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**United States of America
and
Kenya**

Air Transport Agreement between the Government of the United States of America and the Government of the Republic of Kenya (with annex). Washington, 18 June 2008

Entry into force: *18 June 2008 by signature, in accordance with article 17*

Authentic text: *English*

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**États-Unis d'Amérique
et
Kenya**

Accord relatif au transport aérien entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Kenya (avec annexe). Washington, 18 juin 2008

Entrée en vigueur : *18 juin 2008 par signature, conformément à l'article 17*

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[ENGLISH TEXT – TEXTE ANGLAIS]

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

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

Desiring to promote an international aviation system based on competition among airlines in the marketplace with minimum government interference and regulation;

Desiring to make it possible for airlines to offer the traveling and shipping public a variety of service options, and wishing to encourage individual airlines to develop and implement innovative and competitive prices;

Desiring to facilitate the expansion of international air transport opportunities;

Desiring to ensure the highest degree of safety and security in international air transport and reaffirming their grave concern about acts or threats against the security of aircraft, which jeopardize the safety of persons or property, adversely affect the operation of air transportation, and undermine public confidence in the safety of civil aviation; and

Being Parties to the Convention on International Civil Aviation, done at Chicago December 7, 1944;

Have agreed as follows:

Article 1

Definitions

For the purposes of this Agreement, unless otherwise stated, the term:

1. "Aeronautical authorities" means, in the case of the United States, the Department of Transportation and, in the case of Kenya, the Ministry of Transport and the Kenya Civil Aviation Authority, and any person or agency authorized to perform functions exercised by the Department of Transportation, Ministry of Transport, or Kenya Civil Aviation Authority;
2. "Agreement" means this Agreement and any annexes and amendments thereto;
3. "Air transportation" means the public carriage by aircraft of passengers, baggage, cargo, and mail, separately or in combination, scheduled or charter, for remuneration or hire;
4. "Airline of a Party" means an airline that is licensed by and has its principal place of business in the territory of that Party;
5. "Convention" means the Convention on International Civil Aviation, done at Chicago December 7, 1944, and includes:
 - a. any amendment that has entered into force under Article 94(a) of the Convention and has been ratified by both Parties, and
 - b. any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such Annex or amendment is at any given time effective for both Parties;
6. "Full cost" means the cost of providing service plus a reasonable charge for administrative overhead;
7. "International air transportation" means air transportation that passes through the airspace over the territory of more than one State;

8. "Price" means any fare, rate, or charge for the carriage of passengers, baggage, or cargo (excluding mail) in air transportation, including surface transportation in connection with international air transportation, charged by airlines, including their agents, and the conditions governing the availability of such fare, rate, or charge;
9. "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, baggage, cargo, or mail in air transportation;
10. "Territory" means the land areas, internal waters, and territorial sea under the sovereignty of a Party; and
11. "User charge" means a charge imposed on airlines for the provision of airport, airport environmental, air navigation, or aviation security facilities or services including related services and facilities.

Article 2

Grant of Rights

1. Each Party grants to the other Party the following rights for the conduct of international air transportation by the airlines of the other Party:
 - (a) the right to fly across its territory without landing;
 - (b) the right to make stops in its territory for non-traffic purposes;
 - (c) the right to perform international air transportation between points on the following routes:
 - (i) for airlines of the United States, from points behind the United States via the United States and intermediate points to any point or points in Kenya and beyond;
 - (ii) for airlines of Kenya, from points behind Kenya via Kenya and intermediate points to any point or points in the United States and beyond; and
 - (d) the rights otherwise specified in this Agreement.

2. Each airline of a Party may, on any or all flights and at its option:
- a. operate flights in either or both directions;
 - b. combine different flight numbers within one aircraft operation;
 - c. serve behind, intermediate, and beyond points and points in the territories of the Parties in any combination and in any order;
 - d. omit stops at any point or points;
 - e. transfer traffic from any of its aircraft to any of its other aircraft at any point;
 - f. serve points behind any point in its territory with or without change of aircraft or flight number and hold out and advertise such services to the public as through services;
 - g. make stopovers at any points whether within or outside the territory of either Party;
 - h. carry transit traffic through the other Party's territory; and
 - i. combine traffic on the same aircraft regardless of where such traffic originates;

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

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