

EXPLANATORY MEMORANDUM TO THE LEGAL NOTICE ON THE IMPOSITION OF USER FEES ON THE KENYA NATIONAL ELECTRONIC SINGLE WINDOW SYSTEM, SERVICES

LEGAL NOTICE NO 203 of 2019

PART I

Name of the Statutory Instrument:	Imposition of User fees on the Kenya National Electronic Single Window System
Name of the Parent Act:	State Corporation Act (The Kenya Trade Network Agency Order, 2010)
Enacted Pursuant to:	Paragraph 7(2)(d) of the Kenya Trade Network Agency Order, 2010.
Name of the Implementing Agency	Kenya Trade Network Agency
Ministry/Department:	The National Treasury and Planning
Gazetted on:	1st January 2020



PART II

1.0 Purpose of the Statutory instrument

To raise funds from the users of the Kenya National Electronic Single Window System, herein and after, referred to as the "the System" to supplement budget allocation from the exchequer for maintenance of the System. The System requires continuous and sufficient funds for maintenance, upgrade and improvement so that it can continue providing efficient and effective services to the users.

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 13 FEB 2020	DAY: 1 THURSDAY
TABLED BY:	Hon. Duale Aden
CLERK AT THE TABLE:	Lemna Moses

2.0 Background

- 2.1 The Kenya Trade Network Agency (KenTrade), was established through Legal Notice No. 6 of 2011 as a State Corporation under The National Treasury with a mandate to operationalize, implement and manage the System and to facilitate Trade.
- 2.2 Paragraph 7(2)(d) of the Legal Notice No. 6 of 2011 provides that the Board may impose fees and charges as may be approved by the Minister, from time to time, for the use of any services provided by the System.
- 2.3 Currently, KenTrade is financed from the Consolidated Fund with occasional support from development partners. The support from the development partners is not predictable and also not sustainable. Further, at times the priority of the Development partners may be different from that of that of KenTrade. It is therefore important to have finances that the Agency will have control over in order to meet its objectives.
- 2.4 Given the critical role of the System in terms of trade facilitation there is need to ensure that funds for maintenance, upgrade and continuous improvement of the System are guaranteed. There are many competing needs for finances from the Consolidated Funds and therefore KenTrade may not be allocated funds as per its request. The National Treasury due to revenue collection shortfalls implements budget austerity measures thus reducing the budget allocations to Government Agencies, State Departments and Ministries across the board. This means that all the budgeted projects are scaled down proportionately. In view of this an alternative source of financing for maintenance of the System, upgrade, improvement and the supporting infrastructure should be readily available so as to ensure services are not interrupted.
- 2.5 Most Electronic Single Window System operators in other jurisdictions charge fees for the use of their Systems. Charging fees on the services provides resources to meet expenditure needs that may arise such as

ensuring up-to-date system technology and system maintenance. In addition, it gives the users of the System power to demand for efficient and quality services.

- 2.6 Single Window Systems have three distinct sequences: Development, Operation and upgrade. This sequence is a three to five year cycle that will keep recurring. These distinct phases will always require heavy financial outlays and the exchequer may not always have resources for timely provision of funds. In addition to the above, the Single Window operates in a very dynamic industry both in terms of technology and skills set. In order for KenTrade to leverage on new and emerging technology to remain competitive and relevant as an ICT player it requires adequate financial resources to meet her technological and human resource needs.
- 2.7 In view of the foregoing and with approval from the Cabinet Secretary for The National Treasury and Planning, The Board introduced fees for the use of the System.

3.0 Public Participation

- 3.1 The Agency conducted public consultation on the introduction of user fees on the services offered through the System to finance the maintenance, the System upgrade and continuous improvement of the System. The stakeholder workshops were held in Nairobi on 16th May 2019 and in Mombasa on 30th May 2019. The meetings were attended by Clearing and Forwarding firms, Ship Agents, Shippers Council of East Africa, Ground Handlers, Consolidators, Container Freight Stations, Chamber of Commerce and Industry and individual industry opinion leaders. **(See Appendix I – Reports on stakeholder meetings)**
- 3.2 The stakeholders support the introduction of user fees on the System so that the services continue to be offered efficiently and are not interrupted due to lack of funds for maintenance or any other related activities. They

have experienced major benefits following the introduction of the System including a lowering of the cost of doing business.

- 3.3 More specifically, the Shippers Council of East Africa, a membership-based organization representing the interest of Importers, Exporters, Manufactures and Logistic Service Providers supported the introduction of the fees on the services offered by the System. (**Appendix II – Letter from Shippers Council of East Africa**)

4.0 The Gazetted Fees

The table below highlights the fees gazetted for use of the System (Appendix III – Gazette Notice):

	Description of services	User fees	Payment
(i)	Application for Unique Consignment Reference (UCR) number in the System	Seven hundred and fifty shillings or seven point five United States of America dollars, per transaction (KShs. 750 of USD.75)	Payable on or before the 10 th day of the preceding month
(ii)	Arrival notification by the System for the impending arrival notice of the consignment.	Seven thousand five hundred shillings or seventy-five United States of America dollars per notification (KShs. 7,500 of USD. 75)	Payable on or before the 10 th day of the preceding month
(iii)	Registration/annual fees	Five thousand shillings or fifty United States of America dollars, per user (KShs. 5,000 of USD.50)	Payable on or before the expiry of twelve months from the date of the last payment.

5.0 Impact

- 5.1 Based on an assessment of the users of the System, Users have benefited from the introduction of the System and they would wish this experience sustained in the long run. The key and primary concern by the users and the private sector is “efficient services” with the cost becoming secondary.
- 5.2 The introduction of the fees will therefore ensure that the Agency is able to sustain and improve the System thus ensuring continued availability of the services, which will continue to impact positively on the business environment in the country. It is important to point out that the introduction of the System has had a positive impact on the ease of doing business index for Kenya.
- 5.3 As revealed by a 2018 World Bank assessment report (**Appendix IV**), the National Electronic Single Window System has continued to benefit the country and the business community as follows;
- i. Improved convenience and substantial cost savings estimated at **US\$25.36 million (KShs.2.5 billion)** per year
 - ii. Improved connectivity, security, process and procedures where the average number of process steps involved in processing clients applications reduced by almost **50%**.
 - iii. Increased level of automation of processes and procedures, from **19%** before TradeNet system **to 87%** as at mid 2018

- iv. Removal of potential to falsify documents. Minimized time required to confirm authenticity of documents and elimination of the need to submit hardcopy permits.
- v. With other initiatives clearance time has reduced by **32%** and cargo dwell time by **39%**.
- vi. Improved compliance, revenue collection and traceability in which case the NSWS has increased compliance and ensures correct revenue yield.
- vii. Over **US\$22.19** million collected through the system per year with majority of Government agencies recording double digit growth in revenue year on year.
- viii. Improved governance, accountability and transparency through elimination of human interaction between officers in various Government agencies and the private sector.
- ix. Paperless (electronic) application by traders 24/7 basis.

6.0 Monitoring and review

The Legal Notice will be implemented by the Kenya Trade Network Agency. It will be reviewed regularly to ensure the fees charged does not outweigh the benefits by consumers of the services offered by the System. Further, the implementation of the legal Notice will be monitored to ensure the role of the Agency on trade facilitation is not compromised.

Contact

Chief Executive Officer

Kenya Trade Network Agency

**Stakeholders Engagement reports and
Attendance Registers**



KENYA TRADE NETWORK AGENCY

APPENDIX 1 - REPORT ON STAKEHOLDERS

Summary of issues/views raised by stakeholders (details are in the attached workshop reports)

	Issues raised by Stakeholder	Response
1	Is the user fee going to apply to every permit application	<p>The user fee is per every Unique Consignment reference (UCR) which may accommodate more than one permit – (1s per consignment).</p> <p>The User fee therefore is not for every permit.</p>
2	<p>Consolidators rely on shipping agents to submit vessel arrival notifications and Master manifest before they can submit their documentation. What documents will be used to charge consolidators.</p> <p>The proposed annual registration fee of Ksh15, 000 is also on the higher side.</p>	<p>Only the vessel arrival notification will be charged.</p> <p>The annual registration fee was lowered to Kshs. 5,000.</p>
3	<p>Impact of the proposed user fee on the cost of doing business and the need to lower the fees.</p> <p>Proposed fees were:</p> <ul style="list-style-type: none"> Kenya Shillings One Thousand (Kshs.1,000) or Ten United 	<p>Approved fees are lower:</p> <ul style="list-style-type: none"> Kenya Shillings Seven hundred and fifty (Kshs.750) or Seven point five United States Dollars (USD7.5) per transaction;

	<p>States Dollars (USD10) per transaction;</p> <ul style="list-style-type: none">• An annual renewal and access fees of Kenya Shillings Fifteen Thousand Only (Kshs.15,000).	<ul style="list-style-type: none">• An annual renewal and access fees of Kenya Shillings Five Thousand Only (Kshs.5,000).
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KENYA TRADE NETWORK AGENCY (KENTRADE)

Simplifying Trade Processes For Kenya's Competitiveness

REPORT ON THE CONSULTATIVE FORUM ON TARIFF STRUCTURE & BUSINESS MODEL

Crown plaza hotel – Upper hill, Nairobi Held

16th May, 2019

PROGRAMME:

TIME (HRS)	ACTIVITY	FACILITATOR
0800	Arrival & Registration	Ken Trade Marketing and communication team
0830 - 0840	Documentaries	Ann Odero Ass. Manager Corporate Communication
08400 - 0850	Welcome Remarks	Amos Wangora Chief Executive Officer, Ken Trade
0850 – 0900	Remarks	Mr. Suleiman Shahbal Chairman, KenTrade BOD
0900 -0905	Remarks	Private Sector Representative Gilbert Langat CEO Shippers Council of East Africa
0910 -0930	Update on KenTrade Services	Rose Ronoh Director Trade Facilitation
0930 - 1000	Presentation on Tariff Structure & Business Model	David Ngarama Ag. Director Strategy Compliance & Business Development
1000-1020	Discussions & Way Forward	All
1020–1025	Vote of Thanks	Ken Trade Board Member
1030	End of Program	All
MC Asst. Manager Corporate Communication Rapporteur Ms .Alice Muthoni		

1.0 Introductions/welcoming remarks

The meeting was called to order at 0830 hours with a word of prayer from Ms. Odero and Mr. Mohamed.

Ms. Odero then welcomed the CEO KenTrade to give opening remarks and invite the chairman KenTrade Hon. Suleiman Shahbal to give his remarks.

2.0 Remarks

2.1 Mr. Amos Wangora (CEO KenTrade) Remarks

In his statement, the CEO welcomed all the participants to the forum and thanked the stakeholders for honoring the invitation and for their continuous support that has helped KenTrade improve on service delivery and introduction of new products to the market.

He also noted that KenTrade has managed to integrate the Kenya TradeNet System with 36 Government Agencies including key Agencies such as KRA, KEBS, KPA, KEPHIS among others. Key highlights from the speech included:

- KenTrade has implemented almost all the modules that were envisaged and has been working on integrations of TradeNet System with KRA's integrated custom management system(ICMS)
- On May 10, 2019 ICMS integrations of single window and cargo release modules for PGAs went live for air cargo (consignment) and work is in progress on sea cargo module which is schedule to go live before end of June 2019
- A study by the World Bank group on the impact of Kenya Trade Net System revealed that the system has streamlined effective information sharing and the report will be shared with the public soon. He then welcomed the Chairman KenTrade Hon. Suleiman Shahbal.

2.2 Hon. Suleiman Shahbal (Chairman KenTrade) Remarks

The Chairman of the Board of KenTrade Mr. Suleiman Shahbal in his remarks thanked KenTrade for organizing the event. He reiterated that sustainability of KenTrade is crucial, he emphasized on the importance of introducing a tariff of Ksh. 1000 per UCR to the users of the single window system as way of supplementing the limited funding from the exchequer and to ensure that the TradeNet services are maintained.

3.0 Presentations

Presentations were made by Ms. Rose Rono & Mr. David Ngarama (Attached separately). The presentation covered the following areas;

3.1 Update on KenTrade services by Director Trade Facilitation – Ms. Rose Rono

- Ms. Rono gave a brief on who KenTrade is, what it does and the value added services by KenTrade in line with its mandate.
- The DTF, briefed the stakeholders on the achievements of single window system as well as the challenges of implementation of the single window system

3.2 Presentation on Tariff Structure & Business Model - Ag. Director Strategy, Compliance & Business Development – Mr. David Ngarama

- Mr. Ngarama explained the need for the forum, the need for the single window system and how it has eased work, reduced cost of business and simplified trade procedures.

- Ag. DSCBD, explained the proposed single window system tariff structure in comparison to other countries. The proposed tariffs are as below:
 - **Kenya Shillings One Thousand (Kshs.1,000) or Ten United States Dollars (USD10) per transaction and per arrival notification for shipping lines;**
 - **An annual renewal and access fees of Kenya Shillings Fifteen Thousand Only (Kshs.15,000) or One Hundred and Fifty United States of America Dollars (USD150).**

4.0 Plenary session

4.1 Comments from participants

Stakeholders were given an opportunity to give their feedback on the TradeNet system Tarif

Stakeholder	Comment
Mr. John Mutinda - KIFWA Representative	Had reservations on the introduction of the tariff but later accepted the idea after various explanations were made on the importance of the introduction of the tariff. The stakeholder however underscored the need for the Government to address Non-tariff Barriers that are a hindrance to trade and which are even more costly than tariffs within the region.
Mr. Kwoba – from SGS	Kentrade is the best thing that happened to the logistics sector in terms of trade and has achieved a lot, he also added that Kentrade plays a key role in the ICT sector hence can't wait for funding from the government only but rather get support from the private sector. He observed that the 10USD proposed tariff was minimal and it would be good for the private sector to support this initiative.

Stakeholder	Comment
Maria - KAM	Even as KenTrade was contemplating introducing user fees, it should be conscious of the cost of doing business in the country thus the benefits from the System should out-weigh the proposed fee. Different countries have different tax regimes and as a country we need to consolidate some charges in the logistics chain to support the various actors such as the 2% IDF fee. Ms. Maria also noted there was need of inviting other PGAs concerned such as KRA to such forums in future.
Mr. Hosea – (Group of Exporters of Fresh Produce)	The additional cost may result to increased cost of doing business especially for the horticultural sector. The Government should fully fund the operations of KenTrade and not the traders.
Mr. Agayo – (Shippers Council of East Africa)	Commended KenTrade for being efficient and useful to the traders but noted that KenTrade should discuss with the Government for its sustainability as well as other PGAs. He also felt that the proposed charges were rather high and needed to be reduced to make it friendlier to the traders.
Independent Researcher	<p>Appreciated the work done by the Government on the trade sector and urged participants not to only focus on the negatives. He added that the Kshs 1000 is a benefit from the service the trader gets and there is need to support the proposal.</p> <p>Suggested that KenTrade to do a stakeholders tariff survey and get to the middle ground on what should be charged.</p>
Mr. Charles Kariuki – KIFWA	Commended KenTrade for the good work and suggested that the Government should have a single funding system for KenTrade so as to make KenTrade more of Government than

	Stakeholder	Comment
		private
	Ms. Rosemary Avocado Business Entrepreneur	Commended KenTrade on the work well done and support for KenTrade should come from the business people for its sustainability. She also noted that KenTrade should have an MOU with PGAs for it to become the only hub for trade.
	Mr. Mohamed.	Commended KenTrade for being efficient as well as helping in curbing corruption. KenTrade should coordinate other Government Agencies in the logistics chain. The proposed charge is key in ensuring the sustainability of KenTrade but should however be lowered.

4.2 CEO KenTrade Response

- On the researchers remarks about a stakeholder researcher survey being done, the CEO reiterated that a survey had already been done
- He also informed members that the Government priorities issues and the most urgent are considered.
- He informed members that the single window system is more important having it than not having hence should be sustained.
- He also informed the stakeholders that they understand that the industry is overburdened

4.3 Chairman's Response

- He told stakeholders that KenTrade to call a specific meeting with Key stakeholders to discuss in details about the introduction of the tariff.

- He also added that KenTrade is not receiving much funding from the Government

4.4 Director Samuel Chemisto's Remarks

- He informed stakeholders that there was no additional money from the National Treasury and KenTrade needed support for better business services.
- He also said that services should be equal to what is being charged and not over burden business people.

5.0 Vote of thanks/Closing

- Mr. Chemisto thanked KenTrade management for the good work done and the stakeholders for attending the forum. In his statement he emphasized on the importance of stakeholder engagement in making decisions as the Government agencies exist because of the private sector. He noted that KenTrade is an exception among other Government agencies due to its efficiency.
- There being no other business the meeting was closed with a word of prayer by Ms. Anne Odero. Meeting was concluded at 1200 hours.

