

## 7<sup>th</sup> CUTS-CIRC Biennial Conference on Competition, Regulation and Development

# Building Blocks for an Inclusive and Resilient Economy

**16-17**  
**November 2021**  
(Virtual Event)

#7thBiennial | @CUTSCIER

### BACKGROUND

The CUTS-CIRC Biennial Competition Regulation and Development Conference series started in 2007, and has been organised every two years, except in 2009. In each edition of the Biennial, the themes have been carefully chosen by considering its relevance to developing countries, its currency and its connection with development, competition and regulation, among other things.

The idea for this biennial series was conceived in the backdrop of concerns faced by developing countries with respect to frequent regulatory failures that undermine the capacity to achieve policies important for citizens and consumers. Such failures are due to persistent and common patterns of over-regulation, under-regulation, poorly designed regulation and implementation as well as weak institutional capacities.

Such regulatory failures, among other things, made developing countries greatly vulnerable during and in the aftermath of the Covid-19 pandemic, that even otherwise had an unprecedented socio-economic adverse effect around the world. Against that backdrop and context, the 7th edition of the CUTS-CIRC Biennial Conference on Competition, Regulation and Development will deliberate upon a few macro and micro issues to crystallise the path for an inclusive and resilient economic recovery with a focus on the global south. Viewing the unprecedented socio-economic adverse effect around the world that the COVID19 pandemic has brought, exposing the already increasing inequalities within and between countries, the theme for 7th Biennial had been chosen as “Building Blocks for an Inclusive and Resilient Economy”. The Biennial, which for the first time was organised virtually on 16-17 November 2021, aims to discuss a development paradigm that would result in a resilient and inclusive economy. The agenda to the biennial is annexed herewith.

The recording for Day 1 and Day 2 of the event can be accessed [here](#).

# DAY 1

## *Inaugural Session:* **Diminishing Multilateralism and Economic Recovery**

### **Introduction**

Protectionism gained momentum with the broken supply chains during the pandemic. Nation States adhered towards a policy of ‘self sufficiency’ that would potentially undermine the revival of multilateralism. It was the intent of the session to explore the possible revival of multilateralism and if global economic recovery is possible without multilateralism and cross border trade.

The inaugural session discussed the impacts of diminishing multilateralism on the prospects for an inclusive, resilient and sustainable post-pandemic economic recovery. The discussions examined the constraints to greater multilateral cooperation in the context of trade, climate, competition policy, and other regulatory areas. One of the key questions the session answered was about the effect of growing protectionism on economic recovery and its inclusivity and resilience. Through this session experts deliberated upon the reforms that need to take place that promotes resilience in economies.

### **Session Highlights**

The discussion noted that the world had been reeling under the indiscriminate global impact of the pandemic. Apart from distortions in different sectors, such as healthcare, education, retail, and manufacturing, there has been a severe impact on the economies of both developing and developed nations.

The theme for this session was primarily driven by two factors, both of which significantly impact politics, economics, and society at large. The first is increasing inequality, and the second is the issue of resilience. The panellists noted how the pandemic had further exacerbated these issues.

The panel discussed scepticism about the beneficial role of trade as an instrument of multilateral economic policy today, and of institutions, such as the World Trade Organisation (WTO). Nations are resorting to protectionist public policy measures that adversely affect the competitive landscape. The panellists emphasised the importance of evaluating the impacts of all protectionist measures to analyse whether they genuinely achieved their stated objectives.

The discussions recognised that profits of digital platforms and Big Tech had skyrocketed in the past few years, particularly during 2011-2015. More specifically, after the onset of COVID-19, an increasing online dependence has been witnessed. This dependence, coupled with the concentrated power of a few online market players, had created gatekeepers that posed entry barriers in the digital ecosystem.

This market concentration led to increased profits for firms, decreased wages for workers, and global income inequality. Competition law and policy would have to play a critical role in addressing this concentration and aim to improve economic outcomes that maximise trade on digital platforms and develop ecosystems that balance innovation and consumer welfare.

