for implementation of recommendations of voluntary peer reviews

11. UNCTAD prepares a capacity-building project proposal based on the findings and recommendations of the peer review report and in consultation with the authority reviewed. This project proposal is presented at the end of the interactive discussion, during the Intergovernmental Group of Experts meeting, to all participants. The objective is to seek the engagement of development partners and other member States in the implementation of the recommendations of the voluntary peer review.

12. As a next step, UNCTAD organizes a dissemination workshop in the country reviewed to present the peer review report, its findings and recommendations to all stakeholders, including the staff and commissioners of the competition agency, ministries, sector regulators, private sector, judiciary, consumer protection agencies, academia, the media and development partners. The aim of the dissemination event is, first, to raise awareness of all stakeholders on competition issues in the country as well as to present the way forward and, second, to draw development partners' attention to the work that needs to be done in this area and seek their support and involvement. Such support could take the form of both financial and substantive support, to be extended by facilitating the participation of their experts in activities described in the UNCTAD capacity-building project.

13. Based on the availability of resources, UNCTAD starts to implement project activities according to the priorities set by the competition authorities which were reviewed. The activities under the follow-up process to the voluntary peer review are similar to those described in chapter II. Table 2 below shows the types of technical assistance provided by UNCTAD in 2012. Of a total of 13 countries, including 2 member States (Benin and Senegal) of the West African Economic and Monetary Union (UEMOA), which have undergone a voluntary peer review since 2005, UNCTAD delivered technical assistance of various forms to 10 countries in 2012 as a follow-up to implement the recommendations of their respective voluntary peer reviews. Moreover, UNCTAD provided technical assistance to UEMOA and to its seven other members, whose competition law and policy were examined within the context of the UEMOA peer review in 2007. From a wider perspective, of a total of 38 countries and 1 regional institution (i.e. UEMOA) where UNCTAD delivered technical assistance, 18 were countries or regional groupings which had been involved in an UNCTAD voluntary peer review. This indicates that nearly half of UNCTAD's capacity-building activities in 2012 were organized in order to respond to recommendations deriving from voluntary peer reviews.

14. By agreeing to show its work to others, a country/competition authority that volunteers for a UNCTAD voluntary peer review facilitates an objective and independent assessment that helps pinpoint its strengths and weaknesses in an environment that involves outside expertise and allows the participation of its peers. The inclusive nature of the peer review process sends a positive signal to other competition agencies and development partners by showing the openness of the reviewed institution to cooperation with other competition authorities, as well as its commitment to improve its legal and institutional framework for more effective competition law enforcement.

15. In this context, an UNCTAD voluntary peer review unlocks an opportunity for reviewed countries to benefit from UNCTAD technical assistance and capacity-building in implementing the recommendations of the voluntary peer review. A voluntary peer review also helps the reviewed agency engage in international cooperation with other competition agencies thereby building up its capacity and strengthening its enforcement efforts. This process eventually contributes to convergence of legislation and enforcement practice between different jurisdictions in this area. Nevertheless, the country reviewed has

ownership of the process and therefore participates in the design and development of measures that take into consideration its particular circumstances and specific needs in the follow-up phase.

II. UNCTAD voluntary peer reviews

A. Background

16. With a view to ensuring better implementation of the Set of Principles and Rules, UNCTAD was given the mandate to carry out an ad hoc voluntary peer review on competition law and policy for the first time during the sixth session of the Intergovernmental Group of Experts on Competition Law and Policy held on 8–10 November 2004 in Geneva.¹ Based on this mandate, UNCTAD launched its first voluntary peer review on competition policy, for two countries, Jamaica and Kenya, during the fifth United Nations Review Conference held in 2005 in Turkey. Since their inception in 2005, UNCTAD has undertaken voluntary peer reviews for 13 countries and 2 voluntary peer reviews at the subregional and regional levels.

