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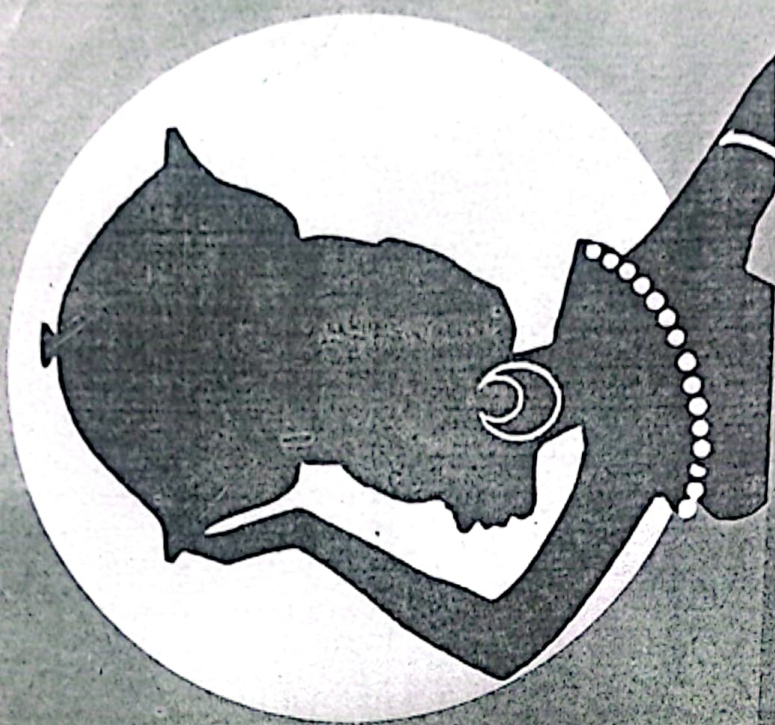
This Journal is available online at the following web address:
<http://www.unilorin.edu.ng/ejournal/index.php/cp>

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5532

CENTREPOINT JOURNAL

Humanities Edition



Volume 17

Number 2

December 2014

A JOURNAL OF INTELLECTUAL

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An Overview of the International and Nigerian Legal Framework for Prevention of Aircraft Sabotage

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Abstract

Sabotage of aircraft is one of the major air transport terrorist acts that have threatened the growth and development of the aviation sector across the world. Successive international conventions have been adopted to prevent aircraft sabotage and its attendant consequences such as loss of lives, properties, distortion of international markets and psychological disorder. The International Civil Aviation Organization (ICAO) has also prescribed international Standards and Recommended Practices (known as Annex 17 to the Chicago Convention 1944) to complement the preventive devices contained in existing Conventions. Nigeria, being a party to these Conventions and the Annex, has domesticated these laws into the Nigerian Civil Aviation Act 2006 and the Nigerian Civil Aviation Regulations 2012. The ongoing security challenges in Nigeria posed by the deadly "Boko Haram" group and threats by other militant groups in the country as well as other potential threats that could arise in connection with the 2015 elections call for a reappraisal of the Nigerian anti-aircraft sabotage law & rules to identify their strengths and uncover inherent weaknesses of such laws & rules. The paper adopts qualitative method of legal research through a combination of both doctrinal and non-doctrinal approaches. It revealed that the Nigerian laws on the prevention of aircraft sabotage is adequate if properly implemented.

Keywords: Aircraft sabotage; aviation security; terrorism; aviation convention.

Introduction

During its early stage of development, security of air transport was taken for granted by the international community which adjudged it as the most secured and fastest means of transportation (Ruwantissa, 2010). At the time, the concerns of the international community centred on the depth of experience and knowledge of the pilot in-command and the condition of the aircraft in operation (Demsey, 2003). Thus, the crime of unlawful interference with civil aviation i.e. aircraft sabotage was unknown to that era.

The first known offence of unlawful interference with civil aviation is traceable to 1930 when an aircraft was seized unlawfully for political reasons (Jefferey and Jefferey, 2009). It was not until 1949 that the growth and development of civil aviation became threatened by terrorists' resort to aircraft sabotage which has caused destruction of many lives and property, distortion to international market and has inflicted psychological disorders on families and relatives of air passengers.