The panellists also discussed the interplay between the notions of multilateralism and sovereignty. It was highlighted that a constraint to multilateralism was the asymmetry between sovereignty and the idea of institutional cooperation, and this can cause a breakdown in multilateral action.

## **Conclusion**

The inaugural session highlighted the need for even greater multilateralism today to tackle the issues of global commons that the world collectively confronts. A reformed multilateralism considers the diverse views and needs of the global community, which is the need of the hour. Interdependence is a defining feature of today's world and needs shared values and rules that reflect all voices. A failure to revitalise multilateralism risks fragmentation of rules and suboptimal, inadequate response to global challenges.

## **Way Forward**

Advocacy can encourage multilateral efforts to increase international cooperation in response to upcoming global challenges. Research opportunities can be explored on the role of competition law and policy for balancing the digital economy.

Also, the private barriers to trade and the private sector's potential in effectively restricting trade flows need to be deep-dived into as a potential research area. Trade and competition law overlap in the interaction of public procurement policies with trade restrictions and local content requirements, and it can be explored as one of the research areas.

# **Session 1:**

## **Growing Market Power and Concentration – Role of Competition and Regulation**

### **Introduction**

The pandemic has hit the micro, small and medium-sized enterprises (MSMEs) hard, while at the same time dominant firms seem to gain from this. This phenomenon has further added to the growing concentration and market power in many sectors and markets, particularly in the digital sector. At the time when job creation is a prime agenda item for governments around the world, such growing market power and market concentration can pose big hurdles in achieving this, consequently adding to the growing economic inequality.

Therefore, an effective competition policy is vital to ensure that growing market power and concentration do not raise inequality. Panellists raised the question of the need for government intervention and stated that it is crucial to enforce competition policy.

### **Session Highlights**

The session underlined the importance of competition law and policy in building an inclusive and resilient economy. While competitive economies are resilient economies, emphasis also needs to be given to serving the whole population more inclusive. While growing the pie is important, equitable distribution is also required to make the economy more inclusive.

Further, competition law is often heavily weakened in economic downturns, leading to new monopolies. As excessive market powers harm growth and innovation, it also results in a decline of business dynamism, entry, exit, and entrepreneurial efforts. Thus, the competition policy framework needs to be made more robust so that the economy can become inclusive and resilient.

Rising market power has made monetary and fiscal policies less effective. In such a scenario, though, competition law and policy cannot solve every societal problem in a country, yet, can be used to prioritise the welfare of vulnerable groups like low-income groups. For instance, a bread cartel may be prioritised over a luxury handbag cartel even if the total welfare loss is equal.

As the experience and resources of each country are different, rather than having an overarching competition design, a country-by-country approach should be taken for designing and implementing the competition law and policy. This may be done by not adopting a one size fits all approach but by adopting a tailored approach for countries individually.

COVID-19 has increased digitalisation in the economy. Competition policy for digital markets needs to look at unique aspects that shape competition, including network effects creating scale advantages, economies of scope, reliance on large volumes of user data, switching costs for consumers, and intellectual property rights.

Digitalisation may have helped the economy's recovery to an extent. But the nature of competition is changing with digitalisation, and digital concentration has effectively increased. There are potential risks like economic concentration unrelated to competition, such as systemic risks, rent-seeking behaviour. However, competition agencies should not be agitated about more or less competition but understand changes in its nature.

The panellists highlighted that the network effect in a digital setup leads to rising marginal benefits and information goods lead to declining marginal costs in the market. Also, data collection by dominant firms differs from the reality of the economics of data markets. Market power, especially after the pandemic, is on the rise and competitive intensity may be falling in the digital sector.

A whole-of-government approach may be followed to ensure inclusive economic growth. For this, advocacy may play an important role for the competition authority and other regulators to not only build positive relationships with market players but also to inform policy to come up with optimal regulations.

