

2nd Call for a World Competition Day?

- A CUTS Proposal for UNCTAD

International days are observed in various areas of governance to focus attention of the society to burning and vital issues. In this brief note, we argue the case for the adoption of a World Competition Day on 5th December, the anniversary of the UN Set, adopted in 1980. Such observances in the developing world are always very helpful to accelerate the agenda.

How have international days emerged?

When women from clothing and textile factories staged a protest against poor working conditions and low wages on 8 March, 1857 in New York City, little did they know that their efforts would gain recognition to result in significant changes to attitudes towards women and gender issues. After more protests followed on 8 March in subsequent years, the first international women's conference was held in Copenhagen, Denmark in 1910 leading to the establishment of the International Women's Day. Now the 8th of March every year is not only characterised by a global celebration of the economic, political and social achievements of women but is also used for capacity building initiatives to advance the interest of women and call for an end to their marginalisation in all activities.

Various activities and capacity building initiatives under the different themes on International Women's Day have seen lobbying efforts by institutions representing the interest of women yielding results in many respects. These includes gender balances in all key positions including company Boards and quota systems for political positions. Several countries have also enacted specific legislations on gender that are actually aimed at advancing the interest of women. This includes such legislation as Protection of Women from Domestic Violence Act, 2005 (India) and Law of 3 September 1998 on Violence Against Women and the Family (Venezuela). Separate government ministries handling gender and women issues are now also in existence worldwide. The ministries use the Day to publicise the provisions of their national legislations empowering women.

Similarly the World Water Day is observed every year on March 22nd. A proposal in Agenda 21 of the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil resulted in the UN General Assembly declaring March 22 as the World Water Day in 1993. Countries worldwide have benefited from focused attention on this particular day by the UN, where crucial information and capacity building activities are disseminated to ensure implementation of the UN initiatives.

Institutions in different countries have used the Day to strengthen their networking activities and seek partnerships in various projects related to water issues. An interesting example is the Institute of Environment and Water Studies at Birzeit University in Palestine which plans annual events coinciding with World Water Day to gain mileage in carrying out and disseminating results from their projects related to water issues. It managed to get cooperation from the Palestinian Water Authority (PWA), the International Development Research Centre (IDRC), German Technical Cooperation (GTZ), and UNESCO-IHE Partnership for Water Education and Research (PoWER) in 2008 to host a symposium on "Wastewater Reclamation and Reuse for Water Demand Management in Palestine", an event held in concurrence with the 2008 World Water Day theme. Thus it took the advantage of the Day to present the results of IEWS research projects and expose Palestinian policymakers and other stakeholders to the different aspects of wastewater treatment and re-use for agricultural irrigation.

The World Environment Day is celebrated worldwide on June 5th. It was established by the UN General Assembly in 1972 to mark the first ever world environment conference at Stockholm, Sweden from June 5-16, 1972. It was a turning point in the development of the politics of international environment. This conference can therefore be credited for improved public awareness of global environmental problems, which can be attributed to the various capacity building and knowledge dissemination international initiatives exercised during the commemoration of World Environment Day at different venues on June 5 every year.

Various activities have been undertaken under the different themes on this particular day to enhance political attention and action on environment issues. At such events, statements of commitment to care for the environment are delivered by heads of state, prime ministers and ministers of environment and pledges made at such days have been influential in decisions to establish permanent governmental structures, such as full Ministries dealing with environmental management issues. The ministry responsible for environment, with the assistance of local institutions use World

Environment Day to discuss issues and opportunities for signing or ratifying international environmental conventions. In Nigeria, the Nigeria Environmental Society plays an active role in assisting the Ministry of Environment in organising national events on the day and organises lectures to disseminate information to national stakeholders on the specific theme for the year.

What is quite apparent from the above three important days is that the declaration or recognition of a particular day as a special international day for the commemoration of an economic or social activity results in more mileage and more focused attention and discussion on every facet and dimension of the particular issue. Other internationally recognised days have also been used to add mileage in awareness generation measures which would have taken years to accomplish internationally. These include the World Press Freedom Day, which the media uses to advance calls for freedom of the press worldwide on the 3rd of May annually; the World Tourism Day, commemorated annually on the 27th September to generate international awareness on the importance of tourism through its influence in social, cultural, political and economic values; and the World Consumer Rights Day, commemorated on 15 March every year and now used as a platform for promoting awareness on the basic rights of consumers.

