



**Northern Corridor
Transit and Transport
Co-ordination Authority**

NORTHERN CORRIDOR TRADE AND TRANSPORT LOGISTICS STAKEHOLDERS' SURVEY

Mombasa - Kampala Transit Section

October 2014



**Efficient Transport System for Reduction of
Time and Cost of Doing Business**



Acknowledgements

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Glossary

Acronyms

AfDB	African Development Bank
ASYCUDA	Automated System for Customs Data
C2	Cargo Manifest
C/Agent	Customs Agent or Clearing and Forwarding Agent
CBC	Customs Business Center
CBTA	Cross Border Traders Association
CIF	Cost Insurance and Freight
CFS	Container Freight Station
CMR	Contrat de Transport International de Merchandises par Route – Contract for International Carriage of Goods by Road (Transport Letter)
COSIS	Customs Oil Stock Information Systems
COMESA	Common Market for Eastern and Southern Africa
DGDA	Direction Générale des Douanes et Accises (DRC Customs and Excise)
DO	Delivery Order
DPC	Document Processing Center
DRC	Democratic Republic of Congo
EAC	East African Community
EAC-CMA	East African Community – Customs Management Act
EAC-CMR	East African Community Customs Management Regulations
ECTS	Electronic Cargo Tracking System
e-SWS	Electronic Single Window System
FEAFFA	Federation of East African Freight Forwarders Association
GFI	Global Fluids International
GVW	Gross Vehicle Weight
HS-WIM	High Speed Weigh In Motion

ICD	Inland Container Depot
ISCOS	Inter-Governmental Standing Committee on Shipping
IT	Information Technology
JBC	Joint Border Committee
KeNHA	Kenya National Highways Authority
KNESWS	Kenya National Electronic Single Window System
KENTRADE	Kenya National Trade Network
KEPHIS	Kenya Plant Health Inspectorate Services
KIFWA	Kenya International Freight Forwarders and Warehousing Association
KPA	Kenya Ports Authority
KPLC	Kenya Pipeline Company Limited
KRA	Kenya Revenue Authority
KRC	Kenya Railways Corporation
KTA	Kenya Transporters Association
KWATOS	Kilindini Water Front Operating System
LAN	Local Area Network
MCT	Mombasa Container Terminal
MICD	Multiple Inland Container Depot
MPRO	Mombasa Port Release Order
NC	Northern Corridor
NCTTA	Northern Corridor Transit and Transport Agreement
NCTTCA	Northern Corridor Transit and Transport Coordination Authority
OMC	Oil Marketing Company
OSBP	One Stop Border Post
PIL	Pacific International Lines
PIN	Personal Identification Number
PVoC	Pre-Verification for Conformity
RCTG	Regional Customs Transit Guarantee

RPB	Kenya Radiation Protection Board
RRA	Rwanda Revenue Authority
RSS	Road Side Station
RVR	Rift Valley Railways
SIMBA	Electronic Business System used by Kenya
SS-WIM	Slow Speed Weigh In Motion
T810	Kenya - Transit Entry (Inwards)
T812	Kenya - Road Transit Customs Declaration
TANCIS	Tanzania Customs Integrated System
TEU	Twenty Foot Container Equivalent Unit
TMEA	TradeMark East Africa
UCIFA	Uganda Clearing Industry and Forwarders Association
UFFA	Uganda Freight Forwarders Association
UNRA	Uganda National Roads Authority
URA	Uganda Revenue Authority
WIM	Weigh In Motion

Executive Summary

1. Trade and transport facilitation is currently one of the main channels being pursued by the Governments in the Northern Corridor Region to foster economic development and wellbeing of people in the Region. The Northern Corridor Transit and Transport Coordination Authority (NCTTCA) is an intergovernmental organization established under the Northern Corridor Transit and Transport Agreement (NCTTA) with a primary focus of facilitating trade and transport among its Member States which use the Port of Mombasa.
2. In the recent past, the NCTTCA Secretariat has been tasked by the Governments in the Region to monitor the performance of the stakeholders involved in the handling and clearance of goods along the Northern Corridor; and identify any impediments to trade and transport which need to be addressed. In response to this, the NCTTCA Secretariat undertakes several activities geared towards this direction.
3. In this regard, in collaboration with development partners and stakeholders, the Secretariat developed and maintains the Transport Observatory and Dash Board, monitors the implementation of the Mombasa Port Charter and undertakes campaigns for voluntary vehicle load compliance. Furthermore, the Secretariat carries out periodic surveys to; monitor implementation of the NCTTCA Policy Organs recommendations; sensitize stakeholders about ongoing trade facilitation initiatives; identify and address the Non Tariff Barriers along the Northern Corridor.
4. The periodic Northern Corridor Trade and Transport Logistic Survey was conducted in October 2014 by a multidisciplinary Survey Team comprising of the public and private sector stakeholders involved in the handling and clearance of goods along the Corridor. The Survey covered the transit sections of Mombasa – Nairobi; Nairobi – Malaba via Eldoret, and Malaba – Kampala. The Survey Team made observations on the; physical transport infrastructure and facilities in place; procedures for handling and clearance of goods along the Corridor and held plenary sessions with the stakeholders operating at the transit nodes to discuss the findings of the survey and agree on a way forward.
5. From the observations made in this Survey Report, it is pertinent to recognize efforts made by the stakeholders towards trade and transport facilitation along the Northern Corridor, notably; the High Speed Weigh in Motion weighbridges which have contributed greatly to reduction in delays at weighbridge stations, rehabilitation of road infrastructure, implementation of the electronic Single Window System, implementation of the Electronic Cargo Tracking Systems and implementation of the Single Customs Territory. Nonetheless, the Survey Team identified areas that need addressing to further enhance trade and transport facilitation, as follows;
6. **Exchange of information:** There is poor interconnectivity of the electronic business systems of the stakeholders involved in the clearance of goods, intermittent network and electronic system downtimes and slow speed of systems (slow migration or mapping of information from one system to another) were identified as a major cause of delays in the clearance of internationally traded goods.

Development of a single Regional Community platform for exchange of information among the stakeholders will address the challenges faced by the stakeholders in interfacing their systems.

7. **Non observance of the 24/7 working schedule at some key transit nodes;** A good number of transit nodes such as the Port and the key border stations have been designated as 24/7 stations. However, it remains a challenge to have all the regulators especially the standards agencies and some private sector stakeholders to work 24/7. In the case of Eldoret fuel depot, it was observed that some key stakeholders do not work over the week-ends. Often a good number of trucks loaded with fuel on Fridays are held for 3 days at the depot waiting for a working day to have them cleared and released for transit. It is also a safety concern to keep loaded fuel tankers at the depot for long periods of time.

Facilitation of pre-clearance of fuel by the Revenue Authorities will mitigate delays at the Eldoret fuel depot. Furthermore, there is need for stakeholders at the fuel depots to work over the week-ends.

8. **Long queues of trucks at the Webuye Weighbridge Station:** The short access lanes for trucks approaching the Webuye HS-WIM weighbridge station is contributing to the ineffective operations of the weighbridge towards reduction of delays of trucks in transit. Often trucks diverting to the static scales block the passage of those approaching the HS-WIM weighbridge thereby causing a jam and long queues at the Station.

Increasing the length of the access lanes to the HS-WIM weighbridges will enhance efficient and effective operations of the HS-WIM and greatly reduce delays at the weighbridge stations.

9. **Delays at the Malaba Railway OSBP Station:** The Survey Team found over 100 loaded wagons in transit to Uganda which had spent five days in the Malaba railway yard. The delays were as a result of the wagons arriving at Malaba railway station without the transporters copies of customs documents (exit notes/form C2) which are required by customs to interrogate their systems to clear goods.

The customs authorities need to make use of information in their IT systems to clear goods which they receive in their areas of control other than relying on hard copies from the transporters. On the other hand as is the case for truckers, RVR should provide copies of the exit notes/ form C2 to the train master/driver for the cargo being transported by the train.

10. **Lack of awareness about the Single Customs Territory operations:** It was observed that the level of awareness of the operations of the SCT was still very low. There are several benefits to be enjoyed by traders in clearing their goods under the SCT framework. However, the sensitization and training of stakeholders to prepare them for the SCT was limited to the cities leaving out stakeholders at the key border posts and major towns where internationally traded cargo is cleared. For example at Malaba, most clearing agents had neither received training in ASYCUDA/SIMBA nor had they obtained passwords to enable them transact business under the SCT.

To improve implementation, localize sensitization on the SCT, other trade facilitation initiatives and ASYCUDA/SIMBA training of the stakeholders across the region i.e. hold sensitizations and training sessions at key border stations and major towns where international traded cargo is handled/cleared.

11. **Penalizing transporters for shippers/importers misdeeds:** During the visit to Mariakani Law Courts it was observed that transporters that have no formal contracts with owners of goods often end up penalized for the misdeeds of the cargo owner. In such cases, it is presumed by the courts of law that the transporter is an accomplice to the offence involving the goods being transported.

Implementation of the use of the Road Transport Letter (CMR) will mitigate the penalties suffered by the transporter for the misdeeds of the owner of the cargo. Furthermore, self regulation by transporters should be promoted; promote the observance of the Vehicle Axle Load Control Charter.

12. **Costly and disconnected ECTS for monitoring cargo in transit:** Vehicles carrying cargo in transit are required to have an ECTS for each country they transit. When a truck reaches the border the ECTS for that country is removed and replaced with that of the next country of transit. The system is costly to the transporters furthermore; none of the stakeholders involved in the handling and clearance of goods is able to monitor the cargo across borders from origin to destination.

Interconnect the ECTS or adopt one of the ECTS systems being used such as the one seen in Uganda where all the stakeholders involved in the handling and clearance of goods are able to receive alerts in regard to movement of their cargo while in transit. The cost of operating the ECTS in the Region should also be harmonized.

13. **Multiple weighing of trucks and variation in enforcement of vehicle load controls:** The Survey Team observed that most of the trucks subjected to multiple weighing at weighbridges along the Northern Corridor were compliant with the gross vehicle weight limits, but not compliant with the axle load limits. This was mainly attributed to the shifting of cargo in the truck/container when the truck is in motion which causes overload on some axles. It was also observed that whereas in Uganda trucks compliant on GVW but not compliant on axle load were allowed to proceed on their journeys without any sanctions, in Kenya, this was not the case despite both countries enforcing the same law.

Transporters should brace and block their cargo when loading their trucks to restrict shifting of cargo when the truck is in motion. For the case of containerized cargo, the traders need to instruct their suppliers to block and brace the cargo in the container at the time of loading the cargo in the container at the place of origin.

Application of the law on vehicle load controls uniformly across the region will enhance the campaign against overloading and voluntary compliance.

14. **Underutilized/Unutilized transport infrastructure:** Due to the inefficient railway system it was observed that facilities such as the ICD's that had been put up to decongest the Mombasa Port and also facilitate the stakeholders to clear their goods from inland dry ports are underutilized like the case for Embakasi-Nairobi, Kisumu and Eldoret ICD. These facilities may come in handy for clearance of goods especially those destined to the neighboring countries which require physical examination before their release by customs.

The construction of the Standard Gauge Railway should put these ICDs into consideration as facilities that are vital for handling and clearance of exports, transit and cargo under the SCT. The ICD's are also vital for deposit of empty containers for repositioning to Mombasa.

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INTRODUCTION

Background:

1. The Northern Corridor Transit and Transport Coordination Authority (NCTTCA) was established in 1985 under a multilateral Agreement to co-ordinate implementation of the Agreement and carry out decisions and resolutions reached by the Policy Organs of the Authority.
2. The revised Northern Corridor Transit and Transport Agreement (NCTTA -2007) provides a framework for cooperation on issues related to trade and transport among its member States; Burundi, Democratic Republic of Congo, Kenya, Rwanda, South Sudan and Uganda. One of the key activities of the NCTTCA Secretariat is to conduct periodic surveys of the Northern Corridor for identification and removal of Non Tariff Barriers.
3. The October 2014 Northern Corridor Stakeholders Survey was carried out from 06th to 18th October 2014 and covered the Northern Corridor transit section of Mombasa – Kampala via Nairobi, Eldoret and Malaba. The Stakeholders Survey Team comprised of the Public and Private sector stakeholders involved in the handling and clearance of cargo along the Northern Corridor, ISCOS, TMEA and NCTTCA Secretariat.

Objectives of the Survey

4. The objective of the October 2014 Northern Corridor Stakeholders Survey was to:
 - Assess the progress of implementation of the NCTTCA Policy Organs recommendations and the progress of implementation of current trade facilitation initiatives by the member States and their impact on trade and transport facilitation.
 - Obtain an update on the prevailing conditions regarding transport and trade along the Mombasa to Kampala transit section.
 - Identify challenges faced by the users and regulators along the Northern Corridor and opportunities available to address the challenges.
 - Collect pertinent data and information to feed the Transport Observatory.
 - Sensitize stakeholders about the ongoing trade and transport facilitation initiatives along the Northern Corridor.

Survey Methodology:

5. The methodology used for the survey encompassed:
 - a. A multidisciplinary Survey Team comprising of international trade facilitation agencies and the key public and private sector stakeholders involved in the handling and clearance of cargo along the Northern Corridor was constituted.
 - b. A check list used as a guide to conduct the survey, highlighting the transit nodes to be surveyed and areas of focus at these nodes was developed.
 - c. The survey exercise entailed;

- Making physical observations;
 - Examining the business processes and the documents used in clearance of cargo;
 - Interviewing the public and private sector operators involved in the handling and clearance of cargo and people;
 - Conducting plenary meetings with the stakeholders at the transit nodes of Eldoret, Malaba and Kampala to enable the stakeholders to have an input in the recommendations made.
- d. Validation of the report of the Survey; a workshop to validate the report of the October 2014 Northern Corridor Stakeholders Survey was held on 8th December in Nairobi. The participants during the workshop included the public and private sector stakeholders from the six NCTTCA member States involved in the handling of cargo along the Northern Corridor most of whom participated in the Survey either as members of the Survey Team or Stakeholders that were met with during the survey.

Scope of the Survey:

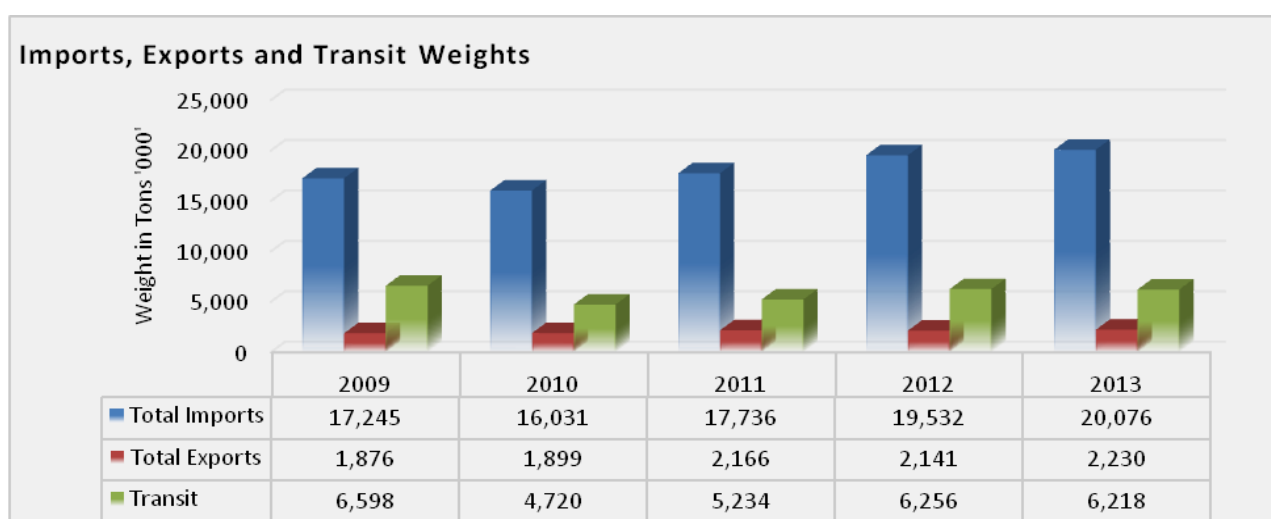
6. The Survey covered the transit sections and nodes of: Mombasa – Nairobi, Nairobi – Eldoret, Eldoret – Malaba and Malaba – Kampala.
7. The Key stakeholders met during the survey, workshop and consultation visits included:
- Ministry of Transport and Roads officials
 - Revenue/Customs Authorities
 - Highway/Road Authorities
 - Customs Clearing Agents
 - Transporters
 - Police
 - Immigration
 - Standards Agencies
 - Cargo handlers (Parking Yard, Transit Sheds and ICD's Operators)
 - Chambers of Commerce
8. The areas examined during the survey included:
- Infrastructure/facilities used in the transportation, handling and clearance of cargo
 - Transport policies and regulations in place
 - Documentation
 - Transaction Costs
 - Axle Load enforcement
 - Cross cutting issues (safety, security etc)
 - Updates on the new developments along the Northern Corridor which include:
 - Clearance processes and documentation at the Mombasa Port
 - Transport Observatory requirements

PART: I

SURVEY OF THE MOMBASA TRANSIT NODE

9. The Port of Mombasa is the gateway to the Northern Corridor. Over the years the Port has witnessed growth in the volume of cargo outstripping its installed capacity (20m tons) thus necessitating expansion of cargo handling facilities and other improvements by KPA to meet the demands of their clients. In view of the importance of the Port of Mombasa to the Northern Corridor member States, it was critical to conduct a survey of the stakeholders at the Port to get an update of their operations and also identify any challenges and opportunities for improvement.

Volume of cargo transported through the port of Mombasa over the past five years



Source: TOP Report 2014

10. The survey of the Mombasa transit Node covered several areas and stakeholders operating at Mombasa involved in the handling and clearance of goods transported through the Mombasa Port as highlighted below:

A. Kenya Ports Authority (KPA):

11. The Kenya Ports Authority is a statutory body whose mandate is to maintain, operate, improve and regulate all inland ports and sea ports situated along Kenya's coastline.
12. KPA's operations are automated; KPA uses the Kilindini Waterfront Terminal Operations System (KWATOS) a web based system that facilitates online clearance of cargo transported through the Port of Mombasa. KPA has taken a phased approach to integrate its business processes with the Kenya National Electronic Single Window System (KNESWS).
13. Phase I of the integration of the KPA systems with KNESWS incorporates inbound processes namely submission of ship manifests, delivery order, vessel arrival, cargo release module and generation of reports and statistics. Full rollout of Phase I is expected to be in December 2014. Phase II of rollout of the KNESWS will incorporate integration of the outbound KPA processes.

14. To facilitate expeditious clearance of cargo under the Single Customs Territory (SCT) Regime, KPA is working towards integration of its KWATOS system with the SIMBA used by KRA and ASYCUDA used by URA and RRA, however, the process is facing some technical challenges. Besides integration by KPA of its business systems with those of URA and RRA, discussions were reported to be ongoing towards the integration with the Burundi Revenue Authority ASYCUDA and the Tanzanian TANCIS.

➤ **Status of KPA automation and IT systems integration with the KNESWS**

15. The pending arrival report (IRA) and the conventional vessel manifests have been fully integrated in the KNESWS and implemented. Lodgment and transmission of manifests is not yet implemented, however, piloting is being done with a selected number of shipping lines.

16. Inbound processes are not yet fully implemented, outbound processes are still under development; inbound processes deal with goods imported through the Port of Mombasa whereas outbound processes deal with goods exported through the Port.

17. The Manifest Management System will send manifests to SCT agents lodging through the KNESWS

➤ **Online facility to ease payment of KPA Mombasa Port dues**

18. KPA has put in place a web based online system to ease payment of Port dues for goods handled through the Port of Mombasa. To use the system, one has to apply for an account with KPA. The application is made online; the requirements for application include the company registration certificate, customs agency license, PIN/TIN certificate, Bank details, name(s) of directors, and name of contact person. For account opening use of yahoo, hotmail and gmail addresses is not accepted. The applicant upon approval receives a password for his account online. The applications for opening accounts with KPA are submitted to the e-mail address; credit.controller@kpa.go.ke

➤ **Measures by KPA to improve performance of Mombasa Port**

19. The initiatives by KPA to improve performance include:

- Expansion of the container terminal; phase one is ready and has a capacity of 0.4m TEU's when the project is completed it will add another 1.2m TEU's to the capacity of the container terminal.
- Revitalization of the Kisumu and Nairobi ICD's, however, the facilities are currently underutilized because of the malfunctioning railway system.
- Expansion of gate 18 to 20 to create addition capacity of evacuating cargo from the Port.
- KPA is to increase levels of staking in yards No. 1 to 14
- Widening of road at gate 10 to at least 6 meters
- Opening of Berth 11 for use by vessels carrying containers to minimize bunching of vessels.
- Availability at the Port of a private weighbridge at the conventional cargo side for use by trucks leaving the Port to ascertain compliance to the vehicle weight limits before proceeding on their journeys.
- It should be noted that, KPA weighs incoming trucks but not outgoing trucks.



Mombasa Port - Berth 19: The newly constructed berth 19 can accommodate larger vessels such as the Post Panamax vessels which carry larger volumes of cargo thereby generating economies of scale and lower freight costs per unit/container transported.

➤ **The challenges include:**

20. Challenges faced by KPA include:

- Delay in approval of manifests for containerized vessels; however, it was reported that approval of manifests is being monitored from its submission to confirmation of mapping into the KRA systems by KENTRADE.
- With the implementation of the SCT and KNESWS, KPA is receiving releases from many systems and this is a challenge to their system (KWATOS).
- Bunching of vessels at the Port leading to increase in waiting time and turnaround time for vessels.

