



*Approved for tabling
SNA
17/8/23*

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – SECOND SESSION – 2023

DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

REPORT ON THE PROTOCOLS RELATING TO AMENDMENTS OF ARTICLE 50(a)
AND 56 TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION 1944
(CHICAGO CONVENTION)

THE NATIONAL ASSEMBLY PAPER NO. 1010	
DATE:	17 AUG 2023
TABLED BY:	<i>Hon George Kariuki MP Champerperson, Transport & Infrastructure</i>
CLERK-AT THE TABLE:	<i>Anne Shubeko</i>

Published by:-

The Directorate of Departmental Committees
Clerk's Chambers
Parliament Buildings
NAIROBI

AUGUST, 2023

TABLE OF CONTENTS

ANNEXURES.....	3
CHAIRPERSON'S FOREWORD	4
1.0 PREFACE.....	5
1.1 Introduction and Committee Mandate	5
1.2 Committee Subjects and Oversight	6
1.3 Committee Membership.....	7
1.4 Secretariat	8
CHAPTER TWO: BACKGROUND INFORMATION.....	9
2.1 Analysis of the Protocols amending Articles 50 (a) and 56 of the Convention on International Civil Aviation (Chicago Convention).....	9
2.2 Legal Framework.....	12
2.3 Request for submission of Memoranda.....	14
CHAPTER THREE	15
3.0 SUBMISSIONS FROM STAKEHOLDERS	15
3.1 SUBMISSION BY THE MINISTRY OF FOREIGN AND DIASPORA AFFAIRS	15
3.2 SUBMISSION BY THE MINISTRY OF ROADS AND TRANSPORT.....	17
CHAPTER FOUR.....	21
4.0 OBSERVATIONS.....	21
CHAPTER FIVE.....	22
5.0 RECOMMENDATION.....	22

LIST OF ABBREVIATIONS AND ACRONYMS

- ICAO - International Civil Aviation Organization
KCAA - Kenya Civil Aviation Authority
SARPs - Standards and Recommended Practices
PANS - Procedures for Air Navigation Services

ANNEXURES

- Annexure 1: Report adoption list
- Annexure 2: Minutes
- Annexure 3: Newspaper advertisement on public participation
- Annexure 4: Submissions by the Ministries
- Annexure 5: Protocols relating to Amendments of Articles 50 (a) and 56 to the Convention on International Civil Aviation 1944 (Chicago Convention)

CHAIRPERSON'S FOREWORD

The Protocols amending Articles 50 (a) and 56 of the Convention on International Civil Aviation (Chicago Convention) was tabled in the House on 20th April, 2023 and committed to the Departmental Committee on Transport and Infrastructure for consideration and reporting to the House.

The Chicago Convention was signed on 7th December, 1944, by Fifty- two (52) States. Kenya became a signatory to the Convention on 1st May, 1964. There are currently 193 contracting States to the Convention.

The Convention's objective is to regulate international air transport and establish the International Civil Aviation Organization (ICAO), a specialized agency of the United Nations charged with the administration of the principles laid out in the Convention.

The Protocols Amending Articles 50 (a) and 56 of the Convention on International Civil Aviation were signed on 6th October 2016, during the 39th Session of the ICAO Assembly held in Montreal from 27th September to 6th October 2016.

Pursuant to the provisions of Article 118(1)(b) of the Constitution on public participation and section 8(3) of the Treaty Making and ratification Act of 2012, the Committee placed advertisements in a local daily nationwide circulation, on Tuesday 2nd May, 2023 requesting for submissions of memoranda on the subject. The Committee did not receive a memorandum in support or not supporting the Convention by close of business on Wednesday 17th May 2023.

Further, the Committee deliberated on the Protocol with the Ministry of Roads and Transport, Ministry of Foreign and Diaspora Affairs and the Ministry of East African Community, ASALs and Regional Development

The Committee is thankful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its Sittings.

Pursuant to Section 8(4) of the Treaty Making and Ratification Act, 2012 and Standing Order 199, it is my pleasant duty to present the Report of the Departmental Committee on Transport and Infrastructure on its consideration of The Protocols Amending Articles 50 (a) and 56 of the Convention on International Civil Aviation (Chicago Convention).

Hon. GK George Kariuki, MP.

Chairperson, Departmental Committee on Transport and Infrastructure

1.0 PREFACE

1.1 Introduction and Committee Mandate

1. The Departmental Committee on Transport and Infrastructure is established under the National Assembly Standing Orders No. 216 (1). The functions and mandate of the Committee as per Standing Orders, No. 216(5) include: -
 - a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
 - b) To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
 - c) To study and review all the legislation referred to it;
 - d) To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - e) To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - f) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments);
 - g) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - h) To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - i) To examine any questions raised by Members on a matter within its mandate.
 - j) To examine treaties, agreements and conventions;
2. The subject matter of the Departmental Committee on Transport and Infrastructure are stated in the Second Schedule of the National Assembly Standing Orders as follows: Transport, including non- motorized transport and maintenance of Roads, rails, air and marine transport, seaports and national integrated infrastructure policies and programmes and transport safety.

1.2 Committee Subjects and Oversight

3. The Committee is mandated to consider the following subjects as per the second schedule of the Standing Orders:
 - (i) Transport, including non-motorized transport;
 - (ii) Construction and maintenance of roads;
 - (iii) Rails, air and marine transport; Seaports and national integrated infrastructure
 - (iv) policies and
 - (v) programmes; and
 - (vi) Transport safety.

Oversight

4. The Committee oversees the Ministry of Roads and Transport which has two (2) state departments namely:
 - i. State department for Roads
 - ii. State department for Transport
5. Further, Committee oversees the State Department for Shipping and Maritime Affairs which is under the Ministry of Mining, Blue Economy, and Maritime Affairs.

1.3 Committee Membership

1. The Committee comprises the following Members:

The Hon. G.K George Kariuki, M.P - **Chairperson**
Ndia Constituency
United Democratic Alliance Party

The Hon. Mutua Didmus Wekesa Barasa, M.P- **Vice- Chairperson**
Kimilili Constituency
United Democratic Alliance Party

The Hon. Arama Samuel. M.P
Nakuru Town West Constituency
Jubilee Party

The Hon. Kiunjuri Festus Mwangi, M.P.
Laikipia East Constituency
The Service Party

The Hon. Abdul Rahim Dawood, M.P.
North Imenti Constituency
Independent

The Hon. Bady, Bady Twalib, M.P.
Jomvu Constituency
Orange Democratic Movement Party

The Hon. Naicca, Johnson Many, M.P
Mumias East Constituency
Orange Democratic Movement Party

The Hon. Abdirahman, Husseinweytan
Mohamed, M.P.
Mandera East Constituency
Orange Democratic Movement Party

The Hon. Elsie Muhanda, M.P.
Kakamega County
Orange Democratic Movement Party

The Hon. Komingoi Kibet Kirui, M.P.
Bureti Constituency
United Democratic Alliance Party

The Hon. Francis, Kajwang' Tom Joseph,
Ruaraka Constituency
Orange Democratic Movement Party

The Hon. Saney Ibrahim Abdi, M.P
Wajir North Constituency
United Democratic Alliance Party

The Hon. Chege John Kiragu, M.P.
Limuru Constituency
United Democratic Alliance Party

The Hon. Jhanda Zaheer, M.P
Nyaribari Cache Constituency
United Democratic Alliance

The Hon. Kiaraho, David Njuguna, M.P.
Ol Kalao Constituency
Jubilee Party

1.4 Secretariat

1. The Committee is serviced by the following Members of Staff:

Ms. Tracy Chebet Koskei
Senior Clerk Assistant
Lead Clerk

Mr. Mohamednur Mohamud Abdullahi
Clerk Assistant III

Mr. Abdinasir Moge
Fiscal Analyst

Mr. Eric Kariuki
Research Officer

Mr. Mabuti Mutua
Legal Counsel II

Ms. Clare Choper Doye
Clerk Assistant III

Ms. Ivy Maritim
Media Relation Officer

Mr. Eugene Luteshi
Audio Officer

Mr. Josphat Bundotich
Serjeant at-Arms

CHAPTER TWO: BACKGROUND INFORMATION

2.1 Analysis of the Protocols amending Articles 50 (a) and 56 of the Convention on International Civil Aviation (Chicago Convention)

6. The Protocols amending Articles 50 (a) and 56 of the Convention on International Civil Aviation (Chicago Convention) was tabled in the House on 20th April, 2023 and committed to the Departmental Committee on Transport and Infrastructure for consideration and reporting to the House.
7. The Chicago Convention was signed on 7th December, 1944, by Fifty- two (52) States. Kenya became a signatory to the Convention on 1st May, 1964. There are currently 193 contracting States to the Convention.
8. The Convention's objective is to regulate international air transport and establish the International Civil Aviation Organization (ICAO), a specialized agency of the United Nations charged with the administration of the principles laid out in the Convention.
9. The Protocols amending Articles 50 (a) and 56 of the Convention on International Civil Aviation were adopted on 6th October 2016, during the 39th Session of the ICAO Assembly held in Montreal from 27th September to 6th October 2016.
10. The Protocol relating to the amendment to Article 50(a) of the Convention was adopted with the aim of increasing the membership of the Council from thirty-six (36) to forty (40) while the Protocol relating to the amendment to Article 56 of the Convention aims to increase the membership of the Air Navigation Commission from nineteen (19) to twenty-one (21).
11. The Chicago Convention has Ninety-six (96) Articles which establish the privileges and restrictions of all Contracting States. The Convention accepts the principle that every State has complete and exclusive sovereignty over the airspace above its territory and provides that no scheduled international air service may operate over or into the territory of a Contracting State without its previous consent.
12. ICAO has a sovereign body, the Assembly, and a governing body, the Council. The Assembly meets once every three years and is convened by the Council. Each Contracting State is entitled to one vote, and decisions of the Assembly are taken by a majority of the votes cast except when otherwise provided for in the Convention. At these sessions, the complete work of the Organization in the technical, economic, legal and technical cooperation fields is reviewed in detail, and guidance is given to the other bodies of ICAO for their future work.

13. The Council is a permanent body responsible to the Assembly and is composed of representatives from 36 Contracting States elected by the Assembly for a three-year term. Election to the Council is divided into three parts:

Part I – Eleven States: States of chief importance in air transport;

Australia, Brazil, Canada, China, France, Germany, Italy, Japan, Russian Federation, United Kingdom and the United States.

Part II – Twelve States: States not already elected in the first part but which make the largest contribution to the provision of facilities for international civil air navigation; and

Argentina, Colombia, Egypt, Finland, India, Mexico, Netherlands, Nigeria, Saudi Arabia, Singapore, South Africa, and Spain.

Part III – Thirteen States: States not elected in either the first or the second part, and whether or not they were candidates in either of those parts, and whose designation will ensure that all the major geographical areas of the world are represented on the Council.

Costa Rica, Côte d'Ivoire, Dominican Republic, Equatorial Guinea, Greece, Malaysia, Paraguay, Peru, Republic of Korea, Sudan, Tunisia, United Arab Emirates, Zambia.

14. In view of the growing traffic in certain regions of the world and the emergence of new sub-regions that are not represented in the Council, ICAO has passed Resolution A39-4 signed at Montreal on 6th October, 2016 that Amends Article 50 of the Chicago Convention by increasing the number of ICAO Council Members from 36 to 40.
15. The Air Navigation Commission considers and recommends Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) for adoption or approval by the ICAO Council.
16. The Commission is composed of representatives from 19 Contracting States. Although ANC Commissioners are nominated by specific ICAO Member States, and appointed by the Council, they do not represent the interest of any particular State or Region. Rather they act independently and utilize their expertise in the interest of the entire international civil aviation community.

LEGISLATIVE IMPLICATIONS

17. The amendments of the convention are consistent with the constitution and promote constitutional values and objectives, it does not allude to an amendment of the constitution or any other existing legislation.
18. The ratification of the amendments to the Convention will be incorporated into existing institutional frameworks that KCAA has made provision for.

FINANCIAL IMPLICATIONS

19. The Council submits to the Assembly annual budgets, annual statements of accounts, and estimates of all receipts and expenditures. The Assembly Votes the budgets with whatever modification it sees fit to prescribe, and, with the exception of assessments under Chapter XV of the Convention to States consenting thereto, shall apportion the expenses of the Organization among the contracting States on the basis which it shall from time to time determine.
20. The ratification of the amendment to the Convention will be incorporated into existing institutional frameworks that KCAA has made provision for and therefore there are no budgetary changes envisaged in terms of financial implications.
21. The Amendment to the Convention has no implication on Public funds.

MINISTERIAL RESPONSIBILITY

22. The Cabinet Secretary for Roads and Transport is responsible for implementation of the Convention and exercises powers conferred by Section 52 (e) of the Civil Aviation Act (No. 21 of 2013) which provides that '*submission of variations to the Chicago Convention, any Annex to the Convention relating to international standards and recommended practices and any amendment thereto, or other international conventions and protocols, relating to civil aviation that Kenya is party to*'.
23. The Ministry of Foreign and Diaspora Affairs, and the Office of the Attorney General and Department of Justice will coordinate the reporting process on state obligation pursuant to Treaty Making and Ratification Act of 2012.

RATIFICATION, ACCEPTANCE AND APPROVAL AND AMENDMENT

24. The Convention shall be subject to ratification by the signatory States. The instruments of ratification shall be deposited in the archives of the Government of the United States of America, which shall give notice of the date of the deposit to each of the signatory and adhering State.

Report of the Departmental Committee on Transport& Infrastructure on the Protocols relating to the Amendments of Articles 50 and 56 of the Convention on International Civil Aviation 1944

25. Amendment to this Convention must be approved by a two-thirds vote of the Assembly and shall then come into force in respect of States which have ratified such amendment when ratified by the number of contracting States specified by the Assembly. The number so specified shall not be less than two-thirds of the total number of contracting States.

SETTLEMENT OF DISPUTES

26. If a disagreement arises between two or more contracting States relating to the interpretation or application of this Convention and its Annexes cannot be settled by negotiation, it shall, on the application of any State concerned in the disagreement, be decided by the Council.

RESERVATIONS

27. The Convention provides that the States members of the International Civil Aviation Organization may become parties to this Protocol either by:
- a) signature without reservation as to acceptance, or
 - b) signature with reservation as to acceptance followed by acceptance

WITHDRAWAL

28. Any contracting State may give notice of denunciation of the Convention three years after its coming into effect by notification addressed to the Government of the United States of America, which shall at once inform each of the contracting States.

2.2 Legal Framework

29. Article 2(5) of the Constitution provides that general rules and international law shall form part of our law, article 2(6) on the other hand provides that any treaty or convention ratified by Kenya shall form part of the law of Kenya.
30. Section 7 of the Treaty Making and Ratification Act, 2012 provides that where the Government intends to ratify a treaty, the Cabinet Secretary of the relevant State department shall, in consultation with the Attorney-General, submit to the Cabinet the treaty, together with a memorandum outlining—
- a) the objects and subject matter of the treaty;
 - b) any constitutional implications including—
 - (i) any proposed amendment to the Constitution; and

- (ii) that the treaty is consistent with the Constitution and promotes constitutional values and objectives;
- c) the national interests which may be affected by the ratification of the treaty;
- d) obligations imposed on Kenya by the treaty;
- e) requirements for implementation of the treaty;
- f) policy and legislative considerations;

- g) financial implications;
- h) ministerial responsibility;
- i) implications on matters relating to counties;
- j) the summary of the process leading to the adoption of the treaty;
- k) the date of signature;
- l) the number of states that are party to the treaty; and
- m) the views of the public on the ratification of the treaty, among other requirements.

31. Section 8 of the Act further provides that:

- (a) The relevant parliamentary committee shall, during its consideration of the Treaty, ensure public participation in the ratification process in accordance with laid down parliamentary procedures.
- (b) National Assembly may approve the ratification of a treaty with or without reservations to specific provisions of the treaty.
- (c) A proposed reservation shall be introduced as a provision into the treaty in accordance with the procedure set out in the Standing Orders.
- (d) Where the National Assembly refuses to approve the ratification of a treaty, the Clerk of the National Assembly shall submit the resolution of the House to the relevant Cabinet Secretary within fourteen days of the resolution.
- (e) The National Assembly shall not approve the ratification of a treaty or part of it if its provisions are contrary to Constitution, nor shall the House approve a reservation to a treaty or part of it if that reservation negates any of the provisions of the Constitution even if the reservation is permitted under the relevant treaty.

32. Standing Order 170A further provides as follows on the procedure for the consideration of a Treaty:

- (1) A treaty submitted to the National Assembly for ratification shall be laid on the Table of the House and stand committed to the relevant Committee for consideration.
- (2) The committee shall undertake public participation before submitting its report to the House.
- (3) In addition to the information required to be submitted to the National Assembly under written law, the committee may require the relevant Cabinet Secretary to submit further information, including—
 - (a) the social and environmental impact of the treaty in the short-term, medium-term, and long-term; and,

(b) the nature and evidence of any public participation conducted on the treaty.

