



CCRED
CENTRE FOR COMPETITION,
REGULATION AND
ECONOMIC DEVELOPMENT

8th ANNUAL CAPACITY BUILDING WORKSHOP AND SYMPOSIUM ON COMPETITION LAW AND POLICY DURING THE 6th ANNUAL COMPETITION AND ECONOMIC REGULATION (ACER) WEEK (Online)

Advanced Masterclasses on Competition

20-24, 27 September 2021

COURSE OUTLINE

The Competition Authority of Kenya (CAK) and the University of Johannesburg's Centre for Competition, Regulation and Economic Development (CCRED) are honoured to host the 8th Annual Capacity Building Workshop and Symposium on Competition Law and Policy during the 6th Annual Competition and Economic Regulation (ACER) Week (ACER VI).

Approach

The series of six Masterclasses are targeted at more experienced participants on key topics, delivered by international and local presenters.

Each three-hour masterclass will focus on the latest theory and practice in contemporary advanced competition topics. These include digital platforms; market inquiries; mobile money and e-commerce; COVID-19 price gouging and competition actions; buyer power and price discrimination; developments in merger control, such as killer acquisitions and regional cooperation; and competition policy, climate change and sustainability.

Presenters will include those leading these debates internationally, with in-depth engagement on the African competition agenda, including *James Hodge* (Competition Commission of South Africa), *Amelia Fletcher* (Centre for Competition Policy), *Eleanor Fox* (Professor, New York University School of Law), *Frederic Jenny* (Chairperson of the OECD Competition Committee), and *Wang'ombe Kariuki* (Director General, Competition Authority of Kenya).



Programme

Day 1, 20 September 2021	
1300-1600 SAST/CAT 1400-1700 EAT	<p>Developments in merger control including killer acquisitions and the challenges of regional cooperation on merger review</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Developments in merger assessment to capture the likely effects on competition and possible killer acquisitions, Prof Massimo Motta, University Pompeu Fabra • The Kenyan experience of merger assessment in dynamic markets, Mr Raphael Mburu, CAK, Kenya • Merger review, regional regimes and cooperation in East and Southern Africa, Mr Thula Kaira, former CEO of Botswana and Zambia authorities
Day 2, 21 September 2021	
1300-1600 SAST/CAT 1400-1700 EAT	<p>Recent developments in buyer power, price discrimination, and impacts along supply chains of supermarkets</p> <p>Speakers:</p> <ul style="list-style-type: none"> • African developments in buyer power with regard to supermarkets, discrimination and inclusion, Prof Reena das Nair, CCRED, University of Johannesburg • The Retail Code of Practice in Kenya, Ms. Priscilla Njako, CAK, Kenya
Day 3, 22 September 2021	
1300-1600 SAST/CAT 1400-1700 EAT	<p>Digital Platforms</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Regulating Digital Platforms: Analytical framework and International Developments, Prof Amelia Fletcher, CCP, UEA • Evolution and Insights into East Africa in Mobile money and E-commerce, Mr Wang'ombe Kariuki, DG, CAK
Day 4, 23 September 2021	
1300-1600 SAST/CAT 1400-1700 EAT	<p>Covid-19 price gouging, competition actions and recovery</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Competition and Covid-19 recovery – national, regional and global challenges, Prof Frederic Jenny, OECD and ESSEC • The economics of price gouging in competition cases, Mr James Hodge, Chief Economist, CCSA • Price gouging cases in Kenya, Mr Gideon Mokaya, CAK, Kenya




Day 5, 24 September 2021

1300-1600 SAST/CAT 1400-1700 EAT	Market inquiries in Europe and Africa: key developments and implications Speakers: <ul style="list-style-type: none">• Market investigations in the UK and beyond, Prof Richard Whish• Market inquiries in Kenya – the record and challenges, Mr Wang’ombe Kariuki, DG, CAK• The lessons learned from market inquiries in South Africa, Mr Hardin Ratshisusu, Deputy Commissioner, CCSA
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Day 6, 27 September 2021

