

THE IMPACT OF DRUG ABUSE ON IGBO CULTURE AND YOUTHS IN NIGERIA: A LEGAL APPRAISAL *****

Abstract

Drug abuse is a global concern that cuts across many jurisdictions such as Africa, United States of America and United Kingdom. Socially, more than 20 million youths and children have dropped out of school in Nigeria as a result of drug abuse. The impact of drug on Igbo youths and children cannot be over emphasized because of its negative impact in every sphere of the society. The aim of this study is to analyze the factors that exacerbate drug abuse in Nigeria and examine the impact of drug abuse on Igbo youths and advocate for the protection of their rights and development of nations. The authors adopted qualitative and quantitative method of research to arrive at their findings while the approach is both comparative and analytical. The work x-rayed various legal and institutional frameworks for regulation of drug use in Nigeria. The study showed that despite plethora of legal and institutional frameworks, that drug abuse still persists. Further, the work revealed that there is a serious nexus between drug abuse and crime, hence abatement of drug abuse will reduce crimes such as terrorism, kidnapping et cetera. Furthermore, the work discovered that drug abuse has serious health, social, economic and cultural implications. Drug abuse destroys the economy of nations because it truncates the potentials of youths who ought to be the drivers of the economy. It is observed that many youths who take drugs equally engage in all manner of crimes. Apart from that, it is notable that the Igbo tradition discriminates against drug victims thereby restricting them from accessing medication. Accordingly, the work recommends review and implementation of extant laws such as, Constitution of the Federal Republic of Nigeria 1999, National Drug Law Enforcement Agency Act, National Agency for Food and Drug Administration and Control Act et cetera. In fact, effective collective collaboration is germane to creating awareness on the negative impacts of drug abuse.

Keywords: Drug, Abuse, Children, Youths, Methamphetamine and Legal appraisal

1. Introduction

The World Health Organization (WHO), describes substance abuse as the harmful use of psychoactive substances, including alcohol and illicit drugs.¹ Statistics show that 11 million Nigerians took to cannabis as of 2018, while 4.6 million and 2.4 million others were said to have used opioids². Studies, reveal that South East zone of Abia, Imo, Anambra, Enugu and Ebonyi States recorded about 1.55 million drug users.³ In fact, one in seven person aged 15-64

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¹ D Adeparua, Drug Abuse, A Tendency Among the Youths, Vanguard Newspaper, January 11, 2023. <www.vanguardngr.com> accessed on 4 April, 2023.

² UNODC World Drug Report 2021: Pandemic Effects Ramp Up Drug Risks, as Youths Underestimate Cannabis Dangers, www.unodc.org>unodc, accessed on 4 April, 2023.

³ M Alabi and N Adebawale, 'Intl. Day against Drug Abuse: Nigeria Faces harder times over rising drugs use' <premiumtimesng.com/> accessed on 4 April 2023.

years had used a drug (other than tobacco and alcohol) in the past year.⁴ Global statistics, reveal that 275 million people used drugs worldwide in the last year, while over 36 million people suffered from drug disorders.⁵ The past year prevalence of any drug use is estimated at 14.4 percent (range 14.0 percent, 14.8 percent), corresponding to 14.3 million people age, between fifteen to sixty-four years who had used a psychoactive substance in the past year, for non-medical purposes.⁶ Further studies reveal that cannabis is the most commonly used drug in Nigeria.⁷ Apart from cannabis, youths engage in laxatives, pain relieving drugs, sedatives, amphetamines⁸ locally known as (*mkpuru miri*). The issue of drug is no more an exclusive preserve of adult, children and women also engage in it. Currently, many *Igbo* youths and children are trapped in the web of drug particularly in the use of methamphetamine (*mkpurumiri*), due to its euphoriant and aphrodisiac properties. In fact, the scourge of drug abuse amongst the *Igbo* youths and children is a menace which must be fought with vehemence for emancipation of *Igbo* race. The study revealed that drug abuse destroys the lives of users, violates the right of innocent citizens and cripples the economy. Many crimes like rape, theft, terrorism are associated with drug abuse. Hence, the need to engage in this study. This study exposes a lot of negative things that motivate *ndi igbo* to arise and stem the tide of drug abuse among youths. Hence, the work makes the following proposals, firstly, whether, law can be used as a veritable tool to eradicate drug abuse or curb it to the barest minimum? Secondly, whether the various institutional frameworks established for regulation of drug use are effective? Whether drug abuse can be controlled especially in the secondary and higher institutions to save our society from decay? Whether eradication of drug abuse will abate crime in Nigeria. Finally, whether drug is a human right issue, if the answer is in the affirmative, then what is the position of children that are trapped in drug abuse? Does the law protect them as provided by several legal frameworks or are they punished like adult criminals. The above issues will be examined seriatim in this paper.

