



NATIONAL DRUG LAW ENFORCEMENT AGENCY

STANDARD OPERATING PROCEDURE (SOP)

Vision:

To become the most proactive and leading Drug Law Enforcement Agency on the African continent and one of the best in the world through the provision of effective and efficient services to Nigerians by cutting off the supply of illicit drugs, reducing the demand for illicit drugs and other substances of abuse, tracing and recovering drug –related proceeds and contributing to the creation and maintenance of an enviable image for the Nation throughout the world.

Mission:

The National Drug Law Enforcement Agency shall deploy all resources at its disposal for the total eradication of illicit trafficking in narcotic drugs and psychotropic substances; suppression of demand for illicit drugs and other substances of abuse; recovery of ill-gotten wealth, acquired from proceeds of illicit drug trade, protection, enhancement and maintenance of the image of Nigeria and Nigerians at home and abroad.

Contents

Introduction.....	2
Functions oftheAgency.....	2 - 4
The Purpose andObjective of the document	4
Duties of the Agency at the seaport	4
Key and Unique Operational Area.....	4
THE STANDARD OPERATING PROCEDURE.....	5
i. Boarding Unit.....	5
ii. Export	6
iii. Import Container Terminal	7 - 8
iv. Marine Unit.....	9
ROLE OF STAKEHOLDERS AND OTHER GOVERNMENT AGENCIES.....	10
i. Terminal Operators.....	10
ii. Shipping lines.....	10
iii. Customs Licensed Clearing Agents.....	10
iv. Nigeria Customs Services.....	11
v. Department of State Security and Other Sister Agencies.....	11
DEFINITIONOF TERMS	12

INTRODUCTION: The Government of Nigeria in demonstration of its awareness of the dangers posed by the drug problem and in recognition of

the obligation of the nation as a signatory to the United Nations International Conventions on Drugs and psychotropic substances (including the 1988 Vienna Convention) promulgated Decree No. 48 of 1989 (now CAP N30 LFN, 2004) which established the National Drug Law Enforcement Agency.

The Agency is charged with the responsibility for enforcing the provisions of the said Act as well as coordinating all drug laws and policies which powers were hitherto conferred on any other statutory bodies in the country. It is empowered to take all necessary actions not only in stemming and eradicating the importation, production, distribution, supply, exportation and trafficking of narcotic drugs and psychotropic substances, but also to prevent the demand, consumption, possession and abuse of the substances amongst others. These actions are to cover all the entry and exit points in the country namely the Seaports/Jetties, Airports and the land borders as well as the Hinterland.

2. **FUNCTIONS OF THE AGENCY**: The functions of the Agency as conferred on it by the Law (CAP N30 LFN, 2004) include:

- a. Enforcement and due administration of the provision of this Act.
- b. 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:
- c. Adoption of measure to identify; trace; freeze; confiscate or seize proceeds derived from drug and drug related offences or property whose value corresponds to such proceeds.

- d. Adoption of measures to eradicate illicit cultivation of narcotics plants and to eliminate illicit demand for narcotic drugs and psychotropic substances with a view to reducing human suffering and eliminating financial incentives for illicit traffic in narcotic drugs and psychotropic substances
- e. 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.
- f. Adoption of measures which shall include co-ordinate preventive and repressive action. Introduction and maintenance of investigative and control techniques.
- g. Adoption of measure to increase the effectiveness of eradication efforts.
- h. The facilitation of rapid exchange of scientific and technical information and the conduct of research geared towards eradication of illicit use of narcotic drugs and psychotropic substances.
- i. Taking measures for the early destruction or disposal of the narcotic drugs and psychotropic substances which have been seized confiscated or forfeited.
- j. Facilitation or encouragement of the presence or availability of persons including persons in custody who consent to assist in investigations or participate in proceedings relating to narcotic drugs and psychotropic substances.
- k. Enhancing the effectiveness of law enforcement to suppress illicit

traffic in narcotic drugs and psychotropic substances.

