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# Changes in the Estonian Cannabis Debate

## 1. Introduction

In recent years, a shift in drug-politics discourse has taken place in various Western countries from a punitive towards a more liberal approach. The Global Commission on Drug Policy (GCDP) stressed in its 2011 report that the war on drugs has failed and that fundamental reforms of global drug-control policies are urgently needed<sup>1</sup>. A report recently published by the group recommended that countries put an end to civil and criminal penalties for drug use and possession<sup>2</sup>. By 2016, four states<sup>3</sup> in the US had legalised recreational use of cannabis, and 23 states have legalised marijuana for medical use<sup>4</sup>. Federal marijuana legalisation in Canada will be introduced in the coming years<sup>5</sup>. Even in the states of Latin America, as varied as they are, an urgent need to reform drug policy has been spoken of lately<sup>6</sup>. In Uruguay, use and sale of cannabis have been allowed since 2013<sup>7</sup>. However, there is no consensus on regulation of illicit drugs in the world. At the UN General Assembly held in April 2016, it was generally acknowledged that the objectives of the prohibition policy have not been achieved, yet it was decided, though not unanimously, to carry on as before<sup>8</sup>.

As of today, no government in Europe has legalised cannabis. Contrary to the common perception that cannabis is legal in the Netherlands, this is not entirely true pursuant to the Dutch legislation<sup>9</sup>. They have merely arrived at a consensus that cannabis use will not be punished by the authorities. Several European countries, among them Portugal, Spain, the Czech Republic, and Italy, have decriminalised the use

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<sup>1</sup> GCDP. War On Drugs: Report of the Global Commission on Drug Policy. 2011. Available at [http://www.globalcommissionondrugs.org/wp-content/themes/gcdp\\_v1/pdf/Global\\_Commission\\_Report\\_English.pdf](http://www.globalcommissionondrugs.org/wp-content/themes/gcdp_v1/pdf/Global_Commission_Report_English.pdf) (most recently accessed on 29.11.2016).

<sup>2</sup> GCDP. Advancing drug policy reform: A new approach to decriminalization. 2016. Geneva: Global Commission on Drug Policy. Available at <http://www.globalcommissionondrugs.org/reports/advancing-drug-policy-reform/> (most recently accessed on 30.11.2016).

<sup>3</sup> These states are Washington, Colorado, Alaska, and Oregon.

<sup>4</sup> S.T. Wilkinson et al. Marijuana legalization: Impact on physicians and public health. – *Annual Review of Medicine* 67 (2015), pp. 453–466. DOI: <https://doi.org/10.1146/annurev-med-050214-013454>.

<sup>5</sup> Canada plans marijuana legalization by spring 2017: Minister. NBC News, 20.4.2016. Available at <http://www.nbcnews.com/business/consumer/canada-plans-marijuana-legalization-spring-2017-minister-n559361> (most recently accessed on 27.11.2016).

<sup>6</sup> See materials from Drug Law Reform on the situation in Latin America, from 2016, at <http://www.druglawreform.info/en/country-information> (most recently accessed on 10.10.2106).

<sup>7</sup> Uruguay's drug policy: Major innovations, major challenges: Improving global drug policy. Comparative Perspectives and UNGASS 2016. Available at <https://www.brookings.edu/wp-content/uploads/2016/07/Walsh-Uruguay-final.pdf> (most recently accessed on 3.8.2017).

<sup>8</sup> UNODC. Outcome document of the 2016 United Nations General Assembly Special Session on the World Drug Problem. Available at <http://www.unodc.org/documents/postungass2016//outcome/V1603301-E.pdf> (most recently accessed on 14.8.2017).

<sup>9</sup> EMCDDA. Legal topic overviews: Possession of cannabis for personal use. 2016. Available at <http://www.emcdda.europa.eu/legal-topic-overviews/cannabis-possession-for-personal-use> (most recently accessed on 27.11.2016).

of cannabis; i.e., it is not a criminal offence but a misdemeanour. The Estonian media's oversimplified approach to the Portuguese depenalisation model has reinforced the common misconception that consumption is perfectly legal over there. Unlike in Estonia, large amounts of attention are paid to treatment and rehabilitation of addicts in Portugal. Nonetheless, according to that country's laws, possession of the substance for more than 10 days' average consumption constitutes a criminal offence, that is quite similar to the situation in Estonia (*resp.* ten average doses)<sup>10</sup>. Recently, attempts to embrace a 'softer' cannabis policy have become visible in various parts of Europe. For instance, Copenhagen's mayor is working to legalise cannabis sale<sup>11</sup>. The prohibitionist cannabis policy is even being challenged in Sweden<sup>12</sup>. In recent years, pro-legalisation sentiments are emanating from various media outlets of additional countries; e.g., the *Times* has openly declared its support for the pro-legalisation camp in the UK<sup>13</sup>.

In Estonia, some prominent jurists (J. Sootak, P. Randma, and P. Vahur) have recognised the need to reduce sentences for use and possession of cannabis or even legalise its use, as the existing punishments in place are a clear indication of overcriminalisation<sup>14</sup>. According to them, when it comes to punishment, generally there is no holding back<sup>15</sup>. In substantial numbers, Estonians are eager to experiment with this drug. Recently published results of a survey on drug use among Estonian students reveal that 38% of 15–16-year-olds have tried some illicit drug<sup>16</sup>. Hence, there are quite a few potential lawbreakers in Estonia<sup>17</sup>. Several scholars have considered it immoral to maintain such a desperate gap between reality and the laws<sup>18</sup>. In Estonia, cannabis legalisation has become the subject of wider public discussion too in the last few years<sup>19</sup>. According to the media-monitoring company Baltic Media Monitoring Group (BMMG), regulation of cannabis was high on the media agenda in Estonia in 2015<sup>20</sup>.

It is important to study the press coverage of drug-policy issues because the media's role in shaping opinion on drug-regulation issues among the leading politicians, governments, and general public should not be underestimated<sup>21</sup>. News portals and online versions of the major newspapers are, alongside scientific publications, health magazines, television, and social media outlets, an important factor in raising public awareness of drugs<sup>22</sup> and in forming relevant drug policy<sup>23</sup>. News-media coverage both reflects and

<sup>10</sup> Act on Narcotic Drugs and Psychotropic Substances and Precursors Thereof. Available at <https://www.riigiteataja.ee/en/eli/506052016001/consolide> (most recently accessed on 14.8.2017), paragraph 31.

