Students in this unit should read this study guide carefully at the start of semester. It contains important information about the unit. If anything in it is unclear, please consult one of the teaching staff in the unit.
ABOUT THIS UNIT

The unit examines topics in international trade law. It considers both public and private international trade law. Public international trade law deals with the global trading regimes such as the World Trade Organisation in conjunction with the General Agreement on Tariffs and Trade (WTO-GATT), which regime governs trade between nations. Private international trade law deals with the rules governing private party transactions, such as the content of an international contract for the sale of goods, or the methods available for paying for the international delivery of goods, or the rules governing transport of these goods.

TEACHING STAFF

Convenor: Peter Gillies
Email: peter.gillies@mq.edu.au
98508460

Postgraduate Administrator: To be advised. Check www.buslaw.mq.edu.au

CLASSES

INTERNAL  This unit will be taught on a weekly basis. Classes will meet on Tuesdays 3pm-6pm, in C5A310.

- The timetable for classes can be found on the University web site at: http://www.timetables.mq.edu.au/

REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

Recommended textbooks:

(nb: not every textbook deals with all topics)


(Abbrev MG)
OR

( abbrev BB)

OR


( abbrev M)

Blackboard: some materials will be uploaded to Blackboard.

**Recommended References**

*(Later editions of some of these books may be available)*


De Cruz, P, *Comparative Law in a Changing World*, Cavendish, 1999


THOMSON

Harris, *Cases and Materials on International Law*, 7th ed 2008

Qureshi and Zeigler, *International Economic Law*, 2 ed 2007 (Sweet and Maxwell)

Schmitthoff’s *Export Trade*. 11 ed (Sweet and Maxwell)


MARTINUS NIJHOFF
Wolfrum, R, ed, *WTO-Trade Remedies* 2008

**HART PUBLISHING**
Joerges, C and Petersmann, E, *Constitutionalism, Multilevel Trade Governance and Social Regulation*, 2006

**CAMBRIDGE UP**

**EDWARD ELGER PUBLISHING**

**ROUTLEDGE-CAVENDISH**

**Relevant Websites**
American Society for International Law – guide to internet resources
[www.asil.org/resource](http://www.asil.org/resource)
APEC – materials
[www.apec.org.au](http://www.apec.org.au)
ASIL guide to Electronic Resources for International Law
Australia – Australian material
Australian Law Reform Commission 1996 *Legal Risk in International Transactions*

Update to Guide to International Trade Law Resources on the Internet
http://www.1lrx.com/features/trade2.htm

EU – material
www.europa.eu.net

Eye on International Business Law
http://www.laweye.de/

Georgetown University’s Institute of International Economic Law – on WTO
www.law.georgetown.edu/iiel/

GlobalEdge (Michigan State University) – trade links
http://globaledge.msu.edu

New York University – WTO/GATT links
www.law.nyu.edu/library/wto_gatt.html

OECD – materials
http://www.oecd.org

Pace University – International Trade Law and the CISG
http://cisp.law.pace.edu

International Trade Forum, Click on “Trade Law for Business”
http://www.tradeforum.org

International trade strategies – commentaries
www.tradestrategies.com.au

Juris International (Includes text of conventions, more than 160 model contracts, WTO
Agreements etc)
http://www.jurisint.org

Lex Mercatoria – conventions, rules, links
www.lexmercatoria.org

NAFTA – materials
www.nafta-sec.alena.org

Transnational Law Database – bibliography, *lex mercatoria*
www.tldb.de

TMC Asser Institute – extensive coverage of international law topics
www.asser.nl

UNCITRAL – UNICITRAL materials
www.unicitral.org

UNIDROIT – private international law topics
www.unidroit.org

University of Chicago – links to topics
www.lib.uchicago.edu/-llou/forintlaw.html

University of Kent – links
http://library.kent.ac.uk/library/lawlinks/

University of Western Australia – links
www.law.ecel.uwa.edu.au/intlaw/international_trade_law.htm

US Trade Rep – US trade policy, cases
www.ustr.gov/index.html

World Trade Law – international trade law links
www.worldtradelaw.net NB SUBSCRIPTION SERVICE AVAILABLE THROUGH LIBRARY LAW DATABASES

Worldlii – WTO material
www.wordlii.org

World Trade Organisation – WTO materials
www.wto.org

The online law databases available through the university homepage are very useful. These include:

Case Base facilitates searches for Australian legal materials, and provides links to these. (If a case is not available through one of the commercial reports try the parallel BC….. link.)

