



EUROPEAN COALITION FOR JUST AND EFFECTIVE DRUG POLICIES – ENCOD

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GREEN PEPPER

On the role of Civil Society in Drug Policy in the European Union

Comments of the European Coalition for Just and Effective Drug Policies (ENCOD) on the Green Paper, on the role of civil society in drugs policy in the European Union, released by the of the European Commission on 26 June 2006 (COM (2006) – 316 final)

Antwerpen, 26 September 2006

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Annex: History of the role of citizens in the drug debate in the European Union

1. General Comments

The objective of the Commission's Green Paper is 'to explore the scope for bringing those most directly concerned by the drugs problem more closely into the policy process', and 'to realise such input in relation to the EU Action Plans on Drugs' (p.3). Keeping well in mind this objective, we wish to make the following general comments.

Those citizens mostly concerned by the drug problem are most often concerned by drug policies. This fact has to be acknowledged in the dialogue process. The analysis expressed by the Commission in the first paragraph of the Green Paper, according to which the worldwide impact of the production and consumption of drugs is a serious problem for societies and governments, is not complete. It fails to mention that the greatest part of this problematic impact consists of the fact that drugs are illegal.

Of all European citizens directly affected by drugs, a large majority consists of drug consumers (between 10 and 30 million EU citizens regularly consume an illegal drug). However, the participation of drug consumers and their associations in the official drug policy debate is extremely limited. The reason for this is the stigmatisation and even criminalisation of drugs consumption as such as well as the lack of resources and facilities to participate in this dialogue, especially in comparison with subsidised organisations of professional service providers or other entities which operate within the sectors of drug prevention or treatment.

For the dialogue on EU level, it is important to not only avoid the exclusion of any, but also actively promote the inclusion of all possible civil stakeholders in the drug phenomenon. One of the sensitive issues of the planning process of the dialogue

with civil society will therefore be to reach consensus on the definition of selection criteria of participating organisations in this dialogue.

Observations by the Commission such as ‘civil society acts either as service provider or as representing the interests of professionals working in these fields’ (p 8) raise the question if the Commission is enough aware of the importance to include organisations of ordinary citizens. Groups and associations representing drug consumers or others affected by drug policies, such as relatives, policy activists or companies working in the legal sector created around the consumption of cannabis and other illegal drugs should have their say as well, and not only in areas such as HIV/AIDS, as indicated by the Commission (p. 8).

In many local and (inter-)national experiences with dialogue on drug policy in Europe, it has become clear that in order to succeed, this process needs to be maintained as open and transparent as possible. If all stakeholders have access to the dialogue process, it will be considerably easier to design policies that take into account the impact on the lives of all involved citizens.

Therefore, we believe it should be possible for any European citizen to take part in the dialogue process by adhering to one of the organisations involved in the process and channeling his or her concerns through this organisation. Only in this way, we may obtain the involvement of European citizens, which is, as the Commission acknowledges, ‘crucial for the effectiveness and indeed the acceptance of the EU’ (p. 6).

2. Comments on option 1: Civil Society Forum on Drugs (p. 9)

The objective of this option would be to create a broad platform of civil society stakeholders in order to operate as a practical instrument to support policy formulation and implementation through practical advice. The forum would provide for regular informal consultations, mainly on themes defined by the EU Action Plan. It would be chaired by the European Commission, membership would be limited according to several criteria for eligibility that would be established and applied by the Commission.

Benefit: The forum would consist of regular consultations. A dialogue should not be a incidental event, but consist of a systematic round of encounters, in order to develop a process-oriented approach.

Added value: The themes to be discussed would have a direct relevance for the EU Action Plan and the eventual adaptation of this Plan by EU authorities.

Weaknesses: The top-down approach in the direction of the dialogue, the lack of transparency in the selection process and the informal character of the forum.

From the description under 6.1. of the Green paper (p.8), it becomes clear that the Commission would be solely responsible for taking important decisions concerning the establishment of the forum, such as the selection of participants to the forum, the chairing of meetings etc. As a justification for this position, the Commission invokes the fear that the forum could otherwise become a platform for various ideologies.

If the European Commission wishes to establish a genuine dialogue with civil society organisations on drug policies, it needs to accept that ideological differences exist both within civil society and between civil society and authorities. To exclude organisations of citizens in order to avoid the debate out of fear that it would not be manageable would jeopardise the whole point of having a dialogue. The manageability of a debate can be ensured in other ways, such as to respect both majority and minority views, and expect all participants to produce evidence for their statements.

Concerning the selection of members of the forum, the current option already raises questions. The Commission mentions that representatives of different stakeholders and policy options should be balanced in order to avoid one-sided views. However, in a genuine dialogue, no previous requirements should be made with regards to the ideological backgrounds of the participants. If organisations are selected because of their views, this could lead to the exclusion of people and organisations who have the right to be heard.

