Foreword
SPECIAL ISSUE ON
COMPETITION LAW AND POLICY

In October of 1999, a workshop was held on Competition Law and Policy in Trinidad and Tobago, to which each Cariforum country was invited to send two delegates. It was a collaborative effort of the EU Commission, the UNCTAD, the Caricom Secretariat and the UWI. Generous assistance from the EU Commission’s Development funds made this possible. All countries were represented at the workshop except the Dominican Republic, whose delegates were unable to attend, due to unforeseen circumstances.

The workshop was also made possible by the unwavering support of UNCTAD, whose Competition and Consumer Protection Section was responsible for developing the Programme and identifying international experts as resource persons for the workshop. The programme was developed with input from the Caricom Secretariat and the Sir Arthur Lewis Institute of Social and Economic Studies of UWI, St. Augustine campus.

The issue of Competition Law gained currency in the region, since a Caricom Competition Policy was soon to be signed by Heads of Government, and under its provisions, all members of the Single Market and Economy would have to enact national competition laws. Further, Caricom countries were negotiating the Free Trade Area of the Americas Agreement, a part of which was a chapter on Competition Policy. Caricom countries were also faced with the possibility of having to negotiate on competition policy in the WTO, though the Seattle debacle delayed this question. It was therefore very important to sensitize Caricom technocrats to the issues of competition law and policy at the national and international levels, so that they would be better equipped to make decisions both at the national level and sub-regional levels, and in the international negotiations.

To satisfy this broad focus, the conference programme focussed on providing a thorough evaluation of the provisions and implementation of competition law in experienced jurisdictions: Europe, Canada (Unfortunately, the resource person from Mercosur cancelled at the last moment). It then provided opportunity for examining the efforts at developing competition law in this region so far.

The difficult circumstances of dealing with extra-territorial cases where the anti-competitive action takes place outside a jurisdiction, but the effects are felt within the domestic economy, was examined in the context of US experience. An alternative way to deal with extra-territorial issues is through cooperation agreements. Existing agreements were examined in this context. This was enhanced by an examination of how Canada and the US deal with bilateral and multilateral co-operation.
The importance of competition law and policy to international trade negotiations was explored through an examination of the discussions taking place in the WTO Working Group on the interaction between Trade and Competition Policy, and the FTAA Negotiating Group on Competition Policy.

Finally, the workshop focussed on the then draft Competition Law for Caricom, its utility, and implementation challenges. Since then, Protocol VIII to the Treaty of Chaguaramas has been signed by Heads of Governments. Caricom countries now face the great challenge of implementation.

The proceedings of the workshop have been published because the information continues to be of great relevance to Caricom policy makers, and the job of education on these issues has just begun. It is hoped that the circulation of this special issue will contribute to that process. The publication was made possible by the continued support of the European Commission.

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