

Tim Boekhout van Solinge

Cannabis in France

I. Introduction

S'il existait un gouvernement qui eût intérêt à corrompre ses gouvernés, il n'aurait qu'à encourager l'usage du cannabis (If there were a government had interest in corrupting its citizens, it only had to encourage the use of cannabis). This saying of the French poet Baudelaire (1821-1867) is sometimes cited in France as an answer to the question why cannabis use is punishable.

It is characteristic of the French drug policy to use this kind of frightening arguments to prevent cannabis use, as the French policy regarding drug use is first of all prohibitive. Both the official policy, the drug law of 1970, and its application - although not following strictly the law - are quite severe.

For a number of years there has been a discussion in France on the cannabis policy. This debate was initiated by the Minister of the Interior Charles Pasqua, known to be partisan of a repressive zero tolerance attitude towards cannabis use. The reason Pasqua lanced this debate was that in his eyes law was not applied everywhere as it should. In other words, law enforcement was not strict enough. The debate that followed soon focused on what is called the depenalization of cannabis use, which means that cannabis use should no longer be regarded as a criminal offense. This is different from legalisation of (the product) cannabis.

Since the debate on French drug policy started in 1994, three prestigious committees or organizations have, within a period of one year, declared themselves in favour of depenalizing cannabis use. The Government however, seems not to be willing to follow these recommendations.

The current debate on French cannabis policy is still going on. Although it is unclear what the outcome of the drug debate will be, one can say there is a growing body of opinion that cannabis use should no longer be punishable.

This article gives an overview of the situation regarding cannabis in France. First, the subject, cannabis in France, will be clarified with facts and figures. Is it hash or marijuana, where does it come from and which countries does it transit to reach France? Furthermore, information will be given on the price and quality of cannabis in France.

Secondly, a few data on the prevalence of cannabis use will be presented. Although few sound figures on the prevalence of drug use exist in France, the figures presented here will give an impression. Thirdly, the French drug law and law enforcement will be considered. As we will see, there is not *one* French drug policy. It is probably more correct to speak of several drug policies, depending on how the policy in a jurisdiction is defined by the head prosecutor. Finally, the opinions and

debates on the drug policy will be examined, both in the general public, public opinion, as in the professional circuit.

The article is a short version of an earlier, extended report on this subject. It is based on the results of three months of research in France, during which information was gathered from literature, government reports and press articles. In addition several television recordings on the subject of drugs or cannabis were viewed. Furthermore expert interviews were held with people from the judicial world (public prosecutors, lawyers, examining judges), people from the police force, people from the medical world and social service sector, streetworkers, scholars and, of course, cannabis users.

II. The Origin of Cannabis in France

Cannabis in France means in most cases Moroccan hash. Approximately 80% of the cannabis available on the French market is hash from Morocco. One can also find hash from other countries as Afghanistan and Pakistan and until a few years ago, Lebanon, but this is quite rare. Marihuana is even more rare. The marihuana one sometimes finds is from the Caribbean, Africa or the Netherlands. In the South of France there is some local marihuana production. This is generally small scale production destined for small networks of consumers.

According to figures of the OCRTIS,¹ which collects data from the national police and customs, 58,014 kilos of cannabis were intercepted in 1994. 55,890 kilos (96%) of this amount was hash. In 1993 the total amount of intercepted cannabis was 45,883 kilos, of which 44,840 kilos (98%) was hash.

Hash interceptions of the French police, gendarmerie and customs have increased remarkably the last years. In five years, from 1990 to 1994, they increased from 21,289 kilo's to 55,890 kilos. As said earlier, most of the hash in France, approximately 80%, is from Morocco. Unlike what many people think in France, and even sometimes in the Netherlands, this hash does not transit the Netherlands but comes directly, in most cases through Spain, into France. Although the French customs stop more people for possession of cannabis on the northern border (people coming from the Netherlands), the big cannabis seizures take place on the southern, Spanish border. Cars are here the most important way of transport.²

During the last five years only between 1% and 2% of the intercepted hash in France had its origin in the Netherlands (see table 1). The fact that most of the hash in France does not transit the Netherlands, but comes directly from Morocco, in most times through Spain, is in contrast with what is generally thought. How then, does the moroccan hash come into France?

Cannabis trafficking in France is generally on a small scale and consist of small networks. In many cases cars are used for crossing the border. Many of these networks are centred in the "banlieues", the working/lower class suburbs characterized by cheap high rise apartments, unemployment and a high proportion of immigrants, especially people from North Africa (Algeria, Morocco and Tunisia). Drug trafficking is sometimes seen in these areas as a alternative or a way out of

the miserable living conditions without prospect and is sometimes even stimulated by parents. This makes some people speak of the existence of an underground drug economy in the French suburbs.³

Table 1: Provenance of Hash Seized in France (in kilos)

