

**COMPETITION  
AUTHORITY  
OF KENYA**

Creating efficient markets for consumers

# Ushindani

*Ushindani* (Swahili for 'Competition') is a biannual Newsletter of the Competition Authority of Kenya | **ISSUE 4** | February – March 2020

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## COVID-19: UPHOLDING SERVICE DELIVERY DURING A PANDEMIC

**The Competition Authority of Kenya has automated its core mandate functions.**

**Mr. Eric Mwangi**, the Authority's Director, Corporate Services, discusses the CAK's automation journey, the benefits accruing to stakeholders, as well as the risks associated with automation and how they have been mitigated against.

» **What is automation and what services have been automated by the Authority?**

Automation was aimed at creating and applying technology toward the efficient execution of the Authority's mandate as provided in the Competition Act. The systems deployed are; the Case Management System (CMS), Public Portal and the Enterprise Resource Planner (ERP).

The CMS and the Portal have fully automated the Authority's key mandates, which include; filing of mergers and exemption applications, restrictive trade practices such as abuse of dominance, as well as filing consumer and abuse of buyer power complaints.

Further, the ERP has automated processes of procurement, recruitment, and enhanced financial management and auditing of the financial resources allocated to the Authority.

» **Briefly describe the Authority's automation journey?**

The Authority recognized that there was need to enhance the predictability and efficiency of service delivery. A gap analysis exercise established the specific infrastructural requirements



## AUTOMATION HERALDS IMPROVED SERVICE DELIVERY FOR CAK STAKEHOLDERS

that would enable the Authority actualize optimum automation. The automation journey began in earnest when the Authority visited the Dutch Competition Authority, the Competition Commission of South Africa, and the Swaziland Competition Commission to benchmark on their e-solutions.

Upon securing funding for the project, the Authority engaged a consultant to develop the appropriate systems, while inculcating the views of the members of staff and stakeholders.

After development of the systems, the members of staff were trained on how to use them with a focus on how the core mandate processes have been integrated.

The Authority then procured the requisite hardware to enable efficient utilization of the systems. This included purchasing of laptops to enable members of staff access the systems when away from their work stations as well as setting up a Disaster Recovery Site (DRS) to ensure that the system experiences minimal downtime, if any.

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**ISSUE 4** | February – March 2020

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### » How has automation impacted the Authority's service delivery?

The major benefit of the automation is increased efficiency in terms of handling cases. Previously, it would take up to 4 hours to move files between Departments. It now takes minutes, irrespective of the geographical location of the case officers.

The Portal eliminates the need for hard copy applications, secures the integrity of the documentation, while facilitating real-time tracking of matters lodged with the Authority. It is anticipated that our stakeholders will also note a reduction in the Authority's turnaround time.

Further, the launch of the Portal has occasioned a drop in operational costs such as stationery and printing costs. At the moment, the Authority's staff print only what is unavoidable and in final draft.

### » What are the challenges brought about with automation and how have you mitigated them?

One of the major challenges of any ICT system is unavailability and/or data loss. As mentioned earlier, the Authority has developed an offsite Disaster Recovery Site (DRS) which can ensure recovery within the shortest time after materialization of an undesirable eventuality. Further, the Authority has enhanced the capacity of the ICT Department in terms of skills

and personnel and continuously sensitizes members of staff about cyber security. This will ensure the automated services are available to stakeholders with minimal disruption.

### » How did the leadership of the Authority manage the automation process?

The Authority recognizes the support of the National Treasury in regard to providing funding and the requisite approvals for the project. Further, a Project Team made up of key user Departments was constituted under the guidance of the Director-General. The key mandate of the Project Team was to track milestones of the project, as well as highlight the attendant risks and mitigating measures. In addition, each user Department identified Champions to support the Project Team. The Champions are members of staff who articulated each Department's needs, and reviewed their implementation. After the development of the CMS and the Public Portal, the Authority invited external stakeholders to review the system and their views used to improve the tools.

### » The Covid-19 pandemic has resulted in most organizations working from home. How has the automated process benefited the Authority during this unprecedented crisis?

Automation has facilitated members of staff to work remotely from the comfort of their homes, thereby ensuring

continued and unfettered delivery of the Authority's mandate while also protecting their health and, in the long-term, ensuring the sustainability of our human capital.