1.1 Drug Abuse, Human Rights and Children.

Drug abuse is a human right issue that violates the right of users and innocent citizens in the polity. The court in *Ransome Kuti v Attorney General of the Federation*⁹ describes human rights as rights which stands above the ordinary laws of the land and which in civilized society recognizes the existence of human rights as a social fact that can be viewed as normative responses to experiences of oppression and domination. In fact, they represent the minimum living standards for civilized humanity. Human rights are inalienable, imprescriptible, non-negotiable that cannot be transferred or waived. They cannot be lost by having been usurped or by failure to exercise them, no matter for how long. Hence, it is very important to protect children from drug abuse and also protect others from being violated. Hence, the need to protect children and young people from drugs because they are very vulnerable and can easily be trapped. This is very critical, because once they are trapped in drug abuse they not only destroy themselves but also become agents of destruction.

In the recent times, child justice has metamorphosed from welfare issue to right issue. The essence is that children must be protected at all times even when they are in conflict with the

⁴ *ibid.*

⁵ UNODC World Drug Report 2021: Pandemic Effects of Ramp Up Drug Risks, as Youths Underestimate Cannabis Dangers, www.unodc.org accessed on ,4 April 2023.

⁶ *ibid.*

⁷ <https://www.unodc.org>drugs> accessed on 4 April 2023.

⁸ OA, Pela et al, 'Drug Abuse in Nigeria: A Review of Epidemiological Studies', National Library of Medicine, Ibmed.ncbi.nlm.nih.gov accessed on 3 April, 2023.

⁹ (1985) 2NWLR (pt.6) 230.

law. Recently, juvenile justice administration has been influenced by the activities of humanitarian and penal reformers who reacted against cruelty to children under the guise of administering justice. Prior to the 19th century, children were harshly punished for petty offences, but in the 19th century, they were concerned, first about increasing rates of delinquency and secondly, about the handling of child offenders.¹⁰ It was the realization of the negative consequences of the punitive treatment of young offenders that spurred humanitarian and penal reformers to advocate for the protection and treatment of young offenders. They argued that young offenders should be given opportunity for correction, reformation, rehabilitation and integrated into society as useful and law-abiding citizens, instead of being punished. These concerns heightened as delinquency rate, increased, and the reformers realized that the young offenders were not born criminals but victims of circumstances beyond their control¹¹. These agitations led to the emergence of general international Conventions, Charters and Principles, Rules and Guidelines for their protection, particularly, the Convention on the Rights of the Child.¹² At the international plane, the Convention on the Rights of the Child (CRC) and its Protocols, was unanimously adopted by the United Nations General Assembly in 1989¹³ and opened for signature and ratification or accession in New York on 26 January, 1990. Nigeria has ratified this Convention¹⁴. The articles of the CRC are divided into three main components: the preamble, which sets out the obligation of the States parties to the Convention; and the procedural part (parts ii and iii) which includes the implementation provisions that defines how compliance with the Convention is to be monitored and fostered and set out the conditions under which it comes into force.¹⁵ Article 1 defines a child as a person under the age of 18 years, unless under the law applicable to the child majority is attained earlier. The four general principle entrenched in the CRC are: the principle of non-discrimination, the best interest of the child, the rights of the child, the rights to life, survival and development, and giving due weight to the views of the child in situation affecting the child. Accordingly, the child should not be discriminated against even when he entangles himself or her herself in drug addiction. The society should not stigmatize them but must help them to come out of drug dungeon. In fact, due to their inherent potentials they should be given opportunity to contribute their quota to the society by protecting them. With regards to protecting the best interest of the child, the law provides that children must be protected at all times even when they commit heinous crime. Hence, the Child's Right Act¹⁶, provides that anyone that comes in contact with the child, like the police force, the court and other administrative officers shall uphold the rights of the child. Hence, child's proceedings shall be conducive to the best interest of the child and shall be conducted in an atmosphere of understanding, allowing the child to express himself and participate in the proceedings¹⁷. The Act, also provides that no information of the child shall be published.¹⁸ Accordingly, records of the child shall be kept strictly confidential and closed to third parties, made accessible only to persons directly concerned with the disposition of the case at hand or other duly authorized persons and not be used in adult proceedings in subsequent cases involving the same child offender.¹⁹ In view of the varying special needs of

¹⁰ TJ Barnard, *Cycle Juvenile Justice* (1992), <<http://www.ncirs.go/app/publications/abstract.>> accessed on 3 April 2023.

¹¹ *ibid.*

¹² United Nations Convention on the Rights of the Child (1989) Article 19(1).

¹³ UNGA Resolution 44/25 November in 1989.

¹⁴ Nigeria government ratified it on April 19, 1991.

¹⁵ JN, Ezeilo, *Women, Law & Human Rights, Global And National Perspectives*, (Enugu, Acena Publishers).

¹⁶ Child's Right Act 2003.

¹⁷ *ibid.*, Sec. 158.

¹⁸ *Ibid.*, Sec. 205 (2).

