

DRUG CONTROL POLICIES IN NIGERIA: A CALL FOR LEGALISATION OF DRUGS IN NIGERIA

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Abstract

The end of the cold war may have heralded an end to certain strain but among other unforeseen effects, it had also precipitated a significant increase in the flow of illegal drugs across traditional boundaries. After decades of failing to adequately control drug use and trafficking, an even graver problem had emerged, violent drug traffickers had taken the industry hostage and had expanded the frontiers of the illicit trade hence the drug prohibition laws in Nigeria to dismantle the illicit drug industry. The general objective of the study is to expose the populace to the effects of the present drug control policy and give practical policy strategies that can be used to undermine the negative effect of drug trafficking and inevitably bring drug trafficking to an end. One strategy however, being controlled legalisation of drugs had not been fully tested but yet can be said to stifle the effects of drug trafficking on the economies of countries like Nigeria. The paper adopts the doctrinal approach. This article will be of help to policy makers as well as the generality of Nigerian citizens in our common determination to launch an attack on drug traffickers and ultimately for the eradication of drug trafficking while enhancing the economy of Nigeria.

Keywords: Drugs, Trafficking, Drugs Trafficking, Legalisation

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1.0 Introduction

Nigeria has promulgated several drug laws as a panacea to curb the use and trafficking of drugs.¹ It is of great concern that despite the prohibitive nature of the drug control policies, it can be said that this profitable and complex criminal operation which originates primarily in developing countries like Nigeria and thrives in the space created by poverty, inequality, state weakness and contributes in forestalling economic prosperity for billions of people have continued to flourish.² Entrepreneurial criminals will navigate around laws and access borders, supplying illegal or illegally acquired goods and services to meet the demands of the highest bidders. Whether it is drugs, human kidneys, illegally harvested timber as long as someone is willing to buy it, someone will be willing to sell it.³ West Africa especially Nigeria presents an ideal geographical choice for the drug trade.⁴ It serves as a logistical transit center for drug traffickers.⁵ Its geography with its numerous abandoned forests and archipelagoes makes discovery difficult, the region boasts of well-established networks of West African smugglers and crime syndicates; and a vulnerable political environment that create opportunities for such operations.⁶ While several global efforts to end the drug trafficking problem

¹ In this article, unless otherwise specified drugs here refer to the substances that are currently illegal and have global market. They do not refer to prescription drugs.

² Jeremy Haken 'Transnational Crime in the Developing World' (2011) < <https://www.gfintergy.org> > accessed on 30 December 2024.

³ *Ibid.*

⁴ Obinna Ukaeje and Jennifer Iheanacho, 'Illicit Drug Trafficking in West Africa: The Contending Issues and Way forward', (2023) 3 (1) University of Nigeria Journal of Political Economy, 142 < <file:///C:/Users/HP/Downloads/volume-13-issue-1-1-137-160.pdf> > accessed on 01 January 2025.

⁵ Pius Adeleye, 'How Nigeria has become key transit hub for global cocaine trafficking', *The Africa Report* (16 June 2023) < <https://www.theafricareport.com/312261/how-nigeria-has-become-key-transit-hub-for-global-cocaine-trafficking/> > accessed on 01 January 2025.

⁶ Kwesi Aning. and John Pokoo 'Understanding the Nature and Threats of Drug Trafficking to National and Regional Security in West African Stability' (2014) 3

have occurred, they have yielded only marginal success.⁷ Until now, the illicit drug market has been portrayed as fundamentally different from other industries in terms of its suppliers, consumers, and methods of distribution. However, one critical externality sets it apart: violence. This violence is intrinsically tied to the illegality of drugs. Even the United Nations acknowledges that the most compelling argument against drug prohibition is the violence and corruption that inevitably accompany black markets. Something must be done to eradicate this problem.⁸ This work is divided into eight parts. The first part introduces the work, the second part deals on conceptual clarifications of key concepts used in the work, the third part deals and fourth part state the legal framework which has been enacted to combat drug trafficking in the International sphere and Nigeria, the fifth part exposes the prohibitive nature of Nigeria's drug control policies, the sixth deals with the harmful effects of prohibition, the seventh and eight parts conclude the work and proffers recommendation.

