

**THE “WAR ON DRUGS” IN NIGERIA:
HOW EFFECTIVE AND BENEFICIAL IS IT IN DEALING WITH THE PROBLEM?**

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ABSTRACT

Since drugs became both a public and social issue in Nigeria, fear about both the real and imagined catastrophic effects of sale and use has led to a reliance on extreme measures to control supply and discourage demand. The traditional ‘prohibitive’ attitude has been the preferred option in a sustained ‘drug war’. This analysis draws from extant research literature, published documents and media reports on drug policy matters. Although the age-long war on drug policy in Nigeria may be producing some desired results, there is evidence of negative consequences and unresolved issues associated with the war. These issues include economic, crime, human rights, development and security, public health, discrimination and environment. The paper calls for a shift from the over-reliance on law enforcement to harm reduction and treatment for people addicted to drugs. The shift will provide far more cost-effective drug control results and guarantee the rights of Nigerians as enshrined in the U. N. Human Rights Declaration and the constitution of Nigeria.

Key words: war on drugs, Nigeria, drug policy, harm reduction

INTRODUCTION

The war on drugs and its operational strategies have continued to come under the spotlight with increasing scrutiny by many writers (see Nadelmann, 1998; Chilton, 2001; Reuter, 1997; Caulkins, Reuter,

Iguchi & Chiesa, 2005; Obot, 2004; Gray, 2009; Crook, 2009; Otu, 2011). These authors have critically assessed the current prohibition and incarceration policies on drugs, and have drawn attention to their damaging effects or outright failure. For instance, Chilton (2001) reviewed the war

on drugs in the U.S. and explained that “it is a tragic and misguided one which remains the foolhardy effort of our time” (p. 1). Crook (2009) referred to the current wave of war on drugs as a ‘brainless’ policy and explained that U.S.’s implacable and unrepentant blend of prohibition and punitive criminal justice is wrong-headed in every way: immoral in principle, since it prosecutes victimless crimes, and in practice a complete disaster of remarkable proportions.

A review of the literature shows that interest in drug matters and particularly drug policy in Nigeria has a long history (see Odejide, 1989; Ebie and Pela, 1981; Pela and Ebie, 1982; Obot, 2001, 2006; Asuni, 1964, Lambo, 1965; Otu, 1995). It predates 1960 when the country gained her independence from the United Kingdom. For instance, Oloruntoba (2006) noted that by 1935, the first Drug Control Law in Nigeria termed the ‘Dangerous Drugs Ordinance’ of 1935 was enacted. This Ordinance regulated (and not prohibited) the importation, exportation, manufacture, sales, and use of opium and other dangerous drugs. By 1960, drugs (including alcohol), had become a major public issue in Nigeria as evidenced by a large increase in drug seizures, arrests, and prosecutions for prohibited drugs notably cannabis (Asuni, 1964, Lambo, 1965; Obot, 2004). The need to curtail sale and use was also a major concern. From this period onward, domestic legislations which focused on the control and prohibition of drugs, especially hemp (*Cannabis Sativa*), became entrenched. Oloruntoba (2006) explained that the vigour and sustained efforts to legislate against drugs in contemporary Nigeria was because of the growing notoriety of the country as a transit point or centre for recruitment

of drug couriers, and a growing pattern of consumption of these drugs within the country. By the 1980s, it became 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. The same period marked the beginning of a truly sustained war on drugs and/or war on the people as evidenced in the creation of a separate agency known as the Nigeria Drug Law Enforcement Agency (NDLEA) to wage this war to its logical conclusion.

Nigeria’s increasing notoriety in the international illegal drug economy in the 1980s did not help matters at all. If nothing else, it impelled the Nigerian authorities to intensify her war policy on the traffickers and users alike. Though regulations continued to oscillate between stiff and mild outlooks, perhaps in response to the prevailing circumstances (see Obot, 2004; Oloruntoba, 2006), the bulk of these regulations have continued to lay emphasis on prohibition and punishment (see Drug War Chronicle, 1/18/08). This is aptly demonstrated by the extent of a total war being waged against all non-medical use, manufacture and sale of drugs, with less attention being paid to the alternatives of demand and harm reduction. This approach is a continuation from the colonial period, with prevailing overtones of drugs as being morally reprehensible, and therefore, not tolerated in the society.

