

**DRUG ABUSE IN MAN FROM ANIMALS PERSPECTIVE:
HEALTH, SOCIO-ECONOMIC AND LEGAL
IMPLICATIONS**

Proceedings of the

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THE LEGAL IMPLICATION OF DRUG ABUSE ON MAN AND
ANIMALS IN NIGERIA

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INTRODUCTION

The problem of drug abuse and illegal trafficking in drug by man is no longer a new phenomenon in Nigeria. The phenomenon, which emerged in this country about twelve years ago, has gone beyond the domestic level to such global dimensions with such alarming and frightening consequences. The multifacet problems of misuse and abuse of drugs are applicable to both man and animals.

No doubt, drugs are necessary for the well being of man and animals but the misuse or abuse of it brings about serious consequences. The drug problem may be here to stay in Nigeria, unless extremely stringent and quick measures are adopted to curtail the menace.

This paper examines and assesses the various laws relating to the misuse and abuse of drugs in Nigeria. The consequences and the legal implications of drug abuse

on man in particular and animals are also highlighted.

DEFINITION OF TERMS

A person from the legal angle could either be a physical person or a juristic or legal person. Such legal persons, for example, companies, have their own identity which is separate from the members forming it (Anon, 1990).

The definition of animals in the Criminal Code has been adopted in this paper. Under the Code, animals may be domestic or captive. Captive animal means any animal not being a domestic animal of whatsoever kind or specie, including any bird, fish or reptile which is in captivity or confinement or which is maimed, pinioned or subject to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement. Domestic animal means any animal or bird which is tamed or which has been or is being sufficiently tamed to serve some purpose for the use of man (Anon, 1990b).

Drugs have been defined in a variety of ways. A drug has been defined as any substance which when taken into the body may modify or change one or more of its functions. (Ahire, 1990).

Drug abuse refers to the self administration of drugs with its primary action on the brain or the central nervous system in a manner that deviates from approved medical or social patterns. It is thus the

non-medical use of drugs (Ahiro, 1990).

Drug abuse should be distinguished from drug misuse. Drug misuse refers to the unorthodox use of prescribed drugs. (Aliyu, 1981).

TYPES OF DRUGS COMMONLY ABUSED

Drugs may be classified into different categories. (See Table I). These categories include narcotics like Morphine or Heroin Stimulants - Caffeine, Depressants - Alcohol, Inhalants - Aerosols and gasoline and Cannabis - Marijuana.

Some of these drugs are well known in the society because they are medications often prescribed in the hospitals by the doctors. This includes pain-relieving tablets, like Codeine and Paracetamol. Another category is popular because it is prohibited by law and the illicit trafficking or use of such drugs attracts stiff punishment by the governmental authority.

Alcohol a depressant is a socially acceptable type of drug. The general populace is ignorant of the fact that it is a drug, because when it is not prohibited by law. It is one of the drugs most commonly abused. Its abuse has nothing to do with colonialism as claimed by advent of the colonial masters in Nigeria, there were local forms of alcohol such as palm-wine produced from palm trees. 'Oguro' from raffia palm, burukutu from fermented cereal and of course 'Ogogoro' the illicit gin.

All types of drugs can be abused.

TABLE ONE

DRUGS OF ABUSE					
Examples	Street Names (NIGERIA)	Description	Symptoms of Abuse	Duration Effects in hrs.	Effects
Opium, Heroin, Morphine Codeine	Ghana, Snack, horse	White, grey or brown, black, tar-like, substances Smoked sniffed injectable	Euphoria, drowsiness respiratory depression apathy reduced sexual urge nausea constricted pupils	3 - 5 hrs	Watery eyes, running nose, irritability tremors, panic, shills, cramps, premature death
Cocaine Amphetamine Caffeine Crack cocaine	Coke, Coco, Cocktail, Crack, Chunk Rock, blow	Fluffy, white crystalline powder tablet or capsule smoked sniffed	Increased alertness excitation euphoria increased pulse rate insomnia loss of appetite	Cocaine 1-2 hrs Amphetamine 2-4 hrs	Disorientation, apathy, irritability, depression
Barbiturates Benzodiazepines valium, Alcohol (beer, wine, gin)	Sleeping pills tablet Bocce Cogoro, Emu Giya, Mnyanya	Tablets or capsules taken orally/injected liquid taken orally, capsule, tablet	Disorientation memory impairment slurred speech motor incoordination	Barbiturates 1-15 hrs Others 4-8 hrs possible death	Anxiety, insomnia tremors, delirium convulsion liver cirrhosis (alcohol)
LSI (Lysergic acid (Diethylamide then cycloiline rescaline	PCP elephant tranquiliser Not common on Nig. streets	powder, liquid taken orally or injected Green fresh	Thinking disorder illusion & hallucination, poor perception of time & distance	8-12 hrs	Flashbacks, panic, violence, psychosis, bad trips
Marijuana (Hashishi)	Igbo, stone, salad Indian hemp Ganja, kaya, Goofo, rot, etc	Brownish (dry)	Euphoria distorted perception-impaired concentration relaxed inhibition	2-4 hrs	Insomnia, hyperactivity, lung disease brain, damage affects sexual behaviour
Percolator, gasoline	Glues, solvents butyl nitrates room odorizers)		Liquid form gas form usually inhaled or sniffed		Vision disturbance impaired judgement reduced muscle and reflex control heart failure, sudden death.

