

Assessing Nigeria's drug control policy, 1994–2000

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Abstract

Drugs became a public issue in Nigeria by the 1960s with discoveries of cannabis farms in the country, arrests of Nigerian cannabis traffickers abroad, and reports of psychological disorders suspected to be associated with cannabis use. However, it was not until the early 1980s that the problem of drug trafficking had become a major social issue with the potential of disrupting international relations and social stability. This review of Nigeria's drug policy uses data from a variety of sources—published documents, interviews with key informants, periodical literature—to show that the country has traditionally relied on extreme punitive measures to curb supply and discourage demand. Throughout most of the 1990s, in response to U.S. certification demands, these measures were applied in a sustained drug war during which civil liberties were often abused. The paper argues that international collaboration in a reactive drug policy that relies on extreme measures may only succeed in temporarily suppressing the problem of trafficking and use. On the contrary, what Nigeria needs at the moment is a realistic policy that seeks to minimise the harm caused by different drugs; a policy that manages to combine the necessity of curbing supply with a humane commitment to addressing the problems associated with their use.

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Introduction

Attempts to understand and control the spread of drug problems in Nigeria have a relatively long history. Even before independence from the British in 1960, problems associated with drugs had attracted the attention of a few researchers. For example, in probably the first paper to address the issue of alcohol and drug addiction in the country, Lambo (1960) reviewed data from admission files in psychiatric clinics in western Nigeria for the period from 1954 to 1958. Among the many cases of schizophrenia, anxiety states, and other disorders he saw during the period of the study, there were 18 cases of drug addiction and 16 cases of 'chronic alcoholism'.

A few years after independence, more in-depth analyses of data from psychiatric hospitals and other sources were published. One of these studies reported an increase in the number of arrests for drug (mostly cannabis) trafficking in the country (Asuni, 1964). According to the study, "cannabis was introduced to Nigeria and other parts of West

Africa during and after the second World War by soldiers returning from the Middle East and the Far East, and North Africa, and also by sailors" (p. 18). 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.

Before long, cannabis was being exported to Western countries by Nigerians as local production increased. According to Lambo (1965), many West Africans were prosecuted in the United Kingdom for trafficking in cannabis in the early 1960s (p. 236). Within the country, in 1961 and 1962, 823 and 7152 kg of cannabis, respectively, were seized. A majority of those arrested for the cultivation of cannabis were men who regarded cannabis as a cash crop 'with the greatest remuneration'. Thus, the roots of drug trafficking and abuse experienced in the country today go back many years.

Trafficking in cocaine and heroin

Just as soldiers returning from Asia introduced cannabis into Nigeria, the beginning of heroin trafficking by Nigeri-

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ans has been attributed to the involvement of military personnel. According to a report by the U.S. Drug Enforcement Administration (DEA), “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” (DEA, undated, p. 1). 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. A lot has happened since then and we have come to know more about the role of Nigerians in the international drug trade (Kalu & Osinbajo, 1990; Obot, 1992).

Data on the involvement of Nigerians in international drug trafficking show that between 1979 and 1988 there were 14,833 arrests and 4574 convictions in foreign countries (Iyamabo, 1990). Most of the arrests were made in Britain, USA, Saudi Arabia, India, Pakistan, and Thailand. Back home, the first arrest for trafficking in an illicit drug other than cannabis was in 1982 with the seizure of cocaine weighing 1.2 kg from one trafficker in the process of taking the drug out of the country. Another single arrest was made in 1983 and, 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 (Oyakhilome, 1990). In 1989 alone, the number of arrests had reached 146.

Table 1 shows the number of arrests and weights of drug seized (in kg) for the period from 1990 to 2001 for all drugs, as compiled by the Intelligence Unit of the National Drug Law Enforcement Agency (NDLEA), the omnibus organisation responsible for the execution of Nigerian drug policy. Table 2 shows the figures for cocaine and heroin only. It is clear from the data presented in these two tables that there was a significant jump in the number of arrests beginning from 1995. These significant increases in arrests might have been a reflection of increasing numbers of Nigerians en-

Table 1
Number of drug arrests and seizures of all illicit drugs by the National Drug Law Enforcement Agency (NDLEA), 1990–2001

Year	Quantity of drugs seized (kg)	Total number of arrests	Sex of arrestees	
			Male	Female
1990	1141.89	464	–	–
1991	2124.54	293	–	–
1992	3618.15	395	–	–
1993	8957.91	458	–	–
1994	20009.38	693	632	61
1995	15515.31	798	732	66
1996	19834.27	1187	1099	88
1997	17683.12	2372	2208	164
1998	18836.99	2814	2610	204
1999	18120.61	2501	2380	121
2000	272654.28	2385	2253	132
2001 ^a	257438.83	1819	1727	92

Source: National Drug Law Enforcement Agency, Lagos, Intelligence Databank.

^a Figures as of 5th October.

Table 2
Quantities of heroin and cocaine seized in Nigeria, 1990–2001

Year	Heroin (kg)	Cocaine (kg)
1990	861.25	110.66
1991	66.82	545.39
1992	690.84	415.67
1993	283.51	1293.69
1994	91.65	90.76
1995	30.27	15.91
1996	19.38	6.16
1997	10.49	31.90
1998	5.84	9.26
1999	81.04	15.06
2000	55.10	53.95
2001	43.00	98.00 ^a

Source: National Drug Law Enforcement Agency.

^a This figure includes the largest seizure of 60 kg of cocaine in Nigeria.

gaged in drug trafficking. It could also have been the result of more intensive law enforcement connected with changes in leadership at the drug control agency and external pressures on the Nigerian government to demonstrate a serious commitment to its drug war. These issues will be discussed in a later section of this paper.

