

SMU Business Law-Related Courses Offered to THEMIS Students

The following are a list of courses on offer in the first semester (August-December) of Academic Year 2017-18:

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| Law of Business Organisations (LBO) | LLB |
| Comparative Legal Systems | LLB |
| Commercial Conflict of Laws* | JD |
| Intellectual Property Law | LLB+JD |
| Chinese Contract Law | LLB+JD |
| International Commercial Arbitration | LLB+JD |
| Corporate Crime | LLB+JD |
| International Commercialisation of Intellectual Property | LLB+JD |
| International and Comparative Criminal Justice | LLB+JD |
| Trade and Investment Law | LLB+JD |
| Shipping and Admiralty Law | LLB+JD |
| Law of International Trade | LLB+JD |
| International Construction Law | LLB+JD |
| International Mediation Law and Practice | LLB+JD |
| Information and Communications Technology and the Law I: Transactions | LLB+JD |
| Information and Communications Technology and the Law II: Intermediaries | LLB+JD |
| Dealmaking and Dispute Resolution: Negotiation in an Age of Disruption | LLB+JD |
| International and Comparative Insolvency Law | LLB+JD |

The courses listed as LLB+JD are elective courses, which are open to both LLB (undergraduate) and JD (postgraduate) students. In effect, they attend the same class. The courses listed as LLB/JD are compulsory courses. For these courses, the LLB and JD students are segregated. Unless otherwise indicated, all courses are the equivalent of 1 SMU course unit.

Please note of course that course offerings, even for core courses, vary from year to year and the list for next (and subsequent) years may be slightly different. There should be at least 10 courses that will meet the Themis requirements that will run every fall.

Although we will endeavour to cater to each student's selection of courses - due to limited slots in each course, competition for seats and our small class size - we cannot ensure that they will get the courses of their first choice. Please remind your students that they should bid for the courses in the manner that they will be briefed on when they come to SMU. They should not approach faculty directly to request to enter courses or demand to take a course (e.g. by claiming that the course is a *mandatory* one).

From the first semester (August-December) of Academic Year 2017-18, as previously arranged, LLM (Master of Laws) courses will again be offered *only and exclusively* to Themis students. The procedure to apply for LLM courses, and the courses on offer, was previously provided to you in a document entitled "LLM courses for Themis Exchange Students".

JD and LLM Courses for
THEMIS Exchange
Students

Procedure to apply for JD/LLM courses

- Last week of June –
 - JD/LLM programme manager will email to the THEMIS students, who are JD/Master students, regarding course selection.
 - Students have 1 week to respond on the courses they wish to take up.
 - Should there be insufficient seats for the THEMIS students, course allocation will be on first come first served basis.
- The THEMIS students are not required to bid for JD and LLM courses. Registrar will enrol them into the courses.

Note: Only postgraduate students from THEMIS network are eligible for the selected JD and LLM courses.

LAW 631: Foreign Investment Law in Asia

The Foreign Investment Law course involves the study of legal principles applicable to the treatment of investments made by foreign investors. The study of such principles will be undertaken in the context of foreign investments in Asian countries. By the end of the course, students should have a good grasp of the principles of international economic law protecting investors against political risk.

The following topics will comprise the major part of the course:

1. The customary international law relating to foreign investment protection. The minimum standard, protection against expropriation, standing to engage in diplomatic protection, the Calvo Clause, Articles on State Responsibility, Exhaustion of local remedies rules, and impact on investment protection treaties.
2. Review of investment provisions in Singapore Free Trade Agreements, Singapore's bilateral investment treaties with ASEAN, other Asian and Pacific Countries.
3. Definition of "Investment" in Singapore's treaties and interpretation of Article 25 of the ICSID Convention. Definition of "investor" in Singapore's treaties. Principles relating to imputability of conduct to the state.
4. Most Favored Nation" and "National Treatment" obligations of host state.
5. "Minimum Standard" and "Fair & Equitable" treatment obligation. Same or different?
6. Umbrella Clauses: Their scope and significance.
7. Other Host Country Obligations: No Performance Obligations and Transfers
8. Expropriation I: Types of Expropriation
9. Expropriation II: Compensation
10. Dispute Settlement Provisions
11. Dispute Settlement: Fork in the Road, ICSID, UNCITRAL.
12. Using Foreign Investment Law and investment protection agreements to protect and enhance investment.

LAW 633: Beyond the Law: Regulatory Mechanisms in Cross-border Issues in the Asian Context

Law is the leading but certainly not the only regulatory mechanism in the political, social and economic realms. Indeed, a simplistic over-reliance on the law and the legal system in the conduct of business, social and economic matters is inadequate in protecting one's rights, interests and needs especially when the rule of law is weak. Other regulatory mechanisms that can aid in governance in the public and private realms include ethical value systems, soft law, networks in the various facets of human endeavours. Together with the law, they help to ensure a nuanced way to protect and enhance one's rights, interests and concerns.

This module seeks to develop an appreciation and understanding of these quasi-legal regulatory mechanisms, and how they can be used in conjunction with hard law and the legal system to protect one's rights and interests, with particular reference to Asia. How can such regulatory mechanisms advance accountability, regulate affairs in the different spheres of human endeavours?

Issues that could be examined include ethical challenges, management of corruption, ethnic business networks, corporate governance concerns that are prominent features in the Asian business landscape. This module is structured to be based on an eclectic set of readings drawn from different disciplines, broadly comparative in nature, and inter-disciplinary at heart.

Coverage of the issues will be both theoretical as we engage the literature on the various topics; and practical, as we ask questions and explore how different regulatory mechanisms can help to better the implementation of law and contracts in the Asian environment. Designed to explore critically the thematic concerns, the module aspires to equip students with a deeper understanding of the interface of law, business, public policy and society.