

THE ROLE OF NDLEA IN MITIGATING ILLCIT DRUG MENACE IN NIGERIA: A CRITICAL ANALYSIS OF CONTROL MEASURES SINCE 1989

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Abstract

Illicit drug menace has become a threat to Nigeria's national security, public health, and socio-economic development. Established in 1989, the National Drug Law Enforcement Agency (NDLEA) has been at the forefront of efforts to combat illicit drug trafficking and abuse in Nigeria. This study provides a critical analysis of the NDLEA's control measures and their effectiveness in mitigating illicit drug menace in Nigeria since 1989. Using a mixed-methods approach, this research examines the NDLEA's strategies, policies, and programs aimed at curbing illicit drug trafficking, abuse, and related organized crime. The study also assesses the challenges and prospects faced by the NDLEA in executing its mandate. The findings of this study reveal that while the NDLEA has made significant strides in combating illicit drug trafficking and abuse, several challenges persist, including inadequate funding, corruption, and lack of effective collaboration with other stakeholders. The study recommends that the NDLEA should strengthen its institutional capacity, enhance its collaboration with other law enforcement agencies, and adopt a more holistic approach to addressing the illicit drug menace in Nigeria.

Key Words: Illicit drug menace, NDLEA, Control measures, National security, Public health, socioeconomic development

Introduction

The challenges associated with illicit drugs have evolved into a pervasive and insidious threat to global peace and security, exerting far-reaching and devastating consequences on individuals, communities, and nations worldwide. The unchecked proliferation of illicit drugs has spawned a multidimensional crisis, imperiling the very foundations of societal stability, economic development, and human well-being. In Nigeria, the drug problem has assumed alarming proportions, with significant and debilitating impacts on public health, national security, and socio-economic development. The country's unique geographical location, which renders it vulnerable to the influx of illicit drugs from various regions, has been exacerbated by a complex interplay of economic factors, cultural practices, and institutional weaknesses. These factors have collectively contributed to Nigeria's heightened susceptibility to drug trafficking and abuse, critical nexus in the global illicit drug trade.

Against this backdrop, the National Drug Law Enforcement Agency (NDLEA) was established in 1989, as a specialised agency tasked with combating the illicit drug menace in Nigeria. The NDLEA mandate is comprehensive, encompassing the enforcement of laws and regulations relating to the cultivation, processing, manufacture, sale, possession, and use of narcotic drugs and psychotropic substances. Despite the NDLEA's concerted efforts to disrupt and dismantle illicit drug trafficking networks, the menace persists, with Nigeria remaining a critical transit point for the trafficking of cocaine, heroin, and other illicit substances. The persistence of the illicit drug menace in Nigeria,

despite the NDLEA's efforts, underscores the complexity and scale of the problem. It highlights the need for a more nuanced understanding of the underlying factors driving the illicit drug trade, as well as the development of more effective strategies to combat this menace.¹

This research seeks to critically analyze the role of the NDLEA in mitigating the illicit drug menace in Nigeria, with a focus on the control measures employed by the agency since its inception. The study aims to examine the NDLEA's strategies, policies, and programs aimed at curbing illicit drug trafficking, abuse, and related organized crime. The research also seeks to assess the challenges and prospects faced by the NDLEA in executing its mandate. In the light of the above, the role of the National Drug Law Enforcement Agency (NDLEA) in mitigating the illicit drug menace in Nigeria has been a subject of interest among researchers and scholars.

Therefore, scholars like O. Agbu, while trying to examine the control measures employed by the NDLEA in combating illicit drug trafficking and abuse in Nigeria, drawing on the historical context of the NDLEA's establishment and its mandate in combating illicit drug trafficking and abuse in Nigeria. Agbu noted that the NDLEA was established in 1989 as a response to the growing threat of illicit drug trafficking and abuse in Nigeria. He highlighted the NDLEA's control measures, including the enforcement of laws and regulations relating to the cultivation, processing, manufacture, sale, possession, and use of narcotic drugs and psychotropic substances.² On the other hand, J. Akinsanya investigated the effectiveness of the NDLEA's control measures in combating illicit drug trafficking and abuse in Nigeria. He noted that the NDLEA has made significant progress in disrupting and dismantling illicit drug trafficking networks, but argues that the agency faces significant challenges, including inadequate funding, corruption, and lack of effective collaboration with other stakeholders.³ While, G. Ijaiya and J. Akinsanya examine the NDLEA's strategies for combating illicit drug trafficking and abuse in Nigeria. The authors note that the NDLEA has adopted a multi-faceted approach, including law enforcement, public awareness campaigns, and treatment and rehabilitation programs. The authors also highlight the need for the NDLEA to strengthen its collaboration with other stakeholders, including law enforcement agencies, public health officials, and community leaders.⁴

A. Oyeade on his part explores the impact of the NDLEA's control measures on Nigeria's socio-economic development. He reiterated that the illicit drug trade has undermined Nigeria's economic growth, corrupted its institutions, and diverted resources away from legitimate economic activities. Oyeade in view his point suggested the need for the NDLEA to adopt a more effective approach to combating illicit drug trafficking and abuse, which included strengthening its collaboration with other stakeholders and improving its capacity for law enforcement.⁵ O. Adeleke in his analysis examined the challenges faced by NDLEA in combating illicit drug trafficking and abuse in Nigeria. He opined that the NDLEA faces significant challenges, including inadequate funding, corruption, and lack of effective collaboration with other stakeholders. Adeleke also highlights the need for the NDLEA to strengthen its institutional capacity, including its human and material resources, to effectively combat illicit drug trafficking and abuse.⁶

The above reviewed literature is testament to the examination of the control measures employed by the NDLEA in combating illicit drug trafficking and abuse in Nigeria since the body was created in 1989. The reviewed authors have highlighted the NDLEA's progress in disrupting and dismantling illicit drug trafficking networks, but also note the significant challenges facing the agency, including inadequate funding, corruption, and lack of effective collaboration with other stakeholders. The authors have also emphasized the need for the NDLEA to strengthen its institutional capacity, including its human and material resources, to effectively combat illicit drug trafficking and abuse.

