



## Research paper

## Cannabis social clubs in Belgium: Organizational strengths and weaknesses, and threats to the model



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## ABSTRACT

**Background:** Cannabis Social Clubs (CSCs) are private organizations or clubs of users that produce cannabis for non-profit distribution to adult members to meet their personal needs without having to turn to the black market. CSCs can be found in many countries, but the term often covers very different empirical realities. Inspired by the Spanish CSCs and similarly taking advantage of a grey area in the Belgian cannabis legislation, Belgian cannabis activists set up the first Belgian CSC in 2006, and there are now at least 5 Belgian CSCs. The paper's main objective is to analyse the (internal) strengths and weaknesses and the (external) opportunities and threats of the model, as it exists today.

**Methods:** The paper draws on a review of international literature and qualitative data on the Belgian cannabis social clubs. Field visits and interviews were conducted with each club. We analysed membership application forms, cultivation protocols and contracts with growers, cannabis ownership certificates of members, information leaflets, the clubs' websites, and all media articles and documentaries on the clubs in the Belgian media.

**Results:** The paper describes the membership criteria and house rules, the members' profile, the organization and protocols for cannabis production, the distribution of cannabis through 'exchange fairs', the administrative features of the clubs and their contacts with other CSCs and with local authorities, the drug sector and the media. Belgian CSCs seem not profit-driven, and operate as a system in which cannabis is not too easily available. The clubs have fairly direct control over the quality and the potency of the cannabis they distribute. The model offers important potential opportunities, in terms of economic advantages and monitoring consumption patterns. The main threats to Belgian CSCs consist of attempts to criminalize the model, the emergence of profit-driven clubs and systemic violence from criminal entrepreneurs. Weaknesses of the model relate to the unstable or transient nature of the clubs, the transparency of their operational procedures, the superficiality of their quality control strategies, and the risk of morphing into marketing enterprises.

**Conclusions:** The CSC model could be a safe and feasible option for policymakers to move a meaningful distance along the spectrum towards legally regulated cannabis markets without crossing over to full commercial availability. Governmental regulation could convert weaknesses and threats to the model into strengths and opportunities to ensure best practice. If authorities refrain from action, the model might dilute and evolve in a similar way as the Spanish CSCs did recently, with the establishment of large, commercial clubs.

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## Introduction

CSCs are legal private organizations of users that collectively produce cannabis for non-profit distribution to adult members to

meet their personal needs without having to turn to the black market (Barriuso, 2005, 2011; Room, Fischer, Hall, Lenton, & Reuter, 2010). CSCs can be found in many countries, but the term often covers very different empirical realities. For example, in addition – to regulated production and sale of cannabis in pharmacies and home production (up to six plants for personal use) Uruguay allows cannabis production by collectives (Bewley-Taylor, Blickman, & Jelsma, 2014). These clubs may have 15–45 members and are allowed to cultivate up to 99 plants (proportional to the number of members). Elsewhere in Latin America, informal clubs have

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appeared in Argentina, Colombia and Chile, in each case adapting to local laws, *de facto* decriminalization conditions and court rulings, or the blind eye of the authorities (Bewley-Taylor et al., 2014). Studies on domestic cannabis cultivation have shown repeatedly that even in an illegal context, users and growers can be part of informal networks or co-operatives of cannabis producers (Decorte, 2010a; Potter, 2010; Decorte, Potter & Bouchard, 2011).

In many European countries, CSCs can easily be identified by a simple internet search but it is usually not clear whether the latter are just groups of cannabis activists, or whether they are also producing and distributing cannabis behind the scenes. In the United Kingdom, the *United Kingdom Cannabis Social Clubs* (UKCSC) unites more than 70 CSCs ([www.ukcsc.co.uk](http://www.ukcsc.co.uk)) (Bewley-Taylor et al., 2014). In France, the *Cannabis Social Clubs Français* (CSCF) was a federation of French CSCs, but it was dissolved by a court decision on 20 June 2013. Another association, 'Les amis de CSCF' (The friends of CSCF) still operates, and there are many stories about underground cannabis clubs that are cultivating and distributing cannabis. In Slovenia, there are at least a few CSCs (Maribor, Ljubljana) which actively produce and distribute cannabis among their members. Finally, there seem to be medical CSCs in a number of countries, such as *Die Grüne Blume* in Switzerland, *LaPiantiamo* in Italy, or *The Daktory* in New Zealand.

The Dutch city of Utrecht has sought to experiment with the CSC production model in order to solve the 'back-door problem' in The Netherlands (Bennett-Smith, 2013). The local government has asked for an exemption from Dutch drug laws that would allow it to establish a closed-membership CSC consisting of 100 people who wish to produce the drug for personal use (Transform, 2013).

International treaty requirements do not differentiate between possession and cultivation for personal use (Bewley-Taylor et al., 2014). In Spain – a jurisdiction with established decriminalization practices and following several Supreme Court rulings – legal interpretation allows for collective cultivation for personal use in the form of CSCs (Arana & Sanchez, 2011; Kilmer, Kruithof, Pardal, Caulkins, & Rubin, 2013; Muñoz & Soto, 2001; Room et al., 2010). Since the early 1990s, hundreds of cannabis associations have been established in Spain (Arana & Sanchez, 2011). According to data from the Federation of Cannabis Clubs (FAC), there are currently more than 400 Spanish Cannabis Associations or CSCs active, particularly in the Basque region and in Catalonia. However, legal uncertainty around the production issue continues and has led to the seizure of cannabis crops and to the arrest of some CSC members (Kilmer et al., 2013). Several clubs – ARSEC (Barcelona), *Kalamudia* (Bilbao), *Pannagh* (Bilbao), ARSECSE (Sevilla) and *Ganjazz* (Donosti) – have been involved in criminal procedures (Arana & Sanchez, 2011; Bewley-Taylor et al., 2014; Kilmer et al., 2013).

