

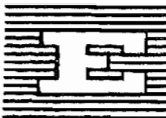
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COMMISSION ON NARCOTIC DRUGS
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Item 3 of the provisional agenda

PREPARATION OF THE NEW CONVENTION AGAINST ILLICIT TRAFFIC
IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Comments received from Governments

I. INTRODUCTION

1. By note NAR/CL.17/1987 dated 30 October 1987, under cover of which the Expert Group's report on its first and second sessions (E/CN.7/1988/2 (Part II)) was distributed to States for review, the Secretary-General requested Governments to submit to the Secretariat the comments they might wish to make on the draft of the articles contained in annex II of that report. As of 22 January 1988, the Division of Narcotic Drugs had received the following comments from the Government of India.

II. COMMENTS RECEIVED FROM THE GOVERNMENT OF INDIA

Article 6, subparagraph 1(a)

2. In order to take into account the combination of drug offences with economic offences (para.70 of E/CN.7/1988/2 (Part II)), it is proposed that the subparagraph should be amended so that the information to be exchanged between the competent national agencies and services would also include commercial and economic transactions. This amendment would bring the provisions of the subparagraph in line with those of article 2, subparagraph 3(c), as redrafted by the Expert Group, where it is indicated that "the involvement of the offender in other illegal activities facilitated by the commission of the offence" may constitute one of the factual circumstances which could make the commission of offences set forth in article 2, paragraph 1, particularly serious.

Article 12, paragraph 3

3. The substitution by the Expert Group of the phrase "and is on the high seas as defined in paragraph VII of the United Nations Convention on the Law of the Sea" by the phrase "beyond the external limits of the territorial sea", as contained in the revised draft, is considered unacceptable as it may imply that third States have been attributed certain rights in the area between 12 and 200 miles (Exclusive Economic Zone) not contemplated in the United Nations Convention on the Law of the Sea. The formulation contained in the original draft proposed by the Secretariat should be retained.