

37 Kent Law School

LW8000		Dissertation in Law (Canterbury)				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Spring	M	60 (30)	100% Project	Wong Dr S

Availability

Summer term – September entrants

Spring term – January entrants

Contact Hours

Total contact hours: 21

Private study hours: 579

Total study hours: 600

Department Checked

yes

Learning Outcomes

1. demonstrate acute awareness of the difficulties involved in formulating a meaningful and feasible research question as well as of the ways of overcoming these difficulties;
2. conceptualise a dissertation topic, and to comprehensively design the appropriate research methodology;
3. Demonstrate acute awareness of the need to be methodical and systematic in their studies, and to be critical in their use of the work done by other political and social scientists;
4. understand, at a complex level, the relationship between a problem, theoretical approach, research design and analysis;
5. systematically understand the key concepts, theories and methods used in the study of law and their application to the analysis of their chosen area of specialisation;
6. critically engage with social, political, economic and legal dynamics of interaction between people, events, ideas and institutions relevant to their chosen area of specialisation;
7. systematically understand the contestable nature of many concepts and different approaches to the study of areas of law relevant to the student's specialisation;
8. demonstrate effortless use of the various conventions of academic writing (style, citation, bibliography etc.)

Method of Assessment

Assessed entirely by the completion of a dissertation of no more than 15,000 words which forms 100% of the module's final mark.

Preliminary Reading

- Banakar, R., & M. Travers (eds.), Law and Social Theory, 2nd ed. (Hart Publishing 2014).
- Banakar, R., & M. Travers, Theory and Methods in Socio-Legal Research (Oxford, 2005).
- Hollis, M., The Philosophy of Social Science: An Introduction (Cambridge University Press, 1994).
- King, G., R. Keohane, and S. Verba, Designing Social Inquiry: Scientific Inference in Qualitative Research (Princeton University Press, 1996).
- May, T., Social Research: Issues, Methods and Processes, 4th ed. (OUP, 2011).
- Potter, S. (ed.) Doing Postgraduate Research, 2nd ed. (Sage/Open University, 2006)
- Salter, M., Writing Law Dissertations: an Introduction and Guide to the Conduct of Legal Research (Pearson, 2007).
- Webb, K., An Introduction to Problems in the Philosophy of Social Sciences (Pinter, 1996).

Pre-requisites

LW9191 Legal Research and Writing Skills 1

LW9192 Legal Research and Writing Skills 2

Progression

Stage 2

Restrictions

Non-completion of Stage 1

Synopsis

This module requires students to submit a dissertation of no more than 15,000 words on a topic relevant to one of the subject specialisations of the degree programme and approved by the academic staff. It is conceived as that part of the degree programme where students have considerable leeway to follow their own particular interests, with guidance from staff. Students are assigned a supervisor upon submission of the dissertation proposal according to topic and staff expertise. Supervision of work on the dissertation is concentrated in the second half of the academic year and appropriate help will be given to the student. Original research is likely to be rewarded with high grades, but it is not a requirement at this level.

2019-20 Postgraduate Module Handbook

LW8001		Public International Law (Intensive)				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	M	20 (10)	100% Coursework	

Availability

Taught as an intensive module in Canterbury.

Contact Hours

Total contact hours: 20

Private study hours: 180

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate a sophisticated knowledge and understanding of the concepts, principles and rules of International Law;
2. Demonstrate a comprehensive knowledge and understanding of the current theoretical and doctrinal debates within International Law;
3. Demonstrate an intricate familiarity with the operations of the institutions of International Law;
4. Critically apply international legal methods to international legal problems;
5. Demonstrate a critical awareness of the significance of International Law within the field of International Relations.

Method of Assessment

Essay 5000 words (100%).

Preliminary Reading

- Cassese, International Law (OUP, 2nd ed., 2004)
- Crawford, James and Koskeniemi, Martti (eds), Cambridge Companion to International Law (CUP, 2012).
- Crawford, James, Brownlie's Principles of Public International Law (OUP, 8th ed., 2012).
- Evans, Malcolm (ed.), International Law (OUP, 4th ed., 2014).
- Klabbers, Jan, International Law (CUP, 2013).
- Shaw, Malcolm, International Law (CUP, 7th ed., 2014)

Pre-requisites

None, although all students will need either some experience of Public International Law or be willing to do early and intensive reading.

Progression

Stage 1

Restrictions

None

Synopsis <span style =

This module critically engages with the main components of Public International Law. The module begins with a critical review of the history of the international legal order and a review of key current perspectives in the study of international law. From this, the module reviews, amongst other topics, the sources of international law, issues around the relation between domestic law and international law, the recognition of states, the status of international organisations in international law, questions of jurisdiction and immunities, the settlement of disputes between states and state responsibility. As the module moves through these different topics particular emphasis will be given to how they can help students better understand global current issues, as well as the operation of particular areas of the international legal order, such as, international economic law, the law of the sea, the law of air space and outer space, international human rights law, the use of force and global security.

2019-20 Postgraduate Module Handbook

LW801 Intellectual Property 1: Copyright and Breach of Confidence						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
3	Canterbury	Autumn	M	20 (10)	100% Coursework	
3	Canterbury	Spring	M	20 (10)	100% Coursework	Bellido Dr J

Availability

Spring Term

Contact Hours

Contact hours: 18

Private study hours: 182

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate a systematic understanding of the main literature and sources relevant to the history of copyright law and breach of confidence;
2. Demonstrate a comprehensive understanding of the key justifications for copyright law and the protection of confidential information;
3. Demonstrate a critical awareness of the tensions between confidentiality and public interest and their connections to copyright in unpublished material;
4. Demonstrate a critical awareness of, and sensitivity to, the economic, political and/or social implications that arise from copyright law and the law protecting confidential information;
5. Critically understand and examine the role of copyright and confidentiality within society;
6. Critically examine the relations between the press and the copyright.

Method of Assessment

Essay - no more than 5000 words (100%)

Preliminary Reading

- L Bently & B Sherman, Intellectual Property Law (Oxford University Press, 2014)
- J Davis, Intellectual Property Law (Oxford University Press, 2012)
- Blackstone's Statutes on Intellectual Property (latest edition)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

Over the past few decades, the scope of intellectual property has grown significantly. The goal of the module is to provide an overview of copyright and the law of confidential information from different angles in order to be able to assess this expansion. In so doing, it will examine this area of law from historical, theoretical and practical perspectives. The emphasis throughout the module is on reflexive critique. That is, we will study the different modes of justifying copyright and the protection of confidential information; the different historical approaches to trace the ways in which we can understand the political economy of copyright and confidential information and we will look at the past to try to find ways of thinking about the present situation of international legal regimes. On a more contemporary level, we will study the interaction between copyright and freedom of expression, the problems posed by technological works, as well as the more practical question on the way of producing evidence in copyright and breach of confidence trials. No prior knowledge or study of intellectual property is required.

2019-20 Postgraduate Module Handbook

LW802		International Business Transactions				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	Oduntan Dr G

Availability

Autumn Term

Contact Hours

Total contact hours: 18

Private study hours: 182

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Study the kinds of legal problems that arise in relation to commercial transactions between businesses established in different States, specifically from the 'transnational' nature of such transactions, and some of the legal solutions characteristically adopted by legal systems with emphasis on English, European, the Commonwealth and the United States legal systems.
2. Study the general principles of public and private international law that are applicable to international business transactions.
3. Critically examine current trends and developments in the regulation of international business transactions particularly in relation to emerging markets.
4. Generate interest in the subject for its own sake and to develop basic expertise in the subject for those intending to practise law, work for governments, businesses and international agencies.

Method of Assessment

Essay - no more than 5,000 words (80%)

Participation - Group presentation and 2000 word paper (20%)

Preliminary Reading

- Schmitthoff's Export Trade: The Law and Practice of International Trade by Leo D'Arcy, Carole Murray and Barbara Cleave, 12th ed. (London: Sweet & Maxwell, 2012).
- J.C.T. Chuah, Law of International Trade, 5th ed. (Sweet & Maxwell, 2013).
- Indra Carr, International Trade Law, 5th ed. (London: Cavendish (2014);
- Miriam Goldby, Indra Carr, International Trade Law Statutes and Conventions 2011-2013, Routledge.
- Module Booklet (With Articles and materials to read).
- Reference to articles largely from the following journals will be made:
 - o Lloyd's Maritime & Commercial Law Quarterly
 - o Journal of Business Law
 - o Anglo American Law Review
 - o International Journal of Comparative Law
 - o American Journal of Comparative Law
 - o Journal of World Trade

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module will examine the problems that arise in commercial transactions between businesses established in different States. The module will concentrate specifically on the 'transnational' nature of such transactions, and some of the solutions characteristically adopted by different legal systems, with emphasis on International, English or the US systems, or where appropriate legal rules and materials of other jurisdictions by way of illustration. The module will also cover the unique features of current transnational business transactions such as Mergers and Acquisitions, and the importance of information and communication technologies.

2019-20 Postgraduate Module Handbook

LW810 International Law on Foreign Investment						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
4	Brussels	Autumn	M	20 (10)	100% Coursework	Fanou Dr M
4	Canterbury	Autumn	M	20 (10)	100% Coursework	
4	Canterbury	Spring	M	20 (10)	100% Coursework	Okonjo Mr J

Availability

Spring Term

Contact Hours

Contact hours: 18

Private study hours: 182

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. An ability to systematically evaluate the substantive, analytical, normative and empirical characteristics of international law of foreign investment as field of study and practice.
2. A practical understanding of how established techniques of research and enquiry are used to create and interpret knowledge in the field and an ability to critically analyse those techniques.
3. A critical awareness of historical and contemporary theoretical and policy problems around the world that have generated, and continue to inform, the international law of foreign investment.
4. Originality in the application and synthesis of the above knowledge and understanding.

Method of Assessment

Written essay of no more than 5,000 words (100%)

Preliminary Reading

Textbook

- M. Sornarajah (2010) 'The shaping factors' in The International Law on Foreign Investment, CUP

Other sources

- A. Perry-Kessaris (2008) Global Business, Local Law: the Indian legal system as a communal resource in foreign investment relations
- A. Perry-Kessaris ed. (2010) Socio-legal approaches to international economic law: Text, context, subtext Routledge.
- P. Dicken (2011) 'Global Shift.
- A. Lowenfeld (2008) International Economic Law
- M. Herdegen (2013) Principles of International Economic Law Chapter
- P. Muchlinski (2007) Multinational Enterprises and the Law
- J. Bakan (2005) The Corporation Constable.
- J. Salacuse (2010) The Law of Investment Treaties

Pre-requisites

None. The course however assumes that the students will have studied Public International Law at the undergraduate level.

Progression

Stage 1

Restrictions

None

Synopsis <span style =

This module explores the legal implications (practical and theoretical) of foreign direct investment. Attention is paid to the perspectives of states, investors, civil society actors and theorists; and to placing legal implications in their economic, social, political and historical context. Questions considered include:

- What political, economic and legal actors and factors have shaped the international law on foreign investment?
- What are the legal implications of the fact that most foreign investments are made by corporations?
- What roles can host state legal systems play in attracting and regulating foreign investments?
- What international legal mechanisms are used to enable foreign investment?
- What challenges do current concerns with corruption and tax evasion pose to existing international law on foreign investment?

2019-20 Postgraduate Module Handbook

LW811 International Commercial Arbitration						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	
2	Canterbury	Spring	M	20 (10)	100% Coursework	Oduntan Dr G

Availability

Spring Term

Contact Hours

Total contact hours: 18

Private study hours: 182

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate knowledge of the underlying concepts and principles associated with the study of international commercial arbitration;
2. Demonstrate a factual and conceptual knowledge base, with some appreciation of the breadth of the field of international dispute resolution and the relevant terminology;
3. Draft, evaluate and interpret arbitration and other dispute resolution clauses;
4. Demonstrate knowledge and critical understanding of the well-established principles of alternative dispute resolution;
5. Apply underlying concepts and principles of arbitration and ADR where appropriate in real life scenarios an employment context;
6. Demonstrate knowledge of the main arbitration conventions and national laws relevant to the regulation of international commercial arbitration;
7. Critically understand the shortcomings of the international regime of recognition and enforcement of arbitral awards;
8. Demonstrate an understanding of the limits of their knowledge, and how this influences analyses and interpretations.

Method of Assessment

Essay of no more than 4,000 words (80%)

Presentation, in groups, approx. 15 minutes per group mark awarded for the group (10%)

Group work paper, 1,000 words per group member, mark awarded for the paper overall (10%)

Preliminary Reading

- Alvarez, G.A. & Reisman W.M., *The Reasons Requirement in International Investment Arbitration: Critical Case Studies* (Martinus Nijhoff Publishers, 2008).
- Berger, K P., *Private Dispute Resolution in International Business: Negotiation, Mediation, Arbitration* (3rd ed, Kluwer Law International, 2015).
- Buhning-Uhle C., *Arbitration and Mediation in International Business* (2nd revised ed, Kluwer Law International, 2006)
- Dezalay, Y. and Bryant, G.G., *Dealing in Virtue: International Commercial Arbitration and the Construction of A Transnational Legal Order* (2nd ed, The University of Chicago Press, 1998).
- Dowling-Hussey, A. & Dunne, D., *Arbitration Law* (Round Hall, 31 Oct 2008).
- Marshall, E.A., Gill: *The Law of Arbitration* (4th revised ed, Sweet & Maxwell, 2001).
- Marcel, F. & Ly, F., *Drafting International Contracts* (Bril- Nijhoff, 2006).
- Redfern, A. & Hunter, M., *Law and Practice of International Commercial Arbitration* (6th ed, 2015).

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

The aim of the module is to focus on the theoretical, institutional and practical aspects of modern international commercial arbitration. This would involve a close examination of the ad hoc systems and the main institutional structures (e.g., ICC, ICSID, WIPO, Iran-US Claims Tribunal, and PCA). The module covers current issues and developments relating to international commercial arbitration including: arbitral jurisdiction; applicable procedural and substantive laws; the status and role of arbitration agreements; the conduct of arbitral proceedings; the arbitral award; challenge, recognition and enforcement of award; and online arbitration/online dispute resolution (ODR). The English Arbitration Act 1996 and the UNCITRAL Rules as well as the UNCITRAL Model Law will be examined closely. The course will also critically examine the relationship between international commercial arbitration and international development law as well as aspects of the international commercial arbitration concerning sovereign states in oil and gas disputes. Comparative study will be made of the emerging commercial arbitration legislation and international arbitral practice of certain developing states such as Nigeria, India and China. The course also aims to provide an appreciation of the similarities and contrasts between the work of international arbitral institutions and the work of international courts such as the International Court of Justice in commercial and economic matters.

2019-20 Postgraduate Module Handbook

LW813 Contemporary Topics in Intellectual Property Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	Kang Dr H
2	Canterbury	Spring	M	20 (10)	100% Coursework	

Availability

Autumn Term

Contact Hours

Total study hours: 200

Contact hours: 18

Private study hours: 182

Department Checked

yes

Learning Outcomes

1. Demonstrate systematic knowledge of contemporary issues in the various fields of intellectual property (copyright, patents, trade marks and neighbouring rights) in both the domestic and global arenas;
2. Engage in informed scholarly debate over the principles and practices of intellectual property law as they arise in relation to topical issues;
3. Propose creative reforms and solutions to contemporary intellectual property issues.

Method of Assessment

The module is assessed by 100% coursework consisting of:

A 4,000 word essay maximum (80%)

Seminar participation (20%)

Preliminary Reading

A course pack of readings will be produced by the module convenor in conjunction to electronic resources made available to students via course Moodle page. These will contain current intellectual property questions and debates, as well as relevant case law.

A selection of indicative reading:

- M. Biagioli, P. Jaszi & M. Woodmansee (eds), *Making and Unmaking of Intellectual Property. Creative Production in Legal and Cultural Perspective* (Chicago, 2011)
- C. Hayden, *When Nature Goes Public. The Making and Unmaking of Bioprospecting in Mexico* (Princeton, 2003)
- C. Kelty, *Two Bits. The Cultural Significance of Free Software* (Duke, 2008)
- N. Klein, *No Logo* (Picador, 2000)
- C. Lury, *Brands. The Logos of Global Economy* (Routledge, 2004)
- B. Sherman & L. Bently, *The Making of Modern Intellectual Property Law* (Cambridge, 1999)
- K. Sunder Rajan, *Biocapital* (Duke, 2006)

Pre-requisites

Prior attendance of LW801 Intellectual Property Law is welcome, but not a prerequisite.

Progression

Stage 1

Restrictions

None

Synopsis *

This module explores a range of key issues in contemporary intellectual property, which are subject to contentious and often crudely conducted debates. It identifies and questions intellectual property law's underlying justifications, conceptual assumptions and material practices through the lens of novel modes of biological, cultural and scientific production that challenge the legal regime. Questions in this regard include:

- Can nature be patented? Do patents turn human persons into 'things'?
- Who produces knowledge? Who owns access to knowledge?
- Is enforcing patents on pharmaceuticals in developing countries just?
- Does quoting or paraphrasing in literature or art amount to copying? Is creativity original?
- Is plagiarism theft? Kidnapping? Plain bad manners?
- What is the cultural and political significance of free software?
- Do trade marks commodify language?

The module will introduce students in detail to the most acute and pressing current debates in intellectual property, such as justification for patents and their effects, copyright and piracy, logos & brands. It aims to provide students with a solid understanding of legal internal ways of thinking and arguing about intellectual property, as well as an introduction to wider theoretical resources which will encourage a differentiated and critical assessment of intellectual property law's effects and limitations. Intellectual property will furthermore be understood to comprise not only intellectual property law, but also proprietary practices and strategies that concern knowledge. Readings will be drawn from the multi-disciplinary scholarship on intellectual properties, including anthropology, history, science studies, economics and social theory.

2019-20 Postgraduate Module Handbook

LW814 Public International Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Brussels	Autumn	M	20 (10)	100% Coursework	Sullo Dr P
2	Canterbury	Autumn	M	20 (10)	100% Coursework	Eslava Dr L

Availability

Autumn Term

Contact Hours

2 hours a week combined lecture/seminar excluding reading and writing weeks (18 weeks). The remaining 182 hours are dedicated to private study time. There are 200 study hours for the module.

Department Checked

yes

Learning Outcomes

The intended subject specific learning outcomes

To ensure that students taking the module are:

- aware of the significance of International Law within the field of International Relations
- familiar with the concepts, principles and rules of International Law
- familiar with current theoretical and doctrinal debates within International Law
- able to apply international legal methods to international legal problems
- familiar with the operations of the institutions of International Law, especially the United Nations and the International Court of Justice

Method of Assessment

100% coursework comprising of a 5,000 word essay (maximum).

