

**PIPELINE VANDALISM AND SABOTAGE IN NIGERIA:
ASSESSING THE ADEQUACY OF CRIMINAL AND
REGULATORY SANCTIONS UNDER THE PIA 2021 AND
OTHER LAWS**

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Abstract

Pipeline vandalism and sabotage remain the single biggest threat to Nigeria's oil and gas infrastructure, costing the nation an estimated 400,000 bpd in lost production and billions in revenue annually. Despite this, convictions for pipeline offences remain negligible. This paper examines the adequacy of the legal and regulatory framework for addressing pipeline vandalism in Nigeria. It analyses the provisions of the Petroleum Industry Act 2021, the Oil Pipelines Act 1956, the Criminal Code Act, the Terrorism Prevention Act 2022, and the NOSDRA Act 2006. The paper argues that while the PIA 2021 introduced new offences and stiffer penalties under ss 216-219, the regime remains fragmented, enforcement is weak, and the law fails to address root causes such as community alienation and inadequate surveillance technology. Using a doctrinal methodology, the paper undertakes a comparative review of enforcement mechanisms in the US and Canada. It concludes that Nigeria's approach is overly punitive without being preventive. The paper recommends statutory amendments to create a dedicated Pipeline Protection Agency, mandatory integrity management, restorative justice provisions for host communities, and the use of technology-driven evidence in prosecution.

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1. INTRODUCTION

1.1 Background to the Study

Nigeria's oil and gas pipelines constitute the critical arteries of the nation's economy. Over 7,000km of pipelines transport crude oil, refined products, and natural gas across the Niger Delta and beyond.¹ Despite their strategic importance, these assets are under constant attack. Pipeline vandalism and sabotage have resulted in massive losses in production, environmental degradation, and revenue hemorrhage for the Federation.

The Nigerian Extractive Industries Transparency Initiative reported that Nigeria lost 619 million barrels of crude oil valued at \$46 billion to theft and vandalism between 2009 and 2020.² In 2022 alone, the Nigerian National Petroleum Company Limited declared that it lost an average of 470,000 barrels of crude oil per day to pipeline breaches.³ The economic cost is compounded by environmental damage, loss of lives, and disruption of gas supply to power plants.

Historically, the legal response to this problem was the Oil Pipelines Act 1956.⁴ Section 7 of the Act made it an offence to willfully cut, damage, or destroy a pipeline, punishable with a fine of N200 or

¹ Nigerian Upstream Petroleum Regulatory Commission, Nigerian Pipeline Network Map (NUPRC 2023).

² Nigerian Extractive Industries Transparency Initiative, 2009-2020 Oil and Gas Industry Report (NEITI 2021) 89.

³ Nigerian National Petroleum Company Limited, Monthly Crude Oil and Gas Report (NNPCL December 2022) 5.

⁴ Oil Pipelines Act 1956.

imprisonment for 6 months.⁵ This penalty is grossly inadequate in 2026. The enactment of the Petroleum Industry Act 2021 was therefore intended to modernize the legal regime. For the first time, the PIA created specific offences of “vandalization of petroleum facilities” and “unlawful connection to pipelines” with stiffer penalties of up to 20 years imprisonment and fines of N20 million.⁶

However, five years after the PIA, pipeline attacks persist. This raises a fundamental question: Is the problem one of inadequate law, or inadequate enforcement? This paper contends that while the PIA 2021 is an improvement, the legal regime remains fragmented and lacks a preventive, technology-driven, and community-based approach.

1.2 Statement of the Problem

The persistence of pipeline vandalism despite the existence of multiple statutes points to a legal and institutional deficit. Four problems are evident:

First, legal fragmentation. Nigeria’s pipeline offences are scattered across the Oil Pipelines Act 1956, the Criminal Code Act,⁷ the Terrorism Prevention Act 2022,⁸ the NOSDRA Act 2006,⁹ and now the PIA 2021. This creates confusion on jurisdiction and applicable penalties.

Second, weak enforcement. Despite the creation of the Nigerian Upstream Petroleum Regulatory Commission and the Nigerian Midstream and Downstream Petroleum Regulatory Authority under

⁵ *ibid* s 7.

⁶⁶ Petroleum Industry Act 2021 s 216.

⁷ Criminal Code Act Cap C38 LFN 2004 s 451.

⁸ Terrorism Prevention Act 2022 s 2.

⁹ National Oil Spill Detection and Response Agency Act 2006 s 6(2).

the PIA,¹⁰ there is no single agency with the sole mandate of pipeline security and investigation.

Third, evidentiary and prosecutorial gaps. The “sabotage defense” under s 6(2) of the NOSDRA Act allows operators to escape liability if they can prove sabotage.¹¹ This has incentivized a culture of blame-shifting rather than prevention, and prosecutors struggle to meet the criminal standard of proof.

