

CUTS Centre for Competition, Investment
& Economic Regulation (CUTS CCIER)

Strategic Business Plan

2013-17



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& Economic Regulation (CUTS CCIER)**

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**CUTS Centre for Competition,
Investment & Economic Regulation**

CUTS C-CIER



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Introduction

While CUTS was established in 1983-84 as a consumer protection group, over time it flowered into five programmatic centres going beyond traditional consumer protection related issues. To confer a distinct identity to CUTS' work on competition and regulatory policy issues, a Centre was established in 2003, and named CUTS Centre for Competition, Investment & Economic Regulation (*CUTS CCIER*). CUTS CCIER operates under the advice/guidance of its International Advisory Board (IAB) headed by eminent competition expert Professor Frederic Jenny (a Judge in the French Supreme Court - *Cour De Cassation*) and comprising of other academicians, practitioners and intergovernmental organisation specialists drawn from institutions like WTO, UNCTAD, World Bank etc. The list of the Advisors is available on the CUTS CCIER website (www.cuts-ccier.org/Advisors_Index.htm).

In 2006, CUTS CCIER adopted a new '**Mission Statement**', following a round of intense discussion that involved the advisors. CUTS CCIER'S new Mission Statement¹ is:

***Promoting Fair Markets to enhance
Consumer Welfare and Economic Development***

CUTS CCIER has the following programmatic areas:

- **Competition Policy and Law**
- **Economic Regulation**
- **Consumer Protection**
- **Investment Climate**

Objectives

The main objectives of the centre are:

- promoting research activities in the developing world on themes coinciding or having linkages with the programmatic areas;
- wider outreach and dissemination of relevant knowledge and skills to increase awareness and build capacity of civil society, government and business community;
- evolving approaches to facilitate active participation of consumers in the process of socio-economic policy reforms; and
- developing and maintaining extensive global network(s), promoting the need for effective regulation for consumer welfare and economic development.



To confer a distinct identity to CUTS' work on competition and regulatory policy issues, a Centre was established in 2003, and named CUTS Centre for Competition, Investment & Economic Regulation (CUTS CCIER).



1 The erstwhile Mission Statement of CUTS CCIER was "*To be a centre of excellence on regulatory issues*"

Valuing the Productive Relationship



We applaud the impact that CUTS has had in raising the profile of competition policy issues in developing countries and, indeed among the donor community. We value the productive relationship that CUTS and Department for International Development (DFID) had built up in recent years on this agenda.

Gareth Thomas

*Parliamentary Under Secretary of State, DFID, UK
(2008-2010)*

Affiliations

CCIER is affiliated to various national and international agencies, organisations and institutes. Some of the affiliations are:

GLOBAL

- International Network of Civil Society Organisations on Competition (INCSOC)
- Working Group on Unilateral Conduct, International Competition Network (ICN)
- Centre Advisory and Review Group, Centre on Regulation and Competition, Institute for Development Policy and Management, University of Manchester, UK
- Advisory Board, American Antitrust Institute, Washington D.C., USA
- Advisory Committee, Institute of Consumer Antitrust Studies, Loyola University Chicago School of Law, Chicago, USA

REGIONAL

- Founding members of South Asia Forum for Responsible Business (SAFORB)
- Advisory Committee of OECD on Investment for Africa
- UNCTAD Investment Division and Competition and Consumer Policies Branch

NATIONAL

- Advisory Committee, Central Electricity Regulatory Commission, India
- Working Group on Competition Policy and on Consumer Protection, Planning Commission, Government of India
- Advisory Committee, National Competition Policy constituted by the Ministry of Corporate Affairs
- Working Group on Business Regulatory Framework constituted under the Steering Committee on Industry by the Planning Commission of India



- Task Force on National Competition Policy constituted under the Working Group on Business Regulatory Framework
- State Advisory Committee for Joint Electricity Regulatory Commission (JERC) for State of Goa & Union Territories
- Advisory Committee of Airports Economic Regulatory Authority of India (AERA)
- Voluntary Consumer Organisation (VCO) registered by Petroleum and Natural Gas Regulatory Board (PNGRB)
- Advisory Committee on Regulation, Competition Commission of India (CCI)
- Advisory Committee of Telecom Regulatory Authority of India (TRAI)



Special Initiatives

CUTS Institute for Regulation & Competition (CIRC)

www.circ.in

Enhancing Knowledge, Strengthening Capacity

CUTS CCIER established the CUTS Institute for Regulation & Competition (CIRC), which aims to act as a dedicated training and capacity building entity and fill the existing knowledge gap on competition policy and regulatory issues. The aim is to offer educational and training programmes to cater to the unmet demand of trained personnel in the following subjects: Economic Regulation and Competition Policy.

