

Exam Public International Law

26th May 2020

Case I (9 P)

On April 29th 2019, Arcadia decided to nationalize all property located in Arcadia and owned by Utopian citizens without compensation. The property was sold to Arcadian citizens for a very low price. Martha Brown, a 49-year old woman with Utopian citizenship, formerly owned a hotel in Arcadia's capital, Arcadia City. After the expropriation the hotel was sold to Sarah Pale, a business woman with Arcadian citizenship. Martha Brown decides to take legal action and sues Mrs. Pale in front of a Utopian court. At the first day of trial Mrs. Brown's lawyer asks the judge to determine the legality of Arcadia's measures of nationalization. The judge calls for a short recess and asks his employee, Kathryn Stern, for her opinion in that regard.

Answer the following questions:

- 1. What should be Kathryn Stern's answer in general? In particular, would the judge be allowed to determine the legality of Arcadia's measures of nationalization?**
- 2. What is the Austrian position in this regard? Can you name relevant court decisions?**

Knowledge Test (6 P)

1. Discuss the following news report! (3 P)

"US State of Missouri is suing the Chinese government for the role they played in the coronavirus pandemic and the effects it has had on the state, accusing the country of covering up information [...] and doing "little to stop the spread of the disease". The lawsuit, the first of its kind, claims "Chinese authorities [...] suppressed crucial information, [...] denied human to human transmission in the face of mounting evidence, destroyed critical medical research [...] – thus causing a global pandemic that was unnecessary and preventable."

- 2. What is the right of "hot pursuit" and under which circumstances may it be exercised? (3 P)**

Good Luck!

Assoz. Univ.-Prof. Dr. Birgit Haslinger, LL.M.
Deputy Head of Institute
Institute for Public International
Law, Air Law and International
Relations

T +43 732 2468 5193
F +43 732 2468 5192
birgit.haslinger@jku.at

Office:
Andrea Mühlhäuser
T +43 732 2468 5191
andrea.muehlhaeuser@jku.at