80 YEARS OF AVIATION IN NIGERIA: A FLIGHT HIGHER

A Flight HIGHER

80 Yrs

of Aviation *in* **Nigeria**

▪ 1925 - 2005 ▪

Edited by: **Deba Uwadiae**

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DEDICATION

Dedicated to Osaeki, Abieyuwa, Omoruyi and Tolulope for all the sacrifices you have made to make this publication a reality.

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Putting “80 Years of Aviation in Nigeria: A Flight Higher” together was more challenging than the first book, “Essentials of Aviation Communication Practice”, despite the fact that the later was the first experience in book publishing and publishing as a profession. In the first, virtually all the materials needed in the book were ready before going to press. This was because most of the materials were from the Annual Aviation Reporting Workshops held between 1997 and 2000.

When the idea to have a book dedicated to 80 Years of Aviation in Nigeria came in 2003 while marking the Centenary of Flight (100 Years of powered-Flight) it was not envisaged that it would be really tough to get the needed materials together. Lots of professionals and stakeholders were invited to contribute to “80 Years of Aviation in Nigeria: A Flight Higher”. The challenges of work and other commitments could not allow everyone we invited to contribute.

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INTRODUCTION

Just the way the aviation world attaches importance to December 17, 1903, so also the Nigerian aviation sector attaches importance to 1925. A glaring difference, however, is that while the world recognizes the particular date when the first powered flight was recorded in Kitty Hawk, North Carolina, United States of America by the Wright brothers, Orville and Wilbur from Dayton, Ohio, the Nigerian aviation sector could only record it as the 'harmattan period' of 1925. And so, it could be between January and February or November and December of that year. Whatever the month might be, the first flight into Nigeria was recorded in 1925.

But the desire to keep tab with dates and data prompted the efforts for this book, "80 Years of Aviation in Nigeria: A Flight Higher."

A flight higher, because Nigeria has grown from the era of polo field airfield to modern day airports; from a time of absence of navigational aids to an organized airspace management; from a time of all-comers affairs to a time of rules and regulations; from a time of trial and error to functional education and training; and from a time of one aircraft to airlines with fleet of aircraft.

In his paper 'A Flight Guided Rules,' the Director General of the Nigerian Civil Aviation Authority, NCAA, Engineer Fidelis Onyeriri described aviation industry as 'highly technical, sophisticated and dynamic' and so 'requires the collaborative efforts of all stakeholders.' This necessitated the invitation of highly respected stakeholders in the industry to contribute to this high-powered publication. Like was mentioned in the acknowledgement, it was a challenging task. More than 20 individuals were invited but 13 honoured the invitation. It was not as if others were not willing, rather, the demands of their jobs could not permit them to put down their contributions. They knew the extent to which the write-ups will go and they wanted to give their best.

The journey through this book is guided as it started with the landing of an aircraft on Nigerian territory on a polo filed in Kano and went through a regulated environment of being guided by rules to the sky being an interactive arena. Education and training is a key factor in the industry and so there is a lesson to learn from; the private scheduled operators brought excitement in to the industry at the time things were getting out of hand; operational challenges are looked into and the sources of Nigerian aviation laws.

Other areas covered include opportunities in travel business, aviation security and safety, a framework for future development, route prospects, facilitation at airports for national image and national interest; and guidelines for those planning to own an airline and operate international routes as well.

Very vital agent that must be recorded in the annals of Nigeria's aviation is the designation of domestic airlines on international routes by the Federal Executive Council on Wednesday, April 21, 2004. The airlines concerned, ADC, Afrijet, Aerocontractors, Bellview, Chanchangi and Kabo were formally notified through a letter dated May 26, 2004 by the Federal Ministry of Aviation.

One year after, May 4, the Federal Executive Council, again announced the designation of two other airlines, Sosoliso and IRS, on international routes.

Eighty years of aviation practice deserves commendation, celebration and reflection. Every industry is being turned around by radical minds and the aviation industry is abound with radical minds. Check the age range of those who are moving the bank and oil sectors; the aviation sector is as well endowed. The 'engine has started running' with the designation of airlines on international routes, more can still be done to make the 80 years worthwhile. The Minister has said that the foreign airlines must adhere to the conditions of the Bilateral Air Service Agreement, BASA between their countries and Nigeria. They must operate into the country through one entry point. Actions like this will make 80 years of aviation in Nigeria worthwhile.

CHAPTER ONE

FROM POLO FIELD TO AIRPORTS

Introduction

The first recorded flight in the annals of aviation in Nigeria landed at the ancient and walled city of Kano in 1925.

The flight, which was in a British fighter-aircraft, was conducted by the Commanding Officer of the Royal Air Force (RAF) Squadron based in Khartoum, Sudan. The pilot made a breath-taking but safe landing on the horse racecourse in Kano; thus going down in history as the first recorded aviation activity in Nigeria.

The flight operation was regarded as a "particularly hazardous one" because there were neither air routes nor maps nor radio communications, nor airfield/airport.

The flight of the Royal Air Force was to become an annual event starting from Cairo, which was another base, down through the Nile to Khartoum and then Maiduguri and Kano. Very little is known of the early commercial aviation in Nigeria, but available records have it that a gentleman called Bud Carpenter, owned a private de-Havilland Moth aircraft, which he frequently flew between Kano and Lagos. He used the rail tracks as his guide, and this meant additional distance for him.

There is also a record of an enterprising pilot who carried a few passengers in a seaplane between Lagos and Warri in the early 1930s.

Landing Grounds

The continuation of the Royal Air Force flights led to a considerable increase in aviation activities in Nigeria, thereby creating the need for aerodromes.

In this realization, a representative of the Air Ministry in London visited Nigeria to inspect possible sites for a chain of "landing grounds". Sites were selected at Maiduguri, Oshogbo, Lagos, Minna, Kano and Kaduna. But in the meantime, the annual flights of the Royal Air Force continued until 1935, when plans were concluded for the Imperial Airways to make regular flights of passengers and animals between the United Kingdom and Nigeria.

These flights thus pioneered the commercial international flight operations in Nigeria; although it was not until1936 that commercial aviation actually took off in Nigeria.

Development of Airports

The genesis of airports development in Nigeria dated back to the colonial era in the early thirties when airfields were built in various parts of the country by the colonial administrators for two main purposes viz.:

(a) The administrative control of Nigeria's geographical land area and (b) the spread of missionary work. The Second World War (1939 - 1945) however, prompted an enormous demand in the number of airfields as back-ups for the effective prosecution of the war. This later influenced the decision of the colonial administrators to up-grade some airfields in the Southern and Northern parts of the country and established many

more. At the end of the war the number of airfields in the country had risen to about thirty (30).

There were no marked improvement in airports development between the end of the Second World War and the early sixties when the National Development Plans were initiated.

National Development Plans and Airport Development
The Government of Nigeria recognized the strategic importance of the transport sector to all other sectors of the economy and thus accorded to this sector 19%, 23 %, 22% and 15% of the total public sector planned investment in the 1st, 2nd, 3rd and 4th National Development including its plan period respectively. The air transport sub-sector received its own share of these allocations, which turned around the various arms connected with it.

First National Development Plan (1962 - 68)
The policy goal of this plan on transport was "*economic efficiency and coordinated transport*"

The basic aim of the plan was the expansion and upgrading of transport facilities in order to provide the necessary level of infrastructure to support the nation's development effort. Therefore, a total investment of £144 million (i.e., 21.3 percent of the total planned expenditure) was projected for the transport sector over the six-year plan period. The air transport sub-sector has its own share of the total investment in the different arms including airport development.

(i). **International Aerodromes**
Lagos Airport, which takes straight thrust jets only, underweight limitations, was to have its runway lengthened from 7,600 ft to 10,000 ft to permit efficient operation of full load. Kano Airport, which could largely cease to be used for international traffic, was to be developed for reasons of defense and as a possible alternative airport. Its runaway was also to be extended to 10,000ft.

So also was the airstrip of Port Harcourt to be lengthened to 7,500 feet in order to accommodate expected increase in traffic. The re-construction of the airport Terminal at Lagos was also to be started so as to contain increase in international traffic.

(ii). Other Aerodromes
The runways at the other major airports served by Nigerian Airways were to be executed while 26 additional airstrips were to be developed and the maintenance of six existing airstrips, which could be used for air charter services in connection with major agricultural and industrial projects, would be taken over.

Second National Development Plan (1970 - 74)
This was a post-war reconciliatory plan, which has its policy goal on transport as "binding the component regions in the country together".

Though, a total expenditure of £4.949 million was earmarked for investment in providing civil aviation facilities in the 1962 – 68 plans, it was believed that the aviation sub-sector was one of the areas in which, in both financial and physical terms, expenditure fell far short of expectations and actual requirements. The country's airports, in terms of runway length and instrumentation fell far below international standards. Grossly inadequate temporary terminal buildings and facilities served the Lagos airport. Both Lagos and Kano runways were still to

be sub-standard. The civil war had adversely affected civil aviation facilities in the three major areas thus:

(a) Some of the airports were hastily extended for military use
(b) There was direct destruction of airport buildings and installations as these constitute targets for aerial strikes.
(c) Due to lack of proper maintenance during the war years, a good number of airports and landing strips have deteriorated to dangerous levels. (*2nd National Development Plan*)

Thus, there was an urgent need for quick investment in these areas, not only to improve facilities, but to even save existing investments from total collapse.

International Airports – The new runways and parking aprons at Ikeja and Kano airports were to be extended while new terminals were to be constructed and modern landing aids installed at both Ikeja and Kano.

Minor Airports – All major internal airfields were to be rehabilitated and where necessary relocated. Thus aerodromes and air fields affected are those of Ibadan, Benin, Enugu, Gusau, Jos, Maiduguri, Makurdi, Yola, Zarai, Katsina, Potiskum, Minna, Yelwa, Lokoja, Oshogbo, Bida and Sokoto.

Third National Development Plan (1975-80)
Airports development witnessed a dramatic change with government policy of "an airport in every state of the federation including the Federal Capital Territory" and "the birth of the Aerodrome Development Programme" of the 3rd National Development Plan (1975-1980).

The 1975-80 plan which fell within the period of the oil boom, has the following transport policy objective on airports and aviation facilities:

"The dominant questions regarding airport and civil aviation facilities in Nigeria focus on the huge investments needed for urgently required construction, improvement and expansion of facilities, present civil aviation facilities, airport facilities, ground services, air traffic centre and aeronautical communications are generally inadequate even for the major international airports of Lagos and Kano.

There are altogether 15 government owned airports in the country with 13 of these in regular use. Only three of these can accept the heavier medium haul jet aircraft without problems while only Lagos and Kano are suitable for international jets. In addition, there exist over 100public and private landing strips.

It is government's objective for the 1975-80 plan to provide all 12 state capitals, as well as for other important commercial centres, with modern airports capable of taking the heavier medium haul jets. These airfields will include five INTERNATIONAL airports capable of serving the largest international aircraft now or soon to be in commercial services. Ikeja to llorin which serves as alternative will be site of an ultra-modern airport facility with provision for still further expansion." (*3rd National Development Plan, 1975 - 80*).

It can be deduced from the above policy objective that government realized the pervasive and vital role of transport in the socio-economic development of any given society, hence the broad objective of government on transport. In the two previous development plans, there was no

doubt that the transport sector of the economy has been making one of the heaviest claims on the available capital development funds. Its claim was about one fifth of the total outlay in the 1962 – 68 plan and one third of the 1970 -74 public sector capital programme. Over the 1975 – 80 plan period, a total of ₦7.3 billion was allocated as capital expenditure to the transport sector. The air transport sub-sector had ₦528.0 million (i.e. 7.2 percent) of the above allocation as against ₦6.23 billion (i.e. 85.3 percent) for the land transport and ₦545.62 million (i.e. 7.5 percent) on various elements of water transport.

Airport and Other Civil Aviation Facilities
The government saw the need for huge investments in the reconstruction, improvement and expansion of airports and civil aviation facilities in Nigeria because the existing facilities were found to be grossly inadequate. Out of the 15 government owned airports in the country, only 13 were in regular use while only three of these airports could accept the heavier medium haul jet aircraft without problems, while only Lagos and Kano were suitable for intercontinental jets. It was in the light of these that a total amount of ₦477 million was earmarked for the government aviation programme as described below:

Airport Development – A total of ₦394.6 million was allocated to the development of 16 airports in the country. The Lagos and Kano airports were to be developed to full international standards with all modern facilities and amenities for passengers at a cost of ₦288.3 million. Port Harcourt, Ilorin and Maiduguri, which are lesser airports of international standard, were to be given face lifts at ₦27.5 million; ₦22 million and ₦17.7 million respectively. A few minor airstrips were to be reconditioned at a total cost of 2.1 million.

Implementation of the Aerodrome Development Programme
The Federal Ministry of Transport and Aviation was charged with the implementation of the Aerodrome Development Programme at its early state. But the Ministry soon realized that its Civil Aviation Development (CAD) was so small and not well equipped to take up the challenges posed by the programme. The ministry in order to cope with the task enlarged the Civil Aviation Department (CAD) by the recruitment of engineers, architects and planners for the programme. But the task of implementing the programme assumed bigger dimensions with time and this prompted the Federal Government to carve out a Ministry of Aviation in 1975.

As the implementation of the policy progressed, government envisaged the need for a separate organization to manage, maintain and operate all airports facilities to conform with international standards on aviation safety and so created the then Nigerian Airports Authority (NAA) by Decree No. 45 of 1976 which charged the Authority with the following functions:

(a) To develop and maintain at the airports, all necessary services and facilities for the safe operation of aircraft excluding navigational aids, telecommunication facilities and air traffic control services;
(b) To provide accommodation and other facilities for the effective handling of passengers and freight;
(c) To develop and provide facilities for surface transport within the airports;
(d) To carry out at the airports (either by itself or by an agent or in partnership with any other person) such economic activities as are relevant to air transport; and
(e) To generally create conditions for the development in the most economic and efficient manner of air transport and the services connected with it. (Decree No. 45 of 1976).

The Nigerian Airports Authority started its operations in 1978.

The fourth plan provided for a subsidiary with the sole aim of developing the capacity to maintain all facilities and equipment of the NAA to full international standards on a permanent basis. Airport maintenance, which was formerly in foreign hands is now in Nigeria's hands. Altogether, the sum of about ₦375 million was made available to the Nigerian Airports Authority to execute all its programmes.

Fourth National Development Plan (1981 - 85)

The investment trend in the transport sector, which has hitherto been higher than other sectors of the economy, experienced a fall in the fourth development plan when it consumed only 15 percent as against the previous 10%, 23% and 22% respectively from the first to the third plans. The objective of transport in this plan was:

"Rationalization and fair competitive services between road, rail and water transport services consolidating and maintaining facilities already created in the previous plan periods, achieving higher levels of co-ordination within the transport sector and rationalization between sectors and other sectors of the economy, and expanding indigenous capacity to implement approved programme" (4th National Development Plan, 1981 - 1985).

It can be deduced from policy objectives of transport that the Fourth National Development Plan (1981 - 85) as it relates to transport is a plan aimed at inter-modal co-ordination and rationalization including consolidating existing facilities in transport.

It will be recalled that government commitment to the development of efficient air transport system started with the bold aerodrome development programme of the Third National Development. There is no doubt that this commitment continued with the size of the air transport investment programme for the current plan put at ₦653,100 million out of which the Federal government agencies have an allocation of ₦640,500 million with four state government having an allocation of ₦12,600 million for the development of airstrips.

Airport and Other Civil Aviation Facilities

In the Third Plan period, government has a policy of providing air services covering the whole country and as such embarked on a bold programme of airport development. Fifteen civil airports of medium to large international standard were to be constructed. Construction work that started on 14 of these airports simultaneously (Lagos inclusive) and was not completed, was given an allocation of N250 million in the fourth plan to complete and start work on some new ones. The new airports were to be at Owerri, Ajaokuta, Akure, Minna, Onitsha, Bauchi, Katsina, Gusau, Makurdi and Abeokuta.

It is pertinent to note that the plans for Owerri, Akure, Minna, Bauchi, Katsina and Makurdi were executed, while those of Abeokuta, Gusau and Ajaokuta are yet to be implemented.

Conclusion

The 1995 Civil Aviation Reforms brought about the re-alignment of some functions of the Federal Civil Aviation (FCAA) with that of the Nigerian Airports Authority (NAA) and put under a new agency named "Federal Airports Authority of Nigeria (FAAN)" which formally came into existence through Decree 9 of 1996. Today, the Federal Airports Authority of Nigeria (FAAN) manages not less than twenty airports.

The Airports are: Abuja, Akura, Benin, Calabar, Enugu, Ibadan, Ilorin, Imo, Jos and Kaduna.

Others include Kano, KAtsina, Maiduguri, Makurdi, Minna, Murtala Muhammed International Airport, Ikeja, Port Harcourt, Sokoto, Yola and Zaria.
(Additional contributions by Federal Airports Authority of Nigeria)

CHAPTER TWO

A FLIGHT GUIDED BY RULES

ENGR. FIDELIS ONYEIRIRI
Director General,
Nigerian Civil Aviation Authority

It is considered a great privilege and honour to be called upon to present this paper on the above subject and also being part of this epoch-making book on 80 years of Aviation in Nigeria: A Flight Higher.

Let me first commend the effort of the publishers of this book, their initiative and creative ingenuity on a subject of this nature. It is indeed a technical area to explore in the history of book publishing in Nigeria.

It is a Herculean task to be saddled with a statutory responsibility of creating and at the same time regulating standards for practically every sector of the aviation industry.

Though the aviation industry is highly technical, sophisticated and dynamic, it quite requires the collaborative efforts of all stakeholders complementing the efforts of the Nigerian Civil Aviation Authority (NCAA). Just like the Nigerian economy is widely considered to be a developing economy, aviation industry in Nigeria is still at its development stage.

The level of aviation activities in the country is comparatively high on the African continent but considered low to most European and American countries.

As at today, our operators are losing a lot of revenue and are paying exorbitantly to get aircraft parts and components which are not readily available in the country. At times they have to put their Aircraft on Ground (AOG) for such parts and components to arrive, coupled with customs clearance delays.

This is because as the Apex regulatory body of the aviation industry in Nigeria, NCAA is saddled with the responsibility of enforcing compliance to safety rules, such as inspection, operations, certifications, licensing, monitoring and protection for the overall interest of operators, users of aviation services as well as the general public.

The Authority's operating principles, guidelines and standards are in tune with the International Civil Aviation Organization (ICAO) of which Nigeria is a permanent member.

"A Flight Guided by Rules" will not be a complete presentation without a brief highlight on the structure of NCAA. The Authority is endowed with some of the brightest and most experienced aviation professionals or better put, experts headed by my humble self.
NCAA is positioned strategically into directorates structure with the aim of realizing the vision and mission of the Authority.

There is the Directorate of Airworthiness Standards (DAWS), Directorate of Air Transport Regulations (DATR), Directorate of Aerodrome and Airspace Standards (DAAS), Directorate of Operations, Licensing and Training Standards (DOLTS), Directorate of Administration and Corporate Affairs (DAC) and Directorate of Finance and Accounts (DFA).

One of the key instruments of the Authority's regulations is the licensing or revalidation of licenses in which NCAA has successfully processed hundreds of licenses to various kinds of operators while many other applications are receiving attention.

Serving as an advisory body to the Honourable Minister of Aviation on issuance of Air Transport License (ATL) amongst others, NCAA also ensures that operators conform to regulations and standards in matters of Aircraft Type, Certification and continuing Airworthiness.

Other areas of the stride include the supervision and monitoring of the rehabilitation works on the runways of our airports more especially the just concluded runway at the Mallam Aminu Kano International Airport, the extension of the Yola Airport as well as the oversight of the design, construction and commission of Escravos Airfield in Delta State.

Furthermore, NCAA mandates NAHCO, SAHCOL, and NIPOST to produce cargo x-ray machines for the screening of all cargoes leaving by air.

'A Flight Guided by Rules' is an achievable feat of devotion, efficiency and sincerity of purpose are anything to go by. This is why NCAA has maintained a track record in regulating and monitoring air transport industry in the last five years of its existence, ensuring compliance with safety standards as stipulated by ICAO.

Established by Decree 49 of 1999 and commenced operations 1st of January 2000, the Authority has recorded some level of achievements in the area of the day to day management and execution of its oversight functions. These include:

1. The successful review of the civil aviation (Air Navigation) regulations using internal expertise, local and foreign consultants – Sabre Consulting Group and Aero Consult respectively.
2. The development of the Nigerian Civil Aviation Requirements (NCARS) based on the operating regulations through the European Joint Aviation Requirements (JARS) as directed by the Nigerian Civil Aviation policy 1999 in all areas of safety regulations specifically:
    a. Aircraft Certification
    b. Personnel licensing and training
    c. Certification of operations and
    d. Approval of Aircraft Maintenance Organization.

NCAA has reviewed and upgraded inspector's guidance materials in form of Handbook Checklist to ensure standardization of inspection procedure based on the ICAO requirements.

It has reviewed Air Transport (licensing regulations) while work is in progress with respect to regulation pertaining to Aerodrome and Airspace Standards and Licensing. NCAA is focusing on this area to enhance its safety inspection.

NCAA has completed certification/recertification of all commercial operators for the grant/re-issue of Air Operator Certificate (AOC) and appropriate operations specifications which has been done before. The Authority has satisfactorily conducted manpower recruitment, training and development with highly experienced professionals from local and international sources.

For safety of the consumers, the Authority has completed and presented to the public the following:

1. The Air Travelers Guide
2. The Consumer Digest
3. Suggestion Boxes and;
4. Air Navigation Regulations (ANR)
5. Nigerian Civil Aviation Requirements (NCARS).

The Authority has positioned itself appropriately for the task ahead, resolving not to relent in ensuring that all stakeholders operate in accordance to the rules, thereby guaranteeing smooth, efficient, courteous and safe flight operations in and out of nation's airspace.

It is the projection of NCAA to attain ICAO highest status as well as the American Federal Aviation Administration (FAA) category 1 in its International Aviation Safety Assessment (IASA) programme soonest, to enable the Nigerian registered aircraft fly directly to the United States of America. The achievement of this will be an added impetus to the Open Skies Agreement and Liberalization stance of the current government.

NCAA also has its future target that is the resumption of full navigational aids, flight inspection and surveillance/calibration activities as well as full commercialization of the Authority's NAFIS unit and also has a pool of well-trained up to date aviation personnel.

On the whole, the Authority had within the short time of existence, demonstrated that safe skies are attainable once there is the commitment. NCAA has also vowed to achieve this laudable objectives and ensure that we have a civil authority that ranks among the best not only in Africa but across the globe.

The fact that the Nigerian Government has been entering into various agreements like the Bilateral and Multilateral Air Service Agreement, Open Sky Agreement etc. all with intrinsic and accompanying pressure on the industry, makes the need for 'A Flight Guided by Rules' no more a child's play.

