

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2018

Course: BA.LLB (Hons.) Energy Laws

Course Code: LLBL501

Semester: IX

Programme: International Economic Law

Time: 03 hrs.

Max. Marks: 100

Instructions:

SECTION A

S. No.		Marks	CO
Q 1	What do you understand by the Gold Standard?	5	CO3
Q 2	Are 'Amicus Curiae' briefs accepted at the WTO? Justify your answer.	5	CO3

SECTION B

Q 3	Which provisions enumerated under GATT Article XX are of particular relevance to the protection of the environment? Elaborate, supporting your answer with GATT/WTO case law where necessary.	10	CO3
Q 4	Which principle of international law was laid down by the PCIJ in the oft-quoted Chorzow Factory case? In connection to it, when can a State rely on the defence of 'necessity' in investment treaty arbitration? Elaborate, citing relevant case law.	10	CO3

SECTION-C

Q 5	“The WTO is not useless. Its rules are an essential part of the architecture for a peaceful and prosperous world. But they are lowest common denominator rules for trade between 164 separate and sometimes mutually hostile states, not the rules for deeply integrated, highly cooperative sophisticated allies.” Comment, substantiating your answer with GATT/WTO jurisprudence where applicable.	20	CO3
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OR

Q 6	In recent times, there has been widespread backlash against the Investor-State dispute settlement mechanism or Investment Treaty arbitration, which is seemingly beset with numerous problems. Discuss the 'legitimacy crisis' surrounding ISDS and the possible future perspectives envisaged by the EU and other States.	20	CO3
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SECTION-D

	<p>Mercia is a developed country that imports different kinds of fresh fruits from various countries. In 2016, it imposed certain quarantine requirements on apples imported into Mercia from Inoa and certain other countries. These requirements were said to be necessary to protect against the introduction of fire blight, which is a contagious bacterial disease affecting apples, pears etc. and can destroy entire orchards in a single growing season. One of the measures imposed is the prohibition of apple imports from orchards in which any fire blight is detected. Further there is a requirement that export orchards be inspected three times yearly for the presence of fire blight. Upon inspection, if fire blight is detected within a 500-meter buffer zone surrounding an orchard, such orchard will be disqualified from exporting to Mercia. Interestingly these measures are not applicable to countries where fire blight has not been detected in the past three years of the imposition of these measures.</p> <p>Inoa has brought a complaint to the WTO and has sought consultations with Mercia contending that its quarantine restrictions on the import of apples is inconsistent with Article XI of the GATT 1994 and Articles 2.2 and 5.1 of the SPS Agreement.</p>		
Q 7	Prepare arguments on behalf of Inoa to support their claim should the dispute progress to the Panel stage.	25	CO3
Q 8	What options are available to Inoa should a WTO panel rule in their favour but Mercia is unwilling to comply with the Panel Report?	25	CO3

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SECTION A

S. No.		Marks	CO
Q 1	What is meant by the FET (Fair and Equitable Treatment) standard? Is it a principle of Customary International Law?	5	CO3
Q 2	What do you understand by the 'precautionary principle'?	5	CO2

SECTION B

Q 3	How has GATT/WTO jurisprudence evolved since the Tuna-Dolphin dispute to the Shrimp-Turtle case in relation to environment protection? Justify your answer.	10	CO3
Q 4	Discuss the role played by the IMF vis-a-vis the World Bank and how it has changed over the years.	10	CO2

SECTION-C

Q 5	Will the proposed International Investment Court prove to be a better mechanism for settling investor-state disputes and to ensure investor protection over ad-hoc investor treaty arbitration? Justify your answer.	20	CO3
	OR		
Q 6	The Uruguay Round is regarded as by far the most ambitious Round of trade negotiations in terms of what it sought to achieve. But it saw many ups and downs in the process. Comment on the hurdles faced during the 8-year negotiation period and the major achievements of this Round.	20	CO3

SECTION-D

	In early 2017, Indika, a developing country imposed certain restrictions on the quantity of imports of certain agricultural and textile products in order to safeguard its domestic producers and in order to reduce the quantum of trade deficits. Zoltan, a developed country has brought a complaint to the WTO alleging that these measures are inconsistent with Indika's obligations under Article XI:1 of the GATT. Indika		
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	however claims that these restrictions have been imposed only for a short period of time to tide over unfavourable circumstances.		
Q 7	Prepare arguments on behalf of Zoltan to support their contention that the measures imposed by Indika are quantitative restrictions.	25	CO3
Q 8	What options are open to Indika should the WTO Panel rule in favour of Zoltan? Describe the procedure that will be followed depending on the outcomes.	25	CO3