Conceptual Clarifications

For the sake of clarity the paper hopes to provide conceptual clarifications of major keywords used in this paper, namely, illicit drug menace, NDLEA, Control measures, National security, and Public health.

Illicit drug menace

Illicit drug menace refers to the widespread and harmful use of illegal drugs, posing significant threats to individuals, communities, and societies.⁷ According to P.J., the illicit drug menace encompasses not only the health risks associated with drug use but also the social and economic problems that arise from it.⁸ The illicit drug menace is characterized by health risks, addiction, overdose, and a range of physical and mental health problems. The social problems emanated from Illicit drug use can contribute to crime, violence, and social disorder, as well as family breakdown and community instability.⁹ Additionally, illicit drug menace can impose significant economic costs on individuals, families, communities, and societies, including healthcare costs, lost productivity, and law enforcement expenses. This menace can have severe consequences, which include addiction and overdose as mentioned above. The addiction and overdose can be fatal, and have the tendency to lure addicts into crime and violence while trying to fund their habit. Substances abuse can also increase aggression, paranoia, or anxiety, contributing to violent behaviour.¹⁰ The violence from drug menace can undermine community stability and social cohesion, particularly in areas with high levels of drug use and trafficking.¹¹

NDLEA

NDLEA stands for National Drug Law Enforcement Agency. According to the NDLEA Act, the agency is responsible for enforcing drug laws in Nigeria, including drug trafficking, abuse, and rehabilitation. The NDLEA's functions include drug law enforcement, which includes, investigating and prosecuting drug-related offenses. NDLEA responsibilities also extend to drug abuse prevention, educating of the public about the dangers of drug abuse and also promoting prevention programs. They are also responsible for rehabilitation, which includes, providing treatment and rehabilitation services for individuals struggling with drug addiction. The NDLEA also play a crucial role in combating drug trafficking, reducing the supply of illicit drugs in Nigeria.¹²

Control measures

Control measures refer to strategies, policies, or interventions designed to mitigate or prevent specific problems or actions taken to reduce or eliminate hazards or risks. Control measures can include, regulatory measures, such as policies aimed at controlling specific behaviours or activities. Control measures extend to administrative measures, which include procedures, guidelines, and protocols designed to manage risks or prevent problems. Control measures can also be in way of technical measures, such as, technological solutions or engineering controls designed to mitigate risks or prevent problems. Control measures are essential in reducing or eliminating hazards or risks and prevention of harm or damage. It can be in terms of preventing specific problems or issues arising or escalating from public health, which helps in controlling the spread of diseases or reducing exposure to health risks.¹³

National security

National security refers to the protection of a nation's interests, assets, and citizens from external and internal threats. According to B. Buzan, national security encompasses the defense of a country's sovereignty, territorial integrity, and political independence. National security has several dimensions, which includes military security that has to do with protection from external military threats. **National security extends to** economic security, which include, protection of a nation's

economic interests and stability.¹⁴ It also involves protection from environmental threats and degradation. National security also covers human security. That is the protection of individuals and communities from threats to their well-being and safety.¹⁵

Public health

Public health refers to the science and art of preventing disease, prolonging life, and promoting health through organized efforts of society. According to the World Health Organization (WHO), public health is "the art and science of preventing disease, prolonging life and promoting health through the efforts and informed choices of society, organizations, public and private, communities and individuals". Public health encompasses activities aimed at enhancing the overall health and well-being of populations.¹⁶ It can also be seen as measures taken to prevent the occurrence or spread of diseases and actions taken to protect the public from environmental, chemical, or physical hazards. Public health is crucial for improving health outcomes and enhancing the health and well-being of populations. It is important in addressing disparities in health status and access to healthcare.¹⁷

Theoretical Framework

The following theoretical framework will examine the role of the National Drug Law Enforcement Agency (NDLEA) in mitigating the illicit drug menace in Nigeria, focusing on the agency's control measures from 1989 to 2015.

