REPUBLIC OF KENYA

Ease of Doing Business

Reform Milestones 2014-2020

November, 2020

Ministry of East African Community & Regional Development

FOREWORD

The Fourth Industrial Revolution will bring a unique set of opportunities and challenges to Africa as new technologies and industries re-shape the world. Governments particularly in Africa are developing strategies to benefit from these changes as they prepare for an estimated 400 million new jobs to land on the continent by 2040. With rising costs in Asia, the emerging COVID-19 threat, and new and widening economic disparities, Kenya is gearing to become the regional leader in adapting to these changes and seizing the economic opportunities.

Kenya is rolling out initiatives to attract and retain investments, foster an environment to accelerate industrial development, and grow the private sector to create jobs and wealth for her people.

Since 2013, my Administration has prioritised unlocking the potential of the private sector to create jobs and generate wealth. To achieve this, the Government has pushed through several reforms, supporting the Ease of Doing Business agenda by removing bottlenecks hindering Kenya's private sector growth.

My focus has been fostering a conducive business environment that creates the foundation to attract investments, accelerate economic growth, and help create purposeful employment for our deserving young people.

As a result, Kenya was ranked 56th globally in the World Bank's Doing Business 2019 report, having risen 80 places since 2014 – one of the most improved countries in Africa and globally. We aim to build on this success to rise into the top 20 countries worldwide by 2022.

We are targeting further improvements in the coming months, driven largely by a raft of targeted, time-based reforms, including: (1) re-engineering service delivery processes to enhance efficiency; (2) automating services to boost revenue collection; and (3) enacting legal and regulatory reforms to eliminate the compliance burden especially for our small and medium sized businesses.

I am proud of the gains we have made to support the private sector. For example, the Companies Act of 2015 was enacted to replace the colonial 1948 Companies Act and has immensely benefited our SMEs, including single director/shareholder company ownerships, waivers for expensive annual general meetings for certain categories of companies, electronic platform for registering businesses among others.

We have increased revenue collection – fourfold in some areas – through automation of service delivery, a program that we will intensify in coming months.

I am confident that the milestones captured in this publication demonstrate how far Kenya has come in improving its business environment, and how far we are willing to go to make life simple and better for our business community.

I strongly believe these reforms will support SMEs, especially now that we are required to work together in dealing with the negative effects of the global COVID-19 pandemic.

Further, I am confident that ongoing reforms will improve the competitiveness of our Counties as investment destinations by addressing regulatory bottlenecks.

It is my hope that the trajectory we have set will be sustained well beyond my Administration through the recently established Business Reforms and Transformation department.

Uhuru Kenyatta, CGH
President of the Republic of Kenya and
Commander-in-Chief of the Defence Forces

EXECUTIVE SUMMARY

In 2014, H.E the President set the ambitious target of reaching top-50 global ranking in the *Ease of Doing Business* report. For the first time in our country's history, the doing business climate agenda is a pivot-point in the government's agenda, with dedicated resources at levels of Government to ensure impactful delivery of reforms central to private sector growth.

The Government's economic plan, implemented over the past six years, has addressed various bottlenecks such as increasing connectivity by expanding affordable power supply, rail and road networks, ports, markets locally and internationally, affordable financing mechanism and other initiatives that complement the *Ease of Doing Business* agenda.

The Government is committed to improving the business environment in Kenya to make the country the preferred destination for local and international investors, as part of the broad government industrial development programme (Kenya's Industrial Transformation Programme – KITP). We have in particular placed emphasis on reforms that directly improve processes and costs associated with a broad range of business-related measures such as Company Registration, construction permits, Property Transfers, Commercial litigation, the insolvency framework amongst others. This has been made possible through enacting legislation, re-engineering processes, eliminating red tape, in critical areas that facilitate efficiency in the public sector space interface with the private sector.

To improve Kenya's business environment, the Government in 2014 established a multi-institutional Business Environment Delivery Unit, which draws membership from various ministries, departments and agencies. The Delivery Unit is mandated to champion the implementation of various business reforms in partnership with the private sector.
In 2018, H.E the President strengthened this approach by establishing the Department of Business Reforms and Transformation: a dedicated and resourced Government organ to implement initiatives that make Kenya more competitive both locally and internationally.

In collaboration with the private sector, the Government continues to identify and implement cross-cutting reforms to improve the business regulatory environment on the platform of the *Ease of Doing Business Reforms Agenda*. Some of the areas in scope have included: starting a business; dealing with construction permits; getting electricity; registering property; getting credit; protecting investors; paying taxes; trading across borders; enforcing contracts; and resolving insolvency and employing workers. In recent months, a new measure – 'contracting with government' – has joined the metrics, and a new raft of measures will be rolled out to make public procurement more transparent and efficient.

Across the indicators, the Government reviewed best practices globally and proposed reforms based on efficiency and potential impact to small and medium businesses.

Some of the initiatives cover:

- Documenting government business processes
- Re-engineering and remodelling processes
- Recommending new business processes and legal/policy reforms
- Engaging process owners to buy into the recommended processes and reforms
- Following up the implementation of the new processes
- Capturing impact of the reforms (monitoring and evaluation)
- Communicating the impact of reforms

There are other broader areas that will be streamlined especially at the County level to ensure we remain competitive.

As a continent, we are at a crucial point in history: the tide is changing, positioning Africa for a major economic take-off. Africa is increasingly becoming an attractive investment destination driven by an expanding middle income population, improved economic management, discovery of extractive resources and a relatively young, energetic workforce ready to reap the demographic dividends. Today, dozens of multinationals operate in Kenya and over 12 million small businesses create more than 80% of the jobs in our country; and our young people are the natural beneficiaries. This program makes Kenya's economy more competitive, more dynamic, and a more attractive environment for SMEs to thrive.

Adan Mohamed, EGH
Cabinet Secretary for East African Community
& Regional Development

EASE OF DOING BUSINESS GLOBAL RANKING

2014: 136 **2019: 56**

1ST RANK GLOBALLY ON **PROTECTING MINORITY INVESTORS**

4TH RANK GLOBALLY ON **GETTING CREDIT**

80 SLOTS IMPROVEMENT SINCE **2014**

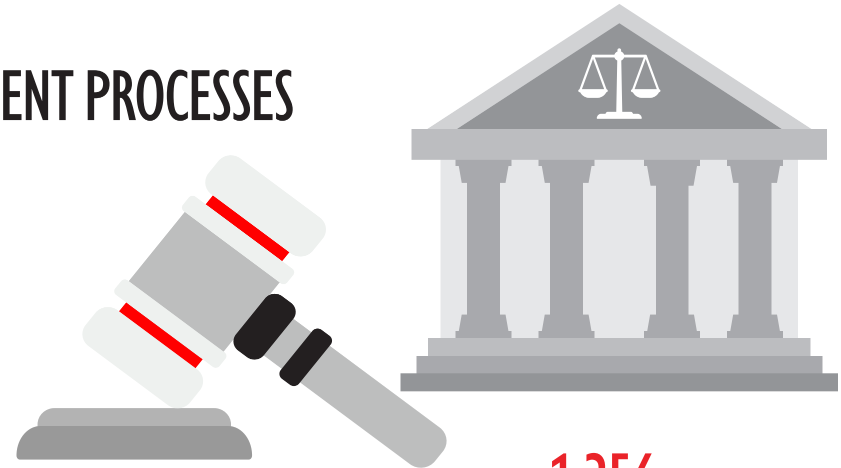
3RD RANK IN **SUB-SAHARAN AFRICA**

3RD MOST IMPROVED COUNTRY GLOBALLY 2016/17

OVER **50 AWARDS FOR KENYA** OVER THE PAST **5** YEARS

200 GOVERNMENT PROCESSES RE-ENGINEERED

12 NEW ACTS OF PARLIAMENT



35 SUBSIDIARY **LEGISLATION INSTRUMENTS**

2,421 CLAUSES OF **LEGAL AMENDMENTS**

1,256 ENGAGEMENTS WITH **PRIVATE SECTOR**

1,179 DELIVERY SESSIONS ON THE **REFORM AGENDA**

216 CABINET LEVEL **ENGAGEMENTS**

30 COMPANIES
REGISTERED **DAILY**
IN 2014

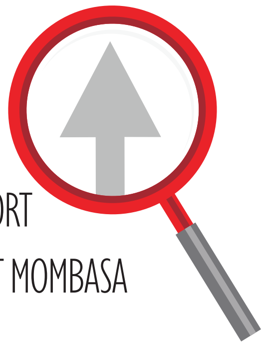
IN **2020,** 200 COMPANIES REGISTERED **DAILY**

OVER **400,000** BUSINESSES REGISTERED
SINCE 2014

35,000
LAND TRANSACTIONS
PER YEAR ON AVERAGE

OVER **250,000**
NUMBER OF PARCELS SURVEYED AND
DIGITIZED IN NAIROBI

1.3 MN TEUS
PER ANNUM CAPACITY AT MOMBASA PORT



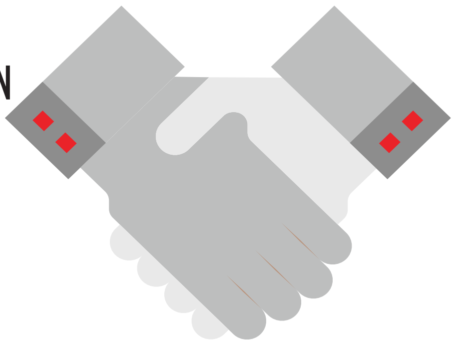
NUMBER OF GOVERNMENT AGENCIES AT MOMBASA
PORT REDUCED FROM 31 TO **4**

KES 23 BILLION
WORTH OF COMMERCIAL DISPUTES
REFERRED TO ALTERNATIVE DISPUTE RESOLUTION

8X INCREASE
CREDIT BUREAU COVERAGE, NOW AT **36.4 %**
UP FROM 4.7%

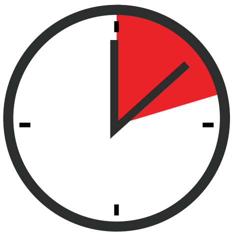
4,036 CASES HAVE BEEN
REFERRED TO MEDIATION

1,461 SETTLEMENT
AGREEMENTS HAVE
BEEN REACHED



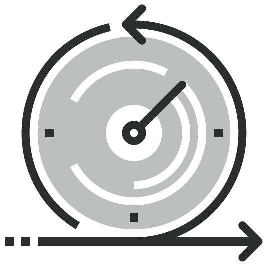
KES 1 TRILLION
VALUE OF MOVEABLE ASSETS
REGISTERED AT THE COLLATERAL REGISTER

337,000 COLLATERAL ASSET ENTRIES



50%

REDUCTION IN TIME FOR AN INSOLVENCY CASE, FALLING FROM AN AVERAGE OF **4.5 YEARS TO 2 YEARS**



1 DAY

AVERAGE TIME FOR CUSTOMS DOCUMENTARY COMPLIANCE, **DOWN FROM 7 DAYS** DUE TO AUTOMATION

40% INCREASE

IN CONSOLIDATION OF **NUMBER OF TAX PAYMENTS**

OVER 10MN

BUSINESSES AND CITIZENS ON **iTAX**

16% DECREASE IN TIME TO FILE TAXES, REDUCED **FROM 214 HOURS TO 180 HOURS**

75% TAX COMPLIANCE RATE **AFTER iTAX WAS INTRODUCED**

90% APPLICANT **SATISFACTION RATE WITH iTAX**

75% INCREASE IN VALUE OF **NEW PROJECTS**

KES 992BN APPROVED BY **NAIROBI COUNTY GOVERNMENT**

INTRODUCTION

Globally, the growth of investments and private capital has been critical to stimulating economic growth and job creation. Many governments have prioritised boosting their standing in credible international investment reports to help attract investments. One such important tool is the World Bank's Global Ease of Doing Business report, which measures the competitiveness of 190 global economies according to set parameters.

Given its robust methodology, wide acceptance and practical approach to addressing the business climate issues facing small and medium businesses (SMEs), investors refer to this report to guide investment decisions.

In 2014, Kenya was lagging other East African and African countries as an investment destination, primarily because of its difficult business environment: Kenya was ranked 136th globally for ease of doing business, while foreign direct investment (FDI) for some of our neighbouring countries was triple that of Kenya (US$ 300 million). Investors complained of a lack of clear information on investment procedures, even from key government agencies.

To address the situation, the Government of Kenya (GoK) set up a dedicated business reform unit in 2014 to coordinate the implementation of business reforms. For the first time, a Cabinet Secretary reporting directly to H.E the President was appointed to coordinate reforms with a dedicated budget line. Kenya has since achieved several important milestones:

- It has been ranked the **third most improved country globally for three consecutive years** (2015, 2016, 2017)
- It is the **most improved country** on the continent
- It **ranks third** in sub-Saharan Africa
- It **rose 80 places** in the ranking to **no. 56** in October 2019

The eleven indicators measured in Ease of Doing Business include: starting a business, dealing with construction/ building permits, getting electricity, registering/ transferring property, access to credit, protecting minority investors, paying taxes, trading across borders, enforcing contracts, resolving insolvency, and contracting with government (procurement).

The initial focus area for these reforms has been city of Nairobi, with plans to begin rolling out the same to all other counties in the country.

President assigned the Ministry of East Africa Community and Regional Development to execute the mandate to improve Kenya's business environment. The Ministry's top leadership has been steering the mandate since 2014 with great success. Its efforts have lifted Kenya's global Ease of Doing Business (EODB) ranking from 136 (2014) to 56 (2019) and grown FDI tenfold from US$ 350 million (2014) to US$ 3.5 billion (2019).

This report shares the story of the transformation. It highlights the reform journey and outlines the benefits accrued to the private sector, especially to small and medium businesses, and to the Government through realizing new efficiencies. In addition, it shows the trajectory of future reform agenda in Kenya, as we bring even more improvements to the country's ease of doing business.

Private sector engagement with government on reforms

H.E. the President during a private sector round table on business climate agenda

H.E. the President Chairing the Presidential Roundtable

H.E. the President assenting to the Companies, Insolvency & Business Registration Acts

H.E. the President assenting to the Movable Properties Rights Act

Business reform updates to private sector

H.E. the Deputy President during the 2019 Doing Business Report launch

H.E. the President and the private sector in 2017

During the launch of the 2019 Doing Business Report by H.E. the President

H.E. the Deputy President handing over the Doing Business Report to private sector

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1 STARTING A BUSINESS

In this chapter, we are showcasing the various reforms implemented over time to enhance the ease of starting a business in Kenya, including 2014-2019 performance review, highlights of 2020 reforms, and future planned reforms.

IN 2014, 30 COMPANIES REGISTERED **DAILY**

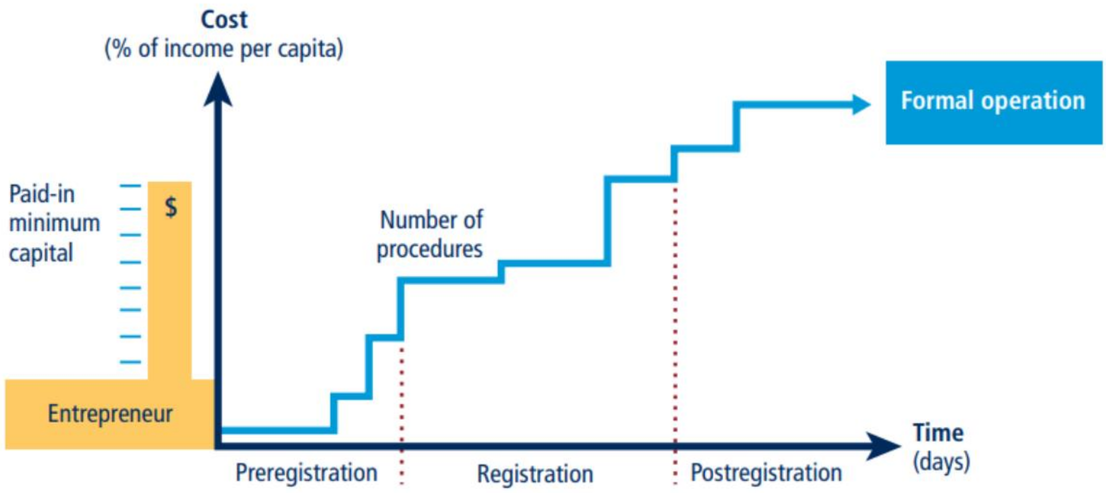
IN 2020, 200 COMPANIES REGISTERED **DAILY**

This indicator addresses the number of procedures, time, cost and paid-in minimum capital required for a small-to-medium limited liability company to start up and formally operate.

Procedures include the processes entrepreneurs undergo when obtaining all necessary approvals, licenses, permits and completing any required notifications, verifications or inscriptions for the company and employees with relevant authorities for 100% locally-owned companies, managed by a local person and employing up to 50 employees.

A procedure is defined as any interaction of the company founders with external parties (for example, government agencies, lawyers, auditors or notaries). The time measure captures the median duration that incorporation lawyers or notaries indicate is necessary in practice to complete a procedure with minimum follow-up with government agencies.

Exhibit 1: What are the time, cost, paid-in-minimum capital and number of procedures to get a local limited liability company up and running?



Source: Doing Business database

PERFORMANCE REVIEW 2014-2019

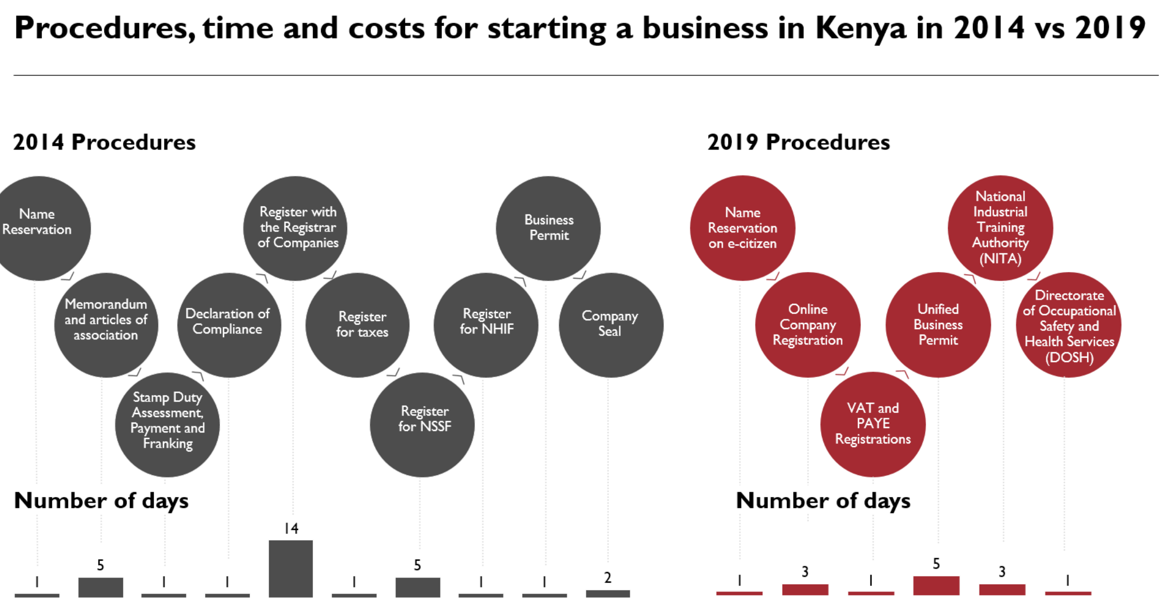
Between 2014 and 2019, it became considerably easier to set up a business in Kenya:

- The number of procedures dropped from 10 to 7
- Time taken to set up a business fell by 28% from 32 business days to 14
- Cost to set up a business fell by 16 percentage points from 38% income per capita to 22%
- Paid-in minimum capital required remains zero

Two key reforms were responsible for this progress:

1. **Process improvements.** Merging some steps and eliminating others reduced the number of steps to set up a business from ten (2014) to seven (2019). The four previously separate Company Registration, Kenya Revenue Authority (KRA), National Hospital Insurance Fund (NHIF) and National Social Security Fund (NSSF) steps were merged into one step and two others were eliminated. Stamp duty fees required for nominal capital, memoranda and articles of association were removed and replaced with a flat fee of KES 10,000. The requirement for a declaration of compliance sanctioned by a Commissioner of Oaths was also removed (Exhibit 2).

Exhibit 2: Procedures, time and costs for starting a business in Kenya in 2014 vs 2019



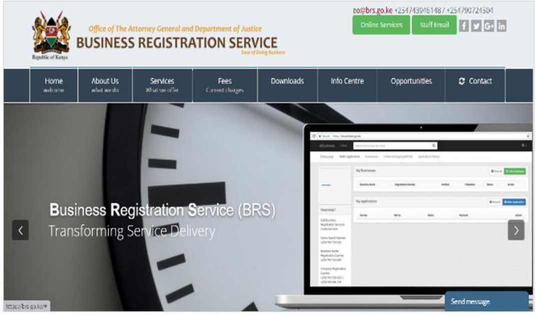
2. **Automation of the registration process.** Access is through the online e-citizen portal and payment of fees can be done directly. Four of the seven procedures are already online, making registration and payment seamless (Exhibit 3).

Exhibit 3: Automation of procedures required to start a business

Over the past six years Kenya has shown significant improvement in the process required to start a business

In 2014, starting a business in Kenya was a manual, tedious and inefficient process that took a minimum of 30 days to complete and include 10 different steps

In 2019, the process was primarily digital, convenient and fast taking ~23 days and including 7 different steps



The improvements in cost, time and number of procedures to start a business benefit both our domestic and international investors and the Government. More investors are able to start businesses because registration capacity has increased by over 500% from 30 businesses registered a day (2014) to 200 (2019). Local and foreign investors can now register their businesses remotely through the online portal, thus eliminating the inconveniences of government offices in person. At the same time, the Government has increased its revenue collection. Today, the company registry collects five times as much revenue: close to KES 1 billion (2020) vs KES 200 million (2014).

"Our experience in Registering a Company has been exceptional; we laud the Government of Kenya for the one step one day automated process, saves time and money!"

