



THE SINGLE AFRICAN AIR TRANSPORT MARKET: A LEGAL MIRAGE?

Esther Inko Abili^{*}, Chidi Ebenezer Halliday^{**} & Moniyi Bukola Akinola^{***}

ABSTRACT

Africa is home to over 1.4 billion people with a massive yet enclosed geographical spread, and prides itself as the world's second largest and second most-populous continent, inhabiting approximately 18.83% of the world's population. Owing to the absence of a valid intra-network of road, rail, or water, air transport stands tall as the only channel of movement across the continent. This chapter examined the illusory nature of the Single African Air Transport Market, a flagship project of AU's Agenda 2063. The doctrinal research methodology was adopted wherein primary and secondary sources of law were collected and reviewed such as Yamoussoukro Decision 1999, Regulations on Competition in Air Transport Services within Africa 2017, and AU Regulations on the Protection of Consumers of Air Transport Services. Regrettably, Africa lacks a well-organised connectivity in air service operations causing higher rate of air tickets, longer flight routes, and inadequate airline cooperation. The chapter found that the Yamoussoukro Decision 1999 for open skies and other incidental Regulations may appear idealistic due to a lack of political will by State Parties towards implementation. The absence of a unanimous aircraft safety regime of AU member States, besides poor enforcement at the domestic level is worrisome. It was recommended that the African Civil Aviation Commission carry out regular sensitisation through conferences, codifying the SAATM Handbook in print and periodically distributing same to all stakeholders. A harmonisation of the different regulatory frameworks for certifying eligible African airlines be established and enforced, in keeping with ICAO Safety and Recommended Practices.

KEYWORDS: Aeronautical Authority, Aviation, Integration, Institution and Policy

1. INTRODUCTION

Africa is home to over 1.4 billion people with a massive yet enclosed geographical spread.¹ It prides as the world's second largest and second most-populous continent, inhabiting approximately 18.83% of the world's population.² Owing to the absence of a valid intra-network substitute of road, rail, or water, aviation stands tall as the only means of transportation across the continent.

^{*} PhD (Hons.), BL. The author is a Senior Lecturer domiciled in the Department of Public Law, Faculty of Law, Rivers State University, who specialises in Aviation Law. She is also in private legal practice in Port Harcourt and a Notary Public of the Federal Republic of Nigeria. The author is reachable via mobile: +234 809 924 9227; email: esther.abili@ust.edu.ng.

^{**} Professor of Corporate and Commercial Law, PhD, BL. The co-author is a Professor in the Department of Commercial and Industrial Law, Faculty of Law, Rivers State University. He is reachable via cell: +234 803 306 3251; email: halliday.chidi@ust.edu.ng.

^{***} PhD, Professor of Law with specialisation in Company and Competition Law. The co-author is a Professor in the Department of International and Commercial Law, Faculty of Law, Base University, Abuja. He is in private legal practice as a Senior Partner with Kayode Ajulo (SAN) & Co., Castle of Law, Abuja, and is reachable via cell: +234 803 392 0863; email: omoniyi.akinola@bazeuniversity.edu.ng.

¹ Worldometer, 'Africa population (live)' Africa Population (2025) - Worldometer accessed 2 May 2026.

² Worldometer, 'Africa population (live)' Africa Population (2025) - Worldometer; IATA, 'Benefits of yamoussoukro decision' single-african-air-transport-market.pdf accessed 2 May 2026.

Regrettably, Africa lacks a well-organised connectivity in air service operations causing higher rate of air tickets, longer flight routes, and scanty airline cooperation. Moreover, Africa's share of global passenger traffic has revolved around 2-4%.³ This below-par situation is due largely to the strategy of protectionism by African States, wherein the extant and prospective market share of their domestic airlines are jealously guarded with a boomeranging effect of slow economic growth within the African continent.

The Single African Air Transport Market (SAATM), a flagship project of Agenda 2063 of the African Union (AU), is poised at unifying and liberalising the market for air transportation in Africa. SAATM was created to expedite the Yamoussoukro Decision 1999 (YD 1999),⁴ as an impetus to the AU's economic integration agenda (YD Decision Text, 1999; AU Decision 1999). The AU is mandated to deliver on this project, amongst others, for the benefit of Africans. SAATM came on board for the enhancement of air connectivity across the continent, thereby massively reducing journey and delay by more than 20%, encourage competition of air services with ticket price moderation, and assuring economic growth and job creation. It is against this background that it becomes pertinent to inquire on the following posers: to what degree is the legal framework for the SAATM operational? How adequate is the performance of institutions with oversight function in the achievement of the SAATM? What challenges militates against actualising the objectives of the SAATM, and how may they be addressed?

