Competition policy responses to COVID-19 in Africa

Khemla Prishnee Armoogum[1]

Preliminary draft, please do not quote without author's permission

Abstract

The coronavirus (COVID-19) pandemic has triggered severe social and economic disruption around the world. It has forced businesses to change the way they operate. It has not only caused a shock on the market with empty shelves in supermarket but has also led to huge hikes in prices of essential goods and personal protective equipment. To keep markets and the economy functioning, many governments have had to intervene. But what has been the role of competition law and policy in responding to economic shocks from the COVID-19 Pandemic? This paper first seeks to study the role of the different African competition authorities in enforcing their competition law and policy during and post the COVID-19 pandemic and secondly to identify factors that may have influenced the responsiveness of the African CAs in implementing new measures during the COVID-19 pandemic. Using an empirical data set of 30 African countries, it is found that only 14 out the 30 countries (45%) of the countries introduced new regulations or measures related to competition enforcement in response to the COVID-19 pandemic. Some competition authorities relaxed their competition law in certain sectors (e.g exemption of certain sectors, allowing for cooperation), provided guidance on when businesses can collaborate and made use of virtual platforms to enforce competition laws. Moreover, the number of COVID-19 cases and death cases, the level of experience of the competition authorities, the length of closure of borders and the level of gross domestic product were found to be the determining factors which influenced the African competition authorities' decisions in responding to the Covid-19 pandemic.

[1] The views herein are those of the author and not necessarily those of the Competition Commission, Mauritius.

1. Introduction

Countries across the world recognize the benefits that markets competition can bring not only to its consumers but also to its economy as whole. Competition Authorities (CAs) have long been recognized for their pivotal role in expanding customer choices, fostering healthy competition, and enhancing overall welfare. However, with the onset of the COVID-19 pandemic, the effectiveness of competition law and policy worldwide, including the African continent, has faced unprecedented challenges.

Originating from Wuhan in China, the COVID-19 disease has very rapidly reached other countries of the world evolving to a global pandemic and public health crisis (World Health Organication, 2021). In addition to the great pressure put on the health sector, this pandemic had produced an unprecedented impact on the global economy. Both the demand and the supply have been affected by the exogenous shocks triggered by the COVID-19 pandemic. The mitigating measures introduced to reduce the spread of the disease, led to significant reductions in income, a rise in unemployment, disruptions in the transportation service, creating a sudden stop to the manufacturing industries (Pak, et al., 2020) (Deb, Furceri, Ostry , & Tawk , 2022). As of June 2023, the total number of confirmed COVID-19 cases worldwide has reached 767,518,723, with over 6,947,192 reported deaths (World Health Organisation, 2023). Notably, the African continent accounted for only 1.2% (9,540,096) of the total confirmed cases and 2.5% (175,396) of the total reported deaths (World Health Organisation, 2023).

To keep markets and the economy functioning, many governments had to intervene. As highlighted by OECD (2023), history has shown that the same basic principles of competition economics would apply during the time of economic expansion as during the time of economic recessions. A sound competition policy is important in moments of crisis to ensure that the crisis will be solved, letting the subsequent economic recovery to be fast and sustainable. Until now, the extent of the economic impact of the COVID-19 pandemic on economies around the world is not clear. The severity of the outbreak, as well as the timing and extent of resuming economic activities are having a collective impact on the overall extent of the situation.

This paper explores the role of competition policy during the COVID-19 pandemic, offering an empirical analysis of the factors that may have influenced the responses of competition authorities in Africa to their response during this challenging time. In particular, we aim to examine two main aspects. Firstly, we study the role of various African CAs in enforcing their competition law and policy during and after the Covid-19 pandemic. Secondly, we aim to identify factors that may have influenced the responsiveness of African CAs in implementing new measures during the COVID-19 pandemic.

According to McKinsey (2020), the Covid-19 pandemic calls for a “great reset” to “make big moves fast”, i.e., for businesses to quickly redeploy talent, launch new business models, enhance productivity, develop new products, and shift their operations. However, in Africa, the Covid-19-induced policies focused on measures that allowed economic activities to continue at a minimum level while preserving employment. Hence, it is essential to examine the role of competition law and policy in responding to economic shocks resulting from the COVID-19 pandemic. While during the COVID-19 pandemic, the majority of the CAs in Africa have not changed the way they operate, there are examples of a few such as South Africa, Egypt, Eswatini among others which have been very active addressing competition issues in relevant markets[2].

The paper is organized as follows. In the next Section we present a brief overview of competition policy in Africa. Section 3 shows the evidence of the impact of the COVID-19 pandemic in African countries. Section 4 discusses the actions taken by CAs in Africa in response to the COVID-19 pandemic. Section 5 provides details of the data and variables used in our empirical analysis. Section 6 explains the model used for the empirical analysis. Section 7 presents the results and Section 8 concludes.

2. Competition law and policy in African countries

It is widely recognized that the enforcement of competition law fosters robust competition and safeguards against anticompetitive business practices. This, in turn, facilitates consumer access to high-quality goods and services at competitive prices, while allowing businesses to compete based on the merits of their work. The first competition law was introduced by Canada in 1889, followed by interventions introduced in the US in 1890.

In the African continent, South Africa was the first country to launch a general competition law in 1955. Some principles about competition and some precursors for competition law appeared in the Dutch-Roman law that European settlers brought with them in the seventeenth century. While monopoly had been a crime under the Dutch-Roman law, there is no record that anyone was ever fined for the offence of monopoly. Some particular competitive situations were addressed in specific laws beginning as early as 1907. Under legislation that was effective from 1923 to 1944, the Board of Trade and Industries could offer advice about competition policy problems. It was a report by that Board which led to South Africa's first general competition law, the Regulation of Monopolistic Conditions Act of 1955 (OECD Peer Review, 2003). Over the years, its competition law evolved, incorporating other anti-competitive conducts as well as mergers principle in 1998, its latest Competition Act.

Kenya was the second country in the African continent, to introduce the competition law. Its Restrictive Trade Practices, Monopolies and Price Control Act came into force in 1989. Other African countries then followed in the 1990's and 2000's. Table 1 shows adoption of national-level competition laws in Africa and status quo 2020 (Buthe & Kigwiru, 2000).

[2] See Baker McKenzie (2020).