The origin of cannabis social clubs in Belgium shows significant similarities with that of the Spanish model. In Belgium, cannabis production or possession is not allowed by law and is therefore considered a criminal offence, for which a fine or prison sentence can be imposed (Kilmer et al., 2013; *Belgische Kamer van Volksvertegenwoordigers en Senaat*, 2011). However, a 2005 joint guideline issued by the Minister of Justice and the College of Public Prosecutors set out that the lowest prosecution priority was to be given to cannabis possession (Gelders & Vander Laenen, 2007). This refers to possession by adults of an amount appropriate for personal use, i.e. quantities not exceeding 3 g or 1 cultivated cannabis plant. Furthermore, there should be no aggravating circumstances. These include the presence of a minor, involvement of a criminal organisation, causing harm to or resulting in death of another individual or a public-order disturbance. The latter comprises cannabis possession in prison or a youth-protection institute, cannabis possession in an educational institute or in its immediate vicinity; or cannabis possession in a public place or place that is accessible to the public. Inspired by the Spanish

CSCs, Belgian activists reasoned that if cultivation of one female plant for personal use is allowed, this should be possible on a collective basis if there are no aggravating circumstances or public nuisance.

The first Belgian cannabis social club – *Trekt Uw Plant* (TUP) [Plan(t) yourself] – was initiated in 2006 in Antwerp (X, 2006). TUP was involved in two court cases (Kilmer et al., 2013). Both court cases did not lead to a formal conviction (the court rulings will be described in more detail below). In 2010 the club cultivated and harvested cannabis for its members for the first time, and TUP has in fact been growing cannabis without law-enforcement interference since. In April 2013 a subdivision of TUP with mainly members from the northeast province of Limburg became an independent cannabis social club: the *Mambo Social Club*, officially located in the city of Hasselt (Baeten, 2013b). Both clubs organized workshops to inform other cannabis activists about the CSC model and to help them set up their own clubs. In November 2013 three cannabis clubs were established in the French-speaking community of Belgium: *Ma Weed Perso* (in the city of Liège), *WeedOut* (Andenne) and *Sativa* (Namur) (Louis, 2014; Flament, 2014a, 2014b, 2014c).

## Objective and methods

The focus of this paper is on CSCs in Belgium. They are legally established non-profit organizations, which are very explicit on their websites (and in the media) about their cannabis-producing and distributing activities. We aim to describe how Belgian CSCs are organized and structured, how they function on a day-to-day basis, and the different social responses in Belgium to emerging CSCs. In current policy discussions on prohibition versus legalization of cannabis, the CSC model has been suggested as a meaningful middle ground between cannabis prohibition and commercial legalization. Although our study is explorative, we want to make a modest attempt to analyse the weaknesses, strengths, threats and opportunities of the Belgian CSC model in the context of a strategy that aims at nudging the cannabis market towards its least unacceptable form (i.e. offering criminal entrepreneurs as few possibilities as possible).

Our paper draws on a review of international literature and extensive efforts to collect qualitative rich data on Belgian CSCs. In February 2014 we contacted the five established CSCs and conducted interviews with the board of directors of each club. In one club we interviewed the president, and in the four other clubs several board members. The topic list for the interviews addressed the following issues: (1) general characteristics of the club; (2) house rules and membership criteria; (3) financial aspects; (4) cannabis production techniques; (5) relations with growers; (6) quality controls; (7) contacts with the police and judiciary; (8) responses from policymakers, the media, treatment and prevention professionals and third parties, and (9) opinions on cannabis policy.

We collected and analysed all the club's internal documents: membership application forms, cultivation protocols and contracts with growers, members' cannabis-ownership certificates, information leaflets, etc. We also made field visits to the clubs. Three clubs have their own premises (in one case this space is used for administrative purposes and cultivating plants; in two clubs the premises are used only as an office). We analysed the content of the clubs' websites, and collected (with the help of the CSCs) all media articles and documentaries on the clubs in the Belgian media. For the purpose of this paper, we did not interview individual club members, or talk to local policymakers or representatives of local police authorities, treatment or prevention centres, or public prosecutors.

## Formal organization of CSCs in Belgium

The typical evolution of a CSC starts with it being founded by at least three individuals (who usually form the 'board of directors', including a president and a treasurer) and being recorded in the registry of associations. In the most recently established and smallest clubs almost all administrative, organizational and financial management tasks are carried out by one or more founding members; the oldest and largest club (TUP) has delegated certain tasks (administration and supervision of growers) to working groups.

### Membership criteria and house rules

All Belgian clubs charge an annual membership fee of 25 euro to cover administrative and organizational costs. To become a member, individuals have to sign a membership form to confirm that they were cannabis users prior to their membership, that they are aware of the Belgian drug law, and that they are signing up voluntarily. Members must reside in Belgium. All clubs apply a minimum age limit, but there are differences (see Table 1): members of CSC TUP and CSC Sativa must be 18 or older; members of Mambo Social Club, WeedOut and MaWeedPerso must be at least 21 years old. WeedOut makes an exception for medical users: they must be at least 18 years old. Staff members of several clubs are still discussing the minimum age requirement: some want to raise the age limit from 18 to 21 years, while others want to lower the age limit from 21 to 18 years.

