

**STATEMENT BY THE HONOURABLE MINISTER BOGOLO J. KENEWENDO, BOTSWANA’S MINISTER OF INVESTMENT, TRADE AND INDUSTRY AT THE PEER REVIEW SESSION.**

**UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)**

**GENEVA, SWITZERLAND**

**12TH JULY, 2018**

**Secretary General of UNCTAD, Dr Mukhisa Kituyi**

**Ministers here present**

**Representatives of Governments, Non-Governmental Organisations and other organisations**

**Distinguished Delegates**

**Ladies and Gentlemen**

Good morning

1. It gives me great pleasure to be delivering an opening statement during the voluntary peer review session of my country’s Competition Policy and Law enforcement.
2. On behalf of the Botswana Delegation, and myself, I wish to express my sincere gratitude to the Secretary General of UNCTAD, Dr. Mukhisa Kituyi, for the tremendous work and preparations for our peer review. I would like to recognize the tireless efforts by UNCTAD’s Competition and Consumer Policies Branch (CCPB) under the able leadership of Ms Teresa Moreira. Madam Teresa Moreira and her team embarked on a fact-finding mission to Botswana in October 2017 and compiled a report which is the basis of our review today.
3. As you will all agree with me, the main objective of the peer review exercise is to identify areas for improvement in the legal and institutional framework, thereby contributing to enhancing the quality, efficiency and effectiveness of competition law enforcement. For us in Botswana, we have accepted the report and welcomed its recommendations.
4. Botswana’s Competition Authority is relatively young, having been established in 2011 and so we are eager to learn from best practice. This exercise will accord us the opportunity to introspect on our current processes and will henceforth afford us the opportunity to learn from the experiences of competition law enforcement bodies across the world that are present here today.
5. **Ladies and gentlemen**, Botswana volunteered for the review in recognition of the importance of competition policy and law as a catalyst for economic development and does not merely stop with limiting the effects of anti-competitive conduct but also has direct impact on economic growth.
6. Throughout our formative stages of development, Government was apprehensive that the envisaged economic growth and trade benefits would not be realised in the absence of a framework that promotes and protects market dynamism**.** There are other policies such as trade and industrial policies in place which alone are inadequate to usher in national development but have to be implemented together with a competition policy to ensure that they complement each other. It was out of these considerations that Government adopted the National Competition Policy in July 2005**.**
7. As a developing nation, one of our key strategies for sustained growth has been to open our markets and liberalise our economy. The pursuit to open and liberalise trade has over the course of time seen our economy undergo a number of structural reforms culminating in the privatisation and deregulation of some key sectors which were previously run by state enterprises.
8. **Ladies and Gentlemen**, Competition Policy and Law are premised on the desire to increase competitive market pressures, without which abuse of dominant power, collusion in markets, higher prices, low quality products and economic injustices will be prevalent. To demonstrate this, since establishment in 2011 the Competition Authority has been inundated with bid rigging cases which account for almost 40 percent of the restrictive business cases handled, including cartels which constitutes 30% of cases assessed.
9. The priorities of my Government are, among others, job creation and poverty eradication. When I was appointed the Minister responsible for Investment, Trade and Industry in April 2018, I set myself goals, to better the lives of my people, Batswana. These goals are premised on three (3) over-arching Apexes of SMME Development, Investment promotion and Export development. These cannot be achieved without the complementary role of Competition policy and law in ensuring that the playing field is levelled through the removal of restrictive business practices.
10. Furthermore, parliament has just passed a new Act that will merge Competition and Consumer issues under one (1) entity called the Competition and Consumer Authority. The strengthening of consumer protection by placing the Consumer Protection Act under the administration of the Competition Authority has been identified as a strategic policy consideration to strengthen and maintain an institutional emphasis on consumer welfare and to reduce the opportunity for businesses to deny consumers the benefits of competitive markets by engaging in unfair business practices.
11. An Amendment worthy of note relates to the establishment of a specialised tribunal. This amendment Madam chair is a significant step particularly given our past history where the competition tribunal also had a dual adjudicative function. We are excited at the setting-up of a specialised competition tribunal since it will induce competition legal prudence and help stir competition culture in Botswana.
12. **Madam Chair**, for Botswana to successfully implement Competition Policy and the Law, it is without doubt that there is need for Government’s support. But, this alone cannot bring the expected results, hence I appeal to you today the need for concerted efforts from the international community and development partners to work together to uplift this young agency. The challenges we incur range from prosecution and adjudication of complex cases, resource constraints, technical expertise, complex mergers assessment and evidence collection.
13. I was reliably informed that it is within your established tradition that dissemination workshops for the benefit of the peer reviewed countries are organised after the peer review session. What I appreciate most, is that these workshops take place in the peer reviewed countries and target all relevant stakeholders. The dissemination workshops will take us a long way as they will also bring tangible results and benefits of the peer review exercise.
14. **As I conclude**, let me take this opportunity to express my heartfelt gratitude to everyone whose dedication and efforts have contributed to the finalisation of this review, including those who found it necessary to attend this peer review session. A Special thanks goes to both teams of the Competition Commission, Authority and UNCTAD, whose experience and insights made this journey possible, culminating in today’s gathering. I, therefore, have no doubt that with the same dedication and commitment, the intended benefits of this peer review exercise will be realised.

**THANK YOU!**