



The Nexus between Psychoactive Drugs and Rising Tides of Crimes in Nigeria: an Analysis of the Challenges Facing the National Drug Law Enforcement Agency

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ABSTRACT

This paper examines the complimentary relationship between psychoactive drugs and crimes in Nigeria with the primary aim of explicating the factors that render the efforts of Nigerian Drug Law Enforcement Agency (NDLEA) ineffective and the prospect for reducing or eliminating the production, distribution and consumption of psychoactive drugs. The paper adopted archival research and content analysis as its methods. The results of analysis reveal strong relationship between psychoactive drugs consumption and the rising tide of crimes in Nigeria. Further, it reveals that NDLEA discriminatory targeting of drug carriers to the exclusion of drug bosses, anti-drug laws and war's generation of black but robot economy, the daily and habitual use of psychoactive drugs across important professions (such as transport, security, and health), weak criminal justice system, absence of political will to eliminate the scourge, poor funding, and the prevalence of corruption among others undermine the efforts of NDLEA to curb the production and consumption of psychoactive drugs. The paper recommends de-politicisation of anti-corruption crusade, the arrest and prosecution of drug lords, appropriate and sufficient funding of NDLEA and the de-listing of psychoactive drugs that are essential for human health and treatment as prohibited.

Introduction

The production, distribution, and consumption of illicit drugs such as cannabis in Nigeria dates back to the pre-independence era, but however, at a very low level (Adamson et al., 2015; Akeampong, 2009; Elis, 2009). It developed gradually to the extent that Nigeria was perceived by the United States and United Nations as collaborating with traffickers because it failed to fulfill the obligations of the UN conventions on drugs trafficking and to cooperate with the United States of America government in the war against illicit drugs consequently, Nigeria was denied narcotics certification for three consecutive years. Subsequently, the National Drugs Law Enforcement Agency (NDLEA) was established under international pressure to combat and eliminate the production, distribution, and consumption of illicit drugs in and through Nigeria. Nevertheless, NDLEA focused its attention and campaign on public enlightenment, guarding the porous border areas, sea and airports, mounts occasional patrol and checkpoints on major highways

through which drugs are assumed to be transmitted. NDLEA has records of successful interdictions but its victim has been low-level and poor individuals that are easily replaced with new recruits. The boss of such illicit drug trafficking continues to propagate the lucrative venture due to its high profit margin. Therefore, the cycle of psychoactive drugs production, distribution, and consumption has continued to increase in scope, intensity and sophistication simultaneously in spite of decades of Nigerian Drug Law Enforcement Agency’s (NDLEA) efforts to curtail same substantially (Abdu-Raheem, 2013; Fatoye & Morakinyo, 2002).The prevailing preponderance and increase in seizures of illicit drugs in Nigeria stigmatises her as a transit and drug abuse nation. Available statistics, which reflects the regularity and/or number of NDLEA interdictions between the periods 2010-2019, attests to this. According to NDLEA annual reports, these interdictions across the 36 states of the federation and Abuja – the capital of Nigeria is hereafter presented in table 1 as follows:

Table 1: The distribution of drug seizures from 2010 - 2019 measured in Kilograms

Year	Cannabis	Cocaine	Heroin	Others	Total	Male	Female	Total
2010	174,661.59	706.43	202.08	2,550.62	178,120.72	6,296	492	6,788
2011	191,847.91	410.81	39.75	2,985.45	195,283.92	8,072	567	8,639
2012	228,794.13	410.81	211.03	3,905.45	233,042.50	7,510	542	8,052
2013	205,373	290,20	24.53	134,280.38	339,968.11	8,324	519	8,843
2014	53,878,194.52	226.04	56.45	7,562.49	53,886,039.5	8,332	494	8,826
2015	871,480.32	260.47	30.09	31,442.86	903,213.74	8,143	635	8,778
2016	187,394	305.17	66.28	79,600.685	267,366.135	7,720	537	8,357
2017	191,084.19	92.26	85.36	117,114.20	308,376.01	9,387	622	10,009
2018	273,249.08	124.86	59.62	44,331.29	317,764.85	9,129	702	9,831
2019	602,654.49	113.00	23.89	10,112.10	612,903.48	8,535	909	9,444
Total	56,531,484.15	2,661.1	799.08	433,885.53	57,242,078.97	81,448	6,019	87,467

