AFRICA CIVIL AVIATION COMMISSION

CONSTITUTIVE ASSEMBLY OF THE ASSOCIATION OF AFRICAN AVIATION TRAINING ORGANIZATIONS (AATO) ASSEMBLY

Efforts and commitment towards the provision of sustainable Aviation Training in Africa.

Mesfin Fikru WOLDEYOHANNES
Director Safety and Technical Services
(Abuja, Nigeria, 10-12 April 2013)

Outline

❖Overview of AFCAC

❖Technical cooperation in the area of
  Human resource Development

❖African Civil Aviation Policy (AFCAP)

AFRICA CIVIL AVIATION COMMISSION

African Civil Aviation Commission (AFCAC)

The specialized agency of the African Union responsible for Civil Aviation matters in Africa

VISION
To foster a safe, secure, efficient, cost effective, sustainable and environmentally friendly civil aviation industry in Africa.

MISSION

> **As the specialized Agency of the African Union responsible for Civil Aviation matters in Africa, AFCAC will facilitate cooperation and coordination among African States towards the development of an integrated and sustainable Air transport system; and foster the implementation of ICAO SARPs and development of harmonized rules and regulations consistent with the best international practices in civil aviation.**

VALUES

- **Good governance and best practices**
- **Transparency and accountability**
- **Professionalism and Integrity**
- **Safe and just culture**

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To implement the vision, AFCAC has established five strategic objectives for the period 2011-2016

Strategic Objective **A-Air transport***:-*
Strategic Objective B-Safety: -
Strategic Objective C-Security:-
Strategic Objective D-Human Resources Development: **-**
Strategic Objective E-Rule of Law:-

Technical Cooperation

In order to ensure sustainable human resource development for African Aviation, the AFCAC Secretariat organized, coordinated and hosted meetings, courses and seminars in the Technical fields aimed at the improvement of Aviation Safety in Africa and the development of Human Resources.

The different technical meetings covered deliberations on regional challenges and initiatives, training, lack of adequately trained and skilled personnel, safety of air transport, development of sustainable aviation security, capacity building and need for Government and Industry cooperation, regional and national planning and cooperation.

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AFCAC organized many courses to train personnel in Aviation Safety in collaboration with training institutions in order to enhance safety level in conformity with ICAO standards.

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AFCAC has also taken additional initiatives and activities in the technical fields by signing new Memoranda of Understanding (MOUs) and amending the existing ones to reflect the current situation of the aviation industry in Africa.

The thrust is to prioritize aviation training and the provision of technical support to strengthen aviation training institutions. To this end, AFCAC has concluded Memoranda of Understanding with the governments of China, India, Korea, Singapore, Turkey, United Arab Emirates and others. (Indonesia April 2013)

Women in Aviation :-In the framework of the cooperation between AFCAC and Dubai's GCAA, a two weeks internship program called « Women Initiative » was sponsored for women in Africa.

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Highlights of the Policy Statements, Objectives, Strategies and Concepts on Aviation Training and Human resource Development as contained in the African Civil Aviation Policy (AFCAP) adopted by the Conference of African Ministers for Transport held in Luanda in November 2011 (CAMT 2) and endorsed by the AU Heads of State Assembly, held in January 2012

AFCAPAFRICAN CIVIL AVIATION POLICY (AFCAP)

THE NEED FOR AFCAP

Despite the numerous initiatives and good efforts to improve civil aviation in Africa, overall success has been too little and too slow mainly because of lack of political will as well as institutional and procedural constraints.

To formulate well thought out and implementable policies there is need for a coherent policy framework which inter alia outline and solicit the necessary political commitment.

AFRICA CIVIL AVIATION COMMISSION

THE POLICY THRUST OF AFRICAN CIVIL AVIATION

The desire of member States was to have an African Civil Aviation Policy for the promotion of a harmonized approach to manage the various aspects of civil aviation including safety, security, efficiency and environmental protection, etc.

Thus, the AFCAP is a concise overarching policy framework document, which forms the basis of which African Regional Programmes, Action Plans and common Rules, Regulations and Guidelines should be formulated.

The Policy Document is broadly divided into three parts and contains fourteen (14) chapters and appendices .

CHAPTER TWO and CHAPTER ELEVEN

CHAPTER TWO
KEY PRINCIPLES
The human resource is key to aviation efficiency, safety, security and regularity.
2.6.1.6.1 The human resource is the greatest asset for any nation, sector or enterprise. In aviation, the human resource is particularly critical to the achievement of efficiency, safety, security and regularity, and therefore shall receive due attention. Training and retraining of professionals in quality and quantity in order to address various challenges of the aviation industry shall be permanently pursued and their retention in the African aviation shall be guaranteed.

CHAPTER ELEVEN
HUMAN RESOURCES DEVELOPMENT
11.0   PREAMBLE
11.0.1   Human Resource Development is a continuous process to ensure the development of employees' competencies, dynamism, motivation and effectiveness in a systematic and planned way. Aviation, being a specialised industry requires the services of professionals and highly trained and skilled personnel to achieve high level of safety, security and efficiency in air operations.

11.0.2   The shortage of skilled personnel in the African aviation industry and in African regulatory bodies had been a cause of serious concern for many years. African civil aviation faced additional problems due to the migration of aviation experts looking for better opportunities overseas. This was exacerbated by the high turnover of aviation professionals in government owned institutions.

11.0.3   The training capacity within Africa is limited.   The available training institutions are few and have not always kept pace with the advancements in civil aviation and training technology. As a result, training frequently had to be performed outside of the continent at high cost to government and industry.

11.0.4   African Training institutions should therefore make harmonized and coordinated efforts towards training professionals and other personnel required by the aviation industry. The ICAO TRAINAIR Programme is an effective means to standardize training materials and facilitate coordination and cooperation among training centres.

11.1 AVIATION TRAINING

11.1.1   OBJECTIVES

11.1.1.1   The objectives of member States are:

i)   To have adequate number of highly trained and skilled personnel in charge of the aviation industry in Africa in order to have safe and secure industry; and

ii)   To ensure that training institutions in Africa constitute centres of excellence, so that Certificates issued by the institutions command respect, recognition and wide acceptability in the international community.
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11.1.2   POLICY STATEMENT

11.1.2.1   Member States shall encourage the development of institutions for basic, advanced and refresher trainings to meet the current and future needs of the African aviation industry

11.1.3   STRATEGIES

11.1.3.1   In pursuance of these objectives:

i)   Member States, African Union, AFCAC and REC's shall provide necessary incentives to facilitate private sector investments in the establishment of aviation training organisations especially for the training of Pilots, Engineers, Cabin Crew and other aviation professionals.

ii)   The Instructional System Development (ISD) methodology Of ICAO TRAINAIR programme shall be used in Aviation Training Organisations (ATOs) in Africa.

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iii)	The procedures, competency requirements and approval processes for the establishment of Aviation Training Institutions/Organisations in Africa shall be harmonised and administered by Civil Aviation Authorities.

iv)	Member States shall promote and facilitate close co-operation amongst aviation training organizations in Africa to ensure the harmonization and implementation of standards for quality assurance, standardization of courses and the development of "train the trainers" programme.

v)   AFCAC should collect data, maintain a database on aviation training needs and capacities in Africa, and publish report on the state of aviation training in Africa.

vi)   AFCAC should establish criteria for mutual recognition of credits, certificates, diplomas or degrees issued by Aviation Training Institutions in Africa.

2   AVIATION HUMAN RESOURCE MANAGEMENT

11.2.1   OBJECTIVE

11.2.1.1   The objective of member States is to ensure capacity building in the aviation industry managed by qualified professionals through the training, recruitment and retention of highly qualified staff,

11.2.2   POLICY STATEMENT

11.2.2.1   Member States shall ensure the development of human resources to effectively manage the aviation industry.

11.2.3   STRATEGIES

11.2.3.1   In pursuit of this objective:
i)   Member States shall ensure that aviation professionals are well motivated and remunerated to forestall brain drain.
ii)   Member States shall remove all physical barriers to free movement of personnel among African States through favorable labor policies.
iii)   AFCAC shall establish data base of aviation professionals in Africa.
iv)   Member States shall implement policies that promote transparency, fairness and merit in the recruitment professionals.

ABUJA DECLARATION ON

AVIATION SAFETY IN AFRICA

Undertake to:

10.   ensure that Aviation Training organizations in Africa attain reputation as international centers of excellence.
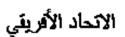
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All entities, bodies and persons in African Aviation should be motivated by the AFCAP document and ensure that their States abide by the AFCAP in policy formulation and execution in ensuring complementarity, focus, harmonization and uniformity on issues pertaining to Safety, Security and Sustainable Development of Air Transport in Africa.

THANK YOU

AFRICAN CIVIL AVIATION POLICY (AFCAP)

AFRICAN UNION

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SECOND SESSION OF THE AFRICAN UNION
CONFERENCE OF MINISTERS
RESPONSIBLE FOR TRANSPORT
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AFRICAN CIVIL AVIATION POLICY

AFRICAN CIVIL AVIATION POLICY
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Part One

General Provisions

CHAPTER ONE

1.0   BACKGROUND

1.1.   EVOLUTION OF INTERNATIONAL CIVIL AVIATION

1.1.1.   Following the end of World War 2, the International Civil Aviation Organization (ICAO) was created with the signing of the *Convention on International Civil Aviation* (the Chicago Convention), on 7 December 1944. The objective of ICAO, now a specialized agency of the United Nations, is to promote the development of a safe, secure, regular, efficient and economical international civil aviation. ICAO issues Standards and Recommended Practices (SARPs) for the regulation of the industry which contracting States are obliged to implement. Almost all African States are contracting States of ICAO.

1.1.2   In addition to the SARPs, there are other international Air Law Instruments including Conventions, Treaties and Protocols adopted in the field of civil aviation that are to be ratified, domesticated and complied with by ICAO Contracting States. These are listed in the Appendix 2.

1.1.3   In accordance with Article 55 of the Chicago Convention, ICAO established regional commissions namely African Civil Aviation commission (AFCAC), Latin American Civil Aviation Commission (LACAC), Arab Civil Aviation Commission (ACAC) and European Civil Aviation Conference (ECAC). During the Organization of African Union (OAU) Kampala Summit of 1975, AFCAC was adopted as the specialized Agency of African Union in the field of civil aviation.

1.1.4   Since the creation of ICAO, international civil aviation has sustained impressive growth in terms of number of airlines and their route networks, passengers and cargo transported as well as better safety records and quality of service. Traditionally the governments owned the airlines until the 1970s when USA initiated the ideology of de-regulation to remove restrictions and encourage competition in civil aviation. In the 1980s, many more countries embraced the idea of liberalisation and privatisation of air services and access to air transport markets and this attracted private sector participation with injection of further capital into the industry. Liberalisation and privatisation have catalysed the emergence of mega carriers, and alliances among airlines thereby enhancing their capacity to compete favourably.

1.2   DEVELOPMENT AND CHALLENGES OF CIVIL AVIATION IN AFRICA

1.2.1   Africa is the world's second-largest and second most-populous continent, after Asia. Africa has a large land mass of about 30.37 million km² (11.7 million sq mi) including adjacent islands. It covers 6% of the Earth's total surface area and about 20.4% of the total land area, with about one (1) billion people (as of 2009) which accounts for about 14.72% of the world's population.

1.2.2   Africa is endowed with vast natural resources. In terms of percentages it accounts for 90% of cobalt, 90% of platinum, 50% of gold, 98% of chromium, 70% of tantalite, 64% of manganese and 33% of uranium and large reserves of diamond and bauxite.

1.2.3   Notwithstanding the abundant resources, most African countries are still relatively poor and the Continent continues to record poor development statistics.   Whilst many adverse historical politico-economic reasons could be advanced for its unsatisfactory performance, much higher socio-economic indicators could be achieved if African States joined their efforts to forge and implement common strategies for the harnessing of the continent's potentials.

1.2.4   Like many other sectors in Africa, civil aviation lags behind and operates well below its share of the international civil aviation market. African airlines are generally under-capitalised; operate narrow route networks and small and ageing aircraft fleet. They are weak and unable to compete with the global mega carriers. To reverse this trend and facilitate the growth of its civil aviation, Africa's leadership must continue to create enabling and conducive environment that attracts private sector capital investment in the industry. This underscores the urgent need for African States to forge a common approach to civil aviation.

1.2.5   Although over the past decade, African air transport has increased by 6.6%, making it the most rapid growth region after the Middle East, the absolute traffic figures remain relatively very low because of the small base. For instance in 2008, Africa accounted for only 3% of the global traffic. However, with its GDP expected to grow at the rate of 4.5% in 2011, compared with the world average rate of 3.7%, Africa potential is undeniable, but to realise the full potential there are many challenges to overcome.

1.2.6   Of the numerous and complex problems faced by Africa's civil aviation, safety remains the most critical in most of the states because of ineffective safety oversight mechanisms, deficiencies in airport and air navigation systems, etc which collectively lead to accident rates that are many times higher than the global average. The safety problem is compounded by disturbing incidence of flags of convenience among other malpractices which call for immediate and harmonized corrective measures.

1.2.7   Africa grapples with aviation security challenges especially due to limited systems to mitigate the new and emerging threats against civil aviation. At the same time measures have to be initiated to minimize the impact of air transport on the environment, as tighter international standards are being imposed. Furthermore there is a growing insufficiency in qualified personnel that is worsened by attrition to other markets commonly referred to as "brain drain" and high turnover of middle and senior managers particularly in government owned institutions.

1.2.8   A close analysis of the civil aviation problems in Africa indicates commonality in almost all the States leading to the conclusion that collaboration and coordination among African States would result in the optimisation of the scarce resources.

1.3   ECONOMIC CONTRIBUTION OF CIVIL AVIATION

1.3.1   Air transport is an innovative industry that drives economic and social progress. It connects people, countries and cultures; provides access to global markets and generates trade and tourism. Aviation provides the only rapid worldwide transportation network, which makes it essential for global business and tourism thus facilitating economic growth, particularly in developing countries.

1.3.2   Some 2,000 airlines around the world operate a total fleet of 23,000 aircraft. They serve some 3,750 airports through a route network of several million kilometres managed by around 160 air navigation service providers. Air carriers transport over 2.2 billion passengers annually. However the airports serve about 4 billion passengers annually which include departing, arriving and transiting passengers. The total value of goods transported by air represents 35% of all international trade. Over 40% of international tourists now travel by air.

1.3.4   The air transport industry directly generates 5.5 million jobs globally and directly contributes USD 408 billion to global GDP. The industry contributes USD 1.1 trillion to world GDP through its direct, indirect and induced impacts – equivalent to 2.3 % of world GDP.

1.3.5   The air transport industry, in 2008, generated a total of 32 million jobs globally, through direct, indirect, induced and catalytic impacts. Aviation's global economic impact (direct, indirect, induced and catalytic) is estimated at USD 3,560 billion, equivalent to 7.5% of world Gross Domestic Product (GDP). With regards to Africa, in 2006, the air transport industry generated around 430,000 jobs in Africa and contributed more than USD 9.2 billion to African GDP (direct, indirect and induced impacts). If catalytic impacts are included, the number of jobs increases to 3.3 million and GDP to USD 67 billion. Worldwide, Africa represents 10% of total jobs and 2% of GDP generated by the air transport industry, including catalytic impacts.

1.4   **GLOBAL TRENDS IN CIVIL AVIATION**

1.4.1   Liberalisation and competition have permeated all aspects of the aviation industry and helped elevate awareness, expectations and choice at the same time protecting consumer rights.   Healthy competition has promoted security, safety, efficiency quality of service and to some extent the protection of environment.

1.4.2   Needless to say, that liberalization and privatisation have led to steady reduction of state control of aviation business. States are limiting themselves to setting of policies, enforcement of regulations, ensuring public and consumer protection as well as enactment of enabling and pragmatic policies to facilitate healthy competition.

1.4.3   Many more States are collaborating among themselves through the establishment of regional, inter-regional and other strategic partnerships based on common economic interests. This encourages harmonisation of regulations, integration and management of assets, pooling of resources, etc. which enhance the growth of civil aviation, thus benefiting the agencies involved and consumers.

1.5   **STRUCTURE OF CIVIL AVIATION IN AFRICA**

1.5.1   **AFRICAN UNION/GOVERNMENTS**

1.5.1.1   The African Union (AU) is an organisation of African States formed to:

> ➢ accelerate the political and socio-economic integration of the continent;

> ➢ to promote and defend African common positions on issues of interest to the continent and its peoples;

> ➢ to achieve peace and security in Africa; and

> ➢ to promote democratic institutions, good governance and human rights.

1.5.1.2   The AU is responsible for formulating policies for the aviation industry in Africa. The AU Assembly, made up of all the Heads of State or Government of Member States, is the highest decision-making organ of the AU.

1.5.1.3   The Council of Ministers is made up of the Ministers responsible for Civil Aviation and is responsible for recommending major policy decisions to the AU Summit.

1.5.1.4   African Civil Aviation Commission (AFCAC) is the specialised agency of the AU responsible for coordinating aviation activities in Africa and is also the Executing Agency of the Yamoussoukro Decision (YD).

1.5.1.5   Regional Economic Communities (RECs) bring together countries in sub- regions for economic integration. Currently, there are eight RECs recognized by the AU, each established under a separate regional treaty. They are:

- Arab Maghreb Union (UMA)
- Common Market for Eastern and Southern Africa (COMESA)
- Community of Sahel-Saharan States (CEN-SAD)
- East African Community (EAC)
- Economic Community of Central African States (ECCAS)
- Economic Community of West African States (ECOWAS)
- Intergovernmental Authority on Development (IGAD)
- Southern Africa Development Community (SADC)

1.5.1.6   The membership of many of the RECs overlaps and creates coordination and harmonisation challenges. However the RECs have played a key role in the implementation of major civil aviation decisions including the YD.

1.5.2   REGULATORS

1.5.2.1   Civil Aviation Authorities (CAAs) are vested with the regulatory and oversight responsibility of the aviation industry.   The CAAs ensure compliance by the industry with national policies and ICAO SARPs.

