

International Law

The Cape Verde Scenario for Chapter Six

Ole J. Forsberg, Ph.D.

Marianne M. Myles, the new US ambassador to the tiny African island state of Cape Verde, hires you to advise her on the following incident that just arose. What is your advice?

Recently, I acquired a pilot's license. To celebrate, my good friend, H. Craig Clark, decided to hire me to fly him and eight 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 domestic and international regulations (specifically, the Chicago Convention of 1944), I file my flight plan before we leave Baltimore. We are also carrying our passports and enough cash to make this a weekend to remember!

We leave Tinsley Airstrip (located between Mantua and Butler in Hereford County) 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, I guess.) After landing, I attempt to refuel the plane to continue on toward Orly. Unfortunately, my Portuguese is about as good as my Czech. 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 Cape Verdean authorities notified the US embassy in Praia of our detention.

The cells we were given were not comfortable, but they were semi-private (five to a cell), had their own working pit toilets and sinks with running cold water, and included two square meals of fish and rice each day.

Marianne M. Myles, the new US ambassador to Cape Verde briefly visited us in jail. She said that she would attempt to obtain our release, but the Cape Verdean police are intent on holding us for trial on charges of money laundering and drug trafficking—much to my surprise. Then she

asked why we had so much money in the plane and why, if we were really headed to Paris, we landed in Cape Verde. My sheepish smile did not help our case.

Thus, our probable future lies with the Cape Verdean court system, which according to an overly vocal H. Craig Clark, is the typical African kangaroo court system with police and judges bribed to put away anyone they want. I just wish he would not say that to the people guarding us.

Interesting, Thought-Provoking Questions:

- Which facts above are relevant, and which facts are not relevant?
- What points of International Law would you emphasize were you Myles? 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?

The Key Question for Us in Jail:

- What options does the Ambassador have to obtain our release?