



LAWS510

International Trade and Finance

S2 External 2019

Macquarie Law School

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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

Claire Barker

claire.barker@mq.edu.au

Tutor

Khaled Khwaileh

Credit points

3

Prerequisites

39cp at 100 level or above including LAWS259 or LAW409 or LAW459 or LAW509

Corequisites

Co-badged status

LAW 889

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://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 11 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.
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- 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 11 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. 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.

Maximum word limit of 3,750 words (to be posted on iLearn in Week 8). The work must be submitted via Turnitin.

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- 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:

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- 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.

Prescribed Textbook

P. Van den Bossche and W. Zdouc, *The Law and Policy of the World Trade Organization: Text, Cases and Materials*, 4th edition (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)

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
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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](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/p) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/p>

[olicy-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

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 outcome

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

Assessment tasks

- Active Participation
- Assignment

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

- 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

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 outcome

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

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

- 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

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

- 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

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

- 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

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:

Assessment tasks

- Active Participation
- Assignment

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 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.

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 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