

# Institutional and Legal Mechanisms for Combating Drug Trafficking In Nigeria: A Critical Assessment

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**Abstract:** This study has critically assessed the institutional and legal mechanisms for combating drug trafficking in Nigeria with special attention on the National Drug Law Enforcement Agency (NDLEA). It is worthy to note that drug trafficking remains one of the badly organized crimes that involves individuals of different nationalities with its attendant effects on national and global peace and stability. Drug traffickers no doubt constitute socio-economic cum environmental threats to Nigeria in particular. The quantum of damages has necessitated the need to raise some pertinent questions; what are the major causes of drug trafficking in Nigeria? What are the institutional frameworks that have been put in place to combat the menace of drug trafficking? How can the institutions be strengthened to tackle drug trafficking? To answer the questions, the paper relied on both primary and secondary sources of data. Questionnaires were administered to 386 purposively sampled respondents with 74 per cent duly retrieved for analysis. The structural-functionalist theory served as the framework of empirical assessment. In the course of the research findings, it was discovered that the nations of the world have identified drug trafficking as an international crime that requires institutional and legal collaborations to combat; hence the role of the NDLEA in this regards is invaluable. The agency has been in the business of elimination and preventing drug addiction and safeguarding the health of the nation. The laws and institutions to combat drug trafficking are not just of national importance but also, of international necessities. It has been recommended among others the need for an amendment of the NDLEA laws to accommodate the dynamics of the drug trafficking menace, the agency should embark on massive enlightenment campaign to forestall drug trafficking and quackery.

## I. INTRODUCTION

Nigeria has been seen as a major player in the global trade in illicit drugs like cocaine and heroin, and also in efforts to control the trade through government institutions cannot be underestimated. In the last ten years there have been media and official reports of escalating arrests of Nigerian drug smugglers, large scale seizures and concerns as the country now ranks high among narco-states in the West African sub-region.

The origin of Nigeria's drugs trafficking problem can be traced to the period just after the Second World War. Nigerian soldiers who had served in Burma, India, came back with seeds of the cannabis sativa plant. They went ahead to experiment with its cultivation and discovered that the plant does very well in some parts of Nigeria, and this led to a rise in the cultivation of the plant. The most widely abused and

locally trafficked illicit drug in Nigeria and indeed West Africa is cannabis, in its herbal form because it is quite affordable and readily available due to the fact that it is cultivated and produced locally (Musbau, 2012).

Currently Nigeria society is in a serious dilemma and in a pathetic situation, this is because narcotic drugs such as cocaine, crack, heroin, morphine, and other related illicit drugs that used to be traded in secret places are now readily available and can easily be bought on the streets of Nigeria. This development is disturbing and has been described as a dangerous trend in the illicit drug trade in Nigeria. Also the increase in the cultivation of cannabis across Nigeria has compounded the country's drug problem. The trend in local supplies of cannabis from the traditional high-risk areas of Ondo, Edo, Osun, Oyo, Delta, and Ogun states have now changed to supplies from various parts of the country thereby increasing consumption and export rates (NDLEA, 2014).

Illicit drug trafficking is classified as one of the leading networks of organized crime and has been identified in Nigeria as a propellant that perpetuates crime, increase health risk, weakens the rule of law, induce crime and make conflicts more lethal. Illicit drug related to organized crime has transcended the barriers of traditional state territories creating grave concern to national security. Drug lords form cartels and syndicates creating a complex web of operation, both locally and internationally.

Behsat (2014), had argued that drug trafficking is among the greatest nontraditional transnational security challenge affecting virtually all countries of the world. He argued that drug trafficking has advanced from being a mere criminal-justice issue to a national security agenda for many governments.

Marijuana is seen as the most popular illegal drug used globally and in Nigeria. Nigeria is no more seen as a drug transit country but also an ardent drug consumer nation. This has a grave consequence on the Nigerian nation. With the barrages of implications on the overall development of the country, hence, the need to put institutional framework like the National Drug Law Enforcement Agency (NDLEA) in place. This paper intends to assess the nature of institutional and legal frameworks against drug trafficking in Nigeria as its major objective.

