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**SECOND SESSION OF THE CONFERENCE
OF AFRICAN MINISTERS OF TRANSPORT
21 - 25 NOVEMBER 2011
LUANDA, REPUBLIC OF ANGOLA**

**RAPORT ON THE IMPLEMENTATION OF THE
ACTION PLAN
AIR TRANSPORT**

NOVEMBER 2011

REPORT ON THE IMPLEMENTATION OF THE PLAN OF ACTION ADOPTED BY THE FIRST SESSION OF CONFERENCE OF AFRICAN MINISTERS OF TRANSPORT

I. INTRODUCTION

1. The Plan of action in the field of air transport adopted in Algiers, Algeria on 25 April 2008 by Ministers of Transport, during their First Session of the Conference organised by the African Union Commission in collaboration with the Government of the People's Democratic Republic of Algeria, was elaborated for the period 2008 to 2012.
2. The main propose of the Plan of Action is to define activities that will enable the attainment of African Union objectives, within the framework of air transport development, currently assailed by numerous challenges linked to the exigencies of the industry, notably specific to safety, security environmental protection, ratification and implementation of international air law instruments, international policy and regulatory mutation, acquisition and use of new technology as well as capacity building.
3. The Plan of Action outlines the main identified for the attainment of set objectives, measures of output, the lead and other institutions involved.
4. The proposals contained in the Plan of Action provide relevant institutions with a solid base on which to conduct the necessary discussions with different development partners likely to support Arica in its efforts to develop air transport sub-sector.
5. During the period covered by the report, the continent experienced the increase in law cost airlines, airlines merging, improvement in connectivity and the grating of fifth freedom, bankruptcy of small airlines, start up airlines, new entries, creation of private multinational airlines, airports rehabilitation and extension, investment in air navigation facilities and equipment, investment in fleet renewal, training and retraining of aviation professionals, etc... , on one hand, and the unexpected penetration of foreign airlines in the African markets on the other.
6. There was a fierce marketing competition among Aviation equipment manufacturers in offering new technology to African aviation industry.
7. In implementing the Plan of Action since its adoption, the African Union Commission retained the central role at the continental level. The result of the implementation up to date is reflected below.

a) Implementation of the Yamoussoukro Decision

8. **Operationalisation of the Executing Agency:** the process of the operationalisation of the Executing Agency which AFCAC is the main beneficiary is at

its initial stage. The project aimed at supporting the operationalisation of the Executing Agency of which AFCAC is the main beneficiary has been launched and based at the AFCAC Headquarters.

9. **Harmonisation of competition rules, dispute settlement mechanism and consumers rights protection:** The draft study on competition rules and dispute settlement mechanism completed by the African Union Commission has been transferred to AFCAC. These documents as well as the consumers' rights protection are critical to the effective implementation of the Yamoussoukro Decision.

10. In that context, the 14th Meeting of the Monitoring Body recommended that a task force would be created within AFCAC to handle the finalisation of the documents. In addition, AFCAC should engage in immediately starting the elaboration of the Consumers rights protection and also have them adopted shortly.

11. The lack of this regulatory framework in the continent led to difficulties in settling the dispute between **Senegal and Mauritania** as regard to the implementation of the Yamoussoukro Decision. As a result there was disruption of air transport services between Dakar/Nouakchott. The matter penalised the travelling public and other users of the air transport as well as it had negative effect on the socio-economic integration of the continent and delaying the adequate positioning of the latter in the global economy. Hopeful, this matter has been solved between the two States concerned at the ministerial level. Senegal Airlines and Mauritania Airways flights between Dakar and Nouakchott resumed last month.

12. ECCAS and ECOWAS are currently developing such joint regulatory texts in consultation with COMESA that has completed similar texts with EAC and SADC. These texts together with the draft texts completed by AUC could result in the harmonized continental competition rules and dispute settlement mechanism which would be easily implemented in CEN-SAD, COMESA, EAC, ECCAS, ECOWAS, SADC and UMA.

13. There is a tripartite cooperative mechanism between EAC, SADC and COMESA in the joint implementation of the Yamoussoukro Decision due to the nature of the Membership in the three RECs. The constitutional basic provision on which the Yamoussoukro Decision is implemented is Article 9.2 of the SADC Protocol as well as the Legal Notice No.2 of COMESA.

