

CHAPTER ELEVEN

THE NIGERIA CIVIL AVIATION SECURITY MECHANISMS IN THE 21ST CENTURY: ISSUES, CHALLENGES AND SOLUTIONS

Ismail Adua Mustapha

Abdulganiyu Bello*

1. INTRODUCTION

Aviation security was developed to find solution(s) to the menace of unlawful interference with civil aviation. Civil aviation is generally divided into aircraft and airport operations. While it is the responsibility of the airport operator to guide and protect the airport and other navigational facility against any of the unlawful interferences, the airline operator is on the other hand has a duty to secure the aircraft for the purpose of complementing the efforts of the airport operator to maintain general civil aviation security.

Unlawful interference can therefore be defined as various illegal acts directed towards civil aviation for the purposes of jeopardizing its operations. In other words, it is an act of criminality against the airport and the aircraft. Acts that are regarded as unlawful against civil aviation include but not limited to unlawful seizure of aircraft, aircraft sabotage, airport destruction, using the aircraft as weapons of mass destructions, and cyber terrorism among others.

At the early stage of civil aviation, the offence of aircraft hijacking was never considered a threat to aviation operations. But the importance of aviation security was noticed in the early part of 19th century when the unlawful seizure of aircraft was bloody and subsequently followed by aircraft sabotage in the year 1948. These two phenomena later awaken the international community to design theoretical frameworks and practical measures to prevent and suppress the reoccurrence of these unlawful acts. While the theoretical frameworks include the international conventions on Aviation Security-the Tokyo Convention, 1963, the Hague convention 1970, the Explosive Convention 1991, and the current 2010 Beijing Convention; the technical measures are the provisions as contained in the Annex 17 to the Convention on the International Civil Aviation Organization 1944.¹

It is undeniable fact that aviation security is one of the critical factors to the peaceful co-existence of human being. That is why the ICAO has been monitoring states' implementation and compliance with the technical provisions of the Annex 17 to the Chicago Convention 1944 which is often known as Standard and Recommended Practices.

**ISMAIL ADUA MUSTAPHA, Ph.D, Business Law Department, Faculty of Law, University of Ilorin, Nigeria; ABDULGANIYU BELLO, Department of Liberal Studies, Institute of General Studies, Kwara State Polytechnic, Ilorin, Nigeria*

¹Chicago Convention on International Civil Aviation 1944 adopted on 7 December 1944 and entered into force on 4 April 1947, ICAO Doc. 7300/9, Ninth Edition, 2006. [Herein after referred to as "Chicago Convention 1944"].

It is submitted that there is no State who had perfectly implement the security measures without any challenge. Each State is peculiar with her own challenge. Thus, various challenges were identified to have been hindering proper application of the measures.

It is on this note that this chapter will analyze the 21st century challenges in the application of aviation security measures. The chapter is divided into four sections/parts. Section one introduces the topic to the reader; section two analyses the historical development of aviation security provisions; section three critically examines the various challenges in the implementation and compliance with the security measures in Nigeria. Section four concludes the chapter.

1. HISTORICAL DEVELOPMENT OF AVIATION SECURITY

The history and development of civil aviation security is as old as the offences of unlawful interference with civil aviation itself. Thus, for proper understanding and ease of reference, this section shall be divided into four stages.

a. First stage: The period 1930-1960

Significantly, this period marked the beginning of civil aviation and as such the start of unlawful interference with the unlawful seizure of aircraft been recorded as the first security challenge. In fact the first incident of aircraft hijacking as popularly known occurred in 1930/31 by the armed revolutionaries.² Between 1930 and 1960, forty-eight aircrafts were unlawfully seized across the globe.³

It is instructive to note that the feature of this period was that neither was civil aviation regulated nor having security measure(s) to guide against the commission of any of the offences. This is because the actual threat to civil aviation was the unlawful seizure of aircraft to escape from the political persecution of the opposition government of the state concerned. Therefore, passengers and their luggage/baggage were not subjected to aviation security screening, therefore, no standard regulatory or technical measure in relation to aviation security.

