

# **JUR5520**

## **Spring 2008**

Both questions below shall be answered.

### **Question 1**

Describe and discuss the enforcement measures that are available to the flag state and the port state when a ship has engaged in activities leading to serious pollution on the high seas, as laid down in the UN Convention on the Law of the Sea articles 217 and 218. Discuss in particular the allocation of enforcement powers between the flag state and the port state.

### **Question 2**

After graduating from the University of Oslo, you have been recruited as special advisor to the Ministry of the Environment of Norway. Norway is listed under Annex I of the UN Framework Convention on Climate Change and has a quantified emission reduction commitment under Annex B to the Kyoto Protocol. In order to comply with this commitment, the newly elected government has put forward an ambitious plan for the promotion of renewable energy sources. As transport counts among the main sources of greenhouse gases emissions, increased use of biofuel (i.e. fuel made from biological material such as plant oil) is identified as a key sector for complying with both national targets and international commitments.

However, the government is concerned about the negative environmental impacts that the production and harvesting of raw materials for biofuel production may have in producing countries, such as Brazil. The government therefore considers prohibiting the import of biofuels that have been produced in such a way that it damages the rainforest and biodiversity.

Such a prohibition is presumed to violate article XI of GATT. The question is whether it may be lawful on the basis of the exception rule in article XX of GATT.

You are asked to write a memo about whether such a prohibition may be lawful on the basis of the exception rule in article XX of GATT (attached).