Further, the Authority is holding conferences through e-platforms. Indeed, we recently held a Townhall Meeting with members of staff where experiences regarding working from home were shared. Automation has also helped the Authority track the productivity of staff members. For services that cannot be dispensed remotely, the affected staff members have been requested to proceed on leave.

### » The Digital Economy Blueprint envisions that governments will digitize their operations and take services closer to the Public. How has the Authority's automation enabled this to happen?

Any stakeholder can now access the Authority's services from an Internet-enabled device. The Authority has therefore brought services closer to our stakeholders without incurring costs of building offices in the various counties (brick and mortar). As the Authority grows, it is imperative that we continually improve efficiencies in our processes, especially in improving the turnaround of cases regarding mergers, consumer protection, abuse of buyer power and restrictive trade practices. «

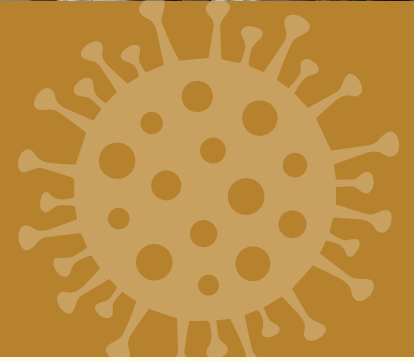
**The CMS and the Portal have fully automated the Authority's key mandates, which include; filing of mergers and exemption applications, restrictive trade practices such as abuse of dominance, as well as filing consumer and abuse of buyer power complaints.**

Eric Mwangi | Director, Corporate Services, CAK





# ENFORCING COMPETITION LAW DURING THE COVID-19 PANDEMIC



By Vellah Kedogo | Former Young Professional

Since the World Health Organization (WHO) announced the Covid-19 pandemic, Governments, institutions, businesses and the public have been forced to change the way they live and operate. To date, there is no vaccine and no specific antiviral medicines against COVID-19.

The Covid-19 pandemic provides an opportunity for unscrupulous businesses to engage in anticompetitive practices to the detriment consumers, a possibility that has necessitated the intervention of Governments and competition agencies across the World.

Following the confirmation of the first COVID-19 case in the country,

the Authority issued a Cautionary Notice against manufacturers and retailers against collusive increase of prices and/or hoarding with the intention of increasing prices of various essential goods. The Notice further called upon members of the public to be vigilant and report any suspected contraventions to the Authority.

Accordingly, and in line its consumer protection mandate, the Authority heightened its market vigilance through investigations across the country.

On 16<sup>th</sup> March 2020, CAK issued a remedial order against a local supermarket retailer after it was established that the retailer had engaged in unconscionable conduct contrary to the provisions of Section 56 of the Competition Act of Kenya.

Specifically, Cleanshelf Supermarkets was found to have unconscionably raised the prices of Tropical brand hand sanitizers. CAK observed that: *'Cleanshelf Supermarkets normally retails the specific hand sanitizers at Kes. 800/=. However, the Authority has determined that the retailer on 15<sup>th</sup> March 2020 sold the same batch of product to consumers at varying amounts above Kes. 800/=, including Kes. 1000/=, with the prices increasing within hours'. Cleanshelf was ordered to CONTACT AND REFUND ALL the consumers who purchased the 960 pieces of the Tropical brand hand sanitizers above the usual selling price and submit evidence to support the same by 26<sup>th</sup> March 2020.*

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## Enforcing Competition Law During the Covid-19 Pandemic by the Competition Authority of Kenya

As a result of the countrywide investigations, the Authority also established that some manufacturers had entered into exclusive agreements that facilitated allocation of distributorship territories, brand exclusivity, quantities supplied. These manufacturers deal in essential commodities such as maize flour, wheat flour, edible oils, rice, sanitizers and toilet papers. Their exclusive agreements deter manufacturers of competing brands from accessing the same distributors to deliver their products to retail outlets contrary to Section 21(1) of the Competition Act, No.12 of 2010’.

The Authority therefore issued a Cease and Desist order on 23<sup>rd</sup> March 2020 to the manufacturers and distributors, warning them to expunge such exclusive clauses from their contracts unless they apply for and receive an exemption from the Authority.

In instances where competing businesses seek to collaborate with the aim of increasing the efficiency of the supply chain of essential goods and services that would reduce the impact of the Covid-19 pandemic, and they are uncertain about the compatibility of their actions with the Competition Act, they can seek an advisory opinion from the Authority.