### *Conceptualizing Drugs and Drug Trafficking*

Drug and drug trafficking are nebulous concepts as several scholars, analysts, researchers, commentators and administrators have conceptualized it in their own ways. A drug is any biological substance, synthetic or non-synthetic, that is taken primarily for non-dietary needs. It is usually synthesized outside an organism, but introduced into an organism to produce its action. That is, when taken into the organism's body, it will produce some effects or alter some bodily functions such as relieving symptoms, curing diseases or used as preventive medicine or any other purposes (Charles, 2004).

The history of drugs illuminates the history of humanity and explores the long relationship between mankind and mind-altering substances. Use of drug is as old as the history of human existence. Almost all primitive and modern societies seem to have used some mood modifying drugs; and in some cases, it was only alcohol. Alcohol was made, drunk, and used to excess as far back as memory and records go. Tobacco (Nicotiana), hemp (Cannabis Sativa), opium poppy (Papaver Somniferum) and other plants containing drugs have been chewed and smoked almost as long as alcohol and coffee has been served in the Middle East (Charles, 2004).

Narcotics are clinically used in treatment of pain, cough and diarrhea. They produce a general sense of well being by reducing tension, anxiety and aggression. These effects which are useful therapeutically are also the reasons for their abuse. Unwanted effects of use of the narcotics are: drowsiness, apathy, inability to concentrate, lessened physical activity, dilation of the subcutaneous blood vessels causing flushing of face and neck, constriction of the pupils, constipation, nausea, vomiting and respiratory depression. With repeated use of narcotic drugs, tolerance and dependence develops. Tolerance is characterized by a shortened duration and decreased intensity of analgesia, euphoria and sedation.

A "psychoactive drug" or "psychotropic substance" is a chemical substance that acts primarily upon the central nervous system where it alters brain function, resulting in temporary changes in perception, mood, consciousness and behaviour. These drugs may be used recreationally to purposefully alter one's consciousness; as entheogens for ritual or spiritual purposes; or as medication. The expression psychotropic substance is derived historically rather than pharmacologically in its connotation.

Drug trafficking involves the movement of illegal commodities across borders. In most cases, willing sellers and buyers collaborate to successfully achieve their goal. In the last twenty-five years, researchers demonstrated that drug trade networks share a lot in common with legal markets. Naylor (2003) proposed a definition of market-based offenses that is useful to understand transnational drug trafficking. He stated that drug trafficking consists of multilateral exchanges of inherently illegal goods between producers, distributors and consumers in a market-like context. Two elements of Naylor's

definition are particularly relevant. First, drug trafficking involves the movement of an illegal commodity from source to user.

The chain between the two comprises a given number of intermediaries. This could be referred to as the economic element because it is centered on the commodity trade. Second, those exchanges occur in specific social and political contexts; the commodity itself is secondary. The contextual element of drug trafficking has been the subject of many analyses in geopolitics. The study of transnational drug trafficking thus remains multidisciplinary and quite divided: it combines notions borrowed from sociology, anthropology, economics and politics.

## II. THEORETICAL FRAMEWORK

This study is premised on the structural-functionalist theory, though other theories could have been adequate in explaining the variables of this research. Structural functionalism as it is often called and as adopted in this study, intends to explain the basis for the maintenance of order and stability in society and the relevant arrangements within the society, which maintain the said order and stability. In our formulation of a structural functional framework, social processes and social mechanisms are intervening variables. A complete description of a social system would include, therefore, a treatment of the social structures, and various functions of these structures; and of the social processes and mechanisms that must be in operation if structures are to satisfy certain functions (Holt, 1967).

Structural functionalism especially in view of its emphasis on structure and function of component parts has attained a reference point in analysis associated with man and his environment. The theory is traceable first to natural sciences, precisely to biological and mechanical sciences as part of systems analysis and then to social sciences as a mode of analysis, first in the fields of Sociology and Anthropology and later developed for political analysis by Gabriel Almond.

The basic assumption of the structural functional framework is that all systems have structures which can be identified; and those structures perform specific set of tasks if they are to remain in existence and maintain their relevance to the system. Every political system performs certain functions. Taking Easton's systems analysis as a starting point, Almond looks for the functions which could be included among the input and output functions of all political systems. On the input side are the functions of interest articulation and interest aggregation. Second, on the output side are the functions of rule making, rule application and rule adjudication. The function of political communication is undertaken to inform all within the political system and outside of the diverse activities. Additionally, every system performs systems maintenance and adaptation functions through political socialization and recruitment of people.

