

## **LEGAL AND POLICY APPRAISAL OF DISRUPTIVE CONDUCT AND ACCOUNTABILITY IN NIGERIA'S AVIATION SECTOR**

**Adewole Ishola Adewoyin\***  
**Oluwafunsho Isaac Adedokun\*\***  
**Oladele Opeyemi Olatunji\*\*\***

### **Abstract**

*The Nigerian aviation industry has recently witnessed an alarming rise in cases of disruptive conduct involving both passengers and airline personnel, thereby threatening public confidence, air safety, and professional discipline in the sector. This paper examines the adequacy of Nigeria's legal and institutional mechanisms in addressing such misconduct, focusing on the legal and institutional frameworks. It adopts a doctrinal and analytical legal methodology, relying on primary and secondary legal sources, including statutory instruments, international conventions, judicial authorities, and scholarly commentaries. The paper further draws comparative insights from selected jurisdictions to highlight best practices in maintaining discipline and accountability in air*

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\* LLB (Hons), LL.M, M.PHIL., (IFE), BL. Lecturer & Ag. Head, Department of Common and Islamic Law, Faculty of Law, University of Ilesa, Ilesa, Osun State, Nigeria. E-mail: [adewole\\_adewoyin@unilesa.edu.ng](mailto:adewole_adewoyin@unilesa.edu.ng), [aiadewoyin@gmail.com](mailto:aiadewoyin@gmail.com) ORCID: 0009-0003-9379-1939.

\*\* LLB (Hons), LL.M, (IFE), BL. Lecturer & Ag. Head, Department of Private and Commercial Law, University of Ilesa, Ilesa, Osun State, Nigeria. E-mail: [oluwafunsho\\_adedokun@unilesa.edu.ng](mailto:oluwafunsho_adedokun@unilesa.edu.ng), [funshoadedokun04@gmail.com](mailto:funshoadedokun04@gmail.com)

\*\*\* LLB (Hons), LL.M, (IFE), BL. Lecturer & Ag. Head, Department of Public and International Law, University of Ilesa, Ilesa, Osun State, Nigeria. E-mail: [oladele\\_opeyemi@unilesa.edu.ng](mailto:oladele_opeyemi@unilesa.edu.ng).

*transport operations. The paper found that while Nigeria has demonstrated several international standards, weak enforcement, inadequate penalties, and limited awareness among stakeholders continue to hinder effective regulation. It recommends a comprehensive review of existing legal provisions, the strengthening of institutional enforcement mechanisms, and enhanced public enlightenment.*

**Keywords:** *Aviation Law, Disruptive Conduct, Accountability, Passenger Rights, Crew Discipline, Air Safety.*

## 1. Introduction

Air transportation constitutes a vital component of national development, facilitating commerce, investment, and cross-border relations in an increasingly interconnected world. In Nigeria, the aviation industry has expanded remarkably in the last two decades, driven by liberalization, private investment, and the entry of new airlines. Yet, alongside this progress has emerged a disturbing pattern of disruptive conduct among air passengers and crew members alike. Reports of verbal abuse, physical assault, insubordination, intoxication, and defiance of lawful instructions by passengers have become frequent features of news headlines. Conversely, instances of poor customer service, negligence, and unprofessional behaviour on the part of airline personnel also persist. These developments expose a fundamental challenge to discipline, safety, and accountability within Nigeria's aviation sector.

Globally, the problem of disruptive behaviour in air transport is recognized as a major threat to aviation safety and order. The Convention on Offences and Certain Other Acts Committed on Board Aircraft 1963 (Tokyo Convention) defines and prohibits acts that jeopardise the safety of aircraft,

passengers, or crew, and empowers the aircraft commander to restrain offender during flight.<sup>1</sup> The Montreal Protocol of 2014, which amends the Tokyo Convention, further strengthens state jurisdiction to prosecute offenders who commit unlawful acts abroad aircraft.<sup>2</sup> Nigeria, being a contracting state to the International Civil Aviation Organization (ICAO), has incorporated these standards into its domestic law through the Civil Aviation Act 2022 and the Nigerian Civil Aviation Regulations (NCARs). These instruments provide the legal framework for maintaining safety, discipline, and accountability in air transport operations.