Preliminary Reading

Core texts

J Klabbbers, *International Law* (CUP, 2013)

J Crawford and M Koskeniemi (eds), *Cambridge Companion to International Law* (CUP, 2012)

General reading

A Anghie, *Imperialism, Sovereignty and the Making of International Law* (CUP, 2007)

L Eslava, *Local Space, Global Life: The Everyday Operation of International Law and Development* (CUP, 2015)

M Shaw, *International Law*, 7th ed (CUP, 2014)

S Marks, *International Law on the Left* (OUP, 2008)

A Orford, *International Law and its Others* (CUP, 2006)

A Orford, *International Authority and the Responsibility to Protect* (CUP, 2011)

S Pahuja, *Decolonizing International Law* (CUP, 2011)

B Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* (CUP, 2003)

G Simpson, *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order* (Cambridge, 2004)

Pre-requisites

None, although all students will need either some experience of Public International Law or be willing to do early and intensive reading.

Progression

Stage 1

Restrictions

None

Synopsis *

This module provides a detailed study of the history, rules, doctrines and institutions of public international law. It offers a critical analysis of the international legal order and a firm basis upon which to found arguments concerning the political importance of international law. The module pays special attention to the way in which the evolution and operation of the international legal order influence not only international relations, but also daily domestic life.

At the end of the course students will be able to assess, both internally and in context, the main the rules, doctrines and institutions of public international law. Students will also develop the necessary tools to reflect critically on some of the most important problems and tensions that define the contemporary global order: from calamities resulting from war, international interventions and surveillance strategies in countries like Afghanistan, Libya and Pakistan, to the everyday effects of increasing socio-economic disparities and environmental decay in both the Global South and the Global North.

The teaching, discussions and readings in the module will equip students both with a doctrinal understanding of public international law, and with an approach to the field that is grounded in a Critical, Socio-Legal and Law and Humanities perspective.

2019-20 Postgraduate Module Handbook

LW815 EU Constitutional and Institutional Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
4	Brussels	Autumn	M	20 (10)	100% Coursework	
4	Canterbury	Autumn	M	20 (10)	100% Coursework	Hedemann-Robinson Mr M

Availability

Autumn Term

Contact Hours

Total contact hours: 18

Private study hours: 182

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. To give students a firm grounding in the rules and concepts of EU constitutional and institutional law, and a deeper understanding of the broader social and political implications of European legal integration.
2. To enable students to become familiar with the main sources of EU constitutional and institutional law and to gain an understanding of how to access these materials for the purposes of preparing a module assessment.
3. To allow students to gain an insight into the operation of the EU legal system and into ways in which Union Law penetrates and becomes part of the national law of the member states.
4. To enable students to appreciate the constitutional issues and agendas which are frequently implicit in cases arising before the ECJ and national constitutional courts.
5. To allow students to engage directly with Court of Justice of the EU jurisprudence through oral presentation and analysis of selected cases

Method of Assessment

Short essay 1000 words (10%)

Long essay 4000 words (90%)

Preliminary Reading

The following are required as general reading and are available in the library. Additional reading will be recommended and detailed in lecture and seminar handouts;

- Craig, P. & De Burca, G., EU Law: Text Cases and Materials (OUP, 6th Ed., 2016)
- Chalmers/Davies/Monti, EU Law, 3rd ed (CUP 2014)
- Craig/De Burca (eds) The Evolution of EU law (OUP 2011)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module focuses on the foundational rules, principles and doctrines underpinning the constitutional and institutional legal framework of the European Union. Against the backdrop of financial turbulence within the Eurozone and the recent structural reforms to the Union introduced by the 2007 Lisbon Treaty, this core area of EU law has gained heightened political and legal significance in the context of on-going debates on the nature and extent of European legal integration.

2019-20 Postgraduate Module Handbook

LW826 Competition Law in a Transnational Context						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
5	Canterbury	Autumn	M	20 (10)	100% Coursework	
5	Canterbury	Spring	M	20 (10)	100% Coursework	Hedemann-Robinson Mr M

Availability

Spring Term

Contact Hours

Contact hours: 18

Private Study hours: 182

Total hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate a systematic understanding of the rules and concepts of Competition Law in a transnational context, notably with reference to European Union (EU) Competition Law, international level developments in competition law as well as comparative reference to selected aspects of certain national competition laws.
2. With reference to EU Competition Law, demonstrate a comprehensive understanding of the principal provisions which empower the EU institutions to intervene in the regulation of the market and underlying economic rationale of these provisions.
3. Demonstrate a critical awareness of the principal drivers underpinning the evolution of competition law in a transnational context, namely the distinct drivers relating to the development of competition law from selected international, regional and national perspectives.
4. Critically evaluate the respective roles of the EU institutions in developing and enforcing EU competition law from an international legal perspective.
5. Critically evaluate the implications of EU Competition Law for the national economies and legal competences of EU member states.
6. Explore critically the possibilities and extent of the development of international competition law.

Method of Assessment

Short essay, 1,000 words (20%)

Long essay, 4,000 words (80%)

Preliminary Reading

The following books are required as general indicative reading and are available in the library. Additional reading will be recommended and detailed in lecture and/or seminar handouts;

- A. Jones and B. Sufrin: EU Competition Law Text, Cases, and Materials, 6th Edition (Oxford University Press, 2016)
- R. Whish and D. Bailey: Competition Law, 8th Edition (Oxford University Press, 2015)
- S.M. Colino: Competition Law of the EU and the UK, 7th Edition (Oxford University Press, 2011)
- S. Bishop and M. Walker: The Economics of EU Competition Law, 3rd Edition (Sweet and Maxwell, 2010)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module focuses on considering Competition Law in a transnational context, particularly, by considering the development of international and regional legal and political developments concerning regulation of competition. Accordingly, it will predominantly focus on European Union Competition Law as the principal source of transboundary legal co-operation in this field. The module will also consider the state of, and implications of, broader international and/or regional legal co-operation in competition policy and, the impact of selected national competition law regimes' extraterritorial reach.

LW832 European Union Migration Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
4	Brussels	Autumn	M	20 (10)	100% Coursework	Bartolini Dr S

Availability

Autumn Term

Learning Outcomes

The specific aims and objectives of the course are to enable students to acquire the following capacities:

- familiarity with the main legal principles governing the movement of persons within the European Union
- familiarity with the main legal principles governing the development of a common immigration policy at the level of the European Union, and the main elements of that policy
- the ability to access the primary and secondary sources of European Union law in so far as it relates to the free movement of persons and the European Union's emerging common immigration policy. This material will be accessed both in hard copy and, where appropriate, in electronic form
- the ability to analyse the primary and secondary sources of European Union law relating to the free movement of persons and immigration policy in order to obtain an understanding of its content and implications
- an understanding of the political and economic background to European Union law relating to the free movement of persons and immigration policy
- the ability to engage in independent research and thought on the free movement of persons and immigration policy in the context of the European Union

In addition, the course will contribute to the acquisition by students of the following general capacities:

- to access primary and secondary European Union legal material in hard copy and electronic form
- to analyse primary and secondary European Union legal material to establish its implications for legal rules
- to evaluate the political and economic origins and implications of European Union policies, and to defend this evaluation against alternative points of view
- to communicate, both orally and in writing, the content of legal principles and evaluation of legal principles

Method of Assessment

The method of assessment will be a written essay of 3000-4000 words. The essay title may be chosen from a list provided by the convenor during the term. Alternatively, students will be encouraged to devise their own essay topic within the subject-matter of the course, and in consultation with the convenor. The essays will be due for submission by the last day of the relevant term.

The process of essay-writing will both develop and test students' capacity for analysis of the law relating to the free movement of persons and immigration policy in the European Union, and of its wider implications. The process of essay-writing will also promote the acquisition by students of the capacity to engage in independent research and thought in the field. To this end, the convenor will be available to discuss the students' essays, and in particular to help plan the essay's structure and the research which will be undertaken prior to its completion.

Preliminary Reading

The required reading will be the seminar reading which is indicated for each week.

The seminar reading will be varied and include judgments, official documents, textbook and monograph commentary and journal articles. All of this material will be available in the Library. Where possible, students will also be given references to electronic sources.

Students will also be provided with recommended reading lists for all parts of the course, based on material available to them in the Library or by electronic means. This will be of particular relevance to the writing of essays.

Pre-requisites

None

Synopsis *

The course will be divided into two parts. The first, in weeks 1 to 6, will consider the law relating to the free movement of persons within the European Union. This will include a treatment of the law of nationality, of the main specific rights of personal movement within the European Union and of the implications of European Union citizenship for rights of personal movement.

The second part of the course, in weeks 7 to 10, will examine the emergence of a common immigration policy at the level of the European Union. This will include a treatment of the rights of personal movement of non-European Union nationals within the European Union, of the early steps in the co-ordination of national immigration policies, and of the implications of the 'Immigration Chapter' inserted into the European Community Treaty in 1999.

2019-20 Postgraduate Module Handbook

LW839 Environmental Quality Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	Howarth Prof W

Availability

Autumn Term

Contact Hours

Total study hours: 200

Contact hours: 18

Private study hours: 182

Department Checked

yes

Learning Outcomes

1. Demonstrate a comprehensive familiarity with the main sources of law relating to environmental quality and gain a reasonable understanding of how to access these materials for the purpose of preparing a module assessment and for more general research purposes.
2. Demonstrate a critical awareness of the relationship between environmental quality law and the policy objectives that it seeks to implement and gain the capacity to evaluate particular legal provisions in relation to underlying policy goals.
3. Demonstrate a sophisticated knowledge of the particular legal provisions concerning environmental quality in relation to water, air and land, and the interrelationships between these, and be able to compare, contrast and assess the different approaches used.
4. Demonstrate a critical awareness of different approaches to environmental quality at international, European Community and national levels, and the tensions which exist between these, and understand the significance of an appropriate empowered regulatory body in securing effective enforcement in practice.
5. Demonstrate a systematic understanding of the key policy principles that underlie legal responses to particular kind of environmental quality issues.
6. Demonstrate a conceptual understanding of the general legal options available for addressing environmental quality issues, to see how these are utilised in the context of the different environmental media of water, air and land and interrelations between these.
7. Demonstrate a conceptual familiarity to particular pollution control issues in relation to their institutional contexts, with particular emphasis upon the contrasts between international, European Community and national levels of control and the problems of enforcement which arise.

Method of Assessment

Participation assessment (20%)

Essay, 4000 words (80%)

Preliminary Reading

- J. Alder and D. Wilkinson, *Environmental Law and Ethics* (1999)
S. Bell, D. McGillivray and O. Pedersen, *Environmental Law* (8th ed. 2013)
E. Fisher, B. Lange and E. Scotford, *Environmental Law Text, Cases and Materials* (2013).
J. Holder and M. Lee, *Environmental Protection Law and Policy: Text and Materials* (2007).
J. McEldowney and S. McEldowney, *Environmental Law* (2010).
M. Stallworthy, *Understanding Environmental Law* (2008).
S. Wolf and N. Stanley, *On Environmental Law* (6th revised ed. 2012)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module provides an introduction to the law on environmental quality and a preface to regulatory themes that are pursued in other modules. In common language, the module is about the law relating to 'pollution', but, as will be seen, this is a concept that is quite difficult to define with the precision that is needed as a basis for legal rights and duties. 'Environmental quality' is a broader term, encompassing issues as to the degree of contamination that is considered acceptable in relation to the three environmental media of water, air and land. Broadly, the module is organised around the progression of approaches that law has taken towards the regulation of those activities that have been identified as most damaging to the environmental media. Although, this involves careful examination and evaluation of national laws relating to pollution control, attention is increasingly focused upon regulatory requirements drawn from European Union and international law. The module seeks to assess different models and strategies for environmental quality regulation against broader objectives for the environment in reflecting upon what it is that is to be regulated, and why, and whether actual approaches to regulation are the best way of achieving this.

2019-20 Postgraduate Module Handbook

LW841 International Trade Law and the Environment						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	
2	Canterbury	Spring	M	20 (10)	100% Coursework	Hedemann-Robinson Mr M

Availability

Spring Term

Contact Hours

Total study hours: 200

Contact hours: 20

Private study hours: 180

Department Checked

yes

Learning Outcomes

1. Demonstrate systematic knowledge of the concepts, principles and rules of international law as these relate to the regulation of international trade and the protection of the environment;
2. Demonstrate a critical awareness of the way in which the various international institutions operating in this area co-operate, interact and conflict;
3. Demonstrate comprehensive familiarity with the compositions, constitutions, policies and operation of the key regulatory bodies with responsibilities relating to international trade and the environment, in particular the World Trade Organisation;
4. Think creatively about a subject whose borders and principles are far from settled;
5. Think critically about the ways in which international trade should be facilitated alongside the need for environmental protection and other socially desirable objectives;
6. Formulate a broad view of the adequacies of legal protection for areas of the environment which are impacted upon by international trade in general and WTO law and regulation in particular.
7. Appreciate the multifaceted nature of the trade/environment interface.

Method of Assessment

Short essay or case problem question of up to 1,000 words (10%)

Long essay of between 3-4,000 words (90%)

Preliminary Reading

- P. Birnie, Boyle, A. and Redgwell, C., International Law and the Environment, 3rd edition (Oxford, 2009).
- R-M. Dupuy, Vinuales, J. E., International Environmental Law (Cambridge, 2015).
- A. Gillespie, International Environmental Law Policy and Ethics, (Oxford, 2002).
- D. Hunter, Salzman, J. and Zaelke, D., International Environmental Law and Policy, 4th edition (Foundation Press, 2011).
- P. Sands and Peel, J., Principles of international Environmental Law, 4th edition (Cambridge, 2018).
- M. Trebilcock and Howse, R., The Regulation of International Trade, 4th Edition (Routledge, 2013).
- J. Watson, The WTO and the Environment: Development of Competence Beyond Trade (Routledge, 2013).

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

The law relating to international trade and the environment represents a key element in the national and international legal response to the need to protect the environment and to secure broader environmental policy objectives, notably sustainable development. This module is structured to provide a broad coverage of and opportunity for critical appraisal of various key international rules and institutions which address the relationship between freedom of trade between states and environmental protection. Within this structure, illustrations are provided of many of the key areas in case studies on topical and contentious issues. The module considers the following indicative topics: evolution of international trade law affecting the environment; key legal and institutional aspects of the World Trade Organisation's impact on the nexus between trade and the environment; international legal controls on the trade in hazardous substances; international trade law and the protection of biodiversity; the impact of international trade law in relation to climate change; and selected regional organizational arrangements on the relationship between trade and the environment (eg. EU and/or NAFTA).

2019-20 Postgraduate Module Handbook

LW843 International Human Rights Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Brussels	Spring	M	20 (10)	100% Coursework	Saric Josipa
2	Canterbury	Autumn	M	20 (10)	100% Coursework	
2	Canterbury	Spring	M	20 (10)	100% Coursework	Saric Josipa

Availability

Spring Term

Contact Hours

Total contact hours: 19

Private study hours: 181

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate a systematic understanding of the main concepts, principles, doctrines and procedures of international human rights law;
2. Critically analyse the practice and theory of international human rights law;
3. Engage with critical perspectives on, and theories of international human rights law;
4. Carry out independent research in the specific area of international human rights law and analyse issues from a range of theoretical approaches;
5. Critically appraise the application and functioning of international human rights law in different contexts while taking account of implications of diverse cultural values;

Method of Assessment

An essay of no more than 5000 words (100%)

Preliminary Reading

- P. Alston & J. Crawford (eds), *The Future of UN Human Rights Treaty Monitoring*, Cambridge Univ. Press, (2000);
- P. Alston and R. Goodman, *International Human Rights*, Oxford Univ. Press, (2013).
- Bantekas and Oette, *International Human Rights Law and Practice* (2nd ed., CUP 2016)
- Bisset, *Blackstone's International Human Rights Documents* (10th Ed., OUP 2016)
- K. Boyle (ed), *New Institutions for Human Rights Protection*, Oxford Univ. Press, (2009);
- A. Clapham, *Human Rights Obligations of Non-State Actors*, Oxford Univ. Press, (2006);
- D. Moeckli, S. Shah and S. Sivakumaran (eds), *International Human Rights Law*, (2nd Ed., Oxford Univ. Press, (2013);
- C. Tomuschat, *Human Rights – Between Idealism and Realism*, Oxford Univ. Press, (2003).

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module is designed to enable postgraduate students to obtain both essential knowledge of and critical insight into, issues relating to international human rights law. Human rights occupy an extremely important place in contemporary discussions about law, justice and politics at both the domestic and the international level. Across all spheres of government, bodies of law and, pretty much, in every single social mobilization, human rights are invoked and debated.

This module approaches the key place occupied by human rights in the contemporary world from an international perspective. In placing a focus at the international level, the module aims to link the international origins of human rights and the main human rights systems, with the actual practice of human rights. Particular attention is paid in the module to the value, as well as the limits of human rights when they approach, or try to address the problems and the aspirations of five important 'subjects': the Citizen, the Army, the Migrant, the Worker, and the Woman.

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LW844 Legal Aspects of Contemporary International Problems						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Brussels	Autumn	M	20 (10)	100% Coursework	Kendall Dr S
2	Canterbury	Autumn	M	20 (10)	100% Coursework	Kendall Dr S

Availability

Autumn Term

Contact Hours

Total contact hours: 20

Private study hours: 180

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate a sophisticated knowledge and understanding of the concepts, principles and rules of international law and transnational law and examine their interaction with contemporary international events.
2. Demonstrate a critical understanding of the relevance of international law and transnational law to particular international policy problems.
3. Demonstrate a comprehensive understanding of the possibilities and the limitations of legal method in international disputes.
4. Demonstrate a critical understanding of the relationship between international law and international politics.
5. Critically analyse the theory as practice of public international law.
6. Anticipate and map different legal arguments as directed toward particular global policy challenges.

Method of Assessment

Essay of no more than 5000 words (100%)

Preliminary Reading

- Anghie, Anthony, *Imperialism, Sovereignty and the Making of International Law*, (Cambridge: Cambridge University Press, 2004).
- Aust, Anthony, *Handbook of International Law*, (Cambridge: Cambridge University Press, 2010).
- Crawford, James and Martti Koskeniemi (eds.), *The Cambridge Companion to International Law*, (Cambridge: Cambridge University Press, 2012).
- Klabbers, Jan, *International Law*, (Cambridge: Cambridge University Press, 2013).
- Shaw, Malcolm N, *International Law 6th ed.*, (Cambridge: Cambridge University Press, 2008).

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

There are a number of ways to study the field of international law. It can be treated doctrinally as a system of rules from various sources – such as treaties, state practices that are seen to have the binding force of law, and general principles shared across domestic jurisdictions – built up over time to regulate interactions between states and other entities. It can be studied as a historical phenomenon, emerging out of a colonial history with contemporary implications. It can also be studied as an (imperfect) approach to addressing international 'problems', placing international law in broader social, political, and historical contexts as one possible source of 'solutions'. This course starts from international law as an approach, highlighting the field's limits and possibilities in relation to a set of contemporary inter- and trans-national concerns, which may include the use of armed force, responses to emerging security threats, and unresolved territorial disputes. The course focuses on a changing set of key themes in international law, such as sovereignty, statehood, self-determination, and the regulation of armed conflict. It explores these overlapping themes as they emerge across several issues and case studies, bringing international law into a relationship with contemporary geopolitics and the field's historical inheritance.

