

Characteristics of the cannabis market in Belgium

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Over the past few years, the evolution of the cannabis market in Belgium has been frequently commented upon in a wide range of publications.¹⁻⁴ The number of cannabis plantations uncovered by the Belgian judiciary has been rising steadily, and the relocation of cannabis production to the Low Countries (i.e. Belgium and the Netherlands) has often been associated with a growing professionalisation of its cultivation and the involvement of organised crime, and with a more noxious and hazardous product compared with cannabis imported from elsewhere (due to a higher concentration of the most psychoactive chemical in cannabis, delta-9-tetrahydrocannabinol or THC, and thus a stronger potency, and to the presence of remnants of pesticides and other toxic chemicals).

After briefly considering the patterns of cannabis use in Belgium and the current policy in relation to the drug, this chapter describes some characteristics of cannabis supply and attempts to unravel its complex relationship with current government policy. In order to understand some of the changes that the Belgian cannabis market has undergone in recent years, important features and developments in the Dutch cannabis market must also be considered. Belgium and the Netherlands not only share a border which is easily crossed in the context of the European Union, but they are also historically connected. In the twelfth century, towns grew up in the region of *de Nederlanden* – low-lying land around the deltas of the Rhine, Scheldt and Meuse (Maas) rivers. Today, the Low Countries share many similarities. For example, the population of northern Belgium, the Flemish, speak the same language as the Dutch. Moreover, as there are multiple forms of legal cooperation at a political, economic and cultural level, it must be assumed that there are also multiple forms of illegal cross-border cooperation and influences.

Cannabis use in Belgium

Centuries ago, large parts of Flanders and the Netherlands were covered with hemp fields.⁵ The hemp seed was used as a food grain and the fibres were used to make rope, sail and canvas, clothes, shoes and paper.⁶ In the course of the twentieth century, the industrial hemp plant disappeared from the fields, under the influence of an ideological and political climate that was increasingly hostile to the cultivation of hemp plants, in the context of moral panic over the negative consequences of recreational cannabis use in the USA and elsewhere, even though most varieties of industrial hemp had a low THC content. In the mid-twentieth century, in the aftermath of American activity against the ‘killer weed’, hemp cultivation was prohibited practically everywhere in the world. Around the same time, cannabis increased in popularity as an intoxicating and pleasurable substance. In the 1940s and 1950s, American soldiers and jazz musicians acquainted their European fellow soldiers and musicians with the reefer. Poets, writers and visual artists started to smoke ‘hash’ (cannabis resin) and ‘weed’ (the dried flowers of the cannabis plant), while immigrants, including those from former colonies, introduced the cultural use of cannabis to the countries where they settled.⁶

The image and function of cannabis have changed during the last few decades.⁴ In the 1960s, the use of cannabis increased in artistic circles and in the counter-culture movement, but was mainly confined to sub-cultures, whereas now cannabis is used by members of all social strata, and its use has become part of the general (but particularly youth) culture. The Belgian government has always maintained that its drug policy has never implied that drug use in society could become ‘normal’, but despite this policy and its concomitant predominantly repressive discourse, the use of cannabis has become more widespread in Belgium, as well as more open to public discussion. A significant proportion of the population, particularly young people, have adopted a tolerant attitude towards cannabis use that is not unlike that towards the use of alcohol and legal medicines. In the light of what has been taking place in other countries, this development is unsurprising. Cannabis is the most widely used, produced and traded illegal substance worldwide, and its ‘normalisation’ has occurred in most European countries.⁷ It therefore appears that patterns of cannabis use have changed independently and cannot easily be influenced by any national policy.^{8,9}

With regard to the actual number of cannabis users in Belgium, to date there have been no accurate national prevalence surveys among the adult population. It was not until 2001 that the Belgian National Health Survey included some questions on drug use and showed that 10.8% of

the national adult population aged 15–64 years had used cannabis at some point in their life, and 2.8% had used it during the last month.¹⁰ The first European School Survey Project on Alcohol and Other Drugs (ESPAD), undertaken in Belgium in 2003, showed that 32.2% of the school population aged 15–16 years had used cannabis at least once in their life, and 16.7% had used it during the last month.¹¹ Although these indicators are indirect and incomplete, media sources, political and scientific opinion makers and drug experts all agree that the use of cannabis has become more widespread.

