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Received in US\$

Foreign Affairs, Trade and
Development Canada

TO: **SSN**

DESTINATAIRE

FROM
EXPÉDITEUR

EXPÉDITEUR

REFERENCE
REFERENCE

SUBJECT
OBJET

with marijuana legalization

Drafter / Rédacteur
Turner/JLA

File / Dossier
BPTS: 03658-2015

Date _____

December 21
Number / Numéro

SUMMARY:

The purpose of this memorandum is to provide background and identify issues associated with legalization of marijuana, from the perspective of Canada's international legal obligations.

BACKGROUND:

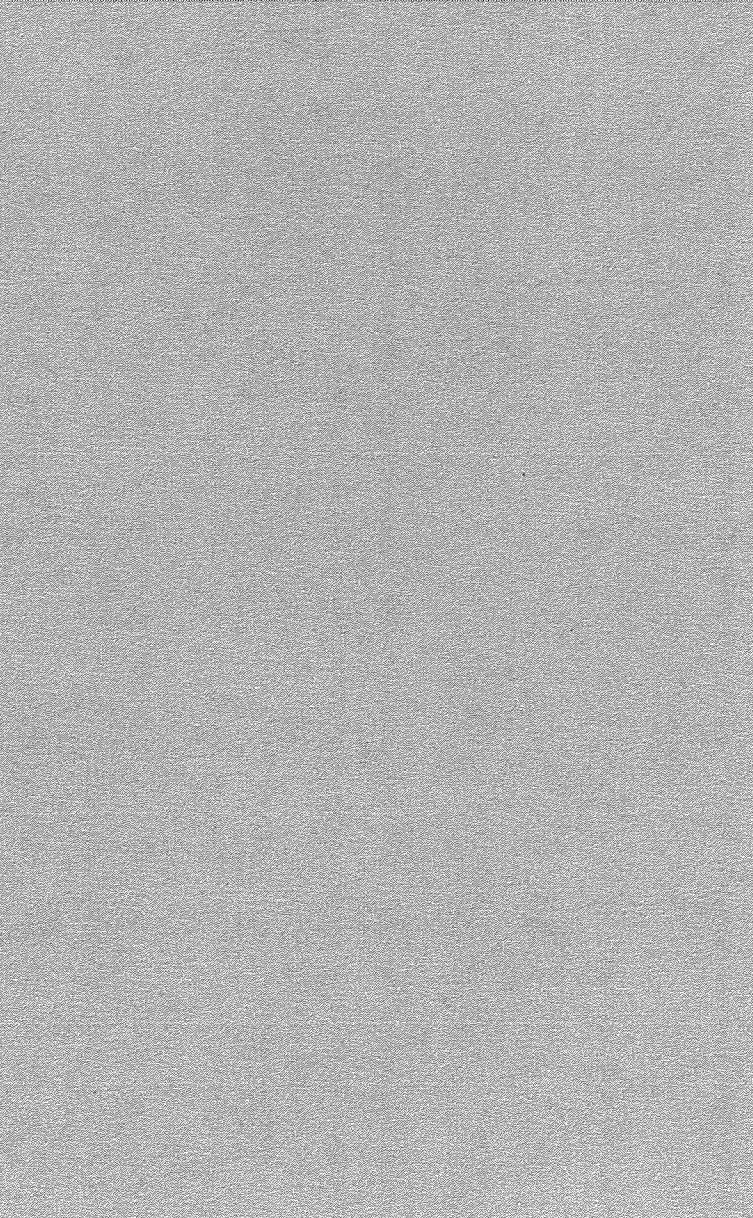
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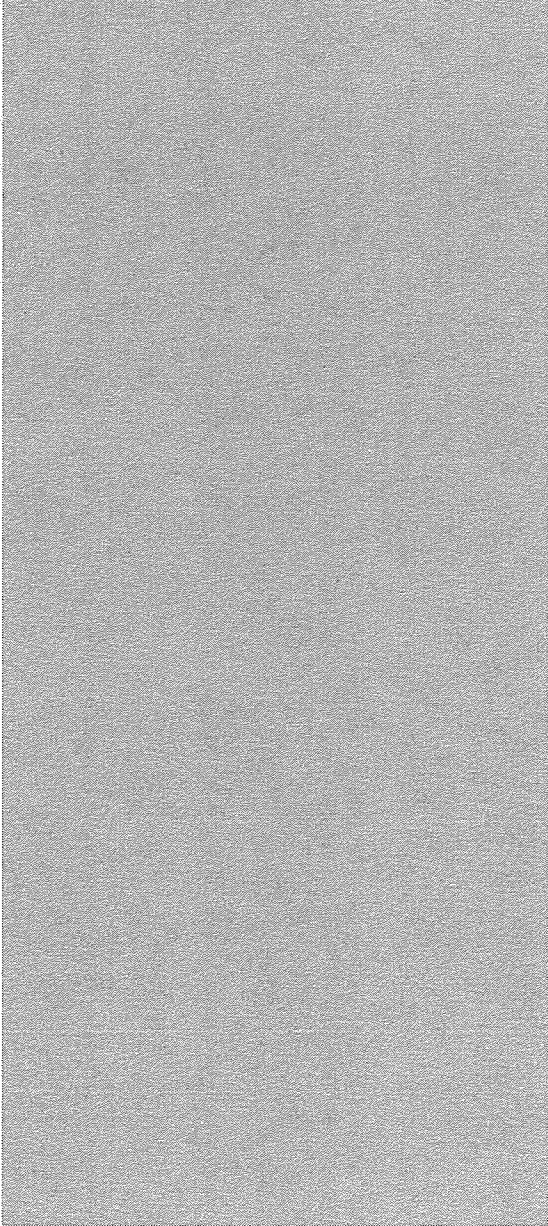
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The Mandate letters to the Minister of Justice, the Minister of Health and the Minister of Public Safety direct this process, with Justice Canada taking the lead



Marijuana is produced in nearly every country worldwide and is the most widely used illicit drug globally. However, the international drug control conventions place marijuana in the same schedules as cocaine and heroin.



