

**COURSE DESCRIPTIONS**  
**Fall 2023**

<b>Term</b>	Fall Quarter 2023
<b>Course</b>	<i>Elective for YLP/LL.M./JDS/JLTT/BiP</i>
<b>Subject Name</b>	Law and Culture (C) (A.L.)
<b>Course Title</b>	Introduction to Roman Law and Civil Law Tradition
<b>Credit</b>	1
<b>Lecturer</b>	Mariko IGIMI

<b>Outline</b>
<p>Why the legal system in some jurisdictions is called “Civil Law”? Why is our program LL.M.? What does <i>pactum sunt servanda</i> originally mean? Where does the <i>bona fides</i> come from? All these can be answered only by learning Roman law. Whether you come from a jurisdiction of Common Law, Civil Law or Mixed Legal Systems, it is strongly recommended to look into the tradition of Civil Law not only to know the backgrounds of your own legal systems but also to relativize current legal situation.</p> <p>&lt;Aims&gt;</p> <ul style="list-style-type: none"> <li>• to know historical backgrounds of Civil Law</li> <li>• to have deeper understanding of legal maxims</li> <li>• to be able to analyze contemporary legal issues from historical perspective</li> </ul>
<b>Course Structure</b>
<p>This course will be held in lecture style. Discussion is always welcomed.</p> <p>All class materials will be distributed via Moodle (the online course system of the university).</p>
<b>Assessment</b>
<p>To be announced.</p>

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Fall Quarter 2023
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Law and Regulation (B) (A.L.)
<b>Course Title</b>	White Collar and Corporate Crime
<b>Credit</b>	2
<b>Lecturer</b>	Mark Fenwick

## Outline

Public perceptions of crime are no longer dominated by images of an urban underclass and so-called “street crime”, but increasingly involve the illegal activities of “white collar” workers, notably senior corporate executives and other managers.

Such corporate scandals have prompted policy-makers around the world into a systematic re-evaluation of crime control strategies that have resulted in extensive amendments to criminal laws concerned with the organization, financing, and regulation of corporations and their business-related activities. The result of these legislative initiatives is a complex mosaic of overlapping transnational legal norms.

In spite of these regulatory changes, however, many questions remain unanswered about what constitutes an appropriate response to “white-collar” and corporate wrongdoing. Many critics continue to question the expanded role of criminal law in this area and have suggested that the deterrent effects of criminal sanctions have been greatly exaggerated. Moreover, genuine difficulties remain in prosecuting highly motivated and well-resourced white-collar and corporate defendants.

This course will highlight some of the recent innovations in this field, as well as the difficulties in regulating corporate wrongdoing by examining selected issues from white-collar & corporate criminal law. The class will adopt a theoretical and comparative approach to the issue, with a particular focus on recent high-profile cases in the US, Europe & Japan.

No textbook will be used for this class. Course materials, including readings and PPT slides, will be uploaded on the Moodle page.

The Moodle page for this course can be found here:

<https://moodle.s.kyushu-u.ac.jp/user/index.php?id=53103>

Please note the Moodle page for this class is called Law and Regulation (B) (A.L.) and not “White Collar and Corporate Crime.”

Please refer to the 2023 page (versions from earlier years may remain online) if you want an idea of the content and topics.

Exchange students are welcome to take this course, although they should notify the class instructor at the end of the first session.

## Course Structure

The following topics will be examined in this course:

1. Introduction to White Collar and Corporate Criminal Law & Procedure
2. Prosecuting Companies – The Curious Ides of Corporate Criminal Liability
3. Internal Investigations & ‘Corporate’ Attorney-Client Privilege
4. Diversion I: Deferred Prosecution Agreements
5. Diversion II: Consent Decrees
6. Whistleblowing Law

- |  |
|--|
| <ol style="list-style-type: none"><li>7. Changing Understandings of Fraud</li><li>8. "Cover Up" Crimes: Obstruction of Justice</li><li>9. Punishing Corporate Crime</li></ol>                      |
| <b>Assessment</b>  |
| Students will be assessed according to the following criteria:<br>Class participation (20%) + a 24 hours "take home" examination (80%).<br>Students will be given exam guidance in the last class. |

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Fall Quarter 2023
<b>Course</b>	YLP/LL.M./JDS/JLTT/BIIP
<b>Subject Name</b>	Law and Economy (C) (A.L.)
<b>Course Title</b>	Science, Technology, and Innovation Policy
<b>Credit</b>	1
<b>Lecturer</b>	Prof. Ryu KOJIMA

## Outline

Technological innovation provides a variety of benefits which improves our quality of life. It is now presumed that various **“smart technologies”** including AI, Big Data, Robotics, Internet of Things (IoT), etc. will dramatically change our lives and society in the near future.

However, technological innovation inevitably accompanies **disruption**, which creates **uncertainties and risks**. If we cannot properly control such uncertainties and risks, new technologies and innovation will not be empathically received throughout the society.

In Europe, the concept of **“Responsible Research and Innovation (RRI)”** has been discussed. RRI “has emerged in recent years as a science policy framework, which seeks to align technological innovation with broader social values, and to support the institutional decisions concerning the goals of research and innovation in conditions of uncertainty and ambiguity. RRI aims to engage publics and responsible actors in the science and innovation field to produce ethically acceptable, sustainable and socially desirable research and innovation outcomes.”

<https://rri-tools.eu/about-rri>

In the United States, similar concept such as **“Ethical, Legal and Social Issues/Implications (ELSI)”** has been also argued since the 1990s.

<https://www.genome.gov/10001747/elsi-program-review-19901995>

Currently, regulation of the implementation of “smart technologies” is becoming more and more difficult, because regulatory framework cannot catch up with rapid advancement such as the proliferation of various global “platforms” to develop their business relying on these “smart technologies”.

Standing on the verge of complex “smart societies”, it is obvious that the role of lawyers and policy makers to find out and give solutions to minimize uncertainties is becoming more important than ever. This is the reason why we need to learn from the discussion of ELSI and RRI.

In this class, we would like to explore various issues related to science, technology and innovation (STI) policy from a normative point of view. This year, we would like to focus on **“Mobility/Transport”** as one of the areas to analyze from the perspective of ELSI and RRI.

## Course Structure

### 1. Schedule

Class 1: Orientation

References: ITF Transport Outlook 2023 (Summary) and Anticipatory Innovation Governance (Excerpt)

Class 2

Assignment: Chapters 1 and 2 of the OECD Working Paper (pp.9-41)

Class 3

Assignment: The first half of the Chapter 3 of the OECD Working Paper (pp.42-89)

Class 4

Assignment:

1) The second half of the Chapter 3 and Chapter 4 of the OECD Working Paper (pp.89-116)

(2) “The New Mobilities Paradigm” (Sheller and Urry)

Class 5

Assignment:

- (1) "Towards a Politics of Mobility" (Creswell)
- (2) Chapters 1 and 2 of the ITF Transport Outlook (pp.17-72)

Class 6

Assignment: Chapters 3 and 4 of the ITF Transport Outlook (pp.73-142)

Class 7

Assignment: Chapters 5 and 6 of the ITF Transport Outlook (pp.143-213)

## **2. Reading Materials:**

### **(1) International Transport Forum, ITF Transport Outlook 2023 (Summary)**

<https://www.itf-oecd.org/sites/default/files/repositories/itf-transport-outlook-2023-summary-en.pdf>  
(20 pages)

### **(2) OECD Observatory of Public Sector Innovation (OPSI), Anticipatory Innovation Governance: What It is, How It Works, and Why We Need It More Than Ever Before (2020)**

<https://oecd-opsi.org/wp-content/uploads/2020/11/AnticipatoryInnovationGovernance-Note-Nov2020.pdf> (27 pages)

\*This is an excerpt of the following OECD Working Paper.

