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"TAXIING TO WILSON AIRPORT TERMINAL" RELAXED FOR PRIVATE AIRCRAFT EFFECTIVE MONDAY 11 AUGUST 2008

In a welcome development, the Managing Director of Kenya Airports Authority recently announced that 'private aircraft' with less than 8 passenger seats will be exempt from the long-standing requirement to taxi to the Wilson Airport Terminal for a security check before and after each cross-country flight. The new dispensation is effective on Monday, 11 August 2008, initially just for Aero Club members who operate PRIVATE aircraft.

Both the Aero Club of East Africa and the Kenya Association of Air Operators had appealed to the Government for several years to relax the 'taxiing' requirement that was unique in the world. The operators contended that the practice, that was put into place (again) after 11 September 2001, was costly in terms of fuel and aircraft starts, and it was unsafe. It also tied up the Wilson Air Traffic Controllers by adding considerable radio work to clear aircraft for taxiing across runways and taxiways. A recent collision between a DHC 6 Buffalo and a Cessna Caravan near the Terminal, in which several passengers were injured, gave a further impetus to the movement to abolish the taxiing requirement. The congestion around that Terminal at certain times of day was partially to blame for that incident.

The modalities of the new dispensation for private operators have been worked out between the Wilson Aviation Security Committee, the Air Operators Committee, the Aero Club and several other hangar owners, under the Chairmanship of KAA Wilson Airport Manager, Mr. Mathew Kabetu. His positive and focussed approach helped to address the concerns of all parties involved, including various security departments of the Government and Kenya Revenue Authority. Four possible 'departure' points for 'private aircraft' were initially identified: Aircraft Leasing Services, Titan Hangar, the Aero Club of East Africa and CMC. Others may follow, pending application by hangar owners. Each of the approved facilities has to meet certain standards and criteria before being approved for 'direct departures' by private aircraft. To qualify, the Aero Club will effectively sign a contract with the KAA, committing its members to abide by and enforce certain rules. The Club recently submitted a "Security Programme" to the KAA and all ACEA airside staff and security guards have attended a security training course. Only the PRIVATE aircraft that belong to members of the Aero Club of East Africa can depart from the Club. All flight plans filed on behalf of Aero Club members departing from the Club apron shall be filed ONLY at the Aero Club's Aviation Centre and must be accompanied by the required Air Navigation Fees and Passenger Service Charges and a Manifest. Only pilots, who are MEMBERS and biometrically registered at the Club, will be allowed to access the "airside". Their passengers must be accompanied by the pilot to board or leave the aircraft. All firearms must be declared to the pilot by passengers who of course must be firearm permit holders. All firearms must be unloaded prior to boarding.

The Aero Club has submitted a list to the authorities of all eligible aircraft operated by its Members. This list, based on the official KCAA Aircraft Register (March 31, 2008), is also at the Wilson Control Tower who will consult it when clearing an aircraft. Any operators who may for one reason or other (new aircraft, change of category from "public transport" to 'private', errors) not find their aircraft on the list should advise the Club Chairman. They can also find the list in the ACEA Aviation Centre to see if their details are correct. Monthly updates will be filed with the Tower and the other agencies. Operators who are NOT members of the Aero Club are responsible for indicating their own operational status (e.g. "PRIVATE") to the authorities.

The Aero Club also agreed that any errant Club Members, who do not adhere to the Agreement with the Government agencies (KAA, Kenya Revenue Authority, KCAA, Kenya Police, CID, NSIS, etc.) shall be censured. Chairman Harro Trempenau, who negotiated the arrangement on behalf of the private operators, stated that: "We are very grateful to Mr. Muhoho, Mr. Kabetu and the various Government agencies for hearing our pleas and for this bold demonstration of trust in making us partners in Kenyan aviation security. It is critical that operators pay all fees and charges required by law and abide by the rules. We expect that none of our members 'avoid' payment of legitimate Passenger Taxes, Landing or

Parking charges and/or Navigation Fees. We do not want one or two aircraft owners to 'spoil it' for the rest. Also note that the authorities will undertake 'spot checks' at their discretion. The KAAO and Aero Club have worked very hard to make this new privilege possible. So, please don't abuse it."

The dispensation for private aircraft to taxi to the Terminal will be initially tried and tested for one month. After that, it will be reviewed and maybe adjusted, in light of experience gained. Initially, as of 11 August 2008, only the Aero Club members departing from the apron area outside the Aero Club have been granted the privilege, but it is expected that the other departure points at CMC, ALS and Titan will follow soon as they put a few minor security requirements in place. Aircraft operators will be kept advised. If no hitches arise during the 'trial runs, the programme will soon be officially launched.