➤ **Recommendations:**

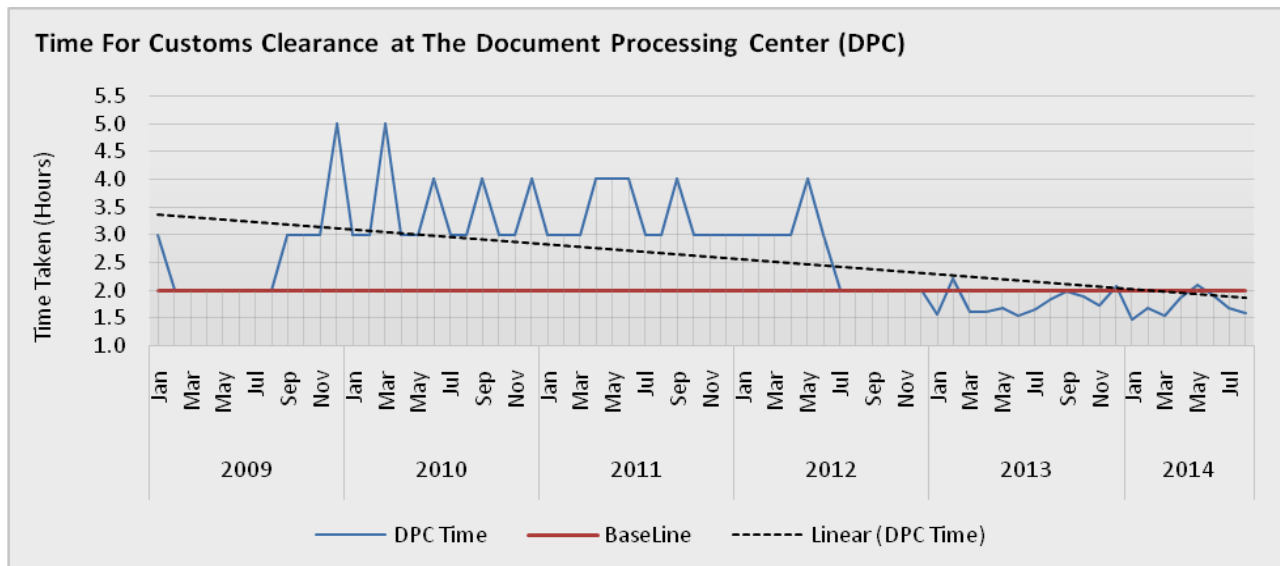
- The business systems from the Revenue Authorities should be aligned such that releases can be received from a single platform e.g. Single Window System.
- Waivers of demurrage by KPA should be considered in situations where the delay in clearance of cargo is as a result of systems downtimes.

B. Kenya Revenue Authority (KRA)

21. There are several measures that KRA has put in place to facilitate clearance of cargo at the Port of Mombasa. Such measures include:

- Pre-clearance of cargo; once the manifest provided by the shipping lines is approved by KRA, the Clearing Agents can enter the goods and pay their taxes even before the cargo is offloaded from the vessel.

- Joint verification/examination of cargo with Other Government Agencies at the Port such as KEBS, KEPHIS and Poisons Board. Physical examination of goods at the Port is done at 10:30 am and at 3:00 pm.
- Use of risk management in clearance of cargo and use of non intrusive methods of examination of cargo.
- Integration of KRA SIMBA system to the KNESWS is ongoing with the Import Declaration Form module set to be fully rolled out by 1st December 2014.
- Integration of customs IT business systems with Uganda and Rwanda is ongoing.
- Use of ECTS to monitor movement of goods subject to customs control as opposed to use of physical escort.



Source: TOP Report 2014

22. Time of Customs Clearance at the DPC has gone down this is partly attributed to the SCT where some of the cargo initially cleared through the DPC is having its clearance done in the country of destination of the cargo.

➤ **Challenges faced by KRA:**

23. Challenges faced by KRA include:

- Pre-clearance of cargo still faces a challenge since KRA does not approve partial manifests lodged by shipping lines.
- Shipping lines are required to submit multiple manifests i.e. electronic and hard copies.
- Delays in cancellation of customs bonds leading to inefficient utilization of general bonds executed by clearing agents; there is no automatic cancellation of bonds upon exit of goods from the Kenyan territory as is the case with the other Revenue Authorities along the Northern Corridor.
- Challenges of clearance of goods under the SCT, integration of ASYCUDA and SIMBA still in infancy stage and causing a lot of delays.

- It was reported that there was still mis-declaration of goods meant for Kenya as goods in transit.
- Challenge of tracking and reconciliation of imports through the Mombasa Port; some goods are being declared through the KNESWS while others are not such as the goods destined outside Kenya.
- Inadequate staffing contributing to delays of exit of trucks from the Port, for example there is only one KRA officer manning Gate 18 at Mombasa Port, the Gate used to be manned by six officers.

➤ **Recommendations:**

- KRA should put in place facilities to allow partial manifest in order to enhance further the pre-clearance of goods at Mombasa Port.
- KRA should empower its staff at the border stations that clear and witness exit of goods from Kenya to cancel the customs bonds once the goods leave the Kenyan territory.
- To monitor risky cargo in transit, only ECTS compliant trucks should be allowed to carry sensitive goods in transit. Furthermore, there is need to strengthen and quicken response once an alert is triggered by the ECTS.
- All manifests for goods Imported through the Port of Mombasa should be declared through the KNESWS.
- KRA should beef up its manpower at Gate 18 to expedite exit of trucks from the Port.

C. Uganda Revenue Authority (URA) Mombasa Port Office

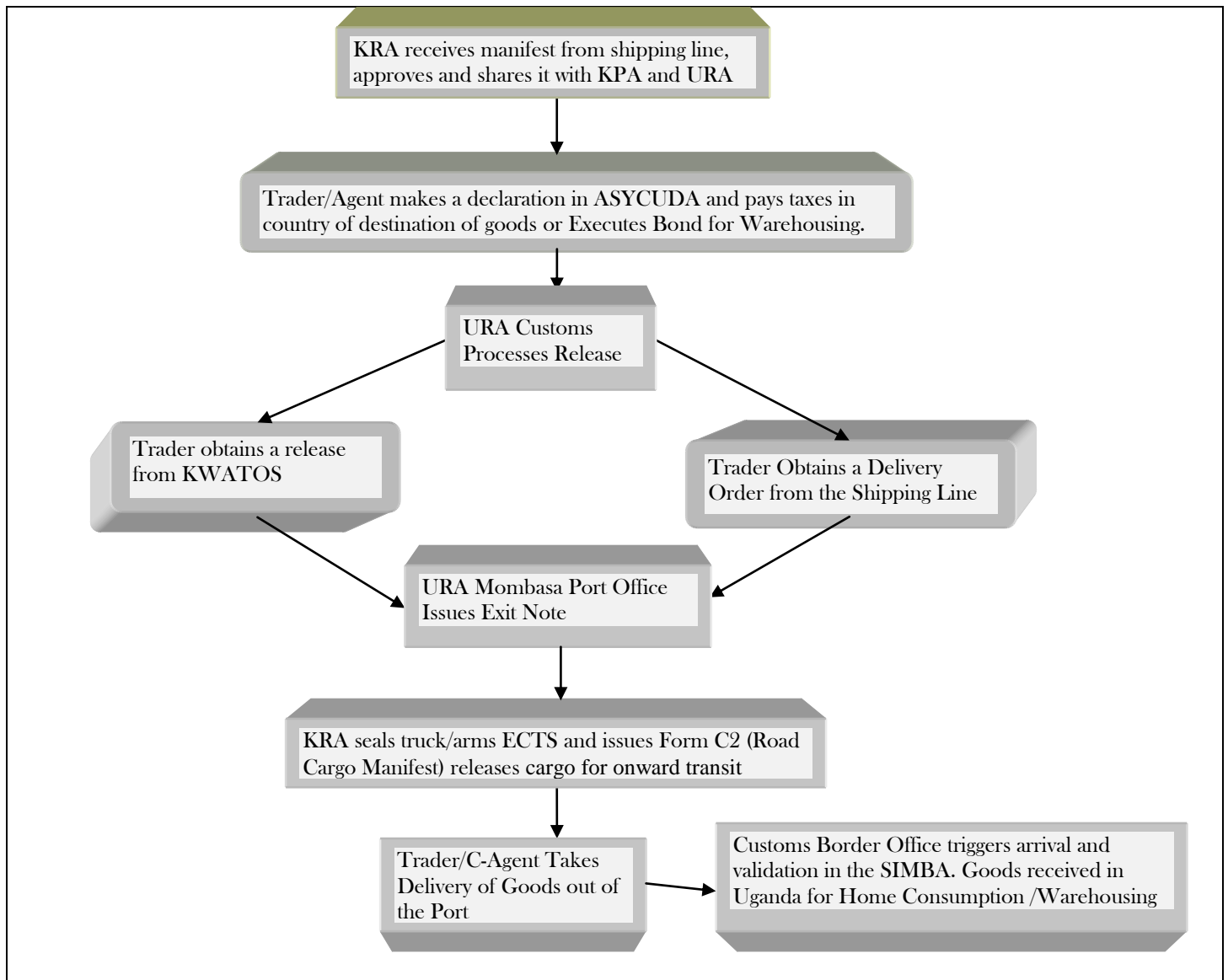
24. Following the implementation of the EAC – Single Customs Territory, URA opened an office at the Port of Mombasa and other key transit nodes in Kenya where cargo destined to Uganda is cleared. Goods destined to Uganda cleared under the SCT are declared through ASYCUDA – Uganda and have their taxes paid in Uganda before being released in Kenya to proceed on their transit journey to Uganda.
25. URA has trained about 350 Kenyan Clearing Agents to participate in the SCT clearance of goods destined to Uganda. Out of the 350 clearing agents trained in the use of ASYCUDA 97 were given passwords to enable them clear goods destined to Uganda.

➤ **Requirements by URA for Customs Agents to clear goods under the SCT**

26. Requirements for Customs Agents to clear goods under the Single Customs Territory include:
 - Valid Customs Agency License (From any of the EAC Partner States)
 - Clean track record
 - Training in re-modeled business processes
 - Training in the regional customs information management systems (e.g. ASYCUDA, SIMBA, TANCIS)
 - Execution of RCTG
 - Registration with Ports Authorities

- Registration with shipping lines associations

➤ **SCT procedure at Mombasa Port for clearance of goods destined to Uganda**



27. There is currently no examination by URA at the Mombasa Port of goods cleared under SCT. However, in future manpower will be deployed for the examination of goods. Agencies that need to intervene in the clearance of cargo will deploy their staff at the Port of Mombasa. There are two regimes being used in the clearance of goods destined to Uganda under the SCT, namely; Home Consumption and Warehousing Regime.
28. Currently only a few items are being cleared under the SCT with roll out of more items for clearance under the SCT being done periodically. In future goods selected Red in the ASYCUDA will be verified from the CFS's at Mombasa before proceeding on their journey to Uganda.

➤ **Challenges:**

- URA is not directly linked to the shipping lines to receive the ships manifests; they obtain data from KRA, this is after KRA approves the manifest received from the shipping lines. There is a delay in mapping of manifests from KRA to URA system.
- So far URA has trained about 350 clearing agents in Kenya, compared to the number of agents in Kenya (about 2,000) this is still a small number.
- Some traders issue copies of a Bill of Lading to more than one clearing agent to clear their goods leading to multiple declaration of same consignment.
- There is general lack of awareness of the SCT; Stakeholders are not informed in advance prior to implementation of new procedures.
- Unstable IT systems used in the clearance of goods; slow speed of systems and frequent systems downtimes.

➤ **Recommendations:**

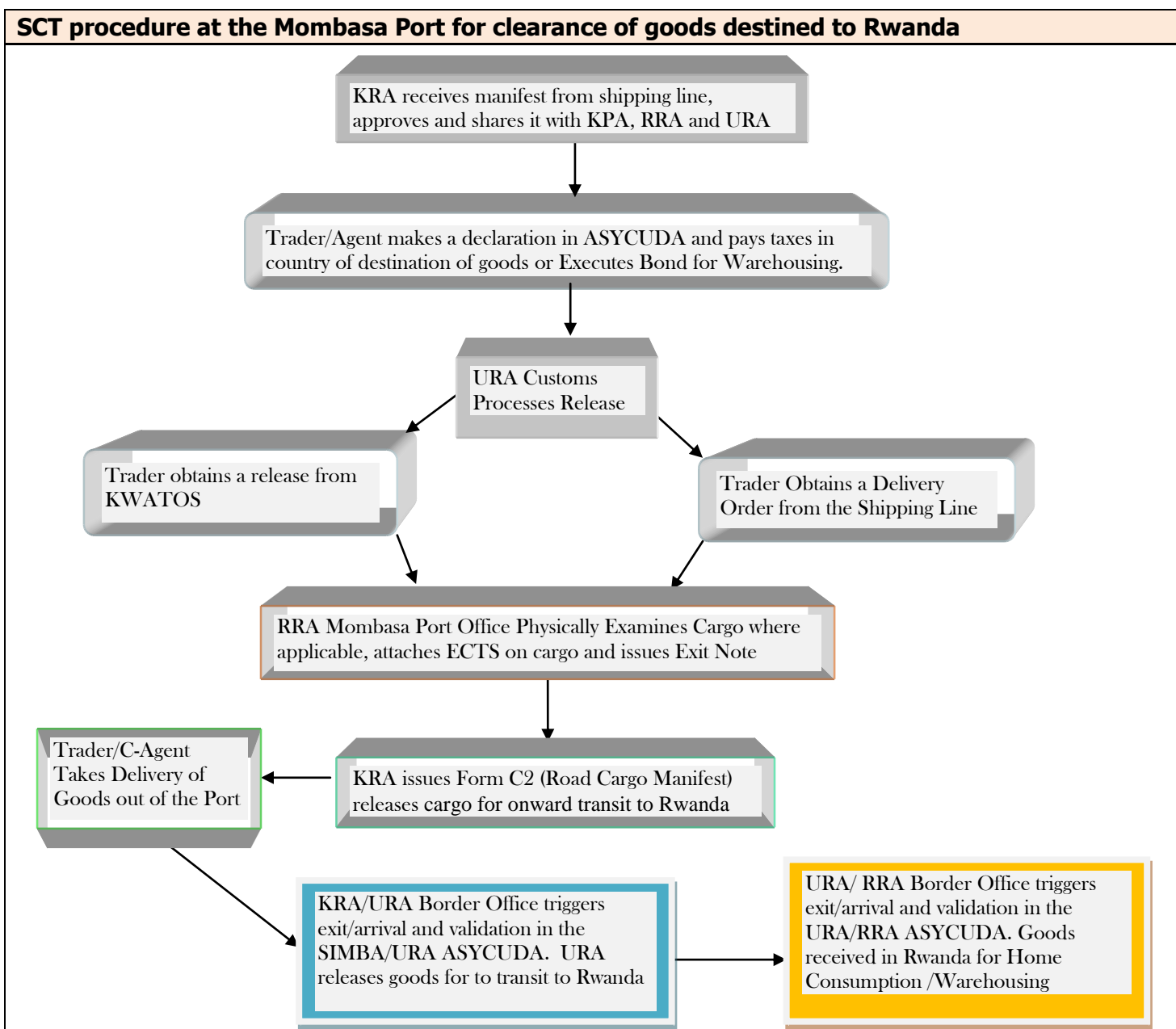
- Explore the option of URA receiving approved manifests through the KNESWS.
- Training of agents should be done in phases and should cover all key stations where cargo is cleared.
- Once a declaration has been logged against a bill of lading then it should be blocked from another declaration being made against it.

D. Rwanda Revenue Authority (RRA)

29. Following the coming into force of the SCT operations, RRA posted its staff at the Port of Mombasa to examine and clear cargo destined to Rwanda imported through the Port of Mombasa. Furthermore, RRA has trained over 200 Kenyan Clearing Agents and given access rights to 109 C-Agents to use the RRA - ASYCUDA.
30. Currently all cargo to Rwanda imported through the Port of Mombasa is being cleared under the SCT regime. Once the ships manifest is approved by KRA it is shared with stakeholders in Rwanda who then prepare and lodge customs entries with RRA, pay taxes in Rwanda and RRA processes a release orders for the entries.
31. The process of clearance of goods at the Port of Mombasa does not necessitate the clearing agent to present hard copies of import documents. Examination of goods destined to Rwanda is based on risk selectivity which is imbedded within the ASYCUDA, only entries selected for the Red Channel are verified at Mombasa. All cargo selected for verification is transferred to Consolebase CFS where physical examination of goods by RRA officers takes place at cost of the shipper, Consolebase charges KPA approved rates for handling cargo.
32. The requirements for release of cargo by RRA at the Mombasa Port are; RRA ASYCUDA Release Order, truck details and name of the driver. RRA officers at the Port use this information to process the exit note for the goods. The exit note is passed over to KRA to generate form C2 for the physical release of goods from Mombasa to commence their transit journey to Rwanda. The

exit note generated by RRA is reflected in the KRA and URA systems i.e. customs systems of the countries through which the cargo transits on its way to Rwanda.

33. An ECTS seal is attached to the cargo by RRA before the cargo proceeds on its transit journey to Rwanda; cargo in transit whose taxes have been paid in the destination country is not bonded at the Port of Mombasa.



➤ **Challenges highlighted by RRA-Mombasa Port Office:**

- Examination of goods without presence of the owner
- Inadequate staff manpower

- Inadequate quantity of ECTS seals for sealing trucks leaving Mombasa to Rwanda.
- Challenge of Stakeholders to comply with the SCT, there was inadequate sensitization and training of stakeholders before the SCT was rolled out.

E. Kenya Trade Network Agency (KENTRADE)

34. Kenya Trade Network Agency is a State Corporation mandated to facilitate cross border trade, manage and implement the Kenya National Electronic Single Window System. The KNESWS is intended to create a single platform where private and public sector entities involved in receiving; processing and approval of trade documents will be integrated to enable traders' access information through a single point.
35. There are about 25 government agencies that are directly involved in clearance and handling of cargo in Kenya, of these only nine have got their own independent IT systems that are to be integrated to the KNESWS. KENTRADE is taking a phased approach to the integration process with 15 agencies to be integrated during Phase I of the project whose completion is anticipated in December 2014. Phase II shall see 10 more additional agencies integrated into the KNESWS.
36. The rollout of the Kenya National electronic Single Window System (KNESWS) commenced on 31st October 2013. Currently seven government agencies are operating through the Kenya National e-SWS, piloting to incorporate 8 more agencies on the KNESWS is ongoing and the remaining Government agencies will be brought on board in the last phase of the rollout. Currently the KNESWS is not integrated to any other National e-SWS. Regionally other than Kenya, only Rwanda has a functioning e-SWS.
37. In order to transact business through the KNESWS one requires a user ID and password and as such one has to register with KNESWS. A user ID and password is obtained by application, the applicant needs to have a personal PIN and or the organizations' PIN. Other requirements for registration include ones telephone number and e-mail address.
38. Each and every user of the KNESWS has his/her user name and password. Process of registration/application to obtain a user ID and Password is done online and takes less than a day; to register one can follow this link <http://kentrade.go.ke/registration/>. Furthermore, inquiries concerning the KNESWS can be made through the e-mail address contactcentre@kentrade.go.ke

Most of the information on the KNESWS is confidential; however, there is some general information on KNESWS that can be accessed by the public through the KENTRADE website www.kentrade.go.ke
39. Benefits of the KNESWS include easy identification of where a problem in clearance of goods lies. The system also manages systems downtimes notification whenever there is a delay in consuming a message by another system.

➤ **Challenges:**

- During implementation there are changes in stakeholder's requirements (systems functionalities and integration) which increase the cost and delays of implementation.
- Slow role out/resolution of issues that require the intervention of multiple government agencies.
- Stakeholders especially those outside Kenya are finding a lot of challenges with the new system and requirements for clearance of goods especially under the Single Customs Territory regime such as imports from Uganda to Kenya.
- How will stakeholders outside Kenya that do not have a PIN can clear through the KNESWS?

➤ **Recommendations:**

- Sensitize and train stakeholders in the region that are served by the Port of Mombasa about the KNESWS and clearance of goods under the SCT, train them in the use of the KNESWS, SIMBA and ASYCUDA. Furthermore, expedite the issuance of passwords to clearing agents to enable them clear through the ASYCUDA/SIMBA.
- The stakeholders outside Kenya who are clearing goods through the Kenya e-SWS should follow the KENSWS Standard Operating Procedures which are available on the KENTRADE website.
- Disseminate information about documentation, procedures and requirements for clearance of goods under the SCT especially through the Kenya e-SWS.
- Each agency should spearhead roll out of their respective documents in the KNESWS.
- Cost sharing by KENTRADE with the agency that requires the changes it is demanding in the KNESWS.

STANDARDS AGENCIES

40. Bureaus of Standards are key players in the clearing of cargo; they are legal bodies mandated by national Governments to ensure that goods entering and leaving the country meet the national/international standards and are fit for human consumption. The Survey Team met with several Bureaus of Standards in Kenya and Uganda which included KEBS, KEPHIS, RPB, UNBS, Veterinary and Plant Inspectors, Dairy Development Authority (DDA), Global Fluids International (GFI). Below are the Bureaus of Standards visited at the Mombasa Port:

F. Kenya Bureau of Standards (KEBS) - Mombasa

41. Kenya Bureau of Standards main role is to carry out verification and inspection of goods destined to Kenya. KEBS operations in Mombasa cover 27 duty stations with a workforce of 70 staff. KEBS Mombasa main office is located within the Mombasa Port. The Port of Mombasa on average receives about 3,000 TEU's and 375 motor vehicle units per day.
42. In order to minimize delays arising from inspection of cargo, goods imported into Kenya are supposed to be pre-inspected in the country of export before being shipped to Kenya. There are

currently four agencies that have been contracted by the Government of Kenya on its PVoC program to inspect goods before being loaded for importation into Kenya.

43. The agencies contracted on the PVoC program are namely; Bureau VERITAS, China Certification Inspection Company (CCIC), Intertek Testing Services (ITS), JEVIC and SGS. The cost of inspection of the goods is 0.475% of the CIF value of the goods and it is paid by the importer to the agency carrying out the inspection. One is required to have a PVoC certificate at the time of clearance of goods through Customs. There are heavy penalties for failure to pre-inspect goods before importation; goods imported without PVoC are inspected locally at a fee of 15% of the CIF value of the goods. The compliance level for PVoC is about 97% for vehicles and 80% for the other goods.
44. The goods found to be non compliant to the Standards are forwarded to the destruction committee for destruction. The cost of destruction is borne by the importer/consignee.

➤ **Challenges advanced by KEBS include:**

- Under staffing, most of the stations are manned by one staff.
- KEBS is yet to have its own in-house IT system; it is currently relying on the KNESWS.
- The laboratory for testing samples for quality is limited in scope of operations; therefore often goods are referred to Nairobi for testing.

➤ **Recommendations:**

- KEBS should build its IT system within the framework of the KNESWS other than developing and independent system and working backwards to interface with the KNESWS.
- Expedite the building of a bigger lab with bigger scope of operations in Mombasa.
- Deploy more staff at Mombasa to fasten service delivery.

