

World Competition Day in Ghana

Are Businesses and Consumers Losing out due to the Absence of a Competition Regime?

How have international days emerged?

When women from clothing and textile factories staged a protest against poor working conditions and low wages on 8 March, 1857 in New York City, little did they know that their efforts would gain recognition to result in significant changes to attitudes towards women and gender issues. After more protests followed on 8 March in subsequent years, the first international women's conference was held in Copenhagen, Denmark in 1910 leading to the establishment of the International Women's Day. Now the 8th of March every year is not only characterised by a global celebration of the economic, political and social achievements of women but is also used for capacity building initiatives to advance the interest of women and call for an end to their marginalisation in all activities.

Various activities and capacity building initiatives under the different themes on International Women's Day have seen lobbying efforts by institutions representing the interest of women yielding results in many respects. These includes gender balances in all key positions including company Boards and quota systems for political positions. Several countries have also enacted specific legislations on gender that are actually aimed at advancing the interest of women. This includes such legislation as Protection of Women from Domestic Violence Act, 2007 (Act 733). Separate government ministries handling gender and women issues are now also in existence worldwide. Examples include the Ministry of Women and Children, Ministry of Gender, Children and Social Protection (Ghana) and in many countries worldwide.

Similarly the World Water Day is observed every year on March 22nd. A proposal in Agenda 21 of the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil resulted in the UN General Assembly declaring March 22 as the World Water Day in 1993. Other internationally recognised days have also been used to add mileage in awareness generation measures which would have taken years to accomplish internationally. These include the World Press Freedom Day, which the media uses to advance calls for freedom of the press worldwide on the 3rd of May annually; the World Tourism Day, commemorated annually on the 27th September to generate international awareness on the importance of tourism through its influence in social, cultural, political and economic values; and the World Consumer Rights Day, commemorated on 15 March every year and now used as a platform for promoting and respecting of the basic rights of all consumers.

Why World Competition Day on 5th December?¹

Although competition policy and law issues date back to the 1890s when Canada and the USA adopted competition laws, interest and awareness on competition laws on an international level remains far from satisfactory today, after more than a century. Due to globalisation and international trade, competition policy and law issues should be given a global prominence, with an institution playing a central role in coordinating and generating awareness. This is complemented by that fact that national governments, international agencies, donors and the global policy community are increasingly realising the need for effective implementation of competition policy and law globally, in order to derive the benefits of trade and economic liberalisation. To ensure that consumers from across the world realise the potential benefits from an effectively implemented competition regime, and also play their role in making competition regimes work worldwide, it is critical that focus on competition policy and law issues at an international level be strengthened.

Currently, 24 countries worldwide including the United Kingdom, Russia, Sweden, Austria, Afghanistan, Tanzania, Spain, Gambia, etc. have supported the call to have 5th December declared as World Competition Day by the UN General Assembly – and have written to the United Nations Conference on Trade and Development (UNCTAD) about the same, formally. The UN adopted the UN Set on Competition Policy on **5th December** 1980 – hence the call to recognise this date as World Competition Day – to help popularise the need for promoting competition reforms across the world – for the benefit of consumers and producers. As has been demonstrated by the success of other internationally recognised days, assigning a World Competition Day would result in a milestone achievement in awareness generation on the needs for competition reforms and allow meaningful and focused debate by multi-stakeholders, including from those jurisdictions still expressing reservations about the need for competition reforms. This would also provide an occasion to propagate the needs and benefits of a competition regime worldwide; and an impetus for competition reforms globally.

The World Competition Day would provide the opportunity for the international competition community to synergise efforts and also offer inexperienced competition authorities in developing countries an opportunity to learn from their more experienced counterparts from developed countries through technical assistance for evolution and implementation of competition legislations therein.

Why World Competition Day Celebration in Ghana?

Benefits of Ghana having a national competition law and policy are far reaching as competition drives the market and brings prices to down. Services are improved and quality

¹ For further details on World Competition Day visit: http://incsoc.net/World_Competition_Day.htm

enhanced from such competitive markets, thereby benefitting consumers. The absence of competition law in a country can result in monopoly and unfair trading practices in key sectors of the economy, so even it can even hamper a country's growth prospect. Absence of a competition law, that could have acted as a deterrent allows cartels and dominant players to abuse their market position and control the supply (and even prices) of essential goods and services.

Ghana in 2000 passed the Protection Against Unfair Competition Act, 2000 (Act 589), which had a lacklustre approach to addressing competition. It has had another draft readied in 2008 – but that too was a non-starter. Ghana is now in the process of putting in place a Competition Policy that would lay out the ground for a national competition law, subsequently. Currently, the policy document on competition reforms in Ghana is been drafted. Once the policy document is ready, the process in getting the law in place would also be initiated. The key question is whether this would be a priority agenda of government. This Ministry responsible for Competition Policy and Law, i.e., the Ministry of Trade and Industry (MOTI) needs to realise the importance of a Competition Law and convince the other policymakers of its benefits. The Attorney General's Office also needs to play a crucial role in developing the structure and function of the national competition regime in the country. It is important to note that countries with competition policy and law in place had through a demand from consumers and the public.

Policy Roundtable: Discussion on Competition Reforms in Ghana

(4th December, CUTS Accra Office, 4pm to 6pm)

This meeting would bring together a handful of select experts and practitioners from the academia, Ministry of Trade and Industry, development partners, business associations, consumer organizations and regulatory authorities to discuss the theme. This would be a small group of people who have some understanding on the subject in the country, and can act as its 'ambassadors'. The purpose would be to set an action agenda and bring the issue to the notice of various relevant organs of the government and key agencies that the issue of competition reform must be taken seriously.

Professor Samuel Kofi Date-Bah, (Retired Justice of the Supreme Court of Ghana and Chairman of University of Ghana Council) will chair the meeting. The theme is of the discussion is "World Competition Day in Ghana: Are Businesses and Consumers Losing out due to the Absence of a Competition Regime?"

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