b. The second stage: The period 1961-1980

This period marked the beginning and development of aviation security regulation. The dramatic increased in the threat of aircraft hijacking, hostage of passengers, and the adoption of aircraft sabotage as a new tactic to carry out unlawful interference with civil aviation woke the international community under the umbrella of the International Civil Aviation

² Holden, T.R, Contageousness of Aircraft Hijacking, *AJS*, Vol. 9 (4) 1986, p. 874; Ruwantissa A., *Aviation Security*, Aldeshort, Ashgate Publishing Co. Ltd, 1998,p.103; Ismail Mustapha Adua, *International Law on Aircraft Hijacking: The Practice in Malaysia and Nigeria* (Phd thesis, IIUM, 201) p. 41.

³Ismail Mustapha Adua, *International Law on Aircraft Hijacking: The Practice in Malaysia and Nigeria* (Phd thesis, IIUM, 201) p. 52.

Organization (ICAO) to speedily adopt three International Conventions on Aviation Security within the space of eight years (1963-1971).

While the features of these conventions include definition of the offences (hijacking, hostage of passengers and aircraft sabotage); jurisdiction to try the offender(s); punishment of the offender(s); and extradition of the offender(s), the aim and objective of the Conventions is to serve as theoretical regulations/frameworks to secure the international civil aviation against any of the unlawful interference of this period. It needs be stated that although these Conventions have been amended and updated to meet the current 21st century aviation security challenges, yet there importance to the security and development civil aviation business and management cannot be over-emphasized.

In addition to the Conventions on aviation Security is a security document called Annex 17 to the Chicago Convention. The First Edition of Annex 17 was adopted in 1974 pursuant to ICAO Resolutions A17-10 and A18-10.⁴ The aim and objective of the document is to serve as a security document template to be adopted by member States. It is therefore to serve as a technical security document for the purpose of preventing and suppressing any of the unlawful interference with civil aviation worldwide.⁵

⁴ See ICAO Res. A17-10 and A18-10 1974; Ismail Adua Mustapha, Civil Aviation Security Provisions Directives: A Critical Analysis into the realm of Chicago Convention 1944 and its Annex 17, *Legal Network Series(A)* Vol 1 (vi) 2018, p. 5; Ismail Adua Mustapha, International Civil Aviation Organization (ICAO) and the Prevention of Aircraft Hijacking *Legal Network Series(A)* Vol 1 (vi) 2016, p. 13.

⁵ Ismail Adua Mustapha, Civil Aviation Security Provisions Directives: A Critical Analysis into the realm of Chicago Convention 1944 and its Annex 17, *Legal Network Series(A)* Vol 1 (vi) 2018, p. 1.

It is submitted that this period can be considered as the beginning of the application of aviation security regulations by means of theoretical and technical methods as contained in the Conventions and Annex 17 to the Chicago Convention 1944 respectively.

c. The third stage: The period 1981-2000

The international community witnessed a slight reduction in the commission of the offence of aircraft hijacking but an increase in the offence of aircraft sabotage.⁶ This was because; the aviation terrorists had changed the method of carrying out unlawful interference from hijacking to sabotage. Consequently, aviation security methods, procedures, programmes were amended to address the new challenge to civil aviation. For example, the second edition of Annex 17 which was in operation between 1981 and 1985 was amended twice to meet the challenges of aircraft sabotage that has taken the place of aircraft hijacking.⁷

Another effort of the ICAO aimed at developing the aviation security was the adoption of Convention on the Marking of Plastic Explosives for the Purpose Detection, 1991.⁸ The objective of the Convention is to prohibit and prevent manufacture and storage of unmarked plastic in the territories

⁶ Ismail Mustapha Adua, *International Law on Aircraft Hijacking: The Practice in Malaysia and Nigeria* (Phd thesis, IIUM, 2014) p. 52.

