



THE UNIVERSITY OF THE WEST INDIES  
CAVE HILL CAMPUS  
FACULTY OF LAW  
UNDERGRADUATE COURSE GUIDE  
2025–2026

<http://www.cavehill.uwi.edu/Law/home.aspx>

*Updated: 20 August 2025*

Last Updated 20 August 2025

This booklet gives information on Courses offered in the Faculty of Law at the Cave Hill Campus of The University of the West Indies (Barbados). For courses offered at the other Campuses, please see Faculty booklets for the Mona (Jamaica) and St. Augustine (Trinidad & Tobago) Campuses.

Students should consult the Dean's office where clarification is required.

**THE UNIVERSITY RESERVES THE RIGHT TO MAKE SUCH CHANGES TO THE CONTENTS OF THIS PUBLICATION AS MAY BE DEEMED NECESSARY.**

Disclaimer: The information in this booklet is accurate at the time of publication. Subsequent publications may therefore reflect updated information.

**STATUS OF COURSE OUTLINES**

As mandated by the Academic Board of the Cave Hill Campus the Faculty of Law is engaged in a process of updating and revising its course outlines. Some of the courses listed below have not yet been subject to revision, and so must be taught under their original format. Courses which have been revised prior to any given semester must be taught in accordance with the revised course outline.

Please check the Faculty's website for courses which may have been revised following the publication of this guide, or for new courses approved subsequent to its publication.

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**LEVEL 1000 COURSES****LAW 1010 - LAW AND LEGAL SYSTEMS (Approved AB 20191125)**

<b>Course Title:</b>	Law & Legal Systems
<b>Course Code:</b>	LAW 1010
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	1
<b>Semester:</b>	1
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This compulsory course is taught in the first semester of Year 1 of the LL.B. degree programme. It is introductory and provides the foundation for legal study. It fosters students' development of knowledge of the historical, institutional and legal context of law in the Commonwealth Caribbean, including the important comparative law dimension of various types of legal systems within and outside of the Commonwealth Caribbean. The issues dealt with in the course cover not only institutions within the legal system, but also legal reasoning, theories of law and significant legal functionaries within the legal system. The course also exposes students to broader questions about what is 'Law', the nature/role of the legal professional and what purpose is served through development and/or adherence to the law.

**Course Rationale:**

The fundamental objective of this course is to provide students with knowledge of the historical, institutional and legal context of law in the Commonwealth Caribbean, including the important comparative law dimension. The issues addressed with in the course cover not only institutions within the legal system, but

also significant legal functionaries within it. The course essentially covers the operation and development of law in the Commonwealth Caribbean. It will enable students to develop an understanding of the characteristics, structures and personnel who are part of the legal system.

The course fits into the Strategic Plan of the UWI as it familiarizes students with the legal systems in the Commonwealth Caribbean and other legal systems in the global economic environment, which should ensure that students are not only global in their outlook but well-grounded in their regional identity. The course importantly also lends to critical thinking, which should serve the students in the LL.B. programme.

### **General Goals/Aims:**

#### ***The goals of this course are to:***

- Equip students with the basic knowledge, skills, competencies and tools needed to navigate an interdependent world economy, when confronted with various legal issues and questions;
- Promote understanding of the law as an instrument of change and social reform;
- Foster awareness of the basis and etymology of the legal structure(s) in the Commonwealth Caribbean;
- Familiarize students with the concepts underpinning law;
- Equip students with the tools necessary to construct and defend legal arguments;
- Assist students in developing legal writing, oral and advocacy skills.

### **Specific Learning Outcomes/Objectives:**

#### ***On successful completion of this course, students will be able to:***

- Articulate different perspectives on the nature of law and its function within society, and in particular the Commonwealth Caribbean;

- Discuss issues related to law as a mechanism for change and social reform;
- Summarise the main characteristics of the civil, common law and hybrid systems present in certain Caribbean Commonwealth jurisdictions;
- Critically discuss the administration of justice in the Commonwealth Caribbean;
- Describe the hierarchical nature of the court systems in the Commonwealth Caribbean;
- Examine the reception of law in the Commonwealth Caribbean;
- Identify the sources of law in the Commonwealth Caribbean;
- Conduct legal research;
- Identify a diverse range of legal material and sources of law;
- Interpret and apply legal material to construct arguments;
- Contribute to debates about legal reform and social change;
- Use relevant sources of law and other related material to solve problems or offer client-based advice;
- Construct and defend an argument in written and oral form;
- Interpret and analyse a statute, law report, case and other related law material;
- Apply general good practices of legal argument;
- Distill large amounts of information in a short space of time.

**Course Content:**

*The following subject areas/topics will be covered (and may be varied):*

- The nature and functions of law
  - Legal reasoning

- Legal families and traditions, including, common law, civil law and hybrid legal systems
- The reception of law in the Commonwealth Caribbean and its historical context
  - Historical development of legal systems in the Commonwealth Caribbean
- Sources of Law
- The court system and administration of justice

### **Teaching Methodologies:**

This course will be taught by way of weekly lectures (2 hours) and tutorials (1 hour) or seminars (3 hours), which will require interactive discourse. Worksheets and tutorial questions will be provided to engage the students and to facilitate understanding of the concepts introduced during the lectures or seminars.

Students will be encouraged to participate actively during lectures, tutorials/seminars. In class they will be asked to prepare and discuss responses to tutorial/seminar questions which will be set on a weekly basis. Prior preparation will be necessary. In answering tutorial/seminar questions students will be required to think about and discuss their course materials critically, in public. Students may be assessed in part on their participation and attendance in tutorials/seminars.

It will include both synchronous and asynchronous delivery as defined below by *The UWI Policy for Online and Multimode Teaching and Learning (2015)*.

“Synchronous delivery: With synchronous delivery information exchange takes place in real time. An example of synchronous delivery is the use of video-conferencing or web-conferencing with the support of tools such as Blackboard Collaborate to deliver “live” lectures/tutorials/seminars to students in a remote location.

Asynchronous delivery: With asynchronous delivery, a virtual learning environment, such as Moodle, is used to facilitate information exchange without the constraints of time and place. This approach combines self-study with time-independent interactions to promote learning” (p 2).

Synchronous activities (face-to-face and virtual) may include:

- Interactive lectures
- Tutorials
- Seminars
- Case studies
- Problem questions on fictional scenarios
- Essay questions assessing legal theories
- Student-led presentations on any area of the course

Asynchronous formative and/or summative activities (virtual) may include:

- Multiple choice tests
- Short essays
- Quizzes
- Group projects

### **Course Assessment Methods:**

Student progress may be assessed using course work and a final examination weighted as follows:

**Coursework** worth 40% may include any or a combination (but is not limited to any) of the following with weighting assigned as relevant:

- Take home essay or project (either as individual or group work)
- Class participation (either as individual or group work)
- Mooting (either as individual or group work)
- Multiple choice (either as individual or group work)
- Video presentation (either as individual or group work)

**Final Examination** worth 60%

In addition to coursework, the course may be assessed by way of a 2-hour written examination, which may consist of essay or problem-style questions.

Students may sit their examinations at any of the three physical Campuses (Cave Hill, Mona and St Augustine), or at an Open Campus site. Students wishing to write their examination at a location other than the Cave Hill Campus must apply to Student Affairs: Examinations at Cave Hill, complete any necessary forms, and pay the associated administrative fees.

### **Teaching/Learning Resources including internet sources:**

Readings may be assigned by means of course worksheets, which will provide an outline of the topics and the required and/or recommended readings. Tutorial/seminars questions or other forms of assessment may also be included on the worksheets.

*Online resources:* (selected)

Internet and other relevant research resources may be used, as available. Some websites include:

The largest collection of Caribbean case law <https://www.justis.com/caribbean/>

The Caribbean Court of Justice <http://www.ccj.org/>

Eastern Caribbean Supreme Court <https://www.eccourts.org/>

Impact Justice addressing the issue of legal reform in the Caribbean <http://caribbeanimpact.org/website/>

Oxford library guide for the Caribbean <https://ox.libguides.com/c.php?g=423193&p=2889646>

### **Required**

Antoine, Rose-Marie Belle. *Commonwealth Caribbean Law and Legal Systems*, 2<sup>nd</sup>edn (Routledge-Cavendish, 2008).

### **Recommended**

This material may be covered in weekly tutorial/reading/seminar guides.

**LAW 1020 - CONSTITUTIONAL LAW (Approved AB 20190913)**

<b>Course Title:</b>	Constitutional Law
<b>Course Code:</b>	LAW 1020
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	I
<b>Semester:</b>	2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course seeks to introduce students to the structure and broad content of Caribbean Constitutions (excluding the chapters protecting fundamental rights and freedoms), the fundamental principles of Caribbean constitutional law and key aspects of the distribution and regulation of powers between the executive, legislature and judiciary. It will be delivered by way of lectures and tutorial sessions in which students will reinforce the lecture content by presenting cases that are relevant to the topics being studied. Areas of study include introduction to constitutional law; separation of powers; the rule of law; judicial independence; and executive power.

**Course Rationale:**

The Constitution might be considered to be the most important and primary source of law in the Commonwealth Caribbean as all other sources of law (legislation, precedent or custom) are subject to it. The Constitution is of prime importance in assessing the direction of political and legal thought in the region and can be viewed as a symbol of independence, a catalyst for change and an aid to the development of the legal system. The general aim of this course therefore is to survey Commonwealth Caribbean Constitutions, with a view to creating critical and

creative thinking students who are well grounded in their regional identity; and who are socially and culturally aware of contemporary constitutional law issues.

**General Goals/Aims:**

The goals of this course are to:

1. Deepen students' understanding of key aspects of the Commonwealth Caribbean Constitutions and their judicial interpretation.
2. Foster awareness of the historical, social and institutional forces, which shape the Commonwealth Caribbean Constitutions and the Court's interpretation of it.
3. Familiarise students with contemporary constitutional issues within the Caribbean.

**Specific Learning Outcomes/Objectives:**

On successful completion of the course, students will be able to:

***Introduction to Constitutional Law:***

- Describe the purpose of a constitution.
- Describe the structure of Commonwealth Caribbean constitutions.
- Explain why the key constitutional instrument is either an Order in Council or an Act of Parliament.
- Outline some of the provisions of the instrument and explain the relationship of the 'Constitution' to this instrument.
- Describe briefly the processes that led to the enactment of Caribbean constitutions.

***Supremacy of the Constitution and Judicial Review:***

- Explain the traditional understanding of parliamentary sovereignty and how it is limited in Caribbean constitutions.

- With reference to the provisions of the constitutions as well as relevant cases, discuss in detail the key reasons why Commonwealth Caribbean constitutions are considered supreme.
- Using concepts, constitutions, cases and commentators explain judicial review.
- Discuss the relationship between constitutional supremacy and parliamentary sovereignty in Caribbean constitutional law.
- Describe the procedures for changing the constitutions, which were introduced by Caribbean constitutions.
- Discuss the controversy about whether an amendment to the constitution that meets these requirements nevertheless can be unconstitutional, i.e. the basic structure doctrine.
- Explain why Jamaica's attempt to introduce an amendment to the Constitution by ordinary legislation was not effective in replacing the Privy Council with the CCJ as the final court of appeal.
- Outline the requirements for replacing the Privy Council with the CCJ as the final court of appeal.
- Describe anticipatory review as a form of judicial review and discuss the extent to which this form of review is permitted.
- Describe the types and salience of savings law clauses as limits on judicial review

***Separation of Powers:***

- Explain the 'doctrine of separation of powers' and with the use of authorities describe the basis for concluding that it is a doctrine of constitutional law.
- Describe how the doctrine of separation of powers operates and functions as a justiciable and implied doctrine.
- Discuss with the use of authorities, what the doctrine means in relation to the control of judicial power, considering both inter-branch and intra-branch dimensions of the doctrine including the implications for the specific areas of sentencing, bail and the prerogative of mercy.

- With the use of authorities discuss what the doctrine means in relation to the control of legislative power.

***The Rule of Law:***

- Explain the concept of the rule of law.
- Describe using cases, constitutional provisions and commentaries, the principles that have been associated with the rule of law in Caribbean constitutional law.
- Examine the application of those principles to hypothetical constitutional scenarios.

***Legislature:***

- Identify the persons who make up the Legislature; their mode of appointment and procedures for their removal from office.
- Define parliamentary privileges and describe their sources and purpose.
- List the key provisions of parliamentary privileges in Caribbean constitutions.
- Explain in detail the key types of parliamentary privileges in the Caribbean with reference to the constitutional provisions and cases and in particular the power to discipline members and the power to control internal proceedings.
- Critically analyse the relationship between privileges and the constitutions, especially the protection of fundamental rights.

***Judicial Independence:***

- Define judicial independence and identify its key elements.
- Explain the constitutional basis and status of judicial independence.
- Discuss the extent to which magistrates enjoy judicial independence. Outline and
- critically compare, using constitutional provisions, the CCJ Treaty and cases, protection of judicial independence under a Caribbean constitution & the CCJ Treaty in respect of (i) how judges are appointed; (2) their security of tenure, (2i) how they can be removed and continuation in office after retirement; and (iv) their financial security.

- Using constitutional provisions, the CCJ Treaty and cases, critically analyse the protection of judicial independence under both systems with respect to (i) the appointment of judges (2) security of tenure for judges (2i) judges' removal from office (iv) continuation in office after retirement and (v) financial security for judges.

***Executive power:***

- Explain who has executive power under Caribbean constitutions.
- List the key provisions in Caribbean constitutions relating to the executive, including the ouster clause.
- Describe both prerogative powers and conventions.
- Explain the relationship between prerogative powers and conventions and Caribbean constitutions.
- Outline the main functions of the Head of State and how she or he exercises power.
- Critically analyse whether the Head of State has discretion in assenting to legislation.
- With reference to commentators, cases and constitutional provisions critically evaluate the reviewability of the functions of the Head of State when (i) acting in his/ her discretion (2) acting on advice.

**Course Content:**

The following topics/concepts/theories/issues will be addressed:

1. Introduction to Constitutional Law
2. Supremacy of the Constitution and Judicial Review
3. Separation of Powers
4. The Rule of Law
5. Legislature
6. Judicial Independence

## 7. Executive Power

### **Teaching Methodologies:**

The course will be delivered utilizing two (2) weekly face-to-face lectures and one (1) tutorial per week. Each lecture will be of one (1) hour duration and the tutorial will also be of one (1) hour duration.

Course material will be posted online where students will be able to access resources and worksheets that will assist them in understanding the topics studied. These resources will also provide students with a framework for thinking about and resolving issues related to the various topics

Students will be required to prepare questions for presentation in the tutorials. This will provide an opportunity for them to apply the information presented during the lecture, as well as to clarify any issues raised in the lecture.

### **Course Assessment Methods:**

The course will be assessed by way of coursework and a final examination weighted as follows:

- Coursework – 40%
- Mid-term examination: - 40%
- Final Examination – 60%

*A two-hour final examination will be written at the end of the semester. This will constitute 60% of the final grade. Students will be required to answer two (2) essay/problem type questions selected from a total of four (4) questions.*

### **Teaching/Learning Resources including internet sources:**

Teaching and learning resources will include the various constitutions of the Commonwealth Caribbean, the CCJ Treaty and Hinds V R (1975) 24 WIR 326 (PC). The eLearning platform will be used to support the course.

**Required/ Recommended Readings:****Required readings:**

- An updated hard copy of the Constitution of a Caribbean territory
- Robinson, Bulkan, Saunders, Fundamentals of Caribbean Constitutional Law (Sweet & Maxwell 2015)

**Recommended readings**

- S. McIntosh, Caribbean Constitutional Reform: Rethinking the West Indian Polity (Caribbean Law Publishers 2002)
- Francis Alexis, Changing Caribbean Constitutions (Carib Research and Publications Inc. 1987)
- Albert Fiadjoe, Commonwealth Caribbean Public Law 3 e (Cavendish-Routledge 2008)
- L. Barnett, The Constitutional Law of Jamaica (Oxford 1977)
- Sir Fred Phillips, Commonwealth Caribbean Constitutional Law (Cavendish 2002)

**LAW 1110 - CRIMINAL LAW I (Approved AB 20140328)**

<b>Course Title:</b>	Criminal Law 1
<b>Course Code:</b>	LAW1110
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	1
<b>Semester:</b>	1
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

This course will provide the fundamental knowledge of written and oral expression in criminal law. As an essential area of law for future lawyers, criminal law 1 will equip the student with the knowledge and skills required for future study. This course introduces the criminal law environment and basic principles in a local, regional and in parts international context. From this course a student will acquire knowledge of the structure of criminal law and use that knowledge to progress in their studies. Students will further gain an appreciation and understanding of contemporary and historical global and regional issue pertaining to the application of criminal law on society.

**Course Rationale:**

Criminal law 1 sits as one of the requisite courses for the LL.B. As a first year course, it requires critical and creative thinking in the application of the law. Further, use of eLearning technology in its delivery enhances a student's literacy in IT. The structure of the seminar workshops and tutorials will improve a student's public speaking skills and interaction in a team environment. Various pedagogical methods are applied from on-line dissemination of information to structured lectures.

**General Goals/Aims:**

The overriding aim of this course is to expose a student to the foundation elements of criminal law in 3 predominant areas. The course will focus the students on:

1. the law's interaction with society;
2. the elements of criminal offences
3. general defences

The course will provide a broad and comprehensive understanding of the predominant areas and their associated sub-topics.

**Specific Learning Outcomes/Objectives:**

*On successful completion of this module students will be able to:*

1. Describe the interaction of the criminal law with society and morality;
2. Analyse the theories of authoritarianism and liberalism and their relationship with the criminal law;
3. Explain the concept of Actus Reus, its different guises and essential components for its application;
4. Explain the concept of Mens Rea, its different guises and essential components for its application;
5. Evaluate constructively the problems encountered with legal definitions of the Mens Rea and Actus Reus;
6. Name the components of causation in both factual and legal form
7. Critique the problems the law has encountered with causation and its requirements for criminal law;
8. List the various inchoate offences and their elements;
9. Assess the legal concerns of liability in offences that are inchoate;
10. State certain general defences that remove liability for a crime;
11. Critically analyse the effectiveness of certain general defences;
12. Describe the legal nature of participation in a crime;
13. Explain the jurisdictional differences in the codification and substantive makeup of certain offences in the Commonwealth Caribbean.

**Course Content:**

The course will include the following topics: -

1. Nature and purpose of the Criminal Law;
2. Actus Reus and Mens Rea;
3. Causation;
4. Inchoate crimes;
5. General defences;
6. Participation in crimes;
7. Pan-Caribbean criminal law.

### **Teaching Methodologies:**

The course will be taught through two lectures and one tutorial each week. Each class will last for one hour. Students may be exposed to, in tutorials, a combination of:

1. Case studies;
2. Problem questions on fictional scenarios;
3. Essay question assessing the theory of law;
4. Student-led presentations on any area of the course
5. On-line multiple choice tests, both formative and summative;

In lectures, student will normally be presented to by the Director of the course or guest talks from practitioners.

Students will be expected to prepare in advance for these classes, which are intended not only to impart knowledge and understanding but also to promote those analytical and critical skills which are essential in legal argument.

### **Course Assessment Methods:**

Students will be assessed through a combination of formats:

1. A two hour written exam at the end of the course;

*This may be a combination of short answer, problem question or essay question form. Student to answer 2 from 4 questions [70% of final mark]*

2. An online MCQ or short answer assessment; [10% of final mark]
3. A group presentation on a particular topic or case [20% of final mark]

### **Teaching/Learning Resources including internet sources:**

***Electronic Sources: -***

1. Lexis Nexis
2. CariLaw
3. OUP
4. eLearning
5. Local News sites
6. Twitter, follower of #CariCrime

***Non Electronic***

- Local newspapers
- Main library

**Required/ Recommended Readings:*****Required Text: -***

- Ormerod D, Smith & Hogan on Criminal Law (OUP), Latest Edition.
- Card R, Cross and Jones on Criminal Law (OUP), Latest Edition.
- Baker d, Glanville Williams Textbook of Criminal Law (Sweet & Maxwell), Latest Edition.

***Highly Recommended: -***

- Ormerod D, Smith & Hogan, Criminal Law: Cases and Materials (OUP), Latest Edition
- Padfield N, Criminal Law (OUP), Latest edition
- Hart H, Law, Liberty and Morality (Stanford University Press)

*Articles and other materials to be assigned via the worksheets.*

**LAW 1120 - CRIMINAL LAW 2 (Approved AB 20140328)**

<b>Course Title:</b>	Criminal Law 2
<b>Course Code:</b>	LAW1120
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	1
<b>Semester:</b>	1
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

Criminal Law 2 expands on the concepts provided by Criminal Law 1 looking at substantive law. Students taking this course will look at Caribbean structures of particular laws ranging from murder to common assault. The course will look at the particular components of substantive offences and view them in conjunction with contemporary societal issues. Students are taken into a deeper understanding of punishment and sentencing as well as why the criminal law exists in its current form(s) throughout the regions.

**Course Rationale:**

Criminal law 2 sits as one of the requisite courses for the LL.B. As a first year course, it requires critical and creative thinking in the application of the law. Further, use of eLearning technology in its delivery enhances a student's literacy in IT. The structure of the seminar workshops and tutorials will improve a student's public speaking skills and interaction in a team environment. Various pedagogical methods are applied from on-line dissemination of information to structured lectures.

**General Goals/Aims:**

The overriding aim of this course is to expose a student to a number of substantive laws in the foundation elements of criminal law in 5 predominant areas. The course will focus the students on:

1. Murder;
2. Manslaughter but voluntary and involuntary;
3. Non-fatal offences;
4. Theft;
5. Sexual Offences

*The course will provide a broad and comprehensive understanding of the predominant areas and their associated sub-topics.*

**Specific Learning Outcomes/Objectives:**

On successful completion of this module students will be able to:

1. Describe the definition of murder, its Actus Reus, Mens Rea and;
2. Analyse the concept of murder and its associated punishment including restrictions within its definition;
3. Critically assess the reforms for murder and death penalty;
4. Explain the concepts provocation and diminished responsibility including their definitions;
5. Critique the effectiveness of provocation and diminished responsibility including areas of reform;
6. Explain the concept and offences of involuntary manslaughter;
7. Evaluate constructively the problems encountered with legal definitions of involuntary manslaughter;
8. Name the different non-fatal offences as defined by the offences against the person acts;
9. Critique the problems the law has encountered with the definitions of non-fatal offences;
10. Analyse the use of consent within the criminal law;
11. List the elements of theft, burglary and robbery;
12. Assess and analyse differences between theft and larceny;
13. State the definitions of rape and indecent assault;

14. Critically analyse the effectiveness of rape and indecent assault;

### **Course Content:**

The course will include the following topics: -

1. Murder;
2. Provocation and Diminished Responsibility;
3. Involuntary manslaughter;
4. Non-fatal offences;
5. Consent;
6. Theft, burglary and robbery;
7. Rape and indecent assault

### **Teaching Methodologies:**

The course will be taught through two lectures and one tutorial each week. Each class will last for one hour. Students may be exposed to, in tutorials, a combination of:

1. Case studies;
2. Problem questions on fictional scenarios;
3. Essay question assessing the theory of law;
4. Student-led presentations on any area of the course;
5. On-line multiple choice tests, both formative and summative;

*In lectures, student will normally be presented to by the Director of the course or guest talks from practitioners Students will be expected to prepare in advance for these classes, which are intended not only to impart knowledge and understanding but also to promote those analytical and critical skills which are essential in legal argument.*

### **Course Assessment Methods:**

Students will be assessed through a combination of formats:

1. A two hour written exam at the end of the course;

*This may be a combination of short answer, problem question or essay question form. Student to answer 2 from 4 questions [70% of final mark]*

2. An online MCQ or short answer assessment; [10% of final mark]
3. A group presentation on a particular topic or case [20% of final mark]

**Teaching/Learning Resources including internet sources:****Electronic Sources: -**

- Lexis Nexis
- CariLaw
- OUP
- eLearning
- Local news sites
- Twitter, follower of #CariCrime

**Non Electronic: -**

- Local newspapers
- Main library

**Required/Recommended Readings:**

## Required Text: -

- Ormerod D, Smith & Hogan on Criminal Law (OUP), Latest Edition.
- Card R, Cross and Jones on Criminal Law (OUP), Latest Edition.
- Baker d, Glanville Williams Textbook of Criminal Law (Sweet & Maxwell), Latest Edition.

**Highly Recommended: -**

- Ormerod D, Smith & Hogan, Criminal Law: Cases and Materials (OUP), Latest Edition
- Padfield N, Criminal Law (OUP), Latest edition
- Hart H, Law, Liberty and Morality (Stanford University Press)

*Articles and other materials to be assigned via the worksheets*

**LAW 1231 - LEGAL METHODS, RESEARCH AND WRITING I (Approved AB 20140328)**

<b>Course Title:</b>	Legal Methods, Research and Writing
<b>Course Code:</b>	LAW1231
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	1
<b>Semester:</b>	1
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

Legal Methods Research and Writing 1 provides student with practical experience in legal methodologies to complement their academic courses. The course will expose students to a critical appreciation of legal research methodology, legal reading and legal writing.

**Course Rationale:**

This course is aimed at providing a foundation knowledge to supplement a student's other academic courses. The practical skills of legal research will be provided early on in the academic stage to ensure ability to research the law from a variety of sources. Students will further have a thorough understanding of the law library, internet resources and methods used to research the current and historic law. The course aims further to enhance the critical thinking and writing of students.

**General Goals/Aims:**

To move students away from non-legal writing and to actively work with researched materials from a legal perspective. To have students thinking in a legal and critical manner.

**Specific Learning Outcomes/Objectives:**

Upon successful completion of this course a student will:

1. Analyse critically legal text in statute and case law form;
2. Understand the nature and technique of legal reading;
3. Have a critical and analytical approach to legal issues;
4. Be able to extract the relevant issues and rules from a particular case;
5. Be able to apply the law;
6. Be able to research legal information;
7. Understand legal citation and presentation;

**Course Content:**

The following topics will be studied throughout the year: -

1. The basics of legal reasoning;
2. The case brief;
3. Fundamentals of effective legal writing;
4. Fundamentals of legal research including those electronic and via the library;
5. Forms of citation and elements of style;
6. Basics of editing;
7. Writing essays and answering problem questions;

**Teaching Methodologies:**

This course will be taught by a variety of lectures, seminars and workshops. The students will interact with case studies provided and analyse certain texts. A significant use of internet resource and self-study will be required for the course assessment.

**Course Assessment Methods:**

This course will be assessed by coursework. There will be 2 assignments distributed throughout the year. There will be no supplemental examination offered in this course.

<b>Item</b>	<b>Weighting</b>	<b>Type</b>	<b>Due Date/Time</b>
<b>Assignment 1</b>	50 %	Individual	Semester 1
<b>Assignment 2</b>	50 %	Individual	Semester 1
	100 %		

**Teaching/Learning Resources including internet sources:**

Electronic Sources

1. Law library website and internal systems;
2. Carilaw
3. Lexis nexis
4. Legal links
5. Halsburys laws
6. Consolidated statutes

**Required/ Recommended Readings:**

Recommended: -

- Faulk, Martha & Irving Mehler. The Elements of Legal Writing (Latest Edition) Longman.
- Knowles, John & Thomas P. Effective Legal Research 1st Ed. Sweet & Maxwell.
- Richard K. Neumann, Jr. Legal Reasoning and Legal Writing (Structure, Strategy, and Style). Aspen Publishers.

**LAW 1232 - LEGAL METHODS, RESEARCH AND WRITING 2 (Approved AB 20140328)**

<b>Course Title:</b>	Legal Methods, Research and Writing 2
<b>Course Code:</b>	LAW1232
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	1
<b>Semester:</b>	2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

Legal Methods Research and Writing 2 provides student with practical experience in legal methodologies to complement their academic courses. The course will expose students to a critical appreciation of legal research methodology, legal reading and legal writing and expand on the skills set in Legal Methods, Research and Writing 1.

**Course Rationale:**

This course is aimed at providing a foundation knowledge to supplement a student's other academic courses. The practical skills of legal research will be provided early on in the academic stage to ensure ability to research the law from a variety of sources. Students will further have a thorough understanding of the law library, internet resources and methods used to research the current and historic law. The course aims further to enhance the critical thinking and writing of students.

**General Goals/Aims:**

To move students away from non-legal writing and to actively work with researched materials from a legal perspective. To have students thinking in a legal and critical manner.

**Specific Learning Outcomes/Objectives:**

Upon successful completion of this course a student will:

1. To effectively write in a legally efficient manner adhering to the rules and regulations guiding the profession, in particular case notes, memoranda and skeleton arguments;
2. Demonstrate increase levels of confidence in public speaking and understand courtroom etiquette;
3. Illustrate ability to research statutes, journals, case law and other materials from the law library;
4. Develop ability to research statutes, journals, case law and other materials from appropriate internet resources;

**Course Content:**

The following topics will be studied throughout the year:

1. Legal reasoning;
2. The case note;
3. Enhanced legal writing;
4. Enhanced legal research including those electronic and via the library;
5. The office memorandum/opinion;
6. Writing essays and answering problem questions;
7. The skeleton argument, appellate brief.

**Teaching Methodologies:**

This course will be taught by a variety of lectures, seminars and workshops. The students will interact with case studies provided and analyse certain texts. A

significant use of internet resource and self-study will be required for the course assessment.

### **Course Assessment Methods:**

This course will be assessed by coursework. There will be 2 assignments distributed throughout the year. The coursework may include Oral Presentation. There will be no supplemental examination offered in this course.

<b>Item</b>	<b>Weighting</b>	<b>Type</b>	<b>Due Date/Time</b>
<b>Assignment 1</b>	50 %	Individual	Semester 2
<b>Assignment 2</b>	50 %	Individual	Semester 2
	100 %		

### **Teaching/Learning Resources including internet sources:**

#### **Electronic Sources**

1. Law library website and internal systems;
2. Carilaw
3. Lexis nexis
4. Legal links
5. Halsburys laws
6. Consolidated statutes

### **Required/ Recommended Readings:**

#### **Recommended**

- Faulk, Martha & Irving Mehler. The Elements of Legal Writing (Latest Edition) Longman.
- Knowles, John & Thomas P. Effective Legal Research 1st Ed. Sweet & Maxwell.
- Richard K. Neumann, Jr. Legal Reasoning and Legal Writing (Structure, Strategy, and Style). Aspen Publishers.

**LAW 1310 - LAW OF TORTS I (Approved AB 20181123)**

<b>Course Title:</b>	Law of Torts 1
<b>Course Code:</b>	LAW1310
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	1
<b>Semester:</b>	2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

Law of Torts I serves as an introduction to the study of civil responsibility for harm, loss, injury or damage caused through the infringement of the legally protected interests of others. It covers matters such as liability for careless conduct that causes damage; liability for the intentional and reckless invasion of the physical and psychological integrity of the individual or his or her freedom of movement; and for unreasonable conduct that causes undue interference with another's use and enjoyment of his or her property. It is aimed at the first year Law student and all those who need to gain an appreciation of the behavioural obligations of citizens towards each other in modern Commonwealth Caribbean society.

**Course Rationale:**

The Law of Torts is an essential element in the armoury of the common lawyer. Its dependence, in the main, on case law affords the student an opportunity to familiarize him or herself with and to employ the fundamental legal method of case study that is integral to the lawyering process.

**General Goals/Aims:**

The goal of this course is to familiarize the student with the relevant principles (and their sources) that govern the ascription of liability for the various infringements of civic entitlements in society.

### **Specific Learning Outcomes/Objectives:**

On successful completion of this course, students will be able to:

- (i) Evaluate and advise a hypothetical client or clients from a given set of facts whether or not liability exists for a tort
- (ii) Analyze the extent of and basis for such liability
- (iii) Determine whether there are any defenses available to the wrongdoer
- (iv) Critically assess a proposition for its legal validity and cogency
- (v) Critically assess its general compatibility with the established legal authorities

### **Course Content:**

#### **The following topics/concepts/theories/issues will be addressed:**

- (i) Introduction to the Law of Torts
  - To be able to distinguish Torts from other wrongs such as criminal offences and breaches of contract
- (ii) General Principles of Negligence
  - To identify the existence of a duty of care
  - To describe whether a defendant has committed a breach of that duty
  - To discuss the legal rules governing causation of injury, harm, loss or damage
  - To identify the principles concerning the remoteness of damage
  - To outline the defenses available to Tort in an action for negligence
- (iii) Trespass to the Person
  - To distinguish the trespass to the person from negligence
  - To identify the various types of trespass to the person

- To describe the defenses available to the defendant in an action for trespass to the person
- (iv) Occupier's Liability
- To define the nature of the duty owed by an occupier to entrants onto the occupier's premises
  - To identify the categories of lawful entrants and the nature of the duty owed to each
  - To define the trespasser
  - To outline the duty owed to a trespasser by the occupier
- (v) Nuisance and the Rule in Rylands v Fletcher
- To distinguish between public and private nuisance
  - To identify the private nuisance
  - To discuss the concept of unreasonable user in private nuisance
  - To describe the various defences to a nuisance action

**Teaching Methodologies:**

The course will be taught by two hours of interactive lectures per week and one hour of tutorials.

**Course Assessment Methods:**

An individual take-home assignment AND/OR an individual presentation AND/OR group presentation AND/OR an in-class examination (Accounting for a total of 40% of the final mark for the course) The course will be assessed both by means of coursework and a final examination as follows:

- (i) An end of Semester Examination – where students are required to answer two (2) out of four (4) questions. (Accounting for a total of 60% of the final mark for the course)

**Teaching/Learning Resources including internet sources:**

The main resources will be the designated texts for the course; case studies from the law reports; class discussion of relevant contemporary issues from the local and regional press as these arise from time to time and pertinent materials to be found online from other jurisdictions for comparative purposes.

**Required/ Recommended Readings:****Required:**

Gilbert Kodilinye- *“Commonwealth Caribbean Tort Law”* (Cavendish Publishing, 2003)

**Recommended:**

- WVH Rogers - *“Winfield & Jolowicz On Tort”* (Sweet & Maxwell, 2014)
- K. Horsey & E. Rackley - *“Kidner’s Casebook on Torts”* (OUP Oxford, 2017)
- C. Elliott & F. Quinn – *“Tort Law”* (Pearson Education Ltd.. 2017)

**LAW 1410 - LAW OF CONTRACT I (Approved AB 20190913)**

<b>Course Title:</b>	Contract Law I
<b>Course Code:</b>	LAW 1410
<b>Academic Units to offer Course:</b>	Law
<b>Level:</b>	1
<b>Semester:</b>	2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

Contract Law I provides a legal perspective of transactions, ranging from everyday contracts at the personal level such as supermarket purchases to commercial agreements of every kind. The course offers a legal analysis of how these agreements are formed, enforceability, and the nature of the terms which make up the agreement. Students will explore and study these issues with reference to case law, relevant statutes and everyday situations. Contract Law I is a foundation course and is critical for any student aspiring to careers, whether regionally or internationally, rooted in contractual obligations, such as those in insurance, banking and general commercial deals.

**Course Rationale:**

The purpose of the course is to expose students to the basic principles of contract law and require them to think critically whilst developing their communication and interpersonal skills through group activities and oral presentations. Further, the elements of this course will assist students in developing regional and global awareness where consideration is made of regional and international case law.

**General Goals/Aims:**

- To introduce students to core concepts and principles in contract law
- To foster critical thinking and analysis in respect of these concepts and principles
- To develop the student's proficiency in the use of the legal method i.e. the identification and framing of legal issues arising from (hypothetical) fact situations and the application of legal principles to the facts via analogous reasoning

### **Specific Learning Objectives:**

***By the end of Offer & Acceptance, Intention to Create Legal Relations and Certainty, students will be able to:***

- Explain basic history of the law of contract
- Identify the elements of a legal contract
- Differentiate between an offer and invitation to treat
- Apply the concepts of offer and invitation to treat to practical examples
- Identify the two crucial elements to effective acceptance
- Explain the mirror image rule
- Apply the mirror image rule to counter offers and requests for information
- Articulate and apply principles relevant to acceptance including the communication, method, nature of acceptance
- Distinguish where the mode is stated from situations where it is not
- Discuss the legal debates relevant to agreement
- Distinguish and critique the applicability and justification of the postal and receipt rule as it relates different forms of communication
- Consider criticisms and methods of avoiding the postal rule
- Deconstruct specialist issues relative to unilateral contracts
- Distinguish between social, domestic and family relations, on the one hand, and commercial contracts and apply the relevant presumption as it relates to intention to create legal relations
- Critically explain the rules relevant to legal certainty, in particular vagueness and incompleteness

***By the end of the worksheet on Consideration, students will be able to:***

- Explain the nature, function and purpose of consideration
- Define consideration
- Consider the principles relevant to the operation of consideration
- Analyse issues relevant to the performance of existing duties
- Critique the law relevant to the alteration of promises to either accept less or pay more
- Critically examine the link between common law concept of consideration and the equitable doctrine of promissory estoppel

***By the end of Privity, students will be able to:***

- Define privity and discuss the developments and justifications for the law of privity
- Analyse the criticisms and mechanisms for circumventing the doctrine of privity
- Critically justify any benefits given or obligations imposed on third parties to a contract

***By the end of Contractual Terms, students will be able to:***

- Distinguish between an implied and an express term and the rules relevant to both
- Distinguish representation and a term and consider the factors relevant in making that distinction
- Analyse and apply the law which assists in determining whether a written or oral statement forms part of a contract
- Distinguish between the types of contractual terms
- Critique the law relevant to the distinction between a condition and a warranty and the introduction of an ‘innominate’ term approach

***By the end of Exemption Clauses, students will be able to:***

- Define an exemption clause
- Discuss the law’s treatment of exemption clauses including the distinction between substantive and procedural fairness

- Analyse and apply the law which assists in determining whether an exclusion clause is part of the contract of the parties, namely a critical understanding of the stages of incorporation and construction.

**Course Content:**

1. Agreement
2. Consideration
3. Privity
4. Contractual Terms
5. Exclusion Clauses

**Teaching Methodologies:**

Lectures, Discussions/Tutorials [both individual and group work], Guest lectures, Online quizzes

- Lectures: 2 hours per week
- Tutorials: 1 hour per week

**Course Assessment Methods:**

1. Mid-semester in-class written assignment [30% of final mark]

*Students will answer one question from a choice of two questions which must be completed in an hour. This may include structured problem, essay, short answer or a combination of the above. However, this may be replaced by a multiple choice and/or short answer exam. This will be done during ordinary class time and students will be informed of this date at the beginning of the semester.*

2. Class attendance and participation [10% of final mark]
3. Final examination [60% of final mark]

*Students will be given a choice of four questions from which they must answer two in two hours. One of these questions may be compulsory. This examination may re-test areas covered in the mid-term examination.*

**Teaching/Learning Resources including internet sources:**

- Poole, Textbook on Contract Law (11th Edition, Oxford, 2012)
- Michael Furmston, Cheshire, Fifoot and Furmston's Law of Contract, (17th Edition, Oxford, 2012)
- Poole, Casebook on Contract Law (11th Edition, Oxford, 2012)
- Smith & Thomas, A Casebook on Contract (12th Edition, Sweet & Maxwell, 2009)
- Richard Stone, The Modern Law of Contract (9th Edition, Routledge, 2011)

**Required/ Recommended Readings:**

These will be listed at the beginning of every worksheet.

**LEVEL 2000 COURSES****LAW 2010 - LAW OF TORTS 2 [Approved AB 20181120]**

<b>Course Title:</b>	Law of Torts 2
<b>Course Code:</b>	LAW2110
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	2
<b>Semester:</b>	1
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

Law of Torts 2 continues the assimilation of the principles of civil responsibility for damage, loss, harm or injury suffered as a consequence of the unlawful infringement of a legally protected interest of the claimant begun in LAW1310 – Law of Torts I. The interests in issue here are those that lie in one’s reputation and image; in the physical and psychological integrity of the claimant employee. There is also an examination of the circumstances in which an employer may be vicariously liable for the wrongful acts of its employees and of the recoverability and measure of damages for negligently causing personal injury and where this leads to death.

**Course Rationale:**

The Law of Torts is an essential element in the armoury of the common lawyer and informed citizen. Its dependence, in the main, on case law and, to a lesser extent, statutory provision, affords the student an opportunity to employ the legal methods of case analysis and a statutory interpretation that are integral to the forensic and judicial processes. These techniques do not vary substantially from those that would have been availed of in Law of Torts I, but are employed in different contexts.

A student who has read this course is likely to be more mindful of the rights of others and therefore a better citizen.

### **Course Goals:**

The goal of this course is to: The goals of this course are to: familiarize the student with the relevant principles of law [and their sources] that govern the ascription of civil liability for the infliction of loss, injury, harm or damage to persons or their property and the general infringement of civic entitlements in modern Caribbean society.

