

Families and Friends for Drug Law Reform (ACT) Inc.

committed to preventing tragedy that arises from illicit drug use

PO Box 36, HIGGINS ACT 2615, Telephone (02) 6254 2961

Email mconnell@ffdlr.org.au Web www.ffdlr.org.au

NEWSLETTER

September, 2001

ISSN 1444-200

Next Meeting

Thursday September 27th

at St Ninian's Uniting Church

Cnr Mouat & Brigalow Sts, Lyneham

7.30pm

Guest Speaker at 8pm:

**Gosta Lynga will speak on the
Swedish Drug Policy**

Gosta is a former Greens member of the Swedish Parliament. He is currently a senior policy advisor to the Greens in Australia and keeps in close touch with Sweden.

Remembrance Ceremony 29th October

Put this date in your diary.

The Remembrance Ceremony for those who have lost their lives to illicit drugs will be held this year on Monday 29th October at 12:30pm at our memorial site at Weston Park. Please keep this date free.

Newcastle meetings

Next meeting: Thursday, October 18th at 6.30pm in the Neighbourhood Centre, James St, Charlestown.

Ross Penne, the CEO of City Care will give a presentation on City Care's achievements and plans for residential rehab programs for the Hunter region.

There will also be news items on drug law reform from various countries.

Further information phone Jim Bright 4942 5197.

Editorial: A wrap on the ACT referendum

On the day before Marion and I left for Austria a number of us attended the ACT Legislative Assembly to listen to the debate on the Referendum Bill. A Bill, which if passed, would have asked ACT residents through a referendum if they supported a heroin trial and if they supported a supervised injecting room trial.

At the time of writing the last Newsletter the Assembly was evenly divided but with Michael Moore and Trevor Kaine yet to announce their position. For the Referendum Bill to

be defeated in the Assembly both these members needed to vote against the Bill.

In the event both did vote against the Bill and it was defeated.

Trevor Kaine felt that the Liberal Government had had sufficient time and opportunities to put in place drug policies and had failed to do so.

Michael Moore said it would not further drug law reform because a Yes outcome would still be opposed in the Assembly by the independents. He also said that the referendum would only identify the views of the majority when good government although it was more difficult should also consider marginalised minority groups.

In the aftermath a very upset Vicki Dunn, instigator of the referendum and Liberal candidate for Brindabella, said "the Legislative Assembly has shown its cowardice in the face of the unknown". A disappointed Chief Minister Humphries, affirmed the Liberal policy and in the future vowed to oppose heroin trials and injecting room trial without a referendum.

There were very few letters to the editor criticising the Assembly, but one, Michael Attwell's of Flynn was typical: "...simply shows Assembly members consider those who vote them into power .. too silly to make an informed decision.." Of course Attwell is wrong – drug policy should not be made on the basis of a popular vote, it should be made on the basis of evidence.

The editorial in the Canberra Times probably summarised it best under the heading "Referendum ineffective either way":

.....

More likely, [the referendum] disguises the deep divisions within the [Liberal] party on heroin with a united approach on a no-risk referendum – a no-risk strategy to be seen to be doing something while having to do nothing. A No vote would have resulted in giving the incoming government – whether Liberal or Labor – an excuse to do nothing. A Yes vote would have still been met with enough resistance on the floor of the Assembly and from the Federal Government to still result in no action.

.....

It was a win-win for a divided Liberal Party and a lose-lose for proponents of drug law reform. For that reason, Independent MLA and Health Minister Michael Moore, and cross-bencher Trevor Kaine were perfectly consistent in voting against the referendum.

Those in favour of the referendum posed the question: What are you scared of? If the people vote No then that should have been the end of the matter, they argued.

But a politician-initiated referendum is a less than satisfactory way of achieving good governance. Elected politicians have it within their power to deal with policy matters issue by issue. They should do what they are elected to do.

....

Politics should not be merely a business of second – guessing the popular will on every issue and going with it. Politics also requires leadership on some issues which initially may be unpopular but which, in the long run, will help provide solutions to local and national problems.

Exactly so!

Conference Proceedings

The Proceedings of the National Families & Community Conference on Drugs – “Voices to be Heard” have been completed and mailed to those who attended the conference.

We have a limited number of spare copies. If you would like a copy then for \$5, to cover costs, we can send a copy to you.

Drugs and Terrorism

The recent news is of the horrific terrorist attacks in the USA. President Bush has declared a war on terrorism. Some commentators in the media seek revenge and retribution, some lesser number ask questions about how this could happen and some urge caution and redress through law and justice rather than revenge.