Surveillance and audit inspection are being conducted on the stakeholders regularly to ensure the maintenance of standards with which they were certified by NCAA.

NCAA itself is regularly audited by ICAO to ensure that the safety oversight duties are carried out to the international standards. In summary, NCAA has a task of policing the aviation industry with enabling laws and empowerment that will aid enforcement of compliance to the rules, so as to ensure not only safety, but also protection of the service providers, consumers of aviation services and the Nigerian economy in general.

CHAPTER 3

Airspace: An Interactive Environment

Emperor O. Onasanya
Managing Director/Chief Executive
Nigerian Airspace Management Agency, (NAMA)

Background
Aviation took off in Nigeria with a flight that landed at Kano polo field in 1925. However, commercial aviation did not become a reality until a decade later, in 1935, with the operation of Imperial Airlines between Colonial Nigeria and the UK. The development of the sector continued with the establishment of British Overseas Airways Corporation, BOAC and later, West African Airways later came into existence at independence and was therefore the first Nigerian owned airline.

The air navigation sector was initially under the charge of the Civil Aviation Department, CAD, which was later incorporated into the Federal Ministry of Transport.

As the level of traffic grew and airports were built a lot of resources was committed in these two sectors. Therefore, while expenditure grew on the increase of air fleet of the Nigeria Airways and more airports built across the country, there was no corresponding investment in the procurement of navigation facilities and other air navigation infrastructures.

Thus, the general condition of the sector was unsatisfactory. Navigational aids were obsolete and far between. The communication facilities were erratic and unreliable, especially as they were based on HF mode. Surveillance equipment was installed in six airports in the late 70s but down few years later due to lack of regular maintenance occasioned by lack of spare parts. The situation was compounded by lack of suitably and adequately trained professional and technical personnel.

In order to address these problems among others, the government established the Federal Civil Aviation Authority, FCAA in 1989. This body was scrapped in 1995 and merged with the Nigerian Airports Authority, NAA to establish the Federal Airports Authority of Nigeria, FAAN. This arrangement went against the International Civil Aviation Organization, ICAO's recommendation, which emphasized the separation of service provision from regulation.
Thus, this anomaly was resolved with the establishment of Nigerian Airspace Management Agency, NAMA to tackle all the problems associated with the Nigerian air navigation sector.

Introduction

The Nigerian Airspace Management Agency (NAMA) was established by Act No. 48 of 1999 to develop the Nigerian Airspace to a level consistent with the recommendation of the ICAO. It is the country's air navigation service provider, and its mission is "Commitment to the provision of safe, efficient, effective and economic air navigation services".
Our vision is to assure the safety and economic well-being of all airspace users.
The Agency, established to address decades of neglect in the air navigation sector of the industry, came into full operation in January 2000 with the determination to make the Nigerian airspace rank among the safest in the Africa-Indian Ocean Region and eventually, the whole world. NAMA is decreed as a body corporate with perpetual succession and common seal.

Objectives

In order to achieve its mission, the Agency has set for itself the following objectives:

- To continue to provide safe and functional air navigation services that will meet international standards.
- To increase ATC capacity in order to manage the increasing air traffic volume and simultaneously reduces delays.
- To enhance the service quality.
- To reduce cost for users.

Functions

The basic functions of the Agency are as follows:

I. To provide air traffic services, including air traffic control, aeronautical telecommunications, visual and non-visual aids and electricity supplies relating to thereto, to enable public transport, private business and military aircraft fly, as far as practicable and possible.
II. To generally secure the safety, efficiency and regularity of air navigation.
III. To require persons engaged in, employed in or in connection with air navigation to supply meteorological information for the purpose of air navigation as might be deemed appropriate from time to time.
IV. To provide adequate facilities and personnel for effective security of navigational aids outside the airport parameters.
V. To procure, install and maintain adequate communication, navigation and surveillance and air traffic management facilities at all airports.
VI. To ensure an effective co-ordination in the use of the Nigerian Airspace in line with established standards and procedures.
VII. To hold meetings with the armed forces on Nigeria's international obligations as they relate to civil and military coordination.
VIII. To maintain permanent liaison with the civil air traffic services units and relevant air defense units in order to ensure the daily integration or segregation of civil and military air traffic operating within the same or immediately adjacent portions of the Nigerian Airspace employing civil or military radars as necessary.
IX. To obviate the need for civil aircraft to obtain special air defense clearance
X. To take necessary steps to prevent as far as possible, penetration of controlled airspace by any aircraft, civil or military, without co-ordination with the air traffic control unit concerned
XI. Undertake systems engineering development and implementation for Communication, Navigation, Surveillance and air traffic management.
XII. Charge for services provided by the Agency.
XIII. To co-ordinate the implementation of Aeronautical search and rescue services, and
XIV. To discharge the operational, technical and financial air traffic service commitments arising from Nigeria's membership of international organizations and other air navigation agencies.

Nigerian Airspace

The Nigerian Airspace dimension covers the land territory of Nigeria and her territorial waters. It extends upwards from ground level to infinity. The entire airspace is referred to in the aviation world as the **Kano Flight Information Region (Kano FIR).** It is sub- divided into two; North and South. The southern part is called Lagos Sub FIR.

Considering that the Kano FIR is quite large, it has been divided into two by a line drawn from a point on the Kano/Accra FIR boundary (1000N 03335E) to a point 0800N 0800E and then to

a point on the Kano/Brazzaville FIR boundary 0800N 1208E.Thus, the area north of the line is the responsibility of the Kano Area Control Center (Kano ACC) while the area south of the line is the responsibility of the Lagos Area Control Center (Lagos ACC). Area Control Service was introduced in Nigeria on the 15th of June 2001 in Kano and later in Lagos on 15th September 2002.

Airspace Management

Airspace management is the efficient management of airspace among the many users, both civil and military. It involves allocating airspace to the many users of the airspace as well as the segregation that would best provide air traffic services.

Requirements in Air Traffic Management

The International Civil Aviation Organization (ICAO) has clearly stated that, in the establishment of Air Traffic Management (ATM), ‘’States should aim to promote flight safety, provide sufficient capacity to meet normal traffic demands, ensure maximum utilization of airspace, ensure compatibility with international developments and balance the legitimate, but sometimes conflicting requirements of all users.”

Basically, therefore, provision of an efficient ATM necessarily entails the provision of: -

a) Navigational guidance to aircraft along designated routes and while operating on ground,
b) Weather reports to prevent aircraft operating in dangerous or uneconomical conditions,
c) Instructions, advice and information essential for safety and efficiency of flight,
d) Search and Rescue Services,
e) Updated status reports on services, facilities and specific system components,
f) Adequate room for military operations such that civil aviation would not be impeded.

These requirements are largely achieved by government, aviation agencies and airlines through diligent compliance with the ICAO Standards and Recommendation Practices.

The Current Role of Technology in Airspace Management

For very long-time aviation communication was largely based on HF radio transmission. While this mode was relatively less costly and provided means of communication for a longer range, it nevertheless had its shortcomings. Some of these disadvantages include weak output often resulting in difficult or poor communication, which in turn has the potential of creating safety hazards in air navigation. This and other negative reasons compelled the use of VHF radio frequencies for air-ground communication. This is more reliable as it is based online- of- sight transmission and the output is almost always clear and unaffected by frequent interference by other stations. It is gratifying to note that since the establishment of NAMA four years ago about ninety percent VHF coverage has been attained in the national airspace.

This has further been enhanced by the application of satellite technology in the national communications system. This technology was provided by the European Union as part of its technical assistance to Sub Saharan African countries with a view to upgrading the communication infrastructure in the service of aviation in the region.

In the area of navigation also, it must be said that the sector was at a time characterized by poor state of navigational aids in the country. They were mostly unserviceable or operated in an erratic manner and hence unreliable for safe air navigation.

This has however changed in the last few years especially since the establishment of NAMA. The obsolete and ancient generation of navaids has been replaced with new and modern generation navigational aids including the landing aids. These have been installed all over the country and are calibrated and maintained regularly by our local maintenance engineers. This has consequently enhanced safety and efficiency of flight operations and has raised the safety level of Nigerian airspace in aviation world.

In surveillance, the late seventies and early eighties witnessed the massive procurement and installation of terminal approach radar facilities in six airports in the country. Due to inadequacy in the maintenance of the equipment in terms of regular supply of spare parts and the training of the maintenance personnel, the radar stations became unserviceable one after the other. It was only about four years ago that Lagos and Abuja radar were refurbished and brought into use for the purpose of providing standard separation between aircraft in these busy terminals.

New ICAO CNS/ATM concept

The CNS/ATM system is the application of advanced digital and satellite-based technologies to enable a seamless air traffic control system globally. We shall now proceed to make a brief description of the future air traffic management scenario that should come on stream in Nigeria. Thereafter we shall look at the 'CNS' part expected to make possible the new ATM concept.

Air Traffic Management

The application of suitable 'CNS" technologies would enable a better restructuring of airspace to achieve enhanced safety, efficiency, capacity and without any significant negative impact on the environment. The Nigerian ATM system was greatly rejuvenated by the establishment of Area Control Centers in Kano and Lagos airports in the last four years. This has led to the establishment of Airways in place of erstwhile Advisory routes leading to the provision of positive Air Traffic Control instructions to flights within larger portions of Nigerian airspace. With centralized control, coordination becomes easier and delays are therefore minimized.

In addition, a well-equipped CNS would enable ATS authorities to apply less stringent separation minima arising out of the enhanced system accuracy and precision. For instance, the new concept of Reduced Vertical Separation Minima (RVSM) would be feasible and applied. RVSM prescribes that above FL290 (29,000ft) vertical separation be reduced to 1000ft instead of the current 2000ft. This would lead to the gain of more flight levels by aircraft resulting in increased capacity of airspace, which will lead to possible elimination of delays to traffic.

Furthermore, an efficient CNS would enable the reduction of frequency spacing between adjacent VHF radio frequencies resulting in more frequencies becoming available for use. This reduces interference on frequencies and also enables creation of new sectors in Area Control Centers.

NAMA, fully conscious of the fact this fundamental change is only going to be successful with a well-trained and re-oriented human resource has embarked on the training of its technical staff on this new concept. Our staff have attended a number of courses on this and related subjects like GNSS locally and abroad. Effort would be intensified to train more staff in order to prepare them for the new environment within which they would be operating in the future.

Communication

In this new concept, global satellite data would be the main means of communication even though voice and HF may be maintained during the transition period. VHF data/voice would

be used in continental and terminal areas. The backbone of the system shall be the Aeronautical Telecommunication Network (ATN), which will enable exchange of digital packaged data between end users over dissimilar air-ground and ground-ground communication links.

This would be further enhanced by the completion of the VSAT project currently being processed by the Agency. VSAT is expected to be the primary means of providing such vital services as ATS/DS, AFTN/ATN, NOTAM dissemination etc. It would also enable other telecommunication services such as internet and the nation- wide Local Area Network by which means normal administrative functions could be undertaken

Under this project, two nodal stations would be installed and commissioned in Kano and Lagos while other satellite stations would be installed in Kaduna, Yola, Minna, Calabar, Enugu, Benin, Owerri and Ibadan airports. VSAT would facilitate positive connection between these stations and their respective parent Area Control Centres.

Navigation
The current VOR-based navigation system will give way to that based on the satellite. Thus, Area Navigation (RNAV) routes and other GPS routes would be developed to replace existing ground-based airways/routes. Furthermore, Global Navigation Satellite System (GNSS) would guide aircraft movement including precision and non-precision landing approach procedures including SIDs and STARs for Port Harcourt International Airport were flight-tested and certified for use by the ASECNA calibration crew. Similar GNSS procedures have been developed for eight other airports in the country and would be flight-tested in April 2005. They would be subsequently published on test basis for the use of approximately equipped aircraft.

An obvious implication would be the gradual phasing out of navigation/landing aids which will then reduce operational costs to air navigation service providers.
Infact, in 2002, NAMA in collaboration with ASECNA, conducted EGNOS test bed trials in Lagos, Kano and Port Harcourt airports to determine the level of accuracy and strength of the Global Satellite System (GPS) signals in precision approaches. The test was successful and further confirmed that with more work on the technical standards, aircraft could carry out precision and non-precision approaches based on satellite.

Surveillance
The main source of surveillance has, for long, been the primary radar until the new concept. Under the proposed arrangement, the SSR mode S will be used in very busy airspaces and at terminal areas. In addition, the Automatic Dependent Surveillance (ADS) would be put to extensive use in all areas and at all times. It is equipment that allows transmission of identity and position through a broadcast mode data link. It is, of course, automatic and continuous and thus needs no interrogation. Those who are concerned could access it easily.

While talking about this issue, it should be stated that NAMA has recently signed an agreement with a French based company that will implement the Total Radar Coverage of Nigeria Project (TRACON). This new system will be equipped with other value-added facilities that would generally enhance quality of surveillance. The end of the project would have covered the whole of Nigeria airspace by Radar thereby enhancing safety and security of our airspace.

Conclusion

It is a fact that the aviation industry is a creation of science and technology. It is the result of man's ingenuity and dream of flying around the space like birds and has continued to inspire awe in the public especially in the developing countries.

The past 80 years have witnessed a phenomenal growth in the volume of traffic and remarkable improvement in the aircraft performance. Everyday new milestones are being recorded in the industry. In air traffic services, simple traffic and visual signals gave way to voice communication and now digital communication through the use of satellite technology. This trend would certainly continue as efforts are constantly made to enhance safety and efficiency of operations.

Nigeria can venture into the development of appropriate technology in this sector and reap the immense rewards that would assuredly accrue to the nation and individuals.

The Nigerian aviation industry would equally make a phenomenal leap, as it does not have to depend wholly on foreign countries for its technology demands in the air navigation and airline sectors. Agencies like NAMA and other service providers would save a lot of funds that would likewise have been expended in the order of equipment from abroad. The resulting savings would be available for investing in other vital sectors of operation for the overall development of the system.

It is a challenge that has to be accepted sooner than later if the Nigerian aviation industry is to take its rightful place of being a catalyst for social and economic development of the country.

CHAPTER 4
A Lesson in Aviation

ENGINEER FOLASADE ODUTOLA
Rector, Nigerian
College of Aviation Technology, Zaria

Brief History of the College

The Nigerian College of Aviation Technology, Zaria (formerly known as Nigerian Civil Aviation Training Centre) was set up by Act No. 31 of 1964 (as amended) to conduct:

- Civil Aviation courses for use in flight training or airport operations and management as may be prescribed from time to time.
- Training of approved persons in the installation, maintenance and operation, as the case may be, of technical equipment, the use of which is calculated to increase the margin of operational safety of civil aircraft services.
- Training on equipment and necessary facilities for technical research or normal use by approved persons at the College as may be authorized or allowed by the Board of Governors.

The idea of a centre for aviation training in Nigeria was first mooted at an International Forum - the 12th International Civil Aviation Organization (ICAO) Assembly, held in San Diego, California, USA, in 1959. The Federal Government of Nigeria then formally requested the United Nations Development Programme to appoint an expert to assess the actual requirements for the setting up of a Civil Aviation Training Centre in Nigeria.

The report of the project was approved in 1963, and a bill establishing a Centre for Civil Aviation Training at Zaria, Nigeria was passed by the Federal Legislature on 29th September 1964, and signed into law on October 23, 1964. The Centre was established as a joint programme between the Federal Government of Nigeria (FGN), the United Nations Development Programme (UNDP), and the International Civil Aviation Organization (ICAO). This joint programme of assistance from the UNDP and ICAO came to an end on 31st December 1974 when the Federal Government of Nigeria assumed full responsibility for the continued management of the College.

In 1977, the Board of Governors of the College recommended to the Federal Government a change of name from *Nigerian Civil Aviation Training Centre (NCATC) to Nigerian College of Aviation Technology (NCAT)*, in anticipation of expansion of training and related activities. Official approval for this did not come until 1986, when the Government issued a White Paper on the "Report of the Fact-Finding Panel into the Activities of the Civil Aviation Department in the Federal Ministry of Aviation." The change of names was reflected in Decree No. 42 of 1990.

NCAT is a Civil Aviation Training Organization with four co-located training schools which are the:

- Flying School
- Air Traffic Services and Communication School
- Aircraft Maintenance Engineering School and
- Aeronautical Telecommunication Engineering School

Courses Available In The College Flying School

- Standard Pilots (SP) Course
- Commercial Pilot License (ground studies)
- Airline Transport Pilot License (ground studies)
- Instrument Rating
- Multi-Engine Rating
- Night Rating
- Private Pilot License (ground studies)
- Private Pilot License Flight Training
- Flight Operations/Flight Dispatch (Basic and Advanced)
- Airline Cabin Crew (ab-initio and Refresher)
- Aviation Meteorologist
- Abridged Courses (PPL, CPL)
- Environmental Orientation Course for Foreign Pilots

Air Traffic Services and Communication School

- Standard Air Traffic Control Course (SAC)
- Air Traffic Control Assistant Course (ATA)
- Aviation English Course (AVEL)
- Air Traffic Control Refresher Course (ACRF)
- Aeronautical Radio Communications Course
- Advanced Communication Officer's Course
- Radio Telephony Operation Course
- Advanced Radio Telephone Operation Course
- Aeronautical Communications Services Supervisor
- Communication Centre Management
- Aeronautical Communication Officer Researcher
- Airport Telephone Operation and Billing Course
- Terminal Radar Course
- Air Traffic Orientation Course (ACOC)
- Area/Control Course
- Aeronautical Information Assistant Course
- Aeronautical Information Officer's Course
- Government Aviation Assistant Course
- Government Aviation Operation Officer's Course
- Aviation Security Course
- Base Operations Course
- Reduced Vertical Separation Minima (RVSM)
- CNS/ATM Concept and Operations
- Search and Rescue Mission Coordination (SARMC)
- Aviation Security Management (AVSEC.M)
- Airline Security Programme

Aircraft Maintenance Engineering School

- Aircraft Maintenance Engineering Course (Airframe & Power Plant)
- Abridged Aircraft Maintenance Engineering Course (Airframe & Power Plant)
- Aircraft Maintenance Engineering Course (Electrical and Instruments)

- Abridged Aircraft Maintenance Engineering Course (Electrical and Instruments)
- Basic Technicians Certificate Course
- License Preparation Course
- Intermediate Technician Certificate Course
- Aircraft Maintenance Engineering Special (Certificate Course)
- Gas Turbine Engine Modular Course (GTE)
- Pressurized Airframe Structure Course
- Wheels and Brakes
- Direct and Remote Reading Magnetic Compass Course
- Digital Electronics Logic Techniques
- Flight Path and Air Data Computation
- Maintenance Organization and Regulation (Air Legislation Ethics)
- Type Course with Loggings
- Human Factor in Aircraft Maintenance Course

Aeronautical Telecommunication Engineering School

- Very High frequency Omni directional Range (VOR)
- Distance Measuring Equipment (DME)
- Instrument Landing Systems (ILS)
- Non-Directional Beacon (NDB)
- Digital Techniques (DGT)
- Solid State Application (SSA)
- Digital Techniques (DGT)
- Radar Head Maintenance (RADH)
- Radar Processor and Display (RAD-P)
- Computer Principles (COMPT-P)
- Radar Head Printed Circuit Board Maintenance (RAD-PCB)
- Radar Display Printed Circuit Maintenance (R ADD-PCB)
- Aeronautical Telecommunication Orientation and Facilities
- Computer Appreciation and Application
- Satellite Communication
- Radar Head Refresher
- Radar Processor and Display/Processor
- Air Navigation Systems Management
- CNS/ATM Concept
- Computer Systems Appreciation and Application
- Computer Maintenance and Repairs
- Aeronautical Telecommunications Engineering Diploma
- Communication Systems Maintenance
- Navigation Aids Systems Maintenance
- Surveillance Systems Maintenance

Training Coordinators Office

- Air Transport Economics
- Air Transport Planning, Operations and Management
- Advance Air Transport Planning, Operations and Management
- Executive Air Transport Planning, Operations and Management

Notable Graduates of the College

Alhaji Ibrahim Auyo

Alhaji Auyo joined the Civil Aviation Department (CAD) of the then Federal Ministry of Transport in 1968. He was programmed for and attended the Standard Air Traffic Control Course No 2 (AC-2) from 1969 to 1971. He served in many professional capacities under the CAD, the defunct Federal Civil Aviation Authority (FCAA) and rose to the rank of Director, National Air Traffic Service (D. ATS) under the Federal Airports Authority of Nigeria (FAAN). With the creation of the Nigerian Airspace Management Agency (NAMA) in 1999, Alhaji Auyo was appointed its pioneer Managing Director/Chief Executive Officer, the position he held until retirement in July 2001.

Alhaji Ibrahim Auyo now serves with the International Civil Aviation Organization (ICAO) Regional Office in Dakar, Senegal as Regional Officer, ATM/SAR.

Captain Augustine Okon

Captain Okon was admitted into the College in 1969 as a student on the Radio Maintenance Engineering Course No. 3 (Re-3). While on the RE course, Captain Okon found time to fly, hence in 1971, as he was graduating from the Radio School (now ATE School), he was also clutching a Private Pilot's License (PPL).

He proceeded thereafter to Holland for a course in Simulator Instructing. As usual, he again scored another double by obtaining his Commercial Pilot's License and instrument ratings within the time he was programmed simulator training.

Captain Okon has a very extensive flying experience, moving from Mobil Oil Nigeria Limited to Nigeria Airways and intermittently the Cabinet Flight now called the Presidential Air Wing. He was for a number of years the Secretary of the Nigerian Pilots Association and later became President.

Captain Okon founded the Aviation Development Company (ADC) in 1984 and Fresh Air later in 1998. He was appointed Chairman of the aviation sub-committee of the "Vision 2010 Committee set up to provide a vision for the Nigerian Aviation Industry. It is on record that the idea of Aviation Policy and its regular reviews is one of the outcomes of the Vision 2010 committee's work.

Captain Shehu Usman Iyal

Born in Zaria City about 50 years ago, Captain Shehu Usman Iyal had his early education at St. Paul's College, Wusasa, Zaria.

Captain Iyal proceeded to the School of Basic Studies, Ahmadu Bello University (ABU), Zaria, from where he joined the Nigerian College of Aviation Technology. He worked with the accounts department before moving to the Flying School as a student. He proceeded on College sponsorship to Bedford, England, where he obtained Assistant Flying Instructor Rating (Procedures) in 1982. Two years later, he left the College for the Air Wing of the Nigeria Police Force. After extensive training in Europe and America, he was appointed Pioneer Commander of Air Border Patrol Unit in 1987.

In the mid 90's shortly after graduating from London Business School (where he studied Aviation Management), he was seconded to the Office of the National Security Adviser (NSA) in the Presidency. While serving as the Managing Director/ Chief Executive Officer of Afri-Air, a Charter/Aviation Handling Company, he was beckoned to take charge of flight operations in the campaign train of President Olusegun Obasanjo in 1998. After the electoral victory of President Obasanjo, he was appointed as the Special Assistant to the President on aviation matters, and later promoted to the position of Senior Special Assistant in December 2002. He is married with children.

