

# The Philosophical Basis of the Authority of Coastal States to Manage Natural Resources in Their Exclusive Economic Zone (EEZ)

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Coastal states have the authority to manage and utilize natural resources in their Exclusive Economic Zone (EEZ). Both international law and national laws of coastal states include numerous regulations governing the authority of coastal states in the EEZ. These laws are key to the efficient and sustainable use of natural resources in the EEZ. This paper will examine the philosophical basis of the authority of coastal states to manage natural resources in the EEZ. The research method used is a normative research method. This research aims to identify and analyze the limits of authority and the purpose of the authority granted by international law. Coastal states can manage natural resources based on the rule of law, and thus realize the purpose for which they were granted such authority. The results of this

## KEY WORDS

~ EEZ  
~ Sovereign rights  
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study suggest that the philosophical basis for the authority of coastal states to manage natural resources in the EEZ is based on sovereign rights. The sovereign right to manage natural resources in the EEZ is exercised for peaceful purposes; the states are required to protect the environment and ensure the sustainability of fishery resources, not violate the rights of developing countries, whether coastal, landlocked or geographically disadvantaged.

## 1. INTRODUCTION

Sea is critical for human society as a whole<sup>1</sup> and important for states. Throughout history, the sea has had a variety of functions, including serving as a source of food, trade route, mean of conquest, battlefield, for fun or entertainment, body of water that divides or unifies nations, as well as for the exploitation of natural and mineral resources.<sup>2</sup> The sea plays an important role in the economic and defensive sectors of coastal states. Utilization of marine resources can be an important source of economic growth for a coastal state. Abundant marine resources, both living and non-living, are also offset by increasing market demand.

A proof that sea is an important sector for states is that sea management and use have been regulated by several international agreements. International agreements regulate

1. Joachim Claudet, Charles Loiseau, Antoine Pebayle, *Critical Gaps in the Protection of the Second Largest Exclusive Economic Zone in the World, Marine Policy*, 124, 2021, p. 1
2. Hasjim Djajal, *Perjuangan Indonesia di Bidang Hukum Laut*, Penerbit Bina Cipta, Jakarta, 1979, p. 1

everything from general matters, such as marine zones with their applicable legal regimes, to the management of marine resources, such as fisheries. Initially, the *res nullius* and *res communis* regimes applied, namely that the sea should not be owned by anyone and could be used for the welfare of the humankind.<sup>3</sup> In 1958, the management and utilization of the sea began to be regulated in the Geneva Convention on the Law of the Sea. Due to the deficiencies of the Geneva Convention on the Law of the Sea, a new international law governing the management of the sea was drawn up, namely the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982).

UNCLOS 1982 divides the sea into several marine zones, such as inland waters, archipelagic waters, territorial seas, additional zones, exclusive economic zones (EEZ), continental shelves, high seas, and areas. A different legal regime applies to each marine zone. Based on Article 2 and Article 49 of UNCLOS 1982, coastal states have sovereignty over inland waters, territorial seas, and archipelagic waters. Based on Article 33 of UNCLOS 1982, the applicable legal regime is limited jurisdiction, intended to prevent the violations of customs, fiscal, immigration, and sanitary legislation.

Based on Articles 55 and 77 of UNCLOS 1982, the legal regime in force in the EEZ and the continental shelf is sovereign right. The EEZ is a concept first recognized by UNCLOS 1982. Previously, the state's authority to manage and utilize marine resources in its waters, but not on the seabed, stopped where the contiguous zone ended. The marine zone outside the contiguous zone is classified as high seas where the regimes of free fishing and free navigation apply. The EEZ made the sea zone originally used as open access sea where anyone could navigate and fish, subject to the sovereign rights of coastal states with a maximum limit of 200 nm.

