

**MINUTES OF THE NATIONAL REFERENCE GROUP (NRG) ON COMPETITION REGIME IN NIGERIA HELD ON TUESDAY, 23RD SEPTEMBER, 2008 AT CPC CONFERENCE ROOM.**

**ATTENDANCE:**

In Attendance were:

S/N	NAME PARTICIPANT	OF	NAME OF ORG.	E-MAIL ADDRESS/PHONE NUMBER
1.	Mrs. Ify Umenyi		DG (CPC)	ifyumenyi@yahoo.com
2.	Dr. R.I. Fred		CPC	
3.	Lola Fadumiyo		Consumers Int.	ifadumiyo@conint.org
4.	Felicia Monye		Cons Awareness Org.	caoign@yahoo.com
5	Adeden B. Abiodun		CEON	Adedejia67@yahoo.com, ceon_camon@yahoo.com
6.	Prof. Ade S. Olomola		NISER	as_olomola@yahoo.com
7.	R.O. Folami		CPC	rofolami@gmail.com
8.	E. Ataguba		CPC	ladrataonba@yahoo.com
9.	Amos Y. Sakaba		NIPC	sakaba@nipc.gov.ng
10.	Benard Ugbajah		Nat.Ass of Nig Traders NANTS	nanting@yahoo.com, lennng@yahoo.com
11.	Joseph Ujoma		Bureau of Public Enterprises (BPE)	joeujomu@yahoo.com
12.	Offor Nneka P.		Fed. Min of Justice	nekkyworld@yahoo.com
13.	Abdulrahaman Eshikhena		Fed. Min of Justice	eshikhena@yahoo.com
14.	Ondaje Ijagwu		CPC	ondaje@yahoo.com
15.	Obidike N.F		CPC	ngozikaobidike@yahoo.com
16.	Lekwauwa, Joy.		CPC	joyakulet@yahoo.com
17.	Julius Haruna		CPC	harunaprospers@yahoo.com.uk
18.	Kenneth Udala		CPC	Kendala007@yahoo.co
19.	Eziokwu S.A		Human Rights A.Int.	Godsah2000@yahoo.com
20	Peter Poulsen		DFID	P-Poulsen@dfid.gov.uk
21.	Dr. Bob Arnot		Security, Justice & Growth Programme British Council	bob.arnot@sjg.britishcouncil.org

**Apology / absent members:** Other members who could not attend the 1<sup>st</sup> meeting sent apology and promised to attend subsequent meetings.

The meeting was attended by participants drawn from all works of life including representatives of Govt. agencies and other interest groups. The press was not left out.

## **OPENING PRAYER**

The meeting commenced with prayer offered by Dr. R.I Fred, Director Surveillance and Enforcement, CPC.

## **CHAIRPERSON'S OPENING REMARK**

The meeting was declared open by the DG Consumer Protection Council, Mrs Ify Umenyi.

The Chairperson, in her opening remark, briefed the participants on the importance of Competition Policy and Law, especially in an emerging economy such as ours which is aspiring to fair deal and fair practice in the marketplace. Mrs. Ify Umenyi pointed out that competition policy deals with competition of goods and services that guarantee choice at affordable price which she also affirmed would enable consumers of goods & services to obtain value for their money.

The DG further explained the demarcation between the two different concepts consumer protection and competition regime during which she stated that competition regime is all about making goods and services available for the teeming populace at affordable prices whereas CPC deals with having the goods in perfect condition. The DG therefore requested participants to see the document on competition regime as a national reference book stressing that there cannot be virile consumer protection without firm competition policy. She also used the opportunity to welcome and also expressed appreciation to Mr. Rijit Sengupta who came from India to represent CUTS at the meeting and assured him that CPC is very happy to be associated with the program.

The Director-General pointed out that there has been much concern that Nigeria does not have competition policy and so is not qualified to be part of the international consumer protection network. However, she craved the indulgence of participants to put in their best and come up with recommendations that will generate increased awareness on the need for the enactment of competition policy /law in the country.

The Consumers International (CI) was represented by its member services officer in Nigeria, Miss Lola Fadumiyo, who in her goodwill message, expressed delight at the current development which according to her is seen as an opportunity for CI to provide the necessary support for all member country, (Nigeria and other African Countries).

The member services officer further stated that CI mission is to assist units and international consumer movement to ensure that every country has an effective consumer protection law in place and basic consumer education to enable people know their rights as consumers which is currently at abysmal (level). Ms Lola Fadumiyo also stated that CI has been involved in competition policies formulation in a way to increase formal representation and that CI works closely with other international organisations such as EU etc, in belief that an effective consumer policy could engender healthy economic growth.

The member services officer, CI, implored participants to advocate for competition policy and to create awareness in areas that could lead to increased consumer education finally, to explore ways of competition regime and consumer welfare.

### **THE PROJECT OVERVIEW:**

In his presentation, Mr. Rijit, the representative of CUTS International, provided a brief background of his organisation. Mr. Rijit stated that CUT S International started as a consumer organisation which later transformed to an International body. He confirmed to participants that CUTS celebrated its 25yrs of existence this year. Mr. Rijit explained that CUTS in its earlier stage of the development of the project has worked in association with other consumer bodies which they later code named 7UP4 project. He also stated that the organisation has 28 members across the globe and that it is made up of two major components, the research and the advocacy that helps to implement 7UP project. He further stated that they already operate two offices in Africa – Lusaka and Nairobi. He expressed his pleasure at bringing the project to Nigeria, and encouraged the participants to intensify their push into the process of developing competition regime in Nigeria.

