INTERNATIONAL STRAITS

• International law on straits is aimed at reconciling concurring interests:
  – Interests of international community – freedom of passage through these narrow waterways
  – Interests of coastal State – supervision and regulation of traffic in waters close to its shores

• a narrow, natural passage connecting two larger bodies of water

Legal definition of straits regulated by international law is based on two elements

• geographical criterion
  – a strait being a body of water which lies between two areas of land
  – no guidance as to how proximate the bodies of land must be to one another
  – the nature of the bodies of water that they connect – linking two parts of the high seas or exclusive economic zones
• **functional criterion** — used for international navigation
  - Corfu Channel case (1949) [Great Britain v. Albania]
    • a *useful route for international maritime traffic*
    • irrelevant that it is not a *necessary route* between two parts of high seas, but only an *alternative passage* between Aegean and Adriatic Seas
  - *use*: actual, not potential [a future oil discovery]; recent or novel, as well as use in the more remote past; does not have to be regular or to reach any predetermined level
  - the characteristics of vessels passing through a strait; navigational and hydrographical characteristics of the waterways; circumstances important to the flow of international navigation to maritime areas

<table>
<thead>
<tr>
<th>Straits not used for international navigation</th>
<th>Not subject to Part III</th>
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</thead>
<tbody>
<tr>
<td>'Broad straits’ which have a high seas/EEZ route through them of similar convenience art. 36</td>
<td>Part III, Section 2 applies, i.e. transit passage</td>
</tr>
<tr>
<td>Straits subject to their own long-standing regimes art. 35(c)</td>
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<tr>
<td>Straits between two parts of the high seas/EEZ, apart from those subject to the exception in art. 38(1)</td>
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<tr>
<td>Straits between the high seas/EEZ and the territorial sea of a foreign State art. 45</td>
<td>Part III, Section 3 applies, i.e. non-suspendable innocent passage</td>
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<tr>
<td>Straits falling in art. 38(1) exception</td>
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</tbody>
</table>
DIFFERENCES BETWEEN TRANSIT PASSAGE AND INNOCENT PASSAGE

- **the reversed position of flag and coastal States in the case of transit passage**
  - innocent passage as an exception v. transit passage as a rule
    (right of a flag state subject to some limited obligations vis-à-vis the coastal State)
  - transit passage cannot be denied, hampered or impaired because of the application of the laws and regulations of the coastal State → corollary of this prohibition is that ships in transit passage cannot be inspected, arrested, detained, seized or be subjected to any other form of control

- applicable to both **ships and aircrafts**
  - right of overflight
    - without notification or authorization of States bordering straits
    - the designation of air routes in straits excluded
  - **non-suspendable** character of transit passage
  - **normal mode** [submarines]
  - prescriptive powers for transit passage are subject to coordination with the **IMO** and approval of proposed national laws by that organization (sealanes)
THE REGIME OF TRANSIT PASSAGE

- Art. 37 to 44 LOSC
- straits used for international navigation between one part of the high seas or EEZ and another part of the high seas or EEZ
- all ships and aircrafts

The act of transit:
- „the exercise of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait”
- Purpose of transit: through the strait from an entrance to an exit point + entering, leaving or returning from a State bordering the strait

Duties of Ships and Aircraft in Transit
- **Art. 39 LOSC – general duties**: no criterion of ‘innocence’ to be satisfied
  - The requirement to **proceed without delay**
  - To refrain from any **use or threat of force** against the sovereignty, territorial integrity or political independence (violation of principles embodied in UN Charter)
  - Refrain from activities other than those which are incidental to ‘their **normal mode**’ of transit, unless rendered necessary by **force majeure** or distress
  - Compliance with other provisions of the Part III
Obligations of Strait States

- Art. 44 LOSC:
  - shall not hamper transit passage
  - appropriate notification of any dangers to navigation or overflight within or over the strait
  - shall not suspend transit passage [for security or any other reasons; a coastal State is entitled to temporarily suspend innocent passage]

Regulation of transit passage

- legislative jurisdiction art. 42 LOSC
- designation of sea lanes and traffic separation schemes art. 41 LOSC – the role of a relevant international organization (IMO)
- authorization of research and survey activities

Enforcement of Straits State’s Laws and Regulations:

