



COMPETITION AUTHORITY OF KENYA

RESOURCE MOBILIZATION POLICY

FY2023/24



Vision

A Kenyan economy with globally efficient markets and enhanced consumer welfare for shared prosperity.

Mission

To enhance competition and consumer welfare in the Kenyan economy by regulating market structure and conduct to ensure efficient markets for sustainable growth and development.

Motto

Creating Efficient Markets for Consumers.

Core Values

- a. **Customer focus:** We commit to attaining the highest standards in service delivery to all stakeholders in line with ISO 9001:2015;
- b. **Integrity:** We commit to act in an honest, transparent, and responsible manner while implementing our programmes;
- c. **Professionalism:** We are guided by professional ethics aimed at building an appropriate corporate culture and creating the right corporate image;
- d. **Impartiality:** We uphold the highest levels of equity by treating all stakeholders without any discrimination whatsoever;
- e. **Teamwork:** We adopt a participatory approach and work together at all levels in the conduct of business, and;
- f. **Innovation and Creativity:** We are a learning organization that embraces change and continuously enhances creativity and innovation in our business processes.



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ABBREVIATIONS / ACRONYMS

CAK – Competition Authority of Kenya

CSR – Corporate Social Responsibility

M&E – Monitoring and Evaluation

MDAs – Ministries, Departments and Agencies

ME&L – Monitoring, Evaluation and Learning

MOU – Memorandum of Understanding

NCAs – National Competition Agencies

NGO – Non-Governmental Organizations

PFM – Public Finance Management

RMP – Resource Mobilization Policy



DEFINITION OF TERMS

Resources – Materials (financial and non-financial) available within the Authority which are technologically accessible, economically feasible and culturally sustainable that aid in meeting our organizational goals and strategic objectives. The Authority's resource needs include financial, in-kind, physical and technical (capacity and knowledge) resources.

Resource Mobilization – Securing new and additional resources and making better use of existing resources to achieve strategic organizational goals according to its needs.

Donor / Partner – Organizations that have provided resources (financial or non-financial) to the Authority.



FOREWORD

This Resource Mobilization Policy embodies the Authority's commitment to cultivating sustainable sources of resources to drive the achievement of the objectives set out in its Strategic Plan. This Policy provides a comprehensive framework to guide our efforts to secure financial, human, and in-kind resources in a manner that aligns with our mission, vision, and core values as a regulator.

At its core, this Policy reflects our dedication to transparency, accountability, and stewardship for resources entrusted to the Authority, recognizing that trust and confidence of our stakeholders is paramount. Therefore, the Authority is committed to conducting resource mobilization activities with the highest standards of integrity and ethics.

The Authority is committed to embracing the principles outlined herein and to contribute to the realization of our strategic goals. This policy is a living document that will evolve in response to the changing needs of the Authority and the operating environment. It will be reviewed from time to time as need arises.

Dr. Adano W. Roba

Ag. Director General



A. INTRODUCTION

The Authority is a State Corporation created under Section 7 of the Competition Act, Cap. 504, Laws of Kenya. The Authority is mandated to enhance the welfare of the people of Kenya by promoting and protecting effective competition in markets and preventing unfair and misleading market conduct throughout Kenya. The regulation of competition aims at:

- a) Increasing efficiency in the production, distribution and supply of goods and services;
- b) Promoting innovation;
- c) Maximizing efficient allocation of resources;
- d) Protecting consumers;
- e) Creating a conducive environment for investment, both foreign and local;
- f) Fostering national obligations in competition matters with respect to regional integration initiatives;
- g) Bringing national competition law, policy and practice in line with best international practices; and
- h) Promoting the competitiveness of national undertakings in World markets.

Resource mobilization refers to the collection and utilization of resources to produce results according to the needs of the Authority. In an era marked by both immense potential, pressing challenges and competing needs, the Authority's key objective is to promote and safeguard competition and protect consumers from unfair and misleading market conduct. To ensure that this is realized, the Authority must secure adequate resources necessary to translate its strategic objectives into transformative realities in so far as the regulation of competition and consumer protection is concerned. This Policy serves as the cornerstone of the Authority' strategic approach to securing the financial, human, and material resources essential for continued success.

The Authority's commitment to its mission of enhancing competition and consumer welfare in the Kenyan economy by regulating market structure and conduct in order to ensure efficient markets for sustainable growth and development demands a multifaceted approach to resource



mobilization. It recognizes that achieving these goals hinges not only on securing traditional forms of funding like the exchequer support, but also on fostering innovative partnerships, cultivating philanthropic relationships, and leveraging available resources with utmost efficiency. This Policy is therefore designed to provide a flexible and adaptable framework for navigating the evolving landscape of resource mobilization while staying true to its core values of Customer Focus, Integrity, Professionalism, Impartiality, Teamwork, Innovation and Creativity.

