

Chapter VII Exclusive Economic Zone

Juridical Regime

The Exclusive Economic Zone (EEZ) concept gained general acceptance early in the negotiations at the Third United Nations Conference on the Law of the Sea (UNCLOS III). A balance between coastal State interests, particularly developing States, and the interests of maritime, land-locked, and geographically disadvantaged States was required, however, before final acceptance of an EEZ text could be achieved. The underlying purpose for creating this new maritime regime was to give coastal States increased rights over the resources off their coasts, while curtailing the trend of national claims to broader territorial seas and preserving as many high seas freedoms as possible.¹

At UNCLOS III, a fundamental issue was the legal status of EEZ waters. Intense debates arose regarding the legal nature of coastal State rights in the EEZ and the relationship to the rights of other States in the same EEZ. The consensus developed that non-resource-related high seas freedoms, including the freedoms of navigation and overflight, and the freedoms to lay pipelines and submarine cables, would be preserved in the EEZ. Yet, even the exercise of these freedoms had to be balanced against the exercise of EEZ rights by the coastal State. Article 58, for example, recognizes the enjoyment of high seas freedoms by all States, "subject to the relevant provisions of this Convention," and with "due regard to the rights and duties of the coastal State."

The LOS Convention strikes a balance between the rights and duties of coastal States on the one hand, and of all other States on the other. Part V, articles 53 through 75, of the LOS Convention, pertains to the EEZ. Article 56 addresses the rights, jurisdiction, and duties of the coastal State in the EEZ. Paragraph 1 of this article distinguishes sovereign rights from jurisdiction:

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;

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

110 Excessive Maritime Claims

- (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.

Article 57 defines the breadth of the EEZ to be no more than 200 miles from the baseline from which breadth of the territorial sea is measured.

Article 58 pertains to the rights and duties of other States in the EEZ. Whereas Article 56(2) proclaims that coastal States “shall have due regard to the rights and duties of other States” in the EEZ, Article 58(3) places similar requirements on other States:

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.

Although it is not specific, Article 59 provides a basis for resolving disputes over rights and duties not addressed in the Convention. 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.”

Article 60 sets out the provisions for the coastal State to construct and to authorize and regulate the construction, operation, and use of artificial islands, installations, and structures in its EEZ.

Of the remaining 15 articles on the EEZ, 13 specifically relate to living resources jurisdiction in the zone. Of particular importance to foreign fishermen is Article 73 on the enforcement of laws and regulations by the coastal State. Paragraph 3 provides that coastal State penalties for violation of fisheries legislation in the EEZ “may not include imprisonment, in the absence of agreements to the contrary by the States concerned.”

Status as Customary Law

The American Law Institute describes the evolution of the exclusive economic zone, as follows:

In the decades following the Second World War, several Latin American states, and later a few African states, purported to extend their territorial sea to 200 nautical miles, principally to obtain the exclusive right to fish and to regulate

fishing in that area. For some time, major maritime powers, including the United States, resisted that expansion. . . . However, in 1976, the United States itself adopted the Fishery Conservation and Management Act, 16 U.S.C. sec. 1811, which established a 200-mile fishery zone, and was followed promptly by Canada, Mexico, and several other countries. This development was encouraged by the compromise on the subject developed at the Third United Nations Conference on the Law of the Sea, which gave to the coastal states jurisdiction over certain activities in a 200-mile zone, including "sovereign rights" for the purpose of exploring and exploiting, conserving and managing both the living and nonliving natural resources of that zone, but preserved for maritime states most high seas freedoms.

In 1983, President Reagan, by Proclamation No. 5030, established an exclusive economic zone of the United States and asserted rights over natural resources thereof, both living and nonliving, as well as over economic activities in the zone. . . .

The Soviet Union objected to this proclamation, arguing that it constituted a unilateral attempt to break up "the package" agreed upon at the Law of the Sea Conference (U.N. Doc. A/38/175 (1983), reprinted in UN Office for Ocean Affairs and the Law of the Sea, *The Law of the Sea: Current Developments in State Practice* (UN Sales No. E.87.V.3), p.141); the Group of 77 (representing the developing countries) and the Group of Eastern European (Socialist) Countries made similar objections (U.N. Doc LOS/PCN/5 & LOS/PCN/6 (1983)). Many states that signed the Convention, presumably with the intent to ratify it, also proclaimed exclusive economic zones before they ratified the Convention and without waiting for the LOS Convention to come into force.²

