



# Drug Policy and Control in Nigeria: The Role of the National Drugs Law Enforcement Agency



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## Abstract

The increasing rise in the use of drugs and psychoactive substances among youths, most especially females, in Nigeria is worrisome. Even with the presence of the National Drugs Law Enforcement Agency (NDLEA), the menace of drug abuse in Nigeria is far from being eradicated. This study is aimed at examining drug policy and control in Nigeria, with special focus on the role of the NDLEA and other relevant agencies that are saddled with the fight against this malaise. The study used ethnographic method to review literature on the subject matter, and also x-rayed the modus operandi of the NDLEA as well as its limitations. The study concluded by recommending some ways by which the NDLEA can be rejigged for effective drug control policy in Nigeria.

**Keywords:** Drug; Drug Abuse; Control; Policy; NDLEA; Trafficking

## Introduction

Recently, there has been a proliferation of drugs and psychoactive substance use among youths in Nigeria. More disturbing is that there is a geometric rise of substance use among females. According to a documentary report by the British Broadcasting Corporation, The Cable newspaper [1], about three million bottles of codeine is consumed in Nigeria daily, and out of this figure, more than half of the total bottles are consumed in Kano and Jigawa alone, mostly by females. This is in addition to a widespread abuse of drugs such as tramadol, cannabis, and other psychoactive substances that have dire consequences on the physical, social, economic and security lives of Nigerians. This day Newspaper [2] reported that 40% of Nigerian youths engage in substance and drug abuse. To buttress the above statistic, a results released by NOI Polls Limited [3] reveal that almost 9 in 10 Nigerians (90%) believe the highest abusers of drugs and substance are teenagers and young adults aged between 15 and 29 years old. Furthermore, results show that the most abused substance in Nigeria is marijuana, codeine and alcohol. The result also reported that the key causes for the rise in drug and substance abuse are poverty and unemployment.

By far the most commonly abused and misused drugs by youths in Nigeria are Tramadol and Codeine. Tramadol is a synthetic opioid analgesic used to treat moderate and severe pains. In prescribed doses it has no negative effects on

the respiratory system but an overdose causes arrhythmias, cramps, coma and eventually death. Codeine on the other hand is commonly prescribed as a painkiller because it is relatively mild when compared with many other opioid painkillers. It is nevertheless dangerous and could easily lead to dependence. Prolonged and frequent codeine abuse can lead to maladaptive behaviours and health problems, including death [4]. The effect of drugs on individuals and the society at large cannot be over emphasized. Drug addiction and substance abuse can be linked to various ill effects in the society. Several findings have shown that substance abuse to a large extent is directly related to the increase in crime and violence in the country. A number of abusers, especially youths and young adults, have been identified to be involved in armed robbery and daring exploits. Substance abuse has also been linked, to a certain level, to early school dropout and a number of HIV/AIDS cases due to the sharing of needles in the course of administering drugs [3].

In terms of the economic implications of drug abuse in Nigeria, Bada [5] observed that maintaining a drug habit in Nigeria has seen drug users spending more than they used to in the last few years. The cost of maintaining a drug habit in Nigeria has risen according to the Bloomberg Global Vice Index. Data shows Nigeria at position 68 in the sample of 75 countries in the frivolity of drug funding. The figures, according to Bloomberg

Global Vice Index (2017), shows that drug users in Nigeria dedicate 168 percent of weekly pay, or \$68 USD to body-altering chemicals. The Nigerian drug-alcohol shadow economy is put at \$463.8million (N166.968 billion).

According to a report by Nigeria Stability and Reconciliation Programme [6], Nigeria has developed a reputation as a hub for international drug trafficking as well as consumption. The report which is a fall out of a study carried out in Nigeria, law enforcement officials reported that Nigerian criminal organizations are involved in the transportation of narcotics such as cocaine, heroin and, increasingly, methamphetamine to consumers in wealthy countries. Research indicates that Nigerian drug traffickers are adaptable, politically well-connected and sophisticated. They are able to independently move extremely large shipments through transit countries in West Africa and draw from a large Nigerian diaspora to facilitate distribution in Europe, North America and East Asia (NSRP, 2003).

