It’s the start of the New Year and the winter term for our programme and we had the following courses/presentations lined up for this month.

**Lecture: Strategic International Business Consulting**

*Lecturer: Jeff Leong, (Senior Partner from Messrs Jeff Leong, Poon & Wong)*

From the 4th of January 2016 till the 6th of January 2016, Mr Leong had given a number of lectures relating to strategic international business consulting.

In his first lecture which was an overview of strategic international business consulting, set out the main points international business consulting, covering topics like, what is Consulting?, the basic categories of consulting services, the nature of consultancy services and the
roles of consultants.
He also lectured about consultancy skills and how one can become a great consultant as opposed to a good consultant.

Mr Leong then moved on to lecture about the legal aspects and commercial interests in Mergers and acquisitions ("M&A"), whereby he had set out the type of acquisitions, how they are designed, what steps are involved in the deal— including the process, the risks involved with the deal, the required documentation related to the deal and the key points to take note of when dealing in an M&A.

He ended his lectures with the lecture titled “Strategic International Business Consulting; Value Creation by Business Transactions”, whereby he covered various types of business transactions like agency/distribution, joint ventures, franchises and licensing, including his practical experience with having dealt with all these matters with local and Japanese clients.

Lecture: International Business Litigation

Lecturer: Professor Yun Zhao from the Hong Kong University

Prof Zhao lectured about China’s judiciary system, delving into the court structure and the current power and status of China’s judiciary including the problems, which China’s judiciary system is currently facing.

He also shared his insight into China’s Civil Justice Reform and the struggles of China’s court in reforming its role to fit into its national political arena, before moving on to mediation and arbitration in China.

As most courts and commercial disputes internationally have been increasingly turning to arbitration and mediation to settle disputes in an amicable and timely manner, Professor Zhao shared how mediation and arbitration is done in China.

The class was also interactive, as Prof Zhao set out the different kinds and method to which arbitration and mediation is done in China and in general, and even involved the students in a mock negotiation & mediation in the class, which was very interesting to note how the students negotiated & mediated with each other to try and reach an amicable solution to the problem given to them.
2ND KOBE SEMINAR ON INTERNATIONAL INVESTMENT LAW 2016

Asian challenges to international investment law: Viewing from internal and comparative perspectives

On the 29th of January 2016, Kobe University in conjunction with our programme, held the 2nd Seminar on International Investment Law, with the theme, Asian challenges to international investment law: viewing from internal and comparative perspectives.

The basis of this seminar lies in investment treaty law and arbitration which has been historically developed so as to protect foreign direct investment made by investors from European and North American countries towards the rest of the world. In the 2010s, however, Asia is increasingly playing a role in changing this traditional landscape; Asian companies began to bring investment claims against European countries by way of arbitration. Also, Asia takes initiatives in investment law-making at a regional level such as the Japan – Korea – China investment agreement and the Trans-Pacific Partnership (“TPP”). This seminar thus aims to understand these Asian challenges to international investment law from both an internal as well as a comparative perspective so as to envision a future with Asian contribution to global economic governance.

The seminar kick started with opening remarks from Professor Dai Tamada from Kobe University, before the commencement of the 1st session.

Session 1: Forefronts of Investor – State dispute settlement

Moderator: Sungjin Kang (Troy University)


Presented by: Martin Andrew Jarrett from the University of Mannheim.

Profile: Martin Andrew Jarrett is a Doctoral candidate at the University of Mannheim working on the doctoral dissertation titled A Theory of Adjudication under the supervision of Prof. Oliver Brand. He is a Solicitor and Barrister in New South Wales, Australia, and worked as an associate at Melchers
Rechtsanwälte Partnerschaftsgesellschaft, Heidelberg.

Presented by: Tomoko Yamashita from Kyoto University.
Profile: Tomoko Yamashita is a Postdoctoral Research Fellow at Kyoto University. She holds a Ph.D. (Kobe), a Master complémentaire en droit international (ULB) and a LL.M. (Kobe). Her publication includes ‘Responsibility to Protect as a Basis for “Judicial” Humanitarian Intervention’, in Richard Barnes and Vassilis Tzevelekos (eds.), Beyond Responsibility to Protect (Intersentia, 2015); ‘Non-Territoriality Phenomena in International Criminal Law: Dilemma between Effectiveness and Legitimateness’, in Adriana Di Stefano (eds.), A Lackland Law? Territory, Effectiveness and Jurisdiction in International and European Law (Giappichelli, 2015).

Presentation title: Critical Analysis of the Proposal for the Creation of an International Arbitration Tribunal on Business and Human Rights.
Presented by: Jernej Letnar Černič from the Graduate School of Government and European Studies, Slovenia.
Profile: Jernej Letnar Černič is an Assistant Professor in Human Rights Law and Vice-Dean at the Graduate School of Government and European Studies, Slovenia. He holds a PhD in Law (Aberdeen) and a LL.M. (Lund). He is an author and a co-editor of Direct Corporate Accountability for Human Rights (Wolf Legal Publisher, 2015), Making Human Rights and Sovereign Debt Work (Hart Publishing, Oxford, 2014), Human Rights Law and Business: Corporate Responsibility for Fundamental Human Rights (Groningen: Europa Law Publishing, 2010).

