

Centre for Aerospace & Defence Laws (CADL)
DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD

M.A. (Security & Defence Laws)
(Batches : 2021-2023, 2020-2022 & 2019-2021)

Academic Year: 2022-2023

Third Semester - End Semester Examination (January, 2023)

**Paper III – 2.3.11. Aviation, Space and Maritime Security
Laws**

Duration of the Examination: 2 ½ hours

Total Marks : 70 marks

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions carefully and adhere to the same.
 - b) Please mention your DDE ID No., date of the exam, name of the programme & subject on the Answer Sheet and the Additional Answer Sheets, if any.
 - c) The questions to be interpreted as given and no clarification can be sought from the Invigilator.
 - d) Clearly indicate the question numbers while answering them. Answers without question numbers / wrong question numbers will not be evaluated.
 - e) Write the answers clearly and neatly. Answers in illegible handwriting will not be taken into consideration.
 - f) Candidates are prohibited to carry phones or any other electronic devices, books, material etc. in the Examination Hall.
 - g) Copying is strictly prohibited and is considered as a serious academic misconduct and the University will take action as it deems fit.
-

Section – A

Answer FIVE questions out of SEVEN questions and each question carries 10 marks.
(5 x 10 marks = 50 marks)

1. *“The status of international law is the most controversial and debated topic among the jurist all over the world. The important to be debated is whether international law is really a law or not?”* In light of the above statement critically analyse the Nature of International Law highlighting the viewpoint of different jurists.

2. What do you understand by Aviation Security? Is the concept of aviation security different from the concept of aviation safety? Explain with the help of reasonable arguments. Further elucidate the role of International Civil Aviation Organization (ICAO) in improving Global Air Safety standards.
3. Each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, and procedures and to this end, the ICAO has adopted from time to time international standards and recommended practices and procedures for aviation security. What are they? Explain in detail.
4. Mrs. Radha was flying from Hyderabad to New York along with other passengers. The flight was good and she enjoyed the air travelling. The flight went smoothly in all respects, but during landing Mrs. Radha felt severe pressure and pain in her right ear. After landing Mrs. Radha immediately consulted a doctor who concluded that she had become permanent deaf in her right ear. She filed a suit against the airline company for causing hearing loss by negligent maintenance and operation of the pressurization system. Evidence indicated that the pressurization system had functioned properly. Answer the following:
 - a) Explain the concept “accident” in view of Warsaw Convention and Montreal Convention.
 - b) Is the Airliner liable to Mrs. Radha? If liable why? If not liable why? Give your valid reasons.
5. The Supreme Command of the Army of the Democratic Republic of Travago, with a view to avert the security threats in the region, proclaimed establishment of a “military zone” beyond its territorial waters. This proclamation read, *inter alia*, as follows:

Demanding by the situation prevailing in our country, the Democratic Republic of Travago, establishes the military boundary to reliably safeguard the economic sea zone of the State in order to firmly defend militarily the nations interest and sovereignty of the country.

The military boundary is up to 50 nautical miles from the starting line of the territorial waters in the East Sea and to the boundary line of the economic sea zone in the West Sea.

In the military boundary (on the sea, in the sea and in the sky) acts of foreigners, foreign military vessels, and foreign military planes are prohibited and civilian ships and civilian plane (excluding fishing boats) are allowed to navigate or fly only with appropriate prior agreement or approval.

In the military boundary (on the sea, in the sea, and in the sky) civilian vessels and civilian planes shall not conduct acts for military purposes or acts infringing upon the economic interests.

This proclamation issued by the Democratic Republic of Travago is strongly objected by two of its neighbouring States, who contend that a coastal State has only limited rights for the exploration and exploitation of living and non-living resources the Exclusive Economic zone (EEZ) and that the waters in that area should be treated just like the high seas, which are open to all States. They claimed, in effect, that the Democratic Republic of Travago has violated fundamentals principles of the UN Convention of the Law of the Seas, 1982, (UNCLOS), since a State cannot unilaterally declare a military boundary with restricts the rights of the other States.

The Democratic Republic of Travago, on the other hand, asserts that it has not violated any of the provisions of the UNCLOS, and that it has exercised its sovereign rights, which includes establishing "military zone" in the areas beyond the territorial seas, especially in view of the threat to its national security.

Decide, within the framework of the provisions relevant to EEZ under the said Convention, the contention between the States, assuming that all of them are a party it.

6. In order to confront the menace of piracy off the coast of Somalia, the UN Security Council acting under Chapter VII of the UN Charter, adopted a resolution, the text of which included, inter alia, the following excerpts:
 - a) Condemns and deplores all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;
 - b) Urges States whose naval vessels and military aircraft operating on the high seas and airspace off the coast of Somalia to be vigilant to acts of piracy and armed robbery and, in this context, encourages, in particular, States interested in the use of commercial maritime routes off the coast of Somalia, to increase and coordinate their efforts to deter acts of piracy and armed robbery at sea in cooperation with the Transitional Federal Government (TGF);
 - c) Decides for a period of six months from the date of this resolution, States cooperating with the (TGF) in the fight against piracy and armed robbery at sea off the coast of Somalia, and to render assistance to vessels threatened by or under attack by pirates or armed robbers, in accordance with relevant international law;
 - i. Enter the territorial waters of Somalia for the purpose of prepressing acts piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and
 - ii. Use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under

relevant international law, all necessary means to repress piracy and armed robbery;

- d) Requests that cooperating States take appropriate states to ensure that the activities they undertake pursuant to the authorization in paragraph 7 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State

Bearing in mind the mandate of this resolution, critically analyze the elements of definition of Piracy as set out under the UN Convention of the Law of the Sea, 1982, explaining in particular, if the said resolution passed by the Security Council has made any breakthrough in addressing the pitfalls in the definition, which would now allow the States to meet the challenge of suppressing the threat of piracy in international law.

7. *“The recent space developments have widened the understanding of space security, while the military dimension remains fundamental, other crucial issues have been brought within the scope of the concept.”* In view of the above statement critically evaluate the nature and concept of Space Security form multiple dimensions.

Section – B

Answer FOUR questions out of SIX questions and each question carries 05 marks. (4 x 5 marks = 20 marks)

- A. Right of Innocent Passage
- B. Ruses of War and Perfidy
- C. Deterrence to protect Space Assets
- D. Sources of International Space Law
- E. Anti-Hijacking Act, 2016
- F. Indian Maritime Security Strategy