Cannabis policy in Belgium

The drug policy document that the Belgian federal government (a socialist–liberal coalition) approved in 2001 expressed the political will to stop prosecuting people for using cannabis on condition that this use was ‘non-problematic and not causing nuisance’ and ‘personal’ only.¹² The same applied to the cultivation of cannabis – nothing more than an anonymous police record would be effected under these conditions. This record would be made solely for the purpose of mapping the drug phenomenon, and, it was argued, as it would not contain any information on the identity of the individual caught in possession of or growing cannabis, they could not be prosecuted or cautioned. The approval of this federal policy document, which can be regarded as an official declaration of intent, was followed by two years of pervasive uncertainty and legal insecurity concerning what was effectively permitted, as the Narcotic Drug Act of 1921 was not altered by Parliament until 4 April and 3 May 2003. Following the Ministerial Circular of 16 March 2003 on ‘The prosecution policy with regard to the possession of and the retail trade in illegal narcotic substances’, which replaced the previous guidelines of 1998, the possession of 3 grams of cannabis and the cultivation of cannabis for ‘personal use’ (that is, one female cannabis plant) is no longer grounds for prosecution. In the case of larger amounts, the public prosecutor may, in principle, intervene and prosecute the grower. Thus it remains unclear whether prosecutions will be brought against, for example, an individual who has grown three or four cannabis plants, a grower who imports seeds or cuttings from another country, or the owner of a plant that yields more than 3 grams of cannabis.

The supply of cannabis

Until the late 1960s, cannabis (particularly hash) was imported into Belgium from Afghanistan, Pakistan, India and Nepal, and later also from Lebanon and Morocco. There was little organised wholesale trade, the hash being smuggled and distributed mainly by holidaymakers and

travellers (many of whom used the drug themselves) through a variety of channels and in relatively small quantities. Occasionally, cargoes of weed were imported from Indonesia, Thailand, Colombia and Jamaica.

In the late 1960s and especially in the 1970s, important changes in the cannabis market in the Netherlands took place, which affected the cannabis market in Belgium. The Dutch police and judiciary paid particular attention to the trafficking in so-called 'hard drugs', which initially meant heroin, but later also cocaine. Some shipments of cannabis were seized, but its detection was given only low priority.¹³ However, there were some illegal entrepreneurs who saw an opportunity to expand their activities, which they focused on the more profitable export of locally grown cannabis to other countries, including Belgium. More illegal entrepreneurs were attracted by the money to be made, and when those involved in more organised crime gangs arrived on the scene, the illegal hash trade became bigger and more commercial, with more links to other criminal activities (such as money laundering and prostitution), and it also became more violent. By the late 1980s, a number of 'hash barons' had appointed themselves as main players. Probably the best known among them was Klaas Bruinsma, who was gunned down in 1991.^{14,15} This gangland killing marked the beginning of a surge of murders that coloured the Dutch underworld, and which without exception involved individuals who had made a fortune in the hash trade. The judicial investigations into these traffickers discovered that they had branched out into the criminal underworld in Belgium and also in many other countries.

Foreign methods of investigation in the Low Countries

Meanwhile, investigation and detection techniques in Belgium, as in other countries, had become Americanised, inspired by the US 'War on Drugs.' Since the second half of the 1960s, American legal attachés had exerted a deliberate influence on the fight against crime in various ways and in diverse areas.^{16,17} The American Drug Enforcement Administration (DEA), who enforce the US federal controlled substances laws, increasingly expanded its activities abroad from the late 1970s onwards. Through educational courses and conferences, Belgian law enforcement officers were familiarised with special criminal investigation methods, including pseudo-purchases, controlled shipments, infiltration and civilian informants.¹⁸ This American influence on investigation and detection methods resulted in high-profile convictions of members of the Belgian National Drugs Bureau¹⁹ for drugs trafficking and falsifying and destroying documents with fraudulent intent. It also discredited the head of the

Brussels Judiciary Police¹⁸ for improper methods of investigation inspired by American police officers, and also led to a parliamentary inquiry and the resignation of ministers in the Netherlands over controlled shipments of cannabis without permission from a higher authority.

Domestic cannabis: from *nederweed* (Dutch cannabis) to 'euroweed'

Whereas in the 1960s and 1970s the Belgian cannabis market was supplied mainly by foreign sources, a major shift towards domestic (i.e. locally grown) cannabis began in the early 1980s. This domestic cannabis was grown both by individual users (on a small scale, usually at home) and by commercial entrepreneurs (on a large scale, and professionally managed). As the 'War on Drugs' intensified under President Reagan, some Americans (including 'Sam the Skunkman') settled in the Netherlands, which became an incubation environment for the indoor cultivation of cannabis plants.²⁰ New cultivation, crossbreeding and cloning techniques gave rise to many new forms of a seedless variety (*sensimilla*) that were of a higher quality than the original native weed.