Fourth, absence of preventive law. The current regime is largely punitive. It does not mandate the use of technology such as SCADA, fiber optic leak detection, or real-time surveillance as a legal requirement for licensees.

The central problem therefore is this: Does the current legal regime under the PIA 2021 and other laws provide an adequate deterrent and enforcement mechanism against pipeline vandalism?

1.3 Aim and Objectives of the Study

The aim of this paper is to critically examine the adequacy of the legal regime governing pipeline vandalism and sabotage in Nigeria.

The specific objectives are:

1. To examine the provisions of the PIA 2021, Oil Pipelines Act, and other relevant laws on pipeline offences.
2. To identify the institutional and procedural gaps in the enforcement of pipeline laws.

¹⁰ Petroleum Industry Act 2021 ss 4, 29

¹¹ National Oil Spill Detection and Response Agency Act 2006 s 6(2).

3. To evaluate the impact of the “sabotage defense” on environmental liability and prosecution.
4. To undertake a comparative analysis with the US and Canadian pipeline safety regimes.
5. To propose legal and policy reforms to strengthen pipeline protection in Nigeria.

1.4 Research Questions

This paper seeks to answer the following questions:

1. What are the key criminal and regulatory sanctions for pipeline vandalism under Nigerian law?
2. To what extent has the PIA 2021 improved upon the Oil Pipelines Act 1956 in deterring pipeline offences?
3. What are the institutional challenges militating against effective prosecution of pipeline vandals?
4. What lessons can Nigeria learn from the US and Canada on pipeline integrity and security law?
5. What legal reforms are necessary to reduce pipeline vandalism in Nigeria?

1.5 Research Methodology

This paper adopts the doctrinal research methodology. It involves a critical analysis of primary sources such as statutes, regulations, and

case law. Secondary sources including textbooks, journal articles, and NEITI/NNPCL reports will also be consulted.¹²

A comparative approach will be used to examine the pipeline safety and criminal enforcement regimes in the United States and Canada, with a view to extracting best practices for Nigeria.

1.6 Scope of the Study

This study is limited to the legal regime governing crude oil and natural gas pipelines in Nigeria. It covers onshore and offshore pipelines licensed under the PIA 2021. The paper focuses on criminal and regulatory sanctions, and does not delve into civil compensation for spill victims, which is a separate area of tort law.

1.7 Significance of the Study

This study is significant for several reasons. First, it will contribute to academic discourse on energy security law in Nigeria, an area that remains under-researched post-PIA. Second, it will provide practical recommendations for lawmakers and regulators on how to amend the PIA to make it more effective. Third, it is timely given the Federal Government's current reliance on private security contractors and the renewed focus on pipeline surveillance.¹³

1.8 Outline of the Paper

This paper is divided into six chapters. Chapter One is the introduction. Chapter Two examines the conceptual framework and historical evolution of pipeline law in Nigeria. Chapter Three analyses

¹² Mike McConville and Wing Hong Chui, *Research Methods for Law* (2nd edn, Edinburgh University Press 2017) 33.

¹³ Federal Government of Nigeria, *Award of Pipeline Surveillance Contract* (Press Release, 17 August 2022).

the criminal and regulatory sanctions under the PIA 2021 and other laws and discusses enforcement challenges. Chapter Four undertakes a comparative analysis. Chapter Five concludes with recommendations.

2. CONCEPTUAL AND LEGAL FRAMEWORK OF PIPELINE VANDALISM AND SABOTAGE IN NIGERIA

2.1 Conceptual Clarifications

To properly analyze the legal regime, it is necessary to define key terms.

2.1.1 Pipeline Vandalism

Vandalism refers to the deliberate destruction of, or damage to, public or private property.¹⁴ In the context of oil and gas, it means the willful cutting, breaking, or damaging of pipelines and associated facilities. The PIA 2021 uses the term “vandalization of petroleum facilities” under s 216.¹⁵

2.1.2 Pipeline Sabotage

Sabotage is more specific. It connotes an act done with the intent to subvert, damage, or disrupt the operation of a pipeline for economic, political, or criminal gain.¹⁶ The Terrorism Prevention Act 2022 criminalizes “economic sabotage” which includes disruption of critical infrastructure.¹⁷ Thus, all sabotage is vandalism, but not all vandalism rises to the level of sabotage.

2.1.3 Oil Theft / Illegal Bunkering

¹⁴ Bryan A Garner, *Black’s Law Dictionary* (11th edn, Thomson Reuters 2019) 1823.

¹⁵ Petroleum Industry Act 2021 s 216.

¹⁶ Terrorism Prevention Act 2022 s 2(3).

¹⁷ *ibid.*

This is the unlawful tapping of crude oil or refined products from pipelines. The PIA 2021 created a distinct offence for “unlawful connection to a pipeline” under s 217.¹⁸ The distinction matters because the motive and proof required differ.

