

UNIVERSITY OF SWAZILAND

DEPARTMENT OF LAW

FINAL EXAMINATION PAPER, 2007 (MAIN)

TITLE OF PAPER : INTERNATIONAL TRADE AND INVESTMENT

COURSE CODE : L508

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS : ANSWER FOUR (4) QUESTIONS
ALL QUESTIONS CARRY EQUAL MARKS

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN
GRANTED BY THE INVIGILATOR.**

QUESTION ONE

Article I:1 of the GATT 1994 provides that an advantage granted to a product originating in or destined for any other country shall be accorded to other “like products” originating in or destined for the territories of all WTO members.

Critically analyse this provision of the GATT making reference to decided cases.

(25 Marks)

QUESTION TWO

A core principle of the GATT- 1994 is the obligation to provide most favoured nation (MFN) treatment to all other WTO members. This principle was deemed so important that GATT drafters put it in Article I of the agreement. At present, regional free trade areas (FTAs) such as SACU are springing up all over. FTAs are of course preferential, not MFN. In your opinion do FTAs compromise the WTO? Are there any offsetting benefits?

(25 marks)

QUESTION THREE

Discuss fully the two elements of the non-discrimination principle in international trade law, pointing out the differences between the two.

(25 Marks)

QUESTION FOUR

The Agreement on Anti-Dumping lays down strict criteria for determining when an imported product should be treated as being dumped. Discuss fully.

(25 Marks)

QUESTION FIVE

Simangele Mavundla is an employee of the government of Swaziland, Ministry of Trade and Industry. She was recently transferred to that Ministry from the Ministry of Economic Planning. She is eager to learn as much as she can on the dispute settlement mechanism of the WTO, as she is scheduled to attend a conference in Geneva themed "How Your Country Can Take Advantage of the Dispute Settlement Procedure of the WTO". She comes to you and requests you to write a paper on Dispute Settlement in the WTO to enable her to participate effectively in the discussions during the conference.

(25 Marks)