1.5.2.2   Some States have pooled their resources together to form Regional Safety Oversight Organisations (RSOOs) in order to increase their regulatory and oversight capabilities, such as the Civil Aviation Safety and Security Oversight Agency (CASSOA) of the EAC and the Banjul Accord Group Aviation Safety Oversight Organisation (BAGASOO).

1.5.3   AIRLINES

1.5.3.1   Airlines in Africa are major stakeholders in the aviation industry and are in the business of providing scheduled and non-scheduled air services within and outside the Continent.

1.5.3.2   Many African Airlines are members of the African Airlines Association (AFRAA), an association responsible for protecting the general interest of member airlines. AFRAA works in close collaboration with the International Air Transport Association (IATA), an association of international airlines whose mission is to represent, lead and serve the global airline industry.

1.5.4   **AIRPORTS**

1.5.4.1   Airports Authorities in Africa are responsible for the development and management of airports. Most of the airports authorities are members of Airports Council International (ACI Africa) an arm of the ACI which is a non- profit organization, whose objective is to advance the interests of

airports and to promote excellence in airport management and operations.

1.5.5 AIR NAVIGATION SERVICES PROVIDERS

1.5.5.1   Airspace Agencies are responsible for the provision of air navigation services (ANS) and facilities (en-route and airport), air traffic services, Aeronautical Information Services (AIS) and in some cases coordination of aeronautical search and rescue. These services in most countries are provided by departments within Civil Aviation Authorities.

1.5.5.2   Some States have formed groups to provide joint air navigation services such as Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) which is based in Dakar with a membership of 17 countries and Roberts FIR providing services for Guinea, Liberia and Sierra Leone.

1.5.5.3   Airspace agencies are members of Civil Air Navigation Services Organisation (CANSO), a global association which represents the interests of ANS Providers worldwide.

1.5.6 OTHER STAKEHOLDERS

1.5.6.1   Other stakeholders include Aviation Training Organisations, Aircraft Maintenance Organisations, ground handling companies, catering companies, leasing companies, etc.

1.5.6.2   Numerous Professional Associations also play major roles in the development of the industry in Africa. They include the International Federation of Airline Pilots' Association (IFALPA), International Federation of Air Traffic Controllers' Association (IFATCA), and International Federation of Air Traffic Services Engineers' Association (IFATSEA), etc.

1.5.7 PRIVATE SECTOR PARTICIPATION

1.5.7.1   With the advent of liberalisation and increasing demands on governments' resources from other more sensitive sectors of national economies and social services coupled enormous requirement of funds for aviation infrastructure, involvement of Private Sector in aviation businesses became inevitable. In addition to capital investment, the private sector brings expertise into the industry.

1.5.7.2   Involvement of private sector may take the form of Public Private Partnership (PPP), full commercialisation, corporatisation, concessionaire, privatisation, etc.

1.6 AFRICAN INTEGRATION

1.6.1   The desired unity is also to promote cooperation in all fields of human endeavour in order to raise the standard of African people, maintain

and enhance economic stability, foster close and peaceful relations among member states and contribute to the progress, development, and economic integration of the continent; and finally, to harmonize policies among the existing RECs and other economic groupings.

1.6.2   These regional economic groupings have provided good platforms for cooperative efforts towards solving the safety challenges in the African. These include the implementation of the Cooperative Operational Safety and Continuing Airworthiness Development Programmes (COSCAPs) of the Central African Economic and Monetary Community (CEMAC), West African Economic and Monetary Union (UEMOA), SADC, Banjul Accord Group, EAC Air Safety Projects and the COMESA Communication, Navigation and Surveillance/Air Traffic Management (CNS/ATM) Project.

1.7   CIVIL AVIATION INITIATIVES IN AFRICA

1.7.1   There have been some joint aviation initiatives in Africa though implementation has been minimal. Some of the recent and current initiatives are discussed below.

1.7.2   The Yamoussoukro Declaration on a new African Air Transport Policy of 1988, was aimed at progressive amalgamation of African airlines into larger, more efficient and competitive entities through joint activities and operations.

1.7.3   The Yamoussoukro Decision (YD) relating to the implementation of the Yamoussoukro Declaration through the Liberalization of Access to Air Transport Markets. The objective of YD was to harmonize air transport policies and free exchange of traffic rights in the intra-African market.

1.7.4   Several Resolutions, Declarations and Action Plans were adopted by various conferences of African Ministers of Civil Aviation. Notably among these were: -

- Sun City, South Africa, 2005; follow up of the implementation of the YD.

- Libreville, Gabon, 2006; adoption of the Libreville Plan of Action which set targets for accident rates and considered an African external policy for negotiation with third parties.

- The 2007 Addis Ababa Declaration on civil aviation security in Africa.
- The 2010 Abuja Joint Declaration and a Road map to counter the new emerging threat to civil aviation adopted through collaboration of AU, AFCAC, ICAO and other non Africa ICAO member States.

1.7.5   Almadies (Senegal) and Gauteng (South Africa) Declarations adopted by African Air Traffic Services providers for collaboration in CNS/ATM operations including the Single Sky concept.

1.7.6   There were also other initiatives developed for and implemented in Africa by other States and organizations, such as; ICAO African Regional Comprehensive Implementation Plan and COSCAPs, IATA IOSA and ASET, World Bank Project for Sustainable Air Transport in Africa, US Safe Skies for Africa Initiative , the EU etc.

1.7.7   **ICAO AFI Plan**

1.7.7.1   The Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan) was adopted by the 36th ICAO Assembly to address the aviation safety deficiencies in Africa. The AFI Plan is being implemented through three focus areas:

1.   Enabling States to establish and maintain effective and sustainable safety oversight systems;
2.   Assisting States to resolve identified deficiencies   within a reasonable time; and
3.   Enhancing aviation safety culture of African aviation service providers.

1.7.7.2   The implementation of the AFI Plan has been integrated into the programme of activities of ICAO and its Africa Regional Offices.

1.8   **THE NEED FOR AN AFRICAN CIVIL AVIATION POLICY**

1.8.1   Despite the numerous initiatives and good efforts to improve civil aviation in Africa, overall success has been too little and too slow mainly because of lack of political will as well as institutional and procedural constraints. The initiatives are generally not well coordinated and usually have differing perspectives and objectives, which present attendant insurmountable implementation challenges. To formulate well thought out and implementable policies there is need for a coherent policy framework which inter alia outline and solicit the necessary political commitment.

1.8.2   Africa should therefore have an African Civil Aviation Policy (AFCAP) which provides a framework and the platform for the formulation, collaboration and integration of national and multinational initiatives/programmes in various aspects of civil aviation

1.8.3   AFCAP should be an overarching framework document that enlists and consolidates the political commitment of African States to work together through agreed roadmap with the purpose of positioning Africa's air transport in the global economy. The policy must provide for the appropriate empowerment of national and regional technical bodies to enable them carry out their responsibilities effectively.

1.8.4   National policy decision-makers will use the AFCAP as a guide for the development of national and regional policies thereby fostering harmonisation. It will assist Africa to respond to the intricacies of globalisation by forging a paradigm shift in focus, from national to common regional market; from inter-state to intra-African operations; from regional competition to global competition.

1.8.5   The policy document should address, inter alia, the following issues:

   a.   The vision and strategic objectives for African civil aviation
   b.   Specific targets to bring Africa at par with the rest of the world, particularly in safety, air traffic and economic statistics
   c.   Common objectives, policy statements and strategies for the management of the various aspects of civil aviation: - safety, security, airspace management, air transport, etc.
   d.   Linkage with other socio-economic sectors, e.g. tourism, trade, to enhance demand for air transport
   e.   Common approach to external relations and foreign operations
   f.   Procedure for periodic review and monitoring of implementation of the policies and adoption of regulations and Action plans as may be required.
   g.   Delegation of authority from Heads of Government to conference of Ministers, AU commission, AFCAC as appropriate, etc.

CHAPTER TWO

OBJECTIVES OF CIVIL AVIATION IN AFRICA

2.0   PREAMBLE

2.0.1   The Air Transport Industry has become strategically important to Africa. This is because Africa depends mostly on air transport to link people with each other over its vast and complicated terrain as well as the rest of the world. A Safe, Secure and efficient Aviation Industry is therefore crucial in the support of business, trade, tourism, cultural, and social activities which significantly contribute to Africa's economic growth and prosperity.

2.0.2   The primary roles of AU, AFCAC and Member States in civil Aviation are to provide enabling environment for growth of the industry and safe operations through the:

   -   Adoption of policies that will encourage dynamic growth;
   -   Enhancement of safety oversight through cooperative and collaborative mechanisms;
   -   Prudent management of Airports and Aviation Security;
   -   Efficient airspaces management;
   -   Human resources development;
   -   Infrastructural development; and
   -   Increased participation of the private sector, etc.

2.1   **VISION FOR AFRICAN CIVIL AVIATION**

2.1.1   The vision for African Civil Aviation shall be:

> "To foster a safe, secure, efficient, cost effective, sustainable and environmentally friendly civil aviation industry in Africa"

2.2   **THE POLICY THRUST OF AFRICAN CIVIL AVIATION**

2.2.1   The desire of Member States is to have an African Civil Aviation Policy for the promotion of a harmonised approach to manage the various aspects of civil aviation including safety, security, efficiency and environmental protection, etc.

2.2.2   The African Union shall adopt policies that will foster cooperative and collaborative arrangements for the sustainable development of civil aviation in the continent.

2.2.3   All Civil Aviation Policies in Member States and RECs shall be consistent with the provisions of the AFCAP.

2.2.4   To achieve these objectives, the following shall be accomplished:

(i)   Member States shall harmonize their respective National Civil Aviation Policies and those of the Regional Economic Communities with the provisions of this Policy.

(ii)   AFCAC shall put in place necessary machinery for the periodical review of this Policy to ensure that it is consistent and responsive to the contemporary developments in the industry.

(iii)   AFCAC shall establish the necessary forum to facilitate regular exchange of ideas and experiences to cultivate and strengthen the relationship and interface between AFCAC, RECs, RSOOs and other stakeholders.

2.3   STRATEGIC OBJECTIVES

2.3.1   The strategic objectives of Civil Aviation in Africa shall be as follows:

A.   To foster sustainable development of Air transport in Africa.
B.   To enhance civil aviation safety in Africa.
C.   To enhance civil aviation security in Africa.
D.   To ensure sustainable human resources development for African aviation
E.   To strengthen the Rule of Law in African Aviation.

2.4   KEY PERFORMANCE AREAS AND INDICATORS

2.4.1   The key performance indicators for African civil aviation shall be as follows:

2.4.1.1   Safety Performance Indicators:

    1.   Number of accidents and major incidents;
    2.   Number of fatalities;
    3.   Accident rate in the AFI Region as compared to the global average;
    4.   Safety Management Maturity Level; and
    5.   Oversight capabilities of Civil Aviation Authorities

2.4.1.2   Air Traffic Performance Indicators:

    1.   Aircraft movement – arrivals and departures
    2.   Passenger and cargo traffic
    3.   International market share
    4.   Average load factor for the African air carriers
    5.   African city pairs

2.5   TARGETS AND STRATEGIES

2.5.1   Based on the key performance areas and indicators, AFCAC in collaboration with States shall periodically establish measurable targets to be achieved by African civil aviation. These targets shall be included in schedules to be annexed to this policy.

2.5.2   AFCAC shall monitor, review and report on the achievement of the targets to its Plenary and to the Committee of Ministers responsible for civil aviation.

2.5.3   The following strategies shall be adopted:

    (i)   Strengthening of regulatory and safety oversight capabilities of Member States through the creation of effective autonomous CAAs and /or establishment of RSOOs;

    (ii)   Development, training and retention of qualified aviation personnel;

    (iii)   Strengthening of service providers and air carriers through creation of enabling environment; and

    (iv)   Strengthening and empowering AFCAC to enable it assist States to comply with ICAO SARPs and enforce the full implementation of this policy, the YD and any other resolutions passed by the AU.

2.6 KEY PRINCIPLES

2.6.1   The following key principles shall underpin the African Civil Aviation Policy in guiding the development, management and operations of the African Aviation Industry:

2.6.1.1   Aviation safety and security shall take first priority.

2.6.1.1.1 Aviation safety and security constitute the bedrock upon which the success of the aviation industry is built and therefore shall receive top priority.

2.6.1.2 Liberalization of the African air transport industry shall be progressively pursued.

2.6.1.2.1 Liberalization of air services within Africa shall be strongly and continuously pursued due to its potential to enhance capacity, connectivity, service quality and choice as well as encourage competitive fares. Schedules coordination among African airlines shall respond to the lack of connectivity on routes which are economically unworthy.

2.6.1.3 Necessity of harmonization, coordination and cooperation

2.6.1.3.1 By its international nature, aviation requires to be coordinated in order to enhance its efficiency, safety, security and regularity. Regional cooperation is imperative as a means to promote the harmonization of aviation policies, regulations and procedures; optimization of scarce resources; and integration of aviation systems.

2.6.1.4 Necessity of regenerating aviation

2.6.1.4.1 A significant proportion of revenues generated by aviation need to be ploughed back into the industry to ensure its regeneration and growth. Furthermore, all financing options shall be pursued, including state funding, public-private partnerships, private investment and development assistance in order to adequately finance safety oversight, infrastructural provision, human resource development, airline capitalization to mention a few.

2.6.1.5 Reciprocity in international relations

2.6.1.5.1 In conducting international civil aviation relations, the exchange of opportunities, obligations, rights and privileges shall be on a reciprocal basis and as guided by the African Union.

2.6.1.6 The human resource is key to aviation efficiency, safety, security and regularity.

2.6.1.6.1 The human resource is the greatest asset for any nation, sector or enterprise. In aviation, the human resource is particularly critical to the achievement of efficiency, safety, security and regularity, and therefore shall receive due attention. Training and retraining of professionals in quality and quantity in order to address various challenges of the aviation industry shall be permanently pursued and their retention in the African aviation shall be guaranteed.

2.6.1.7   Necessity of protecting the environment

2.6.1.7.1   Aviation contributes to environmental degradation; therefore African States shall contribute to its protection under the guidance of ICAO.

2.6.1.8   ICAO shall be the primary source of guidance on the establishment of regional and national aviation regulatory and institutional frameworks

2.6.1.8.1   All aviation laws, regulations and practices shall be based on the Chicago Convention, air law instruments and guidance provided by ICAO.

2.6.1.9   The need to strengthen sectoral synergies and intermodal integration.

2.6.1.9.1   Need for synergies between air transport and other sectors such as trade, tourism, energy, etc. There is further need for integrated intermodal system for seamless movement of passengers and cargo.

2.6.1.10   Necessity of regular stakeholder consultations

2.6.1.11   The smooth implementation of the African regional aviation policy requires regular consultations between key stakeholders, primarily the AU Commission (as policy driver), AFCAC (as policy implementer), member states (given their primary responsibility over safety and security oversight) and regional economic groups (as regional coordinators) and trade and tourism sectors (as air transport beneficiaries). Stakeholder consultations need to be cascaded to regional and national levels as appropriate.

CHAPTER THREE
INSTITUTIONAL FRAMEWORK FOR IMPLEMENTATION,
REVIEW AND AMENDMENT OF AFCAP

3.0   AFCAP is a concise overarching policy framework document, which forms the basis of which African Regional Programmes, Action Plans and common Rules, Regulations and Guidelines.

3.1   The following institutions are stakeholders in the implementation of the AFCAP:-

3.1.1   SUMMIT OF HEADS OF GOVERNMENT

3.1.1.1   The summit of Heads of Government of the African Union has the ultimate political authority for the adoption of the AFCAP, on the recommendation of the Committee of Ministers responsible for Civil Aviation.

3.1.2   <u>COMMITTEE OF MINISTERS</u>

3.1.2.1   The Committee of Ministers shall approve the AFCAP and adopt amendments thereto. The Committee shall consider reports on the implementation of the AFCAP at its regular sessions. The Committee shall also ensure full review of the AFCAP at least once every 10 years. The Action Plans adopted by the Ministers shall be in conformity with the AFCAP.

3.1.3   <u>AFRICAN UNION COMMISSION</u>

3.1.3.1   AUC has functional responsibility to advise the Committee of Ministers regarding the development, review and amendment of AFCAP with the technical advice of AFCAC. It is the responsibility of the AUC to ensure that there is harmony between the AFCAP and the Constitutive Acts and other Transport policies adopted by AU, RECs and Member States. AU will also ensure that other economic sectors do not adopt policies that have detrimental effect on the growth of civil aviation.

3.1.5   <u>AFRICAN CIVIL AVIATION COMMISSION (AFCAC)</u>

3.1.5.1   AFCAC as the specialised agency of the AU shall serve as the technical adviser to the AUC and the Committee of Ministers on all matters pertaining to the review and implementation of the AFCAP. In this regard, AFCAC shall coordinate with States, RECs and other groups of stakeholders and present regular reports on the status of implementation of AFCAP to the Committee of Ministers and AFCAC Plenary. AFCAC's Work Programmes, Action Plans and harmonised Regulations shall be in conformity with the AFCAP.

3.1.6   <u>MEMBER STATES</u>

3.1.6.1   Member States shall ensure implementation of the AFCAP at the national level and in their bilateral and multilateral civil aviation activities. The AFCAP should serve as guidance for States in the development of national civil aviation policies. States shall therefore review their existing policies and formulate future policies in accordance with the provisions of AFCAP.

3.1.7   <u>REGIONAL ECONOMIC COMMUNITIES (RECS)</u>

3.1.7.1   RECs shall coordinate the implementation of the AFCAP within their regions. The AFCAP should serve as guidance for those RECs that wish to adopt regional policies in civil aviation. RECs shall therefore review their existing and future policies, Action Plans and regulations in the field of civil aviation to ensure that they are in conformity with the AFCAP.

3.1.8   OTHER REGIONAL BODIES

3.1.8.1   Proliferation of Regional Organisations in the field of Civil Aviation should be discouraged, and to the extent possible, AFCAC should be empowered as the responsible agency for all technical matters in civil aviation. However where other regional bodies e.g. NEPAD/NPCA and UNECA, are involved in civil aviation matters, their activities should be coordinated with AFCAC to avoid overlaps and confusion. Such activities shall be in conformity with the AFCAP.

