

A SUCCESS OR A DEBACLE? THE NATIONAL DRUG LAW ENFORCEMENT AGENCY'S FIGHT AGAINST ILLEGAL DRUGS IN NIGERIA, 1989-2021

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Abstract

Nigeria, as at today, is seriously beleaguered by drug problem. Drug abuse in Nigeria has increased to an alarming rate in recent times and there are as many types of drugs as there are the people who abuse them. No part of Nigeria is left out of the problem, just as new and trendy intoxicating substances keep evolving almost on daily basis and finding their way into every nook and cranny of society with little or no check. More worrisome but engaging is the fact that this trend is accompanied by some drug problems which have thrown Nigeria into perpetual anarchy in the form of kidnapping for ransom, cultism, armed robbery, militancy, banditry, domestic violence, prostitution, among others. Obviously, situation as this calls for a re-appraisal of the effort of the National Drug Law Enforcement Agency (NDLEA) as the only critical agency established by law to eradicate drug abuse in Nigeria. With a focus on the history, reasons, activities, and challenges of the NDLEA, this study seeks to place the agency in proper perspective-to present to the reader the circumstances that inspired the formation as well as how far it has fared in its mandate within the period under review. Tainted with certain levels of success, this study equally while specifying some notable positive moves on the part of the NDLEA, has not failed to recognize the litany of challenges emergent in this type of task, moreso when most of these items have a long history of cultural permissibility. Appraising the NDLEA within the specified scope has successfully exposed



Nigeria's ubiquitous endemic issues which fuel and propel drug abuse cutting across the divide. The paper, thus, posits that the inability of the NDLEA to eradicate drug abuse completely does not in any way suggest it is a failed Agency. This paper is historical; hence, it adopts a qualitative method of analysis. Useful pieces of information were sourced from the Internet, extant and relevant secondary documents, and media reports on drug abuse.

Key words: Drugs policy, Drug abuse, Prevention, Intoxication, Nigeria, Law Enforcement,

Introduction

The struggle for independence and emergence of Nigeria in 1960 as one of the many sovereign African states meant that it needed to gird its' loins and take responsibility for myriad of emerging social, political, economic, diplomatic and security problems confronting the nascent democracy in its quest for nation-building. Among these problems is drug abuse and trafficking. Drug abuse is worse than firearms. Nigeria, like many countries in Africa, has a serious drug problem. By all indices the reports coming out of different studies are not predicting good for Nigeria. As a matter of fact, the report of the study carried out by the United Nations International Drug Control Programme (UNDCP) on Nigeria in 2001, confirms that youth gangs and street children abuse illicit drugs and other improvised substances, which may be a contributory factor to delinquent behaviour and crime¹. Similarly, the World Drug Report 2021, predicted a likely 11% increase in the number of people who abuse illicit substances worldwide over the next eight years. About 40% of that increase was projected to come from Africa. When one considers this report in relation to the population of Nigeria *vis-à-vis* the population of other African countries, coupled with the fact that the country has become a producer and market for *cannabis* and synthetic Crystal Methamphetamine,



known locally as *mkpuru mmiri*, one is bound to know that this report is speaking to one. The mind boggles at the thought of it. Furthermore, the World Drug Report, 2014 ranked Nigeria higher than other African countries in *cannabis sativa* abuse². Although the ranking may have changed since then, the burden posed by drug abuse may be getting worse every day. This is because the Nigerian society is a drug-oriented one, where owing to cultural reasons and some other sociological factors, many persons all over the country use and abuse licit and illicit drugs one way or the other. As a result, there is a growing hypocritical drama playing out recently where Indian hemp smokers flogged *mkpurummiri* users; while beer consumers flogged Indian hemp smokers. There is also a general tendency to forget that every individual is involved in the same abuse. The only difference being in the type of drug each individual abuses. As has been stated by Oakley Ray, the drug problem is not one involving only the youth and law enforcement officials. Rather, it is one that may affect the life of every person to some extent.³

There are indications that alcoholic beverages have been locally brewed and used for various purposes in the communities that make up Nigeria over many centuries. And there were in place culturally-controlled methods of alcohol use as well as alcohol-related problems⁴. It is probably right therefore to infer that most Nigerian communities from inception had been struggling with containing and controlling drug abuse by their youths way before the emergence of organized system of control, since the effects of drug abuse and drug-related problems were being felt by the general populace, who must have to contend with drug-related problems such as armed robbery, burglary, prostitution, kidnapping for ransom, thuggery and other forms of economic and social vices.

In recent times, however, drug abuse and trafficking in Nigeria has grown from what it used to be before now to an alarming rate and there are as many drugs of abuse as there are the people who



abuse them. Almost every day, new and designer drugs keep evolving. The latest frenzy being Crystal Methamphetamine, known in local parlance as *mkpuru mmiri*. This is accompanied by new and almost unpredictable *modi operandi* contrived by drug offenders to deceive the authorities, beat surveillance, and evade arrest. This, no doubt, has posed a great danger to social, economic, and political growth of the country. It is important to point out that, drug abuse and trafficking has exposed Nigeria as a fertile ground for all kinds of socially-permissible and illicit drugs, and its attendant high crime that pose a great challenge to the governments at all levels and society at large.

Thus, at the wake of independence, the Nigerian government, after taking a look at its past, present and future, sought ways to understand and control the spread of drug problems. Several policies were formulated and implemented by successive administrations even prior to independence towards addressing drug abuse in Nigeria⁵. Yet, Nigeria remains in many ways, in the face of this daunting challenge, a state in search of a solution. Following the quest for national control of the use and abuse of illegal substances, the National Drug Law Enforcement Agency (NDLEA) emerged in 1989⁶ as a timely creation of the Nigerian law and as an evidence of the common resolve to wage a sustained onslaught on hard drugs in Nigeria. Based on its mandate the NDLEA has been battling the drug scourge all over the country till date.

