



MODULE SPECIFICATION

Code: UJUUH4-30-3 **Title:** Globalisation, Trade and Natural Resources **Version:** 1

Level: 3 **UWE credit rating:** 30 **ECTS credit rating:** 15

Module type: Standard

Owning Faculty: FBL **Field:** Law Undergraduate

Faculty Committee approval: QSC **Date:**

Valid from: September 2008 **Discontinued from:**

Contributes towards: LLB, LLB International and Comparative, LLB Commercial Law, LLB and Single BA in Law, Joint Honours in Law.

Pre-requisites: 80 level 1 credits or UJUTA3-30-1 Method, Procedure & Systems + 30 Level 1 credits.

Co-requisites: None

Learning outcomes:

The module will provide students with the opportunity to study in depth and in context the phenomena of globalisation and its legal implications. The first part of the course looks at what is globalisation and what it signifies from a legal perspective. This part also examines how globalisation fits in the structure of both national and international law to develop a clear understanding of what can only be described as transnational phenomena. Trade is the basis of globalisation and an understanding of the main actors and structures that make world trade possible is crucial for the course. Multinational Corporations, which have emerged as possibly the strongest and least regulated actors in this transnational space, are looked at from a variety of perspectives. The course moves on to develop a focus on natural resources that, arguably, are at the basis of trade and hence, globalisation. The second and third part of the course discusses the implications of globalisation for a wide range of areas such as sovereignty, natural resource management and international trade. The regulation of, access to and trade of natural resources are studied in a both resource and case based perspective. This course examines the law on natural resources in relation to its wider political, ecological and economic context. The last part of the course evaluates different mechanisms for compliance and enforcement of rules related to trade and natural resources.

This links into the Quality Assurance Agency ("QAA") benchmark skills for law (skill 1). More particularly students will be provided with opportunities to develop and demonstrate the following skills:

1. Application and problem-solving (based on QAA benchmark skills for law - skill 2): Application of her or his knowledge to a situation of in order to provide arguable conclusions for concrete problems. This skill will be tested in Assessment Component A and in Assessment Component B.
2. Sources and research (based on QAA benchmark skills for law - skill 3):
 - To identify accurately the issue(s) which require researching;
 - To identify and retrieve up-to-date legal information, using paper and electronic sources;
 - To use primary and secondary legal sources relevant to the topic under study. This skill will be tested in Assessment Component A and in Assessment Component B.
3. Analysis, synthesis, critical judgment and evaluation (based on QAA benchmark skills for law - skill 4):
 - to recognise and rank information and issues in terms of relevance and importance;
 - to bring together information and materials from a variety of different sources;
 - to produce a synthesis of relevant doctrinal and policy issues in relation to a topic; (All the above will be tested in Assessment Component A and in Assessment Component B)
 - to make a critical judgement of the merits of particular arguments (tested in Assessment

- Component B);
 - to present and make a reasoned choice between alternative solutions (tested in Assessment Component B).
- 4. Autonomy and ability to learn (based on QAA benchmark skills for law - skill 5):
 - to act independently in planning and undertaking tasks in areas of law previously studied (tested in Assessment Component A, and Assessment Component B)
 - to reflect on his or her own learning (tested in Assessment Component B)
- 5. Communication and literacy (based on QAA benchmark skills for law - skill 6)
 - to understand and use the English language proficiently in relation to legal matters (tested orally in Assessment Component A, tested in writing in Assessment Component B);
 - to present knowledge or an argument in a way which is comprehensible to others (tested orally in Assessment Component A, tested in writing in Assessment Component B);
 - to read and discuss legal materials which are written in technical and complex language (tested orally in Assessment Component A, tested in writing in Assessment Component B);
- 6. Other key skills: numeracy, information technology and teamwork (based on QAA benchmark skills for law - skill 7)
 - to produce a word-processed skeleton argument (Component B), reflective skills portfolio (Component B) and judgment (Component B)
 - to use some electronic information retrieval systems (research for Component A and Component B and a potential source of reflection for Component B)
 - to work in a group as a participant who contributes effectively to the group's tasks (not formally assessed),

