



**MINISTRY OF INVESTMENTS, TRADE & INDUSTRY**  
STATE DEPARTMENT FOR TRADE

MINISTRY OF INVESTMENTS, TRADE AND INDUSTRY

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KENYA NATIONAL E-COMMERCE POLICY DRAFT

June 2025

## PRELIMINARY SECTIONS

The section describes the title, foreword, preface and acknowledgment, acronyms and abbreviations, technical terms, list of tables and figures and table of contents.

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## FOREWORD

It is a great honour and privilege to present the Kenya National E-Commerce Policy (2025) — a landmark policy framework that affirms the Government’s commitment to harnessing the transformative power of e-commerce as a key enabler of inclusive economic growth, innovation, and global competitiveness

Kenya’s e-commerce sector has expanded significantly over the past decade, propelled by high internet penetration, innovation in digital finance, a vibrant entrepreneurial ecosystem, and a growing youth demographic. Today, Kenya ranks as the third-largest e-commerce market in Africa and leads the continent with the digital economy contributing 7.8% to GDP (UNCTAD, 2022). As of 2023, e-commerce penetration stood at 43.2%, projected to exceed 53.6% by 2025 (Statista, 2024), with mobile money, digital platforms, and online marketplaces becoming key drivers of both domestic and cross-border trade.

Despite this momentum, the full potential of e-commerce in Kenya remains constrained by fragmented regulatory frameworks, infrastructure disparities, weak coordination among implementing agencies, limited digital inclusion, and growing concerns around cybersecurity and consumer trust. The COVID-19 pandemic accelerated digital adoption but also exposed systemic gaps in policy coherence, digital literacy, trust frameworks, and last-mile delivery infrastructure.

This Policy, therefore, responds to the urgent need for a coordinated, inclusive, and future-ready framework to guide Kenya’s digital trade ecosystem. Anchored in the aspirations of Kenya Vision 2030, the Digital Economy Blueprint (2019), and the Bottom-Up Economic Transformation Agenda (BETA), this Policy anchors the Kenya National E-Commerce Strategy (2023) and aligns with the East African Community (EAC) E-Commerce Strategy (2022), regional and international frameworks including the AfCFTA Digital Trade Protocol and global instruments under the World Trade Organization (WTO).

This policy seeks to address critical challenges such as limited digital infrastructure, inadequate legal frameworks, low digital literacy, and constrained access to financing and logistics services—especially for micro, small, and medium enterprises (MSMEs), youth, and women. It also recognizes the importance of trust, data protection, cybersecurity, and consumer rights as the pillars of a vibrant online marketplace. This will not only stimulate domestic trade but also enhance cross-border e-commerce. The policy also seeks to integrate emerging technologies such as Artificial Intelligence (AI), blockchain, and Internet of Things (IoT) into Kenya’s digital trade architecture; as well as Embed climate resilience and sustainability across digital value chains.

I wish to acknowledge and appreciate the contributions of all stakeholders — from government institutions and the private sector to development partners, academia, and civil society — whose participation in the policy development process reflects our shared vision for a digitally empowered Kenya.

I now call upon all actors across the public and private sectors to take collective ownership of this policy and work together to unlock the full potential of e-commerce as a driver of inclusive, sustainable, and globally competitive economic transformation.

**Hon. Lee Kinyanjui**  
**Cabinet Secretary**  
**Ministry of Investments, Trade and Industry**  
**May 2025**

## **PREFACE AND ACKNOWLEDGEMENT**

The digital revolution is reshaping the global economy, with e-commerce emerging as a powerful driver of inclusive economic growth, innovation, and job creation. As Kenya continues on its path to becoming a regional digital hub, it is essential that we establish a robust, forward-looking policy framework to guide the growth of e-commerce in a manner that is secure, inclusive, and sustainable.

The development of the Kenyan E-Commerce Policy is the result of extensive collaboration, dialogue, and input from a wide range of stakeholders committed to advancing Kenya's digital economy. The Ministry of Investments, Trade and Industry (MITI) extends its sincere gratitude to all individuals and organizations whose contributions have been instrumental in shaping this policy.

Implementation of this Policy will be led by the Ministry of Investments, Trade and Industry (MITI), in collaboration with other Ministries, Departments, and Agencies (MDAs), county governments, private sector associations, development partners, and civil society actors. A robust Monitoring, Evaluation, Reporting, and Learning (MERL) framework will ensure accountability, transparency, and continuous improvement throughout the policy lifecycle.

We acknowledge the expertise and insights provided by Government Ministries, Departments and Agencies whose guidance were critical in ensuring that the policy aligns with national priorities and international best practices. Our gratitude also goes to the private sector players, industry associations, MSMEs, consumer advocacy groups, and innovators who shared their experiences, challenges, and recommendations during stakeholder consultations. Your voices helped ensure that this policy is inclusive, practical, and responsive to the needs of the market.

We also recognize the contributions of development partners, research institutions, and civil society organizations who provided technical assistance and evidence-based recommendations that enriched the policy-making process.

Finally, we commend the dedication and hard work of the technical working group and the policy drafting team led by the State Department for Trade, who coordinated the research, consultations, and formulation of this policy document.

I am confident that this policy will serve as a strategic blueprint to steer Kenya's digital trade agenda and position the country as one of the global leaders in e-commerce.

**Ms. Regina A. Ombam**

Principal Secretary  
State Department for Trade  
Ministry of Investments, Trade and Industry



## **ACRONYMS AND ABBREVIATIONS**

**AfCFTA**- African Continental Free Trade Area

**AI**- Artificial Intelligence

**ARPU**- Average Revenue Per User

**AU**- African Union

**B2B**- Business to Business

**BETA**- Bottom-up Economic Transformation Agenda

**BMI**- Business Monitor International

**BPO**- Business Process Outsourcing

**CBK**- Central Bank of Kenya

**CIDPs**- County Integrated Development Plan

**COG**- Council of Governors

**DM**-Digital Markets

**EU**- European Union

**EAC**- East African Community

**ICT**- Information and Communication Technology

**ICTA**- ICT Authority

**IoT**- Internet of Things

**KIPPRA**- Kenya Institute of Public Policy Research and Analysis

**KOMEX**- Kenya National Multi Commodities Exchange Limited

**MITI**- Ministry of Investments, Trade and Industry

**MICDE**- Ministry of Information, Communication and Digital Economy

**MTP IV**- Fourth Medium Term Plan

**NAS**- National Addressing System

**PSA**- Payment Services Act (Singapore)

**PSPs**- Payment Service Providers

**SDGs**- Sustainable Development Goals

**SDT**- State Department for Trade

**TBI-** Tony Blair Institute

**UON-** University of Nairobi

**UNCTAD-** United Nations Conference on Trade and Development

**WTO-** World Trade Organization

**KIRDI-** Kenya Industrial Research and Development Institute

**KICD-** Kenya Institute of Curriculum Development

## **DEFINITION OF TERMS AND CONCEPTS**

**E-Commerce** – Buying and selling of goods and services electronically (online), including payments and information exchange.

**Digital Economy** – Economic activities driven by digital technologies including the internet and mobile networks.

**ICT Infrastructure** – Technology systems including (internet, mobile, data) that support digital services and e-commerce.

**Fourth Industrial Revolution (4IR)** – Integration of advanced tech including AI, robotics, and IoT transforming industries.

**Mobile Money** – Digital financial services through computer and mobile devices including m-pesa and internet banking

**Consumer Protection** – Ensuring safety, rights, and fair treatment for online shoppers including data protection.

**Intellectual Property Rights (IPR)** – Legal rights protecting digital content including software, trademarks, and patents in e-commerce.

**Electronic Signature** – Legally accepted digital signature used to verify identity in online transactions.

**Green E-Commerce** – Eco-friendly online commerce, focusing on sustainable packaging and low-carbon logistics.

**E-Government Platforms** – Government services offered online (e.g., e-Citizen, Hustler Fund).

# 1. INTRODUCTION

## 1.1 Background Information

The World Trade Organization (WTO) defines electronic commerce, or e-commerce as the "production, distribution, marketing, sale or delivery of goods and services by electronic means". An e-commerce transaction can occur between enterprises, households, individuals, governments, and other public or private organizations. E-Commerce may also be defined broadly as the use of electronic communications and digital information processing technologies in business transactions. It is the use of electronic networks to exchange or transfer business information, products, services, and payments for commercial and communication purposes.

E-commerce over the past two decades has experienced significant growth, outpacing other economic sectors and becoming a central part of trade, promoting economic growth. It has also grown from being just a mere concept to an agenda of policymakers worldwide. Given the significance of e-commerce in today's economies, governments across the world are increasingly adopting e-commerce policies to foster sustainable and inclusive economic growth. These policies mostly cover legal frameworks, consumer protection, cybersecurity, data protection and privacy, and promoting capacity building and collaboration between the public and private sectors. Similarly, most recent regional and bilateral trade agreements have chapters on e-commerce, signaling the growing importance of this sector.

The Government of Kenya has continued to recognize the potential of ICT and e-commerce in economic development and has therefore initiated major steps to promote its use. One of the major initiatives that the government is pursuing is to improve ICT infrastructure to bridge the digital divide and lower the cost of communications. Further, the Government has continued with her commitment with the on-going liberalization of the various market segments of the telecommunications sector.

Executive Order No. 2 of 2023 on the organization of the government of the Republic of Kenya mandated the State Department for Trade to Promote E-Commerce. This is to be achieved through promoting the digitalization of services to make them more accessible to the public and support the growth of enterprises within this sector through enforcement and implementation of various laws, regulations, policies and strategies.

The State Department for Trade, being a focal point for Kenya in e-commerce issues is participating in negotiations for the development of e-commerce at East African Community (EAC), Common Market for Eastern and Southern Africa (COMESA), Africa Continental Free Trade Area (AfCFTA), African Union (AU) and World Trade Organization (WTO). To this end, Kenya is implementing the EAC E-commerce Strategy 2022, adopted the COMESA DFTA, and is in the process of ratifying the AfCFTA protocol on digital trade. At the WTO level, Kenya is part of a group of WTO members discussing and negotiating for an e-commerce agreement under the Joint Statement Initiative (JSI).

Nationally, Kenya launched its National E-Commerce Strategy in December 2023 which was developed through a participatory process composed of the Inter-Ministerial Committee of Ministries, Departments, Agencies and Private Sector representatives. The strategy highlights key pillars that the government needs to implement in order to fully harness the potential of e-commerce in the country.

It is against this backdrop, that the State Department for Trade, together with other Ministries, Departments, Agencies and the private sector has developed this e-commerce policy to anchor the Strategy and existing legislations that do not adequately provide an enabling policy and legal environment for the monumental growth expected in the e-commerce sector.

### **1.2 Policy Issue(s) Identification**

This policy aims to address the challenges emanating from the country's e-commerce sector relating to Law and Regulation, ICT infrastructure and digital economy, Trade Facilitation and Logistics, Payment Solutions, Skills and Human Capacity Development, Access to Finance, and cross-cutting issues such as inclusivity. Additionally, green e-commerce and sustainability, emerging technologies and innovation form a critical component of operationalizing the policy.

In addition, inadequate and unreliable data, lack of compliance to standards, uncoordinated enforcement by implementing agencies, violation of consumer rights by e-commerce business, inadequate dispute resolution mechanisms arising from e-commerce platforms conflict of laws due to different jurisdictions, unfair competition leading to price fixing, misleading market conduct, information asymmetry also pose a challenge to e-commerce development.

