

United Nations Conference on the Law of the Sea

Geneva, Switzerland
24 February to 27 April 1958

Documents:

A/CONF.13/C.1/L.52-L.85

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.52**Bolivia: proposal**

[Original text : Spanish]
[26 March 1958]

Article 17

ADDITIONAL PARAGRAPH

Add the following new paragraph 3 :

“ 3. Ships of a land-locked State shall have a special right of passage through the territorial sea and internal waters of the coastal State contiguous to its territory, for the purpose of entering or leaving ports of the latter State.”

DOCUMENT A/CONF.13/C.1/L.53**Pakistan: proposal**

[Original text : English]
[26 March 1958]

Article 20

PARAGRAPH 1

Add at the end of the paragraph a sub-paragraph (d), as follows :

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

DOCUMENT A/CONF.13/C.1/L.54***Yugoslavia: proposal**

[Original text : French]
[26 March 1958]

Article 66

PARAGRAPH 1

In sub-paragraph (a), for the words “ or sanitary ”, substitute the words : “ sanitary or security ”.

PARAGRAPH 2

Insert as a new paragraph 2 the following text :

“ 2. The coastal State is authorized to regulate the exploitation of the living resources of the sea in the contiguous zone and to reserve exclusive fishing rights therein

* Incorporating A/CONF 13/C.1/L.54/Corr.1/Rev 1.

for its nationals. It may exercise the control necessary to prevent and punish infringements of its fishing laws and regulations in its territorial sea and the contiguous zone.”

Re-number paragraph 2 as paragraph 3, and, at the end of this paragraph add the following :

“ The delimitation of this zone between two States the coasts of which are opposite each other at a distance less than the breadth of their territorial seas and contiguous zones, or between two adjacent States, is constituted, in the absence of an agreement, by the median line every point of which is equidistant from the nearest points on the baselines from which the breadths of the territorial seas of the two States are measured.”

DOCUMENT A/CONF.13/C.1/L.56**Chile: proposal**

[Original text : Spanish]
[26 March 1958]

Article 66

PARAGRAPH 4

1. After the word “ straits ”, add “ and channels ”.
2. At the end of the paragraph, replace the full stop by a comma and add the phrase : “ except when the safety of navigation so requires.”

DOCUMENT A/CONF.13/C.1/L.57**Yugoslavia: proposal**

[Original text : French]
[26 March 1958]

Article 1**PARAGRAPH 1**

After the words " adjacent to its coast ", add the words " or to its internal waters ".

PARAGRAPH 2

Delete the words " and by other rules of international law ".

Alternative

Replace the words " other rules of international law " by " the other rules of international law applicable to the coastal State ".

[If the first proposal is accepted, the alternative is *ipso facto* dropped.]

DOCUMENT A/CONF.13/C.1/L.58**Yugoslavia: proposal**

[Original text : French]
[26 March 1958]

Article 5**PARAGRAPH 3**

Delete this paragraph.

Alternative

For the last words of this paragraph, " have normally been used for international traffic ", substitute the following : " are essential to international traffic using regular sea routes ".

New article 5 A

After article 5 insert a new article worded as follows :

" Waters within the baseline of the territorial sea shall be considered as internal waters."

DOCUMENT A/CONF.13/C.1/L.59**Yugoslavia: proposal**

[Original text : French]
[26 March 1958]

Article 10

Treat the present text as paragraph 1 and add the following paragraphs 2 and 3 :

" 2. The provisions of articles 4 and 5 also apply to islands.

" 3. The method referred to in article 5, of straight baselines joining appropriate points on the coast of islands facing the high seas shall be applied in the same way to groups of islands distant from the coast. The areas of sea within such lines and islands shall be considered as internal waters of the islands."

DOCUMENT A/CONF.13/C.1/L.62**United Kingdom of Great Britain and Northern Ireland: proposal**

[Original text : English]
[27 March 1958]

Article 4

Delete the words " article 5 and to the provisions regarding bays and islands ", and substitute the following : " articles 5 and 7 ".

