

Drug reform and regulation: a way out of the crisis?

Ladies and gentlemen,

For decades, the Netherlands have been the outsider in Europe, when it comes to drugs policies. The main features are well-known: the law is not much different from other Member States, i.e. the production and use of drugs is punishable by law. However, the Office of the Public Prosecutor refrains from prosecuting, under specific conditions, the consumption and sale of cannabis. To be quite clear, the production of cannabis does not normally come under this exception.

It looks as if step by step the by now traditional Dutch policies are changing. You might have expected a move towards more liberalisation, if only to relieve the police and the judiciary, especially in view of the current budgetary cuts. The situation for the police in the Netherlands is dire. The police is not exempted from the austerity policies of the current Dutch government and many local police forces are facing a reduction of the number of policemen who can be out in the streets. And all of that, while policemen are complaining already that they do not have enough time to be out in the streets due to all the paper work that they have to do nowadays. Thus, there is every reason to relieve the police, and also the judiciary of the onerous load of drugs related cases, insofar as they concern cannabis. Reality, however, is much different: the trend is clearly towards more repression, and so towards more unnecessary work for the police.

Let me give you first a few concrete examples of this trend. In the south of the Netherlands, in and near Eindhoven, organised crime related to the production of cannabis, is strong and violent. The mayor of Helmond, one of the towns near Eindhoven, had to go into hiding because of the many personal threats originating in these criminal groups, against him and his family. The reason why organised crime is so interested in cannabis, is because on the one hand the production is not regulated, so the coffeeshops and others have to rely on illegal sources; and on the other hand because the penalties, if they get caught, are less high when the production concerns soft drugs, than in the case of hard drugs. As a general reaction to these developments in Eindhoven and Helmond you would therefore have expected a debate on the half-heartedness of our

policies, and the need for some type of regulation of the production of cannabis, thus depriving organised crime from a wonderful market. But no, the reaction was that we need to further toughen up the existing policies, inter alia, by introducing a membership card system so that only those who have a valid membership card, will be allowed to buy cannabis in the existing coffeeshops.

This, however, is not the only restrictive measure taken in the past year. Other towns in the south of the Netherlands, such as Bergen op Zoom and Roosendaal, have closed down all their coffeeshops, because they could no longer tolerate the trouble caused by drugs tourists. The same happened in a town in Zeeland, near the Belgian border.

There are more measures being taken or introduced. For example, in the city where I live, Rotterdam, last year the municipality closed all coffeeshops that are located within 250m. walking distance from schools. The national government thinks that this is a great idea, and considers introducing a similar rule at national level.

Coffeeshops who are found to sell drugs to youth under the age of 18, will also be closed immediately.

Older rules are applied more strictly: coffeeshops are not allowed to have more than 500g of cannabis in store. They may not sell more than 5g to a customer. Violations of these rules are also followed by closure of the coffeeshop.

As you can see, theoretically the Netherlands are still different from the rest of Europe, but the net around the coffeeshops is gradually closing in. But not only the coffeeshops are targeted, also the users of cannabis are increasingly under attack. The organisers of many parties already carry a zero tolerance policy concerning drugs and no longer make a distinction between hard and soft drugs. Employers, such as the ministry of defence, but also more generally, are allowed to require from their personnel that they do not use drugs and may introduce compulsory testing. Governments and municipal councils are now also talking about introducing drugs tests at schools. And last but not least, soon a measure will be introduced allowing the police to collect phlegm samples from drivers. If they test positive, this means that they can be fined. It is not clear yet how the police will deal with this in practice, since a phlegm test

in itself is not reliable enough, so people who are testing positive, will have to go to the police station to have their blood tested. This will bring about an immense increase of the workload of the police force at a time that they need less work instead of more.

Especially this final measure may prove to be quite burdensome for those who use cannabis on a regular basis. It is well-known that traces of cannabis can be found many days after consumption, which means that many people will test positive even if they are completely capable of driving, as they used cannabis the day or many days before. In fact, this measure makes it impossible to use cannabis if you want to avoid problems with the police, unless you do not intend to drive in the near future.

What annoys me most, is that all these measures lack any type of vision. It starts with the coffeeshops: whereas under certain conditions, selling cannabis is not prosecuted, the owners of these establishments are violating the law if they buy cannabis. The government has no control over the production of cannabis, as it is illegal, and so gradually the production of cannabis is no longer a matter for local small-scale home-growers, but has become an interesting market for organised crime.

That does not mean, however, that organised crime favours the existence of coffeeshops. In the town of Helmond, the threats and violence were not only directed towards the authorities but also towards a new coffeeshop. For organised crime, repressive policies are a blessing: they can charge higher prices on a purely illegal market than on one that is partly regulated via the coffeeshops.

The authorities use the general fear by ordinary citizens of violence and crime, for introducing ever stiffer measures. They refuse to consider the regulation of production of cannabis, thus creating a fine market for organised crime, and subsequently use the existence of such forms of organised crime as an excuse to close down coffeeshops and for other measures making life of the cannabis user ever more difficult.