Kenya is steadily progressing toward universal digital connectivity; however, the expansion of a robust and inclusive internet infrastructure remains a work in progress, hindered by persistent challenges such as limited rural coverage, high data and connectivity costs, and inadequate investment in local digital infrastructure. Despite existing infrastructure gaps, the number of internet users in Kenya is projected to grow significantly between 2024 and 2028, with forecasts indicating a 72% increase, reaching approximately 38.71 million users. However, Mobile connectivity has seen remarkable growth in Kenya over the past decade. By 2023, mobile internet penetration stood at nearly 32%, up from less than 1% in 2013. This surge in access to mobile services has fueled the rapid adoption of mobile money platforms, which now constitute a cornerstone of the country's financial services ecosystem. As of September 2019, there were approximately 56 million registered mobile money accounts. This figure grew to about 77 million accounts by 2023, reflecting Kenya's global leadership in mobile financial inclusion. This widespread uptake has not only expanded access to digital financial services but also laid a strong foundation for the growth of Kenya's e-commerce sector.

The rise in mobile internet access has significantly simplified online shopping in Kenya, enabling more consumers to engage with e-commerce platforms. This trend accelerated during the COVID-19 pandemic, which acted as a catalyst for digital adoption. In 2020, Kenya's e-commerce market experienced a remarkable 66% growth, far surpassing the global average growth rate of 26% during the same period. According to Statista's Digital Market Insights, the average revenue per user (ARPU) in Kenya's e-commerce sector stood at USD 163 in 2021 and is projected to rise to approximately USD 227 by 2025. Although some decline is expected beyond 2025, e-commerce remains a vital component of consumer purchasing behavior in Kenya, particularly driven by mobile-first access and convenience.

Besides shopping online, people use the internet to communicate and share their thoughts and experiences through social media. According to Statista's Consumer Insights, Instant messengers like WhatsApp and Facebook Messenger were most popular and used by 86 percent of Kenyan respondents in 2023. 74 percent mentioned using social networks (e.g. Facebook), whereas 71 percent used media sharing platforms such as YouTube or Instagram (Statista, 2024).

The Government of Kenya has continued to recognize the potential of ICT and e-commerce in economic development and has therefore initiated major steps to promote its use. One of the major initiatives that the government is pursuing is to improve ICT infrastructure to bridge the digital divide and lower the cost of communications. This is because e-commerce rides on ICT infrastructure. The government has also levelled the ground through development and implementation of specific policies and regulations aimed at attracting investments in the sector.

In addition, the Government has continued with the commitment on liberalization of the various market segments of the telecommunications and postal sector as well as the courier industry. Towards this end, the Government has inter alia; put in place an appropriate regulatory framework to promote competition. Licenses in the ICT segment include those of Internet Service Providers; Internet gateway and backbone services, Internet exchange point services and providers of first and last-mile services in the trade and logistics sector. This notwithstanding, the sector still faces challenges in relation to lack of the national address system, a standard courier services pricing system and fragmented regulatory framework.

Kenya's Vision 2030 envisages the main aim "Mainstreaming e-commerce within the overall economy". The government has undertaken various measures on infrastructure development, market improvement, skills and technology upgrading, improved financial transactions, and improved public private partnerships for the e-commerce sub-sector to thrive. Low public investment in shared infrastructure (common user facility), digital literacy and skills gap, high interconnectivity and Interoperability charges, consumer

protection, cross-border data transfers, cyber security, and challenging implementation of the one network area (ONA) remain key challenges that require immediate attention.

The 2016 National Trade Policy which establishes the Government's priority of promoting e-commerce in trade in goods and services. The Kenya Integrated National Export Development and Promotion Strategy (2018) vision on the other hand was to "Transform Kenya's economy through export-led growth in industrial, agricultural and trade in services development." The development and promotion of digital services and products exports is one of the sectors targeted in the national effort of promoting exports to address the runaway balance of trade deficit. One of the sectors targeted in the strategy is the development and promotion of digital services and products for export as a way of diversifying Kenya's export basket. This strategy has not been implemented as envisaged due to a lack of resources as well as a lack of policy harmonisation and integration with other ministries, departments, and agencies whose responsibility was to oversee and promote production.

The development of the Kenya National E-Commerce Strategy in December 2023 was an important milestone for the country as it enabled the government to promote the digitalization of its services to make them more accessible to the public. The Strategy builds upon existing government and regional policies and strategies upon which the country's e-commerce initiatives are embedded. These include among others, the Kenya Vision 2030, the Digital Economy Blueprint 2019, the National Trade Policy 2017, the National ICT Policy 2019, the East African Community (EAC) e-commerce strategy, and the African Continental Free Trade Area (AfCFTA) protocol on e-commerce.

It is envisaged that the Kenya e-commerce policy will anchor the strategy and other legislation that lean towards the operations and usage of e-commerce Platforms in the Country and the region. These platforms include and are not limited to: internet and mobile connectivity platforms that are commonly used for mobile money transactions and online shopping thus spurring the growth of trade and revenue generated from the sales and purchases of products online.

The Micro, Small and Medium Enterprises (MSMEs) in Kenya employ over 90% of the working population and 33.4% of gross value added in 2015 as established in the 2016 KNBS MSME Survey. These MSMEs stand to benefit from an efficient e-commerce ecosystem in-order to scale domestic trade and export trade potential for the country thus enhance market access. The MSME Survey reveals lack of markets as a top constraint.

Further, other players that stand to also benefit from an efficient e-commerce legal and regulatory framework in the country include exporters, importers, manufacturers and general traders. It also enables consumers to access a variety of goods, price discovery, convenience, speed of delivery. The trade facilitation and logistics sector which offers an

end-to-end completion of services at a national and international level where accurate, affordable, trusted and timely services are critical.

The electronic payments providers whose secure and convenient services promote financial inclusion that enable trusted domestic and reliable cross-border transactions for trade in goods and services within the e-commerce platforms.

To fully unlock the potential of these frameworks, Kenya must now respond to emerging trends and persistent gaps through forward-looking policy actions. These include:

- I. Promoting green e-commerce to reduce the environmental footprint of digital trade through sustainable packaging, eco-logistics, and circular supply chains;
- II. Harnessing Artificial Intelligence (AI) to overcome infrastructure bottlenecks and improve efficiency in logistics, personalization, fraud detection, and inventory management;
- III. Incentivizing the e-commerce industry through targeted fiscal and non-fiscal measures to support platform development, warehousing, fintech, and digital entrepreneurship;
- IV. Enhancing instant secure payment systems and promoting affordable, real-time, cross-border transactions to deepen regional integration under AfCFTA and EAC frameworks;
- V. Leveraging digital platforms such as Kenya National Multi Commodities Exchange Limited (KoMEX) to support MSME aggregation, certification, and access to regional and global markets through bulk exports;
- VI. Linking e-commerce with the BPO and ITES sectors, which serve as critical service components of the digital trade ecosystem and offer employment opportunities for youth.
- VII. Addressing policy gaps, including Standards and Consumer Protection provisions for e-commerce.
- VIII. Establishing a well-developed logistics sector, resilient supply chains, adequate warehousing facilities, efficient and secure road, rail and air infrastructure and an appropriate national addressing system to facilitate last-mile delivery efficiently.

These thematic focus areas reflect a deliberate shift toward a sustainable, innovative, inclusive, and export-oriented e-commerce ecosystem in Kenya. Embedding them in the national e-commerce policy will align the country with best practices while ensuring broad-based socio-economic transformation.



### **1.2.1 Protection of Privacy**

Damage, infringement, and misuse of private information by other persons have been found to be the primary types of privacy infringement in the Countries whose E-Commerce policies have evolved overtime. Assurance of privacy protection through well spelt out and implementable policies by corporate entities is key to the development of e-commerce of any nation. Without such an assurance, users may find it difficult to keep track of changes in their rights and responsibilities as regards private information in the possession of third parties. In Kenya, the **Data Protection Act (2019)** provides a legal framework for safeguarding personal information. This policy shall emphasize **full compliance with this Act**.

### **1.2.2 Consumer Rights, Protection and Dispute Resolution**

In consumer rights and protection, major concerns are consumer rights in online purchasing, eradication of unfair trade practices, preventing harm to consumers, and ensuring consumer privacy. In the area of dispute resolution, major concerns include conflicts between jurisdictions and overlapping applicable legislations as well as identifying alternatives to legal action for effective dispute resolution.

Consumer protection entails establishment of fair competition/trade practices, protection of consumer rights, and resolution of e-commerce related disputes. In the absence of an effective consumer protection framework, guarding of consumer rights and reliable dispute resolution mechanism in the e-commerce industry, the majority of would-be users will continue to shy away from engaging in e-commerce related activities thus not fully taking advantage of the digital economy.

### **1.2.3 Safeguarding of Competition in the market**

The rise of digital platforms has introduced a new market competition paradigm that explicitly contrasts with the dynamics of traditional markets. These platforms leverage vast data resources and network effects to entrench their positions, potentially stifling innovation and limiting consumer choice. Moreover, barriers to entry in digital markets, including high capital requirements and access to critical data, further compound these challenges with Small and Medium-sized Enterprises (SMEs) startup being unable to compete with established digital giants,

E-commerce has therefore brought about certain anti-competitive practices with the potential to stifle competition and harm consumers. Such practices include predatory pricing, self-preferencing, and elimination of innovative firms through hostile takeovers/acquisitions which can lead to monopolies and limit consumer choice. In Kenya, the Competition Act Cap 504 provides for promotion and safeguarding of competition in the market, including digital markets.

#### **1.2.4 Intellectual Property Rights**

The Kenyan law on intellectual property rights covers Copyright, Patent, Industrial Design, Utility Models, and Trademarks. These are administered under various laws: The Kenya Industrial Property Act, the Copyright Act, and the Trade Marks Act. It is prudent to develop specific legal mechanisms covering intellectual property right disputes regarding Internet domain names, database protection and allowing patents for e-commerce business models among others.

#### **1.2.5 Cybersecurity and Certification**

Kenya has a Computer Misuse and Cybercrime Act (2018). The enforcement and compliance to the provisions of the Act have remained a challenge. This policy is aimed at improving the viability of e-commerce, protection of consumers, and to help implement government policies for promoting electronic commerce in the country.

#### **1.2.6 Building e-Commerce Network and Globalization of E-Commerce**

The Government policy is to promote industrialisation and globalisation of companies and aggressive export promotion policy. In order to achieve these national goals and priorities, this policy aims to build an e-commerce ecosystem across industries, focusing on expanding and diversifying the export market and consolidating and shielding the domestic market from unfair business practices. This policy also plans to expand the e-Commerce network across industries by promoting an industry-specific B2B infrastructure and facilitating the development of different application models. The policy will facilitate collaboration between and among the County governments in the development of e-commerce networks.

### **1.3 Rationale**

To overcome the interconnected challenges and create an enabling e-commerce environment, there is a need for an e-commerce policy. This policy therefore seeks to pave the way for the development of e-commerce in Kenya by creating an enabling environment for the growth of existing e-commerce enterprises, allowing and encouraging new entrants, facilitating local and cross-border trade by reducing the cost of doing business, enhancing competitiveness, and contributing to the overall digital economy.

In positioning herself as a global player in the e-commerce space, Kenya needs to provide a compacted, comprehensive one-stop-shop digital trade policy consistent with international best practices. A specific or standalone policy and regulation for e-commerce in the country is necessary due to the following factors:

- I. **Sectors coverage and comprehensiveness:** E-commerce potential in sectors such as hospitality, online/mobile payment systems, Business Process Outsourcing (BPO) and digital enabled services remain under-optimized. These sectors have a significant

job creation potential. A stand-alone policy will comprehensively address all areas of e-commerce matters such protection of privacy, intellectual rights policy, consumer rights protection and dispute resolution, cyber security and certification offences and sanctions relevant to e-transactions.

