

S.T Mary's University College

Faculty of Law

The Impact of Cross Border Drug Trafficking and its legal Implication

A Senior Thesis in partial Fulfillment of the requirement for Bachelor of Degree In Law

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CHAPTER ONE

1. Introduction

The history of drug abuse is as old as the history of man kind. Since ancient times, human beings have been using the different parts of plants (roots, leaves, stems, etc....) as a medicine for relieving different health conditions and also as mediators in different religious and cultural ceremonies. Later on people have come to realize that the use of certain plants produce addiction, dependence and misconduct when they are abused since many years ago.

In the Due course following the development of Science and technology, however, the use of drugs and substances for the above purpose has decreased. On the contrary, their use for charging mood and getting relief from stress has drastically increased globally.

Yet, until the 1950s drug abuse was uncommon phenomenon. It was a faceless, ungrounded problem that didn't generate the exceedingly large profits seen today.

Modernization and expansion of transportation and communication systems, especially the era of globalization have paved the way for proliferation of trade among peoples of different nations that has also facilitated for the migration of people from place to place along with their tradition and beliefs .Plants and drugs that were formerly of local significance have become familiar and available in other parts of the world.

Since 1990, drug abuse has soared with international drug cartels and multi-billion dollar profits driving the trade.

Today, there is an estimated 190 million drug users around the globe, which accounts of 3.1% of the world population or 4.3% of population

aged 15 and above. While the majority of illegal drugs are consumed in industrialized nations, drug addiction is no longer the rich nation's problem or the poor nation's affliction. It crosses national, ethnic, religious class and gender lines. Addicts range from the homeless to white collar professionals, College Students, Sex workers ruler farmers and street children's.

Drug is a substance that stimulates the nervous system of the addict. It affects the natural process of the body. E.g. cocaine, heroine, cannabis, alcohol and chat are some harmful drugs. The addicted persons or the users are directly affected by drug abuse.

Substances of abuse include not only those that are classified under international law as controlled drugs which include narcotic drugs such as opium and its derivative coca and its derivatives, cannabis and psychotropic substances such as depressants, stimulates, hallucinogens, but also to other substances with abuse potential but not subject to international control such as alcohol, chat, tobacco and volatile substances. Almost all substances of abuse have common features which may include that all produce abuse potential , all act on the brain and produce impairment of judgment, all produce addiction on and all produce dependence both physical and psychological and also all produce tolerance and withdrawal syndrome and produce grave multi faceted consequences (DACAE, 2006, substance abuses for training manual).

The drug trafficking problem has turned in to a world wide threat challenge all over the world. The drug trafficking malady over shadows various aspects of human societies including people's health, political and economic development and security as well as the stability of the government. Drug trafficking is a form of "commodity" trading conducted by transitional crime syndicate generating an annual income of more

than \$ 500 billion of a year world wide of which \$ 250 billion accounts for a net profit. It is expanding at such an alarming rate that the united nation general assembly has began to focus on it as multi dimensional problem. (Robert I (1998:84).

1.1 Statement of the problem

Even though there is an amendment of Art 525 of penal code in 1997, it stated that when traffickers are caught and accused of trafficking offence, the highest sentence is 10 years with money fine. FDRE (federal democratic republic of Ethiopia) penal law has a gap on cross border drug trafficking and it lays less punishment on criminals. for instance states:

In addition, opposite to the existence of various international instruments of drug control and preventions such as the 1972 protocol amending the single convention , convention on psychotropic substance, 1971 convention against illicit traffic in narcotic drugs and psychotropic substances in1988, the number of traffickers and users is alarmingly increasing from time to time (ACDE 2006).

Ethiopia is one of the countries who signed international conventions to control the misuse and trafficking of drugs but FDRE police Commission report that the number of persons charged with substance abuse related crime increases during 2002 to be 340 users, 67 traffickers and 4 producers participated in drug abuse crime (Asfaw Ubella, Dawit Abebe and Almaze Abebe AA may 23,24-2005 p 71).

To day the number of population has been increasing and the methods of committing a crime are also increasing.

1.2 Significance of the study

The Ethiopian penal law has a gap on cross border drug trafficking and it does not show properly the mechanism to control cross border drug trafficking. So this study will focus on FDRE penal code and provide the solutions with regard to the law and other situations and it will use other researchers as reference and also create awareness about cross border drug trafficking for the society. To this end the study is expected to be significant:

- ❖ By indicating the provision stated about drug trafficking and to forward constructive suggestions.
- ❖ By showing explaining the interpretation of the law and contributing as a stepping stone for further studies by other researchers.
- ❖ BY creating awareness about harmful drugs and their social, economic and political problems and their legal impacts.

1.3 Objective of the study

The main objective of this study was to investigate the impacts of cross boarder drug trafficking and its legal implication in Ethiopia. Based on this main objective, the following specific objectives are forwarded.

