



SCHOOL OF LAW

Year 2024/25 Term 2

LAW4025 OVERSEAS PROJECT EXPERIENCE (LAW IN ASIA) (TAIWAN)

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COURSE DESCRIPTION

This course will explore the legal system of Taiwan, officially known as the Republic of China (ROC). Taiwan was ceded to Japan by the Qing Dynasty under the Treaty of Shimonoseki in 1895. The ROC was established in 1912 after overthrowing the Qing Dynasty. According to the Cairo Declaration, the ROC assumed control of Taiwan after World War II. In 1949, following its defeat in the civil war to the Chinese Communist Party, which established the People's Republic of China (PRC), the ROC government relocated to Taipei. In 1971, United Nations General Assembly Resolution 2758 transferred China's seat from the ROC to the PRC, leading to Taiwan's unique status under international law.

Taiwan's legal system is based on the ROC Constitution promulgated in 1947. The ROC adopted the Chinese legal system in Taiwan, influenced by Japan during its administration. Germany and the United States have significantly influenced Taiwan's legal development in constitutional, civil, and commercial law. The Legislative Yuan (Parliament) is Taiwan's unicameral legislature. The Council of Grand Justices (Constitutional Court) of the Judicial Yuan holds the power to interpret the Constitution. The Executive Yuan serves as the executive branch, with the Premier appointed by the President, who is elected every four years by universal suffrage.

Today, Taiwan ranks among the largest Asian economies and operates as a vibrant democracy under a two-party system since the lifting of Martial Law. In this course (under the **Overseas Project Experience (Law in Asia) model**), students will examine various aspects of Taiwanese law and explore Taiwan's legal relationships with the United States, China, and Singapore. They will gain practical experience working with lawyers and legal counsels to address real-world legal challenges.

This course is supported by the Taiwan Studies Project Grant from the ROC Ministry of Education. Some sessions may be conducted online, and a **one-week field trip** to Taipei, Taiwan, is planned.

PRE-REQUISITE/ CO-REQUISITE/ MUTUALLY EXCLUSIVE COURSES

None

LEARNING GOALS, COURSE OBJECTIVES AND SKILL DEVELOPMENT

This course offers an international experiential learning opportunity that allows students to translate classroom knowledge and theory into practical solutions for various institutions. In addition to visiting law firms, government agencies and companies, student will also participate in a consultancy project. Through the project, students will learn how to solve business problems with guidance from the faculty and project sponsor mentors. The project will focus on evaluating legal problems in different areas of law and recommending/applying solutions to these problems.

This course aims to achieve the following objectives:

- Understand Taiwan and civil law jurisdictions
- Solve real-world legal issues through a student consultancy project
- Incorporate active mentoring by faculty and project sponsors

RECOMMENDED TEXT AND READINGS

Principal Texts:

1. Chang-Fa Lo, *The Legal Culture and System of Taiwan* (Kluwer Law International 2006), placed on course reserve in the Law Library. [Lo]
2. Tay-sheng Wang & I-Hsun Sandy Chou, *The Emergence of Modern Constitutional Culture in Taiwan*, 5:1 National Taiwan University Law Review 1 (2010), available at <http://www.law.ntu.edu.tw/ntulawreview/articles/5-1/01-Article-Tay-sheng%20Wang%20&%20I-Hsun%20Sandy%20Chou.pdf> [Wang]
3. Pasha L. Hsieh, *An Unrecognized State in Foreign and International Courts: The Case of the Republic of China on Taiwan*, 28 Michigan Journal of International Law 765 (2007), available at http://works.bepress.com/pasha_hsieh/1/. [Hsieh 1]
4. Pasha L. Hsieh, *The China-Taiwan ECFA, Geopolitical Dimensions and WTO Law*, 14:1 Journal of International Economic Law 121 (2011), available at http://works.bepress.com/pasha_hsieh/12/. [Hsieh 2]
5. Pasha L. Hsieh, *The Quest for Recognition: Taiwan's Military and Trade Agreements with Singapore under the One-China Policy*, 19 International Relations of the Asia-Pacific 89 (2019), available at https://works.bepress.com/pasha_hsieh/69/ [Hsieh 3]
6. Pasha L. Hsieh, *Rethinking Non-Recognition: The EU's Investment Agreement with Taiwan under the One-China Policy*, 33 Leiden Journal of International Law 689 (2020), available at https://works.bepress.com/pasha_hsieh/79/ [Hsieh 4]

Useful Sources:

1. Taipei Times, <http://www.taipeitimes.com/>
2. ROC Constitution, <https://english.president.gov.tw/Page/93>
3. Republic of China (Taiwan) Legal Research (Harvard Law School Library), <https://guides.library.harvard.edu/law/Taiwan>

Students are not expected to purchase these texts. The instructor has arranged for them to be placed on course reserve. Additional readings may be assigned as necessary. Students are expected to keep abreast of current developments reported in major newspapers and periodicals.

