

UNIVERSITY OF SWAZILAND

DEPARTMENT OF LAW

FINAL EXAMINATION PAPER, 2010 (SUPPLEMENTARY)

TITLE OF PAPER : INTERNATIONAL TRADE AND INVESTMENT LAW

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

The Minister of Trade is scheduled to present a paper on tariffs and their utility, as well as other measures that can be imposed as an alternative to tariffs on goods entering the territory of your country to local business people. He has approached you to draft a comprehensive, well reasoned speech for him.

(25 Marks)

### QUESTION TWO

Article XX of GATT 1994 recognises that governments may need to apply and enforce measures for purposes such as the protection of public morals; human, animal or plant life; and the protection of national treasures. Discuss this provision of the GATT, having regard to decisions of the WTO Dispute Settlement panel and or Appellate Body.

(25 Marks)

### QUESTION THREE

Critically discuss the MFN principle under GATT, GATS and TRIPS.

(25 Marks)

### QUESTION FOUR

The WTO dispute settlement system has been hailed as one of the most significant achievements of the Uruguay Round. Write a brief for your Trade Representative in

Geneva, analysing what the WTO dispute settlement system is, its primary object, its jurisdiction, who has access to the system, as well as the challenges faced by the system.

(25 Marks)

#### QUESTION FIVE

The Agreement on Subsidies and Countervailing Measures, as well as the Agreement on Antidumping practices provide exceptions to the non-discrimination principles of the multilateral trading system.

Discuss in full.

(25 Marks)