

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCES, DEPARTMENT OF LAW

FINAL EXAMINATION PAPER, JULY 2018 (SUPPLEMENTARY)

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

The Dispute Settlement Understanding (DSU) is considered to be one of the most important achievements of the Uruguay Round of trade negotiations.

Critically evaluate the veracity of the above statement.

(25 Marks)

QUESTION TWO

Following the completion of your studies you have been engaged by the Ministry of Trade and a Consultant. Your first brief is to advise the Director for Trade on the advantages of the use of customs duties as a trade policy tool, over the use of quantitative restrictions. You are required to submit a comprehensive brief which will clarify not only the nature and purpose of these measures, but also the obligations of the Government of Swaziland as a member of the WTO in this regard.

(25 Marks)

QUESTION THREE

- (a) From a WTO perspective, what is the problem with regional trade agreements?
(5 marks)
- (b) What is the test to determine whether a measure which is otherwise inconsistent with the GATT 1994 is justified under Article XXIV?
(10 marks)
- (c) Discuss the rationale behind the economic emergency exception provided for in Article XIX of the GATT 1994 and the Agreement on Safeguards.
(10 marks)

(25 Marks)

QUESTION FOUR

Newland has three manufacturers of widgets. Newland exports its widgets to Richland and Oldland. Only about 10 percent of the widgets produced in Newland are sold with its domestic market. The producers of widgets in Richland have petitioned their government to impose anti-dumping duties on widgets from Newland as it is of the apprehension that the widgets sold by Newland in its domestic industry are dumped.

You have been approached to write brief on the circumstances under which Richland may, consistent with WTO law, impose anti-dumping duties.

(25 Marks)

QUESTION FIVE

Further to their apprehensions under Question 4 above, the domestic producers of widgets in Oldland have received information that the Government of Newland, through the biggest bank in Newland, provides loans to domestic widget producers at 5% lower than the prevailing lending rate in Newland on the condition that they are exported to other countries.

You are required to write a brief explaining the remedies available to Oldland and the circumstance under which these remedies become available.

(25 Marks)