From the foregoing, it is pertinent for government and other relevant stakeholders to wake up from slumber before this menace eat up our youths. It has been observed that one of the key factors why drug abuse still persists uncontrollably in Nigeria is due to the weakness of drugs control policies. According to Youth Rise [7], the trafficking and use of drugs in Nigeria can be said to be a growing concern that has witnessed a series of efforts over the years in an attempt to control the surge. Whether these efforts are achieving the expected result is a big question to be fully determined. However, the call for drug policy reform in Nigeria has continued to gain momentum based on the increasing evidence of the failure of the current approach that relies more on suppressing supply and applying punitive measures to drug use. The establishment of the National Drugs Law Enforcement Agency (NDLEA) has not help matters as it is plagued by funding difficulties. Hence, this study is out to examine the drug control policies in Nigeria, and also take a look at the National Drugs Law Enforcement Agency with a view of exposing its operational difficulties that bugs it down.

### Theoretical Underpinning

This study is premised on the Rational Choice Theory also known as the rational action theory which stipulates that an individual has preferences among available choice alternatives that allow them to state which option they prefer. This theory sufficiently explains why people always disobey drug control laws. According to Ogege [8], the rational choice theory is a variant of the symbolic interactionist perspective which is anchored on the premise that human actions are guided by the meanings they assign to such actions. Based on the assumption, people faced with several courses of action, will usually do what they believe is likely to have the best overall outcome, Elster 1989 cited in Ogege [8].

Ogege [8] observed that the rational choice theory explains that deviant behavior occurs when a person weighs the costs

and benefits of non-conventional or criminal behavior and determines that the benefits will outweigh the risks involved in such actions. In other words, the theory has it that, people who commit crimes do not engage in random acts of antisocial behavior. Instead, they make careful decisions based on weighing the available information regarding situational factors such as the place of crime, suitable targets and availability of people to deter the behavior and personal factors such as the reward of the behavior, Siegel (1998) cited in Ogege [8].

Applying the rational choice theory to the breaking of drug prohibition laws, those who break the laws make rational choice by carefully calculating and weighing what they stand to gain if they embark on the manufacture, importation, sale and consumption of prohibited drugs. It is when they place the benefits side by side with the risks of being caught by drug law enforcement agents before they embark on it. The benefits could be monetary reward or psychological satisfaction Ogege [8].

### Rundown of Drug Policies in Nigeria

There is dearth of information on drug policy in Nigeria during the early era of colonialization up to 1914 when the country was birthed. However, the first known law against drugs abuse and trafficking in Nigeria is the Dangerous Drugs Ordinance of 1935. According to Nwannennaya & Abiodun [9], the Dangerous Drugs ordinance guided the then Board of Customs and Excise and the Nigerian Police under the colonial government to tackle drugs abuse and trafficking locally. Thereafter, the Indian hemp [Cannabis] Decree of 1966 was promulgated by the military government of General J.T.U. Aguiyi Ironsi, now in an independent Nigeria. Under this Decree, cultivation of cannabis attracted the death penalty or 21 years in jail, and exportation was punishable by 10 years of imprisonment [10]. Also under the decree, a stiff penalty of at least 10 years in jail was reserved for those found smoking or in possession of the drug, Federal Military Government (1966).

According to Obot [10], the Indian Hemp Decree of 1966 was amended in 1975 and the punitive provisions were made less severe. Hence, the amendment expunged the death penalty for the cultivation of cannabis, while the punishment for cannabis smoking was lessened to six months and/or a fine (Federal Military Government (1975) cited in Obot [10]. However, in 1984 the military government of Buhari/Idiagbon changed the punitive provisions of the Indian Hemp Dree of 1966 (Amended) by re-introducing the death penalty which the original decree stipulated. Also under the repealed law, any person under the age of 17 years was to be given 21 strokes of the cane, 2 years in borstal or fine of N200.00 for smoking or possession [8].

