

The Exclusive Economic Zone
in the Law of the Seas
Particular Reference to the Omani EEZ

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Abstract:

The EEZ that was established by the UNCLOS ⁽¹⁾ is a fertile field of the economy which means “*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*” ⁽²⁾. This paper entitled “*Exclusive Economic Zone in the Law of the Seas: Particular Reference to the Omani EEZ*” examines the specific legal regime of the EEZ as provided in Part V of the 1982 UNCLOS and explores the Omani practice before and after its accession to the said convention in 1989. Such research has been conducted through three main interrelated sections. While section one dealt with the legal concept and status of the EEZ, section two discusses the question of the EEZ delimitation under the UNCLOS and applies that to the case of Oman. Section three dealt with the rights and obligations of States. in the EEZ irrespective of being a coastal or not has been discussed in section three with more focus on the Omani EEZ. This work, however, ended with a conclusion containing the most important results.

Key Terms: Exclusive Economic Zone, UN Convention on the Law of the Seas, Geneva Convention on the Law of the Seas, Legal Regime, Living and Non-Living Natural Resources, Sovereign Rights, Jurisdictional Rights, Coastal States, Other States, Marine Boundaries, High Seas, Territorial Waters, Delimitation of Marine Areas, International law of the Seas.

1) See Part Five of the 1982 United Nations Convention on the Law of the Seas (UNCLOS) (Articles 55-75), UNTS, available at:

https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf,
(Accessed on 1-12-2022).

2) Article 55 of the UNCLOS (Specific Legal Regime of the Exclusive Economic Zone), *ibid*.

Introduction

Throughout international relations history, a crucial role has been played by the seas in times of peace and war. No one can deny their economic, political, strategic, and security importance. For this, seas always being a source of conflict and competition among nations that hide desires and ambitions behind the struggle to own or liberate them by major maritime powers. Globalism and individualism in international relations marked the early history of international law of the sea representing antithetical views on oceans. From the womb of that conflict came the great Hugo Grotius's treatise on the *Mare Liberum* in 1609 (The Sea is a common property for all nations), which was challenged by John Selden's treatise on the *Mare Clausum* in 1625 (The seas can be subjected to possession by sovereign powers) ⁽¹⁾. Since Grotius's theory prevailed, and for centuries, the law of the sea was based on the concept of freedom of the seas that cannot be subjected to any possession or claim of ownership. In the 18th century, international jurisprudence became ready to accept the distinction between the marine areas that could be subject to the coastal State's sovereignty, jurisdiction, and control, and other areas of the sea considered common property for all nations. Hence, early customary rules related to the high seas, territorial seas, contiguous zones, fisheries, and control areas arose. By the 20th century, as a result of increasing capabilities of States to engage in long-range activities of exploring, and exploiting living and non-living natural resources in the seas, and as a result of practices of many States claiming sovereignty over wide marine areas of the seas and their natural resources existed

1) For the history of the international law of the seas see Eduardo Cavalcanti Filho, *The Law of the Sea in History: A Study Departing from the Maritime Spaces* [2020], Perth International Law Journal, 5, P50 and P55, available at:

<http://classic.austlii.edu.au/au/journals/PerIntLawJl/2020/6.pdf>

whether in the sea bed, subsoil or in waters above, in which the concept of freedom of the seas being eroded, it became necessary to develop a treaty-based regime for seas governance. In this context, a series of UN conferences on the law of the seas were held between 1958 and 1982 that resulted in two important conventions namely; the 1958 Geneva Convention on the Law of the Sea (GCOLOS) ⁽¹⁾ and the 1982 UN Convention on the Law of the Sea (UNCLOS) ⁽²⁾. While the former reflected the views and interests of the major maritime powers without any significant contribution from the majority of developing countries, the latter was more progressive and comprehensive by formulating new international rules for the law of the seas that aimed to be more just and balanced to meet the interest of all nations. The UNCLOS was a great development and the most ever significant innovation in international law of the seas by recognizing the EEZ. This concept is based on the individual economic interests of States and therefore represents a clear expression of individualism in international relations. It has been recognized for the coastal States to have sovereign and jurisdictional rights over waters adjacent to their coasts extending up to 200 nautical miles from the baselines from which the territorial sea is measured. Such recognition was not to be achieved without conflict. Thus, the notion of the EEZ was a politico-legal compromise between sovereignty and freedom. It was born out of the desire to reconcile the conflicting interests among the coastal States that may hide many of their greediness and ambitions.

1) Under Geneva Convention there are many sub-conventions regulating the marine areas of the Territorial Sea, Contiguous Zone, Continental Shelf, and the High Sea, See UNTS, Vol.516, Vol 450, and Vol 499, All these Conventions are in UNTS available at <https://treaties.un.org>. (Accessed on 13-11-2022).

2) The UNCLOS was a result of the Third UN Conference on the Law of the Sea (1973-1982). It covers a number of issues, including EEZ, the continental shelf, rights to the deep seabed, territorial and high seas, etc. See the UNCLOS at UNTS, *Op Cit*.

In stating the problem of this study, one should realize that Oman enjoys long coastlines in different directions that made its geographical location unique. Thus, the sea is of great importance to Oman from economic, political, security, and strategic perspectives. Oman began to define its maritime domains of the international law of the sea in 1970 when the Omani confined fishing zone has been declared ⁽¹⁾, and in 1981 declared its EEZ as well as its Continental shelf and its territorial sea ⁽²⁾, and in 1989 became a party to the UNCLOS ⁽³⁾, which created the EEZ and its regime. The Omani EEZ is opposite and adjacent to the coasts of other states. It is opposite the coasts of Iran and Pakistan and also it is adjacent to the coasts of Yemen and the UAE. The main question that has to be explored in this study is the legal quality of the EEZ as a new independent concept in international law recognized by the UNCLOS. Such exploration will be in the light of international law rules of relevance that govern the regime of EEZ. This study also raises other sub-questions relating to the breadth of the Omani EEZ and the practice of the Sultanate in defining its EEZ with other opposite or adjacent coastal States. Other matters relating to the rights and obligations of Oman in its EEZ and that of other states pose other questions that must be faced.

The importance of the study lies in its cognitive and practical value. On one hand, it may constitute a significant contribution to an important field that has been in for a long time in a shadow, on the other hand, this study would be practically useful for many professionals interested in the law of the sea in general and the EEZ

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- 1) This is the first Omani law in relation to marine areas dated 17-7-1972 *Official Gazette* dated 20-7-1972.
 - 2) Omani Royal Decree 15/81 Regarding the Territorial Sea, Continental Shelf, and the EEZ, 211 *Official Gazette* on 15-2-1981.
 - 3 Omani Royal Decree No.67/89 Ratifying the UNCLOS, 408 *Official Gazette* on 1/6/1989.

and its applications.

Concerning Methodology and Organization, this study, however, was conducted in accordance with a methodology that uses legal analysis based on the deduction, which involves consultation with many primary sources. Discussion of the subject of this work started with an introduction followed by three interrelated sections. While Section One dealt with the question of the legal concept of the EEZ and its status in international law of the Sea, Section Two was devoted to discussing the delimitation of the breadth of the EEZ under the UNCLOS with an application to the case of Oman. Section Three analyzed the question of rights and obligations of the coastal state and Other States in the EEZ. The study ended with a conclusion containing the most important results.

Section One: Legal Concept and Status of the EEZ.

Two important aspects will be under consideration in this section. While the first one deals with the legal concept of the EEZ, the second concerns its legal status as recognized in the UNCLOS.

1.1: The Legal Concept of the EEZ

Clarifying the independency of the legal concept of the EEZ in the international law of the seas requires an investigation of the notion itself in the context of the surrounding political, legal, and economic circumstances during its adoption in the 1982 UNCLOS.

1.1.1 The Notion of the EEZ

In contemporary international law of the seas, probably the most two legal concepts that reflect conflicting views among nations are the International Seabed Area and the EEZ. From an international relations perspective, while the former concept (ISBA) based on the notion of the common heritage of mankind represents the victory of collectivism, the latter concept (EEZ) is based on the individual economic interests of States and therefore represents the clearest expression of

individualism. The UNCLOS, however, recognized the coastal States' claims over waters adjacent to their coasts for a distance extending up to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, with certain sovereign and jurisdictional rights. Such recognition of the EEZ was not to be achieved without a conflict of views among nations. Therefore, the acceptance of the notion of the EEZ and its recognition by the UNCLOS was in fact a Politico-legal compromise between sovereignty and freedom of the seas (¹). It was born out of the desire to reconcile the conflicting interests among the coastal States that may hide many of their greediness and ambitions. After the US announced its desire to establish Coastal Fisheries in Certain Areas of the High Sea in 1945 (²), Some Latin American States declared to extend their sovereignty over large marine areas beyond their territorial seas for up to 200 nautical

1) Malcolm Show, *International Law*, (6th, Cambridge University Press, 2006) P580-86. It is also Available at

https://www.academia.edu/25762501/SHAW_MALCOM_International_Law_6th_Edition. (Accessed on 13-9-2022). It has to be noted here that the disagreement among nations over exclusive fishing zones was one of the most main reasons behind the recognition of the EEZ of a distance of 200 nautical miles especially since the 1958 convention on the territorial sea and the contiguous zone did not provide exclusive fishing rights in the contiguous zone. *Ibid*, PP 580-81. See also Article 14 of the said Geneva Convention on the Territorial Sea and the Contiguous Zone on 29 April 1958 which entered into force on 10 September 1964 at the UNTS, vol. 516, p. 205, which is also available at: <https://treaties.un.org/doc/Publication/UNTS/Volume%20516/volume-516-I-7477-English.pdf> (Accessed on 13-11-2022).

2) This proclamation did not specify any limit of such an area, nor claim any EEZ over it. See the US President Harry Truman's Proclamation 2667 on 28-9-1945, Policy of the US with respect to Coastal Fisheries in Certain Areas of the High Seas at: <https://www.presidency.ucsb.edu/documents/proclamation-2667-policy-the-united-states-with-respect-the-natural-resources-the-subsoil> (Accessed on 30-12-2022).

miles to benefit from the living and non-living natural resources existed⁽¹⁾. Neither the major maritime powers⁽²⁾ nor the 1958 GCLOS approved such practices⁽³⁾. However, it was only during the debate on the fishing system in the waters beyond the territorial seas before the UN Seabed Committee that was established in 1968, “*the idea of an exclusive jurisdiction of the coastal State over living and non-living resources, present in the maritime area of 200 nm, called the “patrimonial sea” beforehand, and ‘exclusive economic zone’ afterward, began to materialize*”⁽⁴⁾.

