Cannabis control: consequences for consumption and cultivation

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8.1 General introduction

Traditionally, the Dutch drug policy can be said to have three dimensions: an active care and prevention policy to counter drug demand, combatting organised crime to fight supply, and protecting and maintaining public order. More recently, the emphasis has shifted to nuisance. Also, Dutch cannabis policy became more strict, parallel to a change in the general discourse to the negative effects of cannabis use. Dutch cannabis policy increasingly is determined at a national level. From 2002 onwards, an increasingly robust stance was taken against cannabis production and the rules applied to coffee shop sales.

After the rise of coffee shops in the 1980s and 1990s, a more repressive policy was proposed in 1995. The AHOJ-G criteria, to which coffee shops should adhere, were made more strict. In 2004 the Ministers of Public Health, Justice and Internal Affairs expressed concerns about the health effects of cannabis use, the high THC-percentages and the (increasing) involvement of organised crime in cannabis cultivation. This was followed by several measures to restrict availability of coffee shops and combat cannabis cultivation. From a criminological perspective, these changes offer challenging opportunities to study the effects of drug policy. The central question of this study therefore is:

“What consequences have formal changes in the Dutch cannabis policy since the middle of the 1990s had for the legal regulation of the cannabis market in practice, and how and to what extent do these developments relate to (developments at) the supply side of the cannabis market, the sale of cannabis at consumer level, and the consumption of other drugs?”

8.2 Local politics and retail cannabis markets

Both cannabis policies and prevalence rates of cannabis use differ considerably across Western countries. Yet a long series of cross-national comparison studies have found no clear connection between policy and prevalence of cannabis use. The Netherlands has coffee shops where people can buy and smoke cannabis without penalty is an exception, but this does not mean the situation is unique. Even though a majority of cannabis users in the Netherlands buy from coffee shops, not all of them do. A large majority of Dutch municipalities have no coffee shops; they are concentrated in specific areas in the Netherlands. In Chapter 2 it is investigated why such wide local differences exist, how these differences have arisen, how large the variation is and how they can be explained. The role of local politics, as well as the influence of demand, were examined. As described in the first chapter, local councils in the Netherlands can decide whether or not they will allow coffee shops; in addition, they can determine how many they will allow, although they have to adhere to national legislation and regulations. Local governments – like the national government – in the Netherlands consist of coalitions of at least two parties, and often more. Broadly speaking, there are three types of parties: confessional, or religiously based, parties who have conservative views on drug policy, progressive parties that propose cannabis legalisation and the right wing liberal party. This last party has no explicit viewpoint on coffee shops. At the time of the study, several new parties had emerged, but had little or no representation in the local councils. In addition, local interest parties were omitted in our study because their lack of uniformity prevented their inclusion. From an economic angle, one would expect the
presence of a coffee shop to be related to a town’s population, and the number of coffee shops with the degree of urbanisation. Regression analyses were carried out on data regarding the number of coffee shops per municipality, local council seat distribution and area demographic characteristics. A contrast analysis of municipalities with no or few, versus many coffee shops was also performed. In municipalities where on or more coffee shops were present, there were significantly more progressive seats and less confessional seats. The percentage of progressive seats in the local council emerged as the most important predictor of whether a town had coffeeshops or not. However, population size and urbanisation were almost equally strong predictors. As to the number of coffee shops in a municipality, population size was the stronger predictor, followed by degree of urbanisation. Urbanisation was negatively associated with the number of coffee shops. This indicates that in municipalities of similar population, those with the most widely dispersed dwellings have more coffee shops than more compactly built communities. The most plausible explanation is that cannabis consumers prefer shorter distances to their coffee shops. It can be concluded that the political composition of the local council generally does make a difference in a municipality decision for or against authorising coffee shops, but not in the number of coffee shops. The latter appears to depend primarily on the scale of local cannabis demand.

8.3 Access to licensed cannabis supply

The aim of this chapter was to shed some light on the non-lawful cannabis market in the Netherlands. A field survey was conducted in seven communities that varied in coffee shop density, including two towns without any coffee shop. Close to 800 current cannabis users were interviewed, of which 86.0% (n = 665) buy their own cannabis. Close to half of the respondents who reported buying cannabis said they did so exclusively in coffee shops (48.6%), while an additional one third purchased cannabis in coffee shops as well as from other sellers (38.6%). Close to half of cannabis users bought exclusively from coffee shops, while the other half also or only bought from non-licensed sellers. Over 70% of cannabis purchase was bought in coffee shops. Buyers in the two municipalities without coffee shops reported buying significantly less of their cannabis in coffee shops than buyers in municipalities with coffee shops. Second, the extent to which age influences the way in cannabis is acquired was analysed, in particular how under-age cannabis users in the Netherlands acquire their cannabis. Age was expected to have a substantial impact in cannabis purchasing patterns because coffee shop regulations require that purchasers are at least 18 years of age. As expected, minors were more often non-buyers and were more likely to buy cannabis outside coffee shops, compared to adults. When minors do buy in coffee shops, they buy less of their cannabis there. In several logistic regression analyses, we compared respondents who exclusively buy their cannabis in coffee shops with respondents who additionally or exclusively buy cannabis elsewhere. Three variables were significantly and independently associated with buying from other suppliers: coffee shop density, age, and sex. We found that the higher the coffee shop density, the lower the likelihood that respondents bought cannabis outside the coffee shop system at illicit selling points. Under-age buyers are more than twice as likely to buy their cannabis outside of coffee shops. The most commonly used type of unlicensed cannabis seller was the mobile phone dealer, closely followed by the home dealer. The home grower was also used relatively often, while street dealers and under-the-counter dealers
were used sporadically. In addition to their more frequent use of illicit sales points, under-age respondents were more likely to report buying their cannabis from mobile phone dealers. Respondents reported that a majority of unlicensed selling points predominantly sell cannabis. However, a substantial number of these dealers also sell other drugs as well, thereby increasing the risk of being offered hard drugs when buying soft drugs.