2. CONCEPTUAL CLARIFICATIONS

2.1 Aeronautical Authority

This refers to any Governmental authority, body corporate, or organ duly authorised to perform any function to which these Regulations relate.⁵

2.2 Aviation

It involves the human activity carried out by aircrafts. Culled from the Latin *avis* meaning 'bird,' it affords an appropriate translation that aviation deals with travel by air, specifically in a plane.⁶ The aviation sector includes airports, airlines, general aviation, and air navigation service providers, who add to those activities by directly serving passengers or providing airfreight services.⁷ In section 117 of the Civil Aviation Act 2022 (CAA 2022), aircraft is defined as 'any machine that can derive support in the atmosphere from reactions of the air other than reactions of the air against the

³ IATA, 'Benefits of yamoussoukro decision' [single-african-air-transport-market.pdf](#) accessed 2 May 2026.

⁴ (YD 1999) 1999 YD Decision Text - AFCAC.pdf; AU, 'Decision Relating to the Implementation of the Yamoussoukro <Declaration Concerning the Liberalisation of Access to Air Transport Markets in African and Annexes' [au-decision-relating-to-the-implementation-of-yd-concerning-liberalisation-of-air-transport-markets.pdf](#) accessed 2 May 2026.

⁵ *ibid.*

⁶ Vocabulary, 'Aviation' Aviation - Definition, Meaning & Synonyms | Vocabulary.com accessed 2 May 2026.

⁷ ATAG, Aviation benefits beyond borders' [abbb2024_africa.pdf](#) accessed 2 May 2026.



earth's surface.' Examples of such aircraft include airplanes, helicopters, airships, including gliders, paramotors and hot air balloons.⁸

2.3 Integration

This is an act or instance of combining into an integral whole, an act or instance of integrating a racial, religious, or ethnic group, an organisation, place of business, school, etc (Heuristic, n.d.). According to a dictionary, integration is the act of combining or adding parts to make a unified whole, the act of amalgamating an ethnic or religious group with an existing community, the combination of previously racially segregated social facilities into a nonsegregated system.⁹

2.4 Policy

This is a set of ideologies or a plan of what to do in specific situations that has been agreed to officially by a group of people, a business organisation, a government, or a political party.¹⁰ It involves prudence or wisdom in the management of affairs. Policy is management or procedure based primarily on material interest, a definite course or method of action selected from among alternatives and considering given conditions to guide and determine present and future decisions. It is a high-level plan embracing the general goals and acceptable procedures especially of a governmental body.¹¹

2.5 Institution

This is an established organisation, especially one of a public character.¹² It is an organisation, establishment, foundation, society, or the like, devoted to the promotion of a particular cause or program, especially one of a public, educational, or charitable character.¹³

3. ORIGINS OF THE SINGLE AFRICAN AIR TRANSPORT MARKET

SAATM is traceable to Agenda 2063, a brainchild of the African Union Commission (AUC). Agenda 2063 was birthed during the 24th Ordinary Summit of the AU Assembly of Heads of State and Government, in Addis Ababa, Ethiopia. This was pursuant to the AUC's bid to actualise the Pan African Vision of an all-inclusive, peaceful, and prosperous Africa.¹⁴ Agenda 2063 is a long-term strategic framework of socio-economic and integrative transformation of Africa.¹⁵ In furtherance to actualising those goals, the AUC on 29 January 2018 launched a SAATM—one of the 12 flagship projects of AU Agenda 2063—which promises to bring swift progress in

⁸ K E Izimah. 'When an Airline's Liability to its Passengers or Customers Will Arise in Aircraft Accident or Loss of Baggage and the Laws Regulating Same' When An Airline's Liability To Its Passengers Or Customers Will Arise in Aircraft Accident Or Loss Of Baggage And The Laws Regulating Same - Tekedia accessed 2 May 2026.

⁹ Dictionary.com, 'Integration' INTEGRATION Definition & Meaning | Dictionary.com accessed 2 May 2026.

¹⁰ Cambridge Dictionary, 'Policy' POLICY | English meaning - Cambridge Dictionary accessed 2 May 2026.

¹¹ Merriam-Webster, 'Policy' POLICY Definition & Meaning - Merriam-Webster accessed 2 May 2026.

¹² B A Garner (ed), *Black's Law Dictionary* (8th edn, West Group 1999) 813.

¹³ Dictionary, 'Institution' INSTITUTION Definition & Meaning | Dictionary.com accessed 2 May 2026.

¹⁴ AU, 'African Union: Who We Are' About the African Union | African Union accessed 2 May 2026.

