

# Summary and conclusions

The toleration policy for cannabis has been heavily criticised over the past few years. Many municipalities feel that the policy is no longer suitable given the current problems, and makes no contribution to effectively tackling cannabis use. At the same time, there are differing opinions on alternatives. Against that background, the Association of Netherlands Municipalities (VNG) established an administrative working group on cannabis policy. The task set the working group was to chart out the problems and possible solutions, and to issue a recommendation to the national political powers. The working group undertook a literature study, spoke to a variety of experts (from practice) and a number of policy officers within municipal authorities.

## 1 Toleration: a bankrupt policy

The working group concluded that the toleration policy is no longer suitable in the current circumstances. The toleration policy was successful for some time but is now an obstacle to effectively tackling the problems. The changing circumstances, in particular the fact that organised crime has a firm hold of the production and trade of cannabis, makes a toleration policy untenable.

The production of and trade in cannabis is causing considerable societal and administrative problems in our municipalities. We are concerned about problematic cannabis use and the quality and composition of the cannabis on sale. The production of and trade in cannabis also have a huge undermining effect. We are seeing organised crime becoming democratised; more and more people are becoming involved in organised crime by participating in the production of cannabis. These problems are urgent in nature: if we do nothing, the problems will only grow, and threaten to take on unmanageable proportions.

Together with various other partners (ranging from the police and public prosecutor's offices through to housing corporations and welfare organisations), municipalities are working hard to tackle local problems. We are seeing municipalities and their partners achieve reasonable successes in tackling the nuisance and sense of insecurity brought about by coffee shops and illegal trading. However, in protecting public health and tackling organised crime and the undermining effect of the cannabis trade, the approach is less successful due to the contradiction arising from the restrictions and inconsistency of the toleration policy. There is insufficient supervision or monitoring of who is using cannabis, and precisely what they are using. The tolerated sale of cannabis in coffee shops creates a legitimate sales market for the cannabis produced and traded by organised crime. At the same time, the credibility of government is at risk, if the tolerated product is in fact not allowed to be produced and if coffee shop owners are not penalised for their ties with organised crime.

## 2 An integrated local approach in a consistent national policy framework

We are therefore calling for a different approach. That approach starts at local level. The problems after all differ from municipality to municipality and region to region; as a consequence, the solutions will by definition also be different. Municipalities must cooperate closely with their partners. That calls for joint priorities, policy principles and objectives, for operational agreements and for joint management and control. In other words: an integrated approach. This integrated approach can however only be put in place if there is a consistent national policy framework.

We are therefore calling for a new national policy framework without the restrictions and inconsistencies of the current policy. This policy framework should be based on three spearheads:

- 1 Preventive policy aimed as far as possible at preventing the use of cannabis;
- 2 Enforcement so that there is a clear stimulus to comply with the policy;
- 3 Consistent policy throughout the cannabis supply chain, from production through to sale.

## 3 A regulated supply chain

We have carefully considered three scenarios for a consistent policy for the supply chain. 1) release 2) prohibition and 3) regulation. For each of the three we investigated the resultant administrative tasks following the introduction of the scenario. The outcome of this exercise is that there is only one viable scenario, namely the scenario in which the government establishes a system of rules for the production of trade in and sale of cannabis.

This is the only scenario that ties in successfully with the principles formulated by us in chapter five. In each scenario, the toleration policy is halted and a clear position is created for local government. Each scenario also includes

contains a clear and explainable policy. The regulation scenario stands out due to the fact that it assumes that the consumption of cannabis is and remains firmly embedded in the Netherlands, and that policy should therefore be focused on limiting the harmful consequences for the user and society. We consider the regulation scenario to be most futureproof because it offers space and the necessary instruments to make adjustments, as needed. Developing a legally tenable system is one of the greatest challenges (see below).

The regulation scenario also offers the best means of tackling the problems as outlined in chapter three. Within the regulation scenario, the interests of public health remain a central focus within cannabis policy. The regulation scenario offers the government the greatest degree of legitimacy for imposing conditions on the production of trade, in and sale of cannabis from this perspective, and for enforcing those conditions. The regulation scenario, in our opinion, offers the best prospects (where necessary) for reining in the normalisation of cannabis consumption. The regulation scenario offers possibilities for clarification and enforcement on the basis of key themes, such as discouraging use by the under 18s, and as far as possible preventing harm to health among adult users. The regulation scenario offers tools for integrating the legal production and sale of cannabis in the local community, at suitable locations. As a result, we expect levels of nuisance and the sense of unsafety in residential neighbourhoods and districts to be reduced. The regulation scenario also offers the best means of tackling organised crime, above all because it eradicates a large proportion of the sales market for illegally produced cannabis. Furthermore, local administrators are once again offered a clear and solid position in respect of organised crime because they no longer become indirectly involved by issuing toleration permits. Finally, the regulation scenario is the only scenario that offers freedom for a tailor-made local approach.

