Kenya

intra-Africa trade & tariff profile trade law centre 2019

1. Introduction

Kenya is a member of the East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA) and the Intergovernmental Authority on Development (IGAD).

- EAC is a customs union with duty-free trade among the six member states and a common external tariff (CET)
- COMESA has 21 member states, 17 of which are part of the COMESA Free Trade Area – the DRC, Eritrea, Ethiopia and Somalia are all in the process of accession
- IGAD has 8 member states. IGAD focuses on policy and programme harmonisation, peace and security, food security and sustainable development, facilitating investment, capacity building and infrastructure development. There has been no intra-IGAD tariff liberalisation.

Members of the COMESA FTA: DRC Burundi Eritrea Comoros Ethiopia Diibouti Somalia Egypt Eswatini Kenya Libya Madagascar Malawi Mauritius Rwanda Sevchelles

Sudan

Tunisia Uganda Zambia

Zimbabwe

EAC All are member of the Customs Union
Burundi Kenya Rwanda Tanzania South Sudan Uganda

No FTA in place yet:
Djibouti
Eritrea
Ethiopia
Kenya
Somalia
South Sudan
Sudan
Uganda

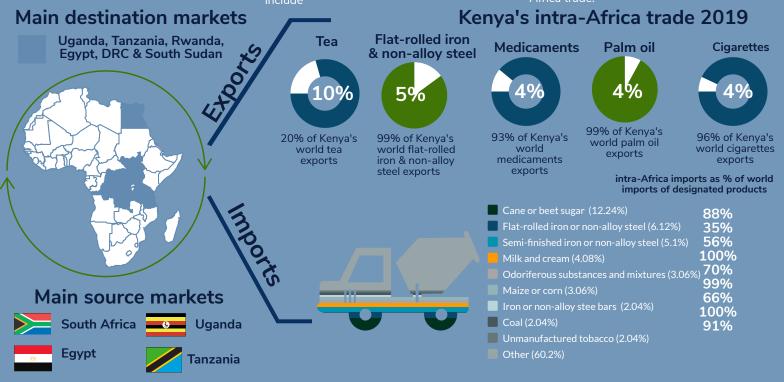
2. Intra-Africa trade

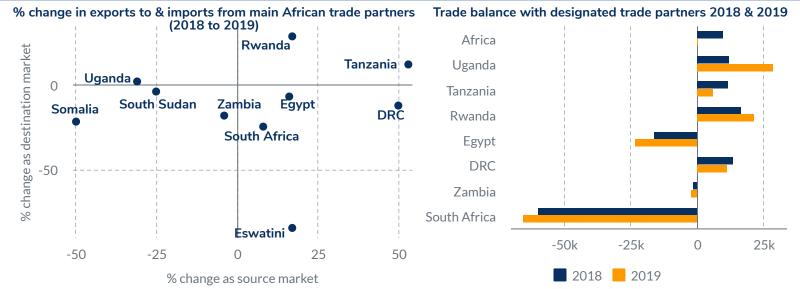
For 2019, 37% of Kenya's world exports & 13% of world imports were to and from the rest of Africa. Intra-Africa exports amounted to US\$2.2 billion (3% more than in 2018) & intra-Africa imports to US\$2.2 billion (7%

increase compared to 2018 imports). Main export products include tea, flat-rolled iron and non-alloy steel. medicaments, palm oil, cigarettes, petroleum oils, soap and sugar confectioneries. 29% of Kenya's intra-Afica exports go to Uganda. Main import products include

COMESA

cane or beet sugar. semi-finished products of iron or non-alloy steel & milk and cream. 32% of Kenya's intra-Africa imports are sourced from South Africa. Kenya mainly trades with Uganda, South Africa, Egypt and Tanzania - accounting for 22%, 17%, 14% & 14% of Kenya's intra-Africa trade.





3. Intra-Africa tariffs & non-tariff cost of trade Goods imported into Kenya from other EAC countries and the majority of COMESA member states enter duty-free. In COMESA the exceptions are goods imported from DRC, Eritrea, Ethiopia, Eswatini and Somalia. African imports from outside the EAC and COMESA, DRC & Somalia are levied the MFN applied duty which is the EAC CET which has 7 tariff bands - duty-free, 10%, 25%, 35%, 50%, 60% and specific or combined duties.