<sup>11</sup> O. Rogeberg. Drug policy, values and the public health approach: Four lessons from drug policy reform movements. – *Nordic Studies on Alcohol and Drugs* 32 (2015) / 4, pp. 347–364. DOI: <https://doi.org/10.1515/nsad-2015-0034>.

<sup>12</sup> J. Månsson, M. Ekendahl. Protecting prohibition: *The role of Swedish information symposia in keeping cannabis a high-profile problem*. – *Contemporary Drug Problems* 42 (2015) / 3, pp. 209–225. DOI: <https://doi.org/10.1177/0091450915599348>.

<sup>13</sup> The Times calls for decriminalisation of all illegal drugs. – *The Guardian*, 16.6.2016. Available at <https://www.theguardian.com/media/greenslade/2016/jun/16/the-times-decriminalisation-drugs> (most recently accessed on 25.11.2016).

<sup>14</sup> J. Sootak, P. Randma. Narkokriminaalpoliitika või narkopoliitika? ['Criminal drug policy or drug policy?']. – *Akadeemia* 2006/6, pp. 1325–1364 (in Estonian).

<sup>15</sup> J. Sootak. Narkokurjategijaks saada on liiga lihtne ['It's too easy to become a drug offender']. – *Postimees*, 7.7.2009 (in Estonian).

<sup>16</sup> NIHD. Uimastite tarvitamine koolinoorte seas: 15-16-aastaste õpilaste legaalsete ja illegaalsete narkootikumide kasutamine Eestis ['Drug use among schoolchildren: Use of legal and illegal drugs by 15–16-year-old students in Estonia']. National Institute of Health Development, pp. 17–18 (in Estonian).

<sup>17</sup> J. Sootak (see Note 15).

<sup>18</sup> R. Villems. Kanepi pruukimise võiks dekriminaliseerida! ['Use of cannabis could be decriminalised']. – *Eesti Päevaleht*, 30.12.2009. Available at <http://forte.delfi.ee/news/teadus/akadeemik-kanepi-pruukimise-voiks-dekriminaliseerida?id=28190511> (most recently accessed on 3.8.2017); M. Järvelaid. Keelatud kanep mõjub ohutumalt kui seadustatud alkohol ja tubakas ['Forbidden hemp is more safe than the allowed alcohol and tobacco']. – *Eesti Ekspress*, 8.8.2009 (in Estonian).

<sup>19</sup> F. Elkind. Narkootikumid ühiskonnas ja nende representatsioonid Eesti ajalehtede *online* versioonides ['Illicit drugs in society and their representations in the **online** versions of the Estonian newspapers']. MA thesis. Tallinn: Tartu Ülikool 2016 (in Estonian).

<sup>20</sup> Kanep eesti ajakirjanduses, 01.01 – 13.12 2015 ['Hemp in the Estonian press, 1.1–13.12.2015']. Tallinn: Baltic Media Monitoring Group 2016 (in Estonian).

<sup>21</sup> S. Lenton. Pot, politics and the press – reflections on cannabis law reform in Western Australia. – *Drug and Alcohol Review* 23 (2004) / 2, pp. 223–233. DOI: <https://doi.org/10.1080/09595230410001704226>.

<sup>22</sup> P. Bell. Drugs and the media. – *Australian Alcohol/Drug Review* 4 (1985) / 2, pp. 235–242. DOI: <https://doi.org/10.1080/09595238580000401>; W.D. Crano, M. Burgoon. *Mass Media and Drug Prevention: Classic and Contemporary Theories and Research*. 2002. DOI: <https://doi.org/10.4324/9781410603845>; K. Lancaster et al. Illicit drugs and the media: Models of media effects for use in drug policy research. – *Drug and Alcohol Review* 30 (2011) / 4, pp. 397–402. DOI: <https://doi.org/10.1111/j.1465-3362.2010.00239.x>.

<sup>23</sup> S. Lenton (see Note 21); *ibid.*

influences the national dialogue about policy issues<sup>\*24</sup>. Mass media have been identified as a ‘battleground’ in the drug field<sup>\*25</sup>. According to N. Fairclough, the media should be seen as offering valuable material for researching social change<sup>\*26</sup> and newspaper articles are very relevant material for investigating shifts in public debate<sup>\*27</sup>.

This paper is intended to describe how the issue of cannabis regulation has been addressed in online versions of Estonia’s major dailies (*Postimees* and *Eesti Päevaleht*) and by the main news portal, Delfi. The author of this article is interested in how the Estonian press has reacted to a situation wherein Estonia’s biggest role model, the US (along with Canada), pursues a more lenient drug policy while the official policy in Estonia continues on a rather punitive course: how is the press responding to all this? Is the press open to diverse views on drug policies, or is it rather focused on the official discourse? Who is given voice by journalists in the drug-politics debate? Which approach to cannabis (continuing to ban it vs. advocating legalisation) prevails in opinion pieces? What are the main arguments both for and against cannabis legalisation? How has the coverage changed with time?

The remainder of the article is organised such that the next section gives an overview of the major studies on cannabis and the media, with the third section then discussing cannabis use and regulation in Estonia. After this, methodology of the study presented here is introduced, and the main parts of the article present results of press analysis. A summary closes the article.

## 2. Earlier studies on cannabis representations in the news media

Many studies have focused on media and illicit drugs<sup>\*28</sup>. Some scholars have found that marijuana has long been portrayed negatively through purported ties to violence and racial/ethnic stereotypes in the US press<sup>\*29</sup>. Researchers from various countries have found that media coverage of cannabis has been predominantly associated with law enforcement, criminality, and legal issues<sup>\*30</sup>. Studies show that press pieces tend to echo law-enforcement claims surrounding issues of drug policy<sup>\*31</sup>. Recently it has been found that the situation is changing in the Western world<sup>\*32</sup>.

<sup>24</sup> E. McGinty et al. The emerging public discourse on state legalization of marijuana for recreational use in the US: Analysis of news media coverage, 2010–2014. – *Preventive Medicine* 90 (2016), pp. 114–120. DOI: <https://doi.org/10.1016/j.ypmed.2016.06.040>; D.A. Graber, J. Dunaway. *Mass Media and American Politics*. CQ Press 2014.

<sup>25</sup> J. Månsson, M. Ekendahl (see Note 12).

