

Index

- absolute poverty 49
- abuse of dominant position 5, 47–9, 64, 91, 101–2, 112, 182–3
- abuse of economic dependence 96, 99, 314
- accountability 158, 205, 288
- acquisitions 18–19, 25, 38–40, 46, 48, 60, 213–14
- adaptability 66, 124
- administrative penalties 75, 77
- AEC (ASEAN Economic Community) 43
- AEGC (ASEAN Experts Group on Competition) 43
- AFTA (ASEAN Free Trade Area) 13, 43
- agriculture 119, 167–8
- AIA (ASEAN Investment Area) 13, 20, 43
- allocation of competences *see* distribution of competences
- Andean Community 3, 5–6, 109, 113, 133–58, 237, 245
 - Decision 608 of 2005 135–45
 - distribution of competences 136–45
 - practical results 142–5
 - downloading approach/option 134, 145–9, 158
 - introduction 133–4
 - lack of competition culture 152
 - lack of use 150–57
 - breaking the vicious circle 155–7
 - conclusions 157–8
 - explanations 150–52
 - and missing link of private-sector involvement 154–5
 - response 153
 - law 134–5
 - meaning of ‘effect’ 137–42
 - Project INTERCANI 134, 153
 - real problem 150–57
 - Tribunal of Justice 134–5, 148
- anti-competitive conduct/practices 20–21, 62–3, 97–8, 112–13, 128–30, 182–6, 205–9
 - cross-border 2, 7, 60, 62, 177, 182, 185
- APEC *see* Asia-Pacific Economic Cooperation
- ASEAN (Association of Southeast Asian Nations) 3–4, 13–53, 235, 247, 291, 300, 303–4
- ASEAN Economic Community (AEC) 43
- ASEAN Experts Group on Competition (AEGC) 43
- ASEAN Free Trade Area (AFTA) 13, 43
- ASEAN Investment Area (AIA) 13, 20, 43
- bases of regional competition law 23–36
- competition law and policy 42–53
 - background 42
 - Brunei 50
 - Cambodia 49
 - Indonesia 46–7
 - Laos 49
 - Malaysia 49
 - Myanmar 49–50
 - Philippines 44–6
 - Singapore 48
 - Thailand 47–8
 - Vietnam 49
- conclusions 40, 50–53
- general 13–17, 41–2
- harmonization 13–40
- interaction between competition laws and investment laws 19–20

- investment regime 4, 14–20
- models of regional competition
 - regime 23–36
- need for competition law 17–18
- networking approach 29–32
- open regionalism 13–14, 16–17, 32, 36–40
- rationale for regional competition law 20–23
- Asia-Pacific Economic Cooperation (APEC) 29, 35
- Bahamas 162, 171, 178, 181, 232, 237
- Bakhoun, M. 1, 5–6, 10, 90–93, 99, 112, 260–61
- Barbados 7, 162, 164, 166–9, 171–5, 177, 179–80
- Benin 98, 100, 113, 116, 126
- best practices 43, 61, 265, 269–70, 286
 - international 51, 59–60
- Bolivia 6, 134, 136–7, 144–9, 152, 154, 158
- Botswana 56–7, 59, 79
- Brunei 31, 42, 45, 50–51
- Burkina Faso 92, 99–100, 102, 112, 116, 126
- Burundi 241
- CAFTA *see* Central American Free Trade Agreement
- CAIPIR initiative 134, 153, 157–8
- Cambodia 13, 31, 42, 49, 51
- capacity building 36, 63, 150, 156, 314
- capital 14, 43, 105, 112, 119, 162–3, 167–70
- capital goods 167, 173–4
- carbonated soft drinks 209–11
- Caribbean 109, 161–83, 185, 237, 261, 283, 285
 - CARIFORUM–EU Economic Partnership Agreement 181–3, 231–2
 - conclusions 183–4
 - integration imperative for Caribbean states 170–73
 - introduction 161–2
 - meaning 162–9
 - progress of economic integration 173–6
 - intra-regional investment 175–6
 - intra-regional trade 173–5
 - regional situation 169–70
 - see also* Caribbean Community (CARICOM)
- Caribbean Community (CARICOM) 7, 161–2, 171–4, 177–81, 185–8, 203–4, 231–2
 - agreement 300, 305, 313, 315
 - Caribbean Court of Justice, and
 - Council for Trade and Economic Development (COTED) 190–91
 - CARICOM Single Market (CSM) 161–2, 169–72, 178, 181, 183
 - challenges to effective enforcement 196–203
 - Community Commission and Caribbean Court of Justice 191–4
 - and national competition authorities 194–6
 - Competition Commission 172, 231–2, 313
 - competition provisions of Revised Treaty of Chaguaramas 186–8
 - conclusions 203–4
 - conduct v classification of conduct 198–201
 - Conference of Heads of Government (CHG) 172, 189, 191