Despite this robust legal foundation, incidents of misconduct continue to rise. For instance, media reports have highlighted episodes where passengers resorted to violent or insulting behaviour towards flight crew, often in protest over flight delays or cancellations. In other cases, airline staff have been accused of discrimination, rudeness, and dereliction of duty. Such occurrences reveal not merely isolated behavioural lapses but a deeper institutional weakness in enforcing standards of civility and professionalism. The Nigerian Civil Aviation Authority (NCAA), as the primary regulatory agency, possesses statutory powers under sections 31-33 of the Civil Aviation Act 2022 to investigate infractions, impose sanctions, and ensure compliance. However, bureaucratic delays, weak penalties, and public ignorance often render enforcement ineffective.

The importance of maintaining discipline in aviation cannot be overstated. The confined environment of an aircraft, the psychological stress of travel,

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<sup>1</sup> Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention) 1963, 704 UNTS 219.

<sup>2</sup> Protocol to Amend the Convention on Offences and Certain Other Acts committed on Board Aircraft (Montreal Protocol) 2014, ICAO Doc 10034.

and the critical safety requirements of flight operations necessitate high standards of conduct. A single act of defiance or aggression may endanger not only passengers and crew but also the aircraft itself.

Therefore, legal systems must provide clear and enforceable standards for both passengers and airline personnel. This paper seeks to interrogate the adequacy of existing Nigerian laws and policies in regulating disruptive conduct in aviation, to examine the scope of accountability for passengers and crew, and to propose reforms that align with international best practices. Methodologically, the study adopts a doctrinal and analytical legal approach, examining primary sources such as statutes, conventions, and judicial decisions, alongside secondary materials including academic literature and policy documents. Comparative references are drawn from jurisdictions like the United Kingdom, the United States, and South Africa, where legal frameworks on air rage and crew misconduct have evolved to meet contemporary realities. The study is qualitative in nature, relying on textual and contextual analysis rather than quantitative data, and is guided by principles of legal interpretation and policy evaluation. The objective is to provide a holistic appraisal of the legal and institutional mechanisms available for managing disruptive conduct in Nigerian aviation.

This paper argues that while Nigeria's legal framework theoretically aligns with international standards, the practical enforcement of these rules remains weak. Many passengers are unaware of their obligations under the Nigerian Civil Aviation Regulations, and airlines often prioritise operational convenience over procedural justice. Moreover, the NCAA's sanctioning process is largely administrative, lacking transparency and deterrent effect. These weaknesses create a culture of impunity that fuels recurrent misconduct. Effective deterrence, therefore, requires not only

stricter penalties but also efficient complaint resolution mechanisms and public education on air transport discipline.

This paper contributes to scholarly discourse by bridging the gap between aviation law and behavioural accountability. It situates disruptive conduct within the broader context of safety regulation, human rights, and consumer protection, offering policy insights for reform. The analysis proceeds in four parts. Following this introduction, the next section explores the conceptual and legal framework governing disruptive conduct under Nigerian and international law. The third section analyses institutional and enforcement challenges, while the final section presents policy recommendations and concluding reflections aimed at strengthening regulatory efficiency and promoting professionalism within Nigeria's aviation industry.

## **2. The Legal and Institutional Framework Governing Disruptive Conduct in Nigeria's Aviation Sector**

The Nigerian aviation industry operates within a multilayered legal framework that draws both international conventions and domestic regulatory instruments. This framework defines the permissible boundaries of conduct for passengers, crew, and airline operators, and it prescribes sanctions for acts capable of endangering aviation safety or public order. The recent surge in cases of misconduct and operational lapses in the Nigerian aviation space has tested the adequacy and responsiveness of this framework.

### **2.1 International Legal Foundation**

The international foundation for addressing in-flight and airport-related misconduct is primarily anchored on the **Convention on Offences and**

**Certain Other Acts Committed on Board Aircraft 1963 (Tokyo Convention)**, which authorises the aircraft commander to restrain any person whose behaviour threatens safety, discipline, or good order abroad an aircraft.<sup>3</sup> The Convention also affirms the jurisdiction of the state of registration of the aircraft to prosecute such offences, ensuring continuity of legal control even outside territorial airspace.<sup>4</sup> The **Montreal Protocol** 2014, which amends the Tokyo Convention, further expands jurisdiction to the state of landing, thus closing the enforcement gap where the state of registration differs from the destination.<sup>5</sup>

Nigeria is a contracting party to both the Tokyo Convention and the Montreal Protocol, and their provisions have been substantially domesticated through national legislation. These international norms reinforce the authority of pilots and air operators to take disciplinary measures against passengers whose conduct may jeopardise safety, while simultaneously obligating states to prosecute offenders in accordance with national law.

