

Name:
Enrolment No:



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

Course: International Trade Law

Semester: I

Program: LL.M. 2019-2020

Course Code: CLCC 7008

Time: 03 hrs.

Max. Marks: 100

Instructions: 1. Attempt all questions from Section A & D.
2. Attempt any two questions from Section B & C.

No. of page/s: 2

S. No.		Marks	CO
Q 1	'Alternative of not joining the WTO is rather worse', Substantiate.	2	1
Q 2	Cite 'Birth Defects' of GATT 1947.	2	1
Q 3	Quantitative Restrictions	2	1&2
Q 4	Assess GATT & WTO towards establishing rule-based international trading system.	2	1&2
Q 5	Decision Making Procedure in WTO	2	2
SECTION B			
Q 6	What are the main objectives and functions of the WTO as an International Trade Organization? How WTO is different from its predecessor GATT?	10	2&3
Q 7	'MFN clause in GATT is a misnomer'. 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 'Regional Trade Agreements (RTAs)'? 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 if GATT proved to be a success or failure. Explain the fundamental principles of multilateral trade established by GATT/WTO regime with their exceptions, if any.	10	3&5
Q 10	Critically analyze the concept of ‘dumping’ in international trade. What way it distorts trade and commerce? Discuss the legal framework and procedure to resort to anti-dumping measures by the WTO Member nations.	10	2,3&4
Q 11	Critically analyze the legal requirements for taking environmental measures by WTO Members while regulating their trade as laid down under GATT Article XX. Examine the scope and effectiveness of the WTO Committee on Trade and Environment in this regard.	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>“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	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 for environmental protection or consumer protection laws that acted as barrier to imports”.</i> 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.	15	3&5