### **(3) Piret Tõnurist and Angela Hanson, Anticipatory innovation governance: Shaping the future through proactive policy making (OECD Working Papers on Public Governance No.44) (2020)**

[https://www.oecd-ilibrary.org/governance/anticipatory-innovation-governance\\_cce14d80-en](https://www.oecd-ilibrary.org/governance/anticipatory-innovation-governance_cce14d80-en) (146 pages including Bibliography and Annex)

Chapter 1. Need for change in policymaking

Chapter 2. Anticipation, Innovation and Governance

Chapter 3. Mechanisms of Anticipatory Innovation Governance

Chapter 4. Governing the ungovernable: Towards an AIG model

### **(4) Mimi Sheller and John Urry, *The New Mobilities Paradigm*, Environment and Planning A: Economy and Space, Vol.38, Iss.2 (2006), pp.207-226.**

[https://www.researchgate.net/publication/23539640\\_The\\_New\\_Mobilities\\_Paradigm](https://www.researchgate.net/publication/23539640_The_New_Mobilities_Paradigm)

### **(5) Tim Cresswell, *Towards a Politics of Mobility*, Environment and Planning D: Society and Space, Vol.28, Iss.1 (2007), pp.17-31.**

[https://www.researchgate.net/publication/248881905\\_Towards\\_a\\_Politics\\_of\\_Mobility](https://www.researchgate.net/publication/248881905_Towards_a_Politics_of_Mobility)

### **(6) International Transport Forum, ITF Transport Outlook 2023 (2023)**

[https://www.oecd-ilibrary.org/transport/itf-transport-outlook-2023\\_b6cc9ad5-en](https://www.oecd-ilibrary.org/transport/itf-transport-outlook-2023_b6cc9ad5-en) (216 pages including Annex)

The contents of the ITF Transport Outlook are as follows:

Chapter 1. The outlook for transport: Speedy recovery, new uncertainties

Chapter 2. Decarbonising transport: Scenarios for the future

Chapter 3. Managing transport demand: Offering attractive choices

Chapter 4. Cleaner fleets: The key to decarbonising transport

Chapter 5. Liveable cities: The broader benefits of transport decarbonisation

Chapter 6. Investing in the future: The financial implications of decarbonising transport

**\*You can access and download OECD publications from the following website (OECD Library) by using Kyushu University Identification Number (SSO-KID).**

<https://www.lib.kyushu-u.ac.jp/ja/databases/oecd>

### **3. References**

(1) Dagmar Simon, Stefan Kuhlmann, Julia Stamm, and Weert Canzler (eds.), Handbook on Science and Public Policy (Edward Elgar 2019).

(2) Gianni Robert, Pearson John and Reber Bernard, Responsible Research and Innovation: From Concepts to Practices (Routledge 2019).

(3) Study Group on a New Governance Models in Society 5.0, Agile Governance Update - How Governments, Businesses and Civil Society Can Create a Better World By Reimagining Governance - (2022)

[https://www.meti.go.jp/english/press/2022/0808\\_001.html](https://www.meti.go.jp/english/press/2022/0808_001.html)

<https://www.meti.go.jp/press/2022/08/20220808001/20220808001-b.pdf>

(4) Tim Cresswell, On the Move: Mobility in the Modern Western World (Routledge 2006).

(5) John Urry, Mobilities (Polity 2007).

(6) Iain Gately, Rush Hour: How 500 Million Commuters Survive the Daily Journey to Work (Head of Zeus 2014).

(7) Sigurd Bergmann and by Tore Sager (eds.), The Ethics of Mobilities: Rethinking Place, Exclusion, Freedom and Environment (Routledge 2016).

(8) International Transport Forum, The Innovative Mobility Landscape: The Case of Mobility as a Service (2021).

<https://www.itf-oecd.org/innovative-mobility-landscape-maas>

<https://www.itf-oecd.org/sites/default/files/docs/innovative-mobility-landscape-maas.pdf>

(9) International Transport Forum, Innovations for Better Rural Mobility (2021).

<https://www.itf-oecd.org/innovations-better-rural-mobility>

<https://www.itf-oecd.org/sites/default/files/docs/innovation-rural-mobility.pdf>

(10) International Transport Forum, Reporting Mobility Data: Good Governance Principles and Practices (2022).

<https://www.itf-oecd.org/reporting-mobility-data-governance-principles-practices>

<https://www.itf-oecd.org/sites/default/files/docs/reporting-mobility-data-governance-principles-practice.pdf>

(11) United Nations. Sustainable transport, sustainable development. Interagency report for second Global Sustainable Transport Conference. 2021.

[https://sdgs.un.org/sites/default/files/2021-](https://sdgs.un.org/sites/default/files/2021-10/Transportation%20Report%202021_FullReport_Digital.pdf)

[10/Transportation%20Report%202021\\_FullReport\\_Digital.pdf](https://sdgs.un.org/sites/default/files/2021-10/Transportation%20Report%202021_FullReport_Digital.pdf)

(12) Sustainable Mobility for All (Sum4all), Global Mobility Report 2022: Tracking Sector Performance (2022)

[https://www.sum4all.org/data/files/global\\_mobility\\_report\\_2022\\_04052023\\_final.pdf](https://www.sum4all.org/data/files/global_mobility_report_2022_04052023_final.pdf)

### **Assessment**

Assessment is based on the following **three** elements.

(1) Submission of the memo (30%)

Participants are expected to submit a short memo **before the class (the deadline is 7:00PM Monday evening)**. **You do NOT need to submit a memo for the first class (October 3rd)**. After reading the assigned part, please briefly present **a legal issue/legal issues and a solution/solutions to such an issue/issues**.

(2) Class Participation (20%)

(3) Final presentation (50%)

Participants are expected to make a presentation at the end of the class (hopefully group presentations). The presentation should be **a short pitch** (maximum 5-10 minutes depending on the number of groups).

(Question)

As officials of City A, you are responsible for policy-making in the Mobility/Transport sector of your city.

One day, you received an order from your boss to create a proposal for improving City A's Mobility/Transport sector and present it to your local residents. City A may implement excellent proposals as actual policies.

During your presentation, please address the following elements:

- (1) You should specify which city you are working for as officials.
- (2) Choose one issue from the Mobility/Transport sector of [City Name].
- (3) Your presentation should be a short pitch, lasting a maximum of 5-10 minutes. You are also allowed to distribute supplemental materials.

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.



<b>Term</b>	Fall Quarter 2023
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Transnational Business Law (A) (A.L.)
<b>Course Title</b>	International Commercial Arbitration
<b>Credit</b>	2
<b>Lecturer</b>	Van Uytsel, Li
<b>e-mail</b>	

## Outline

1. Kyushu University Faculty of Law has been participating the Intercollegiate Negotiation Competition for many years, and the 22nd of Intercollegiate Negotiation Competition (INC) will be held on 9 and 10 December 2023 at Sophia University (Tokyo) (and online via Zoom.) (<https://www.negocom.jp/eng/comp/schedule.php?tno=22>)
2. The competition shall take place in two rounds as follows:
  - (i) Round A (arbitration) : all members act as attorneys of the Company in the Problem of INC
  - (ii) Round B (Negotiation) : each member acts in a registered role, with the various roles as specified in the Problem of INC.
3. We will study the mock competition problem of this year and how to prepare statements following the INC competition schedule. (<https://www.negocom.jp/eng/comp/rule.php?tno=21>)
4. Most importantly, we will prepare oral arguments making the Red team and the Blue team and practice for arbitration and negotiation.
5. In addition to this, we will do role play whereby students act as attorneys representing the Red or the Blue team for arbitration and company's key persons for negotiation. Alumni may be invited as arbitrators.