The international community was consequently inspired to adopt the International Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 1971 ("Montreal Convention") and the 2010 Convention on Suppression of Unlawful Interference Relating to International Civil Aviation 2010 ("Beijing Convention") as measures against the crime. The International Civil Aviation Organization sought to complement these efforts by its adoption of International Standard and Recommended Practices. As a party to these international instruments, Nigeria adopted and ratified the Montreal Convention 1971 on 3rd July 1973 (ICAO Doc 8920/860).

As a nation, Nigeria is currently facing serious security challenges posed by insurgents, militants and potential violent fall-out from 2015 general elections put aircrafts and airports at risk. Thus, it becomes imperative to examine the adequacy of the mechanisms established by various international instruments and the Nigerian law to deter interference with air operations. This paper investigates the global socio-economic impact of aircraft sabotage and the adequacy of measures established to address it under international law and Nigerian law.

History of Aircraft Sabotage

In 1930 the international community experienced the first ever offence against civil aviation (Dawson, 1987; Agarwala, 1970-1972; Ruwantissa, 2010) in circumstances which have been variously described by scholars and writers as "aircraft hijacking," "skyjacking," "air piracy," "sky piracy," "aerial piracy" and "aerial hijacking" (Evans, 1972-1973; Evans, 1969; Evans, 1971; Shawcross and Beaumont, 1991; Agarwala, 1973; Gerald 1970-1972). The second known offence in the industry took place in 1949 in form of aircraft sabotage (Ruwantissa, 2010).

A total of twenty two (22) commercial flights suffered sabotage between 1949 and 2004 with twenty of them recording loss of lives and properties, leaving the remaining two (2) incidents devoid of casualties. Several lives and properties, including those of passengers and airlines operators, have been lost to air sabotage.

For instance, as at 2004, air sabotage has claimed 1525 lives with 55 others sustaining injuries. Property lost to such sabotage include checked and unchecked baggage and, in particular, the exploded aircrafts themselves which constituted serious loss to air operators. It is for this reason that some have considered aircraft sabotage as the deadliest of all types of unlawful interferences with civil aviation (Bartholomew, 2010).

The consequences of aircraft destruction include distortion of international market, collapse of harmonious relationship between states and infliction of psychological disorder on the international community. DRI-WEFA Inc. (2002) succinctly summarised the place of aviation in international economy thus:

Aviation is the primary means for economic growth with a significant influence on the quality of life of populations around the globe. Aviation facilitates the world economy and promotes the international exchange of people, products, investment, and ideas. Indeed, to a very large extent, civil aviation has enabled small communities and rural populations to enter the mainstream of global commerce by linking such communities with worldwide population, manufacturing, and cultural centres.

First, even a single aircraft sabotage is capable of disrupting international markets and several economies since fear of repeat occurrences could make several markets players shun travel by air. Thus, when one aircraft is affected, it forces changes in other areas of the aviation sector. In effect, the contribution of aviation sector to the growth of international markets will be heavily disrupted.

Second, the negative effect of aircraft sabotage on world peace was demonstrated by the tension that followed the 1988 bombing of PAN-AM flight over the Lockerbie airspace (Libya v. U.S, 1992) and which made the United States of America and the United Kingdom to accuse two Libyans. In a joint declaration, the US and UK demanded that the suspects be extradited for prosecution but Libya's negative response to the demand resulted into heated arguments between the three countries (UN Doc. A/46/826-S/23307, 1991). Libya's refusal to extradite the suspects did not only lead to severance of relations between the US, UK and Libya, but also caused the United Nations Security Council to impose various sanctions on Libya (AbdulGhafur, 2007; Mohammad Naqib, 2009; Murphy, 2001; Knowels, 2004).

Third, passengers' collective psyche is badly affected as there is palpable loss of confidence in the aviation industry and those willing to travel by air often have a second thought. Airlines have been operating at the risk of loss of profits by spending more on the security of their aircraft. The psychological effect on the people was aptly demonstrated by the 9/11 event in the United States of America which made many people to desert airports, movie centers and other such recreational centers because of apprehension of similar attacks (Jekens, 1989).

