

Institution: University of Sussex		
Unit of Assessment: 18 – Law		
Title of case study: Improving economic governance in competition and public procurement		
Period when the underpinning research was undertaken: 2014 – 2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Kamala Dawar	Senior Lecturer in Law	Sep 2014 – present
Period when the claimed impact occurred: 2014 – 2020		
Is this case study continued from a case study submitted in 2014? N		
<p>1. Summary of the impact</p> <p>Dawar's research in the field of international economic law and governance has been the basis for her work on competition and public procurement policy and law, with governments and organisations at national, regional and international levels. This work has resulted in:</p> <ol style="list-style-type: none"> 1. The introduction and implementation of effective competition and consumer protection legislation in Ethiopia; 2. Stronger and more enforceable public procurement law enforcement in Guyana; 3. Increased regional competition cooperation between members of the Common Market for Eastern and Southern Africa (COMESA); 4. Increased integration of competition law and policy under African Union Law in the Regional Economic Communities, with a focus on the Southern African Development Community (SADC); 5. Improvements to the expertise and professional capacity of the World Trade Organisation and the World Economic Forum in competition, public procurement and subsidy control. 		
<p>2. Underpinning research</p> <p>Dawar has produced a body of research on inclusive, fair trade and integration, encompassing competition, consumer welfare and public procurement, along with crisis measures. This research demonstrates that transparent, competitive public procurement frameworks can deliver best value outcomes for society, consumers and markets. This analysis underpins her legal technical assistance and public policy work strengthening good governance, addressing corruption, and supporting regional cooperation in national, regional and international contexts.</p> <p>Competition and Consumer Protection in Africa: 2014-2019: In 2016/17, supported by the United Nations Conference on Trade and Development (UNCTAD) and the Duchy of Luxembourg, Dawar's research evaluated the Ethiopian Protocol on unfair trade and consumer protection. She identified legal conflicts between the competition law and the consumer law remedies and weaknesses in implementation mechanisms at the sub-central level. Furthermore, Dawar's legal knowledge and operational experience of relevant competition law and policies in COMESA, SADC, and African Union Law has underpinned her analysis of various conflicts in the Ethiopian competition and consumer protection law along with implementation obstacles. This body of research formed the basis of various publications, including most recently: a comparative analysis of competition and consumer protection in Botswana, Ethiopia and Nigeria, in the context of African regional competition agencies; and the harmonisation of competition under the African Union and African Continental Free Trade Agreement [R4, R6].</p>		

Public Procurement in Guyana, Brazil and the Caribbean Community: 2015-2019: Dawar has undertaken legal and political economy analysis into regional and domestic public procurement systems in Caribbean and Latin American countries. Dawar's research resulted in a government report and a book chapter, with recommendations for good governance, corruption control and small business promotion in trade agreements such as the EU-Mercosur and WTO Government Procurement Agreement (GPA) [R1, R2, R3, R5, R6].

World Trade Organization: 2014-on-going: As an external expert for the WTO Division on Intellectual Property, Competition and Government Procurement in Africa, Asia and Europe, Dawar carried out research into the regulation of government procurement in the WTO as well as analysis of individual countries, and the pros and cons of accession to the WTO Government Procurement Agreement [R1, R2, R3, R5, R6].

World Economic Forum (WEF): Research from Dawar's monograph and the Horizon 2020 RESPECT project on competition and compliance in official export credit support has led to participation in the WEF working group on subsidies and industrial policy, responsible for drafting a White Paper for Davos 2021 [R1, R2, R3, R5, R6].

3. References to the research

R1 Dawar, K. (2015) 'The WTO Government Procurement Agreement: The Most-Favoured Nation Principle, the GATS and Regionalism', *Legal Issues of Economic Integration*, 42 (3), 257-280. ISSN 1566-6573

<https://kluwerlawonline.com/journalarticle/Legal+Issues+of+Economic+Integration/42.3/LEIE2015016>

R2 Dawar, K. (2016) 'Transcending mercantilism: identifying the positive externalities from international public procurement agreements', *Public Procurement Law Review*, 25 (5), 181-196. ISSN 0963-8245. Available on request.

R3 Dawar, K (2017) *The legality of bailouts and buy nationals: international trade law in a crisis* (monograph) Hart Publishing, Hart Studies in Competition Law. ISBN 97815099082. Submitted to REF2.