Further, competition policy should include public interest criteria which consist of concerns for small businesses, among other things. Several jurisdictions, such as Botswana, Eswatini, Kenya, Namibia, Zambia, and Australia, have been following public interest criteria within the competition law itself.

## **Conclusion**

The session highlighted the change in the market due to increasing concentration and market power. In the most traditional areas of competition law, theories are settled, but with digitalisation, people are still working on finding answers to competition issues.

Therefore, competition authorities need to take a proactive approach and engage with stakeholders such as market players and the government to make the economy more inclusive and resilient. Governments, with advice from competition authorities, can build a regulatory framework that is more inclusive. The competition policy should also complement the fiscal and monetary policy and align itself with the government's goal.

## Way Forward

Research is warranted on the role of Digital Markets in redefining the competition policy landscape. This can be looked at in the view of the recent European Union's (EU) law on Digital Market Act (DMA) and the impact of such regulations on competition, innovation and investment if similar regulations come up in other countries. It is necessary to emphasise research towards redefining competition policy to compliment the rising market power and its impact on fiscal policies.

## Session 2: Equitable Access to COVID-19 Healthcare

### Introduction

Equitable worldwide access to COVID-19 vaccines is necessary for economic growth and trade to bounce back. While initial trade restrictions during pandemic have been largely rolled back, newer export controls related to vaccines and relevant drugs have surfaced. Further, the WHO has warned against 'Vaccine Nationalism' as the same can hinder wider equitable access.

This discord between intellectual property and access to public health is embodied perfectly by the *status quo* at the WTO. India and South Africa-led proposal for a temporary waiver of obligations under the Trade-Related Aspects of Intellectual Property Rights (TRIPs) Agreement finds many takers and a few key opposers.

The panellists highlighted how a holistic approach covering intellectual property (IP), transfer of technology and competition policy could create an ecosystem that can help resolve the current health crisis and enhance the capacity to tackle inevitable epidemics/pandemics in the future.

### Session Highlights

If the COVID-19 pandemic highlighted the grave extent of worldwide inequality, the global response has only exacerbated existing gaps. The panellists deliberated upon the lack of traction received by equity-based collective mechanisms like the WHO COVID-19 Vaccines Global Access (COVAX) facility and COVID-19 Technology Access Pool (C-TAP) and the lukewarm use of voluntary initiatives like licensing to increase access to vaccines.

Pharmaceutical companies have blocked access to intellectual properties and manufacturing know-how for vaccine development through the calculated use of regulatory arbitrage and creative legal argumentation. However, the government provided support to materialise these technologies through heavy subsidisation and premarket commitments swiftly.

Thus, a refusal to collaborate strikes as doubly unjust. In the opinion of various panellists, COVID-19 vaccines must be considered a global public good. There is a divide at the WTO on the best path forward, a temporary waiver of TRIPs obligations (India and South Africa) or more emphasis on TRIPs flexibilities, such as compulsory licensing (European Union).

While there was consensus among panellists that TRIPs must be a part of the solution and not the problem, they warned against complete reliance on a TRIPs-based solution. The existing flexibilities in TRIPs come with their own set of caveats, coercions, and bureaucratic cartwheels. Unlike pharmaceuticals for HIV AIDS, the COVID-19 vaccines are not easily re-engineerable. Thus, without commensurate focus on the transfer of technologies and the strengthening of logistical capacity, even the most liberal use of compulsory licensing or a complete Intellectual Property (IP) waiver will fail to make vaccines accessible.

The panellists lamented the lack of a global competition framework that could have prevented regulatory arbitrage by pharmaceutical companies or IP owners. Competition laws can play an important role in safeguarding public health by limiting the abuse of IPRs. However, an overall lack of enabling legislative frameworks, insufficient harmonisation of domestic rules and limited resources for enforcement hinder developing countries from utilising competition policies to attain their regulatory objectives.