Syllabus outline:

The course will complement existing undergraduate law courses particularly those on: International Law, International Trade Law and, Environmental Law, Civil Liberties or Human Rights. It will also give a different perspective to those studying Company Law or Intellectual Property

Precise course content will vary from year to year but the following is an indicative list of areas that may be covered:

Part 1: Globalisation and trade

- Impact of trade. Poverty, globalisation and trade,
- Actors of globalisation (international financial institutions, States, non-governmental organisations, multinational corporations)
- MNC and their role in the exploration of natural resources
- Non-State Actors and human rights

Part 2: International institutions and natural resource management

- WTO - aim, institutions, agreements , role in natural resource management
- ICSID-aim, objectives, role in natural resource management
- World Bank and IMF -aim, objective, role in natural resource management
- Role of Non-State Actors in natural resource management

Part 3: Thematic study on natural resources: Actors, institutions, regulation

- Oil and gas exploration
- Forestry
- Water resources
- Biological resources

Part 4: Protection of natural resources: Liability and redress regime

- Dispute settlement mechanisms (compliance and enforcement)
- Corporate responsibility
- Procedural rights: participation and information
- Access to justice

Teaching and learning methods:

The module will be taught by means of weekly interactive three hour lecture/ workshop during which students will have the opportunity to:

- learn about legal approaches to globalisation and the management and exploitation of natural resources,
- discuss relevant legal issues,
- discuss the social, political, environmental, economic and moral context in which the legal debate takes place,
- develop research skills,
- develop time management skills,
- develop group working skills,
- develop individual and group presentation skills (group presentations are not assessed),
- investigate and develop case studies on topical issues

In addition the module will be supported by on-line materials which will enable students to test their understanding and which will enable them to pursue their interests further both through digitised materials and on-line discussion fora.

Reading Strategy:

Essential reading to accompany the workshops in **term 1** will be provided electronically or as printed study packs. Students will be encouraged to read widely using the library catalogue, a variety of bibliographic and full text databases, and Internet resources. Guidance to some key authors and journal titles available through the Library will be given in the course guide and through BlackBoard It is expected that assignment bibliographies and reference lists will reflect the reading carried out.

It is important that students can identify and retrieve appropriate materials. The module offers an opportunity to develop further the information skills introduced at Level 1. As the course progresses and especially in relation to the assessed elements of the course students will be expected to undertake their own literature and case searches, support for this will be given in **term 1** (during which period, students will be given opportunities to practice and develop these skills). By **term 2** when assessed work is undertaken students will be expected to have developed these skills and will be assessed in part on their ability to demonstrate an ability to find, evaluate and utilise relevant sources.

Indicative Reading List:

The following list is offered to provide validation panels/accrediting bodies with an indication of the type and level of information students may be expected to consult. As such, its currency may wane during the life span of the module specification. However, as indicated above, CURRENT advice on readings will be available via other more frequently updated mechanisms.

- Currently there is no single textbook covers the entire Globalisation, Trade and Natural Resources course, it is not envisaged that at present there will be a recommended textbook that students will be instructed to buy,
- extracts from relevant books and articles will be provided in digitised form where appropriate to support workshop activities,
- students may consult relevant books and articles available through the library to support their studies.

Students will be recommended to consult relevant chapters of books on more general topics:

Barbier E., *Natural Resources and Economic Development*, Cambridge (2005)
Charnovitz S., *Trade Law and Global Governance*, Cameron-May (2002)
Dine, J., *Companies, International Trade and Human Rights*, Cambridge (2006)
Emberland, *The Human Rights of Companies* OUP (2006)
Fitzmaurice M. and Szuniewicz M., eds., *Exploitation of Natural Resources in the 21st Century*, Kluwer (2004)
Joseph, S., *Corporations and Transnational Human Rights Litigation*, Hart (2006)
Kaul, et al. *Global Public Goods* OUP (1999) and *Providing Global Public Goods* OUP (2003)
Likosky, M, (ed) *Transnational Legal Processes* Butterworths (2002)
Muchlinski, *Multinational Enterprises*, OUP (2007)
Roggenkamp M.M., Ronne A., Redgwell C. and Guayo I. del, eds, *Energy Law in Europe: National, EU and International Law and Institutions*, OUP (2001)
Schrijver N., *Sovereignty over Natural Resources: Balancing Rights and Duties*, Cambridge (1997)
Snyder, F (ed) *Regional and Global Regulation of International Trade* Hart (2001)