This informal guidance is offered free of charge. If they apply for an exemption under Section 26(3) of the Competition Act, the Authority will consider the application based on whether there are exceptional and compelling reasons, such as public benefit, to grant such an exemption. <<



## WORKING FROM HOME: ADAPTING TO THE CHALLENGES OF THE PANDEMIC

**Optimal productivity is a desired managerial goal on any organization; it ensures that the institution achieves its set targets and mandate, whether they are operating in the public or private sector space.**

While this goal may be taken for granted by some, the challenges brought about by the COVID-19 pandemic has highlighted its centrality to any organization and forced a rethink about concepts such as conducive working environments.

The global move to curtail the spread of the novel coronavirus has forced a paradigm shift on how organizations work; business, including high-level meetings, are now being held virtually. This in itself presents new challenges, including user and security challenges.

Following the Presidential Directive on Coronavirus on 15<sup>th</sup> March, 2020, the Authority directed 90% its members of staff to work from home.

This decision was made with the comfort that the Authority’s automated processes would ensure that staff members could process their cases and communicate remotely and, therefore, service delivery to the Public would continue uninterrupted.

Further, the Authority has progressively purchased laptops for its staff, allowing them to access the Case Management System (for technical services) and the Enterprise Resource Planning system (for support services) while away from their workstations.

In the early days of working from home, the usual excitement was palpable; staff were excited to work from home, closer to their families and eager to be “free” to plan their day. This was a new and welcome experience.

However, the excitement of this new dispensation wore off as days passed with the realization that more effort was required to be productive, efficient and accountable for their man-hours.

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**Following the Presidential Directive on Coronavirus on 15<sup>th</sup> March, 2020, the Authority directed 90% its members of staff to work from home.**

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Based on the individual accounts of the Authority's staff members, home based–deployment presented both opportunities and challenges to achieving the desired optimal productivity.

The employees noted that the elimination of the daily commute to work allowed them sufficient rest and allowed them to start working earlier and having sufficient time to rest.

Working from home also allowed them to customize their work environment. They also noted that there was increased commitment to following up on correspondences shared by colleagues. To achieve optimal productivity, they had to be self-motivated and be better time managers.

On the flip side, working from home presented several challenges which they have had to mitigate.

Top among them is a number of distractions, including balancing between work and other responsibilities. This inhibited concentration and

productivity. Further, the new working environment stifled quick consultations and sharing of ideas with colleagues. Others complained of insecure or unreliable internet connectivity impeding their access to the Authority's systems.

In order to achieve optimal productivity while working from home, below are tips to consider;

- **Set up a quiet home office or workspace, an area where you will work from and commit to working from daily;**
- **Invest in technology that you will need to comfortably and efficiently perform your work;**
- **Identify a comfortable and ergonomic furniture for use as you work;**
- **Establish/set work hours to work each day;**
- **Discover your most productive period of day and set your work schedules around your peak times;**
- **Have a to do list and ensure to update it every morning;**
- **Even if you don't leave the house, "Dress for success" as if you were in the office;**

- **Take short breaks, exercise and stretch regularly;**
- **Stay off social media;**
- **Use video chats to connect with your team frequently;**
- **Self-motivate by creating vision boards with personal and professional aspirations and look at it every day;**
- **Stay vigilant against information security risks.**

The Authority is among the first of the Government parastatals to quickly provide seamless migration to home based working with minimal disruptions, if any, to service delivery.

While there is room for improvement, empowering employees to work is one of the ways the Authority has withstood the unexpected and unprecedented changes to the country's socioeconomic environment.

A remote workforce has limited the adverse effects of Covid-19 pandemic and enabled business continuity. **◀**

# CAK HOSTS WEBINAR ON SOUND DECISION MAKING IN MERGER ANALYSIS

The Authority hosted an International Competition Network (ICN) Merger Working Group Webinar on Sound Decision Making on 2<sup>nd</sup> April, 2020. The ICN is a network of 104 competition agencies from across the world. The organization aims to promote efficient and effective competition across the globe for the benefit of consumers and businesses.

The main objective of the Webinar was to promote the adoption of best practices in the design and operation of merger review regimes, thereby promoting their effectiveness in enhancing competitive markets. The Webinar attracted over 160 participants from ICN member States from 10 countries, representing all continents.

Mr. Raphael Mburu, the CAK's Mergers and Acquisition Manager, made a presentation on *Regulatory Independence in Decision-making*, elaborating how CAK arrives at decisions based on objective evidence, respect for market principles and public interest considerations.