Drug law and policy

The worsening situation of Nigerians' involvement in the international drug trade within and outside Nigeria (as shown in Tables 1 and 2) could not be attributed to the lack of laws to control the problem. If anything, the country can boast of some of the most draconian laws ever applied to eradicate drug trafficking and use. Beginning with the Indian Hemp [Cannabis] Decree of 1966, punishment for drug offences have generally been extreme. Under this Decree, 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 (Federal Military Government, 1966). This law was amended in 1975 and less severe penalties were instituted. For example, the death penalty was abolished and the punishment for cannabis smoking was reduced to six months and/or a fine (Federal Military Government, 1975).

However, to reflect the mood of the new military group in power, there were drastic changes in Nigerian drug laws in 1984, with the most significant feature being the re-introduction of the death penalty. Two laws were promulgated that year. The first was an amendment of the Indian Hemp Act (which in itself was an amendment to the Indian Hemp Decree of 1966). Known as the Indian Hemp (Amendment) Decree, this law repealed the 1975 Act and brought back severe penalties for trafficking in or sale of cannabis (Federal Military Government, 1984a).

A more significant development in drug law was the Special Tribunal (Miscellaneous Offences) Decree. This law de-

creed the death penalty by firing squad for ‘dealing in, buying, selling, exposing or offering for sale or inducing any person to buy, sell, smoke or inhale the drug known as cocaine or other similar drug’ (Federal Military Government, 1984b). The Decree had retroactive effects. Though it was promulgated on 6 July 1984, it was with effect from 31 December 1983, the day the government came into being through a military coup. This was a notorious law: for the first time in the history of Nigeria the death penalty was applied to drug offences when three young men who were arrested for cocaine and heroin trafficking before the Decree came into being were tied to drums and executed by firing squad. This was also the last time this measure was applied. Two years later, with the coming of a new military group, the 1984 Decree was amended and life imprisonment was substituted for the death penalty. This Special Tribunal (Miscellaneous Offences) (Amendment) Decree of 1986 (Federal Military Government, 1986), introduced new features into Nigerian drug law, the most significant of which was the provision regarding forfeiture of assets and passport.

The National Drug Law Enforcement Agency Decree No. 48

The most significant drug law in Nigeria has been the NDLEA Decree of 1989, a response to the United Nations Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances, 1988. Among many of its provisions, the NDLEA Decree set up an agency of the same name and listed the punishment for drug offences, including the forfeiture of assets of arrested persons. In this Decree, trafficking in cocaine, LSD, heroin, or similar drugs is punishable by life imprisonment, while possession or use attracts a sentence of ‘15 years but not exceeding 25 years’. The assets forfeiture provision of the Decree also empowers the NDLEA to “immediately trace and attach all the assets and properties” of an arrested person (Federal Military Government, 1989, p. A730). Though this provision was in line with the UN Convention, it would later become a controversial feature of the drug war in Nigeria between 1994 and 1998 and widely criticised by civil society organisations and individuals within and outside the country.

Serious criticisms were also directed towards an amendment of the NDLEA Decree (Federal Military Government, 1990) which caused to be inserted in the 1989 Decree the following statements:

(1) Any person whose journey originates from Nigeria without being detected of carrying prohibited narcotic drugs or psychotropic substances but is found to have imported such prohibited narcotic drugs or psychotropic substances into a foreign country, notwithstanding that such a person has been tried or convicted for any offence of unlawful importation or possession of such narcotic drugs or psychotropic substances in that foreign country, shall be guilty of an offence under this subsection.

(2) Any Nigerian citizen found guilty in any foreign country of an offence involving narcotic drugs or psychotropic substances and who thereby brings the name of Nigeria into disrepute shall be guilty of an offence under this subsection (Federal Military Government, 1990, p. A569)

This law, which effectively imposed a ‘double jeopardy’ on Nigerians jailed for drug offences abroad, was widely seen to be without justification and an abuse of human rights of people who had already paid a price for their crimes. However, the law remains in the books though it is not clear how much it is being applied since the coming of a democratic Federal Government in 1999.

Money Laundering Decree No. 3, 1995

Abuses were made worse by the Money Laundering Decree of 1995 (Federal Military Government, 1995) that gave greater powers to the NDLEA to mount surveillance on the bank accounts of suspects. The Decree also placed limitations on cash payments, mandated banks to report deposits of amounts beyond a certain limit, and gave powers to the NDLEA to tap any telephone line.

It is not surprising that the implementation of Nigerian drug laws has been trailed with charges of abuse dating back to the 1984 Miscellaneous Offences Tribunal Decree, under which there were three executions. The country has been ruled by different military administrations for most of its 42 years of existence so all drug laws were the products of governments that, invariably, resorted to extra judicial measures like the Tribunal. The role of the military in formulating drug policy also has contributed to an atmosphere in which the control of drug problems, whether it is abuse or trafficking, is seen from a ‘war perspective’. One major implication of a ‘drug war’ ideology has been the institutionalisation of measures that focus on extreme forms of punishment for drug-related crimes often involving the abuse of individual rights. The war mentality, which emphasises law enforcement over all other approaches to the control of drugs, was demonstrated most poignantly in the period between 1994 and 1998.

Decertification and its consequences: 1994–1998

As the data in Table 1 seem to imply, more and more Nigerians were being recruited as couriers in the drug trade as the years went by. Young and old, men and women, the unemployed and people with jobs, all of them offered themselves to the services of major dealers who managed to bring in consignments of cocaine and heroin from South America and Southeast Asia, respectively. Using any means that would defy detection they carried small quantities to the USA, Europe, or wherever there is a thriving drug market.

As the arrests increased at air and seaports and border crossings, and as they ran out of routes and tricks, many traffickers left to other African countries from where they could operate for some time without arrest (Leggett & Burton, 1999).

