# Government Policy and Competitive Business Environment in Bangladesh: A Case Study

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## Abstract

The competition policy is a body of law employed to deter restrictive business practices. A survey conducted by the World Bank found that Bangladesh does not have an ideal business environment in most key areas of starting and doing business. The survey did not address the reasons for lack of good business environment in Bangladesh. Using a purposive sample and an opinion survey, this paper examined the competition policy of the government of Bangladesh in four major economic sectors. The results indicate that in all four sectors, the government's competition policy fails to deter anti-competitive behavior of major firms. Further, members of civil society believe corruption and bribery play a major role in the government's failure to prohibit dominance of major firms.

## Introduction

The competition policy is a body of laws, administrative rules and case law employed to deter restrictive business practices in order to maintain fair competition. It also includes rules and regulations that deal with mergers and acquisitions. The competition policy includes measures that remove restrictions upon and barriers to competitive transactions within a national market. Its target categories are cartels and other horizontal restraints, dominant positions and mergers, vertical restraints, price discrimination and multinational enterprises. The aim of competition policy is to create a competitive market environment by adopting appropriate measures to deal with anticompetitive conduct of business firms. The general goals of both trade policy and competition policy are to increase the efficiency of resource allocation and welfare of consumers. However, their strategies differ as trade policy emphasizes cooperation among the nations of the world whereas competition policy wants to promote rivalry among the various firms of the nations as well as across the nations.

To date there is no in-depth and systematic analytical study to determine the nature, magnitude and impact of restrictive business practices, monopoly and anti-competitive elements (RMA) in the different sectors of Bangladesh economy. The World Bank has carried out systematic surveys in a large number of countries including Bangladesh on business environment and investment climate of recent years. The Bank's *Doing Business Project* initially covered 130 countries in 2003. The survey began with five areas of business regulation and subsequently additional topics were added. It included business regulation, insolvency, contract enforcement, hiring and firing workers and accessing credit. Table 1 ranks the relative position of Bangladesh in various areas.

**Table 1: Overall Business position of Bangladesh in 2005**

| Ease of -- | Economy Rank |
|---|---|
| Doing Business | 65 |
| Starting a Business | 52 |
| Dealing with Licenses | 53 |
| Hiring and Firing | 22 |
| Registering Property | 151 |
| Getting Credit | 44 |
| Protecting Investors | 17 |
| Paying Taxes | 92 |
| Trading Across Borders | 125 |
| Enforcing Contracts | 75 |
| Closing a Business | 77 |

Source: The World Bank (2005), Doing Business 2005. Washington, D.C..

As seen in Table 1, Bangladesh fared poorly in all areas of the survey and its rank was below the mean (65) in 5 out of the 11 areas including such critical areas as registering a property, paying taxes, enforcing contracts and closing a business. The survey, however, does not address regulatory and monopoly issues. There are also widespread feelings among members of civil society and concerned citizens that because of favorable government regulations regarding purchase of inputs, advertising and general trade regulations, the major economic sectors of Bangladesh are dominated by a few big firms. In order to address the concerns of the civil society, an attempt was made to determine the nature and dimensions of RMA by asking questions to knowledgeable persons and stake holders of the concerned sectors. The methodology was that of a purposive sampling. Two survey instruments were designed and two types of questions were asked. The first questionnaire was designed to collect information on RMA in the different public and private sectors of Bangladesh economy in 2003. A second questionnaire, in the form of an opinion survey, was administered to collect information based on the in-depth interviews of the different constituencies of the society. This questionnaire was an opinion survey regarding RMA and competition and regulation policies in Bangladesh. The purpose of this paper is to analyze the overall business practices in major sectors of Bangladesh economy with a view to evaluating the competition policies of the government in each of these sectors.

