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Regulatory and institutional challenges of implementing the single African Air transport market across Africa: Governance reform pathways for the single African Air transport market

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Abstract
The Single African Air Transport Market (SAATM), launched under the African Union's Agenda 2063, represents the most ambitious aviation liberalisation initiative in the continent's history. Yet, six years after its formal inauguration in January 2018, substantive implementation remains critically constrained by an interlocking matrix of governance failures: entrenched state protectionism, regulatory fragmentation across 55 sovereign jurisdictions, institutional incapacity within the African Civil Aviation Commission (AFCAC), and the persistent absence of operational dispute resolution mechanisms. Building directly on Malinga and Roy's (2024) foundational analysis of bilateral air service agreements and their limitations in Africa's regulatory framework, this paper advances the scholarly conversation by offering a deeper diagnostic of governance reform pathways, situating the SAATM impasse within contemporary Institutional Theory, Neoinstitutionalism, Liberal Intergovernmentalism, Public Choice Theory, and Regulatory Governance Frameworks. Drawing on 75 percent peer-reviewed sources published between 2022 and 2026, the paper examines the structural conditions that obstruct compliance transformation, analyses the operational dysfunctions of AFCAC and regional economic community (REC) mandates, traces the stalled operationalisation of continental arbitration mechanisms, and maps the trajectory of regulatory harmonisation efforts. The paper culminates in a governance reform framework articulating five propositions for translating SAATM signatory commitments into enforceable, market-transforming compliance. The findings have direct implications for African Union aviation policy, REC coordination frameworks, and bilateral aid negotiations between African governments and international development partners.

Keywords: SAATM, African aviation liberalisation, AFCAC, Yamoussoukro Decision, regulatory governance, institutional reform, state protectionism, continental arbitration, Agenda 2063, air transport policy

Introduction

The Single African Air Transport Market (SAATM) was formally launched at the African Union (AU) Summit in Addis Ababa in January 2018, when 23 member states signed a Solemn Commitment to implement the 1999 Yamoussoukro Decision (YD) in full, opening their skies to intra-African air services on the basis of fifth freedom traffic rights, multiple designation, and tariff liberalisation (IATA, 2023; African Union, 2023) [1]. By 2025, the number of signatory states had grown to 38, representing over two-thirds of the AU's 55 member states, a figure that has been cited as evidence of political momentum (AFCAC, 2024). Yet the distance between signature and substantive compliance remains vast, and in several dimensions the implementation gap has widened rather than narrowed since 2018.

This paper proceeds directly from the foundational analysis offered by Malinga and Roy (2024) [21], which evaluated the strategic role of bilateral air service agreements (BASAs) in Africa's regulatory framework and their limitations in relation to aviation sector liberalisation, including the clash between national sovereignty norms and the YD's multilateral framework, the institutional incapacity of AFCAC, the fragmented mandates of Regional Economic Communities (RECs), the stalled operationalisation of continental dispute settlement bodies, and the asymmetric safety oversight capacities of national Civil Aviation Authorities (CAAs). Rather than re-traversing that diagnostic terrain, this paper builds upon it, advancing the analysis across four dimensions that Malinga and Roy's framework identifies but does not fully develop: first, the governance conditions necessary for transforming signatory commitment into enforceable compliance; second, a theoretically grounded account of why institutional reform in African aviation governance has proven resistant to multiple waves of reform effort; third, a granular examination of the operational architecture required to activate continental arbitration and harmonised regulatory oversight; and fourth, a governance reform framework that synthesises the foregoing analysis into actionable policy propositions.

The urgency of this analytical project is underscored by the economic stakes. The International Air Transport Association (IATA) estimates that full SAATM implementation would generate 3.7 million direct and indirect jobs, contribute approximately USD 1.3 billion annually to African GDP, and reduce average intra-African airfares by up to 40 percent by eliminating route monopolies and regulatory inefficiencies (IATA, 2023) [17]. The African Development Bank (AfDB) further projects that continental aviation liberalisation could stimulate trade flows supporting the African Continental Free Trade Area (AfCFTA) by enabling time-sensitive supply chains and regional value chains currently constrained by inadequate air connectivity (AfDB, 2023) [17]. Yet none of these projections will materialise as long as the governance architecture underpinning SAATM remains institutionally hollow.

Accordingly, this paper is organised as follows. Section 2 situates SAATM governance within contemporary

theoretical frameworks. Section 3 provides a detailed analysis of the regulatory fragmentation problem, extending Malinga and Roy's examination of BASAs and the YD conflict. Section 4 analyses the institutional incapacity of AFCAC and the dysfunction of REC coordination. Section 5 examines the state of continental dispute resolution and arbitration mechanisms. Section 6 maps the trajectory of safety and regulatory harmonisation. Section 7 presents the paper's governance reform framework and five propositions. Section 8 discusses governance reform framework. Section 9 makes conclusions and proposes directions for future research.

Theoretical Frameworks for Analysing SAATM Governance Failures

Understanding the persistent implementation gap in SAATM requires theoretical frameworks capable of explaining not merely what has failed, but why reform-resistant patterns reproduce themselves across successive policy cycles. Building on Malinga and Roy's (2024) [21] application of bilateral governance analysis to African aviation liberalisation, this section extends the theoretical architecture by incorporating institutional capacity theory and regulatory governance frameworks, arguing that a multi-theoretical synthesis offers the most analytically complete account of the SAATM governance impasse.

1. **Liberal Intergovernmentalism and the Sovereignty Constraint**

Liberal intergovernmentalism, developed principally by Moravcsik (1993) [24] and subsequently applied to African regional integration by Mattli (1999) and Byiers and Vanheukelom (2014) [8, 22], holds that states will integrate only where the economic and political benefits of pooling sovereignty outweigh the costs of surrendering autonomous policy control. In the context of SAATM, this framework illuminates a structural paradox: while the aggregate continental gains from liberalisation are well-documented, the distributional gains are highly unequal, heavily concentrated among large-hub airlines such as Ethiopian Airlines, Kenya Airways, and RwandAir, while smaller national carriers and economically weaker states bear disproportionate adjustment costs (Njoya, 2023; Tunde, 2024) [25, 36].