### **Specific Learning Outcomes:**

*On successful completion of this course, students will be able to:*

- (i) Advise a hypothetical client from a given scenario whether liability exists for the tort of defamation
- (ii) Advise a hypothetical client whether there are any defenses available to the defendant
- (iii) Advise whether an employer is liable for personal injury suffered by an employee.
- (iv) Advise whether the employer may utilize any defense in this regard.
- (v) Advise whether an employer is vicariously liable for a wrongful act committed by another
- (vi) Evaluate the principles governing the recovery and assessment of damages for personal injury suffered by a claimant whether this injury does or does not result in death
- (vii) Critically analyze a proposition for its validity
- (viii) Critically analyze the cogency in law
- (ix) Critically analyze its general treatment in the established legal authorities

### **Course Content:**

*The following topics/concepts/theories/issues will be addressed:*

- (i) Defamation
  - To analyze the constitutional implications of the action in defamation with regards to freedom and as it reflects to criminal defamation
  - To distinguish between libel and slander
  - Discuss the essentials of the defendant in action
  - To outline the various defenses available to a defendant in an action for defamation

- (ii) Employer's Liability
  - To discuss the duty owed by an employer to its employee in a work place
  - Common law duties – to describe the action for breach of statutory duty by an employee
  - Defenses - to analyze the defenses available to an employer in an action for negligence by the employee
  
- (iii) Vicarious Liability
  - To analyze the vicarious liability
  - To identify these for who an employer is viciously loyal
  - To outline the circumstances in which a wrongful act of the employee may be inherited to an employer
  
- (iv) Protection of image rights
  - To identify the image rights
  - To discuss the nature of image rights
  - To discuss false endorsement
  - To discuss the torts of passing off as a method of protection rights
  - To discuss the Canadian Tort of appreciation of personality as a method of protection of image rights
  
- (v) Liability for animals
  - To describe the nature of liability for new animals
  - Liability for tamed animals
  - Liability for dogs
  - Liability for cattle trespass
  
- (vi) Damages for Personal Injury and on Death
  - To identify the various leads of damage for which compensation may be ordered.
  - Discuss the cause of action available to the estate on the death of an individual
  - Discuss the cause of action available to the dependent on the death of a bread winner

**Teaching and Learning Methods:**

The course will be taught by two hours of interactive lectures per week and one hour of tutorials. Owing to the proposed methods of assessment, there will also be group work and the individual preparation and presentation, whether written or oral, of arguments on points of law.

### **Course Assessment Methods:**

The course may be assessed variously by means of a coursework and a final examination as follows: -

- An individual take-home assignment OR a group presentation OR an in-class examination (Accounting for a total of **40%** of the final mark for the course)
- An end of Semester Examination – A two-hour examination where students are required to answer essay or problem questions on topics covered during the course. (Accounting for a total of **60%** of the final mark for the course)

### **Teaching/Learning Resources:**

The main resources will be the designated texts for the course; case studies from the law reports; contemporary issues in the popular press as they arise from time to time; and pertinent materials to be found online from other jurisdictions for comparative purposes.

### **Required/Recommended Readings:**

- (i) Required:
  - “Commonwealth Caribbean Tort Law” (Gilbert Kodilinye - 20 June, 2003)
  - “On Tort” (Winfield & Jolowicz - 2014)
  - “Cases on the Law of Torts” (Kidner - 20 July 2017)
- (ii) Recommended:
  - “Tort Law” (Catherine Elliott & Frances Quinn – 8 August 2017)

**LAW 2110 - LAW OF CONTRACT 2 [Approved AB 20180816]**

<b>Course Title:</b>	Law of Contract 2
<b>Course Code:</b>	LAW2110
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	2
<b>Semester:</b>	1
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**General**

This course will be taught as a core subject in Year 2 of the LL.B. degree programme.

**Course Description:**

This course builds on the Law of Contract I by completing the investigation of the obligations in classical contract theory. It provides a foundation for the practice of law by equipping students with the knowledge and skills that are necessary for understanding contractual obligations as well as other areas of law, including employment and insurance law.

**Course Rationale:**

This course is intended to equip students with the materials and knowledge necessary for an appreciation of the rules governing the nature of a breach of contract, the defences thereto, and available remedies. Law of Contract 2 is a fundamental course in the LL.B. programme; it gives the UWI student a glimpse into a key area of law that underpins business and economic transactions.

**Course Goals:**

*The goals of this course are to:*

- Promote understanding of the purpose and scope of obligations in classical contract theory
- Facilitate the examination of obligations in classical contract theory; the kinds of agreements which are not recognised as giving rise to legally enforceable obligations; and the circumstance in which a party vitiates a contract
- Promote understanding of the methods by which contractual obligations will be held to be discharged, and the remedies which are available for non-performance or improper discharge of contractual obligations.

**Specific Learning Outcomes:**

*On successful completion of this course, students will be able to:*

- Identify the effect of a mistake upon a party's obligations under the contract
- Describe the nature and consequence of a misrepresentation leading to a contract
- Analyse the nature of an illegal contract and its consequences
- Describe factors leading to the discharge of contract: (discharge by performance and the breach of contract and the rights of the non-breaching or innocent party)
- Analyse the doctrine of frustration as a factor in the discharging of contractual obligations
- Evaluate the various remedies for breach of contract
- Apply the fundamental concepts of contract law to solve legal problems.

**Course Content:**

*The following topics will be addressed:*

1. Mistake
2. Misrepresentation
3. Illegality
4. Discharge by breach, agreement or performance
5. Discharge by frustration of contract
6. Remedies including quasi contractual remedies

**Teaching and Learning Methods:**

The course consists of two one-hour lectures and one one-hour tutorial per week. In the lectures, students will be introduced to conceptual and theoretical content. Tutorials will engage students in interactive problem solving and critical analysis of statutes and court decisions arising from the application of legal reasoning to given fact situations or essay questions. Tutorials will further give students a forum where doubts and uncertainties can be discussed and clarified. Students are also given an opportunity to develop an awareness of ethical issues in contract law.

**Course Assessment Methods:**

The course will be assessed as follows:

**1. Course Work [20% of final mark]**

Students may be required to undertake a structured problem, multiple choice exam, mid-term exam, essay, short answer, oral presentation or a combination of the above.

**2. Final Examination [80% of final mark]**

Students will be given a choice of four questions – either essay or problem questions or a combination of the two – from which they must answer two in two hours.

**Teaching/Learning Resources:**

Teaching and learning resources include:

1. Textbooks on Contract Law
2. Reported and Unreported Judgments
3. Statutes
4. Academic periodicals and journals
5. Handouts to be developed by the instructor

**Online resource:**

- Cheshire Fifoot Furmston, *Law of Contract*, Oxford Publishing (latest edition)  
Electronic Location: <http://catdir.loc.gov/catdir/toc/fy13pdf01/2012941006.html>

**Required/Recommended Readings:**

- Jill Poole, *Casebook on Contract Law*, Oxford Publishing (latest edition)
- J Smith and J Thomas, *Casebook on Contract*, Sweet and Maxwell (latest edition)
- Lana Ashby, *Simplifying Contract Law: Cases and Materials for the Commonwealth Caribbean*

**LAW 2210 - REAL PROPERTY I [Approved AB 20190127]**

<b>Course Title:</b>	Law of Real Property I
<b>Course Code:</b>	LAW2210
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	2
<b>Semester:</b>	1
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

The Law of Real Property is a core law course. It compulsory for all law school programmes in the Commonwealth Caribbean. Law Real Property I, taught in the first semester introduces students to the study of law relating to land. Law of Real Property I, with Law of Real Property 2, taught in the second semester, covers the subjects every graduate in law and all practitioners should know about Commonwealth Caribbean land law. The course examines the system of common law of real property as modified by legislation and case law in all the territories in the Commonwealth Caribbean. Law of Real Property I analyses the fundamental concepts of Real Property Law. It examines the difference between real property and personal property and the various interests which exist in land, the different methods for registering title to land, the acquisition and loss of interests in land by means of adverse possession, and provide an invaluable knowledge base for lawyers engaged in the practice of land law in the Commonwealth Caribbean. Students are encouraged to study primary legal sources from a comparative perspective, analysing, evaluating, and comparing English common law principles with the law in other jurisdictions such as the U.S., Australia, and Canada.

**Course Rationale:**

The course is designed to teach students the legal principles and doctrines governing interests in land in the Commonwealth Caribbean and familiarise the students with the concepts and principles of substantive land law necessary for other land related courses which are taught in the law schools for professional law practice certificate.

**General Goals/Aims:**

The goals of this course are to provide students with:

1. An in-depth knowledge of the principles of Commonwealth Caribbean land law,
2. A critical understanding of real property concepts,
3. A clear appreciation of the subtleties of cases and statutory provisions governing property rights and obligations

**Specific Learning Outcomes/Objectives:**

On successful completion of the course, the student will be able to:

1. Identify and analyse the various rights existing in land.
2. Analyse the concepts and theories applicable to the classification of property, the creation or acquisition of estates and various interests in land.
3. Apply the principles of land law to complex factual or hypothetical scenarios.
4. Apply the principles of land law to resolve disputes involving competing interests in land and dealings with third parties.
5. Identify essential elements of legal problems, analyse their relative significance and explore principles relevant to the resolution of disputes between competing interests in land.
6. Explain problems relating to joint or concurrent interests in land, adverse possession, settlement and the system of land registration.

**Course Content:**

The course addresses the following topics:

- Historical Introduction, Classification and Meaning of Land

- Fixtures
- Tenures and Estates
- Nature of Equitable Interests, Priorities and Licences
- Outline of Registration of Title and Registration of deeds
- Adverse Possession
- Settlements and Trusts for Sale
- Co-ownership.

**Teaching Methodologies:**

The course will be delivered by means of:

A. Lectures – two (2) hours per week AND

B. Tutorials/Seminars – (1) one hour per week, engaging students in interactive problem solving and critical analysis of statutes and court decisions pertinent to assigned scenarios and essay questions.

**Course Assessment Methods:**

The course will be assessed using coursework and a final examination weighted as follows:

- Coursework 20% Incremental assessment throughout the semester based on active tutorial class participation, presentation and/or short assignments (20%)
- Final examination 80% Final examination with scenario (problem) and essay questions at the end *of the course (80%)*. *Students will be required to answer two out of a total of four questions.*

**Teaching/Learning Resources including internet sources:**

Textbooks on land law, unreported and reported judgments, statutes, academic periodicals and journals, such as

- Professor Francis M B Reynolds and others, (eds) Law Quarterly Review, Sweet & Maxwell SSN: 0023-933X;
- Julia Black (ed) Modern Law Review, John Wiley & Sons ISSN: 0026-7961 | ISSN: 1468-2230;

- Dr David Berry (ed) Caribbean Law Review ISSN: 1018-3671;
- Dr Martin Dixon (ed), Conveyancer and Property Lawyer, Sweet & Maxwell, ISSN: 0010-8200;
- Damian Wild (ed), Estates Gazette, Reed Business Information ISSN: 0014-1240;
- Jan Mille (ed) New Law Journal, LexisNexis ISSN: 03066479; etc.
- Internet sources:
- WESTLAW, LEXIS, CARILAW, etc

### **Required Readings:**

- Gilbert Kodilinye, Commonwealth Caribbean Property, Law, 3rdedn, Routledge-Cavendish 2010, ISBN-10: 0415575044 | ISBN-13: 978-0415575041
- Sampson Owusu, Commonwealth Caribbean Land Law, Routledge-Cavendish 2006, ISBN-10: 1845680138 | ISBN-13: 978-1845680138

### **Recommended Readings**

English land law textbooks:

- Charles Harpum and others, Megarry & Wade: The Law of Real Property, 8thedn, Sweet & Maxwell 2012, ISBN: 9780414045965
- J G Riddall, Land Law, 7thedn, Butterworth 2005, SBN-10: 0406967431 | ISBN-13: 978-0406967435
- Kevin Gray and another, Elements of Land Law, 5thedn, OUP 2009, ISBN-10: 0199219729 | ISBN-13: 978-0199219728
- J. C. W. Wylie, The Land Laws of Trinidad and Tobago, Government of Trinidad and Tobago 1986

**LAW 2220 - REAL PROPERTY 2 [Approved AB 20190127]**

<b>Course Title:</b>	Law of Real Property 2
<b>Course Code:</b>	LAW2220
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	2
<b>Semester:</b>	2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

The course is designed to build on the principles and concepts covered in the course of Law of Real Property I. The course examines the system of common law of real property as modified by legislation and case law in all the territories in the Commonwealth Caribbean. It entails an in-depth study of the general principles of land ownership and responsibility, focusing on landlord and tenant, condominium, mortgages, easements, and restrictive covenants in freehold land.

The real property law is one of the core areas of legal knowledge required by the Council for Legal Education for admission into its law schools. It is therefore compulsory for all who wish to proceed to the law school for the law practical training for licence as a legal practitioner.

Students are encouraged to study primary legal sources from a comparative perspective, analysing, evaluating, and comparing English common law principles with the law in other jurisdictions such as the U.S., Australia, and Canada.

**Course Rationale:**

The course is designed to teach students the legal principles and doctrines

governing landlord and tenant relationships, easement, condominium, mortgages, restrictive covenants in the Commonwealth Caribbean, and familiarise the students with the concepts and principles which underpin land law.

**General Goals/Aims:**

The goals of this course are to develop in students:

1. A detailed knowledge of the key areas within the Real Property law, such as landlord and tenant, condominium, easement, restrictive covenants and the law of mortgages;
2. Legal problem-solving and research skills, and the ability to interpret, analyse and apply primary and secondary sources of legal material in the context of property law; and
3. Competencies, skills and expertise in a practical context as an academic and a practitioner.

**Specific Learning Outcomes/Objectives:**

On successful completion of the course, students will be able to:

1. Identify and analyse the various rights existing in land and duties affecting land;
2. Analyse the concepts and theories applicable to landlord and tenant, condominiums, easements, restrictive covenants, and the law of mortgages;
3. Apply the principles and concepts of land law to complex factual or hypothetical scenarios;
4. Explain problems relating to key areas of land law;
5. Evaluate policy considerations underpinning concepts and principles
6. Discuss the role of real property law as a tool for solving land disputes.

**Course Content:**

The course addresses the following topics:

*Mortgages:*

The course covers the use of land or real property as security for the repayment of borrowed money. It examines the legal and equitable relationship between debtor and creditor; the security agreement (mortgage), equity of redemption, and the

rights and remedies of the parties in the event of breach of the terms of the mortgage contract.

*Landlord and Tenant:*

It focuses on the landlord and tenant relationship, from its creation and the problems involved to its determination and the issues of litigation when a person is evicted from his/her tenancy.

*Easements:*

The essential requirements of an easement and modes of creation and extent of easement.

*Condominium:*

The course gives a critical appraisal of the condominium concept against the background of common law principles, and includes an in-depth look at condominium operations, from the rights and liability of unit owners, board liability, and responsibility to enforcement of covenants and restrictions.

*Restrictive covenants:*

The creation and the enforcement of restrictive covenants or running of covenants in freehold land.

**Teaching Methodologies:**

The course will be delivered by means of:

- A. Lectures – two (2) hours per week AND
- B. Tutorials/Seminars – (1) one hour per week, engaging students in interactive problem solving and critical analysis of statutes and court decisions pertinent to assigned scenarios and essay questions.

**Course Assessment Methods:**

The course will be assessed using coursework and a final examination weighted as follows:

- Coursework 20% *Incremental assessment throughout the semester based on active tutorial class participation, presentation and/or short assignments (20%)*
- Final examination 80% *Final examination with scenario (problem) and essay questions at the end of the course (80%). Students will be required to answer two out of a total of four questions.*

### **Teaching/Learning Resources including internet sources:**

Textbooks on land law, unreported and reported judgments, statutes, academic periodicals and journals, such as:

- Professor Francis M B Reynolds and others (eds), *Law Quarterly Review*, Sweet & Maxwell SSN: 0023-933X;
- Julia Black (ed), *Modern Law Review*, John Wiley & Sons ISSN: 0026-7961 | ISSN: 1468-2230;
- Dr David Berry (ed), *Caribbean Law Review* ISSN: 1018-3671;
- Dr Martin Dixon (ed), *Conveyancer and Property Lawyer*, Sweet & Maxwell, ISSN: 0010-8200 ,
- Damian Wild (ed), *Estates Gazette*, Reed Business Information ISSN: 0014-1240; Jan Mille (ed), *New Law Journal*, LexisNexis ISSN: 03066479; etc.

### ***Internet sources:***

WESTLAW, LEXIS, CARILAW, etc

### ***Required Readings:***

- Gilbert Kodilinye, *Commonwealth Caribbean Property, Law*, 3rd edn, Routledge-Cavendish 2010, ISBN-10: 0415575044 | ISBN-13: 978-0415575041.
- Sampson Owusu, *Commonwealth Caribbean Land Law*, Routledge-Cavendish 2006, ISBN-10: 1845680138 | ISBN-13: 978-1845680138.

### **Recommended Readings**

*English land law textbooks:*

- Charles Harpum and others, Megarry & Wade: The Law of Real Property, 8th edn, Sweet & Maxwell 2012, ISBN: 9780414045965.
- J G Riddall, Land Law, 7th edn, Butterworth 2005, SBN-10: 0406967431 | ISBN-13: 978-0406967435.
- Kevin Gray and another, Elements of Land Law, 5<sup>th</sup> edn, OUP 2009, ISBN-10: 0199219729 | ISBN-13: 978-0199219728.
- J. C. W. Wylie, The Land Laws of Trinidad and Tobago, Government of Trinidad and Tobago 1986.

**LAW 2310 - PUBLIC INTERNATIONAL LAW I [Approved AB 20161104]**

<b>Course Title:</b>	Public International Law I
<b>Course Code:</b>	LAW2310
<b>Academic Units to offer Course:</b>	Law
<b>Level:</b>	2
<b>Semester:</b>	1
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

Public International Law I (PIL I) is a general introduction to the basic principles and rules governing inter-state relations and the behaviour of other international actors. Specifically, it covers sources of international law, subjects of international law, recognition, international law and municipal law and international dispute settlement. In the area of sources, particular attention is paid to the area of treaties and the provisions of the Vienna Convention on the Law of Treaties 1969 while in the area of international dispute settlement the focus is on judicial settlement through the International Court of Justice.

**Course Rationale:**

International law is impacting on the domestic arena and individuals' daily lives more than ever before. This increased prominence of international law issues within the domestic arena is a reflection of the increasing inter-dependence of states and the daily movement of persons and business across borders. Within the Caribbean region, recent international death penalty judgments together with the establishment of the Caribbean Court of Justice, have also served to underscore

international law's relevance and the importance of having an understanding and appreciation of the international legal system and its rules. PIL I answers this need by introducing the key concepts and principles which make up the international legal system. It also provides a foundation for further study of more specialised topics within the field of international law. It will be of interest to law students as well as practitioners.

### **General Goals/Aims:**

*The goals of this course are to:*

- Develop within students an appreciation for the content and relevance of general public international law, how the international legal order functions and its inter-relationship with the domestic legal system.
- Help students gain an understanding of the role which international law plays in CARICOM states and their participation in the international legal system.

### **Specific Learning Outcomes/Objectives:**

*On successful completion of this course students will be able to:*

- Explain the differences between international law and domestic law and comment on whether international law is “law”;
- Comment on CARICOM states’ participation in the international legal system and their use of international law;
- Identify and explain the nature of the different sources of international law;
- Explain the rules relating to the formation and application of customary international law and its relationship to treaties;
- Explain and apply the rules of the Vienna Convention on the Law of Treaties 1969;
- Discuss the rules governing legal personality in international law and comment on the extent to which non-state actors are subjects of international law;
- Discuss the application and effects of recognition in international law;
- Identify and explain the principal modes of international dispute settlement;
- Apply the rules and procedures governing initiation of disputes at the International Court of Justice.

**Course Content:*****The following topics will be addressed:***

- i. Nature and History of International Law
- ii. Sources of International Law
- iii. Law of Treaties
- iv. Subjects of International Law and Recognition of States and Governments
- v. International and Municipal Law
- vi. International Dispute Settlement

**Teaching Methodologies:**

The course will be delivered by a combination of lectures (2 hours) and tutorials (1 hour) per week. Teaching sessions will integrate problem solving exercises and general discussions.

**Course Assessment Methods:**

Students will be assessed by means of a mid-term and a final examination as follows:

- There will be a written mid-term examination not exceeding 50 minutes conducted approximately half- way through delivery of the course. It will account for **20%** of the total mark.
- There will be a two-hour final written examination at the end of the semester in which the course is taught. The examination paper will contain three questions out of which students will be required to answer any two. There will be two types of question, i.e. essay and problem. This examination will account for 80% of the total mark.

**Teaching/Learning Resources including internet sources:****Internet resources:**

- United Nations – <http://www.un.org>
- International Court of Justice – <http://www/icj-cij.org>
- CARICOM – <http://www/caricom.org/law>
- Organisation of American States - <http://www.oas.org>
- Caribbean Court of Justice – <http://www.caribbeancourtsofjustice.org>
- American Society of International Law – <http://www.asil.org>

**Instructional Aids:**

PowerPoint projector and slides

**Required/ Recommended Readings:****Required:**

1. Kaczorowska-Ireland, A., Public International Law, 5<sup>th</sup> ed. Routledge (2015).

**Recommended:**

1. Evans, M. D., International Law Documents, 12th ed. Oxford University Press (2015).

2. Harris, D.J., *Cases and Materials on International Law*. 7th ed. Sweet and Maxwell (2010).
3. Shaw, M. N., *International Law*, 7th ed. Cambridge University Press, 2014.
4. Crawford, J., *Brownlie's Principles of International Law*, 8th ed. Oxford University Press (2012).
5. Malanczuk, P. *Modern Introduction to International Law*, Akehurst's 8th ed. Routledge (2012).

**LAW 2320 - PUBLIC INTERNATIONAL LAW 2 [Approved AB 20140328]**

<b>Course Title:</b>	Public International Law 2
<b>Course Code:</b>	LAW2320
<b>Academic Units to offer Course:</b>	Law
<b>Level:</b>	2
<b>Semester:</b>	2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None, however prior completion of Public International Law I is highly recommended.
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Anti-requisite</b>	None

**Course Description:**

Public International Law 2 (PIL 2) focuses on specialised topics within the area of public international law, specifically, territory, state responsibility, nationality, criminal jurisdiction, immunity and the law of the sea. In the area of law of sea, particular attention is paid to maritime delimitation issues. Prior completion of Public International Law I is highly recommended.

**Course Rationale:**

International law is impacting on the domestic arena and individuals' daily lives more than ever before. This increased prominence of international law issues within the domestic arena is a reflection of the increasing inter-dependence of states and the daily movement of persons and business across borders. Within the Caribbean region, recent international death penalty judgments together with the establishment of the Caribbean Court of Justice, have also served to underscore international law's relevance and the importance of having an understanding and appreciation of the international legal system and its rules. PIL 2 answers this need by exposing students to a number of specialised areas of public international law

which complement the general understanding they obtained from successfully completing PIL I. As such, it would be of interest to a wide range of individuals, including students who intend to pursue graduate studies in public international law, legal practitioners and government officials.

**General Goals/Aims:**

The goals of this course are to:

Help students develop competency in the application of international law rules governing the law of the sea.

**Specific Learning Outcomes/Objectives:**

On successful completion of this course, students will be able to:

- Explain the different modes of acquisition of title to territory and loss of title to territory;
- Analyse situations involving competing claims to title to territory;
- Explain the different means of establishing nationality;
- Determine the nationality of different entities;
- Determine the international responsibility of states for wrongful acts;
- Explain how and in what circumstances States may be held liable for the actions of non-State actors and apply these rules to specific fact situations;
- Discuss the remedies available in respect of breach of a State's international responsibility and advise on their availability in given fact situations;
- Distinguish between prescriptive and enforcement jurisdiction;
- Explain the different bases for the exercise of criminal jurisdiction and apply these rules to advise on which State(s) are entitled to exercise jurisdiction in a given case;
- Distinguish between state and diplomatic immunity;
- Explain the nature of immunity;
- Explain the concepts of acts 'jure imperii' and 'jure gestionis' and analyse their application in specific fact situations;
- Apply the rules of the Vienna Convention on Diplomatic Relations 1961 as it relates to diplomatic premises and staff, duration, waiver and abuse of diplomatic privileges;

- Assess the implications of recent cases for the immunity of heads of state or government from suit;
- Explain the rules governing the different maritime zones under the United Nations Convention on the Law of the Sea 1982;
- Apply the rules governing the different maritime zones under the United Nations Convention on the Law of the Sea 1982;
- Discuss the rules relating to maritime boundary delimitation;
- Analyse the application of the rules relating to maritime boundary delimitation in the Barbados-Trinidad maritime boundary dispute.

**Course Content:**

*The following topics will be addressed:*

1. Title to territory
2. Nationality
3. State responsibility
4. Immunity
5. Jurisdiction
6. Law of the sea

**Teaching Methodologies:**

The course will be delivered by a combination of lectures (2 hours) and tutorials (1 hour) per week. Teaching sessions will integrate problem solving exercises and general discussions.

**Course Assessment Methods:**

*Students will be assessed as follows:*

***In-course assessment: 30 % of final grade***

This will consist of either a written assessment or group presentation or debate on a topical international law issue of relevance to the course materials. The final form of the assessment will be determined by the course director and announced at the beginning of the course.

***End of semester written examination: 70% of final grade***

This will take the form of a written 2-hour examination at the end of the semester in which the course is taught. Students will be required to answer essay or problem questions or a combination thereof.

### **Teaching/Learning Resources including internet sources:**

#### **Internet resources:**

- United Nations – <http://www.un.org>
- International Court of Justice – <http://www/icj-cij.org>
- CARICOM – <http://www/caricom.org/law>
- Organisation of American States - <http://www.oas.org>
- Caribbean Court of Justice – <http://www.caribbeancourtjustice.org>
- American Society of International Law – [http://www/asil.org](http://www.asil.org)

#### **Instructional Aids:**

PowerPoint projector and slides

### **Required/ Recommended Readings:**

#### ***Required***

1. Harris, D.J. Cases and Materials on International Law. 8th ed. Sweet and Maxwell (2015)

#### ***Recommended***

1. Kaczorowska, Alina. Public International Law 5th. ed. Routledge/Cavendish (2015).
2. Evans, Malcolm D. International Law Documents, 11th Ed. Oxford University Press (2013)
3. Crawford, James, Brownlie's Principles of International Law, 8th ed. Oxford University Press (2012)

4. Malanczuk, Peter. *Modern Introduction to International Law*, Akehurst's 8th ed. Routledge (2012)
5. Shaw, Malcolm. *International Law*, 6th ed. (2009).

**LAW 2510 – JURISPRUDENCE [Approved AB 20140328]**

<b>Course Title:</b>	Jurisprudence
<b>Course Code:</b>	LAW2510
<b>Academic Units to offer Course:</b>	Law
<b>Level:</b>	2
<b>Semester:</b>	I
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

The aim of this course is to explore questions concerning what is law, the nature and function of law and its significance in society. Specifically, it examines the relationship between law and morals, the nature of legal obligation, of legal rules and of judicial decision-making. This examination is carried out by studying leading theorists from the schools of natural law, positivism and legal realism. In addition, this course introduces students to basic concepts, issues and controversies of legal theory.

**Course Rationale:**

The general aim of this course is to create a critical and creative thinking student with a philosophical approach to understanding the nature of law.

**General Goals/Aims:**

The course's primary objective is to develop within students the capacity for critical thought about law, the legal system and legal adjudication. It also seeks to develop within students a deeper appreciation of how law functions in Commonwealth Caribbean society.

**Specific Learning Outcomes/Objectives:**

At the end of this course students will be able to:

- Describe the various schools of jurisprudential theories;
- Explain the key ideas of each of the jurisprudential theories;
- Demonstrate a willingness to question the law and think independently;
- Analyze these various jurisprudential theories;
- Appraise the applicability of these ideas to the legal system and contemporary Commonwealth Caribbean society;
- Assess which theorist provides the better response to the issues under consideration; and
- Write theoretically about the law.

**Course Content:**

The following topics would be covered in this course

1. Nature, content & relevance of jurisprudence

*Students would be introduced to the subject-matter of jurisprudence, and in particular to the different methods that jurist have used to produce their theories of law. During this session we will try to identify some of the core concerns of jurisprudence and their connection to everyday legal practice and case law.*

2. Natural Law

*Using natural law's foremost theorists, such as Aquinas, Finnis and Fuller, the student will identify the core precepts of natural law theory and to critique its application to contemporary society. Students would also touch on the relevance of natural law theory to the Commonwealth Caribbean.*

3. Positivism

*The student will explore the response of Positivists such as Austin and Hart to natural law. Emphasis will be placed on assessing Hart's effort to overcome the deficiencies in classical positivism. The student would also consider the adequacy of the positivist concepts of sovereignty and law as a command from the perspective of Commonwealth Caribbean.*

#### 4. Dworkin

*The student will concentrate on Dworkin's response to positivism, generally, and Hart specifically. The student would explore his ideas regarding judicial discretion and adjudication and the role of 'principles' within this process.*

#### 5. Legal Realism

*Following on from the discussion of Dworkin, the student will continue to explore the nature of legal adjudication/judicial decision-making. The student would consider Realists such as Karl Llewellyn and Jerome Frank's explanation of how judicial decisions are actually reached and the role of extra-legal factors in judicial decision-making.*

#### 6. Kelsen

*The student will explore Kelsen's theory of norms with emphasis being placed on issues relating to the revolutionary legality and the continuity/discontinuity of legal systems. Particular attention will be paid to relevant cases and the applicability of Kelsen's theory.*

#### 7. Post Modern Legal Theories

*The students will explore post-modern jurisprudence legal theories including the Feminist legal theory and its challenge to the traditional structures of society.*

### **Teaching Methodologies:**

The course will be delivered utilizing two (2) weekly face-to-face lectures and one (1) tutorial per week. Each lecture will be of one (1) hour duration and the tutorial will also be of one (1) hour duration. Course material would also be posted online where the students will be provided with online resources and worksheets containing reference to the relevant material to understanding the topic and provide a framework for thinking about and resolving issues related to the various jurisprudential theories.

Students will be required to prepare questions for presentation in the tutorials which will provide an opportunity to apply the information presented during the lecture, as well as clarify any issues raised in the lecture.

### **Course Assessment Methods:**

The course would be assessed by way of:

1. A mid-term examination in the 6th week of the term which would count to 30% of the final grade. The mid-term examination would consist of two Sections, a multiple choice section and Short Answer section covering material completed in the first 5 weeks;
2. A two-hour final examination at the end of the Semester which would count to 60% of the final grade. Students will be required to answer two (2) questions selected from a total of four (4) questions covering material completed from week
3. Tutorial Presentation & Participation which would count towards 10% of the final grade.

**Teaching/Learning Resources including internet sources:**

**Required/ Recommended Readings:**

Required

- Harris J. D. Legal Philosophies (latest Ed.) Butterworths.

Recommended:

- Freeman, Michael. Lloyd's Introduction to Jurisprudence (latest Ed.) Sweet & Maxwell.

**LAW 2710 - ADMINISTRATIVE LAW [Approved AB 20150127]**

<b>Course Title:</b>	Administrative Law
<b>Course Code:</b>	LAW2710
<b>Academic Units to offer Course:</b>	Law
<b>Level:</b>	2
<b>Semester:</b>	2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

The course surveys the legal principles of governance by administrative agencies. It emphasizes judicial control of administrative action but also explores other controls of administrative action. The course provides students with an overview of the methods by which actions of public authorities are controlled. It does so by exploring the judicial and legislative means used to achieve this.

**Course Rationale:**

The course is intended to provide students with an in-depth understanding of the general principles of administrative law. Students will be introduced to analytical reasoning and this course complements the Faculty of Law's offerings in Constitutional Law and Commonwealth Caribbean Human Rights Law.

**General Goals/Aims:**

The general goals are to help students develop:

- an understanding of administrative law;
- analytical skills, which they can use to solve problems of mis-administration by public authorities.

**Specific Learning Outcomes/Objectives:**

On successful completion of this course, students will be able to:

- Examine the main obstacles preventing an application for judicial review reaching the merits stage.
- Identify the main grounds for judicial review.
- Highlight the main areas of concern of the courts in legitimate expectation cases.
- Identify and explain the main pillars of the doctrine of natural justice.
- Define the public and private law remedies available in administrative law.
- Explain how the issues of jurisdiction arise in the context of availability of judicial review.
- Illustrate, using Caribbean cases, the ways in which Caribbean courts have applied the main grounds for judicial review in public law cases.
- Explain the differences between: (a) paradigm case of procedural legitimate expectation; (b) substantive legitimate expectation; and (c) secondary case of procedural expectation.
- Compare and contrast the approach of the courts in the Caribbean with those in the UK in relation to the test used for bias.
- Compare and contrast the public and private law remedies.

**Course Content:**

The areas to be covered in this course include:

1. The Basis of the Review of Administrative Action
2. Availability of Judicial Review
3. Grounds for Judicial Review
4. Legitimate Expectations
5. Natural Justice

## 6. Remedies

### **Teaching Methodologies:**

There will be no limitation on numbers in this course. Consequently, the course will be taught by way of two lectures and one tutorial per week. Each lecture will be of one-hour duration.

In tutorials, students will engage in class discussion of the seminal cases in administrative law; and in groups: (1) present case briefs on the leading cases; and (2) advise the parties in respect of the legal issues that arise in a problem question.

### **Course Assessment Methods:**

This course will be assessed by way of:

- In-course assessment- 20%

*Class Presentation. Tutorial sessions will take the form of group presentations on a topic covered in the course content with the intention of developing critical thinkers who can articulate various aspects of the law competently. The assessment will be based on suitably-designed rubrics.*

*OR*

*Mid Term Paper. Students will be required to research a given topic covered in the course content and submit a mid-term paper. This paper must demonstrate the student's ability to research, analyze relevant case law and applicable legislation. In doing so, the student should be able to show an in-depth knowledge of the topic and display his or her independent thought. A mid-term paper will be approximately 2500-3000 words and will be provided in the 6th week of the semester.*

*The form of in-course assessment to be utilized will be communicated to the students at the start of the semester.*

- Final Assessment – 80%

*A two-hour final examination (which may comprise short answer, essay or case analysis) at the end of the Semester in which it is taught. Students will be*

*required to answer two questions from a total of four questions. The examination question paper may be divided into two parts, with students being required to answer one question from each part of the paper.*

**Teaching/Learning Resources including internet sources:**

Articles, cases, and legislation will be placed on MyElearning. Resources may include:

1. Public Law
2. Law Quarterly Review
3. Caribbean Law Bulletin
4. West Indian Law Journal
5. The Oxford University Commonwealth Law Journal
6. The Commonwealth Law Bulletin
7. Modern Law Review
8. Cambridge Law Journal
9. Caribbean Law Review
10. Judicial Review Act of Trinidad and Tobago
11. Administrative Justice Act of Barbados

**Required/ Recommended Readings:**

***Required***

- Ventose, Eddy. Commonwealth Caribbean Administrative Law, (October 2012) Routledge.

***Recommended***

- Fiadjoe, Albert, Commonwealth Caribbean Public Law, (2008) Routledge.
- Wade and Forsyth, Administrative Law, (2012) Oxford University Press

**LAW2810 – EQUITABLE REMEDIES [Approved AB 20140502]**

<b>Course Title:</b>	Equitable Remedies
<b>Course Code:</b>	LAW2810
<b>Academic Unit(s) to offer Course:</b>	Faculty of Law
<b>Level:</b>	Two (2)
<b>Semester:</b>	Two (2)
<b>Course Credit Load:</b>	Three (3) Credits
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This core course examines the development of equity as an important source of the law and provides the student with an historical overview of equity's development. The course focuses on equity's significant contribution to the civil remedies available to the litigant which, until equity's evolution as a source of law in its own right, was essentially restricted to the common law remedy of monetary compensation (damages).

**Course Rationale:**

The course is designed to build on the principles and concepts of civil remedies to which the student would have been exposed in Year I. It prepares the student to apply the knowledge of the substantive law underpinning equitable remedies to its practice and procedure, in the first instance at the Law School level, and thereafter as practitioners of the law.

**General Goals/Aims:**

The course aims to:

1. Introduce the student to an overview of the historical evolution of the law of equity, its purpose and objective in the context of its tremendous contribution to civil remedies.
2. Develop the student's legal problem solving skills.
3. Provide the student with an in-depth knowledge of the key equitable remedies.

**Specific Learning Outcomes/Objectives:**

At the successful completion of the course, the student will be able to:

- Critically analyse the historical development of equity, its objective and purpose in the context of its substantive contribution to the civil remedial arena.
- Summarise the main characteristics of equity.
- Explain the equity and common law fusion debate.
- Describe the main equitable remedies.
- Differentiate between the main equitable remedies.
- Apply the appropriate equitable remedy to a given factual context.

**Course Content:**

The topics to be covered in this course are:

1. The History of Equity
2. The Equity and Common Law Fusion Argument
3. The Characteristics of Equity and Applicable Maxims
4. Contributions of Equity to Substantive Law
  - a) Equitable Remedies:
  - b) Monetary Awards in Equity:
    - i) Equitable Damages
    - 2) Account of Profits
5. Specific Performance and Part Performance

## 6. Rescission and Rectification

## 7. Injunctions:

- a) Injunctions in General
- b) Interlocutory Injunctions
- c) Mareva (Freezing Order) Injunctions
- d) Anton Piller (Search Order) Injunctions

## 8. Proprietary Estoppel

### **Teaching Methodologies:**

The course will be taught by way of two (2) lectures and one tutorial per week. Each lecture and tutorial will be of one hour's duration.

In tutorial sessions, students will be required to engage in inter-active problem solving and critical analysis of case law and equitable principles pertinent to the assigned essay or problem question.

### **Course Assessment Methods:**

This course will be assessed by means of:

- Class attendance – 5%
- Class participation-20%. Tutorial sessions will take the form of group presentations on a topic covered in the course content with the focus on developing the students' legal problem solving and critical thinking skills. The assessment will be based on agreed rubrics.
- Final examination – 75%. Students will be required to write a two-hour final exam, answering three (3) out of six (6) questions. The examination paper will be divided into two (2) parts, with students being required to answer at least one question from each part of the paper. The questions will be based on the material covered in lectures and tutorial sessions.

### **Teaching/Learning Resources including internet sources:**

Teaching/Learning Resources

Academic periodicals and journals including the Modern Law Review, Cambridge Law Review and the Caribbean Law Review

Internet Resources: -

- Westlaw
- Lexis
- Carilaw

**Required/ Recommended Readings:**

***Required Readings***

- Spry, The Principles of Equitable Remedies, 7th ed. (Sweet & Maxwell, 2007)
- Hanbury, H. G. Martin, Jill E. Martin Modern Equity, 17th ed. (Sweet & Maxwell, 2005)

***Recommended Reading***

- Phillip H. Pettit: Equity and the Law of Trusts, 11th ed. (Oxford University Press, 2009)

**LAW 2910 - COMMONWEALTH CARIBBEAN HUMAN RIGHTS LAW**  
[Approved AB 20150127]

<b>Course Title:</b>	Commonwealth Caribbean Human Rights
<b>Course Code:</b>	LAW2910
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	2
<b>Semester:</b>	2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course seeks to familiarize students with the structure and fundamental principles of interpretation of the chapters protecting fundamental rights and freedoms in Caribbean constitutions. Focus will be placed on the general approaches to the interpretation of rights, the circumstances in which the rights can be justifiably limited, and access to effective relief for breaches. The course also provides in-depth analysis of some selected rights. Areas of study include: the structure of the Bills of Rights and the scope of protected rights; limitation of rights; redress; and the protection of rights.

**Course Rationale:**

The general aim of this course is to promote students' understanding of the structure and fundamental principles protecting rights and freedoms in the Commonwealth Caribbean, while exposing them to the debates surrounding human rights matters, and making them cognizant of contemporary human rights issues. To this end, the course intends to create critical and creative thinking students who are well grounded in their regional identity; and who are socially and culturally aware of contemporary Commonwealth Caribbean human rights law issues.

**General Goals/Aims:**

The goals of this course are to:

- Enable students to understand the structure and fundamental principles protecting rights and freedoms in the Commonwealth Caribbean Constitutions
- Familiarize students with contemporary human rights issues in the Caribbean
- Enhance students' analytical and critical thinking skills

**Specific Learning Outcomes/Objectives:**

On successful completion, students will be able to:

*Introduction – The Development of Human Rights and the Caribbean Bills of Rights.*

1. Describe the context in which human rights have gained such contemporary importance;
2. Differentiate between universalism and culturalism;
3. Critically evaluate the debate between universalism and culturalism;
4. Using the relevant case law, articulate the core principles governing the bill of rights adjudication;
5. Compare and contrast the basic structure of the bill of rights in Trinidad and Tobago and the conventional model found elsewhere in the Commonwealth Caribbean;

*The Structure of the Bills of Rights and the Scope of Protected Rights*

6. Explain the types of rights protected by the bills of rights of Caribbean constitutions and the CARICOM Charter;
7. Quote the relevant provisions in the bills that are central to the debate about the enforceability of the opening sections;
8. Summarize the controversy or issue about the enforceability of the opening sections.

***Limitation of Rights***

9. Explain in general terms the different mechanisms, expressed and implied, through which guaranteed rights are limited in the constitutions;
10. Analyze the general principles that have developed in relation to the limitation of rights.
11. Outline the circumstances in which rights can be “amended” by passage of “special acts” and the judicial cases that relate to them;
12. Explain the role of savings law clauses in constraining protection of fundamental rights and freedoms.

### ***Redress***

13. State the key principles of the redress clause and the related principles developed by Caribbean courts
14. Recognize who has standing to get relief and in what circumstances;
15. Identify against whom can relief be sought;
16. With particular reference to the development of the remedies of Damages and Mandatory orders, name the forms of relief that can be obtained;
17. Assess the obstacles to obtaining relief.

### ***The Protection of Rights***

18. Describe the extent to which Caribbean Constitutions provide protection of selected rights in the Bills of Rights of the constitutions of the Caribbean;
19. Evaluate the differences in the protection of selected rights in the various Bills of Rights;
20. With reference to decided cases explain in detail the scope of selected rights under the Bill of Rights.

### **Course Content:**

The following topics/concepts/theories/issues will be addressed:

- Introduction – The Development of Human Rights and the Caribbean Bills of Rights.

- The Structure of the Bills of Rights and the Scope of Protected Rights
- Limitation of Rights
- Redress
- The Protection of Rights

### **Teaching Methodologies:**

The course will be delivered utilizing two (2) weekly face-to-face lectures and one (1) tutorial per week. Each lecture will be of one (1) hour duration and the tutorial will also be of one (1) hour duration.

Course material will be posted online where students will be able to access resources and worksheets that will assist them in understanding the topics studied. These resources will also provide students with a framework for thinking about and resolving issues related to the various topics.

Students will be required to prepare questions for presentation in the tutorials. This will provide an opportunity for them to apply the information presented during the lecture, as well as to clarify any issues raised in the lecture.

