

# Exclusive Economic Zone

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# *Truman Proclamation 2668 Coastal Fisheries (1945)*

In view of the pressing need for conservation and protection of fishery resources, . . . the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. . . .

The right of any State to establish conservation zones off its shores in accordance with the above principles is conceded . . . .

The character as high seas of the areas in which such conservation zones are established and the right to their free and unimpeded navigation are in no way thus affected.

# *Santiago Declaration (1952)*

## *Chile, Peru and Ecuador*

... determined to conserve and safeguard for their respective peoples the natural resources of the maritime zones adjacent to their coasts ...

... the Governments of Chile, Ecuador and Peru proclaim as a norm of their international maritime policy that they each possess exclusive sovereignty and jurisdiction over the sea along the coasts of their respective countries to a minimum distance of 200 nautical miles from these coasts.

The exclusive jurisdiction and sovereignty over this maritime zone shall also encompass exclusive sovereignty and jurisdiction over the seabed and the subsoil thereof. ...

## *Continental Shelf (Libya/Malta) (1985)*

34. . . . It is in the Court's view incontestable that ... the institution of the exclusive economic zone, with its rule on entitlement by reason of distance, is shown by the practice of States to have become a part of customary law ...

# *UNCLOS Article 55*

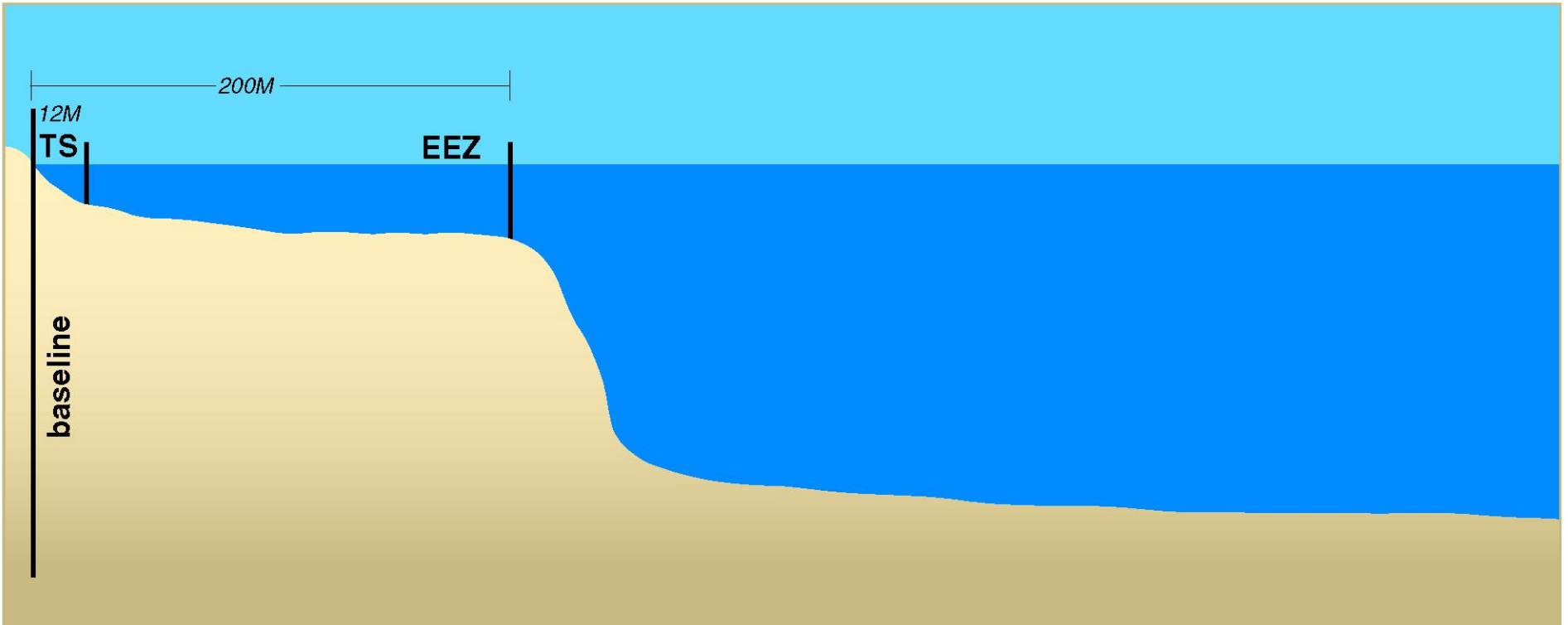
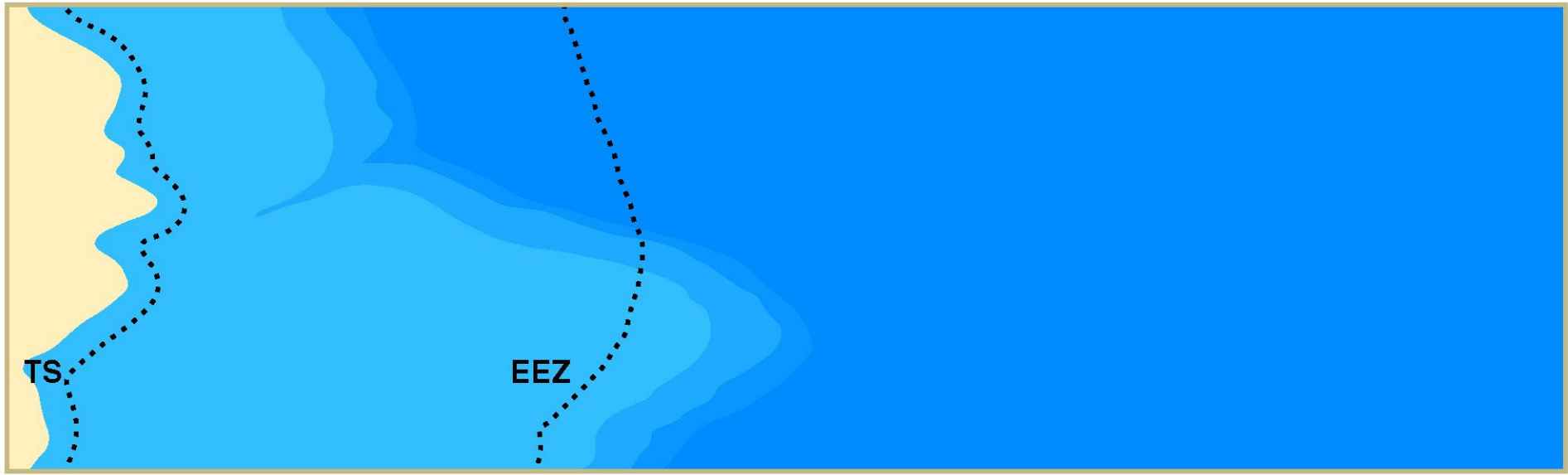
## *Specific legal regime of the EEZ*

