
CUTS 7UP4 Evaluation Report

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List of Acronyms

| | |
|------------|--|
| CCIER | Centre for Competition, Investment & Economic Regulation |
| DFID | Department for International Development |
| ARTEL | National Regulatory Authority for Telecommunications |
| ATC | Association Togolaise des Consommateurs |
| BEN | Business Environment Network |
| BUSAC | Business Sector Advocacy Challenge |
| CAG | Consumers Association of Ghana |
| CAMON | Consumer Affairs Movement of Nigeria |
| CCIA | Lead Director of Missions Chamber of Commerce and Industry |
| CCOSPAG | Competition and Consumer Advocacy Group |
| CEDRES | Center for Studies, Documentation, Economic and Social Research |
| CEON | Consumers Empowerment Organization of Nigeria |
| CNC | National Competition Council/National Competition Commission |
| CNCC | National Commission for Competition and Consumer |
| CRES | The Consortium for Economic and Social Research |
| CRRs | Country Research Reports |
| CSO | Civil Society Organization |
| DANIDA | Danish International Development Assistance |
| DCIC | Directorate of Internal Trade and Competition |
| DNCC | National Directorate of Trade and Competition |
| DTIS | Diagnostic Trade Integration Studies |
| ECOWAS | Economic Community Of West African States |
| EU | European Union |
| FLASH | Faculty of Language Arts and Humanities |
| FSEG | Faculty of Economics and Management |
| GCC | Gambia Competition Commission |
| GDP | Gross Domestic Product |
| GNA | Ghana News Agency |
| GSM | Global System for Mobile Communications |
| IAB | International Advisory Board |
| IDRC | International Development Research Centre |
| INCSOC | International Network of Civil Society Organisations on Competition |
| ISSER | Institute of Statistical, Social and Economic Research |
| MOFA | Ministry of Foreign Affairs |
| MOTIPSDPSI | Ministry of Trade & Industry, Private Sector Development & President's Special Initiatives |
| MOU | Memorandum of Understandings |
| NANTS | National Association of Nigerian Traders |
| NCA | National Communications Authority |
| NRG | National Reference Group |
| NTW | National Training Workshops |
| OSN | Operational Strategy Note |

| | |
|---------|---|
| PAC | Project Advisory Committee |
| PCPs | Preliminary Country Papers |
| Pro-PAG | Pro-Poor Advocacy Group |
| PURA | Public Utilities and Regulatory Authority |
| PURC | Public Utilities Regulatory Commission |
| RTW | Regional Training Workshops |
| TOR | Terms of References |
| UEMOA | Director of Competition Union West African Economic and Monetary Commission |
| UNCTAD | United Nations Conference on Trade and Development. |
| USAID | United States Agency for International Development |
| WAEMU | West African Economic and Monetary Union also known as UEMOA |

1 Executive Summary

1.1 Project Background

1. CUTS Centre for Competition Investment & Economic Regulation (CUTS CCIER) with the support of Department for International Development (DFID), UK; International Development Research Centre (IDRC), Canada and the Ministry for Foreign Affairs (MFA), Sweden implemented a project titled, 'Strengthening Constituencies for Effective Competition Regimes in Select West African Countries' referred to as the '7Up4' project. The project spanning for over two years (Jun 2008 – July 2010¹) was implemented in three Anglophone countries i.e. The Gambia, Ghana, Nigeria and four Francophone countries i.e. Senegal, Burkina Faso, Mali and Togo in coordination with selected project partners, with CUTS-CCIER acting as the project team.
2. **Objective of the project:** The major objective of the project was to develop an appreciation of the need for an effective competition regime among national stakeholders such as policy makers, regulators, civil society organizations, consumer groups, academics and media persons and build their capacity as effective facilitators of such a regime
3. **Financial Envelope:** The project entailed a budget of USD 1,220,921 spread across two years, and was accepted for funding by three donors: Department for International Development (DFID, UK); International Development Research Centre (IDRC, Canada) and the Ministry of Foreign Affairs (MOFA, Sweden). DFID agreed to fund USD 649,561, representing over 53% of the budget, and the remaining USD 396,460 and USD 174,900 representing 33% and 14% of the total budget were funded by IDRC and MOFA, Sweden respectively.
4. This evaluation has been undertaken by independent evaluators, in order to assess the overall results and impact of the 7UP4 project in the seven countries. The evaluation is based on thorough study of project related documentation, discussions with CUTS C-CIER project team, questionnaire survey of project partners, and field visits to four (The Gambia, Ghana, Burkina Faso and Senegal) out of the seven participating countries.

1.2 Review of Project and Activities

1.2.1 Project administration

5. **Project Team & Advisers:** CUTS C-CIER was responsible for overall coordination of project activities. The project team comprised of four in-house staff of CUTS - a project

¹ The time period excludes the external evaluation component of the 7Up4 project which was undertaken in the period October – December 2010.

director, project coordinator and two project associates and; two external bi-lingual experts (conversant in English and French) – project adviser and research adviser. For the overall coordination of project activities, CUTS staff member was chosen as the Project Coordinator who had a former experience of coordinating the two CUTS 7Up projects – 7Up2 and 7Up3 and was supported by two Project Associates

6. **Project Advisory Committee and CUTS CCIER International Advisory Board (IAB):** A Project Advisory Committee (PAC) consisting of nine persons was constituted to provide guidance during the project course. The list includes names of various international experts and practitioners on competition policy and law, sectoral regulators, representatives from regional institutions – West African Economic and Monetary Union (WAEMU) and Economic Community of West African States (ECOWAS).
7. **National Reference Group (NRG):** a National Reference Group (NRG) was constituted in each of the seven countries that represented a cross section of subject experts, academicians and practitioners, representatives from Civil Society Organizations (CSOs), consumer organizations, government, parliament, media, and local donor agencies. The group was formed to act as focal point in each project country to guide the project partners and the activities through providing inputs and reviewing of outputs.

1.2.2 Project Review Mechanism

8. CUTS C-CIER personnel **visited project partners** from time to time to take stock of the project activities. Nearly all the project partners cited CUTS C-CIER having undertaken regular **e-mail based stock-taking reviews** throughout the project. The **interim review meeting** was only main review instrument under the project which was held after the completion of first project phase on 29-30 July 2009 in Banjul, The Gambia.

1.3 Project Activities and Outputs

1.3.1 Ground work and Launch Phase

9. The preparatory phase began with the project overview note and the operational strategy note prepared by CUTS, with the latter being a more refined version of the former in terms of clearly charting out the project schedule and sequence of project activities. The project was formally launched at Accra, Ghana, on June 19-20, 2008, through a Launch Meeting spanning over two days.

1.3.2 Research Phase

10. A research Methodology Note and a Guidance Note prepared by CUTS and project advisers was provided to all the partners at the beginning of the research phase. The notes addressed the various tools/methods to be used for executing the research and were targeted to provide guidance to all the project partners so that a common strategy

could be followed. On the other side, each country partner had prepared a Preliminary Country Paper (PCP), which could be termed as a premature country research report which provides a bird's eye view on competition scenario in each of the seven countries.

11. **Country Research Reports (CRRs):** CRRs were the most resource intensive outputs of the 7Up4 project. The paper was to be prepared based on literature review, opinion seeking, perception survey, and in depth study on agriculture market. The country research reports of all the seven countries are found to be qualitative, and are able to address the desired aspects adequately. High point of the CRR remains engagement of subject experts for preparation of certain sections, which owing to the low level of expertise were challenging for the partners to prepare. On the other hand, perception survey is a lacuna in the report, given a weak coverage of the respondents in some countries (Mali and Nigeria)
12. The **Synthesis Report:** The document is a synthesized version of the findings from the seven CRRs, prepared in both English and French languages and features on the home page of the project website. Given the involvement of illustrious names from the field of competition, the report is a high-quality, highly insightful and practically actionable document which deserves to be widely disseminated and resultantly deliberated upon, not only under this project but under any awareness generation campaign relating to pro-competition agenda.

1.3.3 Advocacy and Dialogues

13. The main advocacy tool under the project was the creation of National Reference Groups (NRGs) and Advocacy Roadmaps in the seven project countries. A series of three NRG meetings were held in each country where the findings and analysis of research undertaken by the project partners were presented for deliberation and a plan for national advocacy was decided upon.
14. The evaluation notes inconsistent participation in the three meetings across all the project countries; with as low as eight participants during NRG I meeting in Togo and as high as 38 participants during NRG III meeting in Ghana. Also, the efficacy of the preparation of roadmap (objective of the NRG II and III) is questionable given that *budgets played a critical role* in determining the extent to which the issues could be adequately resolved which the partners cited to be inadequate.

1.3.4 Capacity Building

15. A three-day Regional Training Workshop (RTW) on competition law enforcement was organized both for the Anglophone and Francophone countries that were held in Nigeria and Togo respectively. The inclusion of session on case studies made the workshops more meaningful and progressive which led to a more active involvement of the participants. Most of the trainees, met/contacted by the evaluators, praised the quality of the RTWs, particularly the discussions that took place during the event.

16. A 3-day Training Workshop on Competition Policy and law issues was organized in all project countries where competition experts and practitioners from Europe, Asia and other parts of Africa facilitated the sessions in the workshops and familiarized the trainees (representatives from civil society, lawyers, academicians, business associations, policymakers, government departments, competition authority, etc.) with various elements of competition policy and law issues. In terms of training the parliamentarians, the partners made immense efforts towards inviting them, however the level of participation was found to be mixed across the countries.
17. Overall, the presence of international experts who were roped in as resource persons for the national and regional level workshops enhanced the credibility of the capacity building component envisaged by the intervention.

1.3.5 Outreach

18. CUTS C-CIER website has a vertical dedicated to the 7Up model which also features the components of the 7Up4 project. The home page contains both the English and French versions of Synthesis Report: 'A Time for Action', which has been one of the most important outputs under this project. The website lists over 50 articles that were published in media during the two year project span. These articles are mostly confined to the activities organized under the project. On the sidelines of events, interviews on TV and Radio were also given by some of the resource persons, glimpses of some of which have also been captured on the 7Up4 website.
19. CUTS also shared information, knowledge, updates on competition related issues with the stakeholders in the project countries through e-group postings, newsletters and email correspondences.

1.4 Analysis of Results

1.4.1 Relevance

20. The relevance of the intervention has been established by assessing the participating countries' needs and priorities with respect to competition. All the seven countries are characterized by a prevalence of possible anti-competitive practices across sectors, such as telecommunication, water, electricity, cement, agricultural commodities etc. Ghana and Nigeria still do not have a comprehensive competition law, although many bills have been submitted to their Parliaments. Other countries where competition law exists, the competition authorities are characterized by lack of human and financial resources. Moreover, in some cases the independence of the competition commission is subdued owing to considerable political interference (in Togo and The Gambia)
21. The project stands relevant for all the countries covered by the project. Nearly all the countries are characterized with lack of political will, institutional capacity and appreciation for the need of a sound competition regime. Moreover, the project objective

is also in accordance with the public policies, as well as the private sector and the civil society expectations for transparency and good governance towards nurturing healthy competition regime in each of the 7UP4 countries.

1.4.2 Effectiveness – Results from the project

22. **Output 1: Enhanced knowledge on competition policy and consumer welfare issues across various stakeholders- (partner organizations, individual consultants, sector regulators, media officials, Academicians, NRG members):** The evaluators submit that this objective has been adequately addressed through project activities, particularly the NRG meetings, national and regional training workshops. The training workshops were cited by the stakeholders as rather useful, as these broadened the participants' understanding on basic concepts of competition and concomitant issues. The stakeholders who have benefited the most in terms of enhancement of knowledge are the project partners, most of who had experience in other domains such as gender and education, and have now got exposed to competition issues through this project. Stakeholders met by the evaluators claimed to have developed a broad understanding on the felt need of competition legislation, which can only intensify along with greater penetration of local acceptability of the subject.
23. **Output2: Countries helped to fast track process of evolution and implementation of national competition regimes with substantial inputs from civil society (establishing a process of partnership):** The Country Research Reports (CRRs) and Preliminary Country Papers (PCPs) stand out to be the most important input from the civil society organizations towards evolution and implementation of national competition regime. However, it cannot be demonstrated that this content has been imbibed by in-country actors and applied in policy actions or pro-competition negotiations, sufficiently at the country level. Establishment of formal process of engagement with civil society deemed to be vital for enabling the CSOs to provide their inputs regularly, has only been seen in The Gambia. The intention to build the agenda forward after a consultation process to resolve the issues identified under the project (through CRRs and PCPs) was reflected in the preparation of the advocacy road map which has not received due attention from the necessary stakeholders after the project.
24. **Output3: Process of dialogue initiated between government, civil society, business community on economic and regulatory policy issues that will make it possible for stakeholders to work together and shape economic reforms agenda:** One of the positive features of the 7Up4 project has been the establishment of the NRG group in each country, which has garnered wide appreciation from stakeholders for its ability to foster interactions between different competencies on competition issues; however the evaluation has not encountered any evidence that would suggest sustenance of the dialogue beyond the project realms. On another front, the level of political buy in, ascribed to be the major constraint to enforcement of competition, has remained moderate at the overall project level. The project has not been able to create any

formalized process of dialogue with the competition authorities though there have been sporadic efforts by the competition authorities in Burkina Faso and Togo to engage with the partners.

25. **Output4: Credibility of civil society organizations asserted as ‘actors’ in national competition reforms, thus motivating them to pursue the reforms agenda further:** With the knowledge gained during the 7UP4, these CSOs² felt greatly empowered to participate in discussions on competition issues and consumer protection. Even though the project has accorded visibility, there is a caveat, as the subject is still very nascent for most of them. Also it is important to establish that pursuit of the reforms agenda further would be highly conditional upon the project’s partners’ willingness and ability to dialogue further, which remains a challenge given their limited financial and human capabilities. At a minimum, the project has provided these CSOs enough visibility and credibility to be known as ‘lead CSO’ dealing on competition front which could possibly result in greater inflow of donor assisted projects on related themes.
26. **Output5: International community made aware of the need to promote a healthy competition culture in the region, and to contribute meaningfully to strengthening competition regimes therein:** The project has provided sufficient opportunities for engagement with the international community, which is one of the highlights of this project. The presence of representatives from donor and other development agencies in country specific NRG groups (for e.g. presence of DFID Ghana representative in Ghana NRG) created a qualitative platform for discussion on country specific competition issues. The project has given international exposure to all the project partners whose representatives participated at the ECOWAS regional authority, held at Ghana in November 2010. The evaluation considers CUTS project team’s efforts of disseminating about hundred copies of the synthesis reports at the 6th UN Review Conference on Competition Policy, organized by UNCTAD to be highly praiseworthy as this has not only given the 7UP4 project enormous visibility at the highest possible international platform but could also generate interest in the international community to assist efforts towards improving the state of competition in West Africa countries.

1.4.3 Efficiency

27. The project has completed all the activities proposed, other than printing and dissemination of the final research report, which had not been initiated at the time of evaluation.
28. **Time overruns:** All the activities were to be completed within 24 months (excluding project evaluation) from the start of the project, but the project got delayed by three months owing primarily to delays in the finalization of CRRs.
29. **Budgets and Fund Management:** The evaluation would like to notify that owing to multiple exchange rates being involved in the project, it would be inappropriate to

² CSOs under output 4 refer only to the project partner unless stated otherwise.

conduct financial analysis on the basis of uniform exchange rate parity. The project suffered on account of a huge exchange rate loss (appreciation of INR vis-à-vis USD) which led to inadequate coverage of actual costs incurred.

1.4.4 Impact

30. The broad impact of such an intervention can be identified by analyzing the extent to which the project has contributed towards the implementation of a healthy competition regime in each of the seven countries in the form of strengthening the capacity and visibility of institutions, in pursuing the agenda on competition further– (competition authorities, civil societies, media houses and universities) and enforcement or amendment to competition legislations.
31. **For partner organizations and representatives:** A wider network of partners, enhanced credibility when sourcing for funds, better visibility among national and international community members who now consider them as one of the lead organizations on competition issues emerges as a major impact of this project.
32. **For Media:** On the basis of scant interviews with the media officials during the evaluation, the evaluators contend that there has not been any significant increase in reportage on competition issues and resultant increase in public awareness of the same.
33. **For Competition Authorities:** For resource starved competition authority there have been no evidences of government buy-in towards budgetary support enhancements for competition regulatory and support institutions. In countries, where there was no was no competition law, situation remains unchanged.
34. Enforcement of current legislations or their amendment is dependent on political bodies' buy-in on the importance/ priority of competition related issues, which has been mixed across project countries. In essence, the advocacy was relatively weak overall, with most of it being limited to the NRG meetings. A sound advocacy plan and wide dissemination of the project materials beyond the confined boundaries of the project could have reaped more fruitful results.

1.4.5 Sustainability

35. From evaluation's perspective, the sustainability of the project intervention at the country level can be assessed from two angles – (i) Institutionalization of competition related knowledge and advocacy methodologies developed in the project; (iii) Strengthening of networks to carry on the advocacy messages further, with appropriate local customization
36. The evaluation considers that the project beneficiaries now have the necessary knowledge and awareness of competition facing aspects and can be seen as having a positive role in the pursuit of *competition* reforms agenda. However, absence of interactions among the NRG members and project partners beyond the project span in all project locations is seen as a failing of the advocacy and sustainability aspects. No follow-up on the actions

undertaken as per the country advocacy roadmaps hints to a major shortcoming in the project.

37. The 7Up4 project is seen as a first phase of a long term process and its sustainability is not only dependent upon project beneficiaries' commitment and initiative but also on external factors viz., financial support for the project partners to pursue it further and the intent of the political realities to support the process of implementation and evolution of a healthy competition regime.

1.5 Lessons Learnt and Recommendations

1.5.1 Lessons learnt

- Absence of a clear log frame and Results Matrix indicates an absence of results oriented approach of the project.
- Projects in which advocacy represents a key component, there is a strong need of earmarking adequate budgets for this component to enable sustained efforts.
- Attaining adequate level of political buy-in is necessary to produce expected results.
- The project partners and the national stakeholders should acknowledge the ownership and accountability of project implementation and not be only recipients of outputs without any obligations.

1.5.2 Recommendations

In order to sustain the efforts made under this project, there is a strong need for adopting a sound advocacy strategy aimed at addressing the major challenges confronting the countries.

- Dissemination of 7Up4 research materials
- Consolidation of results and impacts manifested by CUTS interventions in Africa
- Adoption of a sound advocacy strategy for which the starting point can operationalising the advocacy roadmap
- Strengthening the extant INCSOC network

2 Introduction and Methodology

2.1 Project Background

1. CUTS Centre for Competition Investment & Economic Regulation (CUTS CCIER) with the support of Department for International Development (DFID), UK; International Development Research Centre (IDRC), Canada and the Ministry for Foreign Affairs (MFA), Sweden implemented a project titled, '**Strengthening Constituencies for Effective Competition Regimes in Select West African Countries**' referred to as the '**7Up4**' project -- <http://www.cuts-ccier.org/7up4/index.htm>. The project spanning for over two years (Jun 2008 – July 2010³) was implemented in three Anglophone countries i.e. The Gambia, Ghana, Nigeria and four Francophone countries i.e. Senegal, Burkina Faso, Mali and Togo in coordination with selected project partners, with CUTS-CCIER acting as the project team.

Table 1: A Snapshot of the Project

| Project Snapshot | |
|----------------------------|--|
| Title | Strengthening Constituencies for Effective Competition Regimes in Select West African Countries referred to as the ' 7Up4 ' project |
| Funded by | Department for International Development (DFID), UK; International Development Research Centre (IDRC), Canada and the Ministry for Foreign Affairs (MFA), Sweden |
| Duration | 26 months (June 2008- July 2010) |
| Implementing Agency | CUTS Centre for Competition, Investment & Economic Regulation (CUTS-CCIER) |
| Focus countries | Burkina Faso, The Gambia, Ghana, Mali, Nigeria, Senegal and Togo |
| Objectives | <ul style="list-style-type: none"> • Evaluate impediments to evolving national competition regimes and identify the best way for addressing such impediments through a participatory process involving multiple stakeholders. • Develop the capacity of national stakeholders including policy makers, regulators, civil society organisations, particularly consumer groups, academics and media persons to understand and appreciate competition concerns from national, regional and international perspectives. • Establish a channel of communication between civil society, business and the government in order to deliberate on the best way forward for promoting competition and consumer protection at the national level. |

³ The time period excludes the external evaluation component of the 7Up4 project which was undertaken in the period October – December 2010.

