

UNIVERSITY OF SWAZILAND

287

DEPARTMENT OF LAW

FINAL EXAMINATION PAPER, 2012 (MAIN)

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

Discuss the basic rules and principles of the multilateral trading system making specific reference to the most fundamental principle of WTO law and whether WTO law takes into account the special situation of developing countries.

(25 Marks)

QUESTION TWO

WTO law provides for detailed rules with respect to dumping and subsidisation. Critically discuss the rules governing either dumping or subsidies.

(25 Marks)

QUESTION THREE

- (a) Critically discuss the object and purpose of WTO law? (5 marks)

- (b) The WTO dispute settlement system has been defined as an “integrated dispute settlement”. What does this mean and why is this important? (10 marks)

- (c) Could a WTO member refuse to submit to jurisdiction of the WTO dispute settlement system? Include in your answer a discussion on who has access to the WTO dispute settlement system. (10 marks)

(25 Marks)

QUESTION FOUR

- (a) Discuss critically the constituent elements of the MFN treatment test of Article I:1 of the GATT 1994? According to the Appellate Body in *EC – Asbestos*, which three questions of interpretation need to be answered to clarify the concept of ‘likeness’?

(15 marks)

- (b) Critically analyse the purpose of the national treatment obligation set out in Article III of GATT 1994, outlining the relationship between the first sentence between the first and the second sentence of Article III:2.

(10 marks)

(25 Marks)

QUESTION FIVE

Compare and contrast the classical and neo-classical theories of international trade.

(25 Marks)