In order to be transparent, the selection process of the members of the dialogue forum should not be decided by just one stakeholder (the European Commission). We believe that the Commission should above all facilitate this process, not direct it.

One important element that is missing in the list of selection criteria set out by the Commission is the accessibility and transparency of the organisations that will be selected as members of the civil society forum. We believe it is important to ensure that membership of these organisations is accessible to any EU citizen. Also, rules for membership and decision-making structures inside the organisations should be transparent. This will enable others to recognise these organisations “as being able to speak on behalf of those they claim to represent” (p. 9).

A further weakness in the option is the fact that the consultations would be informal. If informality means that there is no procedure foreseen to use the outcomes of these consultations in the policy-making process, this would raise the question why they are organised in the first place. We propose that the meetings of the forum have a formal character, and that the recommendations that are produced in these meetings are duly reported to all relevant fora in the drug policy making process in the European Union.

3. Comments on option 2: Thematic Linking of the existing networks (p.10)

The objective of this option would be to create cooperation among different networks of civil society organisations working in the field of drugs, linking them under common themes, in order to structure an informal information flow and assistance towards the EU authorities in those areas where they could provide added value. In some cases, single contact points could be established to provide the Commission with information and cooperate in the identification of possible funding sources.

Benefit: This option creates the opportunity to work on specific themes, bringing people with a similar background together in cross-border settings. This could accelerate the process of reaching consensus on specific recommendations.

Weaknesses: The top-down approach in the selection process and the informal character.

Again the question of who will be responsible for the management of this option is crucial: who will decide and apply the selection criteria, which are the different sectors under which the networks will be chosen, and is the transparency and accessibility for all organisations involved in the drug field to this process ensured? Especially in the process of identifying funding sources, this last aspect is relevant. The impression could be created that the Commission is 'buying' some carefully selected civil society organisations to agree on its drug policies.

Also the informal character of the consultation is a weakness. We believe it would be a good opportunity to recognise the value of civil society consultation by giving it an explicitly formal character. For instance, the thematically linked organisations could be asked to elaborate an annual report on the issue of their particular competence. This report could be made available to all relevant policy-makers in the EU. A summary could be published as an annex to the Annual Report of the European Monitoring Centre on Drugs and Drug Addiction (EMCDDA)

4. Comments on the way that option 1 and 2 should inter-act.

The civil society forum, as a plenary session of all relevant stakeholders, could be very well complemented by the thematic approach, which could take shape in the form of working groups. However, we believe that the current descriptions of both options is too general to obtain a clear view on how they would operate in practice. Many issues concerning the practical implementation of both options remain unclear.

5. Comments on the examples of other consultation practices

Consulting through Internet

This could be an additional tool to the dialogue process. It could be useful for instance to measure the state of the drug policy debate in European civil society. Regular surveys could be organised asking visitors to express their opinion on current themes regarding drug policies.

Open consultation with those interested, registration needed

Also this could be an additional tool to the dialogue process. It could help to structure the information flow between the participants to the dialogue forum, especially in between the physical meetings. Internet communication will never be able to replace these physical encounters, but it can certainly help to make them more successful.

Representative civil society (NGO) networks

This option is similar to option 1: Civil Society Forum on Drugs, and contains some elements of option 2. See the comments above.

Combination of two-level fora

The two-level consultation taking place in EU Health Policy could be an example of the model that a dialogue forum on drug policy could take. Similar to the health policy forum, this drug policy forum could meet twice a year and cover the following groups of organisations:

1. Organisations representing the interests of drug consumers and other directly affected citizens
2. Organisations working in the drug policy field
3. Health service providers and health professionals

The description of the coordination structure that has been installed to help in the formulation and implementation of policy activities on HIV/AIDS in Europe raises several questions on how this structure works in practice. Again the weakness here is the fact that the dialogue is informal, and that the Commission chooses its members.

6. Comments on possible other options

ENCOD would like to make an own proposal for the future dialogue process between the European Commission and civil society on the drug issue. This proposal is based on 15 years of experience with dialogue processes concerning the drugs issue on a European, national and local level, and on an analysis of dialogue structures on other issues in the European Union.

This proposal contains suggestions for the structure, the admission of participants, the content, and the practical organisation of the dialogue.

Structure

The following elements should be taken into account when designing a structure for dialogue:

- The structure should be elaborated by representatives of authorities and civil society together.
- The structure should respect the diversity of all existing networks and organisations.
- Transparency and accessibility should be guaranteed in the entire process.

