

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
BACHELOR OF LAWS EXAMINATION - YEAR III - 2016/2017

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.)

1. 'Grotius stated that a State should only be allowed to claim an area which it was able to administer and control effectively, emphasizing that no State could control the sea permanently and effectively. This argument later became one of the pillars of the Law of the Sea but it may not be as convincing today as it was at the beginning of the 17th century. Moreover, unlike in the past when powerful States made unilateral claims, ocean governance today is carried out multilaterally and by involving competent international organizations.'

Critically discuss the above statement in light of the historical development of the Law of the Sea, its current trends and the future prospects.

2. 'Although a right of innocent passage exists in territorial waters, this is a somewhat more restricted right than the right of free navigation of ships in other maritime zones.'

Discuss the above statement in light of the rights, freedoms and obligations of States under United Nations Convention on the Law of the Sea of 1982. Support your answer with relevant examples and authorities.

3. In 2015, the State of Menara consented to a project by the University of Agora from the State of Ozastan to study the marine living organisms in the continental shelf zone of Menara, under the conditions that the research findings should be shared with the Central University of Menara. In August 2017, it was found that none of the research findings had been shared so far and that there had also been surveys and drilling of the continental shelf for mineral resources.

It also appears that the University of Agora had killed and taken many marine organisms including fish, dolphins and whales for what they claimed were research purposes.

The government of Menara wants legal advice on whether there is any relevant international law governing these areas and whether they can take any legal action. Advise the government of Menara.

4. The government of the State of Seelan has decided to revise its marine pollution legislation, since they have not updated it for the past 50 years. Seelan has also recently ratified all of the most important international agreements relevant to the area of marine pollution, including the United Nations Convention on the Law of the Sea of 1982.

Assume that you have been appointed as the Head of the Committee on Marine Pollution Law Reform and have to present a preliminary report to the Government on the key policy and legislative reforms which Seelan should undertake to adhere to the current international standards. Write the report.

5. Answer **either A or B.**

- A. 'Preserving the biodiversity of the seabed while regulating the industrialization of an extremely remote area of this planet is a challenging task. Furthermore, States must also balance the environmental concerns expressed by their own citizens, with both private commercial interests and the economic interests of the State in exploiting sea bed resources.'

Critically discuss the above statement, with reference to the relevant international law, the international regulatory framework and responsible bodies as well as the recent developments in the above mentioned area of Law.

- B. 'In an area where no country has jurisdiction, and where international power relations are often adversarial, it is a challenge for States to work together to protect the global commons.'

Critically discuss the above statement, highlighting at least THREE current issues where States must cooperate to create and/or implement international law concerning the High Seas.

6. 'Continental Shelf delimitation is an extremely complex process according to the methods described in the United Nations Convention on the Law of the Sea of 1982. In this context, the dispute settlement mechanisms available to States play an important role in clarifying the claims and rights of States.'

Comment on the above statement in light of recent claims made by States over continental shelf areas.

7. Stonie is a small uninhabited rock which is only 25 meters wide and 30 meters tall, which is the small remnant of an extinct volcano. It is situated in a remote part of the Callia Ocean and is about 150 nautical miles west of the State of Scotia and 230 nautical miles to the north-west of the State of Eria. Recently the Scotian navy landed on Stonie, hoisted the Scotia flag and cemented a plaque to the side of the rock. Scotia has redrawn its maps and declared a law claiming the area 200 nautical miles around Stonie exclusively for fishing by Scotia ships. The Scotia navy has been arresting fishing vessels bearing the flag of Eria if they enter into this area. Scotia is also planning on drilling for natural gas in the sea bed surrounding Stonie and the Scotia navy has been turning away scientific research vessels from Eria which have been surveying the sea bed area 100 nautical miles west of Stonie. Eria protests that Scotia's claims and actions are not compatible with international law.

Advise Eria.
