

Approved for Tabling

Nanyika

27/8/2026



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION- 2026

DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

REPORT ON:

THE CONSIDERATION OF THE RATIFICATION OF THE AMENDMENT OF
ARTICLE 10(4) OF THE CONSTITUTION OF THE AFRICAN CIVIL AVIATION
COMMISSION (AFCAC)

Directorate of Departmental Committees
Clerk's Chambers
Parliament Buildings
NAIROBI

	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 27 AUG 2026	DAY: Thursday
TABLED BY:	Hon. Kibet Komingo, MP (Member)
CLERK-AT THE TABLE:	Wamale AUGUST, 2026





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LIST OF ABBREVIATIONS

AFCAC	-	African Civil Aviation Commission
AfCFTA	-	African Continental Free Trade Area
AFRAA	-	African Airlines Association
AU	-	African Union
KAAO	-	Kenya Association of Air Operators
KCAA	-	Kenya Civil Aviation Authority
SAATM	-	Single African Air Transport Market
SARPs	-	Standards and Recommended Practices
YD	-	Yamoussoukro Decision

LIST OF ANNEXURES

- Annexure 1 : Adoption List for the Report
- Annexure 2 : Minutes of the Committee on sittings to consider the amendment and adoption of the report
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- Annexure 4 : Correspondence to stakeholders requesting for submissions on the Amendment
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- Annexure 6 : Written submissions from Stakeholders

CHAIRPERSON'S FOREWORD

This report presents the proceedings of the Departmental Committee on Transport and Infrastructure on its consideration of the Ratification of the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC). The Amendment was tabled in the House on 26th May 2026 and subsequently committed to the Departmental Committee on Transport and Infrastructure for consideration and reporting to the House pursuant to the National Assembly Standing Order 170A and Section 8 of the Treaty Making and Ratification Act.

The African Civil Aviation Commission is the African Union Commission's specialized Agency mandated with coordinating civil aviation matters in Africa and cooperating with the International Civil Aviation Organization (ICAO) and all other relevant organizations and other bodies which are involved in the promotion and development of civil aviation. Kenya joined the African Civil Aviation Commission (AFCAC) in 1969.

The main objectives of the Commission are to coordinate matters of civil aviation in Africa, and to cooperate with ICAO and all other relevant organizations which are involved in the promotion and development of civil aviation; to foster compliance with ICAO Standards and Recommend practices for safety, security and environmental protection; to enhance efficiency and regularity of the air transport industry and; to examine and specify problems which have an effect on the African Civil Aviation Industry among others.

Pursuant to provisions of Article 118(1)(b) of the Constitution of Kenya and section 8(3) of the Treaty Making and Ratification Act of 2012, the Clerk of the National Assembly placed advertisements in the print media, on 10th June 2026 requesting for submission of memoranda on the proposed Amendment. The Committee received memoranda from the Kenya Association of Air Operators (KAAO), the African Airlines Association (AFRAA), the Kenya Civil Aviation Authority (KCAA) and the Mau Mau Children Post-Colonial Elites.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. I also acknowledge the valuable input from stakeholders. Lastly, I express my gratitude to the Honourable Members of the Committee and the Committee Secretariat for the dedication and contribution to the development and production of this report.

Pursuant to Section 8(4) of the Treaty Making and Ratification Act, 2012 and Standing order 170A, it is my pleasant duty to present the Report on the Consideration of the Ratification of the amendment to Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC).

Having considered the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission, the Committee recommends that the House **APPROVES** the ratification of the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission.

HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

CHAPTER ONE

1.0 PREFACE

1.1 Establishment of the Committee

1.The Departmental Committee on Transport and Infrastructure is one of the twenty Departmental Committees established under Standing Order No. 216 whose mandate pursuant to Standing Order 216 (5) is as follows:

- 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) *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- d) *To study and review all the legislation referred to it;*
- e) *To study, access and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
- f) *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;*
- g) *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);*
- h) To examine treaties, agreements and conventions;**
- i) *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- j) *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- k) *To examine any questions raised by Members on a matter within its mandate.*

1.2 Mandate of the Committee

2.In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider 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.

3.In executing its mandate, the Committee oversees the Ministry of Roads and Transport, which has the State Department of Roads, the State Department for Transport and the State Department for Aviation and Aerospace Development; and the State Department for Shipping and Maritime Affairs under the Ministry of Mining, Blue Economy and Maritime Affairs.

1.3 Committee Membership

4. The Departmental Committee on Transport and Infrastructure was reconstituted by the House on 5th March 2025 and comprises the following Members:

Chairperson

The Hon. G.K. George Kariuki, CBS, MP
Ndia Constituency
United Democratic Alliance Party

Vice-Chairperson

The Hon. Mutua Didmus Wekesa Barasa, MP
Kimilili Constituency
United Democratic Alliance Party

Members

The Hon. Samuel Arama, MP
Nakuru Town Constituency
Jubilee Party

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

The Hon. Abdul Rahim Dawood, MP
North Imenti Constituency
Independent Member

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

The Hon. Johnson Many Naicca, MP
Mumias West Constituency
Orange Democratic Movement Party

The Hon. Husseinweitan Mohamed Abdirahman, MP
Mandera East Constituency
Orange Democratic Movement Party

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

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

The Hon. Francis T. J. Kajwang', MP
Ruaraka Constituency
Orange Democratic Movement Party

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

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

The Hon. Zaheer Jhanda, MP
Nyaribari Chache Constituency
United Democratic Alliance Party

The Hon. Betty Njeri Maina, MP
Murang'a County
United Democratic Alliance Party

I.4 Committee Secretariat

5.The Committee is facilitated by the following Secretariat:

Head of Secretariat

Mr. John Mugoma

Clerk Assistant I

Mr. Mohamednur M. Abdullahi

Clerk Assistant III

Mr. Binensa Mabungu

Clerk Assistant III

Mr. Abdinasir Y. Moge

Fiscal Analyst

Mr. Erick Kariuki

Research Officer

Ms. Faith Makena

Serjeant-at-Arms II

Ms. Patricia Gichane

Legal Counsel

Mr. Kevin Obilo

Media Relations Officer

Ms. Rehema Koech

Audio Officer

CHAPTER TWO

2.0 BACKGROUND

2.1 Analysis of the Constitution of the African Civil Aviation Commission

6.The African Civil Aviation Commission (AFCAC) established by the 1969 AFCAC Constitution is the Specialized Agency of the African Union responsible for Civil Aviation in Africa. (Article 2).

7.Its objectives under Article 3 are to:

- a) coordinate civil aviation matters in Africa and cooperate with ICAO and other aviation organizations;
- b) facilitate, coordinate and oversee the implementation of the Yamoussoukro decision and liberalize Africa's air transport market;
- c) formulate and enforce rules and regulations that promote fair competition and equal opportunities for stakeholders;
- d) promote understanding and cooperation on aviation policy matters among African states and with other regions of the world;
- e) foster implementation of ICAO standards and recommended practices particularly on safety, security, environmental protection and regularity of air transport; and
- f) ensure adherence to and implementation of decisions adopted by the AFCAC Plenary.

8.The Yamoussoukro Decision is the African Union framework for the liberalization of access to air transport markets in Africa, adopted at Yamoussoukro, Côte d'Ivoire, on 14 November 1999.

9.Under Article 9, AFCAC has three organs:

- a) **The Plenary:** The supreme organ of AFCAC, composed of accredited representatives of all Member States responsible for aviation. The Plenary meets in ordinary session once every three years and in extraordinary session at the initiative of the Bureau or at the request of a Member State approved by two-thirds of all Member States. The decisions of Plenary are adopted by consensus, failing which by a two-thirds majority of Member States present and having the right to vote.
- b) **The Bureau:** It consists of a President and five Vice-Presidents representing the geographical regions of Africa. The Bureau acts on behalf of the Plenary between sessions, oversees the implementation of decisions and resolutions of the Plenary, supervises the activities of the Secretariat, approves programmes and activities, oversees administrative and financial matters and performs such other functions as may be assigned by the Plenary.
- c) **The Secretariat:** is headed by the Secretary-General and staff as may be required for the performance of AFCAC's functions. The Secretariat serves as the administrative and technical organ of AFCAC. It implements the decisions and resolutions of the Plenary and the Bureau,

prepares reports, budgets and work programmes, organizes meetings, maintains relations with Member States and relevant organizations, manages the day-to-day affairs of the Commission and performs such other duties as may be assigned by the Plenary or the Bureau.

10. Article 11 provides for the functions of the plenary. They include to issue policy guidelines, elect the Bureau, approve the organizational structure, work programme, budget, rules and regulations of AFCAC, appoint the Secretary-General and External Auditors, to establish committees and working groups, to ensure the implementation of the Yamoussoukro Decision, adopt the AFCAC's financial and procedural rules, to submit a tri-annual report to the AU and perform such other functions as may be conferred by the relevant AU organs.

11. Article 19 provides that the instrument of ratification shall be deposited with the Chairperson of the African Union Commission. The Constitution shall provisionally enter into force upon signature by fifteen African States and shall definitively enter into force upon ratification by fifteen African States.

12. Article 22 provides on amendments and revision of the Constitution. The Plenary considers proposals for amendments or revisions and submits recommendations to the Executive Council of Ministers of the Africa Union. The amendments or revisions are adopted by the Assembly submitted for ratification by Member States in accordance with their constitutional procedures and enter into force in accordance with Article 19.

13. The Constitution of African Civil Aviation Commission was ratified by Kenya on 20th September 2019.

2.2 Analysis of the Memorandum on the Ratification of the Amendment to Article 10(4) of the Constitution of the African Civil Aviation Commission

14. The Prime Cabinet Secretary, Ministry of Foreign Affairs, Hon. Dr. Musalia Mudavadi EGH submitted a memorandum and copy of the Constitution dated 27th April 2026 to the National Assembly.

15. The Amendment to Article 10 (4) of the Constitution of AFCAC was approved by Cabinet on 11th November 2025.

16. The Amendment to Article 10 (4) was adopted during the 24th Extra Ordinary Session of the AFCAC Plenary held in Dakar, Senegal from 1st to 4th July 2014 and it was resolved that Article 10 (4) of the AFCAC 2009 Constitution be amended to read: *The quorum for the plenary shall be simple majority (fifty percent plus one) of member states.*

17. At the 28th Session of the Assembly of the Union held in Addis Ababa Ethiopia from 30th to 31st January 2017, the Assembly adopted the report of the Specialised Technical Report on Justice and Legal Affairs and recommended to the Executive Council to adopt legal instruments on among others amendment to the Constitution of AFCAC in its Article 10 (4).

18. Subject to any view by the Committee to the Technical Committee on Justice and Legal Affairs and recommended to the Executive Council to adopt legal instruments on among other the Amendment of Article 10 (4) of the AFCAC Constitution. The AU Assembly called on member states to sign and ratify the Amendment.