1.1.2 The EEZ as an Independent Legal Concept

As a concept, the EEZ that was established by the UNCLOS⁽⁵⁾ means “*An area beyond and adjacent to the territorial sea, subject to*

1) For example, the States of Peru, Chile, and Ecuador declared their maritime territorial sovereignty up to 200 nautical miles in 1947, also the South American States parties to the Santiago Declaration of 1952 “claimed territorial sovereignty and exclusive jurisdiction over waters up to a minimum distance of 200 nm from the coast, especially in order to protect fish stocks in adjacent waters”, Umberto Leanza and Maria Cristina Caracciolo, *The Economic Exclusive Zoon*, Oxford Public International Law (Oxford University Press, 27-May 2015) P 180, also available at:

<https://opil.ouplaw.com/display/10.1093/law/9780199683925.001.0001/law-9780199683925-chapter-7?prd=OPIL>. (Accessed on 1-1-2023). For more details on such declarations See DP O Connell, *The International Law of the Sea* (1st ed, Clarendon Press, Oxford, Vol II, 1988), P553. It is also available at:

<https://opil.ouplaw.com/display/10.1093/law/9780198254690.001.0001/law-9780198254690>. (Accessed on 12-12-2022).

2) The USA, for example, issued the Fishermen’s Protective Act in 1954, aiming to protect the rights of US vessels on the high seas. *Ibid*.

3) Neither the Convention on the Contiguous Zone nor the one relating to the High Seas recognizes any sovereignty rights of the coastal state on their waters. See the text of these Conventions respectively at the UNTS, *Op Cit*, Vol.516, p 205, and the UNTS, Vol 450, P11.

4) Umberto Leanza and Maria Cristina Caracciolo, *Op Cit*, P182

5) See Part Five of the UNCLOS (Articles 55-75), UNTS, *Op Cit*.

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” ⁽¹⁾. In this context, perhaps the concept of the Continental Shelf is one of the most concepts in the law of the seas that might overlap with the EEZ. Clarifying points of convergence and differences between the two concepts is an essential task for determining the independency of the EEZ concept. In this context, the UNCLOS provides provisions relating to the continental shelf in its Part VI ⁽²⁾, retaining its core provisions as contained in the 1958 GCLOS except for the extent of the Continental Shelf, by virtue of the determination of the EEZ as a new concept brought by the UNCLOS. Despite the overlap between the two concepts, the UNCLOS preserved the independence of each of them. This means, its recognition of the EEZ as a new independent legal concept does not abandon the continental shelf and its legal regime.

In its definition of the continental shelf, the UNCLOS does not adopt any of the two criteria adopted by the 1958 GCLOS, neither the depth criterion (200 nautical miles) nor the criterion of the ability to

1) Article 55 of the UNCLOS (Specific legal regime of the exclusive economic zone), *ibid.*

2) Articles 76-85 of the UNCLOS, *Ibid.*

explore and exploiting of natural resources ⁽¹⁾. Instead, the UNCLOS adopts the criteria of natural extension and distance ⁽²⁾. It is worth noting that the UNCLOS considers the seabed of the EEZ -if not exceeded the limit-to be a continental shelf that can be extended up to a maximum distance of 350 nautical miles from the baselines from which the breadth of the territorial sea is measured. Accordingly, the continental shelf does not exist according to the said Convention, except in cases where extends beyond the distance limit of the EEZ. Hence, it is meaningless to apply two concepts to one area **if the continental shelf does not exceed the distance limit of the EEZ** ⁽³⁾.

1) Article one of the 1958 Geneva Convention on the Continental Shelf defined the term as referring to “(a) *the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, 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 of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands*”, UNTS, *Op Cit*, Vol. 499, P 311. It is also available at:

https://legal.un.org/ilc/texts/instruments/english/conventions/8_1_1958_continental_shelf.pdf. (Accessed on 13-11-2022).

2) Article 76(1) of the UNCLOS defined the continental shelf as “*comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance*”. Paragraph (3) of the same article added a concept of the continental margin by stating that “*The continental margin comprises the submerged prolongation of the land mass of the coastal State consists of the seabed and subsoil of the shelf, the slope, and the rise. It does not include the deep ocean floor with its oceanic ridges or subsoil*”. UNCLOS, UNTS, *OP Cit*.

3) Discussions that took place during the Third Conference on the Law of the Sea supported this view. It was mainly focused on cases where the extension of the continental shelf exceeds the limit of the EEZ. The debate and comparison were between the Irish proposals on one hand, which adhered to natural and geological considerations, and the Soviet proposals on the other, which called for a criterion that did not allow the continental shelf to exceed a distance of 100 miles from the

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Thus, the approach adopted by the UNCLOS of considering the seabed of the EEZ as a continental shelf is for achieving unity of the EEZ legal system ⁽¹⁾. The UNCLOS provided a special legal regime to be applied for the EEZ as an independent legal concept.

1.2 The Legal Status of the EEZ

The establishment of the EEZ by virtue of the UNCLOS was a significant development in the field of the international law of the seas ⁽²⁾. Before such development, only the Territorial Sea, the Contiguous Zone, the Continental Shelf, and the High Sea were recognized and regulated by such law. The determination of the legal status (nature) of the EEZ under the UNCLOS was a result of a compromise among many different approaches that have been presented by States during discussions of the issue at the UN Third Conference on the Law of the Sea ⁽³⁾. During such discussion, two conflicting approaches appeared to

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outer limit of the EEZ. Therefore, the text of Article 76 of the 1982 convention concerning the EEZ was a compromise between the two proposals. On this basis, the said article stipulates that “*the extension of the Continental shelf should not exceed 350 nautical miles from the baseline*”. Bernard H. Oxman, *The Third United Nations Conference on the Law of the Sea: The Eighth Session* [1979], *AJIL*, Cambridge University Press/American Society of International Law, Vol 74, No.1 (1980). P 19-21.

- 1) The UNCLOS considers what exceeds the continental shelf area in its natural concept before the end of the 200 nm as a continental shelf. See 1982 Convention on the Continental Shelf, UNCLOS, *OP Cit*.
- 2) For a brief history of the EEZ See Robert Beckman and Tara Davenport, *The EEZ Regime: Reflections after 30 years* (Law of the Sea Institute, School of Law, University of California, Berkeley, USA. 2012) P3 available at <https://www.law.berkeley.edu/files/Beckman-Davenport-final.pdf> (Accessed on 2-2-2023).
- 3) For the views of the States at the III UN Conference on the Law of the Seas See the UN *Official Documents*, UN Doc A/AC.138/55, UNCLOS III, available at:

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apparently represent collectivism and individualism as well as another approach representing functionalism.

1.2.1 Two Conflicting Approaches

Antithetical approaches of individualism vs. collectivism in international relations labeled most of the debate on the EEZ during the UN Third Conference on the Law of the Seas. Developing coastal States mainly from Latin America supported by many other developing countries in Asia and Africa ⁽¹⁾ maintained their claims of extending their sovereignty and jurisdiction on waters -as an EEZ- up to a distance of 200 nautical miles off the coast ⁽²⁾. They viewed that the rights of the coastal State over the EEZ cannot be likened to or analogous to those established for fishing in the waters adjacent to the territorial sea because they are not limited to natural resources, but extending also to a wide range of exploration and exploitation activities including the establishment of artificial islands for various economic purposes. They added that recognizing their jurisdiction over their EEZs achieves security interests for all, and it cannot affect the rights and freedoms of all states in the waters of the high sea. ⁽³⁾. Opposite to the approach is the position of the major maritime powers which

https://www.dipublico.org/conferencias/mar/pdf/Seabed_Committee_1969-1973.pdf. (Accessed on 2-2-2023). For Draft Articles submitted by States, for example, See the draft of Bolivia and Paraguay submitted on 16 -8- 1974 at the UNCLOS III, *Official Documents*, UN Doc A/CONF.62/C.2/L.65, vol. III, 270 at:

https://legal.un.org/diplomaticconferences/1973_los/vol3.shtml. (Accessed on 15-2-2023), and for the two drafts of Zambia on 20-9-1976 and on 15 July 1977 at UNGA doc A/CONF.62/C.2/L.95 and L.97, vol. VI, P 190, and vol. VII, P 87. Also available at the UN Diplomatic Conference (Law of the Sea) at <https://legal.un.org>, (Accessed on 27-2-2023).

1) *Ibid*, P212-213.

2) Umberto Leanza and Maria Caracciolo, *Op Cit*, P183.

3) *Ibid*.

possess great maritime technologies and capabilities, maintaining that the EEZ is an integral part of the high sea in the sense provided in Article 1 of the 1958 Convention on the High Seas as the waters of which cannot be subjected to the territorial sovereignty of any State. They view the claims of some coastal states of extending their sovereignty outside the recognized limit of their territorial seas constitute a threat to the very well internationally recognized rights and freedoms of all countries in the high sea (¹). Finally, in searching for a compromise, the maritime powers have to balance the economic interest of the coastal States in extending their rights over large areas of the high sea on one hand with their interest in protecting the freedoms of all States in the high seas on the other. Both clarify the economic function of the EEZ and emphasize its character as a part of the high sea area (²). On the bases of these factors, the third approach emerged.

1.2.2 Functional Approach

This approach adopted a functional solution proposed by some countries in which the interests of all States can be served including landlocked or geographically disadvantaged States, which could participate on equal bases with the coastal States in the exploitation of living resources (³). The view of this trend is that the EEZ has a unique

1) Territorial sea limit is up to 12 nautical miles according to Article 3 of the UNCLOS. For the rights and freedoms of all States in the High Sea see Part VII of the UNCLOS (Articles 88 and 90) and Article 2 of the 1958 Geneva Convention on the High Seas, on 29 April 1958, entered into force on 30 September 1962. United Nations, Treaty Series, vol. 450, p. 11, p. 82 at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXI-2&chapter=21. (Accessed on 13-11-2022).

2) *Ibid.*

3) They based this position on “the status of *res communes omnium* of these areas where they had enjoyed the same rights as the coastal States”. In other words, as rightly noted that: “*the recognition of equitable chances of access to resources of*”
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status, so its recognition should be only for the purpose of exploration and exploitation of natural resources, without affecting the legal status of the high sea. This can put an end to the practices of extending territorial sovereignty beyond the territorial waters and also guarantees the rights and freedoms of all states in the high sea and international waterways. On the basis of this compromise, the EEZ was adopted in the UNCLOS. Hence, the granted rights of the coastal State over its EEZ are preferential similar to that established for fisheries located next to the territorial sea of the coastal States, and exclusive in the sense contained in the 1958 Convention on the Continental Shelf (¹). This approach was viewed as a functional solution since it meets the interests of all States including landlocked or geographically disadvantaged countries which strongly supported the notion, that they could participate on equal bases with the coastal States in the exploitation of living resources.