Mr. Amos N. Okwo
Mr. Amos Nnamchi Okwo, a physics graduate of the University of Lagos was recruited in July 1977 as Air Traffic Control Cadet by the Civil Aviation Department (CAD) by the then Federal Ministry of Transport and Aviation. He was a member of the Standard Air Traffic Control Course No. 10 (AC-10) between 1977 and 1978.
He has served in various capacities in his 27 years in the industry, through the transition of the Civil Aviation Department to the Federal Civil Aviation Authority, to the part of which was later merged with the Federal Airports Authority of Nigeria and now the Nigeria Airspace Management Agency (NAMA). He was the Airspace Manager for Port Harcourt Airport, and also served as an Instructor to the College on secondment for a total of 5 years (1990 - 1993 and 1997 - 1998). He is currently director of Air Traffic Services, NAMA Headquarters, Lagos.

Engr. Fidelis Chukwuemeka Onyeyiri
Born on 29th July, 1948, Engr. Fidelis Chukwuemeka Onyeyiri was in the service of the Nigeria Airways from 1969 to 1995 after graduating from NCAT. There he rose from the position of a line maintenance engineer to the rank of Deputy Director (Engineering Planning). After his employment in EAS Airlines from 1995 to 1997, he was recalled from retirement in 1997 to join the Directorate of Safety Regulation and Monitoring (DSRAM) which was then a regulatory arm of the Federal Ministry of Aviation, which formed the framework of what became today's Nigeria Civil Aviation Authority (NCAA).
In NCAA, he was an Assistant General Manager (Airworthiness Approvals) from July 2001 to June 2002. Director Airworthiness Standards from June 2002 to October 2003. Presently, he is the Director General of the Nation's aviation regulatory body (NCAA), a position he has held since November 2003.

Contribution to the Industry and Future Programmes
Status quo is virtually an unknown concept in aviation, more than other types of training, due to the dynamism of its technology.
Since its inception, NCAT has played an important and unique role in the aviation industry especially in training qualified Pilots, Engineers, Technicians and Air Traffic Controllers.
An estimated 60,000 personnel have been trained so far. Success in aviation requires commitment to excellence and the discipline to avoid unsafe practices or habits. This has been the watchword of the College.

With Aviation education on her mind and desire to remain a leading aviation training institution on the continent, the College is breaking new grounds in the area of Aviation Management. Courses proposed in this area amongst others are:

- Post graduate Diploma in Aviation Management
- Post graduate Diploma in Air Transport Management
- Post graduate Diploma in Maintenance Management

This educational programme is designed to provide personnel with the knowledge, skills and abilities to enable them to make significant contributions to the aviation field.

Plans are underway to upgrade the College to a degree-awarding institution.

CHAPTER 5
Emergence of the Private Airlines: A Case Study of Okada Airlines

DR STEVE MAHONWU
Chairman, Airline Operators of Nigeria

Introduction and Genesis

Over 20 years ago, aviation industry in Nigeria was on the verge of collapse when an entrepreneur of no mean order, Chief Gabriel Osawaru Igbinedion decided to invest in it.

Studies showed that with good management, the investment will not only prosper but the travelling public will benefit from the facility. This gave birth to Okada Air Limited.
The Okada Airline, initially operated as OGI Nig. Ltd., with its incorporation on October 13, 1981. It operated non-scheduled passenger and cargo air charter services. The first ever aircraft owned by the airline was a seven-seater Hawker Sidney- 125 with Nigerian Registration No. 5N AOG. It was first flown by one Captain Robert Ogden, a British national. With the success made of the single aircraft, coupled with the increasing demand for the services of the private operator, a fleet of British Aerospace aircraft BAC 1-11 were added two years later.

Okada Airlines Ltd. was incorporated on October 13, 1983 as a Limited Liability Company for the purpose of operating non-scheduled passenger and cargo airline charter services. The Operations were so dependable and safe that passengers came to know the service as "regular passenger service" as distinct from "scheduled passenger service" which license can only be granted by the Ministry of Aviation.

With five additional aircraft with Nigerian Registration Nos. viz.: 5N-AOR; 5N-AOZ; 5N-AOK as well as 5N-AOG, the airlines operated the following routes: -

LOS/BNI/LOS
LOS/PHC/LOS
LOS/ENU/LOS
LOS/CBQ/LOS

1. Evolution of Jet Aircraft

Jet aircraft were relatively new on the domestic air space in Nigeria. The expatriate pilots on lease from Aer Lingus did some good job to popularize the aircraft. The activity of Okada Airlines heightened interest in air transportation so much so that capacity was less than the demand. The ground was therefore ripe for further expansion. The airline then went ahead to increase its fleet and soon had -
Eleven (11) BAC 1-1T with Rolls, Royce Spec Engines.
One (1) DC 8
Two (2) Boeing 707 Cargo Aircraft with JT 8D engines
One (1) French Caravelle 6N with 'Avon' engines
Two (2) HS- 125 with Viper Engines.

With the fleet growth came the staggering and prohibitive yearly maintenance costs. In consideration of this, the Airline opined that unless hangar facility was available locally, the gains in growth would be wiped out by costs which involved foreign exchange. As if to worsen the condition, aviation fuel price had begun to go up while fares remained relatively low. It was, therefore, decided to develop a hangar facility for in-house maintenance and safety of the

fleet. Okoda Airline now has an operational hangar facility in Benin City, reported as the largest and most up -to-date privately owned in Africa, South of the Sahara.

Meanwhile, the Nigerian Aeronautical Authority which, monitoring Okada Airlines' operation was convinced that it has come of age. In 1988, Okoda Air was granted the Scheduled Carrier Status by the Civil Aviation Authority. Furthermore, it was given access to international routes. This ACCESS has since the year, 1992 been changed to PERMISSION and license to operate scheduled services on international routes under the terms of the various Bilateral Air Services Agreement which Nigeria has entered into with UK government. The permission and license so granted are informed not only because of the proven competence of the Airline but because of the perennial rush and humiliation of the travelling public as a result of shortage of equipment. In order to attack frontally this perennial problem of under capacity, Okada Airlines beefed up its fleet to thirty-two (32) aircraft and poised to exploit the international route, before it started to suffer sabotage.

2. International Operation

The maiden international flight to London took place on July 10, 1992. Okada then introduced a new type of aircraft, the B747. The response to the invitation to "Okada friends" to participate in the maiden flight was overwhelming. Not only that every person invited accepted, more than 300% (three hundred per cent) of the original number of persons invited applied to participate. This number is only an indication of the number wishing to travel but unable because of the limited capacity in Nigeria. With Okada Airlines on the international route, the number of airlines was three out of Nigeria against over eight foreign airlines, including mega carriers operating into Nigeria. With good connections and appropriate commercial agreements with other airlines, there was no doubt that Okada Air was poised to break new grounds. On the domestic route, Okada Air operated into all the functional airports nationwide, including Lagos, Port Harcourt, Kano, Jos Abuja, Enugu, Calabar, Benin, Kaduna, Maiduguri, and Yola.

Okada has made the progress through the foresight of the Board of Directors, the dynamism of the management and dedication of the professionals. The Okada Group had a total staff strength of 5,000 (Five thousand of varying cadres) including Pilots, Engineers and Technical Crews, Cabin Crew, Ground Staff etc.

With the commencement of our problems and troubles orchestrated by the sabotage of our engines both from within and without by some hired elements at the instance of our enemies, our staff position was down from 5,000 men and women to 1,000 as at 1999. But the current management has adjusted its loin and poised to correct any error to enhance sustainable revival of our operations and reposition a new Okada Air in Nigeria to take over its original and esteemed position in Nigeria aviation.

As we record the role of Pilots from the U. K. at the take-off of the airlines, it must be recognized with pride the contribution of all engineers, pilots who under rain and sun; thick and thin; strove to keep Okada Air flying. With a history of performance on the domestic scene and the international route yawning for salvage operation, Okada Air new international venture is poised to bring dependable service to the flying public.

3. Airlines in Developing Countries

Airlines in developing countries, be they owned by the government or private enterprise, should be geared to operate on sound business principles in any worthwhile business activity. The airlines' success is a motivating force that brings a sense of achievement to personnel and satisfaction to customers and other persons associated with the undertaking; all of which; individually and collectively; add to all round prosperity; failure, on the other hand, frustrates

everyone. And everything practicable should be done to prevent developing countries' airlines from dismal prospects despite the pressures imposed by a worldwide depression in economic activities and every increasing cost particularly in fuel, and in capital.

Airlines operating international routes could and should be a source of scarce foreign currency directly and by promotion of tourism. At least they should reduce the drain of foreign exchange to foreign airlines. Thus, a successful airline is a key resource for a developing country. It is an instrument of national pride and source of prestige to the citizenry. An unsuccessful airline is a lost opportunity and can turn into a real liability. Airlines of developing countries have to face established foreign carriers as competitors for market share, customer service and for operational competence.
The established airlines may have a wide range of routes and route rights and be able to afford and defend them. Nevertheless, a carrier which does not meet national balance of payments and foreign exchange requirements by obtaining a good share of the market runs the risk that government will license new carriers to compete with it, or even withdraw its routes license altogether.

4. Okada's Strategy

In Okada Air, they will exist within the Airline itself to achieve the goals set for it. We would like to establish with the government the real benefits a private airline operating international routes can confer, namely the improved communication and foreign currency balance. National identification will encourage such development and Okada would work to ensure that others outside the airline including the airport and customs authorities are motivated to facilitate the airline activity rather than develop as a stifling bureaucracy.

Very importantly, national identification makes the airline "first choice" for its own national and can make it "first choice" for visitors to Nigeria. Presently, Nigeria Airways has not been able to compete against the foreign airlines for several reasons known to government, likely lack of equipment etc. They have lost the market to the competing foreign airlines such that while all the foreign airlines are flying with full load and overbooked for months ahead Nigeria Airways, the national flag carrier is flying empty or with VIP families with complementary tickets. Worst still most of the passengers flying on these foreign carriers from Nigeria to Europe are Nigerians. The new exploit by British Airways and Virgin Atlantic will convince any doubting fellows. Okada Air will surely reverse this situation. We have previous impact on the domestic scene, and we can successfully carry it to international routes once permitted by government.
We at Okada have realized that the question of consumer satisfaction has become a political as well as a marketing factor in the airline operation. Therefore, we shall give the foreign carriers a good competition to secure the market share through the pursuit of excellence. The natural charm and hospitality of the Nigerian people would be reflected on board in the excellence of our cabin crew and superiority in flight service. Excellence, punctuality, good scheduling and the "Putting People First" campaign will bring the impact necessary for change. Every manager in Okada Air is a salesman, and courtesy is our second name.

Okada's traditional strengths of reliability, punctuality and safety will not be sufficient for us to project ourselves in the international scene, but our new priority would include:

- Punctuality and reliability
- Convenient departure time
- Helpful and friendly cabin executives
- Comfortable seats with plenty of leg room

- Friendly and helpful ground staff at check-in counters and sales offices
- Good in-flights meals,
- Modem Aircraft with the latest technology

Okada Air has put together a team; well lead with a top management which has a set of clear, sound, long term strategy. In each case, the cornerstone of this strategy is that management has identified the potential markets which are available and has made a decision regarding which of the potentially available markets it will exploit.

Basically, the essence of the marketing way of management in Okada is to identify our prospective customer, to understand his way of life and his turn of mind and then concentrate our productive and other resources on satisfying his needs at a profit.

5. International

International cargo charter services were operated to and from Europe, Middle East and South America using the Boeing 707 Cargo aircraft weekly till late 1996.
(This paper was a presentation for an application for designation on the international routes by Okada Air).

CHAPTER 6

Airlines' Operational Challenges

GABRIEL O. OLOWO fnim
Executive Director - Bellview Airlines Limited

Definition

Safety can at best be defined in relative and not absolute terms since the word safe simply means lack of risk.

Security is an act of unlawful interference such as to jeopardize air transport safety:
* aircraft seizure
* hostage taking
* forcible intrusion
* introduction of weapon or hazardous device
* communication of false information.

The Commander of an airplane has the ultimate authority to ensure the continued safe operation of the airplane.

Incident / Serious Incident / Accident

> Incident: Occurrence associated with operation not necessarily on board which could affect safe operations.
> Serious Incident: Accident nearly occurred.
> Accident: (a) Occurrence where people are fatally injured;
(b) Aircraft sustained damage or structural failure
(c) Aircraft missing or completely inaccessible.

Accident Data Worldwide:

An airplane is landing every two seconds (more than 49,000 flights per day).

> More than 3 million people fly each day.
> In 2000, 1.3 billion people flew on over 18 million flights (there were 11 fatal accidents involving large jet transport aircraft)
> In 2001, there were 7 fatal accidents during the first 11 months of the year (5 of the 7 were single fatality accidents)

In ranking:

> Landing
> Loss of control in flight
> VIP movement and frequent airport closures

Possible Reasons for Regional Differences

Infrastructure

- Air Traffic Control
- Navigation Aids
- Airport Equipment
- Weather Service

The Challenge

We need to continuously improve Aviation Safety.

ACCIDENT PER MILLION DEPARTURE

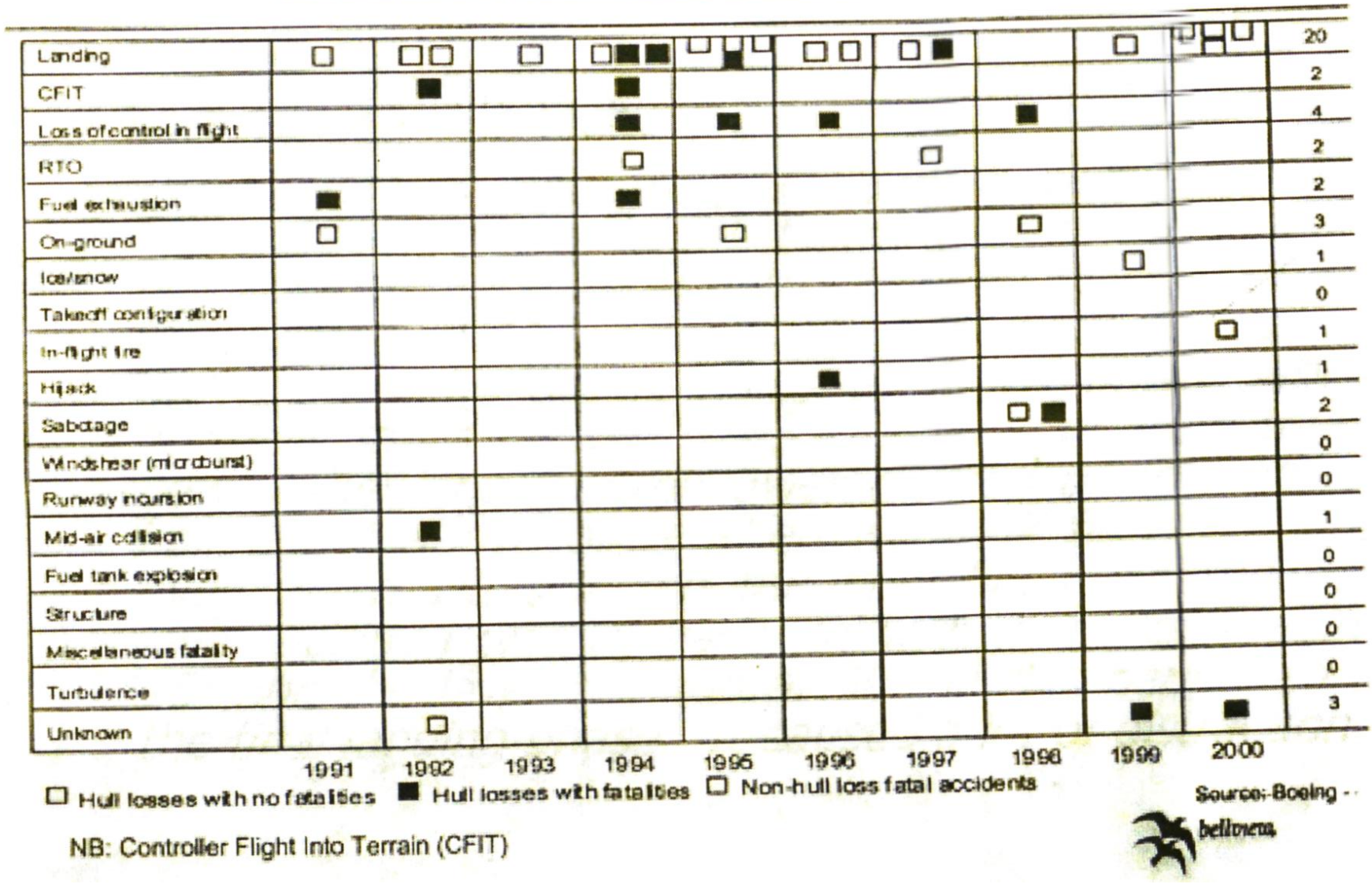
[1]Insufficient fleet experience to generate reliable rate.

Source: FAA K. Olsen

bellview

Possible causes of Accident

AFRICA – HULL LOSS AND FATAL ACCIDENTS



NB: Controller Flight Into Terrain (CFIT)

- Dispatch

Regulatory Oversight
- Aviation Law
- Regulation
- Personnel
- Resource Constraints

Accident Prevention and Flight Safety Programme
> Responsibility for safety rests with management or more of the following can lead to loss of control in flight:
- Morale in the company
- Human Factor emphasis (acute shortage, no graduate from NCAT for 15 years.)
- Crewing inexperienced Flight/Cabin Crew members.
- Incapacitation of flight/cabin crew.
- Crew Health precautions (Blood alcohol, sleep and rest, pregnancy, wrong meal, duty periods, etc.)
- Adequate Training on Dangerous Goods, and Weapons (Explosive, Corrosives, Organic Peroxide, Radioactive materials etc.)

Airports and Airspace
> Intensified acquisition of modem airport and air space equipment
. Security of Airports:
(a) Access Control Ramp Safety LOS, AB, PH, indicated
(b) Screening of passengers and baggage (Baggage in Nigeria's Domestic is not screened)
(c) Apron and Aircraft (Domestic airports are still porous)
(d) Perimeter fencing (unauthorized crossing of runways and approach paths)
(e) Surveillance (CCTV well powered) YOL, AB, Owerri indicated
(f) Training
(g) Equipment - X-ray Machine, Metal Detectors (Archway or Handheld)

Audit
Nigerian Civil Aviation Authority (NCAA) and International Civil Aviation Organisation (ICAO) should intensify Audit of the following and not only concentrating on Airlines.
1. Air Traffic Services (ATS)
2. Fire Service Audit
3. Aerodrome
4. Security
5. Engineering
6. Funding of NCAT and award of scholarship to students should be reintroduced.

Conclusion: NCAA autonomy is necessary and sufficient condition for the realisation of these goals. The prevailing attitude in NCAA i.e., change in enforcement to compliance by working with the Operators to arrive at solutions rather sanctions should be sustained.

Economic and Safety
>Flight operations being predominantly foreign is a security issue
>Loyalty and allegiance in the event of emergency is doubtful.
B3 in Sierra Leone, Liberia and Cote d'Voire.
>Expediency for designation of Nigerian airlines enroute:

- UK - with double designation
- USA - Open Skies Agreement
- UAE - Open Skies Agreement
- Saudi Arabia - Unutilized BASA.
- South Africa - Unutilized BASA

>Protecting the new start-up (Virgin Nigeria) is anti-competition.
> Importation and clearance of spares for AOG situation demanding clear report of Inspector (CRI) inhibits safety.

Destination inspection is done worldwide on AOG situations.

NB: AOG- Aircraft On Ground

Aging Aircraft
Extensive programme developed and implemented since 1988 – Aloha Airlines accident and TWA flight 850 accident.

- Aging wiring system and Aging mechanical system have been developed.

The aging systems implementation plan is organized into six major categories covering design, certification and maintenance of transport airplanes:
> Training
> Maintenance
> Design
> Research and Development
> Wire Reporting
> Information Sharing and Outreach

Conclusion: Choice of Equipment (Aging / newer models) is therefore more of economic concern than safety. Most accidents worldwide have been attributable more to Human factor than Machines.

The Nigerian Operators are committed to improving aviation safety by taking all necessary action that will maximize safety return on investment.

Economic and safety concerns

DOMINATION OF NIGERIAN PASSENGER TRAFFIC BY EUROPEAN AIRLINES

S/NO	AIRLINE	A/C TYPE	AV. CFG.	WEEKLY FLIGHTS					WEEKLY
				'97	'98	'99	'02	'03	SEATS '03
1.	AIR FRANCE	A330	246	04	07	07	10	10(7LOS) (3PHC)	2460
2.	ALITALIA	B767/MD11	241	02	03	03	04	04(4LOS)	964
3.	BA	B747/B777	425	07	10	10	12	12(7LOS) (5ABV)	5100
4.	EMIRATES	A330-200	250	-	-	-	-	04(LOS)	1000
5.	KLM	MD11/B767	200	03	05	05	09	09(7LOS) (2ABV)	1800
6.	LUFTHANSA	A340	226	03	03	04	09	09(7LOS) (2ABV)	2034
7.	SWISS INT'L	MD1/A330	241	03	03	04	03	(5LOS)	1205
8.	VIRGIN	B747/A340	425	-	-	04	09	09(7LOS) (2PHC)	3825
	TOTAL			22	31	39	49	52	18,388

CHAPTER 7

Perspective of the law

CAPT DELE ORE
LLB, BL, MBA, MR ACS MCIT

Introduction

The commencement of aviation activities in Nigeria was not too far behind that of the advanced countries of the world bearing in mind that it was on 17th December 2003 that "100 years of powered flight" was commemorated worldwide while Nigeria is now celebrating 80 years of aviation activities in 2005.

The need to regulate aviation activities in Nigeria, therefore, is rooted from the colonial administration as will be demonstrated by the historical background therein highlighted.
The relevance of laws, rules, regulations and standards to aviation can be appreciated when you consider the importance of aviation, its role and its benefits at economic, social and psychological levels.

Historical Background

British Aviation Enactment Extended to Nigeria in The Colonial Era

- West African Air Transport Order-in-Council 1946
- Civil Aviation Act 1949
- Colonial Air Navigation (Application of Acts) Order 1955 (A)
- Colonial Air Navigation Order (CANO) 1955 (A)
- Civil Aviation (Investigation of Accident) Regulations 1953

Civil Aviation Act 1949
Section 8 (1) (a) & (b) provided that:
"Her Majesty may by Order-in-Council make such provisions as appears to Her to be requisite or expedient.

a. for carrying out the Chicago Convention, any Annex thereto relating to international standards and recommended practices and any amendment of the Convention or any such Annex.....
b. Generally, for regulating Air Navigation ..."

