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Introduction to International Law

Points: 1. / 10 2. / 10 3. / 10 = / 30

1. Due to political tensions, the multiethnic state of Bellivonia cannot continue in its old form and is to be divided into two parts. All political forces in the state agree on this. From now on, the large state of Bellistan (whose territory covers more than 80% of the territory of Bellivonia) will exist next to the smaller state of Livonia on the territory of Bellivonia.

However, Bellistan and Livonia do not agree on how this “division” of Bellivonia should be classified under international law. Bellistan claims that Bellistan continues the international legal identity of Bellivonia as a “rump state” under a new name; only Livonia is a new state. Conversely, Livonia argues that Bellivonia has ceased to exist and that both Bellistan and Livonia are successor states.

a) Please describe what “state succession” means. (2 points)

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b) How is the division of Bellivonia to be classified under international law if one follows Bellistan's view? Which type of state succession does Livonia advocate? Briefly explain your answer. (4 points)

c) In addition to the self-assessment of the states concerned, what other (objective or subjective) criteria are important for the distinction between different types of state succession? Please name two further criteria that can serve as indicators. (2 points)

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d) Bellistan and Livonia agree that the citizens of Bellivonia should have both Bellistan and Livonia nationality. Which state has the right to exercise diplomatic protection vis-à-vis third states in the case of dual or multiple nationality? (2 points)

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2. A, B and C, three humanitarian organisations from three different countries, want to improve coordination and legal protection of their activities in view of current armed conflicts and increasing challenges. They are discussing the possibility of the foundation of an international organisation. Yet, the Secretary General of A has doubts and believes that international organisations can only be founded by states. However, A, B and C are associations. The president of B believes that this is not true, as the Red Cross is a very similar organisation that can be used as a model. The chairwoman of C believes that it is essential to achieve the status of an international organisation to ensure that aid supplies are better protected from confiscation and employees from arrest.

a) Explain the doubts of the Secretary General of A. Can an international organisation only be founded by states, or can it also be founded by other legal entities? (2 points)

b) Give your assessment of the argument put forward by the president of B. Is "the Red Cross" an international organisation? To what extent could "the Red Cross" serve as a model for the plans of A, B and C? (4 points)

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c) To what extent is the argument of C's chairwoman that the property of international organisations is protected from confiscation correct? (2 points)

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d) To what extent is the argument of C's chairwoman that the employees are better protected against arrest correct? (2 points)

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3. The two neighboring states of Rachastan and Antrania have been in conflict over the Bethania region since their independence 45 years ago. Before the independence of Rachastan and Antrania, Bethania was assigned to Antrania by their former colonial power, although Bethania is largely (over 90%) inhabited by Rachastans, an ethnic group that also makes up over 75% of the population in Rachastan. However, there is disagreement about the historical and cultural affiliation of the border region. Rachastan and Antrania have already fought three wars over the region since their independence. Following the assassination of an Antranian politician in Bethania, another war is now threatening to break out. The Foreign Minister of the St. Petersburg Federation is concerned about the developments and would like to support Rachastan and Antrania in finding a peaceful solution to their dispute.

a) What options does a third (non-disputing) party have to support the parties in reaching an agreement? Explain the different procedures and what role the third party plays in them. (8 points)

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Rachastan and Antrania do not want to accept the offer from the St Petersburg Federation. However, Rachastan is interested in a peaceful solution to the conflict and would like to have the conflict settled by an independent, impartial institution.

b) What other procedures can Rachastan use for this? What conditions must be met for these proceedings to take place? (2 points)

(... / 10 points)