Over twenty-two years since inception in 1989, however, the National Drug Law Enforcement Agency has not only grown and expanded its operation scope and procedure, but has often come under the spotlight and scrutiny by many scholars and researchers over its role(s) as it concerns its poise to eradicate drug abuse and make Nigeria a drug-free society. A number of these assessments, though borne out of the need to draw attention to the shortcomings of the NDLEA and thus reposition it, have either written it off as a failure, questioned its capacity to



end drug abuse, or the prohibition of certain class of drugs and the effectuality of its operational strategies of arrest and detention provided by law. J. E. Gyong et al's "A Sociological Assessment of the National Drug Law Enforcement Agency's (NDLEA) Strategies of Arrest and Detention in Nigeria", Stimpson G's "Can a War on Drugs Succeed?", Alemika Etannibi's "Narcotics Trafficking, Abuse and Control in Nigeria", S.A.M Ekwenze's "Nigerian Dangerous Drugs Act: A Great Positive Disability- Jurisprudential Dictates of Indian Hemp", Alabi Uwiagbo's "NDLEA: A Decade of Drug Law Enforcement in Nigeria", Isidore S. Obot's "Assessing Nigeria's Drug Control Policy", A. O. Odejide's "Drug Abuse in Nigeria: Nature, Extent, Policy Formulation and Role of the NDLEA", Dike. F. Uju's "Achievements and Failures of the NDLEA in Curbing Drug Issues in Nigeria, from 1989-2015", Smart .E. Otu's "The "War on Drugs" in Nigeria: How Effective and Beneficial is it in Dealing with the Problem?" are but few of the scholarly efforts that have critically assessed drug problems, current prohibition and incarceration policies on drugs, and the NDLEA performance over many operational years. However, in spite of these illustrious efforts, the questions remain: Is the complicity of some NDLEA officials hampering the realization of its mandate? To what extent has the focus on hard drugs and neglect of the gateway substances affected the fight against drug abuse? Is NDLEA succeeding or failing in the realization of its objectives in the light of the 2021 ramp up in the number of drug offenders, seizures and designer drugs on the streets as reported by the United Nations Office on Drugs and Crime (UNODC)?⁷ If yes. How? If no. Why?

Considering these three questions as the immediate spur for this excursion for an objective historical study of the National Drug Law Enforcement Agency's successes regarding the mandate of eradication of drugs, this paper re-examines National Drug Law Enforcement Agency by looking at its historical trajectory, background, mandate, successes, challenges, and the way



forward. These questions are inevitable, especially now that the Agency is suffering from credibility gap, despite having endured for over twenty-two years. The time scope of the study was carefully chosen as to reflect the official launching of National Drug Law Enforcement Agency in 1989; while 2021 is significant in two ways. First, it was the year in which the present leader of the Agency Retired General Mohammed Buba Marwa assumed office. Second, on 26 June, 2021, President Muhammadu Buhari launched an advocacy campaign called War Against Drug Abuse (WADA) to create awareness that will suffuse society with anti-drug culture. It entails setting up coordinated anti-drug committees at States and Local Government Areas and communities across the federation. This paper is both critical and analytical and is organized smoothly into six parts in order to systematically present the findings in a manner that makes it a valuable research. The first part is introduction; the second part is conceptual clarifications. The third section discusses the deplorable drug situation that necessitated the birth of the National Drug Law Enforcement Agency (NDLEA). The fourth section dwells on a re-appraisal of the NDLEA mandate on illegal drugs. This is followed by a penultimate discussion of the successes recorded by the NDLEA and the factors that militated against discharge of its function. The six and final section is conclusion.

Conceptual Clarifications

Drug: It is relevant, when discussing a topic of this nature, to understand the meaning of the word “drug”. This is because, when discussing drug abuse, it is very common for people to address their minds to medicines that are usually prescribed by doctors and medical personnel when they go to hospitals or when they are sick. Drug means something more than that. However, it is important to bear in mind that there is no one acceptable definition of a drug among scholars in the field. This disagreement seems to stem partially from the practice of treating some classes of drugs either as food, legal or illegal on



the basis of medical criteria, such as the degree to which a drug affects the mind, or endangers the user's health or is habituating⁸. A drug is any substance, natural or artificial, other than food, which by its chemical nature alters structure or function in the living organism.⁹ This definition highlights the difficulty inherent in defining a drug in that it fails to define what is food since one man's food is another's poison. Going by cultural dissimilarities, alcoholic beverages, such as wine, beer, kola nuts or even the local *kai-kai*, may be seen as either drug, food or both. From another perspective, drugs have been conceived also as that when used or abused are capable of altering the user's mood, behavior, and disrupting thought processes, most time adversely. Underlining the above viewpoints is the common agreement that all drugs are chemicals or contain chemicals that disrupt the human body when consumed.

Drugs are of two categories namely:

- **Medicines:** a medicine refers to any drug used to treat illness, protect against diseases or promote better health, usually prescribed by a physician for a specific therapeutic effect, such as Artesunate for malaria treatment.
- **Psychoactives:** psychoactive drugs are used for purely social purposes and not for any therapeutic purpose, such as caffeine in coffee, nicotine in cigarettes, and ethyl alcohol in beer, wine, and hard liquor¹⁰.

Psychoactives may be further divided into legal (alcohol, beer, and cigarettes) and illegal (marijuana, methamphetamine and cocaine) categories, since is clear that people also use prohibited drugs for social or non-medical purposes. What can be deduced from the above is that the both categories of drugs can be abused. However, the main focus of this paper is on narcotics (illegal inebriants), since they form the core for which the NDLEA was set up to tackle. This category of drugs adversely affects the functioning of the brain, depresses pain and increases general



feelings and well-being; it also has one greatest potential for causing negative consequences, both personal and social¹¹.