¹⁵ *ibid.*



transforming the African continent.¹⁶ To reiterate, SAATM was created to expedite the YD 1999 and is an impetus to the AU's economic integration agenda. Remarkably, Nigeria is one of the 11 AU Member States who championed the cause as signatories to the Solemn Commitment for the implementation of the SAATM,¹⁷ and 38 countries are currently subscribed to the SAATM allegiance.¹⁸

3.1 RELEVANCE OF THE SINGLE AFRICAN AIR TRANSPORT MARKET

Following the absence of a viable intra-network substitute of road, rail, or water across African continent, aviation stands tall as the only means of transportation thereof. Lamentably, Africa lacks a well-organised connectivity in air service operations causing higher rate of air tickets, longer flight routes, and scanty airline cooperation. Conversely, it is reassuring to note that the aviation market in Africa has a huge potential for growth due to its fledgling nature. Equally relevant, too, is service to a large and rapidly developing population.¹⁹ Moreover, aviation assures improved economic and social benefits across Africa, as it supports over 8.1 million jobs and \$75 billion of GDP.²⁰

Therefore, SAATM seeks to ensure intra-regional connectivity between the capital cities of Africa's 54 countries, creating a single unified air transport market to enhance economic integration and development.²¹ It intends to establish full liberalisation of intra-Africa air transport services in such areas as market access, traffic rights for scheduled and freight air services with improved connectivity and efficiencies by air carriers. SAATM also seeks to erase individual States ownership restrictions by providing total relaxation of capacity, frequencies, and tariffs. It ensures eligibility criteria for African community carriers, mechanisms for fair competition, safety and security standards, consumer protection, and dispute settlement.²²

4. LEGAL AND INSTITUTIONAL FRAMEWORKS FOR IMPLEMENTATION OF THE POLICY ON SINGLE AFRICAN AIR TRANSPORT MARKET

The principal legislation for promoting the policy on SAATM is the YD 1999. Pursuant to article 9.5 of the YD 1999, the regulations which act as bulwarks to the achievement of sufficient compliance to the YD 1999, and by extension—the SAATM—include Revised Duties and

¹⁶ IATA, 'The SAATM Handbook' <saatm-handbook.pdf> accessed 2 May 2026.

¹⁷ AU, 'The Single African Air Transport Market: An Agenda 2063 Flagship Project' 33100-wd-6a-brochure_on_single_african_air_transport_market_english.pdf; IATA, 'IATA Outlines Priorities to Strengthen Aviation's Contribution to African Growth' AU Paper on SAATM and free movement of Persons Malabo 06062016 - FINAL; ECA, 'The Single African Air Transport Market is Launched' The Single African Air Transport Market is launched | United Nations Economic Commission for Africa accessed 3 May 2026.

¹⁸ AFCAC, 'SAATM States' SAATM States – AFCAC ; 'AU, Malawi Becomes 38th African Country to Join Africa's Single Air Transport Market' Malawi becomes 38th African Country to join Africa's Single Air Transport Market | African Union accessed 3 May 2026.

¹⁹ ECA (n 12).

²⁰ *ibid*, IATA (n 16).

²¹ ECA (n 12).

²² *ibid*.



Responsibilities of the Monitoring Body (RDRMB), Regulations on the Powers, Functions and Operations of the Executing Agency (RPFOEA), Regulations on Competition in Air Transport Services within Africa 2017 (RCATSWA 2017), and AU Regulations on the Protection of Consumers of Air Transport Services (AURPCATS). In addition, the institutions established to give effect to this legislation for SAATM include: Sub-Committee on Air Transport of the Committee of Transport, Communications and Tourism (S-CAT), Monitoring Body (MB), and Air Transport Executing Agency (ATEA) or African Civil Aviation Commission (AFCAC).

Article 2 of YD 1999 defined the objective of the YD as a gradual liberalisation of scheduled and non-scheduled intra-African air transport services. By Article 3.1 of YD 1999, the essential features of such liberalisation include the granting to all State Parties to YD 1999 the free exercise of first through fifth freedom rights on both scheduled and non-scheduled passenger and freight air services as carried out by eligible airlines.²³ Thus, the full liberalisation of air transport in Africa and the relaxation of non-physical barriers to the movement of persons, goods and services, will assure socio-economic benefits to the continent. The liberalisation objective of YD 1999 was specifically applied to international air services, and the tariff liberalisation regime is applicable to international air traffic. However, the capacity and frequency of air services offered are not covered by the liberalisation. Notwithstanding that lacuna, article 5 of the YD 1999 states that no State Party can unilaterally limit the volume of traffic, the type of aircraft to be operated, or the number of weekly flights. There has to be some form of consensus between state Parties. The only exceptional circumstance where State Parties may limit air traffic is for environmental, safety, or technical reasons.