A number of clubs have recently added an extra membership condition: candidates cannot be a member of another CSC. They have been discussing the possibility of comparing membership lists on a regular basis, of detecting individuals trying to register in more than one club. This seems logical, since the 2005 joint guideline states that an adult can only have one female plant. On the other hand, the practice of privacy-sensitive information exchange between clubs should comply with Belgian privacy-protection legislation.

In order to become a member, individuals are also invited for some sort of intake interview, usually carried out by one of the board members. During the interview, candidate members are informed about the three most important house rules: (1) members will be excluded if they sell all or part of their cannabis to non-members, (2) if they are the cause of public nuisance in and around the club's premises, and (3) if they abuse the name or objectives of the club or cause any other harm to the club.

During the intake interview, some clubs try to map the candidate's cannabis-consumption pattern of the candidates in order to avoid recruiting who they consider 'problem users'. Other clubs ask explicitly whether a doctor has strongly advised the candidate against using cannabis. CSC Sativa asks candidates whether they have been arrested or convicted for producing large quantities of cannabis or selling other illegal drugs.

Clubs have refused candidate members for various reasons: because applicants were minors or residing in another country, they were suspected of selling cannabis on the street, or wanted to buy cannabis immediately without waiting for the next 'exchange fair' (see below). CSC Sativa refused an applicant who had laryngotomy because he could not prove that his doctor advised him to use cannabis. In some cases, clubs have excluded members for not respecting the house rules: one club member tried to register his father in order to be able to possess two plants; in TUP a member was excluded because he was abusing the club's Facebook account to disseminate certain political ideas (the club's policy is to remain politically neutral). In other clubs certain incidents led to internal discussions, but not to the exclusion of that particular member. For example, one member brought his 9-year old son to a lecture

**Table 1**  
General characteristics of five Belgian CSCs (as of February 2014).

	CSC Trekt uw Plant	CSC Mambo Social Club	CSC WeedOut	CSC MaWeedPerso	CSC Sativa
Location	Antwerp	Hasselt	Andenne	Liège	Namur
Date of foundation	15 September 2006	April 2013	4 November 2013	6 November 2013	16 November 2013
Number of members	N=237 N=194 N=43 N=224	N=84 N=64 N=20 N=71	N=13 N=10 N=3 N=12	N=35 N=29 N=6 N=30	N=81 N=57 N=24 N=81
Male	81.9%	76.2%	76.9%	82.9%	70.4%
Female	18.1%	23.8%	13.1%	17.1%	29.6%
Recreational users	94.5%	84.5%	92.3%	85.7%	100.0%
Medical users	5.5%	15.5%	7.7%	14.3%	0.0%
Waiting list	N=25	N=233	N=5	No waiting list	N=30
Minimum age limit	18 years	21 years (recreational users) 18 years (medical users)	21 years (recreational users) 18 years (medical users)	21 years	18 years
Age range	19–83 years Mean age 40.4 years	24–78 years 38.7 years	22–32 years NA	21–65 years 35.3 years	19–52 years 32.3 years
Annual membership fee	25 Euro	25 Euro	25 Euro	25 Euro	25 Euro
Price per gram for members	7 or 8 Euro (depending on the varieties)	7 Euro	6 Euro	7 Euro	6.05 Euro
Maximum consumption limit	60 g/2 months	15 g/6 weeks	20 g/month	40 g/2 months	Not decided yet
URL	<a href="http://www.trektuwplant.be">www.trektuwplant.be</a>	<a href="http://www.mambosocialclub.be">www.mambosocialclub.be</a>	<a href="http://www.weedout.be">www.weedout.be</a>	<a href="http://www.maweedperso.be">www.maweedperso.be</a>	<a href="http://www.sensigreen.wix.com/csc-namur">www.sensigreen.wix.com/csc-namur</a>

NA = not available.

on cannabis policy; other members found this very disturbing and potentially harmful for the club's reputation.

### Members' profile

There are currently two larger clubs in Flanders (*TUP* and *Mambo Social Club*) and three smaller clubs in the Walloon region (*MaWeed-Perso*, *WeedOut* and *Sativa*). Together, these five clubs have 450 members. Most clubs have a sex ratio of about four male to one female member (see Table 1).

The majority of the members of all Belgian clubs are recreational users. We asked clubs how many members could be considered as 'medical' users. In addition, we made clear that we used the term to indicate users that suffer from a serious medical condition, diagnosed by a professional doctor and recognized by the medical-scientific world as a disease or medical condition for which the use of cannabis might be beneficial. *TUP* uses the list of conditions recognized by the *International Association for Cannabinoid Medicines* (IACM) to identify 'medical' users. The proportion of 'medical' users ranges from 0% (*Sativa*) to 15.5% (*Mambo Social Club*) (see Table 1), and includes medical conditions such as multiple sclerosis, polyneuropathy, serious arthrosis or articular degeneration, epilepsy, cancer, sleep disorders, chronic pain patients, Crohn's disease, and fibromyalgia. *CSC TUP* offers its members the possibility to have an appointment with a doctor or a psychiatrist, who are both members of the club as well.

The geographical catchment area of all clubs is mostly within a 30 km radius, but clubs also recruit members in other cities. *TUP* currently has 25 members residing in Brussels; *Mambo Social Club*, *WeedOut* and *CSC Sativa* also have members who live in Brussels. *Mambo Social Club* has a few members in Antwerp, and around one third of the members of *MaWeedPerso* live in Charleroi. *CSC Sativa* recruits its members in Brussels, Liège, Mons, the Ardennes, and Charleroi.

