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**A Database of Allegations of Private Anti-
Competitive Practices in Sub-Saharan Africa**

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Summary tables for the entire database as well as tables for each country can be downloaded in HTML, Microsoft Excel, and PDF format from: www.evenett.com/ssafrika.htm

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1. Methodology.

The principal objective of this research project was to assemble the largest possible collection of newspaper articles that document or include allegations about anti-competitive behaviour by private firms in Sub-Saharan African countries. It was hoped that this database might shed some light on the prevalence of anti-competitive behaviour in general and might reveal which acts are more frequently alleged than others. At various points in the exposition in this section we highlight the limitations and caveats of our approach. The following account of the construction of this database has been written in such a way so as to allow our approach to be replicated.

The information source employed in this research has been the *factiva*[®] database of Dow Jones and Reuters. *factiva*[®] collects news and information from more than 9,000 periodicals published all over the world and in more than 20 languages. The database covers principally written articles in international and local newspapers, journals and magazines, but also includes newsletters, newswires, media programs, and websites. *factiva*[®] was launched in 1999 and has been available online since July 2001.

The *factiva*[®] database allows for customised searches with specific parameters. A search may be limited by source, company, subject, industry, years covered, region or country, and language. Here we limited our searches as follows:

Time frame: The time frame was limited to articles published between 1 January 1995 and 31 December 2004. This has been done because before 1995 the coverage of *factiva*[®] appears to be more limited.

Region: Since this study concerns allegations about anti-competitive acts in Sub-Saharan African countries, the region parameter was set to *Africa* in *factiva*[®]. Instead of initially excluding the countries of Northern Africa, the allegations concerning Morocco, Algeria, Tunisia, Libya and Egypt were eliminated manually.

Language: The languages the articles were written in was limited to French and English, the two most relevant languages in Sub-Saharan Africa. However, this limitation excludes sources in Portuguese (the official language in Angola, Guinea-Bissau, and Mozambique), Spanish (Equatorial-Guinea), Arabic (Sudan), and a multitude of local languages. Certain allegations concerning these countries may still be found in our database as they may have also been covered in Francophone or Anglophone media reports.

The terms used in the search were those expressions used in official definitions of anti-competitive behaviour. Despite the broad familiarity with these terms in the competition community, their meaning may vary significantly in the media. The extension of the research to Francophone articles brought the further challenge of finding the appropriate corresponding terms in another language. The literal translation of same term may actually have a different meaning in another language; thus, the search terms in French are often different from those in English. We finally searched the database for the following terms:

English terms: Abuse of dominant position, agreement + price hike, anticompetitive, anti-competitive, association + price hike, bid + rig, business practice, cartel, competition + price hike, corporate power, firm + collusion, fix price, industry + collusion, market allocation, market power, predatory pricing, price + collusion, price collusion, price fixing, price jump, price surge, price-fixing, producer + collusion, reduce competition, restraint of trade, restrict competi-

tion, restriction of competition, set price, unfair pricing, unfair trade practice.

French terms: Abus de position dominante, accords fixant les prix, arrangements de répartition des marchés, cartel, collusion, comportement abusif, concurrence déloyale, conditions discriminatoires, entrave à l'accès, fixation de prix, fusion, mesure discriminatoire, monopole, position dominante de force sur le marché, pratiques anticoncurrentielles, pratiques commerciales restrictives, restrictions de la production, soumissions collusoires.

Using these search parameters provided us initially with several thousand articles. We read each of these articles and selected those which related to countries we are interested in and where there was a clear statement about anti-competitive behaviour. Many articles were eliminated because some of the search terms have multiple meanings, not all of which refer to anti-competitive practices. (The word "cartel", for example, was often used to describe a cabal or group, sometimes with hints of illegality or inappropriate behaviour, which tried to influence a political or other decision-making process.) We were left with 644 articles containing allegations about anti-competitive behaviour by private firms in Sub-Saharan African countries.

