



THE UNIVERSITY OF
MELBOURNE

Competition

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“Leveraging each other’s knowledge,
expertise and resources”

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Title slide – Discovery

Subtitle

Identifier first line

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UNCTAD Research Partnership Platform (RPP)

Background

UNCTAD work on Competition and consumer Policies covers three areas:

- Intergovernmental consultations and exchange of expertise and best practices (IGEs)
- Capacity Building and technical assistance , and
- Policy research work

As the number of countries adopting competition laws increased from 52 in 1990s to over 120 in 2010, UNCTAD's capacity to assist developing countries reached its limit while the number of requests for assistance increased by ten fold. UNCTAD reported that 7 out of 10 young agencies in developing countries consider the lack of human and financial resources as the major constraint on their work .

Most requests were met through ad-hoc small projects .



UNCTAD Research Partnership Platform (RPP)

Background

High number of requests for technical assistance and capacity building from Competition Agencies (CAs) in developing countries;

UNCTAD also faced limited human and financial resources: to assist in new and complex areas, including:

- New challenges in the formulation and enforcement of competition law and policy ; e.g. multiplicity of objectives; non-functioning markets; extensive and outdated regulations; etc...
- Politically sensitive issues such as the role and extent of government involvement in markets; public interest, equity and fairness ..

Although expertise sometimes comes with a high price tag, there are ways to reduce the cost of access to experts without diminishing its quality. One key component of the 5 yrs capacity building strategy was the launch of the UNCTAD Research Partnership Platform (RPP)



Leveraging academic networks for capacity building in the area of competition law and policy

To address this challenge a two-pronged approach was adopted:

1. Formulate larger and long term regional technical assistance projects (e. COMPAL. AFRICOM.MENA)
2. Create a research platform to bring together competition agencies and Academics to expand the human and technical capabilities of competition agencies to enforce their national or regional competition rules.

The regional technical assistance projects : COMPAL was designed for Latin American countries and funded by the government of Switzerland for ten years; AFRICOM was partly self funded by beneficiary countries, France and Sweden for ten years, while the MENA project was funded by Sweden for 4 years.



Justification for the Research Partnership Platform (RPP):

The effectiveness of competition policies depends on the quality of agency enforcement decisions; knowledge of best practice and on the enforcers' capability to address the growing number of cases and workflow.

For competition enforcement agencies with very tight budgets and/or a small number of staff, effectiveness can be particularly challenging.

A network of Academics and competition agencies can expand the human and technical capabilities of enforcement agencies by allowing competition authorities to learn from each other and from academic work to improve effectiveness.

Applied competition policy requires practitioners to stay in touch with best practices from their peers and from applied academic studies.



The Research Partnership Platform (RPP):

What is the RPP?

According the UNCTAD website:

***“The RPP brings together research institutions, universities, competition authorities, business and civil society. It provides a platform where they can undertake joint research and other activities with UNCTAD; disseminate the results of their own work; and exchange ideas on the issues and challenges in the area of competition and consumer protection, particularly those faced by developing countries and economies in transition.*”**

The role of UNCTAD is to facilitate and provide guidance on the research and analysis, as well as other activities, to be undertaken by members of the RPP. UNCTAD will benefit from the research findings when responding to the challenges faced by its member countries.”

RPP's Conceptual framework

Partnership is where experts in different aspects of competition and development fields assume complementary roles and cooperatively work together, share responsibility for problem-solving and provide advice to CAs in the formulation and enforcement of competition law;

Partnership between academics, practicing lawyers and professionals from CAs aims to increase awareness of each others' type of knowledge and skills, leading to continued improvement in handling competition cases and improving existing competition rules.

The interdisciplinary approach leads to integrated interventions that best addresses the needs of the beneficiary agencies. The focus is on young agencies.



RPP and digital tools

In the digital age, collaboration tools are a significant enabler of openness. Openness correlates to engagement, to innovation and most significantly to agency effectiveness.

Digital collaboration tools are an important way of getting the best out of academic's talent. Although globalisation has increased the geographical spread of universities and research institutes, it has also led to dispersed skills and experience beyond the reach of many CAs in developing countries, at a time when they need more than ever to access this knowledge and expertise.



Objectives of the Research Partnership Platform (RPP):

Enhance the understanding of how the competition law and policy contributes to real sector growth through academic and competition experts collaborative research that is useful and relevant

Enhance professional capabilities in CAs, regulators, and among policy makers through learning events and programs

Provide a platform for dialogue between policy makers', CAs, practitioners and academics on issues of topical relevance and systemic importance

Communicate and disseminate the conclusions and results of the learning and research activities of UNCTAD and the RPP to CAs, policy makers, regulators and public at large

Collaborate and network with domestic and global institutions with similar mandate for mutually beneficial arrangements

Objectives of the RPP../..

Areas where agencies and academics can add value:

- Developing skills to understand and apply legal standards, agency policies, as well as practices and procedures;
- Good economic analysis: Any assessment of competition, whether carried out for law enforcement or wider policy purposes, will require a sound understanding of economic principles, and based on careful analysis of the evidence, possibly including statistical and other techniques for the analysis of data.
- Sensitive policy issues either not addressed explicitly by the competition law or where there is little consensus requires research and evidence based policy recommendations. For example, SMEs, regulation vs competition law, SOEs, industrial policy etc...

