

## **Competition Law and Practice: Professional Training Programme**

**29 September to 1 October 2025, Windhoek, Namibia**

**10<sup>th</sup> African Competition and Economic Regulation (ACER) Week**

### **PRELIMINARY OUTLINE**

Addressing core areas in competition law and economics, this Professional Training Programme (PTP) is targeted at competition practitioners. It covers topics in mergers, cartels and enforcement, where key legal and economic principles will be taught along with their application in cases.

The focus will also be on practical aspects of competition enforcement, such as initiating investigations, commissioning market inquiries, running hearings, negotiation/settlement strategies, and using the law to gather evidence. The course will be delivered through a series of lectures and with real case examples from the continent and internationally, including Namibian-specific insights.

As part of facilitated breakout groups, hypothetical exercises will be undertaken to enhance learning and apply concepts. The facilitators are leading experts in competition law and economics with in-depth hands-on experience of cases in African jurisdictions and include **Acting Judge Yasmin Carrim, Prof Jonathan Klaaren, Prof Reena das Nair, Mr Arthur Mahuma, Ms Grace Mohamed and Ms Ashley Tjipitua.**

### **Programme\***

<b>Day 1, 29 September 2025</b>	
<b>0830 - 1000</b>	<b>Introduction, market definition and market power</b> <ul style="list-style-type: none"> <li>• Introduction to the course and to the session</li> <li>• Defining markets in competition cases</li> <li>• Tests used to define markets, and challenges with these tests</li> <li>• Assessments of market power, including in digital markets</li> <li>• Understanding barriers to entry</li> <li>• Discussion of case examples</li> </ul>

<b>1000 - 1100</b>	<b>Exercise 1: Market definition and market power</b>
<b>Tea break</b>	
<b>1115 - 1230</b>	<b>Merger control</b> <ul style="list-style-type: none"> <li>• Types of mergers</li> <li>• Horizontal mergers: analytical framework to assess anti-competitive effects</li> <li>• Theories of harm: unilateral and coordinated effects</li> <li>• An introduction to vertical mergers (input &amp; customer foreclosure)</li> <li>• Countervailing factors and efficiency justifications</li> <li>• Types of evidence needed</li> <li>• Discussion of case examples</li> </ul>
<b>Lunch</b>	
<b>1330 - 1430</b>	<b>Exercise 2: Merger analysis</b>
<b>Tea break</b>	
<b>1515 - 1600</b>	<b>Merger control – Insights from Namibian cases</b>
<b>CLOSE OF DAY 1</b>	




<b>Day 2, 30 September 2025</b>	
<b>0830 - 1000</b>	<b>Collusion</b> <ul style="list-style-type: none"> <li>• Structural and behavioural screening for cartels</li> <li>• Factors in tacit coordination: focal points, benchmarks</li> <li>• Hub and spoke cartels</li> <li>• Information exchange and appropriate standards</li> <li>• Regional collusive concerns and effective enforcement</li> <li>• Discussion of case examples</li> </ul>
<b>1000 - 1100</b>	<b>Exercise 3: Collusion</b>
<b>Tea break</b>	
<b>1115 - 1230</b>	<b>Legal due process in the investigation phase: Initiating investigations, inquiries and obtaining evidence</b> <ul style="list-style-type: none"> <li>• Considering statutory powers of authorities and their exercise</li> <li>• Information requests, interviews, and interrogations <ul style="list-style-type: none"> <li>◦ What is the theory of harm?</li> <li>◦ What type of information is critical? What form should it be collected in?</li> </ul> </li> <li>• The likely bases for substantive and procedural challenges</li> <li>• Summons and subpoenas</li> <li>• Discussions of case examples and learning from experience</li> </ul>
<b>Lunch</b>	
<b>1330 - 1430</b>	<b>Exercise 4: Gathering evidence for a specific case scenario</b>
<b>Tea break</b>	
<b>1445 - 1630</b>	<b>The investigation phase: insights from Namibian cases</b>
<b>CLOSE OF DAY 2</b>	

Day 3, 1 October 2025	
0830 - 1000	<b>The legal and economic approaches to specific statutory provisions in the Act and substantive balancing</b> <ul style="list-style-type: none"> <li>• Design of the law – comparisons across different jurisdictions</li> <li>• Selected enforcement provisions</li> <li>• Public interest: rights to participate or intervene on public interest grounds in mergers</li> <li>• Market Inquiries</li> <li>• Substantive balancing: Type 1 and 2 errors</li> <li>• Examples from Namibia, Kenya and South Africa</li> </ul>
1000 - 1100	<b>Exercise 5: Regulatory process</b> <b>Tea break</b>
1115 - 1230	<b>Writing effective case decisions and judgements:</b> insights from South Africa and Namibia
<b>Lunch</b>	
1330 -1430	<b>Negotiating and settling complaints and disputes – application</b> <ul style="list-style-type: none"> <li>• Information asymmetries in the negotiating and settling process</li> <li>• Tactics for negotiation</li> <li>• Procedural issue with negotiating settlements and resolving disputes</li> <li>• Substantive effects of settlement /remedies and dispute resolution</li> </ul>
<b>Tea break</b>	
1445 - 1600	<b>Exercise 6: Negotiations and settlements</b> <b>CLOSE OF DAY 3, HANDING OUT OF CERTIFICATES</b>