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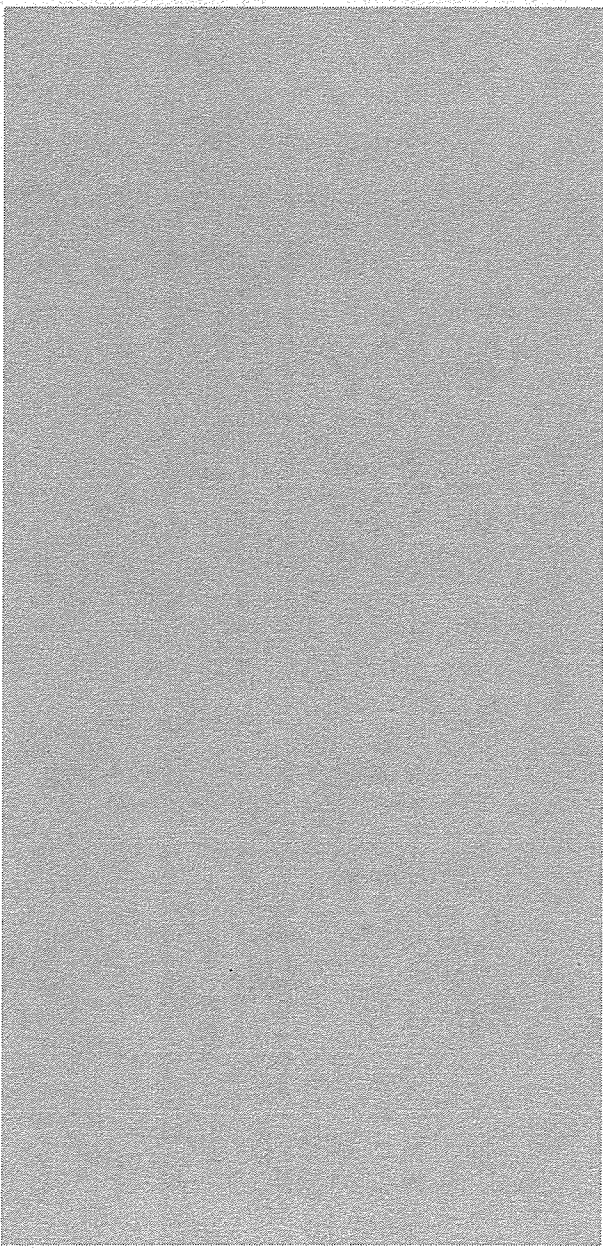
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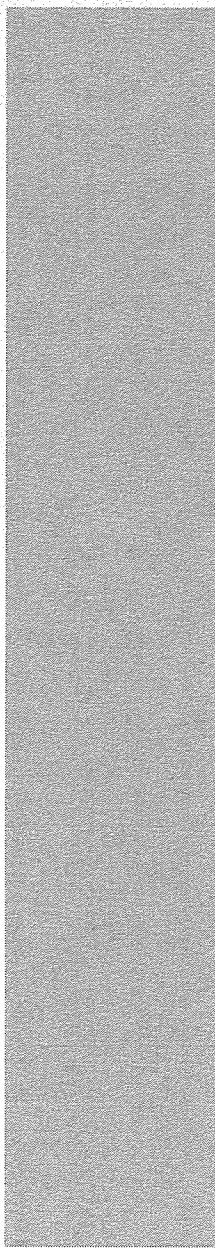


A number of approaches have been employed in regard to possession, use or sale of small amounts of marijuana. These include: limited enforcement, decriminalization and legalization. However, criminalization remains the most common approach.

The Netherlands are an example of limited enforcement, with a de facto system authorizing the sale of small amounts of marijuana. While the US government continues to express opposition to the legalization of marijuana, marijuana has been decriminalized in 18 states and 4 states (Alaska, Colorado, Oregon, and Washington) have legalized sale and distribution of small amounts to adults. The District of Columbia permits adults to grow and possess small amounts of marijuana, but does not permit sales.

Decriminalizing possession and use of small amounts of marijuana is an approach used by some Australian states, Portugal, Spain, Argentina, the Czech Republic, Brazil, Belgium, Italy, Spain, Jamaica, Mexico and Poland. However, these states do not necessarily permit possession, use or distribution and a variety of non-criminal sanctions are employed in certain circumstances.

To date, the legalization of marijuana has only been employed by Uruguay. However, it should be noted that Bolivia withdrew from the Single Convention and subsequently re-acceded (with a reservation) in order to permit traditional cultivation and use of the coca leaf.



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Global Affairs Canada / Affaires mondiales Canada

Disseminated in open on Jan 13, 2016
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JAN 13 2016

BPTS: 00064-2016

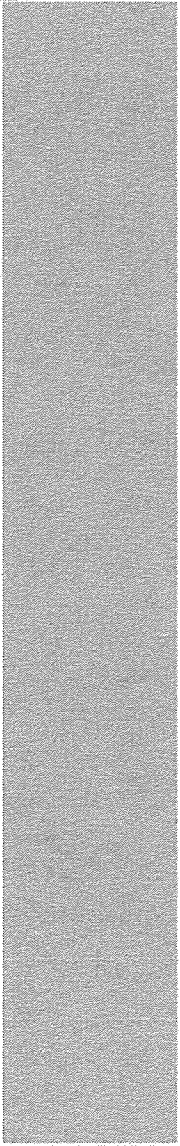
MEMORANDUM FOR INFORMATION

TO:	The Minister of Foreign Affairs
CC:	The Minister of International Trade The Minister of International Development
SUBJECT:	International obligations and marijuana legalization

SUMMARY:

The purpose of this memorandum is to provide background and identify issues associated with legalization of marijuana, from the perspective of Canada's international legal obligations.

Although the Minister of Foreign Affairs is not identified in the mandate letters as one of the lead ministers on this issue, your involvement will be important to ensure that Canada's international legal obligations and other foreign policy implications are taken into account as options are developed. A memorandum setting out the range of issues will be developed in the near future.



Daniel Jean
Deputy Minister of Foreign Affairs

Canada

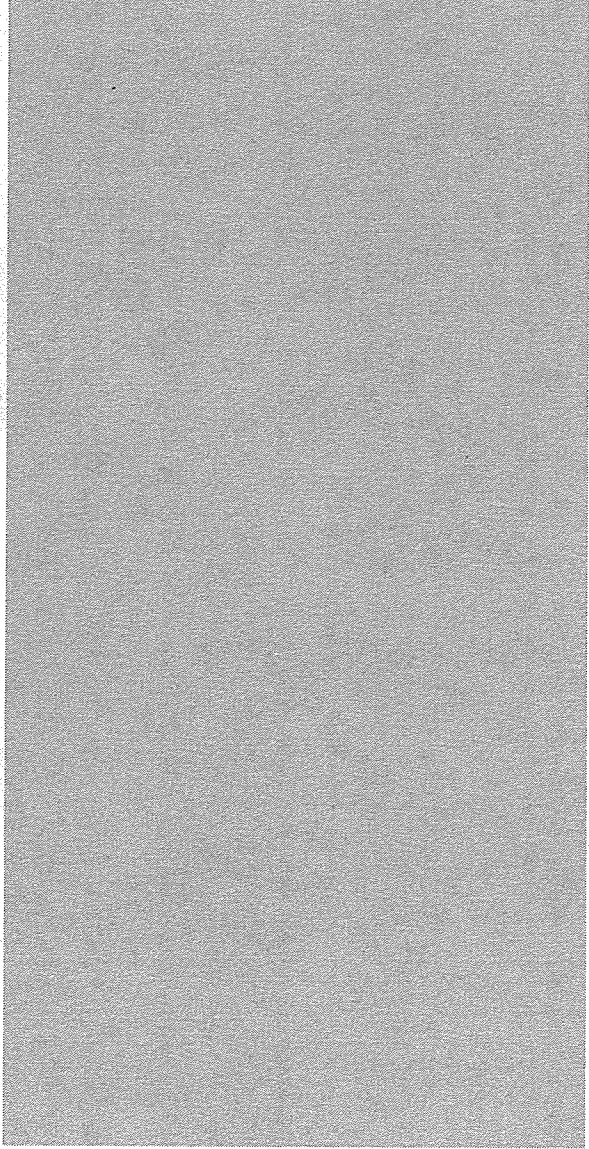
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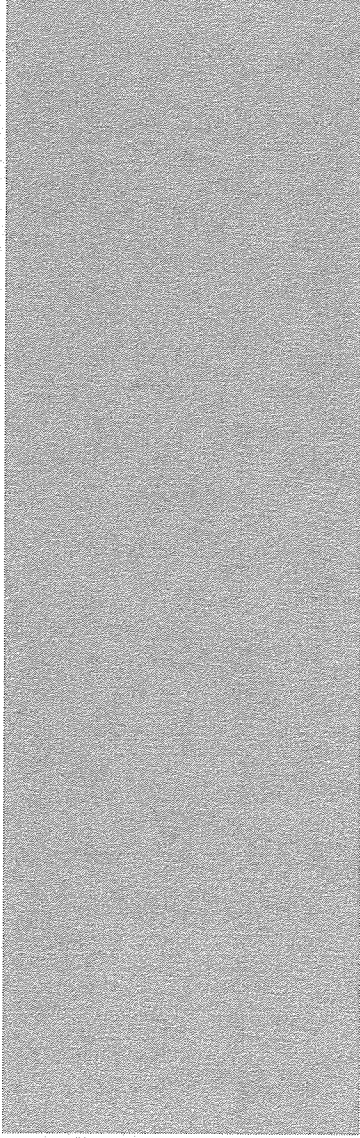
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BACKGROUND:

1. In its December 4, 2015 Speech from the Throne, the Government of Canada reaffirmed the commitment, set out in its 2015 platform, to "legalize, regulate, and restrict access to marijuana." The platform also committed to a new system of strict marijuana sales and distribution, with appropriate federal and provincial sales taxes applied, both to prevent youth from accessing marijuana and to curtail the illegal marijuana market that is benefiting organized crime. A commitment was also made to punish more severely those who provide marijuana to minors, those who operate a motor vehicle while under its influence and those who sell it outside of the new regulatory framework.
2. The mandate letters to the Minister of Justice, the Minister of Health and the Minister of Public Safety direct this process. However, this process will also have a significant impact on Canada's binding obligations under the international drug control conventions and could impact our relationship with key partners, including the United States and other G7 partners.

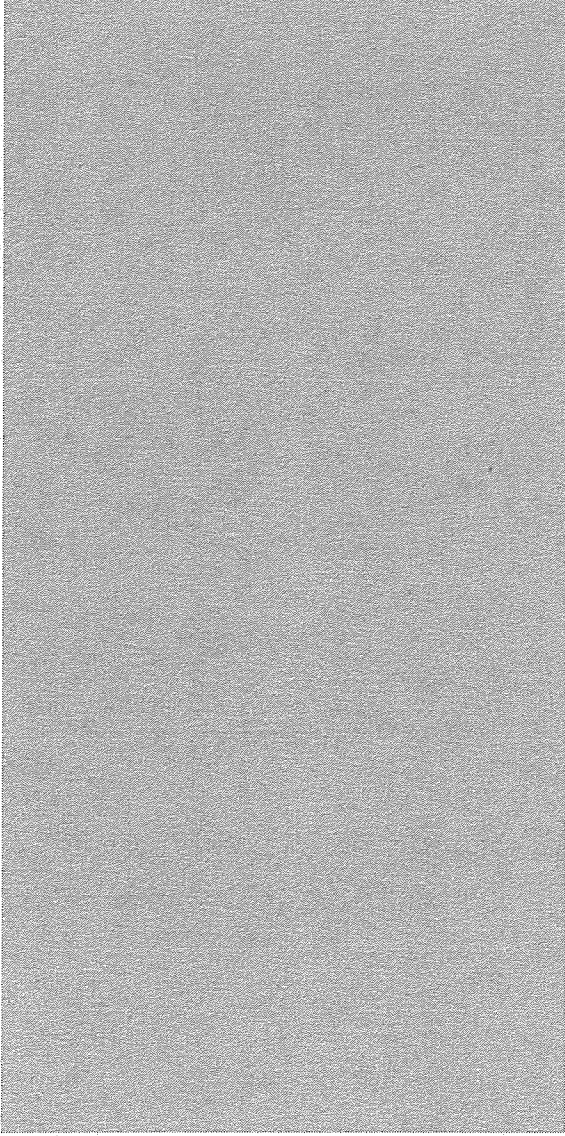


6. Marijuana is produced in nearly every country worldwide and is the most widely used illicit drug globally. However, the international drug control conventions place marijuana in the same schedules as cocaine and heroin.



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11. The Netherlands are an example of limited enforcement, with a de facto system authorizing the sale of small amounts of marijuana. While the U.S. government continues to express opposition to the legalization of marijuana, marijuana has been decriminalized in 18 states; and 4 states (Alaska, Colorado, Oregon, and Washington) have legalized sale and distribution of small amounts to adults. The District of Columbia permits adults to grow and possess small amounts of marijuana, but does not permit sales.
12. Decriminalizing possession and use of small amounts of marijuana is an approach used by some Australian states, Portugal, Spain, Argentina, the Czech Republic, Brazil, Belgium, Italy, Spain, Jamaica, Mexico and Poland. However, these states do not necessarily permit possession, use or distribution and they employ a variety of non-criminal sanctions in certain circumstances.
13. To date, the legalization of marijuana has only occurred in Uruguay. However, it should be noted that Bolivia, after its unsuccessful attempt to amend the 1961 Single Convention, withdrew from this instrument and re-acceded (with a reservation), in order to permit the cultivation of coca of traditional uses. Canada and other G7 countries strongly opposed Bolivia's efforts on the grounds that they would undermine the conventions.
14. The process of legalizing marijuana will be complex and require consultation with a number of stakeholders and coordination between many departments. Global Affairs Canada officials have already begun to sensitize officials in the other concerned departments to ensure that international considerations are not forgotten, and will return to you in the near future with a more detailed analysis of the issue, including possible options for mitigating international legal and policy risks. Given the ground-breaking nature of this process, we should anticipate close scrutiny by many interested observers.



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EX-15 2016

BPTS: 02539-2016

MEMORANDUM FOR INFORMATION

TO:	The Minister of International Trade
CC:	The Minister of Foreign Affairs The Minister of International Development and La Francophonie
SUBJECT:	Medical marijuana exports

SUMMARY:

- The purpose of this memorandum is to inform you that Health Canada is planning to issue two export permits for medical dried marijuana to Germany and to the Netherlands on July 18, 2016, and summarizes the Department's approach, still under development, to address service requests received by trade commissioners from Canadian marijuana companies.
- Under the proposed guidelines for service, trade commissioners will consult with the Trade Sectors Bureau at headquarters for each service request, which will be evaluated on a case-by-case basis in consultation with Health Canada.
- Health Canada may request a meeting between you and your colleague, Minister Jane Philpott, in the coming weeks to ensure alignment between Global Affairs Canada and Health Canada.