Some individuals are infrequent cannabis users and become member of a club primarily because they want to support the model for activist or ideological reasons. Clubs are also frequently confronted with users who would like to become a member, but who refrain from doing so because they are afraid that their parents or employer could find out, or because they fear that being a member of a CSC could be a factor that works against them in view of their personal situation (e.g. in a divorce or co-parenthood procedure). Negative media articles (e.g. about police interventions or negative court rulings) have caused members to leave the club or withdraw their membership application. Positive media coverage usually boosts new membership applications. *CSC TUP* also claims that the Dutch government's temporary decision to introduce a 'weed pass' (between 1 May 2012 and 19 November 2012) individuals could only buy cannabis in Dutch coffee shops if they formally registered as a club member led to a spectacular increase in membership applications (Borgelioen, 2012; Van Damme, 2012; Vervaeke, 2012).

### Cannabis production

The number of plants a club grows is of course limited to the number of members: one plant per person. However, the organization of cannabis production shows considerable differences. Some clubs grow all the plants *synchronously* and distribute their total cannabis harvest among their members, e.g. every 3 months. Other clubs grow plants *asynchronously* in order to provide their members with smaller amounts more frequently. The latter procedure ensures a steadier supply of cannabis and means that members have to pay smaller amounts of money when they pick up their supply.

The choice of varieties being cultivated primarily depends on growers' preferences. Relations with growers are often delicate, and the clubs feel they need to respect growers' autonomy. In smaller clubs evaluations of quality, taste and effects and subsequent decisions on which varieties are produced are taken by the general assembly of members. Large clubs use more formal on-line survey techniques to monitor member satisfaction with the different varieties the club offers.

Some clubs require growers – often called 'plant caretakers' – to be a regular member of the club; others do not. Again, some clubs require growers to cultivate in their own houses (renting another location is not allowed). The larger the club, the more growers are employed: the smallest CSC employs one grower, the largest employs more than 12 'caretakers'. Larger clubs (*TUP*, *Mambo Social Club*) draw up a formal contract with each grower for every growing cycle. The grower must subscribe to the CSC house rules and protocols, and to all guidelines relating to the growing process. Growers should respect the joint ministerial guideline (2005); they should be discrete and not cause any nuisance. Growers are allowed to grow one plant for their personal use, but they are not permitted to sell cannabis or genetic material to third parties. The contract further stipulates the maximum number of plants per m<sup>2</sup>, the maximum number of plants per cultivation site, and the exact number of plants that can be grown. The cultivation site must be a private and enclosed space, inaccessible to third parties and minors, fire-proof, and not cause any nuisance (smell or noise). If growers are caught stealing electricity, the contract is terminated immediately. The setup of the technical equipment is certified by the club, and growers must commit to the club's standards of organic cultivation (no use of chemical nutrients or pesticides). The size of the yield is estimated by a club representative at three stages: during the third week of the flowering period, two to three weeks before harvesting, and at harvest (wet and cut) in order to avoid fraud by the grower. The contract also defines the post-processing of the cannabis (drying process), the communication procedures between grower and club, and a protocol in case of police intervention (what the grower ought to declare, and who he/she needs to inform immediately). For every plant the grower cultivates, he/she receives a 'grow card': a statement of ownership signed by a member with a copy of his/her identity card, which is attached to the plant. Every grower receives a unique code and every plant is identifiable by means of a unique barcode.

None of the clubs was growing cannabis outdoors when we interviewed them, but the possibility of growing outdoors is not ruled out. One club rented a house that serves as both the administrative domicile and cultivation site. Many clubs produce cannabis in members' private houses; the larger clubs outsource some of their cannabis production to external growers. The size of grow-ops varies from two plants up to a maximum of 49 plants. This upper limit is maintained intentionally, since Belgian police considers plantations of up to 49 plants as 'micro-' or 'mini-plantations', whereas larger plantations are classified as 'small' (50–249 plants), 'medium' (250–499 plants), 'large' (500–1000 plants) or 'industrial' (>1000 plants). Clubs also prefer several smaller cultivation sites to one large grow-op to minimize the risks of a 'drought period' (not enough yield to cover members' needs, because of plant disease or theft).

In most clubs, the growers finance their own cultivation equipment (lamps, odour filters, ventilation systems, etc.) and receive a fixed price per gram (ranging from 2 to 4.5 euro) to cover their costs and labour. One club does provide a 'green loan' to its growers once they have proven to be reliable and loyal to the club: the club then pre-finances the growing equipment and costs related to the cultivation. Another club has its own equipment, reasoning that no individual will suffer any loss if the police were to confiscate all growing equipment. All electricity, water-meters and other

invoices are in the club's name; growers are not contracted, but operate as volunteer caretakers. Yet another club has a 'cultivation set', which can be lent to an individual who wants to grow for the club. Members pay a fixed price per gram and growers are paid a fixed price per cultivation cycle. Several clubs ask and receive free seed samples from seed-producing companies (*Sensi Seeds, Dutch Passion, Royal Queen Seeds*, etc.); in return they display the companies' logos and acknowledge the companies explicitly on their website. Some growers have their own genetic material and one club holds a seed collection of over 60 varieties.

All clubs offer their members marijuana, and some deliver the plants remains (leaves, stems) in a separate bag. Staff members of two clubs suspect some members of trying to produce hash oil at home. CSCs *TUP* and *Mambo Social Club* would like to offer their members hash or oil in the future, but they have not done so yet. Clubs do not offer their members other products such as alcohol, cream, oils, tinctures, sweets, etc. to promote alternative consumption methods to smoking. One club offers its members vaporizers at wholesale prices.