The central unit in our analysis was not these articles but in fact the allegations of anti-competitive practice. As a number of articles contained the same allegation, the total number of allegations identified was 515.¹ Each allegation, however, can refer to more than one type of anti-competitive practice. Therefore the total number of anti-competitive acts alleged was 601.² To allow us to sort the allegations by date and to sort the different types of anti-competitive behaviour by date (ie. year), an allegation was classified according to the first year in which it was made.

Several characteristics of each allegation were identified and classified, for example the countries whose markets are said to have been affected by the alleged anti-competitive practice. It is possible, therefore, that an allegation has implications for more than one economy and so the total number of allegation-country tuples can exceed 601. Where possible, we also identified who made each allegation about an anti-competitive practice.

The business sector affected by an alleged anti-competitive practice was also identified. Here we applied the categorisation of the International Standard Industrial Classification of All Economic Activities (ISIC Rev. 3.1). The advantage of this classification scheme is that it will make it easier to compare our research findings with others. A difficulty arises however in that some of the companies identified in newspaper allegations operate in more than one sector. Where possible, we tried to identify the sector most directly affected by the anti-competitive act.

We further indicated whether a foreign firm was mentioned in the newspaper articles referring to a specific allegation. There are a number of possibilities here including: the foreign firm could be simply mentioned in the article with no allegation made against it, the foreign firm could be accused of engaging in an anti-competitive act, or the foreign firm could accuse a domestic rival or rivals of engaging in anti-competitive acts. It is important to appreciate that a foreign firm in this context does not necessarily mean a firm whose headquarters is in an industrialised economy; it may actually be from a neighbouring African country.

1 For example, the allegation by the government of South Africa that Toyota imposed minimum resale prices on car dealers was reported in many newspapers. However, this led just to one entry in our database as it relates to one allegation about anti-competitive behaviour by a private firm.

2 See table 8.

It should be repeated that this database contains only allegations of anti-competitive behaviour. Allegations need not be true, and may well be motivated by private gain. Moreover, not every relevant actor in a developing country may have access to media outlets willing to listen to and publish their views on anti-competitive behaviour. Furthermore, an allegation may not accurately identify the alleged anti-competitive behaviour, especially if the agent making the allegation or the journalist reporting the allegation misrepresents the act so as to obtain some publicity. A related concern is an apparent lack of knowledge of the different types of anti-competitive behaviour on the part of journalists and those making allegations. We could not find any straightforward ways to correct for the potential biases created by these logical possibilities. At best, our database is a representative sample of the anti-competitive behaviour that is found in Sub-Saharan African countries.

2. Allegations of Anti-competitive Practices in Sub-Saharan Africa, by Business Sector.

Business Sectors where Allegations were made in more than one Sub-Saharan African Country (ISIC 2-Digit Category)		Number of Allegations	Number of Different Types of Anti-competitive Practices	Number of Countries where Allegations were made	Names of Countries where more than one Allegation was made
01	Agriculture, hunting and related service activities	15	15	11	Mali, South Africa, Zambia
02	Forestry, logging and related service activities	4	6	2	Gabon, South Africa
05	Fishing, operation of fish hatcheries and fish farms; service activities incidental to fishing	2	2	2	
10	Mining of coal and lignite; extraction of peat	4	4	3	Zimbabwe
11	Extraction of crude petroleum and natural gas; service activities incidental to oil and gas extraction excluding surveying	40	45	16	Burkina Faso, Equatorial Guinea, Kenya, Niger, Nigeria, South Africa, Tanzania, Zambia
13	Mining of metal ores	19	23	3	Democratic Republic of Congo, South Africa, Zambia
14	Other mining and quarrying	15	15	8	Angola, Botswana, Democratic Republic of Congo, South Africa
15	Manufacture of food products and beverages	122	148	23	Burkina Faso, Cameroon, Ghana, Ivory Coast, Kenya, Madagascar, Malawi, Namibia, Senegal, South Africa, Tanzania, Uganda, Zambia, Zimbabwe
16	Manufacture of tobacco products	7	9	4	Zimbabwe
18	Manufacture of wearing apparel; dressing and dyeing of fur	3	3	2	Zimbabwe
19	Tanning and dressing of leather; manufacture of luggage, handbags, saddlery, harness and footwear	3	3	2	Kenya
21	Manufacture of paper and paper products	6	8	1	South Africa
22	Publishing, printing and reproduction of recorded media	2	2	2	
23	Manufacture of coke, refined petroleum products and nuclear fuel	9	10	6	Nigeria, South Africa, Zambia
24	Manufacture of chemicals and chemical products	18	24	6	Kenya, South Africa, Zimbabwe
26	Manufacture of other non-metallic mineral products	13	14	7	Madagascar, South Africa, Zimbabwe
27	Manufacture of basic metals	1	1	1	
28	Manufacture of fabricated metal products, except machinery and equipment	4	4	3	South Africa
32	Manufacture of radio, television and communication equipment and apparatus	3	5	1	South Africa
36	Manufacture of furniture; manufacturing n.e.c.	1	1	1	
40	Electricity, gas, steam and hot water supply	5	6	3	Cameroon, Ivory Coast
41	Collection, purification and distribution of water	3	3	3	

