

**THE IMPACT OF GOVERNMENT REGULATORY AGENCIES ON NATIONAL DEVELOPMENT FOCUSING ON NATIONAL DRUG LAW ENFORCEMENT AGENCY NDLEA**

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**Abstract**

*This study is designed to X-ray the activities and the impact of government regulatory agencies on National Development focusing on National Drug Law Enforcement Agency NDLEA. In the course of this research, the researcher adopted the survey method. 100 questionnaires were distributed to the staffs of the agency and 80 were returned. The questionnaires were distributed, analyzed by the aid of simple percentage. On the course of the research findings, the investigator discovered that the agency was in the business of elimination and preventing drug addition and safeguarding the health of the nation. Similarly, the activities of the agency are impeded by unexpected drug traffickers' activities, insecurity of staff, low level of education, betrayal or sabotage from the public an inability to report drug traffickers among others. In the light of the findings, the researcher recommends that laws on drug addiction and most importantly, the agencies and banks should partner with NDLEA to checkmate to drug traffickers. The agencies and its antecedents should embark on massive enlightenment campaign to forestall dry traffickers and quackery. In conclusion, all hands must be on desk, Nigerians should put a stop to drug trafficking and spread of sub-standard product in Nigeria market.*

**Introduction**

There is no gain saying that government regulatory agencies are fundamental to the subtraction of national development. According to Merrian Websters Collegiate Dictionary, government agency is an establishment engaged in doing business for another or an administrative division of government.

Government agency equally entails any executive department, commission; independent establishment and corporation; wholly or partly owned by the government. In order to conduct the business of the government effectively, the tasks of government are broken down into different parts like ministries which is geared towards the achievement of the goals of the government.

These ministries and department will then be the instruments for the provision of the major services of the government which include maintenance of law and order, maintain territorial integrity of the country, provision of basic infrastructure, provision of certain goals and services which pirate organization will not be able to provide.

The National Drug Law Enforcement Agency is Nigeria's sole body that regulates and eliminates the growing processing, manufacturing, selling, exporting and trafficking of hard drugs. It is a parastatal of the federal ministry of health NDLEA was established via decree 48 of 1989 and the decree prescribed stiffer penalties for convicted offenders. Section II(2a) of the decree provides a jail term of not less than 15 years for any person who conspires with AIDS, Abets, Counsels or attempts to council". Any of these offences through policing of drug did not commerce until 1990 although Babangida had abolished the death planarity for convicted drugs dealers. By the end of the decade there were public calls to restore it.

Sticker security measure were introduced to Lagos International airport in 1989 and a plan was instituted in August in 1789 and control black market activities. The NDLEA maintains a presence at international airport making regular seizure of hard drugs from individual couriers and conducts raid at seaports and border checkpoints. Efforts to eradicate cannabis cultivation focused and destruction is isolation planting's, the NDLEA has attempted to shift focus of operation from the arrest of the couriers to the prosecution of controlling members of narcotics and money laundering organizations.

Despite counter narcotic effort by the NDLEA, increasingly large quantities of drugs pour through Nigerian land and sea boarders. Nigeria extensive land boarders are poorly patrolled and relevant law enforcement agencies are left with corruption. To help pilot the activities, it was agreed that fearless leadership was not to be compromised. Mr. Fidelis Oyachilone, then a police commissioner and former governor of River State was assigned the privilege responsibility of becoming the agency first Chairman. Although NDLEA efforts have created at least some risk countries may be caught at the airport traffickers continue to use air cargo and express mail service, Nigerian traffickers networks rely increasingly on bulk shipment by land and sea smuggle drugs into and out of country.

In common parlance, the agency is saddled with the responsibilities of controlling inter dicing and intercepting the trafficking paddling and usage of hard drugs in and out the country it also educate the public on the effect of hard drugs on the nation and on the people.

However, in the course of discharging all three important functions, a handful of problems have been encountered ranging from unexpected drug traffickers activities. In security of staff, and also lack of co-operation from a sister agency.