Parliamentarians' Forum on Economic Policy Issues (PARFORE)

www.parfore.in

The Centre facilitated formation of Parliamentarians' Forum on Economic Policy Issues (PARFORE, www.parfore.in). PARFORE was conceived as a non-partisan and informal forum where Members of Parliament (MPs) from India are able to air their views on core economic policy issues in the field of trade, competition, regulatory reforms, investment and their cross linkages. The discussions at PARFORE meetings would not only help evolve greater understanding among Parliamentarians on complex policy issues having considerable public interest significance, but would also help CUTS extract important policy elements for its work on socio-economic and regulatory policy reform.

Deep Roots in Competition

CUTS tree has deep roots (in competition) leaves and foliage providing shelter to the hapless consumers throughout the globe and flowers and fruits that are the envy of many.

S Chakravarthy

Former Member, MRTP Commission



International Network of Civil Society Organisations on Competition (INCSOC)

The International Network of Civil Society Organisations on Competition (INCSOC, www.incsoc.net) was floated by several civil society organisations (CSOs) as a coalition promoting a healthy competition culture in the World. The concept came out of extensive work on the subject of competition policy & law undertaken by Consumer Unity & Trust Society (CUTS). INCSOC was the result of a path-breaking project on comparison of competition regimes in seven developing countries (popularly called the 7Up Project) of Asia & Africa (2000-02).

Approach to Research, Advocacy & Networking

CUTS CCIER is a **Research, Advocacy and Networking (RAN)** entity – a character that the Centre derives from the organisation, CUTS.

	What?	Why?	How?
Research	On public policy issues where there is a lack of understanding and even background information, for gathering evidence, where required, and initiating reforms	In order to pursue evidence-based advocacy and capacity building activities	In addition to undertaking research on our own, also partnering with other research organisations, consumer organisations, think-tanks, associations, etc. to undertake the research
Advocacy	Use existing or self-generated evidence to initiate a process of socio-economic reforms that are need-based and has potential broad-based impact	To initiate a process of change (both in policy and practice) in the interest of economic development and consumer welfare	Through various means – policy discourses, events, personal communication, public dissemination, empowerment of advocates, etc.
Networking	Evolve fora where organisations having similar focus/objectives (civil society organisations as well as development partners) can discuss and learn by sharing of experiences and actions	To facilitate the process of practical learning and actions	Through online networks, thereby maintaining institutional memory and profile of networks. INCSOC is a network being maintained by CUTS CCIER (one of its kind in the world!)

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	What?	Why?	How?
Capacity Building	<p>Develop capacity of civil society organisations, government agencies and different associations in developing countries for them to pursue economic growth and consumer welfare goals.</p> <p>Need-based awareness and sensitisation is also undertaken to create demand for capacity building</p>	<p>There is huge demand for capacity building among these stakeholders in the developing world (especially, given that the process of trade and regulatory reforms has progressed in the developing world).</p> <p>In some areas, there is a lack of awareness (and consequently, absence of demand for capacity building). Creating awareness is important to create sustainable demand for capacity building</p>	<p>By undertaking joint-research and advocacy projects, enhancing skills through training and exposure and creating linkages with experienced/reowned organisations</p>

Modus Operandi

The Centre follows the RAN model (Research, Advocacy and, Networking) for performance of its operations. The model is adopted for both funded and non-funded operations carried out at the Centre. At times, the outputs of non-funded work assist in procurement of funded projects.



