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THE NATIONAL DRUG LAW ENFORCEMENT AGENCY

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Abstract

The National Drug Law Enforcement Agency (NDLEA) was established in 1989 with the statutory responsibility to control and manage the growing menace of illicit drug activities. However, after over two decades, the incidents of illicit drug production, distribution are on the increase, their consumption is frequent, common, and wide. This paper examines NDLEA's institutional capacity to fight against illicit drug activities and the social context of its operation. The study is guided by Public choice theory with emphasis on the principle of economics to explain political behaviour in decision making. Major findings revealed that low law observation by the state, abuse of discretionary powers of the judges, and inadequacy and institutional weakness of the agency are the challenges hampering its effective operations. The paper recommended among others that NDLEA should be restructured and strengthened to have a new impetus to perform effectively; and the government should enforce the rule of law in a manner that its citizens will conduct themselves within the ambit of formal rules and social norms.

Keywords: Illicit Drug, NDLEA, Control and Management, Restructure and Strengthened.

Introduction

The cycle of illicit drugs production, distribution, and its abuse have continued to increase in scope, intensity and sophistication despite over two decades of suppression and prevention efforts by the National Drug Law Enforcement Agency (NDLEA) created in 1989 as a concerted effort in narcotics control strategy. The efforts of the agency have not yielded the desired results in stemming the menace of the trend especially in its failure to arrest and convict major drug dealers. The efforts of the agency have been hindered by lack of clear understanding and inconsistent policy guidance, and lack of substantive government support through the necessary funding and provision of logistics. In addition, the porous and poor border control system and widespread corruption in illicit drug control chain. Candace Ross (2008) opined that traffickers are increasingly using Africa as a transshipment point for numerous types of drugs due to its porous borders, instability, corruption, and lack of law enforcement resources. Equally, shortage of resources, limited dedicated counter drug forces, and a lack of consistent ad adequate pay as a leading security forces to accept bribes or to facilitate drug shipments for traffickers. Despite the counternarcotics efforts by NDLEA, increasingly large quantities of illicit drugs still pass through the Nigeria's extensive land borders, sea and airports because they are poorly patrolled, and also lack of collaboration and cooperation from the relevant competing security agencies that are rife with corruption.

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The failure of the agency as an institution is a reflection of the social context (society) within which it operates. The Nigeria state has witness failure in its institutions, different endeavours and in the provision of socio-economic public goods. Starting with leadership recruitment process, very often, leaders do not emerged into positions through free and fair elections or are appointments made following laid down rules and procedures in terms of qualification, experience and expertise. This has resulted to the mediocrity and inefficiency experienced in the management of state affairs and its institutions and consequent failure in government policies and programmes. The Nigeria confederation has not had a genuine populist elected government since independence. The effect of this is that it has led to leadership legitimacy and credibility problem, and political instability in the country. What this translates to is that the government of the day is always grappling with issues of power and legitimacy and often lack the attention and political will to address major issues such as illicit drug trafficking and other forms of crimes. The Nigeria state has been characterised by breakdowns in law and order, lack of skills in management of the state, wide spread corruption, and competing security forces resorts to intercepting unsuspecting travellers at special checkpoints and extorting money. However, there has been no reaction from the government to these incidents, nor any sanctions for the law enforcement officers involved.

Many institutions have failed to realise the goals they were established despite huge money spent to sustain them because funds allocated to them are misappropriated by the different authorities of these institutions with impunity rather than being used for the purpose for which they are meant. As a result of these, consequently, many institutions such as the healthcare are in comatose, educational standard continued its downward plunged because public schools has atrophied and the private schools are beyond the rich of many. Nigeria discovered oil about sixty years ago and ranked six in the world as oil producing country, and despite numerous departments and subsidiary companies attached to Nigeria National Petroleum Company (NNPC) the main regulatory body, has continued to import refined products from foreign countries. Moreover, high rate of insecurity continue unabated despite the numerous security outfits and huge budgetary allocation. Corruption is still robust despite the numerous anti-corruption agencies established and law reforms. The failure to win a single medal in the just concluded Olympics in London sport competition despite billions of naira allocated to that department tells volume of the character of the country.

In the governance of the state, administration of public and private institutions, agreed rules, regulations, and procedures officially stated are overridden and subverted by arbitrary dictations by public officials' personal rules, whims and caprices without qualms. This manipulation of stated rules and procedures has dislocated and resulted in improper functioning of the entire social system. When the state cannot provide for its citizens the basic things of life, agreed rules and procedures cannot be enforced, or institutions leave up to the obligations for which they were established, and the state authority is incapable to change the negative ways things are done, such a state is regarded as weak. Myrdal (1968) noted that soft state is a situation where the authority is unable or unwilling to govern their territories effectively. He further stressed that most leaders had assumed responsibilities for these poor countries and lack the competence to solve their problems. All these have led to the inability to progress and he termed it softness of the state. The characteristics of soft state comprises of all the various types of social indiscipline which manifest themselves in deficiencies in legislation, law observance and enforcement. It also includes a widespread disobedience by public officials on various levels to rules and directives handed down to them with impunity. A State is weak if the state elites especially the political class and their entrepreneurs fail to control or adhere to the provisions of procedural rules in the distribution of economic resources, or manipulate, subvert, or utilizes state bureaucratic structures to enhance their power base and undermine national interests, goals and aspirations for personal aggrandizement. And also when Public officials collude with certain persons whose conduct they should regulate to advance personal interest. Though some states have abundance human and natural resources enough to improve the lives of their citizens but ignorance and corruption of the leaders deprived the citizens of the

benefits of these resources. However, some states lacked sufficient resources to ameliorate poverty and advance national development.