Most clubs have been approached by candidate growers who appeared to be less trustworthy. Clubs have been confronted by growers who 'see things big', growers who wanted to grow for several clubs, or people who offer to deliver kilograms of cannabis straightaway. Clubs have experienced problems with growers who did not adhere to the standards of organic cultivation, and who did not allow inspection of the cultivation site. In one case the club found out the grower was selling cuttings or was selling the surplus of the harvest elsewhere. Some growers eventually prove to be inexperienced or unskilled, and deliver poor-quality cannabis; others turned out to be too careless with administrative obligations (e.g. they did not attach the individual 'grow cards' to the plants or did not take the identification documents with them when transporting cannabis to the club). Clubs claim they judge the quality of the harvested cannabis by examining different parameters: odour, look, taste, effect, presence of insects, fungi and traces of chemical nutrients. It remains unclear how these parameters are checked in practice. Some clubs use digital microscopes to inspect the cannabis. *TUP* is undertaking steps to have their cannabis tested (for THC, CBD, CBN, pesticides, fungi, etc.) in a Dutch laboratory, but until now no club is assaying the exact THC content in the cannabis they produce. Until the moment of distribution the harvested cannabis is temporarily stocked at members' houses or 'safe houses'.

#### *Distribution of cannabis: 'exchange fairs'*

Distribution is usually done at a rented location, at 'exchange fairs'. Clubs with synchronous cultivation cycles organize these fairs every 2 or 3 months; clubs with asynchronous production cycles have exchange fairs every month or 6 weeks. Only club members and accompanying adults can attend. The larger clubs have no consumption area for members, and do not allow immediate use on the spot (to provide a location for consumption of illegal drugs is punishable according to Belgian legislation). The smallest club organizes distribution of cannabis in a member's private house, where shared consumption is possible and where members discuss the quality of the product. In most clubs members can pick up cannabis only at the exchange fairs; there is no constant availability of cannabis. Most clubs, however, make exceptions for users with medical needs who require higher doses.

In smaller clubs, the total yield of cannabis available at an exchange fair is distributed equally among the members. In larger clubs members need to indicate in advance how many grams (and which variety) they want, and the cannabis is distributed in sealed bags of maximum 20 g. At exchange fairs, members are allowed to swap cannabis with other members. Most clubs apply maximum

consumption limits for members, but the differences between clubs are considerable: 10 g per month in one club compared with 30 g per month in another. Larger clubs keep records of the quantities received by members. Again, maximum consumption limits can be exceeded in the case of users with medical needs who require higher doses.

On receipt of their cannabis, members of larger clubs also receive a leaflet with a description of the variety (genetic composition, description of the odour, and the specific physical and mental effects) and – if available – the average score given by members previously. Members also receive a leaflet highlighting again the club's house rules and including instructions for sensible use. The leaflet also refers to the general practitioner and a prevention centre, in case members experience health or other problems related to their cannabis use. Smaller clubs do not offer their members these leaflets.

Members pay a fee of 5–8 euro/g of the cannabis they receive. The fee is supposed to cover production costs (the grower), storage and day-to-day management of the club. Being non-profit organizations, any financial profit is reinvested in the association. In larger clubs, part of the profit is used for various social activities such as courses and conferences, for legal and medical consultancy, and for protests and political lobbying activities to promote normalization of cannabis use. Some clubs are considering offering medical users cannabis at production price (4.5 euro/g).

#### *Administrative situation*

All clubs have official bank accounts where members can deposit their membership fee. Some clubs have had some trouble finding a bank that wanted to give them an account, but two banks in particular raised no objections at all. In some clubs members also pay their cannabis electronically, in other clubs members pay cash. Growers are always paid in cash.

Most clubs keep records of all their members, and all their identification data (name, sex, date of birth, official address). They have different registration systems to monitor production (grower identification and codes, number of plants, plant unique identification code, and yield per plant). The systems also monitor members' consumption (members' names, code of the plant owned by a member on a given date, quantities of cannabis ordered and received). One club takes photographs of every cultivation site to use as evidence in a court case.

The largest club has one part-time staff member paid by the CSC; the other clubs had no contracted staff at the time of our interviews. Most clubs benefit from the work of a handful of volunteers. All but one club seemed to have the ambition to develop into larger clubs, and would like to be able to have one or more officially paid staff members. Most clubs officially rent buildings or parts of buildings, and CSC *Sativa* sets aside 1.05 euro/g (sold at 6.05 euro) in case the income tax authorities were to charge Value Added Tax (VAT) on the distribution of CSC products in the future.

#### *Contacts with other CSCs*

The five CSCs are member of ENCOD, the *European Coalition for Just and Effective Drug Policies*, a platform of 150 members, organizations, companies and citizens who want an end to the war on drugs. Four clubs are hatching a plan to create a Belgian Federation of CSCs, a stronger network of clubs that adhere to a standard of practice and operate according to a similar set of standards. It is unsure whether the fifth club will be interested in joining this future federation, because its staff has a different view on the most appropriate strategies to stimulate the cannabis policy debate in Belgium. Some clubs are already modelled on the first Belgian CSC

(TUP), and *Mambo Social Club* is in fact a former branch of TUP. Most clubs refer to the other clubs on their website. Staff members of these four CSCs meet once a month. When the president of the *Mambo Social Club* was arrested in December 2013 with the first harvest of his club (Van Mechelen, 2013), all clubs showed their solidarity (through messages of support via social media, by sharing the cost of a lawyer, and offering cannabis to cover members' most urgent needs).

