

**LEAD DEBATE ON NIGERIAN AIRSPACE MANAGEMENT AGENCY ACT  
(REPEAL AND RE-ENACTMENT) BILL, 2020 (SB. 193).**

**Sponsor: Sen. Abdullahi, Yahaya Abubakar (*Kebbi North-Senate Leader*).**

Mr. President, Distinguished Colleagues, permit me to lead the debate on this important Bill which seeks to repeal the Nigerian Airspace Management Agency act, and to enact the Nigerian Airspace Management Agency Act 2020 for the purposes of providing effective air navigation services in Nigeria, ensuring safety and regularity of air navigation in Nigeria and to any other place which Nigeria has responsibility of providing air navigation services.

The Bill was read for the first time in this Hallow Chambers on Thursday, 21<sup>st</sup> November, 2019.

The Nigerian Airspace Management Agency Act Cap N90 Laws of the Federation of Nigeria 2004 was enacted in Nigeria as a decree of the military government in 1999. The Act took effect on 26<sup>th</sup> May 1999 and has remained in existence for over 20 years without undergoing any review and amendment. Since the establishment of the Agency under the Act, significant changes and developments have taken place in the industry that necessitates review and amendment of the Act so as to bring the provisions of Act up to date with the operational requirements of the Agency and dictates of the aviation industry.

Also the original text of NAMA Act as was passed into law in 1999 had numerous misprints and errors that have resulted in ambiguities in certain provisions of the Act. Similarly, the Act was found by International Civil Aviation Organisation and Federal Administration Agency audit reports to have overlapping provisions with the Civil Aviation Act 2006 and other existing aviation legislations thereby creating conflict of responsibilities with other Aviation Parastatals.

Additionally there is also the need to align the provisions of the Act to modern technological changes most especially the recent ICAO Global Air Navigation Plan (Doc. 9883) and other Standards and Industry Best Practices which includes the modernization of Air Traffic Management (ATM) systems, Aeronautical Information Management (AIM), Performance Based Navigation (PBN), Safety Management System (SMS) to ensure seamless flow of air traffic within the Nigerian Airspace.

Taking into Cognizance the existence of the Agency over the past 20 years, the developments in the industry and policy thrust of government, it is expedient to review the Act so as to harmonise the provisions of the Act to other aviation legislations and remove overlapping provisions and any ambiguities from the Act.

The proposed Bill when it becomes law projects the following advantages for the Aviation Industry:

- provide a robust legal framework which will strengthen and reposition the Agency to effectively discharge its statutory responsibilities as a leading Air Navigation Service Provider in the sub region;
- bring about operational improvements;
- increase efficiency, flexibility and interoperability of systems and harmonization of procedures which will enable the Agency implement new ICAO and national safety requirements in air navigation.

Mr. President, Distinguished Colleagues, under the new Bill, the functions of the Nigerian Airspace Management Agency (NAMA) comprise of –

- provision of air traffic services in Nigeria and any other place where Nigeria has a responsibility for providing Air Navigation Services;
- conduct of investigation into any air traffic incident with a view to determining the cause and take necessary measures to prevent recurrence;
- ensure innovative airspace design, development and utilization to meet air traffic capacity within the Nigerian airspace in order to improve flight efficiency and reduce flight time; and
- the provision and management on commercial basis, air traffic and air navigation services to private and state owned airports.

The requirement for the office of the Managing Director has been enlarged to include a person who has been qualified in air navigation services for a period of not less than 15 years, 5 of which must be in the senior management cadre in an air navigation services provider environment.

The Bill provides that a person, entity or group of persons must not obstruct or hinder the provision of civil air navigation services to a flight. Any person or group of persons who contravenes this provision commits an offence and on conviction will be liable - in the case of an individual, to a fine of not less than N200, 000.00 circa \$650 or a term of 6 months imprisonment or to both; and in the

case of an entity, body corporate or group of persons, a fine of not less than N500, 000,00

**Significant Highlights of the NAMA Act (Repeal and Re-enactment) Bill, 2020**

Preamble	Existing provision modified and redrafted to specifically tailor to the activities of the Agency
<b>Section 4</b> Establishment and Membership of Governing Board	Existing provision modified to include Federal Ministry in charge of communication in the membership and years of experience of Board chairman.  A new subsection to provide for an interim Board was added.
<b>Section 8</b> Functions of the Agency	New subsections 1(a-y), 2, 3, 4,5,6,7 and 8 were added to cover essential operational activities of the Agency not covered under the existing Act.
<b>Section 9</b> Powers of the Agency	New subsections a-d added to specify powers of the Agency
<b>Section 11</b> Managing Director of the Agency	New subsection 3 added to specify the grounds for removal or suspension from office. This is a standard provision in other existing laws of the federation.
<b>Section 13</b> Other staff of the Agency	Existing provision redrafted to align with similar provisions in existing laws
<b>Section 14</b> Conflict of Interest, Insider Dealing and Confidentiality	New section added to safeguard against abuse of office detrimental to the interest of the Agency.
<b>Section 16</b> Appointments of Experts	New section added to allow the Agency partner with experts outside the Agency

<b>Section 18</b> Funds of the Agency	New subsections 1 (b) (xii - xviii), (f) and (g) added to include new sources of funds for the Agency
<b>Section 20</b> Collection of unpaid and overdue charges	New section added to enhance the powers of the Agency to recover charges for services provided.
<b>Section 27</b> Exemption from Tax	Sub Section 2 modified to cover contribution to Trust Funds
<b>Section 29</b> Penalties for refusal to give information	Existing provision modified to increase term of imprisonment and quantum of fine.
<b>Sections 34</b> Conditions for the grant of Aircraft Flight Clearance	New section to cover the grant of flight clearance already been undertaken by the Agency.
<b>Section 35 and 36</b> Air traffic incident investigation report not to be admissible in evidence	New section to preserve and protect incident report for safety purposes in line with ICAO Standard and Recommended Practices.
<b>Section 38</b> Establishment of Staff Housing Scheme	New section added to empower the Agency utilize vast landed properties for gainful use.
<b>Section 39</b> Calibration of Navigational Aids and Equipment	New section added to enable the Agency engage in calibration services to save and generate funds for the Agency.
<b>Section 44</b> Arrest of Employee of the Agency on Essential duty.	New section to prevent disruption of essential services.
<b>Section 46</b> Obstruction of services	New section to penalise for disruption of services

<b>Section 47</b> Damage or theft to air navigation equipment or facilities	New section to provide for compensation for damage to navigation facilities.
<b>Section 49</b> Prevention of further violation of the provisions of this Act	New section added to safeguard against violation of the Act.
<b>Section 52</b> Designation of Essential Services	New section to safeguard against disruption of provision of essential air navigation service to the public
<b>Section 53</b> Regional cooperation in the provision of Air Navigation Services	New section added to allow for collaboration with other ANSPs.
<b>Section 54</b> Repeal and saving provisions	Existing provision modified to correct misprint and errors.
<b>Section 55</b> Transitional Provisions	New Section to preserve the legal status of the Agency

## Conclusion

The reforms happening now at the Nigerian Airspace Management Agency is long overdue as the Nigerian Airspace is in dire need for same in order to achieve the much desired growth and development. It is common knowledge that airspace management are largely determined by global conditions and Nigeria must attain such conditions.

The Repeal and Re-enactment of the NAMA Bill when passed to law, will have the overall effect of making the Aviation industry more in tuned with today's realities, improve the air Navigation, as well as mitigate direct compliance with global standard.

I therefore urge you my respected colleagues to support this Bill for second reading.