

**Ollscoil na hÉireann, Gallimh**  
**National University of Ireland, Galway**

**SEMESTER 1 Examinations, 2003/2004**

<b>Exam Code(s)</b>	2BA1, 2BL1, 2CW1, 3BA6, 3BL1, 3CW1, 1EM, 1OA.
<b>Exams(s)</b>	2 <sup>nd</sup> Arts (Legal Science) 3 <sup>rd</sup> Arts (Public & Social Policy) 2 <sup>nd</sup> & 3 <sup>rd</sup> Bachelor of Civil Law 2 <sup>nd</sup> & 3 <sup>rd</sup> LL.B. Erasmus & Occasional Students
<b>Module Codes(s)</b>	LW343
<b>Module(s)</b>	International Protection of Human Rights
<b>Paper No.</b>	
<b>External Examiner(s)</b>	Professor David Harris
<b>Internal Examiner(s)</b>	Mr. Dennis Driscoll Dr. K. Appiagyei-Atua
<b><u>Instructions</u></b>	Answer <b>THREE</b> Questions. The examination is divided into Parts One and Two. <b><u>AT LEAST ONE QUESTION</u></b> must be answered from each Part.
<b>Duration</b>	<b>TWO</b> Hours
<b>No. of AnswerBooks</b>	
<b><u>Requirements:</u></b>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
<b>Other Material</b>	Erasmus students may use an English Language Dictionary
<b>No. of Pages</b>	
<b>Department(s)</b>	Law

## PART ONE

1. Compare and contrast the complaints procedures under the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights and its Optional Protocol.
2. *"(T)he United Nations human rights treaty system has its own record of successes. It must also be stressed how rapidly the UN human rights treaty system has developed, in parallel with the treaties themselves ... If the system is in difficulty, this is to a large degree a product of its success in attracting the participation and involvement of States and other bodies. But the fact remains that the system is in difficulty, a difficulty characterized by some as crisis."*

Write a commentary on the difficulties being experienced by the UN human rights treaty system.

3. Examine the rights guaranteed to women under the International Convention on the Elimination of All Forms of Discrimination against Women.

## PART TWO

4. *"The argument for the priority of economic and social rights is now made not so much on Marxist humanistic grounds as on differences of culture and the stages of economic development between the West and Asia. Consequently, the universality and the indivisibility of rights ... are being challenged. Many Asian governments argue that rights are relative, contingent on culture and religion, and that the priorities among them are based on the level of economic development, not some general notion of the nature of rights."*

Discuss.

5. Erda is a mountainous State with a population of eight million people. It has four distinct ethnic groups, one of which, the Bibons, has had many grievances since the independence of Erda in 1962. While possessing much of the mineral wealth of Erda, the Bibons have the worst health care and educational systems amongst the ethnic groups. They have also been subjected to substantial discrimination. For instance, for most of the years since independence they have been excluded from Cabinet office and from the higher ranks of the civil service and the armed forces.

Bibon leaders hold a plebiscite in the territory asking the people whether they desire independence from Erda. There is a ninety percent majority in favour of independence. Immediately afterwards, Bibon leaders declare Bibon's independence from Erda, invoking the right to self-determination.

Your Foreign Minister wants to make a public statement on the situation, and he seeks your legal advice concerning whether Bibons have a right to independence. Advise the Foreign Minister.

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6. *"There is an inescapable tension between human rights and foreign policy."*

Discuss.

7. Ever since independence in 1988, ethnic tensions in Callan have resulted in sporadic attacks by the dominant ethnic group, the Callana, against the Bandans. The Government of Callan decides to drive the Bandans into the neighbouring State of Spora.

The armed forces of Callan begin to attack the Bandans, and in the first few days thousands are murdered and tens of thousands are made refugees. The Sporan Government accuses the Callan Government of "ethnic cleansing", and it requests and urgent meeting of the U.N. Security Council.

When the Security Council meets, it condemns the Callan Government for its violation of the human rights of the Bandan people, but it decides to take no further action. Under these circumstances, the Sporan Government invades Callan in an effort to stop the killings, citing its right of "humanitarian intervention".

Your Foreign Minister wants to issue a press release about the conflict, and he asks your advice about the legality of the Sporan Government's military action. Advise the Foreign Minister.

**END**