Figure 1: Adoption of National-Level Competition Laws in Africa and Status Quo 2020

Pre-1990	**1990-1999**	**2000-2009**	**2010-2019**	**Status 2020: No national competition law but part of RCR**	**Status 2020: No national nor regional competition law**
Gabon, Kenya, South Africa	Algeria, Tunisia, Burkina Faso, Cameroon, Cote D'lvoire, Malawi, Mali, Niger, Senegal, Tanzania, Togo, Zambia, Zimbabwe	Botswana, Cabo Verde, Djibouti, Egypt, Eswatin (former Swaziland) Ethiopia, Madagascar, Mauritania, Mauritius, Morocco, Namibia, Seychelles, Sudan, The Gambia	Angola, Benin, Burundi, Chad, Comoros, Democratic Republic of Congo, Liberia, Libya, Mozambique, Nigeria, Rwanda	Central African Republic, Congo Brazzaville, Equatorial Guinea, Eritrea, Ghana, Guinea, Guinea Bissau, Sierra Leone, Somalia, South Sudan, Uganda	Lesotho, Sao Tomé and Principle

Source: Buthe & Kigwiru (2000)

Over the last two decades, there has been a notable increase in competition policy interventions at the international level. These interventions aimed to enhance competitive regulations and overall welfare through the analysis of specific cases. This period has also witnessed a surge in jurisdictions who adopted competition laws and established independent competition authorities to oversee and enforce these regulations. Currently, the majority of African countries have implemented various forms of competition laws, establishing independent agencies responsible for implementing and enforcing these new regulations (Habimana 2016; Koop and Kessler, forthcoming).

Today, the increasing importance given to competition law and policy across the different Africa countries has mostly been due to important development occurring across the different regional economic communities (RECs) such as the Common Market for Eastern and Southern Africa (COMESA), East African

Community (EAC), Economic Community of West African States (ECOWAS) and the African Union level through the agreement establishing the African Continental Free Trade Area[3]. These regional economic communities are either enforcing a regional competition law and policy or working towards it. RECs aim to facilitate regional economic integration between members of the individual regions through the wider African Economic Community (AEC) established under the Abuja Treaty in 1991. The treaty proposed the creation of RECs as the basis for African integration, with a timetable for regional and then continental integration to follow. Article 88 of the Abuja Treaty states that the foundation of the African Economic Community is the progressive integration of the activities of the RECs, with the establishment of full continental economic integration as the final objective towards which the activities of existing and future RECs must be geared.

Below we focus on some of the most pivotal regional economic communities which have come up or are in the process of producing a regional/continental competition law and authority in Africa.

2.1 COMESA

The Competition Regulations adopted in 2004 established the COMESA Competition Commission in 2013. The Commission's core mandate is to enforce the provisions of the regulations with regard to trade agreements between the member states part of this agreement, promoting competition within the Common Market monitoring and investigating anti-competitive practices. Disputes between member states concerning anti-competitive conduct are solved by the COMESA Competition Commission. The COMESA member countries are Burundi, Comoros, D.R. Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, Zimbabwe.

For instance, Article 55 of the COMESA Treaty prohibits any anti-competitive agreement within the Common Market, whereas article 55(3) of the COMESA Treaty provides for the adoption of the COMESA Competition Regulations. The COMESA Competition Commission covers a wide range of functions, reflecting its essential role in the Common Market. Apart from monitoring and investigating anti-competitive practices of undertakings within the Common Market, as well as mediating disputes between Member States related to anti-competitive conduct, some other responsibilities are covered. Its role includes: (i) conducting regular reviews of regional competition policy and providing advice to the COMESA Council; (ii) assisting member states in promoting their national competition laws and institutions to achieve uniformity of interpretation and application of competition law and policy within the Common Market; (iii) collaborating with competition authorities in Member States and offering support in implementing its decisions, supporting promotion and protection of consumer welfare; and (iv)

[3] The African Union recognizes the following 8 RECs (i) Arab Maghreb Union (UMA), (ii) Common Market for Eastern and Southern Africa (COMESA), (iii) Community of Sahel–Saharan States (CEN–SAD), (iv) East African Community (EAC), (v) Economic Community of Central African States (ECCAS), (vi) Economic Community of West African States (ECOWAS), (vii) Intergovernmental Authority on Development (IGAD) and (viii) Southern African Development Community (SADC). Available at: [Regional Economic Communities (RECs) | African Union (au.int)]

cooperating with other agencies established or recognized by COMESA to monitor and regulate specific sectors, fostering a coordinated and comprehensive approach.

To date, the COMESA Competition Commission has assessed close to three hundred mergers and enforced the law against restrictive business practices (COMESA Competition Commission, 2023). The Commission has also concluded a Memorandum of Understanding with eleven COMESA member states. The MOUs facilitate cooperation in the application and enforcement of the regional and national competition law.

2.2 ECOWAS

The Economic Community of West African States (ECOWAS) adopted a Regional Competition Policy Framework (RCPF) in 2007. The framework articulated the purpose and basic principles of competition law and its many benefits to the member states and the regional integration process. It reported on the state of competition law in the region at the time and the conditions for implementing and enforcing competition principles within ECOWAS. Member countries of the ECOWAS consist of Benin, Burkina Faso, Cabo Verde, Cote d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo[4].

Following the RCPF, the ECOWAS Authority of Heads of State and Government enacted two key legislations in 2008 that would establish the framework for regional competition regulation. The first was Supplementary Act A/SA.1/12/08 adopting the Community Competition Rules and the modalities for their application within ECOWAS. The second was Supplementary Act A/SA.2/12/ 08 on the establishment, functions, and operation of the ECOWAS Regional Competition Authority (ERCA). The adoption of the Competition Rules and establishment of ERCA are essential steps toward achieving market efficiency, economic growth, and integration in West Africa, which are fundamental objectives of ECOWAS.

In 2014, the ECOWAS Authority of Heads of State and Government granted the government of The Gambia hosting rights for ERCA. The formal launching of ERCA took place in May 2019, following a meeting of the Technical Committee of Trade and Competition Experts in Banjul, the Gambia. ERCA commenced operations in May 2019.

2.3 EAC

The East African Community (EAC) is a regional intergovernmental organization of seven Partner States: The Republic of Burundi, the Democratic Republic of the Congo, the Republic of Kenya, the Republic of Rwanda, the Republic of South Sudan, the Republic of Uganda, and the United Republic of Tanzania, with its headquarters in Arusha, Tanzania.

[44] See ECOWAS CEDEAO (2021).

Article 9 of the Treaty for the Establishment of the East African Community (Treaty) established the East African Community Competition Authority (Authority) in 2014 under the Section 37 of the East African Community Competition Act, 2006 (the Act). The Authority was established in furtherance of the commitment of the Partner States to cooperate in trade liberalization and development including matters of competition, under Article 75 (1) (i) of the Treaty. The mandate of the EAC Competition Act, 2006 is to promote and protect fair competition in the Community and to provide for consumer welfare and other related matters.

