

Second United Nations Conference on the Law of the Sea

Geneva, Switzerland
17 March – 26 April 1960

Document:-
A/CONF.19/L.6

Cuba: 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. 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

"whose coastal population depends primarily on coastal fisheries for the animal protein of its diet and whose fishing methods are mainly limited to local fishing from small boats",¹⁵ in connexion with the conservation measures which it might become necessary to adopt to limit the total catch of a stock or stocks of fish in areas of the high seas,

That it must further be recognized that the requirements and interests of other coastal States in the matter of the conservation and exploitation of the resources of the sea may also be of a preferential nature, as for instance when the nationals of the said States regularly fish in areas of the high seas adjacent to the territorial sea.

Recommends the conclusion of the following additional protocol to the Convention on Fishing and Conservation of the Living Resources of the High Seas:

¹⁵ *Official Records of the United Nations Conference on the Law of the Sea*, vol. II, annexes, document A/CONF.13/L.56, resolution VI.

ADDITIONAL PROTOCOL TO THE CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS

The States Parties to this Protocol,

Considering that when it becomes necessary to limit the total catch of a stock or stocks of fish in order to obtain the optimum sustainable yield therefrom, preferential consideration should be given to the special requirements and interests of the coastal State in the matter of the conservation and exploitation of the said resources,

Have agreed as follows:

Sole article

When the unilateral measures of conservation adopted by the coastal State consist in limiting the total catch of a stock or stocks of fish, sub-paragraph 2(c) of article 7 of the Convention shall not be applicable in so far as this may be necessary to take due account of the special requirements and interests of the said State.

(Followed by the final clauses.)

DOCUMENT A/CONF.19/L.9

Indonesia, Iraq, Lebanon, Mexico, Morocco, Saudi Arabia, Sudan, United Arab Republic, Venezuela and Yemen:
draft resolution

[Original text: English and Spanish]

[22 April 1960]

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

Considering that there still exists wide disagreement on the question of the breadth of the territorial sea,

1. *Requests* the Secretary General of the United Nations to include in the provisional agenda of the twentieth session of the General Assembly an item regarding the advisability of convening, at an appropriate date, another United Nations conference to examine further the question of the breadth of the territorial sea;
2. *Requests* all States participants in this Conference which

had declared their independence prior to 24 October 1945 to abstain from extending the present breadth of their territorial sea, pending the consideration of this question by the General Assembly at the aforesaid session;

3. *Recognizes* that, without prejudice to the question of the breadth of the territorial sea and pending the consideration of this question by the General Assembly, any State is entitled to exercise in the sea adjacent to its coast up to a limit of twelve nautical miles measured from the applicable baseline 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/L.10

Ghana: amendment to the second proposal in document A/CONF.19/L.4

[Original text: English]

[22 April 1960]

1. After paragraph 1 insert as paragraph 2 the following:

"2. Where the coasts of two States are opposite or adjacent to each other the fixing by either or both of them of the breadth of the territorial sea shall not result in the elimination of a belt of at least three miles in width for the use of the international community."

2. Renumber paragraph 2, which becomes paragraph 3, and add as paragraph 4 the following:

"4. No State is entitled to enter the outer zone of another State by means of a warship or the superjacent

airspace by any military aircraft without prior notification to that State."

3. Renumber paragraph 3, which becomes paragraph 5, and add as paragraph 6 the following:

"6. Where appropriate scientific findings demonstrate the necessity for the conservation of the living resources of the outer zone, the coastal State and the fishing State shall agree upon the necessary conservation measures."

4. Paragraph 4 becomes paragraph 7.