¹⁹ Child's Right 2003 Sec.205 (3) (a) (b) (c).

children and the variety of measures available, a person who makes determination on child offenders shall exercise such discretion as he deems most appropriate in each case, at all stages of the proceedings and at the different levels of child justice administration, including investigation, prosecution, adjudication and the following up of disposition.²⁰ However, in reality these principles are not observed. The study reveals, that when children are apprehended as a result of drug abuse the society treat them like criminals. Traditionally, many are tied to the tree and flogged vehemently by adults, instead of channeling them to juvenile justice as provided by the law, they allow them to pass through the normal criminal justice thereby hampering their rights. Administratively, the rights of many children, have been violated by States administrators who ought to protect them. Some are thrown into police custody where they mingle with hardened criminals who violate their rights, such environment is harmful to the child and society. Though, one can easily, attribute that to paucity of custodial facilities that is inherent in the system, it should be noted that separating children in remands homes is healthy and more appropriate for their protection. Once, they are rehabilitated they become useful as soon as they are integrated back into the society but exposing them to criminal justice, hardens them. Hence, exacerbating the rate of insecurity in the State.

1.2 Indivisibility and Interrelation and Interconnectedness of Human Rights.

Human rights are not arranged hierarchically, that is to say that there is no stratification or calibration of these rights according to their superiority and needs. Civil and political rights are just as important as social, economic and cultural right.²¹ Thus, the child cannot enjoy some rights and denied other rights because both civil, political and socio economic and cultural rights are equally germane for effective protection of child's right. Drug abuse violates the socio economic and cultural rights as contained in Chapter II of the Constitution of the Federal Republic of Nigeria 1999 for example the right to health and education are seriously compromised by drug abuse, drastically, affecting other rights that are connected to them, for instance, a child who drops out of school, due to drug addiction will invariably truncate his civil and political rights thus limiting them from enjoying other rights. In many cases, the child may not have the opportunity to make decisions in matters that concerns him and contribute meaningfully to the society. Therefore, it is important to note that civil and political rights are recognized as first generational rights, while the second generational rights such as socio economic and cultural rights are very important for the enjoyment of first generational rights. As important as these rights are, the rights under chapter (ii) are not enforceable, hence limiting the rights of drug users that seek help to escape from their predicament. Studies, reveal that many that seek medical treatment to eradicate their addiction could not afford it because of high cost of medication, hence they relapse into oblivion because by virtue of sec 6(6)(c) of the 1999 Constitution, rights enshrined in Chapter(ii) are not justiciable. In the case of *Archbishop Olubunmi Okogie v Lagos State*,²² the court clearly established that fundamental objectives and directive principles of state policies are not justiciable when the Court of Appeal made its pronouncement thus:

The fundamental objectives identify the ultimate objectives of the nation and the Directive Principles identifying the policies, which are expected to be pursued in the efforts of the nation to realize the national ideals. While section 13 of the Constitution makes it a duty and responsibility of the judiciary among other organs of Government to conform and to apply the

²⁰ Child's Right 2003 Sec.208 (1).

²¹ C, Arinze-Umobi, *Domestic Violence against Women in Nigeria: A Legal Anatomy*, (Enugu: Folmech Printing & Pub.Co. Ltd) p.29.

²² (1981) 2NCLR, 337.

provisions of Chapter (ii). It is important to note that, section 6(6)(c) of the same Constitution makes it clear that no court has jurisdiction to pronounce any decision as to whether any organ of government has acted or is acting in conformity with the Fundamental Objectives and Directive Principle of State Policies, it is clear therefore that section 13 has not made Chapter (ii) of the Constitution justiciable. Some jurisdictions like South African and India enforce fundamental rights of children. Let us hear the Indian jurists:

These three categories of human rights depend fundamentally on the right to life and personal liberty which is a core human right. The right to life is now confined merely to physical existence, but it includes also the right to live with basic human dignity with the basic necessities of life such as food, health, education and shelter etc. These human rights fall within the category of social and economic rights and they can be realized only after affirmative action on the part of the state, and if the state fails to carry out its constitutional functions, legal obligations in enforcement of these human rights, it may have to be compelled to do so by an activists judiciary. We in India have done so, by compelling affirmative state was under a constitutional or legal obligation to do so.²³

This principle is also illustrated in the case of *Government of the Republic of South Africa vs. Grootboom*²⁴. The court pronounced thus:

Our Constitution entrenches both civil and political right, and socio-economic right. All the rights in our Bill of Right are inter-related and naturally supporting. There can be no doubt that human dignity, freedom, and equality, the foundation values of our society, are denied those who have no food, clothing, or shelter. Affording socio-economic rights to all people therefore enable them enjoy the other rights. The realization of these rights is also the key to the advancement of race and gender equality and the evolution of a society in which men and women are equally able to achieve their full potentials. The right of access to adequate housing cannot be seen in isolation. There is a close relationship between it and the other socio-economic rights. Socio-economic rights must all be read together in the setting of the constitution as a whole. The State is obliged to take positive actions to meet the needs of those living in extreme conditions of poverty, homelessness, or intolerable housing. Their interconnectedness needs to be taken into account in interpreting the socio-economic rights, and in particular in determining whether the State has meant the obligations in terms of them.”

