

### Agreed Minutes

1. From June 7th to June 9th, 1978 a Kenyan delegation and a joint Scandinavian delegation have held negotiations in Oslo regarding the conclusion of three air transport agreements between Kenya and Norway/Sweden/Denmark respectively.

As regards the composition of the delegations reference is made to enclosure 1.

2. The negotiations have resulted in the initialling of the enclosed three draft air transport agreements (enclosure 2)

3. As regards the annexes of the agreements the Scandinavian side has requested that the points to be offered SAS should be at least those actually operated on the two weekly services (i.e. Copenhagen - Vienna - Nairobi - Johannesburg v.v. and Copenhagen - Zürich - Nairobi v.v.), and that it would be desirable to have these points supplemented with additional ones with full 5th freedom rights or on a blind sector basis. The following points were mentioned: Athens, points in Germany, Istanbul, Beirut, Jeddah, Adis Abeba, Khartoum, Nicosia, Cairo, Entebbe, Dar es Salaam, Seychelles, Maputo, Kilimanjaro and Tananarive.

The Kenyan side requested that the following points be included in the Kenyan part of the annex: Nairobi and Copenhagen/Oslo/Stockholm respectively. As regards intermediate points and points beyond: Rome (with full traffic rights), Zürich, Frankfurt and Helsinki (without traffic rights). The Scandinavian side stated that they would have no objection to the Kenyan route as requested. However the Kenyan side stated that in order to maintain parity in accordance with the principles of Article 8 in the draft Agreement they would be prepared to offer the following route in exchange for the route granted

by the Scandinavian side: Copenhagen/Oslo/Stockholm and Nairobi respectively. As regards intermediate points and points beyond: Vienna (with full traffic rights), Zürich, Istanbul, Beirut and Nicosia (without traffic rights), Johannesburg (with full traffic rights subject to a royalty of 20% of the gross revenue). As regards other 5th-freedom points the Kenyan side stated that it would be willing to examine them in the context of the whole packet<sup>age</sup>.

Both sides agreed on a frequency of two per week for each carrier.

As to the contents of the annexes no final agreement has been achieved during these negotiations.

4. Both sides agreed that the article of the agreements dealing with capacity of the agreed services should be further elaborated on in a confidential memorandum of understanding, as the Kenyan side had requested that the principles of paras 4,5 and 6 of Article 8 in the Kenyan draft agreement be reflected in a confidential memorandum of understanding.

5. The Kenyan side stated that it is their intention to introduce a new regime regarding bilateral air transport arrangements by November 1st, 1978.

Both sides expressed their commitment to solve the outstanding issues before that date.

Done in Oslo, June 9th, 1978

For the Scandinavian  
delegation

*Reginald Ntley*

For the Kenyan  
delegation

*[Signature]*

AGREED MINUTES

1. Delegations representing the Government of Kenya and the Governments of Denmark, Norway and Sweden met in Nairobi on 23rd to 26th March, 1982 to review the Confidential Memorandum of Understanding signed in Nairobi on 23rd November, 1978.
2. Lists of the two delegations are annexed.
3. The consultations took place in a cordial and friendly atmosphere consistent with the normally prevailing good relations between Kenya and Scandinavian countries.
4. In accordance with paragraph 4.4.2 of the Confidential Memorandum of Understanding referred to above, the two delegations reviewed the 5th Freedom Traffic Rights enjoyed by Scandinavian Airlines System. Having regard to the provisions of Article 8 of the Bilateral Air Service Agreements between Kenya and the three Scandinavian countries and paragraph 4.4.1 (a) (i) and 4.4.2 of the Confidential Memorandum of Understanding signed in Nairobi on 23rd November, 1978, both delegations agreed that 5th Freedom Traffic Rights granted to Scandinavian Airlines System on the sectors Zurich/Nairobi/Zurich and Vienna/Nairobi/Vienna would continue to be exercised by the designated airline of Scandinavia on condition that an equitable commercial agreement is concluded between the two designated carriers that compensates Kenya Airways for the continued exploitation by Scandinavian Airlines System of the said 5th Freedom Traffic Rights. In the event that the two designated carriers are unable to reach an agreement by 15th May, 1982, the aeronautical authorities shall meet before 15th August, 1982 in order to try to resolve the problem failing which each party reserves the right to invoke the provisions of Article 21 of the Bilateral Air Services Agreements concluded between the Government of Kenya and the Governments of Denmark, Norway and Sweden.

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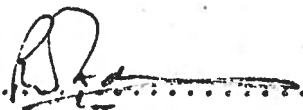
M.I.O.A.A.19

(2) Nr. 111/300-10-K-4

R.D.


Done in Nairobi this 26th day of March, 1982:

For the Kenya Delegation

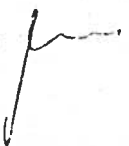
  
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RICHARD O. ADERO

For the Delegation of the  
Scandinavian Countries.

  
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M. ULVATNE





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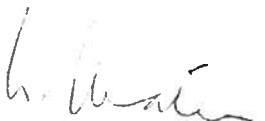
1. In accordance with Article 16 of the Air Services Agreements signed by Kenya and the Scandinavian countries on May 17, 1979, delegations representing the Republic of Kenya and the Kingdoms of Norway, Denmark and Sweden held consultations in Stockholm on February 18 and 19, 1987.
2. The list of the two delegations is attached hereto as Annex I.
3. The two delegations discussed the Scandinavian request for inclusion in the route schedule of Dar es Salaam as a point beyond and without traffic rights on the sector Nairobi/Dar es Salaam. In the Scandinavian view, this was the only basis for resuming operations between Scandinavia and Kenya.

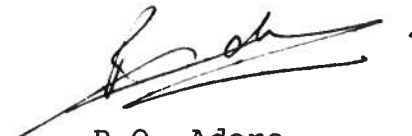
The Kenyan delegation supported the view that Scandinavian Airlines should resume its operations to Nairobi. It expressed the view that both parties should ensure that a suitable environment is created for the viable operations of the two designated carriers for the mutual benefit of both parties.

4. The two delegations agreed to adjourn the meeting <sup>RR.</sup>  
~~in order to consider further~~ and resume consultations  
in Nairobi in the week beginning March 30, 1987,  
with the firm aim of finalizing the matter. In the  
meantime the two designated carriers should meet  
to discuss the modalities for the operation of a  
route Copenhagen-Nairobi-Dar es Salaam and to report  
back to their respective authorities by March 15,  
1987.
5. The consultations were held in a cordial and  
friendly atmosphere.

Stockholm, February 19, 1987

For the delegation of                      For the Kenyan  
the Scandinavian countries delegation

  
M. Ulvatne

  
R.O. Adero