"The Authority publishes all its determinations on the Kenya Gazette and its Website, clearly highlighting the reasoning behind the final decision. This ensures that the Authority remains accountable, transparent, predictable and neutral," said Mr. Mburu.

The Competition Commission of South Africa (CCSA)'s presentation on *Evidence Based Decision Making* focused on the best practices in ensuring probative value of evidence looking at empirical analysis and in the round approach.



**The Authority publishes all its determinations on the Kenya Gazette and its website, clearly highlighting the reasoning behind the final decision. This ensures that the Authority remains accountable, transparent, predictable and neutral.**

Raphael Mburu | Mergers and Acquisitions Manager, CAK

Mr. Grashum Mutizwa, the CCSA's Principal Mergers & Acquisition Analyst, noted that the Commission relies on empirical evidence, market intelligence and testing of remedies with market participants prior to their imposition. The Commission also engages expert economists when processing complex cases.

The Competition and Consumer Protection Commission of Zambia

(CCPC) sensitized the Webinar participants about how the agency ensures that its merger review and decision-making process is transparent.

Ms. Luyamba Mpamba, Director Mergers & Monopolies at the CCPC, noted that one tool of enhancing transparency is engaging with merging parties

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and stakeholders to achieve clarity about the investigation process and how the decisions are reached.

She noted that the CCPC typically invites stakeholders likely to be affected by a merger to give their comments regarding a proposed transaction. A non-response is viewed as a vote that they are unlikely to be affected negatively.

“Competition regulators need to balance the right to protection of confidential information against the rights of defense in the merger review process,” Ms. Mpamba noted.

The fourth and final presentation of the day centred on *Anti-Bribery Laws in Kenya*, and anticorruption policies at the CAK, and their role in deterring

and punishing acts of corruption aimed at influencing the outcome of a merger review.

The pressure that some stakeholders face during deal-making, to ensure that a transaction goes through as planned, may cause some to contemplate using underhand tactics to try secure their preferred outcome.

In Kenya, the Bribery Act No. 47 of 2016 (Bribery Act) defines bribery, its prevention and stipulates measures likely to be taken against a person involved in corruption, including imprisonment, hefty fines and penalties, asset seizures, among others.

Mr. Linus Melly, a Senior Analyst with the Mergers & Acquisition Department, noted

that the Authority continually sensitizes all members of staff against corruption. He added that the Authority has in place a Code of Conduct guiding employee behaviour while on and off duty, including with stakeholders seeking various services from the agency.

Further, he said, all merger review cases are handled by two case officers simultaneously. Each case is reviewed and approved through a multi-step process which involves the Manager, Director and the Director-General.

The proposed decision is then forwarded to the Board for their consideration and issuance of a determination. These determinations are subsequently published in the Kenya Gazette and on the Authority’s Website for transparency and accountability. ◀◀

## COMPETITION (GENERAL) RULES PROMOTES INVESTMENT

**O**n 6<sup>th</sup> December, 2019, the Kenyan Competition (General) Rules, 2019 (Rules) were gazetted with the main aim making the Competition Act a dynamic and progressive legislation that catalyzes innovation and enhance transparency, predictability and accountability among the business community regarding the competition law enforcement process.

The Rules also accord the Competition Authority of Kenya the requisite discretion to prioritize enforcement, thereby minimizing regulatory burden and cost.

Specifically, the Rules have introduced a single notification regime for transactions with a regional dimension involving both the Authority and the COMESA Competition Commission (CCC). In such scenarios, the Rules now prescribe a single notification regime whereby, if at least two-thirds of the merging parties’ combined turnover or assets (whichever is higher) is generated or located in Kenya, approval only needs to be sought from the Authority.



The Rules have also reduced the merger filing fees for Small and Medium Enterprises (SMEs), with the aim of enabling them to unlock their contribution to the economy. Specifically, mergers where the parties’

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combined turnover does not exceed Ksh 500 million, are now exempt from notification to the Authority.

This amendment is expected to reduce the transactional costs of SMEs which intend to merge, thereby making them more credible competitors by improving their portfolio, while supporting a sector which plays an important role in economic development in terms of job creation.

This intervention is in line with the Government's broader agenda of promoting startups and attracting investment in the economy. Further, the new thresholds will enable the Authority focus its resources on transactions which have a significant impact on competition.

The Authority is alive to the fact that there are different classifications of companies depending on their turnover thus bringing equitable distribution of filing fees dependent on the turnover/value of assets. This is a departure from the previous requirements where the filing fees did not cogitate the parties' turnover.