According to Ogege [8], a special Tribunal (Miscellaneous Offenses) Decree came up in the later part of 1984. The decree abolished death penalty on drug abuse due to public outcry which greeted it. However, the decree instituted life imprisonment for importing, manufacturing, producing, processing, planting or

growing of cocaine, Cannabis, Lysergic acid diethylamide (LSD), heroin or other narcotic drugs, imprisonment not exceeding 20 years for exporting, transporting or trafficking. A jail term of not less than 14 years for selling, buying, exposing for sale or dealing was instituted, imprisonment of not less than 2 years (but not more than 10 years) for possession or consumption. Forfeiture of asset and passport was also instituted and a special tribunal was set up solely for enforcement of drugs laws. In 1986, with the coming of a new military government of General Ibrahim Babangida, the 1984 Decree was amended and life imprisonment was substituted for the death penalty. This Special Tribunal (Miscellaneous Offences) (Amendment) Decree of 1986 introduced new features into Nigerian drug law, the most significant of which was the provision regarding forfeiture of assets and passport (Obot, 2003).

In 1989, following a disturbing increase in drug trafficking in Nigeria, the Decree 48 of 1989 was enacted leading to the establishment of the National Drugs Law Enforcement Agency (NDLEA). This is regarded as the most significant drug control policy in Nigeria. The agency's primary mandate was to tackle the menace of drugs abuse and trafficking which was spoiling the image of the country at that time as the United States government was beginning to express its unhappiness with the Nigerian government because of the growing role of Nigerians in exacerbating the drug problem in the U.S. Obot [10] reported that not only were Nigerians bringing drugs into the U.S., those resident in the country and in Asia were using inner-city gangs to distribute drugs in urban neighbourhoods.

Another notable drug control policy in Nigeria was in 1995 with the promulgation of the Money Laundering Decree No. 3 by the military government of General Sani Abacha which gave greater powers to the NDLEA to mount surveillance on the bank accounts of suspects. The Decree also placed limitations on cash payments, mandated banks to report deposits of amounts beyond a certain limit and gave powers to the NDLEA to tap any telephone line [10]. Also, recently, following a spiral increase in the abuse of drugs by the youths especially in the North, two committees on the eradication of drug abuse headed by Buba Marwa and Boss Mustapha were set up by the Buhari government in December 2018. It is left to know what the outcome from these committees will be. But Nigeria is far from achieving a drug-free society at the moment.

### Assessing The National Drugs Law Enforcement Agency (NDLEA)

The National Drug Law Enforcement Agency (NDLEA) is a Federal agency in Nigeria charged with eliminating the growing, processing, manufacturing, selling, exporting, and trafficking of hard drugs [9]. According to Obot [10], the agency was established in 1989 as a response to the United Nations Convention against Illicit Trafficking in Narcotics Drugs and Psychotropic Substances of 1988. Among many of its provisions, the NDLEA Decree set up an agency of the same name and listed the punishment for drug

offences, including the forfeiture of assets of arrested persons. In this Decree, trafficking in cocaine, LSD, heroin, or similar drugs is punishable by life imprisonment, while possession or use attracts a sentence of '15 years but not exceeding 25 years'. Since the agency was established, it has put in spirited efforts in the enforcement of laws on drug trafficking and abuse. To this effect, so many persons have been prosecuted, and sent to prison with varying jail terms, consignments of drugs and substances confirmed to be prohibited or counterfeits worth billions of naira are destroyed from time to time, and articles, vehicles and vessels used by drug law breakers are confiscated by the agency [8].

