Q&A

Faith Chebet

Executive | Corporate Commercial and M&A
ENS

Regional dynamics, cross-border deals and the African landscape

Cross-border M&A within the continent is growing rapidly. What is the most challenging regional nuance, whether related to currency fluctuations, exchange controls, or local political landscapes, that you've had to navigate to close a deal?

Africa continues to provide extraordinary opportunities for growth, and it's been interesting to see the shift in how businesses think about expansion in the region, increasingly as a strategic priority rather than a stretch goal. But practical realities rarely mirror what any investor expects from the outset.

One of the most challenging nuances in cross-border M&A on the continent is coordinating multi-track regulatory approvals running simultaneously across jurisdictions with different timelines, thresholds, and frameworks.

None of these challenges are insurmountable, but essential to navigate them is having legal counsel with genuine African know-how: not just technical capability, but a deep understanding of local dynamics developed through years of working on the ground. We understand regulatory temperaments, and we can anticipate when a regulator will move quickly and when to expect delays because we've built relationships with the professionals on the other side of the table. That institutional knowledge can't be replicated.

The practical lesson? Engage local counsel and regulators early, build realistic buffer time into timetables, and keep the end goal in mind. All challenges in dealmaking are ultimately posed by people and resolved by people. Navigating that is where I spend much of my professional time: helping clients coordinate across regulatory tracks, and turn what looks like an obstacle course into a clear path to completion.

East Africa has established itself as a global hub for mobile money and fintech infrastructure. How is this digital maturity changing the way traditional corporate finance valuations are conducted in the region?

Having spent much of my career advising clients in East Africa's telecommunications and fintech space, I've had a front-row seat to how mobile money infrastructure is reshaping corporate finance. Transaction data that would once have been invisible, such as informal trade and remittances, are now captured digitally, giving businesses far richer datasets for valuations. Dealmakers now routinely factor in transaction volume growth and digital adoption rates alongside traditional metrics. The due diligence conversation has changed too: acquirers request access to payment data alongside audited financials, and legal teams must structure data protection and cross-border data transfer compliance into the transaction itself, whether through representations, indemnities or conditions to closing. For investors entering the region, this digital maturity is a genuine advantage, but only if the legal architecture keeps pace with the data.

The African Continental Free Trade Area (AfCFTA) aims to create a single market. Have you seen a tangible impact yet on how regional corporates approach pan-African expansion and capital allocation?

The tangible impact of AfCFTA is still uneven, but it is visible. Full implementation is not yet complete, but the agreement is in force, and commercially meaningful trade is already happening through pilot mechanisms. These have enabled Kenyan synthetic filaments, for example, to access regional markets under preferential terms.

Beyond the pilots, some regional corporates are increasingly structuring new investments through holding entities designed around intra-African trade preferences, rather than defaulting to offshore jurisdictions.

Implementation gaps remain, particularly around non-tariff barriers and customs administration. But businesses in manufacturing, agribusiness and logistics are already pre-positioning their legal and corporate structures to leverage preferential treatment, rather than waiting for perfect implementation before acting.

When dealing with international development finance institutions (DFIs) versus private global investors looking at East or West Africa, how do you adjust your pitch and capital raising strategy?

DFIs and private global investors operate with different priorities, and the legal work has to accommodate both. When advising clients engaging with DFIs, documentation requirements are distinctive. Impact metrics must be woven into the transaction structure: job creation covenants, environmental and social action plans, governance safeguards, all drafted with the same rigour as commercial terms. For DFIs, ESG goes to the heart of their mandate. They deploy capital to generate measurable positive outcomes alongside financial returns, answering to stakeholders who expect demonstrable impact. From a drafting perspective, sustainability indicators and supply chain due diligence obligations become core contractual terms, rather than policy annexes.

When advising private investors, the focus shifts to speed, exit optionality and downside protection; warranty and indemnity structuring, drag and tag rights, and clear governance provisions. Where both DFIs and private investors sit in the same capital stack, which is increasingly common on the continent, the task becomes structuring arrangements that satisfy DFI reporting obligations without diluting commercial protections. Getting that balance right early saves clients from costly renegotiation later, and it's one of the aspects of this work I find most interesting.