Section 8 (2) provided for the requirements for:

- Registration of Aircraft
- Certification of Air worthiness of Aircraft
- Licensing, inspection and regulation of aerodromes
- Condition under which aircraft can fly within the colony
- Conditions for the carriage of passengers and goods for commercial and other gainful purposes.
- Preventing interference with air navigation apparatus
- Securing the safety, efficiency and regularity of air navigation and safety of aircraft and persons.
- Meteorological information
- Signals and communication
- Signs and use of civil ensigns
- Prohibited areas and customs matters

- Conditions for the use, validation, renewal, extension or variation, cancellation, suspension, endorsement and surrender of certificates or licenses
- Regulation of fees and charges paid in respect of certificate or license and exemptions
- Investigation of accident
- Dangerous flying
- Licensing of air transport and commercial flying
- Information on air transport undertakings and use of custom aerodromes
- Trespass on aerodromes
- Liability of aircraft for trespass, nuisance and surface damage

* Colonial Air Navigation Order 1955(A)
* Provisions for:

- Registration and marking of aircraft
- Maintenance of aircraft
- Operation of aircraft and prevention of excessive fatigue of operating crew
- Navigation management of aircraft
- Aerodrome aerial light house
- Rules of the air and traffic control

AVIATION LAWS AFTER INDEPENDENCE

* Status of British enactment after independence

- Nigeria a member of Commonwealth States
- Letter of Exchange between Nigeria and Britain
- Revised laws of the federation of Nigeria 1958
- Designation of Ordinance Act 1961

* Post Independence Constitution 1963

- ITEM 3 Exclusive Legislative list
- ITEM 15 Exclusive legislative list

* Civil Aviation Act 1964
* Civil Aviation Regulations 1965

Without rules, Air Transportation will be chaotic and dangerous. Domestic and International rules which regulate standards and procedures for the conduct of civil aviation have started to evolve as far back as 1784 when the French authorities issued a police directive that no balloon flights were permitted without prior authorization following the successful launching and flying of balloons by the MONGOFIER Brothers. Some degree of legal regulations has since been required for flying activities for a safe conduct of these activities. Therefore, it was recognized that legislation had to be made by the authorities in view of the potential hazards inherent thereto not only for pilots and passengers but also for persons on the ground and the public in general.

Earlier Air Navigation enactment came from United Kingdom in 1911, Austria- Hungary in 1912, Germany in 1912 and France in 1914. Legal framework for international activities soon became necessary. It was at the Versailles Peace Conference that international regulation of Civil Aviation was first discussed specifically. The Paris Convention soon followed in 1919 with the signing of agreements providing for the regulation of international civil aviation after the First World War, but which, unfortunately, failed to get worldwide acceptance. Madrid (Ibero American) Conventions also made attempts with similar aims-to regulate international Civil Aviation activities.

The Second World War greatly affected international Civil Aviation, and with increased tempo, a conference on international civil aviation was held in Chicago, United States from November - December 1944. This Conference resulted in the adoption of the Chicago Convention of 1944 (Convention on International Civil Aviation) which can be called the starting point to organized regulation and stands till this day as the backbone of the law on international air transport regulation.

Today, aviation has become such sophisticated commercial industry both at national and international levels. The growth or development has been very tremendous judging from the number of passengers on commercial services, the amount or volume of cargo carried and the various routes that are now being served by so many airlines and, in fact, the growth is still continuing. The transport chain has necessitated that air transport is now increasingly inter-connected with other travel modes such as road, railway and sea. This increasing commercial aspect of air transport, therefore, underlines the need for an adequate degree of legal regulation punctuated by the already pointed out hazardous nature and the international scope of air transportation. By a process of Bilateral agreements, public international air law has evolved whereby laws and commercial relations between states on civil aviation activities are regulated. There are other agreements such as the International Air Transit Agreements of 1944. Private International air law subsequently evolved from increased relationship between air earners and the users of air transport including, especially, the regime of liability between the parties (passenger and airlines).

Further developments also included legal relationship between air carriers inter-se when they are involved in the same operation or in successive stages of the journey. Progressively, regulations developed to protect third parties that were not involved in any contractual agreements such as persons or properties on the surface damaged or injured by the operation of an aircraft in flight.
It was therefore stated in the case of HAHN V. U.S. Airlines (1955) that: "*Flight of an airplane at a proper altitude is lawful, but the person operating it is charged with the responsibility of preventing injury to person and property beneath, and not to prevent such injury whether negligently or not, renders the operator liable at law on theory that it was his duty to prevent it if he undertook to operate the plane*".

Aviation law has developed progressively and the courts of law in various jurisdictions have been called upon to interpret or give rulings. In one of such cases in the USA, PARCEL V U.S. (1953) it was stated that: "*One who flies a plane is opposing mechanical forces to forces of gravity and engaged in an undertaking which is fraught with gravest danger to person and property beneath if it is not carefully operated or if the mechanism of the plane and its attachment are not in first-class conditions. At common law, the hazardous nature of this enterprise subjected to operator of the plane to the rule of obsolete liability to anyone on the ground who is injured, or whose property is damaged as a result of operation*". The courts in Nigeria, unfortunately, have been called upon to make any meaningful contribution to the development of aviation law.

Economic Regulations
The development of the legal framework for international aviation practice must keep pace with the fast development of the entire global aviation industry. Although in the United States of America the philosophy of airline deregulation has led to a decrease in economic regulation of domestic air transport but at the international level the result is a greater flexibility in some

respects. The need for legal regulation of international air transport has not in fact changed, requiring, nevertheless, a constant adaptation to the changing operating environment.

The Chicago Convention entered into force on April 4th, 1947 which was on the thirtieth day following the date of deposit of the twenty-sixth instrument of ratification or adhesion with the government of the United States of America, which was obliged to notify the government of each of the signatory and adhering states of the entry into force. The Convention is made up of several Articles, Agreements and Annexes and its preamble states the need of international services and air transport to be established on the basis of equality of opportunity for everybody and to be operated sound and economically.

The contracting states to the convention thus recognized the importance and the need to ensure that international air transport is undertaken in an equitable and safe fashion. Each contracting state also undertook that in the establishment and operation of thorough services, due consideration would be given to their interests not to hamper the development of their thorough services. The Chicago Convention associated Agreements and Annexes do not represent a triumph for any of the positions which were encountered during the drafting stages, although the principle of state sovereignty still remained very important. They were, however, a basis on which agreements were possible and the necessary starting point with which they arrived at an international guarantee of the freedom of air Navigation and other rules of the air. On the economic angle, conflicting interest of the various states was obviously factor which served to impede decisions in favour of the freedom of the air for which the convention provided a compromise which marked a new phase in the organization of international aerial navigation.
The limitation as imposed by state sovereignty, economic interests and diverse views informed Mr. Edward Warner, former ICAO president and member of the United States of America delegation to the Chicago Conference to justifiably declare that: "*The main question unresolved at the Chicago conference was the right to do business*"

Notwithstanding this, the Chicago Convention was a proof of the development of a more liberal tendency and of the effort to move from the artificial principle of sovereignty. The convention also elaborated on the organization structure of the International Civil Aviation Organisation (ICAO). Adequate provisions were also contained in the convention for Ratification, Adherence, Amendments and Denunciations. For example, the first protocol amending the Chicago Convention was adopted on May 27th, 1947 during the first ICAO Assembly in Montreal.
Since it was adopted at the Chicago conference of 1944, the convention of International Civil Aviation otherwise known as the Chicago Convention has been accepted by 185 countries throughout the World. The government of the United States of America is the depository of the Chicago Convention.

Although licenses and certificates issued by one of the convention states must be recognised by the other member states of the convention, this obligation accepted only so far as these licenses and certificates are equivalent or superior to the minimum standards which could from time to time be established in pursuance to the Convention.
Also, for reasons of public order and safety, each state reserves the right to regulate or prohibit international carriage within or above its territory, for article of munitions and war materials, provided that no distinction is made between its national aircraft engaged in international navigation and the aircraft of the other states so engaged and also provided that no restriction will be imposed which may interfere with the carnage and use on aircraft apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.

Articles 36 of the convention also reserves the right of each contracting state to forbid or to regulate use of photographic apparatus on aircraft flying over its territory. New Annexes can be added to the present existing Annexes by a simple majority decision of the council.

Aviation and Criminal Law

The hazardous nature of aviation, the international scope and the commercial significance of modern aviation activities have led to an increased level of legal regulation. Such regulations have become necessary at both national and international levels because of the increase in the level of sophistication with which criminal acts are now being perpetrated worldwide. At the national level, our statute books provide in Civil Aviation (Air Navigation) Regulations 1965 as follows; -

Regulation *37: A person shall not: willfully or negligently act in a manner likely to endanger an aircraft or any person therein.

Regulation *38: A person shall not willfully or negligently cause or permit an aircraft to endanger any person or property.

Regulation *39: (1) A person shall not enter any aircraft when drunk or be drunk in any aircraft

(2) A person shall not when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or drug to such an extent as to impair his capacity so to act.

Regulation *41; every person in an aircraft registered in Nigeria shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein or the safety efficiency or regularity of air navigation.

Regulation *42: A person shall not secrete himself for the purpose of being carried in an aircraft (Stowaways) without the consent of either the operator or the commander thereof or of any other person entitled to give consent to his being carried in the aircraft. The regulations make provision for offences in relation to document such as using certificate and license with intent to deceive, making false representation for the purpose of procuring for oneself the grant, issue, renewal or any certificate or willful mutilation, altering, falsification on any logbook or records.

Regulation *79: provides penalties for the contravention of regulations in relation to an aircraft or operations.

Between 1960 and 1970 criminal acts against international civil aviation assumed an alarming proportion. Offences such as hijacking, sabotage, and offences on board aircraft which jeopardized the safety of aircraft became frequent and problematic. Several factors, however, have contributed to this situation. Particularly the vulnerability of aircraft in flight such as public exposure of international flights, political differences between states and political asylum seekers involving some psychiatric persons or outright terrorists.

Three (3) conventions were concluded in order to combat hijacking and similar offences namely, the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo convention, 1963). The Convention for the Suppression of an Unlawful Seizure of Aircraft

(HAGUE Convention 1970) and the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation Navigation (MONTREAL CONVENTION 1971). Therefore, at the international level the TOKYO Convention deals mainly with the powers of the aircraft commander and the crew to take all appropriate measures to restore order on the aircraft once an offence jeopardizing the safety of the aircraft has been committed on board.
It also obliges any contracting state in Article *13 to take custody of a person whom the aircraft commander disembarks from the aircraft and delivers to the authorities.
The HAGUE convention of 1970 deals specifically with hijacking offences. Under Article *2, each Contracting State undertakes to make the offence of hijacking punishable by very severe penalties.
While Article*6 obliges any contracting state in the territory of which the offender is present to have him put into custody or take other measures to ensure his presence, Article *7 establishes the important principle that the Contracting state where the offender is in custody, shall either extradite or punish him.
This obligation is without exception whatsoever and whether or not the offence was committed in its territory. Furthermore, the offence of hijacking shall be deemed to be included as an extradition treaty existing between Contracting States.
The MONTREAL Convention (1971) extends the regime of HAGUE Convention to other offences such as sabotage, unlawful interference on ground, interference with air navigation facilities. Here the important principle of "extradition or prosecution" also applies.
The above Conventions have only partially succeeded in reducing hijacking and similar offences because only few states have acceded to them.

Responsibilities of the State and Operator
Nature
Both the state and the operator have responsibilities for the safe, regular and efficient conduct of international flight operations.

The responsibility of a Contracting State is implicitly in its acceptance of the International Standards and Recommended Practices (SARPs) for the safety of air navigation to which Article 37 of the Convention on International Civil Aviation (Chicago) refers. These appears in the Annexes to the Convention. That is, Annex 6.
Parts I and II, developed with respect to the operations of International commercial air transport. Although the methods for discharging its responsibility may vary, no particular method can, in any way, relieve the state of the Operator of such responsibility.

The operator has a responsibility for the safe conduct of operations and for compliance with any law or regulation which the State of the Operator may promulgate. These laws and regulations, which are the means by which the State implements the provision of the Annexes, are not in themselves sufficient to provide the operator with comprehensive and detailed instruction on which to base an operation. The responsibility for the development of operating instructions necessary for the safety, regularity and efficiency of an operation must, therefore, devolve upon the operator. These operating instructions must not conflict with the laws and regulations of the State of the operator or those of other States into or over which operations are concluded. The primary means used by an operator to promulgate these operating instructions is the operations manual.

Discharge of State Responsibilities
In order to discharge its responsibility, the State should enact a basic aviation law which will provide for the development and promulgation of a code of air navigation which should be consistent with its acceptance of the Annexes.

State Regulatory System
There are two prerequisites for the introduction of an airworthiness regulatory system.

These are:
a) The provision, in the basic aviation law of the state, for a code of airworthiness regulations and the promulgation thereof; and
b) The establishment, of an appropriate State entity with the necessary authority to ensure compliance with the regulations, hereinafter referred to as the Civil Aviation Authority (CAA).

Basic Aviation Law
The basic aviation law of the state should:
a) Authorize the establishment of a Civil Aviation Authority to be headed by a director.
b) Make provision for the adoption of Airworthiness regulations based on the provisions of the Annexes to the Convention on International Civil Aviation.
c) Authorize the director to:
1) Register aircraft and maintain a national register;
2) Issue or validate type certificate;
3) Issue, renew or validate Certificates of Airworthiness;
4) Issue, amend, cancel and suspend Airworthiness approval, licenses and certificates
5) Issue, amend, cancel and suspend Airworthiness Directives, Bulletins, Order, etc., consistent with the Airworthiness regulations and.
6) Establish an Airworthiness Engineering Organisation.
d) Make provision for the enforcement of the Airworthiness regulations.
e) Make provision for the authorized personnel to have the right of access to such places as necessary to carry out airworthiness functions as provided for in the state's regulations;

Information on Development of Aviation Law in Nigeria
Nigeria acceded to the Convention on International Civil Aviation (The Chicago Convention 1944) on November 14, 1960. During the 44 years after Nigeria became a Member State of the ICAO, Nigeria has signed and/or ratified several International Air Law Instruments and related Protocols numbering about twenty (20).

Machinery has been put in place to domesticate all these Conventions. Nigeria is also a party to the Yamoussoukro Decision signed by the OAU Heads of State in June 2000 and is actively involved as Chairman of the Air Transport Committee and member of the Legal Committee of the Banjul Accord Group, working towards the liberalization of the African skies enunciated by the Yamoussoukro Decision. This legal framework is aimed at achieving greater co-operation with different countries in air transport.
Nigeria has enacted basic legislation to govern civil aviation activities at the national level. This is in form of an Act of Parliament passed in 1964 titled "Civil Aviation Act". This Act was amended in 1999 to reflect recent changes in the aviation industry, especially, the establishment of the Nigerian Airspace Management Agency (NAMA) and the Nigerian Civil Aviation Authority (NCAA). Several regulations have been made by the Honourable Minister of Aviation under the above Act.

These are: -

1. Civil Aviation (Air Transport Licensing) Regulations 1965
2. Civil Aviation (Aircraft Performance) Regulations 1965
3. Civil Aviation (Birth, Death and Missing Persons) Regulations 1965
4. Civil Aviation (Rules of the Air and Air Traffic Control) Regulations 1965
5. Civil Aviation (Investigation of Accidents) Regulations 1965
6. Civil Aviation (Air Navigation) Regulations 1965
7. Civil Aviation (Fees) Regulations 1965
8. Civil Aviation (Controlled Areas) Order 1965

The Civil Aviation Air Navigation Regulations (ANRs) 1965 was revised in 2001. In addition, the Nigerian Civil Aviation Requirements (NCARs) modeled after the Joint Aviation Requirements (JARS), was adopted. The NCARs provide detailed interpretation and implementing standards of the ANRs. Following the observations and recommendations of the ICAO Safety Oversight Audit of March 2001, the ANRs and NCARs are further being consolidated and harmonized.

Nigerian Aviation Requirements

Nigeria as a member of International Civil Aviation Organisation (ICAO) under Article 1 of the Convention is required (as a Contracting State) to ensure safety. The safety standards must conform to the ICAO Standards and Recommended Practices (SARPS) as stipulated by Articles 37 and 38 of the Chicago Convention.

The Civil Aviation (Air Navigation) Regulations (ANRS) present ICAO standards as minimum regulatory requirements for aircraft and aircraft operation (International and Domestic Flights). The ANRS which have 15 schedules have already been published and given out to air operators and aviation related establishments.

The 11 parts of the ANRS and 15 schedules to these parts are:

Part 1 - General Policies Procedures and Definitions
Part 2 - Personnel Licensing
Part 3 - Aviation Training Organizations
Part 4 - Registration and Marking of Aircraft
Part 5 - Airworthiness
Part 6 - Approved Maintenance Organisation
Part 7 - Instruments and Equipment
Part 8 - Operations
Part 9 - Air Operator Certification and Administration
Part 10 - Commercial Air Transport by Foreign Operators into or out of Nigeria
Part 11 - Aerial Work

In addition to the ANRS, the NCAA has adopted the Joint Aviation Requirements (JARS) of the European Joint Aviation Authority as Nigerian Civil Aviation Requirements (NCARS). The NCARS are comprehensive and detailed code of aviation requirements and are in fulfillment if ICAO requirements. The NCARS provide detailed interpretation and implementation standards of the regulations presented in the ANRS and are divided into 2 major sections:

Section 1: - Requirements
Section 2: - Acceptable Means of Compliance (AMC)
- Interpretative Explanatory/Material (IEM)
- Appendices

If a Section 1 requirement makes reference to a Section 2 AMC or Appendix in the text, then that AMC or Appendix becomes mandatory.
Section 2: Acceptable means of Compliance (AMC) illustrates a means, but not necessarily the only possible means by which a requirement can be met.

AMCS are not legally binding because they do not form part of the section I Requirements but if this is only one AMC then it becomes de facto law. The absence of any AMC means the section 1 requirements alone should be clear.

Section 2: Interpretative Explanatory Material (IEM) helps to illustrate the meaning of a section 1 Requirement. IEM is not part of the requirement.

Published NCARS
Already the NCAA has published NCARS which have been made to the industry.
These are:

NCAR - 1	Definition and Abbreviation
NCAR - 11	Rule Making Process
NCAR - 21	Certification Procedures for Aircraft and Related Products and Parts
NCAR - 22	Sailplanes and Powered Sailplanes
NCAR - 23	Normal Utility Aerobatics and Commuter Category Aeroplanes
NCAR - 25	Large Aeroplanes
NCAR - 27	Small Rotorcraft
NCAR - 29	Large Rotorcraft
NCAR - 36	Aircraft Noise
NCAR - 66	Certifying Staff (Aircraft Maintenance Licensing System
NCAR - 145	Approved Maintenance Organizations
NCAR - 147	Approved Maintenance Training/Examination
NCAR - AWO -	All Weather Operations
NCAR-APU	Auxiliary Power Units
NCAR-E	Engines
NCAR-FCL1 -	Flight Crew Licensing (Aeroplane)
NCAR-FCL2 -	Flight Crew Licensing (Helicopter)
NCAR - P	Propellers
NCAR - STOIA -	Aeroplane Flight Simulators
NCAR - ST03A -	Flight and Navigation Procedures Trainers
NCAR - TSO	Joint Technical Standard Orders
NCAA -VLA	Very Light Aeroplanes
NCAR-AOC	Air Operator Certificate (AOC)
NCAR - OPS1 -	Commercial Air Transportation (Aeroplanes)
NCAR- OPS 3 -	Helicopters
NCAR-AGM -	Section Two: Maintenance
NCAR-AGM -	Section Four: Operations

Some of the NCARS are for certification related to manufacturing and production processes. Although Nigeria is not yet an aviation manufacturing country, rapid developments in aviation require the Authority to have something on ground when the need arises. Presently,
the Air Beetle project is a military project, but civil certification can be done if there is a need for civil use. The NCARS will then be the code of requirement that will be applied.

The NCARS that are clearly for certification are 21, 22. 23, 25, 26, 29, VLA, E.P, APU and NCAR 36 on aircraft noise certification.

NCAR 21 formalizes the certification procedures for Aircraft and Related products and parts. This addresses the policy and arrangement between the NCAA and the pertinent sections of the Nigerian Aviation Industry for product certification and design and manufacturing approvals.

Nigeria also adopted other legal Instruments, which govern specific areas of Civil Aviation. These Instruments are: -

(a) The Federal Airports Authority of Nigeria (FAAN) Act 1996 which established FAAN and further regulates the development, provision and maintenance of airports within Nigeria, all necessary services and facilities for the safe, orderly, expeditious and economic operation of air transport.

(b) Nigerian Airspace Management Agency (NAMA) Establishment Act No. 48 of 1999 which provides for the management and regulation of the use of Nigerian Airspace, and at the same time, set up NAMA.

(c) Nigerian Civil Aviation Authority (NCAA) Establishment Act No. 49 of 1999 which set up the NCAA as the main regulatory civil aviation body to ensure safe, secure and economical air transportation and navigation in Nigeria. Proposed Amendments to the Act were made in line with observations and recommendations of ICAO Safety Oversight Audit Report. The amendments are aimed at strengthening the NCAA in the performance of its statutory functions.

(d) The Nigerian College of Aviation Technology (NCAT) Act, which regulates and sets standards for the training of Aviation Personnel.

Nigeria is actively involved with other African countries and ICAO in the regulation of air navigation and transportation to ensure safety and security. In this respect, Nigeria has established a Magistrate Court at the Murtala Muhammed International Airport. Lagos, for the speedy trial of offenders of sundry offences, especially touting committed within the Nigerian Airspace and airport environment. Lawyers are also on hand at the international airports in the country to assist travellers who may need legal services.

Need for Strategic Review

Nigeria is understudying certain key areas under consideration by ICAO legal experts for possible development of future legal framework. These include but not limited to: -

i Consideration, with regard to CNS/ATM system including global navigation satellite system (GNSS).

ii Acts or Offences of concern to the International Aviation Community and not covered by existing air law instruments.

iii Consideration of the modernization of the Convention on Damage caused by Foreign Aircraft to Third Parties on the surface, signed at Rome on 7th October 1952 (The aim is to update the Convention to reflect recent developments, including liability limits and environmental damage on the ground caused by aircraft).

iv United Nations convention on the Law of the Sea - Implications, for the application of the Chicago Convention, its Annexes and other international air law instruments.

It is obvious that: “Humans will make mistakes, but we need to contain the number of mistakes and minimize the significance of each one”. Our problem is that we make the same mistakes ever so often notwithstanding the cost. What led to the 31st of August, 1995 Aviation Reforms

are still very fresh in our memories and, for that reason, we must take necessary steps to avoid the repeat of such annulment of existing order. The ground rules, the basic rules or the grund-norm of Aviation Policy derive from the "*CIVIL AVIATION ACT*" and its "*SUBSIDIARY LEGISLATIONS*" and should not conflict in any respect.