While a link between drugs and the USA's prime suspect Osama bin Laden is yet to be proven, there are proven links between other terrorists and the drug trade. And we should also remember that the USA's prime suspect was once the CIA's man in Afghanistan.

Here is a thoughtful article by Dan Gardiner in the Ottawa Citizen.

Terrorists get cash from drug trade: Trafficking prime source of funds for many groups

Ottawa Citizen, September 14, 2001

By Dan Gardner

In response to this week's terrorist attacks in the United States, U.S. Secretary of State Colin Powell told a news conference Wednesday that "we have to make sure that we go after terrorism and get it by its branch and root."

Mr. Powell meant his comment to be a warning to states that support terrorists. But the evil of terrorism has another root: money. Terrorist groups may be forged by people holding fanatical beliefs, but their operations still need material support. Weapons have to be bought, training financed, travel paid for, bribes offered and terrorists sheltered. Even zealots need cash.

"It used to be that the terrorism was funded by nation states, particularly the old Soviet Union," said John Thompson of the Mackenzie Institute, a Canadian think tank studying terrorism and organized crime. "But as the Soviet Union weakened in the 1980s, more and more insurgent groups, terrorist groups, started to resort to organized criminal activities to pay their bills."

There are still a few state sponsors left, Mr. Thompson notes, although today they try to hide that support. These

include North Korea, Iraq and Syria. And in some countries, such as Pakistan and India, officials "within a state, without the state's knowledge, use their offices to fund terrorism."

A very few wealthy individuals fund terrorism with their personal fortunes. Osama bin Laden, a prime suspect in Tuesday's attacks, is one such benefactor. His wealth comes from the construction industry and, although his assets were frozen a couple of years ago, Mr. Thompson believes he was able to spirit out "several tens of millions" of dollars.

Another common source of cash for terrorists is money raised among expatriates. The Tamil Tigers of Sri Lanka are thought to derive much of their funding from donations by Tamils living elsewhere, including Canada. Sometimes those donations are voluntary, but often terrorist groups will raise funds through fake charities, or extort them by threat.

But these sources of funding are not the bread and butter of terrorism, Mr. Thompson said. "The big money earner for most of them seems to be narcotics."

Law enforcement agencies agree. In 1994, Interpol's chief drugs officer, Iqbal Hussain Rizvi, admitted that "drugs have taken over as the chief means of financing terrorism."

After the fall of the Soviet Union, terrorists quickly moved into the business that offers bigger, faster profits than any other. In Northern Ireland, both Loyalist and Republican paramilitaries traffic drugs to pay for weapons.

In Kosovo, "the creation of the KLA (Kosovo Liberation Army) was financed by intense heroin trafficking from Istanbul," Alain Labrousse, the head of Observatoire français des drogues et des toxicomanies, a French organization that studies drugs, recently testified before a Canadian Senate committee. "The heroin was sold in Switzerland to buy Kalashnikovs and handguns." In Peru and Colombia, leftist rebels have tapped into the illicit trade in cocaine and heroin to finance their activities. The leader of right-wing paramilitaries in Colombia recently admitted that they get 70 per cent of their funding from the illegal drug trade.

In his presentation to the Senate committee, Mr. Labrousse presented a list of countries in which armed insurgents have been financed to some degree by the black market in drugs. There were 29 nations in all.

Just how much of a group's financing comes from drugs varies widely, Mr. Thompson said. "With the Islamic fundamentalists, (it is) maybe 25 to 30 per cent. It's probably the single biggest money earner."

The drugs trafficked by Islamic terrorists include marijuana from Lebanon, but more commonly they distribute heroin. Afghanistan is one of the largest growers of opium poppies, the source of heroin.

Even Osama bin Laden may have his hands in the drug trade. According to a Russian report, Mr. bin Laden has bankrolled Chechen gunmen in Dagestan with funds generated from heroin trafficking.

The importance of illegal drugs to the financing of terrorism raises an obvious question. If illegal drugs are the single largest source of funding for terrorism, can you hurt terrorism by legalizing drugs? "Probably," John Thompson said. "In fact I think you could hurt it considerably."

Drug policy activists have long argued that by banning drugs and putting them into the black market, Western nations have fuelled mayhem. "We have to look at the ways that our drug policies are enriching terrorist organizations just the way that they're enriching organized crime," said Eugene Oscapella, an Ottawa lawyer and a founding member of the Canadian Foundation for Drug Policy.

So far, that reconsideration hasn't happened. The G8 and the United Nations have discussed the problem of terrorist financing over the past several years, but they have never discussed drug prohibition in that light. The G8 went so far as to explicitly refuse to talk about drug legalization. Instead, they have focused on fundraising among expatriate communities and other, lesser sources of financing.

