

AFRICAN UNION

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UNION AFRICAINE

UNIÃO AFRICANA

DEPARTMENT OF INFRASTRUCTURE AND ENERGY

**FOURTH MEETING OF THE MINISTERIAL WORKING GROUP
ON THE SINGLE AFRICAN AIR TRANSPORT MARKET**

**(Under the patronage of the SAATM Champion:
H.E. President of the Togolese Republic)**

Lome, Togo
25th – 28th May 2018

CONCEPT NOTE

I. INTRODUCTION

1. During the commemoration of the fiftieth anniversary of the OAU / AU held in 2013 in Addis Ababa, Ethiopia, the African Union (AU) leadership expressed the desire to give a stronger and more ambitious impetus to the continent's socio-economic development and integration agenda. During this occasion, the African Union (AU) Agenda 2063 was elaborated in which some flagship projects were included based on their high potential for changing the face of Africa substantively in that duration. Among these projects is the creation of a Single African Air Transport Market, which placed the implementation of the 1999 Yamoussoukro Decision on the liberalisation of air transport markets in Africa (YD) in the context of the AU Agenda 2063 [ref. decision Ex.CL/Dec.821 (XXV)]
2. During the 24th Ordinary Session of the AU Assembly held on 30th – 31st January 2015 in Addis Ababa, Ethiopia, the Heads of States and Government (HoSG) adopted a Declaration on the establishment of a Single African Air Transport Market [ref. Assembly/AU/Decl.1(XXIV)]. The Declaration called, inter alia, for the establishment of a Single African Air Transport Market by 2017. The HoSG, henceforth, adopted a Solemn Commitment for the implementation of the Yamoussoukro Decision towards the establishment of a Single Air Transport Market by 2017 [ref. Assembly /AU/Commitment(XXIV)] and urged Member States that were willing and ready to thereby declare their Solemn Commitment to the undertaking.
3. To that end, the African Union Assembly established a Ministerial Working Group to oversee and guide implementation of agreed activities and road map for the establishment of a Single African Air Transport Market by 2017 [Assembly/AU/Commitment(XXIV)]. The Working Group is composed of Ministers responsible for Air Transport of Member States which have declared their Solemn Commitment to the implementation of the Yamoussoukro Decision towards the establishment of a Single African Air Transport Market. It started with the initial eleven (11) Member States and has expanded to the current twenty five (25) Member States that have since joined.
4. The Single African Air Transport Market was established and launched during the 30th Ordinary Session of the African Union Assembly of Heads of States and Government held in Addis Ababa, Ethiopia in January 2018. The current Member States that have subscribed to the solemn commitment are: **Benin, Burkina Faso, Botswana, Capo Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Ghana, Guinea Conakry, Kenya, Liberia, Mali, Mozambique, Niger, Nigeria, Rwanda, Sierra Leone, South Africa, Swaziland, Togo and Zimbabwe.**
5. The decision establishing the SAATM Assembly/AU/Dec.665 (XXX) provides for the following:
 - i) Member States to abolish any provisions in their Bilateral Air Services Agreement (BASAs) for intra-African air services that are contrary to the provisions of the Yamoussoukro Decision. As the market goes into operation, Member States and the industry expect that the intra-African market will operate without the need for bilateral air service agreements between Member States.
 - iii) The Commission shall submit to the Assembly an updated status of implementation and revised objectives of the single market by December 2019.

- iv) The Commission, the Regional Economic Communities and Champions, in collaboration with other air transport stakeholders, take effective steps to engage the African States who are not yet members to sign on to the Solemn Commitment.
- v) The Commission to expedite completion of the activities on the SAATM Road Map, ensure awareness and dissemination of key continental aviation frameworks especially the Yamoussoukro Decision Regulatory and Institutional Texts, the African Civil Aviation Policy (AFCAP) as well as undertake capacity building of Member States and RECs on application and domestication of those instruments;
- vi) The Commission to work on a framework of establishing the single African sky architecture by 2023 that will strengthen aviation safety, security as well as ensure efficient and harmonised seamless air navigational and communication systems; and
- vii) The African Development Bank and other funding partners to expedite the mobilisation of resources for the operationalisation of the Executing Agency to enable it adequately carry out its functions in the management and supervision of the established Single African Air Transport Market (SAATM).