Malachi Adede, Company Secretary, Nairobi

3. **Enactment of New Companies Act of 2015.** The old 1948 Companies Act focused on larger businesses; as a result, the repeal of the old Act and the enactment of New Companies Act of 2015 brought focus to targeted support for small and medium businesses, through provisions such as:

   - The introduction of sole membership of private companies.
   - Introduction of small regime companies with lighter compliance obligations for SMEs.
   - Simplification-to remove procedural technicalities. Some of these include:

- The new Act now allows electronic lodgement and service of notices which has paved way for automation.
- No obligation for a private company to have a company secretary, where it its paid-up capital, does not exceed KES 5 million
- Doctrine of ultra vires no longer exists unless a company itself restricts its activities in its articles of association.
- The new act has simplified the memorandum of association of the company and the same is not subject to amendment post incorporation, and the only constitutive document for the company is articles of association.
- Execution of documents by legal persons has been simplified under the Act- which led to consequent amendment of the law of contract and the lands Act

- Liquidation and administration was previously under the Companies Act, but this was hived off into the robust insolvency act.
- The Act codifies directors' fiduciary duties, previously stipulated under common law.
- Consent of directors and secretaries to act must be contained in writing; which improves on corporate governance.
- The new Act has improved naming of companies to bring a distinction between private (limited) Public companies (PLC)
- To improve on corporate governance the new act has introduced provisions governing disqualification of persons acting as directors.
- A company can now purchase its own shares (Share Buy Backs); this was not possible under the old regime.
- The new act regulates takeover activity but delegates the preparation of takeover rules to CMA. This was previously regulated by CMA.
- Foreign companies can now register under an alternative name.

“We are pleased with the progress made by Government in this area through full automation of the processes and the new legal regime.”

Carole Kariuki, CEO of Kenya Private Sector Alliance (KEPSA)

“Starting a business” is a very competitive indicator as many countries have innovated exponentially around this. Though many improvements have been made, our ranking score on this indicator only improved moderately. In 2019, Kenya ranked 129 in starting a business, slightly higher than its 2014 ranking of 134. Kenya however performs way better than the sub-Saharan African average across most of the indicators in this area. However, although it outperforms the OECD average in paid-in minimum capital requirements, there is room to adopt progressive improvements as has been the case demonstrated in the reforms for 2020. This implies an opportunity for improvement (Exhibit 4).

Exhibit 4: Starting a Business benchmarking: Kenya vs Sub-Saharan Africa and OECD countries[1]

Starting a business benchmarking: Kenya vs Sub-Saharan Africa and OECD countries

Indicator	Kenya	Sub-Saharan Africa	OECD high income
Procedure – Men (number)	7	7.4	4.9
Time – Men (days)	23	21.5	9.2
Cost – Men (1% of income per capita)	22.4	36.3	3.0
Procedure – Women (number)	7	7.5	4.9
Time – Women (days)	23	21.6	9.2
Cost – Women (1% of income per capita)	22.4	36.3	3.0
Paid-in mn. Capital (1% of income per capita)	0	9.3	7.6

HIGHLIGHTS OF 2020 REFORMS

The reforms implemented in 2020 are expected to raise Kenya's ranking in starting a business. These reforms have reduced the number of procedures from seven to just one, the time to register a business from 14 days to one day, and the total cost by 60% from KES 38,500 to KES 14,800. The Specific reforms are:

1. **Elimination of the need to conduct a name search before company registration**. The name reservation and business registration steps have been merged into one step that requires the applicants to submit their choice of three preferred names with their full online application at https://brs.ecitizen.go.ke/

2. **Consolidation of the application for company registration and KRA PIN, PAYE, VAT, NHIF and NSSF registrations**. Applicants can now obtain the Certificate of Incorporation, Official Search (previously CR12; list of directors/shareholders of the new registered company), KRA PIN, PAYE, VAT, NHIF and NSSF numbers electronically as part of the online company registration process.

[1] World Bank Ease of Doing Business 2020 – Kenya Economy Profile

The new one-step business registration process launched in March 2020

The new process of filing and payment of PAYE,NHIF,NITA & NSSF announced by H.E the President in December 2019

3. **Waiving of the requirement for a single business permit for the first two years of incorporation**. On 28 February 2020, Kenya waived the requirement to obtain a single

business permit for all businesses for the first two years after incorporation/registration. This has reduced the time from five days to zero and reduced the costs associated with obtaining a single business permit by KES 15,200 (Exhibit 5).

Exhibit 5: Notice on waiver of single business permit by the Nairobi County Government in 2020

4. **Elimination of the use of the company seal** (common seal). This reform has reduced the time and costs associated with obtaining a company seal by KES 3,500.

5. **Waiving of the NITA Registration**. Through the Industrial Training (Training Levy) (Amendment) Order, 2020, Kenya has waived the registration requirement for companies with up to 100 employees for the first 12 months after registration. This has eliminated the three-day registration period.

6. **Waiving of registration of a business premise with the Directorate of Occupation Safety and Health**. This has reduced costs by KES 5,000 and eliminated the one-day registration period.

“We are glad to receive global recognition for our one-step, one-day company registration process, which has made us global pace setters in getting a business up and running.”

Hon. Justice Paul Kariuki, Attorney General

FUTURE PLANNED REFORMS

Additional short-term and long-term reforms will make it even easier to start a business:

a) Short-term reforms

1. **Integrating the e-Citizen platform with KRA, NHIF and NSSF systems to enable automatic transmission of data**. Currently, KRA, NHIF and NSSF registration officers manually transfer information from eCitizen to their systems, resulting in long processing times. Automatic data transmission will shorten times to approve applications and issue statutory certificates.

2. **Enforcing timelines to process and issue certificates from government agencies** (NSSF, NHIF, KRA) to less than one day from the current 21 days. Timelines will be enforced by:

   - Investing in reliable internet infrastructure in each government agency to improve system uptime
   - Increasing public awareness of requirements for business registration and use of online systems to reduce the number of incomplete and inaccurate applications
   - Implementing performance management tools to monitor timelines quickly and transparently
   - Enabling online assessment of payable fees for the unified business permit to eliminate the need to visit county offices in person

3. **Increasing public awareness of Business Registry Services (BRS) to increase the adoption rate**

b) Long-term reforms

1. **Implementing digital signatures** to allow applicants to sign documents online without needing to print, sign and upload scanned versions. This will simplify the online company registration process by saving applicants time

2. **Developing a single unique identifier for companies** for company identity, taxes, social security and national health insurance. The identifier increase efficiency by eliminating the need to register with multiple government agencies. Currently, companies have to register with the Business Registration Service, KRA, NHIF and NSSF separately and obtain multiple registration numbers.

3. **Facilitating platform integration with private sector players** to improve convenience and customer service for businesses, e.g., link the API to banks so that businesses can create accounts easily on one platform

The working floor of the Companies Registry that facilitates Business Registrations

A Working session at the Companies Registry to follow up on reform implementation

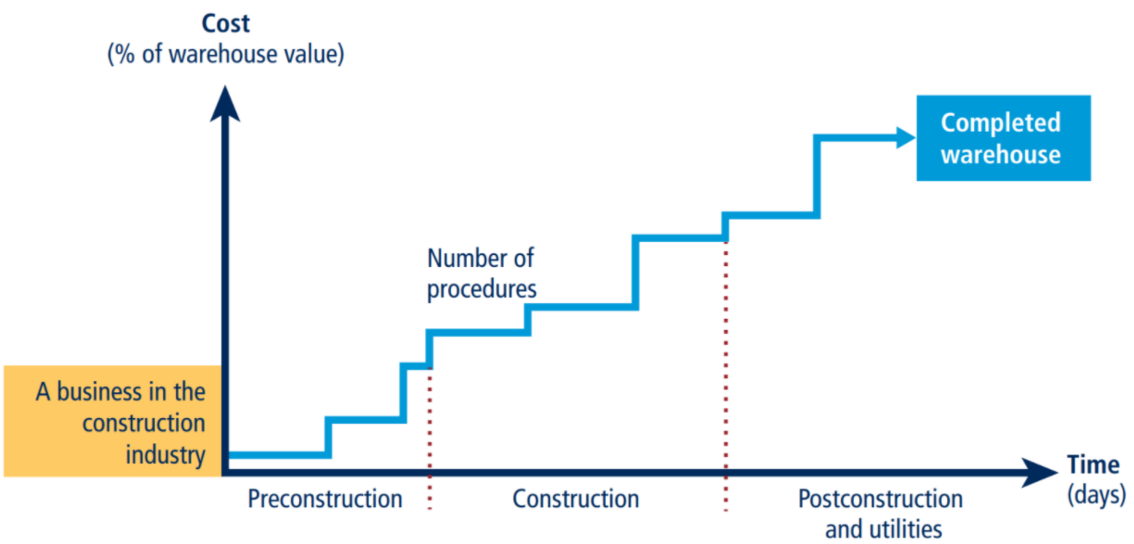
2 DEALING WITH CONSTRUCTION/ BUILDING PERMITS

In this chapter, we are showcasing the various reforms implemented over time to enhance the ease of dealing with construction/ building permits in Kenya, including 2014-2019 performance review, highlights of 2020 reforms, and future planned reforms.

KES 992BN WORTH OF DEVELOPMENT PROJECTS APPROVED BY COUNTY OF NAIROBI

This indicator measures the procedures, time and costs to build a warehouse – including obtaining licences and permits, submitting all required notifications, requesting and receiving all inspections and obtaining utility connections. The 'Dealing with Construction Permits' indicator measures the building quality control index, evaluating the quality of building regulations, the strength of quality control and safety mechanisms, liability and insurance regimes, and professional certification requirements.

Exhibit 6: what are the time, cost and number of procedures to comply with formalities to build a warehouse?



Source: Doing Business database

Procedures include, but are not limited to:

- Obtaining all plans and surveys required by the architect and the engineer to start the design of the building plans (for example, topographical surveys, location maps or soil tests)
- Obtaining and submitting all relevant project-specific documents (for example, building plans, site maps and certificates of urbanism) to the authorities

- Hiring external third-party supervisors, engineers or inspectors (if necessary)
- Obtaining all necessary clearances, licenses, permits and certificates
- Submitting all required notifications for the start and end of construction and for inspections
- Requesting and receiving all necessary inspections (unless completed by a hired private, third-party inspector)

Time is recorded in calendar days and the measure captures the median duration that local experts indicate is necessary to complete a procedure in practice. It is assumed that the minimum time required for each procedure is one day, except for procedures that can be fully completed online, for which the time required is recorded as half a day.

Although procedures may take place simultaneously, they cannot start on the same day (that is, simultaneous procedures start on consecutive days), again with the exception of procedures that can be fully completed online. If a procedure can be accelerated legally for an additional cost, the fastest procedure is chosen as the applicable one.

> "We have seen great strides in the area of construction permits. The new online application portal for water & sewer connections launched this year and the fast-tracked Project summary reports herald a new dawn in the way we do business."
>
> Chris Naica, Architect

Good practices in Dealing with Construction Permits

Global good practices

- ✓ **Risk-based systems** allowing the treatment of buildings according to their risk-level and location
- ✓ A **coherent body of rules** that defines what is required from builders and ensures a uniform implementation
- ✓ Improvements on the organization of the review process - by **better coordinating** the efforts of different agencies

Global good practices in dealing with construction permits by the World Bank Group

Previous reforms to improve Kenya's ranking in dealing with construction permits include:

1. Eliminating clearance fees from the National Environment Management Authority (NEMA) and the National Construction Authority (NCA) from 2017
2. Increasing transparency by making building permit requirements publicly available online
3. Reduction of cost of construction permits by county government of Nairobi

As a result of these and other reforms, Kenya's costs are three times lower and its building quality control index is 10% higher than the sub-Saharan African average (Exhibit 7).

Exhibit 7: Dealing with construction permits benchmarking: Kenya vs sub-Saharan Africa and OECD countries[2]

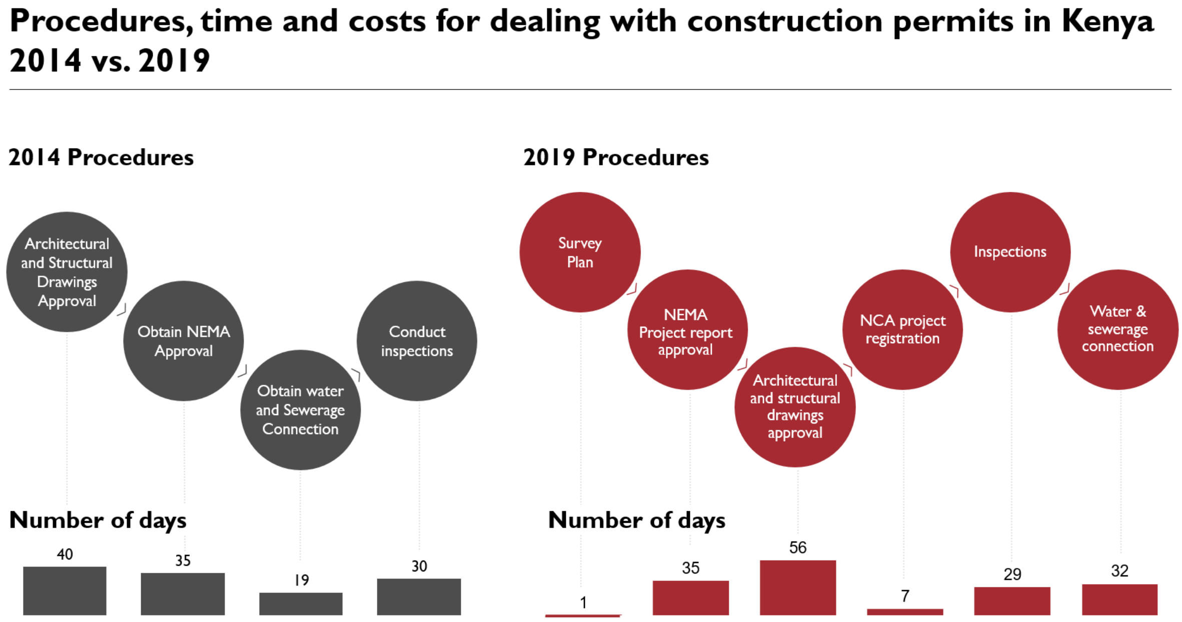
Dealing with construction permits benchmarking: Kenya vs Sub-Saharan Africa and OECD countries

Indicator	Kenya	Sub-Saharan Africa	OECD high income
Procedure (number)	16	15.1	12.7
Time (days)	129	145.4	152.3
Cost (% warehouse value)	2.8	8.9	1.5
Building quality control index (0-15)	10.0	8.9	11.6

However, more reforms are required. Kenya's global ranking for this indicator has declined 58 places from 47 in 2014 to 105 in 2020, with two of the four parameters – procedures and time – performing significantly lower. The number of procedures required to obtain a construction permit increased from 9 to 16 because of new requirements to submit a survey plan and register the project with the NCA. The time required to obtain a construction permit increased by over 25% from 125 days(2014) to 159 days (2020) (Exhibit 8).

[2] World Bank Ease of Doing Business 2020 – Kenya Economy Profile

Exhibit 8: Procedures, time and costs for dealing with construction permits in Kenya 2014 vs. 2019



HIGHLIGHTS OF 2020 REFORMS

Kenya's ranking in dealing with construction permits is expected to improve significantly as a result of reforms effected in 2020. The number of procedures has fallen 25% from 16 to 12 and the time required to obtain a permit has dropped 75% from 159 days (2014) to 36 (2020). Specific reforms are:

1. **Introduction of a risk-based approval system for architectural and structural plans** by the Nairobi City County Government (NCCG) and increased frequency of technical committee meetings. Projects are now categorized by low, medium and high risk, and differentiated by size, complexity and cost. Weekly Technical Committee meetings approve architectural plans for low-risk projects, after which structural plans are submitted and approved within two days. These reforms were implemented on 17 February 2020 and will reduce the time to approve low-risk project plans from 45 to seven days, and low-risk structural plans from 10 to two days.

NAIROBI CITY COUNTY

PUBLIC NOTICE

WEEKLY APPROVALS OF CONSTRUCTION PERMITS

The Nairobi City County Government hereby notifies the professional consultants in the built environment, developers, property owners and the public that, **Technical Committee Meetings have been scheduled every (7) seven days**, on Wednesdays, for consideration and **approval of low-risk development applications**. These are project proposals which fall under the following categories:

- Single Dwelling Houses (excluding large comprehensive schemes)
- All renewals for already approved building plans, changes of use and sub-division schemes
- All internal alterations and amendments not exceeding $500m^2$
- Godowns and warehouses of up to $1400m^2$
- All apartments of 4 levels and below.

Similarly, there will be Technical Committee Meetings every 14 days (second and fourth Thursday of every month) to consider and approve the other development applications which do not fall in the above categories.

We urge consultants to be prompt in addressing any comment posted through the e-construction and e-development permit system with regard to their development applications for ease of fast-tracking the approvals.

This notice takes effect from the week of **17th February 2020**.

Charles Kerich

COUNTY EXECUTIVE COMMITTEE MEMBER - LANDS, URBAN PLANNING, URBAN RENEWAL AND PROJECT MANAGEMENT

The introduction of weekly approval of construction permits in 2020 to reduce time taken to process approvals for low risk projects to just 7 days

2. **Digital stamping of architectural and structural plans through quick response (QR) codes**. This reform has eliminated the requirement to have hard-copy development plans stamped by the County Government.

Public Notice on the Launch of online QR Code System to eliminate physical stamping of documents

3. **Establishment of a risk-based approach to Environmental Impact Assessments** (EIA) by NEMA. Through Legal Notices 31 and 32 of the Environmental Management and Coordination Act, NEMA simplified the EIA report format for low-risk projects known as Summary Project Reports (SPRs). This reform has reduced the approval time for low-risk projects from 35 days to five.

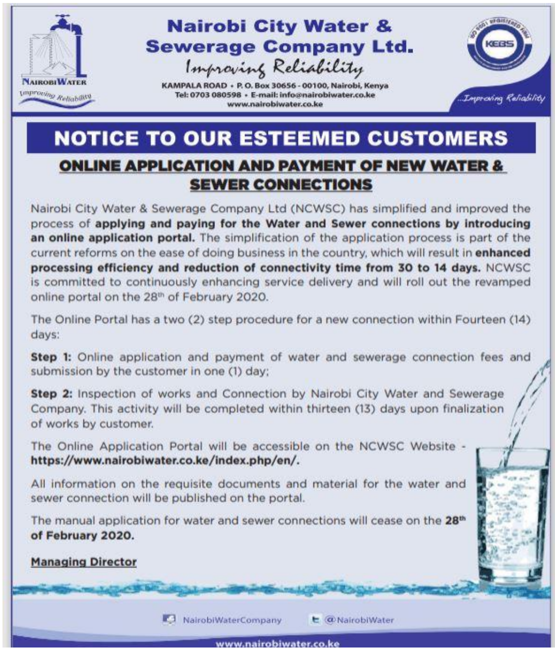
Public Notice on the simplified approvals for low risk projects by the National Environment Management Authority

4. **Risk-based assessment and registration of projects by NCA.** The approval time for the registration of low-risk projects has fallen from seven days to one

> "The Construction services sector generates jobs for many of our young people. We estimate about 1m new jobs will be generated in the affordable housing program. We are committed to transforming the built environment."

Mr. James Macharia, Cabinet Secretary, Ministry of Transport, Infrastructure, Housing, Urban Development & Public Works

5. **Automation of water and sewer application and payment processes and publication of piping material requirements** (cost and specifications) on the Nairobi City Water and Sewerage Company (NCWSC) portal: https://www.nairobiwater.co.ke/index.php/en/. The portal was launched in February 2020. The automation of application and payment processes has reduced the time required from two days to one and the number of steps from two to one. Publication of the piping requirements has eliminated customer enquiries, thereby reducing the time taken for inspection and water connection from 30 days to 13.



Nairobi City Water & Sewerage Company Ltd.

Improving Reliability

KAMPALA ROAD • P.O. Box 30656 - 00100, Nairobi, Kenya
Tel: 0703 080598 • E-mail: info@nairobiwater.co.ke
www.nairobiwater.co.ke

NairobiWater Improving Reliability

KEBS

...Improving Reliability

NOTICE TO OUR ESTEEMED CUSTOMERS

ONLINE APPLICATION AND PAYMENT OF NEW WATER & SEWER CONNECTIONS

Nairobi City Water & Sewerage Company Ltd (NCWSC) has simplified and improved the process of **applying and paying for the Water and Sewer connections by introducing an online application portal.** The simplification of the application process is part of the current reforms on the ease of doing business in the country, which will result in **enhanced processing efficiency and reduction of connectivity time from 30 to 14 days.** NCWSC is committed to continuously enhancing service delivery and will roll out the revamped online portal on the 28th of February 2020.

The Online Portal has a two (2) step procedure for a new connection within Fourteen (14) days:

Step 1: Online application and payment of water and sewerage connection fees and submission by the customer in one (1) day;

Step 2: Inspection of works and Connection by Nairobi City Water and Sewerage Company. This activity will be completed within thirteen (13) days upon finalization of works by customer.

The Online Application Portal will be accessible on the NCWSC Website - **https://www.nairobiwater.co.ke/index.php/en/.**

All information on the requisite documents and material for the water and sewer connection will be published on the portal.

The manual application for water and sewer connections will cease on the **28th of February 2020.**

Managing Director

NairobiWaterCompany @NairobiWater

www.nairobiwater.co.ke

A Public Notice on the first ever online portal for application of Water and Sewer Connections for Nairobi.

6. **Amending the NCA Act** to:

   a. Provide a legal mandate for NCA to continuously inspect projects during construction through the Business Laws (Amendment) Act 2020

   b. Provide clarity on the parties liable for latent structural defects when the building is in use through the Defects Liability Regulations (2020)

FUTURE PLANNED REFORMS

Additional short-term and long-term reforms are planned to make it even easier to obtain construction permits:

i. Short-term

1. **Equip inspection officers with mobile devices** to enable them to take photos and notes in the field and upload them to the e-Construction system. This will reduce the time taken to generate a certificate of completion from 14 days after final inspection to one day.
2. **Enable uploading of original architectural and structural plans on the e-Construction system** to accelerate review; currently only pdfs can be uploaded.
3. **Increase awareness/conduct training** on the requirements for submission of architectural and structural plans to reduce the frequency of errors.
4. **Reduce the cost** of obtaining a building permit from the Nairobi Metropolitan Services.
5. **Publish a detailed list of requirements for obtaining a building permit online** to enable developers to submit complete and accurate applications. The current list of requirements for the submission of building plans on the Nairobi City County website does not provide details on fees and required pre-approvals.
6. **Upgrade the e-development portal** to enable end-to-end automation of architectural and structural plan approval, including e-payments and e-notification of approvals.
7. **Increase the e-development portal uptime** by recruiting and/or training IT staff to maintain and upgrade the system, and ensuring that the IT infrastructure meets quality standards.
8. **Streamline approval procedures and protocols** between the Nairobi Metropolitan Service (NMS) and Nairobi City County Government (NCCG) on transfer of the Urban Planning function and communicate this to stakeholders to clarify roles.
9. **Finalize and publish the Zoning and Development Guidelines** to make it easier to conform to the Urban Planning Masterplan and eliminate the practice of development regularization.
10. **Implement geographical information systems** (GIS) to make it easier to identify a site for water and sewer connections and prepare for inspection and connection site visits.