2.0 Conceptual Framework

Terms connected with drugs are often used loosely therefore, it is important at the onset to provide fairly clear definitions of such terms such as drugs, trafficking, drug trafficking.

Trafficking is the activity of buying and selling something illegally.⁹ It is also defined as being engaged in the action of trading something illegally or being engaged in illegal commerce.¹⁰ Drug is any substance other than food, that when inhaled, injected, smoked, consumed, absorbed via a patch

International Journal of Security and Development, 13 < <https://www.researchgate.net/publication/285172807> > accessed on 30 December 2024.

⁷ *Ibid* at p 6.

⁸ United Nations Office on Drugs and Crime: Thematic debate of the 66th session of the U.N. General Assembly, 'Drugs and Crime as a Threat to Development' on the occasion of the UN International Day against drug abuse and illicit trafficking New York, (26 June 2012) < <https://www.unodc.org/.../united-nations> > accessed on 30 December 2024.

⁹ < <https://www.oxfordlearnersdictionary.com> > accessed on 30 December 2024.

¹⁰ Trafficking Dictionary-Definition at < <https://www.yourdictionary.com/trafficking> > accessed on 30 December 2024.

on the skin or dissolved under the tongue causes a physiological change in the body.¹¹ The drugs which we are concerned with under this study are but are not limited to the following: Ecstasy, Benzodiazepines, Methadone, Amphetamines, Cocaine, Bath Salts, Methamphetamine, heroine and Crack Cocaine. Nigeria's National Drug Law Enforcement Agency Act¹² did not define drug trafficking but adopts the definition of the Convention afore cited. It involves the planting, growing, cultivation, extraction, processing, production, exportation, importation, selling, buying, exposing, distributing, delivery, brokerage, transporting, dispatching and supplying of drugs popularly known as marijuana, cocaine, heroin or any other similar drugs or psychotropic substance.¹³

3.0 Legal Framework for Drug Control in Nigeria

3.1 Combating Drug Trafficking through International Conventions

The first conscious global effort for the control of the production and consumption of narcotic drugs was the Shanghai Opium Commission of 1909.¹⁴ It was this conference that set the stage for international drug control policies and laid down the foundation for the first international drug treaty, viz, the International Opium Convention of The Hague, (1912). The treaty entered into force in 1915. The major focus of this document was to regulate and curtail the shipment of narcotic drugs that were not meant for medical purposes. It was a truly international instrument as it received the approval and blessing of most countries of the world including the colonial

¹¹ Drug-Wikipedia, the free encyclopedia at < <https://en.m.wikipedia.org> > accessed on 30 December 2024.

¹² CAP N30 LFN 2004 as amended hereinafter referred to as the NDLEA Act, s 52.

¹³ Agbonika, John A M. 'An Appraisal of the Legal Framework for Combating Drug Trafficking in Nigeria', (2015) 5 (1) *African Journal of Drug and Criminology*, 73 < <https://www.sachajournals.com> > accessed on 30 December 2024.

¹⁴ Amaka G Eze, 'A Review of the Evolution of the International Framework for the Control of Illicit Dealings on Narcotic Drugs and Psychotropic Substances' (2010) 1, *Nnamdi Azikiwe University, Journal of International Law and Jurisprudence*, 284.

powers. However, under the auspices and umbrella of the United Nations, International conventions emerged for the control of the manufacture and trade in narcotic drugs and have provided the groundwork for the applied operations of the international drug control system around the world.¹⁵ Presently, the provisions and measures with respect to drugs combating are found in the international conventions on drugs control which are the following¹⁶:

1. The Single Convention on Narcotic Drugs, 1961 and as amended by the 1972 protocol.
2. The Convention on Psychotropic Substances, 1971
3. The United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, 1988.