Over the years, some Nigerians have effectively participated in international drug trafficking and equally turned the country into a centre and significant point for high volume narcotics transshipment point for drug between Eastern and Western Hemisphere. It has also become a strategic warehouse and safe haven for the formation of highly commercial illicit drug trafficking relationships which move illicit drugs around the world. Although Nigeria initially held a peripheral role in the trans-national illicit drug trade and was then regarded as a transit nation, however that perception has changed in recent years. It has become the locus for illicit drug trafficking for major drugs such as cocaine, heroin, marijuana and psychotropic substances to other part of the world. The preponderance and increase in seizures of illicit drugs activities in Nigeria is alarming and suggests the country's growing importance not only as a transit nation but as drug abuse nation for illicit drug trafficking from Latin America countries to America and Europe. Andrew (2007) averred that very often reports of illicit drugs seizure are recorded by the NDLEA officials who apprehend several drug traffickers that are using its major international airports to push drug to America and Europe and certain officials have been accused of collusion to facilitate the process. Lanre Ipinmisho, a former Secretary/Director General of NDLEA affirmed that illicit drugs have been trickling across Nigeria borders since the nineteen eighties, but over the years the trickling has become a torrent, and that the arrest made is just grazing the surface of a booming drug trade in Nigeria. Similarly, Lar mode Ibrahim, the present Chairman of the Nigeria's Economic and Financial Crime Commission (EFCC), when he was a Director of Operations of same commission said sometimes he stumbled on illicit drugs during money laundry raids against financial crime suspects (Economist 2009).

Illicit drugs such as cocaine, heroin and methamphetamine are not produced in Nigeria, but these drugs are readily available in the nooks and crannies of the country. Some cities have developed hot-spots for illicit drug deals that the law enforcement officers cannot venture to penetrate such areas. The emergence and intervention of illicit drug trafficking is not a new phenomenon in Nigeria. It predates its independent from the colonial masters in 1960 though existed in latent form. Akeampong (2009) observed that a small trade in cannabis in West Africa existed before the first half of the twentieth century where the Colonial Government Authority of Nigeria in 1934 experimented with the cultivation of the coca plant in the botanical gardens in Calabar and in various other stations in the country. By the mid 1950s there were tremendous increases in illicit drug production (cannabis) with occasional arrest of farmers in the southwest for growing marijuana being shipped to United States of America and Europe. Elis (2009) pointed that the drug trade is not new to Nigerians as some of them have played important role in trafficking drugs across the Globe. Some Nigerians have been important players in the drug smuggling business since the 1970s and have emerged as key suppliers of "Mule" (human drug traffickers) for the illegal trade from south Asia to the United States. They have been credited with inventing the swallow method of drugs in condom in which couriers smuggled across borders in their bodies. In recent times most illicit drugs are found in large quantities in Nigeria. Jonathan (1996) pointed that due to its status as a major drug trafficking, because it has failed to fulfil the obligations of the UN conventions and to cooperate with the United States of America government in the war against illicit drugs which made it to be subjected to narcotics certification problem for three consecutive years.

There are some vulnerable points in the chain of illicit drug control. First, is where the plants are grown in the fields and when consumable drugs are produced in the laboratory. Second, is at the distribution phase which is the main point in drug control process. However, the potential for easy movement, disguise and diversion of drug shipment and the vast numbers of small quantities of drugs made successes in the law enforcement to decrease for each unit of intervention effort. Finally, is the time of consumption stage when these drugs passed from the dealers to consumers (UNDCP, 1995). Interdiction and seizure of illicit drugs

are the classic law enforcement control measures to reduce its supply and is the most popularly used methods in Nigeria. This is done at the expense of a vigorous campaign to enlighten the public on the inherent dangers involved in illicit drug activities. The border areas, sea and airports, and occasional patrol and checkpoints on the major highways are the more focus of interception efforts. Nevertheless, attempts are also made to discover cannabis fields in producing areas. The increase flow of commercial traffic of goods in large bulk across national borders made interdiction successes difficult. NDLEA's efforts mostly succeed in arresting low-level persons who can easily be replaced with new recruits. They are the poor people who are already living on the margin of the society that stand to gain much and lose relatively little or nothing by smuggling illicit drugs even when caught.

