

Approved for tabling in the House.



REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY

But  
NA  
18/8/2021

Page


TWELFTH PARLIAMENT – FIFTH SESSION

THE DEPARTMENTAL COMMITTEE ON  
TRANSPORT, PUBLIC WORKS AND HOUSING

PARLIAMENT  
OF KENYA  
LIBRARY

REPORT ON-

RATIFICATION OF THE AGREEMENT AMENDING  
THE AIR TRANSPORT AGREEMENT BETWEEN KENYA AND THE UNITED  
STATES OF AMERICA

|   |                           |
|---|---------------------------|
| <br>THE NATIONAL ASSEMBLY<br>PAPERS LAID |                           |
| DATE: 18 AUG 2021   | DAY: <input type="text"/> |
| TABLED BY:  | HON. DAVID PKOSING        |
| CLERK-AT THE TABLE:   | Anna Mwasari              |

DIRECTORATE OF DEPARTMENTAL COMMITTEES  
CLERK'S CHAMBERS - NATIONAL ASSEMBLY  
PARLIAMENT BUILDINGS  
NAIROBI

AUGUST 2021

11

Handwritten notes in the upper left quadrant, including a date "11/11/11" and some illegible text.

1505 1000 10

Handwritten notes in the lower left quadrant, including a date "11/11/11" and some illegible text.



## TABLE OF CONTENTS

|  |           |
|--|-----------|
| EXECUTIVE SUMMARY .....  | 3         |
| <b>1.0 PREFACE.....</b>  | <b>4</b>  |
| Mandate of the Committee.....  | 4         |
| Membership of the Committee .....  | 5         |
| Committee Secretariat:.....  | 6         |
| <b>2.0 INTRODUCTION.....</b>   | <b>7</b>  |
| Outline of the agreement.....  | 7         |
| a. Article 1 - Amendments to Article 2 of the Agreement (“Grant of Rights”)..... | 7         |
| b. Article 2 – Entry into force.....   | 8         |
| c. Object and subject matter of the Agreements .....                             | 8         |
| d. Constitutional Implications.....  | 8         |
| e. National Interest (advancement of economic prosperity of Kenya) .....         | 8         |
| <b>3.0 SUMMARY OF THE PROCESS LEADING TO THE ADOPTION OF THE AGREEMENT .....</b> | <b>10</b> |
| <b>4.0 CONSIDERATION OF THE AGREEMENT .....</b>                                  | <b>11</b> |
| <b>5.0 COMMITTEE’S OBSERVATIONS .....</b>  | <b>12</b> |
| <b>6.0 COMMITTEE’S RECOMMENDATION .....</b>                                      | <b>13</b> |

## ANNEXURES LIST

- (i) Minutes of sittings of the Committee
- (ii) List of Members present during adoption of the report
- (iii) Newspaper advertisement inviting the public to make representations on the Agreement
- (iv) Agreement amending the Air Transport Agreement Between Kenya and the United States of America
- (v) Explanatory Memorandum on the Agreement amending the Air Transport Agreement Between Kenya and the United States of America

## **EXECUTIVE SUMMARY**

The Agreement amending the Air Transport Agreement Between Kenya and the United States of America was signed in Washington DC in the United States of America (USA) on 5<sup>th</sup> of February, 2020. The agreement was signed to amend the Air Transport Agreement between the Government of Kenya and the Government of the United States of America, signed in Washington on the 18th of June, 2008.

Pursuant to section 8 of the Treaty Making and Ratification Act, 2012, it was committed to the Departmental Committee on Transport Public Works and Housing for consideration and report to the House. Once ratified, the Agreement shall become part of our Kenyan laws as provided for in Article 2(6) of the Constitution which provides that "*any treaty or convention ratified by Kenya shall form part of the Law of Kenya under this Constitution*".

In line with Article 118 (1) (b) of the Constitution on public participation in law making process and section 8(3) of the Treaty Making and Ratification Act of 2012, the Committee placed advertisements in two local daily newspapers of 8<sup>th</sup> of April 2021, requesting for submission of memoranda by the public on the subject matter. There was no response.

On Thursday, 5<sup>th</sup> August 2021, the Committee met the Principal Secretary, State Department for Transport, Director General for Kenya Civil Aviation Authority and the Managing Director of Kenya Airports Authority. They recommended the ratification of the agreement, while outlining various benefits such as those on enhanced trade and commerce, tourism, market access and connectivity, investment interests, mutual cooperation between the two States and enhanced education and cultural exchange.

The Ministry further submitted that the Federal Express Corporation (FedEx) had expressed interest in commencing cargo operations and setting up an operational base in Kenya. It was therefore in the interest of the Country to ratify the Agreement to allow airlines expand their route network and engage in commercial arrangements as well as create job opportunities. The report therefore concludes by recommending that the National Assembly approves the ratification of the Agreement.

The Committee wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the guidance and technical support accorded to it during consideration of this agreement.

On behalf of the Committee, it is therefore my pleasant duty and privilege, to lay this report on The Ratification of the Agreement amending the Air Transport Agreement Between Kenya and the United States of America for consideration and approval by the House Pursuant to Section 8(4) of the Treaty Making and Ratification Act, 2012 and Standing Order 199.

**HON. DAVID L. PKOSING, C.B.S., M.P.**

**Chairperson - Departmental Committee on Transport Public Works and Housing**

## 1.0 PREFACE

### Mandate of the Committee

1. The Departmental Committee on Transport, Public Works and Housing is mandated, pursuant to the Standing Order 216 (5), to;
  - a) *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) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
  - c) *study and review all legislation referred to it;*
  - d) *study, access and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - e) *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 204 (Committee on Appointments);*
  - g) *examine treaties, agreements and conventions;*
  - h) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - i) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - j) *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
  - k) *Examine any questions raised by Members on a matter within its mandate.*
2. Further, the Second Schedule to the Standing Orders mandates the Committee to consider matters relating to the following subjects: -
  - a) Transport;
  - b) Roads;
  - c) Public works;
  - d) Construction and maintenance of roads, rails and buildings;
  - e) Air and seaports; and
  - f) Housing.
3. In executing this mandate, the Committee oversights various State Departments, namely:
  - a) The State Department of Transport;
  - b) The State Department of Infrastructure;
  - c) The State Department of Housing and Urban Development;
  - d) The State Department of Public Works; and
  - e) The State Department of Shipping and Maritime Affairs.

## Membership of the Committee

4. The Departmental Committee on Transport, Public Works & Housing was constituted by the House on Thursday 14<sup>th</sup> December 2017. It was further re-constituted by the House on 15<sup>th</sup> July 2020 and currently comprises of the following Members: -

### Chairperson

Hon. David Pkosing, C.B.S., M.P.  
Pokot South Constituency  
Jubilee Party

### Vice-Chairperson

Hon. Gathoni Wamuchomba, H.S.C., M.P.  
Kiambu County  
Jubilee Party

### Members:

Hon. Abdul Rahim Dawood, M.P.  
North Imenti Constituency  
**Jubilee Party**

Hon. Johnson Many Naicca, M.P.  
Mumias West Constituency  
**Orange Democratic Movement Party**

Hon. Peris Tobiko, C.B.S., M.P.  
Kajiado East Constituency  
**Jubilee Party**

Hon. Ahmed Abdisalan Ibrahim, M.P.  
Wajir North Constituency  
**Orange Democratic Movement Party**

Hon. Ali Wario Guyo, M.P.  
Garsen Constituency  
**Orange Democratic Movement Party**

Hon. George Aladwa Omwere, M.P.  
Makadara Constituency  
**Orange Democratic Movement Party**

Hon. Kulow Maalim Hassan, M.P.  
Banisa Constituency  
**Economic Freedom Party (EFP)**

Hon. Janet Wanyama Nangabo, M.P.  
Trans-Nzoia County  
**Jubilee Party**

Hon. Tom Mboya Odege, M.P.  
Nyatike Constituency  
**Orange Democratic Movement Party**

Hon. David Njuguna Kiaraho, M.P.  
Ol Kalou Constituency  
**Jubilee Party**

Hon. Omar Mwinyi Shimbwa, M.P.  
Changamwe Constituency  
**Orange Democratic Movement Party**

Hon. Samuel Arama, M.P.  
Nakuru Town West  
**Jubilee Party**

Hon. Ahmed Bashane Gaal, M.P.  
Tarbaj Constituency  
**Peoples Democratic Party**

Hon. Dominic Kipkoech Koskei, M.P.  
Soitik Constituency  
**Jubilee Party**

Hon. Gideon Mutemi Mulyungi, M.P.  
Mwingi Central Constituency  
**Wiper Democratic Party**

Hon. Mercy Wanjiku Gakuya, M.P.  
Kasarani Constituency  
**Jubilee Party**

Hon. Shadrack John Mose, M.P.  
Kitutu Masaba Constituency  
**Jubilee Party**

**Committee Secretariat:**

5. The Committee is serviced by the following secretariat staff:-

Ms. Chelagat Tungo Aaron  
**First Clerk Assistant**  
Head of Secretariat

Mr. Ahmed Salim Abdalla  
**Second Clerk Assistant**

Mr. Ronald Walala  
**Legal Counsel I**

Mr. Abdinasir Moge Yusuf  
**Fiscal Analyst I**

Mr. Eric Kariuki  
**Research Officer III**

Ms. Zainabu Wario  
**Serjeant-at-Arms**

Mr. Yeziel Jilo  
**Serjeant-at-Arms**

Mr. Yaqub Ahmed  
**Media Relations Officer**

Mr. Collins Mahamba  
**Audio Recording Officer**

## 2.0 INTRODUCTION

6. An air service agreement, also known as an air transport agreement, is an agreement which two States sign to allow for international commercial air transport services between their territories. These Agreements are negotiated by a team comprising representatives from various government agencies.
7. The Agreement amending the Air Transport Agreement Between Kenya and the United States of America was signed in the United States on 5<sup>th</sup> of February 2020 in Washington. In compliance with section 7 of the Treaty Making and Ratification Act, 2012, an explanatory memorandum was signed by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works.
8. The Agreement is aimed at modernizing and strengthen the bilateral aviation relationship and to expand all-cargo international air transport opportunities in order to facilitate increased and more efficient commerce and trade.
9. The Agreement is therefore entered to amend the Air Transport Agreement between the government of Kenya and the government of the United States of America which was signed at Washington on 18<sup>th</sup> of June 2008.