Business Sectors where Allegations were made in more than one Sub-Saharan African Country (ISIC 2-Digit Category)		Number of Allegations	Number of Different Types of Anti-competitive Practices	Number of Countries where Allegations were made	Names of Countries where more than one Allegation was made
45	Construction	3	5	3	
50	Sale, maintenance and repair of motor vehicles and motorcycles; retail sale of automotive fuel	6	9	2	South Africa
51	Wholesale trade and commission trade, except of motor vehicles and motorcycles	8	9	5	South Africa
52	Retail trade, except of motor vehicles and motorcycles; repair of personal and household goods	16	19	8	Kenya, Malawi, Senegal, South Africa, Zimbabwe
60	Land transport; transport via pipelines	18	21	10	Cameroon, Kenya, South Africa, Zambia, Zimbabwe
61	Water transport	15	15	10	Ivory Coast, Senegal, South Africa
62	Air transport	24	25	11	Ivory Coast, Mauritius, Senegal, South Africa
63	Supporting and auxiliary transport activities; activities of travel agencies	6	8	2	South Africa
64	Post and telecommunications	58	68	15	Burkina Faso, Cameroon, Ghana, Ivory Coast, Kenya, Mauritius, Nigeria, Senegal, South Africa, Zambia, Zimbabwe
65	Financial intermediation, except insurance and pension funding	18	18	7	South Africa, Uganda, Zimbabwe
66	Insurance and pension funding, except compulsory social security	6	6	4	Kenya
67	Activities auxiliary to financial intermediation	4	5	2	Kenya
70	Real estate activities	1	1	1	
72	Computer and related activities	2	4	1	South Africa
74	Other business activities	14	14	6	Cameroon, Ivory Coast, Senegal
80	Education	4	4	3	South Africa
85	Health and social work	15	17	3	South Africa, Zimbabwe
91	Activities of membership organizations n.e.c.	1	1	1	
00	Not Specified	11	17	7	Senegal, South Africa, Zimbabwe
Total		529	617	35	