The model is implemented by the following means:

- **participatory research** (thereby building self-capacity) on relevant topics pertaining to the programme areas,
- **motivating civil society organisations** throughout the developing world to undertake research work on the above programme areas,
- **outreach** by disseminating research reports; contributing newspaper articles; developing briefing papers, monographs; preparing and distributing newsletters, hosting discussions on e-groups and postings on the CUTS website, leveraging on new social media, such as Facebook, etc.
- **building capacity** of interested organisations by responding to 'felt-needs',
- **training** of multiple stakeholders on Regulatory Policy issues (including Competition Policy & Law, Economic regulation, Consumer protection & Investment climate),
- **engaging in advocacy** processes by involving multiple stakeholders, with the media playing a pro-active role,

- **developing and maintaining extensive networks** throughout the world,
- **collaborating with other programmatic centres** of CUTS International to implement national/international projects,
- **working in close partnership** with development partners, civil society organisations to execute national/ regional/international projects, thereby developing the capacity of southern & northern civil society on economic policy & regulatory issues.

SLOT Analysis

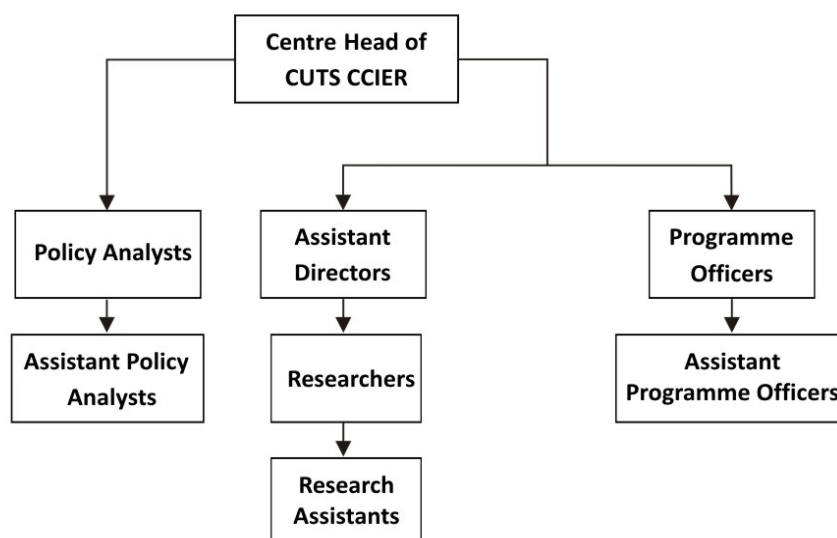
An analysis of the **Strength – Limitations – Opportunities - Threats (SLOT)** of CCIER is presented below. It is

Strengths	Limitations
<ul style="list-style-type: none"> • Working in ‘niche areas’ for considerable time • Evidence based policy advocacy • Good leadership and competence • International/global partnerships and networks • Reputed ‘international advisory board’ members • Promoting ‘Trilateral Development Cooperation (TDC)’ • Bottom-Up approach, involving multiple stakeholders • Niche areas where a vacuum exists are identified and acted upon on a dynamic basis • Equal emphasis on content as well as process aspects of research, advocacy, networking and capacity building activities • Limited access to core support from development cooperation partners 	<ul style="list-style-type: none"> • Recruitment and retaining of good quality staff • Limited visibility in areas other than competition policy and regulation • Low-level of control over of field-work and primary data collection
Opportunities	Threats
<ul style="list-style-type: none"> • Capacity building on Competition Issues in Asia and Africa • Scope of work in the area of Regional economic cooperation in South Asia, with focus on energy • Strong ‘sectoral’ focus on Telecom, Power, Healthcare and Pharma, etc • Awareness, advocacy on climate change and renewable energy issues • Promoting Consumer Movement in Developing Countries • Ever-increasing demand for effective regulatory frameworks and better regulatory capacities in Asia and Africa • India emerging as a ‘donor’/TA provider in Africa, Asia • Emerging areas: <ul style="list-style-type: none"> – Corporate Governance and Responsible Business Conduct – Financial sector regulation 	<ul style="list-style-type: none"> • Political and Policy changes • Conflict and regime changes • Frequent changes in bureaucracy • Irregularities in continued support from development cooperation partners • Continuation of senior level project managers

necessary to strive towards en-cashing the opportunities, and be aware of the limitations – while designing programmes, etc.

