

# **STRENGTHENING CONSTITUENCIES FOR EFFECTIVE COMPETITION REGIMES IN SELECT COUNTRIES OF WESTERN AFRICA**

**(7Up4 Project)**

## **OPERATIONAL STRATEGY NOTE (OSN)**

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## **I. Introduction**

### ***1.1 Background***

- 1.1.1* The last two decades have seen most developing economies in the world, including those once committed to central economic planning, taking great efforts in their progression toward the market economy. In this agenda for reform of most of these countries, comprehensive development of the legal and regulatory framework has been a focus, with competition law and policy an integral part, especially now that the need for, and the role of, such a law and policy in the development process is broadly accepted in principle.
- 1.1.2* An effective competition law and policy prohibits various restraints of trade and creates public or private rights of actions to enforce such prohibitions. By keeping a check on concentration of economic power, outlawing and penalising rent-seeking behaviours, preventing anti-competitive practices by dominant firms, eliminating artificial restrictions on entry, exit and pricing in industries where they exist; competition law and policy ensures the competitive operation of the market, thereby providing individual entrepreneurs, small and medium sized business with opportunities for participation in the economy, and providing the consumer with reduced prices, better quality and wider choices by firms; all toward the ultimate goal of economic efficiency, growth and equity. A country with an effective competition legislation is also equipped with the legal instrument to either individually or through cooperation with foreign counterparts, challenge firms' cross-border anti-competitive market behaviour, which is becoming predominant in the current liberalisation and globalisation context.
- 1.1.3* From an integrated perspective, as regulatory reforms stimulate structural changes, effective enforcement of competition law and policy is needed to prevent private market abuses from reversing the benefits of reforms, especially in developing countries where the low level of policy effectiveness and economic management capacity could easily facilitate economic and political turmoil on the way to market systems. Furthermore, one of the most important contributions of a competition policy regime, especially in the context of the reform processes and in addition to antitrust law enforcement, is to serve as an advocate for reliance on market processes and business rivalry to organise economic activity. A competition authority can

supply an institutional counterweight within the government to promote liberalisation measures and resist overt or subtle efforts to sabotage market-oriented reforms. Through a variety of advocacy and education activities, the competition agency can provide valuable support for policy measures - ensuring an appropriate role for the government in the economy and the correct choice of strategies for promoting growth. For example by participating in developing privatisation programme, advising legislators on drafting economic reform legislations, and participating in regulatory proceedings conducted by other government institutions to determine competition policy in specific economic sectors.

- 1.1.4* It is well-recognised, nonetheless, that in order to achieve all the aforementioned policy objectives and contribute most to the reform cause, competition laws and policies in developing countries must be well-adapted to their national development circumstances, taking into account all the local economic, social, and cultural dimensions, *etc* and should by no means be a copy or a derivative of ‘developed-country style’ laws. They are also to be supported and promoted by efficient institutions, which are well equipped with sufficient capacity and skills. Toward such policies and concomitant institutions, in our view, it is necessary for developing countries to foster public acceptance and facilitate widespread participation and contribution of various national stakeholders in the policy-making process; build up the capacities and skills of the (established or future) competition authorities and complementary institutions. In the whole process, it is important for them to learn from their own experiences. Externally, sharing and comparing the learnings with other country’s experience would also help them overcome the impediments to having an effective competition regime.
- 1.1.5* Competition policy and law have been a little known area in most developing countries. However, the 7-Up Project involving a comparative analysis of the competition regimes in seven developing countries of the Commonwealth, implemented by CUTS in 2000-2002 has made a significant change, especially in the selected countries. The countries selected for the project were: India, Kenya, Pakistan, South Africa, Sri Lanka, Tanzania and Zambia.
- 1.1.6* Responding to the need for developing the capacity of stakeholders, especially civil society organisations to advocate for the advancement of a competition regime CUTS C-CIER initiated a project ‘Advocacy and Capacity Building on Competition Policy

and Law in Asia' involving: Bangladesh, Cambodia, India, Lao PDR, Nepal and Vietnam, with support from the State Secretariat for Economic Affairs (SECO), Switzerland, the Swiss Competition Authority (COMCO), Switzerland and the Department for International Development (DFID), U.K.

- 1.1.7* Since the early 1970s, many of the countries in Eastern and Southern Africa adopted new policies of trade liberalisation, deregulation and privatisation. While these processes are still taking place and developing countries are remodelling their state-dominated economies into market economies, new challenges are emerging from these processes. One of them is to strengthen the functioning of market forces in an appropriate manner. In this context, the need for an effective competition policy and law, to achieve the maximum benefits from the process of liberalisation, has been emphasised in several quarters.
- 1.1.8* National markets in the region have been integrating through two regional bodies: ECOWAS (Economic Community of West African States) and COMESA (Common Market for Eastern and Southern Africa). These bodies have recognized the ill effects of anti-competitive practices in the context of regional integration and have made it binding among member states to speed up the process of national competition reforms
- 1.1.9* To highlight these issues including the need for an effective competition regime, CUTS has undertaken a project with the prime objective of developing the capacity of national stakeholders in each of the project countries including the policy makers, regulators, civil society organisations, especially consumer associations and groups, academicians and the media through a participatory process to understand and appreciate prevailing competition concerns from the national, regional and international perspectives.
- 1.1.10* The purpose of the present project entitled 'Strengthening Constituencies for Effective Competition Regimes in Western Africa' (popularly referred to as 7Up4 Project) is to build capacity in the project countries: Burkina Faso, The Gambia, Ghana, Nigeria, Senegal and Togo and assist them in formulating, implementing and/or enforcing competition policy and law at the national and regional levels, through engagement of multiple stakeholders.