- II. **E-commerce equity and standards** - A stand-alone policy will address the urban and rural areas inequality in the provision of infrastructure and skills upscaling to enable participation in e-commerce. There is also a need for the seamless application of the appropriate standards to increase export competitiveness, as well as the use of language technologies to bridge communication barriers across the country.
- III. **Digital Inclusivity** - The policy aims to bridge the digital divide by advocating for the inclusivity of women, youth, persons living with disability, and marginalized communities in e-commerce activities and platforms.
- IV. **Legal Clarity and Investor Confidence:** A comprehensive e-commerce policy will provide a framework to address and promote electronic trade in Kenya and in external markets, applicable to domestic and foreign investors. The lack of a comprehensive framework disadvantages Kenya when compared to countries with more mature digital trade regimes.
- V. **Consumer Protection and Trust:** Weak or unclear provisions around consumer rights, data privacy, dispute resolution, and cybersecurity have eroded user trust in e-commerce platforms, limiting broader adoption, especially in rural and underserved areas.
- VI. **Competitive Advantage:** The policy will create an enabling environment to Catalyze Innovation and Investment in key sectors in the e-commerce ecosystem that will make Kenya competitive.
- VII. **Emerging Technologies:** With the rapid evolution of e-commerce technologies, including the Fourth Industrial Revolution, there is the need to harness the opportunities brought about by the transformative Fourth Industrial revolution.
- VIII. **Green e-commerce competitiveness** - To positively respond to climate change and sustainable electronic commerce, there is a need to rethink the e-commerce supply chain to limit environmental impact, and promote eco-friendly practices. This presents an opportunity for new and green jobs that will shape consumption patterns, drive environmental sustainability and embrace low-carbon approaches that lead to reduced costs and efficiency.
- IX. **Public Health:** Pandemics such as the COVID-19 restrictions accelerated the importance of e-commerce as critical to the global economic recovery and created a new norm in the delivery of goods and services. A coherent policy framework for e-commerce is therefore of paramount importance.

#### 1.4 Policy Goal and Objectives

The main objective of this policy is to develop a legal and regulatory framework to position e-commerce as a viable and productive sub-sector of the economy. This will be

achieved through examining the existing legislations on e-commerce with the view to bring coherence and eliminate overlaps in implementation.

1. To create an enabling environment to catalyze innovation and investment in key sectors in the e-commerce ecosystem that will enhance Kenya's competitiveness.
2. To develop a coherent policy framework for Kenya to harness the opportunities brought about by the transformative new and emerging technologies.
3. To address the urban and rural areas inequality in the provision of inclusive infrastructure and skills upscaling to enable participation in e-commerce.
4. To bridge the digital divide through advocating for the inclusivity of women, youth, persons living with disability, and marginalized communities in e-commerce activities and platforms.
5. To positively respond to climate change and sustainable electronic commerce, and rethink the e-commerce supply chain strategy to limit environmental impact and promote eco-friendly practices.
6. To support sustainable and green e-commerce through promoting low-carbon, climate-resilient digital business models through eco-packaging, circular logistics, and green job creation.
7. Coordination in the implementation and enforcement of laws, regulations, and standards to ensure consumer welfare.

### **1.5 Scope of the Policy**

This Policy applies to all institutions in the public sector and other actors that partner with the government in the implementation of public policies, programmes and projects. These include; national government and its entities including constitutional commissions, independent offices and state organs; county governments; private sector and other non-state actors.

### **1.6 Structure of the policy document**

This Policy has Six Chapters and Annexes. Chapter one provides an introduction and background about the e-commerce sector. Second chapter presents the situation analysis with regard to e-commerce globally, regionally and locally. Chapter Three presents the key policy statements and action areas. Chapter Four presents the implementation and coordination framework for this policy, while chapters five and six provide mechanisms for monitoring, evaluation and review of this Policy.

## **CHAPTER 2: SITUATION ANALYSIS**

### **2.1 Global Context**

E-commerce has become a key driver of economic transformation worldwide, catalyzing trade, enhancing consumer access, and facilitating business expansion, especially for Micro and small medium enterprises (MSMEs). According to the World Bank's 2023 World Development Report, digital platforms are contributing significantly to GDP growth, job creation, and cross-border trade.

As of 2023, global e-commerce sales reached USD 6.3 trillion, with continued annual growth of around 9% projected through 2026. While developed economies dominate e-commerce markets (e.g., U.S., China, and Western Europe), developing countries lag behind due to infrastructure deficits, regulatory barriers, and limited digital literacy. There is a sharp rise in international e-commerce, with over 27% of online shoppers purchasing from foreign vendors. Mobile transactions now constitute 73% of total e-commerce sales globally, highlighting the importance of mobile-friendly platforms and digital payment systems.

### **2.2 Regional Context**

Africa's e-commerce market demonstrates strong growth potential, though it remains in the early stages of maturity. According to the African Development Bank, Africa's digital economy could contribute \$180 billion to the continent's GDP by 2025. The internet economy is projected to reach 5.2% of the GDP in Africa by 2025, and development of the digital ecosystem has been shown to add up to 1.9% in GDP per capita in Sub-Saharan Africa.

Despite this potential, infrastructure limitations, high data costs, low digital literacy, weak cybersecurity frameworks, poor last-mile logistics, and fragmented legal regimes continue to constrain growth. Between 2017 and 2024, the African e-commerce market was projected to grow at a compound annual growth rate (CAGR) of 24.7%, with annual revenues increasing from \$7.7 billion to over \$42 billion. The rising youth population and widespread use of smartphones are key drivers of online consumer growth. However, the full realization of this potential remains dependent on strategic policy action and targeted investment in enabling infrastructure, digital skills, cybersecurity, and harmonized regulation.

### **2.3 Kenyan Context**

Kenya is the 3rd largest e-commerce market in Africa after South Africa and Nigeria, respectively (UNTAD, 2022 eTrade Readiness Report). Kenya's digital economy is undergoing significant transformation, buoyed by high mobile technology penetration, increasing digital financial services, and a growing youth demographic. However, recent

data from the Kenya National Bureau of Statistics (KNBS) and related agencies indicate both progress and emerging challenges that necessitates the development of an effective e-commerce policy.

As of 2025, approximately 75% of Kenya's population is under the age of 35, creating a vast potential market and labor force for digital commerce (Kenya News Agency, 2025). While the number of mobile money transfer subscribers declined slightly from 38.6 million in 2022 to 38.0 million in 2023, the total value of transactions increased by 19.6%, reaching KSh 5.5 trillion. This reflects increased transaction intensity among active users (KNBS, 2024).

Kenya's adoption of e-Commerce continues to grow, with user penetration standing at 40.3% according to the Communications Authority of Kenya, with revenues expected to have a positive annual average growth of 16.7% by 2027 (CA, 2024). The mobile ecosystem contributed KSh 1.2 trillion to Kenya's GDP in 2023. Projections indicate that the digital economy will contribute over KSh 662 billion by 2028, driven by digitalization in the agriculture, health, and education sectors (Communications Authority of Kenya [CA], 2024). Kenya's mobile infrastructure covers 99% of the population with 3G and 98% with 4G networks. Despite this, only 33.5% of the population actively uses mobile internet, highlighting a significant access and affordability gap (CA, 2024).

The main challenges facing e-commerce in Kenya include among others: poor infrastructure, unreliable internet connectivity, high shipping costs, limited payment options, low digital literacy, and concerns about product quality, inadequate logistics networks, and a lack of trust in online transactions; with the limited reach of delivery services to rural areas being a significant factor. Reported cybercrime incidents increased dramatically from 700 million in 2022 to 1.7 billion in 2023, largely due to system vulnerabilities and digital fraud, which pose significant threats to consumer trust in online commerce (KNBS 2024).

## **2.4 Policy, Legal, and Institutional Frameworks**

### **2.4.1 Policy Framework**

The policies and regulations that midwife e-commerce development in Kenya include the following:

1. **Fourth Medium Term Plan (MTP IV) 2023-2027:** Aligns with the aspirations of the Kenya Vision 2030 and the Bottom-Up Economic Transformation Agenda (BETA) planning approach and its key priorities aims to develop regional approaches to intra-region e-commerce for MSMEs. It entails development of e-commerce policy and strategy; capacity building of county trade officials; development of e-commerce training manuals; roll out of commercial

infrastructure for digital commerce; and linkage of MSMEs through sub-contracting and franchising.

2. **National ICT Policy 2020:** Aims to encourage the growth and adoption of safe local e-commerce platforms with global reach.
3. **The ICT Master Plan (2018-2028):** Recognizes that Kenya lacks proper infrastructure, such as the National Addressing System (NAS) to fully implement e-Commerce.
4. **The Broadband Strategy 2018:** Covers the provision of digital information that supports an effective e-Commerce logistics and supply chain ecosystem.
5. **Kenya National E-Commerce Strategy 2023:** Seeks to promote digitalization and make related services more accessible to the public and enterprises within this sector.
6. **Kenya Digital Economy Blueprint 2019:** Aims to further develop the ICT sector and e-commerce activity. The Blueprint identifies the five pillars of the digital economy, which are described under the headings, Digital Government, Digital Business, Infrastructure, Innovation-Driven Entrepreneurship and Digital Skills and Values.
7. **National Trade Policy 2016:** Aims to promote e-commerce in trade in goods and services by focusing on infrastructure development; market improvement; skills and technology upgrading; improved financial transactions; and improved Public Private Partnerships for the sub-sector in an effort to mainstream e-commerce within the overall economy as envisioned in Kenya's Vision 2030.
8. **Integrated National Export Development and Promotion Strategy 2018:** Seeks to leverage global e-commerce platforms to enhance MSMEs' visibility and complement market access initiatives.
9. **National Youth Policy:** Promotes holistic empowerment and participation of the youth in socio-economic and political development. The policy seeks to ensure ICT is fully and appropriately integrated into education and training at all levels.;
10. **Sessional Paper No. 1 of 2019** on a Policy Framework for Reforming Education and Training for Sustainable Development in Kenya aims to enhance capacities to provide quality and relevant education, training and research. The policy seeks to strengthen ICT integration in education, training and integrate ICT in delivery of the curriculum through ICT-based curriculum delivery and assessment approaches. The policy further seeks to enhance policy, regulatory and institutional frameworks to support ICT integration in education, training and research.
11. **National Skills Development Policy:** Seeks to promote sustainable socio-economic development through the development of a skilled workforce that is employable, productive, enterprising, innovative, adaptable and competitive. The policy

prioritizes skills development in trade and in promoting digital literacy to increase the uptake of work in the online marketplace.

## **2.4.2 The Legal Framework for E-Commerce**

In Kenya, e-commerce is governed by various international, regional, and national laws and institutional bodies. This legal foundation stems from the Constitution 2010, which recognizes global and regional legal instruments, more specifically, Article 2(6) of the Constitution. The specific policy, legal instruments, and institutional frameworks that govern e-commerce include;

### **2.4.2.1 Global Legal Framework**

#### **WTO Provisions on E-commerce**

The World Trade Organization's (WTO) Trade Facilitation Agreement (TFA), which entered into force in 2017, aims to simplify and modernize trade processes, including those related to e-commerce, by expediting the movement, release, and clearance of goods and fostering cooperation between customs and other authorities. This policy will build on the gains already achieved by Kenya from the implementation of the TFA, which aims to leverage digital trade for economic growth and development, including through initiatives such as the National Electronic Single Window System and the Kenya National E-Trade Portal.

There are also ongoing discussions at the WTO on e-commerce, including a moratorium on customs duties on electronic transmissions, and the plurilateral negotiations on joint statement initiatives (JSI) on e-commerce, which seek to develop an e-commerce agreement for consideration by other WTO members.

#### **United Nations Provisions on E-commerce**

The United Nations Commission on International Trade Law in 1996 developed a Model Law on Electronic Commerce (MLEC) with the aim to enable and facilitate commerce conducted using electronic means by providing national legislators with a set of internationally acceptable rules aimed at removing legal obstacles and increasing legal predictability for electronic commerce. It is intended to overcome obstacles arising from statutory provisions that may not be varied contractually by providing equal treatment to paper-based and electronic information, thus fostering efficiency in international trade.