- I. Establishing; maintaining and securing communication to facilitate the rapid exchange of information concerning offences and improving international co-operations in the suppression of illicit traffic in narcotic drugs and psychotropic substances by sea and air.
- m. Reinforcing and supplementing the measures provided in the Convention on Narcotic Drugs 1961, as amended by the 1972 Protocol, the 1971 Convention on Psychotropic Substances and the United Nation Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1989 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.
- n. Taking such measures that may ensure the elimination and prevention of the root causes of the problems of narcotic drug and psychotropic substance.
- o. Strengthening and enhancing effective legal means for international co-operation in criminal matters for suppressing the international activities of illicit traffic in narcotic drugs and psychotropic substances.
- p. Collaborating with government bodies within and outside Nigeria carrying on functions wholly or in part analogous to the Agency concerning, amongst others:-
 - I. The identities, whereabouts and activities of person suspected of being involved in offences mentioned in this Act.

- II. The movement of proceeds or property derived from the commission of such offences
- III. The movement of narcotic drugs and psychotropic substance specified in the Second Schedule to this Act, and instrumentalities used or intended for use in the commission of such offences:

{Second schedule}

- IV. The exchange of personnel and other experts
- V. The establishment and maintenance of a system for monitoring international dealings

In narcotic drugs and psychotropic substance in order to identify suspicious transaction and persons engaged in them.

- q. Taking charge, supervising, controlling, coordinating all the responsibilities, functions and activities relating to arrest, investigation, prosecution of all offences connected with or relating to illicit traffic in narcotic drugs and psychotropic substances, notwithstanding any law to the contrary; and
- r. Strengthening co-operation with the office of the Attorney General of the Federation, the Police Force, Customs Agencies, Immigrations Agencies, Welfare/Health Officials and other law enforcement agencies in the eradication of illicit traffic in narcotic drugs and psychotropic substances.

- 3. **THE PURPOSE AND OBJECTIVES OF THIS DOCUMENT:** This document – NDLEA (Seaports) Standard Operating Procedure (SOP),

2016 provides all stakeholders adequate knowledge concerning NDLEA operations in the Seaports. These operations are categorized into four (4) sub-headings namely:-

- a. Imported Cargoes Examination
- b. Stuffing/Examination of Export Cargoes
- c. Boarding of Vessels
- d. Patrol of Waterways, Creeks and Harbours.

The SOP will also serve as a guide to all officers of the Agency in the Seaports in the discharge of their duties. It will assist other stakeholders in the port industry to know their responsibilities to the Agency at all times and the requirements from them as the case may be.

4. **DUTIES OF THE AGENCY AT THE SEAPORTS:** The officers of the Agency working in the seaports are charged with the following responsibilities.
 - a. Prevention and detection of offences in violation of the provision of the NDLEA Act.
 - b. Working in collaboration with Nigeria Customs Services in monitoring the movement of goods and persons in any customs area; custom station or customs ports and searching cargoes; incoming and outgoing vessels, including pleasure craft and fishing vessels as well as searching crew members, passengers and their baggage.
 - c. Detecting consignments suspected of containing narcotic drugs and psychotropic substance coming into or out of a customs area,

customs station and customs port.

- d. Maintaining surveillance in harbour and dock areas.
- e. Investigating assets and properties of persons arrested for committing any offence under this Act.
- f. Identifying and tracing proceeds involved in any offence under this act and effecting forfeiture of such proceeds; and
- g. Dealing with matters connected with extradition and mutual assistance in criminal matters.

5. **KEY AND UNIQUE OPERATIONAL AREAS AT THE SEAPORT:**

Operational activities of the Agency at the seaport are structured into four major units. These are:

- 1. Boarding and Rummaging Unit
- 2. Export Seat
- 3. Import Container Terminal
- 4. Marine Unit.

The primary objectives of the NDLEA officers at these Areas are to enter and search any carrier including vessel or container or any other means of conveyance or storage whatsoever, in the Port areas which he has reason to believe is connected with the commission of an offence under the NDLEA Act.

In exercising the above responsibilities, **NDLEA Act Cap N30 LFN section 4 (1)** stipulates that:

Any officer of the Agency involved in the enforcement of the provisions of

this Act,

- i. May without warrant enter and search any carrier including vessel or container or any other instrumentalities whatsoever which he has reason to believe is connected with the commission of an offence under this Act.
- ii. May perform test and take samples of any substances relating to the commission of an offence which are found on the carrier including vessel or containers or any other instrumentalities whatsoever searched pursuant to paragraph (a) of this subsection.
- iii. Arrest any person whom he has reason to believe has committed an offence under this Act.
- iv. Seize any item or substance which he has reason to believe has been used in the commission of an offence under this Act.

