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**A/CN.4/126**

**General Assembly Resolution 1453 (XIV) on the Study of the Juridical Regime of Historic Waters, including Historic Bays - Note by the Secretariat**

Topic:  
**Juridical régime of historic waters, including historic bays**

Extract from the Yearbook of the International Law Commission:-  
**1960 , vol. II**

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# GENERAL ASSEMBLY RESOLUTION 1453 (XIV) ON THE STUDY OF THE JURIDICAL RÉGIME OF HISTORIC WATERS, INCLUDING HISTORIC BAYS

[Agenda item 7]

DOCUMENT A/CN.4/126

Note by the Secretariat

[Original text: French]  
[26 February 1960]

1. The draft articles on the law of the sea,<sup>1</sup> which were prepared by the International Law Commission and were used as a basis for the work of the United Nations Conference on the Law of the Sea, do not deal with the régime of historic waters. In draft article 7 (4), however, the Commission mentions so-called historic bays, limiting itself to excluding this class of bays from the scope of its general rules concerning ordinary bays.

2. In order to provide the Conference with information concerning historic bays, the United Nations Secretariat drew up a memorandum on the subject.<sup>2</sup>

3. At its twentieth plenary meeting, held on 27 April 1958, the first United Nations Conference on the Law of the Sea adopted a Draft resolution in which, after noting that the International Law Commission had not provided for the régime of historic waters, including historic bays, and, after recognizing the importance of the juridical status of such areas, it decided to request the General Assembly of the United Nations to arrange for the study of the juridical régime of historic waters, including historic bays, and for the communication of the results of such study to all States Members of the United Nations.<sup>3</sup>

4. At its 752nd plenary meeting, on 22 September 1958, the General Assembly placed on the agenda of its thirteenth session the item "Question of initiating a study of the juridical régime of historic waters, including historic bays" and referred it to the Sixth Committee, which examined it at its 597th and 598th meetings, on 5 and 8 December 1958.

5. As stated in the report of the Sixth Committee to the General Assembly,<sup>4</sup> the majority of speakers on this item were of the opinion that, for want of time, it would be preferable to postpone the question until the fourteenth session of the General Assembly.

6. On 10 December 1958, at its 783rd plenary meet-

ing, the General Assembly, on the recommendation of the Sixth Committee,<sup>5</sup> adopted resolution 1306 (XIII), by which it decided to place this item on the provisional agenda of its fourteenth session.

7. At its 803rd plenary meeting, on 22 September 1959, the General Assembly placed the item on the agenda of its fourteenth session and referred it to the Sixth Committee, which examined it at its 643rd to 646th meetings, held from 30 November to 4 December 1959.

8. In its report to the General Assembly<sup>6</sup> the Sixth Committee noted that in the course of the debate some representatives had discussed the substance of the question and had referred, in particular, to certain problems raised by the juridical régime of historic waters and some had cited specific cases of claims in respect of historic waters and bays. It also noted that the majority of representatives had reserved their position with regard to the substantive issues and that a large number of them had declared themselves in favour of entrusting the study to the International Law Commission.

9. At its 847th plenary meeting, held on 7 December 1959, the General Assembly, on the recommendation of the Sixth Committee,<sup>7</sup> adopted resolution 1453 (XIV), the complete text of which reads as follows:

STUDY OF THE JURIDICAL RÉGIME OF HISTORIC WATERS,  
INCLUDING HISTORIC BAYS

"The General Assembly,

"Recalling that, by a resolution adopted on 27 April 1958, the United Nations Conference on the Law of the Sea requested the General Assembly to arrange for the study of the juridical régime of historic waters, including historic bays, and for the communication of the results of the study to all States Members of the United Nations,

"Requests the International Law Commission, as soon as it considers it advisable, to undertake the study of the question of the juridical régime of historic waters, including historic bays, and to make such recommendations regarding the matter as the Commission deems appropriate."

<sup>1</sup> *Ibid.*, para. 9.

<sup>2</sup> *Ibid.*, *Fourteenth Session, Annexes*, agenda item 58, document A/4333, paras. 7-9.

<sup>3</sup> *Ibid.*, paragraph 11.

<sup>1</sup> *Yearbook of the International Law Commission*, 56, Volume II (United Nations publication, Sales No.: 56. V.3, Vol.II) document A/3159, para. 33.

<sup>2</sup> United Nations Conference on the Law of the Sea, *Official Records, Volume I: Preparatory Documents* (United Nations Publication, Sales No.: 58.V.4, Vol. I) document A/CONF.13/I.

<sup>3</sup> *Ibid.*, Volume II, *Plenary Meetings* (United Nations publication, Sales No.: 58.V.4, Vol.II) annexes, document A/CONF.13/L.56, resolution VII.

<sup>4</sup> *Official Records of the General Assembly, Thirteenth Session, Annexes*, agenda item 58, document A/4039, para. 4.