Under the Protocol on the Establishment of the East African Community Customs Union (Customs Union Protocol), Article 21 and the Protocol on the Establishment of the East African Community Common Market Protocol (Common Market Protocol, Article 33 – 36), the Partner States undertook to prohibit any practice that adversely affects free trade including any agreement, undertaking or concerted practice which has as its objective or effect the prevention, restriction or distortion of competition within the Community. The Common Market Protocol strategic thrust is to create one flawless single market across the EAC Partner States[5].

2.3 AfCFTA

The AfCFTA is the world's largest free trade area bringing together the fifty-five countries of the African Union (AU) and eight (8) Regional Economic Communities (RECs). In May 2019, the Agreement Establishing the African Continental Free Trade Area entered into force on 30 May 2019 where fifty-four of the fifty-five members of the African Union – all except Eritrea which has a largely closed economy[6] — signed the document, and trading under AfCFTA began in January 2021.

The AfCFTA aims to reduce tariffs among members and covers policy areas such as trade facilitation and services, as well as regulatory measures such as sanitary standards and technical barriers to trade. According to African Business, the negotiations have been divided into three phases:

- Phase 1 negotiations – trade in goods and services. Negotiations led to the ratification of legal instruments (the AfCFTA agreement itself and protocols on trade in service and goods and settlement of disputes) that came into force on 30 May 2019, permitting the launch of trading.
- Phase 2 negotiations – intellectual property rights, investment and competition policy. Some of these negotiations have already begun.
- Phase 3 negotiations – e-commerce. These negotiations are due to begin when phase 2 is complete.

[5] See EAC Competition Authority website. Available at: https://www.eacompetition.org/about/about-east-african-community-competition-authority
[6] See African Business (2023).

As of this date, the AfCFTA Competition Protocol negotiations are still ongoing.

3. Impact of the COVID-19 pandemic in African countries

In May 2023, the World Health Organization announced that COVID-19 no longer qualifies as a global emergency, marking a symbolic conclusion to the devastating coronavirus pandemic. The transmission of COVID-19 pandemic along with its mortality rate was concentrated mostly in developed countries. Developing countries accounted for only about 20% of the global COVID-19-related deaths.[7] In June 2023, total recorded COVID-19 cases were 767,518,723 including 6,947,192 deaths[8] around the world out of which 9,540,096 (1.2%) and 175,396 (2.5%) were from the African continent respectively. A combination of factors, including atmospheric conditions, demographic profile, socioeconomic status, surveillance systems, and policy responses, may have contributed to preventing the widespread outbreak in African countries (Osei et al, 2022). Among the African countries, South Africa, was the most affected country.[9]

According to the African Economic Outlook (2023), with the African countries dealing with multiple shocks including the effects of the COVID19 pandemic, disruptions to global supply chains due to the war in Ukraine and a tightening of global financial conditions, the African real GDP Growth reduced from 4.8 percent in 2021 to 3.8 percent in 2022. However, African economies remain resilient, with an average growth projected to stabilize at 4.1 percent in 2023-24 (African Development Bank Group, 2023). It is expected to surpass the global average of 29 percent and Europe's 1.1 %. Only Asia's growth of 4.3 percent will be higher. GDP growth rates in eighteen African countries, which previously included five of the world's top ten fastest-growing economies before the pandemic, are projected to exceed 5 percent in 2023. Furthermore, the number of countries with growth rates surpassing 5 percent is anticipated to increase to twenty-two in 2024.

During the COVID-19 pandemic, one common issue which countries including Africa have experienced is a sharp price increase behavior of certain goods. Due to the large shock of the demand, it is very likely that to survive, competitors had no choice than to collaborate. Some of these collaborations have been fruitful, such as collaboration to engage in joint R&D projects (e.g., medical research). In some other cases, these types of collaborations have led to some form of coordinated behaviour, for instance, the joint production/distribution of essential goods (e.g. food chain or products of first necessity). Such a type of behaviour, during crises like the one triggered by the Covid-19 pandemic, is an essential measure to guarantee the production of specific products and essential services. Such agreements were even encouraged and promoted by governments such as in Egypt and South Africa (Baker Mackenzie, 2022). While co-operation between competitors may indeed increase consumer welfare by increasing the

[7] See at https://openknowledge.worldbank.org.

[8] See WHO Coronavirus (COVID-19) Dashboard | WHO Coronavirus (COVID-19) Dashboard With Vaccination Data (World Health Organisation, 2023)

[9] South Africa recorded 3,623,962 confirmed cases and 1,584 deaths per one million population. See Worldometers (2023).

availably of products and services, such a type of coordination can easily trigger collusive behaviour which is detrimental to consumers. Indeed, a high market concentration drives price up. During emergency scenarios, such as the COVID-19 pandemic, the demand tends to be inelastic, leading to a situation where the pace at which prices increase can be even higher[10]. To prevent detrimental results triggered by benevolent collaborations, competition authorities at the international level including in Africa monitored that such co-operation did not spill over into hard-core restrictions of competition, such as price fixing. To do that, competition authorities ensured that any short-term co-operation does not extend any longer than necessary to address the crisis (Competition Commission Mauritius, 2020).

Despite those issues, the majority of African CAs did not align with the rest of the other international competition authorities. Indeed, in Africa, they remained irresponsive to the COVID-19 pandemic. Only a handful of competition authorities, such as Egypt, Eswatini, Gabon, Ghana, Kenya, Mauritius, Morocco, Namibia, Nigeria, Senegal, South Africa, Tunisia, and Zambia, have implemented new measures and/or regulations to manage business operations during this global crisis. Many of them have implemented electronic filing for mergers, permitting market concentration while restricting their actions to providing business guidance. In the next section, we present an overview of the African CAs response to the COVID-19 pandemic.

4. Competition Authorities response to COVID-19: the African continent

In this section we present an overview of the Competition Authorities response to COVID-19, by focusing on specific case studies.

4.1 COMESA

In March 2020, the COMESA Competition Commission published a Notice of Interim Measures in Merger Review of the COMESA Competition Commission due to the COVID-19 Pandemic. [11] These measures aim at specific actions such as[12]:

a) encouraging parties to mergers to submit notifications and filing of mergers and acquisitions electronically.
b) Considering the initial engagement with the Commission (even in the absence of a complete notification where the gathering of information is affected by the pandemic) to constitute notification and not, therefore, penalizing parties for- failing to submit complete information within the 30 day period provided by the legislation.
c) Suspending onsite investigations and face-to-face meetings, although consultations and meetings can still be held using teleconferencing facilities.

[10] See Tirole (1988).
[11] They also introduced interim processes for merger reviews such electronic submission of merger notifications and not penalizing merging parties for failing to submit a complete notification within 30 days as required by Article 24(1) of the Regulations and extended the 120-day merger review ibn accordance with the Regulation.
[12] See COMESA Competition Commission, 2020.

d) Extending the 120-day investigation period where travel bans, lockdowns, and other pandemic-related factors affect the ability of the Commission to complete its investigation within the 120-day period.