Yesterday, British Prime Minister Tony Blair insisted that in striking back at terrorism, the West would have to cut off the money that pays for terrorist atrocities.

There's little question that the drive against terrorism will be sweeping, taking in all the "roots and branches," including financing. But Mr. Thompson doesn't expect world governments to seriously consider whether they might cut off much of the money flowing into terrorist hands by abolishing drug prohibition.

"This is a sacred cow. It's going to be hard to kill.

The state of European drugs policies An analysis from the European NGO Council on Drugs and Development newsletter

During the summer months of 2001, ENCOD carried out research into the current state of policies regarding illicit drugs in the main countries of Western Europe. The objective was to identify, in every country, the main developments in drug legislation, the way this legislation is applied in practice, and the political space for major changes to occur in the coming year(s). Following are the main conclusions that can be drawn from the research, and suggestions for possible activities for European drug policy reformers.

A European drugs policy does not exist

There is no such thing as a European drug policy. In theory, all countries are obliged to abide by international agreements such as the United Nations Conventions on Drugs of 1961, 1971, 1972 and 1988. In practice, every country and even city or region has its own way to interpret these agreements. In most countries there even exists a significant tension between what is written in national legislation and the way this is carried out in practice by legal or political authorities. Therefore, when trying to describe the situation of drug policies in Europe, a complex patchwork of realities arises in which political, historical, economic and cultural factors play a decisive role. The question is, if all countries go through a similar process, where some may reach more advanced stages than others, and if the process will end with some kind of harmonisation between them? If this is to be the case, then this process is certainly not an entirely predictable one. While there may be many similarities in the development of drug policy in the different European countries, the events and decisions that influence this development are still very much connected to national or regional characteristics that are in constant evolution.

What is true for all concerned countries is that in the past ten years, drug policy has been far from static. Although until the beginning of the 1990s the Netherlands was con-

sidered to be the only country that openly experimented with policies based on the acceptance of illicit drugs consumption as a part of modern society, this attitude has now become widespread amongst almost all Western European nations. Except for Sweden and Finland, all countries experiment with policies that are approaching the phenomenon with a much more open mind than ten years ago. While some countries intend to establish these attitudes in their legislation, others find loopholes by issuing special decrees to allow regional and legal authorities to experiment with more liberal approaches using the so-called opportunity principle in its widest sense. Where these approaches are applied, there seems not to arise much resistance against them, so it does not seem likely that they will be abandoned.

If we interpret this fact as a sign of an irreversible process, it might be true that we are reaching a point in history from where drug policy reform proposals may become more mainstream and acceptable to policy-makers, the media and the general public. However, most policy-makers still show extreme reluctance to carry these proposals further to include political debate, even if they agree with them. Therefore these proposals need to be supported by public opinion, and policy reformers need to intensify their work towards the media and the general public. Information campaigns on certain issues may be a valuable instrument to do this.

Cannabis may come first

There are several reasons to believe that the first substance for which a major change in the law will occur is cannabis. First of all, there is the increasing prevalence of the use of cannabis. In most countries, obtaining cannabis is not a difficult task. Consumption in public places is an increasing phenomenon. In Denmark, the Netherlands and Switzerland, the sale of small quantities of cannabis occurs quite openly in commercial establishments that are very rarely interfered with by legal authorities. Most government representatives acknowledge the fact that cannabis remains included in the list of prohibited drugs because of a mere 'educational' purpose, maintained in order to uphold a message of 'prevention'. The consequence is that the credibility of the laws on cannabis is diminishing, especially amongst young people who feel these laws are especially directed towards them.

Secondly, in most countries, consumption and even possession of small quantities of cannabis is hardly considered an offence, and in the cases where it is, it is only punished with administrative sanctions. In the long run this will create a political problem, for it seems strategically difficult to allow someone to possess a substance but not to buy or sell it. Some countries are struggling with this problem employing all kinds of rather ambiguous legal measures, while in others, local prosecutors or police forces have decided on their own to no longer prosecute cannabis offenders. But until now, only one country (Switzerland) seems to be willing to take this approach to its final consequence, namely to install a legal framework for the entire circuit from production to consumption. If this takes place, it may well be a test case for other European countries on the one hand, and for other substances on the other.

Thirdly, the recent wave of news stories about the medical use of cannabis seems to benefit general public acceptance of the fact that a drug which has traditionally been de-

scribed as dangerous has valuable medical uses in humans. In several countries, associations of patients suffering from cancer or MS are insisting on their right to make use of the therapeutic applications of cannabis. Several regional parliaments and legal courts have shown themselves sensitive to the argument that human and medical considerations should prevail over legal or moral ones. While this is of course a debate on its own, the spin-off for the drugs debate as a whole may be significant. It is certainly another opportunity for the already quite popular movements in favour of legalising cannabis to utilise even more their power of public mobilisation.

