

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

Geneva, Switzerland  
24 February to 27 April 1958

Documents:

**A/CONF.13/L.33**

**Cuba: proposal**

**A/CONF.13/L.34**

**Burma, Colombia, Indonesia, Mexico, Morocco, Saudi Arabia,  
United Arab Republic and Venezuela: proposal**

**A/CONF.13/L.37**

**Seventh report of the Drafting Committee of the Conference:  
Convention on the High Seas**

**A/CONF.13/L.40**

**Eighth report of the Drafting Committee of the Conference:  
judicial settlement of disputes**

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

## DOCUMENT A/CONF.13/L.33

## Cuba: proposal

[Original text: Spanish and English]  
[25 April 1958]

The following is the text of a preamble to precede the articles on the conservation of the living resources of the high seas, should it be decided to adopt those articles as a separate instrument. The text given below is that appearing as the preamble to the draft on conservation prepared by the International Law Commission at its seventh session.<sup>1</sup>

*“Considering that*

“1. The development of modern techniques for the exploitation of the living resources of the sea has increased man’s ability to meet the need of the world’s expanding population for food but has also exposed some of these resources to the danger of being over exploited;

<sup>1</sup> *Official Records of the General Assembly, Tenth Session, Supplement No. 9 (A/2934), p. 13.*

“2. Measures for the conservation of the living resources of the sea should be adopted when scientific evidence indicates that they are necessary to maintain or increase the productivity of these resources;

“3. The primary objective of conservation of the living resources of the sea is to obtain the optimum sustainable yield so as to obtain a maximum supply of food and other marine products in a form useful to mankind;

“4. When formulating conservation programmes, account should be taken of the special interest of the coastal State in maintaining the productivity of the resources of the high seas contiguous to its coast;

“5. The nature of the problems involved in the conservation of the living resources of the sea is such that there is a clear necessity that they be solved, whenever possible, on the basis of international co-operation through the concerted action of all the States concerned.”

## DOCUMENT A/CONF.13/L.34

Burma, Colombia, Indonesia, Mexico, Morocco, Saudi Arabia,  
United Arab Republic and Venezuela: proposal

[Original text: English and Spanish]  
[25 April 1958]

Article 3 to read as follows:

“1. Every State is entitled to fix the breadth of its territorial sea up to a limit of twelve nautical miles measured from the baseline which may be applicable in conformity with articles 4 and 5.

“2. Where the breadth of its territorial sea is less than twelve nautical miles measured as above, a State has a fishing zone contiguous to its territorial sea extending to a limit twelve nautical miles from the baseline from which the breadth of its territorial sea is measured in which it has 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.13/L.37

Seventh report of the Drafting Committee of the Conference:  
Convention on the High Seas

[Original text: English]  
[25 April 1958]

1. The Drafting Committee met on 25 April and decided to recommend the following wording for the Spanish text of paragraph 1(b) of article 46 as amended by the Conference at its 10th plenary meeting:

“(b) Que el buque se dedica a la trata de esclavos.”

2. The Drafting Committee decided to recommend the following preamble to accompany any convention embodying the results of the work of the Second Committee:

“[The States parties to the Convention]

“*Desiring* to codify the rules of international law relating to the high seas,

“*Recognizing* that the United Nations Conference on the Law of the Sea, held at Geneva from 24 February to . . . . 1958, adopted the following provisions as generally declaratory of established principles of international law,

“*Have agreed* as follows: . . . .”

3. The Drafting Committee decided to recommend, as an article to follow the other articles adopted by the Second Committee, the following text embodying the decision of

that committee to state that the articles adopted do not override specific conventions in force :

“The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States parties to them.”

4. The Drafting Committee took note of the approval by the Conference at its 12th plenary meeting of the Fifth Committee's recommendations regarding articles 15, 27

and 28 (A/CONF.13/L.11). The approved modifications will be incorporated forthwith in articles 27 and 28 ; the Committee will make the necessary change in article 15 when it receives the text of that article from the First Committee.

7. The Drafting Committee will make its recommendation regarding the place where the new article on access to the sea of land-locked countries will be inserted as soon as possible.

## DOCUMENT A/CONF.13/L.40

### **Eighth report of the Drafting Committee of the Conference: judicial settlement of disputes**

[Original text: English]  
[26 April 1958]

1. The Conference, having considered at its 13th plenary meeting the fourth report of the Drafting Committee (A/CONF.13/L.24), informed the Drafting Committee of its decision to consider the proposal of Switzerland (A/CONF.13/BUR/L.3) regarding the judicial settlement of disputes. At its meeting on 25 April, the Drafting Committee considered the text of the proposal of Switzerland for an optional protocol of signature and now recommends to the Conference the following draft protocol of signature.

#### *Optional Protocol of Signature concerning the compulsory settlement of disputes*

The States represented at the United Nations Conference on the Law of the Sea held at the European Office of the United Nations in Geneva from 24 February 1958 to . . . . April 1958,

Expressing their wish to resort, in all matters concerning them in respect of any disputes arising out of the interpretation or application of any article of the Convention(s) on the Law of the Sea of . . . . 1958, to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement is provided in the Convention(s) or has been agreed upon by the parties within a reasonable period,

Have appointed the undersigned plenipotentiaries, who, having communicated their full powers, found in good and due form, have agreed as follows :

#### *Article I*

Disputes arising out of the interpretation or application of the aforesaid Convention(s) shall lie within the compulsory jurisdiction of the International Court of Justice, and may accordingly be brought before the Court by an application made by any party to the dispute being a party to this protocol.

#### *Article II*

This undertaking relates to all the provisions of the Convention(s) on the Law of the Sea except articles 52, 53, 54, 55, 56, to which articles 57, 58, 59 and 59A remain applicable.

#### *Article III*

The parties may agree, within a period of two months after on party has notified its opinion to the other that a dispute exists, to resort not to the Court but to an arbitral tribunal. After the expiry of the said period, either party to this protocol may bring the dispute before the Court by an application.

#### *Article IV*

Within the same period of two months the parties to this protocol may agree to adopt a conciliation procedure before resorting to the Court.

The conciliation commission shall make its recommendations within five months after its appointment. If its recommendations are not accepted by the parties to the dispute within two months after they have been delivered, either party may bring the dispute before the Court by an application.

#### *Article V*

This protocol shall remain open for signature by all States who become parties to the Convention(s) on the Law of the Sea adopted by the United Nations Conference on the Law of the Sea and is subject to ratification, where necessary, according to the constitutional requirements of the signatory States.

#### *Article VI*

The Secretary-General of the United Nations shall inform all States who become parties to the Convention(s) on the Law of the Sea of signatures to this protocol and of the deposit of instruments of ratification in accordance with article V.

#### *Article VII*

The original of this protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations who shall send certified copies thereof to all States referred to in article V.

IN WITNESS WHEREOF, the undersigned representatives of States have signed the present protocol.

Done at Geneva, this . . . . day of April 1958.

[Signatures]