6. Following the launch of the Single African Air Transport Market, **H.E. Faure Essozimna Gnassingbé, President of Togo**, was designated by his peers as the Champion of the Single African Air Transport Market. In his capacity as Champion, the President is keen to see reinvigorated efforts in the advocacy campaign for more states to join the Single African Air Transport Market and to ensure that Member States that have joined, expedite implementation of the immediate measures in order to fully operationalise the SAATM.

7. The Commission organised an aviation industry consultative meeting on the 7th March in Abidjan. The aim of the consultation was to establish a prioritised and joint action plan for 2018-2019 for the operationalisation of the SAATM. The main activities on the prioritised action plan include:

- i. Ensuring members of the SAATM fully implement the immediate measures to effectively operationalise the Single African Air Transport Market as early as possible;
- ii. Elaborating and executing a communication campaign and an advocacy strategy for at least 15 more states to join the SAATM by the next summit in June/July 2018;
- iii. Resource mobilisation and strengthening of the capacity of the African Civil Aviation Commission to effectively perform its functions as the Executing Agency of the Yamoussoukro Decision;
- iv. Seeking technical assistance for Member States to improve the level of aviation safety and security to meet the minimum requirements of ICAO Standards and Recommended Practices (SARPs) and attain the global average of effective implementation level; and

- v. Ensuring African airlines enhance their cooperation in the operation of the Single African Air Transport Market.

8. Implementation of the immediate measures is critical to the operation of the SAATM. One of the steps in the immediate measures requires Member States to remove any restrictions in the existing Bilateral Air Service Agreements (BASA) that are contrary to the Yamoussoukro Decision. Reports on the immediate measures indicate that several Member States have Bilateral Air Service Agreement between themselves but all provisions of the Yamoussoukro Decision are, in most cases not incorporated. It is therefore important to remove any restrictions in the existing Bilateral Air Service Agreements among the 25 States Parties to the solemn commitment to establishment of the SAATM.

9. For those States that do not currently have a Bilateral Air Service Agreement, the Ministers in charge of air transport will be required to consult each other in order to establish a YD compliant BASA. Pending this, all the Ministers in charge of Air Transport shall be required to sign an appropriate Protocol or MOU for the operationalisation of the Single African Air Transport Market, as already decided by their respective Heads of States and Government, and in line with step 3 of the Concrete measures. .

10. As the market goes into full operation, Member States and the industry expect that the intra-African market will operate without the need for Bilateral Air Service agreements between Member States.

11. The Ministerial Working Group Rules of Procedure allows for a two-year mandate of its Bureau. The current Bureau of the Ministerial Working Group was elected in January 2015. Following the launch of the SAATM, the next Ministerial Working Group meeting will offer an opportunity for the Bureau to be renewed in accordance with the Rules of Procedure.

II. OBJECTIVES OF THE MEETING

12. Therefore, the main objective of the fourth meeting is to facilitate the implementation of the decisions of the Heads of States and Government on the Solemn Commitment made on the establishment of the SAATM and facilitate execution of Step 3 of the Immediate Measures required for the full operationalisation of the SAATM. Member States which have subscribed to the Solemn Commitment shall be required to remove any restrictions in the existing Bilateral Air Service Agreements (BASAs) that have provisions contrary to the Yamoussoukro Decision through signing of a binding Memorandum of Understanding (MoU). Furthermore, the meeting will provide a forum to those States that do not currently have any air service agreement, to conclude YD compliant BASAs as appropriate.