Why World Competition Day?

Although competition policy and law issues date back to the 1890s when Canada and the USA adopted competition laws, interest and awareness on competition laws on an international level remains far from satisfactory today, after more than a century. Due to globalisation and international trade, competition policy and law issues should be given a global prominence, with an institution playing a central role in coordinating and generating awareness. This is complemented by that fact that national governments, international agencies, donors and the global policy community are increasingly realising the need for effective implementation of competition policy and law globally, in order to derive the benefits of trade and economic liberalisation. To ensure that consumers from across the world realise the potential benefits from an effectively implemented competition regime, and also play their role in making competition regimes work worldwide, it is critical that focus on competition policy and law issues at an international level be strengthened. This can be achieved through the adoption of a World Competition Day.

The idea of the need for increased global campaign on competition through such a Day was also adopted by over 50 participants from across Asia, Europe and

Pacific, at a 'Asia Pacific Regional Seminar on Competition Law and Policy' organised by UNCTAD in association with the MRTTP Commission and CUTS in April, 2000 at Jaipur (India), through the *Jaipur Declaration*.

In pursuing this issue further, one of the resolutions of the Fourth United Nations Conference to Review the UN Set, held at the Palais des Nations, Geneva, from 25 to 29 September 2000, was that the IGE should "Study the feasibility of establishing a UN World Competition and Consumer Day as a means of publicizing benefits to consumers of competition policy and educating the public at large".

Since 15th March is already being observed as the World Consumer Rights Day under the aegis of the UN, it would be better to focus on Competition as a stand alone issue. Therefore, CUTS proposes that the **5th of December** be declared a **World Competition Day**.

Why the 5th of December?

The 5th of December 1980, saw the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (UN Set), which had been approved by the UN Conference on Restrictive Business Practices at its meeting on 8-22 April, 1980, being adopted by the UN General Assembly at its thirty-fifth meeting on 5 December, 1980.

The adoption of the UN Set has resulted in milestone achievements through providing frameworks for the control of restrictive business practices that can be adopted at national and regional level, as well as the strengthening of laws and policies to ensure that restrictive business practices do not impede or negate the realization of benefits that should arise from the liberalization and globalisation.

The setting up of an Intergovernmental Group of Experts (IGE) on Restrictive Business Practices as an institutional machinery to provide a forum and modalities for multilateral consultations, discussion and exchange of views on competition issues among international stakeholders on competition issues has seen the UN Set achieving milestones in helping countries to take appropriate action at the national or regional levels towards competition regime administration. The IGE meetings remain one of the critical forums for multilateral discussion between international stakeholders on matters related to competition.

It is therefore important that the adoption date of 5th of December, 1980, be remembered and commemorated on 5th December of each year as a World Competition Day.

Operational Framework

Given that such a campaign would need to be hosted by an international organisation with a long-term commitment, expertise and international scope on competition policy and law issues, CUTS suggests UNCTAD to play this role, especially given it has already expressed the need for the initiative during its Fourth UN Review Conference. In this process, UNCTAD should draw support from international development partners and host governments having a long-term commitment on competition policy issues. Every year, UNCTAD organises the Intergovernmental Group of Experts (IGE) meeting on competition policy. IGE is one of the key gatherings of competition scholars and practitioners from across the globe, particularly the developing world, where critical aspects of competition policy and law are discussed.

CUTS proposes that every year the IGE meeting identify a specific theme (within the ambit of competition) to be discussed during World Competition Day and pursued throughout the year, globally. The UNCTAD would then move the UN General Assembly to give its endorsement to the Day.