Section Two: Delimitation of the Breadth of the EEZ

For determining the breadth of the EEZ of any coastal State, examining the relevant rules of international law would be of primary concern, taking into account certain circumstances that might affect their application.

2.1 Relevant Rules of the International Law of the Seas.

The general rules provided by the UNCLOS relating to the delimitation of the breadth of the EEZ will be treated as the basis for

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the EEZ acquired almost a compensatory nature, compared to the loss of actual or virtual rights previously enjoyed”, Umberto Leanza and Maria Caracciolo, *Op Cit*, P 183.

1) Exclusive rights in the sense that they are only for exploration and exploitation activities in the EEZ that may be carried out by the Coastal State concerned or by others upon its permission.

discussion ⁽¹⁾, taking into account certain geographical circumstances that would have a significant impact on the EEZ breadth when the coast of the State is being of opposite and adjacent of the coasts of other States, as exactly the case of Oman. In this regard, Article (57) of the UNCLOS stated that: “The *exclusive economic zone shall not extend beyond 200 nautical miles from the baseline from the baselines from which the breadth of the territorial sea is measured*” ⁽²⁾. Whereas the limit stated of 200 nautical miles is not available for all the coastal States due to certain geographical circumstances relating to their location on the world map ⁽³⁾, therefore, if the coastal State decides to delimit its EEZ breadth with other coastal States in the event of convergence or contiguousness, the such procedure must be affected by an agreement based on international law with the States concerned. Until a final agreement is reached, “*The coastal State should put sufficient effort to enter into practical arrangements showing a spirit of cooperation and understanding*” ⁽⁴⁾. The ICJ stated that “*Any delimitation must be affected by agreement between the States concerned, either by the conclusion of a direct agreement or, if need be, by some alternative method, which must, however, be based on*

1) For details on rules and norms concerning the EEZ See (1st ed, UN, Office of Legal Affairs, NY, 2000) P 15, also available at https://www.un.org/depts/los/doalos_publications/publicationstexts/Handbook%20on%20the%20delimitation%20of%20maritime%20boundaries_Eng.pdf.

(Accessed on 2-3-2023).

2) Article 75 of the UNCLOS, *Op Cit*.

3) As long as the breadth of the territorial sea extends up to a distance of 12 nautical miles, and since the breadth of the EEZ is 200 nautical miles starting from the baseline from which the territorial sea is measured, thus, practically speaking, the breadth of the EEZ does not exceed the distance of 188 nautical miles.

4) Article 74 of the 1982 UNCLOS, *Op Cit*.

consent " (1).

2.2. Certain Considerations Affecting the EEZ Delimitation

In many cases, there are some factual considerations relating to the geographical or natural location of the coastal State that may significantly affect the delimitation of its EEZ breadth.

2.2.1 Problems Arising from the Geographical Status of the Coastal State

Determining the breadth of the EEZ of the coastal State at a distance of 200 nautical miles is a general rule provided by the UNCLOS (2). It would be no problem, however, if the geographical status of the area allows such distance. But, in many cases, due to natural and geographical facts, a distance of 200 nautical miles will not be available for the coastal States with opposite coasts of other coastal States. This is simply so when the marine distance between them is less than 400 nautical miles that do not allow for each state to have 200 nautical miles. This is one of the problems that can be faced when determining the breadth of the EEZ in accordance with Article (57) of the UNCLOS. In addition, there is another problem relating to the States that are deeply affected by their geographical status, as nature has not granted them as others of marine areas adjacent to their shores, enabling them to benefit from the wealth in their EEZ. Moreover, the recognition of the EEZ of the islands is another problem that can be

1) ICJ, Reports and Judgements, Case No.67/1984, *Case Concerning delimitation of the Maritime Boundary in the Gulf of Maine Area*, Canada/USA, Judgement of 12 October 1984 Given by the Chamber Constituted by the Order made by the Court on 20 January 1982, 1984, p. 292, Para. 89, available at <https://www.icj-cij.org/sites/default/files/case-related/67/067-19841012-JUD-01-00-EN.pdf>, (Accessed 26-3-2023). For other cases concerning the question of delimitation of maritime boundaries including and relating to the EEZ See Martin Dixons and Others, *Cases and Materials on International Law* (6th ed, Oxford University Press, 2016) p 371-382.

2) Article 57 of the 1982 UNCLOS, *Op Cit*.

raised in dealing with the question of the EEZ delimitation for the States that have so many islands close and far apart.

However, with respect to Oman, the sultanate upon its ratification of the UNCLOS declared that: “*The Sultanate of Oman determines that its exclusive economic zone, in accordance with article 5 of Royal Decree No. 15/81 dated 10 February 1981, extends 200 nautical miles in a seaward direction, measured from the baselines from which the territorial sea is measured*”⁽¹⁾. Taking into account this declaration together with the geographical circumstances relating to the location of Oman, it would be clear that the country is opposite and adjacent to other coastal States. Therefore, it would be impossible for Oman to have EEZ with a breadth of 200 nautical miles in all directions ⁽²⁾. To justify this, one should look at the map to see that Oman faces Pakistan and Iran as opposite coastal States on one hand, and adjacent to Yemen and the UAE as other coastal States on the other. The maritime distance

1) Declaration of Oman No.5(1) of 1989, UN Treaty Collections, Chapter XXI (law of the Seas) available at

https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en#EndDec, (Accessed on 2-3-2023). For all declarations of Oman upon its ratification of the UNCLOS See UN Law of the Sea Bulletin, No.40, 1989, UN Office for Ocean Affairs and the Law of the Sea, available at

https://www.un.org/depts/los/doalos_publications/LOSBulletins/bulletinpdf/bulletinE40.pdf. (Accessed on 22-3-2023)

2) Only upon these facts would the declaration concerned be understood and interpreted since Oman is a party to the UNCLOS. This view can be supported by the second paragraph of the same declaration which stated that “The Sultanate of Oman possesses sovereign rights over its economic zone and also exercises jurisdiction over that zone as provided for in the Convention. It further declares that, in exercising its rights and performing its duties under the Convention in the exclusive economic zone, it will have due regard to the rights and duties of other States and will act in a manner compatible with the provisions of the Convention”. *Ibid.*

between Oman and such opposite and adjacent States is not sufficient to obtain individually a breadth of 200 nautical miles for its EEZ in all directions. Thus, the general rule provided in Article (57) of the UNCLOS is insufficient for determining the Omani EEZ breadth. Therefore, resorting to Article (74) of the same Convention concerning the delimitation of the EEZ breadth between States with opposite or adjacent coasts would be useful and might provide a solution ⁽¹⁾.

2.2.2 The Case of States that of Opposite and Adjacent Coasts

Article (74) of the UNCLOS declared the rules that govern delimitation of the EEZ between States with opposite or adjacent coasts as follows:

“1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be affected by the 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. 2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV. 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 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. 4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of this

1) “As for the breadth of the Omani EEZ towards the high sea in which the Omani EEZ “reaching 200 nautical miles distance, from the end of the maritime border with Pakistan in the north to the beginning of the maritime border with Yemen in the south, Oman determines it by its own with the international maritime zone. See Alesai.A. Ahmed, Oman and the Law of the Seas (Ph.D. Thesis, University of Tunis, 2012), P274.

agreement”.

According to this text, delimitation of the EEZ between States with opposite or adjacent coasts shall be affected by an agreement between them on the basis of international law. If no agreement is reached within a reasonable period of time, peaceful means of international dispute resolution provided in Part XV of the UNCLOS, which are the same as that stated in Chapter 6 of the UN Charter must be resorted to. (¹). In this context, as long as Oman is concerned, determining the breadth of its EEZ that is opposite and adjacent to the coasts of other States (Iran, Pakistan, Yemen, and the UAE), the relevant international law rules including that of the UNCLOS to which Oman is a party need to be applied (²).

2.3 Limitations with Opposite Coastal States

The discussion here is devoted to the question of defining the breadth of Omani’s EEZ with Iran and Pakistan as long as Oman has opposite coasts with both countries.

2.3.1 Limitations of Omani’s EEZ with Iran and Pakistan

There are two maritime areas where the EEZ of Oman overlaps with that of Iran; First, is “*The area around the Musandam Peninsula*

1) Article 279 of Part 15 of the 1982 UNCLOS provides that “*States Parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means in accordance with Article 2, paragraph 3, of the Charter of the United Nations and, to this end, shall seek a solution by the means indicated in Article 33, paragraph 1, of the Charter*”. The peaceful means of conflict resolution referred to in this article as well as that provided in article 33 of the UN Charter include diplomatic means (negotiation, mediation, conciliation, good offices, and investigation), and judicial means such as international arbitration or the ICJ.

2) See the Declaration of Oman No.5 Concerning the EEZ upon its ratification of the UNCLOS, *Op Cit*.

in the north of Oman”, located at the Strait of Hormuz, and the Second is “*In the Sea of Oman at the border with the Emirates in the north, and with Pakistan in the south*” (1). In 1974, however, an agreement between Oman and Iran has been concluded concerning the delimitation of the Continental Shelf between the two parties, by which they agreed to use the median line rule (2), but nothing concerning the delimitation of the EEZ (3). As for the second area, “*It begins from the meeting point of the Omani-Iranian border with the Emirate of Fujairah in the Emirates at the north (4), and ends with the triple point of the confluence of the Omani-Iranian-Pakistani border at the south, a point that of adjacent to the Ras Al Hadd region on the Omani coast*”(5).

In 2015, however, Oman and Iran concluded an agreement

1) Alesai, *Op Cit*, p276. For more descriptive details of the area See the same source at P 277.

2) Agreement Concerning Delimitation of the Continental Shelf Between Iran and Oman dated July the 25th of 1974, available at:

<https://treaties.un.org/doc/Publication/UNTS/Volume%20972/volume-972-I-14085-English.pdf>, (Accessed on 2-1-2023), P1-7.

3) The rule of median line is of a customary origin that has been codified in the treaty law of the Seas. For its application in the national laws of Oman and Iran See Article (8) of the Omani Royal Decree No.15/81 at the *211 Official Gazette* dated 15-2-1981 and Article 19 (Delimitation) of the 1993 Act on the Maritime Areas of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea, which stated that “The limits of the exclusive economic zone and the continental shelf of the Islamic The Republic of Iran unless otherwise determined in accordance with bilateral agreements shall be the line every point of which is equidistant from the nearest point on the baseline of the two States” available at: https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/IRN_1993_Act.pdf, (Accessed on 25-3-2023) p5.