Institutional Theory

This theory suggests that institutions play a crucial role in shaping the behaviour and actions of individuals and organizations. In other words, the theory advocates the belief that most people would commit crime if not for the controls that society places on individuals through institutions such as schools, workplaces, churches, and families. Their belief has been almost exclusively on offender's behaviours such as delinquent acts like theft, vandalism, trafficking and drug use, and so on, rather than offender's roles and identities. As a general theory of crime and delinquency, this institutional theory which advocates social control begins with a rather novel question: Why do people commit crime? This runs counter to the more common question: Why do people deviate or break the law asked by scholars and policy makers alike? Intrigued by society's and sociology's innocuous expectation of conformity, they began theorising about deviance by assuming that people would violate norms and break the law unless they were actively prevented from doing so. **In the context of the NDLEA, institutional theory can be applied to understand how the agency's structure, policies, and procedures influence its effectiveness in mitigating the illicit drug menace.**¹⁸

The Rational Choice Theory

The rational choice theory also known as the rational action theory, provides a solid background for understanding the role of the National Drug Law Enforcement Agency (NDLEA) in mitigating the illicit drug menace in Nigeria. This theory stipulates that individuals make decisions based on a rational calculation of the potential costs and benefits. The theory advocates that individuals weigh the potential outcomes of their actions, considering factors like punishment, financial gain, and social consequences. Through this was, the potential offenders evaluate the benefits of engaging in illicit drug activities against the risks of detection, arrest, and prosecution. However, effective law enforcement, like the NDLEA's efforts, can deter individuals from engaging in illicit drug activities by increasing the perceived risks and consequences. To this end, the NDLEA's efforts to enforce drug laws and regulations can influence an individual's decision to engage in illicit drug activities. The agency's ability to investigate and prosecute drug-related crimes can impact the perceived risks

of engaging in such activities. The NDLEA's public education campaigns can also influence an individual's decision-making process by highlighting the dangers and consequences of drug abuse. Corruption within the NDLEA can undermine its effectiveness and impact the perceived risks of engaging in illicit drug activities. Limited resources can hinder the NDLEA's ability to effectively enforce drug laws and regulations. The NDLEA must continually adapt its strategies to address emerging trends and challenges in the illicit drug trade.¹⁹ However, understanding the rational choice theory and its application to the NDLEA's role, policymakers and law enforcement agencies can develop more effective strategies to mitigate the illicit drug menace in Nigeria.

A Historical Overview of the Origin of Illicit Drug in Nigeria

Illicit drug activities in Nigeria could be traced back to World War II in the 1940s, when demobilised soldiers of Nigerian extraction, who fought in India and Burma (now Myanmar) came back from the war, with some seeds of *cannabis sativa*, also known as Indian Hemp, which they, in turn, experimented and discovered that the plant could do well in some parts of the country. With time, the cultivation of *cannabis sativa* began to grow and with its subsequent increase in demand, it graduated to commercial quantities for local consumption, later to export quantity for shipment to Europe and America. Hemp trafficking became prevalent and widespread, thereby prompting many regimes in the past to maintain combative postures with the culprits, and they enacted laws prescribing stiff penalties for those caught and convicted by the long terms of the law.²⁰

Similarly, between the 1940s and the late 1970s the incidence of major hard drugs like cocaine, morphine and heroin manifested until about the year 1982. These major drugs like heroin, morphine came from the Golden Crescent of South-east Asia of Burma (Myanmar), Laos, Thailand and the Golden Triangle of South-west Asia of India, Pakistan and Afghanistan respectively begin to assume relevance. Shortly, other hard drugs like cocaine also came in through the southern America region for easy shipment to Europe and other parts of the world. Furthermore, similar psychotropic substances like Secobarbital, Permoline, and so on, gained relevance and started coming in from countries of Eastern Europe.²¹

However, narcotics drug became devastatingly prominent in Nigeria as from the 1980s and like the wild-fire, it gained grounds and has been spreading ever since. The growth and subsequent notoriety of Nigerians in hard drug production, trafficking and consumption led to the growth of different prohibition laws. For instance, the enactment of Decree No. 48 (now the National Drug Law Enforcement Agency) (NDLEA) Act Cap 253 Laws of the Federation of Nigeria (L.F.N) in 1990 (as amended). The prohibition law became one of the measures introduced to fight and eradicate illicit drug in Nigeria. Before then, there had been in existence different laws and acts responsible for control and regulation of dangerous drugs in the country. One of such legislations is referred to as the Dangerous Drugs Act of July 1935.²²

By 1982 for instance, several Nigerians were arrested for trafficking in cocaine and heroin in and outside the country. Due to this increased arrests of Nigerians in several countries, many nations, particularly the United States of America, began, from 1984, to mount pressure on the country's government to adopt stern measures against trafficking in narcotic drugs by Nigerians. Fortunately, for the country at that time, the then military administration of Major General Muhammadu Buhari (1984-1985) favoured the adoption of a range of brutal punishments for tackling the country's socio-economic, political and criminal problems. He prescribed a stern punishment for economic sabotage, corruption and racketeering, especially by ranking government officials, armed robbery and indiscipline, which were among some of the serious problems in the country at the time.²³ As a follow-up, Buhari's military government further enacted Decree No. 20 of 1984. Section 3 (2) (K) of

the decree provided that any person who “without lawful authority, deals in, buys, sells, exposes or offers for sale or induces any other person to buy, sell, smoke or inhale the drug known as cocaine or other similar drugs shall be guilty under section 6(3) (K) of an offence and liable on conviction to suffer death by firing squad”. At the time, the decree had received a rousing welcome. However, criticisms against it started pouring in unabated after three Nigerians were executed by firing squad for trafficking in the substance. As a result, the subsequent military Government of General Ibrahim Babangida (who had served as a Chief of Army Staff under Buhari's administration) amended Buhari's Decree No.20 of 1984 and replaced it by the Decree No.22 of 1986. The new decree removed death penalty and imposed imprisonment ranging from two years to life jail.²⁴

