Faculty of Law

LLM – International Commercial Law
**LLM IN INTERNATIONAL COMMERCIAL LAW**

International trade and commerce are on an ever-increasing upward trajectory, notwithstanding some political doubts about globalisation expressed in recent times. An increase in international trade and foreign investment is the only way for Africa to reach the ideal of inclusive economic growth and sustainable development, resulting in the ultimate alleviation of poverty on the continent. Fortunately, for some time now, Africa remains the world's second-fastest growing regional economy after East Asia.

Globalisation of trade and commerce requires that legal practitioners have an in-depth knowledge of International Commercial Law. The LLM in International Commercial Law, the flagship programme of the Faculty of Law at the University of Johannesburg, prepares students to deal with global challenges and become active participants in an interdependent world and an interconnected future. The Faculty of Law addresses the lack of skills and knowledge in the particular field in Africa and other emerging regions of the world by offering this specialised programme.

The various modules in International Commercial Law provide students with analytical and problem-solving skills for a challenging multi-levelled global legal landscape. Students are introduced to a wide range of national legal systems and legal instruments on a regional, supranational and international level (uniform law). These rules may be of a substantive nature but could also take the form of conflicts rules (private international law), referring the particular substantive issue to a national legal system or a regional or international substantive instrument. The interplay between the different natures and levels of legal norms is emphasised and the student is equipped to deal with the complexity and interwoven structure of the global legal milieu. As such, students are provided access to a diverse and wide range of legal epistemologies. Legal rules and principles are ever-changing and, in International Commercial Law, increasingly take a denationalised form. Developments on the various levels are meticulously followed and integrated in the curriculum. Particular attention is given to legislation, case law and doctrine from Africa, the BRICS countries and other emerging regions of the world.

The LLM in International Commercial Law is designed to be completed by full-time students within one year and by part-time students over two years. The programme consists of the modules International Commercial Law A, B and C (ICLA, ICLB and ICLC), as well as a minor dissertation on a topic in International Commercial Law. ICLA and ICLB are offered during the first semester and ICLC during the second. The LLM programme provides the student with an overview of the private-law aspects of international trade, with an emphasis on private-international legal issues. The conflicts-orientation of the course indeed makes it unique and a wide comparative approach is taken in this regard, comprising legal systems in Africa, Asia, Australasia, Europe, North America and South
America, together with the relevant regional, supranational and international instruments in this field.

The course coordinator of the LLM in International Commercial Law is Prof Jan L Neels, who is a member of the Governing Council of UNIDROIT in Rome (2014–2018), director of the Research Centre for Private International Law in Emerging Countries and distinguished professor of International Commercial Law at the University of Johannesburg. Prof Neels was a member of the working group responsible for the drafting of the Hague Principles on Choice of Law in International Commercial Contracts and the official commentary on the Principles under the auspices of the Hague Conference on Private International Law. UJ has formal agreements in place with the Hague Conference and UNIDROIT, and the UJ Law Library is a repository library for both international organisations.

Prof Michael Martinek from the University of Saarland in Germany offers a substantial number of lectures in all the course-work modules in his capacity of distinguished visiting professor of International Commercial Law at the University of Johannesburg. Prof Martinek is a leading academic and holds honorary doctorates from universities in China, France, Poland and Romania.

Dr Eesa Fredericks, the deputy director of the Research Centre, is the module coordinator for ICLA and lectures in the modules ICLA and ICLC. Additional lectures are offered by Mr Faadhil Adams, Mr Garth Bouwers, Ms Chloe Johannes and guest lecturers from other (foreign) universities and organisations.

Classes take place between 18h00 and 20h00 on weekdays. In general, students must have obtained an average of 65% for the law subjects in the LLB degree to be considered for admission. The student body may include learners from our partner universities in Angola, Belgium, China, Germany, Iceland, India, Kenya, Malawi, the Netherlands, Tanzania and Turkey.

INTERNATIONAL COMMERCIAL LAW A
1. The role and nature of International Commercial Law.
2. Civil and commercial jurisdiction in various African countries (including South Africa), Australia, Brazil, Canada, the European Union, India and the United Kingdom.
3. The recognition and enforcement of foreign judgements in various African countries (including South Africa), Australia, Brazil, Canada, the European Union, India and the United Kingdom.
INTERNATIONAL COMMERCIAL LAW B
Private international law of contract, liberative prescription and property in
a. national legal systems, including those of various African countries (including South
Africa), Australia, Brazil, Canada, China, India, Indonesia, Iran, Japan, Russia, South
Korea, Switzerland, Turkey, the United Arab Emirates, the United Kingdom and the
United States of America;
b. regional and supranational instruments, including the Mexico City Convention and
the Rome I Regulation; and
c. international instruments, including the Convention sur la loi applicable aux ventes à
caractère international d’objets mobiliers corporels and the Hague Principles on Choice of
Law in International Commercial Contracts.

INTERNATIONAL COMMERCIAL LAW C
1. An introduction to comparative law.
2. International law of contract and aspects of property law:
   a. domestic property and contract law in the international sphere: selected
      jurisdictions;
   b. the Incoterms of the International Chamber of Commerce;
   d. the United Nations Convention on the Limitation Period in the International
      Sale of Goods; and
   e. the UNIDROIT Principles of International Commercial Contracts.
3. International financing law from the perspective of the common law and private
   international law, with reference to the International Chamber of Commerce’s Uniform
   Customs and Practice for Documentary Credits.
4. An introduction to international transport law and international transport insurance law
   from the perspective of South African law with reference to international instruments.
5. International commercial arbitration from the perspective of South African law and
   private international law with reference to the UNCITRAL Model Law on International

Bursaries are available. Students who register for the first time in 2019 and
who complete their Master’s degrees within a period of two years, qualify for
reimbursement of their full tuition fees (excluding the registration fee and ICT
levy and subject to certain terms and conditions).

For further information and enquiries regarding entry requirements, closing
dates and the application procedure, as well as the content of the coursework,
please do not hesitate to contact the faculty:

Mrs P Magongoa: Auckland Park Kingsway Campus
Tel: 011 559 3843 | Email: phaladim@uj.ac.za | Web: www.uj.ac.za/law