In view of the aforesaid therefore for considerations are: -

i. The primary National Aviation legislation (i.e. The Civil Aviation Act) must make provision for an unfettered and continuous Civil Aviation Authority.
ii. A review of fees stipulated in our Regulations.
iii. A review of sanctions and penalties as stipulated in the Civil Aviation. Regulations to be undertaken now and regularly thereafter. This should ensure uniformity and certainty.
iv. A special committee which should include aviation professionals and Legal Draughtsman set up to harmonize all our laws and regulations.
v. The "*CIVIL AVIATION POLICY*" should not be repealed or amended in whole or in part, except through the same process by which it was formulated "after due consultations; and
vi. The "*DRAFT CIVIL AVIATION BILL*" must be perfected before presentation to the National Assembly.
vii. Inability or tardiness of the government to accede to international conventions and protocols even when the state is a party to them.

The above have very negative impact on flight safety especially where State priorities have resulted in inadequate resource allocations. We appreciate and identify with the tireless efforts of the International Civil Aviation Organisation (ICAO) at ensuring that member states are in agreement on the necessary level of standardization for safe and efficient operation of regular air service by states collaborating in securing the highest practical degree of uniformity in "Regulations".
National Regulations must be harmonized to ICAO standards and those which are of regulatory in characters are required to be couched by using the precise Language of those ICAO standards.
The review of the state's primary Aviation Legislation ought to have been completed and promulgated ahead or along with the new National Civil Aviation Policy if such a policy is to be valid and expected to endure.

To this end, in order to prosecute for the violation of a specific aviation regulation, it is very essential that the state must have legislated that such a violation is punishable in accordance with the national ***'PENAL CODE"*** or other penal legislation promulgated in that regard. The sum total of what ICAO is advocating is that there should be no arbitrary reforms and unpredictable legislation.

CHAPTER 8

Travel Industry is Big

SOJI AMUSAN
President, National Association of Nigeria
Travel Agencies (NANTA)

My brief was to deliver a short speech on the topic "Travel Business is Big." In choosing this theme, I am not even given the liberty to doubt whether the industry is big or not. They have already concluded in the affirmative. We want to concur ab *initio* that travel is big not only in size but also in economic importance. About 1.6 billion people travel by air annually and it is estimated that passenger volume will double by the year 2010 which means that the figure will exceed three billion in seven years from now.

May be that is why in the Federal Republic of Germany a broad-based campaign titled "Aviation for Germany" was recently launched by business and government to strengthen her position in the aviation industry. At the occasion attended by their minister in charge of aviation, chairman of Lufthansa, their national carrier and other stakeholders in the industry, they emphasized the economic importance of air traffic for Germany. The "Aviation for Germany" was designed to create the condition required to participate in future global growth in air traffic and simultaneously safeguard and create employment.

What is happening in Germany is representative of the occurrences in other nations of the world.

Globally, aviation is big because the governments and peoples of those nations contributed their quotas to make it big. Their ministries in charge of aviation, their national carriers and the indigenous stakeholders in the industry played positive roles.

They have not left the mantle of their industry in the hands of the foreign airlines as it appears to be the case in Nigeria today. I once deliberated on the importance of Nigeria Airways in this struggle in an article titled "Nigeria Airways: The good old days." I will quote copiously from that piece again to show what it was when travel was big.

Nigeria Airways, as an airline, was once a pride of this nation. In those days, the "elephant" flew like a butterfly. It roared like a lion on landing and take-off into the blue skies. Flying our national flag on regular basis to international destinations such as Accra, Banjul, Dakar. Douala, Kinshasa, Lomé, Malabo and Nairobi in Africa:

Amsterdam- Brussels, Frankfurt, London, Paris and Rome in Europe; Beirut and Jeddah in the Middle East; and New York in the United States of America. On the domestic sector, flight connections linked Lagos with Kaduna, Kano, Jos, Enugu and Port Harcourt. With the increased demand for air travels and the Federal Government policy to build a standard airport in each state capital in the 70s, the Airways took up the challenge to expand its flight operations on scheduled basis to the state capitals. For example, Benin, Calabar, Ibadan, Akure, Ilorin, Sokoto, Maiduguri, etc. were connected. At its peak in 1983, Nigeria Airways carried almost two million passengers on the domestic routes.

At its inception, the Airways depended on leased aircraft to operate. But gradually, it started building up its own fleet. In 1963, it acquired two F-27, and two more were added in 1969. In

1972, the Airways introduced F-28 and Boeing-737 to its fleet to meet increasing traffic demand both along the domestic and international routes. The 1970s witnessed a tremendous growth of the Airways and the aviation in general. With the boom from the petroleum industry, both the government and people of Nigeria increased their patronage of the services of Nigeria Airways.
Part of the gains from oil revenue was ploughed by government into the aviation industry. By 1983, the Airways had acquired a fleet of 38 aircraft comprising eight F-28, three B-737,12 B-727, 12 B-737 (4 of which were on wet lease), one B-747 (also on wet lease) and two DC-10. It is noteworthy to note that Nigeria Airways was the first airline to introduce Jet aircraft into the West Africa sub-region.

Nigeria Airways was established with a work strength of about 1,100 personnel. With the increasing demand for its services, the need to keep pace with supply with demand arose. Hence able and efficient personnel were offered employment as necessary. By February 1983, the staff strength was a little less than 10,000, consisting of 3.000 senior staff and 6,650 junior employees. There were in the same year 250 pilots, out of whom 73 were captains, 63 fully licensed aircraft engineers, 53 flight engineers and 680 cabin crew members. Management ensured the comfort of its workers at its Ikeja headquarters and in all state capitals where it had offices. Most senior personnel were adequately housed in decent staff quarters. There was provision for free medical facilities for staff and their families. There were other incentives and opportunities available to the staff to remove frustration and increase productivity and efficiency.

Our topic is ‘Travel Business is Big”, but how big is it in our country? The airlines and the travel agencies are two important stakeholders in the industry in Nigeria. They are supposed to work together in harmony to make travel business big. According to IATA Resolution 800 the purpose of the Passenger Sales Agency Administration Rules is “to encourage the orderly promotion and sales of international air transportation by members through their approved agents in an efficient manner based on established business procedures in the interest of the traveling public, members and their agents”.

How much order and harmony do we have in the business in Nigeria today? Our international air system (except regional routes) is dominated 100% by foreign airlines. There is no national carrier involved. How can our own interest be protected? We are supposed to make rules and see to compliance as a sovereign nation, but we are not there. The foreign airlines have taken over. They are having a Field day here. They make rules and impose sanctions as they wish.

They increase fares and impose charges at will. Before the advent of the former Minister of Aviation, Dr. Mrs. Kema Chikwe, Nigeria Airways used to play important roles in the formulation and execution of the national aviation policy especially in connection with airlines operations in Nigeria. For example, all applications from foreign. airlines for Night schedule, increase in flights, change of times, extra services, change of equipment, etc. must go through the Nigeria Airways for scrutiny and concurrence before approval could be granted through the signature of the Honourable Minister. Mrs. Chikwe destroyed the system by gradually killing the Nigeria Airways. The management of Nigeria Airways, instead of being a watchdog on technical issues and adviser to the Honourable Minister, became spineless.
We are all aware what has become the faith of our national earlier. While the minister recorded considerable success in the area of airport and infrastructure development, we cannot say the same with the national carrier. While Nigeria Airways was in comma, the foreign airlines had direct access to the minister and exploited the situation to their advantage. All we are trying to

do here is to let the new minister see the need to settle the issue of the national carrier as urgently as possible. Whatever name it would be called Nigeria cannot do without having a national airline.

However, we, as patriotic citizens in NANTA, have dedicated ourselves as much as possible to support our government while solution is being sought for the national carrier issue. NANTA has among its members, ladies and gentlemen, who have worked for up to thirty years or more with the various international airlines in and outside the country and have benefited from their high caliber training in airlines management. Such members have held senior positions in airlines like Air France, Alitalia, British Airways, Lufthansa, KLM, Sabena Swissair and Nigeria Airways, there are others, who have never worked in any airline office but possess good qualification and experience in travel management, and who have attended courses organized by IATA/1UFTAA and the airlines locally and internationally. We have abundant skills and experience in NANTA, and we shall be glad to make same available to government if required.

Another issue that needs the urgent attention of the honourable minister has to do with the designation of a second carrier for Nigeria on the Nigeria/ Britain route. You will all recall that immediately the agreement tor dual designation was reached, British Government without wasting time designated Virgin Atlantic as their second airline.

Virgin Atlantic recently celebrated third year of successful operation in Nigeria. In fact, at the first anniversary at Sheraton Hotel, Ikeja, our then Minister was a special guest. In some other places, somebody would have asked her, where is your own airline? Three years after, Nigeria has not designated her own airline. Our most lucrative route is being shared by two British airlines. Not many of us on this side understand why we cannot have a second airline on that route. Does it mean that we don't have airlines to do it or what? Bellview Airlines has operated directly to Amsterdam and far away India, if experience is what we are looking for. Other members of the Airline Operators of Nigeria (AON) like EAS have applied for permission to operate. Yet our Ministry of Aviation is comfortable with the situation.

It is high time I believe, we examined critically the operations of the foreign airlines in our country. Are they playing the game according to all rules or are they sometimes taking us for granted? The aviation policy once stipulated that foreign airlines should not open offices in cities to which they do not operate. Has this been changed? There used to be a provision that no expatriate should be employed in a job where we have qualified Nigerians. Is this no more the case? How are the airlines treating their agents? Are we enjoying fully the opportunities we have in this industry to create jobs for our people in our country? Perhaps I am giving some food for thought! When Bellview Airlines started operations to India, one of the first thing they learnt was that they could not sell their tickets in their own offices but must give them to travel agents, who would issue them to passengers. India needed jobs for her citizens.

NANTA is seriously considering the possibility of sponsoring a Private Members Bill in the National Assembly prohibiting the foreign airlines from selling tickets directly to passengers. Apart from the opportunity of job creation for our teeming unemployed, it will bring sanity and professionalism to the industry. It will also enhance modernization and technological advancement; the airlines will take issues like Billing Settlement Plan (BSP) more seriously. We shall seek the co-operation and assistance of all concerned in this endeavour.

Let me end by quoting the concluding sentences of Wolfgang Mayrhuber at the launching of "Aviation for Germany" referred to earlier in this paper, "In global terms, air traffic is only at the beginning. Its ongoing development ought and must not bypass Germany." I also declare in the words of Mayrhuber that we need much more than Germany to say that the ongoing development ought and must not bypass Nigeria.

CHAPTER 9
Aviation Security and Safety

AYO OBILANA,
Aviation Security Consultant

Pertinent Security Lessons and Questions

Security and safety issues are presently the most sensitive and vital aspects of civil aviation following the tragic events of September 11, 2001 in the United States of America. The events commonly known as 9/11 is in reference to breach of airport security which led to multiple and simultaneous hijack of civil aircraft by a terrorist group (al- Qaida) which eventually used the aircraft as weapons of destruction.

The hijacked aircraft were crashed into the twin towers of World Trade Centre, the Pentagon (America Defense Bastion) in Washington DC and a field in Pennsylvania outside New York, killing passengers and people on ground. The collateral damage from the murderous acts on that fateful day resulted in deaths of over 3,000 people of different creeds, religions and nationalities. Assets worth over $100 billion dollars were damaged or destroyed while many nations around the world are yet to recover from the economic impact of the aftermath of the tragic events.

Stakeholders in aviation around the world are now raising a number of questions from the tragic lessons of 9/11. The following are part of the questions. “What are governments and other stakeholders doing to ensure that 9/11 will never be experienced again in the aviation industry?

- Are there measures in place to adequately prevent breach of airport security/safety in view of the sophistication of methods employed and those currently being employed to perpetrate crime in aviation?

“To what extent are security operatives prepared to counter any emerging security breach and ultimately upgrade aviation security/safety measures?” Are there in place security programmes, which are vibrant enough to effectively deal with emerging global security threats in aviation?

- What are the strategies for the implementation of efficient, effective and virile aviation security policies and programmes?

- Are the existing legislative measures or regulations strong enough to deter or meet emerging challenges on aviation security and safety matters?

These are the focal points which shall be appropriately addressed in tandem on the topic for this presentation.

Definition Focus

It is instructively necessary at this point to briefly explain what safety/security all about vis-a-vis is their meanings in aviation. The words safety and security convey the same meanings to both lay men and majority of stakeholders in aviation industry. However, in the process of application, the difference becomes apparent. For the purpose of this presentation, they shall be construed to mean the same, unless indicated otherwise.

Security is universally defined by the International Civil Aviation Organisation (ICAO) Annex 17 to the Chicago Convention as 'a combination of measures, human and material resources intended to safeguard civil aviation against unlawful interference'.

Unlawful interference connotes, criminal acts of hijack, sabotage, bombing and other prevalent security breach in whatever form of occurrence in aviation.

Whereas safety in aviation may simply be regarded as strategies or systems aimed at ensuring prevention of human lives and material elements (properties/assets) from injury, danger or other form of threats, which may lead to harm, death or extinction. Safety is about every conceivable element in aviation i.e., aircraft, handling, terminals, cargo, systems, handling business etc. Without being technical or complex in language, safety and security in aviation is about protecting or safeguarding of lives and properties against threats, dangers, and unlawful elements in their entirety. The blueprints of ICAO manuals on Standards and Recommended Practices (SARPS) clearly depict what they are all about in applications and scope.

Motives for Crime in Aviation

Breach of security and other unlawful acts have always occurred in aviation. They are not new, however the use of aircraft as weapons of destruction on 9/11 is a new phenomenon stunning to civil aviation security, which all stakeholders must see as a serious challenge.

Aviation is very unique as one of the inventions of man in areas of global transportation. It is a veritable means by which human and their goods (assets) are expeditiously transported around the world. Aviation serves as means of communication and efficient mode by which people of different nationalities, creeds, socio-economic and political leanings are brought together worldwide.

The Council President of ICAO, Dr. Assard Kotaite once succinctly expressed the uniqueness like this, "aviation or global air transport is a driver of economic development, a catalyst for business and tourism and a vehicle for social and cultural development worldwide".

Paradoxically, the uniqueness of aviation has always been negatively exploited by terrorists because it serves as effective means by which they express their views, gain media attention and publicity. Breach or unlawful act in aviation security normally gains instant worldwide attention, hence the continuous exploitation by terrorist gangs.

We must also bear in mind that economic aspects of aviation are monumental for national and international development. Any security breach or disruption in aviation usually comes up with attendant destabilization and other ripple effects. 9/11 is a case in point whereby over three thousand lives and millions of jobs/commercial activities were affected.

People refused to fly after 9/11 thereby dislocating tourism and other businesses globally. The losses were colossal. There is no doubt that unlawful acts in aviation create fear in the populace, put burden on security with potential political and economic damage.

Historically, unlawful acts or breach of security in aviation dates back to the 1930s when a loner hijacked an aeroplane in Peru, South America. Not until three decades later in the 60s during the so called "liberation era" were there other recorded cases of security breach.

The ease and rate at which unlawful acts were perpetrated in aviation then were so alarming. Terrorists were given red-carpet treatments by some States which openly encouraged and sponsored terrorism and air piracy. The phenomenon of States sponsoring terrorism escalated in magnitude and dimension. Aviation was greatly threatened and was on the verge of collapse as a result of such breach of security.

Statistically, there were thirty-two (32) cases of breach of security between 1966 and 1967. In 1968 alone, there were thirty-five (35) cases. Between 1968 and 1972, there were two hundred and ninety (290) cases worldwide. Very few of the hijack cases were for ransoms while most happened as a result of religious fundamentalism and political ideologies.

The Turning Point and Limitations

The wake up calls for effective aviation security measures earnestly came into effect in 1972. The International community had to rise up to challenges posed by threats and dangers emanating from civil aviation security.

Under the aegis of ICAO and some Western countries, namely Britain, US, etc. measures to contain the menace of unlawful acts and security breaches were introduced into aviation. That was the beginning of the real challenges of proper aviation security and safety measures. To date, most of the measures are in place and are continuously being upgraded to be at par with developments in the industry.

Measures introduced then include the following among others.

They are: -

- Pre-boarding screening of passengers, purposely for weapons control.
- Establishment of sterile area concept i.e., boarding and screening passengers at designated or control points of airport terminal.
- Introduction of security equipment for screening and external patrol of airport terminal for prevention of crimes.
- Aviation security programmes on training and counter terrorism projects.
- Implementation of ICAO manual on security. Annex 17 (Doc. 8973) which deals with suppression of unlawful acts.

Ratification of various ICAO conventions on security/safety by States. And states were advised to stop granting safe havens to hijackers and perpetrators of criminal acts.

The measures drastically reduced unlawful acts in aviation after 1972 as shown by statistics. There were only twenty-two (22) reported cases in 1973 compared with an average of seventy-two (72) per annum between 1968-1972.

Success achieved were not without their limitations, problems and constraints. Notable among them are:

- Many countries were unable to implement the introduced measures due to economic reasons such as funds.
- Some countries saw the emanating security problems as those of the Western world or particular countries, considering the raging cold war between the West and East in that era. The world was not united in the fight against aviation crimes.
- Political will to effect change by some countries was not just there because some countries surreptitiously supported terrorism by granting terrorists safe haven. What some States considered as unlawful or criminal acts in aviation then were embraced by others as liberation from hostile and oppressive hegemony or allies.

- Terrorists moved into higher gear in the light of tight airport security. They became smarter and more sophisticated in their planning and execution, forming cells and organized groups. Disguised weapons and other elements of surprise became then-trademarks for vicious attacks.

The present international fight against global terrorism is reminiscent of the scenario of the era of global action against air piracy or hijack in civil aviation. Many countries were actively involved in the process of fight against air piracy and unlawful acts, while others were nonchalant or remained complacent. The truth is that once more the world is faced with another challenge to which all stakeholders must rise up to meet.

A major requirement for this challenge is funding. Here in our country, funding of security/safety programmes has always been relegated to the background by successive administrations, both in aviation and non-aviation sectors. Consequently, there is continuous and unabated surge in crimes nationwide. Violent crimes, burning of national monuments and edifices etc. are raging in the land. Touting and other minor crimes at our airports are often hampered by inadequate funding in prosecuting and eliminating such crimes. This is an issue that needs to be seriously taken up by the authorities as a challenge. Security matters must always be adequately funded to ensure national security and peaceful existence of the citizenry.

6. Emerging Trend

Safety and security problems are still very much prevalent in aviation worldwide, in spite of the various measures in place. The global problems though minimized must be continuously tackled by all means and by all stakeholders both at national and international levels. Stakeholders must realize the fact that terrorists are becoming more sophisticated, highly technical and complex in their operations. Terrorists are also aware of countermeasures being continuously put in place with upgrading of aviation security facilities all over the world. It is no longer easy for them to carry out attacks at most airports around the world. Notwithstanding, their desire and ability to strike must not be underrated. Terrorists now seek or take the slightest opportunity to wreak massive havoc or ensure collateral damage. They must be challenged and denied the opportunity to act.

From 9/11 investigations, it was revealed that the perpetrators and their collaborators were highly organized, coordinated and grouped into cells. Consequently, they were able to carry out their deadly missions with precision. It was the first known mission of simultaneous use of four civil aircraft as weapons of destruction thereby bringing into the industry new concern and challenges.

Other looming potential threats and dangers which are equally of concern to the international civil aviation are: -

- The use of shoulder fired missiles against civil aircraft as it happened in Nairobi airport in year 2002.
- Inherent dangers in the use of aircraft loaded with bio-chemical weapons or toxins (WMD) against innocent people gathering at recreational, commercial and religious grounds.

Enhanced Measures

Many nations have since 9/11 embarked on stringent and far-reaching aviation security measures at their airports. The heightened measures are aimed at making aviation safer for all.

However, many air travelers and stakeholders often express displeasure at such measures, which they perceive as intrusion into and violation of their privacy. Among the newly introduced or revived security measures in aviation are: -

- Biometrics fingerprinting at airport by some countries namely US and Brazil. The purpose is said to be part of measures aimed at tracking down terrorists at points of entry.
- Air Marshall-in-flight to counter or suppress armed terrorists or any other unlawful acts on board.
- Reinforcement of cockpit doors for enhanced security. Pilots are being considered to bear arms in flight.
- Profiling travelers especially those from countries with known ties to terrorism.
- Intensification of physical body search of air travellers to the maximum extent.
- Intensification of secondary screening of passengers and cargoes at terminals.
- Overt and covert security operations with massive deployment of security operatives, hi-tech security equipment and gadgets at airports.
- Constant review of security levels, procedures and programmes at many airports around the world.

Enhanced security at airports often makes travellers and stakeholders become critical of the measures on the basis of infringement on comfort, rights, convenience and privacy. However, they are necessary and should be seen as challenges of our time in aviation.

Without prejudice, each nation should reserve the right to determine and adopt security measures and policies deemed necessary to make aviation safer and secure. However, they should be humane and carried out with decency and in harmony with international standards on all who patronize aviation. Training and education, therefore, become necessary and of paramount challenge in this regard. Aviation security measures are meant to safeguard in the best interest of all stakeholders; the merits of it should also be acknowledged and not compromised.

Recommended Strategies and Conclusion

Looking back at the level of aviation security/safety programme in the last two decades, a lot of changes have evolved here in Nigeria. There are apparent improvements.

Efforts of stakeholders like FAAN, NCAA, NAHCO, SAHCOL and law enforcement agents are commendable. However, there are more challenges for all stakeholders in view of escalating global terrorism. Stakeholders are not to rest on their oars and should continuously contribute their quotas in areas of regulations, facilitation and procedures on aviation security. It is therefore pertinent to mention the following, which I believe are areas, which require further efforts and actions of stakeholders for further improvements. They are:

i. Tasking authority, particularly the responsible tiers of government should endeavour to do more on:
   - Strengthening cooperation with other nations and international community to fight aviation crimes. To this end, laws should be enacted (if they have not) to deal decisively with unlawful acts including lesser aviation crimes.
   - Carry out background checks on all security operatives and aviation workers. Crooks, criminals, impostors and impersonators must be flushed out of aviation industry

through enabling laws or acts. This is now the practice worldwide. Certification and background checks are the approach to this area.