Article 5**PARAGRAPH 1**

1. Delete the first sentence and substitute " In localities

where the coastline of a State is deeply indented and cut into, or if there is a fringe of islands along the coast, the baseline from which the territorial sea is measured may be independent of the low-water mark."

2. Delete the penultimate sentence.

3 Remove the last sentence to a new paragraph 4.

PARAGRAPH 2

Remove the present paragraph 2 to a new paragraph 5.

PARAGRAPH 3

1. Remove the present paragraph 3 to a new paragraph 6.
2. Insert a new paragraph 2 as follows :

"2. Where the method of straight baselines is applicable under the provisions of paragraph 1, account may be taken, in determining particular baselines, of economic circumstances peculiar to the region concerned, the reality and importance of which are clearly evidenced by a long usage."

Insert a new paragraph 3 as follows :

"3. Except where justified on historic grounds or imposed by the peculiar geography of the coast concerned, the length of the straight baselines provided for in paragraph 1 shall not exceed ten miles."

Article 7

PARAGRAPH 1

Remove the present paragraph 1 to a new paragraph 2 with the following changes :

(a) in the first sentence, delete "articles" and substitute "Convention";

(b) Delete the last two sentences.

Insert a new paragraph 1 as follows :

"This article relates only to bays the coasts of which belong to a single State."

PARAGRAPHS 2, 3 AND 4

Delete these paragraphs and substitute new paragraphs 3-7 as follows :

"3. For the purpose of measurement, the area of an

indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water marks of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation.

"4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed ten miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby may be treated as internal waters.

"5. In the case of a bay which, because of the presence of islands, has more than one mouth, closing lines may not be drawn at all if the normal navigational route passes between the islands and the mainland.

"6. Where the distance between the low-water marks of the natural entrance points of a bay exceeds ten miles, a straight baseline of ten miles may be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

"7. The foregoing provisions shall not apply to historic bays."

Article 11

Make the present text paragraph 1, and insert a new paragraph 2 as follows :

"2. Drying rocks and drying shoals situated outside the territorial sea, as measured from the mainland or an island, have no territorial sea of their own."

DOCUMENT A/CONF.13/C.1/L.62/Corr.1**United Kingdom of Great Britain and Northern Ireland: revised proposal**

[Original text : English]
[15 April 1958]

Article 5

Substitute the following text for article 5 :

"1. In localities where the coastline as a whole is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the territorial sea is measured.

"2. The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters. Except where justified on historical grounds or imposed by the peculiar geography of the coast concerned, the length of the straight baseline provided for in paragraph 1 shall not exceed ten miles.

"3. Baselines shall not be drawn to and from drying rocks and drying shoals.

"4. Where the method of straight baselines is applicable under the provisions of paragraph 1, account may be taken, in determining particular baselines, of economic circumstances peculiar to the region concerned, the reality and the importance of which are clearly evidenced by a long usage.

"5. The coastal State must clearly indicate such straight baselines on charts to which due publicity must be given.

"6. Where the establishment of a straight baseline has been effected by enclosing as internal waters areas which previously had been considered as part of the territorial sea or of the high seas, a right of innocent passage, as defined in article 15, through those waters shall be recognized by the coastal State in all those cases where the waters have normally been used for international traffic."

DOCUMENT A/CONF.13/C.1/L.63***Greece: proposal**

[Original text : English]
[27 March 1958]

Article 1

PARAGRAPH 2

Replace the word "conditions" by the word "restrictions".

may be employed, provided that the length of a straight baseline shall not exceed ten miles and no point on such a line shall be at a distance more than three miles from the coast. Baselines shall not be drawn to and from drying rocks and drying shoals."

Article 4

Add a paragraph 2 as follows :
"2. Waters within the baseline of the territorial sea are considered internal waters."

Article 7

PARAGRAPH 2

Replace the word "fifteen" by the word "ten".