Report prepared by Alice Muthoni and Josiah Mugo

TENTATIVE PROGRAMME

**CONSULTATIVE FORUM ON TARIFF STRUCTURE & BUSINESS MODEL
CROWN PLAZA HOTEL - UPPER HILL, NAIROBI
MAY 16, 2019**

PROGRAMME

TIME (HRS)	ACTIVITY	FACILITATOR
0800	Arrival & Registration	KenTrade Public Relations Officers/Interns
0830 - 0840	Documentaries	Ann Odero Asst. Manager Corporate Communication
0840 - 0850	Welcome Remarks	Amos Wangora Chief Executive Officer, KenTrade
0850 - 0900	Remarks	Mr. Suleiman Shahbal Chairman, KenTrade BOD
0900 - 0905	Remarks	Private Sector Representative Gilbert Langat CEO Shippers Council of Eastern Africa
0910 - 0930	Updates on KenTrade Services	Rose Ronoh Director Trade Facilitation
0930 - 1000	Presentation on Tariff Structure & Business Model	David Ngarama Ag. Director Strategy Compliance & Business Development
1000 - 1020	Discussions & Way Forward	All
1020 - 1025	Vote of Thanks	KenTrade Board Member
1030	End of Program	All
MC Asst. Manager Corporate Communication Rapporteur: TBC		

**Kenya Trade Network Agency
(KenTrade)**

STAKEHOLDER'S FORUM ON BUSINESS MODEL & TARIFF STRUCTURE HELD AT CROWNE PLAZA HOTEL, NAIROBI ON 16 MAY, 2019

No.	NAME	ORGANISATION	MOBILE	EMAIL	SIGNATURE
1.	Reshma Sali	Kenya Swaba	0722-713310	reshma@kenyaswaba.com	
2.	PETER KAMAU	KEN TRADE	0714577067	pkamau@kentrade.go.ke	
3.	MARGARET WANJAU	NAMPAK	0733626294	margaret.wanjau@nampak.com	
4.	M. WANDA	KIFWA	0702905987	wanda@kifwa.co.ke	
5.	MUSA MBIRA	KIFWA	0722838219	director@kadmus.co.ke	
6.	John Mutinda	Seabridge/Kifwa	0722887267	johnmutinda@seabridge.co.ke	
7.	Lulu Kiritu	Taffiri Group	0710436299	kiritu.lulu@gmail.com	
8.	Hubert Langat	SCOT	0722648710	hubert.langat@gmail.com	
9.	MADRINE WANGECHI	- KIFWA NBI - BOLT SPEED CSF LTD	0727002739	shiiimed2013@gmail.com	



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Kenya Trade Network Agency (KenTrade)

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No.	NAME	ORGANISATION	MOBILE	EMAIL	SIGNATURE
1.	Josiah Mugo	KenTrade	0721 250357	jmugo@kentrade.org.ke	<i>Josiah Mugo</i>
2.	Muhammed Ramadhan	K.I.F.W.A	0722 660011	mohamed.edelray@kifa.com	<i>Muhammed Ramadhan</i>
3.	Albert Mburu	Genesis Africa Ltd	079155573	albert.mburu@genesisafrika.com	<i>Albert Mburu</i>
4.	HENRY ONOLO	KIFWA	0733854462	henry.onolo@kifa.com	<i>Henry Onolo</i>
5.	Ennid Nyambura	StarTech	0722351748	ennidnyambura@starch.com	<i>Ennid Nyambura</i>
6.	Gloria Ogulu	FPESA	0707307354	gloria@fpesa.co.ke	<i>Gloria Ogulu</i>
7.	IRENE OYONDO	IFRU RESEARCH	0704751154	ireneoyondo@ifru.co.ke	<i>Irene Oyondo</i>
8.	PAUL KIHU	CSR GROUP	0724055032	paul.kihu@csrgroup.co.ke	<i>Paul Kihu</i>
9.	Abdul R. Boraya	BOLLARE TEL	0722-412161	abdul.boraya@bollare.com	<i>Abdul Boraya</i>





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No.	NAME	ORGANISATION	MOBILE	EMAIL	SIGNATURE
1.	SHARON JEROP	KENTRADE	0717776050	Sjerop@Kentrade.go.ke	
2.	Hellen Achirog	SGS	0745348362	hellen.achirog@sgs.com	
3.	Anne Kisemba	SCEA	0708299175	anne-kisemba@shipperscouncilkea.org	
4.	AGAYU OGAMBI	SCEA	0722970936	agayu.ogambi@shipperscouncilkea.org	
5.	Margaret Karumbi	Dinex Holdings	0722595351	info@dinexholdings.co.ke	
6.	BELLITOV KARATA	Acceler Global	0723921663	bkarata@acceler.co.ke	
7.	Alice Muthoni	KenTrade	0710368625	amuthoni@kentrade.go.ke	
8.	SAMUEL K. CHEMISO	KENTRADE	0722399866	S_CHEMISO@YATCO.CO.UK	
9.	ISAAC KWABA	SGS	0733739818	isaac.kwaba@sgs.com	

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Kenya Trade Network Agency (KenTrade)

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No.	NAME	ORGANISATION	MOBILE	EMAIL	SIGNATURE
1.	ELIZABETH NJOKI	PARS RESEARCH	+254723903304	elizabeth.njoki@pars.co.ke	
2.	Amos Mwaluru	Amotace	0720450565	amos@amotace	
3.	Bilhab Inyanya	Family Bank	0720306200	binyanya@familybank.co.ke	
4.	Chantel Mbuyie	Chantel Fresh Produce	0722764395	chantel.fresh.produce@gmail.com	
5.	GIFT MWAALUMA	SPS Logistics Interfreight	0720 795309	Gift Mwaaluma @ SPSLogisticsinterfreight.com	
6.	MARIA	KSM	072289516	maria.hiro@ksa.co.ke	
7.	Billy Wamala	Resorts & Cities	0735 279387	billy@bangorogate.co.ke	
8.	Evelyn Wamal	KenTrade	072261527	ewamal@kentrade.co.ke	
9.	CAROLYNE KHAINDI	KENTRADE	0715798678	ckhaindi@kentrade.com	



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Kenya Trade Network Agency (KenTrade)




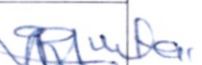
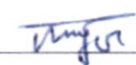




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No.	NAME	ORGANISATION	MOBILE	EMAIL	SIGNATURE
1.	ERIC LUMBE	KENTRADER	0722241895	elumbo@kentrader.go.ke	
2.	Brenda oyie	Kauntable	0720296913	brenda@kauntable.com	
3.	Ers Wamburs	Britan	0718012203	ershripper@gmail.com	
4.	CHRISTINE MUKANGI	KIFWA	0722703957	christmukangi@kifwa.com	
5.	Hellen Wasike	Kentrade			
6.	SAKINA ASMAN	KNCCI	071729403	sakina.asman@kenya-chamber.co.ke	
7.	JANE DWOYA	FPC	0721803442	jdwoya@fpc.co.ke	
8.	FERIDEH KILIA	SGS	0721558745	ferideh.kilia@sgs.com	
9.	JOSEPH GUTHI	TIMSALES LTD	0722790394	guthi@timsales.com	



**Kenya Trade Network Agency
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No.	NAME	ORGANISATION	MOBILE	EMAIL	SIGNATURE
1.	ABIGAIL MWASIGWA	INTERTEK INT'L	0724543233	abigail.mwasigwa@intertek.com	
2.	Clement Mwangi	Unilever Kenya	072964976	clement.mwangi@unilever.com	
3.	FREDRICK MUKILYA	KAPCCI	0717430094	fredrick.mukilya@kenyachamber.or.ke	
4.	ROSEMARY MUKITA	Great Global Traders	0711715067	roseemukita@gmail.com	
5.	JUSTUS UTHEHUYOT	MODEST INT'L	0770623864	justus@modest-intl- ^{logistics.com}	
6.	Mercy Karuri	Reno Farms	0721258144	mercy.karuri@gmail.com	
7.	Phyllis Nyambura	Tajiri	0700396433	phyllis.nyambura@gmail.com	
8.	Charles Kamuk	KIWA	0722809421	ckamuk@equimark.co.ke	
9.	Hosea Mochu	FDcell	0799992259	hoseamochu.com	





Your G2B trading partner

Kenya Trade Network Agency (KenTrade)

STAKEHOLDER'S FORUM ON BUSINESS MODEL & TARIFF STRUCTURE HELD AT CROWNE PLAZA HOTEL, NAIROBI ON 16 MAY, 2019

No.	NAME	ORGANISATION	MOBILE	EMAIL	SIGNATURE
1.	Moses Kwach	Family Bank	0720690444	m.kwach@familybank.co.ke	
2.	Sylvia Njeri	KenTrade	0721497739		
3.	Belindar Momanyi	KenTrade	0790186969	bmomanyi@kentrade.go.ke	
4.	Edun Wangama	KenTrade	0725766051	ewangama@kentrade.go.ke	
5.	Paul Mwiriba	KenTrade	122724635	pmwiriba@kentrade.go.ke	
6.	LINDIA KIMANI	SOCAL/KEPCA	0727733772	lydia.kimani@cpd.co.ke	
7.	Alice Nyoki	KenTrade	0746001029	nalice@gmail.com	
8.	Dorine Gachari	Ernest & Martin Associates	0727225739	dorine.gachari@ernestandmartin.com	
9.	Ruth Karuki	Kega Fashions	0725943023	ruthkarukiwegmail.com	



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No.	NAME	ORGANISATION	MOBILE	EMAIL	SIGNATURE
1.	Jan Oluoch	RSC	0733 242941	jan@rsc.co.ke	
2.	Fredrick Abou	KIFWA	0723576578	fred@skylogistics.com	
3.					
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MEDIA



Kenya Trade Network Agency (KenTrade)

STAKEHOLDER'S FORUM ON BUSINESS MODEL & TARIFF STRUCTURE HELD AT CROWNE PLAZA HOTEL, NAIROBI ON 16 MAY, 2019

No.	NAME	ORGANISATION	MOBILE	EMAIL	SIGNATURE
1.	ANITA STEPANOVICH	NMG	0711 308 224	anitact100@gmail.com	
2.					
3.					
4.					
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KENYA TRADE NETWORK AGENCY (KENTRADE)

Simplifying Trade Processes For Kenya's Competitiveness

MOMBASA STAKEHOLDERS CONSULTATIVE FORUM ON PROPOSED TARRIFF STRUCTURE

English Point Marina, Mombasa

30th May 2019

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1.0 Introduction

Kenya Trade Network Agency (KenTrade) is a state Agency under the National Treasury that is mandated to facilitate cross border trade and establish, manage and implement the National Electronic Single Window System (Kenya TradeNet System).

The agency was set up in January 2011 and currently has thirty five government agencies onboard and over eleven thousand nine hundred active users.

The successful implementation of the single window system has resulted in huge cost savings to government and private sector. A study commissioned by the World Bank highlighted key benefits; reduction in the number of processes, lower risks of falsification of documents, increase in the level of automation. This has resulted in an estimated cost savings of Kenya Shillings 2.5 billion a year.

Kentrade has been fully supported by the Treasury, since its inception and there was a need to maintain the successes accrued by the implementation of the single window. To this end the agency contracted a consultant to develop a tariff structure in 2016. The proposed tariffs were then presented to stakeholders in 2017 and their feedback incorporated in the document. This forum was therefore organized to present the new tariff structure in line with the constitutional requirement for public participation in development of new policies.

This report therefore highlights the feedback and opinions received from Stakeholders during the presentation of the proposed tariff structure on the 30th of May 2019 at the English Point Marina.

The attendance list is annexed to this report.

2.0 Introductions and Documentaries

Meeting began at 6:45pm with prayers from Mr. Ronald Omwoyo from Kenya International Freight and Warehousing Association (KIFWA).

Mrs. Evelyn Wamae then led the Introductions and recognized the presence of different stakeholder groups present;

- Kenya National Chamber of Commerce (KNCC)
- Kenya groupage cargo handling association
- Kenya Ships Agents Association (KSAA)
- Shippers Council of East Africa
- Kenya Association of manufacturers

Introductions were followed by the airing of documentaries on the Info Trade Portal and the Kenya TradeNet System.

3.0 Opening remarks

The CEO Kentrade officially opened the meeting and gave his opening remarks; he also invited executive heads of stakeholder groups to give their speeches.

3.1 Chief Executive officer Kentrade Mr. Amos Wangora

Mr. Wangora welcomed participants to the consultative forum. He thanked them for their support and honoring invitations to the meeting. He was grateful for the feedback received in past meetings and recognized the value of their input in helping the agency to improve service delivery

The CEO gave an update on the status of the Kenya TradeNet System. There are currently 35 government agencies and 11,900 system users and upwards of 600,000 transactions a year. He also gave an update on ongoing integrations with Integrated Customs Management System (ICMS); integration is being finalized and piloting has begun for airfreight. Sea freight is expected to go live by the end of July. The roll out of ICMS system will enable the agency to roll out Cargo release module; this will facilitate seamless flow of Information.

In his remarks he highlight of key benefits of the single window system captured in World Bank report released in 2016. It is estimated that implementation of the Kenya TradeNet system has resulted in a Cost saving of Kenya Shillings 2.5billion per year. This is attributed to reduced movements and minimal use of paper based documents. Some of the other benefits include; Reduction of the number of processes, increase in the level of automation from 19% to 87% and reduced falsification of documents.

Mr. Wangora acknowledged that the agency faces a number of challenges and that it continues to address them through various support channels including change management program.

The CEO in closing reiterated the need to find ways to ensure sustainability and growth. He informed the members of numerous opportunities within single window environment and emerging technologies in block chain that require significant capital outlay. Kentrade has relied on the national government and support from development partners. But there was a need to ensure the gains realized are maintained. A consultant was engaged in 2016 to come up with tariff structure. It was shared in 2017 and comments from stakeholders were

incorporated. This forum was therefore organized, to receive feedback on new proposed structure.

Mr. Wangora once again underscored Kentrade's commitment to maintain high levels of service delivery and encouraged stakeholders to candidly give contributions.

3.2 Director Wambui Namu- Kentrade Board of Directors

Director Namu represented the Chairman Mr. Suleiman Shabal. She read his speech on his behalf

- The Director informed members that Kentrade had organized the event to present an opportunity to ensure sustainability of the agency.
- She recognized the Stakeholders continued support for the Kenya TradeNet system and brought to the fore the central role the system plays in achievement of the big four agenda.
- The single window system is an enabler in achievement of the big four agenda and its success is directly linked to efficiency of the performance of government agencies. She stated further that the benefits have been clearly identified and quantified. . This emphasized the role and importance of sustainability of the TradeNet System
- In order to sustain the solution. Kentrade has come up with a business model. The director informed members that there are competing interests within government that has led to a funding gap. This necessitated the need for Kentrade to develop a business model
- The agency is seeking support to continue implementation of the TradeNet system and is proposing levying a small fee. The director encouraged feedback from stakeholders.

3.3 CEO Shippers Council of Africa Mr. Gilbert Langat

Mr. Langat recognized the presence of key stakeholders that spearheaded the formation of Kentrade. He acknowledged that the benefits of the TradeNet system have been clearly witnessed and savings seen particularly in reduction of transit times and improvement in handling of vessels

Relevance of Kentrade had been solidified in enhancing a conducive business environment through the operationalization of the system. Traders were working in an environment where there is duplication in exchange of documents among multiple agencies. The number of government agencies intervening on cargo has been overwhelming. The Kenya TradeNet system can help address these challenges.

Mr. Langat underscored the importance of stakeholders performing within agreed KPI'S and informed the stakeholders of the work undertaken to have this incorporated in the port community charter which he chairs. He informed members that the committee was working to get pronouncement from the government to that effect.

Going forward Mr. Langat urged stakeholders to look for sustainable options towards ensuring Kentrade is sustainable and their operations lead to reduction of time and enhancement of efficiency. He assured the agency of his support towards realizing this goal.

3.4 CEO Kenya Ships Agents Association (KSAA) Mr. Juma Telah

Mr. Telah commended Kentrade for the approach they used during initial inception of roll out of the Kenya TradeNet System.

He appreciated the developments Kentrade had made in the integration with the new KRA ICMS system. He raised concern however that the agency was moving away from the ideal single window concept where all documentation would be lodged centrally on one system. He made an inquiry on how this change would impact shipping agents and how the proposed business model will apply to their members considering the fact that documentation will move to ICMS.

3.5 Vice Chair Mombasa Branch Kenya International Freight and Warehousing Association (KIFWA)- Mr. Mohamed Ramadhan

Mr. Mohamed thanked Kentrade for giving stakeholders an opportunity to give their input on key proposals to be presented. He confirmed that the benefits reported by World Bank and presented in the forum to be true.

He commended Kentrade for the enhancement of systems and simplification of processes as a result in the implementation of TradeNet system. He urged members to keenly listen to the presentation and pledged KIFWA's support in realizing Kentrade's self-sustainability goals.

He closed by proposing that the agency considers diversifying and developing logistics coordination platforms/solutions for the private sector.

4.0 Presentation on Proposed business model

Ag. Director Strategy compliance and business development Mr. David Ngarama made presentation on proposed tariffs. His presentation covered the following areas;

- Objectives of single window
- benefits of the single window/ Cost savings
- Justification for maintaining single window services. There is a need for resources to ensure licenses are up to date and maintain services delivered. Goal is not to make profits but to ensure efficient service delivery
- Proposed fees
 - a) **10 dollars (ksh 1000) per Unique Consignment reference (UCR)**
 - b) **10 dollars (ksh 1000) for every arrival notification (Shipping agents)**
 - c) **Annual renewal and user access fees of ksh 15,000 per user**

Mr. Ngarama informed stakeholders that proposed fees will allow the agency to raise approximately ksh700,000 million. This is against a budget of ksh 1.2 Billion. The deficit would be met by the exchequer and or value added services offered by the agency. He then handed over the session to the CEO Mr. Wangora to lead the Question and Answer session.

5.0 Discussions and way forward

The CEO Kentrade led the Question and answer session and the following issues were raised and responded to during the session;

No.	Stakeholder group	Feedback/Questions	response
1.	KIFWA- Mr. Mohamed Ramadhan	Proposal for Kentrade to consider building logistic coordination platforms and IT solutions for different stakeholder groups	Kentrade is open to the idea. There is a need however to build capacity internally and hire software developers to develop IT solutions. In order to achieve this the Agency needs resources. It is difficult to attract experts in this field without offering competitive remuneration packages
2.	CEO KSAA- Mr. Juma Tellah	The CEO was concerned that Kentrade was moving away from the ideal single window concept where all documentation would be lodged centrally on one system. He made an inquiry on how this change would impact shipping agents and how	Mr. Wangora informed stakeholders that only 10% of countries had implemented ideal single window concept. Most have adopted a hybrid model where they integrate with key government institutions. The single window will have all approved

No.	Stakeholder group	Feedback/Questions	response
		the proposed business model will apply to their members considering the fact that documentation will move to ICMS.	customs documentation from the ICMS system and by doing so will be able to share documents with government agencies that require them.
3.	Mr. Patrick Ombok KIFWA	Mr. Ombok sought clarification on whether the annual renewal access fee & transaction fee will be charged concurrently. He proposed for Kentrade to consider picking one of the two. He also requested Kentrade to consider revising the annual fee downwards	CEO clarified that the proposed transaction fee will be charged at ksh 1000 and annual renewal fee would be Ksh 15,000. Transaction fees will be used to cater for recurrent costs & the annual fee used to cover development costs.
4.	Dr. Raj	What are the benefits of the TradeNet system to business people (Importers). What are the permits/licenses as	Some of the benefits are simplification of process and reduction in the time taken to clear goods. Prior to TradeNet

No.	Stakeholder group	Feedback/Questions	response
		<p>importers of Rice that will be charged under the new business model. He stated that they have not been applying for permits in the past, but recently there is an increase in number of permits/requirements for imports</p>	<p>system certain processes were manual. Automation has made processes more transparent, KRA also in turn use the TradeNet system to view approved permits and Independently verify status of documentation. At least Kshs.2.5 Billion has been saved as a result of the implementation of system</p>
5.	Eliud Odongo-Pwani oil products ltd	<p>Considering that a UCR can be used to create a number of documents/permit. Mr. Odongo sort clarification on whether the transaction fee is applicable per permit or per UCR</p>	<p>Transaction fee in proposed tariff will be charged per UCR</p>

No.	Stakeholder group	Feedback/Questions	response
		<p>Mr. Odongo raised concern that importers have limited channels/avenues for clients to raise issues/challenges they are facing in the system E.g. Challenges in upload of documents restrictions and limitations in size of files. Challenges experienced should be addressed before users are asked to pay for the services.</p>	<p>Kentrade has a change agent program that holds forums to get feedback on challenges affecting users. Kentrade encourages & invites private sector associations to participate in change agent network activities</p> <p>With regard to the system challenges. Kentrade is planning to upgrade to new generation single window system. By doing so it will be able to address some of the common challenges raised by stakeholders</p>
		<p>Mr. Odongo informed members that clearing agents are required to pay numerous government</p>	<p>CEO undertook to look into the proposal</p>

No.	Stakeholder group	Feedback/Questions	response
		<p>agencies in order to renew licences to operate their business. He requested Kentrade to take into consideration the different fees and due dates of other regulatory bodies as not to burden clearing agents. Consider spreading the payment throughout the year.</p>	
6.	<p>Kenya groupage cargo handling association- Chair Solomon</p>	<p>Consolidators rely on shipping agents to submit vessel arrival notifications and Master manifest before they can submit their documentation. What documents will be used to charge consolidators.</p> <p>proposed Ksh15, 000 is on the higher side for annual renewal he proposed for a negotiated figure.</p>	<p>Only the vessel arrival notification will be charged</p>

No.	Stakeholder group	Feedback/Questions	response
7.	Patrick- KIFWA	Clearing agents pay ksh 45,000 for renewal of licenses annually to Kenya Revenue Authority regardless of the number of transactions. He proposed for Kentrade to choose between transaction and annual fee and charge a single fee. He also proposed for annual fee to be revised downwards to ksh 10,000	The comment was noted.