6. **THE STANDARD OPERATING PROCEDURE**

i. **BOARDING**

Where NDLEA designated Officers have reason to believe that a Vessel calling at Nigerian Ports is connected with the commission of an offence under the NDLEA Act, such designated officers shall be part of the Joint Ship Boarding Team coordinated by the NPA and regulated as specified in the NPA Standard Boarding Procedure.

RUMMAGING: Boarding officers are responsible for searching of the following incoming and outgoing vessels; Container vessel, bulk cargo vessel, tanker vessel, Yatch, and Cruise ships, etc. In performing this,

- The boarding advice will be submitted to the command office by the shipping Agency at least 24 hrs before arrival of the vessel.
- At the arrival of the vessel, the Port Health Authorities board and clear it before other agencies perform their duties.
- Boarding officers come on board and are received by the ship agent.
- Officers are properly identified and documented by a member of the crew before going into the vessel.
- The ship agent will take the officers to the captain of the ship.
- The captain will give officers the following documents: Port(s) of call list, nil list, medical list of medicine in the hospital and narcotic list in the captain's cabin for inspection and search purpose, as well as containers list as the case may be.
- Officers may search any part of the vessel including crew cabin and hospital and screen the **narcotic register** to **verify the quantity and expiry date on the items found including new stock and how they are being dispensed.**
- In carrying out search of the vessel, the shipping agent and one or two crew members must accompany the officers.
- All narcotic and controlled drugs are expected to be in the custody of the Captain. And he must keep proper record of them.
- No expired drug is allowed on board. However, if there is any, it

must be properly documented in a list stating out the name, date of manufacture, date of expiration and quantity, packed in a container and labeled 'Expired'. The expired drug should be handed over to the NDLEA boarding officers who will stamp and sign on the duplicate copy of the list prepared paper by the captain, who will also countersign before handing over the expired drug to the Agency.

- At the end of search/inspection, if nothing incriminating was found, NDLEA clearance duly stamped and signed by both the officer in charge of boarding and the captain is issued to the captain.
 - If any incriminating item is found, the item will be removed in the presence of the agent and the captain for further investigation.
 - If the captain refuses to cooperate with the boarding officer, then he will be sanctioned in line with **NDLEA ACT**.
 - For boarding & rummaging of outgoing vessels, the same procedures for boarding and rummaging of incoming vessels with relation to NDLEA operations apply.
- ii. **EXPORT SEAT:** This unit is responsible for monitoring of consignment leaving the Nigeria Seaports to other countries and ensuring that no narcotic drugs or psychotropic substances pass through the seaport without being detected.
- In order to discharge this responsibility, the Exporter or his representative is required to submit an application for export to the appropriate seaport command stating the products, address of the Exporter, the address of the Clearing and Forwarding Agency, place

of stuffing, date of stuffing, and destination of the consignment

1. *If the stuffing is outside the port and it's environ:*

- The NDLEA Port Commander will liaise with the State Commander in whose State the stuffing will take place to send officers from his/her command to witness the stuffing, with other relevant Government Agencies.

After stuffing, the container is sealed and a written clearance addressed to the NDLEA Port Commander is issued to the Agent by the State Commander indicating the seal number and other necessary details.

- At the Port, the Agent will submit the clearance collected from the State command to the Port command office where the final clearance paper is issued.

2. *If the Stuffing is within the port facilities/Area:*

- NDLEA staff and staff from other relevant Government Agencies will jointly witness the stuffing and thereafter NDLEA Clearance is issued to the Exporter or his Agent.
- If it is a bulk cargo i.e. non containerized cargo, an Agency staff **along with other Sister Agencies will physically monitor** the loading of the vessel. At the end of the loading, Export clearance is issued to the Agent by the Command.

3. *Stuffing without notification*

- The containers will be subjected to thorough examination by **the Agency and all other sister organizations** in the presence of the Export Agent at an approved place.
- If nothing incriminating is found, Export clearance is issued by the command to the Exporter or his/her Agent.
- If exhibit or suspected/incriminating item is found, the item will be removed by the officer for further investigation, while such container will be impounded.