Source: NDLEA 2010 – 2019 Annual Report

Some researchers argue that the ineffectiveness of NDLEA efforts to curb psychoactive drugs production, distribution and consumption in Nigeria is caused by lack of clear understanding of drug law policies and inconsistency associated with such policies. Other reasons include inadequate funding of NDLEA and none provision of adequate logistics, porous and poor national border control system, poor salary/allowance package for NDLEA personnel, prevailing widespread corruption across the ranks and files of illicit drug control chain, and lack of collaboration and cooperation between NDLEA and

other security agencies, which is necessitated by inherent corruption in the entire criminal justice system (Andrew, 2007). Avalanche of literature tend to associate the corrupt system with the character of Nigeria’s statehood and political system wherein leadership recruitment process is prebendal. This has been re-enforced by forces of ethnicity, mediocrity and inefficiency, which culminate into the failure of government policies and programmes, and none adherence to laws particularly drug laws. Political office holders and their recruits at all levels are engulfed with issues of

power and material acquisitions through any known means. The poor becomes poorer, each regime fights corruption but ends up more corrupt than their predecessors. The dictum, “the ends justify the means” has been Nigeria’s culture in all spheres of activities thereby making crime the norm of people’s existence.

The poor, marginalised, and alienated citizens opt for any form of activity such as armed robbery, money laundry, kidnapping, and trade in contra-bounds and illicit drug among others to shelve the robe of poverty (Adamson et al., 2009). This turned Nigeria into an international significant centre for high level crimes and narcotics transshipment between Eastern and Western Hemisphere; a strategic warehouse and base for the formation of first class drug trafficking relationships that move major illicit drugs such as cocaine, heroin, marijuana and psychotropic substances around the world; and successfully made it inevitable for many to embark on ceaseless psychoactive drugs consumption. In addition, some organisations, scholars and practitioners such as Ayodele, et al., (2018); United Nation Report (2000); Flower (1999); Trimboli and Coumarelos (1998); Dankani (2012); Ahmed (2012); Oshodi, et al., (2010); and Nsimba (2010) among others observe that most people experiencing burdensomeness, inferiority complex, depression, lack in interpersonal relationship skills, fear, child neglect, poverty, social pressures and traumas, crime, HIV/AIDS, the need to excel in certain sporting events, disillusionment, a lack of purpose in life,” economic problems, unemployment, family crisis, and apprehension often use it as coping mechanism to boost their confidence and for brave actions. Equally, others take it to enable them expand and express their minds.

The tide of boundless consumption of psychoactive drugs has been creeping into various slums, cities, banks, courts, streets, homes, and government institutions both military and para-military in the country (Cockayne & Williams, 2009). Many Nigerians ignorantly depend on the consumption of psychoactive drugs like Tobacco, Indian hemp, cocaine, morphine, Heroine, ephedrine, Madras, Caffeine, Amphetamines among others for their

various daily activities including social, educational, political, and moral and the like. They are found and used mostly in schools, motor parks, military and police barracks, artisan workshops, and even among local traders (Staff, 2012). As this is increasing, the rate or level of crimes in the society is also increasing, which points to an earlier observation made by Silver (1994) that stimulant use and criminality are highly associated. This paper, therefore, seeks to test the relationship between the production and consumption psychoactive drugs and the prevailing rise of criminality in Nigeria; and there from highlight the challenges facing NDLEA contemporary efforts to reduce or eliminate its production, distribution and consumption. These challenges make the ineffectiveness of NDLEA and its failure to curb psychoactive drugs use in Nigeria an imperative.

Conceptual Clarifications

Crime

Some sociologists define crime as a deviant behaviour that violates prevailing norms. From this perspective, it is seen as a violation of the rules agreed upon by all members of the society or groups that guide and guard mutual respect, peace, relationships, and development upon which sanctions are imposed on those guilty of their violation. Similarly, Ayodele, et al. (2018) define crime “... is the breaking of rules or laws for which some governing authority (via mechanisms such as legal systems) can ultimately prescribe a conviction.” Although crime has been conceptualised differently along orientation and disciplinary lines, crime as a legal concept relates to the state. Therefore, it simply refers to any act that violates any prescribed law of the state for which such act is punishable under the criminal law. Scott and Marshall (2009) defined crime as an offence, which goes beyond the personal and into the public sphere, breaking prohibitory rules or laws, to which legitimate punishments or sanctions are attached, and which requires the intervention of a public authority... for crime to be known as such, it must come to the notice of, and be processed through, an administrative system or enforcement agency. It must be reported and recorded by the police (or other investigator); it may then become part of criminal

statistics; may or may not be investigated; and may or may not result in a court case.