The increase in domestic cultivation was aided by the existence of 'coffee shops', where the selling of cannabis for personal consumption by the public has been tolerated by the local authorities under the drug policy of the Netherlands since 1976. However, these coffee shops illustrate the ongoing contradiction in the Dutch policy, as they are allowed to sell cannabis, but not to buy it. Coffee shops needed a constant and undisrupted supply, and were willing to buy crops from local growers. Domestic cultivation was further stimulated by the increasing demand for Dutch cannabis because of its reputedly superior quality, the flexibility displayed by local growers in response to demand, and the spread of 'grow shops' (that sell the paraphernalia for growing cannabis) throughout the country.²¹ Although in the early 1990s the coffee shops were still selling weed from Colombia, Thailand, Jamaica and Nigeria, the Dutch-grown 'skunk' proved to be much more popular. The older generation of cannabis traders were joined by newcomers – those in their twenties who were primarily focused on growing, rather than selling imported weed.²² The fact that these developments in the Netherlands were soon followed by similar trends in Belgium is unsurprising, given the links between the two countries described earlier, the almost non-existent border controls in a European free market, and the location of some of the Dutch coffee shops only a few kilometres away from the Belgian border. The Dutch expertise in domestic cultivation techniques was thus readily exported, while at the same time many

Belgian cannabis users travelled regularly to the Netherlands to obtain their supplies. The shift from foreign to domestic cannabis on the Belgian market is reflected in the police statistics, although these are rather scarce and often inconsistent. The police journal *Pol* reports that Belgian cannabis production increased by 400% between 1996 and 2000, while the number of plantations seized by the police rose from 63 in 1996 to 730 in 1999.

The present development of the Belgian cannabis market can be called a process of ‘import substitution’, in which the share of imported cannabis is decreasing steadily and that of locally cultivated cannabis is increasing steeply. It concurs perfectly with the international trend. In North America (e.g. California) and in British Columbia, Canada, large-scale cultivation (both indoor and outdoor) has become established. While the Netherlands has long played a pioneering role in cannabis cultivation in Western Europe, local cultivation has also increased in Switzerland, Spain, Belgium, the UK, Albania and other Eastern European countries.^{23,24} The large numbers of cannabis fairs and grow shops in various countries testify to this trend.

Domestic cultivation: professionalism and criminal organisations

Simultaneously with the trend in import substitution, as described above, the logistics of the cannabis trade have changed dramatically in the last two decades. The wholesale trade in imported hash often used to involve large bulk shipments, but with expanding local cultivation, the scale of the supply has become significantly smaller. However, the precise ratio of small-scale production to professional large-scale production in this illicit sector has not yet been established.

A study by criminologist Bovenkerk²⁵ caused a great deal of controversy in the Netherlands, as its conclusions highlighted the professionalism and organisational resources behind the plantations that had been discovered by the police. According to Bovenkerk, hemp cultivation had reached a stage far beyond personal gardening and had become a matter of organised crime, particularly in areas of social deprivation where inhabitants were being put under pressure to make their homes available for cultivation (*leasekweek*). Bovenkerk further concluded that although theoretically the far-reaching regularisation of hemp cultivation by the government would be the most appropriate course of action, in practice this was unfeasible in an international context, and a more consistently repressive position would eventually be inevitable. There may be no causal relationship, but shortly after this study was published, the Dutch judiciary started to act more forcefully against cannabis cultivation.

Bovenkerk's most important recommendation, which was to investigate and prosecute the organisations behind the cannabis production and trafficking, rather than to punish smaller growers, has been followed little if at all so far. On the contrary, the police and the judiciary, together with electricity companies and housing associations, now take a firm line on home growing. Now that people can be evicted from their homes if they are caught growing weed, many small growers have stopped producing cannabis. However, this may actually stimulate larger-scale and more criminal cultivation. At the end of 2005, many coffee shop managers were complaining about the rising prices of Dutch weed, which might have been a consequence of a drop in supply. They also found it more difficult to get hold of organically grown weed from small home growers.²⁶

The discourse about the criminal nature of domestic cannabis cultivation has regularly been accompanied by public concern about increasing THC levels in the drug, the use of pesticides and the possible relationship between the use of this strong and/or polluted cannabis and the development of mental disorders. Pesticides used in ornamental plant cultivation were found in a number of marijuana samples in 2001 in the Netherlands.²⁷ Furthermore, the average THC level in *nederweed* doubled from 9% in 2000 to 18% in 2003.²⁸ This was a reason from some to argue in favour of classifying this potent cannabis as a 'hard drug.' In Belgium, seized cannabis samples were analysed by the Scientific Institute of Public Health in collaboration with the Office of the Public Prosecutor in Antwerp in 2004, when the average THC level was found to be 13.2% in marijuana and 14% in hash.

The discourse on the involvement of the criminal underworld in the production of *nederweed* has reached Belgium in recent years. Fed by statements from police experts and politicians, the media have been painting a picture of exponentially expanding cannabis cultivation that is increasingly professional because it is in the hands of organised criminal groups. Criminal control over cannabis cultivation is often portrayed in the Belgian media in terms of the increasing use of pesticides, artificially high THC levels, the taking over of private homes and even whole housing estates in order to grow cannabis, the installation of booby traps to protect plantations against trespassers, and the use of cannabis as currency among criminals.