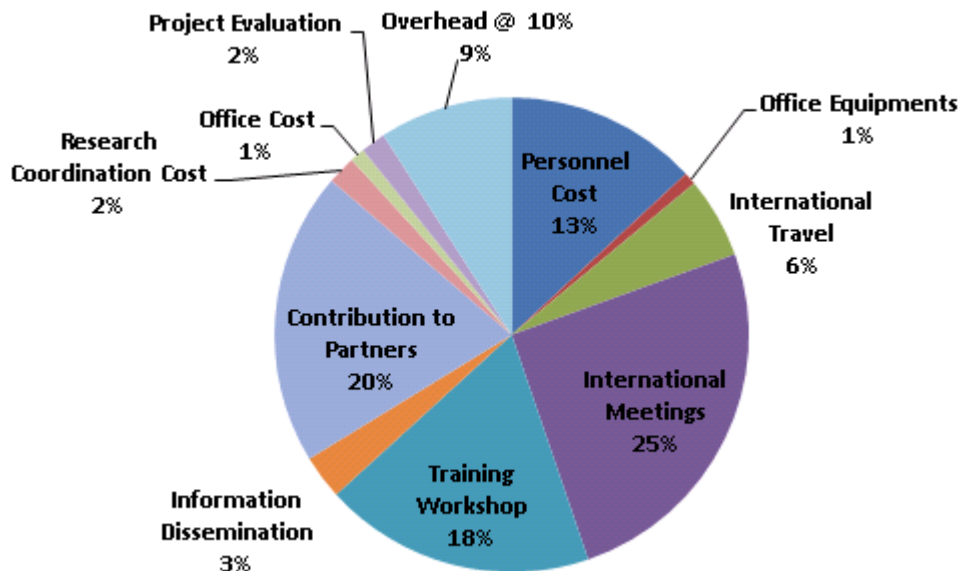
| Project Snapshot | |
|--|--|
| | <ul style="list-style-type: none"> • Provide inputs into the process of drafting new competition legislation or reforming existing competition legislation, drawing on best practice from other developing/least developed and developed countries. • Disseminate information materials (pamphlets, briefings, monographs, etc.) that elucidate the linkage between competition and other public policy issues in order to mobilise public support for competition and regulatory reforms. • Help build constituencies for promoting competition and consumer awareness by identifying a representative group of national stakeholders and transforming them into a core cadre (nationally) on competition policy, regulatory issues and consumer protection. • Establish dynamic linkages between the national stakeholders (national reference groups) and global networks and coalitions on competition and regulatory issues |
| Outputs | <ul style="list-style-type: none"> • Enhanced knowledge on competition policy and consumer welfare issues across various stakeholders • Countries helped to fast-track process of evolution and implementation of national competition regimes-with substantial inputs from civil society (establishing a process of partnership) • Process of dialogue initiated between government, civil society, business community on economic and regulatory policy issues that will make it possible for stakeholders to work together and shape economic reforms agenda • Credibility of civil society organisations asserted as ‘actors’ in national competition reforms-thus motivating them to pursue the reforms agenda further • International community made aware of the need to promote a healthy competition culture in the region, and to contribute meaningfully to strengthening competition regimes therein. |
| Expected Outcomes | <ul style="list-style-type: none"> • Profile of competition policy within the context of national development raised • Process to establish effective national competition regimes evolved. • Promotion of a healthy competition culture in the project countries. |
| Total Budget (as per the proposals) | USD 1,220,921 |
| Actual Receipt of Funds | INR 52,160,641 |

2.1.1 Financial Envelope

2. The project entailed a budget of **USD 1,220,921** spread across two years, and was accepted for funding by three donors: Department for International Development (DFID, UK); International Development Research Centre (IDRC, Canada) and the Ministry of Foreign

Affairs (MOFA, Sweden). DFID agreed to fund **USD 649,561**, representing over 53% of the budget, and the remaining **USD 396,460** and **USD 174,900** representing 33% and 14% of the total budget were funded by IDRC and MOFA respectively. The allocations budgeted by activity can be seen from the chart below:

Figure 1: Proportion of Project Budget (USD 1,220,921) - By Activity



Source: Allocations as per the proposal

2.2 Evaluation Methodology

The methodology adopted during the evaluation has been included in Annex1.

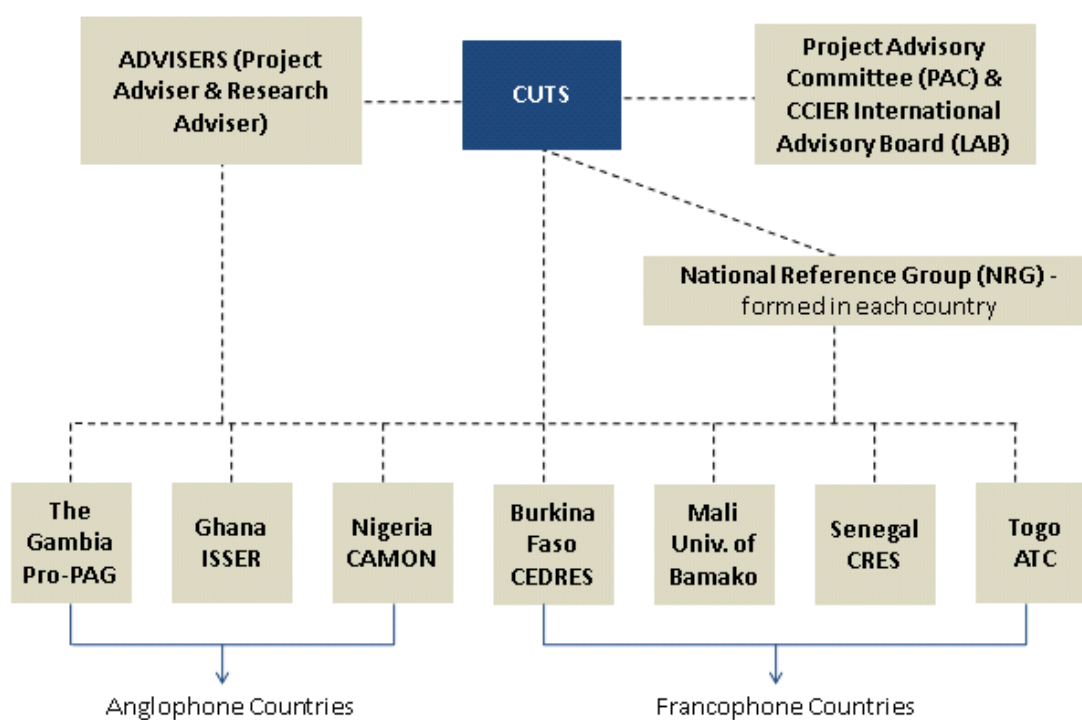
3 Review of Project and Activities

3.1 Project Implementation: Administrative and Monitoring Arrangements

3.1.1 Project Administration

3. The overall project administration arrangement can be seen from the diagram, with the roles and responsibilities of each actor discussed below:

Figure 2: Project Administration Arrangement



Project Team & Advisers

4. CUTS C-CIER was responsible for overall coordination of project activities. CUTS has a rich experience of implementing 7Up projects in Asia and Africa, but this was their first project in the West African Region and also the first in a French speaking country.
5. The project team comprised of **four in-house staff** of CUTS - a project director, project coordinator and two project associates and; **two external bi-lingual experts (conversant in English and French)** – project adviser and research adviser, who had sound understanding on the subject.

- For the roles of **project adviser and research adviser**, CUTS roped in two international experts to carry out the advisory role on research, advocacy and capacity building elements. The project advisor who is also the member of the project's Project Advisory Committee (PAC) and International Advisory Board (IAB) was the Former Head of Competition and Consumer Policies Branch of UNCTAD and brings over 30 years of experience in the area of competition policy and consumer protection issues. The Country Research Reports (CRRs) were sent to the advisers for their review and comments. However, delayed responses from some country partners made it challenging for the advisers to first review the lengthy reports and then finalize it within the allocated timeframe. The findings from the CRRs were synthesized by the Advisers and prepared in the form of Synthesis Report (in English and French) which the evaluation considers to be the most sought after output produced under this project. Moreover, with proficiency in both English and French dialects, the evaluation considers the presence of such illustrious experts as advisors to be a major strength of the project.
- The role of Project Director was performed by the Secretary General of CUTS International who has served on several policy-making bodies of the Government of India, related to trade, environment and consumer affairs, including the National Advisory Committee on International Trade of the Ministry of Commerce and its working groups in the past.
- For the overall coordination of project activities, CUTS staff member was chosen as the Project Coordinator who had a former experience of coordinating the two CUTS 7Up projects – 7Up2 and 7Up3 and was supported by two Project Associates. One of the team members was bi-lingual (fluent in English and French).

Project Advisory Committee and CUTS CCIER International Advisory Board (IAB)

6. A Project Advisory Committee (PAC⁴) consisting of nine persons was constituted to provide guidance during the project course. The list includes names of various international experts and practitioners on competition policy and law, sectoral regulators, representatives from regional institutions – West African Economic and Monetary Union (WAEMU) and Economic Community of West African States (ECOWAS) – which represents an amalgamation of diversity and richness of experience.
7. The Project Overview Note and the Operational Strategy Note (OSN) contain references to the role of the PAC from providing inputs and guidance to enrich the project planning and implementation process, reviewing and finalizing the research methodology and CRRs and engaging in capacity building activities, which the evaluation notes to be suitably carried out by the PAC members. For stock-taking of the project activities at regular intervals, some of the PAC members participated in the Project Review Meetings that were organized on the sidelines of the International Conferences.

⁴ List of PAC members at: <http://www.cuts-ccier.org/7up4/pdf/7up4PAC.pdf>

8. In addition, the IAB comprising of 16 international experts (*refer Annex 2*) was also to be consulted for the guidance on the project, however the project documents do not contain clear references to their roles and responsibilities to be carried out during the project. Four IAB meetings were conducted by CUTS CCIER during the project span, one of which was held on the sidelines of the Final Conference in Dakar, August 2010.

National Reference Group (NRG)

9. Given the distinct status of competition regimes in each country, a separate National Reference Group (NRG) was constituted that represented a cross section of subject experts, academicians and practitioners, representatives from Civil Society Organizations (CSOs), consumer organisations, government, parliament, media, local donor agencies - with aptitude for competition, regulatory policy and consumer protection issues. This informal arrangement was to act as focal point in each project country to guide project activities by providing inputs and reviewing outputs. By virtue of the NRG composition, the NRG meetings in each phase served as an important discussion platform which consequently led to the creation of the “Advocacy Roadmaps” in each of the countries. *The list of NRG members for the first NRG Meeting can be referred from Annex 3.*

Project Partners

10. Project Management & Coordination at the country level was the responsibility of respective project partners. In terms of selection of project partners, it was challenging for CUTS C-CIER to find the appropriate partners who had experience and/or interest on economic policy, consumer protection and competition policy issues. Some of them who had the necessary experience and understanding on the subject were not interested in being partners due to the budget available to them.

Table 2: Project Partners in the 7UP4 Project

| Country | Project Partners |
|--------------|--|
| Burkina Faso | Centre d’Etudes, de Documentation, de Recherches Economiques et Sociales (CEDRES) |
| Mali | <ul style="list-style-type: none"> • Faculté des Langues Arts et Sciences Humaines (FLASH), Université de Bamako • Direction Nationale du Commerce et de la Concurrence (DNCC) |
| Togo | Association Togolaise des Consommateurs (ATC) |
| Senegal | Le Consortium pour la Recherche Economique et Sociale (CRES) |
| The Gambia | Pro-Poor Advocacy Group (Pro-PAG) |
| Nigeria | Consumer Affairs Movement of Nigeria (CAMON) |
| Ghana | Institute of Statistical, Social and Economic Research (ISSER) |

11. In three project countries - Ghana, Burkina Faso and Senegal, a leading research/academic institution, in Togo and Nigeria a consumer organization, in Mali initially FLASH and then National Directorate of Trade and Competition (DNCC), while in The Gambia a national

think-tank working on a range of social and economic issues were chosen as the partner organizations.

12. The selection of the partners was done on the basis of following criteria:

i. Institutional Memory & Past Experience:

- The three partners in the Anglophone countries – Pro-PAG (The Gambia), CAMON (Nigeria) and ISSER (Ghana) - were known to CUTS earlier and had participated in earlier CUTS 7Up projects meetings - especially in the 7Up3 project that was implemented in parts of Eastern and Southern Africa.
- In addition, ISSER (Ghana), CAMON (Nigeria) and ATC (Togo)⁵ contributed 'country essays' from their respective countries for the CUTS publication- *Competition Regimes in the World - A Civil Society Report* in 2006.
- FLASH (the original partner in Mali) was known to CUTS from an earlier project, however at a later stage of the project (in early 2010), the partnership between CUTS and FLASH, Mali was strained and had to be discontinued.

ii. Scoping mission: CUTS organized a scoping mission in end 2007 and held discussions with the targeted partners in their respective countries which helped them in making assessments of their interest on competition policy and law issues, credibility/visibility in the country, the interest of the nodal officer and contacts with other stakeholders among other things.

iii. Reference: Other partners – CEDRES (Burkina Faso) and CRES (Senegal) were suggested by IDRC (the donor for the project) who had worked with these partners in the past.

13. According to the project design, each partner was required to designate a nodal person who was responsible for the coordination of the project related activities with CUTS C-CIER. The terms of reference of the partners are outlined in detail in the Memorandum of Understandings (MOUs) signed with CUTS which also specify the responsibilities and specific outputs to be delivered by them during the project span. Besides the in-house personnel, some partners even sought assistance from external consultants in preparation of certain sections of the research reports in which they relatively lacked conversancy. The questionnaire survey revealed that the project partners were satisfied with the responsiveness and backstopping assistance provided by CUTS C-CIER on project implementation issues throughout the project lifespan. However, the only downside cited by some of them was the non-disbursal of last installment by CUTS., which CUTS representatives claimed was withheld purposively as some of the partners had failed to meet their obligation of submitting the utilization certificates for earlier transfers. (detailed in Chapter 3 - Efficiency section).

⁵ ATC contributed a 'country essay' on the 'Competition Regime in Togo' for the CUTS volume 'Consumer Protection Regimes in the World', which was however not carried in the volume as there were some data gaps as raised by the editors. But the interaction with ATC, Togo was initiated around this time.

14. **Challenges:** In terms of *staffing challenges*, the evaluation came across two incidences. In Ghana, one of the team members left towards the end of the project, which did not have any major repercussions as the work was suitably managed by the other team members. However in Senegal, the departure of one of the team members (who took a sabbatical and went abroad for a course) was less fortunate, given that the research phase was still ongoing and this led to a delay in the preparation of CRR by two months.

3.1.2 Project Review Mechanism

15. The project review mechanism adopted during the 7Up4 project is summarized in the table below:

Table 3: Project Review Mechanism

| Review Activity/Mode | Frequency | Timing | Review between |
|--|-----------|---|---|
| Interim Review Meeting | Once | 29-30 July 2009 (Held after the first phase of the project) | Donor, CCIER, partners and other stakeholders |
| E-mail/Telephone based review | Several | Throughout the project course | Between Donor and CUTS; CUTS and partners |
| Participation of CUTS personnel in various activities of the project | Several | Periodic meetings with partner organisations, stocktaking of project activities on the sidelines of regional events, NRG meetings, NTWs | CUTS and partners |
| Project Partners Meeting | Two | <ul style="list-style-type: none"> During the Launch Meeting, Ghana (Jun 2008) On the sidelines of Regional Training Workshops - one each for Francophone (December 2009) and Anglophone (January 2010) region | CUTS and partners |
| Project Quarterly Progress/Financial Reports | Eight | Every Quarter | CUTS and donors |

16. One of the main review instruments under this project was the **interim review meeting**⁶ which was carried out after the completion of first project phase on 29-30 July 2009 in Banjul, The Gambia. This event organized by CUTS in cooperation with Pro-PAG and Gambia Competition Commission (GCC) was well attended by 40 participants representing CUTS C-CCIER project team, NRG members, PAC members, partner organisations, competition practitioners, business representatives, policymakers, regional authorities and representatives of the media and other resource persons from across the world. The project stakeholders reviewed the outcomes from the first phase of the project – which

⁶ http://www.cuts-ccier.org/7up4/Interim_Review_Meeting_29-30July2009.htm

was largely concentrated on research activities, and suggested the way forward for finalizing the research outcomes and launching the advocacy and the capacity building activities for the next phase. The internationally renowned competition experts presented their views on specific aspects of competition policy and law, including the future of competition in the present economic downturn and beyond. This event was also attended by two donor agencies' representatives - one each from DFID and IDRC who held qualitative discussions on the project progress and results obtained.

17. During the partners' workshop (a session dedicated during the interim review meeting), it was discerned that most of the partners were not able to comprehend the components of research methodology, in spite of a detailed research guidance note and regular research assistance provided by CUTS. As per the research guidance note which was prepared during the initial stage of the project, the finalized Preliminary Country Paper (PCP) and first draft of Country Research Report (CRR) were to be submitted to CUTS before the interim meeting. But on the whole, only four of seven countries were able to submit the CRRs (the three Anglophone countries and Senegal), and the remaining three Francophone countries lagged behind. Sections on perception survey, agriculture markets study, and prevalence of anticompetitive practices were still incomplete or not produced as expected, owing to lack of availability of information in most cases.
18. At the conclusion of the event, CUTS undertook a detailed assessment of the project progress and identified challenges that needed to be addressed urgently in the project countries to enhance the effectiveness of the project activities, especially in achieving the targeted outcomes. As an outcome of this analysis, CUTS decided to have more hands-on interaction (by holding meetings with partners on the sidelines of project events etc.) with each partner especially for guiding the partner to finalize the research report, have discussions with key stakeholders to develop synergies and sharpen the advocacy process of the project, and finally to explore possible ways for strengthening the National Reference Group (NRG). Therefore, **Two Project Partners Meetings** were organized **one each** on the sidelines of the two **Regional Training Workshops** (held in Lome in December 2009 and in Abuja in January 2010).
19. Furthermore, CUTS C-CIER personnel **visited project partners** to take stock of the project activities from time to time, and suggest ways of streamlining operations, leading to better efficiency. Nearly all the project partners cited CUTS C-CIER having undertaken regular **e-mail based stock-taking reviews** throughout the project.
20. In Mali, the original partner (FLASH) was lagging behind the others in the process of implementation of the project activities, and also the nodal person was unable to participate in some of the important meetings. After several reminders, requests and face to face discussions, FLASH was able to undertake most of the research activities – especially since a couple of senior researchers with interest and understanding on competition were appointed as consultants by them. The Project Adviser and the Research Adviser had to spend a lot of time in guiding these researchers to conclude the research work for the Mali CRR. FLASH was, however, unable to organize the last round of NRG

meeting and National Training Workshop (NTW) in Bamako, which forced CUTS to enter into a contract with DNCC, Mali for implementing these two activities. The new partner faced challenges from the administrative perspective, given that the project had reached its final leg. However, the partner was able to expedite the process following a face to face discussion with CUTS Project Team in Bamako. Also, the nodal person appointed for the remaining tasks, was already well-aware of the project activities, being one of the consultants appointed by FLASH to do the research work for the Mali CRR. The evaluation notes that on a whole, such an exigency lingered the process of finalization of CRR. If there would have been a component of sharing a pre-draft version of the CRR (sharing the rough data on perception survey or initial findings on the agriculture markets study) by holding a partners meeting exactly mid-way between NRG-I and interim review meeting, the delay could have been curtailed-

3.2 Project Activities and Outputs

21. The evaluation has categorized the activities and outputs under the five broad components - *Ground Work Preparation, Research, Advocacy & Dialogues, Capacity Building and Outreach & Networking*, the details of which are as follows:

3.2.1 Ground work and Launch Phase

22. **Project Overview Note**⁷: The preparatory phase began with the preparation of a project overview note which presents a general overview of the project, its activities, tentative schedule, a snapshot of the competition *scenario* in the seven project countries, and a brief profile of the partner organizations and roles and responsibilities of the project personnel.

23. **Operational Strategy Note (OSN)**⁸: This document after having perused emerges to be a refined version of the overview note that clearly charts out the schedule and sequence of project activities, their purpose and expected outcomes. The OSN served as the project implementation guidebook and allocated responsibilities to the project team at CUTS, project advisers and partner organizations. The document also delves into various *possible* risks that might emerge during the implementation course and how CUTS plans to resolve them, which in the evaluators' opinion is a very useful section. However, the document does not contain a Project Log Frame and a listing of the five project outputs .

24. **Project Launch Meeting**: The project was formally launched at Accra, Ghana, on June 19-20, 2008, through a Launch Meeting spanning for two days. The event facilitated discussions on competition policy *and* law issues relevant to the region, issues in the interface of competition and sectoral regulation, competition and consumer protection, among others. The event received participation from select national stakeholders, partner organizations and renowned international experts from both within and outside the region. On the sidelines of the event, a Project Implementation Workshop was held

⁷ http://www.cuts-ccier.org/7up4/pdf/7Up4Project_Overview_Note.pdf

⁸ http://www.cuts-ccier.org/7up4/pdf/Operational_Strategy_Note.pdf

between the project team, project advisers and partner organizations where discussions centered on research methodology, advocacy plan and capacity building elements to be carried out in the future phases.