In 1984, a Chamber of the International Court of Justice expressed its opinion as to the status of the exclusive economic zone in customary international law, which included the following:

Turning lastly to the proceedings of the Third United Nations Conference on the Law of the Sea and the final result of that Conference, the Chamber notes in the first place that the Convention adopted at the end of the Conference has not yet come into force and that a number of States do not appear inclined to ratify it. This, however, in no way detracts from the consensus reached on large portions of the instrument and, above all, cannot invalidate the observation that certain provisions of the Convention, concerning the continental shelf and the exclusive economic zone, which may, in fact, be relevant to the present case, were adopted without any objections. The United States, in particular, in 1983 . . . proclaimed an economic zone on the basis of Part V of the 1982 Convention. This proclamation was accompanied by a statement by the President to the effect that in that respect the Convention generally confirmed existing rules of international law. Canada, which has not at present made a similar proclamation, has for its part also recognized the legal significance of the nature and purpose of the 200-mile regime. This concordance of views is worthy of note, even though the present judgment is not directed to the delimitation of the exclusive economic zone as such. In the Chamber's opinion, these provisions, even if in some respects they bear the mark of the compromise surrounding their adoption, may nevertheless be regarded as consonant at present with general international law on the question.³

112 Excessive Maritime Claims

Table 9 lists those States claiming an exclusive economic zone as of July 1994. In addition, the eight coastal States of the North Sea have agreed to:

either establish . . . Exclusive Economic Zones in the areas of the North Sea where they do not exist for the purpose of protecting the marine environment, or of increasing coastal State jurisdiction for that purpose, in accordance with international law and without going beyond the scope of the provisions of the United Nations Convention on the Law of the Sea (1982).⁴

Table 9
Exclusive Economic Zones (94)

Antigua and Barbuda ^a	Guinea-Bissau ^a	Portugal
Argentina ^a	Haiti	Qatar
Bangladesh	Honduras ^a	Romania
Barbados ^a	Iceland ^a	Russia
Belize ^a	India	Saint Kitts and Nevis ^a
Brazil ^a	Indonesia ^a	Saint Lucia ^a
Brunei	Iran	Saint Vincent and the Grenadines ^a
Bulgaria	Jamaica ^a	Sao Tome & Principe ^a
Burma	Kenya ^a	Senegal ^a
Cambodia	Kiribati	Seychelles ^a
Cape Verde ^a	Korea, North ^c	Solomon Islands
Chile	Latvia	Spain
Colombia	Madagascar	Sri Lanka
Comoros	Malaysia	Suriname
Cook Islands	Maldives ^d	Sweden
Costa Rica ^a	Marshall Islands ^a	Tanzania ^a
Cote d'Ivoire ^a	Mauritania	Thailand
Cuba ^a	Mauritius	Togo ^a
Djibouti ^a	Mexico ^a	Tonga
Dominica ^a	Micronesia, Fed. States of ^a	Trinidad & Tobago ^a
Dominican Republic	Morocco	Turkey (Black Sea)
Egypt ^a	Mozambique	Tuvalu
Equatorial Guinea	Namibia ^a	Ukraine
Estonia	New Zealand ^c	United Arab Emirates
Fiji ^a	Nigeria ^a	United States ^f
France ^b	Niue	Vanuatu
Gabon	Norway	Venezuela
Ghana ^a	Oman ^a	Vietnam
Grenada ^a	Pakistan	Western Samoa
Guatemala	Philippines ^a	Yemen ^a
Guinea ^a	Poland	Zaire ^a

^aRatified the 1982 LOS Convention.

^bIncludes all French overseas departments and territories.

^cNorth Korea also claims a 50 mile "military boundary line" in the Sea of Japan and to the EEZ median line in the Yellow Sea within which all foreign vessels and aircraft are banned without permission.

^dThe Maldives' economic zone is defined by geographical coordinates. The zone is, in part, a rectangle and, in part, a boundary with India. The breadth of the zone varies from approximately 35 miles to more than 300 miles.

^eIncludes Tokelau.

^fIncludes Puerto Rico, U.S. Virgin Islands, American Samoa, Guam, Johnston Atoll, Palmyra Atoll, Midway Island, Wake Island, Jarvis Island, Kingman Reef, Howland Island, Baker Island, Northern Marianas. Palau, which is still part of the Trust Territory of the Pacific Islands, claims a 3-mile territorial sea and a 200-mile fishery zone.