<sup>26</sup> N. Fairclough. *Media Discourse*. London; New York; Sydney; Auckland: Arnold 1995.

<sup>27</sup> J. Månsson, M. Ekendahl (see Note 12).

<sup>28</sup> S.J. Bright et al. What can we say about substance use? Dominant discourses and narratives emergent from Australian media. – *Addiction Research and Theory* 6 (2008) / 2, pp. 135–148. DOI: <https://doi.org/10.1080/16066350701794972>; C. Reinerman et al. Crack in context: Politics and media in the making of a drug scare. – *Contemporary Drug Problems* 16 (1985) / 4, pp. 535–577; M. McArthur. Pushing the drug debate: The media’s role in policy reform. – *Australian Journal of Social Issues* 1999/May, pp. 149–165. DOI: <https://doi.org/10.1002/j.1839-4655.1999.tb01075.x>; G. Lawrence et al. Sending the wrong message: Analysis of print media reportage of the ACT heroin prescription trial proposal, August 1997. – *Australian and New Zealand Journal of Public Health* 24 (2000), pp. 254–264. DOI: <https://doi.org/10.1111/j.1467-842x.2000.tb01565.x>; A. Elliott, S. Chapman. ‘Heroin hell their own making’: Construction of heroin users in the Australian press 1992–97. *Drug & Alcohol Review* 19 (2000), pp. 191–201. DOI: <https://doi.org/10.1080/713659328>; K. Beckett. Setting the public agenda: Street crime and drug use in American politics. – *Social Problems* 41 (1994) / 3, pp. 425–447. DOI: <https://doi.org/10.2307/3096971>; etc.

<sup>29</sup> M.A. Kleinman. *Against Excess: Drug Policy for Results*. New York: Basic Books 1992; B. Kilmer et al. *Marijuana Legalization: What Everyone Needs to Know*. New York: Oxford University Press 2012.

<sup>30</sup> C.E. Hughes et al. How do Australian news media depict illicit drug issues? An analysis of print media reporting across and between illicit drugs, 2003–2008. – *International Journal of Drug Policy* 22 (2011) / 4, pp. 285–291. DOI: <https://doi.org/10.1016/j.drugpo.2011.05.008>; S. Cross. Under a cloud: Morality, ambivalence and uncertainty in news discourse of cannabis law reform in Great Britain. In P. Manning (ed.). *Drugs and Popular Culture: Drugs, Media and Identity in Contemporary Society*, pp. 134–149. Cullompton: Willan Publishing 2007.

<sup>31</sup> S. Taylor. Outside the outsiders: Media representations of drug use. – *Probation Journal* 55 (2008) / 4, pp. 369–387. DOI: <https://doi.org/10.1177/0264550508096493>; S. Boyd, C. Carter. Methamphetamine discourse: Media, law, and policy. – *Canadian Journal of Communication* 35 (2010) / 2, pp. 219–237. DOI: <https://doi.org/10.22230/cjc.2010v35n2a2207>.

<sup>32</sup> J. Månsson, M. Ekendahl (see Note 12); J. Månsson. A dawning demand for a new cannabis policy: A study of Swedish online drug discussions. – *International Journal of Drug Policy* 25 (2014) / 4, pp. 673–681. DOI: <https://doi.org/10.1016/j.drugpo.2014.04.001>.

In the last three years, some in-depth studies on cannabis and the media have been carried out. E. McGinty and colleagues recently studied the emerging public discourse on state legalisation of marijuana for recreational use in the US<sup>33</sup>. They explored the volume and content of news stories on drug-politics issues and found that news-media coverage of recreational marijuana policy was heavily concentrated in the news outlets from the four states that had recently legalised marijuana. The most frequent pro-legalisation arguments posited that legalisation would reduce criminal-justice involvement/costs and increase tax revenue. Anti-legalisation arguments were centred on adverse public-health consequences. They concluded that, as additional states continue to debate legalisation of marijuana for recreational use, it is critical for the public-health community to develop communication strategies that accurately convey the rapidly evolving research evidence related to recreational-marijuana policy.

J. Månsson analysed how cannabis is constructed in Swedish print media and whether this has changed over time<sup>34</sup>. Sweden is known for its prohibitionist cannabis policy, but this approach seems to be increasingly challenged in both international and domestic arenas. It was, therefore, important to understand whether and how this international change was mirrored and processed in a key arena such as print media. Newspaper articles from 2002 and 2012 were analysed, for exploring of continuity and change. The analysis showed that print media in both years seemed to draw mainly on a juridical, a social-problems, and a medical discourse when portraying cannabis. While there was strong continuity in these cannabis constructions, the analysis also showed signs of change. For example, in 2012 there were articles drawing on economic and recreational discourses. There was a global outlook enabling new cannabis constructions. The author concluded that the Swedish print media generally have a crime-centred and deterrent approach towards cannabis, with prohibition at the heart of the reporting. International events, however, introduced discursive alternatives by 2012.

O.H. Griffin and colleagues studied how marijuana was depicted in The New York Times from 1851 to 1950<sup>35</sup>. The researchers did not provide evidence that the coverage of marijuana escalated to a level of media hysteria. However, there was certainly a considerable number of articles providing coverage of the drug in that time. Several scholars have argued that in the earlier part of the twentieth century, especially in the 1930s, the media associated marijuana mainly with violence and mental illness and they often linked marijuana with Mexican immigrants. Conversely, the authors found that depictions of violence occurred but were not prevalent. There was some evidence to support a conclusion that marijuana was often linked to people of Mexican descent, but these reports were not particularly frequent and were primarily restricted to the 1930s. The published articles rarely mentioned addiction, and in a few instances they actually implied that marijuana did not pose a great danger. Moreover, reports of marijuana being associated with mental illness or organised crime were not common.

In Belgium, J. Tieberghien and T. Decorte explored the complex relationship between policy and science in the drugs field. Using the Belgian drug-policy debate (1996–2003) as a case study, they critically explored the role of scientific knowledge in this debate. An examination of how scientific knowledge was used in policy documents has demonstrated rather strong utilisation. However, utilisation was often subordinate to the complexity of the policy-making process, involving not only scientific knowledge but also interests, electoral ambitions, etc. Likewise, scientific knowledge was also shaped and distorted by conflicting values and interests<sup>36</sup>. S.R. Sznitman and N. Lewis examined the framing of cannabis for therapeutic purposes (CTP) in Israeli media coverage (2007–2013) and the association between media coverage and trends in the granting of CTP licences in Israel over time<sup>37</sup>. They found that in the majority of the news articles analysed (69%), cannabis was framed as a medicine, although in almost a third of the articles (31%) cannabis was framed as an illicit drug. The authors concluded that the relatively large proportion of news items framing cannabis as a medicine is consistent with growing support for the expansion of Israel's CTP

<sup>33</sup> E. McGinty et al. (see Note 24).