In an analysis of Nigeria’s drug policies, Obot (2004) explained that the war on drugs in Nigeria during the military era was based on the perceived need to achieve the US certification benchmarks which consequently led to failure to evolve a home-grown solution to the problems of drug. In fact, as his argument

implied, the war on drugs resulted in significant economic, social and psychological consequences for Nigeria and Nigerians (see Obot, 2004). So even when it is became obvious that the war was failing to achieve its aim of getting these drugs out of the Nigerian society, the Nigerian authority, like her counterparts, showed a disinterest in looking at the other side of handling the drug problems.

This paper draws from the basic arguments of the extant analyses, and takes a step in the direction of the analysis by Obot (2004) and similar others. However, the paper also notes that there is a gap with regards to the full impacts of this war on the Nigerian people. Therefore, in this paper, a harder approach is taken to engage with some of the important fall-outs of this war which have been raised and analysed in different isolated manners though not sufficiently critical in calling for radical policy departure. Thus, the present paper asks the questions: What are the latent and manifest negative impacts of the war on drugs in Nigeria? *Cui bono* (who benefits in the whole war on drugs)? What alternative drug policy option is available to Nigeria?

The style of the present paper is both critical and analytic. It is premised on a cultural perspective which sees the war policy as no more than a product of moral panic that is borne out of what Reinerman (1994) referred to as 'drug scares'. Reinerman avers that moral panic generally, and the specific drug scares, are part and parcel of human nature (culture) which have become recurring cultural, political and economic phenomena in their own right so that the resultant rightist drug policy—anti-drug crusades, punitiveness, war and other marked nuanced public concern about drugs—can be explained sociologically.

In sum, the paper argues that the current war on drugs in Nigeria is causing a nightmare to Nigerians as it is consuming Nigerians in great numbers. It draws on data from the National Drug Law Enforcement Agency (NDLEA), published documents, relevant periodical literature, research and media reports to examine the nature, extent, modus operandi and a whole lot of complex issues and implications of the current drug policy.

THE DRUG SITUATION IN NIGERIA

Two decades ago, NDLEA (1992) had noted that illicit sale and use of substances was on the rise among Nigerian urban youths. Using Lagos and Kano as a case study, the agency noted that young Nigerians in the nation's urban secondary schools were already familiar with, and were using substances such as alcoholic beverages, cigarettes, cannabis, amphetamines, a little of heroin, cocaine and other stimulants and depressants.

Gyong and Tanimu (2010) in their study 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%. Their study also showed an increase in female involvement in drug related offences with an increase from 61 females in 1994 to 440 in 2006. Citing Iyamabo (1990), Obot (2004) observed that between 1979 and 1988, a total of 14,833 arrests and 4,574 convictions for drug related offences especially in trafficking, involving Nigerians, were recorded in foreign countries alone.

In the first three months of the year 2009, the NDLEA arrested a total of 38 persons at the Murtala Mohammed International Airport Lagos alone. The agency's also disclosed that it arrested a total of 6,308 suspects in 2007 and 7,899 in year 2008, showing an increase of 1,591 cases representing 20.14 per cent.

The U.S. State Department's 2007 International Narcotics Control Strategy Report reported that sale and local consumption of marijuana in Nigeria was on the increase. It linked the rise in the domestic use of marijuana in Nigeria to the increased quantities seized, the number and size of illicit plots discovered and

destroyed, and numbers of arrests made by the NDLEA. Below is a table showing the drug situation in Nigeria between the periods 1990-2008.

Analysis of the table shows that with the exception of a few years, there was a consistent upsurge in the quantity of drugs reportedly being interdicted by the NDLEA between 1990-2011. For instance, from 1994, it is clear that the figure shifted from that of single digit to double digits, and continued in an upward direction with three digits. The same trend is observed with the number of persons interdicted for various drug dealing offences. These figures may have been the product

