

UK Drugs Policy: Taking the Lead Internationally

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Robin Niblett

Ladies and gentlemen, welcome to Chatham House. Delighted you could all be with us here today for a discussion on drugs policy, whether it's specifically UK drugs policy – we will have some discussion from that dimension – but also more broadly how one can take the lead internationally on drugs policy. We are delighted to have this opportunity at Chatham House to host this panel, having hosted actually a panel in November on a similar topic and having undertaken work now for a couple of years at Chatham House on drugs and organized crime, in particular, the connections from an international security and a human security standpoint.

So to be able to keep this conversation going, which clearly attracts plenty of public attention, certainly when led by two such eminent gentlemen – and I say gentlemen here because this is an all-male panel. The last panel we had on this subject was an all-female panel, chaired by my colleague Patricia Lewis, the research director for international security; Ruth Dreifuss, the former president of Switzerland; and Baroness Molly Meacher, who addressed the public health dimensions of tackling drug policy and minimization of usage.

What we've got today with us is Deputy Prime Minister Nick Clegg. Deputy Prime Minister, welcome back to Chatham House. We've had you here but not on this topic, so it's a pleasure to have you come and share your thoughts here. Obviously, became deputy prime minister in 2010, having taken over the leadership of the Liberal Democrats in 2007. And Sir Richard Branson – Richard, welcome to Chatham House. I'm not sure I can say 'back' – I've met you before but I don't think you've been on this stage.

Richard Branson

I'm a virgin.

Robin Niblett

You're a virgin. How many times has he used that? I was about to say, founder of the Virgin Group, as everyone here knows, many years ago, but also founder of Virgin Unite, which is the charitable activities that you undertake. As you being here on this topic reveals, somebody who is not shy of taking on difficult issues in charity as in business. So we'll have a chance to come back on that topic as well.

What we're going to do is have a conversation, because I think this is probably the best way to get the topic out. We'll engage for the first 20 minutes in some questions that I'll have the chance to ask, and then open it up and get comments and questions from our guests here with us today.

Let me just get going. Nick, if I may start with you. What a time to take on this topic, leading up to a general election, coming up quite soon. It's controversial, the issue of how to deal with drugs policy. In some countries it's considered one of those third-rail topics, as they describe them in the United States. There's a lot invested in it. I presume, difficult to bring up messages of how drugs policy can be changed, despite the fact – as both you and Richard indicated in the article you had in the *Guardian* earlier today – the existing policy seems not to have succeeded. But why now? Why within the context of the lead-up to a general election are you putting this topic right up front?

Nick Clegg

I think the last time I was on this platform it was making the case for Britain's continued and full-throated membership of the European Union – another unfashionable but in my view very important topic, which can't just simply be brushed under the carpet because of prejudice or shrill condemnation. It's very similar.

Why – if from completely different perspectives, one a politician, Richard obviously a public figure because of his business success – why are so many characters coming out of the woodwork and saying we've got to reform this? Because the status quo is not working on such a shocking scale. It is an astonishing example of sort of boneheaded prejudice flying in the face of all the evidence of what might be a better alternative. How else can you describe the status quo? A third of British adults will have used drugs at some point. A fifth of young people. The pushers, the criminal gangs, the Mr Bigs, get richer all the time. The health harms go untreated. We incarcerate people who should be treated and we let people go off scot-free who should be incarcerated. It's just all the wrong way round.

In essence, the simple assertion which all reformers – like Richard, like myself and others – are making, as we tried to illustrate in the article we published this morning, is a very simple assertion: don't treat the criminals the same as the users. The latter are the victims of the former. The former should be – the law should go after them. The full force of the law should be applied to them. The criminal justice system should bear down on them. They should be put behind bars, if you can get hold of them. The police, the intelligence services, security organizations across the world need to cooperate together to bust the illegal crime rings that thrive off their hapless victims. The victims, however, need to be treated with compassion, with treatment and with all the best expertise that clinical excellence can deliver to wean them off their habit. It's such an obvious thing to say, and in a sense everything flows from that. If you believe that assertion, then certain obvious things flow from it.

So in the British government, that's why I believe that the lead for drugs policy, as far as victims, addicts and users are concerned, should be transferred from the Home Office to Health. Let the Home Office continue to go after the criminals. It's why I believe people who are caught in possession of drugs for personal use and have done nothing else wrong – haven't robbed anyone of anything, haven't beaten anybody up, done nothing else wrong – don't put them behind bars. Put them behind bars and they're just going to come out as even more hardened drug addicts on probably even more harmful drugs. Treat them and wean them off their reliance on the kind of vile individuals and groups who have sold them the stuff in the first place. It means logically that a young teenager who acted foolishly, like so many teenagers do, and is caught in possession of drugs shouldn't have a sort of mark against their name which means they can never be a lawyer or a nurse or a doctor, or even a taxi driver under our current rules. Why on earth would you blight forever the lifetime chances of people to pursue a career in the health service because when they were 17 they were caught with some drugs? It's just a crackers way of going about it.