Illicit drug trafficking is a lucrative venture and due to its high profit margin derived from the trade little or huge seizure are unlikely to stop traffickers from the business. UNDCP (1995) pointed that the benefit derived by the illicit drug producers and traffickers in developing countries encouraged them to distribute and sell drugs to all parts of the world. It enables cartels members to move easily from one country to the other and invest their drug profit also in legitimate areas which make attractive returns.

From the mid 1990s especially after the exit of the late drug czar Gen. Musa Bamiayi who conducted the drug war with unmatched and unprecedented patriotic zeal, illicit drug activities has since become a boom and lucrative venture yielding high returns to dealers. Since his exit, there have been exponential growths in the number of younger drug traffickers as well as users in the society. They conduct drug business without fear, and with little or no molestation or harassment from NDLEA. This has led to the consolidation of illicit drug activities in the country. These new generation of traffickers that emerged are richer, powerful, and influential. They are able to gauge the morality of other stakeholders in illicit drug policing chain within Nigeria conventional society, understand and exploit the miraculous influence of money and have the capacity and will to neutralise the antinarcotics agents, and also to influence the outcome of the criminal Justice system to traffic drugs. Moreover, they are more confident and not afraid to hide their identity hence they are notoriously conspicuous at every turn of events, mixing freely with those who they are supposed to check and stop their activities. Within this context, states, individuals groups and institutions have become vulnerable to the temptation of money from illicit drug production and trafficking. Banks and other financial institutions benefit from drug trade and became veritable channel through which drug money is laundered. Cockayne and Williams (2009) warned that an invisible tide is rising on the shores of some countries creeping into their slums, banks, courts, streets and homes, and government institutions just as the extent to which a quietly rising tide rolls inland depends on the existing lie of the land. It is the tide of money, influence, and power, born from drug trafficking activities. The proceeds from illicit drug trafficking is laundered into the society, and increasingly corrupting politics, society, and security institutions. The fear is that hence drug trafficking yields high returns it may be an attractive source of revenue to dissidents or political groups who would use the money to buy arms or sponsor political insurgency or even terrorism. Black market provide for unaccountable untaxed money in circulation and overvalued and high demand for foreign exchange rate which causes inflation. It is the failure of the state to effectively confront the menace of illicit drug trafficking with commitment and resilience that is responsible for its growths and has remained a major challenge for Nigeria.

Factors Sustaining Illicit Drug activities in Nigeria

Nigeria as a Soft State: Nigeria Post-independence political trajectory points to a perennial legacy of a soft state characterised by poor governance, low law observation and ineffective crime control. This has provided a fertile ground and opportunities for criminal networks to find safe haven to facilitate all kinds of crimes and the development of black market economy operations. A soft state is one where formal rules, laws and procedures officially stated are applied capriciously and in a lax rather than a rigorous, consistent and fair manner. Gunnar Myrdal in his seminar book in 1968 titled the 'Asia Drama' wrote about the

third world where breaking rules and flouting law is a cultural norm rather than exception. He opined that a soft state is one where government requires extra ordinary little of its citizens and even those obligations that exist are enforced inadequately if at all, and there is a low level of social discipline among the citizens (Barbara, 2002). Susan and steward (2008) averred that weak states are those that are lacking the capacity and/or will to perform core functions of statehood effectively. Government in weak states do not control their territories, borders and institutions effectively. Similarly, Cockayne and Williams (2009) averred that the exploitation and rapid transformation in illicit drug trafficking in West African by external drug trafficking organisations that forged joint ventures or alliances with already strong local networks is in large part the result of relatively weak state capacity, weak-drug control, low law enforcement capacity and the ubiquity of corruption in the country which made it a soft target for drug trafficking organisations from Columbia, China and Lebanon. The Columbia economist Francisco (1999) pointed that drug trafficking and crime is primarily not to be explained by prices and gains from such ventures, but by reference to institutions' governability and social values within the society. Institutional and structural weaknesses and cultural aspects determine the competitive advantage in illegal goods and services. And that illegal economic activity requires not only its profitability, but also, weak social and state controls on individual behaviour. That is a society where government laws are easily evaded and social norms tolerate such evasions. Illegality generates competitive advantage in countries or regions that have the weakest rule of law. This is tolerated because it makes huge though unofficial contribution to national income. Any state exhibiting social indiscipline, lawlessness and public impropriety could qualify as a soft state. There is always indiscriminate application of the law - that is discrepancy between stated laws and its practices. In Nigeria usually, there is hardly any consequence for wrong doers especially among the high profile citizens and those who are well connected to them no matter the gravity of the offence. Only citizens of the lower rung of the society suffer. The institutional weaknesses of the agency and cultural aspects of the people have played a key role in illegal drug trafficking in the country.