B. Voluntary peer reviews at the national level

17. UNCTAD has so far undertaken voluntary peer reviews for 11 countries: Jamaica and Kenya (2005); Tunisia (2006); Benin and Senegal (2007); Costa Rica (2008); Indonesia (2009); Armenia (2010); Serbia (2011); and Mongolia, the United Republic of Tanzania, Zambia and Zimbabwe (2012). In 2013, UNCTAD will carry out voluntary peer reviews for Nicaragua, Pakistan and Ukraine.

C. Voluntary peer reviews at the regional level

1. West African Economic and Monetary Union

18. UNCTAD conducted the voluntary peer review of UEMOA and its eight member States during the eighth session of the Intergovernmental Group of Experts on Competition Law and Policy in 2007. It was the first peer review of competition policy of a regional grouping. It highlighted the challenges and opportunities which developing countries and particularly least developed countries face in implementing and strengthening their regional cooperation and integration schemes in the area of competition law and policy. The UEMOA peer review was also the first time UNCTAD carried out this process for a regional organization composed of seven least developed countries, out of a total membership of eight countries.

19. In accordance with articles 88–90 of the 1994 Dakar Treaty, UEMOA member States are required to enforce community competition rules. The peer review of UEMOA examined the effectiveness of institutional arrangements for the enforcement of community competition rules in relation to the two member States that volunteered for this peer review, Benin and Senegal, which have different levels of development.

20. Since 2007 when this voluntary peer review was undertaken, UNCTAD has carried out many national and regional capacity-building activities in member States of UEMOA,

¹ See Report of the Intergovernmental Group of Experts on Competition Law and Policy (TD/B/COM.2/CLP/48), chapter I, agreed conclusions, para. 4(a).

including advocacy workshops, trainings for case handlers of competition authorities, study tours for staff of competition authorities of member States and the UEMOA Directorate of Trade and Competition, and advisory services for improvement of institutional frameworks for better implementation of regional competition rules.

2. Tripartite peer review of the United Republic of Tanzania, Zambia and Zimbabwe

21. UNCTAD carried out a tripartite peer review of the United Republic of Tanzania, Zambia and Zimbabwe and launched the tripartite peer review report at the twelfth session of the Intergovernmental Group of Experts on Competition Law and Policy in July 2012. The tripartite peer review was the first of its kind whereby each of the three countries reviewed the implementation of competition law and policy in one of the other two countries. In this context, national peer review reports for each of the three countries were prepared by UNCTAD, as well as a comparative report analysing the legal and institutional frameworks for competition law enforcement in these three countries in order to identify commonalities and differences, and to provide some feedback on possible measures to be taken in order for the competition authorities of the countries to become more effective. The tripartite peer review was conducted in close cooperation with the relevant competition agencies. The national reports and the comparative report include recommendations to reinforce the competition regimes in the United Republic of Tanzania, Zambia and Zimbabwe.

D. The impact of voluntary peer reviews

22. UNCTAD voluntary peer reviews have had an impact in each peer reviewed country, particularly through the incorporation of the recommendations of voluntary peer review into government policies. Recent examples include the liberalization of the telecommunications sector in Serbia; the establishment of an autonomous public procurement agency in Mongolia; the fact that Armenia became a party to the World Trade Organization's plurilateral Agreement on Government Procurement (September 2011); Kenya's adoption of its new competition law (2010) and the establishment of an autonomous competition authority (Competition Authority of Kenya), which replaced the Monopolies and Prices Commission.

23. Second, voluntary peer reviews and their effectiveness have an impact on facilitating international cooperation between the agencies reviewed and development partners. Increased interest by development partners to co-finance or otherwise support peer review processes, including through facilitating the involvement of competition experts in the follow-up phase, constitutes a further dimension of the impact achieved by voluntary peer reviews.

