

<b>Name:</b>	
<b>Enrolment No:</b>	

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**End Semester Examination, May, 2019**

**Course: International Organizations & GATT**

**Semester: VI**

**Programme: BBA.LLB (ITIL)**

**Time: 03 hrs.**

**Max. Marks: 100**

**Instructions:**

**SECTION A**

S. No.		Marks	CO
Q 1	What are the Principle Organs of the United Nations?	2	2
Q 2	Why is Article 2(4) of the UN Charter of paramount importance?	2	3
Q 3	What do you know about the Spaak Report and its outcome?	2	3
Q 4	What does the Codex Alimentarius Commission do?	2	3
Q 5	When did the MIGA come into existence? What is its primary function?	2	3

**SECTION B**

Q 3	What are General Exceptions under GATT? Discuss how member states may seek to justify certain trade-restrictive measures for the protection of the environment under Article XX.	10	3
Q 4	Discuss the objectives and functions of the World Bank and related institutions that are part of the World Bank Group.	10	3

**SECTION-C**

Q 5	How has the GATT/WTO dispute settlement mechanism changed after the Uruguay Round? Discuss laying emphasis on the DISC case.	20	3
	<b>OR</b>		
Q 6	What are the United Nations Treaty Bodies? Critically comment on the relevance and utility of the State Reporting and the Complaints Procedure.	20	3

**SECTION-D**

	Seltire is a developing country located in Asia. In August 2018, it introduced a new Regulation concerning import duties of certain electronic goods including computer systems. The new measure provides 25% import duty reductions or exemptions on imports of computer hardware based on the local content per-cent. All imports unable to meet the local content requirement are subject to a customs duty of 40%. Shortly after the imposition of the new tariff measures, Mercia sought consultations with Seltire, claiming that the new regulations were inconsistent with GATT Article		
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	I: 1 and that its benefits are being nullified and impaired due to the local content requirement. Since the consultations did not yield any favourable results, Mercia, a developed country, has now chosen to bring a complaint and request the establishment of a Panel.		
Q 7	Prepare arguments on behalf of Mercia based on the three-tier test citing relevant GATT/WTO jurisprudence where applicable.	<b>30</b>	<b>3</b>
Q 8	List the exceptions to Article I: 1. Discuss whether Seltire could justify its measures under any or all of them.	<b>20</b>	<b>3</b>

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**SECTION A**

S. No.		Marks	CO
Q 1	When did the IFC come into existence? What is its primary function?	2	3
Q 2	What are Special Drawing Rights? How is the value of an SDR determined?	2	3
Q 3	What do you understand by the term 'Specialized Agency'?	2	3
Q 4	What are the sources of International Law?	2	3
Q 5	What does Article XXI of GATT provide for?	2	3

**SECTION B**

Q 3	What options are available to a WTO member state in the face of non-compliance with an Appellate Body Report by another disputing State? Elaborate, citing relevant case law.	10	3
Q 4	Describe the events that led to the creation of the GATT in 1947 elaborating upon the reasons behind its provisional application in the beginning.	10	3

**SECTION-C**

Q 4	Would you classify the Tokyo Round of Trade Talks as 'Successful'? Comment.	20	3
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**OR**

Q 5	How has GATT/WTO jurisprudence evolved since the Tuna-Dolphin dispute to the Shrimp-Turtle case in relation to environment protection? Justify your answer.	20	3
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**SECTION-D**

	Misalta is a developing country located in the tropical region of the continent of Africa. In early 2017, it adopted a new tariff measure for soft drinks of all categories and other fruit beverages. Under this regime, soft drinks using non-cane sweeteners such as High Fructose Corn Syrup (HFCS) and beet sugar are subject to 20% customs tariff ad valorem while soft drinks and beverages sweetened with traditional cane sugar are subject to a customs tariff of 5% only. A number of countries export soft drinks and/fruit beverages to Misalta using a combination of both cane and non-cane sweeteners. However, Germania exports soft drinks and other beverages to Misalta using only HFCS or beet sugar as sweetener. On the other hand, the bulk of		
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	<p>exports (around 80%) in soft drinks from Trista sweetened with traditional cane sugar is subject to a customs tariff of merely 2%. In Misalta on the other hand, around 30% of soft drinks are produced using HFCS while all fruit beverages exclusively use cane sugar, which in turn boosts the domestic sugar industry.</p> <p>Germania has chosen to bring a complaint to the WTO alleging that the new tariff measure imposed by Misalta (also a WTO member) is inconsistent with GATT Articles I:1</p>		
Q 7	<p>Prepare arguments on behalf of Germania supporting its claim that Misalta's new tariff measure is inconsistent with GATT Article I: 1.</p>	<b>25</b>	<b>3</b>
Q 8	<p>Prepare counter arguments in support of Misalta, which claims that the differential tariff measure applied to Trista is covered by a bilateral trade agreement concluded in 2002 between the two countries.</p> <p>In preparing your arguments, cite relevant GATT/WTO jurisprudence where applicable.</p>	<b>25</b>	<b>3</b>