Staff members of most clubs tell stories about people they have met, who want to start a new CSC in the near future. Two clubs organize workshops to instruct other activists how to establish and run a CSC (Belga, 2012). If branches of CSCs become too large, the possibilities of establishing an autonomous CSC are carefully considered. On the basis of these stories, it is highly likely that the number of CSCs in Belgium will continue to grow, possibly with CSCs in Brussels, Mons, Charleroi, Ghent, Ostend, and in the German-speaking part of the country.

Some clubs have little or no contact with other CSCs abroad. One club has a friendly relationship with a CSC on the Canary Islands (Spain). When they are on holiday there, members can become a member free of charge and buy a small quantity for personal use. The same is true for the members of this Spanish club who are travelling in Belgium. Another club has infrequent contacts with groups of cannabis activists in Italy, the United Kingdom and France.

#### *Contacts with local authorities, the drug sector and the media*

One CSC chooses to keep a very low profile, but the other four CSCs have explicitly tried to make contact with local authorities (police, public prosecutor, the mayor or local policymakers). At least three clubs went to tell the local police that they were growing cannabis for their members. One club talked to local politicians, but they were told to contact a local treatment agency. Another club was advised by the mayor himself to keep a low profile. Yet another club has repeatedly sent letters to the mayor and to the public prosecutor, but staff never received a reply (Flament, 2014a, 2014b, 2014c).

CSCs differ greatly in terms of their media strategies. Two clubs explicitly set out to avoid any media attention, either because they first want to perfect the club's day-to-day practices, or because they do not wish to act at a (local) political level. Three other clubs have explicitly sought media attention to stir up the political debate on cannabis decriminalization and to advocate legal protection for their alternative to the black market (Baeten, 2013b; Belga, 2012; Flament, 2014a, 2014b, 2014c; Louis, 2014; Somers, 2011). One club in particular is perceived by the other clubs as being too provocative.

Although in some cases the clubs are very careful in selecting the more 'serious' journalists, they are happy with the way in which they have been represented in the local and national media. When media publicity focuses on the club's intentions and day-to-day operation, it usually gives membership application figures a boost. When newspapers or documentaries report on police interventions or legal charges against a club, the publicity frightens potential members and has resulted in some members leaving the club.

Some clubs have occasional contacts with local prevention and treatment centres, although these centres reject any formal type of collaboration. Two clubs were advised by medical practitioners to keep a low profile to be able to continue. Other clubs have tried to connect with local prevention centres, but were rejected immediately. Most clubs express the desire to be able to collaborate with prevention and treatment experts, harm-reduction services, and medical practitioners.

## **A modest SWOT analysis**

An important issue in policy discussions on prohibition versus legalization of cannabis relates to whether it is possible to move a meaningful distance along the spectrum towards legalization without crossing over to full commercial availability (Decorte, 2010b; Kilmer et al., 2013). When it comes to the middle ground between cannabis prohibition and commercial legalization, several models have been suggested (Bewley-Taylor et al., 2014). The CSC model is a very interesting one that deserves academic and political attention. In this section we analyse the internal strengths and weaknesses and the external threats and opportunities of the Belgian version of the CSC model as it exists today.

### *Strengths*

In principle, Belgian CSCs are not profit-driven; they only distribute cannabis to their registered members, who must be regular users before they become a member. Clubs apply maximum consumption limits, and any financial profit is reinvested in the association. Clubs are only open to national residents and the clubs are relatively successful in reducing the risk of re-distribution to non-members (including minors) or even of drug tourism (a problem that the Dutch coffee shops near neighbouring countries have experienced). In Barcelona several CSCs are known to recruit tourists, whereas Belgian clubs claim this practice would run counter to the basic principles of the model.

Furthermore, most Belgian CSCs operate as a system in which cannabis is not too easily available. They require members to go through a registration procedure with some checks and balances. Members cannot attend on a daily or weekly basis, but need to wait for the next exchange fair, while new members usually have to wait several weeks or even months before they receive their first cannabis through the club. The clubs offer an alternative to Dutch coffee shops, which are too visible or too inviting according to critical opponents.

We have argued elsewhere that the desire to have more control over the production process and the final product is an important driver of the overall increase in local, small-scale, non-profit-driven cannabis cultivation (Decorte, 2010a, 2010b). Most, if not all, Belgian CSCs cultivate cannabis according to a protocol that obliges growers to cultivate the cannabis organically. In an open legal market (as e.g. the case with alcohol, tobacco and caffeine) dominated by multinational companies, consumers are often reduced to a passive role, where their only possible option is to buy or not to buy. In a black market this is even more true, since consumers have no control over the production process and consequently over the quality, potency or price of the substances (Decorte, 2010b). CSCs have fairly direct control over the varieties that are grown, the growing techniques, and quality and potency of the cannabis distributed via the club. Depending on the level of democracy in the club, members may participate in the decision-making process on all these aspects.

### *Opportunities*

The CSC model also offers some important potential opportunities. A regulated and generalized system of CSCs could have several economic advantages (Bewley-Taylor et al., 2014). All clubs already pay their growers, and the largest club can afford to pay one part-time staff member for organizational and administrative tasks. Most clubs aspire to increase the number of members, and several staff members hope they can thus earn a living in the future. Regulating the CSC model could make it possible to create direct jobs (employees responsible for cannabis production and organizational and administrative tasks). However, that would only work if the clubs reach a certain size, or if they were to be allowed to grow

more than one plant per member. Legal employment would also generate more social-security contributions. Furthermore, CSCs indirectly generate activity in economic sectors which provide services, equipment and supplies to the clubs (e.g. fertilizers, cultivation material, greenhouses, transport, legal consultancy). Most of the money that users currently spend to buy cannabis on the black market would end up in other expenses taxed by the state and would generate more VAT income (Somers, 2011). Finally, the CSC model might help to reduce public expenditure on policing the cannabis market and sentencing those who produce or sell for profit.