### Outline of the agreement

#### **a. Article 1 - Amendments to Article 2 of the Agreement (“Grant of Rights”)**

10. The agreement seeks to amend paragraph 1, subparagraph (c) by deleting it and replace with the following:
  - (c) *the right to perform international air transportation between points on the following routes:*
    - (i) *for airlines of the United States, from points behind the United States via the United States and intermediate points to any point or points in Kenya and beyond; and for all-cargo service, between Kenya and any point or points;*
    - (ii) *for airlines of the Kenya, from points behind Kenya via Kenya and intermediate points to any point or points in the United States and beyond; and for all-cargo service, between the United States and any point or points.*
11. The agreement also seeks to amend paragraph 2, by deleting the final clause and replacing it with the following:

*without directional or geographic limitation and without loss of any right to carry traffic otherwise permissible under this Agreement, provided that, with the exception of all-cargo services, the transportation is part of a service that serves a point in the homeland of the airline.*
12. The agreement further seeks to amend paragraph 3, by deleting it and replacing it with the following:

*3. On any segment or segments of the routes above, any airline of a Party may perform international air transportation without any limitation as to change, at any point on the route, in type or number of aircraft operated, provided that, with the exception of all-cargo services, in the outbound direction, the transportation beyond such point is a continuation of the transportation from the homeland of the airline and, in the inbound direction, the transportation to the homeland of the airline is a continuation of the transportation from beyond such point.*

**b. Article 2 – Entry into force**

13. The agreement shall enter into force on the date of the later note in an exchange of diplomatic notes between the Parties confirming the completion of their respective internal procedures for entry into force.

**c. Object and subject matter of the Agreements**

14. The International Civil Aviation Organization is a specialized agency of the United Nations created with the signing in Chicago, on 7<sup>th</sup> December 1944, of the Convention on International Civil Aviation and is charged with the administration of the principles laid out in the Convention.
15. 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 consent.
16. Bilateral Air Services Agreements between Kenya and various Countries are established to enable Kenyan air operators such as Kenya Airways to provide scheduled air services and expand their existing route network. In addition, the Agreements allow foreign carriers to access the Kenyan market.
17. The Agreements are negotiated in line with the Integrated National Transport Policy which indicates that Kenya is keen to liberalize new and existing Agreements on the basis of the Yamoussoukro Decision for Countries within Africa and on the basis of fair and equal opportunity and reciprocity for other Countries. The strategic national interests of Kenya are paramount during the negotiations. These Agreements enable airlines to expand their existing route networks by directly operating scheduled services to other markets. In addition, where airlines are unable to offer services, the Agreements allow them to enter into Commercial Arrangements such as code share agreements, which allow airlines to grow the demand in other markets by putting their codes on other carriers thereby offering seamless connectivity to the traveling public.
18. The Cabinet during its 2<sup>nd</sup> Meeting-2020 held on 19<sup>th</sup> March 2020 approved the Memorandum of Consultations on the Agreement Amending the Air Transport Agreement between the Republic of Kenya and the United States of America entered into during the International Civil Aviation Organization (ICAO) Air Services Negotiation Event (ICAN 2019) held in Aqaba, Jordan.

**d. Constitutional Implications**

19. The Agreement between Kenya and United States of America is consistent with the Constitution and promotes constitutional values and objectives. The agreement is not proposing any amendment to the Constitution.

**e. National Interest (advancement of economic prosperity of Kenya)**

20. Kenya Airways operates scheduled passenger air services between Nairobi and New York in USA. No airline from the United States of America is operating into Kenya, but Federal Express Corporation (FedEx) had expressed interest in commencing cargo operations and establishing a base in Kenya. It is therefore in the interest of the country to ratify the Agreement to allow the airline to expand its route network and engage in commercial arrangements as well as create job opportunities.

**f. Obligations imposed on Kenya by the Amendment of the Agreement**

21. There is no additional obligation that will be imposed on Kenya by the ratification of the Agreement.

**g. Requirements for implementation of the Agreement**

22. The instruments of the ratification shall be deposited with International Civil Aviation Organization for the registration.

**h. Financial implication**

23. The ratification of the agreements will be incorporated into existing institutional frameworks that the State Department for Transport has made provisions for. No budgetary changes are therefore envisaged.

**i. Ministerial responsibility**

24. The Cabinet Secretary responsible for matters relating to transport is responsible for enforcing the provisions of the Bilateral Air Service Agreement as well as reviewing the Agreement in line with the Medium-Term Expenditure Plan as provided by Section 52(f) of Civil Aviation Act No. 21 of 2013 and Executive Order No. 1 of 2020.

**j. Implication on matters relating to counties**

25. The Agreement does not touch on any matter relating to counties. Civil aviation is a function of the National Government as provided for in paragraph 18(g) of Part 1 of the Fourth Schedule to the Constitution.

**k. Obligations imposed on Kenya by the Ratification of Agreement**

26. There is no additional obligation that will be imposed on Kenya by the ratification of the Agreement.

**l. Policy and legislative considerations**

27. Bilateral Air Service Agreements are negotiated in line with the Integrated National Transport Policy which indicates that Kenya is keen to liberalize new and existing Agreements on the basis of the Yamoussoukro Decision for Countries within Africa and on the basis of fair, equal opportunity and reciprocity for other Countries.
28. The Agreement is an amendment to the Air Transport Agreement between the two States signed at Washington DC on 8th June 2008. The Agreement was based on a standard template issued by the International Civil Aviation Organization (ICAO) and contains standard Articles on Grant of Rights; Designation; Authorization; Application of National Laws; Recognition of Certificates and Licenses; Aviation Safety and Security; Customs Duties and other Charges; amongst others.
29. In order to operationalize an Agreement, it is the practice for the delegations representing the concerned States to sign a Memorandum of Understanding (MoU) that gives force to the Agreement as it awaits the formal signing by the aeronautical authorities i.e., Cabinet Secretaries or Ministers in charge of Civil Aviation. In some instances, the Agreements contain clauses that require the signing of the Agreement prior to entry into force.

### **3.0 SUMMARY OF THE PROCESS LEADING TO THE ADOPTION OF THE AGREEMENT**

#### **a. The date of Signature**

30. The Agreement was signed on 5<sup>th</sup> February 2020 by the Cabinet Secretary to amend the Air Transport Agreement entered into between Kenya and the United States of America signed in Washington DC on 8<sup>th</sup> June 2008.

#### **b. The number of States that are party to the Treaty**

31. The Agreement is on a bilateral basis between Kenya and USA

#### **c. The views of the public on the ratification of the treaty**

32. The Agreement was negotiated by a team comprising representatives from the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works; Ministry of Foreign Affairs; Office of the Attorney General and Department of Justice; Kenya Civil Aviation Authority; Kenya Airports Authority; and a representative of the Kenya Association of Air Operators namely Kenya Airways and other local carriers.

#### **d. Whether the Agreement sought to be ratified permits reservations and any recommendations on reservations and declarations**

33. The Agreement does not allow for reservations. However, it can be amended through mutual agreement by the Contracting Parties. There are no recommendations for reservations to the Agreement.

#### **e. The proposed text of any reservations that should be entered when ratifying the Agreements in order to protect or advance national interests or ensure conformity with the Constitution**

34. The Agreement does not permit any reservations.

#### **f. Whether expenditure of public funds will be incurred in implementing the Treaties and an estimate, where possible, of the expenditure**

35. The implementation of the Agreement has minimal implication on public funds as it is limited to approval and enforcement of the airline schedules.

#### 4.0 CONSIDERATION OF THE AGREEMENT

36. In line with Article 118 (1) (b) of the Constitution on public participation in law making process and section 8(3) of the Treaty Making and Ratification Act of 2012, the Committee placed advertisements in two local daily newspapers of 8<sup>th</sup> of April 2021, requesting for submission of memoranda by the public on the subject matter but there was no response.
37. On Thursday, 5<sup>th</sup> August 2021, the Departmental Committee held a meeting with the Principal Secretary in the State Department for Transport and other officials from the Ministry. The meeting was interactive with the Committee members having a better understanding of the Agreement and the benefits it may have for the country. The meeting was informed that the Federal Express Corporation (FEDEX) of the US had expressed interest in setting up a base at the Jomo Kenyatta International Airport. This would have a multiplier effect on the Kenyan economy as it will open up immense opportunities for Kenya.
38. In supporting the ratification of the agreement, the Ministry outlined various benefits such as those on enhanced trade and commerce, tourism, market access and connectivity, investment interests, mutual cooperation between the two States and enhanced education and cultural exchange.
39. The Committee observed that the agreement as presented was in accordance with Section 8 (1) of the Treaty Making and Ratification Act which provides that where the Cabinet approves the ratification of a treaty, the Cabinet Secretary shall submit the treaty and a memorandum on the treaty to the Speaker of the National Assembly.
40. In its meeting held on 10<sup>th</sup> August 2021, the Committee therefore resolved to recommend to the National Assembly to approve the ratification of the treaty, as it was in Kenya's best interests.

