



On 25 December, 2009, Umar Farouk Abdulmutallab, a Nigerian, boarded a plane from Lagos, Nigeria en route Detroit in the United States of America and had a change over at Amsterdam to Delta Airlines. While on board the flight from Amsterdam to Detroit, he was alleged to have attempted to blow up the plane with a view to killing all the passengers and crew on board. His arrest, detention and trial in the US have had a negative impact on Nigeria and Nigerians to the effect that Nigeria is now included by the US Government in the list of 'Countries of Interest' and security at airports worldwide tightened. Such tightening includes the introduction of body scanners. It is in realisation of the negative effect that such acts portend for Nigeria that the Nigerian Institute of Advanced Legal Studies organised a One-Day Roundtable on 'Terrorism in the Aviation Industry: Imperatives for Best Practices in Nigeria.'

The One-Day Roundtable which was held under the auspices of the Bayo Ojo Centre for Aviation and Transportation Law of the Institute was held on Tuesday, 19 January, 2010. The Perspectives for the Roundtable included Airport Security, Anti-Terrorism Bill, Human Rights Implications of Body Scanners, International Relations and Issues Arising from Abdulmutallab's Arrest and Trial in the United States. Various Speakers made presentations at the event. In attendance were representatives of the Ministries of Aviation, Defence and Justice. The Honourable Minister of State for Interior, Hon Demola Seriki was personally present as well as the Lagos State Commissioner of Police, Marvel Akpoyibo. Other agencies present include, Federal Airport Authority of Nigeria, Immigration, NDLEA, Nigeria, Security and Civil Defence, representatives of foreign embassies, airlines, academics and other stakeholders in the aviation industry.

OBSERVATIONS

The Roundtable made the following observations

- 1) That terrorism in whatever form is a threat to world order and a violation of human rights in particular, the rights to physical integrity, life, freedom and security. It, and impedes socio-economic developments through destabilization of the state. It is therefore imperative to prevent and/or combat this menace through effective, enforceable anti-terrorism legislations.
- 2) Of the sixteen international legal and regional instruments and conventions against terrorism the Federal Government of Nigeria has signed and ratified nine. This is an indication of the commitment of Government to fight terrorism. But the remaining seven instruments should be promptly ratified and domesticated.
- 3) Frequent cases of religious and ethnic uprising in Nigeria could be described as internal terrorism which Government has continued to combat with decisiveness. To the extent that Government addressed the Boko Haram crisis promptly, the perpetrators of the crisis in Jos should be brought to book immediately.
- 4) Airport and border personnel should shun corruption and favouritism in the screening of passengers. Corruption in this regard is manifested by exemption of some government functionaries or so called very important personalities from routine screening at the ports. As a matter of policy all functionaries should be screened at the borders.
- 5) There is yet no valid and reliable National Identity Card to determine who are true Nigerians.
- 6) A State should be labelled a terrorist state if the state overtly or covertly supports terrorism. All those arrested in the UK for acts of terrorism bearing British passports have not led to the UK as a nation being labelled a terrorist state.
- 7) Nigeria's airports meet ICAO standards in terms of security but countering terrorism is like chasing a moving target because current screening procedures target metals and not powdery substances. Just as the taking on board of liquid has been banned so also should powdery substances be banned.
- 8) Nigerian Airports have Stop List and Watch List which are updated regularly. Security personnel need to be trained and re-trained regularly to perform this function.
- 9) The ECOWAS smart electronic passport is powered by biometric technology in tandem with the International Civil Aviation Organisation's specification for international travels.
- 10) Noted that the Nigerian e-passport has the inherent potential to eliminate forgery, passport falsification and multiple acquisitions of passports and make identify theft by unscrupulous elements in the society impossible.
- 11) Since human trafficking victims could easily be recruited into terrorist groups due to a combination of factors including desperation, poverty, extreme religious views and contempt for organised society whom they may blame for their unfavourable social status, the efforts at eradication of human traffic should be sustained.
- 12) The Bill for an Act to Provide for Measure to Combat Terrorism and Other Related Matters before the National Assembly is unknown to many Nigerians. Though comprehensive the bill should be popularised and subjected to robust national debate by posting on the website of the National Assembly in addition to other measures to publicise it.
- 13) Upholding human rights is not at odds with battling terrorism because the moral vision of human rights viz. the deep respect for the dignity of each person is among our most powerful weapons against terrorism. Therefore derogation from human rights to permit use of body scanners is permissible to fight terrorism.

