

United Nations Conference on the Law of the Sea

Geneva, Switzerland
24 February to 27 April 1958

Documents:

A/CONF.13/C.1/L.128-L.158

Annexes

Extract from the *Official Records of the United Nations Conference on the Law of The Sea, Volume III (First Committee (Territorial Sea and Contiguous Zone))*

DOCUMENT A/CONF.13/C.1/L.128**Turkey: proposal**

[Original text : French]
[31 March 1958]

Article 14

Add a new paragraph 2 :

“2. If the breadth of the respective territorial seas of two adjacent States is not the same, the boundary line shall be drawn on the basis of whichever of the two is the greater.”

The present paragraph 2 becomes paragraph 3.

DOCUMENT A/CONF.13/C.1/L.130**Japan: proposal**

[Original text : English]
[1 April 1958]

Article 14 A

Add the following as article 14 A :

“Any disputes that may arise between States concerning the interpretation or application of articles 5 and 7 shall be submitted to the International Court of Justice at the request of any of the parties, unless they agree on another method of peaceful settlement.”

DOCUMENT A/CONF.13/C.1/L.131**Iceland: proposal**

[Original text : English]
[1 April 1958]

Article 66

At the end of article 66 add a new paragraph 3 as follows :

“3. In exceptional circumstances, where a people is primarily dependent on its coastal fisheries for its livelihood and/or economic development, the State concerned has the right to exercise exclusive jurisdiction over the fisheries up to the necessary distance from the coast in view of relevant local considerations.”

Comment

In its interventions in the general debate in the First, Third and Fourth Committees, the Icelandic delegation has drawn attention to the special case where a nation is dependent upon the coastal fisheries for its subsistence. It was there shown that as far as Iceland is concerned the country is very barren. No minerals or forest exist there and most of the necessities of life have to be imported. These imports have to be financed through the exports, 97% of which consist of fisheries products. In the First

Committee, the Icelandic delegation stated that a zone of twelve miles from the baselines would go a long way in taking care of the Icelandic requirements. It would, however, be necessary to keep open the possibility for further action in Icelandic waters if experience should demonstrate the necessity thereof. In that respect the policy would be to satisfy the Icelandic requirements on a priority basis as far as fishing in the coastal areas is concerned.

If such an exceptional rule is limited to demonstrated need there should be no danger of abuse, and indeed, any differences of opinion would have to be settled through the usual channels. In the International Law Commission's expressions such as “where circumstances necessitate”, “to any appreciable extent”, “sufficiently closely linked”, “adequate grounds”, “reasonable measures”, “unjustifiable interference” and others were used. As Professor François, with justice, pointed out in his statement at the twenty-first meeting of the First Committee, such expressions all occur in national legislation and a codification of international law can no more do without these expressions than can national law.

DOCUMENT A/CONF.13/C.1/L.132**United Kingdom of Great Britain and Northern Ireland: proposal**

[Original text : English]
[1 April 1958]

Article 15

At the end of article 15, add a new paragraph as follows :

“In the exercise of the right of innocent passage through the territorial sea, foreign fishing vessels shall observe such laws and regulations as may be made and published by the coastal State in order to prevent them from fishing in that sea. They shall, in particular, if the laws and regulations of the coastal State so require, have their gear inboard.”

DOCUMENT A/CONF.13/C.1/L.133**Peru: proposal**

[Original text : Spanish]
[1 April 1958]

Article 3

The article to read as follows :

“Each State is competent to fix its territorial sea within reasonable limits, taking into account geographical, geological and biological factors, as well as the economic needs of its population, and its security and defence.”

DOCUMENT A/CONF.13/C.1/L.133/Add.1**Peru: first addendum**

[Original text : Spanish]
[15 April 1958]

Add at the end of the earlier proposal (A/CONF.13/C.1/L.133), the following sentence :

“The States shall endeavour to fix the breadth of the territorial sea preferably by regional agreements.”