Mr. Wangora thanked the stakeholders for the positive feedback. From the discussions there were no objections to charging as long as it was reasonable and fair. The program was handed over to Director Christopher Koisikir to give vote of thanks.

6.0 Vote of thanks & Closing

Director Koisikir thanked Kentrade management and Board of directors for organizing the forum. He thanked the business community and stakeholders for taking time to participate and give valuable contributions. He in particular thanked

the Muslim Brethren for attending the event during the time of Ramadhan, and finally the hotel English point for their hospitality.

The program ended with a prayer from Ms. Evelyn Wamae at 08:30pm.

Report prepared by Samuel Ochieng



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Tariff and Charging Model Forum – English Marina Mombasa Registration List - May 30, 2019

	Name	Organization	Telephone	Email	Signature
1.	CADRYNE HAKYA	GENUINE FREIGHT	0728946466	cservice@genuinefreight.com	
2.	OMAR JAMA	ODAY Agencies	0741105321	Omar.jama@odayagency.co.ke	
3.	D.M. CMM	Mangochi Port	074193312	dmcm@mpa.go.ke	
4.	N.M. Salim	CMA	072555544	Salim@westlogisticsltd.co.ke	
5.	MARTIN SOITA	KNCCI	0722588676	soita.martin15@gmail.com	
6.	Samuel Kuma	KNCCI	0781654915	godene@kenetrade.go.ke	
7.	Lubesh Givi	KNCCI	078748780	lubeshgivi26@gmail.com	
8.	EDWARD MUDIBO	EATTA	0722517232	emudibo@yahoo.com	
9.	DAVID OJANG	Kenya OIL	0721398947	david.ojang@kenya-oil.com	
10.	Rosario Nyaga	KSAA	0722441313	Rosario.Nyaga@ksaa.go.ke	
11.	Rosario Nyaga	KenTrade	0721577725	Rnyaga@kenetrade.go.ke	
12.	Hellen Guya	KenTrade	0722655923	hguya@kenetrade.go.ke	



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Tariff and Charging Model Forum – English Marina Mombasa Registration List - May 30, 2019

	Name	Organization	Telephone	Email	Signature
1	Andrew Odiong	KITWA	0722-955329	executiveofficermsa@kitwa.co.ke	
2	Ernest Kamau	KENTRADE	0722521099	ekamau@kentrade.go.ke	
3	Mohamed Bare	Huduma number	0724133900	Mohdus3@gmail.com	
4	Joseph Ouga	KGCHA	0721931688	joseph@lineareastafrika.net	
5	Gilbert Langat	Kentrade			
6	Christine Mukangi	KITWA	0722703951	christmukangi@yahoo.com	
7	MUTUNGA KYANIA	KGCHA	0722423821	dmutungas@helmatregit.com	
8	HENRY KANE	KGCHA	0722358221	henry@globalexpresslha.com	
9	HASSAN R MORDAK	KITWA	0722820271	kentan.connections@gmail.com	
10	PETER MWANGI Peterm@simpetcargo.com	SIMPET/KGCHA	0720758654	Peterm@simpetcargo.com	
11	SAUD KYALO	GENUINE-FREIGHT	0722946001	Genuinefreight@genuinefreight.com	



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	Name	Organization	Telephone	Email	Signature
1	Wambui Nanny	KenTrade	0722615967	wambui@ken-trade.co.ke	
2	Bernard Wangamuti	JIHAN FRT	0722551509	bernard@jihun@jihunfreight.com	
3	TOMAKA DE MASENKE	K.P.A	0719380412	tomaka@kipa.co.ke	
4	Anthony Mudgey	KWCAI	0778850198	anthony@kwcai.co.ke	
5	PATRICK ONYANGO	BANKI	0716373776	patrick.o@bfi.co.ke	
6	Mohamed Samadhi	KIPWA	0722660011	mohamed@delraycargo.com	
7	Hansa Ngari	Kaya Red Cross	071201488	ngari.hansa@redcross.co.ke	
8	Edwin Susan	DFS	0726212231	susan.edwin@freight.co.ke	
9	CAR. FESILE	I. KESSWA	0723074388	CARFESILE@KESWA.CO.KE	
10	Solomon Muma	KGCHA	0724339830	Chairman@kgcha.com	
11	LILLIAN DIAMBA	Boldine	0718885677	lillian@boldinesupplies.com	



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Tariff and Charging Model Forum – English Marina Mombasa Registration List - May 30, 2019

	Name	Organization	Telephone	Email	Signature
1.	JENNIFER MWANGI	KIFWA	072282918	pacpacific Ltd@gmail.com	
2.	ROHARD OMWOTO	1/1 PWA	0721520120	omwotoarang@gmail.com	
3.	AMOS WANCOM	ICEWINDAGE	0721606520	John.ke.ice@icewindage.co.ke	
4.	John Bosco Orig	EACL	0722613248	John.ke.ice@icewindage.co.ke	
5.	Evelyn Wamau	KenTrade	072261227	ewamau@kentrade.go.ke	
6.	Kintana Foods Ltd	dekoo Md	0741933121	KintanafoodsLtd@gmail.com	
7.	Samuel Kambuga	KenTrade	072999665	Samuel@kentrade.go.ke	
8.	PATRICK OMBOK	KIFWA	0722-384653	info@dujoenterprises.co	
9.	PAUL K SAMUNY	GUIF BROS	072052257	Paul-mobegnybadrafu.com	
10.	Jai Kumar	MOB Commodities	0753169001	jai.kumar.ruud@gmail.com	
11.	HILDA K-ASIRIGWA	KenTrade	0721358325	hkanegwa@kentrade.go.ke	



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Tariff and Charging Model Forum – English Marina Mombasa Registration List - May 30, 2019

	Name	Organization	Telephone	Email	Signature
1	Kennedy Brown Okoth	East African Consol	0701179922	Accounts@ke.africaconsolidators.co.ke	
2	Moti Ravi	MOTOCOMMERCIAL	0781475588	MRAMESARMAL@gmail.com	
3	Juma TELLAH	KSKA	0722326267	juma.telloh@kska.co.ke	
4	KHATIB MWINA	LUMAN LTD	072236624	operations@luman.co.ke	
5	Samuel ocheng	KENTRADE	0724630121	soucheng@kentrade.go.ke	
6	Besuril M. Lewa	KENTRADE	0720295866	bmilex@kentrade.go.ke	
7	David Agwama	KENTRADE	0722935107	DAVIDAGWAMA@kentrade.go.ke	
8	Kousiku Christopher	Kentrade	0726352466	Kousiku@gmail.com	
9					
10					
11					

Appendix II

**Legal Notice 203 and cover page of Kenya Gazette
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LEGAL NOTICE NO. 203

THE KENYA TRADE NETWORK AGENCY ORDER, 2011

(L.N. No. 6 of 2011)

IMPOSITION OF USER FEES ON THE KENYA NATIONAL ELECTRONIC SINGLE SYSTEM

IN EXERCISE of the powers conferred by paragraph 7 (2) (d) of the Kenya Trade Network Agency Order, 2010, the Kenya Trade Network Agency, with the approval of the Cabinet Secretary for the National Treasury and Planning, imposes the fees specified in the Schedule hereto, payable to the Chief Executive Officer of the Agency in the manner specified in the Schedule, for use of the Kenya National Electronic Single Window System with effect from the 1st January, 2020.

SCHEDULE

No.	Description of the service	User fees	Payment
(i)	Application for Unique Consignment Reference (UCR) number in the System	Seven hundred and fifty shillings or seven point five United States of America dollars, per transaction	Payable on or before the 10th day of the preceding month
(ii)	Arrival notification by the System for the impending arrival notice of the consignment	Seven thousand five hundred shillings or seventy-five United States of America dollars, per notification	Payable on or before the 10th day of the preceding month
(iii)	Registration/annual fees	Five thousand shillings or fifty United States of America dollars, per user	Payable on or before the expiry of twelve months from the date of the last payment

Dated the 24th December, 2019.

SULEIMAN SHAHBAL,
Chairman of the Board of Directors
of the Kenya Trade Network Agency



[Handwritten signature] 14.01.20

Appendix III

Letter from Shippers Council of Eastern Africa

9 The Crescent, off Parklands Road, Westlands (After Kalson Towers)
P. O. Box 1291-00606 Nairobi, Kenya
T: +254 773 829 547/8, +254 733 888 540, +254 708 299 175
E: info@shipperscouncilea.org
W: www.shipperscouncilea.org

**Shippers
Council of
Eastern
Africa**



3rd May, 2019

**The Chief Executive officer
Kenya Trade Network agency
P.o Box
Nairobi**

Dear *Mr. Wangora,*

RE: IMPACT OF THE NATIONAL SINGLE WINDOW SYSTEM IMPLEMENTATION TO SHIPPERS.

The Shippers' Council of Eastern Africa (SCEA) is a business membership organization that represents the interests of importers and exporters in Kenya and the Eastern Africa Region. It provides a platform to articulate their concerns and demands to service providers and government regulatory institutions.

Its mandate is to advocate for an improved policy and trade environment, educate shippers on their rights and obligations in import and export trade, interpret government regulations and procedures, and provide a platform for sharing experiences through networking forums, training and awareness workshops and policies that promote competitiveness of shippers and the region as an investment hub. Its key focus is reduction of cost of trade logistics through increased efficiency, predictability and reduction of complexity of transactions through system integration, modernization, conformity and transparency.

In part fulfillment of its mandate to achieve the above, the Shippers Council has been in the forefront in supporting the implementation of the National Single Window System (NSWS) towards achievement of the automation and integration of logistics and trade facilitation operations in the Country and the Northern Corridor. This is in line with attainment of the Pillar II of the Mombasa Port Community Charter on paperless transaction and in support of the vision towards pre-clearance of goods.

The implementation of the NSWS has seen significant impact to the shippers in terms of time taken to process permits, cost related to manual processing and documentation leading to positive response by shippers on the impact of implementation of the system on their efficiency and cost reduction.

The Council has further established the benefits accrued to the shippers through automation and system integration. The interest of the Council in supporting the implementation of the single window has been its RELEVANCE in correlation to local and national requirements and priorities, EFFECTIVENESS in reduction of time and cost of import and export value chain and the economy at large, attain EFFICIENCY of systems

*Vision: An efficient logistics chain that enhances the competitiveness of cargo owners in Eastern Africa
Mission: To offer proficient, research based advocacy and value-add services to cargo owners*

towards achieving cost effective and economical use of resources. Of more importance is the IMPACT that the system has had in the overall logistics and Trade facilitation value chain both in terms of primary and secondary long-term effects shippers and their service providers. The OPERABILITY and practicality of operationalizing the NSWS system in Kenya and challenges brought about by the multiple inter agency intervention and conflicting mandates requires institutional strengthening, stakeholder support, political goodwill and collaboration to enable KenTrade achieve its mandate in implementation of National single window system and champion trade facilitation.

To achieve the above, KenTrade must develop and implement an effective Business model that will provide an effective framework for SELF –SUSTAINABILITY through Innovation, Logistics e-commerce solutions to public and private sector logistics providers and interveners, Information for trade portals, Logistics platforms, Shipment track and trace solutions, Data Analytics, Partnerships, Training, Transparency and Global best practice..

KenTrade system has potentially been effective and impactful to the needs and expectations of stakeholders by fulfilling their expectations through Enhancing efficiency in customs and port procedures, Reducing the cost of doing business thereby making shippers and the country more competitive, Significantly Eliminating fraud and corruption thereby increasing revenue collection, Increasing Security Compliance. NSWS has the potential to provide trade statistics useful in making the country a destination for investments. Key concerns of the Shippers towards supporting the implementation of NSW Reduction of transport costs on the corridor, Optimize the utilization of existing infrastructure through reducing dwell times and poor productivity in handling of containers, bulk cargo and liquid bulk cargo in the port, customs as well as the road and rail system. Overall improvement in integration requires strategic, tactical and predictable operational planning and execution between stakeholders on the corridor and increased transparency and visibility of cargo positions, track and trace on location and status. This is a strategic role that KenTrade will play in the trade logistics and facilitation.

From the aforementioned benefits, SCEA supports KenTrade in its role in implementing the NSWS as a national trade facilitation initiative. However clear system integrity, performance, availability, transparency, integration and system compatibility with other Government agencies and stakeholder organizations must be guaranteed with service levels and timelines for processing electronic documents continuously met and improved.

The council will support KenTrade on its strategy towards sustainability through levying of nominal charges for its services which must be approved by the National Treasury. The charges MUST be developed through a consultative process with a clear business case on reduction of costs through paperless transactions such that KenTrade is able to ensure sustainable service delivery and to facilitation of trade while retaining sufficient revenues to support further improvement and enhancement of its system and provision of Business to Business solutions for trade logistics and provision of quality service to trade. The NSWS should integrate with KRA iCMS, KeBS, KPA, other OGAs and private sector automated systems towards attainment of paperless logistics. KenTrade should take lead in the process towards facilitating cross-border trade by providing a robust system that

KenTrade to extract trade statistics and big data analytics for use by Trade, Advocacy Associations and policy makers in attracting direct investments in the country.

This reduction in terms of time on delivery of goods and services through integration and Automation will result in lower costs of transactions and clearance processing and direct reduction in transit time impacting on logistics costs such as demurrage costs, port and Customs process, Rail and Road transport costs, Inventory costs and facilitation costs currently accounting to an average of USD 50. This gives KenTrade a major business case for charging nominal fees for its services towards providing efficient, transparent and predictable logistics and trade facilitation platform.

With the ongoing infrastructure developments at the port and the Corridor, there is need to invest in soft infrastructure to ensure optimum utilization of the investments. Notable hard infrastructure on the corridor include but not limited been investments in the port of Mombasa, with the development of 2 new container berths, expanding its existing capacity to handle 1 million TEUs per annum by another 500,000 TEUs per annum. Additionally, the Government of Kenya has invested in a new Standard Gauge railway line, connecting Nairobi and Mombasa. The new railway has a capacity to handle 22mt. p.a. and aims to convert 30% of cargo currently transported by road onto rail. The capacity of the ICDN has been expanded to handle 450,000 TEUs annually.

To complement these initiatives, there have also been investments into Integrated Customs management System (iCMS), Maritime Single window, RECTS, OSPB all aimed at to simplify the customs clearance process. Other initiatives aimed at improving efficiency on the corridor include The Mombasa Port Charter, the Memorandum of Cooperation signed by all stakeholders, agreed on SLAs and numerous other projects launched with the support of Trademark East Africa and development partners.

The launch of the NSWS by the government of Kenya came in as a relief to Shippers and with the support of stakeholders key among them SCEA, has seen improvement towards seamless logistics. The challenge has been ability of KenTrade to raise sufficient resources to support its activities, engage stakeholders and provide leadership in automation due to limited and competing needs from the National treasury.

SCEA proposes that KenTrade in their business model adopts one or combination of the following methods for sustainability;

1. Directly charge a nominal fee for registration, usage and entries including approval to charge for value add services
2. Cost their services and ask National Treasury to compensate based on cost savings and increase in revenue collection from customs processing(This will revert back to current Challenges faced);
3. Treasury apportions a percentage of the IDF fee to KenTrade through a legal notice to support its activities;
4. Establish with approval of treasury a payment gateway for payment of levies for permits and licences by OGAs thus providing an avenue for KenTrade to charge a levy on the revenue currently accruing to partner Agencies for the services which currently is offered for free to the agencies despite increase in permits processed, revenues and reduced timelines, paperwork, and resources required to process the documents

SCEA will continue to support KenTrade in its endeavour to provide value add services to its stakeholders while appreciating the dynamic environment that they operate in. We will support any effort that will address bottlenecks and conflicting operational interventions through system automation and integration.

We look forward to further engagement with SCEA and other stakeholders towards attainment of sustainability of KenTrade and mandate.

Yours *Sincerely*

A handwritten signature in blue ink, appearing to read 'Langat', with a stylized flourish extending to the right.

Gilbert k. Langat
Chief Executive officer

Appendix IV

Report from IFC

Kenya Investment Climate Program-II Trade Logistics

Impact Evaluation of the Kenya National Electronic Single Window



Acknowledgments

This report was prepared by Akinyi Gikonyo (Trade Facilitation Consultant), Felix Kariuki (Trade Facilitation Consultant), Valery Okwenda (M&E Consultant) and Peter W. Makokha (Results Measurement Specialist) under the supervision of Frank Twagira, (Senior Private Sector Specialist) and the Program Manager – Kenya Competitiveness Enhancement Program. Remote support was provided by Ankur Huria (Senior Private Sector Specialist), Iryna Bilotserkivska (Consultant) and Vazha Nadareishvili (Consultant, Trade & Competitiveness). Much gratitude is extended to Mr. Amos Wangora (CEO, Kenya Trade Network Agency (KenTrade) - the Kenya National Electronic Single Window implementing Government agency) and the KenTrade staff for their facilitation and support.