4.2 Egypt

The Egyptian Competition Authority (ECA) undertook an initiative to provide free economic and legal consultations to companies operating in different markets, regarding the compliance of their decisions with the ECL during the COVID-19 pandemic, and the exemption conditions stated in Article 6 paragraph 2 of the ECL. The ECA highlighted that in light of the exceptional circumstances brought about by COVID-19, it has been fully aware of the importance of facilitating and enabling innovation and necessary technologies. This can be through collaboration on innovative efforts by and between competitors and fostering any necessary coordination among them to achieve more efficient means of producing scarce or fundamental products necessary to combat the spread of the virus, especially in the medical supplies sector or the pharmaceutical and health care sectors. Moreover, the ECA, together with the Prime Minister of Egypt, arranged for the fixing of prices in relation to certain medical supplies required for health and safety during the COVID-19 pandemic. However, this decision has since been suspended. For the 2021 Competition Advocacy Contest, the International Competition Network and the World Bank Group awarded the ECA an Honorable Mention in recognition of its efforts in response to the COVID-19 pandemic (Kigwiru (2020), Baker Mckenzie (2022) and (OECD, 2021)).

4.3 Eswatini

In March of 2020, Eswatini introduced a Coronavirus Regulations, 2020 aimed at facilitating various issues that are incidental to the COVID-19 pandemic, including the regulation of prices, unfair practices and the supply of goods during the pandemic (Swazi Legal Information Insitute, 2020). Contrary to most of the African competition authorities, Eswatini aimed at keeping competition policy alive. Indeed, the price control provisions of the COVID-19 Regulations prohibited firms from implementing price increases that are detrimental to consumers, particularly where: (1) the price did not correspond, or was not equivalent, to the increase in the cost of providing that good or service; (2) the new price increased the net margin or mark-up on that good or services, above the average margin or mark-up for that good or service; or (3) the offer to supply, or enter into an agreement to supply any goods or services at a price that is unfair, unreasonable or unjust.

The unfair practices provision prohibited suppliers from engaging in undesirable conduct, including the use of unfair tactics when marketing their goods or service and when supplying goods or services to a consumer; and offering to supply, or enter into agreement to supply any goods and services at a price that is unfair, unreasonable or unjust. In relation to the supply of goods, suppliers were required to develop and implement reasonable measures to ensure reasonable and equitable access of goods to customers, which may include limiting the number of items which a consumer may purchase; and to maintain adequate supply of stock. Where there are restrictions on the purchase of supplies, suppliers are required to prominently display a notice in their outlet pertaining to such restrictions.

4.4 Gabon and Morocco

The Gabonese CA introduced new competition enforcement so as to freeze the prices of products used in the fight against the spread of COVID-19, in particular hydro alcoholic gels and masks[13]. Analogously, in Morocco the Competition Council provided advice on the regulation of the prices for hydro-alcoholic gels and protective masks, in accordance with competition legislation. It considered that freedom of prices does not prevent the administration from taking temporary measures against excessive price increases or decreases, motivated by exceptional circumstances, after consulting the Competition Council (Conseil De La Concurrence, Royaume du Maroc, 2020).

4.5 Mauritius

The Competition Commission in Mauritius released guidance to businesses on COVID-19-related collaboration ("Guidance Programme"). The Guidance Programme was introduced amidst the current COVID-19 pandemic to spur the recovery of the economy in general and to ensure that markets continue to deliver for consumers. A flash Guide was then later introduced to remind businesses that the authority will observe their activities closely and that the law will be enforced with much rigor post-COVID-19. Moreover, in April 2020, the authority issued a press release noting that some businesses may be called upon to collaborate among themselves in the public interest to ensure that Mauritians continue to be supplied with essential products and services. The press release also highlighted that the law does not prohibit suppliers from setting 'maximum prices' for their products with a view to limiting 'unjustified price increases' at retail level, nor does the Law prohibit suppliers from recommending retail prices and affixing recommended retail prices on their products as long as the words 'recommended price' appear on the price label[14].

4.6 Namibia

In May 2020, the Competition Authority issued a media statement to formally express its concern with, and warned against, significant increases in prices of various products in the wake of the prevailing COVID-19 pandemic following the receipt of various complaints from the public. The complaints related to food and basic consumer items, health and hygiene products, as well as other industries such as construction, transport, accommodation, furniture, household appliances and motor vehicle parts. The Competition Authority admitted that it does not have direct consumer protection power, but nevertheless, aimed to impose, where legally permissible, remedies in relation to the alleged prevailing price gouging practices absent an adequate consumer protection regulatory framework. The offices of the Namibian Competition Authority were closed from 18 March 2020 to 20 April 2020. However, merger notifications could be submitted electronically over this period[15].

---

[13] See https://bti-project.org/en/reports/country-report/GAB#pos10
[14] See Competition Commission Mauritius (2020).
[15] See Without Prejudice (2020).

4.7 Nigeria

The Competition Authority in Nigeria released a publication entitled "Business Guidance Relating to COVID-19 On Business Co-operation / Collaboration and Certain Consumer Rights Under the Federal Competition and Consumer Protection Act" in April 2020. The publication provided clarity for businesses and consumers regarding authorizations for cooperation among businesses and consumer rights during the COVID-19 pandemic. They also released a guidance in relation to continuing operations regarding certain competition and consumer protection regulations during the Pandemic. An online merger notification was also launched to automate the submission of merger notifications by merging parties. The Competition Authority also issued a press release in March 2020 to advise against arbitrary, unreasonable, unconscionable, excessive and irrational pricing of critical hygiene products ('price gouging'). The press release notes that 'violators will be criminally prosecuted where the evidence sufficiently supports same[16].

4.8 South Africa

South Africa issued regulations applying to the supply of a list goods and services that have been deemed essential during the COVID-19 pandemic. The Regulations are aimed at promoting concerted conduct to prevent an escalation of national disasters and to alleviate, contain and minimize the effects of the national disaster. The Government intended to protect consumers and customers from unconscionable, unfair, unreasonable, unjust or improper commercial practices during the national disaster. A regulation on block exemptions was also issued. This regulation sought to exempt a category of agreements or practices in the various sectors from the application of (Competition Commission South Africa, 2020) the Competition Act, in response to the declaration of COVID-19 pandemic as a national disaster. The block exemptions applied to the healthcare, the banking, retail property and hotel sector[17].

4.9 Tunisia and Zambia

CAs in these two countries acted using different strategies. The CA in Tunisia advised on decree-laws relating to social and economic measures associated with the COVID-19 pandemic, whose objective was to repress monopolistic practices or acts of eviction and to control the prices of products that are in high demand. They also suggested from the outset of the pandemic, that it would impose heavier penalties on

[16] See Federal Competition & Consumer Protection Commission (2020).