G. Kenya Radiation Protection Board (RPB)

45. The Radiation Protection Board checks for radiations on imported used motor vehicles, foods staffs and raw materials. It also checks for permits for any radiating materials imported in the country.

➤ **Requirements for clearance of goods through RPB:**

- **Foods and fertilizers:** radio analysis certificate, otherwise a sample of the goods is taken to a certified service provider, upon compliance one is issued with a radiation free certificate.
- **Motor vehicles:** all motor vehicles are tested for radioactivity at discharge from the vessels and a charged a fee of Kshs 1,000 per motor vehicle unit. Screening of a motor vehicle takes about 8 minutes.
- **Radioactive devices:** apply for a license prior to importation to enable RPB to make a follow up on how the device is used and ensure whether the user has the expertise to use the device. Import license is currently processed within one day.

➤ **Procedure for inspection of goods by RPB at Mombasa Port**

46. Verification and sampling of goods is done jointly with other agencies. In case a sample is drawn it is forwarded to the service providers contracted by RPB to carry out radioactive tests for goods imported into Kenya. The agents obtain the results of the tests from the service providers and submit them to RPB office at the Port to facilitate release of the goods. It normally takes about four hours to have the results for samples taken to service providers for testing.
47. Any contaminated product is shipped back to the country of origin at the cost of the importer; cases of contamination with radioactive materials were reported to be rare.
48. The RPB does not have a standalone IT system but operates a window in the KNESWS through which it transacts its business.

H. Mombasa Container Terminal (MCT)

49. MCT is one of the cargo handling/storage facilities approved by Kenya Ports Authority and licensed by KRA to operate a Container Freight Stations (CFS). MCT handles both local and transit cargo imported/exported through the Port of Mombasa.
50. MCT has a capacity to store 1,000 cars and 2,072 TEU's when stacked 4 containers high. It is equipped with 4 reach stackers, 4 forklifts and owns 26 trucks used in the movement of cargo and containers from and to the Port of Mombasa. The MCT yard and Port operations are 24/7, however, their administrative offices operate for 8 hours with the billing and gate pass section operating beyond the 8 hours until the last customer on the queue is served. MCT applies the standard Port and CFS charges.

➤ **Procedures for handling and clearance of cargo through MCT**

51. The documents used in the clearance of cargo at MCT are:
 - Valid shipping line Delivery Order (DO)
 - Passed Customs Entry
 - CFS Release Order duly completed to be released by KRA, KEBS and other relevant Government Agencies.
 - Valid Port Pass.

52. Process for clearance of cargo through MCT

- Upon offloading of the vessels at Mombasa Port, MCT transfers the cargo nominated to its yard from the Port for storage pending its clearance by the trader/importer. After the trader or his/her clearing agent has entered the cargo with Customs, the trader or his/her agent presents a valid DO and passed entry to MCT to obtain an assessment of the charges due to MCT for the handling of his/her cargo.
- After payment by the trader, MCT issues a receipt to the trader/agent upon presentation of a Bank Deposit Slip or Bankers Cheque.

- The trader proceeds to obtain release of his/her cargo from the relevant Government Agencies; the release will be indicated by a stamp on the MPRO. Thereafter, the client will lodge documents for CFS cargo exit release at the CFS gate pass office.
 - The releasing supervisor will check for the following: whether the verification details correspond with the manifest details, DO, MCT-CFS Release Order, Relevant Customs Entry, MCT-CFS invoice and Receipt and valid Port Pass. Once these are in order a gate pass is generated and attached with the released MPRO, they are signed and stamped by the releasing supervisor, documents are then separated with the originals being given to the trader to proceed to the yard for loading of cargo.
53. On average MCT clears 60 motor vehicle units and 150 TEUs per day, time taken to clear cargo through MCT on average is 1 – 2 days depending on the procedures instituted by customs and other Government Agencies in the clearance of cargo.
54. Releases between the shipping lines and the Port is done online, why shouldn't the CFS's releases be done online? Delivery orders by MCT are received online from Maersk, PIL, Evergreen and CMA - CGM. There is need for electronic data exchange between the shipping lines and the CFS's to be able to get a release online.

55. The cargo interveners at MCT are:

- Kenya Revenue Authority (KRA)
- Kenya Bureau of Standards (KEBS)
- Port Health and Sanitation
- Kenya Plant Health Inspection Services (KEPHIS)
- Poisons Board
- Kenya Radiation Protection Board (RPB)
- Kenya Police
- Sugar Board (for consignments of sugar)
- Anti-Counterfeit Authority (ACA)

➤ **Challenges:**

- Partial releases not allowed by Government Agencies
- Not all Government Agencies operate 24/7
- Delays in clearance as a result of uncoordinated logistics by the clearing agents.
- Reliance on manual Release Orders and Delivery Orders.

PART: II

HANDLING AND CLEARANCE OF CARGO BY RAILWAY

56. The Survey Team visited four railway stations which handle the clearance of cargo by railway namely; Mombasa, Eldoret, Malaba and Portbell

A. Rift Valley Railways (RVR); Changamwe - Mombasa

57. RVR operates trains between Mombasa and Kampala hauling both local freight and international freight. RVR reported that they were handling 3,000 tons per day on their railway network. Trains from Mombasa to Nairobi transport 800 tons of cargo, 50% of this cargo is transit to Kampala via Malaba.

58. Cargo from the Port of Mombasa is transferred to Changamwe where shunting and formation of trains from Mombasa to the hinterland is done. The trains normally haul 20 to 22 wagons carrying about 800 tons of cargo. The main transit nodes for the train are Mombasa Port, Changamwe, Embakasi, Eldoret, Malaba, Jinja and Kampala. At best currently the train takes about 7 days from Mombasa to Kampala.

➤ Initiatives' by RVR to improve operations;

- RVR has acquired 3 locomotives and plans to acquire 4 more locomotives by the end of the year 2014 to boost their hauling capacity. RVR has 32 old locomotives.
- RVR is using Translogic an automated systems for tracking of train and wagon movements, processing of Railway Consignment Notes and billing clients. Plans are underway to upgrade the Translogic to enable RVR clients access the system to obtain Consignment Notes.
- Normalization – Automation of railway line interchanges at major stations along the network to minimize collusion/accidents that used to be experienced due to human error when the interchanges were being done manually.



Left: Manual railway line interchange lever **Right:** Automated railway line interchange lever

➤ Challenges

- There is lack of connectivity with others stakeholders involved in the clearance of cargo transported by railway. RVR is dependent on manual exchange of information / releases with other stakeholders.
- Poor status of the permanent way – railway line and transport equipment; It was noted that RVR has a contractual obligation to maintain the railway lines.

➤ Recommendation

- There is need for RVR to establish interconnectivity with other stakeholders where possible through the KNESWS.
- RVR should rehabilitate and maintain the railway lines as per the concession agreement.

B. Eldoret Railway Station

59. Eldoret railway station receives on average 3 trains per day each pulling 22 wagons from Nairobi and dispatches on average 2 trains per day to Kampala each pulling 30 wagons. The dwell time of wagons at Eldoret is 4 days with a target of 2 days. The trains normally take 6 hours from Nairobi to Nakuru and 10 hours from Nakauru to Eldoret. The locomotives can pull up to 10 wagons when loaded with cargo from Kampala to Eldoret, if empty they pull up to 50 wagons.
60. RVR has got a dedicated railway Police unit which provides security for the trains along their transit journey. RVR is currently using an automated system; Translogic which provides online communication accessibility between RVR and its customers.



Eldoret Railway Station: Due to the dysfunctional railway system, facilities at the railway stations are also under utilized

➤ **Challenges:**

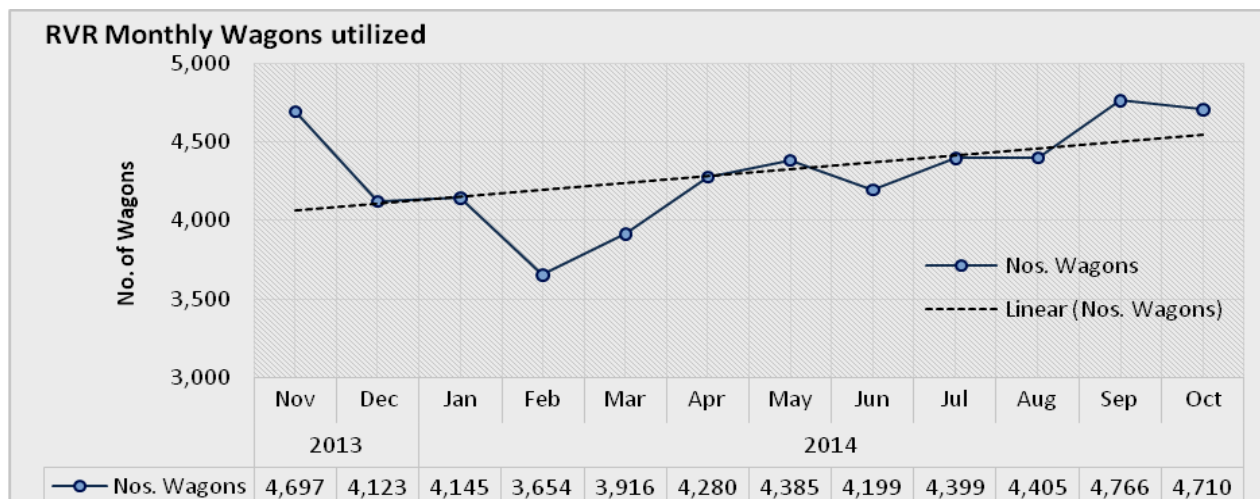
- Repair and maintenance of railway lines is very expensive, the outdated railway equipment is also expensive to maintain.
- Inadequate number of locomotives and wagons
- Delay in payments by the customers.
- RVR pays fuel levy for the fuel used by the trains; unlike the roads where such levy is used towards the maintenance of the road infrastructure there is nothing to show on how the railway is benefiting from payment of fuel levy.
- The railway freight rates cannot be obtained freely to enable shippers to make a choice between use of road or railway.

➤ **Recommendation**

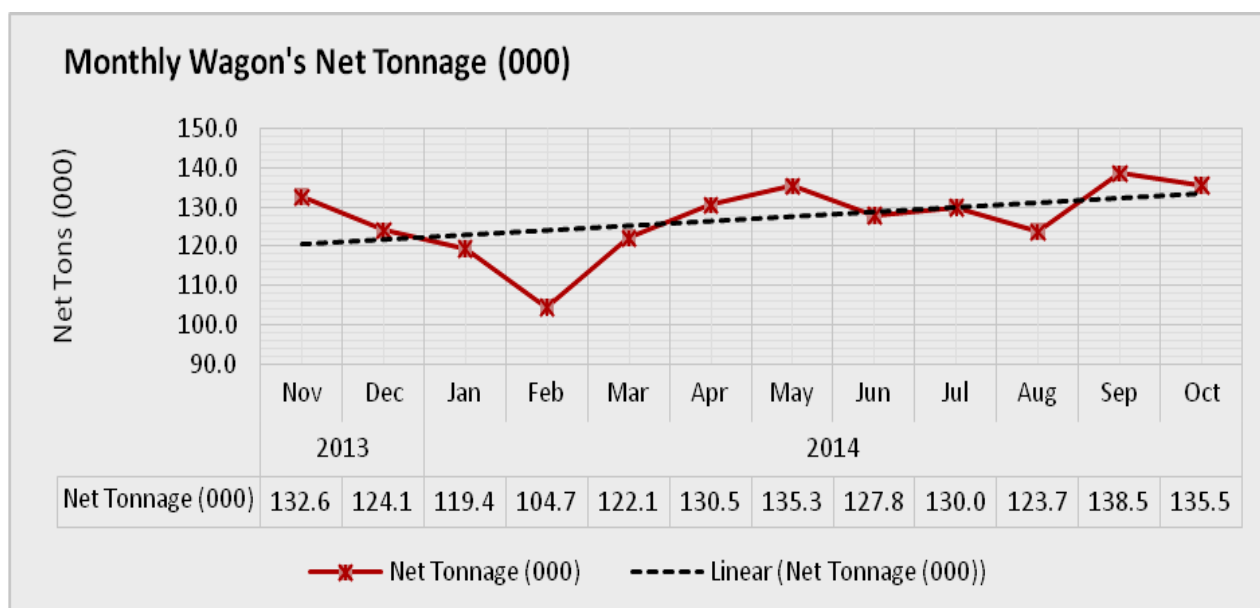
- RVR should publish the railway freight rates to guide the public in making choices between use of road and use of railway. These should also include other cargo handling fees incidental to transportation and clearance of goods transported by railway.
- Levy on fuel used by the locomotives should be channeled towards railway development.

C. Malaba Railway Station OSBP

61. The Malaba Railway Station OSBP handles clearance of local and internationally traded cargo transported by railway transiting to Uganda from Kenya and vice versa. Staffs of KRA and URA operate from the same office located at the Railway Station for clearance of both outbound and inbound cargo.
62. The officers check the seals on the wagons of the trains that arrive in the railway marshalling yard against the documents. The documents are rotated by KRA and URA and passed over to the Clearing Agents to prepare the Uganda customs transit entries. In case of goods cleared under the SCT procedures, RVR submits a URA Exit Note and KRA - Form C2 obtained from station of origin of goods to KRA and URA for validation in the Customs Systems before the wagons are given clearance to proceed on their transit journey. For the case of fuel destined to Uganda transported by railway, it is inspected and bio-coded by GFI in the Railway marshalling yard before being released for onward transit to Uganda. On average 2 to 3 trains loaded with cargo are cleared for transit to Uganda per day.
63. Documentation required; URA Exit Note, Form C2, Kenya T810/T812, Railway Consignment Note. Fuel is examined to verify the quality and quantity. Certificate of quality/quantity is issued by GFI for the case of fuel destined to Uganda.
64. The locomotives have a capacity of 1,200 tons to 1,600 tons. Locomotives to Kampala normally pull 18 loaded wagons. The Uganda Railway Police escorts the train from Malaba to Kampala and vice versa. In case of exports or transit from Uganda, the Kenya railway Police escorts the train from Malaba to Eldoret, in Kenya, in Kenya the escorts are changed when crossing from one area of jurisdiction to another. (i.e. Malaba border to Miyanga/Bungoma, Miyanga to Kipkaren and Kipkaren to Eldoret).



Source: RVR, November 2013-October 2014



Source: RVR, November 2013-October 2014

➤ Challenges

- IT challenges; poor network connectivity (slow speed, frequent downtimes, lack of interconnectivity of systems used by stakeholders).
- Inadequate wagons and locomotives.
- Poor condition of the permanent way. Theft of mechanical parts from the railway line.
- Lack of transport by Railway Police to visit train accident scenes to carry out investigations and secure the cargo, there are few officers to carry out surveillance and escort of trains, no sitting

space for the police officers escorting the train; most trains no longer use brake vans where the escorts used to sit.

- RVR was reported not to be very supportive to Kenya Police during investigations.
- Trains/cargo arriving at Malaba Railway Station without customs clearance documents; URA - Exit Notes/KRA - Form C2.
- No resident OSBP customs officers at the Station; KRA and URA staff designated to work at the OSBP are also assigned other duties to clear cargo transported by road across the border. The staff has to be called to come to the Railway Station OSBP to clear cargo.

Malaba Railway OSBP

Left: September 2013 – No staff at OSBP Office about 30 wagons not cleared. Reason - customs entries not processed



Right: A year later October 2014 – OSBP Staff are on call, 136 wagons not cleared, 100 of which have spent 5 days in the yard. Reason – Train Drivers do not move with Customs Exit Notes.



➤ Recommendations

- Liaise with Police to follow up the cases of theft of railway line parts; the assistant chiefs in Kenya can be used as another avenue to curb theft of railway parts/ vandalism of the railway line.
- KIFWA and UCIFA should have staff at the borders who can work 24/7.
- Need for a terminal where C/Agents can lodge declarations in case of power shortages and internet failures.
- RVR should provide a copy of the train manifest to the Railway police prior to arrival of the train.

PART: III

WEIGHBRIDGE STATIONS

65. The Survey Team visited all the weighbridge stations located along the transit section of Mombasa to Kampala along the Mombasa – Malaba – Kampala transit route. The Team visited 4 weighbridges in Kenya namely; Mariakani, Mlolongo/Athi River, Gilgil, Webuye and two weighbridges in Uganda namely; Busitema and Magamaga.
66. The weighbridge stations visited in Kenya are all fitted with High Speed Weigh in Motion (HS-WIM) scales and multi-deck static weighing scales. The weighbridges in Uganda use only the Slow Speed Weigh in Motion (SS-WIM). The HS-WIM works efficiently when a truck is moving at a uniform speed of 50 km/hr, whereas the SS-WIM works efficiently when a truck is moving at a uniform speed of 5 km/hr.
67. All the weighbridge scales used are automated and capture both the axle load and gross vehicle weight of the vehicle. The Survey Team also observed that the multi-deck static weighing scale takes the gross weight of the truck and the weight of each axle on the truck at the same time. Furthermore, it was observed that the level of automation of the weighbridges limits the element of human influence in determining the weight of trucks at the weighbridge stations.

A. Mariakani Weighbridge.

68. Mariakani weighbridge is located 36km from Mombasa town. It is the first weighbridge station along the Northern Corridor for weighing trucks carrying goods imported through the port of Mombasa. Mariakani Weighbridge Station uses high speed Weigh In Motion (HS-WIM) weighbridge scales. In order to minimize undue inconvenience to other road users at the weighbridge, as trucks approach the Mariakani weighbridge station from Mombasa, they use a lane about 1km long dedicated for vehicles proceeding to the HS-WIM.
69. The weighbridge is fully automated and trucks that are compliant at the HS-WIM are shown a green light to proceed on their transit journey without stopping at the static weighbridge ahead. Vehicles that are shown a red light are diverted to the static weighbridge to ascertain whether they are overloaded and the nature and magnitude of offence committed. The static weighbridge uses a multi-deck weighing scale which weighs all the axles on the truck at the same time. Weighing of trucks at the static weighbridge normally takes 1 to 2 minutes. However, the total time spent at the static weighbridge depends on the number of trucks in the queue of trucks diverted to the static weighbridge.
70. It is advised that a truck moves at a constant speed of 50km/h when crossing the HS-WIM weighbridge scales. It is at the speed of 50km/hr that the HS-WIM captures the correct measurements of the weight of the vehicle with negligible errors. Accelerating or decelerating when crossing the WIM has an effect on the weight exerted by the axles of the vehicle on the weighing scales, which may cause an apparent overload on some axles while on the others a lesser weight. The HS-WIM will show a red light for the truck when the truck is either non compliant on axle weight, non compliant on gross weight or when it crosses the weighbridge at a very high speed.



Mariakani HS-WIM; **Left:** A truck shown a Green Light is compliant and continues on its journey. **Right:** Truck is shown a Red Light is not compliant, it is diverted to the Static Weighbridge. Currently all the weighbridges in Kenya are being managed by SGS

71. The maximum allowable gross vehicle weight limit is 56tons for a seven axle trailer with the non driving axles having two tyres on each side and with no dummy axle. It should be noted that the maximum GVW depends on the vehicle configuration, number of tyres on each axle, type of tyres and whether the truck is articulated or rigid. The maximum axle load limit is 8 tons with a tolerance limit of 5%. There is no tolerance allowance on GVW limits.
72. When a truck is found compliant on GVW but non compliant on axle weight, the driver is given an opportunity to redistribute the cargo and reweighed to ascertain compliance after cargo redistribution, if compliant the truck is allowed to proceed on its journey without attracting any penalties. However, the cost of redistribution of cargo is at the expense of the transporter.



Truckers redistributing cargo at Mariakani weighbridge station: the Survey Team observed that the trucks carrying clinker were the biggest culprits of trucks that complied with GVW limits but not axle load limits, this was attributed to shifting of cargo when the trucks are in motion. How do we minimize shifting of cargo for such trucks?

73. In case of trucks not compliant on GVW, the driver is prosecuted and penalized after which he is instructed to get another truck to offload the cargo that is in excess of the allowable load limits. In case of cargo subject to Customs control, if the truck is sealed, a customs officer has to witness the breaking of the seals and the transshipment of cargo, after which the cargo in both trucks is re-sealed by customs.
74. On average 2,000 trucks cross the high speed WIM per day at each weighbridge station, **out of which 85% are compliant to the vehicle weight limits and 15% are diverted to the static weighbridge for reweighing.** Out of the trucks diverted to the static weighbridge 85% are found compliant after redistribution of cargo. The types of trucks that are frequently found compliant on GVW but not compliant on axle are commonly trucks carrying clinker.

➤ **The weighbridge tickets are categorized as:**

- ❖ **Caution:** When truck is within the permissible load tolerance limits.
- ❖ **Legal:** Compliant to axle load limits.
- ❖ **Targeted:** To monitor truck whose driver has committed an offence and skipped reporting to the authorities.
- ❖ **Charged:** truck which contravenes the vehicle load limits.

75. Trucks which are non compliant are parked in parking yard at the weighbridge station. Once the truck is parked at the weighbridge the security for the truck and cargo carried by the truck is the responsibility of the weighbridge operators. KeNHA uses the services of the Kenya Police Service to offer security services for its parking yards at the weighbridge stations. The drivers are given a grace period of three days thereafter a parking fee of Kshs 2,000 per day is levied by KeNHA.

➤ **Abnormal Loads:**

76. The vehicle load limits do not only pertain to GVW and Axle Load Limit but also to the dimensions of the load/cargo being carried by a vehicle. In case of abnormal loads such as wide loads and loads with a weight of over 56 tons. The transporter or owner of cargo has to seek for special permission from the road authorities to transport the cargo along the public roads. The road authorities will issue a permit which is valid for 3 months as in the case of Kenya, the permit is also valid for one transaction, i.e. once the cargo/load reaches its destination the permit expires. The permit is issued at a fee which is levied depending on the size of the load (dimension of the load/cargo) and weight of the load/cargo.



Trucks carrying abnormal loads along the Northern Corridor, to carry such loads one is required to have a special permit issued by the Road Authorities. The permit is issued at fee and there are conditions set by the Road Authorities to be met while transporting the cargo.