## 5.0 COMMITTEE'S OBSERVATIONS

41. The Constitution in Article 2 (6) provides for the entrenchment of this Agreement into the laws of Kenya.
42. The Agreement, as signed on 5<sup>th</sup> February 2020, is proposing to amend the Air Transport Agreement entered into between Kenya and the United States of America signed in Washington DC on 8<sup>th</sup> June 2008.
43. Ratification of the Agreement will open expanded operations/markets for Kenyan/US air operators, facilitate the movement of goods, passengers and mail; offering more flexibility in meeting demands and express delivery meeting customer needs more efficiently. This will in turn generate trade, promote tourism, and create employment opportunities for the two States. In addition, the Federal Express Corporation (FEDEX) of the US had expressed interest in setting up a base in JKIA. This will open up immense opportunities for Kenya.
44. The Agreement as presented satisfies the requirements of the Treaty Making and Ratification Act, 2012 as provided for in section 7 and section 8 of the Act.

**6.0 COMMITTEE'S RECOMMENDATION**

45. The Committee recommends that the House **approves** the ratification of the Agreement signed on 5<sup>th</sup> February 2020, amending the Air Transport Agreement entered into between Kenya and the United States of America; which was signed in Washington DC on 8<sup>th</sup> June 2008, as the approval is in Kenya's national interest.

Signed .....  .....

**Hon. David L. Pkosing, C.B.S., M.P.**  
**Chairperson**

**DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS &  
HOUSING**

Date ..... 17/8/2021 .....

(i)

# Minutes

of sittings of the Committee

**MINUTES OF THE FOURTIETH (40<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON THURSDAY, 5<sup>TH</sup> AUGUST 2021 AT 10.00 A.M. AT 5<sup>TH</sup> FLOOR, CONTINENTAL HOUSE**

**MEMBERS PRESENT**

1. Hon. David L. Pkosing, M.P. - Chairperson
2. Hon. Abdul Rahim Dawood, M.P. - *virtually*
3. Hon. Omar Mwinyi Shimbwa, M.P. - *virtually*
4. Hon. Ahmed Abdisalan Ibrahim, M.P. - *virtually*
5. Hon. Ahmed Bashane Gaal, M.P. - *virtually*
6. Hon. Gideon Mulyungi, M.P. - *virtually*
7. Hon. Janet Nangabo, M.P. - *virtually*
8. Hon. Kulow Maalim Hassan, M.P. - *virtually*
9. Hon. Mercy Wanjiku Gakuya, M.P. - *virtually*
10. Hon. Tom Mboya Odege, M.P. - *virtually*

**MEMBERS ABSENT WITH APOLOGY**

11. Hon. Gathoni Wamuchomba, M.P. - Vice Chairperson
12. Hon. Peris Pesi Tobiko, M.P.
13. Hon. David Njuguna Kiaraho, M.P.
14. Hon. Johnson Many Naicca, M.P.
15. Hon. Samuel Arama, M.P.
16. Hon. Ali Wario Guyo, M.P.
17. Hon. Dominic Koskei, M.P.
18. Hon. George Aladwa Omwera, M.P.
19. Hon. Shadrack John Mose, M.P.

**SECRETARIAT**

- |                        |   |                    |
|------------------------|---|--------------------|
| 1. Mr. Ahmed Salim     | - | Clerk Assistant II |
| 2. Mr. Ronald Walala   | - | Legal Counsel      |
| 3. Ms. Zainab Wario    | - | Sergeant-at-arm    |
| 4. Mr. Collins Mahamba | - | Audio Officer      |
| 5. Ms. Mercy Mutuku    | - | Legislative Fellow |
| 6. Mr. Boniface Matano | - | Legislative Fellow |

**IN ATTENDANCE**

- |                         |   |                                |
|-------------------------|---|--------------------------------|
| 1. Mr. Solomon Kitungu  | - | Principal Secretary, Transport |
| 2. Mr. Gilbert Kibe     | - | Director General, KCAA         |
| 3. Mr. Alex Gitari      | - | Managing Director, KAA         |
| 4. Mr. Nicholas Bodo    | - | Air Transport                  |
| 5. Mr. Walter Mukalavai | - | PA to DG, KCAA                 |

**MIN No. TPWH 234/2021:**

**PRELIMINARIES**

The Chairman called the meeting to order at ten o'clock followed by a word of prayer. The Chairman informed the Honorable Members that the Committee was meeting to consider the ratification of the agreement amending the air transport agreement between Kenya and the United States of America.

The agenda of the meeting was therefore adopted after being proposed by the Hon. Gideon Mulyungi, MP and seconded by the Hon. Janet Nangabo, MP.

**MIN No. TPWH 235/2021:**

**CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTINGS**

Confirmation of minutes of the previous sitting was deferred.

**MIN NO. TPWH 2362021:**

**CONSIDERATION OF AGREEMENT AMENDING THE AIR TRANSPORT AGREEMENT BETWEEN KENYA AND THE UNITED STATES OF AMERICA**

The Committee was taken through the agreement and the explanatory memorandum by the Principal Secretary for Transport. Both the Principal Secretary and the Director General for Kenya Civil Aviation expressed their support for the agreement, stating that it will open up more opportunities for Kenya.

They submitted that the ratification of the Agreement will open expanded operations/markets for Kenyan/US air operators, facilitate the movement of goods, passengers and mail; offering more flexibility in meeting demands and express delivery meeting customer needs more efficiently. This will in turn generate trade, promote tourism, and create employment opportunities for the two States.

In addition, the Ministry explained that the Federal Express Corporation (FEDEX) of the US had expressed interest in setting up a base in JKIA. This will open up immense opportunities for Kenya.

**Way Forward**

The Committee was of the view that the agreement was short and clear, and resolved to recommend to the House to approve its ratification, considering its benefits.

**MIN No. TPWH 237/2021:**

**ANY OTHER BUSINESS**

1. The Committee confirmed that the report writing retreat for the Landlord and Tenant Bill, 2021 will proceed as planned, in Mombasa County from 12<sup>th</sup> to 15<sup>th</sup> August 2021.
2. The meeting was also informed that Mr. Alex Gitari was now confirmed as the substantive Managing Director for Kenya Airports Authority.

**MIN No. TPWH 238/2021:**

**ADJOURNMENT**

There being no other business, the sitting was adjourned at thirty minutes to ten o'clock. Next meeting to be held on Tuesday, the 10<sup>th</sup> day of August 2021, at 10:00am.

Signed.....



(Chairperson)

Date.....

13/8/2021

**MINUTES OF THE FOURTY FIRST (41<sup>ST</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON TUESDAY, 10<sup>TH</sup> AUGUST 2021 AT 10.00 A.M. AT 5<sup>TH</sup> FLOOR, CONTINENTAL HOUSE**

**MEMBERS PRESENT**

1. Hon. David L. Pkosing, M.P. - Chairperson
2. Hon. Abdul Rahim Dawood, M.P. - *virtually*
3. Hon. David Njuguna Kiaraho, M.P. - *virtually*
4. Hon. Omar Mwinyi Shimbwa, M.P.
5. Hon. Peris Pesi Tobiko, M.P. - *virtually*
6. Hon. Samuel Arama, M.P. - *virtually*
7. Hon. Ali Wario Guyo, M.P. - *virtually*
8. Hon. Dominic Koskei, M.P. - *virtually*
9. Hon. Janet Nangabo, M.P. - *virtually*
10. Hon. Kulow Maalim Hassan, M.P. - *virtually*
11. Hon. Mercy Wanjiku Gakuya, M.P. - *virtually*
12. Hon. Tom Mboya Odege, M.P. - *virtually*

**MEMBERS ABSENT WITH APOLOGY**

13. Hon. Gathoni Wamuchomba, M.P. - Vice Chairperson
14. Hon. Johnson Many Naicca, M.P.
15. Hon. Ahmed Abdisalan Ibrahim, M.P.
16. Hon. Ahmed Bashane Gaal, M.P.
17. Hon. George Aladwa Omwera, M.P.
18. Hon. Gideon Mulyungi, M.P.
19. Hon. Shadrack John Mose, M.P.

**SECRETARIAT**

- |                        |   |                    |
|------------------------|---|--------------------|
| 1. Mr. Ahmed Salim     | - | Clerk Assistant II |
| 2. Mr. Ronald Walala   | - | Legal Counsel      |
| 3. Mr. Eric Kariuki    | - | Research Officer   |
| 4. Ms. Zainab Wario    | - | Sergeant-at-arm    |
| 5. Mr. Collins Mahamba | - | Audio Officer      |
| 6. Ms. Mercy Mutuku    | - | Legislative Fellow |
| 7. Mr. Boniface Matano | - | Legislative Fellow |

**MIN No. TPWH 239/2021:**

**PRELIMINARIES**

The Chairman called the meeting to order at thirteen minutes past ten o'clock followed by a word of prayer. The Chairman informed the Honorable Members that the Committee was meeting to:

1. Consider and adopt the Report on Consideration for Ratification of The Agreement Amending the Air Transport Agreement Between Kenya and The United States of America; and
2. Consider the Report by the Ministry of Interior on the Seafarers' Identity Documents Convention as amended (C185).