There is a need for a holistic and cohesive ecosystem of regulations. The trilateral initiative of the World Health Organisation (WHO), the World Trade Organisation (WTO) & the World Intellectual Property Organisation (WIPO) lacks a pillar dedicated to competition. The United Nations Conference on Trade and Development (UNCTAD) Intergovernmental Group of Experts on Competition Law and Policy can serve as an excellent platform for harmonising domestic policies under a global competition framework. Cooperation at other forums, including BRICS and the WTO, can also be accelerated.

## **Conclusion**

The inevitable challenges posed by rising variants and existing inequity in vaccine access threaten the nascent economic recovery. Rationally and morally, the international community must overhaul the existing legal and economic infrastructure for vaccine development and other public health resources.

## **Way Forward**

The outlook on the need for reforming regulations for preventing competition distortion in the pharmaceutical and Medical IP industry needs further research. There needs to be a joint competition framework and collaboration between WHO, WTO, and WIPO.

The cascading impact on country-specific competition authorities needs to be reviewed and advocated. Access to vaccines needs to be prioritised, and gaps of inequity amongst nations need to be addressed in research, advocacy and advisory.

One of the key research areas that emerged from this discussion was the need for a Global Pandemic Treaty to avoid disruptions of global value chains and, by extension, into the Role of TRIPs in aiding the transfer of technologies and obligations of developed countries towards the globe.



## DAY 2

### *Session 3:* **E-Commerce as a Vehicle for Inclusive Global Economy**

#### **Introduction**

Not only did e-commerce benefit consumers during the pandemic, it is also being seen as an aid to build a resilient and inclusive economy. Since, e-commerce has the potential to expand the outreach, including exports, of small businesses and women entrepreneurs, it can bring-in much desired inclusivity in an economy. However, the prevailing digital divide paired with lack of internet access and digital capacity would enhance inequality within and between countries. Growing concentration and market power in the digital space is also a concern. The session elaborated upon the contours of an inclusive e-commerce ecosystem and its interaction with competition.

The session highlighted the progressive rise of e-commerce after the onset of the COVID-19 pandemic and deliberated on the inherent challenges faced in the utilisation of the differential digital growth in emerging as well as developed countries in the post-pandemic economic recovery stage. Furthermore, it is pertinent to address barriers to cross-border e-commerce, the session deliberated upon creation of national champions in digital markets being an optimal way forward for e-commerce.

#### **Session Highlights**

Since the panel was representative of countries at different developmental stages, a range of unique challenges was identified. While some countries cited basic infrastructural concerns, some mentioned the inclusion and on-boarding of e-consumers as a challenge. More technological challenges, such as data privacy and cross-border data flows, were identified in other cases.

The session identified the domino effect which, spurred by digitalisation, has been instrumental in translating to an increase in mobile users, broadband subscribers, internet bandwidth, growth of data centres and forms a never-ending chain. The discussions noted that the difference between e-commerce and the broader concept of digital trade should slowly become blurred.

Panellists opined that there are sufficient laws to govern an e-commerce ecosystem, including cyber security, consumer protection, etc. The need to have a new global institutional framework

inculcating a multilateral and multi-stakeholder involvement must be deliberated upon since e-commerce is still mainly viewed as a national matter.

However, a few panellists highlighted that consumers might not be able to drive changes without the assistance of regulation because companies do not compete on vital consumers facing privacy issues. A need for competition law, policy and regulation was felt to play a more proactive role in hand-holding and protecting consumers.

The discussion pointed out that the market's smaller players invariably bear the brunt of the regulation and find it difficult to enter an already concentrated market. This underscored the need for an agile competition regime even further.

The panel discussed that the regulatory design must ensure a level playing field, assess market power, and determine the time and manner of regulation.

The discussion identified that there had been a lack of basic physical infrastructural amenities in developing countries in Africa. With COVID-19 and e-commerce, inclusive growth and innovative opportunities were witnessed. Earlier products within the country were not accessible, but now there has been a growth in access to products across the continent. More investment and international community support could greatly support countries in the early stages of digital readiness.

