

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

Geneva, Switzerland  
17 March – 26 April 1960

Document:-  
**A/CONF.19/L.4**

## **Report of the Committee of the Whole**

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.7/Rev.1

Iceland: revised proposal

[Original text: English]

[12 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 the Convention on Fishing and Conservation of the Living Resources of the High Seas, adopted by the United Nations Conference on the Law of the Sea of 1958.

## COMMENTARY

[The text of paragraphs 1 to 4 is the same as that in document A/CONF.19/C.1/L.7.]

5. Any difference of opinion concerning the interpretation of the present proposal would be settled by the procedure indicated in 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.

## DOCUMENT A/CONF.19/C.1/L.10

Canada and United States of America: proposal

[Original text: English]

[8 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.

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.

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 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 paragraphs.

## DOCUMENT A/CONF.19/L.4\*

## Report of the Committee of the Whole

[Original text: English]

[14 April 1960]

1. The rules of procedure adopted by the Conference at its 1st and 2nd plenary meetings provided, in rule 46, for the establishment of a Committee of the Whole. In rule 6 of the rules of procedure provision was made for the election by the Conference of the Chairman of the Committee, and at its 1st plenary meeting on 17 March 1960 the Conference elected Mr. José A. Correa (Ecuador). In accordance with rule 47 of the rules of procedure, the Committee of the Whole,

at its 1st meeting on 21 March 1960, elected Mr. Max Sörensen (Denmark) to be its Vice-Chairman and Mr. Edwin Glaser (Romania) to be its Rapporteur.

2. The agenda as adopted by the Conference contained two substantive items: item 9 entitled "Consideration of the questions of the breadth of the territorial sea and fishery limits in accordance with resolution 1307 (XIII) adopted by the General Assembly on 10 December 1958"; and item 10 entitled "Adoption of conventions or other instruments

\* Incorporating documents A/CONF.19/L.4/Corr.1 and 2.

regarding the matters considered and of the Final Act of the Conference". At its 3rd plenary meeting the Conference decided to refer these two items to the Committee of the Whole.

3. At the 1st meeting of the Committee it was decided that it would commence its discussion of item 9 with a general debate. At the 5th meeting it was decided to refer in the general debate also to the proposals before the Committee. The general debate continued from the 1st to the 22nd meetings inclusive; sixty-seven delegations participated.

4. The Committee then turned to a detailed consideration of the various proposals. It having been decided in advance that voting should commence on 13 April 1960, the debate was closed at the 27th meeting and the Committee proceeded to vote on the proposals and amendments before it at its 28th meeting on 13 April 1960.

5. The proposals and amendments which had been submitted to the Committee were as follows.

6. The Union of Soviet Socialist Republics had presented a proposal (A/CONF.19/C.1/L.1), which it withdrew at the 27th meeting in favour of the eighteen-Power proposal (A/CONF.19/C.1/L.2/Rev.1).

7. Mexico had introduced a proposal (A/CONF.19/C.1/L.2) which it later withdrew in favour of the eighteen-Power proposal (A/CONF.19/C.1/L.2/Rev.1) of which Mexico was one of the sponsors.

8. A joint proposal (A/CONF.19/C.1/L.6) had been put forward by Ethiopia, Ghana, Guinea, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Morocco, the Philippines, Saudi Arabia, Sudan, Tunisia, the United Arab Republic and Yemen. This was later withdrawn in favour of the eighteen-Power proposal (A/CONF.19/C.1/L.2/Rev.1).

9. A revised proposal (A/CONF.19/C.1/L.2/Rev.1) had been introduced by eighteen States: Ethiopia, Ghana, Guinea, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Mexico, Morocco, the Philippines, Saudi Arabia, Sudan, Tunisia, the United Arab Republic, Venezuela and Yemen.

10. The United States of America had introduced a proposal (A/CONF.19/C.1/L.3), which was later withdrawn in favour of the joint proposal submitted by Canada and the United States (A/CONF.19/C.1/L.10).