2% of world and 6% of Kenya's intra-Africa exports are to African countries outside EAC and COMESA. The main products export to outside EAC & COMESA include gold, blackfermented tea, drilling machinery and textile bast fibres. Outside EAC & COMESA, Kenya mainly exports to Mozambique, South Africa & Nigeria - accounting for 26%, 24% & 20% of the non-EAC & COMESA exports, respectively. 4% of world and 34% of intra-Africa imports are sourced from African

countries outside EAC and COMESA. Apart from South Africa, 20% are sourced from Mozambique and 12% from Morocco. Of the main import products include flat-rolled iron, semi-finished iron, coal, petroleum gas & hot-rolled iron bars.
Outside EAC & COMESA, Kenya mainly import from South Africa. 93% of Kenya's imports from outside EAC & COMESA are sourced from South Africa. Other source markets include Mozambique and Nigeria, accounting for 3% and 1% Kenya's imports from outside EAC & COMESA

MFN duty categories & % of national tariff lines in each category

Duty-free

seeds for sowing; crude seed oils; cocoa paste & butter; ores & concentrates; rough wood, wool & cotton; ferro-chromium; stainless steel products; construction & agricultural machinery; electric motors & generators; tractors & unassembled motor vehicles

10% duties 20%

almonds & hazelnuts; malt & starches; refined seed oils; cocoa beans; oilcake; rubber tubes, fittings & conveyor belts; yarn; glass products; most flat-rolled iron products and vehicle & machinery parts

40% 25% duties

most live animals; beef, pork, lamb & chicken; fish fillets; most fresh & dried vegetables. & fruits; coffee, tea & spices; chocolate, pasta & pastries; Portland cement; beauty products & soaps; fabrics & clothing items and assembled vehicles

35% duties

hard wheat; cigarettes; tobacco: water pipe second-hand clothes. footwear and other items and primary cells batteries.

50% duties 0.3%

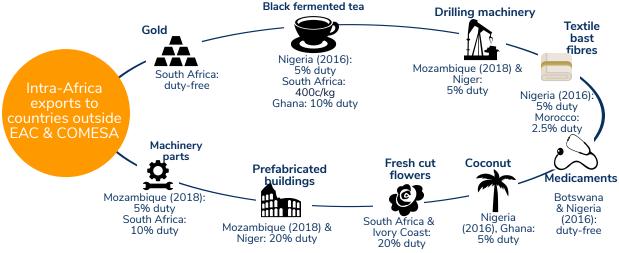
maize; wheat & maize flour; traditional cotton woven fabrics and garments of these fabrics (K̃hanga, Kikoi & Kitenge) and cotton bed & table linen

60% duties **0.3**%

milk; milk powder; yogurt; buttermilk, kefir & other fermented milk products; fresh cheese & curd; grated, processed, blue-veined & other cheeses

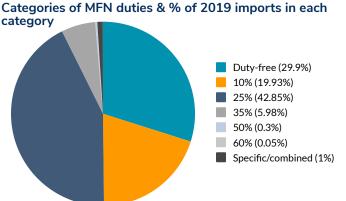
specific/ combined

steel cladding; sugar; iron bars, rods, angles, shapes & sections; alloy steel bars, rods, angles, shapes & sections; plated flat-rolled iron products and rice



Kenya's imports from outside EAC & COMESA

46% of Kenya's world imports of flat-rolled iron > 600mm thick are sourced from outside the EAC & COMESA: 55%. 87% & 19% of Kenya's world imports of semi-finished iron or steel, coal & petroleum gas are sourced from outside EAC and COMESA.



South Africa (93%)

Flat-rolled iron > 600mm thick (duty-free) Iron and non-alloy steel (duty-free) Coal (duty-free)

Mozambique (3%)

Petroleum gas (duty-free) Aluminium wire (duty-free) Ferrous waste and scrap (duty-free)

Nigeria (1%)

Petroleum gas (duty-free) Medical parts and accessories (duty-free) Surveying instruments (duty-free)

Morocco (1%)

Fertilisers (duty-free) Polyethers (duty-free) Petroleum oils (25% duty)

Of the top 20 import products, 13 products are imported into Kenya duty-free. These products include flat-rolled iron or non-alloy steel, semi-finished iron or non-alloy, coal & petroleum gas, hot-rolled iron or non-alloy bars, medicaments, medium oils & polypropylene. The highest tariffs (35%) is applicable to imports of hot-rolled bars and roads in wound coils. A 25% duty is applicable to imports of goods and passenger vehicles, apples & wine.

The tariff cost of bilateral trade between Kenya & designated trade partners

The ESCAP-World Bank trade cost database has two components - the tariff costs and non-tariff costs of trade in agricultural goods & manufactured products. The data shows that the costs of agricultural trade between Kenya and all countries (except Tunisia, Germany & Russia) is more than the cost of manufactured products. Agricultural trade between Kenya and African countries like Ghana, Senegal, Namibia, Mozambique, Mauritius, DRC, Zimbabwe) is more costly than trade with non-African countries like China, France, UK, Russian and Germany. Manufacturing trade between Kenya and Namibia, Tunisia & Senegal is more costly than with Russia, Brazil, Germany, France, China and the UK.