 - Council for Trade and Economic Development (COTED) 172, 179–80, 188–91
 - and Caribbean Court of Justice 190–91
 - and Community Commission 189–90
 - and national competition authorities 190
 - implied repeal doctrine 197–8, 200–201
 - introduction 185–6
 - judicial review 202–3

- jurisdictional issues 201–2
- member states 164, 171, 181, 190, 192, 194–6, 232
- problems in competition law regime 178–80
- state of national legislation 177–8
- Caribbean Court of Justice (CCJ) 172, 188, 190–92, 202
- and Community Commission 191–4
- Caribbean Court of Justice, and Council for Trade (CCJ) and Economic Development (COTED) 190–91
- Caribbean Free Trade Area (CARIFTA) 171
- Caribbean Trade and Investment Report 2005* 168, 173, 175–6, 179
- CARICOM *see* Caribbean Community
- CARIFORUM–EU Economic Partnership Agreement 181–3, 231–2
- cartel activities/conduct 46, 48, 63, 74, 77–8, 316
- cartels 20–21, 37, 47, 59, 63–4, 68, 74–5
 - export 78, 121, 286
- CCJ *see* Caribbean Court of Justice
- cease-and-desist orders 136, 154
- CEMAC *see* Central African Economic and Monetary Community
- Central African Economic and Monetary Community (CEMAC) 126, 261, 291, 305, 307, 311
- Central American Free Trade Agreement (CAFTA) 235
- centralization 2, 96–7, 108, 112–13, 115, 244–5, 249
 - legal 247–8
- centralized approach 5, 91, 93, 104, 106–9, 111–12, 114
- centralized enforcement 106, 111, 185, 203, 247, 288
- centralized systems, limits 94–102
 - flaws at national level 95–100
 - incoherencies at regional level 94–5
- CHG *see* Conference of Heads of Government
- choice-of-law approach 29
- cigarette-making industry 212–13
- cohabitation of legal systems 121, 126–8
- coherence 93, 108, 124, 126, 130, 233
- coherent regional institutional framework, design 103–14
- collective action 10, 33, 298, 309, 315
 - benefits 314
 - problems 292, 309–10, 314, 318–19
- Colombia 133, 135, 137, 142, 144, 147, 150
- COMESA *see* Common Market for Eastern and Southern Africa
- Common Market for Eastern and Southern Africa (COMESA) 7, 57, 81, 104, 205–27, 241–2, 291
- COMESA Competition Regulations 8, 206–7, 209, 223
 - supremacy 218–19
- Court of Justice 219–20, 222–4
- enforcement institutions 220–22
- mechanism for cooperation in enforcement 224–8
- member states 8, 206–9, 211–12, 215, 218, 222, 241
- need for cross-border impact 216–18
- need for regional competition policy 205–9
- Regional Competition Regulations 237, 258, 287
- regional experience 209–15
- remedies before domestic courts 223–4
- Treaty 216, 218, 220, 226
- common markets 89–91, 105, 119–21, 206–7, 209, 215–21, 223–5
- competences
 - distribution of *see* distribution of competences
 - exclusive 91–3, 98–9, 113, 227, 314
- competition authorities 34, 59, 65–9, 136, 144, 181–2, 208–9
 - national *see* national competition authorities
 - regional 6, 68, 80–81, 84, 90, 106, 109–10

- competition culture 97, 103–4, 107–8, 111, 113–15, 152, 299–300
- challenge of promoting locally 243–6
- differences in competition-law cultures 306–7
- local 109, 115, 246, 248
- national 104, 248, 306
- as prerequisite for successful regional agreement 305–6
- compliance 20, 67, 80, 191–3, 201, 296, 316–17
- costs 260, 264
- concentration of economic power 8, 206, 210
- conclusions
 - ASEAN 40, 50–53
 - Caribbean 183–4
 - Caribbean Community (CARICOM) 203–4
 - economic integration 251–2
 - political dimension 271–2
 - regional agreements 318–19
 - search for appropriate competition law for developing countries 289–90
 - Southern African Development Community (SADC) 64–5, 84–5
 - West African Economic and Monetary Union (WAEMU) 114–15
- concurrent jurisdiction 81, 218
- Conference of Heads of Government (CHG) 172, 189, 191
- conglomerates 59, 175–6, 206
- Congo, Democratic Republic of 56, 237, 241
- consensus 1, 27–9, 178, 306, 308
- consumer policy 4, 61, 80, 171, 205
