

1958 GENEVA CONVENTIONS ON THE LAW OF THE SEA

At its first session, in 1949, the International Law Commission selected both the regime of the territorial waters and that of the high seas as topics for codification, and included the latter in the list of topics to be given priority. Following a recommendation by the General Assembly in resolution 374 (IV) of 6 December 1949, the topic of territorial waters was added to the list of prioritized topics in 1951. The mandate of Mr. François, appointed Special Rapporteur for the topic of the high seas in 1949, was extended to include also the topic of the territorial sea. The topics were considered by the Commission at its second to eighth sessions, from 1950 to 1956 respectively, on the basis of the reports of the Special Rapporteur, information provided by Governments and International Organizations, as well as documents prepared by the Secretariat. Final drafts with regard to the continental shelf, fisheries and the contiguous zone were submitted by the Commission to the General Assembly at its fifth session, in 1953. The General Assembly decided, however, in resolution 798 (VII) of 7 December 1953, to defer all action until the problems relating to both the high seas and territorial waters had been studied by the Commission. The question of the continental shelf was brought before the General Assembly by ten Member States at the sixth session, in 1954, but the Assembly again deferred all action in resolution 899 (IX) of 14 December 1954, and requested the Commission to submit its final report on the regime of the high seas, the regime of territorial waters and all related problems to the Assembly by its eleventh session, in 1956.

In 1956, the Commission adopted its final report on the territorial sea. At the same session, all the draft articles concerning the law of the sea were included in a single systematic body as to constitute a final draft on the law of the sea. The draft was submitted to the General Assembly with a recommendation to convene a conference of plenipotentiaries (see the report of the International Law Commission on the work of its eighth session, A/CN.4/104). Following the adoption of resolution 1105 (XI) of 21 February 1957, the United Nations Conference on the Law of the Sea, at which eighty-six states participated, was convened in Geneva from 24 February to 27 April of 1958. In accordance with the resolution, the mandate of the Conference was to examine the law of the sea in light of not only legal but also technical, biological, economic and political aspects of the problems involved, and to embody its results in one or more conventions or other appropriate instrument.

Four separate conventions were adopted by the Conference on 29 April 1958 and were opened for signature until 31 October 1958, and thereafter opened for accession by all Member States of the United Nations, as well as other States and specialized agencies invited by the General Assembly to become party: the Convention on the Territorial Sea and the Contiguous Zone (entered into force on 10 September 1964); the Convention on the High Seas (entered into force on 30 September 1962); the Convention on Fishing and Conservation of the Living Resources of the High Seas (entered into force on 20 March 1966), and the Convention on the Continental Shelf (entered into force on 10 June 1964). In addition, an Optional Protocol of Signature concerning the Compulsory Settlement of Disputes was adopted, which entered into force on 30 September 1962.