(4) The report of the committee to the House shall include—

- a) information on the views of the people on the ratification of the treaty emanating from public participation conducted by the committee;
- b) the findings of the committee on the treaty and any other information the committee may deem necessary; and
- c) a recommendation that the House—
 - (i) approves the ratification of the treaty, or
 - (ii) approves the ratification of the treaty with reservations, or
 - (iii) rejects the ratification of the treaty.

(5) In approving ratification of a treaty with reservations, the House shall specify the affected provisions of the treaty and the proposed text of each reservation, which may include prescription of timelines within which an obligation is to be fulfilled before implementation of the Treaty.

(6) Upon decision of the House on a treaty the Clerk shall, within seven days, notify the relevant Cabinet Secretary and enter the information in the register of treaties.

2.3 Request for submission of Memoranda

33. Pursuant to the provisions of Article 118(1)(b) of the Constitution on public participation and section 8(3) of the Treaty Making and ratification Act of 2012, the Clerk of the National Assembly placed advertisements in two local dailies with nationwide circulation (Nation and the Standard Newspaper), on Tuesday 2nd May, 2023 requesting for submissions of memoranda on the Agreement.

34. The Committee did not receive any memorandum on the Agreement in response to the Advertisements by close of business on Wednesday 17th May 2023.

CHAPTER THREE

3.0 SUBMISSIONS FROM STAKEHOLDERS

35. In considering the Protocols relating to amendments to Articles 50 (a) and 56 of the Convention on International Civil Aviation, the Committee held meetings with the Ministry of Foreign Affairs and Diaspora Affairs and the Ministry of Roads and Transport on Thursday 26th June, 2023 and 27th July, 2023, respectively. The submissions are outlined below:

3.1 SUBMISSION BY THE MINISTRY OF FOREIGN AND DIASPORA AFFAIRS

Dr. Alfred Mutua, the Cabinet Secretary for the Ministry of Foreign and Diaspora Affairs appeared before the Committee on Thursday 26th June, 2023 and submitted that,

36. The Chicago Convention was signed on 7th December, 1944, by Fifty –two (52) States. Kenya adhered to it on 1st May, 1964. There are currently 193 contracting States to the Convention.
37. The Convention's objective is to regulate international air transport and establish the International Civil Aviation Organization (ICAO), a specialized agency of the United Nations.
38. He further submitted that, the Protocols relating to the amendment of Articles 50(a) and 56 to the Convention on International Civil Aviation, 1944 (Chicago convention) were adopted in the 39th Session at Montreal on 1st October, 2016, in order to increase the membership of the Council and the Air Navigation Commission.
39. He further informed the Committee that the proposed amendment to the Convention shall come into force after the 128th Member State deposits their Instrument of Ratification as outlined by article 94(a) of the Convention. Currently 12 members have ratified the amendments. Kenya is Party to the Convention and its protocols but yet to ratify the protocols relating to the amendment of the convention.
40. The Cabinet Secretary noted that the Protocol pertaining to the Amendment makes note of the desire of a significant number of contracting nations to enhance the council's membership in order to ensure greater representation of the contracting parties and a better sense of balance.
41. Additionally, it makes note in the preamble of the contracting parties' overall desire to increase the size of the Air Navigation Commission.

42. As regards the aims and objectives of Chicago Convention, the Committee heard that the Convention under article 44(a) states that the aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to ensure the safe and orderly growth of international civil aviation throughout the world.
43. The Protocol relating to an amendment to Article 50(a) of the Convention on International Civil Aviation, 1944 (Chicago Convention) was adopted with the aim of increasing the membership of the Council from thirty-six (36) to forty (40).
44. The adoption was done alongside the Protocol relating to an amendment to Article 56 of the Convention which aims to increase the membership of the Air Navigation Commission from nineteen (19) to (twenty-one (21).
45. He noted that the ever-increasing number of Contracting Parties joining the ICAO and the growth of international air traffic movement and air navigation services through the creation of sub regions that lack representation from ICAO, has necessitated the amendments to the Convention.
46. He also noted that there are no additional obligations imposed by the Protocols relating to the amendments of the Convention other than those in the initial Convention.
47. As regards the justification for Kenya to ratify the Protocols, the Committee was informed that Kenya was elected as a Part III member to the Council on 4th October, 2013 for a three-year term from 2013 to 2016. Kenya was subsequently chosen to serve from October 7, 2016, until October 6, 2019, for a second term.
48. The increase of membership in the Council provides an opportunity for Kenya to lobby for Part II membership which is a Permanent Council Member seat, upon ratification and entry into force of the amendments.

3.2 SUBMISSION BY THE MINISTRY OF ROADS AND TRANSPORT

49. Hon. Kipchumba Murkomen, the Cabinet Secretary for the Ministry of Roads and Transport appeared before the committee on Thursday 29th July, 2023 to submit on the Protocols relating to the Amendment of article 50(a) and 56 to the Convention on International Civil Aviation, 1944 (Chicago Convention).
50. He submitted that the International Civil Aviation Organization is a specialized agency of the United Nations created with the signing in Chicago, on 7th December 1944, of the *Convention on International Civil Aviation*. ICAO a specialized agency of the United Nations charged with the administration of the principles laid out in the Convention.
51. The 96 articles of the Chicago Convention establish the privileges and restrictions of all Contracting States. The Convention accepts the principle that every State has complete and exclusive sovereignty over the airspace above its territory and provides that no scheduled international air service may operate over or into the territory of a Contracting State without its previous consent.
52. ICAO has a sovereign body, the Assembly, and a governing body, the Council. The Assembly meets once every three years and is convened by the Council. Each Contracting State is entitled to one vote, and decisions of the Assembly are taken by a majority of the votes cast except when otherwise provided for in the Convention. At these sessions, the complete work of the Organization in the technical, economic, legal and technical cooperation fields is reviewed in detail, and guidance is given to the other bodies of ICAO for their future work.
53. The Council is a permanent body responsible to the Assembly and is composed of representatives from 36 Contracting States elected by the Assembly for a three-year term. Election to the Council is divided into three parts:
- Part I – Eleven States: States of chief importance in air transport;
- Australia, Brazil, Canada, China, France, Germany, Italy, Japan, Russian Federation, United Kingdom and the United States.*
- Part II – Twelve States: States not already elected in the first part but which make the largest contribution to the provision of facilities for international civil air navigation; and
- Argentina, Colombia, Egypt, Finland, India, Mexico, Netherlands, Nigeria, Saudi Arabia, Singapore, South Africa, and Spain.*

Part III – Thirteen States: States not elected in either the first or the second part, and whether or not they were candidates in either of those parts, and whose designation will ensure that all the major geographical areas of the world are represented on the Council.

Costa Rica, Côte d'Ivoire, Dominican Republic, Equatorial Guinea, Greece, Malaysia, Paraguay, Peru, Republic of Korea, Sudan, Tunisia, United Arab Emirates, Zambia.

54. In view of the growing traffic in certain regions of the world and the emergence of new sub-regions that are not represented in the Council, ICAO has passed Resolution A39-4 signed at Montreal on 6th October, 2016 that Amends Article 50 of the Chicago Convention by increasing the number of ICAO Council Members from 36 to 40.
55. The Air Navigation Commission considers and recommends Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) for adoption or approval by the ICAO Council.
56. The Commission is composed of representatives from 19 Contracting States. Although ANC Commissioners are nominated by specific ICAO Member States, and appointed by the Council, they do not represent the interest of any particular State or Region. Rather they act independently and utilize their expertise in the interest of the entire international civil aviation community.
57. Similarly, ICAO through Resolution A39-4 signed at Montreal on 6th October, 2016 has Amended Article 56 of the Chicago Convention by increasing the number of Air Navigation Commission composition from 19 to 21.

The Cabinet Secretary briefed the Committee on the summary of previous amendments to the Convention as follows:

I. The ICAO Council composition

58. The original text of the Chicago Convention provided for 21 members of the ICAO Council. The text was subsequently amended by the 13th (Extraordinary) Session of the Assembly on 21 June 1961; this amendment entered into force on 17 July 1962 and provided for 27 members of the Council.
59. A second amendment was adopted by the 17th (A) (Extraordinary) Session of the Assembly on 12 March 1971; the amendment entered into force on 16 January 1973 bringing the number of members of the Council to 30.

60. A third amendment was adopted by the 21st Session of the Assembly on 16 October 1974; this amendment entered into force on 15 February 1980 and provided for 33 members of the Council.
61. The 28th Session (Extraordinary) of the Assembly, on 25 October 1990, adopted Resolution A28-1, increasing the membership of the Council from 33 to 36; this amendment came into force on 28 November 2002.
62. The 39th Session of the Assembly, on 1st October, 2016 adopted Resolution A39-6, increasing the membership of the Council from 36 to 40: this amendment is awaiting ratification by the 128th contracting member state for it to come into force.

II. ICAO Air Navigation Commission Composition

63. As regards the original text of the Chicago Convention provided for 12 members of the ANC. The text was subsequently amended by the 18th Session of the Assembly on 7th July, 1971 signed in Vienna; this amendment entered into force on 19th December, 1974 and provided for 15 members of the ANC.
64. A second amendment was adopted by the 27th Session of the Assembly on 6th October, 1989; the amendment entered into force on 18th April, 2005 bringing the number of members of the ANC to 19.
65. The third amendment was adopted by the 39th Session of the Assembly on 1st October, 2016; this amendment is awaiting ratification by the 128th contracting Member State for it to enter into force. The amendment seeks to increase membership of ANC from Nineteen (19) to twenty- one (21).

III. **The Objects and Subject Matter of the Amendment:**

66. ICAO has always been active in keeping abreast with the new developments in the field of International Civil Aviation, including the emergence of new regional and sub-regional groups in the world, the increasing number of Contracting States joining ICAO, and the growth of International Air Traffic movement and air navigation services requirements.
67. ICAO has responded in many ways, including the expansion of its activities to cover more parts of the world and opening the door for more States to represent their regions on the ICAO Council.
68. In view of the growing traffic in certain regions of the world and the emergence of new sub-regions that are not represented in the Council, ICAO has resolved (ICAO (A39-4)

to increase the number of the members of the Council from 36 to 40 and ANC from 19 to 21.

69. The Cabinet Secretary informed the meeting that Kenya was elected to the Council as a Part III Member on 4th October, 2013 for a term of three (3) years from 2013 to 2016. Subsequently, Kenya was re-elected to the Council for the second term from 7th October, 2016 to 6th October, 2019.
70. He noted that Amendment to Article 50 (a) of the Convention proposes four (4) additional seats under Part II Members (Permanent Council Members). It is therefore in the interest of the Country that it ratifies the Amendment to the Convention so as to ensure that an opportunity is created to facilitate adequate campaign to Part II Membership.
71. He further noted that it is also in the interest of the Country to ratify the Amendment to the Convention on the ANC to increase the number of commissioners from 19 to 21 to ensure increased representation of countries at ICAO.
72. While also noting that there are no additional obligation that will be imposed on Kenya by the Amendment to the Convention, he submitted that Kenya is encouraged to lobby and secure nomination to one of the Permanent Seats that will be created after the Amendment enters into force.

CHAPTER FOUR

4.0 OBSERVATIONS

73. The Committee having considered the Protocols observed the following, THAT:

- 1) The increase of membership in the Council provides an opportunity for Kenya to lobby for Part II membership which is a Permanent Council Member seat, upon ratification and entry into force of the amendments.
- 2) The Amendment to the Convention is consistent with the Constitution and promotes constitutional values and objectives.
- 3) There are no additional obligations imposed by the Protocols relating to the amendments of the Convention other than those in the initial Convention.
- 4) The ratification of the amendment to the Convention will be incorporated into existing institutional frameworks that the Kenya Civil Aviation Authority (KCAA) has made provision for and therefore no there's no budgetary changes envisaged in terms of financial implications if Kenya does not secure one of the additional Council Seats proposed.
- 5) The responsibility for the implementation and activity in regard to the amendment of the Chicago Convention falls under the Ministry of Roads and Transport. The Ministry of Foreign and Diaspora Affairs and the Office of the Attorney General and Department of Justice will coordinate the reporting process on state obligation pursuant to Treaty Making and Ratification Act of 2012.
- 6) There are no implications on matters relating to counties.

CHAPTER FIVE

5.0 RECOMMENDATION

74. Having considered the submissions, and analyzed documents presented, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, the Committee recommends that the House **Ratifies the Protocols relating to Amendments of article 50(a) and 56 to the Convention on International Civil Aviation 1944 (Chicago Convention).**

SIGNED.......... DATE 16/8/2023.....

HON. GK GEORGE KARIUK, M.P.
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

Report Adoption list



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT- SECOND SESSION -2022
DEPARTMENTAL COMMITTEE ON TRANSPORT & INFRASTRUCTURE

REPORT ADOPTION LIST

Adoption list for the Report on the Protocols relating to Amendment of Article 50 (a) and 56 Convention on International Civil Aviation, 1944 (Chicago Convention)

	NAMES	SIGNATURE
1.	The Hon. GK George Kariuki, M.P - Chairperson	
2.	The Hon. Mutua Didmus Wekesa Barasa, M.P- Vice-Chairperson	
3.	The Hon. Kiunjuri, Festus Mwangi, M.P.	
4.	The Hon. Abdul Rahim Dawood, M.P.	
5.	The Hon. Arama Samuel, M.P.	
6.	The Hon. Bady, Bady Twalib, M.P.	
7.	The Hon. Francis, Kajwang' Tom Joseph M.P.	
8.	The Hon. Kiaraho, David Njuguna, M.P.	
9.	The Hon. Naicca, Johnson Many, M.P.	
10.	The Hon. Chege, John Kiragu, M.P.	
11.	The Hon. Elsie Muhanda, M.P.	
12.	The Hon. Saney, Ibrahim Abdi, M.P.	
13.	The Hon. Hussein Weytan, Mohamed, M.P.	
14.	The Hon. Jhanda Zaheer, M.P	
15.	The Hon. Komingoi, Kibet Kirui, M.P.	

Minutes

**MINUTES OF THIRTY-THIRD SITTING OF THE DEPARTMENTAL COMMITTEE
ON TRASPORT AND INFRASTRUCTURE HELD ON TUESDAY, 16TH AUGUST 2023
IN 4TH FLOOR, COMMITTEE ROOM, CONTINENTAL HOUSE, PARLIAMENT
BUILDING AT 12.00 PM**

MEMBERS PRESENT

1. The Hon. GK George Kariuki, M.P - Chairperson
2. The Hon. Mutua Didmus Wekesa Barasa, M.P- Vice-Chairperson
3. The Hon. Kiunjuri, Festus Mwangi, M.P.
4. The Hon. Samuel Arama, M.P
5. The Hon. Bady, Bady Twalib, M.P.
6. The Hon. Francis, Kajwang' Tom Joseph M.P.
7. The Hon. Kiaraho, David Njuguna, M.P.
8. The Hon. Chege, John Kiragu, M.P.
9. The Hon. Elsie Muhanda, M.P.
10. The Hon. Komingoi, Kibet Kirui, M.P.

APOLOGIES

1. The Hon. Abdul Rahim Dawood, M.P.
2. The Hon. Naicca, Johnson Many, M.P
3. The Hon. Saney, Ibrahim Abdi, MP
4. The Hon. Hussein Weytan, MP
5. The Hon. Jhanda Zaheer, M.P

COMMITTEE SECRETARIAT

1. Ms. Tracy Chebet Koskei - Senior Clerk Assistant
2. Mr. Mohamednur Mohamud Abdullahi - Clerk Assistant III
3. Ms. Clare Choper Doye - Clerk Assistant III
4. Mr. Mabuti Mutua - Legal Counsel
5. Mr. Meldrick Sakani - Audio Officer

MIN./NO./TI/2023/171: PRELIMINARIES

The Chairperson called the meeting to order at twelve past ten O'clock (12.10 pm) and said a prayer. The agenda of the meeting was adopted after being proposed by the Hon. Chege, John Kiargu and seconded by the Komingoi, Kibet Kirui, M.P, respectively.

MIN./NO./TI/2023/172: CONFIRMATION OF THE PREVIOUS MEETING

Minutes of the twenty seventh Sitting were confirmed as a true record of the proceedings after being proposed and seconded by Hon. Samuel Arama, MP and Hon. Chege Kiragu, MP respectively

**MIN./NO./TI/2023/173: ADOPTION OF THE REPORT ON THE EAST AFRICAN
COMMUNITY (EAC) MULTILATERAL AGREEMENT ON
AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATIONS**

The Committee considered the report on the East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigation as per the Standing Order 170A and adopted the report after being proposed and seconded by the Hon. Mutua Didmus Wekesa Barasa, M.P and the Hon. Samuel Arama, M.P. The Committee following Observations and Recommendations:

COMMITTEE OBSERVATIONS

The Committee having considered the Agreement observed the following, That:

- 1) Ratifying the Agreement would boost Kenya's standing in the global aviation community, showcasing its reputation and credibility. By adhering to international standards for aircraft accident and incident investigation, Kenya would highlight its dedication to ensuring a secure and effective civil aviation environment. This commitment would enhance the country's prospects for attracting foreign investment in the aviation sector, as investors would have trust in the strong safety measures implemented
- 2) The responsibility for implementing the East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations will be shared between two

ministries: the Ministry of Roads and Transport as well as the Ministry of East African Community, the Arid and Semi-Arid Lands (ASALs) and Regional Development.

