Second United Nations Conference on the Law of the Sea

Geneva, Switzerland
17 March – 26 April 1960

Document:-
A/CONF.19/C.1/L.4

Canada: 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)*

five months from the time it is appointed, unless it decides, in case of necessity, to extend the time limit for a period not exceeding three months.

(6) The commission shall, in, reaching its decision, adhere to

any special agreements between the States in dispute regarding settlement of the dispute.

(7) Decisions of the commission shall be by majority vote, and shall be binding on the States in dispute.

DOCUMENT A/CONF.19/C.1/L.4

Canada: proposal

[Original text: English]

[24 March 1960]

1. A State is entitled to fix the breadth of its territorial sea up to a maximum of six nautical miles measured from the applicable baseline.

2. A State is entitled to establish a fishing zone contiguous to its territorial sea extending to a maximum limit of twelve nautical miles from the baseline from which the breadth of its territorial sea is measured, in which it shall 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.

DOCUMENT A/CONF.19/C.1/L.5

Philippines: amendments to documents A/CONF.19/C.1/L.1 to L.4

[Original text: English]

[1 April 1960]

To each of the proposals contained in documents A/CONF.19/C.1/L.1 to L.4 add the following as a last paragraph or article:

"The foregoing provisions shall not apply to historic waters."

COMMENTARY

1. This additional provision, to be appended to any rule which may be adopted on the breadth of the territorial sea, will merely state in positive terms what is already recognized and implied in the resolution on the régime of historic waters, adopted by 77 votes to none, with 3 abstentions, at the 20th plenary meeting, 27 April 1958, of the first United Nations Conference on the Law of the Sea.[a]

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[a] *Official Records of the United Nations Conference on the Law of the Sea*, vol. II, annexes, document A/CONF.13/L.56, resolution VII.

2. Pursuant to this resolution, the United Nations General Assembly has referred the study of the juridical régime of historic waters to the International Law Commission.[b]

3. The clear implication from the resolution is that historic waters, including bays, are recognized and have been set apart as having a special juridical status, and cannot be covered by any general rule which may be adopted as to the breadth of the territorial sea. In the case of bays, article 7, paragraph 6, of the Convention on the Territorial Sea and the Contiguous Zone, stipulates that: " The foregoing provisions shall *not* apply to so-called ' historic bays ',..."

4. In order to complete the positive expression of the assumption and intent embodied in the above-quoted resolution, an identical provision on historic waters in general is called for. Hence, the proposed amendment.

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[b] *Official Records of the General Assembly, Fourteenth Session, Supplement No. 16*, resolution 1453 (XIV).

DOCUMENT A/CONF.19/C.1/L.6

Ethiopia, Ghana, Guinea, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Morocco, Philippines, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen: proposal

[Original text: English]

[6 April 1960]

Article 1

A State has the right to fix the breadth of its territorial sea up to a maximum of twelve miles measured from the applicable baseline.

Article 2

A State, if the breadth of its territorial sea is less than twelve miles, has the right to establish a fishing zone con-

tiguous to its territorial sea extending to a maximum of twelve miles measured from the applicable baseline.

Article 3

A State has in this fishing zone the same rights of fishing and of exploitation of the living resources of the sea as it has in its territorial sea.