3. Allegations of Anti-competitive Practices in Sub-Saharan Africa, by Country.

Country	Number of Articles	Number of Allegations	Number of Different Types of Anti-competitive Practices	Number of Different Business Sectors Affected	Business Sectors that were the Subject of more than one Allegation in a Given Country
Angola	5	4	4	3	14
Benin	1	1	1	1	
Botswana	7	4	7	2	14, 15
Burkina Faso	10	8	8	5	11, 15, 64
Cameroon	26	21	22	12	15, 40, 60, 64, 74
Chad	1	1	1	1	
Congo, Dem. Rep. of	10	10	11	6	13, 14
Congo, Rep. of	2	2	2	2	
Côte d'Ivoire	48	40	41	12	15, 40, 61, 62, 64, 74
Equatorial Guinea	2	2	2	2	11
Eritrea	1	1	1	1	
Ethiopia	5	5	8	5	00, 15, 60
Gabon	6	6	6	5	02
Gambia	1	1	1	1	
Ghana	8	8	8	3	15, 64
Guinea	1	1	1	1	
Kenya	67	57	65	15	11, 15, 19, 24, 52, 60, 64, 66, 67
Liberia	1	1	1	1	
Madagascar	9	9	9	6	15, 26
Malawi	17	17	19	10	00, 15, 52
Mali	4	4	4	3	01
Mauritius	9	9	9	7	62, 64
Mozambique	2	2	2	2	
Namibia	5	5	5	3	15
Niger	4	4	4	3	11
Nigeria	29	24	29	8	11, 23, 64
Senegal	33	26	28	11	00, 15, 52, 61, 62, 64, 74
South Africa	233	148	188	35	00, 01, 02, 11, 13, 14, 15, 21, 23, 24, 26, 28, 32, 45, 50, 51, 52, 60, 61, 62, 63, 64, 65, 72, 80, 85
Sudan	1	1	1	1	
Tanzania	8	8	9	5	11, 15
Togo	1	1	1	1	
Uganda	11	11	11	6	15, 65
Zambia	41	40	47	16	01, 11, 13, 15, 23, 60, 64
Zimbabwe	45	41	54	13	00, 10, 15, 16, 18, 24, 26, 52, 60, 64, 65, 85
Not Specified	7	6	7	4	15
Total	661	529	617	41	

English Speaking	480	372	454	38
French Speaking	158	136	141	27
Other	23	21	22	13

Least Developed Countries	168	157	173	29
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4. Allegations of Anti-competitive Practices in Sub-Saharan Africa, by Domestic or Foreign Involvement.

Country or Period	Number of Newspaper Articles that Explicitly Mentioned a Foreign Firm or its Subsidiaries					Number of Newspaper Articles where a Foreign Firm is not Mentioned	Totals
	Total	Number of Newspaper Articles where the Foreign Firm was Accused	Number of Newspaper Articles where the Foreign Firm accused Domestic Rivals	Number of Business Sectors where Foreign Firm is Accused of Anti-competitive Practices			
All Nations	127	103	3	26	402	529	
	24.01%	19.47%	0.57%		75.99%	100.00%	
All Nations Except South Africa	89	73	1	19	292	381	
	23.36%	19.16%	0.26%		76.64%	100.00%	
South Africa	38	30	2	16	110	148	
	25.68%	20.27%	1.35%		74.32%	100.00%	
French Speaking Countries	33	26	0	12	103	136	
	24.26%	19.12%	0.00%		75.74%	100.00%	
English Speaking Countries	84	71	3	21	288	372	
	22.58%	19.09%	0.81%		77.42%	100.00%	
Least Developed Countries	40	32	0	11	117	157	
	25.48%	20.38%	0.00%		74.52%	100.00%	
1995-2001	54	45	1	14	160	214	
	25.23%	21.03%	0.47%		74.77%	100.00%	
2002-2004	73	58	2	20	242	315	
	23.17%	18.41%	0.63%		76.83%	100.00%	