In December 2015, the UN General Assembly adopted the revised UN Guidelines for Consumer Protection (UNGCP). The guidelines contain express provisions emphasizing the need for member states to continuously enhance consumer protection policies and frameworks, evaluate existing protections for e-commerce consumers, accounting for the unique conditions surrounding electronic transactions, to adopt international standards of consumer protection, and familiarize themselves with regional guidelines aimed at supporting e-commerce.

#### **2.4.2.2 Regional Legal Framework**

The following legal frameworks that govern e-commerce exist in the region;

##### **African Continental Free Trade Area(AfCFTA) Digital Trade Protocol**

The AfCFTA has developed a protocol on digital trade, which contains eleven sections covering broad areas such as market access, facilitating digital trade, data governance, business and consumer trust, digital trade inclusion, emerging technologies, transparency on government regulation, and capacity building. Once this protocol is agreed upon and ratified by the state parties, it will inform e-commerce on the continent.

##### **COMESA Digital Free Trade Area (DFTA)**

The COMESA DFTA aims to establish a digitally enabled trade environment by integrating electronic certificates, customs documentation, and single-window systems into regional trade processes. As a member state, Kenya supports the operationalization of the DFTA and is actively contributing to the digitalization of trade facilitation under COMESA. This e-commerce policy recognizes the COMESA DFTA as a guiding framework for building a trusted electronic trade infrastructure, particularly in customs, logistics, and trade documentation.

##### **EAC E-Commerce Strategy (2022)**

The EAC Council of Ministers adopted the e-commerce strategy in July 2022, which aims to contribute to enhancing capacities for growth, improving legal and regulatory frameworks, and increasing trust in digital trade. In addition, it will strengthen cross-sectoral and public-private collaboration in developing regional approaches to cross-border e-commerce.

The strategy outlines the following six Strategic Goals critical for the development and enhancement of e-commerce in the region, namely:

- 1) An enabling legal and regulatory environment for e-commerce, which is open, transparent, and harmonized across EAC Partner States that protects all parties in e-commerce transactions and acts as a building block to deliver trust in it.
- 2) Digital trade facilitation measures and customs facilities that enable e-commerce packages to transit borders with the minimum of delay and administration within the EAC and with other trading blocs and nations.
- 3) Universal access to e-commerce-enabled markets by all EAC consumers and businesses acting as buyers and sellers.
- 4) Individuals and businesses have the human capacity and skills to use e-commerce services.
- 5) Regional postal, logistics, and transport infrastructure support the collection and delivery of e-commerce packages within the EAC and delivery to the rest of the world.
- 6) Individuals and businesses can place orders, make payments, and manage delivery online in any country in the EAC, regardless of the telecommunications network and payment service to which they subscribe.

To attain the above goals, the strategy further identifies measures to be executed at the regional and national levels and establishes regional and national frameworks for its implementation. Working towards the achievement of these goals, which are aligned with the national strategy, will help address the policy issues.

E-commerce policy measures are highly heterogeneous and cover a wide range of areas to ensure a secure, competitive, and consumer-friendly digital marketplace. The areas covered include;

- a) Legal and Regulatory Framework (Consumer protection, Contract enforcement, Dispute resolution)
- b) Digital Infrastructure and Connectivity (Internet access, Logistics and delivery systems, Payment systems)
- c) Data Protection and Cybersecurity
- d) Taxation and Trade Facilitation (Tax Policy and Customs & cross-border trade)
- e) Intellectual Property Rights (IPR)
- f) Market Access and Competition (Fair competition and MSME support)
- g) Consumer Awareness and Digital Literacy
- h) Platform Regulation and Cross-Border Cooperation

This policy, therefore, aligns with the provisions of the EAC e-commerce strategy 2022.

#### **2.4.2.2 National Legal Framework**

In addition to the country's international and regional commitments, e-commerce in Kenya is also governed by the national legal framework. The Constitution of Kenya 2010, guarantees fundamental rights and freedoms, including the right to privacy under Article 31 as well as the right to consumer protection under Article 46.

Article 35 of the Constitution is similarly important as it guarantees the right to access information. This acts as a safeguard against the mining of data that may cause harm to consumers after a breach of privacy. The Constitution further protects E-commerce users by promoting and encouraging fair administrative practices as stipulated under Article 47.

The e-commerce legal framework is also governed by sector-specific legislations including;

- I. **The Kenya Information and Communications Act, CAP 411A (KICA)** - KICA regulates the telecommunications sector, which is vital for E-commerce. It addresses data protection, cybersecurity, and consumer protection in the digital space. To this end, subsidiary legislations have been developed, including the Kenya Information and Communications (Consumer Protection) Regulations, the Kenya Information and Communications (Fair Competition and Equality of Treatment) Regulations, the Kenya Information and Communications (Registration of SIM-Cards) Regulations, among others.
- II. **The Data Protection Act, Cap 411C** - This Act is paramount in ensuring the protection of personal data collected and processed online. It mandates businesses to obtain consent, implement security measures, and comply with data privacy regulations. It also establishes the Office of the Data Protection Commissioner.
- III. **The Competition Act, Cap 504** - The Competition Act aims to promote and safeguard competition in the national economy; to protect consumers from unfair and misleading market conduct; to provide for the establishment, powers and functions of the Competition Authority and the Competition Tribunal.

- IV. **The Computer Misuse and Cybercrimes Act, Cap. 79C** - This Act addresses cybercrime and cybersecurity issues and aims to protect the confidentiality, integrity and availability of computer systems, programs and data as well as facilitate the prevention, detection, investigation, prosecution and punishment of cybercrimes.
- V. **The Income Tax Act and Digital Service Tax Regulations, 2023** - The Finance Act, 2023, was enacted to amend the laws relating to various taxes and duties, especially under the Income Tax Act. The Income Tax Act thus governs taxation of digital services and e-commerce platforms.
- VI. **National Payment Systems Act, Cap 491A (2011)** - This Act makes provision for the regulation and supervision of payment systems and payment service providers. The Act provides a legal framework for regulating and supervising payment systems and payment service providers(PSPs), ensuring a secure, efficient, and inclusive digital payment ecosystem that supports digital trade and other economic activities.
- VII. **The Kenya Revenue Authority Act, Cap. 469** - This Act establishes the Kenya Revenue Authority as a central body for the assessment and collection of revenue, the administration and enforcement of the laws relating to revenue and to provide for connected purposes.
- VIII. **The Consumer Protection Act, Cap 501** - This Act, was enacted to give effect to Article 46 of the Constitution as above-mentioned, safeguards consumer rights in all transactions, ensuring fair trade practices and remedies for defective goods or services. Besides general protection, the Consumer Protection Act proceeds to include internet-based agreements within its scope of operation.
- IX. **National Electronic Single Window System Act, Cap 485D** - This Act provides for the establishment and operationalization of the National Electronic Single Window System. The National Electronic Single Window System (NESWS) aims to facilitate trade by providing a single platform for lodging standardized information and documents related to imports, exports, and transit, thereby streamlining trade processes and promoting digital trade.

- X. **Anti-Counterfeit Authority Act, Cap 510** - This Act aims to prohibit trade in counterfeit goods and establish the Anti-Counterfeit Authority (ACA), thereby protecting consumers and legitimate businesses.
- XI. **Postal Corporation of Kenya Act Cap 411** - This act establishes the Postal Corporation of Kenya to among others, undertake postal and courier services, financial services and the National Payments System
- XII. **Standards Act, Cap 496** - This act establishes the Kenya Bureau of Standards and provides for standardization of commodities. The Standard Act also empowers investigators appointed by the act with power to inspect, examine, seize, detain, order for a conditional release or destroy goods which do not meet the Kenya standards as provided in law.
- XIII. **Trade Descriptions Act Cap 505** - The act prohibits misdescriptions of goods, services, accommodation and facilities provided in the course of trade and further to prohibit false or misleading indications or information.
- XIV. **Weights and Measures Act Cap 513** - The provision for the regulation and standardization of weights, measures, and related instruments used in trade to ensure accuracy and fairness in commercial transactions through standard units of measurement.
- XV. **Central Bank of Kenya (Digital Credit Providers) 2022**- Regulates lending by digital credit providers.

It is noted that despite these range of legal instruments, the national legal framework on e-commerce is yet to adequately cover the realm of e-commerce. Further, there are still gaps in terms of a consolidated e-commerce legislation to support effective coordination across Ministries, Departments, and Agencies of Government for effective and efficient management of the sector.

### **2.4.3 Institutional Framework**

The institutional framework involves various institutions, including:

- I. **The Communications Authority (CA) of Kenya** is responsible for regulating electronic communications and transactions and the courier industry.
- II. **The Office of the Data Protection Commissioner (ODPC)** enforces the Data Protection Act and ensures compliance with data privacy regulations.
- III. **The Kenya Revenue Authority (KRA)** collects taxes on e-commerce transactions and enforces tax compliance.
- IV. **The Competition Authority of Kenya (CAK)** enhances the welfare of the people of Kenya by promoting and safeguarding effective competition in the national economy and protect consumers from unfair and misleading market conduct, including within the digital marketplace.
- V. **Anti-Counterfeit Authority (ACA)** enlightens and informs the public about counterfeiting, combats counterfeiting, trade, and dealings in counterfeit goods, including goods traded through e-commerce, devises and promotes training programs to combat counterfeiting and coordinate with national, regional, and international organizations involved in combating counterfeiting.
- VI. **Kenya Industrial Property Institute (KIPI)** administers industrial property rights, promotes inventiveness and innovativeness in Kenya, and provides training on Industrial property. The institute supports e-commerce in Kenya by protecting intellectual property rights crucial for businesses, including those operating online, to establish and maintain their brand and products.
- VII. **Kenya Copyright Board (KECOBO)** plays a crucial role in administering and enforcing copyright and related rights, ensuring the protection of intellectual property in online transactions and digital content.
- VIII. **Kenya Trade Network Agency (KenTrade)** facilitates cross-border trade and operates the National Electronic Single Window System that supports e-trade facilitation.
- IX. **Kenya Consumers Protection Advisory Committee (KECOPAC)** promotes and advances the social and economic welfare of consumers in Kenya. The committee ensures consumer protection in e-commerce transactions.

- X. **Kenya Bureau of Standards (KEBS)** promotes standardization in industry and commerce by making arrangements or providing facilities for examination and testing of commodities and any material or substance and issue certificates in regard thereto.
- XI. **Weights and Measures**, a department under the Ministry of Investments, Trade and Industry, is charged with the responsibility of administering legal metrology services in Kenya. The Department ensures the accuracy of weighing and measuring instruments and correct quantity declarations during e-commerce transactions.
- XII. **Postal Corporation of Kenya (PCK)** provides end-to-end mail, courier, logistics/agency, and payment services that support e-commerce transactions.
- XIII. **The Central Bank of Kenya (CBK)** is responsible for formulating monetary policy to achieve and maintain price stability. The Central Bank in its objective of promoting financial stability will enhance the acceleration of E-Commerce by providing an effective and efficient payment, clearing and settlement system. The CBK is also charged with the mandate to formulate and implement such policies as to best promote the establishment, regulation and supervision of efficient, effective payment and settlement systems.

## **CHAPTER THREE: POLICY STATEMENTS**

### **3.1 Overview**

This chapter outlines the policy priority areas of the e-commerce policy. The commitments are anchored on the situation analysis in the previous chapter and based on key thematic areas. This chapter, therefore, explains specific policy priority areas and respective policy actions.

