Book Review II: The Air Transport Industry in Africa: A Legal Analysis of the Single African Air Transport Market (Routledge, 2025) — A Book Review

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The evolving nature of air transport underscores the need for regional collaboration to achieve the highest levels of safety, enhance efficiency, and drive economic growth across geographic regions. Regional cooperation in aviation is strongly encouraged under the Chicago Convention 1944 (Article 77) to promote standardized, safe air transport, and to advance the purport of the Convention. Formation of Regional initiatives has thus been understood as “a more manageable step towards broader liberalization, safety, and security standards.” As a continent with states having varying development level of air transport industries, as well as unequal amount of resources dedicated to aviation, Africa as a continent will gain from a balance economies of scale

through collaboration of states within the continent.

With successful examples from regions such as the EU and Asia, African states have extended the African strategy of “using African solutions to Africa’s problems”, to air transport services in the continent. A major solution which was agreed upon by the African Union (AU) at its 24th Session was the liberalization of African skies through the establishment of the Single African Air Transport Market (SAATM). The SAATM is designed to implement the Yamoussoukro Decision of 1999 which itself is a legacy of the 1988 Yamoussoukro Declaration. Although, considered a critical impetus to the success of the African Continental Free Trade Area (AfCFTA), the SAATM it is yet to be fully operationalized. This raises questions among others, on why the states have failed to fulfil their obligations under the YD, the philosophy behind the lack of political will by states, and prospects towards achieving the reality of a SAATM.

Dr Kiema’s book is written against this background. The book critically examines the dynamics of the SAATM from a legal point of view. Using historical, analytical, descriptive among other methodologies, Dr Kiema sets out to provide answers to some nagging questions regarding the operationalization of the SAATM. He assesses legal and institutional frameworks for the SAATM and analyses the progress and challenges of implementation across the continent. One of the main strong features of the book is that it is written by an African Aviation Law expert whose experience spans across the academia and consultation for government and corporate aviation bodies. The book benefits from an expert insight as Dr Kiema leverages a blend of academic research and aviation law practice to drive his points home.

The book is divided into nine chapters.

Chapter 1 provides an overview of the African air transport industry. It presents a background information on the industry while analyzing the trajectory to liberalization. It thereby sets the tone for the understanding of not only the industry in Africa, but also the value of the SAATM to African aviation industry. Dr Kiema argues the enduring effect of colonialism on the airline landscape in Africa. He critically analyzed colonial legacies in African states evident in the priorization of international routes and protectionism culture by African states.

Dr Kiema critically highlights the challenge of economic growth in African states which is responsible for low air demand and restricted access to air service providers. He links the inherent regional challenges to the push for continental market liberalization by African states. The discussion also covers the adoption of the Yamoussoukro Declaration, Yamoussoukro Decision and the establishment of the SAATM. One of the strong points of this chapter is the ample use of statistics to provide empirical evidence for factual analysis carried out in the discourse.

Chapter two appraises the historical development of air transport in Africa. Dr Kiema in this chapter gives a chronicle of aviation in Africa from the use of aviation for military objectives in the First World War, to the transformation of aviation to civil use and subsequently, to advance colonial interests. The chapter discusses air transport competition from historical perspectives. The author described how competition In the African air transport industry came into being in which he impressively described as “the second ‘scramble’ for Africa”. Dr Kiema analyses colonial impacts on the development of routes in Africa and critically lays out the paradoxical effect of decolonization on competition in the continent. Significantly, the author stresses the impact of colonialism on present aviation policies in African states. The author highlights the factors that shaped competition in the air transport industry of African states. A prominent factor being global liberation which led to the withdrawal of government support from airlines leading to the liquidation of some airlines in Africa. The chapter discusses events leading to the liberalization of intra-African air transport and the adoption of relevant legal instruments.

Chapter 3 examines the legal framework for air transport liberalization in Africa. The chapter examines the Chicago Convention 1944, the World Trade Organization (WTO) General Agreement on Trade in Services (GATS), and bilateral agreements as the international framework. Relevant AU treaties and other relevant instruments are analyzed as the regional framework. Domestic laws are also highlighted in the chapter as part of the framework. Dr Kiema in this chapter critically examines the treaty making and ratification procedure in African states. He argues that that the difference in the systems of law and legal traditions inherited through colonialism by African states has resulted into a fragmented regulatory landscape. He assesses each legal instrument in the legal framework to determine their impact on the implementation of the YD and

the SAATM. Acknowledging the non-binding mature of Decisions of the AU pursuant to the Constitutive Act, the chapter reiterates the obligation of SAATM signatories to internalize the YD and the SAATM. It critiques the lack of compliance by states signatories with the YD due to the prevalence of restrictive Bilateral Air Service Agreements (BASAs) in the continent. One of the strong points noted in this chapter is the AU's "system of reliance on cooperation by members states rather than enforceable regional laws".