Under these distributional dynamics, liberal intergovernmentalism predicts that governments representing economically weaker carriers will resist full compliance, using bilateral negotiations to extract compensatory side payments or delay implementation indefinitely. This prediction is borne out by the pattern of SAATM accession: the states most active in implementing SAATM, Ethiopia, Rwanda, and to a lesser extent Kenya, are precisely those whose national carriers are commercially competitive and stand to gain most from expanded market access (ICAO, 2023; Njoya, 2023) [25]. Conversely, states with loss-making state-owned airlines, notably Nigeria (Air Peace's dominance of domestic routes), South Africa (the restructured SAA), Tanzania, and most Central African states, have signed the Solemn Commitment but taken minimal steps to harmonise national legislation or liberalise bilateral arrangements (AFCAC, 2024).

Crucially, liberal intergovernmentalism also explains the structural inadequacy of AFCAC as an enforcement body. Since member states designed AFCAC's mandate and control its funding, they have strong incentives to ensure that the executing agency lacks the autonomous authority and resources to compel compliance against their own national interests. The result is an institutional design that is, as Byiers and Vanheukelom (2014 [8], p. 12) describe in a related context, "deliberately weak by design", reflecting the revealed preferences of dominant state actors rather than the collective interest.

2. **Neoinstitutionalism and the Persistence of Informal Practices**

Where liberal intergovernmentalism explains the macro-political constraints on compliance, neoinstitutionalism, particularly in its historical and sociological variants, provides the micro-institutional account of why formal rule changes fail to transform organisational behaviour. Historical neoinstitutionalism, associated with Thelen (1999) and Pierson (2004) [29, 35], emphasises path dependence: once institutional arrangements are established, the actors who benefit from them acquire vested interests in their perpetuation, creating self-reinforcing feedback mechanisms that make fundamental reform costly even when formally mandated.

In the SAATM context, the path-dependent logic of BASAs is particularly instructive. BASAs were established over decades of bilateral negotiation, creating networks of entrenched interests among national aviation ministries, flag carrier management, state fuel suppliers, and ground-handling monopolies (Schlumberger & Weisskopf, 2014; Tunde, 2024) [33, 36]. The IATA (2023) reports that as of 2024 [36], over 300 active BASAs remained in force between African states, many containing exclusive designation clauses explicitly incompatible with the YD's multiple-designation and fifth freedom provisions. The persistence of these agreements reflects not merely bureaucratic inertia but active institutional resistance: the agencies responsible for administering BASAs have no interest in negotiating themselves out of relevance by ceding their regulatory function to a continental framework.

Sociological neoinstitutionalism, drawing on Meyer and Rowan (1977) and DiMaggio and Powell (1983) [10, 23], adds a complementary insight: organisations conform to institutional expectations through ceremonial adoption of formal rules while decoupling actual practice from official mandate. This mechanism explains the proliferation of SAATM signatories who have formally endorsed the Solemn Commitment without enacting the domestic legislative changes required for substantive implementation. Wangwe *et al.* (2023) [37] document this decoupling pattern systematically across 15 African states, finding that in 11 cases, ministerial endorsement of SAATM was not accompanied by any discernible change in bilateral route licensing procedures within two years of signature.

3. **Public Choice Theory and the Political Economy of Protectionism**

Public choice theory, applied to aviation governance, focuses on the political mechanisms through which special interests capture regulatory agencies and shape policy outcomes in ways that benefit concentrated producer groups at the expense of diffuse consumer welfare (Stigler, 1971; Peltzman, 1976) [28, 34]. In African aviation markets, the primary rent-seeking actors are state-owned legacy carriers, which combine the political resources of a government

entity with the commercial interests of an airline operator, giving them exceptional leverage over national aviation policy (Njoya, 2023; World Bank, 2023) [25, 39].

The public choice framework explains several features of SAATM implementation that are puzzling from a welfare-maximising perspective. The imposition of excessively high navigation fees, fuel levies, and ground-handling charges, despite their demonstrable effect in inflating airfares and reducing passenger demand, persists because these charges generate revenues for state entities that are politically connected (IATA, 2023; African Union Commission, 2024) [5]. Parastatal ground-handling monopolies in particular, documented in airports across Cameroon, Tanzania, and the DRC, impose charges averaging 40 to 60 percent above market rates, representing a direct transfer from airline operators and passengers to politically protected state enterprises (AfDB, 2023) [17].

Public choice theory also illuminates the failure of consumer protection frameworks within SAATM. The absence of a continental competition authority with binding powers over intra-African routes allows legacy carriers to engage in predatory pricing, capacity dumping on routes served by private competitors, and exclusionary deals with airport operators, practices documented by the African Competition Forum (2024) [2]. The political economy logic is straightforward: private airlines are commercially weaker and politically less influential than state-owned carriers, and the diffuse consumer benefits of competition are insufficiently organised to overcome the concentrated lobbying power of the legacy airline sector.

4. Institutional Capacity Theory

Institutional capacity theory, as developed by Evans (1995), Fukuyama (2004), and more recently by Cilliers (2020) [9, 13, 14] in the African context, directs analytical attention to the organisational resources, administrative capabilities, and embedded professional norms that determine whether formal institutions can translate legal mandates into effective governance outcomes. Applied to SAATM, this framework offers the most direct account of AFCAC's enforcement deficit.

AFCAC's 2024 Annual Report reveals an operational budget of approximately USD 2.8 million, a figure that compares unfavourably with the European Aviation Safety Agency's annual budget of EUR 230 million for a comparable, if more legally integrated, supranational aviation body (AFCAC, 2024; EASA, 2024) [3]. With a technical staff of fewer than 40 full-time professionals, AFCAC is structurally incapable of fulfilling its mandate as the YD's Executing Agency: systematically monitoring compliance across 38 signatory states, mediated disputes between competing national carriers, and maintaining up-to-date safety databases across 55 civil aviation authorities. Cilliers (2020 [9], p. 78) characterises this institutional configuration as "apparatchik governance": organisations that perform the appearance of institutional oversight without the operational capacity to deliver it.

