



# BUSL305

## Global Trade Law

S1 Day 2018

*Dept of Accounting & Corporate Governance*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Unit Convenor

Dr John Selby

[john.selby@mq.edu.au](mailto:john.selby@mq.edu.au)

Contact via 9850 7081

E4A 325

Thursday 9am-11am

Moderator

Hope Ashiabor

[hope.ashiabor@mq.edu.au](mailto:hope.ashiabor@mq.edu.au) - students do not email the moderator

Credit points

3

Prerequisites

39cp at 100 level or above

Corequisites

Co-badged status

Unit description

This unit provides an introduction to the legal rules, fundamental principles and institutional framework of trade transactions at international level. The aim of this unit is to acquaint students with the legal regime governing international trade in goods, services and intellectual property rights (IPRs). It focuses on key World Trade Organisation (WTO) agreements and provides insights into some major concepts, principles and rules of international trade law. It also examines the scope, functions and efficiency of the WTO. The interaction of international trade, investment and monetary issues and the interplay of global trade law, politics and international relations in regulating these issues are covered in this unit. Topics addressed include evolution and institutionalisation of international trade law, fundamental principles and exceptions to the GATT-WTO legal regime, trade in goods, services (GATS) and intellectual property rights (TRIPS), rules on regional and bilateral preferential trade arrangements, trade remedies such as safeguards, anti-dumping and countervailing measures, and the WTO dispute settlement mechanism. It also encompasses major critical analysis of contemporary issues such as the legal protection of foreign direct investment, labour standards, environment and human rights, which are substantially interlinked with the regulation of international trade.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

- Understand the origin, development and contemporary institutional arrangements of global trade;
- Identify the tensions between legal and non-legal issues in international trade regulations;
- Recognize multiple aspects of trade liberalization, protectionism, fair and unfair trade practices;
- Recognize concurrent global and regional trade-related problems and issues, and the ability to provide individual opinion/solution of the problems from legal point of view;
- Critically assess and analyse international trade law principles, apply relevant laws and undertake research on trade regulatory policies.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Participation</a>	10%	No	Ongoing
<a href="#">Presentation</a>	30%	No	Ongoing
<a href="#">Research Assignment</a>	60%	No	16.30 on Thursday of Week 13

### Participation

Due: **Ongoing**

Weighting: **10%**

Class participation does not necessarily mean mere physical attendance in a seminar. Students are expected to display knowledge that they have completed the required reading for a seminar, and are prepared to ask and answer questions on scheduled topics. Class participation will include a student's engagement in a class.

**See the Assessment Guide on iLearn for Detailed Criteria and Information on Class Participation.**

**Penalty:**

**Other than where a relevant application pursuant to the Special Consideration policy is**

**approved**, failure to attend without providing satisfactory evidence at least nine of the twelve seminars over the course of the semester will result in a reduction in your participation mark that would have been awarded for the participation you engaged in during the seminars that you did attend.

On successful completion you will be able to:

- Understand the origin, development and contemporary institutional arrangements of global trade;
- Identify the tensions between legal and non-legal issues in international trade regulations;
- Recognize multiple aspects of trade liberalization, protectionism, fair and unfair trade practices;
- Recognize concurrent global and regional trade-related problems and issues, and the ability to provide individual opinion/solution of the problems from legal point of view;
- Critically assess and analyse international trade law principles, apply relevant laws and undertake research on trade regulatory policies.

## Presentation

Due: **Ongoing**

Weighting: **30%**

Students of a seminar will be divided into small groups (maximum 5-6 in a group). All groups are required to give a short presentation (15-20 minutes) on a pre-selected topic in every week. It is a mandatory requirement that one student will deliver and represent their group presentation in every week and each student of the group has to deliver at least one presentation in the seminar. Presentation will start from week 3 and topics will be posted on iLearn from week 2. Students are also free to choose their own topics after consulting with the class teacher. Students will submit their presentations orally during the seminars.

**See the Assessment Guide on iLearn for Detailed Criteria and Information on Presentation.**

### **Penalty:**

No extensions will be granted. There will be a deduction of 10% of the total available marks made from the total awarded mark for each 24 hour period or part thereof that the submission is late (for example, 25 hours late in submission – 20% penalty). As presentations are only made during seminars, a presentation made one-week late will suffer a 70% penalty. This penalty does not apply for cases in which an application for special consideration is made and approved. No submission will be accepted after solutions have been posted.

On successful completion you will be able to:

- Understand the origin, development and contemporary institutional arrangements of global trade;
- Identify the tensions between legal and non-legal issues in international trade regulations;
- Recognize multiple aspects of trade liberalization, protectionism, fair and unfair trade practices;
- Recognize concurrent global and regional trade-related problems and issues, and the ability to provide individual opinion/solution of the problems from legal point of view;

## Research Assignment

Due: **16.30 on Thursday of Week 13**

Weighting: **60%**

Students are required to select their respective topics from the sample trade-related topics posted on iLearn. Students may choose a topic of their own interest but **that must be approved by the lecturer first**. Students MUST NOT start working on a research assignment on any unapproved and/or unlisted topic.

Assignment topics will be posted on iLearn during semester time.

**See the Assessment Guide on iLearn for Detailed Assessment Criteria.**

### Penalty:

No extensions will be granted. There will be a deduction of 10% of the total available marks made from the total awarded mark for each 24 hour period or part thereof that the submission is late (for example, 25 hours late in submission – 20% penalty). This penalty does not apply for cases in which an application for special consideration is made and approved.