Table 1. The distribution of drug seizures and arrestees between 1990 – 2011

Year	Cannabis	Cocaine	Heroin	Others	Total	Male	Female
1990	170.6	110.6	861.25	NA	1,142.45	NA	NA
1991	1,496.61	545.39	66.82	15.72	2,124.54	NA	NA
1992	2,508.11	415.67	690.84	3.51	3,618.13	NA	NA
1993	7,378.89	1,293.69	283.51	1.87	8,957.96	NA	NA
1994	19,732.66	90.76	91.65	94.3	20,009.37	632	61
1995	15,258.74	15.91	30.27	210.39	15,515.31	732	66
1996	18,604.72	6.16	19.38	1,203.79	19,834.05	1,099	88
1997	15,904.72	31.9	10.49	1,736.01	17,683.12	2,208	164
1998	16,170.51	9.26	3.62	2,609.75	18,793.14	2,610	204
1999	17,691.14	15.64	81.35	322.25	18,110.38	2,380	121
2000	272,260.02	53.42	56.6	234.28	272,604.32	2,253	132
2001	317,950.20	195.82	46.63	308.84	318,501.49	2,693	136
2002	506,846.09	35.35	55.62	791	507,728.06	2,549	108
2003	535,593.75	134.74	87.58	937.41	536,753.48	2,316	174
2004	68,310.07	124.47	90.94	233.83	68,759.31	3,382	318
2005	125,989	395.91	70.42	88.72	126,543.65	3,181	292
2006	192,368.30	14,435.88	33.09	515.57	207,352.84	5,883	440
2007	210,262.90	393,678	120,638	699,735	211,476.00	5,891	417
2008	335,535.34	3,654,904	116,054	5,304,033	336,442.84	7,584	315
2009	NA	NA	NA	NA	NA	6,700	342
2010	174,661.59	706.433	202.08	2,550.622	178,120.725	6,296	492
2011	191,847.91	410.805	39.752	2,982.45	195,283.917	8,639	567
TOTAL	3,027,851.50	19,781.24	2,954.83	16,071.17	3,085,355.15	47,028.00	4,437.00

Source: NDLEA 2012 Annual Report

of several factors, and given that the figures continued to rise even in the face of the war on drugs suggested that the war had failed.

THE MODUS OPERANDI AND FACES OF THE WAR ON DRUGS IN NIGERIA

The responsibility of prosecuting the war on drugs in Nigeria rests with the Nigeria Drug Law Enforcement Agency (NDLEA). This war is relentlessly being fought in collaboration with the police, customs, immigration, army and of recent, with Nigeria Security and Civil Defence Corps to stem the cultivation of the most commonly trafficked and used drug (*sativa cannabis*) in the country. On routine basis, the NDLEA, the Nigeria Police and Army acting on intelligence, carry out both aerial and ground patrols on suspected cannabis farmlands in their bid to carry the war to the local farmers who are producing cannabis. In 2009 for instance, the Cable News Network (CNN) reported of the NDLEA patrolling the southern forests (especially part of Ondo and Delta states) in search for hidden cannabis farms for eradication.

Eradication by the NDLEA and its partners is carried out through clearing of farmland, usually by spraying of pesticides. In the process, legal crops are also destroyed and innocent farmers and their family members assaulted and arrested. Experts working for UNDCP *Drug Policy Around the World Reports* (2008b) believe that crop eradication is a failure because of what they regard as “balloon effect”, which means relocating the farm to another area. Various media and intelligence reports reveal that marijuana cultivation is shifting away from the arable

lands of Ondo and Delta states of the southern part of the country to other states in the Northern part of the country as the raid intensifies in these traditional homes of marijuana.

The NDLEA is also seriously prosecuting the war by means of interdiction which they engage to seize drugs en route to and from Nigeria. The agency is not alone in the prosecution of this war in this manner. Hundreds of trained NDLEA personnel are posted to the country’s borders to forestall the clandestine smuggling of illicit drugs such as heroin, cocaine, and synthetic drugs. Although some robust breakthroughs have been made in this regard, interdiction is acknowledged as having fallen short of its avowed objective of curtailing the country’s drug availability and use (UNDCP reports, 2008; Reuter, 1997).

A key feature of the NDLEA war on drugs in Nigeria is raid/bust. In raiding suspected drug sellers and users, NDLEA and the police often storm, in a commando style, any identified or suspected drug den or transaction point to dislodge the selling and buying of these drugs 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. These raid sometimes lead to loss of life—both of the dealers/users and among personnel of law enforcement agencies (see also Goldstein, 1985).

THE NATURE OF NIGERIA ILLEGAL DRUG MARKET AND LAW

Against the backdrop of the established link between drug markets, crime

and violence, and the moral indignation directed at the use and sale of drugs, legal controls had a long time ago been instituted with widespread appeal. Past and present Nigerian authorities have to share in the belief that to eliminate the dangerous crimes caused by drugs, and promote moral uprightness in the society, it is desirable to target both those who distribute these drugs, and those who use them—both seen by moral entrepreneurs as ‘devil folks’ (see Cohen, 2002; Goode & Ben-Yehuda, 2009). The NDLEA (2009) Annual Report states as follows:

Recognising the links between illicit traffic in drugs and psychotropic substances and other related organized criminal activities which undermine the legitimate economy and threaten the stability and security of the country, Nigeria has been in the forefront of global efforts at suppressing the drug menace in support of global peace and security (NDLEA, 2009).

