

United Nations Conference on the Law of the Sea

Geneva, Switzerland
24 February to 27 April 1958

Documents:

A/CONF.13/L.57

Optional Protocol of Signature concerning the Compulsory Settlement of Disputes

A/CONF.13/L.58

Final Act of the Conference

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

VII

RÉGIME OF HISTORIC WATERS

Resolution adopted on the report of the First Committee

The United Nations Conference on the Law of the Sea, 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,

Decides to request the General Assembly of the United Nations to arrange for the study of the juridical régime of historic waters, including historic bays, and for the communication of the results of such study to all States Members of the United Nations.

*20th plenary meeting
27 April 1958*

VIII

CONVENING OF A SECOND UNITED NATIONS CONFERENCE
ON THE LAW OF THE SEA

The United Nations Conference on the Law of the Sea,

Considering that, on the basis of the report prepared by the International Law Commission,¹ it has approved agreements and other instruments on the régime applicable to fishing and the conservation of the living resources of the high seas, the exploration of the continental shelf and the exploitation of its natural resources and other matters

¹ *Official Records of the General Assembly, Eleventh Session, Supplement No. 9.*

pertaining to the general régime of the high seas and to the free access of land-locked States to the sea,

Considering that it has not been possible to reach agreement on the breadth of the territorial sea and some other matters which were discussed in connexion with this problem,

Recognizing that, although agreements have been reached on the régime applicable to fishing and the conservation of the living resources of the high seas, it has not been possible, in those agreements, to settle certain aspects of a number of inherently complex questions,

Recognizing the desirability of making further efforts at an appropriate time to reach agreement on questions of the international law of the sea, which have been left unsettled,

Resolves to request the General Assembly of the United Nations to study, at its thirteenth session, the advisability of convening a second international conference of plenipotentiaries for further consideration of the questions left unsettled by the present Conference.

*21st plenary meeting
27 April 1958*

IX

TRIBUTE TO THE INTERNATIONAL LAW COMMISSION

The United Nations Conference on the Law of the Sea, on the conclusion of its proceedings,

Resolves to pay a tribute of gratitude, respect and admiration to the International Law Commission for its excellent work in the matter of the codification and development of international law, in the form of various drafts and commentaries of great juridical value.

*21st plenary meeting
27 April 1958*

DOCUMENT A/CONF.13/L.57

Optional Protocol of Signature concerning the Compulsory Settlement of Disputes

The States parties to this Protocol and to any one or more of the Conventions on the Law of the Sea adopted by the United Nations Conference on the Law of the Sea held at Geneva from 24 February to 27 April 1958,

Expressing their wish to resort, in all matters concerning them in respect of any dispute arising out of the interpretation or application of any article of any Convention on the Law of the Sea of 29 April 1958, to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement is provided in the Convention or has been agreed upon by the parties within a reasonable period,

Have agreed as follows:

Article I

Disputes arising out of the interpretation or application of any Convention on the Law of the Sea shall lie within the compulsory jurisdiction of the International Court of Justice, and may accordingly be brought before the Court by an application made by any party to the dispute being a party to this Protocol.

Article II

This undertaking relates to all the provisions of any Convention on the Law of the Sea except, in the Convention on Fishing and Conservation of the Living Resources of

the High Seas, articles 4, 5, 6, 7 and 8, to which articles 9, 10, 11 and 12 of that Convention remain applicable.

Article III

The parties may agree, within a period of two months after one party has notified its opinion to the other that a dispute exists, to resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either party to this Protocol may bring the dispute before the Court by an application.

Article IV

1. Within the same period of two months, the parties to this Protocol may agree to adopt a conciliation procedure before resorting to the International Court of Justice.
2. The conciliation commission shall make its recommendations within five months after its appointment. If its recommendations are not accepted by the parties to the dispute within two months after they have been delivered, either party may bring the dispute before the Court by an application.

Article V

This Protocol shall remain open for signature by all States who become parties to any Convention on the Law

of the Sea adopted by the United Nations Conference on the Law of the Sea and is subject to ratification, where necessary, according to the constitutional requirements of the signatory States.

Article VI

The Secretary-General of the United Nations shall inform all States who become parties to any convention on the law of the sea of signatures to this Protocol and of the deposit of instruments of ratification in accordance with article V.

Article VII

The original of this Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article V.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed this Protocol.

DONE AT GENEVA, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

DOCUMENT A/CONF.13/L.58

Final Act of the Conference

1. The General Assembly of the United Nations, by resolution 1105 (XI) of 21 February 1957, decided to convene an international conference of plenipotentiaries to examine the law of the sea, taking account not only of the legal but also of the technical, biological, economic and political aspects of the problem, and to embody the results of its work in one or more international conventions or such other instruments as it might deem appropriate. The General Assembly also recommended that the conference should study the question of free access to the sea of land-locked countries, as established by international practice or treaties.

2. The United Nations Conference on the Law of the Sea met at the European Office of the United Nations at Geneva from 24 February to 27 April 1958.

3. The governments of the following eighty-six States were represented at the Conference: Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Federation of Malaya, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Republic of Korea, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, San Marino, Saudi Arabia, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Republic of Viet-Nam, Yemen, Yugoslavia.

4. At the invitation of the General Assembly, the following specialized agencies had observers at the Conference:

- International Labour Organisation;
- United Nations Food and Agriculture Organization;
- United Nations Educational, Scientific and Cultural Organization;
- International Civil Aviation Organization;
- World Health Organization;
- International Telecommunication Union;
- World Meteorological Organization.