5. Allegations of Anti-competitive Practices in Sub-Saharan Africa, by Source.

Country or Period	Civil Society	Competitors	Franchisees	Government	Legislators	News Article Itself	Purchasers	Total
All Nations	62	67	5	199	7	181	35	556
	11.15%	12.05%	0.90%	35.79%	1.26%	32.55%	6.29%	100.00%
All Nations except South Africa	50	39	1	116	5	162	25	398
	12.56%	9.80%	0.25%	29.15%	1.26%	40.70%	6.28%	100.00%
South Africa	12	28	4	83	2	19	10	158
	7.59%	17.72%	2.53%	52.53%	1.27%	12.03%	6.33%	1
French Speaking Countries	24	12	0	12	1	85	6	140
	17.14%	8.57%	0.00%	8.57%	0.71%	60.71%	4.29%	100.00%
English Speaking Countries	36	53	5	181	6	85	27	393
	9.16%	13.49%	1.27%	46.06%	1.53%	21.63%	6.87%	100.00%
Least Developed Countries	18	9	1	51	4	68	8	159
	11.32%	5.66%	0.63%	32.08%	2.52%	42.77%	5.03%	100.00%
1995-2001	19	27	2	87	3	73	17	228
	8.33%	11.84%	0.88%	38.16%	1.32%	32.02%	7.46%	100.00%
2002-2004	43	40	3	112	4	108	18	328
	13.11%	12.20%	0.91%	34.15%	1.22%	32.93%	5.49%	100.00%

6. Allegations of Anti-competitive Practices in Sub-Saharan Africa, by Type of Practice and Business Sector.

Type of Anti-competitive Practice	Business Sector (ISIC 2-Digit Category)																Entire Sample	
	01	11	13	14	15	24	52	60	61	62	64	65	85	Other				
Abuse of Dominant Position	1	0	1	0	10	1	0	1	0	2	4	1	4	14	39	6.32%		
Anti-competitive Merger	2	0	1	1	14	1	0	0	0	1	0	1	0	12	33	5.35%		
Barriers to Entry	0	0	1	0	3	0	0	0	0	1	2	0	0	1	8	1.30%		
Bundling	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0.16%		
Collusion	2	3	2	0	11	5	2	0	0	2	9	1	2	16	55	8.91%		
Contractual Discrimination	0	0	0	0	0	0	0	1	0	1	1	0	0	1	4	0.65%		
Creation of a Monopoly	0	0	1	0	2	0	0	0	0	0	0	0	0	0	3	0.49%		
Cross-subsidization	0	0	0	0	0	0	0	0	0	0	2	0	0	1	3	0.49%		
Denial of Infrastructure	0	0	0	0	0	0	0	0	0	0	5	0	0	1	6	0.97%		
Exclusive Arrangements	0	0	0	0	5	2	1	2	0	0	1	1	2	9	23	3.73%		
Hoarding	0	1	0	0	2	1	0	0	0	0	0	0	0	0	4	0.65%		
Horizontal Agreements, Cartels	4	23	9	6	45	11	11	10	3	0	14	10	2	41	189	30.63%		
Minimum Resale Price	0	0	0	0	0	0	1	0	0	0	0	0	0	2	3	0.49%		
Monopolistic Practices	5	13	6	8	38	1	2	6	10	14	17	3	1	42	166	26.90%		
Predatory Pricing	0	2	0	0	4	1	1	1	2	4	4	0	0	8	27	4.38%		
Tying	0	0	0	0	0	0	0	0	0	0	2	0	0	1	3	0.49%		
Vertical Agreements	0	1	0	0	3	0	0	0	0	0	1	0	0	2	7	1.13%		
Violation of Merger Control Regulations	0	0	0	0	0	0	0	0	0	0	0	0	4	1	5	0.81%		
Unspecified Practices	1	2	2	0	11	1	1	0	0	0	5	1	2	12	38	6.16%		
Total	15	45	23	15	148	24	19	21	15	25	68	18	17	164	617	100.00%		
<i>Subtotal of Collusion, Horizontal Agreements and Cartels</i>	6	26	11	6	56	16	13	10	3	2	23	11	4	57	244	39.55%		

