

Exam Public International Law

25th April 2018

Case (8 P.)

In early 2018, in anticipation of the upcoming presidential elections in the state of Arcadia, the long reigning president and his advisors decide on a last-minute plan to increase the president's popularity to help him win the elections once again: For the first time in Arcadia's history giant fireworks shall be launched directly from the Arcadian Channel, an important international highway which is part of the territorial waters of Arcadia, close to the capital of Arcadia. This shall enable thousands of Arcadian citizens and potential voters to watch the spectacle on the eve of the elections.

Hence the President orders to build three massive, floating artificial islands in the middle of the Channel for launching the fireworks. The islands are built immediately and large amounts of fireworks and explosive materials (pyrotechnics) are stored on them. The Arcadian President orders everyone, including the Coast Guards of Arcadia, to remain absolutely silent about the construction of the islands, so that "he could surprise his citizens with the greatest fireworks of all time."

During the following night, shortly after the construction of the artificial islands has been finished, a large military submarine of the Armed Forces of the State of Utopia, on its way back home from a routine mission to its base in Utopia, reaches the entrance of the Arcadian Channel. The captain of the submarine orders it to emerge to the surface and start its transit through the Channel. The visibility gets worse and worse due to heavy fog and a really dark night. As a consequence, as the submarine reaches the part of the channel, where the islands have been built, it collides with the biggest of the three artificial islands. This leads to a giant explosion of the fireworks and the subsequent destruction of the island. Furthermore, the submarine is severely damaged und unable to continue its journey. Some of the submarine's crew members die and many more are injured during the incident.

As the President of Arcadia receives information about the incident and the destruction of his prestigious artificial island he orders to arrest and send the captain and the other surviving crew members, all of them being Utopian citizens, to prison. This order is implemented without delay. The state of Utopia is not informed about these measures by the Arcadian authorities.

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The next day, Utopian military reconnaissance ships and destroyers, in search of the submarine, arrive at the scene of the incident, find the severely damaged submarine and identify the islands as the reason for the incident. They unilaterally decide to clear the Channel by removing the remaining islands in the process, arguing, that they pose a potential threat for other submarines or ships. The Arcadian President rages and threatens the Utopian Government with consequences.

Assess the legal situation!

Knowledge Test (7 P.)

Answer both questions!

- 1) What is the difference between so-called “Hague Law” and “Geneva Law”? (4 P.)

- 2) Discuss all available diplomatic means of settling disputes between states! (3 P.)