

Coffee Shops

*Erfahrungen aus den
Niederlanden*

Jean-Paul Grund, PhD
&
Joost Breeksema, MA



LESSONS FOR DRUG POLICY SERIES

Coffee Shops and Compromise

Separated Illicit Drug Markets
in the Netherlands



 OPEN SOCIETY
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Presentation outline

- The running up to 1976
- The 1976 Revision of the Opium Act
- Dutch Tolerance?
- And Then There Were Coffee Shops
- Some (more) Results
- Lessons from the Dutch experience...
- ...and questions.

History Long Gone



Monopoly on Opium (sugar, coffee, tea)

Dutch Cocaine Factory (1891 - 1963)





1919 - First Opium Act: opium, -derivates & cocaine

1928 - Revised Opium Act: based on the 1925 Geneva International Opium Convention (Hemp and hashish included)

→ 1950s: illicit drug use very low

1953: possession and production of cannabis became a criminal offence

And then there was heroin

- 1972: Amsterdam police successfully intervened in opium trade.
 - within months, heroin replaced opium in the Amsterdam and Rotterdam drug markets
 - Heroin use increased quickly
 - Heroin becoming leading drug of concern
- 1969: influential study casted doubts on cannabis as a “gateway drug”

A separation of the cannabis scene from that surrounding other drugs ... would prevent cannabis users from exposure to harder drugs

Two government committees: Hulsman (1969) & Baan (1972)

- Abolish criminal sanctions on all drug use in the long run
- Treat drug problems using a public health approach
- Intensity of law enforcement determined by danger a substance presents to individual and society
- Cannabis deemed a relatively mild drug.
- Setting determines risk level
- Marginalization resulting from criminal prosecution might cause cannabis users to switch to 'harder' drugs like heroin

- Focused mainly on cannabis
- First time: distinction between substances with "unacceptable risk" and "other substances"
- risks should determine severity penalization
- Decriminalization cannabis end goal
- Increase penalties for hard drugs
- Negative effects arrest and criminal prosecution cannabis users outweighs benefits punishment
- justification for the amendments to the Opium Act 4 years later

The 1976 Revision of the Opium Act

- Brought all substances classified in the United Nations' 1961 Single Convention on Narcotic Drugs under the new Opium Act
- Introduced two lists of substances:
 - “substances with an unacceptable risk to the health of the user”
 - “cannabis products”
- Distinction between possession for personal consumption and possession with intent to distribute
- Charges for possession of 30 grams of cannabis or less would be dismissed or misdemeanor
- No criminal record

List I

LSD



Heroin



Harddrugs

Drugs that pose an unacceptable risk to the health of the user.

Cocaine



Amphetamine



List II

Psychedelic mushrooms



Cat



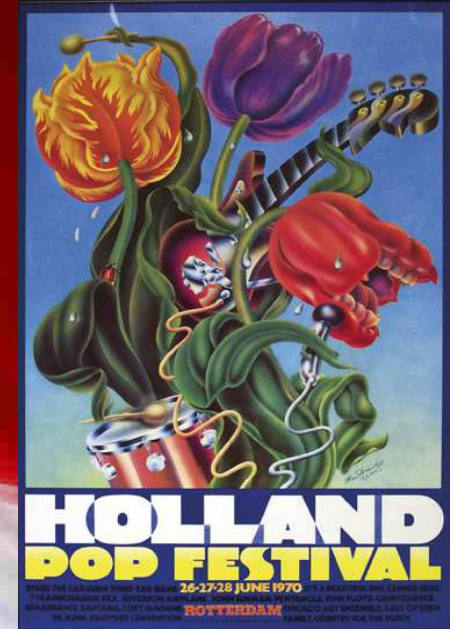
Softdrugs

Drugs that pose a relatively acceptable risk to the health of users

(Heroin, LSD, etc.)

Holland Pop Festival

- Massive public use of hashish/other drugs
- Police observed the masses (100,000), rather than enforce the Opium Act
- Absence of enforcement →
 - drug transactions became quite visible
 - Different drugs: different vendors



Expediency Principle

- Part of Dutch legal system since 1870s.
- A public prosecutor may lawfully decide to forgo criminal prosecution when it is deemed not opportune, or not in the public interest, and may instruct the police to act accordingly.
- ‘Local triangle’ (mayor, public prosecutor and chief of police) to decide whether or not to prosecute small-scale sales of cannabis
- Drug policy: law enforcement yields to public health, public order
 - paved the way for the coffee shops.

“Transparency is the great, general school of political education“

(Thorbecke, 18th century statesman)

Roots of Dutch Tolerance & Pragmatism

- *“Cornelius is reading to his wife. This chapter of **Genesis** always moves him. Also his land was once flooded. Tidal waves swallowed the land, but by the will of God the people of Holland conquered it back from the sea; they won it back and created an earthly paradise. Fertile ground, beautiful cities, **a peaceful, tolerant land, where the different religions could co-exist**, Anabaptists and Catholics, Protestants and Jews, **the lion lying next to the lamb**. How fortunate they are, and how fortunate he is.”*

Tradition of tolerance, pragmatism, realism

- Ancient system of dikes in the 11th century → more incentives to collaborate with than to fight each other
- The 'Golden Age' (the 17th century) as the source of the traditional Dutch tolerance, pragmatism, realism
 - Protestants and Catholics peacefully coexisted and Huguenots, Jews and other minorities persecuted elsewhere found a welcoming refuge
 - minorities were tolerated, provided they contributed to the economy of the Low Lands, practiced their religion in private and did not proselytize
- Religious intolerance and persecution viewed as barriers to free economic exchange
- Early development into a liberal society
- Neutral to broad spectrum of attitudes & behaviors condemned elsewhere

And Then There Were Coffee Shops

“Coffee shops just originated. I don’t recall this ever being a topic at the (drug policy) department. They just emerged.”

(E. Engelsman, interview)

- Low Profile Outfits
- Tolerated by police
- House rules, e.g. against hard drugs

Tea house Mellow Yellow (photo taken by Martin Alberts, mei 1978 Stadsarchief Beeldbank)



Entrepreneurial Initiatives

1980s: Coffee shops became visible & expanded

- Opening hours
- Supply of cannabis
- Budget cuts (economic crisis) spurred closure of youth centers: pushed cannabis users to the coffee shops



Coffee Shop Guidelines and Criteria

- 1991: AHOJ-G criteria, already pioneered in Amsterdam, introduced nationally
- Initially formulated in rather broad terms, leaving room for interpretation by the municipalities.
 - **A**, no **A**dvertising: no more than (very) low profile signposting of the facility;
 - **H**, no **H**ard drugs: these may not be sold or held on the premises;
 - **O**, no Nuisance (**O**verlast in Dutch): including traffic and parking, loitering, littering and noise;
 - **J**, no sales to under-aged customers (**J**eugdigen in Dutch) and no admittance of under-aged customers to coffee-shops;
 - **G**, transaction size is limited to ‘personal use,’ defined as 30 **G**rams per person per coffee shop per day.

