

THE INTERSECTION OF COMPLIANCE WITH NATIONAL AND INTERNATIONAL LEGAL FRAMEWORKS IN HUMAN CAPACITY DEVELOPMENT IN NIGERIA'S AVIATION SECTOR

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Abstract

Aviation is an essential part of the global society, connecting cultures, and providing employment, research, and educational opportunities. Aviation makes critical contributions to future sustainability and brings assistance to States in times of need. The global aviation industry is experiencing rapid growth. The industry is such that safety and security are its pillars. These pillars are sustained by competent human capacity. Thus, for a stellar aviation industry, human capacity development must feature in the discussions. However, aviation professionals are unanimous on the point that the sector is facing a critical shortage of skilled professionals, warning that a lack of human capital development is putting the sector's safety and efficiency at risk. This paper x-rays legal framework of the Nigerian aviation industry. It identifies areas requiring capacity development and provides practical steps to such end. In doing this, the paper relied on statutory provisions, and other existing literatures including textbooks, journals, and news article.

Keywords: Compliance, Aviation, Legal Framework. National Development, Human Capital

JEL Classification Codes: Q10, Q14

INTRODUCTION

Human capacity development is the process of systematically upskilling individuals to benefit society. Human capacity development empowers a person to create economic, social and institutional value. It identifies root causes of performance gaps, addresses those gaps through a wide array of performance solutions in the context of all human performance factors, and enable cyclical processes of continuous performance improvement through the establishment of performance monitoring systems. Aviation has imbued the public mind with both awe and outsized fears regarding its associated dangers. In response to these latter concerns, State and industry actors have made safety and, in later years, security, a primary concern of global regulatory efforts. The function of civil aviation, which includes the implementation of interstate and long-distance communication, as well as meeting the needs of the population in terms of transportation, services and trade, makes it a priority pillar for the country's economy. Aviation is currently experiencing nothing short of a revolution in new air transport innovations, with new unmanned and autonomous aircraft entering use which pose a wide range of challenges in terms of airspace integration. Beyond preparedness, one of the most important enabling priorities for all these developments will be the highly skilled professionals that will be needed to adopt and leverage these technologies to their optimized extent. However, aviation professionals are unanimous on the point that the sector is facing a critical shortage of skilled professionals, warning that a lack of human capital development is putting the sector's safety and efficiency at risk. This research employs a unique conceptual legal research methodology to examine relevant literature, legal frameworks, and government initiatives related to compliance and efficiency in the Nigerian aviation sector. The study incorporates data from previous research to assess the significance of the subject matter from various perspectives. The paper seeks to assess compliance standards and promote human capacity development in the aviation industry. This research is a significant addition to the field of aviation. It is a vital resource for industry experts including relevant government agencies and researchers. It builds on existing literature, expounding the discourse on human capacity development in aviation.

INTERNATIONAL AIR SAFETY STANDARDS

The hallmark of aviation is security. Issues of economic and social development from aviation is dependent on its safety. Thus, the Convention on International Civil Aviation (the Chicago Convention 1944) was ratified on 7 December 1944, and ICAO was founded on 4 April 1947. Since its establishment was closely tied to aviation safety, the priority of the Convention and ICAO became to ensure the safety and regulate the development of aviation worldwide. The nature of air transport is overwhelmingly international, so a lack of uniform international standards and regulations would cause aviation to face serious problems. Hence it is international regulations and standards that mainly regulate aviation activities. Traditionally, air safety is measured based on the number of air accidents and passenger transport per kilometer. When an air accident occurs, the world community is affected. Air safety is associated with preventing air accidents. Any reduction in air accidents indicates an improvement in air safety. Air safety is related to the safe operation of the aircraft, which initially includes the airworthiness and license of the flight personnel and crew. Ensuring air safety is beyond the prediction of air accidents from a technical point of view and consists of all operation issues in the aviation industry. Air safety is under the risk management framework, making it a critical issue for all states, the aviation industry, the scientific and academic community, the public, and particularly international entities such as ICAO as an international and specialized organization of the United Nations. The ICAO Air Navigation Commission has defined *aviation safety* as “freedom from unacceptable risks of damage to people, aircraft, and property.” Aviation safety also requires a multifaceted strategy that examines technical, managerial, economic, and, most importantly, legal aspects.

