

Anne Kiunuhe

Partner | ALN Kenya | Anjarwalla & Khanna

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Background

Anne is a partner at ALN Kenya|Anjarwalla & Khanna where she is part of the corporate team and co-head of the Competition Law Practice. She has more than eighteen years of experience as a corporate lawyer and specialises in mergers and acquisitions, IT & telecommunications law, competition law, data protection and intellectual property law.

She has been involved in a number of prominent corporate law transactions in Kenya and has represented multinational corporations such as Helios Investment Partners, Vivo Energy, Telkom Kenya, Godrej Group and Schneider Electric and is a recognised leader in her field.

Anne has spearheaded multiple initiatives in antitrust law development in Kenya and COMESA, including organising and speaking at conferences in several countries across Africa and in the US as well as representing Kenyan stakeholders at multiple COMESA Competition Workshops where Guidelines for the COMESA Competition Regime have been passed and then operationalised. She is a regular speaker at corporate law conferences and an ardent writer on contemporary legal topics.

She is ranked by the Chambers Global Legal Directory, which has described her as a “very positive and sparky” lawyer and receiving client praise for her drafting skills and contracts analysis. In addition, Anne has been voted one of Kenya’s best M&A lawyers by IFLR1000 as well as Best Lawyers International, the oldest and most respected worldwide legal peer review guide. Anne won the CfC Stanbic Rising Star Award 2015 in the Professional Services category. The award celebrates and recognises young, talented people in the work place, aged 28-40, who have a capacity for achievement, success and make a valuable difference.

Professional Membership

- Law Society of Kenya

Professional Qualifications

2004: Postgraduate Diploma in Law, Kenya School of Law

2003: LL.B, Bachelor of Laws, University of Nairobi, Kenya

1999: Certified Public Accountant (CPA) Section IV, Visions Institute of Professional Studies

Career Summary

2009 – Date: Partner, Anjarwalla & Khanna

2008: Associate (Secondment), Stephenson Harwood, London

2006 – 2008: Senior Associate, Kapila Anjarwalla & Khanna Advocates

2005: Associate (Secondment), Ringo & Associates Advocates, Tanzania

2004 – 2005: Associate, Anjarwalla Abdulhussein & Co. Advocates

2004: Legal Assistant (Secondment), Barclays Bank of Kenya, Legal & Company Secretarial Department

2003 – 2004: Legal Assistant, Kapila Anjarwalla & Khanna, Advocates

Awards & Accolades

- Anne is ranked under the Corporate/M&A catgory by Chambers Global 2017 – 2022.
- Anne is recognised under the Competition/Antitrust spotlight table by Chambers global, 2020 – 2022.
- Anne is 'highly regarded' in the areas of Corporate and M&A by IFLR1000 in 2018 – 2021.
- Anne is recommended by Legal 500 2017 – 2021.
- Anne is ranked as Competition Lawyer of the Year in Kenya in 2019 by Global Law Experts Annual Awards.
- Anne was voted one of the best M&A Lawyers in Kenya by Best Lawyers International 2014 and 2015, the oldest and most respected worldwide legal peer review guide.
- Anne won the CfC Stanbic Rising Star Award 2015 in the Professional Services category.
- In 2014, Anne was chosen as one of Kenya's 'Top 40 Women Under 40' by Kenya's leading business newspaper, the Business Daily.

Anne Kiunuhe maintains a distinctly broad transactional and regulatory practice, advising clients on significant acquisitions, disposals and investments, as well as competition requirements and intellectual property law. Her impressive client roster features well-known telecoms providers and private equity funds.' – ***Chambers Global, 2022***

"She knows the environment she is working in. She is authoritative and clearly has good relationships with the agencies." – ***Chambers Global, 2022***

"I would have faith sending her top-tier clients in M&A. She is outstanding." – ***Chambers Global, 2022***

"Anne Kiunuhe is an outstanding lawyer. Her technical knowledge is second to none and she has really gone the extra mile to make sure that we have been able to meet the tight deadlines whilst producing work of exceptionally high quality." – ***Legal 500, 2021***

"a key name for telecoms M&A [work]" – ***Legal 500, 2020***

"She's very good, very sharp and very smart." – ***Chambers Global 2018***

Publications

- Anne contributed to Getting the Deal Through – Cartel Regulation 2018 – Kenya

- Anne contributes to the Practical Law Competition multi-jurisdictional monthly.
- Anne contributed to the Global Competition Review, Kenya Overview – African and Middle East Anti-trust review 2016.
- Anne also contributed to the International Comparative Guide to Cartels and Leniency 2016.

