



LEGAL PRACTITIONERS
Corpus
Proud Member of
LEXAfrica



Common Market for Eastern
and Southern Africa

**Speech by Mr Abyudi Shonga, SC, Law Association of Zambia
President**

**at the COMESA Competition Commission First Regional Workshop
for Legal Practitioners, held on 25th to 26th April, 2022
in Livingstone, Zambia.**

**The Director and Chief Executive Officer of the COMESA Competition
Commission, Dr Willard Mwemba**

**The Executive Director of the Competition and Consumer Protection
Commission of Zambia, Mr Chilufya Sampa**

**The Managing Partner of Corpus Legal Practitioners, Mr Sydney
Chisenga**

Distinguished Speakers,

Distinguished Participants,

Ladies and Gentlemen,

All Protocols observed

It is my singular honour and privilege to give remarks at this workshop organized by the COMESA Competition Commission in partnership with Corpus Legal Practitioners which is being held under the theme; “***Emerging Trends in Competition and Consumer Laws Enforcement in the Wake of the Regional and Continental Integration***”. This theme is timely as countries in COMESA and around the world are now signatories to various

international treaties which affect the enforcement of national laws such as the competition and consumer protection laws.

Distinguished Participants, Ladies and Gentlemen

The Treaty Establishing the Common Market for Eastern and Southern Africa (COMESA) recognizes the need for competition law if free and liberalized trade is to be achieved in the Common Market. This recognition culminated in the promulgation of the COMESA Competition Regulations 2004 and establishment of the COMESA Competition Commission.

Further, as you all are aware, 54 countries are signatories to the Africa Continental Free Trade Area (AFCTA), 41 of these countries have ratified the agreement. Out of the 41 countries that have ratified the agreement, 16 are Member States of COMESA. You may also be aware that the Africa Continental Free Trade Area agreement provides for a competition protocol which has been recognised as a key enabler for attaining free and liberalised trade on the African Continent. The Tripartite Agreement which comprises of the COMESA, the East African Community (EAC) and the Southern Africa Development Community (SADC) also provides for a competition protocol which, I am reliably informed, has already been drafted and awaiting further consideration by the Committee of Senior Officials.

Distinguished Participants, Ladies and Gentlemen

It is therefore expected that these agreements happening at the regional and continental level are bound to affect the enforcement of the competition and consumer protection laws at national and regional levels.

Further, the emerging trends in the market such as the new developments in technology which have widened the marketplace from the traditional brick and mortar to the digital market place implies that the definition of a market has become broad. This also means the markets for consumers to access goods and services are not limited to national markets but have become global in nature. With such developments, regional laws such as the COMESA Competition Regulations are key in dealing with matters of cross

border nature as the powers of the national authorities tend to be limited to their borders.

Distinguished Participants, Ladies and Gentlemen

As legal practitioners, we are strategically placed to represent the interests of businesses on legal matters relating to competition and consumer protection. Therefore, it is important to keep abreast of the emerging trends at regional and continental level that potentially have an effect on the enforcement of laws at national level. This is necessary if we have to adequately and effectively represent the interests of our clients before regulators.

I note from the programme that participants will be able to benefit from presentations on enforcement of the COMESA Competition Regulations with regards to restrictive business practices, merger control, consumer protection, penalties, sanctions and settlement proceedings. Participants will also be able to appreciate the role of economics in competition law enforcement; existing cooperation between national and regional authorities; emerging trends in competition law and how the enforcement of competition and consumer law at national and regional level will be impacted by the Africa Continental Free Trade Area and the Tripartite Competition Protocols. These topics are key for legal practitioners to appreciate how their clients may be affected and to assist such clients to put in measures that promote compliance with the laws.

Distinguished Participants, Ladies and Gentlemen

I would also like to applaud the partnership between the COMESA Competition Commission and Corpus Legal Practitioners in organising this workshop. Such partnerships are important in sending out a clear message to businesses that regulators and legal practitioners are not enemies when it comes to matters of competition and consumer protection law, but that they have a common goal of ensuring that the laws are upheld.

Distinguished Participants, Ladies and Gentlemen

In conclusion, it is important to note that the existence of competition and consumer protection laws is not aimed at punishing those that are regulated under the laws but to create an enabling environment for all businesses to thrive. It is therefore important that as legal practitioners, we assist our clients to put in place measures that promote compliance and act in good faith to ensure adherence to the laws. I would also like to urge the regulators such as the COMESA Competition Commission and the Competition and Consumer Protection Commission of Zambia to continue raising awareness on competition and consumer protection law among the legal practitioners and the business community so as to promote compliance.

Distinguished Participants, Ladies and Gentlemen,

It is now my singular honour and privilege to declare this workshop officially open and I wish you all fruitful deliberations.

Thank you.