- ❖ Explaining the impact of drug trafficking on Ethiopia's socio-economic and political situations.
- ❖ Analyzing how the responsible bodies that are established to tackle the problems of drug trafficking functions so far.
- ❖ Suggests some possible solutions to the problem based on the study conducted.

1.4 Research questions

The study tried to address the following basic questions

1. To what extent is the Ethiopian penal law strong enough to penalize those convicted of cross border drug trafficking?
2. What does control in Ethiopian Air Lines look like to prevent cross boarder drug trafficking?
3. What amendments on Ethiopian penal law are being made to control the increasing trends of drug abuse offence?
4. What are the possible causes to initiate and lead the young to involve in drug trafficking?
5. What methods are being used to control drug trafficking offence?

Research Design and Methodology

1.5.1 Data Sources

Both primary and secondary sources of data were used to conduct this study. Interviews and observation were used to collect the primary data whereas the secondary data were found from books, training manual of Drug Administrative and control Authority, drug traffickers' record of Ethiopian Air Lines.

1.6 Data Collecting Instruments

Interviews and document analysis were used to obtain the necessary data for this study. In addition, direct observation of the litigations and decisions processes in Federal High Court data were also used to gather data.

1.7 Data Analysis procedure

Data collected from interviews and document analysis were analyzed using tables and percentages. On the other hand, data from observation were qualitatively analyzed.

1.8 Limitation of the study

Lacks of previously undertaken researches on the topic, time, financial and material constraints are among the difficulties the researcher faced while carrying out this study.

Abbreviations

- ❖ **FDRE (Federal Democratic Republic of Ethiopia)**
- ❖ **DACAE (Drug Administration and Control Authority of Ethiopia)**
- ❖ **DCAPFF BAD (Drug controlling activities at bole partial fulfillment of BA degree)**

Chapter two

2. Literature Review

general definition of drugs

The Misuse of Dug At 1971 does define the word 'drug' substance which are 'controlled' in their use clearly all medicines are drugs but not all drugs are medicines. Scientists generally assess a drug's level of safety by reference to its therapeutic index, being the median effective does not against the median toxic does.

For present purpose drugs can be loosely grouped as follows.

- I. Substance either organic or inorganic which are used in medicine;
- II. Drugs present in naturally accruing substance e.g. caffeine in tea and coffee, alcohol, nicotine and tobacco; THC in cannabis;
- III. Narcotic contained in substances not naturally occurring. E.g. solvates glues, nail varnishes, butane fuels.
- IV. Substance cultivated extracted or created principally for narcotic abuse e.g. psilocin (the magic mash room)

The preamble misuse drug act reads as follows "An act to make provision with respect to dangerous or other wise harmful drags".

Hence certain drugs are "controlled" and listed as class A, B or C type drugs depending on magnitude of danger or harm attached to them.

Misuse drug act while it is not difficult to predict substances which would fall in to the dangerous drugs.

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- **The Law on Misuse of Drug Trafficking Offence second edition RUD.FOR TSON 1992 page. 5**

Category being dangerous to one's health, physically or mentally it is apparent that parliament had in mind yet another category of drug which is sought to control, namely those drugs that are described by misuse drug act as being "other wise harmful".

Drugs that were not only capable of causing physical or mental 'harm' to the user, directly or indirectly, but also drugs which are capable of producing harmful results or consequences, amounting to a "social problem".

Accordingly in the wide context the 'harm' encompass sociological 'damage' e.g. delinquency, or the emergence of a social group of users who are in danger of acquiring in more than psychological dependence to a certain drugs.

kinds of drugs

2.2.1. Narcotic drug

Narcotic drug a chemical agent that induces stupor, coma, or insensibility to pain. The term usually refers to opiates or opioids, which are called narcotic analgesics, Middle English narcotic, from old French narcotique, from medical Latin narcoticum, from Greek narkotikon, neuter of narkotikoies, numbing; from narkosis, a numbing.

2.2.2. Heroin

Heroin is also called diacetylmorphine, derivative of morphine, under international control according to UN single convention 1961 and its amendments schedule I. It is highly addictive opioid that makes up a large portion of illicit. Traffic in narcotics Heroin is a highly addictive drug and an addict must usually inject heroin about twice a day in order to avoid the discomfort of withdrawal symptoms; these include restlessness, body aches, insomnia, nausea, vomiting, and diarrhea. An addict trying to break his body's dependence on heroin must under

go an intense withdrawal period lasting three or four days, with symptoms lessening markedly thereafter.

Heroin addicts also develop a high tolerance to the drug, this addict must use the drug more often or in greater amounts to achieve the desired euphoric effects.

Heroin addicts commit a disproportionately large share of property crimes in western countries where use of the drug is a problem. Commonly heroin is injected into the body of the users, the injection may be given using unclean or contaminated syringes, they will be infected simply by HIV/AIDS and other transmitted diseases.