3.2.2 Research Phase

25. **Research Methodology Note:** The note prepared by CUTS and project advisers, is predominantly a Terms of Reference document which spells out clearly and in detail, the various components of each country's competition and regulatory regime to be studied under the project. The Research Adviser deliberated a presentation on the outline of research at the launch meeting where he specifically elucidated the three vital research components and shared a draft ToR of each of them with the partners. The final note was given out and discussed with each partner organization during the NRG-I meeting.
26. **Research Guidance Note⁹:** the document explains various tools/methods to be used for the purpose of executing the research methodology. CUTS had prepared the document to serve as a guidance note to all the project partners so that all partners could follow a common strategy and work-plan for undertaking the detailed research activities envisaged under the 7Up4 project.
27. **Preliminary Country Papers (PCPs):** Each country partner prepared a Preliminary Country Paper (PCP), which could be termed as a premature country research report which provides a bird's eye view on competition scenario in each of the seven countries. These papers were narratives on the 'State of Competition Regimes' for each of the project countries which provided a baseline for future analysis to be done for the preparation of CRRs.
28. **Country Research Reports (CRRs):** CRRs were the most resource intensive outputs of the 7Up4 project. According to the project design and the research guidance note, the research phase began in Jan 2009, which involved four sub components: (i) literature review, (ii) opinion seeking, (iii) perception survey, (iv) agriculture markets study. The literature review involved scanning through the existing literature materials and identifying macroeconomic indicators vis-à-vis the competition regime and competition concerns. The information extracted was further corroborated with 'opinion seeking' by conducting interviews with the relevant stakeholders for whom a list of questions was prepared by CUTS and sent to all the partners. CUTS also sent out questionnaires to the project partners which guided them in undertaking the 'perception survey' for assessing the understanding and awareness levels of three important stakeholder groups (civil society, business community and government). Separate questionnaire was also shared with the partners for undertaking a detailed 'agriculture markets study'.
29. As mentioned to the evaluators, the project partners faced humongous challenges during the research phase. Collection of evidences pertaining to possible anti-competitive practices was the most uphill task; as access to authentic sources was highly restricted due

⁹ http://www.cuts-ccier.org/7up4/pdf/Research_Methodology_Note.pdf

to either feeble documentation pertinent to the subject or limited access to the target stakeholders for obtaining conclusive information. In The Gambia, as discovered during the field mission, unsupportive behavior shown by tertiary institutions (banking sector institutions) made the data collection task even more difficult. Moreover, the Gambian partner mentioned that the designing of questionnaire was severely controlled by CUTS that lent no flexibility to the partners towards incorporating any locally customized questions. Owing to the above challenges, the finalization of the draft CRRs got delayed by 5 months against the scheduled completion time of Nov 2009.

30. In accordance with the project requirements, each CRR was required to address the following aspects:

- Characteristics of the macro-economy (size and structure of the economy, trade, financial sector etc.);
- Government policy (internal and external liberalisation, privatization and national ownership, regulatory policies, consumer policy etc.) that impinges on competition;
- Progress (if any) made by national governments with regard to operationalising competition regimes in project countries;
- Political-economy constraints in implementing competition regimes in the project countries;
- Interface between sectoral regulation and competition in select sectors;
- Investigation of existing competition abuses and distortions at all levels; and
- Identification of cross-sectional (business, consumers and government) perceptions on competition concerns.
- Assessment of the implication of natural monopolies on competition, especially from the perspective of economic development and consumer welfare.
- In-depth assessment of competition on agricultural products market and impact on welfare, growth and poverty reduction.
- Interactions between national and regional competition legislations and their socioeconomic implications.

31. The evaluators after having gone through the CRRs have the following observations. The country research reports of all the seven countries are uniformly good quality, and are able to address the above aspects adequately. High point of the CRR remains engagement of subject experts for preparation of certain sections, which were difficult for project partners to prepare, owing to their low level of expertise.. However, perception survey is a lacuna in the report, given a weak coverage of the respondents in some countries (Mali and Nigeria). The evaluators consider that a common selection of 'agriculture sector' (which was mutually decided between CUTS and the donors during the project designing stage, i.e. before the formal submission of project proposal to the donors) for the purpose of detailed assessment was not in the best interest of all the seven countries. For e.g. in the case of Gambia –tourism and hospitality sector which has a sizeable share in the overall service sector (accounting for about 70% of the country's GDP) consists of potential anti-competitive elements which have not been reflected in the Gambian CRR. Instead, focus

has been drawn towards agriculture which contributes only 10.7% to the total GDP. Although the agricultural study has been able to identify certain elements of possible anti-competitive practices like the case of cartelization in rice and sugar industry, the evidence becomes less relevant for a services dominant country. The evaluators accord that although agriculture remains a chief source of livelihood for a majority of population in the African region, efforts could have been deliberated towards undertaking detailed assessment of areas more relevant from the context of competition in the seven countries. Two stakeholders pointed out to this issue and recommended that undertaking an in-depth study on tourism and meat markets for Gambia could have been more relevant, which in the evaluators' opinion can be considered as an area of future research in case a follow-up phase is undertaken.

32. The **Synthesis Report**¹⁰ titled 'A Time for Action' is a synthesized version of the findings from the seven CRRs, prepared in both English and French languages and features on the home page of the project website. Given the involvement of illustrious names from the field of competition, the report is a high-quality, highly insightful and practically actionable document which deserves to be widely disseminated and resultantly deliberated upon, not only under this project but under any awareness generation campaign relating to pro-competition agenda. It is also presented in such a manner that one does not need to read all the country reports to appreciate its messages. This makes it a very powerful dissemination product for policy makers which unfortunately is yet receive the visibility and attention it deserves.

3.2.3 Advocacy and Dialogues

33. *The main advocacy tool for the project was the creation of National Reference Groups (NRGs) and Advocacy Roadmaps in the seven project countries.*

National Reference Group Meetings I, II and III

34. A series of three NRG meetings were held in each country where the findings and analysis of research undertaken by the project partners were presented for deliberation and a plan for national advocacy was decided upon. However, the specific purpose of the three meetings are not clearly outlined in the Operational Strategy Note or Project Overview note, but after a perusal of the activity proceedings and other documents uploaded on the website, the evaluation has listed the purpose and participation figures for the three NRG meetings in the table below:

¹⁰ <http://www.cuts-ccier.org/7up4/publication.htm>

Table 4: NRG Meetings: Purpose and Participation

| Purpose of NRG Meetings | Participation | | | | | | |
|--|---------------|-------|---------|--------------|------|---------|------|
| | The Gambia | Ghana | Nigeria | Burkina Faso | Mali | Senegal | Togo |
| NRG Meeting I (September – October 2008) | | | | | | | |
| <ul style="list-style-type: none"> To introduce the project (objective, outcome, outline) to a select group of key national stakeholders To organize these stakeholders into the NRG by sharing ways in which they could contribute to the project and benefit from it, and To get their views on PCP on the state of competition prepared for each project country. | 20 | 16 | 21 | 12 | 8 | 14 | 23 |
| NRG Meeting II (October-November 2009) | | | | | | | |
| <ul style="list-style-type: none"> To identify 'key issues' (relevant for competition reforms) that emerged from the research, are relevant for competition reforms in each country and prioritize them. To identify suitable interventions for addressing the key issues | 22 | 16 | 18 | 20 | 20 | 18 | 32 |
| NRG Meeting III (April 2010) | | | | | | | |
| <ul style="list-style-type: none"> To evolve a road-map for national competition reforms in the respective countries. Specific interventions suggested by stakeholders formed the basis of this road map to be implemented by CUTS, the project partners and the NRG members in each country. Actions against the issues to be undertaken were decided upon and advocacy roadmap was finalized. Analysis of the existing competition regime in countries and emerging recommendations from the project to strengthen the regimes | 22 | 38 | 15 | 18 | 23 | 30 | 12 |

Source: Activity Proceedings uploaded on the project website and other project documents

Note: Ideally, the column on number of NRG members would have been more appropriate but due to inconsistent data across the project countries, the overall participation figures have been reported, which includes the NRG members, CUTS and project partner organizations' representatives in some countries.

35. The first and the second NRG meetings were held with a gap of approximately one year (although efforts were directed - particularly in The Gambia and Nigeria- to organize an

interim NRG between the two NRG meetings) and the final NRG meeting was held five months post the NRG II meeting. The evaluation notes inconsistent participation in the three meetings across all the project countries; with as low as eight participants during NRG I meeting in Togo and as high as 38 participants during NRG III meeting in Ghana.

36. A change was also found in the NRG composition across all the countries, with some members after participating in the first NRG meeting did not participate in the later NRG meetings and vice-versa. This is very much likely given a significant time lag between the first and second meeting. The project partners also cited inflexibility in terms of organizing the meetings on suitable dates, to be a major issue since the meeting in all the seven countries was to be scheduled in accordance to a rigid timeline as they were to be attended by CUTS representatives who were on a multi-country itinerary. . Besides, perusal of the NRG meeting proceedings for Nigeria revealed that the research papers were not circulated to the NRG members prior to the meetings which made it difficult for them to participate during the deliberations. Thus, inconsistent attendance supplemented by unavailability of research documents to the NRG members prior to the meetings, diluted the purpose of this informal arrangement to some extent, which was tasked to build upon the advocacy part (in the NRGII and III) drawing from the research findings shared during NRG I.
37. In the area of policy advocacy, one of the roles of NRG members was linking the project with other ongoing initiatives which is eminent in the case of Ghana. The evaluation found efforts made by the Ghana NRG members towards establishing links between this project and the current works at their organization (refer Box 2 on page 43).
38. The NRG II and III meetings centered on the creation of an “**Advocacy Roadmap**” for which the NRG members identified key issues in the countries and formulated specific action points and inputs against each. But the efficacy of the roadmap is questionable given that *budgets played a critical role* in determining the extent to which the issues could be adequately resolved which the partners cited to be inadequate and also, the *identification of actors* who were to undertake the actions listed therein. For instance, against one of the action points listed in the Nigeria Advocacy Roadmap, two inputs were to be led by a local NGO. However, the NGO representative responded to not having been actively associated with the project’s activities and declined to share his project related experiences during the evaluation. In all the project locations due to insufficiency of funds, as cited by the partners, no efforts have been made by the stakeholders towards operationalising the roadmap. CUTS however claims of making efforts towards raising funds for future initiatives and pursuing the partners for operationalising the roadmap, but it should be taken into account that till the time the actions are taken, project might have lost its steam and moreover may have altered the state of issues at the ground level.

3.2.4 Capacity Building

39. *In order to accomplish one of the project objectives of “capacity development of national stakeholders including policymakers, regulators, CSOs, academicians and media officials to*

understand and appreciate competition concerns from national, regional and international perspectives”, the activities undertaken were – two Regional Training Workshops (one each for Anglophone and Francophone region) and seven National Training Workshops (one in each project country).

Regional Training Workshops (RTW) on Competition Law Enforcement

40. A three-day Regional Training Workshop (RTW) on competition law enforcement was organized both for the Anglophone and Francophone countries that were held in Nigeria and Togo respectively. Each RTW received an average participation of around 20-25 trainees who represented competition authorities, government agencies, sector regulatory agencies and partner organizations of the project countries. The objectives of the workshop were to train the participants on:

- various micro and macro level issues of competition policy and law
- the expected role of different agencies and groups in order to ensure effective enforcement of competition regimes in specific market and accelerate the process of economic growth
- the process in which competition administration has progressed in select jurisdictions

41. The topics for the training sessions that were carried out by the project advisors and other international competition experts can be referred from Annex 4.

42. Overall the topics remained same in both the RTWs with some minor changes. The inclusion of session on case studies made the workshops more meaningful and progressive which led to a more active involvement of the participants. The issue on 'Interface between Regional and National competition' was deliberated by the ECOWAS representative present in the Anglophone RTW, which in the case of francophone countries' RTW, were included in the UNCTAD representative's deliberations as the event did not receive participation from WAEMU or/and ECOWAS .

43. Most of the trainees, met/contacted by the evaluators, praised the quality of the RTWs. However, as discovered by the evaluators in the Ghana field missions, the significance of the topics covered in the Anglophone RTW is dubious, given that Nigeria and Ghana still do not have a competition law and authority. The Ministry official in Ghana stated that the level of discussions was much higher and not apposite for countries like Nigeria and Ghana where the burning issue is that of adopting a competition law and institutionalizing the authority at the first place.

44. Additionally, self-evaluation questionnaires were handed over to the trainees both at the beginning and conclusion of the workshops to assess the change in their knowledge and understanding levels on the subject. However, the proceedings report does not contain an analysis of the findings emerging from the questionnaires which would have been useful for the evaluation exercise.

National Training Workshops

45. At the national level, a 3-day Training Workshop on Competition Policy and law issues was organized in all project countries. Competition experts and practitioners from Europe, Asia

and other parts of Africa facilitated the sessions in the workshops and familiarized the trainees (representatives from civil society, lawyers, academicians, business associations, policymakers, government departments, competition authority, etc.) with various elements of competition policy and law issues. In addition, separate focus group discussions were organized on the sidelines with Parliamentarians and the Media. A specimen format of the training session conducted in Ghana (overall similar format was followed in other project countries) can be referred from Annex 5.

46. The last day of the workshop was centered on providing training to the media representatives and parliamentarians, while the preceding two days were dedicated for the rest of the stakeholders. During the field missions to Anglophone countries, it was revealed that some of the participants (excl. representatives from media and parliament) did not participate during both the days of the workshops. Few of them who were also a part of RTW cited the regional workshop to be more prolific than the one held at national level. In terms of training the parliamentarians, the partners made immense efforts towards inviting them, however the level of participation was found to be mixed across countries. The Gambia targeted a training session of 53 National Assembly members of which 43 members participated during the third day of the workshop. In Ghana on the contrary, (as per the NRGIII proceedings) there was a no show from the parliamentarians as the workshop coincided with a busy period for the stakeholder group.
47. Overall, the presence of international experts who were roped in as resource persons for the national and regional level workshops enhanced the credibility of the capacity building component envisaged by the intervention.

3.2.5 Outreach

48. Project Website: CUTS C-CIER website has a vertical dedicated to the 7Up model and the 7Up4 project webpage can be accessed through the URL www.cuts-ccier.org/7up4/. The webpage carries archives of the materials produced which enhances the outreach and dissemination of the project considerably. It was observed that the home page features both the English and French versions of Synthesis Report: 'A Time for Action', which has been one of the most important outputs under this project. On the flipside, several HTML links were found to be non-functional and some documents pertaining to minutes and list of participants for project activities were not uploaded during the time of evaluation¹¹. CUTS mentioned that due to formatting issues, the documents have not been uploaded which is considered to be an inappropriate explanation. The ubiquity and the low cost of communications on the Internet ought to be harnessed by the project at every opportunity.

¹¹ The project website (visited by the evaluators as on 26-12-2010) did not contain links on NRG-III meetings; proceedings of NTW conducted in Anglophone countries; proceedings of NRG 2 meetings for some countries.

49. The continuance of the 7Up4 website after the project is likely to be seen given that the 7Up2 and 7Up3 project websites are still functional; which points out to the possibility of a long term utility of its research and publication materials.
50. *E-dissemination (Project Newsletters)*: CUTS shared information, knowledge, updates on competition related issues with the stakeholders in the project countries through e-group postings, newsletters and email correspondences. Seven Newsletters were prepared (in both English and French versions) and circulated to readers (in the region and outside) via e-group posting (4000-5000 members on the forum hosted by CUTS) and are also uploaded on the project website. At the time of the evaluation, eighth newsletter was still under preparation and was yet to be finalized by the project team.
51. *Media Outreach*: The project website lists over 50 articles that were published in media during the two year project span. These articles are mostly confined to the activities organized under the project. On the sidelines of events, interviews on TV and Radio were also given by some of the resource persons, glimpses of some of which have also been captured on the 7Up4 website.
52. *Articles*: Each project partner had to prepare four articles on competition related issues (one/quarter) as stated in the partner TORs. However, only eight articles have been prepared and uploaded on the project website (refer details in the table below) - of which five are in English and the remaining in French.

Table 5: Articles prepared under the project

| Number of Articles prepared by project partners | Title of Articles |
|---|---|
| 3 articles by ATC, Togo | <ul style="list-style-type: none"> • L'accès des consommateurs aux services essentiels, une quête difficile comme ailleurs dans la sous –region (Feb 2010) • Consumer access to basic services, a hard quest like elsewhere in the sub-region (Jan 2009) • Sale temps pour les consommateurs de services de téléphonie mobile (Feb 2010) |
| 2 articles by CEON, Nigeria | <ul style="list-style-type: none"> • New Federal Government Policy on Banned Textiles and Other Items: Of who's Benefit? (Nov 2008) • Why the new Federal Competition and Consumer Protection Bill may not fly! (June 2009) |
| 1 article by ISSER, Ghana, | About a Competition Law – Ghana (December, 2008) |
| 1 article by Pro-PAG, The Gambia | Competition in The Gambia: Focusing on the GSM and Banking Sub-Sectors (March 2009) |
| 1 article by CEDRES, Burkina Faso | Mise en œuvre des regles de la concurrence au Burkina: concurrence legislative ou situation de double voire de triple emploi? (July 2010) |

53. *Final Project Conference*: The final project meeting as per the Operational Strategy Note was proposed to be serve a twofold purpose – to showcase the findings of the project and

to expand the outreach in the form of dissemination of results and opening up new opportunities for future activities for project countries with other donors and interested international bodies. This international conference held on August 6–7, 2010 in Dakar, Senegal received over 50 participants which included renowned competition experts from across the world who provided their inputs for evolving effective competition regimes in the region and also representatives from ECOWAS and WAEMU secretariats who deliberated presentation on “Harmonizing national and regional competition enforcement”.

54. A project review meeting was held on the sidelines of the event between CUTS project team, project advisers and project partners. The last session delved into the outcomes and impacts manifested by the project in the participating countries. It was during the event that one partner organization’s representative (The Gambia) was identified by IDRC, Egypt to serve as a member of the Coordinating Committee at the Africa Competition Forum.

4 Analysis of Results

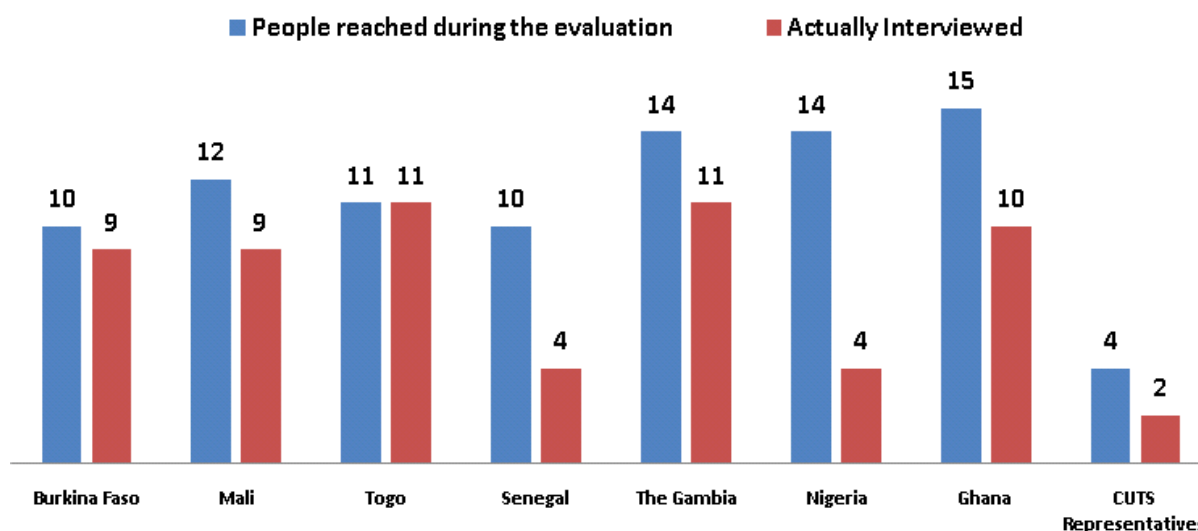
55. The project envisages three different components - Objectives, Outputs and Outcomes. However, the **project operational strategy note does not refer to the five Outputs** which were listed in the Terms of References (TORs) for the evaluation, and **neither contains a log frame and results matrix** containing specific indicators through which the project aims to attain the envisaged results. This indicates an absence of results oriented approach where project reflects a fit pattern of pre-agreed activities and loses focus on attainment of results.
56. The evaluator observes that a part of the description mentioned in the project objectives are actually activities themselves. For instance, two of the objectives stated are "Disseminate information materials (pamphlets, briefings, monographs, etc.) that elucidate the linkage between competition and other public policy issues in order to mobilise public support for competition and regulatory reforms"; and "Develop the capacity of national stakeholders including policy makers, regulators, civil society organisations, particularly consumer groups, academics and media persons to understand and appreciate competition concerns from national, regional and international perspectives." As evident, the texts underlined above are essentially activities to accomplish the project objectives. In such a situation, it is desirable to show a menu of activities separately for the project that may lead to the realization of the pre-specified outputs.
57. From the evaluators' perspective, an absence of a Project Log Frame and Results Matrix makes it difficult to assess the effectiveness of the project, given that no specific, quantifiable results have been targeted in the first place. Therefore, based on the TORs made available at the beginning of the evaluation, the evaluators had enumerated appropriate indicators to measure the stated result areas, which can be referred from Annex I. The findings have been gathered from desk based review of documents and stakeholder interviews in all the project locations. However, the evaluation faced some challenges during the evaluation process which have been the reason for inconsistency of findings across the seven countries.

4.1 Challenges in Evaluation

58. Keeping in mind the budget constraints for the evaluation, it was mutually agreed with CUTS to limit the field visits to four countries, two countries each in the Anglophone (The Gambia, Ghana) and Francophone (Senegal, Burkina Faso) region, and carry out telephonic interviews with the remaining (Mali, Togo, Nigeria). In countries where the evaluation contacted stakeholders via telephone the volume and quality of findings have not been *au fait* due to feeble signal strength that resulted into communication disruptions and considerable time wastage.