As far back as the early 1980s, the U.S. government was beginning to express its unhappiness with the Nigerian government because of the growing role of Nigerians in exacerbating the drug problem in the U.S. According to U.S. officials, not only were Nigerians bringing drugs from their country into the U.S., those resident in the country and in Asia were using inner-city gangs to distribute drugs in urban neighbourhoods. The U.S. DEA, asserted that at some point in the 1990s, Nigerian traffickers controlled ‘between 70 and 90% of the market for Southeast Asian heroin’ sold in Chicago (DEA, undated). By 1987, the Nigerian connection with drug trafficking seemed to have been well established and drug issues had become a regular feature of discussions between U.S. and Nigerian officials. The American Ambassador in Nigeria at the time warned that, ‘Narcotics trafficking has become a serious issue in Nigeria’s relations with the U.S., as it has with a number of other countries, detracting from our ability to address other high priority concerns’ (Newswatch, 1987, p. 15).

Initial reactions of Nigerian officials were twofold. First was a resort to veiled denial or minimisation of the role of Nigerians. In an address at a conference on drug law and policy in May 1990, the first head of the just established NDLEA asserted that Nigerians, when they were involved, only carried a few hundred grams of heroin or cocaine in their bodies (Oyakhilome, 1990). Embedded in this was the position, expressed more often by editorial writers and government functionaries, that Nigeria does not produce cocaine or heroin; it is *only* a transit country. However, in the same speech, the issue of enacting a law to punish any Nigerian who portrayed the country in bad light outside the country was raised for the first time in public.

A second line of response by officials, one that lasted for many years, was to blame the other ‘victim’. In this position, drug trafficking by Nigerians was caused by the ‘the great appetite for drugs in the United States’ (Atta, 1990) with the corollary that if Americans stopped needing drugs supply would disappear. As we shall see later, this line of defence became a favourite of later heads of the drug control agency and editorial writers even after the U.S. wielded the big stick by decertifying the country in 1994.

The beginning of Nigeria’s status as a pariah nation for five years was the announcement of U.S. certification decisions for 1993 that were made in early 1994. The country was decertified for failing in its drug control efforts and severe sanctions were imposed. The only other countries to be decertified that year were Myanmar, Iran, and Syria. It was a difficult company to keep, and probably much more so when Afghanistan was added to the list of decertified nations the following year.

The decertification process

Certification as an instrument of U.S. drug control strategy dates back to 1961 with the promulgation of the Foreign Assistance Act (FAA). Under this Act, the President is required to submit to Congress annually a list of major countries involved in drug production and/or drug transit. A major country is one in which the amount of drugs produced in one year is at least 1000 ha of opium, 1000 ha of coca, or 5000 ha of illicit cannabis. In the case of cannabis, if such illicit production does not affect the U.S., i.e. is consumed locally or sold somewhere else, the country may not appear on the list.

The criteria for determining drug transit status are not as concrete. A country falls on the majors list if it is ‘a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States; or through which are transported such drugs or substances’ to the U.S. (Bureau of International Narcotics and Law Enforcement Affairs, 2000). There are three certification options open to the President: a country can receive full certification, denied certification, or be certified because of ‘vital national interest’. A country with full certification has:

during the previous year ... cooperated fully with the United States, or has taken adequate steps on its own, to achieve full compliance with the goals and objectives of the 1988 UN Drug Convention. (Bureau of International Narcotics and Law Enforcement Affairs, 2000, pp. 1–2)

This dual decertification track has two implications. One is that it seems harder to get on the list as a producing country than as a transit country. There must be substantial and substantiated production of a particular drug to qualify. It is also conceivably easier to show the existence of cannabis farms or coca fields and estimate the amount of produce from them than it is to quantify the amount of drugs nationals of a particular country traffic in a year. The other implication is that countries on the list for transit reasons often think that the U.S. unfairly fingers them for reasons that may have nothing to do with drug control. As stated earlier, Nigerian officials often harped on this difference while responding to American decertification decisions as they affected the country. However, as shown on Table 5, the country remained decertified for five years resulting in serious economic and political consequences.

The certification process was modified in the 2002 exercise by Section 591 of the Foreign Operations Export Financing and Related Programs Appropriations Act (U.S. Department of State, 2002). The modification requires the President to identify countries that have “failed demonstrably ... to make substantial efforts” [as opposed to the more difficult task of “fully” cooperating with the U.S.] to adhere to counter-narcotics agreements and take counter-narcotics measures set forth in U.S. law (pp. 1–5).

The price of decertification

If a country is denied certification there is a stiff price to pay. Decertified countries are punished in any or all of the following ways: denial of the sale arms sales and agricultural commodities, other than food; blocking of loans from international lending organisations; and withholding of all forms of assistance except for humanitarian and counter-narcotic reasons. A country denied certification or that receives a national interest waiver is not abandoned to its fate; through its embassy, the U.S. works with such country to satisfy the criteria or benchmarks for full certification. In the case of Nigeria the major benchmarks were (i) dismantling of drug trafficking networks by, among other things, arresting and prosecuting major traffickers based within the country; (ii) extradition to U.S. of suspected drug traffickers; (iii) increased capacity for interdiction at air and sea ports; (iv) control of money laundering; (v) enactment of legislation to make it easier to effect property forfeiture; and (vi) enhance the capacity of relevant agencies to control corruption. No benchmark for drug demand reduction was specified but the government was urged to provide adequate fund and personnel for the implementation of the Drug Control Master Plan (DCMP).