19. Presently, nine members have signed and ratified the amendment and a minimum of fifteen states are required to ratify it for the amendment to come into force. Article 10 (4) presently provides that the quorum of the Plenary shall be two thirds of member states.

20. Therefore, the amendment seeks to lower the threshold for quorum at plenary from two thirds of member states to simple majority of fifty percent plus one. The amendment does not alter the voting threshold for decisions of the Plenary, which remain subject to Article 10(5), namely consensus, failing which a two-thirds majority of Member States present and having the right to vote.

21. The Amendment is intended to ease the quorum requirement so AFCAC can transact business, make decisions, declarations, resolutions and motions at the plenary sessions.

2.3 Legal Framework

Constitution of Kenya

22. Article 2(5) of the Constitution of Kenya, 2010 provides that the general rules of international law shall form part of the law of Kenya while Article 2(6) of the Constitution provides that any treaty or convention ratified by Kenya shall form part of the law of Kenya.

23. The Treaty Making and Ratification Act, No. 45 of 2012 was enacted by Parliament to give effect to Article 2(6) of the Constitution. The Act governs the making and ratification of treaties in Kenya.

The Treaty Making and Ratification Act No. 45 of 2012

24. Section 2 of the Act defines a treaty as an *“international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation and includes a convention”*.

25. Under the Act, the responsibility of initiating the treaty-making process, negotiating and ratifying a Treaty lies with the Executive. In making this decision, the Executive ought to be guided by Section 5(2) of the Act which provides the considerations to be followed.

26. Section 7 of the Act, 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 various considerations for cabinet approval.

27. Section 8 provides for the consideration of Treaties by Parliament. Upon approval of a Treaty by Cabinet, the relevant Cabinet Secretary shall submit the Treaty together with a memorandum on the Treaty to the Speaker of the National Assembly for tabling pursuant to the Standing Orders.
28. The relevant parliamentary Committee in the National Assembly is tasked with consideration of the Treaty and shall ensure public participation in the ratification process in accordance with the laid down parliamentary procedures. (Section 8(3) of the Act).

CHAPTER THREE

3.0 PUBLIC PARTICIPATION/STAKEHOLDER ENGAGEMENT

29. In accordance with Article 118 (b) of the Constitution and Standing Order 216 (5) (fa), the Clerk of the National Assembly placed an advertisement in the print media on 10th June 2026 inviting the public and relevant stakeholders to submit memoranda on the proposed ratification of the Amendment. The Committee also requested for comments from relevant stakeholders namely; the Kenya Association of Air Operators (KAAO) vide a letter Ref: NA/DDC/T&I/2026/063 dated 15th July 2026, the Office of the Attorney General vide a letter Ref: NA/DDC/T&I/2026/063 dated 15th July 2026, the Kenya Civil Aviation Authority (KCAA) vide a letter Ref: NA/DDC/T&I/2026/063 dated 15th July 2026, the State Department for Foreign Affairs vide a letter Ref: NA/DDC/T&I/2026/063 dated 15th July 2026 and the African Airlines Association (AFRAA) vide a letter Ref: NA/DDC/T&I/2026/063 dated 15th July 2026.

30. The Committee received submissions from the following stakeholders:

- a) The African Airlines Association (AFRAA);
- b) The Kenya Association of Air Operators (KAAO);
- c) The Kenya Civil Aviation Authority (KCAA); and
- d) The Mau Mau Children Post-Colonial Elites

31. The stakeholders submitted as follows:

3.1 Submission by the African Airlines Association (AFRAA)

The Secretary General, Mr. Abderahmane Berthe, in a letter dated 24th July 2026, submitted as follows:

32. As a strategic stakeholder in the implementation of the Yamoussoukro Decision (YD) and the Single African Air Transport Market (SAATM), AFRAA considers the proposed ratification to the amendment to be a timely and important institutional reform that will strengthen AFCAC's governance framework, enhance its institutional effectiveness and reinforce its capacity to discharge its continental mandate as the executing Agency of the Yamoussoukro Decision and SAATM.

33. Accordingly, AFRAA fully supports Kenya's ratification of the Amendment to Article 10(4), recognizing its significance in advancing Africa's aviation integration agenda and strengthening continental aviation governance.

34. The proposed Amendment to Article 10(4) of the Constitution of the AFCAC represents a pragmatic and forward- looking institutional governance reform that will strengthen AFCAC's effectiveness, responsiveness and operational efficiency in fulfilling its continental mandate.

35. For the African airline industry, the Amendment will enhance institutional decision- making, strengthen implementation of the Yamoussoukro Decision and the Single African Air Transport

Market, and foster a more predictable, transparent and harmonized regulatory environment that supports sustainable growth, investment and competitiveness.

36. For the Republic of Kenya, ratification will reaffirm the country's leadership in advancing African aviation integration, reinforce its commitment to regional and continental aviation initiatives, and contribute to expanding market opportunities for Kenyan airlines while generating broader economic benefits through increased connectivity, tourism, trade, investment and employment.

37. In view of the foregoing, AFRAA respectfully urges the National Assembly to approve the ratification of the Amendment to Article 10(4) of the Constitution of the African Civil Aviation Commission.

3.2 Submission by the Kenya Association of Air Operators (KAAO)

Ms. Liz Aluvanze, Chief Executive Officer, in a letter dated 23rd July 2026 submitted as follows:

38. KAAO has reviewed the proposed Amendment and is pleased to express its full support for the ratification of the amendment. The proposed amendment, which seeks to revise the quorum requirement for meetings of the AFCAC Plenary from a two-thirds majority of Member States to a simple majority (fifty percent plus one), is a practical and timely reform that will strengthen the effectiveness of the Commission's governance. The amendment will facilitate the convening of Plenary meetings, reduce delays in decision making, and enable AFCAC to discharge its mandate more efficiently as the executing agency of the Single African Air Transport Market (SAATM).

39. An effective AFCAC is essential to advancing the harmonization of aviation policies, regulation, and technical standards across the continent. Improved institutional efficiency will support the timely adoption and implementation of measures that enhance aviation safety, security, consumer protection, environmental sustainability, and the liberalization of air transport services in Africa.

40. From the perspective of air operators, stronger regional governance contributes to greater regulatory predictability, improved operational efficiency, enhanced connectivity, and increased opportunities for investment and growth. These objectives are fully aligned with Kenya's commitment to regional integration and the development of a competitive, safe, secure, and sustainable aviation sector.

3.3 Submission by the Kenya Civil Aviation Authority (KCAA)

In a memorandum dated 23rd July 2026, Mr. Nicholas E. Bodo, acting Director General, submitted as follows:

41. The African Civil Aviation Commission (AFCAC) is the specialized agency of the African Union responsible for civil aviation matters in Africa. AFCAC has its members spread into five (5) regions: Southern region (10 States), Eastern region (14 States), Central region (9 States), Western region (15 States) and Northern region (6 States). Each region is represented by a Vice President.

42. Kenya is the current Vice President for the Eastern Region of AFCAC representing 14 States (Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Somalia, South Sudan, Sudan, Tanzania and Uganda).

43. AFCAC coordinates the development of safe, secure, efficient, sustainable and environmentally responsible civil aviation across the continent and serves as the Executing Agency for the Single African Air Transport Market (SAATM). Kenya is a State Party to the AFCAC Constitution and actively participates in the Commission's activities.

44. The Amendment to Article 10(4) of the AFCAC Constitution was adopted by the 24th Extraordinary Session of the AFCAC Plenary held in Dakar, Senegal from 1st to 4th July 2014 to strengthen the governance framework of the Commission and improve its institutional effectiveness. Several African States have already initiated or completed the ratification process of this amendment.

45. The ratification of the Amendment to Article 10(4) is justified on the following grounds:

- a) **Strengthening Institutional Governance:** The amendment enhances the governance structure of AFCAC by improving the composition and functioning of its governing organs specifically the Plenary. This promotes greater accountability, transparency, efficiency and continuity in decision-making during the meeting of State Parties;
- b) **Harmonization of Civil Aviation Policies:** Kenya's ratification supports the ease at which harmonization of aviation policies, regulations and standards across Africa is adopted, thereby facilitating safer and more efficient air transport operations consistent with ICAO Standards and Recommended Practices (SARPs);
- c) **Advancement in Single African Air Transport Market (SAATM):** As the Executing Agency for SAATM, AFCAC requires a strong governance framework to effectively implement the Yamoussoukro Decision and promote the liberalization of intra-African air transport. Ratification strengthens AFCAC's capacity to execute this continental mandate;
- d) **Fulfilment of Kenya's Regional and Continental Commitments:** Ratifying the amendment demonstrates Kenya's continued commitment to the African Union Agenda 2063, the African Continental Free Trade Area (AfCFTA), and continental aviation integration initiatives. It also reinforces Kenya's leadership role in African civil aviation;
- e) **Enhanced Regional Cooperation:** The amendment promotes stronger collaboration among African States in addressing common aviation challenges, including aviation safety, security, environmental protection, air navigation, capacity building and emerging technologies;
- f) **Improved Decision-Making:** A strengthened governance structure enables AFCAC to make timely and effective decisions on strategic continental aviation issues, improving the Commission's responsiveness to the needs of Member States; and

g) **Economic Benefits:** An effective AFCAC supports Increased intra-African air connectivity; Growth in tourism and trade; Attraction of investment; Development of aviation infrastructure; Job creation within the aviation sector and; reduced barriers to air transport across Africa. These outcomes align with Kenya's national economic development objectives and its aspiration to remain a regional aviation hub.

46. The Amendment does not conflict with the Constitution of Kenya, existing aviation legislation, or Kenya's obligations under the Chicago Convention. Rather, it complements Kenya's legal and regulatory framework governing civil aviation.

47. The Amendment does not create significant additional financial obligations for Kenya beyond its existing commitments as a Member State of AFCAC. Any administrative costs associated with the implementation can be accommodated within existing budgetary allocations.

48. The Ratification will reinforce Kenya's influence in continental aviation policy formulation; support the continued growth of Nairobi as a regional aviation hub; enhance opportunities for Kenyan airlines through the implementation of SAATM; promote aviation safety, security and regulatory cooperation; strengthen Kenya's participation in regional aviation initiatives and; facilitate increased trade, tourism and investment through improved air connectivity.

49. Kenya Civil Aviation Authority expresses its support for Kenya's ratification of the Amendment to Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC) as per the memorandum submitted by the Ministry of Foreign and Diaspora Affairs.

3.4 Submission by the Mau Mau Children Post-Colonial Elites

56. The Mau Mau Children Post-Colonial Elites, in a written submission dated 10th June 2026, expressed support for the ratification of the Amendment to Article 10(4) of the Constitution of the African Civil Aviation Commission." and annexure their submission.

57. **Efficiency and Decision Making:** The current two-thirds quorum has delayed critical decisions on aviation safety, security and connectivity in Africa. Reducing quorum to simple majority will enable AFCAC Plenary to transact business, make declarations and pass resolutions even when some Member States are absent.

CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS

Having considered the proposed amendment and the submissions received from stakeholders, the Committee observed that:

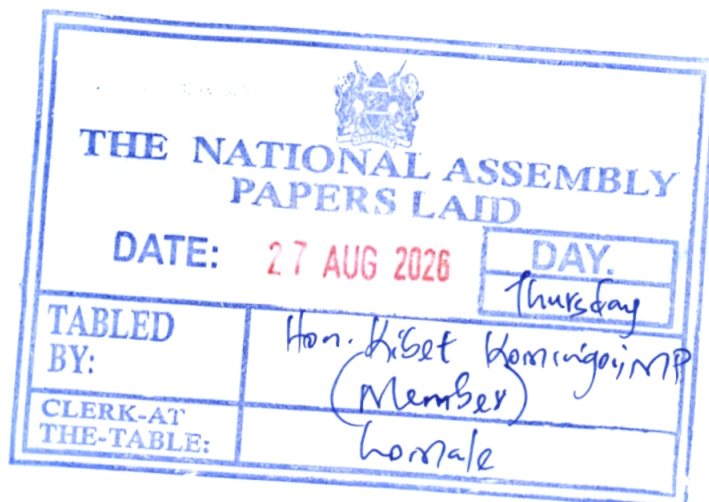
1. Article 10(4) of the AFCAC Constitution currently requires a quorum of two-thirds of the Member States for meetings of the Plenary.
2. The proposed Amendment seeks to reduce the quorum from two-thirds of the Member States to a simple majority, thereby enabling the Plenary to conduct its business where the existing quorum threshold is not attained.
3. The Amendment relates only to the quorum required for meetings of the Plenary and does not alter the decision-making threshold under Article 10(5). Decisions will continue to be made by consensus or, where consensus is not achieved, by a two-thirds majority of the Member States present and entitled to vote.
4. The proposed Amendment is consistent with the Constitution of Kenya and does not conflict with existing national legislation governing civil aviation.
5. Ratification of the Amendment will not require an amendment to existing Kenyan legislation.
6. The Amendment does not impose additional financial obligations on Kenya as a Member State of AFCAC.
7. The Amendment will facilitate the effective functioning of AFCAC and strengthen its ability to implement its mandate, including the Yamoussoukro Decision and the Single African Air Transport Market.
8. Ratification is consistent with Kenya's national interest in promoting regional integration, expanding air connectivity and strengthening its position as a regional aviation hub.
9. The stakeholders who submitted memoranda supported Kenya's ratification of the proposed Amendment and no objections to the ratification were received.
10. The proposed ratification was subjected to public participation in accordance with Article 118 of the Constitution and section 8(3) of the Treaty Making and Ratification Act.

CHAPTER FIVE

5.0 COMMITTEE RECOMMENDATION

Having considered the Amendment and the submissions received from stakeholders, the Committee recommends that the House **APPROVES** the Ratification of the Amendment to Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC).

SIGNED.......... DATE.....25/08/2026.....
for HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE





REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT

**DEPARTMENTAL COMMITTEE ON TRANSPORT &
INFRASTRUCTURE**

REPORT ADOPTION LIST

We, the members of the Departmental Committee on Transport & Infrastructure, have pursuant to Standing Order 170A, adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity.

Date: 25/08/2024.

No.	MEMBER	SIGNATURE
1.	The Hon. GK George Kariuki, CBS, MP – Chairperson	
2.	The Hon. Didmus Barasa, MP, CBS, - Vice Chairperson	
3.	The Hon. Kiunjuri, Festus Mwangi, MP	
4.	The Hon. Abdul Rahim Dawood, CBS, MP	
5.	The Hon. Arama Samuel, MP	
6.	The Hon. Bady, Bady Twalib, MP	
7.	The Hon. Francis, Kajwang' Tom Joseph, CBS, MP	
8.	The Hon. Naicca, Johnson Many, CBS, MP	
9.	The Hon. Chege, John Kiragu, CBS, MP	
10.	The Hon. Elsie Muhanda, MP	
11.	The Hon. Saney, Ibrahim Abdi, MP	
12.	The Hon. Hussein Weytan Mohamed, MP	
13.	The Hon. Jhanda Zaheer, MP	
14.	The Hon. Komingoi, Kibet Kirui, MP	
15.	The Hon. Maina Betty Njeri, MP	



THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026
DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE FORTY THIRD SITTING OF THE DEPARTMENTAL COMMITTEE ON
TRANSPORT AND INFRASTRUCTURE HELD ON TUESDAY, 25TH AUGUST 2026 IN
COMMITTEE ROOM 18 & 19, 3RD FLOOR, BUNGE TOWER AT 12:00 PM**

MEMBERS PRESENT

1. The Hon. Didmus Wekesa Barasa, CBS, M.P. – **Vice-Chairperson**
2. The Hon. Abdul Rahim Dawood, CBS, M.P
3. The Hon. Arama Samuel, M.P
4. The Hon. Naicca Johnson Manya, CBS, MP
5. The Hon. Muhanda Elsie, M.P
6. The Hon. Saney Ibrahim Abdi, M.P.
7. The Hon. Hussein Weytan Mohamed, MP
8. The Hon. Jhanda Zaheer, M.P
9. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. GK George Kariuki, CBS, M.P. – **Chairperson**
2. The Hon. Kiunjuri Festus Mwangi, M.P
3. The Hon. Francis Kajwang' Tom Joseph, CBS, M.P.
4. The Hon. Chege John Kiragu, CBS, M.P.
5. The Hon. Bady Bady Twalib, M.P.
6. The Hon. Maina Betty Njeri, M.P

SECRETARIAT

- | | |
|-----------------------------|---------------------------------|
| 1. Mr. John Mugoma | - Clerk Assistant I/ Lead Clerk |
| 2. Mr. Mohamednur Abdullahi | - Clerk Assistant III |
| 3. Mr. Binensa Mabungu | - Clerk Assistant III |
| 4. Ms. Patricia Gichane | - Legal Counsel |
| 5. Mr. Eric Kariuki | - Research Officer |
| 6. Mr. Abdinasir Moge | - Fiscal Analyst |
| 7. Ms. Faith Makena | - Serjeant- At-Arms |

MIN./NO.232/NA/T&I/2026:

PRELIMINARIES

The meeting was called to order at 12:15pm with a prayer by Hon. Komingoi Kibet Kirui, M.P. The Agenda of the meeting was adopted after being proposed by Hon. Naicca Johnson Manya, CBS, M.P, and seconded by Hon. Muhanda Elsie, M.P, as follows:

AGENDA

1. Prayers
2. Preliminaries;
 - i. Adoption of the Agenda
 - ii. Remarks by Chairperson
3. Confirmation of Minutes/Matters Arising;
4. **Consideration and Adoption of the Report on the Ratification of the proposed amendment to Article 10(4) of the African Civil Aviation Commission (AFCAC) Constitution**
5. **Consideration and Adoption of the Report on the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) by Hon. Robert Ngui Basil, M.P.**
6. Pending Business
7. Any Other Business
8. Adjournment

MIN./NO.233/NA/T&I/2026: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

The confirmation of minutes was deferred.

MIN./NO.234/NA/T&I/2026: CONSIDERATION AND ADOPTION OF THE REPORT ON THE RATIFICATION OF THE PROPOSED AMENDMENT TO ARTICLE 10(4) OF THE AFRICAN CIVIL AVIATION COMMISSION (AFCAC) CONSTITUTION

The Legal Counsel guided the Committee through the Report with emphasis on the following;

COMMITTEE OBSERVATIONS

Having considered the proposed amendment and the submissions received from stakeholders, the Committee observed that—

1. Article 10(4) of the AFCAC Constitution currently requires a quorum of two-thirds of the Member States for meetings of the Plenary.
2. The proposed Amendment seeks to reduce the quorum from two-thirds of the Member States to a simple majority, thereby enabling the Plenary to conduct its business where the existing quorum threshold is not attained.
3. The Amendment relates only to the quorum required for meetings of the Plenary and does not alter the decision-making threshold under Article 10(5). Decisions will continue to be made by consensus or, where consensus is not achieved, by a two-thirds majority of the Member States present and entitled to vote.
4. The proposed Amendment is consistent with the Constitution of Kenya and does not conflict with existing national legislation governing civil aviation.
5. Ratification of the Amendment will not require an amendment to existing Kenyan legislation.
6. The Amendment will facilitate the effective functioning of AFCAC and strengthen its ability to implement its mandate, including the Yamoussoukro Decision and the Single African Air Transport Market.

7. Ratification is consistent with Kenya's national interest in promoting regional integration, expanding air connectivity and strengthening its position as a regional aviation hub.
8. The stakeholders who submitted memoranda supported Kenya's ratification of the proposed Amendment, and no objections to the ratification were received.
9. The proposed ratification was subjected to public participation in accordance with Article 118 of the Constitution and section 8(3) of the Treaty Making and Ratification Act.

COMMITTEE RECOMMENDATION

Having considered the amendment and the submissions received from stakeholders, the Committee recommends that the House **approves** the Ratification of the Amendment to Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC).

ADOPTION OF THE REPORT ON THE RATIFICATION OF THE PROPOSED AMENDMENT TO ARTICLE 10(4) OF THE AFRICAN CIVIL AVIATION COMMISSION (AFCAC) CONSTITUTION

The Report on the Ratification of the Proposed Amendment to Article 10(4) of the African Civil Aviation Commission (AFCAC) Constitution was adopted having been proposed by Hon. Komingoi Kibet Kirui, M.P. and seconded by Hon. Samuel Arama, M.P.

MIN./NO.235/NA/T&I/2026: CONSIDERATION AND ADOPTION OF THE REPORT ON THE TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)

The Legal Counsel guided the Committee through the Report with emphasis on the following:

COMMITTEE OBSERVATIONS

The Committee had engagements with stakeholders and considered submissions received and made the following observations;

1. The principal object of the Bill is to amend **the Traffic Act Cap. 403** to ensure that owners of vehicles and motor cycles are not unreasonably deprived of their property where their vehicles are detained to enforce the provisions of section 107 of the Traffic Act Cap. 403.
2. The Bill limits the right to property under Article 40 of the Constitution to the extent that a police officer may detain a vehicle or motor cycle for purposes of investigation of an offence and for use as evidence in the trial of an offence committed under the Traffic Act, Cap. 403.
3. The Committee observes that the proposed section 107A complements the existing framework under sections 106 and 107 of the Traffic Act by prescribing timelines for the detention of vehicles and motorcycles while preserving the court's powers under section 121 of the Criminal Procedure Code.
4. The Committee observed that although several stakeholder proposals seek to strengthen the operational framework for the detention and release of vehicles, many of the proposed measures are administrative in nature. The Committee is of the view that primary legislation should establish the substantive legal framework, while implementation procedures and documentation requirements should be prescribed through subsidiary legislation or administrative guidelines.
5. The Committee further observed that, in developing such subsidiary legislation or administrative procedures, the relevant implementing agencies and affected stakeholders should be consulted to ensure the procedures are practical, clear and capable of effective implementation.