At the Other Side of the Fence: The Dutch Hard Drug Epidemic

- 1970s: focus Dutch drug policy turned to heroin
- Emergence of heroin as an unintended consequence of the dismantling of Amsterdam's opium trade
 - The first drug experienced as a social problem in Dutch society
 - object of the first moral drug panic in the Netherlands
- Practical imperative of policy became:
 - keep young people away from heroin
 - (to reinforce) the separation between cannabis scenes and the evolving street heroin scenes

The 1980s: Off the Streets and Into Apartments

- End 1970s: large open air drug scenes in city centers
 - Residents of affected neighborhoods mobilized against street scenes
- Around 1980, (local) police repress and disperse street heroin markets
 - heroin scene/markets moved to working-class neighborhoods scheduled for urban renewal
 - Heroin dealing moved inside (apartments of hard drug users or abandoned housing)
 - Heroin purchased no longer from an unknown street dealer
 - Could now be had and consumed in the protected and discrete environment of “house addresses” around the corner

Extended (unofficial) policy of tolerance and discretion

- In order to contain nuisance, police made agreements with hard drug dealers:

“The biggest complaint in my neighborhood was that customers rang the wrong buzzer, so I [as the local policeman] agreed with the dealers to affix little stickers next to their buzzer. I rewarded them with clean needles and syringes and also rewarded them when they cleared the playground of discarded syringes. People complain about nuisance, not about the use of drugs.”

André Beckers

1980s – 2000s: A Changing Epidemic

- Low-threshold situation → heroin rapidly diffused into working class hoods, affecting both native Dutch and immigrant families
 - 1982: Powder cocaine diffused into the house address based heroin scene → self-made crack
-
- Initiated subcultural shift from injecting drug use to “chasing the dragon”
 - 2010: IDU: < 10%
 - ***Responsible for averting HIV, HCV epidemics among PWID***
 - 1990s: declining heroin use; aging population
 - End of Urban renewal & changing political wind → demise of house addresses
 - 2000s: Large investments in sheltered housing, Tx. & care → few homeless people on the streets left...

1990s: Continuity and Change

- tightening regulations for coffee shops:
 - Minimum age 18 years
 - Maximum transaction amount decreased from 30 to 5 grams per person per day
 - limit on trading stock in shop (500 grams)
 - Alcohol-free (2000)
 - Proposed minimum distance to schools

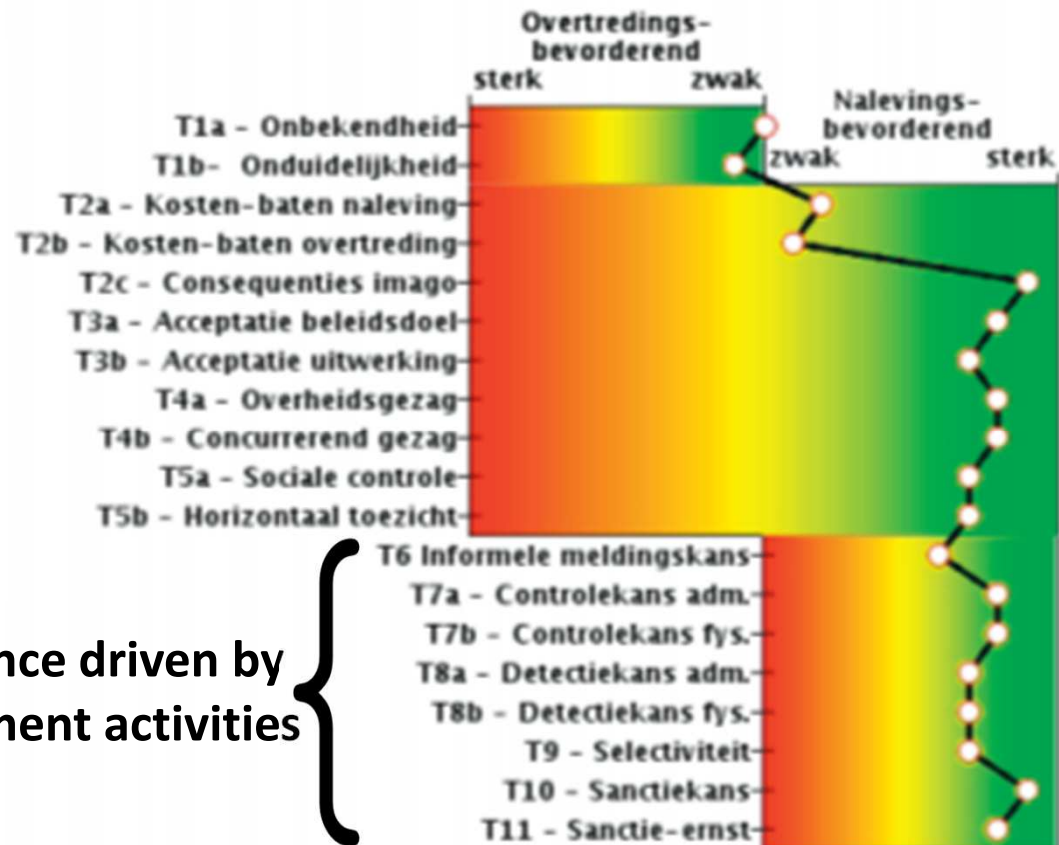
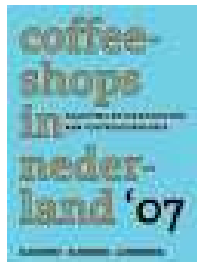
Compliance profiles AHOJ-G⁺ of coffee shop proprietors/staff

(de Bruin, Dijkstra & Breeksema. (2008). Coffeeshops in Nederland 2007.)

Youth Criterion

Factors influencing spontaneous compliance

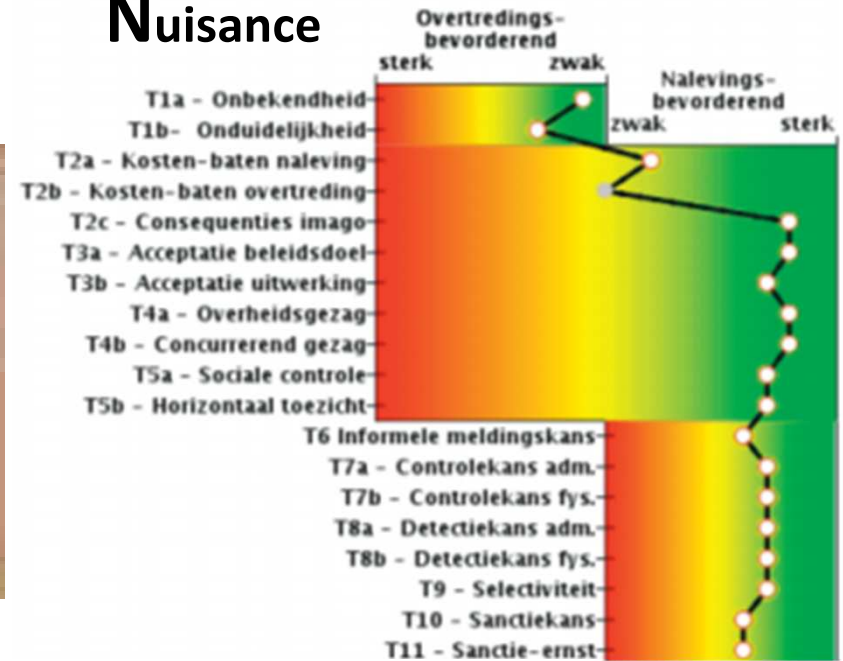
Compliance driven by enforcement activities