### **Course Assessment Methods:**

The course would be assessed by way of coursework and a final examination weighted as follows:

- Coursework – 20% Tutorial Attendance, Presentation & Participation will count towards 20% of the final grade.
- Final Examination – 80% A two-hour final examination will be written at the end of the Semester. This will constitute 80% of the final grade. Students will be required to answer two (2) *essay/problem type questions from a total of four (4) questions.*

Teaching/Learning Resources including internet sources:

- E-learning
- the various Bill of Rights of the Constitutions of the Commonwealth Caribbean

### **Required/ Recommended Readings:**

Required

- An updated hard copy of the various types of Constitutions of the Commonwealth Caribbean

#### Recommended

- M. Demerieux, *Fundamental Rights in Commonwealth Caribbean Constitutions*; (University of the West Indies (Cave Hill, Barbados). Faculty of Law. Library)
- S. McIntosh, *Caribbean Constitutional Reform: Rethinking the West Indian Polity* (Caribbean Law Publishers 2002)
- Francis Alexis, *Changing Caribbean Constitutions* (Carib Research and Publications inc 1987)
- Albert Fiadjoe, *Commonwealth Caribbean Public Law 3 e* (Cavendish-Routledge 2008)
- L. Barnett, *The Constitutional Law of Jamaica* (Oxford 1977)
- Sir Fred Phillips, *Commonwealth Caribbean Constitutional Law* (Cavendish 2002)

**LEVEL 3000 COURSES****LAW 3010 - INDUSTRIAL RELATIONS LAW [not revised]**

<b>Course Title:</b>	Industrial Relations Law
<b>Course Code:</b>	LAW 3010
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**General**

This course will be taught either in the first or in the second semester of the third year of the LL.B. programme. This is an optional course but it may be slated to be a pre-requisite for other options.

**Course Objective**

The general objective of this course is to introduce students to the major principles of law which govern industrial relations and trade unions. The course aims at breadth without sacrificing depth and prepares students interested in Industrial Relations Law for advanced courses in this area.

**Course Content**

- I. Trade Unions and their Legal Structure
- II. Trade Unions: Their Membership and Internal Government
- III. Trade Union Disputes

- IV. The Law on Strikes
- V. Freedom of Association
- VI. Picketing
- VII. Tort Liability of Trade Unions
- VIII. The Collective Bargaining Process and the Collective Agreement

### **Method of Teaching**

This course will be taught in two lectures and one tutorial per week, each lecture and tutorial being of one hour's duration. A seminar approach would be optional, depending on numbers.

### **Method of Assessment**

This course will be assessed by means of a two-hour final examination at the end of the semester in which it is taught. Students will be required to answer two questions out of a total of a minimum of four questions, one of which will be a compulsory question.

**LAW 3020 - EMPLOYMENT LAW [APPROVED AB 20181120]**

<b>Course Title:</b>	Employment Law
<b>Course Code:</b>	LAW 3020
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**General**

This course will be taught either in the first or in the second semester of the third year of the LL.B. programme. This is an optional course but it may be slated to be a pre-requisite for other options.

**Course Rationale:**

*Employment Law* is a significant part of the modern legal advisor's armoury with the increasing establishment of employment tribunals and industrial courts in the region to resolve disputes arising in the workplace, principally between Employer and Employee. The course also includes reference to the collective agreement that serves as the charter for the unionized workplace as a source of rights and obligations and a regulator of workplace relations. The course should also be useful in ensuring that the graduate is more knowledgeable of his or her rights as an employer or employee, thus making for a less fractious or disputatious employment relationship.

**Course Goals:**

*The goals of this course are to:*

- Enable law students and others to gain an appreciation of the formation and nature of the employment relation
- Familiarize students with the legal rights and obligations of the employer and employee and the modes by which these are determined
- Prepare students to provide advice on the legality of a termination of employment.

**Specific Learning Outcomes:**

*On successful completion of this course, students will be able to:*

1. Identify the importance of work to modern existence
2. Identify the need for the state to regulate the conditions under which people labour
3. Critically analyze the imbalance of bargaining power between the worker and employer
4. Evaluate the legal concepts governing the work relation from its formation to its termination
5. Critically analyze the formation and nature of the contract of employment
6. Identify the sources and nature of the terms and conditions of the contract of employment
7. Analyze the nature and legality of a termination of the contract of employment
8. Evaluate the nature of the legal responsibility for the health and safety of the workplace
9. Outline the nature of a termination for redundancy or retrenchment
10. Describe the relationship of the Collective Agreement to the contract of employment.

**Course Objective**

The general objective of this course is to introduce students to the major principles of law that govern the contract of employment and their terms and conditions of

work. The course aims at breadth without sacrificing depth and prepares students interested in Employment Law for advanced courses in this area.

**Course Content:**

*The following topics/concepts/theories/issues will be addressed:*

1. The mode of formation of the contract of employment in the Caribbean Community
2. The enforceability of the agreement to employ
3. Identification of the nature of the relationship between the parties
4. The sources of the terms and conditions of the contract – including Occupational Health and Safety
5. Critical discussion of the more significant terms of the employment relation
6. Termination of the contract of employment -Modes of termination; Unlawful Dismissals; Redundancy & Retrenchment.

**Teaching and Learning Methods:**

The course will be taught by two hours of interactive lectures per week and one hour of tutorials. Students will be engaged through group and individual oral or written presentations of legal precepts.

**Course Assessment Methods:**

The course may be assessed variously by means of a coursework and a final examination as follows: -

1. An individual take-home assignment OR a group presentation OR an in-class examination (Accounting for a total of **40%** of the final mark for the course)
2. An end of Semester Examination – A two-hour examination where students are required to answer essay or problem questions on topics covered during the course. (Accounting for a total of **60%** of the final mark for the course).

**Required/Recommended Readings:**

**Required:**

- Natalie Corthesy and Carla-Anne Harris-Roper – *Commonwealth Caribbean Labour and Employment Law* (Routledge, 2014).

**Recommended:**

- Simon Deakin & Gillian Morris – *Labour Law* (Oxford & Portland, Oregon, latest)
- John Bowers – *Employment Law* (Blackstone Press Ltd., latest).

**LAW 3030 - DISCRIMINATION IN EMPLOYMENT [APPROVED AB 20190913]**

<b>Course Title:</b>	Discrimination in Employment
<b>Course Code:</b>	LAW3030
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Rationale:**

Employment discrimination is a form of discrimination based on race, gender, religion, national origin, physical or mental disability, age, sexual orientation, and gender identity by employers.

Although we have made great strides to reduce incidents of employment discrimination, the issue of discrimination in the work environment is still of considerable relevance in today's workplace. Discrimination continues to be the main source of inequality on the labour market. In this course students will enhance their theoretical and practical knowledge of the subject area of discrimination in employment and will develop the skills to be able to recognise the categories of discrimination in employment in the workplace; and advise as to the legal avenues for employees who have been victims of discrimination, as well as the legal obligations and liability of employers. This course will also develop students' critical thinking, analytical and problem solving skills through the application of the legal principles in realistic hypothetical scenarios. The interactive aspects of the course are aimed at improving the students' oratory and communication skills. The

course will also generally assist students with being socially and culturally aware of the experiences of those who are discriminated against in the workplace.

**Course Description:**

This course aims to introduce students to the fundamental legal principles relating to employment discrimination in the Commonwealth Caribbean including discrimination based on race, gender, religion, nationality, sexual orientation and HIV/AIDS status. It also aims to enable students to acquire understanding of how these principles may impact upon employers, employees, practitioners, the trade union movement and administrators. This course will be delivered through a combination of lectures, seminars and workshops for three (3) hours weekly during Semester 2, or through a series of lectures, seminars and in class presentations during the summer intensive. This course examines employment law under the lens of discrimination, and includes such highly topical issues such as HIV/AIDS in the workplace, sexual harassment, sexual orientation and gender reassignment. It is applicable to students of the LL.B. and the Labour & Employment Relations programmes, as well as cross-faculty students with an interest in employment law. The target audience includes law students, employers, employees, and persons involved in the labour movement as well as governmental and non-governmental organisations.

**Course Goals:**

*The goals of this course are to:*

- Sensitise students to the fundamental legal principles of discrimination in employment;
- Familiarise students with the main categories of discrimination in the employment arena;
- Promote the examination of the civil legal remedies and how they are impacted by states' membership in key regional and international bodies, such as the ILO and CARICOM;
- Equip students with the tools needed to consider both existing and emerging areas of

discrimination in the employment arena which they may encounter as practitioners;

- Develop core competencies related to discrimination in employment in the modern business environment and the identification of appropriate legal remedies to solve those problems.

### **Specific Learning Outcomes:**

*On successful completion of this course, students will be able to:*

- Explain the fundamental principles of discrimination in employment;
- Discuss the main categories of discrimination in the employment arena, namely discrimination based on race, religion and nationality, gender (sexual harassment, maternity and pregnancy, equal remuneration), sexual orientation and HIV/AIDs discrimination;
- Identify the civil legal remedies and how they are impacted by states' membership in key regional and international bodies, such as the ILO and CARICOM;
- Critically analyse both existing and emerging areas of discrimination in the employment arena which they may encounter as practitioners, in-house counsel, employees or employers;
- Critically apply the legal principles to practical scenarios of discrimination in employment;
- Identify appropriate legal remedies to solve practical scenarios of discrimination in employment;
- Critically evaluate selected problems in the modern employment environment and identify appropriate legal remedies and/or proposals to solve those problems.

### **Course Content:**

*The following topics/concepts/theories/issues will be addressed:*

1. General Principles of Discrimination in Employment Law
2. Discrimination on Grounds of Race, Religion & Nationality

3. Discrimination on Grounds of Sex
  - Part 3.1 - Sexual Harassment
  - Part 3.2 - Maternity and Pregnancy
  - Part 3.3 - Equal Remuneration
4. Discrimination on Grounds of Sexual Orientation
5. HIV/AIDS Related Employment Discrimination

**Teaching and Learning Methods:**

The course will be delivered through a combination of lectures and tutorials for three (3) hours each week for the twelve (12) weeks of Semester 2, or utilising an intensive format of at least thirty-six (36) hours during the summer. Teaching sessions will integrate problem solving exercises and general discussions.

**Course Assessment Methods:****Semester 2:**

The Course will be assessed by means of coursework and a final exam, as follows:

**Coursework 30%**

- Class participation **10%**
- Students are required to respond to in-class questions, resolve assigned problems and participate in a role play oral presentation.
- Course essay **20%**
- Students are required to research and write an essay of between 3000 and 4000 words on an assigned topic.

**Final Exam 70%**

- Students are required to write a two-hour final examination in which they will be required to answer essays, problem questions or a combination thereof.

**Summer/Intensive Session:**

During the Summer/Intensive session the course will be assessed by means of class participation

and a final exam, as follows:

Class participation – **25%**

- Students are required to respond to in-class questions and resolve assigned problems and/or do a take home assignment.

Final examination – **75%**

- Students are required to write a two-hour final exam consisting of a combination of essay and problem questions.

**Teaching/Learning Resources:**

- Lexis Nexis
- CARILAW
- Westlaw
- Website of the International Labour Organisation <https://www.ilo.org/>
- Website of CARICOM <https://www.caricom.org>

**Instructional Aids:**

- Worksheets
- PowerPoint presentations, handouts and slides

**Required Texts:**

- Townshend-Smith, *Discrimination in Employment*, 2nd ed. (2004)
- Michael Connolly, *Townshend-Smith on Discrimination Law: Text, Cases and Materials* (2nd ed. Cavendish, London, 2004)

**Recommended Texts**

- Sarah Gregory & Ellen Temperton ed., *Tolley's Discrimination in Employment Handbook* (Lexis Nexis, London, 2011)
- Jenny Mulvaney, *Discrimination in Employment, Law and Practice* (Law Society, London, 2006)

**LAW 3050 – THE LAW OF THE SEA**

<b>Course Title:</b>	The Law of the Sea
<b>Course Code:</b>	LAW3050
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	LAW2310 and LAW2320
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**General**

This course will be taught in the first semester of the third year of the LL.B. degree programme. This course is optional but

**Course Rationale :**

The Law of the Sea is an important part of public international law. A stronger understanding of the way law of the sea rules work in practice, It enables lawyers to give better advice to Governments on the significance of particular rules. In the context of the Caribbean, the law of the sea has direct bearing on the practice of law in matters such as fishing, mineral exploration, prohibition of drug trafficking, and navigation in general. In addition, bearing in mind that most Caribbean states are islands, law of the sea issues concerning maritime delimitation, and criminal jurisdiction in maritime areas is of paramount importance. These issues arise for lawyers at the bar, public sector lawyers and diplomats. In recent years, Caribbean states have had to rely on external consultants to address particular issues of the law of the sea. Our lawyers should be adequately equipped to handle such issues within the region.

**Course Description :**

This Course is intended to expose students to the way in which international law addresses and resolves disputes concerning the uses of the sea. The course content will be concerned primarily with access to the natural resources of the sea as well as navigational and jurisdictional rights over specific areas of the sea. The course will pay particular attention to the different zones of the sea, and will concern itself not only with the law of the sea in general, but also the application of law of the sea rules in the Caribbean.

*The goals of this course are to:*

### **Specific Learning Objectives:**

*On successful completion of this course, students will be able to:*

Upon successful completion of this course, the student should be able to:

- a) Resolve technical questions concerning access to maritime resources in different parts of the sea, including especially the Caribbean Sea.
- b) Assess the rights that may be enjoyed by coastal States and shipping vessels as the vessels pass through maritime areas controlled by each coastal state.
- c) Use the knowledge and powers of analysis to advise Governments and policy makers about the rights of different categories of states in maritime areas.
- d) Comment with precision on the application of various law of the sea treaties to particular issues of concern to the Caribbean, such as the movement of nuclear vessels through the region, the arrangements under US/ Caribbean Shiprider Agreements and delimitation of maritime areas in the region.
- e) Explain technical problems of the law of the sea to interested laypersons.
- f) Present technical arguments on law of the sea issues to judge and lawyers.

### **Course Content:**

1. General introduction - consideration of the main sources of the law of the sea and the ways in which these sources overlap in practice.
2. Internal waters - jurisdictional issues; identification of baselines; bays (including multistate bays), ports rivers.
3. The territorial sea – outer limit jurisdictional issues, innocent passage, passage of nuclear vessels, resolution of resource questions; force majeure;

- Latin American perspectives; measures to curtail drug-trafficking in the territorial sea.
4. The contiguous zone – nature and extent; relationship with the exclusive economic zone relationship with the territorial sea jurisdiction.
  5. Archipelagic states – the origins and rationale of archipelagic systems; main rules concerning archipelagic baseline; Caribbean archipelagic state; the case of Jamaica; the concept of archipelagic sea lanes passages; security implications of archipelagic systems; costal versus mid-ocean archipelagos.
  6. The exclusive economic zone- origin and development of the concept, main rights available to the costal state; main rights available to other states; navigational implications; the economic impact of the exclusive economic zone in different parts of the world; the outer limit of the exclusive economic zone.
  7. The continental shelf – origin and development of the concept; the impact of the Truman Proclamation; the doctrine of inherent rights; the outer limit of the continental shelf; implications of the self-concept for superjacent waters; relationship with the exclusive economic zone.
  8. Delimitation issues – delimitation of the continental shelf and the exclusive economic zone between opposite and adjacent states; application generally, and in the Caribbean in particular.
  9. The high seas – main rights available to state; the issue of piracy; jurisdictional issues on the high seas; relationship between the high seas and the deep seabed; collision cases; nationality of ships; marine biological diversity in areas beyond national jurisdiction.
  10. The [deep seabed] area – development of the concept; the work of the International Seabed Authority; legal problems concerning authority to mine deep seabed resource; economic implication.
  11. Geographical disadvantages – relevance of the concept for Caribbean states; challenges faced by particular states with respect to access to the sea, and rights in the sea.

*The following topics/concepts/theories/issues will be addressed:*

**Teaching and Learning Methods:**

The course will be delivered through a combination of lectures, seminars and workshops for three (3) hours each week for the twelve (12) weeks during Semester I or 2.

During the summer the course may be delivered utilising an intensive format. Teaching sessions will integrate problem solving exercises and general discussions.

**Course Assessment Methods:**

This course will be assessed by way of coursework and a final examination as follows:

1. Coursework – 40%
  - a) *Class participation – 15% - students are required to respond to in-class questions, resolve assigned problems, and/or make a formal, oral presentation on an assigned question.*
  - b) *Take home essay or project – 25% - students are required to research and write an essay of between 2000 – 3000 words on an assigned topic.*
2. Final examination – 60%
  1. Students are required to write a two (2) hour final examination which will consist of four (4) essay or problem questions. Students will be required to answer two (2) out of the four (4) questions.

*The final two-hour examination will comprise essay and/or problem type questions.*

**Semester I or 2:**

**Summer/Intensive Session:**

**Teaching/Learning Resources:**

**Internet Resources**

- Lexis Nexis
- West Law
- Justis/CariLaw

### **Instructional Aids:**

- Worksheets
- PowerPoint presentations and slides

### **Required/Recommended Readings:**

#### **Required:**

Students will be assigned specific readings in their course worksheets for each section of the course. These will be made available online or via the Law Library.

#### **Recommended:**

- Robin Churchill and Vaughn Lowe, *The Law of the Sea*, 3<sup>rd</sup> edn (Manchester University Press, 1999).
- David Freestone, Richard Barnes, and David Ong, eds, *The Law of Sea: Progress and Prospects* (Oxford, 2006).
- Donald R. Rothwell, Alex G. Oude Elferink, Karen N. Scott, and Tim Stephens, eds *The Oxford Handbook of the Law of the Sea* (Oxford 2017)
- Yoshifumi Tanaka, *The International Law of the Sea*, 3<sup>rd</sup> edn (Cambridge 2019)
- David J Attard, Malgosia Fitzmaurice, Norman A Martinez Gutierrez, eds, *The IMLI Manual on International Maritime Law: Volume 1: Volume 1: The Law of the sea* (Oxford, 2014): available online: Oxford Public International Law: *The IMLI Manual on International Maritime Law Volume 1: The Law of the Sea* (oupaw.com) (9 March)
- D.P. O'Connell, *The International Law of the sea*, 1<sup>st</sup> ed, Vol I (Oxford, 1982) available online: Oxford Public International Law: *The International Law of the Sea: Volume I* (oupaw.com) (9 March 2021).

- D.P. O'Connell. *The International Law of the Sea*, 1<sup>st</sup> ed, Vol 2 (Oxford, 1988); *Oxford Public International Law: The International Law of the Sea: Volume 2* (ouplaw.com) (9 March 2021).
- Kriangsak Kittichaisaree, *The International Tribunal for the Law of the Sea* (Oxford, 2021); Available online: *Oxford Public International Law: The International Tribunal for the Law of the Sea* (ouplaw.com) (9 March 2021).
- David Harris and Sandesh Sivakumaran, *Cases and Materials on International Law*, 9<sup>th</sup> edn (Sweet and Maxwell, 2020).

**LAW 3110 - COMPANY LAW [APPROVED AB 20181120]**

<b>Course Title:</b>	Company Law
<b>Course Code:</b>	LAW3110
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	I or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	LAW 1410
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**General**

This course will be taught in the first semester of the third year of the LL.B. degree programme. This course is optional but it is prerequisite for the Law of Corporate Management and the Law of Corporate Finance.

**Course Rationale:**

An understanding of company law is relevant to all students as it is the primary organ engaged in the conduct of business enterprise. It has a practical relevance, and those persons who have no desire to practice law could still understand the nuances of setting-up a business, as well as appreciate how Companies interact. It can serve as the foundation for the study of other areas of law such as courses namely LAW 3120 – Law of Corporate Management; LAW 3140 – Corporate Insolvency Law; and LAW 3130 – Law of Corporate Finance. Regardless of the lawyers' specialization, whether it be employment or environmental law, knowledge of company law principles is critical. This course also helps develop a student who is well-grounded in his/her regional identity and responsive to the problems generated by the organizational form of the company in the region. It will also assist students to think critically and creatively about company law; as well as to become socially, culturally and environmentally aware and responsible.

**Course Goals:*****The goals of this course are to:***

- Sensitize students to the core concepts, values, principles, rules and issues in Commonwealth Caribbean Company law namely the concept of separate legal personality; the formation of the company; the capacity of the company; the methods of raising finance and the rights and duties of corporate officers
- Explore the dynamics of the body corporate in the Commonwealth Caribbean and the significant trends and recurring issues in company law
- Equip students with the knowledge of how to interact with Companies
- Equip students with the tools and skills needed for the analysis of the key issues that might affect the future development and regulation of Company Law in the Commonwealth Caribbean
- Develop core competencies related to the recognition of problems in the modern business environment and identification of appropriate legal remedies to solve those problems.

**Specific Learning Objectives:*****On successful completion of this course, students will be able to:***

1. Explain the main concepts, values, principles, rules and issues that underpin company law in the Commonwealth Caribbean
2. Evaluate the content of Commonwealth Caribbean Company law namely the concept of separate legal personality; the formation of the company; the capacity of the company; the methods of raising finance and the rights and duties of corporate officers
3. Analyse the various ways to interact with Companies
4. Discuss the main principles and rules that seek to regulate and protect different participants within companies, especially their directors, shareholders and creditors
5. Identify the legal issues raised by the body corporate in the Commonwealth Caribbean and the significant trends and recurring issues

6. Critically evaluate selected problems in the modern business environment and identify appropriate legal remedies to solve those problems.

**Course Content:**

*The following topics/concepts/theories/issues will be addressed:*

1. Corporate Personality and Limited Liability
2. Promotion and Pre-Incorporation Contracts
3. Equity Financing and Debt Contracts
4. The question of Corporate Capacity
5. The Relationship between the Company and Corporate Investors (in particular – Shareholders)
6. Company Officers (in particular – Directors and the Corporate Secretary)
7. Shareholder Protection

**Teaching and Learning Methods:**

The course will be delivered through a combination of lectures, seminars and workshops for three (3) hours each week for the twelve (12) weeks during Semester I or 2.

During the summer the course may be delivered utilising an intensive format. Teaching sessions will integrate problem solving exercises and general discussions.

**Course Assessment Methods:****Semester I or 2:**

The course will be assessed by means of coursework and a final exam, as follows:

- Coursework – 40% – students are required to do a “take-home” written assignment and engage in class participation by responding to in-class questions and resolving assigned problems during the semester.
- Final exam – 60% – students are required to write a two-hour final exam in which they will be required to answer essay or problem questions or a combination thereof.

**Summer/Intensive Session:**

During the Summer/Intensive session the course will be assessed by means of class participation and a final exam, as follows:

- Course work – 25% – students are required to respond to in-class questions and resolve assigned problems and/or do a take home assignment.
- Final examination – 75% – students are required to write a two-hour final exam consisting of essay and problem-type questions.

**Teaching/Learning Resources:****Internet Resources**

- Lexis Nexis
- West Law
- Justis/CariLaw

**Instructional Aids:**

- Worksheets
- PowerPoint presentations and slides

**Required/Recommended Readings:****Required:**

Burgess, *Commonwealth Caribbean Company Law* – Routledge. 2013.

**Recommended:**

Hicks & Goo, *Cases & Materials on Company Law* – Oxford. 2011.

**LAW 3120 - THE LAW OF CORPORATE MANAGEMENT [not revised]**

<b>Course Title:</b>	<b>Corporate Management</b>
<b>Course Code:</b>	LAW3120
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	I or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**General**

This course will be taught in either semester of the third year of the LL.B. degree programme.

**Course Objective**

The main objective of this course is to explore the major legal and related problems of Corporate Management. Particular emphasis will be placed on the competing interests of shareholders, creditors and management in the affairs of the company.

**Course Content**

The course will deal with the following topics:

- I. The Distribution of Power within a Company
- II. Company Officers (in particular the Director and the Company Secretary)
- III. Directors' Duties
- IV. Insider Trading

V. Investor Protection (in particular Minority Protection)

VI. Remedies

### **Method of Teaching**

The course will be conducted on the basis of a two-hour weekly seminar and a one-hour weekly workshop.

### **Method of Assessment**

The course will be assessed by way of one “take-home” written assignment during the Semester, and one two-hour examination at the end of the Semester in which it is taught. Students will be required to answer two questions selected from a total of six questions in the two-hour examination.

**LAW 3130 - LAW OF CORPORATE FINANCE [APPROVED AB 20140328]**

<b>Course Title:</b>	Corporate Finance Law
<b>Course Code:</b>	LAW 3130
<b>Academic Units to offer Course:</b>	Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

This course introduces students to the core principles of the law relating to corporate finance and is intended to examine in more detail the legal and practical aspects of debt finance and equity finance. It will expose students to the intriguing way in which corporate lawyers attempt to respond to the needs of the market by creating and implementing sophisticated financial instruments and other methods of raising finance.

An understanding of this course is particularly relevant for those wishing to practice corporate law and wish to deepen their understanding of the methods by which companies raise and dispose of finance, while at the same time paying fidelity to the constraints within which this must be done.

**Course Rationale:**

The purpose of the course is to expose students to the basic principles of corporate finance law requiring them to think critically whilst developing their communication and interpersonal skills through group activities and oral

presentations. Further, the elements of this course will develop students' global awareness and regional identity where consideration is made of regional and international case law and experiences.

### **General Goals/Aims:**

The broad goal of this course is to expose students to the fundamental tenets of finance law which include but are not limited to equity and debt finance. Students will also be exposed to the potential of insider trading liability and statutory and common law responses to intended to curb such practices. Lastly, exposure and practical examples on corporate taxation (how companies are taxed) will produce a well-rounded practitioner.

### **Learning Outcomes/Objectives:**

*By the end of Concepts of Capital and Financing of Companies, students will be able to:*

- List the different sources of corporate finance
- Explain the basic functions of corporate finance
- Identify the difficulties posed by groups as it relates to corporate finance
- Assess the link between company law, capital markets law and competitiveness
- Contrast the different theories of corporate gearing
- Recognize the distinction between primary and secondary market transactions
- State, in brief, the concept of efficient capital markets
- Explain the importance of ethics in corporate finance

*By the end of Shares and the Raising Share Capital, students will be able to:*

- Define the concept and nature of shares
- Describe the procedure relative to issuance, valuation and classification of shares
- Compare and contrast the incidents of different type of shares and debt

- Explain (at a very basic level) whether legal capital rules serve as a form of creditor protection
- Critically analyse and apply all issues relevant to the issuing, allotment and alteration of shares

*\* Consideration may also be made of raising finance on the stock market. This will consider areas including capital raising and the share markets, admission to listings, admission to trading, public offers of securities, Caribbean securities regulation and international equity markets.*

***By the end of the Capital Maintenance doctrine, students will be able to:***

- Critically analyse and apply the capital maintenance doctrine with reference to the rules on purchase and redemption of shares/share buybacks, reduction of capital, distribution to members and financial assistance.

***By the end of Debt Financing, students will be able to:***

- Discuss different types of debt financing including secured and unsecured financing
- Identify types of corporate debt and the risk associated with each type
- Discuss the types of corporate securities, in particular, the charge
- Critique the law relevant to the distinction between fixed and floating charges
- Consider and apply the law relevant to the protection of creditors through the registration of company charges
- Analyse and apply the rules relevant to the priorities of charges
- Critically analyse the ‘book debts’ debate and the operation of quasi-security interests (which include the retention of title clause)

***By the end of Corporate Self Dealings, students will be able to:***

- Discuss the general concept of corporate self-dealings
- Analyse and apply the statutory and common law rules relevant to insider trading

*By the end of Taxation of Companies, students will be able to:*

- Identify framework for taxation of corporations
- Apply the rules of taxation to a practical situation

**Course Content:**

1. Concepts of Capital and Financing of Companies
2. Shares and the Raising Share Capital [Allotment, Issuing (Classes of Shares and Class Rights) and Payment]
3. The Capital Maintenance doctrine [and the link to purchase and redemption of shares, share buybacks, financial assistance and corporate distributions]
4. Debt Financing [Secured and unsecured]
5. Corporate Self Dealings [in particular Insider Dealing]
6. The Taxation of Companies [Corporate Taxation]

**Teaching Methodologies:**

Lectures, Discussions/Tutorials [both individual and group work], Guest lectures, Online quizzes

- Lectures: 2 hours per week
- Tutorials: 1 hour per week

**Course Assessment Methods:**

The assessment for this course has three components:

1. Written take-home assignment [30% of final mark] Students will be given an assignment and date for submission at the beginning of the term.
2. Tutorial attendance and participation [10% of final mark]
3. Final examination [60% of final mark]

*Students will be given a choice of four questions from which they must answer two in two hours. One of these questions may be compulsory.*

**Teaching/Learning Resources including internet sources:**

- Eilis Ferran, Principles of Corporate Finance Law, (Oxford University Press, 2008)
- Gullifer and Payne, Corporate Finance Law: Principles and Policy (Hart Publishing, 2011)
- Andrew Burgess, Commonwealth Caribbean Company Law, (Routledge Publishing, 2013)

**Required/ Recommended Readings:**

These will be indicated at the beginning of every worksheet.

**LAW 3140 - LAW OF CORPORATE INSOLVENCY [APPROVED AB 20140328]**

<b>Course Title:</b>	Corporate Insolvency Law
<b>Course Code:</b>	LAW 3140
<b>Academic Units to offer Course:</b>	Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

In the last twenty-five years or so, businesses have been assuming more and more importance in the economic life of CARICOM countries. Many of these businesses are incorporated and, unfortunately, many of them fail. One result of is that the corporate lawyers in the Caribbean confront more and more corporate insolvency legal issues, the rules applicable to the resolution of these issues, and the legal policies which underline those rules. More importantly, students will explore issues of rescue, restructuring of companies and cross-border insolvency. Students will research and explore these issues with reference to case law and case studies.

This programme is well suited for any student seeking to develop a career in the developing field of corporate insolvency or restructuring law whether locally, regionally or internationally.

**Course Rationale:**

The purpose of the course is to expose students to the basic principles of corporate insolvency law requiring them to think critically whilst developing their communication and interpersonal skills through group activities and oral

presentations. Further, the elements of this course will develop students' global awareness and regional identity where consideration is made of regional and international case law and experiences.

### **General Goals/Aims:**

The broad goal of this course is to expose students to the fundamental tenets of insolvency law which include but are not limited to importance, history, aim and objectives. Students will also be exposed to the importance of security and its operation and the mechanisms for common law and statutory protection of creditors. Lastly, exposure to voidable transactions, receivership and liquidation will produce a well-rounded insolvency practitioner.

### **Specific Learning Outcomes/Objectives:**

*By the end of Fundamental Tenets of Insolvency Law, students will be able to:*

- Explain the importance, sources and basic history of the insolvency legislation
- Identify the main aim of insolvency law
- Critically analyse the objectives and policies which should form the basis of any insolvency framework
- Justify the visions/philosophies of corporate insolvency law

*By the end of Corporate Debt, Securities and the Registration of Charges, students will be able to:*

- Explain basic company law principles, including why a company should be incorporated and who owns the company
- Consider the role of the main actors in insolvency
- Identify types of corporate debt and the risk associated with each type
- Discuss the types of corporate securities, in particular, the charge
- Critique the law relevant to the distinction between fixed and floating charges
- Consider and apply the law relevant to the protection of creditors through the registration of company charges

- Analyse and apply the rules relevant to the priorities of charges
- Critically analyse the ‘book debts’ debate and the operation of quasi-security interests (which include the retention of title clause)

***By the end of Management of Corporate Solvency, students will be able to:***

- Analyse the mechanisms for common law and statutory protection of creditors
- Consider other rights and duties which may be enforced against directors and other officers of the company which include fraudulent preferences, wrongful trading and misfeasance
- Discuss the nature and purpose of amalgamation, arrangement and compromises

***By the end of Receivership, students will be able to:***

- Identify and describe the different types of receiver, in particular, making the distinction between the privately appointed and court appointed receiver
- Discuss the differences between the powers, duties and liabilities of the receiver and the receiver-manager
- Critically analyse the implication of the scope as it relates to these distinctions

***By the end of Liquidation, students will be able to:***

- Determine what can be properly described as the property of the company
- Discuss the concept of pari passu distribution
- Identify the exceptions and by-passing arrangements that subvert the pari passu rule
- Critically examine the relationship between the policies and objectives of insolvency law and pari passu
- Identify the statutory procedures for liquidation

***By the end of Cross border insolvency, students will be able to:***

- Identify framework for regional and international cross-border insolvency
- Analyse the alternatives for cross-border insolvency

**Course Content:**

1. Framework of Corporate Insolvency Law
  - (a) Theory and Sources of Corporate Insolvency Law
  - (b) Corporate Debt and Securities
  - (c) Creditor Protection and Registration of Company Charges
2. Management of Corporate Solvency
  - (a) Directors, General Duties to Creditors
  - (b) Compromise and Arrangements and Amalgamations
  - (c) Fraudulent Preferences and Wrongful Trading
  - (d) Misfeasance
3. Secured Creditors Remedy - Receiverships
4. Liquidations (Both Solvent and Insolvent)
  - (a) Cross-border insolvency

**Teaching Methodologies:**

Lectures, Discussions/Tutorials [both individual and group work], Guest lectures, Online quizzes

- Lectures: 2 hours per week
- Tutorials: 1 hour per week

**Course Assessment Methods:**

The assessment for this course has three components:

- Written take-home assignment [30% of final mark]

Students will be given an assignment and date for submission at the beginning of the term.

- Tutorial attendance and participation [10% of final mark]

- Final examination [60% of final mark]

Students will be given a choice of four questions from which they must answer two in two hours. One of these questions may be compulsory.

**Teaching/Learning Resources including internet sources:**

There is no compulsory text for this course.

Supporting texts:

- Roy Goode, Principles of Corporate Insolvency Law (4th Edition, Sweet & Maxwell, 2011)
- Vanessa Finch, Corporate Insolvency Law: Perspectives and Principles (9th Edition, Cambridge University Press, 2009)

**Required/ Recommended Readings:**

These will be indicated at the beginning of each worksheet.

**LAW 3150 - REVENUE LAW [APPROVED AB 20162411]**

<b>Course Title:</b>	Revenue Law
<b>Course Code:</b>	LAW3150
<b>Academic Units to offer Course:</b>	Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

The course provides students with an introduction to income tax from a technical perspective. The emphasis in the course is on developing the tools to analyse and apply the criteria for determining the applicability of taxing provisions.

Consideration is given to the importance of residence and the sources concept of income, the income/ capital dichotomy and deductibility of expenditure and to the potential for tax planning. Throughout the course, emphasis will be placed on the role of statutory interpretation in the development of tax case law in the Commonwealth Caribbean.

**Course Rationale:**

The course complements other commercial offerings at the undergraduate level in the Faculty of Law by developing the tools to analyse and reasonably predict the incidence of tax that directs the fiscal outcome of a given transaction.

The emphasis on developing the student's ability to critically assess the law using a multi-jurisdictional approach will help to develop critical thinkers who are globally aware yet grounded in their Caribbean identity.

**General Goals/Aims:**

The goals of this course are to:

- Develop in students' skills to deal with tax statutes and tax policy which guide courts in resolving tax problems.
- Help students to apply the taxing legislation in a practical way in preparation for practice.

**Specific Learning Outcomes/Objectives:**

On successful completion of this course students will be able to:

1. Identify the issues that arise in income tax law and present a reasoned outcome and/or solution when given a set of data to construe.
2. Critically discuss the theoretical and constitutional bases of the taxing power.
3. Discuss the characteristics of a taxing statute and the idea of fairness as a factor in the design of a tax regime.
4. Explain the methods used by the courts to determine the legislative intent in tax statutes.
5. Explain the displacement of the literal rule of interpretation in favour of the purposive method of statutory interpretation.
6. Outline the role of domicile and residence in the allocation of the sources of income which are charged to tax.
7. Identify and apply the common law and statutory tests for individual and corporate residence to determine liability to tax.
8. Critically assess the application common law and statutory tests for individual and corporate residence to determine liability to tax.
9. Critically discuss the income and capital dichotomy; having regard to the factors which are to be considered in determining borderline cases that feature lump sum and/or periodic payments.
10. Identify and discuss the characteristics of a "trade" in commercial practice.
11. List and apply the "badges" or indicators, derived from case law, which suggest that a trade has occurred.

12. Identify and discuss the characteristics of employment income.
13. Discuss and apply the rule in *Hochstrasser v Mayes* and the tax treatment of capitalized payments to employees.
14. Explain the net concept of income.
15. Comparatively analyse the provisions in the Income Tax Acts of selected territories in the Commonwealth Caribbean that govern the deductibility of expenditure in the computation of business, property and employment income.
16. Explain the difference between tax avoidance and tax evasion.
17. Discuss the development and effect of anti-avoidance measures on the ability to tax plan.
18. Identify the types of activity which have defined a transaction as an "artificial transaction" for the purpose of selected income tax legislation in the Commonwealth Caribbean.

**Course Content:**

The following topics will be addressed:

- Constitutional and Fiscal Background to Taxation
- Lawyer and Taxing Statutes
- Chargeability: Residence and Source Concepts
- The Income Concept
- Business Income
- Employment Income
- Income from Property
- Deductibility Concept
- Computation
- Tax Planning and the Concept of Fiscal Nullity

**Teaching Methodologies:**

This course will be conducted on the basis of a two (2) hour weekly lecture or seminar and a one (1) hour weekly tutorial.

During the tutorial sessions students will engage in teacher led discussions and group work.

### **Course Assessment Methods:**

This course will be assessed by way of coursework and a final examination as follows:

- Coursework – 40%

*A “take-home” written assignment during the Semester. This will account for 40% of the final mark.*

- Final examination – 60%

*The final two-hour examination will comprise essay and/or problem type questions.*

### **Teaching/Learning Resources including internet sources:**

Course resources include:

- Textbooks on Revenue Law
- Unreported and reported judgments
- Statutes
- Academic periodicals and journals including:

British Tax Review

- Internet Sources – Westlaw ([www.westlaw.com](http://www.westlaw.com)), LexisNexis and Carilaw (<https://carilaw.andornot.com>)

### **Required/ Recommended Readings:**

Required readings:

- Barbados Income Tax and Tax Treaties (Latest Ed.) Price Waterhouse B’dos Ltd.

- Trinidad and Tobago: Consolidated Tax Legislation - Vol-II. Government Printers –Trinidad.
- The Jamaica Income Tax Act. Government Printers – Jamaica.

**LAW3165 – INTERNATIONAL COMMERCIAL ARBITRATION  
[APPROVED AB 20190917]**

<b>Course Title:</b>	International Commercial Arbitration
<b>Course Code:</b>	LAW3165
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This elective course is taught in Year 3 of the LLB Degree program. It is introductory and provides a necessary foundation for international commercial arbitration. The course provides students with knowledge of international arbitration practice including: the regulatory framework; the reasons to arbitrate; arbitration as a dispute settlement mechanism; the advantages of arbitration versus litigation; the principles pertaining to the arbitration agreement; the formation, role, and functions of arbitration tribunals; the role of the civil courts; and the importance and effect of the arbitration award. The course also examines the treaties and other international instruments which provide the support for the effectiveness and integrity of the institution of international arbitration. The issues dealt with in the course cover not only institutional arbitration but ad hoc arbitration as well. The course exposes students to broader questions about investment treaty arbitration and what purpose or purposes are served through development of the treaty arbitration regime.

**Course Rationale:**

The Revised Treaty of Chaguaramas foresees foreign direct investment as an important element of economic development in the Caribbean. Foreign investors would prefer to commit their investment to an environment where there is the effective application of the rule of law and as such certainty of investment disputes. In today's interdependent global economic environment, parties prefer to use arbitration to resolve their international commercial disputes.

Thus this course aims to equip third year law students with the fundamental knowledge, skills and tools that are essential for a firm understanding of international commercial arbitration practice. The course fits into the Strategic Plan of The UWI as it facilitates students' understanding of a crucial element of comprehensive investment legislation in the Commonwealth Caribbean and the resolution of international commercial disputes.

**General Goals/Aims:**

The goals of the course are to:

1. Equip students with the basic knowledge, skills and tools needed to understand international commercial arbitration.
2. Promote understanding of the different legal regimes and instruments upon which the institution of international commercial arbitration finds its support.
3. Allow students to experience how the arbitration process functions, paying particular attention to international best practices.

**Specific Learning Outcomes/Objectives:**

On successful completion, students will be able to:

1. Distinguish among other ADR mechanisms and arbitration
2. Discuss the advantages of arbitration over litigation in the international commercial context.
3. Illustrate the main characteristics of international commercial arbitration.
4. Critique existing arbitration legislation in the Caribbean.

5. Appraise the importance of the role of the civil courts in the development of international commercial arbitration the Commonwealth Caribbean.
6. Evaluate the influence of international treaties and other instruments on international commercial arbitration in the Caribbean.
7. Articulate the essential elements of bilateral investment treaties and investment treaty arbitration.

**Course Content:**

The following topics/issues/theories/issues will be addressed:

1. Introduction to international commercial arbitration
2. The arbitration agreement
3. Applicable laws and rules
4. Judicial assistance for arbitration
5. The arbitral tribunal and its proceedings
6. The award
  - a. Attempts to set aside the award
  - b. Recognition and enforcement
7. Arbitration of investment disputes

**Teaching Methodologies:**

This course will be taught by way of weekly lectures (2 hours) and tutorials (1 hour) which will require interactive discourse. Worksheets, tutorial questions and other resources will be provided to engage the students, and to facilitate understanding of the concepts introduced during the lectures. Case studies will also be utilized.

Students will be encouraged to participate actively during lectures and tutorials. In class they will be asked to prepare and discuss responses to tutorial questions which will be set on a weekly basis. Prior preparation will be necessary. In answering tutorial questions students will be required to think about and discuss their course materials critically, in public. Students will be assessed in part on their participation and attendance.

The course will also require role playing in a mock arbitration dispute. The students will be divided into groups which represent different parties in an international arbitration dispute.

Depending on the availability and relevance to the course delivery, there may also be guest lecturers during the semester.