Drug Abuse: “Drug abuse” is a problematic term. It has no straightforward, culture-free definition. Writers who use the term typically write in whatever meaning it has for them. For many, their understandings of abuse centre on the consequences of the drug user’s behaviour, both to himself or herself and to others in the person’s social environment. They forget that the behaviour that causes consequences in one community or culture may not cause them in another. Another existing ambivalence about abuse is based on the distinctions between legal and illegal. Just as in the case of drugs, when some officials or the media speak of drug abuse, they invariably are referring to the illegal use of drugs that are favoured by a minority and disfavoured by the majority¹². They tend to mute the idea that the major drug problem everywhere is not one of young people abusing illegal drugs; the largest problem is the overuse and abuse of culturally-permissible drugs, such as tranquilizers, alcohol, kola nuts, cigarettes, beer and palm wine.¹³ A society’s customs, norms, morals, common practices and laws determine which drugs are defined as a problem. What this means is “our drug problem” definitions are primarily social and secondarily medical or legal¹⁴.

In writing and other forms of communication about drugs, nevertheless, abuse is a word that is used extremely frequently despite that effort to arrive at a more generally applicable definition is still elusive. Drug abuse should not be only about users of drugs; it should include the cultivators, producers, dealers, and marketers or promoters of these life quenchers. Therefore, drug abuse will be used in this study to refer to the production, cultivation, sale, marketing, promotion, endorsement, enabling the use or use of drugs that Nigerian society has outlawed and other drugs that are socially acceptable. However, this is without prejudice to the fact that the focus of



this study is on narcotics and psychotropics, since the law establishing the NDLEA saddled it with the sole responsibility of tackling “illegal” drugs only. Drug abuse in this context, therefore, is the improper or harmful production, marketing, endorsement or use of legal and illegal drugs without prescription. It is the sell or use of drugs when they are not necessary or against prescription. Indiscriminate production, sale, or use of drugs is an abuse. Taking an over dose of drug is also an abuse; and ignoring medical instruction on how and when to use drug is an abuse. The evil in drug abuse is that it leads to addiction or drug dependency and health hazards¹⁵. Drug addiction and dependency are extreme forms of drug abuse.

Inside Nigeria: The Reasons for Setting up the NDLEA

Drug abuse is considered to be an extremely serious social problem affecting Nigeria. The National Drug Law Enforcement Agency is an evidence that Nigeria was beset by drug abuse and drug-related problems. The Agency is also an evidence that it was a child of necessity borne out of the fact that Nigeria was in a state of anomie and dysfunction. A state that needed a quick intervention to prevent further descent into lawlessness, anarchy and quagmire. But has it always been like this or how did the country come to be in this odious state?

In many communities that made up Nigeria, traditional alcohol in the form of palm wine and gin, locally known in various names as *kai-kai* and *ogogoro*, had been brewed and used for various purposes over many centuries before contact with Europeans. In addition to that, kola nut *-oji-* which is a common source of caffeine had also been abused by the people. Other forms of alcohol, according to Isidore, were introduced during the colonial period, while illicit drugs were much more recent phenomena¹⁶. Nigeria was primarily a subsistence society and it occupied a prominent position in the West African sub-region. Nigerian dwellers depended majorly on subsistence farming, and local



trading and crafts. The country shares a close boundary with Chad, Niger, Cameroun and Benin Republic. Thus, owing to porous borders Nigeria experienced a daily influx of illegal immigrants, migratory jobbers and petty traders from these neighbouring countries and beyond, who brought with them not only significant spending power, but also personal idiosyncrasies that clung long after they had left; and there were idle Nigerian youth and credulous teenagers who were very keen to be influenced negatively through such relational contacts. As Nigerian youth gathered at local bars to drink, it was an ample opportunity to discuss sundry matters and share knowledge. This included but not limited to knowledge about latest drugs.

Although it has been established that *cannabis sativa* (Indian hemp) was introduced to Nigeria and other parts of West Africa during and after the Second World War in 1945 by soldiers returning from the Middle East, the Far East, and North Africa, and also by sailors¹⁷, as at the time of independence in Nigeria in 1960, not much was known about narcotics, except the predominance of gateway substances, such as alcohol, beer and cigarettes, which the society did not frown at. This is not, however, implying that there were no illicit substances in use. No. In fact, as far back as 1935, as noted by Oloruntoba, the first Drug Control Law in Nigeria termed the 'Dangerous Drugs Ordinance' (DDA) was enacted with the aim to regulate (and not to prohibit) the importation, exportation, manufacture, sales, and use of opium and other dangerous drugs¹⁸. What can be inferred from this is that it seems likely that, contrary to the position of some scholars such as Isidore, drugs became a public issue in Nigeria as far back as 1935. However, even at that time, Nigerians were largely ignorant of the names and existence of the other drugs in the narcotic family when compared with the general knowledge of today. But, as from the 1960s, the era of ignorance and or innocence among Nigerians in terms of exposure to drugs and knowledge of drugs began to vanish, with discoveries of *cannabis* farms in the country, arrests of Nigerian



cannabis traffickers abroad, and reports of psychological disorders suspected to be associated with *cannabis*.¹⁹

Following this development, the Indian Hemp Decree (IHD) was enacted on 31 March, 1966 by Major General Aguiyi Ironsi. This Decree retained the meaning of Indian hemp as defined in the Dangerous Drugs Act of 1935, and went further to prescribe a sentence of death or imprisonment of not less than twenty one years, upon conviction for use or importation of Indian hemp into the country. However, like the Dangerous Drugs Ordinance, the Indian Hemp Decree allowed for medical utilization of Indian hemp. Thereby creating a room for exploitation. This was followed in succession by the Indian Hemp Amendment Act 1975 and the Indian Hemp Amendment Decree 1984. The important thing to note is that, whereas the Indian Hemp Amendment Act 1975 amended the Indian Hemp Decree 1966, the Indian Hemp Decree 1984 further amended and repealed the Indian Hemp Amendment Act 1975. At this time, drug trafficking was just bubbling up as Nigeria was emerging as a major transit point in the global drug trade. Furthermore, it had become clear that more Nigerians were getting involved in the distribution of drugs, both within the country and beyond, while citizens also experimented with, and used these drugs. At this period, the menace of illicit drugs had become too nauseating for any serious government that knows its onus to sweep it under the carpet.