1300-1600 SAST/CAT 1400-1700 EAT	Competition policy, inequality and sustainability Speakers: <ul style="list-style-type: none">• Competition and sustainability in an era of climate change, Prof Simon Roberts, CCRED• Competition rebooted for the 21st century – addressing the inequality gap and inclusive, sustainable development, Prof Eleanor Fox, New York University School of Law
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Speakers

	<p>Amelia Fletcher is a Professor of Competition Policy at the ESRC Centre for Competition Policy at the University of East Anglia. She is also a Non-Executive Director at the Competition and Markets Authority and a member of the Enforcement Decision Panel at Ofgem. Until 2020, Amelia was a Non-Executive Director at the Financial Conduct Authority and Payment Systems Regulator and also DGComp’s Economic Advisory Group on Competition Policy. She was a member of the Digital Competition Expert Panel, commissioned by the UK Treasury and led by Jason Furman, which reported in March 2019. She was previously Chief Economist at the Office of Fair Trading (2001-2013), where she also spent time leading the OFT’s Mergers and Competition Policy teams. Before joining the OFT, Amelia was an economic consultant at Frontier Economics (1999-2001) and London Economics (1993-1999). She has written and presented widely on competition and consumer policy. In her ongoing research, Amelia has a particular interest in the implications for competition and consumer policy of behavioural economics and online markets.</p>
	<p>Eleanor M. Fox is the Walter J. Derenberg Professor of Trade Regulation at New York University School of Law. Before joining the faculty of NYU Law School, Fox was a partner at the New York law firm Simpson Thacher & Bartlett. She has served as a member of the International Competition Policy Advisory Committee to the Attorney General of the U.S. Department of Justice (1997-2000) (President Clinton) and as a Commissioner on President Carter’s National Commission for the Review of Antitrust Laws and Procedures (1978-79). She has advised numerous younger antitrust jurisdictions, including South Africa, Egypt, Kenya, Tanzania, The Gambia, Indonesia, Russia, Poland and Hungary, and the common market COMESA. Fox received an honorary doctorate degree from the University of Paris-Dauphine (2009). She was awarded an inaugural Lifetime Achievement award in 2011 by the Global Competition Review for "substantial, lasting and transformational impact on competition policy and/or practice" and lifetime, inaugural or other achievement awards from ASCOLA, AALS Antitrust Section, New York State Bar Antitrust Association, and the American Antitrust Institute.</p>
	<p>James Hodge is currently the Chief Economist and Deputy Commissioner at the Competition Commission of South Africa. He joined the Commission from Genesis Analytics where he had been the managing partner of the Competition and Regulatory Economics (CRE) practice since 2005. Prior to that he was a senior lecturer and postgraduate convener at the University of Cape Town’s School of Economics, as well as a senior researcher at UCT’s Development Policy Research Unit. His research and teaching was in the areas of industrial organisation, regulation and international trade. He has provided expert economic advice and reports in many cases across the full spectrum of economic sectors and in a number of Southern and East African jurisdictions.</p>



Frederic Jenny is professor of Economics at ESSEC Business School in Paris. He is Chairman of the OECD Competition Committee (since 1994), and Co-Director of the European Center for Law and Economics of ESSEC (since 2008). He was previously Non Executive Director of the Office of Fair Trading in the United Kingdom (2007-2014), Judge on the French Supreme Court (Cour de cassation, Economic Commercial and Financial Chamber) from 2004 to August 2012, Vice Chair of the French Competition Authority (1993-2004) and President of the WTO Working Group on Trade and Competition (1997-2004). He was Global Professor of Antitrust in the New York University School of Law's Hauser Global Law School (2014), visiting professor at University College London Law School (2005-2012), Haifa University School of Law in Israel (2012), University of Capetown Business School in South Africa (1991), Keio University Department of economics in Japan (1984), Northwestern University Department of Economics in the United States (1978).






