

United Nations Conference on Trade and Development

ADVANCE COPY

**COMPETITION, COMPETITIVENESS AND DEVELOPMENT:
LESSONS FROM DEVELOPING COUNTRIES**



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Foreword

For nearly four decades, UNCTAD has been dealing with the issue of anti-competitive or restrictive business practices. As evidenced by the rapidly growing number of countries involved in the preparation, adoption and implementation of competition laws and policies, there is growing awareness among developing countries, including the least developed countries (LDCs), of their special needs in this area. This publication thus focuses on the policy options available to these countries and on the role of competition policy in the overall design of a coherent development strategy.

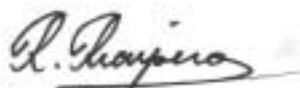
The volume highlights the prerequisites for successful implementation of a development-oriented competition policy. It also elucidates the mechanisms through which competition policy can contribute to improved economic performance by fostering enterprise development, investment, productivity and export performance.

The key arguments of the book build on specific lessons from developing countries on the adoption and implementation of competition laws and policies. The selection of countries for case studies was motivated by an interest in shedding light on the experience of a wide range of developing economies, including such relatively advanced developing countries as South Korea, Brazil, Peru, Thailand and South Africa, and such small least developed country economies as Nepal, United Republic of Tanzania and Zambia.

The fundamental message to be derived from the empirical findings and policy experiences presented in the publication is that merely adopting a competition law is no panacea. As the contributors show in their analyses, significant efforts are needed to ensure that competition policies are implemented well and have the desired developmental effects.

The book makes a series of recommendations for policy changes and institutional reforms needed to promote domestic competition, international competitiveness and development. It is my hope that this publication, which is being launched on the occasion of UNCTAD XI, will raise awareness and enhance expertise among public policy officials, private sector stakeholders, consumer organizations and civil society in general about the crucial importance of competition law and policy for creating competitive enterprises in developing countries.

I would like to take this opportunity to thank the International Development Research Centre (IDRC) for its invaluable support in carrying out this research project.



Rubens Ricupero
Secretary-General of UNCTAD

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The chapters included in this volume are authored by Ratnakar Adhikari (Nepal), Alfredo Bullard (Peru), Michal Gal (Israel), Trudi Hartzenberg (South Africa), Joseph Seon Hur (Republic of Korea), Godius Kahyarara (United Republic of Tanzania), George Lipimile (Zambia), Deunden Nkikomborirak (Thailand), Gesner Oliveira, Eduardo Luiz Machado, José Ricardo De Santana, Bruno Dario Werneck (Brazil), Gonzalo Ruiz (Peru), Mikyung Yun (Republic of Korea).

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Acronyms

ACCC	Australian Competition and Consumer Commission
ALAFACE	Asociación Latinoamericana de Fabricantes de Cerveza (Latin American Association of Beer Manufacturers)
AMBEV	American Beverage Corporation (Brazil)
ANA	Brazilian Water Regulatory Agency
ANATEL	Brazilian Telecommunication Regulatory Agency
ANC	African National Congress
ANNEEL	Brazilian Electricity Regulatory Agency
ANP	Brazilian Petroleum Regulatory Agency
ANTQ	Brazilian Waterways Transportation Regulatory Agency
ANTT	Brazilian Overland Transportation Regulatory Agency
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
CADE	Competition Defence Administrative Council
CAN	Comunidad Andina de Naciones (Andean Nations Community)
CCU	Compañía Cervecerías Unidas (United Breweries Company), Chile
CLICAC	Comisión de Libre Competencia y Asuntos del Consumidor, Panamá (Commission for Free Competition and Consumer Affairs)
CMQ	Cervecería y Maltería Quilmes (Argentina)
CNDC	Comisión Nacional de Defensa de la Competencia, Argentina (National Commission for the Defence of Competition)
COMESA	Common Market for Eastern and Southern Africa
DTI	Department of Trade and Industry
EU	European Union
FDI	Foreign direct investment
FTC	Fair Trading Commission
GDP	Gross Domestic Product
ICN	International Competition Network
IMF	International Monetary Fund

INDECOPI	Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual, Perú (National Institute for the Defence of Competition and the Protection of Intellectual Property)
KFTC	Korea Fair Trade Commission
LDC	Least Developed Countries
M&A	Mergers and Acquisitions
MRFTA	Monopoly Regulation and Fair Trade Act
OECD	Organisation for Economic Co-operation and Development
OSINERG	Organismo Supervisor de la Inversión en Energía
PROCOMPETENCIA	Superintendencia para la Promoción y la Protección de la Libre Competencia, Venezuela (Superintendence for the Promotion and Protection of Free Competition)
QUINSA	Quilmes Industrial S.A. (Argentina)
R & D	Research and Development
RBP	Restrictive Business Practices
SACU	Southern African Customs Union
SADC	Southern Africa Development Community
SAWTEE	South Asia Watch on Trade, Economics & Environment
SME	Small and Medium Enterprises
SMME	Small, Medium and Micro Enterprises
UNCTAD	United Nations Conference on Trade and Development
WTO	World Trade Organization
ZCC	Zambian Competition Commission

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