T. Christine Hogan
Deputy Minister of International Trade

BACKGROUND:

Health Canada's approach for medical marijuana

1. The Marihuana for Medical Purposes Regulations (MMPR) came into force in June 2013, with the objective of treating marijuana like other narcotics used for medical purposes. However, recreational marijuana remains illegal in Canada. Under this regime, a Canadian company becomes a licensed producer when Health Canada issues a license that grants the company the authorization to produce and/or sell to the public dried marijuana, fresh marijuana or cannabis oil for medical and scientific research purposes. A Canadian licensed producer can receive an export permit under the MMPR to export dried medical marijuana, and cannabis seeds, for scientific research and medical purposes. In order to export cannabis oil, the exporting company also needs to obtain a dealer's license issued by Health Canada under the Narcotic Control Regulations (NCR).
2. Cannabis is a controlled substance (i.e. narcotics) under NCR and falls under the *Controlled Drugs and Substances Act* (CDSA). The CDSA and its regulations provide a framework for the control of substances that may produce harm to an individual or to society when diverted to an illicit market.
3. There are currently 33 approved licensed producers in Canada, with over 400 new companies in line to be approved by Health Canada. On June 6, 2016, Health Canada issued export permits for the first time, to ABCann Medicinals and to Mettrum, for export of cannabis seeds to Australia under the MMPR, and to Tilray for the export of cannabis oil in capsule form to Croatia under the NCR. On June 7, Tilray received an export permit for cannabis seeds to Australia. On July 18, 2016, Health Canada is planning to issue two additional export permits under the MMPR to Tweed and Bedrocan Canada for the export of medical dried marijuana to Germany and the Netherlands, respectively.
4. As a party to the three international drug conventions, including the *United Nations Single Convention on Narcotic Drugs, 1961*, Canada limits trade in cannabis to medical or scientific purposes. Recreational marijuana is illegal under the conventions. Health Canada, in an effort to clarify this position, and as a supplement to the MMPR and the NCR provisions for the export of marijuana, issued an information bulletin in June 2015. The bulletin states that the export of marijuana would only be permitted under very limited circumstances, such as for scientific research or medical purposes, and where Health Canada is satisfied that there are no health or public safety concerns.
5. Health Canada reviews applications for export permits of controlled substances on a case-by-case basis to assess compliance against the MMPR or the NCR, and to ensure that the proposed export of marijuana and its derivatives would not cause public health or safety concerns either in Canada or in the destination countries. Health Canada requires that a Canadian licensed producer or licensed dealer submit a copy of the import permit issued by the government of the country of final destination when applying for an export permit. The exporting firm submits a statement accompanying the import permit affirming that: to the best of their knowledge, the shipment does not contravene the laws of the country of final destination or any country of transit or trans-shipment.

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Proposed approach for medical marijuana

6. Global Affairs Canada is developing guidelines for the Trade Commissioner Service (TCS) to address service requests from Canadian companies seeking to export marijuana. The guidelines have been widely consulted within the department and with Health Canada. They propose that trade commissioners consult with the Trade Sectors Bureau at headquarters for each service request which will be evaluated on a case-by-case basis with Health Canada.

7. Trade Commissioners will only be able to assist companies seeking to export into countries that are parties to the *United Nations Single Convention on Narcotic Drugs, 1961*, and that have a legal/regulatory framework for the medical use of cannabis. With any service request for support into one of the countries meeting the criteria for export, the Trade Sectors Bureau will verify that the company has received a license from Health Canada to produce, sell and/or export dried marijuana, fresh marijuana or cannabis oil. Once the domestic and international legality of export is confirmed from both Health Canada and Global Affairs Canada, trade commissioners will be authorized to provide the four core TCS services: 1) preparation for international markets; 2) market potential assessment; 3) qualified contacts; and 4) problem solving. Trade commissioners will not provide advocacy, nor support requests related to marijuana-for-recreational-use.

8. Questions on legalisation of recreational marijuana will be referred to the Minister of Health. All media requests related to domestic marijuana legalization and regulation received by Global Affairs Canada will be referred to Health Canada. The Department will respond to any requests related to Canada's drug-related treaty obligations.

Benchmark examples from the Trade Commissioner Service

9. The above proposed approach follows similar approaches used for other cases involving the TCS. For instance, trade commissioners can provide four core services to companies with dual use technologies to support their business activities abroad. All export/import-related activities of dual-use technologies are referred to the Department's Export Controls Division. Similarly, under the new guidelines, all export/import related to medical marijuana activities will be consulted with Health Canada.

Draft TCS Guidelines:

- Trade Commissioners (TCs) can provide core services to Canadian medical marijuana/cannabis companies licensed by Health Canada.
- Trade Commissioners with the support of the Trade Sectors Bureau should follow the steps outlined below in handling a request from a Canadian medical marijuana/cannabis producer:
 - Trade Commissioners need to verify that the Canadian company has received a license from Health Canada to produce or sell dried marijuana, fresh marijuana or

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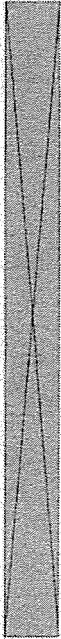
cannabis oil. The list of companies is accessible on Health Canada's website at www.hc-sc.gc.ca/dhp-mps/marihuana/info/list-eng.php. At this moment, 30 Canadian companies have received Licensed Producer designation. If the Canadian company is not part of this list, then the TC should not provide any services to the company.

- Only TCs located in countries that are parties to the United Nations Single Convention on Narcotic Drugs and that have a legal/regulatory framework for the medical use of cannabis should provide services to Canadian medical marijuana/cannabis companies. The majority of countries are parties to the Single Convention, but that does not necessarily mean that they have implemented a framework for medical marijuana. To determine the states who are parties to the Single Convention or the Protocol Amending the Single Convention, consult: <https://treaties.un.org/pages/Treaties.aspx?id=6&subid=A&lang=en>
- If the two above criteria are satisfied, with the concurrence of Health Canada, the Trade Sectors Bureau will confirm that TCs can provide core services to the company (also refer to http://intra/trade-commerce/about_tcs-a-propos_sdc/services/index.aspx?lang=eng):
 - Preparation for International Markets (e.g., meet with companies and other relevant stakeholders in your market to better understand the business, relevant opportunities and issues)
 - Market Potential Assessment (e.g., provide market intelligence to help assess demand and opportunity)
 - Qualified Contacts (e.g., identify key contacts in the healthcare system, industry, academia, licensed producers, key legal and regulatory contacts)
 - Problem Solving
- Be aware that a Canadian medical marijuana/cannabis producer requires a separate Health Canada permit to actually export marijuana. This is in addition to any license from Health Canada to produce or sell dried marijuana, fresh marijuana or cannabis oil.
- TCs should **not** provide any legal advice or advocacy support to Canadian medical marijuana/cannabis companies. Canadian medical marijuana/cannabis companies will need to retain independent legal counsel, to obtain advice on the Health Canada licensing or export process; and, applicable Canadian and foreign law. In no circumstances should TCs attempt to summarize or explain applicable laws or regulations.

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TO DESTINATAIRE	USS	Drafter / Rédacteur
FROM EXPÉDITEUR	IDT (via IFM)	Cole/IDT/203-3232
REFERENCE RÉFÉRENCE		File / Dossier
SUBJECT OBJET	For information	Date August 12, 2016 Number / Numéro

Enclosures
Pièces jointes

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DISTRIBUTION

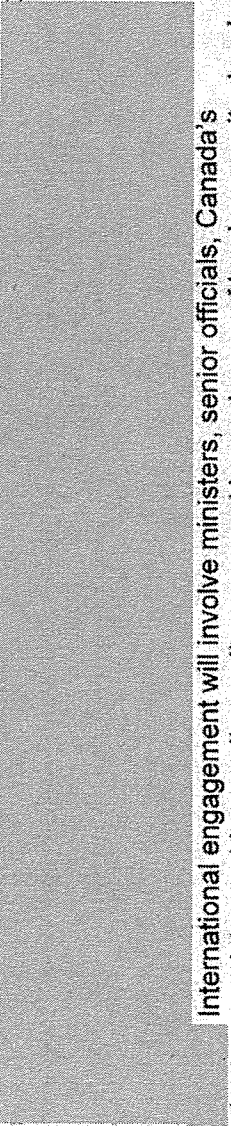
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As promised in the 2015 Speech from the Throne, the Government of Canada is moving ahead with its commitment to legalize and strictly regulate marijuana for recreational purposes. At the United Nations (UN) Special Session of the General Assembly on the World Drug Problem (UNGASS) in April 2016 the Minister of Health, Jane Philpott, announced that the Government would introduce legislation to initiate marijuana legalization in the spring of 2017.

