Open Skies for Africa

Implementing the Yamoussoukro Decision

Charles E. Schlumberger
This book is dedicated to the many African men and women who, every day, fulfill their duties as pilots and flight attendants to the best of their abilities to ensure safe air travel, while sometimes facing difficult and exceptional challenges.
# Contents

*Foreword*  xi  
*Acknowledgments*  xiii  
*About the Author*  xv  
*Abbreviations*  xvii  

<table>
<thead>
<tr>
<th>Chapter 1</th>
<th>Introduction</th>
<th>Notes</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 2</td>
<td>Elements and Entry into Force of the Yamoussoukro Decision</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Yamoussoukro Declaration</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Yamoussoukro Decision</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Abuja Treaty and Its Entry into Force</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Entry into Force of the Yamoussoukro Decision</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Conclusion</td>
<td>27</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Notes</td>
<td>27</td>
<td></td>
</tr>
</tbody>
</table>

| Chapter 3 | Status Quo of the Implementation of the Yamoussoukro Decision | 29 |
|           | Policy Implementation | 31 |
Operational Implementation 37
The African Air Transport Industry and Liberalization 41
Safety and Security Requirements 42
Implementation: Condition Precedent or Subsequent? 52
Notes 57

Chapter 4 Regional Implementation of the Yamoussoukro Decision 61
North Africa 62
West Africa 72
Central Africa 86
Southern and East Africa 92
Conclusion 110
Notes 112

Chapter 5 Impact of Liberalization 115
Data Sources and Methodology 115
General Traffic Analysis 119
General Fleet Analysis 121
Effects of Liberalization on Traffic and Air Carriers by Region 124
Conclusions 146
Notes 148

Chapter 6 Economic Aspects of Liberalizing Air Services in Africa 149
Economic Benefits of the Air Transport Sector 150
Potential Impact of Liberalizing of Air Transport Services 157
Economic Significance of Liberalizing African Air Transport Services 165
Conclusion 168
Notes 170

Chapter 7 Conclusions and Policy Recommendations 171

Appendix A Ethiopian Air Service Agreements with Other African States 177
Appendix B  African Country Overview of Air Transport and the Yamoussoukro Decision 191

Appendix C  Safety Review and Rating of African States 199

Appendix D  Aviation Laws and Regulations Adopted and Enacted by the West African Economic and Monetary Union 207

References 215

Index 229

Boxes
1.1 Freedoms of the Air 4
3.1 Duties and Responsibilities of the Monitoring Body 56

Tables
3.1 Major Accidents of African Carriers Operating Western-Built Aircraft, October 1998–June 2008 45
3.2 Accidents of African Carriers Operating Western- or Eastern-Built Older Aircraft, February 1998–October 2007 49
3.3 Quality and Progress of Safety Oversight by RECs as of 2009 53
5.1 Grading of RECs on Their Liberalization of Air Services as of 30 June 2009 120
5.2 Estimated Number of Seats on International Flights within and between RECs, Selected Years 121
5.3 International Flights, REC City Pairs, Selected Years 122
5.4 Changes in Fleet Composition by REC, 2001–07 123
5.5 Fleet Analysis, Africa, Selected Years 125
5.6 Changes in the Number of Seats by REC 126
5.7 Fifth Freedom Flights by Carriers of Each REC, Selected Years 127
5.8 Fifth Freedom Flights by African Carriers of Other RECs, Selected Years 128
5.9 Fifth Freedom Flights by Non-African Carriers, Selected Years 128
5.10 Fleet Analysis, North Africa, Selected Years 129
5.11 Fleet Analysis, West Africa, Selected Years 131
5.12 Fleet Analysis, Central Africa, Selected Years 135
5.13 Out of Region Carriers Providing Intraregional Service in CEMAC, 2007 136
5.14 Fleet Analysis, East Africa, Selected Years 138
5.15 Fleet Analysis, Southern Africa, Selected Years 141
5.16 Fleet Evolution of Major South African Carriers, Selected Years 142
5.17 Fleet Analysis, Indian Ocean Island Countries, Selected Years 145
A.1 Bilateral Air Service Agreements Concluded by Ethiopia with Other African States as of October 2006 178
A.2 Summary of Intra-African Bilateral Air Service Agreements Concluded by Ethiopia in Conformity with the Yamoussoukro Decision and Actual Routes Flown 188
It gives me much pleasure to write this foreword for the publication of Dr. Charles E. Schlumberger’s research on the implementation of the Yamoussoukro Decision. Dr. Schlumberger, a scholar and professional who has made a significant contribution to civil aviation in Africa through his position at the World Bank, has written a penetrating book on a subject that profoundly affects African aviation, addressing numerous issues and providing an impressive spectrum of facts and creative thoughts on the Decision’s current and future relevance.