Furthermore, article 9 of the YD 1999 establishes the monitoring body comprising of a Sub-Committee on Air Transport of the Committee of Transport, Communications and Tourism (S-CAT), composed of African Ministers Responsible for Civil Aviation, with the responsibility, *inter alia*, of overall supervision, follow-up, and implementation of the YD 1999. To assist this S-CAT, a Monitoring Body (MB), was established.²⁴ The composition of the MB includes representatives of the Economic Commission for Africa (ECA), Organisation for African Union, now African Union (AU), African Civil Aviation Commission (AfCAC), and African Airlines Association (AFRAA). The Revised Duties and Responsibilities of the Monitoring Body (RDRMB) are as contained in Annex 2 to the YD 1999.²⁵ The RDRMB include rendering assistance to the AU in organising the meeting of the S-CAT, alerting the Ministers Responsible for Air Transport in Africa of any provisions of the YD 1999 that may militate against the development of air transport in

²³ Economic Commission for Africa, *Adapting African Air Transport to the Needs of a Changing World: Theme of the Conference* Bib-30813.pdf accessed 3 May 2026; Charles E Schlumberger, *Open Skies for Africa: Implementing the Yamoussoukro Decision* (The International Bank for Reconstruction and Development/The World Bank 2010) 9-12; World Bank, 'Open Skies for Africa: Implementing the Yamoussoukro Decision' World Bank Document accessed 3 May 2026.

²⁴ (Annex 2 to the YD 1999); NCAA, <Monitoring Body' au-decision-relating-to-the-implementation-of-yd-concerning-liberalisation-of-air-transport-markets.pdf> accessed 3 May 2026.

²⁵ *ibid*, art 9.3.



Africa, and recommend likely mitigations. To achieve a successful implementation of the YD 1999, an Air Transport Executing Agency (ATEA) was created with the mandate of supervision and management of Africa's liberalised air transport industry.²⁶ The ATEA is empowered to formulate and enforce appropriate rules and regulations aimed at giving fair and equal opportunities to all players and encourage healthy competition,²⁷ and in so doing, the ATEA is charged to secure the protection of consumer rights of air passengers.²⁸ Consequently, Regulations on the Powers, Functions and Operations of the Executing Agency (RPFOEA), was made by the Ministers responsible for Transport, Infrastructure, Energy and Tourism.²⁹ Pursuant to article 25, it was subsequently adopted by the 30th Ordinary Session of the Assembly of Heads of State and Government of the AU, which said adoption took place in Addis Ababa, Ethiopia, on 28-29 January 2018.

The scope of the RPFOEA is the provision of detailed rules for AFCAC—the Executing Agency—to supervise, manage, formulate, and enforce measures for the smooth enforcement of the YD.³⁰ The essence of the RPFOEA is for the ATEA/AFCAC to enable the effective operation, supervision, and management of liberalisation of air transport in Africa.³¹ In achieving that set objective, article 3.2 (a-f) provides the principles which state Parties, organs of the AU, regional economic communities, airlines, and other air transport service providers are urged to be guided by as outlined hereunder:

- a) All air transport activities undertaken on the African continent aims at achieving smooth, safe, comfortable, and efficient intra-African travel.
- b) All air transport activities are to be carried out in the interest of the consumer, whose interests should be paramount and protected by all stakeholders.
- c) Airlines are advised to operate profitably with minimal operating cost, preferably utilising all logical fifth freedom routes and assisted to identify potentially attractive routes based on long term focused economic activities in different localities of Africa.
- d) Air transport activities shall be aimed at maximum utilisation of airport slots and airports infrastructure and services, thereby encouraging economic activities at and around African airports.
- e) Continental and regional institutions and State Parties are mandated to encourage active cooperation between eligible airlines and work towards multiple establishments of airlines and other air transport service providers in different regional economic communities.

²⁶ (Annex 2 to the YD 1999); NCAA (n 24), art, 9.4.

²⁷ *ibid*, art 9.5.

²⁸ *ibid*, art 9.6.

²⁹ (Annex 4 to the YD 1999); NCAA, 'Regulations on the Powers, Functions and Operations of the Executing Agency' *au-decision-relating-to-the-implementation-of-yd-concerning-liberalisation-of-air-transport-markets.pdf* accessed 3 May 2026.

³⁰ (n 26) art 2.

³¹ *ibid*, art 3.1.



- f) The consideration of liberalised routes as a public good held for the use of and in the interest of the African continent.

