

**VOTE OF THANKS**

**BY**

**MR MIHE GAOMAB II**

**CHIEF EXECUTIVE OFFICER**

**NAMIBIAN COMPETITION COMMISSION**

**AT THE ANNUAL STAKEHOLDERS GALA DINNER**

**XWAMA CULTURAL VILLAGE, WINDHOEK**

**04 DECEMBER 2014**

- **Master of Ceremonies**
- **Honourable Minister Calle Schlettwein, Minister of Trade and Industry,**
- **Mr Festus Hangula, Chairperson of the Board of Commissioners**
- **Board of Commissioners**
- **Former Chairpersons of the NaCC Board OF Commissioners, Mr Lucius Murorua and Douglas Reissner**
- **Commissioner Tembinkosi Bonakele, Commissioner of the Competition Commission of South Africa**
- **Our most valued invited Guests**
- **Staff Members of the Commission**
- **Members of the Media**
- **Ladies and Gentlemen**

**Good evening,**

I, on behalf of the Namibian Competition Commission and on my own behalf extend a very hearty vote of thanks to the Honourable Minister, former Chairmen Mr Festus Hangula, Mr Bonakele my dear colleague and friend in competition regulation world for gracing us with your presence and sharing so much insight on competition related matters, where we are and where we are headed to.

Allow me to acknowledge the presence of former Chairpersons, Mr Murorua and Dr Douglas. Most of all, allow me to extend our gratitude to our stakeholders for taking the time to share this moment with us. As was mentioned by the speakers, tonight we also celebrate the five year existence of the Commission, as a competition regulator.

The fifth anniversary of the Commission on the ninth of December 2014 is a milestone that celebrates its significant growth and development in terms of the administration and implementation of the Competition Act.

My task is to simply provide a vote of thanks, but allow me to delve a little into the work of the Commission, just for a few minutes. Setting up an institution of this nature has certainly not been a smooth road and Mr Bonakele can attest to that

but as the Minister and Chairman said, we have created the institution which is to stay for generations to come fulfilling its role as competition supervisor in Namibia.

At the inception of the Commission in September 2009, we were faced with the most challenging time in the economy of Namibia as any other institution, with the global meltdown in 2008 that continued to linger. Although Namibia showed strong levels of resilience to the global impact the country still faced since independence, acute developmental challenges based on an economy which was dualistic with high unemployment and an economic structure, which remains still enclaved and highly concentrated around a few sectors.

As mentioned by the Chairman, there were implementation challenges. The operationalization of the Commission which was therefore principally a need to start Commission's work under the Competition law enacted in Namibia in 2003 started to be pressing when I assumed office. I remember one lawyer calling me from Walvisbay on the 1<sup>st</sup> September 2009 the first day of employment on pressuring me to attend to a case that he never submitted but impressing he needs the answer close of business day. Such were the pressing and awakening times but we preserved with the full establishment of the Commission.

**Firstly**, at that time, there was no competition policy to guide the modus operandi of the work thus having no leverage to get the institutional footing right for the Commission. **Secondly**, the implementation of the Competition law had no precedence but was more premised on the South African Competition Law which served positively to ensure immediately alignment of the implementation mechanisms with the experience and profile of the Competition Law in South Africa.

**Thirdly**, the Commission had a number of cases before them for consideration and adjudication and that assisted the operations of the Commission to immediately start on competition work in terms of the provisions and procedures of the Commission. **Fourthly**, the Competition Law was to be operationalised, administered and implemented in its full entirety and holistic fashion, unlike in some jurisdictions, the Act was implemented on a sequential and staggered basis starting only with relevant sections such as the administration and institutionalization of the Act.

*Fifthly*, the legal industry in Namibia was eagerly awaiting the enactment and implementation of the Competition Law and since they had prior legal expertise especially on commercial law, there was need to promptly respond on the full adherence and compliance of addressing the competition cases.

There were also certain strategic objectives that were critical in successfully creating an environment in which the NaCC could flourish. These included *prioritising enforcement, corporate governance, institutional capability, advocacy, and research.*

With the stewardship and support by the Ministry of Trade and Industry and the appropriate governance structure provided by the Board, there was an immediate and dynamic response on the Secretariat to embark on mapping and scoping of the Competition Law in the region and internationally.