It is impossible to quantify in financial terms what Nigeria lost during those five years. However, in interviews with government officials and politicians involved in drug control many of them mentioned losses in the following areas:

- Military training and exchange, and sale of arms and equipment were suspended.
- The country could not borrow from the World Bank and other organisations. A specific example was loan expected from the Paris Club to refurbish a major thermal station that generated power for most of the country. Not only was the loan stopped but ‘foreign technical partners’ were also discouraged from continuing in the partnership’ (NDLEA, undated).
- Foreigners could not invest in the country.
- Direct air links between Nigeria and the U.S. were discontinued, travel to the U.S. by Nigerians had to be routed through Europe.
- Aids to education and health sectors were denied.
- The Junior Football World Cup was cancelled in 1998.
- Nigerians found it difficult to get visas to travel to the U.S. and other Western countries. When they did they were subjected to demeaning searches at airports all over the world. Nobody was spared: senior government officials, academics, religious leaders, businessmen, political leaders as well as ordinary citizens were searched.
- Also affected were support for programmes aimed at controlling drug use within the country. Support from international organisations, including agencies of the UN (e.g. the United Nations International Drug Control Programme (UNDCP)) and the European Union were curtailed or eliminated.

- Notices were placed at international airports warning travellers to Nigeria to be careful. Nigerians were not only portrayed as notorious drug traffickers but they were also guilty of different kinds of financial fraud.
- Above all, decertification had come to place the country at loggerheads with U.S. seriously jeopardising a relationship that had been cordial and beneficial for many years.
- This situation, together with other the fallouts from the despotic rule of Sanni Abacha, exposed Nigeria to sanctions from other sources, with the most prominent being the country’s suspension from the Commonwealth of Nations.

Nigeria had, indeed, become a pariah in the community of nations. For the country as a whole and for individual Nigerians, this state of affairs had serious economic and psychological consequences that were becoming unbearable.

Responding to the problem

An agency in crisis

Before 1994, the NDLEA, which held the mandate to fight the ‘drug war’ in the country, was racked with a series of problems and could not be expected to get the country back on the road to certification. The fact that there was significant involvement of Nigerians in organised drug trafficking at home and abroad was at the centre of U.S. decisions on certification but the happenings at the NDLEA also contributed. It is one thing to have a problem but entirely another for those given the mandate to solve the problem to become part of it.

It would take a separate study to do justice to an assessment of how the NDLEA has been run since the first chief executive took control of the agency in January 1990. One evidence of problems at the agency has been the rapid turnover of chief executives, due to a combination of factors—corrupt practices, incompetence, and the self-interest interventions of the international community, especially the Americans. Between January 1990 and 2002, there were seven heads of the agency and one Task Force. If the term of the current head (who came to the post in October 2000) and the short period of the Task Force (two months) are excluded, the average term of the agency head up to October 2000 is less than two years. In fact, there was one head who served for a term of three months and another of four months.

According to an influential magazine, the NDLEA had become ‘Nigeria’s stinking house of drugs’ (*Tell Magazine*, 1994) and there were regular stories in the media about scandals at the agency. In summary, there were celebrated cases of seized drugs disappearing from storage rooms, agents being bribed by drug barons and couriers, sloppy handling of exhibits, missing equipment donated by the international community, improper use of machines and dogs, vandalism of drug detecting equipment, conflicts between the

agency and other law enforcement bodies over the handling of cases, loss of case files, low morale and corruption among agents (attributed to poor conditions of service), and increasing murder of agents by suspected traffickers and cannabis farmers. The rot at the agency had gone too deep and the whole world was aware of it. In one celebrated case, as representatives of the international community gathered to witness the burning of a large stock of seized heroin, it was discovered that two packages were missing. Drug barons boasted that it was safer to buy drugs from the exhibit rooms of the NDLEA than to go abroad for it. It was clear to many in the country and abroad, especially the Americans, that Nigeria was not serious about the war on drugs.

The ugly years

After taking over power in 1993, General Abacha brought a sense of urgency to the problems surrounding drug control in the country. He set up a Task Force under the leadership of an infantry general with a reputation for strong-arm tactics, a man with many years of service dating back to the civil war in the late 1960s. After two months in this position General Bamaiyi was made Chairman and Chief Executive of the agency that he was sent in to clean up. This was the first time a police officer did not head the agency and his reign, which lasted for 44 months, turned out to be the longest and the most controversial till today. In his maiden speech to staff of the agency, he made a statement that left no one in doubt as to the rot in the agency and his determination to make a difference. "It is sad to note," he said, "that those charged with the responsibility of eliminating drug trafficking are by far more involved in drug trafficking than professional traffickers" (Mba-Afolabi, 1996, p. 15). Thus began the most tumultuous three and a half years in the history of drug war in Nigeria.

The war had no boundaries. More than 300 of the NDLEA staff, especially those posted to the air and sea ports, were sacked on suspicions of corrupt practices. Backed to a great extent by the Money Laundering Decree of 1995, the drug war moved to suspected 'barons', bank officials, businessmen, market women, and anyone who lived a lifestyle that seemed beyond his or her means. In a dramatic move in June 1995, armed soldiers swooped on car dealerships in Lagos and took over 30 showrooms. Owners were arrested, hundreds of cars were impounded, and bank accounts of people who were suspected of living beyond their visible means were frozen. In a country where the display of wealth (whether real or imagined) is a national past time, the fear of the NDLEA had become 'the beginning of wisdom'. Being rich or acting rich had become associated with drug trafficking, especially if you were young. You were guilty first and had to prove your innocence later. Even parents and relatives of suspects were not spared as several were picked up to answer for missing suspects. NDLEA agents were accused of breaking into homes without search warrants, shooting at moving cars to stop suspected traffickers, detaining po-

lice men suspected of conniving with cannabis dealers, and disobeying court orders. At one point an exasperated judge accused the head of the agency of 'making the [money laundering] Decree harsher than it ought to be. The Decree says one thing and you are doing another' (Nwanguma, 1999, p. 23). In his first address to the world press in 1994, the Chairman/Chief Executive strongly called for the return of the death penalty for drug offences. "I strongly advocate the reintroduction of the death penalty for drug offenders in this country. After all, a drastic disease needs a drastic surgery for cure Let us without delay employ this viable strategy" (NDLEA, undated, p. 11).

