

STATEMENT
of the Permanent Representative of the Russian Federation
to the International Organizations in Vienna Mr. Mikhail Ulyanov
at the 5th intersessional meeting of the Commission on Narcotic Drugs
(Vienna, November 7, 2018)

Madame Chairperson,

Distinguished colleagues, I would like to start by welcoming at our meeting Mr. Viroj Sumyai, President of the International Narcotics Control Board (INCB). We highly appreciate the role of the Board in the implementation of the UN drug control conventions. We would like to once again congratulate the INCB on the occasion of its 50-th anniversary.

In his statement Mr. Sumyai touched upon a very topical issue, which is of grave concern to Russia and to many other Member States of the United Nations. This was confirmed today in the statements of China on behalf of the Asia Pacific Group of states and Singapore on behalf of the ASEAN Member States. I am referring to the decision of Canada to legalize the production, distribution and use of cannabis for non-medical purposes. We already discussed this matter at the CND intersessional meeting on 25 June 2018. At that meeting almost 20 countries clearly pronounced themselves for the strict compliance of all Member States with the UN drug control conventions. Many delegates directly appealed to the Canadian side to abstain from bringing the new bill into force. Regretfully Ottawa openly ignored those appeals. On 17 October 2018 the legislation came into force.

Advocates of the free flow of narcotic drugs in Canada are celebrating their victory and call on the government not to lose the momentum and proceed further with legalizing as the next step heroin for example. Canadian press is actively discussing different aspects related to the implementation of the new law, including calculating the amount of drug dollars, which are to come to state treasury as taxes on the production and distribution of cannabis. International legal implications of the decision are left out of the public eye. There is nothing surprising about that: the Canadian side has no desire whatsoever to publicly admit the fact of a fundamental breach of the international law.

Meanwhile from the international legal perspective, which is directly related to the mandate of our Commission, we have to deal with a blatant violation by Canada of its international obligations undertaken upon acceding to the UN drug control conventions.

I would like to remind that these international treaties allow the production and use of narcotic drugs, including cannabis, exclusively for medical and scientific purposes and not for the so-called recreational purposes, which will be from now on practiced in Canada. In practical terms this means a violation of a whole range of provisions of the 1961 UN Single Convention on Narcotic Drugs and 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. Furthermore it is worth mentioning that after the adoption of this legislation it will be extremely difficult for the Canadian authorities to implement Article 33 of the UN Convention on the Rights of the Child, which stipulates that Member States shall take all appropriate measures to protect children from the illicit

use of narcotic drugs. Although technically the new legislation legalizes the use of cannabis for individuals over 18 years of age, this narcotic drug will intrinsically become more accessible for teenagers. They can easily get it from their peers, and the authorities will not be able to effectively prevent it from happening. That was precisely the reason for Mr. Sumyai to raise particular concern in his statement on behalf of the INCB on 17 October 2018 over the consequences of the new legislation for the health of Canadian citizens, in particular the youth.

Equally important is to stress that the new policy of Ottawa contradicts the 1969 Vienna Convention on the Law of Treaties, according to which the Canadian side is obliged to perform in good faith its international legal obligations and has no right to invoke its internal legislation as a justification for its failure to perform the international treaty. Nobody has gone back yet on the principle of «pacta sunt servanda».

One should add to this “bunch“ of legal violations the fact that this new Canadian law contradicts the fundamental international political commitments including the 2009 Political Declaration and the Outcome Document of the 2016 UN General Assembly Special Session on the World Drug Problem. Against this background, one can hardly take seriously the appeals of Ottawa to build a «rules-based world order». Since it is precisely Canada who defies these rules in a barefaced manner.

The decision adopted by Canada in fact opens the „Pandora box“ by introducing selective approach towards the implementation of the UN drug control

conventions. There exists real danger that some other countries may follow the example set by Canada, which would lead to the erosion and even dismantling of the whole international legal foundation of our fight against narcotic drugs.

By consciously destroying the international drug control regime the Canadian government is creating in the country the biggest commercial drug market in the world, which regardless of all the assurances that cannabis will not cross the national borders, will inevitably facilitate the increased inflow of this substance to other countries including to those which contrary to Canada strictly adhere to the letter and spirit of the above mentioned conventions.

It makes the new legislation even more cynical that Canada along with other 52 states is currently a member of the Commission on Narcotic Drugs and logically should contribute to enhancing the effective implementation of the United Nations drug control conventions, instead of undermining them. Even more so, the adoption of the new law coincided with the preparation for the review of the global drug control strategy in 2019. As stipulated in the operative paragraph 36 of the 2009 Political Declaration the international community should among other things take stock of the progress made in implementing the commitment to significantly reduce the illicit cultivation of cannabis. In this context Canada will not only have to report on a huge increase of the cannabis production but also to acknowledge the fact that such cultivation has become part of the national drug policy.

This brings us to the following question: How should we handle the situation that the Canadian authorities have put all of us into? Should we close our eyes on it

as if nothing had happened? This attitude of burying our heads in the sand will inevitably lead to new gross violations of the international legal drug control obligations with all its negative ramifications for the international cooperation in the fight against drugs. The UN conventions provide for a wide range of measures, should their legally binding provisions be violated. We believe that the CND Member States together with other members of the international community must consider the possibility of their application under the circumstances. We are convinced that this matter should be also discussed at the ministerial meeting in March next year. We consider it our duty together with the INCB to help our Canadian counterparts to return into the realm of international law.

Moreover, the current situation brings us to the conclusion that from now on we should more carefully examine the fact of compliance or non-compliance with the UN drug control conventions when electing new members of the Commission on Narcotic Drugs. We must ensure that from now on the Commission will be comprised only of those States that impeccably comply with their international obligations and have no intention to play in the Commission the role of the Trojan horse.

Thank you for the attention.