Organogram and Personnel Profile

The following diagramme provides an idea of the organogram of CUTS CCIER.



The (above) staff comprise of economists, lawyers, social scientists, development practitioners and management executives. All of them are on pay-roll and have a specific task assigned to each. In addition to the above full-time staff of CUTS CCIER, the Centre also engages consultants from time to time to implement projects. These consultants are either selected from the list of **CUTS Fellows** or from outside.

Further, CUTS CCIER also has a team of **International Advisers**, who guide project teams and also staff on their projects. This International Advisory Board (IAB) of CUTS is headed by renowned competition expert (and Judge in the French Supreme Court), Frederic Jenny and comprise of 19 members.

First NGO Stepped in Africa

CUTS is the first NGO to have stepped out of its boundaries to work in a poor country in Africa to extend its knowledge and experience on economic policy issues as an ‘appropriate technology’. The Zambia Competition Commission has benefited from its association with CUTS, which began in 2000; and has commended CUTS for providing assistance to other developing countries in Africa and Asia on the subject of competition policy and law.



George K Lipimile
Competition and Consumer Laws and Policies Expert

Creating a Competition Culture in the Developing World



UNCTAD cooperates closely with civil society to increase awareness of the benefits of competition policy for consumers and for economic development in general. In this respect, CUTS and UNCTAD have a long history of collaboration on creating a competition culture in the developing world. It is, thus, a pleasure for me to commend the long term efforts undertaken in this field by CUTS."

Supachai Panitchpakdi

Secretary-General, UNCTAD (September 2005-August 2013)

Personnel planning

In view of the agenda (current and future) that CUTS CCIER intends to pursue in this plan period, it would be necessary to increase the staff strength by few more staff.

Monitoring and Evaluation Framework

Monitoring and evaluation framework can be considered from two perspectives: (i) Organisational and (ii) Project-specific.

Organisational

There are various ways and means by which CUTS CCIER (like the other Centres of CUTS) monitor its activities on a regular basis, as is enumerated:

- (i) Weekly Meetings – held weekly to assess the activities of the Centre staff at the beginning of the week, and share responsibilities and keep all members of the Centre informed;
- (ii) Monthly Meetings – held once a month and minuted to act as a ready-reckoner for individual staff to take specific project related actions;
- (iii) Annual Retreats – To take a macro/long term view and analyse the growth of the centre – diagnose (try to) challenges and identify opportunities
- (iv) Issue /project specific meetings (in the project team)

Project-specific

Every project has a specific time schedule (and its implementation is guided by an Operational Strategy Note (OSN), which is based on the project proposal. Further, most of the projects also have a Logical Framework Analysis prepared for it to help in the process of *ex-post* assessment. Annual and Final Evaluations by independent entities are also undertaken.

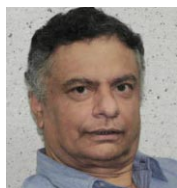
Future Initiatives

The following chart provides an idea about proposed (2013-2016) projects, which CUTS CCIER has developed (through a process of careful internal discussions and review), and would be taken up for implementation in the suggested periods. These are all projects that are funded by a donor.

Apart from these funded projects, CUTS CCIER has already taken up a number of self-initiated assignments. Some of them are also regular like – (i) Competition Distortions Dossier (for India), (ii) PIR to stimulate investigation by Competition Commission of India; (iii) Newsletters; (iv) Campaigns (World

2013-2014	2014-2015	2015-2017
India Competition & Regulation Report (ICRR-2013)	India Competition & Regulation Report (ICRR-2015)	India Competition & Regulation Report (ICRR-2017)
Interface between Trade and Competition Policy (Primary and Agricultural Products)	Interface between Trade and Competition Policy (Primary and Agricultural Products)	Interface between Trade and Competition Policy (Primary and Agricultural Products)
Competition Reforms to enable consumer welfare (CREW)	Competition Reforms to enable consumer welfare (CREW)	Competition Reforms to enable consumer welfare (CREW)
Energy Trade in South Asia	Deepening DREC work in India	Deepening DREC work in India
Regulatory Impact Assessment (ADB)	Energy Trade in South Asia	Regulatory Impact Assessment in an economic sector
Business Responsible Corporate Conduct (BRCC Project – Pharmaceutical)	Regulatory Impact Assessment in an economic sector	7Up Latin America (Competition and Public Procurement)
-	7Up Latin America (Competition and Public Procurement)	Competition issues in MENA Region
-	Competition issues in MENA Region	Business Responsible Corporate Conduct – Food Sector
-	Business Responsible Corporate Conduct – Food Sector	-

