

Second United Nations Conference on the Law of the Sea

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A/CONF.19/L.11

Canada and United States of America: 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)*

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Canada and United States of America: proposal

[Original text: English]

[22 April 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. For the purpose of the present Convention the term mile means a sea mile (1,852 metres) reckoned at sixty to one degree of latitude.

2. A State is entitled to establish a fishing zone in the high seas 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.

3. Any State whose vessels have made a practice of fishing in the outer six miles of the fishing zone established by the

coastal State, in accordance with paragraph 2 above, for the period of five years immediately preceding 1 January 1958, may continue to do so for a period of ten years from 31 October 1960.

4. The provisions of articles 9 and 11 of the Convention on Fishing and Conservation of the Living Resources of the High Seas, adopted at Geneva on 27 April 1958, shall apply *mutatis mutandis* to the settlement of any dispute arising out of the application of the foregoing paragraph.

5. The provisions of the present Convention shall not affect conventions or other international agreements already in force, as between States parties to them, or preclude the conclusion of bilateral or multilateral agreements for the purpose of regulating matters of fishing.

DOCUMENT A/CONF.19/L.12

Brazil, Cuba, and Uruguay: amendments to the second proposal in document A/CONF.19/L.4

[Original text: Spanish]

[22 April 1960]

1. Insert the following new paragraph after paragraph 3:

"4. The provisions of paragraph 3 shall not apply or may be varied as between States which enter into bilateral, multilateral or regional agreements to that effect."

2. Rename paragraph 4, which becomes paragraph 5, and add the following paragraphs:

"6. Notwithstanding the provisions of the preceding paragraphs, but subject to the paragraphs below, the coastal State has the faculty of claiming preferential fishing rights in any area of the high seas adjacent to its exclusive fishing zone when it is scientifically established that a special situation or condition makes the exploitation of the living resources of the high seas in that area of fundamental importance to the economic development of the coastal State or the feeding of its population.

"7. Any other State concerned may request that any such claim be determined by the special commission provided for in article 9 of the Convention on Fishing and Conservation of the Living Resources of the High Seas, adopted at Geneva on 26 April 1958.

"8. A special situation or condition may be deemed to exist when:

"(a) The fisheries and the economic development of the coastal State or the feeding of its population are so manifestly interrelated that, in consequence, that State is greatly dependent on the living resources of the high seas in the area in respect of which preferential fishing is being claimed;

"(b) It becomes necessary to limit the total catch of a stock or stocks of fish in such areas, in accordance with the provisions of the Convention referred to in paragraph 2 above.

"9. The commission will determine on the basis of scientific criteria whether special conditions exist, after a hearing at which both the coastal State and fishing States concerned shall have the right to present all relevant evidence, technical, geographical, biological and economic.

"10. The coastal State, to the extent and for the period of time determined by the commission, shall have preferential fishing rights in the area in question, under such limitations and to such extent as the commission finds necessary by reason of the dependence of the coastal State on the stock or stocks of fish, while having regard to the interests of any other State or States in the exploitation of such stock or stocks of fish."