## ***1.2 Project Objectives***

*1.2.1* The project would be implemented to accomplish the following objectives:

- Evaluate impediments to evolving national competition regimes and identify the best way for addressing such impediments through a participatory process involving multiple stakeholders.
- Develop the capacity of national stakeholders including policy makers, regulators, civil society organisations, particularly consumer groups, academics and media persons to understand and appreciate competition concerns from national, regional and international perspectives.
- Establish a channel of communication between civil society, business and the government in order to deliberate on the best way forward for promoting competition and consumer protection at the national level.
- Provide inputs into the process of drafting new competition legislation or reforming existing competition legislation, drawing on best practice from other developing/least developed and developed countries.
- Disseminate information materials (pamphlets, briefings, monographs, etc.) that elucidate the linkage between competition and other public policy issues in order to mobilise public support for competition and regulatory reforms.
- Help build constituencies for promoting competition and consumer awareness by identifying a representative group of national stakeholders and transforming them into a core cadre (nationally) on competition policy, regulatory issues and consumer protection.
- Establish dynamic linkages between the national stakeholders (national reference groups) and global networks and coalitions on competition and regulatory issues to sustain the interest and continue activities for promoting a healthy competition culture.

## ***1.3 Outcomes***

Considerable progress would be made by the project countries towards attaining the following project *Outcomes*:

- Profile of competition policy within the context of national development raised.
- Process to establish effective national competition regimes evolved.
- Promotion of a healthy competition culture in the project countries.

#### ***1.4 Project Outputs***

##### **I. Papers and Reports**

1.4.1 A Preliminary Country Paper (PCP) to be prepared by each project (research) partner depicting the general competition scenario for each of the selected project countries, which would be presented by the project (research) partner at the Project Launch Meeting (See below) and utilised to develop the methodology for subsequent in-depth analysis.

1.4.2 A Country Research Report (CRR) to be prepared by each project (research) partner involving a ‘need assessment’ in each of the selected countries, including:

- a mapping of various aspects of the macro-economy, broad policy environment, and overall trends of economic development, as the context of competition;
- a survey of the legal and institutional framework which has a direct impact on competition, for example, relevant economic laws and regulations, sectoral regulatory system, the law enforcement and dispute settlement system, especially those competition provisions in the current legal economic framework;
- an analysis of the state of play of competition and market structure in the country, prevalence of anti-competitive practices and particular concerns and issues that arise out of them; hence the need for, and the potential role of a competition legislation (to inform subsequent advocacy);
- deliberations on competition legislations (wherever) in place; and
- an institutional review of three entities where possible (*viz.* public organisations, civil society and consumer organisations; academia), which will assess their capacities to deal with competition issues and identify their capacity building needs (to inform subsequent capacity building activities).

The Reports would be produced on the basis of field research, which range from empirical/case studies, field surveys and scanning of media reports or analysis of any relevant cases, etc. Where necessary, literature surveys of preceding [as well as parallel] activities in the same field would be undertaken to get a comprehensive view of the situation in the project countries.

1.4.3 Country Advocacy Plan: To be prepared on the basis of the preceding analysis, and incorporating inputs provided by both the research and the advocacy partners in each of the project countries sensitising various stakeholders on the need to implement an effective competition regime. The ‘Advocacy Plan’ would be based on the recommendations received over the national dialogues, and take into account the findings from the intensive research and field research. The overall purpose of the ‘Advocacy Plan’ would be to address concerns and needs in each of the project country; with a view to compare with ‘good practices’ elsewhere in developing countries with similar context and problems; for example:

- changes in draft competition law and/or enforcement guidelines;
- recommendations on the establishment and organisation of the competition authority; and
- recommended changes in other economic policies which also constitute parts of the broad national competition policy besides competition law, to ensure consistency and complementarity for economic development; etc.

In order to guide the overall project implementation process, CUTS would involve an expert on competition as a Project Adviser and a scholar with sound understanding and experience on competition issues as a Research Adviser for this project.

All the research reports/documents would be developed/commented by CUTS and the Project Adviser and Research Adviser. The CRRs would also be shared with the members of the Project Advisory Committee (PAC) and other renowned experts, for their comments.

1.4.4 A Synthesis Report to be prepared by the Project Adviser, depicting commonalities, differences as well as levels of development and any local peculiarities between the project countries. The said report would also incorporate appropriate recommendations toward a regional advocacy network on competition.

1.4.5 A separate report collating the findings from the Agriculture Markets Study undertaken in each of the project countries and incorporated into each CRR.

### **Newsletters**

- A quarterly electronic newsletter: would be prepared by CUTS, on the basis of project progresses and inputs (stories/news clippings/ articles) provided by partners.

### **Occasional publications**

Over the course of implementation of the project, briefing papers/monographs etc. would be produced

- The exact topics for the briefing papers and other occasional publications would be decided over the course of the project by CUTS/Advisers/Partner Organisations.