Large companies will now be subjected to more intense scrutiny and assessment by the Authority and will, therefore, pay higher filing fees compared to small companies such as SMEs.

These Rules were developed through stakeholder participation, including the business community and the mode of setting filing fees was explained to them. The rates are generally only informed by the cost of analyzing the specific proposed transactions.

Another key development contained in the Rules is in regard to abandonment of mergers. The parties will have to fully agree on filing of the mergers and be proactive in submitting additional information. The failure to stick to the Authority's specific timelines and honor requests for information will automatically render the transaction abandoned, thereby saving all parties time. <<



## AMENDMENTS TO COMPETITION LAW ADDRESSES EMERGING ISSUES IN THE ECONOMY

**On December 13<sup>th</sup> 2019, the Competition (Amendment) Bill, 2019 was signed into law, bringing into force legislation that has the object of addressing emerging issues in the economy, including challenges of delayed payments.**

The revised Act is aimed at addressing this problem which has been highlighted in many sectors in the economy, including retail, construction and insurance, and which have detrimental consequences to small and medium sized enterprises (SMEs).

Further, the amended Act elucidates practices constituting abuse of buyer power. These include: delayed payment by a buyer without justifiable reasons in breach of contractual terms; unilateral termination of a commercial agreement without notice; transfer of costs; and a buyer's refusal to receive or return goods without justifiable reasons and in breach of contractual terms, among others.

The Act provides that all buyers and suppliers develop and adhere to an industry code of practice. In instances where the

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**The Act provides that all buyers and suppliers develop and adhere to an industry code of practice. In instances where the code is breached by either party, the matter can be escalated to the Authority.**



CAK's Board Chairman, Ambassador Nelson Ndirangu (left), Director-General Wang'ombe Kariuki (middle) follow proceedings at the Authority's 6th Annual Symposium. The theme of the Symposium was 'Financial Inclusion and SMEs Growth through Competition Regulation'.



Boniface Kamiti, CAK's Consumer Protection Manager, takes part in a live TV interview during the commemoration of World Consumer Rights Day.



Delegates follow proceedings at the World Competition Day Workshop. The theme of the event was Ensuring Effective Competition in an Increasingly Online World.



Mr. Raphael Mburu (right), CAK's Mergers & Acquisition Manager, takes part in a panel discussion at the 6th Annual Symposium. The Symposium, which is held annually, attracted over 90 participants, including lawyers, regulators, businesspersons, associations, among others.



Priscillah Njako, the Authority's Buyer Power Manager, sensitizes a top managers of a local telecommunications firm on Abuse of Buyer Power provisions under the Competition Act No. 12 of 2010.



Linus Melly, a Senior Analyst at the Authority, sensitizes members of the public about the mandate of the CAK during the Nairobi Innovation Week.



Director-General Wang'ombe Kariuki leads the staff members in kicking off the Cerebral Palsy Charity Walk at the CAK's Headquarters as part of the Authority's CSR activities.



CAK members of staff participating in the Cerebral Palsy Charity Walk to raise awareness about Cerebral Palsy and support the activities of the Cerebral Palsy Society of Kenya.



Senior ICT Officer Anne Mukami (left) assists a stakeholder with a query during the Public Portal and Case Management System (CMS) sensitization. The Authority has automated all its core mandate functions.



Maurice Nzuki, a CAK Legal Officer & Environmental Committee Chairperson, waters some of the 500 trees that the Authority's staff members planted at Gituamba Primary School in Naivasha, Nakuru County.



Members of staff participate in a volleyball match as part of a team-building exercise aimed at building a more cohesive workforce – Team CAK.



Anthony Mutula, (right) CAK's Principal Accountant and the HIV & AIDS Committee Chairperson distributes condoms to a member of the public during the World Consumer Rights Day commemoration in Western Kenya.

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### Amendments to competition law addresses emerging issues in the economy

code is breached by either party, the matter can be escalated to the Authority.

Contracts between suppliers and buyers must now contain minimum requirements, including terms of payment, payment date, interest payable, mechanism of dispute resolution, and conditions of contract termination or variation.

The Act empowers the Authority to monitor activities within sectors, and by undertakings, in regard to later payment issues and ensure compliance.

