

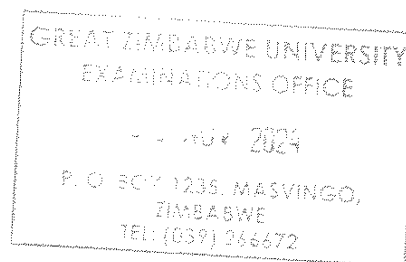


HERBERT CHITEPO LAW SCHOOL
BACHELOR OF LAWS DEGREE
EXAMINATION QUESTION PAPER

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| MODULE CODE | LLB615 |
| MODULE NARRATION | INTERNATIONAL TRADE LAW |
| DATE | 2024 |
| DURATION | 3 HOURS |
| TOTAL | 70 MARKS |

INSTRUCTIONS TO CANDIDATES:

- 1. Write legibly.**
- 2. Section A is compulsory.**
- 3. Answer any two questions in section B.**
- 4. This question paper consists 4 pages.**



SECTION A

THIS SECTION IS COMPULSORY

QUESTION ONE

- a) Examine the impact and role of subsidies and dumping International trade.

[10 marks]

- (b) With emphasis on the IMF and World Bank, examine the role of financial institutions in international trade and the impact they have on developing countries

[20 Marks]

SECTION B

ANSWER ANY TWO QUESTIONS IN THIS SECTION

QUESTION TWO

Note: All countries are WTO Members.

Boland, a developing WTO member, has recently had a spike in HIV/AIDS infections and related deaths. Initially, the government responded with increased access and availability to generic anti-retroviral drug therapy (ART), however, the number of AIDS related deaths continues to increase with little or no noticeable difference despite the wide availability and distribution of generic ART drugs.

The government of Boland commissions a study, through the Boland AIDS Commission (BAC), to provide an explanation on the current situation and provide possible solutions to the health crises. The BAC presents the following findings to the Boland government:

- Clinical studies had confirmed the emergence of a new hybrid HIV variant which was similar to HIV-1 and HIV-2, but the mutation had resulted in resistance to generic ART drugs used in treating HIV-1 and HIV-2 infections. The sample of the new HIV variant had been sent to the World Health Organisation (WHO) which had confirmed the emergence of a new HIV-3 variant;
- All existing generic ART drugs had proved to be ineffective in treating the new HIV-3 virus;
- To date, only one ART drug, *Philovera*, had proved to be effective in treating the HIV-3 variant. The patent for *Philovera* is held by a pharmaceutical company, Diabax, based in Goodland, a developed WTO member, and costs USD5000,00 per patient per annum.
- Diabax has declined to enter into negotiations for the granting of licenses for pharmaceutical companies in other countries to manufacture *Philovera*, which if accepted, would have decreased the cost of the drug;
- There is no technology and knowledge capacity to manufacture *Philovera* in Boland, and Boland cannot afford to procure the drug from Diabax;
- Capacity to manufacture *Philovera* exists in Hopely, a developing WTO member, however, Boland has not acceded to the Protocol Amending the TRIPS Agreement of 2005.

You are the chief trade legal advisor to the government of Boland and are required to provide a legal brief on options available in the WTO system for Boland to procure *Philovera* at an affordable and reasonable price to assist in dealing with the HIV-3 pandemic. **[20 Marks]**

QUESTION THREE

- a) To what extent, if at all, do regional trade agreements undermine the agenda of the WTO? **[10 Marks]**
- b) It is ultimately in the interests of Zimbabwe to form part of the WTO and its structures. Do you agree? **[10 Marks]**

QUESTION FOUR

Write a brief essay describing and analysing the dispute settlement system of WTO with emphasis to, negative consensus, remedies available and the timelines. **[20 marks]**

TOTAL MARKS: 70

END OF QUESTION PAPER