LAWS510
International Trade and Finance
S2 Day 2016
Dept of Law

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# General Information

<table>
<thead>
<tr>
<th>Unit convenor and teaching staff</th>
<th>Unit Convenor and Lecturer</th>
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<tbody>
<tr>
<td>Dr Afroza Begum</td>
<td><a href="mailto:afroza.begum@mq.edu.au">afroza.begum@mq.edu.au</a></td>
</tr>
<tr>
<td>Contact via Email: <a href="mailto:afroza.begum@mq.edu.au">afroza.begum@mq.edu.au</a></td>
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<tr>
<td>W3A 339</td>
<td>Fridays 9am – 10am or by appointment</td>
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<table>
<thead>
<tr>
<th>Tutor</th>
<th>Shafiqur Khan</th>
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<tbody>
<tr>
<td>Contact via Email: <a href="mailto:shafiqur.khan@mq.edu.au">shafiqur.khan@mq.edu.au</a></td>
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<tr>
<td>W3A 340</td>
<td>Fridays 9am-10am</td>
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| Credit points                   | 3                           |

| Prerequisites                   | 39cp                        |

| Corequisites                    | LAWS259 or LAW409 or LAW459 or LAW509 |

| Co-badged status               |                              |

## Unit description

The legal regime governing the international exchange of goods, services, and intellectual property under the WTO is the subject matter of this unit. The interaction of trade and monetary issues and interplay of law, politics, and diplomacy in regulating these issues are covered. Topics inclusively include: structural aspects of trade and finance; trade liberalisation; trade in goods (agriculture); trade protectionism (dumping, subsidy); trade remedies/measures (safeguards); service trade; intellectual property trade; dispute settlement; Singapore issues (trade facilitation, investment); non-trade issues (human rights, environment); and transactional aspects of trade. The contemporary developments in, and the future of, international trade are examined.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at [https://students.mq.edu.au/important-dates](https://students.mq.edu.au/important-dates)
Learning Outcomes

1. Appreciate the contextual nature of international trade by fostering a sound knowledge of the way the economic, political and ethical values shape the development of international regulation and relevant standards.

2. Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.

3. Apply logical, critical and creative thinking skills to resolve legal problems.

4. Connect international trade law doctrine and theory to international trade, economic, and financial actors (trading nations, WTO, IMF, World Bank, MNCs, and NGOs/advocates of international economic affairs) to provide cross-border and multi-jurisdictional expertise and experience.

5. Explain how international trade law impacts on national trading policy and practice, and confronts controversial and pressing issues of trade and finance in the contemporary era of economic globalisation.

6. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument.

General Assessment Information

EXPECTATIONS AND REQUIREMENTS OF ASSIGNMENTS

PARTICIPATION in Class/Tutorial and OCS worth 10% mark

1. Substantive requirements: Internal students will be assessed on the basis of their knowledge, understanding and analytical ability to evaluate the issues raised in each weekly topic. Active participation in the class will require students to read and understand various issues scheduled for discussions on a regular basis. Students are also required to participate in discussions that extend beyond these set topics and readings through their own evaluation of the issues raised.

2. Formal requirements: Internal students are required to attend the tutorials in accordance with the schedule of classes/tutorials set out in this Unit Guide and complete the prescribed readings for each week. External students must attend the three-day OCS from 9 am to 4 pm as a compulsory and substantive academic requirement. Exemptions may be granted only in exceptional circumstances and subject to the provision of appropriate documentation. If an exemption is granted, work in lieu will need to be submitted.

3. Marking criteria/rubrics:

   1. Regular and timely presence in tutorials or OCS;
   2. Active and effective class participation;
   3. Knowledge and understanding of the subject matter;
4. Ability to develop ideas and think critically;
5. Problem solving skills; and
6. Oral communication skills.

