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ISSN PRINT:2992-6130
ONLINE ISSN: 2992-5800

NEWPORT INTERNATIONAL JOURNAL OF LAW, COMMUNICATION AND LANGUAGES (NIJLCL)

Volume 4 Issue 2 2024

https://doi.org/10.59298/NIJLCL/2024/4.2.163248

Examining the Sufficiency of Uganda's Civil Aviation Laws in the Global Aviation Trends and Developments

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ABSTRACT

We conducted the research to determine how Uganda's civil aviation laws align with current global trends and developments. We gathered information from the internet and different books written by different authors to accurately determine and validate the standards of Uganda's laws at the international level, and to determine their ability to keep pace with the ongoing trends and advancements in the global aviation industry. The article confirms that all laws, regulations, and directives were shared throughout the globe with all countries thus involved in civil aviation, following and enforcing the same rules and regulations. Thus, Uganda has the same laws and regulations as countries like the USA and France, thus being in a perfect position to keep abreast of the trends and developments prevailing in the world today with only a marketing situation to take care of.

Keywords: Airplane, Aviation, Aviation laws, Flying device, Technology

INTRODUCTION

In the beginning, when God was creating, he caused the waters to give birth to creatures that lived and moved there. He also created winged fowl for the sky and then created man, giving him clear instructions to have dominion over all creation. This included not only the animals and living creatures, but also the water and skies. All of mankind's attempts to enjoy traveling on water and in the skies have been an act of dominance over the earth, and it appears that we are not about to stop enjoying this. Around 400 BC, Archytas, an ancient Greek philosopher and mathematician, designed and built the very first artificial self-propelled flying device, which he named "The Pigeon." It was not just a mind striving for the unknown, but a man trying to exercise his and our creation's rights. He opened the door to what is today the fastest and most exciting mode of transport. Considering that traveling to the moon eventually equates to flying, this mode of transportation spans some of the greatest distances ever [2]. But this was just the beginning; as the years went by, many other bright minds took to the task, with each having a peculiar approach. Some individuals adapted pre-existing models, while others explored innovative approaches. For instance, in 1783, Professor Jacques Charles, Les Freres Robert, Anne Jean, and Nicolas-Louis pioneered the first unmanned hydrogen gas balloon, known as Le Globe. Later, in December 1783, they launched a manned version, La Charliere, into the skies. However, the locals of the area, perhaps fearing an 18th-century alien invasion, attacked Le Globe upon landing, demonstrating the unease of all human species towards unfamiliar concepts [3]. The Montgolfier brothers may have been the first to actually fly, but the man who discovered the aerodynamic forces of flight, George Cayley, in England in 1853, was the father of aviation. And then, in 1874, Victor Tatin [4] made the first plane capable of lifting itself on its own power. Uganda, like any other country, considers air transport to be a viable mode of transport. However, with the rapid growth of technology in the world today and the ever-changing trends in the civil aviation arena, one cannot help but wonder whether Uganda is well-equipped to keep up with these changes.

Civil aviation laws

The International Civil Aviation Organisation (ICAO) establishes the rules and standards that the aviation industry must adhere to. However, it is the responsibility of the various signatory countries to incorporate these rules and standards into their own laws for optimal implementation. Otherwise, they merely exist as standards and recommendations without any binding obligation. However, for the authority to be able to carry out this task, it must first be established and empowered, a process that is also carried out by a parliamentary act. In Uganda, this was achieved through the Civil Aviation Act.

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ISSN PRINT:2992-6130
ONLINE ISSN: 2992-5800

Civil Aviation Act (CAA ACT)

Commencing on September 8, 1991, this act of parliament established a National Aviation Authority in Uganda, putting in place and affirming the functions, powers, and objectives that make the very foundations of the authority tasked with the very responsibility of the Ugandan aviation industry [5]. The Act establishes a board of directors as the authority's governing body, with a maximum of eight and a minimum of four members appointed by the Minister of Works and Transport. Included are their qualifications, remunerations, functions, and mode of replacement in case any spot is vacant for any given reason. Also provided for are the other staff as depicted by the Act and any other staff the board of directors may deem needed, with the government of Uganda clearly designated as the sole shareholder of the Authority [6]. The act charges the authority with complying on Uganda's behalf with the Chicago Convention, all its annexes, and all other international conventions in relation to aviation. It is crucial to remember that the authority bears all responsibilities related to Uganda, including fulfilling agreements with other countries or intergovernmental organizations, providing air services such as air navigation aids and air traffic control, and establishing regulations for air travel. Additionally, they must supply technical and meteorological services in a prompt and organized manner. When an event occurs, such as an accident or incident, the Minister, via a designated accident inspector, investigates the issue, with the appointed inspector directly reporting to the Minister. This also applies to authority inspections concerning the fulfillment of standards and the execution of assigned responsibilities [5]. The authority, through the minister, decides what aircraft may or may not fly over, land, and take off from Uganda, as well as establishing and putting in place aerodromes for the aviation industry. The authority is responsible for implementing policies related to security and safety in the aviation industry, recommending regulations to the minister to ensure the industry's safety, security, and efficiency. The government provides the authority with funding, and the act permits audits to oversee expenditures. Additionally, the act grants the authority ownership of property, debentures, and similar assets, enabling it to file lawsuits and enter into contracts [5]. The Civil Aviation Authority was founded on this foundation and continues to manage Uganda's aviation industry today.

