

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE, DEPARTMENT OF LAW

FINAL EXAMINATION PAPER, MAY 2017 (MAIN)

TITLE OF PAPER: INTERNATIONAL TRADE AND INVESTMENT LAW

COURSE CODE: L508

TIME ALLOWED: THREE (3) HOURS

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

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

QUESTION ONE

Referring to decided cases, discuss the four-tier test of consistency with the MFN obligation set out in Article I:1 of the GATT 1994.

(25 Marks)

QUESTION TWO

Pursuant to the successful completion of your studies, you have been employed by the law firm Gama Ndlovu Nxumalo Attorneys in Manzini. You consult with a client of Israeli descent who intends to start a shoe making business in Swaziland. He requests your firm to draft a written opinion on the laws and regulations affecting investment in Swaziland.

(25 Marks)

QUESTION THREE

Write a brief outlining why countries trade. In your brief you are required to outline at least three theories for trade.

(25 Marks)

QUESTION FOUR

- (a) You have been requested to outline for the Director of Trade in the country of which you are a national the key features of the WTO dispute settlement system and how it differs from other international dispute settlement systems. (15 marks)
- (b) Your Director has also requested you to outline the essentials of the concept of dumping on the one hand, and subsidies on the other. (10 marks)

(25 Marks)

QUESTION FIVE

Write short notes on the following;

- (a) The consistency test under Article III:2, second sentence of the GATT, 1994 (5 marks)
 - (b) A bound tariff under WTO rules (5 marks)
 - (c) The Doha Declaration on the TRIPs Agreement and Public Health (5 marks)
 - (d) An actionable subsidy under the SCM Agreement (5 marks)
 - (e) The definition of “domestic industry” under the Anti-dumping Agreement (5 marks)
- (25 Marks)