- 3) The Agreement is aligned to the East Africa Community Treaty and there are no immediate direct financial implications arising from ratification of the Agreement.
- 4) Member States have the right to withdraw from the Agreement by giving written notice to the depository. The withdrawal shall take effect one year after the receipt of the notice. However, such withdrawal should not affect ongoing investigations or obligations arising from previous accidents or incidents.
- 5) The Agreement provides for the settlement of disputes arising between Member States through diplomatic channels and negotiations. In case of unresolved disputes, the agreement allows for referral of the matter to the East African Court of Justice for resolution.
- 6) The Agreement does not propose any amendment to the Constitution of Kenya 2010 and is consistent with the constitutional provisions.
- 7) The ratification of the Multilateral Agreement on Aircraft Accident and Incident Investigations presents no new policy implications for Kenya as the provisions of the Agreement are already embedded in the Civil Aviation Act (2013) and the Civil Aviation (Aircraft Accident and Incident Investigations) Regulations 2010.
- 8) There are no implications on matters relating to counties.

COMMITTEE RECOMMENDATION

The Committee Having considered the submissions, and analyzed documents presented, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, the Committee recommends that the House **Approves the Ratification of the East African Community (EAC) Multilateral Agreement on Aircrafts Accident and Incident Investigations.**

MIN./NO./TI/2023/174: REPORT ON THE PROTOCOLS RELATING TO AMENDMENTS OF ARTICLE 50(a) AND 56 TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION 1944 (CHICAGO CONVENTION)

The Committee considered and adopted the report on the Protocols Relating to Amendments of Article 50 (a) and 56 to the Convention on International Civil Aviation 1944 (Chicago Convention)

as per the Standing Order 170A. The adoption was proposed and seconded by the Hon. Chege, John Kiragu, M.P and the Hon. Komingoi, Kibet Kirui, M.P.

COMMITTEE OBSERVATIONS

The Committee having considered the Protocols observed the following, That:

- 1) The increase of membership in the Council provides an opportunity for Kenya to lobby for Part II membership which is a Permanent Council Member seat, upon ratification and entry into force of the amendments.
- 2) The Amendment to the Convention is consistent with the Constitution and promotes constitutional values and objectives.
- 3) There are no additional obligations imposed by the Protocols relating to the amendments of the Convention other than those in the initial Convention.
- 4) The ratification of the amendment to the Convention will be incorporated into existing institutional frameworks that the Kenya Civil Aviation Authority (KCAA) has made provision for and therefore there's no budgetary changes envisaged in terms of financial implications if Kenya does not secure one of the additional Council Seats proposed.
- 5) The responsibility for the implementation and activity in regard to the amendment of the Chicago Convention falls under the Ministry of Roads and Transport. The Ministry of Foreign and Diaspora Affairs and the Office of the Attorney General and Department of Justice will coordinate the reporting process on state obligation pursuant to Treaty Making and Ratification Act of 2012
- 6) There are no implications on matters relating to counties.

COMMITTEE RECOMMENDATIONS

The Committee having considered the submissions, and analyzed documents presented, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, the Committee recommends that the House **Ratifies the Protocols relating to Amendments of article 50(a) and 56 to the Convention on International Civil Aviation 1944 (Chicago Convention).**

MIN./NO./TI/2023/175:

ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business the meeting was adjourned at 12:50 pm. The next meeting will be held on notice.

SIGNED.....DATE.....

HON. GK GEORGE KARIUKI, MP

CHAIRPERSON

MINUTES OF THE TWENTY EIGHTH SITTING OF THE DEPARTMENTAL COMMITTEE ON TRASPOT AND INFRASTRUCTURE HELD ON THURSDAY, 27TH JULY 2023 AT THE COMMITTEE ROOM 12, MAIN PARLIAMENT BUILDINGS AT 12.00 P.M.

MEMBERS PRESENT

1. The Hon. GK George Kariuki, M.P. – **Chairperson**
2. The Hon. Mutua Didmus Wekesa Barasa, M.P. – **Vice-Chairperson**
3. The Hon. Abdul Rahim Dawood, M.P.
4. The Hon. David Njuguna Kiaraho, M.P.
5. The Hon. Johnson Manya Naicca, M.P.
6. The Hon. Samuel Arama, M.P.
7. The Hon. Saney Ibrahim Abdi, M.P.
8. The Hon. Kiunjuri Festus Mwangi, M.P.
9. The Hon. Chege John Kiragu, M.P.
10. The Hon. Hussein Weytan Mohamed Abdirahman, M.P.
11. The Hon. Komingoi Kibet Kirui, M.P.
12. The Hon. Muhanda Elsie Busihile, M.P.

APOLOGIES

1. The Hon. Bady, Bady Twalib, M.P.
2. The Hon. Francis, Kajwang' Tom Joseph, M.P.
3. The Hon. Jhanda Zaheer, M.P.

IN-ATTENDANCE

MINISTRY OF STATE ROADS AND TRANSPORT

1. Hon. Kipchumba Murkomen - Cabinet Secretary for Roads and Transport
2. Ms. Emily Nguzo Arao - Director General, KCAA
3. Mr. Nicholas Muhoya - Director, Aviation Safety, Security and Regulation
4. Mr. George O. Mogaka - Corporation Secretary, KAA
5. Ms. Chelagat Tungo - Parliamentary Liaison Officer, CS Office
6. Mr. Benjamin Wafula - Head of Communication, Office of the Cabinet Secretary

SECRETARIAT

1. Ms. Choper Clare Doye - Clerk Assistant III
2. Mr. Ahmed Salim Abdalla - Clerk Assistant I
3. Mr. Mabuti Mutua - Legal Counsel
4. Mr. Eugene Luteshi - Audio officer
5. Mr. Eric Kariuki - Research Officer
6. Ms. Ivy Maritim - Media Relations Officer

MIN./NO./TI/2023/137: PRELIMINARIES

The meeting was called to order at twenty minutes past noon (12.20 am) with a word of prayer from the Hon. John Kiragu Chege MP. The agenda was adopted having been proposed by the Hon. Johnson Manya Naicca M.P. and seconded by Hon. Samuel Arama M.P. This was followed by introduction from the Members of the Committee, Secretariat and officials from the Ministry of Transport and Infrastructure.

MIN./NO./TI/2023/138: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

Confirmation of minutes of the previous sitting was deferred.

MIN./NO./TI/2023/139: CONSIDERATION AND ADOPTION OF THE COMMITTEE WORK PLAN FOR THE PERIOD OF JULY TO DECEMBER

The agenda on the consideration and adoption of the Committee Work Plan for the period from July to December was deferred and it was proposed that the work plan be adopted in Mombasa during the Committee retreat with the Ministry of Roads and Transport.

MIN./NO./TI/2023/140: SUBMISSION FROM THE CABINET SECRETARY FOR THE MINISTRY OF ROADS AND TRANSPORT ON THE E.A.C. MULTILATERAL AGREEMENT AND THE CHICAGO CONVENTION PROTOCOL

The Cabinet Secretary submitted that the International Civil Aviation Organization is a specialized agency of the United Nations created on 7th December 1944, with the signing in Chicago, of the Convention on International Civil Aviation, and is charged with the administration of the principles laid out in the Convention. The Convention requires that all civil aviation operations be conducted under internationally accepted minimum operating standards, procedures and practices.

He further stated that, Article 92 of the East African Community (EAC) Treaty, which Kenya is a signatory, requires that Partner States shall undertake to make air transport services safe, efficient and profitable; adopt common policies for the development of civil air transport in the region; harmonize civil aviation rules and regulations and coordinate measures and co-operate in the maintenance of high security.

The Cabinet Secretary emphasized that, to actualize the requirements under the Convention on International Civil Aviation (Chicago Convention) and the EAC Treaty with respect to Aircraft Accident and Incident Investigations, the 16th Meeting of the Sectoral Council on Transport, Communications and Meteorology held from 24th to 28th June 2019 in Kampala, Uganda, adopted a Multilateral Agreement on Aircraft Accident and Incident Investigations, which provides a legal framework for Partner States cooperation in handling Aircraft Accident and Incident investigations. The Multilateral Agreement was necessitated by the need to cooperate in Aircraft Accident and Incident Investigation to provide expeditious and effective Aircraft Accident and Incident Investigation services in accordance with the International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPS).

The Cabinet Secretary further submitted that, during a Cabinet Meeting held on 25th February 2021, the Cabinet approved the Memorandum on the Ratification of the East African Community Multilateral Agreement on Aircraft Accident and Incident Investigation, and therefore there was no proposed amendment to the Constitution and if anything, it is consistent with the Constitution and promotes constitutional values and objectives.

He further informed the Committee that the ratification was in the National Interest. He explained that the International Civil Aviation Organization (ICAO) Universal Safety Audit Program (USOAP) findings indicate that many States have not been able to implement an effective accident and incident investigation system mainly because sufficient resources have not been allocated to meet States obligations under the Convention. This can be mitigated through enhanced cooperation. In this connection, pursuant to Article 26 of the Chicago Convention, when an accident occurs in their

territory, States can seek regional support if the required capabilities or resources are not available. The Convention also allows States of occurrence to delegate the whole or any part of the conducting of an investigation to another State or a Regional Accident and Incident Investigation Organization by mutual arrangement and consent. It is in the interest of the country to ratify the Agreement in order to implement an effective accident and incident investigation system.

He further submitted that, in order to cooperate efficiently in accident and incident investigation, training and sharing of information, resources and expertise, Partner States are required to:

- i. Establish, in accordance with ICAO Global Aviation Safety Plan, adequately funded, professionally trained, independent and impartial Aircraft Accident and Incident Investigation bodies;
- ii. Provide assistance in aircraft accident and incident investigation by availing experts, facilities and equipment to the other Partner States as it deems appropriate;
- iii. (iii) Ensure that all investigations into aircraft accidents and incidents that are carried out in Partner States are independent from political or other interference or pressure;
- iv. Provide adequate resources, including funding and qualified personnel for carrying out investigations;
- v. Promote the use of common set of regulations in compliance with provisions of ICAO
- vi. Promote the use of common guidance materials, accident investigation manuals or handbooks;
- vii. Promote the application of the best practices in the area of accidents and incidents prevention;
- viii. Enhance the qualifications and experience of aircraft accidents and incidents investigators in Partner States;
- ix. Enhance cooperation and collaboration within Partner States in respect to sharing of safety information;
- x. Enhance development of regional institutional capacity in training, research and research findings related to Aircraft Accidents and Incidents Investigation;
- xi. Invite the other Partner States' investigators to attend general and specialized investigation courses which they conduct;
- xii. Facilitate the attachment of the other Partner States' investigators to their aircraft accidents and incidents investigations, with a view to enhancing their understanding of investigation requirements and procedures;
- xiii. Share with the other Partner State relevant information about an ongoing investigation in which the other Partner State has expressed an interest in, consistent with ICAO to the Chicago Convention.
- xiv. Consult Partner State in the Organization of an investigation, drafting of the report, crisis management and Communications, as deemed necessary;
- xv. Identify their investments needs in the area of aircraft accidents and prioritize relevant sources of funding for that investment; and
- xvi. Promote the sharing of specialized equipment and facilities with a view to cutting costs and avoiding duplication.

Regarding the implementation of the Agreement, the Cabinet Secretary stated that the instruments of ratification of the Agreements are handled by the East African Community Secretariat.

On Policy and legislative considerations, he emphasized that the Ratification of the Agreement will enable Kenya and the other Partner States to benefit from enhanced cooperation and collaboration in the aircraft accident and incident investigation; Partner State resources; common guidance materials; accident investigation manuals and handbooks; sharing of safety information; enhanced capacity in

training and research; consultations; crisis management and communication during investigations; and sharing of specialized equipment and facilities with a view to cutting costs and avoiding duplication.

He further finally stated that the ratification of the Agreement will be incorporated into existing institutional frameworks that the State Department for Transport has made provision for, hence no immediate budgetary changes are envisaged in terms of financial implications.

Committee concerns

The Committee agreed with the Cabinet Secretary that this was a milestone for Kenya in the aviation industry. They urged the Cabinet Secretary to ratify the treaty if the treaty will give Kenya a lead in the accident investigations.

In response, the Cabinet Secretary noted that Kenya has placed itself strategically in the Aviation Industry and through this treaty, Kenya will be leading regionally since they have the best equipment. The Committee agreed to fast track the process for the treaty to be ratified since its ratification does not have financial implications and is free from constitutional implications.

MIN./NO./TI/2023/141: CONSIDERATION OF THE KENYA ROADS (AMENDMENT) BILL, 2023

On 15th June, 2023, Hon Naisula Lesuuda appeared before the Committee to submit her views concerning the Kenya Roads (Amendment) Bill, 2023. The Bill seeks to amend the Kenya Roads Act, 2007 to require all public roads to have lanes or tracks reserved for exclusive use by pedestrian and non-motorized vehicles. The Bill further proposes to amend section 2 of the Kenya Roads Act, 2007 to introduce new definitions of the following terms; non-motorized transport, bicycle, non-motorized vehicle, pedestrian, cycling lanes, cycling track, pedestrian walkway and universal access.

The Bill also seeks to introduce a new clause immediately after section 47 of the Kenya Roads Act on non-motorized transport providing that all roads shall be designed with lanes and tracks reserved exclusively for non-motorized transport. The clause further stipulates that each public road shall have clearly marked pedestrian walkways for exclusive use by pedestrians and that all existing roads must comply accordingly.

The Hon. Naisula emphasized on the importance of the project as she had seen the same work in other countries that implemented the same such as the United Kingdom. Kenya being a country that fronts infrastructure, she found it wise to implement the same on Kenyan roads.

Committee recommendations

Following the prepublication scrutiny of the Bill, the Committee acknowledged that the Bill is constitutional despite being considered a money Bill. The Committee recommended that the Kenya Roads (Amendment) Bill, 2023 be processed for publication.

MIN./NO./TI/2023/142: ANY OTHER BUSINESS

The Committee requested the secretariat to invite the Cabinet Secretary to a meeting, in company of the Aviation Safety and Security Regulation team, to take the Committee through the procedures undertaken in accident investigations.

The Committee also requested for a summary of all air accidents that have occurred from 1992 to date, action taken, the status of the recommendations concerning such accidents and status of the implementation of the recommendations, if any.

The Chairperson informed the Committee on the upcoming trip to Canada through an invitation by the Kenya Civil Aviation Authority that invited the Committee to participate in the International Civil Aviation Organization (ICAO) Air Navigation World, 2023 in Montreal Canada, from 28th to 31st August 2023. The Chairperson further proposed 3 Committee Members to participate in the conference;

- i. Hon. Didimus Barasa Wekesa MP
- ii. Hon. Husein Weytan MP
- iii. Hon. Elsie Muhanda MP

MIN./NO./TI/2023/143: ADJOURNMENT / DATE OF THE NEXT MEETING

The meeting was adjourned at one o'clock. The next meeting to be held on notice.

Signed..........Date..........

HON. GK GEORGE KARIUKI, MP – CHAIRPERSON

MINUTES OF THE TWENTY-SEVENTH SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE HELD ON THURSDAY 29TH JUNE 2023 AT MEDIA CENTER, PARLIAMENT BUILDINGS AT 12:00 PM

MEMBERS PRESENT

1. The Hon. GK George Kariuki, M.P – **Chairperson**
2. The Hon. Mutua Didmus Wekesa Barasa, M.P- **Vice- Chairperson**
3. The Hon. Arama Samuel, M.P.
4. The Hon. Kiaraho, David Njuguna, M.P.
5. The Hon. Naicca, Johnson Many, M.P.
6. The Hon. Chege, John Kiragu, MP
7. The Hon. Elsie Muhanda, M.P
8. The Hon. Hussein Weytan, M.P
9. The Hon. Jhanda Zaheer, M.P.

APOLOGIES

1. The Hon. Kiunjuri, Festus Mwangi, M.P.
2. The Hon. Abdul Rahim Dawood, M.P
3. The Hon. Bady, Bady Twalib, M.P
4. The Hon. Francis, Kajwang' Tom Joseph M.P.
5. Hon. Saney, Ibrahim Abdi, MP
6. The Hon. Komingoi, Kibet Kirui, M.P

IN-ATTENDANCE

MINISTRY OF FOREIGN AND DIASPORA AFFAIRS

- | | |
|---------------------------------|--|
| 1. Hon. Dr. Alfred Mutua, E.G.H | - Cabinet Secretary for Foreign and Diaspora Affairs |
| 2. Amb. James Waweru | - Registrar of Treaties |
| 3. Mr. Kevin Thuo | - Office of the Cabinet Secretary |
| 4. Mr. Ahmed Muktar | - Third Secretary |
| 5. Ms. Purity C. Koech | - Assistant, Treaties |
| 6. Ms. Jackline Chepngeno | - Assistant, Treaties |

SECRETARIAT

- | | |
|--------------------------------|--------------------------|
| 1. Ms. Tracy Chebet Koskei | - Senior Clerk Assistant |
| 2. Mr. Mohamednur M. Abdullahi | - Clerk Assistant III |
| 3. Ms. Choper Clare Doye | - Clerk Assistant III |
| 4. Mr. Mabuti Mutua | - Legal Counsel |

5. Ms. Rahab Chepkilim

- Audio Officer

6. Ms. Eva Kaare

- Serjeant at Arms

MIN./NO./TI/2023/131: PRELIMINARIES

The Chairperson called the meeting to order at twenty minutes past twelve O'clock (12.20 pm) with a word of prayer. The Agenda of the meeting was adopted having been proposed by the Hon. Elsie Muhanda, M.P and seconded by the Hon. Chege, John Kiragu, M.P respectively.

