

**Intergovernmental Group of Experts on Competition Law and
Policy, Fifteenth Session**

Geneva, 19-21 October 2016

Round Table on:

***"Strengthening private sector capacity for competition
compliance"***

Contribution

By

**Francis W. Kariuki
Director-General**

The views expressed are those of the author(s) and do not necessarily reflect the views of UNCTAD



IGE ON Competition law and Policy
15th Session
Geneva, 19th to 21 October, 2016

“Strengthening Private Sector Capacities for Competition Compliance”

Francis W. Kariuki
Director-General

"A Kenyan economy with globally efficient markets and enhanced consumer welfare for shared Prosperity"

A. The Staircase

1st Step:-

- **Build Agency's internal capacity** (regulatory capacity, credibility, skills and numbers)
- **Prioritize** the sector/identify the problem;
- **Identify the key stakeholders** (Corporates, In-house Counsels, Legal Firms, Trade Associations, media, among others);

2nd Step

- **Identify:** **Resources** required (human & Capital);

Mode of delivery (advisory opinions; include Workshops/symposiums, Press releases, brochures, training, road shows, special windows-'leniency');

Whether group/association or each stakeholder/individual **approach.**

A. The Staircase

3rd Step

- **Create buy-in** among the Stakeholders (through meetings; press releases; presentations from both internal and external (international) speakers)

B. The Strategies

1. Annual Training for Stakeholders

- 3 years old – trained a total of 180 persons from _____ stakeholders
- Focuses on theory and real cases (national, regional and international)
- The number of legal firms interacting with the Authority has increased from 5 (four years ago) to 24 currently (500% increase)

2. Annual Symposium

- Review/Audit of the Authority's activities/cases
- Discussion of the topical competition issues

Strategies Cont'd

3. Pro-bono Advisory Opinions

- Pre-notification meetings
- Advise on intended agreements

4. Publication of guidelines and procedures

5. Celebration of the World Competition Day

- Relating Competition policy with the Country's Economic Agenda
- Showcasing the Impact of the Authority's decision (especially to the poor);
- Expounding on the Authority's procedures, issued guidelines and any other publications released

6. Media Training

- 112 journalists from 21 media houses trained – period 3 years
- Media counts have increased by 334% with the period
- Appreciation of the Competition policy and law deepened in the media houses

Strategies cont'd;



7. Special Compliance Process

- Targeting trade associations
- Prioritized Sectors (agriculture & Financial)
- Development, implementation and monitoring of Corporates internal competition compliance frameworks

8. Workshops/seminars

- Tailor made (legal firms; corporates; trade associations)

9. Interaction with the Universities

- Curriculum Development
- Motivation to research
- Ensures sustainability

C. Challenges

- ▶ Resource constraints compared to the demand from the stakeholders;
- ▶ Low competition culture
- ▶ The underdevelopment of the law
- ▶ Lack of buy-in