6. The Committee observes that while the proposed detention timelines enhance certainty the implementation of the Bill will require clear operational procedures as proposed by the stakeholders to ensure consistent application by enforcement agencies and to safeguard the rights of vehicle owners.
7. The Committee observes that the proposed amendment does not seek to limit the investigative powers of law enforcement agencies but rather to regulate the exercise of these powers through reasonable statutory timelines for the detention of vehicles and motorcycles.
8. The Committee observes that an aggrieved vehicle owner retains the right to seek appropriate relief from the courts under section 121 of the Criminal Procedure Code in relation to the continued detention or release of a vehicle.

COMMITTEE RECOMMENDATION

Having had engagements with stakeholders and considered submissions received, the Committee recommends that the House **approves** the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) **with amendments**.

SCHEDULE OF AMENDMENTS

Upon considering the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) and submissions from stakeholders, the Committee proposes the following amendments:

107A.

(1A) A police officer who issues an order to detain a vehicle under subsection (1) shall issue a detention notice to the owner or driver in the prescribed form.

(3)A police officer in charge of the police station where a vehicle or motorcycle is detained shall—
 (a)take reasonable care for the preservation of the vehicle during its detention; and
 (b)issue a release notice in the prescribed form, upon its release under subsection (2) or by a court order.

Justification:

The amendment requiring the issuance of detention and release notices seeks to promote transparency, accountability and the proper exercise of police discretion by providing a clear record of the detention and release of vehicles and motorcycles, while safeguarding the rights of owners and facilitating administrative accountability of the detention process.

(3A) The Cabinet Secretary shall make guidelines to provide for—

- (a)the prescribed form for the detention and release notice;
- (b)the management of the detention and release notices in a register or electronic records management system; and
- (c) the resolution of disputes with regards the preservation of detained vehicles.

Justification:

The proposed documentation, record-keeping and release procedures are with regards to implementation therefore are more appropriately prescribed in guidelines developed in consultation with the relevant implementing agencies and stakeholders.

ADOPTION OF THE REPORT ON THE TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)

The Report on the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) was adopted having been proposed Hon. Samuel Arama, M.P. and seconded by Hon. Komingoi Kibet Kirui, M.P.

MIN./NO.236/NA/T&I/2026: ANY OTHER BUSINESS

The Lead Clerk informed the Committee of a Retreat and Oversight visit with KeNHA, KURA and KeRRA scheduled to be carried out between 10th and 13th September 2026 at Venue in Naivasha, Nakuru County.

MIN./NO.237/NA/T&I/2026: ADJOURNMENT/DATE OF THE NEXT MEETING

The meeting was adjourned at 1:15 pm. The next meeting will be held on notice.

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

**HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON**

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When replying please quote Ref. No. and date



HARAMBEE AVENUE
P.O. Box 30551-00100
NAIROBI, KENYA

MINISTRY OF FOREIGN AND DIASPORA AFFAIRS
STATE DEPARTMENT FOR FOREIGN AFFAIRS

Ref. No. **REF: MFA AU 16/36 VOL. II**

Date: **12th May, 2026**

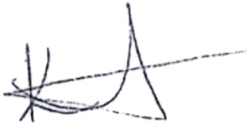
The Clerk of the National Assembly
Parliament Buildings
NAIROBI

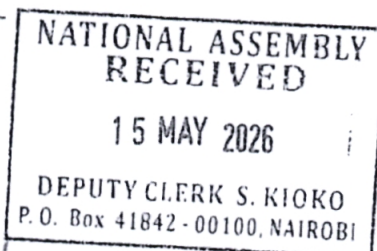
RE: **RATIFICATION OF THE AMENDMENT OF ARTICLE 10(4) OF THE CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION (AFCAC)**

Reference is made to the above subject matter.

The Cabinet, during a meeting held on 11th November, 2025 approved the ratification process of the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC).

Attached find a letter from the Prime Cabinet Secretary and Cabinet Secretary for Foreign & Diaspora Affairs forwarding the signed Parliamentary Memorandum on the aforementioned subject matter, for consideration and possible approval by the relevant Committee of the National Assembly.


Teresiah Karanja
For: **PRINCIPAL SECRETARY**
Encl.



(2) John Mwangi
For the attention of
the Dept. Committee
on Transport.

DM
2/6/26

DC
① *DLPS*
Please deal
15/05/26

③ *DL*
For taking
when the H2
resumes
26/5/26

② *H To*
To facilitate taking
action regarding
regulation
DLPS
18.05.26



OFFICE OF THE CABINET SECRETARY

MFDA/SDFA/AU/36 VOL. II (31)

27th April, 2026

Mr. Samuel Njoroge, C.B.S

Clerk of the National Assembly
Parliament Buildings

NAIROBI

Dear *Njoroge,*

**RATIFICATION OF THE AMENDMENT OF ARTICLE 10(4) OF THE
CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION
(AFCAC)**

Reference is made to the above subject matter.

The Cabinet, during a meeting held on **11th November, 2025** approved the ratification process of the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC).

Pursuant to Section 8 of the Treaty-Making and Ratification Act, Cap. 4D, I hereby submit the Memorandum and a copy of the Constitution for consideration by the National Assembly.

Yours *Sincerely,*

H.E. Dr. Musalia Mudavadi, E.G.H.
PRIME CABINET SECRETARY AND
CABINET SECRETARY FOR FOREIGN AND DIASPORA AFFAIRS

Encls.



THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 26 MAY 2026

DAY

Tuesday

FILED

LEKK-AT

MINISTRY OF FOREIGN & DIASPORA AFFAIRS

Leader of the
Majority Party
Gebre Chabot

STATE DEPARTMENT FOR FOREIGN AFFAIRS

PARLIAMENTARY MEMORANDUM

ON

THE RATIFICATION OF THE AMENDMENT OF ARTICLE 10(4) OF
THE CONSTITUTION OF THE AFRICAN CIVIL AVIATION
COMMISSION (AFCAC)

SUBMITTED BY THE PRIME CABINET SECRETARY/CABINET
SECRETARY FOR FOREIGN AND DIASPORA AFFAIRS

APRIL, 2026

**PARLIAMENTARY MEMORANDUM ON THE RATIFICATION OF THE
AMENDMENT OF ARTICLE 10(4) OF THE CONSTITUTION OF THE
AFRICAN CIVIL AVIATION COMMISSION (AFCAC)**

1. OBJECTIVE OF THE MEMORANDUM

1.1 The purpose of this Parliamentary Memorandum is to:

- i) Apprise the National Assembly on ratification of the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC); and
- ii) Seek approval from the National Assembly for Government of the Republic of Kenya to ratify the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC).

1.2 The ratification process of the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC) was approved by the Cabinet on 11th November, 2025.

2. BACKGROUND OF THE SUBJECT MATTER

2.1. The African Civil Aviation Commission is the African Union's Commission specialized Agency mandated with coordinating civil aviation matters in Africa and cooperating with the International Civil Aviation Organization (ICAO) and all other relevant organizations and other bodies which are involved in the promotion and development of civil aviation. Kenya joined the AFCAC in 1969.

2.2. Its main objectives are:

- i) To coordinate matters of civil aviation in Africa, and to cooperate with ICAO and all other relevant organizations and other bodies which are involved in the promotion and development of civil aviation;
- ii) To foster compliance with ICAO Standards and Recommended Practices for the safety, security and environmental protection;
- iii) To enhance efficiency and regularity of the air transport industry; and
- iv) To examine and specify problems which have an effect on the African Civil Aviation Industry amongst others.

3. ANALYSIS OF THE PROBLEM

3.1. Kenya ratified the revised Constitution of African Civil Aviation Commission (AFCAC) on 20th September, 2019 and deposited the instruments of ratification on 4th November, 2019.

3.2. During the 24th Extra-Ordinary Session of the AFCAC Plenary held in Dakar, Senegal from 1st to 4th July, 2014, it was resolved that Article 10(4) of the 2009 AFCAC Constitution be amended to read:

"The quorum for the Plenary shall be simple majority (fifty percent plus one) of Member States."

3.3. At the 28th Ordinary Session of the Assembly of the Union held from 30th to 31st January, 2017 in Addis Ababa, Ethiopia, the Assembly adopted the Report of the Specialized Technical

Committee on Justice and Legal Affairs and recommended to the Executive Council to adopt legal instruments on among others amendment to the Constitution of AFCAC in its Article 10(4).

- 3.4. The AU Assembly called on Member States to sign and ratify the amendment to enable them to enter into force.

4. KEY OBJECTIVE OF THE AMENDMENT

- 4.1. The main objective of the proposed amendment is to ensure the pre-requisite quorum is achieved for the Commission to transact business, make decisions, declarations, resolutions and motion at the Plenary Sessions. Currently, nine (9) Member States have signed the amendment to the Constitution and a minimum of fifteen (15) States are required to ratify it.
- 4.2. The Constitution gives the framework in respect to implementation, and adoption of key regulatory and safety instruments that will stimulate the growth of a liberalized, safe, secure, cost-effective, sustainable and environmentally friendly air transport system in Africa.

5. WAY FORWARD

- 5.1. The amendment to the Constitution shall come into force provisionally upon signature by fifteen (15) States.
- 5.2. The instruments of ratification shall be deposited with the Chairperson of the African Union Commission which shall give

notice of the date of deposit to AFCAC and any Member States of AFCAC.

5.3. The ratification and signing of the amendment to AFCAC Constitution will ensure that Kenya meets her commitments as a Member State.

6. FINANCIAL IMPLICATIONS

6.1. The regular budget of AFCAC is funded through contributions made by Member States.

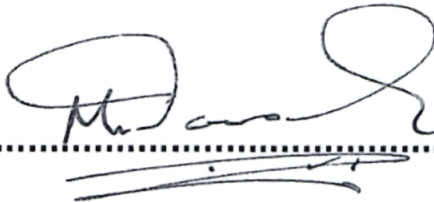
6.2. The ratification of this amendment to the AFCAC Constitution will be incorporated into existing institutional frameworks, there are no budgetary changes envisaged in terms of financial implications.

7. RECOMMENDATIONS TO THE NATIONAL ASSEMBLY

7.1. The National Assembly is invited to:

- i) Take note of the contents of the Memorandum;
- ii) Consider and approve the ratification of the Amendment to Article 10(4) of the African Civil Aviation Commission (AFCAC) Constitution adopted by the 28th Ordinary Session of the Assembly of the African Union held in Addis Ababa, Ethiopia on 31st January, 2017;

- iii) Direct the Cabinet Secretary for Foreign and Diaspora Affairs to prepare and deposit the relevant instruments of ratification.