Now, a final point: how do we then shift it? Because I'm so convinced, as I tried to express right now, and Richard has been campaigning on this admirably for a very long period of time – how do we shift things? Firstly, marshal the evidence. Just make the evidence so flamingly obvious to people that it's just very difficult to refute. That's why, whilst of course I haven't got nearly as far as I would like, in coalition with the Conservatives, on the change in policy, the fact that we were able to get the Home Office to produce a study comparing what happens in different countries is a massive step forward. No government from now on can somehow act oblivious to or ignorant of the evidence because it's there, we published it, the Home Office published it. It showed, for instance, that that split between the way in which you go after criminals

but you treat users is the basis of a highly effective approach in Portugal, which was very well covered in your son's film, which I was looking at recently.

Secondly, mobilizing international opinion. That's where Richard and the other members of the Global Commission – these are not sort of fly-by-night folk, these are highly authoritative people wielding considerable political and other credibility on the issue.

Thirdly, just encouraging, if I can put it like that, the mainstream parties from their sort of frightened crouch which they adopt on this issue. I've lost count of the number of Labour and Conservative politicians who tell me privately, 'You're absolutely right'. I say, well, go and say it then! There's no point being courageous on this in private. You've got to make the case. Actually, most people I find who are proverbially on the doorstep get it as well. There's no point chucking, as we do, hundreds of people who have been found with cannabis for their personal use only behind bars. What's the point of that?

So I think if we can mobilize the evidence, mobilize international opinion and encourage greater courage in the political debate, maybe the bridgehead that we've created in Britain, at least over the last few years, of this new international comparisons report might be the beginning of a bigger wave of reform. That's my hope, anyway.

Robin Niblett

You used the word 'victims' when you kicked this off. Are we talking just about victims? The thing about drugs is it cuts across from heroin through to recreational synthetic drugs through to marijuana, etc. Are all users victims? Or is a large proportion of the user community people who maybe enjoy drugs? They do them recreationally. It is a demand rather than people who need to be treated for an addiction. Because when you use the word 'prejudice', the implication almost implies that people don't have the sympathy they should have perhaps for the 'victim', the person who's being almost driven to the drug and then manipulated by the supplier. Is that as clean a division as you make it out?

Nick Clegg

Of course it's not, because that, of course, is the insidious harm of so many drugs, which is that people feel that they might be dabbling in them of their own volition and that somehow they are entirely in control of their own actions. Of course, fast forward a few months or years later and they are victims of a terrible addiction which they need help and treatment to deal with.

The greatest misconception in this debate is that if you are somehow pro-reform, you are pro-drugs. It is exactly the other way around. If you are anti-drugs, you should be pro-reform, because we're not winning. We're actually unwittingly, in adopting the kind of tough-talking approach, that sort of boneheaded tub-thumping approach, condemning future generations of youngsters to the terrible harm that drugs can bring. There is nothing romantic or nice about the crippling harm that drugs bring. The question is how do you wean people on drugs off them and how do you instead devote the time and resources necessary to go after the people who materially profit from their misery? That's what you're after.

That's what I find so exasperating, is that people are taking approaches which merely exacerbate addiction and let the criminals off the hook, and adopt that approach masquerading as if they are the ones who are adopting the toughest approach. I actually think Richard and his fellow global panellists are taking the toughest approach because it's the smartest and it's arguably the most effective.

Robin Niblett

Richard Branson, if I could come to you – you've taken on, alongside some other quite important charitable initiatives, this really difficult one, the Global Commission on Drugs Policy. As Nick Clegg said, you've got some pretty impressive people in your group there: Kofi Annan, Paul Volcker, people one wouldn't necessarily associate automatically with being involved in this kind of initiative. Also some former presidents of Colombia, Brazil, Mexico, etc., who are on the front line in many cases on this topic. But just for a second, as Nick Clegg said – it's a business leader and a politician here. Why you? Why this topic? How do you think you can make a difference, I suppose? Why here? You're not someone who takes things on lightly.

Richard Branson

President Cardoso, who used to be a wonderful president in Brazil – he's also one of the Elders – took me aside one day and said: we have 13 ex-presidents, we have Kofi Annan and Paul Volcker and other people on this commission, and we would like to see whether you, as an entrepreneur and businessman, could join us, so you can look at it from a businessman's point of view. I've been in the music business, I've seen the misery that the current laws on drugs have caused artists and friends, brothers and sisters of friends and children and so on. So I said yes, I'd be delighted to become a global drug commissioner.

