



INTERNATIONAL CIVIL AVIATION ORGANIZATION
WESTERN AND CENTRAL AFRICAN OFFICE

First Meeting of Directors General of Civil Aviation

(Abuja, 19-21 march 2002)

Agenda Item 4: Air Transport and Liberalization

2(vi) Liberalization of Air Transport

(Presented by the Secretariat)

<p style="text-align: center;">SUMMARY</p> <p>This paper provides information on the implementation status of the Yamoussoukro Decision of November 1999.</p>
<p style="text-align: center;">References</p> <p>Reports of the 15th and 16th AFCAC Plenary Sessions Yamoussoukro Decision (Yamoussoukro, 9 – 13 November 1999) Report of the 1st meeting of the Monitoring Body of Yamoussoukro Decision OAU/ECA Official Gazette No.6 of July 2000 AFCAC Resolution S15-1: Implementation of Yamoussoukro Decision Reports of 4th, 5th and 6th meetings of AFCAC Air Transport Committee</p>

1. INTRODUCTION

1.1 At the continental level, the liberalization of air transport in Africa was formally initiated at the end of the Regional Conference of African Ministers responsible for Civil Aviation held in Yamoussoukro, Côte d'Ivoire from 6 to 7 October 1988 which adopted the **Yamoussoukro Declaration on a new African aeronautical policy.**

1.2 It should be recalled that African Ministers responsible for Civil Aviation held on 9 September 1994 at Grand Baie (Mauritius) a meeting whose purpose was to assess the implementation status of the Yamoussoukro Declaration and take the necessary steps to speed up such an implementation exercise. Due to the limited progress noted, impediments and other problems for which the remedial action taken revealed to be inoperative, the working group established at the request of the 11th Conference of African Ministers of Transport and Communications (Cairo, November 1997), suggested that the 1998 approach be reviewed and a legal framework relating to the gradual liberalization of African Air Transport market assess be adopted.

1.3 It is worth noting that at its 15th Session, in April 1998, the AFCAC Plenary examined and adopted the draft Resolution on the implementation of the Yamoussoukro Declaration to be submitted to the 12th Conference of African Ministers of Transport and Communications scheduled for 2000. Under this resolution :

- a) AFCAC must play a more important role in the Yamoussoukro Declaration implementation;
- b) *Beyond 2000, AFCAC and ECA will jointly be responsible for coordination and follow-up action within the framework of the institutional framework established by the 11th Conference of African Ministers of Transport and Communications;*
- c) *OAU, ADB and AFRAA and any other concerned organizations shall cooperate with AFCAC and ECA for that purpose.*

(The 12th Conference referred to above was postponed several times and should take place in Addis Ababa in 2002).

1.4 At its 4th meeting in March 1999, the Air Transport Committee recalled that problems relating to the Yamoussoukro Declaration implementation dated back to its adoption in 1988 and felt that some States might have experienced difficulties with its content.

1.5 Consequently, bearing in mind the general context of globalization and liberalization of services and in order to develop an appropriate regulatory framework, the Regional Conference of African Ministers responsible for Civil Aviation meeting in Yamoussoukro from 12 to 13 November 1999 adopted the **Decision on the implementation of the Yamoussoukro Declaration concerning the liberalization of African air transport market access.**

2. DECISION ON THE IMPLEMENTATION OF THE YAMOUSSOUKRO DECISION CONCERNING THE LIBERALIZATION OF AFRICAN AIR TRANSPORT MARKET ACCESS

2.1 The above Decision established an agreement between States party to it for a gradual and progressive liberalization of scheduled and non-scheduled intra-African air transport services.

States concerned: 53 States which signed, ratified or adhered to the Abuja Treaty establishing the African Economic Community,

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Comoros, Congo, Côte d'Ivoire, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Lybia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Namibia, Niger, Nigeria, Saharawi Arab Democratic Republic, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe (Missing State: Morocco who could however become party to this Decision).

Deadline date for implementation: 02 years

Structures for implementation

- a) The Air Transport Subcommittee of the OAU Committee on Transport, Communications and Tourism, to monitor inter alia, the implementation of the Decision (pursuant to subparagraph 4 of Article 25 of Abuja Treaty);
- b) The Coordinating and Monitoring Committee with as members ECA, OAU, AFCAC and AFRAA assisted by subregional economic organizations ;
- c) ECA shall act as Secretary to the Committee.

