

DEREE COLLEGE SYLLABUS FOR: IB 4238 INTERNATIONAL BUSINESS LAW

(Updated Fall 2021)

UK LEVEL: 6
UK CREDITS: 15
US CREDITS: 3/0/3

PREREQUISITES:

BU 2003 Business Legal Issues, or equivalent
IB 3008 Business in the European Union

CATALOG DESCRIPTION:

Public and private international law and their implications for business. Focus on sales contract, dispute resolution, competition rules and their impact on business both in the international and European context. Fundamentals of the WTO legal framework.

RATIONALE:

This module equips students with an in-depth understanding of the relevance of public international law for the operation of the business sector as well as of the ways of reconciling so called conflicts of laws to facilitate business transactions worldwide. Students also learn the principles and actors engaged in the making of public international law and how those impact private international law. References to key treaties, conventions, doctrines, rules and principles, as well as leading cases, are also discussed.

LEARNING OUTCOMES:

- On successful completion of the course, the student should be able to :
1. Discuss critically the basic principles and doctrines of public international law and evaluate their relevance today.
 2. Discuss the principles of the WTO legal framework and its implications for business activity in international context.
 3. Explain the impact of public and private international law on international business.
 4. Critically evaluate the main approaches to competition and unfair trade that influence today's business, including the EU and the US context.

METHOD OF TEACHING AND LEARNING:

- In congruence with the learning and teaching strategy of the college, the following tools are used:
- Classes consist of lectures, discussions, case analysis and problem-solving exercises, specialized video presentations, and critical analysis of additional reading materials.
 - Office Hours: Students are encouraged to make full use of the office hours of their instructor in order to consult and discuss issues related to the course's content;
 - Use of Blackboard site, where instructors post lecture notes, assignments instructions, timely announcements, as well as additional resources.

ASSESSMENT:

Summative:

First Assessment: Term project (2,300 - 2,700) – individual	60%
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	<table border="1" data-bbox="646 138 1386 205"> <tr> <td data-bbox="646 138 1211 205">Final Assessment: Written examination (essay-type questions)</td> <td data-bbox="1211 138 1386 205">40%</td> </tr> </table> <p data-bbox="646 237 786 264">Formative:</p> <table border="1" data-bbox="646 268 1386 331"> <tr> <td data-bbox="646 268 1211 331">"Diagnostic" coursework; in-class case discussion</td> <td data-bbox="1211 268 1386 331">0</td> </tr> </table> <p data-bbox="646 369 1468 426">The formative test aims to prepare students for the summative assessments.</p> <p data-bbox="646 432 1263 459">The term project tests Learning Outcomes 1 and 2.</p> <p data-bbox="646 466 1325 493">The final examination tests Learning Outcomes 3 and 4.</p> <p data-bbox="646 527 1425 554">Students are required to resit failed assessments in this module.</p>	Final Assessment: Written examination (essay-type questions)	40%	"Diagnostic" coursework; in-class case discussion	0
Final Assessment: Written examination (essay-type questions)	40%				
"Diagnostic" coursework; in-class case discussion	0				
INDICATIVE READING:	<p data-bbox="646 590 948 617">REQUIRED MATERIAL:</p> <p data-bbox="646 623 1468 709">Choukroune, L & Nedumpara, J.J. (2021) International Economic Law, Cambridge: Cambridge University Press. ISBN: 9781108436649</p>				
	<p data-bbox="646 758 1008 785">RECOMMENDED READING:</p> <p data-bbox="646 806 792 833">A. BOOKS</p> <p data-bbox="646 840 1468 926">Fellmeth, A.X. (2020) Introduction to International Business Transactions, Chester: Elgar Publishing, ISBN: 978 1 83910 741 2 Extent: 864 pp</p> <p data-bbox="646 959 1468 1016">Shaw, M.N. (2021) International Law, 9th ed., Cambridge: Cambridge University Press.</p> <p data-bbox="646 1050 1468 1136">Lim, C., Ho, J., & Paparinskis, M. (2021). International Investment Law and Arbitration: Commentary, Awards and other Materials (2nd ed.). Cambridge: Cambridge University Press.</p> <p data-bbox="646 1226 829 1253">B. ARTICLES</p> <p data-bbox="646 1260 1468 1346">Adekola, T. (2019), "US–China trade war and the WTO dispute settlement mechanism", <i>Journal of International Trade Law and Policy</i>, 18(3): 125-135.</p> <p data-bbox="646 1379 1468 1436">Brand, R.A. (2019) The CISG: Applicable Law and Applicable Forums, <i>Journal of Law and Commerce</i>, 38(4), 2019.</p> <p data-bbox="646 1470 1468 1556">Brown, R.C. (2019) China-EU BIT and FTA: Building a Bridge on the Silk Road Not Detoured by Labor Standard Provisions, 29 <i>Wash. L. Rev.</i> 61 (2019).</p> <p data-bbox="646 1589 1468 1682">Cohen, H. (2019). What Is International Trade Law For? <i>American Journal of International Law</i>, 113(2), 326-346. doi:10.1017/ajil.2019.4</p> <p data-bbox="646 1715 1468 1871">Fagetan A.M. (2021) The Non Regulation of Hedge Funds in Offshores Jurisdictions: Cayman Islands, British Virgin Islands, Mauritius, and Delaware. In: The Regulation of Hedge Funds. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-63706-4_5</p> <p data-bbox="646 1904 1468 1932">Gegout, C. (2013) The International Criminal Court: limits, potential</p>				