Presentation title: China’s Next Investment Treaty – making Practice: Learning from the Ping An Insurance Company case.
Presented by: Hong Xu from Kobe University.
Profile: Hong Xu is a Ph.D. Candidate of Kobe University’s Graduate School of Law, specializing in international law of investment, especially the identity of investors in the part of jurisdiction. She holds a LL.M. (Kobe). She participated in the Foreign Direct Investment International Arbitration Moot Asia-Pacific Regional Round (2014-15).

Session 2: Critical Discourses on Asian Investment Law Development

Moderator: Kei Nakajima (Kobe University & Graduate Institute Geneva)

Presentation title: Japanese Domestic Criticisms on ISDS Clause of TPP.
Presented by: Miho Sakai from Kobe University.
Profile: Miho Sakai is a LL.M. Candidate at Kobe University, Graduate School of Law. Her research interest lies in universal jurisdiction under public international law. She obtained a LL.B from Ristumeikan University (Japan).

Presentation title: China – Korea –Japan Trilateral Investment Treaty and the Notion of Balanced...
Investment Treaties: A Critique.

Presented by: Dilini Pathirana from the University of Colombo.

Profile: Dilini Pathirana is a Lecturer in Law at the University of Colombo and a Ph.D. Candidate in International Law at the China University of Political Science and Law, Beijing. Her doctoral research focuses on reshaping the existing international legal framework of Sino-Sri Lanka investment relations. She holds a Master of Laws (Colombo). Her publication includes ‘Whether the Definition of Investment under the ICSID Convention Supports the Southern Aspect of Right to Development: A Collective Rights Perspective’, International Journal of Contemporary Laws (2012).

Presentation title: Asia’s Investment Treaty Jig – Saw & Canada: ISDS, Trade & Investment, & Substantive Standards.

Presented by: Matthew Levine from the University of Toronto.

Profile: Matthew Levine is a LL.M. Candidate at the University of Toronto. He obtained a J.D. and a M.A. from the University of British Columbia in 2009. Before he started working as an independent consultant, he worked as an assistant counsel at the Singapore International Arbitration Centre, and as an associate at Borden Ladner Gervais LLP. His publication includes ‘Canada – China FIPPA & Canada – Korea FTA: Recent Canadian Pieces in the Pacific-Rim Investment Treaty Jig-Saw’, in Transnational Dispute Management (2015).

Session 3: Towards the implementation of Investment Law Network in Asia

Moderator: James Claxton (Kobe University)

Presentation title: Conflict of Rules to Protect Investment under Regional Trade Agreements between Korea and China – Navigating the “Noodle Bowl”.

Presented by: Sungjin Kang from Troy University.

Profile: Sungjin Kang is an Adjunct Professor at Troy University. He holds a Ph.D. (Korea University) and a LL.M. (Michigan). He previously worked as a litigation counsel at LG Display in Seoul and as an attorney at Cleary, Gottlieb, Steen & Hamilton LLP in Brussel. His publication includes ‘Competition Related Provisions (CRPs) of Bilateral Trade Agreements, Bilateral Competition Cooperation Agreements of Korea, and Their Implications’, Manchester Journal of International Economic Law (2015) and ‘The Definition of Investment: Did we go beyond Salini?’ in Ian Laird and Todd Weiler (eds.), Investment Treaty Arbitration and International Law (Juris Publishing,

Places to go:

Himeji

Himeji is widely known for its magnificent Himeji Castle also known as Himeji – jou (姫路城), located in Himeji city (姫路) itself, where the JR Trains runs directly from Kobe to Himeji, this city, which is less than an hour a way from Kobe is worth the visit.

Spend a day at Himeji Castle, which is widely known by locals and tourists as being the most beautiful surviving feudal castle in Japan, and it has been designated as both a national treasure and a UNESCO World Heritage Site.

Do note that the tour of the castle will take at least an hour, as you make your way up from the ground floor all the way to the top, which is six floors up.

Once you are done with the castle tour remember to make time to visit Kokoen Garden (好吉園) which is just a short walking distance from the castle’s entrance.
Presentation title: An Elusive Safeguard with Loopholes: Provisions on “Negotiated Restructuring” of Sovereign Debt Imported to the TPP Agreement and Beyond.  
Presented by: Kei Nakajima from Kobe University.  
Profile: Kei Nakajima is a Research Fellow at Kobe University and a Ph.D. candidate at the Graduate Institute of International and Development Studies in Geneva, working on international investment law, dispute settlement, and sovereign debt restructuring. He obtained a LL.M. and a LL.D. from the University of Tokyo. His publication includes ‘Traditional and Modern Designs for International Law of Sovereign Debt Restructuring: A Way Forward’, in Catherine Renshaw et al. (eds.), Experts and Networks in International Law (2016 forthcoming) and Evidence before International Courts and Tribunals (Shinzansha, 2016 forthcoming, in Japanese).