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LW846 International Criminal Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
3	Brussels	Spring	M	20 (10)	100% Coursework	Arai Dr Y
3	Canterbury	Autumn	M	20 (10)	100% Coursework	
3	Canterbury	Spring	M	20 (10)	100% Coursework	Haslam Dr E

Availability

Spring Term

Contact Hours

Total contact hours: 19

Private study hours: 181

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. demonstrate a critical and systematic understanding of the main concepts, doctrines, principles and institutions of international criminal law;
2. critically evaluate international criminal law in the light of key contemporary theoretical and doctrinal debates;
3. critique international criminal law and contemporary theoretical and doctrinal debate relating thereto to controversial case studies;
4. demonstrate sophisticated independent research into international criminal law and to critically evaluate the current state of knowledge in the field;

Method of Assessment

Essay, 5000 words (100%)

Preliminary Reading

- Cassese's, International Criminal Law revised by Cassese, Gaeta, et al (OUP, 2013)
- Cryer, Friman, Robinson and Wilmshurst, An Introduction to International Criminal Law and Procedure (CUP, 2014)
- De Vos, Kendall and Stahn Contested Justice: the Politics and Practice of International Criminal Court Interventions (CUP, 2015)
- Schöbel, Critical Approaches to International Law: An Introduction (Routledge, 2014)
- Simpson, Law, War and Crime (Polity Press, 2007)
- Stover, The Witness: War Crimes and the Promise of Justice in the Hague (University of Pennsylvania Press, 2005)
- Werle and Jessberger, Principles of International Criminal Law (OUP, 2014)
- Williams, Hybrid and internationalised criminal tribunals: selected jurisdictional issues (Hart, 2012)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module provides a critical examination of the principles and institutions and theory and practice of international criminal law. The module introduces the aims and objectives of international criminal law and examines the establishment and operation of international criminal justice institutions, and the substantive law of international crimes. It explores key theoretical and doctrinal debates in international criminal law. In particular, it seeks to locate the work of international criminal courts and tribunals in their broader political and contextual contexts. Case studies and special topics in international criminal law, form an important part of the module.

LW847 World Trade Organisation (WTO) Law and Practice I						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	Alessandrini Prof D

Availability

Autumn Term

Contact Hours

Total study hours: 200

Contact hours: 18

Private study hours: 182

Department Checked

yes

Learning Outcomes

1. Demonstrate systematic knowledge and understanding of the legal and regulatory order being created by the WTO.
2. Demonstrate a critical understanding of this order in the light of: competing theories and ideologies of economic and social globalisation and its regulation; and inter-state and inter-regional economic conflicts, especially as seen through decided cases before the dispute settlement organs of the WTO.
3. Place the WTO into its historical context;
4. Demonstrate sophisticated knowledge of the WTO's relationship with other multilateral, regional and sub-regional economic groupings, especially where this involves the interpretation of similar regulatory concepts;
5. Relate WTO law and practice to the national regulation of trade.
6. Engage in further comprehensive, interdisciplinary, study of the emerging law and practice of the WTO through an examination of: its institutional background, theoretical and political approaches to the question of international trade regulation and liberalisation, the principles of international economic dispute settlement;
7. Critically evaluate and examine the main provisions of the General Agreement on Tariffs and Trade (GATT)1994, covering the main concepts and legal questions raised by them.

Method of Assessment

Essay, of no more than 5,000 words (100%)

Preliminary Reading

- D. Alessandrini, 'Developing Countries and the Multilateral Trade Regime: The Failure and Promise of the WTO's Development Mission' (Hart, 2010).
- H.J. Chang, *The Myth of Free Trade and the secret history of Capitalism* (Bloomsbury Press, 2007)
- D. Harvey, *The Enigma of Capital: and the Crises of Capitalism* (London, Profile Books, 2010) 1-39
- D. Harvey, *A Brief History of Neoliberalism* (Oxford University Press, 2005)
- A. Lang, *World Trade Law After Neo-Liberalism: RE-Imagining the Global Economic Order* (Oxford: Oxford University Press, 2011)
- M. Matsushita, T.M. Schoenmaum, P.C. Mavrodīs. *The World Trade Organisation. Law, Practice and Policy* (Oxford University Press, 3rd ed., 2015) (MSM)
- J.E. Stiglitz, A. Charlton, *Fair trade for All: How Trade can Promote Development* (Oxford University Press, 2005) (S&C)
- Michael J. Trebilcock, Robert Howse and Antonia Eliason *The Regulation of International Trade* (Routledge, 4th ed, 2013) (THE)
- R. Yearwood, *The Interaction Between WTO Law and External International Law: The Constrained Openness of WTO Law* (Routledge Research in International Economic Law, 2011)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis

The establishment of the WTO on 1 January 1995 has signalled the beginning of a new era in international economic relations. Unlike the GATT, whose main purpose was the reduction of barriers on trade in goods, the WTO legal regime reach deeper into more areas of policy-making, ranging from the regulation of services and investments to the protection and enforcement of intellectual property rights. Furthermore, through its Dispute Settlement Understanding (DSU) the WTO has the capacity to generate case-law on the resolution of disputes under the WTO agreements that it covers. This marks a significant shift from the earlier GATT dispute settlement mechanism as it creates, for the first time on the multilateral level, a binding decision-making apparatus. Thus any serious attempt to understand the nature and development of international economic law requires a careful and detailed study of the WTO and its emergent law and practice. It is the cornerstone of the new global economic order. This module offers a comprehensive overview of this evolving legal and regulatory order.

2019-20 Postgraduate Module Handbook

LW852 European Union Environmental Law and Policy						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
6	Canterbury	Autumn	M	20 (10)	100% Coursework	Howarth Prof W

Availability

Autumn Term

Contact Hours

Total study hours: 200

Contact hours: 18

Private study hours: 182

Department Checked

yes

Learning Outcomes

1. Demonstrate a sophisticated understanding of the main sources of Union law relating to environmental protection.
2. Demonstrate a comprehensive understanding of the rules and principles of Union environmental law and of the way in which these relate to, and influence, international and national law.
3. Formulate a broad view of the adequacies of Union legal protection for the environment and to present an account of this and of possible reforms.
4. Evaluate critically the conceptual and theoretical underpinnings to European Union environmental regulation through law, and specific issues of relevance to environmental regulation at Union level.
5. Demonstrate a comprehensive understanding of the key features of Union environmental regulation, noting in particular the unique status of the various policy principles in the European Union Treaty and the implementation and enforcement of Union environmental law.
6. Critically evaluate and identify a number of specific issue areas, to assess the way in which problems are characterised as environmental and the legal response to them
7. Critically evaluate institutional arrangements for Union environmental regulation through law, focusing in particular on the role of the European Environment Agency and judicial structures.

Method of Assessment

Essay, of no more than 4000 words (80%)

Participation, (20%)

Preliminary Reading

- P. Davies, European Union Environmental Law (2004)
- M. Lee, EU Environmental Law (2014, 2nd ed.)
- J. H. Jans and H. Vedder, European Environmental Law (2011, 4th ed.)
- Jordan and C. Adelle, Environmental Policy in the EU (2013, 3rd ed.)
- L. Kramer, EU Environmental Law (2016, 8th ed.)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module provides an overview of the policy and legislation of the European Union in relation to the environment and ecological protection, with particular sectors considered in more detail in other modules. The overall purpose of the module is to appreciate the significance of European Union law as a system of regional international law seeking to harmonize the national laws of the Member States according to common principles of environmental regulation. An initial focus is upon foundational issues including the nature of the European Union, basic principles of European Union environmental policy and law, and problematic issues such as the tension between free trade and environmental protection. Attention is also given to particular examples of environmental measures, with some discussion of how these are implemented in national law. Finally, discussion is provided as to recent and forthcoming developments at European Union level, including critical issues of participation, implementation and enforcement, at European Union and national levels.

LW861 Law of Armed Conflict						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Brussels	Autumn	M	20 (10)	100% Coursework	Saluzzo Dr S

Availability

Autumn Term

2019-20 Postgraduate Module Handbook

Learning Outcomes

The intended subject specific learning outcomes

- To demonstrate a critical understanding of the key concepts, principles and doctrines of international humanitarian law (IHL);
- To examine IHL in the context of evolving doctrinal and theoretical discourse;
- To apply critically the principles and theories of IHL to specific cases of contemporary concern or to controversial issues;
- To carry out independent research in diverse areas of IHL and to construct reasoned and critical arguments based on the concepts, principles and doctrines of IHL;

The intended generic learning outcomes

- To ascertain critically the operation of IHL in diverse situations of armed conflict (international or non-international) and occupation;
- To develop the techniques of legal reasoning in order to reach a considered judgment as to the correct legal outcome where the law is unclear or there are differences of interpretation;
- To inculcate a curious and questioning mind in regard to legal issues;
- To engage in critical legal reasoning and argument;
- To synthesize arguments derived from diverse sources and present a coherent explanatory framework.

Method of Assessment

An essay of 4000 -5000 words

Preliminary Reading

Textbooks;

D. Fleck et al. (eds.), Handbook of International Humanitarian Law, 3rd ed., (Oxford: Oxford Univ. Press, 2013) (paperback);

Other recommended textbooks:

R. Kolb and R. Hyde (eds), An Introduction to the International Law of Armed Conflicts, (Oxford: Hart, 2008).

G.D. Solis, The Law of Armed Conflict – International Humanitarian Law in War, (CUP, 2010).

D. Thürer, International Humanitarian Law: Theory, Practice, Context, Hague Academy of International Law, 2011, (Maubeuge, France, 2011).

Éric David, Principes de Droit des Conflits Armés, 5eme ed., (Brussels : Bruylant, 2012).

Robert Kolb, Jus in Bello – Le droit international des conflits armés, Précis, 2eme edition, (Basel/Brussels: Helbing Lichtenhahn/Bruylant, 2009).

Other books:

David Kennedy, Of War and Law, Princeton Univ. Press, (2006).

O. Ben-Naftali (ed), International Humanitarian Law and International Human Rights Law– Pas de Deux, (OUP, 2011);

Alexander Gillespie, A History of Laws of War, (Oxford: Hart, 2011), Vols 1-3;

J.-M., Henckaerts & L. Doswald-Beck, Customary International Humanitarian Law, Vols I-III, (CUP/ICRC, 2005)

Principal journals:

American Journal of International Law;

Criminal Law Forum;

European Journal of Crime, Criminal Law and Criminal Justice;

European Journal of International Law;

International Criminal Law Review;

International Review of the Red Cross;

Journal of Conflict and Security Law;

Journal of International Criminal Justice;

Military Law and Law of War Review;

Military Law Review

Yearbook of International Humanitarian Law;

Pre-requisites

None, though a general background in either law or another discipline related to law is assumed

Progression

Students are required to submit an essay of 4-5000 words that meet the outcomes.

The essay will evidence the students' level of appreciation and understanding of the principles, doctrines and theories of IHL.

Assessment of the essay is carried out in conformity to the assessment criteria of KLS. In this respect, above all, the essay will demonstrate the capacity of students to engage in critical and evaluative skills.

The module convenor will set a list of essay topics from which the students can choose or s/he may give them the opportunity to set their own essay topic after consultation and agreement with the module convenor. This provides students with an opportunity to cultivate their critical thinking, and to develop their independent research skills through their effort to identify and ascertain a specific research question that needs to be critically analysed.

Synopsis *

The following topics may be covered:

- Introduction to international humanitarian law (IHL)
- Distinction between international armed conflict and non-international armed conflict;
- Legal criteria for assessing combatant and prisoners of war status, and 'unlawful combatants';
- Definition of civilians and the concept of direct participation in hostilities;
- Law of occupation;
- Rules on Means and Methods of Warfare;
- Protection of Environment during armed conflict;
- Protection of cultural property during armed conflict;
- Applicability of IHL to UN peacekeeping operations;
- The relationship between IHL and international human rights law.

2019-20 Postgraduate Module Handbook

LW862	Death and Dying					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	White Dr P

Availability

Autumn Term

Contact Hours

Total contact hours: 18

Private study hours: 182

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate an enhanced understanding of ethical, spiritual and medical frameworks underpinning understandings of death and the dying process.
2. Critically evaluate the relationship between end-of-life decision-making and ethical concerns such as autonomy, dignity and beneficence.
3. Demonstrate an advanced and detailed insight into the perspectives on withdrawal of treatment, futility and various aspects of euthanasia.
4. Construct an advanced conceptual understanding of how different jurisdictions provide ethical and legal regulation of end-of-life decision-making, and the impact this has on those concerned.
5. Demonstrate advanced knowledge and understanding of the institutions and structures associated with medicine, ethics and the law and the interrelationships between them.
6. Critically assess and evaluate current and developing issues in medical law and ethics and how these relate to, and interact with, end of life processes and the law.

Method of Assessment

Essay - no more than 5000 words (100%)

Preliminary Reading

Jonathan Herring, *Medical Law and Ethics*, (OUP, 6th ed., 2016)

Emily Jackson, *Medical Law: Text and Materials*, (OUP, 3rd ed., 2013) or later edition if available

Graeme Laurie, Shawn Harmon, and Gerard Porter (eds.), *Mason and McCall Smith's Law and Medical Ethics*, (OUP, 10th ed., 2016)

Jonathan Montgomery, *Health Care Law*, (OUP, 2nd ed., 2002)

Marc Stauch and Kay Wheat, *Text, Cases and Materials on Medical Law and Ethics*, (Sweet and Maxwell, 5th ed., 2015)

Richard Tutton and Oonagh Corrigan (eds), *Genetic Databases; Socio-Ethical Issues in the Collection and Use of DNA*, (Routledge, 2004)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module investigates the dying process and how this impacts on definitions of death. The relationship of medical law and ethics to the criminal law in relation to physician-assisted death will be explored and evaluated as it is manifested in various jurisdictions. The appropriate role for autonomy, rights and ethical considerations where making decisions over death is concerned will be related to existing mechanisms such as advanced directives.

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LW863 Consent to Treatment						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	White Dr P
2	Canterbury	Spring	M	20 (10)	100% Coursework	

Availability

Autumn Term

Contact Hours

Total contact hours: 18

Private study hours: 182

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate an enhanced understanding of legal liability in relation to consent to treatment and the ethical principles upon which this is based.
2. Appreciate the relationship between capacity to consent and the legal and ethical implications of judgements of capacity in relation to decisions over medical treatment.
3. Demonstrate insight into the pragmatic, theoretical and ethical implications of refusal of treatment, compulsory treatment and rights.
4. Form a conceptual overview of children's ability to consent to and refuse treatment in relation to the tension between rights and the desire to protect the vulnerable.

Method of Assessment

Essay - no more than 5000 words (100%)

Preliminary Reading

Mason & Laurie, Mason & McCall-Smith's Law and Medical Ethics. (10th ed. OUP, Oxford 2016)

Jackson, Medical Law: Text Cases and Materials (4th edn, OUP, Oxford 2016)

Herring, Medical Law and Ethics (6th edn, OUP, Oxford 2016)

Pattinson, Medical Law and Ethics (5th edn, Sweet and Maxwell, London 2017)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

The curriculum includes topics which embody the existing tensions within the ethical arena of consent to treatment, such as protection of the vulnerable versus empowering those whose capacity is in question. The role of legal doctrines and principles governing this area, such as those of informed consent, will be explored in relation to enforced medical treatment, advance directives, religious beliefs and notions of autonomy and rights.

2019-20 Postgraduate Module Handbook

LW864		The English Legal System				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
5	Canterbury	Autumn	M	20 (10)	100% Coursework	

Availability

Autumn Term

Contact Hours

2 hours per week combined lecture/seminar excluding reading and writing weeks (18 hours). The remaining 182 hours are dedicated to private study time. There are 200 study hours for the module.

Department Checked

yes

Learning Outcomes

1. Have an advanced grounding in concepts, principles and rules of the English legal system: particularly in relation to medical law and ethics.
2. Have a systematic understanding of the skills involved in critical legal analysis of legal texts, including common law cases, statutory law and regulations as well as other sources of legal guidance such as professional guidelines.
3. Critically understand a variety of theoretical perspectives as sources for written assessments demonstrating the standard of critical legal analysis expected at postgraduate level.
4. Have an awareness of the research skills, methodological and writing skills associated with critical legal scholarship at postgraduate level.
5. Have an appreciation of the importance of evaluating specific topics within legal areas in their theoretical, ethical and practical contexts.

Method of Assessment

100% coursework comprising of a 5,000 word essay (maximum).

Preliminary Reading

Carr et al, Skills for Law Students. Oxford University Press
Higgins & Tatham. Successful Legal Writing Sweet & Maxwell
Jackson Medical Law Oxford University Press
Knowles & Thomas Effective Legal Research Sweet & Maxwell
Rivlin, Understanding the Law. Oxford University Press
Slapper & Kelly, Principles of the English Legal System. Cavendish
Stychin & Mulcahy Legal Methods and Systems. Sweet & Maxwell

Pre-requisites

This module is only open to students who do not have an undergraduate Law degree. Students who wish to enhance their existing knowledge of the English Legal system or common law but who have an undergraduate Law degree are welcome to audit the class for no credit. Please contact the Directors of Graduate Studies for further information.

Progression

Stage 1

Restrictions

None

Synopsis *

This module is intended to provide a deep grounding in the prerequisites for understanding a body of law in its theoretical, legal, ethical and practical contexts in order to provide them with the skills required for postgraduate legal study. The socio-legal, ethical, and professional aspects of medical law and ethics in context will be drawn upon as a focus to demonstrate how to acquire and apply the requisite skills. Students will be provided with research training tailored to the requirements of postgraduate legal scholarship. They will gain practice in evaluating theoretical frameworks presented to them in scholarly commentary in order to use them as analytic tools in their own written work. Students will be challenged to critically examine legal texts such as sources of English common law, together with scholarly commentary, in order to hone their abilities to construct reasoned arguments and to choose appropriate theoretical frameworks in their written assessments at postgraduate level.

The essential aims and objectives of this LLM module is to equip students to undertake a sustained analysis of a topic within their chosen area of law in order to write an assessment, which meets the criteria in place at the Law School for postgraduate legal study.

2019-20 Postgraduate Module Handbook

LW866		Medical Practice and Malpractice				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	
2	Canterbury	Spring	M	20 (10)	100% Coursework	Austin-Jones Mr J

Availability

Spring Term

Contact Hours

Total contact hours: 18

Private study hours: 182

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate an enhanced understanding of the mechanisms involved in professional regulation, the role of the courts and dispute resolution.
2. Appreciate the relationship between medical law and ethics and the health care professional's duty of care.
3. Demonstrate insight into confidentiality and the disclosure of information as mediated by public interest and ethical concerns.
4. Form a conceptual overview of changes in the doctor/patient relationship as it is affected by resource allocation constraints and consumerism.