Crime involves four major principles which are public wrong, moral wrong, law and punishment for the criminal (Dambazau, 1994).Thus, its principles are based upon the interaction of six key elements, namely: act, intent, victims, offenders, the state and the public. Any act that fails to touch on these key elements does not qualify to be a crime. Among these elements, there must be an act whether by commission or an omission, and intention to commit the act that is predetermined goal or considered are the primary keys that define any crime (Dambazau, 2007).

Psychoactive Drugs

The term psychoactive drugs refers to powerful hallucinogenic (Abdu-Raheem, 2013) whose consumption or intake alters the state of the mind, removes the consciousness of pain and fear, and stimulate hard heart prone to decisive actions. It is differentiated from other types of drugs in terms of its psychopharmacological effects on the consumer (Abiona et al., 2006). According to the United Nation International Drug Control Programme (UNIDP), it refers to substances which affect the thinking ability

of any who takes it and makes them do things irrationally. It modifies the state of equilibrium of any living organism, causes changes in a person's body, interest, emotions or perception (Bradley, 1990), and affecting mood and externally observed behaviours. For these effects, they are banned in most countries of the world (Omage, 2005).Yet, in spite of global campaign, education, and war against psychoactive substances, many people still have limited awareness of their adverse consequences, thereby making the sale and consumption of such substances a common feature in neighbourhoods across countries. The consumption of psychoactive drugs remains a serious social and public health problem (Ayodele, et al., 2018).

War against Psychoactive Drug in Nigeria

The campaign against the production, sale and consumption of psychoactive drugs in Nigeria became pronounced and active in the late 1985, yet the scenario has being on the increase (NDLEA, 1992; Gyong & Tanimu, 2010). According NDLEA statistics, the number of arrests across different psychoactive drugs sales and consumption between 2010 and 2019 is presented in table 2 below as follows:

Table 2: Statistics of NDLEA Prosecution of Drug suspects, 2010 – 2019

Year	Cases	Won	Lost/Struck out	Success Rate (%)
2010	1,526	1,509	17	98.89
2011	1,501	1491	10	99.33
2012	1,736	1,718	18	98.96
2013	1,871	1,865	6	99.67
2014	2,070	2,054	16	99.22
2015	1,731	1,690	41	97.63
2016	2,278	2,256	22	99.03
2017	1,666	1,621	45	97.30
2018	1,259	1,249	10	99.21
2019	1,143	1,130	13	98.86
Total	16,781	16,583	198	98.82

Source: NDLEA 2010 – 2019 Annual Report

One of the primary implications of the rising rate of psychoactive drug distribution and consumption as revealed by table 2 in spite of the war against it is that the war is ineffective and a failure. The Nigeria Drug Law Enforcement Agency (NDLEA) is at the vanguard of the war in collaboration with the police, customs, immigration, army and the Nigeria Security and Civil Defence Corps (NDLEA, 2019). They carry out aerial and ground patrols on suspected cannabis farm lands on routine basis. NDLEA personnel are

also deployed at the country's borders to forestall the smuggling of the drugs robust interdictions and breakthroughs. In addition, they raid suspected production, storage centres, drug sellers and users. Relevant laws were enacted to authorize and enhance their operations and activities. However, the efforts have failed to curtail the production, distribution, and consumption of the drugs (UNDCP reports, 2008). Nigeria promulgated the first anti-drug law in 1935 with the enactment of the Dangerous Drug Acts of

1935 that prohibited the importation, exportation, transit, production, sales, and distribution of opium, coca leaves, Indian hemp, heroin and other dangerous drugs (Oloruntoba, 2006). The Indian Hemp Decree of 1966 that prescribed death penalty or 21 years of imprisonment for the cultivation of any of these band drugs, and years of imprisonment for their exportation and consumption (Klein, 1999). However, these punishments for culprits were reduced to lesser penalties in 1975 through the amendment of the Decree. The death penalty was abrogated while the 10 years was reduced to six months or fine. Nevertheless, the military ruling elites of the 1980s and 1990s were accused of compromising the anti-drug laws and the activities of the organs established to enforce them with their ambivalent and complacent attitude.