EEZ is a sea zone where the state has the authority to explore and exploit natural resources. Cases of Illegal, Unregulated, and Unreported Fishing (IUU Fishing) are common in the EEZ. Another issue that often occurs in the EEZ is failing to reach an agreement on the delineation of the boundaries of the EEZ with other states, resulting in sea disputes of the kind currently faced by China.<sup>4</sup> EEZ boundary disputes are triggered by the application of different legal bases. Another frequent issue in the EEZ is the protection of the marine environment. Issues that often occur in the EEZ are easier to solve if one understands the philosophical basis of the authority of coastal states to manage natural resources in the EEZ.

The philosophical basis of the authority of coastal states to manage natural resources in the EEZ is an intriguing field of

study. Knowing the philosophical basis of the coastal state's authority over natural resources in the EEZ, helps us determine the limits of that authority, as well as the purpose of having it granted by international law. The hope is that coastal states can manage natural resources based on the rule of law, and thus realize the purpose for which they were granted such authority.

Another purpose of identifying the philosophical basis of coastal state authority over the natural resources in the EEZ is to prevent maritime disputes in EEZ. The EEZ became the key contributing factor in maritime disputes, both as a rationale for several new disputes and as a domain where states suddenly had to defend newly acquired sovereign rights.<sup>5</sup>

Based on the issues described in the previous sub-chapter, one problem formulation was identified, namely the problem of determining the philosophical basis for the authority of coastal states to manage natural resources in the EEZ. The aim of this study is to identify and analyze the philosophical basis of the authority of coastal states to manage natural resources in the EEZ.

There are several pre-existing studies on the activities in the EEZ or foreign EEZ, namely the authority of states over military activities in the EEZ or foreign EEZ.<sup>6</sup> There was also research on the impact of environmental changes on the revision of the manner of delineation of EEZ boundaries.<sup>7</sup> Prior research on EEZ differs from this paper because this paper analyses the basis of the authority of coastal states in their EEZ. Actually, this paper could serve as the basis for discussing the types of state authority in the EEZ and research on the changes of EEZ boundaries. Prior research on EEZ also deals with legal, environmental and economic regulations on fishery management development in the EEZ of individual states.

The benefit of this research is to identify the philosophical basis of the authority of coastal state to manage natural resources in the EEZ, to determine the limits and objectives of this authority. National legal regulations dealing with the management of natural resources in the EEZ of coastal states could take the findings into account to define more precise fishery management targets and objectives.

This is a legal research. Legal research is a scientific activity based on certain methods, systematics, and thoughts, that explores one or more legal phenomena.<sup>8</sup> Legal research is carried out to determine the (non)existence of coherence, namely whether there are legal rules that are compatible with

3. Dina Sunyowati dan Enny Narwati, *Buku Ajar Hukum laut*, Airlangga University Press, Surabaya, 2013, p. 162

4. Zou Keyuan, *China's Exclusive Economic Zone and Continental Shelf: Developments, Problems, and Prospects*, *Marine Policy*, Vol. 25, Issue 1, 2001, p. 71-81

5. Andreas Osthaagen, *Troubled Seas ? The Changing Politics of Maritime Boundary Disputes*, *Ocean and Coastal Management*, 205, 2021, p. 6

6. Alexander S. Skaridov, *Naval Activity in the Foreign EEZ – the Role of Terminology in Law Regime*, *Marine Policy*, Vol. 29, Issue 2, March 2005, p. 153-155

7. Snjolaug Arnaddotir, *Ecological Changes Justifying Termination or Revision of EEZ and EFZ Boundaries*, *Marine Policy*, Vol. 84, October 2017, p.287-293

8. Soerjono Soekanto, *Pengantar Penelitian Hukum*, Cetakan Ketiga, UI Press, Jakarta, 1986, p. 43

legal norms; norms that are compatible with legal principles; and whether someone's actions are compatible with legal norms or legal principles.<sup>9</sup>

Considering that this is legal research, the research method used is normative research. The object of normative legal research is law and non-legal matter is removed from its scope.<sup>10</sup> A characteristic of legal research that distinguishes it from research in other sciences is that legal research gives prescriptions about further course of action.<sup>11</sup> The normative research method was chosen because the object of this research are the rules of international law governing the authority of the coastal state at sea. After making international law governing the authority of the coastal states at sea its object of research, the study determined why the regulations exist, and what their purpose is. This research method will reveal the philosophical basis of the authority of coastal states in the EEZ. Likewise, this study gives advice based on the philosophical basis of the authority of coastal states to manage natural resources in the EEZ.