Apparently, the political system is composed of structures assigned with specific functions which might either be input or output in nature but when the performance of these assigned functions are defective is exposed to decay. For instance, the failure to appropriately make, implement or administer anti-corruption laws and policies by the managers of the state (in the legislative, executive and judicial arms) has exposed the Nigerian state to underdevelopment in spite of the huge potentials- human and material resources- at the disposal of the country.

Often, there are public outcries from within and even from the international community. Specifically, the structural functionalist theory as a broad perspective in the social sciences which addresses social structure in terms of the function of its constituent elements (that is norms, customs, traditions and institutions), when applied, assisted this present study to analyze and establish effectiveness or ineffectiveness of the structures of the political system to eradicate drug trafficking in the whole system and the constraints of the acts that established various institutions that is, the anti-drug trafficking and abuse agencies such as National Drugs Law Enforcement Agency (NDLEA) saddled with the responsibility to fight against trafficking in drugs in Nigeria.

#### *Drug Trafficking and the Nigerian Economy*

It will be foolhardy to deny the fact that drug trafficking is an economic activity, though an outlawed trade and venture. Drugs under legal prohibition are made available for general consumption via trafficking. It takes series of processes such as production, cultivation, manufacture, procurement, storage, importation, exportation, transportation, distribution, offering for sale, dealing in, peddling in and sale of narcotic drugs and psychotropic substances under international control (NDLEA, 2010; Adeniyi, 2011). Each of these stages signifies an economic source of livelihood for the men and women underworld.

Illicit drug trade started in Nigeria after the Second World War when Nigerian soldiers who fought in the war in India and Burma (now Myanmar) brought the seeds of cannabis into Nigeria (Dambazau, 2007). Initially, they planted the seeds for personal use and due to the favourable climatic conditions and fertile soil they continued to plant it for commercial purpose (Adeniyi, 2011). Since then, the country had been witnessing increasing the use and sale of cannabis.

The attendant problems associated with the use and abuse of cannabis and other hard drugs made the government put in place several legislations to contain its spread. The drug problem assumed a different dimension in the early 1980s as a result of the influx of narcotic drugs into Nigeria. Drugs such as cocaine, heroin, Amphetamine, ephedrine and psychotropic substances entered the drug scene in the country.

Unpatriotic Nigerians whose business is trafficking in illicit drugs brought these drugs into the country. Though Nigeria is not a producer of cocaine and heroin, these drugs are now

available in the country. The country then assumed the status of a transit nation due to her strategic geographical location and expansive porous land borders. This makes it possible and easy for the conveyance of illicit drugs from source countries to consuming nations. Thus, Nigeria provides the missing link between producing countries of these drugs and the consuming nations of the world. Available records from NDLEA, revealed that cocaine is brought in from Latin American countries such as Peru, Bolivia, Colombia, Brazil and Caribbean, while Heroin and synthetic psychotropic substances are brought in from Asia, particularly India, Pakistan, Thailand, Indonesia, Myanmar, Afghanistan and Laos. Cannabis is the most widely patronized illicit drug produced in Nigeria and it is cultivated illegally in different parts of the country (Adeniyi, 2011).

A striking feature in the trend of drug trafficking in Nigeria is that narcotic drugs such as cocaine, crack, heroin, morphine and other similar drugs are now readily available and can easily be bought on the streets of Nigeria.

Drug trafficking syndicates have been categorized into four specific specialties in Nigeria as the procurement syndicates based in source countries; courier syndicates involving low ranking human carriers of various nationalities; overseas distribution syndicates which handle the sales at the final destination where they are consumed and local merchandising syndicates, which specialize in bringing in drugs from source countries and sell to other local syndicates that ferry those drugs abroad (NDLEA, 2008). The illegal cultivation of Cannabis in different parts of Nigeria has really compounded the country's drug problem. Hitherto, Cannabis cultivation was prevalent in southern and middle belt areas of Nigeria, but over the years large sizes of cannabis farmlands had been discovered in states like Katsina, Kebbi and Adamawa States. The trend in local supplies of cannabis from the traditional high-risk areas of Ondo, Edo, Osun, Oyo, Delta and Ogun states have now changed to supplies from various parts of the country thereby increasing consumption and export rates (NDLEA, 2010).