## **Conclusion**

The session highlighted that e-commerce had created many economic and social opportunities across the globe in the post-pandemic era. Since e-commerce can increase the outreach by firms, including international trade, it is vital for emerging and developing economies to promote an inclusive digitalisation to benefit all sectors.

Specific common issues, such as control and data flow, were identified during the session. In the e-commerce space, developed and developing countries each have unique challenges depending on their development stage.

## **Way Forward**

The current times call for research and advocacy to facilitate Cross Border Data Flows (CBDF) and E-commerce for better international trade. It is also essential to research enhancing the role of government to build an inclusive economy by balancing the interests of e-commerce players and offline traders.

There is immense potential to explore the changing contours of E-commerce across the globe with a specific look at regulations, infrastructure, and CBDF.

## **Session 4:**

# **Creating More Income Opportunities and Jobs**

### **Introduction**

Millions of people had lost their jobs and income opportunities due to the pandemic. And even more, are predicted to be pushed into poverty. Thus, COVID-19 has led to deepening inequality and threatening the achievement of Sustainable Development Goals (SDGs) and possible law and order problems in many parts of the world. The session discussed the emerging global strategies and the role of competition policy to deal with such scenarios.

Further, the session noted that the growing digitalisation of and increasing concentration in economies is affecting the job market. It also endeavoured to understand what role competition policies can play in enhancing income opportunities.

### **Session Highlights**

The panel highlighted that the global employment scenario is fragile, and the global economic recovery is uneven. Further, the pandemic has harbingered an unprecedented disruption in the labour market. Inequality is rising, as evidenced by increasing poverty. The rising incidence of poverty coupled with increasing corporate profits and billionaire incomes indicates a serious inequality problem, which is happening in India and the global economy. According to the World Bank, the pandemic has pushed 97 million people to poverty in 2020.

Most countries have suffered a steep deterioration in employment and national income, which increased inequality. Micro, Small and Medium Enterprises (MSMEs), especially women-led ones, were adversely impacted, enhancing unevenness and uncertainty everywhere. India saw around 12-15 million people pushed into poverty, and many such MSMEs are on the verge of extinction.

Many countries, including India, are adopting protectionist measures to regulate its job crisis. The panel discussed the role of the International Labour Organisation (ILO) and its focus on human-centric recovery and realising the challenges that come with work from home.

The panellists pointed towards the three most affected stakeholders in the employment sectors. These are less-educated workers in low-paying jobs constituting the informal sector. Regarding women's jobs, they have juggled work responsibilities and household duties. Most of them have dropped out of employment due to an imbalance in obligations with their male counterparts, and the youth who became eligible to enter the job market worldwide lockdown.

The panel observed that competition regimes need to show more commitment to ensure transparency and fairness, develop relevant guidelines and conduct more market studies. Further, the industrial policies should focus on creating good and better jobs with a better working environment than just creating jobs.

COVID-19 has increased digitalisation in the economy, but the digital divide needs to be addressed at the national and global levels. It was further pointed out that knowledge is an essential facility. The need of the hour is to start thinking about international organisations on migration and related policies. ILO could play an important role in this.

## **Conclusion**

The notion, along with the method of skill transfer, has changed through time. The pace of things is changing, and many skills need to be acquired. An increase in inequality and pandemic leading to job losses is a wake-up call for global action. There is a need to understand better the job market and stakeholders who have suffered the most. Free movement of human capital is fundamental for economic growth and equity. Competition policy needs to proactively deal with the growing concentration in economies worldwide.

## **Way Forward**

This session brought out the need to further research into the impact of the pandemic on the job market entering youth. How competition policy and law can be moulded to apply in monopsony; considering there are large numbers of labour supplies and a handful of employers in concentrated economies, is a pertinent topic for further research.