11. Canada had submitted a proposal (A/CONF.19/C.1/L.4), which it later withdrew in favour of the joint Canadian and United States proposal (A/CONF.19/C.1/L.10).

12. At the 21st meeting, Canada and United States had jointly introduced a new proposal (A/CONF.19/C.1/L.10).

13. Two of the amendments before the Committee concerned the joint Canadian and United States proposal: the amendment introduced by Argentina (A/CONF.19/C.1/L.11) and the Guatemalan amendment (A/CONF.19/C.1/L.12).

14. An amendment submitted by the Philippines (A/CONF.19/C.1/L.5) had been addressed equally to the proposals of the USSR, Mexico, the United States and Canada. This amendment having been incorporated in the revised proposal submitted jointly by the eighteen Powers, including the Philippines (A/CONF.19/C.1/L.2/Rev.1), the representative of the Philippines withdrew his separate amendment, at the 25th meeting.

15. Iceland had submitted for the consideration of the Committee a proposal (A/CONF.19/C.1/L.7) which it later revised (A/CONF.19/C.1/L.7/Rev.1).

16. A draft resolution submitted by Peru (A/CONF.19/C.1/L.8) was withdrawn at the 27th meeting for resubmission to the plenary Conference.

17. Cuba had put forward a draft resolution (A/CONF.19/C.1/L.9) which it withdrew at the 26th meeting.

18. At the 28th meeting the Committee proceeded to vote on all the proposals which had not been previously withdrawn, in the order in which they had been submitted, according to rule 41 of the rules of procedure.

19. The eighteen-Power Proposal (A/CONF.19/C.1/L.2/Rev.1) was rejected by 39 votes to 36, with 13 abstentions.

20. The proposal of Iceland (A/CONF.19/C.1/L.7/Rev.1) was adopted by 31 votes to 11, with 46 abstentions.

21. In accordance with rule 40, the Committee proceeded to vote on the amendments submitted to the joint Canadian and United States proposal (A/CONF.19/C.1/L.10). The first amendment submitted by Argentina relating to paragraph 3 of that proposal having been withdrawn before the commencement of the voting, the Committee voted on the second amendment by Argentina (A/CONF.19/C.1/L.11) which concerned paragraph 4 of the joint proposal. The amendment was rejected by 33 votes to 27, with 28 abstentions.

22. The amendment by Guatemala (A/CONF.19/C.1/L.12) to the joint Canadian and United States proposal was rejected by 44 votes to 3, with 41 abstentions.

23. The joint Canadian and United States proposal (A/CONF.19/C.1/L.10) was adopted by 43 votes to 33, with 12 abstentions.

24. In accordance with the practice of the United Nations and of the first United Nations Conference on the Law of the Sea, only the texts of the proposals favourably reported to the plenary Conference by the Committee of the Whole are set out in the annex to this report.

25. In concluding its work the Committee noted that the Conference had referred to it an additional substantive item concerning the adoption of a convention or other instruments to embody the decisions of the Conference on the questions before it. Following the practice established in the first United Nations Conference on the Law of the Sea in analogous circumstances, the Committee decided to leave to the Conference the determination of the most appropriate instrument or instruments in which to embody the terms of the proposal or proposals ultimately adopted by the Conference.

## Annex

### *Text of the first proposal adopted by the Committee of the Whole at its 28th meeting on 13 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 the Convention on Fishing and Conservation of the Living Resources of the High Seas, adopted by the United Nations Conference on the Law of the Sea of 1958.

### *Text of the second proposal adopted by the Committee of the Whole at its 28th meeting on 13 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.

2. A State is entitled to establish a fishing zone continuous 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 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 paragraphs.