RECOMMENDATIONS

1. Government should ratify and domesticate the remaining international and regional instruments designed to combat terrorism.
2. In domesticating the international instruments Nigeria should take account of local peculiarities in order to ensure that the legislation is effective.
3. Government should periodically appraise national efforts at implementing international obligations and best practices in the area of combating and financing of terrorism. In this regard Governments should demand financial transparency in the operation of non-governmental organisations (NGOs) as it has been found that some terrorists use NGOs and other not-for-profits for their operations.
4. Government should challenge the parameters used by the US Government to categorise Nigeria as a 'Country of Interest' because it is the only country so named that is not a member of the Organisation of Islamic Council (OIC) or an Islamic state.
5. Where diplomacy fails Government should reciprocate all forms of indignities and degrading and inhuman treatment meted out to Nigeria by any country. By so doing a strong message will be sent to the international community that Nigeria protects her own.
6. The Bill on Terrorism before the National Assembly should be passed quickly subject to amendments to bring it in conformity with the Constitution.
7. While the use of body scanners is inevitable in a globalised world, proper mechanism should be put in place to ensure that the information gathered is not used for improper purposes. Its use should take into account religious and cultural sensibilities
8. The National Assembly should endeavour to enact a law to back-up the use of Body Scanners since it basically violates the privacy of the individual and a derogation from this fundamental human right requires a legislation that is reasonably justifiable in a democratic society.
9. Nigeria's researchers and scientists should be proactive in identifying with global research on terrorists methodologies and help to advance the course of combating terrorism.
10. Aviation terrorism is not limited to acts or conduct on board an airline. Security around the airports must be enhanced to forestall terrorism

inside the airport itself.

11. Realising and recognising the fact that the acts of terrorism is either imported or exported through the land, sea and air borders, it is imperative that Government put in place measures to forestall, pre-empt and/or prevent other occurrences.
11. Government should consider approval for use of "Sky Marshals" in domestic flights in Nigeria.
12. All Institutions, agencies and organizations relevant to combating terrorism must be continuously strengthened through capacity building, modern equipment procurement and engagement of world class experts.
13. Realising and recognizing the fact that the acts of terrorism is either imported or exported through the land, sea and air borders, it is imperative that Government put in place measures to forestall, pre-empt and/or prevent other occurrences.
Thus it should-
 - a. Prevent the country from being used as a safe haven for the planning, organising and/or execution of terrorist acts;
 - b. Develop measures and methods for the monitoring and detection of plans or activities aimed at the illegal cross-border transportation, importation, export, stockpiling and the use of arms and ammunition and explosives and other materials and means of committing terrorist acts
 - c. Develop and strengthen methods of controlling and monitoring land, sea and air borders and customs and immigration check-points in order to pre-empt any infiltration by individuals or groups involved in planning, organisation and execution of terrorist acts.
 - d. Strengthen and protect the security of persons, diplomatic and consular missions, premises of regional and international organisations in accordance with relevant conventions and rules of international law
 - e. Promote exchange of information and intelligence gathering and expertise on terrorist act and establish data bases for the collection and analysis of information and data on terrorist elements, groups, movements and organisations amongst the various security agencies at our sea, land and air borders
 - f. Take necessary measures to prevent the establishment of terrorist support networks in any form
 - g. Ascertain and prosecute the perpetrators of terrorist acts and where necessary hand over such perpetrators to any country that requests for the extradition of such perpetrators in accordance with the existing Extradition Treaties with that country
 - H. Establish effective co-operation among relevant security officials and services and the citizens and respect the confidentiality of the information and intelligence shared amongst the security officials

Lagos, Nigeria
19 January, 2010.

Signed:

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Director General,