4) For more details on this point See Alesai, *Op Cit*, P 278.

5) The geographical coordination of this point is 23 degrees and 0.767 minutes longitude (East), and 60 degrees and 25 minutes and 10.877 seconds Latitude (North). *Ibid*. See also the Maritime Map of Oman at the same source.

concerning the delimitation of the maritime boundaries between them, adopting the median line rule in defining the breadth of their EEZs and their Continental Shelves. While Article (1/1) of the agreement stated that: *“The maritime boundary line between the two Parties in the Sea of Oman shall be a geodesic line joining a series of fixed points whose geographical coordinates are hereafter set out as follows...”*, Article (1/2) declared that *“The maritime boundary line between the two Parties in the Sea of Oman shall be a single maritime boundary delimiting their respective Continental Shelves and the Economic Exclusive Zones which has been established by the Parties in accordance with Paragraph (1) of this Article”* ⁽¹⁾.

With respect to Pakistan, in the year 2000, Oman and Pakistan agreed to delimit the maritime boundaries of their EEZ and the Continental Shelf ⁽²⁾. By the use of the median line rule ⁽¹⁾. The

1) Agreement on the Delimitation of Maritime Boundary in the Sea of Oman between the Sultanate of Oman and the Islamic Republic of Iran. Muscat, 26 May 2015. Available at:

<https://treaties.un.org/doc/Publication/UNTS/No%20Volume/54173/Part/I-54173-080000028049ccbd.pdf>, (Accessed on 27-3-2023). This agreement has been ratified by the Royal Decree 26/2015 concerning the Convention on the Delimitation of Maritime Boundary in the Sea of Oman between the Sultanate of Oman and the Islamic Republic of Iran on 2 July 2015, *1105 Official Gazette* of 5-7-2015.

1) 2) Muscat Agreement on the Delimitation of the Maritime Boundary between the Sultanate of Oman and the Islamic Republic of Pakistan, 12 June 2000, available at:

2) <https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/OMN-PAK2000MB.PDF>, (Accessed on 3-11-2022). Ratified by Royal Decree 79/2000, *678 Official Gazette* on 2-9-2000.

sovereign rights that have been recognized for the two parties would be “*over the seabed, including the subsoil and superjacent waters, within the limits established pursuant to this Agreement*” ⁽²⁾. This formula of the text means that the limits of the EEZ and the continental shelf of each party are the same as long as their rights over the seabed include *the subsoil and superjacent waters*, irrespective of any baseline system that has been used by each party from which the EEZ can be measured.

2.3.2. Limitations With Adjacent Coastal States

The discussion here is devoted to the boundaries of the Omani EEZ with the coasts of other adjacent States, namely the UAE and Yemen. With respect to the UAE, the Omani EEZ with the UAE is about 26 nautical miles ⁽³⁾ having maritime boundaries with the Emirates in two areas; the first with “*the Emirate of Fujairah just north of the UAE’s EEZ at the Sea of Oman*” ⁽⁴⁾; the second is with the Emirate of Sharjah starts from “*The end of the borders of the Omani territorial sea at the city of Dibba and ends at the triple point No. 22 of the 1974 Continental Shelf agreement between Oman and Iran*” ⁽⁵⁾ There is no agreement reached yet between the two States relating to the delimitation of their EEZs.

1) Article 2 “The delimitation of the maritime boundary between the exclusive economic zones of the Sultanate of Oman and the Islamic Republic of Pakistan shall be based on the median line principle, in conformity with the United Nations Convention on the Law of the Sea of 1982. “

2) Article 5 reads “The Government of the Sultanate of Oman and the Government of the Islamic Republic of Pakistan recognize and acknowledge the sovereign rights of their respective States over the seabed, including the subsoil and superjacent waters, within the limits established pursuant to this Agreement”

3) Alesai, *Op Cit*, P P97.

4) *Ibid*, P 296.

5) The 1974 Tehran Agreement Concerning the Delimitation of the Continental Shelf between Oman and Iran on 25 July 1974, *Op Cit*.

As for Yemen, since the year of 2003, the maritime boundaries between Oman and Yemen have been determined by an agreement between the two Parties ⁽¹⁾, which adopted the median line rule in defining the maritime areas of each of them. Article (1) clarified a number of geographical coordinate points according to the geodetic system (global WG584) in which the points from (2-17) are related to the EEZ ⁽²⁾. However, Oman's EEZ has borders with Yemen in two areas; with the land territory on one hand, and with the Yemeni island of Socotra on the other. The First area starts from “point 2 up to point 5 “at the Arabian Sea region, far south of Oman” ⁽³⁾, these points with “a distance of 130 A nautical mile from the coast of the mainland are taken by the median line between the two countries” ⁽⁴⁾. In the Second area that lies off the Omani coast, about 260 nautical miles, the rule of the median line for the opposite coastal States also applied between the two parties ⁽⁵⁾), giving the island of Socotra “half of the impact at points 5-11 and the full impact at point 17 ”⁽⁶⁾.

1) The 2003 Muscat Agreement on the Delimitation of the Maritime Boundaries between the Sultanate of Oman and the Republic of Yemen (with map). Muscat, 14 December 2003, Entered into force: 3 July 2004 by the exchange of instruments of ratification, in accordance with article 8. Available at <https://faolex.fao.org/docs/pdf/bi-159300.pdf>, (accessed on 30-3-2023).

2) Article One “1. The maritime boundary line separating the territorial sea, the exclusive economic zone, and the continental shelf of the Sultanate of Oman and the Republic of Yemen shall be demarcated by geodesic lines linking the points of the said line as described by coordinates based on the World Geodesic System 84 (WGS84), as follows...”

3) Such points are shown in Article (1) of the agreement of 2003 between Oman and Yemen, *Op Cit*.

4) See Aleaai, *Op Cit*, 290.

5) *Ibid*, P291- 292.

6) See Article 3 of the International Boundary Agreement between the Sultanate of Oman and the Republic of Yemen, dated 1 October 1992 stated that: “*The*

Section Three: Rights and Obligations of the States in the EEZ

Both coastal and non-coastal States have rights and bear obligations in the EEZs of the coastal States. This issue will be clarified as follows;

3.1 Rights and Obligations of the Coastal States

Article (56) of the UNCLOS relating to the rights, jurisdiction, and duties of the coastal State in the EEZ provided that:

“1. In the exclusive economic zone, the coastal State has; a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing 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 in the relevant provisions of this Convention with regard to (i) The

extension of the separating boundary line continues from the extremity of the principal point on the shore (Ra's Darbat Ali) in the direction of the territorial waters until the limit of the economic zone. This extension shall be demarcated in accordance with the rules of international law and the United Nations Convention on the Law of the Sea. This demarcation of the land and maritime boundary line separating the two countries shall be considered final and definitive” The agreement available at

<https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/OMN-YEM1992IB.PDF>, (Accessed on 2-4-2023). This agreement, however, was the basis of the latter one concluded in 2003 concerning maritime boundaries between the two parties. Article 3 of the 2003 agreement stated that *“The two Parties assert the right of each country to exercise sovereign rights and jurisdiction over its boundary for the purposes of exploration, exploitation, conservation, and management of the natural resources, both living and non-living, of the seabed, subsoil, and superjacent waters, in accordance with the demarcation set forth in Article I of this Agreement”*. Agreement on the delimitation of the maritime boundary between the Sultanate of Oman and the Republic of Yemen (with map). Muscat, 14 December 2003, *Op Cit*.

establishment 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. 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” ⁽¹⁾.

Oman upon its ratification of the UNCLOS declared that “*The Sultanate of Oman possesses sovereign rights over its economic zone and also exercises jurisdiction over that zone as provided for in the Convention. It further declares that, in exercising its rights and performing its duties under the Convention in the exclusive economic zone, it will have due regard to the rights and duties of other States and will act in a manner compatible with the provisions of the Convention*” ⁽²⁾. In the light of this declaration and Article 56 with other provisions of Part V of the UNCLOS, the rights and obligations of the coastal State (Oman as an example) within its EEZ can be respectively explained as follows:

3.1.1 Rights of the Coastal State Over its EEZ

Under Article (56) of the UNCLOS, the coastal State has sovereign and jurisdictional rights in its EEZ ⁽³⁾. While Sovereign

1) It is worth noting that the rights provided in Article 56 concerning the seabed and subsoil (the Continental Shelf) shall be exercised in accordance with Part VI of the UNCLOS. However, Articles 61 and 62 of the UNCLOS revealed the desire to preserve living resources in the EEZ and imposed a duty on the coastal state in that regard.

2) Oman Declaration No. 5(2) upon its ratification of the UNCLOS, UN Treaty Collections, Chapter XXI (law of the Seas) available at:

https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en#EndDec, (Accessed on 22-3-2023).

3) On the concept and the content of such rights of the coastal State over the EEZ Yoshifumi Tanaka, *The International Law of the Sea* (2nd ed, Cambridge University Press, 2015) P 130-132.

rights refer to the nature and the purpose of the rights, jurisdictional rights refer to the activities that the coastal state has jurisdiction over.

3.1.1.1 Sovereign Rights Over Natural Resources

According to Article (56/1) of the UNCLOS, Oman as a State party has sovereign rights to explore and exploit living and non-living natural resources existing in its EEZ whether in waters, seabed, or subsoil. The sovereign rights enjoyed by Oman as a coastal State are exclusive, so they cannot be exercised by others without its express consent⁽¹⁾.

3.1.1.2 Jurisdictional Rights Over Some Activities

The coastal State like Oman has the right to practice some jurisdictions over its EEZ relating to supervising, controlling, and regulating with regard to 1) the Establishment and use of artificial islands, platforms, and structures; 2) Marine scientific research; and 3) Protection and preservation of the marine environment⁽²⁾.

1) Jurisdiction Over the Establishing Artificial islands and facilities

Article (60, 1 / 2) of the UNCLOS relating to the right of the coastal State to carry out certain activities in the EEZ including

1) With respect to fisheries, for example, the Omani Royal Decree-law No. 59/1993 of fisheries is the current piece of law governing fisheries and aquatic resources in Oman, Omani Royal Decree-law No. 59/1993, *514 Official Gazette* on 1-11-1993. This Decree amended some provisions of Royal Decree No.53/81 on fishing and the protection of aquatic wealth, which contained many issues regulating the Omani fishing sector (Accessed on 26-3-2023). Such law, however, was supported by many executive regulations aiming for its enhancement and implementation, including Ministerial Decisions, guidelines and codes conduct, and other issues. For more details see the FAO study entitled National Aquaculture Legislation Overview (Oman), (1.1 Basin legislation) which is available at:

<https://www.fao.org/fishery/en/legalframework/om/en?lang=en> (Accessed on 31-12-2022).