Abstract

Kenya is placed in a key strategic position in East and Central Africa. It is the gateway to the Great Lakes countries and hosts a big part of the Northern Corridor that commences in Mombasa and ends in the Democratic Republic of Congo. International trade or movement of goods in this region will make much business sense if the trade logistics activities in Kenya are efficient. Imported goods are as expensive as the inefficiencies in the system, while the goods from the region are as expensive and uncompetitive as the inefficiencies in the system. These inefficiencies increase the final price of goods sold from the region making it very difficult for the local producers to compete in the international market.

The World Bank Doing Business data shows that 40 – 60 percent of the time required to export or import goods in Kenya is taken up by regulatory compliance, administrative clearance, and documentation procedures. Improving Kenya's trade logistics would significantly increase the competitiveness of its exports and can potentially support increased private sector investment in sectors such as agriculture and manufacturing. Towards achieving this, IFC offered technical assistance to the Government of Kenya in support of its effort to meet their obligation towards providing an improved enabling environment for cross border trade.

The Kenya Investment Climate program's main objective was to facilitate reforms that will create more efficient trade logistics systems and services. This was to be achieved by: Reducing the number of days it takes to comply with business regulations for export from 26 to 19 days, Reducing the number of days it takes to comply with business regulations for import from 24 to 18 days; Reducing the number of documents needed to export from 8 to 7; Reducing the number of documents needed to import from 7 to 6; and securing private-sector trade logistics savings of US\$22 million within one year of program completion.

IFC offered KenTrade technical support towards the implementation of the Kenya TradeNet System and further provided funding for general operations. One year after program closure, and from this exercise, trade logistics reforms have achieved the following, number of days it takes to import has reduced from 24 to 15 days (6 days reduction attributed to KICP trade logistics project component), number of days to export has reduced from 26 to 13 (5 days reduction attributed to KICP trade logistics project component), estimated Private Sector Savings of US\$ 25.36 million one year post-closure, brought 30 PGA's to the electronic single window that directly supports over 80,000 beneficiaries with over 9,000 registered users who included; clearing agents, government agencies, insurance companies and banks. There were no changes to the number of documents required to import or export.

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Abbreviations and Acronyms

ACD	AFA Coffee Directorate
AFA	Agriculture and Food Authority
DB	Doing Business
DVS	Directorate of Veterinary Services
EAC	East African Community
EDI	Electronic Data Interchange
ERC	Energy Regulatory Commission
eSW	Electronic Single Window
G2B	Government to Business
GoK	Government of Kenya
ICMS	Integrated Customs Management System
IDF	Import Declaration Form
JKIA	Jomo Kenyatta International Airport
KAM	Kenya Association of Manufacturers
KEBS	Kenya Bureau of Standards
KenTrade	Kenya Trade Network Agency
KEPHIS	Kenya Plant Health Inspectorate Services
KEPSA	Kenya Private Sector Alliance
KIFWA	Kenya International Freight and Warehousing Association
KMA	Kenya Maritime Authority
KNESWS	Kenya National Electronic Single Window System
KPA	Kenya Ports Authority
KRA	Kenya Revenue Authority
KWATOS	Kilindini Waterfront Automated Terminal Operations System
MMS	Manifest Management System
PGA	Partner Government Agency
PS	Principal Secretary
TFA	Trade Facilitation Agreement
WTO	World Trade Organization

List of Government Agencies

1. AFA Coffee Directorate (ACD)
2. AFA Fibre Crops Directorate (FCD)
3. AFA Food Crops Directorate (FCrD)
4. AFA Horticulture Crops Directorate (HCD)
5. AFA Nuts and Oil Crops Directorate (NOCD)
6. AFA Pyrethrum & Other Industrial Crops Directorate (POICD)
7. AFA Sugar Directorate (ASD)
8. AFA Tea Directorate (ATD)
9. Anti-Counterfeit Agency (ACA)
10. Central Firearms Bureau (CFB)
11. Directorate of Veterinary Services (DVS)
12. Energy Regulatory Commission (ERC)
13. Ethics and Anti-Corruption Commission (EACC)
14. Kenya Bureau of Standards (KEBS)
15. Kenya Dairy Board (KDB)
16. Kenya Forest Service (KFS)
17. Kenya Maritime Authority (KMA)
18. Kenya Medical Laboratory Technicians and Technologist Board (KMLTTB)
19. Kenya National Chamber of Commerce & Industry (KNCCI)
20. Kenya Plant Health Inspection Services (KEPHIS)
21. Kenya Police Service (KPS)
22. Kenya Ports Authority (KPA)
23. Kenya Revenue Authority (KRA)
24. Kenya Wildlife Service (KWS)
25. Mines Geological Department (MGD)
26. National Biosafety Authority (NBA)
27. National Environment Management Authority (NEMA)
28. Nursing Council of Kenya (NCK)
29. Office De Gestion Du Fret Maritime (OGEFREM)¹
30. Pest Control Products Board (PCPB)
31. Pharmacy and Poisons Board (PPB)
32. Port Health Services (PHS)
33. Radiation Protection Board (KRPB)
34. State Department of Fisheries (SDF)
35. Veterinary Medicines Department (VMD)

¹ Office De Gestion Du Fret Maritime (OGEFREM) of The Democratic Republic of Congo – Embassy issues certificate of destination for all cargo destined to DRC.

IFC Support

Kenya is an important regional gateway to the landlocked East Africa and wider Great Lake countries. The northern transport corridor links Kenya's maritime port of Mombasa to Burundi, Democratic Republic of Congo, Rwanda, South Sudan and Uganda. This corridor mainly facilitates intra-regional trade and regional integration by ensuring the smooth movement of goods and persons across member states. During 2017, Mombasa port handled a total of 30,345,000 tons of cargo (52% increase compared to 2011) of which 25,604,000 tons was import, 3,794,000 tons export and 874,000 transshipment cargos. 69.8% of the import traffic was destined to Kenya (a 44% increase compared to 2011) and 30.2% on transit to Northern Corridor member states² (a 119% increase compared to 2011). Kenya's trade with the region and the world continues to grow (Appendix X). As such improvements in the Kenyan clearing cargo time and transport renders a considerable positive impact on regional trade and integration.

The Northern corridor transport and the port of Mombasa in particular often suffered from congestion, lack of infrastructure and non-tariff barriers. Cargo clearance procedures in Kenya were inefficient, lengthy and slow resulting in high cost of trade transactions/doing business. This resulted in delays in cargo clearance, perennial congestion at the port, long truck queues at the border posts, corruption, underutilization of port facilities, and ultimately, loss of competitiveness for the country and the region. Paper based documentation requiring human intervention caused delays resulting in high transaction costs for the private sector, long lead times and incorrect processing of documentation. To the government, some of the disadvantages were complex and duplicated regulations, lack of transparency, difficulty in monitoring trade facilitation processes, absence of records and loss of revenue through corruption.

To improve competitiveness and efficiency of the corridor various initiatives have been implemented including upgrading and expansion of road, rail and port infrastructure to support trade along the routes and elimination of non-tariff barriers. In addition, the Mombasa Port Community Charter³ programs designed to improve the competitiveness of the Corridor envisaged having paperless cargo clearance by integrating port community systems into the Kenya National Single Window System by December 2014. This meant that efficiencies achieved through the Single Window system translated to efficiencies in cargo throughput to the neighboring countries – leading to improved cargo transit.

² Northern Corridor Observatory Bi-Annual Report ISSUE12, May 2018

³ The Mombasa Port Community Charter was signed in June 2013 by both Public and Private Sector Institutions who committed towards measures aimed at improving efficiency at the Port and the Corridor. The Charter provides the framework to enhance an efficient, effective, competitive port and supply chain system that would drive the regional economies towards becoming an attractive investment destination.

As part of the project's technical assistance, IFC provided support towards the setting up of an eSW through the Kenya Trade Network Agency in its efforts to introduce the Kenyan Electronic Single Window, enhanced empowerment to the Kenya Maritime Authority and appreciation of the risk management approach to the Kenya Bureau of Standards. Looking at the environment and the supremacy issues of the government agencies, the best way to deal with the entire supply chain was to work with an agency that was neutral and cut across the board, with the required clout and powers to influence change in the business process of the participating agencies. KenTrade was this agency. KMA was the next agency because they are the agency that independently monitors activities at the Kenyan sea ports. The Kenya Bureau of Standards was selected because they have a tendency of inspecting nearly all containers landing for consumption in Kenya. This selection is a movement away from the traditional selection of Customs Authorities. Working with the eSW made it possible for the program to influence the entire clearance business processes.

This support included work on documenting and optimizing the permit issuing processes of government agencies and standard operating procedures, undertaking capacity building initiatives by providing overseas visits where the agency officials were exposed to the eSW, its functions, operations, relationship with other government agencies and also the benefit to a nation. The assistance also included lobbying for support of the project through various relevant private sector and government agencies e.g. Kenya Revenue Authority (KRA), Kenya Association of Manufacturers (KAM), Kenya Private Sector Alliance (KEPSA), KIFWA and developing a communication and business strategy amongst other activities. IFC was instrumental in the removal of pre-import IDF fees (in 2016) by continuously highlighting to the relevant authorities the need to review the application of an IDF and the removal of the IDF fees (advance payment) and have them collected with the other duty payments during the cargo clearance process.

In summary IFC's support entailed:

- i) Provision of technical support and dissemination of global best practices to trade facilitation agencies;
- ii) Enhancement of business processes
- iii) Supported KenTrade towards the implementation of the KNESWS
- iv) Technical assistance to KenTrade for support across over 30 agencies; and
- v) When required, the project also made investments in IT & Wi-Fi equipment and connectivity to bridge the gaps for PGAs and border posts with high volume of transactions.

Program Implementation

This was a unique project that the team was able to turn around despite the complex environment in Kenya. In the beginning, the project was driven by a team from the headquarters in DC, with no resident team or participation. This appears to have been the first challenge the project had. The model was such that as soon as the DC team

left Kenya, the activities stopped until the next visit. This was realized and a national office set up to drive the program agenda. In 2012, clients were identified and memorandums of understanding on engagements signed up. The clients identified were; Kenya Trade Network Agency, Kenya Bureau of Standards (KEBS) and the Kenya Maritime Authority (KMA). The three agencies were selected after careful consideration. In Kenya, the idea of setting up an eSW had been on the table since the year 2003. At that time the idea was to have a community based system hosted by both the Kenya Ports Authority (KPA) and the KRA Customs administration. This did not actualize due to supremacy and territorial/mandate issues. Both agencies had clout and strong ministers and ministries behind them, the Ministry of Transport and the Ministry of Finance.

On 14th January 2011 through an executive order gazetted as Legal Notice No 6 of 2011 on 28th January 2011 (The Kenya Trade Network Agency Order, 2010), the Government established Kenya Trade Network Agency (KenTrade) as a State Corporation under the National Treasury with an objective to establish, implement and manage the National Electronic Single Window System (Kenya TradeNet System) and to facilitate trade; one that would be independent of any trade logistics participating agency. This model of the single window is ideal as all involved agencies are wholly participating on a level playing field without pressure as KenTrade is an independent gateway and service provider for all the PGAs.

The project appears to have taken six years, but in actual fact, it ran from 2012 after clients were identified and MOUs signed between the clients and IFC. The program started in May, 2011 and was originally scheduled to end in June 2013, however; in cognizance of the project delays, the program was extended through to June, 2017.

The project offered targeted technical assistance to KenTrade to strengthen agencies' IT capacities and therefore, enhance participation in the eSW platform. Given low technical and coordination capacity in trade agencies, the project focused on building and enhancing capacity, trust and collaboration between the agencies and focusing on delivering high quality training and workshops for relevant agencies charged with cargo or cross border clearance. The workshops held were where all the agencies would sit together and walk through and analyze the different processes. IFC moderated most of the sessions and was able to introduce best practice and broker stalemates by the agencies using their technical knowledge and experience. IFC brought in peers from other countries to help the government agency participants understand the effectiveness of the eSW, the fact that there are no powers to be lost by any of the agencies and how to overcome areas considered challenging.

IFC Team contributed to two draft laws (National Electronic Single Window System Bill, 2016 and Kenya Maritime Act) to enable eSW and provided a best practice legal foundation for trade logistics. In addition, IFC supported 24 government agencies, the

multi-agency pre-clearance committee and KenTrade to conduct business process reviews and proposed recommendations for improvement.

The Kenya National Electronic Single Window System

Introduction of an electronic Single Window system is a key trade facilitation avenue geared towards reducing non-tariff trade barriers and inefficiencies. Once implemented, eSW would offer a single platform and point of entry for the exchange of electronic information between various stakeholders (regulatory agencies and trading stakeholders/private sector) to facilitate international trade in a simple, fast and efficient manner; the electronic submission and approval of standardized documents to fulfil all the regulatory requirements for imports, exports and transits. The system would allow traders (or their nominated agencies) to submit all import, export and transit information required by regulatory agencies once (single electronic lodgment) via a single electronic platform and shared to all interested stakeholders instead of submitting duplicated documents numerous times to different government entities.

The Kenya National Electronic Single Window System was implemented under a public single window business model. There are no fees and charges levied to users of the system and all establishment and operational costs are funded by the Government of Kenya through KenTrade.

The objectives of the Kenya TradeNet System, an initiative of the Kenya Vision 2030 aims to facilitate trade through enhanced customs clearance to reduce the cost of trade thus promoting the economy. The system aims to provide the trading community and all stakeholders a single access point for all external trade related services and to meet the legal requirement of the trade.

Project Implementation

A phased implementation approach was adopted (Figure 1).

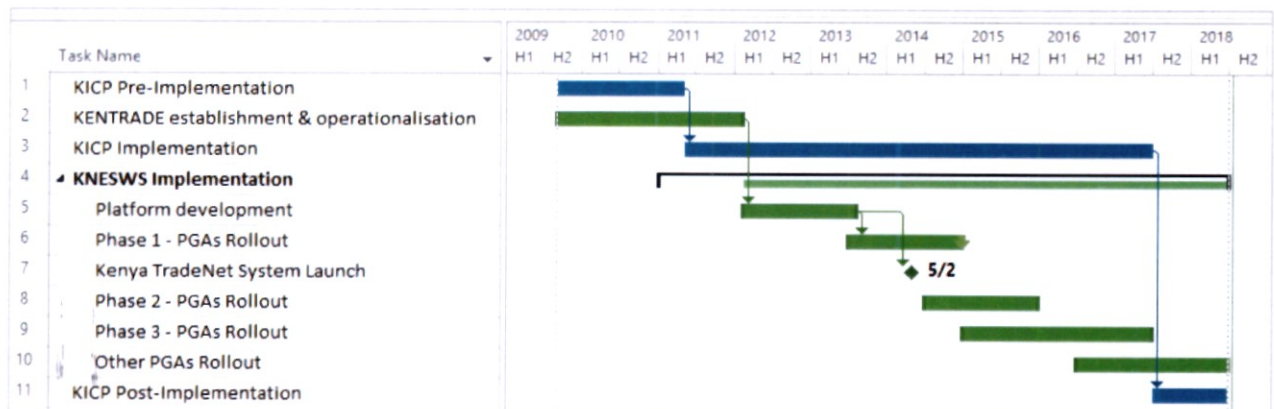


Figure 1: KNESWS and KICP implementation schedule

Status of implementation

The process of implementing the Kenya National Electronic Single Window System (Kenya TradeNet System/KNESWS) was complex. It involved the implementation of 24 modules, streamlining and automation of approximately 84 processes and procedures, and establishing connectivity with 30 government agencies - with and without ICT systems. During the implementation period, new government agencies were identified and on boarded while some earlier identified were removed from the scope due to changes in their mandates and/or their role in trade facilitation.

An independent assessment of KNESWS conducted during the period (November 2016) concluded that the system was successfully implemented in line with recommendations from the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) Recommendation No. 33 and 35 for a single window, and with a satisfied client base.

35 laptops were procured for border agencies and delivered to KenTrade to facilitate access to, and utilization of the KNESWS. By December, 2017 Wi-Fi connectivity at 7 key border points (Kenya Ports Authority, Taita Taveta, Busia, Malaba, JKIA, Namanga, and Isebania) were procured and implemented enabling government agencies to use the laptops to clear cargo online at border posts and at the port. A high level of utilization is reported at most of the border posts.

As at 30th June, 2018 (1 year post implementation), 30 agencies had been connected to the system and 5 agencies with 11 processes were under development and/or pending implementation (Appendix III). 21 modules (services) have been implemented in the Kenya TradeNet System, 1 under development with 2 planned for full implementation by the end of 2018 (Appendix II). Over 1,297,000 permit issuing related trade facilitation transactions have been completed through the KNESWS (Figure 2).

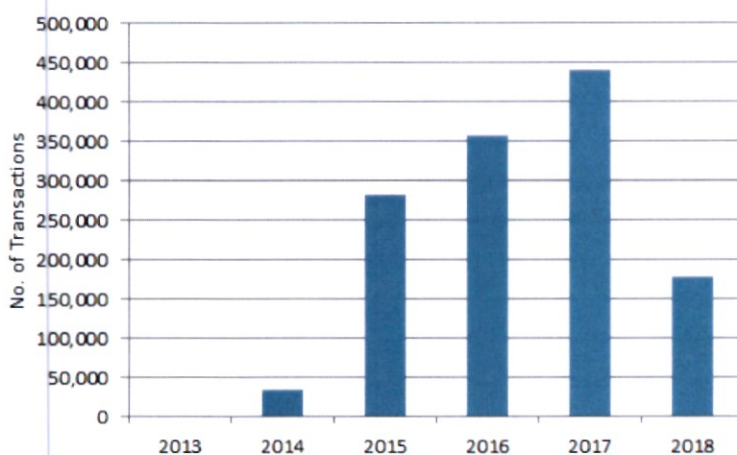


Figure 2: Number of permit related transactions completed through KNESWS

Source: KNESWS

During the period January 2017 to June 2018, 13,626 security bonds with premiums worth US\$ 2.96 Million and a sum insured value of over US\$ 1.46 Billion were facilitated through the KNESWS by 31 of the 39 insurance companies connected to KNESWS). Trade valued at US\$ 8.9 Billion was transacted through the KNESWS since its implementation in 2013 (Export US\$ 1.72 Billion, Import US\$. 7.18 Billion) – (Figure 3).

