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TEMPLARS ThoughtLab

Regulation of Drone Use in Nigeria: *The Road Ahead*

1. Introduction

The Evolution of Drones

Once confined to military use, drones, also known as Unmanned Aerial Vehicles (UAVs) or Remotely Piloted Aircraft Systems (RPAS) have evolved into essential tools used across diverse sectors globally. Drones are also redefining the possibilities in Nigeria's public and private sectors from agriculture, security, media production, logistics, and even disaster response, as key industry players are increasingly adopting the use of drones for practical and innovative purposes.

As is often the case, innovation comes with complexity. The surge in drone usage raises significant legal and regulatory challenges. Incidents involving drone crashes, mistaken strikes¹, privacy breaches, and misuse (both locally and globally²) have spotlighted concerns and sparked public outrage around safety, accountability, and regulatory oversight of drones.

This article critically examines Nigeria's legal and regulatory framework for drone operations, evaluating its effectiveness in addressing emerging risks and technological advances. It also draws on global best practices to recommend reforms that support a safe, ethical, and innovation-friendly drone ecosystem in Nigeria.

¹ Coda Story, 'A tragedy in Nigeria shows the risks of cheap drone warfare' (4 January 2024) <https://www.codastory.com/surveillance-and-control/tudun-biri-nigeria-drone-strike/>, accessed 1 July 2025.

² O Iryston, 'Woman killed After drone crashes into shopping mall in North Ossetia', The Moscow Times (25 December 2024) <https://www.themoscowtimes.com/2024/12/25/woman-killed-after-drone-crashes-into-shopping-mall-in-north-ossetia-a87451>, accessed 1 July 2025.

2. Legal and Regulatory Landscape of the Use of Drones in Nigeria

The use of drone technology in Nigeria continues to grow across various sectors, including agriculture, logistics, filmmaking, and national security. In response to the continued growth and rapid adoption of the use of drone technology across various sectors, including agriculture, logistics, filmmaking, and national security. The Nigeria Civil Aviation Authority (NCAA) has developed regulatory measures to govern Unmanned Aerial Vehicles (UAVs) or Remotely Piloted Aircraft Systems (RPAS) operations. Although the current regulations remain binding, the pace and scale of drone technology integration highlights an urgent need for a more robust, adaptive, and forward-looking legal framework that supports innovation while managing risk and aligns with global best practices. This is critical to ensure both compliance and sustainable sectoral growth.

Legal Framework for Regulation of Drones in Nigeria.

In line with efforts to strengthen the legal framework around drones, the NCAA issued the Nigeria Civil Aviation Regulations 2023 (the “**Regulation**”).³ Part 21 of the Regulation relates to Remotely Piloted Aircraft Systems (RPAS). It sets out the requirements for the certification, registration, operations, and surveillance of RPAS. The Regulation serves as the primary legal instrument governing drone activity in Nigeria and introduces several notable provisions aimed at enhancing operational safety, accountability, and national security.

Overview of the Nigeria Civil Aviation Regulations 2023

The key highlights of the Regulation include the classification of drones based on weight⁴ i.e. nano, micro, small, medium or large. Operational risks⁵ are categorized as open⁶, specific⁷, or certified⁸. These parameters dictate the level of regulatory scrutiny and permissible usage of RPAS in Nigeria.

Registration

The framework also mandates that all RPAS⁹ must be registered. The right to register RPAS is limited to owners who are Nigerian citizens, permanent residents of Nigeria, Nigerian-incorporated entities with principal operations in Nigeria, or Nigerian government bodies¹⁰. Foreign registered RPAS may only operate with express authorization from the NCAA¹¹. This is a laudable measure that reinforces regulatory oversight and promotes local content and participation in the growing drone ecosystem. It is important for both foreign and local entities, particularly legal and compliance teams, to understand how the Regulation categorizes drones and restricts ownership, not only for licensing purposes but also for structuring joint ventures, managing procurement, and navigating cross-border operations.

³ The Nigeria Civil Aviation Regulations, 2023 was introduced as a fourth amendment to the Nigeria Civil Aviation Regulations since its initial promulgation in November 2006.

⁴ Section 21.2.1.1 (a) (i-v) of the Regulations.

⁵ Section 21.2.1.1 (b) of the Regulations.

⁶ This category presents the lowest risk and does not require prior authorisation before operating, but RPAS must be registered.

⁷ This category creates a higher risk and requires authorisation to operate the RPAS.

⁸ This category requires the RPAS and its operator and pilot to be certified and generally treats RPAS like a manned aircraft.