Accordingly, for children to enjoy their rights in Nigeria, we must join the train by making Chapter II of the Constitution enforceable. This can achieved by shifting Chapter II to Chapter IV.

2. Legal and Institutional Framework for Regulation of Drug Use in Nigeria

2.1 Legal Framework for Regulation of Drug Use in Nigeria

2.1.1 National Drug Law Enforcement Agency Act²⁵

This Act, established the NDLEA to be responsible for preventing illicit cultivation, production, manufacture and trafficking in and abuse of drugs. It provides that the agency shall not exercise the power conferred upon it by paragraph (b) of subsection (1) of this section

²³ Justice P.N Bhagwati, Former Chief Judge of India and Convener of The Judicial Colloquium in Bangalor, *Developing Human Rights Jurisprudence..* London: Commonwealth Secretariat Publication, 1988, xx11-xx111.

²⁴ (2001) 36WRN.137.

²⁵ National Drug Law Enforcement Agency (NDLEA) ACT N0.48 of 1989 (as amended).

without first obtaining the approval of the Attorney General of the Federation; for the benefits of doubt, paragraph (b) provides inter alia that any person who has been involved in offence under this Act or in the proceeds of the proceeding of any such offences, to cause investigations to be conducted into the properties to any person, if it appears to the Agency that person's life style and extent of the properties are not justified by his ostensible source of income.²⁶ This section begs for question, does it mean that, where the Attorney General, refuses to give his consent as a result of bias, then the agency cannot commence investigation. In fact, the time given to get the consent of the Attorney General may slow down the wheel of justice. This provision is ambiguous and should be reviewed to encourage justice. The Act, further establishes special units which include, General and Assets investigation unit, Prosecution unit, and Counseling unit.²⁷The Act, enumerated their different functions for instance, the general and assets investigation unit shall be charged with responsibility for, prevention and detection of offences in violation of the provisions of this²⁸ working in collaboration with the Nigerian Customs Services in monitoring the movement of goods and persons in any customs area, customs stations, custom ports or customs airports and searching cargoes and incoming and outgoing vessels, including pleasure craft and fishing vessels as well as aircraft and vehicles and, when appropriate, searching crew members, passengers and their baggage²⁹ detecting consignments suspected of containing narcotic drugs and psychotropic substances coming into or out of a customs area, custom station, custom port or customs airport³⁰While, the prosecution unit shall be charged with responsibility for prosecuting offender under this Act, supporting the general assets, investigating unit by providing the unit with legal advice and assistance whenever it is required³¹,conducting such proceedings as may be necessary towards the recovery of any assets or property forfeited under this Act.³² While the counselling unit shall, in collaboration with the Federal Ministry of Health have responsibility for campaigns, seminars and workshops aimed at educating the public on the danger of narcotic drugs and psychotropic substances, thereby stimulating interest in and awareness about drug-related problems.³³ The Act, also provides for after-care rehabilitation, social reintegration and education of addicts and promotion of the welfare of convicts.³⁴The Act, also makes provision for personnel charged with responsibility for the suppression of offences created by this Act and such programme shall include, methods used in the detection and suppression of offenses, under this Act, rules and techniques used by persons involved in offence under this and appropriate counter-measure, monitoring of the import and export of narcotic drugs and psychotropic substances.³⁵However, despite the lofty provisions, one is trilled, at the number of youths that are trapped in the web of drug. The Act, also provides for importation and manufacture of drugs and avers that, any person who, without lawful authority, imports, manufactures, produces, processes, plants or grows the drugs popularly known as cocaine, LSD, heroine or any other similar drugs shall of an offence and liable on conviction be sentenced to imprisonment for life³⁶or, exports, transports or otherwise traffics in the drugs popularly known as cocaine, or any other similar drugs shall be guilty of an offence and liable

²⁶ National Drug Law Enforcement Agency Act Cap. N30, Section 4.

²⁷ *ibid* Sec 7.

²⁸ *ibid* Sec8 (1) (a).

²⁹ *ibid* Sec 8(1) (b).

³⁰ *ibid* Sec 8 (1) (c).

³¹ *ibid* Sec 8(2) (b).

³² *ibid* Sec 8 (2) (c).

³³ *ibid* Sec 8 (3) (a).

³⁴ *ibid* Sec 8 (3) (b) and (c).

³⁵ *ibid* Sec. 9 (a) (b) (c).