Steiner and Alston, "Globalization, Development, and Human Rights", Chapter 16, in *International Human Rights in Context*. OUP (2003)
World Trade Organisation, *The Legal Texts: The Results of the Uruguay Round of Multilateral Trade Negotiations*, Cambridge (1999)
Zedalis, R.J. *International Energy Law: rules governing future exploration, exploitation and use of renewable resources*, Dartmouth Press (2000)
Zillman D., Lucas A. and Pring G., eds., *Human Rights in Natural Resource Development: Public Participation in the Sustainable Development of Mining and Energy Resources*, OUP (2002)

Students will also be expected to access the text of relevant international treaties or soft-law instruments such as:

1963 UN General Assembly Resolution on Permanent Sovereignty over Natural Resources 1972 UN

Stockholm Declaration (UN Conference on the Human Environment)

1974 UN General Assembly Resolution on Environmental Cooperation Concerning Natural Resources Shared by States

1992 UNCED Statement of Principles on Forest Management, Conservation, and Sustainable Development

1992 Rio Declaration (UN Conference on the Human Environment) 2000 The OECD Guidelines For Multinational Enterprises (2000 review)

2002 Johannesburg Declaration (UN World Summit on Sustainable Development)

2003 Norms on the responsibilities of Transnational corporations and other business enterprises with regards to Human Rights

2006 UN Millennium Development Goals

Law Journals:

Students will be expected to make use of the legal journal search facilities available through the library databases. Articles on issues relating to globalisation and natural resources may appear in a wide range of journals with which students may already be familiar, for example:

The International and Comparative Law Quarterly,
The Modern Law Review,
The Review of European Community and International Environmental Law (RECIEL),
The Journal of World Trade,
International energy law and taxation law review,
American Journal of International Law,
British yearbook of International Law,
Journal of Environmental Law.

Assessment Strategy

First assessment opportunity

For component A and B, lecturers will produce a list of projects which can be based on a hypothetical case study or a reform proposal. The students will choose a project of their interest for component A and B.

Students will present their research in the individual presentation (component A). Each student will produce a summary of main arguments and the authorities on which the student intend to rely. Students will be assessed on the basis of their oral contribution in the presentation, question answering, closing statement and quality of research. Presentations will last 20 minutes, with some time at the end for questions.

For component B, each student will submit a written piece of work (of between 5000 and 6000 words) on the chosen project. Students are expected to investigate the area of law themselves and arrive at a reasoned opinion on the issue.

Detailed guidance will be provided for all the assessment elements.

Second assessment opportunity

For component A, a presentation topic will be allocated to the student who failed

For component B, a written title for coursework will also be distributed consisting of either a case study or a proposal for regulation.

Assessment will otherwise be as for the first assessment opportunity.

Assessment

Weighting between components A and B (standard modules only) A: 30% B: 70%

ATTEMPT 1

First Assessment Opportunity

Component A

Description of each element

1 Individual Presentation (20 mins)

Element weighting

100%

Component B

Description of each element

1 Project (5000-6000 words) – FINAL

Element weighting

100%

Second Assessment Opportunity (further attendance at taught classes is not required)

Component A

Description of each element

1 Individual Presentation (20 mins)

Element weighting

100%

Component B

Description of each element

1 Written Coursework - FINAL

Element weighting

100%

SECOND (OR SUBSEQUENT) ATTEMPT: Attendance at taught classes is required.

Specification confirmed byDate
(Associate Dean/Programme Director)