3.2 Single Convention on Narcotic Drugs, 1961 and as amended by the 1972 protocol.

The Single Convention on Narcotic Drugs, 1961 is an international treaty to prohibit the manufacture and supply of specific drugs and of drugs with similar effects except under license for specific purposes, such as medical treatment and research. Since the Single Convention is not self-executing, parties must pass laws to carry out its provisions. The said Convention has been used as the basis for the standardization of national drug control laws. The Convention was the first international treaty to prohibit cannabis. It repeatedly affirms the importance of medical use of controlled substances. Its preamble notes that “the medical use of narcotic drugs continues to be

¹⁵ *Ibid*, it should be noted that before the Shanghai Opium Commission, 1909, manufacture, production and consumption of narcotic drugs were not strictly illegal. It was a free for all theatre of the most absurd. The United Nations took over multilateral drug control after the Second World War and established several protocols to improve the control system. The most far reaching was the 1953 Opium Protocol. The Protocol aimed at limiting opium production and use for medicinal and scientific needs.

¹⁶ Middle East and North Africa Financial Action Task Force, ' (2011) Typologies Report on Illicit Trafficking in Narcotics, Drugs and Psychotropic Substances and Money Laundering',¹³ < <https://www.menafatf.org> > accessed on 30 December 2024.

indispensable for the relief of pain and suffering. The Convention unambiguously condemns drug addiction. It takes a prohibitionist approach attempting to stop all non-medical, non-scientific use of narcotic drugs. The convention allows countries to phase out coca leaf chewing, opium smoking and other traditional drug uses gradually, but provides that “the use of cannabis for other than medical and scientific purposes must discontinue as soon as possible.”¹⁷

3.3 Convention on Psychotropic Substances, 1971

While the Single Convention on Narcotic Drugs, 1961 regulates the use and trafficking of drugs with cannabis, coca and opium like effects, the Convention on Psychotropic Substances, 1971 is designed to control psychoactive drugs such as amphetamine – type stimulants barbiturates, benzodiazepines and psychedelics. Like the Single Convention, the Convention on Psychotropic Substances recognizes scientific and medical use of psychoactive drugs while banning other uses.¹⁸ The Convention provides that “in respect of substances in Schedule 1, the parties shall: (a) prohibit all use except for scientific and very limited medical purposes by duly authorized persons, in medical or scientific establishments which are directly under the control of their governments or specifically approved by them¹⁹and makes an exception for peyote and other wild psychotropic plants to protect use in religious rituals.”²⁰

3.4 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988

With the rising size of the illicit drug trade in the 1980s, international drug trafficking became a multibillion-dollar business dominated by criminal groups, providing grounds for the creation of the 1988 Convention and the

¹⁷ Single Convention on Narcotic Drugs 1972, Article 9.

¹⁸ ‘Convention on Psychotropic Substances’ Wikipedia the free encyclopedia <<https://en.m.wikipedia.org>> accessed on 30 December 2024.

¹⁹ Convention on Psychotropic Substances 1971, Article 7.

²⁰ *Ibid*, Article 32.

consequential escalation of the war on drugs. Much of the treaty is devoted to fighting organized crime by mandating cooperation in tracing and seizing drug related assets. A major provision of the Convention requires member parties to confiscate proceeds from drug offenses²¹ and provides a legal basis for extradition in drug-related cases among countries having no other extradition treaties.²²

4.0 Legal Framework for Drugs Control in Nigeria

4.1 National Drug Law Enforcement Agency Act

The National Drug Law Enforcement Agency is the main institution tasked with the control of drug trafficking in the Nigeria. It was established through the enactment of National Drug Law Enforcement Agency Act.²³ The establishment of NDLEA is Nigeria's deliberate effort at evolving an institutional framework for the suppression of the drug cankerworm.²⁴ This is also in fulfillment of the country's international obligation as a signatory to the 1988 UN Convention, which recommended separate bodies to lead the onslaught against the ravaging drug menace in many parts of the world. Until the advent of the NDLEA, the Board of Customs and Excise now Nigeria customs service and the Nigerian Police were the major drug interdiction organs of government.

