



Analysis of the legal and institutional frameworks to combat drug trafficking in Nigeria

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Abstract

Crimes are rarely simple matters in any society. This informed the necessity for law as a social control mechanism to regulate and punish deviant behaviour. Societies respond to such exceptionally deviant actions by creating laws to curb and sometimes punish them. Although, there is no universal definition of what constitutes criminal behaviour or how it should be dealt with; nevertheless, drug trafficking in any society constitutes a worrisome and unacceptable deviant behaviour in view of its grave implications. In order to extenuate the causal factors and mitigate the seriousness of the havoc arisable from drug trafficking, efforts are continually made by the national government often in collaboration with relevant international bodies to stem the tide of drug trafficking. The thrust of this paper is to give an insight into the legal and institutional frameworks put in place by the Nigerian government to address the drug challenge.

Keywords: trafficking, institutional, deviant behaviour, Crimes

Introduction

The roots of drug trafficking and abuse experienced in the country today began many years ago ^[1]. Cannabis was introduced to Nigeria and other parts of West Africa during and after the Second World War by soldiers and sailors returning from the war and who brought the substance along with them ^[2]. Before long, cannabis was being exported to Western countries by Nigerians as local production became increased ^[3]. Within the country, in 1961 and 1962, 823 and 7152 kg of cannabis respectively, were seized. The majority of those arrested for the cultivation of cannabis were men who regarded cannabis as a cash crop with the greatest remuneration.

The beginning of heroine trafficking by Nigerians has equally been attributed to the involvement of military personnel. Nigerians first became involved in the drug trade in the early 1980s, when a group of Nigerian naval officers, undergoing training in India, began trafficking in Southwest Asian heroin ^[4]. Back home, the first arrest for trafficking in an illicit drug other than cannabis was in 1982 ^[5] with the seizure of cocaine weighing 1.2 kg from a single trafficker in the process of taking the drug out of the country. Beginning from 1984, there was a significant increase in the arrests of cocaine and heroin traffickers and also in the quantities of drugs seized at the international airports and seaports. In 1989 alone, the number of arrests had reached 6,023 ^[6].

The worsening situation of Nigerians' involvement in the drug trade cannot be attributed to the lack of laws to control the menace as past and present Nigerian Governments have put in place series of legislative measures and become a signatory to a number of international conventions aimed at checkmating abuse and trafficking in narcotic drugs and substances. Even with stringent law enforcement efforts and penalties, authorities worldwide are in a constant struggle to stop the illicit drug trade which regrettably has remained unabated. Indeed, the legislative efforts against narcotic drugs and psychotropic substances in Nigeria are dated back to January 1912 ^[7] when the country

became a signatory to the International Convention against Opium, signed at The Hague on January 23, 1912. This was followed by the Convention (No. 1) of 1925 and the Geneva Convention (No 2) of 1931. At the National level, came the Dangerous Drugs Ordinance of 1935 ^[8], Amphetamine and other Drugs Act 1968, Food and Drugs Act 1968, the Indian Hemp, Cannabis Decree of 1966. Under the Cannabis Decree of 1966, cultivation of cannabis attracted the death penalty or 21 years in jail and exportation was punishable by 10 years of imprisonment. A stiff penalty of at least 10 years in jail was reserved for those found smoking or in possession of the drug. The 1966 decree was amended in 1975 and less severe penalties were instituted. The death penalty was abolished and the punishment for cannabis smoking was reduced to six months and or a fine. Aside from local legislation, Nigeria is a signatory to a number of international and regional conventions to curb the menace of illicit drug trafficking. A few of these conventions to which Nigeria is a signatory are here highlighted.

1961 UN Single Convention on Narcotic Drugs

This convention replaced the previous international agreements that had been developed piecemeal since the early years of the twentieth century. The convention included new provisions not contained in earlier treaties, creating a stricter zero-tolerance and more prohibitive system for control. It also extended the existing trade control systems to include the cultivation of plants from which narcotic drugs were derived, thereby placing a special burden on the traditional producing countries.

The UN Single Convention of 1961 established the goal to eliminate opium over a 15-year period and coca and cannabis within 25 years ^[9]. The Single Convention was established as a universal system for limiting the cultivation, production, distribution, trade, use and possession of narcotic substances strictly to medical and scientific purposes, with special attention on substances derived from plants ^[10]. In realization of the

possibility of some parties not having adequate technical and financial wherewithal to successfully carry out their obligations under the Convention, provision is made under the Convention^[11] for technical and financial assistance to such parties so as to be able to carry out their expected obligations under the Convention^[12].

Parties have the responsibility to ensure that manufacturing of drugs is carried out under licence except where it is carried out by a state enterprise or enterprises. The granting of licence to manufacturer for drugs production is however not absolute as there is a requirement for periodic permit specifying the kinds and amount of drugs which they shall be entitled to manufacture^[13]. Distribution of drugs is also required to be under licence except where such trade or distribution is carried out by a state enterprise or state enterprises. Importation and exportation of drugs is equally by license except where such import or export is carried out by a state enterprise or enterprises. The convention explicitly makes it unlawful for parties to allow possession of drugs except under legal authority^[14]. This provision of the convention simply reinforces the sacred duty or obligation imposed on parties to ensure that drugs are only made available for licit purposes. Other salient provisions of the 1961 convention^[15] include obligations on parties to make arrangement at the national level for co-ordination of preventive and repressive actions against illicit traffic; assisting each other in the campaign against illicit traffic in narcotic drugs; co-operating closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against illicit traffic; ensuring that international co-operation between the appropriate agencies be conducted in an expeditious manner.

1971 Convention on Psychotropic Substances

The provisions of the 1971 Convention on Psychotropic Substances are almost verbatim adoption of the 1961 convention. The 1971 convention was developed in response to the diversification of drug use. The basic addition by the 1971 convention was the introduction of more items of drugs over which regulatory control is to be exercised. The 1961 and 1971 conventions primarily aimed at ending traditional uses of coca, opium and cannabis, limit their cultivation to amounts needed for medical purposes and to curb the diversion of psychoactive pharmaceutical drugs for illicit (non-medical) purposes. Contrary to popular belief, none of the scheduled drugs were ever made "illegal". The drugs were not prohibited, but their production and trade were placed under strict controls in order to limit their use to medical and scientific purposes^[16]. Exactly, the same controls apply to cocaine, methadone and oxycodone, as well as many other drugs widely used in medical practice, such as diazepam, morphine and codeine, all controlled under these same treaties^[17].

1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

In response to the non-prohibition posture of the 1961 and 1971 conventions, the UN convened another conference to negotiate what became the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. It provided special measures against illicit cultivation, production and trafficking of drugs, the diversion of chemical precursors, as well as agreement

on mutual legal assistance, including extradition. The 1988 convention significantly reinforced the obligation of countries to apply criminal sanctions to combat all the aspects of illicit production, possession and trafficking of drugs^[18]. Under the 1988 convention, an offender may be extradited to other jurisdiction to face his/her trial instead of trying him/her in the territory where he/she is present. Instances of this will arise where the alleged offender is a national of the other jurisdiction and there is express demand for such extradition or where the alleged offender is not a national of the other jurisdiction but the alleged offence occurs in that other jurisdiction in which domestic criminal law covers the offence.

Extradition will, however, not automatically apply except there is an existing extradition treaty between parties which have listed the alleged offence as an extraditable offence. Where such extradition treaty does not however exist, the convention may be treated as the legal basis for extradition between the parties in which case extradition will still apply.