3.1.9   CIVIL AVIATION SERVICE PROVIDERS

3.1.9.1   All civil aviation service providers shall promote effective implementation of the AFCAP in their areas of activities and ensure that the spirit of the AFCAP is adhered to.

3.1.9.2   AIRLINES

3.1.9.2.1   The African Airlines Association (AFRAA) shall coordinate the activities of the African Airlines with respect to the AFCAP and be their spokesperson with respect to their views, interests and challenges in the implementation of the AFCAP.

3.1.10   AIRPORTS

3.1.10.1   African Airports Operators are encouraged to come together preferably under one Pan-African umbrella organisation (Association) to advance interests of Airport Operators and to facilitate harmonised implementation of the AFCAP. In the interim, airports may coordinate their regional activities through the ACI-Africa.

3.1.11 AIR NAVIGATION SERVICE PROVIDERS (ANSPS)

3.1.11.1   ANSPs are encouraged to come together preferably under one Pan African umbrella organisation/association to coordinate their views and interests and foster harmonised implementation of the AFCAP. In the interim ANSPs may coordinate their regional activities through the CANSO-Africa.

3.2   REVIEW AND AMENDMENT OF THE AFCAP
3.2.1   The aviation is a highly dynamic and complex international industry. Hence AFCAP is not designed to be a static document. Many critical developments will necessitate periodic review and amendment of the AFCAP. The following developments may necessitate a review of the AFCAP:-

a)   Political developments and new policies adopted by the African Union that have impact on civil aviation.
b)   New developments in international civil aviation that have impact on African civil aviation

c) New policies adopted by ICAO and other international organizations to which African States are parties.

d) When a need is identified for more detailed policies to guide States, regulate or delineate competencies in specific aspects of civil aviation.

e) When a need is identified for establishment of any new regional agencies in the field of civil aviation.

f) Periodic comprehensive review to incorporate decisions, resolutions and other policies adopted by the Committee of Ministers

3.3 PROCEDURE FOR REVIEW AND AMENDMENT OF AFCAP

3.3.1 A review and/or amendment of AFCAP may be undertaken by the directives of the Committee of Ministers on the recommendation of the AUC and/or AFCAC

3.3.2 States and RECs may request a review of the Policy. The AUC and AFCAC shall provide advice with respect to such requests.

3.3.3 Other aviation Stakeholders may propose amendments to AFCAP. However, such proposals shall be considered by AFCAC who shall provide a technical advice on the proposed amendments.

3.4 PERIOD FOR COMPREHENSIVE REVIEW AND AMENDMENT OF AFCAP

3.4.1 A comprehensive review of the AFCAP shall be undertaken at least once in every ten years.

Part Two
Technical Provisions

CHAPTER FOUR

AVIATION LEGISLATION AND REGULATORY FRAMEWORK

4.0 PREAMBLE

4.0.1 The Chicago Convention and its Annexes form the primary international air law regulating the conduct of international civil aviation. In addition, other instruments such as Conventions and Protocols have been concluded for specific areas including Aviation Security, Passenger and third party liabilities etc.

4.0.2 At the national level, every ICAO Member State is expected to enact its Primary aviation legislation that empowers the conduct and oversight of civil aviation activities within its territory. This comprehensive and effective aviation law should be consistent with the environment and complexity of the State's aviation activity and compliant with the requirements contained in the Chicago Convention. Member States

should also domesticate other international air law instruments to which they are parties.

4.0.3　States shall also adopt adequate regulations to address, at a minimum, national requirements emanating from the primary aviation legislation and providing for standardized operational procedures, equipment and infrastructures including safety management and training systems as well as enforcement mechanisms, in accordance with ICAO SARPs. These Regulations in generic terms cover all instructions, rules, edicts, directives, and sets of laws, requirements, policies, and orders.

4.1　LEGISLATION

4.1.1　OBJECTIVE

4.1.1.1　The objective of Member States is to put in place Primary Aviation Legislations enacted by their respective Parliaments and consistent with international aviation laws, rules and regulations.

4.1.2　POLICY STATEMENT

4.1.2.1　Member States shall have powers to make code of air Navigation Regulations and the respective CAAs shall have the powers to develop, issue and revise operating regulations and rules consistent with the code of Air Navigation Regulations which should be in conformity with the States' Primary Aviation Legislations.

4.1.3　STRATEGIES

4.1.3.1　To achieve its objective, the following shall be accomplished:

(i)　All existing Civil Aviation Legislations in Member States shall be reviewed and amended to incorporate current ICAO SARPs;
(ii)　Member States shall ratify all international air law instruments on Aviation and incorporate their provisions into the National Laws;
(iii)　Member States shall empower their CAAs to implement and enforce all international conventions, protocols, and resolutions
(iv)　Member States shall ensure that all legislations in their Aviation industry are reviewed and revised to be in conformity with this policy;
(v)　Members States shall ensure the timely implementation of AU and AFCAC Resolutions.

4.2　REGULATORY FRAMEWORK

4.2.1　OBJECTIVE

4.2.1.1　The objective of Member States is to establish and/or enhance an effective civil aviation regulatory system.

4.2.2 **POLICY STATEMENT**

4.2.2.1   Member States shall establish effective and sustainable regulatory oversight systems.

4.2.3 **STRATEGIES**

4.2.3.1   To achieve the above objective, the following shall be accomplished:

(i)   Member States shall establish autonomous CAAs with full regulatory powers for enforcement and oversight over the industry without any interference.

(ii)   Member States shall ensure adequate funding for CAAs.

(iii)   AFCAC shall work with and support Member States in the establishment of autonomous Civil Aviation Authorities.

(iv)   Members States shall have collaborative forms of Regional Safety Oversight Organisations in order to strengthen their oversight capabilities through optimisation of resources.

(v)   All AU and AFCAC Resolutions, Rules and harmonised Regulations shall be adopted by Member States and RECs for effective implementation.

CHAPTER FIVE

AIR TRANSPORT MATTERS

5.0   PREAMBLE

5.0.1   Globally, air transport has become the engine for sustainable economic development and growth. This is being done through tourism and trade, generation of jobs, improvement of living standards, alleviation of poverty and increasing of revenue generation.   Air transport is often the only means of transportation to/from remote areas, and promotes social inclusion by connecting those living in such communities with the rest of their country.

5.0.2   The trend all over the world is the liberalization of air transport businesses and services. The purpose of liberalisation is to reduce and eventually eliminate unnecessary restrictions in order to allow more players in the industry, permit free access to the markets. Removal of restrictions creates enabling environment for alliances and/or mergers among service providers, enhances the flight interconnectivity thus giving the users more choice and encouraging the use of air services.

5.0.3   In Africa, with the advent of the Yamoussoukro Decision 1999 there is increasing liberalization of access to air transport markets, harmonization of air transport policies and free exchange of traffic rights.

5.1 LIBERALISATION OF AIR TRANSPORT INDUSTRY

5.1.1 OBJECTIVES

5.1.1.1   The objective of member States is to develop a liberalised and competitive air transport industry that responds promptly to the dictates of the market, technological developments and global trends; and also establish a common African air transport market through the full implementation of the Yamoussoukro Decision.

5.1.2 POLICY STATEMENT

5.1.2.1   There shall be a liberalised, competitive and common air transport market in Africa.

5.1.3 STRATEGIES

5.1.3.1   To achieve the above objectives, the following shall be accomplished:

(i)   Member States shall ensure   full implementation   0f the Yamoussoukro Decision

(ii)   AFCAC as the Executing Agency of the Yamoussoukro Decision (YD) shall work with the States and Regional Economic Communities (RECs)   to ensure the full implementation of the YD;

(iii)   Member States shall ensure that all Air Transport Policies are consistent with the Yamoussoukro Decision.

(iv)   Member States shall remove and/or relax all   barriers like Immigration, Customs etc, for free movement of people and goods within the continent

(v)   Member States shall encourage cooperation among African Airlines

(vi)   Member States shall encourage Private Sector investments, partnership and full participation in Air Transport business.

(vii)   Member States shall ensure infrastructural development to address the current and anticipated traffic growth.

(viii)   Fares and tariffs among member States shall be liberalised. The respective Civil Aviation Authorities shall ensure that airlines do not engage in anti-trust and predatory practices.

5.2 AIR SERVICES AGREEMENTS

5.2.1 OBJECTIVE

5.2.1.1   The objective of member States is to be active participants in international air transportation and allied services.

5.2.2   **Policy Statement**

5.2.2.1   The negotiation of air services agreements with third countries shall be guided largely by economic consideration and the principles of reciprocity that will ensure fair and equal opportunities.

5.2.3   **STRATEGIES**

5.2.3.1   In pursuance of this objective, the following shall be ensured:

(i)   Air Services Agreement negotiation amongst member States shall be in accordance with YD and this AFCAP

(ii)   Air Services Agreement negotiation by member States with Third Countries shall be in accordance with the African Union Guidelines on External Negotiation.

(iii)   In order to ensure fair and equal opportunities for African airlines, all Air Services Agreement signed with Third Countries should include Option 2 of the ICAO guidelines on Slot Allocation which states that:

"Each Party shall facilitate the operation of the agreed services by the designated airlines of the other party, including granting the necessary landing and take-off slots, subject to the applicable national and international rules and regulations, and in accordance with the principle of fair and equal opportunity, reciprocity, non-discrimination and transparency".

"Both Parties shall make every effort to resolve any dispute over the issue of slots affecting the operation of the agreed services, through consultation and negotiation in accordance with the provisions of Article x (Consultation) or through the dispute resolution provisions of Article Y (dispute settlement)".

5.3   **AIR TRANSPORT LICENSING**

5.3.1   **OBJECTIVE**

5.3.1.1   The objective of member States in granting Air Transport Licences and Permits will be to promote growth and healthy competition while balancing the interests of the aviation industry, travelling passengers and the continent as a whole.

5.3.2   **POLICY STATEMENT**

5.3.2.1   Member States shall only grant Air Transport Licences and Permits to Air Carriers that fulfill the eligibility criteria set forth in the

Yamoussoukro Decision and any other conditions that may be set by AFCAC.

5.3.3   STRATEGIES

5.3.3.1   To achieve the above objective, the following shall be accomplished:

(i)   Airlines to be designated shall comply with the eligibility criteria set by the Yamoussoukro Decision.

(ii)   The air carrier shall also possess an Air Operator's Certificate duly issued in accordance with ICAO SARPs.

(iii)   A member State may designate an air carrier from another member State to operate air services on its behalf.

(iv)   A member State shall have the right to designate a multinational air Carrier owned and controlled by it and/or other State Parties to the YD to operate air services on its behalf.

5.4   COMPETITION AND CONSUMER PROTECTION

5.4.1   OBJECTIVES

5.4.1.1   The objectives of member States are:

(i)   To encourage fair competition and protect the rights of consumers as well as increase their confidence in aviation services in the Continent; and

(ii)   To create level playing field for all aviation stakeholders in order to ensure a strong and sustainable African aviation industry that is competitive in a global and liberalized environment.

5.4.2   POLICY STATEMENTS

5.4.2.1   Aviation Authorities and service providers shall establish consumer service units to enlighten consumers of aviation services of their responsibilities and rights as well as address their grievances.

5.4.2.2   All aviation service providers must avoid all forms of predatory pricing and other anti-competitive behaviours

5.4.3   STRATEGIES

5.4.3.1   In pursuance of these objectives:

(i)   Member States shall facilitate the establishment of an Aviation Consumers Council. The Council shall be made up of industry stakeholders, including users.

(ii)   Civil Aviation Authorities shall monitor the activities of Airlines, Travel Agents, Cargo Consolidators, Ground Handling Companies and other service providers to ensure compliance

with regulations governing their operations and protection of the consumers of their services.

(iii) AFCAC shall put in place adequate rules of competition in Air Transport services and dispute resolution mechanisms.

(iv) AFCAC shall ensure that the competition rules put in place adequately cover third countries and third country companies whose activities may have the effect of distorting competition

5.5 INSURANCE

5.5.1 OBJECTIVE

5.5.1.1 The desire of member States is to ensure that Air Carriers and other aviation service providers put in place adequate insurance coverage for their operations.

5.5.2 POLICY STATEMENT

5.5.2.1 The air carriers' insurance liability required for hull, passenger, crew, baggage and third party as well as insurance liability for other service providers and third party shall be in conformity with International Standards and best practices.

5.5.3 STRATEGIES

5.5.3.1 In pursuance of this objective, the following shall be ensured:

i) Passenger, cargo, third party liability limits and Airlines crew and personnel, aircraft training instructors & trainees' insurance cover shall be regulated.

ii) Insurance Liability Regime for designated air carriers shall be applied based on ICAO published limits or as expressly provided for by AFCAC.

iii) Air Carriers wishing to go on international operations shall adopt the liability limits set at the Montreal Convention of 1999; as follows:

(a) Compensation in case of death or injury of passengers: 100,000 Special Drawing Rights (SDR) for each passenger;

(b) Damage caused by delay: 4,150 SDR for each passenger;

(c) Destruction, loss, damage or delay of baggage: 1,000 SDR for each passenger; and

(d) Destruction, loss, damage or delay of cargo: 17 SDR per kg.

NOTE: 1 SDR = USD $1.4

i. Member States shall adopt harmonised liability limits for domestic operations. The limits shall be determined by AFCAC in consultation with States and included in a schedule to this Policy (AFCAP).

ii. Service providers in the aviation industry including Airports' and Air Navigation Operators shall put in place adequate third party insurance cover.

iii. Member States shall carry out periodic risk assessment/survey of airports, air navigation and other service providers and their operating environment to identify deficiencies and mitigate the risks.

iv. Member States shall sign and ratify all relevant Conventions and Protocols relating to risks to   civil aviation.

5.7   AVIATION TARIFFS AND CHARGES

5.7.1   OBJECTIVE

5.7.1.1   The objective of member States is to ensure that all aviation tariffs and charges are in accordance with ICAO policy and guidelines.

5.7.2   POLICY STATEMENT

5.7.2.1   The aviation service providers shall fix tariffs and charges in consultation with the users of their services and in accordance with ICAO policy and file those tariffs and charges with the regulatory authority.

5.7.3   STRATEGIES

5.7.3.1   In pursuit of this objective, the following shall be complied with:

i)   Member States shall ensure that aviation charges are only applied to services rendered.

ii)   All user charges shall be in accordance with ICAO policy and guidelines and international practices.

iii)   Aviation tariffs and charges shall be reviewed from time to time in accordance with the realities in the industry and in consultation with the users of the services.

iv)   All aeronautical charges shall be filed with the Civil Aviation Authorities for the purpose of anti-trust and consumer protection.

v)   Civil Aviation Authorities shall ensure that tariffs and charges are determined on the basis of sound accounting principles and may reflect, as required, other economic principles, provided that these are in conformity with of the *Convention on International Civil Aviation* and this Policy (AFCAP).

vi)   Civil Aviation Authorities shall ensure that tariffs and charges are not imposed in such a way as to discourage the use of facilities and services necessary for safety.

5.8 **ECONOMIC REGULATION OF AIRPORTS AND AIR NAVIGATION SERVICES**

5.8.1 **OBJECTIVE**

5.8.1.1 The objective of member States is to ensure safety and security of operations, development of infrastructure, promotion of competition and fair access of users to airports and air navigation services at rates and charges consistent with ICAO policies and guidelines and the AFCAP

5.8.2 **POLICY STATEMENT**

5.8.2.1 Civil Aviation Authorities of member States shall regulate the economics of their respective airports and air navigation services in line with international practice.

5.8.3 **STRATEGY**

5.8.3.1 In pursuance of this objective of member States:

i) Civil Aviation Authorities shall put in place necessary machinery to regulate the economics of their respective airports and air navigation.

ii) Member States and their airports and ANSPs shall make use of ICAO's policies on charges (Doc 9082) and guidance material regarding infrastructure financing (*Airport Economics Manual* (Doc 9562) and *Manual on Air Navigation Services Economics* (Doc 9161) refer).

iii) Member States should ensure that revenues generated by the civil aviation sector are re-invested in this sector in accordance with ICAO's policies on charges (Doc 9082), while refraining from imposing taxes for the sale or use of international air transport (Doc 8632).

iv) Member States and their airports and Air Navigation service Providers shall pay particular attention to ICAO's policies on charges (Doc 9082) when considering prefunding of an infrastructural project.

v) Civil Aviation Authorities and airports and Air Navigation Service Providers shall ensure that airport and air navigation services charges are only applied towards defraying the costs of providing facilities and services for civil aviation, and that service providers consult users on such charges.

5.9   FACILITATION

5.9.1   OBJECTIVE

5.9.1.1   The desire of member States is to provide for smooth and easy flow of traffic through their airports and territories in accordance with Annex 9 (facilitation) of the Convention on International Civil Aviation.

5.9.2   POLICY STATEMENT

5.9.2.1   Member States shall ensure effective facilitation of traffic through their airports and territories.

5.9.3   STRATEGIES

5.9.3.1   In pursuit of this objective, the following shall be accomplished:

i)   National Facilitation Committees and the Airports Facilitation Committees shall be set up by member States in accordance with ICAO Annex 9 and Facilitation Manual.

ii)   All member States shall implement the ICAO Standard on the use of Machine Readable Travel Document (MRTD)

iii)   Member States shall endeavour to implement E-Passports and E- MRTD and join the ICAO Public Key Directory (PKD) programme.

iv)   Passenger and Cargo clearances shall be automated at all airports in the continent. Therefore, baggage x-ray machine, passport screening machines, and other necessary equipment shall be provided at all international airports in the Continent.

v)   Member States shall put in place appropriate machinery to enhance coordination and consultations between the Customs, Immigration, Aviation Security (AVSEC) and other relevant government agencies.

vi)   African States shall consider easing immigration requirements and formalities among themselves in order to facilitate expeditious movement of persons between them, thereby promoting economic activities, investments and integration of the African continent.