³⁶ *ibid* Sec 11(a).

on conviction to be sentenced to imprisonment for life. However, the section is ambiguous because it fails to tell us those that have lawful authority to either manufacture or import drugs. The law should be reviewed to state categorically, those that are qualified to produce, manufacture and export drugs. The Act, should also tell us whether, it only the pharmacists or those with license, should manufacture drugs. The law should equally indicate, whether those that have authority, have unlimited rights to manufacture and disseminate all types of drugs or whether their rights are limited to the type of drugs they will produce. This will help to effectively control drug abuse. This ambiguity, creates a lee way for anyone to get the authority and produce drug, the researchers are of the firm view that it should be curtailed.

2.1.2 Food and Drug Act, 1976

The Act, provides for prohibition of sale of certain food, drugs, cosmetics and devices. Hence, no person shall sell, import, manufacture or store any article of food or any drug which is adulterated.³⁷No, person shall label, package, treat, process, sell or advertise any food, drug, cosmetic or device in a manner that is false or misleading or is likely to create a wrong impression as to its quality, character, value, composition, merit or safety³⁸.Where a standard has been prescribed for any food, drug, cosmetic or device, label, package, sell or advertise any substance or article in such a manner that the substance or article is likely to be mistaken for that food, drug, cosmetic or device unless the substance or article complies with prescribed standard³⁹.Where a standard for a drug is contained in any of the publication in any of the publication specified in the third schedule to this Act, label, package, sell, or advertise any substance which is not of the published standard in a manner likely to cause it, to be mistaken for a drug of the published standard⁴⁰.No person shall under unsanitary condition manufacture, prepare, preserve, package or store for the purpose of selling any food, drug or cosmetic. No person shall manufacture, prepare, preserve, package or store for the purpose of selling any drug, food or cosmetics. Despite, these lucid provisions standards in drug production because of selfish reasons. Many drugs are produced in foreign jurisdictions by unlettered traders who instruct manufacturers in China and India to produce substandard products that affect the health of consumers negatively. This situation was fought vehemently by the former Director of NAFDAC, late Prof. Dora Akunyili, in fact she put in place stringent measures to close down many shops and companies in order to protect Nigerians from drug abuse. The work recommends that such courageous leaders should be positioned by the Government to make impact in drug institutions. The law also empowers inspecting officers with authority to supervise drug production. Hence, an inspecting officer shall have the power to examine any customs of any food or drug imported for use in Nigeria and for the purpose of analysis or examination thereof to take samples of any such food, drug, while still in any customs shed or government warehouse in Nigeria⁴¹Where samples are taken by an inspecting officer pursuant to subsection(1) the drug or food which they are taken shall not be released to the importer except on production of an analyst's certificate or report to the effect that the food, drug or cosmetics complies with the requirements of this Act and the regulations.⁴² Where, in the course of his duties under this Act, or the regulations an inspecting officer takes a sample of any drug or food or cosmetics for the purpose of analysis, he shall, in the presence of the owner or importer or any person in apparent control of the food, drug or cosmetic seal the article in

³⁷ National Agency for Food and Drug Administration and Control Act, No.15 of 1993Food and Drug Act 1976, sec 1(2).

³⁸ *ibid* sec 5(a).

³⁹ *ibid* sec 5 (b).

⁴⁰ *ibid* sec 5(c).

⁴¹ *ibid* Sec 13(1).

⁴² *ibid* Sec 13 (2).

triplicate, one copy of which shall be sent to the analyst, the second retained by him and the third delivered to the owner, importer, or person in apparent control as the case may be.⁴³ From the foregoing, one can decipher that the problem is not the law but the implementation of the law. It is therefore recommended that government should appoint those that are courageous to implement the law into sensitive positions in order to effectively monitor and regulate drug production and trafficking in Nigeria.

2.1.3 Counterfeit and Fake Drug and Unwholesome Processed Foods (Miscellaneous Provisions) Act

This Act, provides for the prohibition of sale and distribution of counterfeit, adulterated, banned or fake drugs, is liable on conviction to a fine not exceeding five hundred or imprisonment for a term of not less than two years or both.⁴⁴ Where an offence under section 1 and 2 of this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a proprietor, director, general manager, secretary or other similar officer, servant or agent of the body corporate (or a person purporting to act in any such capacity), he as well as the body corporate, shall be deemed to be guilty of the offence and may be proceeded against and punished accordingly. The Federal High Court, shall have exclusive jurisdiction to try offences under the act.⁴⁵ The Act, also provides for Federal with the mandate to co-ordinate the activities of the state task force, directing and monitoring the activities of the State Task Force, paying unscheduled visits to all ports of entry and border posts.⁴⁶ It also has powers to enter at any reasonable time, (if need be by force) any premises in which there is reason to believe that the provisions of this Act are being contravened and examining any article found therein, it has a mandate to take sample or specimen of any article, and opening and examining, while on the premises, any container or package. It also has the power to examine books, document or record found on the premises, which are reasonable believed to contain any information relevant to the enforcement of this Act, and causing copies to be made thereof or extracts made therefrom ; and seizing any counterfeit, adulterated, banned or fake drug or poison or unwholesome processed food products.⁴⁷ Further, it provides that no one shall obstruct or resist a member of a Task Force in the execution of his duties under this Act, or without the authority of a Task Force, remove, alter or interfere in any way with any drug, poison or unwholesome processed food product seized under this Act.⁴⁸