The agency is given several responsibilities and they include among others recognizing the efforts of the International community in combating drug trafficking and its use:²⁵

- i) Reinforcing and supplementing the measures provided in the Convention on Narcotic Drugs, 1961 as amended by the 1972

²¹ United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988, Article 5.

²² *Ibid*, Article 6.

²³ CAP N 30 LFN 2004 as amended hereinafter referred to as the NDLEA Act.

²⁴ *Ochu v FRN* (2011) All FWLR (Pt. 563) 208,372.

²⁵ NDLEA Act, s 3 (1) (a) – (r).

Protocol, the 1971 Convention on Psychotropic Substances and the United Nation's Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1984 as adopted by the Nigerian domestic law in order to counter the magnitude and extent of illicit traffic in narcotic drugs and psychotropic substances and its grave consequences; and

- ii) Strengthening and enhancing effective legal means for international cooperation in criminal matters for suppressing the international activities of illicit traffic in narcotic drugs and psychotropic substances. Other responsibilities of the agency in respect of prevention and detection of offences under the Act, include identification of the identities, whereabouts and activities of persons suspected of being involved in offences under the Act, the movement of narcotic drugs and psychotropic substances; and instrumentalities used or intended for use in the commission of such offences, as well as the establishment and maintenance of a system for monitoring international dealings in narcotic drugs in order to identify suspicious transactions and persons engaged in them.

By virtue of Section 7 of the NDLEA Act, special units were established for the effective conduct of the functions of the agency which are as following:

- a) General and assets investigation unit;
- b) Prosecution unit and
- c) Counseling unit.

Part II of the NDLEA Act provides for offences. Thus, by virtue of Section 11, offences are constituted when any person who, without lawful authority.

- a) imports, manufactures, produces, processes, plants or grows the drugs popularly known as cocaine, LSD, heroin or any other similar drugs shall

be guilty of an offence and liable on convictions to be sentenced to imprisonment for life or

b) exports, transports or otherwise traffics in the drugs popularly known as cocaine, LSD heroine or any similar drugs shall be guilty and liable on conviction to be sentenced to imprisonment for life.²⁶

c) sells, buys, exposes or offers for sale or otherwise deals in or with the drugs popularly known as cocaine, LSD, heroine or any other similar drugs shall be guilty of an offence and liable on conviction to be entered to imprisonment for life.

d) knowingly possesses or uses the drugs known as cocaine, LSD or heroine or any other similar drugs by smoking, inhaling or injecting the said drugs shall be guilty of an offence and liable on conviction to imprisonment for a term not less than fifteen years but not exceeding twenty-five years. The provisions cover not only the traditional aspect of drug crimes such as manufacture, export, import or other traffic in narcotic drugs but also include laundering. The NDLEA Act provides the same punishment for criminal acts of illegal production as for unlawful trafficking of drugs. Apart from the NDLEA Act, the following laws also regulate the control and use of drugs in Nigeria.

4.2 Dangerous Drugs Act 2004²⁷

This Act regulates the importation, exportation, manufacture, sale and use of opium and other dangerous drugs. The act clearly prohibits the importation and exportation of prepared opium. It has made it an offence to manufacture, sell, or otherwise deal in prepared opium, or has in his possession any prepared opium or who being the occupier of any premises permit those premises to be used for the purpose of the preparation of opium for smoking or has in his possession any pipes or utensils for use in connection with the smoking or preparation of opium for smoking.²⁸

²⁶ *Olaolu v FRN* (2016)3NWLR (Pt 1498)1SC.

²⁷ 116 LFN 2004 hereinafter known as DD Act.

²⁸ DD Act., Part 11.