Presentation title: ISDS in TPP: Where is the Benefit for Vietnam as a Developing Country?  
Presented by: Le Thi Anh Nguyet from the Ho Chi Minh City University of Law.  

Presentation title: Investment Chapter of TPP from a Japanese Viewpoint.  
Presented by: Dai Tamada from Kobe University.  
Profile: Dai Tamada is a Professor of International Law at Kobe University Graduate School of Law. He specialises in the procedural law of international courts and arbitral tribunals, international investment law, and the law of state responsibility. He is the author of The Legal Effects of the Judgments of International Courts (Yuhikaku, 2012) written in Japanese. He also worked as a researcher with the Japanese Ministry of Economy, Trade and Industry and the Research Institute of Economy, Trade and Industry. He obtained a LL.M. and a Ph.D. from Kyoto University.

Session 4: Transparency in and out of Asia: Zoom in  
Moderator: Dai Tamada (Kobe University)  
Presented by: Fernando Dias Simões from the University of Macau.  
Profile: Fernando Dias Simões is an Assistant Professor at the University of Macau and a Visiting Professor at the Institute of International Studies, Bangkok. He obtained a Ph.D. in Law from the University of Santiago de Compostela, Spain. He is the author of Commercial Arbitration between China and the Portuguese-speaking World (Alphen aan den Rijn, Kluwer Law International, 2014).
Presented by: Joongi Kim from Yonsei Law School.
Profile: Joongi Kim is a Professor of Law and Associate Dean for International Affairs at Yonsei Law School. His research focuses on international dispute resolution, international trade, corporate governance and good governance. He holds a M.A. (Yonsei) and a J.D. (Georgetown). He has acted as an arbitrator, mediator or counsel in institutional and ad hoc arbitration proceedings.

Presentation title: Transparency in ISDS.
Presented by: James Claxton from Kobe University.
Profile: James Claxton is a Professor of Law and Vice Director of the ASEAN Plus Exchange Centre at Kobe University; specializing in international commercial and investment arbitration. Before coming to Kobe in 2015, he was a legal counsel at the ICSID Secretariat, after practicing international arbitration in Paris. He holds a LL.M. (LSE) and a J.D. (Tulane).

The Seminar ended successfully with closing remarks from Professor James Claxton from Kobe University.

Please refer to Page 8 for the application details on the Kobe LL.M. / GMAP in Law Course

For more information, please feel free to visit us at: http://www.law.kobe-u.ac.jp/GMAP/index.html
Application for the Kobe LL.M. / GMAP in Law Course

Students wishing to apply for the Kobe LL.M. / GMAP in Law Course, may find the details for the course and application procedures on the Kobe University Graduate School of Law & Faculty of Law website, or our webpage at:

http://www.law.kobe-u.ac.jp/GMAP/admissions/index.html

Admission requirements include the submission of your test score for an English proficiency test (e.g. TOEIC, TOEFL, IELTS etc.); a research plan of 1,500 words; and an interview (via Skype for foreign students).

Foreign Students who may wish to apply for this programme are welcomed to do so!

For further information on the GMAP in Law Course kindly contact the following person:

Professor Dai Tamada
tamada@port.kobe-u.ac.jp
Tel: +81-78-803-2507
Graduate School of Law, 2-1 Rokko-dai-cho, Nada-ku, Kobe City, 657-8501, JAPAN

www.law.kobe-u.ac.jp/GMAP/index.html

GMAP in Law’s Academic Staff

- Professor Dai Tamada (Director): Public International Law and International Investment Law
- Professor Akira Saito (Co – Director): International Commercial Law and Arbitration
- Professor Shunichiro Nakano: Private International Law
- Professor Keith Carpenter: Legal English, Legal Practice, and Financial Law
- Professor James Claxton: International Arbitration
- Professor Fujio Kawashima: International Economic Law

TOLES (Test of Legal English Skills)

We are pleased to announce that Kobe University has been appointed as an official TOLES test centre. The Graduate School of Law provides Legal English courses so students will have the opportunity to take exams on campus and obtain the internationally recognised TOLES legal English certificate.

For more information on TOLES please see the TOLES website at www.toleslegal.com or feel free to contact Professor Keith Carpenter at keith@people.kobe-u.ac.jp

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For any queries or if you would like to contribute to this Newsletter, please feel free to contact Cindy Cheong at:
cindy.cheong@phoenix.kobe-u.ac.jp
Tel: +81-78-803 – 6709
Graduate School of Law, 2-1 Rokko-dai-cho, Nada-ku, Kobe City, 657-8501, JAPAN