We therefore recommend a fundamental choice in favour of this scenario.

#### **4 Tackling organised crime and creating bona fide and small-scale points of sale**

We are not naive. We do not have the illusion that this scenario will solve the problems of organised crime. Organised crime will develop other activities to earn money. We know that a large proportion of all cannabis produced is intended for export. This illegal market will not disappear completely. Even if we opt for this scenario, we will still have to focus heavily on illegal production and the illegal market. This will continue to demand considerable capacity from municipalities and from the police and judicial authorities. We therefore do not expect this scenario to bring about capacity saving. Indeed, we are calling for the introduction of a new national cannabis policy according to the outlines of the regulation scenario to be accompanied by a solid repressive approach to the organised illegal production of and trade in cannabis. We expect a combination of this repressive approach and the regulation of the cannabis supply chain to bring about truly positive results.

We also recognise that by no means all coffee shops are run by bona fide operators. Our proposal should therefore not be viewed as a call to expand the existing coffee shop system. In our opinion, within the regulation scenario, we need to go in search of a sound solution for permitted sales. In line with the recommendations of the Van de Donk Committee, we are calling for small-scale provisions, aimed at the local market. The points of sale should once again truly become instruments of public health policy, rather than the large and commercially run organisations that many coffee shops have now become. Ties with organised crime cannot be tolerated and will no longer be necessary. Staff must be trained to provide good public information, and to recognise problem use; good facilities must be provided for age checks and nuisance must be effectively tackled. It is possible that a number of existing coffee shops will be able to transform into facilities of this kind by improving their quality levels, but this will certainly not apply to all coffee shops. We instead view the development of a new policy framework as the perfect opportunity to bring about a significant improvement on the sales side of the cannabis supply chain.

#### **5 International context**

We also recognise the complex international context. We too consider it undesirable to ignore international treaties and agreements. However, given the examples from countries like Spain, the United States and Uruguay, we have the impression that international treaties could be interpreted somewhat more broadly than is currently the case for the Cabinet's approach. The task for the short term is therefore to identify possibilities for formulating the regulation scenario that tie in with (a broader interpretation of) the existing treaties. For the long term, the objective must be to revise the treaties themselves.

We also recognise that an international approach to the cannabis problem (for example with our neighbouring countries) could make a solid contribution to the success of the approach. Together with our neighbouring countries, border problems and the ripple effect could be more successfully tackled, thereby delivering an even greater blow to the organised illegal production of and trade in cannabis. In our opinion, however, the problems in our municipalities are too considerable to wait until such an international approach is put in place.

## 6 Elaboration via experimentation

Choosing to regulate the cannabis supply chain is not the final step. Numerous other choices will have to be made on how the system should look. The government will have to draw up a complex system of rules for the production of, trade in and sale of cannabis, and a solid monitoring system will have to be created. How can we prevent the (regulated) system becoming enmeshed in the production and trade system run by organised crime? How can we prevent a regulated system leading to the normalisation of the use of cannabis? How can we prevent government representatives who are responsible for issuing the (by definition) limited numbers of licences for the production and sale of cannabis being placed in a difficult position in respect of the parties wishing to obtain such a licence? How can we arrive at a suitable price that on the one hand is high enough to discourage the use of cannabis, and on the other hand low enough to prevent users turning to the illegal market? How can we ensure that points of sale once again become small outlets, focused on the local market? A whole series of options have been put forward over the past few years, from social cannabis clubs through to regulated cannabis growers within a system of licences. We recommend executing a series of experiments to investigate the consequences of the various options. We would also recommend experimenting with variants for points of sale, including some sort of 'local residents' criterion' (for example in border municipalities with high levels of drugs tourism).

We must however prevent the number of experiments from mushrooming. Over the past few years, initiatives have been undertaken in various municipalities, often at the initiative of municipal councils with a view to implementing experiments. As a result of these initiatives and the counter calls by national politics to ban experiments, a sort of impasse has been brought about between local and national government. We wish to break through this impasse. We therefore call for a limited number of experiments, under national supervision. The aim of these experiments must be to examine how the cannabis supply chain can best be regulated. Following the experiments, choices can be made and implemented nationally. We estimate that in this way we will arrive at an effective and uniform national policy. This approach will also make the best possible use of the innovative capacity of local government; traditionally, innovation in this field has come from local government.