CONSEQUENCES OF DRUG ABUSE

The consequences of drug abuse can be classified into three. These are physical, psychological and social consequences. The physical consequences include brain damage, hypertension and the common disease known as AIDS (Acquired Immune Deficiency Syndrome). The psychological consequences include sleeplessness; Depression and Anxiety. The social consequences include loss of job, family disintegration and premature death.

Drug abuse from a legal perspective has consequences which are threefold. Firstly, drug abuse chiefly is a crime which is punishable under the laws of the land. Secondly, the abuse of drugs is interwoven with criminality. Thirdly, arising from these criminal acts are sanctions laid down by the law, to punish offenders that are detected.

THE RELATIONSHIP BETWEEN INCIDENCE OF CRIME AND DRUG ABUSE

Drug abuse very commonly lead to antisocial and criminal behaviour. There is a higher incidence of crime being committed by abusers of drug who in some cases may turn to the crime of stealing, or assault or murder or armed robbery to support the high cost of their craving for drugs. This is coupled with the fact that drug abuse which may lead to drug addiction renders the addict unproductive but because of the addiction, resort is made to criminal acts to support the obtaining of such drugs.

In most motor accidents, it is often discovered that the driver has taken excessive alcohol. The offence of causing death by dangerous driving is the result of

this reckless act.

Drug abuse and its trafficking leads to the formation of powerful criminal organisations such as the mafia. The Colombia experience is a good example. In Nigeria, although not on such a grand scale, mafia style assassination and other acts of violence have been witnessed in recent times.

Drug abuse is described as a victimless offence the reason being that both dealers and users are involved in a transaction in which neither seeks the intervention of the law. However, the reality is that the society in general is made the victim through the antisocial or criminal behaviour of the drug abuser or the psychological or social consequences enumerated above.

LOCAL IMPLICATIONS OF DRUG ABUSE IN MAN AND ANIMALS IN NIGERIA

There are various domestic legislations in addition to several treaties entered into, to curb the problem of abuse of drugs and illegal trafficking in Nigeria. Some of the existing treaties are (Osibanjo 1990)

- (a) The United Nations Convention Against Illicit Traffic in Narcotic Drugs 1968.
- (b) The Mutual Assistance in Criminal Matters within the commonwealth.
- (c) Treaty between the Federal Republic of Nigeria and the United States of America on Mutual Legal Assistance in Criminal Matters (1989).
- (d) Agreement between the Government of the Federal Republic of Nigeria and the Government of the

United Kingdom of Great Britain and North Ireland
concerning the Investigation and Prosecution of
Crime and the confiscation of the proceeds of
Crime 1989.

At the domestic level, the first of the legislation to be considered is the National Drug Law Enforcement Act (NDLEA). This is a comprehensive legislation to supplement International measures already taken, towards effective and meaningful eradication of the problem of misuse and abuse of drugs. An agency under the NDLEA is empowered to enforce and administer the provisions of the Act. This agency took over the role performed by the Federal Ministry of Health and for its effective conduct, three units were set up. These are the General and Asset Investigation Unit, the Prosecution Unit and the Counselling Unit.

SANCTIONS AGAINST PERSONS CONVICTED OF DRUG ABUSE

Various offences are provided for in the NDLEA. These ranges from importation, exportation to the possession, sale and even the misuse and abuse of drugs. The legal implication or the sanctions imposed for any of these offences provided for in the Act are enumerated below.

(a) Imprisonment

The importation, exportation, manufacturing, transportation, trafficking sale and purchase of hard drugs undoubtedly leads to drug abuse. This offence carry a penalty of life imprisonment. On the other hand, the possession of any of the drugs by smoking inhaling or injecting attracts a terms of imprisonment not exceeding

assets and properties of the suspect and upon conviction, an application made to the Tribunal established under the Special Tribunal (Miscellaneous Offences) Act which has jurisdiction to try offences under the NDLEA for a final Order of forfeiture of the assets and properties enumerated above. Such properties may later be disposed of by sale by the Agency.

(d) Freezing of Account

The Act in Section 33 provides for the freezing of bank accounts of suspects and convicts. There are several other legislations regulating the misuse and abuse of drugs in Nigeria. These include, The Dangerous Drug Act.; The Food and Drug Act and The Indian Hemp Act.

Indian Hemp is a drug commonly used and abused in Nigeria. It is one of the foremost hard drugs used by Nigerians known by several names such as "Wewe", "Igbo", or "Marijana". It is cultivated on a large scale against the intention of the Indian Hemp Act and it is commonly used by youths. The Act prescribes a punishment of not less than twenty-one years imprisonment for planting and cultivating of Indian Hemp and a term of not less than four years for possessing the drug.