Top Matters

Corporate M&A

- Acting for **Telkom Kenya**, a licensed mobile telephony company in Kenya which is jointly owned by Helios Investment Partners (Helios), a private equity investing firm operating in Africa and based in London and The Government of Kenya, in connection with their restructuring to create an infrastructure and digital services company, a mobile financial services business company and a retail company. The deal involves a transfer of assets, businesses, and employees.
- Acting for **Airtel Africa**, a subsidiary of Bharti Airtel, a global telecommunications company with operations in 20 countries across Asia and Africa and a customer base of 91 million, as the lead Africa legal adviser coordinating transactional, regulatory (telecom and mobile money) and competition advice over 14 jurisdictions in connection with the its listing on the London Stock Exchange, one of the largest IPOs of an African business in the London market.
- Acting for **Telkom Kenya**, a mobile telephony company in Kenya partly owned by the Government of Kenya and Helios Investment Partners, a private equity firm operating in Africa and based in London, in connection with its proposed merger with Airtel Kenya, navigating a heavily regulated industry with multiple approvals required from at least 4 regulators, and obtaining the competition and regulatory approvals required in connection therewith.
- Acting for **Vivo Energy Investments**, a company incorporated in the Netherlands and listed on the London Stock Exchange and with operations in marketing and distributing petroleum products under the 'Shell' brand and Engen brand in 23 countries across Africa, in connection with a 50% acquisition of Kuku Foods, a company that operates fast food restaurants under the KFC (Kenturcy Fried Chicken) brand in various African countries including Kenya, Uganda and Rwanda which are part of the current acquisition, to create a joint venture between Vivo Energy and Kuku Foods.
- Acting for **Helios Investment Partners**, a private equity investing firm operating in Africa and based in London and Telkom Kenya (TKL), in connection with the merger of the second and third largest mobile telephony operators in Kenya – Airtel Networks Kenya (Airtel) and TKL and consolidation and restructuring their respective Mobile, Fixed Line, Enterprise and Carrier Services businesses in Kenya to operate under a joint venture company to be named Airtel-Telkom, resulting in a consolidation of the mobile telephony market in Kenya from three to two players as well as the restructuring and possible transfer of the parties mobile financial services businesses and undersea cable and landing stations businesses to separate entities.
- Advising **Société BIC S.A. (Bic)** – a corporation headquartered in France and involved in the business of manufacture and distribution of consumer products such as stationery, lighters and shavers, in connection with the termination of the franchise agreement with Haco Industries Kenya (Haco) and the subsequent purchase of the stationery and shavers manufacturing and sale and distribution of stationery, lighters and shavers business from Haco.
- Acting for **Liberty Holdings (Liberty)**, a company listed on the Johannesburg Stock Exchange and its Kenyan subsidiary – Stanlib Kenya (Stanlib), in connection with their 100% sale of the first listed investment real estate investment trust in Kenya (the Stanlib Fahari I-Reit) and a Unit Trust, each regulated by the Capital Markets Authority of Kenya to ICEA Lion Asset Management.
- Acting as lead counsel for **Telkom Kenya (TKL)**, a mobile telephony company in Kenya partly owned by the Government of Kenya and Helios Investment Partners, a private equity firm operating in Africa and

- based in London, in connection with the proposed sale transfer of TKL's subsea fiber optics rights in three subsea fiber optics.
- Acting for **Vivo Energy Investment**s, a company incorporated in the Netherlands and listed on the London Stock Exchange and with operations in marketing and distributing petroleum products under the 'Shell' brand and Engen brand in 23 countries across Africa, in connection with a 50% acquisition of Kuku Foods, a company that operates fast food restaurants under the KFC (Kenturcy Fried Chicken) brand in various African countries.
- Acting for **Bharti Airtel International (Netherlands)**, a subsidiary of Bharti Airtel, a global telecommunications company with operations in 20 countries across Asia and Africa, including providing advice in connection with their due diligence process, transaction, regulatory (telecom and mobile money) and competition matters over 14 jurisdictions in Africa in connection with a USD 1.25 billion investment in a newly formed holding company Airtel Africa by six leading global investors, including Warburg Pincus, Softbank, Temasek and Singtel.
- Acting for **SBM Group**, a Mauritian banking group listed on the stock exchange of Mauritius, in connection with its take-over and rescue of Fidelity Commercial Bank, a Kenya bank in financial distress, including running with the take-over and squeeze-out process, which was done in Kenya for the first time under the new Companies Act, drafting the Share Purchase Agreement, obtaining of regulatory approval from the Central Bank of Kenya, the Competition Authority of Kenya and the COMESA Competition Commission and assisting the banking licence and fit and proper requirements for the Central Bank of Kenya.
- Acting for **Essar Telecom Kenya**, a mobile telecommunications service provider in Kenya trading under the "YuMobile" brand, in connection with its divesture from Kenya and resultant consolidation of the mobile telecommunications market in Kenya from 4 to 3 players through the sale of a substantial part of Essar's mobile business to Airtel and Safaricom- both licensed mobile telecommunications service providers in Kenya, including advising on deal structure and regulatory approval process with the Communications Authority of Kenya, the Competition Authority of Kenya and COMESA Competition Commission; negotiating various transactional documents including share purchase agreements and asset purchase agreements; coordinating transfers of leases, novation and assignments of supplier, distributor, and service provider contracts, and providing legal advice on all other related aspects of asset transfer and consolidation of operations.