DOCUMENT A/CONF.13/C.1/L.133/Add.2**Peru: second addendum**

[Original text : Spanish]
[16 April 1958]

Add the following new paragraph :

“2. Any States adopting a breadth of territorial sea in accordance with the provisions of this article must furnish particulars of the régime adopted and the reasons for its adoption, to the Conference on the Law of the Sea which will be held periodically after the signing of this convention—in accordance with the general resolution adopted to that end—to inquire into the application of the convention and to study any new developments in the régime of the sea.”

DOCUMENT A/CONF.13/C.1/L.134**United Kingdom of Great Britain and Northern Ireland: revised proposal**

[Original text : English]
[1 April 1958]

Article 1

territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea.

Amend to read as follows :

“1. The sovereignty of a State extends, beyond its land

“2. This sovereignty is exercised subject to the provisions of this convention and to other rules of international law.”

Article 3

The article to read as follows :

“ 1. The limit of the breadth of the territorial sea shall not extend beyond six miles Extension to this limit shall

not, however, affect existing rights of passage for aircraft and vessels, including warships, outside three miles.

“ 2. For the purposes of this convention, the term ‘ mile ’ means nautical mile (1,852 metres) reckoned at sixty to one degree of latitude.”

DOCUMENT A/CONF.13/C.1/L.135**Yugoslavia: proposal**

[Original text : French]
[1 April 1958]

Article 3

The article to read as follows :

“ 1. Every State has the right to fix the breadth of its territorial sea up to a limit of twelve nautical miles measured from the baseline drawn as provided in articles 4 and 5.

“ 2. The breadth of the territorial sea cannot be less than three nautical miles.

“ 3. It is the duty of the coastal State to publish in due form the provisions relating to the determination of the breadth of the territorial sea.”

DOCUMENT A/CONF.13/C.1/L.136**Greece: proposal**

[Original text : English]
[1 April 1958]

Article 3

The article to read as follows :

“ The territorial sea extends to three nautical miles from the baseline drawn in accordance with articles 4 and 5.”

DOCUMENT A/CONF.13/C.1/L.137**Italy: proposal**

[Original text : French]
[1 April 1958]

Article 3

The article to read as follows :

“ Each State has the right to fix the breadth of its territorial sea, but in no case shall that breadth exceed six nautical miles.”

DOCUMENT A/CONF.13/C.1/L.138**Italy: proposal**

[Original text : French]
[1 April 1958]

Article 66

PARAGRAPH 1

Delete in sub-paragraphs (a) and (b) the words “ within its territory or territorial sea ”.

DOCUMENT A/CONF.13/C.1/L.139**Peru: proposal**

[Original text : Spanish]
[1 April 1958]

Article 1

Add the following paragraph after paragraph 1 :

“The authority of the coastal State shall also be exercised over the maritime zone to be determined in accordance with this convention for the purpose of the conservation and exploitation of the living resources in the said zone.”

“1. Without prejudice to the provisions of this convention concerning the other rights vested in the coastal State, the said State may exercise in a zone of the high seas contiguous to its territorial sea, the control necessary to

“(a) [As in the text of the International Law Commission]

“(b) [As in the text of the International Law Commission.]

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

Article 66

Replace by the following text :

DOCUMENT A/CONF.13/C.1/L.140**United States of America: proposal**

[Original text : English]
[1 April 1958]

Article 3

The article to read as follows :

“The breadth of the territorial sea is three miles”.

fishing and the exploitation of the living resources of the sea in this zone as it has in its territorial sea”

2 Substitute the words “extends to” for the words “may not extend beyond” in the present paragraph 2 (renumbered 3)

Article 66**PARAGRAPH 2**

1. Add the following new paragraph 2 (the present paragraph 2 being renumbered 3) :

“2. The coastal State has the same rights in respect of

Comment

In the view of the sponsor, the above constitutes a single proposal and should be discussed and voted upon as such

DOCUMENT A/CONF.13/C.1/L.141**Mexico: proposal**

[Original text : Spanish]
[1 April 1958]

Article 66**PARAGRAPH 2**

Delete paragraph 2 and add the following text after paragraph 1 :

“2. The coastal State has the same rights in respect of fishing and the exploitation of the living resources of the sea in this zone as it has in the territorial sea.”