- Funding of aviation security/safety measures should be a priority, especially on training programme, procurement of equipment and other security projects, which are capital intensive. As a recommendation, ten percent (10%) of accruing revenue should be set aside for security programmes.
- Aviation security operatives should be empowered to bear arms to avoid a stopgap on spontaneous counter measures or actions required in view of ensuing global terrorist threats.

ii. Aviation infrastructures should continuously be upgraded in readiness to combat any form of threats or security emergency, considering the hi-tech world we now live in. Security audit is a way to achieve this goal.
iii. Security agencies at the airport should endeavour to work in cooperation and not in pursuit of graft or personal gains. In turn, they should be well remunerated to guard against temptations.
iv. Training and education aimed at keeping abreast of developments in international aviation security/safety programmes are essential and must therefore be imbibed.
v. Perimeter patrol and access control of airports must be intensified. Superb intelligence network must be established among the various -*with* known security agencies if it has not. Intelligence should only be shared on the need-to-know basis among the security operatives.
vi. The media should endeavour to contribute positively as stakeholders in aviation by educating the public on the need for heightened security and safety in view of trends on global terrorism. Their reporting must be factual to assuage the public.
vii. Oversight functions should now be tenaciously carried out in areas pertaining to security and safety.
viii. Due diligence programme is vital to aviation in all ramifications and must be embarked upon by those who are engaged in handling business.

It will therefore not be out of place to briefly touch on due diligence from safety perspective. IATA (International Air Transport Association), a highly recognized aviation body stresses the importance of due diligence in the Airport Handling Manual 20th edition.

The body effectively underscores the obligations of a corporation on achieving due diligence which are based on three principles. They are: -

- train all employees in such disciplines as safety procedures – standard operating procedures and the safety regulations of the country they operate in.
- advise employees of any known hazards of a particular job function and identify hazards in workplace; take immediate action to prevent an accident.
- establish proper health and safety policies, security programmes and procedures.

IATA also added that due diligence should be a proactive system, which must not be static; the policies are not only to be documented but practiced. Safety audit should be conducted.

CHAPTER 10
A Framework for Future Development

ROLAND IYAYI
Aviation Consultant

From inception, the Nigerian aviation industry has had its peculiarities, largely determined by its organization and the embedded weight of over half a century of national and international regulation.
The regulatory structure governing the industry originated from the British Aerial Navigation Acts of 1911 and 1913, and what is generally referred to as the Chicago Convention of 1944, designed to achieve certain crucial objectives at the time, which can be summarized as follows:

- to promote the expansion of the industry on an orderly, safe basis, avoiding costly and inherently destabilizing boom-and-bust cycles;
- to ensure high-quality service across a broad expanse;
- to meet national objectives of security, identity, economic development and industrial policy;
- to provide a mechanism for cross-subsidization between high density and lower density routes, in order to meet the social service objectives.

However, with the advent of the 21st century trio of deregulation, privatization and globalization sweeping across the entire world, it has become imperative and pertinent in the circumstance that governments review their developmental policies in this regard, in order to ascertain their continued relevance and/or appropriateness in the evolving era.

More importantly, it has become necessary for governments to embrace the synergistic and inherent multiplier effects derivable from the aviation industry, to propel economies and position other strategic national interests and industries for regional and/or world dominance.

Industry deregulation undertaken in 1985 was informed by the overwhelming growth in demand, high-cost structure and regulatory overload, as was the case with the United States - the world pioneer of aviation sector liberalization. The deregulated Nigerian industry, as is also, the case in the USA, has accommodated tremendous growth since 1985.
The passenger traffic increased from 0.4 million revenue passengers in 1974/1975 fiscal year to 2 million revenue passengers in 1980, during which time Nigeria Airways had monopoly. This figure has since reached 7.2 million in 2004 in the post deregulation era. No doubt, there is still room for much improvement. The wave of privatization, since embraced by several governments worldwide, was informed in large part to the realization that contrary to the erstwhile dominant idea of government's control of strategic sectors of national economies, in order to protect sovereignty, promote economic development, maximize scarce resources and capital, such was mired in gross inefficiencies and nepotism.

Globalization, the process of accelerated integration and interweaving of national economies through the growing flows of foreign direct investment (FDI), trade and capital across historical borders is the new world order.
Needless to expound the reality that an opening world presents not only major opportunities but also significant challenges for countries. Whether they survive and flourish depends less on the opportunities, but to a large extent on the response initiated in the face of stiff world competition.

Herein lies the dilemma. Should the Federal government wholly embrace this general trend of liberalization and pay the cost or maintain erstwhile existing framework and risk isolation, thus

undermining the viability and sustainability of the air transport sector and the economy in general?

The Nigerian aviation industry is fraught with several problems, most as a direct result of flawed policies and/or implementation. These have contributed in no small measure over the years to stifle what otherwise would have been tremendous growth for the sector and invariably the national economy.
It is pertinent to emphasize at this point, the inexorable fact that the air transport industry and the world economy are inextricably linked, and the former plays a pivotal and major role in world economic development, through the provision of access to markets.

According to Air Transport Group (ATAG), a coalition of organizations throughout the air transport industry, the industry in 1998 provided 28 million jobs worldwide and US$1,360 billion in annual gross output. Also, passenger and freight traffic have increased at an annual rate of 4-5%, significantly greater than the growth of global GDP. With such impressive and outstanding indices, the sector can only be ignored at the peril of any nation's economy.

Unfortunately, past governments in the country have only paid lip service to the development of the industry, preferring instead to politicize issues rather than provide lasting, practical and well-intentioned solutions to the sector's myriad problems, founded on sound empirical data.
It is in light of these observations that this paper is written, to not only identify the sector s myriad problems but also proffer solutions, which in some instances may seem controversial and idealistic, however, premised on the evolving reality, sound judgment and empirical evidence.

In doing this however, it may be instructive at this point to trace the genesis of the industry's problems from its history and evolution in Nigeria through legacies bequeathed by colonial masters, development in the West African sub-region and the continent as a whole.

Genesis - The History of Civil Aviation in Nigeria and Africa.

The forerunner of aviation in Nigeria was the Royal Air Force (RAF), which had a fighter plane sent to survey the trouble laden ancient city of Kano in 1925.

The British Overseas Airways Corporation (BOAC) later replaced the services of the RAF, having been given the statutory rights to fly to the Sudan, Kano, Lagos and Calabar.

With the end of World War II and premised on the experience the RAF and BOAC had garnered within the West African sub-region regarding air transportation, it became a task for the authorities of the British colonies in Nigeria, Gold Coast (Ghana), Sierra Leone and the Gambia, to annex the countries together through a joint operation of a regional airline, named the West African Airways Corporation (WAAC) rooted in Articles 77 and 79 of the Chicago Convention of 1944.

The WAAC started operations with a wet-leased Dove aircraft under the supervisory control of another body, set up simultaneously as the West African Air Transport Authority (WAATA).

The initial services of the WAAC included the link between the colonies and United Kingdom, passing through Sudan. Later, a number of domestic services particularly in Nigeria and Ghana were introduced.

During the period of the WAAC services, properties and equipment, land and buildings were acquired and located in the four countries, with Lagos and Accra sharing major administrative and technical responsibilities of the airline.

With the independence of Ghana in 1957, Ghanaian authorities considered it politically expedient to establish a national airline as was then the vogue, resulting in the virtual disbandment of the WAAC.

Sierra Leone and the Gambia also considered themselves nearer each other but far away from Nigeria and thus considered the regional airline no longer practicable and realistic for their continued participation.

These developments resulted in the incorporation of the WAAC (Nigeria)Limited on August 23, 1958, which existed for only nine months before it was re-registered as Nigeria Airways Limited to herald Nigeria's independence.

It is instructive to note that the basic objectives of the new airline were threefold thus:
a] to have a national flag carrier to promote the image of Nigeria;
b] to provide air transportation on both domestic and international routes; and
c] to provide a back-up for security during periods of emergency.

The airline grew its aircraft fleet over a 14-year period between 1970, the year the Nigerian civil war ended and 1984 when the industry was partially deregulated to a total of 32 aircraft. Of these, 27 were fully owned whilst the remainder were on operating leases, and the fleet comprised the Fokker F27, Fokker F28, Boeing B727-200ADV, B737-200ADV, B707, B747-200 and McDonnell Douglas DC 10-30 aircraft types.

In a similar vein, taking a cue from developments within the West African sub-region with the establishment of WAAC, 10 Francophone States in 1961 signed what has become known as the Yaoundé Treaty culminating in establishment of what was once Air Afrique. Similarly, this arrangement was rooted in Articles 77 and 79 of the Chicago Convention of 1944.

More recently, precisely on 6 and 7 October 1988, African Civil Aviation Ministers assembled in Yamoussoukro in the Republic of Cote D'Ivoire and appended their signatures to the Yamoussoukro Declaration on a new African Air Transport Policy.

This declaration was the result of a collective consensus in Africa that nations within the continent must, inter alia, prepare for the effects of the 1978 deregulation in the United States on other countries and the potential adverse impacts on African airlines of the air transport liberalization policies of Western Europe, particularly the application by the European Economic Community (EEC) of the Treaty of Rome to air transport services and the creation of a single internal Europe market by 1993.

One common trend that has emerged from all this with close scrutiny, is the 'knee-jerk' reactions to evolving developments both in the region and worldwide, usually culminating in the formulation of policies without adequate provisions and/or consideration for the operating

environment in the scheme of things. Despite their good intentions, invariably, this has led to a cycle of such policies which are either inadequate when implemented or obsolete by the time the various bureaucratic bottlenecks inherent in the administrative and regulatory systems have been traversed. Whilst it is important and necessary in the circumstance to be proactive, it is equally more so to embrace the much-needed efficiencies, to ensure that the anticipated benefits of such policies are derived through prompt delivery and implementation.

When in 1985 the Federal government deregulated the aviation industry in Nigeria, albeit partially, very little consideration or thought was given the adverse impacts of the policy on Nigeria Airways. The result is what we have today - a liquidated national carrier at a huge cost to the entire nation.

There ought to have been an urgent need to reflect the airline. This was necessary to re-equip it with the appropriate aircraft types and not the medium haul Jets in its fleet at the time, in order that it could continue to remain competitive in the market, in anticipation of the impending market fragmentation resulting from the introduction of other carriers into the domestic market due to the deregulation policy implementation exercise. The adverse impacts of this fundamental flaw in the policy implementation process still live with us today and have continued to have ripple effects on subsequent policies within the industry, thus engendering a latent and yet undetermined destabilizing element in the system.

This latent, yet undetermined destabilizing element in the system has been variously responsible for the series of boom-and-bust cycles that have come to typify the industry since deregulation. One will recall the rise and subsequent demise of such notable carriers as Intercontinental, Gas, Imani, Bamax, Okada, Harka, Harco, Flash, Kabo, Triax, Oriental, etc

No doubt taking a cue from the US experience, the deregulation ought to have spurred a spate of mergers and acquisitions for the consolidation of the industry. Unfortunately, such is alien to the Nigerian culture, borne more out of the ego of the various individual players in the industry than much else. We all want to own our airplanes and have our names blazoned on their sides to massage our egos, notwithstanding the fact that such ventures are huge loss makers.

This is where the government owes the nation an enormous responsibility in terms of airline health monitoring. No matter how it is viewed, an unstable air transport sector has the potential of triggering serious shockwaves throughout the entire national economy. It will be a great disservice to the citizenry if the government were to shirk its responsibility in this regard.
As earlier asserted, the sector's major problems derive from flawed policies and/or implementation. Let us consider for instance, the simple requirement that prospective airline applicants state their proposed base of operations during the application process for an Air Transport License (ATL) or Air Operator's Permit (AOP).

The essence of this requirement amongst others during the process, is to allow the Federal Airports Authority of Nigeria (FAAN) to determine airport capacity constraint issues based on optimum design throughput. The Nigerian Civil Aviation Authority (NCAA) and Federal Ministry of Aviation on the other hand, will use the same information to assess the viability of the prospective airline's proposed operations and geographical spread of route networks respectively and thus forecast national air transport service coverage.

The prospective airline applicants usually cite little used airports such as Ibadan and llorin as base of operations and go on to develop their business plans or feasibility studies on such. No sooner have they obtained their ATL's or AOP's do they go back to FAAN, applying to change their base of operations to a more crowded airport such as Lagos or Abuja. This, essentially, because they consider such markets more lucrative and see no reason why they should not benefit, not minding or even realizing the potential overcapacity problem such may engender.

Not only are the business plans or feasibility studies developed based on these airports riddled with inaccurate passenger and freight traffic data, but also the decision to apply for and the granting of the change of base of operations makes nonsense of the entire process. Nonetheless somehow to the chagrin of well-meaning industry stakeholders, these practices persist.

The inadvertent results of these developments are the so-called 'unviable' airports saga, the boom-and-bust cycles of airlines due to overcapacity in small lucrative markets, high number of inactive ATL's and AOP's in circulation, lack of adequate and realistic industry data to facilitate proper infrastructure development planning, extended departure and arrival delays at major airports and wastage of scarce resources.

One is compelled to ask what the way forward is in all of this. This is where I believe this paper will generate a lot of controversies, more out of personal rather than national interests. My humble view is that national rather than personal interests should form the basis of any overriding consideration in all such matters as may be raised.

The Way Forward.
The fundamental problems in the industry as earlier stated, stem from such policies in effect, both in structure and implementation. However, other such problems as the lack of adequate funding of airlines, inadequacy of available infrastructure, obsolete aircraft fleet, shortage of skilled personnel, etc., also account for why the industry aspirations in terms of growth and development have been stifled over time.

In proposing possible solutions to the industry's myriad problems, one is not pretending to have the monopoly of wisdom or worse still assume the role of the messiah in all of this. Far from it. Nonetheless, the onus is on us the industry stakeholders to come up with practicable suggestions in the circumstance, to comprehensively address all these problems and provide a solid foundation for the future.

In my humble view, in order to adequately and comprehensively address the several problems plaguing the industry at the present time, we may need to take a few cursory steps backwards and lay the proper foundation upon which we can build for the future. This is not the proverbial one step forward two steps backward type, but more like two steps backward and five steps forward concept. This will become clear as the suggestions arc articulated hereunder.

• Adoption of a 3-Tier Airline Licensing Structure
The current procedure of airline licensing needs to be thoroughly reviewed if any major progress is to be made in the industry. As things stand, nothing deters any unscrupulous individual from procuring an ATL only for the purpose of laundering money under the guise of operating an airline.
This is encouraged by the fact that anyone can wake up today, procure an ATL tomorrow and want to operate jumbos the day after. Even though it is quite evident that such operations will

not go very far, but there is nothing enshrined in our laws to discourage such a destabilizing act.

Not only is precious time wasted in the prosecution of this unwholesome act, but scarce foreign exchange is also lost in the process. Meanwhile, the nation's air transport system is no better for it.
By adopting a 3-tier airline licensing structure, several of the problems currently plaguing the system including the so-called 'unviable' airports saga, boom-and-bust cycles of airlines due to overcapacity in small lucrative markets, etc., will be addressed in one fell swoop. The three tiers being proposed are the Commuter/Air Taxi, Regional and Major airline categories.

How will this work?
In the case of a fresh application, when a prospective airline applies for an ATL or AOP as a first-time applicant, it shall be considered only for the low end of the operating spectrum, which will be limited by the capacity of the proposed aircraft type to be operated. In this instance, it is proposed that any first-time applicant be limited to operate an aircraft with a maximum number of 30 seats and/or weight based on a 15 tons maximum take-off weight (MTOW). This tier shall constitute the Commuter or Air Taxi license category.

The next level up will be aircraft with seating capacity from 31 up to 100 seats and/or 65 tons MTOW. This tier shall constitute the Regional license category. The final tier, to be categorized as Majors, shall be for all operators at the top end of the operating spectrum for aircraft with seating capacity of more than 100 seats and/or MTOW greater than 65 tons.

In addition to the above, the minimum share capital requirement for each category should reflect the scope and size of the operation. For instance, the Commuter/Air Taxi license category should be required to have a minimum of ₦25,000,000 instead of the current ₦20,000,000 required for all applicants.
The Regional license category should be set at ₦100,000,000, whilst the Majors should be considered at ₦500,000,000. The current 5-year lifespan of the ATL should still be retained. However, should an operator require a license upgrade at the expiration of its current license, such an operator would necessarily be audited and found to have met the minimum requirements of the upgrade being sought.

Such a license upgrade should not be automatic, but premised on a well- defined criteria list to include the local development of support infrastructure, human resource development, operations safety and reliability audits, etc.
This is necessary to encourage backward integration and discourage would-be industry 'scroungers. More so, it will most certainly engender a cascade effect of direct, indirect and induced employment at those small airports, not to mention the possible stemming of the rural-urban migration problems.

Meanwhile, a Regional license holder may operate aircraft categorized as that for the Commuter or Air Taxi category, providing of course through the Route Licensing arrangement being proposed further on in this write- up, it has applicable rights in such routes to operate. Similarly, Major category operators will be free to operate anywhere across the entire operating spectrum, provided always such operating rights have been granted.

Cargo operations can be addressed under a supplemental licensing arrangement, to take cognizance of the class of aircraft and applying the applicable requirements regarding share capital and necessary waivers.

It is envisaged that by adopting this 3-tier airline licensing structure operators licensed in the Commuter/Air Taxi category will focus the core of their operations in small niche markets, based out of so-called 'unviable' airports or relatively under-utilized airports.

More importantly, majority of such operators shall comprise a team of industry professionals coming together to establish a small 2, 3-aircraft operation, to exploit niche markets, which are otherwise too thin for the medium haul regional operators.

This will inevitably result in the increased utilization of available infrastructure, particularly as it affects the so-called 'unviable' airports. Also, there will be increased direct, indirect and induced employment. By being required to operate aircraft types based on seating capacities and weights, operators particularly in the Commuter/Air Taxi category will be encouraged to develop tremendous in-house capability on their aircraft, as they will not make any sense of ferrying their aircraft overseas for basic maintenance, which can be effectively carried out locally. This is designed to encourage local human resource development to curtail envisaged future shortages in the industry.

In addition to the above benefits, it is envisaged that adopting this 3-tier airline licensing structure will go a long way in discouraging the proliferation of unused ATL's, currently a common feature in the industry. It is noteworthy that there are approximately 275 ATL's in circulation with only about 15% of these active.

The adoption of this proposed 3-tier airline licensing structure will, however, call for a thorough rationalization exercise of current operators and license holders, to ascertain their respective capabilities, hence categorize and license them as such.
This rationalization process, is envisaged, will generate some controversy as it is abundantly clear that some operators will resist a downgrading of their current licenses, should they be assessed to fall below the set benchmark. Notwithstanding, this process will still be necessary, and the fact of the matter is that not all current operators can cut the grade.

To ensure transparency in the process, it may be necessary to engage the services of a neutral, world renowned organization such as the International Air Transport Association (IATA), to carry out this rationalization exercise under its world acclaimed IATA Operations Safety Audit (IOSA) programme. It may however be necessary to include some financial and staffing criteria to the basic IOSA requirements in order to have a comprehensive assessment benchmark.

It is envisaged that after such rationalization process, given the current state of affairs in the industry, the much touted and necessary consolidation phase will ensue, resulting in possible mergers and acquisitions of weaker carriers by stronger ones.

When all the dust raised by such mergers and acquisitions might have settled, it is almost certain that the industry will boast of no more than five (5) major carriers and possibly 8-10 regional category type airlines. All others will fall into the commuter/air taxi category automatically. This is most certainly what the industry needs at this point, to consolidate the gains of deregulation and deliver the true dividends of liberalization to the citizenry - affordable air transportation.

• **The Establishment of a Civil Aviation Development Commission (CADC**).

Time was when all matters relating to aviation in the country were handled under the auspices of the Federal Ministry of Transport, wherein a civil aviation department was set up specifically for the purpose. However, on the realization by government of the importance and relevance of the sector, particularly in its socioeconomic development programmes, it went on to establish a ministry dedicated for the purpose - Federal Ministry of Aviation.

Given the myriad problems presently plaguing the industry as outlined above, may I propose the establishment of a Civil Aviation Development Commission (CADC), to compliment the on-going and commendable efforts of the Federal Ministry of Aviation so far.

This is informed by the fact that amongst other things, the aviation industry is one of the most fluid and dynamic in the world and as such requires a pro-active and responsive administrative system to keep pace with developments in the industry.

This purpose is better served by a dynamic and responsive organization, with a private sector driven ethos and not the reactive and often bureaucratic setting typical of the civil service structure - no disrespect to the service and civil servants.

At this juncture, special mention need be made of the selfless service of the civil servants at the Ministry of Aviation, who under the most difficult of circumstances, considering the rigid structures of the civil service, have continued to be innovative in dealing with the sometimes-complex issues of State and industry. The industry salutes your courage and inventiveness.

The proposed CADC should adopt a structure similar to that of the Bureau of Public Enterprises (BPE) and be headed by a Director General or a Minister of State, reporting directly to the Presidency or the Minister and be someone with a private sector background and mentality.

Amongst the several responsibilities to be undertaken by the CADC will be the:

Development of a National Air Route Network Blueprint
Development of a National Aircraft Fleet Renewal Programme
Development of a Strategic Regional Hub in Lagos
Development of a Domestic Hub in Abuja
Establishment of an Airlines' Central Tickets Clearing House
Development of a Domestic Network Alliance (DNA)
Monitoring of Airlines' Operational Health
Coordination of Industry Human Resource and Technical Personnel

One of the immediate functions of the CADC should be to establish a comprehensive national air route network blueprint, to encompass linking cities, communities and economic zones nationwide, thereby determining required capacity for the provision of adequate air transportation services throughout the country, based on the available infrastructure.

In addition, based on the existing bilateral agreements with regional and African countries premised on the Yamoussoukro Declaration, it should be mandated to determine capacity potential and similarly develop a blueprint for a comprehensive regional and African air route network with Lagos as hub.

These blueprints should form the basis of the market exploitation strategies to be developed and adopted, but necessary to position Nigerian carriers as the dominant operators on the continent, thereby ensuring a virile and vibrant aviation sector in the country. This has become imperative in the circumstance because Nigeria has the largest market and most diverse aviation infrastructure in continental Africa - the envy of the entire continent. It will amount to a big shame and a great disservice to this nation that foreign operators be allowed to take advantage of these resources to the detriment of its people.

Having carried out these preliminary studies, the CADC should then be empowered to negotiate with equipment manufacturers with a view to initiate a National aircraft fleet renewal programme.
The age 22-year ban imposed on aircraft being imported into the country is in reality an indictment of the Nigerian Civil Aviation Authority (NCAA), in the sense that it presupposes that the NCAA is not equipped to cater for such cadre of aircraft. We all know differently. The crux of the matter, though, is that this is an arbitrary, ill-informed policy, sneaked into the books through the back door.

One is compelled to ask, what is sacrosanct about the figure 22? Why not 10 or 15? Of course, it is clear that when this policy was surreptitiously adopted, the presidential Boeing B727 jet was about that age and no minister in her right mind would want to ruffle the master's feathers by pronouncing his jet 'illegal'.

What a huge joke! This is one of those policies that one simply cannot get over and an example of such policies that hinder rather than foster growth.

Indeed, the idea to have a young aircraft fleet on the national register is laudable, however such is better achieved through government support by way of incentive and established instruments.

