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KENYA CIVIL AVIATION REGULATIONS EFFECTIVE FROM 1 MAY 2008

After three years of wrangling with the Kenyan aircraft operators, the Kenya Civil Aviation Authority has succeeded in pushing through its proposed revision of the Air Navigation Act. The new Kenya Civil Aviation Regulations will become effective on 1 May 2008. They will replace the formerly applicable air law known as Cap. 394, that served the country so well for decades. Cap. 394 controlled all aspects of aviation with 270 pages of well-thought – out rules and regulations. It will be replaced by some 1400 + pages of new convoluted rules, definitions and a myriad of prescriptive laws.

For the last three years, air operators had objected to the Draft proposals, pointing out that they will lead to a bureaucratic nightmare. 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 beginning in June 2008, the KCAA Regulators recently agreed to make a few changes to the Regulations that were most adamantly criticized by the operators. This is a far cry from abolishing the Regulations in their entirety and starting from scratch, as requested by the air Operators in 2006. It was finally agreed at a meeting on 19th March 2008 between the KCAA, the Permanent Secretary and the representatives of the operators, that the Minister will provide blanket exemptions to some of the most offensive regulations that irk the owners and pilots. It remains to be seen whether the entire “consultation exercise” was just a smoke screen to appease operators so as to meet the ICAO deadline or whether the Ministry of Transport has a genuine desire to encourage aviation with a user-friendly aviation environment, as claimed by the Permanent Secretary. Many operators, especially those in General and Sport Aviation, are not optimistic and fear that the right of Kenyans to fly is being sacrificed for the ICAO and East African Community. The highly-touted but forever elusive EAC drove the quest for the new Regulations.

WILSON CONGESTION STILL NOT RESOLVED

Despite the promising meetings between aircraft operators and the Kenya Airports Authority in January to resolve the crisis at Wilson Airport about the mandate that ALL AIRCRAFT must taxi to the Terminal for a physical inspection by Police, so far nothing has changed. The KAA Deputy Managing Director had promised that the issue would be resolved “within six weeks” and the suggestions by air operators will be implemented. Fortunately (!), aircraft movements at Wilson Airport are at an all-time low, due to the recent collapse of the Kenyan tourist industry. “Congestion” at the airport’s “Terminal” is therefore no longer an issue, at least not for the time being. It is a mystery to most aircraft operators and passengers what the taxiing to the Terminal for an inspection is supposed to achieve, which Government department initiated it, and how it can be abolished. Wilson is the only airport in the world where this practice is in place and Kenya is being ridiculed in international aviation circles about its paranoia. At the moment it seems that unknown officials want to keep the mandate in place, for reasons only known to themselves and regardless of the vast cost in terms of safety and money. It remains to be seen whether or not the “Taxiing to Customs” requirement will pass the ICAO Safety Audit of Kenyan Aviation in June. Operators vowed to make ICAO aware of this unsafe practice. Meanwhile, the Kenya Airports Authority has called a Stakeholders’ meeting for 15 April 2008 at 1500 hours at the KAA Social Hall at Wilson Airport (Near Wilson Airport Police Station) to present its proposals for ‘decongesting’ Wilson. It will be interesting to see if the Taxiing to Customs rule will finally be put where it belongs – in the bin. All aircraft operators and pilots are urged to attend, to voice their opinion about the present situation.

BOTTLENECKS FRUSTRATE USERS OF AVIATION FUEL

Many will remember the frustrations over the Christmas period, when supplies of JET A-1 fuel suddenly dried up at Wilson Airport and the busy operators had to fly to Jomo Kenyatta Airport to fill up. At a meeting with the fuel suppliers, the Kenya Revenue Authority and the air operators at the Aero Club on 19th March, the reasons for the blockage became clear. The KRA admitted that, although Jet A-1 is tax and duty free, they have to micro-control its movement so as to prevent it from being sold as household kerosene by unscrupulous intermediaries. KRA therefore watches and keeps records as each truck that is to supply fuel to Wilson Airport is loaded. Unfortunately, KRA officials only work on week-days. This means that no fuel deliveries can be made on Sundays and holidays, a problem that was exacerbated over the Christmas period when not only the week-end and the Christmas Days were upon us, but the Government also gazetted other holidays. The fuel operators admitted that they can only store a 4 day supply in their tanks at Wilson.

Operators suggested to KRA that to resolve the bottleneck, they could perhaps induce some employees to work on week-ends and holidays, like other people, to keep Kenyan aircraft flying.