Furthermore, to ensure that all species of drugs were brought under control, the new government subsequently amended the Indian Hemp Decree No.27 of 1984, and made the cultivation of Indian hemp, the sale, importation, or exportation of it by any person, to be liable for twenty-one years' imprisonment. The death penalty provision was substituted for life imprisonment.²⁵ To show further commitment to the idea of countering the menace, the Babangida government admitted, with the rest of the world, the need to foster an agreement geared towards elimination of drug challenges in the society. It was further encouraged to enter into bilateral, regional and multi-lateral agreements of mutual assistance in the exercise, since the drug issues cut across state boundaries. It found drug trafficking as one of the major problems to tackle. Thus, in most public policy statements, the Head of State tended to emphasis government's commitment to stem drug trafficking in all its ramifications. For instance, in one of the pronouncements, he promised that he was going to establish a new body, independent of all existing law enforcement agencies, to be charged with the control of drug abuse in Nigeria. Following this pronouncement, he was said to have wasted no time in launching the government into the fore-front of the battle against the drug menace, not only by promptly ratifying all the international conventions on the issue, but also by establishing a comprehensive outfit, charged, exclusively, with the task of eradicating the drug scourge in all its ramifications.²⁶

Establishment of the NDLEA

As a follow-up to the above section of this study, in 1989 the Babangida military government promulgated Decree No 48 that established the National Drug Law Enforcement Agency (NDLEA). This agency was charged with the responsibility not only of stemming and eradicating the importation, production, distribution, supply, exportation and trafficking in narcotics drugs and psychotropic substances, but also with preventing the demand, consumption, possession and abuse of the substance. The agency was as well concerned with the treatment, rehabilitation and re-integration of the victims of drug abuse into the society. The establishment of the NDLEA made Nigeria to safely claim to be among the countries that have the most comprehensive single outfit with concentrated and coordinated efforts of all other law enforcement agencies and relevant ministries, parastatals, and public and private organisations in the fight against illicit drug.

Apparently, Nigeria has virtually enacted into a national statute the provisions of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances in obedience to the requirements of the world body for a joint effort toward combating drugs.²⁷ Regrettably, the establishment was said not to be completely free from the challenges of drug trafficking and consumption, as cases handled by the agency had continued to increase each year, suggesting that drug trafficking and abuse have continued to rise despite the sustained war on the commodity. Alternatively, it also goes to suggest that the NDLEA was becoming either more efficient or that offenders were becoming more stupid and careless.

Furthermore, to confirm the concern of Gen. Babangida and his Federal Military Government about

the rampancy of the arrest of Nigerians within and outside Nigeria for drug trafficking, the preamble to the Decree No.48 of 1989 reads:

Whereas the Federal Military Government is deeply concerned about the magnitude of and the rising trend in the demand for and trafficking in drugs and psychotropic substances which adversely affect the international image of Nigerians and Nigerian...²⁸

The enabling law establishing the agency specifies in part one, section two, sub-section one, paragraphs (a) –(1), two and three that the agency shall have a board headed by a chairman appointed by the President and Commander in – Chief of the Armed Forces on the recommendation of the Attorney General and Minister of Justice of the federation. The chairman shall act as the chief executive and accounting officer of the agency; other members of the board include a representative of the Nigerian Police Force not below the rank of an Assistant Inspector-General (AIG); the Director Military Intelligence (DMI), the Director: State Security Services (DSSS), the Director of Customs and Excise (DCE) the Director–General, National Intelligence Agency(NIA), the Foreign Affairs Minister, a representative of the Ministry of Health not less than the rank of a director and three other persons.²⁹

Organs of NDLEA

The Agency, going by the Decree No.48, section five. Sub-sections one to seven, has the following organs:³⁰

Secretariat

The secretariat is headed by an appointed secretary who is subject to the supervision and control of the chairman; he is responsible for the administration and day-to-day running of the secretariat. This is subject to modification in which the Director-General may act as the secretary. The NDLEA is vested with statutory powers to appoint other staff from time to time for its smooth running subject to the conditions determined by it in consultation with the Federal Civil Service Commission. As part of its efforts aimed at guaranteeing the effectiveness of the Agency, section 6(1) (a-c) of the decree recognises the need for the setting up of Distinct units, each headed by a principal officer. These other units, as created by the agency, include the following:

General and Assets Investigation Unit

The unit is charged with the following responsibilities:

- a. prevention and detention of offenders under the NDLEA decree, by monitoring movement of goods into and out of the country;
- b. investigation of assets of any person arrested for committing offences under the decree and identity and trace proceeds made from drug trade;
- c. to halt the local distribution, cultivation and re-exportation of drugs that have found their ways into the country; and
- d. to confirm and clear visas to Nigerians of good character when they are visiting drug producing nations.³¹

Prosecution Unit

The Prosecution Unit is the concluding arm of the agency's drug law enforcement activities. The NDLEA decree states that the unit will

- a. prosecute offenders under this decree;
- b. support the general and assets Investigation Unit by providing legal advice; and
- c. conduct proceedings that may be necessary for the forfeiture of property obtained from drug trade to the Federal Government of Nigeria.³²

Counselling Unit

This unit is responsible for the drug demand reduction activities of the agency through

- a. campaign, seminars, and workshops aimed at educating the public on the dangers of narcotic drugs and psychotropic substances, thereby stimulating an awareness about drug related problems;
- b. aftercare rehabilitation, social reintegration and education of addicts, and
- c. promotion of the welfare of convicts.