	<p>and conditions for the promotion of justice and peace, <i>Third World Quarterly</i>, 34:5, 800-818, DOI: 10.1080/01436597.2013.800737</p> <p>Hayward, B., Zeller, B., & Andersen, C. (2018). The CISG and the United Kingdom—exploring coherency and private international law. <i>International and Comparative Law Quarterly</i>, 67(3), 607-641. doi:10.1017/S0020589318000088</p> <p>Helgadóttir O. (2020) The new luxury freeports: Offshore storage, tax avoidance, and ‘invisible’ art. <i>Environment and Planning A: Economy and Space</i>. December 2020. doi:10.1177/0308518X20972712</p> <p>Janow, M., & Mavroidis, P. (2019). Digital Trade, E-Commerce, the WTO and Regional Frameworks. <i>World Trade Review</i>, 18(S1), S1-S7. doi:10.1017/S1474745618000526</p> <p>Jevremovic, N. (2021) CISG and Contracting Practice: Facilitating Negotiation of Contract Terms (2021). <i>Journal of Law and Commerce</i>, http://jlc.law.pitt.edu/ojs/index.php/jlc</p> <p>Lee, J. (2020) Paradox of Hierarchy and Conflicts of Values: International Law, Human Rights, and Global Governance, 18 <i>Nw. J. HUM. RTS.</i> 73 (2020).</p> <p>Mavroidis, P.C., Sapir, A. (2019) China and the world trade organisation: towards a better fit, Bruegel Working Paper, Issue 6, June 2019, https://bruegel.org/wp-content/uploads/2019/06/WP-2019-06-110619_.pdf</p> <p>Ortolani, P. (2019) The impact of blockchain technologies and smart contracts on dispute resolution: arbitration and court litigation at the crossroads, <i>Uniform Law Review</i>, 24(2): 430–448, https://doi.org/10.1093/ulr/unz017</p> <p>Prazeres, T. (2020). Trade and National Security: Rising Risks for the WTO. <i>World Trade Review</i>, 19(1), 137-148. doi:10.1017/S1474745619000417</p> <p>Revina S.N., Paulov P.A., Sidorova A.V. (2020) Regulation of Tax Havens in the Age of Globalization and Digitalization. In: Ashmarina S., Mesquita A., Vochozka M. (eds) <i>Digital Transformation of the Economy: Challenges, Trends and New Opportunities</i>. <i>Advances in Intelligent Systems and Computing</i>, vol 908. Springer, Cham. https://doi.org/10.1007/978-3-030-11367-4_8</p> <p>Schroeter, U.G. (2017) Contract validity and the CISG, <i>Uniform Law Review</i>, 22(1): 47–71, https://doi.org/10.1093/ulr/unx010</p> <p>Trebilcock, M.J. (2011) <i>Understanding Trade Law</i>, Edward Elgar, ISBN 9780857931498 (pbk).</p> <p>Other sources, incl. journal and newspapers’ articles, research papers etc. recommended by the instructor throughout the semester.</p>
<p>INDICATIVE MATERIAL: (e.g. audiovisual, digital material, etc.)</p>	<p>REQUIRED MATERIAL: N/A</p> <p>RECOMMENDED MATERIAL: N/A</p>

COMMUNICATION REQUIREMENTS:	Use of appropriate academic conventions as applicable in oral and written communications.
SOFTWARE REQUIREMENTS:	MS Office
WWW RESOURCES:	www.uncitral.org www.unidroit.org https://network.bepress.com/law/international-trade-law/ https://www.chathamhouse.org/research https://iccwbo.org/ http://www.un.org/depts/dhl/resguide/specil.htm http://www.cisg.law.pace.edu/ http://fletcher.tufts.edu/multilaterals.html www.oecd.org www.wto.org http://ec.europa.eu/comm/competition/index_en.html www.usdoj.gov/atr http://www.hcch.net/index_en.php http://www.lcil.cam.ac.uk/ http://www.chathamhouse.org.uk/research/international_law/papers/ /
INDICATIVE CONTENT:	<ol style="list-style-type: none"> 1. Public and private international law: basic rules and principles 2. Settlement of international commercial disputes: litigation and ADR 3. International sales law, incl. Convention on Contracts for the International Sale of Goods (CISG) 4. WTO and its legal framework: implications for international business 5. Regional integration and regional regulatory frameworks, incl. the EU and NAFTA, and their impact on regional and international business environment 6. Competition policy and its international and European context 7. Portfolio investment regulation 8. Money laundering, offshores and common reporting standards 9. Sustainability and environmental standards in international law 10. International payment methods and related issues