

WALA PANEL



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ARGENTINA**

Airport Law & Africa - Doing Business as an Airport Authority in Africa: The inside track



Outline

- Background of Kenya Airports Authority (KAA) and its Flagship Airport- Jomo Kenyatta International Airport (JKIA)
- Sources of Constraints for Airports Region
- Slot Regulation
- Airport Law -vs- Airline Law - Kenyan Perspective
- Challenges facing Airport Lawyers in Kenya

Background of Kenya Airports Authority & Flagship Airport- Jomo Kenyatta International Airport (JKIA)



- KAA was established in 1991 through by an Act of Parliament, Chapter 395 of the Laws of Kenya;
- The Authority provides infrastructure, facilities and services for civil aviation in Kenya. A sister organization (Kenya Civil Aviation Authority, KCAA, established under Civil Aviation Act, Cap. 394) is in place to exercise regulatory functions;
- KAA manages 10 airports
- Among them is the JKIA a flagship facility established in 1978
- JKIA has 4 passenger terminal units:
 - Terminal 1A, 1B and 1C serve international travelers
 - Terminal 1D serves domestic travelers;
- JKIA is the main gateway in the East & Central Africa region
- Serves over 30 scheduled airlines;
- Accounts for 75% of national aviation traffic busiest airport in Africa with respect to passenger (8th) and cargo traffic (3rd).

JKIA: Aerial View- Pre Fire Incident



JKIA Fire on 7th August 2013



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JKIA Fire Cont'd – Arrivals Building



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JKIA Fire Cont'd – Gates 6 - 14



Recovery from JKIA Fire



- 7th August, 2013 at 4.55am fire reported at the arrival building of JKIA;
- Airport operations disrupted; fire fighting commenced
- Airport closed at 7.32 am
- Departure flights cancelled
- Arrival flights diverted to local and regional airports.
- Fire brought under control at 10 am;
- No major casualties reported ; and
- Passenger handling capacity compromised.
- Operations resumed within 6 hours of the fire being brought under control – Domestic from 4 pm and International from 10 pm.

Restoration of Operations



- Domestic Terminal - Unit 3 converted into International & Departure & Arrival Unit;
- Tents erected on the apron as holding facilities for passenger services and baggage claim area;
- Presidential Pavilion's space and Parking Garage converted into an arrivals terminal for Kenya Airways and Sky Teams flights;
- Domestic Flight services relocated to the Cargo terminal
- Busing services between new international and domestic facilities.

cont'd...

Restoration of Operations- Legal Perspective



- Committees put in place to implement various service chain tasks in compliance with Public Procurement procedure - Direct Procurement done within the realm of the incumbent legal framework;
- Recovery road map rolled out involving:
 - Conversion of car park into a temporary arrivals building
 - Fast tracking terminal 1A;
 - Rehabilitation of various gates at Terminal 1B and Terminal IC;
 - Procurement of temporary terminal;
- Procurement of requisite goods and services including funding, equipment and consultancy services.