Hein Online is for searching journal articles.

LexisNexis AU is for searching local primary (cases, legislation) and secondary (articles) materials.
LexisNexis affords a facility for searching for primary and secondary materials from a number of jurisdictions. Although it focuses on US materials it is also a good source for materials from other jurisdictions.

Westlaw international also provides a trans jurisdictional search facility for primary and secondary materials.

Some tips for using these databases – click the Natural Language option; key in fewer rather than more words, so as to provide a wider net for searches (for example, take one distinctive word in the title of a case, if the full title does not get a hit); use AND or & in order to narrow a search (for example, waiver & arbitration will ensure that documents retrieved contain both words).

Worldtradelaw.net – World Trade Organisation dispute resolution materials.

UNIT WEB PAGE

Materials will be uploaded to Blackboard.

LEARNING OBJECTIVES AND OUTCOMES

This unit aims to develop an appreciation of the nature and role of international trade law, an understanding of its legal framework, and the instruments and institutions that underpin its operations. It aims to develop an understanding of the interpretation of the international instruments and the domestic laws that adopt these, and of the interrelationship between international and domestic law.

The generic skills sought to be developed by the unit include critical analysis skills, problem-solving skills, and creative thinking skills, focused on the law and its institutions.

TEACHING AND LEARNING STRATEGY

The class time will be spent reviewing and discussing the materials identified for reading, in light of unit objectives. Classes will take the form of interactive seminars.

SCHEDULE OF TOPICS

1 INTRODUCTION
Concept of international law (including international trade law). Is international law really state law? Adoption of international rules models into state law. Scope of international trade law. Distinction between soft and hard rules regimes. UNIDROIT Principles of International Commercial Contracts, and the *lex mercatoria*.

MG Chap 2, M Chap 1

2 & 3 THE WORLD TRADE ORGANISATION

Examines World Trade Organisation (WTO) and the General Agreement on Tariffs and Trade (GATT), a regime known collectively as WTO-GATT.

MG Chap 7,

4 INTERNATIONAL COMMERCIAL CONTRACTS; INCOTERMS

4.1 International Commercial Contracts

UN Convention on Contracts for the International Sale of Goods (“CISG”, also known as the Vienna Convention).

MG Chap 1, BB Chap 2, M Chaps 2, 3

4.2 Incoterms 2000 – Interpretation of Trade Terms

Reviews the current edition of the International Chamber of Commerce’s Incoterms – the International Rules for the Interpretation of Trade Terms.

MG Chap 3, BB Chap 1

5 INTERNATIONAL CARRIAGE OF GOODS BY SEA

Reviews the regimes (such as The Hague Rules and the Hamburg Rules) governing the international transport of goods by sea.

MG Chap 4, BB Chap 2, M Chap 3

6 INTERNATIONAL CARRIAGE OF GOODS BY AIR AND LAND
Reviews the international transportation of goods by air (Warsaw Convention, Guadalajara Convention, Montreal Convention), rail and road.

MG Chap 5, BB Chap 1,

7 FINANCING EXPORTS – LETTERS OF CREDIT

Reviews the financing of exports, focusing on letters of credit and UCP600 (current version of the International Chamber of Commerce Uniform Customs and Practice for Documentary Credits).

MG Chap 6, BB Chap 3, M Chap 4

8 ANTI-DUMPING AND COUNTERVAILING MEASURES REGIMES

Examines the anti-dumping regime (pivoting on Art VI of GATT, in conjunction with the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade) and the parallel subsidies and countervailing measures regime (Agreement on Subsidies and Countervailing Measures).

MG Chap 8, BB Chap 4, M

9 TRADE IN INTELLECTUAL PROPERTY


MG Chap 9, M Chap 8,

10 INTERNATIONAL COMMERCIAL ARBITRATION

Overviews arbitration as a means for resolving international commercial disputes.

MG Chap 10, M Chap 13

RELATIONSHIP BETWEEN ASSESSMENT AND LEARNING OUTCOMES
ASSESSMENT

The assessment is based on three tasks:

(1) Class participation (5% of overall assessment)

(2) An essay of 2500 words (45% of overall assessment) on a substantive legal issue, as follows:

“What is the relationship, if any, between the Incoterms 2000 and UCP600”?