PARAGRAPH 3

Replace the word "fifteen" by the word "ten", and the word "maximum" by the word "minimum".

Article 5

PARAGRAPH 1

Replace the paragraph by the following :
"1. Where circumstances necessitate a special régime because the coast is deeply indented or cut into or because there are islands in its immediate vicinity, the baseline may be independent of the low-water mark. In these cases, the method of straight baselines joining appropriate points

Article 12

PARAGRAPH 1

Replace the words "on the baselines" by the words "on the normal baseline".

PARAGRAPHS 2 AND 3

Delete these paragraphs.

* Incorporating document A/CONF.13/C.1/L.63, Corr.1, dated 8 April 1958.

DOCUMENT A/CONF.13/C.1/L.64**Canada, Denmark, Italy and Yugoslavia: proposal**

[Original text : English]
[27 March 1958]

Article 15

ADDITIONAL PARAGRAPH

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

"Foreign fishing vessels shall enjoy the right of innocent passage through the territorial sea, provided they observe the laws and regulations made and published by the

coastal State in order to prevent them from fishing in that sea. They shall, in particular, have their gear stowed away."

Note. — The present proposal replaces the second additional paragraph (new para. 7) submitted by Yugoslavia (A/CONF.13/C.1/L.15) and the proposals submitted by Denmark (A/CONF.13/C.1/L.29) and Italy (A/CONF.13/C.1/L.30).

DOCUMENT A/CONF.13/C.1/L.64/Rev.1**Canada, Denmark, Italy and Yugoslavia: revised proposal**

[Original text : English]
[2 April 1958]

Article 15

ADDITIONAL PARAGRAPH

Add at the end of the article a new paragraph as follows :

"Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent them from fishing in the territorial sea."

DOCUMENT A/CONF.13/C.1/L.66**Saudi Arabia: amendment to document A/CONF.13/C.1/L.28/Rev.1**

[Original text : English]
[27 March 1958]

Replace the text of the proposal by the following text :

“ Passage is innocent unless it is prejudicial to the security of the coastal State. Such passage is not innocent when it is contrary to the present rules or to other rules of international law.”

DOCUMENT A/CONF.13/C.1/L.67**Netherlands: proposal**

[Original text : English]
[28 March 1958]

Article 5**PARAGRAPH 1**

Replace by the following text :

“ 1. Where the coast is deeply indented or where there are islands in its immediate vicinity, the method of straight baselines joining appropriate points of the territory of the coastal State may be employed subject to the following conditions. The baselines shall not depart to any appreciable extent from the general direction of the coast. They shall not be drawn to and from drying rocks and shoals. The sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters ; in this respect account may be taken of economic interests peculiar to the region, in so far as the reality and importance of those interests are clearly evidenced by a long usage.”

PARAGRAPH 3

Delete the phrase :

“ in all those cases where the waters have normally been used for international traffic.”

Article 9

Replace the text by the following :

“ In the case of roadsteads which are normally used for the loading, unloading or anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, the State concerned may draw the outer line of its territorial sea in such a way as to include therein the roadstead up to its outer limits, on the condition that it gives due publicity to those limits.”

Add, at the end of the article, the following sentence :

“ This provision shall not be invoked, however, to justify further extensions of the territorial sea from drying rocks or drying shoals comprised within the territorial sea only by the operation of the preceding sentence.”

DOCUMENT A/CONF.13/C.1/L.68**Uruguay: amendment to document A/CONF.13/C.1/L.7/Rev.1**

[Original text : Spanish]
[31 March 1958]

Add the following paragraph to the text proposed in substitution of article 8 :

“ This article shall not apply to buoyed channels giving access to ports of more than one State.”

DOCUMENT A/CONF.13/C.1/L.70**Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America: proposal**

[Original text : English]
[28 March 1958]

Article 17**PARAGRAPH 3**

Substitute the following text :

“ 3. Subject to the provisions of paragraph 4, the coastal State may suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.”