Government agency can equally be seen as unit of government authorized by law or regulation to perform a specific function. Some other views vis-a-vis government agency means any governmental, semi-government, administrative fiscal judicial or quasi judicial body, department, commission authority, tribunal agency or entity.

### **The Origin of NDLEA**

In Nigeria, the problem of drugs began to assume very worrisome dimension at the end of the Second World War following the return of some Nigerian Soldiers from mainly, Burma, India, where they had fought. One of the negative consequences of the War was the return of the soldiers with some seeds of Cannabis Sativa; also known as Indian Hemp which they in turn experimented and discovered that the illicit plant could do well in some parts of the country. With time; the cultivation of Cannabis Sativa began to grow and so was the trafficking and abuse of the Cannabis plant. Drug barons soon discovered that the geographical location of Nigeria its thick population bustling commerce and vibrant air transportation gold so much attraction for a thriving drug business. This led to the experimentation with category "A drugs such as cocaine, heroine and other psychotropic substances; a situation that has made the country a drug trafficking/transit point. In order to address this growing problem of illicit drugs, Nigeria has remained proactive in its counter Narcotic initiatives.

It is on record that Nigeria flagged off its narcotic control efforts in 1935 when the dangerous drugs ordinance was enacted to control drug trafficking and abuse. Subsequent governments made concerted efforts to stay on top of the drug problem. In 1984, Nigeria recorded another landmark effort when the Federal Military Government promulgated the special tribunal (Miscellaneous offers) Decree No. 20 of 1984 to frontally confront drug trafficking within the Nigerian shore. Section 3 (2) (k) of this Decree provided that "any person who, without lawful authority deals in sell, smoke or inhale the drug known as cocaine or other similar drugs shall be guilty under section 6 (3) (k) of an offence and liable on conviction to suffer death sentence firing squad. The then administration meant every section of the Decree as it soon caught up with three drug traffickers that were executed.

A new thinking later emerged, regarding the way the twin scourges of drug abuse and trafficking could be controlled. This necessitated the need for amendment of the 1984 decree, described by most concerned minds as one of the fiercest in the word. It was argued that when the stake or the risk is high as the case of capital punishment, it would succeed in raising prices of the illicit substances, thus making the trade more dangerously lucrative and attractive. The succeeding government in 1989 saw reason in these arguments when it decided to amend the Decree by expunging the death penalty clause, while substituting it with imprisonment terms ranging from two year to life.

In view of the fact that the drug menace continued to rise in profile: decree No 48 of 1989, now an act of parliament LAP N30 Law of the federation of Nigeria 2004, established a new body, independent of other existing law enforcement agencies in the country called the National Drug Law Enforcement Agency (NDLEA).

The establishment of NDLEA was Nigeria's deliberate effort at evolving an institutional framework for the suppression of the drug cankerworm. This is also in fulfillment of the country's international obligation; 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 Nigeria police were the major drug interdiction organs of government, while the Federal Welfare Department was charged with the counseling, treatment and rehabilitation of drug dependent persons from the activities of the Agency over the years. It is evident that government made no mistake in establishing the body that has become the reference point and the leading light in global efforts against drug cultivation, trafficking and abuse.

### **Purpose for the Establishment of NDLEA**

The establishment of the National Drug Law Enforcement Agency (NDLEA) by the promulgation of Decree Number 48 of 1989, now Act of Parliament, was aimed at exterminating illicit drug trafficking and consumption in the Nigerian society. It is a well known fact that any involvement in drugs, especially their importation, exportation, sale, transfer, purchase, cultivation, manufacture, extraction and possession is universally unacceptable. The establishment of the NDLEA was Nigeria's deliberate attempt at joining the rest of the world in getting rid of this cankerworm within her borders.

### **Nature of The ACT**

Through the Act does not endorse Capital punishment, as did Decree No. 20 of 1984. It however aims at rendering offenders financially incapacitated apart from the long period of incarceration ranging from is to 25 years and sometimes life imprisonment for producers and traffickers. Additionally, any organization that colludes with offenders to perpetrate a drug offence or to conceal proceeds from the illicit drug trade is also liable on conviction to a term of 25 years imprisonment or two million Naira fine.