Source: U.S. Department of State, Office of Ocean Affairs.

The Restatement (Third) distinguishes those aspects of the regime of the EEZ considered to be customary law from those which are contractual in nature:

Recent practice of states, supported by the broad consensus achieved at the Third United Nations Conference on the Law of the Sea, has effectively established as customary law the concept of the exclusive economic zone, the width of the zone (up to 200 nautical miles), and the basic rules governing it. These are binding, therefore, on states generally even before the LOS Convention comes into effect and thereafter even as to states not party to the Convention. In those respects the Convention is an authoritative statement of customary law. . . . When the Convention enters into force, parties to the Convention will have rights and obligations with respect to the exclusive economic zone in addition to those applicable to all states under this section.

Disputes between parties to the Convention with respect to violations of provisions that relate to “the freedoms and rights of navigation, overflight or the laying of submarine cables and pipelines” in the exclusive economic zone, or to “other internationally lawful uses of the sea related to those freedoms,” whether committed by the coastal state or the state exercising those freedoms, would be subject to the jurisdiction of the courts and arbitral tribunals provided for by Article 287 of the Convention. . . . Disputes that relate to the fulfillment by a coastal state of certain obligations with respect to the conservation of and access to living resources of the zone, or with respect to scientific research in the zone, can be submitted to a conciliation commission by any party to the dispute. . . .⁵

United States Policy

On March 8, 1983, the United States, in response to statements made during the December 1982 plenary meetings of UNCLOS III, exercised its right of reply, which in regard to the exclusive economic zone said:

Some speakers described the concept of the exclusive economic zone in a manner inconsistent with the text of the relevant provisions of the Convention adopted by the Conference.

. . . .

In this zone beyond its territory and territorial sea, a coastal State may assert sovereign rights over natural resources and related jurisdiction, but may not claim or exercise sovereignty. The extent of coastal State authority is carefully defined in the Convention adopted by the Conference. For instance, the Convention, in

codifying customary international law, recognizes the authority of the coastal State to control all fishing (except for the highly migratory tuna) in its exclusive economic zone, subject only to the duty to maintain the living resources through proper conservation and management measures and to promote the objective of optimum utilization. Article 64 of the Convention adopted by the Conference recognizes the traditional position of the United States that highly migratory species of tuna cannot be adequately conserved or managed by a single coastal State and that effective management can only be achieved through international cooperation. With respect to artificial islands, installations and structures, the Convention recognizes that the coastal State has the exclusive right to control the construction, operation and use of all artificial islands, of those installations and structures having economic purposes and of those installations and structures that may interfere with the coastal State's exercise of its resource rights in the zone. This right of control is limited to those categories.⁶

The Comments of the Restatement (Third) to the section on the EEZ describe the limited authority of the coastal State in the exclusive economic zone in part as follows:

The coastal state does not have sovereignty over the exclusive economic zone but only "sovereign rights" for a specific purpose—the management of natural resources and other economic activities. . . . The coastal state's authority (called "jurisdiction" in the LOS Convention) is even more limited with respect to artificial islands in the exclusive economic zone and such installations and structures as may be required for economic purposes, and with respect to marine scientific research and the protection of the marine environment.⁷

By Presidential Proclamation, the United States established an Exclusive Economic in 1983. (See Appendix 2.)⁸

In a speech at the 10th annual seminar sponsored by the Center for Ocean Law and Policy, Southampton, Bermuda, March 14, 1986, Ambassador John D. Negroponte, Assistant Secretary for Oceans and International Environmental, and Scientific Affairs, explained the United States approach to U.S. legislation on the exclusive economic zone, as follows:

From a broad domestic policy vantage, the Administration — pursuant to the President's EEZ proclamation and accompanying oceans policy statement of March 10, 1983 — decided that, in lieu of enacting comprehensive EEZ legislation reflecting the jurisdiction accorded coastal states in the EEZ, it was preferable to amend individually the numerous Federal statutory provisions regulating activities in the EEZ. This decision was taken for numerous reasons. Not least among them was the desire to avoid, wherever possible, the consideration of such omnibus legislation by the myriad of congressional committees which would have cognizance over such proposals. We also wished to avoid engaging in possible State/Federal debates. Consequently, the executive branch, at the request of the National Advisory Committee on the Oceans and Atmosphere, undertook a comprehensive analysis of present statutory authorities. The review

is well along and will ultimately be filed with the committee. It should be noted, however, that the review does not, in the main, recommend any particular course of action, concentrating primarily on identifying jurisdictional shortfalls.⁹

