

Course title	Asian Law				
Teacher(s)	Yun Zhao, Harald SIPPEL, SAITO Akira			開講区分	単位数
				2nd semester	2.0
Numbering Code		Day・Period	Other	Timetable Slot Code	3J327

Lesson topic

In the part 1 of this course, arbitration issues are explained by Dr. Sippel from Asian International Arbitration Centre, Head of Legal Services (Kuala Lumpur, Malaysia). Also, new important legal issues concerning international arbitration will be selected and discussed.

In the part 2, the legal systems of Mainland China and Hong Kong are explained by a professor of law from the University of Hong Kong. The dispute resolution system including both litigation and other ADR systems, which are especially important for China related international business is discussed with the up-to-date information.

Lesson target

The participants will get a sound and basic understanding of legal systems and dispute resolution mechanisms concerning international business in East Asia, which is especially important for working as in-house counsels of Japan-based MNEs as well as business law practitioners in Japan in their future.

Syllabus and plan

Part 1:

1. Arbitration and other forms of ADR in practice - advantages and disadvantages
- 1&2. The arbitration clause - introduction to key elements
- 2&3. From the emergence of disputes and the reasons for disputes to the initiation of arbitration proceedings by way of example of the AIAC Arbitration Rules 2018
4. The selection of arbitrators - the most important decision in arbitral proceedings or merely a procedural step?
- 5&6. The common course of arbitral proceedings in practice - from the "handing-over" of the file by the arbitral institution to the arbitral tribunal to the rendering of the arbitral award
7. Is the award worth the paper it is written on - enforcement and problems related to enforcement in practice

(assuming there still is sufficient time)

7. The future of arbitration and pursuing a career in arbitration

Part 2: The Legal Systems of Mainland China and Hong Kong

1. Legal System of Mainland China.
2. Legal System of Hong Kong SAR
3. Legal Culture of China and Chinese lawyers
4. Dispute Resolution Systems in Mainland China
5. Dispute Resolution Systems in Hong Kong (1)
6. Dispute Resolution Systems in Hong Kong (2)
7. Recent Development of International Arbitration in China
8. The Relationship between these two systems from a viewpoint of International Business

More detailed information will be distributed to the participants before the course starts.

Evaluation method

Active participation into class works (40%) ; Two reports written in English (60%)

Evaluation baseline

To be evaluated according to the elements in the above from a viewpoint of attainment indicated in the purpose of this course.

Notice (include info. on related class)

Basic understanding of constitution, civil law, commercial law (especially corporate law) and civil procedural law is required.

Review and preparation

The students are requested to follow the instructions by the lecturers as preparation and reading assignments. You may be required to answer the questions shown during the class as a review. Sensitive information such as copies of contracts may be used as materials. Please handle them accordingly.

Office hour · Contact information

To be determined at the beginning of the course.

Message for student

The lectures are given by an eminent professor from Hong Kong who also have some experience of legal practice. and an experienced arbitrator who belongs to AIAC in Malaysia.

Improvements in Teaching

Text

To be distributed at the beginning of the course.

Reference Material

Classroom Language

English

Keywords

China, Hong Kong, Malaysia, Singapore, ASEAN, Business Law, Arbitration