By the same token, there is a need to speed-up full implementation of the YD 1999 with the goal of boosting the operations of African airlines and other air transport service providers and efficiently tackle the challenges akin to globalisation of international air transport. Further, the need to ensure fair opportunity on a non-discriminatory basis for designated eligible African airlines to favourably compete in providing air transport services within Africa, necessitated the Ministers responsible for Transport, Infrastructure, Energy and Tourism to adopt RCATSWA 2017.³²

The initial adoption was during the First Ordinary Session of the AU Specialised Technical Committee on Transport, Transcontinental and Interregional Infrastructure, Energy and Tourism held in Lomé, Togo, on 17th March 2017. However, it entered into force upon actual adoption by the 30th Ordinary Session of the Assembly of Heads of State and Government of the AU on 28-29 January 2018, at Addis Ababa, Ethiopia.³³ The set objectives of the Regulations on Competition in Air Transport Services within Africa 2017 (RCATSWA 2017), as enunciated in article 2, is the promotion and guarantee of free and fair competition in Intra-African air transport services in order to develop the air transport industry and a contribution to the welfare of the citizens of the state Parties. The scope of the RCATSWA 2017 is applicable to scheduled and non-scheduled intra-Africa air transport services, and any practice, agreement or conduct with anti-competitive effect within the separate and joint territories of the regional economic communities and within the entire African continent.³⁴

Remarkably, the RCATSWA 2017 prohibits any practice, agreement or decision which negates the objective of free and fair competition in air transport services. Consequently, by article 4(1), state Parties are mandated to ensure that any agreement between airlines, any decision taken by an association of airlines, and any concerted practice which negatively affects this said objective and intends to prevent, restrict, or distort competition, be prohibited. In addition, article 7(1) states that subsidies granted to airlines by any state Party or Regional Economic Community (REC) are required to be implemented in a manner that will not distort or threaten competition. Accordingly, by the Guidelines of the ATEA/AFCAC,³⁵ made pursuant to article 7(2) of the RCATSWA 2017, state Parties shall not discriminate between publicly-owned, state-owned, and privately-owned airlines, and subsidies granted to an airline should be for restructuring purposes, or in extraordinary circumstances beyond the control of the airline, including acts of war, even pandemics such as COVID-19.³⁶ Any contrary grant or intending-grant of subsidies are deemed illegal. It is incumbent on the ATEA to issue a cease-and-desist Order against the state Party in question or in the case

³² (Annex 5 to the YD 1999); NCAA, 'Regulations on Competition in Air Transport Services Within Africa 2017' au-decision-relating-to-the-implementation-of-yd-concerning-liberalisation-of-air-transport-markets.pdf accessed 3 May 2026.

³³ *ibid*, art 23.

³⁴ *ibid*, art 3.

³⁵ (Guidelines and Procedures for the Implementation of the RCATSWA).

³⁶ (n 23) art 2(a)(b) of Appendix 1.



where the illegal subsidy has been paid, an Order would lie that the monies given as illegal subsidy be paid back to the state Party, in whole or in part.³⁷

Another significant instrument is the AU Regulations on the Protection of Consumers of Air Transport Services (AURPCATS), developed by the Bureau of the Conference of African Ministers of Transport in Malabo, Equatorial Guinea, on 18 and 19 December 2014.³⁸ The AURPCATS entered into force upon adoption by the 30th Ordinary Session of the Assembly of Heads of State and Government on 28-29 January 2018, in Addis Ababa, Ethiopia.³⁹ The AURPCATS seeks to strike a balance between the right of airlines to operate efficiently in a liberalised and increasingly competitive market and the right of the consumer to be assured of sufficient protection and information of his rights. It also recognises the need to assist the travelling public through time saved by the legitimate (non-targeted) passenger while undergoing normal arrival formalities, thereby enhancing the quality of air travel.

It is a notorious fact that passengers suffer considerable delays, overbookings, flight cancellations, and they often live with flying uncertainties. Therefore, the increasingly liberalised environment calls out a concern to protect consumers on the African continent.⁴⁰ Certainly, the AURPCATS application stems from the implementation of article 9.6 of Annex 2 to YD 1999, and prescribes rights of consumers of air transport services within Africa as well as an outline of responsibilities of air transport undertakings.⁴¹ The objective of the AURPCATS is to protect the consumer of air transport services against unfair treatment in their service delivery and provides a basis for compensation by air transport service providers for the breach of consumer rights, and highlight a mechanism for seeking redress.⁴²

5. CHALLENGES AND PROSPECTS OF THE SINGLE AFRICAN AIR TRANSPORT MARKET

Flowing from the robust provisions of YD 1999 and its accompanying Regulations for open skies, the SAATM should be anything but a mirage. However, the AU has decried the persistent utilisation of multiple restrictive Bilateral Air Service Agreements (BASAs), the non-functional YD institutions, lack of cooperation by eligible African airlines, visa requirements within African sub-regions—all valid threats which makes the AU Agenda 2063 flagship project appear illusory.⁴³

In the same vein, a lack of political will within member States to committedly give effect to the provisions of the YD for open skies amounts to a huge impediment to Building the Africa we

³⁷NCAA (n 33), art 2 (d)(e).