⁹ Section 21.3.1.2(a) of the Regulations.

¹⁰ Section 21.3.1.1 (a) (1).

¹¹ Section 21.3.1.2(e) of the Regulations.

Operator Certification

In addition to registration, drone operators¹² (the “**Operators**”) are required to obtain a five (5) year renewable RPAS Operator Certificate to ensure ceaseless compliance with the Regulation and safety standards.¹³ In order to address national security concerns, the Regulation imposes compulsory security clearance and end-user certification¹⁴, particularly to mitigate the risk of drone-enabled criminal or terrorist activities.

The Regulation also covers special authorizations¹⁵ for RPAS in restricted zones or international airspace, strict right-of-way rules¹⁶ prioritizing manned aircraft, and limitations on flying over people or during nighttime operations. The remote pilot in command is required to report incidents such as accidents, safety breaches, or unlawful interference within specified timelines.¹⁷ The Regulation prohibits the dropping of objects where such action poses a hazard to other persons or property,¹⁸ and restricts the transportation of dangerous goods without prior authorization. It also mandates insurance coverage commensurate with the risk level of the drone activity involved.¹⁹

Regulatory Gaps and Concerns

Despite the relatively comprehensive nature of the Regulation, significant gaps persist. While Sections 78 to 86 of the Civil Aviation Authority Act, 2022 (the “**Act**” or “the **NCAA Act**”) provide for civil and criminal liabilities and confers jurisdiction on the Federal High Court to adjudicate on matters arising under the Act or any subsidiary legislation, the Regulation itself lacks clearly defined penalties for non-compliance or direct violations. This disconnect between the Act and the Regulation weakens enforceability and may diminish the Regulation's deterrent effect, especially in the fast-evolving and risk-sensitive field of UAV operations.

Notwithstanding the inclusion of provisions aimed at safeguarding privacy of persons and property, such as the requirement that RPAS fitted with cameras must be operated responsibly and not used for surveillance or filming individuals or private property without consent (except in limited contexts such as news gathering or public events)²⁰, critical issues such as unauthorized surveillance, airspace interference, and data protection remain insufficiently addressed in line with global best practices.

Furthermore, institutional coordination among relevant regulatory and security agencies appears to be weak. For instance, the Regulation²¹ requires that any person or organization applying as an Operator must obtain a security clearance and end user certificate from an appropriate “security agency”. It further provides that RPAS operations must not proceed without authorization from the NCAA and other relevant “security agencies”. However, the Regulation and the NCAA Act do not define the term security agency or specify the entities it encompasses. This lack of definitional clarity, coupled with limited evidence of consistent enforcement in practice, raises concerns regarding the adequacy of the national security safeguards, the robustness of inter-agency coordination and the transparency in the governance of RPAS operations.

¹² This means the person, organization or enterprise engaged in or offering to engage in an aircraft operation.

¹³ Section 21.4.1.4(c)(1) of the Regulations.

¹⁴ Section 21.13.1.1 of the Regulations.

¹⁵ Section 21.9.6.21 of the Regulations.

¹⁶ Paragraph 21.9.6.17 of the Regulations.

¹⁷ Section 21.9.6.19 of the Regulations.

¹⁸ Section 21.9.6.35 of the Regulations.

¹⁹ Section 21.17.1.1 of the Regulations.

²⁰ Section 21.18.1.1 of the Regulations.

²¹ Sections 21.9.1.2. (1)(i) and 21.13.1.1(a) of the Regulations.

Other jurisdictions offer instructive models which, while not without limitations, provide valuable guidance that Nigeria can consider as it strengthens its drone regulatory framework. In the United States (US), drone operations are primarily governed by the Federal Aviation Regulations issued by the U.S Federal Aviation Administration (FAA) and a combination of international, federal and state laws.

As an administrative body with regulatory powers, the FAA's power to regulate is supported by statutory mandates like the FAA Modernization and Reform Act, 2012 and the FAA Extension, Safety and Security Act, 2016. The FAA provides detailed guidance²² on licensing, registration, operational limits, and pilot eligibility, including recurring knowledge tests and age, language, and physical fitness requirements that reflect global best practices²³. Notably, the FAA mandates a recurrent Remote Pilot knowledge test every 24 (twenty-four) calendar months, which is offered free of charge to remote pilots.²⁴ The U.S also promotes public awareness and youth engagement through initiatives²⁵ like the National Drone Safety Day celebrated on 26 April.²⁶ Adopting similarly structured and well-articulated provisions could improve regulatory clarity, foster investor confidence, and ensure safer drone integration in Nigeria.

