

**Statement of the Permanent Representative of the Russian Federation to the
International Organizations in Vienna Ambassador Mikhail Ulyanov
at the 2nd intersessional CND meeting**

(Vienna, 25 June 2018)

Your Excellency Madam Chairperson,

Dear colleagues,

We would like to draw your attention to the dramatic developments in the international drug control policy related to the recent measures taken by the Canadian authorities. Last week the Parliament of Canada adopted by majority vote the legislation on marijuana legalisation. Upon completing final procedures this legal initiative is due to come into force quite soon.

When implemented this undertaking will tangibly breach the UN drug control conventions, which as we all know limit the production and use of drugs exclusively to medical and scientific purposes. It is worth recalling that the UN Secretary General's Commentary of 1973 highlighted this basic principle as one of the most important achievements of the Single Convention on Narcotic Drugs of 1961. Today the "initiative" of the Canadian side brings this achievement under question.

In this regard the International Narcotics Control Board, which is mandated to monitor the compliance of States with their legal drug control obligations, forwarded to the Canadian parliamentarians in April this year a written brief with its assessment of the developments. Then the Board underlined that the bill was incompatible with the treaty obligations which Canada is bound to. The INCB believes that the adoption of the legislation constitutes a fundamental breach of those international treaty provisions that are "absolute and unequivocal in nature". In its latest statement on this subject dated the 21st June the Board used even more precise and definitive language: legalization of cannabis constitutes a violation of the 1961 Single Convention on Narcotic Drugs and undermines the international legal drug control framework.

It is worth mentioning in this context that the international community, including Canada, unanimously reaffirmed in the outcome document of the 2016

UN General Assembly Special Session on the world drug problem that the UN conventions of 1961, 1971 and 1988 constitute “the cornerstone of the international drug control system”. The intention of the Canadian authorities to legalize so-called recreational cannabis threatens to shake this cornerstone.

It is regrettable that the INCB warnings were totally ignored in Canada. The process of cannabis legalization in Canada is proceeding at full speed. What is more, Canadian authorities frankly acknowledge that the draft law contradicts the UN conventions, but consider it to be admissible. Advocates of the so-called recreational marijuana legalization try to validate their position by Paragraph 1 of the Preamble of the Single Convention of 1961 and argue that this measure will contribute to protecting the health and welfare of people. This argument is completely false and means a switch of the notions. It is for the sake of safeguarding the health and welfare of humankind that the conventional norms were adopted. As for the Canadian initiative, it would by the very meaning of the conventions be detrimental to the health and wellbeing of the humanity. This was reconfirmed by the INCB once again in its statement of the 21st of June.

Apparently, it is assumed in Ottawa that this serious violation of the drug control conventions will pass unnoticed by other States Parties to these international treaties.

This assumption is absolutely wrong. We need to remind our Canadian counterparts that the above-mentioned conventions constitute the legacy of the entire international community. As the INCB rightly pointed out they are founded upon the principle of common and shared responsibility of their States Parties. Ottawa has no right to make unilateral decisions, which are meant to impact the integrity of the international drug control conventions, and promote a selective approach to their implementation, thus opening the Pandora’s box. If other countries choose to follow the path taken by Canada we will see the international legal drug control regime undergoing deep erosion and potentially being destroyed. This is totally unacceptable.

The intention of the Canadian authorities to legalize drugs is all the more defiant bearing in mind that this country is currently a member of the Commission on Narcotic Drugs. A CND Member State, which by virtue of this status should safeguard the strict adherence to the conventions, is in fact destroying them from inside.

We strongly believe that this development, if the new bill enters into force, must become a subject of a thorough scrutiny by our Commission, including during the forthcoming ministerial review of the global drug control situation in 2019.

We would like to use this opportunity to express our full support to the strong stance of the INCB that is scrupulous in carrying out its mandate. We would like to underline the importance of responsible and comprehensive instead of selective implementation of the UN conventions by all their parties.

One last point. The Canadian authorities often advocate for a rules-based world order. Regrettably in the drug control matters they are in effect going in the opposite direction by undermining the basic rules, which are of a legally binding nature. We would like to recall once again that in accordance with Article 26 of the Vienna Convention on the Law of Treaties a party to an international treaty must perform its obligations in good faith (*pacta sunt servanda*). Moreover Article 27 of the same Vienna convention states that “a party cannot invoke the provisions of its internal law as justification for its failure to perform a treaty”.

We call upon our Canadian counterparts to return to the fold of the international law and bring their policy in line with the principles and goals that they declare. As we understand it, the new law is supposed to become operational on 17th October. That means that Canada still has sufficient period of time to reconsider its current policy and to refrain from a gross violation of international law, which may have very destructive implications. We hope that a responsible approach will finally prevail in Ottawa.