To accomplish its task, the unit is divided into six divisions outlined as follows:

- i. Public Enlightenment
- ii. Drug Education in Schools
- iii. Guidance and Counselling
- iv. Drug Education for the General Populace
- v. Social Welfare and Rehabilitation and
- vi. Data Collection.

Training, Research and Development Unit

Section 8 of the NDLEA decree makes provision for the establishment of this unit responsible for the manpower recruitment, training and development. To do this effectively, it researches into manpower needs of the agency, route and appropriate counter measures, recruitment, selection, training and development of personnel. However, section 6(2) of the decree stipulates that notwithstanding the provisions of sub-section (1) of this section, the agency may from time to time effect necessary changes in its organisational structure, for the effective performance of its functions as provided for in the decree, provided such changes do not lead to the phasing out of the statutory directorates or units enumerated.

Nature of the Act

Although the decree does not endorse capital punishment, as did Decree No 20 of 1984, it, however, aims at rendering offenders financially incapacitated apart from the long period of incarceration ranging from 15 to 25 years and sometimes, life imprisonment for producers and traffickers. Additionally, any organisation that colludes with offenders to perpetrate a drug offence or to conceal proceeds from the illicit drug trade is also liable, on conviction, to a term of 25 years imprisonment or two million Naira fine.³³ Other measures adopted in dealing with the drug scourge contained in the National Drug Law Enforcement (Amendment) Decree No. 33 of 1990 which prescribes a jail term of five years for persons caught abroad for trafficking in drugs through Nigeria and by so doing bring the name of the country into disrepute. NDLEA, apart from enforcing the responsibility of the provision of Decree 48 of 1989, is also responsible for coordinating all drug laws and policies previously conferred on any statutory body in the country including campaign to check the abuse of narcotics and psychotropic substances. Some of these are examined below:

The coordination of all drug law and enforcement functions conferred on any person or authority including ministers in the governments of the federation by any such laws.

- i. First, adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from drug related offences or property whose value corresponds with such proceeds.
- ii. Secondly, by adoption of measures to eradicate illicit cultivation of narcotic plants and to

eliminate illicit demand for narcotic drugs and psychotropic substances with a view of reducing human suffering and eliminating financial incentives for illicit traffic in narcotic drugs and psychotropic substances.³⁴

- iii. Thirdly, taking such measures, which might require the taking of reasonable precautions to prevent the use of ordinary means of transport for illicit traffic in narcotic drugs include making special arrangement with transport owners and operators.
- iv. Strengthening and enhancing effective legal means of international cooperation in criminal matters for suppressing international activities of illicit traffic in collaborating with governmental and non-governmental bodies, both within and outside Nigeria in carrying out functions wholly or in part analogous to those of the agency, among many others.³⁵
- v. Finally, taking charge, supervising, controlling, and coordinating all the responsibilities, functions and activities relating to arrest, investigation and prosecution of all offences connected with or relating to illicit traffic in narcotic drugs or psychotropic substances notwithstanding any law to the contrary. All drug units under existing institutions dealing with offenders or offences connected or relating to illicit traffic in narcotic drugs or psychotropic substances shall relate and be responsible to the Agency in performance of their duties.³⁶

Special Powers of the Agency

The agency has powers to cause investigation to be conducted as to whether any person has committed an offence under the decree establishing it. Besides, with a view to ascertaining whether any person has been involved in offences under the decree or in the process of such offences to cause investigations to be conducted into the property of any person if it appears to the agency that the person's life-style and property worth do not match his ostentatious living.³⁷ Similarly, for the purpose of enquiring into and ascertaining whether an offence under paragraph (h) of sub-section (i) of this section has been committed, the agency may by notice in writing call upon anyone to furnish it within a time specified in the notice, with information, returns, accounts, books or other documents in custody of such persons as the Agency may consider fit and proper in the circumstances. The Agency also shall not exercise the power conferred upon it by paragraph (b) of sub-section (i) of this section without first obtaining the approval of the Attorney-General of the federation.³⁸

These responsibilities appear vast but it is remarkable to state that the agency has within many years of operation, after slight hitches, articulated all these and has been able to put in place necessary and well-grounded strategies to take care of the challenges posed by the assignment. It was also able within this period to formulate concrete measures aimed at ridding Nigeria of drug scourge with a view to improving the battered image of the country.³⁹

NDLEA Strategies

In pursuance of the objectives, as contained in the statute establishing it, the Agency's activities are anchored on six functional divisions, namely:

- i. Investigation;
- ii. Prosecution;
- iii. Drug Demand Reduction;
- iv. Training, Research and Development;
- v. Assets Laundering; and

vi. Intelligence

The giant strides of the agency in executing its drug supply and demand reduction activities are said to be well acknowledged all over the world, especially by other African countries. This is informed by the fact that Nigeria is a party to all the UN international drug conventions and has also entered into bilateral agreements on Mutual Legal Assistance with a number of drug consuming and production countries. For instance, Nigeria is known to have made progress and achieved some commendable successes in the area of drug control delivery system. The NDLEA achieved these successes in collaboration with some friendly countries. Such countries include the USA, Great Britain, South Africa and Thailand.⁴⁰