Aside from the provision for extradition, the 1988 convention provides for mutual legal assistance and transfer of proceedings^[19] to broaden the scope of international cooperation in combating illicit traffic. This is in addition to the provision of international cooperation and assistance for transit states contained in the convention.

Under the international cooperation and assistance for transit states, the 1988 convention provides that parties may embark on any of the following three steps or measures^[20]:

- a. Cooperate directly or through competent international or regional organizations, to assist and support transit States and, in particular, developing countries in need of such assistance and support, to the extent possible, through programmes of technical co-operation on interdiction and other related activities.
- b. Undertake directly or through competent international or regional organizations, to provide financial assistance to such transit States for the purpose of augmenting and strengthening the infrastructure needed for effective control and prevention of illicit traffic.
- c. Conclude bilateral or multilateral agreements or arrangements to enhance the effectiveness of international co-operation pursuant to this article and may take into consideration financial arrangements in this regard.

Parties are equally expected under the convention to take measures which are not less stringent to the provisions of the 1961 convention (as amended) and the 1971 convention for the purpose of eradicating illicit cultivation of plants containing narcotic and psychotropic substances and to eliminate illicit traffic etc^[21]. Parties are obligated to ensure that commercial carriers do not use means of transport to perpetrate offences under the convention. This provision imposes duty on parties to mount surveillance on commercial carriers' activities to checkmate them from delving into illicit traffic.

Convention against Transnational Organized Crime, 2000.

The Convention contains some salient provisions that have implication for combating drug trafficking. The primary intentment of the convention is to address transnational organized crime. Undoubtedly, international drug trafficking is

indeed a form of transnational organized crime as it involves trafficking in illicit drugs by organized criminal group across jurisdictions. The convention describes organized criminal group^[22] as a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this convention, in order to obtain, directly or indirectly, a financial or other material benefit.

The convention provides for a number of offences. However, for the purpose of this paper six of such offences would be considered in view of their direct implications for combating transnational illicit drug trade. The offences to be considered here include participation in an organized criminal group, laundering of proceeds of crime criminalization of corruption, confiscation and seizure of proceeds of crime, extradition and mutual legal assistance among others.

Criminalization in Participation in an Organized Criminal Group

This provision is aimed at checkmating criminal activities of the organized criminal group as it forbids unlawful agreement of two or more persons to commit a serious crime for the purpose relating directly or indirectly to the obtaining of a financial or other material benefit^[23]. Under this provision, the convention enjoins each state to adopt such legislative and other measures to prevent the activities of organized criminal group in their various jurisdictions. It is an offence under this heading to organize, direct, aid, albeit, facilitate or counsel the commission of serious crime involving an organized criminal group. Undoubtedly, indulgence in illicit transactional drug trade has all the attributes of organized crime group and same falls within the purview of this provision of the convention.

Criminalization of Laundering Proceed of Crime

The convention criminalizes the laundering of proceeds of crime^[24] and equally obligates each state party to adopt in accordance with the fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences certain actions by organized criminal group. Some of these actions include the conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action, the concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime and the Subject to the basic concepts of its legal system: the acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime; participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article. This particular provision of the convention is basically fundamental to combating international drug trafficking as huge profits which are generated by means of drug trafficking are usually laundered by traffickers to conceal the real source of such income from the eagle eye of the relevant law enforcement agencies.

Criminalization of Corruption

The criminalization of corruption under the convention^[25] has a lot of implication for combating drug trafficking in the sense that corruption is one of the formidable obstacles militating against efforts aimed at combating illicit drug trade. The potency of many well-intentioned legislative and institutional frameworks designed to address the drug problem has been wittingly played down or rendered insignificant by corrupt collusion and indulgence on the part of law enforcement agencies saddled to enforce drug control measures.

It is, therefore, apposite that the convention provides that each State Party should adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally the promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties. The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties equally constitutes an offence under the convention. In addition to the foregoing measures, each State Party is, to the extent appropriate and consistent with its legal system, adopt legislative, administrative or other effective measures to promote integrity and to prevent, detect and punish the corruption of public officials.

Confiscation and Seizure of Proceeds of Crime

Confiscation and seizure of proceeds of crime or property, the value of which corresponds to derived from offences covered by this convention that of such proceeds is provided for under the convention^[26]. This provision has direct relevance to drug trafficking control as huge profits are accrued from illicit drug traffic. Therefore, the provision on confiscation and seizure of proceeds of crime, drug trafficking inclusive, is useful in targeting the profits of drug trafficking thereby rendering the illicit drug trade unattractive or non rewarding.

Extradition

The convention equally provides for extradition by making all the offences covered by it extraditable. This provision applies where an offence referred to in article 3, paragraph 1 (a) or (b) of the convention involves an organized criminal group and the person who is the subject of the request for extradition is located in the territory of the requested State Party. It is, however, required that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.

However, if the request for extradition includes several separate serious crimes, some of which are not covered by the relevant provision of the convention, the requested State Party may nevertheless still rely on the convention in respect of the latter offences. Interestingly, each of the offences to which the convention applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between states parties. States parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them. Equally, if a state party that makes extradition conditional on the existence of a treaty receives a request for

extradition from another State Party with which it has no extradition treaty, it may consider this convention the legal basis for extradition in respect of any offence to which the convention applies. Extradition principle remains one of the international tools to facilitate co-operation in combating international illicit drug trade especially in the area of prosecution of drug offenders located in their jurisdiction.

Mutual Legal Assistance

The convention provides for mutual legal assistance ^[27]. Hence, States Parties are expected to afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by the convention and are to reciprocally extend to one another similar assistance especially where the offence involved is transnational in nature. Like extradition principle, mutual legal assistance is a vital aid in investigation and trial of international drug offenders. Generally, the scope of the provisions contained in the conventions is clearly complementary of the provisions of the three UN conventions as drug control. Thus, the relevance of the United Nations Convention against Transnational Crimes as international drug control legal framework cannot be over emphasized.

International Criminal Police Organization (INTERPOL)

Interpol is an international police organization comprising members from states from all over the world. The body is one of the crime control international institutions. The primary purpose of Interpol is to ensure the widest possible mutual assistance among all criminal police authorities in several jurisdictions within the limits of the laws existing in its member states and to establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes.

The principles on which Interpol's functioning is based have stood the test of time. It has become clear that the organization cannot have teams of detectives with supranational powers who travel around investigating cases in different countries. International police co-operation is, therefore, required to coordinate action of the member states' police forces, all of which supply and request information and services. The Interpol general secretariat is the center for coordinating the fight against international crime. Its activities, conducted at the request of police departments and judicial authorities of member states, are all focused on crime prevention and enforcement. Each of the member states appoints an Interpol National Central Bureau (NCB) as its national department to serve as the permanent focal point for international police co-operation.

As regards the specific role of INTERPOL vis-a-vis transnational drug trafficking, Interpol runs programmes related to drug trafficking across several jurisdictions including in West Africa and Nigeria. In 2009, it established INTERPOL's *Project White Flow* which is an initiative aimed at enhancing intelligence coordination to identify mid- to upper-level traffickers transporting cocaine from South America through West Africa into Europe ^[28]. The overall objective of Interpol operational activities is to collect and share data on criminal operations to facilitate arrests. In April 2013, *Project White Flow* was replaced by a new initiative called *Interflow*. *Interflow* has primarily the

same objectives as *White Flow*, although the initiative also targets the increase in methamphetamine production and trafficking in Africa and the diversion of chemical precursors. In addition to assisting with information gathering, the project deploys 'Incidence Response Teams (IRT)' for international investigations upon the request of member countries. It also convenes working group meetings to strengthen intelligence sharing.

