

International law questions

Law



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International Law Assignment

1. Discuss how corruption is a cancer on the body politic of a society or country, including citing any relevant domestic or international law or codes. Corruption is a cancer that slowly eats the moral fiber of society. Corruption in a country is usually introduced by the country's body politic and from there it percolates down to the rest of society. Once the corruption is in the body politic, it grows rapidly and infiltrates the other organs in the states. It becomes difficult to remove, and it metastasizes across society. Corruption often derails the progress of a country preventing it to attain its full potential; in the process it eats away the moral and ethical foundations of countries.

There have been attempts to curb corruption in the international and local scene. Corruption law focuses on money laundering, organized crime, investment regulations and government transparency. The United Nations established the United Nations Convention against Corruption (UNCAC) that seeks to prevent corruption in its member states. It does this by advising the member states on laws, institutions and practices that aid in fighting corruption. The convention's main objective is to promote integrity and accountability of its member states.

The U. S Foreign Corrupt Practices Act (FCPA) is another example of a law criminalizing the payment of bribes by its citizens. The law restricts U. S citizens and corporations from paying bribes to other government officials anywhere in the world. The Canadian Corruption of Foreign Public Officials Act (CFPOA) is another similar law that aims to prevent Canadian citizens from partaking in corruption with foreign government officials.

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2. What market entry strategies would you use in Australia or New Zealand. Would you use any or all of those techniques to enter the market in Zimbabwe or Cuba? Why?

The Australian and New Zealand markets permit competition in their markets. Being new target markets for business, there are various market strategies that would assist the firm in penetrating the markets. Franchising, which involves selling rights of the firm's business model to local affiliated firms is an appropriate method. The corporation sells the rights of distribution to local Australian firms. The other market entry strategies apt for these markets include joint ventures, Greenfield projects and exportation.

Zimbabwe and Cuba markets are different from the aforementioned markets because of their corruption. Foreign firms, before entry, have to bribe government officials despite the market entry strategy adopted by the firm. The bribes facilitate faster processing of legal and business documents and the required licenses for operation in these markets. Without bribes, the firm will enter these markets after a prolonged time.

3. What makes the WTO stand out as a treaty, and how and why that distinction was used in TRIPS?

The World Trade Organization stands out as a treaty because it promotes more free trade amongst its members. By promoting international trade, the treaty encourages member states to increase their individual output through specialization. The main objective of this treaty is to promote peace amongst member states during the trading process. Trading amongst individuals usually leads to disputes and the WTO seeks to avoid these disputes by enabling smooth flowing trade.

TRIPS (Trade-Related Aspects of Intellectual Property), on the other hand, is a treaty that deals with intellectual properties. The TRIPS agreement seeks to standardize the regulation of intellectual property in the trading amongst WTO member states. Intellectual properties in the form of patents are crucial in the manufacturing of goods in developing countries, and the treaty seeks to monitor this. The TRIPS agreement faces opposition due to its concentration of wealth, to the patent owners, during the trading process. The WTO's unique function of regulating and monitoring international trade facilitates the implementation of the TRIPS agreement.

Reference

Nicholson, M. J. (2007). *Legal aspects of international business: A Canadian perspective*. Toronto: Emond Montgomery.