The essay is due on Monday 12 April, at 5pm.

(3) An analytical essay of 2500 words focusing on law and policy issues in international trade. A topic or topics will be advised in class and on Blackboard. This essay is worth 50% of the overall assessment). The essay is due on Monday 14 June 2010, at 5pm.

ALTERNATIVELY, assessment can be wholly based on the writing of an essay of 5000 words, on a topic approved by the lecturer. This option will suit students who have some background in the law or an analogous discipline. This option will be discussed at the first class. The essay is due on Monday 14 June 2010, at 5pm.

Essays may be submitted to the lecturer or deposited in the collection box located in W3A 341.

Essay topics will be suggested in class.

PLAGIARISM

The University defines plagiarism in its rules: "Plagiarism involves using the work of another person and presenting it as one's own." Plagiarism is a serious breach of the University's rules and carries significant penalties. You must read the University's practices and procedures on plagiarism. These can be found in the Handbook of Undergraduate Studies or on the web at: http://www.student.mq.edu.au/plagiarism/

The policies and procedures explain what plagiarism is, how to avoid it, the procedures that will be taken in cases of suspected plagiarism, and the penalties if you are found guilty. Penalties may include a deduction of marks, failure in the unit, and/or referral to the University Discipline Committee.

UNIVERSITY POLICY ON DETERMINATION OF OVERALL GRADING

11
The class participation mark will be based on quality rather than frequency of contribution.

Essay grading will be based on the quality of literature search, organisation, expression, synthesis and analysis and originality. More generally essays should reflect the generic skills sought to be enhanced by the unit, that is, critical analysis skills, problem-solving skills, and creative thinking skills.

Essays can have in-text or footnote citation. State page numbers for sources. Include a bibliography. Employ headings as appropriate. Number headings dependent upon their rank, as in (eg) 1, 2, 2.1, 2.2, 3 etc, as appropriate.

**GRADING POLICY** The University requires all faculties to adhere to a policy relating to the distribution of grades across high distinction, distinction, credit and pass grades. This means that on occasion a student's raw mark for a unit (i.e., the total of their marks for each assessment item) may not be the same as that which they receive on their transcript. This is because the total raw mark may be scaled up or down so that the grades of all students in each unit sit within the distribution bands set down by the University. The policy does not require that a number of students are to be failed in any unit.

**STUDENT SUPPORT SERVICES**

Macquarie University provides a range of Academic Student Support Services. Details of these services can accessed at [http://www.student.mq.edu.au](http://www.student.mq.edu.au).

**LIBRARY SUPPORT FOR POSTGRADUATE STUDENTS IN LAW**

Macquarie University Library offers a wide range of services and resources to postgraduate students. Go to the Library website [http://www.lib.mq.edu.au](http://www.lib.mq.edu.au). For a complete list of services and resources and for enrolling in Library orientation programs for Law see your Postgraduate Programs Administrator, spilking@efs.mq.edu.au (phone 9850 1056).

Library services include information on borrowing periods, services to distance students, links to IT Help (the Library’s IT support service), and links to training information and training course notes.

Postgraduate students are eligible for a number of additional services. These include the Liaison Librarians (LL). The LLs are the first point of contact for Postgraduate students. There is an LL appointed to each Faculty of the University. Contact Judith Baranyai 9850 7262, or Belinda Law 9850 7528.
Services offered by your LL include:

- Providing further information on the library services
- Providing individual and group library resource sessions for postgraduate students
- Advising on new database trials being held in the Library
- Advising on appropriate contacts for specific services, such as requesting items not held at the Library from the Document Supply Service
- Preparation of resource guides in print and on the web
- Reference advice (face-to-face, phone and email)

Further information about these services is available from the Postgraduates link, listed under Additional Services on the Library homepage.
DEPARTMENT OF BUSINESS LAW

ESSAY COVER SHEET
(Please attach cover sheet to every assignment)

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Essay Title:

“I certify that I am aware of the University’s policy on plagiarism and that this assignment meets those requirements and has not been previously submitted for assessment in any other course of study”

Signed ..........................................................................................................

Marker’s Comment
