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

By:

Irene Maithya

May 26, 2026

Dr. William Kiema's new book asks one key question: *Is a Single African Air Transport Market (SAATM) achievable?* The book is a deep dive into the historical development of air transport in Africa. Throughout the book, the reader encounters numerous attempts towards a unified air transport market. However, this dream has been somewhat attainable but elusive. Africa is a continent rich in resources and wealth. There are diverse offerings from across the continent. These areas are primarily connected through road which, while cheap, are mismanaged and mostly unconnected.

According to Dr. Kiema, this offers a great opportunity to grow air transport in Africa. He posits that air transport can act as a geographic bridge with relatively less infrastructure. Nevertheless, the continent remains the least

connected globally, with severely underdeveloped infrastructure, high debt, and mismanagement of local airlines. The book also offers a roadmap for stakeholders to foster economic growth and professional development through a unified and liberalized airspace. The author aims to provide a principled approach to implementing SAATM and to move beyond declarations toward tangible implementation of existing legal and policy frameworks.

Surprisingly, multilateral liberalization of the air transport industry in Africa is not a new concept. Readers of the book will no doubt trace the development of the African air transport market from the colonial period. Dr. Kiema posits that the World Wars and the Scramble for and Partition of Africa had a significant impact on the development of air transport in Africa. In particular, the world wars led to technological development in the airspace since more capable aircraft became more efficient. Advancements in the aerospace sector meant an advantage on the battlefield. On the other hand, colonial powers viewed the development of efficient aerospace capabilities as a means to reinforce dominance. African flight routes still largely mirror colonial paths (North-South toward Europe) rather than fostering intra-African connectivity. There were also extrinsic factors that aggravated discourse towards SAATM. Readers will further note that the deregulation of the US aviation market and a shift in the colonial ideology from imperialism to collaboration were the first drivers towards the establishment of local/domestic airlines.

Notably, in the early years after independence, newly independent states faced considerable economic challenges. Air transport, being an expensive mode of transport, was not a primary consideration. A lack of adequate resources led to a poorly developed network. This, in a way, sparked a discussion about a unified air transport management system through regional integration. Dr. Kiema argues that this was a key factor in the Mbabane Conference, where countries met to discuss the effects of deregulation in the US aviation industry, the impacts of noise restrictions imposed by certain European countries, and options for integration and cooperation. While the Mbabane Conference did not lead to SAATM, it was a pivotal step in the narrative, offering key lessons for the path towards SAATM. According to Dr. Kiema, understanding the historical background is crucial to comprehending the current state of aviation transport regulation and its future prospects.

The book also provides a detailed analysis of the legal framework for air transport liberalization in Africa. It is noteworthy that this framework is heavily influenced by colonial legacies. Dr Kiema credits the Convention on International Civil Aviation, 1944 (the "Chicago Convention") with establishing a harmonized system for regulating international civil aviation law. At the very least, the Convention sets out the guiding principles for international civil aviation. For example, the principle of exclusive national sovereignty over airspace protects a state's territorial integrity by allowing it to permit or refuse entry into its airspace. In addition, the Convention introduces the principle of economic sovereignty over airspace. This principle not only encourages the use of bilateral and multilateral agreements but also facilitates the creation of a concessionary regime.

While such arrangements promote a degree of integration, Dr. Kiema observes that reliance on these agreements alone undermines the development of a unified liberalized market. This is because the parties are free to vary their terms at will, resulting in a patchwork of unharmonized agreements. The book also highlights the role of bilateral air service agreements in promoting cooperation between foreign airlines and domestic carriers. However, the application of such agreements may conflict with the principles of the General Agreement on Trade in Services (GATS). In particular, a strict application of the principle of non-discrimination could create further obstacles to market liberalization, as it may give rise to a "free-rider problem" in which some states benefit from liberal bilateral agreements while continuing to protect their domestic markets.

In any event, these international developments have been key to the development of Africa's regional air transport law. Dr. Kiema argues that the Yamoussoukro Declaration, which emerged from the Abuja Treaty, is the most important air transport reform policy initiative to liberalize air transport in Africa. The various and conflicting legal systems affect how international and regional law is implemented domestically. In addition, BASAs had not promoted effective liberalization and regional integration; if anything, these agreements had stifled the growth of air transport in Africa. Therefore, the YD established a minimum set of rules to trigger BASA renegotiation, removing restrictive clauses while retaining compatible sections. However, while this is a good step, the book indicates that states have not fully complied with the YD. This has

been chalked down to complex local procedures, internal protectionist mechanisms, and insufficient recognition of YD in domestic states.

The book further assesses the impact of the decision establishing the Single African Air Transport Market [Assembly/AU/Dec.665 (XXX)] (SAATM decision) on inter-regional connectivity and the liberalization of air transport in Africa. Dr. Kiema argues that the SAATM Decision is intended to provide for the full implementation of the Yamoussoukro Decision (YD) and to link air transport liberalization to trade liberalization under the African Continental Free Trade Area (AfCFTA). In addition, the SAATM Decision establishes an implementation framework, namely the Memorandum of Implementation (MoI), to expedite the removal of restrictions. I note that Member States' reluctance to implement the Decision reflects protectionist tendencies aimed at shielding national carriers from foreign competition.