On successful completion you will be able to:

- Recognize multiple aspects of trade liberalization, protectionism, fair and unfair trade practices;
- Recognize concurrent global and regional trade-related problems and issues, and the ability to provide individual opinion/solution of the problems from legal point of view;
- Critically assess and analyse international trade law principles, apply relevant laws and undertake research on trade regulatory policies.

## Delivery and Resources

### Unit Structure and Requirements

Students are required to attend a 3 hour seminar session in each week. The lecture part of the

seminar will be recorded on ECHO360. The sequencing of seminar program and the unit contents will allow students to develop gradually the understanding of global trade law as the unit progresses.

Note that besides regular class lectures and discussions on seminar topics, the seminar sessions will also cover students' presentations on scheduled topics relevant to the unit.

Students are generally expected to devote at least 150 hours for this unit. Here is a sample breakdown of workloads.

	<b>Activities</b>	<b>Hours</b>
1	Weekly Seminars (3×13)	39
2	Assessment Task 1 (self-study for class participation)	10
3	Assessment Task 2 (self-study and Presentation)	30
4	Assessment Task 3 (self-study and preparation of research assignment)	71
	<b>Total</b>	<b>150</b>

## **Required and Recommended Texts**

### **Required Textbook:**

- Peter Van den Bossche and Werner Zdouc, *The Law and Policy of the World Trade Organization* (4<sup>th</sup> Edition), Cambridge University Press, 2017
- Other relevant reading materials will be posted on iLearn.

### **Useful Websites:**

[www.wto.org](http://www.wto.org)

[www.ictsd.org](http://www.ictsd.org)

[www.worldtradelaw.net](http://www.worldtradelaw.net)

<http://insidetrade.com>

[www.southcentre.org](http://www.southcentre.org)

[www.twn.my](http://www.twn.my)

# Unit Schedule

See the Assessment Guide on iLearn for a Detailed Unit Schedule

Week	Lecture Topics
1	Global Trade and the Law of the World Trade Organization (WTO)
2	The Origins of GATT-WTO and its Institutional Structure
3	Non-discrimination Principles of WTO and General Exceptions
4	Regional and Bilateral Preferential Trading Arrangements
5	Rules on Market Access: Tariff, Quotas, Non-tariff Barriers to Trade and the SPS, TBT Agreements
6	Rules on Unfair Trade Practices: Dumping, Anti-dumping, Subsidies and Countervailing Measures, and Safeguards
7	Regulations and Protectionism in Trade in Goods and Agricultural Products
<b>Semester Break</b>	

8	Global Trade Rules on Intellectual Property Rights (IPRs) (online lecture)
9	Liberalisation and Free Movement of Labour, Capital and Services (GATS)
10	Settlement of Global Trade Disputes under the WTO (DSU)
11	International Trade and the Protection of Global Environment, Labour Standard and Human Rights
12	Global Regulatory Framework of Foreign Direct Investment (FDI) (online lecture)
13	Overview and Revision

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway \(htt](#)



[ps://students.mq.edu.au/support/study/student-policy-gateway](https://students.mq.edu.au/support/study/student-policy-gateway)). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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/>

## 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](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### 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

- Understand the origin, development and contemporary institutional arrangements of global trade;
- Identify the tensions between legal and non-legal issues in international trade regulations;
- Recognize multiple aspects of trade liberalization, protectionism, fair and unfair trade practices;
- Recognize concurrent global and regional trade-related problems and issues, and the ability to provide individual opinion/solution of the problems from legal point of view;
- Critically assess and analyse international trade law principles, apply relevant laws and undertake research on trade regulatory policies.

#### Assessment tasks

- Participation
- Presentation
- 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

- Understand the origin, development and contemporary institutional arrangements of

global trade;

- Identify the tensions between legal and non-legal issues in international trade regulations;
- Recognize multiple aspects of trade liberalization, protectionism, fair and unfair trade practices;
- Recognize concurrent global and regional trade-related problems and issues, and the ability to provide individual opinion/solution of the problems from legal point of view;
- Critically assess and analyse international trade law principles, apply relevant laws and undertake research on trade regulatory policies.

## Assessment tasks

- Presentation
- 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

- Recognize concurrent global and regional trade-related problems and issues, and the ability to provide individual opinion/solution of the problems from legal point of view;
- Critically assess and analyse international trade law principles, apply relevant laws and undertake research on trade regulatory policies.

## Assessment task

- 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

- Recognize multiple aspects of trade liberalization, protectionism, fair and unfair trade practices;
- Recognize concurrent global and regional trade-related problems and issues, and the ability to provide individual opinion/solution of the problems from legal point of view;
- Critically assess and analyse international trade law principles, apply relevant laws and undertake research on trade regulatory policies.

## Assessment tasks

- Participation
- Presentation
- Research Assignment

## Changes from Previous Offering

This Unit will run in a manner similar to its previous offering. There is a new (4th) edition of the prescribed textbook. The media report assessment task has been removed.

## Research and Practice, Global and Sustainability

This unit addresses global and sustainability issues as direct areas of study and as necessary implications arising from the materials, assessment and academic discussion and debate in classes/seminars around the balance between promoting economic growth through trade and the environmental damage which can occur as a consequence of resource exploitation and pollution flowing from economic development designed to generate that economic growth. We aim to provide students with an opportunity to obtain skills which will benefit them throughout their career.

The unit convenor's published research into the tensions between trade, internet governance and cybersecurity risks is included in readings for the students.