

Second United Nations Conference on the Law of the Sea

Geneva, Switzerland
17 March – 26 April 1960

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**

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.⁸

⁸ *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.⁹

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.

⁹ *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.

Article 4

A State, if it has fixed the breadth of its territorial or contiguous fishing zone at less than twelve miles, has the right, vis-à-vis any other State with a different delimitation thereof, to exercise the same sovereignty or exclusive fishing rights beyond its fixed limits up to the limits fixed by that other State.

Article 5

The foregoing provisions shall not apply to historic waters.

Article 6

The term mile means a nautical mile (1,852 metres) reckoned at sixty to one degree of latitude.

Article 7

Nothing in the provisions of this Convention shall be construed so as to preclude the conclusion, subject to the established rules of international law, of bilateral or multilateral agreements of a regional character to regulate all matters of fishing amongst States with common interests.

DOCUMENT A/CONF.19/C.1/L.7

Iceland: proposal

[Original text: English]

[6 April 1960]

Where a people is overwhelmingly dependent upon its coastal fisheries for its livelihood or economic development and it becomes necessary to limit the total catch of a stock or stocks of fish in areas adjacent to the coastal fisheries zone, the coastal State shall have preferential rights under such limitations to the extent rendered necessary by its dependence on the fishery.

In the case of disagreement, any interested State may initiate the procedure provided for in . . .

COMMENTARY

1. During the general debate the Icelandic delegation drew attention to the special case of a people dependent upon coastal fisheries for its subsistence. It was there shown that as far as Iceland is concerned the country is very barren. No minerals or forests 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.

2. The importance of sea fisheries in the economy of a country may be judged in a variety of ways. In a memorandum entitled "The Economic Importance of the Sea Fisheries in Different Countries",¹⁰ prepared by the Food and Agriculture Organization of the United Nations for the first United Nations Conference on the Law of the Sea, this problem is extensively dealt with. In this memorandum it is pointed out that the most general statistical indicator of the importance of the fisheries in the economy of a country is the portion of the national income derived from the fisheries. From the table attached to the memorandum it will be seen that as far as those few nations are concerned who are fishing in Icelandic waters and who have objected to the present Icelandic fishery limits it is clear that their income derived from fisheries constitutes less than 1% of their national income. For Iceland on the other hand the fisheries constitute a matter of life or death.

3. A zone of twelve miles from the baselines goes a long way in taking care of the Icelandic requirements. It is, however,

¹⁰ *Official Records of the United Nations Conference on the Law of the Sea*, vol. I, p. 245.

necessary to keep open the possibility for further action in Icelandic waters when experience demonstrates 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 area is concerned. It should be emphasized that the exercise of such coastal jurisdiction would not at all mean that foreign nationals would be driven away from Icelandic waters or that they would suffer hardship, because they could still share in the utilization of vast fishing areas. Any assertions to the contrary are misleading and without foundation.

4. The first United Nations Conference on the Law of the Sea adopted a resolution on special situations relating to coastal fisheries.¹¹ In this resolution it is recommended that when, for the purpose of conservation, it becomes necessary to limit the total catch of a stock or stocks of fish in an area of the high seas adjacent to the territorial sea of a coastal State, any other States fishing in that area should collaborate with the coastal State to secure just treatment of such a situation, by establishing agreed measures which shall recognize any preferential requirements of the coastal State resulting from its dependence upon the fishery concerned while having regard to the interests of the other States. It is submitted that this system should be reinforced in two respects. On the one hand the resolution only amounts to a recommendation, whereas a specific article in a convention is called for. On the other hand, under the terms of the resolution all measures to be taken are subject to the approval and consent of those very States whose nationals are fishing in the area concerned and might be reluctant to implement the priority position of the coastal State in that area. Therefore a more effective procedure is proposed.

5. Any difference of opinion concerning the interpretation of the present proposal would be settled by the procedure indicated in article 9 of the Convention on Fishing and Conservation of the Living Resources of the High Seas adopted by the first United Nations Conference on the Law of the Sea, or any other procedure which might be adopted at this Conference. This would be a matter of drafting.

¹¹ *Ibid.*, vol. II, annexes, document A/CONF.13/L.56, resolution VI.