<sup>34</sup> J. Månsson. The same old story? Continuity and change in Swedish print media constructions of cannabis. – *Nordic Studies on Alcohol and Drugs* 33 (2016) / 3, pp. 267–285. DOI: <https://doi-org.ezproxy.utlib.ut.ee/10.1515/nsad-2016-0021>.

<sup>35</sup> O.H. Griffin et al. Sifting through the hyperbole: One hundred years of marijuana coverage in The New York Times. *Deviant Behavior* 34 (2013) / 10, pp. 767–781. DOI: <https://doi.org/10.1080/01639625.2013.766548>.

<sup>36</sup> J. Tieberghien, T. Decorte. Understanding the science-policy nexus in Belgium: An analysis of the drug policy debate (1996–2003). – *Drugs: Education, Prevention and Policy* 20 (2013) / 3, pp. 241–248. DOI: <https://doi.org/10.3109/09687637.2012.759904>.

<sup>37</sup> S.R. Sznitman, N. Lewis. Is cannabis an illicit drug or a medicine? A quantitative framing analysis of Israeli newspaper coverage. – *International Journal of Drug Policy* 26 (2015) / 5, pp. 446–452. DOI: <https://doi.org/10.1016/j.drugpo.2015.01.010>.

programme. Thus, in the wide world, only a few studies focus on the role of the media in the cannabis debate in recent years, which have witnessed change in the global drug-related political discourse. This article fills the gap, analysing the discussion of cannabis legalisation in the Estonian media.

### 3. Cannabis use and regulation in Estonia

Although cannabis has been around as a recreational drug for quite some time now in Europe, Estonians became more acquainted with the plant only in the 1990s. According to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), 6% of adults in Estonia (between the ages of 15 and 64) have tried cannabis within the past 12 months, remaining slightly below the European average of 7%<sup>38</sup>. Among adults, 27% have used cannabis at some point in their life<sup>39</sup>. Cannabis is relatively popular with the younger generation: 53% of Estonian men of ages 25–34 claim to have used cannabis at some point<sup>40</sup>. According to the last ESPAD survey (European School Survey Project on Alcohol and Other Drugs), 25% of 15–16-year-olds have tried cannabis in Estonia, a figure much higher than the corresponding ones for the Nordic countries (7% for Sweden and Norway, 8% for Finland, and 12% in Denmark)<sup>41</sup>.

Under the Estonian legislation, all strains of cannabis (*Cannabis sativa*) containing over 0.2% of tetrahydrocannabinol are illegal and have been entered on the list of most highly prohibited substances<sup>42</sup>. In Estonia, cultivation of cannabis, handling of cannabis products, trafficking or distribution, production, acquisition or possession, and also inducing a person to engage in illegal use are deemed offences to be followed by criminal prosecution. The use of cannabis, as with any other drug entered on the list of psychotropic or narcotic substances, is not a criminal offence (this has been true since 2002); rather, it is viewed as a misdemeanour punishable by detention or a fine. However, having quite a small quantity of cannabis (7.5 grams) could already be punishable under the Estonian Penal Code<sup>43</sup>.

It has been suggested that in respect of criminal offences the laws should be amended so as to classify illicit drugs into distinct categories in line with their harmfulness<sup>44</sup>. Although the effects of cannabis on health are less severe than those of heroin or amphetamine, the punishments for cannabis-related offences prescribed by law are comparable to those for any other narcotic or psychotropic substance on the list. In Estonia, the average fine for a cannabis-related misdemeanour is 80 euros, while it is 100 euros for other illicit drugs. Penal practice indicates that, for the most part (i.e., in 80–90% of cases), fines are imposed in cases involving small quantities of psychotropic or narcotic substances for personal use (misdemeanour cases), and in 10–20% of the cases the court orders detention of the convicted offender for up to 30 days<sup>45</sup>. According to the Ministry of Justice, the difference comes about in the courtroom, with cannabis-related criminal offences carrying a lighter sentence in practice<sup>46</sup>. Most of the drugs-related criminal cases prosecuted involve small quantities of illicit drugs.

<sup>38</sup> EMCDDA. Prevalence maps – prevalence of drug use in Europe. 2016. Available at <http://www.emcdda.europa.eu/countries-prevalence-maps> (most recently accessed on 4.8.2017).

<sup>39</sup> NIHD. *Eesti täiskasvanud rahvastiku tervisekäitumise uuring, 2014* [‘Health Behaviour among the Estonian Adult Population’]. 2015 (in Estonian), p. 95.

<sup>40</sup> *Ibid.*

<sup>41</sup> ESPAD. Illicit drug use: ESPAD Report 2015. Available at <http://www.espad.org/report/situation/illicit-drug-use> (most recently accessed on 29.11.2016).

<sup>42</sup> Sotsiaalministri 18.mai 2005.a määrus nr 73 „Narkootiliste ja psühhotroopsete ainete meditsiinilisel ja teaduslikul eesmärgil käitlemise ning sellealase arvestuse ja aruandluse tingimused ja kord ning narkootiliste ja psühhotroopsete ainete nimekirjad“ [‘Conditions and procedure for the handling and reporting of narcotic drugs and psychotropic substances for medical and scientific purposes, and the list of narcotic drugs and psychotropic substances’]. Available at <https://www.riigiteataja.ee/akt/12998582> (most recently accessed on 4.8.2017) (in Estonian).

<sup>43</sup> Karistusseadustik (Penal Code). Available in Estonian at [https://www.riigiteataja.ee/akt/117122015009\(06.02.2016\)](https://www.riigiteataja.ee/akt/117122015009(06.02.2016)) most recently accessed on 4.8.2017), Chapter 12, Section 1.

<sup>44</sup> J. Ginter. Lahjem narkootikum väärib kergemat karistust [‘Softer drug deserves lighter sentence’]. – *Postimees*, 15.7.2009 (in Estonian).