Towards the end of the nineteenth century, diamorphine hydrochloride, a derivative of morphine, was synthetically produced to serve as a powerful pain reliever. Termed 'heroin' in 1899 (from Greek, "hero", the drug was recognized as having the ability to inflame the personality. Today heroin is widely abused for that very reason.

All heroin must be imported, the majority of which now comes from Pakistan. In its purified form the drug will be a white powder, otherwise it will assume a brown or beige appearance. When put in a soluble form, it is then capable of being injected (i.e. "mainlined"). But this practice has several very dangerous aspects. First, most diseases including hepatitis and AIDS may be transmitted by the use of unclean needles. Second, heroin is often "cut" with an inert substance in order to reduce the level of purity. Depending on the integrity of the dealer, many substances are used to dilute the drug e.g. Lactose or paracetamol. There have been rare instances of despicable dealers adulterating the drug with poisons.

**The Law on the Misuse of Drugs and Drug Trafficking Offences second Edition
Rudi Fortson . page 322-323, 1992**

➤ **DACA training manual, 2005**

harmful materials such as vim, plaster of paris and lalcum powder ,which devastate the arteries and damage various organs. Since 1988 the addition of phenbabitone to heroin has become more frequent. This makes the treatment of heroin abuse more difficult.

2.2.3. cocaine

Archeological findings shows that coca has been cultivated 1900-1759 B.C. Indians of South American relived that coca was a plant given by the Gods. Chewing coca was effective against tiredness and hunger.

Its effects are an alkaloid in coca leaves or prepared by synthesis from ecgonine under international control.

Cocaine's short term effects taken in small amounts usually makes the user feel euphoric, energetic, talkative, and mentally alert especially to the sensations of sight, sound, and touch. If the users take large amount they may experience tremors, vertigo, muscle twitches, paranoia or with repeated doses, a toxic reaction closely resembling amphetamine poisoning.

Physical symptoms may include chest pain, nausea, bladder vision, fever, muscle spasms, convulsions, and coma.

Death from cocaine over dose can occur from convulsions, heart failure, or the depression of vital brain centers controlling respiration.

Psychological dependence exists when a drug is so central to a person's thoughts, emotions, and activities that is becomes a craving or compulsion. Among heavy cocaine users, an intense psychological dependence can occur; they suffer from severe depression if the drug is unavailable which lifts only when they take it again.

In recent years, cocaine has come to be labelled as the "rich man's speed". This not new cocaine has always been expensive to abuse. What is new is the extent to which ***the drug has swollen*** in popularity in the last few years. Cocaine has been with us for over 100 years, being an alkaloid obtained from the leaves of the coca plant, which grows in abundance in south Americas, particularly Bolivia ,when the leaves are dried and then

chewed with powder line, the substance stimulates the nervous system and reduce he desire to eat. For countries the leaves have been used in this way by the native of the Andes.

Formerly used as a local anaesthetic (particularly by dentists), cocaine had been used in many preparations including chewing gum and “Coca Cola,” hence the name, although cocaine has long since been removed from the product. Although the drug was abused by certain elements of Victorian middle classes, it was significantly abused in Britain in the 1920s. Today Cocaine is used to a very limited extend in practical medicine by reason of its dangers and addictive quality. Both Coca and Cocaine are controlled by the Misuse Drug Act as a class drugs.

All Cocaine is imported , manly from south America, and usually takes the form of a white powder.

2.2.4 Cannabis

Cannabis is a natural product the word cannabis comes from Greek, hemp. Cannabis is a generic term used to denote the several psychoactive preparations of the hemp plant, cannabis sativa cannabis contains at least 60 cannabinoids, several of which are biologically active.

The most important preparations are Bhang, marijuana, Ganja, Hashish and Hashish oil.

Long term effects cannabis are decrease drive and ambition, shortened attention span, poor judgment, high distractibility, impaired communication skills, and diminished effectiveness in interpersonal situations.

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- **The Law on the Misuse Drugs and Drug Trafficking offence second Edition Rudi Fortson . page 325-326, 1992**

All narcotics will have an effect on mood but cannabis is renowned for creating effects of relaxation, timelessness, changes of perspective and apparent “happiness” or “distress”. There is much evidence that cannabis will accentuate pre-existing moods of happiness or tension which may in turn, be linked to the prevailing environment. It is probable that the drug is not addictive and the evidence of physical or mental harm resulting from its use is equivocal.

In certain African countries and west India, cannabis is regularly used and may even form part of the sub-culture. Some people use it as a medicine. Cannabis is grown in many parts of the world e.g. Morocco, Thailand and India's. The active constituent of cannabis is the (tetrahydrocannabinol).

2.2.5. Khat

Khat is the most powerful natural stimulant has never been unlike readily available to man to impose these side effects on every citizen of the world. Alternative stimulant source was thus ushered in the form of manufactured Benzedrine other amphetamines. It makes the user feel good exhilarated, energetic, and confident.