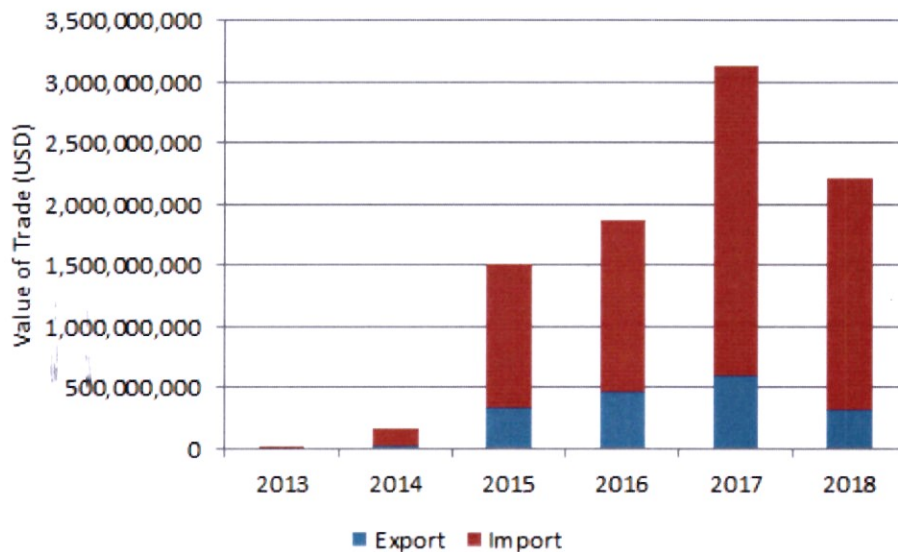


Figure 3: Value of trade transacted through KNESWS

Source: KNESWS

Implementation of a new customs management system by KRA (migration from SIMBA to the Integrated Customs Management System (ICMS)) has delayed the implementation of the KNESWS declaration and cargo release modules by over 1 year (it was expected that the two modules would go-live on 30th June, 2017 but now projected for 31st December, 2018). The KenTrade project implementation team supported by IFC Consultants undertook a Business Process Re-engineering (BPR) exercise to review the current manual process and evaluate how the proposed electronic clearance functionality would be adopted by all stakeholders. Due to the criticality of cargo clearance at the Port of Mombasa, sensitizations and pilot preparations have already commenced at the Port and are to be rolled out to other border stations.

The full implementation of the cargo release module (currently under pilot) is the final piece to the full implementation of the eSW as was set out at commencement of the project. The full implementation will result in immense benefits such as time, reduced cost of clearance to the trade community through efficient processes and minimal human intervention/interaction. It will also enable PGAs to identify cargo being

imported or exported and ensure that it meets regulatory requirements in a more convenient and intelligent manner. The roll-out of the cargo release module will be claimed as a reform for Kenya in the World Bank Ease of Doing Business, trading across borders component.

Beneficiaries of the eSW

There are over 9,000 registered users of the system involved in cross-border trade and over 80,000 direct beneficiaries who include Banks, Customs Agents, CFS Operators, Couriers, Traders (Exporters and Importers), Freight Forwarders, Cargo Handling Agents, Insurance Companies, Partner Government Agencies, Port Authority, Shipping Agent and Slot Charters, Marine Surveyors, other regulatory authorities (e.g. Insurance Regulatory Authority, the Kenya Police Service) and government ministries (Appendix I).

Key Achievements and Benefits

Implementation of the KNESWS has resulted in streamlined import and export processes and procedures (including payment of fees) transparency in the processes and effective information sharing. The system has facilitated a reliable and dependable platform on which stakeholders involved in international trade collaborate. The KNESWS is no doubt a revolutionary trade facilitating tool for both the traders and regulators. The initiative enables importers and exporters to conveniently submit documents from the comfort of their offices or homes.

"... it has helped a lot, today we receive documents from the ship owner and lodge them through the Single Window and the same are made available to relevant stakeholders immediately on approval – always very fast" Silvester Kututa MD, Express Shipping and Logistics (EA) Limited (19th June, 2018)

"It is perfect in terms of movement and processing of documents" Humphrey Ashumbwe, Head of Operations, Urgent Cargo (18th June, 2018)

"The system has greatly improved over time, it has made our work easier and is really appreciated" Racheal Njuguna, Spedag Interfreight (19th June, 2018)

"The system has eradicated the time and travel expenses to various regulatory bodies while applying for the permits which is a good plus for everyone involved" Goeffrey Mbai, Conventional Cargo Conveyors Limited (25th June, 2018)

"General ease of business process for our clients since the submitted data is used by all relevant agencies like KRA, HCD and KEBS" James Aboge, KEPHIS (2nd July, 2018)

"The directorate has registered and licensed increased number of importers and exporters, enhanced customer satisfaction and less complaints..." Vincent Chirchir, AFA Nuts and Oil Products Directorate (3rd July, 2018)

"The system has brought about transparency and streamlined controls" Alex Mungai, AFA Fibre Crops Directorate (7th July, 2018)

"We have cost saved in terms of time taken & costs involved to acquire the permit; no other costs involved apart from the official online charges" Jane Thiong'o, Del Monte Kenya Limited (2nd July, 2018)

Below are some of the key benefits and achievements to the government and agencies, traders and other stakeholders (informed and collaborated by the traders, government agencies and other stakeholders).

1. Cost Reduction

The automation of processes and procedures has resulted in reduction of delays, improved convenience and substantial cost savings⁴ estimated at US\$ 25.36 million (Appendix X) as traders' compliance costs associated with transportation/travel, time, administration (e.g. document preparation, photocopying) and telecommunication have been reduced or eliminated (Figure 4). The compliance processes are more predictable and transparent. For instance, the number of trips (physical movement) between agencies by traders was eliminated and those between banks have reduced significantly. In addition, the reform removing the need to make payment for pre-import IDF fees in 2016 has seen a reduction of cost to traders for travel, time and administrative cost estimated at US\$9.14 million between 2017 and 30th June 2018. Most traders and clearing agents have reported a reduction of over 50% in the cost to import (estimated at a total US\$ 25.36 million).

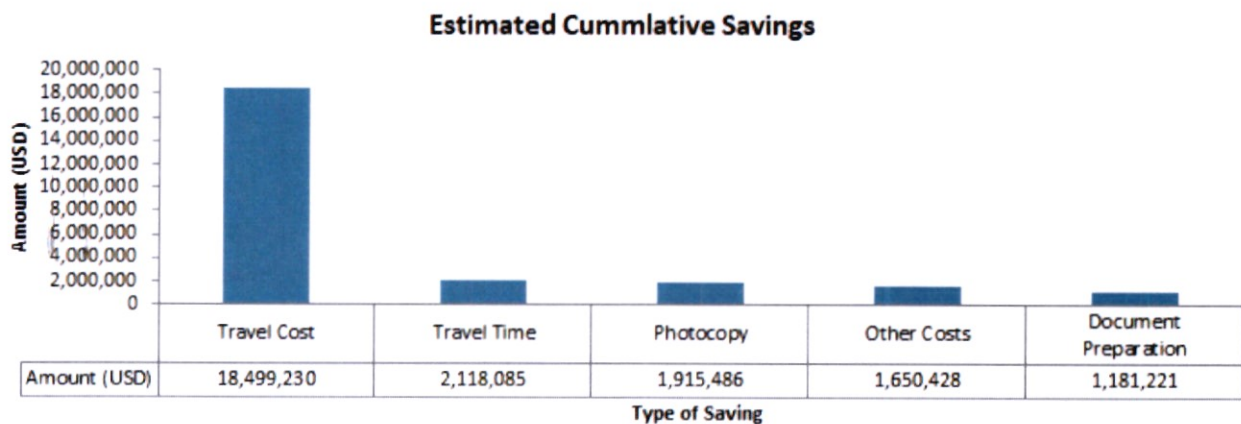


Figure 4: Preliminary estimated cumulative annual savings (2013 – June 2018)

Source: KNESWS

⁴ These cost savings were calculated based on the reduction in number of trips and documents, and related cost savings (e.g. in photocopying, printing, personnel travel time, document preparation time) required to process permits at the PGAs whose processes were automated in KNESWS

There is also a marked reduction/elimination of administrative costs related to storage and retrieval of physical documents at the PGAs.

2. Improved Connectivity, Security, Processes and Procedures

25 government agencies that issue various permits and 5 that have mandate to view the permits have been connected to the KNESWS and 83 processes/procedures are fully automated. Business process review undertaken during the implementation offered process simplification, streamlining and harmonization, documents simplification and alignment. There was a reduction in the average number of process steps involved in processing clients' applications by almost 50%; from 1,332 to 684 (for PGAs covered under the BPR exercise). For example, SDF has seen the reduction of process steps from 72 to 53 (26%), NBA from 116 to 57 (51%) and Department of Veterinary Services (DVS) from 30 to 28 (6.7%). Some procedures have seen a system to system integration between the agencies and the KNESWS offering efficiency and improved document/data security and integrity through single electronic lodging, seamless data interchange between the organizations. For example; a sea manifest submitted through the KNESWS is simultaneously and automatically made available in the KPA and KRA systems for approval; and a KEPHIS export phytosanitary certificate issued in their Export Certification System (ECS) is automatically transferred and made available in the KNESWS for use by all relevant agencies.

Compared to the manual process, KNESWS is more secure and can only be accessed by authorized staff. Trade facilitation processes in all PGAs can now be completed securely from everywhere as opposed to selected locations where PGAs had offices. For example, IDFs can be lodged from anywhere and at any time; previously, IDF could only be lodged during working hours in locations where KRA had customs offices.

An e-payment system has streamlined payment arrangements for permits through electronic processing, confirmation of payments and provision of multiple payments channels such as mobile money, online bank transfer, cash at the bank or account transfer via cheque. Some payments like IDF fees can be paid through the mobile payment platform eliminating the need for the trader to visit the bank. In addition, Short Messaging System (SMS) functionality offers immediate notification of application decisions (e.g. issue and rejection) through a client designated mobile phone number.

3. Increased Level of Automation

Before the implementation of KNESWS, a paltry 19% (15) of the trade facilitation processes and procedures in all relevant government agencies were automated – majority of the administrative work was manual. As at June 2018, 87% (83) of them were automated through the KNESWS. Automation has reduced costs, improved efficiencies and productivity (both for the traders and government agencies) by automating administrative work, manual documentation/paper work and eliminating (or reduced

to a minimum and data required by any government agency for a transaction) inefficiencies linked with manual workflow processes such as delays, physical movement from one government agency to another, duplicity of records and information, redundant tasks and error. Automation has enabled inclusivity - more stakeholders are able to engage in trade facilitation. For example, access to previous automation at KRA (MMS) was limited to few stakeholders; through KNESWS many more stakeholders have access to transactions made in the KRA back office systems.

Automation has improved management, storage and retrieval of information and documents through use of Information Technology. KNESWS has assisted in the collection of trade statistics and reporting, resulting in consistency in the way government agencies operate.

4. Reduction in Time and Number of Processing Pre-import Documents

The system offers convenience through a paperless (electronic) application for permits by traders on a 24/7 basis and has greatly improved efficiency in document processing. The system enables approvals to be done from outside the office and official hours.

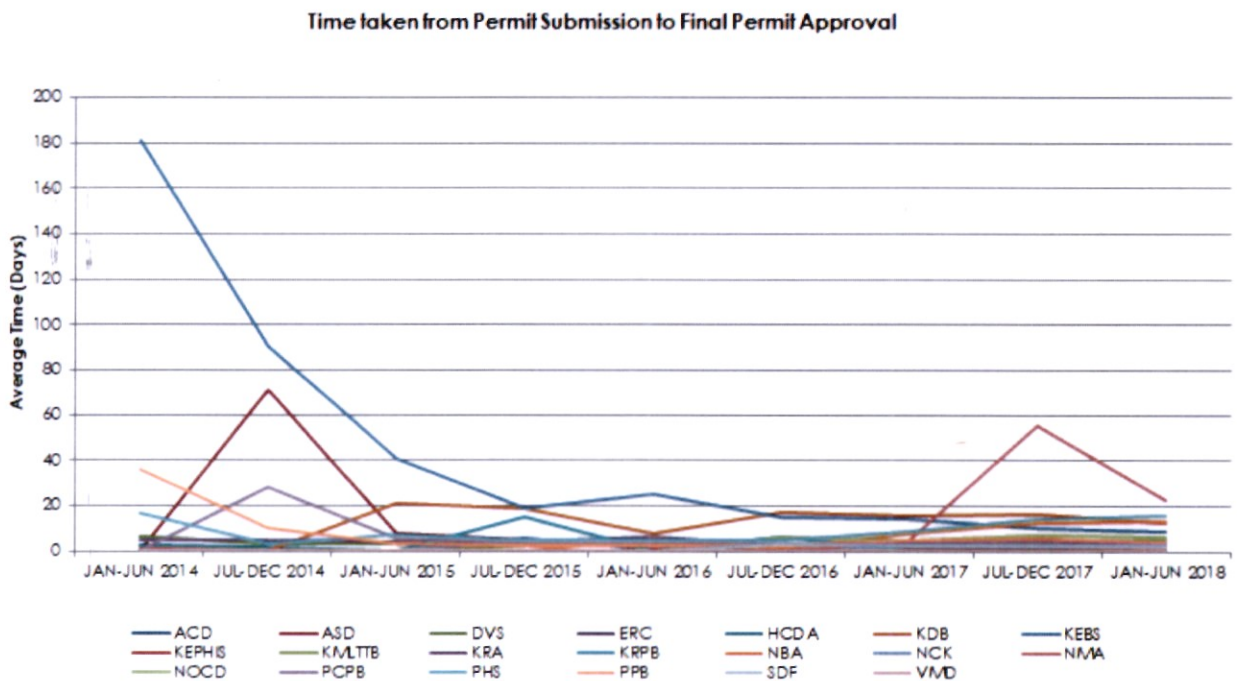


Figure 5: Trend: time taken from import permit submission to final permit approval by government agency

Source: KNESWS

The time take to obtain pre-import and export documents (permits/certificates/licenses) from the various agencies has seen marked decline through the use of KNESWS

(estimated to have reduced by over 50% and depending on the PGA) and has improved as the KNESWS matured (Figure 5). For example; Kenya Radiation Protection Board has seen a reduction in the issue of Import License for Radio Active Devices come down from 30 days to under 1 day. Similarly, Pharmacy and Poisons Board has seen a reduction in time take to issue the pre-import documents from 23 days in 2012 to 4.4days as at 30th June, 2018 and 23 days in 2012 for export to 2.4 days (Figure 6).



Figure 6: Trend: time taken from permit submission to final permit approval by PPB

Source: KNESWS

The availability of attachments for re-use by other agents, process simplification and harmonization resulted in a reduction in the average number of documents required for processing applications by about 44% from a total 281 to 157 documents for PGAs covered during the BPR exercise (Appendix VI). For example SDF has reduced the number of documents required for the issue of an import permit for live fish from 6 to 2 documents (eliminating payment receipt, copies of invoice, copies of IDF, health certificate, and the application form). The cloning functionality in KNESWS also makes it easy to complete document preparation. These reductions of time, re-usability and number of documents have positively impacted on the time taken to trade (Appendix V). For example, significant time savings have been observed in the preparation of manifest from 2-3 days to just 15 minutes for larger agents running their own automated systems; simplification of license/permit issuing process through BPR in WMD eliminated the need for the approvals to be made at the Ministerial level. For NEMA, the system has eliminated the need to have clients present deposit slips for receipting.

5. Enhanced Efficiency, Productivity and Consistency in Operations of Government Agencies

The KNESWS has increased efficiency of trade facilitation by government agencies, making it simpler and easier for the agencies to receive and access permit application forms, process them online, and deliver approved or rejected permits to the traders in a

timely and consistent manner. The permits are available in real time as soon as they are approved. The system has enhanced communication and sharing of documents between government agencies; all relevant government agencies under another agency are able to access the licenses and permits through the system. This has entirely removed the need for the trader going from office to office, a requirement that existed before the advent of the KNESWS. In addition, movement between PGAs (by PGAs) for physical transfer of documents was eliminated through automation and business process re-engineering. For example; before KNESWS, import permit approvals for veterinary medicines had to be physically delivered from DVS to the PS Ministry of Agriculture for approval and later returned to DVS for collection by the trader. The process now has eliminated the need for the PS to approve the permit and by extension the need to physically move the permit between DVS and the Ministry.

The Dynamic Risk Management module in the Kenya TradeNet System has made it easy for government agencies to target and release cargo. The System enables agencies to profile cargo based on various set criteria such a place of origin, nature of cargo, history of the importer/exporter etc. making it easy for an agency to target specific individuals/cargoes without inconveniencing others.

The Kenya TradeNet system allows government agencies and stakeholders to free up their workforce from many repetitive actions that actually do not need that much human intervention; enabling them to reorganize their operations and structure to focus more on other value adding tasks.

6. Enhanced Efficiency, Productivity and Consistency in Operations of Private Sector Organizations

Traders and their trade facilitation agents have observed improved efficiencies in their operations – taking less time and costs in obtaining permits, approvals and other documents. KNESWS has enabled these stakeholders to transact more within the same time leading to increased revenue, effective and efficient deployment of resources, and improved employee productivity.

The efficiency in permitting and compliance has greatly improved predictability and planning, and reduced the demurrage charges. KNESWS has facilitated for a predictable application and explanation of trade facilitation rules and requirements.

7. Improved Governance, Accountability and Transparency

The KNESWS has reduced, and in some cases eliminated, human interaction between officers in government trade facilitation agencies and the private sector, leading to improved governance and transparency in the way business is conducted. Traders and

other stakeholders receive system notifications on the application approval progress making it is easy to keep track. The ability to track the time taken to process documents by the stakeholders across multiple steps and government agencies has also had a positive impact on the accountability and response rates of the government agencies and a reduction in opportunities for rent seeking. KNESWS has made it more secure to facilitate trade since government officers no longer need to handle a lot of money.

8. Faster Clearance and Release of Cargo

Cargo documentation for clearance of cargo are submitted through the KNESWS once and made electronically available for seamless use by customs and other government agencies. The removal of potential to falsify documents secured Government agencies confidence in documents processed through the KNESWS and has speeded up their processing. This has minimized the effort required to confirm the authenticity of the permits and eliminated the need to submit hardcopy permits at the time of clearance of cargo. This initiative, coupled with others, has contributed to the continued reduction of clearance time by 32 percent and cargo dwell time by 39 percent (Table 1) during the period 2011 to 2018.

Table 1: Cargo Dwell and Clearance Time (in Hours) at the Port of Mombasa 2012 – June 2018

Year	2012	2013	2014	2015	2016	2017	2018	Time Reduction %
Cargo Dwell Time	172	134	88	94	96	113	104	39
Customs Release to Cargo Pickup	54	62	44	43	46	49	38	48
Clearance Time	118	72	44	51	50	64	66	32

Source: Northern Corridor Transport Observatory⁵

The planned implementation of the declaration and cargo release modules by December, 2018 (currently under testing/piloting) will enhance performance of the KNESWS and reduce further the human interventions by both government and private sector agencies.