Civil Aviation (Security) Regulations

The Civil Aviation Authority, exercising its powers under the Civil Aviation Authority Act, recommended the creation of the Civil Aviation (Security) regulations [7]. Coming into force In March 2017, the Civil Aviation (Security) regulations came into effect, amending previous security regulations and adhering to the ICAO's annexes to enforce the desired standards for aviation industry security. These regulations apply to all individuals, artifacts, areas, property, or buildings operating or working in the aviation industry [7]. m to safeguard and enhance security against acts of violence and unlawful interference in the operation and enjoyment of aviation services, safeguarding not only the aviation premises and staff but also the masses hoping to use air as their preferred mode of transportation. *The regulations outline the Civil Aviation Authority's security roles in Uganda's aviation industry, with the authority tasked with not only regulating aviation security but also establishing and implementing the National Civil Aviation Security Programme [7]. The regulations entrust the Civil Aviation Authority with the security of all aspects of the aviation sector, including the aircraft, airlines, crew, and personnel providing services at airports, such as in the catering departments and customs departments, as well as the passengers' homes and planes. am is fully implemented, the authority must ensure the full execution of all the procedures outlined in the regulations to safeguard and enhance the security of all individuals using aviation services.

Civil Aviation (Personnel Licensing) Regulations

Air transport is a challenging endeavour, with the risk of death or any untoward incident always present. Given this context, the personnel responsible for managing or entrusting people's lives must excel in their respective roles. This not only instills confidence in those who work with them, but also fosters a sense of trust among the masses who use the air as a mode of transportation, not to mention the trust that other countries place in a specific airline of a particular nationality [8]. Such understanding necessitates that all personnel in the aviation industry demonstrate proficiency in their respective fields. This is due to the industry's reliance on trust, which is why, despite being the fastest aircraft on the planet, the Concord had to be taken out of service due to its repeated history of posing a significant risk to people's lives, as evidenced by the numerous fatalities resulting from boarding it [9]. Every employee in the aviation industry receives certification from this location, and to achieve this, they must have demonstrated their "ability" beyond any reasonable doubt. For this to be the case, they must have undergone a series of tests designed to best demonstrate their ability to carry out their tasks as per the job description. The ratings from this test must be above a certain minimum for them to qualify as worthy of holding people's lives in their hands [10]. These regulations set up a guideline on how to best certify this calibre of personnel. We conduct tests, assign ratings, and grant licenses to eligible individuals. These licenses are not only for those in Uganda, but also for the personnel who access Uganda through the air transport industry. Before they can fly passengers from Uganda, foreigners must be well-certified with the required licenses, checked, and approved. If they initially obtained these licenses from another country, they may also undergo conversion [11].

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ISSN PRINT:2992-6130
ONLINE ISSN: 2992-5800

The air transport industry heavily relies on the trust of the masses who choose it as a mode of transportation, necessitating skilled and proven personnel who can earn the trust of both the masses and the authority.

Challenges Faced as a Result of the Developments of the Global Civil Aviation Industry

With every industry and bit of progressive work, there is always a task or part of the work that tests the abilities and resolve of those involved in that particular business. Situations such as these necessitate drastic measures and solutions to effectively manage the situation and ensure it ceases to be a problem. We view these situations as challenges. The civil aviation industry faces a number of these challenges, just like any other industry. The question is not whether these challenges will ever end, because that never happens, but rather when and how they will be overcome. Having withstood the test of time, the aviation industry has over time faced numerous issues that consistently shake it to its foundation, leaving all those involved weary, worried, and in search of lasting solutions. These challenges include the global economic crisis, global safety and security, natural disasters, environmental issues, and regional imbalances [12].