<sup>45</sup> J. Salla. Uimastid, kuritegu ja karistus – mida, kui palju ja kellele? Ettekanne konverentsil „Uimastid, kuritegu ja karistus – kuhu tömmata piirid?“ [‘Presentation “Drugs, crime and punishment – what, how much, and to whom?” at the conference Drugs and Crime’], from 7–8 March 2016. Tallinna Ülikool (in Estonian).

<sup>46</sup> The author of this article conducted interviews with Mr Andri Ahven, from the Ministry of Justice, on 1.12.2015 and 8.3.2016.

Encouraged by changes in the global drug scene, activists in Estonian civil society have been campaigning for a more liberal/humane and up-to-date drug policy in recent years. Various events have been organised in their advocating for legalisation of cannabis in Estonia. They have exerted pressure on Parliament and expressed their views in the media<sup>\*47</sup>. A Web site on medical cannabis (ravikanep.ee) was established by the NGO Ravikanep. Facebook pages of proponents of legalisation are utilised to connect interested persons. The Estonian Green Party has pledged to regulate cannabis at national level.

Several opinion polls have revealed that public opinion on legalisation matters varies greatly. While the poll results reported by newspapers' online editions and by news portals indicate strong public support for legal cannabis<sup>\*48</sup>, a recent study by Turu-Uuringute AS showed fierce public opposition to the plan<sup>\*49</sup>. Two years ago, a study conducted by TNS Emor revealed that 67% of Estonians would like to see cannabis regulated along the same lines as tobacco, alcohol, and medicinal products<sup>\*50</sup>. This means primarily that one should be cautious in interpreting results of polls, at least on this topic.

Today, discussion on public-policy issues often takes place via social media. However, the traditional mass media are still the principal platform for the wider debate on drugs in general<sup>\*51</sup>.

## 4. The sample and methods

To enable the study of discussion of cannabis in the Estonian press, online versions of two national dailies, *Postimees* (PM) and *Eesti Päevaleht* (EPL), and the highest-circulation weekly, *Eesti Ekspress* (EE), along with the major news portal *Delfi*, were selected. Years 2009 and 2015 were chosen, because in both of those years the media interest in respect of cannabis regulation was higher than usual. The two months when the discussion was most intense were picked from each of those years – July and August of 2009 and September and October of 2015. Editorials, opinion pieces, experts' comments, and interviews were examined; in other words, the study focused solely on articles introducing someone's opinion and people's viewpoints. In total, 57 articles were selected, 25 from 2009 and 32 from 2015.

The study employed a mixed method of analysis, consisting of content analysis<sup>\*52</sup> and close reading<sup>\*53</sup>. The former allowed ascertaining, among other things, the total number of articles published, the authors' identity and professional background, and which of the stories were for or against legalisation. The close reading method enabled delving deeply into the most influential texts for purposes such as examining standpoints and arguments more closely.

<sup>47</sup> Toompeal toimus Eesti narkopoliitikat muuta püüdev meelevaldus "Laske elada, raisk!" ['A demonstration, "Let us live!", took place on Toompea orienting toward change to Estonian drug policy']. Delfi, 17.9.2015. Available at <http://publik.delfi.ee/news/mitmesugust/taisikkuses-toompeal-toimus-est-est-narkopoliitikat-muuta-puudev-meelevaldus-laske-elada-raisk?id=72476305> (most recently accessed on 4.8.2017) (in Estonian).

<sup>48</sup> Gallup: lahjad narkootikumid tuleks legaliseerida ['Gallup poll: Softer drugs should be legalised']. – *Postimees*, 7.7.2009. Available at <http://arvamus.postimees.ee/v2/139394/gallup-lahjad-narkootikumid-tuleks-legaliseerida> (most recently accessed on 4.8.2017) (in Estonian).

<sup>49</sup> Uuring: 93 protsenti on vastu kanepi tarvitamisele ['93 per cent are opposed to cannabis use']. ERR.ee, 5.8.2016. Available at <http://www.err.ee/571598/uuring-93-protsenti-on-vastu-kanepi-tarvitamisele> (most recently accessed on 4.8.2017) (in Estonian).

<sup>50</sup> TNS Emor. Elanikkonna teadlikkus kanepi ravitoimest ja hoiakud kanepi laialdasemast kasutamisest Eesti meditsiinis ['The population's awareness about the therapeutic effect of cannabis and attitudes towards the use of cannabis in medical treatment in Estonia']. 2014. Available at <https://drive.google.com/file/d/0BxV86uYJfhXjcy1yc2ZCNUtTVzg/view?pref=2&pli=1> (most recently accessed on 4.8.2017) (in Estonian).

<sup>51</sup> E. McGinty et al. (see Note 24).

<sup>52</sup> A. Berger. *Media Analysis Techniques*. California: SAGE 1998. DOI: <https://doi.org/10.4135/9781452243160>; D. Riffe et al. *Analysing Media Messages: Using Quantitative Analysis in Research*. Mahwah, New Jersey: Lawrence Erlbaum 2005. DOI: <https://doi.org/10.4324/9781410613424>.

<sup>53</sup> P. Kain. How to do a close reading. Writing Center of Harvard University 1998. Available at <http://www.fas.harvard.edu/~wrcntr/documents/CloseReading.html> (most recently accessed on 12.7.2016); S.A. McClennen. Dr. McClennen's close reading guide. Pennsylvania State University 2001.

## 5. Findings from the press analysis

### 5.1. In July 2009, cannabis as a new focus of experts' media debate

Although cannabis had made occasional appearances in the Estonian press since the 1990s, it became a subject of wider public discussion only in the summer of 2009. The 1 July issue of *Postimees*, elaborating on excessive punishments, was the first, with many to follow. The PM editorial referred to the fact that there were too many people in Estonia (almost one third of the population) punished either for criminal or for misdemeanour offences. It was suggested that punishing is not the only means to promote law-abiding behaviour and that the government should focus on crime prevention instead. In the same day's PM, the issue of overcriminalisation was explained – with drugs as an illustrative example – by Jaan Sootak, Professor of Criminal Law at the University of Tartu. He wrote that a person is already deemed a criminal offender in Estonia for the possession of a rather modest quantity of illicit drugs, and he also pointed out that in most cases the state comes down hard on the perpetrator.