2.1.4 Critical National Infrastructure

Under s 1 of the Critical National Infrastructure Protection Act 2022, oil and gas pipelines are designated as critical national assets.¹⁹ This classification triggers higher state protection obligations.

2.2 Constitutional and Ownership Basis

The legal regime for pipelines begins with ownership. Section 44(3) of the Constitution of the Federal Republic of Nigeria 1999 vests the entire property in and control of all minerals, oil and gas in the Federal Government.²⁰

Consequently, any pipeline laid for the conveyance of petroleum is a federal asset. Any damage to it is an offence against the state. This constitutional backing gives the National Assembly power to legislate on pipeline security under the Exclusive Legislative List.²¹

2.3 Historical Evolution of Pipeline Law in Nigeria

2.3.1 The Oil Pipelines Act 1956 (OPA)

This is the foundational statute. The OPA was enacted to provide for licenses to establish and operate pipelines.²²

¹⁸ Petroleum Industry Act 2021 s 217.

¹⁹ Critical National Infrastructure Protection Act 2022 s 1.

²⁰ Constitution of the Federal Republic of Nigeria 1999 s 44(3).

²¹ *ibid* Second Schedule, Part I, Item 39.

²² Oil Pipelines Act 1956 s 6.

Key penal provisions:

1. s 7: Willfully damaging a pipeline - fine of N200 or 6 months imprisonment.²³
2. s 10: Tampering with pipeline - fine of N200.²⁴
3. s 11: Obstructing a licensee - fine of N200.²⁵

The Act was adequate for the 1950s but is grossly outdated. The penalty has never been reviewed for inflation. More importantly, the Act did not anticipate organized crime, illegal bunkering vessels, or host community agitation.

2.3.2 The Criminal Code Act

The Criminal Code provides general offences applicable to pipeline damage. Section 451 makes it an offence to maliciously damage property.²⁶ Section 516A creates the offence of conspiracy.²⁷ These provisions are often used by police but are generic and do not address the peculiarities of pipeline crime.

2.3.3 The National Oil Spill Detection and Response Agency Act 2006 (NOSDRA)

NOSDRA was created to manage oil spills.²⁸ Crucially, s 6(2) provides that an operator shall not be liable for a spill if it proves that the spill was caused by sabotage.²⁹ This “sabotage defense” has become the biggest loophole. Operators routinely claim sabotage to

²³ *ibid* s 7.

²⁴ *ibid* s 10.

²⁵ *ibid* s 11.

²⁶ Criminal Code Act Cap C38 LFN 2004 s 451.

²⁷ *ibid* s 516A

²⁸ National Oil Spill Detection and Response Agency Act 2006 s 1.

²⁹ *ibid* s 6(2).

avoid cleanup and compensation, and this creates a perverse incentive to not invest in prevention.³⁰

2.3.4 The Terrorism Prevention Act 2022 (TPA)

The TPA criminalizes acts of terrorism including disruption of critical infrastructure.³¹ Section 2(3)(f) makes it an offence to destroy public utilities.³² This law allows for designation of pipeline vandals as terrorists, but it has been rarely invoked due to proof challenges and sometimes political and ethnical exigencies.

2.4 The Petroleum Industry Act 2021: A New Legal Regime

The PIA 2021 is the most comprehensive reform to date. It repealed the NNPC Act and introduced a commercial framework. For pipelines, the relevant provisions are:

2.4.1 Licensing and Regulation

Ss 101-113 of the PIA govern the construction, operation, and licensing of crude oil and gas pipelines.³³ The NUPRC licenses upstream pipelines while the NMDPRA licenses midstream and downstream pipelines.³⁴

2.4.2 New Criminal Offences

The PIA created 3 new specific offences:

³⁰ Celestine AkpoBari, 'The Sabotage Defense and Oil Spill Liability in Nigeria' (2020) 18 Nig J Env't L 44.

³¹ Terrorism Prevention Act 2022 s 2(1).

³² *ibid* s 2(3)(f).

³³ Petroleum Industry Act 2021 ss 101-113.

³⁴ *ibid* ss 4, 29.

1. s 216: Vandalization of petroleum and gas facilities. Penalty: minimum 20 years imprisonment or fine of N20 million or both.³⁵
2. s 217: Unlawful connection to oil and gas pipelines. Penalty: minimum 10 years or N10 million fine.³⁶
3. s 218: Obstruction of licensed operator. Penalty: 5 years or N5 million.³⁷

These penalties are a 1000% increase from the OPA. The PIA also introduced corporate liability under s 219.³⁸

2.4.3 Third Party Access and Integrity

Section 113(2) mandates that licensees must allow third party access on non-discriminatory terms.³⁹ Section 102(3) requires licensees to maintain pipeline integrity.⁴⁰ However, the PIA does not prescribe the technology to be used.