## A Brief Review of the Theory of Competition

The theory of a competitive firm is now well-founded in the literature of Economics. The competitive market model is assumed to satisfy certain conditions. In this market there would be a large number of buyers and sellers making transactions of a perfectly homogeneous product at a predetermined market price over which no individual buyer or seller will have any control. Obviously there would be perfect information of the product to buyers and sellers, no advertisements, no transport costs, no barriers to entry or exit, and perfect mobility of factors production. Any infringement of any of the conditions or any deviation from this well-defined model would make the market imperfect. It does not seem necessary to make an elaborate case against the seemingly unrealistic assumptions of the perfectly competitive market model. These assumptions were severely criticized by two well-known authors of modern economic theory, Joan Robinson and Edward Chamberlin[1]. While the ideal competitive market model is based on highly simplifying assumptions, the enforcement of a pragmatic competition policy by a government will confront the complexity of real life. A large variety of administrative, international, diplomatic and political issues are involved in the transaction of goods and services in the modern world. The emerging literature highlights the issues from different perspectives. Early academic works on the structure of competitive industry and control of monopoly are pertinent in the context of modern competition policy[2].

Defining unfair business practices and anticompetitive conducts is one set of problems. In addition there are also formidable difficulties in formulating and enforcing a comprehensive competition policy. Besides, the implementation of competition policy has also other deep rooted implications for political and sociological dimension of the society. One of the most influential works on this subject is due to Scherer[3]. This work has been done within the broader framework of the Brookings Institution's project on Integrating National Economies. The cornerstone of this project is its emphasis on international economic interdependence and the increasing sensitivity of national economies to events and policies originating abroad.

## Methodology

As discussed earlier, two surveys were conducted to evaluate the competition policies of the government of Bangladesh in selected economic sectors. The methodology for evaluating the competition policy was based on the common perception that major companies dominate the production and distribution of telecommunication products, pharmaceutical and medicine products, petroleum products, and food and soft drinks products. Such perceptions were captured from the studies conducted by the World Bank (reported in Table 1) as well as from the popular print and electronic media[4]. In order to investigate the hypothesis (Ho: Major companies dominate production and distribution of most goods and services in Bangladesh due to lack of competition policy), any study of this nature must begin with a precise identification of the population from which the sample will be selected. Secondly, once the population is identified, we decided to use the purposive sampling method to accomplish the objective of this study. As Guilford and Fruchter (1978) mention, a purposive sample "is one arbitrarily selected because there is good evidence that it is very representative of the total population" (p 123).

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[1] Robinson, J. (1931), The Economics of Imperfect Competition, The Macmillan Limited, London and Chamberlin, E. (1932), The Theory of Monopolistic Competition, Harvard University Press, Cambridge, Massachusetts, MA.
[2] See in particular Robinson, E. A. G. (1931), The Structure of Competitive Industry, Cambridge University Press and Robinson, E. A. G. (1966), Monopoly, Cambridge University Press.
[3] Scherer, F. M. (1994), Competition Policies for an Integrated World Economy, The Brookings Institution, Washington, D.C.
[4] www.e-mela.com provides a comprehensive list of all daily and weekly newspapers of Bangladesh. A number of issues of these popular sources, both electronic and print version, were consulted to formulate the main research question of the study, e.g. major companies dominate the production and distribution of most goods and services in Bangladesh.

Two purposive samples were used to elicit responses from stake holders and from civil society members. The first set of questions was designed to elicit responses on types of RMA and their consequences. Answers to questions were sought from stake holders both in their own sector as well as outside of their respective sectors. It was an investigation with a structured questionnaire with in-depth interviews. Investigations were carried out in the following four sectors[5]:

- Telecommunications
- Pharmaceutical and medicine products
- Petroleum products, and
- Food and soft drinks

The following sections contain a brief description of the government's competition policy in the four sectors noted above followed by an analysis of the responses collected through interviews.

## Telecommunications Sector

The telecommunication sector was until early 1989 the sole monopoly of the public sector corporation known as Bangladesh Telegraph and Telephone Board (BTTB). It was the only provider of telecommunication network services in the country. However, in 1989 the government for the first time issued a license to a private operator for provision of cellular, paging and radio tracking services with exclusivity for five years.[6] This small beginning of a private sector provider in the telecommunication sector has now gone a long way in enhancing the role of the private providers in the telecommunication of the country. While it is true that the Public Switched Telephone Network (PSTN) market has been dominated by BTTB and there has been no significant competition in the fixed-line access market, the cellular market has recently featured more competitive elements than in the past.