#### **1.3.2 Project Launch Meeting:**

The project partners representing all the seven project countries: Burkina Faso, The Gambia, Ghana, Mali, Nigeria, Senegal and Togo would participate in the Launch Meeting. Experts on Competition policy and law, both within the region and outside would share their views and insights on the necessity for adopting a competition policy for economic development, especially for developing countries (focussing on the region in particular). Apart from experts, the meeting would also draw officials from competition authorities, representatives from regional authorities, intergovernmental organisations and development partners.

The Project Launch Meeting would consist of a ‘Seminar’ on the first day in order to discuss generic issues and relevant topics: competition policy and economic development; regional perspectives on competition and their implication; interface between competition and sectoral regulation. On the second day, the Seminar would continue, with the presentation of the Preliminary Country Paper (PCP)s by each of the project (research) partners. The 7Up4 project implementation strategy would be discussed in a Workshop on the second day with participation of the members of the project coordination and management unit, the project partners, members of the project advisory committee and the development partners.

- #### **1.3.3 Interim Review Meeting:** This meeting would be held (tentatively) around July 2009, in a centralised location of the region (one of the project countries), in cooperation with the partner in that country (choice of the country would depend among others on ability of partner to hold such a meeting, interest and excitement of the partner, level of engagement of the country’s government on competition, etc.). One of the purpose of the meeting would be to carry forward the findings of the research accomplished by the

- project (research) partners, and to share them with a wide group of stakeholders from the region. Views and experiences would be shared through this conference to incorporate regional competition policy perspective, and address cross-border competition concerns. International experts from intergovernmental organisations like UNCTAD, ECOWAS, OECD, etc. are expected to participate in the discourse, and discuss current and impending issues with the partner and other participants from the region.
- 1.3.4 Project Final Meeting: The final meeting of the project would be held in April-May 2010 to conclude and evaluate the project implementation; disseminate the results, expand and consolidate the lessons and experiences learnt during and after the project to other countries and relevant organisations and individuals with a view to opening up new opportunities for future activities in the same line and area especially for the project partners, and to evoke interest among other donors on the issue, and igniting new initiatives for other developing countries also in need of technical assistance on the same lines.
- 1.3.5 National Reference Group Meetings: are to be held in each project country, during which the project outputs will be deliberated upon to get a practical check by those who are directly involved with the legislation and enforcement of the competition law and policy; and awareness will be raised and capacity will be enhanced to understand and appreciate the ‘need’ to advocate for an effective competition regime.
- Note: The NRG meetings would be scheduled such that a CUTS representative and/or Advisers are able to attend all or some of the meetings as observers. Further they should be so scheduled as to be in close proximity of one another so that the CUTS representative and/or Adviser can attend them in one extended trip.
- 1.3.6 Operational documents
- This Operational Strategy Note (OSN) would be prepared that clearly charts out the schedule and sequence of project activities, their purpose and expected outcomes. The OSN would serve as the project implementation guidebook and allocate responsibilities to CUTS, project advisers and partner organizations. The OSN would be presented at the Project Launch Meeting; and revised periodically. The revision will draw upon the progress of the project, taking into account problems encountered so far as well as the emerging situation, needs and concerns in project countries to ensure flexibility toward better performance.

- CUTS will prepare a Mid-term Review Report, which would be based on the results of the discussions in the Interim Review Meeting, and a Project Terminal Report after the Final Meeting, which will cover achievements of the project, problems encountered and solutions found and activities to take forward the project’s achievements; both to be circulated among the project partners, advisory committee members and development partners.
  
- Specific advocacy and capacity building activities will be programmed in detail after the Interim Review Meeting, and incorporate the suggestions emerging from the discussions in the national dialogues (National Reference Group meetings). The advocacy activities would be outlined in the ‘Advocacy Plan’ for each of the project countries.

### 1.5 Risk Management

Risk	Risk minimisation measures/ responsibility
<i>1.5.1. Risk of outputs not being produced or events failing to attract targeted audience</i>	
Project partners’ non-adherence to the agreed time frames	CUTS would do systematic and regular follow up. Release of funds to partners would also be pegged with timely deliveries.
Relevant stakeholders, especially high-level government officials, are not convinced to cooperate with and participate in the project events and activities	Stakeholders, especially high-level government officials, too busy for full participation in the project, can be approached and briefed in persons by partners/any other volunteers on the core issues and provided with publications for their consideration. Whenever possible, they can also be approached on the fringes of other events, a practice which has been successfully carried out by CUTS.