This was followed by a round of introductions by the Members of the Committee and thereafter the Cabinet Secretary for Foreign and Diaspora Affairs, along with officials from the Ministry of Foreign and Diaspora Affairs introduced themselves.

The Chairperson afterwards welcomed the Cabinet Secretary for the Ministry of Foreign and Diaspora Affairs and other officials of the Ministry who were present for the meeting.

MIN./NO./TI/2023/132: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

Minutes of the twenty-sixth Sitting were confirmed as a true record of the proceedings after being proposed and seconded by the and the Hon. Arama Samuel, M.P and the Chege, John Kiragu, M.P, respectively.

MIN./NO./TI/2023/133: MATTERS ARISING

Under Min. MIN./NO./TI/2023/128 (b): on the retreat with the Ministry of Roads and Transport

The Chairperson informed the Committee that the retreat with the Ministry of Roads and Transport that had been scheduled to take place of 30th June, 2023, had been rescheduled and will take place from Thursday, 27th to 30th July, 2023 in Mombasa County. This change was necessitated due to exchequer issues at the end of the financial year.

The Secretariat was tasked to make the necessary arrangements for the retreat.

MIN./NO./TI/2023/134: SUBMISSIONS FROM THE CABINET SECRETARY FOR FOREIGN AND DIASPORA AFFAIRS ON THE AGREEMENT AND PROTOCOLS

The Cabinet Secretary for the Ministry of Foreign and Diaspora Affairs, appeared before the Committee accompanied by Registrar of Treaties and other Officials of the Ministry.

In his remarks, the Cabinet Secretary stated that the objectives of the International Civil Aviation Organization are to develop the principles and techniques of International Air Navigation and to

foster the planning and development of international air transport so as to insure the safe and orderly growth of international civil aviation throughout the world.

The Cabinet Secretary submitted the Ministry's comments on the Agreement and Protocols that were committed to the Committee by the Speaker as follows;

I. East African Community (EAC) Multilateral Agreement on Aircraft Accident And Incident Investigation

The Cabinet Secretary provided a briefing to the Committee regarding the EAC Multilateral Agreement on Aircraft Accident and Incident Investigation. The Agreement aim is to achieve uniformity and coordination in civil aviation among the involved parties in the East African Community (EAC). The goal of the Agreement is to promote safe, reliable, and efficient air travel, as stated in Article 92 of the EAC Treaty. It emphasizes the importance of adopting common policies for the development of civil transportation within the EAC.

The Cabinet Secretary informed Committee the Convention objectives that EAC Agreement aims to establish a regional framework for cooperation and coordination among member states in the investigation of aircraft accidents and incidents. The key objectives of the agreement are:

- a. Enhancing the exchange of information, expertise, and resources related to accident and incident investigation.
- b. Promoting harmonized standards and practices for investigation procedures.
- c. Strengthening the capabilities of member states in accident and incident investigation through training and capacity-building initiatives.
- d. Facilitating the sharing of investigation reports and recommendations to improve aviation safety within the region.

The Cabinet Secretary in his submission noted that Kenya's aviation sector is experiencing rapid growth, and it is crucial to ensure the highest levels of safety to protect passengers, crew, and the public. By ratifying the agreement, Kenya can benefit from enhanced cooperation with other member states, leading to improved accident and incident investigation capabilities. This will contribute to identifying safety risks, implementing preventive measures, and fostering a culture of continuous improvement in aviation safety.

The Cabinet Secretary also noted that ratifying the EAC Multilateral Agreement on air accidents would bring several benefits to Kenya. Firstly, upon ratification, Kenya and other Partner States would experience enhanced cooperation and collaboration in the investigation of aircraft accidents and incidents. This would include sharing resources among Partner States, utilizing common guidance materials, accident investigation manuals, and handbooks.

The Cabinet Secretary further informed the Committee that the Agreement does not propose any amendment to the Constitution of Kenya 2010 and is consistent with the constitutional provisions, ratification of the Multilateral Agreement on Aircraft Accident and Incident Investigations presents no new policy implications for Kenya and that the provisions of the Agreement are already embedded in the Civil Aviation Act (2013) and the Civil Aviation (Aircraft Accident and Incident Investigations) Regulations 2010.

Members were also informed that the Memorandum is aligned with the EAC Treaty and there are no immediate direct financial implications arising from the signing of the Agreement.

II. Protocols relating to the Amendment of Article 50(a) and 56 of the Convention on International Civil Aviation, 1944 (Chicago Convention)

The Cabinet Secretary also briefed the Committee on the Chicago Convention. He stated that the Convention was signed on 7th December, 1944, by 52 States. Kenya adhered to it on 1st May, 1964. There are currently 193 contracting States to the Convention. The Convention's objective is to regulate international air transport and establishes the International Civil Aviation Organization (ICAO), a specialized agency of the United Nations.

Members were informed the Protocols relating to the amendment of Articles 50(a) and 56 to the Convention on International Civil Aviation, 1944 (Chicago convention) were adopted in the 39th Session at Montreal on 1st October, 2016, in order to increase the membership of the Council and the Air Navigation Commission.

The Cabinet Secretary noted that the proposed amendment to the Convention shall come into force after the 128th Member State deposits their Instrument of Ratification as outlined by article 94(a) of the Convention and that currently 12 Members have ratified the amendments.

The Cabinet Secretary also informed the Committee the objectives of the Convention and its amendments, that the Convention under article 44(a) states that the aims and objectives the Organization are to develop the principles and techniques International air navigation and to foster the planning and development of international air transport so as to insure the safe and orderly growth, international civil aviation throughout the world.

Members were informed that the Protocol relating to an amendment to Article 50(a) of the Convention on International Civil Aviation, 1944 (Chicago Convention) was adopted with the aim of increasing the membership of the Council from thirty-six (36) to forty (40). The adoption was done alongside the Protocol relating to an amendment to Article 56 of the Convention which aims to increase the membership of the Air Navigation Commission from nineteen (19) to twenty-one (21).

The Cabinet Secretary further informed the Committee that Kenya was elected as a Part III member to the Council on 4th October, 2013 for a three-year term from 2013 to 2016. Kenya was

subsequently chosen to serve from October 7, 2016, until October 6, 2019, for a second term, and that the increase of membership in the Council provides an opportunity for Kenya to lobby for Part II membership which is a Permanent Council Member seat, upon ratification and entry into force of the amendments.

The Cabinet Secretary in his concluding remarks noted that the financial implications of the Convention that the Council submits to the Assembly annual budgets, annual statement of accounts, and estimates of all receipts and expenditures. The Assembly, votes the budgets with whatever modification it sees fit to prescribe, and with the exception of assessments under Chapter XV to States consenting thereto, shall apportion the expenses of the Organization among the contracting States on the basis which it shall from time to time determine.

MIN./NO./TI/2023/135: COMMITTEE CONCERNS

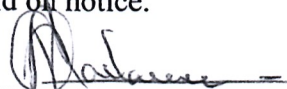

Members expressed concerns regarding the financial implications associated with the EAC Multilateral Agreement on Aircraft Accident and Incident Investigation. The Cabinet Secretary, in his submission, asserted that the agreement would not have any immediate direct financial implications. However, the Committee noted that Agreement mandates that upon ratification, Kenya would be obligated to allocate adequate resources, including funding and qualified personnel, for conducting investigations. This raised concerns about the potential financial burden that Kenya may have to bear in fulfilling its obligations under the agreement.

Members raised also concerns whether other regional bodies in Africa such as members of the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) have same the Agreement and whether they have to adhere to the same policies outlined in the protocols and agreement. However, the Cabinet Secretary provided assurance that they have the same policies and undertook to give more information on the matter should the Committee require the Ministry to.

Members raised concern on the existing classification of member states in the Chicago Convention, given that Kenya is classified as a *part III* member state and was currently not part of the ICAO Council. The Cabinet Secretary submitted that by ratifying the Agreement, Kenya stands a chance to be part of the Council in the upcoming elections scheduled for 2024.

MIN./NO./TI/2023/136: ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at one O'clock (1.00 pm). The next meeting will be held on notice.

Signed..........Date..........

HON. GK GEORGE KARIUKI, MP – CHAIRPERSON

MINUTES OF THE TWENTY-FIFTH SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE HELD ON THURSDAY 8TH JUNE 2023 AT COMMITTEE ROOM 5TH FLOOR, CONTINENTAL HOUSE PARLIAMENT BUILDINGS AT 11:00AM

MEMBERS PRESENT

1. The Hon. Mutua Didmus Wekesa Barasa, M.P- **Vice- Chairperson**
2. The Hon. Abdul Rahim Dawood, M.P
3. The Hon. Bady, Bady Twalib, M.P
4. The Hon. Francis, Kajwang' Tom Joseph M.P.
5. The Hon. Kiaraho, David Njuguna, M.P.
6. The Hon. Hussein Weytan, M.P
7. The Hon. Jhanda Zaheer, M.P.
8. The Hon. Komingoi, Kibet Kirui, M.P

APOLOGIES

1. The Hon. GK George Kariuki, M.P – **Chairperson**
2. The Hon. Kiunjuri, Festus Mwangi, M.P.
3. The Hon. Arama Samuel, M.P.
4. The Hon. Naicca, Johnson Manya, M.P.
5. The Hon. Chege, John Kiragu, MP
6. The Hon. Elsie Muhanda, M.P
7. Hon. Saney, Ibrahim Abdi, MP

SECRETARIAT

- | | |
|--------------------------------|--------------------------|
| 1. Ms. Tracy Chebet Koskei | - Senior Clerk Assistant |
| 2. Mr. Mohamednur M. Abdullahi | - Clerk Assistant III |
| 3. Ms. Choper Clare Doye | - Clerk Assistant III |
| 4. Mr. Mabuti Mutua | - Legal Counsel |
| 5. Mr. Abdinasir Moge | - Fiscal Analyst |
| 6. Ms. Rehema Koech | - Audio officer |
| 7. Ms. Eva Kaare | - Serjeant at Arms |

MIN./NO./TI/2023/119:

PRELIMINARIES

The Vice-Chairperson called the meeting to order at twenty minutes past eleven O'clock (11.20 am) with a word of prayer. The Agenda of the meeting was adopted having been proposed by the Hon. Abdul Rahim Dawood, M.P and seconded by the Hon. Komingoi, Kibet Kirui, M.P. respectively.

The Vice-Chairperson informed the Committee that the main Agenda was a briefing by the Legal Counsel on the process of the consideration of conventions as provided for in the Treaty Making and Ratification Act, 2012 and the National Assembly Standing orders

The Vice-Chairperson further informed the Committee that the following protocols and Agreement were forwarded to the Committee on 24th April, 2023 for consideration and reporting to the House;

- i. The East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations
- ii. Protocols relating to Amendments to Articles 50 and 56 of the Convention on International Civil Aviation (Chicago Convention)

MIN./NO./TI/2023/120:

**CONFIRMATION OF MINUTES OF THE
PREVIOUS SITTING**

The Minutes of the previous were confirmed as follows:

- i. Minutes of the Nineteenth Sitting were confirmed as a true record of the proceedings after being proposed and seconded by the Hon. Komingoi, Kibet Kirui, M.P and the Hon. Abdul Rahim Dawood, M.P, respectively.
- ii. Minutes of the Twentieth Sitting of were confirmed as a true record of the proceedings after being proposed and seconded by The Hon. Bady Bady Twalib, M.P, and the Hon. Francis, Kajwang' Tom Joseph M.P respectively;
- iii. Minutes of the Twenty-first sitting were confirmed as a true record of the proceedings after being proposed and seconded by the Hon. Abdul Rahim Dawood, M.P and the Hon. Komingoi, Kibet Kirui, M.P, respectively.
- iv. Minutes of the Twenty-Second sitting were confirmed as a true record of the proceedings after being proposed and seconded by the Bady Bady Twalib, M.P and the Hon. Komingoi, Kibet Kirui, M.P, respectively.
- v. Minutes of the Twenty-Third sitting were confirmed as a true record of the proceedings after being proposed and seconded by the Hon. Abdul Rahim Dawood, M.P and the Hon. Bady Bady Twalib, M.P, respectively.
- vi. Minutes of the Twenty-fourth sitting were confirmed as a true record of the proceedings after being proposed and seconded by the Hon. Bady Bady Twalib, M.P and the Hon. Komingoi, Kibet Kirui, M.P, respectively.

MIN./NO./TI/2023/121: BRIEFING ON THE PROCESS OF THE CONSIDERATION OF CONVENTIONS AS PROVIDED FOR IN THE TREATY MAKING AND RATIFICATION ACT, 2012 BY THE LEGAL COUNSEL

The Legal Counsel informed the Committee that the Honourable Speaker committed the following international agreements for consideration by the Committee in accordance with the Treaty Making and Ratification Act, 2012 and standing order 170.

- i. East African Community Multilateral Agreement on Aircraft Accident and Incident Investigations and
- ii. Protocols relating to the Amendment of Articles 50(A) and 56 to the Convention on International Civil Aviation (Chicago Convention)

The Legal Counsel also informed Members the objects of the Agreement are as follows-

i. East African Community Multilateral Agreement on Aircraft Accident and Incident Investigations

That this Agreement was adopted at the 16th Meeting of the Sectorial Council on Transport, Communication and Meteorology which was held on 24th - 28th June 2019 in Kampala, Uganda to actualize the requirements of the East African Community Treaty and the Convention International Civil Aviation (Chicago Convention) which requires cooperation in matters pertaining Aircraft Accident and Incident Investigations.

That Kenya is signatory to both the Chicago Convention and the East African Treaty. The Chicago Convention requires that all civil aircraft operations are carried out in accordance with minimum operating standards, procedures and practices.

The Legal Counsel highlighted the EAC treaty, specifically Article 92, which mandates partner states to implement measures ensuring safe, effective and profitable air transport services. The treaty also requires the adoption of common policies for the growth of civil air transport, harmonization of civil aviation rules and regulations and coordination for maintaining high security. To comply with both the Chicago Convention and the EAC treaty, a multilateral agreement on Aircraft and incident investigation was adopted. This agreement aims to establish a legal framework for partner states to collaboration in managing investigations related to aircraft accidents and incidents

The Legal Counsel further informed the Committee that the main aim of the Agreement is to harmonize and coordinate the Civil Aviation rules (as far Aircraft Accident and Incident Investigations are concerned in order to promote safety, reliability and efficiency of air transport in accordance with article 92 of the EAC Treaty. Consequently, the agreement reiterates and

recognizes the importance of adopting common policies in the development of civil transport in the EAC and the need to cooperate in Aircraft Accident and Incident Investigation services.

Members were also informed that the agreement recognizes the International Civil Aviation Organization (ICAO) missions which have revealed that many contracting states have not established and/or managed effective accident and incident investigation organizations, mainly because sufficient resources have not been allocated to meet States' obligations under the Convention.

MIN./NO./TI/2023/122: COMMITTEE CONCERNS

The Committee observed that the signed Agreements and instruments were not submitted to the Committee

In this regard the Committee requested the following documents to be provided by the Cabinet Secretary for Foreign and Diaspora Affairs

- i. Correspondence to and from the diplomatic agencies responsible for implementation of the East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations Agreement and any other instruments of ratification that the Committee should be seized of during the consideration of these agreements;
- ii. Correspondence to and from the diplomatic agencies responsible for the implementation of Chicago Convention and the Protocols and any other instruments of ratification that the Committee should be seized of during the consideration of these agreements; and
- iii. Signed Agreements and Protocols.

The Committee resolved that the above information be submitted to the Committee for consideration before the Committee meets the Cabinet Secretaries for Roads and Transport, and for Foreign and Diaspora Affairs.

MIN./NO./TI/2023/123: ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at Twelve noon (12.00 p.m). The next meeting will be held on notice.

Signed..........Date. 15/6/2023.....

HON. GK GEORGE KARIUKI, MP – CHAIRPERSON



Newspaper Advertisement on Public Participation



Why workers failed to get any pay hike during Labour Day

Businesses argued any wage increment would add to the many challenges firms are facing and hinder job creation.

Employees had hoped not just for a minimum wage increase but a general increase that would cover all workers.

MACHARIA KAMAU, NAIROBI

Kenyan workers will have to do without a pay hike this year after the government opted to give businesses a breather.