In Nigeria, rules, policies and procedures are framed or decided on, however, there are often not enforced. There is the reluctance to place obligation on people to obey them. For instance, measures against crimes lack the consistency and rigorousness to prevent or check their occurrence. The government has lacked the courage or determination to change the prevailing attitudes and institutions that stood in the way of reforms and development. Various governments have failed to confront dissident groups, criminals including drug traffickers, nor the state officials who undermined state laws, or the abuse of the discretionary powers of the judges within the judicial system which has failed to decisively deal with drug offenders. This is obviously one of the reasons for its resurgence, and has caused severe impediment to the war on drug trafficking. One direct consequences of this weakness of the government has been the tremendous growth in criminal activities including drugs trafficking resulting to the gravest internal threat to human health and security in the country. Both the local population and foreigners sees Nigeria as major comparative advantage in the West Africa for the conduct of illegality, and the absence of severe punitive measures against offences is an incentive and certainly reinforce the various forms of crimes committed in society.

The Absence of Good Governance: Weak states have major characteristics of their own. Essentially, government officials and institutions of such states are unable to function effectively. Since Nigeria got its independence, democracy and leadership has not fared well in terms of governance. It has not been unable to contain the myriads of socio-economic and political issues within the country. There are avalanche of problems such as ethnicity, power struggle, and citizenship and indigeneship issues. In addition, there are crucial issues such as poverty, weak and dysfunctional institutions, sectarian violence, entrenched corruption, and presently terrorism. With these challenges, little or no time and resources has been devoted to addressing issues such as crimes including illicit drug smuggling.

Among other problem Nigeria suffers is the issue of youth bulge and high level of unemployment and consequent poverty which pervades its entire landscape. Its' ineffectiveness in addressing poverty has encouraged some youth into other crimes and illicit drug trafficking. Most of them do not have the skills required for any employment. This condition has resulted in cheap price placed on labour and on their lives. Many youth are ready to undertake risks for a price lower than anything. Even those that are employed hardly make ends meet because of low and late remunerations. Today, People are living in desperate times and some are tempted to take desperate measures to survive. For instance, participating in drug production and trafficking becomes attractive especially where there is high level of unemployment and under-employment accompanied by high level of poverty. A good number of the youth do not have the opportunity to attend school or learn a trade and so lack the required skills and experience to secure viable employments but have turn scavengers to make a living. A huge percentage of privileged children who had good education attended private or religious schools because the public schools have shrivelled. Nigeria schools cannot equip its graduates with the required skills in a highly competitive world of work.

Large populations around the world that lives in areas with minimal state presence, great poverty, and social and political marginalization are dependent on illicit economies for survival and the satisfaction of economic needs and social advancement. Many participate in informal economies if not outright illegal ones as the only way to satisfy their human security and provide any chance of their social progress under the risk of being caught. The more the state is absent or deficient in the provision of socio-economic public goods starting with public safety and suppression of street crimes, access to justice, access to health care, and education, the more individuals and communities become susceptible and dependent on, and supporters of criminal entities such as illicit drug trade and other illegal economies to survive.

Nigeria has not been effective in planning for the future of its citizens and society. For instance, there are unplanned towns and cities and uncontrolled urbanisation have developed leading to overcrowding where people live in sub-standard conditions without the basic things of life. The rapid and large scale urbanization has resulted in the breakdown of the traditional norms and rules of behaviour which administer justice, regulate people's behaviours, and govern social relations in erstwhile communities. One of the effects of urbanisation is the anonymity of city life which dissolves the bonds between people and weakens social organisations and creates conditions for the commission of crimes. Cockayne and Williams (2007) noted that where state and traditional forms of authority is absent from the urban cities it is inevitable that alternative forms of government will emerged which is characterized by anonymity and forms of life not found in rural areas. This lowers the barriers to deviance behaviours and leave the anomic youth seeking for fellowship, community and identity through gang behaviour hence no alternative is provided. The reason could be for patronage, protection, access to finance and guns. This local youth gang can equally form connection with higher criminal networks including international trafficking organizations. They further pointed that most urban areas have turned into feral cities where the state cannot exercise control or impose its law and order or make adequate provision to cater for the citizens. This type of urbanisation has inevitably opened up fissures through which illicit drug activities rolled in with relative ease. In these areas, despairing young males living in terrible conditions often become the shock troops of crime. Unplanned urbanisation creates fortified areas which is difficult for law enforcement agents to police and monitor peoples activities. In some areas, in place of government forces, vigilante groups are established to monitor society and respond to widespread insecurity arising partly because of disillusionment with the government to provide security and from the failure of the criminal justice system in respect to justice.

Low observation of rule of law: The inability to enforce the rule of law and adequately punish crime offenders is another major characteristic of a soft state. Nigeria is a paradigmatic case study of a soft state where the rule of law is almost absent. Break down in law and order is

common. In Nigeria crimes are hardly punished especially when it involves certain category of persons. There have been excessive uses of force by the security agencies where they extort money and indulge in extra judicial killing with impunity. In addition, within the society itself, assassinations, ritual killings, and kidnapping are frequent and the government have not been able to resolve or react to most of these incidents. The judiciary is a vital third arm of government and important in the fight against crimes including illicit drug activities. However, the criminal justice system in Nigeria has performed far from the expectations of most Nigerians and world standard. In most instances has produced highly questionable judgements in illicit drug cases and in other crimes. For example, a onetime governor from one of the oil rich states in Nigeria who was accused of corruption was set free in court. However, the very set of evidence that was discounted by the Nigeria judiciary was used to convict him in the United Kingdom. Similarly those involved in the Halliburton bribe scandal has been punished in the United States while the Nigeria government has continued to shield its own citizens involved. It is these types of scenarios that contribute to the resurgence of crimes including illicit drugs activities. In Nigeria, there have been deficiencies in legislation, inconsistency in law observance and enforcement and has been responsible for the growth of illicit drug trade.