The Act also provides that all professional associations who do not seek an exemption of their rules and regulations which are contrary to the Competition Act No.12 of 2010 will have committed an offence and will be liable, if convicted, to imprisonment for a maximum of 5 years or a maximum fine of Ksh10 million, or both.

In April 2020, the Authority, based on market intelligence that some retail supermarkets are delaying paying their suppliers well beyond the agreed credit limit and without justifiable reasons, commenced investigations into the retail sector.

The aim of this investigation is ensuring that there is unfettered supply of essential goods in the country as we battle the Covid-19 pandemic.

The Authority's investigation has prioritized the retail sector due to its centrality in the economy, but will progress to other sectors including construction and insurance. <<



Kisii County executives listening to a presentation on Competition Law, Policy & Consumer Protection by Arthur Odima, a Senior Analyst at CAK.

## WORKING WITH DEVOLVED GOVERNMENTS TO IMPROVE COMPETITION CULTURE

**The Authority is empowered to conduct awareness creation activities and provide policy guidance to the national and county governments on matters relating to competition and consumer protection.**

The objective of this advocacy role is to promote and safeguard competition in the national economy and to protect consumers from unfair and misleading market conduct. Further, the Constitution of Kenya recognizes counties as key units in driving the economic agenda of the country.

It is against this backdrop that the Authority, in its 2017/18-2020/21 Strategic Plan, embarked on sensitizing and working with all the 47 counties on competition law and policy and the need to engender a competition culture in all regions of our country. The devolved units provide a bottom-up channel for implementing such advocacy initiatives.

So far, the Authority has sensitized key policy makers in 41 counties namely; Mombasa, Isiolo, Murang'a, Laikipia, Siaya, Kwale, Meru, Kiambu, Nakuru, Kisumu, Kilifi, Tharaka Nithi, Turkana,

and Narok. Others are; Homa Bay, Tana River, Embu, West Pokot, Kajiado, Migori, Kitui, Samburu, Kericho, Kisii, Taita-Taveta, Machakos, Trans Nzoia, Bomet, Nyamira, Garissa, Makeni, Uasin Gishu, Kakamega, Nairobi, Nyandarua, Vihiga, Nyeri, Nandi, Bungoma, Kirinyaga and Baringo.

In these County sensitization forums, the last of which was held in February 2020, the Authority interacted with Chief Executive Committee Members, Chief Officers, Directors, Deputy Directors and Legal Officers.

These officials were sensitized on various aspects of the competition law and policy including but not limited to; the overview of the Act, Mergers and Acquisitions, Restrictive Trade Practices (RTPs), Abuse of Buyer Power, and Consumer Protection. They were also taken through a checklist to reference when developing regulations and laws to ensure that they are pro-competition.

The February 2020 forums were carried out jointly with the Public Procurement Regulatory Authority (PPRA).

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**In these County sensitization forums, the last of which was held in February 2020, the Authority interacted with Chief Executive Committee Members, Chief Officers, Directors, Deputy Directors and Legal Officers.**

This was line with fulfilling the Memorandum of Understanding (MoU) signed between the two state agencies enabling collaboration when handling anti-competitive behavior in the public procurement sector, including sharing information when conducting inquiries and investigations with a focus on bid rigging/collusive tendering.

Procurement officers in counties were sensitized on the code of ethics and the procurement law.

From the interactions, the Authority identified key concerns on competition and consumer protection in agriculture, livestock, manufacturing, construction, food processing, transport, insurance, energy and petroleum, telecommunication and banking.

This information is invaluable in informing the Authority's investigations aimed at removing regulatory obstacles and to increase market efficiency, through effective competition, for the benefit of consumers.

Further, the Authority has been able to increase cooperation and collaboration with stakeholders especially counties by informing pro-competitive policy and regulations formulation and engagement with other stakeholders at the annual symposium and capacity building workshop. ◀◀



*A resident of Kombewa Town in Kisumu County wowed the crowd with her accurate grasp of the Authority's Consumer Protection mandate during the Roadshow to commemorate the World Consumer Rights Day.*

## WORLD MARKS WORLD CONSUMER RIGHTS DAY 2020

**The Competition Authority of Kenya (CAK) commemorated the World Consumer Rights Day (WCRD) 2020 by conducting roadshows in Migori, Kisumu and Kakamega counties to sensitize residents about their consumers' rights, needs, and obligations.**

The theme of this year's WCRD, which is marked annually on March 15, was 'Sustainable Consumer', in line with the Sustainable Development Goal No. 12 which speaks to the need to ensure sustainable consumption and production patterns.