This has left employees to their own devices despite the high cost of living that has been exacerbated by an increase in statutory contributions.

The employees had hoped not just for a minimum wage increase but a general increase that would cover all workers.

The Central Organisation of Trade Unions (Cotu) Secretary General Francis Atwoli had in his Labour Day speech asked President William Ruto to consider giving Kenyan workers a wage increase.

Atwoli had noted that the challenges being witnessed globally had hit workers hard and they would need to do with some cushioning.

Businesses operating locally had presented a different argument to the wage increment debate noting that it would add to the challenges firms are facing and hinder them from creating more employment opportunities.

President William Ruto said his administration was alive to the challenges that the Kenyan worker has to contend with and it was against this that it was developing a wage policy.

He said the country would adopt a remuneration policy that would be responsive to the cost of living. His new plans would also ensure that the minimum wages will also be guided by sustainability and productivity.

The new plan will also address disparities between public and private sector wages. In his Labour Day speech, President noted that one of the items earmarked for reform "to enhance worker welfare and labour interests in general, is the Wages and Remuneration Policy, which is before the Cabinet".

"We will expedite its adoption in order to reconfigure the national wage determination framework and ensure that it is responsive to the sustainability, productivity and cost of living in prescribing the national minimum

wage. It will also rationalise the public and private sector wage differentials," said President Ruto.

Among the factors that the Head of State may have considered in not giving workers a raise include last year's 12 per cent increase. Key organs in advising the government on labour issues - the National Labour Board and the General Wage Council - are not in place after the previous boards lapsed and are yet to be reconstituted.

Aside from Atwoli who had pitched for the workers, Nairobi Governor Johnson Sakaja highlighted the difficult conditions that security guards and digital ride-hailing taxi drivers go through but with meagre returns.

"The public sector is quick to comply (with new directives on labour) but in the private sector, there is a problem. One of these sectors is the private security industry... many of these private security companies charge their clients Sh30,000 to Sh50,000 per guard but they pay the guards Sh6,000 per month, which in this economy is something that is not right," said Sakaja.

The governor also said there is a need to regulate digital taxi companies, which he noted have been charged rock bottom rates due to competition and in turn hurting the drivers who have to work long hours to make money.

"Other workers, another group that is hurting is the drivers of the digital ride-hailing companies. Because of competition, these companies have raced to the bottom... and drivers have to drive for 22 hours a day to make money," he said.

Challenging environment

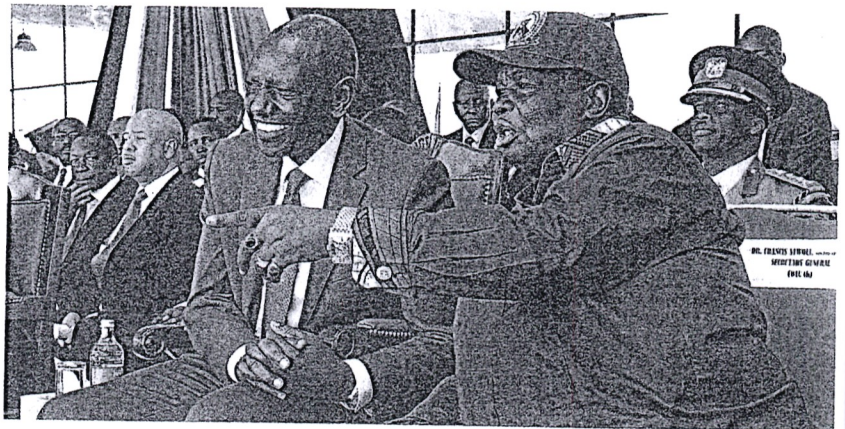
During yesterday's celebrations held at Uhuru Gardens, the private sector noted that it has experienced a challenging environment that has resulted in a slowdown in the number of jobs that the businesses operating locally are creating.

The economy, for instance, created 333,502 jobs in the fourth quarter of 2022 compared to 444,046 jobs created in the third quarter of last year.

Federation of Kenya Employers (FKE) Executive Director Jacqueline Mugo noted this has been due to a mix of factors that include drought that the country experienced over the last three years as well as global factors such as the Russia-Ukraine war.

"Households are struggling to put food on the table and enterprises are struggling to remain in operations," she said.

"Kenya continues to witness a shrink in the formal wage employment opportunities... many businesses especially



President William Ruto having a word with Cotu Secretary General Francis Atwoli during Labour Day celebrations at Uhuru Gardens in Nairobi, yesterday. [Courtesy]

Wage increase

12%
MINIMUM WAGE

AMONG the factors that the Head of State may have considered in not giving workers a raise include last year's 12 per cent increase.

MSMEs cannot afford the cost associated with operating in the formal sector and this has led to increased unemployed Kenyans as employers struggle to manage their costs."

Mugo had on behalf of the business community made a request for the retention of the minimum wage at the current levels.

She had argued that businesses need to have more time to implement last year's 12 per cent hike as well as cope with the difficulties they have been experiencing.

She also noted that the government should make the policy and taxation predictable, to avoid throwing businesses into shocks frequently through abrupt changes that have in the past hurt employment creation. Atwoli had appealed for not just an increase in the minimum wage but a general wage increase, noting that this would incentivise Kenyan workers and enable them to effectively play a role in turning around the economy.

emacharia@standardmedia.co.ke



MORE STORIES
NSE investors lose Sh200 billion in three months
PAGE 29



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - SECOND SESSION
DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

IN THE MATTER OF ARTICLES 2(5) & (6) AND 118 (1)(b) OF THE CONSTITUTION AND SECTION 8 OF THE TREATY MAKING AND RATIFICATION ACT, 2012

AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:-
THE EAST AFRICAN COMMUNITY (EAC) MULTILATERAL AGREEMENT ON AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATIONS; AND
PROTOCOLS RELATING TO AMENDMENTS TO ARTICLE 50 (a) AND 56 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION (CHICAGO CONVENTION)

INVITATION FOR PUBLIC PARTICIPATION AND
SUBMISSION OF MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees

AND WHEREAS, the East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations, and the Protocols relating to Amendment of Article 50 (a) and 56 to the Convention on International Civil Aviation, 1944 (Chicago Convention) were tabled in the House on 20th April, 2023 and committed to the Departmental Committee on Transport and Infrastructure for consideration and reporting to the House;

FURTHER WHEREAS, the East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations seeks to actualize requirements under the Chicago Convention on International Civil Aviation (Chicago Convention) and the EAC Treaty concerning Aircraft Accident and Incident Investigations, while the Protocols relating to Amendment of Article 50(a) and 56 to the Convention on International Civil Aviation, 1944 (Chicago Convention) seeks to increase the membership of the International Civil Aviation Organization Council and the Air Navigation Commission.

NOW THEREFORE, in compliance with Articles 118(1)(b) and 2(5) & (6) of the Constitution as well as section 8 of the Treaty Making and Ratification Act, 2012, the Departmental Committee on Transport and Infrastructure hereby invites members of the public and stakeholders to submit memoranda on the Agreement and Protocols.

The full texts of the Agreement and Protocols and the accompanying Memoranda to Parliament may be accessed at www.parliament.go.ke/the-national-assembly/house-business/paper-laid

The memoranda should be addressed to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to ema@parliament.go.ke; to be received on or before Wednesday, 17th May, 2023 at 5.00 p.m.

SAMUEL NJORGE
CLERK OF THE NATIONAL ASSEMBLY
Tuesday, 2nd May 2023

"For the Welfare of Society and the just Government of the People"

Submissions by the Ministries



MINISTRY OF FOREIGN AND DIASPORA AFFAIRS

**CABINET SECRETARY'S TALKING POINTS FOR THE JOINT MEETING WITH
THE DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE**

**THE PROTOCOLS RELATING TO AMENDMENTS OF ARTICLE 50(A) AND 56 TO
THE CONVENTION ON INTERNATIONAL CIVIL AVIATION, 1944 (CHICAGO
CONVENTION)**

1.0 BACKGROUND AND OBJECTIVES OF THE CONVENTION

- 1.1. The aims and objectives of the International Civil Aviation Organization are to develop the principles and techniques of International Air Navigation and to foster the planning and development of international air transport so as to insure the safe and orderly growth of international civil aviation throughout the world.
- 1.2. The Chicago Convention was signed on 7th December, 1944, by 52 States. Kenya adhered to it on 1st May, 1964. There are currently 193 contracting States to the Convention. The Protocol relating to an amendment to Article 50(a) of the Convention on International Civil Aviation, 1944 (Chicago Convention) was adopted with the aim of increasing the membership of the Council from thirty-six (36) to forty (40).
- 1.3. The adoption was done alongside the Protocol relating to an amendment to Article 56 of the Convention which also aims to increase the membership of the Air Navigation Commission from nineteen (19) to twenty-one (21).

A handwritten signature in black ink, appearing to be 'JW' or similar initials, written in a cursive style.

1.4 The ever increasing number of Contracting Parties joining the ICAO and the growth of international air traffic movement and air navigation services through the creation of sub regions that lack representation from ICAO, has necessitated the amendments to the Convention.

1.5 Kenya was elected as a Part III member to the Council on 4th October, 2013 for a three-year term from 2013 to 2016. Kenya was subsequently chosen to serve from October 7, 2016, until October 6, 2019, for a second term.

1.6 The increase of membership in the Council provides an opportunity for Kenya to lobby for Part II membership which is a Permanent Council Member seat, upon ratification and entry into force of the amendments.

2.0 THE EAST AFRICAN COMMUNITY (EAC) MULTILATERAL AGREEMENT ON AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATIONS

2.1 The main goal of the EAC Multilateral Agreement on Aircraft Accident and Incident Investigation (the Agreement) is to bring uniformity and coordination to civil aviation among the involved parties, with the aim of promoting safe, reliable, and efficient air travel as outlined in Article 92 of the Treaty for the establishment of the East African Community (EAC).

2.2 The Agreement emphasizes the importance of adopting common policies for the development of civil transportation within the EAC. It recognizes the need for cooperation in Aircraft Accident and Incident Investigations, as well as the provision of prompt and effective services in line with international standards and procedures.

2.3 The Agreement aims to establish a regional framework for cooperation and coordination among member states in the investigation of aircraft accidents and incidents. The key objectives of this agreement are:

- a. Enhancing the exchange of information, expertise, and resources related to accident and incident investigation.
- b. Promoting harmonized standards and practices for investigation procedures.
- c. Strengthening the capabilities of member states in accident and incident investigation through training and capacity-building initiatives.
- d. Facilitating the sharing of investigation reports and recommendations to improve aviation safety within the region.

2.4 Ratifying the EAC Multilateral Agreement on air accidents would bring several benefits to Kenya. Upon ratification, Kenya and other Partner States would experience enhanced cooperation and collaboration in the investigation of aircraft accidents and incidents. This would include sharing resources among Partner States, utilizing common guidance materials, accident investigation manuals, and handbooks. The sharing of safety information would contribute to a more comprehensive understanding of accident causes and prevention strategies.

2.5 Kenya's aviation sector is also experiencing rapid growth, and it is crucial to ensure the highest levels of safety to protect passengers, crew, and the public. By ratifying the agreement, Kenya can benefit from enhanced cooperation with other member states, leading to improved accident and incident investigation capabilities. This will contribute to identifying safety risks, implementing preventive measures, and fostering a culture of continuous improvement in aviation safety.





MINISTRY OF FOREIGN AND DIASPORA AFFAIRS

**CABINET SECRETARY'S TALKING POINTS FOR THE JOINT MEETING WITH
THE DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE**

**THE PROTOCOLS RELATING TO AMENDMENTS OF ARTICLE 50(A) AND 56 TO
THE CONVENTION ON INTERNATIONAL CIVIL AVIATION, 1944 (CHICAGO
CONVENTION)**

1.0 BACKGROUND AND OBJECTIVES OF THE CONVENTION

- 1.1. The aims and objectives of the International Civil Aviation Organization are to develop the principles and techniques of International Air Navigation and to foster the planning and development of international air transport so as to insure the safe and orderly growth of international civil aviation throughout the world.
- 1.2. The Chicago Convention was signed on 7th December, 1944, by 52 States. Kenya adhered to it on 1st May, 1964. There are currently 193 contracting States to the Convention. The Protocol relating to an amendment to Article 50(a) of the Convention on International Civil Aviation, 1944 (Chicago Convention) was adopted with the aim of increasing the membership of the Council from thirty-six (36) to forty (40).
- 1.3. The adoption was done alongside the Protocol relating to an amendment to Article 56 of the Convention which also aims to increase the membership of the Air Navigation Commission from nineteen (19) to twenty-one (21).

A handwritten signature in black ink, appearing to be 'JW'.

- 1.4 The ever increasing number of Contracting Parties joining the ICAO and the growth of international air traffic movement and air navigation services through the creation of sub regions that lack representation from ICAO, has necessitated the amendments to the Convention.
- 1.5 Kenya was elected as a Part III member to the Council on 4th October, 2013 for a three-year term from 2013 to 2016. Kenya was subsequently chosen to serve from October 7, 2016, until October 6, 2019, for a second term.
- 1.6 The increase of membership in the Council provides an opportunity for Kenya to lobby for Part II membership which is a Permanent Council Member seat, upon ratification and entry into force of the amendments.

2.0 THE EAST AFRICAN COMMUNITY (EAC) MULTILATERAL AGREEMENT ON AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATIONS

- 2.1 The main goal of the EAC Multilateral Agreement on Aircraft Accident and Incident Investigation (the Agreement) is to bring uniformity and coordination to civil aviation among the involved parties, with the aim of promoting safe, reliable, and efficient air travel as outlined in Article 92 of the Treaty for the establishment of the East African Community (EAC).
- 2.2 The Agreement emphasizes the importance of adopting common policies for the development of civil transportation within the EAC. It recognizes the need for cooperation in Aircraft Accident and Incident Investigations, as well as the provision of prompt and effective services in line with international standards and procedures.

2.3 The Agreement aims to establish a regional framework for cooperation and coordination among member states in the investigation of aircraft accidents and incidents. The key objectives of this agreement are:

- a. Enhancing the exchange of information, expertise, and resources related to accident and incident investigation.
- b. Promoting harmonized standards and practices for investigation procedures.
- c. Strengthening the capabilities of member states in accident and incident investigation through training and capacity-building initiatives.
- d. Facilitating the sharing of investigation reports and recommendations to improve aviation safety within the region.

2.4 Ratifying the EAC Multilateral Agreement on air accidents would bring several benefits to Kenya. Upon ratification, Kenya and other Partner States would experience enhanced cooperation and collaboration in the investigation of aircraft accidents and incidents. This would include sharing resources among Partner States, utilizing common guidance materials, accident investigation manuals, and handbooks. The sharing of safety information would contribute to a more comprehensive understanding of accident causes and prevention strategies.

2.5 Kenya's aviation sector is also experiencing rapid growth, and it is crucial to ensure the highest levels of safety to protect passengers, crew, and the public. By ratifying the agreement, Kenya can benefit from enhanced cooperation with other member states, leading to improved accident and incident investigation capabilities. This will contribute to identifying safety risks, implementing preventive measures, and fostering a culture of continuous improvement in aviation safety.



**CABINET SECRETARY'S TALKING POINTS FOR THE JOINT MEETING
WITH THE DEPARTMENTAL COMMITTEE ON TRANSPORT AND
INFRASTRUCTURE**

1. **Chairperson of the Departmental Committee on Transport and Infrastructure;**
Distinguished members of the Committee;
Ladies and Gentlemen;

It is an honour and privilege to appear before this Committee this afternoon to discuss key issues relating to:

- The Protocols Relating to Amendment of Article 50 (a) And 56 to The Convention On International Civil Aviation, 1944 (Chicago Convention)
- The East African Community (EAC) Multilateral Agreement On Aircraft Accident and Incident Investigations

2. As I have previously pointed out, the National Assembly through its various Committees, is a vital stakeholder in the execution of Kenya's Foreign and Diaspora Policy mandates. Therefore, our presence here today is consistent with this philosophy and with H.E. the President's inclusive approach to governance.

3. Before we proceed, **Honourable Chairperson**, allow me to introduce the team that has accompanied me here this afternoon from Ministry. With your concurrence, I will let my team members to introduce themselves. **(ROUND OF INTRODUCTIONS)**



4. Honourable Chair, Distinguished members, let me begin by stating that the Ministry of Foreign and Diaspora Affairs is the custodian and repository of all of Kenya's Treaties and International Obligations including the ones that we are discussing today.

5. The International Civil Aviation Organization (ICAO) is a United Nations agency that benefits Kenya and other member states through the creation of an orderly, safe and rule-based international civil aviation. ICAO is a strategic organization to Kenya's civil aviation interests. Since 1964, when Kenya acceded to the Chicago Convention, we have benefited from sharing best practices, safety standards and been able to draw from rich reservoirs of the latest aviation technology. Before I allow my team to elaborate further, I would like to make three observations:
 - i. Since 1944, the number of Contracting Parties joining the ICAO has increased exponentially. This has necessitated the amendments to the Chicago Convention including the need to expand the Membership of the **ICAO Council** from 36 to 40.