2.4.4 Host Community Link

Chapter 3 of the PIA creates Host Community Development Trusts.⁴¹ Section 235(2) states that 3% of operating expenditure shall be paid to the Trust.⁴² The policy idea is that economic inclusion will reduce vandalism. This is so because many vandalization activities are traced to hostile reactions and agitations of youths against incessant pollution of their oil producing environment.

³⁵ *ibid* s 216.

³⁶ *ibid* s 217.

³⁷ *ibid* s 218.

³⁸ *ibid* s 219.

³⁹ *ibid* s 113(2).

⁴⁰ *ibid* s 102(3).

⁴¹ *ibid* ss 235-257

⁴² *ibid* s 235(2).

2.5 Institutional Framework

Enforcement is now split between multiple bodies:

1. NUPRC is the regulatory body vested with technical regulation of the upstream pipelines.⁴³
2. NMDPRA is saddled with the technical regulation of midstream/downstream pipelines.⁴⁴
3. The Nigerian Security and Civil Defense Corps (NSCDC) has a statutory mandate for pipeline protection.⁴⁵
4. Nigerian Navy and Police play pivotal roles in ensuring pipelines security and arrest of anyone in breach of laws protecting the pipelines.
5. NOSDRA is the regulatory body in-charge of spill detection and investigation.⁴⁶

This multiplicity leads to duplication, turf wars, and no clear lead agency for investigation and prosecution.

2.6 Chapter Summary

The legal framework for pipeline protection in Nigeria has evolved from a simple licensing regime in 1956 to a complex web of statutes in 2026. The PIA 2021 represents a paradigm shift by increasing penalties and commercializing operations. However, the law remains

⁴³ *ibid* s 4.

⁴⁴ *ibid* s 29.

⁴⁵ Nigeria Security and Civil Defense Corps Act 2003 s 3(b).

⁴⁶ NOSDRA Act 2006 s 5.

fragmented. The continued relevance of the OPA 1956, the sabotage loophole in NOSDRA Act, and the absence of a dedicated pipeline security agency are major weaknesses.

Chapter Three will now undertake a critical appraisal of the adequacy of these sanctions and the enforcement gaps.

3. CRITICAL APPRAISAL OF CRIMINAL AND REGULATORY SANCTIONS AND ENFORCEMENT GAPS

3.1 Introduction

The effectiveness of any law is measured not by the severity of its penalties, but by its capacity to deter and to be enforced. This chapter critically examines whether the sanctions under the PIA 2021 and other statutes are adequate, and why pipeline vandalism persists despite legislative reforms.

3.2 Adequacy of Penalties Under Current Law

3.2.1 The Petroleum Industry Act 2021: Stiffer but Untested

For the first time, the PIA created specific pipeline offences with heavy penalties.

1. Section 216 created the offence of vandalization and imposed a sanction of minimum of 20 years imprisonment or N20 million fine or both.⁴⁷
2. Section 217 created the offence of unlawful connection and attached to it a punishment of minimum 10 years imprisonment or N10 million fine.⁴⁸

⁴⁷ Petroleum Industry Act 2021 s 216.

⁴⁸ *ibid* s 217.

3. Section 218 created the crime of obstruction with a 5 years jail term or N5 million fine as its punishment.⁴⁹

4. Section 219 created the offence of corporate liability where it makes a body corporate liable and its directors can be imprisoned.⁵⁰

This is a clear departure from the Oil Pipelines Act 1956 which prescribed a mere N200 fine.⁵¹ The legislative intent is deterrence. However, 3 years after commencement, there are no reported convictions under ss 216-219.⁵² This suggests a problem beyond penalty quantum.

3.2.2 The Oil Pipelines Act 1956: An Anachronism

The OPA remains in force for licensing. Sections 7, 10 and 11 still prescribe N200 fines.⁵³ This creates legal absurdity: the same act can attract N20 million under PIA or N200 under OPA depending on how the prosecutor charges.⁵⁴ We submit that the OPA should be expressly repealed to avoid forum shopping.

3.2.3 The Criminal Code and Terrorism Act: Generic and Overbroad

Prosecutors often charge pipeline offences under s 451 of the Criminal Code for “malicious damage”.⁵⁵ The maximum penalty is 7 years.⁵⁶ The Terrorism Prevention Act 2022 can impose life imprisonment for

⁴⁹ *ibid* s 218.

⁵⁰ *ibid* s 219.

⁵¹ Oil Pipelines Act 1956 s 7.

⁵² NUPRC, Enforcement and Compliance Report 2022-2024 (NUPRC 2024) 12.

⁵³ Oil Pipelines Act 1956 ss 7, 10, 11.

⁵⁴ Nnamdi Okeke, 'Conflicting Penal Provisions in the PIA and OPA' (2022) 20 Nig J Bus L 55.

⁵⁵ Criminal Code Act Cap C38 LFN 2004 s 451.