- consumer protection 52, 58, 61–2, 64, 81, 91, 100
- consumer welfare 21, 50, 52, 83, 186, 221, 249
- contestability 17, 20, 34, 290
- convergence 18, 28, 31, 35, 39, 52, 84
- cooperation 28, 61–3, 84, 207–9, 224–6, 293, 311–13
- agreements 147, 150, 286, 288
 - mode of 10, 309, 315–16
 - model 61, 64–5, 304
- Cortázar, J. 6, 133, 247
- COTED *see* Council for Trade and Economic Development
- Council for Trade and Economic Development (COTED) 172, 179–80, 188–91
 - and Caribbean Court of Justice 190–91
 - and Community Commission 189–90
 - and national competition authorities 190
- critical mass 61, 63, 283, 285, 295
- cross-border anti-competitive conduct 2, 7, 60, 62, 177, 182, 185
- cross-border effects 7, 62, 64, 170, 186, 195, 295
- cross-border enforcement 288–9
- cross-border trade 120, 216, 234–5, 240, 247–8
- CSM *see* CARICOM Single Market
- customs unions 32, 57, 105, 153, 171, 286
- cut and paste approach 232
- Czech Republic 38–9
- decentralized approach 109–10, 115
- decentralized enforcement 108, 110, 115, 185–6
- decision makers 256–7, 259–60, 262, 264, 266, 271
 - national 258–9
 - regional 261
- decision-making
 - powers 2, 5–6, 91, 93, 98–100, 107, 115
 - processes 92, 107, 111–12, 115, 157, 188, 308
- decisional influences 9, 256–7, 263, 265, 269, 271
- degree of integration 32, 104–5, 114, 172
- Democratic Republic of Congo 56, 237, 241
- design 1, 3, 5, 27, 30, 103, 106–8
 - administrative 185, 203

- coherent regional institutional framework 103–14
- institutional *see* institutional design
- developed countries 9, 165, 209, 238, 265, 279, 285–6
- developing countries 1–4, 8–10, 89–90, 106–10, 164–8, 198–200, 258–68
- economic integration and competition law 231–52
 - goals of regional economic integration 233–8
 - introduction 231–3
 - search for appropriate competition law 273–90
 - choices/models 280–86
 - conclusions 289–90
 - development needs 274–5
 - introduction 273
 - kind of competition law and policy required 275–86
 - regional agreements and competition policy 286–9
- developing jurisdictions 2–3, 10, 84, 90, 242, 284, 291–319
- developing world 3, 167, 237, 240, 248, 257–8, 291
- differential treatment 172, 186–8, 191, 203
- direct applicability 134
- direct application 146, 225
- direct effect 134, 192, 202, 219
- direct enforcement 192
- discretion 77, 100, 191, 195, 197, 202–3, 302
- disincentives 259, 261, 265, 268
- disputes 28, 38, 179, 188, 191, 222–4, 312–13
- distortion of competition 76, 101–2, 193–4, 216
- distribution of competences 5, 9, 106–7, 110–11, 113–14, 136–8, 142
 - Andean Community 136–45
- diversity 4, 30, 42, 81, 121–2, 125–6, 129–30
 - linguistic 119, 121
- domestic competition laws 97, 129, 209, 219, 244–6, 306
 - domestic firms 39–40, 180, 243, 303, 306, 316
 - domestic markets 35, 60, 62, 179, 182, 238, 247
 - dominance *see* dominant position
 - dominant position 18–20, 22, 32–5, 46–8, 101–2, 129, 143
 - abuse of 5, 47–8, 64, 91, 101–2, 112, 182–3
 - Dominica 162–3, 166, 172
 - Dominican Republic 163, 181, 232, 285
 - downloading approach/option 6, 109–11, 114–15, 247–8
 - Andean Community 134, 145–9, 158
 - drug trade 169–70
 - East African Community (EAC) 57, 242, 291
 - economic benefits 16, 37, 90, 236, 238, 243
 - Economic Community of West African States (ECOWAS) 5–6, 10, 104–5, 109, 116–32, 241, 291
 - challenges to implementation of regional competition policy 125–32
 - common market of 130–31
 - competition law/policy 117, 119, 123–4, 132
 - competition policy dedicated to regional integration and economic development 119–25
 - economic development goal 122–5
 - introduction 116–18
 - non-hierarchical institutional architecture 130–32
 - normative competition 126–30
 - region 117, 119–21, 123, 125, 127, 129, 131–2
 - regional integration goal 119–22
 - economic dependence, abuse of 96, 99, 314