Functions of the RPP

Research & Policy recommendations

**Academic and enforcers informal
dialogue**

**Research
Partnership Platform
(RPP)**

**Advisory services and capacity
building**

Surveys and data collection



The RPP's focus : the first ten years, 2009-2019

Functions of the RPP include a focus on:

- 1 What we know
- 2 What we don't know
- 3 What needs investigation and further research

Membership of the RPP

Who are the members of the RPP and how it was established?

1. A list of a research Institutes and Universities working in the area of competition policy and regulation in all 4 continents was drawn;
2. A concept note outlining the goals , scope of work and membership of the RPP was drafted ;
3. A brainstorming session was held in Geneva with a small group of academics and competition agencies to generate ideas about how the platform could operate;
4. The key takeaways form this brainstorming meeting was further discussed to formulate (a) method of work, (b) conditions and composition of the membership, (c) the role of each stakeholder, and(d) how to create synergy between the RPP research the needs of the competition agencies.
5. All UN member competition and consumer protection agencies are automatically members of the RPP. However, specific research projects are designed upon request from interested agencies and the research products are shared with all RPP members



Membership of the RPP

**Amsterdam Center for Law & Economics,
University of Amsterdam**

**British Institute of International and Comparative
Law, London, UK**

Bruegel Institute , Brussels, Belgium

**Centre for Business Law and Practice (CBLP),
University of Leeds**

**Centre for Competition Law & Policy, National
Law University Jodhpur**

**Centre for European Legal Studies, University of
Cambridge,UK**

**Center for European Studies, Middle East
Technical University,Turkey**

**Centre for Competition Law and Policy,
University of Oxford.UK**

**Centre Européen de Droit & d'économie (CEDE),
ESSEC Business School, France**

**Centro de Libre Competencia, Pontificia
Universidad Católica de Chile**

Columbia Law School,NY,USA

**Competition and Economic Law Research Group,
University of New South Wales,UK**

**Doshisha University Faculty of Law and Graduate
School of Law,Kyoto, Japan**

Ho Chi Minh City University of Law, Vietnam

Ongoing Research Projects include:

- Bespoke Competition Policy for Developing Countries
- Best Practices of Consumer Redress
- Class Actions in Competition Law
- Competition and Concentration in Latin American Emerging Economies
- Economic and Econometric Evidence in Competition Law: an Empirical Perspective
- Experience with Extraterritoriality in Competition Law
- Financial Consumer Protection in the Banking Sector
- Intellectual Property and Competition Law: The Convergence
- Interaction between Regional Competition Law Systems and National Enforcement

Research Projects completed

- ✓ Benchmarking Competition Systems
- ✓ Competition Law and Aggregate Concentration
- ✓ Competition Law and the State
- ✓ Competitive Neutrality
- ✓ Measuring the Economic Effects of Cartels in Developing Countries
- ✓ Sustainability in Consumer Protection Policy
- ✓ Application of competition law to SME
- ✓ Among others...

<https://unctad.org/en/Pages/DITC/CompetitionLaw/ResearchPartnership/Research-Partnership-Platform-on-Competition-and-Consumer-Protection--.aspx>



Link between research and capacity building

Collaborative relationships between educational institutions and competition agencies need to be viewed as long-term endeavours driven by a common unifying goal to enhance understanding how market works or don't work.

University and academic institutions decide to work together for very different reasons. These reasons may be practical - access to resources or data, necessity of partnership to conduct the research; they may be personal - an intrinsic motivation, friendship or shared interest; they may be to do with wider agendas - changing the nature of research, rethinking the way competition policy is viewed in developing countries. The important thing is to understand these different motivations and their implications for how you approach the project



Link between research and capacity building../..

The following questions may shape and inform the decisions that underpin how the collaboration is designed and conducted:

Are we concerned with changing knowledge about the role of markets in economic growth or changing reality?

Who 'counts' as 'beneficiary' for this project? Is the focus on working with policy makers or on working with business, or with consumer's representatives or both?

Who chooses the research topic and when?

Who are you accountable to?

What assumptions about 'knowledge' are we working with



Lessons from the ten years experience with the RPP

The following broad areas are key for drawing lessons from the RPP:

- Products - what tangible outputs may be produced?
- Skill development- how may the project contribute to learning, to capacity building, to confidence and capabilities, to the development of careers and retaining staff?
- Networks - what new connections, relationships and networks may emerge?
- Concepts - could the project lead to new languages, tools and ideas?
- Institutions - what implications may the project have for the structures, processes and practices of partners' institutions?
- The research landscape - what foundations may be laid for future collaborations?

So far the RPP conducted over 50 research projects bringing together over 80 academics and 60 collaborating agencies. However, according to the Head of the UNCTAD Competition and consumer protection program, the future of the RPP is fragile, with concerns about the sustainability of collaboration in the face of diminishing resources.



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Thank you

