

ARTICLE

HISTORY, CHALLENGES, AND PROSPECTS OF AVIATION INDUSTRY IN NIGERIA: A LEGAL OUTLOOK

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Abstract

This article examined the history, challenges and prospects of the Nigerian aviation industry. From antiquity, there has been a gradual progression of the means of transportation, that is, the actual and unhindered movement of people or goods from one physical location to another. While land and water transportation - as old as civilisation, have facilitated economic growth through trade and exchange, air transport appears to be more exclusive, novel and the fastest means of transportation. Upon attaining independence, Nigeria saw a need to negotiate her own air service contract and create a government-owned national carrier, Nigeria Airways Limited, which failed, unfortunately. A call for efficiency in the air transport system is necessary. The paper employed the doctrinal research methodology to examine the challenges in the aviation industry. Consequently, an analysis was made on the apparent setbacks to achieving safety and a viable business climate in the industry. The paper found that in Nigeria, compromised standards by aviation institutions, absence of synergy amongst domestic carriers, poor airport infrastructure, bad weather and inadequate weather stations, insufficient human resources, capacity building, and remuneration of airport personnel, paucity of passenger-driven policies and passenger education, and technicalities of judicial remedy, are mitigating factors against keeping with current international best practices. Therefore, there is a need for the Nigerian Civil Aviation Authority to heighten safety standards, the National Assembly to amend section 7(1) (k) of the Nigerian Meteorological Agency Act 2022, and for the Federal Government to give aviation agencies unhampered liberty to exercise their oversight functions.

Keywords: Aviation, Aviation Industry, Aircraft, Civil Aviation Operations, Meteorology

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1.0 Introduction

It is a fact that from ancient times, there has been an ongoing evolution of the means of transportation, that is, the actual and unhindered movement of people or goods from one physical location to another. This advancement began using animals, wheels, automobiles, trains, and ships, in lifting people and their goods.¹ From their inception, land and water transportation - as old as civilization, have facilitated economic growth through trade and exchange.² However, air transport is more exclusive and novel. Also known as air carriage, it is the fastest means of transportation.³

Situated in Western Africa and sharing boundary lines with the Gulf of Guinea between Benin and Cameroun, the Federal Republic of Nigeria is an amalgamation of diverse ethnic groups. Nigeria is endowed with an impressive geographical landmass, diverse regions, challenging terrains, intimidating water bodies, and an emerging economy. This calls for an efficient air transport system devoid of delays, flight cancellations, or any other difficulty. The carriage of people or high-priced cargoes by aircraft has assumed great heights as a primary means of travel, due to their proficiency at covering long distances at relatively short periods. In the early days, transportation by air was reckoned to be 'both far-reaching and essential for the development of trans-African trade, improvement of the economic, social and cultural conditions of the African people.'⁴

Essentially, this was important then as the existing highways before Nigeria's independence only had domestic interconnections. However, upon attaining independence, Nigeria, like other African countries, saw a need to negotiate her own air services contract and create a government-owned national air carrier. However, challenges such as compromised standards by aviation institutions, absence of synergy amongst domestic carriers, poor airport infrastructure, bad weather, and inadequate weather stations, insufficient human resources, capacity building, and remuneration of airport personnel, paucity of passenger-driven policies and passenger education, and technicalities of judicial remedy, exist and have negatively impacted on the Nigerian aviation industry. This paper seeks to discuss these challenges as well as the history and prospects of the industry.

¹ A Faajir and Z H Zidan, 'An Analysis of the Issues and Challenges of Transportation in Nigeria and Egypt' (2016) (7) (2) *The Business and Management Review*, 18-29.

² *Ibid.*

³ J D McClean and Others (eds), *Shawcross and Beaumont Air Law* (Vol 1, UK: LexisNexis 2020) 1.

⁴ B E A Oghojafor and G C Alaneme, 'Nigeria Airways: The Grace and Grass Experience (A Case Study)' (2014) (5) (13) *International Journal of Business and Social Science*, 138-150.

2.0 CONCEPTUAL OVERVIEW

The subject matter under review necessitates a description of the ensuing keywords: Aviation/Aviation Industry, Aircraft, and Civil Aviation Operations.

Aviation involves the human activity of movement carried out inside an aircraft. Culled from the Latin *avis*, meaning ‘bird,’ it affords an appropriate translation that aviation deals with travel by air, specifically in a plane.⁵ Aviation Industry includes airports, airlines, general aviation, air navigation service providers, and those activities directly serving passengers or providing airfreight services.⁶

In section 117 of the Civil Aviation Act (CAA 2022), Aircraft is defined as ‘any machine that can derive support in the atmosphere from reactions of the air other than reactions of the air against the earth’s surface.’ Such aircraft include airplanes, helicopters, airships (including), gliders, paramotors, and hot air balloons.⁷

‘Civil Aviation Operations’ involve all ground handling operations, air operations, aerodrome operations, meteorological services, air traffic control, and provision of navigational aids, catering and allied services.⁸

3.0 AVIATION IN NIGERIA: A HISTORICAL PERSPECTIVE

The inception of the Aviation industry in Nigeria is traceable to the landing of the Royal Air Force aircraft (RAF) on a polo field in Maiduguri sometime in 1920.⁹ By the 1930s, both civil and military aircraft were flying routes such as Kano, Sokoto, Bauchi, Minna, and Lagos, with passengers.¹⁰ Moreover, British Imperial Airways carried passengers and mail services on board. In time, though, Lagos, Nigeria, and Accra, Gold Coast (Ghana), became hubs for aircraft flying

⁵ Vocabulary, ‘Aviation’ <https://www.vocabulary.com/dictionary/aviation> accessed 17 August 2023.

⁶ ATAG, ‘The Economic Benefits & Social Benefits of Air Transport’ www.atag.org accessed 17 August 2023; ATAG, ‘Aviation Benefits Beyond Borders’ https://aviationbenefits.org/media/26786/ATAG_AviationBenefits2014_FULL_LowRes.pdf accessed 17 August 2023.

⁷ Kingsley E Izimah, ‘When an Airline’s Liability to its Passengers or Customers Will Arise in Aircraft Accident or Loss of Baggage and the Laws Regulating Same’ <https://www.tekedia.com/airlines-liability-to-its-passengers/> accessed 17 August 2023.

⁸ (CAA 2022) s 117.

⁹ M M Ogbeidi, ‘The Aviation Industry in Nigeria: A Historical Overview’ (2006) (6) *Lagos Historical Review*, 133-147.

¹⁰ (n 9).

en route to India and the Middle East.¹¹ However, after the Second World War (1939-1945), migration to West Africa was the only means Europeans could combat the economic recession in Europe and obtain raw materials for their industries. Meanwhile, with West Africa's economic prosperity, the agitations for independence from Britain by nationalists in Nigeria, Gold Coast, Gambia, and Sierra Leone, were further intensified.