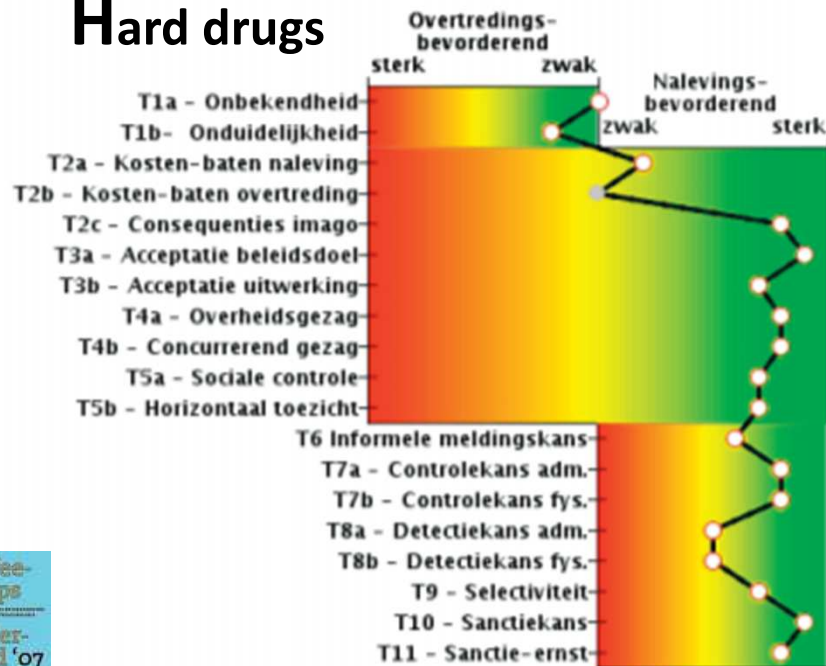
Protective Criteria



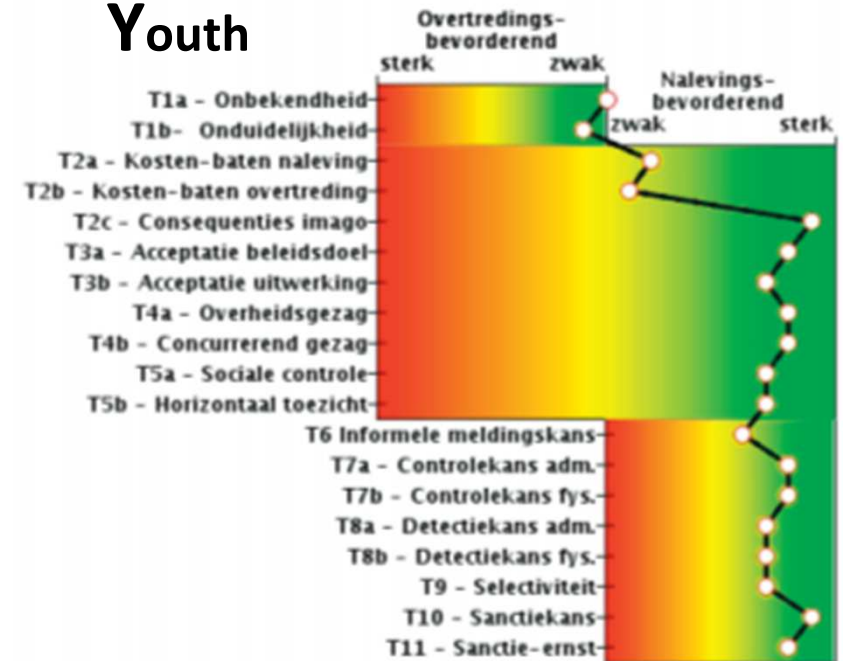
Nuisance



Hard drugs



Youth



TIIS

TEAMHAARLEENSE COFFEESHOPONDERNEMERS

HUISREGELS

1. DEZE COFFEESHOP HOUDT ZICH AAN DE AHOJG CRITERIA.
2. DUS ALLEEN TOEGANG BOVEN DE 18 JAAR EN JE MOET ALTIJD EEN GELDIG LEGITIMATIE KUNNEN LATEN ZIEN.
3. JE MAG GEEN DRANK, HARDDRUGS, WAPENS EN/OF GESTOLEN GOEDEREN VERHANDELEN, GEBRUIKEN OF IN JE BEZIT HEBBEN.
4. OOK HET IN JE BEZIT HEBBEN VAN MEER DAN 5 GRAM SOFTDRUGS IS VERBODEN.
5. ALLE VORMEN VAN AGRESSIE, DISCRIMINATIE, RACISME EN ONGEWENSTE INTIMITEITEN WORDEN NIET GETOLEREERD.
6. JE MAG GEEN OVERLAST VEROOZAKEN DOOR LAWAAI, ROMMEL OF SAMENSCHOLEN ROND DE COFFEESHOP.
7. BIJ BINNENKOMST IN DEZE SHOP STEM JE ER MEE IN DAT ER VIDEO OPNAMES WORDEN GEMAAKT WELKE NA ONGEREGELDHEDEN OF ONGEVALLEN AAN DERDEN GETOOND KUNNEN WORDEN.
8. HET KOPEN VAN SOFTDRUGS TEN BEHOEVE VAN PERSONEN DIE ZICH NIET HEBBEN GELEGITIMEERD IS TEN STRENGSTE VERBODEN.
9. BIJ VERLIES, DIEFSTAL OF BESCHADIGING VAN KLEDING OF GOEDEREN KAN DE SHOP NIET AANSPRAKELIJK GESTELD WORDEN.
10. KLACHTEN OF ONENIGHEDEN WORDEN DOOR ONS PERSONEEL OPGELOST. WANNEER JE HET ERGENS NIET MEE EENS BENT MELD DIT DAN AAN EEN MEDEWERKER.
11. BIJ OVERTREDING VAN DE HUISREGELS KUN JE WORDEN VERWIJDERD EN INDIEN NODIG ZAL AANGIFTE WORDEN GEDAAN BIJ DE POLITIE.
12. IN DEZE SHOP IS ALTIJD VOLDOENDE INFORMATIE OVER HOE VERANTWOORD OM TE GAAN MET CANNABIS.
13. ONZE MEDEWERKERS HEBBEN DE JUISTE KENNIS OM HUN TAKEN GOED EN VEILIG UIT TE KUNNEN VOEREN.

