

# **United Nations Conference on the Law of the Sea**

Geneva, Switzerland  
24 February to 27 April 1958

Documents:

**A/CONF.13/L.29**

**United States of America: proposal**

**A/CONF.13/L.30**

**Union of Soviet Socialist Republics: proposal**

**A/CONF.13/L.31**

**United States of America: proposal**

Extract from the *Official Records of the United Nations Conference on the Law of The Sea, Volume II (Plenary Meetings)*

(b) If the crime is of a kind to disturb the peace of the country or the good order of the territorial sea ;

(c) If the assistance of the local authorities has been requested by the captain of the ship or by the consul of the country whose flag the ship flies, or

(d) If it is necessary for the suppression of illicit traffic in narcotic drugs.

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, before taking any steps advise the consular authority of the flag State and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interest of navigation.

5. The coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

#### Article 21

##### *Arrest of foreign ships for the purpose of exercising civil jurisdiction*

1. A coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. A coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving the internal waters.

#### *Sub-section C. Government ships other than warships*

##### Article 22

##### *Government ships operated for commercial purposes*

The rules contained in sub-sections A and B shall also apply to government ships operated for commercial purposes.

#### Article 23

##### *Government ships operated for non-commercial purposes*

The rules contained in sub-section A and in article 19 shall apply to government ships operated for non-commercial purposes.

#### *Sub-section D. Warships*

##### Article 24

##### *Passage*

1. The coastal State may make the passage of warships through the territorial sea subject to previous authorization or notification. Normally it shall grant innocent passage subject to the observance of the provisions of articles 17 and 18.

2. During passage warships have complete immunity from the jurisdiction of any State other than its flag State.

##### Article 25

##### *Non-observance of the regulations*

If any warship does not comply with the regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.

## II

### **Text of the draft resolution adopted by the First Committee**

#### RÉGIME OF HISTORIC WATERS

##### *The First Committee,*

*Considering* that the International Law Commission has not provided for the régime of historic waters including historic bays,

*Recognizing* the importance of the juridical status of such areas,

*Recommends* that the Conference should refer the matter to the General Assembly of the United Nations with the request that the General Assembly should make appropriate arrangements for the study of the juridical régime of historic waters including historic bays, and for the result of these studies to be sent to all member States of the United Nations.

## DOCUMENT A/CONF.13/L.29

### **United States of America: proposal**

[Original text: English]  
[24 April 1958]

Article 3 shall read as follows:

"1. The maximum breadth of the territorial sea of any State shall be six miles.

"2. The coastal State shall in a zone having a maximum breadth of twelve miles, measured from the applicable baseline, determined as provided in these rules, have the same rights in respect of fishing and the exploitation of the living resources of the sea as it has in its territorial sea ; provided that such rights shall be subject to the right

of the vessels of any State whose vessels have fished regularly in that portion of the zone having a continuous baseline and located in the same major body of water for the period of five years immediately preceding the signature of this convention, to fish in the outer six miles of that portion of the zone, under obligation to observe therein such conservation regulations as are consistent with the rules on fisheries adopted by this conference and other rules of international law.

"3. Any dispute with respect to the interpretation or

application of this article shall, at the request of any party to the dispute, be submitted to arbitration unless the parties agree to another method of peaceful solution.

“4. For the purpose of this convention the term “mile” means a nautical mile (which is 1,852 metres), reckoned at sixty to one degree of latitude.

“5. As respects the parties thereto, the provisions of paragraph 2 of this article shall be subject to such bilateral

or multilateral arrangements, if any, as may exist or be entered into.”

*Note.*—It is proposed that this article be entered into with the express understanding that each party to the convention undertakes to consider sympathetically the request of another party to consult on the question of whether the rights granted by the article are being exercised in such manner as to work an inequity upon one or more of the other parties and, if so, what measures should and can be taken to remedy the situation.

---

**DOCUMENT A/CONF.13/L.30**

**Union of Soviet Socialist Republics: proposal**

[Original text: Russian]  
[24 April 1958]

Article 3 to read as follows:

“Each State shall determine the breadth of its territorial waters in accordance with established practice within the limits, as a rule, of three to twelve miles, having regard to historical and geographical conditions, economic interests, the interests of the security of the coastal State and the interests of international navigation.”

---

**DOCUMENT A/CONF.13/L.31\***

**United States of America: proposal**

[Original text: English]  
[24 April 1958]

Article 66 to read as follows:

“1. In a zone of the high seas contiguous to its territorial sea, the coastal State may exercise the control necessary to

“(a) Prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea;

“(b) Punish infringement of the above regulations committed within its territory or territorial sea.

“2. The contiguous zone may not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured.

“3. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.”

---

\* Incorporating document A/CONF.13/L.31/Add.1.