

Second United Nations Conference on the Law of the Sea

Geneva, Switzerland
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Document:-
A/CONF.19/L.5/Rev.1

Peru: draft resolution

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)*

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,¹² 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),¹³

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.

¹² *Official Records of the General Assembly, Eleventh Session, Supplement No. 9.*

¹³ *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",¹⁴

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

¹⁴ *Official Records of the General Assembly, Thirteenth Session, Supplement No. 13, 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