SIGNED.......... DATED.....^{27th} April 2026

H.E. DR. MUSALIA MUDAVADI, E.G.H.
PRIME CABINET SECRETARY & CABINET SECRETARY
MINISTRY OF FOREIGN & DIASPORA AFFAIRS



CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION

CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION

WHEREAS civil aviation plays an important role in achieving the objectives of the African Union (AU) as enshrined in the Constitutive Act of the African Union adopted by the Heads of State and Government on 11 July 2000 in Lome, Togo;

WHEREAS the development of safe and orderly air transport services into, within and from Africa is to be established on the basis of equality of opportunity and operated soundly and economically as envisaged in the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944;

WHEREAS the African Civil Aviation Commission (AFCAC) was conceived by the Constitutive Conference convened by the International Civil Aviation Organization (ICAO) and the Organization of African Unity (OAU) in Addis Ababa, Ethiopia in 1969 and became an OAU/AU Specialized Agency on 11 May 1978;

WHEREAS the Abuja Treaty of 3 June 1991 adopted by the Assembly of Heads of State and Government of the Member States of the OAU established the African Economic Community with the aim of *inter alia* deriving mutual benefit, coordination and integration of policies for the social and economic development of Africa more particularly in civil aviation;

CONSIDERING the Decision taken in Yamoussoukro, Cote D'Ivoire on 14 November 1999, relating to the implementation of the Yamoussoukro Declaration for the liberalization of access to air transport markets in Africa which was subsequently endorsed by the Assembly of Heads of State and Government of the OAU vide Decision AHG/OAU/AEC/Dec.1 (IV), adopted in Lome, Togo, on 12 July 2000;

RECALLING the Ministerial Decision of the third African Union Conference of Ministers responsible for Air Transport adopted in Addis Ababa, Ethiopia on 11 May, 2007 and subsequently endorsed by the Assembly of Heads of State and Government in Accra, Ghana on 29 June 2007 entrusting AFCAC with the responsibility of being the Executing Agency for the Yamoussoukro Decision;

CONVINCED of the need for a common civil aviation policy capable of promoting the development of African airlines and enhancing African participation in international air transport;

RECOGNIZING that AFCAC should assist African States in supplementing the work of ICAO;

THEREFORE, We the African States **HAVE AGREED** to the following provisions:

SECTION I - GENERAL PROVISIONS

Article 1 *Definitions*

For the purpose of this Constitution the terms and expressions below shall have the following meaning :

'Abuja Treaty' means the Treaty Establishing the African Economic Community adopted at Abuja, Nigeria on 3 June, 1991 and which entered into force on 12 May 1994;

'AFCAC' means the African Civil Aviation Commission as established in 1969 and referred to in Article 2 of this Constitution;

'AFCAC Region' shall refer to a geographical region of Africa, as defined by the African Union;

'African State' means an African State, member of the African Union or the United Nations;

'Assembly' means the Assembly of Heads of State and Government of the African Union;

'AU' means the African Union as established by the Constitutive Act of the Union;

'Bureau' means the AFCAC Bureau as described in Article 12 of this Constitution;

'Chairperson' means the Chairperson of the African Union Commission;

'Constitution' means this AFCAC Constitution as adopted by the Meeting of Plenipotentiaries held in Dakar, Senegal on the 16th of December 2009;

'Executing Agency' means the Body referred to in Article 9.4 of the Yamoussoukro Decision;

'Executive Council' means the Executive Council of Ministers of the African Union;

'ICAO' means the International Civil Aviation Organization created pursuant to the Chicago Convention, 1944 and which is the international body responsible for the regulation of civil aviation worldwide;

'Member State' means an African State which has signed or ratified/acceded to the AFCAC Constitution;

'Monitoring Body' means the Monitoring Body established by Article 9.2 of the Yamoussoukro Decision;

'NEPAD' means the AU New Partnership for African Development Programme;

'Plenary' means the Assembly of designated representatives of Member States of AFCAC whose functions are described in Article 10 of this Constitution;

'RECS' means the Regional Economic Communities as recognized by the AU;

'Secretariat' means the organ referred to in Article 14 of this Constitution;

'Secretary General' means the Secretary General of AFCAC as provided for under Article 14 of this Constitution;

'Sub-Committee on air transport established under Article 9.1 of the Yamoussoukro Decision' means the sub-sectoral Committee on air transport, the Body referred to in Article 3 of the Rules of Procedure of the Conference of Ministers of Transport, adopted by the Thirteenth Session of the Executive Council held in Sharm El Sheikh, Egypt, from 24 to 28 June 2008;

'Yamoussoukro Decision' means the Decision relating to the Implementation of the Yamoussoukro Declaration concerning the liberalization of access to air Transport markets in Africa done at Yamoussoukro on 14 November 1999.

Article 2 **Establishment of AFCAC**

There shall continue to be the African Civil Aviation Commission (AFCAC) as established by the 1969 AFCAC Constitution. AFCAC is the Specialized Agency of the African Union responsible for Civil Aviation matters in Africa.

Article 3 **Objectives**

AFCAC's objectives shall be *inter alia*:

- a) Coordinate civil aviation matters in Africa and to cooperate with ICAO and all other relevant organizations and other bodies which are involved in the promotion and development of civil aviation in Africa.
- b) Facilitating, coordinating and ensuring the successful implementation of the Yamoussoukro Decision by supervising and managing Africa's liberalized air transport industry.
- c) Formulating and enforcing appropriate rules and regulations that give fair and equal opportunity to all stakeholders and promote fair competition.
- d) Promoting understanding on policy matters between its Member States and States in other parts of the world.
- e) Fostering *inter alia* the implementation of ICAO Standards and Recommended Practices for the safety, security, environmental protection and regularity of the aviation sector.
- f) Ensuring adherence to and implementation of Decisions of the Executive Council and Assembly.

Article 4 **Functions**

AFCAC shall carry out the following functions:

- a) undertake studies on technical regulatory and economic developments in air transport, with particular focus on their implications for Africa;
- b) encourage and support Member States to comply with ICAO Standards and Recommended Practices, as well as the regional air navigation plans;
- c) foster and coordinate programmes for the development of training facilities in Africa and to encourage and support the training and development of personnel in all fields of civil aviation;
- d) encourage and support the creation of autonomous civil aviation entities;

- e) develop collective arrangements to secure the necessary resources for the promotion of international civil aviation, particularly those provided within the framework of bilateral and multilateral programmes for technical cooperation to Member States;
- f) ensure advocacy and defence of common positions of member States at international fora relating to civil aviation;
- g) ensure seamless and close co-operation with the various RECs as well as those of other African Organisations concerned with civil aviation matters;
- h) advise Member States on all civil aviation matters;
- i) examine specific problems which may hinder the development and operation of the African civil aviation industry and, where possible, take corrective and/or preventive actions in coordinating with Member States as required;
- j) act pursuant to provisions of the Article 9 of the Yamoussoukro Decision to discharge its duties of Executing Agency of Air Transport in Africa;
- k) develop and harmonize common rules and regulations for the safety, security, environmental protection, fair competition, dispute settlement and consumer protection, amongst others;
- l) increase and coordinate synergies in the fields of search and rescue, salvage and accident investigation;
- m) coordinate the development and implementation of plans in the field of aviation infrastructure;
- n) coordinate the election of African States into the ICAO Council and of African experts into the Air Navigation Commission after receiving the approval of AU;
- o) support and facilitate the appointment of Africans into ICAO, its organs and other international civil aviation bodies; and
- p) perform such other functions as may be conferred upon it by the Executive Council or the Assembly of the African Union to fulfil its objectives.

Article 5 ***Membership***

Membership shall be open to all African States. Each Member State shall enjoy equal rights in terms of participation and representation at AFCAC meetings.

Article 6 ***Legal Capacity***

AFCAC shall enjoy, in the territory of each Member State, legal capacity accorded to legal persons under the national laws of the Member States as may be necessary for the fulfilment of its objectives and the exercise of its functions.

Article 7
Privileges and Immunities

AFCAC, its Representatives and Staff shall enjoy in the territory of each Member State, the privileges and immunities stipulated in the 1964 General Convention on the Privileges and Immunities of the OAU/AU.

Article 8
Headquarters

1. The Headquarters of AFCAC is established in Dakar, Senegal. The Headquarters may be transferred to another Member State by a decision of the Plenary, which shall be on the recommendation of the Bureau in accordance with the 'AU Criteria for hosting AU Organs'.

2. The Headquarters shall be governed by a Host Agreement negotiated between the Secretariat and the Host Country and approved by the Plenary, which shall be reviewed periodically to ensure strict compliance and facilitate the smooth functioning of AFCAC.

SECTION II - AFCAC STRUCTURES

Article 9
Organs of AFCAC

The Organs of AFCAC shall be:

- a) The Plenary;
- b) The Bureau; and
- c) The Secretariat.

Article 10
The Plenary

1. The Plenary shall be the supreme organ of AFCAC.
2. The Plenary shall be composed of duly accredited representatives of Member States responsible for Civil Aviation.
3. The Plenary shall meet in:
 - a) Ordinary session: once every three (3) years; and
 - b) Extraordinary session: at the initiative of the Bureau or at the request addressed to the Bureau by a Member State and upon the approval of two-thirds of all Member States.
4. The quorum for the Plenary shall be two-thirds majority of Member States.
5. Without prejudice to the provisions of Article 21, decisions of the Plenary shall be adopted by consensus failing which by two-thirds majority of Member States present and having the right to vote.
6. The Plenary shall take place at the Headquarters unless a Member State invites the Plenary to hold a session in its territory.

Article 11
Functions of the Plenary

The functions of the Plenary shall be to:

- a) issue policy guidelines through resolutions and recommendations;
- b) elect the President and Vice-Presidents to serve as members of the Bureau;
- c) approve the Organizational Structure of AFCAC and appoint the Secretary General upon the recommendation of the Bureau;
- d) approve the work programme, business plan, budget, rules and regulations of AFCAC;
- e) establish committees and working groups, as necessary, to undertake special assignments or tasks on civil aviation in Africa, with such functions as may be specified, and appoint their members;
- f) approve such other activities, rules and procedures as deemed appropriate, to meet the objectives of AFCAC;
- g) appoint External Auditors of AFCAC;
- h) consider and take appropriate action on the External Auditors report;
- i) ensure the effective implementation of the Yamoussoukro Decision, principally the liberalization of air transport services;
- j) adopt the financial rules and regulations, accounting and auditing rules and regulations for AFCAC;
- k) submit its tri-annual report on the state of implementation of the Yamoussoukro Decision to the Assembly of Heads of State and Government through the Executive Council;
- l) adopt its rules of procedure, including the establishment of committees as deemed appropriate as well as the Rules of Procedures of the Bureau; and
- m) undertake such other functions as may be requested or conferred upon it by the relevant Organs of the AU, the Monitoring Body and the Sub-Committee of Air Transport.