11. **Enhance customer support channels** to eliminate the need for in-person visits to NCWSC offices:

   - Develop and implement interactive USSD and online customer support modules to facilitate real-time feedback
   - Train customer service officers in the call centres to respond to customer queries

ii. Long-term

Leverage synergies among the four national and county agencies (NEMA, NCA, NCWSC, NCCG) involved in construction:

- Implement a one-stop shop approach for construction permits to obtain approval from the four national and county agencies (NEMA, NCA, Nairobi Water and Sewerage Company and Nairobi City County) together
- Ensure that the Building Code provides for joint inspection protocol and develop operational guidelines

A working session to address challenges on obtaining construction permits with the Governor of Nairobi County

3 GETTING ELECTRICITY

In this chapter, we are showcasing the various reforms implemented over time to enhance the ease of getting electricity in Kenya, including 2014-2019 performance review, highlights of 2020 reforms, and future planned reforms.

Number of procedures required to get electricity:

6 (2014) vs. **3** (2019)

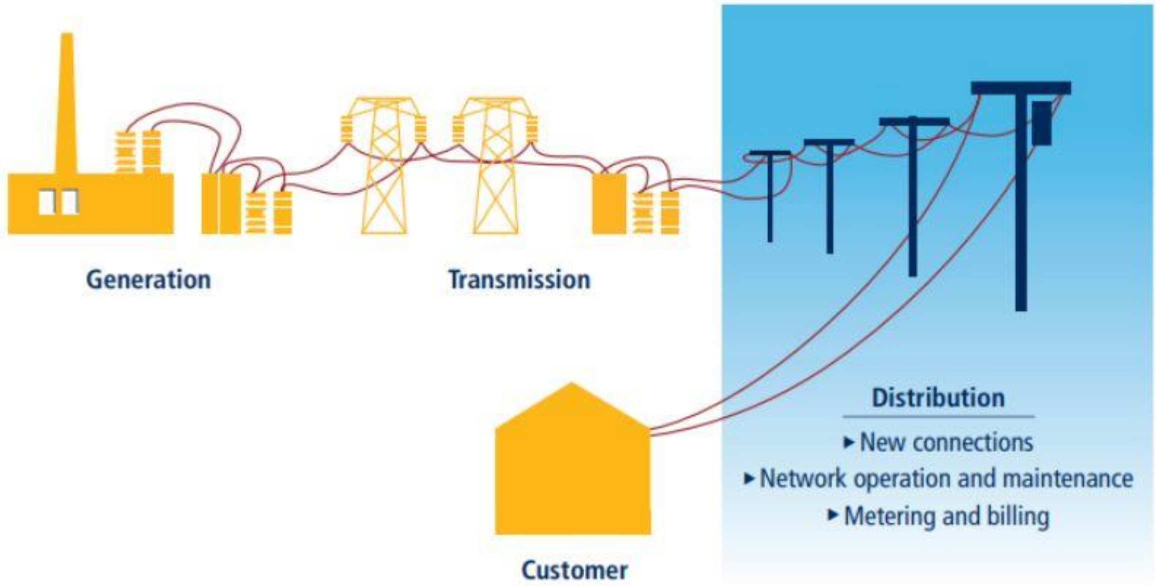
Time required:

158 days (2014) vs. **97 days** (2019)

This indicator addresses the things required for a business to obtain a permanent electricity connection for a newly constructed warehouse: procedures; time; cost; and reliability of supply and transparency of tariffs (the index measures reliability of supply, transparency of tariffs and the price of electricity).

Additionally, it measures the reliability of supply and the transparency of the tariff index and electricity prices.

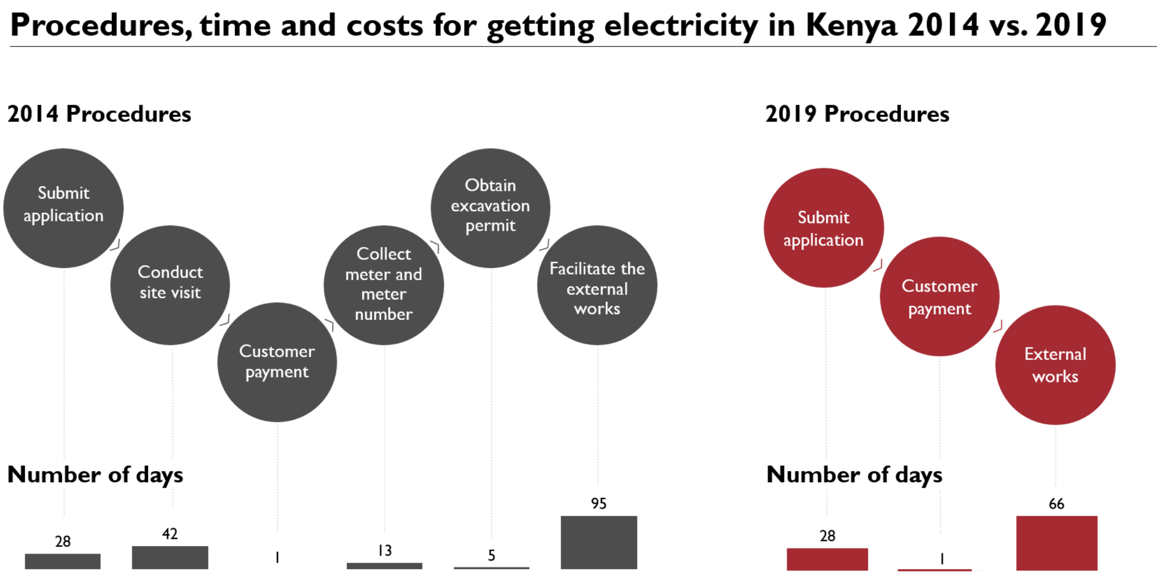
Exhibit 9: Doing Business measure the connection process at the level of distribution utilities



PERFORMANCE REVIEW 2014-2019

Kenya's global ranking in getting electricity has risen 96 positions from 166 (2014) to 70 (2019). This places it third in sub-Saharan Africa, behind Mauritius (28) and Rwanda (59). Kenya improved across all four indicators measured in this area. The number of procedures required to get electricity have halved from six (2014) to three (2019), while the time required decreased by 39% from 158 days to 97. The cost fell by over 40% from 1,090% of income per capita (2014) to 615% (2019) and the reliability of supply and transparency of tariff index (0-8) improved from 0 in 2017, to five in 2019 (Exhibit 10).

Exhibit 10: Procedures, time and costs for getting electricity in Kenya 2014 vs. 2019



> "We have expanded our electricity connections to reach 7.8 million customers to date, up from only 2.3 million in 2013."
>
> Hon. Charles Keter, Cabinet Secretary, Ministry of Energy

The following reforms contributed to the strong improvement in rankings:

1. **Implementation of rigorous performance management**, notably fortnightly monitoring and reporting of connection timelines at an increasingly detailed level

2. **Hiring contractors for meter installation** to reduce delays from 2015/16

3. **Introducing a geographic information system** (GIS) that allows Kenya Power designers to view existing infrastructure remotely, eliminating the need for an in-person reconnaissance visit and reducing the time and number of interactions needed to obtain an electricity connection

4. **Implementing targeted efforts to reduce the frequency and duration of outages**, e.g., upgrading distribution lines and transformers, setting up a specialized squad to restore power when outages occur, and introducing channels for customers to quickly and conveniently report outages (e.g., customer service centre, Twitter).

5. **Redesigning the application process to reduce customer interactions,** which promotes efficiency through limiting the number of customer touch-point

> "Better stability and reliability of power has been a major boost for my factory as we have minimal outages. I now plan better on my production."

Mr. Sambasiva Rao, Managing Director Alpharama Tannery

While Kenya has made great strides in raising its ranking in getting electricity, there is still room for improvement. Although Kenya outperforms the sub-Saharan average across all four indicators, it lags OECD countries in time, cost and reliability of supply and transparency of tariff index. The number of days required to get electricity is 30% higher, the cost is 10 times higher, and reliability and transparency are 30% lower (Exhibit 11).

Exhibit 11: Getting electricity benchmarking: Kenya vs sub-Saharan Africa and OECD countries[3]

Getting electricity benchmarking: Kenya vs Sub-Saharan Africa and OECD countries

Indicator	Kenya	Sub-Saharan Africa	OECD high income
Procedure (number)	3	5.2	4.4
Time (days)	97	109.6	74.8
Cost (1% of income per capita)	615.4	3,187.5	61.0
Reliability of supply and transparency of tariff index (0-8)	5	1.6	7.4

[3] World Bank Ease of Doing Business 2020 – Kenya Economy Profile

HIGHLIGHTS OF 2020 REFORMS

Kenya's getting electricity ranking is expected to improve significantly as a result of reforms effected in 2020. For SMEs, the number of procedures have been reduced from three to two and the time required has fallen by over 80% from 42 days to seven (Exhibit 12). The reliability of supply has also improved: the number of outages has dropped by 20% from 6.9 to 5.6 outages per year, and the duration of interruptions has decreased by 7% from 12.6 hours to 11.7 per year. Specific reforms implemented are:

1. **Allocation of dedicated resources** to conduct external work, install meters and get electricity flowing for SMEs requiring 100-200 kVA connections. This has reduced the time required by 90% from 66 days to six

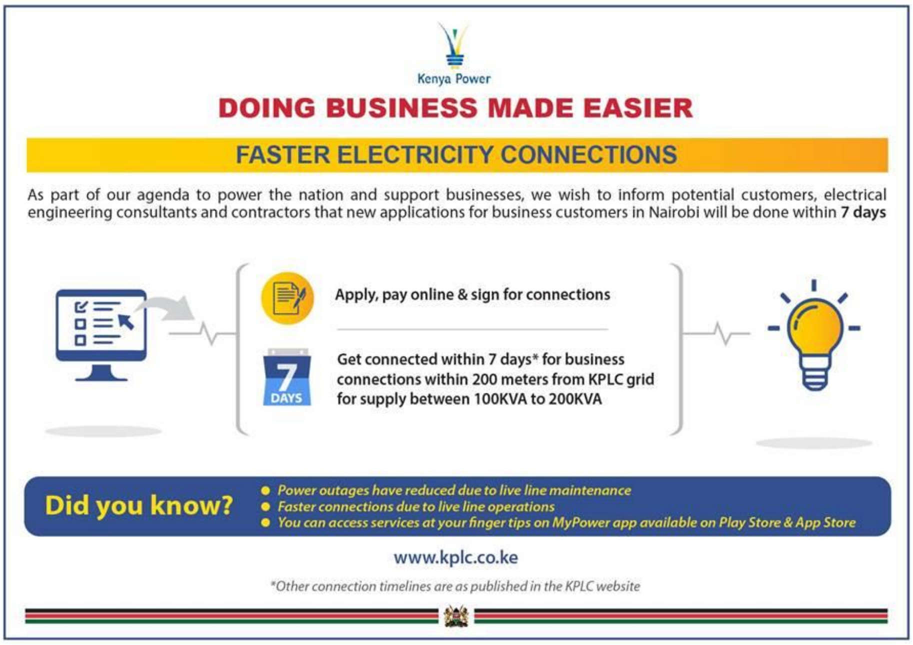
2. **Merging the application submission and customer payment steps** into one to reduce the number of procedures from three to two

3. **Use of live line operations** to reduce planned and unplanned outages to enable connections to be made without switching off the supply. Kenya Power launched the live line programme in 2019 and has trained over 200 live line technicians to date

Live line maintenance trucks used by Kenya Power & Lighting Company to ensure continuity of power supply during maintenance

4. **Carrying out frequent preventative maintenance** for medium voltage connections through transformer droppers, trace maintenance, change of insulators and re-sagging of loose conductors

Exhibit 12: Flyer announcing revised application procedures and timelines for SMEs to get electricity in March 2020



FUTURE PLANNED REFORMS

Additional reforms planned to further enhance the procedure, costs, reliability and transparency of getting electricity include:

1. **Improving the online application process** to allow customers to submit and track their applications
2. **Reducing the 100-200 kVA connection cost** by ~10% from KES 1,060,000 to KES 954,000.
3. **Providing legal recourse** in the Energy Act for losses incurred during electricity interruptions

"Small Businesses such as Barber shops, Salons, Welding stations and light manufacturing entities have emerged because it is now easy to get connected to electricity... and provide jobs to our youth."

Richard Muteti, Chief Executive Officer,
Kenya National Federation of Jua-Kali Association

4 REGISTERING/ TRANSFERRING PROPERTY

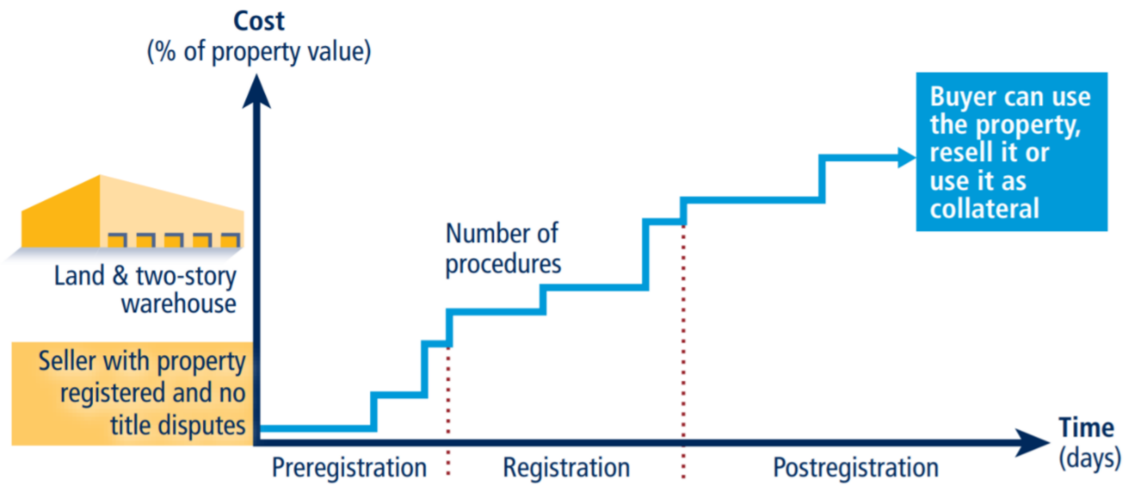
In this chapter, we are showcasing the various reforms implemented over time to enhance the ease of registering and transferring property in Kenya, including 2014-2019 performance review, highlights of 2020 reforms, and future planned reforms.

OVER **250,000**

Number of Parcels Surveyed & Digitized in Nairobi

This indicator examines the procedures, time and cost involved in registering property, based on the standardized case of an entrepreneur who wants to purchase land and a building that is already registered and free of title dispute and compares global best practices on a standardized case. It also considers the quality of the land administration system covering reliability of infrastructure, transparency of information, geographic coverage, land dispute resolution, and equal access to property rights.

Exhibit 13: What are the time, cost and number of procedures required to transfer property between two local companies?



Source: Doing Business database

This area records the full sequence of procedures necessary for a limited liability company (the buyer) to purchase a property from another business (the seller) and to transfer the property title to the buyer's name so that the buyer can use the property for expanding its business, as collateral in taking out new loans or, if necessary, to sell the property to another business. It also measures the time and cost to complete each of these procedures. The quality of land administration index has five dimensions: reliability of infrastructure, transparency of information, geographic coverage, land dispute resolution and equal access to property rights.

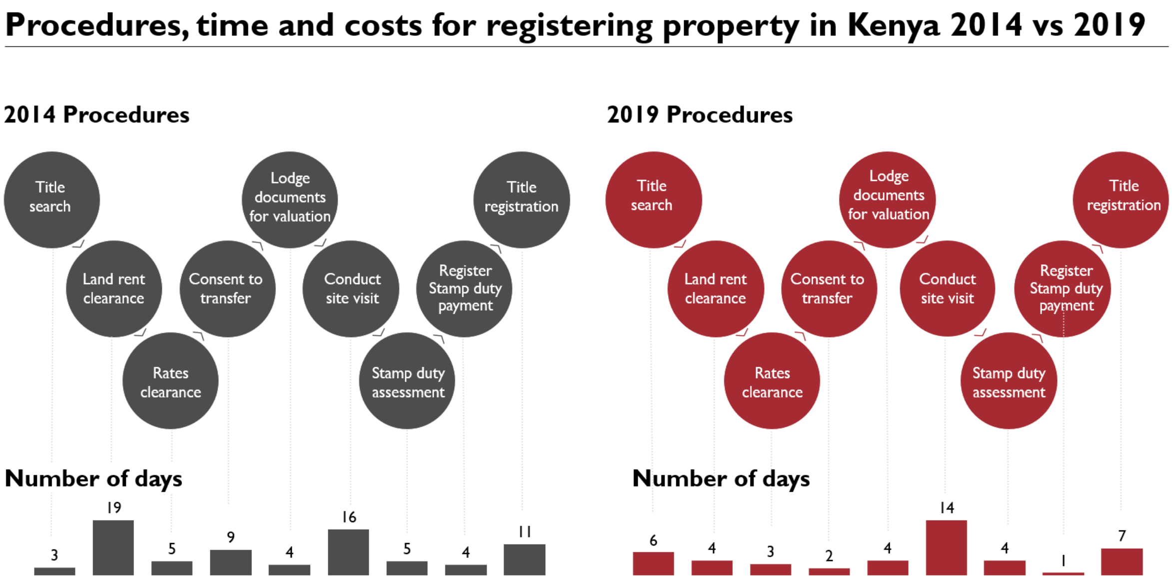
The process of transferring property starts with obtaining the necessary documents, such as a recent copy of the seller's title if necessary and conducting due diligence as required. The transaction is considered complete when it is opposable to third parties and when the buyer can use the property for expanding his or her business, as collateral for a bank loan or resell it. Every procedure required by law or necessary in practice is included, whether it is the responsibility of the seller or the buyer or must be completed by a third party on their behalf. Local property lawyers, notaries and property registries provide information on procedures as well as the time and cost to complete each of them.

A stakeholder sensitization workshop on Land Registrations Reforms

PERFORMANCE REVIEW 2014-2019

Kenya's global registering property ranking rose 29 positions from 163 (2014) to 134 (2019), with strong improvement demonstrated in registration time. The number of procedures increased slightly from nine to 10, but the number of days required to register a property fell by over 35% from 73 days (2014) to 44 (2020). Costs increased from 4.3% of property value to 5.9% in 2020. The quality of land administration index was introduced more recently but Kenya recorded a score of 15.0 on a scale of 0-30 in 2020 (Exhibit 14).

Exhibit 14: Procedures, time and costs for registering property in Kenya 2014 vs 2019



The key reforms that have driven the improvement in rankings include:

1. **Automation of key steps in the land registration process** including the rent clearance certificate, the consent to transfer and charge, valuation and searching, to reduce the time required to register property
2. **Introduction of electronic conveyancing regulations** to allow end-to-end electronic transfers, again reducing the time required to register property
3. Elimination of the KES 550 title search fee and KES 500 registration fee and shortening of service delivery times
4. **Removal of capital gains tax** from the land registration process to lower the cost of registering property (this is now a post-registration requirement)
5. Tracking and publishing of the number of land transactions on a monthly basis to increase transparency
6. **Creation of an independent public complaints committee** to hear complaints on Ministry of Land's service delivery

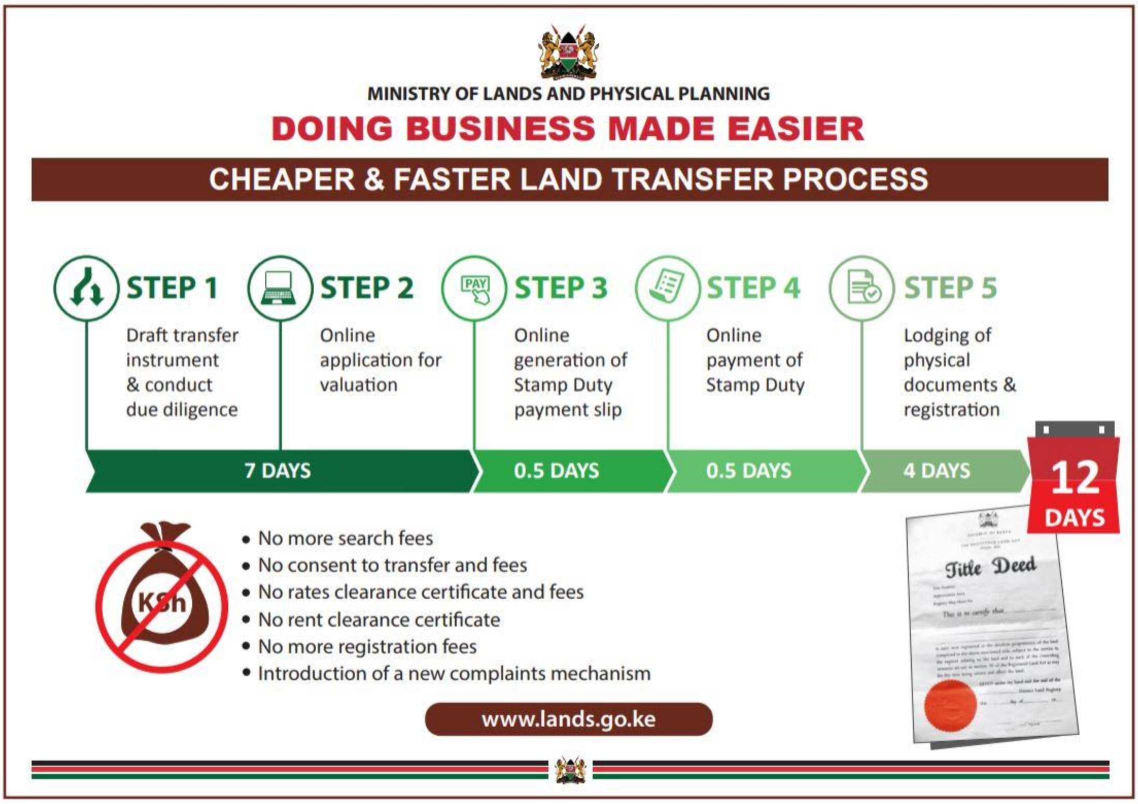
Kenya performs better than the sub-Saharan African average but lags the OECD average, indicating room for improvement. The number of procedures to register a property in Kenya is higher than the sub-Saharan African average, but it takes 15% less time to register a property, costs 20% less, and the quality of land administration is 67% higher (Exhibit 15).

Exhibit 15: Registering a property benchmarking: Kenya vs sub-Saharan Africa and OECD countries[4]

Registering a property benchmarking: Kenya vs Sub-Saharan Africa and OECD countries

Indicator	Kenya	Sub-Saharan Africa	OECD high income
Procedures (number)	10	6.1	4.7
Time (days)	43.5	51.6	23.6
Cost (1% property value)	5.9	7.3	4.2
Quality of the land administration index (0-3)	15.0	9.0	23.2

HIGHLIGHTS OF 2020 ONGOING REFORMS



A Public Notice on the New, Cheaper and Faster Land Transfer Process rolled out in 2020

[4] World Bank Ease of Doing Business 2020 – Kenya Economy Profile

Our processes have been re-engineered and streamlined for efficiency and transparency. We expect to leverage on the National Land Information System to revolutionize the land registration spectrum for prosperity.