An aspect of drug trafficking trend in Nigeria is the use of courier services to convey drugs to different parts of the world. Drug merchants because of their belief that courier service is a relatively secure method of transporting their consignment repeatedly adopt this medium of distribution in the illegal trade. However, the use of Courier Company to convey drug often constitutes the misuse of the companies' services because the management might not be aware but individual employees might be involved. The most commonly smuggled drugs through courier services according to NDLEA (2010) include heroin, cocaine, cannabis, MDMA (commonly known as ecstasy) lysergic acid diethylamide and amphetamines. Drug trafficking is a corrupt process of getting rich. The recklessness in the way drug wealth is expended coupled with the flamboyant lifestyle of the drug traffickers have negatively affected the value of hard work that the country is known for. The implication of this is that some

Nigerians in their prime are attracted to this illicit trade and looking forward to becoming successful in this illegal business.

### III. METHODOLOGY

The data used for the paper were generated from the questionnaires administered to 386 purposively sampled respondents including members of staff of the National Drug Law Enforcement Agency (NDLEA) spread across the six-geopolitical zones of the country representing the case study of the researcher. Out of the 386 questionnaires administered, only 286 (69.4%) dully completed and returned copies were used for the analysis. Standard Deviation provided the statistical tool of analysis for the data collected.

### IV. ANALYSIS AND DISCUSSION OF FINDINGS

*The role and challenges of the National Drug Law Enforcement Agency (NDLEA) as an institution has combated drug trafficking in Nigeria*

S/ N	Items	Cod e	N	Mea n	SD	Remarks
1	NDLEA sensitizes the citizens on the danger of drug trafficking	E1	29	4.25	0.60	Significant
2	NDLEA arrests and prosecutes drug traffickers	E2	29	4.25	0.74	Significant
3	NDLEA collaborates with other agencies and nations in fighting drug trafficking	E3	29	4.34	0.68	Significant
4	Regulatory Inefficiency reduces the efforts of the NDLEA against trafficking	E4	29	4.27	0.67	Significant
5	Lack of proper regulatory information reduces the impact of the NDLEA	E5	29	3.84	0.76	Significant
6	Inadequate personnel is a challenge to the NDLEA in its fight against drug trafficking.	E6	29	4.10	0.65	Significant
7	Porosity of Nigerian borders impedes war against trafficking	E6	29	4.11	0.66	Significant

Source: Field Survey, 2020

The Table above relates to the findings of the question that sought to examines the role of and challenges facing the NDLEA as an institution created to combat drug trafficking in Nigeria. From the table, Items (E1-E7) in table 7 focused on how the agency has fared and its challenges as an institution created by law in Nigeria. The respondents agreed NDLEA sensitizes the citizens on the danger of drug trafficking (M=4.25; SD=0.60); they accepted that NDLEA arrests and prosecutes drug traffickers (M=4.25; 0.74); that NDLEA collaborates with other agencies and nations in fighting drug trafficking (M=4.34; SD=0.63); Regulatory Inefficiency reduces the efforts of the NDLEA against trafficking

(M=4.27; SD=0.65); Lack of proper regulatory information reduces the impact of the NDLEA (M=3.84; SD=0.76); and Inadequate personnel is a challenge to the NDLEA in its fight against drug trafficking. (M=4.10; SD=0.65). The mean of the respondents' responses is as presented in figure 5.7 below. The finding implies that misplaced financial priority cum subtle corruption remains the major challenge of the National Drug Law Enforcement Agency (NDLEA) in its fight against illicit drug trafficking in Nigeria.

The findings of this study affirms that during the period under assessment, the drug crime rate as increased by 3.8%. It is evident from the analysis that there is a growth of 70% in crime trend occasioned by access to illicit drugs that are usually trafficked. Lagos is the most vulnerable state in Nigeria which shares a 31.1% of whole country's traffic route for drugs. It is evident from the study that cocaine is the most frequently trafficked drug in Nigeria. Among the Agencies of the Nigerian government, NDLEA is the major stakeholder in prevention and detection of drug trafficking in Nigeria.