Article 12
The Bureau

1. The Bureau shall be composed of the President and five (5) Vice-Presidents elected by the Plenary in accordance with the AU geographical representation formula.
2. The Coordinator of the African Group at ICAO Council shall attend meetings of the Bureau in an ex-officio capacity.
3. The Presidency of AFCAC shall be on rotational basis, each region serving one (1) term of three (3) years.

4. The Vice-Presidents shall each represent one AU region.
5. Each Vice-President shall serve a term of three (3) years at a time and may be re-elected only once.
6. Members of the Bureau shall possess relevant professional experience in the field of civil aviation and participate actively in carrying out AFCAC activities.
7. Members of the Bureau shall, attend all meetings of the Bureau and perform their responsibilities as assigned by the Bureau, in the interests of AFCAC.
8. Decisions of the Bureau shall be taken in accordance with its Rules of Procedure.
9. The quorum required for the Bureau meetings shall be fixed by the Rules of Procedures of the Bureau.
10. Any Member State may participate, without a vote, in the consideration by the Bureau of any question which especially affects its interests. No member of the Bureau shall vote in the consideration by the Bureau of a dispute to which that Member State is a party.
11. The Bureau may determine its own internal organization, arrangements and procedures, including the establishment of committees as may be deemed appropriate.

Article 13
Functions of the Bureau

The functions of the Bureau shall be to:

- a) convene the ordinary and extraordinary plenary sessions, subject to the relevant provisions of Article 10, and determine the provisional agenda;
- b) ensure the implementation of the AFCAC work programmes and other resolutions of the AFCAC Plenary;
- c) supervise and coordinate the activities of the Secretariat and any committee or working group;
- d) prepare its own rules of procedures and submit them to the Plenary for approval;
- e) implement the resolutions, directives and decisions of the Plenary and discharge the duties and obligations which are conferred upon it in the Constitution;
- f) select and recommend from a short-list to the Plenary, candidates for the position of Secretary General;
- g) supervise the administrative and financial management of the Secretariat;
- h) submit periodic reports on its activities to the Plenary; and
- i) carry out any other functions that may be assigned to it by the Plenary.

Article 14
The Secretariat

1. The Secretariat shall be headed by a Secretary-General assisted by the necessary and competent Staff for the smooth functioning of AFCAC.
2. The Secretary General shall be appointed by the Plenary upon the recommendation of the Bureau.
3. In the appointment of the Secretary General and other Staff, consideration shall be made to ensure competence, qualification, experience, high integrity and geographical distribution of posts.
4. The Secretary General shall serve in office for a term of three (3) years renewable once only for a further term of three (3) years.
5. The Secretary-General shall;
 - a) follow up and ensure the implementation of the resolutions, directives and decisions of the Plenary, Bureau and Monitoring Body, in accordance with the rules and regulations of AFCAC;
 - b) represent AFCAC and defend its interests under the guidance and approval of the Plenary and the Bureau;
 - c) promote the development of the programmes, projects and initiatives of AFCAC;
 - d) prepare and submit proposals concerning the work programmes, business plans, strategic objectives, projects, activities and budgets of AFCAC and ensure their implementation;
 - e) oversee the administrative and financial management of AFCAC by appropriately managing the budgetary and financial resources including collecting the approved revenue from various sources;
 - f) prepare financial reports including reports for the past triennial and a budget for the forthcoming triennial to be submitted by the Bureau to the Plenary for approval in accordance with AFCAC rules and regulations;
 - g) submit reports on the activities of AFCAC to the Plenary, Bureau and Monitoring Body;
 - h) appoint staff and terminate contracts of appointment in accordance with AFCAC Staff Rules and Regulations;
 - i) prepare and service meetings of the Plenary, Bureau and Committees of AFCAC;
 - j) organize meetings and undertake studies as necessary and maintain relevant records in relation thereto;
 - k) submit to the Bureau and the Monitoring Body annual reports on the operations of AFCAC;
 - l) keep in custody the seal, documents, files and other data relating or relevant to the work of AFCAC; and
 - m) make recommendations to improve AFCAC's operational efficiency.

Article 15

Reports to the Sub-Committee on Air Transport

The Sub-Committee on Air Transport is the Conference of Ministers responsible for air transport matters in Africa, whose mandate shall be to, *inter alia*, consider and adopt recommendations submitted by AFCAC on all activities concerning the functions of the Executing Agency entrusted to it and other matters requiring political Decisions in accordance with the African Union procedures.

SECTION III - INTERNATIONAL RELATIONS

Article 16

Cooperation with other Organizations

AFCAC shall work in close cooperation with the different AU Organs, RECs, ICAO, United Nations Economic Commission for Africa (UN-ECA) as well as with other governmental and non-governmental international organizations, civil aviation service providers on civil aviation matters of mutual interest.

SECTION IV - FINANCIAL MATTERS

Article 17

Financial Resources

- a) The regular budget of AFCAC shall be funded by contributions made by Member States in accordance with the scale of assessment determined by the Plenary;
- b) Supplemental budgets of AFCAC shall be made available, where necessary to meet the extra and/ or special budgetary expenditure of AFCAC. The Plenary shall determine the contributions of Member States to the Special budgets of AFCAC; and
- c) In addition AFCAC may receive Grants, Donations and proceeds for its activities as approved by the Bureau.

Article 18

Sanctions

- 1. Any Member State that fails to honour its financial obligations to the Commission for a period of two (2) years or more shall, as long as it is in such arrears, forfeit the right to vote in the Plenary or to present candidates for any elective or other post within AFCAC.
- 2. Any Member State that remains in sanctions for a period of three (3) years or more shall, in addition to the sanctions referred to in the preceding paragraph, have its nationals deprived of the rights, privileges, benefits and advantages usually accorded to Member States.
- 3. Any violation of any provision of this constitution by a Member State shall result in sanctions as maybe determined by the Plenary.

SECTION V - TRANSITIONAL AND FINAL PROVISIONS

Article 19

Signature, Ratification, Accession and Entry into Force

1. This Constitution shall be open to signature, ratification, acceptance and accession by African States in accordance with their respective Constitutional procedure.
2. The instrument of ratification shall be deposited with the Chairperson of the African Union Commission.
3. Any African State acceding to this Constitution after its entry into force shall deposit the instrument of accession with the Chairperson of the Commission.
4. This Constitution shall provisionally enter into force upon signature by fifteen African States and shall definitively enter into force upon ratification by fifteen (15) African States.
5. The Depositary shall give notice to AFCAC and any Member State, of the date on which this Constitution enters into force provisionally and definitively.

Article 20

Transitional Arrangements

Without prejudice to Article 26, a Member State under the 1969 AFCAC Constitution shall continue to maintain its membership of AFCAC until such a time that this Constitution comes into force definitively.

Article 21

Denunciation

Any denunciation of this Constitution shall be made through appropriate notification to the Chairperson of the AU Commission who, within thirty (30) days, shall advise AFCAC and its Member States accordingly. The denunciation of any State from membership of AFCAC shall become effective one (1) year following the receipt by the Chairperson of the AU Commission of such notification.

Article 22

Amendment and Revision

1. Any Member State may submit proposals for the amendment or revision of this Constitution.
2. Proposals for amendments or revision shall be submitted to the Chairperson of the AU Commission who shall transmit the same to AFCAC and the Member States within thirty (30) days of receipt thereof.
3. The Plenary shall meet to consider the proposals for amendments or revisions and submit their recommendations to the Executive Council.
4. The Assembly, upon the advice of the Executive Council, shall examine the recommendations within a period of one year following notification of Member States in accordance with the provisions of paragraph 2 of this Article.
5. Amendments or revisions shall be adopted by the Assembly and submitted for ratification by all Member States in accordance with their respective constitutional procedure. The amendments shall enter into force in accordance with the provisions of Article (19).

Article 23
Settlement of Disputes

1. Any dispute arising between two (2) or more Member States on the application or interpretation of this Constitution shall in the first instance be settled through negotiations.
2. In case the dispute(s) remains unresolved within twenty one (21) days, either Party may refer the dispute to the Bureau for resolution. The Bureau shall make a decision within sixty (60) days of receipt of the referral.
3. In the event that the Bureau cannot resolve the dispute or should their decision fail to provide a satisfactory solution to either Party within sixty (60) days, the dispute may be settled by arbitration. The arbitration team shall consist of a panel of African arbitrators appointed by each party. An additional arbitrator shall be appointed by the other arbitrators.
4. The arbitration panel shall adopt its own Rules of Procedure and make an award within six (6) Months. The decision of the Panel shall be final and binding on the Parties.
5. Without prejudice to the above provisions, the African Court of Justice and Human Rights may be seized with any dispute regarding the application or interpretation of this Constitution.

Article 24
Working Languages

The working languages of AFCAC shall be those of the AU.

Article 25
Registration

This Constitution shall be registered with ICAO in compliance with Article 83 of the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944.

Article 26
Abrogation

This Constitution shall abrogate and supersede, as of the date of its entry into force, the AFCAC Constitution adopted at Addis Ababa, Ethiopia, on 17 January 1969.

IN WITNESS, WHEREOF WE, the Plenipotentiaries, having been duly authorized, have adopted this Constitution.

DONE at **Dakar, Senegal** on the 16th day of **December** 2009, in Arabic, English, French and Portuguese, all the texts being equally authentic.


**President of AFCAC/Chairperson
of the Meeting of Plenipotentiaries**



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842 - 00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254 20 284800 Ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote:

Ref: NA/DDC/T&I/2026/063

15th July, 2026

Dr. A. Korir Sing'Oei, PhD, CBS

Principal Secretary
State Department for Foreign Affairs
Ministry of Foreign and Diaspora Affairs
Old Treasury Building, Harambee Avenue
NAIROBI

Hon. Shadrack John Mose, CBS

Solicitor General
Office of the Attorney-General & Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Ms. Teresia Mbaika, CBS

Principal Secretary
State Department for Aviation & Aerospace Development
Ministry of Roads and Transport
Transcom House, Ngong Road
NAIROBI

Mr. Nicholas Bodo

Ag. Director General/CEO
Kenya Civil Aviation Authority
Aviation House
Jomo Kenyatta International Airport
NAIROBI

Ms. Liz Aluvanze

Chief Executive Officer
Kenya Association of Air Operators
Aero Club of East Africa,
Wilson Airport
NAIROBI

Mr. Somas Appavou

Regional Director, External Affairs, Africa
International Air Transport Association
2nd Floor, the Cube,
Riverside Drive, Westlands
NAIROBI

Mr. Abderahmane Berthe

Secretary General
African Airlines Association (AFRAA)
AFRAA Building, Red Cross Road, South C
NAIROBI

Dear Mr. Bodo

**RE: REQUEST FOR SUBMISSIONS ON THE MEMORANDUM FOR THE
RATIFICATION OF THE AMENDMENT OF ARTICLE 10(4) OF THE
CONSTITUTION OF THE AFRICAN CIVIL AVIATION
COMMISSION (AFCAC)**

The Departmental Committee on Transport and Infrastructure is established pursuant to National Assembly Standing Order 216, and is mandated to *inter alia*, 'examine treaties, agreements and conventions'.

