1. The Krosh peoples have been fighting a 15-year war of secession against the authorities of the State of Tirk. Casualties have been high on both sides and attempts are made to reach a compromise. The neighbouring State of Iryn steps in and offers to buy the territory in which the Krosh peoples live and incorporate it into its own state. The State of Tirk agrees and a Treaty of Cession is entered into by both states. Part of the Treaty provides for the creation of a Claims Tribunal which is to help resolve any disputes related to events that happened in the territory during the last 15 years.

Mr. Moon, a national of the Unified States, asks his Government to bring a claim for the loss of his factory during the period of turmoil. Mr. Moon's factory employed primarily persons of Krosh ethnicity. The State of Tirk suspected that several of them were rebels. Tirk police raided the factory and, in the ensuing gunfight between the police and the Krosh employees, the factory caught fire and burnt to the ground.

Mrs. Sun, the wife of a former rebel leader, asks the State of Iryn, her state of nationality, to bring a claim for compensation for false imprisonment and torture. Mrs. Sun was arrested by the Secret Police of the State of Tirk and tortured in order to find the whereabouts of her husband.

The Claims Tribunal rejects both of these claims. It decides that it cannot honour the first one because the actions cannot be attributed to either the rebels or the state authorities, since the Tribunal is uncertain who caused the injuries. It rejects the second one because the Tirk Secret Police acted ultra vires when it tortured Mrs. Sun.
The latter decision provokes outrage amongst the Krosh peoples who protest openly in the streets. They assert that neither the Tribunal nor the State of Iryn has any authority over them because their right to self-determination was not respected in the Treaty of Cession. All of these matters are referred to a special international arbitration process.

You are the international arbitrator appointed to resolve the international legal issues raised in the above facts. Critically assess the merits of the Claims Tribunal's decisions as well as the legality of the Krosh claim to self-determination.

2. Ms. Agard is a dual national of the two States of Byn and Curi. She was born in the State of Byn but moved to the State of Curi during her childhood and lived there for 5 years before applying for and obtaining Curi nationality. Two years ago she moved to the State of Dom to obtain employment in a law firm.

Ms. Agard wishes to return to the State of Curi to practice international human rights law and visits the Curi Embassy in order to obtain information about recent developments in her country. The Ambassador finds out that she has been critical of the State of Curi’s human rights record and warns her that if she returns to the State of Curi she “could meet a mysterious and untimely end.” Ms. Agard is incensed at this veiled threat and tells the Ambassador that she will report him to the authorities of the State of Dom. The Ambassador calls the Embassy guards and they forcibly detain her in the cold and dark cellar of the Embassy.

Ms. Agard saves a bread roll from one of her meagre meals, hides a note in it, and throws the roll out of the window. A helpful passer-by discovers it and alerts the authorities of the State of Dom. The latter demand the immediate release of Ms. Agard. The Ambassador claims she is lawfully under Embassy custody and refuses to hand her over to local authorities.

An eager young police recruit, Officer Dapper, decides to handle the situation himself. He scales the Embassy wall, subdues two Embassy security guards, rescues Ms. Agard, and arrests the Ambassador and throws him into a Dom jail. As a result of these actions tensions run high between the States of Dom and Curi. The State of Curi demands the release of the Ambassador and his immediate return to their territory. The State of Dom demands that the Ambassador be prosecuted for his act of kidnapping and his death threats, and proposes to do so. The State of Byn brings a claim against the State of Curi for injuring its national, Ms. Agard.

Critically discuss the issues raised by the above events and assess the strength of the positions of the States of Byn, Curi and Dom.
3. On January 1, 2005, the Ambassador from the Unruly Kingdom (UK) to the State of Malia is caught using illegal narcotics and having sexual relations with a child prostitute. Despite claiming diplomatic immunity, he is arrested by Maliese police and taken to the Police Station. After Maliese officials confirm his diplomatic status he is released with an apology.

The next morning the Ambassador receives a letter from Maliese authorities informing him that he is “no longer welcome in the Glorious State of Malia and must leave immediately, or within a maximum period of ten hours from receipt of this letter.” The Ambassador rushes home and packs his suitcases with his most valuable possessions. Crowds of Maliese nationals, having heard of his crimes, gather outside of his residence, shout “death to Western paedophiles,” and hurl rubbish over his gate. As the Ambassador is leaving his residence, his Maliese security guard fires shots into the air to scare off the protesters. Unfortunately, a local news helicopter is hit by one of the bullets and crashes, injuring the pilot and cameraman.

When the Ambassador arrives at the Maliese National Airport a police dog becomes exceptionally interested in one of his suitcases. The bag, labelled “Special Ambassadorial Possessions” is opened by airport security staff who discover a large quantity of opium. They confiscate the drugs but allow the Ambassador to proceed to his plane. The flight is delayed on the runway for eight hours due to engine problems and eventually all passengers are required to de-plane. The Ambassador is waiting in the departure lounge for the next available flight when, just after lunchtime the next day, Maliese police arrest him and his security guard. The Maliese police charge the Ambassador with the offences of (1) having unlawful sexual relations with a minor, (2) conspiracy to export illegal narcotics, (3) bribing Government officials, and (4) trafficking in child sex slaves. The latter charge is based upon information about activities engaged in by the Ambassador prior to his taking up his diplomatic post in Malia. Regarding the third charge, the Ambassador alleges that his “gifts” to government officials were mandated by an official Embassy policy set by his own Government.

Advise the State of Malia as to whether it has jurisdiction to prosecute the Ambassador and his Maliese security guard for the above crimes, as well as on all other international legal issues raised in the above facts.

4. In 2008 a territorial dispute erupts between the States of Green and Blue over a tiny island named “Le Piton,” which is located in the ocean exactly half way between their two territories. Green and Blue are island states with opposing coastlines, located one hundred nautical miles from one another. Green claims title by cession from a third state, the State of Antelles, by means of the Treaty of Amity of 1700. The State of Antelles is alleged to have discovered the island in 1680 when their Naval Commander sighted the land. While sailing past the island the Naval Commander named it “Le Piton” and read an official decree claiming it on behalf of the State of Antelles. His Gunnery Officer also fired a special cannon-ball engraved with the insignia of his State onto Le Piton. Neither the Captain nor his crew landed on the island.

PLEASE TURN OVER
The State of Blue claims title to Le Piton as a result of activities of a group of its citizens, called the Blue Druids, who have used the island for one month each year for the last 100 years as the site of their Blue Solstice Festival. These Blue Druids are transported to and from the island by the Blue Navy every year. For the duration of the Festival, Blue Naval Officers police the island.

The dispute regarding Le Piton escalates as a result of actions by both states. The State of Green sets up an oil drilling platform ten miles from the coast of Le Piton in the waters between itself and the island. The State of Blue has established a thriving pearl-growing aquaculture industry eight miles from Le Piton, in the waters between itself and the island. In order to ensure the success of its pearl farming, the State of Blue has promulgated a special Anti-Pollution Act which prohibits oil extraction within 100 miles from the shores of Le Piton. The President of Blue wishes to enforce the Anti-Pollution Act using his naval forces, and occupy the island for security reasons.

Critically advise the President of Blue on the legality of his proposed actions. In doing so, provide him with an opinion on which state has a better claim to title over Le Piton, and on the international legal consequences of all of the issues raised in the above facts.

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