



## EXCLUSIVE ECONOMIC ZONE

The Convention gives coastal states the right to establish by proclamation an exclusive economic zone beyond and adjacent to the territorial sea<sup>1</sup>. This zone can extend to a maximum of 200 nautical miles, measured from the baseline used for determining the breadth of the territorial sea<sup>2</sup>. If the sea is not open for this distance, agreements are to be made with opposite or adjacent coastal states, a matter which can be excepted from compulsory dispute settlement.<sup>3</sup> The coastal state is to publish charts showing the zone and deposit a copy with the UN Secretary-General.<sup>4</sup> Within this zone of a maximum breadth of 188 nautical miles, the coastal state has sovereign rights for specific purposes,<sup>5</sup> but does not have sovereignty comparable with that which it enjoys in its territory or in the territorial sea; rather, it has - in the scope of the Convention provisions - sovereign rights related to resources and jurisdiction in respect to artificial installations, marine scientific research, and marine environment protection<sup>6</sup>. In granting these rights, however, the Convention also charges the coastal states with certain responsibilities and duties. Many of the regulatory provisions governing this section are not to be found here at all; instead, they are in other sections of the Convention, most notably in Part XII, regulations for the prevention of pollution, and in Part XIII, which regulates scientific research. Rights with respect to the seabed and its subsoil<sup>7</sup> are to be exercised in accordance with the regulatory provisions of Part VI, Continental Shelf<sup>8</sup>. Part V contains three groups of provisions: (a) general rights as mentioned and the corresponding duty to give due regard to the rights and duties of other states<sup>9</sup> (b) fisheries (see next chapter), and (c) a detailed provision concerning artificial islands (see below). The greatest impact comes from the sovereign rights of the coastal state to explore and exploit all living and non-living resources, from the subsoil to the wind<sup>10</sup>.

However, the interests of other states are of no lesser significance, particularly with regard to navigation. Part V therefore includes provisions for the freedom of navigation and overflight, for the laying of submarine cables and pipelines, and other lawful uses of the sea related to these freedoms<sup>11</sup>. These freedoms can basically be exercised as on the high seas<sup>12</sup> but always in a manner compatible with applicable provisions of the Convention<sup>13</sup> and states must respect the coastal state's rights and duties when acting in its exclusive economic zone<sup>14</sup>. Consequently, the exclusive economic zone has to be treated as an ocean area which "shall be reserved for peaceful purposes"<sup>15</sup>.

The coastal state has the exclusive right to construct and to authorize and regulate the construction, operation, and use of artificial islands, installations, and structures<sup>16</sup>, including jurisdiction in respect to customs, fiscal, health, safety, and immigration laws<sup>17</sup>. Due care is to be given to navigation matters<sup>18</sup>.

Conflicts arising from the failure of the Convention to attribute rights or jurisdiction to a coastal state or to designate areas as being governed by the "freedom of the seas" are to be solved on the basis of equity and in the light of all the relevant circumstances<sup>19</sup>, bearing in mind that matters not regulated by this Convention continue to be governed by rules and principles of general international law<sup>20</sup>. But the common uses of the ocean (navigation, overflight, laying of cables) are always subject to compulsory dispute settlement<sup>21</sup>.

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<sup>1</sup> Art. 55

<sup>2</sup> Art. 57; Art. 5-16

<sup>3</sup> Art. 74; Art. 298 (1)(a)

<sup>4</sup> Art. 75, Para. 2

<sup>5</sup> Art. 55; 56

<sup>6</sup> Art. 56, Para. 1

<sup>7</sup> Art. 56, Subpara. 1 (a)

<sup>8</sup> Art. 56, Para. 3

<sup>9</sup> Art. 56, Para. 2; Art. 59

<sup>10</sup> Art. 56, Subpara. 1 (a)

<sup>11</sup> Art. 58, Para. 1

<sup>12</sup> Art. 58, Para. 2; Art. 88-115

<sup>13</sup> Art. 58, Para. 1-2

<sup>14</sup> Art. 58, Para. 3

<sup>15</sup> Art. 58, Para. 2; Art. 88

<sup>16</sup> Art. 60, Para. 1

<sup>17</sup> Art. 60, Para. 2

<sup>18</sup> Art. 60, Para. 3-7; Art. 260-262

<sup>19</sup> Art. 59

<sup>20</sup> Preamble, last paragraph

<sup>21</sup> Art. 297, Para. 1

## RIGHTS AND DUTIES IN THE EXCLUSIVE ECONOMIC

### I. THE RIGHTS OF THE COASTAL STATE

<i>Activity</i>	<i>Regulations</i>	<i>Significant Impact on Rights and</i>
Management	Of the natural resources (Article 56, Subparagraph 1(a))	Coastal state must act with due regard for rights and duties of other states (Article 56, Paragraph 2)
Living Resources	Fishing (Article 56, Subparagraph 1(a), Articles 61-67) sedentary species (Article 77, Paragraph 3)	Participation of land-locked and geographically disadvantaged states and others (Article 62, Paragraphs 2 & 3)
Non-living resources superjacent to sea-bed and subsoil	Production of energy from water, current, wind, and other activities (Article 56, Subparagraph 1(a))	None
Non-living resources of sea bed and subsoil	Mining (Article 56, Subparagraph 1(a)), 56, Para 3 (Part VI, Articles 76-85)	None
Use of artificial islands	Article 56, Paragraph 2, Article 60	Due regard to shipping, including safety zones (Article 60), Paragraphs 3-5, 260-262)
Marine scientific research	Article 56, Paragraph 2 (Part XIII, Articles 246-262)	- International co-operation (Article 242) - Peaceful purposes only (Article 246. Paragraph 3) - Non-interference with shipping (Article 260-262) by artificial islands
Law Enforcement	Fishing, inspection, arrest, proceedings (Article 73)	- Release vessel upon security (Article 73) - No imprisonment in fishing cases (Article 73, Paragraph 3)
Other uses of sed-bed	Sovereign rights in drilling (Article 81), tunnelling (Article 85)	Coastal state has to accept cables and pipelines (Article 79)

*II. THE DUTIES OF THE COASTAL STATE*

Conservation	Natural Resources (Article 56, Subparagraph 1(a)), in particularly fish (Article 61)	Contribution and exchange of data (Article 61 Paragraph 5)
Utilisation	Of living resources (Article 62)	Coastal state must regulate fishing by other states (Article 62, Paragraph 4)
Marine Environment protection	Article 56, Subparagraph 1(a), Part XII, Articles 192-237	Coastal state is responsible and liable (Article 235, Vessels, Article 232, 304)
Resolution of conflict	Article 59, Part XV, Settlement of Disputes (297-298)	Limitation of applicability (Article 297) Release of fishing vessels (Article 292)
Delimitation of zone	Articles 74, 75	Dispute procedure with opposite/adjacent states if not otherwise settled (Article 74, Paragraph 2, Art 298(1)(a))

Further Readings: - Significant Rights of other States (Layout), Page 41