

# TANZANIA CIVIL AVIATION AUTHORITY



## STATEMENT OF CASE IN RELATION TO THE GOVERNMENT INTENTION OF FULL IMPLEMENTATION OF THE YAMO USSOUKRO DECISION, FOR THE PURPOSE OF ACHIEVING THE SINGLE AFRICAN AIR TRANSPORT MARKET

### 1. INTRODUCTION

#### 1.1 The Global Market share of the African Air Transport Volume

Africa is one of the biggest continents in the world and is endowed with natural tourist attractions and a range of minerals. In terms of the geographical size and population of people, it is the second largest continent after Asia. It has about 30.3 million square metres of land and 1.5 billion people (statistics of up to 1 August 2023). The population is about 19% of total global figure and the African land is 23% of total land globally.

However, the African aviation contribution to the global aviation volume, is not pro rata with the said continent's endowment and the size of its population and land. For example, in the year 2019 (before the COVID-19 pandemic), about 4.5 billion passengers were handled globally compared to only 120 million passengers handled in Africa, which is only 2.7%. The African continent with 19% of the global population and 23% of the total land of the Universe, has only 2.7% as its contribution to air transport basing on passengers handled in 2019.

This paradox of the ratio (population/size of land with natural endowments to air transport contribution) of Africa compared with the rest part of the world, is the genesis of thinking of liberalisation of air transport in Africa by African Governments. This agenda was fuelled by the fact that many non-African airlines were being allowed by African aeronautical authorities to operate air services into the Continent with no or less restrictions than the African airlines for operations within and outside Africa. This matter was critically discussed in October 1988 by African Ministers in charge of civil aviation in Yamoussoukro, Côte d'Ivoire.

## **1.2 Yamoussoukro Declaration and Yamoussoukro Decision**

In October 1988, the Member States of the Organisation of the African Unity (OAU) (today the African Union – AU), met in Yamoussoukro, Côte d'Ivoire and signed a resolution named “The Yamoussoukro Declaration” on liberalisation of air transport in Africa. Among others, the declaration was aimed at opening-up the air transport market in Africa for the African airlines, which faced difficulties in accessing markets in the Continent and indeed a “Lion’s” share of the African air transport market was being enjoyed by non-African airlines from outside of Africa.

The main objective of the Declaration was to enable the African airlines to compete against non-African airlines operating between their respective countries and the African countries. However, until November 1999, implementation of the resolution (Declaration) by OAU member States was slow, mostly because each individual State, while being obliged to implement what was agreed upon, concentrated in protecting its local airline(s).

Subsequently, in November 1999, the Ministers responsible for aviation matters from the OAU Member States, met in November 1999 at the same venue (Yamoussoukro) to discuss strategies to expedite the implementation of the Declaration and they came-up with a resolution named as “Yamoussoukro Decision, popularly known as

“The YD”. Yet however, the implementation of the YD was not as successful as expected.

### **1.3 Single African Air Transport Market**

After realising the slow pace of the YD implementation, in January 2015, during the AU meeting held in Addis Ababa, Ethiopia, the Member States resolved to establish a Single African Air Transport Market (SAATM) so as to expedite the implementation of the YD. Eleven (11) States decided to sign the “Solemn Commitment” for SAATM and it was agreed that other countries would follow.

SAATM is one of the twelve Flagship Projects of the AU’s Agenda 2063 aimed at creating a single unified air transport market in Africa, liberalise civil aviation and drive the Continent’s economic integration agenda. Once completely in force, the single market is supposed to allow significant freedom of air transport in Africa.

SAATM will ensure aviation plays a major role in connecting Africa, promoting its social, economic and political integration and boosting intra-Africa trade and tourism as a result. This single market was established and launched during the 30th Ordinary Summit of the AU Assembly of Heads of States and Government held in Addis Ababa, Ethiopia from 28th to 29th of January, 2018.

SAATM is meant to ensure that aviation plays a major role in connecting Africa to help support its social, economic and political integration and boost intra-Africa trade and tourism. Primarily, the goal of the SAATM is to fully implement the YD.

## **2. WHAT SAATM MEANS IN PRACTICE**

In practice, what SAATM means is:

**Supporting the free exercise of the first, second, third, fourth and fifth Freedoms of the Air, under which an eligible airline or air carrier from one African State can**

**fly into another African State's airspace and land on its territory using only a prior notification procedure.**

SAATM will therefore eliminate the need for separate Bilateral Air Services Agreements (BASAs) between individual countries. It is meant to promote multilateralism for air transport in Africa, as envisaged under the YD, with a view to making the entire African aviation market a single market. Under SAATM, any current or future Bilateral Air Services Agreement (BASA) signed between any or all of the member States, must be YD compliant and must meet the below requirements:

- a. Free exercise of 1st, 2nd, 3rd, 4th and 5th freedom traffic to Eligible Airlines;
- b. Liberalized air tariffs;
- c. Unrestricted frequency and capacity;
- d. Full liberalization of cargo services;
- e. Recognition of the powers and function of the Executing Agency – African Civil Aviation Commission;
- f. Adhere to the uniform rules for fair competition, consumer protection and other regulations.

This is about, both passenger and cargo. SAATM also seeks to harmonise Safety and security regulations in aviation, based on ICAO requirements.

