

The House of Commons is supposed to be the home of political debate. Except when it comes to drugs. **Claudia Rubin** on how the democratic vacuum of the House of Lords provides Parliament's only insightful forum on drug policy.



A GAME OF

To me, it's talking shop, but drug policy is a popular subject of conversation among my wider circle of friends. Maybe because it touches on a wide variety of sectors, from medicine and public health, to poverty and justice, or simply because many people know someone affected by drugs. Yet where politicians are concerned, talk around drugs issues either dries up or becomes one-dimensional.

Why do MPs find it so difficult to talk about drugs without resorting to rhetoric, slogans and the importance of being tough and 'sending a message'? Surely the proportion of the electorate whose decision at the ballot box is based on their MP's stance on drugs is fractional, so why do our elected representatives fail so tragically to lead on this issue?

As a parliamentary lobbyist, I find time and again that it is the unelected members of the House of Lords who pull apart and discuss drug policy and are willing to face up to the reality of its consequences. Is there something about Peers that intrinsically makes them more sensible than MPs on this issue, or is it simply that freedom from the ballot box allows them to regain their senses? The two chambers of parliament are of

course designed to play different roles in our political system, but traditionally that doesn't extend to one House tackling a subject that the other will not. Ironically, the absence of democracy allows for something to take place that otherwise seems out of reach: a measured and considered debate on drugs policy.

When Labour swept to power in 1997, it brought with it promises of reform and a House of Lords that was representative of, and accountable, to the people. A swift excommunication of nearly 800 hereditary peers was an easy step. Yet several commissions, inquiries and votes later, the House of Lords remains an entirely appointment-only chamber, with no democratically elected members. Surely, this is a travesty? A blot on the landscape of a modern democracy, and one which, according to any democracy advocate, should be addressed immediately?

It seems to me that principles more important than accountability and representation could lessen the desirability for Lords reform, and that there is value in a chamber whose members are appointed for life, untroubled by the threat of being unelected and the scourge of political

ambition.

This year represents the one hundred year anniversary of international drug prohibition. Yet, despite evidence showing the vastly expensive policy of prohibition has failed, to date there has been no wholesale review of the way our society controls drugs and treats drug users. And there are only a handful of MPs who are willing to engage in public debate about the issue (it is a different story privately) or even consider fairly non-radical policies taken up successfully by other European countries such as decriminalising the possession of small amounts of drugs.

So where is the debate? There has been no significant change to the Misuse of Drugs Act (MDA) since it was introduced in 1971 and no analysis has taken place of the effectiveness or costs of the status quo. Debates on drugs since 1997 have been limited to some fairly soporific discourses on the classification of cannabis, the government's new drug strategy in 2008 and the 2005 Drugs Bill, during which then home secretary Charles Clarke opined: "No-one has a right to abuse drugs...if the choice is between the civil rights of a drug abuser or of those who are abused by the drug abuser, I choose

the civil rights of those who are abused by the drug abuser."

Discussion is dominated by an apparent willingness to see drug policy purely as a black and white 'with us or against us' issue. Any notion of reducing the criminal justice element of policy is dismissed as a call for full-scale legalisation. During discussion of the 2005 Bill, Clarke informed Labour MP Paul Flynn he would consider the Portuguese model of decriminalizing possession, "as I will look at every option." Yet a swift rebuke from a Tory MP for even seeing to consider such a policy forced Clarke into stating he was "wholly against, without qualification, legalising drugs".

So wary are politicians of the 'drugs' word that nowhere is there reference to the fact that people actually enjoy taking drugs, that they have done so for centuries and will continue to do so,

In a near three hour debate on drug policy in January, cross-bench peer Baroness Meacher lamented the "political constraints limiting the government's ability to come out with clear statements and policies" around drugs.

Baroness Murphy, a cross-bencher, called for open debate: "The problem is that we simply do not know enough about which elements of the government's drugs strategy are working - or how they work, if they do. There is insufficient independent rigorous research and analysis to inform the development of policy, and political and media debates are often ill-informed and polarised. We talk about being tough or soft on drugs, but neither phrase is appropriate. Undoubtedly, the political climate stifles innovation."

Tory peer Mancroft added: "It is important that we try to find ground

the government must initiate - a debate where one talks about policies that work and those that do not."

The Welfare Reform Bill, currently making its way through the various stages of parliament, contains a small but important element affecting dependent drug users. It proposes taking benefits away from those who do not get treatment. However, because of the government's power to limit the amount of time the House of Commons has to debate Bills, the provisions for claimants with drug problems were barely debated, and amendments that had been proposed went unheard.

Instead we must rely on the Lords, an unelected and therefore largely unaccountable group, to represent the needs of marginalised individuals. Peers will scrutinise every aspect of the Bill, including the elements that will affect people considered to be at the very

TWO HOUSES

often at relatively little harm to themselves in comparison to other popular leisure activities. Discussion that takes place is wholly directed at using the law to reduce the consumption of drugs, rather than seeking to reduce the harm caused by drugs. Not a mention, for example, of the fact that young people face way more harm from smoking cannabis than from ingesting it in cakes or tea.

Maybe it's the case that MPs simply don't feel confident to speak authoritatively on a tricky subject that cuts across an array of social issues. More likely, however, is the fact that most MPs know that the 'drugs question' is a lose-lose issue for them. The choice is to keep your head down and nod to a failing and often counter-productive policy that costs billions of pounds, or to consider a highly controversial rethink. Since the latter is believed to be political suicide, and would inevitably result in being pilloried by the press, many MPs simply choose not to engage. Keeping their heads down and hoping to sweep the whole thing under the carpet is much safer.

Not so the House of Lords, where the reticence of MPs to get involved in any meaty debate on drugs has been noted.

OUR MPS ARE FAILING TO SERVE THOSE CONSTITUENTS THAT ARE EASILY IGNORED AND POSSIBLY LEAST LIKELY TO THREATEN THEIR CHANCES OF REGAINING THEIR SEAT AT THE NEXT ELECTION

that we have in common. This is not an adversarial debate; nor should it be a party-political debate. Everyone, on all sides of both Houses, would like to see a reduction in drug use and the harm caused by drugs."

Almost all contributors to the Lords debate regretted the paucity of research and evidence and lack of funding for prevention and health methods. "In the UK, less than 0.5 per cent is spent on research into effective prevention policies, treatment approaches or, indeed, policy research," said Baroness Murphy. Baroness Miller, a Liberal Democrat, agreed saying: "That is what

edges of society. They will discuss all the amendments that are proposed and they might even look at the evidence...

Our MPs are failing to serve those constituents that are easily ignored and possibly least likely to threaten their chances of regaining their seat at the next election. It seems it is instead the remit of non-appointed politicians to champion the causes of the least privileged people.

The need for healthy debate, even though it is shorn of real power, is actually a strong argument for avoiding an entirely elected Parliament and making sure our relatively independently-minded peers are not traded for the party-whipped, electorally vulnerable politicians in the lower House.

■ **Claudia Rubin** is Head of Policy and Communications at Release