24. A clear indicator of the success of voluntary peer reviews is their ability to attract additional funding from bilateral donors, either to undertake more peer reviews or to implement the recommendations of voluntary peer reviews in the countries reviewed. Two recent, good examples include the involvement of the Swiss Government (through the State Secretariat for Economic Affairs) and the German Agency for International Cooperation in two peer review processes and the subsequent follow-up for the implementation of voluntary peer review recommendations for Serbia and Indonesia, respectively. The high quality, transparency and objectivity of voluntary peer reviews have been widely appreciated by development partners, who use them as needs assessments for future technical assistance. Voluntary peer reviews have become an appreciated feature of UNCTAD work and add value to and complement the work of other institutions in this area. The thirteenth session of the United Nations Conference on Trade and Development, held in Doha in April 2012, recommended that UNCTAD introduce the peer review in

other areas of work. The success of voluntary peer reviews is also reflected by the increased number of requests received by UNCTAD since 2011. Since 2006, UNCTAD had been undertaking one voluntary peer review per year. In 2012, this number increased to four, and in 2013 UNCTAD has been conducting three voluntary peer reviews. At the intergovernmental level, member States have expressed their appreciation of UNCTAD voluntary peer reviews and the quality of the peer review reports, particularly their results-oriented approach.

1. The impact of voluntary peer reviews at the national level

25. UNCTAD voluntary peer reviews have had an impact at different levels. This section will provide some examples showing the impact of voluntary peer reviews in some of the countries reviewed.

Kenya

26. Following the recommendations of the peer review, Kenya fundamentally amended its competition law in 2010 and established an independent competition authority. This has been a major improvement and set the basis for effective enforcement of the law, shielded from Government influence.

Indonesia

27. As a follow-up to the implementation of the recommendations of the peer review of Indonesia, a Cartel Detection Manual, which includes guidelines on cartel enforcement, was published to guide staff of the Indonesian Competition Authority in competition law enforcement against cartels. A training workshop was organized by UNCTAD on 10–11 September 2012 to disseminate the Cartel Detection Manual and elaborate on the application of detection and investigative techniques and tools described in the Manual for use in daily work on cartel cases; case handlers from the Indonesian Competition Authority also participated. The hypothetical case examples in the Manual were used in other training workshops held after dissemination events in the tripartite peer review countries, i.e. the United Republic of Tanzania, Zambia and Zimbabwe, and staff benefited from this work. This illustrates the cross-fertilization between peer review work products amongst countries in different regions.

Armenia

28. Following the recommendations of the voluntary peer review, Armenia embarked on a reform of its competition law framework in 2011. It secured support from various development partners who agreed to participate in formal donor coordination initiated by UNCTAD in order to avoid duplication of work. The staff of the Armenian competition authority benefited from several training workshops, thereby enhancing their knowledge on competition law and policy. These training events were organized by UNCTAD and co-funded by the latter and other development partners.

Serbia

29. Besides identifying areas for improvement of the Serbian competition system at the national level, the peer review carried out in 2011 was an important step through which Serbia demonstrated its willingness to commit to carrying out reforms required to join the European Union and the World Trade Organization.

Zimbabwe

30. Following the tripartite peer review of the United Republic of Tanzania, Zambia and Zimbabwe, Zimbabwe set up an inter-organizational committee on the implementation of the peer review recommendations. The committee is chaired by the Competition and Tariff Commission of Zimbabwe and composed of representatives from relevant Government ministries, departments and other public institutions. The aim is to ensure ownership by all stakeholders as well as policy coherence.

Mongolia

31. The voluntary peer review of Mongolia was launched at the twelfth session of the Intergovernmental Group of Experts on Competition Law and Policy in July 2012. As a follow-up to the peer review of Mongolia, a dissemination workshop was organized to present the findings and recommendations of the peer review on 6 December 2012 in Ulaanbaatar, with the participation of the representatives of Mongolia's public and private sectors, as well as the media. Media coverage of the workshop and the press conference by the Chair of the Authority for Fair Competition and Consumer Protection contributed to raising awareness amongst public and private sector stakeholders. This dissemination event was followed up by a half-day training of the Authority's staff members on anti-competitive practices and competition law enforcement, which was one of the peer review recommendations.

32. During the peer review process, the Mongolian Government appointed new members of the Board of the Authority for Fair Competition and Consumer Protection, which was one of the major recommendations of the peer review. Since the launch of the peer review report in July 2012, the Authority has accelerated its enforcement efforts against anti-competitive practices in the country. Lately, the new Board imposed fines on petroleum companies accusing them of price collusion. This decision made headlines in local newspapers, which was important to raise awareness on the benefits of competition law enforcement. Moreover, as a follow-up to the peer review recommendations, Mongolia established an autonomous public procurement agency.