³⁸ (Annex 6 to the YD 1999); NCAA, 'AU Regulations on the Protection of Consumers of Air Transport Services' au-decision-relating-to-the-implementation-of-yd-concerning-liberalisation-of-air-transport-markets.pdf accessed 3 May 2026.

³⁹ *ibid*, art 25.

⁴⁰ *ibid*, preamble.

⁴¹ *ibid*, art 2(1)(2).

⁴² *ibid*, art 3.

⁴³ ICAO, 'The Single African Air Transport Market and the Free Movement of People in Africa' AU Paper on SAATM and free movement of Persons Malabo 06062016 - FINAL accessed 4 May 2026.



Want—the integrated, prosperous, and peaceful Africa. This situation is further compounded as some African leaders misconstrue the great move of the SAATM as an attempt by bigger sister countries to overrun their aviation sector. Consequently, there has been the open frustrations of airlines from other member States to traverse the continent through air connection.⁴⁴ Despite the worrisome situation, Nigeria has laudably pioneered the embrace of SAATM project with her liberal treatments of foreign airlines doing business within her aerial and territorial enclave. Notwithstanding this good step in the right direction, there has been strong reactions for balance.

In a rather disturbing observation, the aviation industry in Nigeria faces the challenge of being left out of a whopping \$1.3bn SAATM opportunity for the reason of not having international transit centres in her international airports. This apparent deficiency is reported to be largely responsible for forestalling seamless air connectivity for transit passengers to various international destinations within Africa (Akinlotan, 2025). The fact that transit passengers within Africa are made to obtain visas, thereby becoming subject to checks by Customs and Immigration due to the absence of a specifically designed hub within the airports for uninterrupted movement by transit passengers, has occasioned difficulty which tends to discourage passengers flying within Africa to route through Nigeria to their intended destinations. The effect is a drastic reduction in traffic within Nigeria's international airports, a diminished patronage of her airlines, and economic losses.⁴⁵

From a different vantage, the President of Aviation Roundtable and Safety Initiative, Gabriel Olowo, stated that there is a daily ongoing threat on Nigerian aviation market by the supposed SAATM or open skies for Africa.⁴⁶ He opined that member countries are not honest in implementing SAATM, and a situation where some African airlines fly to multiple Nigerian airports, without Nigerian airline having a corresponding courtesy overseas is 'a negative balance of trade... the essence of regulation is not only about safety. We have failed with economic regulations. This is a major weakness.' Also, there is a growing competition from other international African carriers, international foreign airlines, and the present economic downturn. The multiple entry points for foreign airlines are 'disastrous and deliberate annihilation of domestic market', Olowo laments.⁴⁷

Furthermore, a previous Secretary-General of AFRAA, Nick Fadugba (of blessed memory), added voice to the above observation when he stated that a situation where 90% of Nigerian market is controlled by non-Nigerian airline 'is damaging to the economy.' Consequently, he advised that 'Nigeria needs to urgently review its BASA policy. An air route is like an oil bloc. You don't just

⁴⁴ Our Reporter, 'Yamoussoukro Decision: Why Nigeria Must Tread Softly' *Nigerian Tribune* (Ibadan 7 December 2017) Yamoussoukro decision: Why Nigeria must tread softly - Tribune Online accessed 4 May 2026.

⁴⁵ O Akinlotan, 'Operators Worry as Nigeria Misses out on \$1.3bn SAATM Opportunity' *Punch* (Lagos 23 July 2025) Nigeria Misses \$1.3bn SAATM Opportunity: Operators Worry accessed 4 May 2026.

⁴⁶ A Adegboyega, 'Nigerian airline operators ask on FG to review bilateral agreements' *Nigerian airline operators ask FG to review bilateral agreements* accessed 4 May 2026.

⁴⁷ *ibid.*



give it out without something in return'.⁴⁸ In addition, Nigeria is counselled not to allow itself to be used as the 'guinea pig' by restraining itself from opening all air access while other African countries choose to protect their own, as that would amount to being deceived as the 'big brother'.⁴⁹ Consequently, in order to prevent some member States from profiting unduly at the expense of actual compliance to SAATM by a few other state Parties, the clarion call for a single multilateral agreement—applicable and enforceable on all African States—cannot be better sounded.

Nigerian airlines should learn from the model of US Airlines for Open Skies (USAOS) where Atlas Air Worldwide, FedEx, JetBlue Airways, and Cargo Airline Association, became a coalition.⁵⁰ It is imperative that indigenous airlines team up to provide efficient air services with unmatched hospitality and punctuality. This will balance the capacity and frequencies scale to better compete with other regional and international carriers. Furthermore, the success rate of the Multilateral Agreement for Liberalisation of International Air Transportation (MALIAT) wherein 5 countries from 4 continents—Brunei Darussalam (Southeast Asia), Chile (South America), New Zealand (Oceania), Singapore (Southeast Asia), and the United States (North America) agreed to open their skies for seamless air travels underscore the superiority of multilateral treaties over rigid bilateral agreements.⁵¹ Thus, the MALIAT Model for open skies should be critically examined by African governments and taken as an incentive to swiftly implement the Yamoussoukro Decision and the policy on SAATM.