ASSESSMENT METHOD

Class Participation: 15%

Mid-Term Examination: 20%
 Group/Client Presentation: 15%
 Final Project Report: 50%

No questions from past year papers or published test banks will be used verbatim for the graded continuous assessments and examinations in this course.

Class Participation:

Both the quantity and quality of contributions made by each student will be considered in the assessment.

Mid-Term Examination:

The take-home examination will include essay questions drawn from course materials and class discussions.

Group/Client Presentation:

Each group will deliver a presentation on the mentor/client's assigned topic and respond to questions. The interdisciplinary nature of the topics will enable students to analyze issues from comparative and international law perspectives.

Final Project Report:

The final project reports, mostly in the form of legal memoranda or policy reports, will incorporate feedback from faculty and/or mentors. They will be submitted via email to the mentor, instructor, and TA.

COURSE METHODS

Power-Point based discussion will serve as a springboard for discussion of the topics. SMU's seminar-style teaching will also be employed during the course.

CLASS SCHEDULE

Week No.	Topic	Readings (to be revised)
1	History and the Legal System of the Republic of China on Taiwan	Lo, Chapters I and II
2	History and the Legal System of the Republic of China on Taiwan	Lo, Chapters I and II
3	The Constitutional Framework and Human Rights Protection	Lo, Chapters III, IV, and V; Wang
4	Administrative, Civil, and Criminal Law Systems	Lo, Chapters VI, XVI and XXII
5	Administrative, Civil, and Criminal Law Systems	Lo, Chapters VI, XVI and XXII
6	Cross-Straits Relations and International Law Asia-Pacific FTAs and Taiwan	Hsieh 1; Hsieh 2; Hsieh 3 Hsieh 4
7	Cross-Straits Relations and International Law Asia-Pacific FTAs and Taiwan	Hsieh 1; Hsieh 2; Hsieh 3 Hsieh 4

8	Mid-Term Break (no class)	
9	Mid-Term Examination	
10		
11	Mentor/Client Meeting	
12	Mentor/Client Meeting	
13	Group Presentation	
14	Group Presentation	
15		
16		
17	Overseas Trip (Week 17 or 18)	
18	Overseas Trip (Week 17 or 18)	
19	Deadline: Final Project Report	

TA: TBA

Note: The above syllabus/schedule is meant only as a guide and is subject to amendment.

DROPPING A COURSE

Students are reminded to follow the dates and procedures of add/drop modules found in <https://smu.sharepoint.com/sites/oasis/SitePages/RO/All-About-BOSS.aspx#parentHorizontalTab5> UG and JD students need to drop the electives via BOSS unless otherwise instructed by the School for specific electives (e.g. Moots).

Students who fail to follow the correct procedures and stipulated timelines for dropping their modules will obtain a “W” or “F” grades as indicated on OASIS.

Do note that a “W” and ‘F’ grade is reflected **permanently** on a student’s transcript.

UNIVERSITY POLICIES

Academic Integrity

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of exam questions, or tampering with the academic work of other students) are serious offences.

All work (whether oral or written) submitted for purposes of assessment must be the student’s own work. Penalties for violation of the policy range from zero marks for the component assessment to expulsion, depending on the nature of the offense.

When in doubt, students should consult the instructors of the course. Details on the SMU Code of Academic Integrity may be accessed at <https://smu.sharepoint.com/sites/oasis/SitePages/DOS->

[WKLSWC/UCSC.aspx](#) or OASIS -> CAMPUS LIFE & EXCHANGE -> CONDUCT & DISCIPLINE -> UNIVERSITY COUNCIL OF STUDENT DISCIPLINE -> SMU CODES OF CONDUCT.

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Accessibility

SMU strives to make learning experiences accessible for all. If you anticipate or experience physical or academic barriers due to disability, please let me know immediately. You are also welcome to contact the university's Student Accessibility Support (SAS) team if you have questions or concerns about academic provisions: accessibility@smu.edu.sg. Please be aware that the accessible tables in our seminar room should remain available for students who require them.

Digital Readiness for Teaching and Learning (DRTL)

As part of emergency preparedness, instructors may conduct lessons online via the Zoom platform during the term, to prepare students for online learning. During an actual emergency, students will be notified to access the Zoom platform for their online lessons. The class schedule will mirror the current face-to-face class timetable unless otherwise stated.