In my opinion, a good argument for stiffer policies would be that the consumption of cannabis is increasing. But the figures produced by the European Drugs Agency show that this is not the case. On the contrary, during

the past 10 years the prevalence of cannabis use among young adults has remained stable at about 10%, much lower than in a country like France, which is known for its strictly repressive policies.

Another argument that is often heard, is the drugs tourism that our coffeeshops bring with them. Yes, it is true that in some towns near the border the amount of foreign customers is huge. And yes, these customers do park their cars near the coffeeshops, which sometimes leads to traffic jams and lack of parking space. But is that a good enough reason to close coffeeshops altogether or to introduce a membership card system, thus excluding people from other Member States?

Let's compare this with other commodities. Did you ever hear complaints from mayors because the local shops attract many customers from abroad? Did you hear them talk about the congestion the shoppers cause? Or about the lack of parking spaces? On the contrary, the more customers, the more licenses are being issued for big car parks to accommodate them. And the European Union welcomes this, as it shows how vibrant the internal market is.

But no such sounds from Brussels when it comes to soft drugs. No internal market here. Of course, if you do not formally legalise cannabis, the government cannot collect taxes and the net profit of coffeeshops remains for the owner. At most, these coffeeshops create some employment, but since the European institutions remain ever so stubborn concerning drugs, any of the standard internal market arguments are not applicable.

Apart from some unnecessary muscle flexing by a number of Dutch political parties, I think that in the background Brussels does play a major role in making the Dutch policies ever more restrictive. Neighbouring countries, like Belgium, are very eager to criticise the Dutch policies. They are concerned that their citizens will use more cannabis, only because they can get it in the Netherlands. Also, the production of cannabis is strongly increasing in Belgium and again the Netherlands policies are blamed for this trend. Criticisms are not, however, limited to a neighbouring country like Belgium. Also other Member States, like France, have often criticised the Netherlands.

For me, it is impossible to understand why the European institutions and most Member States' governments are so short-sighted. Last year, we discussed

here the Trautmann report. It was commissioned by the European Commission itself and shows quite clearly that repressive policies do not work. I remember that the representative of the European Commission seemed impressed with these findings and promised us that they would be incorporated in the Commission's policies. But when I later asked the Commission formally to acknowledge that it will use the conclusions of the Trautmann report for its policy-making, it remained silent or actually non-committal.

What we need in the field of drugs policies is vision and leadership. Many national governments are trapped in their own argumentation: they want to look tough and fight drugs, since that is what they think the electorate wants to hear. But I am convinced that in the end, politicians who, on the basis of academic reports, make the argument for legalising soft drugs, will get more respect from their citizens than those who simply repeat what others have said before them.

In this respect, I do think that there is a role for the European Union. The Dutch Socialist Party, which I represent in this parliament, has always been against harmonisation of drugs policies, since we were and still are afraid that what remains of the traditional liberal policies in the Netherlands, will have to be abolished, when the EU is going to play a role here.

However, we are now facing a situation that this month the European Court of Justice will have to rule on the lawfulness of the proposed membership card system for coffeeshops. In that sense, the tables are turned: we now have to rely on a European institution to counteract measures that are coming from the Netherlands government. Hopefully, the Court will establish that the membership card system is discriminatory, as it makes a distinction between Dutch and other consumers. Even such a ruling may only bring temporary relief though, since the next step may well be that municipalities allow only local residents to obtain such a membership card. This means that if within your municipality there is no coffeeshop, you have to turn to the illegal market, if you still want to get access to cannabis, unless you can rely on relatives or friends to buy it for you.

I still have hesitations concerning the role of the European Commission. So far, I have seen very little signs of hope there. On the contrary, once again I had to

submit written questions concerning the Civil Society Forum which the Commission created to obtain advice on effective drugs policies. I notice that voices from civil society in favour of liberalisation are seldom heard. It's unclear altogether what the practical effect of that forum is at the moment.

I therefore want to conclude with yet another call upon the European Commission. I do not want you to take any steps towards harmonisation. I do not see the need for policies concerning drugs use to be part of European legislation. The emphasis in this area is on health, and health policies are not a competence for the European Union.

The Commission is competent, however, in the field of drugs trafficking by criminal groups. Now that in the Trautmann report it is clearly established that repressive policies do not work, and considering that the figures of the Drugs Agency also state that the consumption of drugs in the Netherlands is less of a problem than elsewhere in Europe, I hope that the Commission will be brave and will communicate this message to the Member States.

I am convinced that only if in other European countries liberalisation policies become less of a taboo than they are nowadays, can the pressure on the Netherlands government decrease to fall into the same trap as other Member States. The trap that for the sake of looking tough, in fact we are putting the health of our citizens at risk. The trap that by taking ever more measures aimed at criminalisation of the use of cannabis, we are serving the interests of organised crime. And the trap that the use of cannabis and other more dangerous drugs will soon start to increase in the Netherlands, like in the other Member States. For me and my party, it is strange to admit it, but we may actually need the help of the Commission to keep the policies that were so successful ever since the 1970s in-tact. If only I could trust the Commission...