

Some Unthinking of the Impact of Traffic Regulation

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ABSTRACT

It is one of the recurrent arguments of the opponents of cannabis legalization: the drying up of the traffic, which would allow law enforcement agencies to fight against other more dangerous drugs and other criminal scourges. However, there is no study to support this claim. The configuration of cannabis trafficking to France today even allows for strong doubts, given the geographical and cultural proximity of the actors of the traffic to Morocco.

Keywords: legalization, drugs, cannabis, trafficking, Morocco

Algunos sin pensar en el impacto de la regulación del tráfico

RESUMEN

Es uno de los argumentos recurrentes de los opositores a la legalización del cannabis: el agotamiento del tráfico, lo que permitiría a las fuerzas del orden luchar contra otras drogas más peligrosas y otras lacras criminales. Sin embargo, no hay ningún estudio que respalde esta afirmación. La configuración del tráfico de cannabis a Francia hoy incluso permite fuertes dudas, dada la proximidad geográfica y cultural de los actores del tráfico a Marruecos.

Palabras clave: legalización, drogas, cannabis, tráfico, Marruecos

非法交易监管的影响：不计后果

摘要

非法交易的枯竭将使执法机构能够打击其他更危险的毒品和犯罪祸害，这是大麻合法化反对者反复提出的论点之一。不

过，没有研究支持该论点。鉴于大麻贩运者在地理和文化上与摩洛哥接近，如今向法国贩运大麻的情况甚至令人产生强烈怀疑。

关键词：合法化，毒品，大麻，非法交易，摩洛哥

This is one of the recurrent arguments of the opponents of cannabis legalization: the drying up of cannabis trafficking would allow law enforcement to fight against other more dangerous drugs and other criminal scourges. However, there is no research to support this claim (I). The configuration of cannabis trafficking to France today makes it highly doubtful (II).

The reasons why countries opt for this change in legislation may be primarily economic, or with liberal tendencies as in the United States, they all also put forward the expected decrease in traffic. This was even the first reason given by Uruguay in 2013. A parliamentary report¹ last spring defended the principle of a “supervised” legalization, in particular “to regain control of a traffic that is today in the hands of mafia networks.” However, the impact of legalization on criminal networks cannot be known in advance, its authors also recognized. Surveys carried out in the states that have legalized cannabis show that the impact on the black market is real, but far from stopping the traffic.

In Canada, where cannabis was legalized in 2018, the black-market share of consumer supply became a minority for the first time in the third quarter of 2020,² with 574 million spent in the legal market compared to 549 million from traffickers. The trend persisted, as in the 2^e quarter of 2021, the share of the black market had fallen further to 40% of purchases. According to an OFDT study of January 2021,³ which focused on the 15 American states that have legalized possession and consumption in recent years: Criminal groups are still largely invested in the black market for cannabis and are developing other forms of trafficking (heroin and methamphetamine) in order to compensate for the economic losses caused by the partial drying up of their outlets. The black market still accounts for 30 to 40 percent of demand, depending on the state. Further, the results of the Cannalex⁴ study in 2017 showed that the activities of transnational criminal groups had “not been fundamentally challenged by the legalization of cannabis” a few years after its implementation in Colorado, Washington and Uruguay.

“The legalization of a prohibited phenomenon never hinders its trafficking, but changes its contours,”⁵ a commissioner of the Central Office for the Repression of Illicit Drug Trafficking (now the Anti-Drug Office) had analyzed in 2019. Arms and tobacco trafficking demonstrate that smuggling does not stop with the legal regulation of the sale of dangerous products. The parallel market of manufactured

cigarettes was recently evaluated by a parliamentary information report⁶ between 9 and 12% of total consumption and around 30% for rolling tobacco. On the other hand, the comparison is limited with alcohol, where the black market is now marginal.

A shift in trafficking to other drugs

Among the consequences of legalizing cannabis in France, police officers specialized in the fight against drugs point out that traffickers would turn to other criminal activities to compensate for the loss of income. They would turn to the trade of harder drugs or to violent actions such as robbery or racketeering in order to keep the illicit income that would “sustain” entire neighborhoods. The discussion is unprecedented. It also suffers from a lack of historical perspective, given that these so-called disadvantaged neighborhoods have not always been irrigated by trafficking money, at least not before the years 1990–2000.

Northwestern University researcher Heyu Xiong has come to the same conclusion after studying the consequences of cannabis legalization in Colorado, Washington and Oregon.⁷ His research shows that traffickers respond to the changing legal environment “by escalating the level of systemic violence.” At least 7 to 11 percent of former marijuana dealers have switched to distributing other drugs following legalization. More generally, the researcher suggests that a change in cannabis market law should not be viewed in isolation from other drugs available in a jurisdiction and the labor force available in that sector.