Farida Karoney, Cabinet Secretary, Ministry of Lands and Physical Planning

Kenya's property registration ranking is expected to improve significantly as a result of reforms implemented in 2020. The number of procedures has halved from 10 to five, the time required has fallen by over 70% from 43.5 days to 12, and costs have dropped by KES 12,700. The specific reforms implemented are:

1. **Elimination of the requirement** to obtain consent to transfer property and obtain a rate clearance certificate through the Business Laws (Amendment) Act 2020. This measure reduced the number of steps and time taken to register a property and eliminated the associated costs.

2. **Publication of statistics** on the number of transactions recorded in the Land Registry Presentation Register, extracts of which are accessible to the public on https://lands.go.ke. This will improve information transparency and the quality of land administration

3. **Mapping of all private land plots in Nairobi**. All private land plots in Nairobi now have parcel numbers, clear demarcations and precise boundary positions and features in a digital

system. This will improve the geographic coverage index and the quality of land administration and eliminate land fraud

4. **Introduction of an out-of-court compensation mechanism** to cover losses incurred by parties who engaged in good faith in a property transaction based on erroneous information certified by the immovable Property Registry. The Business Laws (Amendment) Act 2020 allows a person to claim indemnity by applying to the Chief Registrar. This will improve the land dispute resolution process and the quality of land administration

5. **Reducing time to address land dispute.** The Principal Magistrates Court under the Environment and Land Court Act (No. 19 of 2011) has jurisdiction to hear all cases relating to land and the environment for matters within the threshold of up to KES 10,000,000/- as provided in Section 7 (1) of the Magistrates Court Act. This is the applicable limit for most cases that affect small and medium businesses. The time taken to hear and determine matters of land under this court is much shorter than at the high court

6. **Reduction in time** required to obtain a decision on a land dispute from the Principal Magistrates Court from 2-3 years to 1-2 years

7. **Publication of statistics on the number of land disputes**. The Judiciary publishes the State of the Judiciary and the Administration of Justice Annual Report (SOJAR) that details statistics on land cases countrywide and land cases in the economy at www.judiciary.go.ke/download/sojar-report/. This will increase transparency on land dispute resolution and the quality of land administration

8. **Introduction of an independent complaints mechanism** at the Land Registry and Surveys of Kenya. The Ministry of Lands requested the Commission on Administrative Justice to appoint an officer to sit in the Ministry to hear and investigate complaints independently to increase transparency on land dispute resolution and the quality of land administration

9. **Linking the Land Registry to Surveys of Kenya** through the National Land Information Management System (NLIMS) to enable applicants to access all related services in one visit.

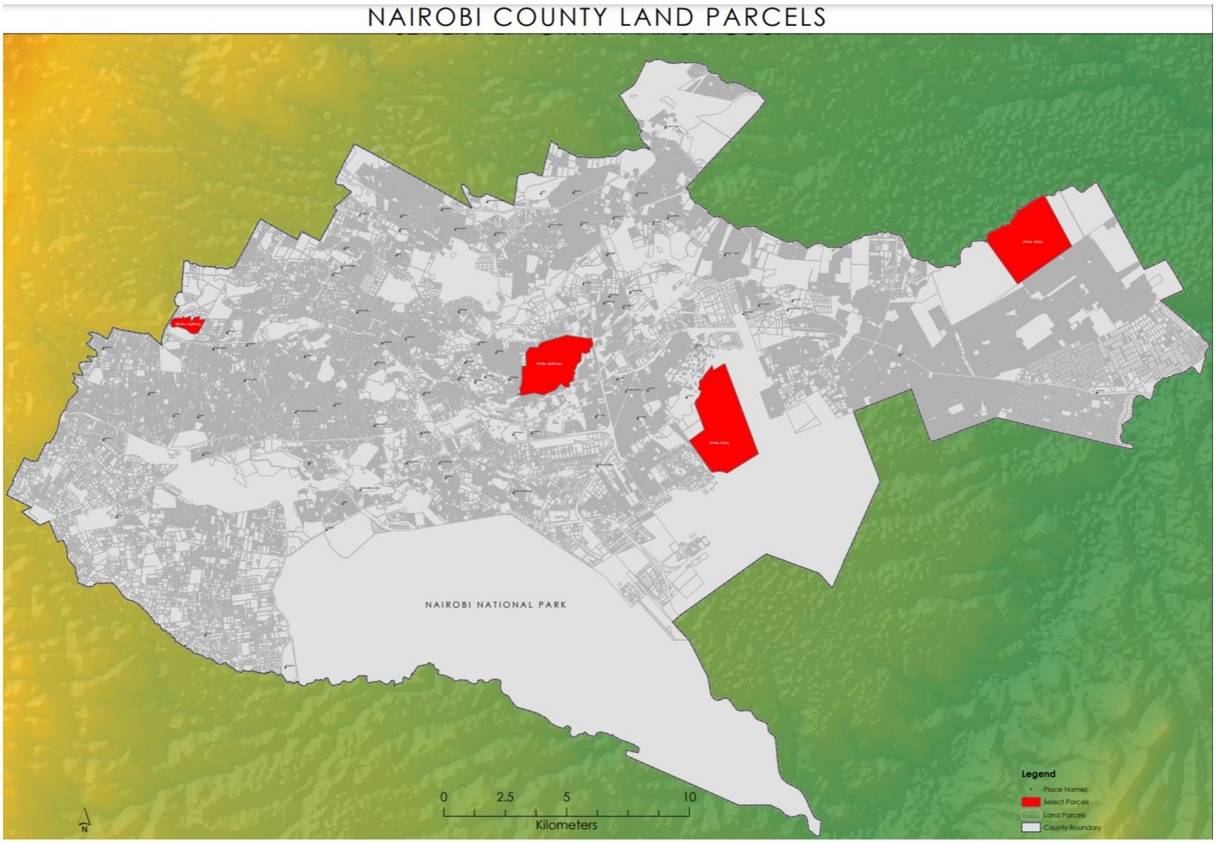
During working visit at the Ministry of Lands to follow-up on reform implementation with the Public

A Public Notice on the establishment of a Public Complaints Office

FUTURE PLANNED REFORMS

Additional reforms planned to further reduce the procedures, time and costs involved in registering property and the quality of land administration include:

1. **Enforcing the reduction in the number of procedures to register a property** from 10 to five by eliminating the endorsement and assessment procedures; reduce search time from three days to one hour; and complete digitization of all files to eliminate all manual processes.
2. **Reducing the cost of transferring property** by engaging the Law Society of Kenya (LSK) to explore ways of lowering advocate fees on property transfers valued up to KES 10Mn.
3. **Review the legal framework** to strengthen property registration and quality of land administration to enshrine in law independent complaints reviews, facilitate e-transfers, e-signatures, eliminate search fees and permit private valuers on land transactions.



A view of the Digital System of all Nairobi County Land Parcels


Digital
TRANSFORMATION
Hard Copy Survey Maps
Digital Land Records
For Kenya by Kenyans

5 ACCESS TO CREDIT

In this chapter, we are showcasing the various reforms implemented over time to enhance the access to credit in Kenya, including 2014-2019 performance review, highlights of 2020 reforms, and future planned reforms.

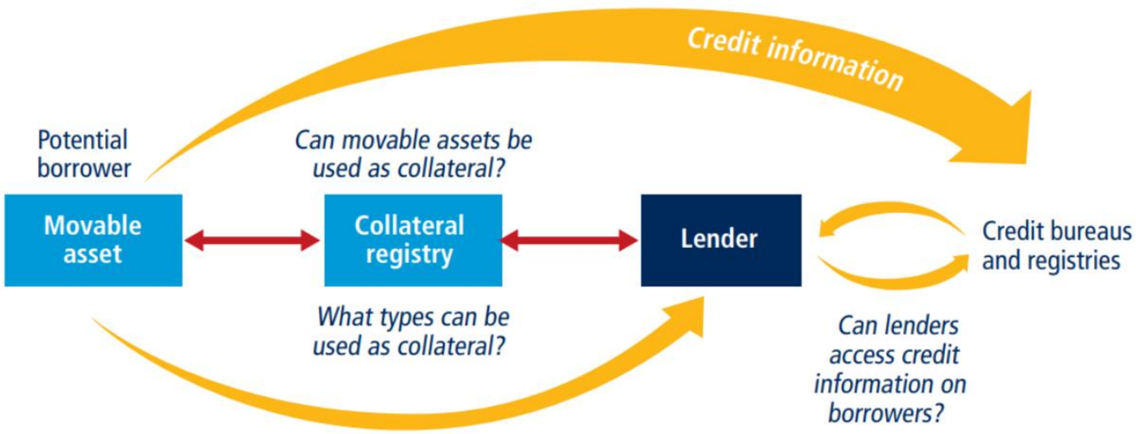
VALUE OF MOVABLE ASSETS REGIESTERED AT **COLLATERAL REGISTRY**

KES +1 TRILLION

RANKED **4TH** GLOBALLY

This indicator looks at the strength of Kenya's credit reporting systems and the effectiveness of its collateral and bankruptcy laws in facilitating lending. It measures the legal rights of borrowers and lenders with respect to secured transactions through one set of indicators and the reporting of credit information through another. The first measures whether certain features that facilitate lending exist within the applicable collateral and bankruptcy laws. The second measures the coverage, scope and accessibility of credit information available through credit reporting service providers such as credit bureaus or credit registries. The ranking of economies on the ease of getting credit is determined by sorting their scores for getting credit. These scores are the sum of the scores for the strength of legal rights index and the depth of credit information index. The four indicators measured are: strength of legal rights, depth of credit information, credit registry coverage and credit bureau coverage.

Exhibit 16: Do lenders have credit information on entrepreneurs seeking credit? Is the law favourable to borrowers and lenders using movable assets as collateral?



"Financial institutions can now receive both positive and negative credit information of borrowers, allowing better lending decisions to be made."

Amb. Ukur Yattani,
Cabinet Secretary, National Treasury & Planning

PERFORMANCE REVIEW 2014-2019

Kenya is a global leader in getting credit: in 2014 it ranked 13 globally, and in 2019 it ranked 4 (Exhibit 17). It has improved across three indicators: the strength of legal rights index rose from position 10 (2014) to 11 (20190); the depth of credit information index doubled from four to eight; and credit bureau coverage increased eightfold from 4.7% of adults covered (2014) to 36.4% (2019).

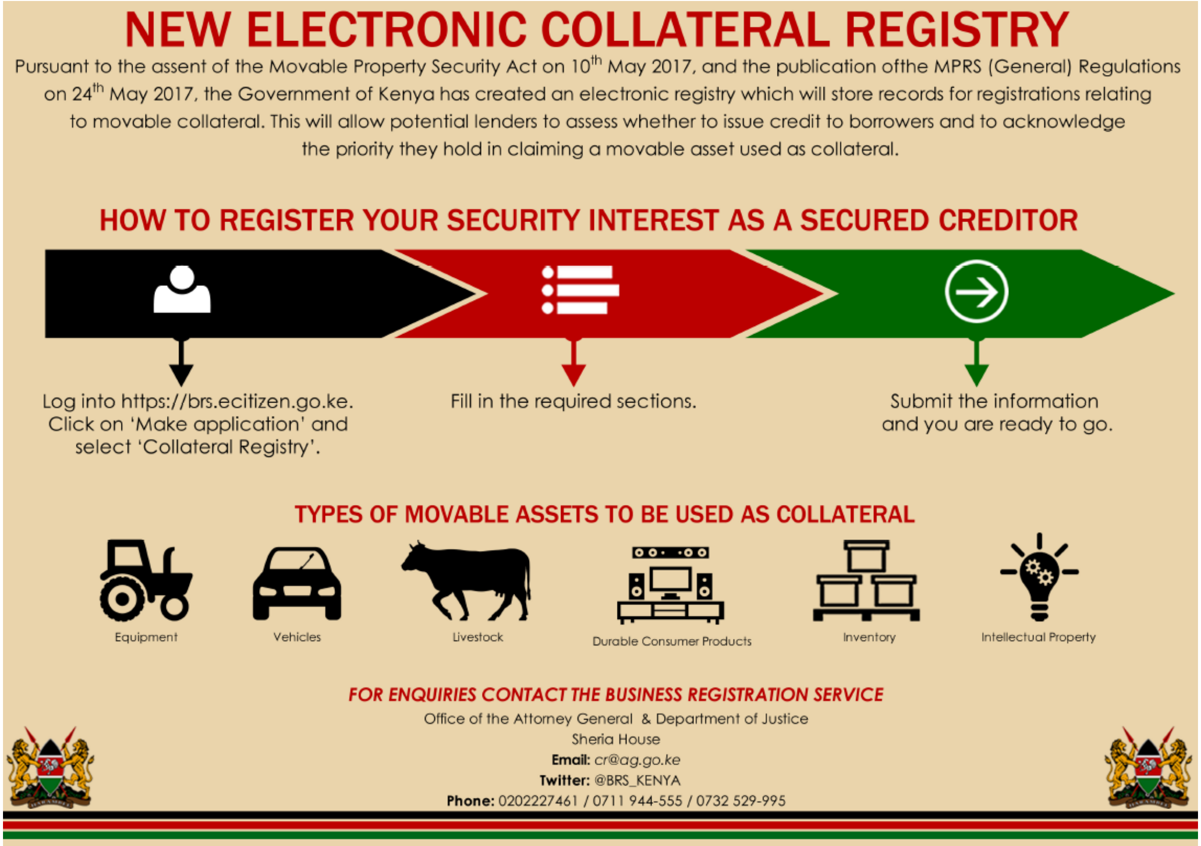
Exhibit 17: Getting credit in Kenya: 2014 vs 2019 performance

Getting credit in Kenya: 2014 vs 2019 performance

Indicator	2014	2019
Strength of legal rights index (0 – 12)	10	11
Depth of credit information index (0 – 8)	4	8
Credit registry coverage (% of adults)	0%	0%
Credit bureau coverage (% of adults)	4.7%	36.4%

Improvement has been driven by several reforms, including:

1. **Sharing of credit information** from utility and retail companies to credit reference bureaus for credit scoring purposes
2. **Enactment of legislation** allowing the sharing of positive and negative credit information, expanding borrower coverage, and establishing guidelines for the treatment of historical data
3. **Formulation of a legal framework** to enable the use of movable assets to access credit and creation of a unified electronic movable assets collateral registry where security rights held over a movable asset are registered, stored and retrieved when required
4. **Introduction of online registration, modification and cancellation of security interests**, and public online searches of its collateral registry



Comparing Kenya's performance against that of other countries shows that Kenya is a leader in strength of legal rights and depth of credit information, but could improve its credit registry and bureau coverage. Kenya outperforms the sub-Saharan African average in all metrics except credit registry coverage. It has stronger legal rights and depth of credit information than the OECD average, but should begin credit registry coverage and increase credit bureau coverage (Exhibit 18).

Exhibit 18: Getting credit benchmarking: Kenya vs sub-Saharan Africa and OECD countries[5]

Getting credit benchmarking: Kenya vs Sub-Saharan Africa and OECD countries

Indicator	Kenya	Sub-Saharan Africa	OECD high income
Strength of legal rights index (0-12)	11	5.1	6.1
Depth of credit information index (0-8)	8	3.9	6.8
Credit registry coverage (1% of adults)	0.0	8.3	24.4
Credit bureau coverage (1% of adults)	36.4	11.0	66.7

[5] World Bank Ease of Doing Business 2020 – Kenya Economy Profile

HIGHLIGHTS OF 2020 REFORMS

Reforms effected in 2020 to strengthen legal rights are expected to cement Kenya's leading position in getting credit. The Insolvency Act was amended to include protection of secured creditor's rights by providing relief in the form of an automatic stay on enforcement of moratorium orders when a debtor enters a court-supervised reorganization procedure.

> "Previously banks only gave loans to people with land... now you can get a loan using almost any asset as collateral. SMEs are happy that they can now use even crops or livestock to access credit from banks."
>
> Joshua Oigara, Chairman of Kenya Bankers Association and CEO of Kenya Commercial Bank

FUTURE PLANNED REFORMS

Kenya plans to strengthen and deepen the framework on access to credit for small and medium businesses. Improving this framework is a major growth enabler identified in the country. At the same time, lowering the cost of credit for small and medium businesses is a priority area.

6 PROTECTING MINORITY INVESTORS

In this chapter, we are showcasing the various reforms implemented over time to enhance protection of minority investors in Kenya, including 2014-2019 performance review, highlights of 2020 reforms, and future planned reforms.

KENYA'S GLOBAL RANKING FOR PROTECTING MINORITY INVESTORS

98 (2014)

1 (2020)

This indicator examines the strength of minority shareholder protection against the misuse of corporate assets by directors for their personal gain, along with shareholder rights, governance safeguards, and corporate transparency requirements that reduce the risk of abuse. The six indicators measured are: extent of disclosure, director liability, shareholder rights, ownership and control and corporate transparency, and ease of shareholder suits. It also measures the protection of minority investors from conflicts of interest through one set of indicators and shareholders' rights in corporate governance through another. Information applicable here is based on securities regulations, company laws, civil procedure codes and court rules of evidence.

Top ten performers	Score
1. Kenya	92.0
2. Malaysia	88.0
3. New Zealand	86.0
3. Saudi Arabia	86.0
3. Singapore	86.0
3. Thailand	86.0
7. Canada	84.0
7. Georgia	84.0
7. Hong Kong SAR, China	84.0
7. Kazakhstan	84.0
7. United Kingdom	84.0

Source: Doing Business 2020.

WORLD BANK GROUP

Top 10 performers globally in protecting minority investors in 2018/19

PERFORMANCE REVIEW 2014-2019

The main reforms that were implemented in this area are captured in the Company Act 2015 and further amendments in the Companies Amendment Act 2017. Kenya has strengthened minority investor protections by introducing greater requirements for disclosure, review and approval of related-party transactions to the board of directors. The law also makes provisions to sue and hold interested directors liable in cases of prejudicial related-party transactions and allows the rescission of related-party transactions that are shown to harm the company. Additionally, the amendments provide governance safeguards that protect shareholders from undue board control and entrenchment, ensure shareholders are involved in major corporate decisions and require corporate transparency on ownership stakes, compensation, audits and financial prospects.

Kenya's global ranking for protecting minority investors rose from 98 (2014) to No.1 in the world (2019), with significant improvement across most of the indicators (Exhibit 19).

Exhibit 19: Protecting minority investors in Kenya: 2014 vs 2019 performance[6]

Protecting minority investors in Kenya: 2014 vs 2019 performance

Indicator	2014	2019
Extent of disclosure index (0 – 10)	3	10
Extent of director liability index (0 – 10)	2	10
Ease of shareholder suits index (0 – 10)	10	9
Extent of shareholders rights index (0 – 10)	5	6
Extent of ownership and control index (0-7)	N.A.	6
Extent of corporate transparency index (0-7)	N.A.	5

The reforms have strengthened the requirements for disclosing related-party transactions to the board of directors and increased the liability of directors. It has also expanded the regulations on approving transactions, increasing the number of available remedies when these transactions are considered harmful to the company. There is now greater corporate transparency, which has led to significant interest in Kenya's stock market from large global equity investors.

[6] The extent of ownership and control index and extent of corporate transparency index were introduced after 2014

The key reforms behind Kenya's success include:

1. **Passing of the New Companies Act 2015** with provisions to strengthen minority investors by:
   a. Clarifying ownership and control structures
   b. Introducing stronger requirements for disclosure of related-party transactions to the board of directors
   c. Simplifying the process to sue directors in cases of prejudicial related-party transactions
   d. Allowing the rescission of related-party transactions that are shown to harm the company
   e. Introducing means to improve disclosure in transactions where directors have a conflict of interest
   f. Introducing director liability when shareholders sue and win in a transaction where there was a conflict of interest
   g. Strengthening pre-emption rights for shareholders
2. **Requiring shareholders to approve the election and dismissal of an external auditor**

Kenya outperforms sub-Saharan Africa and OECD countries across all indicators except the extent of corporate transparency index, where it is slightly behind OECD countries (Exhibit 20).

Exhibit 20: Protecting minority investors benchmarking: Kenya vs sub-Saharan Africa and OECD countries[7]

Protecting minority investors benchmarking: Kenya vs Sub-Saharan Africa and OECD countries

Indicator	Kenya	Sub-Saharan Africa	OECD high income
Extent of disclosure index (0-10)	10.0	5.5	6.5
Extent of director liability index (0-10)	10.0	3.5	5.3
Ease of shareholder suits index (0-10)	9.0	5.5	7.3
Extent of shareholder rights index (0-6)	6.0	1.8	4.7
Extent of ownership and control index (0-7)	6.0	1.4	4.5
Extent of corporate transparency index (0-7)	5.0	1.5	5.7

"It was unprecedented to disclose executive pay for CEOs of listed companies before. We have adopted global standards in this area and we are optimistic that these disclosures will be replicated across other areas."

Mr. Maxwell Okello,
CEO, American Chamber of Commerce, Kenya Chapter

[7] World Bank Ease of Doing Business 2020 – Kenya Economy Profile

HIGHLIGHTS OF 2020 REFORMS

Kenya is cementing its leading position in protecting minority investors through a series of new reforms, e.g., to safeguard shareholder rights. In March 2020, the Companies Act 2015 was amended to provide for the right of minority shareholders with a threshold of 5% of a company's paid-up capital to introduce agenda items in annual general meetings (AGMs).

FUTURE PLANNED REFORMS

As the effects of COVID-19 begin to unfold, there is a need to model our capital market rules and disclosure practices to meet emerging needs. Kenya will aim to explain her rules of fair play to attract and retain investors. Institutional oversight by the Capital Markets Authority will be critically reviewed to ensure it is effective and fit for purpose.

> "The Companies Act of 2015 has greatly improved Corporate Governance in listed and non-listed companies, especially on disclosures for majority shareholders, protection of minority interests and dispute resolution."