The agenda of the meeting was therefore adopted after being proposed by the Hon. Omar Mwinyi, MP and seconded by the Hon. Ali Wario, MP.

**MIN No. TPWH 240/2021:**                    **CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTINGS**

Confirmation of minutes of the previous sitting was deferred.

**MIN NO. TPWH 241/2021:**                    **ADOPTION OF THE REPORT ON RATIFICATION OF AGREEMENT AMENDING THE AIR TRANSPORT AGREEMENT BETWEEN KENYA AND THE UNITED STATES OF AMERICA**

The Committee considered the draft report and observed that:

1. The Agreement, as signed on 5th February 2020, is proposing to amend the Air Transport Agreement entered into between Kenya and the United States of America signed in Washington DC on 8th June 2008.
2. Ratification of the Agreement will open expanded operations/markets for Kenyan/US air operators, facilitate the movement of goods, passengers and mail; offering more flexibility in meeting demands and express delivery meeting customer needs more efficiently. This will in turn generate trade, promote tourism, and create employment opportunities for the two States. In addition, the Federal Express Corporation (FEDEX) of the US had expressed interest in setting up a base in JKIA. This will open up immense opportunities for Kenya.
3. The Agreement as presented satisfies the requirements of the Treaty Making and Ratification Act, 2012 as provided for in section 7 and section 8 of the Act.

The Committee therefore resolved to recommend to the House the ratification of the Agreement signed on 5<sup>th</sup> February 2020, amending the Air Transport Agreement entered into between Kenya and the United States of America; which was signed in Washington DC on 8<sup>th</sup> June 2008, as the approval is in Kenya's national interest.

**Adoption of the Report**

The Report was adopted after having been proposed by the Hon. Samuel Arama, MP, and seconded by the Hon. Tom Odege, MP.

**MIN NO. TPWH 242/2021:**                    **CONSIDERATION OF THE REPORT BY THE MINISTRY OF INTERIOR ON THE SEAFARERS' IDENTIFICATION DOCUMENT (SID)**

The Committee went through the report by the Principal Secretary for Interior, on the Seafarers' Identification Document (SID). The Committee noted that the report by the Ministry of Interior was comprehensive and addressed all issues that the Committee had raised when considering the Maritime Conventions and in particular, the International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003).

**Way Forward**

The Committee resolved to recommend to the House, the ratification of the following conventions:

1. Amendments to the Maritime Labour Convention, 2006 (2014 and 2018 Amendments);
2. International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);
3. International Labour Organization Convention C188 (Work in Fishing Convention, 2007);
4. International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and
5. Cape Town Agreement of 2012 on Safety of Fishing Vessels.

**MIN No. TPWH 243/2021:**

**ANY OTHER BUSINESS**

1. The Committee directed the Clerk's Office to liaise with the relevant State Departments to get a list of possible foreign activities such as conferences with a view to afford Members attend some of them.
2. The Committee resolved to conduct local field visits to various parts of the country as part of its oversight roles. In this regard, the Clerk's Office was directed to come up with a draft program for the visits and plan for procurement of helicopters to assist Members effectively and securely access areas in the North Eastern and Coast regions. These include visits to roads in North Eastern region, LAPSSET roads and projects, Tana River, Moyale among other areas.

**MIN No. TPWH 244/2021:**

**ADJOURNMENT**

There being no other business, the sitting was adjourned at three minutes past eleven o'clock. Next meeting to be held on Friday, the 13<sup>th</sup> day of August 2021, in Mombasa County.

Signed.....



(Chairperson)

Date.....

13/8/2021

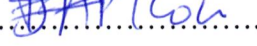
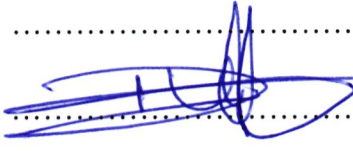
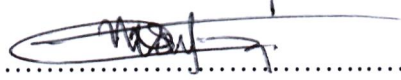
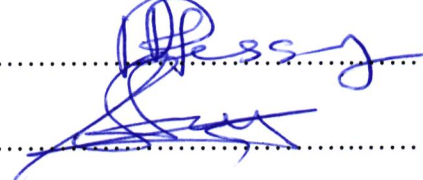

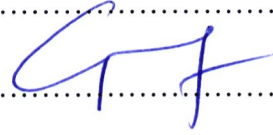

(ii)

# List of Members

present during adoption of the report

### Adoption of the Report

We, the members of the Departmental Committee on Transport, Public Works and Housing have adopted this Report on the Ratification of the Agreement Amending the Air Transport Agreement entered into between Kenya and the United States of America, for consideration and approval by the House Pursuant to Section 8(4) of the Treaty Making and Ratification Act, 2012 and Standing Order 199.

1. Hon. David Pkosing, CBS-Chairperson ..... 
2. Hon. Gathoni Wamuchomba, HSC-V/Chair .....
3. Hon. Abdul Rahim Dawood .....
4. Hon. David Njuguna Kiaraho ..... 
5. Hon. Johnson Many Naicca .....
6. Hon. Omar Mwinyi Shimbwa ..... 
7. Hon. Peris Pesi Tobiko, CBS ..... 
8. Hon. Samuel Arama .....
9. Hon. Ahmed Abdisalan Ibrahim .....
10. Hon. Ahmed Bashane Gaal .....
11. Hon. Ali Wario Guyo ..... 
12. Hon. Dominic Kipkoech Koskei .....
13. Hon. George Aladwa Omwera .....
14. Hon. Gideon Mutemi Mulyungi ..... 
15. Hon. Kulow Maalim Hassan .....
16. Hon. Mercy Wanjiku Gakuya .....
17. Hon. Janet Wanyama Nangabo ..... 
18. Hon. Shadrack John Mose .....
19. Hon. Tom Mboya Odege .....

**(iii)**

# **Newspaper advertisement**

inviting the public to make representations on the Agreement

Third-wave

## US warns its citizens on travels to Kenya

The US yesterday issued a travel advisory against Kenya over the surge in Covid-19 cases.

This comes less than a week after the United Kingdom slapped Kenya with a similar ban, eliciting a diplomatic row between the two nations.

The US now joins the list of countries that have placed Kenya in their travel 'red list' as a result of a surge in the number of Covid-19 cases. The increase in the cases and fatalities have seen President Uhuru Kenyatta impose a lockdown in one-zoned Nairobi, Kiambu, Kajajo, Nakuru and Machakos counties.

The US Centres for Disease Control and Prevention (CDC) issued the Level 4 travel health notice for Kenya due to Covid-19, whose cumulative positive cases have hit 141,365 since the first detection in the country in March 2020.

Levels on the travel advisory scale range from One to Four. Level One calls for exercising of normal precaution while Two calls for increased caution. At Level Three, citizens are asked to reconsider travel, while at Four, they are advised not to travel.

The statement by the US stated that international flights were still operating, though limited. "Internal flights are restricted, and road and rail transportation are limited geographically and by curfew."

US Embassy, Nairobi spokesperson Heather Nauert, acknowledged that Kenya and its citizens had taken many strides to mitigate the spread of Covid-19. "We are monitoring conditions closely and will adjust our travel advice for Kenya when the situation on the ground changes. Our travel advice must take into account changing Covid-19 conditions," said Mr. Nauert.

The official said: "Kenya has recently seen a steep increase in Covid-19 cases and the President of Kenya announced additional restrictions on March 26, 2021. This change in our travel advice reflects these developments."

The spokesperson said the Department of State had no higher priority than the safety and security of US citizens abroad. "To that end, our travel advice must be fact-based, accurate, and transparent." [Jael Mbuga]

Economy. Senate tasks Treasury to explain why figure of leased medical equipment has gone up

## Counties to pay Sh1bn more for leasing project

Treasury seeks approval of Parliament on cost variations that will see each county pay Sh153 million up from Sh132 million for the scheme.

By Brian Odion  
bodi@standardmedia.co.ke

Kenya will shoulder the extra Sh1 billion for the controversial Sh73 billion Medical Leasing Equipment Scheme if Parliament approves Treasury's variations of the cost by the Ministry of Health.

In the proposed annual financial bill, Division of Revenue Bill, DORE, 2020, the 47 counties will now part with Sh153 million each in the next financial year, up from Sh132 million paid presently.

When the project was conceptualised and launched at State House by President Uhuru Kenyatta in 2015, each county

was paying Sh94 million for the scheme. The project had faced strong opposition from the then Council of Governors (CoG) chairperson Governor Isaac Ruto.

Senators were up in arms when the annual repayment was varied from Sh38 billion to Sh63 billion and counties were deducted as much as Sh200 million in 2018/2019 budget.

The seven-year leasing agreement between the national government and firms from five countries - US, China, The Netherlands, India and Italy - on behalf of the counties has been shrouded in mystery with questions raised over the true cost of the Sh72 billion factored in the next budget.

Last year, counties paid Sh8.2 billion even as some counties are yet to get some of the equipment years after the part was entered.