2.1.4 Dangerous Drug Act

The Act, gives absolute discretion to the Comptroller – General of the Customs Services to issue or refuse an export authorization, as he may see fit. No dangerous drug shall be exported from Nigeria unless the consignor is in possession of a valid and subsisting export authorization, relating to such drug granted under this Act.⁴⁹ At the time of exportation of any dangerous drug the exporter shall produce to the comptroller- General of the Customs Services the dangerous drug, the export authorization, relating thereto, and such other evidence as the Comptroller – General of Customs Services may require to satisfy him that the drug is being lawfully exported to the place and person named in the authorization which refers to it.⁵⁰ From the wordings of this provisions, it seems that he has latitude of power and unlimited jurisdiction

⁴³ *ibid* Sec 13(3).

⁴⁴ *ibid* section 4.

⁴⁵ *ibid*.

⁴⁶ *ibid* section 6(1) (a) (b) (c).

⁴⁷ *ibid* sec 6 (d) (e) (f).

⁴⁸ *ibid* sec 11 (1) (a) (b).

⁴⁹ Dangerous Drug Act, sec. 11(4).

⁵⁰ *ibid* sec. 11(5).

to allow anyone to lawfully export drug outside the country. However, the law did not tell us the category of persons that qualifies to export drug outside the country, so anyone that obtains certificate in this country can export or import drug in Nigeria. The writer is of the firm view, that this law should be reviewed to curtail the powers of the Comptroller General and specify categories of persons that will be given certificate to either export or import drug in Nigeria, for instance, pharmacists that have been trained to produce drug and other chemist or health workers should only be permitted to trade on drugs. Living it open to anybody to either import or export can create a lee way for drug barons to trade on drug. In fact, if this gap in our law is not closed, the issue of drug abuse will continue to escalate in Nigeria.

2.1.5 Child Right Acts 2003

The Act, provides comprehensive protection for child offenders in Nigeria. This is critical to protect the child from violation, particularly those that are trapped in the web of drug addiction. Further, the Act provides that every child must be protected even when he commits a heinous crime, hence, where children come in conflict with the they must not be subjected to criminal justice process or sanctions but, should be subjected to Juvenile / Child Justice system as set out in this Act⁵¹. The right of the child to privacy shall be respected at all stages of the proceedings in order to avoid harm being caused to the child by undue publicity.⁵² Accordingly, no information that may lead to the identification of the child offender shall be published.⁵³ Records of a child offender shall be kept strictly confidential and closed to third parties, it can only be made accessible to persons directly concerned with the disposition of the case at hand or other duly authorized persons; and not be used in adult proceedings in subsequent cases involving in the same child offender.⁵⁴ Further, it provides that professional education, in-service training, refresher courses and other appropriate mode of instructions shall be given to those dealing with child offenders. However, in practice many law agencies do not observe this law, example the NAFDAC, NDLEA etcetera do not observe this law when they are apprehended, children that come in conflict with the law. The study therefore recommend that continuous training should be given to all agencies that deal on drug issue for effective protection of children. Hence, continuous training in relation to child's rights so that they will know how to treat children that are trapped in drug offences. Furthermore, in view of the varying special needs of children, and the variety of measures available a person who makes determination on child offenders shall exercise such discretion, as he deems most appropriate in each case, at all stages of the proceedings and at different levels of child justice administration including investigation, prosecution, adjudication, and the follow up of disposition. The law also provides on the mode of investigation of child offender. Hence, on the arrest of a child, the parents or guardian of the child shall be immediately notified or where immediate notification is not possible, be notified within the shortest time possible after the apprehension of the child. The court or police, as the case maybe shall without delay consider the issue of release. Accordingly, contacts between the police or law enforcement agencies and the child shall be managed in such a way as to respect the legal status of the child, promote the best interest and the wellbeing of the child and avoid harm to the child , having due regard to the situation of the child and circumstances of the case.⁵⁵ However, in practice many child offenders that are apprehended by law enforcement agencies are not protected due to lack of

⁵¹ Childs Right Acts 2003, Section 204.

⁵² *ibid* 205 (1).

⁵³ *ibid* 205(2).

⁵⁴ *ibid* 205(3)(a) (b) (c).

⁵⁵ *ibid* 211 (1) (a) (b) (c).

training and information about the rights of the child. Also, the non-adoption of child right Act by many set in Nigeria has encouraged violation of child offenders.