5.10   PANDEMICS AND EMERGENCIES

5.10.1   OBJECTIVE

5.10.1.1   The desire of member States is to establish well-coordinated aviation emergency plans in preparation for outbreak of communicable diseases posing a public health risk and/or public health emergency.

5.10.2   POLICY STATEMENT

5.10.2.1   Member States response to threat of possible pandemic shall be timely, robust, coordinated and well harmonized in accordance with policies and guidelines of ICAO and World Health Organisation (WHO).

5.10.3   **STRATEGIES**

5.10.3.1   In pursuit of this objective, the following shall be accomplished:

     i)   Member States shall have national aviation emergency response plans on outbreak of communicable diseases in accordance with ICAO Annexes 9, 11 and 14.

     ii)   Airports operators in member States shall adopt the Airports Specific Guidelines on outbreak of communicable diseases as developed by Airports Council International (ACI).

     iii)   African Airlines shall adopt Airlines Specific Guidelines on outbreak of communicable diseases as developed by International Air Transport Association (IATA).

     iv)   AU and AFCAC shall support member States to respond to outbreak of communicable diseases posing a public health risk or public health emergency.

5.11   STATISTICS, FORECASTING AND PLANNING

5.11.1   **OBJECTIVE**

5.11.1.1   The objective of member States is to establish up to date data base on aviation activities and operations in order to facilitate forecasting and planning for the orderly development of air transport.

5.11.2   **POLICY STATEMENT**

5.11.2.1   Member States shall establish systems to gather and process data and information on all aviation activities and operations in their States which shall be easily accessible for use by industry and other stakeholders.

5.12.3   **STRATEGIES**

5.12.3.1   In pursuance of the objective, member States shall:

     i)   Set up the necessary system to capture, process, analyse and publish industry data

     ii)   Set up data collection and processing systems.

     iii)   Make statistical returns to AFCAC, ICAO and other international organisations as may be required.

5.12 **EFFECTIVE PARTICIPATION IN REGIONAL AND INTERNATIONAL ORGANISATIONS**

5.12.1 **OBJECTIVE**

5.12.1.1 The objective of member States is to continue to actively participate and be represented in regional and international aviation organizations in order to keep abreast of developments and participate in the policy making process to safe guard the interest of the region.

5.12.2 **POLICY STATEMENT**

5.12.2.1 Member States shall continue to participate actively in regional and international aviation organisations to pursue their national interest and those of the Continent.

5.12.3 **STRATEGIES**

5.12.3.1 In pursuance of this objective:

i) Member States shall encourage their Aviation personnel and agencies to be members of regional and international Associations.

ii) Member States shall promote the employment of African citizens in regional and international organisations.

iii) Members States shall timely pay their contributions and dues to regional and international organisations especially AFCAC and ICAO.

iv) Member States shall actively participate in the activities of regional and international organisations including attendance of meetings, seminars and conference.

v) AFCAC shall coordinate and facilitate participation of member States and RECs in international aviation organisations.

vi) AFCAC shall promote the interest of African States in its relationship with other States, ICAO and sister organisations like ECAC, LACAC, ACAC etc.

CHAPTER SIX

AIRPORTS

6.0 **PREAMBLE**

6.0.1   The responsibility to develop, maintain and manage airports, including the provision of security, rescue and firefighting services and facilities, among others, are vested in the Airports Operators. , Government of member States continue to give full support in the area of security. However in line with the trend all over the world, the airport system in the continent should be liberalised and commercialised with increased private sector participation.

6.0.2   The airports should therefore be developed in accordance with ICAO guidelines, which provide for self-sustenance and discourages the use of funds generated from one airport system to fund other airports.

6.1 **AIRPORT DEVELOPMENTS AND MAINTENANCE**

6.1.1   **OBJECTIVE**

6.1.1.1   The objective of member States in developing and maintaining airports and associated infrastructure shall be to ensure safe, secure, functional, cost effective and user-friendly airport System.

6.1.2   **POLICY STATEMENTS**

6.1.1.2   Member States shall ensure that their airports and associated infrastructure are properly developed and managed taking into consideration the interests of all stakeholders and the National economy.

6.1.3   **STRATEGIES**

6.1.3.1   In pursuance of this objective:

i)   All airports developments shall be in accordance with respective Airport's Master Plans and land use plans as approved by the Civil Aviation Authorities.

ii)   Public/private partnership will be encouraged in the development and maintenance of airports.

iii)   The Airports Authorities shall ensure that adequate consultations with all stakeholders are carried out all through period of conception, planning process and implementation.

6.2   AIRPORT OPERATIONS AND MANAGEMENT

6.2.1   OBJECTIVES

6.2.1.1   The objectives of member States are:

i)   To have, autonomous, competitive and commercialized/privatized airport system.

ii)   To ensure adequate security and safety within their airport and associated facilities.

iii)   To ensure that airports effectively play their role in promoting sustainable growth of air transport

iv)   To co-operate with other countries outside the Continent and international organisations in ensuring security and safety in international civil aviation.

6.2.2   POLICY STATEMENTS

6.2.2.1   Member States shall ensure that their airports systems provide enough capacity that will foster strong and sustainable air transport development.

6.2.2.2   Member States shall encourage private sector participation in the development and maintenance of airports

6.2.2.3   Airports in member States shall be certified by the Civil Aviation Authorities in accordance with ICAO SARPs.

6.2.2.4   Member States shall take all necessary measures to prevent unlawful interference with aircraft and civil aviation facilities and equipment within its territory, assist in preventing similar occurrence in other countries and co-operate in terminating any unlawful interference with aircraft when the need arises.

6.2.3   STRATEGIES

6.2.3.1   In pursuance of these objectives:

i)   Member States shall commercialise their airport system and provide enabling environment for private sector participation in the development and operations of airports.

ii)   Member States shall ensure adequate funding of Aviation Security and Safety in accordance with ICAO policies.

iii)   Civil Aviation Authorities shall put in place appropriate machinery for the certification and licensing of all airports.

iv) Member States shall enact appropriate laws to deal decisively with airports offences including problems like touting, vandalising airport facilities, pilfering/poaching of baggage, land encroachment and other misdemeanours.

v) Member States shall establish Airport Emergency Plans and well-equipped Emergency Operating Centres (EOCs in line with international standards and also put in place procedures to handle unlawful interference with aircraft and civil aviation facilities and equipment.

6.3 DEVELOPMENT OF NON-AERONAUTCAL FACILITIES AND SERVICES

6.3.1 OBJECTIVE

6.3.1.1 The desire of member States is for Airports' Operators to have well developed non-aeronautical facilities and services in order to expand the revenue base and generate adequate revenue.

6.3.2 POLICY STATEMENT

6.3.2.1 Member States shall ensure that Airports' Operators continuously take measures to increase generation of non-aeronautical revenues and minimise dependency on aeronautical revenues.

6.3.3 STRATEGIES

6.3.3.1 In pursuit of the objective of member States, the following shall be ensured:

i) Airports Authorities shall adopt "Single Till" revenue policy.

ii) Airports Authorities shall adopt Public/Private partnership in the development and collection of non-aeronautical revenues.

6.4 AVIATION SUPPORT SERVICES

6.4.1 OBJECTIVE

6.4.1.1 The objective of member States is to have adequate, efficient, competitive and liberalised Aviation Support Services with opportunities for private sector participation.

6.4.2 POLICY STATEMENT

6.4.2.1 Member States shall encourage the development of efficient Aviation Support Services.

6.4.3   **STRATEGIES**

6.4.3.1   In pursuit of this objective, the following shall be ensured:

  i)   Member States shall liberalise aviation support services and create enabling environment for effective private sector participation.

  ii)   All Aviation Support Services will not only conform to international standards, but shall meet the standards and requirements set by the Civil Aviation Authorities and the operating procedures of the airports' operators.

  iii) The operators/owners of airports shall decide on the number of Aviation Service Providers at each airport. However, the Civil Aviation Authorities shall ensure that the policy against monopoly and anti-trust is not compromised.

  iv)   Civil Aviation Authorities shall ensure that any company licensed to carry out Aviation support services has adequate resources and facilities for optimal and efficient services.

CHAPTER SEVEN

AIR NAVIGATION SERVICES AND METEOROLOGY

7.0   PREAMBLE

7.0.1   Air Navigation Services entails the provision of Communication, Navigation, Surveillance / Air Traffic Management (CNS/ATM) facilities and services for the efficient management of the airspace. The services include air traffic control, aeronautical communications, navigation/landing aids and calibrations, aeronautical search and rescue coordination and aeronautical information services.

7.0.2   The major challenge facing member States in the provision of these services is insufficient funds to implement the CNS/ATM System and maintenance of existing facilities. Various cooperative initiatives have been made to ensure that air navigational services in the continent meet international standards.

7.0.3   African States have continued to participate in the activities of ICAO particularly through the AFRIRAN and APIRG meetings and are expected to implement their recommendations.

7.1   AIR TRAFFIC MANAGEMENT

7.1.1   **OBJECTIVES**

7.1.1.1   The objectives of member States are:

(i)   to provide safe, orderly and expeditious flow of air traffic within their airspace and to co-operate and co-ordinate the flow of air traffic with the aeronautical authorities of adjacent airspaces. .

(ii)   to have a single/seamless African sky with a coordinated air traffic management system.

7.1.2   POLICY STATEMENT

7.1.2.1   Member States shall collaborate to ensure effective and efficient Air Traffic Management System in Africa.

7.1.2.2   African Union and AFCAC shall facilitate the establishment of a single African Sky with a well-coordinated Air Traffic Management System.

7.1.3   STRATEGIES

7.1.3.1   In pursuance of these objectives, the following shall be ensured:

i)   Member States shall ensure that ATM is planned, developed and managed in accordance with ICAO SARPs and AFIRAN recommendations.

ii)   Member States shall ensure the availability of adequate funds for the implementation of proven modern technologies in the provision of Air Traffic Management such as the PBN, GNSS, etc

iii)   AU and AFCAC shall make concerted efforts towards the establishment of a single African Airspace.

iv)   AFCAC shall facilitate collaboration among African Air Navigation Service Provider to expedite the establishment of a single/seamless airspace.

v)   Member States shall take necessary measures including the enforcement of regulatory provisions to ensure the implementation of effective Safety Management Systems

vi)   CAAs shall ensure that air traffic incident investigation and reporting is done in accordance with ICAO SARPs and AFIRAN recommendations.

vii)   Member States shall actively participate in AFIRAN & APIRG meetings and establish mechanisms for effective implementation of their recommendations/resolutions.

viii)   Member States shall ensure that their national air navigation plans are in line with the continent's regional plans and performance based approach

ix)   Member States should work with their Air Navigation Services Providers and the Militaries to formulate and implement policy and operational measures to enhance Civil/Military co- operations.

7.2   COMMUNICATIONS NAVIGATION SURVEILANCE (CNS)

7.2.1   OBJECTIVES

7.2.1.1   The objective of member States is to continue to provide Communication Navigation surveillance (CNS) which are in compliance with ICAO SARPs for the safety, regularity and efficiency of flight operations in African and adjacent airspace in a collaborative manner.

7.2.2   POLICY STATEMENT

7.2.2.1   Member States shall continue to enhance the implementation of CNS in accordance with ICAO SARPs and the recommendations of AFIRAN, APIRG.

7.2.3   STRATEGIES

7.2.3.1   In pursuit of these objectives, the following shall be   ensured:

  i)   Member States shall develop national action plans, aligned with the regional performance objectives for the implementation of Performance Base Navigation (PBN) and elimination of deficiencies in order to achieve the goals set by ICAO.

  ii)   Member States shall ensure regular calibration of air navigation and landing aid facilities.

  iii)   Member States Shall collaborate to establish interoperable systems to ensure emergence of a seamless CNS system in the Continent.

  iv)   Member States should encourage their Air Navigation Services providers expand the use of Very Small Apprentice Technology (VSAT) ensure proper coordination of the Installation of VSAT and Satellite Communication networks within and among adjacent States.

  v)   Member States shall implement the language proficiency provisions with a high level of priority and ensure that flight crews, air traffic controllers and aeronautical station operators involved in international operations maintain language proficiency at least at ICAO Operational Level 4.

7.3   AERONAUTICAL INFORMATION MANAGEMENT (AIM)

7.3.1   OBJECTIVES

7.3.1.1   The objective of member States is to ensure availability of adequate comprehensive navigation data and aeronautical charts at all times for the safe performance of flight operations.

7.3.2   POLICY STATEMENT

7.3.2.1   Member States shall ensure that aeronautical information/data and aeronautical charts are provided for the safety, regularity and efficiency of flight operations.

7.3.3   STRATEGY

7.3.3.1   In pursuance of these objectives, the following shall be ensured:

   i)   Member States shall ensure the full implementation of a common reference coordinate system - World Geodetic System -1984 (WGS 84) in Africa.

   ii)   Member States shall have a quality system for the origination, production, maintenance and efficient distribution of aeronautical information.

   iii)   Member States shall develop and introduce an ICAO conceptual information data model for the storage, retrieval and exchange of aeronautical data.

   iv)   Member States shall ensure compliance with the provision of ICAO Annex 15 in the provision of Aeronautical Information Service.

   v)   Member States shall develop national plans, performance goals and achievable milestones to implement the transition from AIS to AIM in accordance with the ICAO roadmap.

7.4   SEARCH AND RESCUE (SAR) COORDINATION

7.4.1   OBJECTIVE

7.4.1.1   The objective of member States is to establish effective Search and Rescue Mechanisms to ensure timely, expeditious and co-ordinated response to aircraft incidents and accidents.

7.4.2   POLICY STATEMENTS

7.4.2.1   Member States shall ensure that their agencies responsible for Air Navigation Services effectively collaborate and co-ordinate with other relevant agencies in aeronautical search and rescue activities within their States as well as adjacent States.

7.4.3 STRATEGY

7.4.3.1   In order to accomplish this objective the following measures shall be undertaken:

(i)   Member States shall establish well-coordinated, well equipped and well-funded Search and Rescue mechanism.

(ii)   AFCAC shall put in place necessary machinery to assist member States develop cooperative and collaborative approaches and agreements to Search and Rescue.

(iii)   Members States with the support from RECs and AFCAC shall enter into Search and Rescue agreements with neighbouring States.

(iv)   Member States shall establish updated agreements and detailed procedures among aviation, maritime and other rescue coordination Centers, for effective coordination and the optimization of resources.

(v)   Member States shall endeavour to be party to COSPAS-SARSAT as providers of ground segments or as user States.

7.5   AERONAUTICAL METEOROLOGY SERVICES

7.5.1   OBJECTIVE

7.5.1.1   The objective of member States is to ensure that accurate and timely weather information for air navigation is available at all times for the safety of aircraft operations.

7.5.2   POLICY STATEMENT

7.5.2.1   Member States shall ensure that their Meteorological Agencies provide accurate and timely weather information required for safe aircraft operation.

7.5.3   STRATEGIES

7.5.3.1   In order to achieve this objective:

i)   The provision of weather information shall be in accordance with ICAO SARPs.
ii)   Meteorological Agencies shall be well funded and their services shall be provided on cost recovery basis.
iii)   Member States shall develop metrological performance objectives for the implementation of SIGMET and quality management systems.

CHAPTER EIGHT

AVIATION SAFETY

8.0   PREAMBLE

8.0.1   Safety is the cornerstone of international civil aviation and the integral part of the strategic objective of ICAO. All member States have statutory responsibility to ensure and enhance aviation safety

8.0.2   Aviation Safety Oversight is a means of ensuring safety in civil aviation through effective implementation of the Safety–related Standards and Recommended Practices (SARPs) and relevant provisions of the Convention.

8.0.3   Effective and autonomous civil aviation authorities are essential for achieving safe and secure air transport in the continent. In order to optimise resources, States collaborate to establish Regional Safety Oversight Organisations (RSOOs) and Regional Accident Investigation Agencies (RAIAs).

8.0.4   Safety Management is the responsibility of the State regulators and industry service providers

8.1   SAFETY REGULATIONS AND OVERSIGHT

8.1.2   OBJECTIVE

8.1.2.1   The objective of member States is to ensure a high level of safety in civil aviation operations through compliance with ICAO SARPs.

8.1.3   POLICY STATEMENT

8.1.3.1   Member States shall ensure that Civil Aviation Authorities have full powers and independence to carry out effective safety oversight and regulation of the aviation industry.

8.1.4   STRATEGIES

8.1.4.1   In pursuance of these objectives:

   i)   Autonomous Civil Aviation Authorities and RSOOs shall be established and/or strengthened with adequate resources to carry out their responsibilities.

   ii)   Civil Aviation Authorities shall have oversight responsibilities on all service providers in the industry, including aircraft operators, maintenance and repair organisations, Airports/Aerodrome and Air Navigation Service Providers, Aeronautical Meteorology,

Aviation Training Organisations, handling companies, aviation fuel suppliers, among others.

iii) All aircraft operators, maintenance organisations, aviation licensed personnel, flight training organisations and airstrip/aerodrome operators/owners etc shall comply with relevant regulations.

iv) Civil Aviation Authorities shall work out modalities for the licensing of various categories of personnel in the industry.

v) AU and AFCAC shall encourage member States to create Regional/Sub-Regional Aviation Safety Oversight Organisations (RSOOs).

vi) AU and AFCAC shall encourage Regional Economic Communities (RECs) to implement cooperative safety initiatives.

vii) African Union and AFCAC should ensure the implementation of all safety resolutions while exploring new initiatives to enhance aviation safety in the Continent.

viii) Member States shall ensure that the safety inspectors receive adequate training

8.2   SAFETY MANAGEMENT

8.2.2   OBJECTIVES

8.2.2.1   The objective of member States is to ensure that the culture of Safety Management is inherent in all civil aviation activities

8.2.3   POLICY STATEMENTS

8.2.3.1   Member States shall ensure that all aviation stakeholders including the Civil Aviation Authorities and service providers exhibit high safety culture in their operations.

