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some provisions of local laws of some States. Such States were, however, willing to take the guidelines back to their parliaments for alignment.

The Gap To Be Closed

Africa needs to overcome the split in positions concerning negotiations with the EU. At the meeting of experts, fourteen countries voted in favour of a document that was binding on African States concerning negotiations with the EU. These countries are: Botswana, Uganda, South Africa, Ghana, Sierra Leone, Kenya, Lesotho, Nigeria, Ethiopia, Gambia, Malawi, Swaziland, Cape Verde and Mozambique.

Twenty-one countries voted against a binding document and are; Tunisia, Algeria, Angola, Benin, Burkina Fasso, Burundi, Sudan, Cameroon, Central African Republic, Chad, Comoros, Congo, Senegal, Cote D'Ivoire, Democratic Republic of Congo, Djibouti, Niger, Gabon, Madagascar, Mali and Mauritius.

Three countries abstained - Tanzania, Zimbabwe and Zambia.

This, in itself, was a challenge when the Ministers were presented with the report of



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Experts. The Ministers could not up-turn this position as the positions of each State remained the same. The Chairman of the conference of African Ministers, Hon. Emile Ouosso, therefore, decided that the matter needed further deliberation and probably change of wording so that a document acceptable to all States can be arrived at. The chairman announced that the meeting of experts would reconvene in Brazzaville on a yet to be determined date. Delegates to this meet should look inwards on a clear consideration of the collective African interest so as to expunge their differences and present a common front to EU and other external challenges.

The YD Executing Agency

With the attributions of the Executing Agency of the YD proposed to be entrusted with AFCAC by the Ministers' meeting, better results on the YD implementation may not be elusive anymore. But this is again subject to the empowerment of AFCAC to be able to carry out this and other functions. The key objectives of the Agency would be to accelerate implementation of the decision and the establishment of a continental body for supervision and management of air transport liberalization in Africa.

The thoughts in certain quarters when the reports of the study on the Executing Agency was presented by the African Union to the experts, was that the Executing Agency should be independent. The other school of thought, however, argued that some part of the mandate

for the Agency would conflict with the mandate of AFCAC and could create duplicity. To avoid having two ineffective agencies, it was reasoned that the mandate of the agency should be transferred to AFCAC, while AFCAC should also be empowered to effectively perform its function.

Dispute Settling Mechanism

The meeting of Ministers at Sun City and Libreville had urged the AU to produce economic regulations required for effective implementation of the YD. The AU in fulfillment of this task initiated a study on the implementation of the YD and came up with the draft for dispute settling mechanism, which the experts had to consider.

The drafting of the mechanism for dispute settlement is informed by the argument in article 8.1 of the YD, which states that: "If any dispute arises between States Parties relating to the interpretation or application of this Decision, the State Parties concerned shall in the first place endeavor to settle the dispute by negotiation." Article 8.2 further states that: "If State Parties concerned fail to reach a settlement of the dispute by negotiation within 21 days, either party may submit the dispute for the arbitration in accordance with the arbitration procedures set forth in Appendix 2 hereof." According to Appendix 2 of the Decision, "It is incumbent upon the Monitoring Body to conduct investigations on complaints and claims filed in and give its options." ■



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