The aim is to form one team to participate in the competition. Students who do not participate in the competition can support the team as advisor. Advisors have to contribute to the participate in the role play.

## Course Structure

In principle, weekly meetings on Wednesday morning. Role plays may be held on different days.

Important dates (subject to change):

October 2 (Monday): Release of the Problem, Rules, and Registration Details

October 20 (Friday) 15:00 JST: 1st deadline for clarification questions

October 20 (Friday) 15:00JST: Registration deadline

October 24 (Tuesday): Release of the match table and confidential information for Round B

November 10 (Monday) 15:00 JST: 2nd deadline for clarification questions

November 27 (Monday) Noon JST: Deadline for submission of Preliminary Memorandum for Round A

December 5 (Tuesday) Noon JST: Deadline for submission of Counter-Argument for Round A and memorandum for Round B

## Assessment

Participants will be assessed based on the following performance:

- (i) Class participation,
- (ii) submission of memorandum, and

(iii) Role playing
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English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Fall Quarter 2023
<b>Course</b>	BiP 2023 April entry (Compulsory)
<b>Subject Name</b>	Legal Research Methodology & Writing (C) (A.L.) for BiP 2023 April entry
<b>Course Title</b>	Legal Research Methodology and Writing II for BiP 2023 April entry
<b>Credit</b>	1
<b>Lecturer</b>	Van Uytsel
<b>e-mail</b>	

### Outline

This course will seek to familiarize the students with the technical aspects of writing a thesis. The main aspects covered in this course will be citation (footnotes, bibliography, avoidance of plagiarism), legal reasoning (argumentation techniques), and editing (introduction, chapter structuring, paragraphs, headings, conclusion).

Students with experience of writing a thesis can apply for a waiver. Consult the lecturer prior to the start of the course.

### Course Structure

Lectures with Q&A on citation

### Assessment

Assignments re: bibliography

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Winter Quarters 2023
<b>Course</b>	Elective for YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Intellectual Property and the Law (A) (A.L.)
<b>Course Title</b>	Japanese Intellectual Property Law in Practice
<b>Class Schedule</b>	1&2 Thu., October 5th, 13:00-14:30 and 14:50-16:20 3&4 Thu., October 12nd, 13:00-14:30 and 14:50-16:20 5&6 Thu., October 19th, 13:00-14:30 and 14:50-16:20 7&8 Thu., October 26th, 13:00-14:30 and 14:50-16:20 9&10 Thu., November 2nd, 13:00-14:30 and 14:50-16:20 11 Thu., November 9th, 14:50-16:20 (Online) 12&13 Thu., November 16th, 13:00-14:30 and 14:50-16:20 14&15 Thu., November 23rd, 13:00-14:30 and 14:50-16:20 (Online) *This schedule is subject to change.
<b>Room</b>	E-109, 1F East Zone 2 * Obtain approval from the lecturer beforehand or immediately after class for absences and late arrivals. For online attendance, seek approval as well, except for the classes on November 9 <sup>th</sup> and 23rd, which are conducted entirely online).
<b>Credit</b>	2
<b>Lecturer</b>	Prof. Shinto Teramoto
<b>e-mail</b>	<a href="mailto:shinto.teramoto@kyushu-u.ac.jp">shinto.teramoto@kyushu-u.ac.jp</a>

Outline
<p>This course provides an overview of intellectual property laws in Japan as they are practiced, with a particular focus on the key topics of patents, copyrights, and trademarks. These topics are also frequently discussed in other jurisdictions, including EU, the U.S., and various Asian countries.</p> <p>This course provides students with practical training on how to utilize the tools offered by intellectual property laws to protect their rights.</p>
Course Website
<p>Access the Kyushu University Moodle at <a href="https://moodle.s.kyushu-u.ac.jp/">https://moodle.s.kyushu-u.ac.jp/</a> and select "Japanese Intellectual Property Law Practice 2023, Prof. Shinto TERAMOTO".</p>
Course Structure
<p>The course structure may be subject to change or modification as the course progresses.</p> <p>The item numbers below may not necessarily correspond to the lecture numbers.</p> <p>1 &amp; 2 Patent Infringement Litigation Demanding an Injunction</p> <p>3 &amp; 4 Copyright Infringement Litigation Demanding an Injunction</p> <p>5 &amp; 6 Basics of Social Network Analysis</p> <p>7 Convincing the Examiners That Your Invention Can Be Worked</p> <p>8 Proving that the Defendant's Products were Produced by Working the Plaintiff's Patented Invention</p> <p>9 Performance Rights</p> <p>10 Public Transmission</p> <p>11 Trademarks Utilizing Transitivity and Centrality</p> <p>12 &amp; 13 Novelty, Non-obviousness, and Definiteness of an Invention as Described in a Patent Claim</p> <p>14 &amp; 15 Protection of Rights on Social Network Services</p>

<b>Reading Materials</b>
Materials will be distributed via the Kyushu University Moodle.
<b>Assessment</b>
Grading will be based on class participation and a final examination (take-home exam).

English Proficiency

Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

\*This course is open for the European Union Studies Diploma Programmes (EU-DPs). See more details here; <http://eu.kyushu-u.ac.jp/>

<b>Term</b>	Winter Quarter 2023
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLT &amp; BiP</i>
<b>Subject Name</b>	Conflict of Laws (B) (A.L.)
<b>Course Title</b>	Private International Law - Comparative Perspective
<b>Credit</b>	2
<b>Lecturer</b>	Ren Yatsunami

### Outline

The aim of this course is to explore the foremost research questions and the latest findings in surveys in the field of private international law from a comparative law perspective. For this purpose, participants will work on together an analysis of papers on private international law that have been recently published by authors in different jurisdictions.

Basically reading materials will be selected from the recent volumes of leading journals in the field such as "Journal of Private International Law," "Japanese Yearbook of International Law," and so on. Participants will be required to present a summary and review of the reading materials and to join in the in-class discussion.

Through the course, participants are expected to deepen the understanding toward particular issues dealt by the recent papers by exchanging opinion with the other participants with different backgrounds.

### Course Structure

Reading materials will be provided in advance so that participants can take time to prepare their presentation or ideas for in-class discussion. All participants are expected to actively join in the debates based on the reading materials. In the first class, recent topics in the field and selected papers from journals published in recent years will be briefly introduced, and we will schedule presentations in following classes. From the second class, we will go on to more in-depth discussion on each material.

### Assessment

Assessment will be based on;

- 1) Class Participation (In-class oral presentation and discussion) and
- 2) Final Examination (Take-home essay).

A more detailed information about the format of presentation and the final essay will be announced in the first class.

### English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Winter Quarter 2023
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLTT, BiP</i>
<b>Subject Name</b>	Law and Society (C) (A.L.)
<b>Course Title</b>	Introduction to Japanese Law, Historical Perspective
<b>Credit</b>	1
<b>Lecturer</b>	Mariko IGIMI

<b>Outline</b>
<p>Japan has experienced a peculiarly rapid and successful transition of legal systems in Meiji Era. What was the historical background behind the success? What are the problems left until today?</p> <p>We will briefly look into Japanese Constitutional Law, Criminal Law, as well as Civil Law from the perspective of three receptions that Japan experienced in its history.</p> <p>THIS COURSE WILL BE HELD IN <b><u>ENGLISH</u></b>.</p> <p>&lt;Aims&gt;</p> <ul style="list-style-type: none"> <li>• to know historical backgrounds of Japanese legal system</li> <li>• to have an acquaintance of an example of legal transition</li> <li>• to be able to analyze contemporary legal issues in Japan</li> </ul>
<b>Course Structure</b>
<p>The content of this course will be the same as “Introduction to Japanese Law, Historical Perspective I” but lectured in English.</p> <p>All class materials will be distributed via Moodle (the online course system of the university).</p>
<b>Assessment</b>
To be announced.