2. The impact of voluntary peer reviews at the regional level*West African Economic and Monetary Union*

33. As a follow-up to the UEMOA peer review, a memorandum of understanding was signed between UNCTAD and UEMOA in March 2011 to strengthen cooperation between the two institutions and to effectively implement the measures and activities recommended by the peer review. Consequently, the UEMOA Commission agreed to make a financial contribution to implement the recommendations of the voluntary peer review over three years. Since 2012, many activities have been carried out to facilitate implementation of UEMOA competition rules by member States. The aim of these activities has been to raise awareness of officials and public on the benefits of competition, adapt member States' legislation to facilitate the implementation of UEMOA competition rules by national competition authorities, reorganize national competition institutions, and adapt procedures at the national and regional levels for effective implementation of community competition rules.

Tripartite peer review of the United Republic of Tanzania, Zambia and Zimbabwe

34. The tripartite peer review was launched at the twelfth session of the Intergovernmental Group of Experts on Competition Law and Policy in July 2012. As a follow-up to the tripartite peer review, a dissemination workshop and a one-day training workshop for competition authority staff were organized back-to-back to each other

between 19 and 27 November 2012 in the three countries reviewed. Representatives of the public and private sectors, the judiciary and the media participated. The resource persons who contributed to the workshop were from the region, including regional organizations such as the Southern African Development Community (SADC). In this respect, the dissemination workshops were themselves an example of regional cooperation and demonstrated the stimulating impact of the tripartite peer review for enhanced cooperation at the regional level. Furthermore, the dissemination workshops aroused considerable interest amongst development partners, such as the European Union, the Department for International Development and the German Agency for International Cooperation, which participated at the workshops and with which UNCTAD has since been coordinating the capacity-building project developed for these countries to implement the recommendations of the tripartite peer review. This will encourage better coordination and avoid duplication of the work done by UNCTAD and other development agencies in the same area.

35. The three countries of the tripartite peer review are members of SADC, which has a regional cooperation framework on competition and consumer policies. In this respect, the tripartite approach contributed to strengthening regional cooperation. Shortly before the dissemination events, the countries' three competition agencies presented the findings of the tripartite peer review at the Regional Workshop on Competition and Consumer Law and Policy for SADC Member States held in Johannesburg on 13–14 November 2012. The tripartite peer review is expected to have further effects on enhancing the regional competition framework and cooperation.

E. Cooperation with development partners

36. Given the success of UNCTAD voluntary peer reviews, it has been possible to enhance cooperation and co-financing with development partners in some countries, particularly in the follow-up phase of a peer review. This cooperation takes different forms, including financial contributions to undertake recommended activities or measures, or the voluntary involvement experts to take part either in the preparation of peer review reports or to participate as resource persons in workshops, seminars and trainings organized in response to the recommendations of a voluntary peer review. In this context, some internationally well-known competition experts have offered their services on a pro bono basis and participated in the preparation of peer review reports, peer review panels or workshops and training seminars. The State Secretariat for Economic Affairs of Switzerland funded some of the follow-up activities for Indonesia and Serbia. The German Agency for International Cooperation provided financial contributions to the voluntary peer reviews of Armenia and Indonesia. The Turkish International Cooperation and Development Agency contributed to the voluntary peer review of Mongolia and provided further technical assistance to the Authority for Fair Competition and Consumer Protection through training workshops and study tours.

