

AN APPRAISAL OF AVIATION REGULATORY BODIES IN NIGERIA: THE NEED FOR ADEQUATE LAWS REFLECTING NATIONAL CIRCUMSTANCES

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ABSTRACT

The fact that the Nigerian aviation sector has a global impact is beyond debate. This is due to the aviation industry being a product of foreign technology in Nigeria. International standards must, by necessity, have an impact on the industry's regulation. The International Civil Aviation Organization (ICAO) is in charge of overseeing global aviation regulation. The 1944 Chicago Convention birthed the agency known as (ICAO). In order to determine if the Nigerian aviation industry's regulatory bodies operate effectively and in accordance with international norms, this paper will examine the legal frameworks creating the institutions. The laws establishing the Institution obliges the signatories to the Convention to comply with the international standards and recommended practices that were imposed by the International Civil Aviation Organization in order to fulfill the goals and objectives of the Chicago Convention, 1945. The extent to which Nigeria has ensured this concern within the ambit of National laws will be interrogated to see if they take Nigeria's situation into account. The end outcome might be that the national Agencies are no longer able to cooperate to meet the primary goals of the International Civil Aviation Organization, which is to ensure the effectiveness of International Civil Aviation.

Keywords: Appraise, Aviation, Regulatory, Bodies, National Circumstances.

INTRODUCTION

The Civil Aviation Actⁱ, herein known as "CAA" in this paper, established the Nigeria Civil Aviation Authority as the primary regulating body for the country's aviation sector. The Minister of Aviation, who is in charge of developing aviation policies, sits atop the organizational structure for the aviation industry. The Director General of the Nigeria Civil Aviation Authority receives instructions from the Minister. This study also discusses other organizations that take part in some way in national aviation regulation. The International Civil Aviation Organization's (ICAO) effect on national aviation regulations, especially Standard and Recommended Practices (SARPs), is particularly significant given Nigeria's membership of the organization. A rigorous analysis was carried out on power of the Federal Airports Authority's legal authority to acquire land for its operations. Given that the Nigeria Land Use Act gave state governors, not federal ministers or any of the federal government of Nigeria's agencies, the authority to seize private property for the benefit of the public interest, it was noted that the power could not be exercised without violating the Constitution's provisions. The Federal Ministry of Aviation, which is led by a Minister, and the Nigeria Airspace Management Agency (NAMA) are two other significant stakeholders in the Nigerian aviation industry that are taken into account in this article.

INTERNATIONAL AVIATION REGULATORY BODY

We will now analyze the International Civil Aviation Authority, a global aviation regulating agency (ICAO).

The International Civil Aviation Organization (ICAO)

The Chicago Convention, which was negotiated during the Chicago Conferenceⁱⁱ in 1944, gave rise to the International Civil Aviation Organization. An agreement reached during the Convention gave rise to a Provisional International Civil Aviation Organization (PICAO), an interim organization that later metamorphosed to the International Civil Aviation Organization.ⁱⁱⁱ On May 13, 1947, the Organisation was admitted to the United Nations Organization as a Specialized Agency.^{iv} Each member state has the right to send one representative to the Assembly, which is made up of representatives of the members of the organization. A legal committee within ICAO is tasked with researching and creating draft Conventions that are then presented to the Assembly for approval at its plenary session.

The main goals and objectives of the ICAO are to advance the concepts and methods of global air navigation and to promote the development of global air travel in order to:

- (a) Ensure that international civil aviation develops in a safe and orderly manner everywhere in the world.
- (b) Encourage the design and operation of aircraft for peaceful purposes.
- (c) Promote the construction of air routes, airports, and air navigation facilities for global civil aviation
- (d) satiate the demand for regular, reliable, cost-effective, and safe air travel worldwide.
- (e) Avoid economic waste brought on by unfair competition.
- (f) Make sure that each contracting state is given a fair opportunity to run an international airline by ensuring respect for their rights.
- (g) Avoid treating contracting states differently.
- (h) encourage international air navigation flight safety.
- (i) encourage the general advancement of all facets of global civil aviation.^v

Developing Standards and Recommended Practices (SARPs), which address many operational and technical facets of civil aviation, is at heart of ICAO's duties. As appendix documents to the Chicago Convention, the SARPs have now been specified. Acting in accordance with the Chicago Convention, the ICAO has created and published 19 annexes that cover more than 12,000 SARPs that have all been approved by the 192 ICAO member states.^{vi} Nigeria, a member of the organization, was impacted by the ICAO's SARPs in the establishment of standards for the regulation of the domestic aviation industry by the regulatory authorities, as will be seen in this article.

Standards and Recommended Practices

All around the world, aviation regulations are based on adherence to standards and practices. The industry's international regulation has continuously made sure that these rules are uniform. As will be seen further in this paper, this concern for uniformity was basic reason for the creation of the International Civil Aviation Organization.

Standards are requirements for physical characteristics, configurations, materials, performances, personnel, or procedures that member states will attempt to adhere to in accordance with the Convention and to which uniform application is recognized as desirable in the interests of safety, regularity, or efficiency of international air navigation.

Recommended Practices are guidelines for physical characteristics, configurations, materials, performances, personnel, or procedures that member states will adhere to in accordance with the convention and to which uniform application is acknowledged as being necessary for the safety or regularity of international air navigation.^{vii} To put it another way, they are technical specifications that have been approved by the ICAO^{viii} Council in accordance with Article 37 of the Convention in order to achieve the highest practicable degree of uniformity in rules, standards, practices, and organizational structures relating to aircraft, personnel, airways, and auxiliary services in all areas where uniformity will and improve air navigation.^{ix}

Despite the fact that (SARPS)^x are published by ICAO as Annexes to the Chicago Convention, it is important to note that because Annexes are not International Treaties, they do not possess the same level of legal significance as the Convention itself. Furthermore, states vowed to work together to ensure uniformity rather than merely "complying" with^{xi} them. The adoption of ICAO Standard and Recommended procedures, however, appears to be required by law in Nigeria.^{xii} According to the law, any state that deems it impractical to comply with any element of an international standard is required to submit a notice of difference to the ICAO council.^{xiii} In cases where knowledge of such a discrepancy is essential for the safety and regularity of international air navigation, states are required to inform the council of any differences between their national Regulations and Practice and any comparable Recommended Practice found in an annex.^{xiv}

In order to maintain the safety and regularity of the Nigerian aviation industry, the NCAA^{xv} began the aerodrome certification of Lagos and Abuja airports in 2016 and has now completed phase three of the program. It has also certified companies that provide air navigation services. Additionally, it completed the assessment of Nigeria's heliports and aerodromes and received a favorable rating from the ICAO's audit of universal safety oversight.^{xvi} The NCAA is recognized as the only helicopter flying school in the sub region of West Africa that grants air transport licenses and maintains certification for aviation security screeners at national airports.^{xvii}

