

# LL.M. in Asian Economic Integration and Law

Course Title	Legal Regulation of Global and Macro-Regional Markets	Instructor	Tamio NAKAMURA
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## 【Course Description】

The seminar introduces the common theme of this LLM course on Asian Regionalism and Law, i.e., to discuss and find the proper role of law to regulate globalised economic activities at national, macro-regional and global levels. In the course of discussion, we compare different roles of law which are discernible in current international law, European Union law, typical contractual clauses used by dominant firms in international trade and business.

Course Title	Comparative Law of Regional Integration: EU, ASEAN and APEC	Instructor	Tamio NAKAMURA
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## 【Course Description】

This course will compare the forms of macro-regional institutions and their policy making/implementation processes in Europe, Southeast Asia and the Asia Pacific, from a legal perspective. Specifically the EU, ASEAN and APEC will be compared. The discussion will include how the economic and political conditions of Europe and Southeast Asia/Asia Pacific have affected the establishment and the operation of the EU, ASEAN and APEC. Students will finally be encouraged to discuss whether it is desirable to create an East Asian macro-regional institution in the near future, and in what (legal) form it would be feasible.

Course Title	Principles of International Law	Instructor	Hiroyuki BANZAI
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## 【Course Description】

In this “Principles of International Law”, a course will be lectured on the basic principles and rules of international law, including question-and-answer time to confirm the level of comprehension and enhance the understanding of lectures of students. It is aimed for students to learn the knowledge of basic matters of international law and cultivate their capacities to consider the role of “rule of law” in international society and Asian region. Among them, the contents will be composed of History, Sources, Law of the treaties, International law and Municipal laws, Principles of State sovereignty and Non-intervention, Recognition and Succession of State or government, Privileges of diplomatic/consular mission and Judicial immunities of States, State territory, Status of the individuals, State responsibility, International economy, International protection of environment, the United Nations and Peaceful settlement of disputes, the System of collective security of the UN, Self-defense, etc.

Course Title	International Human Rights Law	Instructor	Shuichi FURUYA
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## 【Course Description】

The aim of this course is to understand the rules of international human rights law which consists of treaties and customary international law, and to make a comparative examination of the human rights situations of Asian countries including China, Korea, Japan, the Philippines and Thailand. In general, Asian countries have not actively embraced the international standards of human rights and have tended to follow their own traditional values and concepts, but the situation is now gradually changing. This course illustrates the current universal standards of human rights and clarifies the extent to which Asian countries do or do not conform with them. The course is divided into two parts. The first part summarizes the international human rights system, particularly the mechanisms for protecting human rights like the reporting system and individual complaints. The second part deals with particular rights by examining the documents of human rights bodies and the domestic practices of Asian countries. The rights that will be discussed include equal treatment before the law, right to life, prohibition of torture or cruel treatment, right to liberty and security, right to a fair trial, freedom of thought, conscience and religion, and freedom of expression. The course will be conducted by using a Socratic method, in which the repetition of questions and answers leads students to a better understanding of the issues. Students are therefore requested to read the assigned documents in advance.

Course Title	International Law of the Sea	Instructor	Mariko KAWANO
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## 【Course Description】

This is a taught course, with the purpose of gaining insights into the principles of the international law of the sea. Students are encouraged to ask questions, and there will be opportunities for discussions on relevant issues. The international law of the sea has been developed through customary international law and Geneva Conventions on the Law of the Sea (1958), the United Nations Convention on the Law of the Sea (1982) and other international conventions. The lectures will cover the principles of the current international law of the sea, and examine new developments in international legal rules concerning the law of the sea.

Course Title	International Disputes Concerning the Law of the Sea and Asia	Instructor	Mariko KAWANO
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## 【Course Description】

The course consists of two parts: taught classes and seminar classes. The purpose of the course is to understand the mechanisms for settling international maritime disputes by recourse to international adjudication and to gain insights into cases concerning the international law of the sea. In the taught classes, on the basis of the principles of the international law of the sea, the mechanisms of the International Court of Justice (ICJ) and of the dispute settlement procedures under the United Nations Convention on the Law of the Sea (UNCLOS) are explained, and the significance and problems of the procedures are examined. In the seminar classes the participants are required to make presentations on salient cases concerning the law of the sea by referring to the ICJ or the courts and tribunals under UNCLOS. Discussions are held after the presentations.