When General Buhari came to power in 1983, it was clear what response was to follow. His answer to this general malaise was the Special Tribunal (Miscellaneous Offences) Decree 20 1984. The important thing to note is that this decree, among other things, retained the death sentence prescribed by the 1966 Decree. Thus, drug trafficking became a crime punishable with death²⁰. In that same year, it was applied in retrospect in conviction of three Nigerians, Benard Ogedengbe, Bathlomew Azubuike Owoh and Lawal Akanni Ojuolape, who were publicly executed by a military firing squad under the Buhari / Idiagbon

military government for trafficking on hard drugs. Whereas this public execution did not deter drug peddlers, it served to socialize Nigerians about the danger in trading illicit drugs; and from that moment Nigerians began to hear more about cocaine, heroin and other narcotics than they hear about common malaria drugs in the media²¹. This period marked the beginning of a truly sustained organized fight on hard drugs as evidenced in the creation of a separate agency known as the National Drug Law Enforcement Agency (NDLEA) to wage this onslaught to its logical conclusion²².

An Appraisal of the NDLEA Mandate on Illegal Drugs

In essence therefore, the National Drug Law Enforcement Agency (NDLEA) was established via Decree 48 of 1989, as a response to the Vienna Convention of 1988, which requested its signatory member countries to domesticate them into local legislations as well as put in place institutional frameworks to control rising drug problem. Ever since then the NDLEA has been the most significant drug law outfit in Nigeria till date. The NDLEA Decree while setting up an agency of the same name, has the following as some of its mandate. What follows below are discussions of some of the stated functions of the Agency at its birth 22 years ago.

- **To co-ordinate all drug laws and enforcement functions conferred on any person or authority, including ministers in the government of the federation, by any such laws.**

The NDLEA is in charge of drug policy and control in Nigeria. At inception it was given a legal instrumentation to operate and to coordinate policy on drugs. Within this purview, the agency has the mandate to recruit staff and make arrangements so that they work with a unit of purpose in terms of enforcing laws to curtail illicit production, sale, and trafficking of psychoactive substances. To help pilot the activities it was agreed that fearless leadership was not to be compromised. Thus, Mr. Fidelis Oyahkilome was saddled with the privileged



responsibility of becoming the first NDLEA chairman. Moving forward the Agency as at 2017, had a total workforce of 4724, which disposed to 3879 male and 895 female. It had seven directorates and fourteen independent units and offices that coordinated together towards the realization of its mandate. This is in addition to thirty six State Commands and the FCT, Abuja and ten Special Area Commands located at the nation's international airports, seaports and land borders.²³

- **To adopt measures to eradicate illicit cultivation of narcotic plants and to eliminate illicit demand for narcotic drugs and psychotropic substances with a view to reducing human suffering and eliminate financial incentive for illicit traffic in narcotic drugs and psychotropic substances.**

It is not debatable that the law establishing the NDLEA conferred on it the power to determine the availability of drugs in Nigeria. This law expressly specified the types of drugs the Agency was to eliminate. The implication is that both consumers and producers must comply with the law or face prosecution. In fulfilment of this mandate, employees of the NDLEA, within the period under review, had carried out a good number of interdictions and destructions of narcotic drugs and other illicit substances across the federation. As an example, in 2019, the agency interdicted 602,654.49 kg of cannabis, 113.00kg of cocaine and 23.89kg of heroin. It also arrested a total of 9444 (8535 male and 909 female) drug suspects nationwide. Furthermore, the agency discovered and destroyed a total of 473.15 hectares of cannabis plantation in that same year²⁴. While the measures adopted by the NDLEA, such as arrest, prosecution and destruction of plantation, may have been successful to some extent, the agency has not made a breakthrough in eliminating illicit demand for hard drugs. The rationale and economic law states that demand fuels supply. It would seem that the Agency focused more on cutting supply to the neglect of ending demand. The 2019 report as released by



the Agency indicates that there was a tremendous increase in cannabis plantation in 2018 when compared with 2017 and 2019 when compared with 2018²⁵. This goes to show that Nigeria's profile in the international narcotic market was rising. Rise in drug production means rise in drug demand. If there was no demand would there be production?

- **To adopt measures which shall include co-ordinated preventive and repressive action; and to introduce and maintain investigation and control techniques.**

When in the 1990s the United States of America placed Nigeria among list of countries whose drug-fighting capacity was next to nothing, then Military Head of State General Sani Abacha reacted swiftly by appointing Brig. General Musa Bamaiyi in an era that marked a raw terror in the life of the Agency. The NDLEA intensified the war on drug abuse armed by several decrees (e.g. Money Laundering Decree of 1995) that gave greater powers to the NDLEA to tap any telephone line; to place limitations on cash deposits, to mount surveillance on the bank accounts of suspects and to request from banks records of their customers' deposits in excess of two million Naira, among several other repressive provisions²⁶.

- **To adopt measures to increase the effect of eradication efforts.**

This function was liable to abuse since measures to be adopted were not qualified nor specified. It smacks of desperation on the part of the government to ensure it ends demand for illicit drugs no matter how it is contrived. It is therefore not surprising that the implementation of Nigerian drug laws has been trailed with charges of abuse dating back to the 1984 Miscellaneous Offences Tribunal Decree, under which there were three executions. It bears recalling that the country was ruled by different military administrations for most of its 62 years of existence so the NDLEA having its roots in the military era, invariably resorted to extra judicial measures like the



Tribunal to end abuse. Thus, in furtherance of this mandate, the agency institutionalized measures that focused on confronting the problem. One of such measures was the launching of National Drug Control Master Plan 2021-2025 in November 2021. This measure first launched in 1999, incorporated the health components of the fight against illicit drug use and trafficking. This is in addition to public sensitization and extreme forms of punishment for drug-related crimes, including torture of drug peddlers.

