

DESCRIPTION OF KENYA'S CURRENT SYSTEM FOR CITES PERMIT PROCESSING

1. Current State for CITES permit processing

The current way of application for and processing of CITES permits is largely done manually. Traders can access the application form for CITES export/ re-export or import permits on the Kenya Wildlife Service's (also the CITES Management Authority- MA) website or pick a hard copy of the application form from the MA's office at the Headquarters in Nairobi. Traders fill in the application forms and present them in hard copy together with relevant documents to support of their applications the MA. Processing of the Application by both the MA and the Scientific Authority (SA) is done manually. Once the MA approves of the application, the trader makes payments for relevant fees either by depositing the cash in the MA's bank account or paying mobile cash through telephone to the MA's pay bill account. The CITES permit is then issued to the trader upon verification of the payment.

2. Attempts towards an electronic permitting system

The Government of Kenya launched The Kenya National Electronic Single Window System (also referred to by its initials as KESWS) in January 2011. KESWS serves as a single entry point for traders and partner government authorities facilitating trade through licenses and permits to lodge documents electronically for processing and approval and make payments electronically for fees, levies and taxes due to the government on goods imported or exported. KENTRADE, a State Corporation under The National Treasury, is charged with the mandate to facilitate cross-border trade, and establish, manage and implement KESWS. The overall objective of KESWS is to facilitate trade by reducing delays and lowering costs associated with clearance of goods at the Kenyan borders while maintaining requisite controls and collection of fees, taxes and duties. Through KESWS, traders and the government of Kenya were to benefit as follows:

1. Greater harmonization and better sharing of the relevant data across government departments and result in improved efficiency
2. Transparency and effectiveness of official controls
3. Enhance revenue collection by the Government
4. Reduced costs of doing business for both Government and the business community
5. Increased national competitiveness
6. Reduction in transaction time

The CITES MA, together with other government authorities that play a role in wildlife regulatory and enforcement framework were incorporated in KESWS in 2014. These are the Directorate of Veterinary Services, Kenya Plant Health Inspectorate Services, National Environment Management Authority, Kenya Revenue Authority and the National Commission for Science, Technology and Innovation. KENTRADE intends to bring on board the National Museums of Kenya, which is Kenya's Scientific Authority- SA) in a subsequent phase.

Functionalities included in KESWS

Three trade regimes in KESWS were relevant to the MA, namely, export, import and re- export. The processes included are: application for permit by trader, processing of application by the government authority through checking, verification, inspection and trader feedback, electronic payment of permit fees, permit printout by trader. Key information required in the application and processing stages included trader details, importer details, exporter details, transport details and description of goods being traded. These functionalities were standard to all participating government authorities. The MA made a request to KENTRADE to modify some of the existing functionalities and add new functionalities in the MA's portal to be in line with our operational procedures for application and processing of the trade permits. As a result, two additional functionalities were designed to cater for the MA's needs. The first was under approval terms where the system would require the trader seeking the trade permit to upload permits or certificates previously issued by KWS or any other government authority in Kenya or an import permit issued by the country of origin. Another addition under approval terms was the need for the trader to specify the purpose of the export or import, where the existing CITES codes for purpose of trade were incorporated in the system. The second functionality allowed for a description of the items being traded. Here HS- Codes relevant to wild plants and animals were selected for the ease of traders to select as applicable and provisions made for specifying item's scientific and common names, quantities and weights as necessary.

The MA, KENTRADE and select traders tested and piloted the system. However, the MA discontinued usage of KESWS due to the following challenges:

1. The "print permit" function in the system was open to the trader. The MA requires that it takes care of permit security features and the trader to collect the original permit from the MA.
2. Concerns about the system being hacked and fraudulent CITES permits being used.
3. There were concerns that some critical internal procedures for processing the applications need to be internal to KWS or operate in a system separate from KESWS.

An electronic system for applying for and processing CITES permits is a very welcome idea due to the numerous advantages it brings to the citizens, international clients and the Government. The system presents an opportunity to share information and conduct verifications between the MA and all other lead government authorities responsible for wildlife regulatory and enforcement framework, including the SA. The opportunity to address the above three concerns may be found by developing a "back-end" electronic system internal to the MA with provisions to conduct internal procedures of permit processing and a link to the KESWS. The trader can still make an application for a CITES permit on KESWS, the application is routed to the MA's internal 'back-end' processes and the trader can get a feedback through KESWS on the status of his application and course of action required of him. The "back-end" system can be made to provide for printing the permit details as opposed to the present manual way of issuing permits and incorporation of security features and authorized signatures on permits outside of KESWS.