AVGAS BACK IN KENYA

Operators of aircraft with combustion engines found themselves grounded in January and February, when AVGAS supplies ran out in Kenya. So far, no satisfactory explanation has been given for the shortage by the importer, Kenya Shell Limited. The stuff ran out on 4 January and was back in the bowsers at the end of February. Some AVGAS was still obtainable through one supplier, but only in pre-packed drums. Fuel in drums costs about 25% more than fuel from a tanker truck. Not surprisingly, the 'drum option' is not popular with aircraft owners.

KRA STILL COLLECTS AIR NAVIGATION FEES FOR KCAA

Although in 2005 the Kenya Civil Aviation Authority has been "autonomous" and de-coupled from the Government, it is still not in control of its revenue. Collection of revenue remains with the Kenya Revenue Authority. The collectors generally do not sit in the same place where the KCAA Flight Planning facility is located. So, the filing of a Flight Plan is not a one – stop- shop, and this is very time-consuming, mainly for Private aircraft operators who have no staff to do these tasks. Many pilots now avoid flights to Mombasa, due to the red tape and inconvenience encountered in battling with inane KRA red tape in order to get a receipt proving payment of seventeen dollars.

AIRFIELDS POLICY ANNOUNCED

At a meeting with Air Operators on 19 March 2008, Permanent Secretary in the Ministry of Transport, Gerrishon Ikiare informed stakeholders that all airports in Kenya, whether Government-owned or private, would be brought up to international standards, so as to make Kenya the leader in aviation in Africa. This was in response to a question whether the new Kenya Civil Aviation Regulations would also apply to Government agencies like the Municipalities and Kenya Wildlife Service who operate most of the formal aerodromes in this country. The PS pointed to the recent KAA-driven airfield upgrading programme through which a number of municipal aerodromes have been improved. These include Mtito Andei, South Horr, Makindu, Voi Town, etc. The KWS has already improved many of its airstrips under its own initiative.

AIRFIELD MANUAL UNVEILED

The Aero Club has unveiled its web-based Airfield Manual for East Africa. After months of developing the software, the Manual is now ready to be "loaded" by pilots who should post up-to-date information about aerodromes in Kenya, Uganda and Tanzania. 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. The data site can be accessed through the Aero Club of East Africa web site www.aeroclubea.net under the Airfields Manual pop-up window. Pilots are now 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. This includes lodges, farms, town councils, missions and the KWS. The Motto is: The better the information we have about a strip, the safer it will be to land or take off from there.

There are over 600 airfields in Kenya, some 60 in Uganda, and about 200 + in Tanzania. The target is to have 80% of all airstrips shown in the Manual by end-2008. The availability of up-to-date data about an airfield can be vital, not only to beginners but also to the pros. Please assist the Club to maintain this worthwhile service. It is free to all, whether member or not.

ONLY AND KIJIPWA APPROVED FOR PARACHUTING

The KCAA has recently approved a request by the "Kenya Skydivers Club", the parachuting wing of the Aero Club of East Africa, to conduct skydiving at Orly Airfield near Nairobi, and Kijipwa Airport near Mombasa. Activities will take place mainly on week-ends. Pilots operating near those airfields are urged to be alert and keep a listening watch about any parachuting activities. All para-drops are approved by Nairobi Radar or Mombasa Approach and pilots will announce imminent drops on the appropriate frequencies. At Kijipwa, pilots flying between Malindi or Lamu to/from Mombasa are especially urged to watch out.

KENYA BUREAU OF STANDARDS EYES LUCRATIVE AVIATION IMPORTS

In another turn of the revenue screw, another Government agency has found a lucrative source of income through aviation. In a recent Gazette Notice, the Government announced that the Kenya Bureau of Standards will henceforth have to "inspect and approve" all imports of aircraft spare parts. What KBS knows about aircraft spares that the manufacturer does not know was not made clear. What is more worrying, aside from this being just another unnecessary bureaucratic obstacle, is the fact that for its unsolicited "expert opinion" the KBS will charge 15% of the value of the product. The Kenya Association of Air Operators has taken up this issue and is contemplating injunctive relief through the Court system.