Regional Institutional Frameworks to Combat Drug Trafficking in Nigeria

Aside from the above considered intentional framework, Nigeria is a member of some regional bodies with legal and institutional instruments to which the country is a signatory. A few of them are hereunder considered ^[29].

The African Union (AU)

As part of its efforts towards addressing the drug challenge in the sub-region, the AU has adopted increasingly progressive Drug Strategies and Actions Plans ^[30]. However, due to limited reporting by member states, it is difficult to assess the level of political and operational engagement in implementing AU policy in this area ^[31].

At the national level, responding to drug trafficking remains a challenge, although joint intelligence initiatives have produced important results including in terms of seizing shipments of drugs and strengthening the capacity of law enforcement agencies and the judiciary. Efforts are also being made to harmonize drug legislation across the region. Bilateral agreements on intelligence sharing and extradition have enabled important arrests, trials and convictions. Yet, most responses still remain focused on intelligence sharing, strengthening law enforcement and the judiciary with limited focus on the public health challenges or the governance and social challenges that have been propelled or exacerbated by the drug trade. The AU first approached the issue of drug trafficking and drug use in 2002 with the AU Declaration on Control of Illicit Drug Trafficking and Abuse in Africa ^[32] and the Revised Plan of Action for Drug Control in Africa ^[33]. Prior to this, the AU's predecessor - the Organization of African Unity (OAU) - had produced a declaration recognizing the threats posed by drug trafficking in Africa ^[34]. The 2002 Revised Plan focused on the following salient areas such as institution building and policy development, information, research and networking, legal systems and implementation of law, integrated drug demand reduction, National Law Enforcement and Regional Law Enforcement and Control Measures and International Cooperation Control Capacities ^[35].

Complementing its efforts to combat drug trafficking, in 2003, the AU adopted the African Union Convention on Preventing and Combating Corruption. The aim of the convention was for member states to strengthen national capacity and promote cooperation among member states in combating corruption and fostering conditions for transparency. Corruption is viewed as a catalyst that weakens both the legal and institutional frameworks to combat the drug problem. Hence, the Union believed that by tackling the menace of corruption, the war against illicit drug trafficking will be substantially addressed alongside by implication. Subsequently, in 2007, the AU drafted a Revised AU Plan of Action on Drug Control and Crime Prevention for 2007-2012 focusing on seven key priority areas ^[36]:

Member states were requested to submit biennial reports on the status of implementation to the AU Conference of Ministers for Drug Control and Crime Prevention “for its consideration and action” and to make recommendations to the relevant AU Organs^[37].

The 2013 implementation and follow up plan builds on the earlier one although the functions of the National Coordinating Bodies (NCBs) and the Regional Economic Communities (RECs) have been strengthened^[38]. Overall, the new AU Plan of Action represents a welcome, progressive and balanced menu of activities designed to reduce drug harm, supply and demand in the region. It also includes refreshing commitments to the protection of public health, the upholding of international human rights law and the diversion of people who use drugs away from the criminal justice system. Crucially, it also allows for the setting of clear objectives and targets by which progress and success can be measured— an element that is often overlooked (or purposefully avoided) by drug strategies in other parts of the world.

Economic Community of West African States (ECOWAS)

ECOWAS, which is the main sub-regional body responsible for setting policy guidance and delivering responses to drug trafficking has made important strides in developing a coherent architecture to respond to drug trafficking and its impacts^[39]. The Abuja Political Declaration and accompanying Action Plan on the Prevention of Drug Abuse, Illicit Drug Trafficking and Organized Crime in West Africa is an important step in this regard. Other mechanisms for responding to drug trafficking by the body include the ECOWAS Counter-Terrorism Strategy and Implementation Plan and the ECOWAS Maritime Security Strategy^[40]. Despite these efforts, ECOWAS remains challenged by other pressing commitments in the sub-region. It also suffers from limited resources and capacity at the operational level. Meanwhile, at the political level, challenges remain in terms of mustering the will and capacity to confront the important security, governance and public health challenges posed by drug trafficking.

Before 2001, the drug law enforcement departments in West Africa did not have appreciable collaboration with one another. Thus, one agency would find it difficult to release information because of the uncertainty of the preservation of confidentiality of the information in the destination country. This situation led to the founding of the West African Joint Operations Initiative, a collaborative effort between Nigeria's National Drug Law Enforcement Agency and the United States Drug Enforcement Administration Regional Office in Lagos, whose focus was to contain the illicit drug trafficking problem across the region, which still remains weak. However, in June 2007, the Authority of the Economic Community of West African States (ECOWAS) Heads of State and Government expressed concerns about the upsurge of drug trafficking in the region and mandated the ECOWAS Commission to take urgent action and report to the Authority on efforts to stem the surge. The Commission requested that GIABA, a specialized institution of the ECOWAS, prepare and present a provisional, short-term Plan of Action for Drugs Control, which was effectively done.

In 2009, the West Africa Coast Initiative (WACI) was launched to combat organised crime and drug trafficking wreaking havoc in the region^[41]. The UNODC is also working closely with

ECOWAS, which has effectively adopted a regional plan to take aggressive action against cocaine trafficking. Thus far, these regional initiatives (in collaboration with international efforts) have stifled the drug trade to a certain extent. Limited progress however, attended the efforts of the body in drug control drive. This lack of progress coupled with increasing pressure from international bodies and certain states led to the adoption of a Political Declaration on the Prevention of Drug Abuse, Illicit Drug Trafficking and Organized Crime in West Africa - the Abuja Declaration - and an accompanying Regional Action Plan to address the security threats posed by drug trafficking in the sub-region. A critical aspect of ECOWAS's approach has been to ensure the responsibility of each individual state in implementing the Action Plan, which consists of five thematic areas namely:

- a. Mobilizing ECOWAS political leadership and address the need for adequate national budget allocation by ECOWAS member states for preventing and combating illicit drug trafficking, related organized crime and drug abuse;
- b. Effective law enforcement and national and regional cooperation against the high level increase in illicit drug trafficking and organized crime;
- c. Developing and strengthening appropriate and adequate legal frameworks for effective criminal justice;
- d. Confronting emerging threats of increased drug abuse and associated health and security problems; and
- e. Creating valid and reliable data to assess the magnitude of the drug trafficking.

Other vital area of contribution by ECOWAS includes organizing operational meetings, meetings of experts to design and implement joint operations and expert meetings on drug demand reduction.

Despite these developments, the general perception is that the overall impact and effectiveness of the regional architecture has been low, particularly due to resource constraints within the sub-regional body and limited implementation capacities at the national level. ECOWAS itself notes that inadequate resources and financial support as well as delays in building consensus on strategic approaches have slowed progress in the area of drug control.