The Uniformity Of The International Aviation Standards

Air safety is transboundary. It is achieved in cooperation with other states. Although a contracting state may ensure the airworthiness of national aircraft registered in its country, these standards may not be acceptable for other contracting states. The risks that may occur to aircraft of contracting states are global in nature. As such, global risks require worldwide management and international measures. The task has been given to ICAO, and it is accepted that, as a specialized organization of the United Nations, it is responsible for international aviation safety. The aircraft is a vehicle that quickly crosses the territorial border of the other states, and its operation was regulated by the national law of the state issuing the permission to operate the aircraft. The difference became apparent when one state's aircraft entered another territory. The difference in the expression of safety regulations reduced safety in international flights. Hence, it was well understood that there is a need to provide uniform regulations and standards to ensure safety at the international level. Although aviation safety started with a focus on the safety of aircraft on the ground, it expanded to the activities of the aircraft in flight and finally to ground activities such as air traffic services and airport security inspection procedures. Air accident is considered a tragedy for all humans because it will significantly impact the public society compared to accidents in the other transportation sectors. So, the international air communities, in addition to setting safety regulations for air accidents, developed air safety standards for other aviation sectors. Air safety is essential for passengers and all members of aviation society. The plane has become a common means of transporting passengers and cargo. Thus, the international air community has prioritized the technical safety standards of aircraft and aviation.

THE LEGAL FRAMEWORK OF THE NIGERIAN AVIATION SECTOR

- The Constitution of the Federal Republic of Nigeria 1999

The Constitution listed aviation matters in the Exclusive Legislative List, Schedule II, Part I, item 3. As such, it is within the legislative competence of the National Assembly. Being the grund norm, every other law takes root from the Constitution.

- Federal Airport Authority of Nigeria Act CAP F5 LFN 2004

This Act established the Federal Airport Authority of Nigeria (FAAN) which is responsible for the development, provision, and maintenance of airports and associated services as provided under section 1 of the FAAN Act. The FAAN is empowered to provide adequate conditions under which passengers and goods are carried by air. Under section 5, FAAN has the authority to discontinue the use of an airport, subject to the consent of the Minister of Transportation.

- The Nigerian Airspace Management Agency (Establishment, etc.) Act 1999

Section 1 of this Act establishes the Nigerian Airspace Management Agency (NAMA) which is responsible for air traffic services, airspace management, aeronautical telecommunications, etc. The functions of the Agency are enumerated under section 7 of the Act.

- The Civil Aviation Act 2022

Section 26 of the CAA empowers the Minister of Civil Aviation to control and supervise authority over civil aviation in Nigeria. The Nigerian Civil Aviation Authority (NCAA) is established under section 4, and it is responsible for technical and safety issues such as aircraft registration, air navigation services, aviation safety, security and commercial air transport, personnel licensing, powers to investigate, aerodrome, and airspace standards in the aviation

industry to conform with the standards and recommended practices of the International Civil Aviation Organization (ICAO). The NCAA is empowered by section 9 of the CAA 2022 to ground any aircraft and seal the premises of any air transport service that does not meet the provision of the CAA and other aviation regulations in Nigeria. Section 59 of the Act forbids any person from using aircraft for the purpose of any trade or business without a license permit or other authorizations issued by the authority unless such aircraft is registered under the laws of a foreign country. Section 50 makes the following conventions applicable in Nigeria: Convention on the International Recognition of Rights in Aircraft (Geneva Convention) 1948, the Convention on International Interests in Mobile Equipment 2001 and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment 2001, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Convention for the Suppression of Unlawful Seizure of Aircraft, the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Montreal 1991.

- Nigerian Civil Aviation Regulations 2015 (NCAR)

This regulation was issued by the Nigerian Civil Aviation Authority pursuant to its regulatory powers under the Civil Aviation Act 2006. It deals with issues such as registration of aircraft, consumer protection, personnel licensing, and airworthiness, among others.

Regulatory Compliance

The regulatory framework for compliance in the aviation industry is primarily governed by the Civil Aviation Act 2022. It establishes the Nigerian Civil Aviation Authority (NCAA). The body also has the duty to administer the Nigerian Civil Aviation Regulations 2015. The NCAA seeks to establish a comprehensive legal framework to regulate and govern aviation activities. It is concerned with the safety, security, efficiency, and orderly functioning of the aviation industry. The key objectives are as follow:

1. The provision of an effective legal and institutional framework for the regulation of civil aviation in Nigeria in conformity with the standards and recommended practices set by the International Civil Aviation Organization (ICAO).
2. To establish rules of operation and divisions of responsibility within the Nigerian civil aviation industry to promote aviation safety and security.
3. To ensure that Nigeria's obligations under international aviation agreements are implemented.
4. To consolidate the laws relating to the regulation of civil aviation in Nigeria.

