

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

DEGREE OF MASTER OF LAWS (BY COURSEWORK) – 2024/2025

SECOND SEMESTER END EXAMINATION – 2025 (AUGUST)

TLLM 12314 – OCEAN LAW AND POLICY

(Three Hours)

Total number of Questions: 04

Answer any **THREE (03)** Questions **ONLY**.

(Candidates will be penalized for illegible handwriting.)

1. “The evolution of international law of the sea represents one of the most significant achievements in multilateral treaty-making and codification of customary international law. From the ancient concept of *mare liberum* to the comprehensive regime established by the United Nations Convention on the Law of the Sea 1982 (UNCLOS), the law of the sea has continuously evolved to address emerging challenges and technological developments.”

Critically analyze the historical progression from the *mare liberum* doctrine propounded by Hugo Grotius to the modern UNCLOS regime and assess the challenges facing progressive development of ocean law in addressing contemporary issues such as climate change, deep seabed mining, and marine genetic resources in areas beyond national jurisdiction.

(20 Marks)

2. The Republic of Mariana and the Kingdom of Aquaria are neighboring coastal States separated by a narrow strait approximately 80 nautical miles wide. Both States have declared 12 nautical-mile territorial seas and 200 nautical-mile Exclusive Economic Zones (EEZs). The overlapping maritime zones have created significant disputes over-fishing rights, particularly concerning tuna fishing grounds that have been traditionally exploited by fishermen from both states for over 50 years. Mariana argues for an equidistance line based on baseline points from their main coastline, while Aquaria claims that relevant circumstances, including their longer coastline and greater dependence on fishing, should modify any provisional equidistance line. Additionally, Aquaria maintains that its fishing vessels have acquired historic fishing rights in the disputed waters.

Analyze the legal principles under the United Nations Convention on the Law of the Sea 1982 for delimiting the overlapping Exclusive Economic Zones between these two States, evaluate the validity of claims made by Aquaria regarding historic fishing rights and relevant circumstances in maritime boundary delimitation, and propose a practical solution for resolving this dispute considering both legal principles and the interests of traditional fishing communities.

(20 Marks)

3. The Coastal State of Yogiana has recently discovered significant oil and natural gas deposits approximately 180 nautical miles from its coastline in an area where the continental shelf extends naturally beyond 200 nautical miles. The neighboring State of Eageros, located 320 nautical miles away, has also claimed rights over the same continental shelf area, arguing that the natural prolongation of their landmass extends to this region. Yogiana has submitted data to the Commission on the Limits of the Continental Shelf (CLCS) claiming an extended continental shelf to 250 nautical miles based on geological and geomorphological evidence. However, there is disagreement about whether the continental margin constitutes a natural prolongation of the land territories of both States.

Discuss the legal criteria under Article 76 of the United Nations Convention on the Law of the Sea 1982 for establishing continental shelf claims beyond 200 nautical miles, examining the application of the principle of 'natural prolongation' versus the 'distance principle' with reference to relevant case law, and analyze the role and limitations of the Commission on the Limits of the Continental Shelf in addressing overlapping claims.

(20 Marks)

4. "The protection of the marine environment requires a comprehensive approach that addresses both vessel-source and land-based sources of pollution while balancing economic development with environmental stewardship."

Marine environmental protection under international law encompasses a complex web of global, regional, and bilateral agreements alongside the overarching framework provided by the United Nations Convention on the Law of the Sea 1982 (UNCLOS).

- a) Analyze the framework for marine environmental protection under Part XII of UNCLOS 1982, including State obligations, jurisdictional relationships, and the effectiveness of regional agreements and regional seas programmes in addressing marine pollution.

(12 Marks)

- b) Discuss the emerging legal challenges in protecting marine biodiversity in areas beyond national jurisdiction with reference to the Biodiversity Beyond National Jurisdiction Agreement (2023).

(08 Marks)

(Total - 20 Marks)