Dr. Schlumberger analyzes in depth the major elements and objectives of the Yamoussoukro Declaration, adopted by the African Union states in 1999, which calls for gradual transition toward the multiple designation of airlines; the free grant of third, fourth, and fifth freedom traffic rights; no regulation of capacity and tariffs; and complete liberalization of non-scheduled and air cargo operations. He discusses the relationship between the Declaration and the Yamoussoukro Decision, explaining the enduring relationship between the two documents and ensuring a credible link between them.

Dr. Schlumberger goes on to discuss conditions and requirements for implementation of the Decision on a regional basis against the backdrop of liberalization of air services in Africa. He concludes with several policy
recommendations for the implementation of the Yamoussoukro Decision within a robust and sustained safety and security oversight regime.

Many of the subjects treated in this work require a mastery of multiple disciplines such as law, economics, and management, all of which have required the application of the range of Dr. Schlumberger’s knowledge to the depths of his curiosity. This comprehensive survey of the field by an able scholar and competent professional, whose specialization in African aviation has already earned him considerable attention, will be a leading contribution to the literature on the subject and will promote a better understanding of the manner in which the problems attendant on civil aviation in Africa can be addressed and overcome.

I commend this book to all those who are interested in aviation in Africa and wish it the success it deserves.

Raymond Benjamin
Secretary General
International Civil Aviation Organization
The research for this book would not have been possible without the consent and support of my employer, the World Bank. I am especially grateful to Maryvonne Plessis-Fraissard, former director of the Transport and Urban Development Unit; Jamal Saghir, current director of the Energy, Water, and Transport Department; and Marc H. Juhel, sector manager, Transport, for actively supporting my research by recognizing that it serves the interests of the World Bank and of its client countries in Africa. I also want to recognize two colleagues at the World Bank, Michel J. Iches, senior air transport economist, and Heinrich C. Bofinger, air transport consultant, for their dedication and efforts in supporting my research at Bank headquarters and in the field.

In addition, I would like to express my gratitude and thanks to Paul S. Dempsey, director of the Institute of Air and Space Law, McGill University, for motivating me to initiate this research and for providing me with excellent guidance and enlightening suggestions throughout the preparation of this book. His academic excellence and detailed knowledge in the field of air transport policy were essential elements for the successful conduct of this research. Also at the Institute of Air and Space Law, I want to give special thanks to my colleague Yaw Otu Mankata Nyampong, doctor of civil law candidate, for his continued support and advice during the preparation of this book.
This research would not have been possible without the willingness of numerous African government officials, airline executives and staff, and other persons engaged in air transportation in Africa to open their books and databases or to provide background information sometimes considered confidential. A warm and collective expression of thanks and appreciation goes to them.

This research is supported in part by a World Bank research project on trade in services which is partially financed by the governments of Norway, Sweden, and the United Kingdom through the Multidonor Trust Fund for Trade and Development.

Finally, I want to thank my wife, Maria Teresa Villanueva de Schlumberger, and our two children, Ana Cristina and Eric Manuel, for their understanding and sacrifice during the many nights and weekends I spent researching and writing this book. Without their support, my work would certainly not have been so fruitful. I have promised to stay home and dedicate more time to them in the future.
About the Author

Charlie E. Schlumberger is the principal air transport specialist of the World Bank in Washington, DC. In this function he is responsible for the Bank’s policy and development priorities in the field of air transportation. Prior to his appointment to the World Bank he held the position of vice president at the Union Bank of Switzerland, was the chief executive officer of the Steinbeck Global Logistics Group in France, and has worked as a lawyer on aviation-related matters in Switzerland. Schlumberger holds a law degree from Basel Law School in Switzerland, an MBA from Harvard Business School in the United States, and a doctorate in civil law from the Institute of Air and Space Law of McGill University in Canada.
Abbreviations

AEC  African Economic Community
AFCAC  African Civil Aviation Commission
AFRAA  African Airlines Association
AMU  Arab Maghreb Union
BAG  Banjul Accord Group
CEMAC  Communauté Économique et Monétaire de l’Afrique Centrale (Central African Economic and Monetary Community)
CFA  Communauté Financière Africaine
COMESA  Common Market for Eastern and Southern Africa
COSCAP  Cooperative Development of Operational Safety and Continued Airworthiness Program
EAC  East African Community
ECOWAS  Economic Community of West African States
EU  European Union
FAA  Federal Aviation Administration (United States)
GDP  gross domestic product
IATA  International Air Transport Association
ICAO  International Civil Aviation Organization
km  kilometer
MAST  Multilateral Air Services Agreement
OAU   Organisation of African Unity
PTA   Preferential Trade Area
REC   regional economic community
SADC  Southern African Development Community
SARP  standards and recommended practices
UNECA United Nations Economic Commission for Africa
WAEMU West African Economic and Monetary Union
WAMU  West African Monetary Union