<p>Lack of expertise and facilities in country partners to carry out the research and produce outputs; and to hold planned events</p>	<p>CUTS and the Project Adviser will be providing and helping them with needed expertise on a close coordination basis. Difficulties with facilities have already been taken into account and enough space and time flexibility have been provided to ensure the timeframe and quality of outputs.</p> <p>Any output delivered by country partners found to be of unsatisfactory quality by CUTS and/or the Advisers would be commented on and sent back to the respective partners for re-working. Moreover, the release of requisite funds would be done only if the output is found to be satisfactory. The second alternative to overcome such a problem would be to have standby technical advisor(s)/consultant(s) to help deliver the desired quality of output, in which case the partner(s) will be responsible for payment of fees, <i>etc</i> to the advisor(s)/consultant(s).</p>
<p>Breach of contract by partners, for example withdrawal from the project for any reason in the middle of the implementation process</p>	<p>For this purpose a list of standby partners (both research institution and NGOs) would be maintained and would be kept informed about the project-progress through newsletters and otherwise. They would also be invited to join the National Reference Group. Thus they will be <i>au fait</i> with the broad movement of the project all the time.</p>
<p><u>1.5.2. Risk of outputs failing to realise into outcomes</u></p>	
<p>The recommendations resulting from the Country Advocacy Documents do not feed into policy-making and policy-implementation process</p>	<p>While the decisions on enactment, modification and implementation of competition legislations are taken by high-level policy-makers, the substantive contents of the document/modification, the methodologies for implementation are all prepared mainly by middle-level officials. Moreover, the experts, academia, the business, the media and civil society organisations also play an important role in shaping them. The project focuses on empowering these groups and on that basis, leveraging into policy-makers' decision. Getting attention of the middle-level officials and other stakeholders should not be a problem.</p>

<p>Project output documents fail to convey the needed messages to and build the capacity of targeted audience groups.</p>	<p>The project will build on knowledge and information dissemination by means of publications, events, media coverage, etc. and try to involve widespread participation of various actors. Taking into account the economic reforms now in progress in the project countries, these efforts will have high potential of gaining a ground and translate into heightened awareness and built capacity.</p>
<p>Sustainability is threatened mostly through lack of resources (financial and technical)</p>	<p>Other donors, international bodies and interested individuals will be approached during and after the project by capitalising on the large network CUTS possesses to provide additional resources. Local partners will be given adequate exposure so that they can undertake project planning and fundraising for competition/regulation related activities and continue with such activities after the project is over.</p>
<p>Competition culture fails to shape up in project countries</p>	<p>The NRGs in project countries will be the core for all advocacy and capacity building activities. Despite the low stage of development in these countries, once the awareness of the NRGs has been raised, and capacity built, they will constitute the basis for the full-fledged development of a competition culture in project countries.</p>
<p><u>1.5.3. Others</u></p>	
<p>Sudden change of government policies, political disturbance etc.</p>	<p>The solution would depend upon the situation prevailing at that moment of time; and its application will be suitably tailored.</p>
<p>Cost increases due to hyperinflation, economic crisis etc.</p>	<p>CUTS may request the donors to enhance the budget through proper justification. If that is not agreeable, then some of the activities could be redesigned in order to cope with the situation, without compromising on the quality or the desired goals.</p>

Turnover of employees	To meet with this exigency, staff planning is done as a regular exercise, with division of tasks as primary and secondary responsibilities. Secondly, a strong system of filing and reporting is maintained, which does not create reliance on a particular person. Furthermore, institutional memory is maintained in a systematic manner through mandatory minuting and reporting of all the meetings (internal as well external), preparation of operational strategy note, events calendar etc.
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## II. Project Management

Activities	Responsibilities
<p><b>2.1 Project Adviser &amp; Research Adviser</b></p> <p>2.1.1. Mr. Philippe Brusick will carry out advisory role on the research, advocacy and capacity building elements of the project and he will encompass the role of reviewing and analysing research documents in both English and French languages.</p> <p>2.1.2 Lahecn Achy, Senior Research Scholar from INSEA, Morocco has been chosen as the Research Adviser for this project and would assist CUTS with the task of developing and implementing the ‘research agenda’ of the project.</p>	
<p><b>2.2 Project Director</b></p> <p>2.2.1. Pradeep S. Mehta will guide to the overall process of planning, developing and implementing the project.</p>	<p><b>CUTS/Project Coordinator</b></p>
<p><b>2.3. Project Coordination</b></p> <p>2.3.1. Mr. Rijit Sengupta would be responsible for the overall coordination of the 7Up4 Project. As the Project Coordinator, Rijit Sengupta shall be responsible for the overall project management, including liaising with the PAC, helping out in deliverables and publications, organising seminars</p>	<p><b>CUTS</b></p>

<p>and meetings etc. He will also assemble all the project inputs and feed to the Advisers and Director. In turn, he will be assisted by an administrative assistant and other suitably qualified staff/interns from CUTS.</p> <p>2.3.2. Mr. Cornelius Dube, Economist, CUTS will be Involved mostly with the research activities and some coordination work related to the project in the Anglophone countries.</p> <p>2.3.3 Ms. Verity McGivern, will be involved mostly with the coordination work related to the project in the Francophone countries.</p>	<p style="text-align: center;"><b>CUTS</b></p> <p style="text-align: center;"><b>CUTS</b></p>
<p><b>2.4. Project Advisory Committee</b></p> <p>2.4.1. The project will be guided by an international project advisory committee (PAC) comprising of experts in the field: economists, lawyers and practitioners and representatives of donors and inter-governmental organisations. The research methodology and process of project implementation will be discussed between the project management unit at CUTS, PAC and the project partners at the launch meeting of the project. Regular advice would be sought from the advisers through electronic means and at meetings with PAC members on occasions outside the project, whenever that happens. In addition, close coordination will be maintained with United Nations Conference on Trade and Development (UNCTAD), OECD, ECOWAS, WAEMU, etc. in order to keep them abreast of the progress and outcomes of the project.</p> <p>2.4.2. The PAC plays the following roles, in an honorary capacity:</p> <ul style="list-style-type: none"> <li>• Providing inputs from the beginning of the project in order to enrich the project planning and implementation process.</li> <li>• Reviewing research documents and other outputs of the project, from time to time.</li> <li>• Engaging in the capacity building activities.</li> </ul>	<p style="text-align: center;"><b>PAC</b></p> <p style="text-align: center;"><b>PAC</b></p>



