

# ***Following the Trade-Winds – Teaching International Trade Transactions Law***

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One road leads to London,  
One road leads to Wales,  
My road leads me seawards  
To the white dipping sails.

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My road leads to shipping,  
Where the bronzed sailors go.

My road calls me, lures me  
West, east, south, and north;  
Most roads lead men homewards,  
My road leads me forth.

John Masefield – A Wanderer's song

## **Introduction**

This paper discusses the teaching of the subject International Trade Transactions Law at Bond University on the Gold Coast, Australia, with particular reference to teaching, learning and assessment methodologies.

Bond University is a small independent university with a Law School of about 740 students, most of whom take the professional LLB (undergraduate) or JD (postgraduate) degrees, with a small postgraduate program comprising LLM and SJD students. It is best known for its integrated skills program in the professional degrees and for small group, face-to-face teaching.

The International Trade Transactions Law course typically finds the course coordinator working with a class of about 15 students, coming from between 8 and 10 different countries, including common law, civil law and socialist legal traditions. Some of these students will be completing a full degree and others may merely be international students participating in an exchange semester. While the subject is offered at the postgraduate level in terms of its intellectual content and assessment criteria, for many students it is their first introduction to the subject. The intentions of students also vary considerably: some will enter local legal practice, some may practice law elsewhere than in Australia, and some students may not intend a career in law at all.

The overt international flavour and diversity of the student body in the class immediately sets the tone for the course and offers tangible evidence of 'globalisation' in practice. However it also increases the challenge to present successfully in such cultural, linguistic and legal diversity a course with a wealth of information, covering both private law and public law issues of vast scope and potential depth.

Teaching and learning methodologies are driven by different imperatives. As is well-known from the literature, some learners thrive on observation of practice, others on doctrinal frameworks and book learning, others on case-based projects and participatory involvement, and yet others on reflective critique of theory and practice. Where different learning imperatives are matched with the cross-cultural dynamics referred to above there is scope for much hit and much miss in course structure, presentation and assessment. As with many institutions affected by the 'quality framework' phenomenon, and routine audits by accrediting bodies, there is another significant factor which impinges on teaching and learning of International Trade Transactions Law at Bond University, namely the university-wide 'graduate attributes'.

### **Navigating by the Bond University Graduate Attributes**

Notwithstanding the composition of the enrolled student group, at Bond University the graduate attributes that are complementary to the skills and discipline-specific knowledge gained from each course, are also integrated in courses such as International Trade Transactions Law, and would apply to both local and international students in the course. There are six university graduate attributes: knowledge, leadership, initiative, citizenship, communication skills and teamwork. Needless to say no course is required to cover the full range of attributes.

The course International Trade Transactions Law is structured in such a way that the student assessment methodology as well as the course content ensures that the graduate attributes of knowledge, citizenship, communication skills and teamwork in particular are addressed, as will be illustrated below. Once assessment is geared to the graduate attributes it provides guidelines for teaching and learning methodologies.

### **Teaching Methodology – A map, a journey and a treasure hunt**

Many factors determine the appropriate teaching philosophy and methodology in this course at Bond. As a small university with a very small staff to student ratio (currently 1:16) Bond can place the students and their needs, wants, attitudes and expectations at the centre of the education process. Not only would the enrolled students who are completing post-graduate studies demand more depth from their studies, but they would also prefer to pursue their own areas of interest. Furthermore, many of them may still have distinct 'professional' needs, and would evaluate the course content and outcomes on its possible future use in practice. At the same time there is a need for a survey of all important areas of the course for students with no prior knowledge of the subject-matter.

This course covers both private law and public law topics, ranging from the Convention on the International Sale of Goods, contracts for sea transport and documentary letters of credit, to basic features of WTO law. Without either of these two components the course would not provide a comprehensive study of international trade transactions,

although the wide range of topics covered is a challenge over a 12-week teaching semester.

These academic requirements are balanced against students' needs, not only in the content of the course but also in the manner in which the course is structured and presented. Students not only want information, but meaningful information. To make information meaningful, students are required to undertake in-depth study and some practical application – which would not be possible over the entire range of topics covered. The teaching methodology is accordingly a mixed approach providing both a map (being a general familiarity with the subject, its issues and sources of information) and a treasure hunt – essentially in-depth individual research on a small area.

Another element in the teaching methodology is to get students to relate new knowledge to that which they have already mastered. This is done in an initial week 1 exercise titled, 'What You Already Know about this Subject'. A list of basic statements relating to the subject-matter is provided against which students can select True/False/Don't Know responses (For example, 'The Convention on the International Sale of Goods only deals with goods and not services', or 'The World Trade Organisation is able to impose sanctions against non-complying member countries'). Students are given a short time to respond individually and responses are discussed in plenary session. While consideration was given to repeating the same exercise at the end of the course it was not in fact conducted because of pressure of time.

Another interactive session was arranged half-way through the course in which students were divided into continents (Asia, Europe, and so on) and a quiz based on material covered thus far was conducted. No warning was given in relation to the quiz and it provided a competitive interactive edge to the class sessions which was much appreciated by the students. While Africa may lag behind in trade and business terms, it was an easy winner of the quiz.

### **The Map – a star to steer the ship<sup>1</sup>**

Weekly **lectures** were used predominantly to provide the map. Lecture topics were covered with a broad brush, identifying what the issues are, when they would become relevant, and where the information can be obtained. Preliminary material was made available on the subject web-site, comprising compulsory reading from books, article and reports, and elective access to web-site information. Students were also required to subscribe to electronic information services, such as the WTO and Department of Trade websites, for the duration of the course.

While the above sources provided the map, weekly tutorials were used to progress the journey.