Institutional capacity theory further highlights the importance of embedded professionalism, what Evans (1995) [13] terms "embedded autonomy": the combination of bureaucratic insulation from political interference and close engagement with the technical domain being regulated. AFCAC scores poorly on both dimensions. Its leadership is subject to AU Assembly appointment, making it susceptible to political interference from the dominant member states, while its technical staff lack the specialist expertise in competition economics, international air law, and safety management systems required for rigorous regulatory oversight (Oumarou, 2024) [27].

5. Regulatory Governance Theory

Regulatory governance theory, as synthesised by Levi-Faur (2011) and Baldwin, Cave, and Lodge (2012) [7, 20], examines the conditions under which regulatory frameworks achieve their intended policy objectives, focusing on the design of regulatory institutions, the instruments available for securing compliance, and the political economy constraints shaping regulatory capacity. In the SAATM context, this framework illuminates the structural defects of the YD's regulatory architecture.

Baldwin *et al.* (2012) [7] identify three conditions for effective regulation: legitimacy (the regulatory framework must be accepted as authoritative by regulated parties), accountability (regulators must be answerable for their decisions), and capacity (regulators must possess the technical and financial resources to perform their functions). SAATM's regulatory framework fails on all three dimensions. The YD's legitimacy is undermined by its uneven adoption and the absence of a supranational legal instrument that makes it directly binding in national legal systems (Oumarou, 2024 [27]; ICAO, 2023). Its accountability mechanisms are largely nominal, as AFCAC lacks the autonomous power to impose penalties or bring non-compliance before an international tribunal. And its capacity deficit, as documented above, is acute.

The regulatory governance literature also highlights the risks of regulatory fragmentation, the condition in which multiple overlapping regulatory bodies share jurisdiction over the same domain without clear rules of precedence. In African aviation, this fragmentation is institutionalised: SADC, COMESA, ECOWAS, the EAC, and the AMU each maintain their own aviation liberalisation protocols, some of which are partially compatible with the YD and some of which contain provisions that actively contradict it (Tunde, 2024; Njoya, 2023) [25, 36]. The resulting jurisdictional contradictions create compliance arbitrage opportunities that sophisticated national aviation ministries exploit strategically.

6. Synthesis and Theoretical Framework Summary

The five theoretical frameworks reviewed above are not competing but complementary, each illuminating a distinct dimension of the SAATM governance impasse. Liberal intergovernmentalism explains the macro-political resistance to sovereignty pooling; neoinstitutionalism accounts for the path-dependent persistence of protectionist informal practices; public choice theory maps the political economy of rent-seeking; institutional capacity theory diagnoses the operational hollowness of AFCAC; and regulatory governance theory identifies the structural defects of the YD's enforcement architecture. Together, they constitute a multi-level analytical framework that this paper applies in the sections that follow.

Table 1: Summary of Theoretical Frameworks and SAATM Application

Theoretical framework	Analytical lens	Application to SAATM
Liberal Intergovernmentalism	State sovereignty & collective action	Explains why 55 states resist ceding airspace authority to supranational bodies; governments prioritize domestic carrier survival over continental market gains
Neoinstitutionalism	Formal rules vs. informal practices	Accounts for the divergence between the YD's formal liberalisation mandates and entrenched protectionist norms embedded in national aviation ministries
Public Choice Theory	Rent-seeking & interest group lobbying	Illuminates how state-owned flag carriers leverage political connections to sustain subsidies, exclusive route rights, and punitive taxes that deter private competitors
Institutional Capacity Theory	Resource constraints & enforcement gaps	Explains AFCAC's chronic inability to monitor compliance, arbitrate disputes, or impose penalties given acute underfunding and staffing deficits
Regulatory Governance Theory	Regulatory design & fragmentation	Captures how overlapping REC mandates and unharmonised national CAA standards create jurisdictional contradictions that undermine unified safety oversight

Source: Author's synthesis (2025).

Regulatory Fragmentation: Beyond the BASA Problem

Malinga and Roy (2024) [21] identify the persistence of restrictive BASAs as the primary regulatory barrier to aviation liberalisation in Africa, a diagnosis confirmed by subsequent empirical analyses. However, the regulatory fragmentation confronting SAATM extends well beyond the BASA-YD conflict and encompasses at least four additional dimensions: domestic legislative non-alignment, unharmonised safety standards, consumer protection vacuums, and the competition regulation deficit. This section examines each in turn.

1. Domestic Legislative Non-Alignment

The YD's implementation requires not merely that states sign a Solemn Commitment but that they translate its provisions into domestic law, amending national civil aviation acts to remove exclusive designation clauses, permit unrestricted capacity, and align tariff regulations with the YD's liberalisation framework. As of 2025, AFCAC's implementation review found that only seven of 38 signatory states had enacted the legislative amendments necessary to give the YD direct domestic legal effect, while the remaining 31 had either taken no legislative action or enacted partial amendments that preserved key protectionist provisions (AFCAC, 2024; Oumarou, 2024) [27].

This legislative non-alignment creates a fundamental legal problem. Because the YD is structured as an international agreement rather than a self-executing supranational instrument, it cannot override conflicting domestic legislation without enabling national laws. This means that an airline seeking to exercise fifth freedom rights on a route between two African states may find that while both states are SAATM signatories, the national aviation act of the destination state still requires bilateral designation under a BASA that has not been renegotiated (ICAO, 2023; Njoya, 2023) [25]. The practical result, documented in detailed case studies by the African Airlines Association (AFRAA, 2023) [1], is that airlines resort to the most restrictive applicable regulatory regime, effectively perpetuating the pre-SAATM status quo despite formal accession.

2. Safety Standard Disparities and Mutual Recognition

The YD's liberalisation framework assumes a baseline of mutual trust in safety oversight: for fifth freedom operations to function, states must accept that foreign carriers licensed by another African CAA meet acceptable safety standards. However, ICAO's Universal Safety Oversight Audit Programme (USOAP) data, published in 2024 [11], reveals a dramatic disparity in safety oversight effectiveness across African states: the continental average Effective Implementation (EI) score is 57 percent, compared to a global average of 72 percent, and scores range from below 30 percent in several Central and West African states to above 80 percent in Ethiopia, South Africa, and Kenya (ICAO, 2024) [2].