“3. Every State is entitled to fix the breadth of the zone contiguous to its territorial sea up to a limit of twelve nautical miles measured from the outer line of the said sea”

DOCUMENT A/CONF.13/C.1/L.141/Rev.1**Mexico: revised proposal**

[Original text : English and Spanish]
[14 April 1958]

Article 66**PARAGRAPH 2**

Replace paragraph 2 by the following text :

“2 The coastal State has the same rights in respect of fishing and the exploitation of the living resources of the sea in this zone as it has on the territorial sea.

“3. Every State is entitled to fix the breadth of the zone contiguous to its territorial sea up to a limit of twelve nautical miles measured from the baseline from which the breadth of the territorial sea is measured. When the breadth of the territorial sea is twelve miles there will be no contiguous zone.”

DOCUMENT A/CONF.13/C.1/L.143**Letter from the Chairman of the Second Committee to the Chairman of the First Committee**

[Original text : English]
[2 April 1958]

At its 20th meeting held on 28 March 1958, the Second Committee decided to delete paragraph 2 from article 26 of the International Law Commission's draft and refer it to the First Committee. The paragraph in question reads as follows :

"Waters within the baseline of the territorial sea are considered 'internal waters'."

I shall be obliged if you will kindly bring this matter to the attention of the First Committee.

(Signed) O. C. Gundersen
*Chairman,
Second Committee*

DOCUMENT A/CONF.13/C.1/L.144**Portugal: amendment to document A/CONF.13/C.1/L.77/Rev.1**

[Original text : English]
[2 April 1958]

Add to the new paragraph 2 proposed for article 66 the following text :

"When, however, in zones which previously were high seas, nationals of other States have fished [for a long period of years] without damage to the stock, the coastal State is bound to respect and maintain the right of those nationals to fish that stock, subject only to the conservation measures internationally accepted in that area for that stock."

Alternative

Should the last sentence of this amendment be rejected, the following alternative wording is proposed :

"...subject only to non-discriminatory scientifically based measures of conservation."

Comment

The expression "[for a long period of years]" is left to be defined to the satisfaction of the Committee, and to be adequately drafted by the drafting committee.

DOCUMENT A/CONF.13/C.1/L.144/Rev.1**Portugal: amendment to document A/CONF.13/C.1/L.77/Rev.2**

[Original text : English]
[17 April 1958]

1. Replace the date 24 February 1958, by 7 July 1956.

Comment

The newly proposed date is that of the close of the eleventh session of the International Law Commission, at which were adopted the draft articles which have been referred to the present conference as the basis for its discussions.

2 Add to paragraph 2 :

"When, however, in zones which previously were high seas, nationals of other States have fished [for a long period of years] without damage to the stock, the coastal State is bound to respect and maintain the right of those

nationals to fish that stock, subject only to the conservation measures internationally accepted in that area for that stock."

Alternative

Should the last sentence of this amendment be rejected, the following alternative wording is proposed :

"...subject only to non-discriminatory scientifically based measures of conservation."

Comment

The expression "[for a long period of years]" is left to be defined to the satisfaction of the Committee, and to be adequately drafted by the drafting committee.

DOCUMENT A/CONF.13/C.1/L.145**Turkey: proposal**

[Original text : French]
[3 April 1958]

Article 1**PARAGRAPH 2**

Amend paragraph 2 as follows :

"2. This sovereignty is exercised, as far as innocent passage is concerned, in conformity with these articles and with the other rules of international law."

DOCUMENT A/CONF.13/C.1/L.146

Turkey: proposal

[Original text . French]
[3 April 1958]

Article 12

PARAGRAPH 3

Delete this paragraph.