With the magnitude of the impacts of such an offence on the global community, the world is justifiably inspired to deploy all efforts to its prevention in

all ramifications. Hence, certain conventions and other technical measures were adopted by the international community and ICAO to deal with the crime.

An Overview of ICAO Sabotage Conventions and its Annexes Sabotage Conventions

The bombing of two planes in the airspace of Switzerland and Germany in respectively prompted the adoption on 23rd September 1971 of Montreal Convention which entered into force on 26th January, 1973 (Elagab, 1995; Huang, 2009). The Convention seeks to prevent the commission of the offence of aircraft bombing and related offences against international civil aviation. It has ever since been in operation to prevent and suppress the offence.

However, some gaps which can be identified in the safety and security measures prescribed by the Convention, including its failure to address such new and emerging threats as misuse of aircraft as weapons of mass destructions, destruction of aircraft in service, and cyber terrorism, have been bridged by the Beijing Convention (Huang, et al, Abeyratne, 2011). Thus, the two Conventions generally cover a scope which includes the prevention and suppression of aircraft sabotage (Preamble, Montreal Convention-1971 and Beijing Convention-2010). Their adoption and implementation are very important to efforts to prevent and suppress all acts capable of jeopardising the safety and security of civil aviation (Danien, 2010).

The specific subjects addressed in the Conventions include definition of the relevant offence (Article 1, Montreal Convention and article 1 Beijing Convention 2010), jurisdiction to try offender (s) (Article 5, Montreal Convention 1971, Article 8, Beijing Convention 2010), extradition of offender (Article 7, Montreal Convention 1971, article 10 Beijing Convention 2010), and punishment of offender (Article 3, Montreal Convention, article 3, Montreal Convention). These devices have been adopted into the Nigerian Civil Aviation Act 2006 and Nigerian Civil Aviation Regulations 2012.

Safety and Security Annexes

As part of measures to safeguard and secure the civil aviation sector against unlawful interference, certain safety and security annexes were made under the provisions of Articles 37 and 54 (l) of the Chicago Convention on International Civil Aviation, 1944 created to guarantee safety of air navigation across territories devoid of state interference.

The annexes enjoin respective state parties to establish national civil aviation security and safety committees for the purpose of implementing safety and security programmes. The documents set out pre-boarding, boarding and post-boarding measures to prevent aircraft sabotage and other related offences (Amendment 12 to Annex 17). The measures include screening of passengers, baggage, searching and inspection of aircraft before take-off and landing (Annexes 14 and 17). All these provisions have been adopted into the Nigerian Civil Aviation Regulations 2012. The

aim of these measures is to ward off prospective offenders from sabotaging aircraft while on ground, in service or in-flight.

Prevention of Aircraft Sabotage in Nigeria

Except for the unsubstantiated allegation of sabotage in respect of the air crash involving certain Nigerian military officers in October 1992 (Ebhomele, 2012), Africa, and indeed Nigeria has not been considered prone to air sabotage. However, despite this clean bill, Nigeria demonstrated her resolve to prevent occurrence of aircraft sabotage by adopting the Montreal Convention 1971 on 3rd July 1973 (ICAO Doc. 8920/860), the Beijing Convention 2010 and Annex 17 to the Chicago Convention. Some of the preventive devices contained in the Conventions such as definition of the offence, jurisdiction to try an offender(s), extradition or prosecution of an offender(s) and punishment of offender(s) have been domesticated into the Nigerian Civil Aviation Act 2006, while Annex 17 provisions are contained in the Nigerian Civil Aviation Regulations 2012.

The mode of reception of international laws into Nigeria follows the dualist theory whereby international laws and national laws are treated as two separate laws with each existing independent of the other. Under this arrangement, a provision of international law does not become enforceable within a nation until transformed into national law by that nation, otherwise it would be considered ineffectual and non-binding (Felice, 1950; Malcolm, 2008; AbdulGhafur Hamid, 2011). Thus, under the Nigerian Constitution, international conventions on aircraft sabotage including the Montreal Convention 1971 and the 2010 Beijing Convention could only become legally enforceable after having been legally enacted into law in the country. The Constitution of the Federal Republic of Nigeria, 1999 as amended, provides in section 12 as follows:

No treaty between the Federation and any other country shall have force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.