<p><b>2.6. Internal resource management</b></p> <p>2.6.1. Simultaneous to the above task, identification of other needs and their sources would go on. This would mainly be done by internal brainstorming and through recalling our own and others’ experiences in implementation of similar projects.</p> <p>2.6.2. To begin with, orientation of the existing staff has been done for the purpose of the project. The primary and secondary responsibility of the staff has been spelt out for better coordination and avoidance of duplication. This again has been done through a process of identification, counselling and internal brainstorming.</p> <p>2.6.3. Also at this stage itself, it has been identified during internal meetings as to what type of advisory team we need, based on the kind of advice the project requires; the frequency of such consultations etc. The members of the team have, therefore been chosen from CUTS’s contacts.</p> <p>2.6.4. For better and smooth project implementation, an Activity Time Chart has been prepared [and will be constantly reviewed] for handy reference for the project partners, advisory committee members and project overseers. This Operational Strategy Note would serve as the basic manual for successful execution of the project.</p>	<p style="text-align: center;"><b>CUTS</b></p> <p style="text-align: center;"><b>CUTS</b></p> <p style="text-align: center;"><b>CUTS</b></p> <p style="text-align: center;"><b>CUTS</b></p>
<p><b>2.7. Networking</b></p> <p>2.7.1. One of the strengths of CUTS has been its networking capacity and outreach. This has been demonstrated in numerous multi-country projects including the 7-Up1 and the IFD projects. International networking as required in the project will be assisted by CUTS’s well-established relations with key IGOs, notably UNCTAD, WTO and the World Bank who will be involved in the project; as well as by CUTS’s active role and participation in international fora and networks such as the International Competition Network (ICN), Consumers International (CI) and International Network of Civil Society Organisation on Competition (INCSOC).</p> <p>2.7.2 CUTS has two resource centres in Africa: one in Lusaka, Zambia</p>	<p style="text-align: center;"><b>CUTS</b></p>

<p>and the other in Nairobi, Kenya. With the assistance of these two resource centres, CUTS would reach out to a wide network of key persons, and organisations with the outcomes of the research and advocacy activities.</p>	<p><b>CUTS</b></p>
<p>2.7.3. CUTS has used its network of contacts to identify suitable project partners (and other key organisations) in each of the selected countries to ensure smooth and participative project implementation.</p>	<p><b>CUTS</b></p>

### III. Partnering

<b>Activities</b>	<b>Responsibility</b>
<p><b>3.1. Partnerships</b></p> <p>‘Partnership Agreements’ have been drafted for the Project partners in all of the six countries for the 7up4 project. A detailed ToR with specific activities to be undertaken by the project partners, consideration and the allocation is clarified and forms a part and parcel of the agreement. The ‘Partnership Agreement’, and specifically the ToRs would be discussed at the Project Launch Meeting. Following this, the ‘Partnership Agreements’ would be signed and subsequently formally adopted.</p>	<p><b>CUTS/Partners</b></p>
<p><b>3.2. Dispute settlement</b></p> <p>In case of any dispute between the partners and CUTS relating to the agreement efforts would be made to resolve the problem amicably. In the event that such efforts fail, arbitration will be sought in accordance with international guidelines.</p>	<p><b>CUTS/Partners</b></p>
<p><b>3.3. Monitoring</b></p> <p>Furthermore, a database of all the partners will be created, and a suitable monitoring and review mechanism will be devised and implemented.</p>	<p><b>CUTS/Partners</b></p>
<p><b>3.4. National Reference Group (NRG)</b></p> <p>3.4.1. A National Reference Group (NRG) will be formed in all of the project countries. The project partners would be required to engage the following</p>	<p><b>Partners</b></p>

<p>category of organisations/persons as members of the NRG.</p> <ul style="list-style-type: none"> <li>• Consumer organisation, where existing and having the capacity</li> <li>• Other civil society organisations with demonstrated interest in economic issues</li> <li>• Research institutions, academia, experts (economists and lawyers)</li> <li>• Chambers of commerce</li> <li>• Media</li> <li>• Competition Authority (wherever existing)</li> <li>• External Trade Department</li> <li>• Internal Trade and/or Consumer Affairs Departments</li> <li>• Politicians and/or Parliamentarians</li> <li>• Sectoral Regulatory Authorities</li> <li>• Local Representatives of Donor Agencies</li> </ul> <p>3.4.2. The findings of the field work/research done by the local partners/research institutions in the project countries, will be deliberated and debated at the NRG meetings, which will also be attended by CUTS representative and/or Advisers. On the basis of the inputs and suggestions given by the NRG, the results of these NRG meetings would then be duly and appropriately incorporated into project outputs.</p> <p>3.4.3. Members of the NRGs will also be the core for any advocacy and capacity building activities to be carried out in the Stage II of the project.</p>	<p><b>Donor Partners</b></p>
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**IV. Studies and Events**

***4.1 Preliminary Country Paper***

4.1.1. As the first output, the country partners are to prepare a Preliminary Country Paper (PCP) on the respective competition scenario on a set format. The outline of the PCP would be developed by CUTS, and sent to them.