#### Proponents of legalisation

The discussion proper started only after a week had passed (on 7 July), when PM journalist A. Raun communicated the position of Prof. Sootak and P. Vahur, the head of the Estonian Free Society Institute, a liberal think tank, that Estonia should move towards gradual legalisation of illicit drugs. It was stressed that a democratic criminal-justice system based on the rule of law should treat addicts not as criminals but as people in need of assistance and treatment. There is no conclusive scientific proof that the effects of cannabis are more harmful to the human body than tobacco; therefore, it is not fair that cannabis users are prosecuted while tobacco smokers go free. The following positive aspects entailed by possible legalisation were mentioned: a chance to tackle drug problems more meaningfully, more efficient use of public funds, depriving the underworld of their illegally-gained proceeds, putting an end to the stigmatisation of young people caught with cannabis, and others. Legalisation of cannabis was, in principle, endorsed by one more jurist, J. Ginter, Professor of Criminology at Tartu University, who mentioned on 15 July that he believes in more lenient punishments for offences involving soft drugs. Only six articles out of the 25 from 2009 (24%) advocated the legalisation of cannabis.

#### Opponents of legalisation

The above-mentioned ideas of jurists inspired widespread resentment in members of the medical profession, prevention experts, politicians, and even journalists. Views held by experts vigorously opposing legalisation in Estonia constituted the overwhelming majority (82%). Medical and prevention staff were especially critical of more lenient drug policy, most of them dismissing the jurists' ideas as misguided. An illustration of this is that on 7 July PM interviewed K. Abel-Ollo, a researcher from the National Institute for Health Development (NIHD), who emphasised that drug abuse can be associated with deaths, proliferation of infectious diseases, crime, increased health-care costs, and exclusion of young people from the labour market. In a PM piece from 24 July, A. Kurbatova, from the NIHD, tried to dispel the common misconception that the Dutch liberal drug policy was not riddled with serious problems. A. Talu, a third drugs expert from the NIHD, who painted a grim picture of the drug situation in Estonia in her opinion piece in EPL on 28 July, was of the opinion that legal cannabis would eventually result in additional trouble alongside added costs.

M. Liiger, an emergency-room doctor who has regular contact with drug addicts, told PM journalist P. Pullerits on 14 July that legalisation of drugs is plainly unconstitutional since it would dramatically hasten the extinction of Estonia's population in a couple of decades. She stated ironically: 'I admire people's (e.g., Sootak and Vahur's) ability to construct fascinating scientific theories, which they have every right to, much the same way as a Finnish scholar had an academic right to claim that Soviet occupation was the best thing that ever happened to Estonians. They cannot possibly fathom this issue the same way I, surrounded by drugs and addiction on a daily basis, see it.' Psychiatrist J. Mumma suggested on 18 July in EPL that after legalisation of cannabis, the number of addicts would most likely grow: 'If the share of first-time users increases, then there is a real danger that we will also see growth in the number of habitual users.' He agreed

with the lawyers that hard drugs and cannabis should be viewed separately. However, he did point out the role of cannabis in causing psychosis. Mari Järvelaid was the only member of the medical profession who called the efficacy of punishment into question (in EE on 8 August).

Experts and politicians largely remained central to the discussion in the summer of 2009: 26% of the articles reflected ideas of medical doctors and prevention experts, and lawyers explained their views in 22%. Several leading journalists argued passionately against legalisation. Among them were A. Ruusaar (in PM on 11 July), A. Samost (in PM on 12 July), and K. Muuli (in PM on 12 July). On 11 July, PM referenced journalist Priit Hõbemägi, who on Radio Kuku's programme *Keskpäevatund* ('The Midday Hour') had called the drug debate initiated by Prof. Sootak 'a senseless waste of time'. Later, a comment followed that 'we only wanted to draw attention to the fact that in times of trouble our distinguished professors should deal with more pressing matters'.

PM conducted a number of polls on drugs regulation among its readers. On 6 July, they asked 'Should punishments for drug use in Estonia be reduced?' To this, 79% of the 1,813 respondents answered with a 'no', as they thought it would have disastrous consequences for the society at large. Only a day later (on 7 July), we saw a complete change of heart. When answering the question 'How should drug users be punished?', 69% of the 683 respondents actually indicated favouring the legalisation of soft drugs. It is probably safe to say, again, that, irrespective of their popularity with the masses, the results of online-media polling should be taken with a grain of salt.

All things considered, it seems that in the summer of 2009 the concept of legalisation proposed by jurists brought a breath of fresh air to an Estonian media scene otherwise preoccupied with news of economic recession. The theories of legal scholars were regarded as unrealistic and misplaced by those experts whose jobs involved day-to-day contact with drug addicts. In much the same vein, several leading journalists dismissed the topic as lacking any real substance.

## 5.2. In 2015, non-experts feeding the discussion on cannabis regulation

More heated debate about cannabis regulation ensued in autumn 2015. In contrast to 2009, this time the issue did not appear 'out of nowhere'. Several articles on drug policy had been published in 2014, with the increased media interest having been inspired mainly by the fact that purchasing cannabis in some US states was now perfectly legal<sup>54</sup>. In 2015, most of the articles on cannabis issues revolved around public events. For instance, springtime demonstrations organised by cannabis activists in larger towns were covered by the media (e.g., on 9 April, a meeting was held in Tallinn on Viru Street, and on 17 April, a protest in support of legal cannabis was carried out in Tartu). For August in Paide, a debate on cannabis was arranged as part of the Opinion Festival's programme, also reported on by the electronic edition of PM. In September and October, the discussion of drug-politics issues reached its peak.

### Proponents of legalisation

On 12 September, an opinion piece titled 'Illegal drugs should be decriminalised' was published via the online news portal of PM. The author, A.-R. Tereping, is a psychologist with the University of Tallinn who had never publicly commented on cannabis issues before. In his piece, he suggested that Estonia should follow the example of Portugal, where the liberalisation of legislation had improved the drug situation considerably. Three days later, on 15 September, the editorial board of PM ran an article in its section for Estonian news titled 'Portuguese drug policy – a magic wand for Estonia?', explaining the Portuguese drug laws in more detail while giving a general overview of cannabis consumption in Estonia in comparison to other European countries.

<sup>54</sup> See, for example, the *Postimees* piece of 1.2.2014.