## 2.2 Domestic Legislative and Regulatory Framework

Domestically, the **Civil Aviation Act 2022** constitutes the principal legislation governing civil aviation in Nigeria. Section 31 and 32 of the Act vests in the **Nigerian Civil Aviation Authority (NCAA)** the responsibility to regulate all aspects of civil aviation, including passenger conduct, crew

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<sup>3</sup> Convention on Offences and Certain Other Act Committed on Board Aircraft (Tokyo Convention) 1963, Art 6(1), 704 UNTS 219

<sup>4</sup> Ibid, Art 3.

<sup>5</sup> Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montreal Protocol) 2014, Arts 2-4, ICAO Doc 10034.

discipline, and the enforcement of safety standards.<sup>6</sup> The Act empowers the NCAA to impose administrative sanctions such as suspension of licences, fines, or withdrawal of operational certificates for violations.<sup>7</sup>

The **Nigerian Civil Aviation Regulations (NCARs)**, made pursuant to the Act, provide detailed standards for behaviour and safety management. Part 17 of the NCARs prohibits any act by passengers or crew that interferes with flight operations or the duties of the pilot and mandates adherence to lawful instructions.<sup>8</sup> Similarly, the **Consumer Protection Regulations 2019** safeguard passengers from mistreatment, ensuring fairness and accountability on the part of airline operators.<sup>9</sup>

In recent months, the effectiveness of these laws has been tested by a series of high-profile incidents. For example, in **August 2025**, a passenger identified as *Ms. Comfort Emmanson* assaulted cabin crew on an **Ibom Air Q9 303** en route from Uyo to Lagos after refusing to switch off her phone during take-off.<sup>10</sup> The situation escalated into physical violence, resulting in injuries to a crew member. In response, the **Airline Operators of Nigeria (AON)** imposed a **lifetime no-fly ban** on the passenger across all Nigerian airlines, a decision later lifted following public criticism and intervention by the Minister of Aviation.<sup>11</sup> The episode exposed institutional tensions between private airline associations and state regulatory authorities, raising

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<sup>6</sup> Civil Aviation Act 2022 (Nigeria), s 31.

<sup>7</sup> Ibid, s 32.

<sup>8</sup> Civil Aviation Regulations 2015, Part 17.

<sup>9</sup> NCAA, *Consumer Protection Regulations (2019)*

<sup>10</sup> ‘Ibom Air Passenger Assualts Crew, Airline Operators Impose Lifetime Ban’ *The Guardian* (Lagos, 11 August 2025).

<sup>11</sup> ‘Airline Operators Lift Lifetime Ban on Passenger after Minister’s Intervention’ *Inquirer Nigeria* (15 August 2025).

questions about due process and the proportionality of sanctions imposed by non-state actors.

Similarly, the **Aviation Security (AVSEC)** unit of the **Federal Airports Authority of Nigeria (FAAN)** recently arrested three passengers aboard an **Air Peaces London-Lagos flight** for consuming alcohol mid-flight, occupying the wrong seats, and refusing to comply with crew instructions.<sup>12</sup> These cases exemplify the growing incidence of disruptive conduct and the renewed emphasis on enforcement within the sector.

In response, the NCAA issued a directive in **September 2025** titled *Eject Unruly Passengers or No Flight*", mandating that pilots must not depart until disruptive passengers are removed or order is restored.<sup>13</sup> The directive also emphasised professionalism among airline personnel, signaling a dual commitment to discipline and fair treatment. This evolving regulatory posture suggests a shift toward proactive enforcement and preventive safety culture within Nigerian aviation.

### 2.3 Institutional Mechanisms and Enforcement Agencies

The institutional architecture for aviation discipline in Nigeria revolves around four key entities: the **Nigerian Civil Aviation Authority (NCAA)**, the **Federal Airports Authority of Nigeria (FAAN)**, the **Aviation**

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<sup>12</sup> 'AVSEC Arrests Three Unruly Passengers on Air Peace Flight from London to Lagos' *The Guardian* (Lagos, 3 September 2025).