KENYA CIVIL AVIATION REGULATIONS EFFECTIVE FROM 5 AUGUST 2008

5 August 2008 will be remembered as the darkest day in eighty years of Kenyan aviation. The new Kenya Civil Aviation Regulations (KCARS), perceived as "fundamentally flawed" by air operators, became effective that day. The avalanche of complaints of the aircraft operators, engineers and pilots notwithstanding, KCAA used all tactics at its disposal, transparent or dubious, to implement its vision for regulating flying in this country. At the end of a four year battle between stakeholders and the Authority, KCAA completely sidelined the stakeholders and resorted to deceit to get its way. The highly-touted "consultations with the Stakeholders" turned out to have been a meaningless gimmick as none of the weaknesses and erroneous content in the new regulations that were highlighted by the operators, were remedied.

The KCAA honestly believe that they are "right" in the quest to 'microcontrol' all aspects of aviation, whilst the pilots and operators are sure that the KCAA staff are not au fait with the realities of flying in Kenya. The most frequently heard complaint is that hastily engaged KCAA staff has no idea what some of those devices are that they are ostensibly "regulating". "They confuse parachutes with balloons, micro lights with para-motors, hang-gliders with paragliders, or gyrocopters with helicopters" cries one depressed pilot. "The only international body that seems to be known to them is ICAO, and possibly IATA. Stakeholder organizations like AOPA (Aircraft Owners and Pilots Association) with over a million members in 60 countries, or the Federation Aeronautique Internationale (FAI) (120 countries) are totally unknown at Embakasi." He went on: "All KCAA cares about is pleasing the ICAO by having tough rules that in all other countries apply only to airliners and civil aviation, especially on international flights. KCAA does not understand that 80% of flying in Kenya is done by very light aircraft, using tiny bush strips. Regulations that do not differentiate between airliners and little planes, and between International Airports and bush strips, simply make no sense."

Stakeholders feel so strongly about the fatally flawed Kenya Civil Aviation Regulations that they have gone to court over the issue, seeking injunctive relief. A ruling is expected on 13 August 2008. The Kenya Association of Air Operators (KAAO) has indicated that as of 5 August 2008, commercial flights into small airstrips such as national park airfields will in effect be illegal, because the new rules demand that such airfields are manned by adequate staff, and pilots have weather reports in hand before departing from them. Other KCARS will make compliance and legal flying in Kenya, Tanzania and Uganda so difficult that most sane people will just give up and not bother to go into aviation. "Only large charter companies and airlines will have the patience, money and staff to meet all these new requirements. Single aircraft operators, sport flyers and private pilots will either quit flying or go "underground". "There is no way that KCAA will have the capacity to manage the 'bureaucratic monster' it has created. "That is, in a nutshell, the problem. It will cost us over \$ 2.2 Million to comply with the new requirements", states a prominent boss of a Kenyan charter firm (Name withheld). One pilot who recently wanted to import an Australian "Light Sport Aircraft" into Kenya also had a strong opinion: "It has always been a test of patience to import any aircraft into Kenya, because KCAA Airworthiness staff always made a meal out of approving new types by purporting to know more about the aircraft than its manufacturer. But now it will be more than just a frustrating experience. It will be a nightmare as these guys throw their weight around under their new rules."

For the last three years, air operators had objected to the Draft proposals, pointing out that they will lead to bureaucratic "Gridlock". In their desperate quest to appease the aircraft operators and to have in place some form of Regulations before the ICAO Safety And Security Audit that is being undertaken at present, KCAA agreed to a few compromises with the operators. This "agreement" was, however, simply ignored by KCAA, although the PS and Minister of Transport had consented to it. "KCAA simply lied" stated one operator who witnessed the 'deal'. This fact has led to a complete breach of trust between the KCAA and the Operators, and one now has to ask how the KCAA intends to regulate aviation without the co-operation of the pilots and air operators. It is obvious that the entire "consultation exercise" was just a smoke screen to appease operators so as to meet the ICAO deadline.

The bottom line is that KCAA paid a very high price for "getting its way". One despondent air operator put it

this way: "It will take a long time before the air operators and pilots will again trust that organization or even sit down at the same table with them at another 'propaganda meeting'. Air operators and pilots will certainly be more careful now, before they enter into "agreements" with KCAA. Meanwhile, the KCAA sub-committee that is selecting a replacement for Director-General Chris Kuto, who is retiring in October, has been overwhelmed by over 40 applications. These have recently been short-listed to about ten. Many stakeholders are hopeful that someone with top notch business administration experience but also a background in flying aircraft in Kenya, will get the job.