Aviation Security and Safety Standards

Aviation security includes the methods and techniques used to safeguard the well-being of travelers at airports, airport staff, and the aviation sector at large against unintentional or deliberate harm, illegal incursion, and other actions that could jeopardize civil aviation. One cannot overstate the value of safety and security standards in the aviation industry. This

explains why the International Civil Aviation Organization gives aviation safety and security such a prominent position in its legislative work (ICAO). For the purpose of ensuring international aviation security, ICAO developed and implemented Standards and Recommended Practices (SARPs).^{xviii}

The ICAO Council originally approved the SARPs for international aviation security in March 1974, and they were subsequently classified as Annex 17 to the Chicago Convention, which established uniform practices and regulations for governing security and safety in the civil aviation industry.^{xix} Specific guidelines on safety standards for civil aviation against unauthorized interference are contained in Annex 17. The key clauses of Annex 17 are as follows:

- i. Each contracting state is required by Standard 3.2.2 to make sure that each airport has a designated authority in charge of coordinating and enforcing security measures.
- ii. Airport security restricted areas must be created based on security risk assessments, according to Standard 4.2.2, which mandates each contracting state to create situation to ensure compliance.
- iii. Each contracting state is required to make sure that identification methods are in place to protect security-restricted zones at airports, according to Standard 4.2.3.

Because the 2015 Regulations include SARPs for environmental protection, they are an improvement over the Nigerian Civil Aviation Regulation, 2012 in this regard. As per Nigeria's obligation under the Convention's clause requiring adoption of international standards and procedures, the SARP of Annex 16 vol. 11 of the Chicago Convention are now incorporated in the 2015 Regulation, each contracting state agrees to work together to ensure the greatest degree of practicable uniformity in rules, specifications, practices, and organizational structures relating to airliners, crew, and ancillary services in all areas where such uniformity will facilitate and enhance aviation and its operations. International standards, suggested practices, and procedures are adopted by ICAO and are periodically amended as may be necessary.^{xx}

There is a restriction on the states' ability to enforce the standards and recommended practices, though. This is due to the numerous provisions that allow any state that considers it impractical to fully comply with any such international standard or practice, to take certain steps to avoid it. There are provisions to the effect that if a country finds it necessary to adopt regulations or practices that differ in any way from those outlined in an international standard, whether it be

for compliance reasons, to fully bring its own rules and procedures into compliance with an amended international standard, or for any other reason, it must notify the International Civil Aviation Organization (ICAO) right away. If an international standard is amended, any state that does not enact the necessary changes to its own laws or practices must notify the Council within sixty (60) days of the adoption of the amendment, or specify the action it intends to take if a discrepancy exists between one or more features of the international standard and all applicable national practice in that state. ^{xxi}

When the requirements of Article 37 are taken together, they give the ICAO the authority to ensure that the organization stays current on changes in the aviation sector and that states adhere to the criteria for the enhancement of aviation services. Regarding the provision of Article 38, the purpose of the provision of Article 37 appears to be unclear. It would seem that while Article 37 requires states to abide by and comply with SARPs, Article 38 gives states discretion to deviate from or forego SARP compliance. ^{xxii} This is due to the fact that, while all contracting states under the Chicago Convention are required to implement SARPs at the national level in their respective states by bringing national regulations and practices fully into compliance with SARPs, states that find it difficult to comply with SARPs or those that find it necessary to adopt regulations or practices that differ from SARPs can notify ICAO, and the moment they do so, they are relieved of their obligation under Art.37.

Evaluating SARPs Enforcement in Nigeria

Examining the system set up for ensuring compliance with SARPs is vital as well. The Universal Safety Oversight Audit Programme was created as a result of an Assembly Resolution that ICAO reached at its 32nd session in 1988 (USOAP). ^{xxiii} In response to growing worries about the inadequate global control of aviation safety, it was first introduced in January 1999. It initially took the form of a regular but mandatory audit of the safety oversight programs in ICAO member states. In Nigeria, the Civil Aviation Regulations of 2012 and 2015 were passed in order to comply with and carry out international legislation for the protection of the aviation environment.

Nigerian Civil Aviation Regulations 2015 and Implementation of International Regulations

In place of the Nigerian Civil Aviation Regulation, 2012—which lacked rules for reducing aviation emissions—the Nigerian Civil Aviation Regulation, 2015 was implemented. According to feedback from aviation industry stakeholders, the 2015 Regulation aims to strike

a compromise between the Nigerian Civil Aviation Regulations and the most current changes to the International Civil Aviation Organization (ICAO) Regulations. It also aims to harmonize industrywide operational practices, implementation, and enforcement.^{xxiv} The new regulation is divided into 20 parts, each of which covers a different topic. Part 16, which addresses aviation environmental protection, is noteworthy. Aircraft that are registered and flying over Nigeria are covered under this section. NCAR 2015 is covered under Part 16, which has three subparts: Noise certification, International Fuel Venting Prevention, and Emission Certification. Regulations pertaining to noise certification are included in Part 16.1–16.7. Part 16.18 - 16.18.2 is dedicated to discussing fuel administration on aircrafts, its applicability, and preventing aircrafts from violating international fuel venting regulations. The rule states that airplanes must be built and engineered to stop the international discharge of liquid fuel into the atmosphere from the nozzle manifold during the process of engine shut-down following routine flight or during aircraft operations on the ground. All engine-powered aircraft beginning on foreign flights after February 18, 1982, must comply with the provisions of this subpart regulation.^{xxv} Only after receiving sufficient proof that the certification on leaked fuel prevention complies with aircraft engine requirements, will the certificate on fuel venting be awarded by the Nigerian Civil Aviation Authority. Given that the provisions of part 16.18-16.18.2 of the Nigerian Civil Aviation Regulation (NCAR 2015) are intended to address the reduction of aviation emissions, it is obvious that these regulations are important for the reduction of aviation emissions. This goes hand in hand with what the ICAO is anticipating in terms of an international standard regulation to reduce aviation emissions. Therefore, the addition of the clause 16.18-16.8.2 is intended to ensure that Nigeria complies with ICAO criteria for reducing aviation emissions. Similar to this, the Nigerian Civil Aviation Authority's Department of Air Transport Regulations (DATR)^{xxvi} formally agreed to implement measures to avoid fuel venting beginning on July 1, 2016.^{xxvii} It should be emphasized that no reports of the activities' implementation since then are currently known. On the other hand, it is argued that the 2015 Regulations demonstrate a clear and determined effort to adopt International Standard and Regulations on Reducing Aviation Emissions, in contrast to the observed non-implementation of International Standard and Regulations on Reducing Aviation Emissions in the Nigerian Civil Aviation Regulations, 2012.