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Winter Quarter 2023
<b>Course</b>	Elective for YLP, LL.M., JDS, JLTT & BiP
<b>Subject Name</b>	Law and Contemporary Problems (C) (A.L.)
<b>Course Title</b>	Global Value Chains and Law
<b>Credit</b>	1
<b>Lecturer</b>	Toshiyuki Kono & Mark Fenwick

## Outline

When a company tries to expand its economic activities from one country to another, a sovereign state has the power to control it, which creates barriers for the company to overcome. Hyper-globalization, which occurred over a period of about twenty years starting in the 1990s, lowered this significantly, resulting in the rapid expansion of the international decentralization of manufacturing processes and global value chains (GVC).

On the other hand, the management of GVCs has become increasingly complex due to an increase in the number of variables to be considered, such as economic security and responses to growing interest in common values such as the environment and human rights. The construction of a “trustworthy” value chain that responds to such circumstances is required.

In terms of international rules, new pressures have emerged to create norms for sustainability, fairness, and social justice. The UN adopted the *Guiding Principles on Business and Human Rights* in 2011, and the OECD also included the environment in the 2011 edition of its *Guidelines for Multinational Enterprises*, in addition to human rights matters covered by the guidelines. The OECD also encourages due diligence in all areas covered by its guidelines.

As for hard laws at the national level, a number have been enacted, requiring a high degree of transparency in GVs (e.g., California's *2012 Supply Chain Transparency Act* and the EU's *2015 Non-Financial Reporting Directive*), or as substantive laws and regulations that hold GVCs as whole liable for tortious acts (e.g., *2017 Vigilance Law* (France), *2021 Supply Chain Integrity Law* (Germany), or the UK's *2015 Modern Slavery Act*).

In February 2022, a draft EU Directive was published that will require Member States to impose environmental and human rights requirements and penalties applicable to GVCs on EU companies, non-member state companies, and companies connected to EU member states.

Similar legislation is being enacted or enforced in Australia, Canada, and other countries, and the trend toward enacting laws that apply environmental and human rights protection regulations to GVCs is now a global trend.

The purpose of this class is to examine this emerging legal landscape and to think about the character and effects of these emerging norms, as well as their relationship with existing norms that exist at the local level in those jurisdictions where transnational businesses operate. Clearly, such norms create new risks (economic, legal, and reputational) for any business that operates transnationally, but the question of whether such regulatory interventions change behavior on the ground is open for debate, and the question arises of whether compliance becomes an exercise in image management or cosmetic box-ticking.

## Course Structure

The course will be organized a Hackathon. After two or three introductory lectures introducing the main issues and problem, students will split into groups to work on the problem.

No textbook will be used for this class. Course materials, including readings and PPT slides, will be uploaded on the Moodle page:

<https://moodle.s.kyushu-u.ac.jp/user/index.php?id=53107>

Please note that on MOODLE the class is called Law and Contemporary Problems (C) (A.L.)



Exchange students are welcome to take this course, although they should notify the class instructors at the end of the first session.

<b>Assessment</b>
Students will be assessed based on the final group presentation and general class participation.

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Winter Quarters 2023
<b>Course</b>	Elective for <i>YLP/LL.M./JDS/JLTT/BiP</i>
<b>Subject Name</b>	Transnational Business Law (B) (A.L.)
<b>Course Title</b>	International Maritime Law
<b>Credit</b>	2
<b>Lecturer</b>	Caslav Pejovic & Peter Lee

### Outline

The course is designed to introduce law students to a wide range of problems involving international business transactions. The course will focus on the international regulation and comparative law analyses of the most significant topics of international business transactions. The course will examine the way the law and practice deal with all these issues, including the efforts aimed at the unification and harmonization of international trade law.

In the first part, the course will focus on the international trade. The international sale of goods is the central part of the international trade, and the course will cover several topics which are related to the international sale of goods. The examination of the international sale of goods will deal, inter alia, with the following: formation and performance of the contract of sale; some special forms of export contracts; standardization of international trade terms; the international carriage of goods; insurance; payment and financing of the transaction.

In the second part the course will deal with foreign investments, their legal regulation and various ways of conducting business in a foreign jurisdiction. The examination of foreign investment will include a discussion of the following: the types of foreign investment; reasons for FI; incentives for FI; joint ventures; project financing; transfer of technology.

### Assessment

Assessment of students' performance in the course will be based on class participation and the final exam.

### English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Winter Quarter 2023
<b>Course</b>	Compulsory for YLP, LL.M., JDS, JLTT, BiP
<b>Subject Name</b>	Introduction to Legal and Political Studies (C) (A.L.)
<b>Course Title</b>	A Legal Studies Primer
<b>Credit</b>	1
<b>Lecturer</b>	Ryu Kojima & Mark Fenwick

## Outline

Most legal education focuses on teaching legal rules, but there is another kind of legal knowledge, which is just as important, but receives less attention in the curriculum of most law schools. We might characterize this second type of legal knowledge as transferable “tools” for thinking about and analyzing legal issues. Examples of such “tools” might be “the least cost avoider principle,” “rules versus standards,” or “administrative costs.”

The aim of this course is to introduce students to some of the most powerful of these tools for thinking about the law. More specifically, we will focus on the evolution of an economic understanding of the law over the last fifty years starting with classical law and economics, before examining alternative accounts found in more recent “behavioral” and “institutional” oriented works.

We hope to provide a clear and practical introduction by reading some canonical texts that explain these “tools” and then discuss them in class together. We believe that this can provide students with the necessary equipment to apply these ideas to other fields of legal studies, as well as their theses.

For this year, we will be using extracts from the following sources:

- Ward Farnsworth, *The Legal Analyst: A Toolkit for Thinking About the Law* (University of Chicago Press, 2007).
- Richard H. Thaler & Cass R. Sunstein, *Nudge: Improving Decisions About Health Wealth & Happiness* (Penguin, 2009).
- Larry Lessig, *The Code: Version 2.0* (2006 (original 1999), available at: <http://codev2.cc/>).
- Antonina B. Engelbrekt, ‘Copyright from an Institutional Perspective: Actors, Interests, Stakes & the Logic of Participation,’ *Review of Economic Research on Copyright Issues*, Vol. 4(2), pp. 65-97 (2007, edited).
- Douglass C. North, ‘The Role of Institutions in Economic Development,’ UNECE Discussion Papers Series, No. 2003.2 (October 2003).
- Richard C. Ellickson, *Order Without Law* (Harvard University Press, 1991, extracts).
- Peter T. Leeson, *The Invisible Hook: The Hidden Economics of Pirates* (Princeton University Press, 2009).

**All reading materials will be available via the course page on MOODLE.**

<https://moodle.s.kyushu-u.ac.jp/course/view.php?id=53109>

**Please note the name of this class on Moodle is Introduction to Legal and Political Studies (C) (A.L.). Material will be uploaded in time for the first session.**

Exchange students are also welcome to take this class.

## Course Structure

The class will consist of seven 90 minutes sessions.

The assigned readings for this year are as follows:

1. Class Orientation.
2. Farnsworth, Chapters 1 & 2.
3. Farnsworth, Chapters 3-8, 9, 10, 17, 20.
4. Thaler & Sunstein, Chapters 1 & 2.
5. Thaler & Sunstein, Chapter 4; Lessig, Chapter 7.
6. Englebrekt & North articles.
7. Ellickson & Leeson, Chapters 1 & 2.

The exact dates of the classes will be confirmed later via the MOODLE page.

