

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May,2019

Course: International Economic Law
Programme: B.A. LL.B. (Hons.) Energy Law
Course Code: LLBL 501
No. of page/s: 2

Semester: VIII
Time: 03 hrs.
Max. Marks: 100

Instructions:

Attempt all questions from Section A & D.
 Attempt any two questions from Section B & C.

SECTION A

S. No.	Question	Marks	CO
Q 1	Elaborate the context and outcome of the Bretton Woods Conference.	2	1
Q 2	Discuss the role and functions of IMF & World Bank.	2	1&2
Q 3	Discuss the formation of GATT as genesis to govern multilateral trade.	2	2
Q 4	How WTO is different from its predecessor GATT?	2	2&3
Q 5	Write a brief note on 'Rules of Origin' (RoO) in international trade.	2	3

SECTION B

Attempt any two

Q 6	Critically analyze if GATT proved to be a success or failure. Explain the fundamental principles of multilateral trade established by GATT/WTO regime.	10	2&3
Q 7	What constitutes Dumping under GATT/WTO legal regime? What way it distorts market? Discuss the legal framework and procedure to resort to anti-dumping measures by the WTO Member nations.	10	3&4
Q 8	Elaborate the mechanism of special and differential treatment (S&DT) provided for developing and least-developed countries under GATT/WTO. Discuss its genesis and effectiveness in achieving its avowed objectives.	10	3&4

SECTION-C

Attempt any two

Q 9	Discuss the significance of inclusion of IPR in international trade. What are the broad objectives and main pillars of the WTO TRIPS Agreement? Highlight TRIPS flexibilities.	10	2&3
Q 10	Critically discuss the various rounds of GATT negotiations for liberalizing international trade relations. How Uruguay round was distinct from the previous rounds of trade negotiations?	10	2&4
Q 11	Taking India as a case study, how do you think few recent investment arbitral awards have resulted in fundamental change reg. policy on bilateral investment treaties? Cite relevant case examples.	10	2&3

SECTION-D

Q 12	<i>“In 2015 the World Trade Organization (WTO) celebrated the 20th anniversary of its activity. The goal of the WTO is to liberalize trade in goods and to create a harmonized, international trade system. These activities are intended to facilitate increasing prosperity and economic stability of countries from various regions and at different levels of economic development. The establishment of the World Trade Organization is considered one of the most important events in the international arena in the recent history. The WTO, along with International Monetary Fund and International Bank for Reconstruction and Development, is regarded as the third pillar of the world economic order.”</i> In this backdrop, discuss the scope and functions of the WTO as an International Trade Organization. Critically analyze its importance in regulating international trade. Substantiate your answer with relevant case studies.	20	3,4&5
Q 13	<i>“Environmental issues began to be systematically addressed in the WTO following the Decision on Trade and Environment taken towards the end of the Uruguay Round at Marrakesh in 1994. The Committee on Trade and Environment was established in the same year, with the explicit mandate to resolve environmental issues in the trading system. Some new agreements under the WTO also contained environmental provisions. In 2001, the environment was explicitly put on the negotiating agenda in the Doha Ministerial Declaration in 2001. Today the environment has been mainstreamed into the multilateral trading system, and has significant implications for shaping future rules under the WTO regime”.</i> Against this backdrop, critically examine the trade and environment interface under GATT/WTO jurisprudence. What trends do you observe in settling such disputes by WTO DSB? Substantiate your answer with two relevant case law examples.	20	3&5
Q 14	Write a case comment on a trade dispute settled by the GATT/WTO DSB.	10	4

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SECTION A

S. No.		Marks	CO
Q 1	Write a brief note on NIEO.	2	1
Q 2	Highlight the Decision Making Procedure in GATT/WTO.	2	1&2
Q 3	Enumerate the ' <i>Birth Defects</i> ' of GATT 1947.	2	1&3
Q 4	Discuss the context and features of Havana Charter and ' <i>abortion</i> ' of ITO.	2	1&3
Q 5	Comment upon the role of the <i>WTO Committee on Trade and Environment</i> .	2	2

SECTION B

Q 6	What are the main objectives and functions of the WTO as an International Trade Organization? It is said that ' <i>the alternative of not joining the WTO is rather worse</i> ', Substantiate.	10	2&3
Q 7	<i>'MFN clause in GATT is a misnomer'</i> . Analyze this statement keeping in view of the workings of this clause in ensuring non-discrimination in international trade. State its exceptions.	10	2,3&4

Q 8	What do you understand by the term ‘ <i>Regional Trade Agreements (RTAs)</i> ’? Discuss the main forms of RTAs. What are the requirements towards formation of RTAs, as permitted under the GATT/WTO legal regime?	10	3&4
SECTION-C			
Q 9	Critically analyze the WTO regime on Intellectual Property protection as laid down under the TRIPS Agreement. Discuss the special provisions related to concessions given to Developing country Members. Do you think these concessions are satisfactory?	10	3&5
Q 10	What criteria are used to establish dumping in international trade? What are the <i>de-minimus</i> requirements for an actionable dumping? Critically analyze the legal basis for imposing anti-dumping duty by the importing country member.	10	2,3&4
Q 11	How does trade in services complements trade in goods? Discuss the various modes of supply laid down under the WTO Agreement on Trade in Services. Discuss the important features of the WTO Agreement on Trade in Services.	10	4&5
SECTION-D			
Q 12	<i>“The GATT and its successor WTO accord developing countries special rights and privileges that affect the ways they participate in the multilateral trading system. These special rights and privileges are collectively referred to as ‘special and differential treatment (S&DT)’ for developing and least developed countries”</i> . In the light of this statement, analyze a case law on the point. Discuss the scope, genesis and effectiveness of S&DT under GATT/WTO in achieving its avowed objectives.	15	3&5
Q 13	<i>“Bilateral and regional investment agreements have proliferated in the last few decades and new ones are still being negotiated. Most-Favoured-Nation (MFN) clauses link investment agreements by ensuring that the parties to one treaty provide treatment no less favourable than the treatment they provide under other treaties in areas covered by the clause. MFN clauses have thus become a significant instrument of economic liberalization in the investment area. Moreover, by giving the investors of all the parties benefiting from a country’s MFN clause the right, in similar circumstances, to treatment no less favourable than a country’s closest or most influential partners can negotiate on the matters the clause covers, MFN avoids economic distortions that would occur through more selective country-by-country liberalization”</i> . In the light of this statement, critically analyze the outcome of <i>White Industries Australia Limited v. The Republic of India</i> , Final Award. 30 Nov 2011.	20	2,3&5
Q 14	<i>“GATT and the WTO have tackled some very difficult challenges in their evolution. The later rounds of GATT negotiations mainly concentrated to tackle trade barriers that do not take the form of tariffs. These might include measures that were apparently</i>	15	3&5

	<p><i>for environmental protection or consumer protection laws that acted as barrier to imports". Cite examples of such measures having been adopted by member countries and tests applied by the trading system to justify such measures. Refer to relevant case laws to substantiate the answer.</i></p>		
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