AVIATION REGULATORY BODIES IN NIGERIA

Now let's look at some of Nigeria aviation regulating bodies, such as:

- i. The Nigeria Civil Aviation Authority (NCAA)
- ii. Federal Airports Authority of Nigeria (FAAN)
- iii. The Ministry of Aviation
- iv. The Nigerian Airspace Management Agency (NAMA)

The Nigeria Civil Aviation Authority (NCAA)

It is preferable to start the examination of Nigerian aviation regulations by examining the establishment, authority, and duties of the Nigerian Civil Aviation Authority.

Decree No. 49 of 1999 formed the (NCAA),^{xxviii} however it didn't begin operations until January 1st, 2000. It carries on the duty of regulating civil aviation. After the National Assembly passed the Civil Aviation Act of 2006 into law, it gained independence.^{xxix} The Nigeria President appoints the Director General of the Authority, who must get Senate approval.^{xxx}

Without interference from politics, the Authority was given the power to oversee aircraft safety. Another issue is whether it is possible to protect the Authority from political influence or intervention as it carries out its duties in accordance with the Act, taking into account the Minister's powers under s.28 of the Act. This is against the background that the Minister is a political appointee of the President who has been given the responsibility of directing not only the Authority's operations but also those of all Nigerian aviation industry regulatory bodies.^{xxxi}

Power to Regulate Air Navigation

According to section 30(1) of the Act, the Authority may enact regulations to carry out the terms of the Chicago Convention on International Civil Aviation, signed on December 7, 1944, and any of the Convention's Annexes relating to international standards and best practices adopted thereunder, in addition to any amendments to the Convention or any such Annex that are made in line with the Convention; for implementing any other civil aviation treaties or agreements to which Nigeria is a party; and generally for regulating air navigation. The Authority also has the power to enact regulations regarding aircraft registration, the inability of an aircraft to fly without a valid certificate of airworthiness, the prohibition of individuals from working in any capacity related to air navigation until they meet certain requirements, etc.

Investigation of Accidents/Incidents

Under the Nigerian aviation law, the Accident Investigation Bureau is charged with investigating accidents and incidents. In accordance with the Civil Aviation Act,^{xxxii} the Accident Investigation Bureau was created as a body corporate with the authority to bring and defend legal actions in its corporate name, with the exception of those involving accident reports. It has the ability to buy, keep, and sell both movable and immovable property. The Bureau investigates air accidents, following which it publishes a report. The Accident Investigation Report (AIR) is the document that the Bureau issues after investigation is complete.

According to the Act, the inquiry into an accident or serious incident is only intended to prevent future occurrences. Apportionment of blame or culpability is not the goal of the investigation.^{xxxiii} In light of this, it is stated that the contents of an air accident investigation report prepared in accordance with the Civil Aviation Act and the regulations are not admissible in evidence to establish liability in any criminal or civil proceedings.^{xxxiv} The primary objective of the exclusion of the AIR from admissibility was to protect the court's ability to decide what caused the accident, promote thorough, impartial, and independent accident investigations by preventing the investigating body from determining liability, and ensure that witnesses would freely, completely, and honestly provide information during the investigation in the expectation that their testimony would be treated with confidentiality.^{xxxv} Concerns over the requirement to keep the AIR out of admissibility in legal proceedings have been raised to the point where, in some jurisdictions, judicial attitudes are now shifting in favor of the report's admissibility. In the English case of *Rogers v Hoyles*,^{xxxvi} dependents sued Mr. Hoyles, the pilot, after he survived an accident that claimed his life. A UK Air Accident Investigation Branch (AAIB) report that was released in June 2012 stated, among other things, that the loop maneuver was performed at too low a height for the pilot to be able to recover from a subsequent spin. It also stated that because the pilot lacked the knowledge or training necessary to use the Tiger Moth's proper spin recovery technique, it is likely that he would not have been able to recover from an unintentional spin, given that the aircraft was so low to the ground. The defendant's objection to the report's admissibility was rejected. The appellate court ruled that the AAIB report's content is admissible in evidence on appeal, both for the facts it includes and as evidence of an expert's opinion. The court acknowledged the difficulties experienced by litigants in pursuing their claims without access to the pertinent information

supplied to the investigations, including funding independent evidence, when it admitted the report. The court concluded that the written report is not admissible in the case of *Universal Airline, Inc. v Eastern Airlines, Inc.*^{xxxvii} but that the court could require investigators to testify about the circumstances of an accident and the on-site inquiry.

However, in the most recent decision of the US courts, it was determined that the statute only created a bar to conclusions regarding the probable cause of an accident but approved of the general admissibility of the other reports in factual matters. Accordingly, in *Davies v. Cessna Aircraft corporation*,^{xxxviii} the Arizona court of Appeal held that the trial court erred in admitting in evidence a report concerning its belief about the probable cause of the accident.

Some of the US courts have been very strict on the interpretation of 49 U.S. C144(7) (which is the equivalent of the provision of S.29(14) of the CAA) hence in *Re Air Crash Disaster at Sioux City, Iowa*^{xxxix} the court held that the unequivocal wording of section 1441(e) and 1903(c) appears to leave no room for creative interpretation because the language on its face states an absolute bar when the plaintiffs sought to tender the entire NTSB Aircraft Accident Report, which is a compilation of all the factual information uncovered in the investigation along with the analysis of the factual data and numerous conclusions about alternative or competing theories of causation.

The judicial philosophy is the same in Canada and the United States. The Canadian Transportation Accident Investigation and Safety Board Act, 1989 is interpreted by the court more strictly than the comparable provision in their law. The court argued that the goal of accident investigations is not to assign blame or determine civil or criminal liability when interpreting Canadian Section 7 of the Act.^{xl}

According to the available legal authorities, the courts in Nigeria have a strict construction of s. 29(14) of the CAA, which prohibits the admissibility of the report of the AIB. In view of the current position of the aviation legislation, which does not guarantee a third party's right to compensation under the Civil Aviation Act of Nigeria, this attitude would continue to work hardship on victims of flight accidents particularly third parties. *Femi Alibaba v. Daura Airline Ltd. & Anor* is case where the strict judicial attitude of the court on admissibility of AIR was brought to light.^{xli} In that case, using s.29(14) of the CAA as justification, the court declined to accept the AIB's final assessment regarding the cause of the Dana Air crash on June 3, 2012.^{xlii}

