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**SCHOOL OF LAW**

**COURSE NAME:** Law of the Sea

**COURSE NO:** LA425

**TIME ALLOWED:** Three (3) hours

**READING TIME:** Ten (10) minutes

**NUMBER OF PAGES:** Four (4) including this page

**NUMBER OF QUESTIONS ON PAPER:** Eight (8)

**NUMBER OF QUESTIONS TO BE ANSWERED:** Six (6) only

**MARK ALLOCATED FOR EACH QUESTION:** Section A carries twenty (20) marks and section B carries thirty marks. The number of marks for each question is as shown alongside the question.

**TOTAL MARKS:** Fifty (50)

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**MATERIALS PERMITTED IN EXAMINATION ROOM:**

You are permitted to bring unannotated copies of relevant treaties and legislation into the examination room.

**SPECIAL INSTRUCTIONS**

1. You are required to answer six (6) questions only; the compulsory question in Section A and any five questions in section B.
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## SECTION A

This question is compulsory and carries twenty (20) marks.

### QUESTION ONE

Focusing on relevant doctrines, personalities, issues and state practices, provide an overview of the historical developments in the law of the sea prior to the adoption of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). From the perspective of both a coastal state and a developing country provide a detailed analysis of the most fundamental legal changes brought by this convention. (20 marks)

## SECTION B

This section has seven (7) questions, of which you are required to answer only five (5). Each question in this section carries six (6) marks so the total number of marks for this section is thirty (30).

### QUESTION TWO

Examine the rules of international law concerning the rights and duties of coastal and third states in the marine zones of coastal state jurisdiction. Focus your answer on navigation rights and fishing rights. (6 marks)

### QUESTION THREE

Explain the rules applicable for delimiting the territorial sea between states with opposite or adjacent coasts. Illustrate your answer with examples of delimitation rules applied in the South Pacific region. (6 marks)

### QUESTION FOUR

Analyse current issues in international fisheries law focusing on: (a) the limitations and the evolution of the high seas regime; (b) the legal developments in the Western and Central Pacific region and the exploitation of tuna species

(6 marks)

### QUESTION FIVE

Explain the difficulty to determine and exercise jurisdiction over vessels on the high seas by making reference to the issue of flag of convenience vessels. What attempts have been made under international law to address this issue in the context of high seas fishing? (6 marks)

### QUESTION SIX

Provide a rationale for the adoption of the 1994 Agreement relating to the implementation of Part XI of UNCLOS (the Implementation Agreement). Focus your answer on the changes in the role and power structure of the main organs of the International Seabed Authority as introduced by the Implementation Agreement.

(6 marks)

### QUESTION SEVEN

Analyse the reasons why the issue of land-based sources of marine pollution has not been effectively addressed in international law. In your answer contrast the legal regime for land-based sources of marine pollution with regimes applicable to other sources of marine pollution.

(6 marks)

### QUESTION EIGHT

Define any three (3) of the following, identify their legal basis and explain their significance in relation to the Law of the Sea:

- (a) Mare Liberum
- (b) Continental shelf
- (c) Archipelagic baselines
- (d) Equidistance principle
- (e) Right of innocent passage
- (f) Total Allowable Catch (6 marks)

End of Paper