The five Belgian CSCs (total membership of around 450) do not really weaken the black market by removing potential clients from it. However, it must be kept in mind that CSCs have a high growth potential: all clubs experience an increase in membership applications, especially at times of heightened media attention (neutral or positive). It is reasonable to expect that the number of CSCs in Belgium will continue to rise in the next few years. As the CSC movement in Belgium expands, and if CSCs were to become a regulated alternative, significant impact on the black cannabis market could be expected. Furthermore, the CSCs may help to diminish many of the problems related to the illegal market: the increase of THC content, adulteration or contamination of cannabis, prices, systemic violence, street dealing and other forms of illegal trade.

Cannabis activists claim CSCs are already playing an important role in the prevention and early detection of problematic use and referral of problem cannabis users to treatment and prevention structures (Somers, 2011). CSCs are already monitoring consumption patterns, and in some cases they have sought contact with treatment or prevention centres. However, in the current Belgian legal context these professionals remain very reluctant to join forces. CSCs could become an important partner in targeted prevention campaigns, e.g. in anti-smoking campaigns or actions related to other medical or social topics.

From a legal perspective, the CSC model has obvious potential to deviate from a repressive zero-tolerance drug-law-enforcement approach. As it operates in Belgium today, the cooperative model extends decriminalization of personal possession to toleration of personal cultivation of one plant for personal possession. This is achieved by creating groups of users who delegate their 'allowance' to a grower, who then supplies the group members within a self-regulated non-profit co-operative framework (Transform, 2013). However, the model lacks a firm legal basis or legislated regulatory framework to ensure best practice. The model could serve as a transitional system of *de facto* legal production and supply that could operate within a prohibitionist framework, or as an alternative system of *de jure* legal production and supply that could be run in parallel with more conventional retail models (Transform, 2013).

### Threats

The main threats to Belgian CSCs consist of attempts to criminalize the model, the emergence of profit-driven clubs and systemic violence from criminal entrepreneurs.

In 2006, TUP members were charged with possession of cannabis with the aggravating circumstance of participation in a criminal organization (Belga, 2007). Although the defendants were initially condemned for the former and acquitted for the latter by a local court, the Court of Appeal could not pass judgement in 2008 as the criminal prosecution had become time-limited (Aerts, 2008; X, 2007; de Koning, 2007). The second court case focused on two public protest demonstrations by TUP in 2008, for which the organization was accused of encouraging drug use (X, 2008). In 2010, the Court of Appeal acquitted the defendants since, although their acts were provocative, they did not encourage drug use (Belga, 2009,

2010). The net result of these cases was that, while (collective) cannabis production is not allowed under Belgian law, TUP had in fact been growing cannabis without law-enforcement interference in the following years. After the subsequent court rulings, TUP saw a steady increase in its membership applications, and four new cannabis social clubs were established in 2013.

In December 2013, the president of the *Mambo Social Club* was arrested when he was transporting the first harvest to the members; the police confiscated 1100g of cannabis, and seized 27 plants at his house (Baeten, 2013a; De Schrijver, 2013; Van Mechelen, 2013). On 17 March 2014, police raided the premises of CSC *MaWeedPerso* (Wauters, 2014). Two staff members were arrested and imprisoned. At the time of writing this paper it is not clear how these clubs or the staff members will be charged, and how the courts will rule in these cases.

At least three clubs suspect they were infiltrated by a police informer at one time or another. A formal and final conviction might discourage users to apply for membership, but it is not inconceivable that clubs would go underground. In the later case, it is also difficult to predict the effect of the final court ruling on the future development of the Belgian CSC movement. However, the recent history of Belgian CSCs has shown that clubs have never ceased to be operational, despite police intervention or court rulings (Spoormakers, 2013; Vandenberg, 2013).

Another threat to the model is the emergence of 'shadow clubs': individuals or groups of individuals who consciously use a CSC's name and outward appearance as a front for criminal entrepreneurs who try to produce and sell cannabis (for similar developments in Spain, see e.g.: Bewley-Taylor et al., 2014). In August 2013 the CSC *Eureca* was set up in the north of Antwerp, but when the police discovered their cultivation site there were 60 plants but only 16 registered members. Another company, *Werrapova*, was recently set up by a former member of a CSC to grow cannabis for any club wanting to order it.

Finally, most clubs are more afraid of systemic violence from criminal entrepreneurs than of police intervention (Spoormakers, 2013). One harvest was stolen from a club, but the staff has reasons to believe that the grower was involved in the theft. All clubs take a number of measures to prevent theft of the plants or the harvest, and most clubs only notify their members when and where an exchange fair is to take place just before the event. Some clubs set up observation posts during an exchange fair to reduce the risks of theft or robbery. Fear of cannabis being stolen is also one of the reasons why some clubs prefer to grow their plants synchronously: it is easier to guard one or a few cultivation sites than to monitor many sites. CSC *MaWeedPerso* excluded a member after suspicions arose he was selling the cannabis he received from the club to others, including minors. CSC *WeedOut* was verbally threatened by a local dealer that it should not recruit members in a particular area of the city; on one occasion he damaged the front door of the club's premises. CSC *TUP* experienced a mysterious burglary in their premises, although nothing appeared to have been stolen. A member of this club received a thrashing from two 'Moroccan guys who thought they had to teach the social club a lesson'. All in all, there have been very few incidences of threats, theft of plants or intimidation. However, as CSCs become a more important competitor of other cannabis suppliers, the incidence of violent acts might increase.