This study uses two problem approaches, namely the statutory approach and the conceptual approach. In the statutory approach all laws and regulations related to the pertinent legal issues are reviewed.<sup>12</sup> Several legal regulations on the management and utilization of marine and fishery resources were studied. The rule of law exists both in national and international scope.

The conceptual approach departs from the views and doctrines that develop in legal science.<sup>13</sup> In the conceptual approach, several research-related concepts are examined, such as the concept of sovereignty, sovereign rights, coastal state rights over marine resources, freedom to fish, freedom to navigate, and common heritage of mankind. These concepts need to be studied to resolve the established legal issues. The results of the study of these concepts will be used as the basis for determining the philosophical basis for the authority of coastal states to manage natural resources in the EEZ.

## 2. HISTORY OF NATURAL RESOURCE MANAGEMENT IN EEZ REGULATIONS

The emergence of the international law of the sea cannot be separated from the history of the development of international law of the sea which recognizes two concepts, first,

*res communis*, which states that the sea is the common property of mankind, and can not be appropriated or owned by a state. Second, *res nullius*, which states that since no one owns the sea, it can therefore be appropriated and owned by individual states. At sea, the "first come first serve" rule applies, i.e. those who come first have the right to control the area.<sup>14</sup>

Two theories emerged, namely the Bartolus Theory and the Baldus Theory. Based on Bartolus theory, the sea is divided into two parts - the part under the sovereignty of coastal states and the part free from the power and sovereignty of any state. This theory is the basis for the division of the sea into territorial sea and the high seas. By contrast, the Baldus Theory distinguishes three concepts related to sea control, namely the ownership of the sea, marine use, and jurisdiction over the sea and the power to protect interests at sea.<sup>15</sup>

Until the 1950s, the law of the sea was based almost entirely on international custom.<sup>16</sup> In 1958, the regulation on marine management was incorporated into the Geneva Convention on the Law of the Sea. This Convention consists of four conventions. The four conventions are:<sup>17</sup>

1. Convention on the Territorial Sea and Contiguous Zone, entered into force on September 10, 1964;
2. Convention on the High Seas, entered into force on September 30, 1962;
3. Convention on Fishing and Conservation of the Living Resources of the High Seas, entered into force on March 20, 1966;
4. Convention on the Continental Shelf, entered into force on July 10, 1958

There are several shortcomings in the regulation of management and use of the sea in the Geneva Convention on the Law of the Sea, that caused many states to overhaul the rules of international law of the sea, until the adoption of UNCLOS 1982.<sup>18</sup> One example of the shortcomings of the Geneva Convention on the Law of the Sea is the regulation of the continental shelf. In Article 1 of the Convention on the Continental Shelf 1958, the continental shelf is defined as the seabed and subsoil that is continuous with the coast located outside the territorial sea, to a depth of 200 m or more where the depth of the waters above it allows for exploitation of the natural resources of the area. In addition, according to this convention, the continental shelf is also defined as the seabed and subsoil of a similar underwater area which is continuous with the coast of an island.

