



UNIVERSITY OF ESWATINI

MAIN EXAMINATION PAPER, OCTOBER 2021

FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF LAW

COURSE CODE: LAW516/L508

**TITLE OF PAPER: INTERNATIONAL TRADE LAW/INTERNATIONAL
TRADE AND INVESTMENT LAW**

TIME ALLOWED: 3 HOURS

Instructions

1. Answer any FOUR questions.

Special Requirements

NONE

Candidates may complete the front cover of their answer book when instructed by the Chief Invigilator and sign their examination attendance cards but must NOT write anything else until the start of the examination period is announced.

No electronic devices capable of storing and retrieving text, including electronic dictionaries and any form of foreign material may be used while in the examination room.

DO NOT turn examination paper over until instructed to do so.

QUESTION ONE

In WTO law, dumping is not prohibited. It is however condemned if it causes injury to the domestic industry of the importing country.

Discuss.

(25 Marks)

QUESTION TWO

According to a statement released by an NGO in your country, your country should terminate its membership in the WTO for, inter alia, the following reasons;

- a) The WTO is controlled by the European Communities and the United States of America;
- b) Your country, as a developing country will not be able to participate effectively in WTO decision making;
- c) Other NGOs, most of which are not friendly to the economic and trade interests of your country have an influential voice in WTO decision-making.

Advise your Minister of Foreign Affairs basing your arguments on legal considerations and principles.

(25 Marks)

QUESTION THREE

- a) What is the object and purpose of the WTO dispute system . (5 marks)
- b) The WTO dispute settlement system has been defined as an 'integrated dispute settlement system'. What does this mean and why is it important? (5 marks)
- c) Can a member challenge the WTO consistency by a private party? (5 marks)
- d) Why are Articles 31 and 32 of the Vienna Convention on the Law of Treaties relevant to the interpretation and clarification of the provisions of the covered agreements? (5 marks)
- e) What are the remedies for breach of WTO law? (5 marks)

(25 Marks)

QUESTION FOUR

The most favoured nation principle and the national treatment principle form one of the main pillars of the international trading system under the WTO.

Discuss these two principles making reference to decided cases to illustrate your response.

(25 Marks)

QUESTION FIVE

The Preamble of the WTO Agreement states, in part, that WTO members pursue the objectives of higher standards of living, full employment, growth and sustainable economic development by entering into reciprocal and mutually advantageous arrangements directed to the substantial reduction of tariffs other barriers to trade. Because of this statement in the Preamble, market access has been defined as one of the pillars of WTO law.

Critically discuss.

(25 marks)