

GUEST SPEAKER SPEECH
LAYING A SOUND FOUNDATION FOR A NEW ERA
MOVENPICK HOTEL, ACCRA
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Good Morning Distinguished ladies and gentlemen!

It is a profound privilege to be given the opportunity to contribute to this important discussion at this pivotal time when Ghana and the wider African region are at a decisive point in the evolution of competition law.

I am particularly grateful to the organisers of this seminar Paul Kofi Datsa and his team at the Competition and Markets Ltd. Ghana and my comrade in arms in the trenches of the debate on competition law in Ghana Appiah Adomako who is the Regional Director, West Africa of CUTS International. It also an honour to share the stage this morning with Peter a friend from my PhD days in Kings College London, and David a familiar face from my time at the Office of Fair Trading now the Competition and Markets Authority UK. I never imagined the day would come when we would share a platform as advocates for enactment of a comprehensive competition law in Ghana.

Gentlemen you are welcome to Ghana. Akwaaba as we say here or is it now oobake!

Now, this gathering could not have come at a better time! As you are all well aware markets are evolving rapidly, digital economies are expanding, and the need for fair, transparent, and efficient market systems have never been more urgent.

Competition law, as we know is at its core protecting the process of competition—not competitors! Its key philosophical underpinning is that markets must remain open, dynamic, and innovative. Competition law should not be seen as a constraint on business—but as an enabler of

innovation, encouraging firms to compete on merit. Additionally, it must drive efficiency, and ultimately benefit you and me as Ghanaian consumers through better prices, improved quality, and greater choice. Thus, for us in Ghana, this is not merely a legal, economic or even a political issue; it is a crucial developmental imperative!

This is echoed at the regional level through the ECOWAS Treaty and its supplementary legal instruments on competition law and subsequent establishment of a regional competition authority, whose decision making Council I have the honour of chairing. This ECOWAS framework is primarily designed to promote free movement of goods, persons, services and capital within an integrated market across our Member States in West Africa. Moreover, the commitment to competition law is reinforced further at the continental level through the Agreement Establishing the African Continental Free Trade Area (AfCFTA)—a landmark step toward creating a single African market.

Now let me come back home to our beloved Ghana! Over the past few years or so, we have made commendable progress in shaping our competition policy framework. Ranging from sector-specific regulation in areas such as financial services, telecommunications, broadcasting and downstream petroleum to broader policy discussions on a comprehensive competition regime. Increasingly, we have also recognised the role competition plays in promoting economic efficiency, consumer welfare, and inclusive growth in our country.

However, as we reflect on these achievements, we must not be blind to the challenges ahead. We must confront them head on. Come with me as I take a quick canter through some of these challenges.

First, the absence of an operational, unified competition law regime continues to present gaps in enforcement. While recognising that sector specific regulators perform important roles, the current state of play with

fragmented oversight is likely to create inconsistencies, regulatory overlaps and dare I say enforcement inefficiencies.

Accordingly, the case for a coherent, cross-sectoral competition law and an enforcement authority remains compelling.

Second, the rise of digital markets introduces new complexities. We have seen this in Ghana where despite the power of regulators to designate an operator as a significant market power on an ex ante basis some market failure and inefficiencies persist in our telecommunications sector. Issues such as data dominance, platform power, algorithmic pricing, and cross-border digital services demand sophisticated regulatory responses. Ghana must position itself not only as a participant but also as a visible and consistent thought leader within the newly emerging African digital economy.

Third, there is a growing need to strengthen institutional capacity. There is a saying that Ghana has too many laws and that we have legislation for everything, including the pace at which chickens cross the road. Yes I am certain there is a bye-law lurking somewhere requiring some municipal assembly to check this. However, as we all know the devil in the detail is found in the implementation and enforcement of these fine laws. We must recognise and accept that effective competition enforcement requires more than legislation—it requires skilled professionals, economic expertise, judicial understanding, and strong investigative tools. Investment in capacity building must therefore remain of the utmost priority.

Fourth, speaking from my perspective at the ECOWAS level, cooperation is no longer optional—it is crucial. As Ghana deepens its participation in continental trade frameworks, particularly under the African Continental Free Trade Area, competition law enforcement must align with regional objectives. Cross-border anti-competitive conduct cannot and must not be addressed in isolation.

And now for the good news! Yet, despite these challenges, there are also significant opportunities.

We are uniquely positioned to lead in West Africa. With our stable legal system, active academic community, growing economy and you – distinguished participants here, Ghana can serve as a model for balanced, effective competition regulation and enforcement. By embracing best practices while adapting them to our local realities, Ghana can craft a competition regime that is both robust and contextually relevant for our times.

As stakeholders gathered here today—regulators, judiciary, practitioners, scholars, and, hopefully some industry representatives—we each have a role to play.

- Regulators must strive for transparency, consistency, and independence.
- Industry must embrace compliance not as a burden, but as a cornerstone of sustainable growth.
- Academics must continue to generate research that informs policy and practice.
- And my Lords, Ladies, and my fellow legal practitioners we must take up the charge and bridge the gap between theory and enforcement. For a student of the great school on the angels hill in Cape Coast Holy Child it is always *facta non verba!*

Let us also not forget the role of advocacy. A competition culture does not emerge overnight—it must be cultivated. Public awareness, stakeholder engagements, and continuous dialogue are essential to building trust and legitimacy in an effective system.

In conclusion, the journey toward an effective competition law regime in Ghana is ongoing and fast gathering pace. It requires vision, collaboration,

and commitment. Nevertheless, the rewards—a more competitive economy, empowered consumers, and sustainable development—are well worth the effort in my humble opinion.

Let this seminar not only be a platform for discussion but a catalyst for action.

I thank you for your kind attention.