The first official Drug Control Law in Nigeria was the Dangerous Drug Acts of 1935 which was aimed at the prohibition of importation, exportation, transit, production, sales, distribution of opium, coca leaves, Indian hemp, morphine or heroin or other dangerous drugs (see Olorunto-ba, 2006). This was followed by the Indian Hemp Decree of 1966 which prescribed a stiff punishment of death penalty or 21 years of imprisonment for the cultivation, 10 years of imprisonment for exportation and for those found smoking it or in possession of it (see Federal Military Government, 1966). Obot (2004) reported in his seminal assessment of Nigeria’s drug policy between 1994-2000 that the 1966 Decree was amended in 1975, with less

severe penalties. He noted for instance, that the death penalty was abrogated while punishment for smoking was reduced to six months or fine.

Throughout the 70s, 80s, and 90s when the military controlled the affairs of the country, there was what appeared to be an ambivalence and complacent attitude of the military to drug matter, either partly because the drug issue was not perceived as a public problem, or the international agencies and the western countries had not brought pressure to bear on the authority whom they apparently tolerated. However, beginning from the mid-80s, the lukewarm attitude of the military towards the problem of drugs changed as a result international pressures and possibly to deal with internal opposition that was on the rise. Consequently, the military regime of this period came up with tougher and repressive laws and policies on illegal drug sale and use. Obot (2004) however explained that this attitude which occasioned the 1984 Nigerian drug law was done to reflect the mood of the new military officers in power. This mood appeared to be that of ‘corrective’, ‘intolerance, and a no-nonsense one’.

Two significant changes occurred in the statute book of Nigeria drug policy and law during the 1980s and 1990s periods of military rule. One was the amendment and subsequent repealing of the already amended 1975 Indian hemp Act (decree) which brought back stiff penalties for trafficking in and/or sale of cannabis. The second, and most pronounced, was the creation of a Special Tribunal (Miscellaneous Offences). The Decree expressly prescribed death penalty by firing squad for dealing in, buying, selling, exposing or offering for sale or luring somebody to buy, sell, use, smoke, or inhale any drug

known as cocaine or related drugs (see Federal Military Government, 1984b). Worst still, the Decree had a retroactive effect—being backdated to 31 December 1983 when the government came to power. The turning point of the Decree and historic in the annals of drug regulations in Nigeria was the execution (by firing squad) of three men who had been convicted of the offence prior to the promulgation of the Decree (see also Ellis, 2009). As a result of public outcry which greeted the execution—by both local and international community—there was a moratorium on the punishment. On 27 August 1985, the Decree was repealed when a new military government came to power.

In 1989, the National Drug Law Enforcement Agency (NDLEA) was founded by Decree 48. The Decree created an enforcement agency and institutional framework charged with the responsibility of regulating what was perceived to be an ever-increasing trafficking in and abuse of illegal drugs. The Decree specified punishments for illicit drug use and trafficking, that included life imprisonment for trafficking in cocaine, LSD, heroin or similar drugs, asset, and 15 years but not exceeding 25 years for possession or use (for details, see NDLEA Annual reports, 2009; Uwiagbo in <http://againstbangida.com/docs/gloriaokon.pdf>).

The war on drugs took a dramatic turn in 1993 with the ascension to power of a new military administration as a result of an unpopular coup d'état. Possibly to earn some level of credibility, having been made a pariah by the international community, the administration chose to focus on the drug issue. Decree 48 was amended in 1995, providing the NDLEA with more power to enforce drug laws. For instance, the Money Laundering Decree

of 1995 conferred greater power on the agency to mount clandestine surveillance on the bank accounts of suspected traffickers. The same Money Laundering Decree placed a ceiling on cash payment and mandated banks to report deposits beyond the limit set; it also empowered the NDLEA to eavesdrop on any suspected person's telephone line. Expectedly there was a barrage of criticisms that trailed these decrees and their contents by individual Nigerians and foreigners, especially civil society groups.

In 2004 Decree 48 was further amended by the Cap N30 Laws of the Federation of Nigeria (LFN 2004). The Act stipulates among other things, life imprisonment for production, import, export, sales, purchase, and possession of drugs such as cocaine, LSD, heroin or any other similar drugs upon conviction. There was also a provision for imprisonment of between 7 and 25 years for various categories of offences such as letting out one's premises for use in drug transaction, smoking or using illicit drugs, impersonating any staff of the agency, aiding and abetting in the commission of the offence, etc. (for details see NDLEA Annual Report, 2009, pp. 78-85). This amendment was without prejudice to some of the provisions of the 1995 amendment which included the Money Laundering and Forfeiture of assets decrees.