Unwanted effects associated with khat are sleeplessness, nervousness, night mares, in habitation of micturition, increased diuresis, increase libido impotence, spermatorrhoea, and brownish staining of the teeth, affects growth of fetus by inhabiting placental blood flow (Mwend et al 2003), decrease plasma cholesterol, triglycerides and albumin and increase uric acid concentrations.

2.3 effects of drugs

Effect of drugs depend mostly on properties of drug itself dosage taken route of administration, internal factors which varies from person to person

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- **The Law on the Misuse Drugs and Drug Trafficking offence second Edition Rudi Fortson . page 328-329, 1992**

effects observed after administration and rate of absorption body weight and volume of distribution age, sex, pathological factors and tolerances
Gabril G(1981,8-9 page)

person setting environment circumstances and the use of other drugs.

The effect of all drugs are related to the dose administrated there is a dose effect relationship which is commonly derived by pharmacologist from the Effects of drug are also characterized by all aspects of social life of human beings while health problem primarily affect the drug abuser concerned and only indirectly affects.

Society in general, by giving rise to higher health care costs the links between drug addictions need sharing and prostitution. Aids and other diseases are even more clearly demonstrable. This creates additional health dangers for the society as a whole.

The use of illicit drugs is usually associated with a number of related problems. These can be financial (spending too much money on a habit) social (time spent under influence of drugs reduce time that can be spent with family and friends) vocational (missing days at work or performing inefficiently while there) medical (there are a host of illnesses associated with drug abuse) and emotional (offending addicts feel ashamed, distressed and quality about their condition).

2.3.1. social effects of drug

Drug users are affected their health by drugs health problem caused by drug abuse include ill effects on the fetus during pregnancy problems in physical problem in the already difficult adolescent phase of development, low achievement at school, increased strains on the relationships and other diseases such as coronary heart disease and cancer.

Many individuals also die as a direct or indirect result of substance of abuse such as Khat, tobacco and alcohol. These deaths include those deaths from physical disorders and injuries such as those incurred as a result of motor vehicle crashes. Drug abuse can strain family dysfunctional, transforming families from an asset of society in to a

burden. Effects on the family can include psychological and financial burdens.

Drug and substance abuse is enemy number one to the society and economy.

For many people in this country Khat chewing seems to be a minor problem on posing much problem to the society and economy. The widespread use of the substance is having a debilitating effect on the school age population.

A considerable proportion of personal income is expended on including psychotropic drugs and the impact of this on family wellbeing is considered children grow chewing their parents and relatives stupefying themselves with habit and substances and grow up waiting to be their parents. Khat chewing dispose people to the consumption of alcohol drink and to the quest for more potent drugs. These are necessary because they have the

Effect of reversing the as vehicle for the rapid transmission of HIV (AIDS). Totally the result of drug abuse social disruption, increase in the number of street children, which aggravate HIV/AIDS prostitution, facilitation of progress in HIV and death due to AIDS, implementation of ART for AIDS patients who are drug abusers is more difficult be cause they have low adherence. Almost 50% of hospitals are occupied by AIDS patients.

2.3.2. Economic effects of drug

Drug users are always lose their money for their habits by means of drug abuse their health's becomes and they would become job less ness

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- Khat habit and other psychotropic drugs, Asfaw Debela , Dawit Abebe and Almaze Abebe, may 23-24, 2005 /page 86/
 - Khat habit and other psychotropic drugs, Asfaw Debela , Dawit Abebe and Almaze Abebe, may 23-24, 2005 /page 22/
 - Drug administration and control Authority training manual page 45,2005

because of their illness productive part of the society would become unproductive this results for poverty specially developing countries such as Ethiopia lose more money for the treatment of patients.

According to the 1998/99 annual report Annual hospital treated 1686 drug related cares. In 1993 43% of psychiatric patient had been admitted for drug abuse khat, alcohol, cannabis.

Today the number of drug abuse persons are highly increase and its problem also increase and it affects the economy of our country.

2.3.3 political effects of drug

For strong political administrative it must have strong socio-economic situations the main who are healthy and productive society. If there is no healthy and productive society in the country the sovereignty of a country, development of a county would become in questions. Drug and substance abuse is the main cause for unhealthy, unproductively the users usually suffered with physical and psychological problems. Unproductively person would be grown in a country this is the reason for poverty.

From 2005-2009 federal police commission report indicates that 2340 persons are accused in drug trafficking cultivation and using offence the age of these offenders are between 15 and 40 this indicates the productive part of the society commit a crime some part of their life pass in imprisonment. Today acting a crime is highly increase would become crowded with the prisoners.

One or another way drug abuse offence affects the political situation of a country. Health society keeps their country from foreign enemy they create new technology and the develop their country working hard and also they keep the sovereignty of their land.