### **Undertaking the Journey – a tall ship, the wheel's kick and the white sail's shaking<sup>2</sup>**

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<sup>1</sup> Sea-Fever, John Masefield

<sup>2</sup> Sea-Fever, John Masefield

Weekly **tutorial questions** were set in problem format requiring students to identify issues and research possible solutions. The tutorials were designed both to complement the lectures and to provide opportunities for student interaction in class. For an element of realism, a single hypothetical client's international trade transactions were used to illustrate the various legal principles applicable to exporters – and covered the CISG, Incoterms and related fields. Different exercises were set for tutorial work during the weeks dealing with the WTO, involving the analysis of case studies against a theoretical background of the organisation's structure, powers and procedures. Class participation was assessed weekly. The graduate attributes of knowledge and communication skills were developed in these exercises.

In the second last week of the semester, a **moot problem** was provided to the class based on WTO law, and students were randomly assigned to the two hypothetical countries, to debate or moot the issues raised in the problem in class. Whilst this exercise was conducted in an informal manner, students' understanding of the WTO law as well as their research and communication skills were developed and challenged.

Students were also divided into teams and were provided with topics on which **class presentations** were made. Students perpetuated the hypothetical client transaction in their presentations. The topics for the presentation related to issues such as transportation contracts and insurance of goods.

A final interactive element involved students self-nominating to 'show and tell' on topical issues relating to the subject-matter of the course. For the first three weeks this was modelled by the course instructor, with relevant material produced each week from the media, government agencies, web-sites and other sources, and then related to the themes of the course. Thereafter there was little difficulty in securing two students each week to 'show and tell' on topical issues, accompanied by access to relevant web-sites, hard copy handouts, and in one case short power-point presentations. These three components were not assessed and were designed to avoid a non-didactic entry into important parts of the curriculum through self-help and technological aids.

Altogether, the participative component of assessment was designed to develop the graduate attributes of knowledge, communication skills and citizenship, and was worth 40% of the course assessment.

### **Treasure Hunt – a cargo of diamonds and emeralds<sup>3</sup>**

The main assessment component of this subject was a research assignment of 6000 words, and students were given free rein on the choice of research topic, thereby allowing for individual interests to be pursued. The research assignment required in-depth work from the students in formulating (under supervision) a research topic or question, and researching and writing an assignment on that topic or question. In the last week in class students were required to share their research findings, or some interesting aspect of their research, with the rest of the class in short plenary presentation sessions. This was followed by brief feedback from the instructor and comments from students writing on related topics.

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<sup>3</sup> Cargoes, John Masfield

The assignment comprised 60% of the overall assessment in this subject and there was no formal examination. Students were required to submit two hard copies of their assignments, one of which was annotated by the examiner and returned to the student; the other retained by the course instructor. Students were informed at the commencement of the course that where an assignment attained a high distinction and was potentially publishable they would be advised on this possible course of action by the instructor, though it is up to the student to take the initiative to revise the assignment for possible publication. A recommendation along these lines was made to one student whose revision is currently 'work in progress'.

### **Destination**

The Merchants reckon up their gold,  
Their letters come, their ships arrive, their freights are glories;  
The profits of their treasures sold  
They tell and sum;  
Their foremen drive  
Their servants, starved to half-alive,  
Whose labours do but make the earth a hive  
Of stinking stories; a tale, a dream.<sup>4</sup>

Just after the mid-point of the course a mini-evaluation was provided to give some structured feedback to the course instructor. Students were provided with a single A4 sheet in which they were invited in hard copy to complete three statements (on an anonymous basis). The three statements were (i) One thing going well in this course is....(ii) One thing I would like to have done differently is....(iii) One question I would really like to ask about International Trade Transactions Law is ....

This mini-evaluation provided basic feedback for the instructor, which allowed minor changes to be made in the conduct and content of the second half of the course. A summary was also fed back to the students in the following class to show commonality of themes and to deal in abbreviated form with the point (iii) questions.

A more substantial teaching evaluation was conducted in the final stages of the course along the standard lines required by the School. Here the feedback indicated that students appreciated the practical approach, the small group sessions, the interactive methodologies and the focus on covering a large field in such a way that, if ever required to, students would know what the issues are and where to find the information. A small minority of students found the diversity of topics and methodologies to be very unlike their previous experiences and daunting to master in a short time.

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<sup>4</sup> Lollingdon Downs VIII, John Masfield

## **Conclusion**

There is an enduring tension between breadth and depth, or the map and the treasure, in a subject such as this. There is no simple formula for resolving this tension and no attempt is made to evaluate it here. However a brief suggestion is made on another matter altogether.

The subject-matter of this course, the variety of nationalities represented in the class, the abilities and interests of Y-generation students and the availability of modern technology makes it suitable for joint presentation by Law Schools at different ends of the earth. In the past the subject the Law of Technological Innovation has been jointly taught by professors at Bond University in Australia and the University in Gothenburg in Sweden, with students in each of the respective Law Schools. Extensive interaction took place among professors and students through web-sites, email, video conferences and telephone contacts. The course culminated in a major dispute involving alleged breach of copyright by a manufacturer. This dispute was mediated over the last week of the course, between the two cohorts of students as disputants and an author of this paper as the mediator. It was conducted in asynchronous time, using a platform provided (at mates' rates) by a commercial service-provider based in a third country, The Mediation Room (<http://www.themediationroom.com/>).

International colleagues interested in teaching a subject such as International Trade Transactions Law through a virtual classroom along the above lines should contact [louise\\_parsons@bond.edu.au](mailto:louise_parsons@bond.edu.au) or [laurence\\_boulle@bond.edu.au](mailto:laurence_boulle@bond.edu.au).