

International Law

Practicum One
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Roger D. Pierce, US Ambassador to the tiny African state of Cape Verde, hires you to advise him on the following incident that just came up. What is your advice to him?

Scenario

Recently, I acquired a pilot's license. To celebrate, my good friend, H. Craig Clark, decided to hire me to fly him and nine of his associates to Paris for a fun weekend trip. Clark is the CEO of a publicly-owned business, Forest Oil, which explores, acquires, develops, produces and markets natural gas and crude oil. They are rich and can afford to treat me well on this flight. In accord with regulations, I file my flight plan before we leave Omaha. We are also carrying our passports and enough cash to make this a weekend to remember!

We leave Eppley airfield for Orly in Paris with no difficulties. Unfortunately, we do not reach Paris. We land at Amílcar Cabral International Airport, near Espargos, Cape Verde—an island group off the western coast of Africa. (I can pilot but not navigate, perhaps.) After landing, I attempt to refuel the plane to continue on toward Orly. Unfortunately, my Portuguese is about as good as my German. The government impounds the plane and holds the ten of us in a Cape Verdean civilian jail under suspicion of drug trafficking.

Cape Verde, like many West African states, is a transshipment point for cocaine from South America to Western Europe. The European Union has increased its pressure on these states in an attempt to reduce drug flows into Europe. The president of Cape Verde, Pedro Verona Rodrigues Pires, has accepted the call to duty and is actively trying to eliminate drugs, and illicit drug money, from his tiny island state.

In full accord with International Law, the US Consulate has been notified of our detention. The cells we were given are not comfortable, but they are semi-private (one to a cell), have their own working flush toilets and sinks, and include three square meals each day. Roger D. Pierce, the US ambassador to Cape Verde visited us in jail. He is attempting to obtain our release, but the Cape Verdean police are intent on holding us for trial for money laundering and drug trafficking. According to an overly vocal H. Craig Clark, Cape Verde has the typical African kangaroo court system.

Interesting, Thought-Provoking Questions:

Which facts are relevant, and which facts are not relevant? What points of International Law would you emphasize were you Pierce? What points of International Law might help in this case? Would you be willing to send it to the ICJ to handle as a contentious case? What would it take for the ICJ to become involved?

Key Question:

What options does the Ambassador have to obtain our release?