⁷ See ICAO Resolution A 22-17, Annex 17 to the Chicago Convention 1944, 9th edition, 2011; Ismail Adua Mustapha, *International Civil Aviation Organization and the Prevention of Aircraft Hijacking Legal Network Series(A)* Vol 1 (vi) 2016, p. 16.

⁸ Herein referred to as Explosive Convention 199, entered into force on the 21st June 1998 [ICAO Res. A27-8, UNSC Res. 635 of 14/6/1989, UNGen. Ass.Res. 44/29 of 4 Dec. 1989]

of member States.⁹ It is submitted that this period was a critical stage in the development of civil aviation security in particular as the events and incidents of aircraft sabotage were so deadliest to the extent that no passenger will survive in the event of a single sabotage.

d. Fourth stage: The period 2001 to date

This stage is considered as the last stage in the development of aviation security. It witnesses a number of theoretical and technical developments culminating into a series of innovations in term of amendments to the international Conventions on Aviation Security as well as to the annex 17 to the Chicago Convention 1944 on the suppression and prevention of unlawful interference with civil aviation.

Significantly, the events of September 11, 2001 where four United States of America aircrafts were unlawfully hijacked and used as weapons of mass destructions¹⁰ motivated the international community via ICAO to review and make amendments to the existing international conventions on aviation security and as well to the Annex 17 to the Chicago convention 1944 to meet the current challenges affecting the security of civil aviation.¹¹

Consequently, in 2010 at the Beijing diplomatic meeting on aviation security, a new Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation was adopted.¹²

⁹Explosive Convention, art. II & III.

¹⁰ Andreas S.W, Interception of Civil Aircraft Over the High Seas in the Global war on terror, *Airforce Law Review(AFLR)*, 2007, 75 Ismail Mustapha Adua, 2014, p. 103.

¹¹ See ICAO Res. A37-22

¹²Abeyratne, R, The Beijing Convention 2010 on the Suppression of Unlawful Acts Relating To International Civil Aviation-an interpretative study, *Journal of Transportation*

It is submitted that the importance of the 2010 Convention to the development of aviation security include but not limited to abridging the gaps created by the preceding conventions on aviation security. While it is obvious that the preceding conventions do not take into cognizance of the offences such as using aircraft as a weapon of mass destruction, cyber terrorism, transport of narcotic substance among others, the new 2010 Convention takes cognizance of these methods of unlawful interferences and recognizes them as serious offences against international civil aviation.¹³

In addition, between 2001 till date, Annex 17 has been amended severally to find solutions to the current security challenges bedeviling civil aviation across the globe. Thus, Amendment 12 to Annex 17 was adopted in November, 2010; effective in March, 2011; and became applicable on the 1st July, 2011.¹⁴ Security features of the Annex 17 include establishment of Airport security committee, Airport Access Control¹⁵, Airport Access Gate¹⁶, Airport Restricted Areas¹⁷. Others include screening of passengers

Security, Vol.4, 2011, pp. 131- 143; Konstantinos D.M, The New Regime in International Aviation Security Law and Al-Qaeda Clause, *International Enforcement Report*, Vol. 27, 2011, pp. 597-601.

¹³ See 2010 Beijing Convention, art. 1

¹⁴ ICAO Res. A37-7; Alen 2005; Izabela P.M, New Counter Terrorism Legal Instruments Under The Auspices of International Civil Aviation Organization. In Emil P.W, *BiatostockieStudiaZeszyt*, 10, 2011, p.134; Ismail Adua Mustapha, International Civil Aviation Organization and the Prevention of Aircraft Hijacking *Legal Network Series(A)* Vol 1 (vi) 2016, p. 16.

