

# NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination – November 2023  
Semester: UG IX (International Trade and Investment Law Hons.)  
Dispute Settlement in International Trade

1 NOV 2023

Time: Three Hours

Marks: 100

## Instructions:

1. This question paper contains six questions. You are required to answer any FIVE.
2. Students must start each answer by clearly identifying to which question they are responding.
3. You must strictly adhere to the examination protocol.

Q.1). Contrast between the WTO Dispute Settlement Mechanism and the resolution of disputes before the International Court of Justice.

(Marks 20)

Q.2). Discuss the rationale for terms of reference. Examine whether a Panel decline to rule on the matter before it, after a Panel's jurisdiction is established in the light of WTO jurisprudence.

(Marks 20)

Q.3). Discuss the practice of Panels and Appellate Body in accepting *amicus curiae* submissions in WTO disputes.

(Marks 20)

Q.4). A requested the establishment of a Panel to hear a dispute regarding B's minimum price requirements for chocolate bars, which A claimed to be in violation of Article XI: 1 of the GATT 1994. However, in its first written submission to the Panel, A now argues that the minimum price requirements violate not only Article XI: 1 but also Article III: 4 of the GATT 1994 because they result, *de facto*, in less favourable treatment of imports of chocolate bars than of domestic chocolate. A further argues that not only do B's minimum price requirements for chocolate bars violate Article XI: 1 of the GATT 1994, but its requirement that chocolate bars be imported through only one port of entry also violates this article. Discuss whether the Panel can consider the claim of a violation of Article III: 4 of the GATT 1994 and the challenge to the port of entry requirement for imports of chocolate bars?

(Marks 20)

Q.5). What are the procedures for deciding a 'Reasonable Period of Time' (RPT)? What considerations apply in deciding the RPT in a given dispute? Can developing countries, as a matter of right, seek additional RPT?

(Marks 20)

Q.6). When can a Member retaliate? What is the procedure for retaliation?