### **Assessment**

The Assessment for this course will be explained in more detail at the Orientation class. However, assessment will comprise three components:

1. A short, in-class presentation (students will be divided into groups).
2. A 1,500 words report to be written at the end of the course.
3. A short comment to be written in the final 10 minutes of each week's class

### **English Proficiency**

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Winter Quarter 2023
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLTT &amp; BiP</i>
<b>Subject Name</b>	Transnational Public Law (A) (A.L.)
<b>Course Title</b>	International Law in Today's World
<b>Credits</b>	2
<b>Lecturer</b>	Kinji AKASHI

### Outline

"International law" (IL) is a rather elusive body of norms regulating the activities of "international actors". While it has far-reaching, though invisible, effects on our everyday life, its legal nature, especially its legally binding force, has been often questioned. Is IL really law? Based on this crucial question, this course aims 1) to learn the fundamental ("classical") concepts and theories of IL, and 2) to analyze their current situations.

### Course Structure

The main issues to be discussed in this course will be; 1) the fundamental theories of the sources of IL, 2) the new ("informal") sources of IL, 3) law-making process of IL, and 4) the relations between IL and municipal (national) law.

Through the lectures, "Japanese issues" concerning IL will also be mentioned.

### Assessment

- (1) General Class Participation: 30%
- (2) Examination: 70%

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Winter Quarter 2023
<b>Course</b>	Compulsory for Appointed Students
<b>Subject Name</b>	Introduction to Legal and Political Studies (C) (A.L.)
<b>Course Title</b>	Effective Legal Writing
<b>Credit</b>	1
<b>Lecturer</b>	William Fish

## Outline

The comedian Groucho Marx once joked, “I shot an elephant in my pajamas. How he got into my pajamas I’ll never know.” We assume we all understand the first sentence when we read it, but the second sentence gives us an entirely different (and in this case, ridiculous) interpretation. The joke provides us with a bit of humor, and all is fine. Yet, sentences open to misinterpretation are written daily around the world, sometimes in news headlines, other times in government announcements, other times in laws and regulations. The alternative interpretations are not always ridiculous, but often cause confusion and result in unintended consequences and lost revenue. The US Treasury was forced to pay out millions of dollars in 1874 because of a misplaced comma. A few years ago, a dairy company in the US was forced to pay 5 million dollars in back-pay for a similar reason – even though the vague phrase that caused the misunderstanding was entirely “correct” according to accepted grammar and style guides.

Most people can write well enough for their needs. However, those who need to explain difficult and advanced concepts, and particularly those who need to persuade the reader to act in a desired way regarding those concepts, need to write a level well above most people. One irony is that the specialized knowledge and advanced education of many experts can create a gap that makes it difficult for them to explain their expertise to a less specialized person. Effective writing requires fewer concerns of correctness and more focus on what message the reader will get. The writer needs to think like the reader. There has been a strong movement toward encouraging more practical language in contracts, government policies and regulations. Lawyers and academics are among the groups that fall into the trap of using arcane expressions where a common phrase would be better understood. The advantages of using language that does not leave the reader behind are obvious. A well-written proposal is more likely to win acceptance. A well-written regulation is more likely to be understood and properly observed. A well-written policy is more likely to be successfully implemented.

This course is aimed at those who use writing to convey difficult ideas and to persuade sometimes critical readers, those for whom “good-enough” is not good enough. It is hoped that students will find ways to create more effective writing, will learn how small changes can have a great impact, and ultimately learn to think of writing as a lifetime process – like any other mastery of refined skills and arts. With group work and analysis of writing done in class workshops, we will find ways to make our writing more effective and easier to digest and to eliminate vague writing that can lose the attention, trust and favor of our readers. The goal is for students to leave the class with a better sense of how to persuade with effective writing and how to continually improve their rhetoric for success in the future.

## Course Structure

There are two required references for this class:

The Elements of Style: Classic Edition (2018) With Editor's Notes, New Chapters & Study Guide  
by William Strunk Jr., Richard De A'Morelli

Plain English for Lawyers 5th Edition  
by Richard C. Wydick

The class will be centered around group workshops and instruction. The students will be able to help each other with inputs and refinements, and the results will be compared. The focus will be on revisions to produce effective and concise writing. There will also be workshops on rhetorical writing

aimed at achieving specified results or responses. We will select written passages and then work together to completely change their effect on the reader. The class will cover topics such as:

- What is grammar, and when is it OK to ignore it? What is effective writing, and how can you learn to identify and replace ineffective words, sentences and phrases?
- Building blocks with “glue” words, clauses, sentences and paragraphs. How to tie them together to build a cohesive report or proposal, eliminate roadblocks and win over the reader. How to be sure that every new passage continues the flow and builds a case.
- A review of punctuation and transitional words and phrases that direct the reader’s attention.
- Presenting the same facts in different ways for rhetorical effect.
- Quoting, paraphrasing and presenting 3<sup>rd</sup> party views.
- Eliminating excessive words and writing concisely.
- Common writing traps, repetition, clichés, passive clauses.
- How to write convincing and authoritative reports.
- Stepping outside our writing to visualize how the reader might respond.

A main component of the class will be an essay that will be submitted and resubmitted at least twice after significant revisions. The earlier revisions will focus on providing form, reconsidering how to present ideas, ensuring that ideas flow together and connect in a manner that will draw in the reader.

### **Assessment**

Students will be assessed by class participation and submissions, particularly the essay that will be submitted initially as a rough draft and resubmitted at least twice to create a final draft.

<b>Term</b>	Winter Quarter 2023
<b>Course</b>	Elective for YLP, LL.M., JDS, JLTT, BiP
<b>Subject Name</b>	Comparative Legal Systems (C) (A.L.)
<b>Course Title</b>	Globalization and Commercial law
<b>Credit</b>	1
<b>Lecturer</b>	Kunihiro Kawasaki

## Outline

This course will analyze the influence of globalization upon commercial law in consideration of each country's economic structure. As globalization progresses, commercial law in each jurisdiction tends to converge. However, even after convergence, certain differences still remain due to differences in each country's economic structure. This course will discuss corporate disclosure and IFRS as a typical example of above issue, and will also examine crypto-assets and related issues.

## Course Structure

The course will focus on two legal systems; (I) corporate disclosure of financial statements and International Financial Reporting Standards ("IFRS") and (II) crypto-assets and related issues such as stable coin.

### I. Corporate disclosure and IFRS

Corporate disclosure is vital not only for a company's fundraising, but also a country to attract investment from all over the world and promote its economic development. Convergence of corporate disclosure commenced in 1950s, and a globalized standard for corporate disclosure results in the establishment of IFRS, which has now been adopted by about 150 countries. However, in recent years, it has been found that even in countries that have adopted IFRS, there are some divergences in their legal systems because of their characteristics of economic structure. A large amount of academic research has been conducted on the relationship between corporate law disclosure/IFRS and the economic structure of each country, which is expected to provide students with useful inference how globalization and economic structure affect commercial law.

### II. Crypto-assets and related issues

This course will also handle crypto-assets and related issues such as stable coins. Crypto-assets have only 15 years of development since the issuance of famous article by *Satoshi Nakamoto* in 2008, and legal systems of each jurisdiction regarding crypto assets are substantially different. In this course, we will discuss the reasons of this divergence based on each country's economic structure, and the possibility of future standardization.

In the first few sessions of this course, a brief overview of both (I) corporate disclosure and IFRS, and (II) crypto assets and related legal systems will be provided. In this explanation, we will often overview the legal history of Japanese law, US law, UK law, French law and German law.

Afterwards, participants are required to provide presentation of legal systems regarding (I) and (II) above and the economic structure of their mother country, and participate in discussion. Through these students' presentations and discussions, participants are expected to deepen their understanding of divergence of laws and economic structures in this world and the influence of globalization and country's economic structure upon commercial law.