59. The evaluators contacted 90 stakeholders for responses, of which only 60 respondents provided their inputs. As evident from the chart below, in Senegal and Nigeria only four respondents provided their inputs

Figure 3: Stakeholders Contacted



Others include representatives from CUTS Project Team; Project Advisers and ECOWAS representative

60. In **Burkina Faso** and **The Gambia**, the project partners provided adequate assistance during the evaluation. The evaluation would like to point out, however, that in Gambia the respondents were concentrated in two organizations. For instance, of the 11 respondents met - 5 were representatives from partner organization and 3 from competition authority (GCC). The project partner made efforts to organize the meetings with other stakeholder groups – Government and Political Parties, but some of them were busy with the end of the year meetings and some were not in town during the time of evaluation. Perhaps, more responses might have been recorded if the evaluation had been scheduled earlier or in Jan 2011.

61. In **Ghana**, the project partner (ISSER) did not facilitate any coordination during the evaluation and neither did the nodal person respond to the questionnaire sent by the evaluators. The arrangement of meetings was suitably facilitated by CUTS, with some being arranged after the arrival of the team in Ghana. However, some of the stakeholders (which CUTS mentioned of being actively involved) did not provide inputs on project related activities/outputs and could only provide information on the general state of competition and issues in the country.

62. In **Senegal**, which is the home base of one of the evaluators, organization of the field mission has been quite disappointing, despite sufficient advance notice given to the project partner (CRES) for the arrangement of meetings. CRES also did not send filled

questionnaires to the evaluator as agreed and in all, only facilitated two meetings with the stakeholders.

63. In **Nigeria**, despite repeated requests to the 13 stakeholders (contacted once via telephone and thrice via e-questionnaires) the evaluation team could only receive inputs from four respondents, one being the project partner. In fact, some of the stakeholders cited not having being informed by the project partner regarding the evaluation.
64. On the other hand **Togo** partner provided satisfactory assistance to the evaluators in terms of arranging the interviews. However, due to communication disruptions owing to weak signal strength, the evaluators had to call the respondents several times.
65. In **Mali**, the new project partner (DNCC) provided suitable assistance during the course of the evaluation by introducing the evaluator to the project stakeholders to ease telephonic interviews. However, the evaluators were not informed upfront by CUTS during the inception phase that implementation partners for Mali had changed in between the project and above all this information was not disclosed till as late as end December. The evaluators feel it would have been more useful to receive inputs from the original partner (FLASH) who was involved during majority of the project span.
66. **The evaluators would like to place on record that the findings/results presented in this chapter are primarily based on desk review of documents available on the project website and those made available by CUTS, filled-in questionnaires sent by the project partners and countries where organization of the field visits were satisfactory. Despite due efforts on part of the evaluation, the analysis of the project's performance in Senegal and countries where telephonic interviews were carried out is likely to be less robust than in the other countries.**

4.2 Relevance

67. The relevance of the intervention has been established by assessing the participating countries' needs and priorities with respect to competition.
68. The evaluators' review on the policy framework adopted by the 7Up4 countries (from project research outputs and other documents) shows that all the project countries have adopted similar social and economic policies, particularly those that have a bearing on the state of competition. All the seven countries have recognized private sector as the engine of growth and job creation, and some level of privatization has been initiated in all seven countries. However, the penetration and also the progress vary from sector to sector and also from country to country. Apart from granting of trade preferences which enhance as well as discourage competition, evolution of national policies in respective countries is in line with the objective of promoting competition, other examples being withdrawal of the state from key productive activities.
69. At the **regional level**, the participating countries' involvement in the regional secretariats – WAEMU and ECOWAS has made it obligatory for the respective national governments to categorize competition reforms as an important reform activity. Regional integration

therefore makes it even more important for these countries to strengthen domestic regimes, as domestic industries would then be dislodged by more efficient, free market oriented competitors from the region, and hence it is essential that the overall state of competition is improved in each country.

70. With respect to enforcement of healthy competition legislation at the **national level**, all the seven countries are at different stages as far as operationalising the competition law or creation of a competition authority is concerned, which clearly signifies that nature of the challenges also vary from country to country (as shown in the table below).

Table 6: Status of Competition Regime in project countries

| Country | Presence of a Competition Law and Authority | Possible anticompetitive practices ¹² | Key challenges (that remained unaddressed prior to the project) |
|------------|--|---|--|
| The Gambia | <p>Presence of both:</p> <ul style="list-style-type: none"> • Gambia Competition Act came in place in 2007 • Gambia Competition Commission (GCC) was created in 2009 | <ul style="list-style-type: none"> • Collusive price-fixing and market allocation in fertilizer market • Vertical agreements between importers and distributors and tied-selling practices in commodity sector | <ul style="list-style-type: none"> • Recently operational GCC is under-funded and depends entirely on the goodwill of the Ministry of Trade; coupled with insufficient human and financial resources. • President is a businessman and has hands in eight sectors incl. bakery, fishing etc. and the GCC Commissioners are employed by the President • Government interventions in economic activity (subsidies, tax heavens and holidays, distortions etc.) • Low level of awareness on competition related aspects among majority stakeholder groups |
| Ghana | <p>Presence of none¹³:</p> <ul style="list-style-type: none"> • No specific competition law in place though Protection against Unfair Competition Act, 2000 deals with unfair competition, such as misleading and false advertising, counterfeit and cheating through weights and measures | <ul style="list-style-type: none"> • Duopoly in cement sector accused of creating scarcity in cement sector resulting in price rise • Cartelization and tied-selling in fertilizer market • Duopoly in international gateway (telecom) | <ul style="list-style-type: none"> • Lack of government priority on preparing the competition policy which is also inhibiting the passage of the Law (already drafted) • No adequate governmental regulations to curb unfair practices • CSOs do not seem to have placed high priority on tackling competition concerns and pushing for consumer protection • Low level of awareness on competition related aspects among majority stakeholder groups |

¹² Sourced from Project Synthesis Report – ‘Time for Action’ and corroborated by research

¹³ The country has a Draft Competition Bill that was prepared by CUTS under a separate consultancy assignment in 2008

| Country | Presence of a Competition Law and Authority | Possible anticompetitive practices ¹² | Key challenges (that remained unaddressed prior to the project) |
|--------------|---|--|---|
| Nigeria | Presence of none ¹⁴ | <ul style="list-style-type: none"> • Cartelization, price-discrimination and resale price maintenance in fertilizer market | <ul style="list-style-type: none"> • Perceived lack of consensus between different Government Departments, Ministry and Agency about benefits of having competition legislation • Strong 'turf battle' between different government agencies to host the competition • Proliferation of Draft Competition Bills at the National Assembly • Lack of frequent reporting of anti-competitive practices in the media • Low level of awareness on competition related aspects among majority stakeholder groups |
| Burkina Faso | Presence of both: <ul style="list-style-type: none"> • Burkina Faso has a competition law since 1994 • Commission Nationale de la Concurrence et de la Consommation (CNCC) created in 1998 | <ul style="list-style-type: none"> • Monopoly in fixed line and international Gateway in the telecommunication sector | <ul style="list-style-type: none"> • Poor financial resources, red tape deriving from the treasury bureaucratic procedures in transferring the budget, lack of human resources are some of the challenges faced by CNCC • Low level of awareness on competition related aspects among majority stakeholder groups |
| Mali | Presence of both: <ul style="list-style-type: none"> • A competition law in place since 2007 • Direction Nationale du Commerce et de la Concurrence (DNCC) and Conseil National de la Concurrence (CNC)" | <ul style="list-style-type: none"> • Infrastructure sectors such as electricity, gas, water and telecommunication sector characterized by either monopolistic or oligopolistic behaviors • Unfair competition commodities market | <ul style="list-style-type: none"> • Resource constrained competition authority • Low level of political support • Dearth of active CSOs • DNCC not considered to be an independent administrative authority • Low level of awareness on competition related aspects among majority stakeholder groups |
| Senegal | Presence of both: <ul style="list-style-type: none"> • Competition law since | <ul style="list-style-type: none"> • Abuse of dominant position | <ul style="list-style-type: none"> • Lack of human and financial resources, due to delays in budget transfers from the |

¹⁴ There are two draft Competition Bills prepared by different bodies which have been repeatedly turned down at the National Assembly

| Country | Presence of a Competition Law and Authority | Possible anticompetitive practices ¹² | Key challenges (that remained unaddressed prior to the project) |
|---------|--|--|---|
| | 1994 <ul style="list-style-type: none"> Commission Nationale de la Concurrence (CNC) is the competition commission | and monopoly in telecom sector | Treasury <ul style="list-style-type: none"> Low accountability on part of the government and decision makers' for a more effective competition regime Low level of awareness on competition related aspects among majority stakeholder groups |
| Togo | Presence of both: <ul style="list-style-type: none"> Competition law since 1999 Direction du Commerce Intérieur et de la Concurrence (DCIC)" Commission Nationale de la Concurrence et de la Consommation (CNCC)" 2006 | <ul style="list-style-type: none"> Food-related sectors, gas and transport sectors filled with anti-competitive practices Oligopolistic market behavior in the utilities sectors | <ul style="list-style-type: none"> Resource constrained competition authority; CNCC has never been in operation due to lack of budget Independence of DCIC is restricted as it is a directorate of the Ministry of Commerce Low accountability on part of the government and decision makers' for a more effective competition regime Low level of awareness on competition related aspects among majority stakeholder groups |

Source: Synthesis Report and Evaluators findings based on primary and secondary research

71. All the seven countries are characterized by a prevalence of possible anti-competitive practices across sectors, such as telecommunication, water, electricity, cement, agricultural commodities etc. Of the three Anglophone countries which are members of ECOWAS, two countries namely Ghana and Nigeria, still do not have a comprehensive competition law, although many bills have been submitted to their Parliaments. In Nigeria, the process is hampered by some political economy issues, such as uncoordinated and parallel processes resulting in different bills being prepared by different bodies. The Bills have been repeatedly turned down at the National Assembly, due to a lack of political will, possibly occasioned by the low level of awareness among the politicians on one hand; and the lack of awareness and interest on the part on the non-state actors which translates to lack of pressure from them. The Gambia and the four francophone countries (Burkina Faso, Mali, Senegal and Togo which are members of both WAEMU and ECOWAS) have adopted competition laws and established competition authorities at different points of time, The Gambia being the latest to create its Competition Commission in 2009.

72. The competition authorities (where they exist) are structured either as a full-fledged agency or a department within the trade/ commerce department handling competition issues and are characterized by lack of human and financial resources. Moreover, in some cases the independence of the competition commission is subdued owing to considerable political interference (in Togo and The Gambia). In addition, lack of political willingness, low awareness and capacity levels across stakeholders in competition related aspects have been the challenges confronting most of the countries.

73. Low vibrancy of the competition regime is also reflected by a low number of anti-competitive petitions filed at the commissions and absence of statistics / formal record on the number of cases dealt in the past. On the basis of stakeholder interviews and perusal of the research reports, the evaluators found that the competition authorities of Mali (DNCC), Senegal (CNC) and The Gambia (GCC) had dealt with cases¹⁵ related to anti-competition in the past but none of the institutions in the five countries (where competition authorities exist) had made attempts to inventorise the cases already dealt with or the complaints received.
74. From the above points, it can be drawn that **project stands relevant for all the countries covered by the project**. Nearly all the countries are characterized with lack of political will, institutional capacity and appreciation for the need of a sound competition regime. Moreover, **the project objective is also in accordance with the public policies, as well as the private sector and the civil society expectations for transparency and good governance towards nurturing healthy competition regime in each of the 7UP4 countries**.

4.3 Effectiveness – Results from the project

Effectiveness is a measure of the extent to which the intervention's intended outcomes, i.e. its specific objectives – intermediate results –have been achieved. Explicitly, effectiveness is the relationship between the intervention's outputs, i.e. its products or services – its immediate results – and its outcomes, meaning usually the intended benefits for a particular target group of beneficiaries.

4.3.1 Assessment of Outcomes

Output 1: Enhanced knowledge on competition policy and consumer welfare issues across various stakeholders- (partner organizations, individual consultants, sector regulators, media officials, Academicians, NRG members)

75. **The evaluators submit that this objective has been adequately addressed through project activities, particularly** the NRG meetings, national and regional training workshops. The project has generated useful content in the form of PCPs and CRRs covering policy frameworks in each of the countries from viewpoint of their direct bearing on competition, the existing regulatory framework in charge of fostering competition, evidences of possible anti-competitive practices and systemic challenges impeding the effectiveness of the competition regime. Additionally, **the training workshops were cited by the stakeholders as rather useful**, as these broadened the participants' understanding

¹⁵ For e.g. in *Mali*, According to DNCC's questionnaire, the authority had handled two cases in the past related to competition (telecom and broadcasting sectors). Other cases reported to the evaluator were those of the interconnection conflict and roaming issues in the telecom sector and the stale edible oil case. In *Gambia*, the GCC official cited three cases having dealt by the newly formed commission (money transfer business, steel sector, and laundry soap).

on basic concepts of competition and concomitant issues to better enforce national competition legislations. There has been a mixed response to the coverage of training materials, and some stakeholders expected a greater level of discussions and coverage of local context and customization of the content, even though the overall content was valuable. However the evaluation would also like to highlight that since the project proposal had not envisaged an end line survey to capture the end of the project results , it is difficult to quantify the change in perception and awareness levels made possible by the project. An end line survey is deemed to be one of the most vital tools for assessing the change manifested by a project, hence inclusion of such a component in future projects is highly recommended.

76. **The stakeholders who have benefited the most in terms of enhancement of knowledge are the project partners**, most of who had experience in other domains such as gender and education, and have now got exposed to competition issues through this project. This potentially enhances their sphere of influence and enables them to leverage the knowledge gained for promoting the competition agenda further. The academicians, through exposure to 7Up4, have realized the importance of competition in the context of consumer welfare and overall development of the country and have resorted to undertaking suitable actions within their own capacities. For journalists, this project has become an emerging topic of interest for reporting and has understood the need of relaying the arising competition issues into a wider audience.
77. Even though project has been prolific in generating knowledge based content, there has been a varied opinion on the extent of dissemination of this knowledge based content. While in Burkina Faso and Togo, the project partners claimed that PCPs and CRRs were sent to NRG members, ministries' officials, parliamentarians, media and CSO officials, the Mali project partner on the other hand stated that dissemination could not take place as the reports were not finally approved by CUTS. In the Gambia, Pro-PAG claimed to have shared the information with the NRG Members, the National Assembly Members, Civil Society Organizations, the Private sector (through the Chamber of Commerce) and the journalists but the country field mission revealed that two stakeholders, one of whom was involved in the preparation of a particular section of the CRR and the other an NRG member, had not received the CRR. In Nigeria, PCP and CRR were distributed to NRG members and other stakeholders who were on the contact database of the project partner. While in Ghana, there has been no evidence provided by the project partner relating to dissemination; however a stakeholder met by the evaluator confirmed of having received only the soft-copies of the CRR 'Presentation'. **The evaluation considers that given the low awareness on the subject, dissemination is crucial for the project, to spur policy dialogues and create further demand for content.** For instance in Togo, the PCP and CRR recommendations were transmitted to the ministry of commerce, members of parliament and other CSOs, who have shown great interest in the subject and parliamentarians in particular have committed to give more visibility to the topic during the future discussions.

78. **The project stands out as the first multi-country effort to analyze and synthesize competition frameworks in West African countries** in both English and French speaking countries. This was also CUTS's first competition-themed intervention in francophone countries. The project can be ascribed as a useful contribution in the context of building awareness towards engendering a healthy competition culture in the longer run. **Stakeholders met by the evaluators claimed to have developed a broad understanding on the felt need of competition legislation**, which can only intensify along with greater penetration of local acceptability of the subject. In support of the above, specific instances on application of knowledge gained during the project have been highlighted below:

Box 1: Specific application of knowledge gained during 7up4 by sector regulators

A senior official of the telecom and energy sector regulator, Public Utilities and Regulatory Authority (PURA) met during the **Gambia** field mission revealed that the knowledge gained during the 7up4 assisted him in solving a case between two telecom players, Africell and Qcell. The stakeholder explained that Qcell had filed a complaint at PURA, stating that Africell is attempting to put an entry barrier for Qcell by rebranding their existing logo to make it appear similar to Qcell's, and therefore trying to deceive Qcell's potential consumers. The agency carried out a detailed investigation during which, as the stakeholder claimed, the learnings from 7up4 were applied and ultimately proved beneficial for exploring appropriate solution to the complaint.

Another similar case was cited by a senior manager met by the evaluator at Public Utilities Regulatory Commission (PURC), **Ghana** - the agency involved in the regulation of water and power sector. The respondent claimed that the agency is trying to solve a case in which few private players have illegally diverted the urban supply of water to the rural communities by creating a new duct from the existing water-supply channel. The official claimed that although the regulatory agency had come across this case much before 7up4, but they are currently leveraging the knowledge gained through this project to explore viable solutions which could be beneficial to both the local communities and the urban territories.

The evaluation has also assessed the progress made by the project in achieving the anticipated outcomes in Box 2.

Box 2: Progress made by 7Up4 in achieving the 'Anticipated' outcomes

Anticipated Outcome 1: Profile of competition policy within the context of national development raised

The progress against this anticipated outcome can be assessed by establishing whether the project has been able to spur an appreciation among the key stakeholders for the need of a competition policy or an effective competition regime, particularly from the context of national development. The project has been able to engage with the stakeholders in all the seven countries and has enhanced knowledge on competition policy and consumer welfare issues through NRG meetings and the Regional and National Training Workshops. While the activities and the outputs have been cited to be useful, there have not been sufficient evidences to show that efforts of the projects have adequately led to a surge in the pro-competition policy actions or negotiations at the country level. The situation remains unchanged in both Ghana and Nigeria where there has been no further development in the process of enforcement of the law or creation of the competition authority. On the other front, greater media coverage on competition related issues is also a key indicator for enhanced profile of competition agenda, which has been only limited to engendering project activity related coverage. There have been insufficient evidences (except one encountered in Ghana) on articles being published by the local media after the project, based on knowledge gained during the media workshops.

Anticipated Outcome 2: Process to establish effective national competition regimes evolved

One of the objectives of the project was to fast track the process of evolution and implementation of national competition regimes through a process of partnership involving the civil societies and other stakeholders. The project has significantly enhanced the capacities of the project partners (who are also civil society organizations) and has spurred appreciation towards fast tracking the process of implementation of competition regime in respective countries. However, establishment of a formal process of engagement with civil society deemed to be vital for enabling the CSOs to provide their inputs regularly, has not taken place in any of the project countries except in The Gambia. Additionally none of the project partners have been able to showcase sound advocacy strategy despite being guided by advocacy roadmap which was purposed to carry the momentum of the project forward. Attaining political buy-in ascribed to be the major constraint to enforcement of competition, has remained moderate at the overall project level. In terms of resource strengthening of the existing competition authorities for effective enforcement of competition regimes, there have no evidences of government buy-in towards budgetary support enhancements for competition regulatory and support institutions in any of the project countries. However, CUTS efforts to facilitate interactions with international subject experts and competition authorities (where these exist) are highly noteworthy. There have been evidences where the authorities' representatives from different countries have networked and are touch-basing on a regular basis without the project's intervention (networking between The Gambia and Zambia Competition Commission).

Anticipated Outcome 3: Promotion of a healthy competition culture in the project countries

The state of competition regime in all the seven countries is fraught with multiple challenges such as: massive prevalence of anti-competitive practices across key sectors, resource-starved competition authorities (where these exist) and lack of political will towards implementing effective competition regimes. As evident, the resource starved competition authorities haven't received much support from the respective governments and also the governments have also not been receptive (except in Gambia) to the subject of competition which has limited the promotion of a healthy state of competition. The project on its course to fostering a healthy competition culture exposed certain weak spots where a solution to most of the problems could be resolved only through political influence. The project although has made efforts wherever possible to engage with this crucial stakeholder group, but the level of political bodies' buy-in on the importance/ priority of competition related issues, has been mixed across project countries. Moreover, the project's efforts have been stalled by dearth of financial resources which restrained continuity in advocacy. Therefore, projects like 7Up4 are ultimately left with limited potential to address these political realities and thus attain a healthy state of competition.

