



MINISTRY OF TRADE AND INDUSTRY

STATEMENT

BY

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DEPUTY MINISTER OF TRADE AND INDUSTRY

AT THE

**DISSEMINATION WORKSHOP FOR THE VOLUNTARY PEER REVIEW OF
COMPETITION LAW IN NAMIBIA**

WINDHOEK, NAMIBIA

TUESDAY, FEBRUARY 17, 2015

Check against delivery

Director of Ceremonies;

**Mr. Juan Luis Crucelegui, UNCTAD's Capacity Building and Advisory Services
Section Chief;**

Mrs. Elizabeth Gachuri, Economic Affairs Officer from UNCTAD

**Alexander Kububa, Former CEO of the Zimbabwe Competition and Tariff
Commission and Consultant on the Voluntary Peer Review of Competition Law
and Policy**

Mr. Mihe Gaomab II, Secretary of Namibia Competition Commission;

Distinguished Guests;

Members of the Media;

Ladies and Gentlemen;

**It gives me great pleasure to officially open this important information sharing
workshop and support the efforts of the Namibian Competition Commission on
the auspicious occasion of the dissemination of the peer review of Namibian
competition law.**

**I am therefore, pleased to learn that the objective of this platform is to share
best practices in the area of competition law and policy, by bringing together
relevant stakeholders, as well as to exchange experiences on how to deal with**

challenges in establishing adequate competition law and policies and their implementation.

Director of Ceremonies;

Ladies and Gentlemen;

Namibia is inhabited by 2.3 million people on a land area of 832,690 square kilometers – which is more than double the size of Germany and nearly seventy percent that of South Africa. It shares borders with South Africa, Botswana and Angola. To the west, Namibia adjoins the Atlantic Ocean.

At independence, Namibia inherited a dual economy faced with the challenges of low economic growth, a high rate of poverty, inequitable distribution of wealth and income and high unemployment. Consistently throughout its development plans, the Namibian government firmly enforces its commitment to the reduction of these four challenges.

Numerous successes have been achieved by the government and most notable are Namibia's successes in creating strong institutions, good governance, upholding the rule of law and the protection of property rights.

Competition regulation in Namibia is an integral part of the overall macroeconomic policies of Namibia. It complements the development of the recently enacted industrial policy, the foreign investment act and the enactment of a small and medium enterprises (SME) policy, as well as the Transformation Economic and Social Framework (TESEF) that outlines local empowerment provisions in Namibia.

The adoption of competition law furthermore, became imperative because of the country's closeness with South Africa, whose companies have many subsidiaries in Namibia and are engaged in various anti-competitive practices.

The Competition Act, 2003 of Namibia was signed into law by the President on 3rd April 2003. The broad objective of the NACC is to safeguard and promote competition in the Namibian market.

The Government of the Republic of Namibia is cognizant that in order to develop to develop a well-functioning and efficient market economy, which is conducive to investment, trade and development, that this can only be achieved through fair, just and orderly conduct of enhanced competitive market in Namibia.

Whilst considerable efforts have been made by the regulatory body, the Namibian Competition Commission or “NaCC” for short, the implementation of the Competition regime in Namibia still has room to be strengthened to lay the foundations and the operation of the Namibian market economy and to compliment Government’s industrial policy and vision of enhancing Growth At Home.

Since its establishment in September 2009, NACC has undertaken work not only on competition issues that may typically be found in developing countries but also on those generally reserved for mature competition jurisdictions. As time progresses, the competition issues before NACC are increasing in complexity. This transformation requires that NACC makes sustained efforts to keep its human and organizational capacities at par with global and regional standards.

Director of Ceremonies;

Ladies and Gentlemen

I am made to understand that the NACC would like to ensure that its human and organizational resources are augmented in a way that allows it to sustain and improve the implementation of the enforcement, research and advocacy mandate under the Act. The Government remains committed that capacity

building is strengthened with the aim to enforce the Competition Act and to concretize the Competition Policy in Namibia.

The Competition regime in Namibia volunteered to be peer reviewed by UNCTAD during the 14th Session of the Intergovernmental Group of Experts (IGE) that was held from the 8th to 10th July 2014, of which I had the esteemed opportunity to lead the delegation. The process resulted in a report titled *“Voluntary Peer Review of Competition Law and Policy: Namibia”* wherein it confirmed the progress achieved so far by NACC, but also identified areas that need further improvement around the administration and implementation of the Competition Law in Namibia. Such identified areas revolved around merger control, enforcement, and investigation powers of the NaCC.

The Government remains committed to ensure that those recommendations are implemented and strengthened for fair, just and orderly competition for the betterment of our Namibian people.

I would therefore commend UNCTAD who has extensive experience in the field of competition law and policy and development to assist us further with our aim to effect fully the competition policy and law in Namibia. I am aware that they have undertaken various projects in other developing countries, where it has

assisted countries to draft competition law, establish competition agencies based on their needs and levels of development. The experiences accumulated over the last decades can be of great use to Namibia in enhancing the effectiveness of its competition law and policy regime.

Director of Ceremonies;

Ladies and Gentlemen;

It is my considered position that fair, just and orderly competition in the Market place does give an opportunity for the Namibian economy to thrive through the establishment of new companies, expand the existing businesses and thereby contribute to reduced income inequality, employment creation and economic development of Namibia.

The Competition Act in Namibia even though in its reviewed stage is comprehensive and with our five year experience implementation, the Act has proven to investigate on the enforcement of anti-competitive conduct of over 30 cases and merger control of over 400 cases in Namibia.

The scope of the Competition Act is wide and extends to the economic and legal dimension of Namibia and most importantly is multifaceted and central to the overall economic transformation in Namibia.

At the Ministry's recent address to staff, we have implore upon our agencies of the Ministry of Trade and Industry to always remain relevant. I am glad and appreciative that the NaCC has indeed heed that call by making themselves relevant into the mainstream of our economy with their visible and recognized specialized services par excellence thereby effectively delivering on its important mandate of promoting and safeguarding competition in Namibia.

Therefore, this esteemed process and the consequent technical cooperation between the Government of Namibia, UNCTAD, Donor Agencies and Cooperating Partners will ensure that they remain relevant, especially with complementing and contributing the effort of the Ministry's other equally important regulations such as the industrial intellectual property, standards certification, SMEs, trade and investment policies.

The Government of the Republic of Namibia, remains committed and steadfast to ensure that not only do we enforce and implement the Competition Act, but that Namibia has a Competition Commission that is ready to assist the

businesses and the public to take on any cases involving anti-competitive practices, determine mergers and provide up to date relevant research on competition.

Director of Ceremonies;

Ladies and Gentlemen;

Today, I do trust that the competition authorities and experts in the field of competition law enforcement in Namibia will share experiences with the aim to enhance competition law enforcement not only in Namibia but in also in other jurisdictions represented at this forum.

With these Statement, it is now my pleasure and honour to declare this event officially open, and I wish your all fruitful sharing of ideas and debates, and once again reiterate our commitment to the enforcement of competition law in Namibia.

I thank you.