Economic crisis

Transport in general, and air transport in particular, can be considered the laboratories of economic activity. The derived character of transport is obvious for an increase in economic activity, say industrial production, and expanding trade relations inevitably results in an ever-greater need for transport; the vice versa of it all is also very true. Of the various modes of transport, air transport seems to be most sensitive to the prevailing trends and situation of the economic sector worldwide. The various economic crises that have ravaged the global economy have always had a clear impact on air transport [13]. The civil aviation industry contributes to global social and economic development. It not only forms an important and most efficient mode of transportation, but it also affects the lives of numerous household people, is a key employment generator (35 million jobs worldwide), and contributes heavily to the world economy's gross domestic product (GDP) [14]. The failure of the major financial institutions in the few years prior to 2006 led to the global financial crisis, which drastically impacted the world economy. Such a crisis heavily affected aviation, one of the fastest-growing industries. The commercial airline industry experienced its deepest downturn since the 1930s due to the recent cyclical downturn. Early 2009 marked the low point for international air travel markets. From the early-2008 peak to the early-2009 trough, premium travel fell 25%. A shift to cheaper seats softened the decline in economy travel, which fell by 9% [15]. The airline industry and its associates have not been immune, for the nature of the industry makes it vulnerable to global economic developments. Such a crisis plunges the industry into a recessionary environment, directly impacting employment in the aviation sector. Job losses consistently number in the millions, leading to social upheavals and a significant decline in investments in the aviation market [16]. Airport ground handlers and aeroplane part manufacturers also have to retrench their workers in order to counterbalance the poor market. As people travel less and opt for cheaper alternatives, the amount of air traffic is also expected to decrease. In fact, crises alter the way the aviation industry operates, leading to a surge in low-cost carriers, which in turn lowers the cost of air travel for the masses. Additionally, airlines and airports enhance their services to a higher standard to attract new segments of travelers. This typically occurs when the industry experiences a decline in demand due to a lack of passengers and goods available for travel, a reduction in capacity as airlines attempt to counteract the declining cash inflow by reducing flights or merging them, and an increase in fuel prices, which leads to a decrease in profit margin as more money is spent and less revenue is generated [17]. When these crises finally come to an end, as they always do, the industry is faced with the next issue of bouncing back, for since everyone is still in a scared state, they are all still cautious, and thus it takes time to recover. The financial crisis has ravaged the aviation industry, with the global financial crisis of 2007–2008 being the latest, but the industry is bouncing back slowly but steadily [18].

Global safety and security

People's lives are of utmost importance in any business, and if a particular industry is causing deaths, it poses a significant issue. People often portray the aviation industry as safe and secure, but is this truly the case? On May 19th, 2016, EgyptAir, a flight from Paris to Cairo, crashed into the Mediterranean Sea, resulting in the deaths of all passengers and crew, and raising suspicions of terrorism [19]. It was the fifth crash of that year. The year before, ISIS claimed to have exploded a bomb on a metro jet flight on October 31st, 2015, flying to Russia from Egypt. • Numerous incidents have occurred and continue to occur, prompting many to question the safety of flying. The airline industry evaluates its safety record based on four distinct threats: airport security, flight safety, regulation violations, and cyber security. Based on their findings, they conclude that air transport is the safest mode of transportation when compared to other modes. Upon closer examination, excluding terrorist attacks, the number of accidents dropped to just four in 2015, a trend that continues to decrease as the years pass. There are accidents and deaths once in a while, but this isn't a continuous occurrence, which raises the question of why everyone feels that air transport is not safe [20].

The industry stands out as the fastest-growing and busiest, drawing significant attention to all its activities. The other issue is that one plane crash with deaths has numbers running in the hundreds and yet say the roads, though

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ISSN PRINT:2992-6130
ONLINE ISSN: 2992-5800

more frequent than the air at having accidents, never have numbers that big at a go, though it catches up with time facts not followed by the masses. And then finally, air transport doesn't feel safe simply because those involved in it don't feel under control, for if one was driving their car and they were to crash it, chances are that they would drive it again, for they would feel that they could have averted the catastrophe. Unlike driving a car, passengers on an aeroplane are never in control, and most of them are unaware of what is going on. The industry's primary challenge isn't safety and security, as these aspects have consistently improved over the years and continue to do so. The real issue lies in the general public's lack of awareness that air travel is among the safest modes of transportation worldwide. Despite occasional accidents and terrorist incidents, the aviation industry's primary challenge is to ensure public awareness of the safety of air travel [22].