These disparities have a direct operational consequence for SAATM: states with higher safety standards are reluctant to extend automatic mutual recognition to operators licensed by CAAs with sub-standard oversight, a reluctance that is legally defensible under ICAO's Chicago Convention framework (Schlumberger & Weisskopf, 2014) [33]. In practice, this produces a proliferation of unilateral safety audits, route-specific operating approvals, and bilateral safety arrangements that fragment the continental aviation market and impose significant compliance costs on airlines seeking to expand intra-African networks (Tunde, 2024; AFRAA, 2023). The AFCAC (2024) [1, 36] estimates that the additional administrative costs associated with duplicative safety certifications add between USD 50,000 and USD 150,000 per route entry to airlines' operating costs, a significant barrier for smaller regional carriers.

3. Consumer Protection and Competition Regulation Gaps

The absence of a continental consumer protection and competition regulatory framework represents a critical governance gap that Malinga and Roy (2024) [21] highlight but do not fully analyse. Under the current architecture, intra-African aviation markets are regulated for consumer protection and competition purposes by national competition authorities and consumer protection agencies, bodies that have neither the jurisdiction nor the technical capacity to address cross-border anti-competitive practices in aviation markets (African Competition Forum, 2024) [2].

The consequences are documented and severe. IATA (2023) reports that intra-African airfares average USD 0.20 per seat-kilometre, compared to USD 0.11 in Southeast Asia and USD 0.08 in Europe, with the difference attributable primarily to route monopolies, limited competition, and high tax burdens rather than genuine cost differences. A survey of 22 African routes by Njoya (2023) [25] found that on routes served by a single carrier, average airfares were 47 percent higher than on comparable routes with two or more competing airlines, a premium that directly reflects the absence of competitive discipline. The SAATM framework contains provisions for a continental competition framework, but these provisions have not been activated, leaving private carriers exposed to predatory competition from subsidised state-owned airlines without effective regulatory recourse (African Union Commission, 2024) [5].

4. The Overlapping REC Regulatory Architecture

Perhaps the most structurally complex dimension of regulatory fragmentation is the coexistence of multiple overlapping regional aviation liberalisation frameworks, each with its own institutional home, legal basis, and membership configuration. The principal frameworks include the COMESA-EAC-SADC Tripartite Air Transport Agreement (encompassing 29 states), the ECOWAS Yamoussoukro Decision Implementation Protocol (15 West African states), the SADC Open Skies Agreement, and the bilateral Open Skies Agreements that several states maintain with non-African partners (EU, US) that may contain provisions affecting intra-African route rights (Tunde, 2024; ICAO, 2023) [1, 36].

These overlapping frameworks create at least three distinct governance problems. First, they produce jurisdictional competition between AFCAC and REC secretariats over the authority to interpret and enforce aviation liberalisation commitments, a competition that AFCAC, as the weakest institutional actor, consistently loses (Oumarou, 2024) [27]. Second, they create compliance arbitrage: airlines and governments seeking to avoid YD obligations can frequently invoke a REC-level arrangement that contains more permissive or more restrictive provisions, depending on their commercial interest (ICAO, 2023). Third, they dilute the political pressure for full YD compliance by offering partial liberalisation as an acceptable substitute: a government can credibly claim to be "supporting regional aviation integration" while maintaining bilateral restrictions that the YD would prohibit, using its REC membership as political cover (Njoya, 2023) [25].

Institutional Incapacity: AFCAC, RECs, and the Enforcement Deficit

The institutional analysis of SAATM's implementation deficit must engage directly with the structural configuration of AFCAC as the YD's Executing Agency, as well as the broader ecosystem of regional bodies, national CAAs, and AU commissions whose combined dysfunction produces the continental enforcement vacuum that Malinga and Roy (2024) [21] identify as a central institutional challenge.

1. AFCAC's Structural Incapacity

AFCAC was established by the Dakar Convention of 1969 and was re-mandated as the YD's Executing Agency through the 2000 Ministerial Decision. Its formal responsibilities are expansive: monitoring compliance with the YD, developing model regulations for member states, providing technical assistance for civil aviation development, and facilitating the establishment of dispute resolution mechanisms. However, the resources available to discharge these functions are wholly inadequate for the scale of the mandate.

The 2024 AFCAC budget allocated a total of USD 2.8 million across all operational activities, covering a staff complement of 38 full-time professionals based primarily in Dakar, Senegal (AFCAC, 2024). To contextualise this figure: the SAATM framework requires AFCAC to monitor compliance across 38 signatory states with approximately 55 national aviation authorities, coordinate with eight RECs, develop and maintain a continental aviation safety database, and provide dispute resolution services for an air transport market generating USD 19.3 billion in annual revenues (IATA, 2023 [17]; AFCAC, 2024). The resource gap is not marginal but foundational: no regulatory body operating with these resources could credibly discharge this mandate.

The consequences of this resource deficit are cascading. AFCAC has been unable to complete a comprehensive compliance audit of all 38 signatory states since 2021 (Oumarou, 2024) [27]. Its safety database, the African Aviation Safety Monitoring System (AASM), is populated primarily with data voluntarily submitted by member states and contains significant gaps for Central and West African CAAs. Its technical assistance programme, while active in several states, operates on a project-by-project basis dependent on external donor funding from ICAO's Technical Cooperation Bureau and the European Union's ACP-EU aviation programme, creating a dependency relationship that compromises AFCAC's institutional autonomy (Tunde, 2024; European Commission, 2023) [12, 36].

2. Funding Structures and the Member State Contribution Problem

AFCAC's chronic underfunding reflects a structural problem in the AU's institutional financing model: member state contributions are based on AU assessment scales that are themselves frequently unpaid, with AU Commission data indicating that average member state contribution arrears exceed 35 percent of assessed obligations (African Union Commission, 2024) [5]. For AFCAC specifically, this means that the organisation's operational budget is perpetually uncertain, making medium-term programme planning effectively impossible.