The Nigeria judiciary has been plagued by some problems which have resulted to this state of affairs. Some of these include the shortage of the highly skilled personnel with integrity needed to assume the roles of prosecutors and judges, shortage of funds to pay them well despite large case loads, and decent working conditions. The absence of these leaves judicial staff vulnerable to corrupt practices as some of them are lured or coerced into cooperation with well resourced drug trafficking groups hence many instances of questionable judicial decisions over the years. The judges who are honest and refused to compromised are avoided through side payments to the clerks in charge of case allocation. Besides, some states do not have the facilities, resources, skilled and experienced judges at all to operate. In states without Federal High courts and judges, judicial oversight is difficult to maintain. Antonio Maria Costa opined that:

On the part from their sources to destinations, illicit drugs do not necessarily follow the most direct routes. Factors other than geography enter into the calculus of the most 'efficient' trajectory to take. Weak states have a gravity of their own. Law enforcement in these nations is typically under-resourced and subject to corruption. For a variety of reasons, Africa is home to some of the weakest states, in terms of their capacity to enforce the rule of law in their territories, in the world (UNODC, 2008).

When crimes are not punished or inadequately punished that is incommensurate with the offence committed, they reinforce the belief in crime commission. There are instances when drug offenders are discharged and acquitted on (flimsy) technical grounds, or a convict is given three months instead of twenty-five years jail term as stipulated or a fine of three hundred thousand naira for drugs worth ten million naira. Such a punishment is too lenient and incommensurate to the offence committed and cannot serves as a deterrent to others and has been responsible for the resurgence of illicit drug activities in Nigerian. Davidson (2008) contended that the inability of some judges to appropriately punished drug offenders usually sends a wrong signal to the public that indulging in illicit drug activities would only attract mild punishment and is obviously one of the reasons for the upsurge in the increasing number of people that are being apprehended almost on daily basis in Nigeria. He further noted that trafficking in hard drugs is on the rise despite the efforts by antinarcotics agency because of the country's weak justice system. For instance, Yusuf Hakeem Ajibola, an Ibadan socialite based in London who was arrested with 2.2 kilogrammes of cocaine on July 8, 2008, he paid a fine of #300.000 as an option as fine rather than spending eleven months in jail. Again, Ojiah Patrick Emeka was caught with 1.079 kilogrammes of cocaine and sentence to nine months imprisonment with an option of #300.000 fines. They all paid three hundred thousand and walked away as free men in a process of less than a month trial. Also Wummi Uche and Tochi James are social celebrities that were caught and left off the hook too easily which the public

alleged that the judiciary was highly compromised. With these acts, the judicial system is wittingly or unwittingly aiding and abetting drug trafficking in Nigeria.

Some analysts and policies executors have continued to call for stiffer penalties for drug convicts in Nigeria, however, instances of stiffer penalties for illicit drug trafficking in countries such as Singapore, China, and Saudi Arabia has not proved that such strict law observation can prevent the illicit drug trafficking. For instance, in 2006, a Nigeria Iwuchukwu Amara Tochi despite knowing the implications of trafficking in illicit drug in Singapore he was not deterred, and attempted to push drug into that country. He was caught and beheaded by that government against entreaties by Nigeria authority for pardon or to commute his death sentence to life imprisonment. Also, about 500 Nigerians languishing in Malaysia jail for illicit drug trafficking and a Nigeria senator from the eastern part of the country made appeal on behalf of in vain. This type of attitude and disposition of some Nigerians is rather encouraging drug trafficking among the youth.

Drug trafficking is a worthwhile and prosperous venture in Nigeria because they faced limited threats and repercussion even when caught. Drug dealers are treated with kid gloves as most convicts end up getting light sentences in the court of law. Penalties given to some of them are often too lenient and incommensurate with the gravity of the offence. When people commit crimes and get reprieve from the courts, it makes them to go back to the crime. Administrator (2010) revealed that although NDLEA seems to be working hard, but drug lords have remained on top of the business. For years, no single drug baron has been arrested by NDLEA except those who run errands for the barons. Its investigation equally revealed that a good number of judges have been compromising their positions. Some work for the other side of the divide. The capacity of drug traffickers to neutralise Law enforcement agency and the judicial system allows them to have their way. MOST (2002) noted that the impunity the drug lords enjoy is due to their skill in neutralising or undermining the work of the police through systematic corruption and, in infiltrating some government officials. Administrator (2010) revealed that even those that are convicted live like kings all through in their prison cells. They attain parties, walk freely around, and have conjugal visitations which results in their wives to be pregnant during incarceration period. They also have cable network television installed with standby generators and even conduct their drug businesses while still in prison cells. The investigation also revealed that there is the prison evasion syndicates among the cartels that collaborate with those of NDLEA, prison officials, prosecutors and lawyers and work against prison norms and Nigeria legal framework and make sure that convicted traffickers do not get to prison gate after leaving the court or those who did are quickly released.