Method of Assessment

Essay – no more than 5000 words (100%)

Preliminary Reading

Herring, Medical Law and Ethics (6th edn, OUP, Oxford 2016)

Jackson, Medical Law: Text Cases and Materials (4th edn, OUP, Oxford 2016)

Mason & Laurie, Mason & McCall-Smith's Law and Medical Ethics. (10th ed. OUP, Oxford 2016)

Pattinson, Medical Law and Ethics (5th edn, Sweet and Maxwell, London 2017)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module seeks to provide the student with an understanding of the legal, ethical and practical issues involved in medical practice and malpractice. Those issues will be explored from the ground up and will provide all students a full opportunity, regardless of their knowledge of law, to get to grips with the fundamental principles of practical legal analysis from a fault-based perspective. In so doing, the legal and institutional contexts within which the many duties of medicine operate will be subjected to a detailed critical analysis.

Essentially, this module will link the multifarious medical legal theories to the realities of medical negligence and litigation; thereby affording the student a practitioner based insight into how modern medicine interacts within current legal practice.

2019-20 Postgraduate Module Handbook

LW867 Reproduction and the Beginnings of Life						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	
2	Canterbury	Spring	M	20 (10)	100% Coursework	White Dr P

Availability

Spring Term

Contact Hours

Total study hours: 200

Contact hours: 18

Private study hours: 182

Department Checked

yes

Learning Outcomes

1. Demonstrate a comprehensive understanding of the legal regulation of reproduction, gender and conception and the ethical principles upon which this is based.
2. Demonstrate a critical awareness of the relationship between medical law and feminist and ethical concerns in relation to contraception, abortion and new reproductive technologies.
3. Demonstrate systematic insight into the pragmatic, ethical and theoretical factors impacting on the regulation of assisted conception and collaborative reproduction.
4. Demonstrate a comprehensive overview of the continuing debates over the appropriate limits upon reproductive autonomy in relation to notions such as dignity as these impact on the regulation of reproduction.

Method of Assessment

Essay 5,000 words maximum (100%)

Preliminary Reading

- Ruth Deech and Anna Smajdor, From IVF to immortality: controversy in the era of reproductive technology (2007)
- Emily Jackson, Medical Law: Text and Materials (2016, 4th Edition).
- Emily Jackson, Regulating reproduction: law, technology and autonomy (2001)
- Robert Lee, Human fertilisation and embryology: regulating the reproductive revolution (2001)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

The curriculum includes the overall ethical and regulatory framework within which a continuing societal debate over appropriate limits on reproductive autonomy takes place. Contextual ethical and legal concepts will be explored in relation to controversial topics such as 'designer babies', cloning and 'unnatural' motherhood. The role of regulatory oversight of reproduction and the fundamental assumptions upon which this is based, such as compulsory altruism, will be subjected to legal and ethical critique.

LW870 Critical Perspectives on the Criminal Justice System						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
4	Canterbury	Autumn	M	20 (10)	100% Coursework	

Availability

Autumn Term

Contact Hours

2 hours per week combined lecture/seminar excluding reading and writing weeks (18 hours). The remaining 182 hours are dedicated to private study time. There are 200 study hours for the module.

Department Checked

yes

Learning Outcomes

identify the main literature and sources relevant to the subject and employ them to critically analyse key debates in criminal justice.

critically discuss the main theoretical perspectives on contemporary criminal justice.

critically examine the complex relationship between law and criminal justice.

understand the interaction between the different agencies involved in the criminal justice system.

apply the theoretical and legal perspectives explored on the module to demonstrate deeper insights into the operation of the modern criminal justice system.

The ability to present relevant knowledge and understanding in the form of reasoned argument through seminar discussion and written assessment.

The ability to identify and evaluate complex legal and policy problems according to their social, political and legal context.

The ability to carry out independent further research from a variety of sources informing a sustained and detailed argument.

The ability to summarise detailed theoretical and legal material, analysing and critically evaluating different positions that arise in the literature surveyed.

Method of Assessment

100% coursework comprising of one 4-5,000 word essay.

Preliminary Reading

A Ashworth & M Redmayne, *The Criminal Process*, 4th ed (Oxford, 2010)

McConville, Sanders & Young, *The Case for the Prosecution* (Routledge, 1991)

A Sanders, R Young & M Burton, *Criminal Justice*, 4th ed (Oxford, 2010)

S Uglow, *Criminal Justice*, 2nd ed (Sweet & Maxwell 2002)

Lacey, Wells & Quick, *Reconstructing the Criminal Law*, 4th ed (Cambridge, 2010)

N Padfield, *Text and Materials on the Criminal Justice Process*, 4th ed (Oxford, 2008)

C Hale & M Brake, *Public Order and Private Lives* (Routledge 1992)

S Hall et al, *Policing the Crisis* (Macmillan 1978)

D McBarnet, *Conviction* (Macmillan 1981)

Pre-requisites

None, though a general background in either law or another discipline related to criminal justice is assumed.

Progression

Stage 1

Restrictions

None

Synopsis

This module seeks to provide the student with a critical appreciation of the key debates and controversies in contemporary criminal justice. While England and Wales is the focus of study, throughout the module comparisons will be made with other jurisdictions to provide deeper insights. The module will provide a grounding in the relevant theories, which will then be applied in analysing the institutions of criminal justice.

Topics Covered

- key concepts and principles of the criminal justice system
- the main theoretical perspectives on contemporary criminal justice.
- critical perspectives on the complex relationship between law and criminal justice.
- the different agencies involved in the criminal justice system.
- the procedures and decision stages of the criminal justice process.
- the main sources of data about the criminal justice system, from a range of disciplines.
- a current controversial topic in criminal justice.

2019-20 Postgraduate Module Handbook

LW871		Policing				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	Walsh Prof D

Availability

Autumn Term

Contact Hours

Total contact hours: 20

Private study hours: 180

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Critique the origins, development and future of policing in the United Kingdom and comparable jurisdictions.
2. Critically probe the forces driving and shaping the structure, organisation, functions, policies, practices and procedures of policing in the United Kingdom and comparable jurisdictions.
3. Critique the law and practice on: the investigation, detection and prevention of crime; the maintenance of public order; and cross-border police cooperation.
4. Critically assess the role of democratic, legal and administrative processes in the governance of the police and in rendering the police accountable for their actions, policies and performance.
5. Critically assess the emergence, development and practices of private policing.
6. Appreciate and critique the ethical and legal principles applicable to policing policies and practices.
7. Conduct independent critical research on policing issues, and present incisive perspectives on them.
8. Identify and critically debate the legal, constitutional, political and cultural forces underpinning topical issues in policing.

Method of Assessment

Essay – no more than 5000 words (100%)

Preliminary Reading

Brodeur, J-P, *The Policing Web* (OUP,2010)

Conway, V, *Policing Twentieth Century Ireland: a History of An Garda Síochána* (Sage,2013)

Elmsley, C, *The History of Policing* (Ashgate, 2011)

Lister, S, and M. Rowe *Accountability of Policing* (Abingdon: Routledge, 2016).

McLaughlin, E, *The New Policing* (Sage 2007)

Newburn, T, (ed.) *Handbook of Policing* 2nd ed (Willan, 2014)

Newburn, T, (ed.) *Policing – Key Readings* (Willan, 2004)

Reiner, R. *The Politics of the Police* 4th ed (OUP, 2010)

Walsh, DPJ, *Human Rights and Policing in Ireland: Law, Policy and Practice* (Clarus, 2009)

Pre-requisites

None, though a general background in either law or another discipline related to criminal justice is assumed

Progression

Stage 1

Restrictions

None

Synopsis *

This module offers a critical study of policing from historical, legal, political and social perspectives. It focuses primarily on policing in the United Kingdom, with other appropriate jurisdictions (including the European Union) being used for comparative purposes.

2019-20 Postgraduate Module Handbook

LW883 International Law of the Sea						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Brussels	Autumn	M	20 (10)	100% Coursework	Franckx Prof E

Availability

Autumn Term

Learning Outcomes

On completing the module students will;

- Be aware of the significance of International Law in regulating the use of marine resources and the settlement of disputes over these resources.
- Be familiar with the concepts, principles and rules of the International Law of the Sea
- Be familiar with current theoretical and doctrinal debates within the International Law of the Sea.
- Be able to apply international legal methods to international legal problems
- Be familiar with the operations of the institutions of International Law relevant to the seas.

The module will contribute to the acquisition of the following generic learning outcomes:

- Processing information: Students will acquire the ability to organise, source and digest large amounts of material from various sources
- Analytical thought and writing: Students will acquire the ability to reflect upon complex ideas and arguments; digest, analyse and test scholarly views; relate scholarly ideas and arguments to issues and circumstances in the contemporary global political economy; summarise and analyse scholarly arguments in writing
- Advocacy and defence: Students will acquire the ability to formulate an opinion in response to an issue or question, construct coherent and persuasive arguments to advocate their view and defend that view against criticism
- Communication and presentation skills: Students will acquire the ability to prepare oral and written presentations of information and viewpoints to peers; respond to comment and criticism from peers; lead and manage group discussion
- Problem-solving: Students will acquire the ability to respond at short notice to questions and challenges making use of knowledge, analytical tools and perspectives acquired in the module

Method of Assessment

The module will be assessed (100%) by an essay of 4-5000 words on a subject to be chosen in consultation with the course convenor. This method is employed consistently in postgraduate law modules as it best reflects the emphasis on independent research and writing in LLM programs.

Preliminary Reading

Louis Sohn et al, *The Law of the Sea in a Nutshell* (West, 2nd ed., 2010).
 Yoshifumi Tanaka, *The International Law of the Sea* (Cambridge UP, 2012)
 Donald Rothwell and Tim Stephens, *The International Law of the Sea* (Hart 2010)

Pre-requisites

None

Synopsis *

The legal regime applicable to two-thirds of our planet forms the subject matter of this course. Starting point is the 1982 United Nations Convention on the Law of the Sea, which entered into force in 1994, as well as its implementing agreements of 1994 and 1995. The objective of this course is to familiarize the student with this conventional framework and the delicate interaction it has with the actual practice of states.

Starting from the principle of the freedom of the high seas, this course will address the different maritime zones existing today, which all possess a distinct legal regime: the internal waters, the territorial sea, the contiguous zone, the exclusive economic zone, the continental shelf, the Area, and the high seas. Since all these maritime zones, in one way or another, fall back on the baseline for their measurement and often need to be delimited in case of adjacent or opposite states, introductory chapters on both issues are provided. Special attention is finally also devoted to marine pollution, the living resources of the high seas, two topical issues in the contemporary law of the sea, as well as the articles of the above mentioned convention of 1982 on the settlement of disputes, because this was the first multilateral agreement which incorporated such a detailed procedure for the peaceful settlement of international disputes.

It is anticipated that the following specific topics will be addressed:

1. Freedom of the High Seas
2. Jurisdiction of the Flag State
3. Baselines
4. Boundaries of Maritime Jurisdiction Between Adjacent and Opposite States
5. Internal Waters and Ports
6. Territorial Sea, Contiguous Zone, Straits, and Archipelagic Waters
7. Continental Shelf
8. Exclusive Economic Zone
9. Marine Pollution
10. Living Resources of the High Seas
11. Settlement of Disputes

LW884 International Environmental Law - Substantive Legal Aspects						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Spring	M	20 (10)	100% Coursework	

Availability

Spring Term

2019-20 Postgraduate Module Handbook

Contact Hours

2 hours per week combined lecture/seminar excluding reading and writing weeks (18 weeks). The remaining 182 hours are dedicated to private study time. There are 200 study hours for the module.

Department Checked

yes

Learning Outcomes

Knowledge and understanding of the concepts, principles, and rules relating to the development and application of selected areas of substantive international environmental law: namely, (1) selected key sectoral topic areas of international environmental law and (2) selected topic areas relating to the implementation of international environmental law.

An appreciation of the importance of broader underlying political and policy contexts and dynamics that underpin the evolution of substantive legal provisions and principles in international environmental law.

The means to be able to access the main sources of literature and legal texts relating to the substantive legal topics of international environmental law, including relevant treaty and/or legislative sources, judicial decisions as well as secondary literature such as quality academic opinion.

Assimilate and analyse complex material from various sources including international treaties, protocols, declarations, judgments of international courts and tribunals in the field of international environmental law;

Present relevant knowledge and understanding in the form of reasoned and supported argument through seminar discussion and coursework;

To carry out thorough research, analysing various points of view and using wide sources.

To express themselves to a high standard in a coherent written form as well as orally in the context of seminar discussion fora, with appropriate use of citation, and by the use of computer word processing;

To find relevant primary and secondary material for research in hard copy and through electronic sources on the internet and the specialist databases available to Kent Law School postgraduate students;

To undertake appropriate further training or research in the environmental law field.

Method of Assessment

100% coursework comprising of a 5,000 word essay (maximum) for 80%, plus a participation element worth 20%.

Preliminary Reading

Sands & Peel, Principles of International Environmental Law 3rd ed (CUP, 2012)

Dupuy P-M/Vinuales J, International Environmental Law (2015, CUP)

Birnie, Boyle & Regwell, International Law and the Environment 3rd ed (Oxford, 2009)

Beyerlin & Marauhn, International Environmental Law (Hart, 2011)

Bodansky & Brunee/Hey (eds), Oxford Handbook of International Environmental Law (Oxford, 2007)

Pre-requisites

None, although a general background in either law or another discipline relating to the study of the environment is required. In addition, although not a prerequisite, it would be useful for students, particularly those with little or no prior knowledge of international law, to have taken 'LW906 International Environmental Law – Legal Foundations'

Progression

Stage 1

Restrictions

None

Synopsis *

This module is designed to examine and assess selected substantive legal aspects of International Environmental Law. For this purpose, the module is divided into two main parts. The first part considers particular sectors of environmental policy that are the subject of international legal regulation and obligations. This will involve an appraisal of how international legal regulation has developed in these areas, taking into account various challenges, legal and political, that have been influential in shaping their respective evolution. The second part of the module focuses on selected legal topics concerning the implementation of international environmental law. In particular, it will consider various relatively recent developments in international environmental law that have served to broaden out participation beyond the level of the nation state as regards the monitoring and enforcement of international environmental protection obligations.

Topics covered

The module will cover a range of substantive legal aspects of international environmental law (the list of topics may change over time to accommodate legal developments and/or teaching and learning considerations). Indicatively, the module may be expected to cover all/some of the following topic areas:

A. Selected substantive sectors of International Environmental Law

- Atmospheric pollution (1): Air pollution
- Atmospheric pollution (2): Climate change
- Water (1) : marine environment
- Water (2): freshwater resources
- Waste management

B. Selected aspects of implementation of International Environmental Law

- Civil society and implementation of International Environmental Law: the impact of the 1998 Århus Convention
- Civil liability and International Environmental Law
- Criminal liability and International Environmental Law

LW885	Law and Development					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Brussels	Autumn	M	20 (10)	100% Coursework	Schepel Dr H

2019-20 Postgraduate Module Handbook

Availability

Autumn Term

Learning Outcomes

On successful completion of the module students will have acquired:

- Knowledge and understanding of the theoretical debates and academic controversies surrounding the relationship between law and economic development.
- Knowledge and understanding of the theoretical debates and academic controversies surrounding the relationship between law and democratization.
- Awareness and critical understanding of the major doctrines and policies directing current international and regional efforts in the field.
- A critical understanding of the advantages and drawbacks of 'conditionality' in development policy, particularly as it applies to demands for good governance and the observance of human rights.
- Knowledge and critical understanding of the place and role of law and legal institutions in efforts directed at the reconstruction of war-torn territories.
- The ability to place issues of law and development in their proper political, economic and social contexts.
- An awareness of the historical and ideological underpinnings of Western legal thought and international policy in the field of law and development.

On successful completion of the module students will have the ability to:

- Present relevant knowledge and understanding in the form of reasoned and supported argument through seminar discussion and coursework;
- Develop and apply their knowledge and understanding in the form of reasoned supported argument through seminar discussion and assessment;
- Carry out thorough research analysing various points of view and using wide sources.
- Express themselves to a high standard in a coherent written form as well as orally in the context of seminar discussion, with appropriate use of citation, and by the use of computer word processing.
- Find relevant primary and secondary material for research in hard copy and through electronic sources.
- Undertake further appropriate further training or research in the field.

Method of Assessment

This module offers 2 patterns of assessment A & B, the pattern applied will be at the discretion of the convenor at the delivery campus.

Assessment pattern A

Students will be assessed through 2 assignments. They will be asked to write a 1000 word answer to an assigned question, to be handed in the week after reading week. This assessment will comprise 10% of their grade. The question will be drawn from seminar readings. The assignment is designed to assess students' ability to a) comprehend and summarize key debates (covered in assigned readings) in the Law and Development literature, and b) begin developing and presenting their own analysis of those debates. We anticipate that feedback on this assignment will benefit students enormously as they come to write their final essays.

The final method of assessment will be a written essay of 4-5000 words. This assessment is worth 90% of the final grade.

Assessment pattern B

The method of assessment will be a written essay of 5000 words for 100% of the grade.

In both A & B;

The essay title may be chosen from a list provided by the convenor during the term. Alternatively, students will be encouraged to devise their own essay topic within the subject-matter of the module, and in consultation with the convenor.

Assessment of student essays is undertaken in accordance with school Assessment Criteria which relate to the learning experiences envisaged as objectives of the module and also place particular emphasis upon the acquisition of relevant critical or evaluative skills.

The process of essay-writing will both develop and test students' capacity for analysis of issues related to law and development and their wider implications.

The process of essay-writing will also promote the acquisition by students of the capacity to engage in independent research and thought in the field. To this end, the convenor will be available to discuss the students' essays, and in particular to help plan the essay's structure and the research which will be undertaken prior to its completion.

The assessment tests the achievement of all learning outcomes

Preliminary Reading

Robert Cooter and Hans-Bernd Schäfer, *Salomon's Knot- How Law Can End the Poverty of Nations* (Princeton University Press 2012)

Kenneth W. Dam, *The Law-Growth Nexus- The Rule of Law and Economic Development* (Brookings 2006).

Mark Goodale and Sally Engle Merry (eds.), *The Practice of Human Rights- Tracking law between the Global and the Local* (CUP 2007).

Michael Likosky, *Law, Infrastructure, and Human Rights* (CUP 2006).

Ugo Mattei and Laura Nader, *Plunder- When the Rule of Law is Illegal* (Blackwell 2008)

Curtis J. Milhaupt and Katharina Pistor, *Law & Capitalism- What Corporate Crises Reveal about Legal Systems and Economic Development around the World* (University of Chicago Press 2008).