Appearing before the Senate Finance Committee chaired by



Kirinyaga Senator Charles Kibira, the Ukur Yatani-led ministry was on the spot as senators demanded to know why Sh1 billion additional payment should be made yet the leased equipment had depreciated in value.

But Yatani, the Treasury Cabinet Secretary argued that it was a contractual obligation that must be honoured.

The matter emerged at a time when Senate is seeking concurrence on the Bill passed by the National Assembly last month.

County governments are expected to get a Sh53.5 billion increment in their equitable share of revenue raised nationally, shooting the figure to Sh370 billion in the next financial year, up from the current Sh316.5 billion.

Part of these funds, Treasury told the committee, were reallocations from national government ministries, among them agriculture and health.

This was revealed after senators questioned why the bulk of money meant for devolved functions was still being held by the national government.

A committee comprising Senate, Treasury and the Attorney General's office is expected to file a report tomorrow on the way forward as regards the conditional grants.

**REPUBLIC OF KENYA**

**PARLIAMENTARY SERVICE COMMISSION  
PARLIAMENTARY JOINT SERVICES**

**INVITATION FOR TENDER**

**TENDER NO. PJS/018/2020-2021  
FOR  
SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF OFFICE FURNITURE  
FOR THE MULTI-STORY OFFICE BLOCK:**

The Procuring Entity invites sealed tenders from eligible tenders for the Supply, Delivery, Installation and Commissioning of Office Furniture for the Proposed Multi Storey Office Block.

Interested eligible candidates may obtain further information from the Procurement Office on 4th Floor, Protection House, Nairobi or email through [procurement@pjs.parliament.go.ke](mailto:procurement@pjs.parliament.go.ke) or [info@pjs.parliament.go.ke](mailto:info@pjs.parliament.go.ke). A complete set of the tender document may be downloaded free of charge from the Commission's Website: [www.parliament.go.ke](http://www.parliament.go.ke) or IFMIS Portal, [www.supplytreasury.go.ke](http://www.supplytreasury.go.ke)

There shall be a pre-bid meeting on **Tuesday, 27<sup>th</sup> April, 2021, 11.00 am** in the 11th Floor Boardroom, Protection House, along Parliament Road, Nairobi.

Only completed, sealed and paginated tender documents all the pages of the bid document submitted including any addenda, appendices and attachments (original and copy) are to be enclosed in plain sealed envelopes, marked with the **tender number, name and as prescribed under the tender documents and be dropped in the Tender Box at the Reception on 2<sup>nd</sup> Floor, Protection House, Nairobi** or be addressed to:

**Director General, Parliamentary Joint Services,  
Procuring Entity,  
P.O. Box 41842 00100,  
NAIROBI, KENYA**

so as to be received on or before **Monday, 18<sup>th</sup> May, 2021 at 11.00 a.m.**

Tenders will be opened immediately thereafter in the presence of the Candidates who choose to attend or their appointed representatives, at Protection House, 2<sup>nd</sup> floor boardroom, Nairobi.

Tenders must be accompanied by a tender Security of **Kshs. 8,000,000.00** valid for **30 days** from the date of tender opening, in form of a bank guarantee from reputable bank recognized by the Central Bank of Kenya, payable to Procuring Entity

Prices quoted should be inclusive of all taxes and delivery costs, and must be in Kenya Shillings and shall remain valid for **180 days** from the closing date of the tender.

Bidders are required to serialize all the pages of the bid document submitted including any addendums, appendices and attachments.

**DIRECTOR GENERAL, PARLIAMENTARY JOINT SERVICES,  
PARLIAMENTARY SERVICE COMMISSION**

**REPUBLIC OF KENYA**

**THE NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT (FIFTH SESSION)**

**INVITATION FOR PUBLIC PARTICIPATION & SUBMISSION  
OF MEMORANDA**

*(Article 118 (1) (b) of the Constitution and Section 8 of the Treaty Making and Ratification Act, 2012)*

**In the matter of consideration by the National Assembly of:  
Ratification of the Bilateral Air Services Agreement between Kenya and the Russian Federation; and  
Ratification of the Bilateral Air Services Agreement between Kenya and the United States of America**

**SUBMISSION OF MEMORANDA**

Article 118(1) (b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other businesses of Parliament and its Committees". Further, Section 8 of the Treaty Making and Ratification Act provides for the consideration and ratification of treaties by Parliament, and subsection (3) states that, "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".

The main purpose of these agreements is to enable Kenyan air operators provide scheduled air transport services in foreign air service markets, expand their existing route network and also allow foreign carriers access the Kenyan market. Further, where airlines are unable to offer services, the agreements will allow them enter into commercial arrangements such as code share arrangements, which will promote their business growth.

The aforementioned agreements have since been submitted to the National Assembly pursuant to the provisions of Section 8 of the Treaty Making & Ratification Act, 2012 and subsequently committed to the **Departmental Committee on Transport, Public Works and Housing** for examination in line with the provisions of Standing Order 216(3)(fa) and report to the House.

Pursuant to Article 118(1) (b) of the Constitution and Section 8 of the Treaty Making & Ratification Act, 2012, the Committee invites members of the public to submit written representations they may have on the said agreements. The documents can be accessed from the parliamentary website at <http://www.parliament.go.ke/the-national-assembly/house-business/paper-laid>. The representations may be forwarded to 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 [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received on or before **Friday, 29<sup>th</sup> April, 2021 at 5:00 pm.**

**MICHAEL R. SIALAL, CBS  
CLERK OF THE NATIONAL ASSEMBLY**

## National News

Tragedy Dr Matiang'i called it a rude awakening on the psychosocial challenges some young officers face

## The troubled marriage and tragic deaths of a young police couple

Wakise briefly engaged Pauline in a conversation that turned into an argument and an exchange of bitter words

BY MARY WAMBUI

For six years, police constable Hudson Wakise and his wife constable Pauline Wakasa lived together as any other couple and were blessed with two daughters, currently five and three years old.

The two love birds, who had met in college, graduated together in 2013 and lived under the same roof until their tragic death on Tuesday evening.

In 2019, their marriage started developing cracks.

## VIP protection

Pauline, 29, started complaining to relatives about her husband's alcoholism, infidelity and occasional violence.

Wakise, 33, a General Service Unit officer attached to the Reception and at the time of his death seconded to VIP protection at the



Hudson Wakise and Pauline Wakise in happier times. PHOTO: POOL

Ministry of Interior, was among the elite officers involved in the Dusit D2 complex attack in January 2019. Picked for his expertise in sharp

shooting and combat, Wakise went into the Dusit complex, saved lives, but suffered a head injury which some now suspect to have led to a lingering trauma.

"I don't know if he was drinking in the past, but since his involvement in the attack, there was a notable increase in his alcohol consumption. His relationship with his wife also suffered, forcing us to intervene to reconcile them on several occasions," one of Pauline's relatives told *Nation* on condition of anonymity, citing delicate family relations.

The couple lived at the GSU camp in Ruaraka until Sunday, when Pauline decided she needed a break from her marriage.

She rented a one-bedroom house behind Ruaraka supermarket in Ruaraka, where she moved in with her two daughters, a brother and a househelp.

Her husband helped her to move house using a government vehicle and was seen by neighbours visiting the house on several occasions since his family moved in on Sunday, but never spent a single night there.

Pauline's relatives said they were surprised by her decision

**I don't know if he was drinking in the past, but since his involvement in the attack, there was a notable increase in his alcohol consumption.**

Pauline's relative

to move out, seeing that it happened just a few days after the family had mediated over a fight between the couple.

They said they were making arrangements to mediate further to reconcile the two.

Neighbours told *Nation* that the couple was kind and friendly with everyone for the two days that they had moved into the neighbourhood.

Some of Pauline's friends said they last saw her on Wednesday afternoon in Harlingenham, where she had tea with friends before she was dropped home by a colleague at around 3pm.

In the evening, at around 8pm, the househelp served Pauline dinner.

While she was eating, her husband arrived at the house and briefly engaged her in a conversation that turned into an argument and an exchange of bitter words, with Pauline accusing him of infidelity.

## Joricho pistol

"As a result, the husband went out of the house and shortly returned to the living room where he suddenly pulled out his Jericho pistol and fired several rounds at her chest, killing her instantly. He then turned the fire arm on himself and shot himself below the chin. He also died instantly," stated a police report filed at Ruaraka police station under OB Number 40/6/4/2021.

Neighbours said they heard the first gunshot at around 8:20pm and closed their doors, unsure of what was happening.

The househelp fled with the couple's daughters after witnessing the first gunshot. The children are now under the custody of relatives.

The bodies were found in the living room with Pauline, still dressed in her police uniform, holding a padlock in her hands and Wakise lying dead on the seat in plain clothes.

## 'Brilliant futures'

News of the couple's death was received with shock, with Interior Cabinet Secretary Fred Matiang'i terming it as a rude awakening on the psychosocial challenges being faced by some of the country's young officers.

"I am deeply pained by the tragic incident involving PC Hudson Wakise and his wife PC Pauline Wakasa, both young and vibrant police officers with brilliant futures tragically ended in their shocking demise. It's a rude awakening on the psychosocial challenges amongst some of our

## BACKGROUND

Couple went from happily married to having domestic problems

In 2019, their marriage started developing cracks. Pauline, 29, started complaining to relatives about her husband's alcoholism, infidelity and occasional violence. Wakise, 33, a General Service Unit officer attached to the Reception unit, was among the elite officers involved in the Dusit D2 complex attack in January 2019. Picked for his expertise in sharp shooting and combat, Wakise went into the Dusit complex, saved lives, but suffered a head injury that some now suspect to have been a lingering trauma from the operation. Dr Matiang'i termed it as a rude awakening on the psychosocial challenges faced by young officers.

young officers that we have no choice but to now pay greater attention to, my sincere condolences to their families and friends," the CS tweeted.