GEDRAGSREGELS

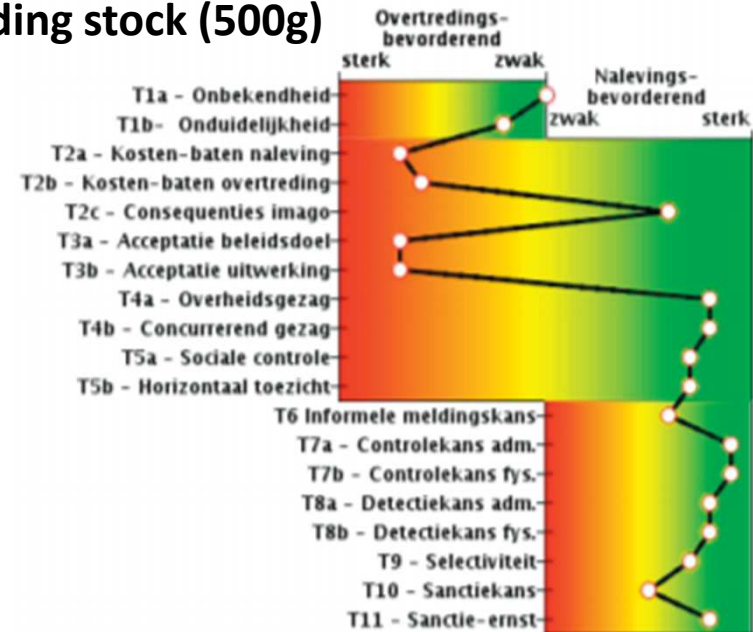
1. NIET DOUBBEL PARKEREN VOOR DE COFFEESHOP.
2. NIET TEGEN HET VERKEER IN PARKEREN.
3. LAWAAI OVERLAST, IN DE VORM VAN MUZIEK OF ANDER LUIDRUCHTIG GEDRAG IS NIET TOEGESTAAN.
4. HET BLOKKEREN VAN HET TROTTOIR MET RIJWIELEN EN SCOOTERS IS NIET TOEGESTAAN.
5. ELKE VORM VAN HINDERLIJK EN/OF OVERLASTGEVEND GEDRAG, ZOALS SAMENSCHOLEN IS NIET TOEGESTAAN.
6. BIJ OVERTREDING VAN DE GEDRAGSREGELS ZAL DE TOEGANG TOT DE COFFEESHOP VOOR EEN DAN TE BEPALEN PERIODE WORDEN GEWEIGERD.
7. GOOL GEEN ROMMEL WEG OP STRAAT

northern light	€ 14,50
afghan	€ 16,50
maroc	€ 12,50
thai	€ 17,00
x skunk	€ 10,00
spoetnik	€ 12,50
zero 11	€ 12,50
lebanon	€ 12,50
big bud	€ 25,00
xTC	

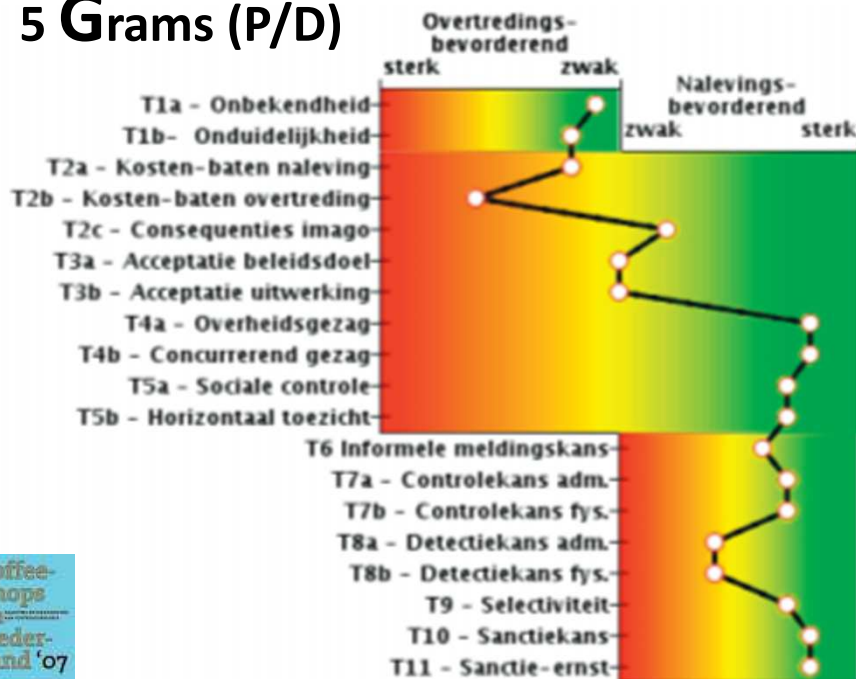
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Restrictive Criteria (B4B)

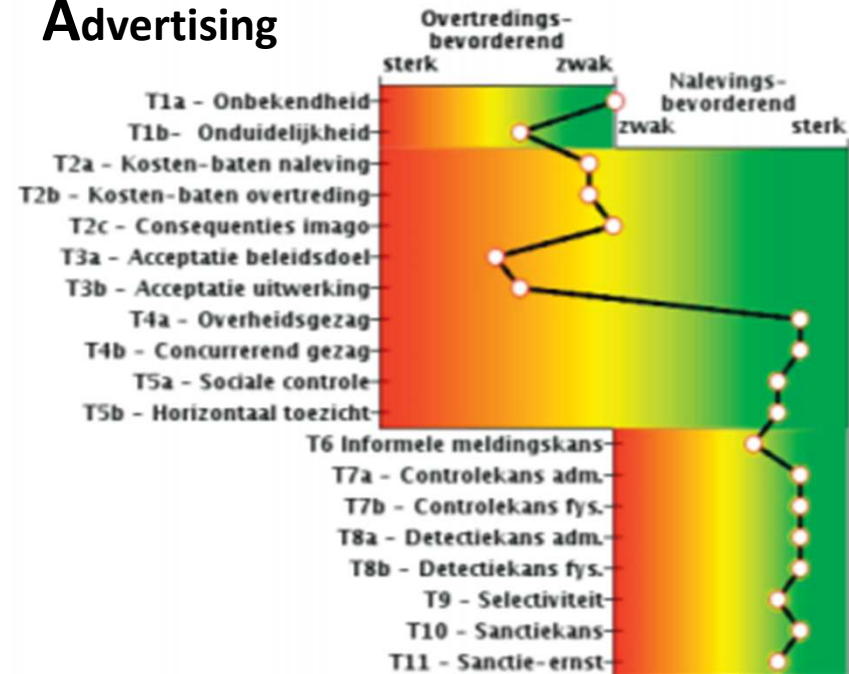
Trading stock (500g)



5 Grams (P/D)



Advertising



Drug tourism & international relations

- Pressure from neighboring countries, the UN INCB, foreign press
- 1985: Schengen Agreement effectively abolished border controls
 - Cannabis tourism increased substantially in border regions
 - So did the complaints about nuisance from local residents
 - Media jumped on it
 - Politics followed “Johnnie & Anita”
- Emotion outdoes Science...
- No. of coffee shops: 1200/900 in 1995 → 666 in 2009

Image by Sebastian Krüger, Der Spiegel



Coffee shop Checkpoint, photo by ANP



Medical Marijuana

Medicinal cannabis legalized in 2000
*The Dutch are back in (legal)
drug business ;-)*



 **bedrocan**®



2000s: **Getting tough** & the Politics of Compromise

- Law enforcement increasingly started focusing on cannabis cultivation
- Cannabis cultivation quickly lost its attraction to small-time home growers
- further cannabis reform not politically expedient
 - In the 1990s Dutch drug policy increasingly characterized by compromise – in international relations but also within political coalitions
 - 2000s: advent of right-wing, populist politics... → in practice the Ministry of Security and Justice took the lead in drug policy
- *A Compass Lost?*

Recent/Current Government Positions

- *Sweeping reforms of current policy measures -- e.g. abolishing the coffee shops -- are undesirable and potentially harmful to public health*
 - (No) Experiments with Regulation of Back door
 - Further tightening of controls
 - May 2012: the *weed pass* → coffee shops as “members only” clubs (pilot in the three southern provinces)
- Two new AHOJ-G criteria: **B** and **I**:
- coffee shops need to be small and closed (*Besloten*) and include only local residents (*Ingezetenen*)
- Many local initiatives aiming to regulate the back door

“The weed pass is a medication for a disease we do not have”
(Aleid Wolfsen, Mayor of Utrecht)

The Role of Drug Treatment, Social Care and Harm Reduction Programs

- Traditionally a harm reduction policy

more recently combined with...