2) Article 56 (1-b) of the UNLOSC, *Op Cit*.

installations and structures of the establishment of artificial islands, provided details on the practice of this right including: “1. *Construct and authorize and regulate the construction, operation, and use of operation and use of (a) artificial islands; (b) installations and structures for the purposes provided for in Article 65 and other economic purposes; (c) installations and structures which may interfere with the exercise of the rights of the coastal State in the zone.* 2. *The coastal State shall have exclusive jurisdiction over such artificial islands, installations, and structures, including jurisdiction with regard to customs, fiscal, health, safety, and immigration laws, and regulations*” (1).

Although Oman has the right under UNCLOS to exercise its jurisdiction on the establishment and use of artificial islands, other installations, and facilities for economic, environmental, or scientific purposes in its EEZ, it is restricted not impeding international navigation routes or shipping lanes in accordance with Article (60/7) of the Convention, which stipulated that: “*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*”. In this context, Oman has to take into account the status of the Strait of Hormuz as an international waterway while practicing its jurisdictional rights stated above.

2) Jurisdiction Over Marine Scientific Research

The jurisdictional right of the coastal State (like Oman) for carrying out marine scientific research in its EEZ is regulated by Part XIII of the UNCLOS (2). Article 246 entitled *Marine Scientific Research in the Exclusive Economic Zone and Continental Shelf* provided details on the

1) Other paragraphs of Article 60 (from 3-8) of the UNCLOS dealt with duties. *Ibid.*

2) Articles 238-265 of the UNCLOS, *Ibid.*

issue ⁽¹⁾. First, “*The coastal States, in the exercise of their jurisdiction, have the right to regulate, authorize and conduct scientific research in their economic zone and on their continental shelf in accordance with the relevant provisions of this Convention*”. Second, “*Marine scientific research in the exclusive economic zone and on the continental shelf shall be conducted with the consent of the coastal State*”. Third, “*The coastal States shall, in normal circumstances, grant their consent for marine scientific research projects by other States or competent international organizations in their exclusive economic zone or on their continental shelf to be carried out in accordance with this Convention exclusively for the peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind. To this end, coastal states shall establish rules and procedures ensuring that such consent will not be delayed or denied unreasonably*”

This article granted the coastal State the right of authorizing, regulate, and conduct marine research in its EEZ. If the research activities are to be carried out by others, the consent of the coastal State becomes necessary. Granting such consent depends on the nature of the marine research whether being purely scientific for peaceful purposes in which the consent shall be granted or being applied activity involving activities that may result in harmful effects. In this later situation, the consent of the coastal State may be withheld ⁽²⁾. The

1) Article 246 of the UNCLOS. *Ibid.*

2) in addition to express consent provided in article 246 of the UNCLOS, article 247 includes implied consent, which is “*deemed granted if six months have elapsed from the date on which State researchers have provided all information on their research project and the coastal State has not informed, within four months of the receipt of the communication containing such information, that has withheld its consent; that the information given does not conform to the manifestly evident facts; that requires supplementary information; or that outstanding obligations exist with respect to a previous marine scientific research project*”. Article 247 also provided a case of implied consent when the marine research projects are undertaken by or under the auspices of international

coastal State, however, in certain circumstances, may require to suspend or end marine research activities according to Article 253 of the UNCLOS. With regard to Oman, while there are many Omani laws regulating the Omani marine areas enacted prior to and after the UNCLOS, they did not contain details concerning Oman's jurisdictional rights over its EEZ in particular as provided in the UNCLOS (¹).

3) Protection and Preservation of the Marine Environment

This right of the coastal State appeared in certain Articles of chapter XI of the UNCLOS. Under Article (56/b/3) of the UNCLOS, Oman, has a jurisdictional right to protect the marine environment and to combat marine pollution in its EEZ. For preserving and maintaining the marine environment, Article 211 (5) of the Convention states that "*Coastal states, ... to adopt, with respect to their economic zones, laws, and regulations to prevent, reduce and control pollution from ships that are consistent with accepted international rules and standards*". However, Oman pays great attention to the question of the environment in general and the marine environment in particular. For this purpose, in 1974 Oman established a pollution-free zone with a breadth of 30 miles from the outer limit of its territorial waters equivalent to a breadth of 50 nautical miles from the baselines from which its territorial sea is measured (²). The IMO classified the EEZ of Oman as a "special marine zone", so the ships that pass the area must follow

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organizations in which the coastal State is a member, or has an agreement with an organization to carry out the research project.

1 For Example, Royal Decree No.53/81 Promulgates the Law of Maritime Fishing and the Protection of Aquatic Living Resources, *Op Cit*.

2) Omani Royal Decree 34/74 of 1974 concerning Marine Pollution Control Law, *61 Official Gazette* on 15-8-1974.

certain procedures to prevent oil pollution, harmful liquids, and waste⁽¹⁾. The rules concerning the protection of marine environments are connected to the question of maritime pollution that resulted from the activities of the coastal State and others in the EEZ.

4) The Right of Hot Pursuit

According to Article 111 of the 1982 UNCLOS, a coastal state has the right to pursue ships that violate the laws applicable in its economic zone⁽²⁾. Paragraph 2 of this article reads: *“The right of hot pursuit shall apply mutatis mutandis to violations in the exclusive economic zone or on the continental shelf, including safety zones around continental shelf installations, of the laws and regulations of the coastal State applicable in accordance with this Convention to the exclusive economic zone or the continental shelf, including such safety zones”*.

3.1.2 Obligations of the Coastal State

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- 1) IMO, Marine Environment Protection Committee Resolution adopted on 15-10-2004, 52 ed session, Agenda Item 5, MEPC 52/wp,14/Rev.2. the IMO resolution entered into force on 1 January 2007 is available at: [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MEPCDocuments/MEPC.117\(52\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MEPCDocuments/MEPC.117(52).pdf), (Accessed on 3-4-2023).
 - 2) In defining hot pursuit and its procedures, Article 111 (1) of the UNCLOS provided that d *“The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters, the archipelagic waters, the territorial sea, or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone, If the foreign ship is within a contiguous zone as defined in article 33, the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established”*.

The coastal State in return for its rights over its EEZ has obligations towards the Other States in the area, most of them relating to the respect of freedom of navigation, preserving and managing living natural resources, protecting the marine environment, and conducting marine scientific research. At its ratification of the UNCLOS, Oman declared that it has accepted the obligations and “responsibility in exercising its rights, and performing its duties in its EEZ under the Convention”⁽¹⁾.

1) Not to Impede Maritime Navigation in the Area

The UNCLOS emphasized that the coastal state's exercise of its rights in its EEZ should not lead to impediments to maritime navigation. This obligation arises from the legal fact that EEZ's waters are part of the high sea. Article (60/3) of the Convention also declared another obligation on the coastal states to notify the establishments, artificial islands, or buildings that they establish in the area, and a duty also to remove them when they are abandoned or not used⁽²⁾. Article

1) See the text of this declaration...which is identical to Article (56/2) of the UNCLOS, which stated that: “The coastal state, in exercising its rights and performing its duties, according to the agreement, in the exclusive economic zone, shall take due account of the rights and duties of other countries, and act according to manner consistent with the provisions of the Convention”.

2) Article 60 (3) of the UNCLOS stated that: “*Due notice must be given of the construction of such artificial islands, installations or permanent means for giving warning installations or structures, and permanent means for giving warning of their presence must be maintained. Any installations or structures which are abandoned or disused shall be removed to ensure the safety of navigation, taking into account any generally accepted international standards established in this regard by the competent international organization. Such removal shall also have due regard to fishing, the protection of the marine environment, and the rights and duties of other States. Appropriate publicity shall be given to the depth, position, and dimensions of any installations or structures entirely removed*”.

(60/7) prevented the coastal state from establishing such facilities for the safety and freedom of international maritime navigation ⁽¹⁾. Irrespective of the view and position of Oman with regard to the Strait of Hormuz ⁽²⁾, the Omani practice proved not to impede international maritime navigation or its safety in the region.

2) Obligation to Preserve and Manage Living Natural Resources

According to Article 62(2) of the UNCLOS, the coastal State has an obligation to take measures to conserve and rationally manage living natural resources in its EEZ. Achieving this commitment requires not allowing overfishing and excessive exploitation of living wealth of all kinds, and may cooperate in this regard with specialized agencies or organizations. With regard to the exploitation of living resources, the coastal State, pursuant to Article (61) of the UNCLOS also “*shall ensure, taking into account the most valid scientific information available, that the maintenance of living resources in the EEZ is not endangered by over-exploitation. For this end, it shall adopt proper measures that are necessary, if appropriate, with relevant regional or global international organizations*” ⁽³⁾. In practice, Oman joined some regional and universal organizations interested in the conservation of living resources, and the implementation of the provisions of the UNCLOS on the Conservation and Management of Straddling Fish

1) Article 60 (7) “*artificial islands, installations 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*” In this context see also article 226 entitled (Investigation of foreign vessels), Paragraphs One and Two.

2) For the position of Oman on this point See Giuseppe Cataldi, Clarifying Freedom of Navigation Through Straits Used for International Navigation: A Study on the Major Straits in Asia (The Strait of Hurmuz) [2020], QIL 76, P14 available at <http://www.qil-qdi.org/category/zoom-in/clarifying-freedom-of-navigation-through-straits-used-for-international-navigation-a-study-on-the-major-straits-in-asia/>. (Accessed 11-4-2023).

3) Article 62/2 of the UNCLOS, *Op Cit*.

Stocks and Highly Migratory Fish Stocks ⁽¹⁾. The cause of imposing the obligation concerned as stated in Article 61 of the said Convention is to “*conserve harvested species or to limit them to levels which can produce the maximum sustainable yield as qualified by the relevant environmental and economic factors. Including the economic needs of coastal communities and the special requirements of developing States*” ⁽²⁾. In addition, there is also a duty on the coastal state like Oman as an example which is a party to the UNCLOS to provide the opportunity for other countries to access the surplus of this living wealth within the framework provided in the UNCLOS ⁽³⁾.

3) Obligation to Protect the Marine Environment

The UNCLOS granted the coastal State many powers relating to the protection of the EEZ from pollution. Article (207/2) stipulates that coastal states shall take appropriate measures as may be necessary, such as laws, regulations, guidelines of conduct, and decisions to prevent, reduce, and control marine pollution from land-based sources

1) Omani Decree-law No. 10/2007 dated January 23, 2007, Approving the Accession of Oman to the Agreement Implementing the Provisions of the UNCLOS Regarding the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 832 *Official Gazette* dated 3-2-2007.

