

LL.M. INTERNATIONAL BUSINESS LAW

FALL SEMESTER 2021 COURSES OPEN TO THE PUBLIC

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Fees: Regular price CHF 700.- ■ Lawyers-in-training (*avocats-stagiaires*) CHF 350.- ■ Students CHF 250.-

The Law of Climate Change 28-29 Oct. 2021

This course, taught by Professor Lawrence Watters*, examines the concepts and principles in the Law of Climate Change. The international framework, in agreements, conventions and governance, is explored with the focus on major challenges and priorities. This encompasses commitments, emissions trading, funding, information disclosure, litigation, monitoring, taxes, the social cost of carbon, traditional regulation, transparency, verification and emerging issues in environmental justice. This global foundation is developed further with analysis of regional approaches, including Europe (the EU), and national approaches, primarily Asia (China) and North America (U.S.), as part of understanding implementation, in concert with critical assessment and evaluation. Case studies are also used to further illuminate theory and practice, aspirations and achievements, based on authoritative sources of scholarship.

*Professor Lawrence Watters, Visiting Faculty, has previously taught at the University of Auckland, the University of Copenhagen, the University of Hanover and the University of Lausanne. He was a Fulbright Scholar at the University of Oslo for a year, returning a number of times to present seminars. He taught at the University of Washington in the Program on the Environment, Law, Society and Justice; and, the Jackson School of International Studies. His areas of expertise include the Law of Climate Change, International Environmental Law, Trade and the Environment and Energy Law. His publications are in the environmental law journals of Berkeley, Columbia, Georgetown, UCLA, Oslo (Pro Natura) and Oxford among others. His text *Indigenous Peoples, The Environment and Law*, has been used at Harvard Law School, UCLA Law School and other universities.

Business & Climate Change 4-5 Nov. 2021

It is difficult to imagine any solution to climate change without involving businesses. This course, taught by Mr. Laurent Develle*, aims to prepare law & business students, future business leaders, lawyers, lawmakers and entrepreneurs for an understanding not only of how business can navigate through this new and constantly changing climate change legal and regulatory paradigm, but also of how sustainability challenges open up new sources of potential solutions and innovation, economic opportunities and social development, for example in the renewable energy, commodities & food industries, and also in the rapidly growing oceans-related economy. Students will be exposed to unconventional thinking beyond business-as-usual and will explore perspectives and practical experiences gained in the “battle field”, which redefine business strategies as being driven by sustainability challenges.

*Mr. Laurent Develle is an international business lawyer with in-depth expertise in the legal, transactional, regulatory, impact financing, compliance and governance aspects of corporate sustainable development topics. He advises businesses, executive teams and boards of directors, particularly in the fields of energy & renewables, sustainable transportation, commodities & shipping, as well as food, fishing and agriculture value chains. With 20+ years of legal and compliance experience across continents, including over 12 years spent working in Asia, as well as a dual background in leading US/UK law firms (equity partner responsible for M&A and Environmental Asian Desks) and as Group General Counsel in various industries and governance environments, he teaches this course with cross-cultural sensitivities and takes a practical and business-like approach to issues at stake. Going beyond a strict lawyer’s approach, he believes in the benefits of a transdisciplinary approach to resolve the current sustainability challenges and the opportunities of innovation, for example in the rapidly growing field of oceans conservation and sustainable use “Blue Economy”, a field in which he is actively involved as a legal expert at the IUCN, an advisor at Boston-based *BlueTech* incubator *Sea-Ahead* and a speaker at various international conferences.

Financial Contracts & Financial Regulation

18 Nov. & 3 Dec. 2021

Financial contracts form the backbone of the financial system. In this course, taught by Professors Matthias Lehmann* and Hossein Nabilou**, students will familiarise themselves not only with run-of-the-mill products like bonds and syndicated loans, but also with more exotic offerings, in particular structured products, such as asset-backed securities (ABS) or collateralised debt obligations (CDOs) and the myriad of derivatives, e.g. interest rate and credit-default swaps (CDS) or contracts for differences (CFD). The role that these instruments played during the last global financial crisis and the regulatory reactions they triggered will be analysed. Topics of study include the obligation to trade derivatives on exchanges, to centrally clear them and report trades, as well as the regulation of commodity swaps, the introduction of production intervention powers and the control and liability of rating agencies. At the end of the class, students will be knowledgeable both about the contract practice of operators in the financial industry and about the regulatory framework by which they must abide.

* Professor Matthias Lehmann is a full professor at the University of Vienna, where he holds the Chair for Private, Private International Civil and Comparative Law. He holds doctoral degrees from the University of Jena and Columbia University as well as a *Habilitation* (further thesis required to become a professor in Germany) on the dematerialisation of financial instruments from the University of Bayreuth. His main interest lies in international and comparative aspects of banking and financial law. He has published extensively on these subjects in German, English, French and Spanish. He has co-edited a 1800-page commentary on European Financial Services Law (Hart, Beck and Nomos 2019) and is regularly invited as a guest professor at the University Pablo de Olavide (Spain), the *Université de Fribourg* and the *Université de Lausanne* (Switzerland), and Sorbonne University (France). Professor Lehmann is a member of the Academic Board of the European Banking Institute (EBI). He has participated in the European Commission's Expert Group on Conflict of Laws Regarding Securities and Claims and in the UK Financial Market Law Committee's working group on distributed ledger technology. He was one of the speakers at the ECB legal conference 2017 on the issue of standards for judicial review of ECB decisions. Matthias has also acquired extensive experience as a legal expert in various cases involving financial and banking law.