Accordingly, the Conventions on the Prevention of Aircraft Sabotage and Annex 17 to the Chicago Convention have been respectively enacted into law vide the Civil Aviation Act, 2006 and Nigerian Civil Aviation Regulations 2012. The devices and measures prescribed by the Nigerian Civil Aviation Act 2006 and Nigerian Civil Aviation Regulations 2012 are examined in the next section.

Nigerian Civil Aviation and the Prevention of aircraft sabotage

I. Definition of the offence

Section 57 (2) of the Act defines the offence as:
Any person who unlawfully and intentionally-

- a. destroys an aircraft in service or causes damage to such aircraft in such a manner as to render it incapable of flight or which is likely to endanger its safety in flight; or
- b. places or causes to be placed on an aircraft in service by any means whatsoever a device or substance which is likely to destroy that aircraft or to cause damage to it which renders it incapable of flight or to cause damage to it which is likely to endanger its safety in flight shall be guilty of an offence...

Section 57 of the Act domesticates the definition of the offence of aircraft sabotage under the Montreal Convention 1971 (article 1 (1) (b) and (c)) and Beijing Convention 2010 (article 1 (a), (b) and (c)). An act of sabotage may be committed within or outside the aircraft when the aircraft is in service or in flight. The Act does not define "in service" which is however defined under the Conventions as "Aircraft is considered to be in service from the beginning of the pre-flight preparation of the aircraft by ground personnel or by the crew for a specific period until twenty-four hours after the landing. The period of the service shall, in any event, extend through the entire period during which the aircraft is in flight" (article 2 (b)). This definition may be called in aid when the court is interpreting the provisions of the Act.

By this definition of "in service", any person who destroyed, damaged or caused to be damaged an aircraft during pre-flight operation when the aircraft is on ground has committed the offence of sabotage. This type of sabotage can be committed by shooting so as to render it incapable of flight or outright bombing of the aircraft so as to cause its total destruction.

Again, the Act fails to define "in flight" but defines "flight" to mean "a journey by air beginning from the moment when all the external doors of an aircraft are closed following embarkation until the moment when any such doors are opened for disembarkation" (section 78). This definition is in *pari materia* with the definition of "in flight" under the Montreal Convention 1971. In the light of this definition, any act of destruction or damage by means of shooting the aircraft while on air or causing the destruction or damage of it through the placement of explosives which explode when the aircraft is considered to be in flight is an act of sabotage of aircraft in Nigeria.

The above analysis shows that the act of sabotage of aircraft can be committed in Nigeria by:

- a. destroying the aircraft while in service or in flight;
- b. damaging the aircraft while in service or in flight, the consequence of which renders the aircraft incapable of flight.

It should be noted that an attempt to commit the offence is also considered as actual commission of the offence (Section 57 (3)). The essence of the definition of the

offence as contained in the Act is to empower the Nigerian courts to have jurisdiction to try and punish the offender(s) in consonance with the Constitution of the Federal Republic of Nigeria (FRN Constitution, 1999: Section 36(8)).

II. Jurisdiction to try the offender

AbdulGhafur Hamid, (2010) and Kraytman, (2005) define jurisdiction as the power and authority which a state has as a sovereign to prescribe and enforce rules and regulations and to make the law functional. The significance of the foregoing definition is that when a matter is of international concern, questions often arise as to which nation is legitimately entitled to exercise sovereignty by applying and enforcing her law on the subject matter. However, with few exceptions in cases of crime against humanity, the point seems largely settled where the act complained about is purely domestic or occurred within the territory of a particular nation, such a nation is the proper sovereign on the matter (Hoover, 2011 and Methne, 1998).

Beyond the exercise of sovereignty, the issue of jurisdiction is a common question for determination regarding the appropriate domestic court statutorily vested with judicial authority over certain subject matters or persons. For instance, the Federal High Court is empowered under the Constitution of the Federal Republic of Nigeria to exercise jurisdiction in respect of criminal cases and matters relating to "aviation and safety of aircraft" (Nigerian 1999 Constitution, section 251 (3)). By implication, the term "criminal cases and matters relating to aviation and safety of aircraft" includes the offence of aircraft sabotage. This is particularly the case as the Nigerian Civil Aviation Act which also specifically vests the Federal High Court with the jurisdiction to try all offences committed under the Act lists sabotage of aircraft as an offence under the Act (Nigerian Civil Aviation Act 2006, Sections 63 (1) and 57 (3)). By the combined effect of the provisions of the FRN Constitution and Civil Aviation Act, the Federal High Court has territorial jurisdiction to try the offence of aircraft sabotage committed in Nigeria.