[17] The block exemptions applied as follows: a) Healthcare Sector: The exemptions aimed at promoting access to healthcare, preventing exploitation of patients, enabling the sharing of healthcare facilities, management of capacity and reduction of prices. b) Banking Sector: The exemptions sought to enable the banking sector to minimise the negative impact on the ability of customers, including both business and private individuals, to manage their finances during the national disaster, and be in a position to continue normal operations beyond the national disaster. They also aimed to enable the banking sector to manage the banking infrastructure, including the payment infrastructure, ATMs and branches. c) Retail Property Sector: The exemptions sought to enable the retail property sector to minimise the negative impact of COVID-19 on the ability of designated retail tenants, including small independent retailers, to manage their finances during the national disaster and be in a position to continue normal operations beyond the national disaster. d) Hotel Industry: Tis exemption was to enable the hotel industry to collectively engage with the Department of Health and the Department of Tourism in respect of identifying and providing appropriate facilities for persons placed under quarantine, as determined by the Department of Health.

producers and retailers who are found to be charging excessive prices for basic necessities and products related to health and hygiene.

In Zambia, the CA did not introduce any formal regulations but implemented measures such as electronic filings of complaints and merger notifications, online meetings and online hearings to reduce contact and submissions to amend legislation relating COVID-19.

As observed, some countries have been active during the COVID-19 pandemic either in altering the way they operate and/or produce new measures and regulations to cater for the various shocks across the different markets. But how active have they been in carrying out their enforcement duties? Kenya issued a remedial order to Cleanshelf Supermarkets (Cleanshelf) after investigations determined that the retailer 'unconscionably' adjusted prices of Tropikal brand hand sanitizers (500ml) in contravention of the Competition Act, No.12 of 2010. They found that the retailer exploited its relative strength as a retailer to commercially detriment consumers whose bargaining position has been diminished following the pronouncement of existence of COVID-19 in Kenya'. The remedial order required Cleanshelf to contact and refund all consumers who purchased the 960 pieces of the Tropikal brand hand sanitizers above the usual selling price[18].

In Malawi, the Competition and Fair Trading Commission ordered 11 pharmacy shops (six in Lilongwe and five in Blantyre) to immediately cease and desist from excessive pricing of products used for the treatment of COVID-19. These products were hand sanitizers, face masks and gloves.

Moreover, South Africa successfully prosecuted two firms for excessively pricing face masks during the COVID-19 pandemic. The Commission has also concluded a substantial number of settlement agreements with firms that have excessively priced on essential items such as hand sanitiser, facemasks and food items. While the Commission has relied on the Consumer and Customer Protection and National Disaster Management Regulations and Directions as the basis for concluding the settlement agreements, the Commission's two successful prosecutions were on the basis of an infringement of the Competition Act. This was due to the fact that the relevant conduct had occurred before the Consumer and Customer Protection and National Disaster Management Regulations and Directions had come into force[19].

5. Data and variables

In this section we present the variables which represent the driving factors, along and data we employ to develop our empirical analysis.

[18] COVID-19: Merger notification processes and competition enforcement activity in Africa - Bowmans (bowmanslaw.com)

[19] See Bowmans (2020).

We use a panel dataset of 30 African countries for period between 2016 and 2021. The countries have been selected based on information available from the Competition in Africa Report 2022 published by Baker McKenzie.

As observed in Section 4, only a limited number of competition authorities in Africa have introduced formal regulations or measures during the COVID-19 pandemic. In contrast, a few competition authorities have been notably active in launching investigations during the same period, even without implementing any formal changes in regulation or measures.

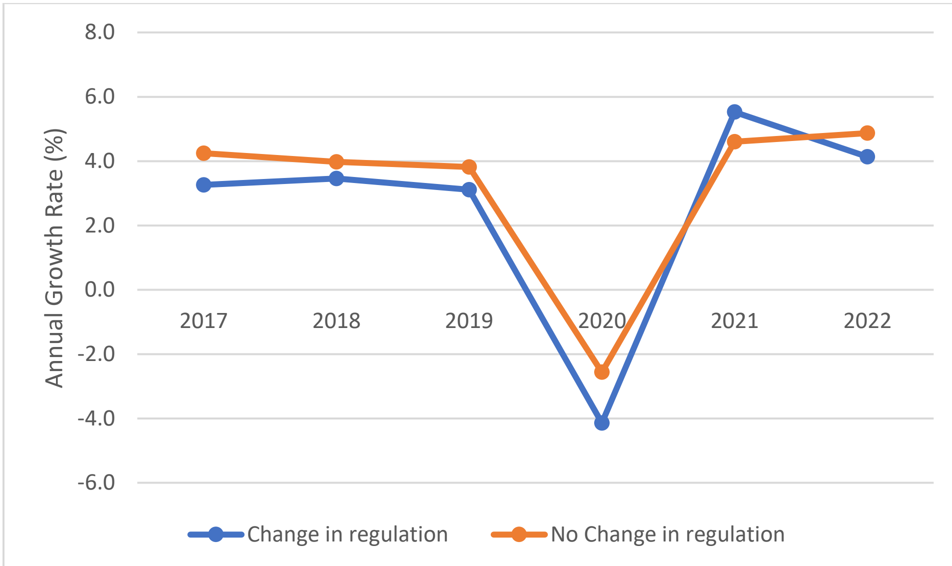
Analysis of our data shows that out of our sa.mple data of thirty countries, only fourteen countries adopted new measure or policy during the COVID-19 pandemic. Out of these 14 CAs, six of them introduced electronic filings, seven formally imposed regulations mostly related to price level of essential and sanitary products and only three CAs provided guidance to business in relation to collaboration with competitors to ensure the supply of the essential products during the pandemic period. Details of the type of new regulation/measures adopted by the different CAs are presented in Table 2.

Table 2: Types of new regulation measures adopted by the CAs

Type of regulation/measures taken	Countries
Introduction of new regulations/measures	COMESA, Egypt, Eswatini, Gabon, Ghana, Kenya, Mauritius, Morocco, Namibia, Nigeria, Senegal, South Africa, Tunisia and Zambia
Introduction of electronic filings	Botswana, COMESA, Egypt, Eswatini, Kenya and Zambia
Formal regulation/measures	COMESA, Egypt, Eswatini, Gabon, Morrocco, South Africa, Tunisia
Guidance to business	Egypt, Mauritius, Nigeria

But what could have influenced the decisions of the CAs in adopting new regulation or measures during the COVID-19 pandemic? If we observe the annual GDP growth of the countries where the CA adopted new regulation or measures during the pandemic, it is found that their average growth rate were below those countries whose CA did not adopt any change in their measure or policy. Figure 1 illustrates the annual average growth rate of the countries where the CAs imposed a new regulation or measure against those which did not change their regulation during the pandemic. Those which adopted new competition policy/measures seems to have in 2021 a greater growth rate than those which did not. However, in 2022, those countries which did not have a competition regulation change had a better GDP growth than those who did produce such a change.