### **3.2 ICT INFRASTRUCTURE AND DIGITAL ECONOMY**

#### **3.2.1 Promote the development of digital infrastructure in order to contribute to safe and trusted e-commerce value chains.**

Digital infrastructure forms the backbone of a robust e-commerce ecosystem. Without reliable, accessible, and inclusive infrastructure—ranging from broadband connectivity and digital identity systems to logistics and payment platforms—e-commerce cannot function efficiently or equitably. In Kenya, disparities in digital access between urban and rural areas risk deepening existing socio-economic divides. By prioritizing the development and equitable deployment of digital infrastructure, the government will enable secure, trusted, and efficient participation in e-commerce for all citizens and MSMEs. This approach is essential to unlock Kenya's full digital trade potential, support economic inclusion, and position the country as a competitive regional e-commerce hub

To achieve this, the ministry will implement the following policy actions:

- I. Development of digital trustmark and verifiable credentials for e-commerce players (buyer and sellers) in urban and rural areas.
- II. Support the development of platforms to ensure e-commerce data availability on pricing, availability of commodities, and access to aggregation centers to simplify buyer-seller coordination.
- III. Develop and implement a National Addressing System(NAS) to promote accurate and traceable location identification between buyers and sellers.
- IV. Develop and implement a digital infrastructure monitoring and evaluation framework to assess progress in reducing the urban-rural digital divide.
- V. Promote the use of digital tools such as single window system and e -payment solutions to enhance market access.
- VI. Promote the development of ICT infrastructure to facilitate dispute resolution for key agencies and players. This includes the development of an online reporting and resolution mechanism for e-commerce disputes within the State Department for Trade and other players.
- VII. Promote the use of ICT infrastructure for skills development, awareness creation, seamless customer experience, and enhanced safeguards for customer data rights.
- VIII. Establish a mechanism to incentivize the development and adoption of emerging technology for E-commerce that incorporates rural producers and traders into their value chains



- IX. Promote local e-commerce infrastructure to boost data sovereignty, reduce delays, and meet data protection laws.

### **3.3 LEGAL AND REGULATORY FRAMEWORKS**

#### **3.3.1 To develop a coherent policy Framework to ensure coordinated implementation and enforcement of laws to harness the opportunities brought about by the transformative new and emerging technologies.**

The Government shall develop a coherent policy framework for Kenya to harness the opportunities brought about by the transformative new and emerging technologies to develop e-commerce.

##### **Policy Actions**

- I. Review laws in order to support emerging technologies
- II. Create a coordination framework among implementing agencies

### **3.4 TRADE FACILITATION AND LOGISTICS**

#### **3.4.1. To create an enabling environment to catalyze innovation and investment in key sectors in the e-commerce ecosystem**

The Government of Kenya is committed to fostering a thriving, inclusive, and innovation-focused e-commerce ecosystem that would enhance Kenya's competitiveness, attract sustainable investment, and enhance digital trade competitiveness. Through targeted policy interventions, Kenya is poised to unlock innovation, devolve support to local digital entrepreneurs, promote the adoption of emerging technologies, and strengthen cross-border e-commerce. These measures are poised to strategically reinforce Kenya's position as a regional leader in digital trade, expand opportunities for micro, small, and medium-sized enterprises (MSMEs), empower youth, women, and marginalized populations, and drive economic transformation aligned with Vision 2030 and the Digital Economy Blueprint.

Policy action points and strategic contribution to e-commerce development;

- I. **Establish a National E-Commerce Innovation and Investment Fund** - Provides targeted financial support to startups and MSMEs in logistics-tech, marketplaces, and digital payment platforms, accelerating innovation and scale-up.

- II. **Establish County-Level E-Commerce Hubs, and Logistics Zones** -Facilitates decentralized access to digital infrastructure and fulfillment services built around aggregation for local businesses, promoting inclusive growth and regional market integration.
- III. **Create a National E-Commerce Innovation Sandbox Framework** - As e-commerce is an evolving area, this would provide a safe model for testing new products and services in a controlled environment, fostering regulatory flexibility and accelerating time-to-market for digital solutions.
- IV. **Develop a National Public-Private Co-Investment Framework for E-Commerce** - Catalyzes blended financing and strategic partnerships to scale digital infrastructure and local platforms while minimizing private sector investment risks and encouraging Kenya's early stage startup investments.
- V. **Integrate E-Commerce into Kenya's Export and Investment Promotion Strategies** - Positions e-commerce as a key driver of export growth by enabling MSMEs to access regional and global markets through digital trade platforms. Added benefits may include branding, positioning, and market linkages.
- VI. **Institutionalize a National E-Commerce Trustmark and Digital Seller Identity System** - Enhances consumer trust in local platforms through verified seller credentials, dispute resolution mechanisms, and accountability measures. This would reduce the cases of clients not receiving exactly what they ordered.
- VII. **Support the Localization of E-Commerce Infrastructure (Data Centers, Platforms, Payments)** - Strengthens national data sovereignty, reduces latency, and enhances cost-effectiveness and compliance with domestic data protection laws.
- VIII. **Enhance regulatory clarity fostering interoperability among digital platforms, and empowering relevant regulatory agencies with specialized expertise in data-driven markets**- promotes competitive markets, ensures growth of SMEs and attraction of investments through enhanced regulation of competition in the e-markets to reduce barriers to entry, prevent monopolies and elimination of innovative firms through acquisitions and safeguard fair playground for businesses.
- IX. **Implement smart logistics and last-mile delivery systems**

### 3.5 SKILLS AND HUMAN CAPACITY DEVELOPMENT

**3.5.1 To promote inclusive digital skills development to equip all segments of the population with the competencies required to actively participate in the digital economy and adopt to emerging technology.**

- I. Mainstream digital literacy into the national education curriculum at all levels of education
- II. Enhance digital skills amongst business and consumers through targeted investments in education, capacity building and digital literacy initiatives.
- III. Strengthen and implement national digital literacy programs targeting marginalized communities, with tailored modules for rural populations and informal sector operators.
- IV. Integrate digital skills training within government MSME financing schemes such as Women Enterprise Development Fund, Youth Fund and Uwezo Fund and business development services provided by Government agencies such as KIRDI and KICD.

### **3.6 PAYMENT SOLUTIONS AND ACCESS TO FINANCE**

#### **3.6.1 To enhance Kenya's global standing in the International e-commerce market.**

Kenya aspires to be among the big players in the global e-commerce market. Kenya is currently ranked number 73 in the global e-commerce market rankings and third in Africa after Egypt and South Africa. Leading actors in the global e-commerce market are China, the USA, the United Kingdom, Germany, France, and South Korea, among others. The journey ahead requires all stakeholders—government, private sector, and consumers—to work together as the country, like other developing economies, lags due to infrastructure deficits, regulatory barriers, and limited digital literacy. It is a shared responsibility, but by working in unison, Kenya's digital economy vision can become a reality.

#### **Policy actions**

- I. Prudent fiscal measures that increase consumer disposable income, thereby enhancing the purchasing power of the Kenyan citizens.
- II. Expansion of digital and connectivity infrastructure to improve usage and quality
- III. Accessibility of financial services
- IV. A regulatory system and property rights that strongly support e-commerce adoption and attract global e-commerce companies.
- V. Education and digital skills development: enhance digital skills amongst businesses and consumers through targeted investments in education, capacity building, and digital literacy initiatives.
- VI. Enhance secure payment systems and an efficient logistics network

### **3.6.2 Catalyze Innovation and Investment**

#### **Policy actions**

- I. Promote secure, affordable, and interoperable real-time digital payments for domestic and cross-border trade, especially targeting MSMEs and rural-based businesses.

### **3.7 GREEN E-COMMERCE AND SUSTAINABILITY**

#### **3.7.1 To positively respond to climate change and sustainable e-commerce**

The Government shall support the transition to low-carbon, climate-conscious e-commerce models through regulatory and market-based mechanisms that foster environmental sustainability across the digital commerce value chain.

#### **Policy Actions**

- I. Encourage and incentivise e-commerce platforms to adopt green packaging, route optimization, and renewable energy sources in e-commerce supply chains.
- II. Develop and integrate sustainability key performance indicators (KPIs) into e-commerce reporting frameworks and recognition programs.
- III. Support research and development (R&D) and business models focusing on waste reduction and management in the e-commerce value chain.
- IV. Provide a framework for fiscal and financial incentives for e-commerce actors to invest in a low-carbon emission, climate-resilient, and environmentally sustainable economy. Integration of climate risk criteria by e-commerce investors.
- V. Align Kenya's e-commerce regulatory framework with global climate agreements, such as the Paris Agreement, to ensure international compliance and access to global green finance and partnerships.

### **3.8 CROSS-CUTTING ISSUES**

#### **3.8.1 To bridge the digital divide through advocating for the inclusivity of women, youth, persons living with disabilities, and marginalized communities.**

The Government of Kenya, recognizing the transformative power of digital technology in driving economic growth, is committed to ensuring equitable access to digital tools, services, and opportunities to all citizens. To achieve this objective, the Government is committed to bridging the digital divide by advocating for the inclusion of women, youth,

persons living with disability, and marginalized communities in e-commerce activities and platforms.

### **Policy actions**

This policy seeks to bridge the digital divide through implementing the following policy actions:

#### **3.8.1.1. Affordable Access to Internet Services**

- I. Promote policies that reduce the cost of internet services and digital devices through tax incentives, subsidies, or zero-rating essential service
- II. Incentivise internet service provision(ISPs) to improve quality of service particularly in the rural and remote areas

**3.8.1.2. Digital Literacy and Skills Development:** Support community-based training programs for youth, women, persons with disabilities, and the elderly.

#### **3.8.1.3 Device Accessibility**

- I. Promote the manufacture or importation of low-cost, high-quality devices (smartphones, tablets, laptops).
- II. Explore device financing or lease-to-own models for low-income populations.

**3.8.1.4 Inclusive Policy and Regulation-** Enforce data privacy, cybersecurity, and digital rights to build trust in online platforms.

#### **3.8.1.5 Monitoring and Evaluation Mechanism**

- I. Establish a digital inclusion index and regularly publish reports on progress, gaps, and impact.
- II. Use data to inform evidence-based policy revisions and strategic planning.

#### **3.8.1.6 Launch a Digital Commerce Acceleration program for the marginalized**

Empowers youth, women, and the elderly groups through training, capital access, and digital marketplace onboarding, expanding their participation in the formal digital economy.

### **3.8.2 To address the urban and rural areas' equity in the provision of inclusive infrastructure and skills upscaling**

The government shall facilitate targeted development of digital infrastructure and the upscaling of digital skills across all regions to promote equitable access to digital services

and participate in the digital economy. By fostering inclusive growth, the government will seek to empower citizens, micro, small, and medium enterprises (MSMEs), and communities in both urban and rural areas to fully participate in and benefit from e-commerce.

### **Policy Actions**

- I. Prioritize continuous investment and rollout of high-speed internet and mobile broadband infrastructure in rural and underserved urban areas through public-private partnerships.
- II. Integrate and implement e-commerce support infrastructure such as distribution and logistics hubs, digital marketplaces, and smart warehousing, last-mile delivery into national and county development plans.
- III. Promote energy access solutions (e.g., solar-powered ICT hubs) to support digital connectivity in off-grid areas.
- IV. Implement national digital literacy programs targeting marginalized and underserved communities, with tailored modules for rural populations.
- V. Support mentorship and incubation programs to nurture rural e-commerce entrepreneurs and startups.
- VI. Provide incentives (e.g., grants, tax reliefs, subsidies) to e-commerce platforms and businesses that incorporate rural producers and traders into their value chains.
- VII. Develop and implement a digital infrastructure monitoring and evaluation framework to assess progress in reducing the urban-rural digital divide.