¹⁵ ICAO Res. A17-12, 1970; Trevor 1990 Paul S. and Eugene S. Setting International Aviation Security Standards. In Yohana A. And Eugene S., *Aircraft Hijacking and Aviation Security*, Neitherland, Martinus Nijhoff Publishers, 1990, pp.7-8.

¹⁶ Jeffrey and Jeffrey, *Practical Aviation Security: Predicting and Preventing Future Threats*, Elsevier Inc., USA, 2009, pp. 2 and 49; Vellara 2006]

¹⁷ Elias B. *Airport and Aviation Security: US Policy and Strategy in the Age of Global Terrorism*, Auerbach publications, Taylor and Francis Group, USA 2010, p.2.

and their luggage/baggage through the technological or traditional methods. While the technological modes include but not limited to Explosive Trace Detection Portal, Backscatter X-ray body imaging system, Millimeter Wave Imaging System, Hand wand metal detector among others, the traditional means are the adoption of pat down, passengers profiling, physical baggage screening, among others. These methods of aviation security are critical and crucial for the prevention and suppression of unlawful interference with civil aviation if properly implemented.

Furthermore, On June 2002, the ICAO pursuant to the Resolution A33-1 of the 166th Session of the Assembly of ICAO adopted a programme called Universal Security Audit Programme.¹⁸ The purpose of which is basically to investigate member States level of compliance with the Annex 17 and other security documents.¹⁹ It is submitted that while it is so critical to measure the level of compliance, it is also important to find out the challenge(s) militating against proper implementation of aviation security in general. These challenges shall later be examined in this chapter.

It is submitted that the 2010 Beijing Convention and its Annex; Annex 17 to the Chicago Convention 1944; and the Universal Security Programme are the current aviation security documents/mechanisms applicable to suppress and prevent unlawful interference against civil aviation in the 21st century. That is why many States have adopted these documents directly or

¹⁸Kotaite A, Aviation Safety and Security- Two side of the same coin, (Being a Key note address to the Aviation Study Group at Lineage College, Oxford University, on 27th June 2003, pp. 2-3.

¹⁹ Ismail Adua Mustapha, International Civil Aviation Organization and the Prevention of Aircraft Hijacking *Legal Network Series(A)* Vol 1 (vi) 2016, p. 20.

indirectly and as well making corrections as suggested by the ICAO Team on compliance with aviation security programmes.

2. THE 21ST CENTURY CHALLENGES IN THE IMPLEMENTATION OF AVIATION SECURITY MECHANISMS IN NIGERIA

The airlines and airports managements are facing various security challenges while implementing their various security measures to protect their respective area of jurisdiction. While it is the responsibility of the airport management to secure the airport and its facilities on one hand, the airlines company has duty to secure and protect its property (aircraft) against any of the unlawful interferences including but not limited to hijacking and bombing among others.

The identified challenges that are hindering proper implementation of aviation security provisions are: the changing nature of aviation terrorism; inadequate funding; inadequate manpower; and lack of technocrat. Others include current issue of fundamental human rights; inadequate modern day screening devices; and inadequate knowledge of aviation security provisions. These challenges shall quickly be examined to know the extent of their negative effects in implementing aviation security mechanism in the 21st century.

a. The changing nature of aviation terrorism

In this chapter, aviation terrorism is referring to all the unlawful interference with the civil aviation. This includes unlawful seizure of

aircraft, Aircraft sabotage,²⁰ destruction of airport and its facilities²¹, cyber terrorism, transport of narcotic substance among others.²² All these interferences have been recognized and well defined in the 2010 Beijing Convention.²³

Apart from the fact that these offences pose serious challenges to aviation security in general, their changing nature from one particular offence to another is highly problematic to aviation security practitioners across the world. For example, the very first interference known to civil aviation is hijacking of aircraft. When the solutions were found to curtail it menaces, the civil aviation terrorists changed to their heinous activity from unlawful seizure of aircraft to another destructive offence known as Sabotage of aircraft. While these offences were being perpetrated simultaneously, it is very difficult for the aviation security practitioners to find an accurate solution to prevent the civil aviation business against these unlawful acts. Thus, while the international community under the leadership of International Civil Aviation Organization (ICAO) is battling to find lasting solutions to cure the menace of these offences, the terrorists changed gear towards other crimes such as using aircraft as weapons of mass destructions like those the international community witnessed in September 9, 2011; Cyber terrorism; Airport destructions among others.