Course Title	Law and Practice of International Business Transaction in East Asia I	Instructor	Christoph RADEMACHER
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#### 【Course Description】

This course will provide students with a range of a robust theoretical framework and practical training in a subset of business transactions that commonly occur before engaging in foreign direct investment (FDI). Business Transactions I will focus on supply & sales transactions as well as on IP licensing transactions, which often precede more complex FDI transactions. Students will become familiar with the structure of real-world agreements and will exercise negotiation and drafting through directed group exercises and drafting assignments.

Course Title	Law and Practice of International Business Transaction in East Asia II	Instructor	Christoph RADEMACHER
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#### 【Course Description】

This course will provide students with further theoretical background knowledge and practical training in a subset of more complex business transactions that commonly occur in the context of foreign direct investment. Business Transactions II will focus on corporate M&A transactions. Students will become familiar with the structure of real-world M&A agreements and will exercise negotiation and drafting through directed group exercises and drafting assignments. Completion of Law and Practice of International Business Transaction in East Asia I is not a requirement for Law and Practice of International Business Transaction in East Asia II.

Course Title	Commercial Arbitration in East Asia	Instructor	Hiroshi ODA
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#### 【Course Description】

In Asia, regional arbitral institutions have developed in the recent years. Particularly, Singapore has developed into a “hub” of commercial arbitration in South-East Asia. Japanese companies now select Singapore as a place of arbitration. Arbitration law in these regions primarily comes from the English Arbitration Act. In fact, English arbitration law has significantly influenced arbitration law in the world. In this course, the English Arbitration Act 1996 will be focused, with special reference to the system in Singapore.

Course Title	Asia-Pacific Investment Law	Instructor	Hiroshi ODA
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#### 【Course Description】

This course focusses on the settlement of Investor-state disputes in the Asia-Pacific region. Trans-Pacific Partnership treaty had provided for a new framework for the settlement of such disputes, but failed to be realised. This leaves ICSID (International Center for the Settlement of Investment Disputes) as the primary forum for settling investment disputes. Selected ICSID cases of disputes in the region will be discussed in the course, followed by the discussion on the recent developments of alternatives to investment arbitration.

Course Title	International Trade Law	Instructor	Akio SHIMIZU
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#### 【Course Description】

This course examines international trade regulation in public international law as well as domestic law and familiarizes the student with the preparation, administration and implementation of relevant treaties and with trade dispute settlement.

Course Title	Transnational Crime in Asia	Instructor	Shin MATSUZAWA
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#### 【Course Description】

With the advancement of globalization, we are seeing more of cases of transnational crime, such as illegal transport of weapons and drugs, terrorism, money laundering, human trafficking, and cyber terrorism just to name a few. In this lecture, we will evaluate transnational crime cases in Asia from the perspective of criminal law. In the process of evaluation, students must be able to logically grasp the current state of the crime, understand what makes a certain crime a “crime,” and suggest any possible countermeasures. Students will be required to do a presentation on a topic of their own, and the class shall engage in a discussion based on the presentation to deepen the understanding of these topics.

Course Title	Substantive Criminal Law in Japan: an Asia-Pacific Perspective	Instructor	Shin MATSUZAWA
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#### 【Course Description】

Substantive criminal law in Japan has strong influence from German criminal law, and the same can be said for other Asian nations such as China and Korea. On the other hand, there are as many Asian nations that have been influenced by Anglo-American criminal law. In this lecture, students will achieve a solid foundation in the basic principles of Japanese criminal law through evaluating a certain case from multiple different systems of criminal law. Students will be required to do a presentation on the current situation of criminal law of their own country, and the class shall engage in a discussion based on the presentation.

Course Title	Japanese Real Estate Law in a Globalized Market	Instructor	Noriyuki AOKI
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#### 【Course Description】

Tokyo is one of the world’s gateway cities where real estate is an investment in the global market. Although a global market needs standardized rules for transactions, professional developers and investors do not have sufficient knowledge of such rules. The actual real estate itself is defined by law, which has been well accepted in local society, reflecting the value people place on the use of land. This course will compare the concept of real estate, real estate transaction law and real estate finance law between Japan and the U.S., and will clarify the characteristics of the real estate law in Japan in the context of the global market.

Course Title	Global Economy and the Law relating to Secured Transactions in Japan	Instructor	Noriyuki AOKI
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#### 【Course Description】

Japan's market for commercial secured transactions in personal property is relatively new. Although Japan's commercial loan market has a long history, most transactions were unsecured credit with promissory notes and/or secured credit collateralizing real estates owned by corporations or business managers. Since the crash of the bubble economy and real estate market in 1991, this traditional and unique feature has been changing rapidly. The asset-based lending market in Japan is now growing. This course will compare the concept and history of the law of secured transactions between Japan and the U.S., and will clarify the characteristics of the secured transactions law in Japan in the context of the global economy.