## CHAPTER FOUR: FRAMEWORK FOR IMPLEMENTING THE POLICY

### 4.1 Coordination Framework and Administrative Mechanisms

Successful implementation of this Policy shall be dependent on active engagement and cooperation from all stakeholders. The Ministry responsible for Trade shall spearhead the formulation, validation, legislation, publication and implementation of this Policy as the lead agency in liaison with other Ministries, Departments, Agencies and the Private Sector. This will be done through the following activity flowchart:

Committee of Cabinet Secretaries on E-commerce	
Committee of Principal Secretaries on E-commerce	
E-commerce Implementation Committee	
Public Sector	Private Sector and Development Partners

<ul style="list-style-type: none"> <li>• Ministry responsible for Trade</li> <li>• Ministry responsible for ICT and Digital Economy</li> <li>• Ministry responsible for Cooperatives and MSMEs</li> <li>• Ministry responsible for Education</li> <li>• Ministry responsible for Labor</li> <li>• Ministry responsible for EAC Affairs</li> <li>• Ministry responsible for Foreign Affairs</li> <li>• The National Treasury</li> <li>• The Central Bank of Kenya</li> <li>• Office of Attorney General</li> <li>• Council of Governors</li> </ul>	<ul style="list-style-type: none"> <li>• Private sector organizations and relevant private sector umbrella bodies</li> <li>• Development Partners</li> <li>• Academia</li> <li>• Civil Society</li> </ul>
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Further, a dedicated office within the Ministry responsible for Trade shall be established to work on e-commerce on a full-time basis. This will entail policy review, promotion, advocacy to program development. This office will in collaboration with stakeholders also be charged with development, coordination and implementation of this policy's roadmap.

**The institutional framework is, therefore, intended to ensure:**

- I. The policy remains fit for purpose in a changing environment through stakeholder consultation with and involvement by the private sector.
- II. Overall programme coordination is vested in the Ministry for the time being responsible for Trade, while specific policy actions will be undertaken by the Ministries, Departments, and Agencies (MDAs that have the necessary mandate.
- III. A strong monitoring, evaluation, reporting, and learning framework (MERL) supports attainment of the policy objectives; a set of key performance indicators (KPI) and a comprehensive risk management framework.
- IV. Coordination between the public, private sector, and other stakeholders involved in implementing the policy.
- V. Increased levels of e-commerce awareness by all relevant actors at the National and County Government levels, business and the general public.
- VI. Availability of statistics about e-commerce is necessary for policy formulation and review.
- VII. Enhance access to e-commerce skills for the vulnerable



#### **4.1.1 Committee of Cabinet Secretaries on E-commerce**

The committee of cabinet secretaries on e-commerce shall be the highest policy advisory body. It will be charged with overseeing the implementation of this Policy. This committee shall meet at least once per year and shall comprise of;

1. CS Ministry responsible for Trade- Chair
2. CS Ministry responsible for Information, Communication and Digital Economy
3. CS Ministry responsible for The National Treasury
4. CS Ministry responsible for Co-operatives and MSMEs
5. CS Ministry responsible for Education and TVETs
6. CS Ministry responsible for Foreign Affairs
7. CS responsible for EAC Affairs
8. CS Ministry responsible for Labour
9. The Attorney General of the Republic of Kenya
10. The Chair of the Council of Governors

#### **4.1.2 Committee of Principal Secretaries on E-commerce**

This committee shall be charged with;

- I. Providing strategic direction on policies and initiatives;
- II. Driving and fostering coordination of implementation of the policy initiatives;
- III. Monitoring e-commerce collaboration initiatives;
- IV. Spearheading resource mobilization; and
- V. Creating awareness on importance of e-commerce towards economic and digital growth.

It shall comprise of;

1. PS responsible for Trade- Chair
2. PS responsible for The National Treasury
3. PS responsible for ICT
4. PS responsible for Education
5. PS responsible for Foreign Affairs
6. Ps responsible for Labour
7. PS responsible for Broadcasting and Telecommunication
8. PS responsible for EAC Affairs
9. The Solicitor General
10. Governor CBK
11. The CEO Council of Governors

### **Frequency of meetings**

This committee shall meet at least twice a year and shall form various committees or working groups to oversee the implementation of the Policy initiatives.

#### **4.1.3 E-commerce Implementation Committee**

This committee shall serve as the coordinating body, overseeing the implementation of the e-commerce policy and its interventions. The Committee shall meet on a quarterly basis, with provision for extraordinary meetings as needed in response to emerging issues, performance bottlenecks, or review cycles.

Membership will be drawn from relevant ministries, departments, agencies, the private sector, development partners, the county governments, civil Society, and other relevant organisations.

## **4.2 Legal and Regulatory Framework**

### **4.2.1 The Legal and Institutional Framework**

#### **Introduction**

The absence of a legal framework has posed a serious impediment to the development of the e-commerce sector in Kenya. This policy acknowledges that there is lack of coordination among institutions that have a part to play in e-commerce development. The critical problems facing e-commerce and its development as identified in the Policy includes scattered e-commerce related policies in different government ministries and agencies, conflicting policies, rules, regulations and practices that affect the sector and ineffective coordination of various institutions and lack of a consolidated and coordinated approach to e-commerce policy formulation and implementation among all the relevant ministries and government Agencies. It has also been pointed out that administrative procedures for business remain unnecessarily complex and time consuming, a scenario that is precipitated by lack of a coordinated approach to e-commerce policy formulation and implementation. This has created legal, administrative and operational inefficiencies.

In view of the identified weaknesses, an effective legal and institutional framework is required to implement this policy.

The envisaged legal and institutional framework aims at:

- I. Enhancing capacity to make and implement e-commerce policy consistent with the country's international, regional and bilateral obligations;
- II. Seeking more effective coordination among relevant government ministries departments, agencies and other key stakeholders;
- III. Building capacity to deal with e-commerce issues within a lead institution;
- IV. Developing capacity at national level to undertake strategic analysis on e-commerce issues;
- V. Strengthening of support services that ensure e-commerce efficiency through expansion, access, and quality of internet connectivity, access to finance, secure e-payment systems, access to e-commerce information, uptake and adoption in new technology;
- VI. Integrating sustainable and climate smart production systems and green e-commerce in value chains that use e-commerce to trade;
- VII. Creating supportive e-commerce related regulatory and policy framework that will encourage trade and investment; and,
- VIII. Enhance training and digital skills development.
- IX. Enhance access to e-commerce skills by the vulnerable

This policy aligns with the Constitution of Kenya, 2010 and several diverse sector specific laws that have a bearing on e-commerce such as the Kenya Information and Communications Act, Act No. 2 of 1998 (KICA), the Data Protection Act, Cap 411C the Competition Act, Cap 504, the Computer Misuse and Cybercrimes Act, Cap 79C, the Income Tax Act and Digital Service Tax regulations, 2010, Kenya Revenue Authority, Cap 469, the Consumer Protection Act, Cap 501 , National Payment Systems Act, Cap 491A among others. The implementation of these laws will support the implementation of the proposed policy.

Through enactment of the Kenya Communications Act, Cap 411A, Kenya effectively adopted the United Nations Model Law on Electronic Commerce of 1996. The highlights of the law include the promotion of e-government and e-commerce by increasing public confidence in electronic transactions; legal recognition of electronic records and electronic signatures; imposition of new offenses with respect to cybercrimes involving electronic records and transactions, and the use of computing and telecommunications equipment; and clarification of legal uncertainties about the admissibility of electronic records as evidence in court proceedings.

In view of the identified challenges, there is need to enact a *sui generis* legislation to regulate e –commerce in Kenya. The legislation should aim to promote e- commerce and institutional coordination without stifling the efforts of entrepreneurs to use technology to enhance business efficiency and reduce overhead costs.

### **4.3. Funding arrangements**

Effective implementation of this policy shall require adequate financial resources. The main source of funding shall be government exchequer with the Ministry responsible for Trade mobilizing additional resources from development partners.

The Ministry responsible for Trade in collaboration with stakeholders shall develop resource mobilization strategy to enhance the capability to implement policy activities.

Further, implementing agencies shall be encouraged to explore utilizing internally generated funds to implement planned activities. The implementation matrix is herein annexed as *annex 1*.

## **CHAPTER FIVE: MONITORING AND EVALUATION**

### **5.1 Policy Monitoring, Evaluation, Reporting and Learning**

Monitoring and Evaluation (M&E) shall be essential components of this Policy. Effective implementation of this Policy shall require rigorous monitoring and evaluation (M&E) mechanisms. The M&E of this Policy is intended to provide information on how implementation of the Policy is meeting its set objectives, the challenges facing its implementation, what corrective actions may be needed to ensure delivery of results and whether it is making any positive contribution to the sustainable development of the Country. M&E shall also demonstrate accountability and transparency, and help in building trust between the Government and its stakeholders. Further, M&E shall provide feedback on the Policy's performance.

#### **5.1.1 Monitoring**

Monitoring implementation of this Policy shall be continuous using systematic collection of data on specified indicators to provide indications of the extent of progress and achievement. As well as the objectives and progress on the use of allocated resources. Once this Policy is in place monitoring shall start immediately, tracking progress against what was planned. Monitoring shall be at different levels, providing information at specified agreed times.

Monitoring shall be the responsibility of the Ministry responsible for Trade in consultation with the stakeholders. The implementing agencies shall establish monitoring committees to track and report progress.

Monitoring shall focus on the quality of implementation (processes), results achieved, opportunities emerging for achieving the Policy objectives, resources leveraged to finance the Policy. All Stakeholders shall establish structures for the purpose of undertaking monitoring and reporting of progress.

In collaboration with stakeholders, the Ministry responsible for Trade shall:

- I. Develop a system or mechanism for continuous monitoring (for example, electronic/ internet-based);
- II. Develop data collection procedures;
- III. Develop multilevel coordination mechanisms amongst different government departments;
- IV. Identify reporting frequencies and channels of reporting; and
- V. Determine analytical and reporting formats;

With regard to sharing of monitoring data, the Ministry responsible for Trade shall use the following methods:

- I. Hold regular expert and stakeholder meetings;
- II. Use official communication channels of the government including bulletins;
- III. Convene periodic participatory citizen gatherings where all stakeholders gather and put across their opinions about state of e-commerce in the Country; and
- IV. Electronic platforms.

### **5.1.2 Evaluation**

Evaluation shall be an essential part of this Policy. Evaluation shall be aimed at facilitating evidence-based decision making, increasing accountability and transparency, demonstrating achievements towards Policy objectives and assessing the Policy's effectiveness, efficiency, results and impacts.

During the implementation period, the following evaluations shall be conducted: Midterm evaluation; Thematic evaluations and Ex-post evaluations.

### **5.1.3 Midterm evaluation**

The Ministry responsible for Trade in collaboration with stakeholders shall undertake a mid-term review of implementation of this Policy midway. This will entail examining implementation progress at all functional levels, achievements and lessons learnt. The report generated will be used to reengineer the programmes to achieve the goals set in the Policy within the set time.

#### **5.1.4 Thematic evaluations**

These shall focus on assessing specific themes, issues, or strategies across multiple sectors or this Policy to understand their integration and effectiveness, identify lessons learned, and pinpoint areas for improvement.

#### **5.1.5 Ex-post evaluation**

At the end of the Policy implementation, the Ministry responsible for Trade in collaboration with stakeholders shall undertake an evaluation to demonstrate the achievements of the policy's objectives, results and impacts. This evaluation shall also be aimed at determining the long-term effects of certain types of interventions.

#### **5.1.6 Reporting**

Reporting shall focus on achievements, challenges, risks, opportunities and gaps based on regular M&E. Performance information derived from both M&E shall be used as a management tool and provide feedback on the progress of activities in this Policy. A systematic plan for disseminating M&E results to the stakeholders shall be put in place.

All implementing agencies shall be expected to produce periodic progress reports in a prescribed format and submit to the Ministry responsible for Trade for consolidation, further analysis, and dissemination. These reports include monthly, quarterly, bi-annual and annual.