Output2: Countries helped to fast track process of evolution and implementation of national competition regimes with substantial inputs from civil society (establishing a process of partnership)

79. **The Country Research Reports (CRRs) and Preliminary Country Papers (PCPs) stand out to be the most important input** from the civil society organizations towards evolution and implementation of national competition regime. While the two stand out to be useful content, **it cannot be demonstrated that this content has been imbibed by in-country actors** and applied in policy actions or pro-competition negotiations, sufficiently at the country level. In two countries (**Mali & Senegal**) the project has not been able to engage with policy makers/relevant stakeholders adequately, for showcasing its collective findings and calling for specific attention to the key issues and lacunae observed in the country's development agenda in engendering a positive competitive environment. In other countries like **Ghana** and **Nigeria**, though efforts have been made but failed to translate into concrete outcomes (although in the case of latter, inputs from the project are being used in discussions on 'Trade-Rules' initiated under the auspices of the Ministry of Commerce and Industry, Nigeria). In **Burkina Faso**, on the other hand, the recommendations emerging from the CRRs are being considered by the competition commission as inputs in drafting the new competition law. At the same front, the **Togo** partners have also remained upfront in disseminating information to the parliamentarians.
80. **The project has** significantly enhanced the capacities of the project partners (who are also civil society organizations) which has **spurred appreciation towards fast tracking the process of implementation of competition regime in respective countries**. However it needs to be prequalified, that this appreciation is expected to be comparatively less in civil society organizations other than the project partners, as neither the activities nor the planned outputs were sufficient to encourage other CSOs to further involve themselves in pursuance of competition agenda. This is however contingent upon whether the project partners necessarily volunteer to build capacities of other local CSOs, unless that happens, it will be unreasonable on the part of project to expect any valuable input from other local CSOs.
81. Establishment of a formal process of engagement with civil society is deemed to be vital for enabling the CSOs to provide their inputs regularly. The civil society representation in the GCC (Gambia Competition Commission) stands out as the only concrete evidence in this regard. The appointment has come as an added fillip to the organization (Pro-PAG) which in the past has also been involved in engaging with the National Assembly members and organizing timely training programmes advocating improved economic environment, and has now emerged as one of the highly respected organisations in the country, which can partly be attributed to the 7Up4 project. The same was also witnessed during this project when the partners were able to hold a training session with forty National Assembly members focused at knowledge building and better enforcement of competition legislation. In Togo, as revealed by the project partner, the competition regulatory authority, after recognizing the efforts of ATC, have decided to engage them on future

deliberations themed on competition affiliated issues, but the evidence does not reveal any formal level of partnership being established.

82. **The project's intention to build the agenda** forward after a consultation process to resolve the issues identified under the project (through CRRs and PCPs) **was reflected in the preparation of the advocacy road map which has not received due attention from the necessary stakeholders after the project.** The evaluators have not encountered any evidences which would depict any forward movement as per the advocacy roadmap. Moreover, the stakeholders met by the evaluators also had little knowledge on the progress of the advocacy map and some even had digressing views. On the other hand, NRG members met during the field missions in Ghana and The Gambia pointed out that project partners have not established any contact with them post the completion stage, which represents a shortcoming to the attainment of this result.
83. **The project partners have generally been proactive in disseminating information on consumer protection and competition to the general public** through print media. The evaluation would however like to highlight that although all the project partners had received equal proportion of funds for dissemination through media, the willingness to engage audiences through radio and television media has been only shown by Nigeria and Togo partners, where on the other hand The Gambia partner has voiced for an extension in the project in order to embark on the two medium for dissemination.

Output3: Process of dialogue initiated between government, civil society, business community on economic and regulatory policy issues that will make it possible for stakeholders to work together and shape economic reforms agenda.

84. One of the positive features of the 7Up4 project has been the establishment of the NRG group in each country, which has garnered wide appreciation from stakeholders for its ability to foster interactions between different competencies on competition issues; however the evaluation has not encountered any evidence that would suggest sustenance of the dialogue beyond the project realms. Although the group was designed to include all the major stakeholder groups who could possibly have a significant role in shaping the competitive environment in respective countries, it is important to analyze whether it has achieved the targeted representation from the stakeholder groups mentioned under the output.

Table 7: Presence of Targeted Stakeholder Groups (Government, Business Community and CSO) in the NRGs

| Country | NRG I | | | NRG II | | |
|------------|------------|--------------------|-----|------------|--------------------|-----|
| | Government | Business community | CSO | Government | Business community | CSO |
| The Gambia | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

| | | | | | | |
|--------------|---|---|---|---|---|---|
| Ghana | ✓ | ✓ | ✓ | ✓ | ✗ | ✓ |
| Nigeria | ✓ | ✗ | ✓ | ✓ | ✗ | ✓ |
| Burkina Faso | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Mali | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Togo | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Senegal | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

85. The table shows presence of all three stakeholder groups in majority of the countries during the NRG I and II except in Ghana and Nigeria where the event failed to attract members from the business community. The evaluation could not analyze same for NRG III as supporting documents were not uploaded on the project website during the evaluation period. However, in Togo, based on project partner presentation during the project final conference, it can be inferred that business community members have been receptive to the subject and have participated during the NRG meetings. Also in Ghana, an example has been highlighted in the box below which depicts some level of dialogue initiated between the Danish Embassy, Ghana and Consumer Association of Ghana towards supporting business sector advocacy.

Box 3: Linkage between the 7Up4 and BUSAC Fund

The Business Sector Advocacy Challenge (BUSAC) Fund was originally launched by DANIDA as part of the broader Business Sector Programme Support and is currently under its second phase which commences from March 2010. The Danish government, the lead supporter, is supported in this initiative by the United States Agency for International Development (USAID) and the European Union (EU).

BUSAC **aims** to make an impact by enabling the private sector, including business membership organizations, trade unions and media, to influence public policy formulation by undertaking appropriate research, developing evidence based policy positions and advocating those positions with **government** and other private sector institutions/organization that may be targeted by the action. The overall objectives of BUSAC are:

- A broader engagement of the Private Sector in policy making and policy implementation (at national, regional and local levels);
- A strengthened capacity of representative organizations of the Private Sector to advocate for pro-business sector reform in Ghana (and in the long run support the Ghanaian economy and thus contribute to Poverty Reduction);
- An improvement of the Private Sector, by assisting to remove bottlenecks at all levels of administration but also within the Private Sector itself; and
- A broadened public understanding of the role of businesses in society.

The representative from Danish embassy was an active NRG member in Ghana who networked with other NRG members especially with the President of Consumers Association of Ghana (CAG) during the project events. The representative mentioned having detailed discussions with the President on having a consumer protection policy in Ghana and furthering the passage of the Competition Bill which has been on hold for a long time. **This case illustrates a dialogue being initiated between the concerned stakeholder groups.**

86. The evaluators have however found from stakeholders' meetings in the Gambia that **business community, has not participated in discussions on competition issues**, which has limited the effectiveness of the dialogue in the country. It can also be stated that although the topic is quite obviously expected to receive renunciation from business houses having vested interests, at the same time it is also true that **not much has been done to generate adequate level of interest among the business community members** in the country.
87. On another front, the **level of political buy in, ascribed to be the major constraint to enforcement of competition, has remained moderate at the overall project level.**

While in Nigeria¹⁶, the stakeholders have attributed the project's limited success to its inability of carrying the legislators and politicians forward on the agenda, in other regions (Ghana, The Gambia, Mali and Togo) the project has been able to establish dialogue with certain officials from the ministries in charge and also with the ministers concerned in some cases. In Ghana, during the NRG II, the Minister of Trade and Industry along with two senior officials, participated and even deliberated qualitatively during discussions. The evaluation would like to highlight that given the fundamental importance of the line ministries, it is essential that such interactions are not limited to sporadic events and efforts should be made to convene discussions regularly, which have not been evident. In this regard, The Gambia project partner pointed out that dialogue with the government were held every six months during the project timeframe and as mentioned earlier, a training session dedicated to building capacities of Gambia National assembly members was also organized.

88. Holding a dialogue for strengthening the autonomy of the competition authorities emerges as a crucial aspect for effective enforcement of competition regime especially in case of economies which are characterized by state controlled businesses and also to some extent state controlled competition authority. Under this, the non-congenial environment of Gambia stemming from a considerable political influence stands as a typical case, where the President is not only in charge of running the state but is also engaged in several businesses in the country. The President besides appointing commissioners at the GCC also enjoys tax concessions which enable him to sell goods at a significantly lower price thus hampering the overall competitive environment of the state. This indicates that government continues favor key functionaries despite being aware of current state of competition which in the view of the evaluators is very dangerous and can more appropriately be described as a barbaric way of violating competition. Given that although Pro-PAG claims to have dialogued with the government during the project course, the hostile environment dilutes the purpose of any advocacy done in this regard.
89. **The project has not been able to create any formalized process of dialogue with the competition authorities** though there have been sporadic efforts by the competition authorities in Burkina Faso and Togo to engage with the partners. Also, one of the areas where the project has suffered is in terms of advocacy. **None of the project partners have been able to showcase a sound advocacy strategy** despite being guided by advocacy roadmap which was purposed to carry the momentum of the project forward. Project partners have reported non-availability of funds and time constraints as the major constraints. The research phase took up significant time and resources due to its overall strategic importance, which did not allow them to perform a sound advocacy plan. Overall, even though the project enabled initiation of the process of dialogue, evidence to support its sustainability remains feeble.

¹⁶ As reported by the project partner, a meeting of select NRG members with the Federal Minister of Commerce and Industry and members of the senate committee was planned but has been deferred till the next legislative session after the conduct of the April 2011 general election.

Output 4: Credibility of civil society organizations asserted as ‘actors’ in national competition reforms, thus motivating them to pursue the reforms agenda further.

90. Absence of technical knowledge and advocacy skills among CSOs was one of the biggest impediments to their involvement in competition reforms. **With the knowledge gained during the 7UP4, these CSOs¹⁷ felt greatly empowered to participate in discussions on competition issues and consumer protection.** They now have a basic understanding on the role which the regulators need to play vis-à-vis fostering competition in their respective sectors, the basic challenges which impede the sound implementation of competition regime in each country, and the responsibilities of various stakeholders, business community and government towards ensuring healthy competition in the country. They are also now conversant with the policy level initiatives being implemented in their countries and have become aware of their implications on competition.
91. The field mission revealed that the **Gambia** project partner (Pro-PAG) is willing to lead into the competition reforms agenda subject to minimal funds support. They intend to strengthen their partnership with the GCC and have signaled towards continuing advocacy for a more level playing for businesses thus enhancing consumer welfare and subsequently reducing poverty. According to the project quarterly progress reports, **Ghana Project partner** (ISSER) was already negotiating establishment of ‘resource center’ focusing on competition law and policy during Jan 2010 but the field mission did not produce any corroborative evidence. Further, the partner has also proclaimed that they are willing to be the research arm for future advocacy, but would not be in a position to do advocacy on their own. The **Burkina Faso** partner (CEDRES) has committed to create an observatory on competition for which a feasibility study is proposed to be undertaken to define objectives and designing of the observatory framework, for which the time frame is still unclear.

¹⁷ CSOs under output 4 refer only to the project partner unless stated otherwise.

Box 4: Enhanced Credibility of Partner Organizations

The box reflects two case studies (one of the Nigerian and the other of the Togolese partner)- which in the evaluators opinion are isolated results however- indicate enhanced credibility of the two partners as a result of which they may be perceived as 'actors' in the national agenda of competition reforms.

The presentation made by the **Nigerian partner (CEON)** during the Project Final Conference revealed that as an outcome of the 7up4 project, the nodal person was invited to participate in the Inaugural Dialogue of the Business Environment Network (BEN) which focused on "enhancing the legislative and institutional framework for the effective and efficient resolution of business-related disputes in Nigeria". The main objective of BEN is to create a platform for the education and dialogue amongst the various arms of Government, the Private Sector and interested Stakeholders in general about business-related bills that are brought before the House before these are passed into law. However, the partner did not mention regarding any such participation in the filled-in questionnaire made available to the evaluation team. Additionally, it was revealed during the event that The House of Representative Committee on Commerce had sent two draft bills to CEON's consideration and comments, but no further clarification to substantiate the above has been made available either.

The **Togolese partner (ATC)** questionnaire divulged that as an outcome of the participation of competition authority's official during the project activities, a 'felt need' has been generated towards considering the views of ATC, Togo and other CSOs during the initial stages of revising the existing competition law. ATC also revealed that it was due to their persistent efforts and continued advocacy that a grace period was granted to Moov, a telecom operator whose operating license was cancelled by the telecom regulatory authority over pending dues. Since there are currently only two players in the GSM space, Moov and Togo cellular, the move was sought necessary with a view from preventing monopoly of a single player in the telecommunication space.

92. Even though the project has accorded visibility to the project partners who can now be seen as having a positive role in the pursuit of competition reforms agenda, there is a caveat. Traditionally these CSOs have been timid to competition reforms and apart from three CSOs who were involved in publishing competition themed papers prior to the 7up4, the subject is still very nascent for the rest. Also it is important to establish that **pursuit of the reforms agenda further would be highly conditional upon the project's partners' willingness and ability to dialogue further, remains a challenge given their limited financial and human capabilities.** Expecting greater involvement from CSOs on competition reforms can only be met through provision of external knowledge and financial support. One of the basic evidences to support this has been lack of dissemination of CRRs in Anglophone countries visited by the evaluator (as revealed by

some of the NRG members met during the field missions) which hint towards a little uncharacteristic conduct on part of the expected 'actors' where due to funds constraints, the CRRs have not yet been disseminated as complete reports. **At a minimum, the project has provided these CSOs enough visibility and credibility to be known as 'lead CSO' dealing on competition front which could possibly result in greater inflow of donor assisted projects on related themes.**

Output5: International community made aware of the need to promote a healthy competition culture in the region, and to contribute meaningfully to strengthening competition regimes therein.

93. **The project has provided sufficient opportunities for engagement with the international community,** which is one of the highlights of this project. The project has generated a large volume of research materials based on the country studies that are readily available to the international community. **The presence of representatives from donor and other development agencies in country specific NRG groups** (for e.g. presence of DFID Ghana representative in Ghana NRG) created a qualitative platform for discussion on country specific competition issues. However, the project partners have not leveraged these outputs sufficiently in their networks, nor used these as inputs adequately in their engagement with government and industry stakeholders.
94. The events that were regional or international in nature (viz. RTWs, project launch, interim and final meetings) implies that profile of stakeholders targeted in these events was international: development agency representatives, donors, international subject experts. **The main results from these events are expected to be awareness generation and sensitization, which are necessary but not sufficient conditions for suitable changes to manifest at the policy and project implementation level.**
95. Linkage between the project and the initiatives enrolled by the regional institutions, ECOWAS & WAEMU, are quite evident given that WAEMU already has a regional competition law and authority and ECOWAS has embarked upon formulating regional competition legislation. The project designing needs to be credited in this regard, for having incorporated the regional component, in which members of ECOWAS and WAEMU were invited to deliver presentations during the RTWs and Project Final Conference. The ECOWAS representative was however found to have participated in both the events but the WAEMU representative was only present during the project final meeting. **The presentations made by the regional institutes' representatives during the final project meeting were insightful** from the perspective of understanding challenges of regional institutions in implementing regional competition policies, which also furthers the agenda for competition reforms at the national level. Among specific benefits that accrued to the project stakeholders:
- **The project has given international exposure to all the project partners whose representatives participated at the ECOWAS regional authority,** held at Ghana in November 2010 and delivered presentations on respective competition acts and the possible way forward This experience highlights a potential gain to the partners and can

potentially lead to enhanced sphere of influence which can mobilize international resources towards effective enforcement of competition regime in respective countries.

- **The project has accorded visibility to project partners before local representatives/offices of international donors**, who were either involved as NRG members or participants at national and regional training workshops. The project has seeded potential reference points/ implementation nodes for international donors seeking to roll out similar programmes in future. As an illustration, one donor agency representative met by the evaluator expressed keen interest in collaborating with one 7UP4 partner, for future endeavors under the competition theme.

96. The **CUTS project team had recently disseminated about hundred copies of the synthesis reports at the 6th UN Review Conference on Competition Policy, organized by UNCTAD in Geneva**. The evaluation considers this effort to be highly praiseworthy as this has not only given the 7UP4 project enormous visibility at the highest possible international platform but could also generate interest in the international community to assist efforts towards improving the state of competition in West Africa countries.

4.4 Efficiency

4.4.1 Completion of Activities: within Time and Cost

97. The project has completed all the activities proposed, other than printing and dissemination of the final research report, which had not been initiated at the time of evaluation.

Time Overruns

98. According to the project design, all the activities were to be completed within 24 months (excluding project evaluation) from the start of the project, but the project got delayed by three months owing primarily to delays in the finalization of CRRs. However, including the time lines estimated for project evaluation, which was proposed to be completed after two months of the completion of the project activities (i.e. by 26th month), the project has suffered a delay of two-three months (the evaluation is still ongoing). Hence, a comparison of the **actual time consumed by the project (~32 months) vis-à-vis the proposed schedule (26 months) indicates an overall time overrun of 6 months at the time of the evaluation**. The evaluation has attempted to estimate the discrepancy between the proposed and actual time of completion under each activity in the table below:

Table 8: Activity-wise (proposed and actual completion)

| Main Activities | Proposed Completion | Actual Completion | Discrepancy (in months) |
|--|----------------------------|--|-------------------------|
| Operational strategy and groundwork | | | |
| • Preparation of Operational Strategy Note (OSN) | Jun-Aug 2008 | Jun 2008 | 0 |
| • Identification of PAC members | | (PAC not formally constituted until Feb2009) | N.A. |
| International Conferences | | | |
| • Project Launch Meeting | Aug 2008 | Jun 2008 | - 2 |
| • Interim Review Meeting | July 2009 | July 2009 | 0 |
| • Project Final Meeting | Apr 2010 | Aug 2010 | + 4 |
| Research | | | |
| a. PCP | | | |
| • Draft Report | Aug 2008 | Jul 2008 | -1 |
| • Research and Field surveys | Sept-Nov 2008 | Jul-Nov 2008 | 0 |
| • Final Report | Dec 2008 | Dec 2008 | 0 |
| b. CRR | | | |
| • Research and Field surveys | Jan-Mar 2009; Jul-Oct 2009 | Jan-Mar 2009; Jul-Oct 2009 | 0 |
| • Draft Report | Jun 2009 | Jun 2009 | 0 |
| • Final Report | Nov 2009 | Apr 2010 | +5 |
| Advocacy | | | |
| • NRG I | Jan 2009 | Sept-Oct 2008 | -5 |
| • NRG II | Aug 2009 | Oct 2009 | +2 |
| • NRG III | Mar 2010 | Apr 2010 | +1 |
| Training | | | |
| • RTW | Nov 2009 | Dec-Jan 2010 | +2 |
| • NTW | Jan-Feb 2010 | Apr 2010 | +3 |
| External Evaluation | | | |

Source: Proposed Completion sourced from Project Overview Note; and Actual Completion Schedule sourced from CUTS Questionnaire for the evaluation (refer Annex 6 for Actual Completion Schedule)

99. The table reflects a rescheduling of most of the project activities, majority of which were postponed vis-à-vis the original time schedule. The evaluators have the following observations:

- A major slippage is seen in the case of finalization of CRRs (+5 months) followed by the final project meeting (+4 months). Around 27 months were actually consumed by the project, of which the research component consumed 3/4th of the total duration. Nearly 16 months were devoted for the preparation of CRRs (from Jan 2009-Apr 2010), despite that a frontline research in the form of PCPs was already carried out in the preceding 4 months (i.e. from Jun 2008- Jan 2009). Further, due to some important events in June-July 2010, the Final Meeting was postponed from April 2010 to August 2010.
- Some activities were completed earlier than stipulated (denoted with a minus sign in column 4). The case of NRG-I meeting is noteworthy in this respect, which as per the original timeframe was to be conducted in Jan 2009 post the finalization of PCP in Dec 2008. This would have diluted the entire purpose of NRG-I, given that NRG members were to review the research outputs and provide their advice and comments to better the quality of the outputs. However, organizing the activity five months earlier (after the Draft PCP was prepared) is seen as a suitable remedy to this oversight.
- **On the preparation of Time Schedule:** Erroneous scheduling of activities has been observed in the case of actual completion of “Draft Report” and “Research and Final Surveys” listed under the CRR subhead. The ‘Actual Time Schedule’ provided by CUTS mentions Jun 2009 as the completion month for Draft CRRs, which a lay reader would comprehend it to be a case in all the seven countries whereas the interim review report prepared by CUTS in Aug 2009 mentions that only 4 partners had submitted the draft CRRs by that time. Additionally, the row on Research and Field survey has remained unchanged in both the time schedules (Jul-Oct 2009), which is unlikely given that the CRRs were actually finalized in April 2010. Based on this, it can be inferred that the **project time schedules have not been prepared with due diligence.**

4.4.2 Incomplete Activities or Outputs

100. The partners confirmed the completion of all activities and outputs of the project, however the evaluation noted some incomplete tasks which have been listed below:

- **Media Articles:** The partners’ TORs refer to the preparation of four periodic articles (i.e. one in every six months) which were to be uploaded on the project website. However, the evaluation notes that of the estimated 28 articles (4articles * 7 partners) to be produced during the span, only 8 have been prepared and uploaded on the webpage. Of this, Togo has prepared 3, Nigeria – two and The Gambia Ghana, and Burkina Faso have prepared one each. Understandably, no articles have been produced by the Senegal and Mali partners, despite CUTS’ persistent reminders.

- **Funds Utilization Reports:** Each partner received an initiation advance, followed by further installments against pre agreed milestones. Funds for new activities were released only upon submission of Funds Utilization Reports for earlier activities. After the completion of project activities, some of the partners have still not submitted the reports with CUTS. This has been the reason why CUTS has not disbursed the remainder amount to partners even at the time of the evaluation; an issue which has been dealt further in the following section.
- **Project Report:** The project overview note carries a project activity schedule (page50) which refers to the preparation of a final report during the last two months of the project (23rd and 24th), and a note at the bottom referring to the project evaluation to be carried out in the 25th and 26th months. This final report which ought to have been completed prior to the evaluation process has not been prepared.