Watch this space.

ACEA AIRFIELD MANUAL ON TRACK

The Aero Club's Airfield Manual for East Africa, contained in the Club's web site www.aeroclubea.net, is ballooning. Over 50 airfields have already been uploaded, and more are coming daily. The intent is for pilots to enter data about the airfields into the web site, including runway features, GPS position, any unusual characteristics and hazards, as well as photographs. Pilots are urged to help in uploading airfield information onto the site on a regular basis, whether a first time entry or simply an update. So, on your next flight, please take down any data of the aerodrome of destination and upload it to the Airfield Site. Also, please carry a camera on board and take the shots. A prize of KShs. 10,000 will be awarded at the Club's Christmas Raffle to the most prolific contributor to the Airfield Manual and another Shs. 10,000 will go to the photographer of the most informative "Airfield Photo of the Year".

Owners and operators of private airfields are also urged to participate and upload details of their strips.

KCAA GETS SECURITY REGULATIONS GAZETTED, WITHOUT INCORPORATING "AGREED POSITIONS"

In another surprise move, the KCAA 'sneaked in' the new "Aviation Security Regulations" that form part of the Kenya Civil Aviation Regulations (KCARS). In an obscure Gazette Notice on 4 July 2008, the public was informed that the new Regulations are now law.

KCAA had asked stakeholders to comment on the proposed regulations last year, and the Aero Club and the KAAO made prolific suggestions. The proposed regulations addressed 'security' in aircraft and airfields. Again, the KCAA drafters of the Regulations used the "one size fits all" approach and came up with rules that apply to International Airports like JKIA, in the same way as they applied to the smallest 'bush strip'.

In a meeting with KCAA staff in April, the stakeholders pointed out their concerns, asking who would establish "Security Committees" at small airstrips, private farm strips, etc. They pointed out that it is simply not practical to introduce Security Manuals, Police Staff, Fences and other requirements at tiny remote airstrips that might have one or two movements in a month. The costs would outweigh the benefits, and in any case, small airstrips are simply not a security threat. They pointed out that aircraft, contrary to the belief of KCAA staff, do not actually need an airstrip on which to land or take off. Aircraft can do that on any flat ground, roads or beaches.

It is also not clear which organization now has 'oversight' rights on "Aviation Security" in Kenya. KAA has certainly appeared to be the agency overlooking security at Kenya's airports and airfields in the past, but the KCAA now seems to have been granted that role under the new KCARS. No doubt, this will lead to additional fees and charges as KCAA struggles to engage security staff to enforce all its new security rules. KCAA Inspectors intend to 'inspect' all 600 + airfields in Kenya, and plough through the Security Manuals now mandatory for all airstrips.

At the April meeting the KCAA staff agreed to the suggestions of the air operators and a "joint position" was derived with the promise that the stakeholders comments would be incorporated. After a check of the latest gazetted document however, it turned out that KCAA had again broken its promise and forged ahead with its own vision of 'security' at Kenyan airports, without incorporating the "joint Position" that was hammered out between KCAA and the Stakeholders. It will be very interesting to see how KCAA will try to "enforce" the new Security Regulations at the more than 600 aerodromes, especially in remote areas like Northern Kenya, Pokot, Turkana district, etc. Certainly, some "capacity building" will be necessary within KCAA as the Authority is not known for its transport mobility to bring inspectors to places in the northern deserts for the annual inspections that will now be law. Also, it is doubtful that KCAA even knows the location of most of the airstrips that it is to scrutinize. Moreover, it is not clear what the Government of Kenya will do to ensure security compliance at its own 200 airstrips, including KAA airports, KWS strips, municipal airfields, village strips, etc. Villages like Ileret, North Horr, Kalama, Kargi, Turbi, and hundreds of others that have small airstrips and serve the community for sporadic MEDEVACs, visits by politicians, NGO supplies,

etc. will now have to find funding to pay for staff, windsocks, fences, graders, committees, etc.

Aero-News is published as a service to Members of the Aero Club of East Africa, to keep them informed about aviation in East Africa. Contributions are welcome. If you have some comments or suggestions, do not wish to receive this newsletter, or if you want to be added to the mailing list, please send a message to Harro V. Trempenau, Chairman, Aero Club of East Africa, harro@trumpetnose.com

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