B. MANDATE

The Authority is mandated to regulate competition and protect consumers from false and misleading market conduct. It achieves this by regulating market conduct, and market structure in Kenya. In regulating market conduct, the Authority investigates restrictive trade practices such as price-fixing, concerted practices by industry players, abuse of dominance and abuse of buyer power. In regulating the market structure, the Authority determines merger and acquisition cases. Section 9 (g) further mandates the Authority to carry out inquiries, studies and research into matters relating to competition and the protection of the interests of consumers.

The Act further mandates the Authority to review Government legislation and proposals for legislation to assess their likely effect on competition and consumer protection in Kenya and also make representations to regulatory authorities and other bodies on matters relating to competition and consumer welfare as detailed in section (9)(1)(h) and (l) of the Act respectively.

C. BACKGROUND

Competition law regulation in Kenya is currently at a pivotal juncture with both opportunities and challenges. These challenges demand innovative solutions and unwavering commitment. To realize this potential and overcome these obstacles, the Authority must harness the power of collective action for partnerships. This Resource Mobilization Policy serves as our compass,



guiding the Authority towards securing the resources required to manifest our ambitious vision embodied in our current Strategic Plan.

Our mission resonates with an urgency that transcends fleeting trends and resonates with the very core of our being. However, this unwavering commitment necessitates a nuanced and adaptable approach to resource mobilization that embraces a diverse tapestry of resource streams that appreciates the critical role that partnerships play to reduce resource limitations to achieve the mandate of the Authority.

Therefore, this RMP will be instrumental in supporting and shaping relationships with key stakeholders, both in public and private sector, as a call to action for all who share our unwavering commitment in promoting and safeguarding competition and protecting consumer from unfair and misleading conduct in the economy. The Authority not only seeks financial capital, but also the human capital of dedicated experts, the intellectual capital of visionary partners, and the social capital of trust and collaboration to achieve our Strategic Objectives.

D. POLICY JUSTIFICATION

The Authority requires resources to meet its objectives, hence the need to identify resource needs and sources of resources for sustainability. By developing a Policy for resource mobilization shall lead to innovative resourcing to support the achievement of the Authority's mandate. With competing needs for exchequer resources, the Authority's desire to diversify and create multiple resource funding streams is the only panacea.

It is worthy to note that while the Authority appreciates the support from the Exchequer, there are concerns about resource inadequacies, given the competing needs across Government, that may hamper the realization of the competition and consumer welfare enforcement as outlined in the Strategic Plan. These resource gaps are both financial and non-financial. The Authority estimates a financial resource gap of KES 350 million as it implements its current Strategic Plan 2021/2022 – 2024/2025 which buttresses the need for alternative financing to be driven through



the RMP. This RMP aims at mobilizing resources for the implementation of key strategic objectives in competition enforcement and consumer protection.

E. POLICY STATEMENT

The Authority is committed to ensuring effective mobilization of resources, and ensure the realization and achievement of Strategic Objectives to support the mandate delivery.

F. LEGAL FRAMEWORK

The Authority's operations are guided by the provisions of Act. Additionally, we are guided by the Constitution of Kenya, the Public Finance Management (PFM) Act and all the attendant legal provisions governing the operations of State agencies. The legal framework provides for the conditions for receiving grants and donations by national government or its entities or third parties. The PFM Act particularly provides for the regulations on grant administration. The Authority's commitment to secure vital resources for realizing its mandate is guided by unwavering ethical principles and a deep respect for the legal framework in which we operate. This section outlines the key legal considerations that underpin our Resource Mobilization Policy, ensuring transparent, compliant, and responsible resource acquisition.

G. SCOPE

This Policy seeks to mobilize resources by expanding the existing budgetary provisions from the exchequer and identify new revenue sources for the achievement of the Authority's mandate. This will be achieved through planning, implementation, and regular monitoring and evaluation of the enforcement activities in line with the Strategic Plan. The scope is on financial, non-financial and technical assistance extended to the Authority by the partner. This policy applies to the Authority and its partners – local, regional and international.



H. OBJECTIVES

The objectives of the Policy are to:

- a) Define and streamline alternative funding streams;
- b) Set the criteria and strategies for resource mobilization;
- c) Develop capacity to fundraise by the Authority's staff;
- d) Develop strategies to leverage existing partnerships; and
- e) Monitor effective and efficient utilization of mobilized resources.

I. GUIDING PRINCIPLES

The guiding principles for the RMP are as follows:

- a) **Ownership** - The Authority will have full ownership of the mobilized resources.
- b) **Integrity** - This will be fundamental in resource mobilization and utilization for accountability.
- c) **Transparency** - The Authority will utilize the mobilized resources transparently to achieve its mandate.
- d) **Value for money** - The Authority will ensure that enforcement initiatives have the greatest benefits to consumers.

J. APPROACHES/STRATEGIES FOR RESOURCE MOBILIZATION

The Authority's approach to successful resource mobilization is dependent upon clearly formulated strategic actions of this Policy and focuses on the following approaches;

- a) **Lobbying for more public funding:** The Government is the major source of funding for the Authority's operations, accounting for over 95% of our annual budget. Therefore, the Authority will continuously lobby the National Treasury and Economy Planning ministry for increased allocation.