- A vessel is not complying with the requirements of transit passage and its actions are in breach of art. 39
  - Posing a threat to the strait state or not engaged in normal mode passage
  - Right of self-defence under general international law (hostile act)
  - Prohibit passage or prevent from continuing passage (not in conformity with Part III)
- A vessel legitimately engaging in transit passage in compliance with its art. 39 duties, breaches the laws and regulations of the strait State
  - Art. 34 LOSC – Part III regime does not in other respects affect the legal status of the waters of the straits with regards to the coastal State’s sovereignty and jurisdiction
- Art. 27 and 28 LOSC – text „a foreign ship passing through the territorial sea”

- **Violations of marine environmental measures**
  - Art. 233 LOSC – violations of laws and regulations + causing or threatening major damage to the marine environment of the strait = appropriate enforcement measures
  - Art. 221 LOSC – maritime causalties = reasonable actions

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**ARCHIPELAGOS**

- **Coastal archipelago (continental)**
  - situated so close to the mainland that they may reasonably be considered to be part and parcel thereof
  - covered by the provisions of straight baselines
  - Norway, Finland, Canada

- **Mid-ocean archipelago (outlying)**
  - groups of islands situated out in the ocean at such a distance from the coast of firm land as to be considered as independent whole rather than forming part of or outer coastline of the mainland
  - belonging to continental state or forming the whole territory of State
  - Fiji, Indonesia, Philippines, Maldives
Definition of archipelagic State:

• Art. 46 (b) – definition of archipelago – geographical features + additional dimension → a group of islands, including
  – parts of islands
  – interconnecting waters and
  – other natural features which are so closely interrelated
  – that [they] form **an intrinsic geographical, economic and political entity**, or which **historically has been regarded** as such

• Art. 46 (a) definition of archipelagic State
  – a State constituted wholly by one or more archipelagos
  – may include other islands

• definition excludes: offshore continental archipelago
  – e.g. Denmark (with the Faeroes), Ecuador (the Galapagos Islands), Norway (Svalbard), Portugal (the Azores), Spain (the Canaries)

• definition would appear to embrace a number of States which do not normally consider themselves to be archipelagic States
  – Japan, New Zeland, UK
  – Most of these non-traditional archipelagic states will in practice be unable to draw archipelagic baselines because of the rules governing the drawing of such lines

• definition of archipelago seems to be wide and imprecise: number, size and proximity of islands
Archipelagic baselines

1. are to connect the outermost points of the outermost islands and drying reefs of the archipelago

2. the ratio of land to water within the lines is not more than 1:1 and not less than 1:9 [ratio land to water]
   - max. ratio of 1:1 prevents archipelagic States which consist predominantly of one large island or a few large islands close together
   - min. ratio of 1:9 prevents archipelagic baselines being drawn around very distant islands in an archipelago or around the whole of widely dispersed archipelagos consisting of small islands
3. Archipelagic baselines must not exceed 100 miles in length, except that up to 3% of the total number of lines may be between 100 and 125 miles in length [length of baselines]
   - Indonesian system is made up of 196 lines, of which five are between 100 and 125 miles in length and the remained less than 100 miles
   - Philippine system: 80 lines, of which two are between 100 and 125 miles in length, one is 140 miles and the remainder less than 100 miles
4. The ‘main islands’ of the archipelago must be included within the archipelagic baselines
   - Largest islands?
   - The most populous islands?
   - The islands most prominent in some other way (capital)?
5. not depart to any appreciable extent from the general configuration of the archipelago
6. shall not be drawn to and from low-tide elevations (unless „lighthouse” exception + in the limits of the territorial sea from the nearest island)
7. must not cut off the territorial sea of another state from the high seas or its EEZ
8. indicated on charts of adequate scale

**Archipelagic waters**
- comprise all the maritime waters within archipelagic baselines
- purpose: used for the delimitation of the adjacent maritime zones
- Legal character:
  - neither internal waters nor territorial sea, although they bear a number of resemblances to the latter
  - art. 49 LOSC – sovereignty over: archipelagic waters, their superjacent air space, subjacent sea bed and subsoil
• archipelagic waters v. **internal waters**
  – within the archipelagic waters
  – the archipelagic State may draw closing lines across river mouths, bays and ports on individual islands
• **common feature**: sovereignty
• **difference**:
  – **right of navigation** through archipelagic waters (innocent passage and archipelagic sea lanes passage); no equivalent right through internal waters
  – recognition of ‘**existing rights and all other legitimate interests**’ (pre-existing fishing agreements, traditional fishing rights, previously laid submarine cables) within the archipelagic waters + ‘traditionally exercised’ by adjacent neighbouring states
Archipelagic State sovereignty subject to a number of rights enjoyed by third States:

1. obligation to respect rights enjoyed by third States deriving from existing agreements (exception to the general provision under art. 311 LOSC) [art. 51(1)]

2. obligation to recognize traditional fishing rights and other legitimate activities of immediately adjacent neighbouring States within archipelagic waters [art. 51(1)]

3. obligation to respect existing submarine cables laid down by other States and passing through its waters without making a landfall [art. 51(2)]
   - Only cables (pipelines excluded)
   - Only existing cables

4. Navigational rights of other States:
   - Right of innocent passage art. 52(1)
     • default navigation regime (for those ships not undertaking ASLP)
     • subject only to two qualifications:
       - may be suspended art. 52(2) [temporarily + specified area + security + due notice]
       - innocent passage regime without prejudice to the archipelagic state ability to delineate internal waters

   – laying of new cables and new pipelines by other States is dependent on the consent of the archipelagic States
• **ASLP**
  – borrows heavily from the *transit passage regime* [art. 54] some of provisions apply *mutatis mutandis*:
    - duties of the ships and aircrafts
    - duties of the archipelagic State
    - survey and research
    - laws and legislation of the archipelagic State
  – exercised within and above archipelagic waters [enjoyed by *ships* and *aircrafts*]
  – purpose: *continuous, expeditious and unobstructed* transit between one part of the high sea / EEZ and another part of the high sea / EEZ
    - promotes continuous and expeditious transit \( \rightarrow \) vessels seeking to call at a port within archipelagic waters revert to the innocent passage regime

  – Exercised in „normal mode“ [transit passage regime]

**Archipelagic Sea Lanes**

• LOSC confers significant rights upon the archipelagic States as to **designate sea lanes** within which ASLP can be exercised (contrary to transit passage regime)

• sea lanes and air routes must include:
  – all **normal** passage routes used as routes for international navigation and overflight
  – all **normal** navigational **channels**
  – term normal – intent to preserve the previously existing navigation routes; irregularly used routes (excluded: routes selected by foreign yachts undertaking a pleasure cruise)
– all **normal** navigational **channels** → unless: there may have previously existed a number of duplicate routes of similar convenience
– that **only one sea lane** is required for designation within any **one particular body of water**, though this does not preclude the existence of multiple sea lanes

• defined by a **series of continuous axis lines** from the entry points of passage routes to the exit points + indicated on duly published charts
• may be up to **50 miles** [as ships are required to remain within 25 nautical miles either side of the axis lines, the effect is that a sea lane is 50 nautical miles wide]
• shall cross both **archipelagic waters and TS**

**Designation of archipelagic sea lanes art. 53**

• **default mechanism**: routes normally used for international navigation [rely upon previous state practice]
• **no unilateral capacity to declare ASL**
  – referral to ‘the competent international organization with a view to their adoption’ art. 53(9) IMO
  – substitution or modification (e.g. wreck blocking a sea lane thereby creating dangerous navigational conditions)
• sea lanes designated **unilaterally or in disregard of IMO recommendations**
  – user States entitled to challenge the designation as well as the ability to enforce national laws and regulations
  – activation of the Part XV dispute resolution provisions
### Obligations while undertaking ASLP (main)
- proceed without delay and refrain from any threat or use of force against the sovereignty or territorial integrity of archipelagic state art. 39 (1)(a)(b)
- not to undertake marine scientific research, including survey activities, without prior authorization art. 40
- obligation to comply with relevant laws and regulations art. 42

### Obligations of the archipelagic States (main)
- transported from art. 44 (Part III):
  - not hamper ASLP
  - appropriate publicity to any danger of which they have knowledge
  - suspend ASLP

### Jurisdiction of the archipelagic State over foreign ships in archipelagic waters:
- general jurisdictional competence (legislative and enforcement) is set out in LOSC on innocent passage and transit passage (by cross-reference applies to innocent passage in archipelagic waters and ASLP)
- additional jurisdiction does not appear to apply in archipelagic waters (marine environmental protection art. 220 and 233)
Jurisdiction with respect to innocent passage:

