

Government opposes Copenhagen City Council on cannabis shops

In Parliament majority in favour of decriminalization unlikely

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The pilot project to have state-run hash and marijuana dispensaries in Copenhagen received a setback after the Justice Ministry turned down the City Council's request to experiment with regulating cannabis in the city [1]. In a letter to the Council, the social-democrat Minister of Justice, Morten Bødskov, wrote that the government will not permit the experiment as they believe that regulating hash and marijuana would likely increase both availability and use, which was unwise given the range of side effects that cannabis has been linked to.

Does this mean that the pilot project of the City Council to allow for 20/25 hash dispensaries and regulate legal cannabis trade is now dead and buried? Not entirely. Mikkel Warming, the Mayor in charge of Social Affairs and a member of the Red-Green Alliance (Enhedslisten in Danish), announced that he would take the issue to the national parliament. The Red-Green Alliance is not part of the minority centre-left government, but gives parliamentary support.

Unfortunate

"I think it's really unfortunate that the Minister of Justice does not help to break new ground," Warming. "It is obvious that the current policy on the matter has failed. Hash is financing some of the city's toughest criminals and is one of the main causes of gang war in the city. If we had the opportunity to decriminalize marijuana, we would take the bread out of the mouth of the criminal gangs."

Moreover, the social-democrats in the City Council also do not agree with their own minister. Social-democrat City Council member Lars Aslan Rasmussen also criticised the government's decision [2], arguing that the criminalisation of hash and marijuana was the root cause of the high level of gun crime in the city. Regulation of supply to the hash shops would limit the gang conflict according to Rasmussen. "We had hoped that they would take our proposal seriously, as we have the support of 80 percent of the City Council. Copenhagen has a serious problem because the gang conflict is a result of the trade in marijuana. The gangs turn over more money than 7-Eleven."

In the letter [3] to the City Council, Bødskov, did not address the issue of gang violence related to the local hash market. Instead, he motivated his refusal of the exemption for the pilot project on the grounds of the possible adverse health effects and the unsubstantiated assumption that cannabis use would increase if it was decriminalised. While agreeing that cannabis can have harmful effects, Warming disagrees with the Justice Ministry's argument that regulation would encourage more people to smoke marijuana: "there is nothing to suggest that decriminalization would lead to increased consumption. On the contrary, experience from Holland actually points to the opposite."

Parliament

Whether the project will be approved now depends on the parliament. Although the project is supported by the social-democrats in the Copenhagen City Council, the spokesman of the social-democrats for justice affairs in the national parliament, Ole Haekkerup, has expressed serious doubts. He thinks Copenhagen has not thoroughly thought the project through and noted that while Denmark has been successful in curbing the consumption of cigarettes and alcohol among young people through a more restrictive approach, it would be “annoying” to go in the opposite direction with cannabis suggesting that it would lead to rising consumption.

Haekkerup conveniently ignores the fact that under the current prohibitive regime the estimated number of regular heavy cannabis users increased from a little less than 8,000 in 2005 to 11,000 in 2009, according to national report on Denmark for the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) [4]. Also, decriminalizing personal use has not lead to a substantial rise in consumption in countries like Portugal or the Netherlands. Cannabis use in the Netherlands is on average the same or lower of that in neighbouring European countries and substantially lower than in France or the United Kingdom, for instance, which have much more restrictive policies.

The government did not make clear how the current hard-line approach is diminishing cannabis use and potential negative health impacts. In 2003 possession of illicit drugs for personal consumption was re-penalised in Denmark after 35 years of de-penalisation. The re-criminalisation policies of the previous conservative governments have only resulted in a displacement of street dealing all over Copenhagen and an increase in market-related gang violence while the trade is still thriving on the streets [5]. Cannabis is widely available for everyone including youngsters.

Curiously, Bødskov did send the letter after consulting with the Minister of Health, Astrid Krag Kristensen, of the Socialist People’s Party (SF) that has been advocating for decriminalization of cannabis since 2001. However, the SF is not willing to rock the boat on the issue. “There is a congress resolution on decriminalization of marijuana, but as I see it right now, there is no majority in favour of decriminalization and we will not issue ultimatums,” said SF’s legal affairs spokesman Karina Lorentzen. The Radical Liberal Party (Radikale Venstre), the other coalition party in the government, does not favour decriminalisation but is ambiguous in its position.

The pilot project

On January 25, 2012, the Copenhagen City Council approved the application to the Minister of Justice for permission - as a five-year pilot project - to sell municipal hash in 20-25 outlets [6]. The City Council imagines a system similar to the state-owned alcohol monopoly that operates in neighbouring Sweden in which the government would either grow marijuana itself or license growers. The Minister of Justice needs to give an exemption from applicable legislation on drug trafficking.