4.1.2. The draft PCPs are to be presented at the Launch Meeting by the respective country (research) partners. A plenary discussion would take place on the presentation of all the draft country papers. This would be necessary to get the partners adequately tuned in order to work collectively and systematically.

4.1.3. Subsequently, the papers would be finalised by the partners on the basis of comments received at the Launch Meeting. Subsequently, after review by the project advisers and CUTS, these finalised PCPs would be uploaded onto the project website for information dissemination and further reference.

## ***4.2 Project Launch Meeting***

4.2.1 The two-day meeting would consist of a seminar on the first day on generic issues: competition and development; regional perspective on competition and interaction between competition and regulation.

4.2.2 The half of the second day would be spend on presentations from representatives of the project (partner) o the PCPs prepared by them.

4.2.3 The rest of the second day would be spent to discuss the modalities of carrying out the 7Up4 project activities effectively. It would further:

- mark the adoption of the project plan of action;
- discuss the terms of reference with partners;
- present the questionnaire for the interview;
- adopt the methodology for interviews, subsequent field work and research;
- adopt the programme schedule and methodology thereof for the whole project;  
and
- plan for the NRG meeting (opening)

4.2.4 The Project Launch Meeting would also provide an opportunity for the partner organisations to know each other, and other actors associated with the project. The other

actors would include Project Adviser, Research Adviser, PAC members and CUTS CCIER International Advisory Board members.

### **4.3 Research and National dialogues**

4.3.1 Soon after the launch Meeting, the project partners are expected to incorporate the comments suggestion etc. received over the course of the Launch Meeting in the Preliminary Country Papers. Simultaneously, the project partners would be finalizing the list of the National Reference Group (NRG) in each of the project countries, and share them with CUTS. Subsequently, each country partner would organize the first meeting of the national reference group (NRG-I), in order to give a broad-base to the project, and to evoke interest in NRG members, for the project.

4.3.2 CUTS with the help of the project advisers would develop a detailed research methodology note (refer: [http://www.cuts-ccier.org/7up4/pdf/Research\\_Methodology\\_Note.pdf](http://www.cuts-ccier.org/7up4/pdf/Research_Methodology_Note.pdf)), which would spell out clearly and in details, the various components of each country's competition and regulatory regime to be studied under the project. This note would also have a section dedicated to the 'agriculture markets study', and explain the methodology of the study. In each country it has been decided to study two crops, especially in terms of analyzing competition concerns in the inputs markets (seeds and fertilisers) and at the stage of marketing of these crops. The research methodology note would be discussed with each partner organisation during the visit by CUTS and/or Advisers to the project countries for the NRG-I meetings.

4.3.3 A 'research guidance note' ([http://www.cuts-ccier.org/7up4/pdf/Research\\_Guidance\\_Note.pdf](http://www.cuts-ccier.org/7up4/pdf/Research_Guidance_Note.pdf)), explaining the various tools/methods to be used for the purpose of executing the research methodology would also be prepared to provide additional guidance to the partners to undertake the various components of the research phase of this project.

4.3.4 As per the guidance note, the research phase can be segregated into four sub-phases: (i) literature survey, (ii) opinion seeking, (iii) perception survey and (iv) agriculture markets study.

4.3.5 The opinion seeking phase would involve the partners having targeted interviews with key stakeholders to supplement the information gathered on a specific component of research. CUTS would provide a list of questions to be used for the partners to moderate these interviews, in order to maintain consistency with what is expected from these interviews.

4.3.6 CUTS would also develop the ‘perception questionnaires’ to be sent to the partners to undertaking the perception survey. An additional note would also be shared with the partners to help them analyse the information gathered from the perception surveys. Finally, a note/questionnaire would be prepared by CUTS to assist the partners for carrying out the ‘agriculture markets study’.

4.3.7 The first draft of the ‘Country Research Report’ (CRR) would be discussed at the Interim Review Meeting of the project. Comments received on the draft CRRs would be utilized by the partners to refine the CRRs. These CRRs would also be discussed at the second meeting of the ‘National Reference Group’ (NRG-II). A representative of CUTS and/or Adviser would participate in these meetings and assist the partner in dealing with the comments received from the NRG members, so that the CRRs can be finalised.

4.3.8 The finalised CRRs received from the partners would be reviewed by CUTS and the advisers, and comments on these shared with the partners, for them to incorporate the comments and finalise the each CRR (7 CRRs).

4.3.9 A Synthesis Report would be prepared by undertaking a comparative analysis of the 7 CRRs (especially in terms of ‘common’ challenges and opportunities for competition reforms), so that a regional perspective on competition reforms can be constructed.

4.3.10 A final round of the national reference group meeting (NRG-III) would be held after the trainings (regional and national) are undertaken, to discuss the overall achievement of the 7Up4 project (in terms of research, awareness generation and advocacy and capacity building/training on competition policy and law issues), and trace future activities in the project countries/region.