3iii. **IMPORT CONTAINER TERMINAL:**

All containers or consignment coming from other countries to Nigeria through the seaports shall be monitored, screened and examined by the staff of the Agency **in line with the NDLEA Act CAP N30 LFN**. In achieving this:

- The Shipping Agency shall always submit its cargo manifest to the Agency Command Office in the port before the arrival of the vessel (See Section 25 (2) c of NDLEA Act). Cap N30
- Although all consignments are of interest to the Agency, some that are considered high risk are placed under watch list to ensure that they are properly examined before leaving the terminal
- The list of containers to be examined each day should be submitted to the Agency staff in the various terminals by the terminal operators 24 hours before such examination take place.
- Containers are jointly examined at the terminal by all relevant

Government Agencies including NDLEA. NDLEA may also examine containers with the aid of Sniffer dogs where necessary.

The following documents are required from the importer or his Agent during examination of containers.

- i. Bill of Lading
- ii. Packing List
- iii. Customs Papers where necessary
- iv. NAFDAC permit to import and Certificate of analysis for Precursor Chemicals and Controlled Pharmaceutical items.
- v. End user Certificate for Armoured vehicles, arms and ammunition and other security equipments issued by the National Security Advisers shall be presented by the Importer or Agent during examination, while photocopy should be submitted alongside with other aforementioned documents by the agent to NDLEA Terminal Officer before such vehicles can be released.
- vi. International Passport of the importer shall be presented for clearance of Personal Effect during examination.

Other Categories of Import Consignment

1. Diplomatic Container
2. Fast Track Container
3. Bond Container
4. Overtime/Auctioned Container

Diplomatic Container: This requires a letter of authority from the

Embassy addressed to the Agency together with bill of lading.

- Joint Examination by all Government Agencies shall be performed in order to confirm the seal number on the container and the one on the bill lading to ensure it has not been tampered with.
- Thereafter the container is released by N.D.L.E.A. staff.
- However if the seal does not correspond, the container will not be released until the error is corrected.
- **NOTE:** No examination of the contents of containers in this category except where absolutely necessary and so directed by the Management of the Agency.

Fast Track Container: Containers on fast track have to observe the following:

- Submission of all clearing documents including Bill of Lading by the Importer or Agent.
- Attached to the above documents is the photocopy of the identity card of the custom officer that will escort the container to the destination.
- A container transfer form of the Agency shall be filled by the Clearing Agency and the officer in charge of the terminal where the container is being taken to. This is to prevent diversion.
- The container transfer form shall be handed over to the NDLEA staff covering the bonded Terminal or warehouse where the container will be discharged for examination.
- If the location is not covered by any staff of the Agency, the clearing

Agent will arrange on how to convey officers to the location where joint examination will be performed by all the relevant Agencies.

Bond Container: Containers on bond from a particular terminal to another terminal shall submit the following documents to the command office:

- A transire indicating that the container has been properly documented before exit to the receiving terminal.
- Filling of container/consignment transfer form
- The container transfer form shall be handed over to the receiving NDLEA staff by the clearing agent.

Overtime/Auctioned Container: The process of releasing overtime container cargo by the Agency shall involve the following;

- Receiving invitations from Nigeria Customs Service for joint examination by all relevant Government Agencies in order to ascertain the contents before being auctioned.
- During the examination, if drug exhibit is found, the container will be seized by NDLEA and further confiscated to the Federal Government.
- If the container is cleared and bought during auction, the new owner shall present a certificate of purchase or evidence of ownership to the NDLEA Officers in the terminal before releasing.

iv. **MARINE UNIT:** This unit is charged with the responsibilities of monitoring the movement of goods and persons on Nigeria waterways search of pleasure craft, wooden fishing boat and fiber

boat/speed boats and boarding of fishing trawlers.

Boarding of fishing vessel (trawler) shall require the following procedure:

- The vessel will be boarded by the Agency Marine Officers before it sails to the high sea for fishing and when it is returning.
- During boarding of the vessel, the master of the vessel shall conduct the officers round to check any part of the vessel including cabins, fish hole and engine room as well as first aid box.
- Documents required from the captain of the ship are ship particulars and crew list.
- At the end of search/checking, if nothing incriminating is found, NDLEA clearance duly stamped and signed by the O/C Marine or his officer on duty shall be issued to the Captain after he has countersigned.
- The marine unit shall maintain surveillance in harbor and dock areas.
- The unit shall also be responsible for detecting consignments suspected of containing narcotic drugs and psychotropic substances coming into or out of Nigeria jetties and coastal areas.