### **3. RATIONALE FOR THE PROPOSED INTENTION OF THE GOVERNMENT OF FULL IMPLEMENTATION OF THE YAMOUSSOUKRO DECISION, FOR THE PURPOSE OF ACHIEVING THE SINGLE AFRICAN AIR TRANSPORT MARKET**

Pursuant to Section 30 of the Civil Aviation Act, Cap. 80, the Authority is duty-bound to promote effective competition and economic efficiency of the aviation activities; protect the interest of consumers and promote the availability of regulated services to all consumers including low income, rural and disadvantaged consumers.

In the spirit of implementation of this Section of the law, the Authority thinks that it is high time that we embark into reviewing of the current position of the United Republic of Tanzania in connection to full implementation of the YD, due to the following prevailing developments:

- a. Air Tanzania, which flies a number of international routes, has adequately grown and thus requires access to as many markets as possible. This includes fifth freedom traffic rights from some African Member States, which can not be exercised unrestrictedly due to the fact that Tanzania is not a member of SAATM;
- b. At the EAC level, in February 2023, the Ministers responsible for transport matters met in Bujumbura, Burundi and, among other things, deliberated signing of the EAC Regulations for Liberalisation of Air Services which includes exercise of fifth freedom traffic rights among the EAC Member States. There is a provision of three (3) years renewable once, for States that wish more time for preparations before they embark into full implementation of the Regulations, i.e., full implementation of YD/SAATM;
- c. The benefits of full implementation of YD to the travelling public and other sectors of economy can not be skipped forever. While protectionism of local airlines shall continue to be exercised, it is the duty of the Government to protect the travelling public and other sectors of economy as well.
- d. The entire world is moving towards the direction of liberalised economies, so it is critical to rethink of how Tanzania plans to optimise advantages of liberalisation and formulate strategies to sustain the competition.

#### **4. CONCRETE MEASURES**

Once the Solemn Commitment is signed, there is an institutional procedure leading to full implementation of SAATM. This starts with Tanzania as the implementing State of the YD, meeting a series of requirements (all packaged as concrete measures) including signing of a Memorandum of Implementation (MoI). Below, are the concrete measures to be implemented after signing of the Solemn Commitment:

S/No.	Concrete Measures
1.	<p>States shall publish or gazette in accordance with their national laws:</p> <ol style="list-style-type: none"> <li>a. That they are committed to the immediate implementation of the Yamoussoukro Decision under the terms of the Declaration of Solemn Commitment in line with the AU Agenda 2063; and</li> <li>b. That named signatories of the Declaration of Solemn Commitment have been notified of their action under point 2 below.</li> </ol>
2.	<p>States shall notify other State Parties and especially signatories to the Declaration of Solemn Commitment that their skies are liberalised in accordance with the Yamoussoukro Decision.</p>
3.	<p>Review of BASAs to ensure conformity with the Yamoussoukro Decision:</p> <ol style="list-style-type: none"> <li>a. Removal of all restrictions on traffic rights under the 3rd, 4th and 5th freedoms, frequencies, fares, and capacity; and</li> <li>b. Ensure that all national Laws, Regulations, Rules, Policies are in conformity with the express provisions of the Yamoussoukro Decision.</li> </ol>
4.	<p>States shall propose to the Executing Agency (AFCAC) at least one airline established in their state for international air service for consideration under the eligibility criteria article 6.9 of the Yamoussoukro Decision. The proposed airline can also be from another State Party or a multi-national African airline in accordance with article 6 of the Yamoussoukro Decision.</p>
5.	<p>States shall immediately constitute their National Implementation Committees for the Yamoussoukro Decision and the establishment of a Single African Air Transport Market, designate a dedicated focal point and notify the RECS and the Executing Agency (AFCAC).</p>
6.	<p>States are encouraged to organise public awareness activities/advocacy on YD and the Single African Air Transport Market.</p>
7.	<p>States shall celebrate the YD (1999) on the anniversary of its signing on 14th November as part of advocacy for the promotion of AU Agenda 2063 in consultation with AFCAC.</p>
8.	<p>States shall sign the Memorandum of Implementation of the Yamoussoukro Declaration, adopted in May 2018 by the Ministerial Working Group on the establishment of the Single African Air Transport Market.</p>

## 5. STATEMENT OF CASE

According to Section 45 of the Civil Aviation Act, Cap. 80, the Authority may conduct an inquiry as it deems necessary for carrying out its functions.

The TCAA Rules for making inquiry require the Authority to serve a Statement of Case to the public, indicating the purpose of inquiry, the time within which the submissions may be made and the form in which the submissions will be made.

Stakeholders and the general public are requested to give their views with regard to the above-mentioned submission, in line with the prevailing economic environment. Interested members of the general public, including the stakeholders in the aviation industry, the Government and TCAA Consumer Consultative Council, are invited to give their submissions in writing to the Authority before or during public hearing indicating, with reasons, their views/comments on the proposed intention to implement fully the Yamoussoukro Decision for the purpose of achieving the Single African Air Transport Market.

The views/comments should preferably be sent to the Authority through e-mail address, [tcaa@tcaa.go.tz](mailto:tcaa@tcaa.go.tz) with a copy to [daniel.malanga@tcaa.go.tz](mailto:daniel.malanga@tcaa.go.tz).

Please note that a Public Hearing Meeting shall be held at the Aviation House, Nyerere/Kitunda Road Junction, Banana Ukonga Area, Dar es Salaam on Monday 25 March 2024 at 0800 hours. The Public Hearing is meant to collect the views of Stakeholders on this proposed intention.

**DIRECTOR GENERAL,  
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