 - economic development 29, 31, 42, 188–90, 240, 280, 314–15
 - Economic Community of West African States (ECOWAS) 116–17, 119, 122–5

- levels of 7, 31, 42, 104, 121, 240, 265
- economic efficiency 66, 123–4, 233
- economic globalization 90, 232, 238–9, 242
- economic growth 41, 52, 123, 236, 239, 251, 275–6
- economic integration 8, 15–17, 32, 42–3, 89–90, 119–21, 231–52
 - benefits from regional competition policies in economically globalized world 242–3
 - challenge of promoting competition culture locally 243–6
 - conclusions 251–2
 - countries which should integrate 239–42
 - goals of regional economic integration 233–8
 - introduction 231–3
 - process 4, 8, 120, 206
 - redefined in terms of globalization 238–9
- economic power 24, 206, 251, 296
 - concentration of 8, 206, 210
- economic reforms 41, 58, 62, 206
- ECOWAS *see* Economic Community of West African States
- Ecuador 6, 134, 136–7, 144–6, 148–50, 152, 158
- education 47, 266, 271, 274–5, 293, 311
- effective competition laws 5, 15, 41, 84
- effective competition policy 185–7
- effective enforcement 7, 28, 30, 41, 187, 196, 241
- effective implementation 62, 90, 173, 185, 267
- effectiveness 48, 89, 93–4, 104, 261–3, 267–8, 307–9
- efficient allocation of resources 15, 17, 186, 233
- employment 59, 67, 69–72, 75, 130
- enforcement 7, 41, 94, 103, 168–9, 268–70, 306–7
 - authorities 111, 146–7, 220, 243
 - capacities 41, 57, 60, 107, 111
 - Caribbean Community (CARICOM) 196–203
 - centralized *see* centralized enforcement
 - Common Market for Eastern and Southern Africa (COMESA) cooperation mechanism 224–8 enforcement institutions 220–22 remedies before domestic courts 223–4
 - cross-border 288–9
 - decentralized 108, 110, 115, 185–6
 - direct 192
 - effective 7, 28, 30, 41, 187, 196–203, 241
 - joint 293, 299, 301–2, 305–6, 316
 - powers 226, 244, 247, 289, 297, 308
 - South Africa 73–4, 82
 - unilateral 302, 304
 - West African Economic and Monetary Union (WAEMU) 108–14
- equal distribution of benefits 304–5
- EU–CARIFORUM EPA *see* CARIFORUM–EU Economic Partnership Agreement
- European law 110, 136, 146, 148
- exchange of information 53, 62, 64, 85, 181, 208, 313
- exclusive competences 91–3, 98–9, 113, 227, 314
- exemptions 47, 78, 110–13, 115, 129, 223–5, 303
- expectations 93, 101, 262–3, 271, 289
- export cartels 78, 121, 286
- exports 78, 164–5, 169, 173, 213–15, 231, 234
- external pressures 181, 296, 309–11, 315–16
- externalities
 - negative 287, 297
 - positive 24, 27, 297
- factor endowments 23, 165
- fair competition 16–17, 19, 21, 24–6, 36–8, 61, 191
- FDI *see* foreign direct investment
- financial sector 175–7, 183

- flexibility 93, 95, 106, 129, 187–8, 191, 203
- fluidity of trade 103, 105, 114
- foreign direct investment (FDI) 18–21, 30, 37, 39–40, 49–50, 59, 62
- formal regionalization 9, 258, 266, 269, 271
- Fox, E.M. 84, 103, 250, 265, 278–81, 283, 288
- franchises 210–11
- free movement of goods 32, 43, 105, 187
- free trade agreements 135, 239, 280, 288
- Free Trade Areas (FTAs) 32, 57, 105
- Gal, M. 1, 82–4, 104, 106, 186, 243, 286–7
- GATS *see* General Agreement on Trade in Services
- General Agreement on Trade in Services (GATS) 199, 288
- Gerber, D. 3, 9, 105, 133, 142, 236, 266–7
- Germany 111, 122, 244, 266
- globalization 8, 28, 31, 41, 89–90, 207, 238
 - economic 90, 232, 238–9, 242
 - economic integration redefined in terms of 238–9
- governance arrangements 7, 185–7, 203
- Grenada 162, 166, 172
- Guyana 162–3, 165–6, 172, 174, 177–8, 183
- Guzman, A. 299, 302–3
- Haiti 162, 168, 171, 237
- harmonization 84–5, 108–9, 114–15, 118–19, 186–8, 190–91, 246
 - of ASEAN 13–40
 - process 65, 68, 110, 190
- health care 274–5
- Heimler, A. 311–13
- horizontal agreements 35–6
- human resources 48, 95, 100, 119, 178, 295
- ICN *see* International Competition Network
- illicit agreements 102, 128