Search of pleasure craft, fiber boat, and wooden fishing boat requires the following procedure.

The NDLEA Marine Patrol Officers shall raise flag; or hand to stop any wooden boat, pleasure craft and fiber boat on the sea.

2 It is mandatory for the quartermasters or fishermen to stop for the Agency staff on patrol upon raising flag or hand.

3. He must allow the officers to conduct search on the passengers and their load.
4. If nothing incriminating is found, the officers will disengage and the boat will continue its movement or fishing activities.
5. If any incriminating item is found, arrest and seizure will be made as the case may be.

7. **ROLE OF STAKE HOLDERS AND OTHER GOVERNMENT AGENCIES**

i. *Terminal Operators:*

- They are to provide a furnished office accommodation for the Agency Staff to perform their duties and responsibilities.
- They are to submit the list of containers to be examined each day 24 hours before the examination takes place.
- They should not tamper with the verifiable seals on the containers.
- They are to comply with any lawful enquiry or request made by any authorized officer of the Agency in accordance with the provision of NDLEA Act.
- They are to cooperate with the Agency staff in the discharge of their duties at any time and should not hinder, interfere or obstruct the staff in the exercise of such duties within their facilities.

ii. *Shipping Agencies:*

- They shall submit their cargo manifest in advance to the Agency

Command Office in the port. (See Section 25 (2) c of NDLEA Act).

- Each Shipping Agency should use tamper – resistant verifiable seals on their containers (see section 25 (2) d
- They are to honor request bordering on stoppage of release of container for investigation purpose
- They are to take reasonable precautionary measures to ensure that their means of transportation are not used in aiding or committing crime as stated in section 25 (1)a of NDLEA Act.
- They should not allow any unauthorized cargo in their means of transportation. (No cargo meant for Export should be accepted without Clearance from the Agency). (See section 25 (1) b

iii. ***Customs Licensed Clearing Agents:***

- The Clearing Agents should be available at the terminal for joint examination when their containers are positioned.
- They shall bring all necessary documents including the Bill of Lading during examination and make copies available to the NDLEA officer at the examination bay
- They shall be responsible for repositioning of their containers for examination when necessary.
- They should present their joint examination form for endorsement immediately after examination of every container or cargo.

iv ***Nigeria Customs Service:***

1. They are to cooperate with the agency staff in the discharge of their duties within the Sea Ports including Scanning unit as stated in the NDLEA Act.
2. They are to examine containers or any other consignment within or outside the port jointly with the Agency staff.
3. The customs are expected to ensure that the joint examination form is duly stamped and signed by all the relevant agencies including NDLEA before releasing any consignment to the Importers or their Agents.
4. The service is not expected to release any container so notified for investigation purpose.

Department of state Security and Other Sister Agencies:

- They should provide intelligence on general security matters within and outside the port.
- They are to work in harmony with the Agency staff

DEFINITION OF TERMS:

1. **“Agency”**: Means the National Drug Law Enforcement Agency, established by decree 48 of 1989 now NDLEA ACT CAP N30 Laws of the Federation of Nigeria.
2. **“Commercial Carrier**: Means any person or any public, private or other entity engaged in transporting persons, goods or mails for remuneration, hire or any other benefit.
3. **“Drug”**: It is any chemical substance, which when taken into the body by any means whatsoever, changes the function of the body or behaviour of the person. It may be natural or synthetic. For our purpose we refer to illegal substances which have psychoactive properties such as cannabis, heroin, cocaine, amphetamines, etc.
4. **“Narcotic Drug”**: Means any of the substances natural or synthetic in the First Schedule of the single convention on Narcotic Drugs 1961

and the convention as amended by the 1972 protocol amending the single convention on Narcotic Drugs as amended in the second schedule to this act including the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic substances 1989.

5. **“Psychotropic Substances”**: Means any substances, natural or synthetic or any natural materials specified in schedules I, II, III and IV of the convention on Drugs or psychotropic substances 1971.
6. **“Freeze” or “Seizure”**: Means temporarily prohibiting the transfer, conversion, disposal or movement of property, asset or money or temporarily assuming custody or control of them on the basis of attachment by the Agency.
7. **“Short Title”** This Act may be cited as the National Drug Law Enforcement Agency(NDLEA) Seaports Standard Operating Procedures, 2016.