- consistent with relevant provisions of art. 17 to 32
- scope: stopping, detention, arrest and prosecution of vessels
  - Engaging in actions contrary to legitimate laws and regulations
  - Taking necessary steps to prevent non-innocent passage
- limitation: stemming from the obligation to recognize traditional fishing rights and other legitimate activities of neighbouring states within archipelagic waters

Jurisdiction with respect to ASLP:

- The ability of the archipelagic state to engage in regulation and enforcement within archipelagic waters is equated with the rights of the coastal state within international straits
- ASLP exercised in contradiction with art. 39 obligations → the continued right of navigation or overflight may be revoked by intervention from the archipelagic state

CONTINENTAL SHELF

- the maritime zone which does not to be claimed
  - inherently appurtenant to the costal state on the ground of territorial principle
  - constitutes a natural prolongation of the land territory and exists ipso facto and ab initio by virtue of sovereignty over the land
  - not depend on occupation, effective or notional, or on any express proclamation
- vertical scope
  - seabed and subsoil subject to sovereign rights of the coastal State
  - water column and air space distinct legal regime
The limit of CS /Horizontal scope/ 

- **inner / landward limit** – the outer limit of the territorial sea 
- **outer limit**
  - 1958 Convention on CS– exploitability criterion
    - to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources
  - art. 76 (1) LOSC two possibilities of the seaward limit of the continental shelf
    - distance – 200 nm from the territorial sea baselines where the continental margin does not extend up to this distance
    - contiguity - natural prolongation of its land territory to the outer end of the continental margin (shall not exceed 350 nm) + CLCS role
### Rights and duties of coastal state

- **Two distinct legal basis** for coastal State rights in relation to the seabed
  - Classical doctrine of the continental shelf
  - Newer concept of the EEZ
    - width of 200 nm that may be greater or less than the breadth of the ‘physical continental shelf’
    - although CS and EEZ constitute different bases for rights to the sea bed, the EEZ seabed sovereign rights are exercised in accordance with the Part VI provisions on CS
- Coastal State rights with regard to continental shelf described as ‘sovereign’ – all rights necessary for and connected with the exploitation of the CS. Including jurisdiction in connection with the prevention and punishment of violations of the law

### The rights beyond the 200-mile zone

- **Rights over non-living resources**
  - exclusive sovereign rights
  - obligation to share out the revenue the coastal state derives from exploiting the mineral resources beyond 200 nm
  - art. 82 provides for the application of the common heritage of mankind principle within the outer CS
  - payments and contributions to ISA
    - shall be made annually with respect to all production at a site after the first 5 years of production at that site
    - for the 6 year, the rate of payment shall be 1% of the value or volume of production at the site
    - the rate shall increase by 1% for each subsequent year until the 12 year and shall remain at 7% thereafter
• **Rights over living resources**
  – non-sedentary species fall under the regime of the freedom of high seas

• **MSR** – coastal state may not exercise their discretion to withhold consent to other states to undertake MSR
  – except in relation to specific areas in which exploration or exploitation is occurring, or is about to occur

• **Continental shelf as a resource zone** ⇒ Art. 77(1) LOSC the coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resource *scape ratione materiae*
  – mineral
  – other non-living resources
  – living resources belonging to sedentary species – organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil
  – wrecks of ships [archaeological and historical objects]
    excluded from the category of ‘natural’ resources
- right to **construct and authorise** the use of **artificial islands**, installations and structures used for economic purposes [art. 80 → art. 60]
  - **exclusive** – no State can undertake such activities without the coastal State’s consent
  - **exclusive coastal State jurisdiction** over artificial islands, structures and installations [art. 60(2)]
    - including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations
    - right to take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structure [art. 60(4)]
  - right to establish **safety zones** [art. 60(4)]
    - up to 500 meters measured from the outer limits of the installations
• prohibition to erect installations ‘where interference may be caused to the use of recognised sea lanes essential to international navigation’ [art. 60(7)]

• removal of abandoned or disused:
  – no requirement of complete removal
  – remove to the extent to ‘ensure safety of navigation’, taking into account the generally accepted international rules and standards, due regard to fishing, the protection of the marine environment and the rights and duties of other States

• general right to regulate, authorize and conduct MSR on the continental shelf in accordance with relevant provisions of the Convention [art. 246(1)]

– privileged position of ‘pure MSR’ [art. 246 (3)]
  • conducted by the scientific community in public interests
  • coastal states shall in normal circumstances grant consent for research

