CHAPTER 1

General Introduction: A Way Out of the Deadlock

1.1 The Subject of this Discourse

As already indicated in the preface, the discussion concerning the legalization of cannabis is not only taking place in Belgium and the Netherlands, but also in North and South America. However, a lot more can be told about it. The same discussion is also going on in a number of other member states of the European Union and within the United Nations. So we may state that we are dealing with a *glocal* discussion. In other words, a discussion which takes place both globally and locally, and at all the intermediate (sub)continental levels. It could hardly be otherwise. Within the framework of the United Nations countries have engaged themselves – by way of treaties – to a certain worldwide drug policy, which also affects their cannabis policy. Because of the nowadays available, enormous and worldwide transportation, communication and payment possibilities, it should not be neglected that also the drug trade is operating on a global scale.

Thus, to ensure a balanced local or national discussion about the drug policy, the participants to that discussion have to pay attention not only to the local situation, but also to the worldwide context. But in the heat of the debate this is easily forgotten and the international context is not, or not always sufficiently, taken into account. The pamphlets that some time ago stirred the constantly simmering discussion about the legalization of cannabis in Belgium and the Netherlands have conclusively demonstrated this.

In the *Manifest Joint Regulation*, on 31 January 2014 published by a group of Dutch mayors, they make it seem as if they are the first ones in history to reveal the shady sides of the policy of tolerance. In their cry of distress, they furthermore state that the Netherlands does not have to care a bit about the policy the member states of the European Union, in mutual consultation, for many years already are pursuing, and that none of the things that are happening in some American states are at variance with the drug treaties of the United Nations. So the writers of the pamphlet clearly do not worry about the serious problems a singular approach by a European member state will create in the relations with the surrounding countries and the member states of the European Union in general. Neither do they seem to care about the fact that the legal foundation of what is happening in some American states is both more complicated and much more problematic than they suppose.
The pamphlet *Cannabis: bis? (Cannabis: a second look?)* presented by a few Belgian academics on 18 November 2013 has the same flaws. In that pamphlet it is continuously, though without any argumentation, suggested that the drug policy, and therefore also the cannabis policy, still has the characteristics of a “war on drugs”. In line with this unproven statement, it is also repeatedly postulated that the cannabis policy of the European Union is in essence an offspring of such a repressive policy. However, everybody who seriously examines the European cannabis policy cannot but conclude that this representation of the facts is totally incorrect.

Consequently, it is not out of proportion to declare that both pamphlets do not deliver a constructive contribution to the discussion about the most appropriate cannabis policy in Belgium and the Netherlands and, at a larger scale, the European Union and the United Nations. On the contrary, they narrow the discussion to the question whether or not cannabis should be legalized, and they divide people who participate or want to participate in that discussion into supporters and opponents of legalization. This way they encourage a war of positions which inevitably drags the discussion into a deadlock.

Yet, neither these pamphlets, nor the deadlock related with them, were the reason to write this treatise on cannabis policy. As already indicated in the preface, the authors of this discourse have previously worked together on the analysis of drug problems in their home regions, and since then have always retained their interest in the subject. Closely watching, nationally as well as internationally, what is happening in the field of cannabis, they have noticed that year after year the prevailing policy comes under greater pressure. At the national level, both the Netherlands and Belgium are confronted with the problem of the apparently unstoppable illicit production of cannabis, and as far as the Netherlands is concerned there is the problem of the meanwhile impressive number of legal procedures related to the policy aimed at reducing the problems caused by coffeeshops.

At the international level, that is: in the surrounding countries and therefore in the European Union, there is of course also the discussion about the best way to deal with the illicit production and distribution of cannabis. But there is more than that. In particular the legalization of cannabis in some North American states and one South American country weighs heavily on the European cannabis policy discussion, and also on the cannabis policy discussion which, precisely in relation to the mentioned development, is going on within the United Nations.

And so a crucial question arises: what does a balanced drug policy and more specific a balanced cannabis policy suitable for the next years and decades look like? By this we mean a policy which distinguishes itself by starting points,