- implementation of competition law/ policy 9, 18, 34, 44, 57–8, 63, 254
- implied repeal doctrine 197–8, 200–201
- import substitution industrialization (ISI) 167
- imports 20, 46, 164–5, 167, 170, 173–5, 184
- incentives 259–61, 264–7, 271, 279–80, 295–6, 310, 315–17
 - significant 259–60, 265, 268
- independence 58, 67, 100, 106, 143–4, 166–7, 242
- Indonesia 13, 23, 31, 35, 42, 44, 46–7
- inefficiency 164, 166, 284, 295
- informal sector 49, 80, 125, 164, 169, 250
- inquiries 76, 92, 94, 99, 106, 113, 143
 - preliminary 144–5
- instability 164, 237, 299, 311
- institutional approach 9, 93, 99
- institutional capacity 50, 103–4, 106–8, 114
- institutional coherence 5
 - West African Economic and Monetary Union (WAEMU) 89–115
- institutional design 6, 83, 90, 103, 108, 311, 317
 - coherent regional institutional framework 103–14
 - and competition constraints 108–11
 - regional 5, 90, 103
- institutional frameworks 5–6, 31, 95, 103, 106, 149, 186
- insurance 175–6
- integration
 - degree of 32, 104–5, 114, 172
 - economic *see* economic integration
 - negative 14, 187
 - positive 15–16
 - process 3–4, 8–9, 90, 114, 153, 183–4, 206
 - social 8, 233, 246, 249, 251
 - systems 235, 238, 240, 243

- intellectual property rights (IPRs) 22, 52
- interaction of competition law and other government measures, laws and regulations 36
- interference 148, 261–2
- intermediate goods 44, 167
- internal markets 60, 124, 233, 239, 246
- international best practices 51, 59–60
- international competition 23, 28, 30, 120
- International Competition Network (ICN) 265, 269, 278
- international competition regime development 26–7
 - new search for 27–9
- international level 4, 40, 121
- international standards 9, 175, 273, 278–9, 285–6, 290
- international trade 21, 23, 42, 121, 238, 307
- intra-community trade 2, 118, 124, 128, 234–5, 245
- intra-regional investment, Caribbean 175–6
- intra-regional trade 90, 161–2, 169, 238–9, 263
 - Caribbean 173–5
- investigations 67, 73–4, 76–7, 94–5, 136, 194–6, 226
 - on-site 226
- investment laws 120
 - ASEAN (Association of Southeast Asian Nations) 19–20
 - restrictive 18, 20
- investment liberalization 17–18, 20, 30, 35, 60, 205
- investment regimes, ASEAN (Association of Southeast Asian Nations) 4, 14–20
- investments 13–16, 25, 37, 40–43, 120–21, 175–7, 183
 - direct *see* foreign direct investment
- IPRs *see* intellectual property rights
- ISI *see* import substitution
 - industrialization
- islands 162–3, 165, 169
- Israel 286
- Ivory Coast 96–8, 100, 116, 126
- Jamaica 7, 164–7, 169–70, 172–3, 175, 177, 194–6
- Jenny, F. 28, 30–31, 287, 311–13
- job losses 69–72
- joint enforcement 293, 299, 301–2, 305–6, 316
- joint ventures 176, 284, 303
- judicial review 27, 202–3, 222, 275
 - see also* review
- jurisdictional issues 196–7, 199, 201
- Kenya 79, 207, 214, 235, 241, 308
- Khemani, R.S. 280–81
- languages 2, 145, 155, 172, 193, 237, 271–2
- Laos 13, 31, 42, 44, 49, 51
- LDCs *see* less developed countries
- legal centralization 247–8
- legal framework 124, 127, 264
- legal integration 246–9
- legitimacy 52, 284, 286, 301
- legitimate interests 227
- leniency 74–5, 77
- Lesotho 56–7
- lethargy 95–7
- liberalization 15–18, 20, 31, 39, 41, 46, 58
 - investment 17–18, 20, 30, 35, 60, 205
 - market 62, 101
 - trade 14–15, 30, 35, 37, 60, 62, 207–8
- limited resources 90, 180, 215, 290, 301
- linguistic diversity 119, 121
- Madagascar 56–7, 241
- Malawi 56–8, 213–14, 227, 241
- Malaysia 13, 31, 42, 49
- Maldonado, C. 164
- Mali 92, 97–8, 100, 102, 116, 126
- Mamhare, G. 4, 56
- mandatory terms 192–4
- Marcos, F. 134, 145, 147, 151
- market dominance *see* dominant position
- market failures 23–4, 35

- market integration 57, 186–7, 203, 206, 233
- market liberalization 62, 101
- market power 17, 22, 24, 182
determination 33–5
- market shares 33–5, 210, 214
- markets 21–2, 24–6, 33, 75–6, 195, 274–7, 282–3