DOCUMENT A/CONF.13/C.1/L.71**Netherlands, Portugal and United Kingdom of Great Britain
and Northern Ireland: proposal***[Original text : English]*
[28 March 1958]**Article 17**

PARAGRAPH 4

Substitute the following text :

“ 4. There shall be no suspension of the innocent passage of foreign ships through straits or other sealanes which are used for international navigation between a part of the high seas and another part of the high seas or the territorial waters of a foreign State.”

DOCUMENT A/CONF.13/C.1/L.72**Greece, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America
and Yugoslavia: proposal***[Original text : English]*
[28 March 1958]**Article 17**

PARAGRAPH 1

Amend paragraph 1 to read :

“ 1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.”

Article 18

Substitute the following :

“ 1. Foreign ships exercising the right of passage shall comply with the laws and regulations made and published by the coastal State in conformity with the present rules and other rules of international law.

“ 2. The coastal State has the right to take in its territorial sea the necessary steps in order to prevent infringements of the laws and regulations mentioned in paragraph 1, and to ensure the enforcement of such laws and regulations.”

DOCUMENT A/CONF.13/C.1/L.75**Burma, Saudi Arabia: proposal***[Original text : English]*
[28 March 1958]**Article 15**

PARAGRAPH 3

Replace by the following text :

“ Passage is innocent unless it is prejudicial to the security of the coastal State or contrary to the present rules or to other rules of international law.”

DOCUMENT A/CONF.13/C.1/L.76**France: proposal***[Original text : French]*
[28 March 1958]**Article 15**

PARAGRAPH 3

The article to read as follows :

“ Passage is innocent so long as a ship does not commit any acts prejudicial to the security of the coastal State or contrary to the present rules, or to other rules of international law.”

DOCUMENT A/CONF.13/C.1/L.77/Rev.1**Canada: proposal**

[Original text : English]
[29 March 1958]

Article 3

The article to read as follows :

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

Article 66

PARAGRAPH 2

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

“ 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 its territorial sea.”

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

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.77/Rev.2**Canada, India and Mexico: proposal**

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

Article 3

The article to read as follows :

“ 1. A State is entitled to fix the breadth of its territorial sea up to a limit of six nautical miles measured from the baseline which may be applicable in conformity with articles 4 and 5, provided that if a State had prior to 24 February 1958, declared the breadth of its territorial sea to be in excess of six nautical miles so measured, the breadth so fixed is the breadth of its territorial sea up to but not exceeding twelve nautical miles similarly measured.

“ 2. Where the breadth of its territorial sea is less than twelve nautical miles measured as above a State has a fishing zone contiguous to its territorial sea extending to a limit twelve nautical miles from the baseline from which the breadth of its territorial sea is measured in which it has the same rights in respect of fishing and the exploitation of the living resources of the sea as it has in its territorial sea.”

Note. — The present document replaces in full documents A/CONF.13/C.1/L.77/Rev.1 and A/CONF.13/C.1/L.79.

DOCUMENT A/CONF.13/C.1/L.77/Rev.3**Canada: revised proposal**

[Original text : English]
[17 April 1958]

Article 3

The article to read as follows :

“ 1. A State is entitled to fix the breadth of its territorial sea up to a limit of six nautical miles measured from the baseline which may be applicable in conformity with articles 4 and 5.

“ 2. A State has a fishing zone contiguous to its territorial sea extending to a limit twelve nautical miles from the baseline from which the breadth of its territorial sea is measured in which it has the same rights in respect of fishing and the exploitation of the living resources of the sea as it has in its territorial sea.”

Note. — The present document replaces in full document A/CONF.13/C.1/L.77/Rev.2.

DOCUMENT A/CONF.13/C.1/L.78**Poland: proposal**

[Original text : French]
[29 March 1958]

Article 66

PARAGRAPH 1

Replace by the following text :

“ In a zone of the high seas contiguous to its territorial sea, the coastal State may take the measures necessary to prevent and punish infringements of its customs, fiscal or sanitary regulations, and violations of its security.”