**Problem Solving worth 40% mark**

1. **Substantive requirements:** This assignment will be assessed based on the discipline specific knowledge, understanding and identification of the relevant legal issues, and their application to a given (real or hypothetical) fact situation/problem of contemporary trading relations. Students may be required to take their research beyond the prescribed books and course materials (the supplementary books and journals provide a starting point for further research). Clarity of expression, presentation of argument, responsiveness to question, and correct and consistent reference style will also be taken into account. Students are encouraged to consider a theoretical as well as applied dimension to the issues under consideration for a problem question subsumable in international trade law.

2. **Marking criteria/rubrics:**
   1. Originality of the work;
   2. Accurate identification and analyse of issues by using primary and secondary sources;
   3. Theoretical discipline specific knowledge relevant and applicable to the problem;
   4. Depth of legal research and critical analytical skill with innovative and interdisciplinary approach; and
   5. Coherence of presentation, clarity of expression, responsiveness to the problem; and correct citation.

**Research Paper worth 50% mark**

1. **Substantive requirements:** This assignment is meant to test the legal research and writing skill. Students will be assessed on the basis of their discipline specific knowledge, understanding and identification of the relevant legal issues, analysis and evaluation of the issues, quality and depth of research, critical, interdisciplinary, policy-oriented approach, and overall presentation. Research should extend beyond the prescribed books and course materials (recommended books and journals provide a starting point for research). Clarity of expression, presentation of argument, responsiveness to the issues raised, and correct, complete, and consistent reference/citation style will be taken into account.

2. **Marking criteria/rubrics:**
   1. Extent of theoretical and applied knowledge and understanding of international trade/finance law relevant and applicable to the specific area of the research;
   2. Depth of research and interdisciplinary approach;
   3. Intellectually construct and defend arguments with scholarly support;
   4. Free and innovative thinkers, a policy-oriented approach, and the ventilators of new ideas contributing to the progressive development of the international legal regime; and
5. Orderly presentation - clarity of expression, coherently addressing the issues raised, and correct, complete, and consistent reference/citation style.

**Formal requirements for both written (problem question and research) assignments**

The following requirements as to presentation of papers must be complied with:

- Both assignments are meant to be the independent works of individual student. Assignments are not group works or exercises. Students are strictly prohibited to use their social media (face books/twitters etc) in the preparation of assignments.

- Both assignments must be typed with 12 point font in the text and 10 point font in foot/ end notes. Bibliography/reference must also be 12 point font.

- The word limit must be strictly maintained. The word limit does not include the footnotes and bibliography, although footnotes must not include any substantive content. The actual word length of your assignment must be stated on the cover sheet.

- Footnotes, bibliography and other referencing must be consistent with the *Australian Guide to Legal Citations*, which can be downloaded at [http://www.law.unimelb.edu.au/mu](http://www.law.unimelb.edu.au/mu).

- Substantive and procedural requirements referred to are important and should be followed in both assignments.

### Assessment Tasks

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Due</th>
</tr>
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<tbody>
<tr>
<td><strong>Class Participation (CP)</strong></td>
<td>10%</td>
<td>Every tutorial and OCS</td>
</tr>
<tr>
<td><strong>Problem Question</strong></td>
<td>40%</td>
<td>29 September by 5 pm</td>
</tr>
<tr>
<td><strong>Research Assignment</strong></td>
<td>50%</td>
<td>7 November by 5 pm</td>
</tr>
</tbody>
</table>

**Class Participation (CP)**

**Due:** *Every tutorial and OCS*

**Weighting:** *10%*

Students must read, understand in advance (at least prior to their tutorials) various issues scheduled for discussions (see Unit Guide for week-by-week topics), and be prepared to actively participate in class discussions to enhance oral communication skill.

This Assessment Task relates to the following Learning Outcomes:

- 1. Appreciate the contextual nature of international trade by fostering a sound knowledge
of the way the economic, political and ethical values shape the development of international regulation and relevant standards.

- 2. Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.
- 5. Explain how international trade law impacts on national trading policy and practice, and confronts controversial and pressing issues of trade and finance in the contemporary era of economic globalisation.
- 6. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument.