Thula Kaira is a consultant in competition and regulatory policy. He has 20 years' experience in the field and has advised authorities and private parties across the African continent, as well as working with international institutions. Thula headed the Competition and Consumer Protection Commission of Zambia (where he was CEO 2007 to 2011) and the Competition Authority of Botswana (as CEO from 2011 to 2016). He thus has unparalleled experience in building institutions and the challenges of enforcement, on which he has also published a number of articles and book chapters.






Mr. Francis Wang'ombe Kariuki has extensive experience in competition enforcement and is the first Director-General of the Competition Authority of Kenya and serving his second term. His main interests are in competition regulation and Economics of institutions' development. Mr. Kariuki holds a Master's of Science Degree in Economic Regulation and Competition from City University, London; a Bachelor of Arts degree in Economics and Business Studies from Kenyatta University; and various Certificates in Strategic Leadership and Corporate Governance.



Raphael Mburu has advanced skills in Competition Law dealing with regulation of market structure and conduct. This has been through establishing and developing broad knowledge in the analysis of complex mergers and acquisitions, carrying out market inquiries and sector studies, investigation of policies, procedures and programmes of regulatory authorities to assess their effect on competition and consumer welfare and advising Government on competition matters. His knowledge and expertise in Competition Law has further been enhanced by training in Economics for Competition Law, EU Competition Law, quantitative methods for competition analysis, regulatory law for economic regulators, development of various competition tool kits such as Subsidiary rules and merger threshold guidelines and participation in International Workshops, conferences and Symposia that revolved around emerging issues and trends in mergers, private equity & venture capital, remedies in merger review and international merger enforcement and cooperation.

	<p>Gideon Mokaya is a holder of a Master of Business Administration from University of Nairobi (2006). Additionally he is a Certified fraud examiner (CFE) and a Certified Public accountant (CPA) K. Mr. Mokaya has over seventeen years work experience in forensic investigations and audit in the public sector having worked with Askim Management Consultants, the Kenya National Audit Office, the Kenya Anticorruption Commission (Ethics and Anti-Corruption Commission). He has broad experience as a team leader in forensic investigations. Mr. Mokaya has also undergone extensive training locally and abroad on investigations skills, developing reliable evidence among others.</p>
	<p>Prof Massimo Motta is a Research Professor at ICREA-Universitat Pompeu Fabra and Barcelona Graduate School of Economics. Prof. Motta's main areas of research are industrial organisation and competition policy. His work, widely cited and influential, has been published in the leading international economic journals. His book on Competition Policy: Theory and Practice (Cambridge University Press, 2004) is the standard international reference on the economics of antitrust, and is used by lecturers, scholars, and practitioners. His other book on Exclusionary practices. The Economics of Monopolisation and Abuse of Dominance (Cambridge University Press, 2018) with Chiara Fumagalli and Claudio Calcagno, contains original research, case discussions and policy implications, shedding new light on this controversial area of antitrust. He has extensive experience in advising competition agencies on cases and policy, including the South African Competition Commission, Chile's Fiscalía Nacional Económica, the Portuguese Autoridade da Concorrência, and OFCOM, the UK's Communications regulator).</p>
	<p>Prof Reena das Nair is a Senior Researcher at CCRED and Programme Coordinator and Senior Lecturer in the Master of Commerce in Competition and Economic Regulation programme at the University of Johannesburg. Reena has worked for specialist economic consultancy Acacia Economics offering expertise in competition and regulatory economics. Prior to joining CCRED, Reena was Programme Manager: Industrial Policy at Trade and Industrial Policy Strategies (TIPS), a not-for-profit research organisation undertaking research for policy makers. Before TIPS, she worked as Principal Economist at the Competition Commission of South Africa. Her research interests cover competition dynamics in retail, value chains and barriers to entry. Reena also provides training for regulators and competition law and economics professionals in Southern and East Africa. Reena holds a PhD (Economics) from the University of Johannesburg and a MCom (Economics) from the University of the Witwatersrand.</p>