The dialogue between the European Commission and civil society organisations on the drugs issue could consist of two instruments:

1. Independent body

An independent body would be created, with equal representation of European networks of civil society organisations on one side and European Union authorities on the other. The body (of max. 25 people) would be moderated by a Member of the European Parliament. This body would meet twice a year, in order to supervise the process that will take place in the civil society forum (plenary session and working groups), in order to ensure that all decisions around the forum are taken in a transparent way. This body would discuss proposals to feed the dialogue process and the follow up that may be given to the recommendations that arise from it.

Meetings of this body could coincide with the annual meetings of the Horizontal Drugs Group where the Action Plan is evaluated, with the aim of including the input from civil society in this evaluation process.

The European civil society networks that would participate in this independent body should be chosen according to their geographic, organisational and sectorial representativity. Ideally, they should cover the largest possible number of affected and concerned citizens.

2. The civil society forum

A civil society forum on drug policy would be created, that would be accessible to all European civil society organisations working in the drugs field, which fulfill certain criteria regarding transparency and representativity.

The forum would consist of one plenary session each year (to which all participating organisations can be invited) and a number of smaller working group sessions, that would deal with specific themes. To these sessions representatives of the European Commission, Member State Governments, the EMCDDA, EUROPOL and the European Parliament would be invited as observers.

The aim of the civil society forum would be to produce documents containing the recommendations of both the majority and minority of civil society representatives present, in order to be included in the revision of the current EU Action Plan and the design of forthcoming Action Plans.

Admission of participants

In order to identify the organisations that would be invited to become a member of the civil society forum, a survey of all organisations working in the drugs field in Europe can be elaborated. On the basis of this survey, the independent body (see above) could select the members to the forum.

When selecting the composition of the forum, attention should be given to the following criteria:

Priority should be given to European and national networks, but if some weakness was identified during the preparatory process concerning the coverage of some areas, the possibility for other organisations that do not belong to any network and have expertise in any concrete issue should be opened.

Organisations should be able to prove that they represent their members, rules on membership and decision-making structures should be transparent and organisations should base their statements on evidence. Membership should be accessible to any citizen.

European networks should have member organisations in a significant number of EU Member States.

The admission of participants to the working groups could be established according to various criteria, depending on the division of the working groups.

These criteria can be based on the different sectors covered by drug policies, such as advocacy, harm reduction, prevention, research, treatment, user involvement, etc.

They could also focus on specific issues that are cross-sectoral, such as the situation around cannabis, the situation in prisons etc.

A third possibility is to organise the working groups along the areas identified by the EU Action Plan:

- Coordination. Follow up on the dialogue with civil society in Member states, promotion of this dialogue, systematic integration of this concept in EU drug policy, agreements with third states etc.
- Demand reduction: evaluation of demand reduction measures, prevention, rapid intervention, access to treatment and rehabilitation, alternatives to prison, risk prevention, harm reduction, AIDS/HIV and other infectious disease prevention.
- Supply reduction: evaluation of law enforcement measures against drug production and trafficking, money laundering, organised crime etc.
- International co-operation: participation and role of EU in international fora, contribute to the final evaluation on the 10 year strategy after the UNGASS of 1998.

Content

The content of the dialogue would need to touch 4 levels:

- Political level: how to design policy models that produce minimal harm and maximal benefit for citizens.
- Technical level: coordination between initiatives of citizens and authorities in Europe.
- Research level: improve and share knowledge about long term efficacy of measures and programmes aimed at reducing or avoiding drug related problems.
- Information level: how to improve the consultation procedures between authorities and citizens on the drug issue in Europe.

Practical organisation

The practical organisation of the civil society forum could be as follows:

- A secretariat to coordinate logistical details and inform all participants regularly about the progress of the dialogue process.
- A plenary session that meets once a year to analyse the global approach in EU drug policy, define future priorities and approve the working group reports. An Internet forum could be established to prepare these meetings and follow up on them.
- Working group sessions that will produce recommendations in their specific area of competence. These groups could be invited to produce annual reports, a summary of which could be published as an annex to the annual report of the EMCDDA.

7. Conclusion and declaration of willingness

The Green Paper is a step in the right direction, as it represents a reflection on the creation of a concrete instrument to facilitate a genuine dialogue between civil society and authorities on drug policy in the EU. The next step, the implementation of the concrete measures that should lead to this dialogue, is a more crucial one.

We believe it is extremely important to guarantee the openness and transparency in this process, and request the Commission to remain inclusive and facilitate the accessibility of all stakeholders in the drug field in the European Union. Excluding any organisation with the fear for ideological debates as a motive would be the wrong signal to send to European citizens who have been waiting long for this opportunity (see the annex).

Obviously, ENCOD is more than willing to participate in a genuine and well structured dialogue with the European Commission in order to contribute to more just and effective drug policies in the future.

On behalf of the European Coalition for Just and Effective Drug Policies,

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Steering Committee