

About the Department

About the University. The University of Southern Denmark is the youngest university in Denmark, formed in 1998 as a merger between research institutions in Kolding, Esbjerg, Sønderborg, and the University of Odense. Initially, business and law degrees were offered by the Department of Law. Since 2004 the Department of Law has offered a full law degree.

Master in Business / Law. From originally being business-oriented, the Department outlook has now widened, and research-based tuition in all areas of law is offered by a young and enthusiastic staff. Still, the international approach necessary when dealing mainly with business areas of law has been maintained in the new research areas and courses offered.

Studying at Master Level at the University of Southern Denmark. Classes at master level typically consist of 30 - 40 students, enabling discussions and close interaction between the professors and students. Besides research based lectures and tuition the Department of Law adheres to the *policy of the open door*. Social events are arranged for exchange students and include welcome reception, summer-BBQ and traditional Christmas lunch. Members of the staff will be present at such events.

Formal requirements. To participate in the Masters Level courses in English you must have a BA in law or in business and law or similar qualification. Also, you must possess a level of knowledge of the English language comparable to the CAE (Certificate of Advanced English). CPE (Certificate of Proficiency in English) is recommended, but not required. Examinations are normally oral in any Scandinavian language or in English at the student's option.

Practical Information. *Autumn term:* Sep. 1st to Dec. 22nd. *Spring term:* Feb. 1st to Jun. 30th. All courses consist of 45 lectures of 45 minutes – and to 10 ECTS.

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Description of Subjects

§ EU and International Tax Law. The aim of the course is to give the students an overview of the existing harmonization in the area of direct taxes, including the Merger Directive (90/434/EEC), and the Parent/Subsidiary Directive (90/435/EEC). Further, the course will focus on recent and pending cases of the European Court of Justice in the area of direct taxes. The recent cases deal with a number of areas, such as CFC-legislation, group taxation, taxation of pension schemes, and other areas of tax law.

§ European Company Law. The aim of the course is to give the students an overview of the company law directives of the EU, including recent amendments of these directives, the Capital Directive, the directives on and regulations of annual accounts and international financial reporting standards, the directives on national and cross-border mergers. The course will also present the European company types; the European economic interest grouping, the SE, the SCE, and the draft for the European private company. Further, the course will present the developments in the case-law of the European Court of Justice regarding companies' right of establishment (Articles 43 & 48 EC).

§ Human Rights. This course seeks to introduce students to the universal system of international human rights protection by analyzing the international judicial practice and the existing international legal instruments relating to human rights, including the Universal Declaration of Human Rights, the two UN Covenants, the UN Conventions on Prohibition of Discrimination against Women and on Prohibition of Discrimination on Racial and Other Grounds, the UN Convention of the Rights of the Child, etc. The course then looks into the European Convention on Human Rights and the practice of the European Court of Human Rights and seeks to compare the international and European measures.

§ International Dispute Resolution/Mediation. The course entertains the rules regarding the resolution of international disputes of a legal nature, be that between private parties, between private parties and states or between states. The course thus discusses e.g. the rules on international jurisdiction of the courts, of international commercial arbitration, the European Court, Human Rights

disputes, territorial disputes between states, mediation, etc. The principles of fair trial and procedural guarantees within all these systems form the link between the different subjects of the course.

§ International Organisations. The basic idea underlying the course is that International Organisations (IOs) are rule-based patterns of action that regulate and manage their defined issue areas, and by becoming members of IOs, states commit themselves to follow the rules they contain. This course is an interdisciplinary exercise (international law and international relations) which aims at analysing the key aspects of IOs as legal and political actors. The course is in three parts. The first part introduces international relations theories and their understanding of IOs. Here we examine inter alia why IOs are established and their functions. The second part deals with IOs as legal actors. Here the focus is on the rule-making function of IOs. The third part combines these two approaches and examines the relation between the political and legal functions of IOs.

§ International Perspectives on Criminal Justice and International Criminal Law. The aim of the course is to discuss questions in connection with the international influence on national systems of criminal justice, e.g.: What are the roles of the EU and the Council of Europe in the field of criminal law and criminal procedure? What are the standards of the European Convention on Human Rights and the European Court of Human Rights, and what is the impact on the national legal systems? What is the role of the international criminal courts (e.g. ICTY, ICTR and ICC) on the national criminal system?

§ International Prosecution of War Crimes. This course offers an introduction to the international criminal legal procedural norms that apply to the international prosecution before international courts or tribunals of persons suspected of having committed genocide, crimes against humanity and war crimes, including the two UN ad hoc Tribunals for the Former Yugoslavia and Rwanda, respectively, and the Special Court for Sierra Leone, the ICC and the Cambodian Special War crimes Chamber. The Rules of Procedure will be analyzed and the judicial practice compared in order to identify the main elements in the shaping of a new body of international legal criminal procedural law.

§ International Transportation Law. The course discusses the private law rules on international transport of goods. The aim of the course is to enable the students to deal comfortably with the legal issues that arise in connection with an international transport venture. The applicable law is based on international conventions, making the course particularly relevant to foreign students.

§ Introduction to Asian Law. This course aims at introducing the overall principles and rules of some of the largest East Asian law systems. Focus will primarily be on Chinese law, but also Japanese and Korean law will be introduced at a general level. The Chinese rules regulating business are core issues in the course which will elaborate on the general features of tax legislation, the rules regulating distribution and production, company law, labour laws, etc.

§ Perspectives on Law and Society. The course examines different perspectives on the relationship between law and society from the point of view of modern sociological approaches, such as Bourdieuan sociology of law, critical theory, feminism and post-modernism. The course aims at getting a thorough understanding of how capitalism, political liberalism, the modern state, masculine domination and globalisation are based on law (among other things social phenomena). Examining law from its generative socio-economic relations the course focuses on how law is constructed by various dominant groups of society and how these constructions affect the internal operations of law. In order to get tools to examine modern society another aspect of the course is methodological.

§ World Trade Organization. The subject of this course is the rules administered by the WTO and the judicial interpretations hereof. The course will briefly address the economic theory underpinning the treaty-framework and the historic development of the multilateral trading system, and present the procedures for the management and settling of disputes, the basic legal concepts, the regulation of trade in goods, services and issues relating to intellectual property rights. Other issues are the basic regulatory framework for subsidies and countervailing measures, anti-dumping procedures and safeguards. The course is based on a high degree of student participation and discussion.

Course Subjects

- § EU and International Tax Law
- § European Company Law
- § Human Rights
- § International Dispute Resolution / Mediation
- § International organisations
- § International Perspectives on Criminal Justice and International Criminal Law
- § International Prosecution of War Crimes
- § International Transportation Law
- § Introduction to Asian Law
- § Perspectives on Law and Society
- § World Trade Organization



§ Department of Law §

Courses taught in English International Courses

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