Jane Stromseth, David Wippman and Rosa Brooks, *Can Might make Rights? Building the Rule of Law after Military Interventions* (CUP 2006).

Celine Tan, *Governance Through Development: Poverty Reduction Strategies, International Law and the Disciplining of Third World States* (Routledge 2012)

Michael Trebilcock and Mariana Mota Prado, *Advanced Introduction to Law and Development* (Elgar 2014)

David M Trubek and Alvaro Santos (eds.), *The New Law and Economic Development- A Critical Appraisal* (CUP2006)

Ngairere Woods, *The Globalizers- The IMF, the World bank, and their Borrowers* (Cornell UP2007).

Pre-requisites

None

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Synopsis *

The module will deal with three main interrelated clusters of topics. The first topic is the relationship between law and economic development. This will involve a thorough examination of material ranging from classic sociology (Max Weber, notably) up to modern assertions of the economic superiority of the common law over civil law traditions. The second topic is the relationship between law and development understood in a wider sense than mere economic growth. This will involve, inter alia, an investigation of the relationship between law, human rights and democratisation, an examination of theories of the centrality of 'good governance' in effective development policies, and an introduction to the topic of 'legal transplants' and the associated concerns of comparative law scholarship. These two theoretical topics will be underpinned by an emphasis on the historical and ideological frameworks that have informed much of dominant legal thought on the subject. The third part of the module will deal with selected case studies, to provide students the opportunity to apply the theoretical and conceptual basis they have acquired in the first part of the course. These case studies could range from issues related to specific projects (for example, indigenous rights policies as relevant to a major infrastructure project financed by the World Bank), specific regions (for example, Afghanistan, the Balkans), and specific legal instruments (for example, the imposition of standard Bilateral Investment Treaties in North-South relations).

LW886 Transnational Criminal Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	
2	Canterbury	Spring	M	20 (10)	100% Coursework	Haslam Dr E

Availability

Spring Term

Contact Hours

Total study hours: 200

Contact hours: 20

Private study hours: 180

Department Checked

yes

Learning Outcomes

1. Demonstrate systematic knowledge and understanding of the main concepts, principles of, and policy considerations surrounding transnational criminal law through a study of selected areas of transnational criminal law;
2. Critically assess controversial issues or case studies of transnational criminal law in the light of key theoretical and academic perspectives;
3. Critique, current theoretical, political or doctrinal debates in transnational criminal law;
4. Demonstrate comprehensive research into specific issues of transnational criminal law and formulate arguments based on this research into a reasoned opinion.

Method of Assessment

Essay of no more than 5,000 words (100%)

Preliminary Reading

- Aas, Globalisation and Crime (Sage, 2013)
- Albanese and Reichel, Transnational Organised Crime: An Overview from 6 countries (2014)
- Anderson, Policing the world: Interpol and the politics of international police cooperation (OUP 1989)
- Boister, An Introduction to Transnational Criminal Law (OUP, 2012)
- Boister and Curry, Routledge Handbook of Transnational Criminal Law (2015)
- Hufnagel, Bronnitt and Harfield, Cross Border Law Enforcement: regional law enforcement cooperation – European, Australian and Asia-Pacific Perspectives (Routledge, 2012)
- Obokata, Transnational Organised Crime in International Law (Hart, 2010)
- Reichel and Albanese, Handbook of Transnational Crime and Justice (Sage, 2013)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

In this module we study the main principles, key institutions, policies and politics of transnational criminal law. We explore selected examples of transnational offending and international legal responses thereto in the light of current theoretical, political and doctrinal debates. We consider transnational crimes and the mechanisms by which states cooperate with each other and with international institutions in order to enforce their domestic criminal law. Some of the key debates considered include: the nature of transnational criminal law as an emerging regime; the relationship between human rights and transnational criminal law; the role of the United Nations Security Council in transnational criminal law and critically the role of the individual in the transnational criminal legal system.

LW888 Climate Change and Renewable Energy Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Spring	M	20 (10)	100% Coursework	

Availability

Spring Term

Contact Hours

Total study hours: 200

Contact hours: 18

Private study hours: 182

Department Checked

yes

Learning Outcomes

The subject specific learning outcomes are that students will, in the context of international efforts, gain a knowledge and appreciation of national and regional efforts to tackle man-made climate change and to promote renewable forms of energy generation, and an understanding of some of the principal challenges in integrating these concerns into law.

Specifically, on successfully completing the module students will be able to:

1. Demonstrate a deep understanding of one area of environmental law, and of the role in particular of national and regional (especially EU) law in relation to this
2. Demonstrate a critical appreciation of the central tensions, and debates, in relation to climate change as a policy problem, and the promotion of renewable energy in response to this problem
3. Demonstrate a critical appreciation of the relative strength of competing regulatory approaches in this field, and law reform possibilities
4. Demonstrate a critical appreciation of practical considerations and an ability to apply knowledge and understanding to practical scenarios
5. Demonstrate a critical appreciation of how the issues raised in relation to climate change and renewable energy law, such as the legal response to significant forms of diffuse pollution, may apply more widely to law, especially environmental law.

Method of Assessment

An essay of no more than 4,000 words (80%)

Seminar participation assessment (20%)

Preliminary Reading

- S. Bell et al, Environmental Law (9th edition, OUP, 2017)
- D. Bodansky, J. Bruneel and L. Rajamani, International Climate Change Law (OUP, 2017)
- W. Burns and H. Osofsky (eds.) Adjudicating climate change: state, national and international approaches (CUP, 2009).
- M. Hulme, Why We Disagree About Climate Change (Earthscan, 2009)
- William Nordhaus, The Climate Casino – Risk, Uncertainty and Economics for a Warming World (Yale, 2013)
- E. Woerdman et al, Essential EU Climate Law (Edward Elgar, 2015)

Pre-requisites

None, although students taking the module are likely to benefit from having already studied LW889 Legal Foundations of Environmental Decision-Making and/or LW852 European Union Environmental Law and Policy and/or LW906 International Environmental Law: Legal Foundations and/or LW839 Environmental Quality Law. A general background in either law or another discipline relating to the environment is required.

Progression

Stage 1

Restrictions

None

Synopsis

This module examines a range of topics which illustrate the role of law in relation to the social, political, economic and environmental challenges arising from anthropogenic climate change and the need to move to a low carbon economy, including through the promotion of renewable and other alternative forms of energy generation and conservation. This includes the operation of regulatory and governance frameworks at an international, regional and national level and the role of litigation.

The module requires introductory coverage of the international context, and explores some of the specific ethical and policy questions to be addressed in tackling climate change. The module does not cover those aspects of the international legal regulation of climate change that are covered in LW906 International Environmental Law: Legal Foundations or any coverage that there may be in LW884 International Environmental Law: Substantive Legal Aspects. The focus is on the EU and national level, and comparative analysis.

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LW898		International Trade Law				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
3	Brussels	Spring	M	20 (10)	100% Coursework	

Availability

Spring Term

Learning Outcomes

- Knowledge and understanding of the major institutions, rules and principles of international economic law.
- Knowledge and understanding of the theoretical debates and academic controversies surrounding the proliferation of bilateral and regional preferential trade agreements.
- Knowledge and understanding of the developing relationship between international trade law and international investment law.
- The ability to place issues of international economic law in its proper economic and political context.
- An awareness of the historical and ideological underpinnings of international economic law.
- Present relevant knowledge and understanding in the form of reasoned and supported argument through seminar discussion and coursework;
- Develop and apply their knowledge and understanding in the form of reasoned supported argument through seminar discussion and assessment;
- Carry out thorough research analysing various points of view and using wide sources.
- Express themselves to a high standard in a coherent written form as well as orally in the context of seminar discussion, with appropriate use of citation, and by the use of computer word processing.
- Find relevant primary and secondary material for research in hard copy and through electronic sources.
- Undertake further appropriate training or research in the field.

Method of Assessment

The module will be assessed by 100% coursework in the form of a written essay of no more than 5,000 words.

The essay title may be chosen from a list provided by the convenor during the term. Alternatively, students will be encouraged to devise their own essay topic within the subject-matter of the module, and in consultation with the convenor.

Preliminary Reading

- Matthias Herdegen, Principles of International Economic Law (OUP 2013)
- Simon Lester et al., World Trade Law: Text, Materials and Commentary (Hart, 2nd ed., 2012)
- Michael Trebilcock et al., The Regulation of International Trade (Routledge, 4th ed., 2013)

Additional reading will be varied and include rulings, official documents, textbook and monograph commentary and journal articles. All of this material is easily accessible in the Library, and/or will be made available to students for purchase for the cost of photocopying. Where possible, students will also be given references to electronic sources.

Students will also be provided with recommended reading lists for all parts of the module, based on material available to them in the Library or by electronic means. This will be of particular relevance to the writing of essays.

Pre-requisites

None

Synopsis *

The intellectual and institutional history of international economic law has aptly been described in one phrase- 'From politics to technocracy- and back again.' The separation of economic development from political issues, upon which policymaking in the World Bank and the IMF is largely based, is coming under increasing criticism. GATT/WTO law has developed into a highly contentious set of institutions, rules and principles delineating 'acceptable' forms of economic regulation from 'unacceptable' ones. This module will trace these developments, and provide a thorough grounding in the institutions, rules and principles of international economic policymaking. The module will also discuss the proliferation of bilateral and regional preferential trade agreements in terms of its impact on both the multilateral trading system and on the separation of trade and investment issues from political considerations. Lastly, the module will occupy itself with the rise of investment treaty arbitration and the migration of fundamental concepts and principles of trade law to investment law.

LW899		Corporate Governance				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Brussels	Spring	M	20 (10)	100% Coursework	
2	Canterbury	Autumn	M	20 (10)	100% Coursework	
2	Canterbury	Spring	M	20 (10)	100% Coursework	Frame Dr I

Availability

Spring Term

2019-20 Postgraduate Module Handbook

Contact Hours

Contact hours: 18
Private study hours: 182
Total study hours: 200

Department Checked

yes

Learning Outcomes

1. A critical understanding of the historical origins of contemporary corporate governance regimes;
2. A critical understanding of different views of the nature and purpose of the public corporation, of the corporate share, and of corporate shareholding;
3. A critical understanding of the leading contemporary theories of corporate governance, and of the ideologies and views of social and economic life that underpin them;
4. A critical understanding of the relationship between various corporate governance regimes and different models of capitalist development;
5. Critical knowledge and understanding of contemporary processes and pressures tending towards convergence of corporate governance regimes, and of the global economic and political context of these processes and pressures, and
6. A critical understanding of the relationship between issues of corporate governance and wider international debates of law and policy regarding, especially, multinational corporations in such areas as the environment and human rights.

Method of Assessment

A written essay of no more than 5000 words (100%)

Preliminary Reading

- John Cioffi, Public Law and Private Power: Corporate Governance Reform in the Age of Finance Capitalism (Cornell UP 2010)
- Thomas Clarke (ed.), Theories of Corporate Governance- The Philosophical Foundations of Corporate Governance (Routledge 2004)
- Peter Gourevitch and James Shinn, Political Power and Corporate Control- The New Global Politics of Corporate Governance (Princeton UP 2009);
- Reinier Kraakman et al., The Anatomy of Corporate Law- A Comparative and Functional Approach (OUP, 2nd ed., 2009).
- Curtis J. Milhaupt and Katharina Pistor, Law & Capitalism- What corporate crises reveal about legal systems and economic development around the world (University of Chicago Press 2008).
- Peter Muchlinski, Multinational Enterprises and the Law (OUP, 2nd ed, 2007).
- Susanne Soederberg, Corporate Power and Ownership in Contemporary Capitalism: The Politics of Resistance and Domination (Routledge 2009)
- Stephen Tully (ed.), Research handbook on corporate legal responsibility (Cheltenham: Elgar, 2007).
- Cynthia Williams and Peer Zumbansen (eds.), The Embedded Firm: Governance, Labor, and Finance Capitalism (Cambridge UP 2011).

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

In recent years corporate governance - meaning the governance of the large corporations which dominate modern economic life - has emerged as a major area of political and academic interest. Increasing attention has come to be focused, in particular, on the comparative aspects of corporate governance and on the different legal regimes found in different parts of the world, with policy makers striving to determine which regimes are most likely to deliver (so-called 'efficiency' and competitive success. In this context much has been made of the differences between shareholder-oriented, Anglo-American governance regimes and the more inclusive (more stakeholder-oriented) regimes to be found in certain parts of continental Europe and Japan. One result is that the increasing interest in corporate governance has re-opened old questions about the nature of corporations, about the role and duties of corporate managers and about the goal of corporate activities and the interests in which corporations should be run.

This module will explore these debates. More generally, the question of corporate governance has become entangled with other important debates, most notably that surrounding the merits (or otherwise) of different models of capitalism: Anglo-American regimes are associated with stock market-based versions of capitalism, while European regimes are associated with so-called welfare-based versions of capitalism.

The question of corporate governance has, therefore, become embroiled with debates about the morality and efficiency of different models of capitalism. These too will be explored in this module.

2019-20 Postgraduate Module Handbook

LW900 Critical International Migration Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
4	Brussels	Spring	M	20 (10)	100% Coursework	Lewis-Anthony Ms S
4	Canterbury	Autumn	M	20 (10)	100% Coursework	Lewis-Anthony Ms S

Availability

Autumn Term

Contact Hours

Contact hours: 20

Private study hours: 180

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate an extensive knowledge and understanding of the main sources of international migration law.
2. Demonstrate an extensive knowledge and understanding of the systems for the international protection of migrants, refugees and asylum seekers.
3. Demonstrate a critical understanding of the main international treaties which relate to migration.
4. Critically evaluate the political and philosophical discourses attached to contemporary international migration.
5. Demonstrate a critical awareness of the theoretical and interdisciplinary critiques of international migration law.
6. Locate and utilise complex primarily legal and comparative materials to formulate a complex legal argument concerning state practice.

Method of Assessment

Essay, 5000 words maximum (100%)

Preliminary Reading

- B. Chinmi, International Refugee Law: A Reader (2000)
- E. Feller, V. Türk and F. Nicholson (eds), Refugee Protection in International Law (2003)
- M. Gibney, The Ethics and Politics of Asylum: Liberal Democracy and the Responses to Refugees Cambridge University Press (2004)
- G. Goodwin Gill, & McAdam, The Refugee in International Law (3rd ed., 2007)
- T. Kushner and Knox, K. Refugees In An Age Of Genocide: Global, National And Local Perspectives During The Twentieth Century, Frank Cass, London (1999)
- B. Opeskin et al, Foundations of International Migration Law, (2012)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

The module examines the complex sets of laws and policies that inform the varied field of migration law with regard to the variety of its subjects. In particular, the module examines the context and history of controlling migration internationally; the role of the concept and practices of state sovereignty in conjunction with the development of international protections and regulations; the critical evaluation of international labour migration law, international asylum and refugee law, forced labour and human trafficking. In addition, the module offers, each year, a series of case studies on particularly prevalent contemporary issues such as environmental displacement, internal displacement, extraterritoriality and indefinite detention.

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LW901 International Diplomatic Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Brussels	Spring	M	20 (10)	100% Coursework	

Availability

Autumn Term

Learning Outcomes

The intended subject specific learning outcomes will ensure that students taking the module will:

- Be aware of the significance of international diplomatic law in the conduct of international relations;
- Be familiar with the concepts, principles and rules of international diplomatic law;
- Be familiar with current theoretical and doctrinal debates within international diplomatic law;
- Be able to apply international legal methods to international legal problems
- Be able to place the principles and institutions of international diplomatic law in the context of international relations.

The module will contribute to the acquisition of the following generic learning outcomes:

- Processing information: organise, source and digest large amounts of material from various sources
- Analytical thought and writing: reflect upon complex ideas and arguments; digest, analyse and test scholarly views; relate scholarly ideas and arguments to issues and circumstances in contemporary international affairs; summarise and analyse scholarly arguments in writing
- Advocacy and defence: formulate an opinion in response to an issue or question, construct coherent and persuasive arguments to advocate one's view and defend that view against criticism
- Communication and presentation skills: prepare oral and written presentations of information and viewpoints to peers; respond to comment and criticism from peers; lead and manage group discussion
- Problem-solving: respond at short notice to questions and challenges, making use of knowledge, analytical tools and perspectives acquired in the module

Method of Assessment

90% of the module is assessed by an essay of 4000-5000 words by each student. Essay topics which may be drawn from seminar topics or from elsewhere with the consent of the convenor will be chosen by the fourth week of term. The essay will necessarily engage with a range of material drawn from the module as a whole and will demonstrate an appreciation of a particular aspect of Diplomatic and/or Consular Law. Assessment of student essays is undertaken in accordance with School Assessment Criteria which relate to the learning experiences envisaged as objectives of the module and also place particular emphasis upon the acquisition of relevant critical or evaluative skills.

10% of the module is assessed by a 20-minute seminar presentation, which either a student or group of students perform at a pre-assigned seminar. The presentation is made on the basis of assigned seminar readings and some independent research. Should there be a group presentation; the total time of the presentation must be divided equally between each group member; and each group member is responsible for the preparation of his/her own segment of the presentation. In the event that any group member fails to adequately prepare and/or contribute toward the group presentation, the module instructor may take what grading measures are appropriate in the circumstances

Preliminary Reading

- Ph. CAHIER, *Le droit diplomatique contemporain* (Geneva: E. Droz & Paris: Minard, 1962)
- L. DEMBINSKI, *The Modern Law of Diplomacy. External missions of states and international organizations* (Dordrecht-Boston-Lancaster: Martinus Nijhoff Publishers, 1988)
- E. DENZA, *Diplomatic Law. A Commentary on the Vienna Convention on Diplomatic Relations*, 2nd ed. (Oxford: OUP, 1998)
- I. ROBERTS, *Satow's Guide to Diplomatic Practice*, 6th ed. (London and New York: Longman, 2011)
- E. KERLEY, 'Some Aspects of the Vienna Conference on Diplomatic Intercourse and Immunities', 56 *AJIL* (1962), 8-129.
- F. MOUSSA, *Diplomatie contemporaine. Guide Bibliographique* (Geneva: Centre européen de la Dotation Carnegie pour la Paix Internationale, 1964)
- F. MOUSSA, *Manuel de pratique diplomatique. L'ambassade* (Brussels: Bruylant, 1972)
- B.S. MURTY, *The International Law of Diplomacy. The Diplomatic Instrument and World Public Order* (New Haven: New Haven Press, Dordrecht-Boston-London: Martinus Nijhoff Publishers, 1989)
- S.E. NAHLIK, *Development of Diplomatic Law. Selected Problems*, 222 *HR* (1990-III), 187-364.
- J. SALMON, *Manuel de droit diplomatique* (Brussels: Bruylant, 1994)
- E. SATOW (Sir), *A Guide to Diplomatic Practice*, 3rd ed. Revised by H. RITCHIE (London-New York-Toronto: Longmans, Green and Co., 1932)
- B. SEN, *A Diplomat's Handbook of International Law and Practice*, 3rd ed. (Dordrecht-Boston-Londen: Martinus Nijhoff Publishers, 1988)
- A. WATTS (Sir), *The Legal Position in International Law of Heads of States, Heads of Governments and Foreign Ministers*, 247 *HR* (1994-III), 9-130.