In contrast, there are some countries that are intolerant to any breach of state laws and have severe punitive measures against such acts irrespective of your status and station in the society. For example, last year China executed one of its top officials in the State Food and Drug Administration Agency though not for drug peddling. In South Africa, the wife of state security minister Siyabonga Cwele in Pietermaritzburg High Court in Pretoria and her Nigeria co-accused Frank Nabolisa were sentence to 12 years imprisonment by Judge Piet Koen. Their offence was that they procured a woman called Charmaine Moss to collect drug from Turkey and procured Tessie Beetge to smuggle cocaine from Brazil and she was arrested with 10 kilograms of cocaine found in her luggage in 2008. She was convicted and serving her jail term in Sao Paolo. However, in Nigeria, such high profile prosecution can never be imagined or contemplated, needless for the offender to undergo judicial procedure of prosecution and eventual conviction. Even top NDLEA's officials saddled with the responsibility of apprehending drug offenders have in most instances been implicated in drug trafficking and corrupt practices. When such happens they are only relieved of their appointments which however do not prevent them from getting another hence they are well connected to persons in high places. Practices such as this have led to the growth of drug trafficking in the country.

There have been technical lapses in the legislation, inadequate courts with jurisdictional powers and quality judges to prosecute drug trafficking cases in some states. Guardian (2002)

observed that the problems associated with the prosecution of drug cases since the advent of democracy on May 29, 1999 are lack of high courts with jurisdiction in trying illicit drug cases, and in being liberal in granting bail to drug offenders who once out on bail adopts all kinds of tactics in and out of the court to frustrate their further trail. There have been instances of persons on bail who were re-arrested while attempting to escape out of the country. It pointed further that although the present drug legislation make provision for custodial sentences as well as fines, some judges have refused or wilfully failed to pass custodial sentences to serve as deterrent to others which would have reduced the flow of drug trafficking in the country. Also, the bail amounts granted to traffickers are very modest and sometimes without valid sureties who can go underground and the suspect easily jump bail. Moreover, they have not been taking into consideration of the monetary value of drugs seized before imposing the option of fine or jail term in awarding punishment to convicts. Therefore the benefit of involving in drug trade even when caught is higher than the punishment imposed. It is for this reason that it has attracted more people into illicit drug business. As long as this trend continues it made the implementation of drug legislation not to be taken seriously by dealers. These acts are counterproductive and not encouraging for the drugs war. The immediate consequences of the conduct of the judiciary are that: there have been the absences of adequate dedicated antinarcotics officers to work and make any meaningful impact in the society, it has undermined their enthusiasm and lower their morale of the officers to undertake the risk of arresting and subjecting drug traffickers to trial and conviction. This also explains why some officers has resorted to collaborate and aid drug dealers in their business rather than to risk their lives in vain.

Antinarcotics Institutional Weakness: States that are weak also have weak and dysfunctional institutions and unable to perform their core functions. Most institutions in Nigeria are essentially weak and lack the capacity to perform official functions for which they are established. The glory of establishing some of these institutions ends immediately after inauguration. The war on illicit drug activities has not been effective because NDLEA lacks the capacity in terms of the strength and quality of staff, logistic constraints and funds to operate well. Again, there is no credible criminal justice system to prosecute drug offenders hence the two play complimentary role to each other. Vanda (2010) averred that law enforcement institutions in West Africa are vastly underequipped, under resourced and the personnel undertrained to tackle either street crimes or organised crimes. UNODC (2007) noted that the major problem in combating illicit drug trade is the unwillingness of the government to address the deficiencies in illicit drug activities policing. Jonathan (1996) observed that among other failings, Nigeria did not properly fund its own national drug control strategy in 1995, was ineffective in addressing problems of corruption in the narcotics policing chain, and made little progress in implementing a new anti-money laundering decree. Moreover, the agency also suffers from internal organisational culture that stifles initiatives because it requires that all decision must be made at the top. Decision-making is almost entirely centred at the uppermost levels of the agency. Consequently, law enforcement agents are reluctant to take responsibility and unwilling to take action for fear that it may result in allegations of corruption or incompetence when their operations fails. The lack of adequate antinarcotics policing officers, lack of operational vehicles, engine boats, communication equipment and functional arms and adequate ammunitions provides a very convenient area for drug-running. Although, most commercial cities lies within the coastal areas with vibrant seaports and where the major means of transporting heavy bulk of cargoes is in freighters such as maritime containers vessels, speedboats, fishing boats through the seaports where most of the illicit drugs could be concealed. However, NDLEA have limited marine boats which are redundant and rusty, and also lack competent officers to operate them. These deficiencies have made the antinarcotics agency to have limited oversight in terms of aerial coverage on the sea routes that makes it a low-cost and low-risk environment for illicit drug smuggling.