The pilot project for the regulation of cannabis will include all the stages of a legally regulated market, including cultivation, importation, sale and purchase. The five-year pilot project is meant to demonstrate or refute whether a regulated cannabis market can meet the following objectives:

- Have a positive impact on consumption and especially the abuse of cannabis.
- Create a platform for more effective public education about the effects and adverse effects of using cannabis.
- Creating a better and earlier contact between cannabis addicts and treatment system.
- Reduce the transition from the use of cannabis to more dangerous and addictive substances, by separating the market of cannabis and hard drugs.

- Have a limiting effect on organized crime, especially violent gang crime.

The request gives some details about the set-up of the pilot project. The production of cannabis is through licensed companies, including publicly-run enterprises. Staff in the outlets must be well trained to advise on the harmful effects of using marijuana and advise on treatment options for cannabis and other drug or alcohol abuse. There will be limits on the quantity that can be bought per day per person. Identification is required to restrict access to adults and prevent hash-tourism. Alternatively, non-residents could only purchase limited amounts. The project will be accompanied by a prevention campaign about the harmful effects of using cannabis and hard drugs.

While the City Council provided some general guidelines for the pilot project, the actual design should take place in dialogue and cooperation with the government, interest groups and partners. A concrete experimental scheme involves the creation of the necessary legislative framework. Possession of cannabis for personal should be made legal or decriminalised, for which the Copenhagen City Council needs the cooperation and approval of the national government. The City Council also needs an authorization for the cultivation of cannabis.

During the five years of the duration of the City Council's pilot project it will be regularly assessed to measure the impact on use, crime and unintended consequences. The evaluation should provide the basis for future discussions and decisions about decriminalisation and regulation of the cannabis market. Provided the government will allow for the pilot project, the Social Services Department of the City Council will elaborate a more specific regulation scheme in Copenhagen.

Current cannabis supply in Denmark

Interestingly, the proposal includes the option to import cannabis until a sufficient and stable domestic Danish production of hashish is achieved and imports can be reduced. At the moment, the standard cannabis sold in Denmark is hashish originating from Morocco. The cannabis landing in Denmark is primarily smuggled from Spain, the Netherlands or directly from Morocco and is organized by criminal organisations in Denmark. Legally importing hash from Morocco would require an agreement between both governments and would be an interesting test to the limits of latitude of the UN drug control conventions [7].

Cannabis is also increasingly grown in Denmark itself. There are two different types of growers - the self-supplying and the experimental grower on the one hand and the profit-oriented growers on the other. The 'self supply' group includes persons who wish to be self-sufficient and perhaps supply to close and remote friends. They often consider the growing of cannabis as a hobby and try to grow plants of good quality as well as to avoid any contact with the criminal environment. The majority of the growers had less than 20 plants and made a moderate profit from the production, according to a recently completed research project [8]. The other group includes the profit-oriented who are often part of the criminal environment and supply the criminal market to gain a profit.

Cannabis social clubs

An option that is not discussed in Denmark is the model of cannabis social clubs, pioneered by user associations in Spain [9]. The clubs are properly registered non-commercial associations of adult users who cultivate and distribute cannabis to meet their personal needs without having to turn to the black market. They are based on the fact that drug use is not criminalized and cultivation and distribution among users without distribution to others is allowed under Spanish law.

This is an option that might be feasible within Danish law due to the expediency principle in which prosecution guidelines could establish the rules under which clubs should operate. It could regulate

the existing “self supply groups” in Denmark and link them to a broader group of consumers while undermining the black market. However, such an option also needs a decision of the government on how to apply prosecution guidelines and reverse the current repressive policies. Observers think chances this will happen are slim.

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P.S.

* From TNI, Monday, May 28, 2012:

<http://druglawreform.info/en/weblog/item/3479-government-opposes-copenhagen-city-council-on-cannabis-shops>

Footnotes

[1] <http://www.cphpost.dk/news/local/legal-cannabis-rejected-government>

[2] <http://www.cphpost.dk/news/local/legal-cannabis-rejected-government>

[3] English version: <http://druglawreform.info/images/stories/documents/letter-bodskov-en.pdf>

[4] http://www.emcdda.europa.eu/attachements.cfm/att_142363_EN_DA-NR2010.pdf

[5] <http://www.undrugcontrol.info/en/weblog/item/3100-copenhagen-wants-controlled-cannabis-shops>

[6] http://translate.google.com/translate?hl=en&sl=da&u=http://www.kk.dk/PolitikOgIndflydelse/Moedemateriale/Socialudvalget/25-01-2012/12aefc13-41a3-4998-9f11-3ea53bf69ac2/299bd04b-5d57-4bd8-b267-342c9c9080b6.aspx&ei=KXW6T4y_Aq-S0QXogJnLBw&sa=X&oi=translate&c

[7] <http://druglawreform.info/en/publications/legislative-reform-series-/item/3252-the-limits-of-latitude>

[8] <http://www.issdp.org/conferences/2009/papers/Vibeke%20Frank%20ISSDP%202009.pdf>

[9] <http://www.undrugcontrol.info/en/newsroom/latest-news/item/2595-drug-club-spains-alternative-cannabis-economy>