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

By:

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Introduction and Scope of the Book

Dr. William Kiema's *The Air Transport Industry in Africa: A Legal Analysis of the Single African Air Transport Market (SAATM)* is a major scholarly contribution to African aviation law, regional integration, and development policy. The book offers a rigorous and multidimensional examination of Africa's air transport sector, interrogating its historical evolution, legal architecture, institutional governance, and political economy. At its core, the book analyses the promise and persistent underperformance of continental air transport liberalisation, with particular emphasis on the Yamoussoukro Decision (YD) and its contemporary

operationalisation through SAATM.

What distinguishes this work from existing literature is its refusal to treat SAATM as a purely technical or legal reform. Instead, Kiema situates liberalisation within a century-long trajectory shaped by imperial aviation, post-independence nationalism, sovereignty anxieties, institutional fragmentation, and uneven economic development. The book combines doctrinal legal analysis with historical inquiry, comparative regional analysis, and policy evaluation, producing a richly contextualised account of why African aviation remains fragmented despite an unusually dense liberalisation framework.

The book is structured around nine chapters, moving from industry diagnosis and historical foundations to legal design, institutional governance, regional implementation, comparative experience, and normative reform proposals. While all chapters contribute meaningfully to the book's argument, Chapters One and Two establish the empirical and historical foundations; Chapters Three to Five provide the doctrinal core; Chapters Six and Seven examine implementation realities; and Chapters Eight and Nine offer comparative lessons and forward-looking recommendations.

Industry Context and Historical Foundations

The opening chapters perform a crucial framing function. Chapter One provides a diagnostic overview of Africa's air transport industry, highlighting its chronic underdevelopment, weak intra-African connectivity, limited market share, aging fleets, and structurally weak airlines. Kiema convincingly argues that air transport is not a luxury sector but a central enabler of Africa's development and integration agenda, particularly given the continent's geography, high number of landlocked states, and inadequate surface transport infrastructure. Yet, despite this structural necessity, African aviation remains characterised by protectionism, fragmented markets, and restrictive bilateral air service agreements (BASAs).

A key strength of this chapter lies in its political economy analysis of African airlines. State-owned carriers are shown to be burdened by political interference, weak corporate governance, and persistent financial losses. While acknowledging successful outliers such as Ethiopian Airlines, Kiema cautions against simplistic replication, emphasising that success depends on institutional

autonomy, regulatory credibility, and long-term political insulation. Liberalisation, the chapter concludes, is necessary but insufficient without complementary institutional and regulatory reform.

Chapter Two deepens this diagnosis through a carefully periodised historical analysis of African aviation from the colonial era to the liberalisation phase. This chapter stands out as one of the book's most original contributions. Kiema demonstrates that Africa's contemporary aviation challenges are deeply rooted in imperial aviation strategies that prioritised geopolitical control and long-haul connectivity over local and regional transport needs. European powers used aviation as an instrument of empire-building, producing externally oriented route networks and selective infrastructure development whose effects persist today.

The chapter's treatment of British imperial aviation policy is particularly illuminating, revealing how bureaucratic fragmentation, subsidy reluctance, and delayed commitment constrained aviation development in British Africa. The analysis of settler-driven aviation initiatives in East and Southern Africa further illustrates how imperial dominance suppressed local airline development, while South Africa emerged as a distinct case of aviation assertiveness and regional ambition. By contrast, West Africa is portrayed as systematically neglected, a historical pattern that helps explain contemporary disparities in regional connectivity.

The transition from colonial control to post-independence aviation nationalism is shown to have reinforced fragmentation. The proliferation of national carriers, combined with reliance on restrictive BASAs, entrenched sovereignty-driven protectionism. This historical grounding powerfully supports the book's central claim: resistance to liberalisation is not merely technical or economic, but deeply embedded in Africa's aviation experience.

Legal Architecture of Air Transport Liberalisation

The doctrinal heart of the book lies in Chapters Three and Five, which together provide a comprehensive analysis of the legal framework governing air transport liberalisation in Africa. Chapter Three situates African liberalisation within international, regional, and domestic legal regimes, highlighting the interaction between inherited colonial legal traditions, international aviation

law, and AU governance structures.

Kiema’s discussion of treaty implementation is particularly insightful. The divergence between monist and dualist legal systems has contributed to uneven and delayed domestication of liberalisation instruments, compounding regulatory fragmentation. While technical aviation regulation is largely harmonised through the Chicago Convention and ICAO standards, economic regulation remains firmly anchored in sovereignty-preserving principles.

At the international level, the book provides a clear and critical exposition of the Chicago Convention, (General Agreement on Trade in Services) GATS, and BASAs. The Chicago system’s emphasis on sovereignty and bilateralism is shown to be structurally incompatible with multilateral liberalisation. The nationality rule, requiring substantial ownership and effective control by nationals of the designating state, is identified as a central constraint on investment, consolidation, and airline viability in Africa. GATS, by contrast, is shown to have had marginal impact due to the exclusion of traffic rights and ownership from its scope.