77. When transporting abnormal loads, there is a special insurance cover that is required before the permit is issued. Furthermore, the Road Authorities also set certain conditions on how the cargo should be transported depending on its nature, such as type of vehicle to be used, in some cases you may be required to have a lead vehicle to clear the way for the truck which is carrying the cargo to minimize the risk of accidents involving other road users.
78. It should be noted that the permits issued are not an exemption to axle load requirements which means that the owner of the cargo is required to look for a special purpose vehicle which can carry heavier/wide loads and meets the axle load limits as required by the law.



Truck being weighed using a static multi-deck weighing scale at Webuye Weighbridge Station. Trucks carrying abnormal loads are also subjected to vehicle load controls though with special considerations.

➤ **Mariakani Law Courts**

79. The role of the court is to expense justice to those being prosecuted for various offences. Most of the cases handled at Mariakani law courts relate to traffic offences emanating from the weigh bridge. On average 7 cases are handled per day, both the driver and the owner of the truck are charged.
80. Challenges faced by courts in administration of justice pertaining to vehicle loads:
- Absence of accused persons especially the drivers makes the cases stall for long.
 - Liability of the owner of the vehicle for transgressions by the owner of the cargo being carried by the truck.
81. It is recommended that the use of the Transport Letter – CMR be implemented.

➤ **Mariakani Police**

82. The role of Mariakani Police is to provide security at the weighbridge station, prosecute vehicle load offenders and escort sensitive cargo from Mariakani to Mlolongo. Physical escort of cargo is requested for by the owner of the goods. The Police also make intervention on any suspected cargo.

➤ **Challenges at Mariakani Weighbridge Station**

- Bunching of trucks: It was reported that the Mariakani weighbridge station usually experiences long queues of trucks after 4pm. This is a result of most trucks setting off late for their transit journey from Mombasa.
- Theft: There are incidences of theft from the trucks; encountered the case of a driver whose batteries were stolen from the truck and got stranded because he could not be compensated by the weighbridge operators.
- The weighbridge operators reported unbecoming behavior by the drivers especially those that cross the weighbridge between 6pm and midnight.
- For redistribution of cargo in sealed containers, the driver has to liaise with several stakeholders such as customs, shippers, clearing agents to have the seals broken to enable re-distribution of cargo.

B. Athi River/Mlolongo Weighbridge Station

83. Athi River weighbridge Station is the 2nd weighbridge station from Mombasa to Nairobi and it is located about 30km from Nairobi City. The procedure for managing this weighbridge is similar to that at Mariakani. However, the particular challenges experienced at this weighbridge is the yard is poor condition and dusty. The weighbridge also handles a lot of trucks carrying cargo internally traded within Kenya such as sand, stones and bricks, frequently such trucks do not comply with the vehicle load limits.



Dusty yard at Athi River Weighbridge Station

C. Gilgil Weighbridge Station

84. Gilgil weighbridge station is located 121km from Nairobi; the station uses HS-WIM scales and a static multi-deck scale. The procedure for weighing trucks at this weighbridge is similar to the other weighbridges in Kenya. However, it was observed that the users and operators at this weighbridge station are working in a hazardous dusty environment putting their health at risk; the parking yard and the place where the static multi-deck weighing scale is located is not paved.

D. Webuye Weighbridge:

85. The Webuye Weighbridge Station is highly automated, uses High Speed Weigh in Motion weighing scale and multi deck static weighing scale for trucks diverted to the static weighbridge. However, at the time of the stakeholders visit the weighing scales at the Station were still undergoing configuration and there was a very long queue of trucks at the weighbridge station.



Left: Long queue of trucks at Webuye Weighbridge **Right:** Impatient driver leaves the queue ends up blocking vehicles from opposite direction

86. The drivers of trucks which are not compliant at the HS-WIM are diverted for weighing at the Static weighbridge. If a truck is found compliant on GVW but not compliant on axle load limits, the driver is given an opportunity to redistribute the cargo and the truck is re-weighed, if compliant after redistribution of cargo the driver is not penalized, if unable to redistribute the cargo the driver is penalized.
87. **Inadequacy of access lanes to weighbridge stations;** The Survey Team observed that the lanes for trucks leading to and from the HS-WIM scale were short, as a result of this, a good number of trucks at the time of crossing the HS-WIM were either accelerating or decelerating which affects negatively the weights of the axles taken by the HS-WIM scales. Thus unlike other weighbridges there was a very long queue of trucks (about 3km) and there were many trucks diverted to the Static weighbridge at Webuye.

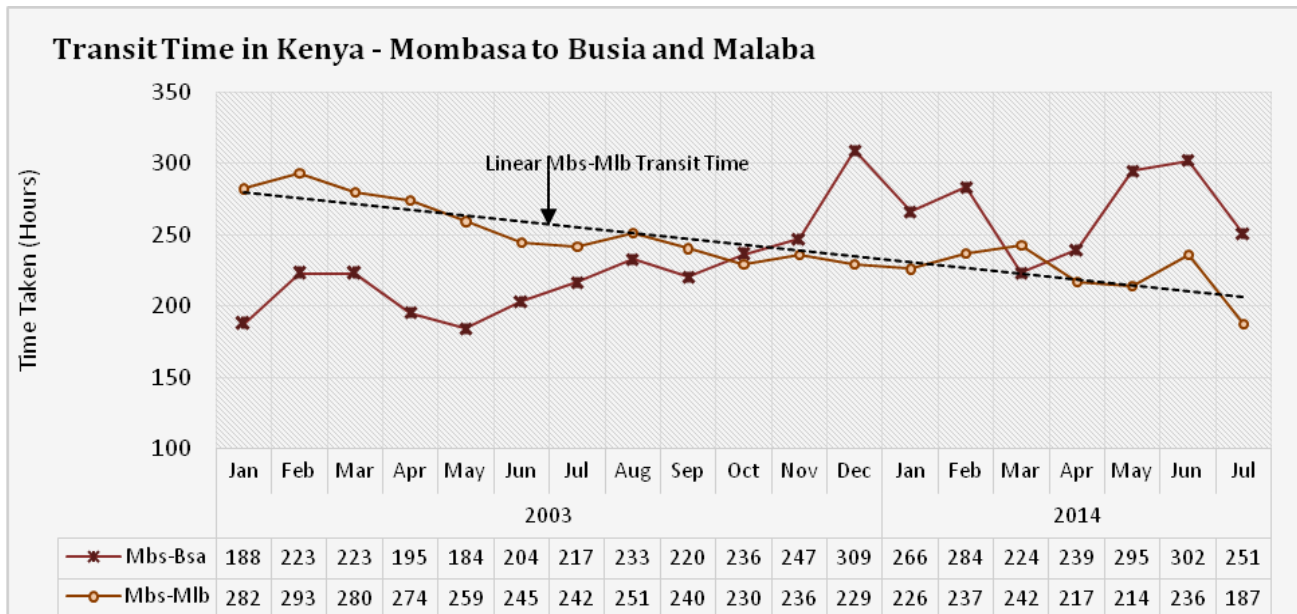
➤ **Other challenges observed include:**

- Re-distribution of cargo is normally done manually (no equipment is used), there is a challenge of how heavy cargo such as steel coils can be repositioned on a truck to comply with the axle load limits without cargo lifting equipment (forks lifts/cranes).

- It was also observed that vehicles from Uganda are weighed using only the Static Weighing Scale and it is the same static scale used by vehicles from Eldoret. As the vehicle from Uganda/Malaba turn to the static weighbridge they interrupt the flow of trucks from Eldoret and compromise the efficient operations of the HS-WIM. Furthermore, it is risky since most trucks from the HS-WIM will be approaching the same point where the trucks divert to the static weighbridge at a high speed.
- In Kenya a substantive legal notice giving effect to the 56 ton GVW limit for a 7 axle truck is still lacking.
- There are delays in getting customs officers to supervise re-distribution/transshipment of cargo at weighbridge stations in the case of overloaded trucks in transit.



Left: A truck blocks the HS-WIM weighbridge lane as it waits to divert to the Static Weighbridge Scale thereby blocking other vehicles given a green light to proceed on their journeys. **Right:** Vehicles diverting to the Static weighbridge at Webuye



Source: KRA, Jan 2013-Jul 2014 NB: This is from the time cargo is released by KRA for transit up to the time of exit from Kenya

88. From the reports of the TOP it indicates that the transit time in Kenya has been going down this is mainly attributed to the removal of most road blocks and deploying of HS-WIM weighbridges in Kenya.

E. Busitema Weighbridge Station

89. Busitema Weighbridge Station is located about 15 kms from Busia and 50 kms from Malaba. Currently Busitema weighbridge is the first weighbridge for trucks entering Uganda from Kenya destined to Kampala and the neighboring countries such as Rwanda, DRC, Burundi and Northern Tanzania. URA also operates a customs check point at Busitema, all trucks from Busia and Malaba have to clear through the Customs office at the check point before proceeding to the weighbridge for weighing.
90. The customs check point is for purposes of identifying trucks which skip the customs border controls, to check on vehicles carrying cargo smuggled into the cargo through ungazetted routes. It was reported that on average out of 10 trucks targeted by customs for examination at the Busitema check point 6 of them are found to be non compliant.
91. The Busitema Weighbridge Station uses a Low Speed Weigh in Motion weighing scale, at the time of our visit, once a truck is compliant with the GVW limits it is allowed to proceed on its journey i.e. even if it is not compliant with the axle load limits no penalties are levied. Situations where a truck is found not to be compliant by less than one ton on GVW but the driver has tickets which indicate that the truck was compliant at the previous weighbridges in Kenya, the truck is referred to be re-weighed at the next weighbridge without attracting penalties.

F. Magamaga Weighbridge Station

92. The Magamaga Weighbridge station is used for weighing trucks coming from Malaba/Busia and those from Kampala/Jinja. The weighbridge operators require the driver to submit the documents pertaining to the cargo carried by the truck and his driving license. The information captured at the weighbridge includes; truck owner, name of driver, type of goods being carried, origin and destination of the goods.
93. The Magamaga weighbridge station uses a LS-WIM scale, to ensure efficient operations, the weighbridge is calibrated every six months by the UNBS. Compliance checks taken at the weighbridge are for the dimensions of the truck/cargo, axle loads and GVW load. However, at the time of the survey if a truck is compliant to the GVW limits even if it is not compliant on axle load limit it was given clearance and issued with a weighbridge certificate.
94. Trucks which are not compliant are parked at the weighbridge station and their documents detained by the weighbridge operators until the offence is resolved. The offenders are prosecuted by Uganda Police normally through the Mayuge law courts. The Mayuge law courts are located about 20km from the Magamaga weighbridge station. No parking fees for trucks are charged at the weighbridge station.
95. It was observed that the weighbridge station is located at a re-known black spot; in a corner near a valley where vehicles from either directions of the road approach the weighbridge station at high

speeds. The design and location of the Magamaga weighbridge station hinders the smooth flow of traffic, furthermore, trucks turning to the weighbridge or leaving the weighbridge to join the main road increase risk of accidents involving other road users.



Situation at Magamaga Weighbridge. Above: Trucks from the direction of Kampala or Malaba entering and leaving the Magamaga weighbridge Station use the same gate often causing commotion along the Jinja – Iganga highway. The sharp turnings made by the trucks at the gate does not only wear out the truck tyres but has also contributed to the premature damage of the pavement. The Magamaga weighbridge commenced its operations last year. **Below:** Trucks doing their rounds of turnings before they get to be weighed, even fuel tankers that have already been weighed at Busitema and are unlikely to load any more fuel or cargo are subjected to call at the Magamaga weighbridge station causing undue delays.



96. It is envisaged that as traffic increases, the Magamaga Weighbridge station will become a big impediment to the smooth flow of traffic due to its location, design and type of weighing scale used.

➤ **Recommendations:**

- Fuel tankers that are weighed at Busitema should be exempted from diverting to the Magamaga weighbridge station for re-weighing.
- There is need to relocate the Magamaga weighbridge station and to improve on the design for the weighbridge to facilitate quick flow of traffic.
- In general, as a long term measure there is need for Uganda to shift to using HS-WIM weighbridges

➤ **Other general recommendaions for weighbridge stations.**

- Increase the length of access lanes to the weighbridge stations to match the level of traffic passing through a weighbridge station.
- Dedicate customs officers that are supposed to be on call to respond to requests for redistribution/trasnshipment of cargo at weighbridge stations.
- Pave the weighbrdige stations to minimise the health hazards for the operators and users of weighbridges and errors in weighing trucks resulting from the dusty enviroment.

G. Kenya Weighbridge Station Automation:

97. The Kenya weighbridge stations have been automated and fitted with HS-WIM technology, Multi-deck static scales and LAN network to interconnect the different weighbridge equipment and systems to a central control unit server.

98. The Kenya weighbridges are fitted with IRD-PAT Bending Plates WP 1750 HSWIMS manufactured by International Road Dynamics. Based on load cell technology, the system can weigh vehicles travelling at between 5km/h and 200km/h when accurately calibrated.

99. The High speed Weigh-In-Motion (HS-WIM) system is unattended, unmanned and relies on the same IRD-PAT WIM scale technology, optical character recognition cameras and license plate reader technology. This automatically collects a variety of traffic data such as;

- GVW,
- Axle weight,
- Vehicle class,
- Plant ID and imaging, and
- License plate (motor vehicle number plate)

All of which are accessed from a remote location on a screen as shown below.



Left: Screener lane showing HSWIM loops and cameras **Right:** Traffic Data – all particulars of the truck including image are captured on computer and can be viewed from a remote screen such the one above.

100. **System Data capture;** the HS-WIM system at all the weighbridges is capable of capturing and evaluating large variety of traffic data. The data is captured and stored locally on PCs/ Servers which are directly connected with LAN cables. The data collected include;

- a. Vehicle Image
- b. Number plate
- c. Vehicle Speed
- d. Weight
- e. Vehicle side
- f. Sensor to flag-in driver case overload

➤ **Recommendations:**

- Standard and regular calibration of weighing scales (static & WIM) should be done an regularly and uniform to all the weighbridges. This will minimize discrepancies in weighbridge vehicle weight readings.
- For the automated weighbridge station, interconnection and automatic sharing of data be done

H. Shifting Of Cargo During Transportation

101. Shifting of cargo during motion of a truck causes a shift in the weight exerted on the axles of a truck as a result even if a truck is compliant on GVW it may become non compliant on axle weight. The shifting causes some axles to become heavier and others lighter. The shifting of cargo may lead to some axles on the truck to get overloaded beyond the allowable axle load limits which damages to the roads. It should be noted that shifting of cargo during motion also increases risks of accidents at the ports, ICD's and CFS when cargo is being loaded or offloaded by cranes/forklifts. It also increases the chances of a truck overturning or causing an accident during its journey especially when negotiating a corner, when the truck breaks suddenly or when it is climbing or descending a steep slope.



Shifting of cargo in the container was highlighted as one of the likely cause of this accident as the truck was turning off from the main road to Kampala at Bweyogerere.

102. In order to restrict the shifting of cargo during motion of a truck it is advisable to block and brace the cargo on the truck or in the container. Blocking and bracing of cargo in a container is done at the point of loading goods in the container. In the case of tankers used for transportation of fluids and liquids such as fuels, the tanks are partitioned to restrict the movement of the fuel from one end of the tanker to the other end.

103. Under the Inco-terms, blocking and bracing of cargo is not specifically referred to as an obligation to be met by the supplier of the goods at the time of loading the cargo in the container. Therefore, the traders are advised to instruct their suppliers to block and brace the cargo at the time of loading the container, however, it should be noted that this normally comes at an extra charge to the buyer of the goods. Nonetheless, it accrues benefits of avoiding delays, their attendant costs and penalties at weighbridge stations and it minimizes the risk of accidents during transportation of the cargo.



➤ **Observations at weighbridges:**

- Most commonly, trucks found to be compliant on GVW but not on axle load were trucks carrying clinker and trucks carrying ceramic tiles.

- Some of the drivers weighed at the static weighbridges do not bother to collect their weighbridge receipts from the weighbridge operators after being weighed.
- The weighbridges have been greatly automated and modernized to improve efficiency and minimize human element in determining the weight of a truck. The weighbridges are reported to be recalibrated quarterly and biannually in Kenya and Uganda respectively.
- If a truck is compliant, it is able to move from Mombasa to Malaba without being stopped to be weighed at the static weighbridges.

PART: IV

TRANSIT CARGO HANDLING FACILITIES ALONG THE NORTHERN CORRIDOR

104. These include ICD's, Road Side Stations (RSS) and Lorry Parks used by trucks transporting goods in transit and facilities for clearance of cargo mainly exports/re-exports. Below are highlights of the areas the Survey Team visited;

A. Maungu Lorry Park

105. The Maungu Lorry Park is located about 150 km from Mombasa and 30km before you reach Voi along the Mombasa – Nairobi highway. The development of the Maungu Lorry Park is being financed by the Government of Kenya, when completed it will have a parking capacity for 180 trucks. In addition to the vehicle parking facilities, the Park will have 70 rooms for driver's accommodation, a cafeteria, and shops and it is located a few meters from a health facility.



Inset: Maungu Lorry Park under Construction

B. KPA Embakasi ICD

106. The KPA Embakasi ICD was constructed in 1984 majorly for handling clearance of goods transported by railway to and fro the Port of Mombasa to the hinterland. The ICD has a capacity of

180,000 TEU's per year but currently its capacity utilization is only about 20%. The ICD is a strategic link for multimodal transport interchange. The ICD was constructed on the premise that it will be served by railway for cargo imported through the port of Mombasa and that it would be used as a key loading point for exports destined to Mombasa by railway. Due to the poor functioning of the railway system this has not been achieved. Currently most of the cargos handled by the ICD are exports from Kenya to the neighboring countries cleared under the SCT procedures. The examination, sealing and processing of customs release orders is done at Embakasi ICD. On average 800 export entries are cleared in a week under the SCT at the ICD.



Embakasi ICD: Well equipped and in good condition but operating just at around 20% of installed capacity. However, with the implementation of the SCT, activities of clearing and consolidation of exports is on the rise.

107. Underutilized/unutilized cargo handling infrastructure; KPA put up several ICDs for handling of imports and exports transported through the port of Mombasa, these facilities have remained largely redundant due to the dysfunctional railway system. Proper functioning of these facilities is greatly dependent of a well functioning railway system.

KPA cargo handling facilities along the Northern Corridor

Location	Status and Capacity	Strategic importance	Capacity Utilization
Embakasi Nairobi	ICD well developed equipped with a capacity of 180,000 TEU's per annum.	Suitable for: <ul style="list-style-type: none"> • Intermodal transport interchange; Railway – Road – Air • Consolidation of cargo and breaking bulk • Temporary storage and warehousing • Customs clearance of goods under SCT 	20%
Kisumu	ICD well developed equipped with capacity of 15,000 TEU's per annum	Suitable for: <ul style="list-style-type: none"> • Intermodal transport interchange; Railway – Road – Pipeline - Water • Consolidation of cargo and breaking bulk • Temporary storage and warehousing • Customs clearance of goods under SCT 	Less than 1%
Kisumu	Lake Port in dire need of rehabilitation and equipping	Strategic inland waterway linking Kenya, Uganda and Tanzania by lake (Lake Victoria) Extension of railway line	World Bank was reported to support plans to revive port operations
Eldoret	ICD well developed with capacity of 15,000 TEU's per annum	Suitable for: <ul style="list-style-type: none"> • Intermodal transport interchange; Railway – Road – Pipeline • Consolidation of cargo and breaking bulk • Temporary storage and warehousing • Customs clearance of goods under SCT 	0% for cargo. Partly housing a University
Malaba	Undeveloped land 29 acres	Suitable for: <ul style="list-style-type: none"> • Intermodal transport interchange; Railway – Road • Temporary Storage and warehousing • Customs clearance of goods under SCT 	Not yet developed



Above: Kisumu ICD strategically located for multimodal transport exchange; road, railway, inland waterway and pipeline and well equipped but grossly underutilized. *Source: October 2012 Northern Corridor Stakeholders Survey*



Above: Eldoret ICD is strategic for multimodal transport interchange; road railway and pipeline currently being utilized by an education institution to conduct studies. *Source: September 2013 Northern Corridor Stakeholders Survey*

108. KPA plans to synchronize the civil works of the ICD's with those of the SGR targeting a minimum of 800 TEU's per day. KPA Embakasi ICD has adequate cargo handling facilities; well paved yard for stacking containers, warehouse for storage of loose cargo, four reach starker cranes, four terminal tractors, 3 forklifts with a capacity of 5 tons and 2 forklifts with a capacity 3 tons for stacking empty containers and stripping containers, and a fully fledged police station.
109. **Operational facts about the Embakasi ICD;** Verification of exports cleared under the SCT process is being done at the ICD. The ICD will soon commence handling consolidation of cargo. Consolidation of cargo is given a grace period of 15 days before demurrage charges start accruing. Containers from Mombasa are given a grace period of 11 days to be cleared at the Embakasi ICD. Embakasi ICD is automated, despite the long grace period; cargo dwell time at the ICD is barely one day. However, most of the work of the ICD is to repatriate empty containers to Mombasa.
110. It was reported that the World Bank is sponsoring the revival of the Kisumu Port.
- **Procedure for clearance of exports at the Embakasi ICD**
111. The trader/C-Agent makes a customs declaration and pays taxes in the country of importation; customs of the destination country issues a release order, goods subject to examination are examined at Embakasi ICD, customs of the destination country issues an Exit Note, cargo is sealed by KRA, KRA issues a form C2 attaches ECTS on the cargo and releases cargo to proceed to country of destination.

➤ **Challenges:**

- Dysfunctional railway system affecting the operations of the ICD
- Violation of close 16(1) of the Merchant Shipping Act by the shipping lines on Through Bill of Lading (TBL) does not make the railway and the ICD's served by the railway competitive.