No textbook will be used for this class. Course materials, including reading assignments and PPT slides, will be uploaded on the Moodle page.

## Assessment

Assessments will be based on (i) class participation (including in-class presentation, 50%) and (ii) submission of the final report (50%).



The style of presentation depends on the number and nature of participants. If we have more than 6-7 participants, it will be a group presentation. Also, participants from the same country will provide a group presentation. Each presentation should be 20-30 minutes (depending on the number of presenters).

A more detailed information on the final report will be announced in the last session of this course.

### English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Winter Quarter 2023
<b>Course</b>	BiP April entry (Compulsory)
<b>Subject Name</b>	Legal Research Methodology & Writing (D) (A.L.) for BiP 2023 April entry
<b>Course Title</b>	Legal Research Methodology and Writing III for BiP 2023 April entry
<b>Credit</b>	1
<b>Lecturer</b>	Van Uytsel
<b>e-mail</b>	<a href="#">[redacted]</a>

### Outline

This course focuses on plagiarism. Plagiarism exists when students copy text, data, figures, ideas of other people without giving appropriate reference. Whether the taking of text, data, etc. is inadvertent is not important for constituting a plagiarism infringement.

In order to prevent students from submitting a thesis that contains sections or sentences that are plagiarized, a final draft of the thesis is submitted to iThenticate. iThenticate is a software that detects plagiarism. The submitted drafts will be checked and plagiarism will be identified.

Student's whose draft contains plagiarism will be contacted. Students will receive guidance on how to rectify the plagiarized parts either in class form, in an individual guidance session, or through email.

### Course Structure

The course will be conducted in class form, individual sessions, or e-learning.

### Assessment

iThenticate check of thesis draft

### English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Semester-Length, 2023 Fall
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP/LL.D. 1st year (Compulsory)
<b>Subject Name</b>	Legal Research Methodology & Writing (A) (A.L.) for LL.M. 2023 October entry Legal Research Methodology & Writing (R.) for LL.D.
<b>Course Title</b>	Legal Research Methodology and Writing I
<b>Credit</b>	2
<b>Lecturer</b>	Steven Van Uytsel
<b>e-mail</b>	

### Outline

This course seeks to facilitate the selection of the thesis topic and the formulation of the research question. Further, students will be familiarized with collecting and processing information (library, internet sources, critical reading).

Lexis will introduce their own product in an online session on Oct. 19. Between 10 and 11 on Zoom. The link will be provided in due time.

### Course Structure

Lectures and presentations

### Assessment

Assignment: research proposal & research question  
Presentation of research proposal

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Year-Length, 2023 Fall & 2024 Spring
<b>Course</b>	Only for Risk Society LL.M. (Compulsory)
<b>Subject Name</b>	Legal Research Methodology & Writing (C) (A.L.)(Fall Semester) Legal Research Methodology & Writing (D) (A.L.)(Spring Semester)
<b>Course Title</b>	Research Workshop on Risk Society & the Law
<b>Credit</b>	2 (Fall Semester 1 + Spring Semester 1)
<b>Lecturer</b>	Mark Fenwick & Steven Van Uytsel

## Outline

In December 2021, Kyushu University's LL.M. and LL.D. programs were selected as recipients of Japanese government scholarships. Seven scholarships are now available each year for the LL.M program and one scholarship per year for the LL.D.

The theme of the accepted proposal to the Japanese government was law in a "risk society." A risk society is characterized by fast-paced technological innovation, social disruption, and normative uncertainty.

This class – the Research Workshop on Risk Society & the Law – is one of the required courses offered within the framework of this program. The class is designed to help students in their thesis preparation.

**Please note that the credit for this class cannot be counted towards the 20 coursework credits necessary for graduation.**

This class is conceptualized as part of the 10 thesis credits.

**Please take care when calculating your coursework credits.**

## Course Structure

This course is split into four parts spread over the academic year. Completion of all parts is necessary to receive the 2 credits:

1. Please attend **the first four sessions of the Legal Research Methodology & Writing Course** taught by Prof. Van Uytsel in Fall Quarter. These sessions will help students in project design and the preparation of a thesis proposal.
2. An additional 3-4 sessions will be organized in Winter Quarter taught by Prof. Fenwick. **The exact schedule will be confirmed at a later date.** At these sessions, students are expected to make a 20-minute presentation of their thesis plan.
3. In the Spring semester, students should attend **Legal Research Methodology & Writing III** offered in the Summer Quarter (i.e., the second half of the Spring Semester 2024). This course comprises the anti-plagiarism check and is a requirement for the submission of the thesis.
4. 3-4 additional sessions will be organized in Quarter 4. Further details will be provided at a later date

## Assessment

Students will be graded based on their in-class performance, thesis proposal and in-class presentation of their thesis plan.

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Semester-Length, 2023 Fall
<b>Course</b>	Elective for YLP, LL.M., JDS, JLT & BiP This course is open for the European Union Studies Diploma Programmes (EU-DPs).
<b>Subject Name</b>	Law and Development (A) (A.L.)
<b>Course Title</b>	Japan's Development in Context I
<b>Credit</b>	2
<b>Lecturer</b>	Boyle

## Outline

### [COURSE GOALS]

This course focusses on the period 1500-1950, and situates the modern development and politics of Japan within its broader institutional, economic and social history context. It is the first half of a two-part graduate seminar looking at the political history and development of Japan today.

### [AIMS]

The course has two distinct aims. The first is to provide students with a comprehensive overview of the political history of modern Japan's development as a prerequisite for a deeper understanding of the country today. The second is to emphasize how the interpretation and use of this developmental history is influenced by contemporary events.

### [OBJECTIVES]

The course seeks to explore the formation of modern Japan, and the ways in which that history has been, and continues to be, shaped by the present. It will:

- (1) provide students with fundamental knowledge of the history of Japan down to 1950;
- (2) introduce students to important, ongoing debates regarding the political history of Japan and its relations with its neighbors; and
- (3) provide a series of analytical lenses with which to further your own research.

## Course Structure

Further details, and a reading list, will be given in the first session on Friday 6<sup>th</sup> October. It is expected that students intending to take the course will attend this first session.

### [RECOMMENDED BACKGROUND READING]

- Goto-Jones, Christopher, *Modern Japan: A Very Short Introduction*, Oxford University Press, 2009 (e-book accessible through Kyushu University Library website).

Walker, Brett, *A Concise History of Japan*, Cambridge: Cambridge University Press, 2015

## Assessment

**Class Attendance: 30%**

**Participation: 30%**

**Presentations: 40%**

All students are expected to attend the sessions having done the compulsory reading, as well as any additional readings they have been assigned.

Many of the classes involve presentations and group discussions; some presentations will be collaborative, which will require you to coordinate your responsibilities outside of class.

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Intensive, 2023 Fall
<b>Course</b>	LL.D. 1st & 2nd year (Compulsory)
<b>Subject Name</b>	Legal Research Training (A)
<b>Course Title</b>	Legal Research Training
<b>Credit</b>	2
<b>Lecturer</b>	Steven Van Uytsel
<b>e-mail</b>	

## Outline

This course seeks to train students in different skills necessary for successfully completing an LL.D. course: legal academic writing, critical reading, public presenting and acquiring broader theoretical knowledge.

The course will critically assess the written progress of each LL.D. student's research. For this purpose, the students are required to submit a chapter during the semester which will be analyzed on different aspects, such as the logical development of the argument, the chapter structure within the whole thesis, paragraph structure, or footnoting. The other students will be involved as respondents.