# ***Valedictory Session:*** **The Emerging Roadmap for a Resilient and Inclusive Economy**

## **Introduction**

The valedictory session focused on the need for increased international cooperation in the face of emerging global challenges. The discussions examined the fragmentation of international governance and its associated risks and consequences. The threats of a fragmented system, including differing standards, unilateral responses to issues of global commons, and a backlash against globalisation were discussed. The discussions highlighted that achieving the Sustainable Development Goals 2030 would be instrumental in heralding an inclusive and resilient economy.

## **Session Highlights**

At the outset, the discussion noted that rising income inequality had been accompanied by inequities in accessing developmental services such as health and education. The panellists observed that the world had undergone profound changes, driven by a growing digital economy and its associated implications, which the pandemic had accelerated.

After multiple crises, the panellists noted a visible lack of trust in competitive markets. Markets were structurally incapable of quick adjustments in the face of abrupt, external shocks, the costs of which are borne by societies.

However, a lot of the adverse effects could be mitigated through a synergy of policy and laws on competition, industry and trade. There should be an equal emphasis on achieving national strategic needs while at the same time maintaining adequate levels of competition and innovation. Cooperation on good regulatory practices can play an important role towards such ends.

The discussions recognised that the benefits accruing from capitalism and open markets must be equitable and broad-based. The panellists discussed how this could be achieved, including establishing minimum desirable outcomes in each area. Any inclusive and resilient post-pandemic economic recovery must put MSMEs at their centre. Issues of access to finance and digital platforms on fair terms and conditions need to be addressed.

It was observed that a focus on short-term profit maximisation, combined with international trade, has made us excessively dependent on fragile supply chains. The key focus of the discussions was the need for innovative thinking, such as promoting cooperation between competitors in certain cases and making economies more flexible and adaptable in the face of economic shocks.

## **Conclusion**

The inability to mobilise resources forces developing countries to resort to myopic policies over long-term, sustainable solutions. The session highlighted the lack of clear, existing roadmaps towards today's more resilient and inclusive economy. There was a sense that the historically hard-won global frameworks, such as the multilateral trade, competition, and consumer protection frameworks, need to be reinvigorated.

It was pointed out that international diplomacy needs to be complemented by a multi-stakeholder approach, bringing civil society, academia, and businesses. The discussions recognised the presence of significant gaps between aspirations and realities in vaccination coverage, development, digital access, environmental protection, and ideology.

## **Way Forward**

The 7<sup>th</sup> Biennial has brought numerous issues that plague the global ecosystem. It was a platform for worldviews to interact and exchange ideas, leading to India's resilient, inclusive economy. It was also an opportunity for us to learn from practices worldwide. The valedictory session also set out the future need for research on efficiency measures on multilateralism, plurilateral, and polyilateralism.

The conference implored researchers, students, participants, and panellists to ponder the cost-benefit and feasibility studies comparing the costs of shortening supply chains. This should be done compared to the costs of supply chain diversification which are more expensive and difficult to manage in crisis periods.

# Annexure

## AGENDA

**DAY 1: TUESDAY, 16 NOVEMBER 2021**

**Inaugural Session**  
**13:00 – 15:00 IST**  
**08:30 – 10:30 CET**

**Diminishing Multilateralism and Economic Recovery**

The protectionism that domino balled throughout the globe triggered by the Trump’s call for ‘America First’ and the US-China trade war, seems to be gaining momentum with the broken supply chains during pandemic. Nation States seem to be adhering towards a policy of ‘self-sufficiency’ that may undermine the revival of multilateralism. How to revive the spirit of multilateralism? Is the global economic recovery possible without multilateralism and cross-border trade? What would be effect of growing protectionism on economic recovery and its inclusivity and resilience? What lessons can be learnt from the growing resentments against the present multilateral trading system and what reforms need to take place that promotes resilience in economies?