8.2.4   STRATEGY

8.2.4.1.   In pursuance of these objectives, the following shall be accomplished:

i) Civil Aviation Authorities of member States shall establish State Safety Programmes in accordance with the ICAO Safety Management Manual

ii) Civil Aviation Authorities of member States shall ensure that all aviation service providers have in place Safety Management System.

iii) Civil Aviation Authorities of member States and all aviation Stakeholders shall develop and imbibe safety culture in their operations

iv) RSOOs should collaborate with their member States to develop Regional Safety Programme (RSP) and States Safety Programmes (SSPs)

v) AFCAC should collaborate with member States and RSOOs to organise ICAO's Train the Trainers course programmes for regulators and service providers and to implement

vi) Seminars, Workshops and Conferences should be organised for all stakeholders to sensitize and enlighten them on the benefits of imbibing safety culture.

8.3 ACCIDENT INVESTIGATION & PREVENTION

8.3.2 OBJECTIVES

8.3.2.1 The objective of member States is to ensure timely thorough investigation of all accidents and major incidents with a view of preventing future occurrences.

8.3.3 POLICY STATEMENT

8.3.3.1 Member States shall establish autonomous Accident Investigation and Prevention Agencies at the national and/or regional level for the investigation of aircraft accidents and major incidents.

8.3.4 STRATEGIES

8.3.4.1 In order to accomplish this objective:

i) Accident Investigation and Prevention Agencies shall be independent to guarantee thorough and impartial investigations and reports.

ii) Accident Investigation Agencies shall be provided with necessary resources including qualified and experienced professionals.

iii) Accident Investigation Committee, where established in special circumstances shall be constituted in line with Annex 13 of the Chicago Convention.

iv) Accident Investigation Agencies shall endeavour to issue Accidents Reports within time frame in a manner consistent with the provision of Annex 13.

v) AU and AFCAC shall encourage member States and RECs to Establish Regional Accident Investigation Agencies..

CHAPTER NINE

AVIATION SECURITY

9.0   PREAMBLE

9.0.1   States are responsible for ensuring the implementation of adequate security measures at airports pursuant to the provisions of ICAO Annex 17 *to* the *Convention on International Civil Aviation.* States may delegate the task of providing individual security functions to such agencies as airport entities, air carriers and local police.

9.0.2   States may determine in which circumstances and the extent to which the costs involved in providing security facilities and services should be borne by the State, the airport entities or other responsible agencies

9.1   AVIATION SECURITY MANAGEMENT

9.1.1   OBJECTIVES

9.1.1.1   The objective of member States is to have well-coordinated and effective Aviation Security Management Systems which will ensure Prevention of unlawful interference against civil aviation.

9.1.2.1   POLICY STATEMENT

9.1.2.1   Member States in cooperation with international partners, will take all necessary actions, consistent with applicable laws, statutes, and international agreements and ICAO SARPs, to enhance aviation security.

9.1.3.   STRATEGIES

9.1.3.1   In order to accomplish this objective:

  i)   Member States shall ratify and domesticate all international Conventions and Protocols on Aviation Security.

  ii)   Member States shall develop and put in place National Aviation Security Programme and National Aviation Security Committees respectively in their States.

  iii)   Member States shall deploy all available technology, equipment, methodologies and procedures to prevent and counter new and emerging threats to civil aviation e.g. Man Portable Air Defense System (MANPADS) and Liquids, Aerosols and Gels (LAGs) etc.

  iv)   AVSEC Departments in Civil Aviation Authorities will be strengthened and manned by qualified professionals to ensure proper regulatory oversight on Aviation Security Services.

(v) AVSEC Personnel in member States shall be well trained, properly equipped and adequately remunerated.

(vi) Member States shall co-operate with other countries and international organisations to ensure the security of international civil aviation.

9.2 AIRPORTS SECURITY MANAGEMENT

9.2.1 OBJECTIVE

9.2.1.1 The objective of member States is to ensure adequate security at their airports in accordance with Annex 17 taking into consideration the– Facilitation needs in accordance with Annex 9.

9.2.3.1 POLICY STATEMENT

9.2.3.2 Member States shall ensure that airports are provided with adequate security mechanisms and resources.

9.2.3.3 STRATEGIES

9.2.3.4 In pursuit of this objective, the following shall be ensured:

i) Airports shall develop Airports Security Programme and put in place Airports Aviation Security Committees and Airports Emergency Plans;

ii) The Airports Aviation Security Committees shall operate in consultation and coordination with Airports Facilitation Committees;

iii) Airport Security Agencies shall have adequate AVSEC personnel at the airports who will be well trained personnel that will operate in accordance with the Airports Security Rules and procedures and relevant ICAO SARPs.

9.3 AIRLINES/OPERATORS SECURITY MANAGEMENT

9.3.1 OBJECTIVES

9.3.1.1 The objective of member States is to ensure that airlines play effective role in ensuring security of their operations.

9.3.3 POLICY STATEMENT

9.3.3.1   Member States shall ensure that Airlines put necessary security measures in place to enhance the security of their flight operations and comply with set rules and regulations.

9.3.4   STRATEGIES

9.3.4.1   In pursuit of this objective, the following shall be ensured:

i)   Airlines shall operate in accordance with their Security Manuals duly approved by their respective Civil Aviation Authorities.

ii)   Airlines may conduct secondary security passenger screening at the airports.

CHAPTER TEN

ENVIRONMENT

10.0   PREAMBLE

10.0.1   Environmental protection has become a major issue in international aviation. There have been concerted efforts through ICAO for a global approach to mitigating the impact of aviation on the environment including:

(a)   Limiting or reducing the number of people affected by significant aircraft noise;

(b)   Limiting or reducing the impact of aviation emissions on local air quality; and

(c)   Limiting or reducing the impact of aviation   greenhouse gas emissions on global climate.

10.0.2   ICAO has adopted a Balanced Approach to Aircraft Noise Management that consists of four principal elements, namely reduction at source (quieter aircraft), land-use planning and management, noise abatement operational procedures and operating restrictions, with the goal of addressing the noise problem in the most cost-effective manner.

10.0.3   Due to the increasing amount of residential development surrounding airports and the continued growth of commercial air travel, air pollution surrounding airports has become a significant concern for local/ regional governments as contaminants emitted by aircraft and airport sources can affect human health and the environment.

10.0.4   In recent years, the scope of ICAO's policy-making to address the environmental impact of aircraft engine emissions has been expanded to include the impact of aircraft engine emissions during flight on climate

change. Total CO_2 aviation emission is approximately 2% of the Global Greenhouse Emissions but it is expected to grow around 3-4 per cent per year.

10.0.5   Significant progress has been made over the years by ICAO in addressing these environmental issues through the work of its Committee on Aviation Environmental Protection (CAEP) and by the industry. This includes the adoption of noise restriction and emissions standards, technological improvement in aircraft engines and fuel operational efficiency and introduction of market based measures Market-based measures include emissions trading, emission related levies - charges and taxes, and emissions offsetting.

10.0.6   The United Nations Framework Convention on Climate Change (UNFCCC) principle of common but differentiated responsibilities requires the developed countries to take the lead in addressing climate change while providing necessary support to developing States in their voluntary actions through different mechanisms such as the Clean Development Mechanism (CDM).

10.0.7   The Kyoto Protocol (Article 2.2), which was adopted by the Conference of the Parties to the UNFCCC calls for developed countries (Annex I Parties) to pursue limitation or reduction of greenhouse gases from "aviation bunker fuels" (international aviation) working through ICAO. The ICAO 37th Assembly resolved that States and relevant organizations will work through ICAO to achieve a global annual average fuel efficiency improvement of 2 per cent until 2020 and an aspirational global fuel efficiency improvement rate of 2 per cent per annum from 2021 to 2050, calculated on the basis of volume of fuel used per revenue tonne kilometre performed.

10.1   ENVIRONMENTAL PROTECTION

10.1.1   OBJECTIVE

10.1.1.1   The objective of member States is to ensure the sustainable development of an environmentally friendly civil aviation industry

10.1.2   POLICY STATEMENT

10.1.2.1   Member States shall take necessary measures to ensure continuous development and growth of civil aviation with minimal adverse impact on the environment.

10.1.3 STRATEGIES

i.1.3.1   In pursuit of this objective:

    i)   Member States shall implement applicable ICAO SARPs on aircraft noise and engine emissions.

ii)   Member States shall support ICAO efforts to achieve global annual fuel efficiency improvement, and develop action plans as applicable.

iii)   Member States shall ensure adherence to the UNFCCC principle of common but differentiated responsibilities and implement mechanisms to reduce aircraft emissions and limit the impact on environment.

iv)   Member States shall take into cognisance ICAO guiding principles when designing and implementing their Market Based Measures (MBMs).

v)   Member States shall ensure that commercial aircraft operators from States below the *de minimis* threshold of 1 per cent of total global revenue ton kilometres shall qualify for exemption for application of MBMs that are established on national, regional and global levels.

vi)   Member States shall ensure that Airport Operators comply with the environmental protection programme approved by the Civil Aviation Authorities.

vii)   Member States shall encourage their operators to acquire and use modern, quieter and more fuel efficient aircraft. In this regard States should ratify the Cape Town Convention on International Interest on Mobile Equipment and Aircraft protocol in order to facilitate cheaper aircraft financing.

viii)   Member States shall accelerate the development and implementation of fuel efficient routings and operational procedures to reduce aviation emissions.

ix)   Member States shall accelerate efforts to achieve environmental benefits through the application of satellite-based technologies that improve the efficiency of air navigation.

x)   Member States shall reduce legal, security, economic and other institutional barriers to enable implementation of the new ATM operational concepts for the environmentally efficient use of airspace.

xi)   Member States shall develop policy actions to accelerate the appropriate development, deployment and use of sustainable alternative fuels for aviation.

xii)   Member States shall work together through AFCAC, ICAO and other relevant international bodies, to study, identify, develop and implement processes and mechanisms to facilitate the provision of technical and financial assistance, as well as facilitate access to existing and new financial resources, technology transfer and

capacity building, to developing countries, and to exchange information on best practices.

CHAPTER ELEVEN

HUMAN RESOURCES DEVELOPMENT

11.0 **PREAMBLE**

11.0.1   Human Resource Development is a continuous process to ensure the development of employees' competencies, dynamism, motivation and effectiveness in a systematic and planned way. Aviation, being a specialised industry requires the services of professionals and highly trained and skilled personnel to achieve high level of safety, security and efficiency in air operations.

11.0.2   The shortage of skilled personnel in the African aviation industry and in African regulatory bodies had been a cause of serious concern for many years. African civil aviation faced additional problems due to the migration of aviation experts looking for better opportunities overseas. This was exacerbated by the high turnover of aviation professionals in government owned institutions.

11.0.3   The training capacity within Africa is limited. The available training institutions are few and have not always kept pace with the advancements in civil aviation and training technology. As a result, training frequently had to be performed outside of the continent at high cost to government and industry.

11.0.4   African Training institutions should therefore make harmonized and coordinated efforts towards training professionals and other personnel required by the aviation industry. The ICAO TRAINAIR Programme is an effective means to standardize training materials and facilitate coordination and cooperation among training centres.

11.1 **AVIATION TRAINING**

11.1.1 **OBJECTIVES**

11.1.1.1   The objectives of member States are:

i)   To have adequate number of highly trained and skilled personnel in charge of the aviation industry in Africa in order to have safe and secure industry; and

ii)   To ensure that training institutions in Africa constitute centres of excellence, so that Certificates issued by the institutions command respect, recognition and wide acceptability in the international community.
    .

11.1.2   **POLICY STATEMENT**

11.1.2.1   Member States shall encourage the development of institutions for basic, advanced and refresher trainings to meet the current and future needs of the African aviation industry

11.1.3   **STRATEGIES**

11.1.3.1   In pursuance of these objectives:

i)   Member States, African Union, AFCAC and REC's shall provide necessary incentives to facilitate private sector investments in the establishment of aviation training organisations especially for the training of Pilots, Engineers, Cabin Crew and other aviation professionals.

ii)   The Instructional System Development (ISD) methodology Of ICAO TRAINAIR programme shall be used in Aviation Training Organisations (ATOs) in Africa.

iii)   The procedures, competency requirements and approval processes for the establishment of Aviation Training Institutions/Organisations in Africa shall be harmonised and administered by Civil Aviation Authorities.

iv)   Member States shall promote and facilitate close co-operation amongst aviation training organizations in Africa to ensure the harmonization and implementation of standards for quality assurance, standardization of courses and the development of "train the trainers" programme.

v)   AFCAC should collect data, maintain a database on aviation training needs and capacities in Africa, and publish report on the state of aviation training in Africa.

vi)   AFCAC should establish criteria for mutual recognition of credits, certificates, diplomas or degrees issued by Aviation Training Institutions in Africa.

11.2   AVIATION HUMAN RESOURCE MANAGEMENT

11.2.1   **OBJECTIVE**

11.2.1.1   The objective of member States is to ensure capacity building in the aviation industry managed by qualified professionals through the training, recruitment and retention of highly qualified staff,

11.2.2   **POLICY STATEMENT**

11.2.2.1   Member States shall ensure the development of human resources to effectively manage the aviation industry.

11.2.3   **STRATEGIES**

11.2.3.1   In pursuit of this objective:

i)   Member States shall ensure that aviation professionals are well motivated and remunerated to forestall brain drain.

ii)   Member States shall remove all physical barriers to free movement of personnel among African States through favourable labour policies.

iii)   AFCAC shall establish data base of aviation professionals in Africa.

iv)   Member States shall implement policies that promote transparency, fairness and merit in the recruitment professionals.

CHAPTER TWELVE

AVIATION FINANCING

12.0   PREAMBLE

12.0.1   The global trend is that governments are increasingly transferring the responsibility of financing airports and air navigation services to the private sector or to financially autonomous public or semi-public bodies. Where airports and air navigation services have been operated by autonomous entities their overall financial situation and managerial efficiency have generally tended to improve. They are able to implement new financing schemes to improve facilities and provide additional capacity.

12.0.2   In many countries, Government provides direct funding of the civil aviation administration's regulatory functions, while charges and fees of the administration go into Government coffers. In majority of cases such administrations are poorly funded and are ineffective due to competing priorities of Government in the social sectors such as health and education.

12.0.3   An autonomous CAA can be a mechanism for reducing or resolving funding problems. The CAA's costs are met from its licensing, certification and approval fees and charges on those whom it regulates. Some CAAs also generate fund from surcharges levied on passengers and consignees.

12.0.4   In a small traffic State, it may be cost efficient for the autonomous CAA to combine in its structure, a separated regulatory function, and the provision of airport and/or air navigation services.

12.0.5   Regional Safety Oversight Organisations (RSOOs) is also a cost effective and efficient mechanism for regulatory oversight due to inherent economies of scale in the use of resources.

12.1 FINANCING OF INFRASTRUCTURE

12.1.1 OBJECTIVE

12.1.1.1 The objective of member States is to have adequate and modern airports and air navigation infrastructural facilities that meet ICAO SARPs and other international standards

12.1.2 POLICY STATEMENT

12.1.2.1 Member States shall put in place appropriate policies and laws to encourage Public – Private Partnership in the financing and management of airports and air navigational infrastructural facilities.

12.1.3 STRATEGIES

12.1.3.1 In pursuit of this objective:

(i) Member States shall establish autonomous agencies and implement commercialisation, corporatisation and privatisation in the provision of airports and air navigation services.

(ii) Member States shall encourage Airports and air navigation service providers to implement innovative financing scheme to modernise their infrastructure and increase capacity.

(iii) Airports and air navigation service providers shall put in place effective cost and revenue accounting system, sound methodology for determining the cost basis for charges, internationally recognized cost recovery policies and effective mechanism for the collection of charges in order to attract Private sector financing.

(iv) Airports Authorities shall adopt "Single Till" revenue policy.

(v) Airports Authorities shall adopt Public-Private partnership in the development and collection of non-aeronautical revenues.

(vi) Service Providers may consider the use of pre-funding fees as a means of financing long-term, large-scale investment provided there is effective and transparent economic oversight of user charges and the related provision of services, including performance auditing and benchmarking.

12.2   FINANCING OF REGULATORY FUNCTIONS

12.2.1   OBJECTIVE

12.2.1.1   The objective of member States shall be to have effective Civil Aviation Authorities that are adequately funded to carry out their regulatory oversight responsibility.

12.2.2   POLICY STATEMENT

12.2.2.1   Member States shall ensure that Civil Aviation Authorities are adequately funded and have statutory sources of revenues.

12.2.3   STRATEGIES

12.2.3.1   In pursuit of this objective:

   i)   Regulatory oversight functions shall be funded through a percentage Sales Charge on cost of tickets sold in member States or a percentage of other aviation charge(s) as may be deemed fit by member States.

   ii)   CAAs shall charge statutory fees for inspections, Certifications, registrations and issuance of Licences, Certificates, Permits, Approvals, etc.

   iii)   The Civil Aviation Authorities shall retain all their revenue to ensure sustainability of continuous efficient oversight activities.

   iv)   Where necessary, member States shall provide subventions and budgetary allocations to the Civil Aviation Authorities without compromising their regulatory independence.

   v)   Member States shall encourage the establishment of RSOOs to facilitate pooling of resources and to achieve economies of scale.

PART THREE OTHER PROVISIONS

CHAPTER THIRTEEN

INTERMODAL TRANSPORT SYSTEMS

13.0   PREAMBLE

13.0.1   Transport is an indispensable tool in facilitating the creation of a single socio-economic space that would lead to free movement of goods and persons in Africa. For transport to play its full role and have an effective impact on the integration of the continent, there is a need for physical integration of networks; operational integration; user-service provider

interface; convergence of policies; joint planning and development of transport facilities and systems; harmonization of standards; and joint cross-border investments.

13.0.2   Competitions between the different modes of transportation have tended to produce a transport system that is segmented and un-integrated. Each mode has sought to exploit its own advantages in terms of cost, service, reliability and safety. However, recent developments have made it imperative to both the service providers and the policy makers that the linkages of the different modes of transportation are necessary for achieving seamless movement of persons and goods.