It is advised that the courts follow Edokwe's^{xliii} recommendation to adopt a liberal approach in order to protect the conflicting interests of the victims and regulators/air carriers. In this regard, the case of *Texaco Panama Incorporation v SPDC Ltd*^{xliv} provides support. In that case, the Supreme Court ruled that when the ordinary meaning of words used in a statute may cause ambiguity or injustice, the court may seek internal support from other statutes or look elsewhere for interpretation given to provisions that are similar with the provision under consideration. This is in line with the Mischief Rule of Interpretation of Statutes, which states that when interpreting a statute, one should first identify the issue (mischief) that the statute was intended to address before choosing an interpretation that will suppress the mischief and promote the remedy.^{xlv}

Therefore, it is argued that S. 29(14) of the CAA needs to be revised to reflect contemporary reality and allow for the admissibility of the AIB report as it is done in Britain. The US has specifically changed s.49 C.F.R part 835) which now qualifies the bar which only applies to AIB reports that contain a determination and conclusion pertaining to the accident's likely cause.^{xlvi}

Enforcement of National Obligation as Part of Aviation Regulation

Each contracting State is required to work together to ensure the highest practical degree of uniformity in regulation, standards, procedures, and organization in relation to aircrafts, personnel, airways, and auxiliary services in matters where such uniformity will facilitate and improve air navigation. This obligation stems from the Convention on International Civil Aviation, which was signed at Chicago on December 7, 1944.^{xlvii} To accomplish this goal of uniformity, the International Civil Aviation Organization (ICAO)^{xlviii} created international standards, procedures, and recommended practices on procedures addressing many aspects of air navigation. All contracting States must adhere to these standards and advised practices as a minimum whether creating regulations, establishing standards, or conducting business on their soils.^{xlix}

Federal Airport Authority of Nigeria

Another institutional participant in the Nigerian civil aviation sector is the Federal Airports Authority. The Federal Airports Authority of Nigeria, also known as FAAN,¹ was established as a body corporate with perpetual succession, a common seal, and the ability to bring and institute lawsuits in its own name by the Federal Airports Authority Act hereinafter referred to as 'FAA Act'. According to the law, the authority's duties include managing all of Nigeria's

commercial airports and offering services to all airlines, both passenger and cargo alike. The FAA Act provisions found in Section 3(h) are open check that can be used unfairly. According to the clause, the Authority has the authority to engage in any commercial operations which may be unrelated to air travel but that, in the Authority's opinion, may be accomplished conveniently. The legal provision seems to indicate that convenience, rather than the necessity or the goals for which the Federal Airports Authority was established, should be the deciding factor. The precise definition of an institution's functions is essential. A company may only engage in activities that are permitted by law, which also specifies the company's purpose and powers. If a company engages in activities that are prohibited by its charter, it is acting outside of its legal authority.^{li} The clause in s.4 that states that the Authority has the authority to take any action that, in its judgment, will make it easier for it to carry out its obligations under this Act is also raises concern. A statutory provision that gives a public official broad and ambiguous powers is seen to be open to abuse, which could ultimately lead to a catastrophe. Thus, it is recommended that the provisions of ss.3(h) and S.4 of the Act be amended in order to precisely define the authority's legal powers.

Acquisition of Private Property for Public Interest under the Law

The Federal Airports Authority has the authority to acquire land for its operations in accordance with s. 17(1) of the Act, which states that the Minister may, upon the Authority's application, remove any obstacles to the Authority's acquisition of any land needed for any purpose under this Act through agreement or negotiation (including any inability of the Authority to come to an agreement regarding the amount to be paid in respect of the acquisition) the Minister may declare that the land is required for services of the Authority.

Subsection (2) provides;

When a declaration is made pursuant to subsection (1) of the section, the property to which the declaration refers is assumed to be property needed for a public purpose of the Federation within the meaning of the Land Use Act for the purpose of acquiring the property for the Federal Government.

From the above provisions, some salient concerns arise which need to be addressed;

First, it is stated in the LUA^{lii} as to who reserves the power to purchase land for overriding public purpose.

Second, can the Federal Government use its authority to seize land without first consulting the Governor of the specific State in question?

Thirdly and s.44 of the CFRN, 1999 (as amended) which guarantees the right of a property owner to be involved in negotiations preceding payment of compensation?

According to the LUA, the Governor may withdraw a right of occupancy for an overriding public use. The provisions of the Law make it abundantly clear that, in contrast to s.17 of the Federal Airport Authority Act, it is the governor of a state, not the federal government, any of its agencies, including the Federal Airports Authority, or a federal minister, who has the authority to acquire land or revoke a statutory right of occupancy for overriding public use. This is in contrast to the plain language of Ss. 1 of the LUA, which grants the Governor of the State trusteeship over all land located within the borders of the State. It is even apparent that s.17(1) of the Act has subtly removed the fundamental right of access to court for the determination of his interest. The requirements of the focused section of the Act thus run contrary to s.44(1) of the Constitution, which secured the right to access a court or other body or tribunal for the purpose of determining a person's claim in property. The Constitution is paramount and its provisions shall have binding effect on all authorities and persons throughout the Federal Republic of Nigeria, as stated in s. 1(1) of the CFRN 1999 (as amended).

In addition, Section 1(3) of the Constitution states that if any other legislation conflicts with any provision of this constitution, the constitution shall prevail, and that other law shall be void to the extent of the conflict.

Therefore, it is argued that s. 17 of the Act is invalid because it violates section 1 of the CFRN, 1999 (as amended), insofar as it does not guarantee the property owner's right to access a court or other body to have his interest in the property sought to be purchased determined. Equally thought provoking is the following provision in the section of the Act to the effect that 'any failure by the Authority to reach agreement as to the amount to be paid in respect of the acquisition of the Property and after such enquiry as he may think necessary, may declare that the land is required for the service of the Authority'

When a declaration is made pursuant to paragraph (1) of this section, land related to the declaration is regarded to have been acquired for a public purpose of the Federation within the meaning of the Land Use Act, according to subsection 2.

According to Mr. Masi, a former Federal Minister of Works, all land included in the state is vested in the state governor on trust for the Federal Government. This opinion appears to be the basis for the provision of s.17 of the Act that was previously mentioned.^{liii} With regard to s.1 of the LUA, which states that all land included in a state's territory within the Federation is vested in that state's governor and that such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act, the author of the article contends that the view is false.

The Governor of each state is the legal owner of all the land included in his state, according to the LUA's unequivocal language in s.1 as stated above. The Governor owns the land in trust for the use and benefit of all Nigerians, hence he is not the only owner in the traditional sense. A Minister of the Federal Republic of Nigeria or the government appears to be included in the definition of "Nigerians" as it is used in s.1 of the LUA, which appears to support the former Minister's perspective in that regard. With all due respect, a Minister is not a natural person that meets the definition of "Nigerian" as set forth in the Constitution. A Minister or the Federal Government, in whose trust the Governor owns the land in the territory of his state, are not considered to be 'Nigerians' for the purposes of this clause.