²⁰For detail, see Ismail Adua Mustapha & K.I. Adam, An overview of the International and Nigerian legal framework for prevention of aircraft sabotage, *Centrepont Journal (Humanities Edition)* Vol. 17 (2), 2014, pp.2-5.

²¹ For detail see Ismail Adua Mustapha, N.A.O Ijaiya and Isau O. Ahmed, Civil Aviation Offences Under the Nigerian Civil Aviation Act, 2006. In Okene (ed.) *Readings In Law and Policy (Current Issues and Trends)* 2017, published by the Faculty of Law, River State University, Port Harcourt, Nigeria, pp. 617-618.

²²See Article 1, 2010 Beijing Convention

²³*Ibid.*

It needs be stated that the crime of stowaways as an unlawful interference is now a common crime in the 21st century. Stowaway can be defined as an act of secretly hiding in an aircraft for travelling without being detected. The various forms of committing stowaway are by hiding in the cargo compartment of airline, or in the wheel-well of aircraft.²⁴ The offence has been committed virtually in all the states since 18th century till date.²⁵ On the strength of the terrorists' act of moving from one offence to another, it has become difficult for the aviation security practitioner to completely secure aircraft and airport against interference. This is highly problematic and therefore poses a serious challenge to the civil aviation in general.

b. Inadequate funding

Funding is one of the essential elements in maintenance of aviation security. The issue of inadequate funding is generated from the outright unwillingness of state concerned to pump fund to aviation agencies and/or not to adequately fund the processes involved in maintaining aviation security. The consequence of this is that the agencies involved are giving liberty to source and generate funds to maintain and secure civil aviation since there is no subvention from the government. This has actually posed a serious challenge to the aviation security stakeholders in maintaining aviation security.²⁶

²⁴See Jason Koebler, *The Science of Stowing Away in an Airplane*, The Motherboard, 19th June 2015 <https://motherboard.vice.com> assessed on 14th November, 2018.

²⁵*Ibid.*

²⁶See Chinadu Eze, *Aviation Agencies Groan Under N45bn Debt by Airlines*, ThisDay<<https://www.thisdaylive.com>> assessed on 14th November 2018.

It is submitted that the agencies involved may not be able to adequately source for fund or be it that the airport users may be indebtedness to these agencies who by that fund they are to provide aviation security equipments. In Nigeria for example the issue of sourcing for fund to provide aviation security has created a source of challenge in maintaining aviation security. Accordingly, it was reported by ThisDay Online newspaper thus:

“Aviation agencies, including Nigerian Civil Aviation Authority (NCAA), Federal Airports Authority of Nigeria (FAAN) and the Nigerian Airspace Management Agency (NAMA), are unable to replace obsolete airport equipment, resurface runways and provide other amenities to the airports, because of N45 billion debt owed by domestic airlines...

With such huge profile, FAAN said it is finding it very difficult to replace obsolete airport equipment like airfield lighting, resurfacing of dilapidated runways and provisions of other amenities to the airports”²⁷

The above complaint of the agencies is a serious challenge to a critical factor in aviation business in most underdeveloped and developing countries like Nigeria where issue of security is taking lightly.