DERELICT AIRCRAFT AUCTIONED

For many years, aircraft operators have complained about the preponderance of derelict or incapacitated airplanes that lie around in various state of disrepair at Wilson. Especially tourists found the sight of these wrecks somewhat ominous. Aerial photographs (Google Earth) reveal that some 200 aircraft are visible at Wilson, but at least 23-30% of these are actually inoperable. Many of these aircraft are actually in reasonable condition, but they were abandoned because the accumulated parking fees far exceed their market value. Others have been looted over time, as a source of spares for aircraft undergoing repairs. The KAA has finally acted on this eyesore and recently auctioned off the wrecks. The highest bidder is removing the planes soon and is also soliciting offers from AMO's for any items that can be salvaged or cannibalized.

ICAO AUDIT

2008 is ICAO Audit year for Kenya. That means that over the next few months, ICAO inspectors will swarm into Kenya's aviation authorities to assess the state of the aviation sector. At issue are the regulatory framework, staff qualifications and competence, safety, security, etc. The Government and the tourist industry have an interest in ensuring that ICAO standards are met, so that international airlines can continue to operate to/from Kenya. ICAO is less interested in small commercial operations that operate locally, flying aircraft of less than 5700 kg AUW, and it is completely disinterested in the minor aviation disciplines such as private aviation or microlights and gyrocopters. Nevertheless, the ICAO inspectors will look at the overall aviation environment. That is, unfortunately, how the aviation activities that are at the "sub-ICAO level" get tarred with the same brush. In their quest to please the ICAO (and the other foreign agencies such as FAA and EASA) the regulators find it easiest to use the "one size fits all" approach. The strategy is to put in as many hurdles, rules and obstacles as possible, hoping that ICAO will be pleased. That is actually not the case. Virtually all international Regulators (ICAO, FAA, EASA, CAA in UK, etc.) have instituted policies to a) "reduce bureaucracy, because bureaucracy costs money", and b) "tailor the severity of rules to the risk". The question is, when will Kenya realize these revelations?

FAA in the USA actually runs a reward scheme in which useless, unnecessary or redundant bureaucratic rules can be pointed out to the FAA. If FAA agrees and accepts the tip, the tipster is given a monetary reward. FAA clearly understands that the enforcement of rules costs money in terms of paperwork and inspectors. Any savings are thus welcome. KCAA could perhaps learn something here, but alas, it's probably too early for that. KCAA is at the beginning of the learning curve as it has only just published its 1400 page rule book and will soon learn what it costs to micro-control everything.

NAVEX PLANNED FOR JUNE

The Aero Club is planning to host its annual air rally or "NAVEX" on the week-end of 13-15 June. The purpose of the event is for a crew (pilot and navigator) to fly their aircraft along a route, on track (within 250 meters) and on time (to the second). Crews are given a map and co-ordinates of turning points to guide them. GPS or other navigation devices are not permitted on board. Marshalls will be placed in secret locations of the route to detect timings and any violations of the rules.

The rally will kick off from Orly Airport at 11 o'clock on 13 June, ending the day at a lodge near Tsavo. En route, crews will be given other tasks to perform. The organizers have not unveiled what these might entail. Each aircraft will also be subjected to a "fuel problem" whereby the crews must predict before-hand what their fuel consumption will be for each leg.

On 14 June crews will have a rest day on which they can give aviation demonstrations at the lodge. This may include spot landing competitions, balloon bursting, streamer cutting, etc. Model aircraft demos and skydiving displays will also form part of this 'mini-air show'. On 15 June, crews will fly the return leg of the rally, again back to Orly.

The entry fee is Kshs. 10,000 and awards will be given. This promises to be a fun week-end and all pilots, including beginners and pros, are urged to participate. For further information or registration, please contact Captains Eric Boullay, Chris Hardisty or Ashif Lalani. Please indicate crew, aircraft, and desired average speed range (within + or - 5 knots) for purposes of seeding.

DOMINICAN REPUBLIC ABOLISHES ALL AVIATION FEES AND CHARGES

No. This is not a belated April Fool's joke. As part of an effort to promote aviation tourism in the country, the Government of Dominican Republic has announced at the ongoing Sun 'n Fun aviation convention in Florida that it has abolished all parking, landing and navigation fees for aircraft weighing less than 2000 kilograms. The authorities have found that the income from these fees is paltry in comparison to the benefits derived by the overall economy from aircraft owners and their passengers flying around in the country. "The more they fly the more they spend on hotels, restaurants and car hire" stated the Minister for Tourism. The Kenyan Government was not represented at this fly-in convention and, at press time, the KCAA or KAA have not made similar offers.

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