14. Joint bodies were created in order to harmonise technical, legal and institutional frameworks for accelerating the implementation of the Yamoussoukro Decision. These bodies are: COMESA Air Transport Regulatory Board (ATRB) and Joint Competition Authority (JCA).

15. In implementing the Kinshasa Plan of Action on air transport which includes the implementation of the Yamoussoukro Decision in the Central Africa Region, ECCAS Ministers responsible for air transport adopted Decisions on the performance of an air

carrier, access to air transport markets; air tariff, air carriers liability for passengers in case of accident, competition in air transport services, exemptions concerning certain categories of Agreements and best Practices as well as the Economic Regulation of Air Transport in West and Central Africa aimed at adequately responding to the challenges facing the implementation of the Yamoussoukro Decision in the Region. One of these challenges is the conflict between the national legislation and regulations of some States to the provisions of the Yamoussoukro Decision.

16. Continental evaluation of the implementation of the Yamoussoukro Decision: The Conference of Ministers responsible for air transport sought by the First Session of the Conference of African Ministers of transport which would have taken place last year failed due to among other to the delay in starting the evaluation study on the continental evaluation of the implementation of the Yamoussoukro Decision. This study has been now conducted. Following its review by the 14th Meeting of the Monitoring Body and its validation by a continent wide workshop, **the result which is including the evaluation criteria and identified constraints to the implementation of the Decision is being submitted to this meeting for recommendation** to the Conference of Ministers of transport. Matters such as connectivity and involvement of private sector are dealt with in the study report.

17. Organisation of Diplomatic Conference for the adoption of the AFCAC Constitution: AFCAC organized an Extraordinary Plenary which considered its Constitution. **More information are provided in the section on Ratification of International Air Law Instruments including the ratification of AFCAC Constitution.**

18. The harmonisation of aeronautical taxes, charges and fees throughout the continent is necessary in order to minimize the burden of operational cost on airlines and make the air travel in the continent affordable. **Additional information on the issues is provided separately.**

b) African Common Civil Aviation Policy

19. The task of dissemination of the Guidelines on negotiation of air services agreements between African Union Member States and European Commission/European Union Member States was completed and the document distributed to All Stakeholders and concerned partners.

20. Cooperation with all concerned parties was strengthened and Memoranda of Cooperation were signed with ICAO and AFRAA. Negotiation of similar instrument was started with IATA. However, there is still a deadlock on the negotiation of joint AU-EU joint statement and common framework and action plan on cooperation in aviation. It is recommended that this negotiation continues and the joint statement signed before engaging in the implementation of concrete projects.

21. The task force created following the Decision on the subject matter by the Third African Union Conference of Ministers responsible for air transport held in Addis Ababa, in 2007 was completed the assignment. The task force coordinated by Dr. Aliu, Permanent Representative of Nigeria on the ICAO Council, was made up of all Members of the Monitoring Body of the Yamoussoukro Decision and the AFI Group on the ICAO Council. The African Common Civil Aviation Policy was validated concurrently with the study on the validation of the implementation of the Yamoussoukro Decision. **A recommendation was formulated and will be submitted to the meeting for consideration.**

c) Strengthening Civil Aviation Security and Safety in Africa

22. **Aviation Security:** AFCAC was more involved in the implementation of activities relating to aviation security. In that regard, several continent wide meetings including seminars were organised. An action plan supported by a roadmap for strengthening aviation security in Africa was adopted and their implementation by AFCAC has reached an advanced stage. Three Africa wide conferences were organised within the ICAO Framework. **Additional information and recommendation on the issues are provided separately.**

23. As the continent is awaiting for the successfully negotiation of the Joint AU-EU Statement on cooperation in aviation stated above, the European Commission has relaxed its prohibition on transit of certain tax free and safety following the adoption of the AU Declaration on aviation security.

24. Progress was made by ICAO in the adoption of the code of conduct on sharing of aviation safety information as well as the putting in place of a procedure related to the SAFE funding within ICAO. **It is recommended that ICAO organize regional educational seminars on the implementation of the code of conduct on sharing of aviation safety information.**

25. **Aviation Safety:** The African Union Commission was represented by AFCAC in the activities of ACIP. It recognised that result from ACIP was satisfactory. Currently AFCAC is engaged in the implementation of AFI-CIS. **It is recommended that a Conference of Ministers responsible for air transport is organised in 2012 which main subject of consideration will be aviation safety. Logistical experience would be covered by AFCAC provided that hosting State is identified during this session. Additional information and recommendation on the issues are provided separately.**

26. With regard to search and rescue, the study on enhancing search and rescue in Africa was completed as a result of the collaborative work carried out by AFCAC and ICAO. In that regard, a continent wide conference to validate all regulatory and technical related guidance materials was held. These guidance materials are in French and English. **It is recommended that AFCAC complete the translation of the latter into**

Portuguese and Arabic and make them available to States who are the main beneficiaries.