 - ii. **Distinguished Members**, a key strategic concern for this Committee is that an expanded Council provides an opportunity for our country to lobby for a **Permanent Council Member seat**, upon ratification and entry into force of the amendments.

 - iii. I ask this distinguished committee to remain seized of this fact.

ju

6. **On the East African Community (EAC) Multilateral Agreement On Aircraft Accident and Incident Investigations, I would like to make the following points:**

i. This is an important Agreement that will bring uniformity and coordination, through adoption of common policies, to the East Africa Civil aviation sector including safety, reliability, cooperation in Aircraft Accident and Incident Investigations, and efficient air travel within our region.

ii. Ratification of the EAC Multilateral Agreement on Air Accidents is strategically important for Kenya's rapidly developing aviation sector. Kenya will gain from expanded collaboration with other member states as a result of ratifying the agreement, which will lead to improved accident and incident investigation capacities. This will help identify safety hazards, put preventive measures in place, and build a culture of continuous improvement in aviation safety.

7. **Honourable Chairperson and Distinguished Members,** I am requesting your approval to ratify the Protocols amending Articles 50(a) and 56 of the 1944 Convention on International Civil Aviation. Similarly, I would like your approval to ratify the East African Community (EAC) Multilateral Agreement On Aircraft Accident and Incident Investigations.

8. **Thank you for your kind attention.**



**CABINET SECRETARY'S TALKING POINTS FOR THE JOINT MEETING
WITH THE DEPARTMENTAL COMMITTEE ON TRANSPORT AND
INFRASTRUCTURE**

1. **Chairperson of the Departmental Committee on Transport and Infrastructure;**
Distinguished members of the Committee;
Ladies and Gentlemen;

It is an honour and privilege to appear before this Committee this afternoon to discuss key issues relating to:

- The Protocols Relating to Amendment of Article 50 (a) And 56 to The Convention On International Civil Aviation, 1944 (Chicago Convention)
- The East African Community (EAC) Multilateral Agreement On Aircraft Accident and Incident Investigations

2. As I have previously pointed out, the National Assembly through its various Committees, is a vital stakeholder in the execution of Kenya's Foreign and Diaspora Policy mandates. Therefore, our presence here today is consistent with this philosophy and with H.E. the President's inclusive approach to governance.
3. Before we proceed, **Honourable Chairperson**, allow me to introduce the team that has accompanied me here this afternoon from Ministry. With your concurrence, I will let my team members to introduce themselves. **(ROUND OF INTRODUCTIONS)**



4. Honourable Chair, Distinguished members, let me begin by stating that the Ministry of Foreign and Diaspora Affairs is the custodian and repository of all of Kenya's Treaties and International Obligations including the ones that we are discussing today.

5. The International Civil Aviation Organization (ICAO) is a United Nations agency that benefits Kenya and other member states through the creation of an orderly, safe and rule-based international civil aviation. ICAO is a strategic organization to Kenya's civil aviation interests. Since 1964, when Kenya acceded to the Chicago Convention, we have benefited from sharing best practices, safety standards and been able to draw from rich reservoirs of the latest aviation technology. Before I allow my team to elaborate further, I would like to make three observations:
 - i. Since 1944, the number of Contracting Parties joining the ICAO has increased exponentially. This has necessitated the amendments to the Chicago Convention including the need to expand the Membership of the **ICAO Council** from 36 to 40.

 - ii. **Distinguished Members**, a key strategic concern for this Committee is that an expanded Council provides an opportunity for our country to lobby for a **Permanent Council Member seat**, upon ratification and entry into force of the amendments.

 - iii. I ask this distinguished committee to remain seized of this fact.



6. **On the East African Community (EAC) Multilateral Agreement On Aircraft Accident and Incident Investigations, I would like to make the following points:**
- i. This is an important Agreement that will bring uniformity and coordination, through adoption of common policies, to the East Africa Civil aviation sector including safety, reliability, cooperation in Aircraft Accident and Incident Investigations, and efficient air travel within our region.
 - ii. Ratification of the EAC Multilateral Agreement on Air Accidents is strategically important for Kenya's rapidly developing aviation sector. Kenya will gain from expanded collaboration with other member states as a result of ratifying the agreement, which will lead to improved accident and incident investigation capacities. This will help identify safety hazards, put preventive measures in place, and build a culture of continuous improvement in aviation safety.
7. **Honourable Chairperson and Distinguished Members,** I am requesting your approval to ratify the Protocols amending Articles 50(a) and 56 of the 1944 Convention on International Civil Aviation. Similarly, I would like your approval to ratify the East African Community (EAC) Multilateral Agreement On Aircraft Accident and Incident Investigations.
8. **Thank you for your kind attention.**

JW

REPUBLIC OF KENYA



MINISTRY OF ROADS AND TRANSPORT
STATE DEPARTMENT FOR TRANSPORT
Office of the Principal Secretary

Telegram: "TRANSCOMS", Nairobi
Telephone: (020) 2729200
Email: ps@transport.go.ke
Website: www.transport.go.ke
When replying please quote

TRANSCOM BUILDING
NGONG ROAD
P.O. Box 52692 - 00100
NAIROBI

MOT&I/C/ADM/034/5 VOL.I

20th June, 2023

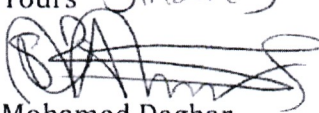
Mr. Samuel Njoroge
The Clerk of the National Assembly
Parliament Buildings
NAIROBI

Dear *Sir*

MEETING WITH THE DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

Reference is made to your letter Ref: NA/DDC/TI/2023/049 dated 9th June, 2023 on the above subject matter.

Please find forwarded herewith the signed response by the Cabinet Secretary, Ministry of Roads and Transport on the information requested by the Departmental Committee on Transport and Infrastructure regarding the East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations; and the Protocols relating to Amendment of Article 50(a) and 56 to the Convention on the International Civil Aviation, 1944 (Chicago Convention).

Yours *Sincerely*

Mohamed Daghar
PRINCIPAL SECRETARY
Encl.

Hon. Chairman, I am pleased to appear before this Honorable Committee on the Ministry's views and comments regarding the below-mentioned Agreement and Protocols as requested vide letter of Ref: No NA/DDC/TI/2023/ (049) dated 9th June, 2023 and as tabled before the House on 20th April, 2023;

- I. The East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations ; and**
- II. The protocols relating to amendment of article 50(a) and 56 to the Convention on International Civil Aviation, 1994 (Chicago convention)**

Hon. Chairman, the Committee requested for the following information;

- i. Correspondence to and from the diplomatic agencies responsible for implementation of the East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations and any other instruments of ratification that the committee should be seized of during the consideration of this agreements;*
- ii. Correspondence to and from the diplomatic agencies responsible for implementation of the Chicago Convention and the Protocols and any other instruments of ratification that the committee should be seized of during the consideration of this agreements;*
- iii. Signed agreement and protocols; and*
- iv. Views and Comments of the Ministry on the Agreement and Protocols, more so any additional legal obligation that will result from ratification.*

Hon. Chairman, I beg to reply;

- i. Correspondence to and from the diplomatic agencies responsible for implementation of the East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations and any other instruments of ratification that the committee should be seized of during the consideration of this agreements**

Hon. Chairman, Article 92 of the EAC Treaty, which Kenya is a signatory, requires that Partner States shall undertake to make air transport services safe, efficient and profitable; adopt common policies for the development of civil air transport in the region; harmonize civil aviation rules and regulations and coordinate measures and co-operate in the maintenance of high security.

To actualize the requirements under the Convention on International Civil Aviation (Chicago Convention) and the EAC Treaty with respect to Aircraft Accident and Incident Investigations the 16th Meeting of the Sectorial Council on Transport, Communications and Meteorology held on 24th -28th June, 2019 in Kampala, Uganda, adopted a Multilateral Agreement on Aircraft Accident and Incident Investigations.

The Multilateral Agreement provides a legal framework for Partner States cooperation in handling Aircraft Accident and Incident investigations. The Multilateral Agreement was necessitated by the need to cooperate in Aircraft Accident and Incident Investigation to provide expeditious and effective Aircraft Accident and Incident Investigation services in accordance with the International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPS).

Following the communication from the Ministry of EAC and Regional Development on the above (Copy attached-Appendix 1), the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works prepared a Cabinet Memorandum for the purposes of approval by the Cabinet. The Cabinet, at their meeting on 25th February 2021, approved the ratification of the Agreement (Cabinet Memo Attached- Appendix 2) and communication on the same from the Head of Public Service (Copy attached- Appendix 3) was dispatched to the Ministry of Foreign Affairs to proceed to the subsequent steps of ratification in line with the Treaty Making and Ratification Act, 2012 (Revised 2018).

Hon. Chairman, communication was then received by the MoT from the MFA transmitted through the State Department of EAC requesting for the Cabinet Memo and Country position paper (copy attached-Appendix 4). The MoT responded to State Department of EAC by attaching copies of the requested documents (copy of the response attached-Appendix 5).

- ii. **Correspondence to and from the diplomatic agencies responsible for implementation of the Chicago Convention and the Protocols and any other instruments of ratification that the committee should be seized of during the consideration of this agreements**

Hon. Chairman, the 39th Session of the ICAO Assembly held at Montreal from 27th September to 6th October 2016 adopted two protocols amending, respectively,

Articles 50 (a) and 56 of the *Convention on International Civil Aviation*. The Protocol relating to the amendment of Article 50 (a) of the Convention provides for an increase in the size of the Council from thirty-six members to forty; the Protocol relating to the amendment of Article 56 of the Convention calls for an increase in the membership of the Air Navigation Commission from nineteen to twenty-one. The reasoning behind the need of increasing membership is because of the growing traffic in certain regions of the world and the emergence of new sub-regions that are not represented in the Council. (Correspondence from the Secretary General of ICAO to Contracting states to ratify the Protocols is hereby attached - Appendix 6)

iii. Signed agreements and protocols

Hon. Chairman, the East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations is yet to be signed by Council of Ministers of East African Community pursuant to the provisions of the Treaty as per Article 16. (Copy of the agreement already in possession of the Committee)

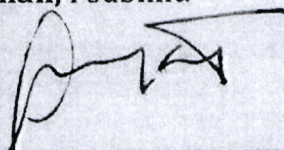
The protocols relating to amendment of article 50(a) and 56 to the Convention on International Civil Aviation, 1994 (Chicago convention) were signed at Montreal on 6th October 2016 (copies attached-Appendices 7 &8).

iv. Views and Comments of the Ministry on the Agreement and Protocols, more so any additional legal obligation that will result from ratification.

Hon. Chairman, a signed copy of the views and comments of the Ministry was sent to the Committee vide letter of reference number *MOT&I/C/ADM/034/7/2 VOL.1 (24)* dated 7th June 2023. (Copy attached for reference- Appendix 9)

Hon. Chairman, as for the legal obligation that will result from the ratification of the Agreements and Protocols, I wish to underscore that there are no legal obligation to the government of Kenya since the agreement and protocols are consistent with the Constitution of Kenya.

Hon. Chairman, I submit.



HON. KIPCHUMBA MURKOMEN, E.G.H
CABINET SECRETARY

**Protocols Relating to the Amendment of Article 50 (a) and 56 to the
Convention on International Civil Aviation 1944 (Chicago
Convention)**

PROTOCOL

RELATING TO AN AMENDMENT TO ARTICLE 56 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

Signed at Montréal on 6 October 2016

THE ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

HAVING MET in its Thirty-ninth Session at Montréal on 1 October 2016,

HAVING NOTED that it is the general desire of Contracting States to enlarge the membership of the Air Navigation Commission,

HAVING CONSIDERED it proper to increase the membership of that body from nineteen to twenty-one, and

HAVING CONSIDERED it necessary to amend, for the purpose aforesaid, the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944,

1. APPROVES, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

“In Article 56 of the Convention the expression ‘nineteen members’ shall be replaced by ‘twenty-one members’.”;

2. SPECIFIES, pursuant to the provisions of the said Article 94(a) of the said Convention, one hundred and twenty-eight as the number of Contracting States upon whose ratification the aforesaid amendment shall come into force; and
3. RESOLVES that the Secretary General of the International Civil Aviation Organization shall draw up a Protocol, in the English, Arabic, Chinese, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the amendment above-mentioned and the matters hereinafter appearing:
 - a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
 - b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.
 - c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

- d) The Protocol shall come into force in respect of the States that have ratified it on the date on which the one hundred and twenty-eighth instrument of ratification is so deposited.
- e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.
- f) The Secretary General shall immediately notify all Contracting States to the said Convention of the date on which the Protocol comes into force.
- g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

CONSEQUENTLY, pursuant to the aforesaid action of the Assembly,

This Protocol has been drawn up by the Secretary General of the Organization.

IN WITNESS WHEREOF, the President and the Secretary General of the aforesaid Thirty-ninth Session of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

DONE at Montréal on the sixth day of October of the year two thousand and sixteen, in a single document in the English, Arabic, Chinese, French, Russian and Spanish languages, each text being equally authentic. This Protocol shall remain deposited in the archives of the International Civil Aviation Organization, and certified copies thereof shall be transmitted by the Secretary General of the Organization to all Contracting States to the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944.

A. Abdul Rahman
*President of the Thirty-ninth Session
of the Assembly*

F. Liu
Secretary General

PROTOCOLE
PORTANT AMENDEMENT DE LA CONVENTION RELATIVE
À L'AVIATION CIVILE INTERNATIONALE

[Article 56]

Signé à Montréal le 6 octobre 2016

Publié sous l'autorité de la Secrétaire générale de
l'ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE
999, boul. Robert-Bourassa, Montréal (Québec) H3C 5H7 Canada

Les formalités de commande et la liste complète des distributeurs
officiels et des librairies dépositaires sont affichées sur le site web
de l'OACI (www.icao.int).

**Doc 10076, *Protocole portant amendement de la Convention
relative à l'aviation civile internationale [Article 56]***

N° de commande : 10076
ISBN 978-92-9258-101-5

© OACI 2016

Tous droits réservés. Il est interdit de reproduire, de stocker dans un système de recherche de données ou de transmettre sous quelque forme ou par quelque moyen que ce soit, un passage quelconque de la présente publication, sans avoir obtenu au préalable l'autorisation écrite de l'Organisation de l'aviation civile internationale.

PROTOCOLE

PORTANT AMENDEMENT DE L'ARTICLE 56 DE LA CONVENTION RELATIVE À L'AVIATION CIVILE INTERNATIONALE

signé à Montréal le 6 octobre 2016

L'ASSEMBLÉE DE L'ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE

S'ÉTANT RÉUNIE à Montréal le 1^{er} octobre 2016, en sa trente-neuvième session,

AYANT PRIS ACTE du désir général des États contractants d'augmenter le nombre des membres de la Commission de navigation aérienne,

AYANT JUGÉ qu'il convenait de porter de dix-neuf à vingt et un le nombre des membres de cet organe,

AYANT JUGÉ nécessaire d'amender à cette fin la Convention relative à l'aviation civile internationale faite à Chicago le septième jour de décembre 1944,

1. APPROUVE, conformément aux dispositions de l'alinéa a) de l'article 94 de la Convention précitée, le projet suivant d'amendement de ladite Convention :

« Remplacer l'expression "dix-neuf membres" par "vingt et un membres" dans l'article 56 de la Convention. » ;

2. FIXE à cent vingt-huit le nombre d'États contractants dont la ratification est nécessaire à l'entrée en vigueur dudit amendement, conformément aux dispositions de l'alinéa a) de l'article 94 de ladite Convention ;

3. DÉCIDE que le Secrétaire général de l'Organisation de l'aviation civile internationale établira dans les langues française, anglaise, arabe, chinoise, espagnole et russe, chacune faisant également foi, un protocole concernant l'amendement précité et comprenant les dispositions ci-dessous :

- a) Le Protocole sera signé par le Président et par le Secrétaire général de l'Assemblée.
- b) Il sera soumis à la ratification de tout État contractant qui a ratifié la Convention relative à l'aviation civile internationale ou y a adhéré.
- c) Les instruments de ratification seront déposés auprès de l'Organisation de l'aviation civile internationale.

- d) Le Protocole entrera en vigueur le jour du dépôt du cent vingt-huitième instrument de ratification à l'égard des États qui l'auront ratifié.
- e) Le Secrétaire général notifiera immédiatement à tous les États contractants la date du dépôt de chaque instrument de ratification du Protocole.
- f) Le Secrétaire général notifiera immédiatement à tous les États contractants à ladite Convention la date à laquelle ledit Protocole entrera en vigueur.
- g) Le Protocole entrera en vigueur, à l'égard de tout État contractant qui l'aura ratifié après la date précitée, dès que cet État aura déposé son instrument de ratification auprès de l'Organisation de l'aviation civile internationale.

EN CONSÉQUENCE, conformément à la décision ci-dessus de l'Assemblée,

Le présent Protocole a été établi par le Secrétaire général de l'Organisation.