²⁷ *Ibid.*

c. Employee's threat

This can best be described as what is known as "Insider Threat".²⁸ The contributions of both the airport and airline employees to aviation security challenges have been noticed in recent time. The employees such as the Aviation security officer may be enlisted and contracted by the terrorist group to circumvent aviation security screening procedures. Or the pilot may perpetrate the unlawful act by hijacking his plane to another destination. For example, on 17th February, 2014, a Co-pilot of an Ethiopian Airlines unlawfully seized his own aircraft Boeing 767-300 on its way to Rome while the main pilot was taking a toilet rest and diverted it to Geneva²⁹ is a clear attestation to the fact that employees' are part of the threat to aviation security.

d. Decentralization of Airport Security System

Decentralization of airport security system in this chapter is referring to the act of dividing security arrangements into various sections and each section is manned by different security outfit. The practical example of this arrangement is found in the Nigerian aviation security system wherein many agencies are deeply involved in the security of civil aviation including but not limited to airport and aircraft. In this connection, the security agencies in the Nigerian airports include Aviation Security officers (AVSEC) of the FAAN, the Nigeria Police including the States Security Service (SSS); National Drug Law Enforcement Agency (NDLEA);

²⁸Anthony Mc Ginty, Four Challenges Facing Aviation Security" Security Management, 2018, <<https://sm.asisonline.org/Pages/Four-Challenges-Facing-Aviation-Security.aspx>> assessed on 29th October, 2018.

²⁹ Anne Penketh, Ethiopian Airlines hijacking ends with co-pilot's arrest in Geneva, *The Guardian*, 17th February, 2014. <theguardian.com> assessed on 14th November, 2018.

Nigerian Air force; Nigerian Army; Nigerian Agricultural Quarantine Service among others.

It is submitted that performances of the security functions by these agencies often result in overlapping of duties that mostly duplicated; and creating of gaps and loopholes for security breaches. This assertion finds support in the statement of Olowo when he asserts thus:

“We have too many agencies involved in aviation security and it should not be so, it should be centralized.”³⁰

e. Corruption

The corruption in aviation industry constitutes a separate problem and challenge to the maintenance of aviation security. It is an endemic that has eaten deep in aviation processes. Corruption in aviation industry is not peculiar to Nigeria, it cut across all over the world. For this assertion, the extent of damaging effect of corruption to the aviation industry shall be examined.

In Egyptian Sharm el-Sheikh Airport, it was reported that aviation security staffs were so endemic in corruption to the extent that they took bribe from

³⁰Maureen Ihua-Maduenyi, Aviation experts demand improved security, airport maintenance programme, *Punch*, 3rd January, 2018 <<https://punchng.com/aviation-experts-demand-improved-security-airport-maintenance-programme/>> assessed 31st December, 2018.

the passengers to circumvent aviation security screening.³¹ One of the passengers stated thus:

"We walked right through the security gates and the security procedure, straight through the airport, avoided all the queues and then he put the case on the conveyer belt and the girl checked us in.

"And at no point did my luggage go through any scanner.

*When I think about it now, it was bizarre,"*³²

In Nigeria, the allegation of bribery in Nigeria airport is not a matter of debate. Series of allegations have been made against the Aviation Security Officers, Customs, Immigration and other aviation workers. That was why the Federal Airport Authority of Nigeria (FAAN) has, without mincing word, called for the cleansing of the industry in all ramifications. In fact the Authority has categorically advised the Airport users and passengers to transact business without giving anything, in form of money or kind to any airport workers including but not limited to Aviation security personnel, among others. The categorical statement of the FAAN goes thus:

³¹Simon Tomlinson and Martin Robinson, British passenger reveal Sharm airport staffs are STILL taking cash to help them skip busy security queues despite bomb threat, Dailymail, 5th November, 2018 < dailymail.co.uk > assessed 19th November 2018.

³²RT UK Question, Danger money: British tourist paid £20 to bypass Sharm el-Sheikh airport security, 6th November, 2015 <<https://www.rt.com/uk/321088-egypt-airport-security-bribe/>> assessed on 26th December, 2018. See also Simon T. and Martin R., British passengers reveal Sharm airport staff are STILL taking cash to help them skip queues despite bomb threat, Mailonline, 5th November, 2015 <<https://www.dailymail.co.uk/news/article-3305011/Security-staff-played-Candy-Crush-smoked-cigarettes-SLEPT-duty-British-tourists-reveal-shock-lax-airport-safety-Sharm.html>> assessed on 26th December, 2018.