Consumers were sensitized about their role in the production and consumption of goods and services, the attendant environmental impact, and how they can positively impact this ecosystem.

Sustainable consumption involves meeting the present needs for goods and services in ways that are economically, socially and environmentally sustainable. This ensures that we do not compromise the ability of future generations to meet these same needs.

Both individually and collectively, consumers share a responsibility for sustainable consumption. In particular, informed consumers are vitally important to promoting

**Consumers were sensitized about their role in the production and consumption of goods and services, the attendant environmental impact, and how they can positively impact this ecosystem.**

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sustainable consumption through the effects of their choice of products and services.

Consumer choice can force manufactures to change their production practices, build goods that last and which have a significantly less impact on the environment. Businesses and Governments, Government agencies, consumer bodies all have a role to play.

“Our key message is the power of consumers in making purchase, use and disposal choices and their ability to influence the whole system by demanding more from supply chains and calling for more sustainable products and

services,” said Boniface Makongo, CAK’s Director Competition and Consumer Protection.

“Sustainable consumption will boost resource efficiency and fair trade while helping to alleviate poverty and enable everyone to enjoy a good quality of life with access to food, water, energy, medicine and more.”

The WCRD Roadshow caravan, which made over 30 stops in three days, also saw the consumers get sensitized about the Competition Act No.12 of 2010 and the Authority’s mandate, including merger control and enforcement action against anti-competitive conduct.

Some of the salient consumer protection provisions under the Act include; false or misleading representation, unconscionable conduct against consumers, product safety standards and unsafe goods.

The Authority elaborated on the consumers’ responsibilities such as checking the expiry dates of products before purchase, reading and understanding the terms and conditions before signing binding contracts, and retaining receipts after purchases, among others.

Further, the residents of Kisumu, Kakamega and Migori were sensitized about the remedies available to them if their rights are abused. These restitution options include refunds, repair of replacement, as the purchasing situation warrants.

They were also educated about the process of lodging a consumer complaint with the Authority.

Additionally, the Authority’s staff participated in radio and television interviews aimed at spreading the message of sustainable consumption, and the Authority’s consumer protection mandate to a larger number of Kenyans. <<



**“Our key message is the power of consumers in making purchase, use and disposal choices and their ability to influence the whole system by demanding more from supply chains and calling for more sustainable products and services.”**

*Boniface Makongo, Director, Competition and Consumer Protection, CAK*

# CAK NURTURING YOUNG TALENT AND CAREERS

By **Linda Kirigi** | Former Young Professional

**I**n my search for new opportunities, I came across the Authority's Young Professionals (YP) Programme in the local dailies. As is often the case for many interns, I was worried that a majority of my time would be spent running errands, fetching tea or by the photocopier making millions of copies, with minimal pay, as opposed to actually learning, gaining experience and expanding my network. This was far from my experience at CAK.

Right from the interview process, the boarding to being assigned cases to handle, the Authority's professionalism stood out. The YP's were highly regarded, included as part of the team and actively involved in meaningful work throughout their one-year period. In addition, the rotational nature of the programme afforded me a unique opportunity to understand the organization, its mandate and closely interact with different officers.

I started my first quarter (three months) programme in the Mergers & Acquisitions Department where I gained valuable experience in the analysis of various types of mergers and acquisitions and interacting with various corporate entities and their legal representatives.

After three months, I moved to the Consumer Protection Department where I handled consumer complaints as well as actively participated in various consumer sensitization for a such as the World Consumer Rights Day. While attached to the Enforcement department in



*Linda Kirigi, a former beneficiary of the CAK's Young Professionals programme.*

the third quarter, I was involved analyzing in cases where parties are suspected of participating in anticompetitive behavior to their benefit and to the exclusion of consumers. I participated in conference hearings, where the accused parties and their legal representatives, are given a chance to orally make submissions. I was also involved in a dawn raid of a key input manufacturer in the agriculture sector.

To cap off my internship, I joined the Policy and Research Department where we conducted desk research and field work for market inquiries and sector studies. The Department also organized various stakeholder engagement functions key among them being the annual training and symposium.

If asked, I would be hard-pressed to select the Department I enjoyed the most as each had its unique learning experiences and challenges. The technical on-the-

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**If asked, I would be hard-pressed to select the Department I enjoyed the most as each had its unique learning experiences and challenges. The technical on-the-job training was complemented by specific training sessions provided by professionals in competition and other relevant fields.**

job training was complemented by specific training sessions provided by professionals in competition and other relevant fields.