5. At the invitation of the General Assembly, the following

intergovernmental organizations also had observers at the Conference:

- Conseil Général des Pêches pour la Méditerranée;
 - Indo-Pacific Fisheries Council;
 - Inter-American Tropical Tuna Commission;
 - Inter-Governmental Committee for European Migration;
 - International Council for the Exploration of the Sea;
 - International Institute for the Unification of Private Law;
 - League of Arab States;
 - Organization of American States;
 - Permanent Conference for the Exploitation and Conservation of the Maritime Resources of the South Pacific.
6. The Conference elected His Royal Highness Prince Wan Waithayakon Krommun Naradhip Bongsprabandh (Thailand) as President.
7. The Conference elected as Vice-Presidents Argentina, China, France, Guatemala, India, Italy, Mexico, Netherlands, Poland, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.
8. The following committees were set up:

General Committee

Chairman: The President of the Conference.

First Committee (Territorial Sea and Contiguous Zone)

Chairman: Mr. K. H. Bailey (Australia).

Vice-Chairman: Mr. S. Gutiérrez Olivos (Chile).

Rapporteur: Mr. Vladimir M. Koretsky (Ukrainian Soviet Socialist Republic).

Second Committee (High Seas: General Régime)

Chairman: Mr. O. C. Gundersen (Norway).

Vice-Chairman: Mr. Edwin Glaser (Romania).

Rapporteur: Mr. José Madeira Rodrigues (Portugal).

Third Committee (High Seas: Fishing; Conservation of Living Resources)

Chairman: Mr. Carlos Sucre (Panama).

Vice-Chairman: Mr. E. Krispis (Greece).

Rapporteur: Mr. N. K. Pannikar (India).

Fourth Committee (Continental Shelf)

Chairman: Mr. A. B. Perera (Ceylon).

Vice-Chairman : Mr. R. A. Quarshie (Ghana).

Rapporteur : Mr. L. Díaz Gonzáles (Venezuela).

Fifth Committee (Question of free access to the sea of land-locked countries)

Chairman : Mr. J. Zourek (Czechoslovakia).

Vice-Chairman : Mr. W. Guevara Arze (Bolivia).

Rapporteur : Mr. A. H. Tabibi (Afghanistan).

Drafting Committee

Chairman : Mr. J. A. Correa (Ecuador).

Credentials Committee

Chairman : Mr. M. Wershof (Canada).

9. The Secretary-General of the United Nations was represented by Mr. C. A. Stavropoulos, the Legal Counsel. Mr. Yuen-li Liang, Director of the Codification Division of the Office of Legal Affairs of the United Nations, was appointed Executive Secretary.

10. The General Assembly, by its resolution convening the Conference, referred to the Conference the report of the International Law Commission covering the work of its eighth session as a basis for consideration of the various problems involved in the development and codification of the law of the sea ; the General Assembly also referred to the Conference the verbatim records of the relevant debates in the General Assembly, for consideration by the Conference in conjunction with the Commission's report.

11. The Conference also had before it the comments by governments on the articles concerning the law of the sea prepared by the International Law Commission, the memorandum submitted by the Preliminary Conference of Land-locked States held in Geneva from 10 to 14 February 1958, and preparatory documentation prepared by the Secretariat of the United Nations, by certain specialized agencies and by independent experts invited by the Secretariat to assist in the preparation of this documentation.

12. On the basis of the deliberations, as recorded in the summary records and reports of the committees and in the records of the plenary meetings, the Conference prepared and opened for signature the following conventions (annexes I to IV) :

Convention on the Territorial Sea and the Contiguous Zone

(adopted on 27 April 1958, on the report of the First Committee)

(A/CONF.13/L.52) ;

Convention on the High Seas

(adopted on 27 April 1958, on the report of the Second Committee)

(A/CONF.13/L.53 and Corr.1) ;

Convention on Fishing and Conservation of the Living Resources of the High Seas

(adopted on 26 April 1958, on the report of the Third Committee)

(A/CONF.13/L.54 and Add.1) ;

Convention on the Continental Shelf

(adopted on 26 April 1958, on the report of the Fourth Committee)

(A/CONF.13/L.55).

The Conference also adopted the following *Protocol* (annex V) :

Optional Protocol of Signature concerning the compulsory settlement of disputes

(adopted by the Conference on 26 April 1958)

(A/CONF.13/L.57).

In addition, the Conference adopted the following *resolutions* (annex VI)

(A/CONF.13/L.56) :

Nuclear tests on the high seas

(Resolution adopted on 27 April 1958, on the report of the Second Committee, in connexion with article 2 of the Convention on the High Seas) ;

Pollution of the high seas by radio-active materials

(Resolution adopted on 27 April 1958, on the report of the Second Committee, relating to article 25 of the Convention on the High Seas) ;

International fishery conservation conventions

(Resolution adopted on 25 April 1958, on the report of the Third Committee) ;

Co-operation in conservation measures

(Resolution adopted on 25 April 1958, on the report of the Third Committee) ;

Humane killing of marine life

(Resolution adopted on 25 April 1958, on the report of the Third Committee) ;

Special situations relating to coastal fisheries

(Resolution adopted on 26 April 1958, on the report of the Third Committee) ;

Régime of historic waters

(Resolution adopted on 27 April 1958, on the report of the First Committee) ;

Convening of a second United Nations Conference on the Law of the Sea

(Resolution adopted by the Conference on 27 April 1958) ;

Tribute to the International Law Commission

(Resolution adopted by the Conference on 27 April 1958).

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE AT GENEVA this twenty-ninth day of April, one thousand nine hundred and fifty-eight, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the United Nations Secretariat.

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