9. Improved Compliance, Revenue Collection and Traceability

The KNESWS has increased compliance and ensures a correct revenue yield. Traders can no longer work outside of the system or find ways around the established payment procedures; the system enables easy detection of non-compliance and makes it easy to cross reference from the system for level of compliance of traders. KNESWS provides

⁵ <http://kandalakaskazini.or.ke/indicator.php?startdate=2016-01-01&enddate=2016-12-31&ccid=eHVvOGU3M3ZnczM>

a more structured approach to compliance and more agencies are now able to discharge their trade facilitation regulatory mandates as opposed to previously where they were involved in an ad hoc manner. The introduction of KNESWS has improved the compliance to statutory requirements and ensured a correct revenue yield. Traders can no longer work outside collection of revenue; as at 30th June, 2018 over US\$ 22.19 Million had been collected through the system with a majority government agencies recording double digit growth in revenue year on year (Figure 7). For example, AFA Fibre Crops Directorate has been able to increase its revenue (relating to Sisal Export Permit) from US\$ 0.13 Million in 2012 to 0.18 Million in 2017. From the adoption of KNESWS (between 2015 and June, 2018), PHS collected a total US\$ 0.25 Million from import health certificate (accounting to over 64% of total revenue collected from permit fees) that were previously not issued pre-KNESWS.

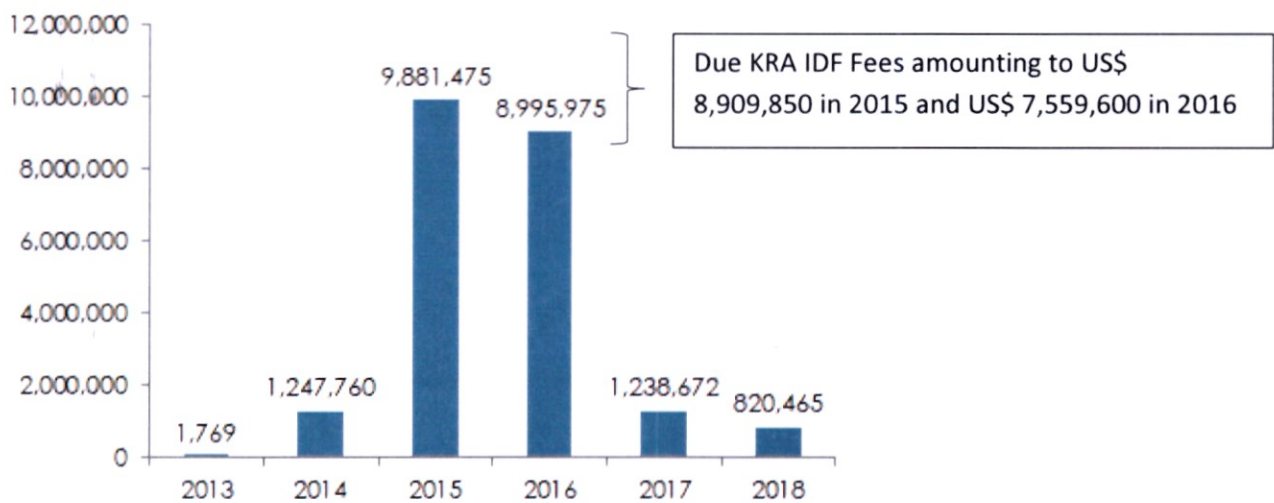


Figure 7: Revenue (US\$) collected by government agencies through the e-Payment system

Source: KNESWS

Kenya TradeNet System is also linked to the financial institutions (banks, mobile payment solutions) through Kenya Revenue Authority (KRA) iTax System and the Government's eCitizen platforms and therefore providing an end to end electronic cargo documentation platform. In addition, the system has reduced revenue leakage through minimal/elimination of cash transactions at the government agencies.

10. Improved Collaboration between Government Agencies

Apart from an improved awareness of mandates and functions of the various government agents within the government agencies, Kenya TradeNet System has also catalyzed and enhanced the collaboration and coordination between various government agencies especially for agencies that are inter-dependent in the issuance of trade documents. For example Kenya Dairy Board and Department of Veterinary

Services issue trade documents for the export of dairy products. During the implementation of the KNESWS, KenTrade & IFC facilitated joint business process review sessions which took into account the interests and mandates of each agency and thereby assisted in a better and clear understanding of the co-dependency of each other in the exportation of dairy products.

11. Enhanced Reporting and Availability of Trade Facilitation Statistics

With the manual system, it was difficult for the government agencies to store data (physical files/records), retrieve data efficiently when required and also to analyze and report. KNESWS has offered a secure, accurate and efficient data repository and reporting capabilities leading to real-time data update and better sharing of relevant data across the PGAs and departments and enabling PGAs to generate reports with ease for prompt decision-making.

KNESWS has enabled the country to have a single source of data and trade facilitation statistics which is available on real-time basis.

Operational Challenges

"We acknowledge the challenges associated with the single window and are looking forward to improvements" Racheal Njuguna, Spedag Interfreight (19th June, 2018)

1. Manual Back Office Processes at Partner Government Agencies

For majority of the partner government agencies, KNESWS is the only electronic system that is operational; most of the back office processes are manual. As such, inefficiencies attributed to manual procedures supporting the automated processes in KNESWS have an effect on the overall efficiencies of the full trade facilitation process. For example, the issuing of a KEBS local CoC is manual and delays experienced in its issue leads to clearing delays by KRA.

2. Manual Interventions in Automated Processes

Despite the automation of most of the processes, some PGAs issue manual supporting documentation (e.g. PPB's retention certificate, KEBS local CoC) as part of the pre-clearance process but do not upload the documents into the KNESWS meaning that the stakeholder (CA and EXIM) has to collect the document from the PGA office, scan and upload the documents in KNESWS.

3. Duplication of Procedures in Automated Processes

Some PGAs request for physical documents which already are available in KNESWS negating the very fundamental functionality and objective of the single window system – availability of trade facilitation documents in one system for all stakeholders.

4. Missing, Suboptimal Processes and Procedures

Some PGAs require payments to be made directly to the institution at their offices (e.g. through bankers cheque for PPB) as opposed to the payment process supported by KNESWS thereby creating delays in the completion of the process.

Some processes were noted as missing e.g. export manifest submission and delivery order.

5. System Availability

Despite the reduction of system downtime over time, occasional system down time (approximated at 2-3 hours in a week) have led to delays in processing of documents through the KNESWS. It was observed that KenTrade does not have a robust application performance monitoring tool making it difficult to troubleshoot and monitor performance when issues arise; leading to the occasional down time and longer mean times to repair.

An integral risk at KenTrade is the absence of a Business Continuity Plan that exposes the KenTrade to the risk that critical services and critical support services would not resume within targeted recovery times during a disruption. With the clearance of goods relying on the Kenya TradeNet System, such a disruption would have dire consequences to trade and services that rely on the trade.

6. Redundant Data Forms

The generality of KNESWS data forms creates an impression of redundancy depending on the information required by each PGAs/Traders whereby pop-up windows and fields not relevant to the need make completion and navigation within an application prolonged. For example there are 7 tabs that users have to navigate through to complete the application for an International Certificate of Origin for Coffee.

7. Reliable Supporting Infrastructure at PGAs

Some PGAs lack facilitation for the required infrastructure to connect to the KNESWS (e.g. internet connectivity and laptops/computers) while some have unstable internet services causing delay in permit processing.

8. Supporting Infrastructure and Notification Functionality

KNESWS has upload limitations on the voluminous documents (e.g. sea manifest) leading to periodic interventions (splitting document) while scanning/uploading the multiple portions of the document.

Despite the existence of email and internal system notification functionality, the survey reported inadequate notifications/alerts by the system on permit application that occasioned delays in processing of documents. The user must keep logging into the system to check if there's an application that needs attention.

Proposed enhancements, observations and recommendations

Below are enhancements that would improve the use and reliability of the Kenya TradeNet System by the traders and stakeholders.

1. System extension, implementation and enhancements
 - 1.1. Automate more processes and procedures in KNESWS to eliminate human interaction with government agencies and enable market competitiveness. For example; automate KEBS' local CoC issuance process and harmonize operations between KEBS and KRA; making the local CoC available online in KNESWS; export manifest submission and delivery order.
 - 1.2. Simplification of the system by reducing the number of unnecessary data forms, fields and window pop ups within KNESWS to ease navigation within the system.
 - 1.3. Improve and avail an online (within KNESWS) communication functionality to assist in managing issues and improving resolution; notification and messaging

service, between the various stakeholders e.g. clearing agent and PGA officer. An alert system configured to mobile phone platform of the approving officers is proposed for consideration.

- 1.4. Fast-track the implementation of the declaration and cargo release modules to eliminate the need for physical documents (e.g. KEBS CD) during the clearing process.
- 1.5. Post-KNESWS implementation, consider other reforms and automation to support trade facilitation beyond KNESWS. For example, implementation a logistics scheduling system where trucks (on release from port for transit) would be tracked and scheduled for clearance at the border posts and thereby eliminating the queues experienced at the border points and also minimize cases of truck and cargo diversions
- 1.6. Make available more reports for the PGAs with ad hoc report generation capabilities e.g. PGAs to be given rights to access /generate reports to reconcile the Trader's transaction account in case of trader complaints.
2. Integration of KNESWS with other systems for improved operational efficiency
 - 2.1. KenTrade is implementing the InfoTrade Kenya Portal in line with the WTO TFA. Whereas Kenya TradeNet System has streamlined the application and processing of permit and eventually the cargo release process, not all traders are aware of the procedures expected to go through. InfoTrade Kenya portal provides a one-stop-shop for information on trade whose aim is to achieve total transparency. The procedure includes steps that should be performed before submitting documentation through the TradeNet System. There exists an opportunity to link the two systems for easy and efficient information availability to traders.
 - 2.2. Consider integration of KNESWS and other PGAs back office operations (e.g. KEBS, PPB) to support permit/certificate application and make available required documents generated in the PGAs available in real-time and electronically in KNESWS. This will eliminate duplication of documents (or multiple copies) and make a single common electronic document available for use in multiple consignments. For example, PPB's retention certificate is attached to each new consignment as opposed to a single upload that is made available to subsequent consignments.

The integration with other business systems should be less tightly coupled. The integration module should be reworked to use standard web services for information exchange as opposed to the current proprietary messaging service being used.
 - 2.3. Consider integration of KNESWS to key stakeholders (e.g. Shipping Agents/ Lines and other service providers) to eliminate human activity in some processes (e.g. manifest submission).
3. Improved availability of the KNESWS and other systems (e.g. KRA's ICMS, KPA's KWATOS) integrated with KNESWS.

- 3.1. Consider introducing and enforcing SLAs between the integrated PGAs with KNESWS and between KNESWS with stakeholders supported with automation. For example, if a manifest is lodged with an SLA approval time by KRA of 2 hours, on lapse of the 2 hours the system should send a reminder and if not acted upon within 15 minutes of the reminder, the manifest would be automatically approved.
- 3.2. Consider developing a proactive Business Continuity Plan (BCP) to avoid and mitigate risks associated with a disruption of operations. The BCP enable critical services to be continually delivered to clients. Instead of focusing on resuming a business after critical operations have ceased, or recovering after a disaster, a business continuity plan endeavors to ensure that critical operations continue to be available.
- 3.3. Implementing an application performance monitoring tool will allow users to monitor and track the performance of particular software or web applications to identify and solve any performance issues that may arise and supported with timely advance notification of planned service outages to both PGAs and Traders.
4. Other supporting interventions would include:
 - 4.1. Continue facilitating change management and information sharing sessions with various stakeholders for a better understanding and awareness of the KNESWS's functionality and role in trade facilitation.
 - 4.2. Removal of the requirement to submit original physical documents to PGAs (e.g. KRA) but enforce mandatory archival at the stakeholder level for future reference and periodic audits by PGAs. Alignment/harmonization of various Acts by government agencies would provide clarity of mandates and ensure no overlaps or duplication. This would support and enhance trade facilitation through KNESWS.
 - 4.3. KNESWS has the potential to facilitate an enhanced inter-agency coordination and cooperation for improved efficiency in trade facilitation. For example the extension of the KNESWS to facilitate the scheduling of joint cargo inspections, inter-agency risk management approach.
 - 4.4. Despite the marked reduction trade facilitation document preparation times for various agencies; analysis of the time taken to approve documents since the adoption of the KNESWS to date by some PGAs (e.g KDB, NOCD) has been on the increase. It would be prudent to consider understanding factors that have led this increase and putting in place mitigating actions at both KenTrade and PGA levels before the previous gains are totally eroded. Such mitigating actions would include incorporating KNESWS metrics in the performance contracting for the PGA component managers, periodic performance updates/discussions between KenTrade and PGAs, Publishing of PGA KNESWS performance metrics and benchmarking against previous performance amongst other that would support continuous improvement.

Lessons Learnt (Key Challenges)

The implementation of the KNESWS experienced great challenges/difficulties in the early years of the project that led to an over 2 year delay. A turnaround of the project was achieved in the late 2013 setting ground for an accelerated project implementation from 2014 to project closure in June 2017 leading to the achievement of major gains.

1. Government Sponsorship and Slow Uptake

The Executive Order establishing KenTrade was signed by the President of the Republic of Kenya, on 14th January 2011 and gazetted as Legal Notice No 6 of 2011 on 28th January 2011. The better part of 2011 was dedicated to formation of the implementing agency (Kenya Trade Network Agency) putting the organizational structures and 5 year plan in place. This was followed by a two year period of regime change politics that led to a lack of focus by the government and characterized by little or no political will to influence and support KenTrade operations.

Despite the executive order, other key trade facilitation agencies were not receptive to the new role by KenTrade as the role was not understood and as such reluctant to support the KNESWS implementation. This side tracked the early operationalization of KenTrade and further created delays and was compounded further by the low level commitment from the supervision Ministry and other Ministries/departments.

A major turning point for KenTrade was high level commitment to the KNESWS by the new regime that came to power in 2013; especially the Presidency, that gave KenTrade a new impetus to drive the implementation of the KNESWS, a national ownership and sponsorship of the system. Political good will, commitment and focus of the new government in late 2013 fast tracked KenTrade operations, Presidential (top level) interventions and support to remove barriers profiled KenTrade as a strategic and key institution in the government delivery plans amongst others – linking KenTrade's mandate to the Kenya's Vision 2030 and government key agenda. In addition to the technical support, the IFC Trade Logistics team used its network in national government, relevant government agencies and private sector bodies e.g. KRA, KEPSA, KAM, KMA, KEBS to manage the expectations, resistance and sell the value of the electronic Single Window system and individualize the value of KNESWS to their organizations and members.

2. Client Capacity

At the beginning of the project, the implementation team comprised of staff who had been seconded from other Ministries/government agencies. This delayed the commencement of the project as scheduled, as the officers lacked exposure to Single Window Systems.

Subsequently KenTrade recruited permanent staff and capacity building efforts undertaken. A committee of top decision making individuals of the relevant government agencies was constituted with monthly/quarterly progress reporting.

3. Low Awareness of the Project

Having had a lacking start of the project and KenTrade, a majority of the stakeholders were not aware of the objectives and importance of the envisaged reforms through KNESWS leading to a low buy in of the project.

Change management at all levels and throughout the project and pre/post project phases (prior, during and post implementation) is critical to the successful implementation of reforms. The development of a change management and communications strategy for agencies participating in the KNESWS is a central to the success of the implementation as it will rely heavily on the readiness, capability and commitment of the stakeholders both in the trade community, government and government agencies. Broad engagement of the stakeholders and government agencies (management and trade facilitation resources) to support the Kenya National Electronic Single Window System project was undertaken through workshops. This created a common understanding of the project and facilitated knowledge sharing between the agencies – especially those that had interdependent processes. The workshop attendants and nominated KNESWS champions became the change agents and KNESWS ambassadors in their organizations. The business process review and re-engineering (BPR) activities (jointly undertaken by KenTrade, agency and IFC) ensured involvement of change agents and management in the development of new ways of working under the KNESWS – thereby ensuring early buy in and ownership of the change. Capacity building and best practice shared with KenTrade staff and the government agencies through the BPR workshops and individual sessions with the agencies (IFC consultant led) ensured sustainability of the system and process post project implementation. The sustainability is evidenced by completed BPR and implementation by KenTrade for an additional six government agencies post project implementation.

A strong inter-agency coordination was facilitated by KenTrade and achieved through steering committee and frequent scheduled status briefings by KenTrade to top leadership in the various government agencies and stakeholders. This was further complemented by strong leadership at the helm of the implementing agency.

Conclusion

The overriding objective of KICP II Trade Logistics component was to facilitate a more efficient trade logistics system that would ease the flow of goods in Kenya and through Kenya to the greater EAC Region.

Article 10.4.1 of the WTO TFA (WTO TFA Article 10.4: Single Window)⁶ calls for Member States 'to endeavor to establish or maintain a single window, which enables traders to submit documentation and/or data requirements for importation, exportation, or transit of goods through a single entry point to the participating authorities or agencies. After the examination by the participating authorities or agencies of the documentation and/or data, the results shall be notified to the applicants through the single window in a timely manner.' Countries could use Single Windows as an platform to provide transparency on the fees and charges (Article 6.1), allow for the electronic payment of duties, taxes and fees (Article 7.2) and minimize the formalities and documentation requirements, including the use of copies (Articles 10.1 and 10.2). Article 7.4.3 of the WTO TFA (WTO TFA Article 7:4 Risk Management) states 'Each Member shall concentrate customs control and, to the extent possible other relevant border controls, on high risk consignments and expedite the release of low-risk consignments. A Member also may select, on a random basis, consignments for such controls as part of its risk management'. Article 8.1 of the WTO TFA (WTO TFA Article 8: Border Agency Cooperation) calls for each Member to 'Each Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation, and transit of goods cooperate with one another and coordinate their activities in order to facilitate trade'. Throughout the successful implementation of the eSW, KICP II supported the Government of Kenya meet the requirements of the afore-mentioned TFA Articles. The implementation of the Risk Management module in eSW supported the implementation of the WTO TFA Article 7.4.3. The TFA entered into force on 22nd February 2017 following its ratification by two-thirds of the WTO membership.