Problem Question
Due: 29 September by 5 pm
Weighting: 40%

The Problem Question is a take-home assignment on the applied aspects of international trade and finance. It is intended to provide students with an opportunity to critically evaluate hypothetical legal problem scenarios and formulate and defend appropriate arguments in a clear, structured and logical manner with scholarly support.

Word length 2000 words (to be posted on iLearn in Week 5). The work must be submitted via TURNITIN.

This Assessment Task relates to the following Learning Outcomes:
- 1. Appreciate the contextual nature of international trade by fostering a sound knowledge of the way the economic, political and ethical values shape the development of international regulation and relevant standards.
- 3. Apply logical, critical and creative thinking skills to resolve legal problems.
- 4. Connect international trade law doctrine and theory to international trade, economic, and financial actors (trading nations, WTO, IMF, World Bank, MNCs, and NGOs/advocates of international economic affairs) to provide cross-border and multi-jurisdictional expertise and experience.
- 5. Explain how international trade law impacts on national trading policy and practice, and confronts controversial and pressing issues of trade and finance in the contemporary era of economic globalisation.
- 6. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument.

Research Assignment
Due: 7 November by 5 pm
Weighting: 50%

The research paper is meant to give students an opportunity to write on a topic of their own choice from the limit/list given. Students are required to go deeper into it and to present it in a logically coherent manner. It is designed to develop and implement legal research skills and analytical abilities to examine relevant aspects of trade with academic support. This method of assignment enables the students to be free and innovative thinkers, adopt a policy-oriented approach, and the ventilators of new ideas, thereby contributing to the progressive development of the international legal regime.

**Word length 2,500 words** (to be posted on iLearn in Week 8) The assignment MUST be submitted through TURNITIN.

This Assessment Task relates to the following Learning Outcomes:

- 1. Appreciate the contextual nature of international trade by fostering a sound knowledge of the way the economic, political and ethical values shape the development of international regulation and relevant standards.
- 2. Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.
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- 6. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument.

**Delivery and Resources**

This course will be delivered via lectures (also available on iLearn) and through seminars/tutorials. Students will be required to actively participate in discussion based on the readings, as well as any problem and discussion questions set by the convenor. External students must attend a three-day intensive/OCS (9am-4pm) to be held on the 24th, 25th and 26th of September 2016.

**On-Campus Sessions (OCS)**

<table>
<thead>
<tr>
<th>Session</th>
<th>Date</th>
<th>Time</th>
<th>Location</th>
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</tbody>
</table>
Tutor: Shafiq Khan (shafiqur.khan@students.mq.edu.au)

For lecture times and classrooms please consult the MQ Timetable website: http://www.timetables.mq.edu.au. This website will display up-to-date information on your classes and classroom locations.

Required and Recommended Readings

Compulsory text and two alternative materials books are the CORE readings and prescribed with the intention that every student MUST consult them, preferably by acquiring their own personal copy. Compulsory text is very up to date, as there has not been any new substantive WTO law-making since the Hong Kong WTO Ministerial Conference in December 2005. The subsequent development of the WTO law through its dispute settlement system since 2007 relevant to any lecture/tutorial topic will be highlighted and commented upon at appropriate places. Materials books are the important sources of primary materials/documents on the WTO and trade law. Students may need to consult relevant supplementary readings for the better understanding of some issues. For advanced knowledge and better performance in the assignments, some select scholarly articles are also prescribed in lecture/tutorial sessions. Prescribed text and materials books are also available in the Reserve section of the Macquarie Library. There is no prepared materials book for this unit. Should you encounter difficulty in accessing these sources, contact the Convenor.

Compulsory Textbook


Cases and Materials Books


Recommended Readings

Students are also advised to consider and consult the following books and journal articles to supplement the text and materials.