EN FOI DE QUOI, le Président et le Secrétaire général de la trente-neuvième session de l'Assemblée de l'Organisation de l'aviation civile internationale, dûment autorisés à cet effet par l'Assemblée, ont apposé leur signature au présent Protocole.

FAIT à Montréal le sixième jour d'octobre de l'an deux mille seize, en un seul document dans les langues française, anglaise, arabe, chinoise, espagnole et russe, chacun des textes faisant également foi. Le présent Protocole sera déposé dans les archives de l'Organisation de l'aviation civile internationale et des copies certifiées conformes seront transmises par le Secrétaire général de l'Organisation à tous les États contractants à la Convention relative à l'aviation civile internationale faite à Chicago le septième jour de décembre 1944.

A. Abdul Rahman
*Président de la trente-neuvième session
de l'Assemblée*

F. Liu
Secrétaire générale

PROCOLO
RELATIVO A UNA ENMIENDA DEL CONVENIO
SOBRE AVIACIÓN CIVIL INTERNACIONAL

[Artículo 56]

Firmado en Montreal el 6 de octubre de 2016

Publicado por la OACI bajo la responsabilidad de la Secretaria General de la
ORGANIZACIÓN DE AVIACIÓN CIVIL INTERNACIONAL
999 Robert-Bourassa Boulevard, Montréal, Quebec, Canada H3C 5H7

La información sobre pedidos y una lista completa de los agentes de ventas
y librerías pueden obtenerse en el sitio web de la OACI: www.icao.int

**Doc 10076, *Protocolo relativo a una enmienda del Convenio sobre Aviación
Civil Internacional [Artículo 56]***

Núm. de pedido: 10076
ISBN 978-92-9258-101-5

© OACI 2016

Reservados todos los derechos. No está permitida la reproducción de ninguna
parte de esta publicación, ni su tratamiento informático, ni su transmisión, de
ninguna forma ni por ningún medio, sin la autorización previa y por escrito de la
Organización de Aviación Civil Internacional.

PROTOCOLO

RELATIVO A UNA ENMIENDA DEL ARTÍCULO 56 DEL CONVENIO SOBRE AVIACIÓN CIVIL INTERNACIONAL

Firmado en Montreal, el 6 de octubre de 2016

LA ASAMBLEA DE LA ORGANIZACIÓN DE AVIACIÓN CIVIL INTERNACIONAL

HABIÉNDOSE REUNIDO en su trigésimo noveno período de sesiones en Montreal, el 1 de octubre de 2016,

HABIENDO TOMADO NOTA del deseo general de los Estados contratantes de aumentar el número de miembros de la Comisión de Aeronavegación,

HABIENDO CONSIDERADO conveniente aumentar el número de miembros de ese órgano de diecinueve a veintiuno, y

HABIENDO CONSIDERADO necesario enmendar, para dicho propósito, el Convenio sobre Aviación Civil Internacional hecho en Chicago el día siete de diciembre de 1944,

1. APRUEBA, de conformidad con lo dispuesto en el Artículo 94 *a)* del mencionado Convenio, la siguiente propuesta de enmienda del mismo:

“En el Artículo 56 del Convenio, sustituir la expresión ‘diecinueve miembros’ por ‘veintiún miembros’.”;

2. ESPECIFICA, de acuerdo con lo dispuesto en el Artículo 94 *a)* del mencionado Convenio, en ciento veintiocho el número de Estados contratantes cuya ratificación es necesaria para que dicha enmienda entre en vigor; y
3. RESUELVE que el Secretario General de la Organización de Aviación Civil Internacional redacte un Protocolo en los idiomas español, árabe, chino, francés, inglés y ruso, cada uno de los cuales tendrá la misma autenticidad, que contenga la enmienda anteriormente mencionada, así como las disposiciones que se indican a continuación:
 - a) El Protocolo será firmado por el Presidente y el Secretario General de la Asamblea.
 - b) El Protocolo quedará abierto a la ratificación por cualquier Estado que haya ratificado el mencionado Convenio sobre Aviación Civil Internacional o se haya adherido al mismo.
 - c) Los instrumentos de ratificación se depositarán en la Organización de Aviación Civil Internacional.

- d) El Protocolo entrará en vigor, con respecto a los Estados que lo hayan ratificado, en la fecha en que se deposite el centésimo vigésimo octavo instrumento de ratificación.
- e) El Secretario General comunicará inmediatamente a todos los Estados contratantes la fecha de depósito de cada una de las ratificaciones del Protocolo.
- f) El Secretario General comunicará inmediatamente a todos los Estados contratantes de dicho Convenio la fecha de entrada en vigor del Protocolo.
- g) El Protocolo entrará en vigor, respecto a todo Estado contratante que lo ratifique después de la fecha mencionada, a partir del momento en que se deposite su instrumento de ratificación ante la Organización de Aviación Civil Internacional.

POR CONSIGUIENTE, en virtud de la decisión antes mencionada de la Asamblea,

Este Protocolo ha sido redactado por el Secretario General de la Organización.

EN TESTIMONIO DE LO CUAL, el Presidente y el Secretario General del mencionado trigésimo noveno período de sesiones de la Asamblea de la Organización de Aviación Civil Internacional, debidamente autorizados por la Asamblea, firman el presente Protocolo.

HECHO en Montreal el seis de octubre del año dos mil dieciséis, en un documento único, redactado en los idiomas español, árabe, chino, francés, inglés y ruso, cada uno de los cuales tendrá la misma autenticidad. El presente Protocolo quedará depositado en los archivos de la Organización de Aviación Civil Internacional, y el Secretario General de la Organización transmitirá copias legalizadas del mismo a todos los Estados contratantes del Convenio sobre Aviación Civil Internacional hecho en Chicago el día siete de diciembre de 1944.

A. Abdul Rahman
*Presidente del trigésimo noveno
período de sesiones de la Asamblea*

F. Liu
Secretaria General

ПРОТОКОЛ,
КАСАЮЩИЙСЯ ИЗМЕНЕНИЯ
КОНВЕНЦИИ О МЕЖДУНАРОДНОЙ ГРАЖДАНСКОЙ АВИАЦИИ
[статья 56]

Подписан в Монреале 6 октября 2016 года

Опубликовано с санкции Генерального секретаря
МЕЖДУНАРОДНОЙ ОРГАНИЗАЦИИ ГРАЖДАНСКОЙ АВИАЦИИ.
999 Robert-Bourassa Boulevard, Montréal, Quebec, Canada H3C 5H7

Информация о порядке оформления заказов и полный список агентств
по продаже и книготорговых фирм размещены на веб-сайте ИКАО www.icao.int.

**Дос 10076. Протокол, касающийся изменения Конвенции
о международной гражданской авиации [Статья 56]**
Номер заказа: 10076
ISBN 978-92-9258-101-5

© ИКАО, 2016

Все права защищены. Никакая часть данного издания не может воспроизводиться,
храниться в системе поиска или передаваться ни в какой форме и никакими
средствами без предварительного письменного разрешения
Международной организации гражданской авиации.

ПРОТОКОЛ

КАСАЮЩИЙСЯ ИЗМЕНЕНИЯ СТАТЬИ 56 КОНВЕНЦИИ О МЕЖДУНАРОДНОЙ ГРАЖДАНСКОЙ АВИАЦИИ

Подписан в Монреале 6 октября 2016 года

АССАМБЛЕЯ МЕЖДУНАРОДНОЙ ОРГАНИЗАЦИИ ГРАЖДАНСКОЙ АВИАЦИИ,

СОБРАВШИЕСЬ на свою тридцать девятую сессию в Монреале 1 октября 2016 года,

ОТМЕТИВ, что Договаривающиеся государства выражают общее желание увеличить число членов Аэронавигационной комиссии,

СЧИТАЯ целесообразным увеличить число членов этого органа с девятнадцати до двадцати одного человека,

СЧИТАЯ необходимым внести с указанной выше целью поправку в Конвенцию о международной гражданской авиации, подписанную в Чикаго 7 декабря 1944 года,

1. УТВЕРЖДАЕТ в соответствии с положениями пункта а) статьи 94 вышеупомянутой Конвенции следующую предложенную поправку к указанной Конвенции:

"В статье 56 Конвенции заменить слова "состоит из девятнадцати членов" словами "состоит из двадцати одного члена".";

2. УСТАНОВЛИВАЕТ в соответствии с положениями упомянутого пункта а) статьи 94 названной Конвенции, что вышеупомянутая предложенная поправка вступает в силу после ее ратификации ста двадцатью восемью Договаривающимися государствами;
3. ПОСТАНОВЛЯЕТ, что Генеральный секретарь Международной организации гражданской авиации подготовит равно аутентичные тексты Протокола о введении вышеупомянутой поправки на русском, английском, арабском, испанском, китайском и французском языках, в котором были бы учтены следующие положения:
 - а) Протокол подписывается Председателем Ассамблеи и Генеральным секретарем;
 - б) Протокол открыт для ратификации любым государством, которое ратифицировало упомянутую Конвенцию о международной гражданской авиации или присоединилось к ней;

- c) ратификационные грамоты сдаются на хранение в Международную организацию гражданской авиации;
- d) Протокол вступает в силу для ратифицировавших его государств в день сдачи на хранение сто двадцать восьмой ратификационной грамоты;
- e) Генеральный секретарь немедленно уведомляет все Договаривающиеся государства о дате сдачи на хранение каждого документа о ратификации Протокола;
- f) Генеральный секретарь немедленно уведомляет все Договаривающиеся государства – участники упомянутой Конвенции о дате вступления в силу данного Протокола;
- g) в отношении любого Договаривающегося государства, ратифицировавшего Протокол после вышеупомянутой даты, Протокол вступает в силу после сдачи его ратификационной грамоты на хранение в Международную организацию гражданской авиации.

В РЕЗУЛЬТАТЕ ЭТОГО, в соответствии с вышеуказанными действиями Ассамблеи,

Настоящий Протокол был составлен Генеральным секретарем Организации.

В УДОСТОВЕРЕНИЕ ЧЕГО Председатель и Генеральный секретарь вышеупомянутой тридцать девятой сессии Ассамблеи Международной организации гражданской авиации, уполномоченные на то Ассамблеей, подписали настоящий Протокол.

СОВЕРШЕНО в Монреале шестого октября месяца две тысячи шестнадцатого года в виде одного документа на русском, английском, арабском, испанском, китайском и французском языках, причем каждый текст является равно аутентичным. Настоящий Протокол остается на хранении в архивах Международной организации гражданской авиации, а его заверенные копии направляются Генеральным секретарем Организации всем Договаривающимся государствам Конвенции о международной гражданской авиации, совершенной в Чикаго 7 декабря 1944 года.

А. Абдул Рахман
*Председатель тридцать девятой сессии
Ассамблеи*

Ф. Лю
Генеральный секретарь

关于修订《国际民用航空公约》

[第五十六条]

议定书

2016年10月6日订于蒙特利尔

经国际民用航空组织秘书长授权由国际民航组织出版
999 Robert-Bourassa Boulevard, Montréal, Quebec, Canada H3C 5H7

订购信息和经销商与书商的详尽名单，
请查阅国际民航组织网站 www.icao.int。

Doc 10076号文件 — 关于修订《国际民用航空公约》(第五十六条)议定书
订购编号：10076
ISBN 978-92-9258-101-5

© ICAO 2016

保留所有权利。未经国际民用航空组织事先书面许可，不得将本出版物的任何部分复制、存储于检索系统或以任何形式或手段进行发送。

关于修订《国际民用航空公约》第五十六条

议定书

2016年10月6日订于蒙特利尔

国际民用航空组织大会

于2016年10月1日在蒙特利尔召开了其第三十九届会议，

注意到各缔约国普遍希望扩大空中航行委员会委员名额，

考虑到将该机构的委员名额从十九名增至二十一名是适宜的，和

考虑到出于上述目的，有必要修订于1944年12月7日在芝加哥订立的《国际民用航空公约》，

1. 按照上述《公约》第九十四条第一款的规定，批准对该《公约》的下列拟议修订：

“公约第五十六条中的‘委员十九人’这一措辞将以‘委员二十一人’的措辞取代。”

2. 根据该《公约》第九十四条第一款的规定，规定上述修订须经一百二十八个缔约国批准方可生效；和
3. 决定由国际民用航空组织秘书长拟订一份同等作准的中文、阿拉伯文、英文、法文、俄文和西班牙文的议定书，其中应包含上述修订和下列事项：
 - a) 该议定书应当由大会主席和秘书长签署。
 - b) 该议定书应当开放供已批准或加入该《国际民用航空公约》的所有国家批准。
 - c) 批准书应当交存于国际民用航空组织。
 - d) 该议定书应当于第一百二十八份批准书交存之日对已批准它的国家生效。

- e) 秘书长应当立即通知所有缔约国该议定书每一批准书的交存日期。
- f) 秘书长应当立即通知该《公约》所有缔约国该议定书的生效日期。
- g) 对于在上述日期之后批准该议定书的任何缔约国，该议定书于其批准书交存于国际民用航空组织之日生效。

因此，按照大会的上述行动，

本组织秘书长已拟订此项议定书。

国际民用航空组织大会第三十九届会议主席和秘书长经大会授权，签署本议定书，以昭信守。

本议定书于二〇一六年十月六日在蒙特利尔签订，以中文、阿拉伯文、英文、法文、俄文和西班牙文的单一文件形式写成，每种文本同等作准。本议定书应当继续保存在国际民用航空组织的档案中；本组织秘书长应当将本议定书经核证的副本发送上述于1944年12月7日在芝加哥订立的《国际民用航空公约》的所有缔约国。

A. 阿卜杜勒·拉赫曼
大会第三十九届会议主席

柳芳
秘书长

هـ) يقوم الأمين العام فوراً بإخطار جميع الدول المتعاقدة بتاريخ إيداع كل تصديق على البروتوكول؛
و) يقوم الأمين العام فوراً بإخطار جميع الدول المتعاقدة في الاتفاقية المذكورة بتاريخ دخول البروتوكول حيّز النفاذ.

ز) يسري مفعول البروتوكول بالنسبة لأي دولة متعاقدة تصدق عليه بعد التاريخ المشار إليه أعلاه، عند إيداع وثيقة تصديقها لدى منظمة الطيران المدني الدولي.

وبناءً على ذلك، وعملاً بالإجراءات المذكورة أعلاه والمتخذة من جانب الجمعية العمومية،
أعدّ هذا البروتوكول بواسطة الأمين العام للمنظمة.

وإثباتاً لما تقدّم، وقّع هذا البروتوكول رئيس الدورة التاسعة والثلاثين للجمعية العمومية لمنظمة الطيران المدني الدولي وأمينها العام، بموجب الصلاحية المخوّلة لهما من جانب الجمعية العمومية.

خُررَ في مونتريال في اليوم السادس من شهر أكتوبر/تشرين الأول من سنة ألفين وستة عشر في وثيقة واحدة باللغات العربية والاسبانية والإنجليزية والروسية والصينية والفرنسية، وجميعها متساوية في الحجية. وسيظل هذا البروتوكول مودعاً في أرشيف منظمة الطيران المدني الدولي وسوف تُحال النسخ المصدّق عليها منه بواسطة الأمين العام للمنظمة إلى جميع الدول المتعاقدة في اتفاقية الطيران المدني الدولي المحرّرة في شيكاغو في اليوم السابع من شهر ديسمبر/كانون الأول ١٩٤٤.

ف. ليو
الأمينة العامة

أ. عبد الرحمن
رئيس الدورة التاسعة والثلاثين للجمعية العمومية

بروتوكول

تعديل المادة ٥٦ من
اتفاقية الطيران المدني الدولي

الموقع في مونتريال في ٦ أكتوبر/تشرين الأول ٢٠١٦

إن الجمعية العمومية لمنظمة الطيران المدني الدولي

إذ اجتمعت في دورتها التاسعة والثلاثين في مونتريال في ١ أكتوبر/تشرين الأول ٢٠١٦،

ولاحظت أن عدداً كبيراً من الدول المتعاقدة لديها الرغبة في توسيع عضوية لجنة الملاحة الجوية،

واعتبرت أنه من الملائم زيادة عدد الأعضاء في لجنة الملاحة الجوية من تسعة عشر عضواً إلى واحد وعشرين عضواً،

واعتبرت أنه من الضروري، للغرض المذكور أعلاه، أن تعدل اتفاقية الطيران المدني الدولي المبرمة في شيكاغو في اليوم السابع من ديسمبر/كانون الأول ١٩٤٤،

١- تُقر وفقاً لأحكام المادة ٩٤ (أ) من الاتفاقية المذكورة أعلاه، التعديل المقترح التالي على الاتفاقية المذكورة:

"في المادة ٥٦ من الاتفاقية تحل عبارة "واحد وعشرين عضواً" محل عبارة "تسعة عشر عضواً"؛

٢- تُحدد بمائة وثمان وعشرين عدد الدول المتعاقدة التي يلزم تصديقها على التعديل المقترح المذكور أعلاه لكي يصبح نافذاً، وذلك وفقاً لأحكام المادة ٩٤ (أ) من الاتفاقية المذكورة؛

٣- تُقرر أن يقوم الأمين العام لمنظمة الطيران المدني الدولي بإعداد بروتوكول باللغات العربية والاسبانية والإنجليزية والروسية والصينية والفرنسية، وجميعها متساوية في الحجية، متضمناً التعديل المقترح المذكور أعلاه ومتضمناً الأحكام الواردة أدناه:

(أ) يُوقع رئيس الجمعية العمومية وأمينها العام على البروتوكول.