A “Housing First” like approach

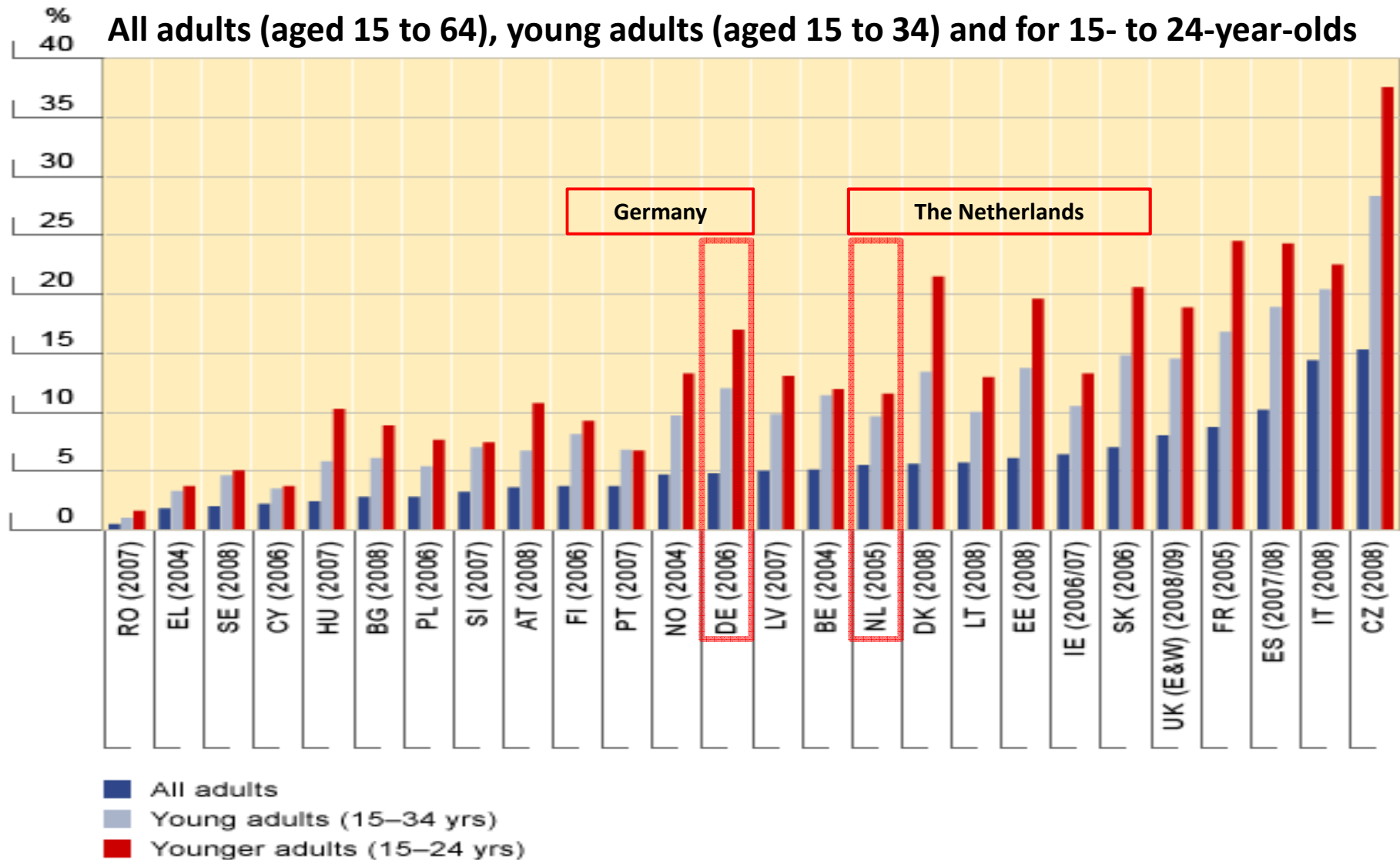
and

Integrated (mental) health and social care



Some Results

LYP Cannabis consumption among adults in selected EU member states, Norway



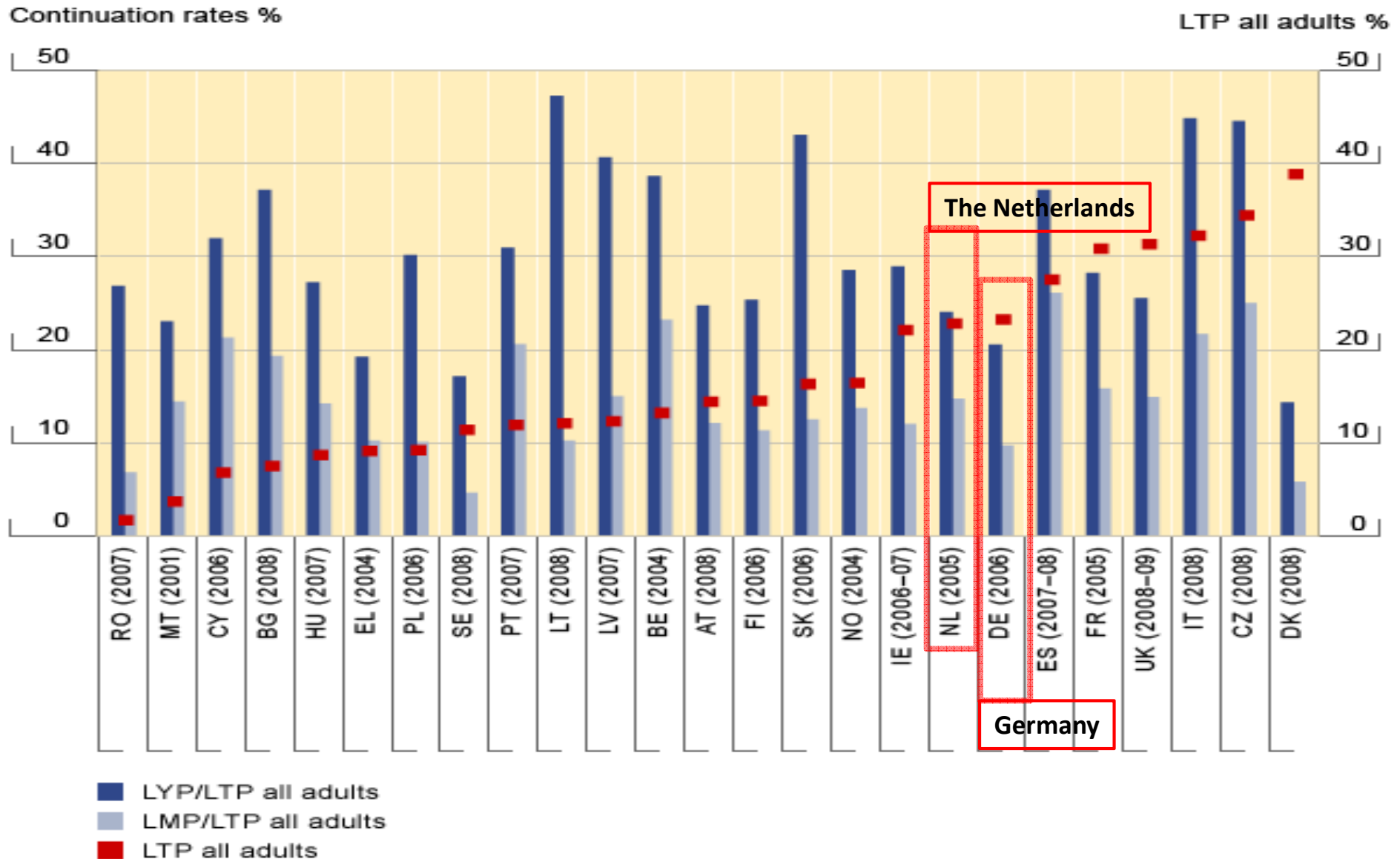
Cannabis consumption in selected EU member states, Norway (15-64 years)

- European average: 23.2 percent; 6.7 percent (EMCDDA, 2012).