The reaction from civil society to this onslaught on civil liberties was generally muted because any opposition was seen as accommodation to the evils of drug barons. This was, after all, happening in a regime accused of the worst human rights abuses in the history of Nigeria. Some argued that the drug war, replete with tough and repressive measures, might have been waged to divert the attention of the international community from other political abuses and to bring international respectability to an unpopular government. However, voices of dissent were raised by human rights groups and lawyers defending arrested suspects. They accused the government of human rights abuses to no avail. The NDLEA remained in this mode until the death of General Abacha and a change of leadership at the agency.

Bamaiyi's era at the NDLEA had some positive effects, especially when measured against performance before and immediately after him. There was a noticeable drop in trafficking activities through Nigeria as many traffickers and criminal groups moved to other parts of the continent, including South Africa (Leggett & Burton, 1999). As the data in Tables 1 and 2 portray, seizures of cocaine and heroin declined but there was a significant increase in arrests for the exportation of cannabis. With the risks involved in the importation and exportation of cocaine and heroin, there was a revival of interest in the cultivation and distribution of cannabis (Nworisa, 1997). In order to cope with this new reality, acres of farmland with cannabis plants were destroyed in what was called 'Operation Burn the Weed'. Table 3 shows the estimated quantities of cannabis destroyed in this operation between 1994 and 2000. Another success claimed

Table 3
Estimated quantity of cannabis destroyed in the NDLEA 'Operation Burn the Weed'

Year	Estimated weight of cannabis burnt on farmlands (kg)
1994	40000
1995	147000
1996	250000
1997	1327728
1998	1712580
1999	3500000
2000	1038345

Source: National Drug Law Enforcement Agency, Lagos, Intelligence Databank.

Table 4
Record of prosecution for drug offences, 1990–2001

Year of arrest	Number of persons arrested	Number of convictions	Number of acquittals
1990	464	13	3
1991	293	42	36
1992	395	165	106
1993	458	125	29
1994	693	67	20
1995	798	333	10
1996	1187	537	13
1997	2372	1088	16
1998	2814	1180	14
1999	2501	1512	19
2000	2385	1624	2
2001	3592	2041	–

Source: National Drug Law Enforcement Agency, Lagos.

by the NDLEA in the Bamaiyi's years (1994–1998) is the number of people convicted for drug offences. As shown in Table 4, not only did the number increase from 1995 but the percentage of arrests resulting in convictions also increased significantly.

The country even came out with a national Drug Control Master plan DCMP which was launched with fanfare in 1999 and which promised to serve as a vehicle for “actualising a vision: evolving a drug free society” (NDLEA, 1999). Called a milestone by the new Head of State, General Abubakar, the foundation for the DCMP was laid in 1994 with the launching of the national drug control strategy (prepared by an inter-ministerial committee) by General Abacha (NDLEA, 1994). Like many of such efforts, the lofty goals of the DCMP have remained largely unrealised, but to certification benchmark monitors the document served as one evidence of the country's seriousness in the counter-narcotics exercise.

As far back as 1996, the international community had taken notice of the efforts of the Nigerian government in its war on drugs. The American Ambassador was impressed enough to comment that ‘Nigeria is now serious in the drug war’ (Newswatch, 1996). However, most of the benchmarks were not met and the International Narcotics Control Strategy Report (INCSR) continued to describe Nigeria as “the focal point of West African narcotics trafficking” or “the hub of African narcotics trafficking” (U.S. Department of State, 1997, 1998). The country, therefore, remained on the majors list as a decertified nation throughout the Abacha/Bamaiyi era which ended in 1998.

A return to the fold: national interest waiver

The year 1998 was a watershed in Nigerian political history. Sanni Abacha, the military leader who took over the government in 1994 and was accused of many human rights abuses, died in mysterious circumstances. He was promptly replaced by another general, one with less appetite for hold-

ing on to power. In an impressive move, General Mohammed announced elections within one year of his rule to return the country to civilian rule after 16 unbroken years of military dictatorships. Elections were held in early 1999 and a new democratically elected civilian government was in place on 29th May of the same year.

Three months before the elections, in February 1999, the INCSR (U.S. Department of State, 1999) still described Nigeria as “Africa's narcotics hub and a major transshipment point between the Eastern and Western Hemispheres.” However, the report recognised the accomplishments of the NDLEA whose “sometimes heavy-handed presence at airports produced regular seizures of heroin from couriers”. Many of the benchmarks were not met, including the one dealing with the extradition to the U.S. of more than 20 persons accused of narcotics trafficking or money laundering.

