

7Up 3 (Botswana)

Questionnaire

Instructions: The interviewees may not readily know about many of the concepts/subjects being asked in the questionnaire. Therefore, the interviewers need to explain, elaborate, and provide real-life examples whenever necessary. Please also prompt and probe wherever appropriate.

Additional comments by interviewee should be encouraged and carefully noted by the interviewer. The space given in the questionnaire does not limit the length and scope of the answers.

INTRODUCTION

I am _____ from the Botswana Institute for Development Policy Analysis (BIDPA). The Organisation is working to document views of businesspersons, consumers and policy-makers on the state of competition in Botswana. The main areas of focus are anti-competitive practices prevalent in the Botswana market.

Anti-competitive practices are mainly of the following types:

1. **Price fixing:** Competitors at any levels in the production-distribution process enter a collusive agreement (form a cartel) and fix prices.
2. **Market sharing:** Two or more firms agree to allocate markets amongst them, i.e., predetermine who shall deal with whom and where to avoid competition.
3. **Bid rigging:** Firms participating in a bid for a tender, secretly arrange among themselves to determine the eventual winner.
4. **Tied selling:** A supplier forces a buyer interested in a desired product to buy another product (tied-product) along with it, even when the buyer is not interested in the tied-product.
5. **Exclusive dealing:** Here the producer forces an agreement with the retailer prohibiting the latter from dealing with competing producers or distributors.
6. **Concerted Refusal to deal:** Firms at different levels of the same production-supply chain agree among themselves not to sell or buy from certain customers or suppliers.
7. **Resale Price Maintenance:** The producer dictates the resale price of the goods that would be charged by the retailers.
8. **Price discrimination:** This refers to a situation when a firm sets prices of its goods/services at will, depending on the circumstances.
9. **Entry barrier:** This refers to certain situations where the entry of new players in the market is hampered either by existing players/government or others.
10. **Predatory pricing:** A situation when a dominant enterprise charges low prices over a long period of time to drive a competitor out of the market, or deter others from entering the market and then raises prices to recoup its losses.
11. **Unfair Trade Practices:** These are anti-competitive practices mainly undertaken by individual firms as opposed to cartelisation whose net effect is it to curtail competition. One such practice is misleading advertisement.

Question	Answers	Code	Skip to
1. Name			
2. Designation			
3. Organisation			
4. Address and e-mail			
5. Are you aware of the extent of prevalence of anti-competitive practices in the Botswana markets?	<ul style="list-style-type: none"> • Insignificantly • Moderately • Significantly • Hugely 	1 2 3 4	
6. How are consumers affected by such practices?	<ul style="list-style-type: none"> • Insignificantly • Moderately • Significantly • Hugely 	1 2 3 4	
7. What are the most prevalent anti-competitive practices in the Botswana markets? (Please note the three most prevalent anti-competitive practices from the list in order of importance and their effect on the markets) – See definitions above.	(i) (ii) (iii) <ul style="list-style-type: none"> • Collective price fixing • Market sharing • Bid rigging • Tied selling • Exclusive dealing • Concerted Refusal to deal • Resale Price Maintenance • Price discrimination • Entry barrier • Predatory pricing • Unfair Trade Practices • Any other (please specify) 	1 2 3 01 02 03 04 05 06 07 08 09 10 11 12	
8. Which sectors of the country's economy are most affected by such practices? (Please note three most prevalent sectors in order of importance)	(i) (ii) (iii)	1 2 3	
9. Which anti-competitive practices are prevalent at the local level or in some parts of the country?	(i) (ii) (iii) (Use codes in Q7)	1 2 3	
10. Which anti-competitive practices occur at the national level?	(i) (ii) (iii) (Use codes in Q7)	1 2 3	
11. Do some of such practices originate from outside the country as well (i.e., are MNCs/TNCs ¹ engaged in such practices)?	<ul style="list-style-type: none"> • Yes • No • Can't say/don't know 	1 2 3	
12. Are there any rules,	<ul style="list-style-type: none"> • Yes 	1	

