

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

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**A/CONF.19/C.1/L.1**

## **Union of Soviet Socialist Republics: proposal**

Extract from the *Official Records of the Second United Nations Conference on the Law of the Sea (Summary Records of Plenary Meetings and of Meetings of the Committee of the Whole, Annexes and Final Act)*

## DOCUMENT A/CONF.19/C.1/L.1

## Union of Soviet Socialist Republics: proposal

[Original text: Russian]

[21 March 1960]

Every State is entitled to fix the breadth of its territorial sea up to a limit of twelve nautical miles. If the breadth of its territorial sea is less than this limit, a State may establish a fishing zone contiguous to its territorial sea provided, however, that the total breadth of the territorial sea and the fishing zone does not exceed twelve nautical miles. In this zone a State shall have the same rights of fishing and of exploitation of the living resources of the sea as it has in its territorial sea.

## DOCUMENT A/CONF.19/C.1/L.2

## Mexico: proposal

[Original text: Spanish]

[21 March 1960]

*Article 1*

1. Every State is entitled to fix the breadth of its territorial sea up to a limit of twelve miles measured from the baseline which may be applicable in conformity with articles 3 and 4 of the Convention on the Territorial Sea and the Contiguous Zone adopted by the first United Nations Conference on the Law of the Sea.

2. When the breadth of its territorial sea is less than twelve miles measured as above, a State has a fishing zone contiguous to its territorial sea 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. This fishing zone shall be measured from the baseline from which the breadth of the territorial sea is measured and will extend to the following limits:

- (a) When the breadth of the territorial sea is from three to six miles, up to a limit of eighteen miles;
- (b) When the breadth of the territorial sea is from seven to nine miles, up to a limit of fifteen miles;
- (c) When the breadth of the territorial sea is from ten to eleven miles, up to a limit of twelve miles.

3. For the purpose of the present Convention (or Protocol) the term "mile" means a nautical mile, equivalent to 1,852 metres.

*Article 2*

1. The coastal State shall inform the Secretary-General of the United Nations, within six months of its depositing its instrument of ratification of the present Convention (or Protocol), of the breadth it has fixed for its territorial sea in pursuance of paragraph 1 of article 1 above, which breadth shall automatically determine the breadth of the fishing zone referred to in paragraph 2 of the said article 1, in accordance with sub-paragraphs (a), (b) and (c) of the said paragraph 2.

2. The coastal State undertakes not to change the breadth fixed for its territorial sea before the expiration of a period of five years from the date on which the present Convention (or Protocol) shall enter into force.

*Article 3*

1. Every State shall enact the necessary laws and regulations to prevent its nationals from fishing within the territorial seas and fishing zones of other States unless authorized to

do so by the competent authorities of the coastal States concerned, and shall also adopt the necessary control measures to ensure observance by its nationals of such laws and regulations.

2. States shall communicate to the Secretary-General of the United Nations the texts of the laws and regulations referred to in the preceding paragraph, and shall also inform him as to the control measures adopted in accordance with that paragraph.

*Article 4*

1. After the expiration of a period of five years from the date on which the present Convention (or Protocol) shall enter into force, a request for the revision of the present Convention (or Protocol) may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

*Article 5*

The Secretary-General of the United Nations shall apprise all States Members of the United Nations and all other States Parties to the present Convention (or Protocol) of:

- (a) Signatures to the present Convention (or Protocol) and of the deposit of instruments of ratification or accession, in accordance with articles . . . ;
- b) The breadth fixed by each of these States for its territorial sea;
- (c) The information which he is to receive from States under article 3;
- (d) Requests for revision in accordance with article 4.

## COMMENTARY

1. A State which fixes the breadth of its territorial sea within the limit of twelve nautical miles is merely exercising a right it can legitimately claim under modern international law, since:

(a) This breadth is based on what may be called the "customary rule of international law", which is the only existing rule on the subject, since, as is known, the breadth