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embassies and consulates around the world, as well as colleagues working on issues of border security, legal issues, health concerns, law enforcement, etc.

International engagement will involve ministers, senior officials, Canada's

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2. On June 30, 2016, the Government announced the creation of the nine-person Task Force on Marijuana Legalization and Regulation, which is seeking input from provinces and territories, the public and experts in public health, substance abuse, law enforcement and justice on the design of a new legislative and regulatory system. As part of its work the task force is also undertaking fact-finding visits to Colorado and Washington, two of the US states that have legalized recreational marijuana. The task force will present its findings to the Ministers of Health, Justice and Public Safety in November 2016. The Chair of the Task Force is Anne McLennan, former Deputy Prime Minister, Minister of Health, Minister of Justice and Minister of Public Safety. Officials from Global Affairs Canada briefed the task force in July on the UN drug Conventions and the possible international implications associated with legalization.

3.

[REDACTED]

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Canada's policy choices related to marijuana legalization may also be of interest in the context of Canada's bid for a UN Security Council seat for the 2021-2022 term.

2.

[REDACTED]

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[REDACTED]

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2. Engagement with key bilateral and multilateral partners will be critical as Canada develops and implements its legal and regulatory frameworks. [REDACTED] It will be important to address possible areas of concern and ensure that the international community understands the rationale behind this initiative. We will need to clearly communicate the objectives driving the new legal framework, including the desire to protect citizens, particularly youth, implement evidence-based policy and focus on the health and welfare of our citizens.

2. Key priorities for bilateral engagement will include the United States and other G7 partners, as well as countries that have domestic and/or international experiences relevant to drug legalization, including Uruguay, Bolivia and Jamaica. To date, no country has expressed concern about Canada's plans to legalize marijuana. The US has expressed interest in learning more about our legalization plans, given several areas of bilateral engagement (e.g. border efficiency and security, law enforcement) that could potentially be affected. The US Ambassador to Canada, Bruce Heyman, noted in a recent media interview that his country does not have any concerns with Canada's plans to legalize, and that each country has to decide their own drug policy. Multilateral forum, including the upcoming UN General Assembly and the G20 meetings this fall, will offer an opportunity for Canadian representatives and officials to seek international stakeholders' opinions on legalization.

2. Canada will also need to engage closely with relevant international bodies, including the International Narcotics Control Board (INCB). The INCB has signalled its interest in sending a delegation led by its President, Werner Sipp, to Canada before mid-October 2016. The INCB is an independent, quasi-judicial expert body charged with monitoring compliance with the three UN drug Conventions. The visit request has

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been prompted by the Government's advances towards legalizing recreational marijuana, which the INCB considers to "be inconsistent with the provisions of the international drug control conventions to which Canada is party".

The INCB delegation has requested meetings with the Ministers of Justice, Health and Global Affairs. An INCB delegation visit offers an opportunity to begin a transparent dialogue on Canada's drug policy with an important international stakeholder. Departments are now consulting internally to identify the possible timing and elements of a visit.

3.



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*Distributed to
6/MSNA on Oct 17/16
JLM*

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OCT 17 2016

BPTS: 03549-2016

MEMORANDUM FOR INFORMATION

TO:	The Minister of Foreign Affairs
CC:	The Minister of International Trade The Minister of International Development and La Francophonie
SUBJECT:	the legalization of marijuana in Canada

SUMMARY:

regulate and restrict access to marijuana. This memo is in follow up to BPTS: 00064-2016, and an email update provided on August 19. It also includes information regarding Uruguay's approach to the international drug control treaties in response to its decision to legalize marijuana for recreational purposes.

Next steps:

Departmental officials will continue to analyze all options to manage the international implications of the policy change, as well as the potential related risks and benefits associated with each, with a view to providing recommendations to you on the merits of the proposed approaches, once information regarding the details of the legal and regulatory framework is available.

This information has been provided, as requested, in anticipation of a visit to Canada by the International Narcotics Control Board (INCB), the independent body that monitors compliance with the three international drug control conventions. As part of this visit, you and Minister Philpott will meet with the delegation, led by INCB President Werner Sipp, on October 21, to discuss Canada's approach to legalization. Further information regarding the meeting, topics for discussion, and suggested key messages will be provided in a separate meeting note.

Ian Shugart

Ian Shugart
Deputy Minister of Foreign Affairs

Canada

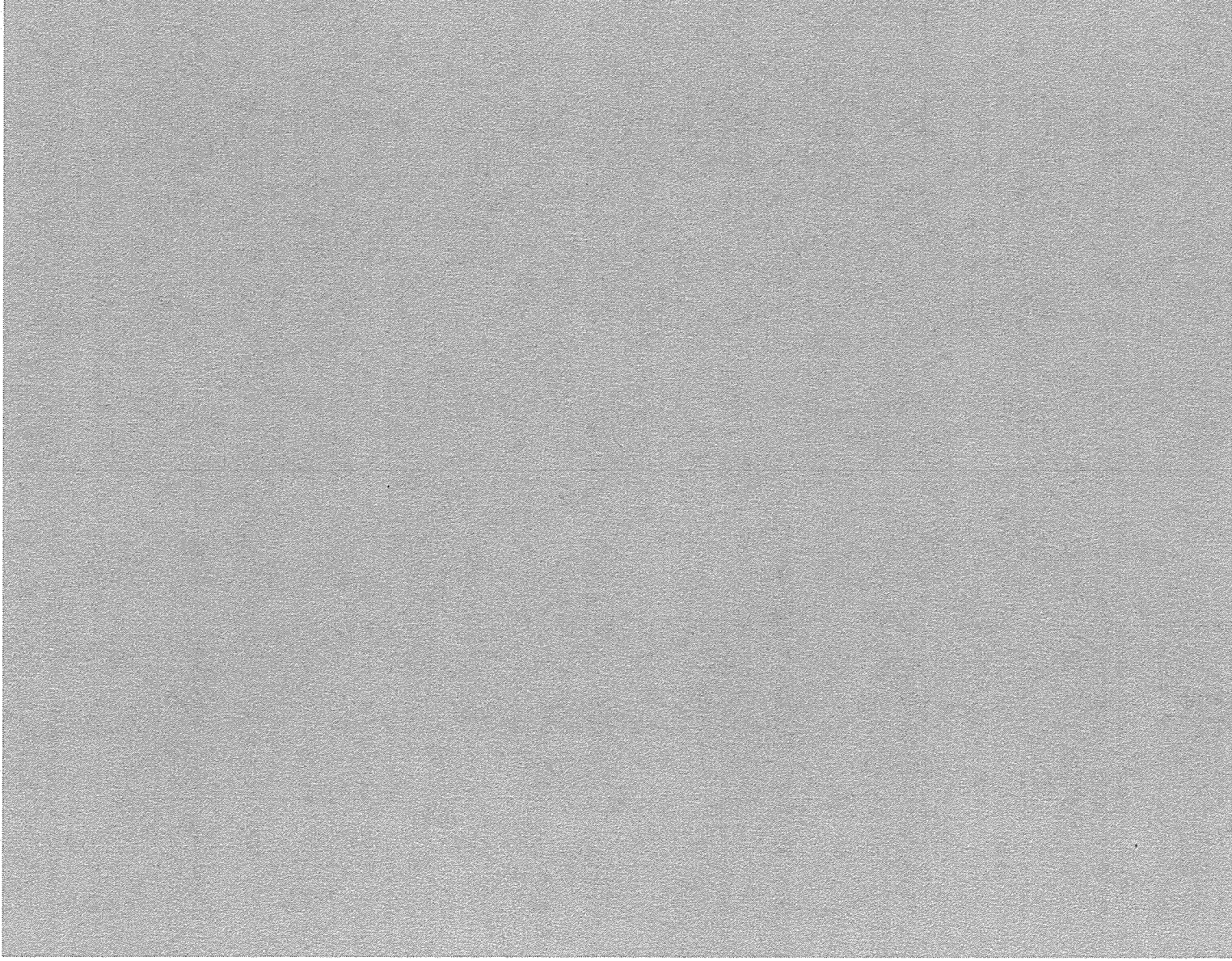
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BACKGROUND:



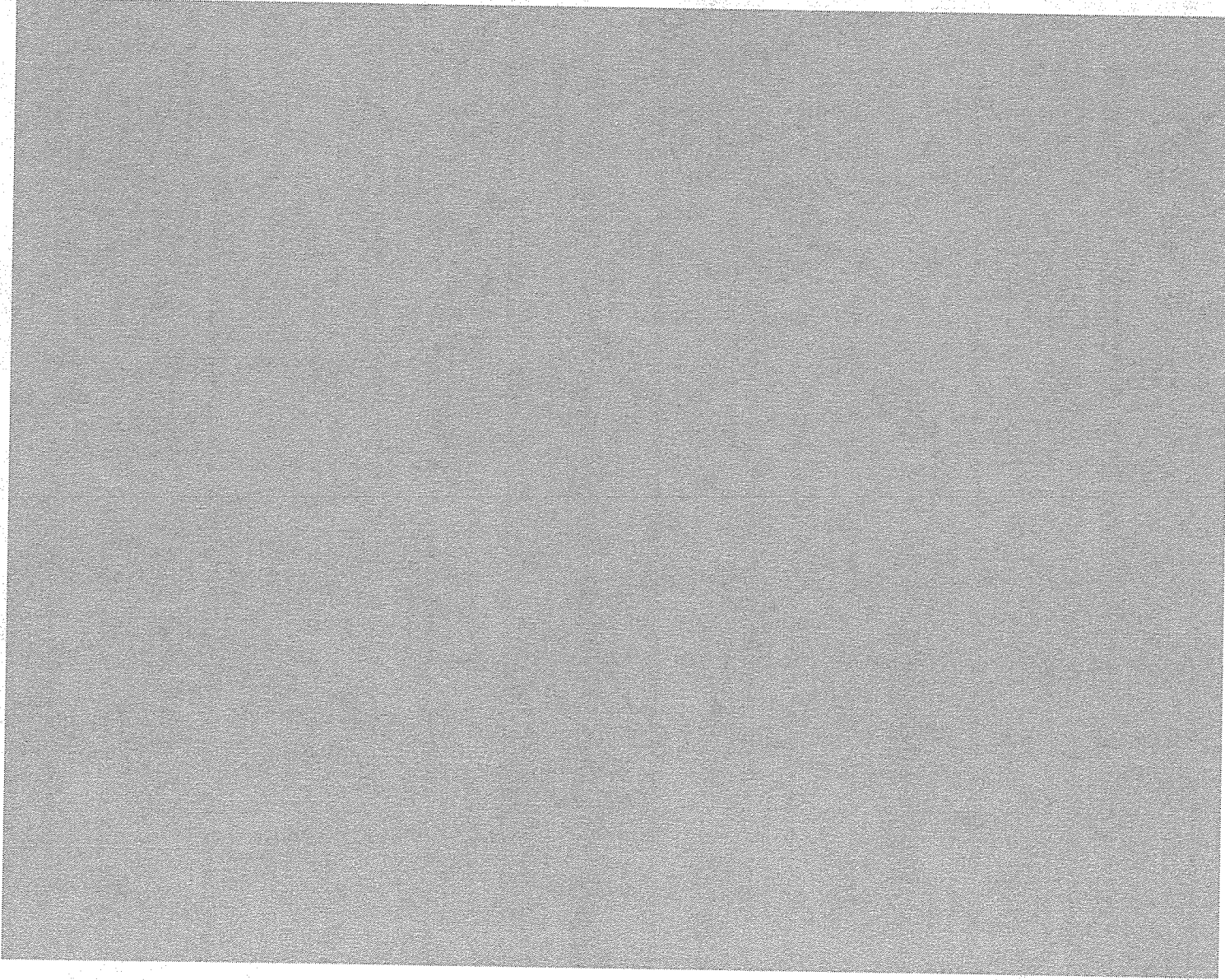
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Option 2 – Maintain the legal status quo vis-a-vis the conventions