On the international scene, therefore, the untiring efforts and unprecedented enthusiasm exhibited by the agency in fighting the drug challenge are known to have given assent to the various United Nations Conventions, which set out to fight drug abuse and trafficking in parts of the world. Not only this, the NDLEA is considered to redeem the image of Nigeria abroad, arising from a lot of agreements it caused Nigeria to enter into, to formalise cooperation, information dissemination and exchange of technical assistance where necessary. Since, findings have shown, drug danger is more prevalent amongst Nigerian youth, the agency is known to have taken bold steps by carrying the drug war to the doorsteps of this group which the society looks up to as the future leaders of the country, by strengthening the activities of the life clubs formed in all the secondary schools in the country to put in check the cancerous tendencies of the youth. The club is a replica of Boy Scout, Boys Brigade and the likes in functions. Also, in the universities across the country, Drug Free Clubs (DFC) have been introduced.⁴¹

Furthermore, the agency was able to get the Federal Government of Nigeria through the National Education Research and Development Council (NERDC) to approve the inculcation of drug abuse education into the Nigerian school curricula. Apart from getting all the states of the federation involved in the drug crusade, all arms of government and relevant ministries and parastatals like Information, Foreign Affairs, Justice as well as Customs and Immigration Services as well as the Presidency are said to be active and prepared to always support and complement the efforts of the agency.⁴²

Operations and General Investigation

This Directorate is charged with the responsibility of detection and prevention of offences in violation of any of the sections of the Act establishing the agency. This responsibility includes, among others, the monitoring of the movement of goods and services into and out of the country, in collaboration with the Nigerian Customs Services. This also requires conducting of searches on persons and on incoming and outgoing vessels, including pleasure crafts, fishing vessels as well as aircraft, and other vehicles. By so doing, consignments suspected to contain drugs and psychotropic substances coming into or going out of the country, are detected and impounded.⁴³

This arrangement has also been responsible for the numerous arrests of persons in possession of drugs with the seizure of huge quantities of substances such as cocaine, heroin and marijuana, as has been exemplified in chapter three of the study on arrests of Nigerian youth involved in the distribution of drugs by NDLEA. The mechanism is known to have further halted the local distribution and exportation of any drugs that were smuggled into the country, including marijuana, which is grown locally. Often times the agency combs locations where drugs are sold such as hotels, clubs, smoking joints and alleys where officers engage in combat operations to dismantle and disorganise both drug sellers and their consumers such that they are rendered incapable of furthering their deadly and criminal act.⁴⁴

Functions and Structure of the Directorate of Assets and Financial Investigation (DAFI)

The functions of the Directorate specified in the NDLEA Job Specification are numerous, and they fall into three broad categories.⁴⁵ They are as follows:

The Enforcement Functions

- i. These entail the detection and investigation of drug-related money laundering activities, as well as the tracing, and investigation of suspected proceeds of illicit drugs to facilitate confiscation as empowered by both the National Drug Law Enforcement Agency Act (NDLEA ACT CAP N30 LFN 2004) and the Money Laundering Prohibition Act (MLPA 2011). In other words, the Directorate is the anti-money laundering unit of the agency.
- ii. Providing representative for the agency in its interaction with relevant sister enforcement and security agencies, other government ministries department and agencies (MDAs), and international organisations, so as to fashion out Nigeria's Anti-Money Laundering (AML) policies and enforcement mechanisms that will be in line with the global efforts and standards.
- iii. Carrying out sensitisation and enlightenment programmes on behalf of the agency, for relevant stakeholders and the general public, on AML issues as they relate to drug trafficking.

Perspectives and Strategies in the Control of the Trafficking, Consumption, Manufacturing of Illicit Drugs from 1989

Concerning the perspectives and strategies in the control of trafficking, the question may be: What is the solution to the problem? What should we do? What is the best way to fight drug traffickers, producers and drug abusers? What strategies are in place or can be suggested to control the traffic in narcotic drugs and psychotropic substances? These are difficult questions that need an urgent answer from government, the public or even researchers, in order to find lasting solutions to combat the menace of drug trafficking and consumption in Nigeria.

Regarding the foregoing questions, the researcher is of the opinion that the war on drugs could be sustained, if well managed and certain strategies are employed or put in place to tackle the menace. For instance, when the NDLEA was established in 1989, under its first chairman/ chief executive, Mr. Fidelis Oyakhilome, the agency was said to have mounted an unprecedented battle against drug traffickers in the country. He was also said to have adopted processes and various strategies aimed, not only at checkmating the procurement of notorious narcotics like cocaine and heroin, but also halting the local distribution and re-exportation of drugs that had before found their ways into the country.⁴⁶ At that point, one of such measures adopted was toward the realisation of the drug policy objectives of the agency which included the introduction of visa clearance screening exercise, usually done in collaboration with some foreign embassies in Nigeria. Under this arrangement, intending Nigerian travelers to the known drug-producing countries located mostly in Far East Asia and South America were subjected to intense scrutiny to ascertain the genuineness or otherwise of their desired trips before recommendation, could be made to the embassies of the affected countries for entry permits.⁴⁷

Though the above this measure, according to A.A .Anivbassa, the NDLEA was able to reduce drastically the number of Nigerians wishing to travel to drug source countries and invariably a reduction in importation of hard drugs was made. In 1991 alone, for instance, a total of 2,463 persons applied for visa clearance. Of this number, 1266 were cleared, while the rest never showed up.⁴⁸ The introduction of this screening measure, according to the NDLEA, was adopted to checkmate the activities of drug dealers, who then travelled to drug producing countries to lift drugs

from there straight to the user nations in Europe and America, thereby circumventing NDLEA's well-policed entry points at home.⁴⁹ This particular strategy was said to have proved so effective by drastically reducing the incidence of Nigerians arrested abroad for trafficking in dangerous drugs without going through the country. Figures of Nigerians arrested attest to this. In 1990, for instance, a total number of 299 persons were arrested and 365, 99 kilograms of hard drugs was seized. In 1991, the figure reduced both in number of persons arrested and quantity of drug seizures made to 104 persons and 222.53 kilograms of drugs, respectively.⁵⁰

