



**REMARKS BY**

**COMPETITION AUTHORITY OF KENYA DIRECTOR-  
GENERAL, MR. DAVID KIBET KEMEL, AT THE 11<sup>th</sup>  
ANNUAL SYMPOSIUM ON COMPETITION LAW AND  
POLICY**

**17<sup>th</sup> OCTOBER, 2024**

**NAIROBI**

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**Mr. Joseah Rotich, Director, Competition Authority of Kenya**

**Prof. Reena das Nair, Executive Director, CCRED**

**Mr. Boniface Makongo, Director Competition, COMESA  
Competition Commission**

**Distinguished Guests**

*Standing with All Established Protocols*

**Ladies & gentlemen, Good morning?**

1. Let me take this opportunity to welcome you all to the 11<sup>th</sup> Annual Symposium which has been organized in collaboration with our two partners - the Center for Competition Regulation and Economic Development ('CCRED') and the COMESA Competition Commission (CCC).

2. This annual event is one of the **most critical in the Authority's calendar**, in that it gives us an opportunity to intimately interact with our key stakeholders, share insights and learnings which, thereafter, inform our work and interventions in various sectors of the economy.
3. As you may be aware, I joined the organization just last week. My background is mostly from the private sector, but I also have significant experience in the public sector. In my career, I have become critically aware that **success is a communal product**. To achieve set targets, you need to bring others along. Therefore, the importance of proactive collaboration cannot be gainsaid. I believe that the originators of the Symposium in 2013 were alive to this truism when designating it as an annual advocacy initiative.
4. My team informs me that several **recommendations/ideas from past Symposia have successfully evolved from panel topics to tangible policies and interventions**, including the Leasing Policy, Retail Sector Code of Practice, Leniency Guidelines and joint programs with sector regulators to enhance consumer welfare. Indeed, the Competition (Amendment) Bill, 2023, which is still going through the law-making process, is replete with examples. These accomplishments serve as evidence that our **engagements with stakeholders are not cosmetic**.
5. The plurality of ideas that the Authority champions is on display again today. The panel discussion areas are as rich as they are diverse. From interrogating abuse of dominance in markets, to regional integration bottlenecks that may be occasioned by competition enforcement. The obligatory discussion on digital platforms and the power they wield is also on the table, among other important and timely thematic areas.
6. This year's delegate list is equally assorted, with participants drawn from eight countries - **South Africa, Mauritius, Zimbabwe, Tanzania, Malawi, Somalia, Zambia, and of course, Kenya**. Our laws and enforcement experiences are different, but with certain similarities. I am looking forward the engagements, with a keen

interest on picking up lessons that CAK can adopt and adapt to sharpen our enforcement tools and practices.

7. Another key feature of this year's Symposium is the academic papers authored by the participants. They are on various topics, including sustainability, food and agriculture, Big Tech, mobile money services, market inquiries, public interest considerations in merger regulation, among others. These papers, which are already accessible on the Authority's Website, contribute to the growing pool of knowledge on various topics that pertain to competition law enforcement and consumer protection. This year's Symposium attracted a record 46 submissions, 15 of which will be presented by end day tomorrow.

#### Ladies and Gentlemen,

8. Competition advocacy experts from the OECD note that for an agency like the CAK to be an effective advocacy champion, three ingredients are necessary; sufficient resources, operational independence, and credibility as an impartial regulator. I am in total agreement with these thought leaders. **As I settle into my role at the Authority, it is my commitment to our stakeholders that we shall strive to execute our mandate with fortitude and renewed vigor.**
9. Do not get me wrong – I am a strong believer in the economic benefits that pertain from a free economy. **In addition, we are NOT intent on executing our mandate exclusively through sanctions.** While penalties and other painful redress mechanisms are necessary, there is need to walk this journey with our stakeholders, seeking their buy-in in creating a competitive environment that serves the needs of businesses and consumers alike.
10. At the moment, the CAK has a good track record, but we are still punching below our weight, especially if you interrogate the state of the market in Kenya, and the numerous issues that still pertain regarding anti-competitive conduct and consumer welfare violations. **Internally, we shall review our instruments and policies and retool them to ensure that we serve our clients, the Kenyan taxpayers, more effectively and efficiently.**



11. Our parent Ministry, **The National Treasury**, has consistently supported execution of the Authority's mandate through resource and technical support. I would like to thank our parent ministry, particularly, for facilitating the ongoing review of the Competition Act which is aimed to make the law more resilient and adaptable to emerging issues, including attending to competition and consumer welfare concerns occasioned by the digital economy as well as support growth of MSMEs.
12. I wish to assure our parent ministry and all our stakeholders that the Authority is committed to continue diligently executing its mandate as outlined in the Competition Act. However, we shall inject extra impetus in our work to ensure that our markets work efficiently for our consumers.
13. As I conclude, let me point out that the Authority is in its **last year of executing its third Strategic Plan**. The current masterplan will be replaced in July 2025. Based on our current self-evaluation, we are on course to achieve most of the targets set in July 2021. I would like to assure our stakeholders that as we commence drafting the next Plan, the ideas you share over the next two days, and those shared in past fora, will be considered for adoption, while also taking into consideration our current realities and the Government's priority agendas.
14. I now have the pleasure to invite Director, Mr. Joseah Rotich, to read the Speech by Mr. Shaka Kariuki, the Chairman of the CAK's Board, who was unable to join us this morning.

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