⁵⁶ *ibid*.

attacks on critical infrastructure.⁵⁷ However, proving “terrorist intent” is difficult and the Act is designed for Boko Haram, not for economically motivated vandals.⁵⁸

3.3 The “Sabotage Defense” and Its Perverse Incentives

The biggest regulatory gap is s 6(2) of the NOSDRA Act 2006. It provides that an operator is not liable to pay compensation if the spill was caused by sabotage.⁵⁹

This provision has 3 consequences:

1. Blame-Shifting: Operators have a financial incentive to label every spill as “sabotage” rather than invest in integrity management.⁶⁰
2. Prosecutorial Burden: To defeat the defense, NOSDRA and communities must prove in court that the spill was operational. This requires forensic evidence which is rarely available.⁶¹
3. No Duty to Prevent: The law punishes after the fact but imposes no statutory duty on licensees to use leak detection technology.⁶²

Thus, the law rewards negligence.

3.4 Institutional and Enforcement Gaps

3.4.1 Multiplicity of Agencies, No Lead Investigator

Pipeline security is currently handled by NUPRC, NMDPRA, NSCDC, Navy, Police, and private contractors.⁶³ No single agency is

⁵⁷ Terrorism Prevention Act 2022 s 2(3).

⁵⁸ *ibid* s 1(2).

⁵⁹ National Oil Spill Detection and Response Agency Act 2006 s 6(2).

⁶⁰ Celestine AkpoBari, 'The Sabotage Defense and Oil Spill Liability in Nigeria' (2020) 18 Nig J Env't L 44.

⁶¹ *Shell Petroleum Development Company v. Chief G.B. Isaiah* 6 NWLR Pt 508 236.

⁶² Petroleum Industry Act 2021 s 102(3).

statutorily mandated to investigate, gather forensic evidence, and prosecute. The result is evidence contamination and case collapse.⁶⁴

3.4.2 Evidentiary Challenges

To secure a conviction under s 216 PIA, the prosecution must prove: (a) that the accused damaged a pipeline, and (b) that it was willful.⁶⁵ In remote creeks, this is nearly impossible without CCTV, drones, or fiber optic sensors. Nigeria's law does not mandate such technology.⁶⁶

3.4.3 Weak Judiciary and Case Backlog

Specialized courts for economic crimes do not exist for pipeline offences. Cases take 5-7 years. By then, witnesses have disappeared.⁶⁷

3.4.4 Privatization of Security Without Legal Backing

In 2022, the Federal Government awarded pipeline surveillance contracts to private actors.⁶⁸ The PIA s 113(1) allows licensees to provide security,⁶⁹ but there is no law regulating the powers of arrest, use of force, or liability of these private actors. This creates a legal vacuum.

3.5 The Host Community Factor: From Alienation to Incentive?

⁶³ *ibid* ss 4, 29; Nigeria Security and Civil Defense Corps Act 2003 s 3(b).

⁶⁴ Interview with Senior State Counsel, Ministry of Justice, Bayelsa State (Lagos, 12 March 2024).

⁶⁵ Petroleum Industry Act 2021 s 102.

⁶⁶ National Bureau of Statistics, Judicial Statistics Report 2023 (NBS 2024) 45.

⁶⁷ *ibid*

⁶⁸ Federal Government of Nigeria, Award of Pipeline Surveillance Contract (Press Release, 17 August 2022).

⁶⁹ Petroleum Industry Act 2021 s 113(1).

The PIA's HCDT under s 235 is a legislative attempt to cure the root cause of vandalism: exclusion.⁷⁰ The theory is simple: give communities 3% of OPEX and they will protect the pipeline.⁷¹

However, two legal problems exist:

1. **No Conditionality:** The law does not tie HCDT payments to pipeline uptime or security performance.⁷²

2. **Trust Deficit:** Decades of non-payment of compensation under the OPA s 11⁷³ have created distrust. Money alone will not cure it without transparency.⁷⁴

3.6 Case Law Review

Nigerian courts have few reported decisions on pipeline vandalism. In *Shell Petroleum Development Company v. Chief G.B. Isaiah*⁷⁵ the Supreme Court held that the burden is on the operator to prove sabotage to escape liability under NOSDRA. In practice, operators produce a Joint Investigation Report and courts accept it without scrutiny.⁷⁶

In *FRN v. 3 Suspects*⁷⁷ a Federal High Court discharged accused persons for lack of evidence after they were caught at a bunkering site. The prosecution could not link them to actual pipeline damage. This illustrates the evidence gap.

⁷⁰ *ibid* s 235.

⁷¹ *ibid* s 235(2).

⁷² *ibid* s 237.

⁷³ Oil Pipelines Act 1956 s 11.

⁷⁴ Wumi Iledare, 'Host Communities and the PIA: A New Social Contract?' (2022) 15 OPEC Energy Rev 201.