Excessive Claims

Several States have enacted laws claiming rights that could exceed those authorized in the LOS Convention. For example, in 1978, the Government of **Barbados** claimed the right to extend the application of any of its laws to its EEZ. The United States protested as follows:

Of particular concern . . . is the provision of the Marine Boundaries and Jurisdiction Act, 1978 which purports to grant authority to the Governor-General of Barbados to extend the application of any law of Barbados to the claimed exclusive economic zone of Barbados. It is the view of the Government of the United States that claims made by the Marine Boundaries and Jurisdiction Act, 1978, including the claim of unlimited authority to extend the law of Barbados over maritime areas, are without foundation in international law.¹⁰

Burma also claims broad authority in its EEZ. In Article 18(b) of the Territorial Sea and Maritime Zones Law, 1977, Burma claimed:

exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures *and devices* necessary for the exploration of its natural resources, both living and non-living, *or for the convenience of shipping or for any other purpose.*¹¹

The relevant portion of the U.S. protest note read as follows:

The Government of the United States also wishes to refer to those provisions of the Territorial Sea and Maritime Zones Law, 1977 which purport to assert jurisdiction over the . . . exclusive economic zone of Burma in a manner which is contrary to international law, including inter alia: . . . a claim of authority to subject the exercise of freedom of navigation and overflight in the exclusive economic zone to the exercise by Burma of broadly-defined rights. The Government of the United States wishes to remind the Government of Burma that international law limits the jurisdiction which a coastal state may exercise in maritime areas. It is the view of the Government of the United States that the aforementioned claims made in the Territorial Sea and Maritime Zones Law, 1977 exceed such limits.¹²

Additional guidance provided to the Embassy for use when delivering the note included the following:

The provision of Burmese law which claims broadly-defined rights of Burma to control activities in the claimed economic zone is also particularly troublesome. This assertion of jurisdiction seaward for 200 miles is of greatest concern to the USG because enjoyment of high seas freedoms in the zone is specifically made

116 Excessive Maritime Claims

subject to such broadly-defined rights. The end result is, in effect, a denial that there are freedoms to be enjoyed in the zone. The USG cannot accept that result as being lawful.¹³

The United States protested similar legislation by **Grenada**¹⁴ and **Guyana**¹⁵ in 1982, **India**¹⁶ in 1983, and **Mauritius**,¹⁷ **Pakistan**¹⁸ and the **Seychelles**¹⁹ in 1982.

The Department of State provided the following background when explaining its concern about these laws:

The draft LOS treaty does not authorize a coastal state to exercise the type of jurisdiction claimed by [the government], such as the unlimited authority to designate areas within various maritime zones and to regulate to any extent considered necessary the use of such areas, and, if [the government's] laws and regulations can be extended over claimed maritime zones without limitation, every human endeavor that might take place within hundreds of miles of the coast is being subjected to [the government's] control. In our opinion, the draft LOS treaty does not authorize unilateral claims to such comprehensive authority over these broad ocean areas.²⁰

In response to a declaration concerning the exclusive economic zone accompanying **Egypt's** deposit of its instrument of ratification of the 1982 Law of the Sea Convention on August 26, 1983, the United States expressed its concerns in a diplomatic note, as follows:

With respect to the declaration of the Government of Egypt, that it will exercise its rights in an exclusive economic zone and will take the necessary arrangements to regulate all matters relating to that zone, the United States notes with satisfaction the declaration of the Government of Egypt that it will act in a manner compatible with international law and having due regard for the rights and duties of other states. The United States assumes that the exercise of the types of jurisdiction in the exclusive economic zone, claimed by the Government of Egypt in the declaration, will, accordingly, be limited by the rules of international law reflected in the applicable provisions of the Convention.²¹

The Department of State sought clarification that Article 22(c) of the Archipelagic Waters and Exclusive Economic Zone Act No. 24 of 1986, which required the written permission of **Trinidad and Tobago** to establish or use *any* artificial island, installation or structure in its EEZ, would be applied in accordance with the principles of international law:²²

Under customary international law, as reflected in article 60 of the 1982 Convention, coastal states have the exclusive right to authorize and regulate the construction, operation and use of *only* those installations and structures which relate to natural resources under article 56, or other economic purposes, or which may interfere with the exercise of the rights of the coastal state in the zone.²³