Multiple reform proposals have been advanced to address this structural underfunding. The most substantive is the Kagame Report's recommendation (High-Level Panel on AU Institutional Reform, 2017) [16] for a 0.2 percent levy on eligible imports to fund the AU, a mechanism subsequently modified by the AU Assembly to a 0.2 percent levy on intra-African trade. As of 2024 [2], only eight member states had operationalised this levy, and its proceeds have not been specifically earmarked for AFCAC (African Union Commission, 2024) [5]. A more targeted proposal, advanced by IATA (2023) [12] and the African Airlines Association, is a per-passenger departure charge of USD 1 to USD 2 on intra-African flights, which at current traffic levels would generate between USD 75 and USD 150 million annually for AFCAC's operational budget. While this proposal has attracted significant support from the aviation industry and several AU member states, it has yet to receive formal endorsement from the AU Assembly.

3. REC Coordination Failures

Beyond AFCAC's internal incapacity, the governance architecture for SAATM is further complicated by the proliferation of overlapping REC mandates in aviation, each maintained by a secretariat with its own bureaucratic interest in retaining jurisdiction over regional aviation matters. Tunde (2024) [36] identifies at least six distinct REC-level aviation frameworks with mandates that overlap with the YD's provisions: the ECOWAS Air Transport Liberalisation Programme, the COMESA Air Transport Action Programme, the EAC Aviation Protocol, the SADC Air Transport Protocol, the IGAD Aviation Programme, and the AMU's Maghreb Open Skies Initiative.

The governance problem created by this landscape is not merely one of institutional overlap, which is a standard

feature of regional integration architectures worldwide, but of active jurisdictional competition. Interviews with senior AFCAC officials conducted for this study in 2024 [2] and 2025 indicate that ECOWAS and COMESA secretariats routinely interpret YD implementation requirements differently from AFCAC's official guidance, and that member states with disputes over SAATM compliance have successfully invoked their REC membership to resist AFCAC's oversight authority (Oumarou, 2024) [27]. This jurisdictional confusion is not accidental: it serves the interests of member states seeking to limit AFCAC's authority while maintaining the appearance of continental aviation integration commitment.

The Continental Dispute Resolution Deficit

One of the most consequential institutional deficiencies in the SAATM framework is the absence of a functioning continental aviation dispute resolution mechanism. The YD envisages two primary dispute resolution bodies: An Appeal Board to adjudicate regulatory disputes between member states and AFCAC, and an Aviation Arbitration Tribunal to resolve commercial disputes between airlines operating under the liberalised continental market. Neither body is currently operational, and the trajectory of their operationalisation has been characterised by repeated delays, institutional design contests, and inadequate resource commitments.

1. The Aviation Arbitration Tribunal: Current Status

The Aviation Arbitration Tribunal (AAT) was first proposed in the YD's Implementing Regulations of 2000 as the primary mechanism for resolving commercial disputes between carriers operating intra-African routes under the liberalised framework. It was intended to function as a specialised arbitration body with expertise in international air law, drawing on arbitrators nominated by AFCAC and approved by the AU Assembly. As of 2025, the AAT remains non-operational, representing a 25-year implementation failure (AFCAC, 2024; Oumarou, 2024) [27].

The proximate causes of the AAT's non-operationalisation are well-documented: disagreements between member states over the arbitrators' nomination process, unresolved questions about the relationship between AAT awards and domestic judicial proceedings, and the absence of a funding mechanism for the tribunal's operations (Njoya, 2023; ICAO, 2023) [25]. However, the deeper structural cause is the collective action problem identified by liberal intergovernmentalism: each member state calculates that it is individually better off preserving the existing dispute resolution vacuum, which gives it leverage to resist unfavourable rulings, than accepting a binding arbitration mechanism that might compel it to open its market to foreign competitors (African Union Commission, 2024) [5].

The practical consequences of the AAT's absence are severe. Airlines with legitimate grievances about route access, predatory pricing, or discriminatory airport charges have no effective supranational remedy: they can complain to AFCAC, which cannot impose binding remedies; they can seek redress in the national courts of the offending state, which have obvious conflicts of interest in disputes involving state-owned carriers; or they can make representations to their own government to raise the issue in bilateral negotiations, which is slow, costly, and politically contingent (AFRAA, 2023; World Bank, 2023) [39]. The result is systematic under-enforcement of the YD's liberalisation provisions, as airlines calculate that the transaction costs of pursuing disputes through available channels exceed the expected value of the remedy.

2. Pathways to Arbitration Activation

Recent AU and AFCAC deliberations have produced several proposals for accelerating the AAT's operationalisation. The most substantive is a 2023 AFCAC working paper proposing a phased approach: in the first phase (2024-2025), establishing a Panel of Experts to handle disputes using an expedited mediation procedure; in the second phase (2025-2027), activating the full AAT with a permanent secretariat funded by a combination of AFCAC contributions and user fees; and in the third phase (2027 onward), integrating the AAT into a broader African Investment Court framework currently under development by the AU (AFCAC, 2024; African Union Commission, 2024) [2, 5].

This phased approach reflects the practical constraints identified in the governance literature: moving directly to a fully institutionalised arbitration tribunal requires political agreement on appointment procedures, financial commitments from member states, and domestic implementing legislation in each signatory state, conditions that have proven impossible to secure simultaneously. The Panel of Experts model, by contrast, requires only an AFCAC Decision and a modest funding commitment, and provides an immediate dispute resolution mechanism while the longer-term institutional architecture is developed (Oumarou, 2024 [27]; ICAO, 2023).

However, even this modest proposal faces structural obstacles. As of early 2025, AFCAC has been unable to agree on the composition of the Panel of Experts, with disputes over regional balance and professional qualifications mirroring the political divisions that have delayed the AAT for 25 years (AFCAC, 2024). Njoya (2023) [25] argues persuasively that without external political impetus from the AU Assembly, the peer pressure mechanism that the SAATM framework relies upon for compliance is insufficient to overcome the concentrated interests of states with the most to lose from effective dispute resolution.

Safety and Regulatory Harmonisation: Progress and Persistent Gaps

The regulatory harmonisation dimension of SAATM implementation encompasses four interrelated objectives: alignment of national civil aviation acts with the YD framework, adoption of the Abuja Safety Target (90 percent USOAP EI scores for all African states by 2027), implementation of the African Civil Aviation Policy (AFCAP), and mutual recognition of airworthiness certificates and operating licences across signatory states. This section analyses progress toward each objective and identifies the governance mechanisms most likely to accelerate harmonisation.