Out of 190 countries, Kenya improved its overall DB rank from 141 in 2011 to 80 in 2018. Implementation of the Kenya TradeNet System contributed to the improvement of the Kenya's trading across borders rank from 144 in 2011 to 106 in 2018

Table 2: DB2011, DB2012 and DB2018 comparison

Indicator	DB2011	DB2012	DB2018
Overall Rank	141	109	80
Trading Across Borders	144	141	106

Source: DB2011, DB2012 and DB2018 Reports

⁶ https://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm

Based on the below evaluation of the main objectives of the program against the key achievements of the Kenya TradeNet System, the overriding objectives were achieved through the implementation of the system. The key achievements and benefits accrued are summarized below in Table 3:

Table 3: Summary of KNESWS key achievements and benefits

Government	Private Sector
1. Improved connectivity, processes and procedures	1. Improved connectivity, processes and procedures
2. A reduction in document processing time	2. A reduction in document processing time
3. Increased level of automation	3. Cost reduction in administrative cargo clearance processes/procedures
4. Improved efficiency in operations	4. Improved efficiency in operations
5. Improved governance, accountability and transparency in the way business is conducted	5. Increased transparency in the way business is conducted
6. Improved compliance and revenue collection	6. Increased revenue, effective and efficient deployment of resources, and improved employee productivity
7. Improved collaboration between government agencies	7. Enhanced clarity and predictability in the application and understanding of trade facilitation rules and requirements
8. Improved reporting and real-time availability of trade statistics	8. Reduction in cargo clearance time

Below (Table 4) is the summarized evaluation of the KNESWS implementation against the main objectives;

Table 4: Evaluation of the KNESWS implementation against the three main objectives

Key Objectives	How objective was achieved	Evaluation
1. Establishment of the national electronic single window	<p>In May 2014, the Kenya National Electronic Single Windows was formally launched by the Kenyan President and witnessed by regional leaders.</p> <p>As at 30th June, 2018; 22 modules have been implemented, 30 government agencies issuing 58 trade documents are connected to the KNESWS; and over 9,000 registered users accessing the system. Over 1,297,000 permit issuing transactions have been completed through the system.</p>	Met
2. Enhancing the technical capacity of related agencies reducing time and cost for import/export documentation requirements.	<p>The government agencies are now able to process the applications for trade documents through the Kenya TradeNet System with 5 of them having their back end systems integrated with the KNESWS thereby offering optimal efficiencies.</p> <p>Objective 1: to reduce number of days to export and import</p> <ul style="list-style-type: none"> ▪ Average number of days to comply with business regulation - Imports Baseline DB: 24 Target: 18 Result: 15 ▪ Average number of days to comply with business regulation - Exports Baseline DB: 26 Target: 19 Result: 13 <p>Objective 2: to reduce number of documents to export and import</p> <ul style="list-style-type: none"> ▪ For import clearance Baseline DB: 7 Target: 6 Result: 7 ▪ For export clearance 	Partially Met

Key Objectives	How objective was achieved	Evaluation
	Baseline DB: 8 Target: 7 Result: 8	
3. Achieving private sector cost savings (PCS) of US\$ 21.9 million one year post completion from trade related efficiencies.	A private sector costs saving of US\$ 25.6 million was achieved on year post completion.	Met

Success Factors to KNESWS Implementation

The critical factors for the successful implementation of the Kenya National Electronic Single Window System were identified as:

- Existence of a lead agency, strong leadership and strategic identification of counterparts and activities for implementation;
- Well-structured project charter and governance framework;
- Political good will, buy-in and government sponsorship;
- Supporting Legal framework;
- Technical and client capacity building; and
- Timely stakeholder buy-in, coordination and change management.

APPENDICES

APPENDIX I SINGLE WINDOW BENEFICIARIES

1. Banks
2. Customs Agent
3. Container Freight Station Operators
4. Courier
5. Freight Forwarders
6. Cargo Handling Agents
7. Insurance Companies
8. Insurance Regulatory Authority
9. Marine Surveyors
10. Partner Government Agencies/Government
11. Port Authority
12. Shipping Agents and Slot Charters
13. Traders - Exporters or Importers
14. Treasury (Government)

APPENDIX II

SERVICES (MODULES) DELIVERED THROUGH THE KNESWS

	Module	Status
1	Unique Consignment Reference (UCR)	Complete
2	Impending Arrival Report (IAR)	Complete
3	Bay Plan (BAPLIE) submission	Complete
4	Manifest Sea	Complete
5	Permits	Complete
6	Import Declaration Form (IDF)	Complete
7	Payments	Complete
8	Availability of attachments	Complete
9	Cargo Release	Test
10	Reports	Complete
11	User Admin	Complete
12	Integration with Kenya Revenue Authority - SIMBA and ICMS	Complete
13	Integration with Kenya Ports Authority Systems	Complete
14	Integration with KEPHIS System	Complete
15	Dynamic Risk Management	Complete
16	E Trade Portal	Complete
17	Maritime Single Window	Development
18	Short Messaging Service	Complete
19	Integration with Port Health Services	Complete
20	Marine Cargo Insurance	Complete
21	Integration with HCD	Pilot
22	Integration with KMA	Complete
23	Bonds Management	Complete
24	Declaration	Test

APPENDIX III

IMPLEMENTATION STATUS OF GOVERNMENT AGENCIES

Government Agency	Status
1. AFA Coffee Directorate	Completed
2. AFA Fibre Crops Directorate	Completed
3. AFA Food Crops Directorate	Pending
4. AFA Horticulture Crops Directorate	Completed
5. AFA Nuts and Oil Crops Directorate	Completed
6. AFA Pyrethrum & Other Industrial Crops Directorate	Pending
7. AFA Sugar Directorate	Completed
8. AFA Tea Directorate	Pending
9. Anti Counterfeit Agency	Completed
10. Central Firearms Bureau	Pending
11. Directorate of Veterinary Services	Completed
12. Energy Regulatory Commission	Completed
13. Ethics and Anti Corruption Commission	Completed
14. Kenya Bureau of Standards	Completed
15. Kenya Dairy Board	Completed
16. Kenya Forest Service	Completed
17. Kenya Maritime Authority	Completed
18. Kenya Medical Laboratory Technicians and Technologist Board	Completed
19. Kenya National Chamber of Commerce & Industry	Pending
20. Kenya Plant Health Inspection Services	Completed
21. Kenya Police Service	Completed
22. Kenya Ports Authority	Completed
23. Kenya Revenue Authority	Completed
24. Kenya Wildlife Service	Completed
25. Mines Geological Department	Completed
26. National Biosafety Authority	Completed
27. National Environment Management Authority	Completed
28. Nursing Council of Kenya	Completed
29. Office De Gestion Du Fret Maritime	Completed
30. Pest Control Products Board	Completed
31. Pharmacy and Poisons Board	Completed
32. Port Health Services	Completed
33. Radiation Protection Board	Completed
34. State Department of Fisheries	Completed
35. Veterinary Medicines Department	Completed

APPENDIX IV

LIST OF AGENCIES AND PROCESSES CONNECTED TO KNESWS

Legend

Completed
Pending
Development/UAT
Completed/Not in use

	NAME OF PARTNER GOVERNEMENT AGENCY		PROCEDURE/PROCESS	STATUS
1	Kenya Revenue Authority	1	Import Declaration Form (IDF)	
		2	Security Bonds Approval	
		3	Sea Manifest approval	
		4	Air Manifest approval	
		5	Declaration-Export	
		6	Declaration-Import	
		7	Declaration transit	
2	Directorate of Veterinary Services	1	Export permit	
		2	Import permit	
		3	International Veterinary Certificate (Export)	
		4	Certificate of no objection for import of milk and milk products	
		5	Export Clearance	
		6	Import Clearance	
3	Kenya Ports Authority-KPA	1	Viewing Only - Non Permit	
4	AFA Horticulture Crops Directorate (former HCDA)	1	Application for Export Certificate	
		2	Application for Export License	
5	Kenya Bureau of Standards (KEBS)	1	KEBS Inspection and Approval Document	
6	Kenya Plant Health Inspection Services (KEPHIS)	1	Phytosanitary Certificate (for integration)	
		2	Plant Import permit (for Integration)	
7	Port Health Services (PHS)	1	Import Health Certificate	
		2	Export Health certificate	

	NAME OF PARTNER GOVERNEMENT AGENCY		PROCEDURE/PROCESS	STATUS
8	Pharmacy and Poisons Board (PPB)	1	Permit Commercial	Green
		2	Export Permit	Green
9	AFA Sugar Directorate	1	Annual Import License	Green
		2	Annual Export License	Green
		3	Annual Import Permit	Green
		4	Annual Export Permit	Green
10	Kenya Dairy Board (KDB)	1	Import Permit	Green
		2	Export Permit	Green
		3	Import Clearance Certificate	Green
11	Kenya Medical Laboratory Technicians and Technologist Board (KMLTTB)	1	Export Permit	Blue
		2	Import Permit	Blue
		3	Research Exemption Permit	Blue
		4	Government Project Exemption Permit	Blue
		5	Training Exemption Permit	Blue
		6	Donation Exemption Permit	Blue
12	Pest Control Products Board (PCPB)	1	Import License	Green
		2	Export License	Green
13	Nursing Council of Kenya (NCK)	1	Import Permit	Blue
14	Central Firearms Bureau	1	Import Permit	Orange
		2	Removal Permit	Orange
		3	CFB Certificate (Import)	Orange
15	Kenya National Chamber of Commerce & Industry (KNCCI)	1	Certificate of Origin	Red
16	AFA Tea Directorate	1	Import Permit	Orange
		2	Export Permit	Orange
17	National Environment Management Authority	1	Controlled Substance Import Permit	Green
		2	Controlled Substance Import License	Green
		3	Controlled Substance Export Permit	Green
		4	Controlled Substance Export License	Green
		5	Waste Export Permit	Blue

	NAME OF PARTNER GOVERNEMENT AGENCY		PROCEDURE/PROCESS	STATUS
18	Anti Counterfeit Agency	1	Viewing Only - Non Permit	
19	Ethics and Anti Corruption Commission	1	Viewing Only - Non Permit	
20	Radiation Protection Board	1	Import License-Radioactive Devices	
		2	Export License-Radioactive Devices	
		3	Radio Analysis Certificate	
21	National Biosafety Authority	1	Approval to import GMOs	
		2	Approval to export GMOs	
		3	Approval to transit GMOs	
		4	GMO status for imports	
		5	GMO status for exports	
22	State Department of Fisheries	1	Import - Fish and Fishery Products	
		2	Import for Live Fish	
		3	Import for Sample of Fish and Fishery Products	
		4	Export-Fish and Fishery products	
		5	Export for Live Fish	
23	Kenya Forest Service	1	Import Permit for Finished Timber	
		2	Export Permit for Finished Timber	
		3	Export Permit for Timber	
24	AFA Fibre Crops Directorate(Cotton and Sisal)	1	Sisal Export Permit	
		2	Cotton Seed Export Permit	
		3	Lint Export Permit	
		4	Sisal Marketing Agency License (Contract Volume Document)	
25	AFA Nuts & Oil Directorate	1	Nuts and Oil Produce Product Import Declaration Form	
		2	Nuts and Oil Produce Product Export Declaration Form	
26	Energy Regulatory Commission	1	Solar Components Approval Permit	
		2	Energy Performance Labels Approval	
		3	Energy Performance Labels Approval Permit	

	NAME OF PARTNER GOVERNEMENT AGENCY		PROCEDURE/PROCESS	STATUS
		4	Refrigerator and Ballast Lamps Permit	
27	AFA Coffee Directorate	1	ICO Certificate of Origin	
28	AFA Food Crops Directorate	1	Import Permit for Food Crops	
		2	Export Permit for Food Crops	
29	AFA Pyrethrum & Other Industrial Crops Directorate	1	Pyrethrum Export Process	
		2	Pyrethrum Import Process	
30	Kenya Wildlife Service	1	CITES Export Permit	
		2	CITES Import Permit	
		3	Non CITES Import Permit	
		4	Non CITES Export Permit	
		5	CITES Re-export Permit	
		6	Non CITES Re-Export Permit	
31	Mines Geological Department	1	Mineral Export Permit	
32	Veterinary Medicines Directorate	1	Import Permit for Veterinary Medicines	
		2	Export Permit for Veterinary Medicines	
33	OGEFREM	1	Certificate of Destination	
34	Kenya Police Service	1	Viewing Only - Non Permit	
35	Kenya Maritime Authority	1	Viewing Only - Non Permit (Integration for Manifest Data)	

APPENDIX V

SUMMARY OF AUTOMATED PROCESSES, TIME AND NUMBER OF TRANSACTIONS

	NAME OF PARTNER GOVERNEMENT AGENCY	PROCEDURE/PROCESS	Export or Import process	Time taken to complete Process/Procedure (Day)			Baseline No. of Transactions 2012 ⁹	No. of Transactions (eSW or automated PGA System) ⁷
				Baseline 2012 ⁸	2018 (eSW)	Days Reduction		Total (2014-2018)
1	Kenya Revenue Authority	Import declaration form (IDF)	import	3	1.3	1.7	no info	786,814
		Security Bonds Approval	import	4-5	1	4.0	no info	27,944
		Sea Manifest Approval	import	3	1	2.0	no info	13,835
		Air Manifest approval	import	1	1	0.0	no info	341
2	Directorate of Veterinary Services	Export permit	export	10	3.4	6.6	no info	4,835
		Import permit	import	10	5	5.0	no info	8,658
		International Veterinary Certificate	export	5	1.6	3.4	no info	5,584
3	Kenya Plant Health Inspection Services	Plant Import permit for Integration	import	1	1	0.0	23,899	134,769
		Phytosanitary Certificate	export	1	1	0.0	199,168	1,617,031
4	Port Health Services	Import Health Certificate ¹⁰	import	n/a	25.6		n/a	25,600
		Export Health	export	3	11.5	(8.5)	no info	9,169

⁷ Data extracted from KNESWS as at June, 2018

⁸ Source of Baseline 2012 (used as Baseline for 2010) was either from BPR reports, interviews with PGA or records of 2012

⁹ Most PGAs were manual hence did not have any number of transactions baseline data

¹⁰ No Import Health Certificates were issued before KNESWS implementation

	NAME OF PARTNER GOVERNEMENT AGENCY	PROCEDURE/PROCESS	Export or Import process	Time taken to complete Process/Procedure (Day)			Baseline No. of Transactions 2012 ⁹	No. of Transactions (eSW or automated PGA System) ⁷
				Baseline 2012 ⁸	2018 (eSW)	Days Reduction		Total (2014-2018)
		Certificate						
5	Pharmacy and Poisons Board	Permit Commercial (averaged for various types of goods) for Import including medical devices	import	23	4.4	18.6	no info	56,996
		Export Permit	export	23	2.4	20.6	no info	9,920
6	AFA Sugar Directorate	Annual Import License	import	1-30	1	0.0	no info	1,027
		Annual Export License	export	30			no info	0
		Import Permit	import	5-7	1	6.0	no info	5,773
		Export Permit	export	5-7			no info	0
7	Kenya Dairy Board	Import Permit	import	34	17.1	16.9	no info	1,474
		Export Permit	export	13	33.7	(20.7)	no info	716
8	Pest Control Products Board	Import Permit	import	5	3.3	1.7	no info	6,199
		Export License	export	5	4.2	0.8	no info	1,194
9	Radiation Protection Board	Import License-Radio Active Devices	import	30	0.4	29.6	no info	410
		Import radio analysis certificate	import	1	2.5	(1.5)	no info	7,505
		Export License-Radio Active Devices	export	2	0.1	1.9	no info	3
10	National Biosafety Authority	Approval to import GMOs	import	90	38.1		no info	18
		Approval to export GMOs	export	90	9.1		no info	8

	NAME OF PARTNER GOVERNEMENT AGENCY	PROCEDURE/PROCESS	Export or Import process	Time taken to complete Process/Procedure (Day)			Baseline No. of Transactions 2012 ⁹	No. of Transactions (eSW or automated PGA System) ⁷
				Baseline 2012 ⁸	2018 (eSW)	Days Reduction		Total (2014-2018)
		Approval to transit GMOs	transit	90			no info	0
		GMO status for imports	import	7			no info	35
		GMO status for exports	export	7	7	0.0	no info	0
11	State Department of Fisheries	Import permit -Fish and Fishery Products	import	1	2.2	(1.2)	200	361
		Import permit for Live Fish	import	1	1	0.0	20	19
		Export permit -Fish and Fishery products	export	1	1	0.0	200	61
		Import for Sample of Fish and Fishery Products	import	1	n/a		20	0
		Export permit for Live Fish	export	1	1	0.0	1,200	489
12	AFA Nuts and Oil Crops Directorate	Nuts and Oil Produce Product Import Declaration Form	import	5	9.3	(4.3)	15	98
		Nuts and Oil Produce Product Export Declaration Form	export	5	7.1	(2.1)	3,980	377
13	AFA Coffee Directorate	International Certificate of Origin	export	1	1.2	(0.2)	1,864	5,850
14	AFA Fibre Crops Directorate (Cotton and Sisal)	Sisal Export Permit	Export	3	2.6	0.4	420	477
		Cotton Seed Export Permit	Export	1			no info	0
		Lint Export Permit	Export	1			no info	0

	NAME OF PARTNER GOVERNEMENT AGENCY	PROCEDURE/PROCESS	Export or Import process	Time taken to complete Process/Procedure (Day)			Baseline No. of Transactions 2012 ⁹	No. of Transactions (eSW or automated PGA System) ⁷
				Baseline 2012 ⁸	2018 (eSW)	Days Reduction		Total (2014-2018)
		Contract Volume Document/Sisal Marketing Agency License	Export	90	1		no info	439
15	AFA Horticulture Crops Directorate (former HCDA)	Application for Export Certificate	export	5-8 Mins	4.2	(4.2)	1,839	6
		Application for Export License	export	2 Hours			284	0
16	Veterinary Medicine Department	Import Permit for Veterinary Medicines	import	21	1	20.0	no records	64
		Export Permit for Veterinary Medicines	export	21	1	20.0	no records	18

