



UNIVERSITY OF ESWATINI

RE-SIT EXAMINATION PAPER, DECEMBER 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

The theory of comparative advantage is still the predominant explanation for why countries, even the poorest, can and do benefit from international trade.

Critically discuss the theory of comparative advantage.

(25 Marks)

QUESTION TWO

International trade and international investment go hand in hand. Governments recognize the importance of international investments to the development of their countries and have not only created laws, but also institutions to promote international trade. You are required to write a brief on what you consider to be the more significant laws and institutions that the Government of Eswatini has created to promote investment in the country

(25 Marks)

QUESTION THREE

Under the law of the WTO, only subsidies that are contingent on export are prohibited.

In your view, is the above statement an accurate exposition of the law of subsidies? Discuss fully.

(25 Marks)

QUESTION FOUR

“WTO membership squanders countries’ sovereignty and its core rules and disciplines are really about opening up foreign markets for multinationals.”

- a) Discuss the veracity of the statement, focusing on whether WTO law prevails over the Constitutions of their members, and whether WTO law has direct effect in the law of Eswatini. (15 marks)
- b) Discuss analytically the benefits of multinationals and whether, in your opinion, it is true that WTO rules and disciplines are about opening up foreign markets for multinationals. (10 marks)

(10 marks)

(25 Marks)

QUESTION FIVE

There are several exceptions to the application of the main rules of the WTO like the rules on non-discrimination and the rules on market access. One such exception is the regional trade agreements exception of Article XXIV.

Do you agree with this statement, and why?

(25 Marks)