Notably, the meeting between Nigeria and the Gold Coast (Ghana) on 15th May, 1946, was a defining moment, as it led to resolving the difficulty in transport and communications between the British Isles and the colonies, as well as an assumption of control over the operations of the Royal Air Force, thereafter renamed West Africa Airways Corporation (WAAC). An agreement was thereupon reached between the four West African colonies and two foreign companies, *to wit*: British Overseas Airways Corporation (BOAC) and Elder Dempster Lines.¹² Essentially, WAAC, as an air carrier, became a public corporation founded by the colonies, with a mandate to develop an effective air transport system in the West African region.

WAAC continued operations over the major routes previously established by the defunct RAF in West Africa until 1956. When the Gold Coast pulled out by establishing Ghana Airway, upon attainment of independence in 1957, Nigeria felt challenged and inspired.¹³ Hence, pursuant to a tripartite agreement entered in 1958 between Nigeria, BOAC, and Elder Dempster, WAAC was renamed WAAC (Nigeria) Limited, with Nigeria owning 51% of the shares.¹⁴ Eventually, upon attaining her independence on 1st October, 1960, topmost amongst Nigeria's major policy resolutions was establishing an indigenous airline to meet the needs of its then limited air passengers. Accordingly, seven months later, on 1st May, 1961, the Government of Nigeria bought over 49% shares of her foreign partners/shareholders, and renamed the carrier Nigeria Airways Limited.¹⁵ Another policy resolution was non-interference by Nigerian Government in the affairs of the airline, the presence of a government-nominated board of directors regardless.

The then Minister of Communications and Aviation, Chief Samuel Ladoke Akintola,¹⁶ mentioned that the Government would fill a directory role over the aviation industry's policies and may insist,

¹¹ (n 9).

¹² (n 4 & 9).

¹³ *Ibid.*

¹⁴ *Ibid.*; (n 1).

¹⁵ (n 9); S I Ladan, 'An Analysis of Air Transportation in Nigeria' (2012) (10) (2) JORIND, 230-.237

¹⁶ *Ibid.*

where the need demands, on its perspective. In time, as anticipated, a distinction between objective regulation and impassioned interference by the Government could hardly be identified.¹⁷ Despite that, an inference could be drawn that industry participation by private airlines was not contemplated in the legal framework during the early stage of Nigeria's policies on aviation.¹⁸ Regardless, to ensure proper functioning of the industry, the Government in 1976, replaced the then Ministry of Civil Aviation with the Nigerian Airports Authority.¹⁹ This move led to the construction of a number of airport facilities in Enugu, Yola, Port Harcourt, Sokoto, Kaduna, Jos, Calabar and Ibadan.²⁰

Nevertheless, during the late 1970s and early 1980s, when it became evident that complete interference by the Government in the affairs of the single national carrier was going against its mandate and had become counterproductive economically, the need for deregulation and accommodation of private airline operators was embraced.²¹ Accordingly, the entrant way was open for domestic airlines such as Okada Airlines, Kobo Air Travels, and Gas Air, whilst Aviation Development Company and Bellview Airlines, *inter alia*, flew international routes.²² Remarkably, by 1995, the number of licenced air operators rose to 144.²³ The fact that Government transformed and progressed from its strict interference and regulation of a single national carrier, to deregulation and licencing of private airline investors in the aviation business, undoubtedly, that brought unique challenges and responsibilities. Foremost amongst them are the high capital-intensive nature of aviation business and ensuring high standards of safety.

Consequently, regulatory agencies like the Federal Civil Aviation Authority (1989), Directorate of Safety Regulation and Monitoring, and Directorate of Economic Regulation and Monitoring (1995), were disbanded due to calls for reform.²⁴ In consequence and pursuant to the extant CAA 2022, the Nigerian Civil Aviation Authority (NCAA) was created as an autonomous and principal regulatory body on aviation matters. On the other hand, other bodies in the industry, such as Nigerian Airspace Management Authority (NAMA), Federal Airport Authority of Nigeria

¹⁷ (n 9).

¹⁸ (nn 9 & 15).

¹⁹ (n 4).

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid*; O Ogunbodede and C Odetunde, 'Current Status of Civil Aviation in Nigeria' (2016) (3) (1) *Int. J. Aviation Management*, 26.

²⁴ (n 23).

(FAAN), Nigerian College of Aviation Technology (NCAT), Nigerian Meteorological Agency (NIMET), and Accident Investigation Bureau (AIB), were all established in compliance to the safety regulations of the International Civil Aviation Organisation (ICAO).

4.0 CHALLENGES BEDEVILLING THE NIGERIAN AVIATION INDUSTRY

Since its inception, the Nigerian aviation industry has been overwhelmed by several challenging situations. There are a plethora of problems confronting the aviation industry in Nigeria. These unresolved issues have led to a series of agitations and protests by major players therein, spanning from government regulators, air carriers, and passengers. Approaching the problem from the perspective of an aggrieved passenger is particularly worrisome given that private air operators make immense profits in the aviation business. Notably, on domestic operations alone, Nigerian air carriers were reported to have made, during the first quarter of 2023, over a Hundred and Sixty-seven Billion Naira (N167b) in the sales of flight tickets alone.²⁵ Yet, Nigerian Civil Aviation Authority (NCAA), in its 2023 First Quarter Assessment revealed the following data: the 11 domestic airlines operated a total flight of 18, 288, with 10, 128 delays, 284 cancellations, and 31 delayed/missing baggage (albeit eventually recovered), while 39% of international flights delayed passengers.²⁶

Consequently, the issues and challenges bedevilling the aviation industry include: compromised standards by aviation institutions, absence of synergy amongst domestic carriers, poor airport infrastructure, bad weather and inadequate weather stations, unavailability, high cost, and adulteration of aviation fuel, insufficient human resources, capacity building, and remuneration of airport personnel, delays due to V.I.P movement, paucity of passenger-driven policies and passenger education, and technicalities of judicial remedy.

²⁵ Chinelo Ogbogo, '11 Nigerian Airlines Earn N167bn From Ticket Sales in Q1' *The Sun* (Lagos 7 July 2023) [11 Nigerian airlines earn N167bn from ticket sales in Q1 – The Sun Nigeria \(sunnewsonline.com\)](#) accessed 18 August 2023.

²⁶ NCAA, 'Executive Summary on International and Domestic Flights Operations (January – March, 2023)' [quarterly-report-january-march-2023-3.pptx \(live.com\)](#) accessed 18 August 2023; Abdulkareem Mojeed, '39% of International Flights Operated in Nigeria in Q1 2023 Delayed – NCAA' *Premium Times* (Abuja 9 July 2023) [39% of International flights operated in Nigeria in Q1 2023 delayed — NCAA \(premiumtimesng.com\)](#) accessed 18 August 2023.

4.1 Weak Institutions and Compromised Standards

Institutions are the bedrock of society. The aviation industry requires astuteness, diligence, vigilance, and fairness of critical players for growth. The NCAA is presumed to be an autonomous body,²⁷ with conferred powers resting on the Director-General.²⁸ However, the autonomy of NCAA has been fraught with inordinate interference and usurpation by the Federal Ministry of Aviation and Aerospace (FMAA). It is only concerning safety matters, handled in collaboration with the Accident Investigation Bureau (AIB), established pursuant to the CAA 2022,²⁹ that there appears to be no meddling from FMAA, the parent body. Consequently, the NCAA performance is not optimal, which impacts negatively on the effectiveness of enforcement of passengers' rights in the aviation sector.

