

International Conference on The Law of the Sea

THE International Conference on the Law of the Sea will meet on February 24, 1958 at the European headquarters of the United Nations in Geneva. The Conference was convoked by the Secretary-General of the United Nations in conformity with a resolution of the General Assembly.⁽¹⁾ The purpose of the Conference is "to examine the law of the sea, taking account not only of the legal but also the technical, biological, economic and political aspects of the problem, and to embody the results of its work in one or more international Conventions or such other instruments as it may deem appropriate". The Conference will also study the question of free access to the sea of land-locked countries, as established by international practice or treaties. In its examination of the law of the sea the Conference will use as a basis of discussion the final Report of the International Law Commission of the United Nations on the Law of the Sea⁽²⁾ and the verbatim records of debates at the Eleventh Session of the General Assembly, where the International Law Commission's Report was discussed.⁽³⁾

The International Law Commission commenced its work of codifying the law of the sea at its first session in 1949 and presented its final report to the General Assembly in 1956. This report is in the form of a systematic statement of principles and a code of rules concerning the high seas, the territorial sea, the continental shelf, the contiguous zone and the living resources of the sea. It is not only a code of existing rules but represents in some instances an attempt to develop new rules based on recognized principles of international law. Because of these new rules, and because there is not general agreement on some aspects of the law of the sea—for instance the Commission itself could not devise a uniform rule concerning the breadth of the territorial sea—it was thought necessary to convene an international conference to facilitate examination of those matters on which general agreement has not yet been reached.

A conference was held at The Hague, Netherlands, in 1930 with the purpose of codifying the law of the sea. The conference failed to adopt a code because of lack of agreement on the breadth of the territorial sea. Prior to this and subsequently there have been many conferences, and agreement reached, on various aspects of the law of the sea. Some of these agreements are intended to be of general application, such as the International Convention for the Prevention of Pollution of the Sea by Oil, and are limited in their application by the extent to which states may not have acceded to them. Others were intended only to have regional application, such as the 1937 International Agreement for Collective Measures against Piratical Attacks in the Mediterranean by Submarines, or were intended only to apply among the states which were signatories of agreements such as the International Convention for the High Seas Fisheries of the North Pacific Ocean between the United States, Japan and Canada. None of these agreements need of course be affected by the adoption of a general code of rules on the international law of the sea.

(1) General Assembly Resolution 1105 (XI).

(2) Official Records of the General Assembly, Eleventh Session, Supplement No. 9 (A/3159).

(3) Official Records of the General Assembly, Eleventh Session, Sixth Committee, Summary Record of Meetings.