Other measures adopted in dealing with the drug scourge are contained in National Drug Law Enforcement (Amendment). Decree NO. 33 of 1990 which prescribes a jail term of five years for persons caught abroad through Nigeria and by so doing bring the name of our great nation into disrepute.

NDLEA apart from enforcing the responsibility of the provision of Decree 48 of 1989 is also responsible for coordinating all drug laws and policies previously conferred on any statutory body in the country including campaign to check the abuse of narcotics and psychotropic substances. Some of these are:

1. The co-ordination of all drug law and enforcement functions conferred on any person or authority, including ministers in the Government of the Federation by any such laws.
2. Adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from drug related offences or property whose value correspond to such proceeds.
3. Adoption of measures to eradicate illicit cultivation of narcotic plants and to eliminate illicit demand for narcotic drugs and psychotropic substances with a view of reducing human suffering and eliminating financial incentives for illicit traffic in narcotic drugs and psychotropic substances.
4. Taking such measures which might require the taking of reasonable precautions to prevent the use of ordinary means of transport for illicit traffic in narcotic drugs including making special arrangement with transport owners and operators.
5. Strengthening and enhancing effective legal means of international co-operation in criminal matters for suppressing international activities of illicit traffic.
6. Collaboration with governmental and non-governmental bodies both within and outside Nigeria in carrying out functions wholly or in part analogous to those of the Agency etc.
7. Taking charge, supervising, controlling and coordinating all the responsibilities, functions and activities relating to arrest, investigation and prosecution of all offences connected with or relating to illicit traffic in narcotic drugs or psychotropic substances notwithstanding any law to the contrary. All drug units under existing institutions dealing with offenders or offences connected or relating to illicit traffic in narcotic drugs or psychotropic substances shall relate and be responsible to the Agency in performance of their duties.

### **Regulatory Policies of NDLEA**

The basis for the stinging success NDLEA has reordereed in recent past is due to three new policies enunciated by the Federal Government.

1. The outright ban of drug trafficking and other regulated products through land borders.
2. The designation of Calabar and Apapa sea port, Murtalla Muhammed and Aminu Kano Airports as Exclusive parts of entry for the fishing out of drug traffickers
3. Release of chipping and cargo manifests by the Nigeria ports authority, shipping lines and airlines to NDLEA inspectors.

### **Regulations and Standards Exhibited by NDLEA and other Sister agencies for Sustainability**

The war against drug trafficking by NDLEA and other sister agencies have become more pronounced in the recent time than what it used to be in the past. This no doubt is a giant studies to national development and healthy environment championed by Ahamadu Giade DG/CEO NDLEA

The recent decision of the authorities of Federal Capital Territory (FCT) to place ban on drug trafficking has awoken the consciousness of Nigerians on the need by the regulatory agencies to tighten their belts in making sure that any body caught in the act must be brought to book of course, any discourse on regulation and standard with out taking peep into activities of such agencies like the Standard Organization on Nigeria (SON), National Drug Law Enforcement Agency (NDLEA, National Agency for food and Drug Administration and Control (NAFDAC), the Nigeria Customs Service (NCS), The Nigeria Police Force (NPF) is like flogging a dead horse.

### **Forms of Government Agencies**

The following are forms of Government agencies:

- a. Non-Ministerial Administrative Agencies
- b. Quasi - Ministerial Agencies
- c. Autonomous Government Agencies

#### **A. Non-Ministerial Administrative Agencies:**

Non- Ministerial Administrative agencies comprise the following; Quasi-ministerial government agencies, autonomous or independent government bodies, advisory governmental and administrative tribunals. This forms of agency work assiduously to brief us the dis-functions of the government. They are mother body to this other agencies.

#### **B. Quasi-Ministerial Agencies:**

They are bodies with for reason of administrative convenience are given a separate identity, therefore are not part of any government ministry. In some cases, however such agencies remain closely associated with ministry and in great measure depend on them. There are also cases of quasi-ministerial agencies that become self-standing ministry or department and vice versa. (Ademolekun 2002:24). Examples are drought relief or emergency relief agencies in Botswana, Malawi and Senegal. These agencies are usually located in the office of the president or head of the department.