9. Peter Mahmud Marzuki, *Penelitian Hukum (edisi revisi)*, Kencana Prenada Media Grup, Jakarta, 2005, p. 47

10. Theresia Anita Christiani, *Normative and Empirical Research Methods : Their Usefulness and Relevance in the Study of Law as an Object*, *Procedia-Social and Behavioral Science* 219, 2016, p. 201, <https://www.sciencedirect.com/science/article/pii/S1877042816300660>

11. Peter Mahmud Marzuki, *Penelitian Hukum*, Op. Cit., p. 69

12. *Ibid.*, p.133

13. *Ibid.*, p.181

14. Hasjim Djajal, *Op. Cit.*, p. 11

15. Mochtar Kusumaatmadja, *Hukum Laut Internasional*, Penerbit Binacipta, Bandung, 1986, p. 6-7

16. Linda A. Malone, *International Law*, Wolters Kluwer, New York, 2011, p.157

17. Boer Mauna, *Hukum Internasional Pengertian Peranan dan Fungsi dalam Era Dinamika Global edisi ke-2*, Alumni, Bandung, 2008, p. 308

18. I Wayan Parthiana, *Landas Kontinen dalam Hukum Laut Internasional*, Mandar Maju, Bandung, 2005, p.23-24

The Convention on the Continental Shelf 1958 does not explicitly specify the boundaries of a state's continental shelf. Article 1 (a) suggests that the outer boundary of the continental shelf is precisely determined based on the extent to which a state has the ability to explore the continental shelf itself and exploit its natural resources. Naturally, this interpretation gave rise to disputes between states later, because the criteria used are very relative, as it is unclear what is meant by the "exploitability" criterion.<sup>19</sup>

The rights of coastal states over the continental shelf do not affect the legal status of the waters and airspace above it.<sup>20</sup> The waters above the continental shelf are high seas which means that there is no sovereignty of any state in the waters and air space above the continental shelf of a coastal state. The freedoms granted by the Convention on the High Seas 1962 also apply to it. The convention grants states certain freedoms, such as: freedom of navigation, fishing, freedom to install cables and pipelines on the seabed, and freedom to fly over it. The Geneva Law of the Sea Convention does not recognize the EEZ regime. There are no sovereign rights of any state in the waters above the continental shelf as in the EEZ regime. Looking at the provisions in The Geneva Law of the Sea Convention, the waters above the continental shelf are the high seas where the regime of the freedom of fishing and freedom of navigation are applied.

Another drawback of the Geneva Conventions is that the concepts of an archipelagic state and archipelagic waters were unknown. Under Article 6 and Article 24 of the Convention on the Territorial Sea and Contiguous Zone 1964, there can be pockets of high seas between islands that are under the sovereignty of a state because the limit of additional zone width is 12 nm. Of course, such conditions will make it difficult for archipelagic states to ensure the security of their territory which is separated by high seas. The Convention on the Territorial Sea and Contiguous Zone 1964 does not explicitly define the boundaries of the territorial sea, but rather the outer boundary of the additional zone. On the other hand, the legal regime that applies to the territorial sea and additional zone is different. Dissatisfied with the Geneva Convention on the Law of the Sea, states wanted to formulate a new order for the law of the sea. Based on UN General Assembly Resolution No. 3067 (XXVIII) dated November 16, 1973, the Third Law of the Sea Conference started immediately. The Third Law of the Sea Conference resulted in UNCLOS 1982 which regulates the use of the sea. UNCLOS 1982 accommodates the interests of developed and developing states, landlocked states and states that are geographically disadvantaged.

As many as 168 states are currently parties to UNCLOS 1982. The United States, as a strong maritime state, have not yet become a party to UNCLOS 1982. On the other hand, the United

States participated in the UNCLOS 1982 negotiations. Many experts believe that there are several advantages to the United States becoming a party to UNCLOS, including being able to propose an extension of the continental shelf, exploit that zone, cooperate with other states in terms of conservation, enhance maritime and economic security.<sup>21</sup>

UNCLOS divides the sea into several vertical and horizontal zones.<sup>22</sup> Horizontally, the sea is divided into:

- Inland waters - waters located on the inner side of the baseline;
- Archipelagic waters - waters located on the inside of the archipelagic baselines
- The territorial sea is a strip of sea on the outside of the baseline, having the maximum width of 12 nm;
- Contiguous zone is a part of the marine zone which is a continuation of the territorial sea, having the maximum width of 24 nm from the baseline;
- Exclusive economic zone (EEZ) is a marine zone located outside and adjacent to the territorial sea, having the width of 200 nm from the baseline
- The high seas are parts of the sea outside inland waters, the territorial sea, the contiguous zone, and the EEZ.