However, what the country was waiting for finally came in March 1999. In a statement by the Press Secretary to the U.S. President, Nigeria became one of four majors list countries to be certified that year on the basis of the “vital national interests of the United States” (The White House, 1999). The other countries were Cambodia, Haiti, and Paraguay. Two countries—Afghanistan and Myanmar—were not certified. The situation remained the same in the 2000 exercise. An explanatory statement that followed the 1999 announcement read as follows:

Nigeria's importance to regional stability, and potential as an example of political and economic reform in Africa, lends a unique significance to the transition now underway. The President has decided, on this basis, that the vital national interests of the United States require that Nigeria be certified at this time. The President's decision will enable the United States to provide important assistance to support the planned transition to democratic civilian rule. Nigeria's return to democracy is critical to the future of stability and progress towards democratic reform in West Africa. (p. 3)

In addition,

If Nigeria's ongoing transition fails, it could easily result in an implosion of government and the collapse of the economy, triggering a humanitarian disaster in Africa's most populous country, with over 100 million people, and a destabilising exodus of Nigerians to neighboring states. Such an upheaval could also disrupt the movement of high-quality Nigerian oil, which accounts for more than seven percent of total U.S. petroleum imports. (U.S. Department of State, 1999)

It was clear from the INCSR that Nigeria had not done enough to deserve full certification but a national interest waiver was good enough to celebrate. Among those who always regarded Nigeria's decertification in 1995 as politically motivated, the decision to grant a waiver to the country and the explanation that accompanied it was a confirmation of their suspicions.

Table 5
U.S. certification status for Nigeria since the inception of the exercise

Year	Number of countries on the majors list	Nigeria's certification status
1988	25	Full certification ^a
1989	25	Full certification
1990	24	Full certification
1991	25	Certification with explanation
1992	27	Certification with explanation
1993	27	Certification with explanation
1994	26	Denial of certification
1995	29	Denial of certification
1996	31	Denial of certification
1997	31	Denial of certification
1998	28	Denial of certification
1999	28	National interest certification
2000	26	National interest certification
2001	24	Certification with explanation
2002	23	Certification with explanation

Source: International Narcotics Control Strategy Report (2001).

Note: Certification decisions are announced early in the year, usually in March, and are based on performance in the previous year. The majors list in 2000 comprised of the following countries: Afghanistan, The Bahamas, Bolivia, Brazil, Burma, Cambodia, China, Colombia, Dominican Republic, Ecuador, Guatemala, Haiti, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, Thailand, Venezuela, and Vietnam.

^a This certification status ceased to exist as of 1991.

The year 2000 seems to have marked a new beginning for the drug control agency in Nigeria. In October of that year a new chairman was appointed as the seventh person to head the NDLEA and the third in six months. For the first time it was not a policeman or a military officer but still, as a retired security operative, a member of the armed forces. The new leadership seems to have, indeed, given some sense of direction to the agency. In the political sphere, the Obasanjo administration had launched a campaign against corruption (though “corruption remains a significant obstacle to counter-narcotics efforts”, U.S. Department of State, 1999) and the two houses of the National Assembly started to talk about new legislations to counter the trade in narcotics and money laundering. As shown in Table 5, in the 2001 and 2002 exercises, the country was given the highest level of certification (known as certification with explanation) for performance in the preceding years. After two years of national interest waiver and no major disaster at the agency, there was no way to go but up, especially with the repatriation of four fugitives to the U.S. to stand trial for suspected narcotics and money laundering offences. However, Nigeria still “remains a hub of narcotics trafficking and money laundering activity” (U.S. Department of State, 2002, X-49).

The certification exercise: drugs or politics?

Whatever was behind the denial of certification between 1994 and 1999 has been a subject of debate and speculation. Even before 1994, government officials seemed to believe that Nigeria was being given a bad name in order to hang it.

As stated earlier, drug control officials argued publicly that the contribution of Nigerians to the world drug problem was not significant enough to warrant arm-twisting by the U.S. and ultimate decertification. They argued that Nigeria did not produce cocaine or heroin (not minding that the country was blamed for serving as a transit and not a producing country); many of the people arrested were not Nigerians but other West African nationals travelling with forged Nigerian passports; Nigerians carry only small amounts of drugs; or if there was no demand there would be no supply. To be direct and specific, the Presidential Adviser on Drugs and Financial Crimes (the equivalent of the U.S. drug czar) minced no words in his assessment. Decertification, he said, is “punitive . . . it is entirely political” (Mohammed, 1998). (The Office of the Presidential Adviser on Drugs and Financial Crimes was started in 1994 under the Abacha administration to coordinate the activities of agencies devoted to control in the country and advise the Head of State. The office never quite found its place in the drug policy environment as the law enforcement agency (NDLEA) continued to usurp all the functions of drug control. In 2001, the office was scrapped by the present administration thereby further consolidating drug initiatives in one agency.)

These arguments continued in the Bamaiyi era even as the NDLEA waged a sustained war against all kinds of suspects. The agency was as hard on the U.S. as it was on Nigerians, albeit in different ways. As far as the agency was concerned, decertification was political and had little to do with the way the drug war was executed. Moreover, the problem was not that of supply but the insatiable appetite of the West for drugs and insufficient international cooperation to fight the war together. Hence, the U.S. was accused of not being fair to Nigeria because the decertification punishment was meted out unevenly. Without naming countries, it was clear that the NDLEA, through its head, made reference to countries like Mexico (which was never decertified in spite of the large volume of drugs entering the U.S. from that country) and Colombia (which seemed to be benefiting from American attention because of its drug production status). According to this argument, the fate of Nigeria, therefore, was due to other considerations, not drug trafficking by its citizens. Specifically, it was, according to the General Bamaiyi, because “we have a military administration” (Agbo, 1996, p. 10). Support for this position was lent by at least one foreign expert who, in an interview with a Nigerian magazine, said that, “The drug issue is an indirect way of interfering in the politics of Nigeria” (see Asaju, 1996, p. 12).

