

## International Law

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## International Law

- Definition
  - Body of written and unwritten laws, including treaties
    - governing relations between and among nations
    - governing relations between nations and citizens of one or more sovereign nations
- Key Questions
  - Who will enforce Rights and Obligations internationally?
  - How will they enforce Rights and Obligations?

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## National Law

- The System of Laws that
  - Govern the Rights and Obligations
  - of Persons Within a Particular Country

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## Sources of International Law

- International Customs
- Treaties
- International Organizations

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## Principles and Doctrines

- Comity
  - One Nation's deference to and willingness to enforce laws and Judicial decrees of another country
    - as long as they are consistent with own laws and public policy
- Act of State Doctrine
  - Courts of one country will not examine validity of Governmental acts committed by another country within latter's Territory
    - Expropriation
      - Government seizure of private property with just compensation
    - Confiscation
      - Government seizure of private property with without just compensation

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## Principles and Doctrines (2)

- Sovereign Immunity
  - doctrine by which Foreign Nations are exempt from Jurisdiction of US Courts

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## Ways to do Business Internationally

- Direct Export and Import
- Indirect Export
  - Foreign Agent
  - Foreign Distributor
- Licensing
- Franchising
- Subsidiary
- Joint Venture

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## Regulating International Trade

- Export Incentives
  - Devices designed to stimulate Exports
    - thereby aid Domestic Businesses
- Import Incentives
  - Devices designed to limit Imports
    - thereby aid Domestic Businesses
    - e.g., quotas, tariffs, and antidumping regulations

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## National Law Systems

- Common Law Systems
  - Based upon Precedent
    - e.g., US and UK
- Civil Law System
  - Based primarily on Statutory or Codified Law
  - prior Judicial Decisions have no Precedence
    - e.g., Mexico

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## Comparative Contract, Tort, and Employment Law

- Important for International Businesses to Consider Differences in Contract, Tort, and Employment Law in Foreign Countries

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