Vertically, the sea is divided into;

- Air space above the sea;
  - Column of sea water (water column);
  - Seabed (sea bed) and land under the seabed (subsoil)
- The seabed and subsoil can be further divided horizontally into:
- Seabed and subsoil of that part of the territorial sea;
  - Continental shelf - seabed and the land beneath it up to the continental margin or as far as 200 nautical miles or 350 nautical miles from the baseline of the territorial sea;
  - The zone is the seabed and subsoil that is beyond the boundaries of national jurisdiction.

Maritime zones can also be divided based on the legal status that applies to them. UNCLOS 1982 divides the sea into two maritime zones, namely zones under and outside national jurisdiction. Maritime zones that are under national jurisdiction are further divided into maritime zones which are under the full sovereignty of a coastal state and maritime zones where the coastal state can exercise the powers and special rights stipulated in UNCLOS 1982.<sup>23</sup>

19. *Ibid*, p.21

20. Article 3 Convention on the Continental Shelf 1958

21. Raul Pete Pedrozo, *Is it Time for the United States to Join the Law of the Sea Convention?*, *Journal of maritime Law and Commerce*, 41 (2), April 2010, p. 153 and 159

22. Popi Tuhulele, "Upaya Hukum Indonesia mengajukan Landas Kontinen Ekstensi (antara Peluang dan Tantangan)", *Perspektif*, Volume XVI No. 3, Mei 2011, p.185

23. Etty R. Agoes, *Pengaturan tentang Wilayah Perairan Indonesia dan Kaitannya dengan Konvensi Hukum Laut 1982*, makalah yang disampaikan pada ceramah Fakultas Hukum Universitas Trisakti, Jakarta, 16-19 Januari 1996, h. 2, dikutip dari Dikdik Mohamad Sodik, *Hukum Laut Internasional dan Pengaturannya Di Indonesia*, Refika Aditama, Bandung, 2011, h. 19

Maritime zones under full sovereignty are internal waters, archipelagic waters, and territorial seas. Maritime zones that are under the authority and special rights of the coastal state are the contiguous zone, the exclusive economic zone, and the continental shelf. Meanwhile, maritime zones that are outside national jurisdiction are the high seas and the international seabed area.<sup>24</sup>

EEZ is a new concept in UNCLOS 1982 which was not recognized under the Geneva Convention on the Law of the Sea. The establishment of the EEZ meant that some states were excluded from their traditional fishing grounds. The EEZ thus resulted in the transfer of wealth from distant water fishing nations to the coastal states. The Pacific island states certainly belong to that category. Many of them are tiny and have little resource wealth apart from the fish in the immense EEZ around them. Traditionally these nations hardly utilized these resources at all, but the EEZ empowered them to control the access to these resources within their zones, at least under the principle of sovereign rights.<sup>25</sup>

Natural resources in the EEZ are fishery resources. UNCLOS 1982 alone does not sufficiently regulate fishery resources management. In the course of its development, states have adopted international legal rules that specifically regulate the management of fishery resources, namely: the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas 1993 (Compliance Agreement), United Nations Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks 1995 (Fish Stock Agreement), and the FAO Code of Conduct for Responsible Fisheries 1995 (CCRF). The above agreements apply to fishery resources at high seas. Apart from being based on the UNCLOS 1982, the management and utilization of fishery resources in the EEZ are regulated by the national laws of each coastal state, which are required to take into account the provisions contained in UNCLOS 1982.

The pattern of utilization of natural resources in the EEZ has changed from historical natural resources management arrangements originally based on the *res nullius* and *res communis* regimes to international agreements with all their developments. From the initial concept that no one can own the sea to the division to territorial sea and the high seas, which at that time did not yet recognize the EEZ concept. Some of the marine zones originally considered high seas where the regimes of freedom of fishing and freedom of navigation were applied, came under the jurisdiction of coastal states and became subject to the rights and obligations of coastal states. The focus of states also shifted over

time, from the initial maximum exploitation of marine resources to sustainability-oriented utilization of marine resources.

