

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

BACHELOR OF LAWS EXAMINATION, YEAR III - 2022

LAW OF THE SEA

(Duration: Three Hours)

Total Number of Questions: 06

Answer Any Three (03) Questions Only. No More.
(Candidates will be penalized for Illegible handwriting.)

1. 'Although the United Nations Convention on the Law of the Sea of 1982 lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing the jurisdiction of coastal States, all uses of the oceans and their resources, there could be emerging situations, which require effective and progressive remedies.'

Critically analyse the above statement with special reference to new legal concepts, emerging concerns, and progressive ocean legal regime, that require robust approaches and solutions.

(100 Marks)

2. The State of Araniya consists of many islands; some 15 nautical miles away and 50 nautical miles away from the coast of adjacent State of Belasu. Between the Araniyan islands there is a strait called 'Naqma Strait', used for international navigation, particularly Belasu shipping. Although Araniya and Belasu are currently having a dispute over the exploration of offshore oil and gas resources, military ships belonged to Belasu carry out frequent patrols through the Naqma Strait. In response to the situation, Araniyan Government takes the following measures:
- (a) A prohibition on all Belasu military ships from using the Naqma Strait and from entering other parts of Araniyan territorial waters without advance permission from Araniyan authorities.
 - (b) A prohibition on submarines of all States from using Naqma Strait for submerged transit.
 - (c) Suspension of the right of passage of all foreign ships using the Naqma Strait and certain other parts of Araniyan's territorial sea 'for reasons of national security' where such ships are proceeding to Belasu's ports.

Assuming that both Araniyan and Belasu are parties to the United Nations Convention on the Law of the Sea 1982, advise the Government of Belasu on the legality of the measures taken by Araniyan Government.

(100 Marks)

3. The State of Lala is a coastal State in the Pablo Ocean. Lala has claimed an exclusive economic zone of 200 Nautical Miles from its baseline and wants to know the legality of the following actions that it intends to take.
- Making a regulation stating that other States shall only have the right to 'innocent passage' in navigating the exclusive economic zone of Lala.
 - Prosecuting vessels that bunker on the exclusive economic zone of Lala.
 - Building an artificial island in the exclusive economic zone called 'Cascadia' and claiming an exclusive economic zone for Cascadia too.
 - Prohibition of military activities in their exclusive economic zone by other states.

Advise the State of Lala.

(100 Marks)

4. The State of Selanskiya has decided to claim its outer edge of the continental shelf beyond 200 nautical miles under the provisions of the United Nations Law of the Sea Convention. Assume that you have been appointed as the legal advisor to the Government of Selanskiya on Marine Affairs.

Prepare a report for the Government on the following matters:

- Legal parameters of the concept of continental shelf.
- Sovereign rights of coastal States on the claim of extended continental shelf.
- The role and functions of the Commission on the Limits of Continental shelf.

(100 marks)

5. **Answer both (A) and (B):**

(A) Vessel St. Vincent, flying the flag of Enama, was seized by the authorities of Catalia 9 nautical miles from its coast for unauthorized broadcasting from the high seas. Catalia argues that there is no genuine link between St. Vincent and Enama and therefore St. Vincent should be considered as a stateless vessel.

Critically discuss the validity of the argument put forward by Catalia. Support your argument with relevant legal authorities.

(50 Marks)

(B) The right to hot pursuit allows a coastal state to extend its jurisdiction to the High Seas. However, the right of hot pursuit is subject to several requirements.

Critically discuss the requirements that must be fulfilled in carrying out the right to hot pursuit. Support your argument with relevant legal authorities.

(50 Marks)

6. 'Compared to other branches of law, the dispute settlement mechanism which is available under law of the sea is designed in such a manner by interlinking the voluntary procedure with the compulsory procedure to make sure that a dispute is settled either way while respecting the freedom of choice of parties involved.'

Critically analyze the above statement considering the dispute settlement mechanism under law of the sea. Substantiate your answer with relevant authorities and examples.

(100 marks)