An aircraft is good as the maintenance it receives. A brand-new aircraft off the production line can be unsafe if the required maintenance checks are not carried out, whereas a 30-year-old aircraft with the appropriate maintenance checks carried out as at when due can be very safe.

No gain saying, older aircraft require more maintenance and therefore cost airlines more to operate, not to mention reliability issues.

Given the choice, every airline operator will opt for a fleet of young, modem aircraft to exploit the markets, considering the inherent low maintenance costs and high dispatch reliability.
But alas, the stark reality on the ground is different. Modem aircraft cost huge sums of dollars. Individually, Nigerian operators do not possess the financial clout or muscle to equip with the more modern fleet of new generation, high efficiency jet transport aircraft.

The essence of a National aircraft fleet renewal programme is to amongst others equip Nigerian carriers and reposition them to dominate the region, as a prelude to developing Lagos into a strategic regional hub and reduce the perennial capital flight as a direct consequence of aircraft maintenance abroad.

More importantly though, this National aircraft fleet renewal programme is in response to the dictates of the Yamoussoukro Declaration, as addressed at African Civil Aviation Commission's (AFCAC's) 15th Plenary session held in April 1998 in Abuja, which

acknowledges the obsolescence and need for the replacement of African airlines' aircraft fleet in compliance with Chapters II and III of ICAO's Annex 16 on aircraft noise regulations.

In negotiating with equipment manufacturers, one of the preconditions to be fulfilled by such suppliers shall be the establishment of a maintenance base in the country, either directly or through a Joint venture, to ensure that the necessary maintenance back-up for supplied aircraft and spares are provided and available locally.

This will not only provide employment locally, but it will also go a long way in saving and in turn earning the country much needed foreign exchange from reduced overseas maintenance requirements and providing same to the pool of regional airlines. Invariably, this will also address the federal government's yearning to establish a National Hangar Project, which has since been mired in controversy.

It is pertinent to mention, however, that the mechanics governing the implementation of the National Aircraft Fleet Renewal Programme is premised on the principles of bulk purchasing drawing on scope and size.
Suffice to say that the elements involved are a bit more detailed and complex than volunteered in this write-up but have been proven time and again and thus feasible in the circumstance.

• Route Licensing
The airline industry has been described as closely approximating an oligopolistic market structure - one in which a few firms produce similar or differentiated products. Such markets are usually characterized by high barriers to entry, substantial economies of scale, mutual dependence, growth through mergers and price rigidity.

The airline deregulation exercise of 1985 which was informed largely by the overwhelming growth in demand, high air transport cost structure and to a lesser degree the trend in the world at the time, had great expectations.

Theoretically, the expectations were that the removal of entry restrictions after deregulation would stimulate the introduction of new firms into the industry and cause the then existing operator - Nigeria Airways, to expand or shift its operations into other more profitable markets, thereby forcing fares down. Also, it was expected to expand market options in erstwhile monopolistic markets.

In reality, although some of these expectations were met, including that of the introduction of new entrants into the industry, which occurred in droves hence providing a wider choice for consumers, the most significant ones of reduced air fares and wider markets expansion were never and have not been achieved thus far.
A thorough appraisal of the situation will indicate the introduction of certain distortions into the equation from the onset, thus negating the expected outcomes.

Indeed, these distortions may be adjudged to constitute the latent, destabilizing element in the system which hitherto were undetermined and have been variously responsible for the series of boom-and-bust cycles that have come to typify the industry since deregulation.

The first major distortion introduced into the system was the decision not to re- equip Nigeria Airways, as a direct consequence of the lack of a proper study on the adverse impacts of the deregulation policy on the operations of the erstwhile National Carrier.

The follow-on effect of this major flaw is an even greater distortion – that of the choice of aircraft types operated by the new entrants. Prior to deregulation, Nigeria Airways operated a fleet of predominantly medium haul Jet transport aircraft with capacities varying from 122 through 275 seats. This was deemed appropriate at the time as it had a total monopoly of the industry, particularly in the domestic market.

However, with the advent of the deregulation era and the introduction of other carriers in the domestic market, the resulting market fragmentation would necessarily engender a reduction in market share, hence reduced passenger load factors.

This development will, in essence, increase operating unit costs and most definitely impact the bottom-line.
Notwithstanding, the new entrant airlines decided to emulate Nigeria Airways for a variety of reasons. In the process, they acquired similar sized, medium haul Jet transport aircraft, which became cheaply available at the time as a result of impending Stage 2 and Stage 3 noise restrictions in Europe and the United States. This was the most logical step as a way around the high barrier to entry.

This no doubt has triggered a vicious cycle, which has continued to plague the industry ever since.
Another major distortion is the action of the Airline Operators of Nigeria (AON) as it relates to fares' fixing. In line with the characteristic price rigidity of oligopolists, the AON has continued to be the mouthpiece of airlines in the country when trying to justify fare fixing and increases by its membership.

No doubt, the AON is a useful body, if indeed it is truly representative of the industry. Such common causes as development of airport infrastructure, provision of essential services by government to facilitate industry performance, operations safety, etc., would be laudable ideals to pursue.

However, when it assumes the role of the industry mouthpiece regarding fare fixing or increases, then its action inadvertently creates a distortion in the marketplace. By so doing, it presupposes that every airline in its fold carries the same overheads, assumes the same operating model, structure and other such variables that determine unit costs.

Needless to point out the fact that every airline, even where the operating model is the same do not necessarily carry the same overheads and as such can still be price competitive.

Unfortunately, as a result of this inadvertent position taken by the AON, the price competitiveness of the industry has been lost. Airlines would rather not want to rock the boat because of mutual dependence and prefer instead to fight it out in non-price arenas such as advertising, customer service, etc.

Invariably, this distortion has resulted in another palpable development in the industry - the concentration of most carriers in a small seemingly lucrative market resulting in overcapacity.

A thorough analysis of available industry traffic data will reveal that three routes in the country account for approximately 75% of the total passenger traffic. These are the Lagos - Abuja, Lagos - Kano and Lagos - Port Harcourt routes.

This is so, not because other routes do not have enough passengers available on them, but primarily because the structure of such routes cannot support the types of aircraft being operated by most airlines.

Let us consider for instance such routes as Abuja - Kano, Abuja - Jos, Port Harcourt - Enugu, Enugu - Makurdi, Enugu - Yola, Yola - Maiduguri, Lagos - Ibadan, Ibadan - Akure, etc. These are thin routes better suited to propeller-driven turbine aircraft (turboprops) such as the Embraer Brasilia
EMB-120, Bombardier de Havilland Dash 8, ATR-42, Raytheon Beechcraft 1900D, etc.
These types of aircraft have relatively low direct operating costs and as such low break-even load factors, which the medium haul Jets like the Boeing B727-200ADV, B737-200ADV, Fokker F100, etc., cannot match.

Another somewhat interesting point of note but often disregarded in all of this, is the impact of the relocation of the country's political capital to Abuja on airlines' operations and route structures, given that the government drives business generally. Most businesses in the country reside in the central government, as a result of which all roads lead to Abuja.

These developments have combined to force majority of airlines into the aforementioned routes, with the resultant effects that airlines have become schedule and not price competitive and thus provide an overcapacity in these markets.

As an example of the magnitude of the problem, a recent analysis of passenger traffic data on the Abuja route alone indicates the availability on average, of a total of approximately 2,300 passengers daily into Abuja, with airlines providing a combined total of about 5,000 seats into the station.

In theory, this implies that, assuming an equal market share, each airline can at best hope for about 46% load factor on its respective flight. However, given the inherently high direct operating costs of the aircraft types being operated and the applicable tariff structure, the break-even load factor would be close to 75 - 85%.

In reality, some airlines post below 25% load factors as typical average, whilst some others erroneously interpret high market share induced by increased frequencies to mean profitability. Nothing can be further from the truth. All that this has engendered is an on-going war of attrition, which if allowed to continue unchecked, will result in the current boom- and-bust cycle in perpetuity.

From the foregoing, the rippling effects of the flawed airline deregulation policy by way of implementation is very evident, through the subsequent choice of equipment and route structures operated by the new entrants, This daunting reality necessitates a regime of re-regulating certain aspects of the airline industry operations, to ensure a balanced allocation of available resources, wider market coverage and structured expansion, acquisition and deployment of the appropriate aircraft types to exploit available markets, etc.

From all available empirical evidence, a Route Licensing regime might be necessary to address the overcapacity in a few seemingly lucrative markets, encourage the introduction of services in some unpopular albeit strategic domestic markets and most importantly ensure a balanced and continued growth of the industry.

• **Establishment of an Aviation Regulations Consultative Council**
The key to affecting any meaningful, growth-inducing and long-lasting change in the industry is through the framework of the regulations in effect.

Aviation has over the years moved away from a regime of prescriptive to one of consensual regulation, whereby the regulatory authorities work in conjunction with the industry stakeholders and operating airlines to come up with the most cost-effective and practicable solutions to sometimes complex issues, without compromising safety.

The consensual approach to rulemaking has been largely adopted worldwide and informed by the fact that it brings a unique and necessary element into the equation - flexibility. Given that the varied size and scope of different operations will require different resources for compliance with any regulation in effect, necessitates a flexible approach.

For instance, the structure required to comply with any particular regulation will differ for say, a 4-airplane operation to that of an airline with say 50 aircraft in its fleet. For this simple reason, regulatory authorities worldwide have evolved from the prescriptive regime of the one-size-fits-all mentality to one in which each operation is considered based on its own merit, informed largely by size and scope and type of operation.

As previously asserted, the aviation industry worldwide is known primarily for its fluidity and dynamic nature. Recent events and developments around the world have been known to shape the future course of the industry.

The September 11, 2001 hijacks of four US carriers' aircraft simultaneously is a classic example. This brought previously unimaginable scenarios into sharp focus. Such issues as airport and airline security arrangements, crisis management plans, the possibility of converting airplanes into weapons of mass destruction, etc., which were hitherto taken for granted and considered remotely possible were brought into sharp focus.

Bearing this in mind therefore, it becomes imperative that a formidable and responsive structure be established within the framework of the present aviation system, whereby such evolving changes and developments within the industry worldwide, can be quickly and seamlessly incorporated into the scheme of things, with minimal disruptions to the overall industry operations.
No doubt, the industry regulations hold the key in achieving the above vision. In order that this be so, there is an urgent need to establish a pseudo-independent body whose primary responsibility it will be to bring our industry regulations up-to-speed with the dictates of the larger world aviation community.

In this regard, therefore, may I propose the establishment of a body to be known as the NCAA - Aviation Regulations Consultative Council (NCAA- ARCC).

This august NCAA - Aviation Regulations Consultative Council, to comprise reputable, well-meaning industry professionals and stakeholders, drawn from different areas of expertise within the aviation community and headed by a Chairperson, to report directly to the Director General, Nigerian Civil Aviation Authority, the sponsor.

The primary statutory functions of the NCAA - Aviation Regulations Consultative Council shall include, to increase public access and participation in the rule-making process; to discuss

and debate issues from various viewpoints; to bring the various rule-making proposals to the notice of senior NCAA management at an earlier stage; and to facilitate harmonization with other national aviation Jurisdictions.

It is pertinent to mention however, that similar bodies exist under various guises in most developed aviation countries, notably the United Kingdom, United States of America, Canada, Australia, New Zealand, etc., to mention but a few.

These aforementioned countries have been able to use such medium as a vehicle for continued change and improvement within their respective aviation communities. More importantly, this approach has been able to help address the divergent and sometimes conflicting interests within their industries, whilst ensuring the full participation of industry stakeholders.

The vision of the proposed NCAA - Aviation Regulations Consultative Council, whose prime objective is to assess and recommend potential regulatory changes through co-operative rule-making activities, may be accomplished as summarized hereunder:

- Technical Committees, to provide advice, recommendations as well as propose regulatory provisions, where appropriate, concerning the full range of NCAA's rule-making mandate.
- The NCAA-ARCC process shall also afford the NCAA additional opportunities for exchanging information, insight and ideas with the aviation community with respect to proposed and existing rules that may require revision or revocation. This process will result in the development of better and functional rules in less time.

To achieve this objective, the focus should be on the following:

- Identifying critical or contentious issues that indicate a need to examine and revise, where necessary, existing regulations, policies, standards or procedures to maintain or improve aviation safety in Nigeria.
- Ensuring that the aviation industry needs are identified and fully considered through direct involvement and consultation.
- Eliminating, wherever possible, constraints to system safety and efficiency through regulations and standards in order to reduce complexity, increase productivity and simplify the overall system.
- Minimizing the regulatory burden where safety is not compromised.
- Maximizing, to the extent practicable, the compatibility of the Nigerian regulatory system with that of other regulatory authorities (e.g., FAA, UK CAA, JAA) where safety or efficiency benefits derived. However, efficiency benefits must not compromise safety.

It is noteworthy however, that the above-described framework is premised on an autonomous Nigerian Civil Aviation Authority (NCAA). Autonomy in this sense means a financially independent NCAA, where there is nil interference from government and the Director General is guaranteed a fixed, firm, specified tenure once employed to ensure continuity and growth, excepting situations of proven flagrant abuse of office or due process.

Conclusion

In conclusion therefore, it is quite evident that the various aviation structures and policies upon which the future of the industry was founded were defective from the very beginning. Most policies were arrived at by default rather than by a thorough and well-thought-out process of

scientific evaluation, specifically designed to assess the various 'what if' scenarios and adequately compensate for the likely outcomes.

These have invariably emanated from such 'knee Jerk' reactions to developments in the outside world, the impacts of which were never evaluated for possible outcomes and/or worse still, fully understood all.

No doubt the situation is not beyond redemption but calls for a brave and bold move on the part of government and industry stakeholders to, in the first instance, acknowledge the reality on the ground and come to terms with the most difficult decision of all. The possibility of having to take a few steps backwards, by way of partially re-regulating certain aspects of industry operations to consolidate gains, before formally launching into the future.

This consolidation of gains can be necessarily achieved by first and foremost adopting a 3-tier airline licensing structure, establishing Civil Aviation Development Commission (CADC) to develop the necessary industry developmental blueprint then proceeding to enforce route licensing regime based on this blueprint.

As a final step, the rule-making process should be reviewed to accommodate all shades of opinion, such that regulations in effect shall a true reflection of the evolving industry. This may be achieved through the Regulations Consultative Council (ARCC) under the auspices of the NCAA.

Where if this framework is formally adopted, it will allow for an orderly, well-structured and efficient air transport industry in Nigeria, with a view of taking its rightful leadership role in continental Africa. A well-structured industry will result in vibrant and strong airlines, strategically positioned to dominate the regional and continental markets, which have since been vacated through the demise of such notable carriers as Nigeria Airways and Air Afrique.

Ironically, the demise of both Nigeria Airways and Air Afrique has created tremendous opportunities for well-positioned, dynamic regional operators to take advantage of this potentially huge latent market. Historical evidence and indications on the ground suggest the scales tilting in favour of Nigerian carriers.

The government should however, as a matter of urgency establish the necessary framework to facilitate the exploitation of this huge regional market by, in addition to the aforementioned suggestions, expediting such implementation processes of the Yamoussoukro Decision and providing an incentives package to designated flag carriers to launch formal operations. Such incentives package could include exemptions from the payment of landing fees for all international flights for a set period of say 12 – 24 months.

This will give such designated flag carriers a major competitive advantage in the regional market, particularly considering the fact that other countries in the sub-region concede same to their carriers to give them a head start over and above the competition.

Worthy of note however, is the fact that all such other regional carriers from countries in the sub-region and the entire continent are actually eyeing the Nigerian market, as this is considered the most viable and vibrant on the continent. For this singular consideration therefore, it stands to reason that the Federal government should empower Nigerian carriers by way of granting such incentives package which will guarantee a major competitive advantage.

The positive and successful exploitation and possible domination of the regional and continental markets by Nigerian carriers will guarantee a steady inflow of foreign exchange earnings, which will in turn ensure a stable and growth-oriented air transport industry with its inherent multifarious benefits and multiplier effects

(ROLAND IYAYI, an air safely investigator/pilot and aviation consultant holds the position of Managing Director, responsible for Research a Development/Strategic Planning in AEROLEASING and CONSULTANCY LIMITED, a bio-aviation cum, aviation, consulting firm based in Lagos and earned an MSc. degree in Air Safety and Transport Management from the City University. London.)

CHAPTER 11
Route Prospect, Initiatives and Challenges
CAPTAIN EDWARD BOYO
Chief Executive Officer, Overland Airways

I have been invited to talk about Route Prospect, Initiatives and Challenges. It was given to me on a very broad platform and the emphasis of my discussion will be on Route Prospect, Initiatives and Challenges within Nigeria.

I am going to approach this presentation by making a basis clarification of what routes are and the characteristics of routes development. I will also present an overview of how we have done that in Overland Airways speaking from first-hand experience.

Route
A route in its own basic definition refers to one, two or more sectors that are flown to establish a direct or an indirect link between locations. These locations are usually described as city pairs. A route is an element of a network. A Network is a cluster of routes that are flown by airlines.

Historical Perspective

The history of route flying in Nigeria came from the pioneer airline in this country; our great Nigeria Airways when it took over the operation of British Overseas Airways Corporation, BOAC through what was formerly called West African Airways Corporation, WAAC. There was a political objective to provide air transportation for Nigeria. So, the route system that was first operated in Nigeria had a strong political condition; a subsidized route system built into a network that satisfied the political interest of the country. Nigeria Airways in its good days was able to fulfil that obligation excellently. In the early 80s, the demand outstripped the supply. Nigeria Airways could not meet those objectives anymore and private operations commenced alongside a situation of deregulation. The private operators rather than operate with a political objective designed their route network based on a commercial objective. They ventured into airline business with business objectives in mind, and this led to a situation whereby some airports and routes formerly serviced by Nigeria Airways were abandoned. Between 1999 and 2000, several airports with the exception of Abuja, Kano, Kaduna, Lagos and Port Harcourt were abandoned; by implication, they were not being serviced. This brought about the notion of 'unviable airports' in Nigeria. Realistically, no airport is unviable. As long as airports are built in locations where people are those airports are viable even though they may be underserviced.

The Overland Airways Experience
Talking about initiative, what we did in Overland Airways was to see underserviced routes as mines: We translated such routes into mines and analyzed them. We conducted research to determine the value of these mines and the cost of exploiting them to generate wealth from them. We subsequently resolved that if we were to service the routes, they should be serviced from the point of view of selling convenience and transferring their value to the consumer. So, routes should not be seen from the point of view of just flying airplanes from Point A to point B. Rather, they should be seen from the perspective of what their values are. The question is; how do you extract these values for benefits to both the operator and the consumer?

We embarked on a route and market requirement analysis, visiting locations all over the country and determining the basic profile, matching them with standard aeronautical indices. We asked the following questions: what is the market requirement in this environment? What is the stage length? What type of equipment will function in this airport? Having answered those questions, we moved into the preparation of our strategic marketing plan. We determined that 'there is a probability that this will work but that if it is going to work, how do we get the consumer to make that decision to utilize the service? We then looked at the forecast. What does the forecast tell us? Over thirty different scientific method of evaluation were at the forecast.

We were trying to translate what was termed unviable or useless into mines and values. With the successful market forecasting, we did a financial analysis on costs. Can we match the cost of a potential operation with the actual value of the route? From the financial analysis, a feasibility
programme started to emerge. We now looked at the specific aircraft appraisal; we looked at the acquisition modes i.e. (Outright purchase, lease, wet lease, dry lease, a damp lease). We matched the cost structure of each of these methods against the inherent value of the route which translate into what we call the route structure analysis, where the equipment, the typical route itself and the taste of the consumer are all brought together and matched for compatibility. Arising from that, we came out with our private schedule for our customers. We proceeded from the consideration of physical factors to the development of quality. It's not just about moving man from point A to point B. It is about moving him from point A to point B while achieving or fulfilling his desire. We then did our quality appraisal and attached the soft side of business into the product. What time does the traveler want to fly? How does he want to fly, alone or with his family? What does he want to eat on board? What does that mean to him? These quality service parameters were attached to our products and we set out.

Challenges

Route prospecting and development involves challenges. Such challenges include: -

Finance: The first challenge is putting up the proper financing plan with the limited capital availability and the high-risk perception of the aviation industry. The local banks are very nervous when it comes to funding aviation or airline related venture. We in overland airways discovered that our initial traffic was disproportional to the capital requirement and could not guarantee short-term profit. If you are taking that initiative to develop a route, you might find yourself retreating at that point in time. That is not the proper thing to do. Rather, you should go back to the mining analysis. You should ask yourself; based on the total value embedded in that route, will the end justify the means? If your answer is yes, then match that with the financing structure. That allows you to survive in the early stages in prospecting so that by the time you come to the management phase of that route, you are stable.

Environment: There was insecurity around underserviced airports when Overland Airways team first visited. The Police force were not there. The ones that were there were not allowed to function. The aviation security system in those airports had gone cold because there was no activity. All
these needed to be evaluated and re-energized. In some of the airports, there were no access to routes anymore. For one of them, we were there for three weeks studying the traffic pattern. You want to go to an airport for a flight at 7.00 O'clock and there is always a traffic jam at the roads leading to the airport. Something had to be done.

Government Assistance: We had to seek governmental assistance because we discovered that we would hardly succeed without it. If the serving of an underserviced airport is to work, the air traveler has to enjoy the service of the venturing airline from the time he leaves his house till when he gets to the next destination. Even things as mundane as going to make sure there is no traffic at the access road around the time that the flight is scheduled to depart is important to route development particularly when you are developing what has been termed as unviable route.

Operational Constraints: The staffing of the underserviced airports is low. The better qualified people have been moved to the active airports. This makes it necessary for you to work closely with the government. What does the government want? The government wants satisfaction for the people. The people voted the government into office and the government itself is positioned to cooperate. But as a pioneer in an activity like development of a new route, Overland Airways had to partner with the governments of the states where such airports were located. The airports were eventually re-energized and brought to service. Competent people were drafted to run them.

Flying Culture: One of the problems that Overland Airways faced initially was that the culture of flying was no longer in the inhabitants of the areas where underserviced airports were located. We went inland to develop Nigeria. We went into places like Ibadan, Akure, Ilorin, Bauchi. We are also going into places like Katsina, Makurdi in the first stage of the airline s route development project. Going into such places required us to create that culture of flying. The man in Ibadan or its environs preferred to drive to Lagos in order to go to Abuja. It took us one year to inculcate the
culture of flying in the people. Today, things have changed. The man in Ibadan will not drive to Lagos anymore if he wants to go to Abuja. He will choose to fly Overland Airways.

Non-Availability of Jet A-l: Jet fuel is not available in an underserviced airport and this makes airline operation expensive. It is a disincentive to developing an underserviced route. The airports have remained underserviced because the fuel companies in Nigeria have a very strong commercial objective.

Operational Cost: The operational cost in servicing underserviced routes is high because of the economics of scale. This is reflected in the fact that the initial traffic is disproportionate to the capital requirement. So, it is necessary to take a long-term view to the aviation industry before creating or developing a new route.