### ***Intensive Short Course Format:***

The course may be delivered utilising an intensive format. Teaching sessions will integrate problem solving exercises and general discussions.

### **Course Assessment Methods:**

Student progress will be assessed using course work and a final examination.

- Coursework 40% Take home essay or project 25% Class participation 15%
- Final Examination 60% In addition to coursework, the course will be assessed by way of a two-hour written examination which will consist of 4 essay or problem questions. Students will be required to answer two (2) out of the four (4) questions.

### **Teaching/Learning Resources including internet sources:**

Required and recommended readings will be assigned by means of course worksheets, which will provide an outline of the topics in the course. Tutorial questions will also be included on the worksheets.

Internet and other research resources as are relevant and available will be provided. Examples of such resources are the [caribbeancourtsofjustice.org](http://caribbeancourtsofjustice.org); Lexis Nexis; [www.lawreports.co.uk](http://www.lawreports.co.uk); Kluwer; CLOUT, etc.

### **Intensive Short Course Format:**

The course will be assessed by means of 100% coursework, as follows:

- Class participation – 25% – students are required to respond to in-class questions and resolve assigned problems and/or participate in a simulated arbitration exercise.

- Take home assignment – 75% – students are required to research and write a take home essay or project on an international commercial arbitration case.

**Required/ Recommended Readings:*****Required***

- Margaret L. Moses, *The Principles and Practice of International Commercial Arbitration*, 2nd edn (Cambridge: Cambridge University Press, 2012).

***Recommended***

- Derains Y and Schwartz E, *A Guide to the ICC Rules of Arbitration*, 2nd edn (The Hague, The Netherlands: Kluwer Law International, 2005).
- Julian D.M. Lew, Loukas A. Mistelis, Stefan Kröll, *Comparative International Commercial Arbitration* (The Hague, The Netherlands: Kluwer Law International, 2003)
- Nigel Blackaby, Constantine Partasides, Alan Redfern, and Martin Hunter, *Redfern and Hunter on International Arbitration: Student Version*, 6th edn (Oxford: Oxford University Press, 2015). 5th edition available now.
- William W. Park, *Arbitration of International Business Disputes: Studies in Law and Practice*, 2nd edn (Oxford: Oxford University Press, 2012).
- Campbell McLachlan, Laurence Shore, and *International Investment Arbitration: Substantive Principles* (Oxford: Oxford University Press, 2008). Second edition due 2016.

**LAW 3170 - THE LAW OF TRUSTS [APPROVED AB 20160422]**

<b>Course Title:</b>	Law of Trusts
<b>Course Code:</b>	LAW3170
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

The Law of Trusts is a distinctive and outstanding contribution to the common law jurisprudence. It covers the establishment and operation of trust relationships, a system of property holding that evolved historically to facilitate the preservation and management of family assets and tax liability. The course provides for a critical treatment of the concept of a trust and equitable interests, thus affording a comprehensive knowledge of and theoretical foundations for the gratuitous transfer of property and estate management, as well as a comparison of trust with other closely related concepts with a view to determining the true dimensions of the concept. It embraces a critical examination of such important areas as trusts for human beneficiaries and non-human beneficiaries, i.e., purpose trusts (both charitable and non-charitable). Trusts arising from operation of law, resulting and constructive trusts, are examined.

**Course Rationale:**

It is intended to equip students with the knowledge and skills that are necessary for the study of other related courses, e.g., wills and succession and tax planning. It also enables the students to have a deeper knowledge of land law.

**General Goals/Aims:**

Law of Trusts is designed to:

- enable the student to acquire the requisite understanding of the key concepts, theories, and rules that govern the modern law of trusts; and
- develop in the students the skills that they need for their practical training in the areas of wills and succession, law of taxation, and off-shore law.

**Specific Learning Outcomes/Objectives:**

A student who has successfully completed the Law of Trusts course will be able to:

- differentiate a trust from other similar relationships;
- argue the significance of the distinctions that exist between trusts and other similar concepts, particularly, the notion of a proprietary interest under a trust and its effect on the rights of unsecured creditors;
- identify issues that pertain to the law of trusts arising from a given scenario, stating clearly the applicable principle of trust law and applying it to resolve the issue;
- evaluate the significance and flexibility of constructive trusts;
- analyse the various types of trusts and the rules that govern their creation; and
- explain the role of trusts in modern commercial and family relationships.

**Course Content:**

The focus of the course will include:

1. Trusts distinguished from other legal relationships
2. Formalities and Constitution of Trusts
3. Charitable Trusts
4. Non-charitable Purpose Trusts
5. Secret Trusts and Mutual Wills
6. Donationes mortis causa
7. Resulting Trusts and Constructive Trusts

**Teaching Methodologies:**

- Lectures – two (2) hours per week AND
- Tutorials/Seminars – one (1) hour per week, engaging students in interactive problem solving and critical analysis of statutes and court decisions pertinent to assigned scenarios and essay questions.

**Course Assessment Methods:**

Final examination with scenario (problem) and essay questions at the end of the course (80%)

Incremental assessment throughout the semester based on active tutorial class participation, presentation and short assignments (20%)

**Teaching/Learning Resources including internet sources:**

1. Textbooks on Law of Trusts.
2. Unreported and reported judgments
3. Statutes.
4. Academic periodicals and journals, such as
  - Professor Francis M B Reynolds and others, (eds) Law Quarterly Review, Sweet & Maxwell SSN: 0023-933X;
  - Julia Black (ed) Modern Law Review, John Wiley & Sons ISSN: 0026-7961 | ISSN: 1468-2230;
  - Dr. David Berry (ed) Caribbean Law Review ISSN: 1018-3671;
  - Dr Martin Dixon (ed), Conveyancer and Property Lawyer, Sweet & Maxwell, ISSN: 0010-8200;
  - Damian Wild (ed), Estates Gazette, Reed Business Information ISSN: 0014-1240;
  - Jan Mille (ed) New Law Journal, LexisNexi ISSN: 03066479;
  - Jean-Yves Gilg, (ed) , Solicitors Journal, Wilmington Publishing & Information Ltd ISSN No.: 0038 1152;
  - Toby Graham & Tony Molloy QC (eds), Trusts & Trustees (Oxford Journal), 2013 Oxford University Press, ISSN 1363-1780;

- David Pollard, Robert Chambers and James Brown (eds), Trust Law International, Bloomsbury Publishing Plc, ISSN: 0962-2624, etc.

Internet sources:

- WESTLAW, LEXIS, CARILAW, etc

**Required / Recommended Readings:**

Required Readings:

- Gilbert Kodilinye, Commonwealth Caribbean Law of Trusts, 3rd edn, Routledge-Cavendish, London, ISBN-10: 0415663458

Recommended Readings:

- John McGhee, QC, ed., Snell's Equity, 32nd edn., Sweet & Maxwell, London, ISBN: 9780414048751
- Dr Jill Martin, Modern Equity, 19th edn., Sweet & Maxwell, ISBN: 9781847039538

**LAW 3180 - ADMINISTRATION OF TRUSTS AND ESTATES  
[APPROVED AB 201601]**

<b>Course Title:</b>	Administration of Trusts and Estates
<b>Course Code:</b>	LAW3180
<b>Academic Unit(s) to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

The course deals with the equitable principles and concepts that regulate the role of the settlor, trustees and other fiduciaries, and the beneficiaries; examines the relationships between them; and focuses on the powers, rights, and obligations that define their relationship. The circumstance in which a trustee can retire, be appointed, and removed will be addressed in detail. The remedies and defenses to the claims of the beneficiary in the event of a breach of fiduciary duties will be studied in depth.

There will be a general review of the control of trustees and other fiduciaries, i.e., persons who have taken the responsibility of promoting the interests of others.

The focus of the course will then shift to the administration of the decedent's estates, looking at the grants of probate and letters of administration and the duties and powers of the personal representative.

**Course Rationale:**

The course is a continuation of the Law of Trusts course. Therefore, it builds on the fundamental concepts of trusts law, emphasizing the relationship between the trustee and the beneficiary and the duties and rights of the trustees in the administration of trusts and estates of a deceased person. It also includes an in-depth examination of the remedies open to beneficiaries in the event of breach or infringement of their rights, and highlights the significant features of equitable remedies in the administration of trusts and estates.

**General Goals/Aims:**

The Law of Administration of Trusts and Estates is designed to:

- give the student the requisite understanding of the key concepts, theories, and rules that govern the modern law of trusts and the administration of the estate of the deceased person; and
- develop in the students the skills they need for practical training in the areas of wills and succession, the law of taxation, and offshore law.

**Specific Learning Outcomes/Objectives:**

A student who has successfully completed the Administration of Trust and Estates course will be able to:

- appraise principles and concepts governing the administration of trusts and estates;
- defend the manner in which the courts reconcile or strike a balance between the interests and rights of settlor, trustee, and beneficiary;
- identify issues in a fact situation involving the law of trusts and administration of estates;
- state clearly the relevant concepts and principles-involving the law of trusts and administration of estates and apply them to the issue while discussing the underlying policy considerations;

- establish the significance and flexibility of the doctrines and remedies in the law of trusts and estate administration; and
- explain and advise on the requirements and procedure for the grant of probate and letters of administration.

**Course Content:**

v2i. Duties and Powers of Personal Representatives

**Teaching Methodologies:**

A. Lectures – two (2) hours per week AND

B. Tutorials/Seminars – one (1) hour per week, engaging students in interactive problem solving and critical analysis of statutes and court decisions pertinent to assigned scenarios and essay questions.

**Course Assessment Methods:**

Final examination with scenario (problem) and essay questions at the end of the course (80%)

Incremental assessment throughout the semester based on active tutorial class participation, presentation and short assignments (20%)

**Teaching/Learning Resources including internet sources:**

Textbooks on Law of Trusts, unreported and reported judgments, statutes, academic periodicals and journals, such as

- Professor Francis M B Reynolds and others, (eds) *Law Quarterly Review*, Sweet & Maxwell SSN: 0023-933X;
- Julia Black (ed) *Modern Law Review*, John Wiley & Sons ISSN: 0026-7961 | ISSN: 1468-2230;
- Dr. David Berry (ed) *Caribbean Law Review* ISSN: 1018-3671;

- Dr Martin Dixon (ed), *Conveyancer and Property Lawyer*, Sweet & Maxwell, ISSN: 0010-8200 ,
- Damian Wild (ed), *Estates Gazette*, Reed Business Information ISSN: 0014-1240;
- Jan Mille (ed) *New Law Journal*, LexisNexi ISSN: 03066479;
- Jean-Yves Gilg, (ed) , *Solicitors Journal*, Wilmington Publishing & Information Ltd ISSN No.: 0038 1152;
- Toby Graham & Tony Molloy QC (eds), *Trusts & Trustees (Oxford Journal)*, 2013 Oxford University Press, ISSN 1363-1780;
- David Pollard, Robert Chambers and James Brown (eds), *Trust Law International*, Bloomsbury Publishing Plc, ISSN: 0962-2624, etc.

Internet sources:

WESTLAW, LEXIS, CARILAW, etc

### **Required/ Recommended Readings:**

- Gilbert Kodilinye, *Commonwealth Caribbean Law of Trusts*, 3<sup>rd</sup> edn, Routledge-Cavendish, London, ISBN-10: 0415663458

### **Recommended Readings:**

- John McGhee, QC, ed., *Snell's Equity*, 32nd edn., Sweet & Maxwell, London, ISBN: 9780414048751
- Dr Jill Martin, *Modern Equity*, 19th edn., Sweet & Maxwell, ISBN: 9781847039538

**LAW 3210 - FAMILY LAW I - LAW RELATING TO HUSBAND AND WIFE [APPROVED AB 20140502]**

<b>Course Title:</b>	Family Law I – Law Relating to Husband and Wife
<b>Course Code:</b>	LAW3210
<b>Academic Unit(s) to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

The course examines the legal obligations, rights and consequences which arise when a marriage or a non-marital union, (for those jurisdictions which recognise such unions), is entered into and when it is terminated. The course therefore examines the law relating to marriages, non-marital unions, the dissolution of a marriage or non-marital union and the property rights, spousal support entitlement, inheritance rights and protection from domestic violence which flow from or arise as a result of the entering into or termination of a marriage or non-marital union.

**Course Rationale:**

The course is designed to enable the student to develop a sound knowledge base of the Commonwealth Caribbean Family Law applicable to spouses, both de jure and de facto. The course focuses on the rights, duties and entitlements which are thereby created. It prepares the student to apply this knowledge of substantive Family Law, in the first instance to the clinical component of Family Law offered at the

respective Law Schools of the Council of Legal Education, and ultimately as a Commonwealth Caribbean Family Law practitioner.

**General Goals/Aims:**

The course aims to:

1. Provide the student with a sound knowledge base of the Commonwealth Caribbean Family Law applicable to the de jure and de facto spouse.
2. Enhance the student's critical thinking skills.
3. Introduce the student to the various Family Law Models of Commonwealth Caribbean jurisdictions

**Specific Learning Outcomes/Objectives:**

At the successful completion of the course the student will be able to:

1. Differentiate between the statutory requirements necessary to enter into a valid de jure marriage and a statutory non-marital union.
2. Identify the legal consequences of marriage.
3. Compare the grounds and facts necessary to obtain a divorce in the respective jurisdictions and the interpretation, judicial and statutory, of those facts or grounds.
4. Explain the factors taken into account in making a property and/or maintenance orders in respect of the de jure and the de facto spouse.
5. Explain the law governing the inheritance rights of the de jure and of the de facto spouse.
6. Evaluate the impact of the Caribbean society and history on the legislative responses to property and maintenance rights of the spouse, both de jure and de facto.
7. Apply the substantive Family Law I to a given factual situation.
8. Devise reform proposals applicable to Family Law I in Commonwealth Caribbean jurisdictions.

**Course Content:**

The topics to be covered in this course include:

1. Introduction to the Family Law of the Commonwealth Caribbean.
2. Marriage:
  - a) Contracts of Marriage, Capacity, Formalities
  - b) Void and Voidable Marriage
  - c) Marriage Distinguished from Other Unions – The Statutory Union
  - d) The Legal Consequences of Marriage, including unity of man and wife, contractual capacity of married women, right of consortium, criminal and tort liability, marital communications
3. Dissolution of Marriage:
  - a) The Fault Model
  - b) Mixed Fault Model
  - c) The No Fault Model
4. Maintenance During and Upon Termination of Marriage or Cohabitation
5. Property Adjustment Orders – the De Jure and Statutory Spouse
6. Spousal Property Rights under the Common Intention Constructive Trust Regime
7. Inheritance Rights of the de jure and of the Statutory Spouse
8. Family Provision Orders – the De Jure and Statutory Spouse
9. Statute-Specific Protection Against Domestic Violence

**Teaching Methodologies:**

The course will be taught by way of two (2) lectures and one tutorial per week. Each lecture and tutorial will be of one hour's duration. The tutorial sessions will engage the students in inter-active problem solving, discussion and critical analysis of case law and statute(s) relevant to the assigned problem or essay question.

**Course Assessment Methods:**

This course will be assessed by means of:

- Class attendance – 5%
- Class participation-20%. Tutorial sessions will take the form of group presentations by no more than 3 students on a topic covered in the course content with the focus on addressing the students' legal problem solving and critical thinking skills. The assessment will be based on agreed rubrics.
- Final Examination – 75% - students will be required to write a two (2) hour final examination, answering two (2) questions out of four (4). The questions will be based on material covered in lectures and tutorial sessions.

**Teaching/Learning Resources including internet sources:**

- Caribbean Law Journal Articles
- Internet Sources
- Carilaw
- Westlaw
- LexisNexis

**Required/ Recommended Readings:**

Recommended Readings:

- Cretney and Mason, Principles of Family Law 5th ed. (Longman Publishing Group, 2011)
- Jonathan Herring, Family Law 3rd ed. (Pearson Education, 2007) P. M. Bromley, Family Law 3rd ed. (Buttersworth, 1966)

**LAW 3220 - FAMILY LAW 2 - LAW RELATING TO CHILDREN  
[APPROVED AB 20140502]**

<b>Course Title:</b>	Family Law 2 - Law Relating to Children
<b>Course Code:</b>	LAW3220
<b>Academic Unit(s) to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

The course examines the substantive law relating to the legal rights and status of the child in the context of Commonwealth Caribbean Family Law. It examines parental duties and responsibilities at common law and those created by statute. The course covers custody, discipline, education and financial support of the child; the law related to adoption of children and the status of children legislation and its impact on the inheritance and other rights of the child.

**Course Rationale:**

The course is designed to enable the student to develop an understanding of the essential legal principles and policies which guide the law relating to children. It equips the students with the requisite analytical tools to apply and evaluate the principles and concepts which underpin the law of the family as it pertains to the child in the Commonwealth Caribbean context. The course prepares the student for the practical and procedural training component of Family Law offered at the respective Law Schools of the Council of Legal Education.

**General Goals/Aims:**

The aims of the course are to facilitate and develop in students:

1. Legal problem solving skills.
2. Research competencies specific to Commonwealth Caribbean Family Law of the Child.
3. A sound knowledge of the substantial law underpinning the child in the context of Family Law.
4. Critical thinking skills so as to be able to contribute to the development and reform of family law in their respective jurisdictions.

**Specific Learning Outcomes/Objectives:**

On the successful completion of the course, the student will be able to:

1. Describe the role of the parent and his or her responsibilities, whether imposed by legislation or common law.
2. Identify the shared and equal responsibility of the mother and father of a child born in wedlock.
3. Critique the differences between the father's right, obligations and status in respect of a child born out of wedlock and a child born in wedlock.
4. Summarize the legal disabilities and liabilities of the child.
5. Evaluate the effect of the status of children legislation in equalizing the child born out of wedlock with the child born in wedlock in respect of inheritance and property rights.
6. Explain what is required to prove paternity of a child born out of wedlock and to establish the legitimacy of a child in the context of the status of children legislation.
7. Compare and contrast the financial support laws applicable to the child born in wedlock and to the child born out of the wedlock.
8. Explain the property rights and inheritance rights of a child, whether adopted, born in wedlock or born out of wedlock.
9. Evaluate the evolving role of the child in his or her participation in decisions affecting him or her and the role of the court as final arbiter.

10. Describe the effect of an adoption order and the factors which guide the court in making or declining to make an adoption order.
11. Differentiate between custody, guardianship and wardship proceedings.
12. Identify the circumstances in which the welfare of the child is the paramount and first consideration in the making of court orders.
13. Explain the factors which the court takes into account in making a custody order

**Course Content:**

The topics to be covered in this course are:

1. Introduction to the law relating to children of the Commonwealth Caribbean.
2. Parental rights and responsibilities.
3. Legal disabilities and liabilities of the child.
4. Status of the children at common law and presumption of legitimacy.
5. Status of children legislation, proving paternity, blood test evidence and DNA evidence as the preferred scientific test.
6. Adoption of the child.
7. Maintenance of the child born in wedlock and born out of wedlock.
8. Property rights of the child born in wedlock and born out of wedlock.
9. Inheritance rights including family provision legislation.
10. Custody Applications and the factors which the courts take into account in its role as *parens patriae*.
11. Child Abduction.

**Teaching Methodologies:**

The course will be taught by way of two lectures a week and one tutorial a week. In tutorial sessions, students will be required to answer assigned problem and essay questions, involving interactive problem solving and critical analysis of relevant case law and statute(s)

**Course Assessment Methods:**

The course will be assessed by means of:

- Class attendance - 5%
- Group presentation-20%. Tutorial sessions will take the form of group presentations by no more than 3 students on a topic covered in the course content with the focus on developing the students' legal problem solving and critical thinking skills. The assessment will be based on agreed rubrics.
- Final examination – 75%. Students will be required to write a two (2) hour final exam, answering two (2) out of four (4) questions which will be based on the material covered in lectures and tutorial sessions.

**Teaching/Learning Resources including internet sources:**

- Teaching/learning Resources
- The Caribbean Law Review
- Articles published in Caribbean Law Journals
- Newspaper Articles
- Internet Resources
- Carilaw
- Westlaw
- LexisNexis

**Required/ Recommended Readings:**

Required Readings

- Z. Mc Dowel, Elements of Child Law in the Commonwealth Caribbean (University of the West Indies Press,2000)
- Bainham, The law of Children 3rd ed. (Jordan Publishing, 2005)

Recommended readings

- Jonathon Herring, Family Law 4th ed. (Pearson Education, 2007)

- Stephen Cretney, Principles of Family Law 7th ed. (Sweet & Maxwell, 2007)
- P.M. Bromley, Family Law, 3rd ed. (Buttersworth, 1966)

**LAW 3260 - GENDER AND THE LAW IN THE COMMONWEALTH CARIBBEAN [APPROVED AB 20150116]**

<b>Course Title:</b>	Gender and the Law in the Commonwealth Caribbean
<b>Course Code:</b>	LAW3260
<b>Academic Unit(s) to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course introduces students to a variety of issues pertaining to gender and the law in the Commonwealth Caribbean. The course will introduce students to theoretical issues and themes and their application to substantive areas of law, including human trafficking and prostitution. The course may be of interest to students who enjoyed Criminal law I and 2, Public International Law I and 2, Human Rights Law and Family Law I and 2.

**Course Rationale:**

The course is designed to enable students to develop knowledge and understanding of the issues surrounding gender and the law in the Commonwealth Caribbean. For many, this will be their first introduction to issues of gender in the law, and through the use of theoretical thought and application, students will develop critical thinking and critical analysis skills.

**General Goals/Aims:**

The goals of this course are to:

1. Familiarise students with gender theories

2. Enhance the students' critical thinking and analytical skills with respect to substantive areas of law.

**Specific Learning Outcomes/Objectives:**

On successful completion of the course, students will be able to:

1. Analyse the history of feminist movements, women's movements and gender equality
2. Discuss gender theories and jurisprudence
3. Assess relevant gender theories and jurisprudence
4. Outline the relationship between gender and race
5. Appraise the relationship between gender and race
6. Examine the existence and reality of gender theories in the law in the Commonwealth Caribbean
7. Critically evaluate the impact of gender in the Commonwealth Caribbean with respect to substantive areas of law

**Course Content:**

The following topics/concepts/theories/issues will be addressed:

- i. History of Feminism, Women's movements and Gender Equality
2. Gender Theories and Jurisprudence
- 2i. Gender and Race

3 selected topics from the below:

- i. Prostitution and its relation with gender
2. Family Violence and its relation with gender
- 2i. Reproductive Rights and its relation with gender
- iv. Pornography and its relation with gender
- v. LGBT Rights
- vi. Sexual violence and its relation with gender

**Teaching Methodologies:**

The course will be taught by way of three hours of seminars per week. Seminars will engage the students in discussion and critical analysis of relevant issues. This will include debates of academic articles and discussion of relevant case law. All seminars will require advanced preparation. (Selected topics for course content will be communicated in advance).

**Course Assessment Methods:**

This course will be assessed by means of 100% coursework weighted as follows:

- One Assignment - 50% The assignment will be in the form of a research paper. The final paper must be submitted by week 13 of the semester.
- Participation – 50% The grade will be comprised of 2 presentations, each worth 25%.

**Teaching/Learning Resources including internet sources:**

- Caribbean Law Journal Articles
- Carilaw
- Westlaw
- LexisNexis
- Blogs (including Code Red for Gender Justice, Gender Lens (ICRW) and CatchAFyah)
- Social Media (including Twitter and Facebook)
- Websites (including UNDP, UNWomen, Women Watch and ICLHR)

**Required/ Recommended Readings:**

There are no required texts, and all compulsory readings will be provided on e-learning.

***Recommended Readings***

- Angela Davis, Race, Women and Class (Vintage, 1981)
- Simone de Beauvoir the Second Sex, (Vintage, 1949)
- Codelia Fine Delusions of Gender (Icon, 2012)
- Natasha Walter Living Doll: The Return of Sexism (Virago, 2010)

- Laurie Penny *Meat Market: Female Flesh Under Capitalism* (Zero, 2011)
- Germaine Greer *the Female Eunuch* (Harper Collins, 1970)
- Martha Chamallas *Introduction to Feminist Legal Theory*, (3rd edition, Wolters Kluwer, 2012)
- Nancy Levit, Robert Verchick *Feminist Legal Theory: A Primer* (NYU Press, 2006)
- Laura Palazzani *Gender in Philosophy and Law* (Springer, 2013)
- Selected works and articles from the following authors:
  - Catherine McKinnon
  - Carol Smart
  - Tracy Robinson
  - Jacqui Alexander
  - Mindie Black
  - Nancy Dowd
  - Kamala Kempadoo

**LAW 3280 - INTERNATIONAL MOOTING [APPROVED AB 20141118]**

<b>Course Title:</b>	<b>International Mooting</b>
<b>Course Code:</b>	LAW3280
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	<b>LAW 2310 International Law I; LAW 2320 International Law 2</b>
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course seeks to prepare students for participation in selected international moot court competitions. It will enable students to develop skills in legal writing, research, and oral and written advocacy and will encourage a deeper and more practical understanding of the relevant substantive and jurisdictional issues in international adjudication. Enrolment into the course will be restricted, and students will have to compete for class spaces through Moot Selection Rounds. Some topics to be studied include research techniques, memorial writing and oral advocacy skills while introducing the student to the substantive area of law related to each moot

**Course Rationale:**

It is important for lawyers to possess legal writing, research, and oral and written advocacy skills if they are to be competent and successful attorneys-at-law. Therefore, the reason for delivery of this course is to enable students to develop skills in legal writing, research, analysis and advocacy through participation in international moot court competitions.

**General Goals/Aims:*****The goals of this course are to:***

1. Enable students to develop advanced skills in international legal research and writing.
2. Hone students' skills in written and oral advocacy.
3. Enhance students' communication skills.
4. Familiarize students with contemporary international legal issues.
5. Foster awareness of the operations of principal international courts.

**Specific Learning Outcomes/Objectives:*****On successful completion of this course, students will be able to:***

1. Describe the procedural steps of adjudication before principal international courts, tribunals and bodies;
2. Conduct self-directed international legal research;
3. Critically evaluate primary and secondary materials with respect to the substantive areas of law relating to each moot;
4. Assess the role and operation of relevant international courts, tribunals and bodies;
5. Engage in teamwork in a legal setting;
6. Articulate substantive and jurisdictional issues in international adjudication;
7. Write persuasive Memorials/Legal Arguments concerning specific legal questions; and
8. Make persuasive oral legal submissions on behalf of the disputing parties.

**Course Content:*****The following topics/concepts/theories/issues will be addressed:*****1. Introduction to the substantive areas of law related to each moot**

Students will be introduced to the substantive areas of law which may include public international law and international human rights law or trade law. Students will also be exposed the jurisdictional and procedural requirements of adjudication before international courts, bodies and tribunals;

**2. Research techniques**

Students will be introduced to the methodology of legal research

and lay a foundation for the understanding of legal concepts and the effective written presentation of legal argument and analysis. Students will be taught how to use, the sources and secondary legal material and where to look for it and the effective use of online tools. They will also learn how to effectively read cases and scholarly writings.

### **1. Memorial writing techniques**

Students will be exposed to techniques for the writing of a memorial including how to formulate a statement of facts, the effective use of neutral language or partisan language, persuasive syntax and Terms of Art, and the formal requirements of the specific moot and use of technology.

### **2. Independent research**

This will help students take primary responsibility for conducting research. Students will be expected to plan their own research and do so with professional attitudes taking time commitments into consideration.

### **3. Oral skills sessions/practice moots**

Students through seminars, workshops and practice sessions will develop the art of persuasive oral communication. The student will be taught how to structure oral arguments; proper court room etiquette; the use of body language; the use of advocates' language and terms of art; how to be flexible in their argument; how to interact with the Court or tribunal and effectively respond to judges' questions.

### **International moot participation**

Students selected for enrollment in the Court will participate in selected international moot court competitions.

### **Teaching Methodologies:**

This course will be delivered utilizing seminars and workshops encompassing short lectures and class discussions based on: written assignments, practice moots and individual oral presentations.

This course however will involve significant independent research and students will be required to search appropriate databases, read, and become familiar with the literature relating to their specific moot.

**Course Assessment Methods:**

The course would be assessed by way of 100% coursework weighted as follows:

1. Student participation in seminars and workshops which would be worth **20%** of the final grade;
2. A written team memorial to be handed in no later than two weeks after that team's participation in their assigned international moot on the hypothetical problem of that international moot. This would be worth **40%** of the final grade; and

Delivery of oral submissions on the hypothetical problem of their assigned international moot which would be worth **40%** of the final grade.

**Teaching/Learning Resources including internet sources Internet resources:**

- Inter-American Court of Human Rights:  
<http://www.corteidh.or.cr/index.php/en>
- Inter-American Commission on Human Rights:  
<http://www.oas.org/en/iachr/>
- Caribbean Court of Justice: <http://www.caribbeancourtofjustice.org/>
- American University Washington College of Law Academy of Human Rights and Humanitarian Law:  
<http://www.wcl.american.edu/humright/hracademy/>
- The European Court of Human Rights:  
<http://www.echr.coe.int/Pages/home.aspx?p=home>
- Case law of the European Court of Justice:  
<http://curia.europa.eu/juris/recherche.jsf>
- University of Minnesota Human Rights Library:  
<http://www1.umn.edu/humanrts/>

- Hein Online: <http://home.heinonline.org/>
- E- Learning

### **Required/ Recommended Readings**

#### **Recommended**

1. David Harris, Cases & Materials on International Law (Sweet and Maxwell) latest edition;
2. Jo M Pasqualucci. The Practice and Procedure of the Inter-American Court of Human Rights. (Cambridge University Press) latest edition;
3. Laurence Bugorgue-Larsen,. Inter-American Court of Human Rights: Case Law and Commentary. (Oxford University Press,) latest edition;
4. Alina Kaczorowska, European Union Law (Routledge) latest edition.
5. David S. Berry, Caribbean Integration Law (Oxford University Press) latest edition.

**LAW 3290 - INDEPENDENT RESEARCH PAPER [APPROVED AB 20150127]**

<b>Course Title:</b>	Independent Research Paper
<b>Course Code:</b>	LAW3290
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

The Independent Research Paper course allows students to pursue quality supervised research on a topic or area that is not covered by the LL. B curriculum. The research is undertaken under the supervision of a law lecturer from the Faculty of Law, at the Cave Hill Campus. Written permission from the Dean of the Faculty of Law is required for a law lecturer on other campuses of the UWI to act as a supervisor. Where an inter-disciplinary approach is taken, an additional supervisor from another Faculty of the Cave Hill Campus may be chosen.

Students select their own research topic in consultation with, and subject to the approval of, their supervisor. At the beginning of the semester, students are required to submit to the course director an abstract of approximately 250 words together with the name of the staff member who has agreed to act as their supervisor.

The research paper must be completed during the semester in which the student has registered for this course. Material submitted for assessment in another course cannot be used as a student's research paper.

A copy of each research paper is retained by the University. Selected research papers may be placed permanently in the Law Library.

**Course Rationale:**

Good research, writing and analytical skills are important tools for anyone wishing to be a member of the legal profession. This course provides students with an opportunity to further develop these skills while also gaining deeper knowledge of a topic of particular interest to themselves which is not specifically addressed within the LL. B curriculum.

**General Goals/Aims:**

The main goals of this course are to:

1. Enhance students' legal research and writing skills.
2. Provide a basis for further research and analysis in a given area at the graduate level.
3. Provide an opportunity for students to explore additional areas of law outside the scope of the current LL. B curriculum of particular interest to the Commonwealth Caribbean.

**Specific Learning Outcomes/Objectives:**

On successful completion of this course, students will be able to:

1. Conduct quality legal research utilizing a wide range of source materials and different research methodologies.
2. Analyse the state of the law in a given area and make suggestions for reform.
3. Compare and contrast legal developments within the Caribbean and internationally.
4. Demonstrate a sound understanding of the key legal issues and concepts in their given area of study.
5. Articulate the problems and debates related to their research topic.
6. Communicate their ideas in written form in a clear, scholarly manner.
7. Carry out research in accordance with legal research and referencing conventions.
8. Organise their research and arguments in a logical and persuasive manner.

**Course Content:**

The course content will be the outcome of the research process engaged in by the student together with two legal research review sessions conducted by the course director.

### **Teaching Methodologies:**

At the beginning of the semester, the course director will conduct two compulsory review sessions on the basics of legal research. The first session will deal with sourcing and researching specialist legal materials such as international law materials and Caribbean legal materials. The second session will deal with use of electronic legal databases and ethical issues related to the conduct of research.

There are no formal classes. Rather, teaching takes place through the interaction between students and their respective supervisors. In this regard, students are expected to consult at regular intervals with their supervisor and, in any case, at least once a fortnight during the semester.

### **Course Assessment Methods:**

Students will be assessed based on their completed research paper and their participation in a group presentation exercise.

### **Research paper**

The research paper shall be between 8,000 – 10, 000 words, properly documented with footnotes and bibliography. (The word limit includes footnotes but does not include appendices or the bibliography.) The research paper shall be on 81/2 x11 or A4 paper. Two (word-processed) copies of the research paper are to be submitted to the Office of the Faculty of Law no later than the last day of the semester in which the student is registered for this course. The research paper will be assessed separately by the assigned supervisor and the course director and will represent 85% of the student's final grade.

### **Group Presentation Exercise**

The group presentation exercise will be conducted by the course director during November (Semester I) and March (Semester 2) respectively and will represent 15% of the student's final grade. The group presentation exercise will consist of a 15-minute presentation by each student on their respective research topic. This will be followed by a short question and answer session with other students in the course.

**Teaching/Learning Resources including internet sources Internet resources:**

- Lexis-Nexis (electronic legal database)
- WestLaw (electronic legal database)
- Carilaw (electronic database of Caribbean unreported judgments)

**Required/ Recommended Readings:**

## Required

- Oxford Standard for the Citation of Legal Authorities (OSCOLA), Faculty of Law, University of Oxford (accessible at: <http://www.law.ox.ac.uk/oscola>)

## Recommended

- John Knowles, *Effective Legal Research*, 3rd edn (Sweet & Maxwell, 2009). ISBN: 9780414022942
- Michael Salter & Julie Mason, *Writing law dissertations: an introduction and guide to the conduct of legal research* (Trans-Atlantic Publications, Inc, 2007). ISBN-13: 978-0582894358
- Brian Allison & Phil Race, *the student's guide to preparing dissertations and theses*, 2nd edn. (Routledge, 2004). Print ISBN-13: 978-0415334860
- Bryan Greetham, *how to write your undergraduate dissertation*, 2nd edn (Palgrave Macmillan, 2014). ISBN-13: 978-1137389763
- Kjell Erik Rudestam & Rae R. Newton, *Surviving your dissertation: a comprehensive guide to content and process*, 4th edn (SAGE Publications, Inc., 2014). ISBN-13: 978-1452260976.

**LAW 3330 - INTERNATIONAL TRADE LAW [APPROVED AB 201601]**

<b>Course Title:</b>	INTERNATIONAL TRADE LAW
<b>Course Code:</b>	LAW3330
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course introduces students to the basic concepts and principles underlying the World Trade Organisation ('WTO') system and its dispute settlement system. The course also sensitises students to CARICOM Member States' experiences with, and perspectives on the WTO. Issues covered within the course include the on-going dispute between the United States and Antigua regarding offshore betting and gaming services as well, the intersection of the international trade system with other fields such as the environment and the role of developing countries, including small states, within the WTO system.

**Course Rationale:**

The establishment of the WTO in 1995 revolutionized the conduct of international trade globally. Today, WTO rules impact on practically every area of social and economic endeavor and significantly reduced governments' ability to provide protection to their domestic markets. The prominence and impact of WTO rules both globally and locally points to the need to develop professionals who understand the WTO disciplines and can provide advice to governments and the private sector on the same. This course provides students with the basic skills and knowledge needed to provide this advice and analysis. It is intended to act as a base for further more specialized study of international trade law topics.

**The main goals are to:**

1. Sensitise students to the relevance and importance of the WTO system;
2. Help students develop competency in the analysis and application of the basic legal principles underpinning the WTO system;
3. Help students develop competency in the rules and procedures governing disputes in the WTO system;
4. Help students develop an appreciation of the problems CARICOM faces in the negotiation and implementation of WTO rules create a foundation for possible future study of more specialised areas of international trade.
5. Create a foundation for possible future study of more specialised areas of international trade.

**Specific Learning Outcomes****By the end of the course, students will be able to:**

1. Explain the deficiencies of the GATT system and assess how and to what extent these were remedied by the WTO system;
2. Debate the relevance and role of the WTO with specific reference to the interests of CARICOM States;
3. Read and interpret a WTO Schedule of Concessions;
4. Analyse the application of the principles of MFN, national treatment and the prohibition on quantitative restrictions;
5. Explain the WTO rules regarding general exceptions and assess their effectiveness in addressing non-trade concerns;
6. Explain the WTO rules governing regional trading arrangements and assess their effectiveness and applicability to current regional arrangements;
7. Compare and contrast the differences between the WTO's approach to regulation of trade in goods and trade in services;
8. Read and interpret a Schedule of Specific Commitments;
9. Analyse the application of the general obligations and specific commitments of the General Agreement on Trade in Services;
10. Discuss the key elements of the WTO dispute settlement system;
11. Explain the procedural requirements of the WTO dispute settlement system and apply these rules;

12. Assess the effectiveness of the WTO dispute settlement system generally and from the perspective of small states;
13. Explain and comment on proposals for improvement and clarification of the WTO Dispute Settlement Understanding.

**The following topics will be addressed:**

1. Introduction to the International Trading System: GATT & the WTO
2. Schedules of Concessions & Article 2
3. Basic Principles: Most Favoured Nation, National Treatment & Quantitative Restrictions
4. General Exceptions - GATT Article XX & GATS Article XIV
5. Other Exceptions: Regional Trade Arrangements
6. General Agreement on Trade In Services (“GATS”)
7. WTO Dispute Settlement System – General Considerations
8. WTO Dispute Settlement System – Processes, Procedures & Proposals for Reform

**Course Content:**

**Teaching Methodologies:**

The course will be delivered by a combination of lectures (2 hours) and tutorials (1 hour) per week. Teaching sessions will integrate problem solving exercises, general discussions and debates.

**Course Assessment Methods:**

Students will be assessed as follows:

- Class participation: 15% of final grade

This will be measured based on student’s attendance at tutorials and an assessed tutorial presentation.

- In-class exercise: 25% of final grade

This will take the form of *either* a written exam with short-answer questions on different aspects of WTO rules *or* a group exercise in the form of debate on a topical issue within the WTO agenda of relevance to the course materials.

- End of semester written examination: 60% of final grade

This exam will be divided into two sections – one on WTO dispute settlement,

### Online Resources

1. World Trade Organisation: <http://www.wto.org>
2. United Nations Conference on Trade and Development: <http://www.unctad.org>
3. South Centre: <http://www.southcentre.org>
4. International Centre for Trade and Sustainable Development: <http://www.ictsd.org>
5. American Society of International Law: <http://www.asil.org>
6. Lexis Nexis (on-line legal database with access to academic journals)
7. WorldTradeLaw.net (on-line source for world trade law materials): the other on WTO law. Each section will contain 2 questions and students will be required to answer one question from each section within 2 hours.

### **Teaching/Learning Resources including internet sources Internet resources:**

WorldTradeLaw.net (on-line source for world trade law materials):  
<http://www.worldtradelaw.net>

### Instructional Aids:

Powerpoint slides and Powerpoint projector

### **Required/ Recommended Readings:**

#### Required

Peter van den Bossche, *The Law and Policy of the World Trade Organisation: Text, Cases and Materials*, (Cambridge University Press, 2012)

Recommended

Matsushita, Schoenbaum & Mavroidis, *The World Trade Organisation: Law, Practice & Policy* (2nd. ed. 2006) (Oxford University Press)

**LAW 3375 - INTERNATIONAL TRADE LAW CLINIC [APPROVED AB 20181023]**

<b>Course Title:</b>	International Trade Law
<b>Course Code:</b>	LAW 3330
<b>Academic Unit(s) to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

This course/clinic offers a unique opportunity to thoroughly analyse trade law and jurisprudence through a combination of practice and theory. Students will work on specific legal questions related to trade law coming from real clients.

Specifically, students will work in small groups (“Project Teams”) and under the close supervision of one or more Professors/Lecturers (“Academic Supervisors”) and invited experts (“Mentors”) on specific legal questions related to international trade law coming from “real clients” (“Beneficiaries”) such as international organizations, governments, SMEs or NGOs. In addition, introductory sessions by Mentors will be held to provide substantive background to the respective topics, as well as skills sessions to improve legal writing and oral presentation skills. At the end of the semester, the groups will submit written legal memoranda and orally present their projects in class in the presence of the Beneficiary and other invited guests.

Clinic projects will address actual requests for assistance received from beneficiaries, most of whom will likely be based in the Caribbean, but could also include developing countries,

international organizations, or other stakeholders in need, such as NGOs or SMEs. Projects to be pursued by students will be selected on the legal/policy relevance, basis of need, and capacity/availability of resources. In addition, students will be carefully supervised by academic supervisors who will deliver instruction in a classroom setting. This course will be useful to the students who would like to gain practical experience in international trade law, while at the same time enhance their substantive legal knowledge. It will also be useful to introduce students to career opportunities in international trade law by allowing them to interact with beneficiaries and mentors working in the trade law field and exposing them first-hand to the practice of international trade law in the Caribbean and around the world.

### **Course Rationale:**

International rules on cross-border trade and investment are increasingly complex, covering the WTO, World Bank and UNCTAD, ICSID, hundreds of bilateral investment treaties (BITs) and free trade arrangements. Each regime has its own negotiation, implementation and dispute settlement system. Everyone is affected by trade and investment but few have the time and resources to fully engage with the issues. TradeLab, an independent, Geneva-based NGO brings together students, academics, and legal practitioners with the aim of empowering countries and smaller stakeholders to reap the full development benefits of institutions and rules that govern our global economy. By providing information and support on negotiations, compliance, and litigation, TradeLab strives to make the WTO, other trade treaties and investment treaties work for everyone.