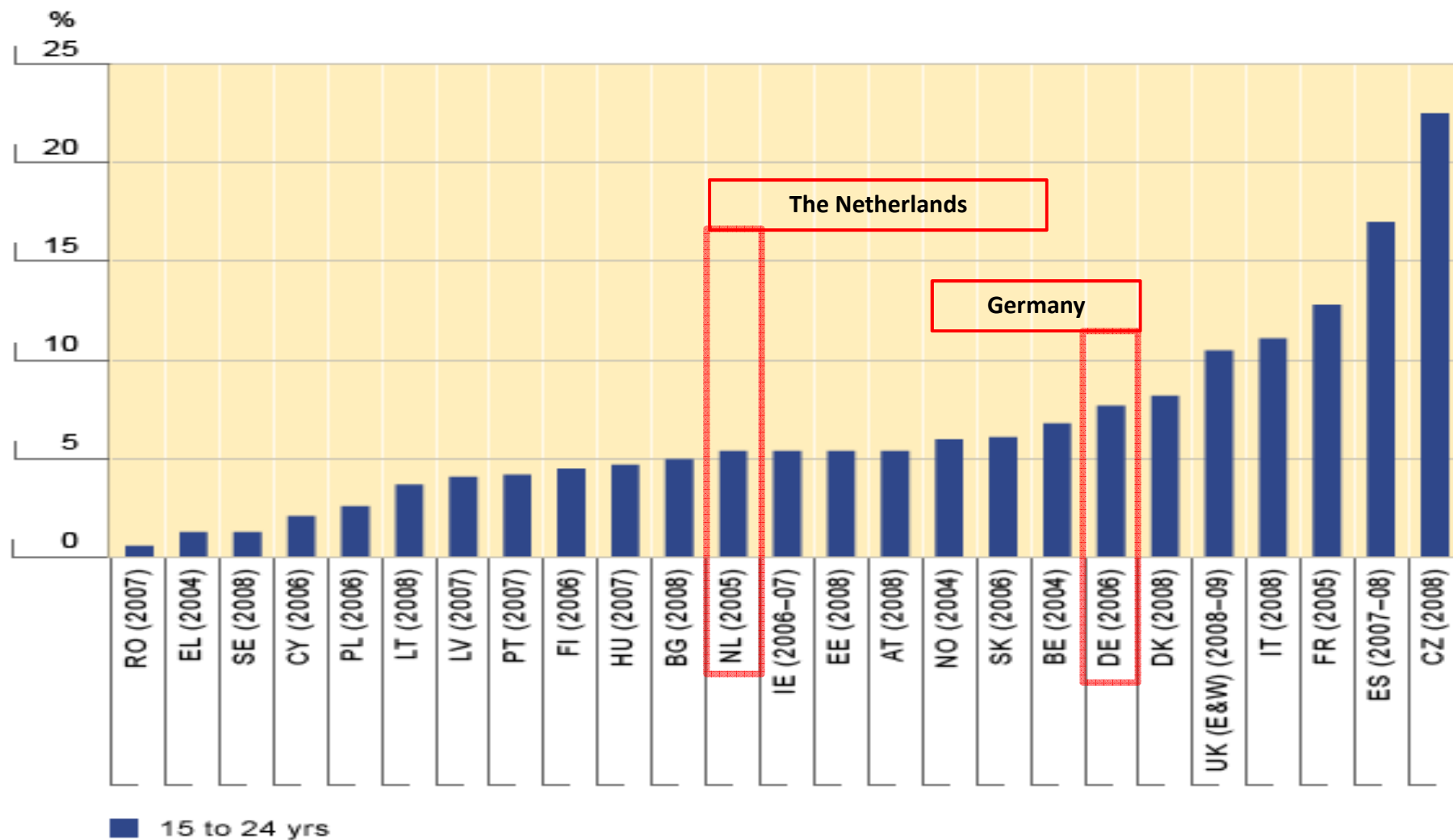
Germany: In 2012 hadden meer als een Drittel der bis zu 40-jährigen Erwachsenen Erfahrungen mit Cannabiskonsum.

Land	Jaar	Ooitgebruik	Recent gebruik	Actueel gebruik
Frankrijk	2010	32%	8%	5%
Spanje	2011	27%	10%	7%
Nederland	2009	26%	7%	4%
Ierland	2010/2011	25%	6%	3%
Finland	2010	18%	5%	1%
Noorwegen	2009	15%	4%	2%
België	2008	14%	5%	3%
Oostenrijk	2008	14%	4%	2%
Portugal	2007	12%	4%	2%
Griekenland	2004	9%	2%	1%

Continuation rates of cannabis use (last 12 months and last 30 days use among lifetime users) in the general population, as measured by national surveys



Last 30 days prevalence of cannabis use among 15-to 24 olds, measured by national surveys



Cannabis use among students, 15 & 16 years (ESPAD)

Selected EU member states, Switzerland, Norway, & the USA
1999, 2003, 2007, 2011

Land	Ooitgebruik				Actueel gebruik				Zes maal of meer in de laatste maand			
	1999	2003	2007	2011	1999	2003	2007	2011	1999	2003	2007	2011
Frankrijk	35%	38%	31%	39%	22%	22%	15%	24%	9%	9%	6%	9%
Verenigde Staten ^I	41%	36%	31%	35%	19%	17%	14%	18%	9%	8%	6%	8%
Nederland	28%	28%	28%	27%	14%	13%	15%	14%	5%	6%	6%	5%
Spanje ^{II}	-	36%	36%	26%	-	22%	20%	15%	-	-	8%	4%
België ^{III}	-	32%	24%	24%	-	17%	12%	11%	-	7%	4%	3%
Italië	25%	27%	23%	21%	14%	15%	13%	12%	4%	6%	6%	6%
Duitsland ^{IV}	-	27%	20%	19%	-	12%	7%	7%	-	4%	2%	2%
Ierland	32%	39%	20%	18%	15%	17%	9%	7%	5%	6%	4%	3%
Denemarken ^{II}	24%	23%	25%	18%	8%	8%	10%	6%	1%	2%	2%	1%
Portugal	8%	15%	13%	16%	5%	8%	6%	9%	2%	3%	2%	3%
Finland	10%	11%	8%	11%	2%	3%	2%	3%	1%	0%	0%	0%
Zweden	8%	7%	7%	9%	2%	1%	2%	3%	0%	0%	0%	0%
Griekenland	9%	6%	6%	8%	4%	2%	3%	4%	2%	1%	1%	0%
Noorwegen	12%	9%	6%	5%	4%	3%	2%	2%	1%	1%	1%	0%
Zwitserland	-	40%	33%	-	-	20%	15%	-	-	10%	6%	-
Verenigd Koninkrijk ^V	35%	38%	29%	-	16%	20%	11%	-	6%	8%	4%	-
Oostenrijk	-	21%	17%	-	-	10%	6%	-	-	3%	2%	-

