

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW

DEGREE OF MASTER OF LAWS BY COURSEWORK 2023/24
2nd SEMESTER END EXAMINATION

TLLM 12314 - Ocean Law and Policy
(Three Hours)

Total Number of Questions: 04

Answer any **THREE (03)** Questions. No More.

(Candidate will be penalized for Illegible handwriting.)

1. "The historical evolution of the United Nations Convention on the Law of the Sea (UNCLOS) reflects a series of key milestones and conferences, culminating in its adoption in 1982. This comprehensive legal framework aims to balance the interests of coastal and landlocked states while establishing core principles governing the sustainable use and conservation of marine resources. Despite its robust regulatory framework and mechanisms for dispute resolution, UNCLOS faces contemporary challenges in its implementation, as evidenced by ongoing maritime disputes and conflicts."

Critically analyze the historical evolution of the United Nations Convention on the Law of the Sea (UNCLOS) and the concept of Freedoms of the High Seas as recognized by UNCLOS. Support your answer with relevant case studies, examples, and references to legal provisions.

(20 Marks)

2. The neighbouring states of Aqua and Belma are involved in a prolonged maritime boundary dispute in the Sapphire Ocean over their territorial waters, Exclusive Economic Zones (EEZ), and continental shelf, exacerbated by the discovery of significant underwater oil and gas reserves. Aqua claims a 12-nautical-mile territorial sea, including the small island 'Aqila', which Belma argues should be excluded due to its proximity. Both states assert overlapping 200-nautical-mile EEZs, with Aqua favoring equidistance principles and Belma advocating historical rights based on traditional fishing practices. Additionally, both States have submitted conflicting claims to the Commission on the Limits of the Continental Shelf (CLCS) for an extended continental shelf, with Aqua citing natural prolongation and Belma presenting geological evidence to support its claim.

Critically analyze the maritime boundary dispute between Aqua and Belma concerning the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) and the legal principles and methodologies for maritime boundary delimitation applicable to the delimitation of specific maritime zones.

(20 Marks)

3. "UNCLOS represents the fundamental legal framework for addressing marine environmental protection. Its provisions cover a wide range of sources of marine pollution, including pollution from vessels, seabed activities, and land-based sources. However, the Convention's ability to address climate change impacts, such as ocean acidification and sea-level rise, remains limited, highlighting the need for more integrated and adaptive governance approaches."

Do you agree with the above proposition? Support your answer with special reference to the role of the Law of the Sea Convention of 1982 (UNCLOS) in addressing maritime environmental protection and climate change.

(20 Marks)

4. The UNCLOS provides a unique mechanism of dispute settlement where it caters to the peaceful settlement of disputes according to the forums as decided by the countries and imposes upon them a compulsory procedure subject to certain limitations on specified matters in settling their disputes.

Critically analyse the success and/or the failures of the dispute settlement mechanism as provided under UNCLOS while referring to the relationship between the voluntary and compulsory procedures.

(20 Marks)

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