In the United Kingdom, the Civil Aviation Authority (CAA) also mandates drone registration and operator competency testing under its Unmanned Aircraft Systems Delegated Regulation (UK Regulation (EU) 2019/945)²⁷ offering a more structured approach than Nigeria, where Operator registration and pre-licensing testing are not yet consistently enforced.

Closer to home, Ghana stands out for its clear regulatory framework under the Ghana Civil Aviation (Remotely Piloted Aircraft Systems) 2018. The Ghana regulatory framework includes defined operational categories²⁸ and a standalone framework on violations²⁹ and strict penalties for non-compliance.³⁰ This clarity has enabled the integration of drones into vital sectors like healthcare and logistics and demonstrates how a balanced regulation can foster innovation while maintaining effective state oversight. While Nigeria's current framework reflects some of these elements, these international and regional examples highlight the need for ongoing legal reform, improved inter-agency coordination, and closer alignment with global best practices.

Case Law on Drone Privacy & Property Rights

Currently, Nigeria lacks case law directly addressing drone-related issues such as privacy, property rights, and surveillance. In the absence of domestic precedents, foreign judicial decisions can offer meaningful guidance.

²²Federal Aviation Administration, 'Become a Drone Pilot' (FAA.gov, undated) https://www.faa.gov/uas/commercial_operators/become_a_drone_pilot , accessed 1 July 2025.

²³https://www.faa.gov/regulations_policies/faa_regulations.

²⁴Federal Aviation Administration, 'Operations Over People' (FAA.gov, undated) https://www.faa.gov/uas/commercial_operators/operations_over_people , accessed 1 July 2025.

²⁵Federal Aviation Administration, 'Educational Users and Youth Drone-Initiative' (FAA.gov, undated) <https://www.faa.gov/uas/educationalusers/youth-drone-initiative> , accessed 1 July 2025.

²⁶Federal Aviation Administration, 'Drone Safety Day' (FAA.gov, undated) https://www.faa.gov/uas/events/drone_safety_day , accessed 1 July 2025.

²⁷UK Civil Aviation Authority, Commission Implementing Regulation (EU) 2019/945, <https://regulatorylibrary.caa.co.uk/2019-945-pdf/PDF.pdf> , accessed 1 July 2025.

²⁸Part 28.6 of the Ghana Civil Aviation (Remotely Piloted Aircraft Systems) Directives, 2018 https://www.gcaa.com.gh/web/wp-content/uploads/2018/directives/GCA_FLIGHT_STANDARDS_DIRECTIVE/PART_28_REMOTELY_PILOTED_AIRCRAFT_SYSTEMS_DIRECTIVES.pdf , accessed 1 July 2025.

²⁹Ghana Civil Aviation Authority, 'RPAS Sanctions Framework' <https://www.gcaa.com.gh/web/remotely-piloted-aircraft-system-2/> , accessed 1 July 2025.

³⁰Ghana Civil Aviation Authority, 'RPAS Sanctions Framework' <https://www.gcaa.com.gh/web/wp-content/uploads/2025/RPAS/RPAS%20Sanctions%20-%20Clean.pdf> , accessed 1 July 2025.

A notable example is **Long Lake Township v. Maxon**.³¹ In this case a Michigan township used drones to capture images of alleged zoning violations on the Maxons' property. The Maxons contended that this constituted an unlawful search under the Fourth Amendment. The Michigan Supreme Court ruled unanimously in favor of the township, stating that the exclusionary rule, which typically applies in criminal cases, under US law, did not extend to this civil zoning enforcement action. While the court did not rule on whether the drone use constituted an unreasonable search, the case illustrates the complex intersection of drone technology and privacy rights, which is an area Nigeria's legal system must begin to address as drone usage expands.³²

Furthermore, in **National Press Photographers Association; Texas Press Association; Joseph Pappalardo v. Steven McCraw**³³, a journalist and two media groups challenged Texas's Chapter 423 "Privacy Act," which criminalizes drone surveillance over private property and restricts flights near critical sites. The U.S. District Court for the Western District of Texas initially enjoined the law, agreeing that its broad surveillance and no-fly provisions were vague and impermissibly burdened newsgathering under the First Amendment. On appeal, the Fifth Circuit reversed the decision of the lower court, finding that the no-fly rules regulate only flight (not expressive conduct) and that Texas's substantial privacy interest justified the surveillance limits. The court also held that federal aviation rules do not pre-empt state privacy and safety measures, so as to leave the Privacy Act fully enforceable.³⁴

If these cases arose in Nigeria, the outcome could differ due to the absence of comprehensive drone-specific legislation. Courts would likely rely on general principles of tort and property law, constitutional protections under Section 37 of the 1999 Constitution (as amended), and relevant statutes such as the NCAA Act, the Federal Competition and Consumer Protection Act, 2018 (FCCPA) and applicable provisions of the Regulation. Notably, the National Data Protection Act (NDPA) 2023 would also apply. Under the NDPA³⁵, capturing images or videos (even without further use) constitutes data processing, potentially exposing drone operators to liability for unlawful data collection, even where no harm is demonstrated.