4.4.3 Budgets and Fund Management

101. The evaluation would like to notify that owing to multiple exchange rates being involved in the project, it would be inappropriate to conduct financial analysis on the basis of uniform exchange rate parity. The project suffered on account of a huge exchange rate loss (appreciation of INR vis-à-vis USD) which led to inadequate coverage of actual costs incurred. After a series of internal discussions at CUTS HQ, it was decided in agreement with the donors, to maintain all expense records in INR from early 2009.

Budget Receipt and Allocations

102. The project entailed a total budget of USD 1.22 million of which 53% (0.65mn), 33% (0.40mn) and 14% (0.17mn) was approved for funding by DFID UK, IDRC Canada and MOFA, Sweden respectively. The three international meetings namely launch, interim review and final meetings represented major chunk of the budgets (26%) and personnel costs stood at 0.16mn representing around 13% of the budgets.

Table 9: Project Budget in USD (Donor and Activity wise)

| | Item | DFID | IDRC | MOFA | Total Budget | % of total |
|----|----------------------------|---------|---------|--------|--------------|------------|
| 1 | Personnel Cost | 98,560 | 34,560 | 24,000 | 157,120 | 13% |
| 2 | Office Equipments | 10,000 | - | - | 10,000 | 1% |
| 3 | International Travel Cost | 41,250 | 13,750 | 12,000 | 67,000 | 5% |
| 4 | International Meetings | 216,000 | 54,000 | 48,000 | 318,000 | 26% |
| 5 | Training Workshops | 110,000 | 78,000 | 30,000 | 218,000 | 18% |
| 6 | Information Dissemination | 25,100 | 4,900 | 6,000 | 36,000 | 3% |
| 7 | Contribution to Partners | 54,000 | 150,800 | 33,000 | 237,800 | 19% |
| 8 | Research Coordination Cost | 6,000 | 12,000 | 6,000 | 24,000 | 2% |
| 9 | Office Cost | 9,600 | 2,400 | - | 12,000 | 1% |
| 10 | Project Evaluation | 20,000 | 10,000 | - | 30,000 | 2% |

| | Item | DFID | IDRC | MOFA | Total Budget | % of total |
|------|---|---------|---------|---------|--------------|------------|
| 11 | Total Direct Cost (Item 1 to 5) | 590,510 | 360,410 | 159,000 | 1,109,920 | 91% |
| 11.1 | Overhead @ 10 pc | 59,051 | 36,050 | 15,900 | 111,001 | 9% |
| 12 | Total Cost (Total Direct Cost + Overhead) | 649,561 | 396,460 | 174,900 | 1,220,921 | 100% |

103. As shown in Table 10 below, the funding from donors was received in their local currencies – GBP, CAD and SEK from DFID, IDRC and MOFA respectively. The total exchange rate loss has been estimated at GBP 36,503 (from DFID, UK); CAD 8,414 (from IDRC, Canada) and SEK 126,205 (MOFA, Sweden).

104. The cumulative actual receipt of funds (in INR) from all the donors was INR 52.16mn that included funds pertaining to original budgets and exchange loss compensation.

Table 10: Original Budgeted Funds & Actual Receipt of Funds from Donors (in respective currencies)

| | Donors | DFID, UK (GBP) | IDRC, Canada (CAD) | Min. for Foreign Affairs (SEK) | |
|----|--|---------------------------------|--------------------|--------------------------------|---------------|
| 1. | Original Budget | 327,400 | 400,000 | 1,058,000 | |
| 2. | Additional Budget (Exchange Rate Loss) | 36,503 | 8,414 | 126,205 | |
| 3. | Total Budget (1+2) | 363,903 | 408,414 | 1,184,205 | |
| 4. | Actual funds received | 4.1 In Donor's local currencies | 363,903 | 408,414 | 1,184,205 |
| | | 4.2 In INR (Total = 52,160,641) | Rs. 26,875,754 | Rs.17,503,757 | Rs. 7,781,130 |

Funds Utilization

105. A head to head comparison of expenses against budgets has been done below:

Table 11: Budgets versus Actual Expenditures (activity wise)

| | | Budgeted Amount | Actual Expenses | | Actual as a % of Budget | Variance |
|-----|---------------------|-----------------|-----------------|-----------|-------------------------|----------|
| | | USD | USD | INR | | USD |
| 1 | Personnel Cost | 157,120 | 157,120 | 6,523,014 | 100% | - |
| 1.1 | Project Advisor | 24,000 | 24,000 | 1,130,795 | 100% | - |
| 1.2 | Project Director | 24,000 | 23,999 | 863,360 | 100% | 1 |
| 1.3 | Research Adviser | 24,000 | 24,000 | 1,124,059 | 100% | - |
| 1.4 | Project Coordinator | 35,520 | 35,520 | 1,420,800 | 100% | - |
| 1.5 | Project Associates | 49,600 | 49,601 | 1,984,000 | 100% | (1) |

| | | Budgeted Amount | Actual Expenses | | Actual as a % of Budget | Variance |
|------|---|-----------------|-----------------|----------------|-------------------------|----------|
| | | USD | USD | INR | | USD |
| 2 | Office Equipments | 10,000 | 10,000 | 382,029 | 100% | - |
| 3 | International Travel Cost | 67,000 | 67,504 | 3,013,643 | 101% | (504) |
| 4 | International Meetings | 318,000 | 283,558 | 12,642,840 | 89% | 34,442 |
| 4.1 | Launch Meeting | 102,000 | 93,221 | 3,735,972 | 91% | 8,779 |
| 4.2 | Interim Review Meeting | 92,000 | 83,699 | 4,059,399 | 91% | 8,301 |
| 4.3 | Final Meeting | 124,000 | 106,638 | 4,847,469 | 86% | 17,362 |
| 5 | Training Workshops | 218,000 | 242,825 | 11,301,175 | 111% | (24,825) |
| 5.1 | National Training Workshops | 126,000 | 121,717 | 5,538,939 | 97% | 4,283 |
| 5.2 | Regional Training Workshops | 92,000 | 121,108 | 5,762,236 | 132% | (29,108) |
| 6 | Information Dissemination | 36,000 | 35,992 | 1,618,210 | 100% | 8 |
| 6.1 | Newsletters | 5,200 | 5,200 | 235,129 | 100% | - |
| 6.2 | Web Site Work | 20,800 | 20,800 | 920,100 | 100% | - |
| 6.3 | Printing and Dissemination | 10,000 | 9,992 | 462,981 | 100% | 8 |
| 7 | Contribution to Partners | 237,800 | 231,000 | 11,006,121 | 97% | 6,800 |
| 7.1 | Research Cost | 118,800 | 112,000 | 5,481,082 | 94% | 6,800 |
| 7.2 | NRG Meetings | 63,000 | 63,000 | 2,915,085 | 100% | - |
| 7.3 | Advocacy and Coordination Expenses | 56,000 | 56,000 | 2,609,954 | 100% | - |
| 8 | Research Coordination Cost | 24,000 | 24,000 | 1,059,491 | 100% | - |
| 9 | Office Cost | 12,000 | 11,995 | 482,893 | 100% | 5 |
| 10 | Project Evaluation | 30,000 | 24,603 | 1,106,650 | 82% | 5,397 |
| 11 | Total Direct Cost (Item 1 to 5) | 1,109,920 | 1,088,597 | 49,136,066 | 98% | 21,323 |
| 11.1 | Overhead @ 10 pc | 111,001 | 91,662 | 4,159,156 | 83% | 19,339 |
| 12. | Total Cost (Total Direct Cost + Overhead) | US\$ 1,220,921 | US\$1,180,259 | Rs. 53,295,222 | 97% | 40,662 |

106. As per the available financial documentation, the budgets and expenditures have been shown in the table above. However, the evaluators would like to mark that due to unavailability of data on budgetary allocations in INR currency, **it is infeasible to analyze the 'actual' line-by-line budget variance in the project.**

Funds released to Partners:

107. Details of the activity-wise budgets for each partner have been given in the contracts signed between CUTS and partners, according to which each partner was eligible for USD 51,000 for carrying out in-country activities. The budgetary allocations to each partner can be referred from Annex 7. However, the actual receipt of funds from the donors was USD

363,800¹⁸ (ostensibly due to exchange rate fluctuations), of which USD 352,717 had been disbursed to the partners. There are no outstanding dues with the Nigerian and Togolese partners, who have completed all the tasks as mentioned in the partner TORs and submitted the funds utilization certificates with CUTS. On the whole, funds were made available to partners under four broad activity heads - USD 16,000 for Research; USD 9,000 for three NRG meetings; USD 18,000 for NTW and additional USD 8,000 for carrying out advocacy and coordination expenses¹⁹.

4.4.4 Implication of Project efficiency issues on evaluation

Disbursement Issues with partners

108. The **Ghana partner did not facilitate any coordination during the field mission**, because, as cited by the partner organization's nodal person, CUTS had not disbursed the final installment to them which left them with insufficient funds to arrange and coordinate meetings for evaluators' field mission. CUTS maintained that the installment was withheld, as ISSER had not provided a fund utilisation statement, in spite of several requests. Suitable arrangements were although provided by the CUTS project team to facilitate the evaluators' field visits in Ghana. The nodal person neither met the evaluation team nor responded to the questionnaire that was transmitted several times electronically. On due insistence, one of the other ISSER team members involved during the project managed to meet the evaluators but was unaware on some crucial aspects (due to nodal person's involvement in those) that precluded the attainment of some key results for Ghana.

109. In **Senegal**, an amount was remitted by CUTS towards the final meeting in Dakar. After the event, CUTS had asked the Senegalese partner to provide a fund utilization certificate for the event, which they failed to provide. As a result, CUTS did not pay the final installment due under the MOU signed, which CUTS claims is much less than what Senegal has to pay CUTS and this has been the reason for unsatisfactory assistance from CRES (Senegal partner) during the course of evaluation. The facilitation of appointments with the project stakeholders was not carried out by the partner, despite a detailed message requesting their assistance with sufficient notice prior to the visit. In spite of a duly scheduled appointment with CRES representative, the evaluator was unable to have a detailed meeting; and the questionnaire too was not filled in by the CRES representative. In all, CRES only facilitated two meetings with the stakeholders.

¹⁸ The funds earmarked for the partners was the sum total of activity heads (7) Contribution to Partners and (5.1) National Training Workshops. Thus, the budgets earmarked for partners were USD 363,800 (237,800+ 126,000) and Actual Disbursements were USD 352,717 (231,000 + 121,717).

¹⁹ The amount for 'advocacy and coordination' was allocated to the project partners for meeting members of the NRG groups, media, government representatives, etc. other stakeholders and discussing about the project activities, etc. Further, it also covered the cost of coordination (communication, travel, phone calls, etc.) of the various project-related activities over the course of the project.

Funds for Project evaluation

110. Based on **funds budgeted for the project evaluation**, it was mutually decided between the CUTS project team and evaluators to undertake field missions in four out of seven countries (Ghana, The Gambia, Burkina Faso and Senegal). On this note, the evaluation would like to highlight that **the volume and quality of findings generated from countries not visited by the evaluator have been found to be significantly lower** vis-à-vis the countries covered during field missions. Issues like feeble signal strength resulting into communication disruptions led to considerable time wastage of evaluators. Few responses were received to e-questionnaires which were transmitted electronically to the stakeholders, who have barely responded. For instance in Nigeria, of the 13 stakeholders contacted (once via telephone and thrice via e-mail questionnaires), the evaluation team could only receive inputs from four respondents. Two project partners (in Togo and Mali) have also expressed their views that obtaining views through call and emails was a reflection of shortage of resources and that a field mission would have had been more appropriate. However, the evaluation considers that a sample of 4 countries of the 7 is methodologically appropriate, even though it would be ideal to have field missions to all countries.

4.5 Impact

Whereas effectiveness focuses on the intended outcomes of an intervention, impact is a measure of the broader consequences of the intervention such as economic, social, political, technical or environmental effects; locally, regionally, or at the national level; on the target group and other directly or indirectly affected parties

111. In all seven countries covered by the project, the state of competition regime is fraught with multiple challenges such as: massive prevalence of anti-competitive practices across key sectors, resource-starved competition authorities (where these exist) and lack of political will towards implementing effective competition regimes. The broad impact of such an intervention can be identified by analyzing the extent to which the project has contributed towards the implementation of a healthy competition regime in each of the seven countries in the form of **strengthening the capacity and visibility of institutions**, in pursuing the agenda on competition further– (competition authorities, civil societies, media houses and universities) and **enforcement or amendment to competition legislations**.

112. One of the main and noticeable impacts of the project has been increased awareness and capacities of major stakeholder groups on competition and affiliated aspects:

For partner organizations and representatives:

113. A wider network of partners, enhanced credibility when sourcing for funds, better visibility among national and international community members who now consider them as one of the lead organizations on competition issues emerges as a major impact of this

project. This is an important outcome, given the dearth of experienced and conversant CSOs/research institutions in the field of competition in the countries. In addition, in one of the project countries- The Gambia, the project served as a platform for the nodal person to showcase his personal abilities in front of the donor agencies during the project final meeting in Dakar. The nodal person was identified by IDRC (Egypt) to submit an expression of interest among others, for serving as a member of the newly formed Africa Competition Forum (ACF) Coordinating Team, for which he was subsequently selected.

For Academia and others:

114. A wide interest has been generated among academicians, professors, and project partner organizations, who propose to **introduce curriculums or publish books on competition (see box below)**. Since it takes years to finalize a degree/curriculum, the impacts from such intents cannot be felt in the near short term, but this can certainly be termed as a frontline in the whole process.

Table 12: Intent of Stakeholders towards developing curriculum on competition

| Countries | Proposed Education/Knowledge Materials on competition |
|--------------|--|
| Mali | Professor of Economics at the " Faculté de Sciences Economiques et de Gestion (FSEG) " in Mali after having attended the training workshops under the project has decided to develop Chapters on competition issues in the FSEG curriculum |
| Burkina Faso | The University plans to undertake a feasibility study for the development of a curriculum on Competition And Economic Regulations |
| Togo | Owing to the knowledge and exposure gained during the intervention, ATC intends to publish a book on competition related issues which if successful, can pave the way for the organization to publish a series of education materials on competition related aspects in the future. |
| The Gambia | The University of The Gambia plans to launch a course on Competition Policy and Law for final year students in Economics and Management. |

The evaluation would like to mark that the efforts stated above are intents of stakeholders and are yet to be operationalised and so the impacts are still to be seen.

For Media

115. The impact on media stakeholder group can be gauged in terms of increased reporting on competition and related issues for sensitizing and generating awareness, as a result of this project. Although capacity building of this stakeholder group did take place during the activities, but efforts during the project have only been limited to engendering project activity related coverage. The evaluators consider that media could have played a much larger role in raising the level of appreciation among a wider audience but there are insufficient evidences (except one encountered in Ghana) on articles being published by

the local media after the project, based on knowledge gained during the media workshops.

116. Furthermore, the Ghana media agency representative met by the evaluators, cited inadequacy of resources, infrastructural constraints and more fundamentally, lack of prioritization accorded to competition issues, as the prime reasons impeding involvement of media on competition theme. The stakeholder further stated that the agency is equipped to provide only one car for every fourteen journalists, and in cases where respondents personally take their own vehicles, transportation expenses reimbursement are made only in cases which the organization deems to be highly prioritized and competition is definitely not one of them. On the basis of scant interviews with the media officials during the evaluation, the evaluators contend that there has not been any significant increase in reportage on competition issues and resultant increase in public awareness of the same. Moreover, to expect isolated one-off events under the project to claim any results in capacity development would be unrealistic.

For Competition Authorities:

117. **In countries, where competition authorities exist, the impact can be measured against institutional technical capacity development, strengthening of resource base and enhanced visibility and networking among peers.** CUTS efforts to facilitate interactions with international subject experts and competition authorities (where these exist) are highly noteworthy. During the project's international events, there have been evidences where the authorities' representatives from different countries have networked and are now touch-basing on a regular basis without the project's intervention (networking between The Gambia and Zambia Competition Commission). GCC came into operation recently and has benefitted in terms of enhanced **international visibility**, and have already embarked on a series of Study Tours to South Africa, Malta, Cyprus and UK for filling in their technical knowledge gaps.

118. However, in terms of resource strengthening, there has been no evidence of government buy-in towards budgetary support enhancements for competition regulatory and support institutions in any of the project countries.

119. **In countries, where there are no competition authorities, the impact can be measured against the passage of the Competition Law/Policy which leads to creation of the authority.** In both Ghana and Nigeria, the countries where there was no competition law and authority prior to 7Up4, there hasn't been any further development in the process of enforcement of the law or creation of the competition authority, and the situation remains as it is.

- The Nigerian project partner (CEON) mentioned in the questionnaire of making efforts towards initiating the process of stopping the proliferation of Draft Competition Bills at the National Assembly. The intention was to organize a meeting of select members of the NRG with the Federal Minister of Commerce & Industry, and Members of the Senate

Committee on Commerce but this has been deferred till the next legislative session after the conduct of the April 2011 general election.

- In Ghana, the evaluators found that the process of adoption of competition law was initiated even before the inception of the 7Up4 project. CUTS was engaged by the Ministry of Trade and Industry, Private Sector Development and President's Special Initiatives (MOTIPSDPSI) of Ghana to develop a Competition Bill. CUTS had prepared the first draft of the Bill and submitted it to the MOTIPSDPSI in May 2008, a month preceding the launch of 7Up4 project. However, the bill has still not been passed by the government, despite a two-year long intervention of the project. The evaluators came across with diverging responses from stakeholders on the reasons for the law not being passed until the end of 2010. Some cited that enforcing a Competition Law in the absence of a comprehensive Competition Policy in the country will be futile; with some responding to the absence of an effective lobbying towards the passage of the Law at the cabinet and some mentioning lack of funds from foreign donors to be the reasons behind non-passage of the Bill.

120. Enforcement of current legislations or their amendment is dependent on **political bodies' buy-in on the importance/ priority of competition related issues, which has been mixed across project countries**. The project discovered a number of stumbling blocks on its way to fostering a healthy competition culture, where a solution to most of the problems could only be resolved through political influence. For instance in Ghana, the component of 'business development and competition' was given a lesser priority in the new government's agenda in relation to previous governments', which stalled the efforts of this project in between. Moreover, the presence and extent of political influence over the functioning of competition authorities can potentially skew the decisions of the authority to favor some players to the disadvantage of others (the case of The Gambia, where the President being the Head of State runs various businesses and also exercises his power of appointing commissioners at GCC).

121. **Therefore, projects like 7Up4 are left with limited potential to address these political realities, which limit manifestation of large scale outcomes at the country level**. The project design had two broad components under the advocacy pillar – first, was the creation of a consultation framework among a wide range of stakeholders through the *formation of NRG* in each country and second was the prioritization of critical issues and mapping of action points, leading to the formation of *advocacy roadmap*. The evaluators would like to term these as good starting points in an advocacy process but a need of adopting a sound advocacy strategy is clearly spelt out, a view also supported by project partners and other stakeholders. **In essence, the advocacy was relatively weak overall, with most of it being limited to the NRG meetings. A sound advocacy plan and wide dissemination of the project materials beyond the confined boundaries of the project could have reaped more fruitful results.**

4.6 Sustainability

122. From evaluation's perspective, the sustainability of the project intervention at the country level *can* be assessed from two angles – (i) Institutionalization of competition related knowledge and advocacy methodologies developed in the project; (ii) Strengthening of networks to carry on the advocacy messages further, with appropriate local customization

Institutionalization of competition related knowledge and advocacy methodologies developed in the project

123. The evaluation considers that the project beneficiaries now have the necessary knowledge and awareness of competition facing aspects and can be seen as having a positive role in the pursuit of *competition* reforms agenda. The project has enabled live opportunities for them to leverage this knowledge and platform and establish a process of partnership not only between the national actors but also with international fraternity with greater confidence than before. The interest shown by the national actors in Togo and Ghana towards engaging the project partners for future endeavours on competition related themes are positive signs (the interest shown by Togolese competition authority to engage the partner in future deliberations, and DFID, Ghana representative impressed with ISSER's work during the project considers the organization as a potential reference point for their future works).

124. The intervention has generated valuable repository of information and knowledge on competition related aspects, however the dissemination has not been *au fait* as noted by the evaluators. Moreover, printing and dissemination of reports at the in-country level were still not initiated during the time of the evaluation. Additionally, the absence of interactions among the NRG members and project partners beyond the project span in all project locations is seen as a failing of the advocacy and sustainability aspects. No follow-up on the actions undertaken as per the country Advocacy Roadmaps hints to a major shortcoming in the project. Therefore, institutionalization of "Advocacy Roadmap" in terms of undertaking appropriate actions should serve as an important starting point sustaining the efforts under 7Up4. However, it is important to establish that the above is not only contingent upon project stakeholders' commitment and initiative, but also on financial support for taking it forward. This can ideally be possible if CUTS and its partners are able to broaden their bases by allying with other donors and stakeholders for implementing a follow-up phase of 7Up4. In this respect two partners have intentions of pursuing the efforts further:

- CEON (Nigeria) has shown interest in implementing the roadmap in 2011 through seeking assistance from other donors.
- CEDRES (Burkina Faso) is geared up for establishing an **observatory** for competition related aspects and plans to undertake a feasibility study towards designing its framework with clear defined objectives.

