

United Nations Conference on the Law of the Sea

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Documents:

A/CONF.13/L.45

**Ninth report of the Drafting Committee of the Conference:
Convention on Fishing and Conservation of the Living Resources of the High Seas**

A/CONF.13/L.47

**Tenth report of the Drafting Committee of the Conference:
articles 1 and 2, and 4 to 25 adopted by the First Committee**

A/CONF.13/L.49

Australia, Canada, Ceylon and Ghana: draft resolution

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.45

**Ninth report of the Drafting Committee of the Conference:
Convention on Fishing and Conservation of the Living Resources of the High Seas**

[Original text: English]
[26 April 1958]

1. The Drafting Committee of the Conference met on 26 April and considered the preamble proposed by Cuba (A/CONF.13/L.33) to the Convention on Fishing and Conservation of the Living Resources of the High Seas, adopted on the report of the Third Committee.

2. The Committee decided, after some discussion, to recommend that the preamble consist of two paragraphs only (paragraphs 1 and 5 of the text proposed by Cuba). Since the other paragraphs reproduced certain provisions only from among the articles of the Convention, it might be preferable to avoid selecting any particular provision for inclusion in the preamble.

3. The Committee decided that, in view of the rejection by the Conference of article 60 A, there was no longer any reason that the Convention should consist of two sections. It recommends, therefore, that the articles adopted on the report of the Third Committee be numbered consecutively throughout.

4. The attention of the Drafting Committee was drawn to the fact that the Conference had approved as an additional article a text defining the term "nationals". The Committee decided to recommend that this article, which read as follows, should be inserted at the end of the Convention :

"In articles 49, 51, 52, 53, 54 and 56, the term 'nationals' means fishing boats or craft of any size having the nationality of the State concerned, according to the law of that State, irrespective of the nationality of the members of their crews."

5. The Drafting Committee recommends that no headings be given to the articles in the Convention.

6. The Committee decided to recommend that, in the title of the Convention, the term "high seas" be used instead of the word "sea".

7. Taking into account paragraphs 2 and 6 above, the title, introduction and preamble of the Convention would, therefore, read as follows :

"CONVENTION ON FISHING AND CONSERVATION
OF THE LIVING RESOURCES OF THE HIGH SEAS

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

"Considering that the development of modern techniques for the exploitation of the living resources of the sea has not only 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,

"Considering also that the nature of the problems involved in the conservation of the living resources of the high seas 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,

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

DOCUMENT A/CONF.13/L.47

**Tenth report of the Drafting Committee of the Conference:
articles 1 and 2, and 4 to 25 adopted by the First Committee**

[Original text: English]
[27 April 1958]

1. The Drafting Committee of the Conference met on 26 April to consider the texts of articles 1 and 2 and 4 to 25 adopted by the First Committee (A/CONF.13/L.28/Rev.1, annex). The Drafting Committee was advised of certain drafting changes made by the First Committee at the time the latter adopted its report for submission to the Conference, and took these into account in making its own recommendations.

2. The Drafting Committee also took into account the decision of the Conference, on the report of the Fifth Committee (A/CONF.13/L.11), to approve an amendment to article 15 regarding the right of innocent passage for ships of States having no access to the sea. The Committee recommends the following text for paragraph 1 of article 15 incorporating the modification :

"Article 15

"Subject to the provisions of the present articles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea."

3. The Drafting Committee, in line with its recommendation regarding the Convention on Fishing and Conservation of the Living Resources of the High Seas (A/CONF.13/L.45), recommends that no headings be given to the articles adopted by the First Committee. However, the Committee recommends that the titles of the sections and sub-sections be retained, and proposes that the titles of sub-sections B, C and D be modified as follows :

"Sub-section B. Rules applicable to merchant ships"

"Sub-section C. Rules applicable to government ships other than warships"

"Sub-section D. Rules applicable to warships"

4. In addition to the above, the Drafting Committee recommends a number of drafting changes in the texts adopted by the First Committee, as follows :¹

¹ Changes affecting the French and Spanish texts only have not been reproduced in the present document.

CHANGES AFFECTING THE ENGLISH TEXT

(1) *Article 4*

Insert the word "normal" before "baseline".

(*Note.*—The First Committee deleted the word "normal" in the French and Spanish texts. However, since the Drafting Committee recommends the deletion of the headings to the articles, the word should be inserted in the text).

(2) *Article 5*

Paragraph 1: Insert the words "breadth of the" before "territorial sea".

Paragraph 6: Insert a comma after the word "charts".

(3) *Article 7*

Paragraph 6: Replace the word "cases" by "case".

(4) *Article 9*

Paragraph 1: Replace the words "such roadsteads and buoyed channels" by "buoyed channels and such roadsteads".

(5) *Article 11*

Paragraph 1: Replace the second sentence by the following: "Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea."

Paragraph 2: Replace by the following: "Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own."

(6) *Article 12*

Paragraph 1: Replace "This provision shall not apply" by "The provision of this paragraph shall not apply."

(7) *Article 13*

Paragraph 1: Replace the words "on the banks" by "of its banks".

Paragraph 2: Insert the words "the provisions of" before "article 7".

(8) *Article 15*

Paragraph 5: Replace the word "them" by "these vessels".

(9) *Article 16*

Paragraph 2: Replace "navigation within its territorial sea of which it has knowledge" by the following: "navigation, of which it has knowledge, within its territorial sea".

(10) *Article 17*

Paragraph 3: Replace the word "among" by "amongst".

(11) *Article 20*

Sub-paragraph 1 (b): Add the word "or" at the end.

Sub-paragraph 1 (c): Replace the comma by a semicolon.

Paragraph 3: Transpose the words "before taking any steps" to come after "flag State".

(12) *Article 21*

Paragraphs 1 and 2: Replace the words "A coastal State" by "The coastal State".

(13) *Article 24*

Paragraph 2: Replace the words "its flag State" by "the flag State".

DOCUMENT A/CONF.13/L.49

Australia, Canada, Ceylon and Ghana: draft resolution

[Original text: English]
[27 April 1958]

The United Nations Conference on the Law of the Sea,

Considering that the Conference has already adopted conventions and other instruments with regard to all the matters referred to it with the exception of the breadth of the territorial sea and the extent of the fishing rights which should pertain to coastal States in the contiguous zone,

Considering further that it would be contrary to the interests of all States, and could create difficulties in the application of the several conventions and other instruments already adopted by the Conference, if agreement is not eventually reached on these important matters,

Believing that the prospects of securing general agreement on these two matters would be improved by an adjournment of the discussion of them which would enable the governments of the participating States in the interval

to conduct further discussions among themselves,

Decides:

(a) To recommend that all States should, pending the outcome of the adjourned discussions above-mentioned, refrain from extending the limits of their territorial sea or the limits within which they claim exclusive fishing rights;

(b) To request the Secretary-General of the United Nations to reconvoke the present conference, at the Headquarters of the United Nations, after consultation with the President of the Conference and the participating States at the earliest practicable date after the conclusion of the thirteenth session of the General Assembly, for the purpose of further considering the breadth of the territorial sea and the extent of the fishing rights which should pertain to coastal States in the contiguous zone.