In this course/clinic students will work with real beneficiaries on real legal problems, improve their substantive knowledge of the law, learn valuable legal writing and legal analysis methods, and develop skills in oral advocacy and presentation. This course/clinic also helps to develop students who are globally aware but well-grounded in their regional identity. It will also assist students to think critically and creatively about international trade law; as well as facilitate their development as socially, culturally, regionally and environmentally aware and responsible citizens. This course/clinic adds an important practical dimension to the way in which lawyers are educated/trained at university.

### **General Goals/Aims:**

*The goals of this course are to:*

- Sensitize students to the practical aspects of international trade law, while at the same time enhancing their substantive legal knowledge
- Train students in the provision of practical legal advice to beneficiaries in the field of international trade law: in order to ensure access to the law for the people of the Caribbean
- Familiarize students with the concepts underpinning international and regional trade law
- Equip students with the tools necessary to conduct effective and practical research
- Assist students in developing legal writing, oral and advocacy skills
- Develop core competencies related to international trade law and managing a client.

### **Specific Learning Outcomes/Objectives**

*On successful completion of this course, students will be able to:*

1. Critically analyse international trade law issues, strategies, tactics, institutions, and law in both regional and international settings
2. Examine substantive areas of international economic law
3. Critically assess the strengths and weakness of the legal and policy components of a trade topic/question
4. Conduct research for a specific legal enquiry
5. Present results of research in a client-friendly, accessible and timely manner
6. Work in groups with other lawyers across cultures and language barriers to resolve legal issues
7. Interact with and provide legal assistance to real clients.

### **Course Content:**

*The following subject areas/topics will be addressed:*

1. Introduction to International Trade Law
2. Theory of International Economic Law
3. The Law of the WTO
4. Dispute Settlement in WTO Law (and Investment Law)
5. Regional Integration/Trade Law

6. Research of International Law and International Trade Law
7. Introduction to Legal Writing for WTO Law
8. Introduction to Oral Presentation and Communication Skills
9. Confidentiality and Legal Ethics

**Teaching Methodologies:**

The course will be delivered through a combination of lectures, seminars and workshops for three (3) hours each week for the thirteen (13) weeks during Semester 2. Teaching and tutorial sessions will integrate research and writing exercises; as well as group discussions with academic supervisors and mentors on chosen topics.

**Course Assessment Methods:**

The course will be assessed by means of a written legal memorandum as well as class participation:

- Class participation – 30% – students are required to respond to in-class questions, resolve assigned problems, and make a formal oral presentation on their assigned topics.
- Written Legal Memoranda – 70% – students are required to research and write a memorandum to a Beneficiary. The length of the memorandum will vary depending on the topic. Students will be expected to conform to the formatting guidelines required by Trade Lab.

**Teaching/Learning Resources including internet sources:****Internet Resources:**

[www.wto.org](http://www.wto.org) (website of the World Trade Organization; click on “disputes” for the dispute settlement gateway).

WTO Analytical Index – A Guide to WTO Law and Practice (a guide to the interpretation and application of WTO agreements by panels and the Appellate Body from 1995-2010), see: [http://www.wto.org/english/res\\_e/booksp\\_e/analytic\\_index\\_e/analytic\\_index\\_e.htm](http://www.wto.org/english/res_e/booksp_e/analytic_index_e/analytic_index_e.htm)

[www.worldtradelaw.net](http://www.worldtradelaw.net) (subscription website with Dispute Settlement Commentaries – case briefs – of all WTO panel and Appellate Body reports, good search tools, and much more. With your law student ID, you will be able to access the subscription part of the website.)

<http://www.tradelawguide.com/> (Trade Law Guide – subscription website with good search tools for finding cases and relevant WTO law)

For a digest of Appellate Body Reports, searchable by key word and article of agreements, see the Appellate Body Repertory at: [http://www.wto.org/english/tratop\\_e/dispu\\_e/repertory\\_e/repertory\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/repertory_e/repertory_e.htm)

### **Required/Recommended Readings:**

#### **Recommended readings:**

David Berry, Caribbean Integration Law, (Oxford University Press, 2014)

Ronnie Yearwood, The Interaction between World Trade Organisation (WTO) Law and External International Law (Routledge, 2012)

Peter Van den Bossche and Werner Zdouc, The Law and Policy of the World Trade Organization, (Cambridge University Press, 3<sup>rd</sup> edition, 2017).

Joost Pauwelyn, Andrew Guzman and Jennifer Hillman, International Trade Law, 3<sup>rd</sup> edition, (Wolters Kluwer, 2016).

John H. Jackson, William J. Davey and Allan Sykes, Legal Problems of International Economic Relations, 6<sup>th</sup> edition, (West Publishing, 2013).

**LAW 3340 - EUROPEAN UNION LAW [APPROVED AB 20140328]**

<b>Course Title:</b>	European Union Law
<b>Course Code:</b>	Law 3340
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	This is an optional course which will be taught either in Semester I or in Semester 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

The course will focus on the substantive law of the EU with regard to the free movement of goods, persons, services and capital. Prior to study of the law relating to, and surrounding the foregoing, the course will examine the fundamental principles of EU law underpinning the EU's legal system. The study of substantive EU law will also include a brief examination of EU competition rules which ensure that undertakings, through anti-competitive conduct or unlawful mergers, do not distort competition within the EU internal market.

**Course Rationale:**

Strong textual parallels between the Revised Treaty of Chaguaramas (RTC), which aims at creating the CARICOM Single Market and Economy, and the EU Treaties, which aim at creating the European Union, emphasize the relevance of EU law to the understanding and development of the process of integration within the Caribbean region. This relevance is enhanced by the fact that the Caribbean Court

of Justice uses judgments of the Court of Justice of the European Union as persuasive authority in cases decided by it under the RTC.

The structure of tutorials will improve a student's public speaking skills and interaction in a team environment. Various pedagogical methods are applied from on-line dissemination of information to structured lectures.

### **General Goals/Aims:**

The primary objective of the course is to provide students with a clear understanding of the structure and operation of EU law relating to, and surrounding, the internal market of the EU.

### **Specific Learning Outcomes/Objectives:**

On completion of the course, students will be able to:

1. Report on the evolution of EU law in respect of the establishment of the internal market;
2. Demonstrate considerable knowledge of the fundamental principles of EU law;
3. Critically analyze the nature and functioning of the EU internal market in respect of the free movement of goods;
4. Outline the main obstacles to the free movement of persons in the light of the case law of the Court of Justice of the European Union relating to EU citizenship;
5. Summarize restrictions on both access to, and exercise of, freedom of establishment;
6. Appraise problems posed by the free movement of services;
7. Describe how the EU has achieved the liberalization of movement of capital; and
8. Evaluate the effectiveness of EU competition law in the creation of the EU internal market.

### **Course Content:**

The course will include the following topics:

1. The history of the EU; the evolution of the EU; sources; and fundamental principles of EU law.
2. The free movement of goods involving:
  - a) The elimination of customs duties and charges having an equivalent effect;
  - b) The elimination of quantitative restrictions and all measures having equivalent effect, and exceptions allowed under the Treaties and on the grounds of mandatory requirements established by the case law of the Court of Justice of the European Union;
  - c) The prohibition of discriminatory internal taxation upon goods of other Member States;
  - d) The prohibition of state aid and subsidies unless authorised by the European Commission; and
  - e) Restrictions on the exercise of intellectual property rights
3. The free movement of persons and the impact of the creation of EU citizenship on the right to enjoy that freedom.
4. The exercise of the right of establishment by self-employed persons and companies.
5. The free movement of services encompassing not only the right to provide services but also the right to receive services.
6. The free movement of capital.
7. The EU competition rules ensuring that undertakings, through anti-competitive conduct or unlawful mergers, do not distort competition within the EU internal market.

**Teaching Methodologies:**

This course will be delivered by means of lectures and tutorials. Each student will have 3 hours contact time per week. This will be divided into a two-hour lecture and a one-hour tutorial per week. Lectures will be used as the means of presenting the essential principles of the relevant topic.

Students may be exposed, in tutorials, to a combination of:

1. Case studies;
2. Problem questions on fictional scenarios;
3. Essay questions assessing the theory of law;
4. Student-led presentations on any area of the course; and
5. Multiple choice tests, both formative and summative.

Students will be expected to prepare in advance for tutorials, which are intended not only to impart knowledge and understanding but also to promote those analytical and critical skills which are essential in legal argument.

### **Course Assessment Methods:**

Students will be assessed by means of:

- One written test not exceeding 40 minutes conducted approximately half-way through delivery of the course. It will be either a multiple-choice test or require students to provide short answers. It will account for 20% of the total mark; and
- A two-hour final written examination at the end of the semester in which the course is taught. Students will be required to answer two out of three questions. This examination will account for 80 % of the total mark.

### **Teaching/Learning Resources including internet sources:**

#### ***Electronic sources:***

- Lexis Nexis;
- Westlaw;
- EU websites in particular the official website of the Court of Justice of the European Union;
- OUP; and
- eLearning.

#### ***Non electronic sources:***

Law library.

**Required/ Recommended Readings:*****Required readings:***

- A.Kaczorowska, European Union Law, London/New York: Routledge, 3rd edition, 2013.

***Recommended readings:***

- P. Craig and G. de Burca, EU Law, Text, Cases and Materials, Oxford: Oxford University Press, 5th edition, 2011.
- N. Foster, EU Treaties and Legislation 2010-2011, Oxford: Oxford University Press, 21st edition, 2006.
- Barnard, The Substantive Law of the EU. The Four Freedoms, Oxford: Oxford University Press, 3rd edition, 2010.

**LAW 3350 - OIL AND GAS LAW [NOT REVISED]**

<b>Course Title:</b>	Oil & Gas Law
<b>Course Code:</b>	LAW 3350
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	There is no prerequisite for this course, but knowledge of Contract Law, Real Property, Environmental Law and Public International Law would be an asset.
<b>Course Co-requisite</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course is designed to give students an understanding of the fundamental legal issues associated with the oil and gas industry. It will include a study of the legal rights attached to the petroleum sector, an analysis of the nature and protection of interests and legal arrangements found in the oil and gas industry including applicable Licences, Production Sharing Contracts and Joint Operating Agreements.

The main environmental impacts of the oil and gas cycle, from exploration to abandonment/ decommissioning, will also be examined and the key functions of the Environmental Management Act and subsidiary legislation for the protection and monitoring of the human and physical environment studied.

The role of the oil and gas industry in the broader context of climate change and transboundary pollution will be a subject of study in the course and students will be expected to evaluate alternatives to fossil fuel for energy production such as

renewables and nuclear power. The importance of the links between sustainable development and environmental protection, and how these issues impact legislation for the oil and gas industry in global, regional and national contexts will also be highlighted. Further, a case study will be done on the oil and gas industry in Trinidad and Tobago and the range of approaches and instruments, such as the Trinidad and Tobago Petroleum Act (1969), the Petroleum Regulations (1970) and the Petroleum Taxes Act (1974), that are used to regulate the pollution and environmental impacts associated with the oil and gas industry will be studied.

This course will be taught in the Year 2I of the LLB Degree Programme. It is an optional course.

### **Course Rationale:**

The oil and gas industry is one of the largest and most important industries in the world. A key element in any successful oil and gas development is the appropriate legal environment, both regulatory and contractual. The recent BP Gulf of Mexico oil spill has demonstrated that internationally, environmental issues related to the Oil and Gas industry are assuming increasing importance and relevance. Globally, governments have to constantly monitor and review legislation related to the operational practices in the Oil and Gas industry, throughout the entire production cycle, from exploration to decommissioning. Major issues related to this process will be covered in this course.

The objective of this Oil and Gas law course is to equip students with a critical understanding of why and how the law with respect to upstream and downstream oil and gas operations is rapidly changing, in view of the increasing importance of environmental and sustainable development issues. To achieve this, an analysis of international soft and hard law underpinning environmental protection will be undertaken, diverse approaches to regulating the industry will be examined, and a detailed examination of legislation covering the environmental aspects of the industry will be performed. Although the course contains a case study on Trinidad and Tobago Oil and Gas law, this course is very much set in the context of the global legal regime for oil and gas.

The course is designed to provide students with the skills and knowledge necessary to work in and on the legal aspects of this vital and exciting global industry. The oil and gas sector is a thriving, exciting and well remunerated area for a lawyer to practice in.

**General Goals/Aims:**

At the end of the semester, students will develop a strong foundation in the fundamentals of oil and gas law; and a strong understanding of oil and gas contracts, leases and liability issues involved in the oil and gas. The students will also be able to understand the various environmental statutes, regional agreements and international treaties that impact the oil and gas industry, and other relevant key legal concepts.

Knowledge of Oil and Gas Law is a specialist area and will help to prepare students for a 21st Century law career. In addition, the course is designed to encourage creative and critical thinking, effective oral and written communication skills, and strong ethical values.

**Specific Learning Outcomes/ Objectives:**

By the end of the course, students will be able to:

1. Identify and explain the nature of the oil and gas industry's jargon;
2. Comment on the basic terms involved in the oil and gas legal framework;
3. Explain the differences between oil and gas licences, production sharing contracts and leases;
4. Discuss the relevance of key clauses and implied covenants in oil and gas licences;
5. Comment on the legal implications of environmental regulation and liability in the Oil and Gas industry;
6. Explain the risks faced by the oil and gas industry and means of identifying and managing those risks;
7. Discuss the application and function of international treaties regulating oil and gas industry;
8. Comment on the future oil and gas sources and social responsibility and climate change issues;
9. Critically evaluate the Caribbean laws governing the petroleum industry and compare them with those in other jurisdictions.

**Course Content:**

1. The Fundamentals of Oil and Gas Law – Domestic and International Framework
2. Nature and Protection of Oil and Gas Legal Rights
3. The Nature and Content of the Oil and Gas Licence
4. Oil and Gas Production Sharing Contracts and Joint Operating Agreements.
5. Environmental Regulation and Liability
6. Case Study: Trinidad and Tobago Regulation of Petroleum Operations

**Teaching Methodologies:**

This course will be taught by way of one lecture of 2 hours' duration and 1 tutorial per week. Each tutorial will last one hour. The lectures will consist of discussions on the topics outlined in the course calendar. There will also be group activities in the class involving collaborative learning and problem solving. The tutorials will consist of student presentations and discussions of tutorial questions. Further, on my eLearning there will be interactive online discussion forums on topical issues covered in the course.

**Course Assessment Methods:**

This course will be assessed by:

- (i) a research paper/ assignment to account for 40% of the final grade; and
- (2) a two-hour final examination to account for 60% of the final grade in which students will be required to answer two questions from a total of four.

**Teaching/ Learning Resources including internet sources:**

The following (often in combination) in the delivery of the course:

- lecture notes: usually in the form of a PowerPoint presentation, which will succinctly summarise the salient points of each topic. They will be used to introduce students to the topic during the lectures, provide the basis of class discussion and provide a guide to the weekly readings;
- worksheets: an outline of the key principles for each topic, including the required readings and other relevant material will be summarised on each worksheet;

- course materials: where possible, the electronic format of required readings and reference materials will be posted on the course website;

**Required/ Recommended Readings:**

## Required Readings

1. Makuch, K.E. and Perira, R., 2012. Environmental and Energy law. Oxford: Wiley Blackwell (e-book)
2. Gordon, G., Paterson, J. and Usenmez, E., eds., 2011. Oil and Gas Law: Current Practice and Emerging Trends. 2nd ed. Dundee: Dundee University Press
3. Higgins, George E. 1996. A History of Trinidad Oil. Express Production House, Port of Spain.
4. Martha Roggenkamp, Catherine Redgwell, et al (ed.) Energy Law in Europe: National, EU and International Regulations, 2nd ed. OUP (2007)
5. Weaver, Jacqueline, Texas Oil and Gas Law: Cases and Materials.

## Recommended Readings

1. Boopsingh, Trevor M. 1990. Oil, Gas and Development – A View from the South, Sweet & Maxwell
2. David, Martyn R, 2002. Natural Gas Agreements, London: Sweet & Maxwell
3. Hammerson, Marc, 2011. Upstream Oil and Gas: Cases, Materials and Commentary, London: Global Law and Business.
4. Inkpen, A. and Moffett, M.H., 2011. The Global Oil and Gas Industry: Management, Strategy and Finance. Tulsa, Okla.: PennWell Corp.
5. Jarvela, M. and Juhold, S., eds., 2011. Energy, Policy and the Environment: Modeling Sustainable Development for the North. New York: Springer. (e-book)
6. Jennings, Anthony, 2002. Oil and Gas Exploration Contracts, London: Sweet & Maxwell.
7. Taverne, Bernard, 1994. An Introduction to the regulation of the Petroleum Industry, London: Graham & Trotman/Martinus Nijhoff.

8. Tully, S. (ed.), 2005, *Research Handbook on Corporate Legal Responsibility*, London: Edward Elgar.

**References:**

1. Calvin-Smith, Vernetta, 1979. *The Legal Regulations of Foreign Investment in the Petroleum Industry of Trinidad and Tobago*, M.SC. Thesis in International Law. UWI, St. Augustine.
2. Krishna M. Persad and Mia M. Persad, eds., 1993. *The Petroleum Encyclopedia of Trinidad & Tobago*.
3. M Fitzmaurice and Milena Szuniewicz, (ed.) *Exploitation of Natural Resources in the 21st Century*, Kluwer Law International, 2003
4. Birnie, P.W., Boyle, A. and Redgwell, C., 2009. *International law and the Environment*. 3rd ed. Oxford; Oxford University Press
5. Brownlie, I., 2002. *Basic documents in international law*. 5th ed. Oxford: Oxford University Press.
6. David, Martyn R., 1996. *Upstream Oil and Gas Agreements*. London: Sweet & Maxwell.
7. David, Martyn R., 1999. *Oil and Gas Infrastructure and Midstream Agreements*. London: Langham Legal Publishing
8. Kemp, A.G., 2012. *The Official History of North Sea Oil and Gas. Vol. 1: The Growing Dominance of the State*. Abingdon: Routledge. (e-book)
9. Picton - Turberville, G. (ed.), 2009. *Oil and Gas: A Practical Handbook*. London, Globe Law and Business (e-book)
10. Roberts, Peter, 2010. *Joint Operating Agreements: A Practical Guide*, London: Global Law and Business.
11. Sands, P. and Galizzi, P., eds., 2004. *Documents in International Environmental law*. 2nd ed. Cambridge: Cambridge University Press
12. Sands, P., 2012. *Principles of International Environmental Law: frameworks, standards and implementation*. 3rd ed. Cambridge: Cambridge University Press.

13. Smith, Ernest, et al, 1993. International Petroleum Transaction, Denver: Rocky Mountain Mineral Law Foundation.

**Journals:**

- OGEL - Oil, Gas & Energy Law Intelligence Energy Law Journal
- Internet Journal of the Centre for Energy, Petroleum and Mineral Law and
- Policy Journal of Energy & Natural Resources Law
- Journal of Land, Resources & Environmental Law
- Association of International Petroleum Negotiators (AIPN) Publication - Journal of World Energy Law & Business (OUP)
- Renewable Energy Law and Policy Review
- San Diego Journal of Climate & Energy Law
- Texas Journal of Oil, Gas, and Energy Law

**LAW 3360 - CARIBBEAN ENERGY & GAS LAW**

<b>Course Title:</b>	Caribbean Energy & Gas Law
<b>Course Code:</b>	LAW 3360
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	Three (3) Credits
<b>Course Prerequisite:</b>	There is no prerequisite for this course, but knowledge of Contract Law, Real Property, Environmental Law and Public International Law would be an asset.
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

Energy is the fundamental basis of the economies of developed and developing countries, and has traditionally been provided by oil, natural gas, coal, peat and other carbon based fuels. At one time, whale oil was also a popular fuel, leaving to the decline of many species of whales. As a result, by and large, the main source of energy has been carbon based, and this trend continues until today. However, a combination of three factors have lead the charge for emphasis in alternative sources of energy, as well as a reformation of the production and distribution of energy to the supplier.

The first is the fact that carbon-based fuels are non-renewable in nature, and found in fixed quantities in our current geological age.

Secondly, these fuels are concentrated in reserves in a minority of states, who have over time formed cartels and regulated the price of the commodity.

Thirdly, the role of fossil fuels has featured prominently in the emergence of the anthropogenically driven climate change. Many of these issues are of critical importance to the Caribbean region, since with the exception of Trinidad & Tobago, Caribbean states do not have any appreciable quantities of fossil fuels, and are therefore net importers – a situation that often costs them a large percentage of their GDP.

Additionally, without exception, all members of the Commonwealth Caribbean are small island developing states (SIDS) and are exceptionally vulnerable to the effects of climate change.

The Course therefore offers a general introduction of global and national energy issues, including energy security, energy demand and supply, the range of energy sources available, and the social, economic and environmental consequences of these choices. Following this broad introduction, the course focuses on the production, distribution, sale and consumption of electricity. It considers a range of law and policy issues dealing with electricity, including the regulatory process, implications for environmental law, and trade law issues.

The first part of this course will examine the fundamental concepts and principles of fossil fuels, which will provide students a basic understanding of the issues and provide the basis for the second part of the course, which addresses the role of climate change and the move toward renewable energy resources. The third part of the Course is devoted to the issue of supply and distribution of energy, which is closely linked to effectiveness and efficiency of the energy sector. In addition, many Caribbean states who are interested in attracting investment and capital to support sustainable energy and renewable energy have recognised that there is the need to reform their energy sector, to provide legal certainty and security. Where relevant, case studies from both the Caribbean and other jurisdictions will be utilised to illustrate the content.

Throughout the course, which is based on the structured Course Guide, emphasis will be placed on analysis of contemporary environmental issues, the use of knowledge acquired during the course to question the structure, implementation and enforcement of the law; and design of national environmental policies.

**Course Rationale:**

The objective of this course is to equip students with a critical understanding of the fundamentals of the law with respect oil and gas, renewable energy and energy distribution, in view of the increasing importance of environmental and sustainable development issues globally, regionally and nationally. To achieve this, an analysis of international soft and hard law underpinning environmental protection will be undertaken, diverse approaches to regulating the industry will be examined, and a detailed examination of the application of these principles to the Commonwealth Caribbean region.

**General Goals/Aims:**

The goals of the course are to:

- develop an understanding of the general principles of fossil fuels, renewable energy and energy supply and distribution;
- develop competence in the law relating to fossil fuels, renewable energy and energy supply and distribution; and
- sensitise students to the issues and efforts of the Commonwealth Caribbean region in the field of fossil fuels, renewable energy and energy supply and distribution.

**Specific Learning Outcomes/Objectives:**

By the end of the course, the student will be able to:

- understand the regulatory policy in the energy sector, including oil & gas, climate change and renewable energy, and the regulation of energy utilities
- analyse and evaluate the basics of the industry segments and the regulatory process globally, and in the Commonwealth Caribbean region
- utilise the basic regulatory framework to master the process for resource management, sustainable utilisation and energy permits and licences
- critically assess the challenges in energy law and policy in the Commonwealth Caribbean region
- posit solutions to these challenges

**Course Content:**

## Part One: Traditional Sources of Energy – Oil and Natural Gas

1. The Fundamentals of Oil & Gas Law
2. Nature and Protection of Oil & Gas Rights
3. Oil & Gas Licensing
4. Environmental Regulation and Liability – Case Study of Trinidad & Tobago

## Part Two: Climate Change and the Move Toward Renewable Energy

5. Foundations of International Climate Law: Objectives, Principles and Methods
6. The Relationship between Climate Change and Renewable Energy – Climate Change and Emissions Reduction
7. Renewable Energy for the Caribbean: Solar (Active, Passive, Photovoltaic Cells) Wind, Offshore Wind, Wave, Tidal, Biofuels, Fuel Cells, Geothermal, OTEC and Hydropower (and Pumped Storage Reservoirs)
8. Linking Climate Change Adaptation and Mitigation with Renewable Energy in the Caribbean Region – Case Study of the 2009 Liliendaal Declaration on Climate Change and Development

## Part Three: The Energy Sector – The Fundamentals of Supply Electricity

9. Introduction to Energy Utility Industries and Regulation
10. Regulation of Supply
11. Economic Regulation of Energy Utilities, Consumption and Efficiency
12. Critical Recent Developments in Other Jurisdictions – Comparative Case Studies

*for example:*

- a) OECS's Renewable Energy Strategy
- b) MOU between New Brunswick and Quebec regarding Hydro-Quebec's Potential Acquisition of NB Power
- c) Ontario's Green Energy Act

- d) Case Study of the 2008 Geothermal Resources Development Bill (Nevis)

### 13.The Future of Energy Utility Regulation

#### **Teaching Methodologies:**

This course will be taught by a combination of lectures, tutorials (in seminar format) and a workshop organised around a specific theme chosen at the beginning of the semester. Students will be required to answer essay and problem questions throughout the course. A field exercise may be incorporated to reinforce the taught content of the course.

There will be a 2-hour weekly lecture, and 1 hour of seminar

Lectures will be delivered with the assistance of video, case studies and guest lecturers – in person, or if feasible, by means of videoconference. This will be a way to expose students to other practitioners in the field of oil & gas, renewable energy, commercial law etc., as well as foster collaboration between the Faculties where the course is offered

#### **Course Assessment Methods:**

This course will be assessed as follows:

- A. class participation 10 % students are marked for: on-time attendance (5%) and an oral presentation on an assigned essay/ problem question, or on an assigned case study (for example: students will be arranged in groups or by themselves, and each assigned a particular Commonwealth Caribbean country to research the regime of energy demand and supply) (5%)
- B. research question 30 % students are required to research and write an essay of between 2,000-3,000 words on an assigned topic.
- C. final examination 60 % students are required to write a 2-hour final exam, comprising of 4 questions, from which the candidate will be required to answer 2 questions.

#### **Teaching/Learning Resources including internet sources:**

The following (often in combination) in the delivery of the course:

- lecture notes: usually in the form of a PowerPoint presentation, which will succinctly summarise the salient points of each topic. They will be used to introduce students to the topic during the lectures, provide the basis of class discussion and provide a guide to the weekly readings;
- worksheets: an outline of the key principles for each topic, including the required readings and other relevant material will be summarised on each worksheet;
- course materials: where possible, the electronic format of required readings and reference materials will be posted on the course website;
- multimedia resources: materials to complement the required readings and worksheets will be placed on the course's website as is relevant and available. These will range from videos and other audio-visual resources, legislation, newspaper articles, journal articles and revision exercises, and will be utilised as necessary/available; and
- tutorial questions: these will be found at the end of each worksheet.

A Revision Session will also be held at the conclusion of the teaching / tutorial aspect of the Course. The decision on whether to convene a Revision Session will be made by CONSENSUS, and attendance of these sessions is OPTIONAL

### **Required/ Recommended Readings:**

#### Required Readings

1. G. Gordon, J. Paterson and E. Usenmez, *Oil & Gas Law : Current Practice and Emerging Trends* (Dundee University Press, 2011)
2. Michael Gerrard. *The Law of Clean Energy: Efficiency and Renewables*(American Bar Association, Section of Environment, Energy, and Resources,2011)
3. Erkki J. Hollo, Kati Kulovesi and Michael Mehling (eds.). *Climate Change and the Law* (Springer, 2013)
4. Roland R. Clarke. *Overview of Renewable Energy Development in Caribbean SIDS*

[http://www.un.org/esa/sustdev/sids/2008\\_roundtable/presentation/session2\\_clarke.pdf](http://www.un.org/esa/sustdev/sids/2008_roundtable/presentation/session2_clarke.pdf)

5. OECS Energy Issues and Options

[http://www.esmap.org/esmap/sites/esmap.org/files/FR317-06\\_GBL\\_OECS\\_Energy\\_Issues\\_&\\_Options.pdf](http://www.esmap.org/esmap/sites/esmap.org/files/FR317-06_GBL_OECS_Energy_Issues_&_Options.pdf)

6. Joseph Williams. Towards a CARICOM Strategy for Energy Efficiency Improvement

<http://www.eclac.cl/portofspain/noticias/paginas/8/39598/JosephWilliams.pdf>

7. Martha Roggenkamp, Catherine Redgwell, et al (ed.) Energy Law in Europe: National, EU and International Regulations, 2nd ed. OUP (2007)

8. Kerith T. Kentish. A New Governance Approach to Designing an Effective Arrangement for the Sustainable Management of Renewable Marine Resources in the OECS Region. LLM Thesis, School of Marine & Environmental Law : Dalhousie University (Dalhousie University : Halifax, Nova Scotia, 2010)

#### Recommended Readings

- Jacqueline Weaver, Texas Oil & Gas Law: Cases and Materials (Butterworth Legal Publishers, 1989)
- M Fitzmaurice and Milena Szuniewicz, (ed.) Exploitation of Natural Resources in the 21st Century, Kluwer Law International, 2003
- K.E. Makuch and R. Perira, Environmental and Energy law. (Wiley Blackwell, 2012)

#### References

1. S. Tully (ed.) Research Handbook on Corporate Legal Responsibility (Edward Elgar, 2005)
2. Chris Wold, David Hunter and Melissa Powers, Climate Change and the Law, (Lexis Nexis/Matthew Bender, 2009)

**LAW3375 – INTERNATIONAL TRADE LAW CLINIC (TRADELAB)  
[APPROVED AB 20180328]**

<b>Course Title:</b>	International Trade Law Clinic
<b>Course Code:</b>	LAW 3375
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	There is no prerequisite for this course, but knowledge of Contract Law, Real Property, Environmental Law and Public International Law would be an asset.
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course/clinic offers a unique opportunity to thoroughly analyse trade law and jurisprudence through a combination of practice and theory. Students will work on specific legal questions related to trade law coming from real clients.

Specifically, students will work in small groups (“Project Teams”) and under the close supervision of one or more Professors/Lecturers (“Academic Supervisors”) and invited experts (“Mentors”) on specific legal questions related to international trade law coming from “real clients” (“Beneficiaries”) such as international organizations, governments, SMEs or NGOs. In addition, introductory sessions by Mentors will be held to provide substantive background to the respective topics, as well as skills sessions to improve legal writing and oral presentation skills. At the end of the semester, the groups will submit written legal memoranda and orally

present their projects in class in the presence of the Beneficiary and other invited guests.

Clinic projects will address actual requests for assistance received from beneficiaries, most of whom will likely be based in the Caribbean, but could also include developing countries, international organizations, or other stakeholders in need, such as NGOs or SMEs. Projects to be pursued by students will be selected on the legal/policy relevance, basis of need, and capacity/availability of resources. In addition, students will be carefully supervised by academic supervisors who will deliver instruction in a classroom setting. This course will be useful to the students who would like to gain practical experience in international trade law, while at the same time enhance their substantive legal knowledge. It will also be useful to introduce students to career opportunities in international trade law by allowing them to interact with beneficiaries and mentors working in the trade law field and exposing them first-hand to the practice of international trade law in the Caribbean and around the world.

### **Course Rationale:**

International rules on cross-border trade and investment are increasingly complex, covering the WTO, World Bank and UNCTAD, ICSID, hundreds of bilateral investment treaties (BITs) and free trade arrangements. Each regime has its own negotiation, implementation and dispute settlement system. Everyone is affected by trade and investment but few have the time and resources to fully engage with the issues. TradeLab, an independent, Geneva-based NGO brings together students, academics, and legal practitioners with the aim of empowering countries and smaller stakeholders to reap the full development benefits of institutions and rules that govern our global economy. By providing information and support on negotiations, compliance, and litigation, TradeLab strives to make the WTO, other trade treaties and investment treaties work for everyone.

In this course/clinic students will work with real beneficiaries on real legal problems, improve their substantive knowledge of the law, learn valuable legal writing and legal analysis methods, and develop skills in oral advocacy and presentation. This course/clinic also helps to develop students who are globally aware but well-grounded in their regional identity. It will also assist students to think critically and creatively about international trade law; as well as facilitate their

development as socially, culturally, regionally and environmentally aware and responsible citizens. This course/clinic adds an important practical dimension to the way in which lawyers are educated/trained at university.

**General Goals/Aims:**

*The goals of this course are to:*

- Sensitize students to the practical aspects of international trade law, while at the same time enhancing their substantive legal knowledge
- Train students in the provision of practical legal advice to beneficiaries in the field of international trade law, in order to ensure access to the law for the people of the Caribbean
- Familiarize students with the concepts underpinning international and regional trade law
- Equip students with the tools necessary to conduct effective and practical research
- Assist students in developing legal writing, oral and advocacy skills
- Develop core competencies related to international trade law and managing a client.

**Specific Learning Outcomes/Objectives:**

*On successful completion of this course, students will be able to:*

1. Critically analyse international trade law issues, strategies, tactics, institutions, and law in both regional and international settings
2. Examine substantive areas of international economic law
3. Critically assess the strengths and weakness of the legal and policy components of a trade topic/question
4. Conduct research for a specific legal enquiry
5. Present results of research in a client-friendly, accessible and timely manner

6. Work in groups with other lawyers across cultures and language barriers to resolve legal issues
7. Interact with and provide legal assistance to real clients.

**Course Content:*****The following subject areas/topics will be addressed:***

1. Introduction to International Trade Law
2. Theory of International Economic Law
3. The Law of the WTO
4. Dispute Settlement in WTO Law (and Investment Law)
5. Regional Integration/Trade Law
6. Research of International Law and International Trade Law
7. Introduction to Legal Writing for WTO Law
8. Introduction to oral presentation and communication skills
9. Confidentiality and Legal Ethics

**Teaching Methodologies:**

The course will be delivered through a combination of lectures, tutorials, seminars and workshops for three (3) hours each week for the thirteen (13) weeks during Semester 2. Teaching and tutorial sessions will integrate research and writing exercises; as well as group discussions with academic supervisors and mentors on chosen topics.

**Course Assessment Methods:**

The course will be assessed by means of a written legal memorandum as well as class participation:

- Class participation – 30% – students are required to respond to in-class questions, resolve assigned problems, and make a formal oral presentation on their assigned topics.
- Written Legal Memoranda – 70% – students are required to research and write a memorandum to a Beneficiary. The length of the memorandum will vary

depending on the topic. Students will be expected to conform to the formatting guidelines required by TradeLab.

### **Teaching/Learning Resources including internet sources:**

#### **Internet Resources:**

- [www.wto.org](http://www.wto.org) (website of the World Trade Organization; click on “disputes” for the dispute settlement gateway).
- WTO Analytical Index – A Guide to WTO Law and Practice (a guide to the interpretation and application of WTO agreements by panels and the Appellate Body from 1995-2010), see: [http://www.wto.org/english/res\\_e/booksp\\_e/analytic\\_index\\_e/analytic\\_index\\_e.htm](http://www.wto.org/english/res_e/booksp_e/analytic_index_e/analytic_index_e.htm).
- [www.worldtradelaw.net](http://www.worldtradelaw.net) (subscription website with Dispute Settlement Commentaries – case briefs – of all WTO panel and Appellate Body reports, good search tools, and much more. With your law student ID, you will be able to access the subscription part of the website.)
- <http://www.tradelawguide.com/> (Trade Law Guide – subscription website with good search tools for finding cases and relevant WTO law).
- For a digest of Appellate Body Reports, searchable by key word and article of agreements, see the Appellate Body Repertory at: [http://www.wto.org/english/tratop\\_e/dispu\\_e/repertory\\_e/repertory\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/repertory_e/repertory_e.htm).

#### **Required/ Recommended Readings:**

##### ***Recommended readings:***

- David Berry, Caribbean Integration Law, (Oxford University Press, 2014).
- Ronnie Yearwood, The Interaction between World Trade Organisation (WTO) Law and External International Law (Routledge, 2012).
- Peter Van den Bossche and Werner Zdouc, The Law and Policy of the World Trade Organization, (Cambridge University Press, 3<sup>rd</sup> edition, 2017).

- Joost Pauwelyn, Andrew Guzman and Jennifer Hillman, International Trade Law, 3rd edition, (Wolters Kluwer, 2016).
- John H. Jackson, William J. Davey and Allan Sykes, Legal Problems of International Economic Relations, 6<sup>th</sup> edition, (West Publishing, 2013).

**LAW 3400 - INSURANCE LAW [APPROVED AB 20181123]**

<b>Course Title:</b>	Insurance Law
<b>Course Code:</b>	LAW 3400
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	There is no prerequisite for this course, but knowledge of Contract Law, Real Property, Environmental Law and Public International Law would be an asset.
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**General**

Insurance Law is an optional course which relies heavily on Contract Law. Accordingly, the attainment of at least a “B” average in Contract Law I and 2 might be required as a prerequisite for studying the course. Insurance Law will be taught in either Semester I or Semester 2 of the third year of the LL.B. programme.

**Course Objective**

This course is designed to explore basic principles of modern Insurance Law and to introduce students to specialized problems in particular areas of the subject.

**Course Content**

The topics to be covered in the course may include all or any of the following: -

## i. Introductory Principles

- Nature of Insurance Law - The Contract of Insurance - Regulation.

## 2. Insurable Interest

- Insurable Interest - Life and Property Insurances - Assignment.

### 2i. Uberrimae fides

- Making the contract - Agency – Contract and Non-disclosure - Interim cover.

### iv. Risk

- Terms of policy - Construction - Causation.

### v. Indemnity

- Claims - Settlement - Subrogation -Contribution - Double Insurance.

### vi. Specialised Problems

- Beneficiary designation – Compulsory Motor Vehicle Insurance - Employers' Liability Insurance – Environmental Insurance.

## **4. Method of Teaching**

This course will be taught either by way of two one-hour lectures or by way of one two-hour seminar, plus one one-hour enhancement session per week. Students will be notified of the teaching method to be adopted for the Semester in which they register to read the course during the first week of the Semester.

## **5. Method of Assessment**

This course will be assessed by way of a two-hour final examination at the end of the semester in which it is taught. Students will be required to answer three questions, one of which may be a compulsory question, from a total of six questions.

**LAW 3450 - CARIBBEAN ENVIRONMENTAL LAW [APPROVED AB 20140328]**

<b>Course Title:</b>	Caribbean Environmental Law
<b>Course Code:</b>	LAW 3450
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	There is no prerequisite for this course, but knowledge of Tort Law and International Environmental Law would be an asset
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

Caribbean Environmental Law is complementary to International Environmental Law, but may be studied independently of that course.

The course is designed to introduce students from various academic and practical backgrounds to the key principles of Environmental Law and Policy in the Caribbean region.

Environmental Law has evolved from principles of common law and statutes governing public health and pollution, and today involves a complex and interconnected body of treaties, conventions, statutes and regulations mixed with the common law. These elements operate to regulate the interaction of humanity and the natural environment. Environmental Law draws from, and is influenced by principles of environmental management, and the main purpose of the discipline is to prevent or mitigate the impacts of human activity on the environment.

Today, Environmental Law may be divided into two major areas – (i) pollution control and remediation and (2) resource conservation and management. Pollution control laws generally are intended (often with varying degrees of emphasis) to protect and preserve both the natural environment and human health. Laws concerning resource conservation and management, on the other hand, generally balance (again, often with varying degrees of emphasis) the benefits of preservation and economic exploitation of resources.

The first part of this course will examine the fundamental concepts and principles of Environmental Law, the main legal sources, institutions and actors, as well as the key subject areas. This will give students a basic understanding of the issues and provide the basis for the second part of the course, which addresses cross-cutting themes in Environmental Law and Policy. The third part of the Course is devoted to particular sectors and their governing regimes in the United Kingdom (as the source of much of the environmental law in the region), and also in Caribbean jurisdictions. Other Commonwealth jurisdictions will also be referenced. This is because many of the early common law principles and legislation which govern the subject in the Caribbean have emanated from the law on these areas in the United Kingdom.

Throughout the course, which is based on the structured Course Guide, emphasis will be placed on analysis of contemporary environmental issues; the use of knowledge acquired during the course to question the structure, implementation and enforcement of the law; and design of national environmental policies

### **Course Rationale:**

Environmental Law principally governs how states manage their natural and cultural environment. The challenges faced by developing countries in environmental and natural resource management are substantially different from those confronting the world's industrialised nations, since often developing countries need to make hard choices and balance priorities of development and environmental protection. In addition, there are issues of poverty, inequality, lack of technical and other capacities which frustrate objectives of effective environmental governance.

The course is designed to examine the evolution and content of environmental law on activities which have adverse impacts on the Caribbean environment. An

important objective is to highlight the relevance of the relationship between environmental law and policy.

**General Goals/Aims:**

The goals of the course are to:

1. develop an understanding of the general principles of environmental law;
2. develop competence in the instruments used to implement environmental policies and law; and
3. sensitise students to the efforts of the Commonwealth Caribbean region in the field of environmental protection

**Specific Learning Outcomes/Objectives:**

By the end of the course, students will be able to:

1. examine the methods by which the law has sought to place limits on human activity having adverse impacts on the environment
2. identify the issues facing Caribbean countries in the management and protection of their environment
3. evaluate the unique legal, policy and governance challenges faced by developing countries, including those in the Commonwealth Caribbean, in seeking to achieve sustainable management of their natural resources and environments;
4. assess different approaches taken to promote environmental protection in the Commonwealth Caribbean; and
5. explain the evolution from common law control to regulatory means established primarily by statute, with particular reference to environmental laws in force and decided cases in Commonwealth Caribbean countries

**Course Content:**

Part One: History and Introduction to Environmental Law

1. Introduction, Concept and History of Environmental Law
2. Framework of Environmental Law
3. The Regime of Environmental Law I: Administration and Regulation

4. The Regime of Environmental Law 2: Enforcement

Part Two: Cross-Cutting Themes in Environmental Law

5. Private Law and Environmental Protection

6. Public Law and Public Participation in Environmental Protection

Part Three: Sectors Addressed by Environmental Law

7. Environmental Impact Assessments

8. Planning Law and Policy

9. Regulation and Control of Pollution I: Air, Noise and Water Pollution

10. Regulation and Control of Pollution 2: Solid and Liquid Waste Management

11. Conservation of Natural, Cultural and Indigenous Resources

12. Conservation of the Marine and Coastal Zone (including ICZM, marine, fisheries and aquaculture)

**Teaching Methodologies:**

This course will be taught by a combination of lectures, seminars and workshops. A field exercise may be incorporated to reinforce the taught content of the course.