internal 60, 124, 233, 239, 246
oligopolistic 19, 21
regional 2, 8, 15, 37, 40, 94, 103–5
- Mauritius 56–7, 241
- merger control regulation (MCR) 37, 39–40, 162, 177, 179, 183, 216
- mergers 39–40, 46, 48–9, 67–72, 143–4, 211–13, 226–7
- merging parties 69, 72, 208, 211–13, 215
- Mexico 174, 288
- micro-states 109, 163, 172, 249, 302, 305
- Molestina, J. 5, 10, 89, 261, 308
- monitoring 10, 36–7, 99, 203, 206, 309–10, 316–17
horizontal agreements, vertical restraints and unfair competitive practices 35–6
as obstacle to successful operation of regional agreements 310–11
- monopolies 17, 21–2, 25, 34, 44, 47, 59
public 8, 49–50, 206
- Montserrat 162, 166, 168, 172, 294
- Moodaliyar, K. 5, 66
- Mozambique 56–7, 242
- Muchlinski, P.T. 38–9
- multilateral framework 28, 199, 204
- Myanmar 13, 31, 42, 44, 49–51
- NAFTA *see* North American Free Trade Area
- Namibia 56–7, 210, 242
- national competition authorities 5–8, 92–3, 95–100, 106–8, 111–15, 190, 205–7
availability of resources 100
and CARICOM Community Commission 194–6
and CARICOM Council for Trade and Economic Development (COTED) 190
independence 100
ineffectiveness of collaboration with 98–100
institutional weakness 99–100
resistance to centralization 99
- national competition laws 4–7, 29–31, 107–8, 112–14, 224–7, 245–6, 248–9
- necessity 7, 89, 97, 107, 116, 123, 132
- negative externalities 287, 297
- negative integration 14, 187
- neoliberalism 15–16
- network model 28, 40
- networking approach, ASEAN 29–32
- Ngom, M. 116
- NGOs *see* non-government organizations
- Niger 92, 97–8, 100, 116, 126
- Nigeria 104, 116, 122, 217, 241, 304
- non-government organizations (NGOs) 134, 155–8
- non-hierarchical institutional architecture 130–32
- normative competition 126–30
- North American Free Trade Area (NAFTA) 43, 135, 287–8
- notification 18, 64, 192, 208, 210–11
- OECD *see* Organisation for Economic Cooperation and Development
- OECS *see* Organization of Eastern Caribbean States
- OHADA 89–90, 126, 236, 245
- oligopolistic markets 19, 21
- on-site investigations 226
- open regionalism 4
ASEAN 13–14, 16–17, 32, 36–40
interaction with regional competition law and policy 36–40
- openness 90, 175, 282–4
- Organisation for Economic Cooperation and Development (OECD) 27, 265, 315

- Organization of Eastern Caribbean States (OECs) 109, 172, 178, 249, 294
- Ostrom, E. 298, 301, 310–11, 315–17
- ownership 19, 66–7, 210, 251
- Pareto-optimality 299–304, 316
 - costs of regional agreements 301
 - indirect costs 301–4
- Peru 135, 137, 144, 147, 150, 152
- petroleum 165, 169–71, 173–4, 234
- Philippines 13, 31, 38, 42, 44–6, 51
- Picciotto, S. 15–16
- plantation system 164–5, 169
- political authority 9, 257, 259, 271
- political dimension 9, 236, 253–72
 - conclusions 271–2
 - identification 255–8
 - impetus to locate competition law at regional level 258–66
 - implementation of regional competition laws 266–70
 - introduction 253–5
 - political stability 236–7
 - positive balance of trade 173–4
 - positive externalities 24, 27, 297
 - potential benefits 1, 10, 41, 260, 292–3, 298, 311
- poverty 123, 161, 164, 169–70, 249–50, 253, 274
 - absolute 49
- preconditions 10, 39, 298–300, 304–5, 308–9, 318
- preliminary inquiries 144–5
- preliminary rulings 134, 148–9, 223
- price stability 41, 52
- prices 21–3, 41, 46, 75, 92, 98, 165
- prior approval 18
- private sector 18, 26, 49–50, 109, 122, 133–4, 158
- procedural competition law 118, 130
- Project INTERCAN I 134, 153
- public goods 23–4, 33, 309
- public interest 24, 58, 180
 - South Africa 68–72, 84–5
- public monopolies 8, 49–50, 206
- RBP *see* restrictive business practices
- RCAs *see* regional competition agreements
- redistribution of competences 111, 113
- reforms 5, 92, 95, 97, 138, 152, 276
- regional agreements
 - ability to cede powers to 308
 - and competition culture 305–7