Admittedly, a legal trust rests on the AFCAC to act as Executing Agency of the YD, and by extension—the SAATM. However, by a broad reading of the provisions of YD 1999, the pillars for integration of Africa rest largely on the Regional Economic Communities (RECs). There are currently eight RECs having AU's recognition, they include Arab Maghreb Union (AMU),⁵² Common Markets for East and Southern Africa (COMESA),⁵³ Community of Sahel-Saharan States (SEN-SAD),⁵⁴ East African Community (EAC),⁵⁵ Economic Community for Central Africa (ECCAS),⁵⁶ Economic Community for West African States (ECOWAS),⁵⁷ Intergovernmental Authority on Development (IGAD),⁵⁸ and Southern Africa Development Community (SADC).⁵⁹ These RECs are the building blocks for any conceivable progress as they have a regional role in

⁴⁸ A Adegboyega (n 46).

⁴⁹ *ibid.*

⁵⁰ USAOS, 'Open Skies: Facilitating an Interconnected World' US Airlines For Open Skies | Open Skies Coalition | Interconnected World accessed 4 May 2026.

⁵¹ MALIAT, 'Agreement – English' Agreement - English | Maliat; US DOT, 'Multilateral Agreement on the Liberalization of International Air Transport' Multilateral Agreement on the Liberalization of International Air Transport | US Department of Transportation

⁵² (AMU) The Arab Maghreb Union.

⁵³ (COMESA) What is COMESA - Common Market for Eastern and Southern Africa (COMESA).

⁵⁴ (SEN-SAD) Community of Sahel-Saharan States (CEN-SAD) | African Union.

⁵⁵ (EAC) Overview of EAC.

⁵⁶ (ECCAS) ECCAS IN BRIEF - ECCAS Official Website.

⁵⁷ (ECOWAS) About ECOWAS | Economic Community of West African States (ECOWAS).

⁵⁸ (IGAD) About IGAD | IGAD Structure | IGAD Regional Strategy.

⁵⁹ (SADC) History and Treaty | SADC.



the implementation of YD 1999. Granted, several RECs have made remarkable progress in implementing YD 1999 with policies on free movement of goods, persons, and services. Nonetheless, much remains to be done with full implementation.⁶⁰ Further, aircraft accidents in Africa, albeit frightening, are not unavoidable.⁶¹

It is a fact that AFCAC is acting in collaboration with the International Civil Aviation Organisation (ICAO) to ensure the latter's 'No Country is left Behind' Initiative improves safety and security in Africa aviation through the Africa-Indian Ocean (AFI), Comprehensive Implementation Plan for Aviation Safety in Africa (SAFPLAN), and the AFI Comprehensive Regional Implementation Plan for Aviation Safety and Facilitation in Africa (AFI SECFAL). Also, African Ministers responsible for air transport have instituted two safety measures to assure member States comply with the minimum ICAO Safety and Security Standards and Recommended Practices (SARPs), across the continent, *to wit*: Abuja Safety Targets and Windhoek Security and Facilitation Targets.⁶² Moreover, the fact that ICAO is assisting member States in establishing Regional Safety and Continuing Airworthiness Programmes (COSCAPs) and Regional Safety and Security Oversight Organisations (CASSOAS) to resolve regional safety oversight issues and harmonise regulations to ascertain uniformity of certificated airlines in Africa, is commendable.

On the whole, despite the bottlenecks on liberalising African air market, there appears to be some glimmer of hope. The erstwhile AU Commissioner for Infrastructure and Energy, Dr Amani Abou-Zeid, in a roundtable session on Sustainable Development of Air Transport in Africa,⁶³ held on 19 February 2023, in Addis Ababa, Ethiopia, while highlighting the growth of the air transport sector as a realisation of the aspirations of the AU Agenda 2063, stated thus:

The contribution of sustainable air transport to the attainment of integrated, peaceful, and prosperous Africa cannot be overstated. It facilitates the free movement of people, goods, and services while hastening AfCFTA (African Continental Free Trade Area) and creating decent jobs... A digitalised, sustainable, agile, and resilient aviation industry is a driving force for Africa's socio-economic development. We need to rethink the way we do aviation in Africa. (Bracket added)

The lofty ideals of a SAATM and proposal of safety within the African air space are only as practical as individual state Parties undertake to and actually consolidate the standards thereof into their domestic regulations before those can assume the force of law. The domestication of these safety guidelines and standards by all member States is yet to be realised.