Apart from the project overview, Mr Rijit also presented a paper on the Role of NRG. The paper specifically dwelt on the following topics:

- a. NRG meetings. This Mr Rijit explained the meaning of NRG (National Reference Group) as an informal group of stakeholders that acts as a focal point and guide to project' s activities through their input a n d output views.
- b. Research activities. This body supervises research works with a view to providing necessary inputs as will lead to the achievement of set objectives. He stated that useful information on areas of research could be addressed to Mr. Babatunde or him as this would assist in research and dissemination of information in the organisations' newsletter.
- c. Policy Advocacy. The group develops advocacy mechanisms.
- d. Outreach & Sustainability. This involves making contact and information dissemination and maintaining links between stakeholders and even outside the project.

### **THE PRELIMINARY COUNTRY PAPER – NIGERIA:**

The paper was presented by Mr. Adedeji Babatunde Abiodun of CEON. It was a preliminary country paper. The paper attempted to encourage participants and members of the NRG to articulate ideas that would engender further research into competition regime in Nigeria. The paper was divided into six major segments which include:

- General background
- Social & Economic Policies affecting Competition in Nigeria
- Nature of the Market/Competition

- Sectoral Policies and Competition/or Consumer Protection
- Anti competitive practices
- Consumer perfection policies

The paper presented the current situation regarding the issue of competition policy in Nigeria which could have been very important for the economic growth of the country but has not been in place based on certain reason as highlighted in the major segments of the presentation. Mr. Babatunde however explained the overall objective of the exercise, stressing that NRG project mainly is to evaluate the current obstacles and to chart a course of action that could precipitate a policy with a view to adopting a competition policy for the country by the present administration.

### **OPEN DISCUSSION ON KEY ISSUES RAISED IN THE PAPERS PRESENTED:**

The presentation by Mr. Babatunde & Rijit elicited some questions /answers and comments from stakeholders.

The first question came from Dr. (Mrs) Felicia Monye of Consumer Awareness Organisation who sought to know the experience of CUTS in the areas that affects issues relating to sales of agricultural produce where there seems to be disparity in terms of prices between rural and city centres.

Dr. F. Monye also wanted to know the status of CUTS whether it is an NGO or not. She further observed that papers for presentation were inaccessible to members before time and therefore suggested that papers should be circulated to members ahead of schedule. According to Dr. F. Monye, this development made contribution almost impossible during deliberations. She also sought to know how Nigeria as a nation could achieve the competition regime when most of its laws are centered on how to punish offenders without consideration to compensations for consumers who may have suffered loss in one way or the other. Finally she also sought to know what nature should liability take and if there is need to advocate for liability.

Another comment was made by Mr. Amos Y. Sakaba who represented the Executive Secretary , NIPC. He told the meeting that Alh. Mustapha Bello (Executive Secretary, Nigeria Investment Promotion Council - NIPC) was unavoidably absent. But he is in total commitment to the advocacy for competition regime which he initiated earlier on during his tenure as the Federal Minister of Commerce. Mr. Amos enquired to know what could be done to ensure fair competition and consumer protection, a harmonized investment entry procedure, consistency in policy implementation and predictability in government strategy.

Mr. Leonard Ugbajah of the National Association of Nigeria Traders Association of Nigeria commended the organizer for coming up with such auspicious project. He observed that the basic elements of competition laws are similar world over. However, he suggested the need to shape the law in a manner that could accommodate interest of consumers in line with the economic and political reality of the country.

He also explained that issues of competition policy dwells on orientation and therefore urge members to evolve sense of obligation in contributing to the project. He also suggested the use of

consultants and research work at both domestic and international level to be able to get rid of the problem militating against the enactment and subsequent implementation of competition regime in Nigeria.

Mr Joseph Ujomu represented BPE, he presented his DG's goodwill message and intimated the meeting that there is a national policy on competition in the making which will soon be forwarded to the Federal Executive Council for consideration.

Mr. E. Ataguba an Assistant Director in the Legal Unit of CPC, who is also a member of the working committee on competition regime at the Federal Ministry of Commerce informed the meeting that a bill on competition policy is currently on the floor of the National assembly which is being sponsored by the Federal Ministry of Commerce apart from the ones from BPE, and the Federal Ministry of Justice. But that the issue at stake is how one could present these issues when NRG is an informal set up. Mr. E. Ataguba advised the meeting on the need for a synergy in a coordinated approach to present these issues.

The DG CPC feels the absence of competition law has been an issue of great concern considering how huge the market is. She expressed her pleasure that something is being done and optimistic that positive outcome will definitely emerge hoping that with the two laws under way we will make some great impact.

**CLOSING REMARKS:**

The DG CPC and chairman of the meeting, expressed appreciation to all participants for attending the meeting. She also expressed hope that the two bills when harmonized and passed will serve the interest of Nigerian consumers.

Mr. Rijit Sengupta on the other hand also expressed gratitude for the privilege to present the activities of his organisation and sharing ideas with participants. He then urged members not to relent in sending comment as regards the matter at stake through their email or website.

The meeting came to a close by 1.30pm

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**Chairman**

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**Secretary**