- Politically, in countries where illegal drug trafficking is there ,it adversely affects the diplomatic and political relation of the country with the rest of the world. Foreign relation of countries largely depends on peaceful conditions. There fore Drug enhances crimes. If

crimes exist in countries diplomatic relation will be negatively affected.

2.3.3. legal effects of drug

drug abuse also have a legal effect in a country such as users are commit a crime a number of offenders are increasing year to year but there is no sufficient man power and expertise tell and institutions to control and administer the crime and criminals.

CHAPTER THREE

3. Impact of cross border drug trafficking in Ethiopia

Throughout the world, millions of individuals are affected by drug abuse either directly or from the criminal activities of traffickers, related to violence and ever-increasing corruption. The illegal drug trading or drug trafficking is one of the global black market phenomenon with the all-inclusive course of actions of cultivations, manufacturing, distributions and sales.

Drug abuse and illicit trafficking not only destroy human lives but also jeopardize the structure of society and even are increasingly affecting countries in most regions of the world. Transcending national frontiers and social systems billions of dollars are involved. All nations are vulnerable regardless of geographic location, political orientation or stage of economic development.

In view of its alarming dimensions, the drug abuse phenomenon is now increasingly seen as a growing global challenge requiring a global response. Today all countries of the world directly or indirectly affected by drug related problems Ethiopia also affected by illicit drug problem. This research shows (see) the impact of cross border drug trafficking and its legal implications according to FDRE criminal code of 2005 Article 525 (Narcotic and psychotropic substance)

The impact of cross border drug trafficking has cultural, social, economic and political nature on the country. Ethiopia is not an important country in money laundering, precursor chemicals production associated with the drug trade, or in the production of narcotic drugs, although the traditional stimulant, Khat, is widely produced and exported throughout the region.

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- DACE page 85, 2005

Ethiopia is strategically located along a major narcotics transit route between southwest Asian producer countries and Europe. Ethiopia is a party to the 1988 United Nations Drug Convention. She also one of the poorest African countries. Faced with other competing demands, the government lacks sufficient resources to combat the narcotics trade. Domestically, while drug consumption is increasing, it is not yet viewed as a major problem.

Much of the increase in the availability and consumption of hard drugs is caused by the spillover effect from the transiting of drug couriers through Bole international Airport. Bole is a major air center for flight connections between Asia and Africa, and much of the heroin entering and/or transiting Ethiopia comes from Asia. Many of the flights require up to a two day layover in Addis Ababa which permits the introduction of these drugs to the local populace.

Ethiopia is one of the country affected by drug related problems because of its geographical location she shares common borders with Eastern Africa countries and has good connecting gravel and asphalt roads, and rail way to these countries and as well. This, of course, creates favorable environment illicit drugs (substances) can easily be trafficked across these borders rail way and air line.

But also the culture of the society respects foreign strangers simply creates close relation with the strangers with out any pre-condition. This is may be the reason for illegal drug trafficking in the country.

Control drugs (Narcotic drugs and substances) commonly cultivated, trafficked and abused in Ethiopia include, cannabis, Heroin, Cocaine, Pethidne, morphine and iazempa. The extent of abuse and trafficking of each drug varies. Among these cannabis is most widely cultivated, trafficked and abused drug followed by Heroin.

- DACE page 85, 2005

Ethiopia is a favorite transit trafficking point for illicit drugs. Especially the Addis Ababa international Air port is one of the major hubs of drug trafficking in the world.

Policies and laws Applied in Ethiopia

Ethiopia is a signatory and a member country convention against illicit traffic in Narcotic drugs and psychotropic substances article 9 (4) of the constitution of the Federal Democratic Republic of Ethiopia all international agreements ratified by Ethiopia are an integral part of the law of the land.

So in light of this constitutional provision, Narcotic drugs and psychotropic substance are presumed to be as the integral part of the law of FDRE. Accordingly Ethiopia as one of the state parties should comply with and discharge its obligations provide in conventions.

The current national legal instruments applied in Ethiopia there are different national instruments to control Narcotic drugs and Psychotropic substances and this polices and laws are applied in Ethiopia

3.1.1 Federal Democratic Republic of Ethiopian Criminal Code

Proclamation No 414/2004 the criminal code of the FDRE Article 525, producing making trafficking in or using poisonous or Narcotic and Psychotropic substances is an aggravate offence the provision of this article sub article 1 (a-d) who ever with out special authorization and with out the intent of trafficking cultivates, produces, makes transforms or manufactures poisons, narcotic drugs or psychotropic substances or plants, or possesses, offers for sell, dispatch, distributes, or procures for another any of those substance listed under (a) punishable with regrious imprisonment for not less than 5-15 year and fine not exceeding 100,000 Birr and other sub articles of this provision stated that every offenders are punish with regrious.