2) Article 61 of the UNCLOS, *Op Cit*.

3) Article 62 (1,2) of the 1982 UNCLOS (Utilization of the living resources) stated that:

“1. The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to Article 61.

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”.

(¹). Article (208) dealt with obligations related to economic activities on the seabed in the EEZ under the jurisdiction of the coastal state (²). With respect to combating pollution from ships in the EEZ of the coastal state, a range of powers are granted for protecting the area from pollution by dumping and from vessels (³). Article 211 permits the coastal state to take binding measures to prevent pollution from ships in a specific sector of the region whose economic conditions or protection of its resources require taking such measures. Special measures if general rules are insufficient to protect against pollution (⁴). Oman enacted a number of regulations concerning the preservation of the environment such as the Royal Decree No. 114/2001 issuing the Law on Conservation of Environment and Prevention of Pollution, which

1) Article 207 (2) of the 1982 UNCLOS (*Pollution from land-based sources*).

2) Article 208 (*Pollution from seabed activities subject to national jurisdiction*) stated that:

- “1. Coastal States shall adopt laws and regulations to prevent, reduce, and control pollution of the marine environment arising from or in connection with seabed activities subject to their jurisdiction, pursuant to articles 60 and 80.
2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.
3. Such laws, regulations, and measures shall be no less effective than international rules, standards, and recommended practices and procedures.
4. States shall endeavor to harmonize their policies in this connection at the appropriate regional level.
5. States, acting especially through competent international organizations or diplomatic conferences, shall establish global and regional rules, standards, and recommended practices and procedures to prevent, reduce and control pollution of the marine environment referred to in paragraph 1. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary”.

3) Articles (210-211) of the UNCLOS, *Ibid*.

4) Article (211 /1) of the UNCLOS (*Pollution from vessels*), *Ibid*.

applies to pollution in the Omani exclusive economic zone ⁽¹⁾ and provides penalties for violating the provisions of this Law ⁽²⁾. Ministerial Decision No: 159/2005 Promulgating the bylaws to discharge liquid waste in the marine environment.

4) Obligations Related to Research Projects

while the coastal state has the right to grant permissions for scientific research projects in its EEZ to other countries or international institutions, it must establish procedures and rules to ensure that permission and approval are not delayed or refused for unreasonable reasons ⁽³⁾. If the coastal state wishes to participate in marine scientific research projects, it has the right to do so if that is possible, and without paying any wages to the coastal state scientists and without obliging it to contribute to the costs of research projects as the Article 249 (1-a) of the UNCLOS provided ⁽⁴⁾. Article (261) entitled (*Non-interference with shipping routes*) stated that: “*The deployment and use of any type of scientific research installations or equipment shall not constitute an obstacle to established international shipping routes*”.

Since the Strait of Hormuz is an international route, Oman’s establishment of scientific research facilities in it may jeopardize

1) Article 1 (Definitions) of the Decree Law 114/2001 on the Conservation of Environment and Prevention of Pollution available at <https://www.pdo.co.om/hseforcontractors/LegalRequirements/RD%20114-2001-Law%20on%20%20Conservation%20of%20The%20Environment%20and%20Prevention%20Of%20Pollution.pdf> , (Accessed on 29-3-2023).

2) Chapter 3 of the law, *Ibid*. See also the Ministerial Decision No. 159/2005 dated 19-6-2005 Promulgating the Laws to Discharge Liquid Waste in the Marine Environment, 794 *Official Gazette* on 2-7-2005.

3) Article 246 (3) of the UNCLOS (*Marine scientific research in the exclusive economic zone and on the continental shelf*), UNCLOS, *Op Cit*.

4) Article 249 (1-a) of the UNCLOS (*Duty to comply with certain conditions*), UNCLOS, *Ibid*.

navigation. According to Article 263/3 of the UNCLOS (responsibility and liability) “States and competent international organizations shall be responsible and liable pursuant to Article 235 for damage caused by pollution of the for damage caused by pollution of the marine environment arising out of marine scientific research undertaken by them or their behalf”

3.2 Rights and Obligations of Other States in the EEZ

The general rule concerning rights and obligations of other States in the EEZs of the coastal States is provided in Article (58) of the UNCLOS, stressing that the waters of the EEZ are part of the high sea, and the jurisdictions granted to the State over its EEZ are limited. Therefore, all States can enjoy the traditional rights and freedoms in the high sea, which include navigation, overflight, and laying of pipelines and cables as stated in Article (58/1) of the UNCLOS. Other States according to the said Article (58/3) have also obligations in the EEZ of the coastal State in respect of compliance with the laws and regulations adopted by the coastal State in accordance with the provisions of this Convention and other rules of international law ⁽¹⁾. Other states, however, are these which are landlocked and disadvantaged States. In this regard, The UNCLOS in its articles 69 and 70 conferred certain rights to such States in the EEZs of other States only for the exploitation of an appropriate part of the surplus of living resources ⁽²⁾. This is in order to “alleviate the negative effects of the establishment of the EEZ that necessarily entails this category of States, which are no longer able to carry out fishing activities in those areas that were previously considered high seas but now fall within the EEZs of coastal

1) See the full text of the article (58) of the UNCLOS, *Ibid.*

2) See Articles 69 and 70 of the UNCLOS, which they concern the rights of the land-locked and geographically affected countries to benefit from the living wealth of the coastal state's EEZ.

are identical to that what is being recognized for the same categories of states by the 1958 Convention on the Continental Shelf.

States” (¹)

3.2.1 Rights of Other States in the EEZ

States that are to be considered as Others in this discussion mainly are land-locked and Geographically disadvantaged States (²). Under the terms of the UNCLOS, both categories of States have rights to access and participate in the living sources that exist in the EEZ of the coastal State like Oman for example.

3.2.1.1 Land-locked States

by definition, the *Land-locked State* is “a State which has no sea coast” (³). These States have the right to access the living marine resources in the EEZs of the coastal States and participate, on an equal basis, “*in the exploitation of an appropriate part of the surplus of the living resources of the EEZs of the coastal States of the same subregion or region*” in conformity with articles 61 and 62 of the Convention (⁴). Such right, however, does not apply when the coastal State’s economy is overwhelmingly “*dependent on the exploitation of the living*

1) OPIL, *Op Cit*, Par.1, p197; and for the history of approving the rights of such States in the convention See the same source, *Ibid*.

2) James E. Bailey, *The Unanticipated Effects of Boundaries: The Exclusive Economic Zone and Geographically Disadvantaged States Under UNCLOS III [1979]*, IBRU Boundary and Security Bulletin, Durham University, P 88-90. Available at https://www.durham.ac.uk/media/durham-university/research/research-centres/ibru-centre-for-borders-research/maps-and-databases/publications-database/boundary-amp-security-bulletins/bsb5-1_bailey.pdf, (Accessed on 1-4-2023).

3) Article 124(1-a) of the UNCLOS (*Use of terms*) “1. For the purposes of this Convention: (a) "land-locked State means a State which has no sea coast". UNCLOS, *Op Cit*.

4) Article 69 of the UNCLOS (*Right of land-locked States*) *Para.1*. UNCLOS, *Ibid*.

resources of its exclusive economic zone” ⁽¹⁾. Forms and terms of participation shall be established by agreements between the concerned parties taking into account certain factors provided in Article (69/2) of the UNCLOS ⁽²⁾, with full respect to the principle of cooperation ⁽³⁾. The right of land-locked States to access the EEZs of the coastal States for exploiting living resources is not only for land-locked developing States but also for developed land-locked States to “*participate in the exploitation of living resources in the EEZs of developed coastal States of the same subregion or region*” ⁽⁴⁾.

3.2.1.2 Geographically Disadvantaged States

By definition, geographically disadvantaged States are; “*Coastal States, including States bordering enclosed or semi-enclosed seas, whose geographical situation makes them dependent upon the exploitation of the living resources of the exclusive economic zone of other States in subregion or region for adequate supplies of fish for the nutritional purposes of their populations or parts thereof, and coastal States which can claim no exclusive economic zones of their own*” ⁽⁵⁾. The general rule that governs the right of those States to access and participate in the living wealth of the EEZs of the coastal States like Oman as an example is provided in Article (70/1) of the UNCLOS, which declared that geographically disadvantaged States “*shall have the right to participate, on an equitable basis, in the exploitation of an*

1) Article 71 (*Non-applicability of articles 69 and 70*) “The provisions of articles 69 and 70 do not apply in the case of a coastal State whose economy is overwhelmingly dependent on the exploitation of the living resources of its exclusive economic zone”, UNCLOS, *Ibid.*

2) Article (69/2, a, b, c, d) of the UNCLOS, *Ibid.*

3) Article (69/3) of the UNCLOS encourages cooperation in the establishment of equitable arrangements between the concerned parties on bilateral, regional, or sub-regional bases for implementing the rights recognized. UNCLOS, *Ibid.*

4) Article (69/4) of the UNCLOS, *Ibid.*

5) Article 70 (2) of the UNCLOS, *Ibid.*

appropriate part of the surplus of living resources of the exclusive economic zones of coastal States of the same subregion or region”⁽¹⁾. Forms and terms of such participation should be based on bilateral, regional, or sub-regional agreements between the concerned States taking into account certain factors ⁽²⁾.

To some extent, developed geographically disadvantaged States are entitled also to participate in the exploitation of living resources only in the EEZs of developed coastal states of the same subregion or region” ⁽³⁾.

All provisions of Article 70 of the UNCLOS relating to the rights of geographically disadvantaged States (the same as that of Article 69 concerning land-locked States) to participate in living wealth without prejudice to any “*arrangements agreed upon in subregions or regions where the coastal States may grant to geographically disadvantaged States of the same subregion or region equal or preferential rights for the*

1) States concerned in exercising the said right 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.*”. See the Article (70/1) of the UNCLOS, *Ibid*.

2) See these factors as stated in Article (70/3) of the UNCLOS area; (a) *the need to avoid effects detrimental to fishing communities or fishing industries of the coastal State; (b) the extent to which the geographically disadvantaged State, in accordance with the provisions of this article, is participating or is entitled to participate under existing bilateral, subregional or regional agreements in the exploitation of living resources of the exclusive economic zones of other coastal States; c) the extent to which other geographically disadvantaged States and land-locked States are participating in the exploitation in the living resources of the exclusive economic zone of the coastal State and the consequent need to avoid a particular burden for any single coastal State or part of it; d) the nutritional needs of the population of the respective States”.*

3) Article 70 (5) of the UNCLOS, *Ibid*.

exploitation of living sources in the exclusive economic zones”⁽¹⁾. the right of the geographically disadvantaged states is subject to the same rule governing the case of landlocked States concerning two aspects; First, it does not apply to the case of coastal countries whose economy depends entirely or partially on the exploitation of the living resources of their EEZ⁽²⁾, and Second, is not permissible to transfer those rights assigned to geographically disadvantaged states under Article 70, directly or indirectly, to another country or to its nationals, whether by lease or licensing or by establishing joint ventures or in any other way, unless there is an agreement between the countries concerned to the contrary⁽³⁾.