<sup>13</sup> NCAA, 'Eject Unruly Passengers or No Flight' Directive (Press Release, 7 September 2025) <https://ncaa.gov.ng/media/news/eject-unruly-passengers-or-no-flight-ncaa> accessed 14 October 14 2025.

### **Security (AVSEC) Directorate, and the Nigerian Safety Investigation Bureau (NSIB).**

The NCAA functions as the primary regulator, overseeing licensing, certification, and sanctioning of air operators, passengers, or crew found in violation of aviation laws.<sup>14</sup> FAAN, on the other hand, manages airport infrastructure and collaborates with AVSEC and the Nigeria Police to maintain order within airport premises. The NSIB, established to replace the former Accident Investigation Bureau (AIB), investigates incidents that may have behavioural or operational origins.

Nevertheless, the system faces persistent challenges. Jurisdictional overlaps between these bodies often result in fragmented enforcement. For instance, while the NCAA handles regulatory breaches, AVSEC addresses immediate airport security threats, and the Police prosecute criminal misconduct. This diffusion of authority frequently leads to inconsistent sanctions and procedural delays.

Recent events underscore these institutional gaps. The **August 2025 Ibom Air incident** was handled simultaneously by the AON, FAAN security personnel, and the NCAA, creating public confusion over which authority had final jurisdiction. Similarly, disciplinary actions against SAHCO ground staff accused of extorting a passenger at the Murtala Muhammed International Airport, Lagos, revealed weaknesses in internal corporate oversight and ethical compliance.<sup>15</sup> Such cases demonstrate the need for harmonised enforcement protocols and stronger inter-agency coordination.

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<sup>14</sup> Civil Aviation Act 2022 (Nigeria), s 55

<sup>15</sup> ‘SAHCO Fires Staff for Passenger Extortion and Harassment at Lagos Airport’ *Inside Business NG* (Lagos, 5 September 2025).

## 2.4 Comparative Perspective

Comparatively, jurisdictions such as the United Kingdom, United States, and South Africa have implemented more stringent measures to combat disruptive behaviour. In the UK, the Air Navigation Order 2016 criminalises in-flight disruption, empowering authorities to impose custodial sentences and fines for drunkenness, assault, or endangerment.<sup>16</sup> The US Federal Aviation Administration (FAA) enforces a “zero-tolerance” policy, imposing civil penalties of up to USD 37,000 per violation.<sup>17</sup> In **South Africa**, the **Civil Aviation Act 2009** provides for prosecution through the ordinary criminal justice system, recognizing disruptive conduct as a threat to public safety.

Nigeria’s regulatory posture-anchored in administrative discipline rather than criminal accountability, has not achieved comparable deterrence. The Nigerian experience demonstrates that while the legal framework is comprehensive on paper, weak enforcement and inconsistent institutional responses have hindered its effectiveness. The recent proliferation of unruly incidents provides a timely impetus for reform.

## 3. Enforcement Challenges and Policy Implications

Despite a robust legal framework, Nigeria’s aviation sector continues to grapple with systemic enforcement weaknesses. Three interrelated factors explain the persistence of misconduct: **institutional fragmentation, inadequate deterrence, and weak accountability mechanisms.**

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<sup>16</sup> Air Navigation Order 2016 (UK), SI 2016/765, Arts 242-244.

<sup>17</sup> Federal Aviation Administration (FAA), ‘Zero Tolerance for Unruly Passengers’ Policy (2021) [https://www.faa.gov/travelers/fly\\_right](https://www.faa.gov/travelers/fly_right) accessed 14 October 2025.

First, overlapping mandates among the NCAA, FAAN, AVSEC. And Police result in jurisdictional confusion. In the *Emmanson case*, for example, the AON's unilateral imposition of a lifetime ban was later criticised as extra-legal, since disciplinary sanctions against passengers should properly emanate from the statutory regulator, the NCAA, acting under the Civil Aviation Act.<sup>18</sup> This illustrates the lack of coherence between regulatory and industry actors.

Second, the penalties for unruly behaviour are often insufficient to deter recurrence. Most offenders face temporary flights bans or modest fines, whereas other jurisdictions impose criminal prosecutions and publicized sanctions. Without clear criminal liability provisions, Nigeria's enforcement regime risks being perceived as lenient.