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- FDRE criminal code, 2005

imprisonment not exceeding five years-seven years with 50,000 Birr fine. Even if 1957 penal code Art 510 revised the provision stated that who so ever, with out lawful authority, produce or makes, transform, imports or transport, a quires or receives, stores, offers for sale or distributes, or procures for another, poisons, drugs or narcotic substances is punishable simple imprisonment of not less than 3 months to a regrious imprisonment not exceeding 5 years as well as a fine of 20,000-3,000 birr respectively.

3.1.2 Drug Administration and control Authority of Ethiopia proclamation No 176/99

This proclamation is ratified in 1999 for realizing the significant role of health in securing proper life and productivity of the people and economic development of the country and also to deter the illicit production traffic and use of narcotic drugs and psychotropic substance.

Under this provision article 24 stated that any person having a permanent special license to import or export narcotic drugs or psychotropic substances shall apply for a special import export permit for each. Article 34 stated offence facilitating abuse narcotic and psychotropic substance.

Art 34(1) By way of any means, publishes or displays, or causes or permits to published or displayed anything promoting or encouraging the abuse of narcotic drugs or psychotropic substances; Article 34(2) is an owner or occupier of a house a compound or any place, causes or permits there the abuse of narcotic drugs or psychotropic substances with out having license to prescribe Art 34(3) administers or causes or permits to be administered narcotic drugs or psychotropic substances without hawing license to prescribe. Art 34(5) shall be punishable with imprisonment of not less than DACE training manual 2005 page 88

- Pro. No 176/1999
- FDRE criminal code, 2005

7 years and not exceeding 15 years and with fine of not less than thirty thousand Birr and not exceeding fifty thousand Birr. This law was applied in Ethiopia for controlling harmful illicit drugs.

3.1.3 Food Medicine and Health care Administration and Control Proclamation No 661/2009

No 176/1999 proclamation was revised by this law it is one of enforceable instrument controlling to deter illicit production, trafficking and use of narcotic drugs, psychotropic substance, and procures chemicals; under article 18, any person shall to import, export manufactures, distribute, store or possess narcotic drugs, psychotropic substances or precursor chemicals be required to have a special permit issued by the executive organ.

Article 53 of the proclamation stated that penalty Art 53(1) (f) any person who advertises by way of any means to encourage the abuse of narcotic drugs or psychotropic substances or causes or allows such advertising or cause the illegal production of narcotic drugs or psychotropic substances through inappropriate use of precursor chemicals shall be punishable with imprisonment of less than seven years and not exceeding fifteen years and with a fine of not less than Birr 30,000 and not exceeding 50,000 Birr.

These laws are applied in Ethiopia for the controlling of illicit drug production, traffics import, export and also use. But also FDRE police commission designed a strategies and established Ethiopian drug enforcement service in 1993 by special consideration of the government of Ethiopia to fight over all illegal activities of drugs under national and regional states action against drug production, trafficking and drug related crime. Also building and connecting with international and national institutions.

Generally the law indicates that Narcotic drugs and psychotropic substances are a harmful and illegal substances which are the cause for criminal activities.

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- Pro. No 661/2010
 - FDRE police commission report.

Chapter four

Analysis and interpretation of data

This chapter deal with data analysis and interpretation the respondent of this study included the federal police, federal higher court and the Ethiopian Airlines control division and control office which is one branch of federal police the researcher try to have interview question for all workers in the above offices, but from all workers in the above officers, in several case some of them meeting ,Work by shifting for this I get two interviewed questioning in federal police and in federal higher court equally two and four person interviewed question from the Ethiopian airlines division and controlling office .

These interview questions are in the Addis Ababa officers which found federal police, federal higher court and Ethiopian airlines the interview focus on the domestic and foreign traveler so the issue related in specifically in Addis Ababa when it is traffic but this makes relation ship trafficable in general in and out of Ethiopia.

The responses of the respondent analyzed and interpreted in the tabular and statement from as follows

Table 4.1 characteristics of the respondent

No	Items	Respondents					
		Federal Police		Federal High Court		Ethiopian Airlines	
		No	%	No	%	No	%
1	Sex						
	A .male	2	100	1	50	4	100
	B .female	-	-	1	50	-	-
	Total	2	100	2	100	4	100
2	Service year						
	A .less than 5 year	-	-	-	-	-	-
	B .between 5-10 year	2	2	2	100	4	100
	C. greater than 10 year	-	-	-	-	-	-

	Total	2	100	2	100	4	100
3	Educational status						
	Master	-	-	-	-	-	-
	Degree	1	50	2	100	2	50
	Diploma	-	-	-	-	1	25
	Certificate	1	50	-	-	-	-
	Grade 12	-	-	-	-	1	25
	Total	2	100	2	10	4	100

As indicated above in table 1,2 (100%) of Federal police respondents are male, and 1(50%) of the federal high court judge respondents are both equally male and female and 4(100%) of the Ethiopian Air lines respondents are all male.