Hon. Adan Mohamed, Cabinet Secretary,
Ministry of East African Community & Regional Development

Good practices in Protecting Minority Investors

Global good practices

- ✓ Ensuring transparency in related-party transactions
- ✓ Involving disinterested shareholders in the approval of related-party transactions
- ✓ Holding directors accountable for their actions
- ✓ Facilitating access to corporate documents
- ✓ Increasing shareholder rights and role in corporate decisions
- ✓ Clarifying ownership and control structures
- ✓ Requiring greater corporate transparency

Global good practices in protecting Minority Investors by the World Bank Group

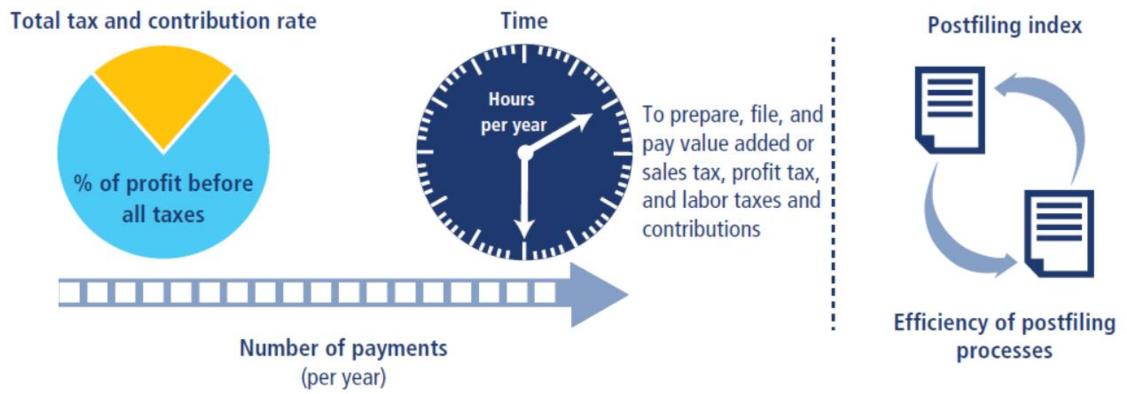
7 PAYING TAXES

In this chapter, we are showcasing the various reforms implemented over time to enhance ease of paying taxes in Kenya, including 2014-2019 performance review, highlights of 2020 reforms, and future planned reforms.

This indicator records the taxes and mandatory contributions that a medium-size company must pay or withhold in a given year, and the administrative burden of paying taxes and contributions and complying with post-filing procedures (VAT refunds and tax audits).

8% TO 75% INCREASE IN TAX COMPLIANCE RATE AFTER iTAX WAS INTRODUCED

Exhibit 21: What are the time, total tax and contribution rate, and number of payments necessary for a local medium-size company to pay all taxes? How efficient is it for a local medium-size company to comply with postfiling processes?



Source: Doing Business database

The four indicators measured are: number of tax payments; time required to comply with major taxes; the total tax and contribution rate; and a post-filing index that tracks the time taken to receive a VAT refund and make a tax correction. Taxes and contributions measured include the profit or corporate income tax, social contributions and labour taxes paid by the employer, property taxes, property transfer taxes, dividend tax, capital gains tax, financial transactions tax, waste collection taxes, vehicle and road taxes, and any other small taxes or fees.

> "The Authority continues to enhance its iTax platform and roll out mobile payment options to ease tax payments for SMEs."

Ms. Rhoda Mutuku, Small Tax Payer Construction Industry

1. **Number of tax payments.** The tax payments indicator reflects the total number of taxes and contributions paid, the method of payment, the frequency of payment, the frequency of filing and the number of agencies involved for the standardized case study company during the second year of operation. It includes taxes withheld by the company, such as sales tax, VAT and employee-borne labour taxes. The number of payments takes into account electronic filing.

2. **Time required to comply with major taxes.** The indicator measures the time (recording in hours per year) taken to prepare, file and pay three major types of taxes and contributions: the corporate income tax, value added or sales tax, and labour taxes, including payroll taxes and social contributions.

3. **Total tax and contribution rate.** The total tax and contribution rate measures the amount of taxes and mandatory contributions borne by the business in the second year of operation, expressed as a share of commercial profit. The total amount of taxes and contributions borne is the sum of all the different taxes and contributions payable after accounting for allowable deductions and exemptions.

4. **Postfiling index.** The postfiling index is based on four components: time to comply with VAT refund, time to obtain VAT refund, time to comply with a corporate income tax correction and time to complete a corporate income tax correction.
    a. **Time to comply with VAT refund.** Time is recorded in hours, with the indicator split into two parts:
        i. The process of claiming a VAT refund
        ii. The process of a VAT audit
    b. **Time to obtain VAT refund.** Time, recorded in weeks, measures the total waiting time to receive a VAT refund from the moment **the** request has been submitted.
    c. **Time to comply with a corporate income tax correction.** Time is recorded in hours, with the indicator divided into two parts:
        i. The process of notifying the tax authorities of the error, amending the return and making additional payment.
        ii. The process of complying with a corporate income tax correction.
    d. **Time to complete a corporate income tax correction.** Time, recorded in weeks, includes the time to **start** an audit, time spent by TaxpayerCo. interacting with the auditor, and time spent waiting for the tax auditor to issue the final tax assessment.

PERFORMANCE REVIEW 2014-2019

Kenya's global paying taxes ranking improved by 72 positions from 166 (2014) to 94 (2019) with better performances across all indicators. The number of payments decreased by over 40% from 41 per year to 24; the time to comply with taxes decreased by over 21% from 214 hours per year to 180; and the total tax contribution rate decreased by 0.1 percentage points from 37.1% of profit to 37.2%. The post-filing index (introduced after 2014) was 62.0 in 2020 on a scale of 0-100.

- The major reforms responsible for the improvement in rankings include:

1. **Implementation of iTax**, an online platform for filing and paying taxes and standard levies, and simplification of the VAT schedule to reduce the time for filing taxes

"Business say that i Tax has been the most impactful reform introduced over the past 6 years."

Mr. James Mburu,
Commissioner General, Kenya Revenue Authority

2. **Merging all permits into a single unified business permit** to reduce the number of tax payments required

3. **Introduction of an online filing and payment system** for social security contributions to reduce the time required to file mandatory contributions

Kenya outperforms the sub-Saharan Africa average across all indicators, but lags the OECD average in all but one indicator, indicating opportunity for improvement. Compared to sub-Saharan Africa, it takes 34% fewer payments and 36% less time to file taxes in Kenya. Kenya's total tax and contribution rate is 10 percentage points lower while the post-filing index is 13% higher. However, Kenya only performs better than OECD countries in total tax contribution rate, where it is two percentage points lower (Exhibit 22).

Exhibit 22: Paying taxes benchmarking: Kenya vs sub-Saharan Africa and OECD countries[8]

Paying taxes benchmarking: Kenya vs Sub-Saharan Africa and OECD countries

Indicator	Kenya	Sub-Saharan Africa	OECD high income
Payments (number per year)	24	36.6	10.3
Time (hours per year)	180	280.6	158.8
Total tax and contribution rate (1% of profit)	37.2	47.3	39.9
Postfiling index (0-100)	62.0	54.7	86.7

HIGHLIGHTS OF 2020 REFORMS

New reforms effected in 2020 are expected to improve Kenya's paying taxes ranking even further. Key reforms include:

1. **Consolidation of monthly National Industrial Training Act (NITA) contributions** into one annual payment that can be done online on the iTax platform. This has reduced the number of payments from 12 to one and eased the compliance burden for all businesses.
2. **Simplifying and automating National Social Security Fund (NSSF) filing** (that can now be done on the NSSF system) and payments (that can be made via mobile money platforms). This has eliminated the need to visit the NSSF in person to submit returns and to the bank to process payments. The time required for NSSF filing and payment has fallen 87% from 63 to eight hours.
3. **Publication of data on all tax audits** carried out on businesses in Kenya.

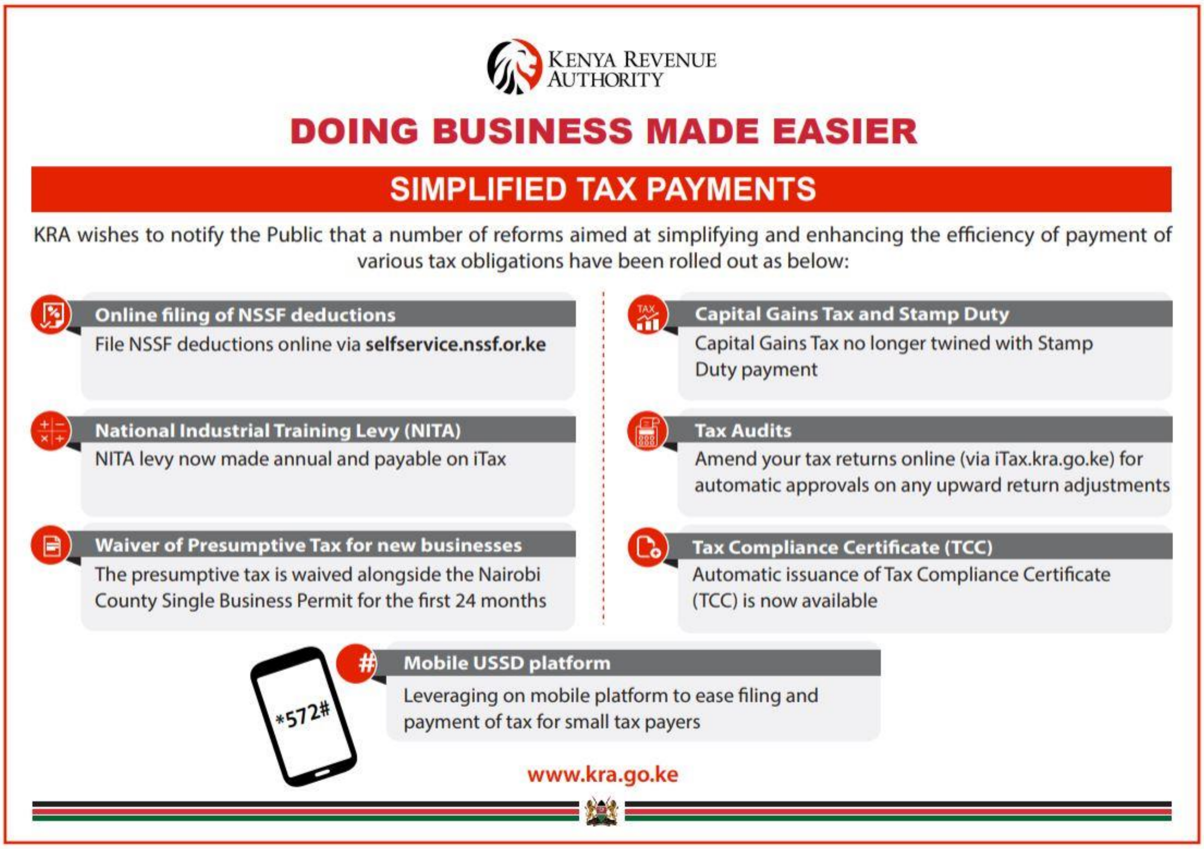
[8] World Bank Ease of Doing Business 2020 – Kenya Economy Profile

4. **Increasing public awareness on requirements for filing VAT returns** has enabled applicants to file taxes faster thereby reducing the time taken to file VAT returns by 46% from 75 hours to 40 hours.

> “Tax compliance has increased from 8% to 75% over the last six years as a result of the implementation of the iTax platform for filling and paying corporate income tax and standard levies.”
>
> Mrs. Elizabeth Meyo,
> Former Commissioner, Domestic Taxes, Kenya Revenue Authority

5. **Consolidation of NSSF and PAYE payments** into one return that can be made through iTax to eliminate the stand-alone NSSF filing step

6. **Reduction in the effective VAT rate** payable by SMEs and other businesses from 16% to 14% and by corporations from 30% to 25% through an amendment to the Value Added Tax Act 2013, effective April 1 2020.



Public Notice on the Simplified Tax Payments

Public Notice on the Simplified process of payment of Tax obligations

FUTURE PLANNED REFORMS

Additional reforms planned include:

1. Consolidation of NHIF and NITA levy filing and payments into the unified return
2. Training of employers to implement the unified payroll return
3. Provision of tax exemption for machinery
4. Elimination of stamp duty on contracts of KES 120
5. Introduction of quarterly VAT filing for SMEs with annual turnover of up to KES 200 million to streamline the process
6. Elimination of employer contributions to training levies
7. Quarterly publication of corporate income tax audit data on the KRA website

8 TRADING ACROSS BORDERS

In this chapter, we are showcasing the various reforms implemented over time to enhance ease of trading across borders in Kenya, including 2014-2019 performance review, highlights of 2020 reforms, and future planned reforms.

This indicator addresses the time and costs (excluding tariffs) associated with the logistical process of exporting and importing goods as measured by three sets of procedures: documentary compliance; border compliance; and domestic transport.

1.3 Million TEUS
per annum capacity at Mombasa Port

Expansion of the port of Mombasa from **16** to
19 Berths

1. **Documentary compliance**

   Documentary compliance captures the time and cost associated with compliance with the documentary requirements of all government agencies of the origin economy, the destination economy, and any transit economies. The aim is to measure the total burden of preparing the bundle of documents that will enable completion of the international trade for the product and partner pair.

   The time and cost for documentary compliance include the time and cost for: obtaining documents (such as time spent to get the document issued and stamped); preparing documents (such as time spent gathering information to complete the customs declaration or certificate of origin); processing documents (such as time spent waiting for the relevant authority to issue a phytosanitary certificate); presenting documents (such as time spent showing a port terminal receipt to port authorities); and submitting documents (such as time spent submitting a customs declaration to the customs agency in person or electronically).

2. **Border compliance**

   Border compliance captures the time and cost associated with compliance with the economy's customs regulations and with regulations relating to other inspections that are mandatory in order for the shipment to cross the economy's border, as well as the time and cost for handling that takes place at its port or border. The time and cost for this segment include time and cost for customs clearance and inspection procedures conducted by other agencies. For example, the time and cost for conducting a phytosanitary inspection would be included here.

3. **Domestic transport**

   Domestic transport captures the time and cost associated with transporting the shipment from a warehouse in the largest business city of the economy to the most widely-used seaport or land border of the economy.

Kenya's global trading across borders ranking indicator rose 39 positions from 156 (2014) to 117 (2019).

The main reforms behind the improvements are:

1. **Creation of the integrated customs management system (ICMS)**

> The new Integrated Customs Management System has improved cargo processing timelines by up to 300% with real-time document processing.

Benson Kioko,
Senior Manager Acceler Global Logistics

2. **Introduction of National Electronic Single Window** and on boarding of partner government agencies. Application for permits and licences can be done through this portal, thereby reducing time in documentary compliance

> The time taken to process cargo clearance documents has fallen drastically since 37 government agencies were onboarded onto the National Electronic Single Window. Furthermore, the introduction of online submission and processing of regulatory documents has reduced time and cost to traders involved in cross-border trade.

Billy Ngumi,
Manager TRADENET & Value Added Services

3. **Investment in infrastructure** such as SGR, rail and mobile scanners, smart gates and new port terminals, has increased cargo clearance efficiency (Exhibit 23).

Exhibit 23: Investment in infrastructure has improved efficiency of operations at the port of Mombasa

Investment in infrastructure has improved efficiency of operations at the port of Mombasa

Increase in handling capacity at the Mombasa Container Terminal from **750K** to **1300K** Twenty Feet Equivalent Units (TEUS) per annum

A view of some of the new berths at the Kilindini port in Mombasa

4. **Automation of processes** such as online payments and import declarations has improved and reduced the number of manual processes. At the same time, it reduced time of documentary compliance from seven days to about one hour.

5. **Implementation of administrative and policy measures for expedited cargo clearance** has helped to facilitate trade. For example the introduction of green channels, pre-arrival and approved economic operator programmes.

6. **Elimination of non-essential government agencies at the port** has reduced bureaucracy and the time required for cargo clearance.

"Importers and exporters are very happy with the expedited process for low risk goods (green clearance)... they can't wait for the goods covered under green clearance to be expanded even further."

Pamela Ahago,
Ag. Commissioner of Customs and Border Control

7. **Reduction in cost to obtain export permits** will make Kenya's exports globally competitive.
8. **Automation of systems and processes** has reduced the number of documents needed for export and import from 9 and 10 respectively to 4.
9. **Truck waiting time at port** has been reduced to an average of three hours.
10. **Introduction of scanning and risk profiling** has reduced physical verification to below 20%, saving time and reducing demurrage charges incurred.
11. **Elimination of manual processes** in documentary compliance has reduced the time required to obtain permits to average one hour from about 4.5 hours.
12. **Introduction of pre-arrival clearance of cargo by KRA**. Cargo cleared under this system is discharged from the vessel straight to the truck, avoiding port handling charges (except for wharfage fees) and enabling the truck to leave the port within 30 minutes

Kenya exceeds the sub-Saharan Africa average across five of the eight indicators but lags the OECD across all the indicators. Kenya is behind sub-Saharan Africa on cost to export (its documentary compliance is 10% higher); time to import (its border compliance is 54% higher) and cost to export (its border compliance is 20% higher) (Exhibit 24).

Exhibit 24: Trading across borders benchmarking: Kenya vs sub-Saharan Africa and OECD countries[9]

Trading across borders benchmarking: Kenya vs Sub-Saharan Africa and OECD countries

Indicator	Kenya	Sub-Saharan Africa	OECD high income
Time to export: Border compliance (hours)	16	97.1	12.7
Cost to export: Border compliance (USD)	143	603.1	136.8
Time to export: Documentary compliance (hours)	19	71.9	2.3
Cost to export: Documentary compliance (USD)	191	172.5	33.4
Time to import: Border compliance (hours)	194	126.2	8.5
Cost to import: Border compliance (USD)	833	690.6	98.1
Time to import: Documentary compliance (hours)	60	96.1	3.4
Cost to import: Documentary compliance (USD)	115	287.2	23.5

"It used to take **3 days** to get an import declaration form... Now on ICMS it is done in **5 minutes** and automatically approved."

Caroline Wambua, Customs Officer

[9] World Bank Ease of Doing Business 2020 – Kenya Economy Profile

HIGHLIGHTS OF 2020 REFORMS

New reforms effected in 2020 are expected to further improve Kenya's trading across borders ranking. Reforms include:

1. **Introduction of an expedited cargo facilitation framework** (green channel) recommended by the World Customs Organisation (WCO) to enable clearance of low-risk goods (e.g., tea, coffee, brand new vehicle spare parts) without routine physical examination and accelerate the processing of cargo destined for export or import.

Public Notice on Faster and efficient export process rolled out in March 2020

2. **Implementation of rail-scanning technology** in Mombasa for cargo destined for the Internal Container Depot Nairobi (ICDN). Cargo is scanned within minutes when the train is in motion and the images made available on i-scan, thereby enabling faster cargo release at the port and avoiding additional scanning on arrival at the ICDN.

3. **Automation of the phytosanitary inspection application** that can be done online through the single window. The inspection and issuance of certificate now takes one hour instead of the previous 4.5 hours and the associated costs have been waived.

KenTrade

Your G2B trading partner

KEPHIS

Kenya Trade Network Agency (KenTrade)

PUBLIC NOTICE

Integration of KEPHIS Export Phytosanitary Certification system with the Kenya TradeNet System

This is to notify all exporters of **Tea, Coffee, Herbs and Spices** that the current integration between the Kenya TradeNet System and the KEPHIS Export Certification System (ECS) is now operational.

The integration will enable transmission of the KEPHIS Phytosanitary Certificate to the TradeNet System and facilitate visibility to other regulatory agencies such as Kenya Revenue Authority.

To ensure a seamless transmission of documents to the TradeNet System, exporters of Tea, Coffee, Herbs and Spices shall be required to input the Unique Consignment Reference (UCR) number while applying for the permits / Phytosanitary Certificates through the KEPHIS system.

Marketing & Communication Department

April 1, 2020

Simplifying Trade Processes for Kenya's Competitiveness

Public notice on the integration of the Phytosanitary Certificate in the Single Window System

4. **Waiving of the KES 1,000 export health certificate** by Port Health

5. **Waiving of the KEBS requirement to obtain a certificate of conformity** for importation of brand new motor vehicle spare parts to eliminate the time required (previously 72 hours) and the cost (previously KES 25,000)

6. **Reduction of port handling time and cost** for exports and imports
    a. All exporters are required to ensure 100% documentary compliance prior to cargo delivery at port to facilitate entry. This has reduced the average waiting time to enter and the time from entering to exiting the port to one hour each
    b. All importers are now 100% compliant and the average waiting time to enter port is one hour. The truck average turn-around time from entering to exiting port is one hour
    c. Payment of port charges is now mostly done on client running accounts and takes less than 30 minutes. When exporters do not have running accounts they pay at commercial banks where KPA has real-time verification access
7. **Reduction in domestic transport time** between Nairobi and the Port of Mombasa to five hours by increasing the frequency of SGR trains between the two
8. **Elimination of obsolete export requirements** (i.e., inland bill of lading, release order, exit note, certificate of export and export declaration) has reduced the number of documents required from nine to four (certificate of origin, commercial invoice, phytosanitary certificate and packing list)
9. **Elimination of obsolete import requirements** (i.e., certificate of conformity, cargo release order, proof of payment of customs duties, terminal handling receipts, declaration of customs value, SOLAS certificate) has reduced the number of documents required from 10 to four (bill of lading, import declaration form (IDF), commercial invoice, and packing list)
10. **Onboarding of Kenya Plant Health Inspectorate Services** (KEPHIS), Agriculture Food Authority (AFA) and Port Health onto the Kenya National Single Window System to speed up documentary compliance

FUTURE PLANNED REFORMS

Additional reforms planned include:

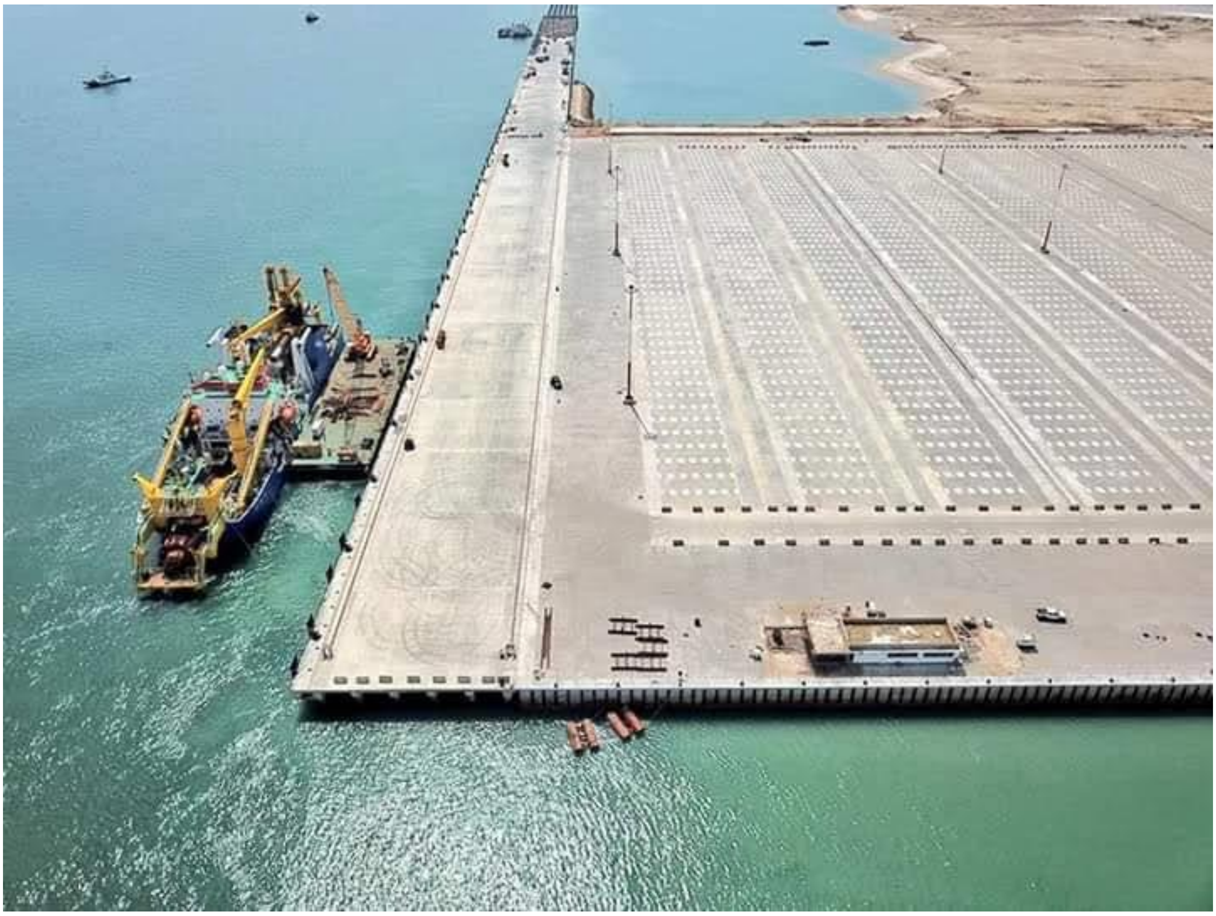
1. **Elimination of the cost to obtain a certificate of origin** to export tea from the Kenyan National Chamber of Commerce
2. **Full roll-out of the ICMS** to eliminate all manual customs clearance processes and accelerate customs clearance time

“With the implementation of the Integrated Customs Management Systems (CMS), all processes have been automated. Importers are experiencing improved customer experience through simplified cargo clarence processes, reduced IDF submission and a drop in approval lead time from 24 hours to automatic, instant approval.”