125. On another front, lack of institutionalization of knowledge also poses a grave challenge to the sustainability aspect. The case of Ghana and The Gambia are prominent in this

respect, where the evaluation encountered evidences of project stakeholders who had left their organisations during/post the intervention.

Box 5: Evidences on lack of institutionalization of knowledge

In the case of Gambia, the Public Utilities Regulatory Authority (PURA) representative who participated during the in-country activities as well as the RTW is no longer working with the organization and has set-up his own IT consultancy firm.

In Ghana, the stakeholder who represented the Food and Drugs Board, Ghana during the project events is no longer working with the Board and is now a Faculty member at the Animal Sciences Department in the University of Ghana. Another case is that of DANIDA's representative, who was earlier in charge of Business Sector Programme Support and was closely involved during the project. The representative has now been assigned a different role at the embassy and is currently handling the DANIDA's (Danish International Development Assistance) Health Sector Programme, which centers on Corporate Social Responsibility.

Participation in the INCSOC Network

126. A catalyst of sustaining the results of this project can be the integration of the project's research findings and advocacy network into the International Network of Civil Society Organisations on Competition (INCSOC- www.incsoc.net), a virtual network with CUTS serving as the Secretariat. INCSOC, formed as a result of CUTS 7Up1 project (2000-02), was floated by several CSOs as a coalition promoting a healthy competition culture in the world.

127. The network comprises of **Primary Members** (representing civil society, consumer organizations, and research and academic institutions) and **Associate members** (representatives from Competition enforcement agencies, national governments, intergovernmental bodies and regional bodies, donor agencies, academia, parliament, media and other stakeholder groups). Presently there are 136 members in the network, of which 11 belong to the seven countries covered under 7Up4 (refer table below).

Table 13: Presence of Project Countries' Stakeholders in INCSOC Network

| Country | Number of members | Profile of Members | Type of member | |
|--------------|-------------------|---|----------------|------------------|
| | | | Primary Member | Associate Member |
| Burkina Faso | 1 | Project Partner (Research Institution) | ✓ | x |
| Mali | 1 | Original Project Partner (University) | ✓ | x |
| Togo | 1 | Project Partner (Consumer Organization) | ✓ | x |

| Country | Number of | Profile of Members | Type of member | |
|------------|-----------|---|----------------|---|
| Senegal | 2 | Project Partner (Research Institution); Consumer Organization | ✓ | x |
| The Gambia | 1 | Project Partner (consumer organization) | ✓ | x |
| Nigeria | 4 | Project Partner (CSO); CSO; Research Institution and International Organization | ✓ | ✓ |
| Ghana | 1 | Project Partner (Research Institution) | ✓ | x |

Source: Prepared from INCSOC members list uploaded on the website (updated as on Feb2009)

128. The table reflects that of the 11 members, seven are project partner representatives and the rest belong to other consumer and research based organizations. Unfortunately, there is no representation from other country stakeholders or NRG members (except Nigeria) which reflects a major lacunae under the sustainability aspect, given that there were NRGs formed at the country level and also a INCSOC Partners' Meeting organized in Dakar on the sidelines of the final conference of the 7Up4 project. The evaluators consider that efforts should be directed at strengthening the existing INCSOC network rather than establishing a new network as a result of this project.

129. *The 7Up4 project is seen as a first phase of a long term process and its sustainability is not only dependent upon project beneficiaries' commitment and initiative but also on external factors viz., financial support for the project partners to pursue it further and the intent of the political realities to support the process of implementation and evolution of a healthy competition regime.*

5 Lessons Learnt and Recommendations

5.1 Lessons learnt

130. **Project Design**

- **Absence of a clear log frame and Results Matrix** indicates an absence of results oriented approach of the project
- **Differential and Graded approach:** Since different countries are at different stages of evolution and implementation of competition regimes, project activities need to be correspondingly differentiated. For e.g.: Ghana and Nigeria where there are no competition authorities, the issues are more of institutional restructuring and mobilizing political support whereas in others, emphasis should be laid on technical capacity development and resource strengthening.

131. **Efficiency**

- Projects in which advocacy represents a key component, there is a strong need of **earmarking adequate budgets** for this component to enable sustained efforts
- Efforts should be deliberated towards **minimizing disbursement-related issues** with partners, as the aftermath can notably degrade the overall process of evaluation and also the attainment of results at the project level.

132. **Results Effectiveness**

- **Attaining adequate level of political buy-in is necessary** to produce expected results.
- The project partners and the national stakeholders should acknowledge the **ownership and accountability** of project implementation and not be only recipients of outputs without any obligations.

5.2 Recommendations

133. The 7Up4 project is seen as a first phase of a long term process of implementing a healthy competition regime in the project countries. In order to sustain the efforts made under this project, there is a strong need for adopting a sound advocacy strategy aimed at addressing the major challenges confronting the seven project countries. In case a follow up phase of 7Up4 is to be considered, it should have the following dimensions:

i. **Dissemination of 7Up4 research materials**

134. The intervention produced valuable repository of research knowledge on competition related aspects in the form of Country Research Reports and Synthesis Report (in both English and French languages) which now need to be disseminated to a wider audience,

and not just be limited to the national actors before the project loses steam. Activating and ramping up electronic dissemination and using information technology extensively for digital repositories are likely to find a popular appeal. The CRRs and Synthesis Reports should now feature on the partners' respective websites which would not only add to their credibility but also help in diffusion of knowledge.

135. *This particular dimension can be undertaken even without the support of a follow-up initiative and entirely depends on the commitment and initiative on part of the partner organization.*

ii. Consolidation of results and impacts manifested by CUTS interventions in Africa

136. One of the biggest drivers for attracting the political/government buy-in is the presentation of benefits / results to this particular stakeholder group. Since CUTS has implemented projects akin to 7Up4 in the past (7Up1, 2 and 3) there should be a consolidated document/report comprising of key challenges confronting the countries (this could be restricted to the Africa region perhaps), and the results /outcomes manifested by the 7Up interventions towards addressing the same. This almanac can be useful in terms of sensitizing and motivating the competition actors both at the national and regional levels towards pursuing the efforts more diligently.

iii. Adoption of a sound advocacy strategy

137. In case a future initiative of 7Up4 is to be considered in the project countries, adequate funds should be budgeted for the advocacy component for which the starting point can be operationalising the advocacy roadmap. Involvement and accountability on part of government and policy makers is a critical issue and should be dealt with upfront.

138. Strong lobbying to the government towards enforcing Competition Law/Policy and creating the competition institutions in countries which still lack them; or enhancing the budgetary resources and technical capacity development of the competition authorities in countries where these exist, should be the prime aim. CSOs should advocate for creation of a formal stock taking process of petitions filed and the same should also be reflected through competition authorities' website. In addition, a better interaction between Competition Authorities and Sector regulators should be sought at national levels in order to resolve the jurisdictional overlaps, if any.

iv. Strengthening the extant INCSOC network

139. Future efforts should be directed towards strengthening the existing INCSOC network rather than establishing a new network as a result of 7Up4.

140. Enlarging the membership database, particularly targeting the associate members by enrolling the NRG members and other participants representing the 7Up4 countries (i.e. from competition agencies, media, government, local donor agencies and sector regulators etc.) can be the first step in this direction. Additionally, exchange of information

by seeking updates from partners and NRG members on the future actions undertaken at the national level; sharing of newsletters/articles/other happenings to the members through CUTS; contribution of research papers and country chapters to the INCSOC volume on Consumer Protection Regimes in the World by the members can be the prime thrust of this network.

141. Building verticals on the INCSOC website (by region, stakeholders, competition themes etc.) and posting regular updates or inducing the members to do the same is essential. However, website maintenance and updation is contingent upon financial and human resources, which the evaluators reckon to be the bare minimum requirement for sustaining the project results in the longer term. Such an arrangement would not only facilitate a national level but also a regional level mentoring and networking among competition authorities and sector regulators that would provide opportunities to consider competition related issues based on the positive experiences of other countries and interact and benefit from best practices.

6 Annexures

Annex 1: Evaluation Methodology

For the purpose of assessing the overall results and impact of the 7UP4 project in the seven countries, the evaluation formulated a matrix where indicators were listed and mapped against each project output.

Table 14: Mapping the Success Indicators against Project Outputs

| Results targeted by the Project (Outputs) | Type of Indicators proposed to be used |
|---|---|
| <p>Enhanced knowledge on competition policy and consumer welfare issues across various stakeholders – (Partner Organisations, Individual Consultants, Sector Regulators, Media Officials, Academicians, NRG Members)</p> | <ul style="list-style-type: none"> • Research papers produced under the project, drawing the linkage between competition policy and consumer welfare • Whether project stakeholders understanding of the following linkage were enhanced by the project: <ol style="list-style-type: none"> a) Competition Policy and Consumer Welfare b) Competition Reforms and development of the nation • Content of training and capacity development inputs in the project • Assessment from anecdotal evidence from interviews (with the NRG members, project partners and other stakeholders) and project documents regarding: <ol style="list-style-type: none"> a) How the project has helped in enhancement of their knowledge regarding competition policies b) specific application of knowledge acquired, in specific issues/ instances • Ability to compare competition regimes in reference countries/ regions |
| <p>Countries helped to fast-track process of evolution and implementation of national competition regimes-with substantial inputs from civil society (establishing a process of partnership)</p> | <ul style="list-style-type: none"> • Understand the forward movement on competition reforms manifested by the project • Evidence on future spin-offs after the project • Is Competition policy discussed more often now than before as a result of the project. • Evidence of project led interventions towards accelerated implementation of competition policies and institutional mechanisms. <ol style="list-style-type: none"> a. Whether Competition Advocacy Roadmap prepared under the project is being considered to serve as a base for future work on competition in the country. • Identification of key sectors/ products in which the current state of competition has a negative impact on consumer welfare • Identification of potential threats to domestic industry from regional/preferential trade arrangements involving countries with more advanced regimes and, resultantly, more competitive |

| Results targeted by the Project (Outputs) | Type of Indicators proposed to be used |
|---|---|
| | <p>industries</p> <ul style="list-style-type: none"> • Creation of action plans/ task forces toward accelerated implementation of competition regime; and composition of such teams • Inclusion of project beneficiaries in the development of an effective competition regime • Interventions based on the knowledge and capacity development under the project <ul style="list-style-type: none"> ○ Research projects/ papers undertaken by CSOs and partners drawing from project ○ Steering of debates/ sensitization by media |
| <p>Process of dialogue initiated between government, civil society, business community on economic and regulatory policy issues that will make it possible for stakeholders to work together and shape economic reforms agenda</p> | <ul style="list-style-type: none"> • Presence, composition and mandate of consultative mechanisms involving CSOs, business and government on competition issues • Representation of civil societies in the committees, task forces etc. • Formation of national interest groups and mobilization of public support for competition and regulatory reforms |
| <p>Credibility of civil society organisations asserted as ‘actors’ in national competition reforms-thus motivating them to pursue the reforms agenda further</p> | <ul style="list-style-type: none"> • Evidence of research/ sharing of best practices on competition legislation and comparisons with current legislation • Involvement of civil society groups in drafting of new competition legislations or amendments in the existing one • Suggestions and specific comments on draft texts of legislation, and specific proposals for amendments • Dissemination of project-initiated research and other evidence-based advocacy materials • Media coverage of articles, discussion papers and other events focusing on competition regimes |
| <p>International community made aware of the need to promote a healthy competition culture in the region, and to contribute meaningfully to strengthening competition regimes therein.</p> | <ul style="list-style-type: none"> • Research and advocacy materials produced under the project aimed at the international community, at the national and regional level • Formation/ enrolment in national, regional and global networks; involvement in major international events focusing on competition regimes • Contribution of papers/ presentations building on national experience, in such events • Linkage between the 7UP4 Project and the work done by the WAEMU and ECOWAS Secretariat on competition front. • Evidence of interest being generated by the project among new donors to support the subject of competition reforms in their future works |

This served as a basis to collect findings in the project countries and assess results using the five classical analyses of evaluation: relevance, effectiveness, efficiency, impact and sustainability which have been detailed in the context of the project as follows:

Table 15: Evaluation Criteria

| Evaluation Criteria | |
|-----------------------|---|
| Relevance | <p>Whether the objectives are in keeping with local/national priorities and needs</p> <ul style="list-style-type: none"> • the specific importance and need of competition policy and regulatory institutions in each country, and key sectors that need such regulations • the major needs that remained unaddressed prior to the project |
| | <p>The productivity of the implementation process, completion of targeted actions within agreed timelines, and budgets, in a cost-effective manner.</p> <ul style="list-style-type: none"> • the timely implementation of activities, within stipulated budgets • adherence to project design and elements • cost-effective use of resources (efforts to extract maximum mileage) |
| Effectiveness | <p>The extent to which the objective has been achieved – targeted results</p> <ul style="list-style-type: none"> • Attainment of the target outputs • Results/outcomes directly flowing from the project interventions (specific changes in the competition regimes influenced by the project) |
| | <p>All positive and negative, intended and unintended changes and effects caused by the intervention on the state of the final beneficiaries</p> <ul style="list-style-type: none"> • the sufficiency and significance of the project’s results in engendering larger change in the state of competitive regimes • key challenges impeding the manifestation of larger- scale impacts |
| Sustainability | <p>Whether the positive effects will continue after external support has been concluded</p> <ul style="list-style-type: none"> • Irreversibility of effects on knowledge and capacity development created by the project (including human resource transfers etc.) • feasibility of scaling up actions of the project using national resources • formation of networks to build on the initiatives/lessons of the project |

Information and insights to assist the evaluation were collected through the following methods:

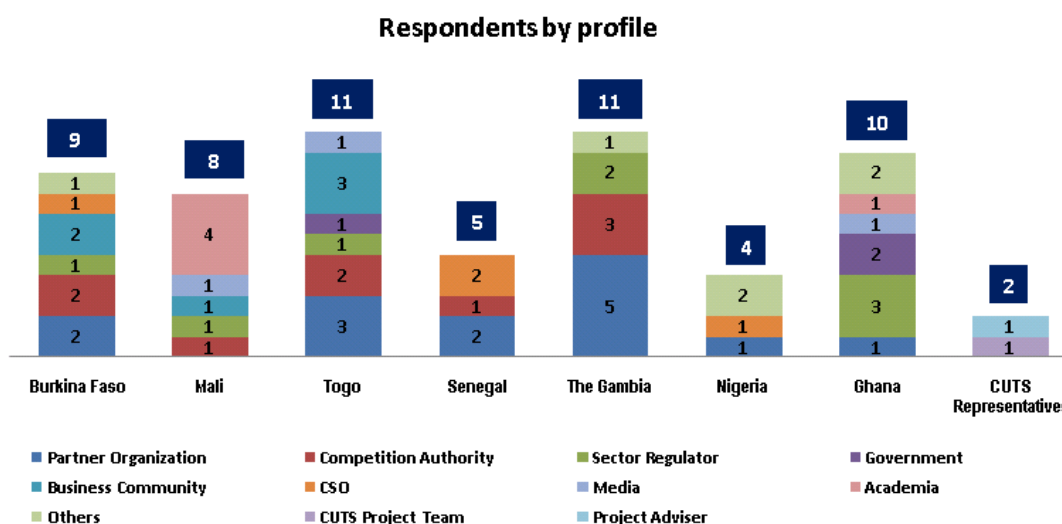
- **Desk reviews:**
 - Project documents as available on project website (<http://www.cuts-ccier.org/7up4/>) and copies made available by CUTS C-CIER were perused; and
 - WTO Secretariat - trade policy review documents
 - Diagnostic Trade Integration Studies (DTIS)
 - other relevant documents were accessed on the search engines
- **Discussions with project team: Discussions with CUTS C-CIER (project coordinator)** were held throughout the course of the evaluation – starting from the

inception call and regular exchange of information through telephone/email-based conversations.

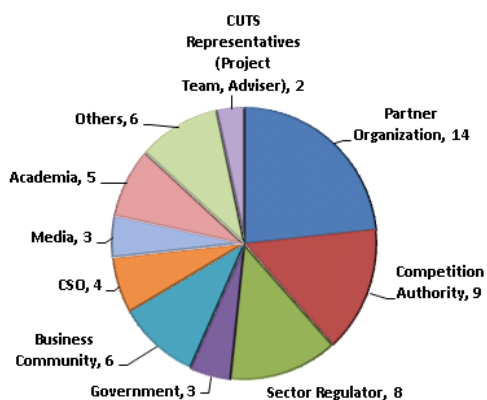
- **Questionnaire survey of project partners** – Questionnaires prepared in English and French languages were sent to the Anglophone and Francophone country partners respectively. However feedback through filled in questionnaires were provided by only 5 project partners – The Gambia, Nigeria, Burkina Faso, Togo and Mali, despite repetitive reminders to the other two - Ghana and Senegal.
- **Stakeholder Interviews** – Field missions were undertaken to 4 countries i.e. The Gambia, Ghana, Senegal and Burkina Faso, whereas in the case of Nigeria, Mali and Togo, inputs were gauged through telephonic interviews and e-mail based questionnaires.

In total, 60 respondents were interviewed during the evaluation, which have been classified on the parameters of *country of residence, profile and mode of contact*, in the charts below:

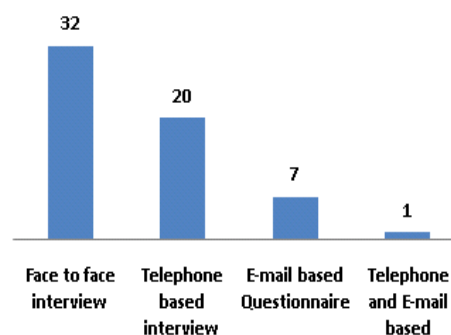
Figure 4: Classification of Respondents



Respondents by profile- (Aggregate Level)



Mode of interview



Others include representatives from local donor agency; embassy; regional competition institutions and consultants.