Tents on the Apron – Post Fire Incident



Domestic Terminal at Cargo - Post Fire Incident



Restored Gate 6 – 14 : Post Fire Incident



International Arrival – Parking Garage



International Arrivals - Parking Garage – Baggage Carousels

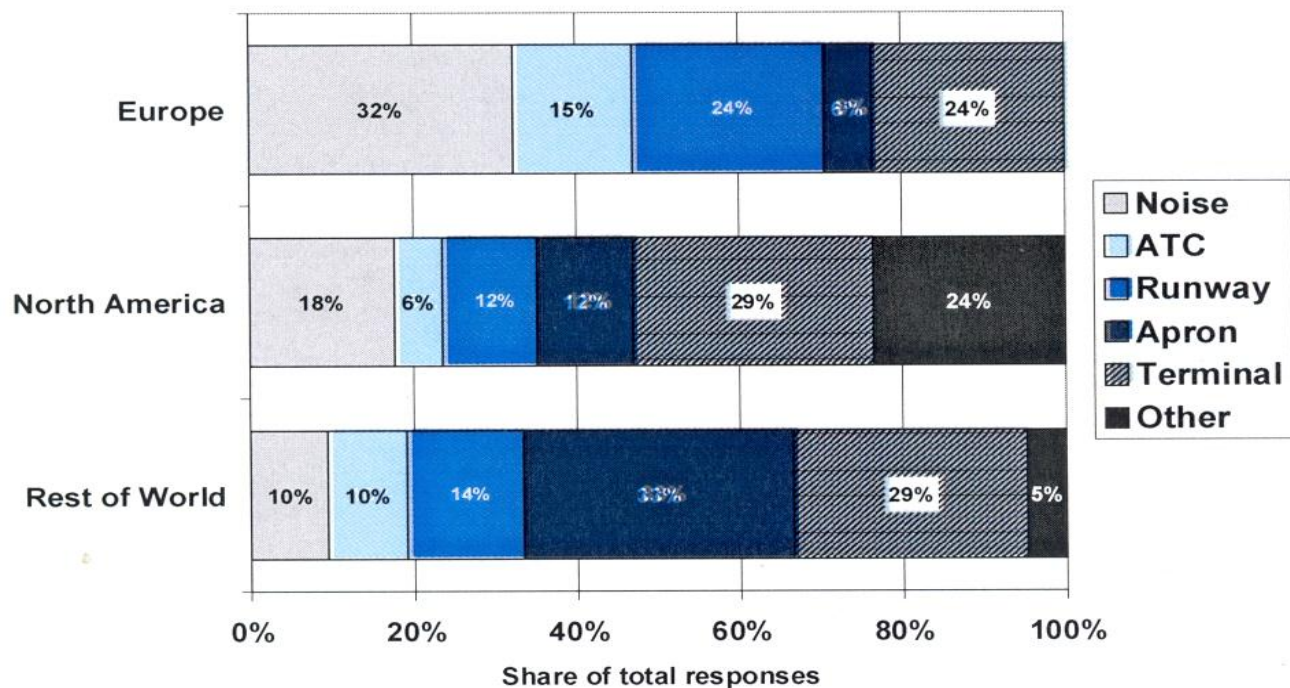


Sources of Constraints for Airports Region

(Source: ACI Traffic Forecasting Manual, 2011)



Sources of Constraints for Airports Region



Constraints for JKIA: Ongoing Developments



- ❑ Terminal – Ongoing process for Temporary Terminal (for 2.5m passenger capacity); and Greenfield Terminal (for 30m passenger capacity);
- ❑ Runway – Ongoing 2nd Runway project is at detailed design stage;
- ❑ Parking – Remote parking slots (12 in number) are about to be completed. Additional slots to be developed with Greenfield Terminal.

Slot Regulation - JKIA



- No tight slot regulation in place;
- Kenya Airways (base carrier) slot selection influenced by the next destination of aircraft for ease of logistics;
- Flights from India with sick patients are allocated bays next to air-bridges for logistical reasons;
- Other airlines are allocated parking bays based on their respective flight plans;
- Regulated slot may not take root soon due to overlapping flight schedules and plans.

Airport Law -vs- Airline Law: Kenya's Case



- KAA and KCAA are formed via legal framework - Cap. 395 (KAA Act) and Cap. 394 (Civil Aviation Act) to oversee operations and regulations respectively;
- No significant distinction between Airport and Airline law in Kenya as ICAO provides the general framework - both subscribe to requirements of safety, security, facilitations among other aspects under ICAO framework for the general good of the public;
- KCAA Act was amended in 2012 to address oversight gaps on safety and security enforcement.

Airport Law -vs- Airline: Kenya's Case



- Airlines operate within the general guidelines of KCAA on matters of safety and security;
- KAA Act & Civil Aviation Act - scheduled for amendment to reinforce governance requirements brought about by the Constitution of Kenya 2010;
- Competition law is currently under discussion within EAC framework for the anticipated unified upper airspace (24500 ft above sea level).

Challenges facing Airport Lawyers in Kenya



- **Inadequate industry knowledge and application of airport law** found in the legal instruments incorporating the agencies handling airport services in Kenya: Private legal practitioners tend to rely primarily on general commercial laws and practices;
- **Law Reform Processes Delay:** Lengthy processes in reviewing outdated Laws and Regulations in view of need for - (i) Compliance with Public Procurement Procedure; (ii) Stakeholder engagement; (iii) Public participation;
- **Legal Compliance:** Tendency by Airport Users to short circuit compliance with the law for convenience.

Challenges facing Airport Lawyers – cont'd



Note:

- The aforesaid legal challenges in Kenya which similarly relate to other African airports are likely to be handled by airport authorities with varying degrees of management but fully in compliance with ICAO regulations & guidelines.

End of the Presentation



Thanks for Your Attention and Time

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