According to Hoover (2011) and Methne (1998), a state exercises territorial jurisdiction over persons, objects or events within its territory. Thus, the jurisdiction to try an offender for an act of sabotage of aircraft committed within Nigeria is vested in the Federal High Court, (Nigerian Civil Aviation Act 2006, sections 63 (1) and 57 (3)). Although the Civil Aviation Act is silent over the issue of extraterritorial jurisdiction, scholars have observed that a state is allowed to prescribe laws beyond its jurisdiction (AbdulGhafur Hamid, 2011; Mann, 1999). It is submitted that since Nigeria is a party to the International Conventions on Prevention of Aircraft Sabotage, these Conventions could be called into aid to fill the gap created. Both the Montreal Convention 1971 and Beijing Convention 2010, contained identical provisions by which a contracting state is authorised to establish extra- territorial jurisdiction either on the basis of territorial principle where the offence is committed within its territory, nationality principle where it is committed against the aircraft registered in that state, or where the aircraft landed with the alleged offender in the territory of that state (Art. 5, Montreal Convention; Art. 8, Beijing Convention).

Exercise of extraterritorial jurisdiction may also be founded on territorial principle where the principal place of business or permanent residence of a lessee who leased out an aircraft without a crew is within its territory or where the alleged offender is found or present in its territory (Montreal Convention 1971, article 5; 2010 Beijing Convention, article 8). In all these instances, the Nigerian court is vested with the power to exercise jurisdiction to try the offender. The purpose of jurisdiction in this respect is to ensure that an offender does not escape justice thereby sending the signal to the international community that Nigeria is not a safe haven country for such offenders.

III. Extradition of the offender

The general law relating to extradition of an offender in Nigeria is the Extradition Act Cap E25, 2004. An extradition offence is known as a returnable offence which however is described as punishable by imprisonment for two years or greater penalty in Nigeria or any Commonwealth country seeking to take over the prosecution of an offender (Extradition Act 2004, Section 20 (2)). Sabotage of aircraft is punishable in Nigeria by a maximum of life imprisonment with or without confiscating the assets of an offender (Civil Aviation Act 2006, section 57(3)). With the level of punishment prescribed under that provision, the offence of aircraft sabotage qualifies as a returnable offence.

The purpose of extradition is to ensure that an offender whose prosecution has been declined in one state is returned to an interested state to prosecute and punish in deserving cases (United States of America v Burns, 2001; Minister of Home Affairs (eth) v zentai, 2012). The arrangement will also serve as a deterrent to prospective offenders upon realisation that the law would take its full course notwithstanding that jurisdiction has been declined in one state. Nigeria's policy resolve to either extradite or prosecute an offender is to underscore the legal reality and perception of safety of civil aviation as an international "obligation *erga omne*" (Jiefang, 2009).

It is important to observe that extradition of an offender is subject to certain restrictions as it will not be carried out if: (a) the act of sabotage is statute-barred under a validly made law in Nigeria; (b) request for extradition is made on discriminatory grounds which includes race, colour, religion, nationality or political opinion (The Universal Declaration on Human Rights 1948, article 2; African Charter on Human and Peoples' Right 1986, article 2; and International Convention on the Elimination of all Forms of Discrimination (ICERD) 1966, article 3); (c) the offender raises the defence of "*autre fois acquit or convict*" (Extradition Act, 2004, section 3 (a) and (b); Nigerian 1999 Constitution, section 36); (d) Nigeria has assumed jurisdiction to prosecute the offender for which his extradition is sought (Extradition Act, 2004, section 3(e)); and (e) the offender committed a political offence (Extradition Act, 2004, section 3a -e). The import of these restrictive provisions under the Nigerian law is to follow international best practices relating to the

extradition of offender(s) such as providing important checks and balances to protect those being investigated or prosecuted, (General assembly resolution 45/116, 1990).

