

Factsheet: Cannabis legalization

Dealing with treaties under international law

Germany's membership in relevant UN treaties under international law:

- UN Single Convention on Narcotic Drugs (1961), incl. Protocol Amending the Single Convention (1972), so-called "UN Single Convention".
- UN Convention on Psychotropic Substances (1971)
- UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)



Principle of the UN Single Convention on Narcotic Drugs (1961):

"Each contracting party shall prohibit the extraction, manufacture, export, import, possession, use and trafficking of such narcotic drugs when, in view of the conditions prevailing in its state, this is the most appropriate means of protecting public health and welfare." (Art. 2)

→ **Exception: Medical and scientific use**

Four possible scenarios for dealing with the UN Single Convention

Resignation (without re-entry): <ul style="list-style-type: none">- Termination according to Art. 46- Termination: on July 1st of a year with effect from January 1st of the following year- e.g. termination by July 1, 2022 = resignation at the end of 2022- e.g. termination between July 2, 2022 and July 1, 2023 = withdrawal at the end of 2023- Risk: Withdrawal of Germany from the entire international drug policy (not only cannabis); restriction of accessibility of cannabis as a medicine	Exit and re-entry subject to cannabis: <ul style="list-style-type: none">- Termination according to Art. 46- Re-entry with reservation according to Art. 50: Considered admitted unless vetoed by at least one third of the members within 12 months- Termination period as for resignation; re-entry possible immediately (effective 30 days after declaration)- Examples: Bolivia (coca)- Risk: Veto right of member countries on re-entry
Inter se Modification: <ul style="list-style-type: none">- Modification of international treaty between two or more parties (Art. 41 VCLT 1969)- Allows the option of a bilateral trade treaty while maintaining the UN Single Convention vis-à-vis other states- Imports to Germany only possible with export license of the contracting party- Prerequisite and risk: other member states must not be adversely affected in their interest in the UN treaty	Violation of the convention: <ul style="list-style-type: none">- Only national cultivation possible, no import- Substantive reasoning: conflicting obligations under international law force to adjust regulation regarding cannabis- Examples: Canada, Uruguay- Risk: Sanctions

Sources:

- Boister NB, Jelsma M (2018). Inter se modification of the UN drug control conventions: An exploration of its applicability to legitimise the legal regulation of cannabis markets. *International Community Law Review*. 20(5). 456-492.
- Bündnis 90/Die Grünen (2018): "Entwurf eines Cannabiskontrollgesetzes (CannKG). Drucksache 19/819
- United Nations (1961, 1971, 1972, 1988): International Drug Control Conventions <https://www.unodc.org/unodc/en/commissions/CND/conventions.html>