#### **5.1.7 Learning**

Lessons learned shall entail a detailed record of the successes and failures encountered during the implementation of this Policy. This shall be a record of what was done, why it was done that way, what went wrong and right, why it happened, and what can be done differently next time. Documenting lessons learned shall be aimed at helping project teams and organizations to continuously improve their processes, avoid repeating past mistakes, and build on successful practices. The positive and negative experiences shall be utilized to contribute to the overall enhancement of future policy performance. This shall not be a one-off event but continuous.

The ministry responsible for trade shall document, store for easy access and share lessons learnt with all stakeholders. Regular review sessions shall be scheduled to provide insights about lessons learned. On the other hand, implementing agencies shall also document lessons learnt in their respective activities and develop strategies to avoid repeating mistakes in future activities.

For this policy, the components of lessons learned shall include the following:

- I. **Successes:** Analysis of what went on well, identifying best practices that led to positive outcomes
- II. **Challenges and failures:** Challenges shall take many forms ranging from missed deadlines, budget overruns and miscommunications. Documenting these challenges shall provide an opportunity to explore what went wrong, why it happened and what can be done differently next time.
- III. **Solutions and recommendations:** Each identified challenge should come up with potential solutions or recommendations. These shall include: project planning, risk management, resource allocation, communication processes among others.
- IV. **Actions for future projects:** these shall be practical steps that can be applied to new projects. Concrete improvements to be implemented moving forward.

The M & E Matrix is annexed as ***annex II***.

## **CHAPTER SIX: POLICY REVIEW**

This policy shall be reviewed after ten (10) years. However periodic reviews shall be conducted to cater for new developments in the e-commerce sector and digital economy and address any concerns which may arise from time to time. Early reviews shall be warranted to align the Policy with changes in international and regional frameworks, legislation or emergency situations.



## ANNEXES

### Annex 1: Policy Implementation Matrix

Policy Interventions	Expected Output	KPI	Time frame	Est Cost	Fund - ing	Responsibility	
						Lead	Support
Policy Goal/Objective Development of Kenya's E-Commerce Policy							
	Statement #1: To enhance Kenya's global standing in the International e-commerce market.						
Policy 1	Prudent fiscal and monetary measures that increase consumer disposable income thereby enhancing the purchasing power of Kenyan citizens	Tax reliefs Tax exemption Tax/ monetary	10 years		GoK	TNT	CBK

		incentives i.e.  Subsidies,  mobile payments  tariff  reliefs					
Policy 2	Expansion of digital and connectivity infrastructure to improve access, usage and quality.	New areas covered, No. of users, internet strength	5 years		GoK Dev	MICDE	CBK, Banks
Policy 3	Accessibility of financial services	% of users of financial services	10 years		GoK	CBK	Payment Service Providers, MICDE, Financial Sector Deepening Kenya

Policy 4	A regulatory system and property rights that strongly support e-commerce adoption and attract global e-commerce companies.	% increase in DFI and local investors	10 years		GoK Dev	MITI	AG, CA, TNT
Policy 5	Enhance secure payment systems and efficient logistic network.	% increase in digital/e-payment usage	10 years		GoK	CBK, TNT	FinTecs, e-commerce platforms, Financial Sector Deepening Kenya
	<b>Statement #2: To create an enabling environment to catalyse innovation and Investment in key sectors of the e-commerce ecosystem</b>						
Policy Interventions	Expected Output	KPI	Time frame	Est Cost	Funding Sources	Responsibility	

Policy 1	Establish a National E-Commerce Innovation and Investment Fund	No innovations funded	10 years		GoK, Dev	TNT	CBK, MITI, NA
Policy 2	Establish County-Level E-Commerce Hubs and Logistics Zones	No of Hubs	10 years		GoK Dev	MITI	County, MICDE
Policy 3	Create a National E-Commerce Innovation Sandbox Framework	No Sandboxes developed	10 years		GoK Dev	MITI	MICDE
Policy 4	Incentivize the Adoption of Emerging Technologies (AI, Cloud, Blockchain)	No. of emerging technologies adopted	10 years		GoK Dev	MITI	MICDE
Policy 5	Launch a Digital Commerce Acceleration program for the marginalized	No. of the marginalized population accessing the programme	10 years		GoK Dev	MoE	MITI, MICDE, DEV
Policy 6	Develop and implement a National Public-Private Co-Investment	No. of e-commerce PPPs	10 years		GoK	TNT, Private Sector	MITI, MICDE

	Framework for E-Commerce						
Policy 7	Integrate E-Commerce into Kenya's Export and Investment Promotion Strategies	Volume/value of e-commerce-driven exports	10 years		GoK	MITI	Private Sector
Policy 8	Institutionalize a National E-Commerce Trustmark and Digital Seller Identity System	Volume of transactions	10 years		GoK	MITI	Private Sector
Policy 9	Support the Localization of E-Commerce Infrastructure (Data Centres, Platforms, Payments).	The volume of data stored locally	10 years		GoK	MICDE	MITI
	<b>Statement #3: Anchor and Give Effect to the Kenya National E-commerce Strategy</b>						
Policy Interventions	Expected Output	KPI	Time frame	Est Cost	Funding Sources	Responsibility	

Policy 1	Operationalise and implement national, regional and multilateral policies, and strategies upon which e-commerce initiatives in the country are embedded.	No. of Policies and Strategies operationalised	10 years		GoK Dev	MITI	Private Sector
Policy 2	Develop standalone legislation commerce	a Legislation developed e-	5 years		GoK Dev	MITI	Private Sector, MICDE
Policy 3	Promote and strengthen the existing commerce initiatives established by the government to create job opportunities.	No. of Job opportunities created	10 years		GoK Dev	MITI	Private Sector, MICDE
	Statement #4: To Develop a Coherent Policy Framework to harness the opportunities brought about by the transformative new and emerging technologies						
Policy Interventions	Expected Output	KPI	Time frame	Est Cost	Fund - ing Sources	Responsi bility	

Policy 1	Implement smart logistics and last-mile delivery systems	No. of smart logistics firms/systems	10 years		GoK	MITI	MICDE Private Sector
Policy 2	Review laws to support emerging technologies in e-commerce	No. of laws reviewed	10 years		GoK	MITI	MICDE, AG Private Sector
Policy 3	Enable data-driven policymaking through research and innovation	Availability of e-commerce data	10 years		GoK	MITI	Private Sector
	Statement #5: To address the urban and rural areas' equity in the provision of inclusive infrastructure						
Policy Interventions	Expected Output	KPI	Time frame	Est Cost	Funding Sources	Responsibility	
Policy 1	Prioritise continuous investment and the rollout of high-speed internet and mobile broadband infrastructure in rural and underserved urban areas through	-Percentage increase in accessing the Internet in rural and underserved urban areas	10 years		GoK Dev	MICDE	MITI Private Sector

	public-private partnerships.	-Percentage increase in internet coverage					
Policy 2	Integrate and implement e-commerce support infrastructures such as distribution and logistics hubs, digital marketplaces, and smart warehousing, last-mile delivery into national and county development plans.	No. of e-commerce infrastructures implemented	10 years		GoK Dev	MITI	Private Sector
Policy 3	Promote energy access solutions (e.g., solar-powered ICT hubs) to support digital connectivity in off-grid areas.	Percentage increase in digital connectivity in off-grid areas	10 years		GoK Dev	MoEP	Private Sector MITI
Policy 4	Implement national digital literacy programs targeting marginalized and underserved communities, with	Percentage increase in utilisation of digital tools	10 years		GoK Dev	MoE	MITI MICDE Academia



	tailored modules for rural populations.						
Policy 5	Support mentorship and incubation programs to nurture rural e-commerce entrepreneurs and start-ups.	No. of entrepreneurs and start-ups supported	10 years		GoK Dev	MITI	Private Sectors
Policy 6	Provide incentives (e.g., grants, tax reliefs, subsidies) to e-commerce platforms and businesses that incorporate rural producers and traders into their value chains.	Volume and value of rural products traded on e-commerce platforms	10 years		GoK Dev	TNT	MITI Private Sector
Policy 7	Develop and implement a digital infrastructure monitoring and evaluation framework to assess progress in reducing the urban-rural digital divide.	M&E Framework developed and implemented	10 years		GoK Dev	MITI	Private Sector
Policy 8	Promote the use of digital tools such as single window systems and e-	Percentage increase in	10 years		GoK Dev	TNT	MITI

	payment solutions to enhance market access.	usage of digital tools					
Policy 9	Develop and implement a National Addressing System (NAS).	NAS Developed and implemented	10 years		GoK Dev	MICDE	TNT, MITI, MLHUD
Statement #6: To promote inclusive digital skills development to equip all segments of the population with the competencies required to actively participate in the digital economy and adopt to emerging technology.							
Policy Interventions	Expected Output	KPI	Time frame	Est Cost	Funding Sources	Responsibility	
Policy 1	Mainstream digital literacy into the national education curriculum at all levels of education	Curriculum Developed	10 years		GoK Dev	MoE	MITI, MICDE
Policy 2	Enhance digital skills amongst businesses and consumers through targeted investments in education, capacity building, and digital literacy initiatives	Percentage uptake of digital skills	10 years		Gok Dev	MITI	MoE, MICDE

Policy 3	Strengthen and implement national digital literacy programs targeting marginalized communities, with tailored modules for rural populations and informal sector operators.	Percentage uptake of digital skills in underserved communities	10 years		Gok Dev	MITI	MoE, MICDE
Policy 4	Integrate digital skills training within government MSME financing schemes such as Women Enterprise Development Fund, Youth Fund and Uwezo Fund and business development services provided by Government agencies such as KIRDI and KIE	Integration of digital skills training into funding programs	10 years		Gok Dev	TNT	MoE, MITI, MICDE
Statement #7: To Bridge the digital divide by advocating for the Inclusivity of Women, youth, persons living with disabilities and marginalized communities							
Policy Interventions	Expected Output	KPI	Time frame	Est Cost	Funding Sources	Responsibility	

Policy 1	<p>Affordable Access to Internet Services</p> <p>Promote policies that reduce the cost of internet services and digital devices through tax incentives, subsidies, or zero-rating essential service</p> <p>Incentivized internet service provision (ISPs) to improve the quality of service particularly in the rural and remote areas</p>	Percentage increase in internet uptake	10 years		GoK Dev	MICDE	Private Sector, MITI
Policy 2	<p>Device Accessibility</p> <p>Promote the manufacture or importation of low-cost, high-quality devices (smartphones, tablets, laptops).</p> <p>Explore device financing or lease-to-own models for</p>	Percentage Increase in uptake of devices	10 years		GoK	MICDE	MITI Private Secor

	low-income populations.						
Policy 3	Inclusive Policy and Regulation – Enforce data privacy, cybersecurity, and digital rights to build trust in online platforms.	Increased uptake of digital services	10 years				
Statement #7: To positively respond to Climate Change and Sustainable e-commerce							
Policy Interventions	Expected Output	KPI	Time frame	Est Cost	Funding Sources	Responsibility	
Policy 1	Encourage and incentivise e-commerce platforms to adopt green packaging, route optimization, and renewable energy sources in e-	Percentage uptake of green energy solutions	10 years		GoK Dev	TNT MECC	MITI

	commerce supply chains.						
Policy 2	Develop and integrate sustainability Key Performance Indicators (KPIs) into e-commerce reporting frameworks and recognition programs.	E-commerce reporting framework and recognition program developed and implemented	10 years		GoK Dev	MECC	MITI
Policy 3	Support research and development (R&D) and business models focusing on waste reduction and management in the e-commerce value chain.	Uptake of the business models for effective waste management	10 years		GoK Dev	MECC	MITI