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Next steps

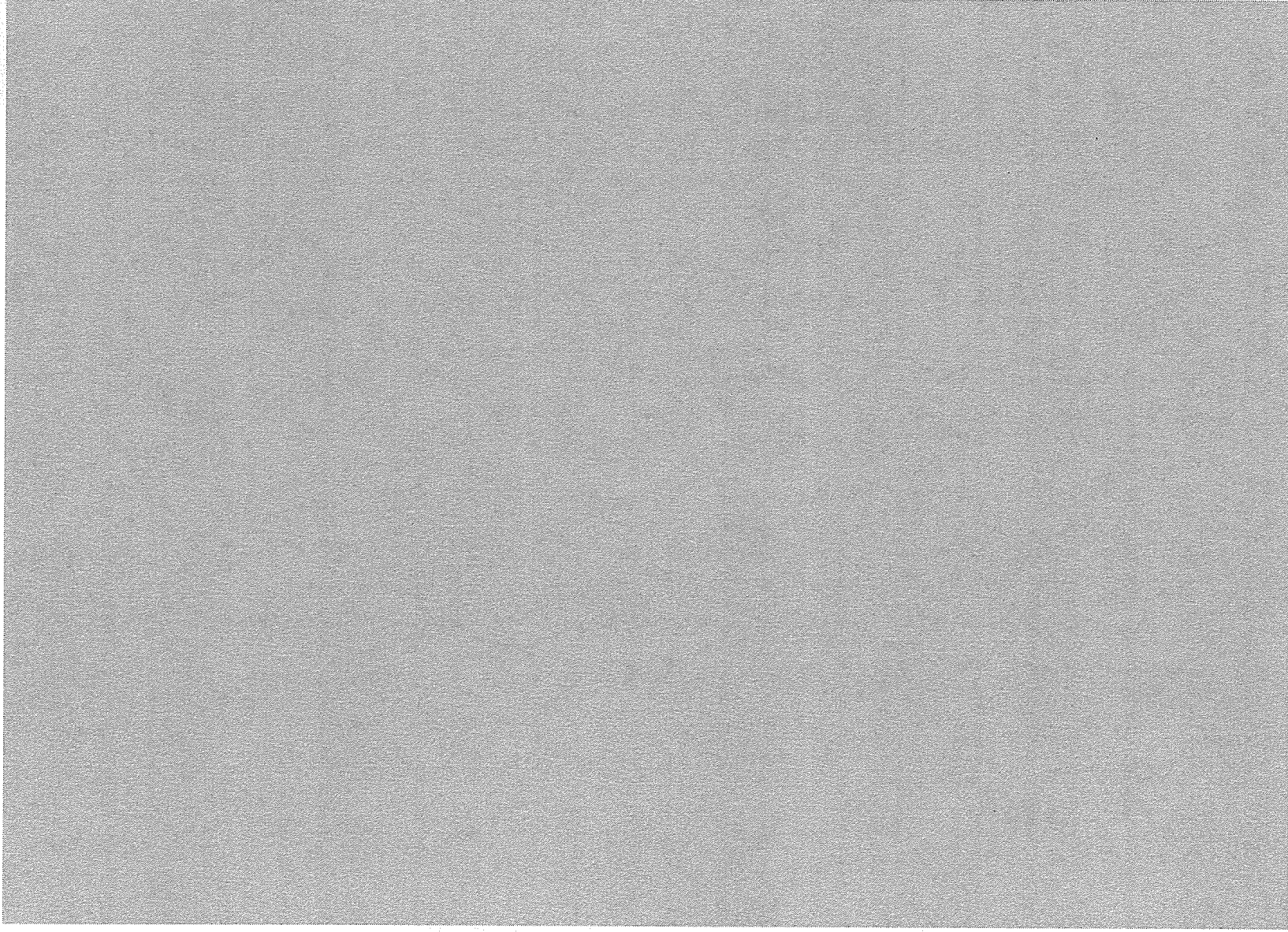
7. Departmental officials will continue to analyze all options to manage the international implications of the policy change, as well as the potential related risks and benefits associated with each, with a view to providing recommendations to you, in consultation with key government departments, once information regarding the details of the legalization package is available.
8. As you are aware, representatives of the INCB will meet with you and Minister Philpott on October 21, to discuss Canada's approach to legalization. Given the INCB's role in monitoring compliance with the three conventions, the Board is expected to be critical of Canada's decision and will likely point out that legalization would be contrary to the provisions of the conventions. It may express the view that non-compliance could have far-reaching negative consequences for the functioning of the international drug control system. Uruguay's experience with the INCB following its decision to legalize the recreational use of cannabis is summarized at Annex C. Further information, including suggested points for discussion during your meeting with the INCB, will be provided in a separate meeting note.