The Global Drugs Commission did not want to say anything about our intuition until we had done a lot of research. We've done four very in-depth studies on the war on drugs. Based on those studies, if I had known all those facts 45 years ago when I started off in business, I would have shut down the war on drugs 45 years ago. What's extraordinary is that many countries continue in the same way that they've done 45 years ago today, in a completely – if it was a business, it would no longer exist. But it's just carried on, year after year after year.

So as a commissioner, we've looked at what other countries are doing. We haven't just looked at soft drugs, we've looked at hard drugs as well. If I can just give you one example, let's take the strongest drug out there, heroin. Portugal about ten years ago had an enormous problem with heroin. They had hundreds of people who were dying from overdoses. They had enormous amounts of people who were taking heroin. They had a lot of people breaking and entering to get their drug fixes. They had people getting HIV from dirty needles. They had people getting hepatitis C from needles. A brave prime minister just said: look, enough of this. We're going to take it out of the hands of the criminals. We're going to set up places throughout Portugal. If somebody has a heroin problem, come and see a social worker and a psychiatrist. We will supply the methadone, we will supply the clean needles and we will give the heroin addicts advice. And over the last ten years, they've stopped all the breaking and entering into people's homes, because people don't need to break and enter to get their heroin fix, because the state is supplying the drug. They've reduced the amount of overdose to less than 10, so almost negligible, because people are being monitored. The amount of people getting HIV/AIDS has disappeared because they've got clean needles. And the drug pushers have gone off to other countries.

In the UK, we had a 30 per cent jump last year in the amount of people dying from heroin overdoses. I think the figure went from something like 600 to 800. That's despite the fact that we know the system works and yet we have not got clinics throughout the country to look after people who have a problem. And people who are heroin addicts, they know they have a problem. They want help, but because it's illegal, they can't own up to it that they have a problem.

Robin Niblett

I think when people use the phrase 'war on' – war on terror, war on drugs – if it's 30 years later, you start to wonder whether the strategy is right or wrong, if success is not taking place. The numbers you have stated there and research we and other people have done clearly indicate a steady and in some cases dramatic increase of both production and usage across pretty much all classes in the last couple of decades. But let me ask you a question as a businessman. What do you define as success? Is it closing the business down, or is it changing the nature of the business, making it a legal business? Is it a business that the state is involved in? You were just giving the example of Portugal, and I think maybe in Switzerland something similar – providing hard drugs, the state stepping in and saying: we'd rather you had clean stuff that's not tainted, we know you're doing it and you can have the public health treatment at the same time. But is the objective to move this into something akin to tobacco or alcohol? Or is it to end it, or end particular classes? As a businessman, what do you see as the objective?

Richard Branson

Rather than as a businessman, if you don't mind, I'll talk as a global drug commissioner. The Global Drug Commission speaks with one voice on this. What we are saying is that the current approach has failed, and what we would like to see happen is different states, different countries, trying different approaches. So Uruguay have taken the selling of drugs into a state business. They're setting up outlets throughout Uruguay. They've got rid of the underworld. The state are supplying hashish, a different range of hashish. They're taxing it, the money is then going back into the country, into health. If somebody's got a drug problem, if somebody's got a drink problem, that money can be used to help them.

There are a number of states in America that are selling medical marijuana and they're experimenting with that. It's been proven that there are some incredible benefits for patients who are ill with cancer, from different kinds of drugs as derivatives from marijuana. There are states that are legalizing and the Drug Commission are doing a study on the fallout from legalization. So far, it looks like there haven't been a lot more people suddenly wanting to smoke. Instead of people just finding skunk on the street, which is highly potent, people can go into a shop and they can make sure they get a mild kind of hashish which is not going to do them any harm. They've got a choice and they can make sure that the quality of the drugs are properly sorted out.

So I think if you leave it to the underworld to sell drugs to people – when Prohibition happened in America with alcohol, moonshine became the fashionable thing. People would turn blind. It was the strongest alcohol that people could get. Because it was strong, people got more money when they pushed it. The same with skunk. They make more money to push skunk than they do to push hashish and therefore something like 80 per cent of the young people are now smoking skunk rather than hashish. That's because we've given up control.

Robin Niblett

Turning back, Nick, to you – what I'm hearing from Richard Branson is we've got to try something different. There isn't an answer – let's try other things, test the evidence, see what works, see what doesn't. How open do you think other countries are broadly in Europe? Obviously there is some experimentation taking place in policy. Latin America as well, several examples given already. The UN General Assembly special session scheduled for 2016. As you look at this internationally, putting on your international policy experience hat, to what extent do you think this is a tipping point? To what extent is this going to be almost impossible actually, a quixotic effort to change it? Do you think there's a moment

here internationally where there's a shift in opinion perhaps, backed by a number of former and current policy figures? Is the UN the right route to do it in? Is that going to be impossible because of the consensus approach you need?