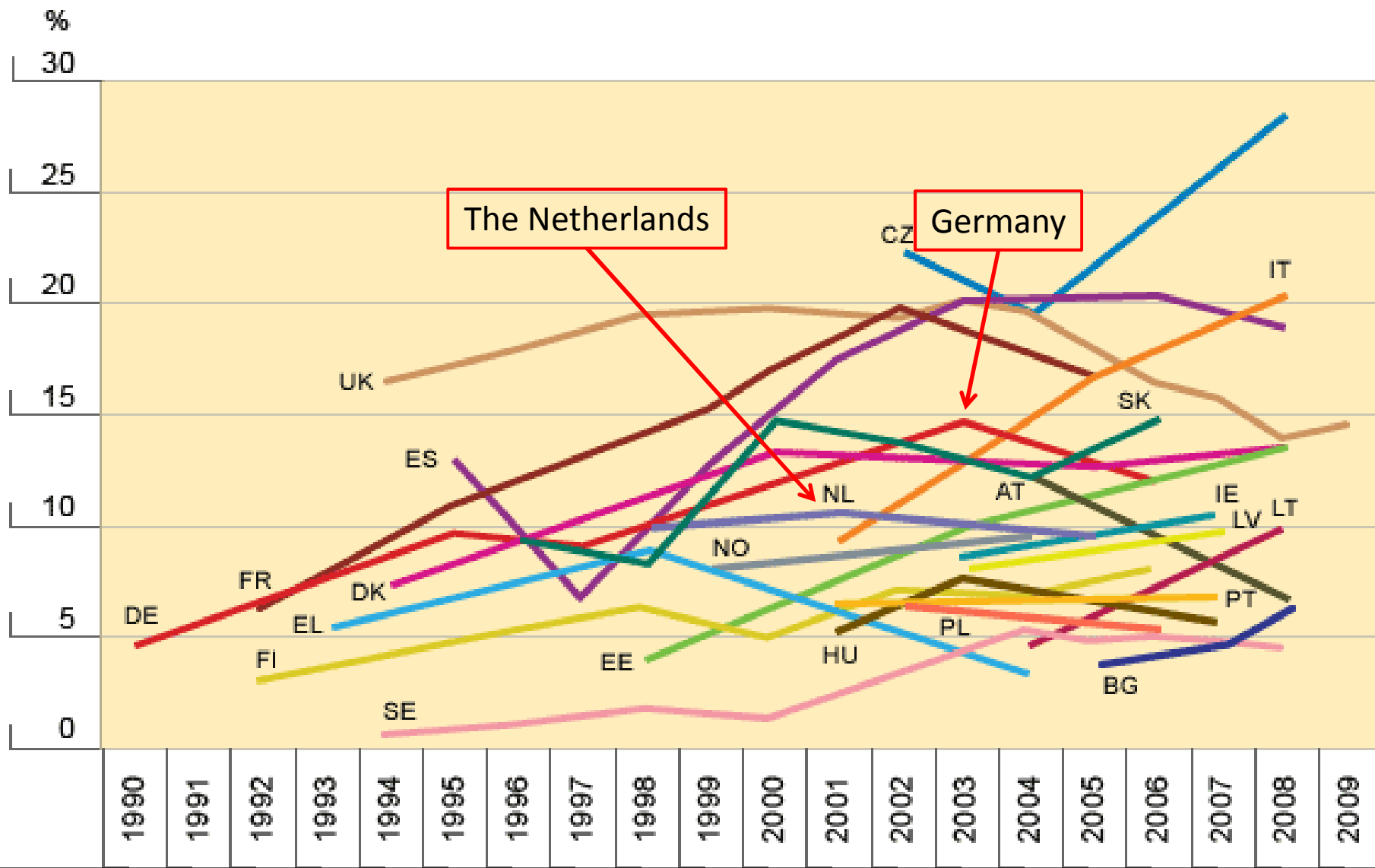
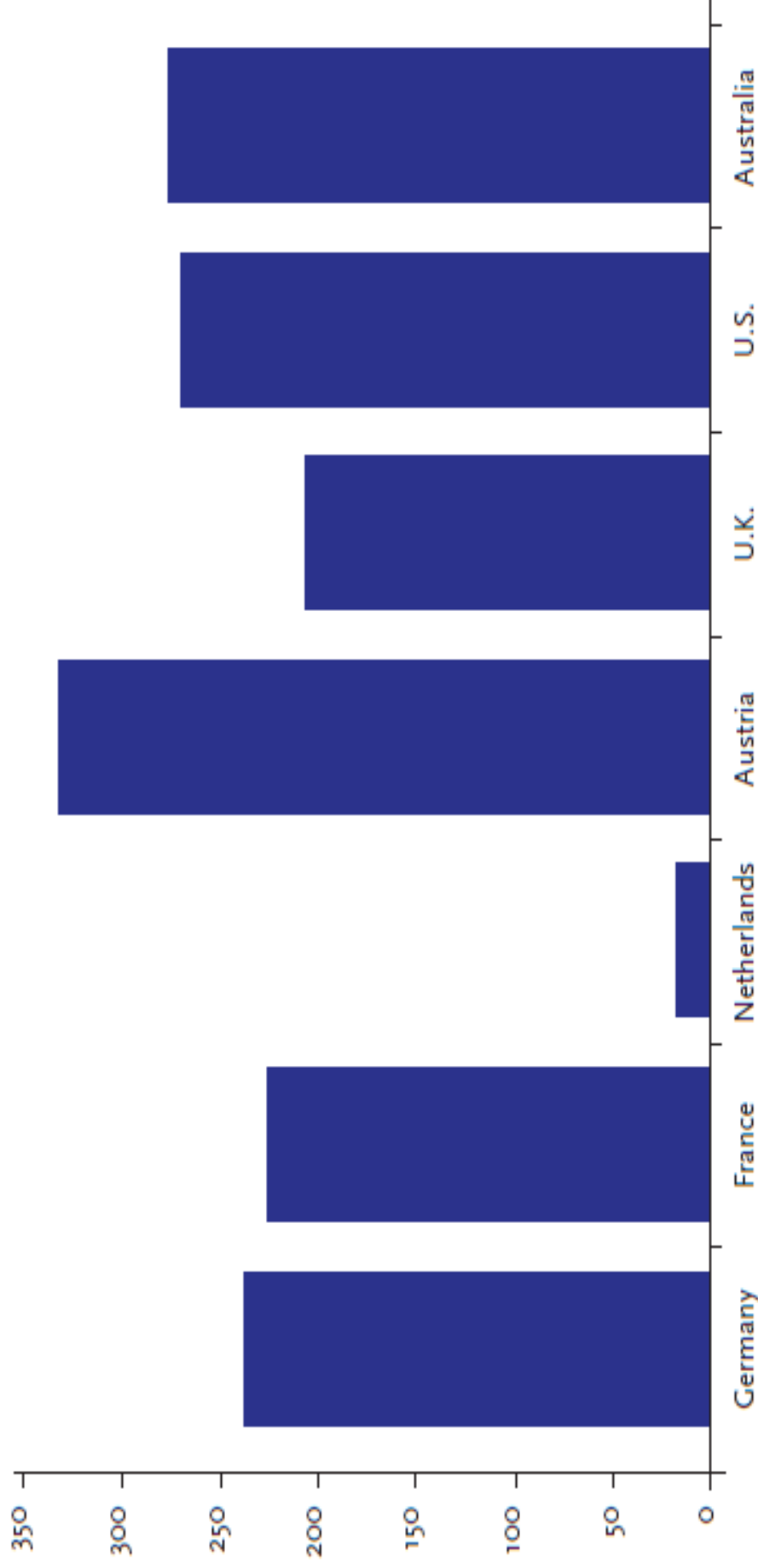