Table 2 shows the details of cases so far prosecuted, won and/or lost by the NDLEA since it started operation in 1990 to 2011. What is clear from the table and relevant to our central argument is the fact that cases handled by the Agency continue to increase each year, suggesting that drug trafficking and abuse have continued to rise despite the sustained war on the commodity. Alternatively, it

Table 2. Prosecution of drug offenders by the National Drug Law Enforcement Agency (NDLEA) between 1990–2011

Year	Cases	Won	Lost
1990	16	13	3
1991	78	42	36
1992	271	165	106
1993	154	125	29
1994	87	67	20
1995	343	333	10
1996	550	537	13
1997	1,104	1,088	16
1998	1,194	1,180	14
1999	1,474	1,545	20
2000	1,626	1,624	2
2001	1,172	1,172	0
2002	870	870	0
2003	817	817	0
2004	853	853	0
2005	779	779	0
2006	1,363	1,363	0
2007	1,508	1,459	49
2008	1,720	1,712	8
2009	1,506	1,497	9
2010	1,526	1,509	17
2011	1,501	1,491	10
Total	20,512	20,151	362

Source: NDLEA 2011 Annual Report

also goes to suggest that NDLEA was becoming either more efficient (see Obot, 2004), or that offenders were becoming more stupid and careless.

Of importance too, in the context of the main discourse of this paper, is that the war on drugs is being fought in all fronts. Not only is the war being waged in the field, but it is also being carried to its logical conclusion in this important phase of criminal justice system—the judiciary/court. The stabilising of arrest rates between the years 2001-2005 is instructive. 2001-2005 may be described as Nigeria's 'stable political era' in the new democratic Nigeria; an economic and political peri-

od that appeared to be less favourable to illegal drug trafficking. Ryan (1997), Otu (2004), Williams (1997), Gastrow (1998) have all suggested that illegal organised criminal activities tend to peak during periods of relative political instability.

ANALYSIS AND DISCUSSION OF THE WAR ON DRUGS

As a crime control policy, the hawks' (punitive) view surely has certain coherence, common sense, and a widespread appeal. Given the plausible nexus between drugs and crime, the war on drugs

may have curtailed the spread of these crimes. Drugs modify consciousness and give the user either a sense of confidence that leads to misjudgement or make the user placid. So one major benefit coming out of the current antidrug policy in Nigeria is that it surely sends the message that drugs are not tolerated making both sellers and users to act with caution.

Rational choice or economic theory suggests that toughness and punitiveness should scare away potential traffickers and users, raise the price of drugs, make them less accessible, and even reinforce the message that drugs are harmful and not tolerated in the society. This should perhaps lead to less drug sale-and/or use that would eventuate into fewer-drug-related problems. Paradoxically, however, empirically-based evidence suggests that notwithstanding sharply increased periods of stringency, occasioned by all-out-war, prices of drugs in Nigeria have been declining. At the same time, drug use and sales are increasing, particularly among young Nigerians, so that the forbidden fruits effects¹ of these drugs are taking a toll on Nigerian youth (see also NDLEA, 1995; Odejide, 1988; Obot, 1993b; Iban-ga, 1997; Obot et al., 2001). These issues constitute a major analytic and policy puzzle to a number of drug policy stakeholders in Nigeria.

The war on drugs in Nigeria is replete with contradictions, making it not different from other countries seeking to control illicit drugs through brute force and rule of law. It comes with lots of costs particularly the human costs that fall on every person connected to the illicit economy. Reuter (1997) explained that America's

drug policies, as currently being favoured, are punitive (in both rhetoric and reality), divisive (certainly by race/ethnicity, age and class), intrusive (in small ways for many and in large ways for some groups) and expensive (costing hundreds of millions of dollars annually). The same policy scenario applies to Nigeria which wholeheartedly toes the path of the former's drug policies (see also NDLEA Reports, 2008, 2009).

Currently, in Nigeria, there are serious security challenges facing the country. Apart from conventional crimes such as armed robbery, rape, theft, and fraud, militia insurgents of different shades of opinion and ethnic-religious backgrounds continue to threaten national, state and local authorities. The manner these groups operate especially the most dreaded of them—the Boko Haram insurgents—suggests they might have a link with other highly organised criminal groups such as illegal arms and drug dealers. Several studies have linked armed groups to organised and syndicate criminals dealing on illicit commodities which lead to the emergence of the popular *narco-terrorism*. Arising from the current insecurity in Nigeria, economic development and growth are adversely affected as the much needed foreign and local investors are wary to invest in the country for fear of either being kidnapped, robbed or killed.