Figure 1: Annual growth rate comparisons between countries whose CAs adopted a new regulation/measure v/s those which did not



Source: World Bank, Annual GDP growth rate

The factors influencing the decision of competition authorities in Africa to respond to market shocks during the COVID-19 pandemic remain unclear. Based, on the responsiveness of competition authorities to the COVID-19 pandemic-led shock and behavior assumed by firms into the African market(s), we have identified a set of key dimensions which have been used for the empirical analysis, presented in this section.

It could be argued that the *level of development* of a country may have influenced the reactions of competition authorities (CAs) around the world. For instance, competition authorities in countries with more advanced and sophisticated economies might have been more proactive in implementing new measures and policies to address market shocks. Hence, the higher the quality of life, level of industrialization, and market sophistication, the more responsive the competition authorities are expected to be. As highlighted by the OECD (2013), GDP per capita serves as a core indicator of economic performance and is commonly used as a broad measure of average living standards or economic well-being. Therefore, GDP per capita is likely to be positively related to the responsiveness of competition authorities during the COVID-19 pandemic.

Governance has been found to be important for other dimensions of economic performance. For example, Rodrik and Subramanian (2003) find that the quality of national institutions is the only significant determinant of international differences in income levels; e.g., economic integration has no additional explanatory power. Institutional quality is measured by a composite indicator that captures features such as the protection afforded to property rights and the strength of the rule of law. A competition authority embedded in an economic system with strong positive governance would be expected to be more responsive to the pandemic.

The *years of experience of a competition authority* can be an important factor in determining their responsiveness in relation to market shocks. A competition authority which has been operating for some time would be expected to cope better with market shocks than one which has just started operation. After all, experience is knowledge or skill in a particular job or activity which is acquired over time. One can therefore expect that more experienced competition authorities are more likely to be responsive in adopting appropriate measures during the pandemic.

To capture the severity of the pandemic, and how it affected the economy of a country, the *number of COVID-19 cases* registered could be indicative of how severe the pandemic has struck the country and the different markets across the countries. Countries found to be severely affected by the COVID-19 are more likely to have greater market shocks consequently requiring greater responsiveness from CAs. Thus, the number of COVID-19 cases could be expected to correlate to the responsiveness of the CA in implementing measures during the Covid -19 pandemic. Similar to the number of COVID-19 cases registered, the number of *deaths caused* could significantly impact on the various markets of the country. The higher the number of COVID-19 death, the greater the market shocks and the greater the response from the CA required.

Given the physical closeness of the countries in the African continent, the *closure of borders* could have certainly impacted on the different markets and the economy in general, which could have in turn influence the responsiveness of the competition authorities in responding to the crises. Consequently, longer period of closure of borders could be expected to have greater degree of responsiveness from the competition authority during the crisis.

The data sources and variable descriptions used for our analysis are provided in Table 3.

Table 3: Data sources and variables description

Variables	Proxy used in analysis	Data source
New regulation	Whether the CA has produced new policy or regulation during the COVID-19 pandemic	Baker Mckenzie Africa Report 2022
GNIPC	GDP per capital for level of development	World Bank
Governance	Average estimate of control of corruption, political stability, government effectiveness, voice and accountability,	World Bank

Variables	Proxy used in analysis	Data source
	regulatory quality and rule of law index	
Experience	Number of years since establishment of the CA	CA's website, Annual reports, OECD, UNCTADand CUTS Report
COVID-19 cases	Number of COVID-19 cases reported per head	Our world in data website
Death COVID-19 cases	Number of dead cases reported per head	Our world in data website
Borders	Number of weeks of closed borders	Our world in data website

Table 4 provides summary statistics for all our variables.

Table 4: Descriptive statistics

Variable		Mean	Std. dev	Min	Max	Observations
country	overall	16.333	8.926	1.000	31.000	N=180
	between		9.053	1.000	31.000	n=30
	within		0.000	16.333	16.333	T=6
year	overall	2018.500	1.713	2016.000	2021.000	N=180
	between		0.000	2018.500	2018.500	n=30
	within		1.713	2016.000	2021.000	T=6
GNIPC	overall	2692.218	2377.787	312.143	11645.980	N=180
	between		2381.185	474.698	10329.550	n=30
	within		377.107	1370.090	4434.123	T=6
Governance	overall	-0.472	0.554	-1.666	0.842	N=180
	between		0.559	-1.552	0.790	n=30
	within		0.055	-0.797	-0.326	T=6
Newregulation	overall	0.128	0.335	0.000	1.000	N=180
	between		0.162	0.000	0.333	n=30
	within		0.294	-0.206	0.961	T=6
Experience	overall	11.865	6.679	0.000	26.000	N=156
	between		6.578	0.000	23.500	n=26
	within		1.653	9.365	14.365	T=6
Closed borders	overall	6.660	13.657	0.000	65.700	N=180
	between		4.937	0.000	16.283	n=30

	within		12.760	-9.623	56.077	T=6
Covid19 cases	overall	0.003	0.011	0.000	0.080	N=180
	between		0.004	0.000	0.014	n=30
	within		0.010	-0.011	0.069	T=6
Covid19 death cases	overall	0.000	0.000	0.000	0.002	N=180
	between		0.000	0.000	0.000	n=30
	within		0.000	0.000	0.001	T=6

Source: Author's

Table 5 displays the correlation coefficients for different variables. The matrix depicts the correlation between all the possible pairs of values.

Table 5: Correlation matrix

	New regulation	GNIPC	Governance	Experience	Covid19 cases	Covid19 death cases	Borders
New regulation	1						
GNIPC	0.245	1					
Governance	0.115	0.568	1				
Experience	0.395	0.180	-0.053	1			
Covid19 cases	0.449	0.167	0.088	0.232	1		
Covid19 death cases	0.4396	0.167	0.075	0.241	0.980	1	
Borders	0.3842	0.027	0.053	0.104	0.205	0.155	1

Source: Author's

6. Empirical analysis

In this section we present our empirical strategy adopted to investigate the role of African CAs during the COVID-19 pandemic. Our dependent variable is binary in nature i.e., takes value 1 if the CAs had produced new measure or policy and zero otherwise. As such, given that we are examining the relationship between the independent variables and the binary dependent variable and we believe that there the relationship between the independent variables and the latent variable is linear, we choose to adopt a Probit model.