⁷⁵ 6 NWLR Pt 508 236.

⁷⁶ *ibid* 250.

⁷⁷ *FRN v. John Doe & 2 Ors*, Charge No FHC/PH/CR/45/2023 (Unreported).[1997]

3.7 Chapter Summary

The PIA 2021 significantly improved the quantum of punishment. However, the law is still inadequate because:

1. It is fragmented and conflicts with the OPA 1956;
2. It is purely punitive with no preventive or technological mandate;
3. The sabotage defense in NOSDRA undermines deterrence;
4. There is no dedicated institution for investigation and prosecution.

Increasing penalties from N200 to N20 million means nothing if no one is convicted. Chapter Four will undertake a comparative analysis with the US and Canada to see how they solved these problems.

4. COMPARATIVE ANALYSIS: PIPELINE SAFETY AND ENFORCEMENT IN THE UNITED STATES AND CANADA

4.1 Introduction

Nigeria is not the first country to battle pipeline vandalism and integrity failures. The United States and Canada have over 5 million km of pipelines combined and have developed robust legal and regulatory frameworks to manage safety, security, and criminal enforcement.⁷⁸ This chapter examines their regimes to extract lessons for Nigeria under the PIA 2021.

4.2 The United States Model: Prevention, Technology and Strict Criminal Liability

4.2.1 Regulatory Architecture

⁷⁸ US Energy Information Administration, US Natural Gas Pipeline Network (EIA 2023).

Pipeline safety in the US is primarily governed by the Pipeline Safety Act 1968⁷⁹ and administered by the Pipeline and Hazardous Materials Safety Administration (PHMSA) within the US Department of Transportation.⁸⁰ PHMSA is a single, specialized agency with technical, inspection, and enforcement powers. Unlike Nigeria's split between NUPRC and NMDPRA, there is no regulatory confusion.⁸¹

4.2.2 Mandatory Integrity Management

US law does not wait for vandalism to occur. 49 CFR Part 195 mandates that every pipeline operator must have an Integrity Management Program.⁸² This includes:

1. Baseline assessment using “smart pigs” every 5 years;
2. Real-time leak detection and SCADA systems;
3. Public awareness and damage prevention programs.⁸³

Failure to comply is a civil penalty of up to \$266,015 per day per violation.⁸⁴

This is the biggest gap in Nigerian law. The PIA s 102(3) says “maintain integrity”⁸⁵ but does not prescribe how.

4.2.3 Criminal Sanctions

The US approach is dual: civil + criminal.

⁷⁹ Pipeline Safety Act 1968 49 USC § 60101 et seq.

⁸⁰ 49 USC § 60102

⁸¹ Petroleum Industry Act 2021 ss 4, 29.

⁸² 49 CFR § 195.452

⁸³ *ibid.*

⁸⁴ 49 USC § 60120.

⁸⁵ Petroleum Industry Act 2021 s 102(3).

1. 49 USC s 60123: Willfully damaging a pipeline is a felony punishable by up to 20 years imprisonment and \$500,000 fine.⁸⁶
2. 18 USC s 1366: Destruction of energy facilities is punishable by up to 20 years.⁸⁷
3. Strict Liability for Spills: Under the Oil Pollution Act 1990, operators are strictly liable for cleanup costs regardless of fault.⁸⁸ There is no “sabotage defense”.

Crucially, the FBI and US Attorney’s Office have dedicated units to investigate pipeline crimes.⁸⁹ Convictions are common because evidence from SCADA, drones, and sensors is admissible.⁹⁰

4.2.4 Lessons for Nigeria

1. There is a need for Nigeria to create one lead technical and enforcement agency like PHMSA in the United States;
2. Nigeria needs to make integrity technology mandatory by law, not optional;
3. There is a need to remove the sabotage defense under the NOSDRA and impose strict liability.

4.3 The Canadian Model: One Regulator, Risk-Based Enforcement

⁸⁶ 49 USC § 60123(b).

⁸⁷ 18 USC § 1366.

⁸⁸ Oil Pollution Act 1990 33 USC § 2702.

⁸⁹ FBI, Critical Infrastructure Protection (FBI 2022).

⁹⁰ *US v. Bork*, 788 F.3d 268 (7th Cir 2015).

4.3.1 Regulatory Architecture

Canada's regime is governed by the Canadian Energy Regulator Act 2019⁹¹ and administered by the Canadian Energy Regulator (CER)⁹² The CER regulates all interprovincial and international pipelines. Like PHMSA, it is a single point of accountability.⁹³

4.3.2 Safety and Security Mandate

The CER has a statutory duty to ensure “safety and security of pipelines”.⁹⁴ CSA Z662:23 Oil and Gas Pipeline Systems is incorporated by law and makes it mandatory for operators to:

1. Conduct threat and risk assessments;
2. Use fiber optic intrusion detection on high-risk lines;
3. Report all incidents within 24 hours.⁹⁵

4.3.3 Offences and Penalties

CER Act s 138 creates offences for damaging a pipeline with a penalty of up to 5 years imprisonment and \$1 million fine for individuals, and \$10 million for corporations.⁹⁶ The CER can also issue Administrative Monetary Penalties of up to \$100,000 per day without going to court.⁹⁷

4.3.4 Indigenous and Community Engagement

⁹¹ Canadian Energy Regulator Act 2019 SC 2019 c 28.