- **To take such measures that may ensure the elimination and prevention of the root causes of the problems of narcotic drugs and psychotropic substances.**

Over the past twenty two years the Agency has taken dramatic steps to improve the country's bad reputation as an international drug trafficking centre. As most of the emphasis has fallen on law enforcement and repression and shifted from prohibition to harm reduction, there has been a sharp increase in arrest rates and the prison population. This hardline approach dominated by interdiction and repression stemmed from the NDLEA understanding that drug abuse is a cancer spreading across society leading to overdoses, the break-up of families and the collapse of law and order in the society. Driven by such fears the Agency has devoted much of its resources to interdiction, that is, the arrest of any individual involved in consuming, trading or benefiting from the profits of trading in drugs, and seizures of drugs, mainly cannabis, cocaine and heroin. In a study conducted by Gyong and Tamuno, it was found that there was a steady increase in the number of suspects arrested for drug-related offences in Nigeria over the past two decades. For instance, they revealed that the number of suspects arrested rose from 293 persons in 1991, to a maximum of 6,323 persons in 2006, showing an increase of 2,158%²⁷. In spite of such severe measures, a correlative fall in



consumption has not been registered as evidenced in the above reports.

- **To collaborate with government bodies both within and outside Nigeria carrying on functions wholly or in part analogous to those of the Agency concerning the identities, whereabouts and activities of persons suspected to be involved in drug offences.**

Nigeria is a signatory member country to the United Nations Convention Against Illicit Drugs and Psychotropic Substances and several other bilateral and multilateral cooperation on mutual legal and technical assistance on drug abuse. In furtherance of this function, the National Drug Law Enforcement Agency has over the years embarked on deliberate global wide advocacy and campaigns against hard drugs, which have actualized its agreements with international bodies and many other nations on exchange of intelligence on movements of hard drugs. For instance, the NDLEA has collaborated with Interpol, the US Drug Enforcement Agencies, British Customs and Excise and the United Nations Drug Control Programme e.t.c., who have not only provided it with technical assistance but also advocated the technical benefits of punishment as an instrument in supply reduction. Similarly, the NDLEA collaboration with the UNODC led to the setting up of a counselling and rehabilitation unit in all the thirty six States and the Federal Capital Territory command of the Agency²⁸. In addition, in September 2014, the European Union handed over one hundred desktop and fifteen laptop computers to the National Drug Law Enforcement Agency at the Agency's headquarters in Lagos; this is in addition to funding a large-scale project, "Response to Drugs and Related Organized Crime in Nigeria", which is being implemented by UNODC.



▪ **To strengthen corporation with the office of the Attorney-General of the Federation, welfare officials, health officials and other law enforcement agencies in the eradication of illicit traffic in narcotic drugs and psychotropic substances**

It is understandable that the responsibility of eliminating illegal drugs in Nigeria rests with the Nigeria Drug Law Enforcement Agency (NDLEA). This task, however, is relentlessly being carried out in collaboration with the police, customs, immigration, army and Nigeria Security and Civil Defence Corps to stem the cultivation of the most commonly trafficked and used illegal drug (sativa cannabis) in the country. On proactive basis, the NDLEA, the Nigeria Police and Army acting on intelligence, had carried out both aerial and ground patrols on suspected cannabis farmlands in their bid to prevent the drugs from getting into the market. For instance, in 2009, it was on report that the NDLEA in conjunction with the military were patrolling some forested parts of Ondo and Edo States in search of concealed cannabis farmlands for destruction. The NDLEA had equally collaborated with stakeholders in the health sector, the National Agency for Food and Drug Administration and Control, the Federal Road Safety Corp, National Youth Service Corp, e.t.c with a view towards eradication of illicit drug production, trafficking, consumption as well as curbing related organized crime. This collaboration stemmed from the realization that drug abuse cannot be addressed solely through the conventional criminal matter approach but also through the lens of public health and broader social approach. For instance, in December 2016, through inter-agency synergy, the Customs intercepted truckloads of smuggled cannabis among other prohibited items. Similarly, the NDLEA has a cordial working relationship with the Police which has prompted the latter to always transfer drug cases to NDLEA across the states for investigation and prosecution. In the same vein, it has



partnered with the Ministry of Health in the fight against drug abuse in Nigeria. For instance, on November 24, 2021, the Agency and Cross River Ministry of Health reached an agreement to partner and share information with the view to assist the Agency curb drug abuse and rehabilitate drug victims. All these collaborations are not only significant but make for the success of the NDLEA.

National Drug Law Enforcement Agency: Successes and Barriers

The National Drug Law Enforcement Agency's successes in relation to enforcing laws against the cultivation, processing, sale, trafficking and use of hard drugs and investigation of persons suspected to have dealings in drugs and other related matter are visibly indubitable as are to be demonstrated in this study below. The length of time of the Agency's life is sufficiently long as to have impacted or contributed positively to the attainment of its cardinal objective as adumbrated above. Having forayed into the background for setting up of the Agency and its mandate, this section assesses the successes and challenges of the Agency. The NDLEA has consistently fought and pursued its objectives in Nigeria, and so weighed on the parameters of extant drug indices and reports in Nigeria and standard international best practices in drug demand reduction, and in spite of the age-long challenges hampering the operation, one could say that the NDLEA is not a failure. What comes below are discussions of the successes and challenges of the Agency.