Nick Clegg

The point is, it's shifted already. This is what's so backward-looking about so much of the debate, for instance in British politics here. You've got states in the United States, for heaven's sake, the land of Prohibition, trying out the most radical forms of reform, actually ones that I personally don't advocate. Certainly not until I've seen the evidence, it's too early. But trying some of the most radical reforms. You've got European countries like Portugal, as Richard explained, over a decade ago now they made these massive changes. Switzerland, New Zealand. It's already happened. We're way behind the curve. If there's a note of almost semi-permanent exasperation in my voice today, it's because of this – should we do it? It's happening! It's happening in country after country after country, in report after report after report. It's shown that this is a smarter – and here's the thing, it is a tougher way of dealing with the people who peddle these harmful drugs, and it's a smarter way of reducing the harm on people's health. Yet it is nothing more than sort of knee-cringing fear of whatever sort of shrill political headline that might be produced that stops politicians from doing what they privately, by the way – I get this over and over again, as I say. Privately, politicians of all parties come up to me and say – they've done it in the last 24 hours – I totally agree with you but we're not going to dare say it ourselves. How are you going to reform anything you know to be wrong if you don't pluck up the courage to say it?

Richard Branson

And privately, the journalists that write those headlines [indiscernible].

Nick Clegg

Yes. I bet you a lot of them, when they were teenagers, used drugs as well.

Richard Branson

Of course they did.

Nick Clegg

Like close to one in five young people today.

Robin Niblett

Would then the state take over? Because you're drawing a very bright line between users and suppliers. So if the users should be allowed to use, or at least be decriminalized from using – and again, there's such a broad spectrum of drugs, there's different types of usage and different types of addiction, I'm sure. But then the state has to become, at the very least, involved in regulating the products that are provided, or it is the supplier itself. Are you, from a UK point of view, taking it to that level? How do the drugs get into the system that people are –

Nick Clegg

Let's start from where we are. Let's at least take the first big step on this journey. The first big step is to say: yes, by all means, retain civil penalties against people who are using drugs that remain illegal, but don't incarcerate them, don't apply the criminal law to them. Don't blight their lives forever in terms of the careers they might want to pursue, by somehow banishing them from various vocations. Instead, get them out of the hands of the people who are pushing the drugs in the first place by ending their use, their habit.

Robin Niblett

So decriminalization rather than legalization is what you're talking about.

Nick Clegg

Yes. The problem, of course, is the terminology. If you wander around the streets here and say 'decriminalization', actually a lot of people think decriminalization is legalization. It's not at all. It's saying that you retain the stringent criminal penalties in the criminal law against those people who are peddling, selling, profiting from the trade in illegal drugs, but what you're saying is to really drain them of their customers, if I can put it like that, you need to take a totally different approach, a decriminalized approach, to those people who use drugs and are harming themselves in doing so. That's why, like in the Whitehall jungle, a simple first administrative step would be to transfer responsibility for drugs policy to the Department for Health. Allow the Home Office, as I said before, to go after criminals. But also not to lock up people who need treatment. Lock up the people who need to be locked up, treat the people who need treatment. It's a pretty straightforward approach.

Richard Branson

I think what Nick's suggesting has – we did a massive market research globally. What he's suggesting has something like 94 per cent of global support. It's enormous support.

Nick Clegg

The highest opinion poll I've ever come across, or that I've ever been associated with recently.

Robin Niblett

When they get to the 90s, they get a little dodgy, actually.

Nick Clegg

North Korean style.

Richard Branson

So if you ask people, would you rather criminalize your brother or sister or criminalize your children, or would you rather help them if they had a drug problem, 100 per cent of people would say we'd rather they were helped. If you said to somebody, if your child was caught smoking a joint, would you like them to have a criminal record, which it currently has? Even if you have a caution in England, you may not be able

to go to America, you may not be able to get a job. Would you rather they had a criminal record or would you rather they were told it's not a great thing to do and not be cautioned?

Robin Niblett

We've got a lot of people here and I'm sure there are some questions that want to be asked. I think we probably should and will talk more about the supply and the suppliers and how they fit into this mix, but also there's the question of those countries that are really being undermined by the drug trade and their participation in it. Obviously you've got a Mexican president on a state visit here at the moment who's got a huge problem he's having to deal with historically. You go to Afghanistan and the whole rise of terrorist and non-state groups that use any means they can to be able to drive their own capacity to pursue their violent aims. Ultimately, illegal trade can be profitable trade for the people who want to do illegal activities. So let me open up and see who wants to ask questions.