#### **C. Autonomous Government Agencies**

There are agencies established by the government but independent of it in their mode of operation, regulatory agencies are good example of autonomous agencies. The United State of America had about ninety-nine of such agencies in 1990. In some countries, the constitution provides for the establishment of a distinct category of independent agencies such as commissions responsible for managing the civil service and judicial service, electoral commission and ombudsman institution. In Nigeria, we have the federal and state Civil Service Commission; the Independent Electoral Commission, (INEC). The Public Complaints Commission etc. The purpose of ensuring these in the constitution is to underscore their independence. Other autonomous agencies established by the government but which do not enjoy the same level of autonomy as those enshrined in the constitution are the teaching service commissions (in countries like Ghana, Kenya, Tanzania Universities and research institutions). Example of regulatory bodies includes:

- The National Universities Commission (NUC)
- Standard Organization of Nigeria
- Central Bank of Nigeria (CBN)
- National Agency for Food, Drug, Administrative and control (NAFDAC) etc

#### **Achievements and Gains Recorded so far**

National Drug Law Enforcement Agency (NDLEA) has made several achievements and they are:

1. The institution of a culture that promote transparency, accountability and hard work in NDLEA and which adhor corruption, is the agency's greatest achievements.
2. Public awareness created by NDLEA on its regulatory activities especially on drug trafficking.
3. The level of drug trafficking has been reduced by over 80% from what it was in 2001.
4. From April 2001 to September 2004, the agency has carried out ninety destruction exercise of drug and substandard products value at over eight Billion Naira.
5. NDLEA established the International Law Enforcement Academy which has been successfully corrected to n international training center in collaboration with the United Nations Office of drugs and crime (UNODC).

### **Efforts by NDLEA to Fight Drug Trafficking**

NDLEA in their dynamism and commitment have evolved some strategies to achieve their goal and create a strong regulatory environment which are:

1. Staff re-orientation, the inevitable need for staff re-orientation was glaring. This as a matter of fact needed total change of mind set organizational cultural revolution.
2. Effective delegation of duties and staff empowerment.
3. To encourage staff, hard work, dedication and integrity are adequately compensated while any form of laxity or corruption is severely sanctioned.
4. Also leadership by example is highly emphasized.

#### **Restructuring NDLEA and Modernization of our Regulatory Process.**

1. NDLEA was restructured into eight functional directives as against the previous six.
2. Ten new stake offices were established and the existing twenty-seven were strengthened to cover thirty-six states and FCT.

### **Public Enlightenment Campaign**

NDLEA deem it more effective to embark on massive enlightenment campaign dialogue, education which addressed the fundamental issues at stake which is behavioural change. These campaign were created through various media these include jungles, alert notice, erection of bill boards, NDLEA websites etc. the enlightenment campaign have greatly empowered the public.

#### **The Role of NDLEA in Regulating Africa for National Development**

Their roles are:

1. The co-ordination of all drug laws and enforcement functions confirmed on any person or authority including ministers in the government of the federation.
2. Adoption of measures to eradicate illicit cultivar of narcotic drugs and psychotropic substances with a view to reducing human suffering and eliminate financial incentive illicit traffic in narcotic drugs psychotropic substances.
3. Adoption of measures which shall include co-ordinate, preventive and repressive action, introduction and maintenance of investigation and control technique
4. Adoption of measures to increase the effect of eradication efforts.
5. Enhancing the effectiveness of Law Enforcement to suppress illicit traffic in narcotic drugs and psychotropic substance
6. Taking such measures that may ensure that elimination and prevention of the root caused of the problems of narcotic drugs and psychotropic substances.
7. Taking charge, supervisory, controlling co-ordinating all the responsibilities, functions and activities relating to arresting, investigating/ and persecution of all offences connected with illicit traffic in narcotic drugs and psychotropic substances, notwithstanding any law to the contrary.