I am proud to note that our vision to become a team-oriented and efficient, performance-driven institution, relying on good corporate governance and strong

leadership has become a measurable achievement over the past five years, and we will work hard to enhance these strengths over the next five years.

In 2009, for example, there were absolutely no skills on enforcement of competition policy and law in Namibia. Today, however, Namibia can boast with employees in this skill set on competition economics and law. Also, in line with evolving contemporary developments, the Commission is highly gender-sensitive. With the women make up 70% of non-management positions and 50% of management posts.

As was mentioned by the Minister and Chairperson, the Commission has fulfilled its strategic objectives during the 2009/2010 to 2013/2014 period with dedication and determination as directed by the Board to see the Commission through in its institutional and implementation phase.

For the next strategic horizon, the Commission has started to do with concerted effort especially on price fixing, dominance, exclusive agreements and exemption applications in the year 2014. The Competition Act is to be reviewed to create a

strong, cohesive and effective law, and we are gaining ground on market enquiry provisions to analyze and understand the sectors for better enforcement.

There would be for the next strategic horizons emphasis on five central pillars of success which is coined **C.A.R.E.** That stands for **Centre of Excellence, Advocacy, Research, and Enforcement.** As a caring for staff and its stakeholder as a responsive institution, the Commission aims to fulfill the following five key strategic objectives over the next five years.

- *To ensure effective enforcement of the Competition Act as a contribution to creating competitive markets in line with Vision 2030.*
- *To expand the scope of competition regulation and strengthen the quality thereof.*
- *To enhance competition advocacy towards the fulfilment of sound competition principles and practices.*
- *To conduct action oriented research on competition in support of evidence-based competition regulation and policy.*
- *To develop the Commission as a centre of operational excellence in competition regulation.*

Lessons were learned in the first five years, making the NaCC a better enforcer: one which would give effect to investigation planning, case management, and the development of internal guidelines. Its capabilities improved significantly over this period.

I take this opportunity to thank the Ministry of Trade and Industry, our Chairperson, and our Commissioners as well as the management and staff of the Commission, for their uninterrupted support, devotion and dedication in helping to realise the goals and objectives we have set ourselves in the interests of executing our mandate on competition regulation in Namibia.

We certainly can attest that in accordance with Government's expectations, and to the interests of our nation, and our country's economic development, we have certainly realise our goal of institutionalising the Commission and ensured effective implementation of the competition law in Namibia.

Once again, thanks is accorded to the stakeholders and all those present here today, from the Ministry and other Ministries legal fraternity to media, academia, sector regulators, small and big business and the public.

Allow me to extend heartfelt thanks on behalf of the Commissioners to the Minister of Trade and Industry to grace us at the occasion. To the organizers of this event, a warm thank you also for making this possible on our 5<sup>th</sup> year anniversary on the 9<sup>th</sup> December and for celebrating the World Competition Day on the 5<sup>th</sup> December. Mr Bonakele, my dear friend once again for sharing your invaluable insights on competition developments in our Sister country.

May the festive season and the New Year, 2015 only bring you fair competition and a prosperous economy.

**I thank you!**

**I am informed that my task of giving the vote of thanks extends to showing our appreciation also in the form of small tokens:**

- **Firstly, I call on the Chairman, Mr Hangula to hand over small tokens of appreciation to the Honourable Minister, Mr Murorau and Mr Douglas.**

- **We have three Commissioners whose terms are ending this month. I call on the Honourable Minister to hand over the tokens of appreciation to the following Commissioners:**

- 1. Chairman Mr Festus Hangula**
- 2. Commissioner Ms Nelago Kasuto**
- 3. Commissioner Dr Omu Kakujaha**

- **Mr Bonakele, kindly come and receive your token. We appreciate you always taking the time to avail yourselves and your expertise whenever we call upon you for assistance.**

- **Last year we had chosen Engling, Stritter & Partners law firm as the Stakeholder of the Year. However, due to unforeseen events, we were not able to hand over that award. Would a representative, I believe Mr Axel Stritter is present, kindly receive the award on behalf of the firm.**
- **I am made to understand that my token is waiting at the table...**
- **With that I conclude my vote of thanks.**