13.0.3   Air passengers' expectations include rapid and direct transfer from city centre to Airport, easy connection between airport terminals when transiting, quick and convenient transfer of passengers and their baggage from international to domestic terminals, as well as availability of specialized (Air terminal) for check-in in the city centre and provision of special services for persons with reduced mobility.

13.0.4   In the Continent, there are very few examples of intermodal cooperation, and in many cases the infrastructure that would enable effective intermodal travel is either non-existent or insufficient.

13.1   INTEGRATING CIVIL AVIATION WITH OTHER MODES OF TRANSPORTATION

13.1.1   OBJECTIVE

13.1.1.1   The objective of member States shall be to have a well-integrated transport system which will link air transportation to other modes of transport for seamless movement of passengers and cargo.

13.1.1.2   POLICY STATEMENT

13.1.1.3   Member States shall ensure easy and good access to their airports and between airport terminals through well integrated road and rail transportations systems.

13.1.1.4   Aviation development in the Continent shall be consistent with the Strategic Framework and Priority Action Plan of Programme for Infrastructure Development for Africa (PIDA) for 2010 -2040

14.3   STRATEGIES

13.3.1   In pursuit of this objective:

i)   Member States shall have convergence of policies; joint planning and development of transport facilities and systems; and operational integration for linkage and connectivity between air transportation and other modes of transport.

ii)   Member States shall put in place appropriate policies and laws that will promote cross border investments in intermodal transportation.

iii)   Member States shall formulate appropriate policies and laws that ensures that airports, road and rail infrastructure providers implement inter linkages and common information and distribution system across the airline, road and railway system

CHAPTER FOURTEEN
LINKAGE OF CIVIL AVIATION WITH OTHER
SOCIO-ECONOMIC SECTORS

14.0   PREAMBLE

14.0.1   Civil aviation includes air transport (commercial carriage by air), general aviation, commercial aerial works (such as aerial crop dusting photography and surveying), infrastructure (such as airports and air navigation facilities) and manufacturing and maintenance (such as for aircraft, engines, and avionics). Air transport is at the core of civil aviation business.

14.0.2   Air transport has traditionally experienced higher growth than most other industries. Demand for air transport is closely linked with economic development; at the same time air transport is a driver in an economy. The contribution of air transport and related civil aviation industries to local, regional or national economies includes the output and jobs directly attributable to civil aviation as well as the multiplier or ripple effect upon other industries throughout the economy.

14.0.3   Air transport is however highly sensitive to, and dependent on, economic developments in other sectors. This was evident during recent global economic crises. In this regard there are various factors that impact the health of Air Transport including:

14.0.3.1 Economic and socio-political factors:

a)   Growth; Recession; and Inflation

b)   Civil unrest and wars

14.0.3.2 Natural hazards:

a)   Adverse weather or climatic events (e.g. hurricanes, winter storms, droughts, tornadoes, thunderstorms, lighting, heavy rain, snow, winds and restrictions on visibility and wind shear);

b)   Geophysical events (e.g. earthquakes, volcanoes, tsunamis, floods and landslides);

c)   Geographical conditions (e.g. adverse terrain or large bodies of water);

d)   Environmental events (e.g. wildfires, wildlife activity, and insect or pest infestation); and/or

e)   Public health events (e.g. epidemics of influenza or other diseases).

14.0.4   The following socio-economic sectors have significant impact on the growth and health of the Air Transport Industry:

14.0.4.1   **Trade:** The Air Transport industry is a prime mover of international trade. Majority of passengers transported by air are business travellers and tourists while most goods particularly perishable and high value items are transported predominantly by air. So also are mails and parcels.

14.0.4.2   **Tourism:** Africa boasts of many tourist attractions and destinations and Tourism in the main stay of the economy of many African States. Majority of air travellers from outside the continent are tourists. However a significant portion of the tourist market is dominated by foreign carriers. Furthermore there is little of intra-African tourism.

14.0.4.3   **Immigration:** The YD promotes the integration of African States however its implementation is hampered as there are currently significant restrictions to movement of persons and goods among many States. This includes in particular the stringent requirements for entry and transit visas for citizens of other African States. This negatively impacts the business of African airlines and constitutes significant impediment to air travel and trade within Africa.

14.0.4.4   **Customs:** Air transport is often erroneously treated as a cash cow thereby resulting in the imposition of prohibitive custom tariffs and taxes for cargo, aircraft and aviation equipment and services. Invariably those costs are passed on to the consumers leading to prohibitive costs of air travel, reduced passenger and cargo traffic and unsustainable airline business. The situation is further compounded by complicated customs and foreign exchange regulations and procedures.

14.0.4.5   **Information and Communication Technology:-** Information and communication technology (ICT) provides the technological backbone for air transport. All logistics for the processing and movement of aircraft, passengers and cargo are impossible without efficient and effective ICT architecture and operation. A disruption to ICT infrastructure in a State has adverse impact on the safety and efficiency of air transport operations.

14.0.4.6   **Power:-** Civil aviation is a very high tech industry that operates on the basis of precision equipment. The airport and air traffic management facilities, ground and aircraft communication, navigation and surveillance equipment all depend on uninterrupted power supply to function. The incidence of epileptic power supply may lead to catastrophic consequences for the safety and efficiency of flights.

14.0.4.7 **The Aviation Fuel Industry:** Aviation Fuel constitutes over 40% of the cost of operation of airlines. Therefore the aviation industry is highly susceptible to fuel price escalations. Within the African region the problem has been are compounded by erratic supply, imposition of prohibitive taxes and monopolies in the supply of fuel at airports. African airlines being significantly weaker than their foreign competitors are more impacted by these challenges.

14.0.4.8 **Research and Development:** Ever since the beginning of orderly development of international civil aviation, Africa's focus had been mainly on the operations aspect of the industry, and that could partly be blamed for her minimal performance and share of the industry. In order to ensure sustainable growth and participation in civil aviation, African States need to be more involved in aviation research and development.

14.0.5 At the operational level Air Transport requires the active cooperation of other ministries or agencies, such as:

- Immigration, Passport/visa issuing
- customs and Quarantine
- Environment Public and Port Health
- Security and narcotics control
- Tourism issuing authorities
- Foreign Affairs authorities

14.1 OBJECTIVE

14.1.1 The objective of member States is to continuous promotion and use of air transport as the engine and driver of their economies.

14.2 POLICY STATEMENT

14.2.1 Member States shall promulgate laws and policies that ensure that other socio-economic sectors facilitate the sustainable growth of air transport and enable play its role overall national and continental development.

14.3 STRATEGIES

14.3.1 In pursuit of this objective:

i) Member States shall adopt and implement policies that will promote increased trade among them in order to increase air traffic;

ii) Member States shall put in place policies that will encourage their citizens to patronise tourism destinations in Africa as a way of increasing air travel in the continent;

iii) Tour organisers and African airlines should collaborate more to enable the African air transport industry increase its share of the global tourism into Africa;

iv) Airport Operators should ensure that their airports are provided with robust ICT support and implement dedicated supply of ICT services to airports and aviation support systems;

v) Member States shall ensure the provision of dedicated adequate and uninterrupted power supply to airports and air navigation facilities since civil aviation is a very high tech industry that operates on the basis of precision equipment;

vi) Member States shall review their immigration policies and regulations which will encourage intra African travel through:

→ Removal/relaxing of entry visa requirements for African citizens;
→ Issuance of entry visas at their international airports; and
→ Abolition of visas for transit through their airports.

vii) Member States shall implement favourable custom policies and tariff regimes for:

→ Aircraft and spares
→ Cargo imports and exports
→ Foreign currency exchange

viii) Member States shall ensure uninterruptible supply of petroleum products to airports and airlines as well as fair protection of airline from unjustifiable high pricing and sharp practices in the distribution and sales of aviation fuel;

ix) Member States shall ensure that disruptions to international flights are kept, to the extent possible, minimum and that where this occurs; airlines and passengers are compensated when it is due to socio-political matters;

x) Member States shall support their airlines in getting favourable insurance rates and where possible provide guarantees to cover the socio-political risks;

xi) Member States should take measures to establish Research and Development institutions focusing on civil aviation at national and regional levels;

xii) Member States should facilitate and assist the civil aviation training centres to engage in collaborative arrangements with both national and international universities and research institutes to keep abreast with the technological advancements in the industry;

xiii)   Member States should integrate aviation in higher institutions of learning as part of Curriculum for the graduate and postgraduate students.

APPENDIX 1: ABBREVIATIONS

ACI	-	Airports Council International
AIS	-	Aeronautical Information Services
ACIP	-	African Comprehensive Implementation Programme
AFCAP	-	African Civil Aviation Policy
AFCAC	-	African Civil Aviation Commission
AFI	-	African
AFRAA	-	African Airlines Association
AMU	-	Arab Maghreb Union
ANR	-	Air Navigation Regulation
AOC	-	Air Operator's Certificate
ASECNA	-	Agency for Aerial Navigation Safety in African and Madagascar
ASET	-	African Safety Enhancement Team
AUC	-	African Union Commission
AVSEC	-	Aviation Security
AU	-	African Union
BASA	-	Bilateral Air Services Agreement
BSP	-	Bill Settlement Plan
CAAS	-	Civil Aviation Authorities
CAEP	-	Committee on Aviation Environmental Protection
CEN	-	SAD–Community of Sahel Sonora States
CNS / ATM	-	Communication Navigation Surveillance/Air Traffic Management
COMESA	-	Common Market for Eastern and Southern African
COSCAP	-	Cooperative Operational Safety and Continuing Airworthiness Development Program
EAC	-	East African Community
ECOWAS	-	Economic Community of West African States
EOC	-	Emergency Operating Centres
ECCAS	-	Economic Community of Central African States
EU	-	European Union
GDP	-	Gross Domestic Product
GNSS	-	Global Navigation Satellite System
IFATCA	-	International Federation of Air Traffic Controllers Association
IFATPA	-	International Federation of Airline Pilots Association
ISSG	-	Industry Safety Strategy Group
ICT	-	Information Communication Technology
ICAO	-	International Civil Aviation Organisation
IGAD	-	Intergovernmental Authority on Development
IGHC	-	International Ground Handling Council
IATA	-	International Air Transport Association
JAR	-	Joint Aviation Requirements
LAGS	-	Liquids Aerosols and Gels
MANPADS	-	Man Portable Air Defence System
MASA	-	Multilateral Air Services Agreement
MBM	-	Market Base Measure
MRTD	-	Machine Readable Travel Document

NEPAD   -   New Partnership for Africa Development
PTA   -   Preferential Trade Area
PBN   -   Performance Base Navigation
PPP   -   Public Private Partnership
REC   -   Regional Economic Community
RSOOS   -   Regional Safety Oversight Organisations
SADC   -   Southern African Economic and Monetary Union
SDR   -   Special Drawing Rights
SARPS   -   Standard and Recommended Practices
SSFA   -   Safe Skies for Africa Program
WAEMU   -   West African Economic and Monetary Union
WHO   -   World Health Organisation
YD   -   Yamoussoukro Decision

APPENDIX 2:   LIST OF INTERNATIONAL AIR LAW INSTRUMENTS

- Warsaw Convention (1929) Rules for international carriage by air
- Convention on International Civil Aviation (1944)
- International Air Transport Agreement (1944)
- International Air Services Transit Agreement
- Geneva Convention (1948) Recognition of rights in aircraft
- Rome Convention (1952) Damage to third parties on surface
- The Hague Protocol (1955). Amending Warsaw Convention of 1929
- Guadalajara Convention (1961) Supplementing Warsaw Convention of 1929
- Tokyo Convention (1963) Offences and other acts committed on Board Aircraft.
- Hague Convention (1970). Unlawful seizure of aircraft
- Guatemala City Protocol (1971) Amending Warsaw Convention of 1929 as amended by The Hague Protocol of 1955
- Montreal Convention (1971) Unlawful acts against the safety of civil aviation
- Additional Protocol No. 1 (1975) Amending Warsaw Convention of 1929
- Additional Protocol No. 2 (1975) Amending Warsaw Convention of 1929 as amended by The Hague Protocol of 1955
- Additional Protocol No. 3 (1975) Amending Warsaw Convention of 1929 as amended by The Hague Protocol of 1955 and Guatemala City Protocol of 1971
- Montreal Protocol No. 4 (1975) Amending Warsaw Convention of 1929 as amended by The Hague Protocol   of 1955
- Montreal Protocol (1978) Amending Rome Convention of 1952

- Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 83 bis] Lease, charter or interchange
- Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 3 bis] Non-use of weapons against civil aircraft in flight
- Montreal Supplementary Protocol (1988) Acts of violence at airports
- COSPAS-CARSAT Agreement (1988) International satellite system for search and rescue
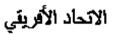- Convention on the Marking of Plastic Explosives (1991)

- Montreal Convention (1999) Rules for International carriage by air
- Convention on International Interests in Mobile Equipment (Cape Town Convention 2001)
- Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (Cape Town Protocol on Aircraft Equipment 2001)
- Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft 2009
- Convention on Compensation for Damage Caused by Aircraft to Third Parties (General Risks Convention (2009)
- Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing Convention 2010)
- Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol 2010)
- The United Nations Framework Convention on Climate Change (UNFCCC)

APPENDIX 3: SCHEDULE ON TARGETS

The Appendix 3 which shall constitute the basis of implementation and oversight of this policy will be developed by AFCAC.

Done in Luanda, on 24 November 2011.

SC8650

EXECUTIVE COUNCIL
Twenty-Second Ordinary Session
21 – 25 January 2013
Addis Ababa, ETHIOPIA

EX.CL/758(XXII)
Original: English

REPORT OF THE MINISTERIAL CONFERENCE
ON AVIATION SAFETY IN AFRICA
ABUJA, NIGERIA, 16 – 20 JULY 2012

REPORT OF THE MINISTERIAL CONFERENCE ON AVIATION SAFETY IN AFRICA, ABUJA, NIGERIA, 16 – 20 JULY 2012

INTRODUCTION

1.   The Ministerial Conference on Aviation Safety in Africa was held from 16 to 20 July 2012 in Abuja, Federal Republic of Nigeria, under the theme: ***"Assessment of aviation safety performance in Africa"***. The Conference was attended by Ministers of Transport and Experts from thirty eight (38) African Union Member States as well as representatives of Regional Economic Communities (RECs), specialised institutions and partner organisations.

2.   The Conference was organised following a recommendation of the Second Session of the AU Conference of African Ministers of Transport that was held in Luanda, Angola, from 21 to 15 November 2011 and endorsed by the Executive Council Decision No. **EX.CL/Dec.682(XX)** taken at the AU Summit meeting of January 2012. The recommendation is in paragraph 43 of the Ministers' Report

3.   In view of the fact that the conference was not included in the 2012 AUC Calendar of Meetings and, hence, not budgeted for, the sector Ministers decided that, due to the urgency of the matter, the conference should be organised with the logistical support of the African Civil Aviation Commission (AFCAC), a specialised agency of the AU, in collaboration with the Government of the Federal Republic of Nigeria under the auspices of the AUC and, hence, its outcome should be submitted for consideration and decision by the AU decision-making organs.

4.   The proceedings of the conference were presided over by the following elected Bureau:

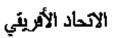|	
Chairman:	Angola (Southern Africa)
1st Vice-Chairman:	Tanzania (East Africa)
2nd Vice-Chairman:	Ghana (West Africa)
3rd Vice-Chairman:	Cameroon (Central Africa)
Rapporteur:	Egypt (North Africa)

Issues Discussed

5.   The Ministers noted the concern of African aviation stakeholders that Africa was lagging behind in the implementation of international standards and recommended practices regarding aviation safety. To address the situation, they considered and made a number of decisions on various key issues and challenges currently facing the continent in matters of aviation safety.

6.   The main agenda items of the conference were as follows hereunder:

(i)   Policy imperatives of aviation safety;
(ii)   Status of implementation of various initiatives for improvement of aviation safety in Africa.

OUTCOME

7.   At the end of their deliberations, the Ministers adopted the following outcomes:

- Aviation Safety Targets and Action Plan for Africa;
- Abuja Declaration on Aviation Safety in Africa.

8.   The Executive Council is invited to note and adopt the enclosed Report of the Ministerial Conference on Aviation Safety in Africa and its main outcomes as adopted by the Ministers responsible for Aviation at the Conference.

IE8658

**MINISTERIAL CONFERENCE ON
AVIATION SAFETY IN AFRICA
16 – 20 JULY 2012
ABUJA, NIGERIA**

AU/ MIN /AT/ Rpt. (IV)

REPORT OF THE MINISTERS' MEETING

REPORT OF THE MINISTERS' MEETING

INTRODUCTION

1.   The Session of Ministers of the Ministerial Conference on aviation safety in Africa organised under the theme **"Assessment of aviation safety performance in Africa"** was held at the Transcorp Hilton Hotel in Abuja, Nigeria, on 19 and 20 July 2012. It was preceded by an experts' session from 16 to 18 July 2012 and was attended by 254 participants representing 38 States and 15 international organizations and non-African States.

PARTICIPATION

2.   The following Member States participated in the meeting: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Guinea Bissau, Kenya, Liberia, Madagascar, Mali, Mauritania, Mauritius, Mozambique, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Swaziland, Tanzania, Tunisia, Uganda, Zambia, and Zimbabwe.

OPENING CEREMONY

3.   The conference was addressed by the following dignitaries at its opening ceremony:

Address by the President of the International Civil Aviation Organisation (ICAO), Mr. Kobeh Roberto GONZALEZ

4.   The President of ICAO expressed his gratitude at being invited to participate in the high-level ministerial conference on aviation safety in Africa. He then highlighted the importance and high potential for growth of air transport within the continent's transport system. He then enumerated the challenges facing the aviation industry in Africa focusing on the still serious poor safety record of the continent.

5.   Mr Gonzalez stated the commitment of ICAO to helping African States improve safety through the various programmes and activities that it has made available to particularly address the safety deficiencies identified by ICAO's safety audits. He also indicated the readiness of the ICAO's regional directors who have a responsibility to work with states in their respective regions to ensure that tailor-made solutions are implemented to enhance aviation safety in each country.