Moreover, the fact that aviation regulators enter into bilateral agreements with foreign governments and their airlines at the expense of private domestic carriers amounts to disloyalty. That act constitutes a sell-out, shows a lack of support and goodwill by the government, and further lends credence to the ventilations by domestic operators that the ease of doing business in Nigeria is nearly impossible.³⁰ The high cost of international tickets is a testament to the compromise by the key players of the welfare of Nigerians. For domestic airlines to have the capacity to commence flying international routes, the support of the Federal Government through the Ministries of Aviation and Aerospace, Foreign Affairs, and Justice, as well as the NCAA, cannot be overemphasised. Any failure by these institutions to activate all necessary international protocols will be an exercise in futility for the airline.³¹

The threat from Ethiopian airline's presence in the proposed national carrier, Nigeria Air, with respect to the Federal Government Bilateral Air Service Agreement (BASA), created a mixed

²⁷ (n 10) s 4(1); NCAA, 'Who We Are' <https://ncaa.gov.ng/about/> accessed 18 August 2023.

²⁸ *Ibid*, s 31(1).

²⁹ *Ibid*, s 23 (8)(e).

³⁰ Charles Ayodede, 'Air Peace Lost 18 Aircrafts to Bird Strikes in 2023, Spends \$3.2m to Repair One – Allen Onyema' [Air Peace lost 18 aircraft to bird strikes in 2023, spends \\$3.2m to repair one – Allen Onyema - Nairametrics](#) accessed 18 August 2023.

³¹ Abdullateef Aliyu, 'Int'l Travels: Airfares Hit Rooftop in Nigeria as Ghanaians, Beninese, Others Pay Less' *The Daily Trust* (Abuja 22 July 2023) [Int'l travels: Airfares hit rooftop in Nigeria as Ghanaians, Beninese, others pay less - Daily Trust](#) accessed 18 August 2023.

reaction.³² The 5% - 46% - 49% ratio between Federal Government, Nigerian investors, and Ethiopia respectively, has led to series of criticisms from concerned stakeholders.³³ Privately-owned domestic airlines were alarmed by the Federal Government's BASA with Ethiopian Airlines over them since they also needed support from BASA but have received any.³⁴ Besides, such an arrangement will be tantamount to having a lone airline dominate and take full advantage of the air market, creating an outrightly unfair competition. The Chairman and Chief Executive Officer of Air Peace opined thus,

Nigerian airlines are very strong, and it is insulting for another African airline to come to our country to help us set up a national carrier. The government must trust our airlines because as I speak, other African countries are coming to Air Peace for assistance set up their own national carriers, which we have agreed to assist them in a win-win situation. We must begin to resist such moves to belittle Nigerian carriers in order to continuously exploit the country.³⁵

Again, apart from flying an aircraft, the achievement of private sector participation in aviation is heightened where there are locally supported facilities for training on Maintenance, Repairs, and Operations (MROs), as well as the actual business of running such MROs, which, unfortunately, is currently absent in Nigeria. Given their antecedents, Ethiopia may likely bring in their MRO rather than use the existing ground handling companies.³⁶ Moreover, aviation thrives on safety, speed, and accuracy. However, where regulatory agencies relax the rules on enforcement of safety standards for airline carriers and their aircrafts, serious issues are bound to arise, such as flight mishaps and baggage loss/damage. The National Transport Policy emphasised the need to ensure consistency in coordination of the aviation network.³⁷ Thus, in fairness to all, no single airline should be given a gentle touchdown at the expense of others.

Furthermore, private carrier airlines are expected to sponsor periodic trainings of their crew members. Where such workshops are organised independently of the government-sponsored

³² Chinedu Eze, 'Mixed Reaction Trail FG's Choice of Ethiopian Airlines' *THIS DAY* (Abuja 23 September 2022) [Mixed Reaction Trail FG's Choice of Ethiopian Airlines – THISDAYLIVE](#) accessed 18 August 2023.

³³ Sahara Reporters, 'Ethiopian Airline Emerges Core Investor in Nigeria Air' [Ethiopian Airlines Emerges Core Investor In Nigeria Air | Sahara Reporters](#) accessed 18 August 2023.

³⁴ *Ibid.*

³⁵ Aviation Media, 'Airline Operators Call on FG to Review BASA' [Airline Operators Call on FG to Review BASA - Aviation Media Africa | Online Magazine for Aviation ::: Travel ::: Tourism](#) accessed 18 August 2023.

³⁶ (n 32).

³⁷ Suleiman I Ladan, 'An Analysis of Air Transportation in Nigeria' (2012) (10) (2) *Journal of Research in National Development*, 230-237.

Nigerian College of Aviation Technology (NCAT), and with higher fees attached, the possibility that these airlines may do as they please is heightened, and the safety checks by regulators may not be very effective. What is more, airlines are hesitant to train airmen in the fear that when a better offer of service comes, they will leave.³⁸ Worthy of mention is the policy requirement that at every 80 landings, the nose wheel of an aircraft must be examined by the NCAA department, Navigational Aids Flights Inspection and Surveillance (NAFIS). There is no current implementation.³⁹ Unquestionably, the effect of such lowered standards may bring such negative results as flights delays and cancellations, improper landing, accidents, loss of government revenue, amongst others.

4.2 Absence of Synergy Amongst Domestic Carriers

The fact that domestic airlines are disjointed and carry out their operations in isolation works against the interests of passengers. The situation is worsened by government non-support and reluctance to give a boost to the thriving carriers through collaboration rather than de-marketing. The words of the former president of Aviation Round Table, Gabriel Olowo, sum up this burning challenge.

Nigerian airlines remain small and highly fragmented. Our 11 airlines with a total fleet of 104 aircraft is less than that of Ethiopian Airlines (ET), which parades 144 aircraft in its fleet. Competing out there will be a herculean task without collaboration, cooperation, and or merger. Merger was successful in banking and should be successful in aviation. The industry must learn not to dwell on fleet size but rather on share capital.⁴⁰

Furthermore, the spike in international flights in Nigeria is largely because domestic airlines lack the capacity for reciprocity. It is a sorry tale that not one out of the 11 registered airlines with their 104 aircraft operate international routes like Europe, especially the London route with 21 frequencies, leaving only British air operators to fully utilise such lucrative, busy opportunity. Where domestic airlines synergise and assume more financial stability, the possibility of putting

³⁸ Lawani Mikairu, 'Aviation Challenges: Expert Cautions Over Nigeria Operations' *The Vanguard* (Lagos 5 January 2019) [AVIATION CHALLENGES: Expert cautions over Nigeria operations - Vanguard News \(vanguardngr.com\)](https://www.vanguardngr.com/2019/01/aviation-challenges-expert-cautions-over-nigeria-operations/) accessed 18 August 2023.