The Land Use Act makes it very clear that nothing shall affect any title to developed or undeveloped land held by the Federal Government or any agency of the Federal Government before March 29, 1978, and that such land shall continue to vest in the Federal Government or the agency in question. It must be noted that the argument made here is not that the Federal Government has no title to any land in Nigeria under the LUA. A statutory entity, whether corporate or incorporation, as well as any company completely controlled by the federal government, are considered agencies under the Act. Lands included in the Federal Capital Territory of Abuja are subject to the Federal Government's ability to exercise authority akin to that of the Governor of a State. The President or any Federal Minister he designates has the authority to exercise the s.17 of FAA Act clearly states that the land that the Federal Government or its agency (the Authority) may exercise ownership rights over land that was held or acquired before March 29th 1978^{liv}. So, it should go without saying that since all state-owned land belongs to their respective governors, the governor of the specific state must give his or her consent before the federal government can acquire any land in any state of the Federation.

According to the law, a state governor may revoke a right of occupancy if there is an overriding public interest over the land. Overriding public interest is defined to mean;

(a) alienation of any right of occupancy or portion thereof by the occupier through assignment, mortgage, transfer of possession, sublet, or other means in violation of the Act's or its implementing regulations,

(b) necessity of the land by the Federal government for purposes of the Federation or by the State government or by a Local Government within the state, in any instance, for public purposes within the state;

(c) the need for the land for an oil pipeline, mining operations, or other related purposes^{lv}

It is important to note that the Governor cannot demand payment from the Federal Government in exchange for using his or her land-granting authority if the Federal Government needs the land for an overriding public purpose. This is due to the law's provision that the Military Governor shall withdraw right of occupancy in the event that the Head of the Federal Military Government issues a notice stating that the government needs the land for a public purpose.

The question therefore is can it be assumed that the Minister can rely on the Provision of s.28(4) of the LUA to exercise the power under s.17(1) of the Federal Airport Authority Act to make a declaration of acquisition of the land for public purpose as provide under s.17(1) of FAA Act, when s. 28(4) of LUA clearly vested the exercise of such power on the Governor. The conclusion of this paper is that the answer is no. As a result, there is a discrepancy between the Land Use Act's provisions and the Federal Airport Authority Act that needs to be rectified

Position of the Land Use Act in relation to those of the Federal Airports Authority Act in the national legal system

The Land Use Act and the Federal Airports Authority Act are without a doubt both Acts of the National Assembly because they are both legislation passed by that body. They *ipso facto* hold the same place in the hierarchy of laws of Federal Republic of Nigeria.

However, the Land Use Act was included in the Federal Republic of Nigeria's Constitution, and it is stated that nothing in the Constitution shall render the four enactments (of which the LUA is one) ineffective; rather, they shall continue to apply and have full effect in accordance with their intent and take effect as any other provisions forming part of the Constitution and cannot be altered or repealed except in accordance with the provisions of the Constitution. According to the Constitution, a proposal to change the Constitution cannot be approved by either House of the National Assembly unless it receives support from at least two-thirds of the

members of the National Assembly and is also approved by the House of Assembly of at least two-thirds of the States of the Federation. Due to the LUA's absorption into the Constitution and the unique Constitutional provision for its revision, it is consequently argued that its provisions are superior to those of the FAA Act. To this end, it would seem that the LUA provisions would take precedence over those of any other National Assembly Act, such as the Federal Airports Authority of Nigeria Act, in cases where they contradict.

As a result, the Minister cannot take over such land by simple declaration in accordance with s.17(1) of FAA Act on the grounds that the land is required by the Federal Government for public purpose. Instead, recourse must be made to the Governor of the state where the land is located. Yet this does not imply that, when the federal government complies with the requirements of S.28(4) of the LUA by serving the governor with a notice, the governor of a state might refuse to give the federal government land for these reasons. After completing this, the Governor is required to withdraw the right of occupancy over the land and transfer it over to the federal government. The Federal Government's intrusion into any territory without complying with section 28(4) of the LUA is therefore likely to be illegal.

The Federal Ministry of Aviation (FMA)

The Minister in charge of the FMA is chosen by the President of the Federal Republic of Nigeria in accordance with s.147(2) of the CFRN^{lvi} which states that a nominee for the position of Minister of the Government of the Federation must be approved by the Senate.

In Nigeria, the formulation and execution of aviation policies fall within the purview of the Ministry of Aviation, which is led by the Minister of Aviation. This responsibility includes fostering sound economic policies that guarantee the delivery of effective and safe services by air carriers and other aviation and related service providers as well as increased access to air travel in a sustainable way. It also includes promoting and encouraging civil aviation in Nigeria. The Minister must also see to it that Nigeria abides by its commitments made in accordance with international accords.^{lvii}

The Directorate of Safety and Technical Policy (DSTP) and the Department of Air Transport Management are the two specialized departments within the Ministry of Aviation (DATM). Until it was transformed into an independent and autonomous agency by the Civil Aviation Act, the Accident Investigation and Prevention Bureau (AIPB) was a specialist division of the Ministry of Aviation.^{lviii} The AIPB has the ability to sue and be sued in its corporate name as a result of that law, making it a body corporate.

With a focus on promoting safety and security of civil aviation in Nigeria in accordance with international standards, the Department of Safety and Technical Policy is in charge of the coordination, creation, review, and monitoring of technical aviation policies.^{lix}

Formulating and overseeing governmental policies and programs regarding domestic and international air travel falls within the purview of the Department of Air Transport Management. This includes the creation of a direct air link between Nigeria and other nations. In partnership with NCAA, NAMA, and FAAN, it also oversees the execution of bilateral and multilateral air service agreements (BASA and MASA), which control the operation of both domestic and international airlines.^{lx}

The Federal Civil Aviation Authority implemented reforms in response to the rise in aircraft traffic in the nation in 1995. (FCAA)^{lxi} was scrapped and replaced with the Directorate of Safety Regulation and Monitoring (DSRAM) and the Directorate of Economic Regulation and Monitoring (DERAM) under the Ministry of Aviation. This organization was founded by the first National Civil Aviation Policy. Another parastatal established under the Ministry of Aviation is the Federal Airports Authority of Nigeria (FAAN).^{lxii} This aviation structure was short-lived since it did not follow the recommendations of the International Civil Aviation Organization (ICAO), and a new structure appeared in 1998. The Nigerian Civil Aviation Authority is the new organization (NCAA). The other organizations were only established to fulfill the specifications and guidelines set forth by ICAO.^{lxiii}

In addition to the broad authority granted to the Minister of Aviation under S.1 of the Civil Aviation Act (CAA), the Minister also has the authority to issue instructions to the Civil Aviation Authority.