It took international pressure in the early 1980s for the military government of Generals Muhamadu Buhari/Tunde Idiagbon to take the part of introducing tougher and repressive laws and policies against the production, distribution and sale of psychoactive drugs (Obot, 2004). Death penalty by firing squad was retroactively restored to 31 December 1983 for drug culprits through a decree (Ellis, 2009). After a coup d'état that brought General Ibrahim Badamosi Babangida to power on 27 August 1985, the Decree was repealed. However, in 1989, the National Drug Law Enforcement Agency (NDLEA) was established courtesy of Decree 48. The Decree established NDLEA as an enforcement agency and institutional framework to regulate the drugs menace. The amendment of Decree 48, which introduced Money Laundering Decree by the government of General Sani Abacha in 1995 conferred greater power on the agency to mount clandestine surveillance on, people's bank accounts and telephone lines in search of drug traffickers.

The Decree was further amended in 2004 by the Cap N30 Laws of the Federation of Nigeria (LFN, 2004) to prescribe life imprisonment for production, import, export, sales, purchase, and possession of psychoactive drugs; 7 to 25 years imprisonment for other offences like letting out one's premises drug dealers, smoking or using illicit drugs, impersonating

any staff of the agency, aiding and abetting in the commission of the offence, among others (NDLEA Annual Report, 2009).

Challenges facing the Nigerian National Drug Law Enforcement Agency

The anti-drugs activities in Nigeria are replete with contradictions, high costs, and challenged by serious security problems and high rising rate of conventional crimes such as armed robbery, rape, theft, and fraud, militia insurgents, and ethnic-religious agendas that have continued to threaten the corporate existence of Nigeria. These challenges led to the prevalence of highly organised and internationalised criminal groups and crimes.

Secondly, the anti-drugs war discriminatorily targets the poor and less privileged who are already victims of harsh economic policies, ethno-religious conflicts, polarized ethnic divisions and political marginalisation. For instance, NDLEA Drug Data Collection Unit reported in 1992 that 85% of the 243 drug traffickers arrested belong to lower strata of uneducated and unskilled persons. None of the drug barons, highly placed political office holders, and security personnel sponsoring these less privileged marketers is arrested and/or prosecuted.

In addition, the nature of anti-drug laws and the war itself generate and sustain various forms of crimes and sources of livelihood in Nigeria's distressed economy. They tend to generate or create black markets for the business, which generate exorbitant income and depend on violence and bribery or corruption for sustenance (Chaiken & Chaiken, 1996; Ryan, 1997). The literature tends to show that corruption is the bane of Nigerian society. Therefore, psychoactive drug producers and dealers remain immune to drug laws and wars in as much as they are willing to and do bribe law enforcement personnel within and outside the NDLEA (Chilton, 2001). The police, court officials, members of the military, customs agents, and NDLEA officials are not immune to corruption and its influence.

It is equally true that some of these psychoactive substances are used for treatment of certain ailments or at least to alleviate pains and fear. This makes its availability inevitable, legally or illegally, for health

care purposes - a necessity that provide veritable opportunity for continued production, distribution, and consumption of psychoactive drugs in spite of NDLEA efforts. The profitability of drugs, and the euphoria it gives users, mean that dealers and users will do anything to protect their business and ensure steady supplies.

Further, the anti-drug war is irrefutably expensive and requires elaborate institutional paraphernalia to cover the vast territorial space called Nigeria. NDLEA needs to be equipped with personnel, structures, and equipment more than the Nigerian Police Force in the 776 local governments and 36 states plus Abuja the Federal capital. The respective administrations and three tiers of government in Nigeria have not been able to appropriate enough fund to implement this. NDLEA remains fundamentally underfunded and understaffed. Political support and funds allocation to NDLEA decreased after the military handed over power to civilian rulers in 1999. There has been as increased bureaucratic hurdles to appropriate and release funds to the agency, as well as the increased number of actors involved in dispensing money, which opened more corruption and mismanagement windows. This makes it inevitable that its services or activities will remain ineffective.