³⁹ *Ibid.*

⁴⁰ Chinedu Eze, 'Why Aviation Sector Needs Total Overhaul' *THIS DAY* (Abuja 13 July 2023) [Why Aviation Sector Needs Total Overhaul - THISDAYLIVE](https://www.thisdaylive.com/articles/why-aviation-sector-needs-total-overhaul/) accessed 18 August 2023.

aircrafts to the busiest international routes will crash the current exorbitant airfares and become largely advantageous to Nigerian air passengers.⁴¹

4.3 Poor Airport Infrastructure

Poor airport infrastructure is another huge impediment in the Nigerian aviation industry. The process to airport infrastructural development should be well-planned and standardised in line with their categories, along with a provision for continuous upgrade to keep pace with constant growth. However, in Nigeria, airports are not planned to accommodate passenger growth, airline growth, and potential/actual increase in aircraft fleet.⁴² In reacting to the report on upcoming deliveries within 36 months of brand-new aircraft by three Nigerian Airlines, *to wit*, Air Peace, Ibom Air, and Overland Airways, a travel expert, Ikechi Uko,⁴³ made the following observations about Nigerian airports,

We are where we are because we do not develop our airports on the basis of master plans. As a result, we have not catered for this growth as a system. Airport infrastructure is planned with capacity to match, from road access and egress to terminal throughput, to apron parking and runway/taxiway capacity. It's an end-to-end thing. But as long as someone says, 'let's build a terminal here', with no attention to the basics, you get what we have. The first question a terminal designer requires answered is, 'how many passengers are we designing for?' When that is answered, then everything from end to end must be made to match; otherwise you get capacity mismatch and resultant gridlock, not to mention latent unsafe conditions. The best approach to this is to have a well thought out master plan for the airport.

From the foregoing fact, it is highly doubtful that Nigerian airports have the capacity to accommodate the new aircrafts and their accessories. At terminals, congested Aprons—the earmarked area for loading or offloading of passengers from aircraft, make it nearly impossible for aircrafts to take off when due. For instance, the aprons at the two domestic terminals of the Murtala Muhammed International Airport (MMIA), Lagos State, are so capacity constrained to the point of flagrant noncompliance with the International Civil Aviation Organisation Standards

⁴¹ (n 31).

⁴² Chinedu Eze, 'Airlines: Retarded by Obsolete Airport Infrastructure' *THIS DAY* (Lagos 11 July 2023) <https://www.thisdaylive.com/index.php/2023/01/20/airlines-retarded-by-obsolete-airport-infrastructure/> accessed 18 August 2023.

⁴³ *Ibid.*

and Recommended Practices (ICAO SARPs).⁴⁴ Of course, the haphazard packing practice of domestic aircraft, to a certain degree, accounts for delays in passengers' scheduled flights since airlines are compelled to wait for other airlines to push back their aircraft from the apron before they become set for departure.⁴⁵ The record shows that even the new state-of-the-art MMIA terminal has a small apron, grossly inadequate to accommodate large-bodied aircraft. Another challenge is faulty conveyor belts, used for carrying passengers' baggage to an aircraft.⁴⁶ It is reported that some passengers missed their connecting flights because they spent over two hours waiting to retrieve their baggage due to a breakdown of the conveyor belt at the MMIA. The situation is similar for inbound passengers who reported that after long hours of delay, they found their baggage torn, broken, and ripped off.⁴⁷

Also, in a contemporary development at the Obafemi Jeremiah Awolowo International Airport (OJAIA) Omagwa, Rivers State,⁴⁸ wide body aircrafts, flying international routes, were unable to fly in or out for a period of two days, from 13 - 14 July 2023, due to insufficient fire risk preparedness. Thus, all inbound international flights, with one stop at Abuja, were stuck in the capital city until further notice. The situation raised quite an alarm especially with the report that there was a recent launch and supply of over N12 million brand new fire-fighting trucks to all international airports in Nigeria by the former aviation minister.⁴⁹ Further, the weekend of 15 - 16 July 2023, inbound flights to Mallam Aminu Kano International Airport (MAKIA), Kano State, were abruptly diverted to MMIA, due to non-functioning airfield lighting. In a statement made today, 17 July 2023, the Director, Public Affairs and Consumer Protection, Abdullahi Yakubu-

⁴⁴ Ifeoma Okeke, 'Explainer: Here Are 10 Causes of Flight Delays in Nigeria' *BusinessDay* (Lagos 20 February 2022) [Explainer: Here are 10 causes of flight delays in Nigeria - Businessday NG](#) accessed 18 August 2023.

⁴⁵ *Ibid.*

⁴⁶ Absullateef Aliyu, 'Passengers Miss Flight Over Faulty Conveyor Belt at Lagos Airport' *The Daily Trust* (Abuja 25 July 2023) [Passengers miss flights over faulty conveyor belt at Lagos airport - Daily Trust](#) accessed 18 August 2023.

⁴⁷ *Ibid.*

⁴⁸ Adekunle Sulaimon, 'FULL LIST: FG Renames Airports After Awolowo, Buhari, 13 Others' *The Punch* (Abuja 26 June 2023) [FULL LIST: FG renames airports after Awolowo, Buhari, 13 others \(punchng.com\)](#) accessed 18 August 2023.

⁴⁹ Ifeoma Okeke-Korieocha, 'Wide Body Aircraft Avoids PH Airport Over No Fire Service' *BusinessDay* (Lagos 20 February 2022) [Wide body aircraft avoids PH airport over no fire service - Businessday NG](#) accessed 18 August 2023.

Funtua,⁵⁰ on behalf of Federal Airport Authority of Nigeria (FAAN), primarily responsible for manning all airports in Nigeria, explains,

At 2300hrs, after all efforts to restore power supply to the runway failed, Operations Department initiated a Notice to Airmen (NOTAM) action for the closure of Runway 06/24 between the hours of 2300hrs on 15th July to 07:00hrs of 16th July 2023... The FAAN regrets any inconvenience caused by the diversion of the two Kano bound aircraft to Lagos, due to the unserviceability of the runway lights 06/24.

Another issue from poor infrastructure is the fact that perimeter fences in most airports are not security enhanced nor compliant to the National Civil Aviation Security Programme.⁵¹ There appear to be openings at the parameter fence of most airports in Nigeria, which poses security risks as unwanted persons can gain entrance into the restricted area of a terminal. For the OJAIA, Omagwa, Rivers State, the situation is made worse as the said parameter fencing is quite low and easy to climb through. Besides criminal intentions and security risks to air passengers, interlopers go as far as accessing the apron to enter the wheel well or gear landing of an aircraft, as stowaways.⁵² The fact that there are insufficient check-in counters act as a clog to passengers' seamless air travel.

Reports indicate that due to the capacity of airports, check-in counters are grossly under-performing and time consuming.⁵³ In most domestic terminals in the country, particularly Lagos, Abuja, and Port Harcourt, airline staff are constrained to check-in passengers *en route* to different destinations from less than ideal and fewer check-in counters. Consequently, the long queues and delays are most unpleasant to experience, as passengers sometimes risk missing their flights.⁵⁴ The airport facilities too, are below standards. The chairs and tables in the waiting hall for checked-in passengers are a far cry. The MMIA old terminal, originally designed for 200,000 passengers, is currently servicing over 6 million passengers annually with over 30 operational airlines.⁵⁵ The

⁵⁰ Charles Ayodele, 'Why We Diverted Kano Flights to Lagos - FAAN' [Why we diverted Kano flights to Lagos – FAAN - Nairametrics](#) accessed 18 August 2023.