C. Kenya Pipeline Company (KPLC) - Eldoret

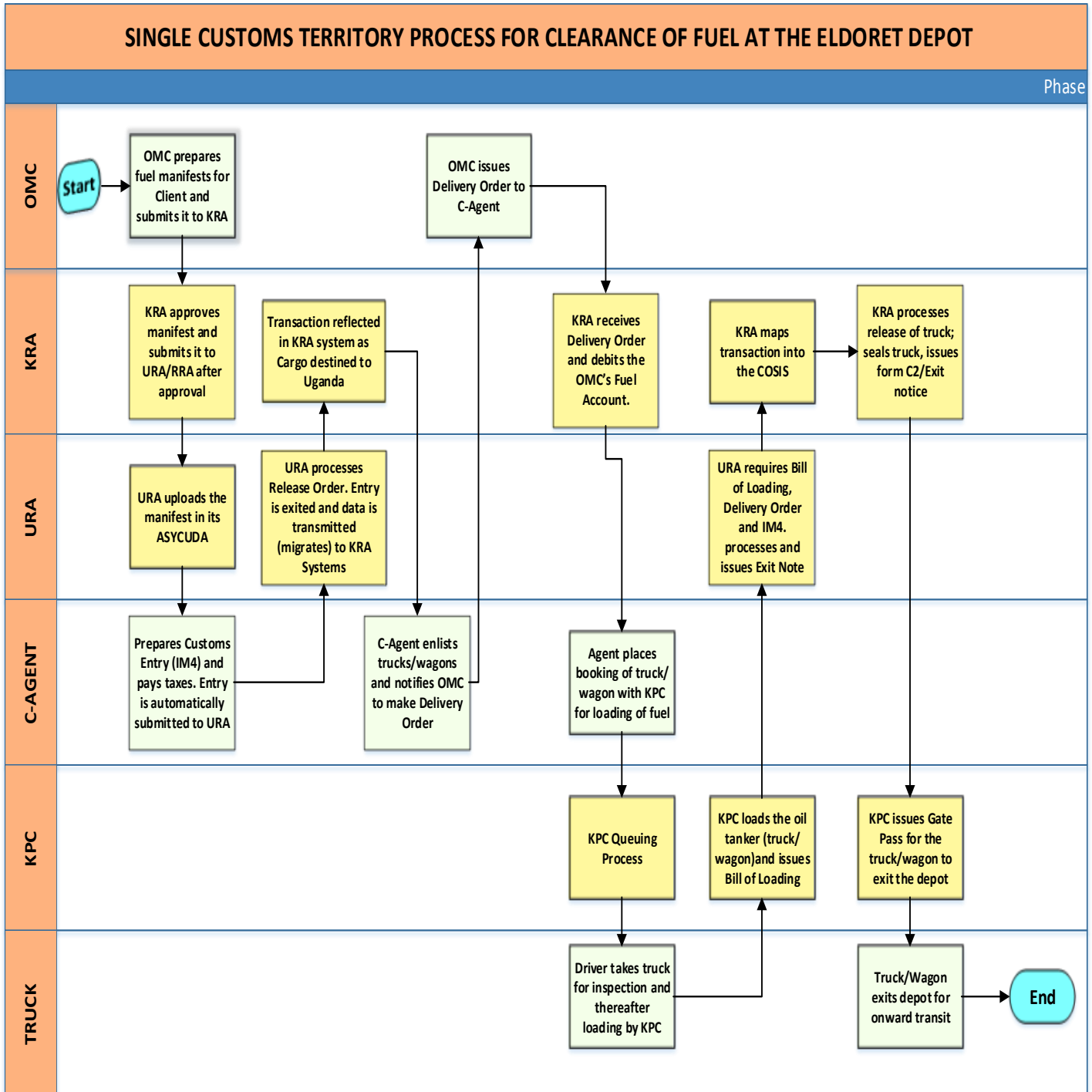
112. The Kenya Pipeline Company (KPLC) is a State Corporation established in 1973 under the Companies Act (CAP 486) of the Laws of Kenya. The main objective of the Company is to provide efficient, reliable, safe and cost effective means of transporting petroleum products from Mombasa to the hinterland. The Kenya Pipeline Company is also responsible for the storage and loading of fuel into trucks/tanker wagons at its depots for delivery to its destinations; fuel is also bio-coded at the depots.

113. The fuel handled by KPLC belongs to Oil Marketing Companies (OMC's). KPLC charges US\$56/m³ to transport fuel using its pipeline from Mombasa to Eldoret. On average 250 transactions per day are handled at the Eldoret depot representing an average volume of 6 million liters of fuel delivered out of the depot per day. In a month about 110 million liters are dispensed by KPLC at the Eldoret.
114. The depots' loading platform has a capacity to load 8 fuel tankers at the same time. Each loading point can dispense 1,500 liters per minute. About 120 tankers are loaded with fuel everyday destined to the export market (Uganda - 55, S. Sudan - 30, DRC - 25, Rwanda - 3, Burundi - 1) also about 120 tankers for the local market are loaded daily. Furthermore, about 40 wagons are loaded per month, each wagon carries up to 44,000 liters of diesel.
115. About 60% of the fuel handled at the Eldoret depot is for the export market i.e. fuel destined to Uganda, South Sudan, DRC, Rwanda, Burundi and Northern Tanzania. Fuel destined to Uganda and Rwanda from Eldoret Depot is cleared under the SCT procedures, fuel to other countries is entered for transit and bonded by the Clearing Agents before leaving the depot.
116. KRA uses the Customs Oil Stocks Information System (COSIS) for management of the volumes of fuel kept at the depot by each Oil Marketing Company (OMC) and uses the SIMBA for the declaration of fuel by clearing agents before delivery out of the depot. Integration of COSIS to other IT customs business systems i.e. SIMBA and ASYCUDA systems of Rwanda and Uganda is ongoing though technical challenges are being experienced. KPLC and the Oil Marketing Companies (OMC) based at the depot also have their own individual automated systems; however, they are not integrated with the Customs Business Systems.

➤ **Observations at KPLC - Eldoret Depot**

117. Some of the key stakeholders involved in the clearance of fuel do not work during weekends. The Survey Team visited Eldoret depot on Saturday and found 36 tankers that had been loaded with fuel on Friday still held up at the depot pending clearance by customs. The Survey Team was informed that the trucks would be able to leave the depot earliest on Monday i.e. three days after the trucks are loaded. This scenario delays the loading and clearance of trucks reporting to collect fuel on Mondays since the stakeholders first have to deal with the clearance of the backlog.
118. The updated process for clearance of fuel at the depot in brief is as follows;
- Fuel buyers/dealers pay the OMC's for the fuel in advance, thereafter the OMC's issue Delivery Orders. The OMC's/C-Agents take the Delivery Orders to KPLC to book them in the system to have the trucks loaded.
 - After loading of fuel in the trucks, KPLC sets a time limit of 1 hour to allow the fuel settle to enable the owners ascertain the quantities loaded, have the fuel bio-coded and sealed before exiting the depot.
 - In case of transit to Uganda, URA processes a release order (Exit Note) basing on the customs entry and bill of loading issued after the truck is loaded.
 - KRA receives the URA Exit Note, approves transaction, seals truck/attaches ECTS and issues a Release Notice (Form C2).

- KPLC receives Exit Notes/Form C2 and issues a gate pass used by the truck/wagon tanker to exit the depot.
- It was noted that KRA uses an automated system (COSIS) to manage the balances of fuel stored by each OMC at the depot whereas it was reported that the OMC's manage their balances



manually. The depot does not make deliveries of fuel to its clients over the weekend because some of the key stakeholders do not work over the weekends.



Above: Eldoret fuel storage tanks – capacity 50 million liters; it is risky for loaded tankers to park at the depot close to these storage tanks for long periods of time. **Inset:** Trucks loaded with fuel on Friday had to be parked in the KPLC inspection yard to await clearance the next Monday. Some of the Key Stakeholders involved in the clearance of fuel such as KRA do not work over the weekends.

➤ **Challenges:**

- Poor exchange of information: There is lack of automated sharing of information among the key stakeholders involved in the clearance of fuel at the depot.
- Systems inadequacies: There are delays being caused by systems shortcomings which include delays in the migration/mapping information onto the COSIS and ASYCUDA/SIMBA system downtimes.
- Capacity constraint is a major challenge that the depot faces owing to the upsurge in demand for fuel especially to South Sudan which is now estimated at 30% of total export market.
- Irregularity in declaration of consignee for fuel which changes ownership when being exported. When there is change of the name of the original consignee as per the T810. The customs export declaration i.e. T812 is prepared such that it reflects the previous consignee on the T810 as the owner C/O the new consignee. This situation was reported to be causing confusion and challenges to the stakeholders in South Sudan who import fuel from Eldoret. Furthermore, clearing agents and importers in South Sudan are being penalized for this irregularity.

- Constrained with storage of Jet A-1 whose demand is on the increase – configure existing systems, tanks to hold Jet A-1
- Limited loading facilities amidst increasing demands for fuel at the depot.

➤ **Recommendations:**

- Provision for pre-clearance of fuel should be instituted at the Eldoret depot.
- Interconnectivity of stakeholders; Integrate the automated systems of all the stakeholders involved in clearance of fuel at the depot to significantly cut down time taken for clearance.
- KPLC should expedite acquiring an extra storage facility especially for Jet A1 fuel, additional loading gantry and extra parking space for trucks to meet the increasing demands for fuel deliveries.
- Deploy resident systems administrators for URA and KRA at Eldoret to address the IT challenges frequently experienced in the clearance of fuel.
- KPLC should expedite implementation of its SAP systems where the OMC can make their delivery orders online and also check their fuel balances at the depot.
- Stakeholders at Eldoret depot should open their offices for work over the weekends.
- The Revenue Authorities should rectify the irregularity in declaration of consignee for fuel which changes ownership when being exported. The declaration of consignee should be based on international best practices and conventions.

PART: V

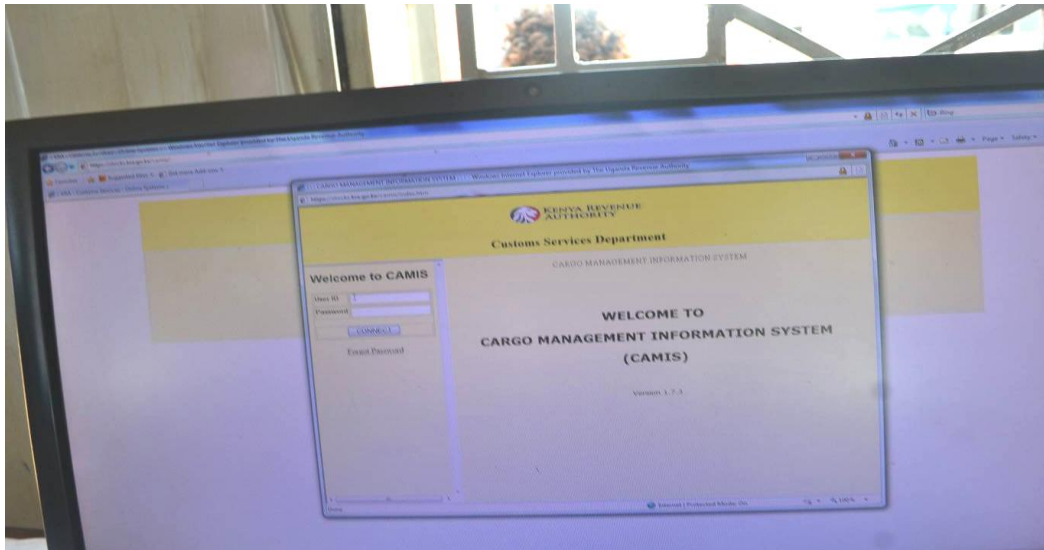
MALABA TRANSIT NODE

A. Malaba Customs OSBP Operations:

119. Cargo from Uganda to Kenya is cleared at the OSBP located on the Kenya side of the border whereas cargo from Kenya to Uganda is cleared on the Uganda side of the border. Malaba OSBP operates 24/7 with three shifts of 8 hours each. At the time of the survey it was reported that on average the officers at the OSBP desk sight about 600 trucks crossing from Kenya to Uganda of which 1/3 are goods cleared under SCT. It was also observed that there is a positive impact of the SCT; the processes of clearance have been shortened through elimination of some documentation requirements and multiple declaration of goods.
120. The Malaba OSBP operations involve manual and automated business processes, for instance documents for cargo from Kenya to Uganda are rotated manually by the KRA staff and there after passed over to his URA counterpart at the OSBP who processes the documents electronically. At the end of every shift the KRA officers have to process validation of all the cargo cleared for exit to Uganda and generate export certificates in the IT system to enable cancellation of the bonds executed by the Kenya Clearing Agents. It was reported to take on average about 8 hours for the officer to validate and generate export certificates for cargo exited to Uganda which makes the officer to ideally work 2 shifts in a day.



Malaba OSBP; KRA and URA officers seated in the same office: **Left** – KRA officer processing documents manually at the end of the shift he has to go and log onto the KRA business systems to validate the exit transactions and generate export certificates which enables the Clearing Agents in Kenya to cancel their bonds. **Right** – URA officer processing documents electronically. **Below** - The Survey Team observed that the KRA portals can be accessed from the computer used by the URA Officer; KRA can take advantage of this, to process exits electronically at the OSBP this will help expedite generation of export certificates and ease the work of the staff.



The KRA Portal for Clearance of goods was accessed through the computer above used by the URA Officer at the Malaba OSBP: Under Part VII the EAC OSBP Bill regarding facilities in the joint control areas. The host country of the OSBP provides shelter and resources for stakeholders from the adjoining Partner State. Revenue Authorities should work out a way to share resources at the OSBP's to enhance efficient utilization of resources and to minimize delays.

➤ **Challenges:**

121. The challenges faced by Customs Malaba (KRA/URA) include:

- The systems used by stakeholders under the SCT are not interconnected; exchange of information is frequently by e-mails and telephone.
- Traffic congestion due to limited parking facilities; because of the ongoing construction of the OSBP infrastructure most of the areas for parking vehicles is not yet accessible.
- Inadequate number of staff has been deployed to process clearance for goods under the SCT. Furthermore, KRA does not have systems administrators at the border stations to resolve IT problems as they arise as such often systems problems have to be referred to Nairobi or Kisumu causing delays in clearance of goods.



Above left, Malaba - Kenya and **right**, Malaba - Uganda Juxtaposed OSBP infrastructure construction about to be completed, the cooperation of stakeholders should go beyond sharing infrastructure if full benefits of OSBP's are to be realized.

B. Immigration Malaba - Kenya:

122. The immigration departments are now using interstate passes to clear citizens of Kenya and Uganda travelling between Uganda and Kenya. For one to be issued with an inter-state pass has to present his National Identity Card, voters card or student pass. The interstate pass has a validity of six months but cannot be used for multiple entries.

➤ Challenges:

- Immigration systems are not interfaced.
- There are few staff deployed to man the 24/7 system.
- The DRC Laissez Passes are not standardized. Some of the travelers are issued with a small Pass which ideally is supposed to be valid for a period of 7 days and its scope of travel normally limited to the neighboring country. Furthermore, for the small Passes immigration staff faces challenges on where to put a visa sticker on them.

C. KEBS – Malaba Kenya

123. KEBS requires the products traded in to use standard quality marks from the Partner States. In case of raw materials, KEBS draws samples to carry out compliance checks. Results from testing are normally released within 21 days from the date of drawing the sample. Due to staff limitations, KEBS does not operate 24/7 at Malaba border station.

124. Motor vehicle inspection and documentation is done at the border at a cost of US \$220.

D. KEPHIS – Malaba

125. The Malaba KEPHIS office is manned by only 2 officers and as such they do not operate 24/7 like other stakeholders at the border. KEPHIS inspects plants and plant materials traded across the border. In case of export of plant produce, to clear through KEPHIS one needs a phytosanitary certificate and certificate of origin and when importing into Kenya one also requires an import permit. There is a fee charged for inspection of produce. To clear a truck carrying maize or beans one pays between Kshs 200 – Kshs 300.

126. In case of imports to Kenya, samples are drawn for testing; for most of the imports from the neighboring countries (produce) KEPHIS checks for vermin and moisture content. The inspection process normally takes between 10 – 15 minutes. Results for samples referred to Nairobi for testing are normally received after 1 week.

E. Port Health – Malaba Kenya

127. One of the roles played by Kenya Port Health is to screen persons crossing the border to prevent spread of epidemics. Kenya Port Health does surveillance to check for any epidemics that may be spreading in the area. Kenya Port Health carries out international vaccination and issues international vaccination certificates at a cost of Ksh 1,500. Port Health also carries out inspection of foodstuffs of animal and plant origin.

128. In case one is suspected, a medical investigation is carried out on the person and this normally takes about 10 minutes. Non compliant persons are either quarantined or sent back to where they came from. At the time of the survey visit, the Kenya Port Health staff were screening on average 500 people per day for Ebola virus.

➤ **Challenges**

129. Kenya Ports Health lacks laboratory, isolation and quarantine wards, however, the new OSBP infrastructure is expected to provide for these facilities. Kenya Port Health – Malaba border has only 4 staff that is expected to work 24/7.

F. Private Sector Malaba Kenya

130. **Documentation and clearance of cargo:** For the clearance of cargo across the border;

- The C-Agent ensures that all the necessary endorsements are done on the documents; online report is done and sends export certificates to the station of origin of goods to facilitate cancellation of bonds.
- In case of goods cleared under the SCT, the C- Agent receives an Exit Note from the driver, makes the required number of copies and submits them to be rotated and endorsed by KRA, URA then generates a release order for the goods to proceed on their journey into Uganda.
- In case of goods which are not cleared under the SCT, the agent in Uganda prepares a transit declaration and upon approval of the declaration, URA - Customs generates a T1 for the release of goods for onward transit. The truck is allowed to exit Kenya and to enter Uganda where joint examination/sighting of goods is done.

131. **Implementation of the e-SWS:** 75 C-Agents at Malaba border station have been trained and connected to the KNESWS but most of them are yet to start using it.

132. **SCT:** the clearing agents in Malaba reported that they were not consulted, trained nor sensitized about the SCT. Some agents are not conversant with the documentation required to clear goods under the SCT (lack of knowledge of SCT documents from Uganda to Kenya and vice versa). Many clearing agents have a feeling that the SCT is a ploy to push them out of their jobs (Malaba - Kenya has about 600 Clearing Agents). The conditions for clearance of goods in ASYCUDA includes one having a TIN, this technically knocks out clearing agents from Kenya to use ASYCUDA to clear goods on one hand and clearing agents from Uganda to clear goods through the SIMBA on the other hand.

133. **Weighbridges:** the private sector *stakeholders* in Kenya raised a question "*Are we reducing the number of weighbridges in Kenya while increasing them in Uganda?*"

➤ **Challenges:**

- Getting Exit Notes for exports originating from Kenya cleared under the SCT process to Uganda/Rwanda are difficult to get to facilitate their clients to cross the border station. Before one crosses customs demands for a copy of the URA Exit Note/KRA Exit Notice.

- Very few clearing agents (75 out of 600) have been trained on how to use the KNESWS, even the 75 clearing agents that were trained on how to use the KNESWS are finding it difficult to use the KNEWS.
- Lack of sensitization/training in the SCT, ASYCUDA and SIMBA.
- Truck drivers are fatigued, they drive from Mombasa to Malaba without resting and yet they do not have a turn man.
- Transporters reported extortion by Police.

➤ **Recommendations:**

- Localize the training of in ASYCUDA, SIMBA, KNESWS and SCT; KIFWA should seek assistance from FEAFFA to solicit for support to train the clearing agents at Malaba. KIFWA should send the names of Clearing Agents that require training to the training coordinator.
- Drivers should be encouraged to make use of the Road Side Stations when completed to refresh themselves and take a break before proceeding on their journeys to avoid risk of driving when fatigued.

G. Malaba – URA:

134. At the time of the survey there were two business processes that were being used by customs to clear goods at the border, namely; the SCT process where the trader/Driver/agent presents a URA Exit Note and a KRA Form C2 to confirm that the goods were duly cleared by customs in order to be cleared to exit Kenya and enter Uganda. Using the alternate process one requires to make a customs declaration; goods are entered for Home Use or transit before being allowed into Uganda. The cargo dwell time at Malaba border station was reported to be 1 day, this was corroborated with the observation made by the Survey Team, the Team observed that the majority of the trucks seen packed in the parking yard on a given day leave the yard by the next day.

135. The challenges reported include; intermittent systems downtimes, small staff numbers, transshipment of goods (lack of area for transshipment and consolidation of cargo in Kenya); ECTS shortages (reported that as stop gap measure they usually get some ECTS from Busia when Malaba station runs out of stock).

136. **Lack of licensed ICD/Bonded Warehouse at Malaba;** the private sector stakeholders in Malaba complained that they are compelled to destine their goods to Jinja and Mbale for clearance whereas their business premises and targeted customers are closer to Malaba than either of these two towns. The facility will also be vital as a base for depositing and repatriation of empty containers to Mombasa. Traders can also utilize the facility to strip and free containers to minimize container retention fees charged by shipping lines.

➤ **Recommendation**

137. Considerations should be made by customs to have a licensed ICD/Bonded warehouse at Malaba to address the trade facilitation issues raised by the traders in the area.

H. Uganda National Bureau of Standards (UNBS)

138. To be cleared by the UNBS one has to complete a form and attach to it a copy of the customs entry, packing list, certificate of conformity and Bill of Lading. The goods are inspected basing on National, Regional or International standards; if the goods conform, a clearance certificate is issued by UNBS. The UNBS has automated its business processes and the online completion of inspection forms for the inspection of goods is to be rollout out soon.
139. To expedite clearance of goods, the Government of Uganda introduced PVoC where goods are inspected before shipment. Three companies have been contracted to carry out PVoC inspections for general cargo namely, SGS, Intertek Testing Services and Bureau VERITAS. JEVIC, East African Automobile and Jabal were contracted to pre-inspect used motor vehicle units before importation. There is a penalty of 15% of CIF for goods that are imported into the country without inspection. PVoC has helped to reduce the time of clearance of goods taken by UNBS and also prevention of sub standard imports into the country.
140. Goods exempted from PVoC inspections are personal effects, Diplomatic Cargo, Government specific goods, goods certified by UNBS or EAC Partner States and goods with a CIF of less than US \$2,000 however, the later are subject to inspection at destination.
141. Queried consignments can be released to the importer under seal. In this case the importer makes an application which is approved basing on certain laid out conditions. The goods are then allowed to proceed to the importers store which is kept under seal until the goods have been cleared by UNBS. On average there are 15 – 18 offences per month most of which are cases where importers do not have PVoC certificates/clearance.

➤ Challenges

- The SCT processes require that goods are released before arrival at the border. Once goods are released on the system most traders evade inspection at the border.
- UNBS does not have a laboratory at Malaba.
- UNBS is under staffed.

➤ Recommendation

- Revisit the law and procedures of goods cleared under the SCT to enable the standards agencies to effectively play their role.