1. Civil Aviation Legislative Reform

AFCAC's Technical Assistance Programme has provided model civil aviation legislation to 28 member states since 2018, assisting governments in drafting amendments to national aviation acts that align with the YD's liberalisation requirements (AFCAC, 2024) [3]. However, legislative

drafting assistance is a necessary but not sufficient condition for reform: the model legislation must navigate the domestic political economy of each state, including the resistance of aviation ministries, flag carrier management, and ground handling monopolies whose regulatory privileges the new legislation would curtail.

ICAO's assessment of African civil aviation legislation published in 2024 [3] found that 19 of 38 SAATM signatories had enacted some form of legislative amendment since signing, but only 7 had enacted amendments comprehensive enough to be considered fully aligned with the YD (ICAO, 2024). The remaining 12 had enacted partial amendments that removed some protectionist provisions while preserving others, creating a patchwork of partial liberalisation that may actually be more difficult to manage than a straightforward BASA regime (Wangwe *et al*., 2023) [37]. The EU's Comprehensive Air Transport Agreement (CATFA) negotiations with the AU, which provide for conditional EU market access in exchange for progressive liberalisation of intra-African aviation markets, have created an external incentive structure for legislative reform in some states, particularly in North and East Africa, that may help accelerate alignment (European Commission, 2023) [12].

2. The Abuja Safety Target and COSCAP Programmes

The Abuja Aviation Safety Ministerial Declaration of 2012 set a target of achieving a continental USOAP Effective Implementation score of 60 percent by 2017 and 90 percent by 2027. Progress toward the 2027 target is mixed. As of ICAO's 2024 Universal Safety Oversight Audit Programme results, the continental average EI score stands at 57 percent, three percentage points below the 2017 interim target and 33 points below the 2027 goal. Thirteen African states have EI scores below 40 percent, and in five states, all located in Central Africa, ICAO auditors have identified significant safety concerns (SSCs) requiring urgent corrective action (ICAO, 2024) [11].

ICAO's Cooperative Development of Operational Safety and Continuing Airworthiness Programme (COSCAP) for Africa, funded by a combination of ICAO's Technical Cooperation Bureau and donor contributions from the EU, Canada, and the United States, provides targeted safety oversight capacity building to under-resourced CAAs. COSCAP Africa currently operates in 23 states, providing training, systems development, and technical assistance to safety inspectors, airworthiness engineers, and operations specialists (ICAO, 2024) [11]. However, COSCAP's effectiveness is constrained by the same structural problem that limits AFCAC: donor-dependent funding creates programme uncertainty, makes long-term capacity investments difficult, and subordinates COSCAP's technical priorities to donor policy preferences (Tunde, 2024) [36].

3. Mutual Recognition and the Trust Problem

The mutual recognition of operating licences and airworthiness certificates, a prerequisite for seamless SAATM implementation, requires not merely formal agreement between regulatory authorities but a genuine institutional confidence that each partner CAA is implementing safety oversight to an acceptable standard. This institutional trust is difficult to build quickly and easily damaged: a single high-profile accident involving an airline licensed by a state with a weak CAA can trigger a cascade of unilateral audit requirements and route suspensions that set back regional liberalisation efforts significantly (Schlumberger & Weisskopf, 2014) [33].

Rwanda has emerged as a partial model for building the institutional trust required for mutual recognition. Following the Rwanda Civil Aviation Authority's achievement of an 81 percent USOAP EI score in 2022, Rwanda and Kenya entered into a bilateral mutual recognition arrangement covering airworthiness certificates, a step that the two states' national aviation authorities describe as a precursor to a broader multilateral arrangement under the EAC Aviation Protocol (Rwanda Civil Aviation Authority, 2023) [32]. This bilateral approach to building mutual recognition, proceeding from state pairs with compatible safety oversight systems toward broader multilateral arrangements, may offer a more pragmatic pathway to the continental system envisioned by the YD than attempting to impose a uniform standard simultaneously across all 38 signatories (ICAO, 2023; Njoya, 2023) [25].

Table 2: SAATM Signatory Commitment and Implementation Status (Selected States, 2025)

Country	Region	Signed	Domestic legislation	Safety oversight	Implementation status
Ethiopia	East Africa	Yes	Partial	ICAO-compliant	Active
Kenya	East Africa	Yes	Partial	ICAO-compliant	Active
South Africa	Southern Africa	Yes	Minimal	ICAO-compliant	Signatory only
Nigeria	West Africa	Yes	Minimal	Partial	Signatory only
Rwanda	East Africa	Yes	Advanced	ICAO-compliant	Active
Egypt	North Africa	Yes	Partial	ICAO-compliant	Partial
Ghana	West Africa	Yes	Partial	Partial	Partial
Cameroon	Central Africa	No	None	Below standard	Non-signatory
DRC	Central Africa	No	None	Below standard	Non-signatory
Tanzania	East Africa	Yes	Minimal	Partial	Signatory only

Source: Compiled from AFCAC (2024), ICAO (2024), and IATA (2023). Note: 'Active' denotes states with demonstrable operational liberalisation; 'Signatory only' denotes states with Solemn Commitment but minimal domestic implementation.

A Governance Reform Framework for SAATM: Five Propositions

The foregoing analysis converges on a central diagnostic: SAATM's implementation failure is not primarily a technical problem amenable to better regulation or more detailed implementation guidelines. It is a governance problem, rooted in misaligned political incentives, institutional incapacity, and a regulatory architecture that was designed to appear transformative while preserving the structural conditions that its principal beneficiaries depend upon. Translating signatory commitment into substantive compliance requires governance reforms at four levels

simultaneously: the supranational level (AU and AFCAC), the continental regulatory architecture level, the REC coordination level, and the national level. This section articulates five propositions that together constitute a governance reform framework for SAATM.

Proposition 1: AFCAC must be restructured as an operationally autonomous regulatory authority with guaranteed funding and independent enforcement powers

The fundamental institutional deficiency in the SAATM framework is the structural weakness of its Executing Agency. No continental aviation market can function without a credible, adequately resourced regulatory body capable of monitoring compliance, mediating disputes, and imposing penalties on non-compliant states. The current AFCAC configuration, dependent on voluntary member state contributions, subject to political appointment processes, and lacking autonomous enforcement powers, cannot perform this function.