4.3.11 It is expected that ultimately, these activities should deliver the anticipated outcomes, as follows:

- Profile of competition policy within the context of national development raised.
- Process to establish effective national competition regimes evolved.
- Promotion of a healthy competition culture in the project countries.

#### **4.4 Comparative Study (Synthesis Report)**

4.4.1 The synthesis report that would compile and analyze the research outcomes of the individual country reports would be prepared by the Project Adviser.

4.4.2 In addition to drawing learnings and experiences from the seven country reports (CRRs), the synthesis report would also draw reference from the other Sub-Saharan African countries where the 7Up project has been undertaken by CUTS.

4.4.3 The synthesis report would also try to capture and put into a perspective the various feedback received during the NRG meetings, relevant data/information culled out during the literature survey, and learnings from other initiatives in the region having similarities with the 7up4 project.

#### **4.5 Training on Competition Policy and Law**

4.5.1 Regional Training Workshop (RTW): A regional training workshop would be held for the Anglophone countries (in a convenient location in the region) and one for the Francophone countries. CUTS would develop the agenda of this 3-day RTWs, and invite international resource persons (experts and practitioners from African countries and outside) to conduct these training

workshops. In addition to representatives of the relevant ministry/competition agencies of the partner countries, 1 representative of the partner organisation would also be invited for these RTWs. Further, representatives of some countries from the region would also be invited to these training workshops. The total number of participants would be around 20-25, for each of these RTWs. The level of training would be commensurate to that of the participants.

**4.5.2 National Training Workshop (NTW):** NTWs would be held in each of the project countries for a heterogeneous group of national stakeholders. The partners would select and invite the stakeholders from the NRG and outside, depending on their interest on competition issues and relevance for receiving this training. These NTWs would be conducted in the capital cities for a period of 3 days each. International experts would be used as resource persons and CUTS would develop the agenda of these trainings.

## **4.6 Final Project Meeting**

4.6.1 The Final Meeting of the project would embrace a two-pronged purpose:

- Concluding and evaluating the implementation of the 7Up4 project.
- Outreach:
  - disseminating the results;
  - expanding and consolidating the lessons and experiences learnt during and after the project to other countries and relevant organisations and individuals;
  - opening up new opportunities for future activities on the same lines and area for project countries with other donors and interested international bodies; and
  - igniting new initiatives for other developing countries also in need of technical assistance in the same area.

4.6.2. For this purpose, the Meeting will assume the form of an international symposium on competition law and policy, with the participation of project partners, donor agencies, IGOs, NGOs and various regional stakeholders. The Meeting will release the outputs and findings of the project and draw a plan of action for the ‘Beyond Project’ activities.

#### 4.7 Reporting and evaluation

<p><u>4.7.1. Monitoring and reporting</u></p> <p>4.7.1.1. During the time span of the project, monitoring and reporting will be done on a frequent basis.</p> <p>4.7.1.2. The partners are required to report by writing (quarterly progress reports) on a quarterly basis for monitoring purpose by CUTS, and the reports will be fed into synthesised Progress Reports, highlighting main achievements.</p> <p>4.7.1.3. The progress of the project would be evaluated in August 2009, after the completion of a year of the project activities.</p> <p>4.7.1.4. A Project Terminal Report will be prepared at the end of the project, which will assess the project’s overall performance, the outputs/outcomes produced against its initial targets, the impact it has brought about or would likely bring about, its relevance to the national/project-wide context and management efficiency.</p> <p><u>4.7.2. Evaluation and reporting</u></p> <p>4.7.2.1. Evaluation of the achievements of the project in terms of raising awareness and building capacity will be on qualitative basis. In addition to the quality of publications and records of events held:</p> <ul style="list-style-type: none"> <li>• After all project meetings (Launch, NRGs, Interim and Final), there will be a consistent programme to accumulate evaluation feedback, which will then be compiled to provide an insight into the achievements of the events, as well as the effects on the audience.</li> </ul>	<p><b>Partners + CUTS</b></p> <p><b>CUTS+Donors+ Partners</b></p> <p><b>CUTS</b></p> <p><b>CUTS + Partners</b></p> <p><b>CUTS + Partners + Advisers</b></p>
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#### V. Outreach

Activities/Outputs	Responsibility
<p><b>5.1 Newsletters</b></p> <p><u>5.1.1. E-newsletter</u></p> <p>5.1.1.1. A quarterly electronic newsletter would be published during the project period. The e-newsletter would constitute 4-5 sections carrying <i>inter alia</i> the project progress, interesting news items on competition issues, focus competition issues/concern/regime of any one country (need not be that of the select countries), interesting viewpoints on</p>	<p><b>CUTS</b></p>