Unit guide LAWS510 International Trade and Finance


Feeney, S P, ‘The Dispute Settlement Understanding of the WTO Agreement: An Inadequate
Unit guide LAWS510 International Trade and Finance


This list is by no means exclusive and exhaustive. For additional resources students are encouraged to use the library catalogue and databases. The WTO website is an important source of primary materials and various WTO studies. The International Legal Materials (ILM) also compiles international trade documents and it is available in hard copies in the Library and can also be searched under Hein Online.

Unit webpage and technology used and required

Online units can be accessed at: http://ilearn.mq.edu.au

The unit has iLearn web page. iLectures will be available for downloading over the internet. Assignments, information, and announcements relating to the unit and will be posted on this iLearn site. Students must check this site regularly for any important information/announcement relating to the unit.

### Unit Schedule

<table>
<thead>
<tr>
<th>Week beginning on 1 August</th>
<th>Lecture Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week 1</td>
<td>Contemporary international trading regime and Australia</td>
</tr>
<tr>
<td>Week 2</td>
<td>GATT and WTO trading regime and principles</td>
</tr>
<tr>
<td>Week 3</td>
<td>International financial system: IMF and World Bank</td>
</tr>
<tr>
<td>Week 4</td>
<td>Regional and bilateral free trading arrangements</td>
</tr>
<tr>
<td>Week 5</td>
<td>Non-tariff barriers to trade: SPS and TBT</td>
</tr>
<tr>
<td>Week 6</td>
<td>Trade in goods: agriculture and its protectionism</td>
</tr>
<tr>
<td>Week 7</td>
<td>Dumping and anti-dumping, subsidies and countervailing, and escape clauses</td>
</tr>
<tr>
<td>Mid-Session Break 17 September ---2 October</td>
<td>No Lecture --No Tutorial</td>
</tr>
<tr>
<td>Week 8</td>
<td>Trade in services and its pressing matters</td>
</tr>
<tr>
<td>Week 9</td>
<td>TRIPS Agreement, TRIPS-Plus and transfer of technology</td>
</tr>
<tr>
<td>Week 10</td>
<td>Dispute settlement of the WTO</td>
</tr>
<tr>
<td>Week 11</td>
<td>Non-trade issues at the WTO: environment and human rights</td>
</tr>
<tr>
<td>Week 12</td>
<td>Transactional aspects: sale and carriage of goods and payment</td>
</tr>
<tr>
<td>Week 13</td>
<td>Developing countries in the multilateral trading system</td>
</tr>
</tbody>
</table>

https://unitguides.mq.edu.au/unit_offerings/61682/unit_guide/print
Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central. Students should be aware of the following policies in particular with regard to Learning and Teaching:

- **Academic Honesty Policy** [http://mq.edu.au/policy/docs/academic_honesty/policy.html]
- **Assessment Policy prior to Session 2 2016** [http://mq.edu.au/policy/docs/assessment/policy.html]
- **Grading Policy prior to Session 2 2016** [http://mq.edu.au/policy/docs/grading/policy.html]
- **Grade Appeal Policy** [http://mq.edu.au/policy/docs/gradeappeal/policy.html]
- **Complaint Management Procedure for Students and Members of the Public** [http://www.mq.edu.au/policy/docs/complaint_management/procedure.html]
- **Disruption to Studies Policy** [http://www.mq.edu.au/policy/docs/disruption_studies/policy.html] The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.

In addition, a number of other policies can be found in the **Learning and Teaching Category** of Policy Central.