Furthermore, the requirement for extradition of a Nigerian to another country is not a mandatory provision given that the word "may" employed in Section 6 (c) of the Extradition Act, 2004 has been judicially interpreted as discretionary authority (Nigeria Navy v. Labinjo, 2012; Amasike v. Reg. Gen. CAC, 2010; Mkpa v. Mkpa, 2010). Therefore in the absence of any extradition agreement to the contrary, Nigeria is at liberty to either extradite or decline an extradition request from another country. However, where Nigeria refuses to extradite its citizen, it is obliged to prosecute such an offender in Nigeria and subsequently to punish him where deserving (General assembly resolution 45/116, 1990).

IV. Punishment of the offender

Contracting states or parties under the relevant conventions are obliged to impose severe punishments on aircraft saboteurs (Montreal Convention 1971, article 3; 2010 Beijing Convention; article 3). However, each state is allowed the discretion to determine the severity of the punishment in her implementation of the Conventions. For instance, in Nigeria, an offender is liable, among others, to life imprisonment or confiscation of the offender's property, or both (Nigerian Civil Aviation Act, section 57 (1) (3)). Such punishment is probably considered to be severe enough to serve as deterrence to prospective offenders, thereby actualising Nigeria's obligation *erga omne* toward the international community.

However, it seems curious that the maximum of life imprisonment is presumed sufficiently severe for the offence of air sabotage despite its huge tolls on lives and property. The concern is particularly necessary because several less gruesome offences carry the death penalty in Nigeria with some of them often classified as offences that are not ordinarily bailable. For instance, the offence of culpable homicide or murder is not only punishable by death (Penal Code Law, Northern Nigeria, section 221) but also treated as not ordinarily bailable (Criminal Procedure Code, section 341(1 and 2)).

It needs be mentioned that before an offender can be convicted for the offence of air sabotage, the prosecution must prove the two criminal elements of: "*mens rea* and *actus reus*" referring to the mental state of the offender (i.e. his intention) and the act of sabotage actually committed (Arabs Transport Ltd. v Police, 1952). The requirement for proof of criminal elements of an offence is conjunctively but not disjunctively interpreted, in other words the two elements must be established (Okonkwo & Naish, 1980).

Prevention of Aircraft Sabotage under the Nigerian Civil Aviation Regulations (NCARs)

The Nigerian Civil Aviation Regulations was adopted in 2006 under the provision of Section 30 of the Civil Aviation Act 2006 to give effect to Annex 17 to the Chicago Convention 1944 on technical measures concerning the safety and

security of airport and aircraft against unlawful interference (aircraft sabotage inclusive) with civil aviation.

Part 17 of the Nigerian Civil Aviation Regulations 2012 is the most relevant part to this discussion because it contains all the technical measures on aviation security and safety in compliance with the provisions of Annex 17 to the Chicago Convention 1944. The most significant aspects of part 17 of the NCARs are those measures relating to security and safety of aircraft. It is submitted that the security of aircraft against sabotage starts from the airport restricted areas, where aircrafts are parked. The hangar has to be fully secured to prevent criminals from gaining access to parked aircrafts. Any security lapses in this area constitute a grave threat to the aviation sector. One means of sabotaging the aircraft is by placing explosives in the cabin luggage or under the seat. Past incidents of aircraft sabotage have been largely traced to lapses on pre-flight security procedures and implementations (BBC NEWS, November, 2000). This underscores the need to maintain a very high level of security at airport hangars in order to ward off intruders and prevent the placement of explosive on the aircraft.