The Ministry of External Affairs replied as follows:

With respect to the scope of application of section 22(c) of the Act, it is advised that article 60(1) refers to two distinct classes of installations and structures, namely installations and structures for the purposes provided for in article 56 and other economic purposes; as well as installations and structures which may interfere with the exercise of the rights of the coastal state in the exclusive economic zone. In addition, under article 258 of the Convention the deployment and use of any type of scientific research installation or equipment in any area of the marine environment is subject to the same conditions as are prescribed in the Convention for the conduct of marine scientific research in any such area. Accordingly, the requirement in section 22(c) of the Act that written consent be obtained for the establishment and use of artificial islands, installations and structures in the exclusive economic zone of Trinidad and Tobago will be applied in accordance with the relevant provisions of the Convention in respect of artificial islands, installations and structures herein before referred to and, in particular, in respect of those which may interfere with the exercise of the rights of Trinidad and Tobago in the exclusive economic zone, as determined by Trinidad and Tobago.²⁴

Maldives, in Law No. 30/76, 5 December 1976, delimited its exclusive economic zone by reference to geographic coordinates in the high seas. A 1982 United States' Diplomatic Note challenging this law read in part:

Such claims have no basis in international law. In asserting jurisdiction over areas extending seaward from its land territory, a coastal state must measure the breadth of any such areas from baselines drawn in accordance with international law. The normal baseline is the low-water line along the coast, and the limited exceptions to this rule only allow for the use of straight baselines to connect coastal features in certain circumstances.²⁵

Article 73(1) of the LOS Convention expressly prohibits the coastal State from imprisoning violators of national fishery regulations, unless agreed to between the concerned States. Nevertheless, the following countries have included imprisonment provisions, or potential for imprisonment penalties, in their EEZ laws:²⁶

Antigua & Barbuda	Grenada	Nigeria	Senegal
Bangladesh	Guinea-Bissau	Niue	Seychelles
Barbados	India	Pakistan	Suriname
Burma	Maldives	Philippines	Vanuatu
Cape Verde	Mauritius	Portugal	Yemen

Notes

1. CHURCHILL & LOWE, *THE LAW OF THE SEA* 133-34 (2d rev. ed. 1988).

118 Excessive Maritime Claims

2. 2 RESTATEMENT (THIRD), FOREIGN RELATIONS LAW OF THE UNITED STATES, §511 Reporters' Note 7, at 33-34 [hereinafter RESTATEMENT (THIRD)]. For the 1984 decree as to the exclusive economic zone of the U.S.S.R., see U.N. LOS BULL., No. 4, Feb. 1985, at 31. See also United Nations, Law of the Sea: National Legislation on the Exclusive Economic Zone, the Economic Zone and the Exclusive Fishery Zone, U.N. Pub. E.85.V.10 (1986) [hereinafter U.N. National Legislation on the EEZ], containing the legislation of 78 States with respect to such zones. The Office of Ocean Affairs, U.S. Department of State on July 1, 1994, lists 94 States claiming an exclusive economic zone. See Table 9.

3. *Case Concerning Delimitation of the Maritime Boundary of the Gulf of Maine (Canada/United States)*, [1984] I.C.J. 246, 294, at para. 94. The full court has also expressed its view that the concept of the EEZ is customary law: *Case Concerning the Continental Shelf (Tunisia/Libya)*, [1982] ICJ Rep. 74, at para 100; *Case Concerning the Continental Shelf (Libya/Malta)*, [1985] ICJ Rep. 33, at para. 34; *Case Concerning the Maritime Delimitation in the Area between Greenland and Jan Mayen*, judgment para. 47-48 (June 14, 1993). The United Kingdom has indicated it agrees with this view. See Brit. Y.B. Int'l L. 1984, at 557 (1985). *Accord*, KWIATKOWSKA, THE 200 MILE EXCLUSIVE ECONOMIC ZONE IN THE NEW LAW OF THE SEA 27-37 (1989) and ATTARD, THE EXCLUSIVE ECONOMIC ZONE IN INTERNATIONAL LAW 277-309 (1987).

4. Declaration on the coordinated extension of jurisdiction in the North Sea, Sep. 22, 1992, U.N. LOS BULL., No. 23, June 1993, at 65.