- b) **Building partnerships:** The Authority will identify, package, and market collaboration proposals to potential development partners to bridge the resource gap from time to time based on the existing needs and competition enforcement priorities.
- c) **Strengthening capacity building initiatives:** The Authority is endowed with highly qualified and competent competition law and economics staff experienced in diverse fields who can be engaged in the provision of paid-for capacity-building services to various stakeholders in both the public and private sectors. This will generate more funds in form of Appropriation-in-Aid.
- d) **Create Competition Short Courses:** The Authority shall support the development and implementation of market-driven short courses on various aspects of competition law and economics which target professional career enhancement for existing and would-be competition practitioners. This will also generate more funds in form of Appropriation-in-Aid.
- e) **Outsourcing of services:** The Authority will continue to outsource non-core services such as that recruitment, administration, and to third-party consultants to ensure efficient utilization of financial and human resources.

K. PROPOSED TARGETS OF RESOURCE MOBILIZATION

The Authority's potential resource partners are envisioned as follows:

- a) **Development Partners:** This will focus on bilateral donors and multilateral organizations. The bilateral donors include; the United States Agency for International Development (USAID) and the United Kingdom's Department for International Development (DFID). Multilateral development partners include the United Nations (UN), World Bank, International Monetary Fund (IMF), and regional development banks like the Asian Development Bank (ADB) and the African Development Bank (AfDB).



- b) **Competition Agencies, both National and Regional:** These institutions will be approached to offer their support in bridging the human resource gap through collaborative efforts capacity building, information sharing, and joint activities. This may also include hosting experts from those agencies to offer specialized trainings, staff exchange programmes, among others.
- c) **Corporate Partners:** Companies and corporations will be engaged in CSR initiatives or sponsorships to support the Authority's enforcement initiatives.
- d) **Government Agencies:** National and county government agencies may offer non-financial support that supports the achievement of the Authority's mandate to address specific needs in line with the Authority's mandate.

L. MANAGEMENT OF THE RESOURCES MOBILIZED

All resources / assets acquired by the Authority through resource mobilization shall be managed in accordance with the rules and regulations governing public finance management and the partnership agreements signed the two parties.

M. DISPUTE RESOLUTION

Disputes arising from the utilization of such resources will be resolved through alternative dispute resolution mechanisms. The Parties shall use their best efforts to amicably settle any dispute, controversy, or claim arising out of this MOU or the breach, termination, or invalidity thereof. This is in line with article 159 of the Constitution of Kenya on ADR Mechanisms.

N. POLICY IMPLEMENTATION

For effective implementation of this Policy, the Authority has the sole responsibility of mobilizing resources from potential donors;

- The Director General shall be charged with the responsibility of administration and management of finances, assets and other resources mobilized from partners.
- The Planning, Policy and Research department will be responsible for coordinating with potential partners for resource mobilization.
- The Legal department will be responsible for developing the engagement framework and relevant contracts
- The Finance department will be responsible for book keeping and accounting for financial resources while the other department will develop the resource gaps which will be collated and used in identifying the Authority’s needs with potential partners.
- The Board will guarantee overall oversight in utilization and the impact of the programmes on the Authority’s mandate.

O. MONITORING, EVALUATION AND IMPLEMENTATION FRAMEWORK FOR RESOURCE MOBILIZATION

Monitoring, Evaluation and Learning (ME&L) of the utilisation of the mobilised resources will be done through regular updates and feedback to the Management and the Board. Regular reports will be drafted as part of M&E to keep track of the progress of the implementation of programmes arising from the financial and non-financial support from the partners/donors.

The framework for resource mobilization and monitoring progress and achievements in realizing the targets are outlined in Table 1 below.

Objectives	Strategies	Activities	Key Performance Indicators	Responsibility	Timeframe
Attract more resources from partners	Lobby for resources from partners	Identify and engage potential partners.	<ul style="list-style-type: none"> • No. of meetings held 	Manager, Planning, Policy and Research	Continuous

			<ul style="list-style-type: none"> Resources mobilized 		
Resource gaps and needs for the departments	Document the departmental resource needs and gaps	Identify the resource needs and gaps in the department	<ul style="list-style-type: none"> Departmental Resource gaps 	Heads of departments	Continuous
Build capacity for developing resource mobilization tools	Develop resource mobilization tools such as MoU, letters of intent, etc	Identify tools for resource mobilization from partners	<ul style="list-style-type: none"> Number of tools developed 	Manager, Planning, Policy and Research Manager, Legal	Continuous
Periodic financial accounting framework for the resources mobilized	Develop an accounting framework	Identify an accounting framework for reporting	<ul style="list-style-type: none"> Number of Accounting reports 	Manager, Finance	Continuous

P. POLICY REVIEW

This Policy shall be reviewed regularly to capture the existing regulatory needs and resource challenges as and when need arises.

REVIEWED BY:



Ag. Director General.....

Sign.....

Date.....

APPROVED BY:

Chairman.....

Sign.....

Date.....





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