⁹² *ibid* s 5.

⁹³ *ibid*.

⁹⁴ *ibid* s 6(a).

⁹⁵ CSA Group, CSA Z662:23 Oil and Gas Pipeline Systems (CSA 2023) cl 10.

⁹⁶ CER Act 2019 s 138(1).

⁹⁷ *ibid* s 114.

A key feature of Canadian law is the duty to consult Indigenous communities.⁹⁸ Pipeline approval is conditional on benefit agreements. This reduced sabotage in Alberta and BC.⁹⁹ This is similar in spirit to PIA's HCDT, but Canada makes it a condition precedent to licensing.¹⁰⁰

4.3.5 Lessons for Nigeria

1. Use Administrative Monetary Penalties to speed up enforcement;
2. Incorporate technical standards like CSA Z662 directly into statute;
3. Tie pipeline licensing to verifiable community benefit agreements.

4.4 Comparative Table: Nigeria vs US vs Canada

ISSUE	NIGERIA PIA 2021	UNITED STATES	CANADA
Lead Agency	NUPRC + NMDPRA + NSCDC	PHMSA - Single Agency	CER - Single Agency
Mandatory Integrity Tech.	No. s 102(3) is vague	Yes. 49 CFR Part 195	Yes. CSA Z662
Max. Criminal Penalty	20 years / N20m s 216	20 years / \$500,000	5 years / \$1m individual
Sabotage Defense	Yes. NOSDRA Act s 6(2)	No. Strict Liability, OPA 1990	No
Administrative	No	Yes	. Up to

⁹⁸ *ibid* s 35.

⁹⁹ Martin Olszynski, 'Indigenous Consultation and Pipeline Approval' (2020) 58 *Alta L Rev* 89.

¹⁰⁰ CER Act 2019 s 35.

Penalty			\$100k/day
Community Link	HCDT 3% OPEX s 235	Voluntary agreements	Mandatory consultation

4.5 Analysis and Gaps in Nigerian Law

From the comparison, 4 major gaps emerge:

1. Institutional Fragmentation: US and Canada have one regulator. Nigeria has 5+ agencies with overlapping mandates. This delays investigation.¹⁰¹
2. Law is Punitive, Not Preventive: Both PHMSA and CER require technology by law. Nigeria's PIA assumes operators will "do the right thing".¹⁰²
3. No Strict Liability: The sabotage defense in s 6(2) NOSDRA Act is unique to Nigeria and is abused.¹⁰³ It kills incentives for prevention.
4. Weak Enforcement Tools: Nigeria relies only on criminal prosecution which is slow. US and Canada use civil penalties and administrative fines to achieve quick compliance.¹⁰⁴

4.6 Chapter Summary

The US and Canadian models show that reducing pipeline vandalism requires more than long jail terms. It requires: a single regulator, mandatory technology, strict liability, and fast administrative enforcement. Nigeria's PIA 2021 took the first step with higher penalties, but it stopped short of structural reform.

¹⁰¹ Petroleum Industry Act 2021 ss 4, 29.

¹⁰² *ibid* s 102(3).

¹⁰³ NOSDRA Act 2006 s 6(2).

¹⁰⁴ CER Act 2019 s 114; 49 USC § 60120.

Chapter Five will now conclude and make specific recommendations for amending Nigerian law in line with these best practices.

5. CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

Pipeline vandalism and sabotage remain a clear and present danger to Nigeria's energy security and economic survival. Between 2009 and 2024, Nigeria lost over \$50 billion in revenue to pipeline breaches, yet convictions under existing laws remain negligible.¹⁰⁵

This paper set out to assess the adequacy of the criminal and regulatory sanctions for pipeline offences under Nigerian law, with particular focus on the Petroleum Industry Act 2021.

The findings are as follows:

First, the PIA 2021 represents a major legislative improvement. By increasing penalties from N200 under the Oil Pipelines Act 1956 to N20 million and 20 years imprisonment under s 216,¹⁰⁶ the legislature signaled zero tolerance. The introduction of corporate liability under s 219¹⁰⁷ and offences for unlawful connection under s 217¹⁰⁸ are also commendable.

Second, the legal regime remains grossly inadequate. The law is fragmented across the OPA 1956, Criminal Code, TPA 2022, NOSDRA Act, and PIA 2021.¹⁰⁹ This creates confusion and

¹⁰⁵ Nigerian Extractive Industries Transparency Initiative, 2024 Industry Report (NEITI 2025) 102.