2.2 Institutional Framework for Regulation of Drug Use in Nigeria

National Drug Law Enforcement Agency (NDLEA). The enactment of the NDLEA Act, led to the establishment of National Drug Law Enforcement Agency (NDLEA). The Act stipulates that the Agency has the responsibility of controlling illicit drug cultivation, abuse, possession, manufacturing, production, trafficking in narcotic drugs, psychotropic substances and chemical precursors. The Agency has established seven directorate and fourteen autonomous union and offices that work together to carry out its drug control mandate. The Agency operates through Commands in each of the 36 States and the Federal Capital Territory (FCT) Abuja. In addition to these, ten Special Area Command (SACs) are located at the nation's international airports seaports and land borders for effective monitoring of drug abuse.

2.2.1 National Agency for Food and Drug Administration and Control (NAFDAC)

In 1993, the NAFDAC Act No. 15 was passed establishing the National Agency for Food and Drug Administrative and Control (NAFAC). NAFDAC is mandated to regulate and control the importation exportation, manufacture, distribution, advertisement, sale and use of food, drugs, chemical cosmetics, medical device, detergent and packaged water. It is headed by a Director General and has Directorates.

2.2.2 Federal Ministry of Health

The Federal Ministry of health has taken up the challenge of drug abuse by working with stakeholders to respond to drug use among young people, especially women.⁵⁶ Acknowledging that drug use disorders are public health issues, in 2016, the Federal Ministry of Health, established the Drug Demand Reduction (DDR) Unit in the Department of Hospital services. This Unit oversees and coordinates drug treatment services delivery in Nigeria in accordance with the National Health Act, 2014. The unit also coordinates the Nigeria Epidemiological Network on Drug Use (NENDU) along with NDLEA. The Department of food and Drugs services was established in 1993 following the excision of National Agency for Food and Drug Administration and Control (NAFDAC) from the then food and Drug Administration and Control (FDAC) department. The Department formulates national policies, guidelines and strategies on food and drugs and ensures ethical delivery of pharmaceutical service nationwide.

2.2.3 Inter-Ministerial Committee on Drug Control (IMC)

To effectively involve the different stakeholders in drug control activities the Federal Government of Nigeria has constituted the inter-ministerial committee on Drug Control (IMC) in 1994. The committee is headed by the Chairman and Chief Executive of NDLEA and has members drawn from 35 government ministries and agencies. The IMC produced the first National Drug Control Master Plan (NDCMP) in 1999, a second NDCMP 2008-2011 (extended to 2013) and the current NDCMP 2015-2019 with the support of the European Union funded and UNODC implemented project response to drugs and related organized crime in Nigeria. The IMC has the responsibility to coordinate the implementation, monitoring and evaluation of outcome of the NDCMP 2015-2019 as well as being responsible for the development of the NDCMP 2020 – 2029.

⁵⁶ World Health Organisation Nigeria, Challenges of Drug Use Among Women in Nigeria, www.afro.who.int, accessed 3 of April 2023.

2.2.4 Other Law Enforcement Agencies in Nigeria

Other Law Enforcement agencies involved in drug supply reduction include Nigeria Police Force (NPF), Nigeria Custom Service (NCS), the Economic and Financial Crime Commission (EFCC) and Nigerian Immigration Service. However, despite plethora of legal and institutional framework, drug abuse still persists due to inherent factors that aggravate drug abuse.

3. Factors That Exacerbate Drug Abuse in Nigeria

- **Lack of Implementation of the Law**

Despite plethora of legal framework, drug abuse still persists due to various gaps in various legal framework. The work discovers, that inherent laws are hardly implemented, due to factors like corruption. It is therefore, cardinal that Government should establish measures that will help them monitor implementation of the law.

- **Corruption**

One of the major reasons for drug abuse particularly by youths and children can be attributed to corruption. Those that ought to protect the masses from drug abuse readily disseminate drugs without considering the consequences, for instance, there are over the counter drugs and prescription drugs. Prescription drugs are drugs that legally require a medical prescription before it can be dispensed, however due to corruption, they are dispensed randomly without regarding whether they are prescribed by doctor or not and this exacerbate drug abuse.

- **Peer pressure among Children and Young People**

Children are generally vulnerable they cannot make decisions like adult because they are not matured. This makes them susceptible to succumb to peer pressure. Thus, some mischievous adult drug dealers use children to traffic drugs. This has been confirmed in our study as many engage in drug as early as fifteen years.

- **High cost of treatment**

High cost of treatment is a serious barrier to many drug addicts that desire to be free from addiction.

- **Poverty**

The adverse economic situation in Nigeria has exposed many to drugs. In fact, the study shows that many people that live below average in Nigeria take drugs to escape harsh economic realities such as bus drivers, Okada drivers and other low income earners.

- **Depression**

Many children that are depressed may likely engage in drug. Many, factors can depress young people such as rape, poor academic performance, depression due to divorce etc.

- **Lack of Awareness**

Many young people that are ignorant of the harmful effects of drug, are prone to fall into the hands of drug traffickers. Hence, grass root awareness is critical for prevention and control of drugs in Nigeria.