Inter-Governmental Action Group against Money Laundering in West Africa (GIABA)

In addition to the ECOWAS Action Plan, several sub-regional initiatives have equally been developed by the body to support programmatic implementation and enhance cooperation and coordination in the region^[42]. The Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) was established in 2000 as an additional ECOWAS mechanism focusing on responding to money-laundering. One of GIABA's main activities is to monitor country-level implementation of anti-money laundering legislation and regimes^[43]. In 2010, GIABA produced a “typology report” on laundering the proceeds of drug trafficking. According to the report, drug trafficking money derives from several sources, including local production or sale of imported narcotics, repatriated drug proceeds, money from drug couriers and profits generated by the secondary businesses related to drug trafficking, such as false identity providers, recruiters, or drug packagers. Traffickers employ complex means to launder money generated from drug trafficking

including the use of lawyers, bureaux de change, trade, cash couriers, front companies, purchase of real estate, etc ^[44]. The report highlighted procedural issues that hinder national and regional responses to money laundering related to drug trafficking. For example, anti money-laundering legislation tends to be more recent than drug trafficking laws, so implementation is hindered by both the lack of familiarity and lack of capacity. It is also problematic that drug laws themselves are often applied at random and without consistency regarding product and quantity.

Airport Control Project (AIRCOP)

AIRCOP is a border and customs-focused program jointly implemented by UNODC, INTERPOL and WCO (World Customs Organization). It was launched in January 2010 with the objective of creating Joint Airport Interdiction Task Forces (JAITF) in airports along trafficking routes in West Africa ^[45]. The JAITFs are intended to improve communication and capacity at targeted airports. Both the CCP and AIRCOP are interdiction-focused initiatives targeting cocaine, heroin, methamphetamine, marijuana, or other controlled substances, such as illicit pharmaceuticals.

AIRCOP's achievements include strengthened controls at major international airports; increased awareness of airport inspection services about smuggling risks on flights; collection of data on cocaine trafficking in the regions concerned; improved information sharing between customs and police services ^[46]. The project has led to significant drug seizures especially in some countries in the sub-region namely Côte d'Ivoire, Gabon, Nigeria, Senegal, Ghana, Cape Verde and Mali.

Domestic Institutional Framework to Combat Drug Trafficking in Nigeria

In 1989 Decree No 48 of 1989 was promulgated establishing the National Drug Law Enforcement Agency (NDLEA) ^[47] as the main drug control institution in Nigeria. The establishment of the National Drug Law Enforcement Agency (NDLEA) by the promulgation of Decree No. 48 of 1989, (now Act of Parliament,) was one of Nigeria's deliberate attempts at joining the rest of the world in exterminating illicit drug trafficking and corruption within her borders ^[48]. The establishment of the agency was equally a response and in compliance with the United Nations Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances, 1988 to which Nigeria is a signatory. The Act does not, however, endorse capital punishment, as was the situation under Decree No. 20 of 1984. The National Drug Law Enforcement Act was amended in 1990 ^[49]. The amended Act prescribes a jail term of five years for Nigerians caught abroad for trafficking in drugs and by so doing bring the name of the country into disrepute ^[50]. Interestingly, the Act does not cancel the hitherto existing units or drug control measures prior to its promulgation. Rather it harmonized them under the agency's management as it provides thus ^[51]:

All drugs units under existing institutions dealing with offenders or offences connected with or relating to illicit traffic in narcotic drugs or psychotropic substances shall relate and be responsible to the agency in the performance of their duties and functions.

Specific Functions of the Agency under the Act

The functions of the agency are very many and they include ^[52] the enforcement and the due administration of the provisions of

the Act; the coordination of all drug laws and enforcement functions conferred on any person or authority, including Ministers in the Government of the Federation, by any such law; adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from drug-related offences or property whose value corresponds to such proceeds and adoption of 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 eliminating financial incentives for illicit traffic in narcotic drugs and psychotropic substances.

Others functions of the agency include the facilitation of rapid exchange of scientific and technical information and the conduct of research geared towards eradication of illicit use of narcotic drugs and psychotropic substances; taking measures for the early destruction or disposal of the narcotic drugs and psychotropic substances which have been seized, confiscated or forfeited; establishing, maintaining and securing communication to facilitate the rapid exchange of information concerning offices and improving international co-operation in the suppression of illicit traffic in narcotic drugs and psychotropic substance by road, sea and air.

The agency equally has the responsibility for reinforcing and supplementing the measures provided in the convention on Narcotic Drugs 1961, as amended by the 1972 Protocol, the 1971 Convention on Psychotropic Substances and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and its grave consequences. Besides, the agency performs the functions of taking such measures that may ensure the elimination and prevention of the root causes of the problems of narcotic drugs and psychotropic substances; and strengthening and enhancing effective legal means for international co-operation in criminal matters for suppressing the international activities of illicit traffic in narcotic drugs and psychotropic substances.

Collaborating with government bodies both within and outside Nigeria carrying on functions wholly or in part analogous to those of the agency, the agency has the duty to identify the identities, whereabouts and activities of persons suspected of being involved in offences mentioned in the Act, the movement of proceeds or property derived from the commission of such offences and the establishment and maintenance of a system for monitoring international dealings in narcotic drugs and psychotropic substances in order to identify suspicious transactions and persons engaged in them among other functions.

Operational Units of the Agency

The performance of the functions of the agency is trusted on six strategic operational unit established by the agency. Although these units have their various assigned roles, however, these roles overlap or are complementary in several areas. These divisions are general and assets investigation unit, prosecution unit, drug demand reduction unit, training, research and development, assets laundering and intelligence unit.

The General and Assets Investigation Unit

This unit of the agency has responsibilities for the prevention and detection of offences in violation of the provisions of the Act Essentially, the unit works in collaboration with the Nigerian Customs Services in monitoring the movement of goods and

persons in any customs area, customs stations, customs ports or customs airports and searching cargoes and incoming and outgoing vessels. It has the duty of detecting consignments suspected of containing narcotic drugs and psychotropic substances coming into or out of a customs area. It investigates assets and properties of persons arrested for committing any offence under the Act. The unit equally identifies and traces proceeds involved in any offence under the Act and effects forfeiture of such proceed. Interestingly, this unit handles matters relating to and or connected with extradition and mutual legal assistance in criminal matters.

The Prosecution Unit

The major functions of this unit include the prosecution of offenders under the Act, supporting the general and assets investigating unit by providing the unit with legal advice and assistance whenever it is required. Its role includes conducting such proceedings as may be necessary towards the recovery of any assets or property forfeited under the Act. It may equally perform any other function as may be referred to it by the agency from time to time.

Training, Research and Development

This unit of the agency is concerned with initiation, development or improvement of specific training programmes for its law enforcement and other personnel charged with the responsibility for the suppression of offences created by the Act. Such areas of training cover collection of evidence, detection of concealed drugs, law enforcement techniques and dissemination of information about drug laws among others.

Intelligence Unit

The intelligence unit of the agency is a critical one as it provides relevant information or tip off from various sources for operational activities. The agency not being an omniscient body cannot certainly know all the details involving drug trafficking and movement within and outside the country. Hence, to a very large extent, it depends on information from informants to aid its operational activities. The receipt of such intelligence information by the agency in the time past has resulted in landmark seizure of narcotics substances at the nation's airport among other areas.