For acquiring broader theoretical knowledge, the students will be given texts on broader theoretical perspectives within their respective field of research. These texts have to be presented and will be followed by a discussion on the topic itself.

Another aim of the course is to prepare the students for the Comprehensive Research Seminars. The preparation will be orientated mainly towards presentation techniques and PowerPoint issues. The thesis content may be addressed as well.

This course is compulsory for the first and second year LL.D. students and recommended for the third year LL.D. students. Besides, the first year LL.D. students are required to attend the Legal Writing and Research Methodology course.

## Course Structure

The course will be taught every two weeks over two semesters. Each semester will be divided into three parts:

1) ***A critical assessment of a thesis chapter***: Students will be asked to submit a chapter, which they have written in the previous semester. For each chapter, another student will be appointed as a respondent. The respondent has to critically read the chapter and comment on the different elements contributing to the logical structure of the chapter.

2) ***Research related theoretical perspectives***: students will be divided into groups according major theoretical themes underlying their research. Texts will be chosen in function of these major themes. All students are required to read the text in order to contribute to the discussion after the presentation.

3) ***CRS preparation***: These sessions will focus on presentation techniques, PowerPoint issues, and thesis content.

## Assessment

Presentations and class participation

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Intensive Lecture, 2023 Fall
<b>Course</b>	Elective for YLP, LL.M., JDS, JLTT & BiP
<b>Subject Name</b>	Law and Culture (D) (A.L.)
<b>Course Title</b>	Cultural Heritage Law I
<b>Credit</b>	1
<b>Lecturer</b>	Kamil Zeidler, Ren Yatsunami

## Outline

The aim of the lecture is to present the legal protection of cultural heritage – in public international law, in European law, and in the law of selected countries.

The lecture will be focused on the system of cultural heritage protection, which is based on three pillars: 1) law, 2) economics, and 3) social knowledge and responsibility. Although law is very important, but is not the only factor in human activity called “cultural heritage protection and preservation”. However the course will be finally focused on the legal issue.

In this regard, it should be stressed that in almost all modern states, the system of legal protection of cultural heritage has two main sources: public international law and internal law; sometimes can be distinguished also the third source, like European law (which is quite different from international law) in European Union member states.

Law is divided into different branches: civil law, criminal law, administrative law, financial law etc. In each of them we can find legal tools stipulated to protect cultural heritage, however some of them are more useful than others.

In the process of applying the cultural heritage law, we have to focus on valuation – determining what is an object of cultural heritage and what is not, but not only that. When public authority has to make a legal decision, very often it has to go beyond the legal system (understood as a system of legal norms and – norms interpreted from these norms), and refer to other normative systems and systems of valuation. With regard to this issue the most important is so-called theory of conservation, the most important part of which are soft law documents, including Venice Charter (1964).

Finally, this problem is strictly connected with liberalism versus communitarianism debate, which can be perceived as a hard case in law, as well as, the problem of the restitution of cultural property, what also should be discussed during the course.

## Course Structure

1. Introduction – the system of cultural heritage protection
2. Cultural heritage law terminology: the object of protection and preservation and the problem of definitions – cultural heritage, cultural property, monuments of history, works of art etc.
3. Introduction to international cultural heritage law
4. Cultural heritage law – EU law and constitutional law
5. Cultural heritage law in selected countries
6. Crimes against cultural property: prosecuting and preventing
7. Restitution of cultural property (readings: K. Zeidler, *Restitution of Cultural Property: Hard Case – Theory of Argumentation – Philosophy of Law*, Gdansk University Press-Wolters Kluwer, Gdańsk-Warsaw 2016 – delivered in pdf file)
8. Aesthetics of law: the philosophical approach to cultural heritage law

## Assessment

Assessment is based on the participation in lectures and student’s activities during the lectures – participation in discussion, delivering a paper, preparation a paper etc.

Aims of the education – by the end of the course, students should be able to: 1) identify the main

sources of cultural heritage law; 2) explain of it's application, i.e. art market, managing public and private collections and sites etc. 3) communicate about international standards of conduct concerning cultural heritage; 4) indicate the main threats to cultural heritage; 5) explain the main methods of protection and preservation of cultural heritage.

#### English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.



<b>Term</b>	Intensive, 2023 Fall
<b>Course</b>	Compulsory for JLTT & JDS, Elective for <i>YLP, LL.M., BiP</i>
<b>Subject Name</b>	Business Law (B) (A.L.)
<b>Course Title</b>	Law and Development: From the Perspective of Economic and Business History
<b>Credit</b>	2
<b>Lecturer</b>	Takashi Shimizu, Ryu Kojima

### Outline

This course focuses on the relationships between law, business and economic development, and investigate these relationship from historical perspective. As we can see from the experience of such countries as the United States, Germany or Japan, economic development is often derived from business practices, and business practices are often influenced by laws. In other words, the legal systems of a country can have some influence on its economic development by way of business practices. In this course, we investigate such relationships by using the case of Japan, which achieved high economic growth based on its own business practices and Western-rooted legal systems. Especially, this course focuses on the areas of (1) corporate law and governance, (2) labor law and employment practices, and (3) the administrative law and the government-business relationship, and consider the relationship between law and development from the perspectives of business and economic history.

### Course Structure

1. Overview: The history of Japanese economic development
2. Practices of corporate governance in Japan
3. Governance practices and corporate law
4. Directors and auditors: a comparison with German law
5. 1950 Amendment of Commercial Code: investigating the influence of U.S. law
6. Japanese employment practices
7. Employment practices and labor law
8. The doctrine of the abuse of the dismissal right
9. A comparison of U.S. and Japanese employment practices
10. The government-business relations
11. Policy instruments and corporate behaviors
12. The regulation on inward direct investments as a policy instrument
13. the change of policy instruments: Petroleum Industry Act as an example
14. Wrap-up

### Assessment

Term Paper (50%), Attendance (30%), Class participation (20%)

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Intensive, 2023 Fall
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLTT and BiP</i>
<b>Subject Name</b>	Contemporary Perspectives on Business Law (D) (A.L.)
<b>Course Title</b>	International Financial Law and Regulation
<b>Credit</b>	1
<b>Lecturer</b>	Gu Jing, Mark Fenwick

## Outline

In today's world, countries are becoming increasingly financially interconnected with each other. Globalization has brought benefits as well as challenges to the financial markets. The global financial crisis in 2008 manifested that it was impossible to contain risks within the borders of a single jurisdiction. Both regulators and market participants have learned from the financial crisis that regulatory cooperation and harmonization among different countries is needed to reduce systemic risks and chances of future financial crises. To address the issues and weakness in the global financial system, at the Pittsburgh summit in 2009, G20 leaders agreed to embark on a reform to strengthen the international financial regulatory system by introducing tougher capital rules and new regulations on derivatives, securitization markets, credit rating agencies and hedge funds. Several international organizations such as FSB, IOSCO and BCBS have since issued guidelines, reports and recommendations to implement the regulatory reforms, hoping to end too-big-to-fail (TBTF) problems associated with systemically important financial institutions (SIFIs) and promote harmonization of the financial regulations in different jurisdictions by setting global standards. However, none of the global standards are automatically applicable in any countries. We still live in a world where the laws are written by the national legislators who draft their own rules on how to implement the regulatory reform agreed by the G20 leaders based on their own understandings.

Almost all of the major financial centers have introduced their version of the financial regulatory reform. The rules are often inconsistent. The inconsistencies have not only given rise to regulatory arbitrage but also threatened the efficient functioning of markets and increased the compliance cost for financial institutions operating in more than one country.

The aim of this course is to introduce students to the basics of international financial transactions and the financial regulatory framework introduced after the global financial crisis in the US, the EU and the Asian financial centers. The course will also touch on the effort made by the relevant international organizations to harmonize financial regulations across different jurisdictions. Students will be able to acquire some knowledge of the underlying concepts in finance, international financial transactions and documentation of these transactions.

