

Beyond Lecturing: Other Methods of Teaching International Business Transactions

By:

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1. INTRODUCTION

Most South African universities focused on the teaching of public international law before 1994. There was little need for teaching young lawyers international trade law before the democratization of South Africa because of the trade and other sanctions imposed against the country. Therefore, teaching international business law is still relatively new to most South African universities. At the University of the Free State the first course in international economic law was introduced in 1998. Apart from participation in an international commercial arbitration competition (on the law of sales and arbitration), after nearly a decade, we are still not beyond lecturing as method of teaching.

2. COURSES IN INTERNATIONAL BUSINESS TRANSACTIONS

It is necessary to distinguish between teaching international business transactions on (under) graduate and post graduate levels. The course is an elective in the four year undergraduate LL.B. On post graduate level the LL.M in International Economic Law comprises of i) International Investment Law; ii) International Law of Sales; iii) International Trade Dispute Resolution; and iv) Public Aspects of International Trade Law (WTO, IMF, GATT, World Bank etc). Issues such as international tax and immaterial property rights are not included in the courses. As the courses are taught on both under graduate and post graduate level, the method of teaching differs. However, the difference at the moment is mainly the volume of work, the depth of the study of a particular subject, the level of input expected of the student (self study), and the level of analytical and critical thinking expected.

3. TEACHING INTERNATIONAL BUSINESS TRANSACTIONS

It is sometimes generalize that international trade law involves the movement of goods, money, people, services and information across national borders.¹ The international nature of modern trade, whether it is seen generally, narrowly or more broadly, cannot be ignored. Therefore it follows that the lecturer will focuses on what he/she is most familiar

¹ Wilson (1985) *American Society of International Law Proceedings* p 336.

with. Another aspect is the focus on one's own legal system and its accommodation of international trade. To ensure students gain a minimum knowledge one tends to try to include as many subjects/topics and the final result may be that students are "jack of all trades and master of none". The focus on specific issues that would be useful in practice, but still contribute to the development of skills (e.g. problem solving etc) is thus of major importance. The student should not only have the factual knowledge necessary, but must also be able to apply his/her skills to situations/problems outside his/her factual knowledge.

4. PROBLEM BASED TEACHING AS METHOD OF TEACHING INTERNATIONAL BUSINESS TRANSACTIONS

In the formal lecturers, the focus is placed on basic knowledge, but also on the economic and philosophical principles and ideas from political science. Furthermore the authoritative legal sources are discussed (or at least refer to) to ensure that the students at least have an idea of the works to use or refer to in their studies, but (hopefully) also in practice.

In tests, examinations, self tests and group assignments, a number of problem based questions are included, A set of facts are given and students must identify the problem, apply their theoretical knowledge to the facts and solve the problem. These type of questions may differ in length, but also in the critical and analytical input expected in the answer or solution.

The main focus at the moment in South African education (both secondary and tertiary) is on the development of skills. Teaching international business law with inclusion of problem based or problem solving, contributes to not only the development of skills (including writing skills), but also to a better understanding of the subject as well as the ability to apply knowledge to a specific situation.

