



## **THE ENCOD BULLETIN ON DRUG POLICY IN EUROPE**

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### **A MUTUAL HEADLOCK**

Those who struggle for a different drug policy around the world are involved in a mutual headlock with those defending the current regime. Challenging the law puts you in a fragile situation, which can be easily weakened by stigmatisation and criminalization. But if the cause you are fighting for is just, the authorities who have to deal with you are in an equally fragile situation. There is common sense in almost everyone's point of view, and sooner or later, this common sense will lead almost everybody to understand that drug prohibition is the worst way to fight drug problems. So even if it sometimes seems there is no way to loosen up the headlock, our battle is far from lost.

Belgian judicial authorities are currently preparing the case against the Antwerp-based association "Draw Up Your Plant", whose first collective plantation on the basis of one member one plant was confiscated in December. The dates for the first court case would have been announced early January, but this has not happened yet. It could well be that the prosecutors are having difficulties to formulate the accusation against the cannabis activists, as all they did was respect the law which determines the possession of one plant per person as tolerable. On 15 January Belgian federal Minister of Justice Laurette Onckelinx while answering questions of MP Stijn Bex, member of Draw Up Your Plant and of SPIRIT (a liberal left party forming coalition with the Socialdemocrat Party), declared that the law should be interpreted as 'one plant per household'. However, there is no jurisdiction on this interpretation, and it seems unlikely that the judges will follow this idea.

The Belgian case is symbolic for all efforts of both activists and authorities around the world to obtain an interpretation of drug laws that is adapted to reality. Since 1961, national and international bureaucracies have installed a safety lock on any possible trend towards flexibilisation. Changing one word in the UN Conventions, which would enable the living conditions of millions of people to improve substantially, has been made impossible by a labyrinth of rules and requirements that can easily be used to bury the whole initiative.

In order to achieve the depenalisation of the coca leaf, the Bolivian government will have to fulfill a list of requirements that it received early January from the UN Office on Drugs and Crime (UNODC). This list is relevant, as it will also be applied in the case of other prohibited substances. To get coca off the list of prohibited substances, Bolivia should request the collaboration of the UN Secretary General, the Committee of Experts on Drug Dependency of the World Health Organisation (WHO), the UN

Commission on Narcotic Drugs (CND) as well as all states that have signed the 1961 Convention. The WHO will analyse the documentation and issue a recommendation, based on the criteria of whether the leaf produces dependency and negative effects. The Commission on Narcotic Drugs will review this documentation and decide to approve or deny it. The final decision is taken by the Economic and Social Council. After this decision has become public, all parties have the right to appeal it, within a period of 90 days.

This process is bound to take several years. And it is clear that the proposal will encounter, in all these commissions and organisations, the fierce opposition of the United States Government. In 1995, the US ambassador to the WHO already threatened to withdraw US funding from the organisation if it would approve a report of scientific experts which claimed coca had therapeutic applications and its depenalisation should be considered. Nothing was ever heard of the report again.

Meanwhile, authorities who defend drug prohibition find themselves in a headlock formed by daily reality. For months drug policy campaigners in the United Kingdom (Legalise Cannabis Alliance among others) have warned of an increasing presence of cannabis adulterated with tiny glass beads. This clear consequence of the prohibition of cannabis, which makes it impossible for health authorities to execute any form of control, could pose a serious risk to the health of cannabis consumers in the UK.

Until recently, UK authorities have ignored this information. Only on 16 January, the drug agency Drugscope, financed by the government, launched a release informing that "we want to make people aware of it from a public health point of view. If you are smoking this stuff and taking it into your lungs it's not good news." Again, it was British cannabis activists who had to give the most important news: adulterated cannabis leaves can be identified by rubbing them between wetted fingers. The residue will feel gritty if chewed.

In the Netherlands, Belgium and Germany, where this adulterated cannabis has been found as well, the silence of the authorities is still overwhelming. Hopefully, this problem will not produce too many casualties, but if it does, it could very well become an eye-opener for many people who do not believe in legal regulation today.

The majority of the city council of the Dutch city of Tilburg, close to the Belgian border, do believe in legal regulation. On 24 January, the council decided with a broad majority (25 of 39 seats) to start with an experiment to grow cannabis legally. The proposal from Tilburg will have to be considered by the new Dutch government, which is currently being formed by the socialdemocrat PVDA and the two Christian parties CDA and CU.

Meanwhile, ENCOD is planning to set up new media to follow the debate on drug policies in Europe. This initiative grows out of the need to concentrate our work in concrete projects, both for the purpose of keeping people informed about what ENCOD is and does, as well as opening the possibility for sponsors to help us bring our message. Soon there will be more concrete news.

By: Joep Oomen (with the help of Peter Webster) - [www.encoded.org](http://www.encoded.org)