MINISTRY OF ROADS AND TRANSPORT

EXPLANATORY MEMORANDUM TO THE CIVIL AVIATION (CARBON OFFSETTING AND REDUCTION SCHEME FOR INTERNATIONAL AVIATION) REGULATIONS, 2025

Name of the statutory instrument	Kenya Gazette Supplement No. .... Legislative Supplement No. ....
Name of the Parent Act	The Civil Aviation Act (CAP 394)
Enacted Pursuant to	Section 82
Name of the Ministry	Ministry of Roads and Transport
Gazetted on	……………., 2025
Tabled on	

1. Purpose of the Statutory Instrument

This statutory instrument is intended to ensure that Kenya, as a signatory to ICAO and a responsible member of the global community, meets its climate change obligations while enabling the sustainable growth of its aviation sector. The Regulations are designed to implement Kenya's obligations under the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), a global framework developed by the International Civil Aviation Organization (ICAO).

These regulations will:

- Provide the legal framework for Kenyan aviation operators to comply with CORSIA, which requires the international aviation sector to offset its carbon emissions in order to achieve carbon-neutral growth from 2020 onwards.
- Establish the processes for monitoring, reporting, and verification (MRV) of emissions from international flights, in line with ICAO guidelines, ensuring transparency and accountability in emissions reductions.
- Facilitate the purchase of carbon credits and other eligible offsetting measures to compensate for the emissions from Kenya's international aviation activities.
- Align Kenya's national aviation industry with global efforts to reduce aviation-related greenhouse gas emissions, supporting the country's climate change commitments and contributing to the global goal of limiting global warming to well below 2°C, as set out in the Paris Agreement.

2. Legislative Context

These Regulations draw upon the Climate Change Act, Cap 387A, which sets out the framework for achieving the country's national climate change targets and commitments under the Paris Agreement.

Kenya is also a party to the United Nations Framework Convention on Climate Change (UNFCCC), which outlines the global agenda for combating climate change. Under the ICAO framework, Kenya, like other member states, is obligated to participate in CORSIA to ensure that emissions from international aviation are offset and reduced in a manner that supports the global climate goals.

Moreover, the National Climate Change Action Plan 2023 - 2027 (NCCAP) emphasize the importance of sustainable development, including the reduction of carbon emissions from key sectors such as aviation. By implementing CORSIA, Kenya aligns its aviation policy with both national and international climate objectives, contributing to the achievement of the Kenya Nationally Determined Contribution (NDC) under the Paris Agreement, which includes a commitment to reduce emissions by 32% by 2030 relative to a business-as-usual scenario.

These regulations will ensure that Kenya's aviation sector contributes to the global effort to combat climate change while promoting sustainable development and economic growth through reduced emissions.

3. Policy Background

Aviation is a key sector in Kenya's economy, contributing significantly to tourism, trade, and regional connectivity. However, like other global aviation markets, Kenya faces the challenge of balancing aviation growth with the imperative to reduce its environmental footprint. The aviation sector is responsible for a substantial share of global greenhouse gas emissions, with international flights alone contributing nearly 2-3% of total emissions.

To address the environmental impact of aviation and align with global efforts, the International Civil Aviation Organization (ICAO) developed CORSIA, a global market-based mechanism aimed at offsetting carbon emissions from international aviation. CORSIA is designed to stabilize emissions from international aviation by requiring airlines to offset any growth in their emissions from 2020 onwards, with the ultimate goal of achieving carbon-neutral growth in the sector.

Kenya's participation in CORSIA is also a response to the growing demand for climate-conscious policies in aviation. As a member of ICAO, Kenya is committed to its obligations under the Convention on International Civil Aviation and the CORSIA Resolution, adopted at the 39th ICAO Assembly. By adopting these regulations, Kenya ensures that its aviation operators will comply with ICAO's framework for carbon offsetting, helping to meet its climate goals and contribute to the achievement of the United Nations Sustainable Development Goals (SDGs), especially SDG 13 on climate action.

The Integrated National Transport Policy, 2012, aims to create an enabling framework that will nurture the development of a safe, efficient and affordable air transport system, whilst keeping at the leading edge of technological advancement in a rapidly changing and globalize environment. In addition, the Kenya Civil Aviation Authority developed procedures for development and amendment of the Civil Aviation Act, Regulations, and Technical Guidance Materials through Order CAA-O-GEN002F. The procedures provide for continuous monitoring of the aviation regulatory framework to align with ICAO SARPs through periodic review of applicable laws.

4. Consultation Outcome

In the development of these Regulations, stakeholder engagement meetings were held on various dates as follows, where proposed amendments to the Regulations and stakeholder comments were incorporated in the Regulations:

a) Stakeholder Engagement - Virtual Session (14th to 18th June 2021 at the Four Points Hotel, Nairobi);
b) Stakeholder Engagement - 14th and 15th February 2022 at the Ole Sereni Hotel, Nairobi; and
c) Stakeholder Validation Engagements (6th to 8th May 2024 and 12th to 14th June 2024 at the Panari Hotel, Nairobi).

The list of attendees and the matrix of stakeholder comments is attached as Appendix 1.

5. Regulatory Impact Assessment

A regulatory impact assessment was prepared in respect of this statutory instrument. The Ministry received an expert opinion from the Kenya Law Reform Commission confirming that the regulatory impact statement and assessment were adequate and conformed with the Statutory Instruments Act.

6. Monitoring and Review

As part of the KCAA mandate provided for under the Civil Aviation Act, KCAA shall be responsible for ensuring the implementation and monitoring of the Carbon Offset and Reduction Scheme for International Aviation Regulations.

Review of the regulations shall be conducted after three years or as and when there are changes in the corresponding SARPs that may require review.

7. Contact

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