Screening of passengers and baggage constitute another important aspect of aviation security and safety measures toward prevention of aircraft sabotage. Every passenger must submit him/herself to aviation security officer for security screening (NCARs 2012, Reg. 17.29.1). Also, baggage must be screened and checked before loading into the aircraft (NCARs 2012, Reg. 17.30.1 and 17.47.1 (b)-(d)). Department of Aviation Security is under an obligation to implement all aviation security measures against aircraft sabotage. It is therefore the responsibility of the department to conduct screening and checking of any person before accessing the restricted areas or boarding the aircraft (NCARs 2012, Reg. 17.47 and 17.50.1). The purpose of the screening is to detect the presence of any unauthorised material such as explosives on the body or luggage of the passenger. Any lapse in this function could definitely affect the security and safety of an aircraft and passengers on board. Therefore the contribution of the Department to aviation security and safety in Nigeria cannot be over emphasised. If nothing else, at least it helps to increase traveller's level of confidence in the Nigerian Aviation industry. It may be argued by some that certain screening practices by Aviation Security Department are inconsistent with citizens' constitutional rights to privacy (The Constitution of FRN, 1999: section 37). For instance, in its letter to the then American Vice President Albert Gore Jnr., the Electronic Privacy Information Centre argued that certain government aviation security checks including the use of Ex-Ray cameras that show a revealing and invasive picture of a naked body in high detail raise grave constitutional and civil liberties issues (Electronic Privacy Information Centre, February 11, 1997). It is our submission that this point represents the typical face-off between individual human right and public right to safety and security. Right to privacy is not absolute under the provision of the constitution where rights and freedom of citizens are subject to curtailment on ground of public security and safety (FRN Constitution 1999, section 45). In fact, it is for this reason that a respondent has canvassed that the principle of

"No screening No fly" should be invoked on whoever refuses to submit himself for screening of his body or baggage (General Manager Aviation Security FAAN, Personal Communication, July 3, 2012).

Airline operators have a responsibility to inspect and search an aircraft immediately after disembarkation of passengers (NCARs 2012, Reg. 17.47.7) and it is the duty of crew members and aviation security officers to discharge these functions. By implication, the personnel must be adequately equipped with bomb detection devices for use in removing undesirable items such as explosives or other dangerous weapons left behind by passengers.

Thus, the Nigerian Civil Aviation Regulations 2012 is an important contribution to the mechanisms for preventing the commission of aircraft sabotage and other aviation related offences which threaten the growth and development of a civil aviation sector. It is however important to mention that the Regulations, being a technical document, should be regularly amended to meet current and future development in the world.

Conclusion and Recommendations

The international community has since come to the realisation that no efforts should be spared in preventing and addressing the carnage of aircraft sabotage. In demonstration of this resolve, a number of air sabotage preventive measures have been established including the ICAO Technical measures. The responsibility thus devolves on contracting states to fully implement the devices in order to realise the aims and objectives of the international community on prevention of the offence.

As a contracting party under the various anti-air sabotage conventions, Nigeria demonstrated willingness to fully implement the preventive devices by documenting the ideals and measures provided by those conventions in her Civil Aviation Act 2006 and Civil Aviation Regulations 2012. The Act leaves no room for impunity as it makes provisions either for prosecution of the offender(s) or his/her extradition to an interested state for punishment in appropriate cases. The devices are designed to serve as deterrents and prevent the destruction of lives & properties as a means to blackmail government. Therefore, if properly documented, the sabotage preventive measures provided under the Act and Regulations are adequate as they conform to international standard as adumbrated in ICAO security documents.

Similarly fundamental to aircraft security and safety is the issue of pre-boarding screening of passengers, baggage and persons willing to access airport restricted areas as contained in the Nigerian Civil Aviation Regulations 2012. The procedure is important to aviation security for the benefit of both aircrafts and airports and must therefore be properly implemented.

Although the paper has shown the great extent to which the Nigerian civil aviation laws incorporate international standards on aviation safety and security, it however argued that much may not be achieved by paper rules where physical implementation or enforcement is half-hearted. Thus, it is suggested that certain practical measures should be established to further improve anti-sabotage measures

at the nation's airports. First, existing baggage & body screening measures are focused on metal detectors without due regard to the need for marking of plastic explosives now largely deployed by terrorists. Secondly, aviation personnel responsible for security screening need to be trained and retrained to meet to meet modern security standard. There is also a need to establish monitoring unit to ensure dutiful and effective screening of passengers. Third, it may not be too much for the nation to establish a dedicated force to be in charge of aviation security with a special unit dedicated to bomb detection or disposal of bombs and explosives. It is believed that where these suggestions are rigorously implemented, aviation industry will be safer and more assuring.

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