4.3 Indian Hemp Act 2004²⁹

This Act makes it an offence to plant, cultivate and import Indian Hemp.³⁰ The law provides that any person who knowingly plants or cultivates any plant of the genus cannabis shall be guilty of an offence and shall be liable on conviction to be sentenced to imprisonment for a term not less than 21 years.³¹ It should also be noted that anyone who imports or sells Marijuana for medical reasons is however exempted from this law.

4.4 Money Laundering (Prohibition) Act 2011 as amended.

This Act makes different provisions prohibiting the laundering of the proceeds of criminal activity³² of which drug trafficking is one and provides for appropriate penalties for money laundering infringements. The Act makes comprehensive provisions to prohibit the financing of terrorism, and the laundering of proceeds of crime or illegal acts.

5.0 Judicial Approach to Drug Control in Nigeria

The courts exist as the last bastion of the common man. As courts of justice, they must necessarily intervene in disputes between the state and the citizen.³³ This basic concept of social contract and due process is not lost on the government of Nigeria. Accordingly, the NDLEA Act recognizes the existence of Federal High Court as having jurisdiction to try offences under the NDLEA Act.³⁴ In the process of trying suspects and accused persons, the Federal High Courts are endowed with enormous powers and specific powers are vested in the court to make interim attachment of orders on all assets and properties of a person arrested for an offence under the Act upon

²⁹ CAP 123, LFN 2004 hereinafter known as IH Act.

³⁰ *Blessing v FRN* (2015)13NWLR (Pt 1475), 1SC, *Daniel v FRN* (2015)13 NWLR (Pt 1475), 119 SC.

³¹ IH Act, Part 1 precisely s 3.

³² Money Laundering (Prohibition) Act 2011 as amended, Part 11 *Kalu v FRN* (2016) 9 NWLR (Pt 1516)1SC.

³³ *FRN v Anaeche* (2004) 14WLR 1365.

³⁴ *Kajubo v The State* (1988)3SCNJ (Pt 1) 79.

an application by general and assets investigation unit of the agency. In the case of *Akindele Ikumoluyi v FRN*,³⁵ The Federal High Court in Lagos granted an application for interim order of attachment of the properties of the accused persons pending the determination of the trial. The Federal High Court can also make an order of forfeiture of assets acquired through drug trafficking upon conviction of an accused person.³⁶

6.0 Nature of Drug Control Policies in Nigeria

Going through the legal framework for drug trafficking enacted by the international community and as domesticated by Nigeria as exhibited by the existent drug control policies, it would be inferred that the laws and drug control policies are prohibitive in nature. Nigeria has enacted one major drug law, the National Drug Law Enforcement Agency Act in response to illicit drugs. The law, which is elaborate and exhaustive in nature, is almost a word-by-word template of the 1988 United Nations convention Against Illicit Traffic in Narcotic Drugs and Psychotropic substances covering almost every conceivable proscriptive aspect of trafficking and kindred offences. Its provisions are substantive, procedural, administrative and regulatory.³⁷ The provisions are set out with a reasonable degree of clarity and precision. Being a signatory to the three international drug conventions, Nigeria is dogmatically committed to the criminal prohibition of narcotics and drugs using the drugs eradication strategy.

7.0 Effects of the Drug Control Policies in Nigeria

This Article will not attempt to identify and “weigh” the costs of drug use against the costs of drug laws. Instead, it will focus exclusively on identifying the harmful side effects of drug law enforcement and showing why these effects are unavoidable.

³⁵ (2008) LPELR-3683(CA).

³⁶ *Amadi v FRN* 18NWLR (Pt 1119) 259, 605.

³⁷ Isidore S Obot, ‘Assessing Nigeria’s Drug Control Policy, 1994 – 2000’ Jos, (2004) 15, *International Journal of Public Policy* 12 < www.countthecost.org > assessed on 30 December 2024.

