



UNITED NATIONS

SECOND CONFERENCE ON THE LAW OF THE SEA

Distr.
LIMITED

A/CONF.19/C.1/L.8
8 April 1960

Original: SPANISH

Item 9 of the agenda

PERU: proposal

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

that the First Conference on the Law of the Sea was convened pursuant to a resolution adopted by the General Assembly of the United Nations at its eleventh session 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, 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 under article 59 of the draft);

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 that it was "convinced that to reach such agreement it is necessary to undertake considerable preparatory work so as to ensure probabilities of success";

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

(1) 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;

(2) it does not discriminate between foreign fishermen who submit to its measures of regulation and control; and

(3) it does not adopt measures affecting maritime shipping and air traffic.