Course Title	Japanese Labor and Employment Law in a Comparative Context	Instructor	Hisashi TAKEUCHI
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#### 【Course Description】

This course aims for students to get the understanding of the basics of Japanese labor and employment law in a comparative context, and to acquire analytical frameworks for comparative study of labor and employment law in other countries of Asia or other regions. For example, one of the most important characteristics of labor and employment law in Japan in comparative context is the assurance of relatively strong employment security that supports the long-term employment practice. This relatively strong employment security, while bringing the so-called regular employees stable employment and relatively high wages at a company, also caused problems such as long working hours of these employees and widening gap among different forms of employment and thus suggests the importance of the analytical viewpoints of employment security and flexibility of labor market and of considering their right balance. Decentralized labor relations is the another important comparative feature of Japanese labor and employment law. Decentralization of labor relations is under way in many countries, and studying Japanese law provides fruitful perspective in examining pros and cons of decentralization of labor relations. Examples of topics to be covered in the course are: employment security, sources of law and the system of determining and changing terms and conditions of employment, hiring, transfers of employees, wages, working hours, prohibition of employment discrimination, atypical employment, trade unions, collective bargaining and collective bargaining agreements, industrial actions, and unfair labor practices. Not only lecture by the instructor, but also active participation of students such as presentation on the labor and employment law in their own countries and short discussions are expected in the class. Please note that specific topics to be covered and method of teaching are subject to change, depending on the size of the class and based on the desire of students and other factors.

Course Title	Environmental Law in Japan	Instructor	Satoshi KUROKAWA
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#### 【Course Description】

This course provides an overview of the rapidly developing field of domestic environmental law. It examines the fundamental principles of environmental law, such as sustainable development, polluter-pays principle, precautionary principle and environmental rights, which appear in concrete statutes. It will consider the clean air act, the clean water act, waste control & recycling laws, chemical regulation laws, climate & energy laws, nature reserve laws, biodiversity laws and so on. Students are required to prepare for the class more than one hour beforehand.

Course Title	Legal Issues on Corporate Governance in Japan	Instructor	Hiroyuki WATANABE
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#### 【Course Description】

This course consists of lectures including Case Studies and covers legal issues on corporate governance. It provides an insight for Japanese company law and corporate governance both in a theoretical and practical manner. It also provides an insight for Comparative Company Law. As for the case studies, we deal with Recent Hot Issues, e.g. Hostile Takeover (legality of defensive measures against hostile M&A), Business Judgment Rule (director's duty of care as a prudent manager), and Appraisal Remedies (shareholder's exit right at a fair price in the course of company's restructuring) etc.

Course Title	Regulation of Financial Markets in Japan	Instructor	Hiroyuki WATANABE
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#### 【Course Description】

This course covers fundamental topics in Regulation of Financial Markets. This course provides an overview of various financing methods (Basic Concepts and Schemes of Finance, Debts, Equities, Trusts, Securitizations and Derivatives etc.) and related law or regulation in Japan (Financial Instruments and Exchange Act, Trust Business Act, Companies Act and related regulations including International Regulations) both in a theoretical and practical manner.

Course Title	Law of Contract and Torts in Japan	Instructor	Kenji SAIGUSA
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#### 【Course Description】

This class aims to provide basic knowledge of the Law of Contract and Torts in Japan and, by analyzing actual cases in Japan, to see how those rules can resolve common problems affecting business activities in any country. Topics could include standardized contracts, consumer problems, and efficient breach for Contract, and Karoshi, PL, and punitive damages for Torts. Students are expected to make arguments in class discussion from comparative perspectives.

Course Title	Chinese Commercial Law	Instructor	Changyin HAN
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### 【Course Description】

The Chinese Commercial Law course mainly covers the Company Law, the Enterprise Bankruptcy Law, the Insurance Law, the Trust Law, the Securities Law, and the Law on Negotiable Instruments. This course focuses on three topics of the Chinese Company Law, the Enterprise Bankruptcy Law, and the Insurance Law.

As for the Chinese Company Law, the main topics to be introduced are the types of companies in China, the capital system and governance structure, transfer of company shares, merger of companies, and divestiture and dissolution systems.

As for the Chinese Enterprise Bankruptcy Law, the main topics to be introduced are the basic system of the Enterprise Bankruptcy Law, the corporate restructuring system, the corporate liquidation system, the cross-border insolvency regulations, and implementation status and future trend of the Chinese Enterprise Bankruptcy Law.