⁵¹ Funmilayo Fabunmi, 'Stowaways put Nigeria Aviation Security on the Global Spot' *The Punch* (Abuja 26 April 2023) [Stowaways put Nigeria aviation security on the global spot \(punchng.com\)](#) accessed 18 August 2023.

⁵² *Ibid.*

⁵³ (n 44).

⁵⁴ *Ibid.*

⁵⁵ Business, 'Despite Opening of New MMIA Terminal, N14bn Reconstruction of Old Facility Stalls' *The Daily Trust* (Abuja 4 May 2022) [Despite opening of new MMIA terminal, N14bn reconstruction of old facility stalls - Daily Trust](#) accessed 18 August 2023.

unserviceable state of the carousel or baggage claim machine is way below standard. It has been reported that at the MMIA, Lagos, only one functional patrol vehicle is relied upon by airport security for operations, which is even in bad shape. The airport has eight vehicles currently parked and not functional.⁵⁶

4.4 Bad Weather and Inadequate Weather Stations

Bad weather conditions, which majorly occurs annually from October through March is a major source of delayed and cancelled passengers' flights.⁵⁷ This is especially worsened with the dearth of essential navigational and visual aids from the Nigerian Meteorological Agency (NIMET) at most airports nationwide.⁵⁸ The harmattan dust, fog, and haze, makes it nearly impossible for airlines to take off as scheduled. Airlines are thus made to await clearer visibility, at the airports of departure or arrival before eventual take-off.⁵⁹ It is a fact that when morning first flights are delayed for reason of bad weather, the spiralling effect touches on other scheduled flights throughout the day.⁶⁰ Even though this challenge falls within the 'extraordinary circumstances' for which airlines can leverage to escape liability to passengers, it is an issue for geographers to propose solutions which hopefully, in due course, will assume legal status.

Pursuant to section 7(1) (k) of Nigerian Meteorological Agency (Establishment) Act 2022 (NIMET Act 2022), the observation and collection of meteorological data for safe air travels through weather stations in Nigeria rests solely on the approval and commissioning of NIMET. Moreover, given the geographical landmass of Nigeria, (estimated at 923,768 square kilometres),⁶¹ and the standard of the World Meteorological Organisation (WMO), which provides that for every 100 square kilometres, there should be one weather station, that would amount to commissioning about 9,000 stations across the country to fully meet the needs of safe weather/climate forecasts.⁶²

⁵⁶ Sahara Reporters, 'EXCLUSIVE: Two Months After Theft of Runway Lighting Systems at Lagos Airport was Discovered, Facility Relies on One Patrol Vehicle That's in Poor Shape' [EXCLUSIVE: Two Months After Theft Of Runway Lighting Systems At Lagos Airport Was Discovered, Facility Relies On One Patrol Vehicle That's In Poor Shape | Sahara Reporters](#) accessed 18 August 2023.

⁵⁷ (n 44).

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ IndexMundi, Nigeria Area - Geography' [www.indexmundi.com<nigeria>land-area](http://www.indexmundi.com/nigeria/land-area) accessed 15 July 2023.

⁶² Okechukwu Nnodim, 'Nigeria's Weather Observatory Stations Inadequate – NIMET CEO' *The Punch* (Abuja 11 June 2017) [Nigeria's weather observatory stations inadequate — NIMET CEO - Punch Newspapers \(punchng.com\)](#)

However, there are only about 54 recognised observatory stations by NIMET across the federation.⁶³

4.5 Unavailability, High Cost, and Adulteration of Aviation Fuel

The price of aviation fuel, also known as Jet A1, is ascertainable by region. As of 5 June 2023, per litre of Jet A1 sold for N620 Lagos, N660 Abuja, N680 Kano, was after it rose to almost N1000 in 2022.⁶⁴ Besides the erratic supply of aviation fuel, its high costs have impacted on air operators' ability to purchase it to power their aircrafts and meet up with passengers' scheduled flights, thereby causing uncontrollable delays. It appears to be the practice in Nigeria, for airlines to queue in wait for supplies at airports across the nation.⁶⁵

Furthermore, a recent anomaly is the growing cases of sale of contaminated aviation fuel. The NCAA Director of Airworthiness Standards, Gbalohan Abalan, reported this worrisome occurrence in three airports – Abuja, Lagos, and Adamawa – within a space of four months. Referring to the incident with the suspended Max Air Boeing 737, Abalan made a statement of profound relevance, 'imagine what would have happened if the aircraft detected the water in the air, the two engines would have shut down, and the aircraft would have dropped from the air like a stone.'⁶⁶ It is arguable that the supply of contaminated Jet A1 is only possible due to zero collaboration between NCAA, FAAN, and Nigerian Mainstream and Downstream Petroleum Regulatory Authority (NMDPRA), on the matter of monitoring fuel quality.

accessed 18 August 2023; Tunde Oyekola, 'Nigeria Needs 9,300 Weather Stations, Has 54 – NIMET' *The Punch* (Abuja 3 March 2020) [Nigeria needs 9,300 weather stations, has 54 — NiMET - Punch Newspapers \(punchng.com\)](#) accessed 18 August 2023.

⁶³ Kasim Sumaina, 'Nigeria Needs 9,000 Weather Stations, Says NiMET' *THIS DAY* (Abuja 25 September 2018) [Nigeria Needs 9,000 Weather Stations, Says NiMet - THISDAYLIVE](#) accessed 18 August 2023.

⁶⁴ Economic Confidential, 'Jet Fuel, Cooking Gas Prices Crash in Abuja, Lagos' [Jet Fuel, Cooking Gas Prices Crash in Abuja, Lagos - Economic Confidential](#) accessed 15 July 2023.

⁶⁵ (n 44).

⁶⁶ Sahara Reporters, 'Max Air Passenger Plane with Waterlogged Tank Would Have Dropped From Sky Like a Stone If It Had Taken Off – Nigerian Civil Aviation Authority' [Max Air Passenger Plane With Waterlogged Tank Would Have Dropped From Sky Like A Stone If It Had Taken Off – Nigerian Aviation Authority | Sahara Reporters](#) accessed 18 August 2023.

4.6 Insufficient Manpower, Capacity Building, and Remuneration of Airport Personnel

The task of keeping airports in the country up and running is quite herculean. FAAN is grossly understaffed. Duties to be executed by two personnel is currently done by just one staff who must outdo himself for 12 long hours rather than the 6 hours in the employment contract.⁶⁷ Moreover, it has been observed that the actions and dispositions of personnels from FAAN and other agencies are less than professional and not *in tandem* with international best practices.⁶⁸ They leave much to be desired.