Drug Demand Reduction Unit

This is a very crucial unit in the agency. It is the agency's principal organ that is saddled with the responsibilities to curtail the demand for drugs by drugs abusers. In collaboration with the Federal Ministry of Health, the Drug Demand Unit of the agency has the following responsibilities among others:

- a. to organize campaigns, seminars and workshops aimed at educating the public on the dangers of narcotic drugs and psychotropic substance thereby stimulating interest in and awareness about drug related problems;
- b. after- care rehabilitation, social reintegration and education of addicts;
- c. the promotion of the welfare of convicts.
- d. adoption of 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 eliminating financial incentives for illicit traffic in narcotic drugs and psychotropic substances;

- e. the facilitation of rapid exchange of scientific and technical information and the conduct of research geared towards eradication of illicit use of narcotic drugs and psychotropic substances;
- f. reinforcing and supplementing the measures provided in the Convention on Narco'tic Drugs 1961, as amended by the 1972 Protocol, the 1971 Convention on Psychotropic Substances and the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.
- g. Collaborating with government bodies both within and outside Nigeria carrying on functions wholly or in part analogous to those of the agency.

Goals of Drug Demand Reduction

The central goals of Drug Demand Reduction Unit are to reduce the availability and overall demand for illicit drugs, to provide factual information to all and sundry (especially those in the high risk group) on the attendant problems of drug abuse and trafficking, to teach personal skills needed to avoid drug abuse. To help those abusing drugs to overcome their dependency and reduce the risk they pose to themselves and others, with the ultimate aim of achieving a drug free and acceptable way of life and to ensure proper re-integration and adjustment of treated drug dependent persons into their families and communities.

Other goals of drug demand reduction are to build institutional capacity for effective drug data collection and research activities. To de-emphasize the criminality of drug abuse, to ensure proper training, development and utilization of drug demand reduction personnel, to ensure community mobilization and participation in the design, formulation, implementation and evaluation of preventive drug abuse education in order to effectively address incidence of drug abuse and trafficking in Nigeria and to increase the level of awareness about treatment and rehabilitation centres and improve the operational capacity of the centres to provide goods and services.

Drug Demand Reduction Activities

Drug Demand Reduction is a major statutory responsibility of the National Drug Law Enforcement Agency^[53]. In line with this and to achieve the broad goals of drug demand reduction, three mutual and complementary units discharge the responsibilities. These are:

1. Research and NGO Liaison
2. Drug Abuse Preventive Education
3. Treatment and Rehabilitation

Research and NGO Liaison

The responsibilities of this unit include conducting research into determining the types of drugs commonly being abused, the magnitude, nature and extent of the problem, including the percentage of various segments of the populace in drug problem, as well as demographic characteristics of abusers, determining the physical, social and psychological problems associated with the drug abuse problems e.g., mental illness, traffic accidents, family disintegration etc, establishing the level of violence associated with drug abuse problem e.g., arson, assassinations, suicides, rape, armed robbery, secret cults, political hooliganism and thuggery, ethnic/communal clashes, etc and assisting in planning so as to enable appropriate utilization of available resources.

Other responsibilities of the unit include evaluating measures put in place to combat the menace of drug abuse, regular update of treatment and rehabilitation facilities available and determining the socio-economic and cultural factors for the abuse and dealing in drugs. The department collaborates with non-governmental organizations (NGOs) involved in drug demand reduction activities in the country with a view to achieving the agency's goals. The agency collaborates with the relevant NGOs' to achieve the broad goals of drug demand reduction in Nigeria.

Drug Abuse Preventive Education

Drug abuse preventive education is one of the measures put in place to avoid problems associated with drug abuse. It includes any pre-emptive measure taken to ensure that drug abuse does not occur. The goal of prevention is to stop the occurrence of drug abuse and to minimize its effects if it has occurred. Thus, prevention can be seen as a proactive process intended to promote and protect good and healthy lifestyles and reduce the need for remedial treatment of problems associated with drug abuse.

Drug abuse preventive education also entails the dissemination of factual information on drug related issues with the aim of imparting knowledge and skills to the individual. In essence, it is believed that the beneficiary of such education will use the information to promote a drug free lifestyle for himself/herself as well as for those around him or her, children, wards, neighbours, friends, colleagues, co-workers, relatives, etc. Realizing that the drug problem is more prevalent amongst the youths, the agency has taken a bold step by carrying the drug war to the doorsteps of this group which the society looks up to as the future leaders of this country, by strengthening the activities of the life clubs formed in all the secondary schools in the country to put in check the cancerous tendencies of the youth. The club is a replica of Boys Scout, Boys Brigade and the likes in functions. Also, in the Universities across the country, Drug Free Clubs, DFC, have been introduced and launched. The reception of the DFC on campuses is very impressive.

Furthermore, the agency was able to get the Federal Government through the National Education Research and Development Council to approve the inculcation of Drug Abuse Education into the Nigerian School Curricula. In line with this, elements of drug abuse preventive education has been infused into the relevant subjects in the Basic Education and Senior Secondary School Curricula, Tertiary Institution Curricula as well as the Curriculum of Adult and Non-Formal Education Sector in Nigeria. Apart from getting all the States of the Federation involved in the drug crusade, all arms of government and relevant Ministries and Parastatals, like Information, Foreign Affairs, Justice as well as Customs and Immigration Services and the Presidency are now very active and prepared to always support and cooperate in the battle against drug trafficking. NDLEA is also collaborating with the Nigeria Police, the Military, the Civil Service and private organizations as part of drug abuse preventive programme.

Preventive information on drug abuse is usually passed on to the public by NDLEA through lecture or talks such as seminars, workshops, public rallies, talks in schools, workplace and to other target groups. Other methods involve the use of the print media such as Newspapers, Magazines, posters, stickers, pamphlets, booklets, leaflets, billboard, badges and other souvenirs, all carrying factual anti-drug messages. Also employed by the NDLEA as a means of dissemination of preventive information

is the use of electronic media such as jingles, drama, documentaries, quiz, debates, interviews, news items, commentaries, instruction, captions and any other conceivable programme or effort that can be aired on radio or television.

Treatment and Rehabilitation

This approach focuses on addressing the psychological and health needs of drug addicts by means of curative measures and reintegration into the society for meaningful and productive living or lifestyle. It is in contradistinction to punishment focused measure which commonly characterizes criminal justice system. In other words, treatment and rehabilitation measure is a repair or corrective mechanism.

Offences under the Act

For the purpose of making the Agency effective in the discharge of its functions, the Act provides for a number of offences. One of such offences is importation, etc of cocaine, heroin or similar drugs etc. Under this section of the Act, it is an offence for anyone to import manufacture, produce, process, plant or grow the drugs popularly known as cocaine, LSD heroin or any other similar drugs. This offence attracts life imprisonment upon conviction. It is also an offence under the Act for anyone to export, transport or otherwise traffic in the drug popularly known as cocaine, LSD heroin or any other similar drugs. This offence equally attracts life imprisonment upon conviction. Selling buying or offering for sale or otherwise deals in or with the drugs popularly known as cocaine, LSD heroin or any other similar drugs also constitutes an offence under the Act. A person convicted under this section is liable to life imprisonment.

Other offences provided under the Act include conspiracy, aiding, abetting, counseling or attempts to counsel any of the offences covered by the Act. This attracts a jail term of not less than 15 years. It is also an offence for an occupier of a premises to permit the use of his premises for drug trafficking or drug-related matter. This attracts a term of imprisonment not exceeding twenty years. Conspiracy to commit drug-related offence attracts imprisonment of not less than fifteen years and not exceeding twenty five years upon conviction. Preventing a person from attending trial as a witness is also an offence under the Act and this attracts a term of imprisonment not exceeding seven years. Unlawful possession of cocaine is yet another offence under the Act and this attracts a terms of imprisonment of not less than fifteen years and not exceeding twenty five years. Interestingly, it is not only those who have committed an offence that are liable under the Act but inclusive of those who have attempted to commit an offence but failed. Hence, it is provided thus ^[54]:

Where a person is charged with any of the offences under this Act and the evidence establishes an attempt to commit that offence, he may be convicted of having attempted to commit that offence although the attempt is not separately charged and such person shall be punished as prescribed for the offence under this Act.