	1990	1991	1992	1993	1994
Lebanon	206 (1,0%)	15.198 (47,7%)	494 (1,2%)	45 (0,1%)	0
Morocco	8.124 (38,2%)	6.961 (21,9%)	16.811 (41,3%)	23.700 (52,9%)	23.151 (41,4%)
Netherlands	125 (0,6%)	577 (1,8%)	455 (1,1%)	657 (1,5%)	812 (1,5%)
Pakistan	0	0	10.579 (26,0%)	2.291 (5,1%)	9.640 (17,2%)
Spain	6.461 (30,4%)	4.078 (12,8%)	3.867 (9,5%)	13.635 (30,4%)	10.923 (19,5%)
Other countries	914 (4,3%)	1.639 (5,1%)	4.439 (10,9%)	679 (1,5%)	2.030 (3,6%)
Unknown	5.458 (25,6%)	3.382 (10,6%)	4.014 (9,9%)	3.833 (8,5%)	9.334 (16,7%)
Total	21.289 (100%)	31.836 (100%)	40.658 (100%)	44.840 (100%)	55.890 (100%)

Source: Statistical Report OCRTIS 1994, Ministry of the Interior

III. The Prevalence of Cannabis Use in France

Unfortunately very few sound epidemiologic studies have been done in France on the prevalence of cannabis use. Most information one finds on this subject is based on surveys. The limitation of most of these surveys is that samples are too small to draw any sound conclusions. The disparities one sees between the findings of different surveys demonstrates this. The problem with other, sound surveys is that they don't take into account the frequency of use. Furthermore, some surveys do not make the distinction between different kinds of drugs, which makes the results not very useful. A few data that provide us some information will be presented here.

According to a survey done in 1992 by the market research organisation SOFRES, 4,7 million French people from the age group 12-44 have at one time smoked cannabis. This represents a life time prevalence of 19%.⁴ According to a number of studies that have been done in 1990, 1991 and 1992 by the French Committee of

Health Education, 30% to 40% of the people in the age groups 18-24 and 25-34 have at one time used cannabis.⁵

Another study, a survey carried by the French National Institute of Health and Medical Research, studied the prevalence of cannabis at secondary schools. The representative sample of this survey consisted of 12.466 high school students, making these data much more sound than the previous ones. If you look at the age group 11-19, 12% has at one time used cannabis. The oldest of this age group, those who are 18 or 19, 29% has at one time smoked cannabis.⁶ Of those who have ever used cannabis, 40% belongs to the regular users, which is defined by the researchers as at least ten times.

The figures presented here are to give an idea about the prevalence of cannabis use in France. If you compare these and other French data of cannabis prevalence to European data, then cannabis prevalence in France does not seem to be exceptionally high or low, but again, most figures are not very sound. There also exist some sociological, qualitative studies that have been carried out in disadvantaged areas of the *banlieues*, the suburbs. According to the estimations of some reports, in some neighbourhoods 50% to 80% of the young people has smoked cannabis.⁷

Looking at the big disparities that exist between different studies concerning cannabis use, one cannot make any sound estimation. Therefore, one can only cautiously conclude that cannabis use is certainly not a rare phenomenon in France. Especially among young people use seems to be quite widespread. My personal impression, from what I have seen over the years in the Netherlands and France, is that more people use in France than in the Netherlands. More striking is the extend of cannabis use in France, which sometimes reminds Dutch people of Scandinavians drinking alcohol.

IV. French Law on Cannabis Use and Its Application

The French drug law is called the law of 31 December 1970. This law forbids all drug use, no matter the circumstances and no distinction is being made between different kinds of drugs. Before 1970 drug use in private was not liable to penalty. The reason law become more severe should be regarded in view of the protest movements of 1968.

On March 1st 1994 a new law came into force, the new penal code (*Nouveau Code Pénal*). Since this date all statutory provisions concerning drugs, with the exception of drug use, have been transferred to this code.

This means law makes a difference between drug possession and drug use. Possession of cannabis falls under the new penal code, whilst use still falls under the law of 1970.

The penalties for cannabis use are a sentence from two months up to a year and/or a fine from 500 Francs to 25,000 Francs. The more serious criminal offences like possession, cultivation or trafficking of drug (cannabis) can be punished much more severely, up to ten years sentence (and from 500.000 to 50 million French Francs).

During the seventies and eighties the Ministry of Justice has issued several directives concerning prosecution of drug users. Some of these directives called for not prosecuting cannabis users. However, directives are in France always subordinate to law, therefore it is the head prosecutor who in practice defines the actual law enforcement policy in a district. Given the fact there are 180 (district) courts in France, one could say there are 180 different drug policies. Therefore, the real drug policy can change from one place to the other, of which are many examples. Where cannabis use or the possession of small amounts of cannabis (for personal use) is not prosecuted in some places, one is prosecuted in other places. In big cities one sees a growing tolerance from the side of the police, especially in the lower class areas like the banlieues. In the rural areas cannabis use is in many cases prosecuted.

As said before, buying selling and drug possession fall under another code and are being considered more serious criminal offences that are in most cases prosecuted.

One final remark should be made here. Cannabis use may not always be prosecuted, this does mean use is tolerated. Someone using cannabis or found to be carrying a small quantity of cannabis, for example during a police identity control, is still taking to the police station. While he may not be prosecuted, there is a large chance he will be taken into custody and will have to spend the night in prison, consequently most likely making him late for school or work the next day.