The Inspector-General of Police Hilary Mutumbui also mourned the two officers and sent his condolences to their families.

He said Wakise was on leave from April 1 until Wednesday when he reported to work, but left at 3pm.

"It is alleged that he shot and killed his wife before turning the gun on himself, ending both their lives. Eyewitnesses and neighbours are helping the police with investigations into the incident that took place outside the GSU camp. Our sincere condolences to the families of the deceased," the IG said.

Police recovered the officer's pistol, nine spent cartridges and two magazines, one fully loaded with 15 rounds of ammunition and the other with six bullets.

The officers' bodies were taken to Kenyatta University Funeral Home.

Pauline's colleagues at Kilimani Police Station yesterday flocked to KU funeral home where they viewed the body alongside a few family members amid prayers.

The officers said Pauline was shot seven times on the chest, while Wakise succumbed to two gunshot wounds that he fired from under his chin and exited through his head.

They described Pauline as a hard-working, polite and sociable person.

Those who knew Wakise described him as a hero. He had just built a six-bedroom mansion in his village in Itaita.

An inquest into the murder has been opened.

mambui@kenyanationmedia.com

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT (FIFTH SESSION)

INVITATION FOR PUBLIC PARTICIPATION & SUBMISSION OF MEMORANDA  
(Article 118 (1) (b) of the Constitution and Section 8 of the Treaty Making and Ratification Act, 2012)

In the matter of consideration by the National Assembly of:  
Ratification of the Bilateral Air Services Agreement between Kenya and the Russian Federation; and  
Ratification of the Bilateral Air Services Agreement between Kenya and the United States of America

## SUBMISSION OF MEMORANDA

Article 118(1) (b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, Section 8 of the Treaty Making and Ratification Act provides for the consideration and ratification of treaties by Parliament, and subsection (3) states that, "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".

The main purpose of these agreements is to enable Kenyan air operators provide scheduled air transport services in foreign air service markets, expand their existing route network and also allow foreign carriers access the Kenyan market. Further, where airlines are unable to offer services, the agreements will allow them enter into commercial arrangements such as code share arrangements, which will promote their business growth.

The aforementioned agreements have since been submitted to the National Assembly pursuant to the provisions of Section 8 of the Treaty Making & Ratification Act, 2012 and subsequently committed to the Departmental Committee on Transport, Public Works and Housing for examination in line with the provisions of Standing Order 216(5)(b) and report to the House.

Pursuant to Article 118(1) (b) of the Constitution and Section 8 of the Treaty Making & Ratification Act, 2012, the Committee invites members of the public to submit written representations they may have on the said agreements. The documents can be accessed from the parliamentary website at <http://www.parliament.go.ke/the-national-assembly/house-business/paper-8-2021>. The representations may be forwarded to 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 [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received on or before Friday, 20<sup>th</sup> April, 2021 at 5:00 pm.

MICHAEL R. SIALAI, CBS  
CLERK OF THE NATIONAL ASSEMBLY

(iv)

# Agreement

amending the Air Transport Agreement  
between Kenya and the United States of America



**AGREEMENT AMENDING THE  
AIR TRANSPORT AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF KENYA  
AND  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA**

The Government of the Republic of Kenya and the Government of the United States of America (hereinafter, the "Parties");

Desiring to modernize and strengthen their bilateral aviation relationship and to expand all-cargo international air transport opportunities in order to facilitate increased and more efficient commerce and trade;

Have agreed to amend the Air Transport Agreement between the Government of the Republic of Kenya and the Government of the United States of America, signed at Washington June 18, 2008 (the "Agreement"), as follows:

**Article 1**

**Amendments to Article 2 of the Agreement ("Grant of Rights")**

In Article 2 of the Agreement:

1. Paragraph 1, subparagraph (c) shall be deleted and replaced with the following:
  - (c) the right to perform international air transportation between points on the following routes:
    - (i) for airlines of the United States, from points behind the United States via the United States and intermediate points to any point or points in Kenya and beyond; and for all-cargo service, between Kenya and any point or points;
    - (ii) for airlines of Kenya, from points behind Kenya via Kenya and intermediate points to any point or points in the United States and beyond; and for all-cargo service, between the United States and any point or points; and



2. Paragraph 2 shall be amended by deleting the final clause and replacing it with the following:

without directional or geographic limitation and without loss of any right to carry traffic otherwise permissible under this Agreement, provided that, with the exception of all-cargo services, the transportation is part of a service that serves a point in the homeland of the airline.

3. Paragraph 3 shall be deleted and replaced with the following:

3. On any segment or segments of the routes above, any airline of a Party may perform international air transportation without any limitation as to change, at any point on the route, in type or number of aircraft operated, provided that, with the exception of all-cargo services, in the outbound direction, the transportation beyond such point is a continuation of the transportation from the homeland of the airline and, in the inbound direction, the transportation to the homeland of the airline is a continuation of the transportation from beyond such point.

## Article 2

### **Entry into Force**

This agreement shall enter into force on the date of the later note in an exchange of diplomatic notes between the Parties confirming the completion of their respective internal procedures for entry into force.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this agreement.

DONE at Washington, this fifth day of February, 2020, in two originals, in the English language.

FOR THE GOVERNMENT OF THE  
REPUBLIC OF KENYA:

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:

(v)

# **Explanatory Memorandum**

on the Agreement amending the Air Transport Agreement  
between Kenya and the United States of America

96



**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING,  
URBAN DEVELOPMENT AND PUBLIC WORKS  
STATE DEPARTMENT FOR TRANSPORT  
OFFICE OF THE PRINCIPAL SECRETARY**

Telephone: (+254 20) 2729200  
Fax: (+254 20) 2726362  
Email: [ps@transport.go.ke](mailto:ps@transport.go.ke)  
Website: [www.transport.go.ke](http://www.transport.go.ke)

TRANSCOM HOUSE  
NGONG ROAD  
P.O. Box 52692 - 00200  
NAIROBI

When replying please quote Ref.

MOT&I/AT/028/17 VOL.III/(96)

6<sup>th</sup> May 2021

**Mr. Michael Sialai, CBS**  
Clerk of the National Assembly  
Parliament Building  
NAIROBI

Dear *Michael,*

**RATIFICATION OF THE AGREEMENT AMENDING THE AIR  
TRANSPORT AGREEMENT BETWEEN KENYA AND UNITED STATES  
OF AMERICA**

At the meeting of the Departmental Committee on Transport, Public Works and Housing on 17<sup>th</sup> November 2020 on the above, we were directed to restructure the format of the Explanatory Notes to align them to information requirement under the Treaty Making and Ratification Act, 2012 which we have done.

In this connection, attached please find the Explanatory Note for the Agreement Amending the Air Transport Agreement between Kenya and the United States of America duly aligned as required, for ratification in line with the Treaty Making and Ratification Act, 2012.

Yours

*Sincerely,*

Solomon Kitungu, CBS  
PRINCIPAL SECRETARY



## **MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN DEVELOPMENT AND PUBLIC WORKS**

### **EXPLANATORY MEMORANDUM ON THE RATIFICATION OF THE AGREEMENT AMENDING THE AIR TRANSPORT AGREEMENT ENTERED INTO BETWEEN KENYA AND UNITED STATES OF AMERICA**

#### **a) The Objects and Subject Matter of the Agreement**

The International Civil Aviation Organization is a specialized agency of the United Nations created with the signing in Chicago, on 7<sup>th</sup> December 1944, of the Convention on International Civil Aviation and is charged with the administration of the principles laid out in the Convention.

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 consent.

Bilateral Air Services Agreements between Kenya and various Countries are established to enable Kenyan air operators such as Kenya Airways to provide scheduled air services and expand their existing route network. In addition, the Agreements allow foreign carriers to access the Kenyan market.

The Agreements are negotiated in line with the Integrated National Transport Policy which indicates that Kenya is keen to liberalize new and existing Agreements on the basis of the Yamoussoukro Decision for Countries within Africa and on the basis of fair and equal opportunity and reciprocity for other Countries. The strategic national interests of Kenya are paramount during the negotiations. These Agreements enable airlines to expand their existing route networks by directly operating scheduled services to other markets. In addition, where airlines are unable to offer services the Agreements allow them to enter into Commercial Arrangements

such as code share agreements, which allow airlines to grow the demand in other markets by putting their codes on other carriers thereby offering seamless connectivity to the traveling public.

The Cabinet during its 2<sup>nd</sup> Meeting -2020 held on 19<sup>th</sup> March 2020 approved the Memorandum of Consultations on the Agreement Amending the Air Transport Agreement between the Republic of Kenya and the United States of America entered into during the International Civil Aviation Organization (ICAO) Air Services Negotiation Event (ICAN 2019) held in Aqaba, Jordan.

**b) Any Constitutional Implications**

**i. Proposed amendment to the Constitution**

There is no proposed amendment to the Constitution.