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ANNEX A

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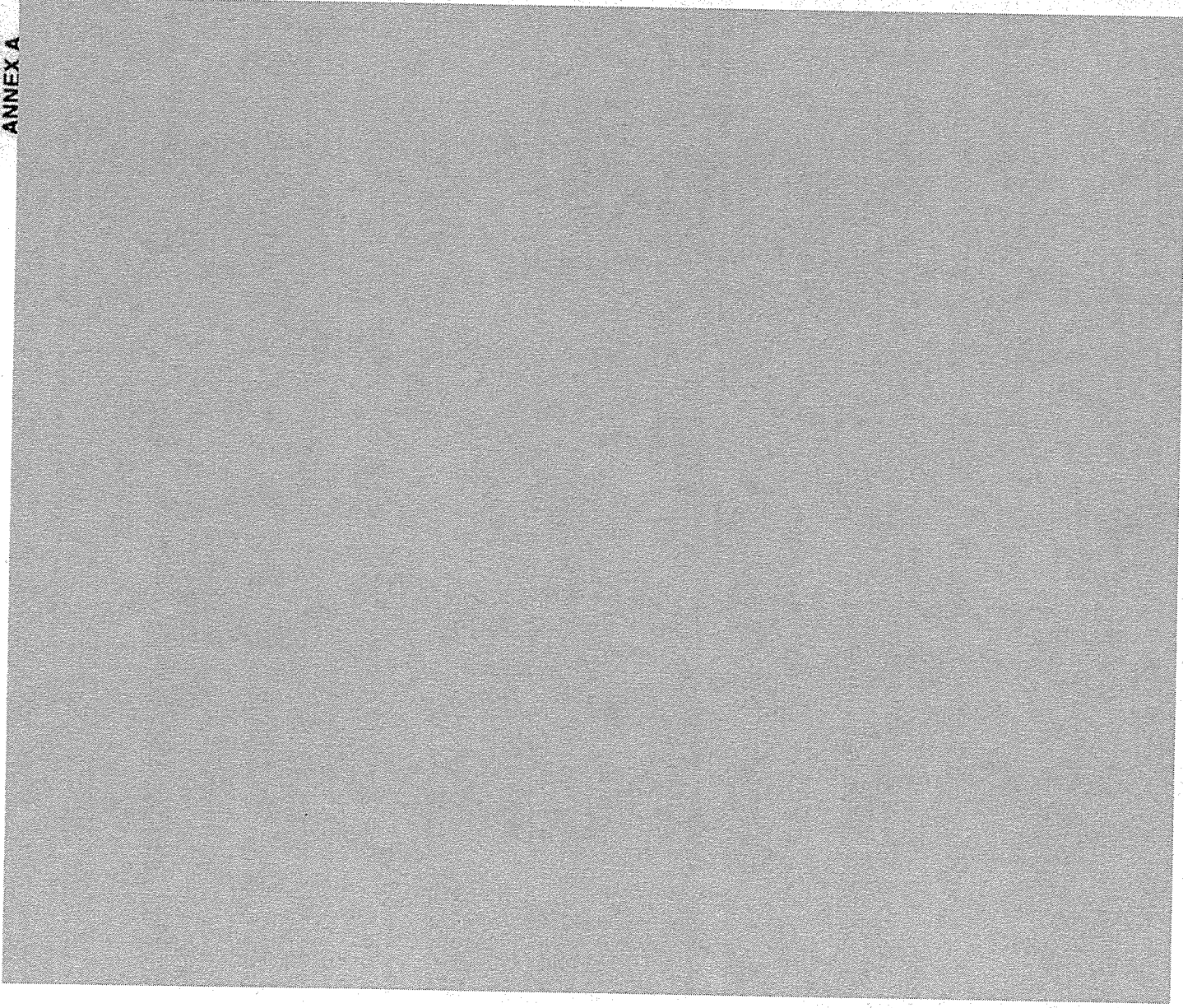
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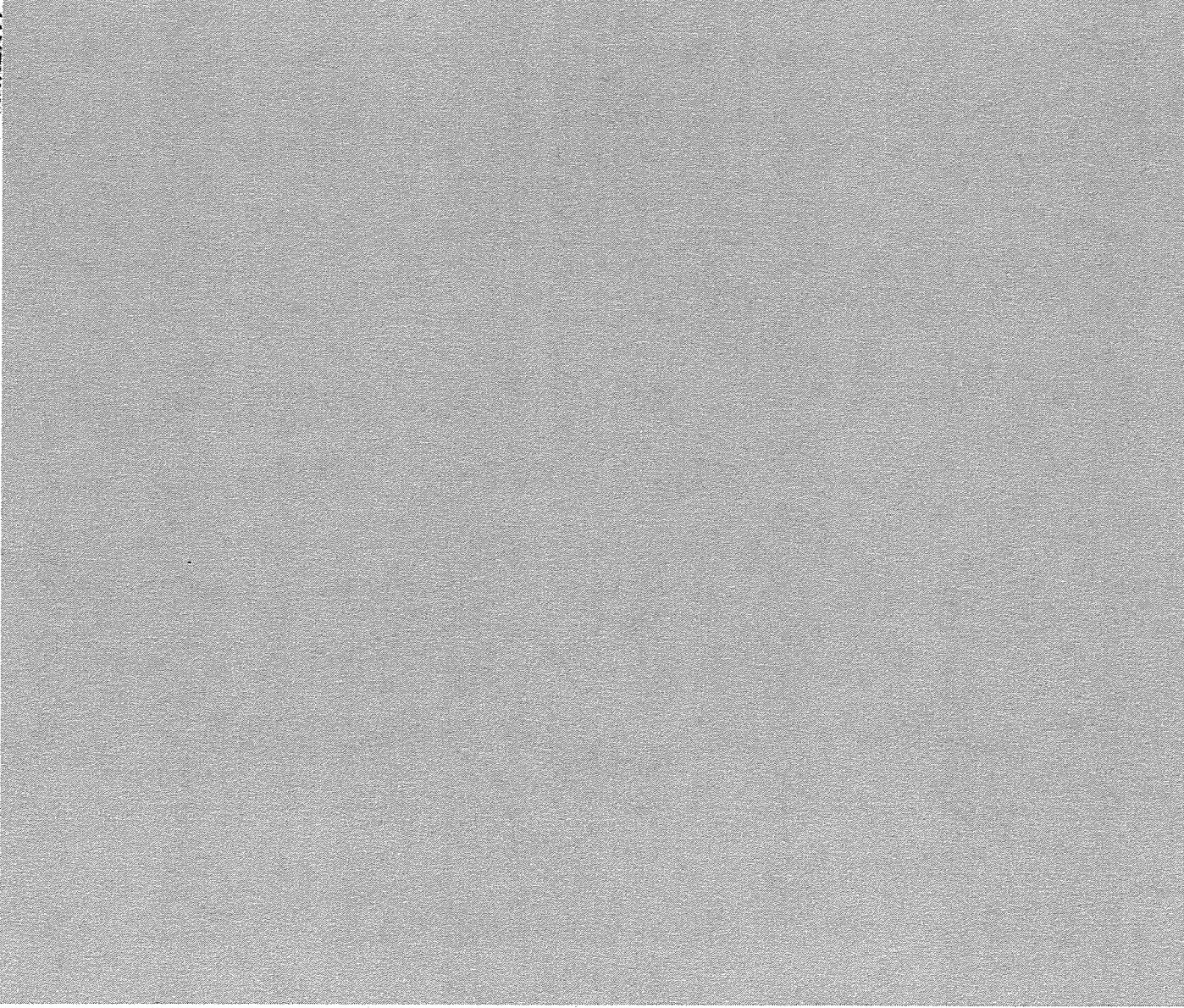
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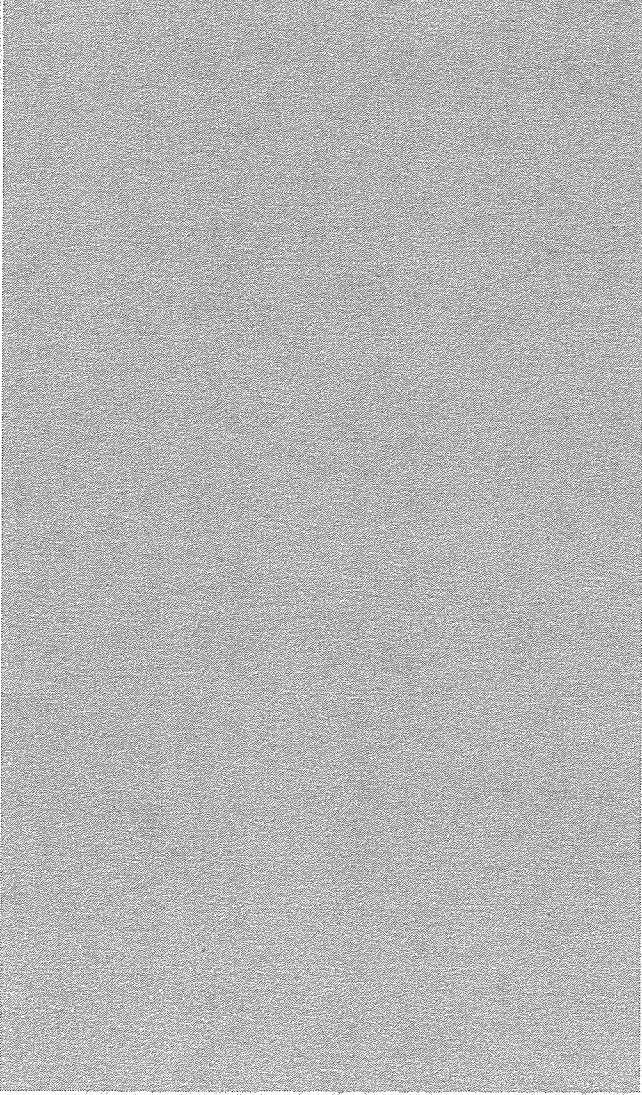
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ANNEX B

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ANNEX B



ANNEX C

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ANNEX C

**URUGUAY'S EXPERIENCE WITH LEGALIZATION OF RECREATIONAL MARIJUANA
AND THE INTERNATIONAL NARCOTICS CONTROL BOARD**

In 2013, Uruguay became the first (and to date, only) country in the world to legalize marijuana for recreational purposes. Uruguay has denied it is in violation of the treaties and has stressed that its policies are not intended to promote recreational marijuana use, but rather to promote the health and human rights of its citizens, while combating narcotics trafficking.

Uruguay's relationship with the International Narcotics Control Board (INCB) worsened significantly in the period after legalization, with public recriminations between the then-INCB President, Raymond Yans, and Uruguayan officials, including the country's president. This occurred in part because Uruguay declined an INCB country mission while it was developing its domestic approach. The relationship has improved since May 2014, when Uruguay despatched its vice foreign minister to meet with the INCB Board in Vienna and Mr. Yans was replaced as a matter of routine. Uruguay accepted a November 2015 visit, led by the current INCB president, Werner Sipp, to discuss its approach toward marijuana. Uruguayan officials report that the Board was open to dialogue and seems receptive to their position that legalization was done with criminal justice, human rights and health objectives in mind. Uruguay's view is that the Board may have become more open to such arguments, most recently under President Sipp, and it regards Mr. Sipp as an open-minded interlocutor.

While the INCB remains steadfast in its assessment that Uruguay's marijuana regime is inconsistent with the 1961 *Single Convention on Narcotic Drugs*, the Board has never raised the possibility of applying punitive measures against Uruguay over this issue. The INCB will further pronounce on the Uruguay visit in its 2016 annual report, to be published in early 2017.