Pre-requisites

None

Synopsis >*

The module pursues two closely intertwined objectives: diplomatic law in theory and diplomatic law in practice.

First Objective: Diplomatic Law in Theory. This part of the module examines inter alia the establishment and conduct of diplomatic relations, the categories and functions of diplomatic missions, the legal position in international law of Heads of State, Heads of Government, Ministers and diplomatic agents, the diplomatic corps, status and functions of diplomatic missions, duties of diplomatic missions, diplomatic asylum, members of the diplomatic mission, diplomatic inviolability, diplomatic privileges and immunities, and the sanctions available in diplomatic law.

Second Objective: Diplomatic Law in Practice. In this part of the module, relevant case law and state practice will be examined and discussed in class. Moreover, students will apply rules and principles of diplomatic law to facts by solving (real or fictitious) problems (problem-based learning) in order to have a better understanding of diplomatic law in practice.

2019-20 Postgraduate Module Handbook

LW904 Laws of the Maritime, Air and Outer Spaces						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
3	Canterbury	Autumn	M	20 (10)	100% Coursework	Oduntan Dr G

Availability

Autumn Term

Contact Hours

Total contact hours: 18

Private study hours: 182

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate an advanced understanding of the relationships between the legal regimes governing international business transactions relating to the movement of vessels, goods and persons in maritime, sea, airspace and outer space territories.
2. Demonstrate a critical understanding of the unification and harmonisation of private international regulation of maritime law, air law and space law through the adoption of international treaties and conventions.
3. Demonstrate a systematic understanding of the principles of liability for maritime, airspace and outer space activities.
4. Demonstrate originality in the application of knowledge of key legal dimensions of the aviation business, such as aviation insurance and liability for damage.
5. Critically appreciate the legal and economic implications of the development of space activities, particularly the commercialization of space transportation and communications systems, as well as the fast developing potentials of exploitation of space based resources.

Method of Assessment

Essay of no more than 4000 words (80%)

Presentation, in groups, approx. 15 minutes per group, mark awarded for the group (10%)

Group work paper, 1000 words per group member, mark awarded for the paper overall (10%)

Preliminary Reading

Carr, I., *International Trade Law* (6th ed, Routledge, 2017).

Churchill, R.R., & Lowe, A.V., *The Law of the Sea* (3rd ed, Manchester University Press, 1999).

Grief, N., *Public International Law in the Airspace of the High Seas* (Springer, 1994).

Oduntan, G., *Sovereignty and Jurisdiction in Airspace and Outer Space: Legal Criteria for Spatial Delimitation*, (Routledge, 2011).

Wilson, J., *Carriage of Goods by Sea* (7th ed, Longman, 2010).

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

The module aims to facilitate a holistic understanding of public and private international law issues in the contemporary legal regulation of the sovereign and non-sovereign parts of maritime, airspace and outer space territories. This includes an examination of the key areas of private law such as transportation, liability and business transactions in maritime law, the law of the sea, air law and space law. Any international business transaction involving the sale and supply of goods has to contemplate the means by which the goods are transported from the exporter's country to the importer's country. This means that international carriage of goods is a central aspect of international commercial law. Carriage of goods by sea, by air and increasingly in the form of payload on spacecraft has played and continues to play an extremely important role in contemporary international commercial law. This module further complements the departmental emphasis on cross-disciplinary approaches to the study of law and examination of the interaction of law with other disciplines, particularly international relations, politics, business and economics, as well as science and technology.

2019-20 Postgraduate Module Handbook

LW905 International Financial Services Regulation						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	Magaisa Dr A

Availability

Autumn Term

Contact Hours

Total study hours: 200

Contact hours: 18

Private study hours: 182

Department Checked

yes

Learning Outcomes

1. Demonstrate a sophisticated understanding of the rationales for the development of the New International Financial Architecture and of critiques of this development;
2. Demonstrate a comprehensive understanding of theories of global business regulation and their implications for the selection and application of regulatory technique in the financial sector;
3. Demonstrate comprehensive knowledge of the institutions, interests and practices of international and domestic financial sector regulation under conditions of neo-liberal economic development;
4. Critically evaluate policy documents and contemporary scholarship on financial sector regulation;
5. Demonstrate a high competence in conducting academic research on international governance of the financial sector;
6. Demonstrate a sophisticated understanding of the key legal principles and policies relevant to an important aspect of international commercial law, that is, international regulation of markets for financial transactions;
7. Express an intricate and reasoned view on the merits, drawbacks and implications of different aspects of the international regulation of financial services;
8. Conduct informed and detailed analyses of the theoretical underpinnings and economic implications of regulatory techniques.

Method of Assessment

A 5,000 word essay maximum (100%)

Preliminary Reading

- Andenas, M. & Iris H-Y Chiu, *The Foundations and Future of Financial Regulation - Governance for Responsibility* (London: Routledge, 2014).
- Evans, Huw. *Plumbers and Architects: A Supervisory Perspective on International Financial Architecture*. (London: Financial Services Authority, 2000).
- Goede, Mareike de, *Speculative security: the politics of pursuing terrorist monies*. (University of Minnesota Press, 2012).

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module focuses on the international regime of financial services regulation. It is concerned with critical perspectives on the international financial regulatory framework, assessing its strengths and weaknesses. With the recent Global Financial Crisis there is a lot to explore in this module, including questions as to the relationship between states and markets in regulation, the rationales for regulation, theories of regulation, understanding the international finance system and its challenges and the adequacy of the international financial regulatory regime.

2019-20 Postgraduate Module Handbook

LW906 International Environmental Law - Legal Foundations						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
4	Canterbury	Autumn	M	20 (10)	100% Coursework	Hedemann-Robinson Mr M

Availability

Autumn Term

Contact Hours

Total contact hours: 18

Private study hours: 182

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate a comprehensive knowledge and understanding of the key concepts, principles, and rules relating to the legal foundations of international environmental Law, including those relating to legal sources, institutional arrangements, implementation and enforcement of international environmental law.
2. Demonstrate a systematic knowledge and understanding of the nature of the relationship, legal and political, between the EU and broader international community in relation to environmental protection issues.
3. Demonstrate a critical appreciation of the importance of broader underlying political and policy contexts and dynamics that underpin the evolution of the legal foundations of international environmental law.
4. Access the main sources of literature and legal texts relating to the legal foundations of international environmental law, including relevant treaty and/or legislative sources, as well as secondary literature such as quality academic opinion.
5. Demonstrate a critical understanding of how the legal foundations of international environmental law are relevant and apply in relation to a selected case study/studies chosen by the module convenor (eg. climate change/ international waste shipment).
6. Assimilate and analyse complex material from various sources including international treaties, protocols, declarations, judgments of international courts and tribunals in the field of international environmental law;
7. Undertake appropriate further training or research in the environmental law field.

Method of Assessment

Participation 15 to 20 minutes 20%

Short essay 1000 words 10%

Long essay 3000 - 4000 words 70%

Preliminary Reading

Beyerlin/Marauhn, International Environmental Law (Hart, 2011)

Birnie/Boyle/Redgwell, International Law and the Environment (2nd edn) (2009: Oxford)

Bodansky/Bruneel/Hey (eds), Oxford Handbook of International Environmental Law (Oxford 2007)

Sands/Peel, Principles of International Environmental Law (3rd edn) (2012: Cambridge UP)

Pre-requisites

None. However, a general background in either law or another discipline relating to the study of the environment is required.

Progression

Stage 1

Restrictions

None

Synopsis *

This module is designed to examine and assess the core foundational legal principles and regulatory structures underpinning international environmental law and policy. Specifically, it considers the various core sources of international law relating to the environment, the principal international institutions involved in its development as well as legal issues involved relating to its implementation and enforcement.

2019-20 Postgraduate Module Handbook

LW907 Commercial Credit						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	
2	Canterbury	Spring	M	20 (10)	100% Coursework	Zokaityte Dr A

Availability

Spring Term

Contact Hours

Contact hours: 18

Private study hours: 182

Total hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate a critical understanding of the legal, economic and social role of commercial credit and security in the economy.
2. Demonstrate a systematic understanding of the politics of commercial credit and the assumptions underlying international initiatives to promote credit market reform and regulate security.
3. Demonstrate a critical understanding of the key legal concepts of the existing legal regime of security in the UK, its sources and its intellectual assumptions.
4. Engage in critical independent comparative and interdisciplinary research on commercial credit law and policy.
5. Draw upon normative principles and other disciplines to evaluate and critique commercial law.
6. Demonstrate a sophisticated understanding of the legal forms which arise and operate within complex historical and political conditions.
7. Demonstrate a detailed awareness of the economic, political and/or social implications of legal forms and remedies.

Method of Assessment

Essay, 5,000 words maximum (100%)

Preliminary Reading

- L. Calder, *Financing the American Dream: Cultural History of Consumer Credit* (Princeton University Press, 2011).
- D. Harvey, *The Enigma of Capital: and the Crises of Capitalism* (Profile Books, 2011).
- P. Ireland, *Law and the Neoliberal Vision: Financial Property, Pension Privatization and the Ownership Society* (Northern Ireland Legal Quarterly, 2011, Volume 62, pp 1-31).
- J. Montgomerie, *The financialisation of consumption: The case of Anglo-American household indebtedness in the 1990s* (University of Sussex, 2007).
- T. Williams, *Empowerment of Whom and for What? Financial Literacy Education and the New Regulation of Consumer Financial Services* (Law & Policy, 2007, 29(2), pp 226-256).
- A. Zokaityte, *Consumer Financial Education: Edu-regulating our saving and spending habits* (Palgrave Macmillan, 2017).

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

Credit is the lifeblood of capitalism. The law that regulates household and commercial credit is of significant, economic, and social importance in developed and developing economies. The 2008 world financial crisis was triggered by failures in debt-markets associated with household financing. This module explores central ideas about the role of credit in the economy and its contribution to economic, social, political and cultural development.

This module focuses on how law facilitates, shapes and determines the flow of credit to households and businesses domestically as well as internationally. It primarily explores the rationales that underpin the creation, production and supply of credit. It traces these to mainstream, economic thought and understandings of credit. The module critically examines and evaluates how these rationales take into consideration (or, indeed, fails to consider) principles of social justice and equality. Importantly, the module introduces historical, gendered, cultural, and sociological approaches to credit as viable alternatives to the dominant, mainstream understanding of consumer and commercial credit.

2019-20 Postgraduate Module Handbook

LW908 International and Comparative Consumer Law and Policy						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	
2	Canterbury	Spring	M	20 (10)	100% Coursework	Ramsay Prof I

Availability

Spring Term

Contact Hours

Total study hours: 200

Contact hours: 18

Private study hours: 182

Department Checked

yes

Learning Outcomes

1. Demonstrate a systematic knowledge of relevant institutions and sources in the area of EU and international consumer law and policy and the ability to research and apply them.
2. Demonstrate a comprehensive understanding of the political and economic background to consumer law at the national and international level
3. Demonstrate a critical awareness of competing national approaches to consumer law and policy and the possible reasons for these differences.
4. Identify and critically assess issues of effectiveness, accountability and legitimacy in the development of transnational networks and international standard setting in consumer law.
5. Demonstrate comprehensive independent and interdisciplinary research on consumer law at the national level and international level
6. Demonstrate a systematic knowledge and understanding of the central principles and institutional frameworks of an important aspect of international commercial law, the theoretical perspectives and the academic debates of this substantive areas of law;

Method of Assessment

Essay, of no more than 5000 words (100%)

Preliminary Reading

- G. Howells, I. Ramsay, and T. Wilhelmsson, Handbook of Research on International Consumer Law (Edward Elgar, Cheltenham, 2nd ed. 2018)
- I. Ramsay, Consumer Law and Policy: Text and Materials on Regulating Consumer Markets (Hart, Oxford, 3rd ed. 2012)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

Consumer law is a significant area of business regulation in many parts of the world. The EU has developed an ambitious programme of harmonization, provides intriguing approaches to transnational governance of markets, and competes as an international model of consumer law with models such as the US. Standards for consumer products and services are increasingly established at the international level through "private" bodies such as the International Standards Organization (ISO)

The module is structured as follows:

- An introduction to the rationales for and explanations for the growth of consumer law and policy at the national and international level. An introduction to transnational, comparative and international dimensions of consumer regulation and relevant institutional structures.
- Critical analysis of International, regional and national regulation of selected areas of consumer law such as unfair commercial practices, product safety, internet and digital regulation, unfair contract terms and consumer credit and debt.

2019-20 Postgraduate Module Handbook

LW912		Transitional Justice and Rule of Law Programming				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Brussels	Spring	M	20 (10)	100% Coursework	

Availability

Spring Term

Learning Outcomes

- Understanding the range of options that are available to communities and policy makers to respond to grave human rights violations committed under authoritarian rule or in armed conflict, and understanding the complementarities and tensions between different transitional justice instruments.

- Understanding the different factors – legal, socio-political, institutional, historic, psychological – that shape responses to such human rights violations. The module will also encourage students to critically assess transitional justice variability (in terms of design, implementation, and impact) across countries.

- Awareness of some of the key controversies surrounding transitional justice, and the interplay between the normative, legal and political dimensions of transitional justice.

- Ability to critically reflect on the realities of devising a transitional justice policy, and the roles which is played by different stakeholders (local, national and international).

Method of Assessment

This module offers 2 patterns of assessment A & B, the pattern applied will be at the discretion of the convenor.

Assessment pattern A

100% assessment by course work (2 essays).

1 short paper addressing key themes of the course (1,000 words), which will provide students with an opportunity for early feedback on their written presentation skills and critical understanding of transitional justice

1 longer essay (4,000 words) on a research topic of students' choice.

Assessment pattern B

Students will be assessed through 2 assignments. They will be asked to participate in a simulation exercise, their individual contribution to which will comprise 20% of the final grade. The exercise will require the students to prepare briefing notes and position papers concerning a hypothetical project in a situation of, normally, post conflict reconstruction.

1 longer essay (4,000 words comprising 80% of the final grade), on a research topic of students' choice.

Preliminary Reading

McEvoy Kieran and McGregor Lorna (2008), *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*, Oxford: Hart Publishing.

Murphy Colleen (2017), *The Conceptual Foundations of Transitional Justice*, Cambridge: Cambridge University Press.

Schabas William (2012), *Unimaginable Atrocities*, Oxford: Oxford University Press.

Teitel Ruti (2000), *Transitional Justice*, Oxford: Oxford University Press.

Pre-requisites

None

Synopsis *

This course engages in an examination of the different approaches to transitional justice – trials, truth and reconciliation commissions, vetting/lustration, reparations, traditional justice mechanisms, and memorials – and a critical discussion of some of the political, normative, and conceptual underpinnings of transitional justice. It adopts a multi-disciplinary approach to the study of transitional justice, drawing on perspectives from the disciplines of law, political science, history, anthropology and criminology about the nature of international crimes, justice and reconciliation. The course aims to give students an understanding of how transitional justice operates, the challenges faced in implementing transitional justice, the variations in transitional justice practices across space and time, and emerging contestations around the scope and effectiveness of transitional justice.

LW916		European Union International Relations Law				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Brussels	Autumn	M	20 (10)	100% Coursework	Puccio Dr L
2	Canterbury	Spring	M	20 (10)	100% Coursework	

Availability

Autumn Term

2019-20 Postgraduate Module Handbook

Contact Hours

2 hours a week combined lecture/seminar excluding reading and writing weeks (18 hours). The remaining 182 hours are dedicated to private study time. There are 200 study hours for the module.

Department Checked

yes

Learning Outcomes

The intended subject specific learning outcomes

- Students will acquire the knowledge and understanding of the key concepts, principles, and rules relating to the institutional and legal framework of the external policy of the European Union, and how these have evolved.
- Students will be able to show the knowledge and understanding of the different policy models, international agreements and legal instruments employed in relations with countries or groups of countries, and assess how these reflect the different political perspectives underlying the EU's Common Commercial Policy, the Common Foreign and Security Policy and development policy.
- Students will acquire the knowledge and understanding of the rules underpinning the membership of the EU in international organizations and especially the complexity of the membership of the EU in the World Trade Organisation.
- Students will gain an understanding of how to access the main sources relating to the law governing the EU's external relations, including relevant treaty sources, other foreign policy instruments and case-law, as well as literature in the field, for the purpose of preparing module assessments in both written and oral form.
- Students will be able to understand and critically evaluate the theoretical perspectives and academic debates which underlie the EU external relations law.
- Students will be able to research and critically analyse how the EU external relations law influences the foreign policy of the EU Member States as well as how the EU's international agreements and policy instruments impact on the domestic legislation as well as treaty negotiations of third countries.

The intended generic learning outcomes

- Students will acquire the ability to find relevant material from various sources including literature, international treaties, protocols, declarations, court judgments, in hard copy and through electronic sources on the internet and the specialist databases available to Kent Law School postgraduate students;
- Students will be able to assimilate and analyse complex material in the context of its conceptual and theoretical underpinnings, and present relevant knowledge and understanding in the form of reasoned and supported argument through seminar discussion and coursework;
- Students will develop their ability to express themselves to a high standard in a coherent written form, with appropriate use of citation, and by the use of computer word processing;
- Students will have an enhanced confidence in oral communication skills by virtue of experience in delivering an oral presentation in front of a class, and participation in group seminar discussions.
- Students will develop their skills in tackling practical problems.

Method of Assessment

100% coursework comprising of a 5,000 word essay (maximum) worth 80% plus a participation element worth 20%.

Preliminary Reading

P Eeckhout, *External Relations of the European Union – Legal and Constitutional Foundations* (OUP, 2011)
B Van Vooren & R Wessel, *EU External Relations Law – Cases and Materials* (CUP, 2014)
P Koutrakos, *EU International Relations Law* (Hart 2015)
K Smith, *EU Foreign Policy in a Changing World*, 3rd ed (Polity, 2014)
C Hill & M Smith (eds), *International Relations and the EU*, 2nd ed (OUP, 2011)

Pre-requisites

None, although a general background in either law, political science, sociology or another discipline relating to European Union studies is desirable.

Progression

Stage 1

Restrictions

None.