I. Veterinary and Plant Inspection – Malaba Uganda

142. Before importation of plants, animals and their products one has to obtain an import permit from the Ministry of Agriculture Animal Industry and Fisheries (MAAIF). The permit sets conditions for treatment of the consignment before it is loaded for transportation. Documents required in the clearance of goods are Certificate of Origin, Bill of Lading, Invoice, in case of plants the consignments has to be accompanied with a Phytosanitary Certificate, for animals – animal health certificate and for chemicals – certificate of analysis and a PVoC certificate. For some products one requires an export permit. In case of importation/exportation of wildlife, wildlife permits are required e.g. in the importation of quail.

143. It is recommended that importers have their goods inspected at the point of production or loading. Inspection done by the MAAIF officials attracts an inspection fee of Ushs 5,000. In case of goods imported in bulk e.g. 50,000 metric tons, the 1st lot to arrive in the country is inspected for conformity and before it is released to its destination it is held for two weeks, any lot arriving in the country after two weeks is also inspected. Time taken to inspect a consignment depends on the nature of goods and quantity. On average the MAAIF plant and animal inspector record just 1 or 2 offences in a month.

➤ **Challenges**

- Lack of facilities for inspection of cargo at the border.
- Delay in clearance of consignments of assorted goods – it takes time to scrutinize each item in the consignment
- Maize lethal diseases – samples have to be referred for analysis by KEPHIS.

J. Dairy Development Agency (DDA)

144. The role of DDA is to inspect animals traded across the border; every animal crossing the border must have documentation. There is a levy of 1.5% of the CIF value of goods imposed on dairy products originating from outside the EAC. Inspection of animals normally takes less than 20 minutes unless suspected after preliminary inspection. Condemned goods are destroyed at the cost of the owner of the goods.

➤ **Challenges:**

- Lack of quarantine facilities at the border.

K. Police – Malaba Uganda

145. The Uganda Police carries out physical checks on trucks and persons entering Uganda and also checks goods of a risky nature; goods of a risky nature includes goods such as chemicals and fertilizers that may be used by terrorists. The Uganda Police also monitors movement of goods from the border station up to destination.

➤ **Challenges**

- Forgeries of documents (customs/travel)
- Agents who cheat by demanding exorbitant fees to clear cargo and vehicles across the borders.
- Conflicts between operators.
- Lack of respect for traffic rules by the road users.
- Drivers who jump Police bond
- Extortion of truck drivers by Police

➤ **Recommendation**

- Police should publicize their hotlines for use by drivers to report cases of extortion by Police

L. Immigration - Malaba Uganda

146. The immigration clearance process for Uganda is the same as the one for Kenya. However, in the case of Ugandan citizens applying for an Inter State Pass a voters card is allowed by immigration to grant one the Pass. The interstate pass is valid for six months and for a single exit.

➤ Challenges

- Delay by truck drivers to report for Uganda immigration entry clearance after being cleared to exit Kenya by the Kenya immigration. Some truck drivers take more than 3 days before reporting to the Uganda immigration office after having cleared to exit Kenya to Uganda by immigration Kenya.
- Use of forged documents by travelers and smuggling of stowaways by truck drivers across the borders.

➤ Recommendation

- Immigration should set a time limit for which one is expected to report to the adjoining immigration office after being cleared to exit a country and put in place deterrent measures to stem undue delays to report for immigration entry clearance after being granted exit.

M. Global Fluids International (GFI)

147. GFI was contracted by the Ministry of Energy Uganda to bio-code and to measure the volumes of fuel imported in Uganda. GFI works in collaboration with UNBS. Currently GFI operates at key border stations through which fuel destined to Uganda is imported i.e. Malaba, Busia, Mutukula and Portbell.

148. The requirements for clearance of fuel are the bill of lading, calibration chart, calibrated dip sticks and fuel purchase order. GFI measures the volume of fuel at observed temperature and at 20Deg. Celsius. GFI charges Uganda Shs 10 per liter of fuel bio-coded and normally takes between 15 to 30 minutes for GFI to inspect and bio-code a single truck carrying fuel. The measuring and bio-coding process by GFI is witnessed by the driver or the clearing agent. GFI re-dips the tankers if there is a variation in the volume of fuel measured from the volume declared on the documents by ± 100 liters before bio-coding the fuel.

149. The UNBS checks for the quality of the fuel. GFI shares its reports with the Ministry of Energy, URA, UNBS and the fuel importing companies. The report issued by GFI also helps the URA customs officers in approving taxes paid by the fuel importers.

150. The operations of GFI are from 08:00am to 06:00 pm. On average 80 trucks are inspected by GFI per day at Malaba.

➤ Challenges

- Hazardous trucks/tanker wagons; trucks and tanker wagons without rails or frames on top are not safe to work on when taking measurements of the fuel. Most of the wagon tankers are in bad condition; whenever it rains it becomes too risky for the inspectors to climb the wagons to do their work.

- Expired calibration charts; the trucks are supposed to be calibrated every year by UNBS and issued with calibration charts.
- Mismatch between Exit Notes and Bill of lading regarding the volumes of fuel documented.
- Some trucks arrive without seals from the depot.

➤ **Recommendation**

151. The fuel should be inspected and bio-coded at the points of loading, i.e. at the fuel depots, this will address most of the challenges being faced in the inspection and bio-coding of fuel at the border stations. It will also eliminate the delays caused by bio-coding fuel at the border stations.

152. Tankers with expired calibration charts should not be licensed to transport goods in transit.

N. Electronic Cargo Tracking Systems (ECTS)

153. Over the years there have been increased demands for facilitation of trade through the reduction of non tariff barriers and review of customs business processes. In an effort to reduce the use of physical human escorts on goods in transit, the customs authorities in the Northern Corridor Region adopted the use of the Electronic Cargo Tracking Systems (ECTS). Each country has come up with its own ECTS and trucks in transit traversing through the Northern Corridor are required to obtain an ECTS for each country they traverse.

154. In Kenya Customs has approved 7 private companies namely; SGS, Navisat, Borderless Hub, I Spy Africa, Rivercross Tracking Ltd, Automated Logistics Ltd and Telematics to issue ECTS to transporters. The ECTS is armed by customs station of origin of the goods and disarmed at the border before the truck crosses into another country. The cost of installation of ECTS in Kenya ranges from Kshs 75,000 to Kshs 90,000, the transporters also pay a service fee ranging from KShs 2,500 to Kshs 3,500 per month.

155. Rwanda is also using ECTS which are armed by the Customs Officers at the point of origin of the goods. Rwanda is using the COMESA ECTS which has the capacity to track the goods throughout the Region. The ECTS is managed by RRA and transporters pay for its installation.

156. With the support of TradeMark East Africa Uganda rolled out the implementation of the ECTS in May 2014. The ECTS used by Uganda is armed by the Customs Officers at the point of clearance of goods for transit before their release and dis-armed at the border when the truck is crossing into another country. The transporters do not pay for the installation and maintenance of the ECTS. The Uganda ECTS avails real-time alerts to all the stakeholders involved in clearance of a consignment being tracked i.e. Customs, Clearing Agents, Transporters, Shippers and any other interested parties. Currently the operations of the Uganda ECTS are limited to the geographical boundaries of Uganda but the ECTS used by Uganda has the capacity to be extended to cover the whole Region.

157. Burundi, DRC and South Sudan are yet to implement ECTS. The nationally based ECTS systems are costly and their area of coverage has been limited to the geographical boundaries of the issuing country. Furthermore, there are variations in the policy of who meets the cost of operations of the ECTS; whereas in Uganda transporters are not paying for the ECTS, in Kenya and Rwanda they pay.

PART: VI

KAMPALA NORTHERN CORRIDOR TRANSIT NODE

158. The Kampala Transit Node encompasses areas used for handling and clearance of internationally traded cargo. These include: URA Transit Monitoring Unit, ICD's, Kampala Railway Station and Portbell.

A. URA Transit Monitoring Unit (TMU)

159. The role of URA Transit Monitoring Unit is to monitor the movement of internationally traded cargo in Uganda. The URA – TMU supervises transshipment of selected items in transit, most of the transshipment is supervised by staff from the nearest Customs Field Services Office where the transshipment is done. The Customs Field Services officers are also responsible for sealing of trucks/cargo, arming the ECTS and cancellation of customs bonds.

160. For cargo to be transshipped, the owner of the cargo or his agent has to make an application to transship goods to the Supervisor TMU - Customs Enforcement Division Nakawa and pays a transshipment fee of US \$10 to URA upon approval of the application. For goods transshipped at weighbridge stations there are guidelines which were developed by URA in liaison with UNRA for this purpose. In case of cargo destined to DRC which is transshipped in Uganda, TMU shares the report of transshipment with the DRC – Kampala liaison office to facilitate tracking of DRC destined cargo by the Liaison office. Furthermore, the DRC liaison has access to the URA customs system to know what is transiting or being exported from Uganda to DRC.

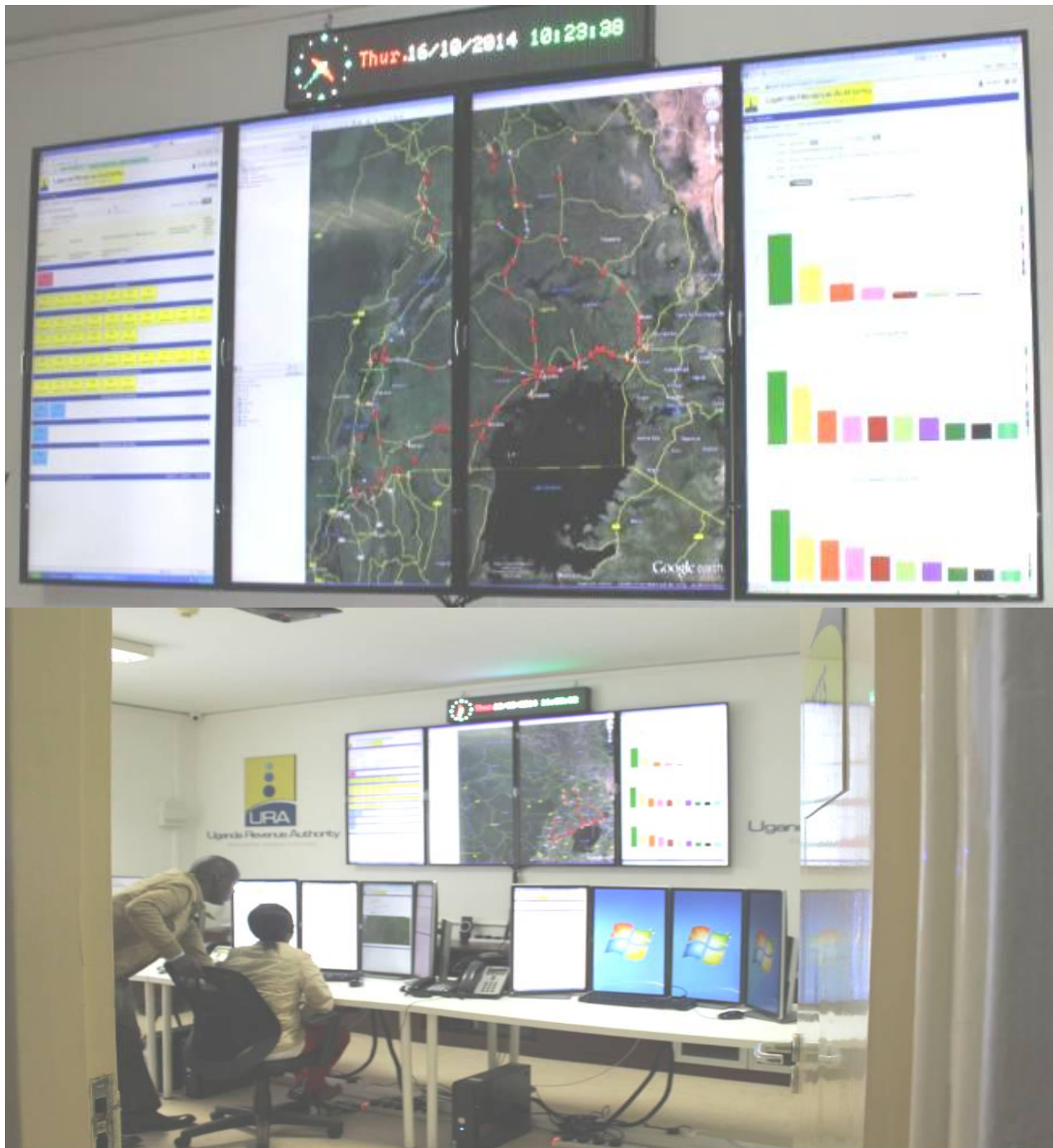
161. The bond cancellation process of URA is automated and the Customs Field Services officers at the border stations are mandated to automatically acquit a customs bond once the goods exit Uganda. To retire a customs bond, clearing agents are not required by URA to lodge bond cancellation applications. Goods entered for exports and transit goods are expected to exit Uganda within 7 days. In case of any outstanding transaction after 30 days the goods are put on a want of entry list. In exceptional cases one may apply to the Commissioner Customs for extension of transit period.

B. URA Electronic Cargo Tracking System

162. With the support of TMEA, URA implemented the use of ECTS to monitor the movement of imports, transit and exports in the country. The ECTS replaces the costly physical escort of goods, it used to cost the traders about US \$100 for physical escort and this would go higher depending on the number of days spent on the way.

163. Currently the ECTS is being used by URA to track only profiled sensitive items such as dry cell batteries, textiles, electronics, spirits, motor vehicle units and re-exports. The URA does not charge the traders/transporters for the ECTS gadgets or charge them for its operating costs. The URA ECTS issues alerts to Customs, Transporters, Clearing agents and the traders in case the device/cargo is being tampered with while still in transit. The ECTS can also send alerts to other regulators who may have interest in particular consignments.

➤ **URA Transit Monitoring Unit – ECTS Central Control Center**



The URA ECTS Central Control Center coordinates all the ECTS alerts to the Rapid Response Units located across the country and alerts to other stakeholders. The Rapid Response Units are located 100km apart, however URA is working towards a target of making a response within 30 minutes of receiving an alert from an ECTS device. The red dots in the map of Uganda above are the trucks being tracked using the ECTS. The ECTS alarm will be triggered at this center when the device is being tampered with, when the truck diverts from the transit route, when the truck crosses into another country or when there are unexpected delays of the truck along a transit section/transit period of the truck expires.

➤ **Challenges**

164. The Stand alone ECTS's being implemented by the member States are costly to the transporters/traders that are required to acquire an ECTS for each country they traverse. The regulators also are not in position to monitor the movement of cargo in transit from the point of origin of the goods to the point of final destination once the goods cross their national border. Furthermore, for most of the ECTS being used, it is only the regulators that have access to monitor the movement of the cargo and they are the only ones that receive real-time alerts from the ECTS.
165. There is variation in policy across the region concerning the party that meets the ultimate cost of implementation of the ECTS, whereas in Uganda the transporters don't pay for the ECTS in Kenya and Rwanda they do. It was observed that all the stakeholders both public and private draw benefits from use of the ECTS, however, the primary motivation of implementation of the ECTS was derived from the need for the Revenue Authorities protecting their interests while at the same time facilitating their clients.

➤ **Recommendation**

166. It is recommended that a Regional Electronic Cargo Tracking System (R-ECTS) be implemented to monitor the movement of cargo throughout the entire Corridor. The recommended R-ECTS should not only help customs to track consignments in transit but should also help the traders and transporters to monitor the movement of their goods/trucks throughout the entire transit journey and avail them real-time alerts in case cargo/truck is being tampered with.

C. Multiple Inland Container Depot (MICD)

167. Multiple ICD is located in the Industrial Area of Nakawa – Kampala along the Nakawa – Ntinda road. The MICD is comprised of a bonded warehouse with a capacity of 200 TEU's and a container yard with a capacity of 300 TEU's. The ICD handles cargo destined to Uganda, exports and cargo in transit. The ICD handles 50,000 TEU's per year; its hours of business are 07:00 am to 06:00pm with no lunch breaks. However, after 06:00pm the ICD continues to receive cargo in its yard. On working days the ICD can clear up to 100 TEU's.
168. The services offered at Multiple ICD include storage and transshipment of goods in transit, warehousing, clearance of goods for Home Use, clearance of exports, consolidation of cargo, breaking bulk and weighbridge facilities. Trucks arriving at the ICD carrying goods to Uganda or in transit are required to have the following customs documents; T1/WT8, IM7 and form C2. Other documents needed for clearance of cargo at the ICD include; IM8, T810, T812, Bill of Lading, Packing List and Commercial Invoice. In case of cargo initially imported in the country under the transit or warehousing regime and deposited at the ICD, on average it takes 2 days to enter and clear the cargo for Home Use.
169. At receipt of cargo at the ICD, the customs documents are rotated to signify acceptance of cargo in the ICD, in case of containerized cargo, the container is offloaded for stacking in the yard within 30 minutes. For goods entered for warehousing the cargo is offloaded and deposited in the bonded warehouse located at the ICD. In case of exports to be loaded in a container at the ICD,

the shipping line has to issue a release to the exporter which authorizes MICD to pack the container with the goods.

170. MICD releases empty containers for repositioning to Mombasa even on Public Holidays; on average the yard releases 30 empty containers per day to Mombasa. Average dwell time of containers at MICD is 7 days.

171. The grace period given by MICD for traders to clear their goods is 6 days after which storage charges accrue. The table below shows the fees for the serviced rendered by MICD.

	Activity/Service Rendered	Unit	Cost Uganda Shillings
1	Storage	20ft Container / Day	7,500
		40 ft Container / Day	15,000
2	Crane Handling	20 ft Container	130,000
		40 ft Container	220,000
3	Verification of Goods	20 ft Container	60,000
		40 ft Container	80,000
4	Stripping	20 ft Container	80,000
		40 ft Container	160,000
5	Direct Transshipment	20 ft Container	80,000
		40 ft Container	160,000
6	Parking Fees	Truck / Day	35,000
7	Electricity for Refer Containers	Container / Day	5,000
8	Weighbridge	Per Truck	25,000

Source: MICD

➤ **Challenges**

- Delays in clearance of cargo due to lack of coordination among the cargo interveners i.e. URA, NDA, UNBS and Clearing Agents. There are also situations where one arm of customs releases a consignment and another stops it from being released for delivery to the owner.
- Clearance of goods after drawing samples by NDA and UNBS often takes a long time.

- Holding trucks carrying cargo in the yard for a long time caused mainly by express instructions from the owner of cargo to the driver not to offload the cargo. Sometimes traders delay to appoint clearing agents.
- Abandonment of trucks in the yard; reported to have a truck which has stayed at the ICD for over a year without any one coming to claim for it. Furthermore, there are also abandoned goods which consume precious space for the ICD.
- Over stayed cargo due to lack of claimant or failure to pay taxes.
- Having to store goods put on want of entry by URA, ideally these are supposed to be transferred to a customs warehouse.
- Burden to destroy drugs and other overstayed hazardous goods.
- Handling of fertilizers and other goods that release unpleasant smells especially when subjected for physical examination at the ICD.
- Containers handled at the yard are not surveyed upon receipt in the yard, when damages are identified it is a challenge to resolve the conflict of who is culpable.
- Some importers do not know where and when to return the empty containers. Some of these are deposited in the yard and they may spend a year.

➤ **Recommendations**

- Establishment of a working relationship and exchange of information between shipping lines and cargo handlers (ICD's) in countries of destination of goods. The shipping lines should give guidance to the cargo handlers (ICS's, CFS's and bonded warehouses) in destination countries on how to manage their containers.
- Expedite disposal of overstayed goods and abandoned goods.

D. Portbell Pier

172. Portbell is a port on Lake Victoria that links Uganda to Kenya and Tanzania by lake through Kisumu and Mwanza respectively. On average Portbell receives 3 to 4 vessels per week. Vessels docking at Portbell carry between 500 to 1,500 tons of cargo. Umoja and Kaawa wagon ferries carry up to 1,500 tons, the small vessels carry up to 500 tons. It takes about 16 – 18 hrs for a twin engine vessel to sail from Portbell to Mwanza. and 30 – 48 hrs for a single engine vessel.

173. Due to the dysfunctional railway systems the ships operating between the three Ports on Lake Victoria (Portbell, Kisumu and Mwanza) do not transport cargo loaded in wagons as it used to be the case in the past. This has resulted in inefficient use of wagon ferries which are loaded and offloaded using manual laborers. Unlike wagons which would take a couple of minutes to offload and load a vessel, the manual laborers may take up to a week. It is also more expensive to use manual laborers than wagons to load and offload a vessel. Furthermore, with manual loading the vessels are able to make only 3 to 4 trips a month, which is about 20% of their expected number of trips per month.



Top right: Recently refurbished MV Kaawa berthed for loading. MV Kaawa Wagon Ferry was refurbished in 2012, and much as it was designed to transport cargo using railway wagons this in not the case. **Left:** Other than pulling onto the vessel loaded wagons ready for transportation. Trucks get onto the vessel to offload their merchandise. **Right bottom:** A truck offloading cargo onto MV Kaawa using manual laborers.



Refurbishment of MV Pamba is still pending. Efficient operation of wagon ferries is dependent on a well functioning railway system. MV Kaawa and MV Pamba have a capacity to carry 22 wagons i.e 44 TEU's.

E. Single Customs Territory (SCT)

174. Rollout of the SCT commenced in January 2014 with a few commodities. The SCT procedures were observed to minimize documentation, delays and costs of transactions. Currently all interstate traded goods traded in the EAC Partner States are cleared under the SCT.
175. Operations under SCT framework require an interface of the Revenue Authorities systems, creation of offices for staff from these Revenue Authorities' staff at the Port of Mombasa and mutual recognition of clearing agents from all the Partner States by the Revenue Authorities. At the time of the survey, concerns were expressed on the integration process which is posing a major challenge due to the different systems used by the EAC countries. URA, RRA and OBR use the ASYCUDA system, KRA is using SIMBA system and TRA TANCIS.
176. Both URA and RRA have customs officials based at the Port of Mombasa who work in close collaboration with their KRA counterparts to ensure goods to their respective countries are cleared at the Port. However, both RRA and URA are faced by personnel constraints which make joint verification at the Port almost impossible. The risk is that a number of goods moving under SCT which should be subjected to examination by customs or inspection by standards agencies reach their destination without any verification or inspection since the goods are released in the system right from Mombasa Port before verification or inspection. URA has two officers at the Mombasa Port while RRA has five, this number of staff is way below the numbers required to handle cargo destined to their respective countries.