## 7 Towards a cannabis Act

All these choices will have to be embedded in law. We are not calling for the toleration policy to be expanded. Let it be clear that in our opinion, the era of toleration is over. Toleration is by definition a temporary solution. We have also shown that toleration leads to considerable problems. We therefore have fundamental and essential questions about any policy of toleration. The toleration policy automatically negates a proportion of formal legislation (namely the criminality of maintaining stocks of and selling cannabis). From the point of view of the constitution this is contradictory, and in our opinion cannot be considered futureproof.

We therefore call for a Cannabis Act. An issue of this importance, with legal, medical, social and international relevance, deserves to be regulated in (formal) law, across the board. A separate Cannabis Act would make it possible to establish specific regulations for this issue. This applies for example to the parameters for a regulated, closed supply chain, the tasks and responsibilities of producers, transporters and sellers, and the way in which government carries out supervision and enforcement.

The Cannabis Act should be a framework Act that creates clear frameworks for local cannabis policy. The Cannabis Act will bring about a uniform national policy, that at the same time offers municipalities the leeway to harmonise the policy to local issues.

## 8 Appeals

After 40 years, we are calling for an end to the toleration policy. In order to arrive at the necessary changes, many parties will have to contribute. With that in mind, below we have formulated a series of calls addressed to individual stakeholders.

### Legislators

Legislators must reach a choice in favour of a consistent cannabis policy. We are in favour of a 'regulation scenario'. We therefore request the freedom, within nationally formulated frameworks, to experiment with various regulation-based solutions. The overall objective is a national cannabis policy solidly embedded in law, in which municipalities can effectively implement a local policy.

We call upon the legislators to organise a programme for further elaborating the regulation scenario. Facilitate a series of experiments to try out different regulatory solutions. Within that programme, work alongside the VNG (on behalf of all municipalities) and a number of specific municipalities, for example a number of municipalities with large and urgent problems, that are keen to carry out an experiment.

We call upon legislators, within the international debate on drugs, to demand a broader interpretation of existing drugs treaties so that the regulation scenario can be placed within these international treaties. We also call upon the legislators to strive to broaden the regulation scenario to include neighbouring countries, with a view to tackling the ripple effect as far as possible, and removing the foundations for the existence of organised crime.

### VNG

We call upon the VNG to contribute to the establishment of a Cannabis Act. The VNG can use the coming months to further elaborate the regulation scenario, together with a number of individual municipalities. The VNG can also play a facilitatory role in developing a number of experiments.

### Municipalities

It is up to the municipalities to tackle the local problems. Certainly if a variant of the regulation scenario is introduced, it is up to municipalities to apply this scenario within a solid local cannabis policy. We therefore call upon the municipalities to act according to the choices made by national government, and to implement those choices.

Local cannabis policy must be based on alliances, and must be fully integrated. Within cannabis policy, public health, criminal law, public order, fiscal policy, housing policy and healthcare must join forces. The guidance offered by this document can be used as a tool for arriving at a local cannabis policy. Also make use of good examples from other parts of the country (for example the examples referred to in chapter 4).

### In conclusion

The discussion on cannabis policy has reached an impasse, between proponents and opponents of regulation. We cannot allow the various levels of administration to become bogged down in discussions, while organised crime profits and public health remains insufficiently protected. We call upon all parties to above all employ a pragmatic approach in searching for solutions. We have reached the conclusion that a system of rules for the entire cannabis supply chain offers the best possibilities. We call upon all parties to work in favour of this approach, and subsequently join forces in its further elaboration. This means making choices, further elaborating those choices in a system based on experimentation, and subsequently consistently implementing those choices. Only together can we arrive at a truly effective approach to the problems.

### Appendix – composition of the administrative working group

- The administrative working group consists of:
- ▶ Bernt Schneiders, Mayor of Haarlem (chairman);
  - ▶ Elly Blanksma, Mayor of Helmond;
  - ▶ Paul Depla, Mayor of Breda;
  - ▶ Anton Ederveen, Mayor of Valkenswaard;
  - ▶ Victor Everhardt, Alderman of Utrecht;
  - ▶ Jacques Niederer, Mayor of Roosendaal;
  - ▶ Antoin Scholten, Mayor of Venlo;
  - ▶ Pieter Smit, Mayor of Oldambt.

The working group was advised by the chairs of the Administration and Security and Health and Welfare policy committees.

- ▶ Mariëtte van Leeuwen, Alderman in Zoetermeer and chair of the Health and Welfare policy committee.
- ▶ Theo Weterings, Mayor of Haarlemmermeer and chair of the Administration and Security policy committee.

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