Drug interdiction imposes a significant economic burden on Nigeria, with substantial funds allocated to counter-narcotics operations. These drug law enforcement activities cost the Nigerian government millions of naira annually, with expenditures steadily increasing over the past decade.³⁸ This growing financial commitment presents a serious challenge, as it diverts resources away from critical social services.³⁹ Each hour spent investigating a drug seller or user is an hour that could have been spent searching for a missing child. Every trial for drug offenses occupies court time that could be used to prosecute a rapist, potentially preventing a case from being settled through a plea bargain. These represent the "opportunity costs" of drug prohibition.

The ripple effect of this prioritization is far-reaching. Funding directed toward combating drug-related crimes limits the resources available for essential services such as healthcare, housing, access to clean water, and other initiatives that directly enhance the quality of life for the Nigerian population. As a result, the economic toll of drug interdiction extends beyond enforcement efforts, impacting the overall well-being and development of the society it aims to protect.

Drug control in Nigeria is undermined by corruption, with law enforcement officials accused of misappropriating funds, seizing property, and looting evidence from drug dealers.⁴⁰ Reports also implicate judges and security personnel in the drug trade, while senior drug agency officials have faced

³⁸ Ediomu-Ubong E Nelson, Isidore S Obot and Okokon O Umoh, 'Prioritizing Public Health Responses in Nigerian Drug Control Policy', (2017) 16(1), *African Journal of Drug & Alcohol Studies*, 53 < file:///C:/Users/HP/Downloads/ajol-file-journals_391_articles_170766_submission_proof_170766-4657-438676-1-10-20180509-1.pdf > assessed on 30 December 2024.

³⁹ *Ibid.*

⁴⁰ Olajide Adelani, 'Nigeria: Corruption Fueling Drug Trade' (*Institute for War and Peace Reporting*, 12 September 2016) < <https://web.archive.archive.unhcr.org/20230519234949/https://www.refworld.org/docid/57d69b754.html> > accessed on 01 January 2025.

dismissal over corruption allegations, exposing systemic flaws in enforcement efforts.⁴¹

Law enforcement efforts have failed to reduce drug use and may have worsened the problem along with its associated harms. These measures have increased the risks of drug dealing, driving up market prices and making the trade more lucrative. Additionally, they compel drug users to adopt riskier behaviors, such as switching to stronger substances, consuming drugs in less controlled and more dangerous environments, and using more harmful methods of administration, such as smoking crack instead of snorting cocaine.⁴²

Drug laws place users in legal and physical jeopardy, often exacerbating the harm caused by drug use itself. Criminalization increases prison populations, strains treatment facilities, and limits care for those with more severe drug dependencies. Prohibition raises drug prices, fuels criminal behavior, and forces users into dangerous interactions with criminals, exposing them to violence and unsafe substances. Moreover, these laws drive the development of more harmful synthetic drugs. By criminalizing drug users, the laws push them into a cycle of crime, making it more difficult for them to find legitimate employment and reintegrate into society. Ultimately, these laws inflict greater harm and perpetuate criminal behavior.⁴³

The harmful side effects of drug laws are not limited to drug users. There is an old saying that “what goes around, comes around”. In an effort to inflict pain on drug users, drug laws inflict considerable costs on non-users as well. Hence, Prohibition policies fuel a black market for drugs, where

⁴¹ *Ibid.*

⁴² *Ibid*, 54.

⁴³ Randy E Barnet ‘The Harmful Side Effects of Drug Prohibition’ (2009), 1 Utah Law Review, 20 < <https://scholarship.law.georgetown.edu/facpub/817/> > assessed on 30 December 2024.

traffickers reap high profits by assuming the risks of illegal operations. This unregulated market leaves governments unable to control drug purity, potency, or availability. Users of low-impact drugs, like cannabis, must rely on criminal dealers who often sell harder substances, increasing the risk of youth exposure to and abuse of harsher drugs.⁴⁴

Drug laws drive up prices, pushing users to commit property and other crimes to afford drugs. The connection between drug users and criminals exposes users to additional illegal activities, while prohibition fuels violence, organized crime, and a lack of legal recourse. Despite these harms, the supply of drugs remains steady, with only higher prices and lower quality.