Natural disasters

Natural disasters, which can include earthquakes, hurricanes, tornadoes, tsunamis, or volcanic eruptions, are events that cause significant damage or loss of life. These have had a very distinctive and straight-forward negative impact on air transport and its infrastructure. Unlike other challenges, the industry must adapt to handle and cope with their potential occurrence [23]. The industry must always be prepared for the possibility of an earthquake, as it could lead to the destruction of airports and potentially result in the deaths of all those present at the airport. We must plan ahead and make prior preparations to ensure we are well-equipped to handle unexpected natural disasters. We must implement modern designs and constructions that can withstand the effects of a major earthquake. This very kind of preparedness is what is required to best cope with this kind of disaster [24].

Environmental issues

Most of the machines in this world use fuel as a source of energy, the burning of which usually and always leads to the emission of heat, noise, and gases that contribute to climate change and global warming. Even with fuel-efficient and less polluting turbofan and turboprop engines, the aviation industry's emissions of greenhouse gases increased by 87% between 1990 and 2006, reflecting the rapid growth of air travel. Even though many technological developments are increasingly taking place, there seems to be no end to the ever-out-of-control greenhouse emissions, which is a challenge for the aviation industry because soon there will be no environment to fly in [25]. The aforementioned issues become increasingly prevalent as the industry develops and grows, necessitating their complete resolution at some point.

CONCLUSION

We conducted the research to determine how Uganda's civil aviation laws align with current global trends and developments. We gathered information from the internet and different books written by different authors to accurately determine and validate the standards of Uganda's laws at the international level, and to determine their ability to keep pace with the ongoing trends and advancements in the global aviation industry. over and confirm that all laws, regulations, and directives were shared throughout the globe with all countries thus involved in civil aviation, following and enforcing the same rules and regulations. Thus, Uganda has the same laws and regulations as countries like the USA and France, thus being in a perfect position to keep abreast of the trends and developments prevailing in the world today with only a marketing situation to take care of.

REFERENCES

1.What does Genesis 1:20 mean? https://www.bibleref.com/Genesis/1/Genesis-1-20.html
2.Copyright, S., Mandavilli, S.R., Page: The God debate FINAL FINAL FINAL FINAL FINAL. (2024)
3.Hart, G.: Modalities of Conjunctural Analysis: "Seeing the Present Differently" through Global Lenses. Antipode. 56, 135–164 (2024). https://doi.org/10.1111/anti.12975
4.The Wright brothers just glided in 1903. They flew in 1908., https://www.pprune.org/aviation-history-nostalgia/540496-wright-brothers-just-glided-1903-they-flew-1908-a.html
5.Civil Aviation Authority Act - ULII, https://ulii.org/akn/ug/act/statute/1994/3/eng@2000-12-31
6.EXECUTIVE ORDER NO. 292 - THE "ADMINISTRATIVE CODE OF 1987" - Supreme Court E-Library, https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/5/53270
7.Civil Aviation (Security) (Amendment) Regulations, 2024. (2024)
8.Betz, U.A.K., Arora, L., Assal, R.A., Azevedo, H., Baldwin, J., Becker, M.S., Bostock, S., Cheng, V., Egle, T., Ferrari, N., Schneider-Futschik, E.K., Gerhardy, S., Hammes, A., Harzheim, A., Herget, T., Jauset, C., Kretschmer, S., Lammie, C., Kloss, N., Fernandes, S.M., Mitrofan, C.-G., Myrgorodska, I., Nedbalek, D., Neumann, S.G., Paffenholz, S., Ponce, L.P., Rogell, B., Savic, D., Velikova, G., Schumacher, C., Weisshaar, N., Yahya, M., Yang, J.Y.C., Zhao, G.: Game changers in science and technology - now and beyond. Technological Forecasting and Social Change. 193, 122588 (2023). https://doi.org/10.1016/j.techfore.2023.122588
9.Belyea, B.: Answer to "What are the barriers to feasibility of stratospheric cruising for commercial air travel? (i.e. Concorde?)," https://aviation.stackexchange.com/a/7906, (2014)
10. Concorde is a reminder that the only way for innovation is up | World Economic Forum, https://www.weforum.org/agenda/2019/03/concorde-is-a-reminder-that-the-only-way-for-innovation-