The war on drugs in Nigeria as currently being prosecuted is also discriminating. Its main targets are the poor and less privileged racial groups in societies already characterised by racial tension and highly polarized ethnic divisions. In the U.S. for instance, it is explained that the

¹ Forbidden fruit effects here explain a scenario where by young Nigerians out of curiosity try to experiment with drugs which are being jealously guarded and shrouded in secrecy before them.

poor and minorities, especially the Blacks and Hispanics, are the victims of this war (see Musto, 1973; Inciardi, 1986; Thio, 1998). In South Africa, the majority of those arrested, or facing charges on drug offences are also mainly those at the bottom ladder of the distribution chains, and are black or “coloured” (Otu, 2004). Many inmates are users or traffickers who are more or less privileged and expendable pawns in the game. In Nigeria, significant numbers of those arrested and prosecuted for drug offences are people at the margin of society, trying to survive by offering their services to the drug barons in a country where unemployment is quite alarming. The NDLEA 1992 Drug Data Collection Unit reported that 85% of the 243 drug traffickers arrested were unskilled workers with a substantial number of arrestees found to be impoverished and with low level of or no education at all.

An interesting aspect of the war is its relationship to other crimes. Rather than the commodities causing numerous crimes, it is the war on drugs that is said to be causing the crime. This is the view shared by standard liberal critique (see Skolnick, 1992; Click 1995:378; Chilton, 2001). These authors explain that one of the important consequences of the punitive approach to drugs has been the growth of crime, violence and disease on the parts of addicts and sellers. The reason is simple. Tighter restrictions often create black markets which depend on violence to enforce contacts, prevent employees, customers and others from providing information on the illegal activities to enforcement agencies (Goldstein, 1985; Chaiken and Chaiken, 1996; Ryan, 1997). Such activities also motivate corruption, exacerbating a situation in which Nigeria continues to score very high on

the corruption index. 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. However, the current war on drugs may just be the driver leading to such a scenario.

Nigerians are known for their honed-business skills, and there is widespread youth restiveness and unemployment in the midst of the disrupting influences of the war on drugs. An over-reliance on criminal justice solutions may have been contributing to the widespread violence in the urban slums and city centres more than drug use. Rationale and economic theories teach us that whenever stringent laws are imposed on any economic activity, the people will go underground which will result in high prices, and the consequent increase in the violent crimes committed by both the users and traffickers. Moore (1983) and Goode (1984) explain that since current policy outlaws the manufacture, distribution, possession, and use of these drugs, they also create criminal offences where none previously existed. Antonio Maria Costa, the Executive Director, UN Office on Drugs and Crime, 2008 while reflecting on the deleterious effect of the war on drugs explained thus:

The control system and its application have [created] a huge criminal black market ... There is no shortage of criminals competing to claw out a share of a market in which hundred fold increases in price from production to retail are not uncommon

(see *DrugUNODCWDR_2008_eng_webpdf*, p. 216).

The social impact of the strict prohibition on these drugs includes the spread of HIV/AIDS. Because of the illegality which surrounds the use of these drugs, users often resort to secret, crude and unguarded methods of use. In Africa and Nigeria, HIV/AIDS is a serious problem, with the estimated number of infected persons in Nigeria naively put at 1.5 million of the population. Obot (2000), Odejide (1989), observe that amongst the majority poor community, HIV virus is widespread, and is facilitated by unhygienic means of using drugs. To make matters worse, access to anti-retroviral drugs in Nigeria is very limited so that many Nigerians in the illegal drug market continue to suffer double tragedies of being haunted by the enforcement agencies for their sale and use of drugs and are also being denied the right to quality health care.

The cost of the war on illegal drugs also readily comes to mind and calls for scrutiny. The cost unarguably, eats deep into the treasury of Nigeria meagre resources. Nigel Walker (cited in Whitaker 1987) suggested that criminal law should be determined on the grounds of classical economic cost-benefit, not morality. The true gauge of the success of the war on drugs is thus better measured in the amount of financial assistance that each state devotes to the efforts. In 1989 UN with a total budget of \$1.76 billion allocated about \$37 million towards the war against drugs. Currently, it is estimated that about \$100 billion are spent globally on drug law enforcement (see Transform Drug Policy Foundation estimate, 2011). In Nigeria the amount of money spent on the war on drugs is hard to come by but

certainly on the high side, and currently runs into billions of naira. Even as some analysts believe that every kobo spent on checking the traffickers and users is worth it, the impact of these billions of Naira on the socio-economic development of a country like Nigeria, which struggles to grapple with development and growth, is certainly enormous and cannot be ignored. Put lucidly, the war is irrefutably expensive. It is a crusade that entails an elaborate and expensive institutional apparatuses, as well as a long time frame. In Nigeria, the NDLEA is duplicated in all the 36 states of the federation, including Abuja, the Nation's capital. Maintaining the staff and equipment in all this states is financially burdensome. In the end, it is the Nigerian taxpayers who bear the financial brunt of a policy that is increasingly being jettisoned by practising nations and states across Europe, South America and some states in the U.S.