This included training by the Directorate of Criminal Investigations and the Japan Fair Trade Commission (JFTC), the University of Nairobi, and the Consultative Group to Assist the Poor (CGAP), among others.

Over and above the technical training, I was also empowered by the dynamic team members were always ready to assist and mentor us. They provided guidance and took time to explain the various concepts.

The management had an open-door policy, ensured the YPs were included when they assigned duties and regularly followed-up on our progress. I would also like to acknowledge the support

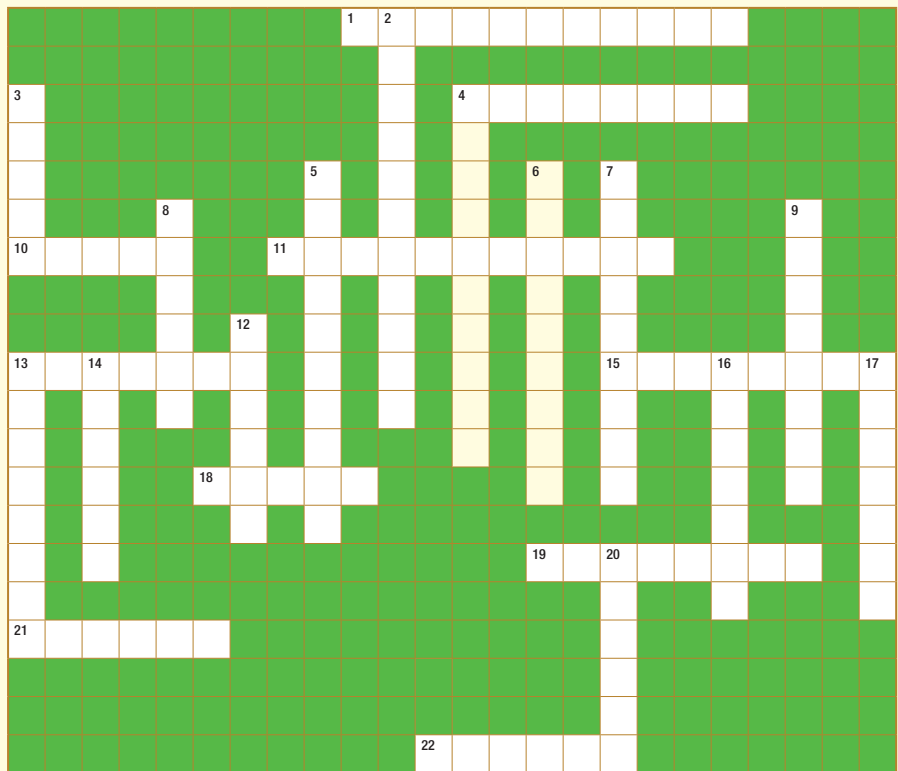
I received from my fellow YPs who always made it exciting whenever I was on duty. A network was built with the staff and YPs which continues to exist to date.

Looking back, applying for a YP Programme slot at the Authority remains one of my best decisions in my career thus far. Aside from the technical expertise gained, the programme enhanced my time management and inter-personal skills. <<

### COMPETITION CROSSWORD

**Across**

- 1. Considerable.
- 4. Empirical documents and information relied on to make a decision.
- 10. To include commerce.
- 11. Unjustified, also unauthorized.
- 13. Process by which two or more persons supply/attempt to supply to or acquire/attempt to acquire from a good or service.
- 15. An establishment for seling discourse.
- 18. Ships, fish, minerals, water, electricity, etc.
- 19. Hold back.
- 21. Make an earlier binding decision no longer binding in law.
- 22. Best cure.



**Down**

- 2. Business intended to be carried on or carried on by a person for gain/reward.
- 3. Also to mean chose in action, real or personal property.
- 4. Undertaking, according to the Act.
- 5. Jointly arranged/coordinated.
- 6. Limit.

- 7. Exclusion from a particular requirement of the Act.
- 8. Acon resulting in change in control over another body corporate.
- 9. Half of them are served here, we ..... this market.
- 12. May also include a body corporate.
- 13. One who offers to buy from you, also potential buyer.
- 14. Range of reasonable possibilities/places for substitution.
- 16. Agreement to do something in return for something.
- 17. Authority to carry out a certain activity.
- 20. To grant/confer.

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