7. Allegations of Anti-competitive Practices in Sub-Saharan Africa, by Type of Practice.

Type Anti-competitive Practice	Entire Sample		Entire Example Except South Africa		South Africa		1995-2001		2002-2004		Anti-competitive Practices in which Foreign Firms were Mentioned		Anti-competitive Practices in which Foreign Firms were Accused	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Abuse of Dominant Position	39	6.32%	16	3.73%	23	12.23%	15	5.95%	24	6.58%	11	7.80%	10	8.62%
Anti-competitive Merger	33	5.35%	13	3.03%	20	10.64%	19	7.54%	14	3.84%	10	7.09%	8	6.90%
Barriers to Entry	8	1.30%	6	1.40%	2	1.06%	2	0.79%	6	1.64%	2	1.42%	0	0.00%
Bundling	1	0.16%	0	0.00%	1	0.53%	0	0.00%	1	0.27%	0	0.00%	0	0.00%
Collusion	55	8.91%	29	6.76%	26	13.83%	24	9.52%	31	8.49%	12	8.51%	10	8.62%
Contractual Discrimination	4	0.65%	1	0.23%	3	1.60%	2	0.79%	2	0.55%	1	0.71%	1	0.86%
Creation of a Monopoly	3	0.49%	2	0.47%	1	0.53%	2	0.79%	1	0.27%	2	1.42%	2	1.72%
Cross-subsidization	3	0.49%	1	0.23%	2	1.06%	1	0.40%	2	0.55%	0	0.00%	0	0.00%
Denial of Infrastructure	6	0.97%	1	0.23%	5	2.66%	2	0.79%	4	1.10%	1	0.71%	0	0.00%
Exclusive Arrangements	23	3.73%	9	2.10%	14	7.45%	13	5.16%	10	2.74%	6	4.26%	6	5.17%
Hoarding	4	0.65%	4	0.93%	0	0.00%	0	0.00%	4	1.10%	1	0.71%	1	0.86%
Horizontal Agreements, Cartels	189	30.63%	142	33.10%	47	25.00%	87	34.52%	102	27.95%	35	24.82%	27	23.28%
Minimum Resale Price	3	0.49%	1	0.23%	2	1.06%	1	0.40%	2	0.55%	1	0.71%	1	0.86%
Monopolistic Practices	166	26.90%	155	36.13%	11	5.85%	53	21.03%	113	30.96%	42	29.79%	34	29.31%
Predatory Pricing	27	4.38%	17	3.96%	10	5.32%	9	3.57%	18	4.93%	10	7.09%	9	7.76%
Tying	3	0.49%	1	0.23%	2	1.06%	1	0.40%	2	0.55%	1	0.71%	1	0.86%
Vertical Agreements	7	1.13%	3	0.70%	4	2.13%	2	0.79%	5	1.37%	2	1.42%	2	1.72%
Violation of Merger Control Regulations	5	0.81%	1	0.23%	4	2.13%	0	0.00%	5	1.37%	0	0.00%	0	0.00%
Unspecified Practices	38	6.16%	27	6.29%	11	5.85%	19	7.54%	19	5.21%	4	2.84%	4	3.45%
Total	617	100.00%	429	100.00%	188	100.00%	252	100.00%	365	100.00%	141	100.00%	116	100.00%
<i>Subtotal of Collusion, Horizontal Agreements and Cartels</i>	244	39.55%	171	39.86%	73	38.83%	111	44.05%	133	36.44%	47	33.33%	37	31.90%

8. Allegations of Anti-competitive Practices in Sub-Saharan Africa, by Year.

Year	Number of Articles	Percentage	Number of Allegations	Percentage	Number of Different Types of Anti-competitive Practices	Percentage
1995	9	1.40%	8	1.55%	8	1.33%
1996	16	2.48%	14	2.72%	19	3.16%
1997	14	2.17%	13	2.52%	15	2.50%
1998	30	4.66%	28	5.44%	33	5.49%
1999	44	6.83%	40	7.77%	52	8.65%
2000	72	11.18%	58	11.26%	68	11.31%
2001	50	7.76%	45	8.74%	49	8.15%
2002	93	14.44%	70	13.59%	80	13.31%
2003	90	13.98%	74	14.37%	83	13.81%
2004	226	35.09%	165	32.04%	194	32.28%
Total	644	100.00%	515	100.00%	601	100.00%