Competition Policy and Regional Integration in Developing Countries

Edited by
Josef Drexl
Director, Max Planck Institute for Intellectual Property and Competition Law, Munich, Germany

Mor Bakhoum
Senior Research Fellow, Max Planck Institute for Intellectual Property and Competition Law, Munich, Germany

Eleanor M. Fox
Walter J. Derenberg Professor of Trade Regulation, New York University School of Law, USA

Michal S. Gal
Professor of Law, University of Haifa School of Law, Israel

David J. Gerber
Distinguished Professor of Law, Chicago-Kent College of Law, Illinois Institute of Technology, USA

Edward Elgar
Cheltenham, UK • Northampton, MA, USA
Contents

List of contributors vii
List of abbreviations ix

Introduction Mor Bakhoum 1

PART I PROMISES AND CHALLENGES IN IMPLEMENTING REGIONAL COMPETITION POLICY REGIMES

1 The harmonization of ASEAN: competition laws and policy from an economic integration perspective 13
Lawan Thanadsillapakul

2 Competition law and policy in the framework of ASEAN 41
Anthony Amunategui Abad

3 Southern African Development Community (SADC) regional competition policy 56
Gladmore Mamhare

4 Competition policy in the SADC: a South African perspective 66
Kasturi Moodaliyar

PART II INSTITUTIONAL COHERENCE, REGIONAL INTEGRATION AND COMPETITION POLICY

5 Institutional coherence and effectiveness of a regional competition policy: the case of the West African Economic and Monetary Union (WAEMU) 89
Mor Bakhoum and Julia Molestina

6 Regional integration and competition policy in the Economic Community of West African States (ECOWAS) region 116
Mbissane Ngom

7 Andean competition law: looking for the private sector, or the quest for the missing link in antitrust 133
Javier Cortázar
PART III  ECONOMIC STRUCTURE, REGIONAL INTEGRATION AND COMPETITION LAW ENFORCEMENT

8  Regional integration in the Caribbean: the role of competition policy  
    Taimoon Stewart  
    161

9  Implementing effective competition policy through regional trade agreements: the case of CARICOM  
    Delroy S. Beckford  
    185

10 The COMESA regional competition regulations  
    George K. Lipimile  
    205

PART IV  THE DEVELOPMENT DIMENSION OF REGIONAL INTEGRATION AND COMPETITION POLICY

11 Economic integration and competition law in developing countries  
    Josef Drexl  
    231

12 Regionalization, development and competition law: exploring the political dimension  
    David J. Gerber  
    253

13 Competition, development and regional integration: in search of a competition law fit for developing countries  
    Eleanor M. Fox  
    273

14 Regional agreements of developing jurisdictions: unleashing the potential  
    Michal S. Gal and Inbal Faibish Wassmer  
    291

Index  
    321