– absolute discretion in relation to ‘applied MSR’ [art. 246 (5)] – resource related research
  • of direct significance for the exploration and exploitation of natural resources
  • whether pure or applied which involves drilling in the continental shelf
  • use of explosives
  • introduction of harmful substances into the marine environment
  • construction, operation or use of artificial islands and structures
not to infringe or result in any unjustifiable interference with navigation and other rights and freedoms of other states as provided for in Convention [high seas freedoms applicable top water column] [art. 78(2)]

obligation to permit both the laying and the maintenance of submarine pipelines and cables by other states on the continental shelf [art. 79]

– delineation of the course – subject to the consent of the coastal State

– due regard to cables or pipelines already in position

EXCLUSIVE ECONOMIC ZONE

scope: horizontal and vertical?

a reflection of the aspiration of the developing countries

– for economic development

– desire to gain greater control over economic resources off their coasts (fish stocks)

– fish stocks in many cases were largely exploited by the distant-water-fleets of developed States

EEZ considered as a compromise between those States that claimed a 200 mile territorial sea (some Latin American and African States) and those developed States (e.g. Japan, USSR, USA) which were hostile to extend coastal State jurisdiction
• **EEZ as a claimable zone**
  - under LOSC there is no obligation on a State to claim an EEZ
  - most coastal States have in fact exercised their right to make such a claim; exceptions:
    • some States bordering other **semi-enclosed seas**, where it is impossible for geographical reasons to establish an EEZ of a full 200 nm
    • States which still claim a 200 nm **territorial sea**
    • States (such as UK) which have preferred to claim a 200 mile **EFZ** (EFZ together with the exclusive rights over seabed resources, stemming from the continental shelf regime, amounts to EEZ concept)

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**Legal status of EEZ**

• Treaty based maritime zone, customary legal basis?
  - The vast majority of States claims EEZ well before the entry in force of LOSC (the volume of such claims, coupled with an almost complete absence of protest)
  - ICJ, Libya/Malta Continental Shelf case (1985) ‘incontestable that … the EEZ … is shown by the practice of States to have become part of customary law’
  - **broad rights of coastal and other States** (enumerated in art. 56 and 58 LOSC) regarded as a part of customary international law [doubtful whether the detailed obligations relating to the exercising of coastal state jurisdiction over fisheries, pollution and research have passed into customary international law]
### Delimitation of the EEZ

- **Inner limit**: outer limit of the territorial sea (art. 55 LOSC)
- **Outer limit**: shall not exceed beyond 200 nm from the baselines from which the breadth of the territorial sea is measured (art. 57 LOSC)
  - 200 nm is the maximum extent of the EEZ
  - it is possible for a State, to claim an EEZ of some lesser extent [due to the presence of neighbouring States’ EEZs]
  - Why 200 nm?
    - 200 nm has no geographical, ecological or biological significance
    - UNCLOS – the most extensive zones claimed by the Latin American and African States (200 nm) → easiest to reach and agreement by choosing the figure that represented the broadest existing claims

### The legal status of the EEZ

- **separate functional zone of *sui generis* character**
  - *sui generis*, with the important consequence that it is neither the territorial sea nor the high seas but partakes of the characteristics of both regimes
- coastal State is granted a **resource-oriented functional competence**
  - coastal State possesses **sovereign rights** and not sovereignty in the EEZ (exercised for economic purposes)
  - additionally, coastal States exercise **jurisdiction** and **other rights** provided in LOSC
  - jurisdictional zone, rather not of absolute sovereignty and therefore would not interfere with traditional high seas freedoms, except as regards access to living and non-living resources
• situated between the territorial sea and high seas
• relationship between the EEZ and the high seas → **basic elements of the high seas regime incorporated in EEZ**
  – almost all the high seas provisions (Arts 88–115 LOSC) apply to the EEZ
    • the regime of ships of general application (art. 91-96 LOSC)
    • the concern of the international community [prohibition of transport of slaves, piracy, traffic in drugs, and unauthorized broadcasting] (art. 99-109 LOSC)
    • high seas reserved for peaceful purposes (art. 88 LOSC)
    • states are prohibited to subject any part of the high seas to their sovereignty (art. 89 LOSC)
  – except: those provisions relating naturally enough to the conservation and management of the living resources of the high seas