5. RESTATEMENT (THIRD), §514 Cmt. a, at 56, and Cmt. j, at 61. See also *id.*, Reporters' Note 1, at 62, and *infra* Chapter XIV.

6. U.N. Doc. A/CONF.62/WS/37, 17 Official Records of the Third U.N. Conference on the Law of the Sea 244 [hereinafter Official Records]. Effective January 1, 1992, the United States exercised jurisdiction over highly migratory species of tuna within its EEZ. Section 103 of the Fisheries Conservation Amendments of 1990, Pub.L. No. 101-627, amending 16 U.S.C. §1812. Effective November 28, 1990, the United States recognized similar assertions by coastal nations regarding their EEZs. Presidential Statement on Signing the Fishery Conservation Amendments of 1990, Weekly Comp. Pres. Doc., 1993 (Dec. 3, 1990).

The United States statement in reply was referring, in particular, to this portion of the December 7, 1982, statement by the representative of Brazil:

... Furthermore, it is our understanding that in accordance with the Convention the coastal State has the exclusive right to construct and to authorize the construction, operation and use of all types of installations and structures within the maritime areas under its sovereignty or jurisdiction and that there are no exceptions to this right. In other words, no State has the right to place or to operate any type of installation or structure in the exclusive economic zone or on the continental shelf without the consent of the coastal State.

17 Official Records 40, paras. 26 & 28. Brazil's declarations on ratification of the Convention were substantially similar to the above; they may be found in U.N. Office for Ocean Affairs and the Law of the Sea, The Law of the Sea: Current Developments in State Practice No. II, at 88 (U.N. Sales No. E.89.V.7, 1989) [hereinafter U.N. Current Developments No. II]. Brazil's implementing legislation, Law 8,617 of January 4, 1993, articles 8 and 10, continue to assert these views which are inconsistent with the relevant provisions of the LOS Convention. Uruguay made a similar declaration on signature and ratification of the LOS Convention. U.N. Multilateral Treaties Deposited with the Secretary-General: Status as of December 31, 1992, U.N. Doc. ST/LEG/SER.E/11, at 774 (1993). Italy rejected these claims in its declaration on signature of the Convention, confirming its written statement dated Mar. 7 1983, as follows:

the rights of the Coastal State to build and to authorize the construction, operation and the use of installations and structures in the exclusive economic zone and on the continental shelf is limited only to the categories of such installations and structures as listed in article 60 of the Convention.

Id. at 770.

7. *Id.*, sec. 514, Cmt. c at 57. See also *id.*, sec. 511, Cmt. b, and Sec. 514, Cmts. g-i. In a Declaration on the coordinated extension of jurisdiction in the North Sea, Sept. 22, 1992, for the purpose of protecting the marine environment, the EC Ministers agreed to act "in accordance with international law and without going beyond the scope of the provisions of" the LOS Convention and to implement in their national legislation those generally accepted international rules and standards, including the relevant provisions of the LOS Convention. U.N. LOS BULL., No. 23, June 1993, at 65-66.

8. Presidential Proclamation 5030, Mar. 10, 1983, 48 Fed. Reg. 10,601; 3 CFR 2 (1983 Comp.); 16 U.S.C.A. §1453 Note; reprinted in U.N. Office of the Special Representative of the Secretary-General for the Law of the Sea, The Law of the Sea: Current Developments in State Practice, at 135 (U.N. Sales No. E.87.v.3,

1987) [hereinafter U.N. Current Developments No. I]; 83 DEP'T ST. BULL., No. 2075, June 1983, at 71; and 77 Am. J. Int'l L. 619 (1983).

9. DEP'T ST. BULL., Sept. 1986, at 85. The analysis of statutory authorities referred to in Ambassador Negroponte's speech never received interagency clearance and thus was not delivered to Congress.

10. Diplomatic Note No. 152 dated June 14, 1982, from American Embassy Bridgetown. State Department telegram 116140, June 11, 1982, American Embassy Bridgetown telegram 02993, June 15, 1982. Barbados' Marine Boundaries and Jurisdiction Act, 1978, may be found in U.N. National Legislation on the EEZ, at 40-48.

11. Territorial Sea and Maritime Zones Law, 1977, may be found in U.N. National Legislation on the EEZ at 49, and in SMITH, EXCLUSIVE ECONOMIC ZONE CLAIMS 85 [hereinafter SMITH, EEZ CLAIMS] (emphasis added).