Table 3 shows the budgetary allocation of the NDLEA for the year 2000 to 2007. What is clear from the table above is that the amount of money spent by the NDLEA, especially on personnel costs, continues to rise even as they are described as paltry.

One frustrating area of the war which builds up the cost is in the criminal justice system (see for instance, Shaw, 1995; Schmalleger, 1996: 402; Meier and Geis, 1997; Reid, 1997; Baynham, 1998; Siegel, 1998; American Bar Association cf. Beirne and Messerschmidt, 2003). As an outgrowth of the war on drug, all phases of the criminal justice process are increasingly "drug driven". In Nigeria defence attorneys consider delay tactics to be a sound legal manoeuvre so that delay of justice is the rule rather than an exception. Increasing court backlogs threaten the legal system's infrastructure and efficiency.

Table 3. Summary of funding for the Nigerian National Drug Law Enforcement Agency (NDLEA) in Naira (N), 2000-2007

YEAR	PERSONNEL COST	OVERHEAD COST	CAPITAL EXPENDITURE	REMARKS
2000	737,625,208	110,246,000	37,803,333	
2001	789,434,817	186,216,124	314,244,106	N250m was supplementary budget
2002	936,631,205	83,796,800	Nil	
2003	935,000,000	66,520,699	Nil	
2004	1,316,467,750	140,000,000	200,000,000	
2005	1,854,114,252	152,000,000	261,660,000	
2006	1,876,086,024	110,246,000	109,500,000	Capital not implemented
2007	3,372,769,820	93,204,909	330,059,136	Capital not implemented

Source: NDLEA 2008 Annual Report

Interdiction, access to suspect's bank account, the seizure of assets and imprisonment, the key approaches of this war, have created significant corrupting influences and pressures. Corruption affects the police, court officials, members of the military, customs agents, and employees of the correctional services. These people are often implicated in drug deals and this raises a number of ethical and moral questions about the war (see UNODC, 2007).

WHO BENEFITS FROM THE WAR?

The collateral damage of the war—discrimination, crime and violence, economic cost, human rights violations, environmental pollution, development and security, public health, loss of sovereignty and a host of others—means that ultimately, the only benefit accruing from the war on drugs in Nigeria is that no one benefits; everyone in the war is a loser. War on drugs means the battle line is drawn so that each opponent holds to its fortress. If the experience

of the U.S is anything to go by, then Nigeria and her people can begin to expect the influx of vandals in the country who will be in a good position to take over the organised crime of illicit drug deal. The Guardian (see <http://www.guardian.co.uk/global-development/poverty-matters/2011/nov/22/ngos-should-talk-about-drugs?>) observed that the war on drugs in countries such as Mexico, Colombia and Afghanistan has led to the displacement of the trade in West Africa with Guinea Bissau already assuming the status of a 'narco-state'.

Ultimately, the people who lose most in the war on drugs in Nigeria are the ordinary, poor, marginalized and vulnerable masses which the war ironically aims to protect. These people are predictably women, children, and the unemployed youths. And, whenever these categories of citizenries are at risk because of any policy, then it is society which loses completely.

Since it does not seem that any single social problem has ever been completely solved by waging war on such a problem², ultimately, there must be an alternative

² Sociologists-cum-criminologists are shifting from an overarching age-long monolithic approach to social problems and crimes generally. Emphasis now is on integrating solutions in a multiplicity approach to dealing with these problems.

to war, or perhaps, making the war smarter—prohibition with less criminalization. Whenever a war is waged, both sides in the war are losers in all respects—physical and psychological. Given the fragile and weak nature of the Nigerian state and democracy, the war on drugs if not made smarter, may just exacerbate instability and undermine the nascent democracy. The profitability of drugs, and the euphoria it gives users, mean that both the dealers and users will stop at nothing to protect their business and ensure steady supplies. Any policy which focuses on drugs as a social criminogenic rather than a health issue or aims at eradicating drugs will prove ineffective.

The tragedy of the Nigerian war on drugs is its deliberate refusal to learn from other countries which though have waged this war for decades, suddenly realized their mistakes and some are retracing their steps and retooling their strategy. In these countries, there is a parallel understanding that the war on drugs, like the earlier attempt to prohibit alcohol, is a failure.

