

Sultan
International Law
Fall 1991

QUESTION 1 (50 POINTS)

Back in the second half of the last century, "The Iron Chancellor" of Prussia, Count Otto von Bismark, commented to the Russian Czar that Russia can only find troubles and disappointments in Europe. Desiring freedom from pressures from the east while he unified Germany under the Prussian crown, Bismark's diplomatic acumen proved once again to be most astute: the Czar began a successful military campaign in the south and southeast that led to the eventual conquest of a large number of largely Moslem areas that presently undergirdle the Soviet Union.

On September 1, 1991, Tarterstan, one of these "autonomous" republics, conducted a referendum ordered by its parliament, but condemned as "unconstitutional" by the Soviet government in Moscow. As a result of the balloting, 94% of the votes called for the creation of a completely independent Moslem state of Tarterstan, and for an acceleration in the already active construction of new mosques that had begun two years earlier. Implementing the referendum on October 1, 1991, the Tarterstan parliament declared its independence from Moscow, that Islam was its official religion, and that the new state will be a nuclear free zone with existing nuclear weapons to be transferred to the Government of Russia (then and now led by Boris Yeltsen).

On September 15, the newly formed Tarter government, a cabinet system constitutionally elected by the Tarter parliament, demanded the removal of all Soviet military forces within six months. It also entered into economic treaty relations with twelve of the seventeen "autonomous"

Soviet republics. Patterned after the European Economic Community in its present stage of development, the resulting Eurasian Economic convention that came into force on September 30, 1991, remains open for the accession of other Soviet "autonomous" republics, but not the Soviet Union itself.

On November 1, 1991, Tarterstan applies for membership into the United Nations, citing article 4 of its Charter, which reads,

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

By this time, virtually all Moslem states from Morocco to Indonesia and a sprinkling of other states have recognized Tarterstan.

A recent graduate of the University of Dayton Law School, you are employed on the staff of the General Legal Director of the UN Secretariat. The Director asks you to prepare a memo dealing with the legal issues raised by Tarterstan's application, including how they should be resolved, and why they should be resolved in that manner.

QUESTION 2 (50 POINTS)

Alice (A) and Clara (C) are Egyptian nationals and members of the Islamic faith. Betty (B) and Doris (D) are United States nationals and members of the Protestant faith. A and B work for the Saudi Arabian Embassy in Washington, D. C., and C and D work for the Washington, D.C. office of OPEC, the Organization of Petroleum Exporting Countries, an International Organization concerned with a particular commodity. Its Washington, D.C. office is duly registered with the Department of State to represent OPEC interests in the United States, including those before the United States Government. The Saudi Embassy is headed by its Ambassador to the United States; the OPEC office is headed by an Iranian national and clergyman, employed by OPEC.

Claiming sex discrimination in compensation and promotion in violation of the 1964 Civil Rights Act, A B C & D bring suit in the United States District Court for the District of Columbia. In response, both OPEC and the Egyptian Embassy claim immunity from suit.

Can the discrimination claims be considered on their merits?

Why or why not?