Open Access
ISSN PRINT:2992-6130
ONLINE ISSN: 2992-5800

is-up/
11. Civil Aviation (Personnel Licensing) (Aircraft Maintenance Engineer Licence) Regulations, 2022. (2022)
12. Analysis of Serious Challenges Faced by the Aviation Industry, https://www.researchgate.net/publication/377050819_Analysis_of_Serious_Challenges_Faced_by_the_Aviation_Industry
13. Elizabeth, A., Akande, S., M.O, F., O.O, O.-A.: Evaluation of Socio-Economic Benefits of Air Transport Industry in Nigeria. 3, (2023)
14. Transportation and Economic Development | The Geography of Transport Systems, https://transportgeography.org/contents/chapter3/transportation-and-economic-development/, (2017)
15. Fishlow, A. Alternative Approaches and Solutions to the Debt of Developing Countries. In: Borner, S. (ed.) International Finance and Trade in a Polycentric World: Proceedings of a Conference held in Basel by the International Economic Association. pp. 3–20. Palgrave Macmillan UK, London (1988)
16. Sun, X., Wandelt, S., Zhang, A.: COVID-19 pandemic and air transportation: Summary of Recent Research, Policy Consideration and Future Research Directions. Transportation Research Interdisciplinary Perspectives. 16, 100718 (2022). https://doi.org/10.1016/j.trip.2022.100718
17. COVID-19's impact on the global aviation sector | McKinsey, https://www.mckinsey.com/industries/travel-logistics-and-infrastructure/our-insights/taking-stock-of-the-pandemics-impact-on-global-aviation
18. Issues: Improving Air Safety: Long-Term Challenges, https://issues.org/oster/, (2001)
19. Lamb, T.L., Ruskin, K.J., Rice, S., Khorassani, L., Winter, S.R., Truong, D.: A qualitative analysis of social and emotional perspectives of airline passengers during the COVID-19 pandemic. J Air Transp Manag. 94, 102079 (2021). https://doi.org/10.1016/j.jairtraman.2021.102079
20. Russia plane crash: "Terror act" downed A321 over Egypt's Sinai, https://www.bbc.com/news/world-europe-34840943, (2015)
21. Godfrey, C.: My plane crashed in the Andes. Only the unthinkable kept me and the other starving survivors alive, https://www.theguardian.com/world/2023/dec/04/nando-parrado-andes-plane-crash-1972-rugby-team, (2023)
22. Dwivedi, Y.K., Kshetri, N., Hughes, L., Slade, E.L., Jeyaraj, A., Kar, A.K., Baabdullah, A.M., Koohang, A., Raghavan, V., Ahuja, M., Albanna, H., Albashrawi, M.A., Al-Busaidi, A.S., Balakrishnan, J., Barlette, Y., Basu, S., Bose, I., Brooks, L., Buhalis, D., Carter, L., Chowdhury, S., Crick, T., Cunningham, S.W., Davies, G.H., Davison, R.M., Dé, R., Dennehy, D., Duan, Y., Dubey, R., Dwivedi, R., Edwards, J.S., Flavián, C., Gauld, R., Grover, V., Hu, M.-C., Janssen, M., Jones, P., Junglas, I., Khorana, S., Kraus, S., Larsen, K.R., Latreille, P., Laumer, S., Malik, F.T., Mardani, A., Mariani, M., Mithas, S., Mogaji, E., Nord, J.H., O'Connor, S., Okumus, F., Pagani, M., Pandey, N., Papagiannidis, S., Pappas, I.O., Pathak, N., Pries-Heje, J., Raman, R., Rana, N.P., Rehm, S.-V., Ribeiro-Navarrete, S., Richter, A., Rowe, F., Sarker, S., Stahl, B.C., Tiwari, M.K., van der Aalst, W., Venkatesh, V., Viglia, G., Wade, M., Walton, P., Wirtz, J., Wright, R.: Opinion Paper: "So what if ChatGPT wrote it?" Multidisciplinary perspectives on opportunities, challenges and implications of generative conversational AI for research, practice and policy. International Journal of Information Management. 71, 102642 (2023). https://doi.org/10.1016/j.ijinfomgt.2023.102642
23. What are natural hazards? http://www.oas.org/usde/publications/Unit/oea54e/ch05.htm
24. Natural disasters: Preparedness & Assistance | Malteser International, https://www.malteser-international.org/en/current-issues/natural-disasters.html
25. Nations, U.: Causes and Effects of Climate Change, https://www.un.org/en/climatechange/science/causes-effects-climate-change

ISSN PRINT:2992-6130
ONLINE ISSN: 2992-5800

CITE AS: Katunga Gilbert Daniel (2024). Examining the Sufficiency of Uganda's Civil Aviation Laws in the Global Aviation Trends and Developments. NEWPORT INTERNATIONAL JOURNAL OF LAW, COMMUNICATION AND LANGUAGES, 4(2):1-6. https://doi.org/10.59298/NIJLCL/2024/4.2.163248