

Competition in Kenya: The Legal and Institutional Framework and an Appraisal of Key Market Players

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Abstract : Despite Kenya's status as a regional economic powerhouse, it struggles with economic shocks that expose the consumers. This, however, seems not to affect major cooperates such as those in the telecommunication and energy sectors. Through their operations, they have not only been able to fluctuate prices at will but also they have been accused of curtailing their rivals from penetrating the market. This study, through literature review of the legal and institutional framework, reports and publications interrogates the law and uncovers the following; i) failings of the legal framework to define market dominance and abuse of such positions, ii) the participation of the state, iii) the inertia of the government to prosecute corporations that abuse their market dominance, iv) the role of the state as a market player and as a regulator through the Competition Authority of Kenya. This study concludes that the market distortion is as a result of weak legal and institutional framework as well as conflict of interest by the government. Not much has been researched in the field of competition law the greater East Africa. This research is intended to form part of the growing research in the field and inform legal reform.

Keywords : competition law, economic power, dominance, Kenya

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