*\*The contents for the programme are subject to change.*

## Facilitators

	<p><b>Ms Yasmin Carrim</b> currently serves as an acting judge in the Gauteng Division of the High Court (Johannesburg). She is a Visiting Adjunct Professor, Wits Law School, University of the Witwatersrand. She served as a full time Tribunal Member of the Competition Tribunal of South Africa for 17 years. She has previously also served as a part-time member on the National Consumer Tribunal; a councillor on the Independent Communications Authority of South Africa (ICASA); and as Group Executive of Regulatory Affairs at MTN SA. Ms Carrim has produced a seminal publication, the Competition Tribunal Handbook of Case Law, which spans some 20 years of Tribunal jurisprudence and serves as a guide to practitioners, academics, and students. She has also co-edited a handbook on Telecommunications Regulation in South Africa. An attorney by</p>
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	<p>profession, Yasmin was a director at the law firm Cheadle Thompson &amp; Haysom and a founding trustee of the Women's Legal Centre.</p>
	<p><b>Prof Jonathan Klaaren</b> is Professor of Law and Society at the School of Law at the University of the Witwatersrand, Johannesburg. He teaches, researches, and writes in the areas of human rights, law, and sociology, having written over forty peer-reviewed publications and co-written or co-edited several books including two volumes from past ACER conference papers. His current research interests are in the legal profession, regulation and human rights, transparency, and sociolegal studies in Africa. He has served on a number of editorial committees and boards including those of the South African Journal on Human Rights, Law &amp; Society Review, and Law &amp; Policy. He holds a PhD in sociology from Yale University and law degrees from Columbia (JD) and Wits (LLB). He served as Dean of the Wits Law School from 2010 to 2013 and as Director of the School's Mandela Institute from 2005 to 2007. Beyond his permanent appointment in the Law School, he holds an additional appointment as a Visiting Professor in the Faculty of Humanities and works with the Wits Institute for Social and Economic Research (WiSER) and is a Research Associate at CCRED and the Public Affairs Research Institute (PARI).</p>
	<p><b>Prof Reena das Nair</b> is Director of CCRED and Programme Coordinator and Associate Professor in the Master of Commerce in Competition and Economic Regulation programme at the University of Johannesburg. Reena has worked for specialist economic consultancy Acacia Economics offering expertise in competition and regulatory economics. Prior to joining CCRED, Reena was Programme Manager: Industrial Policy at Trade and Industrial Policy Strategies (TIPS), a not-for-profit research organisation undertaking research for policy makers. Before TIPS, she worked as Principal Economist at the Competition Commission of South Africa. Her areas of research interest include competition dynamics in the grocery retail sector; food value chains, with a focus on barriers to entry for small and medium-sized enterprises. Reena also provides training for regulators and competition law and economics professionals in Southern and East Africa. Reena holds a Ph.D (Economics) from the University of Johannesburg and a MCom (Economics) from the University of the Witwatersrand.</p>
	<p><b>Mr Arthur Khomotso Mahuma</b> is a researcher at the Centre for Competition, Regulation and Economic Development (CCRED). He has 10 years' experience in competition economics across a range of sectors, including telecommunications, food and agro-processing, energy, and digital platforms. Prior to joining CCRED, he was a Senior Economist at the Competition Commission of South Africa. He holds a Masters in development economics from the University of Johannesburg.</p>



**Ms Grace Mohamed** is a founding partner of Candace Competition Law Advisory Services (CCLAS Advisory), Namibia. She is an economist and served as a Commissioner with the Namibian Competition Commission from 2016 to 2022. Before returning to Namibia, Grace held various management roles at the Competition Commission in South Africa (CCSA) from 2008 to 2015. During her tenure at the CCSA, as Section Head and Principal Analyst, she led teams of lawyers and economists on various complex mergers and cartel investigations and appeared before the Competition Tribunal. In 2010, Grace was seconded to the Mergers Unit of the Federal Trade Commission of the United States of America. Grace is an expert in the application of economics to competition law and has extensive experience in providing expert economic analysis and advice in mergers and acquisitions, abuse of dominance and collusion cases. As of Head of International Relations at the CCSA, she represented the commission at numerous international engagements. She was also the Executive Head for insurance and medical aid funds at the Namibia Financial Institutions Supervisory Authority/ She holds an M. Com in economics from WITS and an MBA from GIBS.



**Ms Ashley Tjipitua** is a founding partner of Candace Competition Law Advisory Services (CCLAS Advisory), Namibia. She is an admitted attorney of the High Court of Namibia and a former Director for Enforcement, Exemptions and Cartels at the Namibian Competition Commission. Ashley has also worked in the other designations at the NaCC for over 10 years, including the role of analyst in mergers and acquisitions. Ashley specialises in mergers, competition law complaints, including cartels and abuse of dominance. She has particular expertise in the health, financial services, insurance, aviation and telecommunications sectors. Ashley was responsible for the launch of the Corporate Leniency Programme in Namibia. Ashley also advises clients on their compliance programmes, and on designing and implementing competition law training. She has represented the Namibian authority at several international platforms including the ACF, ICN, and OECD. Ashley has a B. Juris, LL.B from the University of Namibia and an MBA from the University of Stellenbosch Business School (USB).