Regulatory Requirements Under The Aviation Act

1. Licensing and Certification

The NCAA is responsible for issuing licenses and certifications to aviation personnel such as pilots, engineers, air traffic controllers, and cabin crew. These licences and certifications are issued based on established standards and qualifications, ensuring that individuals working in the aviation industry meet the necessary competency requirements.

2. Airworthiness Standards

The NCAA sets and enforces airworthiness standards to ensure that aircraft operating in Nigerian airspace are safe and maintained in accordance with international standards. These standards cover aircraft design, manufacturing, maintenance, and inspection procedures.

3. Safety Oversight

The NCAA is responsible for conducting safety oversight activities to monitor compliance with safety regulations and standards. This includes regular inspections, audits, and service providers to ensure they adhere to safety protocols and maintain the required safety standards.

4. Economic Regulations

The NCAA also regulates the economic aspects of the aviation industry, such as airline licensing, tariffs, and consumer protection. It ensures fair competition, monitors airline pricing practices, and handles consumer complaints related to aviation services.

5. Enforcement and Penalties

The NCAA has the authority to enforce compliance with regulations through inspections, audits, and investigations. In cases of non-compliance, the NCAA may impose penalties, sanctions, or take other necessary enforcement actions to ensure compliance and maintain safety and security in the aviation sector.

HOW IS HUMAN CAPACITY DEVELOPMENT DIFFERENT FROM TRAINING?

TRAINING	HCD
Training is an event	HCD is a process

Follow-up with individual performers	Continuous measurement process
Based on learner's need	Based on organizational need
Evaluated by individual performance	Evaluated by organizational performance
Focus on one or few individuals	Focus on systems approach to improve performance
Single type of performance solution	Multiple types of performance solutions
Training needs assessment	Performance assessment
Results-oriented at participant level	Results-oriented at organizational level
Can be ad hoc	Must be systemic

Source: *USAID, Human and Institutional Capacity Development Handbook*

The Need For Human Capacity Development In The Aviation Industry

Technology is reshaping the aviation landscape, from advanced aircraft systems to digitalized operations. Investing in skills development will help aviation professionals to adapt to new technologies, such as automation, artificial intelligence, and data analytics. Digital literacy and technical expertise will ensure competitiveness in a fast-changing sector.

Safety and security remain paramount in the aviation industry. Human capacity development in terms of skills development plays a crucial role in staying updated with the latest safety protocols, emergency response procedures, and security measures. Continuous training in areas like risk management, crisis communication, and threat assessment will enable aviation professionals to create a secure environment for passengers.

The aviation industry operates on a global scale, requiring professionals to collaborate with diverse teams and stakeholders from around the world. Therefore, human capacity development is essential for cross-cultural communication and intercultural competence. It will foster team work and help to navigate multicultural environments, build strong working relationships, and leverage different perspectives for innovation and success.

Human Capacity Development In The Aviation Sector

Over the last ten years, because of the strong traffic growth pattern in commercial air transport, not only have many new commercial air transport operators entered the market, but the number of aircraft orders ever registered is on the rise. We are also faced with the challenge of replacing one generation of professionals with another as the baby boomer generation reaches the age of retirement – and this is not a simple task. With flight and passenger volumes set to double by the year 2030, global training and capacity-building will remain very important priorities for ICAO. Cooperation is an important factor in developing training capacity solutions for near- and long-term success. Not only does the ability of students and trainees to access courses and specialized equipment vary from region to region, but online course solutions can be hampered by local technologies and infrastructure challenges. There is a need to open communication within the aviation community and initiate cooperation with industry stakeholders and academic institutions to help provide a robust platform for developing and sharing training that aims to engage and retain the current generation.

The scarcity of skilled manpower to replace retiring manpower is putting the aviation industry on the edge. The Nigerian College of Aviation Technology, Zaria, trains professionals yearly without companies to engage them for their services. The main reason for the staffing gap in pilots is due to the cost of training, time to train, and release or retirement of experienced pilots, especially captains.