The course will cover the following topics:

- Introduction to financial markets and players, an overview of the regulatory framework within which market participants operate;
- Introduction to basics of the international financial transactions, related conflict of law issues and cross-border secured transactions and insolvency law issues; and
- Global financial crisis: why and how it happened and the G20 responses; special bank resolution regime proposed by the Financial Stability Board (FSB) and tools proposed by FSB and IOSCO, respectively, to resolve regulatory conflicts and other proposed approaches.

During the course, private international law issues will be discussed when we analyze problems regarding recognition of foreign insolvency proceedings and resolution regimes as well as cross border enforcement of collateral arrangements.

**This class is suitable for students who are interested in pursuing a legal career in the area of banking and finance. Knowledge of finance or economics is not required for this course but some understanding of insolvency law, secured transactions and private international law would be helpful.**

## Course Structure

The course structure may be subject to change and modification as the course progresses. The item numbers below do not necessarily correspond to the lecture number:

1. Introduction to financial markets
2. The causes and effects of the global financial crisis (GFC) in 2008 and the regulatory responses to GFC
3. Introduction to international financial law
4. Documentation issues for cross-border financial transactions
5. Cross border insolvency and collateral enforcement issues
6. Bank resolution regime and FSB Key Attribute
7. Regulatory conflicts and equivalent/substituted compliance

<b>Assessment</b>
Grading will be based on class participation

#### English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Intensive, 2023 Fall
<b>Course</b>	Elective for YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Law and Governance (A) (A.L.)
<b>Course Title</b>	Japanese Constitutional & Administrative Law
<b>Credit</b>	2
<b>Lecturer</b>	KADOMATSU Narufumi

### Outline

In this course, we will learn and discuss some contemporary issues on Japanese constitutional and administrative law, keeping in mind comparative perspective.

The course will be a combination of lecture and presentation.

In the lecture (PART1), the lecturer will give an overview of a particular topic related to Japanese constitutional and administrative law. The participants are always asked to read the reading materials beforehand or afterwards.

In the presentation classes (PART2), reporters will have a presentation on a particular Japanese judicial case or an academic article (handouts essential, PPT optional). Interesting comparison with similar issues in their home country is welcome, always on the condition that it is based on correct understanding of the Japanese cases or articles.

Knowledge of Japanese language is not necessary.

<Key points in the presentation of judicial cases>

- o Correct understanding of the court decision

- clarify the factual circumstances as much as possible

- clarify the relevant legal issues

- examine the court's standpoint on the issues and reasoning delivered by the court

- examine the scope of the judgment

- o Comparative Law – Several Scenarios

- Surrounding situations and legal doctrines are similar

- Situations are similar, but solved by different legal doctrines

- A similar legal doctrine is applied to different situations, hence the doctrine performs different social functions

### Course Structure

TBA

### Assessment

TBA

English Proficiency

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<b>Term</b>	Intensive, 2023 Fall
<b>Course</b>	YLP (Compulsory)
<b>Subject Name</b>	Comparative Legal System (D) (A.L.)
<b>Course Title</b>	YLP Internship
<b>Credit</b>	1
<b>Lecturer</b>	Hitoshi Matsui, Steven Van Uytsel

### Outline

All YLP students are expected to participate in the internship program. Each student will be assigned to a law firm in Fukuoka and will “shadow” the lawyers from that firm for the duration of the internship.

The purpose of the internship is to offer students an insight into legal practice in Japan. A number of additional events are organized to offer students a broader perspective on the organization and operation of the Japanese legal system.

The internship is organized as an intensive course and for Academic Year 2023-2024 it is scheduled for two weeks in the beginning of the spring vacation. (i.e. mid. February-beg. March)

**Please note that the credit received from this class may not be counted towards the 20 coursework credits required for graduation, although it will appear on the final transcript at the end of the program.**

### Course Structure

The schedule of the internship will be based on the plan of each lawyer.

In addition, a number of additional special events for all students are organized, including a visit to the Public Prosecutors’ Office, a visit to the Mediation Center, a Court Visit and a free discussion with judges. \*subject to acceptance by each organization

All students will be provided with an interpreter for the duration of the internship.

### Assessment

Upon completion of the internship, students are expected to write a short report of five (5) pages. The report should describe the student’s main impressions of legal practice in Japan, in comparison with the home country or any other jurisdiction with which they are familiar.

### English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Intensive, 2023 Fall
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLTT &amp; BiP</i>
<b>Subject Name</b>	Law & Contemporary Problems (D) (A.L.)
<b>Course Title</b>	Resolution of Transnational Commercial Disputes
<b>Credit</b>	1
<b>Lecturer</b>	Choong Yeow Choy / Mark Fenwick

## Outline

This course alludes to the available processes and the applicable principles relating to the resolution of commercial disputes that are transnational in nature. The overriding aims are to acquaint the students with the characteristics of each of these processes, to highlight the governing principles and to discuss the perennial and emerging issues relating to this aspect of the law. Students who have completed this course will be able to consider the plethora of options available to them when drafting dispute resolution clauses and/or providing legal advice and representation when a dispute has arisen.

In relation to the former, that is, the preparation or drafting of dispute resolution clauses, the emphasis will be on the pitfalls to be avoided. The applicable principles relating to the enforcement of dispute resolution clauses will be thoroughly discussed. Likewise, the grounds that may be invoked to challenge the enforcement of such clauses will also be deliberated.

As for the latter, that is, the provision of legal advice and representation after a dispute has arisen, the objective is to ensure that the students have a commanding understanding of the legal principles and arguments that may be raised by both parties in the dispute resolution process. This will enable them to advance their clients' best interests based on a given set of facts.

This course will endeavor to comprehend the approaches adopted by the courts in relation to the above matters in a number of jurisdictions, particularly in Asia, through the reported decisions. References to the key cases in these jurisdictions are done with a view of equipping the students of this course with up-to-date knowledge and appreciation of the intricacies involved in this area of the law.

No textbook will be used for this class.

Course materials will be uploaded on the program website.

## Course Structure

The following topics will be examined and discussed in this course:

- 1) The traditional method of litigation in the context of the resolution of transnational commercial disputes;
- 2) Arbitration as the alternative to litigation;
- 3) International Commercial Courts as the third alternative; and
- 4) The omnipresence and important role of National Courts in matters relating to the resolution of transnational commercial disputes.

Students will be assessed according to the following criteria: Class participation (30% of final grade) + a seminar paper (70% of final grade).

## English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

<b>Term</b>	Intensive, 2023 Fall
<b>Course</b>	JLTT
<b>Subject Name</b>	Law and Development (B) (A.L.)
<b>Course Title</b>	Internship at UN Habitat Fukuoka Regional Office
<b>Credit</b>	2
<b>Lecturer</b>	Van Uytsel
<b>e-mail</b>	

### Outline

This course offers a learning experience on land administration community practice of UN-Habitat. Areas that will be covered are:

- 1) Landlessness and climate action: from policy to practice in Nepal. UN-Habitat and GLTN supported land policy changes in Nepal for many years, with results, and is now piloting a 4-year program to deliver land tenure security in four municipalities in rural Nepal, combined with land use planning delivering against AFOLU targets of the country NDC.
- 2) Case study collection on land and climate action (<https://unhabitat.org/land-tenure-and-climate-vulnerability>)
- 3) Conference opportunity, Smart GEO Expo in Gyeonggi, Korea, Nov 8-10.

### Course Structure

This is an onsite learning (UN Habitat Office in Fukuoka)

### Assessment

Report on the internship

English Proficiency

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.