13. Pending the conclusion and harmonisation of the BASAs, all the Ministers in charge of Air Transport shall be required to sign a Protocol or MOU for the operationalisation of the Single African Air Transport Market, as already decided by their respective Heads of States and Governments, and in line with Step 3 of the Immediate Measures.

14. The meeting will also appoint a new Bureau of the Ministerial Working Group.

15. The Champion of the SAATM advocates for more States to join the market and for the air service agreements between existing members to be YD compliant. The Champion has therefore offered to host an extra-ordinary meeting of the Ministerial Working Group on the **25-28 May 2018** in Lomé, Togo, with a focus on the harmonisation of bilateral agreements.

16. The Experts meeting will consider the AFCAC guidelines for the settlement of disputes. AFCAC will also make present to the participants the adopted Yamoussoukro Decision Regulatory and Institutional Texts namely, the Competition and Consumer Protection Regulations.

III. THE SESSIONS

17. The Expert session of the meeting will focus on Member States consultation on the harmonisation of the BASA under SAATM and consideration of the MoC on the **25-27 May 2018**: The meeting will be facilitated by resource persons.

18. The proceedings and recommendations from the Expert meeting will be presented to the Ministerial Working Group on the **28 May 2018** for consideration and adoption, including signing of the MoC or protocol by DGs of Civil Aviation Authorities.

19. To achieve the objective indicated above, it is recommended that Member States come with their **appropriate credential** to sign BASA, MoU or any agreed document on behalf of their respective Member States. The Member State delegations should include Director General of the Civil Aviation Authority and/or similar competent person with the competence to negotiate BASAs with other African Member States.

IV. EXPECTED OUTCOMES

20. In line with the objectives of the meeting, the following outputs are targeted:

- a) Existing BASAs among Member States of the SAATM are reviewed to remove any restrictions to ensure conformity with the YD;
- b) New YD compliant BASAs are concluded where non-existent;
- c) MoU on harmonisation of BASAs and operationalization of the SAATM is signed; MoC between AFCAC, as the Executing Agency and all RECs is concluded and signed on the side-lines of the meeting; and
- d) Appointment of a new Bureau of the Ministerial Working Group.

V. PARTICIPANTS

21. The following entities will be invited to participate in the meeting:

- 1) Member States of the SAATM:
 - Ministers in charge of air transport;
 - Directors General of Civil Aviation;
 - At least 2 Experts from the SAATM Member States including the Focal persons
 - Airlines CEOs.
- 2) African Union Commission;
- 3) African Civil Aviation Commission (AFCAC);
- 4) Regional Economic Communities (RECs);
- 5) Members of the Monitoring Body of the Yamoussoukro Decision;
- 6) NEPAD Planning and Coordination Agency (NPCA);
- 7) African Airlines Association(AFRAA);
- 8) The United Nation Economic Commission for Africa (UNECA)
- 9) Invitation will also be made to all member States who have expressed interest to join the SAATM;

- 10) Representative of ICAO and IATA-Africa
- 11) Representatives of AfDB and the World Bank
- 12) Other Partners as appropriate.

VI. DATE AND VENUE OF THE MEETING

22. The Fourth Ministerial Working Group meeting will be held in Lomé, Togo from the **25th to 28th** May 2018. The AUC will provide interpretation service (English and French languages only) for the Experts' Meeting and (Arabic, English, French and Portuguese languages) for the Ministerial meeting, The AUC will also provide sponsorship to one Expert for each Member State of SAATM, Regional Economic Community (REC) and NPCA, at economy class air ticket and DSA at UN rates.

VII. FURTHER INFORMATION

23. For more information, please contact Mr. David Kajange, E-Mail: Kajange@africa-union.org; with copy to Ms. Martha Yitayew, E-mail: MarthaY@africa-union.org; and, for further information regarding the host country, contact: Mr. **Gnama Latta**, Director General -Civil Aviation (ANAC), Togo: lattagnama@gmail.com, M. Michel M. TCHANGANI Tel. +22890692278 Email: mtchangani@yahoo.com