Pursuant to Section 8 of the Treaty-Making and Ratification Act, the Ministry of Foreign and Diaspora Affairs submitted a Memorandum for the ratification of the Amendment of Article 10 (4) of the 2009 African Civil Aviation Commission (AFCAC) Constitution (*copy attached*). The Memorandum seeks to amend Article 10 (4) of the 2009 AFCAC Constitution to read, 'The quorum for the Plenary shall be simple majority (fifty percent plus one) of Member States'. The amendment seeks to:

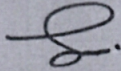
1. Ensure that pre-requisite quorum is achieved for the Commission to transact business, make decisions, declarations, resolutions and motion at the Plenary Sessions; and
2. Ensure that the Constitution gives the framework in respect to implementation, and adoption of key regulatory and safety instruments that will stimulate the growth of liberalised, safe, secure, cost effective, sustainable and environmentally friendly air transport system in Africa.

In compliance with Article 118(1)(b) of the Constitution, the Departmental Committee on Transport and Infrastructure requests that you submit written submissions on the Memorandum to be received by Friday, 24th July, 2026. Electronic submissions may be sent to the Office of the Clerk via email cna@parliament.go.ke.

Our liaison officers for this matter are **Ms. Laureen Wesonga, HoD, Infrastructure Sector**, who may be contacted on tel. no. **0710820442** or email address

laureen.wesonga@parliament.go.ke and **Mr. John Mugoma, First Clerk Assistant**, who may be contacted on tel. no. **0724330358** or email: john.mugoma@parliament.go.ke.

Yours



JEREMIAH NDOMBI, MBS

For: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

H.E. Dr. Musalia Mudavadi, EGH

Prime Cabinet Secretary and
Cabinet Secretary for Foreign and Diaspora Affairs
Ministry of Foreign and Diaspora Affairs
Old Treasury Building
Harambee Avenue

NAIROBI

Mr. Davis Chirchir, EGH

Cabinet Secretary
Ministry of Roads and Transport
Transcom House, Ngong Road

NAIROBI

Hon. Dorcas Agik Oduor, SC, OGW, EBS

The Attorney-General
State Law Office and Department of Justice
Sheria House, Harambee Avenue

NAIROBI



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT - FIFTH SESSION (2026)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118 (1)(b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF
THE AMENDMENT OF ARTICLE 10(4) OF THE CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION

INVITATION TO SUBMIT 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 Amendment of Article 10 (4) of the Constitution of the African Civil Aviation Commission was Tabled in the National Assembly on 26th May, 2026 and committed to the **Departmental Committee on Transport and Infrastructure** for consideration and reporting to the House;

IT IS NOTIFIED that **Article 10 (4) of the 2009 Constitution of the African Civil Aviation Commission**, which currently provides for the quorum of the Plenary of the Commission as two-thirds of the Member States of the Commission, is proposed to be amended to provide for a quorum of a *simple majority (fifty percent plus one) of Member States*. The Amendment seeks to ensure that pre-requisite quorum is achieved for the Commission to transact business, make decisions, declarations, resolutions and motion at its Plenary Sessions.

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and section 8(3) of the Treaty Making and Ratification Act, Cap. 4D, the **Departmental Committee on Transport and Infrastructure** hereby invites members of the public and stakeholders to submit memoranda on the Amendment.

Copy of the Amendment and the accompanying Memoranda to Parliament may be accessed at www.parliament.go.ke/the-national-assembly/house-business/paper-laid.

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Building, Nairobi**; or emailed to cna@parliament.go.ke to be received **on or before Wednesday, 24th June, 2026 at 5.00 p.m.**

S. NJORGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
10th June, 2026

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

24th July 2026

Mr. Samuel Njoroge, CBS,
Clerk of the National Assembly
P.O. Box 41842-00100
Main Parliament Buildings
NAIROBI, KENYA

Dear Sir,

RE: WRITTEN SUBMISSIONS BY THE AFRICAN AIRLINES ASSOCIATION (AFRAA) ON THE MEMORANDUM FOR THE RATIFICATION OF THE AMENDMENT OF ARTICLE 10(4) OF THE CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION (AFCAC)

1. Introduction

The African Airlines Association (AFRAA) submits these written representations in support of the proposed ratification by the Republic of Kenya of the Amendment to Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC).

AFRAA is the leading continental association representing African airlines and serves as the collective voice of the African airline industry in promoting safe, secure, efficient, sustainable and economically viable air transport across the continent.

As a strategic stakeholder in the implementation of the Yamoussoukro Decision (YD) and the Single African Air Transport Market (SAATM), AFRAA considers the proposed ratification to the Amendment to be a timely and important institutional reform that will strengthen AFCAC's governance framework, enhance its institutional effectiveness and reinforce its capacity to discharge its continental mandate as the Executing Agency of the Yamoussoukro Decision and SAATM.

Accordingly, AFRAA fully supports Kenya's ratification of the Amendment to Article 10(4), recognizing its significance in advancing Africa's aviation integration agenda and strengthening continental aviation governance.

2. Recommendation

The proposed Amendment to Article 10(4) of the Constitution of the AFCAC represents a pragmatic and forward-looking institutional governance reform that will strengthen AFCAC's effectiveness, responsiveness and operational efficiency in fulfilling its continental mandate.

For the African airline industry, the amendment will enhance institutional decision-making, strengthen implementation of the Yamoussoukro Decision and the Single African Air Transport Market, and foster a more predictable, transparent and harmonized regulatory environment that supports sustainable growth, investment and competitiveness.



For the Republic of Kenya, ratification will reaffirm the country's leadership in advancing African aviation integration, reinforce its commitment to regional and continental aviation initiatives, and contribute to expanding market opportunities for Kenyan airlines while generating broader economic benefits through increased connectivity, tourism, trade, investment and employment.

In view of the foregoing, AFRAA respectfully urges the National Assembly of the Republic of Kenya to approve the ratification of the Amendment to Article 10(4) of the Constitution of the African Civil Aviation Commission.

AFRAA avails itself of this opportunity to renew its and to assure the National Assembly of the Republic of Kenya of its highest consideration.

Yours sincerely,



MR. ABDÉRAHMANE BERTHÉ
SECRETARY GENERAL





KENYA ASSOCIATION OF AIR OPERATORS

An authoritative and unified voice of advocacy for the Kenyan Aviation Industry

KAAO/ADMIN/060/26

23rd July 2026

The Clerk of the National Assembly
Parliament Building
P.O. Box 41842 - 00100
Nairobi, Kenya

Dear Mr. Samuel Njoroge, CBS,

Laureen wasonga
to facilitate

28/7/26

DDC
27/7/26

Mugoma
pls deal.
AWARCE 28/7/26.

REF: KENYA ASSOCIATION OF AIR OPERATORS (KAAO) SUBMISSION ON THE MEMORANDUM FOR THE RATIFICATION OF THE AMENDMENT OF ARTICLE 10(4) OF THE CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION (AFCAC)

We refer to your letter Ref. NA/DDC/T&I/2026/063 dated 15th July 2026 inviting stakeholder submissions on the Memorandum for the Ratification of the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC).

KAAO has reviewed the proposed amendment and is pleased to express its full support for the ratification of the amendment.

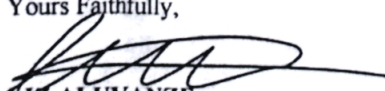
The proposed amendment, which seeks to revise the quorum requirement for meetings of the AFCAC Plenary from a two-thirds majority of Member States to a simple majority (fifty percent plus one), is a practical and timely reform that will strengthen the effectiveness of the Commission's governance. The amendment will facilitate the convening of Plenary meetings, reduce delays in decision-making, and enable AFCAC to discharge its mandate more efficiently as the executing agency of the Single African Air Transport Market (SAATM).

An effective AFCAC is essential to advancing the harmonization of aviation policies, regulations, and technical standards across the continent. Improved institutional efficiency will support the timely adoption and implementation of measures that enhance aviation safety, security, consumer protection, environmental sustainability, and the liberalization of air transport services in Africa.

From the perspective of air operators, stronger regional governance contributes to greater regulatory predictability, improved operational efficiency, enhanced connectivity, and increased opportunities for investment and growth. These objectives are fully aligned with Kenya's commitment to regional integration and the development of a competitive, safe, secure, and sustainable aviation sector.

We appreciate the opportunity to submit our views and remain available should you require any further information or clarification.

Yours Faithfully,


LIZ ALUVANZE
CHIEF EXECUTIVE OFFICER

NATIONAL ASSEMBLY
RECEIVED

24 JUL 2026

CLERK'S OFFICE
P. O. Box 41842, NAIROBI.

DIRECTOR
RECEIVED

28 JUL 2026

Directorate of Departmental Committee



P.O. BOX 27592 - 00506, Nairobi, Kenya



www.kaao.co.ke



admin@kaao.co.ke



0742 667 856

KCAA/CONF/0332 VOL. 3(25)

23rd July, 2026

The Clerk
National Assembly
Parliament Buildings
P.O. Box 41842 - 00100
NAIROBI

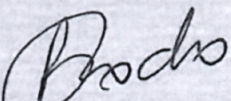
Attn: Jeremiah Ndombi, MBS

RE: REQUEST FOR SUBMISSIONS ON THE MEMORANDUM FOR THE RATIFICATION OF THE AMENDMENT OF ARTICLE 10(4) OF THE CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION (AFCAC)

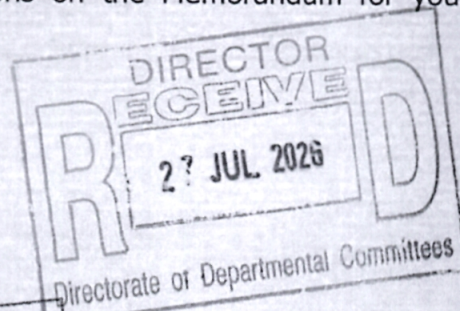
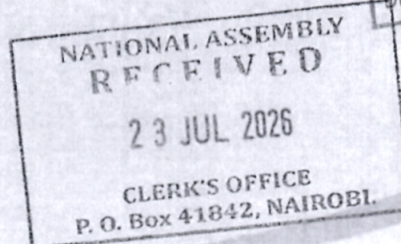
Reference is made to letter Ref.: NA/DDC/T&I/2026/063 dated 15th July, 2026 on the above subject.

As requested in the letter under reference, this is to confirm that Kenya Civil Aviation Authority (KCAA) supports Kenya's Ratification of the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC) as per the Memorandum submitted by the Ministry of Foreign and Diaspora Affairs.