DOCUMENT A/CONF.13/C.1/L.79**India and Mexico: proposal**

[Original text : English and Spanish]
[29 March 1958]

Article 3

The article to read as follows :

“Every State is entitled to fix the breadth of its territorial sea up to a limit of twelve nautical miles measured from the baseline which may be applicable in conformity with articles 4 and 5.”

DOCUMENT A/CONF.13/C.1/L.80**Union of Soviet Socialist Republics: proposal**

[Original text : Russian]
[31 March 1958]

Article 3

The article 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/C.1/L.81**Denmark: proposal**

[Original text : English]
[31 March 1958]

Article 1**PARAGRAPH 1**

After the word “extends”, insert :

“to those parts of the sea which belong to its internal waters, as well as”.

Article 2

After the words “the air space over”, insert :
“the internal waters and”.

Article 2 A

After article 2, insert a new article worded as follows :

“1. Areas of the sea within the normal baseline as defined in article 4 belong to the internal waters.

“2. The coastal State may declare that areas of the sea lying between the normal baseline and straight baselines

established in accordance with articles 5 or 7 shall be considered as internal waters, provided, however, that such parts of those areas as have normally been used for international traffic shall in all circumstances be considered as belonging to the territorial sea.”

Article 5**PARAGRAPH 1**

Delete from the third sentence the words “sufficiently” and “to be subject to the régime of internal waters”.

PARAGRAPH 3

Delete this paragraph (rendered superfluous by the proposed new article).

Note. — If these proposals are adopted, consequential amendment of headings should be made.

DOCUMENT A/CONF.13/C.1/L.82 and Corr.1**Colombia: proposal**

[Original text : Spanish]
[31 March 1958]

Article 1, 2 and 3

Repace these articles by the following texts :

Article 1

“1. The sovereignty of a State extends to a belt of sea

twelve miles broad adjacent to its coast, described as the territorial sea, to the air space over the belt and to the bed and subsoil of the said belt of sea. This sovereignty is exercised subject to the conditions prescribed by international law.

“2. The unit of measurement employed for the purpose of

fixing the breadth of the territorial sea of a State is the nautical mile, defined as a linear distance equal to 1,852 times the international prototype metre.”

*Article 66 **

“ In a zone of the high seas extending for twelve miles

* Incorporating A/CONF.13/C.1/L.82/Corr.1 dated 1 April 1958.

from the outer limit of the territorial sea, the coastal State may exercise the control necessary or desirable for the purpose of :

“ (a) [as in the International Law Commission’s text]

“ (b) [as in the International Law Commission’s text]

“ (c) regulating and controlling fishing, provided that it does not discriminate between nationals and aliens and that it respects rights acquired by reason of exercise for a period of not less than thirty years.”

DOCUMENT A/CONF.13/C.1/L.83

Netherlands: proposal

[Original text : English]
[31 March 1958]

Article 1

Amend to read as follows :

“ Subject to the right of innocent passage as defined in section III, the sovereignty of a State extends to :

“ (a) a belt of sea adjacent to its coast, described as the territorial sea and defined in section II,

“ (b) the bed and the subsoil of the territorial sea.”

Article 2

Amend to read as follows :

“ The sovereignty of a State extends also to the air space over its territorial sea, without prejudice to existing conventions or other rules of international law relating to the exercise of this sovereignty.”

DOCUMENT A/CONF.13/C.1/L.84

Republic of Korea: proposal

[Original text : English]
[31 March 1958]

Article 66

PARAGRAPH 1

Insert, in sub-paragraph (a), the word “ security ” between the words “ Prevent infringement of its ” and the word “ customs ”.

DOCUMENT A/CONF.13/C.1/L.85

China: proposal

[Original text : English]
[29 March 1958]

Article 4

Add the following new paragraph 2 :

“ 2. Waters within the baseline of the territorial sea are considered as internal waters.”