It has been rare for any NDLEA chief to publicly attribute Nigeria's decertification by the U.S. to political considerations since the end of the Abacha/Bamaiyi era. Bamaiyi's successor, under whose leadership at the NDLEA Nigeria was decertified on 3 March 1999, was the first to move away from such political argument. Though certification came immediately after the elections in Nigeria, it was only a coincidence, he said. “The accusations against Nigeria contained in all U.S. decertification statements of explanation are too

weighty to be ignored by any serious country or person. This is not the time to think that those accusations were mere political jargons made by America to justify the decertification” (Onovo, 1999, p. 48). This has been the standard position of all agency heads since the end of the Abacha/Bamaiyi era and American officials. However, this position continues to have its detractors. In post-decertification interviews, other government officials and politicians have continued to assert that politics had more to play than drugs in the country’s relations with the U.S. between 1994 and 1999 (e.g. Esu, 2000). However, it has been to everyone’s relief that many of years of tumult have come to an end and what used to be cordial relationships between Nigeria and the U.S. have been restored, at least for the time being.

Discussion

Whether decertification was for political reasons (i.e. America’s way of showing disapproval for military rule, as Bamaiyi and others suggested) or because of America’s concern with government’s lack of seriousness in the drug war or both, certification was achieved at a great price. Like drug trafficking, which it was meant to stifle, decertification resulted in significant economic, social, and psychological consequences for Nigeria and Nigerians. The effects of missed economic opportunities, diminished international support for civil society initiatives, the experiences of humiliation at airports around the world are still felt today. More important, because drug control in Nigeria, especially in the second half of the last decade, was focused solely on the achievement of certification benchmarks, a domestic perspective on the solution of drug problems has failed to evolve. Decertification contributed to an existing neglect of demand reduction, abuse of human rights especially in a regime already predisposed to this malaise, and solidified a war mentality in dealing with the problem of drugs in the country.

At the same time the environment that sustains criminal activities and makes the life of a courier an attractive alternative to responsible living was neglected and got worse over the years. The involvement of Nigerians in drug trafficking became a public issue in the early 1980s, a time when the economic problems still experienced today started to unfold. There are many specific social and economic factors that might have contributed to a deepening crisis of drug trafficking through the country. For example, a painful economic crash, a currency that continues to depreciate in value (making foreign currencies very attractive), a fast growing and mobile population of youth ready to sell anything to survive, all of these contributed to the participation of Nigerians in international narcotics trade. Of course, drug trafficking cannot be excused for any reason. Yet, the problem will remain and continue to be an issue between the international community and Nigeria for many years to come, unless the level of attention it has received for most of the past decade is

given to improving the quality of life of young people, many of whom have lost hope of finding legitimate employment.

One recurring limitation in Nigerian drug policy is the neglect of drug demand reduction (DDR). The national budget for drug control increased steadily between 1994 and the year 2000, with almost a fourfold increase by 2000 (UNDCP, 2000). However, because there is no set aside expenditure for DDR, it is difficult to know what percentage of each year’s budget was spent on prevention, research, or treatment and rehabilitation. Though the NDLEA has a DDR mandate and there is increasing talk at the agency about preventing drug use and building treatment facilities, this aspect of work often seems in conflict with the agency’s mandate (Alemika, 1998). Joining drug use matters with law enforcement and financial crimes may detract attention from the problems associated with use and the harms caused by licit substances like tobacco products and alcohol. It may also limit the level of involvement of civil society organisations in addressing the drug problem and retard their potential contributions (Obot, 2003).

The good news about drug control in Nigeria today is that the ‘new’ NDLEA has a commendable sense of purpose. There seems to be growing financial support for its activities and its staff members are better remunerated and less inclined to corrupt practices. However, as a growing number of Nigerian and foreign experts have observed, when a law enforcement agency is the only organisation saddled with all the responsibilities of illicit drug control in a country (including the control of demand), it cannot be expected to perform to its full potential (Alemika, 1998; Klein, 2000, 2001; Obot, 1992, 1993; Osagie & Mohammed, 1997). In addition, review of Nigeria’s drug policy by the National Assembly is overdue, a review that must take into consideration the reality that drug use is a growing domestic problem, and that drug users have a right to treatment.

As for the U.S., certifying Nigeria is not good enough. Certification should not be the end of a process but the beginning of bilateral arrangements that also seek to strengthen civil society in its role of providing prevention and treatment services. Models for such relationship already exist and can be applied to Nigeria. It is time to show that the U.S. is not only interested in supplying Nigeria with law enforcement paraphernalia but that it is also concerned about the effects of drug use among its citizens.