## DOCUMENT A/CONF.19/L.5/Rev.1 \*\*

Peru: draft resolution

[Original text: Spanish]

[22 April 1960]

*The Second United Nations Conference on the Law of the Sea,*  
*Considering*

That the first United Nations Conference on the Law of the Sea was convened pursuant to resolution 1105 (XI) of the General Assembly of the United Nations to examine the law of the sea "taking account not only of the legal, but also of the technical, biological, economic and political aspects of the problem",

That the International Law Commission, in the report which served as the basis for the said Conference,<sup>12</sup> refrained from making any concrete proposals concerning the claims of certain States on the ground that it regarded itself as lacking competence "in the fields of biological science and economics adequately to study these exceptional situations", but confined itself to drawing attention to them, stating that they might reflect "problems and interests which deserve recognition in international law" (commentary relative to the claims of exclusive fishing rights, on the basis of special economic circumstances),<sup>13</sup>

That the General Assembly of the United Nations at its thirteenth session decided that a second conference on the law of the sea should be called to consider the problems of the breadth of the territorial sea and fishery limits which the first Conference had not solved, and stated in its resolution 1307 (XIII) that it was "Convinced that to reach such agreement it is necessary to undertake considerable preparatory work so as to ensure reasonable probabilities of success",

\*\* This document was also submitted to the Committee of the Whole under the symbol A/CONF.19/C.1/L.8.

<sup>12</sup> *Official Records of the General Assembly, Eleventh Session, Supplement No. 9.*

<sup>13</sup> *Ibid.*, p. 38.

That the present Conference has not had at its disposal the data necessary for the study of the special situations referred to, which have been described to it, and in connexion with which attention is drawn to the vital significance of the fisheries as a source of proteins and fats for the peoples of the coastal States and to the fundamental importance of these fisheries to the economic development of the said States,

That, in view of the foregoing considerations the said situations are, where scientifically proved, such as to merit an exceptional régime,

*Resolves* that, where by reason of the special conditions, scientifically determined, of the sea near the coasts of a country, the fisheries, the livelihood of the population and the national economy are so manifestly interrelated that, in consequence, they are dependent on the exploitation of the living resources of the sea, the said country may, on the grounds of its exceptional situation, determine the extent of the area of jurisdiction in which it will apply measures of conservation and control governing the fisheries, and it is recognized that this country has a preferential right to exploit the fisheries, provided, however, that:

(a) It furnishes scientific evidence of the existence of the special conditions as aforesaid through technical geographical, biological and economic studies and surveys, prepared with the participation of specialized agencies of the United Nations, and that the results of the said studies shall be communicated to Members States through the Secretary-General of the United Nations;

(b) It does not discriminate *de facto* or *de jure* between foreign fishermen who submit to its measures of regulation and control;

(c) It does not adopt measures affecting maritime shipping and air traffic.

## DOCUMENT A/CONF.19/L.6 \*\*\*

Cuba: draft resolution

[Original text: Spanish]

[8 April 1960]

*The Second United Nations Conference on the Law of the Sea,*  
*Considering*

That the present Conference was called "for the purpose of considering further the questions of the breadth of the territorial sea and fishery limits",<sup>14</sup>

\*\*\* This document was also submitted to the Committee of the Whole under the symbol A/CONF.19/C.1/L.9.

<sup>14</sup> *Official Records of the General Assembly, Thirteenth Session, Supplement No. 18, resolution 1307 (XIII).*

That it is desirable to regulate the exercise of the right of fishing beyond the outer limit of the territorial sea, in order to take due account of the special requirements and interests of the coastal States in the matter of the conservation and exploitation of the resources of the sea,

That the first United Nations Conference on the Law of the Sea expressly recognized the preferential character of the requirements of those "countries or territories whose people are overwhelmingly dependent upon coastal fisheries for their livelihood or economic development" and of those



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A/CONF.19/L.4/Corr.1  
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Page 7:

Delete the whole of paragraph 27.



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19 April 1960

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### Report of the Committee of the Whole

In paragraph 3 the final sentence should read as follows:

"Sixty-seven delegations participated in the general debate."