FIGURE 2: ARREST RATES FOR CANNABIS POSSESSION PER 100,000 POPULATION, CA.

2005



Source: The Beckley Foundation (2008), "Cannabis Policy: Moving Beyond Stalemate," *The Global Cannabis Commission Report* (<http://www.beckleyfoundation.org/Cannabis-Commission-Report.pdf>)

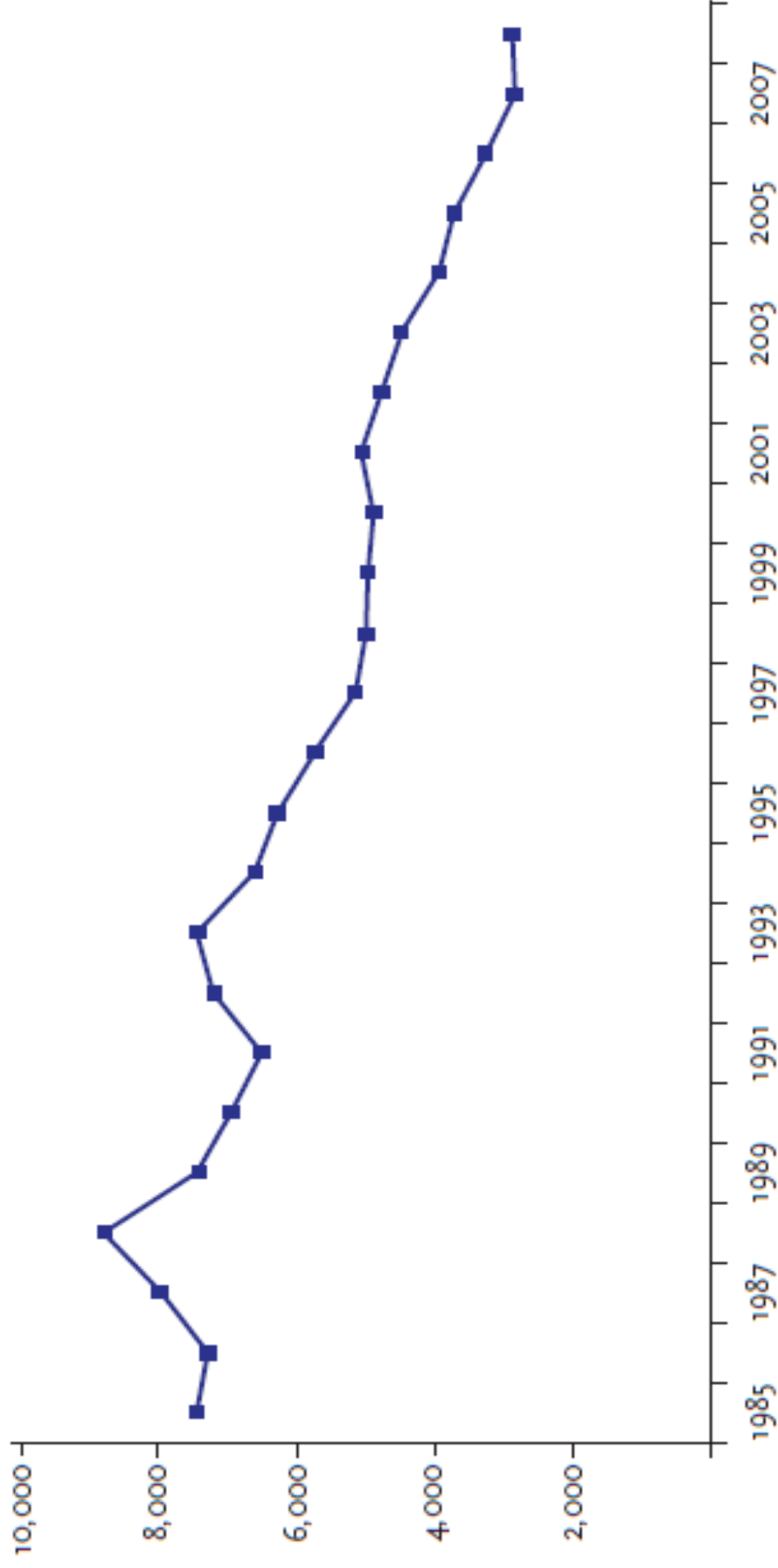


...die Sorge, dass eine Liberalisierung den Zugang erleichtert und als Einstiegsdroge den Weg für härtere Drogen ebnet.

“...eine festgefahrene und ideologisch belastete Diskussion?”

...die Einsicht, dass eine rein repressive Antwort bisher weder die Zahl der Konsumenten noch gar das kriminelle Umfeld eindämmte.

FIGURE 3: Problem Opiate Users in Amsterdam, 1985–2008



Source: Municipal Health Service Amsterdam



Some Conclusions

The Dutch applied tolerance and informed dialogue

- long history of pragmatic approaches to potentially contentious subjects
- Tolerance and collaboration, despite differences crucial to the early prosperity
- finding middle ground between opposing views and building political majorities around complex social issues.
 - No parliamentary majority for decriminalizing all drugs in 1976
 - Dutch government did not want to risk diplomatic or economic problems with neighboring countries and the international community
- Dutch drug policy followed practice – from a distance
- Coffee shops are a case in point
 - Not a social experiment planned by the government
 - Amended 1976 Opium Act opened up the room for local policy and entrepreneurial initiatives.
- A positive balance... ...but *The dialectics of progress*

Lessons Learned

- Decriminalization of individual possession does not increase drug use
- Separating drug markets is legally and practically possible – and successful
- Separated drug markets: fewer criminal records, less social exclusion, more controlled consumption
- Keep expectations low regarding the (immediate) effects of drug policy on use
- Public health-driven drug policy contributes to reduction of drug-related harm
- Change should be comprehensive, regulating sale to consumers, wholesale supply and cultivation
- Dutch failure to arrange the “*back door problem*”

Image by Sebastian Krüger, Der Spiegel





Thank You!

Contact

Jean-Paul Grund, PhD

CVO – Addiction Research
Centre, Utrecht, NL
&
Department of Addictology,
1st Faculty of Medicine,
Charles University in Prague &
General University Hospital in
Prague, CZ

E: jpgrund@drugresearch.nl
W₃: www.drugresearch.nl