Recommendations

Concessions: New routes in Nigeria do not generate funds in the first one year. What we have done in Overland Airways to mitigate against that is that we have approached the government for concessions in direct operating costs so that we can meet the mutual objective. To develop a new route, it is pertinent to be a partner in progress with both the federal and the state government to get such concessions. Concessions are practiced elsewhere in the world. In the United States, it was practiced as the Essential Air Services programme under which airlines are paid to service routes. Every Nigerian, irrespective of location is entitled to equal opportunities. So, where it appears that there is no service to location A and people in location B have excess service, incentives should be created to distribute that wealth. Enhanced Essential Air Services Programme is necessary even if it is for the first five years of operation.

Tax Breaks/Holidays: Operators of some industries enjoy tax breaks, tax holidays and different kinds of freedom. To develop routes in Nigeria's aviation industry and serve every homeland in the country, the industry has to come together, united under an umbrella like AON or any credible umbrella to make collective gains through collective bargaining.

Subsidized Airport Charges: In arriving at charges for airports, the Federal Airports Authority of Nigeria needs to look at issues on a long term basis. If an airport is busy and congested, the charges should be market driven. Charges at the airport that is not busy and congested should be subsidized to attract traffic.

Choice of Equipment For airline operators, the equipment needs to be matched with the type of intended operation. The right choice should be made out of the commuter, the short-haul, the medium or the long haul equipment. Based on a clear understanding of this classification, the Nigerian Civil Aviation Authority, NCAA should discourage operators from using disproportionate equipment in the interest of safety because when an operator uses an equipment that is disproportionate on a route, he ruins the management of that route and he is not going to be in business for very long. The cost of this will be safety. In matching of equipment, the NCAA should be able to analyze and say, 'You cannot go into route A or B because you don't have the right equipment. If you do, your operations will not be safe.'

Conclusion

Overall, there has to be a conscious commitment to route development within
Nigeria. In this presentation, I have limited myself to what I have seen and the technicalities of what it takes to build a new route. Aviation itself is a tool of economic development and new routes create new wealth in Nigeria. Today, Abuja, Lagos, Port Harcourt are the busy routes. Prosperity will not transfer very quickly if other routes are not opened. Therefore, airlines should be encouraged to build a network rather than merely fly from one point to the other.

CHAPTER 12
Facilitation: For National Image

BAYO AKOLADE
Nigeria Immigration Service

Clarification of Concept:
For the purpose of this paper the following terms shall apply as stated: -

Airport: - Shall mean any recognized 'port of entry' in respect of persons landing from or boarding an aircraft and where there are facilities for Customs, Health and Immigration inspections.

Facilitation: - Is the act of making easy or hastening the procedure for embarkation or disembarkation from an aircraft by the travelling public at a recognized port of entry.

Consumers: - Are those involved with International travelling i.e., International passengers.

Rights: - A thing one is entitled to do or have by law; A legal authority or claim to something which is generally thought that every living person should have - (Advanced Learner's Dictionary).

Limitation: - Shall mean the limit to a traveler's/passenger's rights and his obligations.

Immigration Service is an Arm of Government set up to administer the Immigration Act of 1963 as revised in CAP 171 of the Revised Edition of the laws of the Federation 1990 (Herein after referred to as the Act) and charged with the primary responsibilities of: -

1. Ensuring that only qualified persons are allowed exit from and entry into the country.
2. Maintaining internal security by controlling and monitoring the activities of foreigners in the country.
3. Patrolling the country's borders to check the influx of illegal immigrants.
4. Issuing travelling documents to Nigerians and determining the eligibility of applicants for the grant of citizenship among others.

The creation of man as a social animal with insatiable wants but limited resources means the movement of man from his natural environment to another in order to fend for himself. This movement led to interaction of men over time and has forced them by exigencies of life to organize themselves within institutional boundaries called Countries or Nations, each with its own laws, customs and identity.

This coming together of men requires an order, if there should be any meaningful development. Thus, there evolved a "social contract" in which individual agreed to submit part of his freedom to some group of people in exchange for certain rights and privileges, hence the formation of Government. The basic function of Government is to provide a favourable environment for people to move around in pursuit of their needs without any fear, by guaranteeing security to life and property of her citizens.

Due to the necessity of migration, there arose the need to facilitate the wishes of a citizen to migrate to other lands. This gave birth to the idea of passport. On the other hand, the need to

regulate the movement of other nationals in one's country gave birth to the idea of visa/entry permit and other restrictive Immigration requirements/Aliens control measures.

These migrations are made by land and by sea. However, the advancement in technology led to invention of another mode of transportation - AIR- which is by no means, the safest, fastest, and most convenient. This type of travelling is being regulated and administered by the Ministry of Aviation. However, Nigeria Immigration Service is saddled with the responsibility of ensuring that only qualified persons are allowed entry into/exit from the country.

As stipulated in Chapter Five - Sections 33-44 of the Federal Republic of Nigeria -1999 Constitution - Fundamental Human Rights - All rights therein stated are recognised and upheld by the Nigeria Immigration Service. It must, however, be stated that no right is sacrosanct. A person's right ends where another's begins. Also, exigencies of State Security operation are a major constraint to absolutism of rights.

It is obvious to the Service that Immigration procedures at Airports are regarded by travelers as irritant thus a conscious effort is always made to see that Passengers are not bothered unnecessarily. Thus, from the onset, Immigration officers were trained to make passengers' convenience the cornerstone of their operations.

In his introduction to the Immigration Manual, one-time Director of Immigration, Late D. Damulak stated inter alia "It must be borne in mind that all Immigration requirements are regarded as irksome by members of the Travelling Public."

Everything possible must therefore be done to avoid irritation and unnecessary friction. Whenever possible, suitable and comfortable accommodation will be provided for travelers and all necessary and vexatious delays avoided. Immigration Officers are required always to exercise extreme courtesy and patience when treating travelers

From the foregoing, it is glaring that conscious effort is made to facilitate Immigration procedures or operations at the entry point in this case, our International Airports. This must, however, be balanced against the security nature of our operations - This is the main thrust of Immigration Operations.

Embarkation and Disembarkation
Procedures/Requirements

Section 2 of the Act stipulates that "(1) It shall be the duty of every person entering or leaving Nigeria to report to an Immigration Officer for examination, and to furnish such information in his possession as that officer may reasonably require for the purposes of this Act; and the Immigration Officer may refuse admission (or departure) in any proper case.

(2) Any person liable to be examined by an Immigration Officer shall if directed to do so by such officer in the course of his examination;

(a) declare whether or not he is carrying or conveying any document of any description specified by that officer, being a description appearing to that officer to be relevant for the purposes of the examination;

(b) produce to the officer any document of any such description which he is carrying or conveying, and the power to examine any such person shall include power to search him and any baggage belonging to him or under his control with a view to ascertaining whether he is carrying or conveying any such documents; but nothing in sub-section

(I) of this section shall authorise the search of any woman or girl except by a woman.

(3) An Immigration Officer may examine and may detain for such time as he thinks is proper for the purposes of examination (not exceeding seven days) any document produced pursuant to or found on a search under this Section.

Section 4(1) also requires every passenger who enters or leaves Nigeria to produce Landing and Embarkation Cards and satisfy the Immigration Officer that he is the holder of a valid travel document.

From the foregoing it is clear that: -

1. Every passenger is required to present himself before an Immigration Officer
2. To produce any document required by the Immigration Officer that is relevant for the purpose of the examination.
3. The officer has the right to search the person and baggage of the passenger.
4. The officer may detain such documents for a period not exceeding seven days.
5. All persons appearing before an Immigration Officer are to produce their travel documents for scrutiny.
6. All persons entering or leaving are to produce Embarkation/ Disembarkation Cards except exempted persons. The above requirements must not be regarded as contravention of a passenger's right but a security requirement to safeguard the polity from the burden of prohibited immigrants.

Section 18 of the Act states as follows:
(I) Any person within any of the following classes shall be deemed to be a prohibited immigrant and liable to be refused admission into Nigeria or to be deported as the case may be, that is to say: -

a. any person who is without visible means of support or is likely to become a public charge.
b. any idiot, insane person, or person suffering from any other mental disorder;
c. any person convicted in any country of any crime wherever committed, which is an extradition crime within the provisions of the Extradition Act;
d. any person whose admission would be in the opinion of the Minister be Contrary to the interest of national security;
e. any person against whom an order of deportation from Nigeria is in force;
f. any person who: -

(i) has not in his possession a valid passport, or
(ii) being a person under the age of 16 years has not in his possession a valid passport or is unaccompanied by an adult on whose valid passport particulars of such person appear;

g. any prostitute;
h. any person who is or has been:-
i. a brothel keeper,
(ii) a householder permitting the defilement of a young girl on his premises,
(iii) a person allowing a person under 13 years of age to be in a brothel,
(iv) a person causing or encouraging the seduction or prostitution of a girl under thirteen years of age,
(v) a person trading in prostitution, or
(vi) a procurer,

In addition to the above, it also seeks to prevent persons running away from the law to succeed and to prevent Nigerians from constituting themselves into Public Charge in Foreign lands.

Notwithstanding the above, the law requires anybody found to be inadmissible to be so informed in writing that they are refused entry to Nigeria (Section 7 of the Act and Appendix B of the Manual).

The law also forbids the search of a woman except by a woman.

To facilitate consumers waiting time at the Airport especially at Departure, a Fast-Track Section has been provided for First Class Passengers thus reducing the waiting time at the other Counters.

It gladdens my heart to inform you that waiting time at both the Departure and Arrival Counters has been reduced considerably in line with International Civil Aviation Organization (ICAO) Annex 9 - Facilitation. At the Departure Counter - waiting time has been reduced to less than four minutes at peak periods while Arrival Clearance time is reduced to 15 minutes as against ICAO recommended five and 20 minutes respectively.

It must, however, be emphasized that passengers have a duty to help facilitate Immigration clearing procedures by reporting to the Immigration officer promptly and on schedule and answering such questions as may be asked, filling the embarkation/disembarkation cards correctly and legibly and making available/handy their travel documents and any other documents that might be demanded of them by the Immigration officer.

In conclusion, 1 wish to state that despite the achievements made so far by the Service in facilitating passenger's clearance, it has been faced with the unacceptable problem of admission of passengers at the interline, this is a breach of protocol and a slight on National image. Indeed, there is an urgent need to tackle this problem to avoid its attendant consequence on the national security. In addition, service delivery could be improved if the operations of the Service is connected to the Internet. This will make watch- listing of passengers possible before clearance commences because passenger's manifest must have been made available by the airlines before the aircraft landed.

The improvement in passenger's facilitation noticed at the airport which has been attested to by notable Nigerians is due primarily to improved welfare package by the Immigration Authority. This serves as a motivator and morale booster to the officers hence the improved service delivery.

CHAPTER 13
Safeguarding the National Interest
ABDULLAHI DANBURAM,
NDLEA, Airport Commandant

I must confess that I am highly deficient professionally to do justice to this topic because I am not an aviation expert. It would have been most appropriate if an official of a relevant agency or parastatal in the Federal Ministry of Aviation such as the NCAA was picked to present this paper. However, as a government official who has worked in the airport environment and interacted with people at the helm of affairs in the industry, I will largely discuss the topic from my experience and from the perspective of security officer (Nigerian Drug and Law Enforcement Agency, NDLEA officer) involved in screening of passengers at the airport.

Air transportation has been acclaimed to be the fastest means of transportation and even the safest worldwide for movement of individuals and cargo, and as such, attracts lot of patronage by the business world. It has, therefore, become pertinent that for it to continue to maintain this attraction certain minimum rights of the user (consumer) must be clearly spelt out, safety guaranteed, and facilitation standardized; hence the formation of International Civil Aviation Organisation (ICAO) to guide operations in the Aviation sector internationally. Many countries are signatories to the charter of this organization. In Nigeria the organization that ensures compliance with appropriate regulations in this sector is the Nigerian Civil Aviation Authority (NCAA).

Facilitation: It's the process of ensuring smooth, orderly and timely inward and outward clearance of passengers, baggage and cargo at the airport when undergoing screening formalities by relevant organizations (e.g., Airlines and government Agencies). The question then is, how do consumer rights and other limitations affect facilitation.

Consumers' Rights: The basic right of a passenger travelling through this airport is dependent on a lot of variables. These include, whether his flight is a scheduled flight, chartered or unscheduled flight. However, critical to any of this type of flight is that the Consumer is entitled to know the booking conditions. The intending passenger should be aware of all relevant fares, taxes, timing, route options, conditions attached to the use, alteration or cancellation of the ticket purchased.

In the event of change or cancellation of a scheduled flight, the consumer is entitled to be informed timely.

In fact, by ICAO rules, passengers are supposed to be informed 72 hours to such cancellation to enable them make amendments to their travel plans. Consumers are also entitled to "Denied Boarding Compensation." This compensation varies from airline to airline which is usually printed on ticket slips. This usually attracts refund or change of an airline flight as an alternative.

The passenger is also entitled to know at the time of booking, the number of luggage he is entitled to carry as Cabin baggage and hand luggage and the weight permitted in each case. They are also required to know excess luggage charges, which will be imposed for exceeding the holding baggage limits.

Insurance: As a standard, a passenger is also entitled to liability limit in accordance with the NCAA policy. These are called special drawing Rights. It also varies from individual passenger to cargoes. There are various other rights that consumers have while travelling through the airport that may not be exhausted in this paper including the respect to the dignity of his person in the course of the journey.

However, Government takes into cognizance the fact that its national interest could be threatened by the individuals and their cargoes that pass through the airport and, therefore, position various security agents to screen passengers, documents, goods and other items that are imported or exported through the airport, hence the limitation to the rights of a consumer or passenger that also affects facilitation.

In Nigeria, the government's organizations responsible for these security checks include The Nigeria Customs Service, The Nigerian Immigration Service, The State Security Service, Nigerian Drug Law Enforcement Agency, Plant/Veterinary Quarantine Services and the Federal Airports Authority of Nigeria's officials.

These organizations have their specific duties for which they are statutorily assigned to perform in the interest of the nation. I am aware that Airlines are very mindful of the essence of these security checks to the extent that they usually inform their intending passengers to always endeavour to check-in and commence the relevant screening procedures one hour before boarding time to ensure that they don't miss their flight.

Limitations: From experience, some passengers would like to check in their luggage and secure a seat timely and retire to their houses until few minutes to boarding time before coming to the airport. When they come, in that rushing mode in order not to miss their flight, they least expect any security agent to "waste" their time. I have also argued that proper security check is much more expedient than the urgency to travel. This has been employed as a trick; to beat security by drug traffickers. The security officer, usually, will insist on doing his job, which is sometimes misunderstood, and create friction. This is where the limitation in terms of rights of the passenger comes in. It is in my honest opinion that national interest supersedes any individual interest in any country world over. Therefore, security cannot be compromised.

A passenger is entitled to his personal dignity as a right, but such a person could be subjected to x-ray or body frisking, if strong suspicion arose that he could under the cover of being entitled to his personal dignity use him to commit crime (e.g., like ingesting drugs or body packing).

A passenger on international travel is entitled to usage of his country's passport but such passport could be seized, and his journey disrupted if the officials of the State Security Service have it on information that his journey is a threat to the interest of the nation.
One major item that can enhance or impede facilitation is the level of automation of the particular airport. This involves the use of machines and electronic equipment for screening of passengers and luggage. The more automated an airport is, the faster the facilitation and the lesser the friction between passengers and security agents in terms of infringement on their rights.

Other variables that enhance facilitation include, easy accessibility to the airport-by-airport users e.g. passengers, crew members, baggage carriers and other common carriers, standard parking space, availability of check- in facilities such as good public address system, conveyor

belt and good weighing scale etc. and even good road network within the city the airport is located.

In conclusion, I would like to say that ICAO actually saw the need for speedy facilitation when it expressed its desire in one of its rules that clearance procedures for departing passenger should take a maximum of 60 minutes while that of arriving passenger should take a maximum time period of 45 minutes.

However, with benefit of hindsight, with particular relevance to the September 11, 2001 incident in the United States of America facilitation must be examined within the context of proper security checks of airport users and their cargoes in the interest of national security to prevent organized terrorism and to protect lives and property of the citizenry.

CHAPTER 14
Guidelines and Requirements for the Grant/Renewal of Airline Operating Permit (AOP)

1. General

i. Applicant seeking the grant of an Airline Operating Permit is required simultaneously, the grant of an Air Operator's Certificate (AOC) issued by the Nigerian Civil Aviation Authority, NCAA.

ii. Application in respect of a Permit shall be made in writing to the Honourable Minister of Aviation

iii. The application shall be signed by the person applying for it and if made by a corporate body, shall be signed by a person duly authorized by such a body.

iv. Application for a Permit must reach the Honourable Minister, Federal Ministry of Aviation on or before a date not less than six (6) months to the desired commencement date of operations.

v. Application for AOC shall be made in writing to the Director General, Nigerian Civil Aviation Authority, NCAA.

2. Requirements

The Application letter for the grant of a Permit must contain the following particulars:

a. Name and Address of applicant;

b. The type of services to be provided; and

c. Proposed operational base of applicant

ii. The following supporting documents must also be submitted to the Ministry before processing of the application can begin:

a. Four (4) copies of the Certificate of Incorporation of the company;

b. Four (4) copies of Memorandum and Articles of Association of the company with minimum share capital of ₦20,000,000 (Twenty Million Naira);

c. Four (4) copies of the current Tax Clearance Certificate of the company and of each of the Directors (Originals should also be submitted for sighting);

d. Four (4) copies of detailed Business Plan of the operation indicating among other things, its operational base, cash flow analysis, maximum charter rates for passenger or cargo flight, the ability of applicants to provide satisfactory services in respect of safety, continuity, and reliability of operation, sources of finance etc.

e. Publication of notice of the application in both the Daily Times and New Nigerian newspapers;

f. Evidence of financial capability to undertake the proposed business;

g. Insurance Policy and arrangement being put in place in accordance with the provision of the National Civil Aviation Policy;

h. Duly completed application forms (to be obtained from (NCAA);

i. Duly completed Personal History Statement (PHS) forms, two (2) passport size photographs in respect of each of the Directors of the company (forms are available at NCAA at the cost of ₦200 per form);

j. Receipt of payment of ₦250,000.00 non-refundable processing fee. (Bank Draft made payable to the Nigerian Civil Aviation Authority)

iii. The Ministry will during the course of processing forward these documents to NCAA for technical evaluation and appropriate recommendation.

iv. The Ministry shall also seek:

a. Security clearance from the Presidency; and
b. Publication of notice of application in the official Government Gazette.

3. Validity of Permit

i. The validity of a Permit shall be three (3) years.

ii. Subsequent upon receipt of Permit, a utilization fee of ₦50,000.00 shall be paid to the Nigerian Civil Aviation Authority annually.

Renewal of Airline Operating Permit

Requirements

i. Application for renewal of a Permit shall be made in writing to the Honourable Minister of Aviation. The application shall thereafter be forwarded from the Ministry to the NCAA for evaluation and appropriate recommendation.

ii. Receipt of Payment of ₦100,000.00 processing fees.

iii. Security Clearance from the Presidency (to be obtained by the Ministry in the course of processing).

iv. Evidence of utilization of Permit vide Certificates of: -

a. Registration of Aircraft

b. Airworthiness of Aircraft

c. Insurance

d. Air Operator's Certificate (AOC)

v. Evidence of submission of monthly statistical returns of operations to the Nigerian Civil Aviation Authority and regular and up to date payment of Aviation Charges.

vi. Provided there is a satisfactory report on the airline the Permit may be renewed for a further period of three (3) years.

6. Additional Information

i. On receipt of an application, the Honourable Minister of Aviation and/or the Director General of NCAA may request for additional information from the applicant as may be deemed necessary.

ii. The Honourable Minister may refuse to grant the Permit if the Applicant has not demonstrated enough ability to meet the financial requirements for the issue of Air Operating Certificate (AOC) by the NCAA.

iii. Permit not utilized at the expiration of its validity period shall not be renewed.

(Sources: Directorate of Air Transport Regulation, Nigerian Civil Aviation Authority)

CHAPTER 15
Guidelines and Requirements for The Designation of Nigerian Licensed Airlines On International Routes

Any airline to be designated must fulfil the following criteria in addition to the preliminary requirements earlier fulfilled by the airline.

(a) The airline must be issued an Air Transport License (ATL) for international operations by the Honourable Minister of Aviation after due compliance with the following requirements: -

(i) Payment of application processing fee of ₦5 million for short and medium haul (West Coast and African routes) and ₦10 million for long haul (Intercontinental) route.

(ii) Business Plan on the proposed operations of the airline.

(iii) Arrangements at proposed destinations to support the intended operations.

(iv) Paid-up share capital commensurate with the scope of operation. For short and medium haul routes (West Coast/ African ₦500 million, while Intercontinental routes shall be ₦l billion. A month moratorium period from the date of approval (i.e., 21st April 2004) is given during which the respective minimum capitalisation should be attained.

(v) Insurance policy for haul, passenger, cargo, third party and war risk in line with the Montreal Convention of 1999.

(vi) Organisational exposition detailing airline ownership and control, airline management structure and details of the airline operations including engineering, marketing, sales and promotion, flight operations, flight planning and scheduling, arrangement for aircraft fueling, handling, receipt and dispatch, catering and customer services.

(vii) Evidence of computer reservation system subscription to SITA and other product distribution and/or support systems.

(viii) Evidence of ownership structure or operational control of aircraft.

(ix) Evidence of IATA membership.

(x) Details of experience in international schedule operations.

(b) An airline that has been issued with an Air Transport License (ATL) for international operation by the Honourable Minister shall seek from the Nigerian Civil Aviation Authority (NCAA) the variation of its Air Operator's Certificate (AOC) to cover routes and aircraft types to be operated.

(c) An airline that has obtained an Air Transport License (ATL) for International routes with its AOC varied will have its designation process finalized by the Ministry through the exchange of diplomatic notes.

d) Any airline scheduled for designation by Government and is unable to obtain an Air Transport License (ATL) for international operations within a period of six (6) months and its AOC varied within a period of twelve (12) months, shall be deemed to be incapable of operating as an international airline.

(e) Designated airlines shall be responsible for financing all necessary inspections to be carried out with respect to routes, aircraft types and the negotiation or re-negotiation of applicable Bilateral Air Services Agreements (BASA).

(e) Designated airlines will be required to pay an annual License utilization fee on routes designated and operated by them as follows: -
(i) West Coast $25, OOOUS Dollars per annum;
(ii) African Regional routes $50, OOOUS Dollars per annum; and
(iii) Intercontinental routes $250,000 US Dollars per annum.

(g) These Guidelines shall have effect from 21st April 2004.

(Sources: Department of Air Transport Management, Federal Ministry of Aviation Abuja. 21st April 2004)