However, Obot [10] observed that even after the establishment of the agency in 1989, drug trafficking continued unabated in the 1990s leading to the decertification of Nigeria by the United States of America in 1994. The beginning of Nigeria's status as a pariah nation for five years was the announcement of U.S. certification decisions for 1993 that were made in early 1994. The country was decertified for failing in its drug control efforts and severe sanctions were imposed. The only other countries to be decertified that year were Myanmar, Iran, and Syria. It was a difficult company to keep, and probably much more so when Afghanistan was added to the list of decertified nations the following year. The criteria for determining drug transit status are not as concrete. A country falls on the majors list if it is 'a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States; or through which are transported such drugs or substances' to the U.S. (Bureau of International Narcotics and Law Enforcement Affairs [11] cited in Obot [10]).

Youth Arise [7] observed that the structural set-up and orientation of the agency as a law enforcement institution has made it difficult for it to professionally handle drug use as a public health issue. The institution is situated under the Ministry of Justice. Hence there is a natural default towards the use of criminal sanctions in its operation. A look at the agency's mission statement, which uses the word 'suppression' of Demand for illicit drugs and other substances of abuse, is a pointer to the use of force even for a response that should be health-centered.

According to Obot [10], the NDLEA had become 'Nigeria's stinking house of drugs' and there were regular stories in the media about scandals at the agency. The agency over the years has been involved in various scandals that have affected its operation including corruption, collecting gratification from drug traffickers, pilfering of seized drugs, military interference in the agency, and poor funding among others [12]. The issue of corruption and collection of gratification from drug started from the inception of the agency in 1990. The first chairman of the agency, Mr. Fidelis Oyakhilome, a Commissioner of Police, was butted out of office due to corruption allegations that were leveled on him.

According to Uwiagbo (n.d.) [12], in January 1993, a senior officer of the agency was suspended for allegedly masterminding

the removed of 200 grams of cocaine exhibits expelled from the bowels of a detained suspected drug courier. In February 1993, the nation was stunned with the disappearance of 40 tons of Indian Hemp impounded earlier during a raid in Ondo State. The weed was valued at N1.5 million. In May 1993, an Assistant Director of the Agency was sentenced to 10 years imprisonment for receiving a N100,000 bribe. In November 1993 massive corrupt practices were reported in Kano Zonal Command of the NDLEA. Obot [10] reported that there were sloppy handling of exhibits, missing equipment donated by the international community, improper use of machines and dogs, vandalisation of drug detecting equipment, conflicts between the agency and other law enforcement bodies over the handling of cases, loss of case files, low morale and corruption among agents which are attributed to poor conditions of service and increasing murder of agents by suspected traffickers and cannabis farmers.

### Conclusion and Recommendations

It is evident that the fight against drugs needs a more effective policy by the government. The present condition where the onus has been left on the National Drugs Law Enforcement Agency (NDLEA) and other security agencies is not adequate. It is the submission of this study that the fight against drug abuse should be less confrontational and more conventional. By being conventional, policies should gear towards drug education and rehabilitation of those that have been caught in the web of drug dependence. Also, there is need to introduce drug education in our schools from the cradle through the different levels of education in Nigeria.

Hence, this study recommends as follows:

- i. There should be increased funding and budgetary allocation for the National Drugs Law Enforcement Agency (NDLEA). This funding will help in providing logistical support, offices and training for the officials of the agency.
- ii. Policies on drug abuse and trafficking should be directed towards education and rehabilitation instead of confrontational. Drug abusers should be seen as sick people who should be taken for rehabilitation instead of imprisonment.

iii. There is need to effectively train the personnel of the NDLEA to meet with current trends in the global fight against drug abuse and trafficking.

iv. Recruitment of personnel into the NDLEA should be stringent in order not to allow people of questionable character and drug dependent persons into the service.

v. The practice where the Chairman of the NDLEA is chosen from outside the agency should be discontinued. The leadership of the agency should be chosen from career officers who grew from the ranks. These officers will do well as they have the requisite experience and professionalism to head the agency.

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