This shows most of the respondent are male and some of them are Female.

This participating of the Federal Police, Federal High Court and Ethiopian air line. Interviewed questions, the service year in all respondents of Federal Police, Federal High Court and Ethiopian airlines are equally between 5-10 years work experience.

When we see the educational status the Federal Police respondents 1(50%) is degree holder, 1(50%) is certificate this shows that the federal police staff educational level 50% degree and 50% certificate level it is possible to say enough educational level for this interview respondent.

The Federal High Court educational status, the respondent 2(100%) are degree holder. This show that the Federal High Court staff educational level is quite enough for this interview respondent.

The Ethiopian airlines educational status for this respondent 2(50%) degree level, 1(20%) is diploma and 1(25%) is 12 grade from this most of the respondent are have more educational status.

Table 4.2 the drug trafficking Ethiopia

No	Items	Respondents					
		Federal police		Federal high court		Ethiopian Airlines	
		No	%	No	%	No	%
1	Is there drug trafficking in Ethiopia						
	A. Yes	2	100	1	100	4	100
	B .No	-	-	-	-	-	-
	Total	2	100	2	100	4	100
2	Who are the drug traffickers						
	A. The Ethiopian	-	-	-	-	-	-
	B .African	-	-	-	-	-	-
	C .others	-	-	-	-	-	-
	D. All	2	100	2	100	4	100
	Total	2	100	2	100	4	100
3	Which controlling mechanism do you use for controlling drug trafficking						
	A .Seizer	1	50%	-	-	2	50
	B. x-ray suspect	-	-	-	-	1	25
	C. observing the traveler	1	50%	-	-	1	25
	Total	2	100	2	100	4	100

Concerning the drug trafficking in Ethiopia in table 2 wither there is or not drug trafficking in Ethiopia the Federal Police 2(100%) Federal High Court 2(100%) and 4(100%) say ,there is drug trafficking in Ethiopia, as to the drug trafficking in Ethiopia the respondents all say there is drug trafficking in Ethiopia the drug traffic agent’s interview respondents on who the drug

traffickers of the Federal police 2(100%) of the Federal High court and 4(100%) Ethiopian Air lines. 4(100%) of the respondents agree with the same response the drug that traffickers are Ethiopian younger, at most western Africa citizen and other foreign country citizen involve in it.

This shows that there are Ethiopian and foreign citizens are the drug trafficker.

Controlling mechanism of the drug trafficking in Ethiopian the federal police 1(50%) by seizer of the traveler when they are suspected with their special activity. The court did not use controlling mechanism. The Ethiopia Airlines similarly with Federal Police and differently from court 2(50%) of if the Ethiopian Airlines by seizer traveler and 1(25%) by x-ray the suspect at the police hospital and 1(25%) by observe the traveler special condition.

This show that the controlling mechanism are occurred by the Federal police by seizer and observe the traveler and Ethiopia airlines by seizer, x-ray and observe when there is new behavior like sweat ,overact, but the Federal High Court did not use any control mechanism by seizer ,x-ray or observing.

Table 4.3 The cause of drug trafficking

No	Items	Respondents					
		Federal Police		Federal High Court		Ethiopia Airlines	
		No	%	No	%	No	%
1	What is the cause of drug trafficking	1	50	1	50	2	50
	A. Poverty	-	-	-	-	1	25
	B. Less awareness	1	50	1	50	1	25
	C. Hire for drug traffic						
	Total	2	100	2	100	4	100
2	Who do you accuse for stop the cause						
	A. The agent	2	100	-	-	4	100
	B. The source	-	-	-	-	-	-

The cause of drug trafficking who and how to stop on table 3 the Federal police 1(50%) of the respondents say poverty for money Ethiopian or foreigners, they are cause for drug traffic in Ethiopia, the other 1(50%) of the respondent say the traffic or hire for drug trafficking ,on the other hand the Federal high court similar to federal police respondent say the poverty and hire are cause for drug trafficking ,beside the Ethiopia Airlines respondent say 2(50%) poverty, 1(25%) of the Ethiopian Airlines respondent say less awareness make people to cause for the drug traffic and the 1(25%) of the remaining respondent are hire for drug traffic.

On table 3 No 2 who to be accuse for stop the cause 2(100%) of the Federal police respondents say we are accuse the agent similarity the Ethiopia Airlines respondent also accuse the agent for stop the cause of it trafficking but Federal High court do not. These show that the cause for drug trafficking are more in poverty and hire for money, in Ethiopia Airlines only 1(25%) less awareness beside the accused person response by Federal police and Ethiopia Airlines the Agent, so since the source did not accuse their will not be possibly stop the cause of drug trafficking.