### The pro-legalisation event ‘Let us live!’

Tereping’s article seemed like a warm-up act to the pro-legalisation event ‘Let us live!’, held on Tallinn’s Dome Hill. Organised via the Web site Nihilist.fm, this was led by writer K. Kender. The participants in the demonstration, which took place on 17 September in front of the Parliament building, were eager to change the course of Estonian drug policy. It was broadcast live on Delfi.ee. People from various walks of life contributed to this discussion. These included politicians and other public figures (E.-N. Kross, H. Purga, and Y. Alender), opinion leaders (H. Pajula), civil activists (L. Kampus), and creative professionals (writers O. Ruitlane and J. Rooste and several rap artists). It inspired people who had not been very vocal about drugs until then. In their petition, they invited Parliament to revise the principles underpinning the official drug policy, which was characterised as destroying the youth. The need for legal cannabis was emphasised by reminders that we are strongly influenced by American culture and therefore should abide by the same rules that apply in some of its states.

Media outlets concentrated on the public statements of E.-N. Kross, a high-profile member of the Reform Party, who blamed Estonian politicians for not thinking about or dealing with this burning issue. He was adamant that it is ‘the duty of our elected representatives to find new solutions [...]. I feel sick in my stomach when somebody says that our drug policy works just fine’. They also quoted Kross’s party colleague H. Purga (mainly because she had burst into tears while speaking), who had urged setting up a relevant study committee in Parliament. Y. Alender, also from the Reform Party, noted that if mistakes have been made, then it is time to correct them. The press (Delfi, on 17 September) also picked up on a word of advice from L. Kampus, a champion of minorities’ rights: ‘Don’t let them ask you why cannabis should be legal; instead, ask them at every chance you get why cannabis isn’t legal.’ On 15 October, the Delfi news portal asked its readers whether consumption and cultivation of cannabis for one’s own use should be decriminalised. Of the 4,093 respondents, 91.7% voted in favour of that idea.

### The Kuperjanov Infantry Battalion in late September

An event that made headlines in the middle of October involved a number of conscripts being caught with illicit substances: 76 out of 200 recruits had failed the drug test administered at the Kuperjanov Infantry Battalion in late September. Civil-society activists S. Tuisk and M. Kalvet maintained that cannabis use in the military is an open secret and that these random checks are unproductive in practice and only cause needless confusion. The situation could be much worse if the young men were to start using hard drugs, they opined. The incident in the Defence Forces gave further momentum to the larger drug-policy debate. A reader’s letter was published that expressed preference for a more liberal approach to cannabis and blamed mainly the media for distorted information on the drug. Columnist A. Lobjakas pointed out in his article ‘Cannabis should be legal’, published on 22 October in PM, that there is no meaningful debate on drug policy in Estonia. At the same time, the author argued, the global drug paradigm is undergoing major changes. For instance, Canada is about to legalise cannabis. His message was loud and clear: ‘For want of a better alternative, Estonia has decided to preserve its depressing *status quo*.’

### Opponents of legalisation

Unlike 2009, in 2015 the most active opponents of cannabis legalisation were from law-enforcement agencies. For example, in response to Tereping’s article, U. Tambre, Chief of the North Prefecture Criminal Police, expressed his opinion in PM in a 16 September piece titled ‘Decriminalisation is not a magic wand that cures social ills’. In a similarity to the rhetoric of 2009, that author justified the ban in place in terms of the government’s failure to reduce heavy alcohol consumption. He took pride in the hard-line approach: there are no drug labs operating out of blocks of flats, no shops selling synthetic cannabinoids have been established, and criminals have not opted for Estonia as their favourite trafficking route. Former Interior Minister MP K.-M. Vaher’s opinion piece ‘It is prudent to keep drugs illegal’ was published in PM on 15 September. On 19 September, PM printed a piece by A. Kurbatova, head of the Infectious Diseases and Drug Abuse Prevention Department of the NIHD, titled ‘Decriminalisation – only a tiny piece of a more complex puzzle’. In it, she explained that the difference between Estonia and Portugal lies not in the decriminalisation as such but, rather, in the fact that Portugal looks after the people caught using drugs while Estonia prefers to issue fines instead.

In response to the Kuperjanov Battalion case, the 17 October PM editorial ‘A shocking drugs bust in the Defence Forces’ condemned use of drugs in the army and expressed hope that the drugs problem will be tackled head-on in the future. On 16 September, PM had invited comments from K. Tommingas, South Prefecture drug-police chief, who stated that the dramatic growth in the number of users among conscripts is a reflection of an overall trend in society and an inevitable result of the recent propaganda campaigns. The incident in the Defence Forces gave further momentum to the larger drug-policy debate. Experts asked to comment on this issue included L. Laur, head of the Drugs and Organised Crime Bureau of the Police and Border Guard Board (this interview can be found in Delfi materials from 20 October), and M. Medar, head of the Estonian Union for Child Welfare (Delfi, 16 October). Both of them defended the ban. The Police and Border Guard Board justified their position by introducing the age-old parallel with alcohol – if Estonia has not been able to put an end to alcoholism, how could it possibly cope with legal cannabis? Hence, Estonia is not ready for legalisation.

The entire 2015 drug debate could be characterised by the fact that the press had managed to invent two fierce adversaries: the progressive pro-legalisation camp, open to change and knowledgeable of the global trends, and, in opposition, the police officials, a group of die-hard fans of the ‘old regime’. As physicians and health promoters still preferred to keep a low media profile on this issue in 2015, the bulk of the counter-arguments to the more liberal ideas were voiced by the law-enforcement authorities.

As the end of October neared, a great deal of media furor arose surrounding head of Estonian Public Broadcasting M. Allikmaa’s statement that state-owned media should stay out of the cannabis debate (see 28 October PM). He explained his position thus: ‘Any discussion on this subject could be eventually construed as some form of cannabis promotion.’ Ethics consultant to the public broadcasting body T. Tammerk emphasised that the level of public awareness of these problems is so low that television and radio programmes should not even attempt to elaborate on the traditional pros and cons. Cannabis lobbyists should not gain easy access to a public platform so as to publicise their message in interviews. Opinions of scientists and independent experts should be preferred. Ironically, these were the very opinions that were mostly absent from the media in 2015. The position of Allikmaa and Tammerk did not gain much support from society. For example, the EPL editorial ‘Public Broadcasting chief’s cannabis faux pas’, from 29 October, dubbed Allikmaa’s statements censorship incompatible with free media. As no newsworthy events involving illicit drugs took place in the final part of the year, the media interest started to gradually subside. In 2016, cannabis and the larger drug-policy issues did make occasional appearances in the press.