Regionally, the AU’s intergovernmental design emerges as a structural limitation. While AU decisions such as the YD and SAATM are formally binding, their implementation depends almost entirely on state consent and political will. This institutional reality undercuts the effectiveness of Africa’s ambitious legal framework.

Chapter Five builds on this analysis through a detailed doctrinal commentary on the Yamoussoukro Decision itself. Kiema presents the YD as a carefully calibrated “limited open skies” regime, liberalising market access up to the fifth freedom while excluding cabotage. This scope is interpreted as a political compromise rather than a design flaw. However, the chapter convincingly argues that the YD’s gradualist approach was never operationalised through a clear roadmap, rendering its transitional provisions ineffective.

The analysis of traffic rights, tariffs, capacity, and multiple designation exposes a persistent gap between legal commitment and regulatory practice. The continued use of restrictive BASAs, tariff approval regimes, and capacity controls is attributed to protectionism rather than legal ambiguity. The chapter’s treatment of ownership and control rules is particularly strong. By

invoking principles of treaty interpretation and good faith, Kiema argues that domestic reliance on traditional nationality clauses undermines the YD's object and purpose. Yet, the chapter candidly acknowledges that resistance reflects deeper anxieties about market dominance and loss of national control.

Institutional and Regional Implementation

Chapters Four and Six shift the analysis from legal design to institutional and regional practice. Chapter Four provides a detailed mapping of the institutional ecosystem responsible for SAATM implementation, spanning global bodies, AU organs, African Civil Aviation Commission (AFCAC), RECs, national authorities, and industry stakeholders. A key contribution of this chapter is its demonstration that Africa's liberalisation challenge is not a lack of institutions, but weak coordination, limited capacity, and inadequate resourcing.

AFCAC is rightly presented as the linchpin of SAATM implementation. While its mandate and governance framework are robust, chronic financial and human-resource constraints limit its effectiveness. The discussion of the Monitoring Body and dispute resolution mechanisms underscores the importance of rule-based governance, even if these mechanisms remain underutilised.

Chapter Six provides an empirically rich assessment of YD implementation within RECs. The comparative analysis reveals stark regional divergence. WAEMU emerges as the most legally advanced liberalisation experiment, even exceeding YD commitments in some respects, while BAG illustrates how functional liberalisation can occur through flexible, safety-driven arrangements. By contrast, AMU, CEMAC, and ECCAS are shown to have stagnated due to political rivalry, institutional duplication, and weak enforcement.

The chapter's central insight is that REC-level implementation has fragmented rather than harmonised Africa's aviation market. While some RECs have functioned as laboratories of reform, their inward-looking success has often failed to translate into continental integration, complicating SAATM's operationalisation.

SAATM: Benefits, Constraints, and Comparative Lessons

Chapter Seven assesses SAATM's developmental promise against its implementation constraints. Drawing on empirical studies and comparative experience, Kiema demonstrates that liberalisation could significantly enhance connectivity, reduce fares, stimulate tourism and trade, and generate employment. Importantly, the chapter avoids overstating these benefits, repeatedly emphasising that liberalisation must be accompanied by regulatory capacity, infrastructure investment, and financial reform.

The chapter's critique of protectionism is particularly compelling. African states are shown to resist intra-African openness while embracing more liberal arrangements with external partners, perpetuating asymmetric integration patterns. Safety deficits, blocked funds, high taxes, fragmented charges, and human capital shortages are identified as structural bottlenecks that undermine liberalisation's logic.

Chapter Eight places SAATM in comparative perspective, examining the EU and ASEAN single aviation markets. The EU experience highlights the decisive role of supranational authority, judicial enforcement, and phased liberalisation. ASEAN, by contrast, illustrates the limits of sovereignty-preserving integration. The comparison reinforces the book's core argument: liberalisation models are not legally transplantable, and Africa must craft an approach aligned with its institutional realities.

Findings, Recommendations, and Conclusion

Chapter Nine synthesises the book's findings and advances a pragmatic reform agenda. Kiema argues that Africa's liberalisation framework is normatively robust but politically constrained. Colonial legacies, institutional fragmentation, and uneven capacity continue to shape outcomes, but they do not excuse policy inertia.

The chapter's endorsement of variable geometry is particularly persuasive. By advocating a "coalition of the willing" supervised by AFCAC, the book offers a realistic pathway for progress without being held hostage by consensus paralysis. The call to embed SAATM within Agenda 2063 and the AfCFTA reframes air transport as enabling infrastructure for continental integration.

Overall, *The Air Transport Industry in Africa* is a rigorous, historically grounded, and policy-relevant work. Its central contribution lies in demonstrating that

Africa’s air transport future is not constrained by the absence of rules, but by the political will to implement them. For scholars, regulators, and policymakers, the book provides both analytical clarity and a credible roadmap for reform.

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