A male offender below the age of nineteen years convicted under this Act, may be ordered to be given not more than forty-nine strokes of the cane which must not be given on the same day. An offender under the age of seventeen years may be put under supervision, sent to an approved school, committed to the care of a fit person or his parents may be ordered to give security

for his good behaviour.

LEGISLATION ON DRUG MISUSE AND ABUSE IN ANIMALS

Most of the legislations on drugs in Nigeria relate to man because animals cannot voluntarily abuse the use of drugs. On the other hand, it is the misuse of drugs by man on animals that leads to drug abuse in animals.

(a) The Food and Drug Act

The food and drug Act relates to both man and animals. The provisions of the Act ensures that drugs whether given to man or animals, are manufactured, prepared, packed, preserved or stores under sanitary conditions. A person found guilty under this Act is liable to imprisonment and the equipment used for the drugs may be forfeited.

(b) The Criminal Code - Section 499

This is a legislation which is applicable to the southern parts of Nigeria. It provides for an offence known as Cruelty to animals. There is no corresponding provision in the Penal Code which is applicable to Northern Nigeria. The Criminal Code provides that a person who wilfully without any reasonable cause or excuse administered or cause or procure or being the owner permits such administration of any poisonous or injurious drug or substance to any animal or inflict without reasonable cause or cause any such to be taken by any animal is guilty of an offence.

This is one of the dormant provisions in the Criminal Code. Unlike in Europe where such a provision in the Law

will frequently be resorted to, the level of development in Nigeria has not reached a stage where a Nigerian will take a fellow Nigerian or any person to the court for an offence against an animal. The animals are simply being protected by the law. The use of chemicals for fishing and trapping of animals for human consumption may also fall under this provision. The offence attracts a fine or a term of imprisonment for six months.

(c) The Sale of Goods Act 1893

Under the law, an injured party who has consumed products of animals which are contaminated either by bacteria or medication have a remedy. They may sue for damages under the Sale of Goods Act, 1893 for goods being sold to them which were either not fit for the purpose or not of expected medicinal quality.

RECOMMENDATIONS

The Nigerian Government having realised the dangers posed by drugs has continued to take steps to curtail the drug menace. The efforts of the agency established under the NDLEA is commendable. However, a few suggestions and recommendations are proffered towards the eradication of the menace of drug abuse in Nigeria.

(a) Education

(i) The family is the minutest sector of the society. Parents are advised to be more vigilant about their children and their play mates. Parents should educate their children about the misuse and abuse of drugs and its consequences. Parents

and Guardians should lay good examples by purchasing drugs from registered and authentic pharmacy shops.

(ii) Drug education like sex education should be included on the school curriculum right from Primary to the University levels.

(iii) The public generally should be educated on the dangers of drug misuse and abuse. The Counselling unit of the NDLEA in collaboration with MAMSER, the Better Life for Rural Women members and the traditional heads should work together to educate the populace.

(b) Judicious use of drugs

It is suggested that those involved in the prescriptions of medication in hospitals and clinics should prescribe judiciously. The awareness given to traditional medicine in recent times are welcome. The traditional medicine association should be enlightened on the danger brought about by the abuse of drugs. Most of the drugs prescribed by members of this association have not been tested scientifically and the components in dosages prescribed are unknown. This leads to drug abuse in so many cases. It is acknowledged that most of the traditional doctors fear that their ideas may be stolen and they guard the "secret" jealousy. Patents may however be obtained on such drugs.

(c) Legislation

The legislations on drug matters appear to be adequate. It is however suggested that more treaties should be entered into by the Government with other

countries to reduce importation and exportation of dangerous drugs.

(d) PUBLIC Enlightenment Programme

The campaign against drug abuse should be taken to the grassroot. The problem is not only that of the cities but out of ignorance innocent people in the villages are becoming victims of drug. The present efforts by the government, through the appropriate agencies are commendable but it is suggested that more of the jingles should be in local languages and idioms and local communication methods like the use of the gong and town criers should be used.

(e) Proliferation of Patent Stores

The proliferation of patent medicine stores and petty drug sellers should be checked. The system adopted in the United States where drugs cannot be purchased off the shelf except there is doctor's prescription, should be adopted in Nigeria.

(f) Alternative method

It is suggested that alternative methods of fishing or hunting with the use of drugs should be discouraged and other methods found. The effect of these drugs on man who are the consumers cannot be overemphasised.

(g) Enforcement Agencies

The enforcement agencies should be better equipped to deal with the problem of drug abuse. This would include technological development in crime prevention

and detection.

It is also suggested that there should be cooperation amongst all the law enforcement agencies which includes the police, customs and even the prison officials.

CONCLUSION

Drug abuse is a fundamental issue that crosses the national boundaries. It is a menace which should not be handled by a particular sector of the nation. The crusade against drug abuse and trafficking must be intensified to ensure that a good legacy is left for our nation tomorrow.

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