NDLEA institutional wellbeing continues to be of extremely low priority for every substantive government in Nigeria. For example, the agency has been incapacitated by lack of

funds to operate effectively. Besides, the quality of the workforce is not only in short supply but ill-trained and under-trained. These have been responsible for the portrait of mediocrity and inefficiency exhibited and operational failures with casualties recorded. Most officers in criminal investigation section are characterised by small-mindedness, always squabbling and lousy in law enforcement activities nor gather enough evidence to make a successful conviction of any drug baron due to inefficiency and shoddy work. They show low capacity in intelligence gathering to arrest barons or nip in the bud major illicit drugs trafficked into the country. Most of the huge drugs seized and arrested made are as a result of intelligence report from the *Interpol*. The tendency of detecting drug dealers is minimal and the ability to produce evidence for successful prosecution in court is slim. They also lack the necessary training and experience to pursue higher-level players within illicit drug smuggling ring and insufficient follow-up investigation efforts which limit the results of their operations. The agency has shown high level of weakness in executing its official functions effectively because they have not been adequately empowered by the government in areas of operational vehicles, communication gadgets, sniffer dogs, scanning machines at various entry points to detect drugs, and good working conditions.

The ruling elites systematically have allowed the antinarcotics institution to deteriorate through underdevelopment, under-institutionalisation, and corruption. They have been unable to provide the agency with decent offices and good working conditions. Besides, the overhead cost provided is misappropriated by the agency's authority with impunity. These have been responsible for the failure in the whole chain of law enforcement activities from intelligence gathering to interdiction, to incarceration necessary to combat drug trafficking. The antinarcotics officers' morale is low due to inadequate pay with no protections to make it worthwhile to resist the blandishments of illicit drug dealers. With these they become susceptible to bribery or intimidation. It is these prevailing situations that drug traffickers exploit and conduct a flourishing business.

Porous and Ineffective Borders Control: The Nigeria state has exhibited poor and ineffectiveness to manage its border areas within and at the frontiers. Many ungoverned spaces have developed and lawlessness internally has become the order of the day with persistent violent conflicts arising from the various interest groups and the federating units. At the national frontiers, there is the free entry and exist of people and goods due to loose control system. This situation provides opportunities for criminal networks to find safe haven to facilitate all kinds of crimes and conduct black market operations that could threaten security and development efforts.

Nigeria is surrounded by neighbouring states in the north, east and west, and in the south by the Atlantic oceans with seaports routes linking it to the rest of the world. It has had a long history and close tribal relationships with these states that distinction or demarcation between the neighbouring ethnic groups and their areas are blurred and difficult differentiate. These people interact freely and marriage alliances between them are common and frequent. These factors are responsible for their understanding and cooperation even in cross-border trade and smuggling arrangements. Cockaye and Williams (2009) noted that West African states have highly permeable borders stemming partly from traditional trading practices and partly from weak border-control system. Similarly, Olawale and Hassan (2011) observed that an extensive level of permissiveness in border crossing arising from ethnic and religious contiguity is common that the Nigeria authorities are unable to contain. Gail (2005) pointed that the vast and porous land borders, seaports, and corruption among government officials provide an ideal environment for drug trafficking. There are vast expanses of unprotected, unfenced and porous lands borders stretching to other countries. Nigeria equally has hundreds of miles of unpatrolled coastal lines vastly stretched from the high sea to the delta communities. There are hidden bays, islets, islands and marshy swamps in these areas too numerous to dictate and difficult to patrol.

Due to the porous nature of the Nigeria borders most of the smuggled contrabands goods such as rice, textiles, cigarettes, gin, frozen food, and oil pass through various points of entry and with only a few occasionally being confiscated. Most of the smugglings are conducted in the hinterlands that are remote and obscure and lack easy accessibility for the law enforcement officers. Andrew (2007) noted that there are vast stretches of unprotected coastlines, marshy swap lands which provide drug traffickers ideal locations to traffic narcotics clandestinely. They also with flexibility compound the problem already faced by antinarcotics officials when they developed multiple routes through which drugs can be moved to and fro without detection. Porous borders, limited capacity of security forces, and inaccessibility of many border regions also make these zones particularly vulnerable to the spread and trafficking of drugs, small arms, mercenaries, child soldiers and women. Drug traffickers take advantage of poorly protected borders and weak authority to ferry hundreds of million dollars worth of cocaine from Latin America to Europe which is a short distance to the north.

The stringent and effective monitoring of drug trafficking in premiere routes which led to using Nigeria as alternative routes would not be possible for a number of reasons. First, Nigeria lack effective control mechanism due to the corrupt competing security organisations. Second, the absence of coast guards and effective airspace control system. Third, the exploitation of Nigeria route was not only because of its accessibility but due to the interstate cooperation among the Caribbean states to improve maritime and aerial interrelations which exacted increasing pressure on their high seas transportation routes to Europe were made more perilous are lacking in West Africa states. Nigeria has proved a perfect way station or transshipment point for drugs because the factors and methods that resulted in the achievement of interdiction in the Caribbean states are not likely to be repeated here in West African region. Besides, the character, competence, commitment, and compassion necessary for effective drive against illicit drug activities are lacking by Nigeria officials. The borders are loosely policed; movement forth and back is mostly free except for occasional efforts by the Nigeria Immigration Services (NIS) who sometimes faced mob action when they attempt to enforce strict control. However, the government has not been able to respond to the threats.