(ب) يُفتح باب التصديق على البروتوكول من جانب أي دولة تكون قد صدقت على اتفاقية الطيران المدني الدولي المذكورة أو تكون قد انضمت إليها.

(ج) تُودع وثائق التصديق لدى منظمة الطيران المدني الدولي.

(د) يُصبح البروتوكول نافذاً بالنسبة للدول التي صدقت عليه في تاريخ إيداع وثيقة التصديق المائة والثامنة والعشرين.

تتشر هذه الوثيقة في طبعات منفصلة باللغات العربية والاسبانية والانجليزية
والروسية والصينية والفرنسية
منظمة الطيران المدني الدولي
999 Robert-Bourassa Boulevard, Montréal, Quebec, Canada H3C 5H7

للحصول على معلومات عن تقديم طلبات الشراء والاطلاع على جميع أسماء
وكلاء البيع وبائعي الكتب، يرجى زيارة الموقع التالي للايكاو www.icao.int

الوثيقة 10076 Doc، بروتوكول بشأن تعديل اتفاقية الطيران المدني الدولي
[المادة ٥٦]

Order Number: 10076
ISBN 978-92-9258-101-5

© ICAO 2016

جميع الحقوق محفوظة. لا يجوز استنساخ أي جزء من هذا المنشور أو
تخزينه في نظام لاسترجاع الوثائق أو تداوله في أي شكل من الأشكال، بدون
إذن مكتوب سلفاً من منظمة الطيران المدني الدولي

بروتوكول

بشأن تعديل اتفاقية الطيران المدني الدولي

[المادة ٥٦]

الموقع في مونتريال في ٦ أكتوبر/تشرين الأول ٢٠١٦

Certified to be a true and complete copy

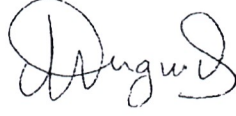
Copie certifiée conforme

Es copia fiel y auténtica

Копия точная и полная

经认证的真实和完整的副本

صورة معتمدة طبق الأصل



Director, Legal Affairs and External Relations Bureau

Directeur des affaires juridiques et des relations extérieures

Director de asuntos jurídicos y relaciones exteriores

Директор Управления по правовым вопросам и внешним сношениям

法律事务和对外关系局局长

مدير إدارة الشؤون القانونية والعلاقات الخارجية

ICAO OACI ИКАО 国际民航组织 الايكاو

ISBN 978-92-9258-101-5



9

789292

581015

بروتوكول

بشأن تعديل اتفاقية الطيران المدني الدولي

[المادة ٥٦]

الموقع في مونتريال في ٦ أكتوبر/تشرين الأول ٢٠١٦

关于修订《国际民用航空公约》

[第五十六条]

议定书

2016年10月6日订于蒙特利尔

ПРОТОКОЛ,

КАСАЮЩИЙСЯ ИЗМЕНЕНИЯ КОНВЕНЦИИ О МЕЖДУНАРОДНОЙ ГРАЖДАНСКОЙ АВИАЦИИ

[статья 56]

Подписан в Монреале 6 октября 2016 года

PROTOCOLO

RELATIVO A UNA ENMIENDA DEL CONVENIO SOBRE AVIACIÓN CIVIL INTERNACIONAL

[Artículo 56]

Firmado en Montreal el 6 de octubre de 2016

PROTOCOLE

PORTANT AMENDEMENT DE LA CONVENTION RELATIVE À L'AVIATION CIVILE INTERNATIONALE

[Article 56]

Signé à Montréal le 6 octobre 2016

PROTOCOL

RELATING TO AN AMENDMENT TO OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

[Article 56]

Signed at Montréal on 6 October 2016



2016

منظمة الطيران المدني الدولي

国际民用航空组织

МЕЖДУНАРОДНАЯ ОРГАНИЗАЦИЯ ГРАЖДАНСКОЙ АВИАЦИИ

ORGANIZACIÓN DE AVIACIÓN CIVIL INTERNACIONAL

ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE

INTERNATIONAL CIVIL AVIATION ORGANIZATION

PROTOCOL

RELATING TO AN AMENDMENT TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION
[Article 50(a)]
Signed at Montréal on 6 October 2016

PROTOCOLE

PORTANT AMENDEMENT DE LA CONVENTION RELATIVE À L'AVIATION CIVILE INTERNATIONALE
[Article 50 a)]
Signé à Montréal le 6 octobre 2016

PROTOCOLO

RELATIVO A UNA ENMIENDA DEL CONVENIO SOBRE AVIACIÓN CIVIL INTERNACIONAL
[Artículo 50 a)]
Firmado en Montreal el 6 de octubre de 2016

ПРОТОКОЛ,

КАСАЮЩИЙСЯ ИЗМЕНЕНИЯ КОНВЕНЦИИ О МЕЖДУНАРОДНОЙ ГРАЖДАНСКОЙ АВИАЦИИ
[статья 50 а)]
Подписан в Монреале 6 октября 2016 года

修订《国际民用航空公约》
[第五十条第一款]

议定书

2016年10月6日订于蒙特利尔

بروتوكول

بشأن تعديل اتفاقية الطيران المدني الدولي
[المادة ٥٠ (أ)]

الموقع في مونتريال في ٦ أكتوبر/تشرين الأول ٢٠١٦



2016

INTERNATIONAL CIVIL AVIATION ORGANIZATION
ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE
ORGANIZACIÓN DE AVIACIÓN CIVIL INTERNACIONAL
МЕЖДУНАРОДНАЯ ОРГАНИЗАЦИЯ ГРАЖДАНСКОЙ АВИАЦИИ
国际民用航空组织
منظمة الطيران المدني الدولي

Certified to be a true and complete copy

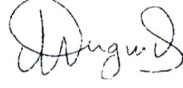
Copie certifiée conforme

Es copia fiel y auténtica

Копия точная и полная

经认证的真实和完整的副本

صورة معتمدة طبق الأصل



Director, Legal Affairs and External Relations Bureau

Directeur des affaires juridiques et des relations extérieures

Director de asuntos jurídicos y relaciones exteriores

Директор Управления по правовым вопросам и внешним сношениям

法律事务和对外关系局局长

مدير إدارة الشؤون القانونية والعلاقات الخارجية

ICAO OACI ИКАО 国际民航组织 الايكاو

PROTOCOL
RELATING TO AN AMENDMENT TO THE
CONVENTION ON INTERNATIONAL CIVIL AVIATION
[Article 50(a)]

Signed at Montréal on 6 October 2016

- c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the one hundred and twenty-eighth instrument of ratification is so deposited.
- e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.
- f) The Secretary General shall immediately notify all Contracting States to the said Convention of the date on which the Protocol comes into force.
- g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

CONSEQUENTLY, pursuant to the aforesaid action of the Assembly,

This Protocol has been drawn up by the Secretary General of the Organization.

IN WITNESS WHEREOF, the President and the Secretary General of the aforesaid Thirty-ninth Session of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

DONE at Montréal on the sixth day of October of the year two thousand and sixteen, in a single document in the English, Arabic, Chinese, French, Russian and Spanish languages, each text being equally authentic. This Protocol shall remain deposited in the archives of the International Civil Aviation Organization, and certified copies thereof shall be transmitted by the Secretary General of the Organization to all Contracting States to the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944.

A. Abdul Rahman
*President of the Thirty-ninth Session
of the Assembly*

F. Liu
Secretary General

PROTOCOLE
PORTANT AMENDEMENT DE LA CONVENTION RELATIVE
À L'AVIATION CIVILE INTERNATIONALE

[Article 50 *a*)]

Signé à Montréal le 6 octobre 2016

Publié sous l'autorité de la Secrétaire générale de
l'ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE
999, boul. Robert-Bourassa, Montréal (Québec) H3C 5H7 Canada

Les formalités de commande et la liste complète des distributeurs
officiels et des librairies dépositaires sont affichées sur le site web
de l'OACI (www.icao.int).

**Doc 10077, *Protocole portant amendement de la Convention
relative à l'aviation civile internationale [Article 50 a]***

N° de commande : 10077
ISBN 978-92-9258-102-2

© OACI 2016

Tous droits réservés. Il est interdit de reproduire, de stocker dans un
système de recherche de données ou de transmettre sous quelque
forme ou par quelque moyen que ce soit, un passage quelconque de
la présente publication, sans avoir obtenu au préalable l'autorisation
écrite de l'Organisation de l'aviation civile internationale.

PROTOCOLE

PORTANT AMENDEMENT DE L'ARTICLE 50, ALINÉA a), DE LA CONVENTION RELATIVE À L'AVIATION CIVILE INTERNATIONALE

signé à Montréal, le 6 octobre 2016

L'ASSEMBLÉE DE L'ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE

S'ÉTANT RÉUNIE à Montréal le 1^{er} octobre 2016, en sa trente-neuvième session,

AYANT PRIS ACTE du désir d'un grand nombre d'États contractants d'augmenter le nombre des membres du Conseil afin d'assurer un meilleur équilibre au moyen d'une représentation plus large des États contractants,

AYANT JUGÉ qu'il convenait de porter de trente-six à quarante le nombre des membres de cet organe,

AYANT JUGÉ nécessaire d'amender à cette fin la Convention relative à l'aviation civile internationale faite à Chicago le septième jour de décembre 1944,

1. APPROUVE, en vertu des dispositions de l'alinéa a) de l'article 94 de la Convention précitée, le projet suivant d'amendement de ladite Convention :

« Amender la deuxième phrase de l'alinéa a) de l'article 50 de la Convention en remplaçant les mots "trente-six" par "quarante". » ;

2. FIXE à cent vingt-huit le nombre d'États contractants dont la ratification est nécessaire à l'entrée en vigueur de l'amendement proposé, conformément aux dispositions de l'alinéa a) de l'article 94 de ladite Convention ;
3. DÉCIDE que le Secrétaire général de l'Organisation de l'aviation civile internationale établira dans les langues française, anglaise, arabe, chinoise, espagnole et russe, chacune faisant également foi, un protocole concernant l'amendement précité et comprenant les dispositions ci-dessous :
 - a) Le Protocole sera signé par le Président et par le Secrétaire général de l'Assemblée.
 - b) Il sera soumis à la ratification de tout État qui a ratifié la Convention relative à l'aviation civile internationale ou y a adhéré.

- c) Les instruments de ratification seront déposés auprès de l'Organisation de l'aviation civile internationale.
- d) Le Protocole entrera en vigueur le jour du dépôt du cent vingt-huitième instrument de ratification à l'égard des États qui l'auront ratifié.
- e) Le Secrétaire général notifiera immédiatement à tous les États contractants la date du dépôt de chaque instrument de ratification du Protocole.
- f) Le Secrétaire général notifiera immédiatement à tous les États contractants à ladite Convention la date à laquelle ledit Protocole entrera en vigueur.
- g) Le Protocole entrera en vigueur, à l'égard de tout État contractant qui l'aura ratifié après la date précitée, dès que cet État aura déposé son instrument de ratification auprès de l'Organisation de l'aviation civile internationale.

EN CONSÉQUENCE, conformément à la décision ci-dessus de l'Assemblée,

Le présent Protocole a été établi par le Secrétaire général de l'Organisation.

EN FOI DE QUOI, le Président et le Secrétaire général de la trente-neuvième session de l'Assemblée de l'Organisation de l'aviation civile internationale, dûment autorisés à cet effet par l'Assemblée, ont apposé leur signature au présent Protocole.

FAIT à Montréal le sixième jour d'octobre de l'an deux mille seize, en un seul document dans les langues française, anglaise, arabe, chinoise, espagnole et russe, chacun des textes faisant également foi. Le présent Protocole sera déposé dans les archives de l'Organisation de l'aviation civile internationale et des copies certifiées conformes seront transmises par le Secrétaire général de l'Organisation à tous les États contractants à la Convention relative à l'aviation civile internationale faite à Chicago le septième jour de décembre 1944.

A. Abdul Rahman
*Président de la trente-neuvième session
de l'Assemblée*

F. Liu
Secrétaire générale

**PROTOCOL RELATING TO AN AMENDMENT TO THE
CONVENTION ON INTERNATIONAL CIVIL AVIATION
ARTICLE 50(a), SIGNED AT MONTRÉAL ON 6 OCTOBER 2016**

Entry into force:	Not yet in force. The Protocol shall come into force on the date of deposit of the 128th instrument of ratification.
Status:	57 Contracting States.

State	Date of deposit of instrument of ratification
Argentina	6 July 2018
Austria	7 January 2019
Azerbaijan	25 January 2019
Bahrain	26 October 2017
Bolivia (Plurinational State of)	6 December 2019
Bulgaria	31 May 2018
Canada	3 July 2019
Congo	4 May 2018
Cuba	21 March 2019
Czech Republic	26 August 2020
Denmark	21 September 2017
Egypt	15 May 2018
Estonia	4 February 2019
Finland	15 November 2017
France	2 March 2018
Gabon	24 September 2019
Georgia	27 June 2018
Germany	1 October 2018
Hungary	4 June 2020
Indonesia	25 September 2019
Ireland	10 April 2018
Israel	15 August 2017
Jordan	4 July 2017
Kuwait	27 October 2017
Latvia	10 September 2019
Lithuania	23 January 2019
Luxembourg	3 June 2019
Malaysia	6 June 2019
Malta	28 June 2018
Monaco	13 March 2019
Montenegro	9 August 2019
Mozambique	24 May 2018
Netherlands	26 September 2018
New Zealand ¹	25 September 2019
Nigeria	26 November 2019
North Macedonia	5 September 2018
Norway	25 April 2019
Oman	1 June 2020
Peru	28 August 2017
Poland	14 December 2018
Portugal	23 August 2018
Qatar	3 November 2017
Republic of Korea	1 May 2020
Republic of Moldova	15 February 2018
Romania	9 March 2018
Serbia	26 September 2018
Slovakia	1 October 2018
Slovenia	31 May 2019
Spain	17 November 2017
Sweden	11 May 2017

State	Date of deposit of instrument of ratification
Switzerland	26 July 2019
Thailand	11 July 2018
Tunisia	25 September 2019
United Arab Emirates	28 November 2018
Uruguay	9 May 2019
Venezuela (Bolivarian Republic of)	30 May 2018
Viet Nam	3 August 2018

- ¹ The instrument of ratification by New Zealand contains the following declaration:
“consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the depositary on the basis of appropriate consultation with that territory.”

**PROTOCOL RELATING TO AN AMENDMENT TO THE
CONVENTION ON INTERNATIONAL CIVIL AVIATION
ARTICLE 56, SIGNED AT MONTRÉAL ON 6 OCTOBER 2016**

Entry into force:	Not yet in force. The Protocol shall come into force on the date of deposit of the 128th instrument of ratification.
Status:	57 Contracting States.

State	Date of deposit of instrument of ratification
Argentina	6 July 2018
Austria	7 January 2019
Azerbaijan	25 January 2019
Bahrain	26 October 2017
Bolivia (Plurinational State of)	6 December 2019
Bulgaria	31 May 2018
Canada	3 July 2019
Congo	4 May 2018
Cuba	21 March 2019
Czech Republic	26 August 2020
Denmark	21 September 2017
Egypt	15 May 2018
Estonia	4 February 2019
Finland	15 November 2017
France	2 March 2018
Gabon	24 September 2019
Georgia	27 June 2018
Germany	1 October 2018
Hungary	4 June 2020
Indonesia	25 September 2019
Ireland	10 April 2018
Israel	15 August 2017
Jordan	4 July 2017
Kuwait	27 October 2017
Latvia	10 September 2019
Lithuania	23 January 2019
Luxembourg	3 June 2019
Malaysia	6 June 2019
Malta	28 June 2018
Monaco	13 March 2019
Montenegro	9 August 2019
Mozambique	24 May 2018
Netherlands	26 September 2018
New Zealand ¹	25 September 2019
Nigeria	26 November 2019
North Macedonia	5 September 2018
Norway	25 April 2019
Oman	1 June 2020
Peru	28 August 2017
Poland	14 December 2018
Portugal	23 August 2018
Qatar	3 November 2017
Republic of Korea	1 May 2020
Republic of Moldova	15 February 2018
Romania	9 March 2018
Serbia	26 September 2018
Slovakia	1 October 2018
Slovenia	31 May 2019
Spain	17 November 2017
Sweden	11 May 2017

State	Date of deposit of instrument of ratification
Switzerland	26 July 2019
Thailand	11 July 2018
Tunisia	25 September 2019
United Arab Emirates	28 November 2018
Uruguay	9 May 2019
Venezuela (Bolivarian Republic of)	30 May 2018
Viet Nam	3 August 2018

- ¹ The instrument of ratification by New Zealand contains the following declaration:
“consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the depositary on the basis of appropriate consultation with that territory.”