Drug Fight and Profile

As a result of its sustained fight and efforts against illicit drug abuse, the NDLEA has achieved relative successes in several areas. Inter alia, the NDLEA has raised its standard. The bars of work ethics, discipline, and performance have been raised thereby making their work dynamics very competitive. Drug business is international in scope and has continued to expand geographically. Consequently, the Agency has equally upped its



ante on scope of collaboration and fight in drug demand reduction. The Agency's multidimensional drug fight steps have not only recorded successes, but also expanded so much as to have attracted global attention of international working partners and supporters who have not only provided it with technical assistance and working equipment, but also looked up to it as a trustworthy anti-drug crusader both in and outside Nigeria. For instance, in September 2021, the NDLEA busted a major warehouse in Lagos State, and seized over one hundred and ninety four billion naira (#194 billion) worth of crack and arrested four drug barons among whom was a Jamaican²⁹. On the account of successes that the NDLEA has recorded, the Agency was acknowledged and rewarded in million pounds of grants, strategic equipment, logistics and training by the United Kingdom for the significant role it played in intercepting loads of illicit drugs going to the UK³⁰. Similarly, on the account of its exemplary performances the Agency, at the close of its 2021 annual meeting in Nairobi, Kenya, Nigeria was unanimously elected to play host to the next conference of Heads of Drug Law Enforcement Agencies Africa (HONLEA), in 2023.

Another success of the NDLEA relates to diplomatic gains. It is the avowed belief of some people that Nigeria gained diplomatically through the efforts of the NDLEA to eradicate illicit drugs. Different Nigerian administrations, starting from the military era to democratic dispensation, have all used the NDLEA to launder the suffering image of the country abroad. Drug abuse has not only destroyed lives at home, it has also maligned the image of Nigeria and reputation of Nigerians abroad. For instance, in 1994, drug abuse brought about the decertification and categorization of Nigeria as a pariah nation for five years³¹. The sanctions that followed led to huge economic, diplomatic and military losses to the country. At this time, Nigeria had distinguished itself as a major transit point much to the chagrin of the United States. As stated by Alabi, "...The link with the international community became necessary



because Nigeria had acquired the status of a transit country. In the drug world, a transit country ultimately helps in the consumption chain and is as guilty as the consumer country³².” Thus, part of the reason for the NDLEA, apart from protecting the country from the dangers of hard drugs, was to rescue the battered image of the country. Later when the United States began to laud the progress recorded by NDLEA under the reign of its first leader, Oyakhilome, Nigerians were elated. However, when corruption in the system started to impact negatively on the progress made against drug trafficking, the United States of America did not hesitate to express its unhappiness swiftly by placing Nigeria among list of countries whose drug-fighting capacity was next to nothing. The implication of this decertification was loss of credibility and disqualification from certain financial assistance from the US government (sanctions). In other words, Nigeria got decertified not as a producing but as a transit country and so bore the political and economic consequences for five years. Thanks to the efforts of National Drug Law Enforcement Agency, Nigeria was certified by the United States in 1999. Till 2021, despite the rising spate of drug abuse, the image of Nigeria abroad has not been close as bad.

Socially speaking, the NDLEA staff gained social exposure through their involvement in international assignments and the numerous conferences on drugs in different parts of the world. There can be no doubt that this has brought immense improvement in the exposure, and education of the NDLEA workers. Through cultural and knowledge interchange, the NDLEA received improved training and support from such international partners as the United Nations, and other multilateral and bilateral cooperation. The skills from this training and education had equipped the NDLEA to a great extent both in confronting the menace of illicit drug abuse and in socializing and educating the public on what drugs are and the effects of hard drugs on the nation and on the individual. It was also through the interventions and efforts of the Agency that



several drug offenders were arrested and prosecuted, while drug victims were rehabilitated. It is nationally acknowledged that the NDLEA, to a large extent, had succeeded in the dismantling of drug trafficking networks by, among other things, arresting and prosecuting major traffickers based within the country; and extradition to the U.S. of suspected drug traffickers. The Agency has increased capacity for interdiction at airports, seaports, and land borders largely through collaboration with other lawful agencies. The NDLEA has shown its seriousness with the fight against drug abuse by providing adequate fund and personnel for the implementation of the Drug Control Master Plan (DCMP). In fulfillment of this benchmark, NDLEA in 2021 released the “National Drug Control Master Plan (NDCMP), 2021-2025” roadmap. The first of which was launched in 1999 which promised to serve as a vehicle for “actualizing a vision: “evolving a drug free society.”

Another achievement of the NDLEA relates to the gain of indispensable partnership. The importance of Nigeria in the global fight against illicit drugs cannot be overestimated. It is not disputable that Nigeria is one of the United Nations’ and America’s important and longstanding partner in the strategic fight against drug trafficking. This is without prejudice to the fact that Nigeria ranks higher in the list of transit countries in Africa, and was once described as “the hub of African narcotics trafficking” by the International Narcotics Control Strategy Report (INCSR). However, recognizing Nigeria’s strategic importance to the fight against drug trafficking, in addition to the country’s seriousness in the counter-narcotics exercise, has elevated the NDLEA’s international indispensability, as witnessed by its increasing partnership with the International Criminal Police Organization to enable it to contribute to the pool of global criminal data and also access the records of 195 countries around the world for its use.



Barriers to the National Drug Law Enforcement Agency's Discharge of its Function

As a critical Agency charged with the eradication of illicit drug abuse in Nigeria, the National Drug Law Enforcement Agency could not escape the barriers brought by its mandate. The verity is that the NDLEA's job has become exciting, challenging and gratifying and the Agency has found itself in an era when it has to launch a preemptive action to put drug traffickers and barons out of the illicit trade. Though the Agency's fight to eradicate drug abuse and trafficking may have produced some results, these did not come without some negative consequences and unresolved challenges relating to the fight. Those barriers came in the form of abuse of power, political interference, logistic problems, poor funding, discrimination, complicity of officials, credibility crisis, public loss of confidence, poor execution of mandate, seized drugs disappearing from storage rooms, bribery of agents by drug barons and couriers, sloppy handling of exhibits, missing equipment donated by the international community, improper use of machines and dogs, vandalization of drug-detecting equipment, conflicts between the agency and other law enforcement bodies over the handling of cases, loss of case files, low morale and corruption among agents (attributed to poor conditions of service), and increasing murder of agents by suspected traffickers and *cannabis* farmers. Another challenge came in the form of the socially-permissible drugs. The abuse of these social drugs has, without doubt, hampered the fight against illicit substances. These emerging issues affecting the NDLEA have impacted negatively on the Agency's resolve to eliminate drug abuse, which, in the first instance, is the primary challenge for which it was set up to confront.