The criminal justice system is another frustrating factor that tends to jeopardise the anti-psychoactive drugs war (Schmallegger, 1996; Siegel, 1998; Beirnc & Messerschmidt, 2000). In most cases, defence attorneys adopt delay tactics as a form of legal maneuver to delay justice and possibly save their clients. Piles of backlogs of cases in the court exacerbate this approach that threatens justice and fair play. The entire scenario discourages prosecutors and limits NDLEA's efforts to reduce or stop trade in and consumption of psychoactive drugs. Adjunct to this is NDLEA's inability or decision not to arraign all the apprehended suspects. The disparity between the number of arrests and the number of prosecution or litigation made as reflected in table 2 above suggests foul play or inability or corruption. Although a few were prosecuted and sentenced, the inability to prosecute greater number of the suspects

encourages more people to join the psychoactive drug business.

Lucas (2005), Olaniyi (2018) and Okpataku, (2015) raised or observed the connection between occupation and the use or consumption of psychoactive drugs. For instance, its consumption by commercial transporters or drivers before and while on duty is now the norm and rule (Lasebikan & Bayewu, 2009; Labat et. al, 2008; Abiona, et al., 2006). Although its use has been blamed for many road accidents and trauma resulting in disability and/or spousal abuse, commercial drivers persistently consume these psychoactive drugs purposely to keep awake and reduce fatigue while driving. Equally, some personnel of most security agencies particularly those that are involved in combats and civil disturbances use psychoactive drugs to boost their morale and reduce the tedium of pains.

Similarly, athletes, footballers, and other sports' participants in many tournaments and international competition do take psychoactive drugs in order to excel in such sporting events. They consume such drugs for the purpose of enhancing their performance. There have been many cases of disqualification of athletes, footballers, Boxers and other participants in such events as Olympic Games, and withdrawal of belts or trophy because they tested positive to psychoactive drugs intake (Oshodin, 2004).

Further, criminal elements in the society such as armed robbers, kidnappers, assassins, and arsonists among others depend on the intake of psychoactive drugs for effective operations. Like members of different security agencies, they take it to raise their morale, eliminate fear, act without human feelings, and reduce pains that are associated with their violent activities. They purchase it at any price tag. Some of them trade in it and establish a supply chain to their colleagues. Consequently, the production, distribution, and consumption of psychoactive drugs tend to increase as crime increases in the society. Therefore, it becomes inevitable that the production, distribution, and consumption of drugs in Nigeria are not abating in spite of NDLEA efforts.

Conclusions and Recommendations

The pervasive distribution and consumption of psychoactive drugs in Nigeria, which is criminal in itself, and its consequent link to rising tides of other crimes either as enhancer or generator of such crimes necessitated the establishment of the National Drug Law Enforcement Agency (NDLEA). The NDLEA is empowered to and actually combat the production, distribution and consumption of the drugs. Many arrests and prosecution of suspects or interdictions have taken place between 2010 and date. However, the war focused on the down trodden who are always carriers to the neglect of their bosses or the drug barons.

In spite of these efforts, there persists rising incidences or cases of psychoactive drugs production, distribution and consumption among Nigerians irrespective of status. The drugs tend to enhance the activities of kidnappers, aimed robbers, and the acts of violence, killings and arson. Similarly, security personnel particularly those assigned to conflict areas and war zones, commercial drivers, athletes, boxers, and footballers consume them in order to boast their performance and reduce pains. It promotes corruption, which is the bane of governance and public activities in Nigeria even among anti-corruption agencies and security organisations, and forms a new lucrative line of business that attracts the jobless, unskilled, poor and marginalised peoples. It is equally used in hospitals particularly during surgery and accident casesto raise moral and mitigate pains.

The complacent criminal justice system, lack of political will among politicians, bureaucratic bottleneck, corruption and poor funding of NDLEA have also contributed to the underperformance of anti-drugs law enforcement agencies. These factors inhibit the efforts of NDLEA towards curbing or eliminating the production, distribution, and consumption of psychoactive drugs.

Considering these challenges, this paper recommends the de-politicisation of anti- corruption crusade in Nigeria, the arrest and prosecution of drug lords or barons instead of their agents or carriers, appropriate and sufficient funding of NDLEA, and the de-listing of essential and mild psychoactive drugs that are

necessary for human health and treatment as prohibited.

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