“All passengers and airport users who might want to transact some business at the airports are advised not to give money to anyone to gain access into the airport and report related cases to appropriate authorities”³³

While it is an important government policy to kill corruption in all ramifications, this can never be achieved without proper implementation in all inclusive and very important sectors including aviation industry. It is therefore behoves on the Aviation Security Stakeholders to fully implement policy on the eradication of all form of corruption in the Nigerian Airports.

3. SOLUTIONS TO THE PROBLEMS AND CHALLENGES

While civil aviation is a critical sector in economic and socio-political development of a state, the need to guide and protect its operation against any of the unlawful interference is a condition precedent to achieving these aims and objectives. Therefore, this section seeks to present solutions to the above problems and challenges raised in the preceding section.

a. Proper implementation of the Aviation Security Laws

International Aviation security conventions, laws, and rules and regulations must be properly implemented to suppress the aviation offences that keep changing like a chameleon. Among the conventions is the 2010 Beijing on Aviation Security which has added and amended to some of the provisions

³³ See Fikayo O., FAAN takes position on corruption allegation among Aviation security officers, Daily Post, 16th November, 2018 <<http://dailypost.ng/2018/11/16/faan-takes-position-corruption-allegation-among-aviation-security-officers/>> assessed on 26th December, 2018.

of the earlier aviation security conventions. In fact the Beijing convention has addressed virtually all the available offences known to civil aviation worldwide. Very important aspects of the Convention are the definitive, extradictory and punishment sections. All these are designed to have a greater impact on the suppression of any of the offences mentioned therein. Another important convention towards the security of civil aviation in general is the Convention on the International Civil Aviation, 1944 (Chicago Convention 1944) particularly annex 17. The annex provides technical measures to suppress and prevent the commission of any of the civil aviation offences. Amongst the measures is the screening of passengers and baggage by traditional or modern day technological tools before boarding the aircraft. This is one of the important pre-boarding measures which must be properly implemented if the civil aviation must be secured. The necessity for the conduct of screening is to detect the presence of unwanted element(s) in the body of passenger or their luggage and baggage. Laws, rules and regulations such as the Nigerian Civil Aviation Act, 2006 and the Nigerian Civil Aviation Regulations 2015 are similar in wording and character with the same aims and objectives to the Convention 2010 and the Annex 17 to the Chicago Convention 1944.

b. Adequate funding

Aviation business is expensive in that it requires huge funding and less profit. Thus, a special funding is necessary to provide a robust security outfit at the airport and around the airlines. Any state who fails to provide adequate funding to its aviation industry is absolutely praying for any of the unlawful interferences with its civil aviation. This is because, while the

21st century modern aviation security equipments are expensive, their necessity to maintain 70% of airport terminal and airlines securities cannot be toyed with.

Therefore, the aviation sector should be provided with adequate fund so that she will be able to meet the cost of purchase of aviation security equipments in accordance with the ICAO specification. Furthermore, part of the funding requires in this respect includes payment of salaries, allowances, and training and retraining of the aviation security staffs; and a running costs for the maintenance of security equipments amongst other.³⁴ It therefore maintains that adequate funding of aviation security sector is tantamount to funding security of the entire state security.

c. Prompt payment of Aviation Security Officials' entitlements

The Aviation security authorities are required to make prompt and adequate payment of staffs salaries, and allowances for the purpose of preventing insider threat. This will serve as a part of security measures and prevent the insider from engaging or conniving with the outsider to commit aviation security offence. An insider whose is being owed series of salaries and allowances may be enticed to take part in corrupt activities or serve as the agent of terrorism against civil aviation.