Corruption and Illicit Drug Policing: The problem in Nigeria is not the existence of corruption because it exists in most nations of the world but the inability of the government to deal with it is the major issue. The high levels of corruption conducted with impunity especially among political class, law enforcement agents, judicial and military officials is particularly due to economic and institutional weaknesses. The lack of political will on the part of government to tackle head-on the pervasive corruption is responsible for the development and growth of crime including drug trafficking. Most crimes are committed or supported by the elites and government officials that the distinction between activities of government officials and criminal elements are so diffused and blurred. It is difficult to distinguish where official functions ends and where criminal activities begins. Myrdal (1968) opined that corruption reduces government effectiveness by undermining the legitimacy of public authority; it generates political instability, disrupts public planning and policy making, and aggrandises an incompetent and corrupt bureaucracy which further reduces government effectiveness. Any state that exhibits social indiscipline, lawlessness, and public impropriety can be termed as a soft state. Professor Hamid Ghodse noted that the main reason for the flourishing of illicit drug trade is corruption among the leaders. That corruption undermines global efforts in the fight against the illicit drug problem. Powerful and wealthy organized crime groups corrupt and intimidate public officials who facilitate the illicit drug trade. There are many examples where violence and corruption are deeply entrenched in illicit drug markets. He further affirmed that without addressing this vicious circle of corruption and the illicit drug trade international drug control efforts will never be fully successful (UNODC, 2008). It is not only the antinarcotics agency that is weak and lack the capacity to carry out its function effectively. Avertedly or inavertedly the government have allowed the anti-corruption units to be weak and ineffective. The regime of president Olusegun Obasanjo in 1999 created anti-corruption institutions and legal frameworks which were the Independent Corrupt Practices and Other Related Offences

Commission (ICPC), Economic, Financial Crime Commission (EFCC) and Nigeria Extractive Industry Transparency Initiative (NEITI) among others to check and fight corruption and many people hoped and expected that those persons who have carried out gross corrupt acts will be punished and prevent others in the future however failed. These programs, policies, and strategies made no meaningful impact in the fight against corruption in Nigeria due to the lip service paid by the leadership. Anti-corruption drives have often registered little systematic effects and durability. Notorious corruption continues to be robustly and pervasively entrenched and hampering progress in all fields of endeavours in Nigeria. These institutions like the antinarcotics agency has been grossly incapacitated through over-bearing influence of the government and underfunding. Vanda (2010) noted that the Anti-corruption bodies have largely been very weak, often serving as yet another mechanism for purging domestic opposition instead of punishing corrupt individuals and cleaning up institutions that have been used to perpetuate corrupt practices.

Summary, Recommendation and conclusion

There are gaps and inadequacies in the abilities of the state to fulfil its responsibility through good governance in Nigeria. These gaps include not only government failure to provide the socio-economic goods but reduced family and community cohesiveness and watchdog role of individuals in the society. They include institutional incapacity to discharge their statutory functions, increase unemployment, underemployment, economic and social marginalisation, income inequality, increase in crime, corruption and impunity among the political class and bureaucrats. It also includes poor observation of the rule of law and judicial abuse of discretionary powers. The overall consequence is the deficiencies and decline in human lives and progress. The dramatic improvement in some sectors like communication and technology, improved transportation system, financial institutions, trade liberalisation and globalisation are factors that are responsible for these developments. Goods, capital and people are moving frequently and fast across national frontiers than was the case earlier. While these have obvious benefits for the formal and legitimate transactions, certainly it has one grave consequence relevant here which is the loss of sovereignty in controlling the volume of the entry and exit of people, goods, and money for the nation. NDLEA has been grossly ineffective to police and curb illicit drug trafficking in Nigeria. It has consequently enabled illicit drug dealers to take advantage of the state and institutional weaknesses to form complex trafficking networks to traffic illicit drugs to the unsuspected public and make huge profit.

It is recommended that the government should revalue itself by conducting credible, free and fair elections before leaders emerged. When a legitimate government is instituted, it will be capable of gaining the confidence, trust and support of the people for its programmes and policies and also have the political will to impose the rule of law and deliver on socio-economic public goods. Second, NDLEA should be restructured and strengthened in order to reduce the level of corruption, and to be a strong and virile institutions that can perform its functions effectively. Illicit drug trade is an international operation that requires the cooperation of different countries in information sharing and in logistics to combat the menace. There is the need to coordinate and streamline actions taken to fight illicit drug production and trafficking by the West Africa states. Finally, the Governments is encouraged to deal with the problems of drug abuse by fostering drug abuse prevention strategies and treatment activities by learning from best practices across the world.

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