In Probit regression, the cumulative standard normal distribution function $\Phi(\cdot)$ is used to model the regression function when the dependent variable is binary, that is, we assume

$$E(Y|\mathrm{X}) = P(Y = 1|\mathrm{X}) = \Phi(\beta_0 + \beta_1\mathrm{X}),$$

Where $\beta_0 + \beta_1\mathrm{X}$ plays the role of a quantile Z where

$$\Phi(\mathrm{z}) = \mathrm{P}(\mathrm{Z} \leq \mathrm{z}),\ Z \sim N(0,1)$$

such that the Probit coefficient β_1 is the change in z associated with a one unit change in X. Although the effect on z of a change in X is linear, the link between z and the dependent variable Y is nonlinear since ΦΦ is a nonlinear function of X[20].

In our case, y is the latent variable of new measure/policy, yi is binary (0,1); xi is the vector of independent variables (development level, governance, experience, COVID-19 cases, COVID-19 death cases and closure of borders) and β is the vector of regression coefficients.

Our two central specifications differ only in the inclusion of COVID-19 cases and COVID-19 death cases dure to their correlation. We call for the following equations:

$$New\ regulation_{it} = \beta_1 development_{it} + \beta_2 governance_{it} + \beta_3 experience_{it} + \beta_4 covid19\ cases_{it} + \beta_5 borders_{it} + u_{it} \tag{1}$$

$$New\ regulation_{it} = \beta_1 development_{it} + \beta_2 governance_{it} + \beta_3 experience_{it} + \beta_4 covid19\ death\ cases_{it} + \beta_5 borders_{it} + u_{it} \tag{2}$$

for i=1,.....,N, where t=1,..........,T , where U is the error term.

7. Results

In this section, present our results, reported in Table 6. The empirical analysis of our model reveals that the level of experiences of the CAs, the number of COVID-19 cases reported, the number of COVID-19 death cases and the length of the closure of borders were strong determinants at 1% significance level. Interestingly, it that the number of is found that the COVID-19 cases and COVID-19 death cases are among the variables to influence on the decision of CAs during the COVID-19 pandemic on a lower scale. That said, the number of COVID-19 death cases was found to have more than thirty-seven times more influence than the COVID-19 cases on the decision of the CA to impose new regulation/measure. An 1% increase in the number of COVID-19 death cases would cause a 0.055% increase in the new regulation variable while that of the COVID-19 cases would lead only to a 0.001% increase in the latter. The empirical results of our regressions and their marginal effects are illustrated in Tables 6 and 7.

[20] See 11.2 Probit and Logit Regression | Introduction to Econometrics with R (econometrics-with-r.org)

Table 6: Empirical results

Dependent variable: new regulation				
Variable	**Equation 1**		**Equation 2**	
	a	**B**	**a**	**b**
GNIPC	0.0002***	0.0002***	0.0002***	0.0002***
	0.0001	0.0001	0.0001	0.0001
Experience	0.1063***	0.1214***	0.1048****	0.1154***
	0.0377	0.0427	0.0358	0.0392
Governance		0.5243		0.4161
		0.5428		0.4864
Covid19 cases	0.0000***	0.0000***		
	0.0000	0.0000		
Covid19 death cases			0.0005***	0.0005***
			0.0001	0.0002
Borders	0.0390***	0.0396***	0.0357***	0.0355***
	0.013	0.0136	0.0119	0.0121
Constant	-4.7099***	-4.5733***	-4.3024***	-4.1364***
	0.9549	0.9907	0.8435	0.8769
Number of observations	156	156	156	156
Pseudo R2	0.6225	0.6302	0.5827	0.5886
LR chi2(5)	79.05	79.99	73.96	74.71
Prob > chi2	0	0	0	0
Log likelihood	-23.9588	-23.4684	-26.4826	-26.1071

Source: Author's

Table 7: Marginal effects

Dependent variable: new regulation				
Variable	**Equation 1**		**Equation 2**	
	A	**b**	**A**	**B**
GNIPC	0.0002***	0.0002***	0.0002***	0.00002*
	0.0001	0.0001	0.0001	1.00E-05
Experience	0.0089***	0.0099***	0.0095****	0.0103***
	0.0028	0.0031	0.003	0.0032
Governance		-0.0192		0.0372
		0.0502		0.043
Covid19 cases	0.0000***	0.0000***		
	0.0000	0.0000		
Covid19 death cases			0.0000***	0.0000***
			0.0000	0.0000
Borders	0.0032***	0.0032***	0.0032***	0.0032***
	0.001	0.001	0.001	0.0011

Source: Author's

Moreover, the level of experience as well as the period during which the borders were closed were found to be important factors which determined the CA's decision. The level of development of the jurisdictions was also found to be significant but at a lower scale at 10% level with a coefficient of 0.0002. It is such that a 1% increase in the GNIPC would positively influence the decision for new regulation/measure by 0.02%. On the other hand, the governance index did not seem to have any impact on the dependent variable.

Moreover, the robustness of our results is confirmed when comparing the results for equations 1 and 2. All the variables remain significant while governance remains unsignificant.

8. Conclusion

The COVID-19 has been a unique time challenge which had a direct impact on markets. CAs have faced an important test in ensuring the smooth running of markets when dealing with sudden market shocks which have caused huge price hikes or shortages across different sectors. This paper aimed to study the role of the various African CAs in enforcing their competition law and policy during the COVID-19 pandemic and identify factors that may have influenced the responsiveness of African CAs in implementing new measures during the same period.

We have seen that each CAs has different degree of responsiveness. We observe passive behaviours to active implementation of different strategies along with the adoption of specific regulation or measures to ensure that markets are working well and avoid any situation favoring anti-competitive practices. Those CAs which came up with new regulation or measures were the COMESA, Egypt, Eswatini, Gabon, Ghana, Kenya, Mauritius, Morocco, Namibia, Nigeria, Senegal, South Africa, Tunisia and Zambia.

It is a fact that CAs across Africa are at different stages of development, yet out of our sample data, nearly 50% were found to have acted taking new measures during the Covid-19 pandemic. The pandemic has very much been marked by the fast spreading of the disease and its number of deaths caused. These figures have also been found to be a determining factor in influencing the degree of responsiveness of the CAs. The number of COVID-19 related death were found to have a much stronger impact on the responsiveness of the CAs than the number of COVID-19 infected people. The length of borders closure has also had great impact on trade and markets.

Moreover, the level of development of the countries was also found to determine the reactiveness of the3 CAs during this challenging time while governance was not observed to be a significant factor. The analysis presented in this paper is preliminary. A further factor worth exploring in the near future is to assess whether the CAs' decision to adopt new measures or regulations were also determined by the measures adopted by their key partners.