Isaack Kalua, PhD, Chairperson Honda Kenya & Chair of Motorcycle Assemblers Association of Kenya

3. **Installation of smart gates** and truck appointment system at the Port of Mombasa to reduce truck turnaround time
4. **Development of joint verification and risk management parameters** to improve cargo clearance processes by Customs and other partner government agencies
5. **Review of the KPA tariff guide** to reduce port handling costs and eliminate the new verification surcharge fee of US$ 80-120
6. **Development of a tracking system on Single Window** to monitor approval timelines for partner government agencies to accelerate service delivery
7. **Upgrading of the Single Window System**
8. **Elimination of the US$ 4 fee** charged by KRA for a certificate of origin
9. **Elimination of the Pakistan High Commission attestation fee** for export tea documents
10. **Elimination of tea declarations** on the AFA portal to reduce documentary compliance needs
11. **Development of the Lamu Port South Sudan Ethiopia Transport Corridor (LAPSSET) Project**: It is a regional is a regional multi modal infrastructure project between Kenya, Ethiopia, and South Sudan. The program is the single largest infrastructure project in Africa, and has the potential of significantly improve the trading across borders in Africa

Construction of the first three berths at the New Lamu Port



First Berth complete

9 ENFORCING CONTRACTS – JUDICIARY REFORMS

In Kenya, access to justice for commercial disputes has been a pain point for businesses. The Government and the Judiciary have been collaborating to reduce hurdles such as long duration to hear and determine disputes. In this chapter, we are showcasing the various reforms implemented over time to enhance contract enforcement in Kenya, including 2014-2019 performance review, highlights of 2020 reforms, and future planned reforms.

KES 23 BILLION

WORTH OF COMMERCIAL DISPUTES REFERRED TO ALTERNATIVE DISPUTE RESOLUTION

This indicator measures the time and cost for resolving a commercial dispute through a local first-instance court and the quality of the judicial processes index. It evaluates whether an economy has adopted a series of good practices that promote quality and efficiency in the court system.

PERFORMANCE REVIEW 2014-2019

Kenya's global enforcing contracts ranking rose 62 positions from 151 (2014) to 89 (2019). While the number of days required to enforce contracts (465) has remained the same, the cost has dropped from 47.2% of claim value (2014) to 41.8% (2019). On the quality of judicial processes index (introduced after 2014) Kenya scores 9 on a scale of 0-18.

The major reforms that have driven this improvement are:

- Development of a more robust, coordinated Alternative Dispute Resolution (ADR) framework for Kenya, with the objective of cultivating sustained economic growth and development led by the Judiciary and the Nairobi Centre for International Arbitration (NCIA)
- Alternative Dispute Resolution mechanisms play a critical role in strengthening Kenya's trade and investment climate. ADR is seen as a complementary system that can assist our courts in resolving disputes in a timely, cost-effective and transparent way. According to the 2019 World Bank Doing Business Report it takes an average of 465 days to resolve a commercial dispute in our court system. ADR is therefore a key intervention in reducing this timeline
- The demand for ADR across the global commercial sector began as a response to find more efficient and effective alternatives to commercial litigation – which can often be expensive and

lengthy. In recent years, Kenya has seen an increase in the number of private firms, institutions and outfits offering ADR services

- By improving the operational framework for commercial ADR in Kenya – especially through the improved coordination of work underway by many of the stakeholders – and the entrenchment of arbitration, voluntary mediation and conciliation- the country has seen an improved business climate, conducive for our industries as well as regional and international investors
- This process has unlocked billions of shillings stuck in litigation that could be ploughed back into productive sectors of economy

Establishment of Court Annexed Mediation (CAM)

The major reforms that have driven this improvement include the establishment of Court Annex Mediation (CAM). In February 2015, a retreat on the design of the CAM Pilot Project was held at Amboseli, Kenya. At this retreat, recommendations were made concerning a review of the rules, mandatory or voluntary referral of cases, accreditation of mediators, funding, location, enforcement, process issues, location and other such issues. Also at this retreat, a target of 200 cases (100 cases per division) was decided upon for mediation based on existing case load in the courts. The pilot phase came to an end on the in July, 2017. The Hon. Chief Justice gazetted the Mediation Taskforce to oversee the roll out CAM to the rest of the country.

Roll out of the Court Annexed Mediation (CAM) Programme in Malindi Law Courts; July 2019

The objectives of CAM include:

- Enhancing access to Justice for all
- Assisting in reduction of backlog
- Ensuring the speedy resolution of disputes
- Reducing the cost of resolving disputes
- Creating an atmosphere of accommodation and tolerance
- Encouraging resolutions suited to parties needs
- Promoting voluntary compliance of parties with resolutions
- Restoring pre-dispute relationships
- Increasing in foreign investment

80% INCREASE IN MATTERS REFERRED TO MEDIATION

KES 14Bn MATTERS SETTLED

CAM has already realized many gains – cases resolved through mediation have released KES 9 billion into the economy.

So far, 4,036 cases have been referred to mediation, and 1,461 settlement agreements have been reached in the 2,921 matters that have been successfully concluded through mediation. This translates to an overall settlement rate of 50% – an increase from the 28.5% settlement rate that was realized at the conclusion of the pilot project.

The time for settling a dispute has fallen from 50 months in Commercial & Tax Division and 43 months in Family Division respectively to an average of 66 days.

The implementation of CAM has also realized savings in government, court and disputants' resources. It has made businesses more profitable and restored family relationships, while surveys and interviews conducted support mediation as an appropriate dispute-resolution approach for disputing parties.

As of September, 2020, the Mediation Accreditation Committee had accredited a total of 747 mediators as part of building Capacity for prosperity.

Amid the Covid-19 pandemic, CAM has adopted a Virtual Dispute Resolution Mechanism and developed guidelines for Virtual Dispute Resolution to navigate the new challenges.

Kenya outperforms sub-Saharan Africa and OECD countries on time required to enforce contracts, but is behind them on cost and quality. Contracts in Kenya are enforced ~30 per cent faster than the sub-Saharan Africa average and ~20 per cent faster than the OECD average. Its cost of enforcing contracts is on par with sub-Saharan Africa and almost double the OECD average. The quality of Kenya's judicial processes index is 30 per cent higher than in Sub-Saharan Africa but 23 per cent lower than the OECD average (Exhibit 25).

Exhibit 25: Enforcing contracts benchmarking: Kenya vs sub-Saharan Africa and OECD countries[10]

Enforcing contracts benchmarking: Kenya vs Sub-Saharan Africa and OECD countries

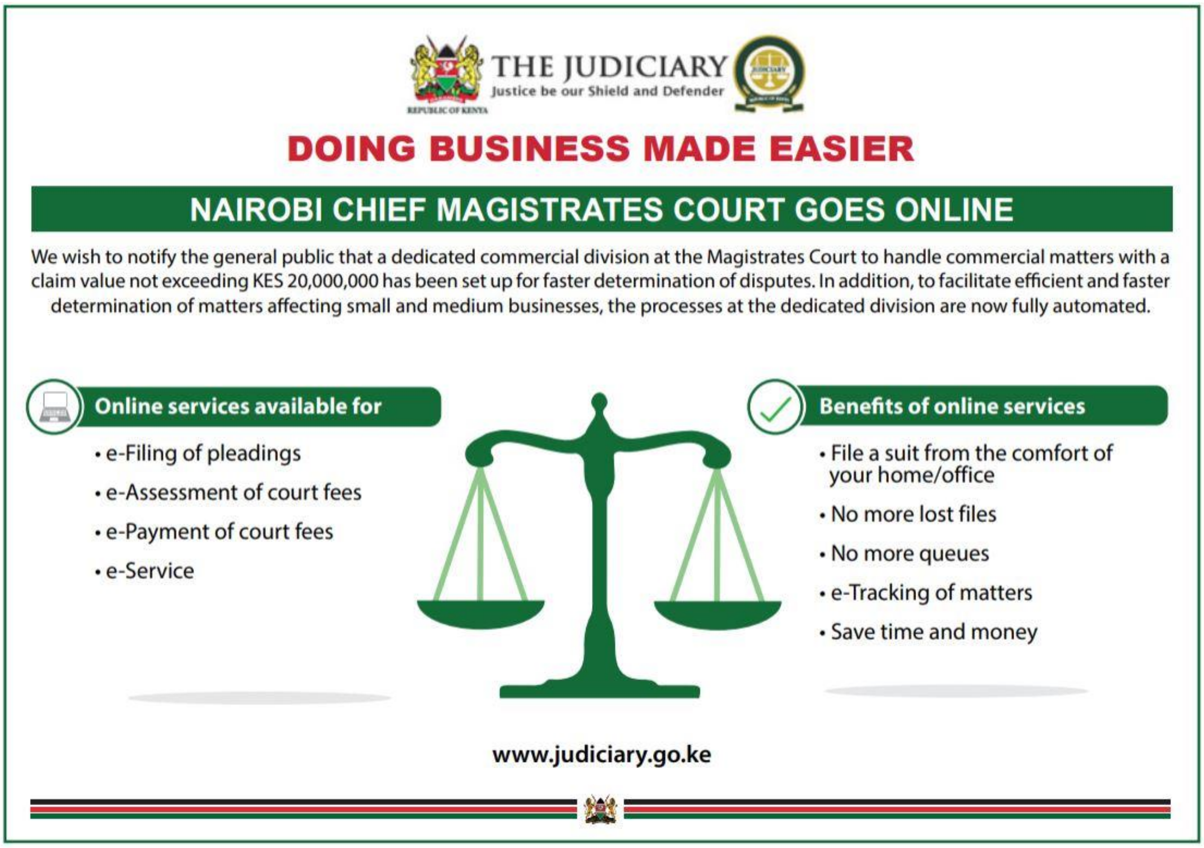
Indicator	Kenya	Sub-Saharan Africa	OECD high income
Time (days)	465	654.9	589.6
Cost (% of claim value)	41.8	41.6	21.5
Quality of judicial processes index (0-18)	9.0	6.9	11.7

HIGHLIGHTS OF 2020 REFORMS

New reforms effected in 2020 are expected to boost Kenya's enforcing contracts ranking even further. These reforms include:

1. **Implementation of E-filing, E-payments and E-service** through an online case management system at the Nairobi Chief Magistrates Court that will improve the quality of judicial processes
    a. E-filing: All pleadings (including amended pleadings) and other documents are now filed via the e-filing portal; the system sends a confirmation receipt including the date and time of filing to the person filing the document
    b. E-payments: Fees are paid via mobile money, RTGS or Visa before the electronic filing of documents; an electronic receipt (which is sufficient proof of payment of court fees) is then generated and sent to the account of the party or the advocate
    c. E-service: Service of process can now be carried out electronically, eliminating the need to file an affidavit of service in court

[10] World Bank Ease of Doing Business 2020 – Kenya Economy Profile



> "In the initial phase, we rolled out online court services in all courts in Nairobi. We shall expand this to the entire country in our endeavor to embrace technology to enhance access to justice."
>
> Hon. Justice David Maraga,
> Chief Justice and President of Supreme Court

2. **Automatic case allocation** through the case management system at the Nairobi Chief Magistrates Court. This will improve the quality of judicial processes

3. **Elimination of court fees** at the Commercial Division of the Magistrates Court for matters not exceeding a claim value of KES 1,000,000. The cost borne by users of this court has been reduced from 11.7 per cent to zero
4. **Regulation of adjournments for small claims** not exceeding KES 1,000,000. The Small Claims Court Act No.2, 2016 was amended to fix the maximum number of adjournments that can be granted at three and stipulates that adjournments are limited to unforeseen and exceptional circumstances (the law stipulates what constitutes such circumstances)
5. **Implementation of legal provisions** to cap the time taken to hear commercial disputes for claims of up to KES 1 million to a maximum of 60 days. This will significantly reduce the time taken to determine commercial disputes
6. **Expanding the jurisdiction of the small claims court** from KES 200,000 to KES 1 million to increase the number of cases qualifying for the expedited service provided in this court. This will reduce the time taken to determine commercial disputes

During the roll-out of the E-filing System for all courts in Nairobi by the Hon. Chief Justice

During a reform sensitization programme at the Annual Magistrates Colloquium organized by the Judiciary of Kenya

FUTURE PLANNED REFORMS

Additional reforms planned include:

1. Full automation of the processes and procedures for e-assessment of all court fees at the Commercial Division of the Chief Magistrates court
2. Fast-tracking publication of reports on case progress (including time to disposition, clearance rate, age of pending cases and single case progress)
3. Hiring skilled staff to increase the capacity of the small claims court
4. Re-alignment of the jurisdictions of the commercial division of the magistrates and small claims courts to improve judicial processes
5. Publication of judgements and rulings in the Kenya Law Reports for all commercial matters up to KES 1 million since 2015
6. Review and gazetting of the practice directions for the small claims court

Hon. Justice David Maraga, Chief Justice meeting the Ease of Doing Business Team led by Cabinet Secretary, Adan Mohamed to review reforms improve enforcement of contracts

10 RESOLVING INSOLVENCY

In this chapter, we are showcasing the various reforms implemented over time to enhance the ease of resolving insolvency in Kenya, including 2014-2019 performance review, highlights of 2020 reforms, and future planned reforms.

50% REDUCTION IN TIME FOR SOLVING AN INSOLVENCY CASE, FROM AVERAGE OF **4.5** YEARS TO **2** YEARS, FOLLOWING INSOLVENCY ACT OF 2015

This indicator examines Kenya's resolving insolvency ranking according to indicators: time, cost and outcome of insolvency proceedings involving domestic legal entities, recovery rate for creditors through reorganization, liquidation or debt enforcement proceedings, and the strength of the insolvency framework index. The index is calculated based on the quality of legal framework applicable to judicial liquidation and reorganization proceedings and the extent to which best insolvency practices have been implemented.

Exhibit 26: Recovery rate is a function of the time, cost and outcome of insolvency proceedings against a local company

Source: Doing Business database

RECOVERY OF DEBT INSOLVENCY

The recovery rate is calculated based on the time, cost and outcome of insolvency proceedings in the country.

1. **Time for creditors to recover their credit is recorded in calendar years.** The period of time measured is from the company's default until the payment of some or all of the money owed to the bank. Potential delay tactics by the parties, such as the filing of dilatory appeals or requests for extension, are taken into consideration.
2. **The cost of the proceedings is recorded as a percentage of the value of the debtor's estate.** The cost is calculated on the basis of questionnaire responses and includes court fees and government levies; fees of insolvency administrators, auctioneers, assessors and lawyers; and all other fees and costs.
3. **Outcome.** Recovery by creditors depends on whether a business emerges from the proceedings as a going concern or the company's assets are sold piecemeal. If the business continues operating, 100% of the value is preserved. If the assets are sold piecemeal, the maximum amount that can be recovered is 70% of the value
4. **Recovery rate.** The recovery rate is recorded as cents on the dollar recovered by secured creditors through judicial reorganization, liquidation or debt enforcement (foreclosure or receivership) proceedings. The calculation takes into account the outcome: whether the business emerges from the proceedings as a going concern or the assets are sold piecemeal. Then the costs of the proceedings are deducted (1 cent for each percentage point of the value of the debtor's estate). Finally, the value lost as a result of the time the money remains tied up in insolvency proceedings is taken into account, including the loss of value due to depreciation of the hotel furniture. Consistent with international accounting practice, the annual depreciation rate for furniture is taken to be 20%. The furniture is assumed to account for a quarter of the total value of assets. The recovery rate is the present value of the remaining proceeds, based on end-2018 lending rates from the International Monetary Fund's International Financial Statistics, supplemented with data from central banks and the Economist Intelligence Unit.

PERFORMANCE REVIEW 2014-2019

Kenya's global resolving insolvency ranking rose 73 positions from 123 (2014) to 50 (2019). Its recovery rate improved 26% from 24.7 cents on the dollar (2014) to 31.2 cents (2020); time (4.5 years), cost (22% of the estate) and outcome ("sale as going concern") remained the same. In 2019, Kenya scored 4.5 on a scale of 0-16 on the strength of insolvency framework.[11]

"Revamping the insolvency laws has put Kenya in line with global standards where the overarching goal is to prevent premature liquidation of companies and ensure a swifter, more streamlined insolvency process. This new insolvency regime has reduced the failure rate among firms, helping maintain a higher overall level of entrepreneurship in the economy and preserving jobs."

Peter Mwangi, Partner, Walker Kontos Leading Law Firm

The key reforms from the Insolvency Act of 2015 that have driven the improvements are:

1. Introduction of a reorganization procedure
2. Facilitation of continuation of the debtor's business during insolvency proceedings
3. Introduction of regulations for insolvency practitioners
4. Equal treatment of creditors in reorganization proceedings
5. Granting creditors greater participation in insolvency proceedings

Kenya leads sub-Saharan Africa and OECD countries on insolvency framework strength, but can improve on recovery rate, time and cost. Kenya's recovery rate is 55% higher than that of sub-Saharan Africa and its strength of insolvency framework index is more than double, but it takes longer time and costs the same to resolve insolvency. Kenya's strength of insolvency framework index is 22% higher than the OECD average, but it lags in time, cost and recovery rate (Exhibit 27).

[11] Indicator introduced after 2014

Exhibit 27: Resolving insolvency benchmarking: Kenya vs sub-Saharan Africa and OECD[12] countries

Resolving insolvency benchmarking: Kenya vs Sub-Saharan Africa and OECD countries

Indicator	Kenya	Sub-Saharan Africa	OECD high income
Recovery rate (cents on the dollar)	31.8	20.5	70.2
Time (years)	4.5	2.9	1.7
Cost (% of estate)	22.0	22.8	9.3
Outcome (0 as piecemeal sale and 1 as going concern)	1	-	-
Strength of insolvency framework index (0-16)	14.5	6.5	11.9

HIGHLIGHTS OF 2020 REFORMS IMPLEMENTED

New reforms effected in 2020 are expected to improve Kenya's enforcing contracts ranking even further:

1. **Giving creditors the right to access information** from insolvency practitioners through the amendment of the Insolvency Act 2015. This will improve creditor participation
2. **Enhancing insolvency administration** through reorganization, liquidation of debt enforcement and proceedings to increase recovery rates

NOVFUTURE PLANNED REFORMS

The Government is considering additional reforms:

1. **Engagement of the judiciary** (Commercial Division of the High Court) on:
   a. Reducing the time required to determine insolvency matters from the 4.5 years to 12 months and the recovery rate for insolvency matters from 31.8 cents to 71 cents
   b. Enacting regulation to reduce the fees charged by insolvency practitioners to decrease the cost of resolving disputes
2. Amendments to Section 582 of the Insolvency Act to:

[12] World Bank Ease of Doing Business 2020 – Kenya Economy Profile

a. Clarify the position that an administrator can distribute the prescribed part (i.e., 20% of the realizations from floating charges) to unsecured creditors without the court's permission

b. Amend the Insolvency Act to introduce a pre-insolvency moratorium of 28 days to prevent creditors from taking enforcement action while a company considers its rescue options for (new investment or a restructuring plan)

3. **Training insolvency stakeholders** (judicial officers and businesses) on the provisions of insolvency laws

   a. Train judicial officers on provisions of the Insolvency Act so that they understand the rights of parties, the time standards for key case activities and the legal ramifications of the proceedings

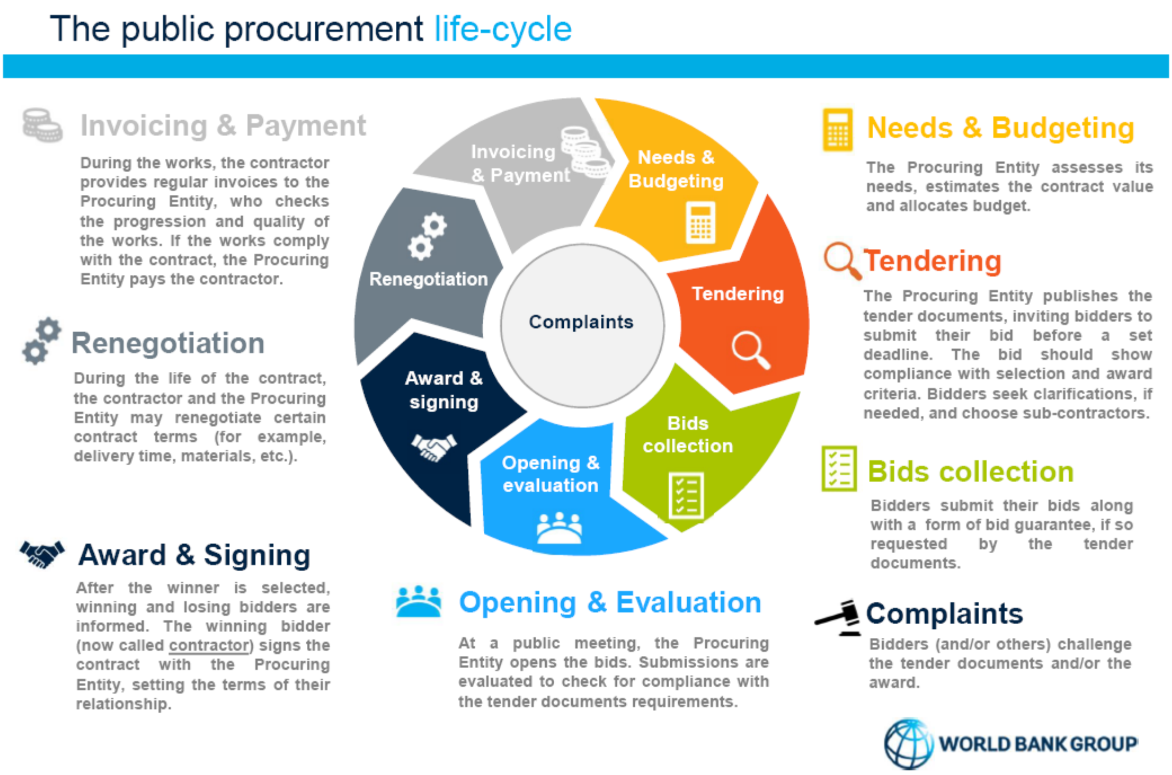
   b. Train businesses on their rights in insolvency procedures and the options available to if they are insolvent

11 CONTRACTING WITH GOVERNMENT (PROCUREMENT)

The contracting with government indicator was introduced in 2020 to measure public procurement, which refers to the purchase by government and state-owned enterprises of goods, services, and works. This indicator focuses on the procurement of works and measures the process, time and cost of awarding a public contract for road resurfacing to a medium, domestically-owned, limited liability company. It benchmarks the entire procurement process and examines the five main phases in the life of a government project to be implemented by a private company: budgeting and needs assessment; advertisement and bid submission; bid opening, evaluation and contract signing; contract management; and payment. It also benchmarks the legal framework regulating public procurement in an economy.