### Weaknesses

Finally, our research also revealed a number of weaknesses of the Belgian CSC model. A first consideration is differences in house rules, structures and organization. Clubs apply varying age limits (18 and 21 years) and consumption limits. Some clubs are still very small (13 members), others have become large (237 members),

and cannabis production and distribution are organized differently. Clearly, between members of a club and between clubs, lively discussions are held about house rules, membership criteria, organization goals, and the most appropriate media strategies and actions to achieve them. These discussions sometimes result in conflicts, such as the exclusion of members or groups splitting off. The unstable or transient nature of certain CSCs hinders the development of a joint protocol (and a united federation), and may contribute to a sense of distrust in the general population and to negative media attention. On the other hand, the diversity of CSCs offers cannabis users some freedom to organize their practice as best fits local circumstances.

Most clubs assert that they are very democratic. They may use various models, horizontal or hierarchical, but they often claim the ultimate decision-making body is always the members' general meeting. In practice, however, some clubs resemble a one-person business. The smaller the club, the easier it is to maintain democratic decision-making procedures and personal relationships with all members.

Although the clubs were very open to the author, a lot of questions remain open and would need more in-depth research.

These issues include:

- Members' personal history and consumption pattern,
- Growers' background and (criminal) career,
- Details of cultivation techniques,
- Delicate relationships between clubs and growers,
- Relationships between clubs and other cannabis-related businesses such as grow shops and seed companies.

Whether or not the cultivation procedures applied by the CSCs are a sufficient guarantee for quality and potency control can only be checked by means of independent toxicological analyses. CSCs admit that not all their growers are experienced and 'professional', and quality-control procedures seem to be superficial and rather subjective. However, CSCs ask for assistance from medical and toxicological professionals, and one club will have its cannabis products tested regularly by a toxicological laboratory in the near future.

Most clubs serve a small number of 'medical users', and they often apply less stringent rules (e.g. no maximum consumption limit) for members who can present a medical statement confirming that they are suffering from an illness for which cannabis use is recommended. In the absence of solid collaboration and information exchange between CSCs and medical specialists, it remains an open question whether it is a good idea to confuse medical cannabis and recreational cannabis.

As clubs become larger, and as some staff members express their desire to expand their number of members, there is a certain risk of CSCs morphing into marketing enterprises (cf. developments in Spain, see [Bewley-Taylor et al., 2014](#)). Most clubs have been approached by at least some growers who dream of large-scale cultivation, and some staff members hope that one day they will be on the pay-roll of their own CSC.

## Conclusion

An increasing number of countries have shown unease about the international treaty regime's strictures on cannabis. Parties to the UN drug-control conventions have exploited the considerable inbuilt flexibility to engage in decriminalization of possession for personal use. In Spain and Belgium, cannabis users have exploited a legal grey area of the countries' drug laws by establishing CSCs, self-regulating entities operating on a not-for-profit basis to collectively produce cannabis for registered club members. In this paper

we offered a rich description of how Belgian CSCs operate on a day-to-day basis, and we made a modest attempt at analysing their weaknesses, strengths, threats and opportunities. The CSC model has obvious potential both as a transitional system of *de facto* legal production and supply that could operate within a prohibitionist framework, and as an alternative system of *de jure* legal production and supply that could be run in parallel with more conventional retail models ([Transform, 2013](#)). The model could be a safe and feasible option for policymakers to move a meaningful distance along the spectrum towards legally regulated cannabis markets without crossing over to full commercial availability.

An issue that needs to be addressed is the question whether the CSC model could operate within the limits of UN Conventions and the EU framework on drug trafficking. According to some, CSCs are compatible with the international legal framework as they are essentially an extension of decriminalization of personal possession/cultivation ([Barriuso, 2011, 2012](#); [Bewley-Taylor et al., 2014](#); [Transform, 2013](#)). Neither the Belgian government, nor the UNODC or the INCB have formulated official statements about whether or how CSCs fit in with existing international drug conventions ([Kilmer et al., 2013](#); [Transform, 2013](#)).

An important issue relevant for academics and policymakers is whether and how the weaknesses of and threats to the CSC model could be converted into strengths and opportunities through governmental regulation to ensure best practice. Government regulation could offer CSCs legal protection and provide a framework for quality control, safe and reliable cannabis production, transport, and distribution ([Barriuso, 2012](#)). Regulation could also shape favourable conditions for improving transparency and professionalizing cannabis production in clubs, and it could allow for more standardization of structures, organization and house rules. By implementing clear norms (e.g. maximum number of members, maximum production capacity and/or THC contents, or limits to the amount of money a staff member can earn) and sanctions, the government might stimulate stability and reliability of CSCs, and prevent CSCs from morphing into profit-driven organizations. It would also create an interesting experiment in alternative cannabis supply tailored to the local context. On the other hand, CSCs must be open to professionalizing their protocols and organization, and accept legal restrictions and sanctions. If Belgian authorities choose to criminalize this model, the Belgian CSCs might sooner or later disappear under the radar. As the CSC expands, maintaining self-regulation and a non-profit ethos becomes difficult without more formal controls ([Transform, 2013](#)). Should local authorities decide to refrain from action, the model might dilute and evolve in a similar way as the Spanish version did recently, with the establishment of large, commercial clubs.

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