Please find attached the Authority's submissions on the Memorandum for your considered action.


Nicholas E. Bodo
Ag. DIRECTOR GENERAL

Attach...



**KENYA CIVIL AVIATION AUTHORITY'S EXPRESSION OF SUPPORT FOR
THE MEMORANDUM FOR THE RATIFICATION OF THE AMENDMENT OF
ARTICLE 10(4) OF THE CONSTITUTION OF THE AFRICAN CIVIL
AVIATION COMMISSION (AFCAC)**

1.0. Introduction

The African Civil Aviation Commission (AFCAC) is the specialized agency of the African Union responsible for civil aviation matters in Africa. AFCAC has its members spread into five (5) regions: Southern Region (10 states), Eastern Region (14 States), Central Region (9 States), Western Region (15 States) and Northern Region (6 States). Each Region is represented by a Vice President.

Kenya is the current Vice President for the Eastern Region of AFCAC representing 14 States (Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Somalia, South Sudan, Tanzania and Uganda).

AFCAC coordinates the development of safe, secure, efficient, sustainable and environmentally responsible civil aviation across the continent and serves as the Executing Agency for the Single African Air Transport Market (SAATM). Kenya is a State Party to the AFCAC Constitution and actively participates in the Commission's activities.

The amendment to Article 10(4) of the AFCAC Constitution was adopted by the 24th Extraordinary Session of the AFCAC Plenary held in Dakar, Senegal from 1 - 4 July 2014 to strengthen the governance framework of the Commission and improve its institutional effectiveness. Several African States have already initiated or completed the ratification process for this amendment.

2.0. Justification for Ratification

The ratification of the amendment to Article 10(4) is justified on the following grounds:

a) Strengthening Institutional Governance

The amendment enhances the governance structure of AFCAC by improving the composition and functioning of its governing organs specifically the Plenary. This promotes greater accountability, transparency, efficiency and continuity in decision-making during the meeting of State Parties.

b) Harmonization of Civil Aviation Policies

Kenya's ratification supports the ease at which harmonization of aviation policies, regulations and standards across Africa is adopted, thereby facilitating safer and more efficient air transport operations consistent with ICAO Standards and Recommended Practices (SARPs).

c) Advancement of the Single African Air Transport Market (SAATM)

As the Executing Agency for SAATM, AFCAC requires a strong governance framework to effectively implement the Yamoussoukro Decision and promote the liberalization of intra-African air transport. Ratification strengthens AFCAC's capacity to execute this continental mandate.

d) Fulfilment of Kenya's Regional and Continental Commitments

Ratifying the amendment demonstrates Kenya's continued commitment to the African Union Agenda 2063, the African Continental Free Trade Area (AfCFTA), and continental aviation integration initiatives. It also reinforces Kenya's leadership role in African civil aviation.

e) Enhanced Regional Cooperation

The amendment promotes stronger collaboration among African States in addressing common aviation challenges, including aviation safety, security, environmental protection, air navigation, capacity building and emerging technologies.

f) Improved Decision-Making

A strengthened governance structure enables AFCAC to make timely and effective decisions on strategic continental aviation issues, improving the Commission's responsiveness to the needs of Member States.

g) Economic Benefits

An effective AFCAC supports:

- i) Increased intra-African air connectivity.
- ii) Growth in tourism and trade.
- iii) Attraction of investment.
- iv) Development of aviation infrastructure.
- v) Job creation within the aviation sector.
- vi) Reduced barriers to air transport across Africa.

These outcomes align with Kenya's national economic development objectives and its aspiration to remain a regional aviation hub.

3.0. No Conflict with Kenyan Law

The amendment does not conflict with the Constitution of Kenya, existing aviation legislation, or Kenya's obligations under the Chicago Convention. Rather, it complements Kenya's legal and regulatory framework governing civil aviation.

4.0. Limited Financial Implications

The amendment does not create significant additional financial obligations for Kenya beyond its existing commitments as a Member State of AFCAC. Any administrative costs associated with implementation can be accommodated within existing budgetary allocations.

5.0. Expected Benefits to Kenya

Ratification will:

- a) Reinforce Kenya's influence in continental aviation policy formulation.
- b) Support the continued growth of Nairobi as a regional aviation hub.
- c) Enhance opportunities for Kenyan airlines through implementation of SAATM.
- d) Promote aviation safety, security and regulatory cooperation.
- e) Strengthen Kenya's participation in regional aviation initiatives.
- f) Facilitate increased trade, tourism and investment through improved air connectivity.

6.0. Support of the Memorandum

Kenya Civil Aviation Authority expresses its support on the Kenya's Ratification of the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission (AFCAC) as per the Memorandum submitted by the Ministry of Foreign and Diaspora Affairs.


Nicholas E. Bodo
Ag. Director General,
Kenya Civil Aviation Authority





MAU MAU CHILDREN POST COLONIAL ELITES

PARTNERS:

- * MAU MAU WAR VETERANS ASSOCIATES
- * MAU MAU INDIGENOUS KNOWLEDGE
- * JEREMIAH MUGI FOUNDATION
- * MMV ASSOCIATES CLG

DDG
2.15/206/2

Laureen Wesonga, HOD
to facilitate the DC on
Transport to consider

Date: 10th June 2026

TO: THE CLERK OF THE NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
P.O BOX 41842-00100
NAIROBI

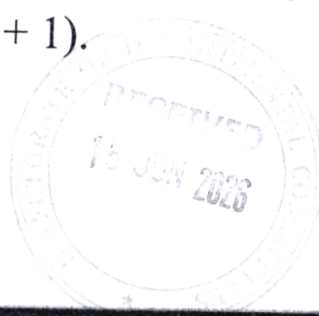
Mugoma
pls deal
Awasiika
15/6/26

RE: MEMORANDUM ON THE PROPOSED AMENDMENT OF
ARTICLE 10(4) OF THE CONSTITUTION OF THE AFRICAN
CIVIL AVIATION COMMISSION, 2009 - INVITATION TO
SUBMIT MEMORANDA DATED 10TH JUNE 2026

1. INTRODUCTION

MMV Associates CLG is an organization registered in Kenya. Our membership includes Maumau war veterans, elders and descendants affected by historical injustices. Many of our elderly members travel by air for medical treatment and family reunions.

We have reviewed the notice published in Daily Nation, Wednesday 10th June 2026 inviting public memoranda on the proposed amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission, 2009. The amendment proposes to change the quorum for Plenary Sessions from two-thirds of Member States to simple majority (50% + 1).



NATIONAL ASSEMBLY
RECEIVED

12 JUN 2026

CLERK'S OFFICE
P. O. Box 41842, NAIROBI.

2. MMV ASSOCIATES CLG POSITION ON THE AMENDMENT

We support the proposed amendment of Article 10(4) for the following reasons:

1. Efficiency & Decision-Making:

The current two-thirds quorum has delayed critical decisions on aviation safety, security and connectivity in Africa. Reducing quorum to simple majority will enable AFCAC Plenary to transact business, make declarations and pass resolutions even when some Member States are absent.

2. Inclusivity for Member States:

A simple majority quorum respects majority decision-making while preventing 1-2 absent states from paralyzing the entire Commission. This aligns with Article 10(4) practices of other AU organs and ICAO.

3. Benefit to Kenyan Citizens:

Faster AFCAC resolutions will improve air safety standards, reduce flight delays, and lower costs for MMV members and all Kenyans who rely on air transport for medical, business and family travel.

4. Constitutional Compliance:

The amendment process complies with Article 118(1)(b) of the Constitution of Kenya and the Treaty Making and Ratification Act Cap 4D on public participation.

3A. RECOMMENDATIONS/PRAYERS ON AFCAC AMENDMENT

MMV Associates CLG humbly recommends that the National Assembly:

1. Approve the amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission, 2009 to adopt a simple majority quorum for Plenary Sessions.
2. Direct the Cabinet Secretary, Ministry of Transport to ensure Kenya ratifies the amendment promptly after National Assembly approval.
3. Ensure public awareness by KCAA and AFCAC on how this amendment improves air travel governance for ordinary citizens and vulnerable groups including elders.

3B. ADDITIONAL MEMORANDA/PRAYERS ON HISTORICAL HERITAGE & AVIATION WELFARE

Pursuant to Article 11 of the Constitution on National Values and Principles, and Article 260 on "historical injustices", MMV Associates CLG, as custodians of Mau war veterans' interests, further prays:

1. Naming of Historical Sites:

Maumau war veterans association reclaims their historical heritages. We request:

- a) Kitale Airstrip in Kiminini/Kiminini area be named after J.M. Kariuki, late Minister of Wildlife and Tourism.
- b) Othaya Airstrip be named after the First Senator of Nyeri County.
- c) All historical sites, airstrips, roads and public facilities in all counties and sub-counties be named after recognized heroes and heroines of the liberation struggle.

2. Aviation & Tourism Grants:

- a) Jomo Kenyatta International Airport (JKIA) be allocated grants for security and health systems to combat terrorism and protect travelers.

- b) All hotels for tourism in Kenya be given grants for African heritage preservation and promotion of cultural tourism.
- c) Funds for Kenya Heritage Foundation be disbursed directly to verified beneficiaries including veterans' descendants.
- d) Air Kenya be considered for grants of royal family heritage status for preservation of aviation history.

3. Kitale Airstrip Land & Management:

- a) Kitale Airstrip in Kiminiwa be renewed for 99 years.
- b) County Government of Trans Nzoia be allocated 40% share.
- c) Mau Mau children/descendants be allocated 10% share with management rights.
- d) Hotels developed on the airstrip to adopt new models of African heritage under African Civil Aviation Commission guidelines.

4. Historical Agreements & Headquarters:

- a) That the National Assembly consider the agreement of 17th January 1969 relating to veterans' welfare and property rights.
- b) That Kenya reclaim AFCAC headquarters to be in Nairobi under United Nations/UNECA framework, to recognize Kenya's central role in African aviation and liberation history.

4. CONCLUSION

The proposed amendment of Article 10(4) is a procedural improvement that will make African civil aviation governance more effective. MMV Associates CLG supports it. We further urge Parliament to consider our additional prayers on heritage, naming of sites, grants, and veterans' welfare as part of settling Kenya's historical debt.

We are available to appear before the Departmental Committee on Transport and Infrastructure for oral submission if required.

Yours Faithfully

JAMES NJUGUNA MAHURIA



MMV Associates CLG - GENERAL DIRECTOR

CC:

1. Chairperson, Departmental Committee on Transport and Infrastructure, National Assembly
2. Cabinet Secretary, Ministry of Transport
3. Director General, Kenya Civil Aviation Authority
4. Cabinet Secretary, Ministry of Tourism and Wildlife
5. Cabinet Secretary, Ministry of Lands, Public Works, Housing & Urban Development
6. Council of Governors