Third, there is a cultural and institutional tolerance for unprofessional conduct among certain aviation staff. The SAHCO extortion scandal and repeated reports of harassment of passengers by ground-handling and security officers demonstrate that misconduct is not limited to passengers alone.<sup>19</sup> Effective regulation therefore requires a holistic approach that targets all categories of aviation personnel.

In policy terms, the NCAA's "**Eject Unruly Passengers or No Flight**" directive marks a step toward proactive safety management, but it must be backed by comprehensive enforcement protocols, staff training, and inter-agency collaboration. More importantly, Nigeria needs to criminalise

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<sup>18</sup> 'NBA Condemns Treatment of Ibom Air Passenger, Calls for Review of Sanctions' *ThisDay Live* (13 August 2025).

<sup>19</sup> 'SAHCO Fires Staff for Passenger Extortion and harassment at Lagos Airport' (n 15).

serious acts of in-flight violence or obstruction, thereby aligning domestic law with international best practices.

Ultimately, sustainable discipline in the aviation industry depends not merely on legal reform but on cultivating a culture of professionalism, respect, and compliance among all stakeholders, passengers, crew, and operators alike.

#### **4. Policy Recommendations and Conclusion**

##### **4.1 Policy Recommendations**

The recent spate of disruptive incidents within Nigeria's aviation industry underscores a pressing need for comprehensive legal and institutional reform. While the statutory framework under the *Civil Aviation Act 2022* and the *Nigerian Civil Aviation Regulations* provides a solid foundation, enforcement gaps and procedural weaknesses persist. To promote sustainable discipline and safety, the following recommendations are proposed:

###### **(a) Statutory Criminalisation of Severe Disruptive Conduct**

A key limitation of the existing regime is its overreliance on administrative sanctions. Unlike the United Kingdom, where the *Air Navigation Order 2016* explicitly criminalises disruptive conduct, or the United States, where the FAA enforces severe civil penalties, Nigerian law does not clearly classify in-flight violence or obstruction as criminal offences. This lacuna results in weak deterrence and limited prosecutorial follow-up. Accordingly, the *Civil Aviation Act 2022* should be amended to incorporate explicit provisions criminalizing violent or obstructive acts on board aircraft or within airport premises. Such provisions should specify graded

penalties, including imprisonment for aggravated assaults and mandatory fines for disorderly behaviour.

Furthermore, the creation of an **Aviation Offences Schedule** under the Act, modelled after the **Road Traffic Offences Schedule**, would provide clarity on specific offences, applicable penalties, and jurisdictional competence. By delineating criminal liability from administrative infractions, the law would enhance certainty and ensure that serious misconduct is met with proportionate sanctions.

**(b) Institutional Coordination and Protocol Harmonisation**

The overlapping mandates of the **NCAA**, **FAAN**, **AVSEC**, and **Police** have resulted in fragmented enforcement. To address this, there is a need for a **Joint Aviation Discipline and Enforcement Task Force (JADET)** comprising representatives of these agencies. Such a body could coordinate investigation, prosecution, and data-sharing in real time. A harmonised operational manual approved by the Minister of Aviation should set out uniform procedures for handling unruly passengers, from initial restraint to transfer for prosecution.

For instance, during the **August 2025 Ibom Air incident**, three different agencies issued separate public statements within 48 hours, generating confusion about which body had prosecutorial authority. A coordinated framework would have ensured a unified investigative response and prevented parallel proceedings. The NCAA's new directive, "*Eject Unruly*

*Passengers or No Flight*” is a step forward, but without institutional synchronization, its implementation may remain inconsistent.<sup>20</sup>

**(c) Strengthening Ethical Oversight of Aviation Personnel**

While public attention often centers on passenger misconduct, the conduct of airline personnel and ground staff also demands scrutiny. The **SAHCO extortion case** and multiple reports of harassment by airport security staff reflect systemic ethical lapses. The NCAA should therefore establish a **Professional Conduct Review Board (PCRB)** to monitor compliance with aviation ethics among crew and ground-handling staff. Airlines and service companies should be mandated to conduct periodic training on ethics, human rights, and conflict management.