Why do people in the Netherlands buy cannabis from unlicensed selling points? The evidence from our survey suggests that the availability of coffee shops influences whether people buy from unlicensed selling points: with fewer coffee shops, the likelihood that cannabis users will resort to illicit selling points increases. In addition to the geographical concentration of coffee shops, other factors may play a role in cannabis users’ buying decisions. Our study shows that finding an optimal minimum age is not an easy task.

8.4 Cannabis use and proximity to coffee shops

The aim of this chapter is to assess the influence of coffee shop availability on the prevalence and intensity of cannabis use, as well as the effectiveness of the ‘separation of markets’ policy. A convenience sample of nightlife visitors and a sub-selection of previous year cannabis users were used for analyses on cannabis and hard drugs use. Logistic regression analyses showed that coffee shop proximity does not seem to be linked to prevalence of cannabis use or intensity of use. In addition, proximity to coffee shops does not seem to be linked directly to hard drugs use.

In this chapter, the relationship between the proximity to coffee shops and cannabis use is explored. We hypothesized that closer proximity to coffee shops would result in more cannabis consumption. This hypothesis was not confirmed, as no association between the distance from the coffee shop to place of residence and previous year cannabis use was found. In addition, coffee shop proximity did not predict more frequent cannabis use and larger amounts used. However, buying behaviour proved to be of influence: respondents who bought only in coffee shops were more regular users than non-buyers and (also) elsewhere buyers. In addition, they used more cannabis per occasion than non-buyers. When the logistic regression with previous year cannabis use as the outcome variable was performed for minors and adults separately, far fewer variables were of significance among minors, with previous year tobacco smoking as the only remaining variable.

The second hypothesis, that proximity to coffee shops is positively related to previous year use of hard drugs, was not confirmed either. First use of cannabis at an early age (before 13 years), however, was an important predictor of hard drugs use. For both frequency of cannabis use and amounts of cannabis used, being a minor increased the chances of belonging to the group of more intense users. Proximity to coffee shops did not influence cannabis use but buying cannabis in coffee shops was related to more regular cannabis use and larger amounts used.

From the results of this study it remains unresolved whether the presence of coffee shops stimulates more intense cannabis use (Routine Activity Theory), or whether more frequent users more often buy at coffee shops (Rational Choice Theory). Proximity did not play a significant role in our analyses. However, buying in coffee shops did show a connection to more regular use and larger amounts used.
Coffee shops might stimulate both frequency of use and amounts used per occasion, but longitudinal studies are required to determine whether this is a causal relationship.

8.5 Raising the minimum age for coffee shops
After 1997, a downward trend can be seen in cannabis use prevalence rates among 16 and 17 year olds in Amsterdam. The changes in population characteristics seem to be more important in explaining this decrease than the change in policy. However, the recent decline in 2007 might be attributable to a delayed effect of raising the minimum legal age for coffee shops from 16 to 18 years. After 1997, a downward trend can be seen in cannabis use prevalence rates. The cannabis prevalence rates show very different patterns for different groups (sex, ethnicity, educational level), from which it can be determined that cannabis use is a dynamic behaviour. In addition, we performed a logistic regression analysis using last year cannabis use as an outcome measure. This showed that changes in population were more important in explaining this downward trend than the change in policy. The percentage of last month cannabis users that buy their own cannabis did not change, but buying behaviour did shift from coffee shops to other sources. The absolute number of buyers did decrease, since the total group of users has grown smaller. The downward trend in cannabis prevalence rates among students was different from trends in other countries (MacCoun, 2011); some researchers think it is the result of raising the minimum legal age. From this chapter one cannot tell whether raising the age limit has had effect on the frequency with which minors use cannabis, or on the amounts that they use. Not having a legal source of cannabis might limit the cannabis intake. More studies are needed to determine whether the recent downward trend among 16 and 17 year olds is the result of raising the minimum legal age. If the decrease is not the product of the change in policy, but a result of changes in population characteristics or ‘natural’ fluctuations over time, the prevalence rates might go up again in the future.