A key unresolved issue in Nigeria's drone regulatory landscape is determining liability when drone operations cause harm. Depending on the circumstances, liability may rest with the Operator, manufacturer, owner, or even a third party.

Under general principles of tort and negligence, the Operator would typically be the first point of liability. If harm results from careless or unauthorized operation, such as flying in restricted airspace or crashing into a crowd, the Operator may be personally liable for negligence and breaching their duty of care. Manufacturers may be liable under product liability principles, especially where a defect such as a design flaw or faulty battery mid-flight causes injury. While Nigeria lacks a comprehensive product liability regime, the FCCPA³⁶ provides a basis for holding manufacturers accountable for defective products that cause harm. Drone owners may also be liable, particularly where they fail to supervise use, ensure proper maintenance, or comply with registration requirements. Under the doctrine of vicarious liability, an owner may be responsible for the actions of an employee or agent operating the drone. For instance, where a company's intern crashes a drone during a promotional shoot.

³¹ 510 Mich. 1046, 981 N.W.2d 606 (2024).

³² Long Lake Township v. Maxon, 510 Mich. 1046, 981 N.W. 2d 606 (2024), <https://harvardlawreview.org/print/vol-138/long-lake-township-v-maxon/>, accessed 1 July 2025.

³³ No. 22-50337, 90 F.4th 770 (5th Cir. Jan. 10, (2024).

³⁴ United States v. McNeal, No. 22-50337, 90 F.4th 770 (5th Cir. Jan 10, 2024), <https://caselaw.findlaw.com/court/us-5th-circuit/115696487.html>, accessed 1 July 2025.

³⁵ Section 65 of the Nigerian Data Protection Act, 2023.

³⁶ Section 136 of the Federal Competition and Consumer Protection Act, 2018.

Third-party actions can also contribute to incidents, but primary liability may still rest with the drone operator or owner, who may then seek indemnity from the third party.³⁷

This ambiguity highlights the urgent need for clear, targeted legislation that delineates responsibilities and liabilities in drone operations. By learning from international jurisprudence, Nigeria has the opportunity to craft a regulatory framework that balances innovation with the protection of privacy, property rights, and due process, positioning itself as a leader in drone regulation within Africa.

3. The Way Forward

To mitigate the legal, operational and national security risks associated with drone use in Nigeria, a more holistic legislative approach is urgently needed. The Regulation, though foundational, remains largely aviation-focused and does not adequately address broader concerns such as privacy, liability and data governance. A tailored, robust and standalone drone law, or amendments to the existing framework could fill these gaps by clearly defining registration and operational requirements, data protection obligations, and enforceable penalties.

More importantly, the law should provide clear definitions of unlawful conduct, with enforceable penalties. It should mandate privacy and data protection safeguards, especially given drones' surveillance capabilities. Finally, it should also establish an inter-agency coordination mechanism between the NCAA, Nigeria Data Protection Commission, Office of the National Security Adviser, National Information Technology Development Agency, and other security agencies and stakeholders to streamline oversight and eliminate regulatory overlap.

Equally important is fostering public-private collaboration. Innovation should be encouraged within a framework of strong compliance and safety standards. Investment in operator training and targeted support for local drone startups will not only reduce risks but also strengthen the ecosystem and attract international investment.

4. Conclusion

Nigeria has a unique opportunity to lead in drone technology and regulation in Africa. While the current framework lays a foundation, meaningful legislative reform is needed to address privacy, liability, enforcement, and innovation. Achieving this vision requires coordinated efforts among government, industry, and civil society, along with strategic investment in infrastructure, education, and local technologies. For businesses, investors, and Operators navigating this space, the message is clear: drone technology is no longer experimental, it is operational. The regulatory and commercial risks are real, but so are the opportunities.

Legislative reform must rise to meet the moment; crafted not just to regulate, but to enable. With the right legal direction, Nigeria not only has the potential to compete, but it also has the capacity to lead.

³⁷ Section 79 (3) of the Civil Aviation Authority Act, 2022.