Exhibit 28 below shows the public procurement life-cycle.

Exhibit 28: The public procurement life-cycle



Kenya initiated reforms to improve the process before the inclusion of this indicator in the *Doing Business* ranking. These include:

1. **Shortening of timelines** for key steps in the procurement process through the Public Procurement and Asset Disposal Regulations, 2020 as follows:
    a. Times for preparation and submission of bids in an open tender procurement method for national and county specific tenders reduced 73% from 26 to seven days
    b. Time taken to award a tender for additional works to the same bidder by over 50% from 30 to 14 days
    c. Time to pay for contracts reduced 33% from 90 to 60 days through the procurement regulations of 2020.
2. **Updating the information portals** to provide key information and statistics on public procurement to make information and communication with bidders more transparent. The information provided includes tendering documents, data on on-going projects above KES 100 million, estimated cost, length and completion time of projects, and data on completed projects for road maintenance valued at KES 100-300 million over the last five years.
3. **Provision of online channels** where the public can seek clarification and lodge complaints. An online portal on the Public Procurement and Regulatory Authority (PPRA) website where contractors can lodge complaints on procurement decisions made by state procurement entities: http://ppra.go.ke/lodge-a-review. Decisions by PPRA on complaint reviews are available at: http://ppra.go.ke/arb-decisions.

“We are working with the National Treasury to usher in the new phase of E-procurement. We expect to realize greater transparency, efficiency and value for money in Procurement.”

Dr. Kevit Desai, CBS
Principal Secretary, State Department of East African Community

12 KEY SUCCESS FACTORS

Throughout this process, the Government learned some valuable lessons. These lessons can be applied in further improving ease of doing business in Kenya in the future.

1. Top government leadership and ownership

His Excellency the President set the bar as high as possible and led from the front. Without his personal commitment the milestones realized so far would not have happened. Engaging senior government leaders from the start in 2014 at the President's level, the Deputy President and Cabinet Secretaries ensured that the entire Administration prioritized efforts to improve the ease of doing business in Kenya were concerted. Bi-annual Presidential Roundtables provided a forum for stakeholders to escalate key issues requiring the President's intervention. The President also incorporated the Ease of Doing Business reform goals into the performance scorecards of Cabinet Secretaries to increase accountability. The most successful efforts resulted when the Cabinet Secretaries championed the reforms.

A Presidential roundtable with the Private Sector Chaired by the H.E. President

2. Close collaboration among government agencies

Bringing together government agencies that typically worked in silos had an enormous impact. For example, the ease of starting a business improved dramatically when NSSF, NHIF and KRA worked as one team to share data and combine company registration processes into one.

3. Private sector engagement and dialogue

Engaging the public from the start is critical to ensure that reforms address their real needs and explain the reforms and their benefits. Through KEPSA, the private sector engaged with the Government to ensure continuous implementation of key reforms and acted as a sounding board for the government agencies tasked with implementing the reforms. KEPSA tracked the progress of each reform and flagged those that were falling behind for the President's intervention during the roundtables. Every 1-2 months, KEPSA also the Government through 16 sector boards mapped to each Ministry to jointly address any bottlenecks.

A Presidential Roundtable on competitiveness

A Kenya Revenue Authority Focus Group Session with the Kenya National Chamber of Commerce and Industry, Mombasa Chapter

4. Set up a dedicated and knowledgeable team to implement reforms

Meeting the challenge of delivering public services requires dedicated and committed personnel who understand how Government works and can overcome a bureaucratic mindset to be able to win, and win quickly.

Our mantra as the Delivery team is simple – nothing is impossible. Change management in the public service has not been easy, but it is happening in a big way.

John Mwendwa, OGW
Secretary, Department of Business Reforms & Transformation

13 FUTURE REFORM & TRANSFORMATION AGENDA

While Kenya has made large strides towards improving the ease of doing business, the country continues to set high ambitions for the future. Most of the reforms achieved so far have been through limited automation. In order for reforms to be sustained in the long-term, institutional reforms need to be enhanced and aligned with the way business is done in Kenya. Substantial amount of investment is required to automate a majority of Government services that are critical to citizens and the private sector. To keep the momentum going, the Government is now working towards several more goals, including:

1. **Institutional reforms and digitization of Government services**

   Kenya is one of the leading economies in Africa on digitization. Much of the population is digitally connected, with access to mobile phones, mobile payment, and digital services. Kenya is capitalizing on this by digitizing government services to make them more convenient, rapid and transparent for the public and the business community.

2. **Streamlining the competitiveness of all counties**

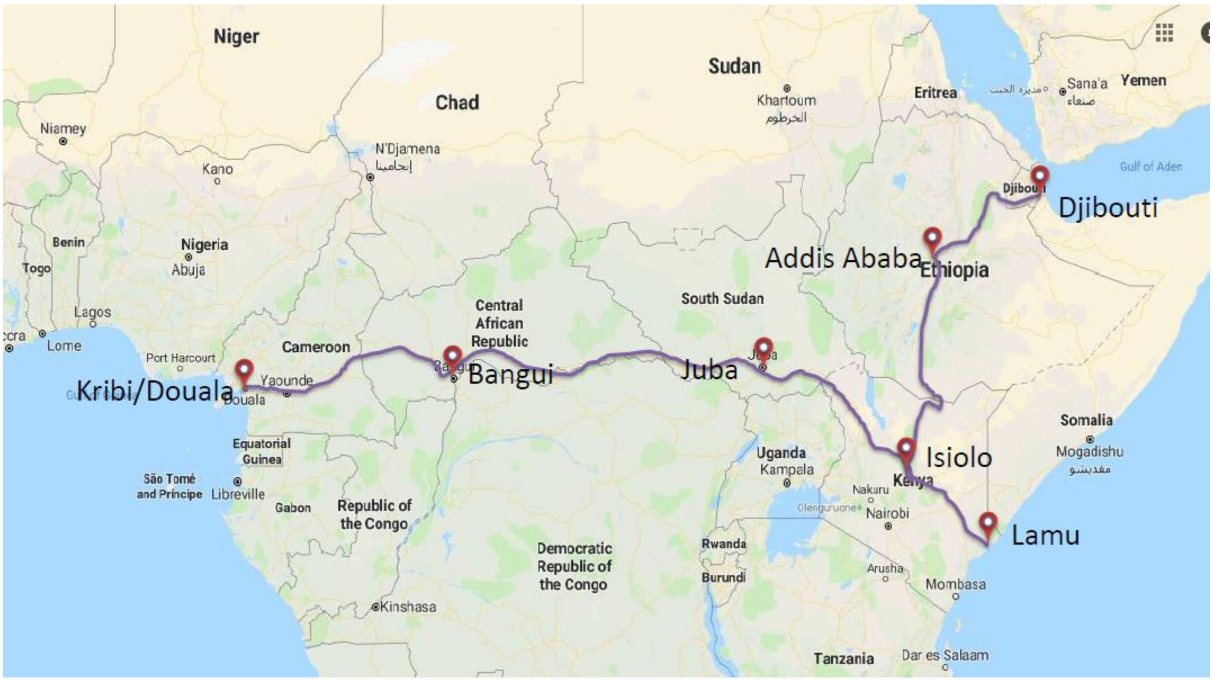
   Kenyan counties vary widely in their level of economic status and competitiveness, leading to unequal development. Counties also have very different regulations, causing difficulties when it comes to doing business consistently across the country. Kenya needs to further streamline competitiveness, and service operations at county level to benefit local businesses and help all counties attract more investment.

3. **Reviewing the regulatory framework**

   Many businesses have experienced challenges in the regulatory space and made proposals for the government to roll-out a mechanism to address the burden of regulation with regard to its cost and impact on businesses. To address the needs of businesses, Government can use a collaborative approach to review the regulatory landscape and make the regulations fit for purpose and responsive to modern ways of doing business in Kenya.

4. **Continue to invest in infrastructure development**

   Infrastructure investments provide a strong foundation for improving the ease of doing business in the long term. Kenya will continue game-changing infrastructure plays across the country including massive investment in the energy sector, last-mile connections to households and small businesses, and increasing the capacity of the port of Mombasa. Additionally, Kenya will play its part in developing the LAPSSET Corridor project to bring together Kenya, Ethiopia, and South Sudan, and eventually connect East and West Africa.



The LAPSSET Corridor will be a critical enabler for business on the continent

5. Building capacity to sustain reform & transformation agenda

As global competition to attract and retain investments continues to heighten, countries that adapt rapidly and implement changes for the benefit of the private sector will become winners for their economies and people. We are committed to building cutting edge technical know-how and capacity to be able to sustain the change culture across the public sector.

14 LEGAL REFORMS IMPLEMENTED

47 cross-cutting legal instruments were implemented over the period that have been the foundation of most of the progress in the various areas in this report.

47 CROSS-CUTTING LEGAL INSTRUMENTS WERE IMPLEMENTED OVER THE PERIOD

1. Business Registration Service Act, (No. 15 of 2015) – Kenya Gazette Supplement No. 156 (Act No. 15)
2. Special Economic Zones Act, (No. 16 of 2015) – Kenya Gazette Supplement No. 157 (Act No. 16).
3. Companies Act, (No 17 of 2015) – Kenya Gazette Supplement No. 158 (Act No. 17).
4. Insolvency Act (No.18 of 2015) – Kenya Gazette Supplement No. 159 (Act No. 18).
5. Companies and Insolvency Legislation (Consequential Amendments) Act (No. 19 of 2015) – Kenya Gazette Supplement No. 160 (Act No. 19)
6. Code of Corporate Governance Practices for Issuers of Securities to the Public 2015 – Kenya Gazette Notice No. 1420/2015.
7. The Mediation (Pilot Project) Rules, 2015 – Legal Notice No. 197/2015
8. Companies (General) Regulations, 2015 – Legal Notice No. 239/2015
9. Registrar of Companies (Forms) Rules, 2015 – Legal Notice No. 254/2015
10. The Companies (General) (Amendment) Regulations, 2016 – Legal Notice No. 27/2016.
11. The Companies (General) (Amendment) (No.2) Regulations, 2016 – Legal Notice No. 43/2016.
12. Insolvency Regulations, 2016 – Legal Notice No. 47/2016.
13. The Companies (General) (Amendment) (No.3) Regulations, 2016 – Legal Notice No. 61/2016.
14. The Movable Property Security Rights Act, (No. 13 of 2017) – Kenya Gazette Supplement No. 72 (Acts No. 13).
15. Companies (Amendment) Act No. 28 of 2017 – Kenya Gazette Supplement No. 121 (Act No. 28).
16. The Companies (General) (Amendment) Regulations, 2017 – Legal Notice No. 19/2017.
17. Movable Property Security Rights (General) Regulations, 2017 – Legal Notice No. 86/2017.
18. Registrar of Companies (Forms) Rules, 2017 – Legal Notice No. 103/2017.

19. The Companies (General) (Amendment) (No.2) Regulations, 2017 – Legal Notice No. 240/2017.
20. Nairobi City County Finance Act, 2018 – Kenya Gazette Supplement No. 15 (NCC No.1)
21. The Statute Law Miscellaneous Amendment Act, (No. 18 of 2018) – Kenya Gazette Supplement No. 161 (Acts No. 18).
22. The Companies (General) (Amendment) Regulations, 2018 – Legal Notice No. 2/2018.
23. The Insolvency (Amendment) Regulations, 2018 – Legal Notice No. 7 /2018.
24. Insolvency (Amendment) (No.2) Regulations, 2018 – Legal Notice No. 78/2018.
25. The Statute Law Miscellaneous Amendment Act, (No. 12 of 2019) – Kenya Gazette Supplement No. 114 (Acts No. 12).
26. Insolvency (Amendment) Regulations, 2019 – Legal Notice No. 29 /2019
27. Companies (General) (Amendment) Regulations 2019 – Legal Notice 30/2019.
28. The Environmental Management and Coordination Act (No. 8 Of 1999), Amendment of the Second Schedule – Legal notice No. 31 /2019.
29. The Movable Property Security Rights (General) (Amendment) Regulations, 2019 – Legal Notice No. 121/2019.
30. Business Laws (Amendment) Act, 2020 – Kenya Gazette Supplement No. 26 (Act No. 1).
31. The Small Claims Court (Amendment) Act, 2020 – Kenya Gazette Supplement No. 70 (Act No. 5).
32. The Industrial Training (Training Levy) (Amendment) Order, 2020 – Legal Notice No. 10/2020.
33. The Standards (Verification of Conformity to Standards and Other Applicable Regulations of Imports) (Amendment) Regulations, 2020 – Legal Notice No. 11/2020.
34. The Companies (Beneficial Ownership Information) Regulations, 2020 – Legal Notice No. 12/2020.
35. The Civil Procedure (Amendment) Rules, 2020 – Legal Notice No. 22/2020.
36. The Value Added Tax (Amendment of The Rate of Tax) Order, 2020 – Legal Notice No. 35/2020.
37. The Public Finance Management Act, (No. 18 of 2012) Waiver – Legal Notice No. 59/2020.
38. The National Construction Authority (Defects Liability) Regulations, 2020 –Legal Notice No. 64/2020.
39. The Registration of Titles (Fees) (Amendment) Rules, 2020 – Legal Notice No. 65/2020.

40. The Registered Land (Amendment) Rules, 2020 – Legal Notice No. 66/2020.
41. The Government Land (Fees) (Amendment) Rules, 2020 – Legal Notice No. 67/2020.
42. The Land Titles (Registration Fees) (Amendment) Rules, 2020 – Legal Notice No. 68/2020.
43. The Public Procurement and Asset Disposal Regulations, 2020 – Legal Notice No. 69/2020.
44. The Plant Protection (Fees and Charges) (Amendment) Rules, 2020 – Legal Notice No. 79/2020
45. The Public Health (Fees) (Amendment) Rules, 2020 – Legal Notice No. 80/2020.
46. Practice Directions on Electronic Case Management – Gazette Notice No. 2357
47. Waiver of Payment of Single Business Permit for all new Businesses – Gazette Notice No. 2825

15 AWARDS

Over the course of last five years, Kenya has been recognized in Africa and around the world for its significant improvement in many fronts as a result of Initiatives by the Government towards making it easy to do business. Below are some of the awards Kenya has achieved between 2015 and 2020.

50+ awards for Kenya over the past 5 years

Ranked First (1st) between 2014-2019

Award	Awarding institution	Year
Leading business destination in Africa for large companies looking for growth prospects	PricewaterhouseCoopers (PwC)	2019
Highest ranking in economic, consumer and business prospects in African markets for the second year in a row	Nielsen Holdings Plc	2019
1st in sub-Saharan Africa in the innovation output sub-index rankings	World Intellectual Property Organization	2019
First in Africa on ease of access to the Internet	InterNations	2019
1st globally in protecting minority investors	World Bank	2019
Top in the EAC region in the change readiness index	KPMG	2019
Eastern Africa's top FDI destination	Ernst & Young	2019
Top in East Africa in Access to Electricity	World Bank	2018
Top in mobile money penetration globally	CITI research	2018
Top in Africa in geothermal rankings	Renewable Global Status	2018
Highest ranking African nation in a new ranking of broadband internet speeds across the world	Akamai	2017
Top in East Africa with most infrastructure projects	Deloitte	2016
Nairobi ranked as the most intelligent city in Africa	Intelligent Community Forum (ICF)	2015

Ranked Second between 2014-2020

Rank/Award	Institution awarding	Year
2nd most preferred investment destination in Africa	Deloitte (Africa CEO Forum)	2020
2nd in sub-Saharan Africa in the Global innovation index rankings	World Intellectual Property Organization	2019
2nd globally in Getting Credit	World Bank	2019
2nd rank in infrastructure spending	Deloitte	2017
2nd best in logistics on the continent	World Bank	2016

Ranked Third (3rd) between 2014-2019

Award	Institution awarding	Year
3rd out of 66 economies showing best potential in future trade growth	Standard Chartered Plc	2019
3rd in sub-Sahara Africa in the 2017 World Bank Ease of Doing Business Index	World Bank	2019
3rd in sub-Saharan Africa in the change readiness index	KPMG	2019
3rd most attractive for seed investors	The Venture Investments Report 2018 by WeeTracker	2019
Africa's third (3rd) most attractive finance market	Absa Group and Official Monetary and Financial Institutions Forum (OMFIF)	2018
3rd in Sub-Saharan Africa in the 2017 World Bank Ease of Business Index	World Bank	2017
3rd in Africa with the biggest economic growth promise in the Agility Emerging Markets Logistics Index.	Agility Logistics Firm	2016
3rd in Access to Credit in Sub Saharan Africa	Institute of Chartered Accountants in England and Wales (ICAEW)	2016
3rd most improved county globally in ease of doing business	World Bank	2016

Ranked Fourth (4th) between 2015-2019

Award	Institution awarding	Year
4th in Africa and 94th globally in the Human Capital Index	World Economic Forum	2018
4th investment hub in Africa	Ernst & Young	2016
4th most Influential Country in Africa	Open-source intelligence (OSINT)	2015

Ranked among the top between 2014-2019

Award	Institution awarding	Year
40th in the Renewable Energy Country Attractiveness Index	Ernst & Young	2019
Kenya's economic freedom ranked 22nd in Africa	Heritage Foundation	2019
Top Five (5) in global clean energy ranking	BloombergNEF (BNEF)	2019
Named among 6 countries identified as leaders in expansion of Africa's share in the global digital economy	MasterCard	2019
Among top 10 African countries and 2nd in the East African region that have made significant reforms in laws and regulations targeted at improving gender equality	World Bank	2019
Kenya among the countries that have improved electricity access by the widest margins	International Energy Agency, the International Renewable Energy Agency, the UN Statistics Division, the World Bank and the World Health Organization	2019
Among the World Top 20 Ease of Doing Business Improvers	World Bank	2019
Nairobi Ranked 6th Most Commercially Active City in the World	JLL's city Momentum Index	2019
8th in Africa in Best countries for business	Forbes	2019
6th most competitive country in Sub-Saharan Africa according to the Global Competitiveness Report 2019	World Economic Forum	2019

Award	Institution awarding	Year
6th globally in access to credit and microfinance loans	World Intellectual Property Organisation	2019
36th as a destination for foreign workers, jumping 15 places in one year	InterNations	2019
Nairobi as 6th most dynamic city in the globe in the City Momentum Index, making it the only metropolis on the African continent and the only location outside Asia Pacific to make the list	World Economic Forum	2019
Ranked in the top seven in annual improvement due to progress made in registering property, protecting minority investors, paying taxes and access to credit	The Bretton Woods institution	2019
12th in Africa on key economic metrics	KPMG	2018
12th in Africa in Implementation of SDGs	SDG Index and Dashboards Report	2018
9th most attractive economy for investments flowing into the African continent	Quantum Global	2018
9th globally in geothermal rankings	Renewable Global Status	2018
Nairobi City has scooped position 10 in terms of economic activity, consumer size and connectivity	Fraym Urban Markets Index	2017
9th in Africa in attracting foreign investment	StratLink Africa	2016

16 ACKNOWLEDGEMENTS

We would like to acknowledge and appreciate the support of the following government agencies, private sector organizations and bodies for their support to the ease of doing business reform.

