

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

BACHELOR OF LAWS EXAMINATION - YEAR III – 2019

LAW OF THE SEA

(Three Hours)

Total Number of Questions: 07

Answer any **FOUR** (04) Questions and **NO MORE**

(Candidates will be penalized for illegible handwriting)

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1. 'The 1982 UN Convention on the Law of the Sea was an incomplete document and left too many important issues unclear and undecided. This Convention was a lost opportunity since it appears that the next World War could very well be fought over the control of oceans and their resources'.

A prominent political figure has made the above statement recently. Prepare a short article as a critical response to the above statement. Write the article demonstrating your knowledge of Law of the Sea.

2. The State of Lumina is in the process of building a series of artificial islands off its western coast and revising its law on maritime zones. The draft Territorial Sea and Exclusive Economic Zone Bill is currently being debated in the Parliament, particularly the following provisions.
- A. Section 6 states that the 'straight baselines' will be used to measure the breadth of the territorial sea of Lumina.
 - B. Section 15 states that the natural and artificial islands of Lumina will have their own exclusive economic zone and continental shelf.
 - C. Section 18 provides for the right for authorities to pursue and arrest any vessel which commits an offence in violation of Lumina laws within its territorial sea and exclusive economic zone, into the high seas and in necessary, into waters of other States.
 - D. Section 25 claims a 200 nautical mile zone of exclusive airspace over its exclusive economic zone.

Assume that Lumina has ratified the 1982 UN Convention on the Law of the Sea. Do the above draft legal provisions in the draft Bill conform to international standards contained in the Convention?

3. The State of Deshini and the State of Salaland are neighbouring coastal states in the area named 'Bay of Kola' and both have ratified the 1982 UN Convention on the Law of the Sea. Salaland has recently claimed an area of continental shelf that extends more than 500 nautical miles from their baseline into the Bay of Kola. Deshini has objected to the continental shelf claim of Salaland, declaring that Salaland has not applied the provisions of the 1982 UN Convention on the Law of the Sea but has instead taken over part of Deshini's continental shelf territory. Deshini is planning to take this issue to the International Court of Justice.

Salaland states that there is a possibility for it to legitimately claim this large continental shelf area under the Convention and that in any event, it has "historical rights" over the Bay of Kola, which are also recognised by the Convention. Furthermore, Salaland is of the position that the International Court of Justice does not have jurisdiction to decide this matter.

Do you agree with Salaland's arguments? Critically discuss with reference to the relevant legal provisions and case law, if any.

4. Discuss the rights and duties of States with regard to the situations described below. Assume that all the States have ratified the 1982 UN Convention on the Law of the Sea.
 - A. The State of Cheeta and the State of Leonia are both coastal States situated in the Savannah Ocean. Cheeta alleges that a survey ship flying the flag of Leonia and researching on whales had entered into its territorial waters without permission and seriously damaged underwater cables lying on the sea bed. Furthermore, there is suspicion that the Leonian ship has removed some artifacts from a shipwreck in the Cheeta exclusive economic zone.
 - B. Mordania and Lassiland are coastal States situated in the Flosia ocean. The Nemo Project by the State of Mordania is placing approximately 3000 active free-floating ocean monitoring devices in the Flosia ocean to collect and distribute data related to climate change and severe weather. The State of Lassiland is concerned that the devices will float into their waters and gather valuable information relating to natural resources in their exclusive economic zone and continental shelf areas and wish to prohibit the project. Mordania's opinion is that Lassiland cannot prevent the Nemo Project from being implemented.
5. Do you agree with the two statements given below? Critically discuss, with reference to relevant international legal standards.
 - A. 'The controversy over military activities in the oceans stems from the disagreement over whether such activities are included in the *'freedoms of navigation and overflight and other internationally lawful uses of the sea associated with these freedoms'*.
 - B. 'A warship encountering any foreign ship on the high seas may board the foreign ship if there are reasonable grounds for suspicion of criminal activities.'

6. "The ocean is recognized as having extraordinary biodiversity and plays a vital role in the interconnected global ecosystem. But the ocean environment is poorly governed by an incomplete patchwork of bodies and treaties, with the 1982 UN Convention on the Law of the Sea providing only minimal guidance on environmental conservation".

Critically discuss the above statement with reference to the current international laws and principles on marine environmental protection.

7. "A majority of the participating States intended that the 1982 UN Convention on the Law of the Sea (UNCLOS) would assure that the exploration and exploitation of the seabed should be carried out for the benefit of mankind as a whole. However, it is time that States realize that this expectation cannot be achieved."

Critically examine the above statement in light of the international legal and institutional framework for the sea bed area provided for in the UNCLOS. Cite authorities for your answer.