Comment

The principle of non-interference with innocent passage through straits having been accepted, this paragraph is pointless. In any case, the article deals with the status of opposite coasts belonging to different States.

DOCUMENT A/CONF.13/C.1/L.147*

Italy: proposal

[Original text : French]
[3 April 1958]

Article 5

PARAGRAPH 1

Add the following sentence at the end of the paragraph :
"The straight baseline method shall not be used in the case of non-oceanic seas and the coasts of which belong to different States"

* Incorporating A/CONF 13/C 1/L 147/Corr 1

Alternative

After the words : "or because there are islands in its immediate vicinity", add the following words : "which are separated from the coast by arms of the sea navigable only by ships of small tonnage".

[If the first proposal is adopted, the second lapses automatically]

DOCUMENT A/CONF.13/C.1/L.151

Yugoslavia: amendment to document A/CONF.13/C.1/L.130

[Original text : French]
[9 April 1958]

1. Insert the words "opposite or adjacent" before the word "States".
2. Replace the words "articles 5 and 7" by the words : "the articles in this section relating to the determination of their territorial sea".

DOCUMENT A/CONF.13/C.1/L.153

Saudi Arabia: draft resolution

[Original text : English]
[9 April 1958]

Article 3

The following draft resolution is submitted to be adopted in the event that the main proposals based on the twelve-mile limit are rejected :

The United Nations Conference on the Law of the Sea, Mindful of the importance of the widest measure of agreement regarding the extent of the territorial sea,

Considering that such agreement has not so far been achieved,

Taking into account that no formula regarding the extent of the territorial sea has been accepted by the Conference,

1. *Decides to request the Secretary-General of the United Nations to study ways and means, including the convoca-*

tion of a special conference, with a view to arriving at an agreement on the extent of the territorial sea ;

2. *Decides to accept the following principles until such agreement is realized :*

(a) *International practice is not uniform as regards the delimitation of the territorial sea ;*

(b) *International law does not permit an extension of the territorial sea beyond twelve miles ;*

(c) *The extension by a State of its territorial sea to a twelve-mile limit is not a breach of international law ;*

(d) *The three-mile limit, as a minimum, is recognized as a rule of existing international law.*

DOCUMENT A/CONF.13/C.1/L.155**Argentina, Chile and Mexico: proposal**

[Original text : Spanish]
[11 April 1958]

Article 23

The article to read as follows :

1. For the purposes of innocent passage, government ships operated for non-commercial purposes shall be classified under the following two categories :

(a) Ships operated for purposes of a civilian character ;

(b) Ships operated, directly or indirectly, for auxiliary purposes of a military character.

2. The rules in sub-section A shall apply to government ships in category (a).

3. The rules in sub-section D shall apply to government ships in category (b).

DOCUMENT A/CONF.13/C.1/L.157**Federal Republic of Germany, Greece, Italy and Japan: proposal**

[Original text : English]
[15 April 1958]

Article 5

Add after paragraph 1 the following new paragraph :

" 2. As a general rule, the maximum permissible length for a straight baseline shall be ten miles. Such baselines may be drawn, when justified according to paragraph 1, between headlands of the coastline or between any such

headland and an island less than five miles from the coast, or between such islands. Longer straight baselines may, however, be drawn provided that no point on such lines is more than five miles from the coast."

Note. — This proposal shall stand also as an amendment to the revised text of article 5 proposed by the United Kingdom delegation, A/CONF.13/C.1/L.62/Corr.1.

DOCUMENT A/CONF.13/C.1/L.158**India and Panama: draft resolution**

[Original text : English]
[15 April 1958]

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.

Decides to request the Secretary-General of the United Nations to arrange for the study of the régime of historic waters including historic bays and the preparation of draft rules which may be submitted to a special conference.

DOCUMENT A/CONF.13/C.1/L.158/Rev.1**India and Panama: revised draft resolution**

[Original text : English]
[17 April 1958]

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.