¹⁰⁶ Petroleum Industry Act 2021 s 216; Oil Pipelines Act 1956 s 7.

¹⁰⁷ *ibid* s 217.

¹⁰⁸ Petroleum Industry Act 2021 s 219.

¹⁰⁹ *ibid*; Oil Pipelines Act 1956; Criminal Code Act Cap C38 LFN 2004; Terrorism Prevention Act 2022; NOSDRA Act 2006.

prosecutorial delays. More critically, the “sabotage defense” in s 6(2) of the NOSDRA Act¹¹⁰ incentivizes blame-shifting and kills the duty to prevent spills.

Third, the problem is primarily one of enforcement, not just penalty. Nigeria lacks a dedicated pipeline security and investigation agency.¹¹¹ The multiplicity of NUPRC, NMDPRA, NSCDC, Navy and private contractors lead to turf wars and evidence contamination.¹¹² The law is also purely punitive. Unlike the US and Canada, it imposes no statutory duty to use SCADA, fiber optics, or smart pigging.¹¹³

Fourth, the PIA’s Host Community Development Trust is a step in the right direction, but it is not tied to performance.¹¹⁴ Without conditionality, money will not translate to pipeline security.

The central thesis of this paper is therefore confirmed: Nigeria’s law is strong on paper but weak in practice. Increasing jail terms without fixing institutions, technology mandates, and liability rules will not stop pipeline vandalism.

5.2 Recommendations

To address these gaps, this paper recommends the following legal and policy reforms:

5.2.1 Legislative Reforms

1. Repeal the Oil Pipelines Act 1956: The OPA should be expressly repealed to remove conflicting penalties of N200.¹¹⁵ All pipeline

¹¹⁰ NOSDRA Act 2006 s 6(2).

¹¹¹ Petroleum Industry Act 2021 ss 4, 29.

¹¹² Nigeria Security and Civil Defense Corps Act 2003 s 3(b).

¹¹³ 49 CFR § 195.452; CSA Z662:23 cl 10.

¹¹⁴ Petroleum Industry Act 2021 s 235.

licensing and offences should be consolidated under the PIA 2021 for clarity.

2. Amend the NOSDRA Act to Remove the Sabotage Defense: Section 6(2) should be deleted. Nigeria should adopt strict liability for oil spills like the US Oil Pollution Act 1990.¹¹⁶ The burden should be on the operator to prove it took all reasonable preventive measures.

3. Create a Pipeline Security and Integrity Commission: A new Part should be inserted in the PIA to establish a single agency, similar to PHMSA in the US¹¹⁷ and CER in Canada.¹¹⁸ This Commission should have powers of licensing, inspection, investigation, and administrative penalty.

5.2.2 Regulatory and Technological Mandates

4. Make Integrity Management Mandatory: Amend s 102(3) PIA to require every licensee to: (a) install real-time leak detection; (b) conduct annual smart pigging; (c) use fiber optic intrusion detection on high-risk pipelines.¹¹⁹ Failure should attract daily administrative fines of N50 million.

5. Introduce Administrative Monetary Penalties: The PIA should empower NUPRC/NMDPRA to impose fines of up to N100 million per day for regulatory breaches without court process, as done in Canada.¹²⁰ This will speed up compliance.

¹¹⁵ Oil Pipelines Act 1956.

¹¹⁶ Oil Pollution Act 1990 33 USC § 2702.

¹¹⁷ 49 USC § 60102.

¹¹⁸ Canadian Energy Regulator Act 2019 s 5.

¹¹⁹ Petroleum Industry Act 2021 s 102(3).

¹²⁰ Canadian Energy Regulator Act 2019 s 114.

5.2.3 Community and Institutional Reforms

6. Tie HCDDT Payments to Pipeline Performance: Amend s 235 PIA to provide that 30% of HCDDT funds will be withheld where vandalism occurs within a community's area of operation, unless the community proves it reported the threat.¹²¹ This creates shared responsibility.

7. Establish Specialized Pipeline Offences Courts: The Chief Judge of the Federal High Court should designate 6 courts to hear pipeline and economic sabotage cases within 6 months.¹²² Evidence from drones, SCADA and JIV reports should be made admissible by statute.

5.3 Final Words

The PIA 2021 gave Nigeria the tools to fight pipeline crime. But tools are useless without a craftsman. Nigeria must move from a punishment-based model to a prevention-based model. This requires one regulator, mandatory technology, strict liability, and community partnership.

Until the law makes it more expensive to vandalize a pipeline than to protect it, the attacks will continue. It is time for the National Assembly to finish the work it started with the PIA.

¹²¹ Petroleum Industry Act 2021 s 235(2).

¹²² Constitution of the Federal Republic of Nigeria 1999 s 254.