Chapter 4 examines the institutional framework for the implementation of the SAATM. Dr Kiema in this chapter appraises their impact and contribution to the implementation of the SAATM in terms of mandate and operations. He also analyses the challenges hindering these institutions from implementing the SAATM. The impact of ICAO world air services agreement database is highlighted as well as how international organizations such as the WTO, the International Air Transport Association (IATA) among others impact on the implementation of the SAATM and YD. The roles and impact of regional bodies are also critiqued. These include bodies such as African Civil Aviation Commission (AFCAC) which supports African states in air services negotiations and implementation of BASAs and also designated as the Executing Agency of the SAATM. The role of the African Airlines Association (AFRAA) as part of the Monitoring Body for SAATM, is evaluated and challenges facing it are highlighted. The economic role of the African Development Bank (AFDB) is also examined as a major financier towards the implementation of the SAATM.

Chapter 5 offers an utmost practical insight into the implementation of the SAATM by exploring the operational principles of the YD and evaluating how the principles have been implemented by states. This is carried out by examining the BASAs signed by states. Policy considerations affecting the implementation of the YD are also appraised. Dr Kiema argues that although the YD specifies and advocates gradual liberalization, there is an absence of a roadmap that considers the diverse levels of development by African states. He thus canvasses for an approach that balances immediate implementation with the reality of inequality in the aviation industries across the continent. The chapter notes the prominence of the 5th freedom right in Africa owing to liberalized policies under the auspices of West African Economic and Monetary Union (WAEMU). A strong point in this chapter is that Dr Kiema identifies the provisions of the YD which can be exploited by states to the detriment of

effective implementation. An example is the eligibility criterion which is required to be in accordance with the laws of the state party. Dr Kiema notes that meanwhile, the domestic law requirement for effective control frustrates intra African cross border merger and acquisitions.

Chapter 6 discusses the Implementation of the YD in regional economic communities (RECS) in Africa. This is a valuable discourse as the YD mandates RECs to intensify implementation efforts. In addition, disparities in aviation development across Africa are often less pronounced at the sub-regional level. Pinpointing challenges faced by each REC, Dr Kiema appraises the implementation of the YD. He notes the liberalization efforts, and the agreements entered into by African states with jurisdictions outside Africa. The chapter observes that most RECs have treaties calling for adoption of uniform or common aviation laws and policies. It further observes that the Economic Community of Central African States' (ECCAS) Community Civil Aviation Code which takes precedence over national laws, has incorporated provisions of the YD. It also notes that some RECs have legal framework granting up to cabotage traffic rights, however, there is not much implementation due to non compliance of most BASAs.

Chapter 7 discusses the benefits and challenges of the SAATM. Among other methodologies, Dr Kiema uses case analysis and empirical evidence to appraise successful open skies initiatives globally, and the current SAATM implementation in Africa. The author discusses how fragmentation, protectionism and discriminatory practices hinder the implementation of SAATM. Reiterating that protectionism ideology adopted by African states is an effect of colonial legacy, the author contrasts and critiques the approaches to air transport liberalization intra-Africa and inter-Africa. The lack of prioritization of aviation by some African states is identified as a major hindrance to the implementation of SAATM. Operational inefficiencies and safety challenges are also identified in the chapter as hindrances to the effective implementation of the SAATM. Other challenges bordering on finance, and environment are also considered.

Chapter 8 conducts a comparative analysis of successful regional air transport liberalization initiatives such as the EU Single Aviation Market (SAM) and the Association of Southeast Asian Nation (ASEAN) Single Aviation Market. Insights

are drawn from the implementation of these markets as lessons for the operationalization of the SAATM. Dr Kiema highlights the non- supranational nature of regional treaties and institutions in Africa, unlike in the EU, as a fundamental factor hindering the implementation of the YD by African states. This reinforces the lack of binding enforcement mechanisms at the continental level. He details the multilateral agreements underpinning the ASEAN SAM. The use of institutional arbitrage to bypass restrictive effective control requirements is also noted. The chapter also examines other regional open skies agreements and draws lessons for the SAATM accordingly. The author emphasizes that the implementation of the SAM in the EU is based on supranationality, while the ASEAN SAM is based on a consensus.

Chapter 9 is the conclusive part of the book, and it presents findings and recommendations. Among other findings, the chapter reiterates the uneven level of implementation of the YD across African states. Among others, a principled approach towards the implementation of SAATM is recommended by Dr Kiema. He further emphasizes the need to address safety lapses and infrastructural gaps among others.

Dr Kiema’s text is a monumental achievement contributing to the ongoing discussions on air transport liberalization in Africa. It addresses issues that are of high significance to the SAATM. The book is of great relevance particularly now that African states are struggling to implement the SAATM, as it provides guidelines that can be used for this purpose. Overall, the book provides both substantive and institutional recommendations. It proffers revisions to the provisions in the legal framework that can be exploited by states in a way that hinders the intended liberalization. The book also calls for institutional reforms in this regard.

The book is a useful resource for AFCAC, the various RECS, government officials in African states, air transport ministries, national civil aviation bodies, airline associations, aviation researchers and students.

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