**ii. Consistence with the Constitution and promotion of constitutional values and objectives**

The Agreement between Kenya and United States of America is consistent with the Constitution and promotes constitutional values and objectives.

**c) The National Interests which may be affected by the ratification of the Agreement**

Currently, Kenyan Airways is operating scheduled passenger air services between Nairobi and New York in USA.

No airline from the United States of America is operating to Kenya, but Federal Express Corporation (FedEx) had expressed interest in commencing cargo operations and establishing a base in Kenya.

It is in the interest of the Country to ratify the Agreement to allow the airlines to expand their route network and engage in commercial arrangements as well as create job opportunities.

**d) Obligations imposed on Kenya by the Ratification of the Agreement**

There is no additional obligation that will be imposed on Kenya by the ratification of the Agreement.

**e) Requirements for implementation of the Agreement**

The instruments of ratification of the Agreements shall be deposited with International Civil Aviation Organization for registration.

**f) Policy and legislative considerations**

Agreements are negotiated in line with the Integrated National Transport Policy which indicates that Kenya is keen to liberalize new and existing Agreements on the basis of the Yamoussoukro Decision for Countries within Africa and on the basis of fair, equal opportunity and reciprocity for other Countries.

The Agreement is an amendment to the Air Transport Agreement between the two States signed at Washington DC on 8<sup>th</sup> June 2008. The Agreement was based on a standard template issued by the International Civil Aviation Organization (ICAO) and contains standard Articles on Grant of Rights; Designation; Authorization; Application of National Laws; Recognition of Certificates and Licenses; Aviation Safety and Security; Customs Duties and other Charges; amongst others.

In order to operationalize an Agreement it is the practice for the delegations representing the concerned States to sign a Memorandum of Understanding (MoU) that gives force to the Agreement as it awaits the formal signing by the aeronautical authorities i.e. Cabinet Secretaries or Ministers in charge of Civil Aviation. In some instances, the Agreements contain clauses that require the signing of the Agreement prior to entry into force.

**g) Financial implications**

The ratification of the Agreement will be incorporated into existing institutional frameworks that the State Department for Transport has made provision for.

There are no budgetary changes envisaged in terms of financial implications.

**h) Ministerial responsibility**

The Cabinet Secretary exercises powers conferred by Section 52(f) of the Civil Aviation Act No. 21 of 2013 as well as the Executive Order No. 1 of 2020.

Further, the Cabinet Secretary enforces the provisions of the Air Services Agreements as well as reviewing the existing agreements in line with the Medium Term Expenditure Plan.

**i) Implications on matters relating to counties**

Civil Aviation falls under the National Government functions as provided for in Section 18 of the Fourth schedule of the Constitution which deals with the distribution of functions between the National and County Government therefore it's not a matter concerning counties.

**j) The summary of the process leading to the adoption of the Agreement**

The Agreement Amending the Air Transport Agreement was signed on 5<sup>th</sup> February 2020 by the Cabinet Secretary to amend the Air Transport Agreement entered into between Kenya and the United States of America signed in Washington DC on 8<sup>th</sup> June 2008.

**k) The date of signature**

The Agreement amending the Air Transport Agreement entered into between Kenya and United States of America was signed in Washington DC on 5<sup>th</sup> February 2020.

**l) The number of States that are party to the Agreement**

The Agreement is on a bilateral basis between Kenya and USA

**m) The views of the public on the ratification of the Agreement**

The BASAs Agreement are negotiated by a team comprising representatives from the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works; Ministry of Foreign Affairs; Office of the Attorney General and Department of Justice; Kenya Civil Aviation Authority; Kenya Airports Authority; and a representative of the Kenya Association of Air Operators namely Kenya Airways and other local carriers.

**n) Whether the Agreement sought to be ratified permit reservations and any recommendations on reservations and declarations**

The Agreement does not allow for reservations. However, it can be amended through mutual agreement by the Contracting Parties.

There are no recommendations for reservation of the Agreement.

- o) The proposed text of any reservations that should be entered when ratifying the Agreements in order to protect or advance national interests or ensure conformity with the Constitution**

The Agreement does not require any reservation.

- p) Whether expenditure of public funds will be incurred in implementing the Agreement and an estimate, where possible, of the expenditure**

The implementation of the Agreement has minimal implication on Public funds as it is limited to approval and enforcement of the airline schedules.



**James W. Macharia, EGH  
CABINET SECRETARY**

Date ..... 4. 5. 2021 .....

Initial Explanatory Memorandum Laid on 23<sup>rd</sup> June 2020  
Before Being Replaced on 6<sup>th</sup> May 2021  
With A Restructured Format  
In Line with The Information Requirement  
Under The Treaty Making and Ratification Act, 2012

THE NATIONAL ASSEMBLY  
PAPERS LAID

DATE: 23 JUN 2020

DAY: TUESDAY

TABLED BY: MAJORITY LEADER

CLERK OF THE ASSEMBLY

NATIONAL ASSEMBLY  
**RECEIVED**  
16 JUN 2020  
CLERK'S OFFICE  
P. O. Box 41842, NAIROBI

**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING,  
URBAN DEVELOPMENT AND PUBLIC WORKS  
STATE DEPARTMENT FOR TRANSPORT  
OFFICE OF THE PRINCIPAL SECRETARY**

Telephone: (+254 20) 2729200  
Fax: (+254 20) 2723076  
Email: [ps@transport.go.ke](mailto:ps@transport.go.ke)  
Website: [www.transport.go.ke](http://www.transport.go.ke)  
When replying please quote Ref.

TRANSCOM HOUSE  
NGONG ROAD  
P.O. Box 52692 - 00200  
NAIROBI

MOT&I/C/AT/028/29 VOL. III(88) 10<sup>th</sup> June 2020

Mr. Michael Sialai, EBS  
Clerk of the National Assembly  
Parliamentary Buildings  
NAIROBI

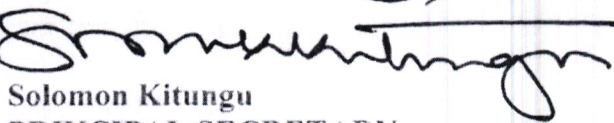
① DLSP 16/6/20

Dear Michael,

**BILATERAL AIR SERVICES AGREEMENT (BASA) BETWEEN KENYA  
AND UNITED STATES OF AMERICA**

We refer to Section 52 of the Civil Aviation Act (No. 21 of 2013) and Section 8 of the Treaty Making and Ratification Act.

In this connection, as required an Explanatory Memorandum on the Air Transport Agreement signed between Kenya and United States of America on 20<sup>th</sup> February 2020 in Washington DC USA during a State visit by H. E. the President of the Republic of Kenya which amended Article 2 (Grant Rights) of the Air Transport Agreement signed in Washington DC on 8<sup>th</sup> June 2008 for the purpose of making it more liberal to enhance trade between the two States is forwarded herewith.

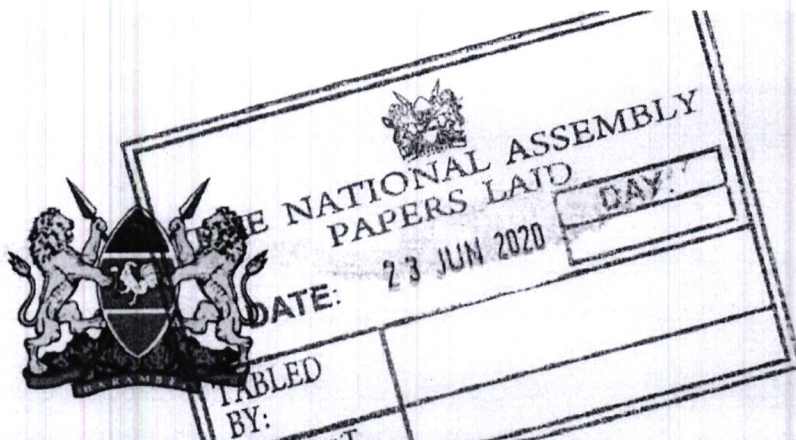
Yours Sincerely,  
  
Solomon Kitungu  
PRINCIPAL SECRETARY

② Head, Table  
for registration, Tabing  
& acknowledgment

Encl.

③ WW  
Please ensure  
registration  
and tabling  
on Tuesday June 23, 2020  
18/6/20  
AP 17/6





**MINISTRY OF TRANSPORT, INFRASTRUCTURE,  
HOUSING, URBAN DEVELOPMENT AND PUBLIC WORKS**

**EXPLANATORY MEMORANDUM ON RATIFICATION OF THE  
AGREEMENT AMENDING THE AIR TRANSPORT AGREEMENT  
ENTERED INTO BETWEEN KENYA AND THE UNITED STATES OF  
AMERICA DONE DURING THE INTERNATIONAL CIVIL AVIATION  
ORGANIZATION (ICAO) AIR SERVICES NEGOTIATION EVENT IN  
2019 (ICAN 2019) IN JORDAN**

Name of the statutory instrument: Agreement amending the Air Transport Agreement entered into between Kenya and the United States of America during the International Civil Aviation Organization (ICAO) Air Services Negotiation Event (ICAN 2019) held in Aqaba, Jordan on 4<sup>th</sup> December 2019.

Name of the Parent Act Enacted Pursuant to : The Civil Aviation Act (No. 21 of 2013) Section 52 of the Civil Aviation Act (No. 21 of 2013).

Name of the Ministry : Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works.