Towards a Functional Competition Policy for India



Starting from a small consumer protection organisation about two decades ago, the Consumer Unity and Trust Society has become an important and large NGO with interests in trade policy and competition. Over the past three years, especially, it has managed to collect some formidable talent and put it to work on these issues. It has thus honed policy advocacy to a fine art. (I too have been associated with CUTS research). Its latest offering 'Towards a Functional Competition Policy for India' is rich in both information and analysis and therefore well worth at least a leisurely browse."

TCA Srinivasa Raghavan

Noted Columnist

Business Standard, January 28, 2005

Competition Day, International Competition Fund);
(iv) PARFORE meetings.

Implementation Challenges & Opportunities

In the run-up to the preparation of this Strategic Business Plan (2013-17), there were several rounds of internal discussions in the team to identify the existing challenges and opportunities for CUTS CCIER. An analysis of the same is provided here, and it is critical that both these challenges and opportunities are identified and addressed in order for CUTS CCIER to be able to implement this SBP (2013-17).

Challenges

Issues	Tools	Expected Outcomes
Exchange Rate Fluctuation		
<ul style="list-style-type: none"> • Detection of large variations/ fluctuation in fund receipts and reporting to donors • Proper contingency planning • Costing of activities in local currency 	<ul style="list-style-type: none"> • Continuous <i>monitoring</i> of global exchange rates and implication on amounts received • Inclusion of '<i>contingency</i>' as a budget item in proposals • Project <i>budget preparation</i> in INR 	Averting/recovery of exchange loss
Donor Dependence and Declining Traditional Funding		
Explore alternative funding channels (given decline in traditional donor funding)	<ul style="list-style-type: none"> • Senior Management Retreat to discuss this issue and develop an 	Long-term sustained growth of centre

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Issues	Tools	Expected Outcomes
	agenda for: i) fund-raising from traditional sources (donors with common interests) ii) fund-raising from non-traditional sources (bids, consultancy, CSR funds, etc.)	
Need for Outcome-oriented Projects		
<ul style="list-style-type: none"> • Greater clarity about 'outcomes' to be pursued (those which can be achieved) • Need to pursue 'outcomes' as opposed to 'outputs' 	<ul style="list-style-type: none"> • Development of a <i>results-framework</i> at the level of the organisation to be emulated and adapted by respective centres • Internal capacity building activities and on-the-job trainings for using applicable tools such as LOGFRAME, THEORY OF CHANGE, OUTCOME MAPPING, STAKEHOLDER ANALYSIS, etc. 	Greater impact of CUTS work on the ground
Communication <i>vis-à-vis</i> 'Target Group'		
Need to package messages to suit the targeted audience by using appropriate Information Education Communication (IEC) tools for this purpose	Comprehensive <i>Communication Strategy</i> with guidelines to use appropriate means (like media outreach, parliamentary advocacy, etc.) and tools	More effective outcomes
Complementing Competition Enforcement in India		
Gathering cases (emerging from CUTS work) to stimulate the Competition Commission to take actions	Design the research methodology such that findings for preparing 'case materials' can be extracted	Better competition enforcement – demonstrating the importance of competition to the layperson