Notwithstanding the preceding discussion of the war on drugs in Nigeria suggesting that it is not achieving its desired goal, it is clear that there is something to cheer about the war. The war is viewed by many as compelling and necessary with a remarkable proportion of illicit drugs, traffickers, and users having been kept out of circulation in Nigeria. Moving around the cities, towns and villages by police and NDLEA officials reveals some level of circumspect behaviour among users and dealers that imply a measure of social control. This may be a major accomplishment of the enforcement, consistent with Kleiman's (1992) explanation that open air drug markets provide easy

access to users moving from experimentation to regular consumption, while also breeding violence and disorder.

WHAT ALTERNATIVE DRUG POLICY OPTION IS AVAILABLE TO NIGERIA?

Calls for a paradigm shift towards drug tolerance, with an emphasis on demand reduction, humanising drug laws and treatment policy, are rising (see Moore, 1983; Crook, 2009; Nadelmann, 1998; Chilton, 2001; Reuter, 1997, Global Commission on Drugs, 2011; Otu, 2011). The Global Commission on Drugs [GCM] (2011) has called for an end to criminalisation, stigmatisation and marginalisation of those who use drugs but who do no harms to others. It went further to explain that law enforcement efforts should focus not on reducing drug markets per se but on reducing their harms to individuals, communities and national security (GCD, 2011). Some western countries, Latin American nations and states in the U.S have begun to align themselves to the new paradigm shift. In these countries, there is an increasing departure from the overemphasis on law enforcement and interdiction, towards harm reduction. The idea behind this shift is that reducing consumption would help to stem profit, and therefore, the production of these drugs.

In Nigeria, the harm reduction approach to drug problem presents an alternative drug policy to the current sustained but unwinnable war on drugs. As with other countries that have shifted approach, Nigerian drug policy should be based on pragmatism and not on war rhetoric, on realism and not moralism, and on the social context of the country and not on U.S. and western countries (for similar

remark see Nadelmann, 1998). The bad news for Nigeria tinkering with this policy is that drug demand and harm reduction policy works effectively where and when there is a clear, well-articulated and sincere programmes in place to support the policy which unfortunately are seriously lacking in Nigeria. The good news, however, is that while it can be said that Nigeria is witnessing a hiatus of drug problem, this problem has not exploded to what we now have in most western countries, U.S., Asia, and South American countries. So the demand reduction policy may be less cumbersome and expensive to operate. And because Nigerians are still imbued with strong cultural ties, with a strong sense of brotherhood, communal response to a common problem, and well developed non-state institutions of social control, the implementation of demand and harm reduction policy may be made a lot easier.

CONCLUSIONS

Clearly, the war on drugs has curtailed the availability of drugs but only modestly. Considering that there are vulnerable classes of people—an army of youths who are unemployed and who will continue to find reasons to trade and consume these drugs, and women who are continuously driven by desperation—it appears reasonable to predict that the war will only continue to worsen the problems associated with these drugs. Whitaker (1987) while reviewing the global drug situation and the apparent drug war failure explained that no government can ever conceivably convince all segments of the general public to either abstain from illegal trading in these drugs, or from drug use, so that

ultimately, the cost, both human and material of continuing the war, will continue to mount.

This paper is not about giving Nigerian drug policy makers suggestions on water tight alternative to the war on drugs; it is about analysing the array of critical issues and implications of Nigeria's war on drugs and calling for a rethink by drug policy makers. Noting that the pros and cons of this war are multiple, the current paper suggests a need for a nuanced debate on the war and the need for experimentation with other drug policy alternatives.

Albeit, doing less rarely attracts support for dealing with a problem perceived to be widespread and daunting such as drug problems. This accounts for the wide spread supports for the extant war on drugs policy in Nigeria. However, as it is now, doing less of the prohibition may be the only responsible policy which Nigerian drug policy makers can undertake. This is all about smarter prohibition that combines law enforcement with drug demand reduction. A smarter drug control policy in Nigeria should begin to see the drug problem both as a social and health issue with programmes which will be user-friendly put in place to address the social and psychological and health issues that arise from the use of these drugs. On the supply side, a smarter drug policy in Nigerian should be the one that prohibits by locking up drug offenders for shorter terms, less incarceration, less policing, less surveillance, fewer laws governing individual behaviours, and less obsessive discussion of every lurid drug use and trade. This would mean less intrusive, divisive, and expensive policies and perhaps little increase in drug problems (see Reuter, 1997; Parenti, 1999).

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