

**NATIONAL UNIVERSITY OF IRELAND, GALWAY
FACULTY OF LAW**

SEMESTER II EXAMINATIONS - SUMMER 1998/99

**LL.B. - ALL YEARS
B.Sc IN MARINE SCIENCE
OCCASIONAL STUDENTS**

MARITIME LAW (LW397)

**Professor C. Warbrick
Dr. C. Symmons**

Time Allowed: **TWO** Hours. ERASMUS students have **2½** Hours

Answer **THREE** Questions

Students may consult the *Law of the Sea Convention 1982 (LOSC)* - copy available from Invigilator. Note that any reference to "miles" in questions relates to "nautical miles".

1. Hibernia has a long and gently undulating coastline. In 1996 it became a Party to the Law of the Sea Convention 1982. In 1960 its Government had issued a decree which enclosed a coastal indentation known as 'Dongle Bay' by a straight line of 25 miles width between its natural entrance points. The same decree stated that the "waters of Dongle Bay have always been considered to be national waters of Hibernia".
In May, 1999, a cruise ship flying the flag of Blueland makes a diversion into the 'bay' and circles around there (inside the straight baseline) at a distance about 10 miles from the shoreline so that its passengers can watch "Bungie" a local celebrity dolphin. The ship discharges sewage (in the same location) into the 'bay' in contravention of Hibernia's coastal regulations. In June 1999, a local fishermen's nets get caught up by a submarine of Redland which has been tracked as transiting an area 11 miles seaward of the baseline across the 'bay', but 21 miles from the nearest Hibernian shoreline inside the 'bay'. The laws of Hibernia require "advance notification" for all foreign warships transiting its "territorial waters"; and provide for depth charging, 'without notice' of unidentified submarines. Hibernia has no naval bases in the area of these incidents. Blueland has protested - in company with other states - that it has now been "notified" of the claim to Dongle Bay. Blueland and Redland are parties to the LOSC. Advise the Government of Hibernia about the legal situation arising from the above facts and what action, if any, it may take against the cruise ship or the submarine.
2. Explain how the regime concerning "international straits" has changed under the LOSC 1982 as compared with that in the 1958 treaty regime. In what particular ways has freedom of navigation in such straits been strengthened?

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3. Utopia is a large insular State, with open ocean on its western seaboard, and a sea area of only 100 miles on its eastern seaboard between itself and the neighboring State of Mercia. Both States are parties to the LOSC, 1982. Utopia wishes to have legal advice on what maritime zones beyond its territorial sea - most particularly from where and to what distance - it may claim to the west and east bearing in mind the following facts:
 - on its western coastline the shoreline is relatively straight, but there exists a small group of six islands at a distance of 13 miles from its shoreline in one locality;
 - the "continental margin" on the western seaboard goes out to a distance of 400 miles;
 - midway between Utopia and Mercia on the eastern side of Utopia lies a tiny Utopian - owned islet (20 square metres in area) formed from a sandbank which very occasionally is submerged at highest astronomical tides.
4. Explain how the LOSC 1982 attempts to balance the rights of the coastal state its 200-mile exclusive economic zone (EEZ) with those of other States using the zone. In so doing mention any problems which Ireland has had in this regard and whether there has been any guidance on such matters in the recent judgment of the International Tribunal on the Law of the Sea in the 'Saiga' case.
5. Explain how military uses of maritime zones beyond the territorial sea, particularly the imposition of "security zones, may be incompatible with either the so-called 'freedoms of the high seas' or coastal State sovereignty or jurisdiction, as the case may be.
6. An Irish naval patrol vessel, the LE Maria, has observed that a Blackland-registered, ship suspected of carrying "controlled drugs", has entered Irish internal waters. Blackland is not a Party to the UN Convention Against Illicit Traffic in Narcotic Drugs (hereafter the "UN Convention 1988"). It has also observed two other similarly suspect ships - one registered in Franconia, a Party to the UN Convention, 1988, and the other a 'flagless' vessel - the first mentioned navigating outside the territorial sea but within the Irish 200-mile exclusive fishery zone, and the second mentioned on the high seas. Advise the captain of the LE Maria as to what legal powers - and subject to what limitations - he has to intervene in the above situations under existing Irish statute law and in conformity with Ireland's international legal obligations.