2.2 It is important to note the following :

- a) The Yamoussoukro Decision entered into force on 12 August 2000, or 30 days after the signing of the decision which endorsed it by the current Chairman of the Assembly of Heads of State and Government of the 36th Ordinary Session of OAU/4th ECA Ordinary Session in Lomé, Togo on 12 July 2000; this was published in the OAU/ECA Official Gazette No. 6 of July 2000.
- b) Each State party to the Decision may obtain an exemption for a maximum period of 02 years.
- c) The first meeting of the Monitoring Body of Yamoussoukro Decision was held in Addis Ababa from 13 to 14 November 2000.

3. ACTIVITIES BY THE MONITORING BODY OF YAMOUSSOUKRO DECISION

3.1 As indicated above, the monitoring body held its first meeting in Addis Ababa from 13 to 14 November 2000. This meeting agreed on items and actions as follows:

3.1.1 Monitoring body functions and responsibilities (Annex 3)

3.1.1.1 The location of the seat of the aforementioned body is within the ECA, which shall act as Secretary.

3.1.1.2 The terms of reference were developed

3.1.1.3 The officers are as follows:

- Chairman: OAU
- Secretary: ECA

- 1st Rapporteur: AFCAC
- 2nd Rapporteur: IGAD

- 3.1.2 The Decision missing Annexes were adopted, i.e. Annex 1a, Annex 1b, Annex 1c, Annex 2 and Annex 3.
- 3.1.3 The implementation plan and programme for implementation which will include the actions by all the stakeholders were examined.
- 3.1.4 Each organization should finance its participation in monitoring body meetings, whereas other activities would be funded by external resources.
- 3.1.5 The second meeting of the Monitoring Body will be held at the AFCAC Secretariat in Dakar from 15 to 18 January 2002.

4. IMPLEMENTATION BY SUBREGIONAL ORGANIZATIONS

4.1 The implementation of the Yamoussoukro Decision calls for States party to the Decision regular coordination and strong harmonization of regulations in the fields of aircraft technical operation, airworthiness, facilitation, security....just like what is done in the air navigation field in organizations grouping States in Africa as well as in Europe

4.2 Since the Yamoussoukro Decision is implemented by subregional organizations pursuant to the Abuja Treaty establishing the African Economic Community, the situation is as follows:

5. ECOWAS/CEMAC : Memorandum of Understanding on the implementation of the Decision to liberalize air transport in West and Central Africa

5.1 The 23 Signatory States undertook to fully liberalize air transport scheduled and non-scheduled operations in West and Central Africa pursuant to the Decision of the meeting of African Ministers responsible for Civil aviation held in Yamoussoukro from 13 to 14 November 1999.

States concerned: 23

Benin, Burkina Faso, Cape Verde, Central African Republic, Chad, Côte d'Ivoire, Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, Togo.

Deadline for implementation: 02 years

Structures:

- a) Council of Ministers
- b) Coordination and Monitoring Committee
- c) Executive Secretariat: within ECOWAS (Economic Community of Western African States) and within CEMAC (Economic Community of Central African States).
- d) The above Secretariat should be responsible for managing funds/resources allocated to air transport development initiatives.
- e) ECA (UN Economic Commission for Africa) shall take care of the transition and organize the first meetings of the Council of Ministers, of the Committee as well as the setting up of the Secretariat.

5.2 It is worth noting that:

- a) The Memorandum of Understanding became operative at the date of its signature, i.e. on 14 November 1999.
- b) States in this area decided to proceed at a quicker pace as compared with other States signatory to the Yamoussoukro Decision given that the latter (Decision) entered into force only seven months after its signature (30 days after the OAU Summit held in Lome (Togo) in July 2000).
- c) Donors (European Union, World Bank, ADB) notified their intention to provide financing for a minimum period of 05 years.
- d) Regulation 99/UAEC-003-CM-02 adopting the agreement on air transport between CEMAC Member States, which entered into force on 18 August 1999, provided for a full liberalization of skies within two years.
- e) At ECOWAS and CEMAC invitation, a ministerial meeting on the implementation modalities of the Yamoussoukro Decision was held in Bamako on 14 March 2001 and adopted an action plan.