Opportunities

Issues	Tools	Expected Outcomes
Pursue Institutional Models of Engagement		
<ul style="list-style-type: none"> • Develop initiatives deriving elements from successfully implemented (and institutionalised) models • Evolve these models into more effective instruments for: <ol style="list-style-type: none"> i) linking policy with impacts on the ground ii) fostering South-South cooperation achieving better trilateral development cooperation TDC outcomes iii) implementation in other emerging economies – in light of demand (ASEAN, African countries) 	Apply (evidence-based policy) <i>models</i> like 7Up and RESA in new environments	Effective implementation of need-based/bottom-up initiatives influencing policy and practice changes
Initiate Work in ‘Niche Areas’		
Develop work programme in certain emerging and already identified issues (like CSR/responsible investments; competition, informality and growth; climate change/energy efficiency; etc.)	<ul style="list-style-type: none"> • Develop <i>project ideas</i> • Undertake <i>non-funded projects/initiatives</i> (write briefing papers, articles, etc.) • Seek guidance from <i>advisers</i> (IAB members) 	First mover’s advantage on these issues
Experience on Competition Policy and Law Issues		
<ul style="list-style-type: none"> • Adopt a holistic approach to competition reforms activities in Africa/Asia. Demonstrate impact of competition reforms on developmental indicators – using evidence on the ground. • Continuously monitor progress in project countries (even after the project gets over) 	<ul style="list-style-type: none"> • Move from <i>regional projects</i> to <i>country-level projects</i> (develop Methodologies accordingly) • Develop ‘feedback channels’ to receive updates after project conclusion 	Act as catalysts in the competition reforms process – and foster healthy competition culture in project countries

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Issues	Tools	Expected Outcomes
Pursuing Consumer Participation in Regulatory Reforms in Developing World		
Undertake projects that highlight the need for preserving consumer welfare/interest as a determinant for regulatory efficiency (utilities sector)	Use the experience from <i>RESA</i> project and Consumer Satisfaction survey/analysis done for <i>HERC</i> (India)	Contribute towards effective implementation of regulatory policy for achieving consumer welfare
India emerging as a 'donor'/TA provider		
CUTS has an enviable track record, experience of capacity building CSOs and Govt. agencies in many countries of Africa and Asia	CUTS is able to complement the work of Indian government and act as a provider of research and capacity building support for recipients in Africa	Long-term sustainability and greater political buy-in for CUTS work

Communication and Outreach Strategy

CUTS is known for its consistent and sustained advocacy efforts. Almost every research project of the centre has an inbuilt advocacy component, which helps in ensuring that research outcomes create an impact towards policy formulation/implementation. It becomes very important to disseminate the research result – otherwise the work would be in vain. But, how do we communicate those results? How can we convert the data into knowledge? Data that are not shared or are shared with only few people is not considered valuable. A successful communication strategy will enhance the ability of research to achieve the intended outcomes.

The following matrix summarises the elements of CUTS CCIER's communication strategy.

Success Indicators

CUTS CCIER's communication strategy (as summarised above) is based on a very commonly used formula for communications strategy is **RACE**², which stands for:

- **Research** - Investigate and describe the situation and the need
- **Analyse** - Determine the target audience, goals, objectives and tactics
- **Communicate** - Implement the tactics
- **Evaluate** - Determine level of success

² John Marston (1963) , The Nature of Public Relations

Types of Communication	Modes	Audience	Outcome
Generic	Emails/Mailing lists	People interested in specific issues or subject	Knowledge sharing, network
	Letters	Different stakeholders	Information sharing and/or seeking
	E-Groups	Multiple stakeholders (mainly, civil society, business and government)	Dissemination, announcements, coalition-building, campaign
	Newsletters	Mailing List	Briefing about projects, ideas, information
	E-newsletters	E-group and website visitors	Briefing about projects, ideas, information
Target Specific	<i>Current Modes</i>		
	Parliament Outreach	Parliamentarians and other policymakers	Impact on policy formulation/ implementation
	Network members	INCSOC Members	Various information
	Project/Initiative Specific: Events, Publications etc.	Donors, stakeholders within and across project territories	
	<i>Future Modes</i>		
	Blog/Micro blogs (e.g. twitter)	Visitors and like-minded organisations, institutions, targeted audience	Disseminate ideas, initiate campaign, spread knowledge
	Social networking sites (e.g. Facebook, LinkedIn etc.)	Visitors and like-minded organisations, institutions, targeted audience	Disseminate ideas, initiate campaign, network

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Types of Communication	Modes	Audience	Outcome
	Podcast/Video Sharing	Targeted audience	May increase the organisation cost but a picture/video is a worth thousand words
	Text/Instant messaging (e.g. Cell phone, Skype etc.)	Targeted audience	Text: can reach people without the computer Instant: Immediate availability

Human Resource Development/Management

The practice of changing people and organisation for positive growth is common factor of organisational development. Organisational development is proportionate with above-stated agenda. Therefore, it is crucial that human resources are dynamically productive and motivated.