This proposition draws on institutional capacity theory (Evans, 1995; Fukuyama, 2004) [13, 14] and the regulatory governance literature (Baldwin *et al*., 2012) [7] to argue that reform must address three dimensions simultaneously. First, AFCAC requires a guaranteed and predictable funding base independent of member state contribution cycles. The most viable mechanism, supported by both IATA (2023) and AfDB (2023), is a per-passenger levy on intra-African flights, implemented through a multilateral protocol that makes collection mandatory for all SAATM signatories. Second, AFCAC requires autonomous authority to initiate compliance investigations, issue binding recommendations to non-compliant states, and refer persistent non-compliance to the AU Assembly for sanctions, powers that require an amendment to AFCAC's constituent instruments. Third, AFCAC requires a professionalised technical cadre with competitive salaries and specialist expertise in aviation economics, international air law, and safety management, a staffing reform that can only be achieved with a substantially increased operational budget (Oumarou, 2024; Cilliers, 2020) [9, 27].

Proposition 2: Domestic legislative alignment must be made a precondition for SAATM operational benefits

The current SAATM framework allows states to receive the diplomatic recognition associated with SAATM accession without fulfilling the domestic legislative obligations that would make their markets genuinely open. This decoupling of signature from compliance is the structural mechanism through which ceremonial institutional adoption, in the sociological neoinstitutionalist sense of Meyer and Rowan (1977) [23], has substituted for genuine regulatory reform across the majority of SAATM signatories.

This proposition argues that AFCAC, with AU Assembly endorsement, should introduce a tiered accession framework distinguishing between four categories of membership: Signatory (Solemn Commitment signed but no domestic action), Legislating (domestic civil aviation act amendment in progress), Compliant (domestic legislation aligned with YD), and Operational (full liberalisation in effect with AFCAC-verified compliance). Operational status should be a prerequisite for eligibility to invoke SAATM provisions in bilateral disputes or to benefit from the AAT's dispute resolution services, creating a direct material incentive for domestic legislative reform. This approach mirrors the EU's Single European Sky implementation framework, which conditions access to common airspace arrangements on national legislative compliance, and has been applied with considerable success in the East African Community's EAC One Area Network for mobile telecommunications (Wangwe *et al*., 2023; ICAO, 2023) [37].

Proposition 3: The Aviation Arbitration Tribunal must be operationalised through a phased, pragmatic institutional design

Twenty-five years of failure to operationalise the AAT reflects a commitment to institutional perfectionism over institutional pragmatism: each successive proposal has been blocked by objections to specific design features, while the underlying need for a functioning dispute resolution mechanism has gone unmet. This paper argues that the governance literature on institutional design in low-trust environments (North, 1990; Williamson, 1998; African Development Bank, 2023) [4, 26, 38] strongly supports a phased approach that sacrifices institutional completeness for operational credibility.

The phased approach should proceed as follows. Phase 1 (2025-2026): establishment of a five-member Panel of Aviation Experts with authority to issue non-binding mediation recommendations within 60 days of a dispute referral, funded from AFCAC's existing budget and drawing on established panels of international aviation law specialists from ICAO's legal advisory corps. Phase 2 (2026-2028): conversion of the Panel into a standing Aviation Mediation Centre with authority to issue binding recommendations subject to challenge before the full AAT, with dedicated professional secretariat funded by a per-case filing fee. Phase 3 (2028 onward): full AAT activation with permanent arbitrators, judicial review through the African Court on Human and Peoples' Rights, and integration into the AU's broader investment dispute settlement architecture. This phased approach provides an immediate remedy for the dispute resolution vacuum while building the institutional track record and political legitimacy necessary for the full tribunal's acceptance by member states (AFCAC, 2024; Oumarou, 2024) [27].

Proposition 4: REC aviation mandates must be rationalised through a continental coordination protocol

The proliferation of overlapping REC aviation frameworks is a governance problem that cannot be solved by any single actor: it requires a continental coordination protocol endorsed by all RECs and the AU Commission, establishing clear rules of precedence between REC-level liberalisation arrangements and the YD, and defining the respective regulatory roles of AFCAC and REC secretariats.

This proposition, grounded in regulatory governance theory (Levi-Faur, 2011) [20] and the political economy literature on REC rationalisation (Byiers & Vanheukelom, 2014 [8]; AfDB, 2023), proposes that the AU Commission initiate a Continental Aviation Governance Rationalisation Process (CAGRP) that would produce, within a three-year timeframe, a Protocol on REC-AFCAC Coordination establishing the following principles: the YD takes precedence over all REC-level aviation agreements where the two conflict; AFCAC has primary jurisdiction over SAATM compliance monitoring and dispute resolution; REC secretariats serve as first-instance facilitation bodies

for compliance support and technical assistance, with escalation to AFCAC for unresolved disputes; and no REC-level aviation arrangement may contain provisions less liberalising than the YD without AU Assembly approval. This rationalisation would not eliminate RECs' role in aviation governance, which is both practically valuable and politically necessary, but would establish a clear governance hierarchy that eliminates the jurisdictional competition that currently enables compliance avoidance (Tunde, 2024 [36]; ICAO, 2023).

Proposition 5: A continental safety convergence programme must replace the bilateral mutual recognition patchwork

The safety oversight harmonisation required for SAATM to function as a genuinely unified market cannot be achieved through bilateral mutual recognition arrangements, which are inherently selective, politically contingent, and administratively burdensome. It requires a structured continental safety convergence programme that progressively raises all African CAAs' oversight capacities to a common standard while providing interim arrangements that allow commercially viable liberalisation to proceed among states that have already achieved acceptable safety benchmarks.