³⁴See Ismail Adua Mustapha, Aviation Security Personnel in Malaysia and Nigeria: Issues and Challenges in the context of aviation security law, *Lead City University Law Journal*, Vol. (2), 2016, pp. 54-61. See also Ismail Adua M., The Legal Roles of Nigeria Aviation Sector in National Security and Trans-border Movement, *Ebonyi State University Law Journal*, Vol. 7 (1), 2016, p. 144.

d. Screening of Aviation Staffs

In as much it is obligatory on the part of the passenger to undergo security screening before entering the restricted areas of the terminal and boarding the aircraft, it is also desirable to conduct similar check and screening on the staffs. This will further serve as a measure to detect real aviation workers as distinguish from those that have been relieved of their job. It also helps to detect the presence of unwanted element(s) in the body of the staff who may want to serve as an agent of terrorist(s). Accordingly Ojikutu states thus:

“One of the problems is the staff; there should be background check on those who work on the airside and those that have been relieved of their jobs but still have their identity cards.

These are people that enter the airport and they become insider threat. There should be a regular review of people working in restricted areas of the airport.”³⁵

e. Centralisation of Aviation Security Agencies

Centralization of aviation security is referring an arrangement whereby the security of airport is under the absolute control of a department within the aviation sector. In Nigeria, even though the aviation security is within the power of the AVSEC of the FAAN, other security agencies are not directly responsible to the FAAN rather they are under the control and supervision

³⁵Maureen Ihua-Maduenyi, Aviation experts demand improved security, airport maintenance programme, *Punch*, 3rd January, 2018 <<https://punchng.com/aviation-experts-demand-improved-security-airport-maintenance-programme/>> assessed 31st December, 2018.

of their respective authorities. For example, while the Nigeria Police at the Murtala Muhammed International Airport is responsible to Commissioner of Police, Lagos, the Nigerian Custom and Nigeria Immigration are responsible to Comptroller of Custom and Comptroller of Immigration respectively.

This paper therefore advocates for centralization of security arrangement whereby the AVSEC will recruit and have its own Police, Custom, immigration officials under and responsible to AVSEC Department in the FAAN. The advantages in this set up are; firstly, the authority in charge of the general aviation security including the airport patrol among others will be well defined and known to the public; secondly, the body of the security will be operating under the same aviation security law as specified by the ICAO standard and recommended practices and as well under the Nigerian civil aviation laws, rules and regulations; and thirdly, it will give room for adequate review of the security problems and challenges facing the aviation security in general and finding solutions to the problems at ones. It is submitted that while this arrangement will provide a sort of well arranged aviation security mechanism in the 21st century, this can only be achieved where the AVSEC department is divided into various sectors³⁶ and each sector will be responsible to the Director of AVSEC.

4. CONCLUDING REMARK

³⁶Various sectors herein mean Police section of AVSEC, Custom section of AVSEC, and Immigration section of the AVSEC. All these sectors will be under the AVSEC and be directly responsible to Director of AVSEC.

No doubt civil aviation is one of the means of activating socio-economic footage of a state. This cannot be achieved unless the state concern adequately maintained security and safety of the airport and aircraft respectively. While the twin and most critical aspect of civil aviation that is 'security and safety' are so important, the challenges and problems militating against the realization of them need to be adequately addressed. Otherwise the international community will continue to witness series of unlawful interferences among which are hijacking, sabotage, and airport destruction to mention but a few.

There are a lot of challenges and problems affecting aviation security across the globe. These challenges however, depend on the geographical local of the state concern. For example, this chapter has addressed those that are peculiar to Nigerian aviation industry in the 21st century. Therefore, the solutions provided to these problems and challenges will go a long way in solving the identified issues militating against security of civil aviation in Nigeria. Thus, solving the civil aviation security challenges and problems is tantamount to solving one of the security challenges and problems bedeviling Nigeria, as the case may be.