9. References

10.

African Business. (2023, August 31). What you need to know about the African Continental Free Trade Area. *African Business*. Retrieved from https://african.business/2022/05/trade-investment/what-you-need-to-know-about-the-african-continental-free-trade-area

African Development Bank Group. (2023). *African Economic Outlook 2023*. Retrieved July 01, 2023, from African Development Bank Group: https://www.afdb.org/en/knowledge/publications/african-economic-outlook

Baker McKenzie. (2022). *Africa: Competition in Africa Report 2022.* Retrieved from https://insightplus.bakermckenzie.com/bm/antitrust-competition_1/africa-competition-in-africa-report-2022

Bowmans. (2020, May 14). COVID-19 EXCESSIVE PRICING – THE CASES PURSUED BY THE COMPETITION COMMISSION, SOUTH AFRICA. Retrieved from https://bowmanslaw.com/insights/competition/Covid-19-excessive-pricing-the-cases-pursued-by-the-competition-commission-south-africa/

Buthe, T., & Kigwiru, V. K. (2020). The Spread of Competition Law and Policy in Africa: A Research Agenda. *African Journal of International Economic Law*, 43.

COMESA Competition Commission. (2020, March 31). *Notice of Interim Measures in Merger Review of the Comesa Competition Commission Due to the Covid-19 Pandemic*. Retrieved from https://comesacompetition.org/notice/notice-of-interim-measures-in-merger-review-of-the-comesa-competition-commission-due-to-the-Covid-19-pandemic/

COMESA Competition Commission. (2023, August). *COMESA Competition Commission Celebrates 10 years*. Retrieved from https://www.comesa.int/comesa-competition-commission-celebrates-10-years/

Competition Commission Mauritius. (2020). *GUIDANCE TO BUSINESS ON PROPOSED COVID19-RELATED COLLABORATION*. Retrieved from https://competitioncommission.mu/guidance-to-business-on-proposed-covid19-related-collaboration/

Competition Commission South Africa. (2020, May 29). Press Statement. Retrieved from http://www.compcom.co.za/wp-content/uploads/2020/05/Press-Statement-COMPETITION-COMMISSIONS-RESPONSE-TO-THE-COVID-19-PANDEMIC-Final.docx_1590759485810.pdf

Concurrences. (2020, March 31). *Concurrences Antitrust Publications & Articles.* Retrieved from Bulletin: https://www.concurrences.com/en/bulletin/news-issues/march-2020/the-comesa-competition-commission-issues-guidance-on-timing-and-other

Conseil De La Concurrence, Royaume du Maroc. (2020). *Annual Report.* Retrieved from https://conseil-concurrence.ma/cc/ar/wp-content/uploads/sites/2/2022/10/Rapport-Annuel-2020-Concurrence-ANG-Web-1.pdf

Deb, P., Furceri, D., Ostry , J. D., & Tawk , N. (2022). The Economic Effects of COVID-19 Containment Measures. *Open Economies Review, 33*, 1-32. Retrieved from https://link.springer.com/article/10.1007/s11079-021-09638-2

ECOWAS CEDEAO. (2021, April 06). *ECOWAS*. Retrieved August 14, 2022, from Member states: https://ecowas.int/member-states/

Federal Competition & Consumer Protection Commission. (2020). *Business Guidance Relating to COVID-19 On Business Co-operation/Collaboration and Certain Consumer Rights Under the Federal Competition and Consumer Protection Act (FCCPA).* Retrieved from https://fccpc.gov.ng/wp-content/uploads/2023/02/FCCPC-2020-BUSINESS-GUIDELINESS.pdf

Hartwich, F., & Isaksson, A. (2020). Policy responses to COVID-19: Supporting African Industry through the COVID-19 pandemic. *United Nations Industrial Development Organisation*.

Kigwiru, V. K. (2020). COVID-19, Trade and Competition Law in Africa. *SSRN*, 7.

McKinsey. (2020). *Ready, set, go: Reinventing the organization for speed in the post-COVID-19 era.* Retrieved from https://www.mckinsey.com/business-functions/organization/ourinsights/ready-set-go-reinventing-the-organization-for-speed-in-the-post-Covid-19-era.

Naseer, S., Khalid, S., Parveen, S., Abbass, K., Song, H., & Achim, M. V. (2022). COVID-19 outbreak: Impact on global economy. *Front Public Health, 10*(1009393). Retrieved from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9923118/#:~:text=According%20to%20the%20World%20Bank's,capita%20income%20losses%20by%202022.

OECD. (2013). Retrieved from Gross Domestic Product: https://www.oecd-ilibrary.org/gdp-per-capita_5k4dcl7wjzxt.pdf

OECD. (2021). *Annual Report on Competition Policy Developments in Egypt.* Retrieved from https://one.oecd.org/document/DAF/COMP/AR(2022)44/en/pdf

OECD Peer Review. (2003). *Competition law and policy in South Africa.* Retrieved from https://www.oecd.org/daf/competition/prosecutionandlawenforcement/2958714.pdf

Pak, A., Adegboye, O., Adekunle, A. I., Rahman, K. M., McBryde, E. S., & Eisen, D. P. (2020). Economic Consequences of the COVID-19 Outbreak: the Need for Epidemic Preparedness. *Front. Public Health, 8*. doi: https://doi.org/10.3389/fpubh.2020.00241

Swazi Legal Information Insitute. (2020, March 27). *Coronavirus (Covid-19) Regulations, 2020.* Retrieved from https://eswatinilii.org/akn/sz/act/ln/2020/72/eng@2020-03-27

Tirole, J. (1988). *The theory of industrial organization.* MIT Press.

United Nations, Economic Nations for Africa. (2023, July 29). *Regional Economic Communities*. Retrieved from https://archive.uneca.org/oria/pages/regional-economic-communities

Without Prejudice. (2020, July). *Namibia Competition Commission to address price gouging via The Competition Act*. Retrieved from https://www.withoutprejudice.co.za/free/article/7015/view#:~:text=The%20press%20release%20noted%20that,as%20essential%20goods%20or%20services.

World Health Organication. (2021). *WHO-convened Global Study of Origins of SARS-CoV-2:.* World Health Organisation. Retrieved from https://www.who.int/publications/i/item/who-convened-global-study-of-origins-of-sars-cov-2-china-part

World Health Organisation. (2023, June 28). *WHO Coronavirus (COVID-19) Dashboard*. Retrieved June 28, 2023, from https://covid19.who.int/

World Health Organisation. (2023, June). *WHO Coronavirus (COVID-19) Dashboard*. Retrieved from https://covid19.who.int/

Worldometers. (2023, June). Retrieved from https://www.worldometers.info/coronavirus/