27. The increase of the number of African States and airlines banned to operate over EU airspace is still alarming.

28. Implementation of the AFI Air Navigation Plan: A special AFI RAN Meeting was in 2007. The outcome of this meeting was reviewed by the last AFCAC Ordinary Plenary last year. The issue of the African strategy for implementation of GNSS is yet to get an answer depending on the long overdue independent study on the implementation of SBAS in the continent.

29. Environmental Protection: The continent is focusing on the implementation of the ICAO A37 Resolution and the ICAO Council Decision on environmental protection. Also, there is concern about the softness of the reaction of the continent in responding to the EU ETS policy. As a result, in letting the EU implement ETS, African airlines operating over EU airspace will spend more on fees than what they would have in return. The fees will affect negatively the African economy as a whole. **A recommendation was formulated.**

d) External Air Transport Policy.

30. The AU Guidelines on negotiation of air services agreement mentioned above is yielding positive result in such a way they are contributing in the ongoing consultations within ECOWAS as regard to the responsible negotiation of certain aspects of the EC Horizontal Agreement. In addition, COMESA, SADC and EAC consider that the Guidelines are the basic tool in negotiating any Horizontal Agreement with EC. **Additional information is being provided by RECs and recommendation on the issues on the way forward is sought.**

31. In addition, as indicated before, the negotiation of the AU-EU Joint Statement on cooperation in aviation has suffered a setback and the process will be revived soon.

e) Ratification of International Air Law Instruments including the AFCAC Constitution

32. There is need for the ratification of the international air law of utmost importance for the development of the aviation industry in the continent. AFCAC has already taken the first step towards that direction by writing to twelve African States requesting them to expedite the ratification of Cape Town Convention and Protocol. These specific Convention and Protocol were identified by AFRAA as a fast track way out for the renewal of the aging fleet of the African Airlines. Following the materialization of this exercise, other States will be identified for the next stage. **However, due regard should be given to the worthiness of the Town Convention and Protocol as the current global financial crisis contributed to the Export Funding Credit Fees**

increase. Additional information and recommendation on this subject will be provided to and considered by the meeting.

33. Furthermore, it would be recommended that AFCAC review its administrative package for ratification of international air law instruments by each concerned African States and forward once again to them for necessary action.

f) Capacity Building

34. With regard to capacity building AFCAC carried out meetings on aviation training and a number of training seminars in various fields of aviation. However, the continent as a whole is understaffed in terms of qualified aviation professionals. Consequently, the unfair African aviation manpower mobility to other region could make this challenge chronic. Separate paper on this item will be provided.

g) Strengthening inter African and international cooperation

35. Cooperation among African stakeholders has improved. At the international level, Turkey has organized the meeting with African Stakeholders in order to crystallize cooperation in aviation within the Africa-Turkey partnership framework.

36. During the ICAN-2011 held in Mumbai, India, from 17 to 22 October 2011, a special session was dedicated to the Africa-India cooperation in aviation. The session was organized as a result of the implementation of the plan of action adopted by the second summit of the India-Africa Forum. This plan of action includes connectivity and capacity building proposed to India by AFCAC during the visit of the later to India in February 2011. The session on the Africa-India cooperation in aviation concluded that a group of experts of both sides should be created in order to come up with concrete framework which adequately responds to the needs of Africa and India for connectivity and capacity building. This matter will be considered by the second session of the conference of African Ministers of transport to be held in Luanda, 21 to 15 November 2011.

37.

38. The cooperation with EU was very fruitful. The project for the studies on support to the operationalisation of the Executing Agency and the continental evaluation of the implementation of the Yamoussoukro Decision were materialized. Exploratory work was carried out on short term plan of action concerning capacity building namely in training for the GNSS management in Africa.

39. Also, the AFI Group to the ICAO Council provided the meeting with progress made by ICAO which resulted in the adoption of the code of conduct on sharing of aviation safety information as well as the prevailing procedure related to the SAFE funding within ICAO.