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THE LAW OF THE SEA:

SOME RECENT DEVELOPMENTS

(With Particular Reference to the United Nations

Conference of 1958)

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The thoughts and opinions expressed are those of the authors and not necessarily of the U.S.

Government, the U.S. Department of the Navy or the Naval War College.

APPENDIX H

RESOLUTION 1105(XI) ADOPTED BY THE GENERAL ASSEMBLY ON 21 FEBRUARY 1957 ¹

The General Assembly,

Having received the report of the International Law Commission covering the work of its eighth session, which contains draft articles and commentaries on the law of the sea,

Recalling that the General Assembly in resolution 798(VIII) of 7 December 1953, having regard to the fact that the problem relating to the high seas, territorial waters, contiguous zones, the continental shelf and the superjacent waters were closely linked together juridically as well as physically, decided not to deal with any aspect of those matters until all the problems involved had been studied by the International Law Commission and reported upon by it to the General Assembly,

Considering that, by its resolution 899(IX) of 14 December 1954, it requested the International Law Commission to submit its final report on these subjects in time for the General Assembly to consider them as a whole at its eleventh session,

Taking into account also paragraph 29 of the report of the International Law Commission wherein the Commission considers—and the comments of Governments have confirmed this view—that the various sections of the law of the sea held together, and are so closely interdependent that it would be extremely difficult to deal with only one part and leave the others aside,

1. *Expresses its appreciation* to the International Law Commission for its valuable work on this complex subject;

2. *Decides*, in accordance with the recommendation contained in paragraph 28 of the report of the International Law Commission covering the work of its eighth session, that an international conference of plenipotentiaries should be convoked 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, and to em-

¹ *General Assembly Official Records: eleventh session, Supplement No. 17 (A/3572).*

body the results of its work in one or more international conventions or such other instruments as it may deem appropriate;

3. *Recommends* that the conference should study the question of free access to the sea of land-locked countries, as established by international practice or treaties;

4. *Requests* the Secretary-General to convoke the conference early in March 1958;

5. *Invites* all States Members of the United Nations and States members of the specialized agencies to participate in the conference and to include among their representatives experts competent in the fields to be considered;

6. *Invites* the interested specialized agencies and inter-governmental bodies to send observers to the conference;

7. *Requests* the Secretary-General to invite appropriate experts to advise and assist the Secretariat in preparing the conference, with the following terms of reference:

(a) To obtain, in the manner which they think most appropriate, from the Governments invited to the conference any further provisional comments the Governments may wish to make on the Commission's report and related matters, and to present to the conference in systematic form any comments made by the Governments, as well as the relevant statements made in the Sixth Committee at the eleventh and previous sessions of the General Assembly;

(b) To present to the conference recommendations concerning its method of work and procedures, and other questions of an administrative nature;

(c) To prepare, or arrange for the preparation of, working documents of a legal, technical, scientific or economic nature in order to facilitate the work of the conference;

8. *Requests* the Secretary-General to arrange also for the necessary staff and facilities which would be required for the conference, it being understood that the technical services of such experts as are needed will be utilized;

9. *Refers* to the conference the report of the International Law Commission as the basis for its consideration of the various problems involved in the development and codification of the law of the sea, and also the verbatim records of the relevant debates in the General Assembly, for consideration by the conference in conjunction with the Commission's report;

10. *Requests* the Secretary-General to transmit to the conference all such records of world-wide or regional international meetings as may serve as official background material for its work;

11. *Calls upon* the Governments invited to the conference and groups thereof to utilize the time remaining before the opening of

the conference for exchange of views on the controversial questions relative to the law of the sea;

12. *Expresses the hope* that the conference will be fully attended.