Table 4.4 The Ethiopian law of drug trafficking control

No	Items	Respondents					
		Federal Police		Federal High Court		Ethiopia Airlines	
		No	%	No	%	No	%
1	Is the Ethiopian law interpreted on drug trafficker exactly for controlling ?						
	A. Yes	-	-	2	100	1	25%
	B. No	2	100	-	-	3	75%
	Total	2	100	2	100	4	100

2	Does the law need to amended						
	A. Yes	2	100	1	50%	3	75%
	B. No	-	-	1	50%	1	25%
	Total	2	100	2	100	4	100

The law of drug trafficking control in Ethiopia in table 4 interpretation of the law, the respondent of Federal police 2(100%) say it is not interpreted the Federal high court respondent 2(100%) say it is not interpreted and Ethiopian Airlines respondents say 1(25%) the law interpreted but 3(75%) respondents say the law did not interpreted. From this I can interpret most of the respondent says the Ethiopian drug trafficking law did not interpreted and same says it is interpreted.

. On Table 4.Q2 The need for amendment of the drug trafficking law of Ethiopia except the Federal High Court in 1(50%) and Ethiopian Airlines 1(25%) the remain respondents which is most of the respondent say need to amended the law. This show that the law need to amended.

Tables 4.5 co-operating organs for drug control authority .

No	Items	Respondent					
		Federal Police		Federal High Court		Eth Airline	
		No.	%	No.	%	No.	%
1.	Are you cooperating with Eth. Drug control authority						
	A. Yes	1	50%	-		1	25
	B. No	1	50%	-		2	50
	C. Sometimes	-	-	-		1	25
	Total	2	100			4	100

Concerning tables 4.5 1(50%) of the Federal police respondent say there is and there is not on the other 1(50%) of the respondent co-operating with Eth. Drug control authority. The Ethiopian Air Lines 1(25%) of the respondent say there is co-operative with Ethiopia drug administrative and control authority but 2(50%) say there is not co-operation with and the remain 1(25%) say sometimes the other the Federal high court dose not.

From table 5 I understand that most of the respondents say there is no co-operation with Ethiopian drug administrative and control authority.

Chapter Five

Conclusion and Recommendation

5.1. Conclusion

In human life drug cause lot of damage in the single life as well as that of the family or/and society generally health, economic social and political achievement now a days drug problem is not only in one country but also it is the problem of the world's hot issue. In Ethiopia in addition to our backwardness of economic condition, the power of our youth in one hand victim in drug using and on the other hired for drug trafficking for money.

When he/she uses drug the cause they do not agree with their finally and also they made lot of crime in to the society his one way make lose of peace and security for the country on the other it make our court business and the power of new or young producer to spend his/her life imprisonment.

As I have seen so far the drug trafficking in our country Ethiopia are young Ethiopian, western Africa and other foreigners, who are involved this act, so it is hard to stop since the source still on going and only the agent's are arrested, from this the source unless stopped the other agent new younger Ethiopia treated by money and hired then follow the previous to jail, this is disaster for new generation especially those who have economical problem, less awareness when they expose for foreigner bad film and culture are easily taken by the source or main drug traffic distributor here with this source in our country as well as in the world include they rooted with the higher position of rich agent this is the backbone problem of stopping drug trafficking.

In the world there are In general several types of dangerous things which occur naturally like food, earth quick, volcanic eruption, and artificially the human beings cause problem in unlawful enrichment by destroying his brother, developed country to developed country, the first and the most are global warming treatment, drug trafficking and the like create great worry in the world. In particular to this paper the drug trafficking which have different kinds, so as the problem to control again the victim addicted once if they used

it need to make them free from addicted, in health follow up in psychotically and physical treatment in this way the addicted patient or victim feel better condition if not may lead to in capacity or mental disorder in all his life. So that the drug problem has great effect, to control these problem in our country in Ethiopia there are Federal police, The Ethiopian Airlines, drug administrative and controlling authority of Ethiopia and the court also but when I see this study the given institution are not well organize, so the law need to amended beside the controlling institution strictly need to organize separately.

5.2. Recommendation

- ↗ As recommendation for the drug trafficking on different countries of the world like Greece, Egypt, Saudi Arabia, Indonesia and Osman International conventions the punishment are strict, life imprisonment and death penalty. When we come to our country Ethiopia the law need to come up with better enforcement for preserving drug trafficking, Criminal code of Ethiopia 1997 – (2005) Art (525) state not exceeding 7-15 years rigorous imprisonment with fine it need to amend at least life imprisonment.
- ↗ It is sound good, if we are having the separate institution to the concern of the public peace and security.
- ↗ There need awareness for drug users and drug traffickers especially for youngest through hospital and imprisonment, and also for the society to train them.
- ↗ It is recommended for concerning drug trafficking organization to follow the agent and come to the source for reducing or eliminate drug trafficking.

If we have the above condition fulfillment individual have knowledge of drug trafficking effect in addition to this the public peace and security on one hand, and the other the productivity which is obstacle by drug trafficking is improved.

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