A list of people met/contacted during the evaluation can be referred from the table below:

Table 16: People Interviewed during the evaluation

| S.No | Name | Designation | Mode of contact during the evaluation | Profile of stakeholder |
|-------------------|---------------------|---|---------------------------------------|------------------------|
| THE GAMBIA | | | | |
| 1. | John Charles Njie | Executive Director Pro Poor Advocacy Group Garba Jahumpa Road Bakau New Town The Gambia Phone_O: 220-449 4338; Fax: 220-449 4219 Email: jcnjie@gmail.com | Face to face | Partner Organisation |
| 2. | Omar Ousman Jobe | Commissioner The Gambia Competition Commission No. 36 Kombo East, Bertil Harding Highway Banjul, The Gambia Cell: 220-997 2525/777 3077 Fax: 220-4466 791 Email: omarjobe@yahoo.fr ; omar.jobe@gcc.com | E-Mail | Partner Organisation |
| 3. | Gabriel Latjor Ndow | Director-Policy Strategy & Consumer Affairs Public Utilities Regulatory Authority (PURA) 1 Paradise Beach Place, Bertil Harding Highway Kololi, PO Box: 4230 Bakau The Gambia Ph: 220-446 5166 Cell: 220-986 3111/336 3111/703 3111 Fax: 220-446 5187 Email: gln@pura.gm ; africafest@hotmail.com | Face to face | Sector Regulator |
| 4. | Alagi B. Gaye | Director General Public Utilities Regulatory Authority (PURA) 1 Paradise Beach Place, Bertil Harding Kololi The Gambia Ph: 220-446 5175 Cell: 220-996 7776 Fax: 220-446 5187 Email: abg@pura.gm | Face to face | Sector Regulator |

| S.No | Name | Designation | Mode of contact during the evaluation | Profile of stakeholder |
|--------------|---------------------|--|---------------------------------------|------------------------|
| 5. | Sheikh E. T. Lewis | Competition and Consumer Advocacy Group (CCOSPAG) The Gambia Email: setlewis@yahoo.com | Face to face | Partner Organisation |
| 6. | Alhaji Tamu Njie | Economics & financial Management Consultant; Chairman Gambia Competition Commission No. 36 Kombo East, Bertil Harding Highway Kmc The Gambia Tel: +220 9930768 / 4466789 Email: atsainvest@hotmail.com | Face to face | Competition Authority |
| 7. | Amadou Ceesay | Executive Secretary The Gambia Competition Commission Email: amadouceesay@gmail.com ; amadou.ceesay@gcc.gm . | Face to face | Competition Authority |
| 8. | Rohey Yata Sey Corr | Programme Officer: Research Pro Poor Advocacy Group Garba Jahumpa Road Bakau New Town The Gambia Phone_O: 220-449 4338; | Face to face | Partner Organisation |
| 9. | Saloum Sanyang | Financial Controller Pro Poor Advocacy Group Garba Jahumpa Road Bakau New Town The Gambia | Face to face | Partner Organisation |
| 10. | Dominic Mendy | CEO Emanic Consulting Co. Ltd. D 107 Kanifing Housing Estate P.O. Box 3037, serekunda The Gambia, West Africa E-mail: emanic.consulting@yahoo.com Tel: (220) 4396036, 9902120 | Face to face | Others |
| 11. | Jainaba Bah Sambou | Executive Secretary The Gambia Competition Commission No. 36 Kombo East, Bertil Harding Highway Banjul, The Gambia Ph: 220-993 0768/ 446 6789 Email: jaibsambou@yahoo.co.uk | Face to face | Competition Authority |
| GHANA | | | | |
| 12. | Kwame Fosu | Director-Legal Affairs Ministry of Trade & Industry PO Box: MB-47 Accra, Ghana Phone_O: 233-21-621 293 | Face to face | Government |

| S.No | Name | Designation | Mode of contact during the evaluation | Profile of stakeholder |
|------|-----------------------|---|---------------------------------------|------------------------|
| | | Phone_R: 233-21-765 916 Cell: 233-24 571 9874/ 233 20 811 0714 Fax: 233-21-662 428 Email: fosu02@yahoo.com | | |
| 13. | Richard Osei-Amponsah | Senior Regulatory Officer Food and Drugs Board Ghana Ph: 233-2774 07496 Email: rich12668@yahoo.co.uk | Face to face | Academia |
| 14. | Hannah Asomaning | Journalist Ghana News Agency (GNA) PO Box: GP2118 Accra, Ghana Ph: 233-21-662 381 Cell: 233-244 547 980 Email: hans57ty@yahoo.com | Face to face | Media |
| 15. | Nana Frimpomaa Arhin | Private Sector Development Advisor DFID Ghana Masida House, Ako Adjei Interchange, PO Box: 296 Accra, Ghana Ph: 233-21-253 243 Ext#1116 Cell: 233-27 761 5366 Fax: 233-21-701 0339/ 253 244/220 172 Email: nf-arhin@dfid.gov.uk | Face to face | Local Donor Agency |
| 16. | Anita P. D. D'Almeida | Assistant Programme Coordinator Embassy of Denmark, Ghana 67, Dr. Isert Road, North Ridge, PO Box: CT596 Accra, Ghana Ph: 233-21-226 972 /253 473-74 Cell: 233-244 332 695/244 464 983 Fax: 233-21-229 061 Email: anidjo@um.dk ; anitadalmeida@gmail.com | Face to face | Others |
| 17. | Daniel Densu Afropong | Senior Manager, Operations, Consumer Services Public Utilities Regulatory Commission (PURC) No. 51 Liberation Road, African Liberation Circle, PO Box: CT 3095, Cantonments Accra, Ghana Ph: 233-21-240 219 (D)/ 244 180-3 Cell: 233-24 428 2784 Fax: 233-21-244 188 Email: danafropong@yahoo.com | Face to face | Sector Regulator |
| 18. | Yaw Boamah Baafi | Deputy Manager-Regulations & Licensing | Face to face | Sector Regulator |

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| | | National Communications Authority 1st Rangoon Close, Switchback Road, Cantonments, PO Box: CT 1568 Accra, Ghana Ph: 233-21-776 621/771 701 Cell: 233-244 206 607 Fax: 233-21-763 449 Email: yaw.baafi@nca.org.gh ; yaw.baafi@gmail.com | | |
| 19. | Robert Palitz | Advisor for NCA National Communications Authority 1st Rangoon Close, Switchback Road, Cantonments, PO Box: CT 1568 Accra, Ghana E-mail: palitz@attglobal.net | Face to face | Sector Regulator |
| 20. | Dela Tsikata | Researcher Institute of Statistical, Social and Economic Research (ISSER) University of Ghana P.O. Box: LG 74, Legon Accra, Ghana Ph: 233-21-512 502/ 501 182 Fax: 223-21-512 504 Cell: 233-2433 10765 delkwa@yahoo.com | Face to face | Partner Organisation |
| 21. | Ernest Agyapong | Director Ministry of Trade & Industry PO Box: MB-47 Accra, Ghana | Face to face | Government |
| NIGERIA | | | | |
| 22. | Adedeji Babatunde Abiodun | Coordinator-General Consumers Empowerment Organisation of Nigeria (CEON) 97, Ondo-Benin Road Ijebu-Ode Ogun Nigeria Ph: 234-703 033 0199 Cell: 234-807 757 6604 Email: ceon_camon@yahoo.com ; adedejia67@yahoo.com ; camon_citeed@yahoo.com | E-mail | Partner Organisation |
| 23. | Dr. Bob Arnot | National Programme Manager British Council Nigeria 3rd Floor, AP Plaza, Adetokunbo Ademola Crescent, Wuse II Abuja, Nigeria Ph: 234-9-523 8493 (D)/ 4757/8430 | Telephone based | Others |

| S.No | Name | Designation | Mode of contact during the evaluation | Profile of stakeholder |
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| 25. | Lola Fadumiyo | Member Services Officer West and Central Africa Consumers International Consumer Protection Council, Plot 1105, Dar-es-Salaam Street, off Aminu Kano Crescent, Wuse Abuja, Nigeria Cell: 234-703 340 3825 Email: lofa7@yahoo.com ; lfadumiyo@consint.org | E-mail | Consumer Organisation |
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| 26. | Mr. M. Adolphe Coulibaly | Commission Nationale de la Concurrence et de la Consummation (CNCC-BF) BP 365 Onagadongon 01 Burkina Faso Ph: 226-5031 7930/ 226-76-572 821 Fax: 226-5031 7053/ 5031 4493/ 5031 8497 Email: adolphecoulibaly@yahoo.fr | Face to face | Competition authority |
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| 28. | Boubacar Traore <u>replaced by</u> Mr Boukary Sawadogo Directeur Centre de | Directeur Charge de Missions Chambre de Commerce et d'Industrie du Burkina Faso (CCIA BF) 01 BP 502 | Face to face | Private sector |

| S.No | Name | Designation | Mode of contact during the evaluation | Profile of stakeholder |
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| 30. | Marguerite Bonane Ouedraogo | Conseiller Juridique Autorite Nationale de Regulation des Telecommunications (ARTEL) BP: 6437 Ouagadougou 1 Burkina Faso Ph: 226-5037 5360-62 Cell: 226-7024 4395 Fax: 226-5037 5364 Email: ouedma@artel.bf ; ouedma@hotmail.com | Face to face | Sector regulator |
| 31. | Georges Somda | Director General GBS Consultant Sarl 281, AV, Lamine, Gueye (1200 lgts), 06 BP:9965 Ouagadougou 06 Burkina Faso Ph: 226-5036 2347 Cell: 226-7072 6055/ 7816 6041 Fax: 226-5036 9977 Email: gbs-consult@fasonet.bf | Face to face | Consumer association |
| 32. | Victoria Ouedraogo nee Kibora | President Commission Nationale de la Concurrence et de la Consommation (CNCC-BF) BP: 365 Ouagadougou Burkina Faso Ph: 226-5031 7930 Cell: 226-7026 9714/ 7661 7607 | Face to face | Competition authority |

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| 33. | Dr. Taladidia Thiombiano | Director & Professor CEDRES University of Ouagadougou 03 BP 7210 Ouagadougou 3 Burkina Faso Ph: 226-5033 1636 Cell: 226-7044 5816 Fax: 226-5031 2686 Email: tathiombiano@univ-ouaga.bf ; taladidia@yahoo.fr ; cedres@univ-ouaga.bf | Face to face | Partner organization |
| 34. | Noël THIOMBIANO | Laboratoire d'Economie de l'Environnement et de Socioéconométrie (LEESE) Centre d'Etude, de Documentation et de Recherche Economiques et Sociales (CEDRES) - Université Ouaga 2 03 BP 7210 Ouagadougou 03 BURKINA FASO Tél. fixe : (+226) 50 33 16 36 Mobile : (+226) 70 27 33 20 Fax : (+226) 31 55 49 Email: thiombianoel@yahoo.fr | e-mail based questionnaire | Partner organisation |
| Mali | | | | |
| 35 | Ibrahima Abdoulaye Kone | Telecom Engineer CRT (Comite de regulation des telecommunications) Ministere de la Communication des Nouvelles Technologies BP: 2206, Hamdallaye ACI 2000-Rue 390 Bamako Mali Ph: 223-2023 1491/4490 1087 Cell: 223-6698 6599 Email: ibrocool2004@yahoo.fr ; ibrakone@crt.ml | Telephone | Sector regulator |
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| 43 | Abe Talime Claude | Director of Internal Trade and Competition Ministry of Commerce and Industry BP 383 Lome, Togo Ph: 228-221 2784 (D)/ 2025/2907 Cell: 228-926 5839/228-018 6007 Fax: 228-221 0572 | Telephone | Competition authority |

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| 45 | Gagalo Benetti | Association Togolaise des Consommateurs (ATC) B.P. 30621, Qt. Doumassesse Lome, Togo Ph: 228-904 3713/3510/221 9384 Fax: 228-221 8125/5706 Email : benetti_gag@yahoo.fr | e-mail based questionnaire | Partner organisation |
| 46 | Essodessewe Pikeli | Autorité de Réglementation des Secteurs de Postes et de Télécommunications du Togo (ART&P) BP 358 Lomé, Togo Ph: 228 223 63 63/89 Fax: 228 223 63 94 Cell: 228 9200668 Email: pikeli@artp.tg | Telephone | Sector regulator |
| 47 | John Tata Tamara-Boukary | Attache de Direction Chambre de Commerce et D'Industrie du Togo (CCIT) Angle Avenue de la Presidence, Avenue Georges Pompidou, BP: 360 Lome, Togo Ph: 228-223 2911 (D)/223 2900/221 7065 Cell: +228- 948 5806 Fax: 228-221 4730 Email: jboukary@hotmail.com johntataboukary@yahoo.fr | Telephone | Private sector |
| 48 | Theo Bitho | Lawyer Legal & Strategic Consulting Firm 15 BP: 222 Lome, Togo Ph: 228-234 1530 Cell: 228-999 9645 Email: legal_remedy@yahoo.com | Telephone | Private sector |
| 49 | MODEDJI K. Jacob | Representative of PATRONAT BP 12429 Lomé Ph : 228-2210830 / 228-9127969 | Telephone | Private sector |

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| 52 | Djafon Kossi Andre | Charge d'etudes Direction de Industries Ministere de l'Industrie de l'Artisanat et des Innovations Technologiques BP: 831 Lome, Togo Phone_O: 228-221 2289 Cell: 228-839 6148 Email: andresdjaf2001@yahoo.fr | Telephone | Government |
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| 54 | Momar Ndao | Chairman ASCOSEN (Association des Consommateurs du Senegal) Siege social, Chambre de commerce de Dakar, PO Box: 666 Dakar, Senegal Ph: 221-33-270 1551 Cell: 221-77 635 0707/77 638 5599 Fax: 221-33-821 5074/867 1111 Email: ascosen@gmail.com ; | Face to face | Consumer association |

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| | | bamo@sentoo.sn | | |
| 55 | Prof. Abdoulaye Sakho | President of the Board of Regulation Agence de Regulation des Telecommunications et des Postes (ARTP) Rte des Almadies x Djoulikaye, BP 14130 Dakar, Senegal Ph: 221-33 823 0698 (D)/99 Fax: 221-823 0698 Email: profasakho@yahoo.fr | Face to face | Partner organisation |
| 56 | Mouhamadou Diawara | President Commission Nationale de la Concurrence de Senegal BP 9031 Dakar Peytavin Senegal Ph: 221-33 821 7076 / 33 822 4786 / 33 822 6413 Cell: 221-77 538 4354 Email: dwra19@yahoo.fr | Face to face | Competition authority |
| 57 | Mbathio SAMB | Forum Civil 40 Avenue Malick Dakar, Senegal Cell: 221-77 651 77 11 Fax: 221-33 842 4045 Email : samb.mbathio@gmail.com | Face to face | Consumer association |
| 58 | Mbissane Ngom | Le Consortium pour la Recherche Economique et Sociale (CRES) Rue de Kaolack x Rue F, Round Point de l'Oeuf, Point E, CP: 12023, BP: 7988 Dakar, Senegal Ph: 221-33 842 8594/ 96 / 864 7757 Cell: 221-77 506 5684 Fax: 221-864 7758 Email: pmngom@yahoo.fr ; pmngom@refer.sn | E-mail based questionnaire | Partner organisation |
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| 60 | Rijit Sengupta | Centre Coordinator & Deputy Head, CUTS CCIER D-217 Bhaskar Marg, Bani Park, Jaipur- 302016, India Ph: +91 141 228 2821 Fx: +91 141 228 2485 / 228 2733 | Telephone & E-mail based | CUTS C-CIER |

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| 1. | Dr. Frederic Jenny | (Chairman of the Advisory Board), Cour de Cassation (Supreme Court of France) France |
| 2. | Mr. Robert Anderson | Counsellor, Intellectual Property and Investment Division, WTO, Switzerland |
| 3. | Mr. Allan Asher | Chief Executive, Energywatch, London, UK |
| 4. | Mr. Philippe Brusick | Former Head, Competition and Consumer Policy Branch, UNCTAD, Switzerland |
| 5. | Dr. S Chakravarthy | Former Member, MRTP Commission, India |
| 6. | Prof. Simon Evenett | Professor, University of St. Gallen, Switzerland |
| 7. | Dr. Eleanor Fox | Professor, New York University School of Law, USA |
| 8. | Dr. Scott Jacobs | Managing Director, Jacobs and Associates, USA |
| 9. | Dr. R. S. Khemani | Adviser, Competition Policy, World Bank, USA |
| 10. | Mr. George K Lipimile | Executive Director, Zambia Competition Commission, Zambia |
| 11. | Dr. Gesner Oliveira | Former Professor, Fundacao Getulio Vargas, Brazil |
| 12. | Dr. S. L. Rao | Chairman, Institute for Social and Economic Change, India |
| 13. | Dr. Cezley Sampson | National Director, Energy Efficiency, Jamaica |
| 14. | Dr. Taimoon Stewart | Research Fellow, University of West Indies, Trinidad and Tobago |
| 15. | Dr. Wang Xiaoye | Professor, Chinese Academy of Social Sciences, China |
| 16. | Ms. Mona Yassine | Chairperson, Egyptian Competition Authority, Egypt |

Annex 3: List of National Reference Group (NRG) Meeting-I Members

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| Mr PIKELI | ARTP |
| Mr NEGBEGBLE | ARSE |
| Mr MAWOUSI | Kodjo Asseng ATC |
| Mr ESSOTINA | ASTODEC |
| Mr AMAGLO | CSTT |
| Mme ALFA WISSI Méhéza | Journal Dépêche |
| BLANDE Patrick | Radio Zéphyr |
| WOUSSOU Faustin | Radio Nana FM |
| Mme SONHAYE | Gisèle TOGOPRESSE |
| Mr BOUKARI | Chambre de Commerce CCIT |
| Mr MODEDJI | PATRONAT |
| Mme ADJIMAH | Vincentia Communicatrice |
| Mme DOMLAN | Nita Communicatrice |
| Mr GBANDOU Antoine | FTBC (Secteur Informel) |
| Mr BITHO | ATC |

Annex 4: Topics covered during the Regional Training Workshops

| Topics for the Training Sessions | RTW-F (from Dec 16-18, 2009 in Togo) | RTW-A (from Jan 13- 15, 2010 in Nigeria) |
|--|--|---|
| Day I | | |
| Introduction to Competition Policy and Competition Law <ul style="list-style-type: none"> • Definitions- Competition Policy and Competition Law • Distinctions between competition policy and competition law • Components of competition law | ✓ | ✓ |
| Conducts regulated by competition law <ul style="list-style-type: none"> • Anticompetitive Practices (types with examples) • Unfair Trade Practices (types with examples) | ✓ | |
| Introduction to Competition Analysis <ul style="list-style-type: none"> • Market definitions, market shares and concentration • Barriers to entry analysis • Defences (efficiency, failing firm etc.) | ✓ | ✓ |
| Case Study on Competition Analysis and presentations by Groups | ✓ | ✓ |
| Day II | | |
| Conducts regulated by competition law <ul style="list-style-type: none"> • Anticompetitive Practices (types with examples) • Unfair Trade Practices (types with examples) | | ✓ |
| Vertical Restraints <ul style="list-style-type: none"> • Definition, Types, Competition concerns, Dealing with vertical restraints, Examples | ✓ | ✓ |
| Case Study on Vertical Restraints and presentations | ✓ | ✓ |
| Horizontal Agreements <ul style="list-style-type: none"> • Definition; Cartels; Cartel conducts (price fixing, bid rigging, market allocation, output restriction); Other non-cartel agreements; Dealing with cartels (corporate leniency, dawn raids etc); Examples | ✓ | ✓ |
| Case Study on Horizontal agreements and presentation by groups <ul style="list-style-type: none"> • Abuse of Dominance; Dominant position; Types (Exclusionary and exploitative); Dealing with abuse of dominance; Examples | ✓ | ✓ |
| Day III | | |
| Abuse of Dominance <ul style="list-style-type: none"> • Dominant position; Types (Exclusionary and exploitative); Dealing with abuse of dominance; Examples | ✓ | ✓ |
| Case Study on Abuse of dominance and presentations | ✓ | ✓ |
| Interface between Regional and National competition laws <ul style="list-style-type: none"> • Overview of ECOWAS Competition Policy/Law | | ✓ |
| Self Assessment Questionnaires (Final Exercise) | ✓ | ✓ |

RTW-F: Regional Training Workshop held for the Francophone countries – Senegal, Burkina Faso, Mali & Togo
RTW-A: Regional Training Workshop held for the Anglophone countries – The Gambia, Ghana, and Nigeria

Annex 5: Topics covered during the National Training Workshop - Ghana

| Topics for the Training Sessions |
|--|
| Day I |
| <ul style="list-style-type: none"> • Overview of 7Up4 project and progress • Introduction to Competition Policy and Law • Outline of the Competition Law/ Bill of the country |
| Day II |
| <ul style="list-style-type: none"> • Structure and Functions of Competition Authority • Vertical Restraints • Horizontal Restraints • Dominance and Abuse of Dominance • Unfair Trade Practices • Competition Law Interface with other legislation <ul style="list-style-type: none"> ○ Competition Law and Sector Regulation ○ Competition Law and Consumer Protection • Key Findings of 7Up4 project & way forward • Benefits from Competition |
| Day III |
| <p>For Media Representatives</p> <ul style="list-style-type: none"> • Introduction to Competition Policy and Law • Anti-competitive practices and examples <ul style="list-style-type: none"> ○ Restrictive Business Practices (RBPs) ○ Unfair Trade Practices (UTPs) ○ (Types, Examples and Effects on Consumers) • Key Findings of 7Up4 project & way forward • Outline of the Competition Law or Competition Bill of the country <p>For Parliamentarians</p> <ul style="list-style-type: none"> • Benefits from Competition <ul style="list-style-type: none"> ○ Business competitiveness, quality, performance and growth • Suggested way ahead for competition reforms in the country (recommendation from CRR) |

Annex 6: Actual Project Implementation Schedule

| Years | Year I | | | | | | | | | | | | Year II | | | | | | | | | | | |
|-------------------------------------|---------|----|-----|------|---|----|---------|------|----|---|----|-----|---------|----|-----|-------|---|----|-----|------|----|---|----|---------|
| Months | I | II | III | IV | V | VI | VII | VIII | IX | X | XI | XII | I | II | III | IV | V | VI | VII | VIII | IX | X | XI | XII |
| ↓ Activities | | | | | | | | | | | | | | | | | | | | | | | | |
| Operational Strategy and Groundwork | | | | | | | | | | | | | | | | | | | | | | | | |
| Project Launch Meeting | C1 | | | | | | | | | | | | | | | | | | | | | | | |
| Research and Field Surveys | | | | | | | | | | | | | | | | | | | | | | | | |
| Research Report | PCP (D) | | | | | | PCP (F) | | | | | | CRR (D) | | | | | | | | | | | CRR (F) |
| Advocacy and Outreach | | | E | NRGI | E | | | | E | | | E | | | E | NRGII | E | | | | E | | | |

Annex 7: Budgetary Allocations to Each Partner - as per the MOUs

| | Activities | in USD |
|----------|---|------------------|
| 1 | First Installment | 8,000.00 |
| | Research Cost | 6000.00 |
| | Advocacy and Coordination Expenses | 2000.00 |
| 2 | Second Installment | 10,000.00 |
| | First National Reference Group Meeting (NRG-I) | 3000.00 |
| | Research Cost | 5000.00 |
| | Advocacy and Coordination Expenses | 2000.00 |
| 3 | Third Installment | 10,000.00 |
| | Second National Reference Group Meeting (NRG-II) | 3000.00 |
| | Research Cost | 5000.00 |
| | Advocacy and Coordination Expenses | 2000.00 |
| 4 | Fourth Installment | 13,000.00 |
| | National Training Workshop (Advance for Organizing the NTW) | 12000.00 |
| | Advocacy and Coordination Expenses | 1000.00 |
| 5 | Fifth Installment | 6,000.00 |
| | National Training Workshop (Balance of the amount allocated for Organizing the NTW) | 6000.00 |
| 6 | Final Installment | 4,000.00 |
| | Third National reference Group Meeting (NRG-III) | 3000.00 |
| | Advocacy and Coordination Expenses | 1000.00 |
| | Total (1+2+3+4+5+6) | 51,000 |