

The Netherlands: Cannabis pass abolished? Not really

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Half-baked compromise in Dutch government coalition agreement continues disastrous coffeeshop policy.

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The new coalition government of conservative liberals (VVD) and social-democrats (PvdA) presented its coalition agreement on Monday. They agreed to abolish the cannabis pass [\[1\]](#), but access to coffeeshops remains limited to residents of the Netherlands. Customers need to identify themselves with an identity card or a residence permit together with a certificate of residence. Non-resident foreigners are still banned. In other words, there will be no cannabis pass, but the policy continues.

However, the new agreement also specifies that implementation of the residence criterion will be done in consultation with the municipalities concerned and if necessary in stages. The implementation also depends on municipal coffeeshop and security policies in order to allow “a tailor-made approach per municipality.” The agreement has all the signs of a half-baked compromise between two diametrically opposed positions of the two parties involved [\[2\]](#), in which the VVD has the upper hand in continuing the disastrous policy they started during the previous right-wing government.

The only loophole seems to be in the phrase about “a tailor-made approach per municipality”, which is the only concession to the resistance among many mayors and city councils that oppose the pass. The mayors of the four largest cities in the Netherlands (Amsterdam, Rotterdam, The Hague and Utrecht) openly spoke out against the nationwide introduction of the pass scheduled for January 1, 2013. Rotterdam mayor Ahmed Aboutaleb (PvdA) said the cannabis pass does not work and will never work [\[3\]](#). It just causes more public disorder and street dealing. The largest police union also said that the pass did not work. They qualified the pass as a political decision without any focus on a realistic policy that would solve the problem.

The coalition agreement appears to pave the way for the big cities to determine their own policies, but there has not yet been any official statement on how this will be implemented. The VVD will get the post of the Minister of Justice which will go to current minister Ivo Opstelten, who introduced the cannabis pass. The social-democrat PvdA campaigned against the pass and advocated the regulation of cultivation and supply to the backdoor of the coffeeshops, which is currently still left to the black market. They essentially gave in to the law-and-order approach of the VVD.

Increased street dealing and other drugs-related public disorder

The 'cannabis pass' was introduced in the south of the country on May 1, 2012. The new rules aimed at curbing cannabis tourism linked disturbances such as late-night public disorder, traffic jams and illegal drug dealing were scheduled to be implemented nationwide on January 1, 2013. The new prosecution guidelines to the Dutch Opium Law [4] effectively transformed coffeeshops into private clubs as it required the coffee shops to sell only to registered members, excluding non-resident foreigners. Each shop was allowed to have just 2,000 members, who must be over 18 years' old and permanent residents of the country.

Opstelten has described the new system as a 'great success' [5] but there have been numerous reports of increased street dealing and other drugs-related public disorder and a range of unintended side-effects. The separation of the market between cannabis and hard drugs disappeared, as well as the age-limit that was strictly enforced in the coffeeshops on penalty of closure. Although the amount of cannabis tourists has declined, national and local media reported an increase of street dealers, cannabis cabs and drug runners in southern towns. Growing numbers of illegal drugs dealers harassed not only drugs tourists but also local residents. Many coffeeshops lost a significant part of their clientele that do not want to be registered, and started to buy their supply on the street, at special addresses or from so-called 'mobile phone' dealers. For some coffeeshops, revenue has declined by as much as 60 percent [6].

In those towns where it had been introduced mayors advocated a relaxation of the rules. VVD Mayor Onno Hoes of Maastricht - formerly a Mecca for cannabis tourists from Germany, Belgium and France - called for police reinforcements to handle "aggressive" street pushers and also wanted to drop one of the key elements of the cannabis pass system - the requirement that all cannabis consumers become registered members of 'private clubs' - after finding that the vast majority of consumers refused to apply.

Because locals are reluctant to register, an ID and an official certificate of residence should be sufficient to buy cannabis in a coffeeshop, Hoes proposed. That seems to become the half-baked compromise reached in the current coalition agreement. Marc Josemans of the Easy Going coffeeshop in Maastricht, one of the leaders of the protest against the pass, said the new government will be a good employer for illegal street dealers and drug runners, despite the fact that the registration requirement has been dropped. "If people have the choice between a runner that delivers at home for half the price or a coffeeshop where you still need a certificate, the choice is easily made."