One of the barriers that confronted the Agency is related to complicity of officials which in its early life created the credibility crisis. Considering the nature of the Agency's mandate, no one can do it all. It, thus, relied on its trusted recruited structure with the expertise to go all out and confront the barons, couriers and



other drug offenders. But what can one do when that trust is gone as a result of the hunter becoming the hunted? One may believe that the drug officials have competency in their field; but one cannot be sure of their integrity. So, it happened that there were incidences of complicity among some members of the staff, which led to public loss of confidence in the Agency. The complicity of drug officials was of two kinds. One was the individual participation in the use of those harmful drugs for which the NDLEA was set up to eradicate. Another one was collusion with drug offenders to carry out their nefarious activities. This complicity has helped to embolden the drug abusers to indulge in public smoking without fear of being reported or arrested. It has also helped in shielding the drug offenders because of the involvement of those in position of authority, who ordinarily should be the watchdogs but were fingered in the controversy surrounding distribution, sale, or use of illegal substances. For instance, Alabi Uwiagbo recalls a controversial case involving the Agency's first leader, Mr. Fidelis Oyakhilome who was smeared in a scandal from which he did not recover. According to him,

“One Jennifer Madike, a Lagos socialite embarrassed Oyakhilome, the NDLEA and the entire country with tales of deals, friendship and accusations that linked the chairman to money and gratification from drug traffickers. It was such a damaging scandal that the agency that was trusted with such sensitive responsibilities could be so easily linked with fraud. From that point, the battle against illicit drugs shifted focus from combating the menace outside the agency to that of rescuing the agency from the credibility crisis it had slugged itself. Oyakhilome was suspended from office and in his place, Mr. Fulani Kwajafa, another policeman was appointed³³.”



Thus, complaints of corruption and complicity on the part of the drug officials colluding with drug offenders were very common. For instance, besides the tens of thousands of tons of Indian hemp cultivated locally in Nigeria, coca and opium are grown in Latin America, processed in refineries and smuggled into Nigeria every year. Some of the suppliers had their own legal team and paid security officials for ease of doing their illegal business. Moreover, these smugglers had exploited the massive corruption that existed at all layers of government (including law enforcement agencies and justice system) and among business people who (“laundered” drug money) in and outside Nigeria. As a result of corruption, illegal substances, which ordinarily ought not to be in circulation, have found their way into every nook and cranny of the country where drug peddlers plied their illegal business in connivance with some unscrupulous officers of law.³⁴ This, in conjunction with the shift of focus from combating drug abuse in the country to dealing with internal credibility crisis, became a serious hamper to the progress of the Agency. The NDLEA squandered the time it would have used in sanitizing the society of dangerous drugs on purging itself of corruption and decay.

The issue of gateway function was another great barrier that confronted the NDLEA in the fight against illegal drugs. The Nigerian cultural and traditional milieu is favourably inclined to and perpetuates use of legal substances. Thus, Nigeria’s increasing abuse of the socially-acceptable substances since the birth of the NDLEA in the 1980s has hampered the quest to eradicate illicit drugs. If nothing else, it amplified the proclivity by Nigerians towards the abuse of illicit substances, and by so doing compounding the drug issue to a great extent for the Nigerian authorities. The gateway function which has continued to be relevant in the understanding of how beginners go into drugs was a very important study done in the 1970s, which pointed out that there was a typical sequence of involvement with drugs. According as this study, most of the beginners in that



group started their drug involvement with beer or wine. Moving to second stage, they imbibed hard liquor, cigarettes or both, the third stage was marijuana use; and only after going through those stages did they try other illicit substances.³⁵ Gateway substances mean drug that introduce beginners irrespective of ages or sex to drugs of addiction and dependence. It is as though they first had to go through the gateway of using alcohol, cigarettes, coffee and in most cases, over-the-counter drugs (OTC drugs). When the use of these socially sanctioned drugs no longer creates or satisfies the individual due to consistent use of the drug, the victim goes for something stronger ³⁶. While most people who use the gateway drugs do not go on to become hard drug users, but in most cases they go on to become addicted users of one or more of these gateway drugs. That is what has been described by Robert Lauer as poly drug, that is, the use of more than one drug.³⁷ Extrapolating from the above, because alcohol and cigarette are widely available, accessible and affordable to beginners than marijuana or cocaine in Nigeria, it is logical that these would most often be tried first. As a result of these prevailing circumstances, drug regulations in Nigeria have continued to oscillate between mild regulation of alcohol³⁸ and stiff emphasis on prohibition and punishment for abuse of illegal drugs. The legalization or treatment of socially acceptable substances as nondrugs in Nigeria has ensured that alcohol and cigarettes were consumed in manners that have impacted negatively on the quest to eradicate drug abuse and trafficking in society.

Another barrier that bedeviled the NDLEA stemmed from its *modus operandi* of raid/bust and manning checkpoint in eradicating illegal drugs in Nigeria. Many officers of the Agency have lost their lives on the line of duty, thus underlining the hazardous nature of their job. As rightly adumbrated by Smart Onu, “in raiding suspected drug sellers and users, the NDLEA and the police often storm, in a commando style, any identified or suspected drug den or transaction point to dislodge drug



transaction and by so doing make dealing on drugs more risky. From the birth of the agency till today, raids on suspected drug dealers and locations have remained an enduring strategy, often conducted at odd hours, with the raid team in combat readiness.”³⁹ The problem here then is that these raids have sometime led to loss of life, especially among the personnel of the law enforcement agencies. In 2019, for instance, the Nigerian Guardian Newspaper reported of the killing of four NDLEA officers on a duty post in Ifon, Ondo State. Similarly, in 2021, Daily Trust Newspaper reported of gunmen killing three NDLEA officers while on duty in Okene, Kogi State. This goes to show that the Agency’s success at eradicating illicit drugs in Nigeria came at a great cost, and it is riddled with some critical setbacks which the NDLEA has had to confront in its daily operation.