6.   Also, the ICAO President mentioned the organisation's preparedness to assist African States improve aviation safety through the implementation of the 2010 Ministerial Declaration of Aviation Security to be adopted in Abuja, Nigeria as well as African Union Policies related to aviation safety.

Address by the African Union Commissioner for Infrastructure and Energy, Dr. Elham M.A. IBRAHIM

7.   Dr Elham M.A. IBRAHIM, The African Union Commissioner for Infrastructure and Energy, after thanking the President and Government of the Federal Republic of

Nigeria, she indicated the international community has placed safety top on the civil aviation agenda.

8. In that regard, Africa, as a continent, has also not lagged behind in addressing issues related to aviation safety. However, corrective measures are needed in order to enable some African States which are enhancing the aviation safety at the low pace to follow suit. In that regard, she outlined that the Second Session of the Conference of African Ministers of Transport held in November 2011 in Luanda, Angola, decided among others to hold the conference on aviation safety in Africa.

9. It is, hence, the expectation of the African Union that the support provided by stakeholders and partners to African States in the improvement of aviation safety would be based on the outcome of this conference, she concluded.

Goodwill message by the Chairman of the Conference of African Ministers of Transport, Honourable Augusto da Silva TOMÁS, Minister of Transport of the Republic of Angola

10. Honourable Augusto da Silva TOMÁS, Minister of Transport of the Republic of Angola, the Chairman of the Conference of African Ministers of Transport began by thanking the people and Government of the Federal Republic of Nigeria for the successful organisation of the conference and the warm hospitality accorded to all delegations.

11. The Honourable Minister recalled the need for the continent to improve its aviation safety performance by complying with ICAO Standards and Recommended Practices as well as to strengthen cooperation among them and with the key stakeholders and development partners.

12. Honourable TOMÁS expressed his hope that successful implementation of the outcome of this conference would effectively address most of the challenges facing the African civil aviation in terms of safety.

Opening Address of the Vice President of the Federal Republic of Nigeria, His Excellency Namadi SAMBO

13. After welcoming all delegates to the Federal Capital City of Abuja, His Excellency Namadi SAMBO, Vice President of the Federal Republic of Nigeria who represented the President of the Federal Republic of Nigeria, His Excellency Good luck JONATHAN (GCFR) delivered the message of the latter indicating that enhancing aviation safety became necessary because the continent could not allow the aviation industry to become a source of sorrow and regret in spite of its importance.

14. He assured that the Nigerian Government would continue to collaborate and partner with other African States and international stakeholders towards improving air travel safety in Africa. The story of Nigeria attests to the fact that the present safety situation in Africa can be changed through collaborative action among African States, he added.

15. Further, he mentioned that we must materialise the achievement of this goal with determination, commitment, hard work and focus. In this vein, he commended the President of the International Civil Aviation Organisation, Mr Roberto Kobeh Gonzalez, for his support to the growth and development of aviation in Africa. On this note, he declared the Ministerial Conference on Aviation safety opened.

AGENDA ITEM 1: ADOPTION OF THE AGENDA

16. The meeting reviewed and adopted the agenda.

AGENDA ITEM 2: STATE OF AVIATION SAFETY

17. Under this Agenda Item, Ministers considered the overview of the status of aviation safety in Africa providing an overview of the 8 critical elements of a State's Aviation Safety Oversight system together with the Universal Safety Oversight Audit Programme results in comparison with the global results based on the ICAO audits. The definition of Significant Safety Concerns was indicated urging to their prompt resolution. In that regard, States were directed to work on particular deficiencies based on the effective implementation of the 8 critical elements of safety oversight. Finally, a global comparison of accident rates and the need for regulatory authorities to properly conduct the certification process before issuing the relevant certificate was highlighted.

18. In considering EU operational ban of African carriers, it was noted that despite the gradual improvement on aviation safety, more and more African countries continue to be added to the EU banned list. Range and scope of the EU ban list and how negatively it is affecting all African airlines as well as highlights on lack of transparency and negative effects in improving aviation safety in Africa were also considered. In focusing on effective alternatives for improving aviation safety on the continent by adopting the Africa-Indian Ocean Region (AFI) Strategic Improvement Action Plan and by making International Air Transport Association Operational Safety Audit (IOSA) mandatory for all carriers, it was concluded that African Union Commission, African Civil Aviation Commission (AFCAC) and all other stakeholders should be encouraged to join efforts in order to establish a cooperation framework which will lead to fair-minded actions that will benefit both regions.

19. Boeing shared with the meeting their safety statistics for Africa for the period 1987-2011. It appeared that while Runway Excursion (RE) is the highest risk in terms of accident, Loss of Control (LOC) and Controlled Flight Into Terrain (CFIT) were the highest risks in terms of fatalities. It was recognised that safety initiatives and Detailed Implementation Plans (DIP) should be developed to address these three major risks.

AGENDA ITEM 3: POLICY IMPERATIVES/

REQUIREMENTS/ASPECTS OF AVIATION SAFETY

20. Importance of Aviation Safety to Air Transport and Economic Development was considered under this Agenda Item. It was mentioned that air transport today is considered by many States as the engine for economic development and growth. Furthermore, strong aviation safety contribute to the sustainability of national

economic growth. As a result the meeting concluded that the accelerated implementation of the Yamoussoukro Decision is a must.

21. The meeting focused on the African Civil Aviation Policy (AFCAP) objectives and strategies specific to aviation safety as adopted by the Conference of African Ministers for Transport held in Luanda, Angola, in November 2011 and endorsed by the Eighteenth AU Assembly of Heads of State and Government. The aforementioned Conference tasked the African Union Commission to sensitize States to immediately implement the safety strategies contained therein and directed AFCAC to setup the necessary machinery for establishing and monitoring achievement of measurable targets for aviation safety in Africa.

22. The responsibilities of ICAO Member States as signatories to the Convention on International Civil Aviation were introduced. The responsibilities and accountabilities of Directors General in ensuring the implementation of the State's obligations were stressed, including the issuance of air operators certificates (AOCs) authorizations, conditions, approvals and licenses after a thorough and documented process has been completed.

23. Flight Safety Foundation perspective on regulatory and operational safety challenges in the Africa was considered under this item. Observations and recommendations of the Flight Safety Foundation regarding regulatory and operational safety challenges in Africa were presented. Lessons learnt from assistance efforts involving specific African States, and findings from recent audits of African operators by the Flight Safety Foundation were also reflected upon. The meeting noted that Civil Aviation Authority (CAA) autonomy is of critical importance to African States and smaller African operators that support the resource industry are vital to developing economies. Also, noted was a considerable library of safety information available free of charge with the Flight Safety Foundation for African States perusal.

AGENDA ITEM 4: STATUS OF IMPLEMENTATION OF VARIOUS INITIATIVES

24. Current framework for Funding of effective Safety Regulatory functions such as the establishment of autonomous CAAs and Regional Safety Oversight Organizations (RSOOs) as well as the report on the Conclusions and Recommendations of the ICAO Symposium on RSOOs were considered. The establishment of autonomous CAAs and RSOOs is to ensure an effective safety oversight system on a national and regional basis. The meeting agreed to support ICAO in encouraging States to become members of only one RSOO on the understanding that if a State needs to become a member of more than one RSOO, close coordination between the State, the RSOOs concerned and the ICAO Regional Offices is established.

25. Progress Report on the Implementation of the Recommendations and Performance Targets of the Special Africa-Indian Ocean Regional Air Navigation (AFI RAN) Meeting (Durban, November 2008) was made. Ministers agreed to support the implementation of the Recommendations of the above AFI RAN Meeting in their respective State. Stakeholders should also be encouraged to lend support to States on this subject.

26. Progress Report on the implementation of the Conclusions and Recommendations of AFCAC Workshop on Brain Drain and Training was made. It was stated that brain drain is a serious concern worldwide as well as for Africa. The continent continues to lose aviation skills to other regions and that the workshop convened by AFCAC on 29th and 30th September 2009 in Addis Ababa, Ethiopia, issued a Declaration setting out guidance to mitigate its adverse effects. The meeting agreed that AFCAC should continue to coordinate the African initiatives as well as cooperate, collaborate and coordinate with similar organizations and other Regions to ensure that aviation professionals are well motivated as well as to increase the employment of females in aviation as they are deemed to adequately fill the gap.

27. Furthermore, Progress Report on the Implementation of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan) and the AFCAC Cooperative Inspectorate Scheme (AFI-CIS) was made by providing the meeting with objectives of the AFI-CIS and information on the progress made in the establishment and execution of the scheme as well as proposed recommendations for its effectiveness. The meeting agreed to urge States identified with Significant Safety Concerns (SSCs) and those currently on the ICAO Monitoring and Assistance and Review Board (MARB) to effectively collaborate with the AFI-CIS and to request States to establish focal point to AFCAC and its AFI-CIS. It was also noted that the progress made by the AFI-CIS Project can be improved upon.

28. Report on the Conclusions and Recommendations of International Air Transport Association (IATA) African Region Safety Summit. The meeting was informed about of IATA's commitment to the joint five-step Africa Strategic Improvement Action Plan meant to address safety deficiencies and strengthen regulatory oversight in the region by 2015.The five steps are: Adoption and implementation of an effective and transparent regulatory oversight system; Implementation of runway safety measures; Training on preventing loss of control; Implementation of flight data analysis (FDA); and implementation of Safety Management System.

29. The meeting was informed about the Airports Council International (ACI) Airport excellence (APEX) in safety programme developed by ACI. The APEX in Safety Programme is based on ICAO standards as well as ACI Best Practices. APEX in Safety combines the mandate for regulatory compliance with the actual day to day operational needs of airports to maximize operational efficiency while enhancing the safety standards. The meeting agreed to support the improvement of safety standards of airports in Africa by recognizing the assistance available through the ACI APEX in Safety Program also to encourage airport operators to contact ACI for assistance through the APEX in Safety Program.

30. The following matters related to improvement of aviation safety, environmental protection and sustainable development of air transport in Africa were submitted under this agenda item:

- certification process for the issuance of Air Operator Certificates (AOCs) and the identification of Significant Safety Concerns (SSCs);

-      Harmonisation and Standardisation of Training Courses and Cooperation among African Aviation Training Institutions.

31.   In that regard, the meeting noted that all the States with an ICAO-identified SSC have the common problem of the State's civil aviation authority issuing AOCs without all aspects of the certification process being completed and agreed to encourage States to acknowledge the importance of satisfactorily completing a thorough and documented AOC process prior to the issuance of AOCs and accompanying operations specifications and also to take specific measures to address identified SSCs as a matter of urgency.

32.   In that context, it agreed to encourage States to support the implementation of the framework for harmonization of aviation training in Africa and to also encourage training institutions to join the Association of African Aviation Training Organizations (AATO) as well as to encourage States to acknowledge the importance of satisfactorily completing a thorough and documented AOC process prior to the issuance of AOCs and accompanying operations specifications and also to take specific measures to address identified SSCs as a matter of urgency.

AGENDA ITEM 5:   SETTING OF AVIATION SAFETY TARGETS AND DEVELOPMENT OF ACTION PLAN FOR AFRICA

33.   Under this agenda item, the meeting was provided with a common frame of reference on aviation safety initiatives and aviation Safety Targets for consideration and adoption for implementation within Africa as a follow-up to the Decisions of the Second Session of the Conference of African Ministers of Transport, November 2011, Luanda, Angola when AFCAC was directed to formulate the Safety Targets. The meeting noted specific and measurable safety performance targets and actions to help monitor and evaluate the status of implementation of the various issues, recommendations and initiatives and further agreed to adopt the proposed aviation Safety Targets for Africa and the related Plan of Action, which are joined as Attachments A and B.

AGENDA ITEM 6:   ADOPTION OF MINISTERIAL DECLARATION

34.   The meeting adopted the Declaration on aviation safety in Africa attached herewith (Attachment C).

AGENDA ITEM 7:   ANY OTHER BUSINESS

35.   Egypt delivered a presentation on Air Traffic Management (ATM) Satellite System for Africa and Middle East (NAVISAT) inviting participants to subscribe to their satellite-based aeronautical services and Air Traffic Management systems. In that context, IATA proposed that NAVISAT project be coordinated with ICAO to ensure integration with existing networks such as North East Africa VSAT Network (NAFISAT), SADC Very-small-aperture Terminal II (SADC VSAT II) and Africa-Indian Ocean satellite Network (AFISNET). Civil Air Navigation Services Organisation (CANSO) also suggested that Egypt and South Africa continue to work together on the NAVISAT and NAFISAT programs to avoid duplication. The meeting therefore noted the request to adopt NAVISAT project as one of the Programme for Infrastructure Development in Africa (PIDA) for the Air transport Section and for
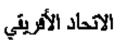
AFCAC to adopt the Satellite Aeronautical Services Certification requirements and the Certification Plan.

36. The meeting was delighted that the Nineteenth AU Assembly of Heads of State and Government has adopted the Decision on African Candidatures within the International System - Doc. EX.CL/739(XXI) endorsing among others the candidacy of Dr Alumuyiwa Bernard ALIU, Nigeria National, for the Presidency of the ICAO Council.

ABUJA DECLARATION ON AVIATION SAFETY IN AFRICA

**MINISTERIAL CONFERENCE ON
AVIATION SAFETY IN AFRICA
16 – 20 JULY 2012
ABUJA, NIGERIA**

**AU/ MIN /AT/ Rpt. (IV)
Annex 1**

ABUJA DECLARATION ON AVIATION SAFETY IN AFRICA

ABUJA DECLARATION ON AVIATION SAFETY IN AFRICA

We, African Ministers responsible for Civil Aviation, meeting in Abuja, Nigeria from 19 to 20 July 2012, on the occasion of the Conference on aviation safety in Africa organized by the African Civil Aviation Commission (AFCAC) under the auspices of the African Union Commission (AUC);

Mindful of the Convention on International Civil Aviation done in Chicago in 1944.

Mindful of the Treaty Establishing the African Economic Community signed in Abuja, Nigeria, in June 1991;

Mindful of the Constitutive Act of the African Union (AU) adopted in Lomé, Togo, on 11 July 2000, particularly Articles 14, 15 and 16 thereof which entrust the African Union Commission with the role of coordination in the transport, communication and tourism sectors;

Mindful of the African Civil Aviation Policy (AFCAP) adopted by the Second Conference of the AU Ministers of Transport, in Luanda, Angola on 25 November 2011 and the strategies and commitments outlined therein;

Mindful of the new Constitution of the African Civil Aviation Commission (AFCAC), a specialised agency of the African Union, that came into force provisionally on 11 May 2010;

Considering the Declaration adopted by the Second Conference of AU Ministers responsible for Transport held in Luanda, Angola from 21 to 25 November 2011, which was subsequently endorsed by the Summit of the Heads of State and Government, in Addis Ababa, Ethiopia in January 2012;

Considering the importance of aviation safety in air transport industry development world-wide, and its impact on the national economic development particularly in Africa;

Considering the compelling need to continuously improve aviation safety in Africa and the need to urgently find immediate and sustainable resolutions to deficiencies in safety oversight;

Considering the Comprehensive Regional Implementation Plan for aviation safety in Africa (AFI PLAN) of the International Civil Aviation Organisation (ICAO);

Concerned by:

1. unilateral operational restrictions imposed on African Airlines by EU , which limits participation of African Airlines in the international Air Transport market and the resultant negative impact on the national economies;

2. insufficient number of competent/skilled aviation professionals for ensuring aviation safety in Africa;

3. difficulties in mobilization of adequate internal financial resources for enhancement of aviation safety in Africa;

4. disparity in the implementation of the Yamoussoukro Decision among regions.

Recalling:

1. the importance of air transport in the economic development of the Continent particularly the attendant increased interactions among peoples, and the wealth creation resulting from the various forms of exchanges so facilitated;

2. the challenges arising from the globalization of economies and the need for Africa to fully and effectively implement the 1999 Yamoussoukro Decision relating to the Liberalization of the Air Transport Markets in Africa;

3. the primordial leadership, coordination, harmonization, facilitation and advocacy role of the African Union Commission in the building of economic infrastructure for Africa's development through the Programme for Infrastructure Development in Africa (PIDA) and its Institutional Architecture for Infrastructure Development in Africa (IAIDA);

4. the role of the African Civil Aviation Commission (AFCAC), a specialized agency of the African Union in the development of the civil aviation industry in Africa and in particular as the executing agency of the Yamoussoukro Decision of 1999;

5. the crucial roles of the Regional Economic Communities (RECs), Regional Safety Oversight Organisations (RSOOs) and the Cooperative Development of Operational Safety and Continuing Airworthiness Programmes (COSCAPs) in the implementation of regional aviation safety and continuing airworthiness programmes;

6. the role of the International Civil Aviation Organisation (ICAO) and in particular the African Representatives on the Council of ICAO in fostering the development of international civil aviation.

Reaffirm:

1. the urgent need to implement national, regional and continent-wide strategies on aviation safety in the African continent with a view to promoting air transport as a mode of transport which considerably contributes to sustainable development and integration of Africa;

2. the urgent need for the establishment of regional safety oversight, search and rescue and accident investigation organisations as means of developing and supporting State capabilities to implement international obligations and protect users;

3. the need for a permanent mechanism of consultation between the African Union Commission and the European Commission, to address the interdiction of African Airlines' access to the European air space.

Welcome:

The various initiatives undertaken by sector organizations in the continent and by Regional Economic Communities (RECs), notably:

- The implementation of the Cooperative Development of Operational Safety and Continuing Airworthiness Programmes – COSCAPs and Regional Safety Oversight Organisations (RSOOs) and the establishment of Regional Accident Investigation Agencies (RAIAs);

- The IATA Operational Safety Audit (IOSA) and the Airports Council International (ACI) Airports Excellence (APEX) partnership for Safety Programmes in addition to the ICAO initiatives.