Other strategies adopted by the agency, although could not be widened, included procurement and installation of X-ray machines at all entry points. The machine was first donated by the United States for full body scanning for the Lagos, Kano, Abuja and Port Harcourt international airports.⁵¹ The machines were said to have proved effective in arresting smugglers and couriers trafficking cocaine from Latin America to Europe by way of Nigerian route. Between 2006 and June 2008, it was also recorded that over 12,663 suspected drug dealers were arrested through the use of the machines, with seizure of over 418.8 metric tons of various hard drugs.⁵² Another example took place in July 2009: a woman, who was about to board a KLM flight at the Mallam Aminu Kano International Airport, there, was arrested by the NDLEA officials and she later excreted 42 wraps of cocaine, weighing 585 grams.⁵³ Yet, with the use the same machine, in the same year (2009), the NDLEA arrested a Guinean woman *en route* from Brazil to Europe with 6.350 kilogram of pure cocaine at the Murtala Mohammed International Airport in Lagos with the aid of the machine.⁵⁴

Another strategy introduced was the publication of photographs and names of persons arrested and convicted for drug-related offences both at home and abroad, in some major newspapers in the country. This particular strategy was adopted in view of the traditional abhorrence, by Nigerians, of persons involved in criminal activities such as drug trafficking. This strategy was invented so that would-be traffickers would dread this kind of exposure which could attract a lot of public odium and ridicule to them and members of their family.⁵⁵

Drug Demand Reduction, Sensitisation, Advocacy, Prevention, Treatment and Continuing Care

Drug Demand Reduction

Since drug problem is a global plague affecting both developed and developing countries, over the past decades, there have been global efforts aimed at combating the physical, psychological and social-economic maladies associated with illicit drug use and trafficking. Such efforts are normally designed to address the problem through supply suppression and demand reduction activities. Supply suppression is aimed at reducing the availability of illicit drugs through various interdiction activities and legal processes. Here, the drug problem is seen as a criminal activity. Demand reduction programmes, on the other hand, tend to focus on bringing about a decline in the consumption of these substances, as well as effective treatment, aftercare, rehabilitation and social reintegration of drug dependent persons. This aspect of the drug problem is addressed as a health issue and is not to be criminalised.⁵⁶

Treatment and Continuing Care

This is an organised means of assisting drug-dependent persons either in a hospital setting or outside the hospital with the aim of making the client or patient recover his or her normal status and state of health. The aim is to stabilise the drug-dependent persons under a well-planned treatment programme. In fact, in the context of drug abuse, the World Health

Organisation defines treatment as: “The process that begins when psychoactive substance abusers come into contact with a health care provider or any other community service and may continue through a succession of specific interventions until the highest attainable level of health or wellbeing is reached. Treatment aims to manage the bio-psycho-social problems resulting from drug abuse, in order to improve or maximize personal functioning and social integration”.⁵⁷

Rehabilitation

This is a process of improving the residual functional capacity of a drug dependent person such that the individual can resume his or her expected role within the society. Due to the adverse effects of drug abuse on the dependent user, rehabilitation assists the treated individual to recover those diminished or lost capacities caused by drug dependency. Rehabilitation is aimed at assisting the drug-dependent individual re-integrate into the community as a productive person.⁵⁸ Treatment and rehabilitation are said to give drug dependent persons a sense of belonging so that he/she is not rejected by the society. Moreover, a treated drug-dependent person is not allowed to recruit others into drugs; hence treatment is needed for prevention. In line with this, the NDLEA is known to carry out treatment and rehabilitation of drug dependent persons in the NDLEA national headquarters and all the 36 state commands including FCT-Abuja.⁵⁹ Between January 1, 2008 and December 31, 2011, the NDLEA through the directorate of drug demand reduction served as the focal point for TREATNET 11 project in Nigeria. TREATNET is an acronym for the network of drug dependence treatment providers globally. It is an initiative of the United Nations Office on Drugs and Crime. The training is based on the Treatment Training Package (TTP), which is in three volumes: volume A, volume B and volume C.

It is a capacity-building component of the Global Project GLOJ71 organised by United Nations Office on Drug and Crime (UNODC) with the NDLEA as a focal point. It is aimed at improving the technical capacity for the provision of diversified and effective drug treatment and rehabilitation services, including their capacity to support HIV/AIDS prevention and care. It consists of the provision of evidence based treatment, provision of technical assistance, identification and dissemination of good practices while exploring the possibilities for maintaining and enhancing field level activities.⁶⁰

National Drug Control Master Plan 1999-2003, 2015...