### 3. THE PHILOSOPHICAL BASIS OF THE AUTHORITY OF COASTAL STATES TO MANAGE NATURAL RESOURCES IN THE EEZ

EEZ is one of the economically most important marine zones.<sup>26</sup> An indication of the significance of this zone is that it includes more than 90% of the fishery resources, 87% of the discovered hydrocarbon resources and 10% of the manganese in the world. It is also noteworthy that almost all the important navigation routes worldwide are inside EEZs.<sup>27</sup>

As explained in the previous sub-chapter, the marine zone which is currently known as the EEZ, was formerly considered high seas where no single state could exercise its sovereignty and sovereign rights. The waters with a maximum width of 200 nm from the baseline became an EEZ and came under the jurisdiction of coastal states. This area is governed by a sui generis legal regime that tries to keep the balance between the rights and duties of coastal and non-coastal states.<sup>28</sup> In the EEZ coastal states have sovereign rights to explore and exploit, conserve, and manage natural resources, both living and non-living in waters superjacent to the seabed and of the seabed and in its subsoil. Sovereign rights also include activities needed to support exploration and exploitation of the zone. The jurisdiction of coastal states over the EEZ is related to the creation and use of artificial islands, installations and structures, scientific research, as well as the protection and sustainability of the sea.

Article 61 of UNCLOS 1982 requires coastal states to determine Total Allowable Catches (TACs) to ensure resource sustainability. The EEZ has major implications for the efficient utilization of fish resources through its limitation of free access.<sup>29</sup> A coastal state that does not have the ability to utilize its entire TACs, can allow another state to use the remaining TACs. The above provisions are only an option, not an obligation, so whether a coastal state will grant another state permission to explore and exploit its EEZ is entirely up to the coastal state. The decision must take into account all factors, including the importance of these fishery resources for the economy of the coastal state, as well as the needs of the state that will explore and exploit the surplus of these fishery resources.

24. *Ibid*

25. Rögnvaldur Hannesson, *The Exclusive Economic Zone and Economic Development in the Pacific Island Countries*, *Marine Policy*, Vol. 32, Issue 6, November 2008, p. 887-897

26. Saeed Hashemi Lalehabadi, *Legal Problems of Submarine Pipelines in the Continental Shelf and the Exclusive Economic Zone*, *Ocean and Coastal Management* 163, 2018, p.529

27. *Ibid.*, p.530

28. *Ibid.*

29. Rögnvaldur Hannesson, *Exploitation of Renewable Natural Resources : the Case of Fish From Common Fish to Rights Based Fishing*, *European Economic Review*, 35, 1991, p.397

States that can participate in the exploitation of surplus fishery resources in the EEZ of coastal states are developing, coastal and landlocked states, as well as states that are geographically disadvantaged and are in the same region or sub-region as the coastal state. The exercise of these rights can be granted through bilateral, sub-regional, or regional agreements.<sup>30</sup>

UNCLOS 1982 was created in the context of the desire of states to establish an orderly law of the sea that can promote peaceful use of the sea, fair and efficient use of marine resources, conservation of natural resources, as well as research and protection of the marine environment. The UNCLOS 1982 member states wanted to create an economic order that was just and equitable for entire humankind by taking into account the special interests and needs of developing countries, both coastal and non-coastal.<sup>31</sup>

Taking into account the objectives and reasons for the adoption of UNCLOS 1982, coastal states have sovereign rights to manage natural resources in their EEZ providing first, that coastal states manage and use the sea for peaceful purposes. Second, that coastal states manage and use the sea taking into account the sustainability of the marine environment and the resources in it. Third, that coastal states manage and use the sea by taking into account the needs and interests of developing states, both coastal states, landlocked states and states that are geographically disadvantaged.

