



USMP
UNIVERSIDAD DE
SAN MARTÍN DE PORRES

Derecho

Specialized course

Legal Aspects of International Business Transactions

Education



Certification: 20
academic hours

Students



50
scholarships
available

Lenguaje



Classes in
English

Days



Monday,
Wednesday
and Friday





1. Description

This course will address the legal foundations that govern global trade, including contracts, customs regulations, intellectual property, and dispute resolution. The regulations of international organizations and trade treaties will be analyzed, as well as the legal differences between jurisdictions. This knowledge is essential to ensure safe and efficient transactions in a globalized environment.

2. Objective

- Provide an overview of international business transactions, their significance, and the key legal principles involved.
- Understand the legal aspects of international sale of goods and trade transactions.
- Understand the mechanisms for settling international trade transactions.
- Analyze the principles and legal frameworks related to marine insurance.

3. Addressed to

Undergraduate and postgraduate students and professors from the USMP as well as from institutions linked to the specialty subject.

4. Instructor

Proffesor:
Meng Wan



Professor and founding dean of the Faculty of Law, Beijing Foreign Studies University, China. He holds a Master's degree and a PhD in Law from Wuhan University School of Law, as well as postdoctoral research at the University of London, United Kingdom. His career includes important positions, such as Head of the Economic and Commercial Division of the Hubei High Court and President of the Wuhan Maritime Court. Currently, he is vice president of several law societies in Beijing, including International Law, Banking Law and Comparative Law, in addition to serving as an arbitrator and chief mediator in various domestic and international arbitration commissions. His experience and leadership in the legal field establish him as a key figure in the development of law in China and beyond.

5. Fees

All the academic fees to participate in this course will be covered by the Faculty of Law of USMP for the 50 participants selected to earn a scholarship.

6. Duration

- Days: Monday, Wednesday and Friday
- Start date: October 28 to November 13, 2024
- The course will last 20 academic hours.

7. Overview

➤ October 28th: Inauguration Ceremony

➤ October 30th: First class

1. Introduction to International Business Transactions

Objective: Provide an overview of international business transactions, their significance, and the key legal principles involved.

Topics:

- Definition and nature of international business transactions.
- Overview of international trade laws and legal frameworks.
- Key international institutions and treaties (e.g., WTO, UNCITRAL, ICC)
- Sources of international commercial law (treaties, conventions, customs, case law)

2. International Trade Law

Objective: Understand the legal aspects of international sale of goods and trade transactions.

Topics:

- Contracts for the international sale of goods (CISG and UCC)
- International Commercial Terms (Incoterms)
- Trade finance and payment methods (letters of credit, documentary collections, etc.)
- Export and import regulations and compliance (export controls, customs, tariffs)
- Trade embargoes and sanctions

➤ November 4th: Second class

3. Carriage of Goods by Sea and Other Modes of Transport

Objective: Examine the legal aspects of the international carriage of goods.

Topics:

- Types of carriage contracts (bills of lading, charterparties, multimodal transport)
- International conventions governing the carriage of goods by sea (Hague-Visby Rules, Hamburg Rules, Rotterdam Rules)
- Rights and obligations of carriers, shippers, and consignees
- Liability, indemnity, and limitation of liability in carriage contracts
- Carriage by air, rail, and road: relevant conventions (Montreal Convention, CMR, CIM)

4. International Settlement of Trade Transactions

Objective: Understand the mechanisms for settling international trade transactions.

Topics:

- Payment mechanisms and instruments (letters of credit, bills of exchange, bank guarantees)
- Role of international financial institutions (SWIFT, IMF, World Bank)
- Legal aspects of electronic payments and digital transactions
- Dispute resolution related to payment failures or discrepancies.

➤ November 6th: Third class

5. Marine Insurance and Risk Management

Objective: Analyze the principles and legal frameworks related to marine insurance.

Topics:

- Types of marine insurance (hull insurance, cargo insurance, P&I insurance)
- Principles of marine insurance law (utmost good faith, insurable interest, indemnity)
- Legal interpretation of marine insurance contracts
- Claims process and handling disputes in marine insurance
- International conventions and regulations on marine insurance

6. International Lending and Borrowing

Objective: Explore the legal frameworks and issues in cross-border lending and borrowing.

Topics:

- Types of international loans (syndicated loans, bilateral loans, sovereign loans)
- Legal aspects of loan agreements (covenants, events of default, security interests)
- Role of international financial institutions and capital markets
- Sovereign debt and its legal implications
- Regulation of international banking activities (Basel III, FATCA, AML regulations)

7. International Issuance of Bonds and Shares

Objective: Understand the legal aspects of raising capital through international securities.

Topics:

- Types of international securities (bonds, shares, hybrid instruments)
- Legal requirements and compliance for cross-border issuance of securities
- Disclosure and transparency obligations under international law
- Role of international regulatory bodies (IOSCO, SEC, ESMA)
- Cross-border listing and trading of securities

➤ November 8th: Fourth class

8. International Direct Investment

Objective: Explore the legal issues related to foreign direct investment (FDI).

Topics:

- Types of FDI (greenfield investments, mergers and acquisitions, joint ventures)
- Bilateral and multilateral investment treaties (BITs, FTAs)
- Host state regulation and protection of foreign investors
- Expropriation and compensation standards
- Dispute resolution mechanisms (ICSID, UNCITRAL, ad hoc arbitration)

9. Resolution of International Business Transaction Disputes

Objective: Examine the legal avenues for resolving disputes in international business.

Topics:

- International arbitration and its advantages (ICC, LCIA, SIAC)
- Litigation in national courts vs. international arbitration
- Enforcement of foreign judgments and arbitral awards (New York Convention)
- Mediation and alternative dispute resolution (ADR) methods
- Case studies on landmark disputes in international business

10. Emerging Issues in International Business Law

Objective: Discuss contemporary and evolving challenges in international business law.

Topics:

- Impact of digital trade and e-commerce on international transactions
- International trade and environmental regulations (sustainability, climate change)
- Geopolitical risks and their impact on international business (sanctions, trade wars)
- Human rights and corporate social responsibility in cross-border transactions
- Legal challenges in new areas (blockchain, cryptocurrency, artificial intelligence)

➤ November 11th: Fifth class

11. Doing Business with China and Chinese Businesses

Objective: Discuss China's Legal Framework for External Business Transactions

Topics:

- China's political and legal framework
- China's Foreign Trade Laws
- China's Regulation of FDI and ODI
- China's trade with Peru and China's investments in Peru
- Practical issues concerning doing business with China and Chinese businesses.

12. Practical Applications and Case Studies

Objective: Apply the legal concepts and principles learned to real-world scenarios.

Topics:

- Analysis of case studies in international trade and investment disputes
- Drafting and negotiation of international contracts and agreements

➤ November 13th: Final class and closing ceremony

13. Conclusion and Revision

Objective: Review and consolidate key learning points from the course.

Topics:

- Summary of key legal principles in international business transactions
- Open discussion on future trends and career opportunities in this field

8. Teaching Methodology

- Lectures and Seminars: To provide theoretical foundations and in-depth discussions.
- Case Studies and Group Discussions: To encourage critical thinking and real-world application.

9. Course materials



Textbooks

Standard international business law textbooks and recent publications.



Treaties and Conventions

Original texts and analysis of relevant international agreements.



Case Law

Landmark international business transaction cases.

10. Academic coordination

Prof. Alexandra Cabrera Sanchez



Prof. Carolina Canales Cama



If you have any question, please send us an mail to:
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