Undertake to:

1. Meet our States safety obligations under the Convention on International Civil Aviation, including ensuring effective safety oversight;

2. ensure the implementation of the policy objectives, commitments, regulations and strategies on aviation safety as adopted in the African Civil Aviation Policy (AFCAP);

3. ensure that aviation safety is given its due consideration in States' National Development Plans;

4.   national law should facilitate establishing, strengthening, or maintaining Civil Aviation Authority autonomy enabling it to have sufficient powers, sustainable sources of funding and resources to carry out among others effective safety oversight and regulation of the aviation industry as well as delegate, its functions, if justified, to Regional Safety Oversight Organisations (RSOOs) or other African States;

5.   support the effective implementation of the ICAO Global Aviation Safety Plan (GASP), the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI PLAN) and the AFI Cooperative Inspectorate Scheme (AFI CIS);

6.   ensure the resolution of all Significant Safety Concerns (SSCs) and deficiencies, including the implementation of a thorough and documented Air Operator Certification (AOC) process;

7.   ensure progressive increase in the Effective Implementation (EI) rate of ICAO's eight Safety Oversight Critical Elements to no less than the world average;

8.   ensure the reduction of the rate of aircraft accidents and fatalities in Africa to global average;

9.   ensure that all States in Africa attain overall maturity level 3 in each Global Safety Initiative (GSI) of the Global Aviation Safety Plan (GASP);

10.   ensure that Aviation Training organisations in Africa attain reputation as international centres of excellence;

11.   support the African Civil Aviation Commission (AFCAC) to enable it to effectively play its role; and

12.   Request ICAO, AFCAC, IATA, ACI and CANSO to contribute to the AU process on post conflict or natural disaster reconstruction and development as regard to aviation.

Decide to:

a)   Work jointly to realize and implement the measures contained in the Plan of Action and the safety targets adopted by this Declaration within the stipulated timeframe;

b)   establish effective monitoring and reporting mechanisms for this Declaration, other resolutions and regional initiatives;

c) take all necessary measures to ensure safe air transport operations in Africa, including a thorough and documented air operator certification process and an effective oversight of all African airline operators;

d) take measures to create effective Regional Aviation Safety Oversight Organisations (RSOOs) and Regional Accident Investigation Agencies (RAIAs) as a means of developing State safety capabilities;

e) urge the Regional Economic Communities (RECs) to transit their Cooperative Development of Operational Safety and Continuing Airworthiness Programmes (COSCAPs) into RSOOs;

f) urge States to refrain from duplication of services in joining more than one RSOO;

g) direct the African Civil Aviation Commission to develop cooperative schemes to facilitate bilateral and multilateral collaboration in accident investigation and search and rescue;

h) ensure that the appropriate authorities sign with the African Civil Aviation Commission the Memorandum of Understanding on the AFI Cooperative Inspectorate Scheme (AFI CIS) as well as contribute inspectors and utilise the assistance available through the Scheme;

i) demonstrate commitment and willingness to effectively participate in regional cooperation initiatives as a means to enhancing safety oversight capabilities;

j) provide resources and support the implementation of ICAO State-specific Plans of Action aimed at addressing safety deficiencies and make use of the assistance available through ICAO;

k) expedite the implementation of the conclusions and recommendations of the Special Africa-Indian Ocean Regional Air Navigation (AFI RAN) Meeting held in Durban, South Africa in November 2008;

l) ensure the implementation of the recommendations of the AFI Planning and Implementation Regional Group (APIRG) and the Regional Aviation Safety Group (RASG-AFI) Meetings;

m) take appropriate steps to accelerate the ratification of the Constitution of the African Civil Aviation Commission and ensure that the contributions are paid timely and arrears owed to AFCAC are settled fully;

n) Urge the relevant authorities to accede to and ratify relevant international air law instruments and, as a matter of priority, ratify the Cape Town Convention and its Protocol to facilitate acquisition of modern aircraft fleet;

o) Support development partners and key stakeholders initiatives for the enhancement of aviation safety in Africa together with other initiatives and partnerships for aviation safety in Africa;

p) participate actively at all High Level meetings of ICAO that will promote safety.

Make a Solemn Appeal to the International Civil Aviation Organization (ICAO), the United Nations Economic Commission for Africa (UNECA), the African Development Bank (ADB), and all Civil Aviation development partners to support the aviation safety programme of the African Union.

Urge African States and Regional Economic Communities (RECs) to foster cooperation in the air transport sub-sector.
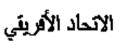
Adopt the Plan of Action and Safety Targets annexed to this Declaration.

Done and adopted in Abuja, Federal Republic of Nigeria on this 20th day of July 2012.

PLAN OF ACTION ON AVIATION SAFETY IN AFRICA

**MINISTERIAL CONFERENCE ON
AVIATION SAFETY IN AFRICA
16 – 20 JULY 2012
ABUJA, NIGERIA**

**AU/ MIN /AT/ Rpt. (IV)
Annex 2**

PLAN OF ACTION ON AVIATION SAFETY IN AFRICA

PLAN OF ACTION ON AVIATION SAFETY IN AFRICA

N°	Objectives	Activities and Actions	Sources of Indicators	Lead Institution	Structures Involved	Period
A. IMPLEMENTATION OF POLICY, INTUITIONAL AND REGULATORY REQUIREMENTS						
A.1	Ensure implementation of States' Safety obligations	- Comply with ICAO Standards and Recommended Practices and implement the ICAO GASP and GANP - Implement judiciously personnel licensing, aircraft operations and airworthiness requirements - Ensure all five(5) phases of certification process are completed prior to issuance of Air Operator Certificate (AOC) - Notify ICAO of any differences between ICAO SARPs and National Regulations - Establish effective mechanisms to address ICAO State Letters and monitor compliance with ICAO SARPs; - Comply with the MOUs on ICAO USOAP and ICVM - Implement effectively and expeditiously the ICAO tailored action plans of States referred as having Significant	AFCAC Reports on Partners Programmes and Initiatives	AFCAC	States, AFCAC, AUC, RECs, AFRAA, Partners	- Continuous Action 2013 2017 2015

		Safety Concerns (SSCs) - Implement expeditiously the correctives action plans to address deficiencies identified through ICAO audits; - Expedite certification of international aerodromes				
A.2	Establish and/or enhance effective civil aviation regulatory and oversight systems	- Review national civil aviation legislations (primary laws and regulations) in conformity with ICAO SARPs; - Establish and/or strengthen the autonomy of Civil Aviation Authorities with full regulatory powers of enforcement and oversight - Ensure functional separation of regulatory responsibilities from service provision - Ensure national CAAs are adequately funded and provided with statutory sustainable financial resources.	AFCAC Reports	AFCAC	States, AUC, AFCAC, RECs	2013
A.3	Ensure the implement ation of the African Civil Aviation Policy (AFCAP)	- Review national and regional civil aviation policies and strategic documents to incorporate the provisions of AFCAP as well as alignment of National and Regional	AFCAC Reports	AFCAC	States, AUC, AFCAC, RECs	2013

	Objectives and Strategies on Aviation Safety	regulations with AFCAP. -				
A.4	Ensure the implement ation of African Aviation Safety Targets	Implement all the High Level Safety Targets adopted by the Ministers and adhere to the agreed timelines. In addition: -Achieve a minimum of 10% annual reduction in AFI States' Lack of Effective implementations (LEIs) over a period of three years (2012-2013-2014) - A maximum of 2 years deadline (2012-2013) for the removal of all AFI States from the SSCs and MARB list of States - - Ensure that all African States reach the Safety maturity level 3 (more than 60% of ICAO SARPs effective implementation) by 2015	AFCAC Reports	AFCAC	States, AFCAC, AUC, RECs	- Immediat e implemen tation and Annual Appraisal
A.5	Enhance Aviation Safety for sustainable Air Transport and Economic Develop- ment	- Establish effective monitoring and reporting mechanisms for African Ministerial resolutions, action plans and other Regional initiatives -Establish synergy among ministries responsible for transport, trade, tourism, finance, economic	AUC Reports under IAIDA	AUC AUC STATES	STATES, AUC,RE Cs, AFCAC AUC, RECs, States States, AFCAC,	2012 Immediat e implemen tation -

				AUC	RECs, AFRAA	Continuous Action
		development, international/foreign affairs, etc. at national and regional levels.		AUC	States, AUC, AFCAC, RECs, AFRAA	2012
		-Ensure that aviation safety is given its due consideration in States' National Development Plans				
		- Avail enabling environment to African airlines through the expeditious and full implementation of YD;				
		- Establish a permanent mechanism of consultation to prevent the safety ban of African airlines;				
A.6	Accede to and ratify relevant internation al air law instruments	- accelerate the ratification of the Constitution of AFCAC;	AFCAC Reports	AFCAC	States, AFCAC, AUC, RECs, Partners	2012 2013
		- ratify the Cape Town Convention and its Protocol to facilitate acquisition of modern aircraft fleet.				
B. CAPACITY BUILDING						
B.1	Enhance the effective-ness of national safety oversight functions	-Train management staff of Civil Aviation Authorities to increase safety awareness; - Enhance the resolution of deficiencies observed during safety oversight and empower safety inspectors in this regard, -Avail adequate tools, facilities ,and resources to	AFCAC Reports	AFCAC	States, AFCAC, AUC, RECs, Partners	Continuous Action

		safety inspectors and key aviation personnel; - Ensure ethical professionalism and integrity of safety inspectors in safety oversight and effective resolution of observed deficiencies. - Contribute to post conflict or natural disaster reconstruction and development in concerned States				
B.2	Improve sustainability of quality of inspections	- recruit sufficient number of safety inspectors - Train adequate inspectors towards the attainment of sustainable capability including Government Safety Inspectors(GSI) training -Enhance motivational and remuneration scheme of inspectors and promote transparency in human resource management;	AFCAC Reports	AFCAC	States, AFCAC, AUC, RECs, Partners	Continuous Action
B.3	Consolidate the synergy of regulations/harmonize operations criteria	- Strengthen regional and sub-regional cooperation through definition of common criteria and harmonization of regulations - implement regional mechanisms to provide bilateral and multilateral assistance to states where necessary including Regional or sub regional	AFCAC Reports	AFCAC	States, AFCAC, AUC, RECs, Partners	Continuous Action

		utilization of inspectors				
B.4	Enhance the capacities of regional and sub-regional organizations for safety oversight and Accident Investigation	- Expedite the establishment and full operationalization of RSOOs; - Strengthen and transform existing COSCAPs to RSOOs; - Expedite the establishment of Regional Accident Investigation Agencies (RAIAs) or similar initiatives.	AFCAC Reports	AFCAC	States, AFCAC, AUC, RECs, Partners	2012-2014
C.	**IMPLEMENTATION OF SAFETY INITIATIVES AND RECOMMENDATIONS**					
C.1	Ensure implementation of the Conclusions and Recommendations of the Special AFI RAN Meeting	- Expedite the implementation of all recommendations and Performance framework and targets on safety and efficiency; - implement the follow up recommendations of APIRG and RASG Meetings	AFCAC Reports	AFCAC	States, AFCAC, RECs, Partners	2012-2015 Continuous Action
C.2	Ensure the implementation of the AFI Plan	Collaborate with ICAO and AFCAC in the implementation of the work program of the AFI Plan	AFCAC Reports	AFCAC	States, AFCAC, RECs, Partners,	Immediate implementation
C.3	Ensure effective implementation of the AFI CIS	- Sign the MOU on AFI CIS with AFCAC - Assist AFCAC in the establishment of pool of Inspectors through availing qualified personnel, - Establish an effective collaboration with AFCAC and the AFI-CIS personnel during	AFCAC Reports	AFCAC	AFCAC, RECs, Partners	Immediate implementation Continuous Action

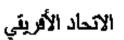|		their intervention in the rectification of deficiencies during missions to States.				
C.4	Develop the harmonisation and standardisation of training Courses and Cooperation among African Aviation Training Institutions	- Ensure that procedures, competency requirements and approval process of national aviation training centres are in line with international practices, - Collaborate with the Pan African aviation training initiatives - Establish capacity building at existing aviation training institutions in order to meet current and future needs of the aviation system	AFCAC Reports	AFCAC	States, AFCAC, RECs, ATOs, Partners	2012-2015
C.6	Ensure implementation of safety initiatives by Industry stake-holders	- Ensure continuous collaboration of States with industry, through the implementation of GASR, RASGs and RASTs, etc. - Ensure Airlines comply with IOSA requirements - Ensure that Airports take advantage of the ACI APEX Initiative	AFCAC Reports	AFCAC	States, RECs, AFRAA, AFCAC, Partners	Continuous Action
D.	**SAFETY MANAGEMENT AND ACCIDENT REDUCTION MEASURES**					
D.1	Ensure primary focus on the implementation of the basics of Safety Oversight	- Enforce compliance of operators with licensing, aircraft operations and airworthiness regulations - Conduct frequent	AFCAC Reports	AFCAC	States, RECs, AFCAC, AFRAA, Partners	Continuous Action

		airline and ramp inspections - follow up on inspection reports and monitor of operators for rectification of defects - Timely eliminate SSCs and deficiencies identified during ICAO audits				
D.2	Tackle emerging safety issues	Tackle top operational issues i.e. runway safety (runway incursion/excursion); CFIT, LOC,etc.	AFCAC Reports	AFCAC	States, RECs,AF RAA, AFCAC, Partners,	2015
D.3	Implement Safety Management Systems	- Implement State Safety Programmes (SSP) and Regional Safety Programmes (RSP) - Ensure that all operators and Service Providers implement Safety Management Systems (SMS) - Establish Safety culture within the civil aviation system and create an enabling environment to promote and sustain just culture. - Implement mandatory and non-punitive voluntary reporting systems; -Ensure the timely capture, processing and analysis of safety	AFCAC Reports	AFCAC	States, RECs, AFRAA, AFCAC, Partners,	2015

		related data - Share safety data and information with strict adherence to ICAO code of conduct on protection of safety information				
D.4	Ensure proper conduct of accident investigation	- Implement independent accident investigation to guarantee impartial investigation and safety recommendations; - ensure timely publication of accident and incident reports and implementation of safety recommendations from accident investigation	AFCAC Reports	AFCAC	States, RECs, AFRAA, AFCAC, Partners	Continuous Action

AVIATION SAFETY TARGETS FOR AFRICA

IE8658

**MINISTERIAL CONFERENCE ON
AVIATION SAFETY IN AFRICA
16 – 20 JULY 2012
ABUJA, NIGERIA**

**AU/ MIN /AT/ Rpt. (IV)
Annex 3**

AVIATION SAFETY TARGETS FOR AFRICA

Aviation Safety Targets for Africa

Improve African Aviation Safety Record

Progressively reduce the African accident rate to be in line with the global average by the end of 2015.

i.   Reduce runway related accidents and serious incidents by 50% by the end of 2015.
ii. Reduce controlled flight into terrain (CFIT) related accidents and serious incidents by 50% by the end of Dec 2015

Implement Effective and Independent Regulatory Oversight

a. Establish Civil Aviation Authorities with full autonomy, powers and independence, sustainable sources of funding and resources to carry out effective safety oversight and regulation of the aviation industry (or delegate their responsibilities to RSOOs if justified) by the end of 2013

b. As a matter of urgency, States resolve ALL Significant Safety Concerns created by a State in allowing the holder of an authorization or approval, to exercise the privileges attached to it without meeting the minimum requirements of the State and ICAO

   i. Existing by 2013;
   ii. Any newly identified within 1 year from identification.

c.   Establish timelines and provide resources for implementation for ICAO/State Plans of Action by 2013.

d. Progressively increase the Effective Implementation (EI) score of ICAO's USOAP results to no less than 60% (35% of all African States by the end of 2013, 70% by the end of 2015 and 100% by the end of 2017).

e. States to implement State Safety Programmes (SSP) and to ensure that all Service Providers implement a Safety Management System (SMS) by the end of 2015.

f. Certify all International Aerodromes by the end of 2015.

g. Require all African carriers to complete an IATA Operational Safety Audit (IOSA) by the end of 2015.

These commitments will demonstrate political will to improving Aviation Safety, paving the way for a significant announcement of progress by African community during the AFCAC Plenary in April/May 2013 and the ICAO Assembly in September/October 2013. These results will also demonstrate that the ICAO Comprehensive Regional Implementation Plan for Aviation Safety (AFI Plan) and the sustained and targeted assistance of international partners have produced tangible results.

**DRAFT
DECISION ON THE REPORT ON THE MINISTERIAL CONFERENCE ON
AVIATION SAFETY IN AFRICA
Doc. EX.CL/758(XXII)**

The Executive Council:

1.   **TAKES NOTE** of the Report on the Ministerial Conference on Aviation Safety in Africa held in Abuja, Nigeria, from 16 to 20 July 2012;

2.   **COMMENDS** the Ministers Responsible for Air Transport for the timely implementation of the Executive Council Decision EX.CL/Dec.682(XX) regarding the holding of the Ministerial Conference on Aviation Safety in Africa which has successfully produced substantive output for the enhancement of aviation safety performance in Africa;

3.   **ALSO ENDORSES:**

     i)   the Aviation Safety Targets and Action Plan for Africa as the continental framework for guiding Africa's aviation industry to meet the international Standards and Recommended Practices under the Convention on International Civil Aviation (Chicago Convention); and

     ii)   the Abuja Declaration on Aviation Safety in Africa which reflect the continent's commitment to the implementation of the African Civil Aviation Policy (AFCAP) including addressing aviation safety challenges that Africa is facing and continue to ensure seamless operation of aviation in Africa and with the other regions of the world.

4.   **REQUESTS** the Commission to:

     i)   make available the endorsed documents to all Member States and other key stakeholders and to facilitate their smooth implementation within the framework of the Treaty establishing the African Economic Community (Abuja Treaty); and

     ii)   take all the necessary measures in collaboration with the Regional Economic Communities, specialised institutions, Member States and other stakeholders to speed up the implementation of the Aviation Safety Targets and Action Plan for Africa with a view to developing a strong and viable aviation sector in the continent.

5.   **APPEALS** to the United Nations Economic Commission for Africa; the African Development Bank, the International Civil Aviation Organisation (ICAO), the European Union, the World Bank and other development partners to support the implementation of the Aviation Safety Targets and Action Plan for Africa and the Abuja Declaration on Aviation Safety in Africa; and

6.   **REQUESTS** the Commission to submit periodic reports on the implementation of this Decision to the Executive Council.