F. Lessons learned from voluntary peer reviews

37. The findings of the 15 peer reviews conducted thus far underscore the following:

(a) Independence and accountability are key features that enhance agency performance and credibility;

(b) The recently established competition agencies in developing countries and countries with economies in transition go through a cycle. They first establish legal and institutional foundations and build human and technical capacity, which are both essential for a well-functioning competition regime. Second, they engage in advocacy and handle

non-complex cases. Third, they start to tackle more complex cases including cartels and anticompetitive mergers. Later, they engage in cooperation with other agencies in handling cross-border competition cases. These different phases of the cycle call for various capacity-building activities that need to be tailored to the specific circumstances of each competition agency;

(c) Effective performance requires young agencies to focus their priorities on those areas which can yield great benefits to consumers and economic development. This in turn calls for effective use of human and financial resources, including the establishment of a knowledge management system;

(d) Regular external assessment of capacity-building activities and their impact on agency performance is necessary and valuable for ensuring the usefulness of technical assistance;

(e) Long-term resident advisers may make valuable contributions to building capacities of young competition agencies;

(f) Transparency in procedural issues and decision-making contributes to mutual understanding and building trust among competition agencies, and further promotes regional and international cooperation in competition cases;

(g) Voluntary peer reviews address the broader economic and political dimensions of competition policy and the role of markets in economic development. Therefore, the voluntary peer review contributes to the debate on policy coherence and broader economic reforms that are essential for developing countries and countries with economies in transition.

III. Overview of UNCTAD capacity-building in the area of competition law and policy

38. UNCTAD provides capacity-building and technical assistance on competition law and policy to developing and least developed countries, as well as countries with economies in transition, in response to requests received and in consideration of the needs of the countries concerned and resources available. Since 2005, UNCTAD technical assistance in this area benefits from recommendations in the voluntary peer reviews carried out in many countries and regions. UNCTAD designs and implements its capacity-building projects in consultation with beneficiary countries and often collaborates with relevant member States and development partners.

39. The objectives of UNCTAD capacity-building are:

(a) To assist countries in designing competition laws and policies that respond to their development needs and in implementing them effectively;

(b) To enhance the knowledge and skills of officials responsible for implementing national competition law and policies and of the judiciary, responsible for reviewing the decisions made by competition authorities;

(c) To contribute to institution-building, particularly by providing support at the initial stages of the establishment of competition authorities;

(d) To stimulate and support regional cooperation efforts in the area of competition law and policy implementation, including through organizing regional activities involving experts from the region and creating an opportunity for exchange of knowledge and experiences amongst officials and experts within the same region.

40. To achieve these objectives, UNCTAD interacts with officials working in relevant institutions in beneficiary countries, development partners active in these countries and experts from national, regional and international organizations to mobilize expertise as well as human and financial resources.

41. The UNCTAD approach in capacity-building and technical cooperation consists of identifying the needs of beneficiary countries and designing and developing projects, in consultation with beneficiary countries, which respond to their needs. In the implementation of these projects, UNCTAD involves national and regional experts to use existing knowledge and expertise in respective countries or regions, and to stimulate the exchange of information and experiences amongst them.

42. UNCTAD technical assistance activities aim at helping developing countries, least developed countries and countries with economies in transition to formulate new or improve existing competition policies and legislation and to effectively implement competition law by (a) strengthening their national institutional capacity; (b) promoting the creation of a competition culture among government officials, sector regulators, the judiciary, the business community, consumers and academia through advocacy activities; and (c) supporting regional cooperation in the area of competition law and policy which are supportive of trade, investment and development.

43. Technical assistance is extended in accordance with requests received from countries, their needs and resources available. The main types of UNCTAD capacity-building activities in the area of competition law and policy include:

(a) Carrying out studies on potential anti-competitive practices and their possible adverse effects on the economy in certain sectors, which are usually identified by beneficiary countries;

(b) Delivering introductory workshops and seminars on the role and benefits of competition in promoting economic development targeting a wide audience, including government officials, sector regulators and academia, as well as the business community and associations and consumer organizations;

(c) Facilitating the drafting of competition and consumer protection laws, regulations and implementation guidelines for countries or regional organizations in the process of setting up their competition regimes by providing expertise and advice;

(d) Assisting countries or regional organizations which wish to revise their competition legislation and seek expert advice from UNCTAD and competition authorities in other member States, so as to amend their laws in accordance with best international practices and in the most effective way;

(e) Assisting countries in formulating appropriate sector regulations and competition policies;

(f) Providing advisory services for setting up or strengthening competition authorities, which usually includes the preparation of an institutional framework;