Synopsis *

This module explores the external relations law of the European Union with third countries and international organisations. This is an increasingly important area given that the EU has evolved into the largest regional trading and political bloc on the world stage. Having focused initially on developing a common trading policy with the international community, since the early 1990s the EU has steadily broadened the range of its powers to be able to engage in political as well as military issues on the international scene. A significant milestone was the formal establishment of the EU's Common Foreign and Security Policy by the Maastricht Treaty in 1993. More recently, the Lisbon Treaty 2007 further enhanced the EU's role in foreign affairs through a series of institutional changes and innovations, notably including the introduction of the 'External Action Service', which is the EU counterpart to national diplomatic services, and the Union's High Representative for Foreign Affairs and Security Policy. The module will critically explore the following aspects in particular:

1. The institutional and core legal framework of EU external relations law, including the division of competences between the EU and the Member States, the impact of human rights in EU external relations and the expansion of the EU powers over time;
2. Selected specific policy areas, such as the Common Commercial Policy, the Common Foreign and Security Policy, and the external dimension to EU environmental policy, along with their different (and sometimes conflicting) objectives and underlying political perspectives.

The module will also foster a contextual, interdisciplinary and critical approach to studying the subject, with reference to political science literature on the effects of EU external policies.

Availability

Autumn Term

Contact Hours

2 hours a week combined lecture/seminar excluding reading and writing weeks (18 hours). The remaining 182 hours are dedicated to private study time. There are 200 study hours for the module.

2019-20 Postgraduate Module Handbook

Department Checked

yes

Learning Outcomes

The intended subject specific learning outcomes

- Students will acquire the knowledge and understanding of the key concepts, principles, and rules relating to the institutional and legal framework of the external policy of the European Union, and how these have evolved.
- Students will be able to show the knowledge and understanding of the different policy models, international agreements and legal instruments employed in relations with countries or groups of countries, and assess how these reflect the different political perspectives underlying the EU's Common Commercial Policy, the Common Foreign and Security Policy and development policy.
- Students will acquire the knowledge and understanding of the rules underpinning the membership of the EU in international organizations and especially the complexity of the membership of the EU in the World Trade Organisation.
- Students will gain an understanding of how to access the main sources relating to the law governing the EU's external relations, including relevant treaty sources, other foreign policy instruments and case-law, as well as literature in the field, for the purpose of preparing module assessments in both written and oral form.
- Students will be able to understand and critically evaluate the theoretical perspectives and academic debates which underlie the EU external relations law.
- Students will be able to research and critically analyse how the EU external relations law influences the foreign policy of the EU Member States as well as how the EU's international agreements and policy instruments impact on the domestic legislation as well as treaty negotiations of third countries.

The intended generic learning outcomes

- Students will acquire the ability to find relevant material from various sources including literature, international treaties, protocols, declarations, court judgments, in hard copy and through electronic sources on the internet and the specialist databases available to Kent Law School postgraduate students;
- Students will be able to assimilate and analyse complex material in the context of its conceptual and theoretical underpinnings, and present relevant knowledge and understanding in the form of reasoned and supported argument through seminar discussion and coursework;
- Students will develop their ability to express themselves to a high standard in a coherent written form, with appropriate use of citation, and by the use of computer word processing;
- Students will have an enhanced confidence in oral communication skills by virtue of experience in delivering an oral presentation in front of a class, and participation in group seminar discussions.
- Students will develop their skills in tackling practical problems.

Method of Assessment

100% coursework comprising of a 5,000 word essay (maximum) worth 80% plus a participation element worth 20%.

Preliminary Reading

P Eeckhout, External Relations of the European Union – Legal and Constitutional Foundations (OUP, 2011)

B Van Vooren & R Wessel, EU External Relations Law – Cases and Materials (CUP, 2014)

P Koutrakos, EU International Relations Law (Hart 2015)

K Smith, EU Foreign Policy in a Changing World, 3rd ed (Polity, 2014)

C Hill & M Smith (eds), International Relations and the EU, 2nd ed (OUP, 2011)

Pre-requisites

None, although a general background in either law, political science, sociology or another discipline relating to European Union studies is desirable.

Progression

Stage 1

Restrictions

None.

Synopsis *

This module explores the external relations law of the European Union with third countries and international organisations. This is an increasingly important area given that the EU has evolved into the largest regional trading and political bloc on the world stage. Having focused initially on developing a common trading policy with the international community, since the early 1990s the EU has steadily broadened the range of its powers to be able to engage in political as well as military issues on the international scene. A significant milestone was the formal establishment of the EU's Common Foreign and Security Policy by the Maastricht Treaty in 1993. More recently, the Lisbon Treaty 2007 further enhanced the EU's role in foreign affairs through a series of institutional changes and innovations, notably including the introduction of the 'External Action Service', which is the EU counterpart to national diplomatic services, and the Union's High Representative for Foreign Affairs and Security Policy. The module will critically explore the following aspects in particular:

1. The institutional and core legal framework of EU external relations law, including the division of competences between the EU and the Member States, the impact of human rights in EU external relations and the expansion of the EU powers over time;
2. Selected specific policy areas, such as the Common Commercial Policy, the Common Foreign and Security Policy, and the external dimension to EU environmental policy, along with their different (and sometimes conflicting) objectives and underlying political perspectives.

The module will also foster a contextual, interdisciplinary and critical approach to studying the subject, with reference to political science literature on the effects of EU external policies.

LW918 International and Comparative Bankruptcy and Insolvency Law & Policy						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Spring	M	20 (10)	100% Coursework	Ramsay Prof I

Availability

Spring Term

Contact Hours

Contact hours: 20

Private study hours: 180

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate a detailed and systematic understanding of the institutions and structure of insolvency law and their economic and social role in the economy.
2. Critically engage with the theoretical debates on the role of bankruptcy and insolvency law, the key concepts, policy issues and principles.
3. Demonstrate a comprehensive understanding of the existing legal regimes of bankruptcy and insolvency in England and North America, their sources and intellectual assumptions.
4. Critically evaluate the central features of International attempts to develop norms for bankruptcy and insolvency.
5. Form a view on the relative merits of differing approaches to bankruptcy and insolvency, and appreciate and evaluate the main theoretical and legal perspectives underlying the legal provisions.
6. Think creatively about an important area of international commercial law

Method of Assessment

Essay, 5000 words maximum (100%)

Preliminary Reading

- V. Finch, Corporate insolvency law: perspectives and principles (Cambridge: CUP, 3rd ed, 2017)
 T. Jackson, The Logic and Limits of Bankruptcy Law (Cambridge, MA, Harvard 1986).
 G. MacCormick, Corporate Rescue Law: An Anglo-American Comparison (Elgar, 2008).
 V. Markham Lester, Victorian Insolvency: Bankruptcy, Imprisonment for Debt and Company Winding Up in Nineteenth Century England (Oxford: OUP) (1995)
 J. Niemi, I Ramsay and W. Whitford, Consumer Credit, Debt and Bankruptcy: International and Comparative Dimensions (Oxford: Hart 2009).
 J. Niemi, I. Ramsay and W. Whitford, Consumer Bankruptcy in Global Perspective (Oxford: Hart) (2003)
 I. Ramsay, Personal Insolvency in the 21st Century: A Comparative Analysis of Europe and the US (Hart, Bloomsbury, 2017)
 D. Skeel, Debt's Dominion — A History of Bankruptcy Law in America (Princeton, Princeton Univ Press) (2001).
 T. Sullivan, E. Warren & J Westbrook, The Fragile Middle Class: Americans in Debt (New Haven, Yale) (2000).
 J. Westbrook, C. Booth, C Paulus & H Rajak, A global view of business insolvency systems (Leiden: Nijhoff) (2010).
 E. Warren, J. Westbrook, K. Porter & J Pottow, The Law of Debtors and Creditors: Text, Cases and Problems (Kluwer, 7th ed 2014).

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis

Bankruptcy and Insolvency law has become a central aspect of commercial law. The restructuring of capitalism since the 1970s, the growth of neo-liberalism, the increased use of debt financing by both firms and individuals, and the volatility of the international economy have contributed to its international importance. The World Bank views a 'modern' insolvency law as central to the development infrastructure, it is linked to fostering entrepreneurialism as well as providing a safety net for individuals in a high debt economy. This course provides a critical introduction to central issues in business and personal insolvency.

2019-20 Postgraduate Module Handbook

LW921 Privacy and Data Protection Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	White Dr P

Availability

Autumn Term

Contact Hours

Total study hours: 200

Contact hours: 18

Private study hours: 182

Department Checked

yes

Learning Outcomes

1. Demonstrate an advanced grounding in concepts, principles and rules of data protection, consent, and privacy.
2. Demonstrate a systematic understanding of the origins and development of EU and UK data protection laws and Corporate Binding Rules (US Safe Harbours) protection.
3. Critically analyse emerging issues in data protection: Big Data, social media, data matching, data anonymization, tracking, data access controls, state and commercial surveillance, and blurred boundaries among clinical, research and administrative uses of personal information (genetic exceptionalism, biobanks, electronic health records, client and ethnic profiling)
4. Demonstrate a critical awareness of, and the ability to evaluate legal and regulatory actions taken in response to the failure to protect data and ensure confidentiality.
5. Critically analyse and evaluate the permeability of public/private boundaries in the workplace, in public and commercial spaces, on the Internet and in cyber space.
6. Demonstrate a critical understanding of the public and private tensions involved in privacy and data protection.

Method of Assessment

An essay of no more than 5,000 words (100%)

Preliminary Reading

- C. Bennett, *Privacy Advocates: Resisting the Spread of Surveillance* (MIT Press, 2008).
- P. Carey, *Data Protection: a practical guide to UK and EU Law* (Oxford: OUP, 2009).
- R. N. Charette, *Online Advertisers Turning up the Heat Against Making "Do Not Track" Browsers' Default Setting*, IEEE SPECTRUM, <http://spectrum.ieee.org/riskfactor/computing/it/online-advertisers-turning-up-the-heatagainst-defaulting-browsers-to-do-not-track-setting>.
- M. Hickman, *9 Things You Probably Shouldn't Do in the Presence of a Google Street View Vehicle*, MOTHER NATURE ETWORK, <https://www.mnn.com/lifestyle/arts-culture/stories/9-things-you-probably-shouldnt-do-in-the-presence-of-a-google-street-view>;
- Artist Captures Bizarre Images Shot by Google's Street View Cameras, N.Y. DAILY NEWS, <http://www.nydailynews.com/entertainment/bizarre-images-captured-google-street-view-cameras-gallery-1.1214757>
- L. Katz, (2013) 'Symposium on Cybercrime'. *Jr. of Criminal Law and Criminology*, 103 (3).
- A. Kenyon and M. Richardson, *New Dimensions in Privacy Law* (Cambridge: CUP, 2006).
- C. Kunar, *International Data Privacy Law* (Oxford: OUP, 2013).
- G. Laurie, *Genetic Privacy: Challenge to Medico-legal Norms* (Cambridge: CUP, 2002).
- D. Lyon, *Surveillance Studies: An overview* (Cambridge: Polity Press, 2007).
- R. A. Posner, (1981) *The Economics of Privacy*, 71 AM. ECON. REV. 405.
- M. D. Scott, (2008) *Tort Liability for Vendors of Insecure Software: Has the Time Finally Come?*, 67 MD. L. REV. 425, 442-50.
- Solove, P. Schwartz, *Information Privacy Law* (Harvard University Press, 2008).
- Solove, P. Schwartz, *Privacy, Information, and Technology*, 3rd edition (Aspen Publishing Co., 2012).
- D. Solove, *Understanding Privacy* (Harvard University Press, 2008).
- o F. Westin, *Privacy and Freedom* (NY: Atheneum, 1967).
- A.F. Westin, (2003) 'Social and Political Dimensions of Privacy', *Jr. of Social Issues* 59(2), 431-453.
- R. Williams, P. Johnston, *Genetic Policing: The Use of DNA in Criminal Investigations* (Willan Publishing, 2008).
- R. Williams, *Making Identity Matter* (York: Sociology Press, 2000).

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis */

The module will explore emerging privacy and data protection issues, including Big Data, CCTV surveillance, Internet and cyber surveillance, and cross-border information flows, legal structures and privacy protection measures. Students will be challenged to critically examine how personal, financial, health and transactional data are managed and who has access to this information. It will require students to assess emerging legal, regulatory, data protection and personal privacy issues raised by widespread access to personal information, including genetic data. The module will focus on the legal data protection, human rights, consent, confidentiality, and IT data security questions that arise when personal information is accessed by the state, law enforcement agencies, corporations and business, employers, health clinicians and researchers.

The essential aims and objectives of the proposed LLM module are to equip students to undertake a sustained analysis of privacy and data protection law. Students will be asked to critically examine whether privacy protection, consent and confidentiality measures are proportionate to the legal requirements to protect personal information while balancing the requirements of economic commerce, the state and public administrations to collect, use and share personal information.

2019-20 Postgraduate Module Handbook

LW923 Law and Economy						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
3	Canterbury	Autumn	M	20 (10)	100% Coursework	
3	Canterbury	Spring	M	20 (10)	100% Coursework	

Availability

Autumn Term

Contact Hours

2 hours per week combined lecture/seminar excluding reading and writing weeks (18 hours). The remaining 182 hours are dedicated to private study time. There are 200 study hours for the module.

Department Checked

yes

Learning Outcomes

An ability to systematically evaluate the substantive, analytical, normative and empirical characteristics of economic sociology of law (ESL).

A practical understanding of how established techniques of research and enquiry are used to create and interpret knowledge in ESL, and an ability to critically analyse those techniques.

A critical awareness of how ESL differs from other approaches to the legal and the economic, in particular the disciplines of economics and law, and their respective limitations and advantages.

A critical awareness of historical and contemporary theoretical and policy problems around the world that have generated, and continue to inform, ESL.

Originality in the application and synthesis of the above knowledge and understanding.

Present relevant knowledge and understanding in the form of an integrated, reasoned argument through seminar discussion and written assessment.

Identify and evaluate complex legal and policy problems according to their historical, political and legal context.

Carry out independent further research, synthesising material from a variety of sources to inform a sustained and detailed argument.

Ability to summarise detailed historical and conceptual material, recognising different positions that arise in the literature surveyed.

Appreciate, and critically analyse the implications of, the fact that legal forms arise and operate within complex historical and political conditions.

Develop an awareness of, and an ability to critically analyse, the economic, political and/or social implications of legal forms and remedies.

Method of Assessment

100% coursework comprising of a 4-5,000 word essay.

Preliminary Reading

R Birla, *Stages of Capital: Law, culture and market governance in late colonial India* (Duke University Press, 2009)

R Cooter & T Ulen, *Law and Economics*, 6th ed (Pearson, 2011)

R Cotterrell, *The Sociology of Law: An Introduction*, 2nd ed (Butterworths, 2005)

Planet Money, National Public Radio podcast: <http://www.npr.org/money>

K Polanyi, *The Great Transformation*, 2nd ed (Beacon Press, 2001)

V Zelizer, *Economic Lives: How Culture Shapes the Economy* (Princeton Press, 2010)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

What causes us to forget that 'the economy' and 'the law' are made up of interacting human beings? Why does it matter?

These are questions that are relevant to every person in every country. They are the questions that motivate the emergent field of Economic Sociology of Law (ESL), which takes sociologically-inspired approaches to relationships between the 'economic' (the production, distribution and consumption of goods and services) and the 'legal' (the use, abuse and avoidance of legal rules and institutions). In this module we systematically (that is, addressing the analytical, empirical and normative components) explore the limitations of orthodox legal and economic approaches, and examine how Economic Sociology of Law might compensate for them. There is a strong practical and empirical emphasis, and examples are drawn from current events and policy from all over the world. Questions considered include:

- Where do the concepts of 'economy', 'law' and 'society' come from?
- What do they signify?
- Are they uniformly accepted?
- Mutually exclusive?
- What are the substantive focus of legal, sociological and economic approaches to law and economy?
- How do these disciplines (conceptually and empirically) approach legal rules, institutions and practices?
- Why – in pursuit of what values and interests – is it useful to take any of these approaches to law?

Emphasis is likely to be placed on the property rights and 'transaction costs', formality and informality, markets and 'market failure', state intervention and regulation and corruption.

2019-20 Postgraduate Module Handbook

LW924 EU Criminal Law and Procedure						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	
2	Canterbury	Spring	M	20 (10)	100% Coursework	Walsh Prof D

Availability

Spring Term

Contact Hours

Total contact hours: 20

Private study hours: 180

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Critique the origins, development and future of EU criminal law and procedure
2. Critically probe the forces driving and shaping the law-making, policy-making and implementation processes in EU criminal law and procedure
3. Critique the law and practice on cross-border police, prosecution and judicial cooperation from constitutional and human rights perspectives
4. Critically assess the role of select EU criminal law and procedure measures in shaping national and international responses to global crime challenges
5. Appreciate and critique the emergence of a distinct EU criminal process
6. Critically debate the legal, constitutional, political and cultural tensions between domestic criminal processes and EU influences and how they are mediated
7. Conduct independent critical research on EU criminal law and procedure issues, and present incisive perspectives on them.

Method of Assessment

Essay, no more than 5000 words (100%)

Preliminary Reading

E. Herlin-Karnell *The Constitutional Dimension of European Criminal Law* (Oxford: Hart, 2012)

A. Klip *European Criminal Law: an Integrative Approach* (Cambridge: Intersentia, 2012)

S. Miettinen *Criminal Law and Policy in the European Union* (London: Routledge, 2013).

V. Mitsilegas *EU Criminal Law* (Oxford: Hart, 2009).

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module offers a critical study of the origins, principles, concepts and practices of European Union criminal law and procedure from historical, constitutional, legal, political and social perspectives. It also addresses how national criminal law and procedure (especially that in the United Kingdom) are being shaped by developments at EU level, and explores the emergence of a distinct EU criminal process.

2019-20 Postgraduate Module Handbook

LW925 Cultural Heritage Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	M	20 (10)	100% Coursework	
2	Canterbury	Spring	M	20 (10)	100% Coursework	Vigneron Dr S

Availability

Spring Term

Contact Hours

Total study hours: 200

Contact hours: 18

Private study hours: 182

Department Checked

yes

Learning Outcomes

1. Demonstrate a systematic understanding of the key concepts, policy issues and principles underlying cultural heritage law.
2. Engage in a sophisticated analysis of the theoretical and academic debates that underlie the substantive law of cultural heritage protection.
3. Critically evaluate the role of international and national institutions as well as other stakeholders in the protection of the cultural heritage.
4. Demonstrate a comprehensive understanding of the practical context in which cultural heritage law operates.
5. Demonstrate a detailed appreciation of the scope of European law, international law and policies and their impact on English cultural heritage law.
6. Compare existing legal regimes of the protection of the cultural heritage in England, North America, and continental Europe.