	<p>Priscilla Njako is Manager of the Buyer Power department at the Competition Authority of Kenya. She holds a Master of Laws Degree (LLM) from the University of South Africa, Bachelor of Laws Degree (LL.B) from University of Nairobi and a Diploma in Law from the Kenya School of Law. Prior to joining the Authority, Priscilla worked both in legal practice and at various academic institutions of higher learning, including in managerial positions as Head of Faculty and Head of Examinations and Research. Priscilla’s key responsibilities include investigating complaints of abuse of buyer power and delayed payments and carrying out market inquiries to pre-empt instances of abuse of buyer power.</p>
	<p>Hardin Ratshisusu is Deputy Commissioner of the Competition Commission of South Africa appointed by the Minister of Economic Development in 2016, prior to that he held various senior roles at the Competition Commission and in the private sector. In his role as Deputy Commissioner, he is responsible for oversight over the Commission’s investigative and enforcement activities. He also actively participates in international fora such as the OECD, BRICS, UNCTAD and ACF, and has also occasionally published papers in recognised academic journals. He holds a BCom (Honours-Economics) from the University of Venda, MCom (Economics) from the University of Witwatersrand and a Master of Business Leadership from the University of South Africa. He has completed the PURC/ World Bank Training Program on Utility Regulation and Strategy with the University of Florida as well as the Senior Executive Program for Africa with the Harvard Business School.</p>
	<p>Dr Adano Wario Roba is Director, Planning, Research, Policy and Quality Assurance at the Competition Authority of Kenya. Prior to joining the Authority, Dr. Roba was a Senior Policy Analyst at the National Treasury’s Fiscal & Economic Affairs Department. He was responsible for formulation of mineral resource revenue use policy and fiscal rules, and development of legislative framework for management of mineral resource revenue. While at the National Treasury, he was also actively involved in several taskforces that developed legislation on climate change, petroleum, minerals, energy and their related policies and regulations. Between 2017 and 2018, Dr. Roba served as a Chairperson to the Steering Committee of the Strathmore University’s Extractives Baraza, formerly the Information Centre for Extractives Sector. Dr. Roba has also served as a Senior Lecturer in environmental economics at University of Eldoret and Moi University. Dr Roba earned his PhD (cum laude) from the University of Amsterdam (the Netherlands) and an MSc from the University of York (UK).</p>



Professor Simon Roberts is a professor at the University of Johannesburg and Visiting Professor, Institute for Innovation and Public Purpose, University College London. He held the position of Executive Director of CCRED from 2013 to 2018, and Chief Economist and Manager of the Policy & Research Division at the Competition Commission from November 2006 to December 2012. Prior to joining the Competition Commission, he was Associate Professor of Economics at the University of the Witwatersrand, where he established and directed the Corporate Strategy and Industrial Development research programme examining firm decision-making and economic outcomes. In addition, Simon has consulted extensively on competition matters over the past 15 years and has been an expert witness in a number of major cases.







Dr Thando Vilakazi is Executive Director of the Centre for Competition, Regulation and Economic Development (CCRED) at the University of Johannesburg, specialising in academic research, teaching and advice on competition policy and industrial development. He currently also serves as a part-time member of the Competition Tribunal of South Africa. Thando previously worked as an economist at the Competition Commission of South Africa, and has led research and provided teaching and advisory services across various economic sectors for competition authorities, regulators, government departments, international universities and NGOs, and private enterprises in South Africa and various African countries. His research interests include barriers to entry and economic participation, regional integration, competition policy and inclusive growth, and industrial development. He holds a PhD (Economics) from the University of Johannesburg, and a Masters (Applied Economics) from the University of Cape Town.



Richard Whish is Emeritus Professor of Law at King's College London; in 2014 he was appointed QC Honoris Causa. He was a non-executive director of the Office of Fair Trading in the UK from 2003 to 2009, and a non-executive director of the Singaporean Energy Markets Authority from 2005 to 2011. Prof Whish has advised authorities and international bodies around the world. He is the co-author, with David Bailey, of the leading textbook Competition Law (OUP), with its 10th edition being published in August 2021. He is the author of many other books, articles, case-notes and book reviews on various aspects of international competition law and policy.

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