The National Drug Control Master Plan (NDCMP) is a national government initiative in a way of commitment to providing the necessarily required logistic for the sustenance and implementation of drug control activities. It is a national roadmap aimed at ensuring that the harm caused by drug trafficking and use of drugs in Nigeria is reduced to the barest minimum. It was established to provide a solid platform to strengthen responses to drug-related issues that will promote the health, security and wellbeing of all Nigerians. One of the NDCMP's objectives is to proffer both an integrated and comprehensive approach that will address a range of drug related issues. These include illicit drug supply, drug demand reduction as well as control of licit substances based on international drug control conventions in line with the principles of balanced approach to drug control.⁶¹

NDCMP initiative was first introduced between 1999 and 2003; its second edition was for 2008 – 2011, extending to 2013. The five-year plan for 2015 was designed to terminate in 2019. The plan for 2015-2019 (which is beyond the scope of the present study) was built on the foundation of the

previous efforts of the first NDCMP of 1999 and the second plan for the period 2008-2011 (extended to 2013). The strategic instrument was the national blueprint for addressing the complex issues of drug trafficking, production, cultivation and abuse. All of these plans were created to ensure strategic results and operationally-oriented planning and implementation framework that could cover key aspects of drug supply and reduction impacting on Nigeria.⁶²

Challenges of NDLEA in Mitigating Illicit Drug Menace in Nigeria

The National Drug Law Enforcement Agency (NDLEA) has faced numerous challenges in its efforts to mitigate the illicit drug menace in Nigeria since its establishment in 1989. Some of the key challenges include:

Inadequate Funding

Insufficient funding has limited the agency's ability to effectively enforce drug laws and regulations. This insufficient funding has significantly affected the purchase of modern equipment, technology and training. The challenge has also hindered the agency's ability to detect and investigate drug-related crimes.

Corruption and lack of effective collaboration with other stakeholders

Corruption within the agency and among law enforcement officials is another challenge militating against Illicit Drug Menace in Nigeria. This particular challenge has hindered effective enforcement of drug laws. It has also encouraged lack of accountability and transparency which has often led to abuse of power and embezzlement of funds.

Limited International Cooperation

Limited international cooperation and information sharing have hindered the agency's ability to track and disrupt global drug trafficking networks, leading to lack of effective collaboration between the international law enforcement agencies and the local agency in addressing the transnational nature of the illicit drug trade.

Evolving nature of illicit drugs

The illicit drug trade is constantly evolving, with new substances and trafficking methods emerging. The agency must continually adapt its strategies to address these emerging challenges.

Judicial Challenges

The judicial system has been criticized for being slow and ineffective in prosecuting drug-related cases. Lack of specialized courts and trained judges has hindered the effective prosecution of drug-related crimes.

Lack of Public Cooperation

Limited public awareness and cooperation have hindered the agency's efforts to prevent and investigate drug-related crimes. Fear of reprisal and lack of trust in law enforcement have discouraged individuals from reporting drug-related activities.

Organised Crimes

The illicit drug trade is often linked to organized crime, making it challenging for the agency to disrupt and dismantle these networks. Organized crime groups have exploited Nigeria's weak law enforcement and judicial systems.

Porous Borders

Nigeria's porous borders have made it difficult for the agency to prevent the smuggling of illicit drugs into the country. Lack of effective border control measures has enabled drug traffickers to exploit this vulnerability.

Summary and Conclusion

To this end therefore, the National Drug Law Enforcement Agency (NDLEA) since its establishment in 1989 has employed different strategies and policies which serves as control measures to effectively curtail the incident of illicit Drug in Nigeria. These drugs are known to have become threat to Nigeria's national security, public health, and socio-economic development, and to effectively control the menace therefore, the study has critically analyzes the NDLEA's control measures, which included some strategies, policies, and programs aimed at curbing illicit drug trafficking and abuse. The findings revealed that while the NDLEA has made significant progress in combating illicit drug trafficking and abuse, several challenges were discovered to have persistently hampered the progress of the agencies which includes inadequate funding, corruption and lack of effective collaboration with other stakeholders, limited international cooperation, evolving nature of illicit drugs, judicial challenges, lack of public cooperation, organised crimes, porous borders as have explained in the previous sub-heading.

Recommendations

The study recommends that the NDLEA should adopt a more holistic approach to addressing the illicit drug menace in Nigeria. Similarly, provides a comprehensive analysis of the NDLEA's efforts to combat illicit drugs in Nigeria and offers practical recommendations for improving its effectiveness. The more recommendations are fellows:

1. Strengthening Institutional Capacity: The NDLEA should prioritize building its institutional capacity, including training and retraining of personnel, to enhance its effectiveness in combating illicit drug trafficking and abuse.
2. Enhanced Collaboration: The NDLEA should foster stronger collaboration with other law enforcement agencies, such as the Nigeria Police Force, Nigeria Customs Service, and National Intelligence Agency, to share intelligence and coordinate efforts.
3. Holistic Approach: The NDLEA should adopt a more holistic approach to addressing the illicit drug menace, incorporating demand reduction strategies, such as public awareness campaigns, education, and treatment programs.
4. Adequate Funding: The government should provide adequate funding to the NDLEA to enable it to effectively carry out its mandate, including procurement of equipment, vehicles, and other necessary resources.
5. Community Engagement: The NDLEA should engage with local communities, including traditional rulers, community leaders, and youth organizations, to raise awareness about the dangers of illicit drug trafficking and abuse, and to enlist their support in the fight against illicit drugs.
6. Review of Laws and Policies: The government should review and update existing laws and policies related to illicit drug trafficking and abuse, to ensure they are effective and in line with international best practices.
7. International Cooperation: The NDLEA should strengthen its collaboration with international organizations, such as the United Nations Office on Drugs and Crime (UNODC), to share intelligence, best practices, and resources in the fight against illicit drugs.

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