2018 Data is for up to 30th June 2018

APPENDIX VI

REDUCTION IN TRIPS AND DOCUMENTS REQUIRED

	Government Agency	Process/Procedure	Documents Required			Dropped documents	Trips ¹¹ Made		
			Before eSW	After eSW	Docs Reduced		Before eSW	After eSW	# of Trips Reduced
1	Pest Control Products Board	Import Permit application	7	3	4	IDF, PGA Approval, Product Reg. Certificate, Application Form	2	0	2
		Export License application	5	1	4	Application form, Product Reg. Cert, Payment, PGA approval	2	0	2
2	Directorate of Veterinary Services	Import Permit application	4	1	3	IDF, PGA Approval, Application Form	2	0	2
		Export Permit application	5	3	2	PGA Approval, Application Form	2	0	2
		International Veterinary Certificate	2	1	1	Application Form	2	0	2
3	AFA - Horticultural Crops Directorate	Export License application	7	6	1	Application Form (Form 1A)	1	0	1
		Export Certificate issuance	1	0	1	KEPHIS approved commercial invoice	1	0	1
4	Kenya Bureau of Standards	Import Goods clearance/inspections	7	5	2	IDF, PGA Approval document	1	1	0
5	Kenya Plant Health Inspectorate Service	Plant Import Permit application	1	1	0		1	1	0
		Export Phytosanitary Certificate application	1	1	0		1	1	0
6	Port Health Services	Import Health Certificate application	8	6	2	PGA Approval document, Application Form	1	0	1
		Export Health Certificate application	5	3	2	PGA Approval document, Application Form	1	0	1

¹¹ No. of visits to PGA required by Client

	Government Agency	Process/Procedure	Documents Required			Dropped documents	Trips ¹¹ Made		
			Before eSW	After eSW	Docs Reduced		Before eSW	After eSW	# of Trips Reduced
7	Pharmacy and Poisons Board	Permit Commercial (averaged for various types of goods) for Import including medical devices	3	2	1	IDF	1	1	0
		Export Permit	2	1	1	Application Form	1	1	0
8	Kenya Dairy Board	Import Permit application	6	3	3	Application form, IDF, DVS Letter	7	0	7
		Export Permit application	4	2	2	Application Form, DVS Letter	6	0	6
9	Radiation Protection Board	Import License application	8	4	4	Appl. Form, Architectural drawing, Dealer & Engineer Licenses	3	1	2
		Radio Analysis Certification	6	4	2	PGA Approval, IDF	1	0	1
		Export License application	5	4	1	Application form	2	1	1
10	AFA - Sugar Directorate	Import License application	11	6	5	Company Profile, Audited Accounts, Articles of Association, Certificate of Good Conduct (Directors), Form E	3	0	3
		Import Permit application	6	4	2	Application form, Pre-shipment letter	3	0	3
		Export License application	11	6	5	Company Profile, Audited Accounts, Articles of Association, Certificate of Good Conduct (Directors), Form F	3	0	3
		Export Permit application	4	4	0		3	0	3
11	AFA - Coffee Directorate	Export license application	11	11	0		4	4	0
		International Certificate of Origin	2	1	1	Overseas buyer contract	2	0	2
12	National Environmental Management	Import Permit	0	0	0				0
		Controlled Substance Import License	0	0	0				0

Government Agency	Process/Procedure	Documents Required			Dropped documents	Trips ¹¹ Made			
		Before eSW	After eSW	Docs Reduced		Before eSW	After eSW	# of Trips Reduced	
	Authority	Controlled Substance Export Permit	0	0	0			0	
		Controlled Substance Export License	0	0	0			0	
		Waste Export Permit	0	0	0			0	
13	AFA - Fibre Crops Directorate	Marketing Agency Registration	10	9	1	Application form	4	0	4
		Sisal Export Permit	5	1	4	Application form, quality inspection report, proof of last payment of export levy, permit	2	0	2
		Cotton Seed/Cake Export Permit	4	2	2	Application form, permit	4	0	4
		Sisal Quality Certificate	3	1	2	Application form, certificate	4	0	4
		Cotton Lint Quality Certificate	3	1	2	Application form, certificate	4	1	3
14	AFA - Nuts & Oil Crops Directorate	Processor License	9	8	1	Application form	4	0	4
		Exporter License	9	8	1	Application form	4	0	4
		Importer License	9	8	1	Application form	4	0	4
		Nuts and Oil Produce Product Import Declaration Form	4	2	2	Application form, permit	3	0	3
		Nuts and Oil Oil Produce Product Export Declaration Form	4	2	2	Application form, permit	3	0	3
15	National Biosafety Authority	Contained Use Approval	4		4	Application Form	3	0	3
		Import Approval	5	2	3	Application Form, Payment Receipt, Cover Letter (3 copies each)	2	1	1
		Export Approval	4	2	2	Application Form, Payment Receipt (3 copies each)	2	1	1
		Transit Approval	6	4	2	Application Form, Payment Receipt (3 copies each)	2	1	1
		Environmental Release	14	1	13	12 Copies of the application	2	0	2

Government Agency	Process/Procedure	Documents Required			Dropped documents	Trips ¹¹ Made		
		Before eSW	After eSW	Docs Reduced		Before eSW	After eSW	# of Trips Reduced
16 State Department of Fisheries	Approval				documents			
	GMO status for imports	3	1	2	Application Form, Receipt	2	0	2
	GMO status for exports	3	1	2	Application Form, Receipt	2	1	1
	Fish Exporter	10	9	1	Payment receipt	4		4
	Export Permit for Live Fish	6	0	6	Payment receipt, copies of invoice, copies of C63 or C29, copy of field inspection report, Health Certificate, application form	2	0	2
	Export Permit Fish & Fishery Products	5	0	5	Payment receipt, copies of invoice, copies of C63 or C29, copy of field inspection report, application form	2	0	2
	Fish Health Certificate	1	1	0	Application Form	2		2
	Fish Importer	7	6	1	Payment receipt	3		3
	Import Permit for Live Fish	6	2	4	Payment receipt, copies of invoice, copies of IDF, Health Certificate, application form	2	0	2
	Import Permit Fish & Fishery Products	5	2	3	Payment receipt, copies of invoice, copies of IDF, Health Certificate, application form, Import Health Certificate	2	0	2
Import Permit for Research	1	0	1	Application Form	2	0	2	
17 Kenya Revenue Authority	Import Declaration Form	1	0	1	IDF application Form	3	1	2
	Air Manifest	1	0	1	Air Manifest	1	0	1
	Sea Manifest Approval	1	0	1	Sea Manifest	3	0	3
	Security Bonds Approval	1	0	1	Security Bond	3	0	3
18 Energy Regulatory Commission	Solar Components Approval Permit	3	1	2	Application Form, Import License	1	0	1
	Energy Performance Labels Approval Permit	0	0	0	New with eSW in 2016 regulations	0	0	0

	Government Agency	Process/Procedure	Documents Required			Dropped documents	Trips ¹¹ Made		
			Before eSW	After eSW	Docs Reduced		Before eSW	After eSW	# of Trips Reduced
		Refrigerator and Ballast Lamps Permit	0	0	0	New with eSW in 2016 regulations	0	0	0
19	Veterinary Medicines Directorate	Import Permit for Veterinary Medicines	1	0	1	Application form (Form E)	6	0	6
		Export Permit for Veterinary Medicines	1	0	1	Application form	6	0	6

Source: PGA records, compiled by IFC

APPENDIX VII

LIST OF COMPANIES INTERVIEWED

Organization	Category	Contact Person(s)	Telephone	Email	Interview		
					Response Date	Location	Type
Kenya Maritime Authority	Government Agency	Tumaini C. Namoya	+254 724 319344	tnamoya@kma.go.ke	19-Jun-18	Mombasa	Physical
		Jemima Msinga	+254 723 394970	jmsinga@kma.go.ke			Physical
Spedag Interfreight	Clearing Agent	Racheal Njuguna	+254 720 987024	racheal.njuguna@spedaginterfreight.com	19-Jun-18	Mombasa	Physical
W.E.C Lines	Shipping Line	Roger A. Dainty	+254 41 2311071/2	roger.dainty@ke.weclines.com	19-Jun-18	Mombasa	Physical
Urgent Cargo	Clearing Agent	Humphrey Ashubwe	+254 723 613658	humphrey@urgentcargo.com	18-Jun-18	Mombasa	Physical
Express Shipping & Logistics (EA) Limited	Shipping Agent	Silvester M. Kututa	+254 41 2229784/6	silvester@esl-eastafrika.com	19-Jun-18	Mombasa	Physical
Freightwell Express Limited	Clearing Agent	Joseph Matheka	+254 724 615003	joseph.matheka@freightwell.com	19-Jun-18	Mombasa	Physical
Bolloré Logistics	Clearing Agent	Johnson Muturi	+254 723 534833 +254 737 532226	johnson.muturi@bolloré.com	20-Jun-18	Mombasa	Physical
Martime Freight Company Limited	Clearing Agent	PJ Shah		-	20-Jun-18	Mombasa	Physical
Oceanstar General Agency Limited	Clearing Agent	Ayub Ochieng Boaz	+254 725 054004	info@oceanstargal.com	18-Jun-18	Mombasa	Physical
Veterinary Medicines Directorate	Government Agency	Dr. Naphtal Mwanziki	+254 722 309711	mwanziki@gmail.com	22-Jun-18	Nairobi	Physical
AFA - Sugar Directorate	Government Agency	Lydia Chacha	+254 724 035175	lchacha@kenyasugar.co.ke	21-Jun-18	Nairobi	Telephone
Conventional Cargo Conveyors Limited	Clearing Agent	Geoffrey Mbai	+254 725 200008	info@conventionalcargo.co.ke	25-Jun-18	Nairobi	Questionnaire
National Environment Management Agency	Government Agency	Selelah Okoth	+254 20 6001945	sokoth@nema.go.ke	6-Jul-18	Nairobi	Questionnaire

Organization	Category	Contact Person(s)	Telephone	Email	Interview		
					Response Date	Location	Type
Oceanfreight (EA) Limited	Shipping Line	Ali Nanjira	+254 706 114147	ali.nanjira@msc.com	28-Jun-18	Mombasa	Questionnaire
State Department of Fisheries	Government Agency	Benrick Ogutu	+254 722 279063	benrickogutu@gmail.com	27-Jun-18	Mombasa	Questionnaire
Kenya Plant Health Inspectorate Service	Government Agency	James Aboge	+254 720 036905	jaboge@kephis.org	2-Jul-18	Nairobi	Questionnaire
National Biosafety Authority	Government Agency	Martin Bundi	+254 725 120386	mbundi@biosafetykenya.go.ke	26-Jun-18	Nairobi	Physical
Bayer East Africa Limited	Trader	Cecilia Matheka	+254 702 949902	cecilia.matheka@bayer.com	2-Jul-18	Nairobi	Questionnaire
AFA - Coffee Directorate	Government Agency	Paul Okewa	+254 20 3342717	coffeedirectorate@yahoo.com	3-Jul-18	Nairobi	Questionnaire
Mumbi Coffee Limited	Trader	Michael Murungi	+254 743 144375	trading@mumbicoffee.com	2-Jul-18	Nairobi	Questionnaire
AFA - Fibre Crops Directorate	Government Agency	Interim Senior Officer - Regulation and Compliance	+254 20 2339830	info@cottondevelopment.co.ke	11-Jul-18	Nairobi	Questionnaire
Kenya Radiation Protection Board	Government Agency	Edward Mayaka	+254 20 2689254	rpbkenya@nbnet.co.ke	10-Jul-18	Nairobi	Questionnaire
AFA Nuts and Oil Crops Directorate	Government Agency	Vincent Chirchir	+254 721 386052	vincent.chirchir@yahoo.com	4-Jul-18	Nairobi	Questionnaire
Del Monte Kenya Limited	Trader	Jane Thiong'o	+254 20 2141600	Jthiong'o@FreshDelmonte.com	2-Jul-18	Thika	Questionnaire
AFA Horticultural Crops Directorate	Government Agency	Hosea K. Boswony	+254 724 893298	chachahosea@yahoo.com	29-May-18	Nairobi	Telephone
Port Health Services	Government Agency	Douglas Nasio Ambenje	+254 720 383312	dnasio9@gmail.com	4-Jun-18	Nairobi	Telephone

APPENDIX VIII

EASE OF DOING BUSINESS DATA

Trade Documents Required

Below is a list of documents presented as mandatory for clearance of goods as per the Doing Business case study if imported into or exported out of Kenya in 2011 and 2018. Fees paid to KPA for handling cargo.

Documents to Import DB 2011	Documents to Import DB 2018
1. Bill of lading	1. Bill of lading
2. Certificate of origin (COMESA) ¹²	2. Declaration of Customs Value (F – C52) ¹³
3. Customs import declaration	3. Commercial invoice
4. Commercial Invoice	4. Packing List
5. Inspection report	5. Terminal handling receipts
6. Packing List	6. Cargo release order ¹⁴
7. Terminal Handling receipts	7. Pre-Import Verification of Conformity (PVoC)
	8. Import Declaration Form (IDF) ¹⁵
	9. Proof of payment of Customs duties ¹⁶
	10. SOLAS certificate ¹⁷

Documents to Export - DB2011	Documents to Export - DB2018
1. Bill of lading	1. Bill of lading
2. Cargo delivery order	2. Certificate of origin
3. Certificate of origin	3. Export declaration
4. Customs export declaration	4. Commercial invoice
5. Commercial Invoice	5. Packing list
6. Inspection report	6. Release Order
7. Packing List	7. Exit note
8. Terminal Handling receipts	8. Certificate of export ¹⁸

Source (DB2011 and DB2018)

¹² This is only required if goods are moving from one COMESA country to another COMESA country

¹³ For C52 is called up when there is a dispute in customs values declaration. Form C52 provides for certification of commercial invoices, sale contracts/Agreement, letters of credit or any other documents against which payment was made, in support of a declaration on a perfect Import Entry.

¹⁴ Cargo Release Order (Delivery Order) is issued by the shipping line to importer and presented to Kenya Ports Authority to enable cargo release. Currently it is delivered to KPA in paper form or EDI.

¹⁵ The IDF is the only document that does not appear to be necessary; The Revenue Authority is warming up to this fact and have removed the payment that went with it. The new Customs System ICMS, will probably do away with this document

¹⁶ Payment of duties and taxes is automated. Payments are made against customs declaration numbers. This means that the bank only receives payments when the declaration details pop up in their systems requesting payment of the payable amounts. KRA officer is able to see when payment of an entry is made.

¹⁷ International Convention for the Safety of Life at Sea (SOLAS) is an international maritime treaty which sets minimum safety standards in the construction, equipment and operation of merchant ships. The certificate is issued to the vessel in accordance with the SOLAS Convention and not a requirement for individual clearance of cargo.

¹⁸ Certificate of export is not a document, it is an action, in the system to confirm goods have been exported

APPENDIX IX KENYA TRADE VALUES

Kenya Exports and Imports with the World

	Trade Value US\$ '000				
	2013	2014	2015	2016	2017
Imports	27,616,494	31,676,528	27,971,052	24,741,577	29,855,157
Exports	11,430,096	12,736,355	12,034,296	11,561,599	11,345,387
Trade	39,046,590	44,412,883	40,005,348	36,303,176	41,200,544

Source: KAM study on the implication and impact of tariff liberalization between East African Community and South African Customs Union on Kenya 31.05.2018



Kenya's trade flow (US\$ '000) by region

Partner	Imports					Exports				
	2013	2014	2015	2016	2017	2013	2014	2015	2016	2017
World	16,394,469	18,386,137	16,062,423	14,113,751	16,690,015	5,536,953	6,111,949	5,906,853	5,697,562	5,746,974
EAC	334,534	415,087	411,520	324,478	589,731	1,285,408	1,431,416	1,287,734	1,199,462	1,110,842
COMESA	660,506	670,466	681,298	681,033	1,094,033	1,489,085	1,637,109	1,586,059	1,464,223	1,381,063
EU	2,395,902	2,563,718	2,371,777	2,096,926	1,998,362	1,214,662	1,366,875	1,287,121	1,197,548	1,217,856
SACU	886,764	791,974	698,173	555,256	708,006	39,176	78,543	50,994	43,747	31,567
SADC	1,142,687	1,115,747	985,578	823,856	1,105,202	832,169	977,270	741,024	708,934	598,599
China	2,117,409	2,819,063	3,260,723	3,326,482	3,777,573	48,737	75,105	86,666	99,184	96,739
USA	667,463	1,913,383	1,278,723	473,504	556,793	347,270	435,124	413,311	427,399	457,182
Middle East	3,016,760	3,000,953	2,220,837	2,346,291	3,335,442	636,636	622,964	674,534	723,540	704,565

APPENDIX X

COST REDUCTION CALCULATION METHODOLOGY

Total Estimated Cost Savings (USD)

$$= \{ \text{Total Photocopying Savings} + \text{Total Document Preparation Savings} + \text{Total Travel Cost Saving} \\ + \text{Total Travel Time Savings} + \text{Total Facilitation Costs Savings} \} / \text{USDXrate}$$

Where:

Total Photocopying Savings

$$= \sum_{i=1}^n \sum_{j=1}^m \{ \text{No. of pages reduction per transaction per procedure} \\ \times \text{No. of copies made by trader per transaction per procedure} \\ \times \text{Min no. of set per transaction per procedure} \times \text{Price of photocopy per page} \\ \times \text{No. of transactions per procedure} \}$$

Total Document Preparation Savings

$$= \sum_{i=1}^n \sum_{j=1}^m \{ \text{No. of hours saved per procedure} \times \text{Avg. cost of employee (KES per hour)} \}$$

Where:

$$\begin{aligned} \text{No. of hours saved per procedure} \\ &= \text{No. of transactions per procedure} \\ &\times \text{Est. avg. time reduction in document preparation per transaction per procedure} \end{aligned}$$

$$\begin{aligned} \text{Avg. cost of employee (KES per hour)} \\ &= \text{Avg. minimum hourly wage for a general clerk in Nairobi between Jan 2014 and June 2018} \end{aligned}$$

Total Travel Cost Savings

$$= \sum_{i=1}^n \sum_{j=1}^m \{ \text{No. of trips reduction per transaction per procedure} \\ \times \text{Avg. cost of travel within Nairobi} \times \text{No. of transactions per procedure} \}$$

Total Travel Time Savings

$$= \sum_{i=1}^n \sum_{j=1}^m \{ \text{No. of trips reduction per transaction per procedure} \\ \times \text{Est. avg. time reduction per trip per transaction per procedure} \\ \times \text{No. of transactions per procedure} \}$$

Total Facilitation Cost Savings

$$= \sum_{i=1}^n \sum_{j=1}^m \{ \text{Facilitation cost saving per transaction per procedure} \\ \times \text{No. of transactions per procedure} \}$$

and,

n = no. of PGAs

m = no. of procedures per PGA

APPENDIX XI STUDY METHODOLOGY

The study was conducted/primary data collected through (i) face to face interviews with representatives of stakeholders (clearing agents, PGAs, Traders (importers/exporters), (ii) administration of questionnaire to stakeholders, (iii) analysis of data downloaded from the Kenya TradeNet System for the period up to 30th June, 2018, and (iv) desktop survey using secondary data from PGA Business Process Mapping reports.