 - and competition policy 10, 286–9, 291
 - conclusions 318–19
 - and differences in market underpinnings 308
 - equal distribution of benefits 304–5
 - exploitation of potential 291–319
 - introduction 291–3
 - obstacles to successful operation 309–19
 - national–regional relationship 311–13
 - sequencing and monitoring 310–11
 - uncertainty 313–14
 - and Pareto-optimality 299–304
 - political economy obstacles 308–9
 - potential benefits 293–7
 - obstacles to successful realization 297–314
 - preconditions for adoption 299–309
 - and sufficiency of resources 10, 307
 - suggestions for success 314–18
- regional competition agreements *see* regional agreements
- regional competition authorities 6, 68, 80–81, 84, 90, 106, 109–10
- regional competition laws 1–8, 15–16, 29–30, 38–40, 231–2, 243–5, 247–8
- ASEAN (Association of Southeast Asian Nations)
 - bases 23–36
 - rationale 20–23
 - implementation 266–70
- regional competition regimes 4–5, 7, 179, 208, 226
- models of 23–36

- regional economic integration 15, 20,
31, 81, 89, 206, 233–8
economic goals 234–6
goals 233–8
political goals 236–8
process 184, 206
- regional institutions 31, 104, 172,
256–7, 261–3, 268–70, 312–13
design of 103, 114
- regional integration
groups 2–3, 7, 89, 104–5, 107, 109,
127
systems 1, 231–3, 237–41, 243,
245–8, 251
- regional joint competition-law
authorities (RJCA) 293–7,
300–302, 308, 315–16
- regional markets 2, 8, 15, 37, 40, 94,
103–5
- regional trade agreements (RTAs) 1–2,
32, 52, 60, 80–84, 134–5, 185–7
- regionalism 32, 287
open 4, 13–14, 16–17, 32, 36–7, 40
- regionalization 9, 89, 253–5, 257–9,
261–5, 267, 269–71
of competition law 1, 3, 9, 253–6,
258–66, 271–2, 289
formal 9, 258, 266, 269, 271
process 9, 254, 256, 262
- resources 3, 10, 21, 24, 95, 171–2, 307
human 48, 95, 100, 119, 178
limited 90, 180, 215, 290, 301
scarce 249, 282, 288, 294
- restraints 22, 27, 44, 234, 238, 244–5,
247–9
horizontal 21
vertical 21–2, 35–6
- restrictive business practices (RBP) 15,
17, 20, 23, 25–6, 37, 52
- review 26, 83, 142, 190–91, 215, 222,
276
see also judicial review
- RJCAs *see* regional joint
competition-law authorities
- Rodrik, D. 276–7
- RTAs *see* regional trade agreements
- Rwanda 241
- SACU *see* Southern African Customs
Union
- SADC *see* Southern African
Development Community
- St Kitts and Nevis 162, 172, 294
- St Lucia 162, 164, 166, 172
- St Vincent and the Grenadines 162, 172
- sanctions 47, 58, 130–31, 301, 310,
316–18
- scarce resources 249, 282, 288, 294
- screening processes 19–20
- Senegal 91, 96–102, 116, 126, 241, 298
- sequencing 10, 307, 310–11, 317
- services 13–14, 23, 43–4, 118–19, 195,
199, 275
- services sector 48–9
- Sethuraman, S.V. 164
- Seychelles 56–8, 241
- Singapore 13–14, 19, 23, 31, 35, 42,
48–9
- single markets 43, 171–2, 177, 181,
184, 195, 217
- small economies 162, 170, 183, 286,
308
- social development 119, 189, 217
- social integration 8, 233, 246, 249–51
- social mobility 164, 283
- social stratification 163–5
- social welfare 16, 275, 298, 303
- South Africa 5, 56–60, 63, 66–85,
211–12, 240–41, 299
case law 282, 284
competition jurisdiction 78–9
enforcement of restrictive practices
provisions in Competition Act
73–4, 82
introduction 66–8
new developments 74–8
public interest 68–72, 84–5
role of South African competition
authorities in SADC 79–80
- Southern African Customs Union
(SACU) 78, 291
- Southern African Development
Community (SADC) 3–4, 56–7,
59–61, 63–9, 77–9, 81, 83–5
agreement 293, 299, 306

- background 56–7
- conclusions 64–5
- countries 58, 63–4, 80–81
- Free Trade Area 57, 64
- member countries 4–5, 57–8, 61, 63–4, 84
- objective and current status of regional competition policy 60–63
- objective and current status of regional competition problems 63–4
- region 56, 63–4, 68, 79, 82–3
- Secretariat 56, 63–5
- South African perspective 66–85