8.6 Controlling cannabis cultivation
The Dutch cannabis market has become increasingly self-provisioning in recent years. The majority of cannabis consumed in the Netherlands is now domestically grown. The Netherlands is the only country in Europe that officially allows the sale of cannabis to consumers via coffee shops. To supply the product to customers calling at the ‘front door’, the coffee shops have to stock themselves illegally via the ‘back door’. Although the increasing domestic cultivation of marijuana is not an exclusively Dutch phenomenon, the ‘back door’ policy and the coffee shops are. Yet in a broader sense, cannabis is now increasingly being defined as a problem in the Netherlands, just as in neighbouring countries. Alongside the media reports of growing involvement of organised crime in the cultivation of marijuana – which we have partly called into question in this chapter – older issues like cannabis addiction and cannabis psychosis (schizophrenia) are resurfacing in social and political discourse. Such concerns have translated into more repressive strategies against marijuana cultivation, which began earlier and have assumed greater proportions in the Netherlands.

In practice, the Dutch strategy has largely consisted of dismantling large numbers of cannabis cultivation sites; to a lesser extent, there are longer-term police investigations into criminal networks
and organisers of mainly large-scale marijuana cultivation. The structural and organisational characteristics of the Dutch cannabis market are now in a state of flux, largely due to relatively autonomous processes fuelled by technological innovations, but also partly in reaction to the policies being pursued by the authorities. Approximately 6,000 marijuana cultivation sites are being dismantled annually. The 2.7 to 2.8 million confiscated plants and seedlings would have yielded about 70,000 kilos of marijuana per month if they had all reached harvest age (based on the cautious assumption of 25 grams per mature plant). This marijuana is now being destroyed, and is therefore not entering the market. If it was all intended for coffee shops that would have amounted to about 100 kilos of marijuana per coffee shop per year, which is now not being supplied

The figures discussed here pertain only to the numbers of sites actually dismantled. We have no information about the total number of marijuana cultivation sites in the Netherlands. Yet the conclusion seems justified that the supply chains to the cannabis coffee shops are now under serious strain. It is not known how much “nederwiet” is transported abroad. Possibly the actions against the cultivation sites have forced a cutback in cannabis exportation, thereby making up for the reduced supply to the shops. Several attributes of Garland’s ‘culture of control’ are clearly recognisable in the Dutch campaign against cannabis cultivation. The commercialisation, anonymous tips, confiscation of proceeds, and bureaucratisation that we have highlighted here all point to a belief in the policing of cannabis, as well as to an increasing conflation of the public and private domains. Such developments have their inherent risks.

8.7 Conclusions

In Chapter 7, all previous chapters are brought together; methodological limitations of the study are discussed, as are the recent policy developments. Although for the presence of coffee shops in municipalities the majority of progressive seats in the local council was the most important predictor, the percentage of confessional party seats also showed a significance difference. Internationally these parties might be considered conservative, although with regards to certain issues, they could be said to be progressive. Raising the minimum age for coffee shops might have worked to a certain extent, but the unintended negative consequences of this policy change should also be considered. Minors still use cannabis and cannot buy from coffee shops, thereby increasing the chance they buy from other, non-tolerated cannabis sellers. They might experience marginalisation and increasing the risk of getting arrested. High risk groups of youth have an extra vulnerability in this respect, since they are more likely to use cannabis. Not all cannabis users buy their cannabis from coffee shops; from this study it can be concluded that proximity of coffee shops play a role in the choice where to buy cannabis. However, this relationship might be a dynamic one, with changes according to the stage in cannabis career. It would be interesting to study this more closely in the future.

The increasing robust stance against cannabis cultivation has resulted in an increase in the number of

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29 Since our study was done, the number of coffee shops has further declined. According to the most recent count, there were 651 cannabis coffee shops in the Netherlands in 2011 (Bieleman, Nijkamp & Bak, 2012).
cannabis cultivation sited being dismantled. The consequences for the cannabis market are discussed, as are the possible negative consequences of the systematic conducted dismantling. An increase in the market price of cannabis can be seen. In addition, there is a blurring of the boundaries between public and private spheres; increasingly responsibilities are being shared with both citizens and commercial enterprises. This risks abuse for personal or commercial gain.

Several methodological issues are discussed, including which the limited possibilities to draw conclusions on causal relationships, and exclusion of all other possible factors that play a role in these relationships. For future studies, including the different stages of cannabis use, and daily routine, might help to understand the relationship between proximity to coffee shops, and cannabis use and cannabis buying behaviour. Ideally this would take the form of a study with a longitudinal design. From this study, it can be deduced that this change in policy most likely will not influence cannabis use, but will influence where cannabis users buy their cannabis. When seen in the light of the Rational Choice Theory, further limiting coffee shop availability leads to more people buying at non-tolerated sellers.