As for the Chinese Insurance Law, the main topics to be introduced are the basic system of the Insurance Law, main rules of property insurance (principle of indemnity, a right of subrogation, etc.), and main rules regarding casualty insurance.

Course Title	Dispute Resolution in China	Instructor	Jinhua CHENG
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### 【Course Description】

The Dispute Resolution in China course concerns rules, participants, practice, and effectiveness regarding dispute resolution in contemporary China from a perspective of sociology of law. With changes in the government and society as well as development of the market, disputes arise one after another in contemporary China and they are intricate and complicated. In response to this, a multi-layered dispute resolution mechanism has formed and is being dynamically developed. Currently, as main dispute resolution methods in Chinese society, there are mediation, lawsuit, arbitration, and “petition in writing” (so-called “xinfang”), which is a very distinctive administrative system in China.

This course will systematically explain, through legal doctrine methods, rules for the systems pertaining to the above dispute resolution methods, establishment of procedures, and participants in the procedures. Simultaneously, the results of latest empirical studies will also be used as reference. By doing so, students are expected to understand practice and effectiveness of the Chinese dispute resolution system from the two perspectives of “literal legal system” and “behavioral legal system.” As to how the course will progress and be taught, about ten themes will be planned and lectures will be mainly given by a professor. However, in order to increase the effectiveness of the course, it is also planned to conduct useful exchanges between the professor and students, such as moderate reading and review.

Course Title	Japanese Language (Japanese Legal Terms and expressions) I	Instructor	Christoph RADEMACHER; Hiraku SHIMODA
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### 【Course Description】

Being proficient in the Japanese language is an important skill for foreign law graduates who seek to work in Japanese organizations such as corporations or law firms. This course complements the Japanese language courses that LL.M. students are recommended to take at the Center for Japanese Language by focusing on legal terminology and formal language. The course will adapt to the level of Japanese language proficiency of the enrolled students, and is open to students with no prior experience studying Japanese. Specifically, students will get acquainted with: • Background and structure of formal Japanese and business Japanese • Introduction to basic legal vocabulary, legal resources, and to fundamentals of Japanese law

Course Title	Japanese Language (Japanese Legal Terms and expressions) II	Instructor	Christoph RADEMACHER; Hiraku SHIMODA
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### 【Course Description】

Being proficient in the Japanese language is an important skill for foreign law graduates who seek to work in Japanese organizations such as corporations or law firms. This course complements the Japanese language courses that LL.M. students are recommended to take at the Center for Japanese Language by focusing on legal terminology and formal language. The course will adapt to the level of Japanese proficiency that students have acquired in Japanese Language & Law I and elsewhere. In this course, students will: • Read and understand simple legal texts along with discussion on Japanese law • Understand the structure and terminology of simple business contracts • Practice basic negotiation Taking Japanese Language & Law I is ordinarily a prerequisite for taking Japanese Language & Law II; however, in case a student demonstrates strong Japanese language skills, such requirement can be waived.

Course Title	Comparative Studies of Intellectual Property Law	Instructor	Christoph RADEMACHER
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### 【Course Description】

Comparative Intellectual Property law class for Japanese and international graduate students. This class can be taken both by students who have not taken IP law classes before, or students who have studied IP law in Japan or abroad. Basic introduction of fundamental areas in IP law such as patent law, trademark law and copyright law; after explain basic concepts, discussion of selected topics of recent interest.

Course Title	Patent Law in Japan	Instructor	Ichiro NAKAYAMA
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### 【Course Description】

This class discusses major issues under Japanese Patent Act. In contrast with "Comparative Studies of Intellectual Property Law" that puts more focus on comparative aspects, the main purpose is to gain basic understanding of Japanese Patent Act, even though comparative aspects may sometimes be considered. The class analyzes major judicial decisions by frequently using case method. In Japan, unlike in common law nations, there are not so many judicial cases to cover all major topics. Therefore, some government guidelines and scholarly works are also used. The class is conducted in English.

Course Title	Copyright Law in Japan	Instructor	Yasuto KOMADA
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### 【Course Description】

Although they say that Japanese Copyright Act is a Civil law based system, it does not have its Mother law in a strict sense, and it includes some provisions which are not Civil law-like. Around the Act, there can be found a style of discussion which is quite particular to this country, and that style has a tendency to lead a unique development of the interpretations of the law. Through this course, we will explore the Japanese copyright world having these features. The case method will be used in order to examine the cases concerning the regulations, the topics and the way of discussing which can be regarded as particular to this country. (As this is not a course of comparative law, we will not touch foreign copyright laws beyond the extent necessary to attain the above-mentioned goal.)