

## **Local initiatives to lead Netherlands drug policy reform**

International experts gathered in Amsterdam last month to discuss alternatives to the prohibition of cannabis – at a time when countries around the world are taking steps to reform their domestic drug policies. Public officials and health experts were attending the launch of the [ALICE RAP briefing, \*Cannabis – From Prohibition to Regulation\*](#), which outlines new legal regulatory approaches to non-medical cannabis use in Europe.

The report aims to reopen the cannabis debate in Europe and calls for policy makers to take a fresh look at alternatives to current laws; learn from alcohol and tobacco experiences and set objectives to protect health, human rights and young people; reduce drug-related crime; raise awareness about therapeutic uses and potential harms; and set goals with measurable performance indicators.

After years of global prohibition, voices for reform are becoming louder, which in Europe has materialised in a less punitive approach and a greater emphasis on public health. Experts discussed the “bold” new approaches to drug policy reform in Uruguay and two US States, Washington and Colorado, which have taken the step of legally regulating cannabis for non-medical use. In the US this reflects a shift in public opinion with 58% of adults now favouring legalisation of non-medical cannabis use (Gallup poll).

Increasingly, studies show little correlation between harshness of a country’s drug policy and prevalence of drug use; and prove that on the contrary, drug use is influenced by factors other than its drug laws. As no simple association has been observed between legal changes and cannabis use prevalence, (EMCDDA, 2011), countries are more likely to move toward policy changes and experience with legal regulation. Certainly in the Netherlands, this argument applies to the legalisation of production – which experts argue will not impact on prevalence of use.

### **The illegal “back door”**

The debate focused primarily on the Dutch system, where cannabis products are legally available through so-called ‘coffee shops’. Although the Netherlands was at the forefront of reform when it introduced coffee shops almost 40 years ago, those have now proven not to be the perfect system. The biggest problems are caused by the illegal “back door” – the fact that the production of cannabis is still prohibited, although its sale through the front door is legal. Organised criminals have taken over the production of cannabis as the market expanded and the demand increased – and expanded their activities into other criminal activities. Countries such as Belgium, Denmark and the Netherlands have reported increases in violence and intimidation linked to cannabis production (EMCDDA, 2012).

Mayor from 54 cities have signed the Joint Regulation Manifesto, initiated by Heerlen Mayor Paul Depla, in a bid to regulate cannabis cultivation. They argue regulating the production of cannabis would help solve many of the consequences of having an illegal production market, including violence, but also enable control over potency, availability etc. Regulating the production of cannabis would enable municipalities to regain control from the organised criminals who currently have a monopoly over it.

Depla says there is cohesion at the local level because many cities suffer the same problems: for example, house fires are caused by the illegal and dangerous installations required to grow the plant – with no controls in place there is no way of establishing health and safety checks; and citizens who rent out their house or participate in the production of cannabis are prosecuted and receive a criminal record, which has negative consequences on their future chances of employment, their reputation and impacts their civil rights greatly. On the other hand, those arrests are not a deterrent for the major criminals who only suffer the loss of material and are able to relocate elsewhere. Prohibition therefore does not target the bulk of the issue but rather further victimises individuals who are already under the grip of organised crime.

Franz Trautmann, Head Unit International Affairs at the Trimbos Institute, argues the success of the coffee shops has fuelled organised crime – making profits on bigger scales.

“When they started, we had a policy of small coffee shops and it was home-grown, available on a very small scale. Then it got to be bigger business, and this means a growing economic interest for producers. And if you have a coffee shop, you don’t want to shop around for 10 grams here and 10 grams there - you want to find one supplier, that’s simple management.”

To run their business efficiently, Trautmann argues, coffee shops owners turn to bigger scale growing.

“Our policy has criminalised the growers but they are defending their interest as producers of legal drugs so. It’s not a moral judgement, it’s economy.”

The aggressive law enforcement in place in the country – Depla counts 130 illegal plantations dismantled last year in Heerlen, for 90,000 habitants – is widely seen as a waste of resources. In the southern parts of the Netherlands, Trautmann explains, police use small drones with infrared cameras to detect unusual warmth in buildings – but dismantling these production units doesn’t bring an end to the problem.

“The owner or tenant of the attic gets arrested and faces criminal charges,” he says “but the businessmen then just suffer the economic loss of the equipment he provided and move their production, among others across the border in Belgium and keep running them from the Netherlands. This is more complex than the balloon effect because the business doesn’t disappear – production is displaced and businesses grow on an international scale.”

The *balloon effect*, often cited as a negative consequences of harsh drug policy, is the process in which enforcement does not eliminate drug production but shifts it somewhere else. Trautmann argues organised criminals keep growing their networks and aren’t suffering significant losses when production sites are taken over.

*Pull quote: « we have created a drug policy that is facilitating and stimulating organised crime » (Franz Trautmann)*

## **Moving forward - the power of local initiatives**

What's most striking in the debates is the level of consensus among the mayors both in terms of what the problems are and what the solutions could be.

Marith Rebel, Labour member of the Dutch Parliament, says local initiatives are the way forward – and the only way to manage and control possible problems that arise.

The 54 mayors gathered in the Joint Regulation Manifesto all support changes in regulation and agree that testing models and experimenting with models will be easier on a smaller scale.

“Use prevalence is not higher in the Netherlands than in the rest of Europe it is average,” Trautmann adds, “so we can reasonably gage that regulating the back door will not have an effect on the front door. Nothing changes there. It's much more culture and social norms that influence likings and therefore prevalences.”

With policy, Trautmann argues, you can influence health conditions by controlling potency and availability – but not influence use in a sense that prevalence is really dropping. This, he says, is a cultural shift, which we witnessed with tobacco use, which has dropped by more than half in the Netherlands.

“It used to be cool and now it's not.”

So how does the government still justify a policy that seems half in favour, half against, and whose consequences are so widely denounced?

“They have no valid argument,” Trautmann says. “They say organised crime will fight back and will never allow legal growing, but there is no evidence this will happen.”

The UN treaties, always at the heart of international reform debates, are another argument widely used to refuse leading any further reform – and another reason why so many mayors in the Netherlands are in favour of local initiatives. Although it is widely accepted that those treaties, dating back to 1961 and 1988, are not “fit for purpose” anymore, the challenge will be to reformulate the whole infrastructure of the international drug control.

“Countries need to be allowed to individually or as a group explore regulation models, without destroying the whole edifice,” Trautmann says.

Experts in the Netherlands argue it is easier to take action locally, on the ground, and that policy will follow. Some say treaties are there to be reformed and hope to see a consensus to change them soon; others that they should be broken – however much this may disrupt diplomacy in the international community.

More than a lack of consensus on how to take reform further, what emerged from this meeting reflected the many possible routes that could be taken; and an agreement that on the ground, small experiments were useful tools to learn from.

EMCDDA (2011). *Annual report* (online)

EMCDDA (2012). *Cannabis production and markets in Europe* (online)