**COASTAL STATE RIGHTS AND OBLIGATIONS IN THE EEZ**

**SOVEREIGN RIGHTS**
• Living resources
  – for the purpose of: exploring, exploiting, conserving and managing the living resources of the water column, seabed and subsoil
  – Exclusive sovereign rights over fisheries and extensive jurisdiction to regulate fishing in the EEZ
    • Sole discretion in setting **allowable catches** for fisheries
    • Taking into account the **best scientific evidence**
    • Responsibility to conserve and manage fisheries so that they are not endangered by **over-exploitation**
    • Aiming towards fisheries **optimum utilisation**
  – Coastal State is required to give access to other states to its EEZ living resources if it has insufficient capacity to harvest the **TAC it has set**
- **Right of access to the surplus** accorded to foreign states is unenforceable
  - Coastal state decisions determining TAC, extent of harvesting capacity and the allocation of surpluses fall within one of the exceptions to the compulsory dispute settlement system
- Capacity to regulate a wide array of activities connected with fishing
  - M/V Saiga case – the arrest of bunkering (refuelling) vessel → art. 62 (4) legislative jurisdiction should be extended to ancillary activities, however without reaching a conclusion, ITLOS acknowledged that bunkering could arguably be classified as a matter within coastal state EEZ jurisdiction

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- **Non-living resources**
  - EEZ regime overlaps in its entirety with the continental shelf
  - Sovereign, unrestricted rights of exploration and exploitation for non-living seabed resources, without any obligation of conservation or judicious use
  - No requirement for coastal states to share access
  - Energy from the water, currents and winds → embraces future scientific and technological developments
    - Limited sovereign right → due regard to other states and act in conformity with LOSC
    - Coastal state not able to derogate from the freedom and safety of navigation, nor cause damage to marine environment or more stringent regional regimes
<table>
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<tr>
<th><strong>JURISDICTION / JURISDICTIONAL RIGHTS</strong></th>
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<tbody>
<tr>
<td>Coastal states are not accorded general or residual jurisdictional rights</td>
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<tr>
<td><strong>• Artificial islands, installations and structures art. 60 LOSC</strong></td>
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<tr>
<td>- exclusive right to construct and to authorize and regulate the construction, operation and use of</td>
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<tr>
<td>- artificial islands</td>
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<tr>
<td>- installations and structures for the purposes provided for in article 56 and other economic purposes</td>
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<tr>
<td>- exclusive jurisdiction, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations</td>
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<tr>
<td>- security zones ensuring safety of navigation</td>
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<tr>
<td>- duty of information</td>
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<th><strong>• Marine Scientific Research</strong></th>
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<td>- Other states and international organizations may only carry out MSR within the EEZ with the consent of the relevant coastal state</td>
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<tr>
<td>- Pure and applied (resource oriented) MSR</td>
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<tr>
<td>- Regulation of MSR in EEZ generally intended to be permissible in respect of all research except that which has the exclusive or predominant purpose of resource exploration</td>
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<th><strong>• Marine Environmental Protection</strong></th>
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<td>- Extensive rights and powers to protect all living and non-living components of marine environment</td>
</tr>
<tr>
<td>- Part XII deals with three main heads of prescriptive and enforcement jurisdiction: pollution from seabed activities and in relation to artificial structures, pollution by dumping and vessel source pollution</td>
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RIGHTS AND DUTIES OF OTHER STATES IN EEZ

• all States enjoy the freedoms referred to in article 87 of navigation and overflight and of the laying of submarine cables and pipelines + other internationally lawful uses of the sea related to these freedoms art. 58(1) LOSC

• Articles 88 to 115 and other pertinent rules of international law apply to the exclusive economic zone art. 58(2) LOSC
  – Nationality of ships
  – Duties of flag states
  – Immunity of warships
  – Suppression of piracy

• Due regard + compliance with the laws and regulations adopted by coastal state in conformity with LOSC

• Navigation and overflight
  – Rights of navigation and overflight in EEZ are not as extensive as those exercisable on the high seas given the regulatory powers accorded to coastal states by Part V LOSC, e.g.
    • Stop and search fishing vessels to ensure compliance with its fisheries laws
    • Pollution control legislation + enforcement action in respect of egregious breaches
    • Marine protected sea areas
    • Establishment of safety zones around artificial islands, installations and structures

• Submarine cables and pipelines
  – The course of this infrastructure is subject to the consent of the coastal state