Nigerian airports offer vital services. Consequently, airports ought to be categorised under national assets worthy of national security, and should not be susceptible to high targets of attacks by terrorist groups. Therefore, to secure safe travels for passengers, the essential security defence strata created are security agencies of government for intelligence; airlines security for pre-screening, check-in of passengers, and baggage screening; immigration, and Department of state service for airport checkpoint screening and access control; and both government and airlines personnel for final boarding screening as well as on-board screening.⁶⁹ However, it has been observed in Nigeria's busiest airport, MMIA, Lagos, that there are innumerable checkpoints which causes worrisome exhaustion in passengers before they arrive at the sitting area or get boarded for departure. Often, those checkpoints, eight identified, are mere duplicitous and unnecessary. At best, they encourage bribery, extortion, and other corrupt and sharp practices which the law abhors.⁷⁰

On the other hand, the provision of working equipment to assist airport personnel carry out their assigned duties at the OJAIA, Omagwa, Rivers State, such as exclusive threat detectors with both iron scan and liquid scan detectors, are either in need of maintenance or the contract for efficiency has expired. These sophisticated devices are necessary to aid security checks and protect

⁶⁷ Solacebase.com, 'BREAKING: Aviation Unions Threaten to Shut Down Airports Nationwide in 7 Days' [BREAKING: Aviation unions threaten to shutdown airports nationwide in 7 days - SolaceBase](#) accessed 19 August 2023; Lilian Ukagwu and Funmi Fabunmi, 'Striking Aviation Workers Reject Govt Plea, Threaten Total Shutdown' *The Punch* (Abuja 18 April 2023) [Striking aviation workers reject govt plea, threaten total shutdown \(punchng.com\)](#) accessed 19 August 2023.

⁶⁸ Ifeoma Okeke-Korieocha, 'Explainer: Eight Check Points at Lagos International Airport Aiding Extortion, Corruption' *BusinessDay* (Lagos 22 June 2023) [Explainer: Eight check points at Lagos international airport aiding extortion, corruption - Businessday NG](#) accessed 18 August 2023.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

passengers from security risks. In addition, during the first week of July 2023, it was discovered on 20 May 2023 that following the installation of the multi-million Naira airfield lighting systems at the domestic wing of MMIA, Lagos, on November 2022, criminals made away with every piece of the lighting system on the runway.⁷¹ Undoubtedly, this dastardly act—occasioned by inadequate security personnel on the ground—was inevitable as the airport is generally understaffed.⁷² Of course, this will further frustrate efforts to put the airport to use at night so passengers can get to their destination on a flight schedule of choice. In fact, John Ojikutu, the Chief Executive Officer of Centurion Aviation Limited, observed that the security facilities, training, and actual programmes at the MMIA – situated at the heart of the four most populous local governments of Lagos with complicated road networks – do not capture patrol or internal surveillance of the flight manoeuvring and ground areas.⁷³ It comes as no surprise, then, for the criminals to have 100% success in carting away with those invaluable tarmac lightings.

Consequently, besides having modern security surveillance and other equipment, Nigerian airports require skilled and dedicated personnel to man them. There is also a need for several operational vehicles to aid Aviation Security (AvSEC) in carrying out their job of assessing airports' parameter fences, domestic airport terminals, cargo warehouses, international terminals, distress call response, and so on, in a diligent and efficient manner. Another important area is the remuneration of airport personnel such as FAAN, NCAA, Nigerian Meteorological Agency (NIMET), Nigerian Airspace Management Authority (NAMA). Due to the sensitive nature of their assignments, it is not in the best interest of every stakeholder, especially air passengers, if aviation unions keep crying for consequential adjustments to their minimum wage, with the reviewed conditions of service entered nine years ago still yet to be implemented.⁷⁴ It is a fact that during the strike embarked upon by Nigerian Aviation Handling Company Plc (NAHCO) in January 2023, over emolument increment, several domestic and international flights across all airports in Nigeria recorded great losses. For instance, Air Peace recorded a loss of over Five Hundred Million

⁷¹ Sahara Reporters (n 54); Shola Adekoya, 'Murtala Muhammed Airport: Thieves Breach Security, Steal Million-Worth Lighting Components' *Nigerian Tribune* (Ibadan 10 July 2023) [Murtala Muhammed Airport: Thieves breach security, steal million-worth lighting components - Tribune Online \(tribuneonline.com\)](https://tribuneonline.com) accessed 18 August 2023; Funmilayo Fabunmi, 'Lagos Airport Runway Light Stolen, Seven Suspended' *The Punch* (Abuja 11 July 2023) [Lagos airport runway light stolen, seven suspended \(punchng.com\)](https://punchng.com) accessed 18 August 2023.

⁷² *Ibid.*

⁷³ (n 40).

⁷⁴ (n 67).

(N500m). What is more, the recent two-day warning strike by aviation unions in April 2023 affected flight operations in a manner beyond contemplation.⁷⁵

4.7 Delays Due to V.I.P Movement

It is a common practice in Nigeria for the airspace to be shut down when the President, Vice President, or other dignitaries are either arriving or departing an airport. Although such an act is acclaimed to be for security reasons, the resultant consequential delays and cancellations on already scheduled flights leave many aggrieved passengers stranded and counting their losses, which includes missed job interviews, business deals, doctor appointments, examinations, and so on. The fact that air operators are prohibited by the authorities from mentioning the movement of ‘very important persons’ as a reason for flight delays is a situation that raises eyebrows about the transparency of the system.⁷⁶

4.8 Paucity of Passenger-driven Policies and Passenger Education

The fact that government policies require foreign airlines to make local currency sales is hard-hitting on those airlines' funds which eventually becomes trapped. Currently, the total amount of foreign trapped funds in Nigeria have reached \$802m, which is not good for air connectivity, economic growth, and development of the aviation industry.⁷⁷ The situation is further worsened where the Central Bank declines to sell dollars to these airlines at the official rates. Should these foreign investors have to purchase dollars at black-market rates that will naturally push the price of their tickets upward.

Further, owing to the business setback caused by trapped funds, most foreign airlines have either of two choices: leave the country or increase international airfares by yield and not volume. The consequential effect falls heavily on passengers who must bear the brunt of expensive tickets. It is notoriously known that it is cheaper to fly to another continent than to another African

⁷⁵ (n 67).

⁷⁶ Samuel Akpan, ‘Unruly Passengers, VIP Movement... Airline Operators List Causes of Flight Delays’ *TheCable* (Abuja 23 March 2023) [Unruly passengers, VIP movement... airline operators list causes of flight delays \(thecable.ng\)](https://thecable.ng/unruly-passengers-vip-movement-airline-operators-list-causes-of-flight-delays) accessed 19 August 2023.