Top Six Imports to Uganda Cleared Under SCT

	Product	No of SCT Entries	Equivalent No Entries in Old system	Quantity	Taxes Collected
1	Petroleum products	3,077	26,600	800,608,630	577,367,972,786
2	Edible Oil	2	54	1,500,000	1,128,604,432
3	Wheat Grain	3	128	3,600,000	950,843,405
4	Cigarettes	39	39	514,130,000	24,818,384,919
5	Neutral Spirit	153	183	5,145,366	19,654,457,019
6	Cement	213	5,138	143,884,271	9,839,249,662

Source: URA – SCT Implementation Team

Operations by Clearing Agents under SCT

Particulars		Total
1.	Kenyan Agents Trained In ASYCUDA World - Uganda	394
2.	Kenyan Agents With Access Rights To ASYCUDA -Uganda	97
3.	Kenyan Agents Who Have Managed To Declare In ASYCUDA	43
4.	Number Of Declarations Made In ASYCUDA By Kenyan Agents	8,586
5.	Ugandan Agents Trained In SIMBA	297
6.	Ugandan Agents Who Have Managed To Declare In SIMBA	5
7.	Number Of Declarations Made In SIMBA By Ugandan Agents	
8.	Ugandan Agents Trained By KPA	
9.	Ugandan Agents With KPA Registration Numbers	61

Source: URA SCT Implementation Team

➤ **Benefits reported about the SCT**

- Minimizes forgeries.
- Removal of multiple documentation.
- Enhanced partnership and sharing of information.
- Quick delivery of goods – reduced turnaround time for trucks.
- Possibility to avoid multiple documents for huge consignments e.g one entry for 1m liters of fuel as opposed say to making 25 entries.

➤ **Challenges:**

- Reliance on telephones and e-mails to exchange information among the Revenue Authorities regarding goods cleared under the SCT. The IT Customs business systems are not communicating well to each other.
- Lack of sensitization/training on the SCT procedures and documentation processes.
- Small number of staff deployed to handle clearance of goods at the Mombasa Port and other key stations where cargo is cleared.
- Conversion of existing bonds to region bonds.
- Cargo arriving without documents.
- Intervention of other governments not yet on board to operate within the SCT processes.
- Where will the goods cleared under the SCT be inspected? Some legislation requires that inspection of goods be done at the first point of entry into the country.

PART: VII

PROPOSED MEASURES TO ADDRESS THE OBSERVED CHALLENGES

	Observation/Challenge	Recommendation	Responsibility Center
	Mombasa Transit Node		
1	<ul style="list-style-type: none"> i. Delay in approval of manifests for containerized vessels ii. With the implementation of the SCT and KNESWS, KPA is receiving releases from many systems and this is a challenge to their system (KWATOS). iii. Bunching of vessels at the Port leading to increase in waiting time and turnaround time for vessels. 	<ul style="list-style-type: none"> i. Align Revenue Authorities Business Systems such that exchange of information/releases is done/are received from a single platform e.g. Single Window System. ii. Waivers of demurrage by KPA should be considered in situations when the delay in clearance of cargo is a result of systems downtimes. iii. Penalize the shipping lines that choose to wait to berth despite existence of berthing space. 	<ul style="list-style-type: none"> Revenue Authorities/KENTRDAE KPA/KRA KPA
2	<ul style="list-style-type: none"> i. Pre-clearance of cargo still faces a challenge due to lack of approval of partial manifests lodged by shipping lines. ii. Shipping lines are required to submit multiple manifests; an electronic copy and a hard copy. iii. Delays in cancellation of customs bonds. iv. Challenge of tracking and reconciliation of imports through the Mombasa Port; some goods are being declared through the KNESWS while others are not such as the goods destined outside Kenya. v. Inadequate staffing contributing to delays of exit of trucks from the Port. 	<ul style="list-style-type: none"> i. Put in place facilities to approve partial manifest in order to enhance further pre-clearance of goods at the Port. ii. Review the legislation/regulations on submission of manifests iii. Automate the exit process at the border stations (Automate processing and immediate generation of export certificates for transit goods upon exit from Kenya). Furthermore, empower staff at the border stations that witness and clear goods for exit from Kenya to cancel the customs bonds once the goods leave Kenya. iv. All manifests for goods imported through the Port of Mombasa should be declared through the KNESWS. v. Beef up manpower at Gate 18 to expedite exit of trucks from the Port. 	<ul style="list-style-type: none"> KRA Revenue Authorities KRA KRA/KENTRADE/Shipping Lines KRA
3	<ul style="list-style-type: none"> i. Delays in mapping of manifests from KRA to URA system. ii. Majority of Kenyan licensed clearing agents not trained 	<ul style="list-style-type: none"> i. Explore the option of URA receiving approved manifests through the KNESWS. ii. Training of agents should cover all key stations 	<ul style="list-style-type: none"> KRA/KENTRADE KIFWA in collaboration with KRA and

	<p>on how to use ASYCUDA.</p> <p>iii. Multiple declarations against same bill of lading; some traders issue copies of a Bill of Lading to more than one clearing agent to clear their goods.</p> <p>iv. General lack of awareness of the SCT processes.</p> <p>v. Unstable IT systems used in the clearance of goods; slow speed of systems and frequent systems downtimes.</p>	<p>where cargo is cleared.</p> <p>iii. Once a declaration has been logged against a bill of lading then it should be blocked from another declaration being made against it.</p> <p>iv. Localize sensitization and training of stakeholders.</p> <p>v. Upgrade IT System and use of multiple internet service providers.</p>	<p>URA</p> <p>URA</p> <p>URA/KRA/RRA</p> <p>Revenue Authorities/Cargo Handlers</p>
	<p>i. Examination of goods by RRA at Mombasa Port without presence of the owner.</p> <p>ii. RRA has inadequate staff manpower at Mombasa</p> <p>iii. Inadequate quantity of ECTS seals for sealing trucks leaving Mombasa to Rwanda.</p>	<p>i. Traders should designate their representatives at the Port.</p> <p>ii. Deployment of more staff</p> <p>iii. Implementation of a Regional ECTS.</p>	<p>Rwanda Business Rep.</p> <p>RRA</p> <p>Revenue Authorities/EAC/NCTTCA</p>
	<p>i. Mid-way during implementation of the KNESWS there are changes in stakeholder's requirements (systems functionalities and integration) which increases cost and delays in implementation.</p> <p>ii. Slow role out/resolution of issues that require the intervention of multiple government agencies.</p> <p>iii. Stakeholders especially those outside Kenya are finding a lot of challenges with the new system and requirements for clearance of goods especially under the Single Customs Territory regime such as imports from Uganda to Kenya.</p> <p>iv. How can stakeholders outside Kenya that do not have a PIN clear through the KNESWS?</p>	<p>i. Each agency should spearhead roll out of their respective documents in the KNESWS.</p> <p>Cost sharing by KENTRADE with the agency that requires the changes it is demanding in the KNESWS.</p> <p>ii. Sensitize and train stakeholders in the region served by the Port of Mombasa.</p> <p>iii. The stakeholders outside Kenya who are clearing goods through the Kenya e-SWS should follow the KNESWS Standard Operating Procedures which are available on the KENTRADE website.</p> <p>iv. Disseminate information about documentation, procedures and requirements for clearance of goods under the SCT especially through the Kenya e-SWS.</p>	<p>Relevant Agency</p> <p>KENTRADE</p>
	<p>i. Under staffing of KEBS stations at Mombasa; most of</p>	<p>i. Deploy more staff at Mombasa to fasten service</p>	<p>KEBS</p>

	<p>the stations are manned by one staff</p> <p>ii. KEBS is yet to have its own in-house IT system; it is currently relying on the KNESWS.</p> <p>iii. The laboratory for testing samples for quality is limited in scope of operations; therefore often goods are referred to Nairobi for testing.</p>	<p>delivery.</p> <p>ii. Build IT system within the framework of the KNESWS other than developing and independent system and working backwards to interface with the KNESWS.</p> <p>iii. Expedite the building of a bigger lab with bigger scope of operations in Mombasa.</p>	<p>KEBS</p> <p>KEBS</p>
	<p>i. Congestion of CFS's caused by lack of approval of partial releases of consignments by Government Agencies.</p> <p>ii. Not all Government Agencies operate 24/7</p> <p>iii. Delays in clearance as a result of uncoordinated logistics by the clearing agents.</p> <p>iv. Reliance on manual Release Orders and Delivery Orders.</p>	<p>i. Institute a mechanism for approval of partial manifests and releases</p> <p>ii. Monitor implementation of the Port Charter and update performance regularly</p> <p>iii. Interconnect stakeholders involved in the clearance of cargo.</p>	<p>KRA</p> <p>Government Secretariat</p> <p>KENTRADE</p> <p>Agencies/NCTTCA</p>
	<p>i. Delays due to lack of connectivity with others stakeholders involved in the clearance of cargo transported by railway. RVR is dependent on manual exchange of information / releases from other stakeholders.</p> <p>ii. Poor status of the permanent way – railway line and transport equipment.</p>	<p>i. Establish interconnectivity with other stakeholders where possible through the KNESWS.</p> <p>ii. Rehabilitate and maintain the railway lines as per the concession agreement.</p>	<p>RVR</p> <p>RVR</p>
Transport by Railway			
	<p>i. Repair and maintenance of railway lines is very expensive, the outdated railway equipment also expensive to maintain.</p> <p>ii. Inadequate number of locomotives and wagons</p> <p>iii. RVR pays fuel levy for the fuel used by the trains; unlike the roads where such levy is used towards the maintenance of the road infrastructure there is nothing to show on how the railway is benefiting from payment</p>	<p>i. Rehabilitate and maintain the railway lines and equipment as per the concession agreement.</p> <p>ii. Levy on fuel used by the locomotives should be channeled towards railway development.</p>	<p>RVR</p> <p>Member States</p>

	<p>of fuel levy.</p> <p>iv. The railway freight rates cannot be obtained freely to enable shippers to make a choice between use of road or railway.</p>	<p>iii. Publish the railway freight rates and charges incidental to railway transportation to guide the public in making choices between use of road and use of railway.</p>	<p>RVR</p>
	<p>i. Theft of mechanical parts from the railway line.</p> <p>ii. RVR was reported not to be very supportive to Kenya Police during investigations.</p> <p>iii. Delays in processing declarations due to failure by agents working 24/7 and network/system downtimes.</p> <p>iv. Trains/cargo arriving at Malaba Railway Station without customs clearance documents; URA - Exit Notes/KRA - Form C2.</p> <p>v. No resident OSBP customs officers at the Station; KRA and URA staff designated to work at the OSBP are also assigned other duties to clear cargo transported by road. The staff has to be called to come to the Railway Station OSBP to clear cargo.</p>	<p>i. Follow up the cases of theft of railway line parts; the assistant chiefs in Kenya can be used as another avenue to curb theft of railway parts/ vandalism of the railway line in Kenya.</p> <p>ii. Provide a copy of the train manifest to the Railway police prior to arrival of the train.</p> <p>iii. Deploy staff at the borders who can work 24/7. Establish a terminal where C/Agents can lodge declarations in case of power shortages and internet failures.</p> <p>iv. Provide copies of customs documents (Exit Notes/Form C2 to train masters/drivers to move with the train.</p> <p>v. Designate resident customs officers to man the Railway OSBP office.</p>	<p>RVR in liaison with Police</p> <p>RVR</p> <p>RVR</p> <p>KIFWA/UCIFA RVR/URA/KRA</p> <p>KRA/URA</p>
Weighbridge Stations			
	<p>i. Absence of accused persons especially the drivers makes the cases before courts of law stall for long.</p> <p>ii. Liability of the owner of the vehicle for transgressions by the owner of the cargo being carried by the truck.</p>	<p>i. Truck owners should be compelled to produce the drivers who jump bail/skip court summons. Offending trucks should not be licensed to transport goods in transit.</p> <p>ii. It is recommended that the use of the Transport Letter – CMR be implemented</p>	<p>Law courts</p> <p>Licensing Authorities - KRA/RRR/URA Member States</p>

	<ul style="list-style-type: none"> iii. Bunching of trucks at Mariakani Weighbridge as a result of most trucks setting off late for their transit journey from Mombasa. iv. Theft from trucks parked at weighbridge station operators not compensating drivers for loss. v. Unbecoming behavior by the drivers towards weighbridge operators especially between 6pm and midnight. vi. Delays as a result of difficulty for drivers to coordinate redistribution of cargo in sealed containers; the driver has to liaise with several stakeholders such as customs, shippers, clearing agents to have the seals broken to enable re-distribution of cargo. 	<ul style="list-style-type: none"> iii. Set time limit after release of cargo during which a truck is expected to arrive at Mariakani Weighbridge. iv. Agency responsible for providing security for trucks parked at weighbridges should handle compensation of losses at the weighbridges v. Report unbecoming behavior to Transporters Association/Police for action. vi. Dedicate customs officers that are supposed to be on call to respond to requests for redistribution/trasnshipment of cargo at weighbridge stations. 	<p>KRA</p> <p>Weighbridge Operators</p> <p>Weighbridge Operators/KTA/Police</p> <p>KRA, URA</p>
	<ul style="list-style-type: none"> i. Use of the same weighbridge for vehicles coming from either direction is risky. ii. Inadequacy of access lanes for trucks to the HS-WIM weighbridges. iii. Poor and dusty surfaces at the weighbridge stations (Gilgil and Athi River) iv. In Kenya a substantive legal notice giving effect to the 56 ton GVW limit for a 7 axle truck is still lacking. v. Shifting of cargo during its transportation. vi. Variation in weighbridge reading at the different weigh bridge stations. 	<ul style="list-style-type: none"> i. Instal weighbrdige weighing scales on each side of the road. ii. Increase the length of access lanes to the weighbridge stations to match the level of traffic at a weighbridge station. iii. Pave the weighbrdige stations to minimise the health hazards for the operators and user of weighbridges and errors in weighing trucks resulting from the dusty enviroment. iv. Issue gazette notice for the 56 ton GVW limit. v. Block and brace the cargo at the point of loading vi. Standard and regular calibration of weighing scales (static & WIM) be done an regularly and Uniform to all the weighbridges. This is to avoid readings discrepancies 	<p>Road Authorities</p> <p>Road Authorities</p> <p>KeNHA</p> <p>Regulating Ministry</p> <p>Traders/suppliers/transporters</p> <p>Road Authorities/ Standards Agencies.</p>
	<ul style="list-style-type: none"> i. Magamaga Weighbridge station is located at a dangerous spot and its design hinders the smooth flow of traffic. ii. Undue re-weighing of fuel tankers at Magamaga; fuel 	<ul style="list-style-type: none"> i. Relocate and improve the design of the Magamaga weighbridge station. ii. Fuel tankers which are weighed at Busitema should be exempted from diverting to Magamaga 	<p>UNRA</p> <p>UNRA</p>

	<p>tankers are weighed at Busitema, it is unlikely for one to add fuel in the tanker between Busitema and Magamaga</p>	<p>weighbridge station for re-weighing.</p> <p>iii. In general, as a long term measure there is need for Uganda to shift to using HS-WIM weighbridge scales</p>	<p>UNRA</p>
Transit Cargo Handling Facilities along the NC			
	<p>i. Poor performance of inland ICD's located along the railway; dysfunctional railway system affecting the operations of the ICD's and inland water transport on Lake Victoria.</p> <p>ii. Systems inadequacies: There are delays being caused by systems shortcomings which include delays in the migration/mapping information onto the COSIS and ADYCUDA/SIMBA system downtimes.</p> <p>iii. Poor exchange of information at Eldoret Fuel Depot: There is lack of automated sharing of information among the key stakeholders involved in the clearance of fuel at the depot.</p> <p>iv. Increasing demands for fuel products especially Jet A-1 amidst small storage facilities for the product at the depot.</p> <p>Limited loading facilities amidst increasing demands for fuel at the depot.</p> <p>v. Holding tankers loaded with fuel at the depot over weekends pending clearance by customs.</p> <p>vi. Irregularity in declaration of consignee for fuel which changes ownership when being exported.</p>	<p>i. ICD's located along the railway line should be considered as strategic assets during the construction of the SGR</p> <p>ii. Provide for pre-clearance of fuel should at the Eldoret fuel depot and the other depots.</p> <p>Deploy resident systems administrators for URA and KRA at Eldoret to address the IT challenges frequently experienced in the clearance of fuel.</p> <p>iii. Interconnect stakeholders; integrate the automated systems of all the stakeholders involved in clearance of fuel at the depot.</p> <p>Expedite implementation of SAP systems where the OMC can make their delivery orders online and also check their fuel balances at the depot.</p> <p>iv. KPLC should expedite acquiring an extra storage facility especially for Jet A1 fuel, additional loading gantry and extra parking space for trucks to meet the increasing demands for fuel deliveries.</p> <p>v. Open offices for work over the weekends.</p> <p>vi. The Revenue Authorities should rectify the irregularity in declaration of consignee for fuel which changes ownership when being exported. The declaration of consignee should be based on international best practices and conventions.</p>	<p>Member States</p> <p>KRA</p> <p>KRA/URA</p> <p>KENTRADE</p> <p>KPLC</p> <p>KPLC</p> <p>KRA/URA/KPA/OMC/KIFWA</p> <p>KRA</p>

Malaba Transit Node		
<p>Customs:</p> <ul style="list-style-type: none"> i. The systems used by stakeholders under the SCT are not interconnected; exchange of information is by e-mails and telephone. ii. Inadequate number of staff has been deployed to process clearance for goods under the SCT. iii. Exit Notes for exports originating from Kenya cleared under the SCT process to Uganda/Rwanda are difficult to get by clearing agents at the border to facilitate their clients to cross the border station. iv. Very few clearing agents (75 out of 600) have been trained on how to use the KNESWS, even the 75 clearing agents that were trained on how to use the KNESWS are finding it difficult to use the KNEWS. <p>Lack of sensitization/training in the SCT, ASYCUDA and SIMBA.</p>	<ul style="list-style-type: none"> i. Establish a Regional Stakeholders Platform for exchange of information. ii. Deploy more staff to much with the level of activity at the areas where goods are cleared iii. Make use of IT system to check whether a consignment of goods which is received at the border station is already entered and facilitate its clearance to proceed on its journey. iv. Localize the training of stakeholders in ASYCUDA, SIMBA, KNESWS and SCT; KIFWA should seek assistance from FEAFFA to solicit for support to train the clearing agents at Malaba in ASYCUDA/SIMBA. KIFWA/UCIFA should send the names of Clearing Agents that require training to the training coordinator. 	<p>Member States</p> <p>URA</p> <p>KRA/URA</p> <p>KIFWA/KENTRADE/KRA/URA/RRA/obr</p>
<p>Immigration:</p> <ul style="list-style-type: none"> i. Immigration systems are not interfaced. ii. The DRC Laissez Passe's are not standardized. Furthermore, for the small DRC Passes, immigration staff faces challenges on where to put a visa sticker. iii. Delay by truck drivers to report for Uganda immigration entry clearance after being cleared to exit Kenya by the Kenya immigration. Some truck drivers take more than 3 days before reporting. iv. Use of forged documents by travelers and smuggling of stowaways by truck drivers across the borders. 	<ul style="list-style-type: none"> i. Explore modalities and interconnect the immigration systems. ii. Harmonize the Laissez Passe's issued to travelers. iii. Immigration should set a time limit for which one is expected to report to the adjoining immigration office after being cleared to exit a country, furthermore, put in place deterrent measures to stem undue delays to report for immigration entry clearance after being granted exit. iv. Apprehend and penalize offenders and share information of the offenders. 	<p>Immigration Kenya/Uganda</p> <p>DRC Immigration</p> <p>Immigration Kenya/Uganda</p> <p>Immigration / Police</p>

	<p>Private Sector Stakeholders:</p> <ul style="list-style-type: none"> i. Need for a licensed ICD/Bonded Warehouse at Malaba to facilitate traders with services such as warehousing, consolidation of cargo, transshipment, stripping containers and depositing empty container for repositioning to Mombasa. ii. Truck drivers are fatigued; they drive from Mombasa to Malaba without resting and yet they do not have a turn man. iii. Transporters reported extortion by Police. 	<ul style="list-style-type: none"> i. Considerations should be made by customs to have a licensed ICD/Bonded warehouse at Malaba to address the trade facilitation issues raised by the traders in the area. ii. Drivers should be encouraged to make use of the Road Side Stations when completed to refresh themselves and take a break before proceeding on their journeys to avoid risk of driving when fatigued. iii. Drivers should report acts of extortion; Police should publicize hotlines where drivers can report their complaints. 	<p>URA/KRA</p> <p>KTA, UFFA, KIFWA, UCIFA</p> <p>Police/Drivers</p>
	<p>Standards Agencies:</p> <ul style="list-style-type: none"> i. Lack of facilities for inspection of cargo at the border, lack of laboratories, isolation wards and quarantine facilities at the border. ii. The SCT processes require that goods are released before arrival at the border. Once goods are released on the system most traders evade inspection at the border. iii. Kenya Port Health – Malaba border has only 4 staff that is expected to work 24/7. 	<ul style="list-style-type: none"> i. OSBP infrastructure under construction to provide for these facilities. ii. Revisit the law and procedures of goods cleared under the SCT to enable the standards agencies to effectively play their role. iii. Deploy more staff to match the level of activity at the station. 	<p>Regulatory Agency</p> <p>Kenya Port Health</p>
	<p>Police:</p> <ul style="list-style-type: none"> i. Forgeries of documents (customs/travel) ii. Agents who cheat by demanding exorbitant fees to clear cargo and vehicles across the borders. iii. Conflicts between operators. iv. Lack of respect for traffic rules by the road users. v. Drivers who jump Police bond 	<ul style="list-style-type: none"> i. Exchange information on people involved in forgeries and take punitive action against them. ii. Truck owners should be tasked to produce drivers that jump bail. iii. Collaborate with other government agencies to apprehend the culprits. 	<p>Police</p> <p>Police</p> <p>Police</p>