The expansion of cannabis cultivation in Belgium appears to be partly a consequence of the stricter treatment to which cannabis cultivation has been subjected in the Netherlands. According to media reports, the increased levels of cannabis cultivation in Belgium have been further boosted by the Dutch grow shops, which offer new growers all the necessary equipment very cheaply or sometimes in exchange for a part of the yield of the first harvests. This may lead to an absurd situation in

which Belgian ‘drug tourists’ travel to Dutch coffee shops in order to stock up with *Belgoweed* seeds that are grown in Belgium and then exported to the Netherlands.

Police statistics show that in Belgium the number of plantations that have been dismantled by the authorities has increased sharply in recent years, although it must be noted that as few as two or three plants constitute a ‘plantation’ according to the law. Although illicit cultivation is found in nearly every police district in Belgium, it appears to be most heavily concentrated in the eastern and north-eastern areas at the Dutch border. Cannabis is being cultivated not only more frequently, but also on a larger scale. According to the police, the large-scale plantations in Belgium (that is, those comprising more than 500 plants, often spread over several rooms, and with automatic or computer-controlled technology) involve a strikingly large number of Dutch citizens – as organisers, growers or suppliers of materials. However, the police data on cannabis cultivation that are available in Belgium not only show little consistency, but may also have been influenced at least indirectly by the particular investigation activities and priorities of the local police and judiciary, the growing media focus on cannabis cultivation, changes in legislation and criminal law policy, and citizens’ willingness to report cannabis cultivation. Thus although large-scale cultivation of cannabis in the Belgian border area with the Netherlands has increased under the influence of Dutch professional growers, it cannot be explained only by influences emanating from the Netherlands. Moreover, small-scale and/or non-commercial cannabis cultivation in Belgium has not been documented.

In Belgium, as in numerous other countries, there is a significant demand for cannabis, and the product appears to have established itself as a ‘normal’ consumer product among the younger generation. According to spokespeople of the Dutch grow shops, the Drugs Policy Document of the Belgian federal government and the changes in legislation that it entailed initially resulted in a rush of Belgian citizens who wished to start growing their own supplies. Interviews that the Institute for Social Drug Research is currently conducting with cannabis growers show that many of them are enthusiastic amateur growers (rather than large-scale growers), who consider their own grown cannabis to be a cheaper and better alternative to that purchased elsewhere.²⁴ A study of 369 experienced cannabis users in Belgium showed that 59% of them had acquired cannabis through friends, and less than one in four respondents had purchased cannabis in one or more coffee shops in the Netherlands.³ The same study showed that 7% of the respondents were themselves growing cannabis at the time of the interview, and that nearly a third (30%) had tried to grow one or more cannabis plants at home at least once.^{4,29}

Conclusion

In the last 40 years, the cannabis market in Belgium (and in other European countries) has undergone a major development, described in this chapter as a process of import substitution. Whereas until the late 1980s the market had been supplied by bulk import of foreign cannabis (hash), domestic cultivation gradually increased in importance with the advent of new growing techniques and crossbred varieties. This shift towards (inter-)regional production, trade and domestic cultivation has also been found in North America and Western and Eastern Europe, and appears to be irreversible. It is not inconceivable that more recent experiments with *skuff* or *nederhash* (which is manufactured from weed through a pollinator) herald the beginning of the domestic production of cannabis resin (hash), as some users prefer this to weed.

During the same period, the image and function of cannabis have also changed completely. Among a significant proportion of the population (particularly young people) it has become a subject of open debate and its use has become acceptable, regardless of drug policy. Whereas in the Netherlands, at the instigation of dozens of mayors, there are increasing calls for better regulation of the supply of cannabis to the coffee shops, in Belgium there are increasing demands (by police departments among others) for the control of domestic cannabis cultivation to become a national priority. Little thought has been given to the effects that a more repressive enforcement may have on market organisation, the growing techniques and the quality of the cannabis products. Moreover, preliminary questions that have not been answered include the proportion of the market that is supplied by small producers and by larger producers involved in organised crime, the proportion of the Belgian market that is still being supplied with products imported by wholesalers, and the proportion of domestic production that is exported to neighbouring countries and further abroad.

Finally, some thought should be given to the question of whether decriminalisation of the possession of small quantities of cannabis and the tolerance of growing small quantities of the drug would, in a European context, not be more effective than the Dutch coffee shop model (which, in the author's view, is an inconsistent combination of tolerating possession and use of small quantities, but prohibiting the production and supply of cannabis), or constitute a compromise between the extremes of outright commercialisation and unqualified decriminalisation of possession and use. If users are thus offered the opportunity to supply themselves with their product, the detection and penalisation of large-scale and heavily commercialised cultivation (which is often more hazardous to the consumer's health) remains perfectly possible.

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