According to s.28 (1) of the (CAA), the Minister may issue the Authority a directive on policy topics that is not in conflict with the Act's requirements after consulting with the Authority:

- (a) in the interest of national security
- (b) in connection with any matter appearing to him to affect the relationship of Nigeria with a country or territory outside Nigeria.
- (c) in order to discharge or facilitate the discharge of an obligation binding on Nigeria, by virtue of it being a member of an international organization or a party to an international agreement;
- (d) in order to obtain or facilitate the attainment of any other object of which is in his opinion appropriate in view of the fact that Nigeria

is a member of an international organization or a party to an international agreement; or

(e) in order to enable Nigeria become a member of an international organization or a party to an international organization.

The Nigerian Airspace Management Agency (NAMA)

The Nigerian Airspace Management Agency was established by the Nigerian Airspace Management Agency (Establishment, Etc.) Act^{lxiv} as a body corporate with perpetual succession and a common seal.^{lxv} The agency is controlled by a board headed by a chairman who is appointed by the President on the recommendation of the Minister.^{lxvi} One representative from each of the following organizations is also a member of the board: (i) the Federal Ministry of Aviation; (ii) the Nigerian Air Force; (iii) the Nigerian College of Aviation Technology, Zaria; and (iv) an airline operator operating in Nigeria. These are additional to the managing director and the two public interest representatives. Except for the ex-official members, the board members are appointed for terms of four years that are renewable for additional terms of four years.^{lxvii}

The Agency's duties include providing services for air traffic, visual and non-visual aids, aeronautical telecommunications, and electricity to help civilian, commercial, and military aircraft fly as safely as possible. It also coordinates the use of airspace and ensures the security, safety, efficiency, and regularity of air navigation. In addition to other duties, the agency is in charge of coordinating search and rescue activities.

POWERS OF THE MINISTER OF AVIATION UNDER THE CIVIL AVIATION ACT

The Nigerian Federal Airports Authority is subject to general supervision of the minister of aviation.^{lxviii} It is stated there that the Minister may direct the Authority to take a certain action that it is authorized to take or refrain from taking action if the Minister deems it necessary to direct such action in the interest of national security or any other matter that appears to the Minister to have an impact on Nigeria's relations with international communities in order to fulfill or facilitate the fulfillment of an obligation that Nigeria is required to fulfill by virtue of being a member of the United Nations. The Minister may also issue such instructions in order

to accomplish or aid the accomplishment of any other goal that, in his opinion, is acceptable in light of the fact that Nigeria is a participant in or a member of an international organization. Such a directive may also be issued if it is necessary to address noise, vibration, pollution, or another disturbance related to the use of aircraft for civil aviation purposes, provided that it does not conflict with any provisions of any law or other document pertaining to the Authority, with the exception of actual or impending war.

We have previously mentioned the internal and external content of aviation sector regulation. The internal content of an aircraft's operation results from movement inside a state, as witnessed in flights between Lagos and Abuja and vice versa, or between any two or more Nigerian locations.^{lxxix} The international operations, as well as the general character and purpose of air travel, are considered in the external content of aviation regulations. The principles of international law that govern the interactions between sovereign states are relevant in this context. Therefore, there must be a current and legal air service agreement before a foreign-registered aircraft operated by a foreign carrier enters Nigerian airspace or territory.^{lxxx}

The regulatory procedure of the Nigerian Aviation Industry contains three unique kind of activity - Legislating, Licensing and Determination of adhoc authorisation. Making laws and regulations is part of the legislating or rule-making element of regulation.

The Civil Aviation Act serves as the primary legislative and regulatory framework for the aviation sector in Nigeria.^{lxxxi} The Nigerian Civil Aviation Authority was established because to this law (NCAA). The Federal Ministry of Aviation sits atop the hierarchy of Nigerian aviation regulations (FMA).

The President of the Federal Republic of Nigeria established the FMA acting within the bounds of the authority granted to him by the Constitution.^{lxxxii} There will be such offices of Ministers of the Government of the Federation as the President may establish, according to Section 147(1) of the CFRN.

The Minister's^{lxxxiii} authority is restricted under Section 66(1) of the Act. According to the Act,^{lxxxiv} the Minister may take whatever steps are deemed necessary to stop a danger from arising to public health due to the introduction or spread of the disease by the use of aircrafts if he or she determines that Nigeria or any part of it is being affected by or threatened with the outbreak of any dangerous epidemic or disease and that the regular legal provisions currently in effect are insufficient to prevent such danger. It's a good idea to have a backup plan in case

something goes wrong.^{lxxv} The original duration of this order is only three months, with a subsequent three-month extension possible.^{lxxvi} According to the Act, any violation of the Minister's directives is liable upon conviction for a sentence of at least one (1) year in jail, or a fine of at least \$500,000, or both.^{lxxvii} According to the law, the Minister may, without limiting the authority granted by s.64 of the Act, issue any temporary orders with respect to aircraft, people traveling in them, items they are carrying, and aerodromes that he deems necessary in the circumstances. The Minister can do this by issuing a directive and attaching criminal responsibility to any of his orders. According to the aforementioned rule, the Minister may suddenly order that an act that was not previously illegal be made such in an official gazette. Such an exercise of power would be a clear violation of our constitution's guiding principles, which state that no one shall be held responsible for a crime based on any act or omission that did not, at the time it occurred, constitute a crime, and that no punishment for a crime shall be greater than the punishment in effect at the time the crime was committed.^{lxxviii}

While it is undeniable that an act or omission can be unlawful when it contravenes a Ministerial regulation, it is questionable whether an act that was not unlawful before can become unlawful in the absence of a written law that defines and specifies the consequences of such an act or omission. Retroactivity or retrospectivity in relation to unlawful behavior or acts is prohibited by law.^{lxxix} Therefore, to the degree of the incompatibility, any other law that conflicts with its provisions is void.^{lxxx} In a long list of instances that the Supreme Court has decided, this is the legal position. The Superior Court of Nigeria declared that 'the provisions of the constitution are supreme over any other provision, law, or Act of the National Assembly.' In *J.A Adekoye & ors. v Nigeria Security Printing and Minting Company Limited*^{lxxxii} it was argued that s.65(4) of the Civil Aviation Act, which states that the Minister may order that a violation of any orders made under s.65 be punished with imprisonment for a term not less than one year, a fine not less than N500,000, or both, is in conflict with s.36(8) of the CFRN and is, as a result, invalid and of no effect. The researcher believes that the aforementioned clause in the Civil Aviation Act needs to be reviewed.