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References

- Agbo, N. (1996, January 22). Chairman Bamaiyi. *Newswatch*, 8–11.
- Alemika. (1998). *Narcotic drugs control policy in Nigeria*. Ibadan: Development Policy Centre.
- Asaju, T. (1996, January 22). It's a global headache. Interview with Alain Labrousse, Director, Geopolitical Observatory. *Newswatch*, 12–25.
- Asuni, T. (1964). Sociopsychiatric problems of cannabis in Nigeria. *Bulletin on Narcotics*, 16(2), 17.
- Atta, A. I. (1990). Drug trafficking and implications for Nigeria and its image abroad. In A. Kalu & Y. Osinbajo (Eds.), *Narcotics law and policy in Nigeria* (pp. 250–261). Lagos: Federal Ministry of Justice.
- Bureau of International Narcotics and Law Enforcement Affairs. (2000). *Majors list and the certification process*. Fact Sheet released by the Bureau of International Narcotics and Law Enforcement Affairs. Washington, DC: U.S. Department of State.
- Drug Enforcement Administration. (undated). *Traffickers from Nigeria*. Available: www.usdoj.gov/dea/traffickers/nigeria.html.
- Esu., (2000). Interview. *Antinarcotics: Journal of the African Council of Narcotics*, 10, 32–36.
- Federal Military Government of Nigeria. (1966). *The Indian Hemp Decree* (Supplement to Official Gazette Extraordinary No. 33, Vol. 53, April 4, Part A). Lagos.
- Federal Military Government of Nigeria. (1975). *Indian Hemp (Amendment) Decree 1975 No. 34*. Lagos: Federal Ministry of Information.
- Federal Military Government. (1984a). *Indian Hemp (Amendment) Decree 1984*. Lagos: Federal Ministry of Information.
- Federal Military Government. (1984b). *Special Tribunal (Miscellaneous Offences) Decree 1984 No. 20*. Lagos: Federal Ministry of Information.
- Federal Military Government. (1986). *Special Tribunal (Miscellaneous Offences) (Amendment) Decree of 1986*. Lagos: Federal Ministry of Information.
- 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, 1989—Part A). Lagos: Ministry of Information.
- Federal Military Government of Nigeria. (1990). *National Drug Law Enforcement Agency (Amendment) Decree 1990*. Lagos: Ministry of Information.
- Federal Military Government of Nigeria. (1995). *Money Laundering Decree No. 3*. Abuja: Federal Ministry of Information.
- Federal Military Government of Nigeria. (1999). *Tribunals (certain consequential Amendment, etc.) Decree 1999 No. 62*. Abuja: Federal Ministry of Information.
- Iyamabo, J. A. (1990). Perspectives and strategies in the control of the traffic in narcotic drugs and psychotropic substances—the police view point. In A. Kalu & Y. Osinbajo (Eds.), *Narcotics law and policy in Nigeria* (pp. 17–36). Lagos: Federal Ministry of Justice.
- Kalu, A., & Osinbajo, Y. (Eds.). (1990). *Narcotics law and policy in Nigeria*. Lagos: Federal Ministry of Justice.
- Klein, A. (2000). Harm reduction in Nigeria. *African Journal of Drug and Alcohol Studies*, 1, 53–70.
- Klein, A. (2001). “Have a piss, drink *ogogoro*, smoke *igbo*, but don't take *gbana*”—hard and soft drugs in Nigeria: A critical comparison of official policies and the view on the street. *Journal of Psychoactive Drugs*, 33, 111–119.
- Lambo, T. A. (1960). Further neuropsychiatric observations in Nigeria. *British Medical Journal*, 2, 1696–1704.
- Lambo, T. A. (1965). Medical and social problems of drug addiction in West Africa. *Bulletin on Narcotics*, 27(1), 3–13.
- Leggett, T., & Burton, K. (1999). Now selling in the point: Talking to Durban drug syndicates. *Crime and Conflict*, 16, 12–16.
- Mba-Afolabi, J. (1996, January 22). The drug war. *Newswatch*, 7–16.
- Mohammed, A. A. (1998). Interview. *Antinarcotics: Journal of the African Council on Narcotics*, 7, 14–18.
- National Drug Law Enforcement Agency. (undated). *Bamaiyi's magic wand . . . battle against drug scourge*. Lagos: NDLEA Press Relations Unit.
- National Drug Law Enforcement Agency. (1999). *National Drug Control Master Plan, 1999*. Lagos: NDLEA.
- National Drug Law Enforcement Agency. (1994). *National drug control strategy*. Lagos: NDLEA.
- Newswatch. (1987, May 12). Drug-running: How it works (Cover story). *Newswatch*, 14–22.
- Newswatch. (1996, January 22). The drug war. *Newswatch*, 10.
- Nwanguma, O. (1999). The Bamaiyi era. *Law Enforcement Review*, 7, 22–25.
- Nworisa, N. (1997). Cocaine, heroin give way to cannabis. *Drug Salvation Force*, 1(2), 11–13.
- Obot, I. S. (1992). Ethical and legal issues in the control of drug abuse and drug trafficking: The Nigerian case. *Social Science and Medicine*, 35, 481–493.
- Obot, I. S. (1993). The epidemiology of tobacco and alcohol abuse in Nigeria. In I. S. Obot (Ed.), *Epidemiology and control of substance abuse in Nigeria* (pp. 67–87). Jos: Centre for Research and Information on Substance Abuse.
- Obot, I. S. (2003). *Responding to drug problems in Nigeria: The role of civil society organizations*. Substance Use & Misuse (in press).
- Onovo, O. O. (1999). Interview. *Drug Salvation Force*, 3(2), 45–48.
- Osagie, E., & Mohammed, A. S. (Eds.). (1997). *Drug demand reduction*. Kuru: National Institute for Policy and Strategic Studies.
- Oyakhilome, F. E. (1990). Keynote address delivered at conference on narcotics law and policy in Nigeria. In A. Kalu & Y. Osinbajo (Eds.), *Narcotics law and policy in Nigeria* (pp. 1–16). Lagos: Federal Ministry of Justice.
- Tell Magazine. (1994, February 21). Stinking house of drugs. *Tell Magazine*, 10–17.
- The White House. (1999). *Statement by the Press Secretary*. Annual Presidential certifications for major drug producing and transit countries. Available: www.state.gov/www/global/narcotics_law/990226_press_statement.html.
- United Nations International Drug Control Programme. (2000). *Common country assessment—Nigeria*. Report of the theme group on drug control and crime prevention. Lagos: UNDCP. Unpublished document.
- U.S. Department of State. (1997). *International Narcotics Control Strategy Report, 1996*. Washington, DC: Bureau for International Narcotics and Law Enforcement Affairs.
- U.S. Department of State. (1998). *International Narcotics Control Strategy Report, 1997*. Washington, DC: Bureau for International Narcotics and Law Enforcement Affairs.
- U.S. Department of State. (1999). *International Narcotics Control Strategy Report, 1998*. Washington, DC: Bureau for International Narcotics and Law Enforcement Affairs.
- U.S. Department of State. (2002). *International Narcotics Control Strategy Report, 2001*. Washington, DC: Bureau for International Narcotics and Law Enforcement Affairs.