# The Spread of Competition Law and Policy in Africa: A Research Agenda

December 22, 2020

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**Cite as: T. Büthe and V.K. Kigwiru,The Spread of Competition Law and Policy in Africa, Volume 1, AfJIEL, (2020) 41-83.**

**Abstract**

Economic law – the focus of this new journal – has enabled and shaped the phenomenal, extremely dynamic, yet also highly uneven development of markets in Africa in recent years. It also is called upon to "govern" those markets and to ensure that individually rational behavior by economic actors produces outcomes that are beneficial for the people of Africa, as well as economically and ecologically sustainable.

This paper focuses on competition law as an area of economic law that has inspired particularly high hopes for ensuring that the benefits of a market economy are widely shared. Competition law seeks to encourage and

safeguard competition in markets by making anti- competitive agreements and conduct illegal and to constrain economic power by punishing its abuse and by regulating mergers and acquisitions to reduce the risk of monopoly and oligopoly. We consider not just “black letter law” but also the public institutions needed to implement and enforce competition law such that it maintains and creates economic opportunities, as well as incentives for innovation, greater efficiency and lower prices. In doing so, we are cognizant of the inherently political and controversial character of competition law and its enforcement, because it entails the use of the power of the state to constrain and possibly redistribute private economic power.

Competition law used to be very uncommon in Africa, but in the last two to three decades has rapidly spread throughout most of the continent. We therefore first take stock of the status of competition laws and agencies at the national and – especially – at the regional level. Based on this overview of the history and current state of competition law and policy throughout Africa, as well as our review of the literature, we then set out a research agenda for better understanding the reality, promise, and limitations of competition law and policy in Africa. In doing so, we make the case for a multidisciplinary and indeed genuinely interdisciplinary approach to the study of competition law and policy, which incorporates political analysis along with legal and economic analysis.

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