A corporate body is not spared of culpability under the Act. Thus, where an offence under this Act which has been committed by a body corporate is proved to have been committed on the instigation or with the connivance of or attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, where practicable, shall be deemed to be guilty of that offence and shall

be liable to be proceeded against and punished accordingly. Upon conviction of a corporate body, the Court may order that the body corporate be wound up and all its assets and properties forfeited to the Federal Government. There is also a forfeiture provision under the Act as it provides thus ^[55]:

For the avoidance of doubt and without any further assurance than this Act, all the properties of a person convicted of an offence under this Act and already the subject of an interim order shall be forfeited to the Federal Government.

The jurisdiction to try offences under the Act is given to the Federal High Court ^[56]. The jurisdiction of the Court to try offenders under this Act includes its power to impose the penalty provided for in the Act. Despite efforts being put in place by the National Drug Law Enforcement Agency (NDLEA) operatives towards fighting the menace of illicit drugs trafficking, more people are being recruited daily by drug barons to serve as couriers just as many more, especially youths are increasingly becoming addicted to assorted drugs.

Money Laundering Act

The Money Laundering Act ^[57] is one of the spirited efforts made by the Nigerian Government to combat drug trafficking in Nigeria. Although the primary focus of the Act is to checkmate the menace of money laundering; however, it contains some salient provisions which are relevant and helpful in combating drug trafficking in the country. The Act gives significant powers to the NDLEA to mount surveillance on the bank accounts of drug suspects. The Act also places limitations on cash payments, mandates banks to report deposits of amounts beyond a certain limit and give powers to the NDLEA to tap any telephone line. Notwithstanding some pockets of abuses recorded in the implementation of the provisions of the Act, it nevertheless serves a useful purpose of drastically curtailing the menace of drug trafficking in the country. The injection of drug trafficking control provisions in the Act is confirmatory of the existence of a link between money laundering and drug trafficking as already examined in this study.

It is heart-aching that despite several efforts being made by successive Nigerian Governments, drug trafficking remains a vogue among some Nigerians, especially the youths as opposed to legitimate means of livelihood. The alarming number of Nigerians who are being caught almost on a daily basis in the web of drug trafficking certainly speaks volume in this regard. In the recent time, no fewer than 45 Nigerians were detained by Ethiopian authorities for alleged drug trafficking and related offences. The suspected traffickers, which included seven ladies, were arrested at the Addis Ababa International Airport within a period of five months. The suspected traffickers were on transit through the Addis Ababa Airport from countries in South America being points of origin heading for Nigeria and some countries in West Africa.

Various kilogrammes of substances suspected to be cocaine, heroin and other similar drugs were found on the suspects and their luggage by scanners and electronic detectors at the airport. One of the suspects died of drugs complications in his organs few days after he was arrested. No fewer than 18 Nigerians, including four ladies were serving jail terms of between five and 14 years in the East African nation.

In 2012 alone, seven Nigerians were beheaded in Saudi Arabia for drug trafficking. Saudi Arabia has one of the highest rate of

capital punishment in the world for drug trafficking. Several other Nigerians had been executed in Saudi Arabia for drug trafficking prior to this time. Amnesty International Reports revealed that between 1999 and 2012 Saudi Arabia had 2,055 executions recorded. Execution in Saudi Arabia is by public beheading for men and by firing squad or beheading for women sometimes in public ^[58]. Indeed, the list of Nigerians who daily indulge in drug trafficking within and outside the country is certainly inexhaustible. Drug trafficking involving Nigerians across the globe has reached an alarming rate that the Federal Government express its frustration thus ^[59]:

With more than a million Nigerians in different foreign prisons on account of drug related offences, the federal government has warned that it will not appeal for clemency on behalf of anyone indicted in any country across the world.

Contrary to the resolve of the Nigerian government not to appeal to foreign governments for clemency for Nigerians convicted for drug trafficking, the Nigerian government vigorously appealed, albeit in vain, to the Indonesia government recently ^[60] to spare the life of two Nigerians condemned to death in Indonesia for drug trafficking. The two Nigerians were eventually executed by the Indonesia government through firing squads. Indonesia has a record of imposing severe penalties for drug trafficking, resuming executions of traffickers in 2013 after a five year gap. It needs to be observed here that the attitude of the Federal Government of Nigeria pleading for clemency for drug traffickers convicted in other countries, leaves much to be desired as such a posture constitutes a worrisome tacit encouragement to would-be drug traffickers. Obviously, the posture of the Nigerian government is capable of weakening deterrence as an object of penal sanction. Indeed, this equally goes to make mockery of the provision of the NDLEA that stipulates a five year jail term for any Nigeria convicted overseas for drug trafficking and thereby drags the name of the country into disrepute.

Conclusion

The dangers posed to the society through drug abuse and illicit drug trafficking are enormous and unquantifiable. Hence, the various legal and institutional frameworks put in place by the Nigerian government are imperative to stem the tide of the ugly developments in all ramifications. However, as evident in the consideration of the various efforts by the government to curb drug abuse and illicit drug trafficking, the battle against the menace is far from being won as the number of drug offenders being arrested almost on daily basis keeps soaring.

The global nature of drug abuse and illicit drug trafficking underscores the importance of cooperation by the Nigerian government with the international community for a worthwhile control measures. There is therefore the need to strengthen the existing legal and institutional measures to keep pace with the evolving new strategies being used by the drug abusers. The provisions of some of the drug control conventions and institutional frameworks are no longer in tune with the reality of drug trade; especially in view of the advancement in technologies and sciences which drug abusers are now taking advantage of to play down the relevance of the extant legal and institutional frameworks designed to curb drug trafficking.

Given the progression being noticed in the criminal strategies by drug abusers to perpetrate their illicit trade, it is therefore a matter of necessity that legal and institutional frameworks put in place

to tackle the menace of drug trafficking cannot afford to be stagnated if same are to be result-oriented.

More importantly, since no law is self-executing, it therefore becomes pertinent to stress that there is need to demonstrate adequate political will on the part of the Nigerian government to implement the extant legal instruments to combat illicit drug trafficking. The issue of endemic corruption that has eaten deep into the fabric of the anti-drug trafficking agency should be addressed with deserved vigour and intensity. To lessen the propensity of corruption on the part of the anti-drug trafficking officials, attractive remunerations and improved conditions of service of the officials should enjoy paramount attention of the government. It is a common knowledge that drug barons have stupendous wealth with which they can always buy their ways whenever they are entangled with the drug law enforcement agents.