The Minister also has authority when the Federal Republic of Nigeria, or any part of it, has declared a state of emergency pursuant to the Constitution or when there is an actual or impending war, and the Minister believes that when the public interest, safety, or tranquility so require, any of the following orders should be issued by an official gazette:^{lxxxii}

(a) may revoke or suspend all licenses, permits, certificates, or other authorizations issued under this Act, either completely or subject to the restrictions he may deem appropriate to designate in the order.

(b) The flight of all or any aircraft or class of aircraft over all or any portion of Nigeria is prohibited either absolutely or subject to such conditions as he may consider fit to specify in the order, or is regulated in such a way as may be stated in the order.

(c) The construction, maintenance, or usage of any airfield, aircraft factory, flying school, club, or other location where aircraft are made, repaired, or maintained, or any class or description thereof, is prohibited either outright or subject to conditions.

(d) direct that any aircraft or class of aircraft, along with any aerodrome, aircraft factory, flying school or club, or location where aircraft are made, repaired, or kept, along with any machinery, plant, materials, or items used for the operation, manufacture, repair, or maintenance of aircraft, be delivered, either immediately or within a specified time, to such authority and in the manner specified in the order, to be at the disposal of the Federal Government. or

(e) direct that all airline operators with their main offices in Nigeria, as well as all airport operators and companies that provide air traffic and meteorological services, and the people who work for them, carry out flights and other tasks related to operating flights in the public interest in accordance with the order's instructions.

The aforementioned powers can only be used during times of war or the threat of conflict, yet they are so broad that they might potentially paralyze the affected aircraft's economic activities if used. The clause in s.66(3) that gives the Minister the authority to choose the amount of compensation to be paid to the victim of the exercise of the power without the victim's consent is more concerning. S.66(3) declares:

Any person who suffers direct harm or loss as a result of an order made under subsection 1(c), (d), or (e) of this section will be compensated in accordance with the discretion of the authority or person the minister may designate in this regard.

From the above provision, the determination of the amount payable as compensation by the Authority has the effect of making the Minister a judge in his own cause. This is against natural justice's fundamental principles. In light of this, it is necessary to suggest amendment to the provision.

Furthermore, there is a chance that the Authority's use of the powers granted to it by s.64 of the Act and the Minister's use of the emergency powers provided for by s.65(2) of the Act will conflict. This is true because the Authority's power under s.64 of the Act is unaffected by the Minister's powers under s.65(2) of the Act. When used in an enactment, the phrase 'without prejudice' refers to a situation where no rights are lost and no party's legal rights or privileges are harmed or cancelled.^{lxxxiii} In the *Chief Augustine A. Nawa v Attorney General Cross Rivers State & Ors*,^{lxxxiv} the Court of Appeal interpreted the phrase as follows;

The definition of "without prejudice" in the Oxford Advanced Learners' Dictionary, 6th Edition, states that it means "without impacting other legal issues" on page 916. Additionally, the court according to Oputa JSC stated that "without prejudice" means "not waiving or reducing from" in *Tukur v. Government, Gongola State (1989) 4 NWLR (PT 117)517 at 566*. As a result, the phrase "without prejudice" to the Governor's powers merely implies that the Governor's rights and privileges are not to be deemed as having been abandoned or lost except insofar as they may have been specifically conceded by him.

As a result, it places the impacted provision below the other sections in the statute that deal with the same subject. What remains to be seen is whether it is clear that the legislators intended for the Authority's emergency powers under s.64 to take precedent over the Minister's emergency powers under section 65. Given the broad authority granted to the Minister by ss.1 and 28 of the Act, notably s.28(2), which states that the Authority shall be guided in the performance of its duties by the directives issued by the Minister pursuant to s.28(1) of the Act, this seems dubious.

Accordingly, it would seem from a literal reading of the laws that any orders issued by the Minister pursuant to s.66 of the Act shall not impact the Authority's ability to issue regulations on the same subject. This gives the impression that the Authority's ability to issue orders or rules under the same conditions appears to be limiting the Minister's emergency powers under s.66. This is not only perplexing, but it also poses a potential catastrophe.

CONCLUSION

Although it is safe to say that the necessary national aviation regulatory institutions have been established in accordance with ICAO standards, it appears that the legal frameworks that established the institutions have not sufficiently strengthened them for efficiency and effectiveness, especially in light of the fact that some of the institutions are supported by laws that have dubious provisions that will adversely affect their efficiency. Some agencies have overlapping duties that portend potential conflict. Establishing a coordinating organization that will serve as a conduit between the agencies and regulate their actions can help to resolve this. This inevitably brings up the necessity to reconsider the legal frameworks in order to include provisions for a moderating agency among other things.

ENDNOTES

ⁱ CAP.C13 Laws of the Federation of Nigeria, 2004

ⁱⁱ Convention on International Civil Aviation, Chicago, December 7, 1944.

ⁱⁱⁱ I.H.Ph. Deidricks- Verschoor, *An Introduction to Air Law* (1993) 5th ed. Kluwer Law and Taxation Publishers, Boston p. 36.

^{iv} Ibid.

^v <<https://www.icao.int>> accessed 24 July, 2022.

^{vi} U. Ezeugwa, *Aviation Law and Practice in Nigeria* (2021) Princeton & Associates publishing Co. Ltd. Ikeja, Lagos p.480- 481.

^{vii} Uwakwe Op. cit. p 56.

^{viii} International Civil Aviation Organisation. This body which has become an Agency of the United Nations now was established by in 1947 by the Convention on International Civil Aviation, 1944 <<https://www.britannica.com>> accessed 30 July, 2022 .

^{ix} Assembly Resolution A36 – 13, Appendix A. ICAO Doc 9902, Assembly Resolutions in force as of 28 September, 2007 <<http://googleweblight.com>> accessed 22 April, 2020.

^x Standards and Recommended Practices

^{xi} M..Milde, 'International Air Law and ICAO' Eleven International Publishing 2008 <<https://googleweblight.com>> accessed 22 April, 2020.

^{xii} Section 1 (1)(a) op. cit.