<p>competition, announcements with respect to the project etc.</p> <p>5.1.1.2. Inputs for the same would be sent in by the project-partners on a regular basis. At the same time, CUTS would also be scanning periodicals and net surfing to cull interesting news.</p> <p>5.1.1.3. The e-newsletter would be posted on the e-group (CompetitionOnlineForum or COLF), for widest dissemination. It would also be shared with the NRG members in all the countries.</p> <p><u>5.1.2 Hardcopy newsletter</u></p> <p>5.1.2.1. The 20-page hardcopy quarterly newsletter “ReguLetter” of CUTS CCIER would also carry (from time to time) articles, newsclippings, etc. pertaining to the 7Up4 project countries. A supplement INSERT that is also published along with the newsletter would carry detailed information about the project progress, etc.</p> <p><u>5.1.3. Information dissemination on local media</u></p> <p>5.1.3.1. Cooperation of the project partners is imperative to disseminate information pertaining to the 7Up4 project in local media, in order for awareness raising and sensitisation. The partners would be motivated by CUTS to write articles (summarising findings from the project) periodically for the national newspapers in the project countries. These articles would also be uploaded in the project webpage.</p>	<p><b>Partner + CUTS</b></p> <p><b>CUTS</b></p> <p><b>CUTS</b></p> <p><b>Partners + CUTS</b></p>
<p><b>5.2. Country Reports and Papers</b></p> <p>5.2.1. There would be Preliminary Country Papers based on the outline provided by CUTS to be presented at the Launch Meeting, which may also be circulated to a select group and uploaded onto the project website for information dissemination and further debate.</p> <p>5.2.2. Once finalised, the PCPs and CRRs would be edited, formatted and printed by CUTS. CUTS would also upload these (and other) project documents on the project website for easy reference and circulation. Meanwhile, project partners would also need to widely circulate these publications as well as and upload them on their own websites for advocacy and capacity building purpose.</p> <p>5.2.4. The Comparative Study in the form of a Synthesis Report will be prepared, published and released directly at CUTS, with pro-active contributions from project partners.</p>	<p><b>Partners CUTS</b></p> <p><b>CUTS + Partners</b></p> <p><b>Project Adviser + CUTS + Partners</b></p>

## VI. Publicity

Activities	Responsibility
<p>6.1. The project announcement and other related announcements regarding project-events would be carried out in various newsletters, journals, e-circulations etc, especially to the local media in project countries to generate awareness and interests.</p> <p>6.2. Posters, brochures, leaflets are also expected to be distributed during relevant national and international events. CUTS would make a special effort to sensitise the international competition community of the ‘north’ of the challenges to competition reforms faced in the project countries.</p>	<p><b>CUTS + Partners</b></p> <p><b>CUTS + Partners</b></p>

## VII. Beyond Project

<p>7.1. A separate session “what next” would be included at the Final Meeting/International Symposium on Competition to identify the areas and devise the mechanism to follow-up the project outcome.</p> <p>7.2 In order to strike synergies with similar initiatives, the following would be useful:</p> <ul style="list-style-type: none"> <li>• The bottom-up approach of multi-stakeholder involvement of CUTS is unique and would <i>complement initiatives taken by other organisations</i> (especially inter-governmental organisations) to sensitise the policy-makers on the subject.</li> <li>• CUTS already possess a fair amount of experience of working in Sub-Saharan Africa, and would use its previous experiences and learnings to harmonise its efforts with <i>national policies and regional agreements</i>.</li> <li>• CUTS has been actively involving its Africa Resource Centres (Zambia and Kenya) in various stages of this project. Needless to say that these centres would imbibe the learnings from this project and incorporate them in their work on competition and regulatory reforms in the E&amp;A African region.</li> <li>• Through the <i>participation of project partners</i> in seminars/conferences organised by CUTS and other organizations on competition policy and law issues, CUTS hopes to be able to motivate them to develop further interest (on a long-term perspective) on competition policy and law issues.</li> <li>• The International Advisory Board of CUTS Centre for Competition,</li> </ul>	<p><b>PAC+ Partners + CUTS</b></p> <p><b>CUTS + PAC + Partners</b></p>
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<p>Investment and Economic Regulation (CUTS C-CIER) comprises of experts on the topic representing various intergovernmental organisations like WTO, UNCTAD and the World Bank. Therefore, there is a continuous exchange of information between CUTS and these organisations about each other’s activities on ‘competition policy and law’, including of the 7Up4 project.</p> <p>7.3 The project would lay down a ‘specific’ <i>plan of future action</i>, with key responsibilities for partners and ways of achieving the set targets. This plan would include the following elements:</p> <ul style="list-style-type: none"> <li>• Proposed future activities</li> <li>• Stock of other initiatives on competition and regulatory reforms in country/region for establishing linkages</li> <li>• Funding sources and names of contact persons</li> <li>• Establishing contact with other ‘influential figures’</li> </ul> <p>7.4 A key instrument for maintaining the sustainability of the project, which needs to be re-emphasised, is the integration of this project’s research findings and advocacy network into the International Network of Civil Society Organisations on Competition (INCSOC).</p> <p>7.5 The INCSOC network and the network developed during the project would be used as a channel for information dissemination even after the culmination of the project (see the Diagram below)</p> <p>7.6 INCSOC will remain the main framework within which the 7Up4 local networks are expected to thrive, being supported and coordinated by CUTS.</p> <p>7.7 CUTS also plans to contribute to evolving an ‘Africa Competition Forum’ (in cooperation with development partners like DFID, etc.), and would engage country partners/NRG members/government/competition authority from the 7Up4 countries in the meetings and/or activities of this Forum.</p>	
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**Diagram:** The integration of the 7Up4 network into INCSOC advocacy coalition