12. American Embassy Rangoon Diplomatic Note delivered on Aug. 6, 1982, pursuant to instructions contained in State Department telegram 196007, July 15, 1982; American Embassy Rangoon telegram 03243, Aug. 9, 1982.

13. State Department telegram 196007, July 15, 1982.

14. American Embassy Bridgetown, July 21, 1982, Note No. 004. State Department telegram 200855, July 20, 1982, American Embassy Bridgetown telegram 03658, July 23, 1982. The Grenada Marine Boundaries Act, 1978, may be found in U.N. National Legislation on the EEZ, at 116-24.

15. American Embassy Georgetown Diplomatic Note dated July 20, 1982. State Department telegram 194561, July 14, 1982, American Embassy Georgetown telegram 3242, July 23, 1982. The Guyana Maritime Boundaries Act, 1977, may be found in U.N. National Legislation on the EEZ, at 128-37, and in U.N. Office for Ocean Affairs and the Law of the Sea, The Law of the Sea, National Legislation on the Continental Shelf, at 117-22 (U.N. Sales No. E.89.V.5, 1989) [hereinafter U.N. Legislation on the Continental Shelf].

16. American Embassy New Delhi Diplomatic Note delivered May 13 & 16, 1983. State Department telegram 128220, May 9, 1983, American Embassy New Delhi telegram 09947, May 16, 1983. India Maritime Zones Act, 1976, may be found in U.N. National Legislation on the EEZ, at 144-49 and in U.N. Legislation on the Continental Shelf, at 129-34.

17. American Embassy Port Louis Diplomatic Note No. 83 dated July 17, 1982. State Department telegram 204808, July 23, 1982, American Embassy Port Louis telegram 02502, July 28, 1982. Mauritius Maritime Zones Act, 1977, may be found in U.N. National Legislation on the EEZ, at 183-86 and in U.N. Legislation on the Continental Shelf, at 168-72.

18. American Embassy Islamabad Diplomatic Note No. 694 dated June 8, 1982. State Department telegram 155385, June 7, 1982, American Embassy Islamabad telegram 09069, June 14, 1982. Pakistan's Territorial Waters and Maritime Zones Act, 1976 may be found in U.N. Legislation on the Continental Shelf, at 189-93.

19. American Embassy Victoria Diplomatic Note No. 37, dated July 8, 1982. State Department telegram 156775, June 8, 1982, American Embassy Victoria telegram 01170, July 14, 1982. Seychelles Maritime Zones Act, 1977, may be found in U.N. National Legislation on the EEZ, at 275-79 and in U.N. Legislation on the Continental Shelf, at 236-39.

20. E.g., State Department telegram 204808, July 23, 1982, to American Embassy Port Louis *supra* n. 17.

21. Diplomatic Note delivered Feb. 26, 1985, by American Embassy Cairo pursuant to instructions contained in State Department telegram 364687, Dec. 12, 1984. American Embassy Cairo telegram 05527, Feb. 27, 1985. Egypt's declaration may be found in U.N. Status of the United Nations Convention on the Law of the Sea, at 35-36 (U.N. Sales No. E.85.V.5, 1985).

22. Article 22(c) of the Act may be found in U.N. Current Developments No. II, at 42. This right was first claimed in Ministry of Foreign Affairs Notice 500, May 27, 1983, which may be found in SMITH, EEZ CLAIMS, at 455. See also KWIATKOWSKA, *supra* n. 3, at 113-15.

23. Diplomatic Note No. 34 delivered in Mar. 1987, from American Embassy Port of Spain (emphasis added), pursuant to instructions contained in State Department telegram 075631, Mar. 14, 1987. American Embassy Port of Spain telegram 00822, Mar. 23, 1987.

24. Diplomatic Note No. 743 dated July 9, 1987, from the Ministry of External Affairs at Port of Spain reported in American Embassy Port of Spain telegram 01973, June 14, 1987.

25. Diplomatic Note dated Aug. 2, 1982, from American Embassy Colombo, pursuant to instructions contained in State Department telegram 150666, June 2, 1982; American Embassy Colombo telegram 04672, Aug. 6, 1982.

26. The legislation is reproduced in U.N. National Legislation on the EEZ. The Secretary-General has also noted that such provisions are "contrary" to the Convention (U.N. Doc. A/47/512, para. 36, at 10), as has Professor Kwiatkowska, who suggests some 32 states have enacted legislation inconsistent with this provision (*supra* n. 3, at 87).