There will be a two-hour weekly lecture, a one-hour weekly seminar and a workshop organised on a specific theme chosen at the beginning of the semester (e.g. a comparative analysis of the environmental law and regime of fisheries in the states of the Commonwealth Caribbean)

Lectures will be delivered with the assistance of video, case studies and guest lectures – in person or if feasible, by means of videoconference. This will be a way to expose students to other practitioners in the field of Environmental Law, as well as foster collaboration between the Faculties where the course is offered.

**Course Assessment Methods:**

This course will be assessed as follows:

- A. class participation 10 % students are marked for: on-time attendance (5%) and an oral presentation on an assigned problem question (5%)
- B. research question 30 % students are required to research and write an essay of between 2,000-3,000 words on an assigned topic, or answer an assigned question.
- C. final examination 60 % students are required to write a 2-hour final exam, In which they must
  - answer ALL of the compulsory questions in Part A and
  - TWO of FOUR questions in Part B (which comprises essay-type questions and problem-type questions)

### **Teaching/Learning Resources including internet sources:**

The following (often in combination) in the delivery of the course:

- lecture notes: usually in the form of a PowerPoint presentation, which will succinctly summarise the salient points of each topic. They will be used to introduce students to the topic during the lectures, provide the basis of class discussion and provide a guide to the weekly readings;
- worksheets: an outline of the key principles for each topic, including the required readings and other relevant material will be summarised on each worksheet;
- course materials: where possible, the electronic format of required readings and reference materials will be posted on the LAW 3450 website;
- multimedia resources: materials to complement the required readings and worksheets will be placed on the course's website as available. These will range from videos and other audio-visual resources, legislation, newspaper articles, journal articles and revision exercises, and will be utilised as necessary/available; and
- tutorial questions: these will be found at the end of each worksheet.

A Revision Session will also be held at the conclusion of the teaching / tutorial aspect of the Course. Revision Sessions will take the form of a “exam-style” scenario, where students will be presented with TWO questions to select and answer ONE within a 33-minute period. BOTH questions will subsequently be discussed. The decision on whether to convene a Revision Session will be made by CONSENSUS, and attendance of these sessions is OPTIONAL

### **Required/ Recommended Readings:**

#### Required Readings

1. Stuart Bell and Donald McGillivray, *Environmental Law*, 8th ed., (Oxford University Press, 2013)
2. Winston C. Anderson. *Principles of Caribbean Environmental Law*. (Environmental Law Institute, 2012)
3. Susan Wolf and Neil Stanley. *Wolf and Stanley on Environmental Law*, 6th ed., (Taylor & Francis, 2013)

#### **Recommended Readings:**

1. David Hughes, Tim Jewell. Jason Lawther, Neil Parpworth and Paula de Perez. *Environmental Law*, 4th ed. (Butterworths, 2005)
2. Justine Thornton and Silas Beckwith, *Environmental Law* 2nd rev. ed. (Thomson/Sweet & Maxwell, 2004)

#### References

- Daniel A. Farber and Roger W. Findley. *Environment Law in a Nutshell*, 8th ed. (West Nutshell Series, 2010)
- Dinah Shelton, Dinah and Alexandre Kiss. *Judicial Handbook on Environmental Law*(UNEP,2005),online:<http://www.unep.org/environmentalgovernance/LinkClick.aspx?fileticket=YEHN-G63Rm0%3D&tabid=383&mid=1024>
- John D. Leeson. *Environmental Law* (Pitman, 1995)

- UNEP/ROLAC. Caribbean Environmental Law: Development and Application. Environmental Legislative and Judicial Developments in the English-Speaking Caribbean Countries in the Context of Compliance with Agenda 21 and the Rio Agreements(UNEP,2002),online:<http://www.pnuma.org/deramb/publicaciones/CaribbeanEnvLaw.pdf>

**LAW 3460 - INTERNATIONAL ENVIRONMENTAL LAW [APPROVED AB 20140328]**

<b>Course Title:</b>	International Environmental Law
<b>Course Code:</b>	LAW 3460
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite</b>	There is no prerequisite for this course, but knowledge of Environmental Law and Public International Law would be an asset
<b>Course Co-requisite</b>	None
<b>Course Post-requisite</b>	None
<b>Course Anti-requisite</b>	None

**Course Description:**

International Environmental Law is complementary to LAW 3450: Caribbean Environmental Law, but may be studied independently of that other option. As with all courses which incorporate International Law, the course presumes knowledge of Public International Law.

This course is designed to introduce students to the principles governing International Environmental Law. Participants in the course will study a range of environmental issues, legal sources, and institutions. The course will include consideration of international environmental treaties, the role of the International Court of Justice in identifying and establishing international environmental law, international regulation of private conduct that affects the environment, trade and the environment, and the relationship between domestic and international law.

The first part of this course will examine the fundamental concepts and principles of International Environmental Law, the main legal sources, institutions and actors, as well as the key subject areas. This will give students a basic understanding of the issues and provide the basis for the second part of the course, which is devoted to particular sectors and their governing regimes. The final part of the course addresses some cross-cutting issues in International Environmental Law, to illustrate how this discipline interacts with some other specialised areas of International Law.

Throughout the course, which is based on the structured study guide, emphasis will be placed on analysis of contemporary environmental issues, using the knowledge that was acquired during the course to question the structure, implementation and enforcement of the law; and design of international, regional and national environmental policies.

### **Course Rationale:**

International Law of the Environment is a comparatively new field of International Law. It has seen a rapid evolution over the past 30 years, as a result of the widespread recognition that many environmental problems must be addressed at the international level, if satisfactory solutions are to be found. As the discipline evolves, there is the recognition that issues global in nature, may affect different regions in varied ways, and many of these issues are now addressed at the regional level. This is indeed the case in the Caribbean region.

Like many other branches of International Law, International Environmental Law is interdisciplinary, intersecting and overlapping with numerous other areas of research – including Economics, Political Science, Ecology, Human Rights, Trade and Navigation/Admiralty.

### **General Goals/Aims**

The goals of the course are to:

- develop an understanding of the general principles of International Environmental Law;
- sensitise students to the instruments used to implement environmental policies; and

- develop an awareness of the efforts of the international community in the field of environmental protection.

**Specific Learning Outcomes/ Objectives:**

By the end of the course, students will be able to:

1. evaluate the challenges facing the development and enforcement of International Environmental Law ;
2. appraise the operation of important international environmental regimes ;
3. assess and evaluate the relevance and influence of International Environmental Law to the Caribbean region;
4. compile regional applications of International Environmental Law;
5. compare regional applications of International Environmental Law;
6. evaluate regional applications of International Environmental Law; and
7. anticipate the significant policies and principles that should guide international lawyers in developing this specialised discipline in the future.

**Course Content:*****Part One: Fundamental Concepts and Principles of International Environmental Law***

1. International Law and the Environment
2. International Governance and the formulation of Environmental Law and Policy
3. The Structure of Environmental Law
4. Rights and Obligations of States
5. Regulation, Compliance, Enforcement and Dispute Settlement
6. Environmental Rights and Crimes

***Part Two: Specialised Topics Addressed by International Environmental Law***

1. The Law of the Sea and Protection of the Marine Environment

2. Transboundary Watercourses and Groundwater
3. International Control of Hazardous Wastes
4. Protecting the Atmosphere: Climate Change and Ozone Depletion
5. Conservation of Nature, Ecosystems and Biodiversity
6. Conservation of Migratory, Land-based and Marine Species of Biodiversity

***Part Three: Cross-cutting Areas in International Environmental Law***

1. Trade and the Environment
2. Financial Mechanisms: Debt-for-Nature Swaps, REDD+ and Blue Carbon Initiatives
3. Human Rights and the Environment

Emphasis may be placed on topics which are of contemporary importance internationally and regionally at the time the course is offered

**Teaching Methodologies:**

This course will be taught by a combination of lectures, seminars and workshops. A field exercise may be incorporated to reinforce the taught content of the course. There will be either:

- (1) a two-hour weekly lecture and a one-hour weekly seminar
- (2) a two-hour weekly lecture, a one-hour weekly seminar and a workshop organised on a specific theme chosen at the beginning of the semester

Lectures will be delivered with the assistance of video, case studies and guest lectures – in person or if feasible, by means of videoconference. This will be a way to expose students to other practitioners in the field of International Environmental Law, as well as foster collaboration between the Faculties where the course is offered.

**Course Assessment Methods:**

This course will be assessed as follows:

## 1. group-tutorial option

## A. class participation 10 %

*Students are marked for: on-time attendance (5%) and either an oral presentation on an assigned problem question OR a symposium-styled oral presentation based on a specific theme chosen at the beginning of the semester (for example a contemporary issue pertinent to the Caribbean, or that may be of research interest to the Faculty) (5%)*

## B. research question 30%

*Students are required to research and write an essay of between 2,000-3,000 words on an assigned topic or answer an assigned question.*

## C. final examination 60 %

*Students are required to write a 2-hour final exam, in which they must*

- answer ALL of the compulsory questions in Part A, and
- TWO of FOUR questions in Part B (which comprises essay-type questions and problem-type questions)

Students will be advised of the selected method of assessment at the start of the semester in which the course is taught

**Teaching/Learning Resources including internet sources:**

The following are recommended (often in combination) in the delivery of the course:

- lecture notes: usually in the form of a PowerPoint presentation, which will succinctly summarise the salient points of each topic. They will be used to introduce students to the topic during the lectures, provide the basis of class discussion and provide a guide to the weekly readings;
- course materials: these comprise the required readings for each topic. These will be available on each Worksheet, and as far as possible on the Course's website;
- multimedia resources: materials to complement the required readings and worksheets will be placed on the course's website as available. These will

range from audio-visual resources, legislation, newspaper articles, journal articles and revision exercises. There also exists much documentary material in the form of vlogs, videos etc. on many topics in International Environmental Law. These will be utilised as necessary / available;

- introductory and background readings: where necessary and/or relevant, a quick backgrounder may be made available to provide a context to a specific topic. This is to fill in gaps in the students' knowledge on a particular issue. These will be made available at the Lecturer's discretion, or at the request of students – and are optional; and
- tutorial questions: the tutorial questions for each topic will be circulated at the beginning of the Semester.

A Revision Session will also be held at the conclusion of the teaching / tutorial aspect of the Course. Revision Sessions will take the form of a “exam-style” scenario, where students will be presented with TWO questions to select and answer ONE within a 33-minute period. BOTH questions will subsequently be discussed. The decision on whether to convene a Revision Session will be made by CONSENSUS, and attendance of these sessions is OPTIONAL.

### **Required/ Recommended Readings:**

#### Required Readings

- Malgosia Fitzmaurice, David M. Ong and Panos Merkouris. Research Handbook on International Environmental Law (Edward Elgar Publishers, 2011)
- Patricia Birnie, Alan Boyle and Catherine Redgewell, International Law and the Environment, 3rd ed. (Oxford University Press, 2009)
- Ulrich Beyerlin and Thilo Marauhn. International Environmental Law (Hart Publishing, 2011)
- M.P Bowman, P. Davies and C. Redgewell. Lyster's International Wildlife Law (Cambridge University Press, 2011)
- S. MacCaffrey and R.E. Salcido. Global Issues in Environmental Law: Cases and Materials (West, 2009)

### Recommended Readings

- UNEP / Earthprint. Training Manual on International Environmental Law. (UNEP / Earthprint,2006),online: [http://www.unep.org/environmentalgovernance/Portals/8/documents/training\\_Manual.pdf](http://www.unep.org/environmentalgovernance/Portals/8/documents/training_Manual.pdf)
- Anthony D'Amato, and Kirsten Engel. International Environmental Law Anthology. 1995, online: <http://anthonydamato.law.northwestern.edu/ILC-2001/Books.htm>
- Winston Anderson. The Law of Caribbean Marine Pollution. (Kluwer Law International, 1997)
- UNEP. UNEP Year Book 2011: Emerging Issues in Our Global Environment (United Nations Environment Programme: Nairobi, 2011), online: <http://www.unep.org/yearbook/2011>
- UNEP. Global Environmental Outlook 5 (GEO5) (United Nations Environment Programme: Nairobi,2012), online: [http://www.unep.org/geo/pdfs/geo5/GEO5\\_report\\_full\\_en.pdf](http://www.unep.org/geo/pdfs/geo5/GEO5_report_full_en.pdf)
- website: <http://www.unep.org/geo/geo5.asp>
- regional summary for Latin America and the Caribbean: [http://www.unep.org/geo/pdfs/geo5/RS\\_LatinAmerica\\_en.pdf](http://www.unep.org/geo/pdfs/geo5/RS_LatinAmerica_en.pdf)
- UNEP. Global Environmental Outlook 4 (GEO4) (United Nations Environment Programme: Nairobi, 2007), online: [http://www.unep.org/geo/GEO4/report/GEO-4\\_Report\\_Full\\_en.pdf](http://www.unep.org/geo/GEO4/report/GEO-4_Report_Full_en.pdf)

### Introductory Readings:

1. UNEP. Latin America and the Caribbean: Environmental Outlook (GEO LAC 3) (United Nations Environment Programme: Nairobi, 2010), online: [http://www.pnuma.org/geo/geoalc3/ing/GEO%20LAC%203%20ENGLISH%20WEB%20VERSION\(2\).pdf](http://www.pnuma.org/geo/geoalc3/ing/GEO%20LAC%203%20ENGLISH%20WEB%20VERSION(2).pdf)
2. UNEP. Caribbean: Environmental Outlook, 2004 (United Nations Environment Programme:Nairobi,2004),online:

<http://www.pnuma.org/deat1/pdf/GEO%20Caribbean%20Environment%20Outlook%20Ing%202004.pdf>

3. UNEP. Caribbean: Environmental Outlook, 1999 (United Nations Environment Programme: Nairobi, 1999),  
<http://www.pnuma.org/deat1/pdf/Caribbean%20Environment%20Outlook%201999.pdf>

## References

- Shawkat Alam, Md Jahid Hossain Bhuiyan, Tareq M.R. Chowdhury and Erika J Techera (eds). Routledge Handbook of International Environmental Law (Routledge, 2013)
- Dan Bodansky, Jutta Brunnée and Ellen Hey. The Oxford Handbook of International Environmental Law (OUP, Oxford, 2007)
- Hunter, J.E. Salzman and D. Zaelke. International Environmental Law and Policy, 3rd ed. (Thomson Reuters, 2006), online:  
<http://www.wcl.american.edu/environment/iel/>
- M.P Bowman, and C. Redgewell. International Law and the Conservation of Biodiversity (Kluwer Law International Press, 1996)
- Donald C. Baur, Tim Eichenberg and Michael Sutton (eds.) Ocean and Coastal Law and Policy (American Bar Association, 2009)
- Enrique Alonso García. Introduction to International Environmental Law: Handbook, Cases and Materials for American Lawyers (Friends of Thoreau Programme Series No. 1, IUIEN/UAH, Ed. (Universidad Rey Juan Carlos, 2008), online:  
[http://www.abrampa.org.br/eventos\\_anteriores/alicante/doc/LIBRO\\_2008%20.pdf](http://www.abrampa.org.br/eventos_anteriores/alicante/doc/LIBRO_2008%20.pdf)
- P.S. Chasek and L.M. Wagner (eds). The Roads from Rio: Lessons Learned from Twenty-five Years of Multilateral Environmental Negotiations
- Lakshman D Guruswamy. International Environmental Law in a Nutshell 4th ed (West Publishing, 2012)

- Louis B. Sohn, Kristen Gustafon Juras, John E. Noyes and Erik Franckx. Law of the Sea in a Nutshell 2nd ed (West Publishing, 2010)
- Lucia Fanning, Robin Mahon and Patrick McConney (eds.) Towards Marine Ecosystem-based Management in the Wider Caribbean. MARE Publication Series No. 6 (Amsterdam: Amsterdam University Press, 2011)
- CERMES/CLIC. Ecosystem-based Management Principles in the Caribbean: CERMES Technical Report No 47 online:  
[http://www.cavehill.uwi.edu/cermes/Technical\\_Reports/CLIC\\_2011\\_PROGO\\_VNET\\_ecosystem-based\\_management\\_principles\\_Caribbean\\_CTR\\_47.pdf](http://www.cavehill.uwi.edu/cermes/Technical_Reports/CLIC_2011_PROGO_VNET_ecosystem-based_management_principles_Caribbean_CTR_47.pdf)

*Excerpts from some of these titles may also be included in the Worksheets, and where possible, will be made posted on the Course's website*

**LAW 3550 - GENERAL PRINCIPLES OF PRIVATE INTERNATIONAL LAW [APPROVED AB 20140131]**

<b>Course Title:</b>	General Principles of Private International Law
<b>Course Code:</b>	LAW 3550
<b>Academic Units to offer Course</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	This is an optional course which will be taught either in Semester I or in Semester 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

The course deals with problems arising in disputes relating to civil and commercial matters that have an international element or aspect. It includes a study of:

- The jurisdiction of Caribbean courts;
- Choice of law problems associated with conflict of laws methodology (such as classification, the interpretation of connecting factors (with an in-depth discussion of domicile), renvoi, the incidental question, and the substance/procedure dichotomy); and
- The recognition and enforcement of foreign judgments and arbitral awards.

*The course forms an essential basis for work in all forms of transnational litigation.*

**Course Rationale:**

Economic globalization, the advent of modern technology, and the international mobility of natural and legal persons have resulted in a substantial increase of judicially significant events, both consensual and accidental, having connections with more than one legal system. For that reason, the study of private international law has become of great relevance for all lawyers. Private international law has a different approach to how law works than any other area of law. It is therefore, not only a fascinating area of law, but also one of the most intellectually demanding.

A detailed understanding of private international law is strongly advisable for those considering practice or further study having an international element.

The structure of tutorials will improve a student's public speaking skills and interaction in a team environment. Various pedagogical methods are applied from on-line dissemination of information to structured lectures.

**General Goals/Aims:**

The fundamental goal of the course is to provide students with an insight into the ways in which Caribbean courts deal with legal problems connected with foreign jurisdictions.

**Specific Learning Outcomes/Objectives:**

On completion of the course, students will be able to:

1. Explain the nature and scope of private international law;
2. Evaluate the specificity of private international law in the Caribbean and other jurisdictions;
3. Analyze current theories of private international law;
4. Critically assess complex concepts such as domicile, renvoi, the incidental question and jurisdiction;
5. Compare and contrast the dichotomy between substance and procedure;
6. Apply the principles relevant to determining the Caribbean courts' jurisdiction and the circumstances in which they will decline to exercise that jurisdiction;
7. Analyze the use of the basic weapons in an international litigation's arsenal, such as anti-suit injunctions and worldwide Mareva orders;

8. Apply the principles relevant to the recognition and enforcement of foreign judgments, and international arbitral awards; and
9. Judge the need for harmonization of conflict of laws rules.

**Course Content:**

## Part I: Preliminary topics

- Definition, nature, and scope of private international law;
- Historical development and current theories;
- Classification, the incidental question, renvoi;
- The exclusion of foreign law; and
- Domicile and residence.

## Part 2: Procedure

- Substance and procedure; and
- The proof of foreign law.

## Part 2I: Jurisdiction and foreign judgments

- Jurisdiction;
- Staying of proceedings and restraining foreign proceedings;
- Recognition and enforcement of foreign judgments and decrees; and
- Enforcement of foreign arbitral awards.

**Teaching Methodologies**

This course will be delivered by means of lectures and tutorials. Each student will have 3 hours contact time per week. This will be divided into a two-hour lecture and a one-hour tutorial per week.

Lectures will be used as the means of presenting the essential principles of the relevant topic.

Students may be exposed, in tutorials, to a combination of:

1. Case studies;

2. Problem questions on fictional scenarios;
3. Essay questions assessing the theory of law;
4. Student-led presentations on any area of the course; and
5. Multiple choice tests, both formative and summative.

Students will be expected to prepare in advance for tutorials, which are intended not only to impart knowledge and understanding but also to promote those analytical and critical skills which are essential in legal argument.

### **Course Assessment Methods**

The assessment of the students will comprise the following three elements:

- One short test not exceeding 40 minutes conducted approximately half-way through delivery of the course. It will be either a multiple-choice test or require students to provide short answers. It will account for 20% of the final mark;
- A two-hour final written examination at the end of the semester in which it is taught. Students will be required to answer two out of three questions. This examination will account for 75 % of the final mark; and
- Attendance and contributions at tutorials which will account 5% of the final mark.

### **Teaching/Learning Resources including internet sources**

#### **Electronic sources:**

- Lexis Nexis;
- Westlaw;
- CariLaw;
- OUP; and
- eLearning.

#### **Non electronic sources:**

Law library

#### **Required/ Recommended Readings:**

## Required readings:

- J. Fawcett and J.M. Carruthers, Cheshire, North and Fawcett. Private International Law, Oxford: Oxford University Press, 14th edition, 2008
- W. Anderson, Elements of Private International Law, Kingston: Ian Randle Publishers, 2003.

## Recommended readings:

- McClean and V.Ruiz Abou-Nigm (eds.), Morris: The Conflict of Laws, London: Sweet and Maxwell, 8th edition, 2012.
- P. Rogerson, Collier's Conflict of Laws, Cambridge: Cambridge University Press, 4th edition, 2013.

**LAW 3580 – INTERNATIONAL LAW OF INDIGENOUS PEOPLES  
[APPROVED AB 20190913]**

<b>Course Title:</b>	International Law of Indigenous Peoples
<b>Course Code:</b>	LAW3580
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2 or Summer
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	There is no prerequisite for this course, but knowledge of Public International Law would be an asset
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course will be initially offered as an accelerated course in the 2019 Washburn University Summer Programme at Cave Hill.

This course will explore international human rights law through the example of Indigenous peoples. It introduces students to the basic international human rights regime within the United Nations and other organizations, including the Inter-American system of human rights.

The course is relevant to any student interested in practicing energy law or intellectual property, as a great portion of human rights claims involve exploitation of Indigenous natural resources, genetic data, medical knowledge, and art forms.

More generally, students will study how international law does—or does not—operate as legal authority in U.S. and Commonwealth Caribbean cases, as well as how to develop an international legal strategy for clients whose human rights claims

are not well-recognized domestically. The materials will deepen knowledge about how national sovereignty operates in a globalizing world. Finally, students will gain broadened perspectives important for representing clients from diverse cultural backgrounds.

### **Course Rationale :**

The course helps fulfil the Mission and Vision of UWI by asking students to critically compare models of regional and international human rights protection in relation to Indigenous peoples. By specifically focusing on the legal aspects of Indigenous challenges to state and corporate actions it prepares students for the practice of law in the field.

### **Course Goals :**

*The goals of this course are to:*

- Allow students to appreciate the complex challenges facing Indigenous communities globally;
- Enable students from the Commonwealth Caribbean and USA to engage in critical, comparative analysis of international Indigenous rights standards;
- Enable students to evaluate different international human rights treaty mechanisms for the protection of Indigenous rights.

### **Specific Learning Outcomes:**

*On successful completion of this course, students will be able to:*

- Describe the historical context of Indigenous peoples in the Western hemisphere;
- Demonstrate a basic comprehension of the terms, rules, and principles of international human rights law as they relate to the unique issues facing Indigenous peoples;
- Critically assess international sources of human rights law;

- Identify the rules of international human rights law with specific relevance for Indigenous peoples, such as land rights, cultural rights, the right to be consulted with free, prior and informed consent;
- Synthesize the rules of international human rights law into a logical framework for analysis;
- Describe the organization, hierarchy, and relationships within the human rights mechanisms of the international legal system;
- Describe primary and secondary sources of international human rights law;
- Describe the ways in which these sources relate to one another;
- Apply provisions of international human rights treaties to resolve hypothetical problems involving Indigenous rights.

**Course Content:**

*The following topics/concepts/theories/issues will be addressed:*

1. Introduction - Indigenous peoples, and international law
2. International human rights framework
3. The Indigenous peoples' movement
4. Core concepts in colonization and decolonization
5. Introduction to the international law of human rights
  - a. UN Declaration on the Rights of Indigenous Peoples
  - b. ILO Convention No. 169
  - c. Convention on the Elimination of All Forms of Racial Discrimination
  - d. International Covenant on Civil and Political Rights
  - e. Monitoring by the UN Human Rights Council & Committee on the Elimination of Racial Discrimination;
  - f. UN Human Rights Council Adjudications
  - g. The Inter-American System
  - h. Inter-American Developments Since Awas-Tingni
  - i. Selected cases from the US and Commonwealth Caribbean
6. Student Presentations – Cultural Property (or other announced topic)

## 7. Overview and Conclusions

### **Teaching and Learning Methods:**

The course will be delivered through a combination of lectures, seminars and workshops for three (3) hours each week for the twelve (12) weeks during Semester I or 2.

During the Summer the course will be delivered utilising an intensive format for ten (10) days from 9:00 am – 1:00 pm with a 30 minute break each day.

Teaching sessions will integrate problem solving exercises and general discussions.

### **Course Assessment Methods:**

Students will be assessed as follows:

#### Semester I or 2:

The course will be assessed by means of class participation, a course essay, and a final exam, as follows:

- Class participation – 10% – students are required to respond to in-class questions, resolve assigned problems, and/or make a formal, oral presentation on an assigned question.
- Course essay – 30% – students are required to research and write an essay of between 2,000-3,000 words on an assigned topic.
- Final exam – 60% – students are required to write a two-hour final exam, answering two out of four questions, one from Part A and one from Part B.

#### Summer:

During the Summer session the course will be assessed by means of class participation and a final exam, as follows:

- Class participation – 10% – students are required to respond to in-class questions and resolve assigned problems.

- Final examination – 90% – students are required to write a two-hour final exam, answering two out of four questions, one from Part A and one from Part B.

### **Teaching/Learning Resources:**

#### Internet Resources

- <https://www.ohchr.org/en/hrbodies/cerd/pages/cerdindex.aspx> - Committee on Elimination of Racial Discrimination
- <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Home.aspx> - United Nations Human Rights Council
- <https://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx> - UN Expert Mechanism on the Rights of Indigenous Peoples
- <http://www.un.org/en/sections/what-we-do/protect-human-rights/index.html> - United Nations Human Rights page
- <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx> - UN Human Rights Committee (oversees ICCPR)
- <http://juris.ohchr.org/> - UN Human Rights database of jurisprudence
- <https://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx> - Committee on the Elimination of Racial Discrimination
- [http://www.oas.org/en/iachr/decisions/cases\\_reports.asp](http://www.oas.org/en/iachr/decisions/cases_reports.asp) - Inter American Commission on Human Rights Report on Cases
- <http://www.corteidh.or.cr/index.php/en> - Inter American Court of Human Rights
- <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12020:0::NO::> - ILO Conventions (including Convention 169)
- <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/indigenous-and-tribal-peoples/lang--en/index.htm> - ILO Standards for Indigenous and Tribal Peoples
- <https://www.un.org/development/desa/indigenouspeoples/> - United Nations Indigenous Peoples (links to Permanent Forum)

#### Instructional Aids:

- PowerPoint slides

- Other multimedia

**Required/Recommended Readings:**Required Readings

- S. James Anaya, *International Human Rights and Indigenous Peoples* (Aspen Publishers [Wolters/Kluwer], 2009); ISBN: 9780735562486

**OR**

- A set of course materials posted on the course eLearning page

Recommended Readings

- **Additional readings will be assigned from international journals, the reports of international human rights treaty bodies, and the jurisprudence of international courts.**

**LAW 3620 - LAW OF INTERNATIONAL ORGANIZATIONS [APPROVED AB 20140328]**

<b>Course Title:</b>	Law of International Organisations
<b>Course Code:</b>	LAW3620
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	There is no prerequisite for this course, but knowledge of Public International Law would be an asset
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

International organisations are playing an increasingly important role in the international legal order. They are active in virtually all fields of human activity, they regularly conclude international treaties and continuously interact with other actors of international law. International organisations wield growing normative powers, and for students of international law, a comprehensive understanding of the law of international organisations thus appears indispensable. During the course, you will be exposed to a range of issues, legal sources, and institutions relating to international organisations. The course will include consideration of the history, role and future prospects of universal, regional and judicial international organisations. The course presumes a previous knowledge on aspects of the principles of international law.

The first part of this course will examine the history and fundamental concepts and principles of international organisations, which will give students a basic

understanding of the issues and provide the basis for the second part of the course, which is devoted to an examination of universal, regional and judicial institutions. The final part of the course will address future prospects in the law of this in this dynamic area of international law.

Throughout the course – which is based on the structured study guide, emphasis will be placed on analysis of contemporary issues, using the knowledge acquired during the course to question the structure, implementation and enforcement of international organisations. The extent to which issues will be addressed in class will be guided both by their perceived importance; and by the interest demonstrated by the class. Questions are always welcome on any aspect of the course and its materials.

**Course Rationale:**

The course is designed to introduce to students from a variety of academic and practical backgrounds to the legal regime concerning international organisations, and the general principles of international law relating to multilateral organisations. Students will also acquire a working knowledge of the role international organisations in particular regimes, including international human rights, international arms control, the limits and use of military force, the law of the sea, regulation of the environment, international health problems and investment and trade. Students will therefore be equipped with the fundamental knowledge to work in human rights, the rule of law, post-conflict reconstruction, environmental cooperation, corporate social responsibility, protection of international investment, negotiation of international trade agreements and other areas handled by multilateral organisations and NGOs.

**General Goals/Aims:**

The goals of the course are to:

1. develop an understanding of the general principles of the law international institutions;
2. illustrate to students the characteristics, features and rules of the legal regimes underpinning universal, regional and judicial institutions; and

3. develop an awareness of the efforts of the international community on the law of international organisations and critically assess the legal regime of universal, regional and judicial institutions.

**Specific Learning Outcomes/ Objectives:**

By the end of the course, students will be able to:

1. outline the main characteristics of an international organisation, the rules and principles governing its creation, its structure and functioning and relationship with other actors of international law – primarily but not exclusively states;
2. appraise the main legal issues related to the responsibility of international organisations;
3. analyse the legal regimes governing the settlement of disputes involving international organisations;
4. evaluate the regional applications of the law of international organisations; and
5. construe significant policies and principles that should guide international lawyers in developing this specialised discipline in the future.

**Course Content:**

1. Introduction to the Concept of “Public International Organisations
2. Institutionalisation of the World Structure (Historical)
3. Universal International Organisations: The United Nations
4. Common Features of International Institutions
5. Regional Organisations: Scope, Role and Structure
6. Regional Organisations: Dispute Settlement
7. International Judicial Institutions
8. Prospects for the Future

Emphasis may be placed on topics which are of contemporary importance internationally and regionally at the time the course is offered

**Teaching Methodologies:**

The Course will be taught intensively over the period of 12 teaching weeks, using a combination of lectures, class discussions and student presentations. These will be complemented by online resources, interactive sessions and multimedia resources. Classes will be 2 hours in duration, in a seminar format, and will be reinforced by a one-hour weekly tutorial

Lectures will be delivered with the assistance of PowerPoint, video or other audio-visual resources, case studies and guest lecturers – in person or if feasible, by means of videoconference. This will be a way to expose students to other practitioners working with international organisations, especially regional international organisations, as well as foster collaboration between the Faculties where the course is offered

**Course Assessment Methods:**

This course will be assessed as follows:

- A. class participation 10% students are marked for: on-time attendance (5%) and an oral presentation on an assigned problem question (5%)
- B. research question 30 % students are required to research and write an essay of between 2,000-3,000 words on an assigned topic, or answer an assigned question.
- C. Final examination 60 % students are required to write a 2-hour final exam, comprising of 4 questions, from which the candidate will be required to answer 2 questions.

**Teaching/Learning Resources including internet sources:**

The following are recommended (often in combination) in the delivery of the course:

- lecture notes: usually in the form of a PowerPoint presentation, which will succinctly summarise the salient points of each topic. They will be used to introduce students to the topic during the lectures, provide the basis of class discussion and provide a guide to the weekly readings;

- course materials: these comprise the required readings for each topic. These will be available on each Worksheet, and as far as possible on the Course's website;
- multimedia resources: materials to complement the required readings and worksheets will be placed on the course's website as is relevant and available. These will range from audio-visual resources, legislation, newspaper articles, journal articles and revision exercises. There also exists much documentary material in the form of vlogs, videos etc. on many topics in Law of International Organisations. These will be utilised as necessary / available;
- tutorial questions: the tutorial questions for each topic will be circulated at the beginning of the Semester.

*A Revision Session will also be held at the conclusion of the teaching / tutorial aspect of the Course. Revision Sessions will take the form of a "exam-style" scenario, where students will be presented with TWO questions to select and answer ONE within a 33-minute period. BOTH questions will subsequently be discussed. The decision on whether to convene a Revision Session will be made by CONSENSUS, and attendance of these sessions is **OPTIONAL***

### **Required/ Recommended Readings:**

#### Required Readings:

1. Phillippe Sands and Pierre Klein. *Bowett's Law of International Institutions*, 6th ed. (Sweet & Maxwell, 2009)
2. Jan Klabbbers, Åsa Wallendahl. *Research Handbook on the Law of International Organisations* (Edward Elgar Publishers, 2011)
3. Jan Klabbbers. *An Introduction to International Institutional Law*, 2nd ed. (Cambridge University Press, 2009)

#### Recommended Readings

1. Joel Oestreich (ed.). *International Organizations as Self-Directed Actors: A Framework for Analysis* (Routledge, 2012)

2. Ademola Abass. *International Law: Text, Cases and Materials* (Oxford University Press, 2011)

**References:**

- José E. Alvarez. *International Organizations as Law-makers* (Oxford University Press, 2006)
- H.G. Schermers and N.M. Blokke. *International Institutional Law: Unity Within Diversity*, 4th ed. (Martinus Nijhoff Publishers 2011)
- Viljam Engström. *Constructing the Powers of International Institutions* (Martinus Nijhoff Publishers 2012)
- Stephen Allen. *Law Express: International Law (Revision Guide)* (Pearson, 2012)
- Faix, *Law of International Organisations* (Univerzita Palackého v Olomouci, 2012) online: <http://law-in-english.upol.cz/wp-content/uploads/2011/03/Law-of-Int.-Organisations.pdf>

On Reserve

- Henry G. Schermers and Niels M. Blokker, *International Institutional Law*, 3rd rev'd ed. (The Hague: Martinus Nijhoff Publishers, 1995).
- D.W. Bowett, *The Law of International Institutions*, 4th ed. (London: Stevens & Sons, 1982)
- Inis L. Claude Jr., *Swords into Plowshares: The Problems and Progress of International Organization*, 3rd ed. (London: University of London Press, 1964)
- David Armstrong, Lorna Lloyd and John Redmond, *From Versailles to Maastricht: International Organisation in the Twentieth Century* (Houndmills, Basingstoke, UK: Macmillan Press, 1996)
- J.G. Merrills, *International Dispute Settlement*, 3rd ed. (Cambridge: Cambridge University Press, 1998); or earlier 2nd edition of the same work (Cambridge: Grotius, 1993)
- Bruno Simma, ed., *The Charter of the United Nations: A Commentary* (Oxford: Oxford University Press, 1995)

- L.M. Goodrich, E. Hambro and A.P. Simons, Charter of the United Nations, Commentary and Documents, 3rd ed. (New York: Columbia University Press, 1969)

Excerpts from some of these titles may also be included in the Worksheets, and where possible, will be made posted on the course-site before each Class.

**LAW 3630 - CARIBBEAN INTEGRATION LAW [APPROVED AB 20140328]**

<b>Course Title:</b>	Caribbean Integration Law
<b>Course Code:</b>	LAW 3630
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

Global imperatives are forcing the states of the Caribbean to further integrate. There are a number of different models for integration, some of which already have been tried (and failed) in the Caribbean and elsewhere.

This course encourages students to critically analyse different legal mechanisms for integration. It examines two very different models of regional integration – those offered in the Caribbean (CARICOM and the OECS) and that offered in Europe (the EU). Focusing mainly on institutional questions, the course critically analyses the mechanisms by which these regional organisations make decisions and binding rules and enforce them (whether through sanctions, adjudication, or other forms of dispute settlement). Particular emphasis will be placed upon the way in which developments in legal doctrine have strengthened, or could strengthen, integration in the two regions. Selected (parallel) topics related to the two internal markets may be examined, including the rules related to the free movement of goods, services, capital and persons, and competition law. Students also will learn about the external competences of the organisations.

**Course Rationale:**

The course helps fulfil the Mission and Vision of UWI by asking students to critically compare models of regional integration. By specifically focusing on the legal aspects of Caribbean integration it prepares students for the practice of law in the field.

**General Goals/Aims:**

This course aims to:

- Introduce students to the historical and economic forces underpinning Caribbean integration;
- Introduce students to different legal models of regional integration;
- Provide the tools necessary for the comparative analysis of regional treaties;
- Provide the tools necessary for the comparative analysis of integration case law.

**Specific Learning Outcomes/Objectives:**

By the end of this course, the student will be able to:

- Provide an overview of the historical evolution of Caribbean and European integration processes.
- Describe the central organs and decision making processes of CARICOM and the OECS.
- Determine whether a decision by a CARICOM or OECS organ was within its competence, and procedurally valid.
- Judge which dispute settlement mechanism in CARICOM and the OECS is superior for a hypothetical problem.
- Describe the central EU organs and their roles.
- Compare and contrast the organs of the CARICOM and the OECS with those of the EU.
- Critically assess the original jurisdiction decisions of the Caribbean Court of Justice.
- Describe several general principles of EU law.
- Critique the doctrine of direct effect.

- Summarise the different EU enforcement processes.
- Apply provisions of the Revised Treaty of Chaguaramas or Revised Treaty of Basseterre to resolve hypothetical problems involving free movement of goods and competition law.
  - Summarise the external competences of CARICOM and the OECS.

**Course Content:**

- I. Introduction: Broad Issues and Legal Concepts (1 week)
2. Historical Development of Regional Organisations (1 week)
  - A. Caribbean
  - B. European
- 2I. Caribbean: Community Organs, Rule-Making Processes and Enforcement (3 weeks)
  - A. CARICOM
    1. Organs, Bodies, Institutions, Subsidiary Institutions, ‘Other Bodies’
    2. Competences, Voting Rules and Decision Making Powers
    3. Enforcement
  - B. OECS
    1. Organs and Other Entities
    2. Competences, Voting Rules and Decision Making Powers
    3. Enforcement and Dispute Settlement
- IV. European: Community Organs, Rule-Making Processes and Enforcement (3 weeks)
  - A. Institutional Structure of EU: Political and Legal Organs
  - B. Sources and Nature of Community Law
  - C. Enforcement
    1. Control at the Community Level

2. Control at the National Level
3. State Liability
- D. The Preliminary Reference Procedure
- V. Internal Relations (3 weeks)
  - A. European Union and CARICOM
    1. Introductory: Law and Economic Objectives of the Community
    2. Selected Examples
      - a) Physical and Technical Barriers to Trade
      - b) Introduction to Competition Law (Cartels)
- VI. External Relations and Policies (1 week)
  - A. Caribbean
  - B. European

**Teaching Methodologies:**

The course will be delivered through a combination of lectures, seminars and workshops, for three hours each week. Students will be required to answer problem questions throughout the course.

**Course Assessment Methods:**

The course will be assessed by means of class participation, a course essay, and a final exam, as follows:

- Class participation – 10% – students are marked for: on-time attendance (5%) and an oral presentation on one of the assigned problem questions (5%).
- Course essay – 30% – students are required to research and write an essay of between 2,000-3,000 words on an assigned topic.
- Final exam – 60% – students are required to write a two-hour final exam, answering two out of four questions.

**Teaching/Learning Resources including internet sources:**

A variety of secondary texts and internet sites may be used, including: EU Law

- Alina Kaczorowska, *European Union Law*, 3rd ed. (London: Routledge, 2013)
- Trevor Hartley, *The Foundations of European Union Law*, 7th ed. (Oxford: Oxford University Press, 2010).
- Catherine Barnard, *The Substantive Law of the EU: The Four Freedoms*, 4th ed. (Oxford: Oxford University Press, 2013).
- Paul Craig and Gráinne de Búrca, *EU Law: Text, Cases and Materials*, 5th ed. (Oxford: Oxford University Press, 2011).

#### Internet Resources

- <http://www.caricom.org/> — CARICOM Secretariat
- <http://www.caricomlaw.org/> — CARICOM Laws
- <http://www.caribbeancourtsofjustice.org/> — Caribbean Court of Justice
- <http://www.oecs.org/> — OECS
- [http://europa.eu/index\\_en.htm](http://europa.eu/index_en.htm) — EUROPA (official website of the European Union)

#### **Required/ Recommended Readings:**

##### Required Readings

- David Berry, *Caribbean Integration Law* (Oxford: Oxford University Press, 2014).
- Stephen Weatherill, *Cases and Materials on EU Law*, 10th ed. (Oxford: Oxford University Press, 2012).
- Treaty Materials & Cases handouts, available through the eLearning website <http://myelearning.cavehill.uwi.edu/login/index.php>.

##### Recommended Readings

- Alina Kaczorowska-Ireland, *CARICOM Competition Law* (London: Routledge, 2014)
- Alina Kaczorowska, *European Union Law*, 3rd ed. (London: Routledge, 2013)

**LAW 3640 - INTRODUCTION TO OFFSHORE LAW [NOT APPROVED AT MEETING - AB 20160422]**

<b>Course Title:</b>	Introduction to Offshore Law
<b>Course Code:</b>	LAW 3640
<b>Academic Units to offer Course</b>	Faculty of Law
<b>Level</b>	3
<b>Semester</b>	1 or 2
<b>Course Credit Load</b>	3
<b>Course Prerequisite</b>	None
<b>Course Co-requisite</b>	None
<b>Course Post-requisite</b>	None
<b>Course Anti-requisite</b>	None

**Course Description:**

This course straddles several disciplines such as the law of banking, fiscal law, the law of trusts and conflict of laws. It is, however, a unique and holistic subject in itself as several legal concepts are innovative and distinct.