In 2015, 56% of the pieces analysed showed tolerance for legalisation. The proponents represented people from diverse walks of life (politicians, writers, columnists, civil activists, etc.). The main opponents were from the police (representing 53% of cases in which the existing drug policy was approved). When compared to various non-experts (civil activists, columnists, writers, etc.), medical staff and lawyers were not very visible in the drug debate in 2015. In 2009 and 2015 both, various media outlets proved a valuable arena for the individual camps to air their views on cannabis. In a difference from 2009, alternative media channels were largely responsible for keeping the matter in the spotlight in 2015. For instance, Nihilist.fm was the driving force behind the ‘Let us live!’ campaign.

## 6. Whether media debate on cannabis regulation has any impact on Estonian drug policy

One might ask whether media coverage of cannabis and the related issues has in any way affected Estonian drug policy at large. There have been a few positive signs that attempts are being made to move from punishment toward treatment and prevention. But these attempts are not directly related to the cannabis debate. Since March 2015, new provisions of penal law have allowed termination of criminal proceedings if the defendant agrees to undergo treatment and termination of misdemeanour proceedings if the defendant undertakes to participate in social programmes<sup>55</sup>. ‘Social programmes’ refers to various cognitive-behavioural and other programmes that pay attention to the problems specific to the offender. The goal is to help

<sup>55</sup> Väärteomenetluse seadustik (Code of Misdemeanour Procedure), clause 30 (1) 3. Available in English at <https://www.riigiteataja.ee/en/eli/513072017004/consolide> (accessed on 13.8.2017); Sotsiaalprogrammide. [‘Social programmes’]. Available at <http://www.kriminaalpoliitika.ee/et/teemalehed/sotsiaalprogrammide> (accessed on 14.8.2017) (in Estonian).

the offender avoid new crimes. So far, these options have not been applied in practice. In February 2016, the Legal Affairs Committee invited experts to hear the petition from the above-mentioned 'Let us live!' campaign, aimed at legalisation of cannabis and reduction in drug-related deaths in Estonia. Although MPs dismissed any plans for legalisation, they did promise to look into the use of medical cannabis (see 9 February PM). It was decided to set up a Parliamentary study committee to analyse and enhance prevention efforts with regard to illicit drugs and HIV. According to the Ministry of Justice, there are plans to increase the substance quantities constituting a misdemeanour or a criminal offence, such as deciding that the possession of below 20 or 30 grams for personal use would have the elements of a misdemeanour only. The Ministry of Justice has indicated as well that possible liberalisation of drug laws and/or judicial practice has been analysed by several working groups. More practical alternatives to punishment are constantly being sought. One possible example of this trend is a drug-policy conference that was held in March 2016; regrettably, while it recognised that, in general terms, the current policy is not working, it concluded that there is no good reason to change course at present. However, the positive experience of other countries in reforming drug policy has encouraged Estonian officials to experiment with more flexible methods in attempts at grappling with issues of illicit drugs. Some practical changes could be detected in the field at least in respect of the Ministry of Justice taking initiative to update drug policy. For example, in 2016 the Ministry of Justice launched a project to test the Portuguese model in Estonia. Hence, it is quite difficult to estimate the media's exact role alongside changes in global drug policy and other factors in effecting the political changes described earlier in this paper. It could be argued that Estonia's professional press has been very eager to keep drug-related political issues on the media agenda for the last few years. In parallel with this, experts in the drug-regulation field too have been exposed to newer trends in global drug policy.

## 7. Summary and conclusions

Although the Estonian media have been criticised on many occasions by scientists and drug-abuse prevention workers for not generating enough discussion and meaningful analysis of the drug theme, the summer of 2009 and autumn 2015 proved to be an exception in this respect. In 2009, jurists (J. Sootak and P. Vahur) calling for legalisation of cannabis had a major role in cannabis garnering a large amount of media attention. Postimees provided the main forum for the debate. In 2009, the pro-legalisation camp clearly represented the minority and consisted mainly of jurists. All other experts cited, including medical doctors, prevention experts, and others, opposed the jurists' idea of legalising softer drugs, along with the majority of political-party representatives. Several prominent journalists stated openly that this topic does not deserve media attention, and they asked why, since cannabis constitutes a public-health hazard, this theme should be pursued further.

By 2015, the global drug-policy situation had slightly changed. Some US states had legalised marijuana, and in autumn Canada elected a new prime minister, who promised to make cannabis legal throughout the country. All this news inspired Estonian cannabis proponents to organise various events and introduce their arguments in public. These events and views were covered by newspapers and online portals. In 2015, most of the public opponents were law-enforcement officials. A clear distinction can be drawn between police officers still holding on to the obsolete policy and the open-minded intellectuals. The cannabis proponents outdid their opponents by exploiting the media in promoting their cause. The medical profession kept their distance in 2015. Police representatives relied on the same well-worn arguments as always – for instance, that cannabis is a gateway drug or that it should remain illegal because Estonia has been unsuccessful in its fight against alcoholism, not to mention drug addiction. Also, the question of media ethics came up, with the chief of Estonian Public Broadcasting maintaining that state-owned media are not the place for a cannabis debate, as such a debate would promote illicit drugs. Moreover, a dilemma became evident as to whether the aspiration to protect public health should take precedence over freedom of speech.

In conclusion, one can say that over the last few years, a noticeable shift has taken place with regard to representation of cannabis issues in the Estonian press. In the press, there has been a move toward a more humane attitude and toward favouring legalisation. The Estonian press seems to be more democratic and more in sync with the emerging global drug-policy trends than is the official drug-policy discourse. The chorus of 'voices' has become more complex – in 2015, it was not only the experts who gave or were invited to give their comments but also opinion leaders, average news readers, and experts and politicians who had

no professional contact with addicts and had until that point refrained from making any public statements in the media. All of this testifies to the natural progression of the drug debate in the Estonian press.

The author is of the opinion that a shift in the global drug-policy debate in combination with the more mature media approach may pave the way for changes in the national drug policy. However, at the moment, the Estonian drug laws still have not become less punitive, with the exception of a couple of amendments providing for the option to choose treatment or social programmes instead of punishment. That said, the Ministry of Justice has informed the author that several working groups have discussed the possibility of ‘softening’ the laws and/or judicial practice. Thus, positive practice of other countries in cannabis regulation also encourages a more flexible approach to national drug policy.