Drug prohibition causes significant harm, especially by targeting "victimless" activities where no complainant exists. It incentivizes crime by encouraging drug users and sellers to operate illegally. To enforce these laws, law enforcement often engages in intrusive surveillance and illegal searches, violating privacy rights. This weakens constitutional protections and fosters police misconduct, as officers may prioritize arrests over upholding legal standards. Additionally, drug prohibition harms drug-producing countries by fueling violence, corruption, and economic instability, redirecting resources from public health and infrastructure to drug enforcement. Ultimately, these laws exacerbate crime, violate rights, and hinder global development.⁴⁵

Prohibiting victimless conduct leads to negative consequences, not only because the behavior is consensual and lacks complainants, but also because individuals are willing to pay a premium to break the law. This combination, much like the dangerous mix of cocaine with alcohol and barbiturates, creates a significant opportunity for corruption. With no

⁴⁴ *Ibid*, 22.

⁴⁵ *Ibid*, 23.

complaining witnesses, it is left to the police to pursue charges, and if they choose not to arrest, no one will object especially not the offender. The vast amounts of money generated by the black market further encourage police officers to accept bribes and ignore the law. Those who enter law enforcement with good intentions may fall prey to these temptations. Moreover, the constant pressure to lie in order to justify arrests compromises police integrity. Once integrity is compromised, it can be lost forever. Officers may start lying to protect their actions or advance personal interests, blurring the lines between maintaining a righteous cause and securing convictions, often at the expense of the truth.⁴⁶

Drug laws are fundamentally unjust as they violate individual rights by criminalizing consensual, victimless conduct, leading to widespread social harm. Policymakers often lack the foresight to predict or address the hidden costs of such laws, which include corruption, privacy violations, erosion of constitutional protections, and misuse of public resources. By forcibly regulating personal choices that do not infringe upon others' rights, these laws undermine personal freedom and well-being. A principled legal framework grounded in individual rights would prevent these harms, distinguishing between actions that harm others and those that do not, ensuring justice and preserving liberty.⁴⁷ Going through the gamut of the harmful effects of prohibition of drugs, it is the opinion of the writer that drug control policies which are prohibitive causes more harm than benefit in the curb of drugs trafficking.

8.0 Conclusion

⁴⁶ Randy E Barnett, 'Bad Trip: Drug Prohibition and the Weakness of Public Policy', (1994) 103 Yale Law Journal 2593-2630 (reviewing Steven B. Duke & Albert C. Gross, *America's Longest War: Rethinking Our Tragic Crusade Against Drugs* (1993)), 2623 <<https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2262&context=facpub>> assessed on 30 December 2024.

⁴⁷ Randy E Barnett 'The Harmful Side Effects of Drug Prohibition' (2009) n 39, 31.

Efforts to combat the illicit drug trade have persisted for decades, yet drug abuse and its associated problems continue to grow in many regions worldwide. The scale of the issue is staggering, with revenues from drug trafficking surpassing the income of legitimate businesses in Nigeria's economy.

Illicit drugs pose a severe threat to the economies and social fabric of developing nations. The globalization of markets, advancements in technology, and diminishing relevance of national borders have all facilitated the proliferation of drug trafficking. Despite this, neither international bodies nor national governments have made a serious attempt to assess the unintended consequences of current drug policies or to genuinely explore alternative approaches. Continuing a public policy of this magnitude and cost without clear evidence of its effectiveness is indefensible.

The so-called "war on drugs" risks intensifying the very problems it aims to solve, further compounding the harm associated with illicit drugs. Addressing this crisis requires policy strategies that recognize the complexity of the situation and adopt an unfamiliar approach to tackle the underlying issues involving the prohibition of drug use.