The course is particularly suitable for students who wish to pursue a career in commercial law and/or in the International Business and Financial Services Sector.

**Course Rationale:**

This course aims to foster an appreciation of the legal aspects of new, diverse and contemporary subject areas of offshore investment. In addition, the course aims to facilitate critical thinking about, inter alia, the importance of offshore financial law to offshore economies, particularly in the Caribbean.

**General Goals/Aims:**

The goals of this course are to:

- i. Enable students to acquire knowledge of offshore financial law; and

2. Enhance students' critical thinking and analytical skills.

**Specific Learning Outcomes/Objectives:**

On successful completion of this course students will be able to:

- i. Critically analyse the anatomies of offshore financial structures, their development and rationale;
- ii. Critically examine the nature of the offshore trust;
- iii. Critically examine problems facing the offshore trust;
- iv. Critically assess the impact of disclosure initiatives on offshore confidentiality;
- v. Discuss the use of offshore vehicles for tax avoidance;
- vi. Critically assess the significance of conflict of laws to the offshore trust;
- vii. Analyse the advantages and disadvantages of the captive insurance model;
- viii. Discuss ethical and constitutional issues in offshore investment; and
- ix. Discuss developmental issues and offshore investment.

**Course Content**

The following topics will be addressed:

- i. The Anatomy of Offshore Financial Investments, their Development and Rationale
2. The Nature of the Offshore Trust
- 2i. Problems facing the Offshore Trust
- iv. Confidentiality and Disclosure Initiatives in Offshore Financial Regimes
- v. Offshore Vehicles for Tax Avoidance
- vi. Conflict of Laws and Offshore Investment
- v2. The Captive Insurance Model
- v2i. Ethical and Constitutional Issues in Offshore Investment
- ix. Developmental Issues and Offshore Investment

**Teaching Methodologies:**

The course will be taught by a combination of interactive lectures and tutorials for three hours per week. During tutorials students will, inter alia, analyse issues, and provide legal advice.

**Course Assessment Methods:**

This course will be assessed by means of:

- (i) A written take-home assignment (30% of the final mark); and
- (2) A final two-hour examination (70% of the final mark) comprising essays and/or problem questions.

**Teaching/Learning Resources including internet sources Online resources:**

WestLaw, LexisNexis, and Caribbean Law Online (Carilaw) accessible through the Faculty of Law Library website <http://www.cavehill.uwi.edu/lawlibrary/quick-links/electronic-resources.aspx>

**Required/recommended Readings**

Recommended readings:

- RMB Antoine Offshore Financial Law, Trusts and Related Tax Issues (2nd edn, Oxford University Press 2013)
- RMB Antoine Confidentiality in Offshore Financial Law (2nd edn, Oxford University Press 2014)

**LAW 3645 – COMMONWEALTH CARIBBEAN SPORTS LAW  
[APPROVED AB 201811]**

<b>Course Title:</b>	Commonwealth Caribbean Sports Law
<b>Course Code:</b>	LAW 3645
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course aims to introduce students to the fundamental legal principles relating to sport in the Commonwealth Caribbean, and to enable students to acquire understanding of how these principles may impact upon participants, practitioners and administrators at all levels. Through examination and analysis of contemporary statutory, case-law, arbitration and other frameworks, students will develop a detailed knowledge of the substantive law, policies and practices that touch and concern sport, thereby enabling them to critically evaluate the present law, and identify, explain and apply key legal principles to complex real world scenarios and analytical academic questions. By situating the law in the Caribbean's unique social and economic contexts, this course seeks to highlight key legal and ethical issues which may arise in this area, and it allows students to appreciate the practical impact and growing importance of this area of law in the lives of Caribbean nationals.

This course will be delivered through a combination of lectures, seminars and workshops for three (3) hours weekly during semester I or 2 OR as an intensive course for at least 36 hours during the summer.

**Course Rationale:**

Sports Law has quickly developed into an accepted area of academic study and practice in the legal profession globally. In Europe and North America, in particular, Sports Law has been very much a part of the legal landscape for about four decades, while in more recent times, it has blossomed in other geographic regions, including the Commonwealth Caribbean.

Indeed, the Commonwealth Caribbean has produced a growing number of sportspersons of international acclaim, many of whom have benefited from lucrative international contracts in athletics, football and cricket, among other sporting disciplines. With the ever-increasing dominance of our athletes on the world stage, the widespread growth of technology as well as increasing opportunities for involvement in sports at both the grassroots and professional levels, there has never been another period in the history of the Commonwealth Caribbean where sports, as a career path, lifestyle choice or entertainment avenue, has taken on such an important role in the lives of virtually all Caribbean nationals. As a result of these developments, barriers have been broken down; a unique sense of regional pride has been fostered; and an increasing number of opportunities have been created to market the region as a hub for the training and engagement of athletes of the highest calibre.

Notwithstanding these largely positive developments, however, there have also been moments when the Caribbean region has been thrown into a dire sense of despair as a result of the adverse conduct of regional sports persons, whether through engagement in the use of banned substances, match-fixing, and, more recently, sexual harassment. Even further, in recent years, there have been growing concerns over poorly negotiated contracts which deprive regional sportspersons of their legitimate interests; discrimination on various bases; as well as complications relating to governance in sports, and, in particular, the challenge of achieving transparency and accountability on the part of sporting bodies.

Therefore, a sound and critical understanding of the evolving legal dynamics surrounding the regulation of the main sporting activities in the Commonwealth Caribbean in light of the region's unique socio-economic context and recent

developments at the international level is an important skillset for the practicing legal professional.

### **Course Goals:**

#### ***The goals of this course are to:***

- Sensitize students to the core concepts, values, principles, rules and issues in Commonwealth Caribbean sports law
- Familiarize students with the content of sports contracts and the ways in which Commonwealth Caribbean sports law protects the interest of sports people
- Promote the examination of the civil and criminal liability of sports people as well as the role, functions and effectiveness of key international, regional and national sporting governing bodies in the regulation of sports in the Commonwealth Caribbean
- Explore the regulation of doping, match-fixing, gambling and corruption in Commonwealth Caribbean sports law
- Equip students with the tools needed for the analysis of the key issues that might affect the future development and regulation of sports in the Commonwealth Caribbean.

### **Specific Learning Outcomes/Objectives:**

#### ***On successful completion of this course, students will be able to:***

- Explain the core concepts, values, principles, rules and issues in Commonwealth Caribbean sports law
- Describe the nature and content of sports contracts involving Caribbean sports people
- Analyse the various ways in which Commonwealth Caribbean sports law protects the interests of sports people (e.g. copyright, trademarks and image rights)
- Evaluate the circumstances in which civil and criminal liability on the part of key participants in the sporting industry may arise in the Commonwealth Caribbean

- Assess the role, functions and effectiveness of key international, regional and national sporting governing bodies in the regulation of sports in the Commonwealth Caribbean
- Discuss the regulation of doping, match-fixing, gambling and corruption in Commonwealth Caribbean sports law
- Analyse some of the key issues that might affect the future development and regulation of sports in the Commonwealth Caribbean (including ambush marketing; ticket touting; human rights in sport; the application of the morality/ 'no disrepute' clause; and restraint of trade).

**Course Content:**

*The following topics/concepts/theories/issues will be addressed:*

1. Introduction to Commonwealth Caribbean Sports Law
2. Sports Governance
3. Contractual Aspects of Commonwealth Caribbean Sports Law
4. The Commercial Exploitation of Sports
5. Legal Aspects of Safety in Sports
6. Ethics and Integrity in Sport
7. Regulating Doping in Sports
8. The Future of Commonwealth Caribbean Sports Law

**Teaching Methodologies:**

The course will be delivered through a combination of lectures, tutorials, seminars and workshops for three (3) hours each week for the twelve (12) weeks during semester I or 2. Teaching and tutorial sessions will integrate problem solving exercises and general discussions of the topics.

During the summer the course may be delivered utilising an intensive format of approximately 36 hours duration. Teaching sessions will integrate problem solving exercises and general discussions.

**Course Assessment Methods:****Semester I or 2:**

The course will be assessed by means of class participation, a course essay, and/or a final exam, as follows:

- Class participation – 20% – students will be required to participate in a simulated sports arbitration exercise on a provocative and relevant theme in Caribbean Sports Law.
- Final exam – 80% – students are required to write a two-hour final exam in which they will be required to answer essay or problem questions or a combination thereof.

**Teaching/Learning Resources including internet sources:****Internet Resources**

- Website of the Court of Arbitration for Sports: <http://www.tas-cas.org/en/index.html>
- Website of the International Association of Athletics Federations (IAAF): <http://www.iaaf.org/home>
- Website of the International Cricket Council (ICC): <http://www.icc-cricket.com/>
- International Federation of Association Football (FIFA): <http://www.fifa.com/>
- World Anti-Dumping Agency (WADA): <https://www.wada-ama.org/>
- Lexis Nexis
- West Law
- Justis/CariLaw

**Instructional Aids:**

- Power Point presentations developed by the lecturer

**Required/Recommended Readings:****Required Text:**

- Jason Haynes and J. Tyrone Marcus, *Commonwealth Caribbean Sports Law* (Routledge, 2018).

**Recommended Texts:**

- Jack Anderson, *Modern Sports Law* (Hart Publishing, 2010).
- Mark James, *Sports Law* (2nd edn, Palgrave, 2013).
- Simon Boyes, Urvasi Naidoo, John O'Leary and Roger Welch, *Sports Law* (4th edn Routledge, London 2011).

Jack Anderson (Ed.), *Leading Cases in Sports Law* (Spring, 2013).

**LAW 3650 - COMPETITION LAW IN THE CARICOM SINGLE MARKET AND ECONOMY [APPROVED AB 20140328]**

<b>Course Title:</b>	CSME Competition Law
<b>Course Code:</b>	Law 3650
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	This is an optional course which will be taught either in Semester I or in Semester 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

The course provides an introduction to CSME competition law and policy. In the examination of CSME competition law reference is often made to EU competition law as having many common points with CSME competition law.

A part of the course will be devoted to the economics of competition law. This is necessary given that in most jurisdictions around the globe, the discipline of economics has made, and continues to make, a significant contribution to the design and enforcement of competition law. Students should understand the significant convergence trends in coverage and content of competition law enforcement regimes worldwide.

**Course Rationale:**

The Revised Treaty of Chaguaramas recognized that competition policy and competition law are primary tools in the creation of the CARICOM Single Market and Economy. This recognition is well justified as competition law brings numerous benefits:

- It ensures that consumers pay the lowest price for the highest quality goods and services;
- It encourages the producers and providers of services to be more efficient, to better respond to the needs of their customers, to innovate, to initiate and to venture;
- It ensures the development of economies by eliminating businesses which are not fit to survive and thus stopping them wasting the rare resources of humanity; and
- It ensures that the functioning of the CSME is not distorted by anti-competitive conduct of enterprises.

Even though CSME competition law is in nascent stage its potential for growth and relevance to the creation of the CSME is substantial. For that reason, there is, probably, no course which is more important for the final year law student to include in his or her degree than the CSME competition law course.

The structure of tutorials will improve a student's public speaking skills and interaction in a team environment. Various pedagogical methods are applied from on-line dissemination of information to structured lectures.

### **General Goals/Aims:**

The main objectives of the course are to:

1. Introduce students to competition law and policy in the Caribbean region;
2. Compare and contrast CSME competition law with EU competition law in order to provide a comparative perspective on the application and enforcement of competition law from a different jurisdiction; and
3. Expose students to the economics of competition law.

### **Specific Learning Outcomes/Objectives:**

On completion of the course, students will be able to:

1. Explain the connection between development of competition policies within the EU and the CSME and the use of competition law as an instrument to achieve those policies;

2. Examine the main economic theories applicable to competition law;
3. Analyse the categories of prohibited cross-border business conduct which effect trade and competition within the CSME;
4. Evaluate competition rules relating to prohibited agreements, decisions of associations of enterprises and concerted practices in both the CSME and the EU;
5. Identify and analyse the most common abuses by dominant enterprises;
6. Justify the need for CARICOM to establish Community rules on merger control; and
7. Judge the effectiveness of the enforcement of CSME competition law by the CARICOM Competition Commission.

### **Course Content**

The course will include the following topics:

1. Introduction to CSME competition law including economics of competition law.
2. Comparing and contrasting CSME competition law with EU competition law with regard to:
  - (i) Vertical and horizontal agreements; the meaning of agreements, decisions and concerted practices;
  - (ii) Effect on competition of anti-competitive conduct; prevention, restriction or distortion of competition; the de minimis rule; examples of anti-competitive agreements, decisions and concerted practices;
  - (iii) Weighing the anti-competitive and pro-competitive aspects of an agreement; the rule of reason; the exception/authorisation systems;
  - (iv) Treatment of: exclusionary, exploitative and anti-competitive abuses and abuses of collective dominance.
3. Merger control:

- (i) EU Regulation on the control of concentrations and its scope of application;
  - (ii) The meaning of a concentration;
  - (2i) The procedure under the merger regulation.
4. Enforcement of competition law:
- (i) Enforcement of CSME competition law by the CARICOM Competition Commission and the Caribbean Court of Justice; co-operation between the CARICOM Competition Commission and National Competition Authorities; and
  - (ii) Enforcement of EU competition law: enforcement by the European Commission and proceedings before the Court of Justice of the European Union.

### **Teaching Methodologies:**

This course will be delivered by means of lectures and tutorials. Each student will have 3 hours contact time per week. This will be divided into a two-hour lecture and a one-hour tutorial per week.

Lectures will be used as the means of presenting the essential principles of the relevant topic.

Students may be exposed, in tutorials, to a combination of:

1. Case studies;
2. Problem questions on fictional scenarios;
3. Essay questions assessing the theory of law;
4. Student-led presentations on any area of the course; and
5. Multiple choice tests, both formative and summative.

Students will be expected to prepare in advance for tutorials, which are intended not only to impart knowledge and understanding but also to promote those analytical and critical skills which are essential in legal argument.

**Course Assessment Methods:**

The assessment of the students will comprise the following three elements:

- One short test not exceeding 40 minutes conducted approximately half-way through delivery of the course. It will be either a multiple-choice test or require students to provide short answers. It will account for 20% of the final mark;
- A two-hour final written examination at the end of the semester in which it is taught. Students will be required to answer two out of three questions. This examination will account for 75 % of the final mark; and
- Attendance and contributions at tutorials which will account for 5% of the final mark.

**Teaching/Learning Resources including internet sources:**

Electronic sources:

- Lexis Nexis;
- Westlaw;
- Official websites of the CARICOM Competition Commission; the Caribbean Court of Justice; the European Commission; and, the Court of Justice of the European Union;
- OUP; and
- eLearning.

Non electronic sources:

Law library.

**Required/ Recommended Readings:**

Required readings:

- Jones and B. Sufrin, EU Competition law, Text, Cases and Materials, Oxford: Oxford University Press, 5th edition, 2014.

Recommended readings:

- A. Kaczorowska, European Union Law, London/New York: Routledge, 3rd edition, 2013, pp.761-932.

- P. F. Kunzlik, *Antitrust in the Global Era*, Oxford: Oxford University Press, 2005.
- M. S. Gal, *Competition Policy in Small Market Economies*, Harvard: Harvard University Press, 2003.

**LAW 3660 - CARIBBEAN SECURITIES REGULATION [APPROVED AB 20140328]**

<b>Course Title:</b>	Caribbean Regulation	Securities
<b>Course Code:</b>	LAW 3660	
<b>Academic Units to offer Course:</b>	Faculty of Law	
<b>Level:</b>	3	
<b>Semester:</b>	1 or 2	
<b>Course Credit Load:</b>	3	
<b>Course Prerequisite:</b>	None, but Company Law is recommended	
<b>Course Co-requisite:</b>	None	
<b>Course Post-requisite:</b>	None	
<b>Course Anti-requisite:</b>	None	

**Course Description:**

This course is intended to be an introductory course in securities regulation with a focus on the regulation of Caribbean securities markets. The standards promulgated by the International Organization of Securities Commission (IOSCO) will be used as the framework for analysing the laws and the policy issues which underpin the legislation of the Commonwealth Caribbean.

Emphasis will be placed on aspects of securities legislation which are topical and pertinent to the region, particularly issues affecting compliance and the enforcement of securities laws. Foundational concepts such as what constitutes a security, the concepts of a distribution and an offer to the public, and the conduct of securities business will be examined as these form the cornerstone of the regulations governing securities markets.

**Course Rationale:**

The global crisis has impacted regional securities markets and Caribbean regulators are responding to the challenges presented by the crisis by promulgating new and/or

revised securities legislation. It is imperative that policy makers have access to legal professionals who are sensitized to issues affecting the regulation of securities markets in the region.

There is an absence of meaningful dialogue among industry professionals and this can be attributed to a number of factors. The law is alien to most legal practitioners as traditionally, securities law has not been offered at universities in the Caribbean. Consequently, many legal practitioners do not have an appreciation of the core concepts and the principles that underpin the legislative provisions.

Caribbean securities laws are not indigenous laws but are adaptations of the laws of the more developed securities markets, particularly Canada and the United States of America. These laws have been moulded and whittled to match the level of development of Caribbean securities markets. In many instances, the policies and principles underpinning the laws were not adequately explored prior to drafting the laws and this is reflected in ambiguous and conflicting legislative provisions.

The rationale for this course is to clarify the opacity in securities legislation with the intended consequence of ensuring that practitioners are knowledgeable and attuned to the issues which underpin the laws. The knowledge and understanding derived from this course will contribute to the development of well regulated and efficient securities markets.

### **General Goals/Aims:**

The goals of this course are to:

- Develop in students an understanding of the core concepts and issues in securities law and regulation.
- Apply the principles and policies underpinning securities legislation to legal and regulatory issues.

### **Specific Learning Outcomes/Objectives:**

By the end of this course the student will be able to:

- Explain the core concepts in securities laws and regulation.
- Analyse the broader policy issues affecting the regulation of securities markets.

- Evaluate the issues and principles which underpin the legislative provisions.
- Identify legal and regulatory issues which arise in capital market transactions and how the regulations and law would treat with these issues.
- Apply the principles and laws to specific legal and regulatory issues.

**Course Content:**

1. Introduction to Securities Regulation in the Caribbean
  - (a) An overview of the securities sector in the Caribbean Community
  - (b) The integration of the securities markets of the Caribbean Community
  - (c) The regulatory framework of the securities markets
  - (d) Caribbean securities regulators - structure and governance
2. The International Organization of Securities Commissions
  - (a) IOSCO Principles
  - (b) The eight principles introduced in June 2010 – a response to the global crisis
  - (c) IOSCO Multilateral Memorandum of Understanding on Cooperation and the sharing of Information
3. The Concept of a “Security”
  - (a) An investment contract and SEC v W.J. Howey Co.
  - (b) A review and analysis of the definitions
  - (c) A discussion of cases
4. Raising Capital/Issues of Securities to “the Public”
  - (a) Definition of an “offer to the public”
  - (b) The concepts of a “trade” and a “distribution” of securities
  - (c) The distribution criteria in securities acts
5. Prospectus Requirements and Exemptions

- (a) Prospectus disclosure obligations
  - (b) The prospectus exemptions available in securities acts
  - (c) Civil liability for prospectus misrepresentation
6. Continuous Disclosure Obligations for Issuers
- (a) Initial and on-going disclosure requirements
  - (b) Reporting of material changes
  - (c) Reports and financial statements
7. Registration and Supervision of Market Intermediaries
- (a) The conduct of securities business
  - (b) The registration of persons carrying on securities business
  - (c) The role of market intermediaries
8. Collective Investment Schemes/Mutual Funds - Regulation and Governance
- (a) Regulation of mutual funds
  - (b) Classification of mutual funds
  - (c) Governance of mutual funds
9. Market Misconduct – Insider Dealing and Market Manipulation
- (a) Theories guiding insider dealing laws
  - (b) Insider dealing and market manipulation offences
  - (c) Issues affecting the prosecution of insider dealing in the Caribbean
10. Takeover Bid and Issuer Bid Regulation
- (a) The regulation of takeover and issuer bids
  - (b) Issues affecting takeover transactions in the Caribbean
11. Enforcement of Securities Laws
- (a) Inspections and compliance reviews
  - (b) Investigations and examinations

- (c) Issues encountered in the enforcement process
12. Regulatory Co-operation in the Context of IOSCO Multilateral Memorandum of Understanding
- (a) IOSCO MMoU requirements
  - (b) Issues concerning cross-border activities
  - (c) Regulatory co-operation – local and foreign regulators

**Teaching Methodologies:**

The course will be delivered using a blended format, involving technology-mediated and face-to-face sessions.

The course will comprise: lectures and discussions, tutorials and cooperative group work.

The student will attend one lecture two hours per week where the student will be required to engage in classroom discussion. The student will also attend one tutorial for one hour per week.

One research assignment, consisting of a research project undertaken by cooperative groups of students. Each group will be assigned different topics.

**Course Assessment Methods:**

The course will be assessed by means of a cooperative group assignment and an end of term examination, as follows:

Students will be required to complete one research assignment, consisting of a cooperative research project undertaken by a group of students for 30% of the course mark. Each group will be assigned different topics.

Students must take a two-hour end of term exam consisting of short answers, essays or problem questions for 70% of the course mark.

**Teaching/Learning Resources including internet sources:**

Electronic Sources:

- Website: Library of Public Documents - International Organization of Securities Regulators (IOSCO) available at <http://www.iosco.org/library/>
- Website of local and international regulators and agencies
- Securities Legislation of the Commonwealth Caribbean
- Lexis Nexis
- West Law
- eLearning

Non-electronic Sources:

- Law Library

### **Required/ Recommended Readings:**

Required Texts:

- MacIntosh, Jeffrey G., and Christopher Nicholls, *Securities Law* (Irwin, 2002)
- *Methodology for Assessing the Implementation of the IOSCO Objectives and Principles of Securities Regulation*, IOSCO, September 2011 available at <http://www.iosco.org/library/pubdocs/pdf/IOSCOPD359.pdf>

Reference Texts:

- Mark Gillen, *Securities Regulation in Canada*, 3rd ed. (Thomson Carswell, 2007)
- Johnston and K.D. Rockwell, *Canadian Securities Regulation*, 4th ed. (Markham: LexisNexis, 2006)
- Mary Condon, Anita Anand, and Janis Sarra, *Securities Law in Canada: Cases and Commentary*, 2nd Edition (EMP, 2010)
- Borden, Ladner, Gervais, *Securities Law and Practice* 3rd ed. (Toronto: Carswell, 2013 looseleaf)
- Alastair Hudson, *Securities Law*, 2nd ed. (Sweet & Maxwell, 2013)
- James D. Cox, Robert W. Hillman, Donald C. Langevoort, *Securities Regulation: Cases and Materials*, 8th ed. (Aspen)

- Barrons's Dictionary of Finance and Investment Terms
- Chris Brummer, *Soft Law and the Global Financial System: Rule Making in the 21st Century* (Cambridge, 2012)

**LAW 3680 – INTERNATIONAL TAX LAW AND POLICY [APPROVED AB 20191125]**

<b>Course Title:</b>	International Tax Law and Policy
<b>Course Code:</b>	LAW 3680
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2 or summer
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None, but Company Law is recommended
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course aims to introduce students to the fundamental legal principles relating to the international taxation framework for cross-border commercial activities and topical policy issues pertaining to the taxation of multinational enterprises in the modern globalised economy. It also aims to enable students to acquire an adequate understanding of how these principles may impact upon cross-border commercial activities as well as technological advances. This course will be delivered through a combination of lectures, seminars and workshops for three (3) hours weekly during semester I or 2, or through a series of lectures, seminars and in class presentations during the summer intensive format. It is applicable to students of the LL.B. programme, as well as cross-faculty students with an interest in international tax. The target audience includes law students, employers, employees, and persons involved in tax policy as well as governmental and non-governmental organisations.

**Course Rationale:**

Taxation drives a number of corporate transactions and is a key consideration in any commercial arrangement. As trade continues to be of an increasingly cross-border nature, and in light of the intergovernmental response following the public outcry against aggressive tax planning, it is increasingly important for international tax practitioners—professionals and administrators to understand the technical details and international tax principles.

In this course students will enhance their theoretical and practical knowledge of the subject area of international tax law and policy and will develop an understanding of the current international legal framework and topical policy issues pertaining to the taxation of multinational enterprises in the modern globalised economy. This course will equip students with the skills to identify the deficiencies of domestic tax systems and international tax law in addressing the cross-border nature of business; and to critically assess how best tax law should respond to cross-border commercial activities as well as technological advances such as transfers of cryptocurrencies, the output of AI/robots and online marketplaces. This course will also develop students' critical thinking, analytical and problem-solving skills through the application of the legal principles in realistic hypothetical scenarios. The interactive aspects of the course are aimed at improving the students' oratory and communication skills. The course will also generally assist students with being internationally aware of the Caribbean in the global tax regime.

### **General Goals/Aims:**

#### ***The goals of this course are to:***

- Sensitize students to the fundamental legal principles relating to the international taxation framework for cross-border commercial activities;
- Facilitate the examination of the interaction among the various forces that shape international tax law – domestic law, bilateral treaties, multinational agreements, inter-governmental organizations, case law and academic writing;
- Familiarize students with the main policy issues pertaining to the taxation of multinational enterprises in the modern globalised economy;
- Promote the examination of the impact upon cross-border commercial activities and topical policy issues pertaining to the taxation of multinational enterprises in the modern globalised economy;

- Sensitize students to the contemporary global measures taken to combat tax avoidance by multinational companies and high-net-worth individuals;
- Equip students with the tools needed to examine how best tax law can respond to contemporary developing cross border tax issues such as technological advances, cryptocurrencies, the output of AI/robots and online marketplaces;
- Develop core competencies related to international tax law in the modern business environment to solve those problems.

### **Specific Learning Outcomes/Objectives:**

*On successful completion of this course, students will be able to:*

- Explain the fundamental principles of international tax and how it works in practice;
- Discuss the fundamental tax concepts (such as residence, source, double taxation and double taxation relief, withholding tax, Double Tax Agreements, international tax avoidance and the measures adopted to combat it);
- Identify the key aspects of the international framework for the taxation of cross-border commercial activities through an examination of the operative clauses of the OECD Model Double Tax Convention;
- Critically analyse the OECD Model Double Tax Convention against the United Nations Model Double Tax Treaty;
- Discuss both existing and emerging areas of international tax arena which they may encounter as practitioners, in-house counsel or policy makers and advisers;
- Critically analyse the fundamental concepts and legal rules of international taxation to practical scenarios and problems;
- Identify appropriate and relevant sources and apply these sources in construction of legal argument to solve practical scenarios;
- Critically evaluate selected problems in the modern cross border contemporary tax issues (such as technological advances,



**Final Exam**                      **70%**

- Students are required to write a two-hour final examination in which they will be required to answer essays, problem questions or a combination thereof.

**Summer/Intensive Session:**

During the Summer/Intensive session the course will be assessed by means of class participation and a final exam, as follows:

**Class participation**                      **25%**

- Students are required to respond to in-class questions and resolve assigned problems and/or do a take home assignment

**Final examination**                      **75%**

- Students are required to complete a take-home exam consisting of a combination of essay and problem questions.

**Teaching/Learning Resources including internet sources:**                      Lexis Nexis

CARILAW

Westlaw

Website of the OECD <https://www.oecd.org/>

**Instructional Aids:**

- Worksheets
- PowerPoint presentations, handouts and slides

**Required Texts:**

- The Agreement among the Governments of the Member States of the Caribbean Community for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, profits or gains and capital gains and for the encouragement of regional trade and investment, 1994.

- The Organization for Economic Co-operation and Development, Model Convention for the Avoidance of Double Taxation with Respect to Taxes on Income and Capital, 1977.

**Recommended Text**

Schwarz, J. *Schwarz on Tax Treaties*, 5<sup>th</sup> edition, Wolters, Kluwer Law International, 2018

**LAW 3720 – INTERNATIONAL HUMAN RIGHTS LAW [APPROVED AB 20140328]**

<b>Course Title:</b>	International Human Rights Law
<b>Course Code:</b>	LAW3720
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3 Credits
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course facilitates students' acquisition of a sound understanding of key international human rights standards and of the global and regional international human rights machinery. It also fosters an appreciation of the importance and relevance of international human rights by exploring how they can be used to address major challenges in the modern world.

The course is divided into two parts. Part I addresses global human rights norms from the United Nations and the various mechanisms for their implementation. Part 2 focuses on regional systems for protection and promotion of human rights.

Particular emphasis is placed here on the Inter-American human rights system and on comparisons between the treatment and implementation of international human rights at the global and regional levels. Throughout the course special attention is paid to the Caribbean-specific experience with promotion and protection of human rights.

**Course Rationale:**

International human rights provide a detailed and comprehensive set of standards and rules for the protection of all human beings and the promotion of respect for their inherent dignity and worth. International human rights law also has important implications for the rule of law domestically as it has increasingly been used to curb the exercise of governmental powers, including in traditionally dualist states such as those in the Commonwealth Caribbean. Recently there has also been increased interest by Caribbean nationals in engaging with the international human rights regime. It is therefore important that students have an appreciation of the structure, content and functioning of the international human rights regime.

The knowledge and skills gained in this course will help to shape students into socially aware and responsible individuals who can contribute to the creation of a 'human rights culture' within the Caribbean region and raise awareness of the needs of vulnerable portions of the society more generally.

**General Goals/Aims:**

The goals of this course are to:

- Sensitise students to the importance of international human rights law, its relevance to Caribbean society and the implementation challenges the region faces;
- Help students develop competency in applying international human rights standards;
- Help students develop competency in applying the procedures for bringing international human rights complaints at the regional and global level;
- Prepare students for future graduate study in the area of international human rights.

**Specific Learning Outcomes/Objectives:**

On successful completion of this course, students will be able to:

1. Critically discuss key human rights concepts, selected international human rights standards and the United Nations international human rights machinery;
2. Analyse and apply the provisions contained in specific universal human rights treaties to specific fact situations;

3. Assess challenges facing development and implementation of international human rights law;
4. Discuss the main features of the Inter-American and the European systems for the promotion and protection of human rights;
5. Advise on the procedures for bringing international human rights complaints at the global and regional levels;
6. Critically assess the effectiveness of global and regional systems for the promotion and protection of human rights.

**Course Content:**

The following topics will be addressed:

**Part I**

1. The UN Charter and the international protection of human rights.
2. Implementation of, and standards setting in conventions sponsored by the United Nations:
  - a) The International Covenant on Civil and Political Rights
  - b) The International Covenant on Economic, Social and Cultural Rights
  - c) The UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
3. Other relevant UN conventions.

**Part 2**

1. The Inter-American system for the protection and promotion of human rights;
2. The European system for the protection and promotion of human rights.

**Teaching Methodologies:**

This course will be taught through a combination of lectures and tutorials. There will be two 1-hour weekly lectures complemented by a 1-hour weekly tutorial. Individual and group activities will be integrated into lectures (and tutorials). Every

effort will be made to make course delivery as practical as possible utilising a range of methodologies.

### **Course Assessment Methods**

Students will be assessed by means of:

- In-class exercise: 25% of final grade. This exercise will take the form of a multiple choice and/or short answer test. The final form of the assessment will be determined by the course director and announced at the beginning of the course.
- Final exam: 75% of final grade. This will take the form of a written 2-hour examination at the end of the semester in which the course is taught. Students will be required to answer essay or problem questions or a combination thereof.

### **Teaching/Learning Resources including internet sources Electronic sources:**

- Legal databases such as Lexis Nexis and Westlaw
- Internet resources:
- Office of the United Nations High Commissioner for Human Rights – <http://www.ohchr.org/EN/pages/home.aspx>
- Organisation of American States - <http://www.oas.org>
- European Court of Human Rights <http://www.echr.coe.int/Pages/home.aspx?p=home>
- Inter-American Human Rights Network – <http://interamericanhumanrights.org>
- Blog of the European Journal of International Law – <http://www.ejiltalk.org>
- American Society of International Law – <http://www.asil.org>
- International Justice Resource Centre – <http://www.ijrcenter.org>

Instructional Aids:

PowerPoint presentation slides

### **Required/ Recommended Readings:**

Required readings:

- I. Bantekas & L. Oette, *International Human Rights Law and Practice* (2nd edn, CUP 2016). Recommended readings:
- P. Alston & R. Goodman, *International Human Rights* (OUP 2013).
- R. K. M. Smith, *Textbook on International Human Rights* (7th edn, OUP 2015).
- R. K. M. Smith, *Texts and Materials on International Human Rights* 3rd edn, Routledge 2013).
- J. M. Pasqualucci, *The Practice and Procedure of the Inter-American Court of Human Rights* (2nd edn, CUP 2013).
- L. Burgogue-Larsen and A. Ubeda de Torres, *The Inter-American Court of Human Rights, Case law and Commentary* (OUP 2011).

**LAW 3740 - COMPARATIVE LAW [Not Revised]**

<b>Course Title:</b>	Comparative Law
<b>Course Code:</b>	LAW 3740
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	Law and Legal Systems
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course studies major legal traditions of the modern world (Civil Law, Common Law, and Mixed Legal Systems) in their historical, political and cultural context. It examines the specifics of using the comparative method in law and practical relevance of the use of such method for lawyers. The course identifies the place of the legal systems of the Caribbean on the world map of legal traditions as well as raises the students' awareness of the universal features and particularities of the Caribbean jurisdictions. This discipline also covers major aspects of comparative property law in Common Law, Civil Law and mixed jurisdictions.

**Course Rationale:**

This course is designed to teach the students the skill of using the comparative method in studying and practicing law. Practicing and studying law in the Caribbean, in general, and in the Commonwealth Caribbean, in particular, are comparative by definition. It is the hallmark of the law programme at Cave Hill Campus that all fields of law (contracts, torts, property, constitutional, etc.) are taught through comparative perspective: they cover all Commonwealth Caribbean jurisdictions. For this reason, a general course of comparative law would be of great assistance to students. The importance of comparative law is also dictated by increasing levels of legal interaction, both globally and regionally (CARICOM),

accompanied by renewed efforts towards the harmonisation of law. This course is also intended to help the UWI students to locate the Commonwealth Caribbean legal traditions on the world map of legal systems as well as to identify universal and particular features of these legal traditions. This course develops in students the ability to think critically and creatively about law and legal systems as well as to become globally aware and regionally committed legal professionals.

### **General Goals/Aims:**

The goals of this course are to:

1. Enable students to appreciate the comparative method in practicing and studying law.
2. Foster understanding of the various legal traditions of the world.

### **Specific Learning Outcomes/Objectives**

On successful completion, students will be able to:

1. Use the comparative method in the study or enforcement of particular legal rules;
2. Differentiate among major legal traditions of the modern world (Civil Law, Common Law, Mixed Legal Systems);
3. Critically analyse the regulative and institutional aspects of various legal traditions;
4. Assess their home jurisdictions (Caribbean Common Law, Civil Law and Mixed Legal Systems);
5. Outline particularities of property law in various legal traditions.

### **Course Content:**

The following topics/concepts/theories/issues will be addressed

1. History, Content and Relevance of Comparative Law

Students will be introduced to the subject-matter of comparative law, to its history and to the specifics of legal comparison. This section also explains the practical relevance of legal comparison and comparative law on the global and regional (Caribbean) level.

2. Classification of Legal Traditions

This section will define the notions of legal system, legal family, legal tradition and jurisdiction. It will also demonstrate possible classifications of modern legal traditions.

3. Civil Law

The students will explore the historical origin of the Civil Law (Continental, Romano-Germanic) tradition through the study of sources of law, legal education and legal profession.

4. Common Law

students will explore the historical origin of the Common Law (Anglo-American) tradition through the study of sources of law, legal education and legal profession.

5. Mixed Legal Systems

This session is about various aspects of mixed (hybrid) legal systems: the historical and political context of their development, problems with identification of mixed legal systems, and the directions of their evolution.

6. Legal Traditions of the Caribbean

This session will identify to which legal tradition legal systems of Commonwealth and non-Commonwealth Caribbean belong. This study will be carried out with reliance on historical and political context of (de)colonisation.

7. Major Aspects of Comparative Property Law

The students will explore the common grounds and differences in major institutions of property law in major legal traditions (subject-matter of property law, ownership and rights lesser than ownership).

**Teaching Methodologies:**

The course will be delivered utilizing two (2) hours of lectures and one (1) hour of tutorials per week.

The tutorials will involve a series of exercises that develop an ability to identify universal trends in development of legal systems and their particularities related to their geography, history and politics.

The major methods used in teaching will be comparative, historical and hermeneutical. Teaching will include critical reading of classical texts of comparative law; use of the “case method” to study legal rules and principles in different contexts; use of “functionalism” as the central idea of comparative law methodology.

Course materials will be posted online where the students will be provided with online resources and worksheets that contain references to materials needed to understand the relevant topic and provide a framework for doing exercises related to various legal systems.

### **Course Assessment Methods:**

The course would be assessed by way of coursework and a final examination weighted as follows:

Coursework – 40% A mid-term examination will be written by students in the fifth week of the term. It will count for 25% of the final grade and will comprise two sections: a multiple choice section and short answer section. The mid-term examination will cover course material completed in the first four weeks.

Tutorial presentations and participation will count towards 15% of the final grade.

Final examination – 60%. There will be a two-hour final examination at the end of the Semester which would count for 60% of the final grade. Students will be required to answer two (2) questions selected from a total of four (4) essay or problem questions covering material completed from Week 5.

### **Teaching/Learning Resources including internet sources**

1. JuriGlobe (World Legal Systems) <http://www.juriglobe.ca/eng/>
2. International Academy of Comparative Law  
[http://www.iuscomparatum.org/141\\_p\\_1474/message-from-the-president.html](http://www.iuscomparatum.org/141_p_1474/message-from-the-president.html)
3. Swiss Institute of Comparative Law [http://www.isdc.ch/default\\_en.asp](http://www.isdc.ch/default_en.asp)

4. Paul-André Crépeau Centre for Private and Comparative Law at McGill University <http://www.mcgill.ca/centre-crepeau/paul-andr%C3%A9-cr%C3%A9peau-centre-private-and-comparative-law>

### **Required/ Recommended Readings**

#### Required

- M.A. Glendon, P. Carozza, & C. Picker, *Comparative Legal Traditions in a Nutshell*, 3rd edition (2008)
- R. Schlesinger, U. Mattei, T. Ruskola, A. Gidi, *Schlesinger's Comparative Law: Cases, Text, Materials*, 7th Edition (2009).

#### Recommended

- P. De Cruz, *Comparative Law in a Changing World* (2006)
- K. Zweigert & Hein Koetz , *An Introduction to Comparative Law* (1998)

**LAW 3760 - INTELLECTUAL PROPERTY [APPROVED AB 20150127]**

<b>Course Title:</b>	Intellectual Property
<b>Course Code:</b>	LAW3760
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3 Credits
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

The course explores the various intellectual property and allied rights. It emphasizes the jurisprudential bases for the various rights and also considers other closely allied rights. The course discusses intellectual property law within a wider commercial context and in light of emerging technologies that impact on how intellectual property rights are recognized.

**Course Rationale:**

The course is intended to provide students with an understanding of the general principles of intellectual property law. Students will be introduced to analytical reasoning to assist in understanding the complex issues that arise in intellectual property law. Persons who are desirous of pursuing studies in the cultural and creative industries will benefit from taking this course.

**General Goals/Aims:**

The general goals are to help students develop:

1. an understanding of the various types of intellectual property law.

2. analytical skills, which they can use to solve problems of infringement of intellectual property rights by third parties.

**Specific Learning Outcomes/Objectives:**

On successful completion of this course, students will be able to:

- Examine the main principles of copyright law.
- Identify the emerging issues in copyright law relating to new technologies.
- Apply the main principles of patent law.
- Articulate the emerging issues in patent law as they relate to new technologies
- Assess the main principles of trademark law
- Analyse the emerging issues in patent law as they relate to new technologies
- Debate the main principles of breach of confidence
- Evaluate the emerging issues in breach of confidence as they relate to new technologies
- Explore the main principles of design law
- Explain the emerging issues in design as they relate to new technologies

**Course Content:**

The areas to be covered in this course include:

1. Copyright
2. Trade Marks
3. Patents
4. Confidential Information
5. Designs

**Teaching Methodologies:**

The course will be taught by way of two lectures and one tutorial per week. Each lecture will be of one-hour duration.

In tutorials, students will engage in class discussion of the seminal cases in intellectual property law; and in groups: (1) present case briefs on the leading cases;

and (2) advise the parties in respect of the legal issues that arise in a problem question.

### **Course Assessment Methods**

The course will be assessed by way of:

- In course Assessment 20% Class Presentation.

*Tutorial sessions will take the form of group presentations on seminal cases in intellectual property with the intention of developing persons who are capable of presenting case briefs and advising on legal issues competently. The assessment will be based on suitably designed rubrics.*

### **OR**

- Mid Term Paper.

*Students will be required to research a given topic covered in the course content and submit a mid-term paper. This paper must demonstrate the student's ability to research, analyze relevant case law and applicable legislation. In doing so, the student should be able to show an in-depth knowledge of the topic and display his or her independent thought. A mid-term paper of will be approximately 2500-3000 words and will be provided in the 6th week of the semester.*

The form of in-course assessment to be utilized will be communicated to the students at the start of the semester.

- Final Examination – 80%

*A two-hour written final examination (which may comprise short answer, essay or case analysis) at the end of the semester in which it is taught. Students will be required to answer two out of a total of four questions. The examination paper may be divided into two parts, with students being required to answer at least one question from each part of the paper.*

### **Teaching/Learning Resources including internet sources:**

Articles, cases, and legislation will be placed on MyElearning.