¹ MNC: Multi National Company; TNC: Trans National Company

regulations or laws to check such practices?	<ul style="list-style-type: none"> No Can't say/don't know 	2 => 3 =>	18 18
13. Please name them?	(i) (ii) (iii) (iv) (v)		
14. Is any action taken if these rules are violated?	<ul style="list-style-type: none"> Yes, always Yes, sometimes No Can't say/don't know 	1 2 3 4	
15. Which agency provides justice to consumers?			
16. Are the agencies mentioned in Q15 above, government or private?			
17. Do you think that the existing rules, regulations and laws are sufficient to check anti-competitive practices?	<ul style="list-style-type: none"> Yes No Can't say/don't know 	1 2 3	
18. Do you think that a comprehensive law should be enacted to check anti-competitive practices?	<ul style="list-style-type: none"> Yes No Can't say/don't know 	1 2 => 3 =>	32 32
19. What should be the objectives of such a law?	<ul style="list-style-type: none"> Focus on economic efficiency and consumer welfare Consider other socio-economic issues Can't say/don't know Any other (please specify) 	1 2 3 4	
20. Should it cover all types of enterprises and persons and all areas of commercial activity?	<ul style="list-style-type: none"> Yes No Can't say/don't know 	1 => 2 3 =>	22 22
21. Who should be exempted?	<ul style="list-style-type: none"> Small and medium enterprises State owned enterprises Public utilities Export-oriented units Any other (please specify) 	1 2 3 4 5	
22. What kind of implementation mechanism/competition authority (CA) would you like to have for your country?	<ul style="list-style-type: none"> Autonomous CA Agency under relevant govt. dept./ Ministry Any other (please specify) 	1 2 3	
23. What kind of powers should the CA have?	<ul style="list-style-type: none"> Both investigative and adjudicative Investigative only with adjudicative power vested with separate authority Investigative only with adjudicative power vested with courts Can't say/don't know Any other (please specify) 	1 2 3 4 5	

24. Should the CA deal with consumer protection issues as well? If No, who then should deal with consumer protection issues?	<ul style="list-style-type: none"> • Yes • No • Can't say/don't know • Any other (please specify) 	1 2 3 4	
25. Should the specialised sectoral regulators for electricity, telecommunications etc., be given power to handle such issues or should such powers be given to the CA should?	<ul style="list-style-type: none"> • Yes, for some, with the CA entrusted with overall power • Yes, for some, with the CA co-ordinating with them • Yes, for many of them, with the CA entrusted with overall power • Yes, for many of them, with the CA coordinating with them • Any other (please specify) 	1 2 3 4 5	
26. Should violation(s) of the law be criminalised?	<ul style="list-style-type: none"> • Yes in some cases • Yes in all cases • No • Can't say/don't know 	1 2 3 4	
27. Should there be exemption on public interest ground (e.g., technological advancement, protecting interest of SMEs or socially disadvantaged groups, employment)?	<ul style="list-style-type: none"> • Yes • No • Can't say/don't know 	1 2 3	
28. How would such provisions be protected against misuse/abuse?	<ul style="list-style-type: none"> • Through well-defined guidelines • Judicial scrutiny • Can't say/don't know • Any other (please specify) 	1 2 3 4	
29. Should the law have provisions to ensure right to private action?	<ul style="list-style-type: none"> • Yes • No • Can't say/don't know • Any other (please specify) 	1 2 3 4	
30. Do you think that the CA should involve different stakeholder groups in its functioning especially advocacy/publicity etc.?	<ul style="list-style-type: none"> • Yes • No • Can't say/don't know 	1 2 => 3 =>	32 32
31. In what way?	<ul style="list-style-type: none"> • By occasional public hearings • Through a structured consultative committee • Any other (please specify) 	1 2 3	
32. In general, should businesses try to balance their profit motives with consumer welfare (CW)?	<ul style="list-style-type: none"> • Profit motive only • Profit, but CW sometimes • Maintain a balance • Can't say/don't know • Any other (please specify) 	1 2 3 4 5	
33. Are there state owned monopolies in Botswana?	<ul style="list-style-type: none"> • Yes • No • Can't Say 	1 2 3	
34. Do state-owned monopolies indulge in anti-	<ul style="list-style-type: none"> • Yes • No 	1 2	

competitive practises?	<ul style="list-style-type: none"> • Can't Say 	3	
35. If you encounter any anti competitive practice, how would you react?	<ul style="list-style-type: none"> • Seek help from Local Councils (LCs) • Seek help from the Police • Seek help from judiciary (courts) • Seek help from consumer organisations • I would do nothing • Any other (please specify) 	1 2 3 4 5 6	