9.0 Recommendation

What should be done? This question lies at the heart of many of the world's most contentious policy debates. Should there be intensified interdiction campaigns targeting drug producers and traffickers? Should efforts focus on economic incentives, educational initiatives, or other measures to change behaviors among consumers and traffickers? Or should the "war on drugs" be reevaluated as fundamentally flawed, leading to expanded discussions on controlled forms of legalisation?

Past efforts by both foreign and domestic governments have largely failed to disrupt global drug trafficking effectively, as evidenced by ongoing

violence and the enduring scale of the drug market. However, critically examining the shortcomings of these anti-drug programs as the writer has done above may illuminate a path forward potentially through legalisation and decriminalization as controlled alternatives.

Legalisation and decriminalization are not primarily intended to reduce drug consumption but are instead proposed as strategies to mitigate the broader societal harms of drug abuse, especially those tied to drug-related crime and violence. These approaches arise from the recognition that neither supply suppression nor demand reduction has proven capable of significantly curbing drug trafficking, while the continuation of a prohibition regime imposes unacceptable social and economic costs.

Legalisation, officially permitting previously illegal activities and decriminalization, reducing penalties or adopting a more lenient enforcement approach can be applied at various points in the drug supply chain, including users, producers, and traffickers. These measures can range from entirely removing controls to selectively relaxing prohibitions. Beyond reducing systemic crime, legalisation aligns with broader moral objectives, such as improving public health, enhancing safety, and fostering a stronger sense of community. To achieve these goals, frameworks involving regulation and taxation are often proposed, with suggestions that tax revenues from legal drug sales be allocated to anti-drug education initiatives and drug-related public services.

Decriminalizing drug use in consuming countries could eliminate the "crime tax" that fuels profits for traffickers, smugglers, and pushers, thereby reducing the incentives for turf wars, assaults on police, neighborhood terrorization, and the erosion of institutional integrity. A historical parallel can be drawn to the United States following the repeal of alcohol prohibition in 1933, when crime syndicates associated with the alcohol trade either dissolved, shifted to other illicit activities, or transitioned to legitimate businesses. A combined approach of decriminalizing drug use in

consuming countries and implementing controlled legalisation of industries like coca-cocaine production in source countries could dramatically reduce traffickers' profits and curtail drug-related violence.

The most effective way to reshape the global drug market is through legalisation. Prohibition fuels the illicit trade by attracting criminals, incentivizing violence, and transforming the drug industry into one of the most profitable black markets worldwide. Universal legalisation could reverse these trends by removing the profit motive and curbing violent trafficking, potentially dismantling the drug trade as we know it.

The benefits of legalisation or decriminalization ranges from reallocating law enforcement resources, reducing prison overcrowding, decreasing violent crime among drug dealers and users to generating tax revenue. Legalisation entails legitimizing all aspects of the drug trade from production to consumption on a national scale. This approach would reduce violence by replacing underground markets with regulated, legitimate ones, where disputes could be resolved legally and reputable market participants would replace criminal players.

It could be argued that violent criminals involved in drug trafficking may not simply disappear after legalisation. While this concern holds some merit, such individuals would likely shift to other illicit markets, such as arms or human trafficking. However, without the enormous revenues from drug sales, their operations would weaken significantly. Legalisation might lead to modest increases in drug demand due to lower costs, though evidence suggests that the legal status of drugs has minimal influence on overall consumption trends.

Legalisation, however, must be accompanied by strong governmental oversight to mitigate potential risks. Without regulation, manufacturers might produce more dangerous drug variants, street gangs could use legal sales to fund other illicit activities, and public or underage consumption

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might rise. Comprehensive and substantial regulation including taxation, control of production processes, distribution safeguards, and restrictions on public consumption is essential to fully regulate the industry and make legalisation a success.

It is the opinion of the writer that there is no harm in trying out this innovation although an unfamiliar idea, thus fully changing the prohibitive nature of Nigeria's drug control law.