



## CONCEPT NOTE (Final draft)

### **Yamoussoukro Decision Day 14<sup>th</sup> November 2018 Celebrating the Yamoussoukro Decision (YD) for the Establishment of a Single African Air Transport Market**

#### **Background**

The Yamoussoukro Decision (YD) is the most important air transport reform policy initiative in Africa and provides for the liberalization of scheduled and non-scheduled air transport services within Africa. The YD aims at removing restrictions on traffic rights, capacity and frequency between African city pairs by designated African carriers

The 29<sup>th</sup> Assembly of the Heads of State and Government endorsed the designation of 14<sup>th</sup> November of every year as the Yamoussoukro Decision day (YD DAY) to be celebrated at National, Regional and Continental levels. This endorsement was reinforced by the 30<sup>th</sup> Ordinary Summit of the African Union Summit held in Addis Ababa, Ethiopia when the Single African Air Transport Market (SAATM) was officially launched on 29<sup>th</sup> January 2018.

The same AU Summit adopted the three (3) of the Institutional and Regulatory Instruments of the YD necessary for the successful operation of the Single African Air Transport Market:

- **Powers and Functions of the Executing Agency: Annex 4:** the key objective of this Regulation is to empower AFCAC as the Executing Agency of the YD; enable it to supervise and manage the liberalization of air transport in Africa and ensure the effective implementation of the YD implementing rules and regulations.
- **Rules and Procedures relating to Competition: Annex 5.** the key objective is to promote and guarantee free and fair competition in air transport services within Africa in order to develop the air transport industry.
- **Consumer Protection Regulation: Annex 6** to protect the consumer of air transport services provided within the Single Air Transport Market from unfair treatment in the provision of air services, and lack of or inadequate information on air services provided leading to poor treatment. They can also expect compensation for breach of their rights, including mechanisms to for consumers to seek redress.

The Ministerial Working Group (MWG) is composed of Ministers of Transport of Member States, which initially signed on to the Solemn Commitment for the establishment of SAATM. It held its 4<sup>th</sup> meeting in Lome, Togo from 25<sup>th</sup> to 27<sup>th</sup> May 2018 and facilitated the signing of a Memorandum of Implementation ( MoI ) among the 14 States that were present namely,: Benin, Capo Verde, Central African Republic, Congo, Côte d'Ivoire, Ethiopia, Ghana, Guinea, Liberia, Mali, Niger, Rwanda, Sierra Leone and Togo. The MoI is aimed at complementing the concrete measures on the establishment of the SAATM through the expeditious removal of any restrictive provisions in existing bilateral air services agreements.

Furthermore, twelve (12) countries present at the 4<sup>th</sup> MWG also undertook bilateral consultations on harmonisation of existing bilateral air services agreements (BASAs) that are aimed at removing

market restrictions that are incompatible with the Yamoussoukro Decision, namely: Central African Republic, Congo, Côte d'Ivoire, Ethiopia, Ghana, Guinea, Liberia, Mali, Niger, Rwanda, Sierra Leone and Togo. Cabo Verde and Burkina Faso reported that they already have YD compliant BASAs with all the States that attended the meeting.

It is worth noting the progress made so far on the number of States that have subscribed to the Solemn Commitment to date has risen to 26 from the initial 11. These being Benin, Burkina Faso, Botswana, Cape Verde, Central African Republic, Chad, Republic of Congo, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Gambia, Ghana, Guinea Conakry, Kenya, Liberia, Mali, Mozambique, Niger, Nigeria, Rwanda, Sierra Leone, South Africa, Swaziland, Togo and Zimbabwe.