Approved on : 19<sup>th</sup> March 2020

**1. Purpose of the Statutory Instrument**

The purpose of the instrument is to approve Air Services Agreements between Kenya and various Countries to enable Kenyan air operators such as Kenya Airways provide scheduled air services and expand their existing route network. In addition, the Agreements allow foreign carriers to access the Kenyan market.

## **2. Legislative Context**

The Agreements are negotiated in line with the Integrated National Transport Policy which indicates that Kenya is keen to liberalize new and existing Agreements on the basis of the Yamoussoukro Decision for Countries within Africa and on the basis of fair and equal opportunity and reciprocity for other Countries.

The Agreements are based on a standard template issued by the International Civil Aviation Organization (ICAO) and contain standard Articles on Grant of Rights; Designation; Authorization; Application of National Laws; Recognition of Certificates and Licenses; Aviation Safety and Security; Customs Duties and other Charges; amongst others.

In order to operationalize an Agreement it is the practice for the delegations representing the concerned States to sign a Memorandum of Understanding (MoU) that gives force to the Agreement as it awaits the formal signing by the Cabinet Secretaries or Ministers in charge of Civil Aviation. In other instances the Agreements contain clauses that require the signing of the Agreement prior to entry into force.

## **3. Policy Background**

The Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works negotiates and reviews Bilateral Air Services Agreements between Kenya and various Countries to enable Kenyan air operators provide scheduled air services and expand their existing route network. In addition, the Agreements allow foreign carriers to access the Kenyan market. These Agreements are negotiated by a team comprising of representatives from the Ministry of Foreign Affairs, Office of the Attorney General and Department of Justice, Kenya Civil Aviation Authority, Kenya Airports Authority and Kenya Airways.

The Agreement amending the Air Transport Agreement between Kenya and the United States of America was signed on 20<sup>th</sup> February 2020 in Washington DC, USA during a State Visit by H. E. the President of the Republic of Kenya.

## **4. Consultation Outcome**

The Agreement provides amendments to Article 2 (Grant of Rights) of the Air Transport Agreement signed in Washington DC on 8<sup>th</sup> June 2008 for purposes of making it more liberal to enhance trade between the two countries.

The Agreement allows for all-cargo service airlines to set up base in the other State and was principally amended to allow Federal Express Corporation (Fedex) a freight forwarder to start operations with a view to establishing a base in Kenya, thus creating jobs.

#### **5. Impact**

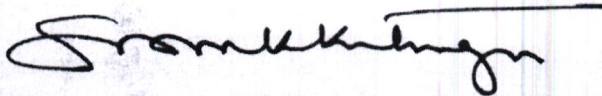
The amendment to the Air Transport Agreement is to enhance bilateral aviation relationship and expand all-cargo international air transport opportunities in order to facilitate increased and more efficient commerce and trade between Kenya and the USA.

#### **6. Monitoring and review**

The Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works and the Kenya Civil Aviation Authority to monitor and review the implementation of the Bilateral Air Services Agreements.

#### **7. Contact**

Nicholas Bodo, Ag. Director Air Transport, Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works, Telephone No. 2729200.



Solomon Kitungu  
**PRINCIPAL SECRETARY**



(vi)

**Ministry's  
Submission**

(Justification for Ratification)

# **JUSTIFICATION FOR RATIFICATION OF AGREEMENT AMENDING AIR TRANSPORT AGREEMENT ENTERED INTO BETWEEN KENYA AND UNITED STATES OF AMERICA**

## **1.0. Introduction**

The United States established diplomatic relations with Kenya in 1964, following its December 1963 independence from the United Kingdom. The United States and Kenya have enjoyed cordial relations and an enduring partnership since Kenya's independence. Relations became closer after Kenya's democratic transition of 2002 and subsequent improvements in civil liberties.

Longstanding mutual interests in the region and wide-ranging cooperation on economic and security issues underpin a strong bilateral relationship. As one of East Africa's largest economies, Kenya is a growing business, financial, and transportation hub for the region, and U.S. investment in Kenya and bilateral trade are important elements of the U.S.-Kenya relationship.

The existing Air Transport Agreement (ATA) was signed between Kenya and the United States of America (USA) in 2008.

### **1.1 Bilateral Economic Relations**

Kenya's diversified economy has produced 5-6 percent annual GDP growth over the last decade, and an increasing number of American companies have established their regional or Africa-wide headquarters in Nairobi.

The United States was the third largest destination for Kenya's exports and the seventh largest source of its imports in 2019.

### **1.2 Membership to International Organizations**

Kenya and the United States belong to a number of the same international organizations, including the United Nations, International Monetary Fund, International Civil Aviation Organization (ICAO), World Bank, and World Trade Organization. In January 2021, Kenya began a two-year rotation on the UN Security Council as a non-permanent member.

## **2.0. Benefits of BASA with United States of America**

According to IMF, in 2019, Kenya GDP was an estimated \$98.6 billion; real GDP was up by an estimated 5.6%; and the population was 49 million. Kenya is US's 86<sup>th</sup> largest goods trading partner with \$1.1 billion in total (two way) goods trade during 2019. Goods exports imports \$401 million; goods exports \$667 million.

## a) **Enhanced trade and Commerce**

Current trade between Kenya and US is skewed in favour of the latter. The U.S. goods trade deficit with Kenya was \$266 million in 2019.

**Exports:** Kenya exported goods worth USD 667million (2019) distributed as: woven apparel (\$286 million), knit apparel (\$168 million), edible fruit & nuts (macadamia nuts) (\$55 million), ores, slag, and ash (titanium) (\$52 million), and coffee, tea & spice (coffee) (\$41 million). Agricultural products exported to were worth USD 126 million in 2019. Categorized as: tree nuts (\$55 million), unroasted coffee (\$34 million), tea, including herbal (\$11 million), essential oils (\$10 million), and other vegetable oils (\$6 million).

**Imports:** Imports from the US 2019 were worth USD 401 million (2019) distributed as: aircraft (\$59 million), plastics (\$58 million), machinery (\$41 million), cereals (wheat) (\$30 million), and special other (returns or repairs) (\$29 million). Imports of agricultural products to Kenya were worth USD 53 million in 2019 categorised into: wheat (\$27 million), vegetable oils (ex. soybean) (\$7 million), pulses (\$5 million), coarse grains (\$3 million), and planting seeds (\$2 million).

## b) **Tourism, market access and connectivity**

The US is Kenya's leading and best performing tourism source market with a market share of 12.2 percent of total international arrivals to Kenya. Tourist arrivals from the U.S. market have been on a steady increase over the last five years, topping 116,188 as at November 2018. With the launch of direct flights between Nairobi and New York, the outlook for inbound tourists is favourable despite the impact of COVID-19.

Kenya Airways PLC has entered into a Code-share agreement with Delta Airlines which opens up new route networks hitherto not available for utilization. This means more destinations, ease of travel/connectivity within the US, Canada, North Pacific and Trans-Atlantic flights.

This Air Transport Agreement (ATA) will expand the route rights of US and Kenyan airlines to include all-cargo air traffic rights – allowing carriers of either country to provide all-cargo services between them and third countries (eg a Kenyan airline could offer all-cargo service between Miami and Mexico City without the need for the flight to provide service to Kenya).

## c) **Investment Interests**

U.S. private sector interest in Kenya remains robust with numerous American companies engaged in Kenya, especially in the technology, consumer services, banking, and finance sectors.

Kenya enjoys preferential trade benefits under the African Growth and Opportunity Act (AGOA), and in 2020, Presidents Trump and Kenyatta launched negotiations for the first Free Trade Agreement in sub-Saharan Africa. U.S. imports from Kenya include apparel, coffee, and tea. U.S. business investment is primarily in services, information technology, and the tourism industry.

d) **Mutual cooperation between the two States**

Kenya has been a beneficiary of initiatives by the US including:

- **Technical Cooperation with the Department of Homeland Security – Transportation Security Administration (TSA)** – Objective: promotion and development of administrative, operational and technical cooperation in civil aviation security – Certification of JKIA as the Last Point of Departure (LPD).
- **Technical cooperation with the US Department of Transport – Federal Aviation Administration (FAA)** – Objective – Institutional capacity building in aviation safety for KCAA, leading to the grant of the FAA International Aviation Safety Audit (IASA) CAT1 status. Currently KCAA has a training agreement with FAA with East African School of Aviation (EASA) receiving technical support in conducting aviation safety programmes.
- **Safe Skies for Africa Initiative** – Kenya was a beneficiary of the inaugural US SSFA initiative which prepared the foundation towards improvement of aviation safety.

e) **Enhanced Education and cultural exchange**

US remains as the land of many opportunities young Kenyans pursuing higher education – joining renowned universities in the US, immigrant and non-immigrant opportunities in the US for Kenyans seeking employment, socio-cultural engagements.

Students, government officials, and professionals from both countries have participated in a wide variety of U.S. and Kenyan government-supported academic and specialized exchange programs, including the Fulbright Program and the Young African Leadership Initiative's Mandela Washington Fellowship.

### **3.0. Conclusion**

Ratification of Kenya – US Air Transport Agreement opens expanded operations/markets for Kenyan/US air operators, facilitates the movement of goods, passengers and mail – offering more flexibility in meeting demands and express delivery meeting customer needs more efficiently. This will in turn generate trade, promote tourism, and create employment opportunities for the two States. In addition, the Federal Express Corporation (FEDEX) of the US had expressed interest in setting up a base in JKIA.

end