<b>Pradeep S Mehta</b>	Secretary General, CUTS International
<b>Nitin Desai</b>	Former Under-Secretary-General for Economic and Social Affairs, United Nations
<b>William E Kovacic</b>	Professor of Law and Policy, George Washington University
<b>Isabelle Durant</b>	Deputy Secretary-General, UNCTAD
<b>Aranca Gonzalez Laya</b>	Former Minister of Foreign Affairs of Spain
<b>Rathin Roy</b>	Managing Director – Research and Policy, Overseas Development Institute
<b>Sangeeta Verma</b>	Member, Competition Commission of India

**Session 1**  
**15:15 – 17:15 IST**  
**10:45 – 12:45 CET**

## **Growing Market Power and Concentration – Role of Competition and Regulation**

The pandemic has hit the micro, small and medium-sized enterprises (MSMEs) hard, while at the same time dominant firms seem to gain from this. This phenomenon has further added to the growing concentration and market power in many sectors and markets, particularly in digital sector. At the time when job creation is prime agenda item for governments around the world, such growing market power and market concentration can pose big hurdles in achieving this, consequently adding to the growing economic inequality. How competition policy should respond to such a situation? Whether competition enforcement would be sufficient to deal with it, or we need whole-of-government approach? What types of regulations could aid in solving this problem?

<b>Allan Fels</b>	Professorial Fellow, University of Melbourne
<b>Daniel Schwarz</b>	Senior Associate, Clifford Chance and Ex-IMF Counsel
<b>Nicolas Petit</b>	Professor, European University Institute
<b>Lynn Robertson</b>	Competition Expert, OECD - Competition Division
<b>Thula Kaira</b>	Consultant, Competition and Regulatory Law and Policy, AB & David
<b>Geeta Gouri</b>	Former Member, Competition Commission of India

**Session 2**  
**17:30 – 19:30 IST**  
**13:00 – 15:00 CET**

## **Equitable Access to COVID-19 Healthcare**

Equitable worldwide access to COVID-19 vaccines is necessary for economic growth and trade to bounce back, says the WTO Chief. While initial trade restrictions during pandemic have been largely rolled back, newer export controls related to vaccines and relevant drugs have surfaced. Further, the WHO has warned against ‘Vaccine Nationalism’ as the same can hinder wider equitable access. The age old debate on ‘Intellectual Property (IP) and Access to Health’ is also in vogue, fuelled by the India-South Africa’s proposal in the WTO for temporary waiver of IP protections under TRIPs for the prevention, containment or treatment of COVID-19. Why equitable access to COVID-19 healthcare is important for global economic recovery? What are the hurdles, IP and non-IP, to equitable access, and what are the ways to mitigate such hurdles? How can competition policy be used to enhance equitable access?



<b>Mohan Kumar</b>	Chairman, Research and Information System for Developing Countries (RIS)
<b>Ellen 't Hoen</b>	Director, Medicines Law & Policy
<b>Alexey Ivanov</b>	Director, BRICS Competition Law and Policy Centre
<b>Bernard Hoekman</b>	Professor and Director, European University Institute
<b>Hardin Ratshisusu</b>	Deputy Commissioner, Competition Commission South Africa

## DAY 2: WEDNESDAY, 17 NOVEMBER 2021

**Session 3**  
**13:30 – 15:45 IST**  
**09:00 – 11:15 CET**

### **E-Commerce as a Vehicle for Inclusive Global Economy**

Not only e-commerce benefited consumers during the pandemic, it is also being seen as an aid to build resilient and inclusive economy. Since, e-commerce has the potential to expand the outreach, including exports, of small businesses and women entrepreneurs, it can bring-in much desired inclusivity in an economy. However, the prevailing digital divide – lack of internet access and digital capacity – could enhance inequality within and between countries. Growing concentration and market power in the digital space is also a concern. What are the contours of an inclusive e-commerce ecosystem? Whether competition concerns in the e-commerce space pose hurdle in achieving economic inclusivity? Is competition enforcement per se sufficient in dealing with prevailing competition concerns, or there is a need for ex ante regulation(s)? What are the barriers to cross-border e-commerce and how can they be addressed? Does promoting the creation of national champions in digital markets, including e-commerce, an optimal way forward?

