

30 DEC 2023

NATIONAL LAW UNIVERSITY JODHPUR
End Term Examination November – 2023
Semester – UG VII Semester
Subject: International Maritime Law

Time: 3 hours

Marks: 100 marks

Instructions:

- i. All the questions carry equal marks.
- ii. Answer any **five** out of the **six** questions.
- iii. Please substantiate your statement(s)/argument(s) with relevant case laws, whenever necessary.

Q.1 "Foreign vessels have no right of passage within internal waters without permission". Discuss. (20 Marks)

Q.2 What are the Sovereign Rights of the Nation over the Territorial Sea? Also, describe what kind of rights are Residual Rights and in which maritime zone they are exercised? (20 Marks)

Q.3 What is the Dispute Resolution Mechanism under UNCLOS? Explain (20 Marks)

Q.4 The general principles of International law are among the sources of national and International Law, which have long been recognized and applied in disputes. The Corfu Channel case addressed the question of civil liability of Albania, which had placed mines within its sovereign waters and subsequently caused damage to two naval Destroyers of the United Kingdom's navy.

The exclusive territorial control exercised by Albania within its water frontiers has a bearing on the burden of proof with respect to the country's activity. The United Kingdom which was an unfair victim of the mines placed in the Corfu strait and the International Court of Justice found that Albania was responsible for loss of human life and the machinery suffered by the United Kingdom, even though the United Kingdom had violated the sovereignty of Albania's territorial waters.

Enumerate and discuss the difference between the right to innocent passage and the right of Transit Passage keeping the above circumstances under consideration. (20 Marks)

Q.5 Recently, a Chinese ship lost oil in the area known as the Great Barrier Reef. The Great Barrier Reef, a marine park, is situated in the territorial sea of Australia. Australia wants to prohibit ships carrying potentially polluting substances such as oil from passing through its marine park. Is Australia allowed to take these measures according to the United Nations Convention on the Law of the Sea? (20 marks)

Q.6 Discuss the Environmental pollution concerns under UNCLOS especially after the Torrey Canyon and Deep Water Horizon incident? (20 marks)