

2009



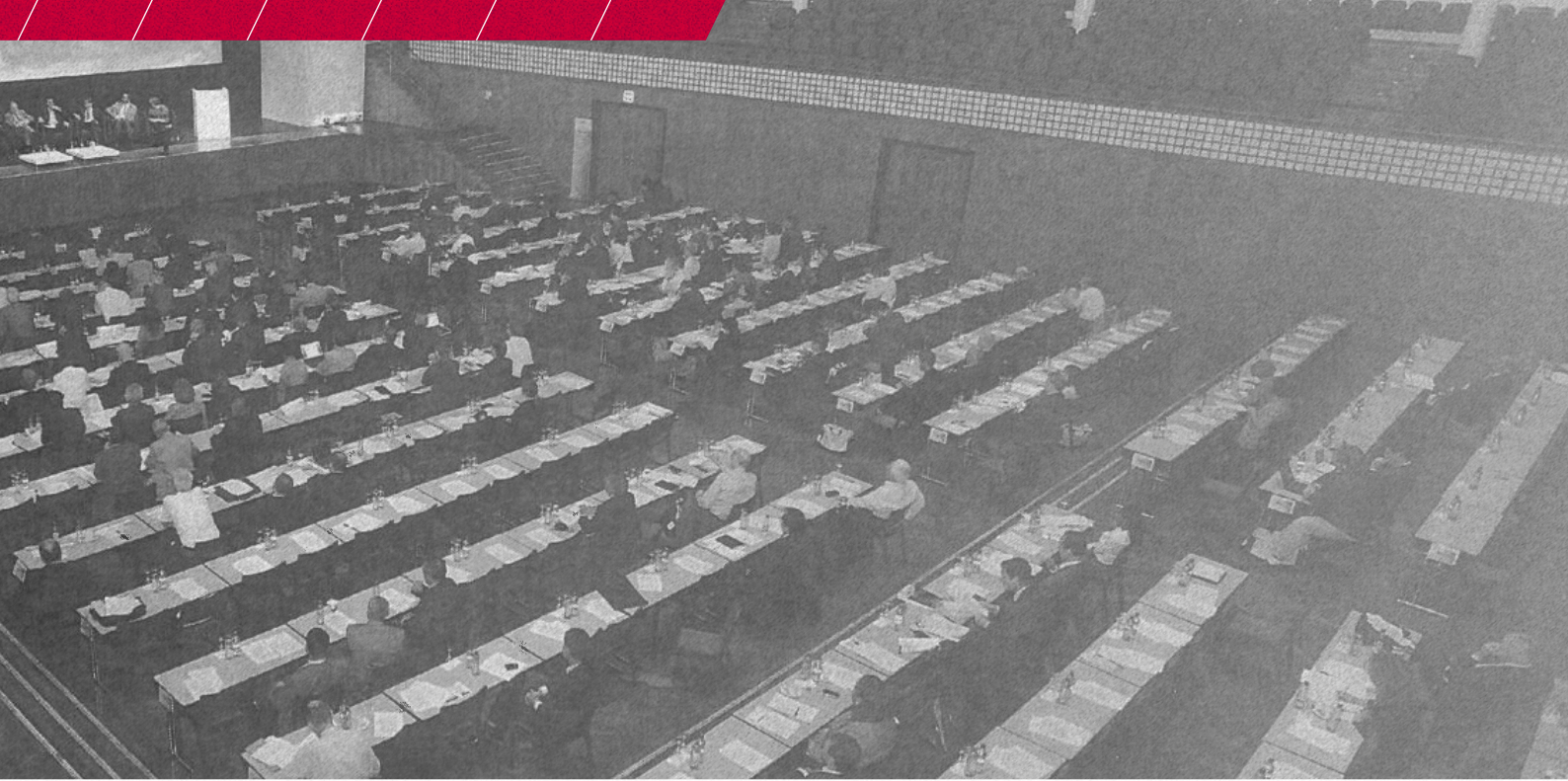
David Lewis

ICN Steering Group Chair:
2009



It is well over 10 years since I served as Interim Chair of the International Competition Network. Try as I might I have not been able to locate the chairperson's address that I made on that occasion in Zurich and, compounded by the fact that I have, since the end, in 2009, of my term of office at the Competition Tribunal, turned my attention to fighting corruption – a full-time task if ever there was one – I cannot possibly recall what the live issues of that time were.

Oddly I have a fairly clear recollection of what happened on the day preceding the formal ICN conference. If my memory serves me well, this was the first time to which we devoted a day to discussing competition law and policy in developing countries, an event which was repeated for several years after that and may well continue to this day. The event was funded by the Canadian foundation, the International Development Research Centre, which had taken a leading role in publishing scholarly work on competition law and policy in developing countries. All the developing countries attending the ICN conference were naturally invited to participate in the day-long workshop but so were the developed countries' agencies. I recall the presence of stalwart supporters of the developing countries' efforts to break into this esoteric, but intellectually compelling, field of law and economics, hitherto the preserve of the most developed counties in the world. I recall iconic figures in the field – Fred Jenny, Eleanor Fox, Alan Fels, Randy Tritell are among those that I recall – spending the day with us, as engaged with the issues under discussion as we ourselves were.



It is perhaps not surprising that I recall this day in particular. When we, in South Africa, opened our doors in 1999, we were immediately introduced to the extraordinary global community of anti-trust practitioners and scholars. My introduction to this community – and I suspect that of many others of my ilk – came courtesy of the annual Fordham Conference, itself a pretty extraordinary institution. There I came across people like the c Mario Monti – equivalent in my mind to a rock star – going head-to-head with hard-bitten American private sector lawyers. In fact Fordham had its own pre-conference day hosted by Merit Janow at Columbia University. I will never forget serving on a panel with Joseph Stiglitz, Jagdish Bhagwati and Mario Monti. There I sat, awe-struck and consumed by nerves, only to realise that we in the developing world had important things to say, and that sometimes a little practical experience trumped a Nobel prize!

Fordham was undoubtedly one of the events but it was essentially focused on European competition law and although Barry Hawk, the gracious Fordham conference founder, made room for discussion of developing country issues and approaches, it remained in essence an occasion for wrapping one's head around the most sophisticated issues in anti-trust.

And then came the ICN, announced at a Fordham conference.

Because developing countries were present at the founding of the ICN, we were able to claim a share of ownership. And this we did, reflected in the ubiquitous

presence of developing country concerns on the ICN work programme. We were not given anything. We had fight for our place on the agenda, but, with a lot of help from our developed country friends we succeeded in putting our stamp on the organization. And an extraordinary institution it was. It was a pre-Zoom virtual organization that met on the telephone and anyone who has experienced chairing a meeting of 50 opinionated lawyers and economists on the telephone will find today's virtual meetings a walk in the park.

The ICN was one of the highlights of my term in the competition world. The debates were as hard as the partying; the gains made, possibly for developing countries in particular, were inestimable; the friends made were for life. I'm not one for keeping a detailed CV. But one entry that is always there is my period as ICN interim chair, an achievement of which developing countries can be justifiably proud.