

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

Geneva, Switzerland  
24 February to 27 April 1958

Documents:

**A/CONF.13/L.26**

**Fifth report of the Drafting Committee of the Conference:  
articles and draft resolutions adopted by the Third Committee**

**A/CONF.13/L.27**

**Union of South Africa: draft resolution**

Extract from the *Official Records of the United Nations Conference on the Law of  
The Sea, Volume II (Plenary Meetings)*

unless the various criteria and points of view expressed during the Conference can be reconciled before we finish our work.

In view of the latter consideration, my delegation does not wish the Conference to take cognizance of the draft resolution until all efforts to reach an agreement on the breadth of the territorial sea and the other matters pertaining thereto have been exhausted.

For the rest, the draft resolution simply requests the United Nations General Assembly to study at its fourteenth session in 1959, the advisability of convening a second international conference of plenipotentiaries for further consideration of the questions left unsettled by the present conference. My delegation considers that the importance of these questions for the development and codification of international maritime law fully justifies further efforts at such time as the General Assembly may consider appropriate, to solve the problems to which I have referred.

(Signed) F. V. GARCIA AMADOR  
Chairman of the Delegation of Cuba

## Annex

## CUBA : DRAFT RESOLUTION

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

*Considering* that on the basis of the report prepared by the International Law Commission it has approved agreements and other instruments on the régime applicable to fishing and the conservation of the living resources of the high seas, the exploration and exploitation of the natural resources of the continental shelf and other matters pertaining to the general régime of the high seas and to the free access of land-locked States to the sea :

*Considering* that it has not been possible to reach agreement on the breadth of the territorial sea and other matters pertaining to the legal régime applicable thereto ;

*Recognizing* the desirability of making further efforts at an appropriate time to reach agreement on questions of international maritime law which have been left unsettled,

*Resolves* to request the United Nations General Assembly to study at its fourteenth session, in 1959, the advisability of convening a second international conference of plenipotentiaries for further consideration of the questions left unsettled by the present conference.

## DOCUMENT A/CONF.13/L.26 \*

**Fifth report of the Drafting Committee of the Conference:  
articles and draft resolutions adopted by the Third Committee**

[Original text : English]  
[24 April 1958]

1. The Drafting Committee of the Conference met on 24 April and considered the texts of articles and draft resolutions adopted by the Third Committee (A/CONF.13/L.21, annex).<sup>1</sup>

## I

2. The Drafting Committee recommends the following changes of a drafting nature to the texts of the articles :

A. CHANGES AFFECTING THE ENGLISH, FRENCH  
AND SPANISH TEXTS

## Article 50

Replace the words "in the present articles" by the words "in this Convention".

## Article 54, paragraph 2

Replace the words "for conservation purposes in that area" by the words "for purposes of conservation of the living resources of the high seas in that area".

## Article 56, paragraph 1

After the words "living resources" add the words "of the high seas".

## Article 58

*Paragraph 1 :* Replace the words "under the remaining fishery articles" by the words "under articles 52, 53, 54 and 56".

\* Incorporating A/CONF.13/L.26/Corr.1.

<sup>1</sup> Changes proposed by the Drafting Committee which only affect the French and Spanish texts have not been reproduced in the present document.

*Paragraph 1 (a)(iii) :* Add the words "in form or in fact" after the word "discriminate".

## B. CHANGES AFFECTING THE ENGLISH TEXT ONLY

## Article 50

Replace the words "the present articles" by the words "this Convention".

## Article 55, paragraph 3

Replace the word "pertinent" by the word "relevant".

## Article 57

*Paragraph 1 :* Replace the words "Any disagreement arising between" by the words "Any dispute which may arise between".

*Paragraph 2 :* After the words "Food and Agriculture Organization" add the words "of the United Nations".

Replace the word "countries" by the word "States".

*Paragraph 3 :* Replace the words "a proceeding" by the word "proceedings".

*Paragraph 4 :* Replace the word "proceeding" by the word "proceedings".

Put a full stop after the word "case", and begin the second sentence with the words "It shall...".

Replace the words "on these questions" by the words "on this matter".

*Paragraph 5 :* Replace the words "to extend that time limit not to exceed three months" by the words "to extend the time limit for a period not exceeding three months".

*Paragraph 6 :* Replace the word "sides" by the word "parties".

*Article 59 A*

*Paragraph 1*: Replace the words "arbitral award" by the words "award of the special commission".

*Paragraph 2*: Delete the word "arbitration" before the words "procedure" and the word "arbitral" before the word "award".

*Article 60, paragraph 2*

Replace the first few words by the following: "In this article, the expression 'fisheries conducted by means of equipment embedded in the floor of the sea' means those fisheries using gear..."

*Article 60 A*

Replace the words "interested State" by the words "State concerned".

## II

3. The Drafting Committee recommends the following changes of a drafting nature in the draft resolutions proposed by the Third Committee:

## A. CHANGES AFFECTING THE ENGLISH, FRENCH AND SPANISH TEXTS

*Resolution on conservation measures in the adjacent high seas*

*Title*. Redraft as follows: "Resolution on co-operation in conservation measures".

## B. CHANGES AFFECTING THE ENGLISH TEXT ONLY

*Resolution on conservation measures in the adjacent high seas*

Insert the word "such" before "International Conservation Agencies".

## III

## ADDITIONAL ARTICLE PROPOSED BY THE DRAFTING COMMITTEE

4. In addition to the above drafting changes, the Committee considered the question of an Italian amendment adopted by the Third Committee at its 20th meeting to replace the word "nationals" by "national ships", but which was referred to the Drafting Committee for final decision on the wording thereof.

5. After a debate the Committee decided, by 6 votes to 3, that it would make a recommendation on that matter to the plenary session.

The representative of the United Kingdom proposed the addition to the articles adopted by the Third Committee of a new article to read as follows:

"In articles 49, 51, 52, 53, 54 and 56, the term 'nationals' means fishing boats of any size having the nationality of the State concerned, irrespective of the nationality of the member of their crews".

6. The United Kingdom proposal was adopted by 6 votes to none, with 3 abstentions.

## DOCUMENT A/CONF.13/L.27

## Union of South Africa: draft resolution

[Original text: English]  
[24 April 1958]

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

*Having considered* the situation of a country or territory whose people is overwhelmingly dependent upon its coastal fisheries for its livelihood or economic development,

*Having considered* also the situation of a country 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,

*Recognizing* that such situations call for exceptional measures befitting particular needs,

*Considering* that, because of the limited scope and exceptional nature of those situations, any measures adopted to meet them would be complementary to provisions incorporated in a universal system of international law,

*Recommends*:

(1) That where for the purpose of conservation it becomes necessary to limit the total catch of a stock or stocks of fish in an area of the high seas adjacent to a coastal State any other States fishing in that area should collaborate with the coastal State to secure just treatment of such situation by establishing agreed measures which shall recognize any preferential requirements of the coastal State relating to its dependence upon the fishery concerned while having regard to the legitimate interests of the other States;

(2) That appropriate conciliation and arbitral procedures shall be established for the resolution of any disagreements.