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2. Atta AI. "Drug Trafficking and Implications for Nigeria and its Image Abroad". In A. Kalu & Y. Osinbajo (Eds.), *Narcotics law and policy in Nigeria*. Lagos: Federal Ministry of Justice. Once it was introduced into the country, cannabis (or Indian hemp, as it is known in the country) found a very habitable home. The plant grows easily in the tropical climate of Nigeria and though production in large commercial quantities is concentrated in a few parts of the country, it is planted in small plots and on large farmlands in many parts, 1990, 250-261.
3. Lambo TA. "Medical and Social Problems of Drug Addiction in West Africa". *Bulletin on Narcotics*, 1965:27(1):3-13.
4. United States Agency for International Development Report. It has also been speculated that some of the thousands of young Nigerians who went to the U.S. for higher education in the 1970s and early 1980s were engaged in drug trafficking. Data on the involvement of Nigerians in international drug trafficking has shown that between 1979 and 1988 there were 14,833 arrests and 4,574 convictions of Nigerians for drug involvement in foreign countries. Most of the arrests were made in Britain, USA, Saudi Arabia, India, Pakistan and Thailand.
5. Akyeampong E. "Diaspora and Drug Trafficking in West Africa: A case study of Ghana", *African Affairs*, Published by Oxford University Press on behalf of Royal African Society. The arrest occurred at the Murtala Mohammed International Airport in Lagos State, 2005, 438.
6. Bassey F. "Drug-Running: How it Works". *Newswatch*, 1987:12:14-22.
7. Kalu A, Osinbajo Y. "Narcotics Law and Policy in Nigeria". Lagos: Federal Ministry of Justice, 1990.
8. Now the Dangerous Drug Act of 1960.
9. Hans H. "The UN and Success Story", *British Journal of Addiction*. "If in those days the opium-producing countries had been as concerned about alcohol as Western countries were concerned about opium, we might have had an international convention on alcohol," remarked the former head of the WHO Section on Addiction Producing Drugs, 1992:87(6):851-855.
10. Among the most controversial classifications on the list, the coca leaf appears in List I and cannabis appears in both Lists I and IV, the latter reserved for the most dangerous substances.
11. Article 14 of the 1961 Convention.
12. United Nations Office on Drugs and Crime, UNODC and Drug Treatment Courts ("Drug Courts"). A follow-up mechanism through which the level of compliance by parties is monitored is put in place under the Convention. Indeed, parties are expected to submit an annual report to the Secretary General of the United Nations on the working of the Convention within each of their territories. They are also expected to make available text of all laws and regulations from time to time promulgated in order to give effect to the Convention. They should also supply such particulars as the Commission shall determine concerning cases of illicit traffic including part of each case of illicit traffic discovered which may be of importance because of the light thrown on the source from which drugs are obtained for the illicit traffic or because of the quantities involved or the method employed by illicit traffickers
13. Article 29 (2) (c) of the 1961 Convention
14. Article 33 of the 1961 Convention
15. Article 35 of the 1961 Convention
16. Abbott M. "The Army and the Drug War: Politics or National Security"? *Parameters*, December, 1988.
17. Spencer B. "Drug Certification," in: *Foreign Policy in Focus*, Volume 3, Number 24, Interhemispheric Resource Center (IRC) and the Institute for Policy Studies (IPS), Albuquerque, New Mexico, September, 1998.
18. Gerald O. "Heavy Investment in Military Surveillance Not Paying Off". *US General Accounting Office*, GAO/NSIAD-93-220, September, 1993.
19. Article 8 of the 1988 Convention
20. Article 10 (1) (2) (3) of the 1988 Convention
21. Article 14 of the 1988 Convention
22. Article 2 (a) of the United Nations Convention against Transnational Organized Crime, 2000.
23. Article 5 (1) (a) (i) of the United Nations Convention against Transnational Organized Crime, 2000.
24. Article 6 of the United Nations Convention against Transnational Organized Crime, 2000.
25. Article 8 of the United Nations Convention against Transnational Organized Crime, 2000.
26. Article 12 of the United Nations Convention against Transnational Organized Crime, 2000.
27. Article 18 (1) of the United Nations Convention against Transnational Organized Crime, 2000.
28. INTERPOL (2012), "Fact Sheet," June.
29. Ibid
30. Ref.10th EDF Regional Indicative Programme for West Africa – EU Support to ECOWAS Regional Action Plan on illicit Drug Trafficking, Organized Crime related to it and Drug Use. The latest adopted at the AU summit in January 2013).
31. Ibid
32. 134 Organization of African Unity (2006): "Declaration and Plan of Action on Drug Control Abuse and Illicit Drug Trafficking in Africa".
33. Ibid

34. United States Government Accountability Office *note* 73
35. Kwesi A. "Organized Crime in West Africa": *Options for EU Engagement*, British Journal of Criminology, 2010:11:5-6.
36. Effective policy formulation and coordination, increasing shared responsibility and collaboration, capacity building for law enforcement and justice systems, mainstreaming drug issues into development strategies, capacity building to combat HIV and AIDS, enhancing understanding of drugs and crime for policy making and promotion of sports and culture in the fight against crime and drugs.
37. *Ibid.*, 5. In 2010, the AU Conference of Ministers for Drug Control and Crime Prevention defined more specific priority areas to include: strengthening cooperation and coordination in the fight against drugs and crime; harmonizing drug control legislation of member States; improving control over precursor chemicals; exploring the need for an African training facility for the treatment of drug dependence; and strengthening the AU's Continental Early Warning System. In December 2012 the AU Conference of Ministers assessed implementation of the earlier plans and approved a revised Plan of Action for 2013-2017, which was formally adopted at the January 2013, AU Summit. The revised action plan includes four key priority areas, notably:
Enhancing continental, regional and national management, oversight, reporting and evaluation of the AU Plan of Action, evidence-based services scaled up to address the health and social impact of drug use in Member States,, countering drug trafficking and related challenges to human security through supporting Member States and RECs to reduce trends of illicit trafficking and supply reduction in accordance with fundamental human rights principles and the rule of law,, capacity building in research and data collection enhanced through strengthening of institutions to respond effectively to challenges posed by illicit drugs and to facilitate the licit movement of narcotic drugs and psychotropic substances for medical and scientific purposes.
38. The NCBs will be responsible for: Establishment of operational inter-sectorial drug coordinating committees, Development and implementation of detailed national Plans of Action with clear objectives, milestones, roles and responsibilities of all stakeholders and development partners and indicators using the AU Plan of Action on Drug, Control (2013-2017) as a guideline., Compilation and submission of drug related questionnaires, baseline studies, drug use epidemiology reports and treatment data., Launching drug policy advocacy campaigns., Adopting and implementing minimum quality standards for drug use prevention and treatment, Strengthening legal and policy frameworks, Provision of necessary national services and support to civil society organisations in favour of victims of drugs and crime; and Biannual preparation and submission of national progress reports (to the AUC). The RECs will be responsible for: Coordination, dissemination and popularization of the AU Plan of Action on Drug Control (2013-2017) and its implementation; On-going and regular regional consultations with national coordinating bodies on drug related issues within the region; Preparation of regional progress reports in consultation with stakeholders and submission to AUC on an annual basis; Strengthening of partnerships within the region, in order to ensure technical support for effective implementation of the AU Plan of Action on Drug Control (2013-2017); and Promoting support for activities and programmes of regional institutions and CSOs.
39. ECOWAS: Resolution relating to Prevention and Control of Drug Abuse in West Africa, 1997.
40. Adopted in February 2013. In addition to the body responsible for overseeing implementation of the Action Plan – Commission for Gender and Child Development, Youth/Sports, Civil Society, Employment and Drug Control - other core ECOWAS bodies such as the Department of Political Affairs, Peace and Security have played both a direct and indirect role in responding to drug trafficking, especially through their support to the West Africa Coast Initiative or through efforts aimed at strengthening governance, the rule of law and even the return to constitutional democracy in some settings.
41. *Ibid.*
42. *The Dakar Initiative*, a sub-regional initiative signed by seven countries in February 2010. The Initiative intends to support the implementation of the ECOWAS Regional Action Plan and the Political Declaration. One of the main outcomes of the Dakar Initiative to date is an effort by the Senegalese Ministry of Interior to draft "a document aimed at harmonizing existing national legal instruments at a sub-regional level to fight drug trafficking in a coordinated and more efficient manner." (ii) *The West Africa Drug Regulatory Authority Network (WADRAN)* is a network established in 2006 to promote regional regulatory cooperation to combat fake pharmaceuticals. It is forum ;for national drug regulatory authorities and is affiliated with ECOWAS. (iii) Operation level joint initiatives. These cover other Instruments/Declarations/ initiatives that have implications for responding to drug trafficking and they include: (a) *The ECOWAS 2013 Counter-Terrorism Strategy and Implementation Plan*, (adopted in February 2013). (b) *The ECOWAS 2013 Maritime Security Strategy*. (c) *The 2011 Bamako Declaration on Impunity, Justice and Human Rights*, which offers recommendations on fighting organized crime, illicit trafficking, terrorism and piracy. (d) *The 2011 Praia Declaration on Elections and Stability in West Africa*, which includes a recommendation on preventing the financing of political parties and their campaigns by criminal networks, particularly drug trafficking networks.
43. UNODC notes that in Senegal alone, some 12 convictions on ML charges have taken place since 2009. This information is not publicly available.
44. GIABA (2010): Annual Report, 75.
45. Assessment missions carried out by 2011 in Dakar, Senegal; Bamako, Mali; Praia, Cape Verde; Lagos, Nigeria; Abidjan, Côte d'Ivoire; Lomé, Togo; Accra, Ghana; Conakry, Guinea; and Sao Paulo, Brazil. See Bertrand, 2011.
46. In a WCO presentation of AIRCOP presented at a trans-Atlantic symposium, impact was assessed in the number of seizures occurring after the program's implementation. According to the same source, AIRCOP provides real time operational communication and the training and creation of joint forces that bring together all drug related agencies at an airport.

