



“Investing in Africa’s future”

SCHOOL OF LAW

NPHR501R: INTERNATIONAL & REGIONAL HUMAN RIGHTS SYSTEMS

END OF FIRST SEMESTER EXAMINATIONS

NOV/DEC 2023

LECTURER: DR. E. RUTSATE

DURATION: 3 HOURS

Instructions to Candidates

1. Answer **two** questions only.
2. **Question 1** is **compulsory** and carries **70** marks.
3. The **optional question** you select to answer carries **30** marks.
4. You are encouraged to provide appropriate references where necessary in your work.
5. Any cases of positive exam misconduct will be punished in terms University Regulations.

SECTION A

Question 1

Among the 5 regional human rights systems in the world (3 advanced and 2 which are emerging) are two whose adjudicatory organs have entertained several cases relating to indigenous peoples. Identifying the two regional systems, cite at least 2 cases from each system involving indigenous peoples and discuss them as well as other similarities and differences you that are peculiar to the two systems.

[70 marks]

Question 2

In a speech given on 5 October 1995, Pope John Paul II applauded the Universal Declaration of Human Rights (UDHR) of 1948 and called it, *“one of the highest expressions of the human conscience of our time.”*

Briefly explain the key differences between the UDHR (1948) and the Organisation of Islam Cooperation’s Cairo Declaration of Human Rights in Islam (CDHRI) of 1990, which differences explain why unlike most Muslim-majority countries that include Egypt, Iran and Pakistan who signed the UDHR in 1948, Saudi Arabia, did not sign it.

[30 marks]

Question 3

During the Cold War era post to World War II, the world was divided into two camps, the Socialist East led by the then Union of Soviet Socialist Republics and the Capitalist West led by the United States of America. Each’s policies were informed by either the International Convention on Civil and Political Rights (ICCPR) or the International Covenant on Economic Social and Cultural Rights as both drawn from the Universal Declaration of Human Rights (UDHR). When the African Human Rights System came up with its own African Charter on Human and Peoples Rights, it was acclaimed as being ahead of its time, having taken an approach directly drawn from the UDHR, an approach confirmed at the Vienna Human Rights Conference of 1993.

Discuss the above assertions in direct reference to the African Human Rights System’s development.

[30 marks]

Question 4

In order to have a regional adjudicatory organ that makes decisions that are legally binding, the African Regional Human Rights System had to come up with the Protocol to the African Charter on Human and Peoples Rights on the African Court of Justice to buttress recommendations passed by the African Commission on Human and Peoples Rights in its findings. As clear evidence of the prudence of the aforementioned move by the African regional system, the Ogiek case initially heard before the African Commission has had a binding decision in the African Court while the UN international system is still grappling with the ICJ’s advisory opinions.

Briefly making reference to the facts of Ogiek case and the Chagos Islands case to support your argument, discuss the above statement either in support or against it.
[30 marks]

Total [100 marks]

END OF EXAMINATION