Policy 4	Provide a framework for fiscal and financial incentives for e-commerce actors to invest in a low-carbon emission, climate-resilient and environmentally sustainable economy. Integration of climate risk criteria by e-commerce investors.	Increased uptake of the fiscal and monetary measures	10 years		GoK Dev	TNT, MECC	MITI
Policy 5	Align Kenya's e-commerce regulatory framework with global climate agreements, such as the Paris Agreement, to ensure international compliance and access to global green finance and partnerships.	Percentage of compliance	10 years		GoK Dev	MECC	MITI, TNT, AG

## Annex II: M& E Matrix

	Indicator(s)	Base line	Target(s)		Source of data	Frequency
			Mid Term	End Term		
<b>Goal 1: To enhance Kenya's global standing in the International e-commerce market.</b>						
<b>Outcome 1:</b> Increased consumer disposable income	Tax reliefs Tax exemptions	July 2025	June 2030	June 2035	Stakeholders,  Literature, Laws and Regulations	Annually
<b>Outcome 2:</b> Expansion of digital connectivity infrastructure	Areas covered, and No. of users, Internet strength	July 2025	Dec 2027	June 2030	Stakeholders,  Literature, Laws and Regulations	Annually
<b>Outcome 3:</b> Accessibility of financial services	% of users of	July 2025	June 2030	June 2035	Stakeholders,  Literature, Laws and Regulations	Annually



<b>Outcome 4:</b> A regulatory system and property rights supporting e-commerce adoption and attracting global e-commerce companies.	% increase in DFI and local investors	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 5:</b> Enhance Secure payment systems and efficient logistical network.	% increase in e-payment usage	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually

**Goal 2: To create an enabling environment to catalyse innovation and Investment in key sectors of the e-commerce ecosystem**

<b>Outcome 1:</b> National Commerce Innovation and Investment Fund established	No. E-innovations funded	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 2:</b> County-Level Commerce Hubs and Logistics Zones establish	No. of E-Hubs	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 3:</b> National E-Sandboxe	No. of Sandboxes	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually

Commerce Innovation Sandbox Framework created	s developed				Literature, Laws and Regulations	
<b>Outcome 4:</b> Adoption of Emerging Technologies (AI, Cloud, Blockchain)	No. of emerging technologies adopted	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 5:</b> Digital Commerce Acceleration program for the marginalized launched	No. of the marginalized population accessing the programme	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 6:</b> National Public-Private Investment Framework for E-Commerce developed and implemented	No. of e-commerce PPPs	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 7:</b> E-Commerce Integrated into Kenya's Export and Investment	Volume/value of e-commerce driven exports	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually

Promotion Strategies						
<b>Outcome 8:</b> National Commerce Trustmark Digital Identity Institutionalised	<b>8:</b> Volume of E-transactions and Seller System	<b>July 2025</b>	<b>June 2030</b>	<b>June 2035</b>	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 9:</b> Localization of Commerce Infrastructure (Data Centres, Platforms, Payments)	<b>9:</b> The volume of E-data stored locally	<b>July 2025</b>	<b>June 2030</b>	<b>June 2035</b>	Stakeholders, Literature, Laws and Regulations	Annually

**Goal 4: To Develop a Coherent Policy Framework to harness the opportunities brought about by the transformative new and emerging technologies**

<b>Outcome 1:</b> Smart logistics and last-mile delivery systems implemented	<b>1:</b> No. of smart logistics firms/systems	<b>July 2025</b>	<b>June 2030</b>	<b>June 2035</b>	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 2:</b> Laws to support emerging technologies in e-commerce reviewed	<b>2:</b> No. of laws reviewed	<b>July 2025</b>	<b>June 2030</b>	<b>June 2035</b>	Stakeholders, Literature, Laws and Regulations	Annually

<b>Outcome 3:</b> Data-driven policymaking through research and innovation enabled	Availability of e-commerce data	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Goal 5: To address the urban and rural areas' equity in the provision of inclusive infrastructure</b>						
<b>Outcome 1:</b> Continuous investment in the rollout of high-speed internet and mobile broadband infrastructure in rural and underserved urban areas through public-private partnerships prioritised	-% increase in accessing the Internet in rural and underserved urban areas -% increase in internet coverage	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 2:</b> E-commerce support infrastructures such as distribution logistics hubs, digital marketplaces, and smart	No. of e-commerce infrastructure implemented	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually

warehousing, last-mile delivery Integrated and implemented into national and county development plans.						
<b>Outcome 3:</b> Energy access solutions (e.g., solar-powered ICT hubs) to support digital connectivity in off-grid areas promoted.	% increase in digital connectivity in off-grid areas	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 4:</b> National digital literacy programs targeting marginalized and underserved communities, implemented with tailored modules for rural populations.	% increase in utilisation of digital tools	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 5:</b> Mentorship and incubation programs supported to nurture rural e-commerce	No. of entrepreneurs and start-ups supported	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually

entrepreneurs and start-ups.						
<b>Outcome 6:</b> Incentives provided (e.g., grants, tax reliefs, subsidies) to e-commerce platforms and businesses that incorporate rural producers and traders into their value chains.	Volume and value of rural products traded on e-commerce platforms	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 7:</b> Digital infrastructure monitoring and evaluation framework to assess progress in reducing the urban-rural digital divide developed and implemented.	M&E Framework developed and implemented	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 8:</b> Use of digital tools such as single window systems and e-payment solutions to enhance market access promoted,	% increase in usage of digital tools	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually

<b>Outcome 9:</b> National Addressing System (NAS) developed and implemented.	NAS Developed and implemented	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
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**Goal 6: To promote inclusive digital skills development to equip all segments of the population with the competencies required to actively participate in the digital economy and adopt to emerging technology.**

<b>Outcome 1:</b> Digital literacy mainstreamed into the national education curriculum at all levels of education	Curriculum Developed	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 2:</b> Digital skills enhanced amongst businesses and consumers through targeted investments in education, capacity building, and digital literacy initiatives	% uptake of digital skills	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 3:</b> National digital literacy programs targeting marginalized	% uptake of digital skills in underserved	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and	Annually

communities strengthened and implemented , with tailored modules for rural populations and informal sector operators.	communities				Regulations	
<b>Outcome 4:</b> Integrate digital skills training within government MSME financing schemes such as Women Enterprise Development Fund, Youth Fund and Uwezo Fund and business development services provided by Government agencies such as KIRDI and KIE	Integration of digital skills training into funding programs	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually

**Goal 7: To Bridge the digital divide by advocating for the Inclusivity of Women, youth, persons living with disabilities and marginalized communities**



<p><b>Outcome 1:</b> -% Policies that increase uptake and digital devices promoted through tax incentives, subsidies, or zero-rating essential service</p> <p>-Internet service providers (ISPs) incentivised to improve the quality of service particularly in the rural and remote areas</p>		July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<p><b>Outcome 2:</b> % Manufacture or importation of low-cost, high-quality devices (smartphones, tablets, laptops) promoted.</p> <p>-Device financing or lease-to-own models for low-income populations established.</p>		July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually

<b>Outcome 3:</b> Enforced data privacy, cybersecurity, and digital rights to build trust in online platforms.	Increased uptake of digital services	<b>July 2025</b>	<b>June 2030</b>	<b>June 2035</b>	Stakeholders, Literature, Laws and Regulations	Annually
<b>Goal 8: To positively respond to Climate Change and Sustainable e-commerce</b>						
<b>Outcome 1:</b> e-commerce platforms encouraged and incentivised to adopt green packaging, route optimization, and renewable energy sources in e-commerce supply chains.	Percentage uptake of green energy solutions	<b>July 2025</b>	<b>June 2030</b>	<b>June 2035</b>	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 2:</b> Sustainability Key Performance Indicators (KPIs) developed and integrated into e-commerce reporting frameworks and recognition programs.	E-commerce reporting framework and recognition program developed and implemented	<b>July 2025</b>	<b>June 2030</b>	<b>June 2035</b>	Stakeholders, Literature, Laws and Regulations	Annually

<b>Outcome 3:</b> Research and development (R&D) and business models for focusing on waste reduction and waste management in the e-commerce value chain supported.	Uptake of the business models for effective waste management in the e-commerce value chain supported.	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 4:</b> Provide framework for fiscal and financial incentives for e-commerce actors to invest in a low-carbon emission, climate-resilient and environmentally sustainable economy. Integration of climate risk criteria by e-commerce investors.	Increased uptake of the fiscal and monetary measures to invest in a low-carbon emission, climate-resilient and environmentally sustainable economy. Integration of climate risk criteria by e-commerce investors.	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually
<b>Outcome 5:</b> Align Kenya's e-commerce regulatory framework with global climate agreements, such as the Paris	Percentage of e-commerce compliance	July 2025	June 2030	June 2035	Stakeholders, Literature, Laws and Regulations	Annually

Agreement, to ensure international compliance and access to global green finance and partnerships.						
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### **Annex III: Relevant legal documents**

The following legal documents were referred to during the formulation of the policy:

1. Kenya E-Trade Readiness Assessment, 2022
2. Kenya National E-commerce Strategy, 2023
3. Kenya Digital Acceleration Project (KDEAP) 2023 by World Bank.
4. Kenya's Digital Economy Blueprint (2019)
5. The National ICT Policy Guidelines 2020
6. Kenya National Digital Master Plan 2022-2032
7. The National Payments Strategy 2022-2025
8. The National Trade policy 2016
9. The National ICT Strategy for Education and Training.
10. National Cybersecurity Strategy 2022

11. Kenya Information Communication Act 1998, amended 2013 [currently under review]
12. Kenya information and communications (consumer protection) regulation, 2010.
13. Consumer Protection Act, 2012 – to be reviewed.
14. Kenya Industrial Property Act, 2012 [being reviewed]
15. Computer Misuse and Cyber Crime Act 2018
16. Data Protection Act, 2019
17. Civil Aviation (Unmanned Aircraft Systems) Regulation 2020
18. Kenya National Single Window Act, 2022
19. National Payment System Act 2011 [Review ongoing]
20. National Payment Rules and Regulations 2014
21. National Payment Strategy 2022 – 2023
22. Guidelines on Cybersecurity for PSPs
23. Electronic Transaction Bill
24. National Addressing Bill
25. CBK Digital Credit Providers Regulations, 2022
26. Guidance note on cybersecurity for the Banking sector.
27. Guidance Note on conducting money laundering/Terrorism
28. Financing Risk Assessment
29. Copyright Act 2001, Act No.12 of 2012
30. Anti-Counterfeit Act No.13 of 2008
31. Anti-Counterfeit (Amendment) Regulations 2021
32. Anti-Counterfeit (Recordation) Regulations 2021
33. Kenya Copyright Act, 2017
34. Kenya Anti-Counterfeit Act, revised 2018
35. Weights and Measures Act Cap 513 reviewed to Legal Metrology 2024
36. Trade Descriptions Act Cap 505 reviewed 2024

37. Standards Act Cap 496
38. AfCFTA Protocol on Digital Trade (Ongoing)
39. Sustainable Development Goals (SDGs 2015-2030)
40. EAC E-commerce Strategy 2022

### **Annex III: Relevant Institutions**

#### **a). Private Sector**

The relevant umbrella bodies key in the delivery of strategic initiatives include;

1. Kenya National Chamber of Commerce and Industry(KNCCI)
2. Kenya Association of Manufacturers(KAM)
3. Kenya Private Sector Alliance (KEPSA)
4. Association of Courier Operators
5. Kenya Consumer Organisation (KCO)
6. ICT Association of Kenya
7. Retail Trade Association
8. E-commerce Alliance

#### **b) Development Partners**

1. United Nation Conference on Trade and Development (UNCTAD)
2. World Bank
3. World Trade Organization (WTO)
4. German Development Cooperation Agency (GIZ)
5. Tony Blair Institute (TBI)