The objectives of human resource development/management are to:

- **Organisation:** achieve efficiency and effectiveness by helping them to attain efficiency in their operations and attainment of goals to attain efficiency.
- **Personal:** creating work-life balance by helping to acquire, develop, utilise, and maintain employees.
- **Social:** attending legal, ethical, and social environmental issues. Equal opportunity and equal pay for equal work, helping women empowerment.



At present, there are 13 staff working with the centre, five of them are programme staff. The staff comprise of economists, lawyers, social scientists, development practitioners and executives

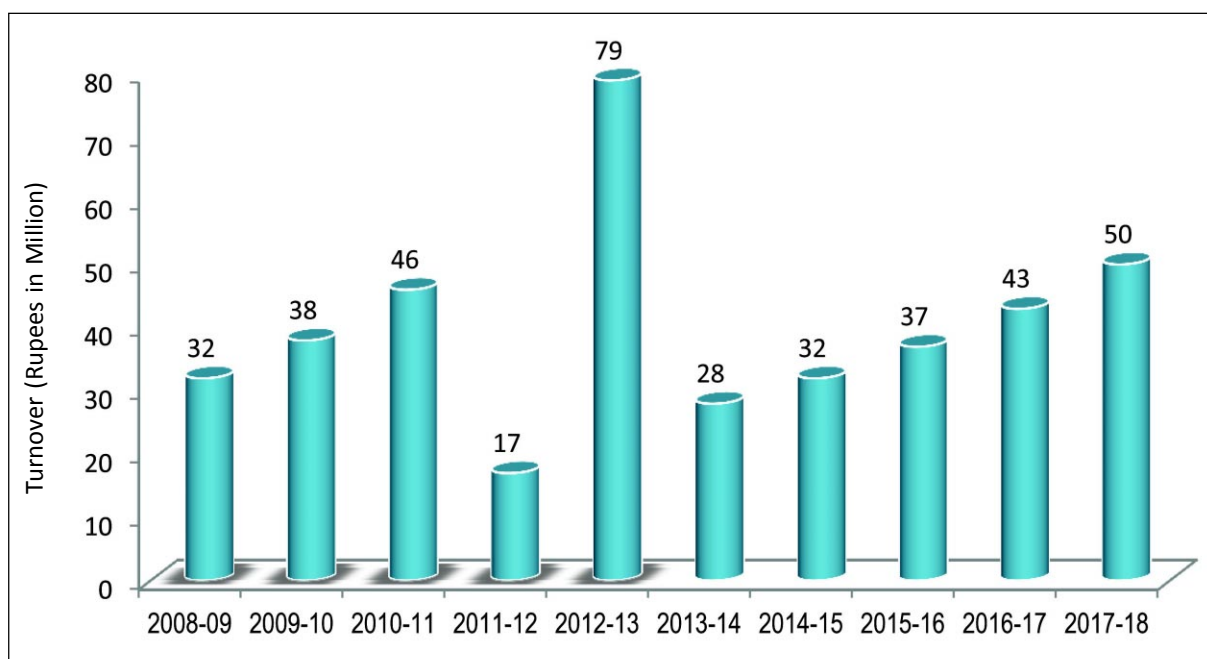
The composition of the human resources of the centre is varied given the nature of its work – overall it is relatively more intensive to network-based action research along with advocacy so as to achieve results and outcomes that create and impact towards policy formulation/implementation. Keeping in mind all factors i.e. organisation, functional, personal, social etc. relating to diversity of human resources, over time, human resources capacity will be increased appropriately.

A separate team for policy advocacy, networking and outreach, and capacity building will be developed. There will be programme area wise consolidation of human resources.

Financial Position and Projection

The financial position has been prepared by recording the income (total cost of projects) that have been implemented by CUTS CCIER on a yearly basis, and calculating a yearly raise in the income (since 2004-05).

Yearly projections in income over the period 2011-12 onwards, has been made by using the average yearly growth rate (%) for each year.



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