47. Federal Military Government of Nigeria. (1989): "National Drug Law Enforcement Agency Decree 1989 No. 48" (Supplement to Official Gazette Extraordinary No. 75, Vol. 76, December 29, Part A). Lagos: Ministry of Information.
48. NDLEA: "Hard Drug Trafficking Curtail Measures", 2001. http://en.wikipedia.org/wiki/Nigerian_organized_crime_ndlea.html
49. Decree No. 33 of 1990 (National Law Drug Enforcement Amended Decree).
50. Decree No. 33 of 1990 *note* 117
51. Section 2 Second Schedule
52. Section 3(1) a – r National Drug Law Enforcement Agency CAP N 30, Laws of the Federation of Nigeria 2004.
53. Part 1 Section 3
54. Section 23 of the NDLEA Act
55. Section 28 of the NDLEA Act
56. Section 26 of the NDLEA Act.
57. Money Laundering Act Cap F31, LFN, 2004.
58. At a time, the Nigerian government expressed concerns about the incessant executions of Nigerians for drug related offences. In March 2000 President Obasanjo urged the Saudi Arabian authorities to advise Nigerian pilgrims to Mecca about the imposition of harsh judicial punishments in Saudi Arabia. Following the executions and amputations in Saudi Arabia in May 2000, Dubem Onyia, the then deputy Minister of Foreign Affairs, expressed worry that the Nigerian government would not "sit back and watch Nigerians being maltreated, killed or maimed in any part of the world." While again adjuring expatriate Nigerians to study and obey the laws of host countries, the Minister expressed concern that the Nigerian authorities had not been informed in advance of the executions or amputations and said that it was seeking further information about the fairness of the convictions. Amnesty International continues to be concerned about human rights violations in Saudi Arabia and urges the Nigerian government to use its prerogatives in inter-governmental organizations to seek improvement in the human rights situation in Saudi Arabia. In 2011, a 28 year-old Nigerian student in Malaysia was sentenced to death by a Shah Alam High Court in Malaysia for trafficking in marijuana. In 2007 in Singapore, a 21 year old Nigerian footballer who was arrested in 2004 for being in possession of 727 grams of heroin at the Changi Airport in Singapore was executed. A popular Yoruba movie actress was sentenced by Justice Ahmed Mohammed of the Federal High Court, Lagos to three years imprisonment with an option of fine of one million naira fine. The actress was arrested at the Murtala Mohammed International Airport, Ikeja in 2006 while about boarding a Virgin Atlantic plane to London. She excreted 92 wraps of cocaine weighing 1.2 kilogrammes. In Norway, over 1,585 Nigerians were arrested and detained in Norwegian prisons between 2000 and 2012 over drug trafficking offences. The concern of the Norwegian Authorities over the incessant involvement of Nigerians in drug trafficking in the country was aptly expressed thus in an appeal made to the Nigerian Government: In 2012, we arrested 432 Nigerians in Norway and deported 95 over drug trafficking. We need your help in dealing with the problem of West African criminal networks in Norway. Most Nigerians arrested over drug trafficking are based in Europe. They engage in drug smuggling and launder the money back home.
- Prince Bartholomew Obitube., <http://www.ynaija.com/drug-trafficking-nigerian-student-sentenced-to-death-in-malaysia-pictured/>, Tochi Iwuchukwu <http://www.gbooza.com/page.html#ixzz456>. Taiwo Akinwande Hassnat a.k.a Yetunde Wunmi <http://www.gbooza.com/group/narcotic/forum/topics/drug-traffickers-caught-now-on#ixzz39QVgKXGi> Ogbah, J. 50, a single father residing in Togo was also nabbed for ingesting 80 wraps of cocaine during the screening of passengers of KLM passengers to Amsterdam at the MMIA, Ikeja. Ogbah said he received the drugs at a hotel in Festac, Lagos and would have gotten 3, 000 Euros had he successfully delivered the drugs. Amaefuna Bonniface, 39, a motor spare parts dealer, while being screened on a KLM flight to Amsterdam, Holland was arrested in August 2008 for ingesting 70 pieces of wrapped cocaine weighing 1.42kg. His final destination was to be Düsseldorf, Germany. He was to be paid 1,500 Euros. Emmanuel Okoye a bar attendant was apprehended aboard a South African Airways flight from Brazil with 381 grammes of cocaine. Thomas, M. (2013): Drug Challenge and the National Image", <http://www.vanguardngr.com/2013/03/1585-nigerians-in-norway-prisons-over-drug-trafficking-says-holm/> The business of drug trafficking is not even an exclusive preserve of able bodied persons as a Federal High Court in Lagos in May 2010 sentenced a 32- year old deaf and dumb drug trafficker, one Aliu Sanni to three years in imprisonment for drug trafficking. Sanni was arrested in Lagos with 17.8kg of cocaine which he was able to export.
59. Ferdinand A. "The Drug Problem and the Nigeria Image" Press Briefing at the end of the Federal Executive Council Meeting, Abuja, 2013.
60. Jasper K. "Indonesia Executes Nigerian Drug Convict by Firing Squad", Daily Sun, 23rd January, 2015, 13.