



LAW 889

International Trade and Finance

S2 Day 2019

Macquarie Law School

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Disclaimer

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General Information

Unit convenor and teaching staff

Unit convenor

Baskaran Balasingham

baskaran.balasingham@mq.edu.au

Contact via email

6 First Walk, Room 517

Wednesdays 4-5 pm and by appointment

Tutor

Sanj Wijesinghe

sanj.wijesinghe@mq.edu.au

Tutor

Khaled Khwaileh

Credit points

4

Prerequisites

Admission to MIntLawGovPP or MIntEnvLaw or MIntTrdeComLaw or MIntRelMIntTrdeComLaw or LLM or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 32cp in LAW or LAWS units at 800 level)

Corequisites

Co-badged status

LAWS510

Unit description

The unit deals with the international legal regime governing the multilateral exchange (imports and exports) of goods, services, capital, and technology within the legal framework of the World Trade Organisation (WTO); regional and bilateral free trade; the nexus between trade and the monetary system, and between trade and non-trade issues (the environment and human rights); the North-South dimensions of trade; the position of middle-sized developed countries (eg, Australia) and developing countries under the WTO; institutional, legislative, and transactional aspects of trade (sale and carriage of goods and international payment); dispute resolution; and future challenges for global trade liberalisation under the WTO.

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:

Demonstrate advanced knowledge of the way economic, political and ethical values shape the development of international regulation and relevant standards.

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

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

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.

Critically analyse 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.

General Assessment Information

Late Submission Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

Technology

All students need access to a secure and reliable server for access to iLearn and for submission of assessment tasks.

Word Limit

Word limits will be strictly applied and work above the word limits will not be marked.

Referencing

Students should use the Australian Guide to Legal Citation (AGLC) (4th edition) for citations in their papers.

Submission of Assessments

All substantive assessments are to be submitted electronically through Turnitin. Plagiarism detection software is used in this unit.

Moderation of Assessments

Detailed marking rubrics will be made available on iLearn. Markers in this unit undertake a process of 'blind marking' to establish a common marking standard and all Fail papers are double marked.

EXPECTATIONS AND REQUIREMENTS OF ASSIGNMENTS

Active Participation

1. Substantive requirements: 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: 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. 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 ;
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 Question

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.

3. Formal requirements

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

- The assignment 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/muir>

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Assessment Tasks

Name	Weighting	Hurdle	Due
Active Participation	15%	No	Each tutorial
Assignment	45%	No	25 October by 10 pm
Online Quizzes	40%	No	Weeks 4, 7, 10 and 13

Active Participation

Due: **Each tutorial**

Weighting: **15%**

Students must read and 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.

On successful completion you will be able to:

- Demonstrate advanced knowledge of the way economic, political and ethical values shape the development of international regulation and relevant standards.
- Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.

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

Assignment

Due: **25 October by 10 pm**

Weighting: **45%**

This assignment is a take-home assignment and consists of hypothetical problem and/or essay questions on various aspects of international trade and finance. The assignment 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.

Maximum word limit of 4,250 words (to be posted on iLearn in Week 8). The work must be submitted via Turnitin.

On successful completion you will be able to:

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- Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.
- Apply logical, critical and creative thinking skills to resolve legal problems.
- 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.
- Critically analyse 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.

Online Quizzes

Due: **Weeks 4, 7, 10 and 13**

Weighting: **40%**

There are four quizzes (quizzes 1-3 are each worth 8%; quiz 4 is worth 16%). These are accessible through iLearn on Thursdays of Weeks 4, 7, 10 and 13 from 12 pm to 8 pm. The quizzes are timed assessments and no late submissions will be accepted. More information regarding the quizzes will be provided on iLearn.

On successful completion you will be able to:

- Demonstrate advanced knowledge of the way economic, political and ethical values shape the development of international regulation and relevant standards.
- Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.

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.

Tutor: Dr Baskaran Balasingham (baskaran.balasingham@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

Prescribed Textbook

P. Van den Bossche and W. Zdouc, *The Law and Policy of the World Trade Organization: Text, Cases and Materials* (Cambridge University Press, 2017).

Prescribed Legislative Text

World Trade Organization, *The WTO Agreements: The Marrakesh Agreement Establishing the World Trade Organization and its Annexes, 2nd edition* (Cambridge University Press, 2017).

Recommended Readings

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

G. Marceau (ed), *A History of Law and Lawyers in the GATT/WTO The Development of the Rule of Law in the Multilateral Trading System* (Cambridge University Press, 2015).

B. Hoekman and M. Kostecki, *The Political Economy of the World Trading System: The WTO*

and Beyond (Oxford University Press, 2013).

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

The unit content can be accessed online at: <http://ilearn.mq.edu.au>

The unit has an iLearn web page. 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

Week	Lecture Topic
Week 1	International Trade and Finance and the WTO
Week 2	The WTO Dispute Settlement System
Week 3	Most-Favoured-Nation Treatment and National Treatment
Week 4	Tariff Barriers
Week 5	Non-Tariff Barriers
Week 6	Technical Barriers to Trade
Week 7	Sanitary and Phytosanitary Measures
Week 8	Exceptions
Week 9	Dumping and Subsidies
Week 10	Regional and Bilateral Free Trade Agreements
Week 11	The TRIPS Agreements
Week 12	Emerging Issues in WTO Law
Week 13	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](https://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 published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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 or if you are a Global MBA student contact globalmba.support@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) 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

If you are a Global MBA student contact globalmba.support@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/.

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

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcome

- Critically analyse 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

- Active Participation
- Assignment

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Demonstrate advanced knowledge of the way economic, political and ethical values shape the development of international regulation and relevant standards.
- Identify and explore various multilateral, regional and free trade agreements and other

legal principles embedded in international trade.

- 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.

Assessment tasks

- Active Participation
- Assignment
- Online Quizzes

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.
- Apply logical, critical and creative thinking skills to resolve legal problems.
- 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.
- Critically analyse 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

- Active Participation
- Assignment
- Online Quizzes

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or

practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcomes

- Identify and explore various multilateral, regional and free trade agreements and other legal principles embedded in international trade.
- Apply logical, critical and creative thinking skills to resolve legal problems.

Assessment tasks

- Active Participation
- Assignment

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Assessment tasks

- Active Participation
- Assignment

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcome

- Critically analyse 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.

Changes from Previous Offering

Compared to the unit offering in 2018 the assessment and topics have been modified. The group assignment was deleted and online quizzes were added. Moreover, the weighting of the various

assessment components have been altered. The weekly topics are now more in accordance with the textbook.

Changes since First Published

Date	Description
11/07/ 2019	four instead of five quizzes, and different weightage for the quizzes and the assignment