- **Dangerous environment**

Studies reveal that children or young people that are domiciled in some dangerous environment are more vulnerable to drug abuse than others for instance where we have high risk drug addicts such as kidnappers, armed robbers, bus drivers are likely to be lured into drug addiction.

4. Effects of Drug Abuse

The effect of drug abuse can never be over emphasized because of its harmful effect on users. Such effects include the following:

- a. **Adverse Health Condition:** The use of drugs especially cannabis and other pharmaceutical opioids have affected their health condition such as chronic pain, high blood pressure and chronic heart diseases.
- a. **Multiple sexual partners:** The study revealed that high risk drug users are prone to have multiple sexual partners after initiation of drug use. An important aspect of sexual risk behavior among high risk drugs users is the exchange of money and drugs for sex. This situation expose them to HIV/AIDS.
- b. **Exposure to Criminal Justice:** many drug addicts are exposed to criminal justice because they are prone to committing crime. Many have been arrested while in possession of drugs, sex work or engaged in crime due to influence of drug. Such crime include robbery, rape, terrorism etc.
- c. **School Drop outs:** studies reveal that many drug users are drop outs. In fact, 20 million, children have dropped out of school due to drug addiction, thus jeopardizing their future and economy of the state. Studies reveal that overall 31.4% of dropouts use illicit drugs compared with 18.2 % of older teens enrolled in school. The report found 27.3 % of dropouts use marijuana, compared with 15.3 % of those in school. Among dropouts, 41.6% use alcohol, compared with 35.3% of their peers that are still in school.⁵⁷
- d. **Penury:** one of the major incidents of drug addiction is poverty. Many children and youths that engage in drug abuse drug drop out of school thereby truncating their future. Denial of education exposes them to hardship and penury.
- 1) **Disruption of family lives:** men and women that engage in drug are not likely to have stable marriage. Many of them have disruptive family because they live irresponsible lives.

5. Conclusion

The work revealed that many Igbo youths are trapped in drug abuse particularly amphetamine locally known as (*mkpuru miri*). The work finds that drug abuse is no longer an exclusive preserve of men, currently many youths and children are trapped in it. In fact, studies show that many people were initiated into it at an early age of 15 years. Hence, the age bracket for drug users are mainly 15 to 64 years. The study observed that drug abuse have negative impact on the users. These include health, legal, social and economic implication. For instance, women have multiple sexual partners which expose them to HIV/AIDS, they are readily prone to crime such as rape, terrorism, banditry, kidnapping etc. drug users have disruptive marriages, many are drop outs and social misfits. When these children come in conflict with the law, they are not protected by the law but are subjected to harsh punishment. Many are killed while some are thrown into prison where they are toughened by adults criminals who breed them to be drug barons, eventually, when they are released they indulge more in drug and threaten the society. Furthermore, the study reveals that treatment elude many that desire to be treated due to exorbitant cost of treatment. Also lack of rehabilitation centres is another factor that exacerbate drug abuse. Hence, the need for expedite to be taken by all and sundry. This ugly, situation exposes ndi igbo to harsh economic realities that will transcend to next generation if urgent action is not taken to control it. Hence, all hands must be on deck to arrest this social menace that have eaten deep into the fabrics of the society.

⁵⁷ A,Idowu,A.O.Aremu and A.O, Ogunlaja, Substance abuse among students in selected secondary schools of an urban community of Oyo State, South West Nigeria: implication for policy action www.ncbi.nlm.nih.gov.

Recommendations

Review and implementation of extant laws. Nigeria has developed many legal framework and policies for intervention in the control of drug abuse but these laws are hardly implemented. Hence, the need to review relevant legal framework and also implement them.

Provision of Rehabilitation Centres: The study reveals a major gap in availability and inaccessibility of drug treatment services in Nigeria. Hence, the need to build rehabilitation centres in all the states in Nigeria.

Establishment of Drug Observatory Centre: There is need for a mechanism of drug observation centre, that will regularly collate data and analyze situation in the country to further inform policy and programme development. Drug Observatory could regularly monitor through established indicators of drug use and supply, the emerging new drug threats, the implementation of regular drug use surveys in the general population and among youth is very critical.

Creation of awareness: the study reveals that children as young as fifteen years are involved in drug abuse. Hence the need to beef up awareness on the negative impact of drugs abuse through the media like radio television, magazine and social media. In fact, Government should send their agents, primary, secondary and tertiary institution to educate children and young people on the negative impact of drug abuse.

Eradication of harmful traditional and cultural practices: the study reveal, that cultural stigma associated with drugs. Hence, all custom, tradition and cultural practices that is inimical to treatment of drug users should be jettisoned.

Reduction on the cost of treatment: The availability and accessibility to effective treatment of drug addiction is critical for emancipation of drug users. However, the exorbitant cost of drug addiction have kept many in dungeon of drug abuse. Therefore, the need to reduce the high cost of treatment, the federal government should intervene by cutting the cost in order to save our nation from further decadence.