R4 Dawar, K. and Ndlovu, N. (2018) 'A comparative assessment of competition in Africa: identifying drivers of reform in Botswana, Ethiopia, and Nigeria', *Journal of Antitrust Enforcement*, 6 (1), 150-172, <https://doi.org/10.1093/jaenfo/jnx019> [Nominated for Anti-Trust Writing Awards 2019]

R5 Tas, B., Dawar, K., Holmes, P., & Toğan, S. (2019). Does the WTO Government Procurement Agreement Deliver What It Promises? *World Trade Review*, 18, 609-634. <http://dx.doi.org/10.1017/S1474745618000290>

R6 Kamala Dawar, (2020) 'Official Export Credit Support: Competition and Compliance Issues', *Journal of World Trade*, 54 (3), 373-395. ISSN 1011-6702 <https://kluwerlawonline.com/journalarticle/Journal+of+World+Trade/54.3/TRAD2020017>

Funding: EC Horizon 2020: [Respect](#): Realizing Europe's Soft Power in External Cooperation and Trade, 01/18-04/21, total €2,901,098. £397,696 to Sussex [R6] (Lead: Hoekman, EU).

4. Details of the impact

4.1 National

4.1.1 Supporting the introduction and implementation of effective consumer protection legislation in Ethiopia

Dawar's research has contributed both directly and indirectly to stronger consumer protection in Ethiopia. Due to a recognised lack of consumer protection in the country (earlier protocols had not been successfully implemented), in October 2016, Dawar was commissioned by UNCTAD to provide a legal evaluation of Ethiopia's Competition and Consumer Protection Proclamation for the Ethiopian Trade, Competition and Consumer Protection Authority (TCCPA). This led to the collaborative drafting with the TCCPA of Consumer Protection Regulations based on the Proclamation [S1], in addition to writing Guidance on the Consumer Protection from Unfair Commercial Practices [S2]. TCCPA judge Biruh Gemedo Gage, then Chair of the committee

responsible for drafting an amendment to existing competition law and the new implementation regulation stated:

‘The expertise and support you provided for TCCPA was invaluable not only because it came at a critical moment when the competition law and the authority established by it were new but also because there was a desperate need for training and creating an effective regulatory body with capable officials that are able to implement the policy in practice as Ethiopia’s economy was expanding and developing The legal analysis of the laws identified overlaps in the sanctions attached to consumer protection and weaknesses in the regional implementation mechanism. The draft consumer protection regulation and implementing guidelines focused on explaining the scope and objectives of the Protocol and how to ensure implementation and enforcement of the relevant rules and the competence of competition and consumer bodies.’ [S3]

Dawar’s training in Addis Ababa on 6-7 October 2016 [S4] not only enabled TCCPA officials to understand and effectively implement the regulation, it built TCCPA’s capacity further by enabling these officials to cascade their knowledge more widely. As Gage affirmed:

‘At the end of the workshop, you had successfully provided training for over 20 public officials and staff from TCCPA which imparted a high level of understanding of the broader context within which national procurement policies operate; and provided them with the tools needed to develop effective competition and consumer protection system in Ethiopia Furthermore, those who received training directly were able to disseminate the knowledge we got from the training and your analysis/evaluation document to approximately 75 TCCPA staffs and hundreds of other experts working in different federal and regional stakeholder bodies. This has built the organisation’s capacity beyond the immediate workshop participants, contributing to the development of better consumer protection in Ethiopia.’ [S3]

[text removed for publication] [S5]

4.1.2 Strengthening and improving the effectiveness of procurement and consumer protection in Guyana

Dawar’s previous research into public procurement and competitiveness in the Caribbean formed the basis for the training workshops she delivered in Guyana and the Caribbean from 2015-2017 to government officials and public procurement officers. The workshops advocated domestic procurement regimes based on – and in harmonisation with – international best practice, and recommended addressing the weakness of Guyana’s domestic review system. [text removed for publication] [S6]

4.2 Regional

4.2.1 Increasing regional competition cooperation between Eastern, Western and Southern African countries

Dawar’s research addresses weaknesses in implementation of consumer protection and the need for more cooperation between countries and regional bodies in Eastern, Western and Southern Africa. Developing the above relationships in Ethiopia was the basis for follow-up advocacy with COMESA, the regional economic community of 21 African Member States that promotes regional integration through trade. As Gage noted: ‘Your evaluation ... set the context of regulation in Ethiopia with that of Common Market for Eastern and Southern Africa – COMESA’s competition and consumer protection regime. The legal analysis of the laws identified overlaps in the sanctions attached to consumer protection and weaknesses in the regional implementation mechanism.’ [S3]

Dawar created a competition media advocacy tool kit of good practice resources, and delivered training on ‘Competition Enforcement and the Role of the Media’ in Zambia in 2016. [text removed for publication] [S7]

Dawar's research has been the basis for her technical assistance to the South African Development Community (SADC) Competition Division and the Botswana Competition Authority from 2011 to 2016. Dawar's research has promoted SADC's harmonization of competition under African Union Law and the African Continental Free Trade Agreement (AfCFTA) [S5, S7]. [text removed for publication] [S8].