 - challenges to harmonization and regional integrated policy 80–81
 - competition jurisdiction 78–9
 - conclusions 84–5
 - desirability of regional competition commission and tribunal 81–4
 - enforcement of restrictive practices provisions in Competition Act 73–4, 82
 - introduction 66–8
 - new developments 74–8
 - public interest 68–72
 - role of South African competition authorities in SADC 79–80
 - status of competition law and policy in member countries 57–60
- sovereignty 30, 32, 180, 183, 186, 288, 301–2
- Spence Growth Report* 277–80
- stability 130, 237, 313
 - economic 123, 315
 - prices 41, 52
- standards 4, 18, 109, 112–13, 115, 139, 280–81
- Stewart, T. 7, 164, 175, 231–2, 234, 261, 283
- stratification, social 163–5
- sub-Saharan Africa 10, 105, 279
- subsidiaries 59, 63, 176, 213
- Sudan 237, 241
- sufficiency of resources 10, 307
- sugar 163, 165, 170, 174
- supranational competition laws 31, 233, 243–4
- supranationality 32, 134, 147
- supremacy 134, 225, 313
 - COMESA Competition Regulations 218–19
- Suriname 162, 166, 172, 178, 183, 231, 237
- Swaziland 56–7, 79, 206, 237, 241
- Tanzania 57–8, 79, 213–14, 235, 241
- tariffs 32, 167, 185, 239
- tax laws 27, 149
- telecommunications 19, 36, 44, 49, 97–8, 119, 147
- Thailand 13, 23, 31, 35, 42, 44, 47–8
- Thanadsillapakul, L. 3–4, 13, 16, 19, 32, 235, 247
- tourism 165, 167–9, 171, 175, 182, 234, 285
- trade 13–18, 43–6, 60–61, 99–101, 128–9, 205–9, 216–17
 - cross-border 120, 216, 234–5, 240, 247–8
 - drug 169–70
 - fluidity of 103, 105, 114
 - international 21, 23, 42, 121, 238, 307
 - intra-ASEAN 4, 16
 - intra-regional 90, 161–2, 169, 173–4, 238–9, 263
 - promotion of 57, 61, 90, 189
- trade liberalization 14–15, 30, 35, 37, 60, 62, 207–8
- transitional economies 28, 31, 38–9
- transnational corporations 15, 23, 40, 171
- transparency 28, 48, 50, 117, 158, 205, 207
- Trinidad and Tobago 7, 162–3, 165–7, 169, 172–80, 183, 304–5
- Uganda 206, 212, 214, 241, 308
- unclarity 313–14
- UNCTAD (United Nations Conference on Trade and Development) 14–15, 17, 21, 26, 60, 82–3, 265

- unfair competition laws 113, 255
- unfair trade practices 35, 47, 49, 63
- unilateral enforcement 302, 304
- United States 13, 33, 56, 162, 166, 264–5, 279–80
- Venezuela 145, 163, 185
- Vietnam 13, 31, 42, 44, 49, 51
- WAEMU *see* West African Economic and Monetary Union
- Washington Consensus Model 276–80
- Wassmer, I.F. 287
- wealth 164, 175, 183, 254, 278
 - ownership of 163, 165, 175
 - unequal distribution of 163–4
- Weick, D.P. 96, 111, 244, 248
- West African Economic and Monetary Union (WAEMU) 5–6, 89–91, 93–5, 99–101, 103–16, 126–31, 260–61
 - Commission 5–6, 94, 98–9, 101, 111, 113, 298
 - community jurisprudence 101–2
 - competition policy 5, 89–115, 127, 129
 - conclusions 114–15
 - Court of Justice 93, 114, 247, 312
 - design of coherent regional
 - institutional framework 103–14
 - competition constraints 103–8
 - institutional enforcement approach 108–14
 - flaws at national level 95–100
 - guidelines for redefinition of institutional enforcement framework 111–14
 - incoherencies at regional level 94–5
 - ineffectiveness of collaboration with national competition law authorities 98–100
 - ineffectiveness of national institutional reforms 95–8
 - institutional architecture and efficacy of community competition policy 101–2
 - institutional coherence and effectiveness of regional competition policy 89–115
 - institutional weakness of national competition authorities 99–100
 - introduction 89–93
 - limits of centralized system 94–102
 - member states 6, 96–7, 101, 126, 131
 - resistance of national authorities to centralization 99
- Wilson, J. 28, 250
- World Bank 14, 27, 166, 274, 276–7, 315
- World Trade Organization (WTO) 27–9, 31, 116, 234, 265, 278, 288
- Zambia 5, 80, 83
 - Competition Commission 205, 211–12
- Zimbabwe 56–60, 206–7, 211–14, 237, 241