3.2.2 Obligations of Other States in the EEZ.

As long as other States have rights, they have also obligations, most of all are:

3.2.2.1 Obligation to Respect International Law and the Laws of the Coastal State

This is a general obligation imposed by Article (58/3) of the UNCLOS on other States while exercising their rights in the EEZ of the

1) Articles (70/6) and (69/5) of the UNCLOS, *Ibid*.

2) Article 71 of the UNCLOS (*Non-applicability of articles 69 and 70*) “The provisions of articles 69 and 70 do not apply in the case of a coastal State whose economy is overwhelmingly dependent on the exploitation of the living resources of its exclusive economic zone.

3) Article 72 of the UNCLOS (*Restrictions on transfer of rights*) “1. Rights provided under articles 69 and 70 to exploit living resources shall not be directly or indirectly transferred to third States or their nationals by lease or license, by establishing joint ventures or in any other manner which has the effect of such transfer unless otherwise agreed by the States concerned. 2. The foregoing provision does not preclude the States concerned from obtaining technical or financial assistance from third States or international organizations in order to facilitate the exercise of the rights pursuant to articles 69 and 70, provided that it does not have the effect referred to in paragraph 1”.

coastal states. They 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 the Convention and other rules of international law*”. In addition to the obligation to respect the laws of the coastal State that have been adopted in accordance with the UNLOSC, Other states have a duty also to preserve the traditional freedoms of the high seas established for all countries since the waters of the EEZ beyond the territorial sea of the coastal state are part of the high seas.

3.2.2.2A Special Obligation for Nationals of Other States.

Article (62/4) of the UNCLOS obliges nationals of other States to comply with the laws and regulations of the coastal State that are made in accordance with the UNCLOS concerning the conservation measures while they are fishing in the EEZ (¹). Such regulations may include: “*a) licensing of fishermen, fishing vessels, and equipment, payment of fees, and other forms of remuneration. b) determination of the species which may be caught, and fixing quotas of catch; c) seasons and areas of fishing, the types, sizes, and amount of gear, and the types, sizes, and number of fishing vessels that may be used; d) fixing the age and size of fish and other species that may be caught; (e) specifying the information required of fishing vessels, including catch and effort statistics and vessel position reports; (f) requiring, under the authorization and control of the coastal State, the conduct of specified fisheries research programs and regulating the conduct of such research, including the sampling of catches, disposition of samples, and reporting of associated scientific data;(g) the placing of observers or trainees on board such vessels by the coastal State; (h) the landing of all or any part of the catch by such vessels in the ports of the coastal States; (j) terms and conditions relating to joint ventures or other*

1) Article 62 (4) of the UNCLOS (*Utilization of the living resources*), *Ibid.*

cooperative arrangements; (i) requirements for the training of personnel and the transfer of the fisheries technology, undertaking fisheries research; (k) enforcement procedures”⁽¹⁾.

3.2.2.4 An Obligation to Cooperate

This obligation applied only to geographically disadvantaged States, but not to land-locked States. States concerned are obliged to cooperate with the country of origin in regard to the migration to their EEZs or pass through them during their migratory of some river species with regard to preserving and regulating the management of these species ⁽²⁾. Geographically disadvantaged States whose nationals hunt highly migratory species (listed in Annex I of the Convention) in the EEZ shall cooperate with the coastal state directly or through appropriate international organizations to secure, preserve, and optimize these species, whether inside or outside the EEZ. And “*In regions for which there is no suitable regional organization, the coastal State and other States whose nationals harvest these species in the regional area shall cooperate in establishing such an organization and participating in its work*” ⁽³⁾.

Other States concerned and international organizations that intend to carry out marine scientific research in the EEZ of a coastal State are obligated to provide that state with information about the project in accordance with Article 248 of the UNCLOS ⁽⁴⁾. Other States or international organizations concerned in this regard must also comply

1) Article (62/4) of the UNCLOS, *Ibid*.

2) Article 63 (3) of the UNCLOS “Where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the coastal State, and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area”.

3) Article 64 (1) (*Highly migratory species*), UNCLOS, *Ibid*.

4) Article 248 (*Duty to provide information to the coastal State*). UNCLOS, *Ibid*.

with some conditions related to guaranteeing the coastal State's rights in the scientific research project if they wish to do so and to ensure that it is provided with information and research results ⁽¹⁾.

3.2.2.5 An Obligation to Protect and Preserve Marine Environment ⁽²⁾

Non-coastal countries, whether coastal or landlocked, are obligated to protect and preserve the marine environment from pollution when exercising the freedoms prescribed for them in the exclusive economic zone of a country. This is achieved by obligating its ships and those registered with it to respect the regulations and laws of the coastal state for the prevention, reduction, and control of pollution, which should not be less effective than international standards and rules ⁽³⁾

1) Article 240 of the UNCLOS, *Ibid.*

2) Article 192 of the UNCLOS provides that "States have the obligation to protect and preserve the marine environment", UNCLOS, *Ibid.*

3) Article 21 "(1-f) (*Laws and regulations of the coastal State relating to innocent passage*) stated that " *The coastal State may adopt laws and regulations, in conformity with the provisions of this Convention and other rules of international law, relating to innocent passage through the territorial sea, in respect of all or any of the following; (a) the safety of navigation and the regulation of maritime traffic; (b) the protection of navigational aids and facilities and other facilities or installations; (c) the protection of cables and pipelines; (d) the conservation of the living resources of the sea; (e) the prevention of infringement of the fisheries laws and regulations of the coastal State;*(f) *The preservation of the environment of the coastal State and the prevention, reduction, and control of pollution thereof* ", UNCLOS, *Ibid.*

Conclusion

1. Although The EEZ is Part of the High Seas, its regime is quite unique, where the coastal States and other states have defined competencies. Its regime is different from those of the territorial sea and the high seas even though it incorporates certain characteristics of both but belongs to neither. It represents a politico-legal compromise and cannot be assimilated into any pre-existing concepts in international law of the Seas.
2. In the EEZ, Oman as a coastal State has sovereign and jurisdictional rights. Sovereign rights for the purpose of exploring, exploiting, conserving, and managing living and non-living natural resources, and jurisdictional rights for the establishment and use of artificial islands, installations, and structures, as well as to marine scientific research and the protection and preservation of the marine environment.
3. For the coastal State like Oman, in exercising its rights and performing its duties under the UNCLOS in the EEZ, shall have due regard to the rights and duties of other States (blocked and geographically disadvantaged States) who have rights and duties as well while participating in exploiting the living sources exist in the EEZ acting in a manner compatible with said Convention.
4. For the EEZ to be recognized by international law, it has to be declared by the coastal State the same as the contiguous zone. This is so because a coastal State -like Oman for example- has functional sovereignty rights over such zones that need to be exercised by explicit declaration. In this regard, Oman announced its EEZ by Decree No.15 of 1981, confirmed upon its ratification of the UNCLOS in 1989.
5. Oman has obligations in the EEZ, some of which are general for any other coastal State, and other obligations are specific relating

only to Oman by virtue of the location of the Strait of Hormuz in part of its maritime zone where Oman cannot establish whatever establishments that may impede international navigation.

6. With respect to the Omani laws that regulate marine areas, there are not many details concerning Oman's jurisdictional rights that are being granted to it under the UNCLOS. This matter can be regulated by new legislation regulating marine scientific research in its EEZ, taking into account that such activity should not impede international navigation.
7. According to the UNCLOS all States in the EEZ enjoy the freedoms referred to in Article 87 of navigation and overflight as well as rights relating to the internationally lawful uses of the seas.
8. For any disputes arising from the interpretation or application of the UNCLOS concerning the EEZ, recourse to the use of peaceful means is required for all states. In addition to this general rule, Oman is required to recourse to the International Tribunal for the Law of the Sea as long as it accepts its jurisdiction according to Article 287 of the UNCLOS ⁽¹⁾.

1) Oman declared that "Pursuant to article 287 of the Convention, the Sultanate of Oman declares its acceptance of the jurisdiction of the International Tribunal for the Law of the Sea, as set forth in Annex VI to the Convention, and the jurisdiction of the International Court of Justice, with a view to the settlement of any dispute that may arise between it and another State concerning the interpretation or application of the Convention". Omani Declaration No. 7, (upon signature) on the procedure chosen for the settlement of disputes under the Convention. Available at

https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en#EndDec. (Accessed on 20-3-2023).

References

First: Primary Resources:

One: Laws and other legal acts

- 1) Omani Law Relating to marine areas dated 17-7-1972 *Official Gazette* on 20-7-1972.
- 2) Omani Royal Decree 15/81 Regarding the Territorial Sea, Continental Shelf, and the EEZ, *211 Official Gazette* on 15-2-1981.
- 3) Omani Royal Decree No.67/89 Ratifying the UNCLOS, *408 Official Gazette* on 1-6-1989.
- 4) Omani Royal Decree No. 79/2000 Ratifying the 2000 Muscat Agreement on the Delimitation of the Maritime Boundary between the Sultanate of Oman and the Islamic Republic of Pakistan, *678 Official Gazette* on 2-9-2000.
- 5) Omani Royal Decree 26/2015 Ratifying the Convention on the Delimitation of Maritime Boundary in the Sea of Oman between the Sultanate of Oman and the Islamic Republic of Iran on 2 July 2015, *1105 Official Gazette* on 5-7-2015.
- 6) Omani Royal Decree-law No. 59/1993 on 30-10-1993 Amending Some Provisions of the Law of Fishing and the Protection of Aquatic Living Resources. *514 Official Gazette* on 1-11-1993.
- 7) Omani Royal Decree No.53/81 Promulgates the Law of Maritime Fishing and the Protection of Aquatic Living Resources available at:

<https://leap.unep.org/countries/om/national-legislation/royal-decree-no5381->, (Accessed on 31-12-2022).