The authority to manage natural resources is a sovereign right established by UNCLOS 1982 in a fair manner, depending on the location and geographical conditions of coastal states. The intended distribution takes into account the interests of developing states, whether coastal or landlocked, or those that are geographically disadvantaged.

Historically speaking, the EEZ was originally considered to be high seas and UNCLOS later redefined it as a zone under the jurisdiction of coastal states, which have both the authority to manage natural resources in the EEZ and the obligation to maintain its sustainability. The reason is that the sea in one area is actually connected to the sea in another. Damage to the marine environment that occurs in one marine zone will affect the marine environment in other zones.

The exercise of the authority to manage natural resources in the EEZ must also take into account the interests of developing states that are in the same region or sub-region by granting them the right to use surplus fishery resources in the EEZ. The granting of the right to use surplus fishery resources in the EEZ is based on the principle of justice. The authority to manage natural resources in the EEZ, by taking into account the interests of developing states, embodies the efforts to establish an

international economic order in the sea sector as intended by the UNCLOS 1982 member states.

The recognition of the EEZ regime gives coastal states the authority to manage waters in the belt of up to 200 nm from their shores. The sovereign rights regime applied to the EEZ is beneficial for developing states. Other states, which are geographically far from these waters, can no longer manage and exploit marine resources. On the other hand, this authority is accompanied by several obligations, namely that it must be exercised for peaceful purposes, to protect the environment and the sustainability of fishery resources, paying attention to the rights of developing coastal, landlocked or geographically disadvantaged states.

Looking at the philosophical basis of the authority of coastal states to manage natural resources in the EEZ, problems that often occur in the EEZ, such as IUUF and EEZ boundary disputes, can be prevented or resolved using the philosophical basis of sovereign rights that apply in the EEZ. The problem of IUU fishing is triggered by the depletion of fishery resources in the waters of a ship's flag state. The philosophical basis of sovereign rights in the EEZ reveals that sovereign rights to manage and utilize marine resources are exercised with due regard to the environment and the sustainability of fisheries resources, and can prevent overfishing, resulting in the reduction of IUU fishing.

The second frequent issue in the EEZ are unresolved EEZ boundaries. When delimiting the EEZ, one should pay attention to the philosophical basis of the recognition of the EEZ concept itself. The right to manage marine resources in the EEZ is accompanied by obligations such as paying attention to the rights of developing coastal, landlocked or geographically disadvantaged states. Therefore, EEZ delimitation must take into account the interests of such states. It is on this basis that justice can be achieved in the determination of maritime boundaries.

#### 4. CONCLUSION

The conclusion drawn from the discussion on the formulation of the problem is that the philosophical basis of the authority of coastal states to manage natural resources in the EEZ is based on sovereign rights exercised for peaceful purposes, to protect the environment and ensure the sustainability of fishery resources, paying attention to the rights of developing coastal, landlocked or geographically disadvantaged states.

In other words, sovereign rights include not only rights, but obligations as well. In fact, sovereign rights are privileges in the form of rights granted to coastal states accompanied by great obligations and responsibilities. Coastal states should manage their waters either by exploring or exploiting natural resources for peaceful purposes, taking into account their sustainability, and justice in the use and utilization of the sea.

Looking at the philosophical basis of the authority of coastal states to manage natural resources in the EEZ, national

30. Art. 69 UNCLOS 1982

31. Paragraf 4 and 5 Preamble UNCLOS 1982

regulations governing the management of natural resources in the EEZ are prepared taking into account the philosophical basis. National laws on natural resource management in the EEZ must accommodate and regulate the management of natural resources for peaceful purposes, environmental protection, preservation of fishery resources, while paying attention to the rights of developing coastal, landlocked and geographically disadvantaged states in the same region or sub-region. As for the last point, although not an obligation of coastal states, the economic condition of coastal states should be taken into account.

## CONFLICT OF INTEREST

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

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