

## *Correlation Conference, Ljubljana 12-14 Dec. 2011*

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*Efforts by NGOs to get alternative drug policies on the political agenda at the EU and UN - worth our while?*

This presentation is about the representation of and contribution from Non-Governmental Organisations, NGOs, to the EU in the field of drug policy.

The European Commission organises the 'Civil Society Forum on Drugs', which consists of 35 organisations from almost all EU member states.

The NGOs that have been selected for the 'Civil Society Forum on Drugs' are of a strongly varied nature and background. Until recently they were expected to function in the consensus mode - similar to the way the CND, Commission on Narcotic Drugs of the UN, has succeeded in doing little of worth, while keeping the appearance of agreeing on almost everything. The constrained consensus has been somewhat loosened in the CSF in the last period, but formal voting has not been introduced.

More important than that is probably the way the NGOs are selected, on the basis of an EC Green Paper, that ENCOD criticized strongly after its publication, because of a clear bias in favor of organisations that are well-funded, often partly by governments, and against grass roots groups without an office and with little or no professional staff.

A number of groups can be distinguished in the CSF: Harm Reduction organisations, treatment institutions, social and juridical support organisations, and advocacy organisations - advocacy both for a Drug Free World, and for complete legal regulation of all presently criminalised drugs.

One of the most important objectives for ENCOD, probably the most important, is the repeal of international drug prohibition, so that countries will regain the right to choose and to devise their own drug policies. Although the issue of regulation, or 'alternative drug policies', is being discussed publicly more and more often in the media, and in diverse fora, it became clear to us that nothing can and will happen because this issue simply does not figure on the political agenda of national governments and of the UN and the EU. In 2009 we concluded that one of our main objectives should be: 'Regulation on the Agenda'.

When we introduced a proposal in the CSF to study and debate drug regulation, almost immediately the debate started among those present. Because of our experiences from efforts at having this debate, we knew this was going to lead nowhere. Our experiences with debates on drug policy had shown that such debates invariably jumped from one highly emotional subject to another, and ended without conclusions. Without structure and preparation, it is impossible to

weigh and balance all relevant aspects of this very complex issue, and to reach conclusions. Our challenge is to engage in a debate that will result in clear conclusions.

A formal objection that was made in the CSF was that legal regulation is simply impossible, because not a single member state wants it. To this we replied: that is precisely the reason why NGOs have to do it, and why the CSF is the appropriate place to start it. In December 2004, the European Parliament accepted the Catania Report that argued for a review of drug policy, but without result.

Then someone would say that it is unthinkable to make, for instance, cocaine legally available. We learned that we should not directly answer to this, but only react by remarking that the person who said this obviously was eager to start the debate immediately. We were not yet in that stage, however, we were only talking about the *need* to have that debate on the agenda, and to agree on its *structure*.

An important aspect of focussing on the structure of the debate, is that by doing so we make clear that we are taking this very seriously and that many complicated issues are involved: health, justice and crime, ethics, economics, education, culture, international aspects.

Sorting out the arguments along these issues will make it possible to come to conclusions, we hope and expect, first on the separate issues, and on that basis more general conclusions can be drawn.

This is the stage we are in at present. The European Commission is charged with making a report, containing the contribution of the NGOs, for the European Council, the governing body in the EU with **the heads of state and prime ministers of all member states**. **It may be however, that our demand will be left out of that report, because there may not be a majority of CSF members supporting it.** An internal discussion on what to do in that case has already started within ENCOD. There is a lot of support for continuing on this ‘diplomatic’ road, but there is much support as well within ENCOD for the view that we should not waste our time and energy in this sort of time-consuming activities that will probably not deliver anything useful, and that our opponents and the EC itself use as a proof that all groups concerned have their say.

While we are waiting for the outcome of this, the EC on 25 Oct. 2011 published **“Towards a stronger European response to drugs”**, a “Communication from the Commission to the European Parliament and to the Council”. The most immediately striking from this “communication” is that not a word is said about the Reuter/Trautmann Report, entitled “Report on Global Illicit Drug Markets 1998 - 2007”. This thorough report, commissioned by the EC and paid by European taxpayers, concluded, in short and in my words, that the international efforts to fight drugs have produced serious damage all over the globe, without signs of compensatory positive effects.

The EC “communication” which does contain some data from the EMCDDA, can be

summarised as: “*We want more of the same, no explanation needed*”. It simply announces the decision that the “response to drugs” must be stronger, and better coordinated between the EU countries. There is not one line that shows that the EC has thought about *why* this response should be stronger, and not, instead, of a different nature.

Most probably, this communication is not an initiative of the EC staff. They know there are no compelling arguments for an intensification of the war on drugs. This can only be an initiative of the responsible Commissioner, Mrs. Reding, herself and/or of the EC as a whole.

In the last few years a growing number of former heads of state, ministers, and high public officials have expressed their opinion that the war on drugs must be replaced by a system of legal regulation. This also happened at the EC itself. One of the speakers at this conference is Mr. Carel Edwards, the predecessor of Mrs Dana Spinant (Head of the Drugs Coordination Unit of the European Commission), who joined, after his retirement, one of the major organisations that advocate the end of prohibition, [Law Enforcement Against Prohibition](#). LEAP is an international organisation, started in the USA among former and active police officers and people working for the Justice Dept.

My interpretation of this action by the EC is that it is meant to be a pre-emptive strike. A reason for this may be that an important change has been made in the preparation of the next so-called EU Drug Strategy. Differently from earlier years, this text will not be written by the Commission but by the Council, that is by the member states. A sort of return to the old intergovernmental system, that was to be gradually replaced by dominance from Brussels.

See Encod Bulletins 76 ( <http://encod.org/info/ENCOD-BULLETIN-76.html> ) and 82.

This is the environment in which we all have to do our work, to plan, to cooperate with other organisations and to deliberate on our future activities, while we know that politicians cannot be trusted on the more fundamental aspects of policy.

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