The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.

# *UNCLOS Article 57*

## *Breadth of the EEZ*

The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.



## *UNCLOS Article 56 (1a)*

### *Rights, jurisdiction and duties of the coastal State in the EEZ*

1. In the exclusive economic zone, the coastal State has:

- (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

...



# *UNCLOS Article 56 (1b & 1c)*

## *Rights, jurisdiction and duties of the coastal State in the EEZ*

1. In the exclusive economic zone, the coastal State has:

...

(b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:

- (i) the establishment and use of artificial islands, installations and structures;
- (ii) marine scientific research;
- (iii) the protection and preservation of the marine environment;

(c) other rights and duties provided for in this Convention.

## *UNCLOS Article 56 (2 & 3)*

### *Rights, jurisdiction and duties of the coastal State in the EEZ*

2. In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.
3. The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI.

# *UNCLOS Article 58 (1)*

## *Rights and duties of other States in the EEZ*

1. In the exclusive economic zone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in article 87 of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention.

# *UNCLOS Article 58 (2 & 3)*

## *Rights and duties of other States in the EEZ*

2. Articles 88 to 115 [*High Seas, General Provisions*] and other pertinent rules of international law apply to the exclusive economic zone in so far as they are not incompatible with this Part.
3. In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this Part.

## UNCLOS Article 59

### *Basis for the resolution of conflicts regarding the attribution of rights and jurisdiction in the EEZ*

In cases where this Convention does not attribute rights or jurisdiction to the coastal State or to other States within the exclusive economic zone, and a conflict arises between the interests of the coastal State and any other State or States, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

# *UNCLOS Article 60*

## *Artificial islands, installations and structures in the EEZ*

1. In the exclusive economic zone, the coastal State shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:

(a) artificial islands; (b) installations and structures...

3. Due notice must be given of the construction of such artificial islands, installations or structures, ... Any installations or structures which are abandoned or disused shall be removed to ensure safety of navigation, Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other States.

## *UNCLOS Article 60 (4, 7 & 8)*

### *Artificial islands, installations and structures in the EEZ*

4. The coastal State may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures [*max 500m*] ...

7. Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

8. Artificial islands, installations and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

# *UNCLOS Article 61 (1 & 2)*

## *Conservation of the living resources*

1. The coastal State shall determine the allowable catch of the living resources in its exclusive economic zone.
2. The coastal State, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the coastal State and competent international organizations, whether subregional, regional or global, shall cooperate to this end.

...



# *UNCLOS Article 62 (2 & 4)*

## *Utilization of the living resources*

2. The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in paragraph 4, give other States access to the surplus of the allowable catch, having particular regard to the provisions of articles 69 and 70, especially in relation to the developing States mentioned therein.

4. Nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the other terms and conditions established in the laws and regulations of the coastal State. ...

# *UNCLOS Articles 63-68*

- Article 63* Stocks occurring within the EEZs of two or more coastal States or both within the EEZ and in an area beyond and adjacent to it
- Article 64* Highly migratory species
- Article 65* Marine mammals
- Article 66* Anadromous stocks
- Article 67* Catadromous species
- Article 68* Sedentary species

# *UNCLOS Article 69 (1)*

## *Right of land-locked States*

1. Land-locked States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned and in conformity with the provisions of this article and of articles 61 and 62.

...

# UNCLOS Article 73

## *Enforcement of laws and regulations of the coastal State*

1. The coastal State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention.
2. Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security.
3. *[restrictions on coastal State penalties for violations of fisheries laws]*
4. *[requirement to notify flag State of arrest or detention of foreign vessel]*

# UNCLOS Article 74

## *Delimitation of the exclusive economic zone between States with opposite or adjacent coasts*

1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

[. . .]

3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.