However, it still will not prevent increased street dealing for foreign tourists in major cities such as Amsterdam. About 35 percent of the approximately 7.5 million foreign tourists that visit Amsterdam each year, indicated that enjoying cannabis from a coffeeshop was one of the reasons to go to the city. The coalition agreement seems to open the possibility that cities like Amsterdam will use the 'tailor-made approach' loophole to get around the introduction of the residence requirement.

It did not take long before Amsterdam mayor Eberhard van der Laan announced that Amsterdam would not enforce a ban for tourists to visit coffeeshops [7]. Excluding tourists from the city's coffee shops would 'undo all the good work that has been done' and lead to a return to street dealing and public disorder, Van der Laan argued on Thursday. However, a spokesman for the Ministry of Security and Justice said that Van der Laan had been premature with his conclusion that the coalition agreement permitted the city to not enforce the ban on non-resident foreigners. However, interviewed by the local news outlet AT5 on Friday the mayor unequivocally said "Yes" on the question if coffeeshops would remain open for tourists. "Maybe I have better contact with Opstelten

than his own spokesperson," he said.

Official evaluation

Next month an official evaluation of the introduction of the pass in the south of the Netherlands, undertaken by the Bonger Institute of the University of Amsterdam and the Research and Documentation Centre (WODC) of the Ministry of Justice, will be published. Indications are that while the measure might have had some impact in diminishing the amount of foreign cannabis tourists the negative consequences in terms of increased street dealing and public disorder, the increased risk of sales to under-aged youth and the evaporation of the separation of the market between cannabis and hard drugs - one of the main reasons for allowing coffeeshops - outweigh the benefits of the pass. Several court cases could also have an impact.

The question is now if such an outcome will convince Opstelten to change his way. In the past he has shown that he is not inclined to let scientific evidence and common sense interfere with his populist law-and-order approach. However, such an outcome will strengthen the position of the many city councils opposed to the continuation of a cannabis-pass policy without a pass. Whether or not municipalities that oppose the measure will stick to their position depends on the political courage of their mayors and city councils, often dominated by the VVD and PvdA. For the moment, the coalition agreement has not really resolved the issue.

THC content

The coalition agreement also will continue with plans to introduce a 'maximum limit' to the active ingredients in soft drugs. The previous government announced that cannabis with more than 15 percent tetrahydrocannabinol (THC) - one of the active ingredient of cannabis - is considered too dangerous and should be classed alongside heroin and cocaine [8]. This is yet another example of the introduction of policies without any evidence base. In June 2012, the Trimbos Institute already published a study showing that the 15 percent THC threshold is arbitrary and does not give any indication about whether cannabis with higher THC content is more damaging [9].

In conclusion, the outcome of the coalition agreement is disappointing for evidence-based and effective cannabis and coffeeshop policies. The government announced it will cut € 16 billion in spending, but has foregone the possibility to save 500 million euros (300 million in excise and 200 million in reduced costs for the police and criminal justice system) if they would have regulated the supply of cannabis to the coffeeshops and introducing an excise on the trade, as the PvdA had proposed before the elections, according to the calculations on the economic impact of the policy proposals in election manifestos by the Netherlands Bureau for Economic Policy Analysis (CPB).

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P.S.

* From the TNI, Tuesday, October 30, 2012:

<http://www.druglawreform.info/en/weblog/item/4005-cannabis-pass-abolished-not-really>

Footnotes

- [1] http://www.dutchnews.nl/news/archives/2012/10/wietpas_scrapped_but_coffee_sh.php
- [2] <http://www.druglawreform.info/en/weblog/item/3826-the-dutch-2012-election-result-and-the-coffeeshops>
- [3] http://www.dutchnews.nl/news/archives/2012/09/rotterdam_mayor_says_cannabis.php
- [4] <http://www.cannabisbureau.nl/en/ExemptionsOpiumAct/Opiumact/>
- [5] http://www.dutchnews.nl/news/archives/2012/10/compromise_on_cannabis_club_pa.php
- [6] <http://www.guardian.co.uk/world/shortcuts/2012/sep/09/dutch-elections-battle-stoner-vote>
- [7] http://new.dutchnews.nl/news/archives/2012/11/amsterdam_will_not_ban_tourist.php
- [8] <http://www.guardian.co.uk/world/2011/oct/07/netherlands-potency-cannabis-hard-drug>
- [9] http://www.trimbos.nl/webwinkel/productoverzicht-webwinkel/alcohol-en-drugs/af/~media/files/inkijkexemplaren/af1148%20thc%20concentraties%202012_web.ashx