V. The Debate on the Cannabis Policy

For a number of years, there has been a discussion in France on cannabis policy. This debate is centred on the question of depenalization, which denotes that use should no longer being considered a criminal offence.

Since this debate started in 1994, three prestigious committees or organizations have, within a period of one year, declared themselves in favour of depenalizing cannabis use: the association of psychiatrists engaged in addiction (*Association des Intervenants en Toxicomanie*), the National Consultative Ethical Committee (*Comité Consultatif National d'Ethique*) and the *Commission Henrion*. The latter being the official State Commission charged with reconsidering the French drug policy. After having worked on the subject for almost a year, the commission Henrion published its report in the spring of 1995. The commission not only declared itself being in favour of the depenalization of cannabis use, but after a trial period of two years, the commission calls for the *regulation* of the retail of cannabis, which implies in fact legalization.

The Government however, seems not to be willing tot follow these recommendations. The day the Henrion Commission published its report, the then prime minister Edouard Balladur declared on national television French drug policy would not be changed. Since Jacques Chirac has been elected as president of France in the summer of 1995, the possibility of a change in French drug law is even more unlikely.

One of the possible reasons of the tough stance of French politicians regarding cannabis, is that Gabriel Nahas has been very influential in this field. If there is one country where cannabis policy has been under the influence of Nahas, it is probably France. In fact, Nahas has been the (unofficial) consultant of Jacques Chirac during Chirac's years as mayor of Paris and during his two-years period as prime minister from 1986-1988.

In April 1992 the city of Paris and the National Academy of Medicine organized a congress on illegal drugs. Gabriel Nahas was member of the scientific committee of this congress. Jacques Chirac, at the time mayor of Paris, spoke the opening words of the congress, which one can read in the congress proceedings. Among other things Chirac stated:

“The conclusions of this prestigious meeting are clear. The toxicity of cannabis has now been well established, especially for the central nervous system. Consumption leads inevitably a large number of users to heroine or cocaine. Consequently the distinction between the so-called soft and hard drugs and any idea of liberalizing of this substance should therefore be rejected.”¹⁸

VI. Conclusion

This article gives an overview of the situation regarding cannabis in France. The following subjects have successively been discussed: the origin of cannabis that is intercepted in France, the prevalence of use, French drug law and its application, and the current debate on the cannabis policy.

For a Dutch person familiar with a liberal drug policy it is sometimes a bit amazing to see a prohibitive drug policy like in France, which although its repressive nature, does not seem to be able to limit use. The considerable difference that exists between Dutch and French drug policy is causing problems between the two countries. The French are criticizing the Dutch liberal drug policy and are blaming the Dutch for the negative spill-over effects of their policy. One of the arguments one hears often is that big quantities of cannabis in France find their origin in the Netherlands. However, even according to the official data of police and customs, there is no evidence that suggests this. As shown, during the last five years it was between 1% and 2% of the intercepted hash in France had its origin in the Netherlands.

The French law on drug use is severe: every use, no matter the circumstances, is liable to penalty. The maximum penalties for cannabis use are a sentence from two months up to a year and/or a fine from 500 Francs to 25,000 Francs. However, law is rarely applied in this way. In practice the application of the law for a large degree depends on how the head prosecutor has defined the policy in his district. In some urban areas there is growing tolerance concerning cannabis use, whilst in the rural areas use is sometimes still prosecuted.

For a number of years, there has been a debate on cannabis policy. Several committees and organizations have declared themselves being in favour of depenalizing cannabis use, the most important one being the Henrion Commission,

the official state commission charged with reconsidering French drug policy. The government however, does not seem to be willing to take a more liberal stance towards cannabis use. Instead, the government has proposed increased penalties for drug law violations.

1Office Centrale pour la Répression du Trafic Illicite des Stupéfiants (OCRTIS), part of the Ministry of the Interior.

2See: 'La douane et la lutte contre la drogue et la toxicomanie', *Les notes bleues de Bercy*, June 1-15, 1995, pp. 64-65 (Ministry of Finance).

3See: *Conseil National des Villes & Maison des Sciences de l'Homme* (1994), *L'économie souterraine de la drogue*, La Plaine-Saint-Denis: Conseil National des Villes. This study was carried out under responsibility of Michel Schiray of the *Ecole des Hautes Etudes en Sciences Sociales* (EHESS).

4SOFRES (1992), *La consommation de haschich parmi les 12-44 ans*.

5Comité Français d'Education pour la Santé (1992), *Une note de synthèse*. This article gives an overview of prevalence data of surveys that have been carried out in 1990, 1991 and 1992.

6Marie Choquet & Sylvie Ledoux (1994), *Adolescents. Enquête nationale*, Institut National de la Santé et de la Recherche Médicale (INSERM).

7See: *Conseil National des Villes & Maison des Sciences de l'Homme* (1994), op.cit.

8See the congress proceedings: Mairie de Paris & Académie Nationale de Médecine, *Textes et documents. Colloque scientifique international: les drogues illicites. Paris le 8 & 9 avril 1992*.