- 8) Omani Royal Decree 34/74 of 1974 concerning Marine Pollution Control Law, 61 *Official Gazette* on 15-8-1974.
- 9) Royal Decree No. 114/2001 on the Law on Conservation of Environment and Prevention of Pollution available at <https://www.pdo.co.om/hseforcontractors/LegalRequirements/RD%20114-2001-Law%20on%20%20Conservation%20of%20The%20Environment%20and%20Prevention%20Of%20Pollution.pdf> , (Accessed on 29-3-2023).
- 10) Omani Decree-law No. 10/2007 dated January 23, 2007, Approving the Accession of Oman to the Agreement Implementing the Provisions of the UNCLOS Regarding the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 832 *Official Gazette* dated 3-2-2007.
- 11) Omani Ministerial Decision No. 159/2005 dated 19-6-2005 Promulgating the Laws to Discharge Liquid Waste in the Marine Environment, 794 *Official Gazette* on 2-7-2005.
- 12) Declaration of Oman No. 7, (upon its signature of the UNCLOS) on the procedure chosen for the settlement of disputes under the Convention. Available at https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en#EndDec. (Accessed on 20-3-2023).
- 13) Declaration of Oman No.5(1) of 19 Concerning the EEZ upon its ratification of the UNCLOS in 1989, UN Treaty Collections, Chapter XXI (law of the Seas) is available at https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-

- 6&chapter=21&Temp=mtmsg3&clang=_en#EndDec. (Accessed on 22-3-2023).
- 14)The 1989 Oman Declaration No. 5(2) upon its ratification of the UNCLOS, UN Treaty Collections, Chapter XXI (law of the Seas) is available at:
https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtmsg_no=XXI-6&chapter=21&Temp=mtmsg3&clang=_en#EndDec, (Accessed on 22-3-2023).
- 15)Declarations of Oman upon its ratification of the UNCLOS See UN Law of the Sea Bulletin, No.40, 1989, UN Office for Ocean Affairs and the Law of the Sea, are available at:
https://www.un.org/depts/los/doalos_publications/LOSBulletins/bulletinpdf/bulletinE40.pdf, (Accessed on 22-3-2023).
- 16)The US President Harry Truman Proclamation ٢٦٦٨ on 28-9-1945, Policy of the US with Respect to Coastal Fisheries in Certain Areas of the High Seas is available at:
<https://www.presidency.ucsb.edu/documents/proclamation-2667-policy-the-united-states-with-respect-the-natural-resources-the-subsoil> (Accessed on 30-12-2022).
- 17)1945 UN Charter (Chapter Six) Concerning the peaceful means of conflict resolution) is available at: <https://www.un.org>.
- 18)The UN Third Conference on the Law of the Sea, UN *Official Documents*, UN Doc A/AC.138/55, UNCLOS III, available at:
https://www.dipublico.org/conferencias/mar/pdf/Seabed_Committee_1969-1973.pdf, ((Accessed on 2-2-2023), also in UN Docs <https://www.un.org>.
- 19)Draft of Articles submitted on 16 Aug. 1974 by Bolivia and Paraguay (UNCLOS III, *Official Documents*, UN Doc A/CONF.62/C.2/L.65, vol. III, 270) at:

https://legal.un.org/diplomaticconferences/1973_los/vol3.shtml,
(Accessed on 15-2-2023).

20) Drafts of Articles submitted by Zambia respectively on 20 Sept. 1976 and on 15 July 1977 (doc A/CONF.62/C.2/L.95 and L.97, vol. VI, 190 and vol. VII, 87), also available at <https://legal.un.org>, (Accessed on 27-2-2023).

21) ICJ, Reports and Judgements, Case No.67/1984, Case Concerning Delimitation of Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/USA, 1984). Judgment of 12 October 1984 Given by the Chamber Constituted by the Order made by the Court on 20 January 1982, 1984, p. 292, Para. 89, available at: <https://www.icj-cij.org/sites/default/files/case-related/67/067-19841012-JUD-01-00-EN.pdf>, (Accessed 26-3-2023).

22) The 1993 Iranian Act on the Maritime Areas of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea, available at:

https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/IRN_1993_Act.pdf, (Accessed on 25-3-2023) p5.

23) IMO, Marine Environment Protection Committee Resolution adopted on 15-10-2004, 52 ed session, Agenda Item 5, MEPC 52/wp,14/Rev.2. the IMO resolution entered into force on 1 January 2007 is available at: [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MEPCDocuments/MEPC.117\(52\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MEPCDocuments/MEPC.117(52).pdf), (Accessed on 3-4-2023).

Two: Treaties

- 1) The 1982 United Nations Convention on the Law of the Seas (UNCLOS), UNTS, is available at:

https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf, (Accessed on 1-12-2022).

- 2) The 1958 Geneva Convention on the Continental Shelf was done in Geneva on 29 April 1958. Entered into force on 10 June 1964. United Nations, Treaty Series, vol. 499, p. 311 at: https://legal.un.org/ilc/texts/instruments/english/conventions/8_1_1958_continental_shelf.pdf. (Accessed on 13-11-2022).

- 3) 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone was done in Geneva on 29 April 1958. Entered into force on 10 September 1964. United Nations, Treaty Series, vol. 516, p. 205 available at:

<https://treaties.un.org/doc/Publication/UNTS/Volume%20516/volume-516-I-7477-English.pdf>. (Accessed on 13-11-2022).

- 4) 1958 Geneva Convention on the High Seas done at Geneva on 29 April 1958. Entered into force on 30 September 1962. United Nations, Treaty Series, vol. 450, p. 11, p. 82 at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXI-2&chapter=21. (Accessed on 13-11-2022).

- 5) The 1974 Tehran Agreement Concerning the Delimitation of the Continental Shelf between Oman and Iran on 25 July 1974 available at

<https://treaties.un.org/doc/Publication/UNTS/Volume%20972/volume-972-I-14085-English.pdf>, (Accessed on 2-1-2023), P1-7.

- 6) The 1992 International Boundary Agreement between the Sultanate of Oman and the Republic of Yemen, available at:

<https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/OMN-YEM1992IB.PDF>, (Accessed on 2-4-2023).

7) The 2000 Muscat Agreement on the Delimitation of the Maritime Boundary between the Sultanate of Oman and the Islamic Republic of Pakistan, 12 June 2000, available at: <https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/OMN-PAK2000MB.PDF>, (Accessed on 3-11-2022).

8) The 2003 Muscat Agreement on the Delimitation of the Maritime Boundaries between the Sultanate of Oman and the Republic of Yemen is available at:

<https://faolex.fao.org/docs/pdf/bi-159300.pdf>, (accessed on 30-3-2023).

9) The 2015 Muscat Agreement on the Delimitation of Maritime Boundary in the Sea of Oman between the Sultanate of Oman and the Islamic Republic of Iran. UNTS, available at:

<https://treaties.un.org/doc/Publication/UNTS/No%20Volume/54173/Part/I-54173-080000028049ccbd.pdf>, (Accessed on 27-3-2023).

Second: Books

1) Malcolm N. Shaw, *International Law*, (6th ed, Cambridge University Press, 2008) P 485-86. It is also available at

https://www.academia.edu/25762501/SHAW_MALCOM_International_Law_6th_Edition. (Accessed on 13-9-2022).

2) Martin Dixons and Others, *Cases and Materials On International Law* (6th ed, Oxford University Press, 2016) p 371-382.

- 3) DP O Connell, *The International Law of the Sea* (1st ed, Clarendon Press, Oxford, Vol II, 1988). It is also available at
- 4) <https://opil.ouplaw.com/display/10.1093/law/9780198254690.001.0001/law-9780198254690>. (Accessed on 12-12-2022). P 553.
- 5) Yoshifumi Tanaka, *The International Law of the Sea* (2nd ed, Cambridge University Press, 2015) P 130-132. Available at
https://assets.cambridge.org/97811070/80409/frontmatter/9781107080409_frontmatter.pdf.
- 6) Thuy Van Tran, *Freedom of Navigation in the Exclusive Economic Zone* (Cambridge Scholars Publishing, 2022) P17-20, available at:
<https://www.cambridgescholars.com/resources/pdfs/978-1-5275-7609-4-sample.pdf>.
- 7) Umberto Leanza and Maria Cristina Caracciolo, *The Economic Exclusive Zoon*, Oxford Public International Law (1st ed, Oxford University Press, 27-May 2015), P 180, also available at:
<https://opil.ouplaw.com/display/10.1093/law/9780199683925.001.0001/law-9780199683925-chapter-7?prd=OPIL> . (Accessed on 1-1-2023).
- 8) 8). UN, *Handbook on the Delimitation of Maritime Boundaries* (1st ed, UN, Office of Legal Affairs, NY, 2000) P 15, also available at:
https://www.un.org/depts/los/doalos_publications/publicationtexts/Handbook%20on%20the%20delimitation%20of%20maritime%20boundaries_Eng.pdf. (Accessed on 2-3-2023).
- 9) Ahmed Ali Alesai., *Oman and the Law of the Seas* (Ph.D. thesis, University of Tunis, 2012).

10)FAO Study, National Aquaculture Legislation Overview (Oman), (1.1 Basin Legislation) available at:

<https://www.fao.org/fishery/en/legalframework/om/en?lang=en>
(Accessed on 31-12-2022).

Third: Journals:

1. Bernard H. Oxman, *The Third United Nations Conference on the Law of the Sea: The Eighth Session [1979]*, AJIL, Cambridge University Press/American Society of International law, Vol 74, No.1 (1980).
2. Eduardo Cavalcanti Filho, *The Law of the Sea in history: A Study Departing From the Maritime Spaces [2020]*, Perth International Law Journal, 5, P50 and P55, available at:

<http://classic.austlii.edu.au/au/journals/PerIntLawJI/2020/6.pdf>.
3. Giuseppe Cataldi, *Clarifying Freedom of Navigation Through Straits Used for International Navigation: A Study on the Major Straits in Asia (The Strait of Hormuz) [2020]*, QIL 76, P14 available at <http://www.qil-qdi.org/category/zoom-in/clarifying-freedom-of-navigation-through-straits-used-for-international-navigation-a-study-on-the-major-straits-in-asia/>. (Accessed 11-4-2023).
4. James E. Bailey, *The Unanticipated Effects of Boundaries: The Exclusive Economic Zone and Geographically Disadvantaged States Under UNCLOS III [1979]*, IBRU Boundary and Security Bulletin, Durham University, P88-90. Available at

- https://www.durham.ac.uk/media/durham-university/research/research-centres/ibru-centre-for-borders-research/maps-and-databases/publications-database/boundary-amp-security-bulletins/bsb5-1_bailey.pdf (Accessed on 1-4-2023).
5. Robert Beckman and Tara Davenport, *The EEZ Regime: Reflections after 30 Years* [2012], Law of the Sea Institute, School of Law, University of California, Berkeley, USA is available at <https://www.law.berkeley.edu/files/Beckman-Davenport-final.pdf>. (Accessed on 2-2-2023).