The **International Civil Aviation Organization (ICAO)** already encourages member states to incorporate human factors and behavioural management modules into crew training.<sup>21</sup> Nigeria’s adaptation of this recommendation would professionalise service delivery and reduce the likelihood of escalation between passengers and staff.

**(d) Passenger Awareness and Behavioural Sensitisation**

Public ignorance of aviation rules contributes significantly to unruly conduct. Many passengers are unaware that failure to obey crew instructions constitutes a statutory offence. The NCAA and airlines should collaborate on a **National Passenger Awareness Programme (NPAP)**, an

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<sup>20</sup> NCAA, ‘Eject Unruly Passengers or No Flight’ Directive (Press Release, 7 September 2025) <https://ncaa.gov.ng/media/news/eject-unruly-passengers-or-no-flight-ncaa> accessed 14 October 2025

<sup>21</sup> International Civil Aviation Organisation (ICAO), *Manual on the Legal Aspects of Unruly and Disruptive Passengers (Doc 10117, 2020)*.

initiative that would disseminate safety and behavioural information through flight briefings, airport screens, and digital platforms. The campaign should stress that aviation safety is a shared responsibility, and that passengers owe legal duties of compliance and decorum.

Furthermore, passengers' rights education should be balanced with obligations, ensuring that claims of mistreatment are channelled through formal complaint systems rather than confrontational behaviour. Airlines must also strengthen their complaint resolution desks to reduce frustration-induced conflicts.

**(e) Enhanced Surveillance, Documentation, and Prosecution**

Effective enforcement depends on evidence. The installation of **in-flight CCTV systems**, as already standard in some European and Middle Eastern carriers, should be made mandatory for Nigerian commercial aircraft. These devices can record incidents for evidentiary use, protect crew and passengers, and reduce false claims. Similarly, all airports should maintain **incident Logs** accessible to the NCAA for post-incident analysis.

In addition, the establishment of a **Special Aviation Prosecution Unit (SAPU)** within the Federal Ministry of Justice would expedite the trial of aviation-related offences. The unit would specialize in aviation law, ensuring that cases are prosecuted promptly and consistently.

**(f) Domestic Incorporation of International Best Practices**

Nigeria's legal and institutional reforms should align with global norms. The **ICAO Assembly Resolution A40-29 (2019)** urges member states to implement the Tokyo and Montreal Conventions effectively, including the adoption of legislation granting legal protection to crew members and

establishing mechanisms for mutual assistance between states.<sup>22</sup> Nigeria should domesticate these obligations through a dedicated **Aviation Safety and Conduct Implementation) Bill**, consolidating various regulatory instruments into a single enforceable statute.

Comparatively, the **European Union's Regulation (EC) N0. 261/2004** on air passenger right integrates sanctions for disorderly behaviour within a broader consumer protection regime. A similar model could be adopted in Nigeria, linking passenger discipline to compensation rights, thereby creating a balanced accountability framework.

#### 4.2 Conclusion

The Nigerian aviation industry stands at a crucial crossroads. The rise in disruptive incidents, ranging from the **Ibom Air assault case** to the **Air Peace London-Lagos unruly passenger arrests** exposes both a behavioural and institutional crisis. These events have eroded public confidence in air transport and highlighted the fragility of enforcement mechanisms. While the existing legal framework under the *Civil Aviation Act 2022* and the *NCARs* is comprehensive overlaps, weak sanctions, and inconsistent implementation.

A sustainable solution requires a holistic approach that integrates **legal reform, institutional synergy, and behavioural reorientation**. The criminalization of serious in-flight offences, the establishment of coordinated enforcement structures, and the adoption of ethical and educational interventions will create a culture of compliance across all

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<sup>22</sup> ICAO Assembly, *Resolution A40-29: Consolidated Statement of Continuing ICAO Policies in the Legal Field (2019)*.

stakeholders. Moreover, aligning Nigeria's framework with ICAO and international best practices will ensure that its regulatory system meets global safety and governance standards.

Ultimately, maintaining order in the skies is not solely a matter of legal coercion but of institutional integrity and civic responsibility. The rule of law in aviation must therefore be both preventive and corrective, anchored on fairness, professionalism, and the collective commitment to safe and dignified flight. If Nigeria succeeds in operationalizing these reforms, its aviation sector will not only regain public trust but also emerge as a regional model for disciplined and rights-conscious air transport governance.