The MWG also endorsed the AUC Prioritised Action Plan for the Operationalisation of SAATM as further elaborated in Abidjan in March 2018 with six pillars among which includes:

- a. A focus on advocacy including advocacy at Regional Economic Communities' high level meetings, encouraging AFRAA to engage in advocacy amongst African airlines for SAATM and ensuring the implementation of the immediate measures.
- b. Ensuring the availability of the appropriate Regulations for the oversight of the Single African Air Transport Market, in particular establishing the Dispute Settlement Mechanism and dissemination of the adopted Regulatory text.
- c. Operationalisation of the SAATM focusing on capacity strengthening of the implementing agency, in particular resource mobilisation for the Executing Agency and advocacy for the harmonisation of policies on aeronautical related taxes and charges and other tariff barriers; undertake a continent-wide study on the benefits of the SAATM, establish an evaluation mechanism of SAATM and to facilitate airline cooperation in the operation of the SAATM.
- d. Planning for future traffic growth through ensuring development of the RECs aviation infrastructure master plans and the Continental master plans and elaboration of the road map for the establishment of the Single African Sky architecture.
- e. Enhancing Safety and Security through providing technical assistance to States with under 60% Effective Implementation (EI) of the ICAO critical elements. This involves collaboration with the international Civil Aviation Organisation (ICAO) in expanding the Fundamental of Safety Oversight projects to cover such States.

It is being observed that some African Governments' still have restrictive air transport and related policies and bilateral air service agreements, among other issues, limit the growth and development of air transport services on the continent which in turn negatively restrains the potential for aviation to be an engine of growth and development for Africa.

In collaboration with AFCAC and the African Airlines Association (AFRAA), the International Air Transport Association (IATA) a proposal to conduct expanded study on the benefits of air transport liberalization in all the other remaining AU member states is currently being discussed among the African Development Bank Group (AfDB) the AUC, AFCAC and IATA.

## **The theme for the 2018 YD Day is**

### **"Launching advocacy of the Regulatory Texts of the YD, Tools for successful Operation of the SAATM"**

## **DETAILED PLAN OF ACTIVITIES**

### **1.1 Objectives**

AFCAC's objective is to benefit from the YD day through a **Symposium** to:

1. Raise awareness on the opportunities and overall benefits associated with the liberalization of the African air transportation (Full implementation of the YD);
2. Circulation of Regulatory Texts on the YD, Legal Powers of the Executing Agency of the YD, Competition Rules and Consumer Protection and launching of their advocacy;
3. Advocate and facilitate the involvement of more States in the implementation of the Yamoussoukro Decision and establishment of a Single African Air Transport Market;
4. Establish effective collaboration and solid engagements with RECs, Stakeholders, member States and Eligible African Airlines;

### **Expected Outputs/Outcomes**

It is expected that the YD Day will result inter-alia in:

- a) An established Platform at national and Regional levels to share information and experiences on the benefits of implementation of the YD and joining SAATM which is a pilot project of AU-Agenda 2063;
- b) More States joining the SAATM through signing of Solemn commitment thereby joining the Single African Air Transport Market;
- c) States party to SAATM expediting the implementation of all the remaining concrete measures and notifying other States of the removal of any non-YD compliant provisions of BASAs, and to sign the agreed Memorandum of Implementation (MoI) through their respective resident representatives at the African Union Commission (AUC).
- d) Public Awareness of Competition Regulation, Consumer Protection and the Legal Powers and Functions of the Executing Agency
- e) Improvement of aviation safety and security compliances with ICAO SARPs.

### **Activities**

- a) Presentations will be made under separate Sessions at national and RECs levels;
- b) Panel discussions composed of the various Stakeholders;
- c) Information dissemination including: Competition Regulation, Consumer Protection and the Legal Powers and Functions of the Executing Agency of the YD, and Report of the 4<sup>th</sup> MWG meeting;
- d) Launch of the new website/face book/twitter of the EA

### **Venue**

The celebration is expected to be organised by the Ministry responsible to civil aviation or CAAs at national level, and by RECs at Regional Economic Communities; AFCAC is in communication with member States and Partners to celebrate it at Continental level as it was done in 2017