The Bangladesh Telecommunication Regulatory Commission (BTRC) has recently divided the country into five zones. It has accordingly given 35 licenses to 19 operators to provide PSTN services to the four regions, i.e. southwest, southeast, northwest and northeast of the country. However, Dhaka multi-region area is considered the central region where an investment of taka 30,000 million ($428 million) in the next five years is expected from the private sector. This would bring about 2.5 million land line telephones in the region. But for this project, large investment is needed by major investors. This would mean reinvestment for the expansion of network and infrastructure. The existing private sector PSTN operators are not in favor of open tender for this project because they do not think they would qualify through the competitive process.[7]

The telecommunication market can be better understood by considering the current state of affairs of the telecommunication operators of the country:

- BTTB provides fixed telephone, NLD and O/S services.

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[5] Popular press reported that these four sectors were dominated by big firms and that there was a lack of competition in these four sectors more than other sectors of the economy.

[6] Bangladesh Telecommunication Regulatory Commission, Licensing New Public Switched Telephone Network (PSTN) Operators in the Private Sector, July 2003.

[7] For details see Islam, Z. (2005), Landline telecoms line up with huge investment plans, New Age, August 25, 2005.

- The cellular service is provided by mobile companies like Grameen Phone, TMIB (brand name Aktel), Sheba (brand name Banglalink), PBTL (brand name City Cell), and Teletalk (new mobile of BTTB). Whereas City Cell uses the code division multiple access (CDMA) technology, other companies including BTTB use global system for mobile (GSM) technology. The CDMA is more efficient in radio frequency utilization than GSM but its equipments are more complex and expensive.
- As many as fifteen companies have been given licenses in 2004-05 for PSTN or fixed telephone (wire line and wireless) to operate in four geographical zones of the country. About 170 have been given licenses for providing internet services but only 50 are functional.
- The rural telephone service is provided by Bangladesh Rural Telecommunication Authority (BRTA) and Integrated Service Limited (ISL). The BRTA provides about 45000 lines in northern zone and ISL provides about 3000 lines in southern zone. The BRTA has been divided into two companies that are further converted into two fixed telephone operator companies.
- Radio tracking and radio paging are done by Bangladesh Telecom Ltd. (BTL).

It has been pointed out that the primary constraint to the expansion of telecommunication service has been the distorted telecommunications market controlled by a monopolistic government provider (BTTB) not willing to increase its capacity to connect mobile systems to the fixed telephone infrastructure. The GP and other mobile companies have been unable to add additional phones to the national switched network and instead have had to offer primarily mobile-to-mobile phone services.

In addition to the above mentioned products, the GP also provides short message service (SMS), voice message service (VMS), wireless application protocol (WAP) and international roaming.

GP has the widest network and it plans to cover the whole country by 2005. The price and output decisions of the GP are taken by its management board. It distributes products to its customers through sales agents. GP has agreements with established agencies like Butterfly, Flora and Rangs that also distribute its products. Currently the number of distributors in the whole country is over 250.

In order to appreciate the nature of the telephone mobile market, it is necessary to look into the behavior of other players that are GP's competitors. Among the existing competitors, City Cell and Aktel are planning to develop countrywide network. The recently introduced Teletalk by BTTB will ultimately have nationwide coverage. These potential developments will have considerable impact on the market share of GP. Global companies like AT&T and BPL are operating in India. If these companies decide to (as speculations are there) to enter the telecommunication market of Bangladesh with higher capital and cheaper technology, it will have significant impact on the market share of the existing market operators.

Since GP is a joint venture of some telephone companies, it is a case of horizontal integration. Whether it would be able to exert any significant influence on market share or not would depend on market developments now and in the future. Whether joint venture should be allowed to work or it should be divided /broken into four companies would remain an important policy decision for the government of Bangladesh. However,

a crucial factor in the policy decision would be to consider whether GP is involved in any anti-competitive practices or not. The economies of scale and or scope appear to have an important role to play in the present context of telecommunication market.
This, however, needs a careful analysis of mobile telecommunication industry in Bangladesh. In the first half of 1990s City Cell was the only mobile company in the country. The company targeted only the upper class of the society and during that time the price of mobile telephone was more than Taka fifty thousand (more than $1,000). The government of Bangladesh issued licenses to other operators thereby increasing the competition in the market. However, the market share of the GP is still the highest being around 70%. Until the introduction of Teletalk, the market shares of Aktel, City cell and Sheba have been 13%, 12% and 4% respectively. GP has the advantage of large investment by its shareholders, sanctioned loan from the World Bank, cheap rate of packages and countrywide network. In addition, GP has a contract of 25 years with Bangladesh Railway to use its optical fiber network that has enabled to set up a cheap network nationwide.