⁷⁷ Oyetunji Abioye, ‘IATA Warns Nigeria as Airlines Trapped Funds Hit \$802m’ *The Punch* (Abuja 4 April 2023) [IATA warns Nigeria as airlines trapped funds hit \\$802m \(punchng.com\)](https://punchng.com/iata-warns-nigeria-as-airlines-trapped-funds-hit-802m/) accessed 19 August 2023.

country.⁷⁸ It is even more economical to fly to other continents from other African countries than to fly from Nigeria.⁷⁹ It is common knowledge that pursuant to the revised exchange rate from N663/\$1 to N770, fixed by the International Air Transportation Association (IATA) due to the floating of Naira as ordered by the CBN, a one-way economy ticket on an international flight from Nigeria is about N2m.⁸⁰ Actually, more relatable for most Nigerians is the price for domestic routes. According to the latest report from the National Bureau of Statistics (NBS), local airfare has risen by 34.06% in one year, that is, from N55, 906.86 in May 2022 to N74, 948.78 in May 2023.⁸¹

A lack of passenger-driven policies plays out with the rising abhorrent passenger experience at most airports where concessionaires harass passengers for failure to comply with parking rules. The fact that there are rules are insufficient where those rules are not clearly displayed for passengers to see and abide by. An instance is the ‘no-pick rule’ at the MMIA, Lagos. Some passengers have been manhandled for inadvertently violating the rule by unprofessional concessionaires, fined, and forced to pay the penalty in a most dehumanizing manner akin to committing a criminal offence. It is safe to state that airports are for persons who have attained a certain social standing in the society. Therefore, this set of people ought to be treated with utmost decorum, regardless of being in default of a rule. The consideration should be high for first offenders, rather than meting out harsh treatments as it is customary at most airports.⁸²

Not to be overlooked, too, are the various checkpoints which create a forum for passengers to be extorted after, and sometimes even before, services are rendered to them.⁸³ There are three identifiable sets of touts at the MMIA: outside touts, retired staff, and, surprisingly, existing staff from various aviation agencies who abuse their office to defraud passengers in the guise of

⁷⁸ Funmi Fabunmi and Lilian Ukagwu, ‘Foreign Airlines Trapped Funds Cause Expensive Fares’ *The Punch* (Abuja 24 March 2023) [Foreign airlines’ trapped funds cause expensive fares – Operator \(punchng.com\)](#) accessed 19 August 2023; Rebecca Kesby, ‘Air Travel in Africa: Costly Flights Hold the Continent Back’ *Air travel in Africa: Costly flights hold the continent back - BBC News* accessed 19 August 2023.

⁷⁹ *Ibid.*

⁸⁰ Yusuf Babalola, ‘Foreign Airlines Economy Ticket Hits N2m as IATA Adjust Exchange Rate’ *Leadership* (Abuja 22 June 2023) [Foreign Airlines’ Economy Ticket Hits N2m As IATA Adjusts Exchange Rate \(leadership.ng\)](#) accessed 19 August 2023.

⁸¹ William Ukpe, ‘Price of Flight Ticket Rise by 34.06% in One Year for Nigerians – NBS’ [Price of Flight tickets rise by 34.06% in one year for Nigerians - NBS - Nairametrics](#) accessed 19 August 2023.

⁸² Funmilayo Fabunmi, ‘Concerns Mount Over Rising Clashes at Airports’ *The Punch* (Abuja 13 July 2023) [Concerns mount over rising clashes at airports \(punchng.com\)](#) accessed 19 August 2023.

⁸³ (n 62).

assistance. A major cause of this lingering ‘toutism’ at the airports is because of the unsatisfactory and unfriendly attitude exhibited across most counters and offices.⁸⁴ Thus, passengers would rather patronise some ‘staff’ who will go through all the rigorous process before boarding on their behalf for a fee.

In another development, FAAN and oil marketers duel in April 2023 was caused by an abrupt 100% hike in charges for Apron Pass at the Nnamdi Azikiwe International Airport (NAIA), Abuja. The disagreement got to a point where the airport manager denied fuel vendors access to the terminal to recharge aircraft for their next scheduled departures.⁸⁵ Consequently, flights were landing because they had no fuel, while the waiting hall was crowded and rowdy as stranded passengers agitated but could do nothing about the situation.⁸⁶ But for the tickets paid by those passengers, hardly would the airport management and staff get paid. Yet, passengers are not reckoned as important enough to be respected, to have their rights protected, and for all modalities to be put in place for them to get on a scheduled flight as at when due.

On the other hand, a lingering challenge in the aviation industry is a lack of passenger education on their rights and the proper means of handling any perceived or actual violations thereof. Many passengers do not know their rights as guaranteed by law. This has led to unruly and unlawful protests by passengers in situations of delayed or cancelled flights, with many taking a jungle approach to the problem. Some passengers prevented other passengers from boarding aircrafts ready to fly to different destinations on a scheduled time later than theirs.⁸⁷ The violent way in which some irate passengers go about the situation takes them to almost venturing to the tarmac to stop a moving aircraft from flying.⁸⁸

⁸⁴ Charles Ayodele, ‘Inside the “Lucrative” World of Airport Touts in Nigeria’ [Inside the “lucrative” world of airport touts in Nigeria - Nairametrics](#) accessed 19 August 2023.

⁸⁵ Funmilayo Fabunmi, ‘FAAN, Fuel Marketers’ Disagreement Disrupts Passengers’ Easter Plans’ *The Punch* (Abuja 6 April 2023) [FAAN, fuel marketers’ disagreement disrupts passengers’ Easter plans \(punchng.com\)](#) accessed 19 August 2023; Prince Okafor, ‘Flight Cancellations Imminent, as FAAN Denies Oil Marketers Access to Airports’ *Vanguard* (Lagos 6 April 2023) [Flight cancellations imminent, as FAAN denies oil marketers access to airports - Vanguard News \(vanguardngr.com\)](#) accessed 19 August 2023.

⁸⁶ (n 72).

⁸⁷ (n 85).

⁸⁸ (n 40).

4.9 Technicalities of Judicial Remedy

The issue of jurisdiction of court has led many passengers to lose their case despite the pain, anguish, trauma, and disappointments they suffered at the hands of defaulting air operators. For a claim to succeed for breach of contract of carriage by air, the contract must have commenced, in whole or in part, for FHC to become seised with jurisdiction. In *KLM Royal Dutch Airline v Idehen*,⁸⁹ the respondent purchased tickets from the respondent for a round trip. However, the return ticket was cancelled by appellant, after the first leg of the flight had been concluded. The claim was held to rightly fall within the exclusive jurisdiction of the FHC, rather than the State High Court (SHC). In clarifying the difference, Nimpar, JCA held as follows:

The question to ask is whether the contract allegedly breached is one for carriage by air? The provision is quite clear and straight forward and it does not include a mere contract relating to carriage by air if carriage by air has not commenced at all. It is only when the cause of action is intricately connected with being on an aircraft and injuries or any event untoward occurs or where goods are in an aircraft and something happens, that gives a claimant a cause of action under the Federal High Court.⁹⁰

Conversely, in *KLM Royal Dutch Airlines v Taher*,⁹¹ the respondent purchased air tickets for a flight to Canada and the United States of America from Mallam Aminu Kano International Airport, Kano. Unfortunately, he was denied boarding for a suspected fake passport. Respondent instituted an action at the FHC claiming several reliefs. In allowing the appeal, the Court of Appeal resolved the issue of whether an aggrieved party to a claim for breach of contract, created by denied boarding can seek redress at the FHC in the negative.

From the decision of their Lordships at the Court of Appeal, it logically follows that in a situation where the contract has not been part-performed, the claim could rightly fall within the jurisdiction of the SHC. This specific issue is very technical and requires professionals in the practice of aviation law to assist aggrieved passengers get the justice they rightly deserve.