As has been demonstrated by the success of other internationally recognised days, assigning a World Competition Day would result in a milestone achievement in awareness generation on the need for competition reforms and allow meaningful and focused debate by multi-stakeholders, including from those jurisdictions still expressing reservations about the need for competition reforms. This would also provide an occasion to propagate the needs and benefits of a competition regime worldwide; and an impetus for competition reforms globally.

Some national/regional competition days

There are some few existing initiatives on competition days at the national and regional levels. The European Competition Day, which has been held biannually ever since the year 2000, though with no fixed date, is hosted by the country holding the EU Presidency and with the assistance of the European Commission, it is used to explain the benefits of competition to European citizens. The Day grew out of a realisation that European citizens are generally ill-informed about competition policy and its benefits. It is thus intended to present European competition policy to non-specialists during a one-day conference, in order to enhance the

understanding and visibility of the European Commission's activities in the Member states.

Brazil also celebrates an Anti-Cartel Enforcement Day, established by a Presidential Decree of October 7th, 2008. The official day was marked for October 8, to coincide with the day in which the first leniency agreement was executed, back in 2001. Its launch was followed by a three-day campaign at seven Brazilian airports in which 450,000 brochures were handed out.

Zambia too has observed Competition Days in its outreach activities in the districts.

In conclusion, the World Competition Day would provide the opportunity for the international competition community to synergise efforts and work on a specific UNCTAD determined theme (annual theme), and also offer inexperienced competition authorities in developing countries an opportunity to learn from their more experienced counterparts from developed countries through technical assistance for evolution and implementation of competition legislations therein.

Postscript

The idea of having a World Competition Day was circulated by CUTS in April and June, 2009 through its e-groups and several endorsements were received, mainly from developing countries including a representative of the Commonwealth Secretariat (refer Back Page). The idea was first floated at the 8th annual conference of the International Competition Network held at Zurich on 3-5 June, but there was little time, and hence it did not attract great attention.

Since UNCTAD is a UN body and has done demonstrable work in addressing competition issues in the developing world as part of its work programme, this new proposal is being floated at the annual meeting of the UNCTAD Intergovernmental Group of Experts on Competition Policy to be held at Geneva on 7-9 July, 2009 to test the waters, again.

A Day has to be chosen from a significant day in the history, hence 25th October was chosen in the earlier Call being the day on which the ICN was launched. This 2nd Call has identified the day of the adoption of the UN Set on RBPs (i.e., 5th December) as an appropriate day for adoption as **World Competition Day**.

Endorsements

"I believe it is a *useful initiative*. It will only augur well for building awareness on the work that is going on throughout the world to develop a competition culture even in countries where it does not exist.

I give my consent."

Philip McClaren

Ministry of Commerce, Industry and Consumer Affairs, Saint Lucia

"I am so happy to join the efforts towards *making a difference* in the competition area, mainly because true competition will help consumers and competitiveness."

Gebremedhine Birega Dagaga

ECO Yeshemachoch Mahiber, Ethiopia

"WCD is *brilliant idea*. In reference to CUTS proposal, I believe the day will raise awareness, enhance capacity, highlight the importance of a competitive environment and promote competition culture. WCD can play an important advocacy role in institutionalising national competition policies and legal framework for healthy marketplace for consumers and businesses."

Kimera Henry Richard

Consumer Education Trust, Uganda

"I must commend this *excellent initiative*. The importance of competition was recognised by Commonwealth countries and this culminated in a model law which was adopted in 2005.

I would welcome suggestions from countries on how this day should be celebrated."

Margaret Bruce

Commonwealth Secretariat, United Kingdom

"The initiative is *highly supported and appreciated*. Noting the credit crunch the world has seen, there is a need for efficient regulation and monitoring to allow for countries to realise the benefits of competition."

Thapelo Dikotla

ICT International Affairs & Trade, South Africa

"I fully agree with all proponents and support the World Competition Day. It is certainly *useful for countries* like Malawi with a relatively young Competition Act (1998) and an even younger competition authority to get to speed on the issue. As a developing country, the prioritization of anti-competitive practices and fair trading issues through events like the World Competition Day will go a long way in addressing market problems that befall these countries due to pressures brought about by globalization."

Venge Nyirongo

UN Malawi, Malawi