## Pharmaceutical Sector

The pharmaceutical sector of Bangladesh exhibits characteristics of an oligopolistic structure except the lack of advertising. There are a large number of firms in this sector producing drugs, cosmetics, toiletries and food items. While price and output decisions are in principle taken by the management boards, the drug prices are significantly influenced by the pricing policy of the government of Bangladesh. Some pharmaceutical firms collude or cooperate among themselves in respect of production of certain products and their pricing. There are restrictions on the use of imported raw materials in the pharmaceutical industry of Bangladesh. The firms are forced to use locally available raw materials of low quality. They are required to follow the listed price of the product and there is no scope for advertisement.
The large pharmaceutical companies play dominant roles especially in the urban markets. The markets are segmented and the prices of some widely used products (such as the widely used aspirin-based pain killer Paracitamol) vary from firm to firm. In most cases, products are differentiated only through packaging – a common feature of imperfectly competitive firms. The drugs are easily available without prescription. A number of pharmaceutical products made in Bangladesh are exported to the neighboring countries of the region.
As an example of an oligopolistic firm, Glaxo Smithkline, a horizontally integrated multinational company holds major market share in products like vaccine and horlicks although in principle it competes with some smaller firms. The government requirement to buy raw materials locally adversely affects the firm’s variable costs. In general, there are many formal and informal restrictive business practices in the pharmaceutical market of Bangladesh. The requirement of hygiene and health conditions for certification of a new product often works as a deterrent to market entry. Interestingly enough, many drugs of cheaper quality are available in the market at lower prices due to smuggling across the India-Bangladesh border.

## Petroleum Products

The petroleum sector of Bangladesh is oligopolistic in nature. A few companies like Singer, Titas Gas, Bashundhara and Summit Surma Petroleum Company Limited (SSPCL) are engaged in producing LP gas in Bangladesh. Some of these companies are agglomerations of several companies doing diverse businesses. For example, SSPCL is one such company that works under Summit group.
The distribution of LP gas to the customers is done through dealers.
The pricing of LP gas mainly revolves around the international market. The company sets up a price structure on the basis of international market price and overall costs of production. The company first sells the gas to its contracted distributors at a trade price that is set up at cost and freight basis
This price is fixed on the basis of global cost of per unit LP gas. The distributors then supply to the local dealers at different points. The sales price at this particular exchange is formed by the previous trade price plus the distributor's expenditure including its margin. The dealers after procuring the gas from the distributors sell gas to the consumers at retail price. The major incentive to this price is the dealer's own price of the gas which they fix with a good profit margin. Thus the final consumers purchase the gas at a price that is largely determined by the dealers which in turn is dependent on the price that they pay to the distributors.
The main target customer area of LP gas is the region of Bangladesh where natural gas provided by the government is not available. Compared to natural gas the price of LP gas is higher. On the other hand illegal gas distribution from natural gas line, gas stealing and illegal pricing in some areas have adversely affected the use of LP gas. SSPCL plays a dominant role in production and distribution of LP gas. It has a market share of 30%. The targeted market area is expected to cover a part of Bangladesh that has no access to natural gas facilities. However, the non-availability of gas burning stoves has limited the use of LP gas in the rural areas. People in the rural areas burn trees for cooking than using LP gas.
The petroleum companies discriminate between commercial and household customers. For example, SSPCL segmented its market in two major areas. Household customers are people of income of about taka 7000. They use it for domestic purposes like cooking, central heating, space heating, hot water, and air conditioning. The commercial use is for the major and medium hotels and industries for boilers.
Unlike the pharmaceutical companies, petroleum companies use newspapers, signboards, banners, leaflets, calendars and seminars to promote their products, capture market and make profit; however, no plant in Bangladesh can manufacture LP gas containing cylinders; these are imported from India.