The findings from this study reveal that certain social factors are involved in why Nigerians traffic drugs. These factors include environmental factors such as peer group influence, lack of good home trainings, poverty, greed, porous border among others. This finding also x-ray the limitation of the position of psychological and biological explanation of abusive behaviour which postulate that abusive behaviour is only a product of the personality characteristics of the individual concerned. The researcher also discovered that the disabilities suffered by those who abuse drugs are dependent on the drugs, these disabilities include loss of control over social inhibition of motor coordination and so on.

West (1972) pointed out that a significant percentage of regular users are adversely affected by drug abuse in terms of mental health and other psychological problem such as: behavioural disorder, cancer of the lung, liver and kidney complication, violent behavior and accident and sexual problem and many more are lined to the abuse of trafficked drugs in the recipient country. Drug trafficking have very high side effects which has to do with poor social adjustment and social. This makes greater demand on societal resources without the capacity to contribute fully to the development of the society.

This survey shows that majority of the respondents have experienced stocking some drug addiction in their premised. These findings, is very encouraging as it suggests that the respondents are aware of the high occurrence of drug traffickers and are motivated to check for security measured in order to identify them. Drug trafficking poses a threat to stability when rivals fight for control of the market, trafficking proceeds finance activities of other violent actors (e.g., violent extremists or armed rebel groups), corruption eviscerates security institutions, or counternarcotics efforts threaten drug traffickers. Guinea-Bissau most clearly illustrates the threat posed by political elites fighting for control of the market.

The instability stemmed not from conflict between the government and a non-state actor but rather from the complicity in drug trafficking of senior government officials who fought for control of the sizeable trade within the state. High-level complicity presents a particularly difficult environment for development assistance to succeed in directly countering drug trafficking. In this context, programming to counter drug trafficking would focus on developing political will, supporting credible actors working to address the issue, and promoting reform to professionalize the military and/or build credible and effective civilian control of the military.

An additional threat to peace and security from drug trafficking in Nigeria arises from the link to other illicit activities. The transportation, communication, and logistics networks used in drug trafficking can facilitate other illicit trafficking, with linkages apparent to trafficking in arms, persons, stolen vehicles, lumber, and minerals. Drug traffickers often engage with Nigerian power brokers who have long been coordinating logistical arrangements to illegally transport a wide variety of goods to also facilitate the transportation and storage of hard drugs. In addition, drug trafficking can provide revenue to insurgent or terrorist groups and contribute to instability in places where traffickers, terrorists and insurgents operate.

#### V. CONCLUSION AND RECOMMENDATIONS

Drug trafficking is no doubt a serious threat to national peace and international security. It has become an illegal source of livelihood for the dealers and a supporting source of income for the traffickers. The efforts of nations including Nigeria to put this illicit trade into to check have yielded minimum results. The quest for wealth at all cost is one of the major reasons for engaging in the trafficking of illicit drugs. This is because the findings show that the incidence of drug trafficking is on the increase owing to economic hardship, social stress, greed, ignorance among others etc. many of the traffickers do not really know the overall effects on the drugs they are engaged to move from one source to the other, in fact some arrested traffickers have been given parcel to deliver of which they do not know the real contents. The NDLEA as an anti-illicit drugs agency has been doing its best; however, it has not been able to really rid the country of this evil business. The paper therefore presents the following recommendations; there is need for the Nigerian laws on drugs trafficking to be more severe in order to accommodate the new trends of trafficking in this era of globalization. Relevant laws need to be put in place to restrain the roles being played by the financial institutions in trailing the humongous proceeds of drug trafficking. The NDLEA in collaboration with other agencies of the government should intensify effort in public enlightenment against drug trafficking and the avoidance of those proceeds from the illicit business. Public punishments for convicted drug traffickers should be the practice in the country. This will not only serve as deterrent to others but also to redeem the image of the country in the international anti-narcotic war. The Nigerian borders need to be proper

demarcated and manned not solely with military might but also involving members of border communities.

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