	<p>Global Fluids International (GFI):</p> <ul style="list-style-type: none"> i. Hazardous fuel tankers; trucks and tanker wagons without rails or frames on top are not safe to work on when taking measurements of the fuel by GFI. ii. Tankers that have expired calibration charts, the trucks are supposed to be calibrated every year by standards agencies and issued with fresh calibration charts. iii. Mismatch between Exit Notes and Bill of lading regarding the volumes of fuel documented. iv. Some trucks arrive without seals from the depot. 	<ul style="list-style-type: none"> i. Tankers with expired calibration charts should not be licensed to transport goods in transit. ii. Inspect and bio-code fuel at the points of loading, this will address most of the challenges being faced in the inspection and bio-coding of fuel at the border stations. It will also eliminate the delays caused by bio-coding fuel at the border stations. 	<p>Licensing Authorities (KRA, URA,RRA)</p> <p>UNBS</p>
	<p>Electronic Cargo Tracking Systems:</p> <ul style="list-style-type: none"> i. The Stand alone ECTS's being implemented by the member States are costly and insufficient. ii. There is variation in policy across the region concerning the party that meets the ultimate cost of implementation of the ECTS, whereas in Uganda the transporters don't pay for the ECTS in Kenya and Rwanda they do. 	<ul style="list-style-type: none"> i. Implement a Regional Electronic Cargo Tracking System (R-ECTS). ii. Harmonize the operating costs for the ECTS in the Region 	<p>Member States</p> <p>Member States</p>
	<p>Kampala Transit Node</p>		
	<p>Inland Container Depots:</p> <ul style="list-style-type: none"> i. Delays in clearance of cargo due to lack of coordination among the cargo interveners i.e. URA, NDA, UNBS and Clearing Agents. There are also situations where one arm of customs releases a consignment and another stops it from being released for delivery to the owner. ii. Holding trucks carrying cargo in the yard for a long time caused mainly by express instructions from the owner of cargo to the driver not to offload the cargo. iii. Abandonment of trucks in the yard; reported to have a truck which has stayed at the ICD for over a year 	<ul style="list-style-type: none"> i. Establish a One Stop Clearance Centre at the ICD ii. Institute time limits and penalties for trucks that over stay in the ICD. iii. Expedite disposal of overstayed goods and abandoned goods. 	<p>Government Agencies</p> <p>URA/MICD</p> <p>URA</p>

	<p>without any one coming to claim for it.</p> <p>Over stayed cargo due to lack of claimant or failure to pay taxes; having to store goods put on want of entry by URA and burden to destroy drugs and other overstayed hazardous goods.</p> <p>iv. Handling of fertilizers and other goods that release unpleasant smells especially when subjected for physical examination at the ICD.</p> <p>v. Containers handled at the yard are not surveyed upon receipt in the yard, when damages are identified it is a challenge to resolve the conflict of who is culpable.</p> <p>Some importers do not know where and when to return the empty containers. Some of these are deposited in the yard and they may spend a year.</p>	<p>iv. Explore verification of fertilizers at owners premises</p> <p>v. Establishment of a working relationship and exchange of information between shipping lines and cargo handlers (ICD's) in countries of destination of goods. The shipping lines should give guidance to the cargo handlers (ICS's, CFS's and bonded warehouses) in destination countries on how to manage their containers.</p>	<p>URA</p> <p>URA/Shippers</p> <p>Shipping Lines</p>
	<p>Single Customs Territory</p> <p>i. Reliance on telephones and e-mails to exchange information among the Revenue Authorities regarding goods cleared under the SCT. The IT Customs business systems are not communicating well to each other.</p> <p>ii. Lack of sensitization/training on the SCT procedures and documentation processes.</p> <p>iii. Small number of staff deployed to handle clearance of goods at the Mombasa Port and other key stations where cargo is cleared.</p> <p>iv. Migration from national bonds to regional bonds securities</p> <p>v. Cargo arriving without documents</p> <p>vi. Intervention of other governments not yet on board to operate within the SCT processes.</p>	<p>i. Establish a regional platform for exchange of information among stakeholders involved in the handling and clearance of goods.</p> <p>ii. Train and sensitize of stakeholders</p> <p>iii. Deploy more staff to match level of activity</p> <p>iv. Gradually phase out national bond securities</p> <p>v. Use information in the IT business systems to clear the goods.</p> <p>vi. Use phased approach of roll out to involve other Government Agencies.</p>	<p>Revenue Authorities</p> <p>Revenue Authorities</p> <p>Government Agencies</p> <p>Revenue Authorities</p> <p>Revenue Authorities</p> <p>Member States</p>

Annex I: Survey Team Members

	Name	Organization	Telephone No.	e-mail address
1.	Mr. Emile Sinzumusi	NCTTCA	+254 700 738 092	esinzumusi@ttcanc.org
2.	Mr. Alex Kanyama Zulu	ISCOS	+254 715 483 540	zulu@iscosafricashipping.org
3.	Mr. Samuel Ochieng	KENTRADE	+254 721 430 121	sochieng@kentrade.go.ke
4.	Mr. Aderick Kagenzi	ISCOS	+254 703 319 427	Kagenzi@iscosafricashipping.org
5.	Ms. Martha Bande	TMEA		Martha.bande@trademarkea.com
6.	Mr. Alex Ruzindana	NCTTCA	+254 715 641 358	aruzindana@ttcanc.org
7.	Mr. Stephen Ogolla	KTA	+254 734 619 494	stephen@kta.co.ke
8.	Mr. William Lusabya Kidima	Uganda Private Sector Business Representative	+254 722 411 837	willykidima@gmail.com
9.	Mr. Ayuel Mathach Deng	South Sudan Private Sector Business Representative	+254 717 320 004	juniormathacho@yahoo.com
10.	Mr. Oliver Gasangwa	Rwanda Private Sector Business Representative	+254 729 223 593	olivergasangwa@hotmail.com
11.	Mr. Dennis Ombok	KIFWA	+254 722 335 631	executiveofficermisa@kifwa.co.ke
12.	Mr. Adellard Kazingufu	Direction Générale des Douanes et Accises (DGDA) - DRC	+256 774 904 208, +256 752 205 349	kadellard@gmail.com
13.	Mr. Fred Paul Babalanda	NCTTCA	+254 715 641 568	pbabalanda@ttcanc.org
14.	Mr. Erick Mugambi	Kenya Police Service	+254 722 968 887	
15.	Mr. Andrwe Lenguro	JKUAT	+254 722 962 439	alenguro@yahoo.com
16.	Mr. Isaac O. Omoke	Kenya Ports Authority	+254 726 013 182	jomoke@kpa.co.ke

Annex II: OCTOBER 2014 NORTHERN CORRIDOR STAKEHOLDERS SURVEY MOMBASA – KAMPALA TRANSIT SECTION
LIST OF STAKEHOLDERS WHO PARTICIPATED IN THE MEETINGS DURING THE SURVEY

	NAME	ORGANIZATION	DESIGNATION	MOBILE NO.	EMAIL
1.	Salim Mubiru	Uganda Revenue Authority	SCT Coordinator Section Liaison Office	+256 717442350	smubiru@ura.go.ug
2.	Micheal L. Oketcho	UMA	Manager Policy and Advisory	+256 755255809	mike.oketcho@gmail.com
3.	Joseph William Kitandwe	Min. of Trade Industry & Cooperatives	Commissioner of Cooperatives	+256 752269062	josephkitandwe@gmail.com
4.	Andrew Othieno	UNBS	Manager Imports Inspection	+256 793149487	Andrew.othieno@unbs.go.ug
5.	Susan Kantono Musisi	Uganda Shippers Council	Policy & Advocacy Advisor	+256 772436335	ugshippers@gmail.com / musisis@rocketmail.com
6.	Eric Mugambi	Kenya Police Service	Liaison Officer	+254 722968887	Mugambieric69@yahoo.com
7.	Aderick Kagenzi	ISCOS Secretariat	Programme Officer	+254 703319427	kagenzi@yahoo.com /kagenzi@iscosafricashipping.org
8.	Aggrey Ijara	Steel & Trade Industry Ltd	Clearing Officer	+256 716425070	Ijara.ijaraagrey@gmail.com
9.	Larry Agaba	ATACO Freight SUS Ltd	Operations & Logistics	+256 772612113	Larry.agaba@ataco.co.ug
10.	Yusuf Bamusi	Atlas Cargo	Logistics	+256 712531593	ysfbamusi@yahoo.co.uk
11.	Bashir Mawa	Flitlinks Int'l Ltd	Operations System	+256 772315666	Bashir.mawa@flitlinks.com
12.	Kizito Edward	Ministry of Works and Transport	Senior Safety Officer	+256 752833618	Kizito2000@hotmail.com
13.	Olivier Gasangwa	Rwanda Business Community	Representative	+254 729233583	olivergasangwa@hotmail.com
14.	Merab Karugaga	UCIFA	Ag. CEO	+256 772572986	Ucifa_ug@yahoo.com
15.	Ismail Baguma	MICD	Assistant U/M	+256 712852144	bagumausnauk@yahoo.com
16.	Bernard Okiru	Freight Logistics Systems Ltd	Managing Director	+256 772552252	info@freightlogistics.co.ug /freightlogistics@yahoo.com
17.	Agrey Kanakulya	3 Ways	Logistics	+256 772780230	akanakulya@3waysshipping.com
18.	Tobias Tukei	ATACO	Transport Officer	+256 783290996	tobiastukei@yahoo.com

19.	Ketran Akampurira	Freight Logistics Systems Ltd	Accountant	+256 782796497	akampurira@kgmail.com
20.	Batrile J. Toskin	UCIFA	Director	+256 772564190	Johnsonbatrile@yahoo.com
21.	Kato Harrison Muyomba	ALASKA	Kampala	+256 783411273	Muyomba.harrison841@gmail.com
22.	Kiiza Damalie	Transtrac (U) Ltd	Supervisor OPS	+256 772780249	dkizza@transtrac.co.ug
23.	Kisitu Asadu Kigozi	Uganda Revenue Authority	Manager TMU	+256 717452471	akisitu@ura.go.ug
24.	Bonny Japusito	Roofings Ltd	Imports Manager	+256 772700875	Bonny.japusito@roofings.co.ug
25.	Stephen Wakaseza	URC	CCO	+256 776244456	st.wakx@gmail.com
26.	William Namutale	UCIFA	D/SG	+256 772428721	namutale@yahoo.com
27.	Charles Kaleba	Uganda Shippers Council	Chairperson	+256 717210838	ugshipper@gmail.com
28.	Justine Tindyebwa	UFFA	Executive Secretary	+256 772556345	uffainfo@gmail.com
29.	Jjem Bayashimbako	KAGTA Uti	Sec Security & Mediation	+256 757900111	mjjembak@yahoo.com
30.	William Busulwa	UNTA	Chairman	+256 772448797	willbbx@yahoo.com
31.	Ambrose Turyahabwe	UFFA	Board Member	+256 772842037	Ambrose.turyahabwe@lhl.com
32.	Samuel Ochieng	KENTRADE	Customer Service officer	+254 721430121	sochieng@kentrade.go.ke
33.	Robert Limo	Mikwen Farm Ent. Ltd	Director	+256 755120332	Rlimo57@gmail.com
34.	Steven Kabuleeta	UCIFA	Board Member	+256 772413774	executivecargold@yahoo.com
35.	Ephraim Sentamu Kaddu	KACITA UGANDA	Secretary General	+256 701503195	esentamu@tinlogistics.com
36.	Alex Kanyama Zulu	ISCOS	Director of Trade Facilitation and policy harmonization	+254 715483540	zulu@iscosaficashipping.org alex7218@yahoo.com
37.	Andrew Busuulwa	URA	Customs Officer	+256 712806584	aysuulwa@ura.go.ug
38.	Mollyne Kyomugisha	URA	Customs Officer	+256 772405067	myomugina@ura.go.ug
39.	Peruce Akugizibwe	URA	Customs Officer	+256 782077519	pakugizibwe@ura.go.ug
40.	Ssaka James	URA	Customs Officer	+256 717442765	jssaka@ura.go.ug
41.	Juliet B. Kalungi	URA	Customs Officer	+256 717442344	jkalungi@ura.go.ug

42.	Lincoln Byaruhanga	URA	Customs Ofcicer	+256 754944433	lbyaruhanga@ura.go.ug
43.	Charles Kawalya	MICD Ltd	OIM	+256 712702003	info@multipleicd.com
44.	Ismail Baguma	MICD Ltd	Supervisor	+256 712852144	bagumaismail@yahoo.com
45.	Charles Basomba	URA	Transit Monitoring Unit	+256 717442762	cbasomba@ura.go.ug
46.	Joyce Apio	URA	Public Liaison Office Enforcement	+256 717442199	jopio@ura.go.ug
47.	Dunstan Luwaga	URA	TMU/CMC Officer	+256 718765798	dluwaga@ura.go.ug
48.	Fred Paul Babalanda	NCTTCA	Assistant Programme Officer CTF	+254 715641568	pbabalanda@ttcanc.org
49.	Adellard Kazingufu	DGDA	DRC Customs Representative	+256 774904208	kadellard@gmail.com
50.	William Kidima Lusaabya	Private Sector	Uganda Representative Mombasa	+254 722411837	willkidima@gmail.com
51.	Alex Kanyama Zulu	ISCOS Secretariat	Director & Trade Facilitation	+254 715483548	Alex7218@yahoo.com
52.	Isaac O. Omoke	KPA	Port Statistics Officer	+254 726 013182	iomoke@kpa.co.ke
53.	Ayuel Mathach Deng	South Sudan Representative	Representative	+254 717632473	juniormathacho@yahoo.com
54.	Martha Bande	TMEA	Programme Officer	+254 726051091	marthabande@trademarkea.com
55.	Emile Sinzumusi	NCTTCA	Head of Programme CTF	+254 700738092	esinzumusi@ttcanc.org
56.	Dennis Okumu	KIFWA	Executive Officer	+254 722335631	executiveofficersa@kifwa.co.ke
57.	Stephen Ogolla	KTA	Programme Officer	+254 734619494	stephen@kta.co.ke
58.	Olivier Gasangwa	Rwanda Business Community	Representative	+254 729223583	olivergasangwa@hotmail.com
59.	Alex Ruzindana	NCTTCA	ICT	+254 715641358	aruzindana@ttcanc.org
60.	Andrew Lenguro	JKUAT	Procurement & Logistics	+254 722962439	allenguro@yahoo.com
61.	Jane Kivaa	KPA ICD	Marketing Executive	+254 733760778	jkivaa@kpa.co.ke
62.	Josphat K. Thiongo	KPA	Principal Operations Officer	+254 727853106	jkthiongo@kpa.co.ke
63.	Philemon Kiplangat	KRA	Revenue Officer – Customs ICDE	+254 723582704	Philemon.kiplangat@kra.go.ke

64.	Tirassy Kulwa	TRA	Customs Officer	+254 786521987	Tirassy.kulwa@tra.go.tz
65.	Oteko Otteno	KEBS	Officer in Charge	+254 720613116	otekoj@kebs.org
66.	Peter Njoroge	SGS Kenya Ltd	Athi River Weighbridge Cluster Manager	+254 721100892	Peter.njoroge@sgs.com
67.	Julius Rubagumya	URA	Manager Kenya Operations	+256 718851828	jrubagumya@ura.go.ug
68.	Samuel Ochieng	KENTRADE	Customer Service Officer	+254 721430121	sochieng@kentrade.go.ke
69.	James Rarieya	Mombasa Container Terminal	General Manager	+254 722559655	James.rarieya@ballord.com
70.	Simon Olenkisi	Officer Commandant Weighbridge	SP	+254 721697181	
71.	Richard Omino	Judiciary	EO	+254 722797820	Richard.omino@judiciary.go.ke
72.	Lewis Gatheru	Judiciary	RM	+254 720143700	luisgates@gmail.com
73.	Derack Ayienda	SGS Kenya Ltd	System Administrator	+254 725859287	Derrick-ayienda@sgs.com
74.	Sabastian Muoka	SGS Kenya	Weighbridge Manager	+254 723237939	Sabastian.muoka@sgs.com
75.	Hilda A. Karegi	KENTRADE	Customer service Officer	+254 721358325	hkaregi@kentrade.go.ke
76.	Elam Kamonya	RRA	Verificate Officer	+256 717320165	
77.	Joachim Cyaboshye	RRA	Verificate Officer	+256 717322790	
78.	Alain Kibwiga	RRA	Verificate Officer	+256 717322545	
79.	Josiah Nyarangi	RVR	Regional Operations Manager	+254 728787840	Josiah.nyarangi@rvr.co.ke
80.	Emmanuel Muwanguzi	UNBS	Imports Inspector	+256 702270420	emmamuwa@yahoo.com
81.	Ronald Muhwezi	DDA	Damy Inspector	+256 705275750	roniemuhwezi@yahoo.co.uk
82.	John Peter Ngarombo	UNBS	Asst. Imports Inspector	+256 702326140	johnngarombo@yahoo.com
83.	Geoffrey Kabuye	UNBS	Standards Inspector	+256 701388955	geoffrey.kabuye@yahoo.com
84.	Gerald Zirintunda	MAAIF	Veterinary Inspector	+256 774234165	ggerald777@gmail.com
85.	Stephen Masinde	MAAIF	Agricultural Inspector	+256 772398713	s.masinde@yahoo.com
86.	Walter Opio	UNRA	Weighbridge Scale Att.	+256 774941876	opiowalter@gmail.com

87.	Eric Mugambi	Kenya Police	Liaison Officer	+254 722968887	Mugambieric69@yahoo.com
88.	Asp Julius Jingo	Malaba Police	Officer in charge	+254 718946048	jinglands@yahoo.com
89.	Martin Charles Odoi	MAAIF	Agricultural Inspector	+256 772326617	Odoimartin2014@gmail.com
90.	Asp Paul Okongo	Malaba Police	Officer in charge Traffic	+256 772443146	
91.	Simon Tumwesigye	URA-Malaba	Ag. Regional Manager	+256 717442400	stumwezigye@ura.go.ug
92.	Deo Otia	Multiple Solutions Ltd	Manager	+254 724998383	Deogrations.otia@multiplesolutions.com
93.	Boniface O. Ogolla	RVR	S. Freight Agent	+254 728787203	Boniface.ogola@rvr.co.ke
94.	Peter Etyang	National Insurance Malaba	Branch Manager	+256 754366862	emonglukpeter@yahoo.com
95.	Seif Slim	PIN. Mashru Transporters	Branch Manager	+254 721967023	Sseif09@yahoo.com
96.	Pollycarp Wafula	KRA-Malaba	Officer-CS	+254 733622699	Pollycarp.wafula@kra.go.ke
97.	Kennedy Obaga	KRA-Malaba	Supervisor	+254 722307806	Kenedy.obaga@kra.go.ke
98.	Isaac Kibe	KEBS-Malaba	Inspection Officer	+254 720 535641	kibe@kebs.org
99.	Sylvester Kiwanuka	URA-Malaba	Supervisor Customs	+256 717442581	skiwauka@ura.go.ke
100.	Wycliffe Kayombya	Atlas Cargo System Ltd	Manager	+256 77262022	wycliffekayombya@gmail.com
101.	Richard Okoth	Livercot Impex Ltd	Manager	+256 77263804	machols@yahoo.com
102.	Francis Asitia	Damco Logistics	Operations	+256 782469823	Francis.asitia@damco.com
103.	Yovan Manghara	Brdige Investments	Manager	+256 772565214	yommanghara@yahoo.com
104.	Com Mumila	Frontier Control(K)	OPS	+254 722490953	maengwe@yahoo.com
105.	Micheal Ikamario	Cross border Agents	Secretary	+254 711768213	
106.	M S Mwasene	Frontier Officer	Malaba Officer	_256 728038782	Mohamedrwasene68@gmail.com
107.	Ann W. Mathenge	East Africa Cargo	Operations	+254 719279289	Ann-mathenge@yahoo.com
108.	Devotha Makuluni	GFI	COO	+256 794856302	devotham@gfi-uganda.com
109.	Gal Amnon	GFI	QCM	+256 794856301	Amnon.gal@gfi-uganda.com
110.	James Njoroge	KLTDWU	Chairman	+254 726697516	Njorojames64@yahoo.com

111.	Otia Deograceous	KIFWA Liason	Officer	+254 7249983003	Deo.malaba@gmail.com
112.	Andrew Kimani	Mucheba Services	Manager	+254 722551122	kimani@muchebaservices.com
113.	Titus Kimani	Ikongo Farm Clearing & F	Declaration Clerk	+254 720282846	titkimani@yahoo.com
114.	Edwin Otieno Omukunya	Zula Global Development	Documentation Officer	+254 714148719	Edwinotieno25@gmail.com
115.	Kennedy Obaga	KRA	Supervisor	+254 722307806	Kennedy.obaga@kra.go.ke
116.	Haron K. Mwadulo	KRA	Officer	+256 717450710	Haron.mwaludo@kra.go.ke
117.	N'gura Mwadara	Immigration	CIO	+254 720406104	Medic349@gmail.com
118.	Isaac Kibe	KEBS	Inspection Officer	+254 7200535641	kibei@kebs.org
119.	Milton Anono	PPB Malaba	Inspector	+254 721411787	miltononono@yahoo.com
120.	Mugambi Mumule	Frontier Control	RC	+254 722490903	maengme@yahoo.com
121.	Chales Kirwa	KEPHIS	Inspector	+254 721258260	crobindi@kephis.org
122.	Joseph Lekororo	Police Service	Inspector	+254 722925488	josephlikororo@yahoo.com
123.	Hamisi Ramadhani	Port Health	Public Health Officer	+254 708838014	Hamisiramadhani52@yahoo.com
124.	Mohamed Sathen	Internal Security	Freight Officer	+254 719237184	mohamedmesun@gmail.com
125.	Bedwell K. Bii	Base Commandant – Malaba	Inspector	+254 721917872	
126.	Moses Kameli	Malaba Police	Inspector	+254 722507015	Kameli.moses@yahoo.com
127.	Hussein Majid	KRA	Revenue Officer	+254 729752777	husseinmajid@kra.mail
128.	John Bosco Mubiru	URA	Revenue Officer	+256 777230295	jbmubiru@ura.go.ug
129.	Damaris Nzure	Kenya Police Railways	Officer in Charge	+254 711188119	nzuredama@yahoo.com
130.	Stanslaus Mutuku	RVR	Yard Master Malaba	+254 717968621	Stanslaus.mutuku@rvr.co.ke
131.	Moses Bagabo	RVR	Sup. One Stop	+256 772787872	Moses.bagabo@rvr.co.ke



Permanent Secretariat of the Northern Corridor Transit and Transport Coordination Authority

1196 Links Road, Nyali, P. o. Box: 34068-80118, Mombasa, Kenya

Telephone: +254 414470734/202000881/729923574/733532485

Telefax: +254 41 4470735

Email: ttcanc@ttcanc.org

Website: www.ttcanc.org