While the Agency was in the throes of overcoming the above woes, another barrier was poor condition of service (attributed to poor funding). *Ab initio*, Nigeria tailored its drug eradication policies towards that of the United States of America, which come with lots of costs and in the view of Reuter, are punitive, divisive and expensive (costing hundreds of millions of dollars annually).⁴⁰ Unfortunately for Nigeria, which toed the same policy part as America, it is not surprising that despite its critical role in the growth of Nigeria, the NDLEA was underfunded and lived on charity. It is important to note that the law establishing the NDLEA placed it under the Justice Ministry, which as it turned out was yearly starving it of the funds needed by it to function optimally. This prompted the Chairman of the House Committee on Narcotics, Francis Ottah Agbo to intervene in 2019 with assurance that the National Assembly would address this challenge with a bill for the Agency’s autonomy. According as his estimate, as at 2019, the personnel cost of the NDLEA stood at eight billion (N8 billion) naira representing a large chunk of the annual budget of the Agency, while only about two hundred million (N200 million) was meant for its’ operations⁴¹. In the meantime, the Agency depended on financial assistance and



grants from donor agencies augmented with the yearly poor government budgetary allocation to fund its' activities. It is within this context one may now begin to understand the reason why the workers of the NDLEA protested in Abuja in August, 2019, to force the management to put a stop to their dehumanizing working condition, occupational risks and hazards and address the poor welfare packages and health deficit of the workforce. However, all these problems enumerated by the NDLEA workers, could only be taken care of if there were more funds for the Agency.

Conclusion

The National Drug Law Enforcement Agency's roles in eradicating illegal drugs and drug trafficking in Nigeria have been looked at by this study from the four main angles of the background, the mandate (objectives), the successes and challenges. While the Agency since inception has suffered both internal and external crises, which have hampered its operation significantly, it has not wavered in its commitment to rid Nigeria of illicit drugs. Despite the challenges, successive administrations in the country have devoted enormous human and material resources to the eradication of illicit drugs and to eliminate illicit demand for narcotics and psychoactive substances. It may be right to conclude that the fight to eradicate drug abuse has curtailed the availability of illegal drugs. Though they have tried, the problem persists! The NDLEA has arrested and successfully prosecuted thousands of drug suspects, it has recorded tremendous increase in the annual drug seizures, destroyed acres of cannabis farm land, saved millions of vulnerable and unemployed Nigerian youth from harmful drugs through drug demand reduction (DDR), rehabilitated, counselled, and sensitized drug victims and had several assets ranging from apartments to hotels, vehicular and monetary assets as well as other household items forfeited to the Agency. Far from the claim that the NDLEA legal strategies of arrest, interrogation and detention are fraught with a lot of human right



abuses and cruel punishment, most of the actions and decisions it took in line with the mandate were dictated by reasons bordering on how to rid Nigeria of dangerous drugs and thus save millions of Nigerians from harm and death arising from exposure to these harmful drugs. The ability of the NDLEA to emerge out of its initial credibility crisis to respond to the increasing drug tragedy was contingent to its vision to become the most proactive and leading Drug Law Enforcement Agency on the African continent. That notwithstanding, there is still more work left to be done.

Nigeria remains a favourite drug trafficking point and young people and adults are prime victims of drug abuse. This has continued to pose a clear danger to the future of Nigeria. When one consider the myriad of challenging factors facing the NDLEA and the fact that it is understaffed, underfunded and overburdened, it becomes clear that the Agency can only do as much as its capacity can carry. Every social problem is a reflection or a pointer to what is happening to the moral or cultural values in that society. The fact is that Nigeria is a drug-oriented society. The classification of certain categories of drugs as illegal or legal would remain a daunting challenge for the Agency. This noticeable contradiction in the fight against drug abuse in Nigeria has made progress nearly impracticable. Perhaps, it is high time that legal acts were formulated and ratified to regulate the gateway substances, particularly alcohol and activities of alcohol industries in tandem with the World Health Organization recommendations. The focus of the NDLEA on only illegal drugs is only scratching the surface. Any meaningful drug intervention must begin by taking a new and holistic look at both legal and illegal drugs prevalent in Nigeria. It would be dangerously hypocritical and morally unjustifiable to continue to pursue the tried-and-tired policy of eradicating “illegal” substances, while millions of vulnerable and credulous youth continue to graduate from experimenting with social drugs.



Finally, nevertheless, weighed on the parameters of its successes since birth, ethos of its vision and mission as well as the guiding beliefs of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances to which Nigeria is a signatory member, the National Drug Law Enforcement Agency's roles to reduce illegal drug demand and abuse is a huge success. If nothing, one major benefit coming out of the current antidrug policy in Nigeria was that it surely sent the message that illegal drugs are not tolerated making both sellers and users to act with caution. The gains of millions of lives saved (even if it was only one life) from drug destruction is worth the humongous human and material resources channeled towards making Nigeria a safer society. If not for the NDLEA, it would have been worse. In concluding, this study concurs with Smart that:, "It is to the credit of the NDLEA that in spite of the threatening figures and projections emanating from different studies on Nigeria's drug situation, Nigeria's illicit drug market has not reached the point where drug money openly fuels instability and conflict as in Mexico and Colombia, and is unlike some Western consumer countries with streets that are blighted by warring drug gangs, street violence and high volumes of property crime committed by low-income, dependent users. But, that is not to say Nigeria may not be driving in that direction given its current punitive, divisive and intrusive drug policies."



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