Method of Assessment

Essay, no more than 5000 words (100%)

Preliminary Reading

- Chamberlain, Kevin, 2013. War and Cultural Heritage: Commentary on the Hague Convention 1954 and Its Two Protocols, Leicester: Institute of Art & Law.
- Chechi, Alessandro, 2014. The Settlement of International Cultural Heritage Disputes, Oxford: Oxford University Press.
- Forrest, Craig, 2009. International law and the protection of cultural heritage, London: Routledge
- Kono, Toshiyuki, 2010. The impact of uniform laws on the protection of cultural heritage and the preservation of cultural heritage in the 21st century, Leiden: Martinus Nijhoff Publishers.
- Prott, Lyndel V., 2009. Witnesses to history: a compendium of documents and writings on the return of cultural objects, Paris: UNESCO.
- Stamatoudi, Irini, 2011. Cultural property law and the restitution of cultural property: a commentary to international conventions and European Union law, Cheltenham: Edward Elgar.
- Journals: The international journal of cultural property; Art, Antiquity and Law
- Newspaper: The Art Newspaper.

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

Cultural heritage law has developed as a distinctive legal topic in the last thirty years to regulate the widening concept of heritage which started with the protection of historical monuments in the 19th century and now includes intangible values. This area of law considers a developing jurisprudence that involves international treaties, laws, ethics, and policy consideration relating to the heritage. Academic research now aims to identify values and principles that contribute to a fair and equitable cultural heritage policy. It addresses the essential question of the need to change the law to accommodate the specific needs of protection of cultural heritage/cultural property. It aims to give coherence to practices shaped by art dealers, collectors, museums, communities and States, as well as a complex body of rules at the intersection of civil law, property law, criminal law, public law, private international law and public international law. Those different interactions have developed a less than coherent legal framework that will be comparatively analyzed by reference to French, English and American Law.

2019-20 Postgraduate Module Handbook

LW926 Trusts in Capitalist Society						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
3	Canterbury	Autumn	M	20 (10)	100% Coursework	Piska Mr N

Availability

Autumn Term

Contact Hours

Total study hours: 200

Contact hours: 20

Private study hours: 180

Department Checked

yes

Learning Outcomes

1. Demonstrate an advanced grounding in, principles and law of trusts.
2. Demonstrate a systematic understanding and evaluation of the different views on the nature of the trust.
3. Critically analyse and evaluate the trust as a juridical relation and institution in contemporary contexts.
4. Demonstrate a comparative understanding of trust and trust-like institutions.
5. Demonstrate a critical awareness and analysis of historical and contemporary theoretical and policy problems in equity and trusts.
6. Critically analyse and evaluate trust law's contribution to and role in modern society.

Method of Assessment

100% coursework comprising a 5,000 word essay (maximum).

Preliminary Reading

- R-M.B. Antoine, *Offshore Financial Law: Trusts and Related Tax Issues* (Oxford: Oxford University Press, 2nd ed, 2013)
- J. Garton (ed), *Moffat's Trusts Law: Texts and Materials* (Cambridge: Cambridge University Press, 6th ed, 2015)
- D. Hayton (ed.), *The International Trust* (Bristol: Jordans, 3rd ed, 2011)
- B. Harrington, *Capital Without Borders: Wealth Managers and the One Percent* (London: Harvard University Press, 2016)
- G. Ingham, *Capitalism* (Cambridge: Polity, 2008)
- A.J. Oakley (ed.), *Trends in Contemporary Trust Law* (Oxford: OUP, 1996)
- S. Picciotto, *Regulating Global Corporate Capitalism* (Cambridge: Cambridge University Press, 2011)
- M. W. Lau, *The Economic Structure of Trusts: Towards a Property-based Approach* (Oxford: Oxford University Press, 2011)
- L. Smith, *The Worlds of Trust* (Cambridge: Cambridge University Press, 2013)
- S. Worthington, *Proprietary Interests in Commercial Transactions* (Oxford: Clarendon Press, 1996)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

The module will analyse and evaluate trusts in contemporary capitalist society, adopting critical and historical methodologies in relation to a variety of topics or case studies. Doctrines and remedies first developed by the English court of equity, the Court of Chancery, are pervasive within the contemporary juridical landscape, both within the English jurisdiction and internationally with London as an international financial and legal centre. Amongst equity's most important contributions to the contemporary juridical landscape is the trust, which has been utilised in a vast range of contexts, including private wealth planning and the structuring of inheritance, charities, pension funds, and facilitating international bond markets. The trust's flexibility is such that many international jurisdictions outside the common law world are seeking to replicate the trust form. Consequently, critical engagement with equity and trusts in modern society is essential. The course will be split into two parts. The first part will consist of an advanced introduction to trusts law and theories of the trust in legal and political contexts. The second part of the course will analyse and evaluate topics of contemporary significance in light of theories explored in the first part of the course. In doing so, it will explore the interplay of form and function in trusts law and practice.

2019-20 Postgraduate Module Handbook

LW927 Law and the Humanities 1: Ethos and Scholarship (Intensive Delivery)						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
4	Canterbury	Autumn	M	20 (10)	100% Coursework	
4	Paris	Spring	M	20 (10)	100% Coursework	

Availability

Autumn Term module. Intensive delivery version of the module in Canterbury.

Please note that this is a wildcard module for Humanities students.

Contact Hours

Total study hours: 200

Contact hours: 20

Private study hours: 180

Department Checked

yes

Learning Outcomes

1. Demonstrate a systematic understanding of the specific importance of humanities scholarship and scholarly perspectives to the history, nature and thought of law.
2. Demonstrate a comprehensive appreciation of the nature and value of humanities research perspectives in the contemporary study of law and the academy more generally.
3. Critically analyse contemporary understandings of the key parameters of legal scholarship, such as the object of legal scholarship, the end or purpose of legal scholarship, the notion of a research ethos, the problem of ethics and responsibility, and the nature and status of legal knowledge.
4. Critically reflect on how humanities research perspectives can inform and shape students' own scholarly engagement with law and legal inquiry.
5. Develop a research question of contemporary relevance to the law and humanities academy.
6. Synthesise competing theories and critical perspectives relevant to a humanities-based approach to law.
7. Critically evaluate examples of scholarship relevant to a humanities-based approach to law.
8. Participate in an exchange of informed views in a public online forum on topics relevant to the discipline of law and the humanities.

Method of Assessment

Four posts on the module blog (10%)

Research essay, 4000-5000 words (90%)

Preliminary Reading

Davies, M., 2008. Asking the law question: the dissolution of legal theory. Sydney: Lawbook co.

Douzinas, C. and Gearey, A., 2005. Critical Jurisprudence: the political theory of justice. Oxford: Hart

Sarat, A et al., 2010. Law and the Humanities: An Introduction. Cambridge: Cambridge UP

Thomas, M. and Leiboff, M., 2004. Legal theories; in principle. Lawbook Co.

Thomas, M. and Leiboff, M., Legal theories: Contexts and Practices. Australia: Thomson Reuters.

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module provides students with a solid grounding in law and the humanities, a distinct approach to law that draws upon disciplines like political theory, literature, film studies, history and social theory. The module familiarises students with key questions in the field, provides training in humanities methods in relation to law, and equips students with a clear and rigorous approach to all their present and future academic work. No special knowledge or experience of any particular discipline is required to undertake the module.

2019-20 Postgraduate Module Handbook

LW928 Law and the Humanities 2: Current Issues (Intensive Delivery)						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
4	Canterbury	Spring	M	20 (10)	100% Coursework	
4	Canterbury	Spring	M	20 (10)	100% Coursework	
4	Paris	Spring	M	20 (10)	100% Coursework	

Availability

Spring Term module. Intensive delivery version of the module in Canterbury.

Please note that this is a wildcard module for Humanities students.

Contact Hours

Total study hours: 200

Contact hours: 20

Private study hours: 180

Department Checked

yes

Learning Outcomes

1. Demonstrate a comprehensive understanding of the specific importance of humanities scholarship and scholarly perspectives to the history, nature and thought of law
2. Demonstrate a systematic appreciation of the nature and value of humanities research perspectives in the contemporary study of law and the academy more generally
3. Critically understand and analyse key issues and debates in contemporary law and humanities scholarship.
4. Critically reflect on how specific humanities research perspectives can inform and shape students' own scholarly engagement with law and legal inquiry
5. Develop a research question of contemporary relevance to the law and humanities academy
6. Synthesise competing theories and critical perspectives relevant to a humanities-based approach to law
7. Critically evaluate examples of scholarship relevant to a humanities-based approach to law
8. participate in an exchange of informed views in a public online forum on topics relevant to the discipline of law and the humanities

Method of Assessment

Four posts on the module blog (10%)

Research essay, 4000-5000 words (90%)

Preliminary Reading

Jonathan Bate (ed) (2011) *The Public Value of the Humanities* (London: Bloomsbury)

Peter Brookes (ed) (2014) *The Humanities in Public Life* (New York: Fordham University Press).

Margaret Davies (2002) *Asking the Law Question* (2nd Edition) (Sydney: Lawbook Co.).

Costas Douzinas and Adam Gearey (2005) *Critical Jurisprudence: The Political Philosophy of Justice* (Cambridge: Hart Publishing).

Marett Leiboff and Mark Thomas (2014) *Legal Theories: contexts and practices* (Sydney: Thompson Reuters).

Martha Nussbaum (2010) *Not for Profit* (Princeton: Princeton University Press)

Austin Sarat et al (eds) *Law and the Humanities: an introduction* (Cambridge: Cambridge University Press)

Pre-requisites

Although knowledge acquired in the module Law and the Humanities 1 (LAWS9270) would be an advantage in taking this module, it is not a prerequisite.

Progression

Stage 1

Restrictions

None

Synopsis *

This module presents students with a selection of the most important contemporary debates in the field of law and the humanities. Drawing in any one year from a range of current issues in the field, the module addresses a larger set of themes situated at the intersection between the humanities and law. These themes include: textuality, performativity, representation, memory, iconography, tradition, the archive, rhetoric, aesthetics, and affect. The module therefore encourages a deeper understanding of law's relationship to humanities disciplines such as literature, visual culture, history, language, and political and social theory.

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LW932 EU Citizenship and Residence Rights-Clinical Option						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	M	20 (10)	100% Coursework	Tegg Mr G

Availability

Autumn Term

Contact Hours

Contact hours: 18

Private study hours: 182

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. A comprehensive knowledge and understanding of the concepts of EU free movement and citizenship.
2. A thorough understanding of the law and procedures relevant to EU free movement and citizenship, including case law at a CJEU and domestic law level; with particular focus on access to social security and social assistance.
3. The ability to critically reflect upon the operation of the law in practice and, by drawing upon original research, the ability to assess the application and effects of specific laws, principles and procedures, situating them in their wider context, and critically evaluating them against intrinsic aims and external criteria, for example, doctrinal coherence, certainty and finality, and certain conceptions of social justice and economic efficiency.
4. The ability to advance coherent legal argument directed at securing vindication of an individual client's desired outcome.
5. The ability to understand and analyse intricate factual situations in legal terms, identifying the relevant points and issues arising from the clients' cases requiring further research with the aim of gaining an overview of the different and disparate aspects of a specific legal problem.
6. The ability to comment upon and test current legal instruments, case law and scholarship in the context of the factual and legal issues arising from the client's case; recognise the different positions arising in the materials surveyed and critically analyse the different positions.
7. Taken responsibility for the conduct of a client's case.

Method of Assessment

Continuous in-module case conduct ('casework') (20%)

Essay, 4000 words (80%)

Preliminary Reading

- Barnard C and Peers S, (eds) (2014) EU Law (OUP).
- Carrera S, and Atger AF, (2009) Implementation of Directive 2004/38 in the context of EU Enlargement: A proliferation of different forms of citizenship? (Centre for European Policy Studies Special Reports).
- Craig P and De Búrca G, (2011) EU Law: Text, Cases, and Materials, 5th ed. (OUP).
- De Búrca G, (ed) (2005) EU Law and the Welfare State (OUP).
- Guild E, Peers S, and Tomkin J, (2014) The EU Citizenship Directive: A Commentary (OUP).
- Habermas J, (1990) 'Citizenship and National Identity' Annex 2 in Between Facts and Norms (Polity Press 1996).
- Marshall TH, (1950) Citizenship and Social Class, and Other Essays (CUP).

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

This module focuses on citizens of the EU and their family members who have chosen to exercise free movement and residence rights and thereby seek to rely on their 'rights' as EU citizens in the territory of another Member State. Students will investigate the idea of free movement and citizenship of the EU, including the foundational rules, principles, doctrines and their scope, through the prism of Clinical Legal Practice. The Clinical Option provides an opportunity for students to develop their knowledge of this contested and rapidly developing area of law by conducting, under the supervision of a Kent Law Clinic solicitor, a 'real' case where the law or rules said to derive from EU law are the subject of 'live' as opposed to 'academic' dispute/contestation. Each student will be allocated a case where a Clinic client is seeking to rely on free movement or citizenship rights in an appeal against a decision by the Department for Work and Pensions, the UK Border Agency or a local authority that s/he does not have a right to reside in the UK under EU law.

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LW934 Intellectual Property 2: Patents and Trade Marks						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	M	20 (10)	100% Coursework	Kang Dr H
1	Canterbury	Spring	M	20 (10)	100% Coursework	

Availability

Autumn Term

Contact Hours

Contact hours: 18

Private study hours: 182

Total study hours: 200

Department Checked

yes

Learning Outcomes

1. Demonstrate an advanced scholarly understanding of the concepts, principles and practices of patent and trademarks laws, including the law of passing off.
2. Engage in informed scholarly debate over the principles and practices of patents and trademarks.
3. Evaluate different views on the nature and practical effects of patent and trade mark concepts.
4. Gain a critical understanding of the theoretical and socio-historical contexts in which patents, trademarks and passing off operate and are contested.
5. Critically analyse how intellectual property law and policy interact with economic and technological developments.

Method of Assessment

Essay, 5000 words maximum (100%)

Preliminary Reading

- L Bently & B Sherman, Intellectual Property Law (Oxford University Press, 2014)
- L Bently & J Davis (eds) Trade Marks and Brands: An Interdisciplinary Critique (Cambridge University Press, 2008)
- L Bently & B Sherman, The Making of Modern Intellectual Property Law (Cambridge University Press, 1999)
- C. Lury, Brands: The Logos of Global Economy (Routledge, 2004)
- A Pottage & B Sherman, Figures of Invention, A History of Modern Patent Law (Oxford University Press, 2010)

Pre-requisites

None

Progression

Stage 1

Restrictions

None

Synopsis *

The goal of the module is to provide an in-depth introduction to the laws of patents and trademarks (including passing off). Particular emphasis is placed on the political, socio-historical, cultural and economic contexts in which these laws operate, as well as on the implications of legal concepts on proprietary strategies.

The module will take a distinctive approach towards the study of intellectual properties by focusing on concepts and their practical effects: the module will focus on key concepts in patents, trademarks and passing off and critically examine their implications for political economy, culture and science. Such key concepts may include: patents, novelty and invention; in trademarks and passing off: brands, sign and goodwill.

No prior knowledge or study of intellectual property is required.

LW988 Dissertation in Law						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Brussels	Autumn	M	60 (30)	85% Project, 10% Coursework, 5% Exam	
2	Brussels	Autumn	M	60 (30)	85% Project, 15% Coursework	
2	Brussels	Spring	M	60 (30)	85% Project, 10% Coursework, 5% Exam	
2	Brussels	Spring	M	60 (30)	85% Project, 15% Coursework	

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Availability

Autumn and Spring

Contact Hours

The Lectures

Schedule: 16 contact hours; 12 lectures over one term, including eight one-hour lectures on the fundamentals of social science research and four two-hour lectures surveying social science methods.

The Seminars

Schedule: 24 contact hours, one two-hour seminar weekly over 12 weeks.

+ Supervision

Learning Outcomes

On successfully completing the module students will be able to:

1. Work with complex theoretical knowledge and critically apply theory to practical issues.
2. Demonstrate a critical awareness of the ethical, metaphysical, theoretical, epistemological, and methodological dimensions of the scholarly work done in their discipline in general and in their own work.
3. Undertake an analysis of complex, incomplete or contradictory areas of knowledge and make carefully constructed arguments.
4. Demonstrate a level of conceptual understanding that will allow them to critically evaluate research, policies, and practices.
5. Be reflective and self-critical in their work
6. Use the libraries, the internet, bibliographic search engines, online resources, and effectively conduct complex research
7. Engage in sophisticated academic and professional communication with others
8. Demonstrate a highly developed independent learning ability required for further study or professional work

Method of Assessment

Formative assessment of the seminar presentations and written assignments will be given throughout the module in the form of oral and written feedback. Summative assessment of the module will be based on the following:

Group Project 5%

Students will jointly, normally in groups of three, compose research proposals on a Law topic of their choice specifying key research design elements (each group will submit one proposal and receive one collective mark).

Dissertation Proposal 10%

Students will write a Dissertation Proposal of 1,500 words under guidance of a supervisor, that will be assessed and which will form the basis for support feedback on the larger project, the Dissertation.

Dissertation 85%

Students will write a Dissertation of no more than 15,000 words under the guidance of a supervisor and consistent with the Faculty regulations and in the appropriate format

Preliminary Reading

Indicative list, current at time of publication. Reading lists will be published annually

- Banakar, R. and Travers M. (eds.), An Introduction to Law and Social Theory, Hart Publishing, Oxford, 2002.
- Chatterjee, C., Methods of Research in Law, Old Bailey Press, Horsamonden, 2000 (2nd edition)
- Hanson, S., Legal Method, Skills and Reasoning. Routledge, London, 2010 (3rd edition)
- Hollis M., The Philosophy of Social Science: An Introduction, Cambridge University Press, Cambridge, 1994.
- Hollis M. and Smith S., Explaining and Understanding in International Relations, Clarendon, Oxford, 1990.
- King, G., Keohane, R. and Verba S., Designing Social Inquiry: Scientific Inference in Qualitative Research, Princeton University Press, 1996.
- May, T., Social Research: Issues, Methods and Processes, Sage, London, 1997.
- Potter, S. (Ed), Doing Postgraduate Research (Sage/Open University, 2002)
- Sunstein, C. R., Legal Reasoning and Political Conflict, Oxford University Press, New York, 1996
- Webb, K., An Introduction to Problems in the Philosophy of Social Sciences, Pinter, London, 1996.

Synopsis *

The module is built around 16 hours of lectures and 24 hours of seminars over the course of one term. Following on from Fundamental of Dissertation and Research in Law (LW9881) which addressed the ontological, epistemological, and methodological issues in the social sciences; the main approaches to social science; analytical approaches, modes of reasoning (deduction, induction) and levels of analysis (agency, structure, co-determination); this module will demonstrate how these concepts are used differently in different subject-specific contexts which represent the main fields of inquiry at BSIS, including legal analysis, political analysis, historical analysis, and economic analysis. The module then moves on to practical questions of research and writing the dissertation, including the construction of the dissertation proposal and the dissertation itself, the use of research materials (qualitative and quantitative data), using research and resources (libraries, documentation, and the internet); and drafting and writing, including the use of appropriate academic style and format.

LW999		Thesis:Law				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Whole Year	M	60 (30)	100% Project	Alessandrini Prof D

Availability

The Law School is currently considering which modules are running and in which terms. The module outlines will be modified at a later date.