4.3 International

4.3.1 Enhancing the expertise and professional capacity of the World Trade Organisation in competition and public procurement

Dawar's research in public procurement law and policy has underpinned the work she has undertaken providing technical expertise to the World Trade Organisation (WTO) since 2014. The WTO has a worldwide remit to 'work with its diverse membership, primarily developing countries and economies in transition, to promote greater policy capacity and stronger empirical understanding in the field of public procurement' [S9]. In her role as an 'expert external resource person' [S9], Dawar has provided technical assistance on harnessing the benefits of public procurement reform, international best practice and legal compliance with the WTO GPA including: Thematic Seminar on Trade and Competition Policy: Reviewing Practical Experience with Existing WTO Agreements (Geneva, July 2016), Advanced Global Workshop on Government Procurement (Geneva, November 2017), Advanced Regional Workshop on Government Procurement (Bangkok, January 2018) (Namibia 2016) [S10].

This outreach has had important institutional impact, strengthening the work of the WTO in promoting a fair international trade rule book and good economic governance through reforming public procurement law in line with international best practice. As Antony Taubman, Director of the WTO Secretariat division responsible for competition and procurement, affirmed: 'Dr Kamala Dawar has, over the past decade, made a significant and sustained contribution to our programs of capacity building on technical assistance in the fields of government procurement and competition policy, as an expert external resource person.' He adds:

'Dr Dawar has thus... made an important and useful contribution to the success of the WTO Secretariat's technical assistance and outreach programmes in the fields of trade, government procurement and competition policy, and delivered sustained and valuable benefits to participants in this respect'. [S9]

4.3.2 Improvements to the expertise and professional capacity of the World Economic Forum in the areas of government procurement, competition, subsidies and industrial policy with reference to crises

Dawar's policy impact in developed and developing countries led to an invitation to join the Working Group on Subsidies and Industrial Policy of the World Economic Forum (WEF) (the global not-for-profit organisation with a remit 'to shape global, regional and industry agendas'). Dawar drafted the Davos 2021 White Paper on sustainable development, subsidies and industrial policy in the context of the COVID-19 pandemic and presented her research at the Geneva Trade Week 2020. Sean Doherty, WEF Head of International Trade and Investment, testifies that:

'Dr Dawar was highly recommended to us as an internationally recognized expert in this field. We are grateful that since mid-2020 she has taken a leading role in driving a global working group of businesses, policymakers and researchers to pursue this project. During this time she has contributed significantly to several virtual discussions, including a session organized by the European University Institute as part of the Forum's Trade Multistakeholder Conversation 2020 and as part of a Forum organised panel on Industrial Policy, COVID-19 and the WTO at the Geneva Trade Week. Her contributions on these panels have helped explain in practical terms to high-level, non-specialist audiences the rise of government support, particularly in the aftermath of the 2008 financial crisis, and why existing rules fall short in disciplining them. ... Currently, Dr Dawar is acting as lead author on a white paper intended for discussion at the World Economic Forum's Annual Meeting and among WTO delegations in Geneva. Her contributions to the paper so far

bring a knowledge of the theory, along with practical examples, to help contextualise the problem for a broad audience.’ [S11]

Dawar’s work at the national, regional and international levels has made an important contribution to effective procurement and competition policy, which is essential to good governance and which is – in turn – the basis for improved pro-poor economic outcomes.

5. Sources to corroborate the impact

S1 TCCPA Draft Consumer Protection Regulations, December 2016

S2 TCCPA Draft Guidance on the Consumer Protection from Unfair Commercial Practices, December 2016

S3 Letter from Biruh Gemedo Gage, 6 June 2019

S4 Unfair Trading Practices & Consumer Protection workshop, Addis Ababa, 6/7 Oct 2016

S5 [text removed for publication]

S6 [text removed for publication]

S7 [text removed for publication]

S8 [text removed for publication]

S9 Letter with attachment from Antony Taubman, WTO, 16 July 2019

S10 Attachment Dawar Role in Recent WTO Secretariat TA Activities, 16 July 2019

S11 Letter from Sean Doherty, World Economic Forum, 2 November 2020