** Professor Hossein Nabilou is a visiting scholar at the Center for Law & Economics (ACLE) of the University of Amsterdam, a research associate at the University College London Center for Blockchain Technologies (UCL CBT), and a member of the board of trustees of the European Business University of Luxembourg (EBU). Prior to his visit to the UvA, he was a postdoctoral researcher and lecturer in Banking and Financial Law at the Faculty of Law, Economics and Finance of the University of Luxembourg. He had held postdoctoral and visiting researcher positions at the Ludwig-Maximilians-University (LMU) Munich, Columbia University in the City of New York, and EUROPAINSTITUT in Basel, where he had worked on banking structural reforms, money view of banking, and regulation of hedge funds, respectively. Professor Nabilou holds a Ph.D. from the Erasmus University of Rotterdam, an LL.M. from the University of Pennsylvania Law School, an LL.M. in Public Law, and an LL.B. both from Shahid Beheshti University School of Law. His academic interests include Law & Finance, Regulation of Financial Markets and Institutions, European and International Financial Regulation, Law & Technology, and Company Law. His research focuses on monetary and banking law, shadow banking, financial market infrastructures, banking structural reforms, financial contracting, alternative investment funds, and legal issues of fintech, payments, blockchain, and crypto-assets. He is the author of several award-winning articles published in internationally renowned peer-reviewed law journals.

International Banking Regulations

19 & 26 Nov. 2021

This course, taught by Professor Carlo Lombardini*, will deal with the main aspects of banking regulation and supervision. These include the organisation and governance of banks and banking groups, their supervision, their resolution and AML regulation. The main risks that banks have to face will be presented. The course will present not only theoretical issues but also practical examples.

*Attorney-at-law in Geneva and a partner with the firm Poncet Turrettini, Carlo Lombardini is a reputed expert of banking law; he is an advisor to banks and other financial institutions. He represents in them in regulatory, criminal and civil law matters. Carlo Lombardini is also an associate Professor at the Law School of the University of Lausanne; he teaches banking law to the Master of Law Students (Law Faculty and Business and Economics Faculty) and advanced legal methodology (Law Faculty, Bachelor program 3rd year) He has published extensively in the field of banking law and has extensive experience as a board member of banks.

International Competition Law 25 Nov. & 2 Dec. 2021

This course, taught by Professors Damiano Canapa*, provides students with an overview of the regulation that governs business practices in order to avoid restrictions of competition. After an introduction to the functions of competition law, the teaching goes over the concepts of market definition, the assessment of market power, the agreements that prevent, restrict, or distort competition, the abuse of a dominant position, the merger control procedure and the regulation of state aid. Though European Union Law serves as a basis for the analysis, the necessary links and differences in relation to Swiss Law are also assessed. In sum, this class demonstrates how competition law can restrain anticompetitive activities and promote free competition.

*Professor Damiano Canapa is an Associate Professor of Business Law at the University of Lausanne and the Director of the CEDIDAC. His research interests include Swiss and European Corporate Law and Competition Law. Damiano Canapa studied law at the Universities of Lausanne and Bern, at the College of Europe, Bruges (LL.M.), and at Yale Law School (LL.M.). He received his doctorate from the University of Zurich under the supervision of Prof. Dr. Andreas Heinemann on "Trademarks and Brands in Merger Control: An Analysis of the European and Swiss Legal Orders".

The Common Law of Contracts

9-10 & 16-17 Dec. 2021

This course, taught by Professor Helge Dedek*, will explore the law of contracts in the common law through the lens of its most important leading cases – cases that have shaped both the law and legal education. In each class, one aspect of the law of contracts will be explored, from the rules of formation of contract to the law of remedies, by focusing on a 'leading case': what does it teach us about this area of the law, which principles does it embody, and what is its lasting significance? But we will also dig deeper: how would a civil law system address the issues the case in question addresses? What are its theoretical implications, what is the historical context out of which it grew? The cases discussed will encompass true "classics" as well as cases that are just now emerging as leading authorities; the cases will lead us to "timeless" doctrinal and theoretical issues as well as to timely and pressing policy questions.

*Professor Helge Dedek teaches law at McGill University in Montreal, Quebec, Canada. He holds a doctoral degree from the University of Bonn, Germany, an LL.M. degree from Harvard Law School, and two German 'State Examinations in Law.' Professor Dedek is co-editor-in-chief of the American Journal of Comparative Law, together with Professor Franz Werro of the Georgetown University Law Center. He regularly teaches, as *professeur associé*, seminars at the University of Lausanne. He has been an invited Fellow at the interdisciplinary Käte Hamburger Institute of Advanced Studies at the University of Bonn, Germany, and at the Max-Planck-Institute for Comparative and International Private Law in Hamburg, Germany. He is an elected Associate Member of the International Academy of Comparative Law and a Fellow of the European Law Institute. Professor Dedek is interested and has published in the areas of (comparative and transnational) legal history, comparative law, private law, and legal theory. He has presented his work as an invited speaker on numerous occasions, e.g. at the University of Toronto Legal Theory Workshop, the International Max Planck Research School for Comparative Legal History, the Harvard Stanford International Junior Faculty Workshop, the King's College Institute for Transnational Law, the Institut Suisse de Droit Comparé, the European University Institute in Florence, the Olin Institute for Legal History in Stockholm, the Maastricht European Private Law Institute, and the Annual Conference of the Canadian Institute for the Administration of Justice. He is currently pursuing a SSHRC-funded research project on the intellectual history of the concept of individual rights.