The persistence of French routes of Moroccan cannabis

The geopolitics of cannabis trafficking in Morocco and France must also be considered. Morocco, the world’s largest producer of cannabis, which alone supplies 90% of the European market,⁸ is also the largest supplier of resin to France. The gradual modernization of the cannabis industry in the riif⁹ has enabled producers to better meet the quality requirements of French consumers, particularly with the ever higher THC levels, which are more harmful to consumers’ brains. If in the mid-1990s, the THC content of seized cannabis was less than 10%, in 2016, the majority of seizures had a content of more than 20%,¹⁰ and they now regularly reach 30%. But the main question is to what extent this massive influx might no longer be destined for France.

On this point, no country where legalization is taking place has as close proximity to a producing country, so the comparison is impossible. But geography must be taken into account. Indeed, southern Spain and northern Morocco meet like two parts of an hourglass until the Strait of Gibraltar, which separates them by only fourteen kilometers. Spain alone cannot act as a containment wall and is, unsurprisingly, the main entry point for resin trafficking into Western Europe. It

also shares with France its only land border to northern Europe. Moroccan cannabis is therefore partly transported through France to Italy, Germany, Belgium, the Netherlands, and parts of Northern Europe. A June 2019 note from the Central Directorate of Judicial Police estimates that at least 25% of the resin seized in 2018 in France was destined for other European markets. A commissioner who has been fighting drug trafficking for thirty years estimates between 5 and 10% maximum, the share of seized cannabis that enters the national territory. With this calculation, at least 850 tons of resin would pass through France. This means that we should have no illusions about the persistence of a French illegal cannabis route, as it is so well established.

Another difficulty is that the Moroccan diaspora, particularly powerful in Spain, the Netherlands, but also in France, has influenced cannabis production in Morocco and its importation since the 1990s. Family networks are recurrently confused with exporting, importing, and distributing networks in police investigations of resin dealers. French traffickers with family origins in North Africa also show an “ease” in making contact with Moroccan *jebellis* (intermediaries) and exporters because of a shared culture and language.¹¹

Finally, the latest World Bank report on migration and remittances estimates that in 2020 Morocco received nearly 8.2 billion euros in remittances, far more than official development assistance. Generally speaking, France is the 3rd country from which remittances to the kingdom come.¹² And the families are often from the Rif, a specific region of international emigration, according to Ayad Zaroual, a researcher at LISST.¹³ “These remittances represent 60 to 70 per cent of commercial bank deposits in the eastern Rif region,” says the Moroccan researcher. It is impossible to determine how much of these remittances come from drug trafficking revenues in France, but these data may be relevant to the possible effects of cannabis legalization on trafficking.

Endnotes

- 1 Parliamentary information report on the regulation and impact of the different uses of cannabis, commission chaired by Robin Reda, 28 June 2021 <https://www2.assemblee-nationale.fr/content/download/349566/3439035/version/1/file/Rapport+Cannabis+FINAL+v4.pdf>
- 2 Data: Statistics Canada 2021-08-31: Detailed household final consumption expenditure, Canada, quarterly: <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=3610012401>
- 3 OFDT (January 2021) - La légalisation du cannabis aux États-Unis Modèles de régulation et premier bilan. Note n° 2021-1, Paris, Ivana Obradovic. See: <https://www.ofdt.fr/BDD/publications/docs/eisxiow3.pdf>

- 4 INHESJ-OFDT (2016). CANNALEX: a comparative analysis of regulatory experiences. Cannabis (Colorado, Washington State, Uruguay), Paris. See: <https://www.ofdt.fr/europe-et-international/projets-internationaux/cannalex/>
- 5 Claire Andrieux, *La Guerre de l'ombre, le livre noir du trafic de drogue*, Denoël, 2020.
- 6 Information report of the National Assembly's Finance Committee on the evolution of tobacco consumption and the yield of the tax applicable to tobacco products during containment and the lessons that can be learned from it, September 9, 2021. https://www.assemblee-nationale.fr/dyn/15/rapports/cion_fin/115b4498_rapport-informaticion#_Toc256000030
- 7 Heyu Xiong, "Displacement in the criminal labor market: Evidence from drug legalizations," Northwestern University, October 2018.
- 8 DCPJ Division of Studies, Strategic Analysis, and International Relations (DEASRI) memo, "Cannabis resin production and routes," April 2018.
- 9 Pierre-Arnaud Chouvy and Jennifer Macfarlane, "Agricultural innovations in Morocco's cannabis industry," *International Journal of Drug Policy*, 2018.
- 10 DCPJ Division of Studies, Strategic Analysis, and International Relations (DEASRI) memo, "Cannabis resin production and routes," April 2018.
- 11 See Claire Andrieux, *op. cit.*
- 12 France accounts for 10 percent of remittances to Morocco, behind the United States (14 percent), and Saudi Arabia (12 percent). *Migration and Development Brief* 35 November 2021 Dilip Ratha, Eung Ju Kim, Sonia Plaza, Ganesh Seshan, Elliott J Riordan, and Vandana Chandra. KNOMAD-World Bank, Washington, D.C. https://www.knomad.org/sites/default/files/2021-11/Migration_Brief%2035_1.pdf
- 13 Interdisciplinary Laboratory on Solidarity, Society and Territory. See <https://blogs.mediapart.fr/ayad-zaroual>. The State, the Rif and the Diaspora, July 12, 2018, Ayad Zaroual.