Harm reduction is paving the way

In very few countries do authorities still question the need for measures to cope with the most extreme health risks connected to drug use: such measures are collectively known as 'harm reduction'. Throughout Europe, programmes have been installed to exchange used needles, facilitate the provision of maintenance substances (like methadone) to dependent users, and to a lesser extent, provide consumption rooms where people can use illicit drugs in a safe environment. France, the Netherlands, Spain and Switzerland allow pill testing services that are carried out by public or private organisations in order to diminish the risk of taking contaminated Ecstasy and other so-called dance drugs. Switzerland and the Netherlands have taken the latest step in harm reduction: the controlled distribution of heroin to a limited number of long term users. Germany and Spain will start this in the coming year.

While harm reduction in itself does not change the legal situation of drugs or drug users, it has helped a lot to improve the health and social conditions of the concerned persons. While some may argue that harm reduction only serves to partially diminish the worst consequences of drug prohibition (low quality or contaminated drugs, poor conditions of use etc.), the fact that these practices have become completely normalised in most European countries may in itself benefit drugs policy reform in a direct or indirect way.

In the first place, they help to prepare policy-makers and the general public for accepting the basic idea that a drug-free society is an impossible ideal and perhaps also an undesirable one. Undoubtedly, the introduction of harm reduction programmes has led to a growing understanding that it is more important to improve the life conditions of consumers of drugs than to try to force abstinence. This means that the bottom line of the debate has moved from eliminating drugs towards identifying and diminishing the harm that they may cause.

Secondly, it is becoming obvious to many that the final consequence of harm reduction needs to be drug policy reform. Many harm reduction experts in different European countries today share this conclusion, although they may not always express it openly. For example, needle exchange, which is applied in order to prevent the risk of becoming infected with the HIV or Hepatitis viruses, has still not been extended to prisons, in spite of the fact that a large proportion of prisoners use drugs intravenously. Apparently, accepting the fact that drugs exist in prisons is difficult to swallow, because it clearly shows the failure of policies aimed at keeping them out of society as a whole.

In fact the mere provision of clean needles to people who then consume contaminated or poor quality drugs is in it-

self an incoherent policy. Sooner or later, it will come obvious that the only way of reducing these risks is the establishment of a legal framework for production, trade and consumption of drugs, so their quality can be controlled. It is also only within this framework that other kinds of harm can be reduced, such as the appearance of criminal organisations that benefit from drug prohibition.

Harm reduction can be seen as the intermediate station on the road towards regulation or controlled legalisation of drugs. Drug policy reformers could play an important role in making this clear to the organisations and people who are involved in harm reduction programmes, and form alliances with them in order to strengthen reform proposals.

Reformers, unite!

In every European country, there are people who have the abilities and ambitions to play a major role in drug policy reform activities. They represent an extremely diverse group of people from different social classes and backgrounds. Many of them have been dedicating many years of their life to this goal, sometimes bearing rather severe consequences in their personal life as well. They share the same beliefs, passions, personal ambitions and, unfortunately quite often, frustrations and lack of resources.

On the other hand, there are well known politicians, journalists, people working inside health or legal services, community or religious leaders, scientists and celebrities who promote drug policy reform in a more or less outspoken way. Some of them are actively involved in reform initiatives, while others maintain a more reserved position.

Basically, there are three classes of people working for drug policy reform in each country:-

- People advocating the legalisation of cannabis only,
- People representing users of other drugs than cannabis, and
- People who advocate drug policy reform in general

In very few cases does there exist regular co-ordination of initiatives between drug policy reform activists from different countries. The level of exchange of information and collaboration is poor even on a national level, let alone on an international one. For instance, it is remarkable that users of illicit drugs simply do not count with a single lobbyist at the European Union. Nevertheless, according to the figures of the European Union, they represent 14-18% of the adult population.

Because of this situation, it seems unlikely that a European co-ordination between all these groups and people is feasible in the short term. However, in order to strengthen their individual and collective possibilities to achieve a larger impact in the debate, this co-ordination is necessary. Therefore, it would be advisable to install some kind of communication channel between all or some of these national groups. This channel could consist of regular meetings where representatives of national networks would assist in preparing and co-ordinating common activities and campaigns. Perhaps the Internet might also provide a valuable tool for activists, enabling the diverse groups and persons to maintain more immediate contact, and providing a forum for dissemination of news, the discussion of strategies and events.

By Joep Oomen, ENCOD