### **Recommendations**

The paper recommends that if the below principles are strictly and religiously adhered to the idea of attaining nation development via government agency will be a success.

In the first instance the country Law makers on drugs trafficking should make Laws prohibiting drug trafficking activities and quackery. Most importantly they should articulate stringent measures to bring the culprit to book.

This will be a lesson to very many who are into such unhealthy and illicit business more so, there is need for more proactive approach on the part of the other agencies of government in addressing the issue of selling, trafficking and use of hard drugs. The traffickers should not be spared.

On the hand, the banks agency collaborates with agency to ensure that hard drugs dealers do not process their financial import documents from banks.

Also importing countries should also put in place effective regulatory measures to prevent dumping of hard drugs from experience massive public enlightenment campaign hence; it is a sure way of breaking the culture of "Silence and secrecy which covers the trafficking problem and its attendants.

### **Conclusion**

At this juncture owing to the knowledge and information gathered on the course of the investigation, the greatest monster to attainment of national development poses a great danger to every society and the less awareness the more it gains root into the system. The first step in combating the menace is getting people to

know that it exists with all its consequences hence, it is necessary to create awareness by tackling it whenever and where ever the opportunity arises.

Finally the quest for national development and psychotropic substance requires a global network co-operation among all nations and agencies of government just as the international community is doing for HIV/AIDS, polio e.t.c.

## **References**

Abudullah et.al (1999), *Research Methodology: A Practical Approach To Development* Onitsha, Najutel Nigeria Ltd.

Adebyou A. (1981), *Principles and Practice of Administration*; New York, John Willey and Sons.

Agu .A.O. (2008). *Organisation and Management*, London; Leicester University Press.

Alibi U. (1994). *A Decade of Drug Law Enforcement in Nigeria*, Onitsha, Chambers Books Ltd.

Badeian M.T. (1983), *Public Administration in Nigeria*; Heinemann Education Books, Ibadan.

Battern T.R. (1969). *Sole Agency for National Development*; Oxford, Oxford University Press.

Barry B. (1965). *Political Argument*, London, Traristock.

Biddle W.W. (1989). *Understanding Leadership and Management*; New Hearen, Yale University Press.

Bonzik J. (1991). *Creating an Ethical Environment*; New York, John Wiley and Sons.

Chapman B. (1988), *The Profession of Government*; New York, Times Company.

Craft L. (1994), *Management and Organization*; London, Bankers Books Limited.

Dean A. (1971), *The Hiring and Promotion of People*; New York, Wiley.

Dunsire, A. (1975), *Administration The Ward and The Science*; London, Macmillian Education Ltd.

Ezeani, E.G. (2004) *The Ombudsman and Administration, Responsibility* Enugu, Gold publishers,

Ezeani, O. (2006), *Fundamentals of Public Administration*; Enugu, Independence Layout Snaap Press Ltd.

Fishers M.U. (2004) *Inter - Governmental Relations Theories and Practice*; Anambra , Awka fountain publishers Nige Ltd.

Herbert, A.S. (1945) *Administrative Behaviour*; New York, Macmillian

Lelenu, L.A. (2002). *Drought Relief or Emergency Relief Agency*; Okigwe, Macro Printing press

Nwizu, G. (2011), *Method in Social Research, System Analysis and Records Administration*; Okigwe; Macro Press.

Ogechukwu, E. (2008), *Crime Prevention and Criminal Justice*, New York, Holt Rinehart and Winston.

Okoli, M. U. (2004), *Ethical Discourse in Public Administration and Society*; Baltimore, The Johns Hopkins Press.

Osisoma, B.C. (2002), *Practice of National Drug Law Enforcement Agency*; Onitsha, Chambers Books.

Osuala, E.C. (2005), *Introduction To Research Methodology*; Onitsha; Agricana First Publishers Ltd.

Sola, F. (2008), *Regulation And Standard*; New York, Oxford University Press.

Ugbo, I.E. (2008), *Organic of Public Enterprises Management in Nigeria*; Awka; Foundation Publisher.