**Student Code of Conduct**

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student_conduct/](https://students.mq.edu.au/support/student_conduct/)

**Results**

Results shown in iLearn, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in eStudent. For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

**Student Support**

Macquarie University provides a range of support services for students. For details, visit [http://students.mq.edu.au/support/](http://students.mq.edu.au/support/)

**Learning Skills**

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- **Workshops**
- **StudyWise**
- **Academic Integrity Module for Students**
Graduate Capabilities

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

• 1. Appreciate the contextual nature of international trade by fostering a sound knowledge of the way the economic, political and ethical values shape the development of international regulation and relevant standards.
• 3. Apply logical, critical and creative thinking skills to resolve legal problems.
• 4. Connect international trade law doctrine and theory to international trade, economic, and financial actors (trading nations, WTO, IMF, World Bank, MNCs, and NGOs/advocates of international economic affairs) to provide cross-border and multi-jurisdictional expertise and experience.
• 5. Explain how international trade law impacts on national trading policy and practice, and confronts controversial and pressing issues of trade and finance in the contemporary era of economic globalisation.
• 6. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument.
Assessment tasks

• Problem Question
• Research Assignment

Critical,Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

• 2. Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.
• 3. Apply logical, critical and creative thinking skills to resolve legal problems.
• 4. Connect international trade law doctrine and theory to international trade, economic, and financial actors (trading nations, WTO, IMF, World Bank, MNCs, and NGOs/advocates of international economic affairs) to provide cross-border and multi-jurisdictional expertise and experience.
• 5. Explain how international trade law impacts on national trading policy and practice, and confronts controversial and pressing issues of trade and finance in the contemporary era of economic globalisation.

Assessment tasks

• Class Participation (CP)
• Problem Question
• Research Assignment

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

• 1. Appreciate the contextual nature of international trade by fostering a sound knowledge
of the way the economic, political and ethical values shape the development of international regulation and relevant standards.

- 3. Apply logical, critical and creative thinking skills to resolve legal problems.

**Assessment tasks**

- Problem Question
- Research Assignment

**Creative and Innovative**

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

**Learning outcomes**

- 1. Appreciate the contextual nature of international trade by fostering a sound knowledge of the way the economic, political and ethical values shape the development of international regulation and relevant standards.
- 3. Apply logical, critical and creative thinking skills to resolve legal problems.

**Assessment tasks**

- Problem Question
- Research Assignment

**Effective Communication**

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

**Learning outcomes**

- 1. Appreciate the contextual nature of international trade by fostering a sound knowledge of the way the economic, political and ethical values shape the development of international regulation and relevant standards.
- 2. Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.
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and financial actors (trading nations, WTO, IMF, World Bank, MNCs, and NGOs/advocates of international economic affairs) to provide cross-border and multi-jurisdictional expertise and experience.

- 6. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument.

**Assessment task**

- Class Participation (CP)

**Engaged and Ethical Local and Global citizens**

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

**Learning outcomes**

- 2. Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.
- 4. Connect international trade law doctrine and theory to international trade, economic, and financial actors (trading nations, WTO, IMF, World Bank, MNCs, and NGOs/advocates of international economic affairs) to provide cross-border and multi-jurisdictional expertise and experience.
- 6. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument.

**Assessment task**

- Research Assignment

**Socially and Environmentally Active and Responsible**

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

**Learning outcomes**

- 4. Connect international trade law doctrine and theory to international trade, economic,
and financial actors (trading nations, WTO, IMF, World Bank, MNCs, and NGOs/advocates of international economic affairs) to provide cross-border and multi-jurisdictional expertise and experience.

5. Explain how international trade law impacts on national trading policy and practice, and confronts controversial and pressing issues of trade and finance in the contemporary era of economic globalisation.

6. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument.

Assessment task

• Research Assignment

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Learning outcomes

• 1. Appreciate the contextual nature of international trade by fostering a sound knowledge of the way the economic, political and ethical values shape the development of international regulation and relevant standards.

• 2. Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.

• 3. Apply logical, critical and creative thinking skills to resolve legal problems.

• 6. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument.

Assessment task

• Class Participation (CP)

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary
solutions to problems.

This graduate capability is supported by:

### Learning outcomes

- 1. Appreciate the contextual nature of international trade by fostering a sound knowledge of the way the economic, political and ethical values shape the development of international regulation and relevant standards.
- 2. Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.
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- 6. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument.

### Assessment tasks

- Class Participation (CP)
- Problem Question
- Research Assignment