5.3 ECOWAS, CEMAC and UEMOA representatives will make presentations on the status of implementation within their respective organizations.

6. FOLLOW-UP ACTION ON THE DECISION IMPLEMENTATION

6.1 At the 6th Air Transport Committee meeting, a working paper on Yamoussoukro Decision implementation was presented by the Secretariat. The Committee was informed that the aforementioned Decision was formally adopted by the 36th Ordinary Session of OAU and the 4th Session of the African Economic Community in Lome in July 2000.

6.2 The Secretariat then presented the report of the first meeting of the Monitoring Body held in Addis Ababa from 13 to 14 November 2000. The Committee noted the report and the implementation plan developed by the above-named body. The OAU Representative in his capacity as Chairman of the Monitoring Body, reviewed the current implementation status of the decision.

6.3 The attention was drawn to the fact that the decision is binding on all signatory States and that liberalization is an on-going process. It was also observed that some deadlines set by subregional groups within the framework of the decision implementation were conflicting with the Decision itself. Consequently, the Committee urged the implementation body to harmonize the various dates as to avoid possible conflict. OAU informed the Committee that to date, no State has forwarded to it an exemption statement. This is a sign of good will on the part of member States with respect to the liberalization issue. It was however specified that if so far no exemption statement was filed with OAU, it is in fact because member States have not been supplied with relevant exemption (statement) forms.

6.4 On the other hand, the Committee noted the progress made by different regional groupings in implementing the decision.

6.5 At the AFCAC 16th Plenary Session, The Secretariat recalled briefly the evolution of the air transport liberalization process in Africa, characterized by some delays and difficulties which led the Regional Conference of African Ministers for Civil Aviation, which had adopted the Yamoussoukro Declaration in

1988, meet again in 1999 and adopt the Yamoussoukro Decision. The AFCAC Plenary then examined the activities by the organizations involved in the Decision implementation based on the information supplied by AFCAC on one hand and by State delegations on the other hand. Thanks to the exchanges of views, the Plenary concluded that concerns over the lack of harmony in the implementation of the Yamoussoukro Decision in each subregion should be alleviated through convening coordination meetings. The AFCAC Plenary then considered a draft Resolution on the Yamoussoukro Decision aimed at supporting its continent-wide implementation. After some amendments, it adopted Resolution S16-2: Yamoussoukro Decision (See Appendix).

7. Action required

7.1 The meeting is invited to:

- a) Note the information provided in this paper;
- b) Take note of the information supplied by member States and subregional organizations' representatives.
- c) Exchange views with ECOWAS, CEMAC and UEMOA representatives on the subject matter;
- d) Provide useful orientations/guidance for the actual implementation of the Yamoussoukro Decision bearing in mind the compliance with security and safety standards.

RESOLUTION S16-2: YAMOOUSSOUKRO DECISION**THE COMMISSION**

RECOGNIZING that AFCAC is the Specialized Agency of the OAU responsible for the development of civil aviation in Africa;

WELCOMING the adoption of the Decision on the implementation of the Yamoussoukro Declaration on the liberalization of the access to the air transport market in Africa by the Regional Conference of African Ministers in charge of Civil Aviation held in Yamoussoukro on 12 and 13 November 1999;

CONVINCED that the subregional organizations dealing with integration, and the technical bodies of the African continent will actively take part in the implementation of the Yamoussoukro Decision;

REASSERTS the willingness of the African States to guarantee a harmonious development of civil aviation in Africa;

ASKS the Bureau to:

- a) take all appropriate action to guarantee AFCAC actual participation in the work of the bodies responsible for the implementation, at the regional and continental levels, and to give a high priority to that participation;
- b) reinforce the existing cooperation with AFRAA to promote the development of all African air carriers (members or not of the AFRAA) in the context of the liberalization; and
- c) look for the necessary funding to implement the measures decided upon by the Committee on the coordination and follow-up of the implementation of the Yamoussoukro Decision.