⁶⁰ (n 55); (n 32) 61-112.

⁶¹ (n 32) 42-48.

⁶² AU, 'Towards a sustainable air transport development in africa' Towards a Sustainable Air Transport Development in Africa | African Union accessed 4 May 2026.

⁶³ *ibid*.

6. SUMMARY OF FINDINGS

The summary of findings of this paper is that:

1. The YD 1999 affords a robust legal framework upon which a SAATM could be realised. Moreover, the regulations which act as bulwarks to the achievement of sufficient compliance to the YD 1999, and by extension—the SAATM in Africa, include Revised Duties and Responsibilities of the Monitoring Body (RDRMB), Regulations on the Powers, Functions and Operations of the Executing Agency (RPFOEA), Regulations on Competition in Air Transport Services within Africa 2017 (RCATSWA 2017), and AU Regulations on the Protection of Consumers of Air Transport Services (AURPCATS). However, these legislations are operational to the extent that state Parties to the YD 1999 swing into action in domesticating the provisions therein.
2. The institutions established to give effect to this legislation for SAATM include: Sub-Committee on Air Transport of the Committee of Transport, Communications and Tourism (S-CAT), Monitoring Body (MB), and Air Transport Executing Agency (ATEA)/African Civil Aviation Commission (AFCAC). The adequacy or otherwise of these institutions' performance is largely dependent on the efficiency of the eight (8) Regional Economic Communities (RECs), which are the founding pillars for Africa's integration. These RECs are the building blocks for any progress as they have a regional role in the implementation of the YD 1999. While it is a fact that several RECs have made remarkable progress in implementing the YD 1999 with policies on free movement of goods, persons, and services, much remains to be done with full implementation.
3. The challenges which make the smooth implementation of the AU Agenda 2063 flagship project of a SAATM appear illusory are, *inter alia*, a persistent utilisation of multiple restrictive Bilateral Air Service Agreements (BASAs), the non-functional YD institutions, lack of cooperation by eligible African airlines, visa requirements within African sub-regions. In the same vein, a lack of political will within member States to committedly give effect to the provisions of the YD for open skies serves as a huge impediment to Building the Africa We Want—the integrated, prosperous, and peaceful Africa.

7. CONCLUSION

The AUC has the mandate to come forth with a single African sky architectural plan, to take effect by 2023. The progress rating where the AUC, RECs, and the newly constituted Regional Champions of the SAATM attempts to engage other member States to ratify and implement the initiative remains to be seen. This is owing to the persistent utilisation of multiple restrictive Bilateral Air Service Agreements (BASAs), the non-functional YD institutions, lack of cooperation by eligible African airlines, visa requirements within African sub-regions. The consequences pose a serious challenge which makes the AU Agenda 2063 flagship project to appear unrealisable. In the same vein, a lack of political will within member States to give effect to the provisions of the YD 1999 for open skies, serves as a huge impediment to building the Africa We Want—the



integrated, prosperous, and peaceful Africa. Although Nigeria is a pioneer in embracing the SAATM project with its liberal treatments of foreign airlines doing business within her aerial and territorial enclave, there has been an outcry for balance for her economic growth and development.

8. RECOMMENDATIONS

In the circumstance, the recommendations hereunder are suggested for consideration:

1. The AFCAC should actively engage in a continuous sensitisation of state Parties through communication and advocacy on the importance of embracing a holistic implementation of SAATM.
2. The AFCAC should ensure to codify the SAATM Handbook in print and distribute same periodically to all member States.
3. The AFCAC should create within the SAATM a harmonised and an enforceable regulatory framework for the certification of eligible airlines. The African Civil Aviation Commission (AFCAC) should, within the framework of the Single African Air Transport Market (SAATM), develop and implement a harmonised, transparent, and enforceable regulatory framework for the certification, licensing, and continuous oversight of eligible airlines across all participating Member States. Such a framework should establish uniform safety, operational, financial, and technical standards consistent with the International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs), while eliminating inconsistencies in national certification processes.
4. Africa's history of colonialism should by no means continue to negatively impact on the continent. It is necessary for all stakeholders—especially the Ministers of Aviation to press on their various governments to take decisive steps towards righting the wrongs of the past by dropping the restrictions in favour of protectionism and embracing liberalisation of intra-Africa air transport. One way to achieve that is by opening up our various borders with visas-on-arrival for all African passport holders just like Rwanda, Seychelles, The Gambia, Benin, Ghana, and Kenya.
5. The economies of scale in Nigeria does not look good for an average airline. Leasing aircrafts against buying them is encouraged to strengthen the indigenous air operators. Also, domestic airlines need a bit of soft landing from the aeronautical authority—NCAA, through reduced taxes and better airport infrastructures. Forex should be easily accessible for MRO purposes.