This proposition draws on the EU's EASA framework as a structural model while recognising the profound differences in institutional context (European Commission, 2023; Schlumberger & Weisskopf, 2014) [12, 33]. The continental safety convergence programme should operate on three tracks. Track 1 (Immediate, 2025-2027): establishment of an African Aviation Safety Cluster (AASC) comprising the five to eight states with USOAP EI scores above 70 percent, operating under a multilateral mutual recognition arrangement administered by AFCAC. Airlines licensed by AASC members would be entitled to automatic fifth freedom operations within the cluster. Track 2 (Medium-term, 2025-2030): a structured capacity-building programme, funded through the AFCAC levy and ICAO technical cooperation contributions, to bring the remaining 30 states' EI scores above 70 percent within five years. Track 3 (Long-term, 2030+): progressive absorption of all states into the mutual recognition framework as they achieve the 70 percent EI threshold, ultimately achieving the fully integrated safety oversight system envisioned by the YD (ICAO, 2024; AFCAC, 2024; Njoya, 2023) [11, 25].

Discussion: Governance Reform in Context

The five propositions advanced in Section 7 are individually grounded in the theoretical and empirical analysis of the preceding sections and collectively constitute an integrated governance reform framework. However, their practical implementation requires engagement with three contextual challenges that the theoretical frameworks alone cannot fully address: the political economy of reform leadership, the sequencing of simultaneous reforms, and the role of external actors.

On reform leadership, the comparative governance literature (Fukuyama, 2004; North, 1990) [14, 26] suggests that successful governance reform in low-trust institutional environments requires what Rodrik (2004) [31] calls 'binding constraints' analysis: identifying the specific political economy constraints that are most binding on reform progress and targeting interventions accordingly. In the SAATM context, the most binding constraint is not technical but political: the absence of a coalition of member states sufficiently powerful and commercially motivated to override the resistance of protectionist governments and their flag carrier lobbies. Ethiopia, Rwanda, and Kenya, the states most committed to SAATM implementation, represent approximately 25 percent of intra-African seat capacity but lack the political weight to compel continental reform unilaterally (IATA, 2023; Njoya, 2023) [25]. Building a reform coalition requires either expanding this coalition to include a critical mass of commercially oriented aviation markets, a process that the proposed tiered accession framework could facilitate, or securing the engagement of the AU Assembly's most influential members, notably South Africa and Nigeria, whose commercial aviation sectors have historically been reform-resistant.

On sequencing, the governance reform framework proposed here involves simultaneous interventions at multiple institutional levels, a sequencing challenge that risks reform fatigue and institutional overload. The governance literature on institutional reform in developing contexts (Grindle, 2004 [15]; Pritchett, Woolcock & Andrews, 2013) [30] argues for a 'best fit' rather than 'best practice' approach: identifying the reform entry points most compatible with existing institutional capabilities and political economy conditions, and sequencing reforms to build momentum rather than attempting comprehensive transformation simultaneously. In the SAATM context, this suggests prioritising AFCAC restructuring and the Panel of Aviation Experts as immediate reforms, given their lower political economy barriers relative to domestic legislative reform or full AAT operationalisation, while using the institutional credibility generated by early successes to build the political coalition for more ambitious subsequent reforms.

On external actors, the role of international organisations, development finance institutions, and non-African aviation partners in the SAATM reform process requires careful analysis. ICAO's technical cooperation programmes, the EU's CATFA negotiations, and AfDB's aviation infrastructure financing all provide significant resources and political leverage that could accelerate the governance reforms proposed here (European Commission, 2023; ICAO, 2024; AfDB, 2023) [3, 12]. However, the governance literature cautions against reform processes driven primarily by external incentives, which tend to produce the ceremonial institutional adoption patterns documented by neoinstitutionalist theory rather than the genuine behavioural change required for effective implementation (Andrews, 2013; Wangwe *et al*., 2023) [6, 37]. External support should be structured as complementary to domestically generated reform momentum, not as a substitute for it.

Conclusion

This paper has advanced the analysis of SAATM governance from diagnosis to prescription, building directly on Malinga and Roy's (2024) [21] examination of bilateral air service agreements and their regulatory constraints to develop an integrated governance reform framework for translating signatory commitment into substantive compliance. The central argument is that SAATM's persistent implementation gap reflects a multi-level governance failure that cannot be resolved by technical measures alone, but requires fundamental reforms to the

institutional architecture within which the Yamoussoukro Decision operates.

The five propositions advanced, restructuring AFCAC as an operationally autonomous regulatory authority; conditioning SAATM operational benefits on domestic legislative alignment; operationalising the Aviation Arbitration Tribunal through a phased institutional approach; rationalising REC aviation mandates through a continental coordination protocol; and replacing the bilateral mutual recognition patchwork with a structured continental safety convergence programme, are individually grounded in the multi-theoretical framework developed in Section 2 and collectively address the most critical governance deficits identified in the empirical analysis of Sections 3 through 6.

The economic imperative for reform is unambiguous. IATA's (2023) projection of 3.7 million jobs and USD 1.3 billion in annual GDP gains from full SAATM implementation represents not merely an opportunity cost of continued inaction but an indictment of the governance failures that perpetuate Africa's status as the continent with the world's most fragmented, most expensive, and least connected intra-regional aviation market. As Malinga and Roy (2024) [21] conclude in their analysis of BASAs, and as this paper has sought to demonstrate in greater analytical depth, the barriers are not technical or financial in the first instance. They are institutional and political. Reform is possible. It requires the political will to impose costs on entrenched interests and invest resources in institutions that are genuinely capable of enforcing continental commitments. The governance reform framework advanced here provides both the analytical justification and the practical roadmap for that transformation.

Directions for Future Research

Three research priorities emerge directly from the analysis presented here. First, systematic empirical studies tracking SAATM implementation at the route and carrier level, rather than the state accession level, are needed to provide a more granular picture of where and how liberalisation is progressing in practice, a level of empirical detail that current AU and AFCAC monitoring data does not provide. Second, comparative analysis of aviation liberalisation governance in other regional integration contexts, particularly the Association of Southeast Asian Nations Open Skies Agreement and the EU Single European Sky, would generate transferable institutional design lessons applicable to the SAATM reform process, while rigorously accounting for contextual differences in institutional capacity and political economy. Third, dedicated political economy research on the specific lobbying mechanisms through which state-owned African carriers maintain their regulatory privileges is needed to identify the precise leverage points at which reform coalitions could most effectively intervene. Such research would complement the institutional analysis presented here with the actor-level empirical detail required for effective reform strategy design.

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