<b>Mia Mikic</b>	Advisor at Large, ARTNeT
<b>Jay Gullish</b>	Senior Digital Policy Director, USIBC
<b>Torbjörn Fredriksson</b>	Head of the E-Commerce and Digital Branch, UNCTAD
<b>Thibault Schrepel</b>	Faculty Affiliate, Stanford University's CodeX Center
<b>Chetan Krishnaswamy</b>	Vice President, Public Policy India, Amazon
<b>Katharine Kemp</b>	Senior Lecturer - Faculty of Law & Justice, UNSW Sydney
<b>Peter Mwencha</b>	Assistant Professor, American International University, Kuwait
<b>Vedika Mittal</b>	Senior Research Fellow, Vidhi Centre for Legal Policy
<b>Raymond Tavares</b>	UNIDO Representative in Cameroon and Central African Countries

**Session 4**  
**16:00 – 17:45 IST**  
**11:30 – 13:15 CET**

## **Creating More Income Opportunities and Jobs**

Hundreds of millions of people have lost their jobs and income opportunities due to pandemic, even more are predicted to be pushed into poverty. Thus, inequality is deepening and threatening not only to the achievement of Sustainable Development Goals, but also possible law and order problems in many parts of the world. ‘Jobs’ are also central argument for growing ‘nation first’ syndrome and consequent protectionism. What is the emerging global strategy to deal with job scenarios? How growing digitalisation of economies is going to affect job market? Is there a role of competition policy in enhancement of income opportunities?

<b>Pradeep S Mehta</b>	Secretary General, CUTS International
<b>Kelvin Sergeant</b>	Sustainable Enterprise Development Specialist, DWT, South Asia and Country Office, India, International Labour Organization
<b>Phil Evans</b>	Independent Consultant and Former Inquiry Chair at Competition and Markets Authority, UK
<b>Radhicka Kapoor</b>	Senior Visiting Fellow, Indian Council for Research on International Economic Relations (ICRIER)
<b>Sumit Majumdar</b>	Professor of Technology Strategy, The University of Texas at Dallas
<b>Samar Verma</b>	Program Officer, The Ford Foundation

**Valedictory Session**  
**18:00 – 20:00 IST**  
**13:30 – 15:30 CET**

## **The Emerging Roadmap for a Resilient and Inclusive Economy**

With countries finding their way out of the pandemic to a more resilient and inclusive economy, it will be crucial to see what roadmap and approaches are taken. Is the potential of the digital economy leveraged, or will policies be redesigned to make the traditional more resilient? How will the increasing income and job inequalities be addressed? How will roadmaps ensure that global citizens have access to healthcare and education without exclusions? What measures must be taken to avoid such catastrophic impacts, whilst leveraging the digital economy in the context of competition and regulation?

### ***Presentation by Rapporteurs***

<b>Arvind Mayaram</b>	Former Finance Secretary of India and Chairman, CUTS Institute for Regulation & Competition (CIRC)
<b>Frederic Jenny</b>	Chairman, OECD Competition Law and Policy Committee
<b>Pascal Lamy</b>	Former Director General, WTO

<b>Teresa Moreira</b>	Head, Competition and Consumer Policies Branch, UNCTAD
<b>Ioannis Lianos</b>	President, Hellenic Competition Commission
<b>Simon J. Evenett</b>	Professor, University of St. Gallen, Switzerland
<b>Allan Asher</b>	Chair and Managing Consultant, Foundation for Effective Markets & Governance, Australia

***Rapporteurs:***

<b>Garima Sodhi</b>	Senior Policy Analyst, CUTS Institute for Regulation & Competition (CIRC)
<b>Rajshree Agarwal</b>	Research Associate, CUTS International