Regarding the implementation of the YD and SAATM at the Regional Economic Communities level, the book identifies various regions and summarizes the development of air transport across Africa (North, West, Central, South, and Eastern Africa). The summary shows that the Central and Western Regions have the highest recorded level of YD implementation. The book further argues that although most RECs have liberal capacity requirements, most of the countries have not adopted the decisions and policies.

It would appear that the implementation of the YD’s principles has been hampered by weak enforcement mechanisms and the absence of harmonized regulations. Furthermore, some regions, such as Central Africa, lack strong national carriers. In contrast, regions with strong local carriers have been hesitant to permit the free exercise of fifth freedom rights due to fears of competition from stronger foreign carriers. The book notes that most BASAs on the Continent have restrictive clauses regarding capacity and frequency. These issues hinder the effective realization of the YD's principles and further strain efforts at liberalization.

Despite these challenges, the member states should push forward with the realization of SAATM, given the considerable benefits it offers. Dr. Kiema lists increased air traffic, broader economic development, and a significant increase in employment opportunities. Furthermore, Dr. Kiema posits that liberalization

will allow for greater competition, leading to reduced fares and increased frequencies. The book attributes improved connectivity and increased markets as the immediate impacts of liberalization. On the other hand, the book notes fragmentation and protectionism as the key challenges facing SAATM. Protectionism arises from countries seeking to protect their local carriers from external competition. This could also lead to discrimination in favor of local service providers. The governments of these countries are also unwilling to relax ownership requirements since this might result in states losing control of their local carriers.

Like much of the literature, the book proposes solutions based on comparative legal and institutional frameworks. This is quite instructive, as Dr. Kiema effectively addresses these challenges by examining law and practice in the European Union (EU), the Association of Southeast Asian Nations (ASEAN), and other regional open skies agreements.

Firstly, his analysis of the practice in the EU is interesting. He notes that the EU has a more liberal regulatory system than African states. The EU bloc has, as a result of key decisions from the European Court of Justice (ECJ), enforced the concept of free competition. Briefly, the book argues that the ECJ held that, even though states regulated air transport, such activities remained subject to Articles 85 and 86 of the Treaty of Rome. Therefore, government price approvals and regulatory controls could not justify anti-competitive conduct by airlines. In the *Open Skies judgments*, the ECJ found that certain BASAs between the EU Member States and the United States, Morocco, Chile, Iceland, and Switzerland violated the freedom of establishment under Article 43 of the Rome Treaty by granting preferential treatment to national airlines.

Taken together, these decisions illustrate the EU’s distinctly supranational approach to air transport regulation, in contrast to the AU’s more state-centric posture. This means that supranational authorities have greater influence on policymaking. Accordingly, the EU system promotes seamless and efficient air transport within its Single European Sky through an institutional framework that arbitrates disputes, enforces compliance, and adapts regulations to evolving market needs.

On the other hand, the book argues that the ASEAN experience is similar to the African experience with SAATM. The author argues that neither region embodies supranationalism, as both are rooted in historical antipathy toward imperialism and a deeply entrenched notion of sovereignty. However, the key distinction between the two regions is that the AU has established some form of supranationalism while, in practice, exhibiting intergovernmentalism, whereas the ASEAN region has entrenched intergovernmentalism in both its policies and practice. Consequently, ASEAN countries also face the same challenges as African countries, such as protectionism, industry disparities, and disjointed efforts. The book further notes that the African approach is based on supranationalism, as the AU and the AFCAC are centralized authorities that provide regulations and a policy framework, similar to the EU. Unlike the EU, Africa has not achieved similar results since implementation has not been fully realized. This situation is made worse by the lack of an enforcing body to ensure that African states comply.

Dr. Kiema concludes by proposing recommendations for policy reform. These recommendations target, inter alia, financing, infrastructure, and aviation safety gaps. Regarding financing, the book proposes that financial institutions such as the African Development Bank (AfDB) should provide aircraft financing and establish leasing facilities to support the purchase and fueling of modern, efficient aircraft. On infrastructure, the book posits that governments should develop national and regional Communication, Navigation, Surveillance/Air Traffic Management infrastructure to ensure safe and efficient air transport. In addition, Dr Kiema calls for the implementation of the YD and operationalization of the SAATM within the African Peer Review Mechanism (APRM). Here, states can self-monitor their performance, share experiences, identify deficiencies, build capacities, and reinforce best practices. Although the book identifies key areas for reform of the policy and institutional frameworks, the chapter on findings and recommendations would have benefited from a more in-depth analysis of how the specific recommendations are to be implemented. For instance, does the AfDB have enough institutional capacity to manage the considerable aviation risks.

Concluding thoughts

In conclusion, I found Dr. Kiema’s book to be well written, comprehensive, and authoritative, and will be of great value to policymakers, educators, and

stakeholders in the African air transport industry in enforcing and implementing the YD. The book will also be of value to students and scholars who are interested in various aspects of aviation law. Legal researchers in this area can also build on the book's findings to develop useful, meaningful policy frameworks to advance the aviation market.

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

Provided by Afronomicslaw