⁸⁹ (2017) LPELR 4357 CA, *per* Yargata Byenchit Nimpar, JCA.

⁹⁰ (n 79)14, paras B-D.

⁹¹ (2014) 3 NWLR (1393) 137.

5.0 PROSPECTS IN THE AVIATION INDUSTRY

Nigeria is the second largest aviation market in Africa, after South Africa, and provides 65% of air travel in West Africa.⁹² Thus, the potential for expansion and productivity of the Nigerian aviation industry is remarkably high. For one thing, there is eagerness from foreign airline carriers to do business herein, subject however to Bilateral Air Service Agreements with the Federal Government or indigenous investors. For instance, N156 billion and N158 billion in revenues were made by foreign airline carriers from ticket sales in 2011 and 2012, respectively.⁹³ Furthermore, Boeing, a giant U.S. aerospace manufacturer, made a prediction that 1,170 new airplanes valued at US\$160 billion will be needed in Africa within 2015-2034, such that 960 will be for growing aviation economy (like Nigeria) and the remainder of 210 will serve as replacements of old airplanes.⁹⁴ By the same token, Airbus Industries, a European manufacturer, extrapolated a 170% upsurge of aircraft fleets and that about 1,117 new aircrafts will be in dire need in Africa, with the majority being single-aisle like airbus A320 and Boeing 737.⁹⁵ Essentially, these projections portend a necessity for additional pilots, technicians and other support staff, thus creating more employment opportunities.

While it is true that there is currently no national carrier to maintain the pride of place of Nigeria's aviation in the international business airspace, nonetheless, there is, at present, a renewed effort at establishing a national carrier, Nigeria Air. This need is particularly anchored on the fact that by several BASAs entered into by the Federal Government with foreign airline investors, it will amount to a one-sided contract with zero financial benefits in the absence of a national carrier to give effect to the terms of such BASAs.⁹⁶ It is on record that Nigeria Air was a proposed airline carrier of Nigeria flag.⁹⁷ This proposed national carrier was to attract an initial investment capital of US\$5 million by the Federal Government, with a clear mandate to commission it strictly for business, rather than some social venture.⁹⁸ However, despite the fact that the airline operations

⁹² I Omoleke, 'Legal Policy and Aviation Industry in Nigeria: Constraints to Optimal Safety of Air Transportation (2012) (4) (1) *Journal of Public Administration and Policy*, 9-22.

⁹³ *Ibid.*

⁹⁴ Boeing, 'Boeing Forecasts Demand for 38,050 New Airplanes Valued at \$5.6 Trillion' www.boeinh.mediaroom.com accessed 19 August 2023.

⁹⁵ Michael B Cox, 'Africa: Aviation's Next Frontier' www.seaburycapital.com accessed 19 August 2023.

⁹⁶ Alternative Airlines, 'About Nigeria Air' [Nigeria Air | Book Our Flights Online & Save | Low-Fares, Offers & More \(alternativeairlines.com\)](http://NigeriaAir.com) accessed 19 August 2023.

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

were abruptly suspended in 2018, the project is being revived, albeit with Ethiopian Airlines as a major stakeholder.

Furthermore, while the world is increasingly embracing digitalised space for business, education, and so on, with reduced emphasis on physical interaction, due to the impact of the COVID-19 pandemic, the role of aviation as a mainstay employer is here to stay. Moody's,⁹⁹ an American credit rating and market research firm, in its research announcement of 16 July 2020, anticipated a recovery of air passenger demand similar to the pre-COVID point by the end of 2023. It is safe to posit that the prediction of airlines regaining calls for passenger flights is currently the case in Nigeria, and the world at large. This prospect was actualised with good incentives start-off such as reduction of airfares and other attractive offer packages.¹⁰⁰

6.0 CONCLUSION AND RECOMMENDATIONS

Any stretch of the imagination cannot undermine the significance of the aviation industry. Essentially, there is an unlocking of business opportunities with great capital returns for the country for the benefit of all stakeholders. More so, such business ventures assure greater economic potential for states with domestic and essentially international airport facilities, such as Abuja, Lagos, Port Harcourt, and Kano. The airports and allied infrastructures in these commercial nerve centres assures more employment for skilled and unskilled labour, thereby promoting socio-economic development. On the flip side, from a reflection of the unnumbered challenges bedevilling aviation in Nigeria, it does appear that the industry rates marginal in its effectiveness despite the absence of any recorded plane crash since mid-2012.¹⁰¹ In the circumstance, there is a compelling need to confront the challenges of compromised standards by aviation institutions, absence of synergy amongst domestic carriers, poor airport infrastructure, bad weather and inadequate weather stations, unavailability, high cost, and adulteration of aviation fuel, insufficient manpower, capacity building, and remuneration of airport personnel, delays due to V.I.P

⁹⁹ Moody's Investors Service, 'Moody's – Coronavirus-related Disruptions to Airline Industry Affect Broad Swath of Global Economy' www.moody.com accessed 19 August 2023.

¹⁰⁰ Mukhtar Adesunkanmi, 'The Impact of COVID-19 on the Aviation Industry' *BusinessDay* (Lagos 29 May 2020) [The impact of COVID-19 on the aviation industry - Businessday NG](#) accessed 19 August 2023.

¹⁰¹ BBC News, 'Plane Crashes After Take-off in Lagos, Nigeria' [Plane crashes after take-off in Lagos, Nigeria - BBC News](#) accessed 25 September 2020.

movement, paucity of passenger-driven policies and passenger education, and technicalities of judicial remedy, with innovative techniques and reorientation, for a better economy.

Therefore, the following recommendations are proffered for consideration:

1. The NCAA should reinforce and uphold high safety standards, leaving zero room for compromise, concession, or finding a middle ground in dealing with domestic and foreign air operators and their aircraft.
2. The National Assembly should amend section 7(1) (k) of NIMET (Establishment) Act 2022 which gives NIMET the sole authority to approve and establish meteorological stations in Nigeria, to include unlicensed observatory stations used for the collection of meteorological data, such as universities, polytechnics and colleges of education, besides the licensed 54 stations by NIMET. There should be an upgrade of those stations to meet ICAO's recognised standards.
3. The National Assembly in collaboration with NCAA should include veteran academics in decision-making on aviation issues so as give the requisite elevation to professionalism in the industry. Moreover, Continuing Aviation Education should be strictly promoted for officials having oversight duties, for pilots and crew, as well as to all directly involved in civil aviation operations, in order to build capacity in line with updated ICAO standards and recommended practices, to assure quality service delivery.
4. The Federal Ministry of Aviation and Aerospace should introduce a new national carrier. Better yet, a flag carrier as Nigeria's pride and brand, in partnership with domestic investors having sufficient capacity, as major shareholders. At the same time, they should be open to collaborating with foreign investors, albeit with minor shareholding interests. Significantly, there should be zero Government interference as a shareholder, save as an objective regulator.
5. The Federal Government should allow NCAA and allied agencies the liberty to exercise their oversight functions without undue interference whatsoever. Besides 'being' a legal person who can sue and be sued in their corporate name, actually 'feeling' like a legal person can influence positively the success of these agencies' in executing their specialised mandate.