COMPETITION AUTHORITY OF KENYA

KNOWLEDGE HUB

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This issue of the Knowledge Hub features Mr. Feisal Adan. Feisal served at the Authority for a period of 11 years where he has worked in the Consumer Protection Department and the Enforcement & Compliance Department.

Feisal holds a Masters Degree in Economics and his area of expertise is in Competition Law and Enforcement. In this issue, he shares his work experiences, lessons learnt and knowledge acquired over the past 12 years he has served at the Authority.

Briefly describe your journey at the Authority, from the time you joined to your current role. What key experiences shaped your career?

I joined the Authority in December 2014 as an Investigation Officer in the Consumer Protection Department. I left as a Senior Investigation Officer in Enforcement and Compliance. I served in Consumer Protection and Enforcement and Compliance departments for 11 years and 9 months. My education background is in economics, with areas of interest including competition rules and antitrust enforcement, especially cartel investigations, abuse of dominance, settlement negotiations, and consumer protection. I spent about four and half years in the Consumer Protection department where I gained experience in investigations, evidence gathering, interviewing, report writing and applying the regulatory framework.

I moved to Enforcement and Compliance in May 2019 and worked on complex competition matters, including restrictive trade practices, cartel investigations, abuse of dominance, evidence analysis and settlement negotiations.

The steel-sector cartel investigation was a formative experience for me. It involved digital evidence collected during a raid, coordinated investigative work and settlement negotiations. I also helped lead the authority's automation work and the implementation of the case-management system. The system improved case handling, file review, processing and accountability for time-bound assignments.

Which knowledge/skills gaps did you encounter and what recommendations would you give?

My prior banking role involved close customer engagement, which helped me with consumer-protection work at the Authority. My main early challenge was applying the law and linking alleged contraventions to specific provisions. I worked with the legal team to clarify interpretation. Because the authority was still developing, we had few established procedures or external benchmarks. The authority brought in consultants, including from South Africa and the UK, and provided training to build staff capacity. In Enforcement, my economics background helped with competition analysis. I found unilateral conduct and abuse-of-dominance matters especially challenging because the authority must prove the alleged contravention. I would point to economic analysis and access to reliable market and sector data as areas needing improvement.

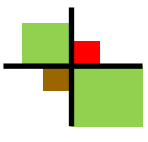
Which information, knowledge, or reference resources were most useful to you in performing your work? How could access to these resources be improved?

Sector regulators and the national statistics bureau are potential information sources, but the data available is not always sufficient for sound assessments. We engaged with regulators and other agencies, including through memoranda of understanding with the Central Bank of Kenya and PPRA. Better access to tender information through e-procurement could help the authority assess bid-rigging cases. I attended a two-week intelligence-training course facilitated by the National Intelligence Service. It covered investigation, information gathering, covert inquiries, interviewing and analysis.

I also trained with the Directorate of Criminal Investigations, and we collaborated with the Ethics and Anti-Corruption Commission on cartel investigations and forensic support. Before establishing the authority's forensic lab, we benchmarked with the Commission and received guidance on the equipment to acquire. International case materials and best-practice resources from GCR helped support the authority's arguments. In the steel matters that were appealed to the tribunal, such cases helped support the evidence and arguments behind the authority's decision.

What two recommendations would you give to strengthen collaboration between the Enforcement and Compliance Department and other departments within the Authority?

I would recommend stronger cross-functional teams for complex matters. The Legal department should be involved early to identify legal issues, while Policy and Research should help identify data and information needs. I would also recommend regular knowledge-sharing forums covering emerging issues, enforcement trends, successful approaches, and challenges.



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Finally, interdepartmental referrals should be clearer. A referred matter should include a report explaining the assessment, findings and reason for referral. Departments should coordinate before communicating conclusions to parties, and the authority should follow up on recommendations from reports and training.

There is no common template, and departments use different report structures. Enforcement reports generally cover the background of the case, parties and jurisdiction, theory of harm, and market definition. When a matter belongs with another department, the report can explain the recommendation and provide enough context for the receiving team to continue without repeating background work.

Which assignments, projects, or processes that you were involved in should be documented to preserve institutional knowledge? What key information should the documentation capture

To preserve institutional knowledge, I would highlight cartel investigations, the forensic lab, and the automation process as important areas to document. For complex investigations, I recommend recording the case background and origin, scope and objectives, investigative steps, staff and department roles, and evidence-handling methods. I particularly emphasize documenting the steel matter's distinctive digital evidence and collection procedures as lessons for future cartel investigations.

What key areas of training would you recommend for Enforcement and Compliance team members, including both existing and incoming staff?

I recommend foundational and advanced training in competition law, enforcement principles, restricted trade practices, cartel conduct, abuse of dominance, investigation planning, and case management. I also recommend training in raid planning, evidence collection and preservation, digital forensics, economic analysis, settlement negotiations, and legal writing. Specific economic topics should include market definition, market power, competitive effects, and pricing analysis.

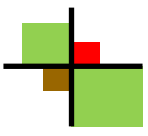
I recommend the CREESE Summer School and a summer school coordinated by Barcelona. I would also mention a South African competition-law program, relevant reading, GCR, Euromonitor, and cases from other jurisdictions, particularly UK digital-markets cases. Budgets and limited training time can constrain participation, though.

Which committees were you involved in during your time at the Authority? What key information, insights, or recommendations would you like to share with the current committee members?

I served on the Sports and Team-Building, Occupational Health and Safety, and Peer Educators committees. I chaired the first two. My advice is to set clear objectives, ensure accountability, record minutes, and agree measurable action points with assigned owners and timelines. Keep records too, so committees retain knowledge when membership changes.

The Authority has recruited several young officers (YPs & Interns). What advice would you give them about building their careers, developing their capabilities, and making the most of their time at the Authority?

Take responsibility for your career, learn the authority's mandate and procedures, seek feedback, learn from experienced colleagues, and volunteer for challenging work. Build skills in both law and economics, act with integrity and professionalism, and protect confidential information. Value competence and responsibility rather than focusing only on promotion.



What two major achievements are you most proud of, and what key lessons from your experience at the Authority will you carry forward?

I am proud of my contribution to standardized, ISO-based investigation procedures and guidelines, and of my role in championing the authority's forensic lab. These strengthened investigative consistency and the authority's ability to handle digital and electronic evidence.

My key lesson is that building institutional capacity matters as much as handling individual cases. I emphasize durable procedures, technical capacity, teamwork, continuous learning, and seeing initiatives through to implementation.

Additional Comments

I recommend continued investment in knowledge management, mentorship, documentation, and succession planning. I also encourage the use of technology, data analytics, innovation, and cross-departmental collaboration to strengthen enforcement and service delivery.

THE END