The Focus Of The Human Capacity Development

1. Situational awareness

Human capacity development in the Nigerian aviation will improve aviation professionals' situational awareness. This is their ability to perceive, comprehend, and project information about the current situation. It will amplify pilots, air traffic controllers and ground crew's competence to assess turbulence, monitor engine performance and adjust flight parameters accordingly. Situational awareness also involves understanding and interpreting weather patterns, recognizing hazardous conditions, terrain features, obstacles and restricted areas. This will prevent accidents, aid response to emergencies and optimize operations.

1. Communication skills

Communication is a skill required virtually in every human endeavour. It is even more critical in the aviation sector. English is the international language of aviation. Clear and concise communication is vital for safe and efficient aviation operations. Pilots communicate with air traffic controllers, cabin crew, and ground personnel. Understanding

standard phraseology and protocols ensures smooth communication within the cockpit enhances teamwork and decision making. This enhanced communication can be the guarantee for safety in bad situations, and this is why the human capacity development must also be directed at effective communication skills.

2. Technical proficiency

Pilots and maintenance technicians must understand aircraft systems thoroughly. This includes avionics, engines and flight control. Proficiency in using navigation instruments is paramount for accurate flight planning, so also technicians' ability to diagnose and repair complex systems.

3. Regulatory compliance

Aviation professionals must stay updated on aviation regulations particularly those that concern implementing safety protocols, reporting incidents, crew duty and time limits to prevent fatigue-related malfunctioning.

4. Decision making and risk management

The aviation sector can get intensely critical. As such, operators must be empowered sufficiently to understand emergency procedures, handle crisis situations and high-pressure scenarios. They must be equipped to balance safety and operational efficiency by evaluating risks and choosing the best course of action.

Succession Planning

The aviation sector must proactively identify, nurture and prepare the next generation of leaders while the seasoned leaders approach transition to other roles. Succession planning should involve all levels of the aviation organization, identifying key positions and potential successors at all levels of the organization. It provides an organization with a pool of talented individuals ready to take on key positions when the need arises. With this smooth transition, it will also reduce risk of disruption to the operations of the sector. Succession planning helps to retain and develop talents within the aviation sector, as employees are given clear career paths and opportunities for growth. It improves employee engagement and reduces turnover rates. It also helps to build a strong leadership pipeline, which is essential for the long-term success of the aviation industry. By identifying and grooming potential successors, the aviation industry can facilitate the transfer of institutional knowledge and expertise from experienced employees to the next generation of workers.

Human Capacity Development Through Local Content Policy

Local content is about the utilization of indigenous manpower, skills and products and services through the value chain of an industry. The role of human workforce remains pivotal in the quest to ensure a safe aviation industry. It is such a critical sector which cannot be handled by incompetent, disgruntled or unhappy workers. In Nigeria, foreign airlines are having a field day flying into Nigeria's various airports unchallenged. To boost human capacity development, there should be a local content law or policy which makes it mandatory for all foreign airlines operating in Nigeria to have a Nigerian pilot and cabin crew on its staff. It will create new jobs for Nigerian professionals and cut down capital flight. Private airliners must also be checked in terms of hiring expatriates to position that can be filled by Nigerians.

Practical Steps For Human Capacity Development

1. Determine the level of staffing needed for the aviation department.
2. Utilize effective succession planning strategy
3. Determine and assess job-related and professional development training for all personnel through technical, educational and professional certifications; conferences; publications; local, regional, and national associations
4. Identify regulatory requirements including international, state, and local regulation
5. Develop and conduct effective employee performance reviews.
6. Evaluate compensation levels in the aviation department using accepted tools to attract and retain employees.
7. Identify and communicate performance expectations and outcomes/results to employees
8. Employ effective performance feedback communication to promote employee development
9. Promote lifelong learning concepts to improve expertise and recognize individual needs.

CONCLUSION

Human capacity development is the driving force of the aviation sector, therefore, while the industry tackles pressing issues through innovation, the priorities of convenience, comfort and connectivity will drive future expectations. As such, pilots, engineers, flight attendants and/or technicians need to constantly update their knowledge, skills, and competencies to keep up with the changing demands of the industry. It is a strategic necessity for ensuring quality, safety and efficiency of its operations and services.

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