1. The Presidency
2. The National Assembly & Senate
3. The Judiciary of Kenya
4. The Cabinet
5. Department of Survey
6. Directorate of Occupational Safety & Health Safety – DOSH
7. Business Registration Services – BRS
8. Capital Markets Authority – CAM
9. Kenya Trade Network Agency – KenTrade
10. Kenya Power & Lighting Company – KPLC
11. Kenya National Highway Authority – KENHA
12. Kenya Plant Health Inspectorate Services – KEPHIS
13. Kenya Bureau of Standards – KEBS
14. Kenya Ports Authority – KPA
15. Agricultural Food Authority – AFA
16. Kenya Revenue Authority – KRA
17. National Social Security Fund – NSSF
18. National Health Insurance Fund – NHIF
19. National Industrial Training Institute – NITA
20. National Environmental Authority – NEMA
21. National Construction Authority – NCA
22. Nairobi City County Government – NCCG
23. Nairobi Metropolitan Services – NMS
24. Nairobi City Water & Sewerage Services – NCWS

25. Kenya Private Sector Alliance – KEPSA
26. Kenya Association of Manufacturers – KAM
27. Kenya National Chamber of Commerce & Industry – KNCCI
28. Kenya National Federation of Jua-Kali Associations
29. Trademark East Africa (TMEA)
30. The American Chamber of Commerce (Kenya)- Amcham
31. The Law Society of Kenya – LSK
32. Architectural Association of Kenya (AAK)
33. World Bank Group
34. Foreign, Commonwealth and Development Office (FCDO)
35. Royal Embassy of the Netherlands
36. IBM East Africa

17 THE DELIVERY TEAM

S/No.	Institution	Name and role
1.	Ministry of East African Community & Regional Development	▪ Hon. Adan Mohamed – Cabinet Secretary ▪ Dr. Kevit Desai – Principal Secretary, State Department for East African Community ▪ Dr. Margaret Mwakima – Principal Secretary, State Department for Regional & Northern Corridor Development ▪ Mr. John Mwendwa – Secretary, Department of Business Reforms & Transformation ▪ Ms. Winnie Cheserem – Principal State Counsel ▪ Ms. Sussane Lutta – Senior State Counsel ▪ Mr. Eric Munene – Senior State Counsel
2.	The National Treasury and Planning	▪ Hon. Amb. Ukur Yatani – Cabinet Secretary ▪ Dr. Julius Muia – Principal Secretary ▪ Dr. Eric Korir – Director, Public Procurement Policy Department ▪ Dr. Geoffrey Mwau – Former Senior Advisor, Office of the Cabinet Secretary
3.	Ministry of Health	▪ Hon. Mutahi Kagwe – Cabinet Secretary ▪ Ms. Susan Mochache – Principal Secretary
4.	Ministry of Agriculture, Livestock Fisheries & Co-operatives	▪ Hon. Peter Munya – Cabinet Secretary ▪ Prof. Hamadi Boga – Principal Secretary, State Department for Crop Development and Agricultural Research ▪ Mr.Charles Mahinda – Senior Technical Advisor & Chief of Staff, Office of the Cabinet Secretary
5.	Ministry of Transport, Infrastructure, Housing, Urban Development & Public Works	▪ Mr. James Macharia – Cabinet Secretary ▪ Mr. Solomon Kitungu – Principal Secretary, State Department for Transport ▪ Mrs. Nancy Karigithu – Principal Secretary, State Department for Shipping and Maritime ▪ Mr. Charles Hinga Mwaura – Principal Secretary, State Department for Housing And Urban Development ▪ Maj. (Rtd) Gordon Kihalangwa – Principal Secretary, State Department for Public Works ▪ Mr. Joe Mutugu – Chief Of Staff, Office of the Cabinet Secretary ▪ Ms. Celestine Otunga – Deputy Solicitor General ▪ Arch. Ken Kamau – Senior Superintending Architect
6.	Ministry of Labour and Social Protection	▪ Mr. Simon Chelugui – Cabinet Secretary ▪ Eng. Peter Tum – Principal Secretary, State Department for Labour ▪ Mr. Stanley Mbatha – Director, Directorate of Occupational Safety and Health Services
7.	Ministry of Lands & Physical Planning	▪ Ms. Farida Karoney – Cabinet Secretary ▪ Dr. Nicholas Muraguri – Principal Secretary ▪ Ms. Esther Ogega – Secretary Lands ▪ Mr.Charles Moemi – Director of Land Valuation ▪ Mr. David Nyandoro – Snr. Assistant Chief Lands Registrar ▪ Ms. Irene Muttai – Snr. Principal Lands Registration Officer ▪ Mr. Alphaxard Kyalo – Assistant ICT Director ▪ Ms. Carol Menin – Legal Advisor, office of the Cabinet Secretary ▪ Mr. Tom Abuta – Snr. State Counsel ▪ Ms. Pauline Pesa – Land Registration Officer
8.	Ministry of Environment and Forestry	▪ Mr. Keriako Tobiko – Cabinet Secretary ▪ Dr. Chris Kiptoo – Principal Secretary, State Department for Environment and Forestry
9.	Ministry of Energy	▪ Hon. Charles Keter – Cabinet Secretary

S/No.	Institution	Name and role
		▪ Dr. Eng. Joseph Njoroge – Principal Secretary ▪ Ms. Jacqueline Rono – Advisor, Office of the Cabinet Secretary
10.	Office of The Attorney General & Department of Justice	▪ Hon. (Rtd.)Justice Kihara Kariuki – Attorney General ▪ Mr. Kennedy Ogetto – Solicitor General ▪ Prof. Githu Muigai – Former Attorney General ▪ Mr. Njee Muturi – Former Solicitor General ▪ Mr. Musa Machoka – Legal Advisor, Office of The Attorney General ▪ Mrs.Margaret Nzioka – Chief Parliamentary Counsel ▪ Ms. Linda Murila – Chief State Counsel ▪ Mr. Samson Maundu – Senior Principal State Counsel ▪ Ms. Maureen Odendo – Senior State Counsel
11.	Ministry of ICT	▪ Mr. Joe Mucheru – Cabinet Secretary ▪ Mr. Jerome Ochieng – Principal Secretary, ICT & Innovation
12.	State Department for Industrialization & State Department for Trade	▪ Mr. Steven Odua – Director, Private Sector Development ▪ Mr.George Makateto – Director, Engineering & Construction ▪ Mr. Lawrence Lelei – Economist ▪ Mr.Philip Maitha – Economist ▪ Rose Owuor – Principal Office Administrator ▪ Lucas R.W. Mwago – Assistant Director of Trade ▪ Alex. K. Tomereng – Assistant Director of Trade ▪ Sylvia Musyoka – Trade Development Officer
13.	State Department for Youth Affairs	▪ Mr. Julius Korir – Principal Secretary
14.	Nairobi Metropolitan Services	▪ Maj. Gen. Mohammed Abdalla Badi – Director General ▪ Dr. Juliana Mutua – Deputy Director, Urban Planning and Development ▪ Peter Kariuki – Executive Office of the President
15.	Nairobi City County Government	▪ H.E Mike Sonko – Governor ▪ Mr. Justus Kathenge – Ag. County Secretary ▪ Mr. Charles Kerich – County Executive Committee Member, Lands ,Urban planning, Urban renewal, Housing and Projects Management ▪ Mr. Dominic Mutegi – Director, Development Management ▪ Mr. Jassan Njani – Ag. Assistant Director – Development Control ▪ Ms. Anna Othoro – former Trade CEC
16.	The National Assembly	▪ Hon. Justin Muturi – Speaker ▪ Hon. Amos Kimunya – Leader of Majority ▪ Hon. Aden Duale – Former Leader of Majority ▪ The Lands Departmental Committee ▪ The Justice, Legal and Constitutional Affairs Departmental Committee ▪ The Transport, Public Works and Housing Departmental Committee ▪ The Labour and Social Welfare Departmental Committee ▪ The Communication, Information and Innovation Departmental Committee ▪ The Trade, Industry and Cooperatives Departmental Committee ▪ Mr. Samuel Njoroge – Director, Legislative and Procedural Services, National Assembly
17.	The Judiciary of Kenya	▪ Hon. Justice David Maraga – Chief Justice & President of the Supreme Court ▪ Ms. Anne Amadi – Chief Registrar of the Judiciary ▪ Hon. Justice Gatembu Kairu – Judge, Court of Appeal – Malindi ▪ Dr. Conrad Bosire – Chief of Staff, Office of the Chief Justice ▪ Hon. Justice Fredrick Ochieng – Presiding Judge, High Court – Kisumu ▪ Hon. Justice Mary Kasango – Presiding Judge, Commercial Division – Milimani ▪ Hon. Liz Gicheha – Chief Magistrate

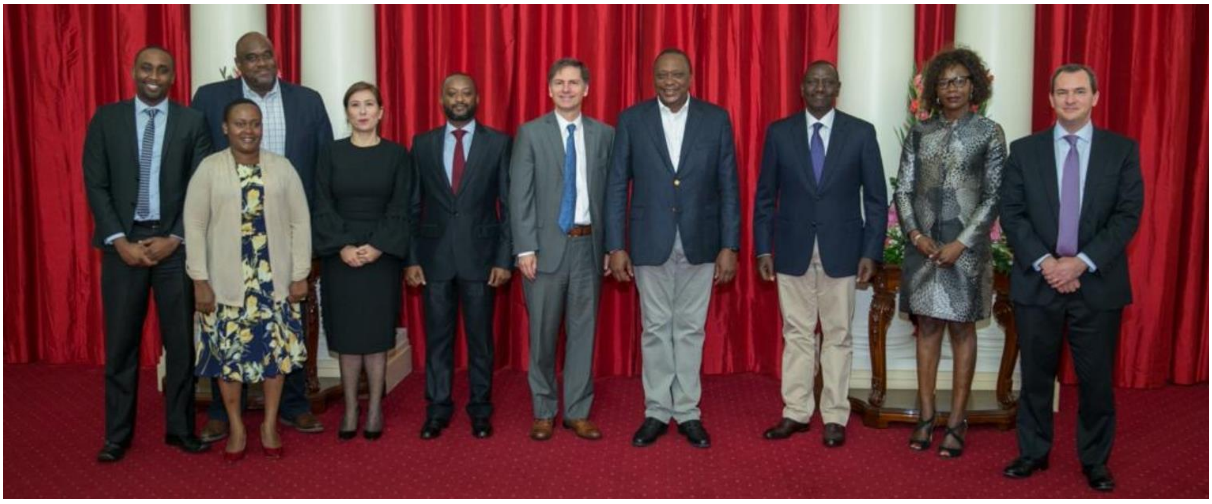
S/No.	Institution	Name and role
		▪ Hon. Peter Gesora – Chief Magistrate ▪ Hon. Elizabeth Tanui – Deputy Registrar ▪ Mr. Steven Ekeleng – Director, ICT
18.	Kenya Revenue Authority	▪ Mr. James Githii Mburu – Commissioner General ▪ Mrs. Risper Simiyu – Commissioner, Domestic Taxes ▪ Ms. Pamela Ahago – Ag. Commissioner Customs & Border Control ▪ Ms. Elizabeth Meyo – Former Commissioner, Domestic Tax Department ▪ Mr. Kevin Safari – Former Commissioner, Customs & Border Control ▪ Kenneth Mbobua – Project Manager ICMS ▪ Ms. Caroline Mutema – Assistant Manager, Customs & Border Control ▪ Ms. Millicent Saina – Manager, Change Management, Business Transformation Office ▪ Mr. David Busaule – Team Lead, Compliance Management, Business Transformation Office ▪ Mr. Joab Omole – Supervisor, Customs & Border Control
19.	Business Registration Service	▪ The Board of Directors ▪ Mr. Kenneth Gathuma – Director General ▪ Mr. Duncan Ndegwa – Legal Counsel ▪ Ms. Beatrice Osicho – Senior State Counsel ▪ Ms. Diana Mumo – Senior State Counsel ▪ Ms. Shighadi Mwakio – Senior State Counsel ▪ Ms. Margaret Wangu Baaro – Senior State Counsel ▪ Ms. Doris Githua – Principal State Counsel
20.	Kenya Law Reform Commission	▪ Ms. Josephine Sinyo – Ag. Secretary/Chief Executive Officer ▪ Mr. Peter Musyimi – Assistant Director, Legislative Drafting ▪ Ms. Christabel Kaiwa – Senior Legal Officer
21.	Kenya Power & Lighting Company	▪ Mr. Bernard Ngugi – Managing Director ▪ Eng. Aggrey Machasio – General Manager, Infrastructure Development ▪ Eng. Richard Kioko – Operations & Maintenance ▪ Eng. Ezra Ndenderu – Manager, Transmission Network Maintenance ▪ Mr. Richard Kioko – Network Manager ▪ Mrs. Mary Ocholla – Principal Marketing Officer ▪ Eng. Joshua Mutua – Former General Manager ▪ Ms. Martha Kamanu – Manager, Business Development ▪ Ms. Grace Omwenga – Chief Marketing Officer – Demand creation
22.	Kenya Ports Authority	▪ Eng. Rashid Salim – Ag. Managing Director ▪ Capt. William Ruto – General Manager, Operations & Harbour Master ▪ Mr. Peter Masinde – Head of Inland Container Depots ▪ Mr. Benjamin Mwandawiro – Senior Operations Officer
23.	Kenya Trade Network Agency	▪ Mr. Amos Wangora – Chief Executive Officer ▪ Mr. Billy Ngumi – Manager Tradenet and Value Add Services ▪ Mr. Eric Lukoye – Ag. Manager, Projects ▪ Mr. Eugene Waluvengo – Former Manager ICT ▪ Mr. Daniel Kiange – Former Manager, Trade Facilitation & Value–Added Services ▪ Ms. Hilda Karegi – Senior Licensing and Permit Officer
24.	National Social Security Fund	▪ Dr. Antony Omerikwa – Managing Trustee ▪ Mr. Peter Muiruri – Manager, Investments ▪ Mr. Stephen Obare – Chief Information Officer ▪ Mr. Hesbone Kasasi – Business Analyst
25.	National Health Insurance Fund	▪ Dr. Peter Kamunyo Gathege – Chief Executive Officer ▪ Mr. Daniel Mulinge – Manager, Strategy

S/No.	Institution	Name and role
26.	National Industrial Training Authority	▪ Mr. Stephen Ogenga – Ag. Director general ▪ Mr. Galm Guyo Rogicha – Manager, Levy Administration
27.	Kenya Bureau of Standards	▪ Lt. Col. (Rtd) Bernard N. Njiraini – Managing Director ▪ Mr. Ahmed AntarAmin – Chief Manager Inspections ▪ Mr. Jared Odongo – Principal Trade Officer ▪ Ms. Lucy Kibocha – Principal Inspection Officer
28.	National Environmental Management Authority	▪ Mr. Mamo Boru Mamo – Director General ▪ Ms. Marrian Kioko – Chief Environmental Officer ▪ Mr. Joseph Makau – Environmental Officer
29.	Nairobi City Water and Sewerage Company	▪ Eng. Nahason Muguna – Managing Director ▪ Eng. Steven Mbugua – Commercial Director ▪ Mr. Martin Nang'ole – ICT Director ▪ Ms. Rose Kariuki – Customer Relations Manager ▪ Mr. Mbutu Mwaura – Performance, Monitoring and Evaluation Manager ▪ Ms. Maureen Karugu – Corporate Communications Coordinator ▪ Ms. Karen Ndunge – Zonal Commercial Coordinator ▪ Mr. Francis Wahome – ICT Officer ▪ Ms. Sam Obilo – Database Administrator Officer
30.	Kenya National Highway Authority	▪ Eng. Peter Mundinia – Director General ▪ Ms. Levina Wanyonyi – Deputy Director, Supply Chain Management ▪ Eng. Ephraim Opuge – Senior Engineer Road Asset and Corridor Management ▪ Mr. Richard Kilel – Assistant Director, Supply Chain Management
31.	National Construction Authority	▪ Eng. Maurice Aketch – Executive Director ▪ Mr.Samson Lukoba – Director, Legal ▪ Eng. Isaiah Achini – Former Assistant Manager, Compliance ▪ Ms. Maloba Nakoli – Compliance Officer
32.	Capital Market Authority	▪ Mr. Wycliffe Shamiah – Ag. Chief Executive Officer ▪ Mr. Paul Muthaura – Former Chief Executive Officer ▪ Mr. Joachim Wandaka – Legal Officer ▪ Mr. Hilary Cheruiyot – Legal Officer
33.	Kenya Plant Health Inspectorate Services	▪ Mr. Simeon Kibet – Ag. Managing Director ▪ Mr. Isaac Nyateng – Senior Inspector ▪ Mr. James Aboge – Head of ITC ▪ Mr. Josiah Syanda – Chief Inspector ▪ Ms. Faith Ndunge – Chief Inspector/ Ag Trade and Standards
34.	Agriculture Food Authority	▪ Mr. Anthony Muriithi – Director General
35.	Kenya National Federation of Jua-Kali Associations	▪ Mr. Richard Muteti – Chief Executive Officer
36.	Kenya Private Sector Alliance	▪ Mr. Nicholas Nesbit – Chairman ▪ Ms. Carole Karuga – Chief Executive Officer ▪ Eng. Patrick Obath – Former Chairman ▪ Ms. Agatha Juma – Former Head Public Private Dialogue & Policy Research ▪ Ms. Rachel Muthoga – Former Deputy CEO ▪ Ms. Pascalina Kagunda – Head Membership Development & Marketing ▪ Ms. Aphlyne Agina – Head of Operations ▪ Mr. Timothy Odongo – Manager, Business Investments ▪ Mr. Victor Ogalo – Head, Public Private Dialogue & Policy Research ▪ Patrick Maingi – Public Private Dialogue Specialist

S/No.	Institution	Name and role
37.	Kenya Association of Manufacturers	▪ Mr. Sanchan Gudka – Former Chairman ▪ Ms. Phyllis Wakiaga – Chief Executive Officer ▪ Mr. Tobia Olando – Head of Policy
38.	Kenya National Chamber of Commerce and Industry	▪ Fred Ngatia – President ▪ Angela Ndambuki – Former Chief Executive Officer ▪ Nemaisa Kirieini – Special Programs & Specific Donors Consultant
39.	Kenya Investment Authority	▪ Dr. Moses Ikiara – Managing Director
40.	Micro and Small Enterprises Authority	▪ Mr. Henry M. Rithaa – Chief Executive Officer
41.	Law Society of Kenya	▪ Mr. Nelson Havi – President ▪ Mr. Allen Gichuhi – Former President ▪ Ms. Mercy Wambua – Secretary/Chief Executive Officer ▪ LSK Land and Conveyancing Committee
42.	World Bank Group-Kenya Investment Climate Program	▪ Kenya Country Office ▪ Ms. Sarah Ochieng – Program Manger Kenya Investment Climate Program III ▪ Mr. Frank Twagira – Task Team Lead Kenya Investment Climate Program III ▪ Ms. Doris Olutende – Business Reforms Specialist, Kenya Investment Climate Program III ▪ Ms. Amina Said – Legal Specialist Kenya Investment Climate Program III ▪ Mr. Brian Mwanjila – Business Reforms Specialist, Kenya Investment Climate Program III ▪ Ms. Florence Kimata – Business Reforms Specialist, Kenya Investment Climate Program III ▪ Mr. Gichinga Ndirangu – Business Reforms Specialist, Kenya Investment Climate Program III ▪ Ms. Valery Okwenda – Results Measurement Specialist Kenya Investment Climate Program III ▪ Mr. Lawrence Mensah – Former Regional Communications Officer ▪ Dr. Emmy Chirchir – Former Communications Consultant Kenya Investment Climate Program III
43.	IBM East Africa:	▪ Dr. Charity Wayua – Senior Research Manager ▪ Dr. Solomon Assefa – VP IBM Research Africa and Emerging Markets ▪ Ms. Sharon Okwako – Business Analyst ▪ Mr. Clifton Kipchirchir – Business Analyst ▪ Ms. Sarah Kimura – Business Analyst and Project Manager ▪ Dr. Kamal Bhattacharya – Former Director and VP IBM Research Africa ▪ Dr. Nathan Wangusi – Research Scientist ▪ Ms. Sheila Kidenda – Business Analyst ▪ Ms. Edel Were – Business Analyst ▪ Ms. Valentine Njoroge – Business Analyst ▪ Ms. Tabitha Olang – Business Analyst ▪ Ms. Nzilani Kaunda – Business Analyst ▪ Mr. Arphaxade Sifuna Wanjala – Business Analyst ▪ Ms. Jacquiline Wachuka Mathenge – Business Analyst ▪ Ms. Evelyn Chaki – Business Analyst ▪ Ms. Mercy Muiruri – Business Analyst
44.	International Development Law Organization (IDLO)	▪ Ms. Barbara Kilei – Commercial Legal Specialist ▪ Mr. Victor Otieno – Court Administrator

Part of the Delivery Team During the 2019 Reform Action planning Strategy Session

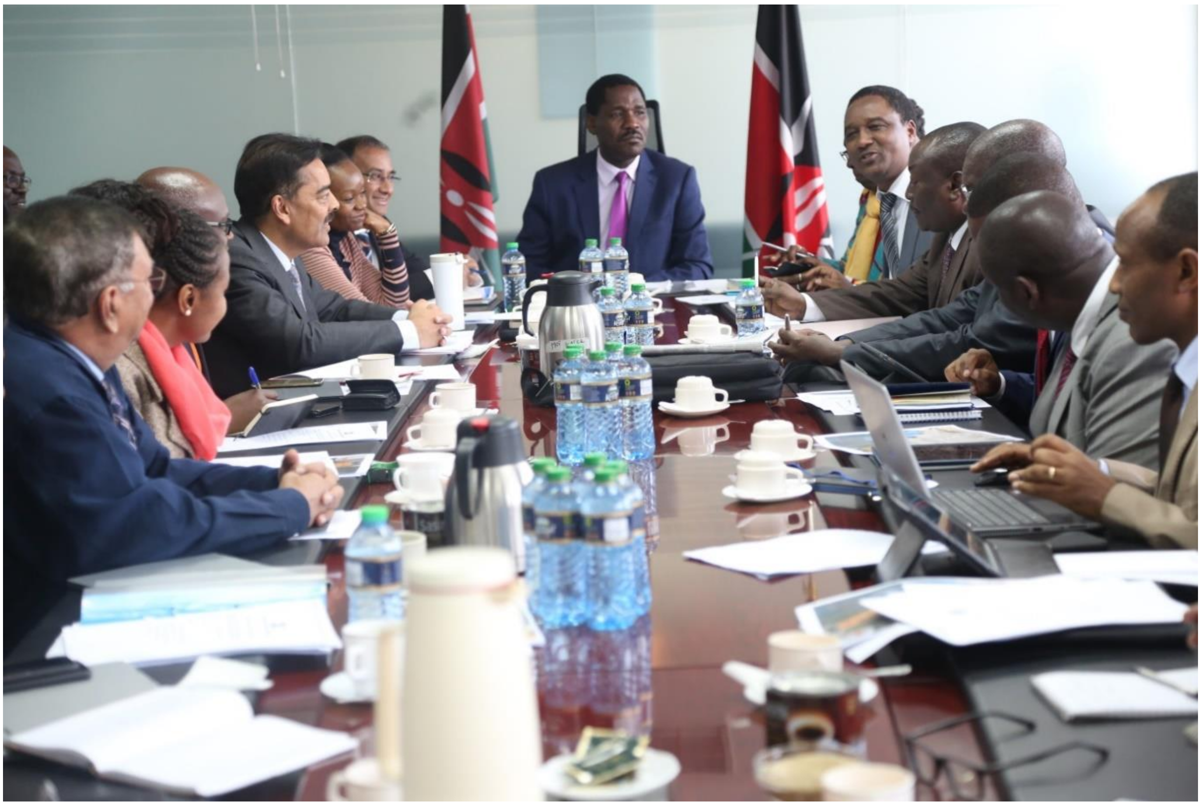
Honouring Delivery Team members recognized by the H.E the President in 2018



Doing Business Development Partners with H.E. the President in 2019

Reviewing the Online filing system at the Milimani Commercial Courts

During a Ministerial Stakeholder Forum between the Private Sector & Government on Energy



Consultative session on Industry matters with the Private Sector

The launch of the *Doing Business 2019* report results by His Excellency the Deputy President

A Government of Kenya Publication
Ministry of East African Community & Regional Development
Department of Business Reforms & Transformation