

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW

BACHELOR OF LAWS EXAMINATION, YEAR III - 2020/21 (Online)

LAW OF THE SEA

(Three Hours)

Total Number of Questions: **06**

Answer **THREE (03)** Questions and **NO MORE**.

(Candidates will be penalized for illegible handwriting.)

1. The United Nations Convention on the Law of the Sea of 1982 (UNCLOS), introduced new forums for settling of international disputes on law of the sea. This has been hailed as a positive contribution to the development of the law and the maintenance of international peace. However, some legal experts warn that too many dispute settlement bodies will add to the fragmentation of both of the substantive and procedural law and that it may destroy the unity of international law as a whole.

Critically discuss the role of the UNCLOS and its dispute settlement process in light of the above statement, with reference to decided cases in Law of the Sea.

(100 Marks)

2. The State of Adana is a large coastal State situated in northern Polar Regions, which includes many smaller coastal islands. Until recently, a significant proportion of Adana's land territory, small islands, large bays and the adjacent sea had been permanently covered in ice. However, with increased melting of the permanent land and sea ice in the region, the coastal areas of Adana have changed visibly, prompting the government to re-draw their current maps and repeal their existing maritime zones legislation and regulations. Other States are concerned about the possible changes, since according to news reports it appears that Adana will be declaring itself as an archipelagic State, using straight baselines, and will include all bays as internal waters. Adana has ratified United Nations Convention on the Law of the Sea of 1982 (UNCLOS), but the Government of Adana declares that the Convention is outdated

when it comes to dealing with the emerging challenges of coastline transformations and that they must act according to contemporary necessity.

Discuss the above scenario, with reference to provisions of the UNCLOS of 1982 and any relevant examples.

(100 Marks)

3. The States of Toblerone and Oreo are both coastal states situated in Cadbury Ocean. The State of Toblerone has a statute to the effect that no foreign warship shall enter or pass through its territorial sea except with the prior consent of and subject to such conditions as may be specified by the Defence Minister of Toblerone. *The Marie*, a warship of the State of Oreo, was navigating within 10 nautical miles of the coast of State of Toblerone when it was stopped by the navy of the State of Toblerone and ordered to leave the area immediately. *The Marie* moved away to 20 nautical miles from the coast of the State of Toblerone, where it launched some mini-submarines to collect data in the area. Oreo claims this is for regional cooperation for the prevention of drug trafficking in the Cadbury Ocean. But Toblerone declared that Oreo is violating their jurisdiction and arrested *The Marie*.

Discuss the rights, liabilities and duties of the States in the above scenario. Your answer should be supported with reference to the relevant provisions of the UNCLOS of 1982.

(100 Marks)

4. You have been invited as a youth speaker to deliver a keynote speech at the international youth conference on “Securing the Ocean Living Resources for the Next Generation”. As you have a legal training and you are representing a small tropical coastal State with an economy heavily dependent on fisheries and tourism, you have decided to prepare a presentation on the importance of the law of the sea framework for exploring, exploiting, conserving and managing the living resources beyond the territorial sea.

Write the keynote speech.

(100 Marks)

5. The State of Pringle is a newly independent island nation situated in the Blue Ocean. Recent scientific surveys have found two valuable mineral deposits in the ocean bed situated 250 nautical miles and 500 nautical miles from the coast of Pringle. Pringle has realized that under international law it can claim rights not only to the land above the water but also to the land and natural resources beneath the waters of the sea.

The Ministry of Justice and the Ministry of Foreign Affairs of the government of Pringle has jointly appointed you to an expert legal advisory committee to advise them. You are required to prepare a memorandum recommending suitable action by the government, including the drafting and implementation of domestic legislation and to advise on the nature of international claims and procedures in the above scenario.

Write the memorandum

(100 Marks)

6. You are officer at the Legal Draftsman's Department of the State of Sayuri, who has specialized in law of the sea. The government of Sayuri has decided to develop two new statutes on the following areas:

- a) The protection and preservation of underwater cultural heritage of Sayuri;
- b) The framework for conducting scientific research in the maritime waters of Sayuri.

You have been asked to give a brief presentation to a group of stakeholders on the salient features which will be included in the proposed new statutes.

Write your presentation script.

(100 Marks)