(g) Introductory training of officials responsible for the implementation of competition and consumer protection legislation, particularly case handlers, which may involve training workshops in beneficiary countries or on-the-job training at competition authorities or study visits to competition authorities that have more experience in competition law enforcement;

(h) Seminars at the introductory or advanced level on competition law for the judiciary, which is responsible for reviewing the decisions of competition authorities;

(i) Seminars and workshops at the advanced level for officials in countries which have already adopted competition legislation, have experience in the control of anti-competitive practices, and wish to better enforce competition legislation or consult each other on specific cases and exchange information;

(j) Conducting voluntary peer reviews of the competition law and policy of interested countries;

(k) Assisting developing countries, least developed countries and countries with economies in transition in better evaluating the implications of regional and bilateral cooperation on competition issues;

(l) Assisting beneficiary countries and regional organizations in identifying the role of competition policy in the promotion of competitiveness and economic development.

44. The direct beneficiaries of UNCTAD assistance include government officials responsible for implementing competition law and policy, officials of other government bodies responsible for broader competition policy matters and sector regulation, government officials in charge of regional and multilateral negotiations, the judiciary, the business community, consumer associations, and researchers and academics.

Table 2
Types of technical assistance extended by UNCTAD in 2012

Beneficiary country	Drafting or review of legislation and developing of guidelines	Institutional capacity-building	Competition advocacy	Training of local officials	Consumer protection	Regional and subregional activities	Voluntary peer reviews and related activities*	Whether the activity was implemented as a follow-up to implement the recommendations of the voluntary peer review, where relevant		
								YES	NO	Not applicable**
Benin								X		
Brunei	X		X							X
Bulgaria						X				X
Burkina Faso						X		X		
Bolivia (Plurinational State of)	X	X		X	X	X				X
Colombia		X	X	X	X	X				X
Comoros	X		X	X						X
Costa Rica		X	X	X				X		
Côte d'Ivoire					X	X		X		
Ecuador			X	X		X				X
Gambia				X	X	X		X		
El Salvador			X							X
Guatemala	X		X			X				X
Guinea Bissau				X		X		X		
Honduras	X	X	X			X				X
India			X							X
Indonesia	X			X				X		

Beneficiary country	Drafting or review of legislation and developing of guidelines	Institutional capacity-building	Competition advocacy	Training of local officials	Consumer protection	Regional and subregional activities	Voluntary peer reviews and related activities*	Whether the activity was implemented as a follow-up to implement the recommendations of the voluntary peer review, where relevant		
								YES	NO	Not applicable**
Kenya	x							x		
Lao People's Democratic Republic	x		x		x	x				x
Malaysia			x							x
Mali				x		x		x		
Mongolia			x	x			x	x		
Nicaragua	x	x	x	x	x	x	x			x
Niger						x		x		
Pakistan							x			x
Peru	x		x	x	x	x				x
Philippines***							x			x
Qatar						x				x
Seychelles	x			x						x
Senegal						x		x		
Serbia			x					x		
United Republic of Tanzania			x	x		x	x	x		
Togo						x		x		
Ukraine							x			x
Zambia			x	x		x	x	x		

Beneficiary country	Drafting or review of legislation and developing of guidelines	Institutional capacity-building	Competition advocacy	Training of local officials	Consumer protection	Regional and subregional activities	Voluntary peer reviews and related activities*	Whether the activity was implemented as a follow-up to implement the recommendations of the voluntary peer review, where relevant		
								YES	NO	Not applicable**
Zimbabwe			X	X		X	X	X		
UEMOA						X		X		

* Activities related to voluntary peer reviews cover fact-finding missions undertaken to the county being peer reviewed and dissemination workshops organized to present the findings and recommendations of the peer review to all local stakeholders, as well as development partners present in the country reviewed.

** For countries which have not undergone an UNCTAD voluntary peer review thus far. Nicaragua, Pakistan and Ukraine, which have been undergoing voluntary peer reviews in 2013, are considered in this category.

*** A preparatory fact-finding mission was undertaken to the Philippines in response to the country's request for a voluntary peer review to be carried out in 2014.