- ^{xiii} Uwakwe Op. cit. p.56.
- ^{xiv} Ibid at 56.
- ^{xv} The Nigeria Civil Aviation Authority.
- ^{xvi} A. Nkadi and K. Oluwagbmiro, (2019) ‘Business – focused legal analysis and insight in the most significant jurisdiction worldwide’ (2019) Nigeria –The Aviation Law Review-ed. <<https://thelawreviews.co.uk/edition/the-aviation-law-7/1197189/Nigeria>> accessed 28 April, 2020. P.9
- ^{xvii} ‘Nigerian Civil Aviation Authority Director General’s Score card’ (2017) Press Conference held at the NCAA Headquarters Annex, Abuja 30 January, 2017 cited in Nkachi A and Oluwagbmiro K. Op. cit p 9.
- ^{xviii} George Etomi & Partners, ‘2018 Aviation, Nigeria’. Aviation Security and Safety Standards- Newsletter-international law office p.1 <<https://www.internationallawoffice.com/Newsletter/Aviation/Nigeria/GeorgeEtomi-Partners/Aviation-security-and-safety-standards>> accessed 22 April,2020.
- ^{xix} Etomi, Ibid p 1.
- ^{xx} Article 37, Chicago Convention, 1944 on the Responsibilities of ICAO.
- ^{xxi} Article 38 Op cit.
- ^{xxii} Standards and Recommended practices handed down by ICAO which were adopted as resolution of the council of state of the Chicago Convention.
- ^{xxiii} The International Civil Aviation Organization (ICAO) Universal Safety Oversight Audit Programme was established in accordance with strategic objective A3 to conduct aviation safety oversight audit to identify deficiencies and encourage their resolution by states. The objectives of USOAP is to promote global aviation safety through the process of auditing contracting states www.icao.int/usoap.
- ^{xxiv} S. Adurogboye, General Manger, Public Relations (2016) Press Release on behalf of the Director General, Nigeria Civil Aviation Authority <www.ncaa.gov.ng/new-civil-aviation-regulations-takes-effect> accessed 10 May, 2020.
- ^{xxv} A. M.M Garniyu, ‘Assessment of implementation of International Law on Reduction of Aviation Emission under the Nigerian Civil Aviation Regulations 2015’ (2019) vol.10 NO. 1 Nnamdi Azikiwe University journal of International Law and Jurisprudence <<https://www.ajol.info>> assessed 8 July, 2020.
- ^{xxvi} Department of Air Transport Regulation of the Nigerian Civil Aviation Authority.
- ^{xxvii} M.G.A Murgan op cit. p 57
- ^{xxviii} The Nigerian Civil Aviation Authority.
- ^{xxix} S.2(1) op cit. n.13.
- ^{xxx} S. 8 Ibid.
- ^{xxxi} A. Nkadi and K. Oluwagbmiro, op.cit.
- ^{xxxii} S. 29 of the Act.
- ^{xxxiii} S. 29(12) ibid.
- ^{xxxiv} S. 29 (14) ibid.
- ^{xxxv} B. Edokwe ‘Admissibility of Accident investigation reports in judicial proceeding in Nigeria’ (2020) <<http://www.barristerng.com/admissibility-of-aircraft-accident-investigation-reports-in-judicial-proceedings-in-nigeria-by-ugo-ezeugwa/>> accessed 27 April, 2020 P.5.
- ^{xxxvi} (2013) ALL ER (D) 21.
- ^{xxxvii} 185F. 28993 (D.C cir. 1951).
- ^{xxxviii} (24 AVI 18, 242 1994).
- ^{xxxix} 780F. Supp. 1207 (N.D.IL 1991).
- ^{xl} Swanson v R (Federal court of Canada, 1989/90; S & B AvR, issue 2).
- ^{xli} Unreported ruling of the Federal High Court, Lagos division in suit N0.FHC/L/CS/836/2014 >
- ^{xlii} Edokwe Op cit. p 9.
- ^{xliii} Ibid, 10
- ^{xliv} (2002) 2 SCNJ 102.
- ^{xlvi} A. B. Garner op. cit p.1149.
- ^{xlvii} Edokwe, op cit. p 10.
- ^{xlviii} Art. 37 Convention on International Civil Aviation, 1944 otherwise known as Chicago Convention.
- ^{xlix} International Civil Aviation Organization.
- ^l Uwakwe op cit. p 55.
- ¹ Federal Airport Authority of Nigeria was established by the Federal Airports Authority of Nigeria Act cap. F5 LFN, 2004.
- ^{li} S. 44 Companies and Allied Matters Act, 2020.
- ^{lii} Land Use Act, 1978.

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- liii S.A.Oretuyi, 'Public Take Over of Land- Federal and States Government Rights Over Land- The Conflict'(1982)The Land Use Act, Report of a National Workshop, Lagos University Press Law Series, Lagos p.74.
- liv Ibid, 75.
- lv S.28(2) op.cit.
- lvi Constitution of the Federal Republic of Nigeria, 199 (as amended).
- lvii S.1 op. cit.
- lviii S.29 Ibid.
- lix <<https://www.aviation.gov.ng>> accessed 16 April,2022.
- lxOp. cit.
- lxi Federal Civil Aviation Authority, charged with the responsibility of supervising of air traffic services, aeronautic information services, aero-telecommunication services, safety and economic regulation of the sector
- lxii O.Ogunbodede, and C. Odetunde, , 'Current Status of Civil Aviation in Nigeria'(2016) International Journal of Aviation Management, vol. 3 No. 1 p. 28.
- lxiii Ibid.
- lxiv CAP.N90 LFN, 2004.
- lxv S. 1 Op cit.
- lxvi S. 2 Ibid.
- lxvii S. 3 Ibid
- lxviii S. 8, op.cit.
- lix C.E. Uwakwe, Introduction to Civil Aviation Law in Nigeria (2006) 1st ed. Aviation Publishing and consultancy Co. Ltd Lagos, Nigeria p. 47.
- lxx Ibid
- lxxi Civil Aviation Act, Cap. C13 Laws of the Federation of Nigeria, 2004.
- lxxii S. 147 of the Constitution of the Federal Republic of Nigeria (As amended).
- lxxiii Minister herein means the Minister of Aviation appointed by the President of the Federal Republic of Nigeria, pursuant to S.147 (2) of CFRN, 1999 (as amended).
- lxxiv Ss. 65(1) & 66(1) of the Act
- lxxv S. 65 (2) Ibid.
- lxxvi S. 65 (3) Ibid.
- lxxvii S. 65 (4) Ibid .
- lxxviii S.36(8) of CFRN (As amended).
- lxxix S. 36 (8) op. cit.
- lxxx S. 1(3) op. ci.t
- lxxxi (2009) ALL FWLR (pt.463) 1263 at 1265 Ratio 2.
- lxxxii S. 66 (1) op cit. note 13.
- lxxxiii A. G Bryan, Op. cit. P 1837.
- lxxxiv (2008) ALL FWLR (Pt. 401) 807 AT 815 Ratio 11.