

Book Review

<https://doi.org/10.59711/jims.12.110026>

Book Review of Zhen Sun, *Finding a Balance in the Exclusive Economic Zone: Conflict and Stability in the Law of the Sea*

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The book under review is Zhen Sun, *Finding a Balance in the Exclusive Economic Zone: Conflict and Stability in the Law of the Sea*, Cambridge University Press, 2025, ISBN 9781009471305 hb, 9781009471299 ebk [1]. By using the United Nations Convention on Law of the Sea (UNCLOS) as its institutional framework, this book examines the generative logic, normative structure, and practical tension within the Exclusive Economic Zone (EEZ). UNCLOS serves as a 'sui generis' framework for determining States' rights and duties. Using a triple analysis of historical evolution, normative texts, and contemporary cases, the author demonstrates how the EEZ system maintains a dynamic balance through flexible legal mechanisms as a continuous game between coastal State sovereignty and international interests. It provides both an analytical paradigm with both theoretical depth and practical value for understanding the construction of the contemporary international maritime order, as well as illustrating the

Citation: Zhang, X.; Shen, Z. Book Review of Zhen Sun, *Finding a Balance in the Exclusive Economic Zone: Conflict and Stability in the Law of the Sea*. *J. Isl. Mar. Stud.* **2025**, *4*, 110026. <https://doi.org/10.59711/jims.12.110026>

Received: 9 July 2025

Revised: 1 December 2025

Accepted: 15 December 2025

Published online: 22 December 2025

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evolution of the law of the sea as a 'living law'. In total, the book contains 9 chapters divided into three parts with 415 pages. It is logically arranged in three parts to reflect the principle of 'maintaining a proper balance in the EEZ' [2] (p. 139).

Mare liberum and *mare clausum* have played a dominant role in the history of the law of the sea (p. xiii). It is outlined in Chapter 1 that the birth of the EEZ is inevitable. A major component of the legal stability of the EEZ is the principles used to attribute rights and freedoms between the coastal State and other States, as well as the reciprocal due regard obligation (p. 3). The EEZ can be viewed as a zone of shared and overlapping entitlements rather than an extension of coastal sovereignty or a remnant of the high seas. The book examines whether these legal mechanisms remain appropriate in light of emerging activities, new technologies, and evolving geopolitical concerns.

Chapter 2 discusses the origins and evolution of the notion of a functional coastal zone for economic purposes. As explained in the book, the EEZ originated during the expansion of coastal jurisdictional claims in the mid-20th century. In Latin America, Africa, and newly independent Asian States, expanded fisheries zones and 200-nautical-mile claims have gradually spread. In addition to geopolitical and economic factors, these developments reflected the interest of developing countries in securing greater control over offshore resources. As opposed to being isolated or unilateral assertions, these initiatives helped shape the political conditions under which the EEZ gained international recognition. In Chapter 3, the author examines how these practices were incorporated into the negotiations of the Third United Nations Conference on the Law of the Sea (UNCLOS III). Rather than simply extending coastal sovereignty, the EEZ emerged from a process of compromise between States with differing priorities. Through the Castañeda-Vindenes Group's proposal (p. 42), a reconciliation was achieved between coastal States seeking to expand their resource jurisdiction and maritime powers seeking to protect freedom of navigation and communication. By incorporating the EEZ into the broader 'package deal' at UNCLOS III, both sets of interests were accommodated within a comprehensive framework, enabling consensus to be reached. While not advocating a shift of emphasis towards coastal States [3] (p. 69), the author does observe that coastal States have often exercised their rights with more assertiveness in certain areas, despite the absence of clear limitations in treaties.

In Part 2, the book analyzes how UNCLOS Articles 56 and 58 come into play in practice, particularly when different uses of the EEZ overlap. Chapter 4 examines how coastal State regulations relating to environmental protection, vessel monitoring, and enforcement may affect other States' freedom of navigation and overflight. The due regard obligation plays an important role in structuring this interaction (p. 95). Legitimacy of coastal State measures depends on their functional connection to Article 56 rights and whether they do not impinge upon the freedoms of other states.

Submarine cables and pipelines are the subject of substantial attention in Chapter 5, which identifies this area as one where competing uses frequently arise. Submarine cables and pipelines may be laid freely by all states, but they must be laid in accordance with coastal State regulations designed to protect marine resources and the environment. Cable or pipeline owners should decide on removal, unless the coastal State provides a valid jurisdictional basis for requiring such removal (p. 174). The exercise of coastal State rights must remain within the limits set by UNCLOS and must comply with the due regard obligation. This, the author argues, prevents coastal States from undermining the functional balance that underpins the EEZ regime by expanding or enhancing their practices.

In Part 3, the book examines three issues within the EEZ for which UNCLOS provides only limited or ambiguous guidance. Since these issues were not addressed comprehensively when UNCLOS was drafted, they raise questions about how the EEZ framework should accommodate forms of ocean use outside the original scope of UNCLOS. When a conflict arises between States over the attribution of rights and jurisdiction, the principle of equity and other circumstances set out in Article 59 will be invoked (p. 200). There is a discussion of military activities in Chapter 6. According to the author, State positions differ as to whether military exercises and intelligence gathering should be considered high-seas type freedoms in the EEZ. Chapter 7 discusses maritime security issues, including piracy, armed robbery, trafficking, and illegal, unreported, and unregulated fishing. The UNCLOS does not grant coastal States a general security jurisdiction over the EEZ, so responses to these activities are heavily dependent on flag State authority, cooperative enforcement initiatives, and supplementary international agreements. There is limited guidance provided by the UNCLOS in relation to underwater cultural heritage, a subject covered in Chapter 8.

This analysis is concluded in chapter 9. Several valuable contributions are made to the study of the EEZ in this book. First, it provides a comprehensive overview of the history and development of the EEZ, clarifying how the allocation of rights and due regard obligations operate within the regime. Second, the balancing mechanism is derived from the normative deconstruction. What the coastal State acquires is not complete sovereignty, but functional jurisdiction over resources, and what the other State retains is not absolute freedom, but a limited right bound by 'due regard'. Third, the EEZ rules have shown to be resilient in practice. It would, however, be beneficial to pay more attention to the practice of non-party states—especially that of the United States—in order to show how US conduct shapes customary international law. It should pay more attention to emerging technologies, such as digital ocean data collection and new ocean governance concepts that challenge the traditional zonal paradigm. Furthermore, a broader engagement with approaches such as ecosystem-based management would contextualize the EEZ in the context of the developing discourse on ocean governance.

Supplementary Materials: Not applicable.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Conflicts of Interest: The authors declare no conflict of interest.

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