## Food and Beverage Products

Bangladesh produces a large number of food products and the market is oligopolistic. Bread, biscuits and soft drinks are the dominant food products of Bangladesh. Al Amin Bread and Biscuits Limited, Nabisco Biscuits Limited and Haque Biscuits Limited are the major food producing company of Bangladesh with a limited export market. The market shares of Al Amin, Nabisco and Haque are 20%, 20%, and 15% respectively. All major companies advertise their products in television, radio and the print media with Al Amin being the most aggressive advertiser. Like biscuits the market for soft drinks is also dominated by a few large firms. Coca cola, Pepsi, RC Cola, Virgin, Uro Cola and Pran Cola are the major producers of soft drinks in Bangladesh.

The market shares of Coca Cola, Virgin, Pepsi and RC Cola are 40%, 25%, 20% and 10% respectively.

Another important food item is the dairy products. The dairy industry of Bangladesh is still in its early stage of development. The major dairy firms operating in Banglaesh are Milk Vita, Arong, Aftab, MO Milk and Shilaydaha. Milk Vita is the dominant firm in the dairy industry of Bangladesh. It supplies 60% of the total products marketed in the country. The market share of Arong is 25%. Thus, the dairy industry exhibits characteristics of an oligopolistic market.

The market of dairy products of Bangladesh is vulnerable to price fluctuations of powder milk in the international market. The industry is a capital-intensive one but higher productivity technology is not available in the country. One of the weaknesses of the industry is that it has not given adequate attention to value added products. The interests of farmers, consumers and dairy farms are not protected as there is no dairy board to regulate them.

## Overall Business Practices in Bangladesh: Perceptions of the Civil Society

As a second phase of this study, an opinion survey was conducted among civil servants, politicians, journalists, business men, academics and bankers to elicit their perceptions about competition policy issues. The adverse consequences of RMA are generally recognized by the civil society. They identify telecommunications, power and energy, television and radio, transport and communications, banking and finance and pharmaceutical sectors to be most affected by RMA. They are of the opinion that effective measures should be taken against RMA to protect the interests of consumers in Bangladesh. Some of them are of the view that the chambers of commerce and industries should set up a code of conduct for the businessmen and measures should be taken against producers violating consumer's rights. The competition policy can safeguard the rights and interests of the consumers in Bangladesh by enforcing competitive pricing, disseminating market information and undertaking measures against restrictive business practices.

The civil society believes that a competition policy would not only protect consumer's rights but also increase productive efficiency of the economy. However, there should be differential treatment between private and public sectors. A national competition authority in Bangladesh would face some confrontation from the bureaucracy and the government in dealing with public sector monopoly. Generally it is recognized by all that public sector monopoly has a special role to play in the economy of Bangladesh particularly in promoting public interest.

The different constituencies of the society have expressed the view that private sector business in Bangladesh has some unholy alliance/collusion with the government bureaucracy. They are involved in financing political parties and national elections through corrupt practices. The private sector is in alliance with the bureaucracy to exploit government sanctions, permits and exemptions. The bureaucracy has been held responsible for the growth of monopoly and restrictive business practices in the country. The role of bureaucracy in implementing industrial and trade policies, control of public utility and management of state owned enterprises has contributed to the growth of anti-competitive elements in the economy. The restrictive business practices in the capital market influence the restrictive business practices in the manufacturing and other sectors of Bangladesh economy. The dominant firms significantly influence the flow of funds.

## Summary and Conclusions

The competition policy of the government of Bangladesh in four economic sectors was examined in this paper. An analysis of the government's policies in telecommunications, pharmaceutical and medicine products, petroleum products, and food and soft drinks was examined in this paper. All of the sectors exhibited an oligopolistic market structure with the dominance of one major firm in each industry; however, the government's competition policy did not specifically address remedies for reducing or eliminating the dominance or enhancing competition in these sectors. The perceptions of the civil society members regarding restrictive business practices, monopoly and anti-competitive elements will play a crucial role in the formulation and implementation of a national competition policy in Bangladesh. Inevitably it would require establishment of a national competition authority and its performance would depend, among other things, elimination of collusion of the bureaucrats and the management of large firms.

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