Resources may include:

1. International Review of Intellectual Property and Competition Law
2. Journal of Intellectual Property Law and Practice
3. Intellectual Property Quarterly
4. Journal of Internet Law
5. European Intellectual Property Review'
6. Scripted - A Journal of Law, Technology & Society
7. Caribbean Law Bulletin
8. West Indian Law Journal
9. Caribbean Law Review
10. Barbados Patents Act
11. Trinidad and Tobago Copyright Law
12. Jamaica Trade Mark Act

### **Required/ Recommended Readings:**

Required

- Bently and Sherman. Intellectual Property Law 3rd Edition or Latest. Oxford University Press.
- Alpin & Davis. Intellectual Property Law: Text, Cases and Materials 1st Edition. Oxford University Press.

Recommended

- Cornish & Llewlyn. Intellectual Property 8 Ed. or Latest. Sweet & Maxwell (2014).

**LAW 3765 - LAW, TECHNOLOGY AND THE INTERNET [APPROVED AB 20140328]**

<b>Course Title:</b>	Law, Technology and the Internet
<b>Course Code:</b>	LAW 3765
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

Law, Technology and the Internet is an optional course from which students gain exposure to the legal issues that surround computing technology. The course will look into various aspects of Caribbean and International regulation surrounding the use of technology and their legal impact.

The course focuses on aspects of the internet and its impact on crime and commerce together with other areas of privacy and data protection, contemporary areas of Caribbean legal knowledge.

**Course Rationale:**

Computing and Information technology has integrated itself into most aspects of our day-to-day lives be it business, charitable, educational or personal. There is, at present, no specific course anywhere in the region looking at the legal issues this adaptation of our way of life has had. Students studying law or any technology course will be able to complement their knowledge and skill base with this hybrid course looking at legal issues of on and off line technologies.

**General Goals/Aims:**

The overriding aims of this course are to:

- expose students to the four core elements: IT Law theory (Theory); Cyber and computer-related crime (Crime); Electronic contracting in the Caribbean (ecommerce); Privacy and Data Protection (Society).
- provide a broad and comprehensive understanding of the predominant areas and their associated sub-topics.

### **Specific Learning Outcomes/Objectives:**

On successful completion of this course students will be able to:

1. Describe the legal theories of IT Law;
2. Analyse the IT Law theories and their effect on the Caribbean;
3. Explain the evolution of the .com and the associated regulation;
4. Explain the concept of computer-only crime;
5. Evaluate the effectiveness of computer crime against alternative criminal theory;
6. Name the issues surrounding electronic commerce;
7. Critique the problems the law has encountered with ecommerce;
8. List the current regulatory regimes of data protection locally, regionally and internationally;
9. Critically analyse the effectiveness of data protection legislation;
10. Describe the legal nature of a right to online and off-line privacy;
11. Assess the effectiveness of traditional rules of copyright in an internet environment;
12. Describe the different IP rights vested in computer software.

### **Course Content:**

The course will include the following topics: -

1. IT Law theory, L Lessig et al;
2. The evolution of Internet regulation;

3. Caribbean technology regulation;
4. Specific computer crime;
5. Computer related crime;
6. Electronic evidence and jurisdictional issues;
7. ecommerce formalities;
8. ecommerce and jurisdiction;
9. Data protection regulation;
10. Copyright on the internet;
11. IP rights in software.

**Teaching Methodologies:**

The course will be taught through two lectures and one tutorial each week. Each class will last for one hour.

Students may be exposed to, in tutorials, a combination of:

1. Case studies;
2. Problem questions on fictional scenarios;
3. Essay question assessing the course content;
4. Student-led presentations on any area of the course;
5. On-line multiple choice tests, both formative and summative.

The structure of the seminar workshops, lectures and tutorials will improve a student's public speaking skills and interaction in a team environment. Various pedagogical methods are applied from on-line dissemination of information to structured lectures.

Students will be expected to prepare in advance for these classes, which are intended not only to impart knowledge and understanding but also to promote those analytical and critical skills which are essential in legal argument.

**Course Assessment Methods:**

Students will be assessed through a combination of formats:

1. A two hour written exam at the end of the course. The exam may combine short answer, essay or problem questions. Students must answer 2 out of the 4 questions [70% of final mark];
2. An online MCQ or short answer assessment [10% of final mark];

3. A group presentation on a particular topic or case [20% of final mark].

**Teaching/Learning Resources including internet sources Electronic Sources:**

- Lexis Nexis
- CariLaw
- OUP
- eLearning
- Local news sites

Non Electronic

- Local newspapers
- Main library

**Required/ Recommended Readings:**

Required Texts

- D Rowland & U Kohl and A Charlesworth Information Technology Law (Routledge), Latest Edition.
- I Lloyd, Information Technology Law (OUP), Latest Edition.
- J Phillips, ecommerce and IT law handbook, (Butterworth), latest edition

Articles and other materials to be assigned via the worksheets.

**LAW 3770 - ADVANCED LEGAL WRITING [APPROVED AB 20181118]**

<b>Course Title:</b>	Advanced Legal Writing
<b>Course Code:</b>	LAW 3770
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

Intended to build on the skills learned in Legal Methods Research and Writing, this course aims to facilitate advanced training in legal writing across the range of situations that an attorney typically encounters. Using the format of a small collaborative class and one-on-one conference sessions with the instructor, students are intended to get intensive, practical writing experiences that will facilitate proficiency in predictive writing, advisory writing and persuasive writing and the organisation and composition of documents that employ these writing styles. Students will gain an understanding of when each type of writing is required.

**Course Rationale:**

As practitioners, attorneys can very quickly learn ever-changing bodies of law. Attorneys cannot, however, very quickly learn to conduct proper legal research or write. This course seeks to address this need. As a successful legal career is built on sound legal research and writing skills, it is imperative that law school graduates have a strong foundation in these skills. Such a foundation can only come from constant exposure and practice because legal writing is very different from the type of writing that would have characterised or facilitated earlier academic success.

**General Goals/Aims:*****The goals of this course are to:***

- Refine students' knowledge of the mechanics of good writing and improve the ability of students to write, precisely, cogently, coherently and persuasively.

**Specific Learning Outcomes/Objectives:*****On successful completion of this course, students will be able to:***

1. Analyse legal issues
2. Construct legal arguments and documents
3. Employ rhetorical techniques to frame legal issues in a compelling and persuasive way
4. Construct cogent arguments on the basis of relevant law and available evidence
5. Create proper footnotes in accordance with OSCOLA
6. Deconstruct predictive and persuasive writing
7. Employ editing techniques that result in clearer more precise legal writing.

**Course Content:*****The following topics will be addressed:***

1. Predictive writing
2. Editing for clarity and persuasion
3. OSCOLA
4. Advisory Writing
5. Persuasive Writing

**Teaching Methodologies:**

The course will be delivered through a combination of lectures, seminars, one-on-one conferences and workshops for three (3) hours each week for the twelve (12) weeks during Semester I or 2. Students may be exposed to a combination of case studies, in-class exercises, out-of-class exercises, and/or student led presentations on any area of the course.

**Course Assessment Methods:**

This course will be assessed utilising 100% coursework as follows:

**1. Assignments 80%**

- The Office Memorandum 40%
- Submission to Joint Select Committee/The Client Letter 20%
- Op-Ed 20%

**2. Take Home Exercises 15%**

- Take Home Exercise 1: 7.5%
- Take Home Exercise 2: 7.5%

**3. Participation 5%**

- Attendance (including timeliness)
- Participation (calibre of contribution to class discussions)
- In-class Exercises

**Teaching/Learning Resources including internet sources Electronic Sources:****On-line resources**

- Local newspapers
- Lexis Nexis
- West Law
- Justis/CariLaw

**Required/Recommended Readings:****Required reading**

Neumann & Tiscione, *Legal Reasoning and Legal Writing* (Walter Kluwer Law & Business), Latest Edition

**LAW 3775 - INTRODUCTION TO CHINESE LAW AND INSTITUTIONS  
[APPROVED AB 201811]**

<b>Course Title:</b>	Introduction to Chinese Law and Institutions
<b>Course Code:</b>	LAW 3765
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	N/A
<b>Course Co-requisite:</b>	N/A
<b>Course Post-requisite:</b>	N/A
<b>Course Anti-requisite:</b>	N/A

**Course Description:**

This course presents a general introduction to the Chinese legal system and its institutions against the background of transformation and globalization. In this course, students will explore the historical foundations of law in China, contemporary Chinese legal institutions, the law making process, the judicial system, the legal profession and other topics. The course will engage with selected areas of substantive Chinese law, including constitutional law, administrative law and administrative litigation, providing both background and engagement with current developments and controversies. This course will be useful to the students who would like to understand Chinese law for trade and cooperation with Chinese enterprises or to advise their clients who may have agreements with Chinese businesses or institutions.

This course will be delivered through a combination of lectures, seminars and workshops for three (3) hours weekly during Semester 1 or 2 OR as an intensive course of at least 36 hours' duration during the Summer.

**Course Rationale:**

In the past three decades, the Chinese legal system has undergone a substantial transformation, reflecting the political, social, economic and administrative changes that have taken place in China. This course helps fulfil the Mission and Vision of the UWI's cooperation between the Faculty of Law (FOL) of the University of the West Indies, Cave Hill Campus and the Confucius Institute (CI). The aim of the course is to enable students to develop a knowledge base of the legal system of the People's Republic of China and introduce students to Chinese legal institutions, society, and governance. This course helps develop a student who is globally aware but well-grounded in his/her regional identity. It will also assist students think critically and creatively about law and legal systems as well being socially, culturally and environmentally aware and responsible.

### **General Goals/Aims:**

*The goals of this course are to:*

- Sensitize students to the Chinese legal system and its legal institutions
- Familiarize students with the historical foundations of law in China, contemporary Chinese legal institutions, the law making process, the judicial system, the legal profession and others
- Sensitize students to selected areas of substantive Chinese law, including constitutional law, administrative law and administrative litigation and the role they play in China
- Equip students with the tools needed for the analysis of central issues regarding Chinese law and legal institutions.

### **Specific Learning Outcomes/Objectives:**

*On successful completion of this course, students will be able to:*

1. Discuss the historical foundations of law in China
2. Discuss contemporary Chinese legal institutions
3. Critically analyse the main features of the judicial system in China
4. Critically analyse the structure, operational aspects and processes of the Chinese legal system and the legal profession
5. Explain the legislative structure, major sources of laws and hierarchy of different legal norms in China

6. Evaluate the basic features of China's constitutional law
7. Outline the basic features of China's administrative law
8. Evaluate the role of administrative litigation in the protection of rights against infringement by administrative authorities in China
9. Appraise current scholarship on Chinese legal developments and controversies.

**Course Content:*****The following topics/concepts/theories/issues will be addressed:***

1. Development of modern Chinese law and institutions: a historical review
2. Sources of law and law-making procedures
3. Court system and judicial independence
4. The legal profession and legal education
5. Constitution, constitutionalism and human rights protection
6. Administrative law: substantial and procedure
7. Administrative litigation
8. Development of a modern civil society
9. The effect of tradition on law, from a comparative perspective

**Teaching Methodologies:**

The course will be delivered through a blended format or as a combination of lectures, tutorials, seminars and workshops for three (3) hours each week for the twelve (12) weeks during Semesters I or 2. Teaching and tutorial sessions will integrate problem solving exercises and general discussions of the topics.

During the summer the course may be delivered utilising an intensive format consisting of 36 hours.

Teaching sessions will integrate problem solving exercises and general discussions.

**Course Assessment Methods:**

Students will be assessed through a combination of formats:

**Semester I or 2:**

The course will be assessed by means of class participation, a course essay, and/or a final exam, as follows:

- Class participation – 10% – students are required to respond to in-class questions, resolve assigned problems, and/or make a formal, oral presentation on an assigned question.
- Course essay – 30% – students are required to research and write an essay of between 2,000-3,000 words on an assigned topic.

Final exam – 60% – students are required to write a two-hour final exam in which they will be required to answer essay or problem questions or a combination thereof.

### **Summer/Intensive Session:**

During the Summer/Intensive session the course will be assessed by means of class participation and a final exam, as follows:

- Class participation/Course work – 25% – students are required to respond to in-class questions and resolve assigned problems and/or do a take home assignment.
- Final examination – 75% – students are required to write a two-hour final exam, in which they will be required to answer essay or problem questions or a combination thereof.

### **Teaching/Learning Resources including internet sources Electronic Sources:**

#### **Internet Resources**

- NYU Law's Jerome Cohen column for the South China Morning Post on Chinese law issues: <http://www.usasialaw.org/?cat=29>.
- Stanley Lubman blogs for the Wall Street Journal <http://blogs.wsj.com/chinarealtime/tag/stanley-lubman/>
- Don Clarke runs the China Law Prof Blog at: [http://lawprofessors.typepad.com/china\\_law\\_prof\\_blog/](http://lawprofessors.typepad.com/china_law_prof_blog/).
- Dan Harris blogs on Chinese business law: <http://www.chinalawblog.com/>.

#### **Instructional Aids:**

- PowerPoint projector and slides

**Required/Recommended Readings:****Required**

1. Albert Chen, *An Introduction to the Legal System of the People's Republic of China* (Hong Kong: LexisNexis, 4th edition 2011).
2. Sanzhu Zhu (ed.), *Law and Institutions of Modern China* (Routledge, 2011).

**Recommended**

1. Jianfu Chen, *Chinese Law: Context and Transformation* (Brill, 2008).
2. Randall Peerenboom, *China's Long March toward the Rule of Law* (Cambridge University Press, 2002).
3. Stanley Lubman, *Bird in a Cage: Legal Reform in China after Mao* (2002).
4. Yuwen Li, *The Judicial System and Reform in Post-Mao China: Stumbling towards Justice* (Routledge, 2014).
5. Yuwen Li (ed.), *Administrative Litigation Systems in Greater China and Europe* (Routledge, 2014).

**LAW 3800 - FORENSIC CRIMINOLOGY [Approved AB 20181120]**

<b>Course Title:</b>	Forensic Criminology
<b>Course Code:</b>	LAW 3800
<b>Academic Units to offer Course:</b>	Faculty of Law
<b>Level:</b>	3
<b>Semester:</b>	1 or 2
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	None
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course aims to provide students with an overview of the field of criminology and to facilitate their understanding of the way in which criminological theory and criminal law intersect in a Commonwealth Caribbean context. Students are expected to gain a critical appreciation of the nature of criminal behaviour and the major theoretical perspectives that inform popular constructions of crime.

The course enables students to develop a good understanding of the manner in which crime in the Caribbean has come to be defined as a social problem, the nature of Caribbean crime (including levels and trends), the competing explanations of criminality, and the relationship between criminal law and criminology. Additionally, the course will allow students to critically assess Ken Pryce's call for a distinct Caribbean criminology.

**Course Rationale:**

Given the security concerns that exist in the Commonwealth Caribbean, there is a need for greater understanding of the intersection of criminology and criminal law. Moreover, as criminology is linked inextricably with criminal law, the course content is intended to facilitate the understanding that law is not created in a vacuum and cannot be divorced from its societal context. The course is intended

to equip our future legal practitioners with the tools they will need to make thoughtful informed decisions with respect to crime and crime control.

### **General Goals/Aims:**

*The goals of this course are to:*

- Facilitate students understanding of the interaction of the law and society
- Promote the examination of the areas of Caribbean criminal law that are in need of reform while equipping students with the tools required to reimagine the way that criminal justice is administered in the region.

### **Specific Learning Outcomes/ Objectives:**

*On successful completion of this course, students should be able to:*

1. Evaluate the processes by which crime is socially constructed;
2. Analyse how and why definitions of crime vary over time;
3. Analyse the role of implicit bias in policing and prosecutorial decisions
4. Critically assess the need for Caribbean specific jurisprudence in the area of criminal law that takes into account Caribbean socio-political-economic realities;
5. Analyse the role of technology in creating new categories of crime.

### **Course Content:**

*The following topics will be addressed:*

- I. Sociological theories of crime
  - a. Anomie Theory
  - b. General Strain Theory
  - c. Social Disorganisation Theory
  - d. Social Control Theory
  - e. Imitation Theory
  - f. Differential Association
  - g. Culture Conflict Theory
  - h. Neutralisation Theory

- i. Classical Criminology
- II. An overview of crime in the Commonwealth Caribbean
    - a. Criminological trends and patterns
    - b. Impact of crime on vulnerable communities
    - c. Drugs and organised crime
    - d. State sanctioned crime
    - e. Public confidence in criminal justice system
  - III. Implicit bias and the creation of criminals
    - a. Defining and counting crime in the Commonwealth Caribbean
    - b. Media representations of crime
    - c. Prosecutorial discretion
    - d. Implicit bias in the courtroom
    - e. Stereotyping
    - f. Deportees to the Commonwealth Caribbean
  - IV. Towards a Caribbean Criminology
    - a. Revisiting the doctrine of Voluntary Manslaughter
    - b. Alternative Dispute Resolution
    - c. Feminist Criminology
  - V. The law with respect to emerging 21<sup>st</sup> Century Crimes
    - a. Fraud
    - b. Sexting and child pornography
    - c. Sexual grooming

**Teaching Methodologies:**

The course will be delivered through a combination of lectures, seminars and workshops for three (3) hours each week for the twelve (12) weeks during Semester I or 2. Students may be exposed to a combination of case studies, on-line experimental research, and/or student-led presentations on any area of the course.

**Course Assessment Methods:**

Participation in class will be noted and count for 20% of the final grade. This grade will be based on the calibre of contributions to class discussion, timeliness and attendance, as well as completion of any out-of-class assignments, in-class assignments or activities. The final assessment will be a 10,000-word paper (excluding footnotes) and will count for 80% of the final grade.

### **Teaching/Learning Resources including internet sources:**

#### **On-line resources**

- Implicit Bias Test:  
<https://implicit.harvard.edu/implicit/australia/selectatest.jsp>
- Local newspapers
- On-line legal databases

#### **Journal articles**

##### Required reading

- Weiler JHH, 'The Transformation of Europe' (1991) 100 Yale L J 2403.

### **Required/Recommended Readings:**

#### **Required readings**

1. Lacey, Nicola, Celia Wells, and Oliver Quick. *Reconstructing criminal law: text and materials*. Cambridge University Press, 2003.
2. Surette, R. *Media, Crime, and Criminal Justice* (Nelson Education 2014).
3. Maguire, M., Morgan, R., & Reiner, R. *The Oxford Handbook of Criminology* (Oxford University Press Latest Edition).
4. Weiler JHH, 'The Transformation of Europe' (1991) 100 Yale L J 2403.

#### **Highly recommended readings**

1. Jolls, C., & Sunstein, C.R., 'The law of implicit bias' (2006) 94 The California L R 969-995

2. Kang, J., Bennett, M., Carbado, D., Casey, P., Dasgupta, N., Faigman, D., Godsil, R., Greenwald, A.G., Levinson, J., & Mnookin, J., 'Implicit bias in the courtroom' (2012) 59 UCLA L Rev 1124-1186.
3. Kang, J., Dasgupta, N., Yogeeswaran, K. and Blasi, G. L. 'Are ideal litigators White? Measuring the myth of colorblindness' (2010) 7 Journal of Empirical Legal Studies 886–915.
4. Correll, J., Park, B., Judd, C.M., & Wittenbrink, B., 'The police officer's dilemma: Using ethnicity to disambiguate potentially threatening individuals' (2002) 83 Journal of Personality and Social Psychology 1314-1329.
5. Levinson J.D. & R. J. Smith (Eds.), 'Implicit Social Cognition and Criminal Justice' *Implicit Racial Bias Across the Law* (Cambridge University Press 2006).
6. United Nations Development Programme, Caribbean Human Development Report 2012: Human Development and The Shift to Better Citizen Security (United Nations Development Programme 2012).
7. Zehr, H., *The Little Book of Restorative Justice: Revised and Updated* (Skyhorse Publishing 2015).

**LAW 3840 - ALTERNATIVE DISPUTES RESOLUTION**

<b>Course Code &amp; Title:</b>	LAW 3840 Alternative Dispute Resolution
<b>Academic Unit(s) To Offer Course:</b>	Faculty of Law
<b>Course Credit Load:</b>	3
<b>Semester:</b>	1 or 2
<b>Level:</b>	3
<b>Course Prerequisite(s):</b>	None
<b>Course Co-requisite(s):</b>	None
<b>Course Post-requisite(s):</b>	None
<b>Course Anti-requisite(s):</b>	None

**Course Rationale:**

This course facilitates students' acquisition of foundational knowledge of conflict intervention processes, by assessing the theoretical and legal framework guiding the processes. Students will also have the opportunity to demonstrate the application of conflict resolution techniques and skills in negotiation and mediation simulation exercises. Recent legislation implemented in the Commonwealth Caribbean created the need for persons skilled in alternative dispute resolution techniques. This course therefore will equip students with the skills to meet the demand for persons skilled in ADR techniques and assist in creating a calibre of graduates who are multi skilled.

**Course Description:**

This course will enable students to develop foundational knowledge of the main methods of alternative dispute resolution practiced within the Commonwealth Caribbean, by examining the theoretical constructs, the legislative framework, and the proposals for reform. On successful completion of this course students will have a thorough appreciation for the theoretical perspectives as they will be given the opportunity to apply theories and skills taught through simulation exercises. Furthermore, they will be equipped with foundational skills which can be further developed allowing them to become skilled negotiators and mediators.

**Course Goals:**

The goals of this course are to:

- Facilitate a comprehensive overview of the theories and the application of conflict intervention processes in the Commonwealth Caribbean.
- Determine the regulatory framework guiding negotiation, mediation and arbitration processes in the Commonwealth Caribbean.
- Equip students with conflict resolution skills through simulation exercises.

**Specific Learning Outcomes:**

On successful completion of this course, students will be able to:

***Introduction to Alternative Dispute Resolution in the Commonwealth Caribbean***

- Describe the Alternative Dispute Resolution spectrum and its application in the Commonwealth Caribbean.
- Examine the main processes practiced within the Commonwealth Caribbean.
- Evaluate the regulation and enforcement of alternative dispute resolution processes in the Commonwealth Caribbean.
- Assess the implementation of the court-based dispute resolution processes in the criminal and civil law systems.

***The Ombudsman***

- Assess the role, and functions of the Ombudsman within Commonwealth Caribbean jurisdictions.
- Critique the relevance of the Ombudsman in context to alternative dispute resolution processes.
- Analyse the application of alternative dispute techniques to public law issues.
- Assess the legislative reforms necessary for enhancement of the role of the Ombudsman.

***Negotiation***

- Assess the theories guiding negotiation processes and their application.
- Compare and contrast the negotiation processes within the Revised Treaty of Chaguaramas and the Dispute Settlement Understanding of the World Trade Organization.

- Apply conflict management skills to methods of negotiation.

### ***Mediation***

- Examine the mediation theories and their application in dispute resolution processes.
- Evaluate the legislative framework with respect to regulation and enforcement of the mediation process.
- Assess the implementation of the court annexed mediation in civil and family law systems.
- Apply conflict management skills to methods of mediation.

### ***Arbitration***

- Discuss the principal features of arbitral procedures.
- Evaluate the regulation and enforcement of the arbitration processes in domestic legislation.
- Assess the salient features of the UNCITRAL Model Law on International Commercial Arbitration for international commercial disputes.

### ***New Initiatives in Alternative Dispute Resolution***

- Critique the legislative reforms within the civil and criminal law systems.
- Evaluate the regulation and enforcement of alternative dispute resolution processes.
- Assess implementation of the court based dispute resolution processes in criminal and civil law systems.
- Formulate necessary legislative reforms for further development of the alternative dispute resolution processes in the Commonwealth Caribbean.

### **Course Content:**

The following topics will be addressed:

- 1) Introduction to Alternative Dispute Resolution in the Commonwealth Caribbean
- The advantages of ADR over litigation
  - The ADR Spectrum

- Comparison with Judicial / Litigation Processes
- 2) The Ombudsman
    - The Role and Function of the Ombudsman
    - Appointment of the Ombudsman
    - Powers of the Ombudsman
    - Towards Reform of the Role of the Ombudsman
  - 3) Negotiation
    - Negotiation Theories
    - International Negotiation – A Comparative Assessment of Dispute Resolution framework in the Revised Treaty of Chaguaramas and Annex 2 of the Dispute Settlement Understanding of the World Trade Organization
  - 4) Mediation
    - Models of Mediation
    - The Mediation Process
    - Ethics and Standards in the Mediation Process
    - The Mediation Agreement and Relevant Clauses
  - 5) Arbitration
    - The Special features of Arbitration
    - The framework of Domestic Arbitration
    - International Commercial Arbitration: An assessment of the UNCITRAL Model Law
  - 6) New Initiatives in Alternative Dispute Resolution
    - Caseload Management
    - Community Policing
    - Restorative Justice

- Alternative Dispute Resolution in Family Law

**Teaching and Learning Methods:**

This course will be taught by two weekly one-hour lectures and/or seminars and a one-hour tutorial session. In the tutorial session students will be able to work collaboratively in groups, and participate in simulation negotiation and mediation exercises. Students will also be exposed to video presentations for critique of mediation and negotiation techniques.

**Course Assessment Methods:**

Students will be assessed by way of a final examination and course work as follows:

- Final examination – 50%. The final 2-hour examination will comprise essay-style or fact-based questions.
- Coursework – 50%. A written individual or group assignment accounting for 25% of the overall mark. One practical group simulation exercise demonstrating a negotiation, mediation or arbitration accounting for 25% of the overall mark.

**Teaching/Learning Resources:**

- <https://www.uncitral.org/pdf/english/texts/arbitration/arb-rules-revised/arb-rules-revised-2010-e.pdf>
- <http://restorativejustice.org/#sthash.Qv0gV1TF.dpbs>
- <https://www.youtube.com/watch?v=A31M9ImBaiA>
- <https://www.youtube.com/watch?v=LO3OMVWN8lk>
- <https://www.youtube.com/watch?v=heUcre2d9wg>

**Required/Recommended Readings:**

Required Readings:

- Albert Fiadjoe, *Alternative Dispute Resolution: A Developing World Perspective* (Routledge-Cavendish, London 2004).

Recommending Readings:

- Susan Blake, Julie Browne and Stuart Sime. *A Practical Approach to Alternative Dispute Resolution* (4th edn OUP, Oxford 2016).
- Gary B. Born, *International Arbitration: Law and Practice* (2nd edn Kluwer Law International, Boston 2015).
- Henry Brown and Arthur Marriot, *ADR: Principles and Practices* (3rd edn Sweet & Maxwell, London 2011).
- Robert A Barush Bush and Joseph P Folger, *The Promise of Mediation: Responding to Conflict through Empowerment and Recognition* (Jossey-Bass Publishers, San Francisco 1994).
- Roger Fisher, William Ury and Bruce Patton, *Getting to Yes* (rev edn Penguin Books, New York 2011).
- Julie MacFarlane, *Rethinking Disputes* (Routledge-Cavendish, London 1998).
- Christopher W. Moore, *The Mediation Process* (Jossey-Bass Publishers, San Francisco 2014).

**LAW 3850 - PUBLIC LAW REMEDIES [APPROVED AB 20160916]**

<b>Course Title</b>	Public Law Remedies
<b>Course Code</b>	LAW 3850
<b>Academic Units to offer Course</b>	Law
<b>Level</b>	3
<b>Semester</b>	1 or 2
<b>Course Credit Load</b>	3
<b>Course Prerequisites</b>	LAW 1020 Constitutional Law and LAW2710 Administrative Law
<b>Course Co-requisite</b>	None
<b>Course Post-requisite</b>	None
<b>Course Anti-requisite</b>	None

**Course Description**

This course builds on the knowledge gained from the Second Year Administrative Law course. Increasingly, administrative bodies in the Commonwealth Caribbean are being vested with greater powers. Judicial review is aimed at checking potential abuse by these bodies. This course exposes students to the range of remedies available in the general law and in statute to litigants in public law cases.

This course is particularly suitable for students who wish to practice at the Public Bar and others who intend to build on their knowledge of administrative law.

**Course Rationale**

This course is designed to facilitate a greater understanding of the various public law remedies available in the Commonwealth Caribbean. The course will also assist students in identifying commonalities between the law in the Commonwealth Caribbean and elsewhere, and to address new challenges the law is required to address.

It will also invite students to think critically about the need for reform in some areas and to critically evaluate the current state of the law in the Commonwealth Caribbean.

The multi-jurisdictional course content with its emphasis on embracing critical thinking will help to create creative and critical thinkers who are globally aware yet grounded in their Caribbean identity.

### **General Goals/Aims**

The main goals of this course are to:

- i. acquaint students with the procedure for judicial review,
2. provide them an understanding of the prerogative writs and other remedies available in statute, and
- 2i. develop in them a practical appreciation for the application of those remedies.

### **Specific Learning Outcomes/Objectives**

Upon successful completion of the course, students should be able to:

- i. Explain the nature of judicial review.
2. Examine the historical origins of public law remedies.
- 2i. Define and discuss the prerogative writs.
- iv. Explain the civil liability of the state where the actions of its agents are challenged.
- v. Illustrate, using relevant cases the circumstances in which the various public law remedies have been applied in the Commonwealth Caribbean.
- vi. Outline the public law remedies which are available in the Constitutions of Commonwealth Caribbean states.
- v2. Explain the procedures for redress.
- v2i. Critically evaluate whether there is need for reform.
- ix. Compare and contrast the approach taken by the Courts in the Commonwealth Caribbean when granting redress with those in the United Kingdom.

### **Course Content**

The areas which will be covered in this course include:

1. The Historical Context of Public Law Remedies
2. The Prerogative Remedies
3. The Civil Liability of the State
4. Statutory Remedies
5. Caribbean Constitutional Public Law Remedies
6. Procedures for Redress
7. Proposals for Reform

### **Teaching Methodologies**

Lectures (2 hours weekly), tutorials (1 hour weekly), in class (teacher led) discussions, and break-out groups

### **Course Assessment Methods**

The course assessment constitutes the following:

- i. Written take-home assignment (30% of the final mark)
2. Final examination (70% of the final mark)

### **Teaching/Learning Resources including internet sources**

Teaching and learning resources include:

1. Textbooks on Public Law and Administrative Law
2. Unreported and reported judgments
3. Statutes
4. Academic periodicals and journals
5. Internet Sources – Westlaw ([www.westlaw.com](http://www.westlaw.com)), and Carilaw (<https://carilaw.andornot.com>)

### **Required/ Recommended Readings**

Required text:

- Eddie Ventose, *Commonwealth Caribbean Administrative Law*, (Routledge, 2013)
- Albert Fiadjoe, *Commonwealth Caribbean Public Law* (4th ed., Routledge-Cavendish, 2008)

Recommended texts:

- Le Seur, Sunkin and Murkens, *Public Law: Texts, Cases and Materials* (Oxford University Press, 2010)
- Ranjendra Ramlogan, *Judicial Review in the Commonwealth Caribbean* (Routledge-Cavendish, 2007)

**LAW 3870 - POVERTY LAW I AND LAW 3880 POVERTY LAW 2 [not revised]****General**

The Poverty Law Programme will take place over the two Semesters of the academic year as LAW3870 and LAW3880. This is an optional programme in Part 2I of the LL.B. programme.

**Course Objective**

The programme is designed to promote an understanding of varied experiences and perspectives in the inter-relationship of law and social deprivation and of legal, ethical and social dilemmas in the context of poverty. It seeks to promote fundamental inquiries into the nature, function and suitability of laws in the context of poverty within the developing societies of the Commonwealth Caribbean.

**Course Content****Semester One - LAW3870 Poverty Law I**

The teaching component of the Programme will include the following: -

1. nature and causes of poverty
2. access to justice - legal aid
3. perspective on poverty - lawyer and client,
4. policeman and citizen, literacy in the courts
5. perspective on poverty - child care, mental
6. health, drugs, Rastafarians as targets
7. women in crisis
8. minor offences- vagrancy-type provision and
9. prostitution

At the commencement of the Programme, students will be assigned to a professional mentor (a practising lawyer) or to Community Legal Services. The assignment may include court visits.

Weekly clinics will be held in which students (under supervision) will interview and assist underprivileged members of the public who have legal problems. Students will prepare reports following the interviews and offer recommendations for further action.

During the Programme students will keep a journal of their experiences in class and clinics and of their own 'interior journey' of sensitisation to issues of deprivation and poverty

### **Semester Two - LAW3880 Poverty Law 2**

The teaching component of the Programme will include the following: -

- consumer protection
- welfare
- divorce and maintenance
- taxation and National Insurance
- redundancy and wrongful dismissal
- ADR - the role of the Ombudsman and mediation

The clinics will continue. The journal will be kept. Students will produce a research paper of upwards of 3 000 words which relates to some aspect of the Programme.

### **Method of Teaching**

The academic component of the Programme will be taught through a two-hour lecture/seminar each week. Further instruction will be given through the work of the clinics.

### **Method of Assessment**

#### Poverty Law I

Students will be assessed through a two-hour written examination in which candidates will answer two from a total of six questions. This examination will carry 60% of the total marks awarded. The remaining 40% may be awarded after

assessment of the journal (30%) and by continuous assessment of input to the Programme by the student (10%).

### Poverty Law 2

Students will be assessed through a two-hour written examination in which candidates will answer two from a total of six questions. This examination will carry 40% of the total marks awarded. A maximum of 30% of the total marks will be awarded after assessment of the research paper and 20% after assessment of the journal. The remaining 10% may be awarded by continuous assessment of input to the Programme by the student.

### **Prerequisites**

Because of its complex administrative nature, admission to the Programme will normally be limited to 20 students. These students are required to register for both Poverty Law I and Poverty Law 2 (the entire Programme). Students may not register for Poverty Law 2 unless they have completed Poverty Law I. Early registration is advised.

**LAW 3890 - INTRODUCTION TO LEGISLATIVE DRAFTING**

<b>Course Code</b>	LAW 3890
<b>Academic Units to offer Course</b>	Faculty of Law
<b>Level</b>	3
<b>Semester</b>	1 or 2
<b>Course Credit Load</b>	3
<b>Course Prerequisite</b>	None
<b>Course Co-requisite</b>	None
<b>Course Post-requisite</b>	None
<b>Course Anti-requisite</b>	None

**Course Description**

This course is an optional one taught in either Semester of the third year of the LL.B. programme. It introduces students to the theoretical basis for, and practical techniques and practices of, legislative drafting in Commonwealth jurisdictions. It addresses questions related to the different types of legislation, the drafting and legislative processes, and the interpretation of legislation. Persons who are seeking careers in legislative drafting or related fields of Law may benefit from taking this course. By the end of the course students will be able to draft a sample of primary and subsidiary legislation. Course assessment will consist of 100% coursework which will include a midterm exam.

**Course Rationale**

Within the Commonwealth Caribbean there is a dearth of suitably qualified persons who possess legislative drafting skills. This course is being introduced in an effort to fill this void and to increase the number of skilled legislative draftspersons in the region. It provides a sound understanding of the theory and techniques of legislative drafting, and will serve as a foundation for further study in the area.

**General Goals/Aims**

*The goals of this course are to:*

1. Provide students with the fundamental knowledge, skills and competencies that are necessary for legislative drafting in Commonwealth jurisdictions.
2. Enhance the quality of legislative drafting regionally.

### **Specific Learning Outcomes/Objectives**

*On successful completion of this course, students will be able to:*

1. Describe the aims of legislative drafting;
2. Analyse the different types of legislation;
3. Explain the different challenges entailed in drafting primary and subsidiary legislation;
4. Explain defined legislative terms;
5. Apply defined terms in drafting legislative clauses;
6. Critically assess the rules of statutory interpretation;
7. Critique examples of legislative clauses;
8. Draft a sample piece of primary and/or subsidiary legislation;
9. Compare and contrast requirements for legislative drafting and treaty drafting;
10. Explain the rules of treaty interpretation;
11. Critique an example of national legislation transforming treaty obligations.

### **Course Content**

**The following topics will be addressed:**

#### ***1) Introduction***

- a. What is legislative drafting?
- b. Objectives: clarity, precision and avoiding ambiguity

#### ***2) Types of Legislation***

- a. Primary and subsidiary legislation
- b. Structure and features of legislation
- c. Exercise of delegated powers under primary legislation

#### ***3) The Drafting Process***

- a. Drafting instructions
- b. Converting policy into law

#### ***4) The Parliamentary Process: from draft to law***

**5) *Interpretation of Legislation***

- a. Rules of statutory interpretation
- b. Presumptions of statutory interpretation

**6) *The International Element - issues related to:***

- a. Treaty drafting
- b. Treaty interpretation
- c. The transformation of treaties into domestic law

**Teaching Methodologies**

The course will be taught for a total of three hours per week. Students will participate in interactive lectures, discussions and group activities. They will be expected to read and respond to academic commentary, statutory precedents and cases related to legislative drafting. Students will examine and evaluate the quality of examples of legislation. Participation in class discussions and exercises, including assessed oral presentations will be required.

**Course Assessment Methods**

The course will be assessed by way of 100% coursework weighted as follows:

<b><u>Component</u></b>	<b><u>Percentage Value</u></b>
Written drafting assignments	45%
Take-home essay or project	30%
In class midterm exam (short answer and MCQ)	15%
Class participation – oral presentations	10%
<b>Total</b>	<b>100%</b>

**Teaching/Learning Resources including internet sources**

Students will be assigned readings from textbooks, journals, case law, statutes, treaties and online resources.

**Useful Online Resources**

- <https://www.accesstolaw.com/commonwealth/caribbean/> (links to Caribbean laws)
- <http://www.cavehill.uwi.edu/lawlibrary/quick-links/electronic-resources.aspx> (Law Library electronic resources, including CARILAW)

- <http://www.cabinetoffice.gov.uk/content/office-parliamentary-counsel> (Cabinet Office, Offices of the Parliamentary Counsel and of the Parliamentary Business Managers website)
- [http://ec.europa.eu/governance/better\\_regulation/index\\_en.htm](http://ec.europa.eu/governance/better_regulation/index_en.htm) (European Commission Better Regulation website)
- <http://www.house.gov/legcoun/> (Office of the Legislative Counsel, US House of Representatives website)
- <http://www.opc.gov.au/index.htm> (Australian Government Office of Parliamentary Counsel)
- [http://www.opc.gov.au/draft\\_office/overseas.htm](http://www.opc.gov.au/draft_office/overseas.htm) (Australian Government Office of Parliamentary Counsel, Other Drafting Offices - Overseas)

## Required/ Recommended Readings

### Required Readings

- C. R. A. C. Crabbe, *Legislative Drafting* (London: LexisNexis, 2008)

### Recommended Readings

- Anthony Aust, *Modern Treaty Law and Practice*, 3<sup>rd</sup> edn (Cambridge: Cambridge University Press, 2014). ISBN-13: 978-1107685901.
- Francis A.R. Bennion, *Bennion on statutory interpretation: a code* (London: LexisNexis, 2013). ISBN-13: 978-1405765701.
- F.A.R. Bennion, *Understanding Common Law Legislation: Drafting and Interpretation* (Oxford: Oxford University Press, 2009)
- VCRAC Crabbe, *Understanding Statutes* (London: Routledge-Cavendish, 1994). ISBN-13: 978-1859411384.
- Elmer A. Dreidger, *A manual of instructions for legislative and legal writing* (Ottawa: Department of Justice, 1982). ISBN-13:978-0660111186.
- Elmer A. Dreidger, *Construction of Statutes* (Toronto: Butterworths, 1983).
- Richard Gardiner, *Treaty Interpretation* (Oxford: Oxford University Press, 2008). ISBN-13: 978-0199597048.
- Ian McLeod, *Principles of Legislative and Regulatory Drafting* (Oxford: Hart Publishing, 2009). ISBN-13: 978-1841137728.

- P.K. Menon, *An Introduction to the Law of Treaties* (Barbados: UWI/USAID Caribbean Justice Improvement Project, 1992).
- Bilika H Simamba, *The Legislative Process: A Handbook for Public Officials* (Bloomington, IN, USA: AuthorHouse, 2009). ISBN-13: 978-1449002206.
- Constantin Stephanou and Helen Xanthaki (eds), *Drafting Legislation: A Modern Approach* (Aldershot, Hampshire, UK: Ashgate Publishing, 2008). ISBN-13: 978-0754649038.
- Helen Xanthaki, *Drafting Legislation: Art and Technology of Rules for Regulation* (Oxford: Hart Publishing, 2014). ISBN-13:978-1849464284.
- Helen Xanthaki, *Thornton's Legislative Drafting*, 5<sup>th</sup> edn (London: Bloomsbury Professional, 2013). ISBN-13: 978-1780432090.

**LAW 3900 - LAW EXCHANGE ELECTIVE [APPROVED AB 20150116]**

<b>Course Title</b>	Law Exchange Elective
<b>Course Code</b>	LAW 3900
<b>Academic Units to offer Course</b>	Faculty of Law
<b>Level</b>	3
<b>Semester</b>	1 or 2
<b>Course Credit Load</b>	3 or 6
<b>Course Prerequisite</b>	None
<b>Course Co-requisite</b>	None
<b>Course Post-requisite</b>	None
<b>Course Anti-requisite</b>	None

**Course Description**

An advanced course in law taken by an exchange student at an approved institution and which has been pre-approved by the Dean.

**Course Rationale**

This course enables a Law student to receive credit for a course taken on an exchange programme for which there is no equivalent taught at the Faculty of Law. It also allows the Faculty to give additional credits to a student who takes a full course load in an exchange programme, where that full course load is comprised of less than five (5) courses.

**General Goals/Aims**

The course supports the ability of students to pursue advanced courses in law in exchange programmes in accordance with the policies, procedures and strategic goals of the UWI.

**Specific Learning Outcomes/Objectives**

The learning objectives for each course are dependent upon the specific course taken under the exchange programme.

**Course Content**

The course content is dependent upon the specific course taken.

**Teaching Methodologies**

The teaching methodologies are dependent upon the specific course taken.

**Course Assessment Methods**

The course assessment methods are dependent upon the specific course taken.

**Teaching/Learning Resources including internet sources**

Teaching and learning resources are provided by the exchange institution.

**Required/ Recommended Readings**

The course readings are dependent upon the specific course taken.

**LAW 3905 - VISITING ACADEMICS ELECTIVE (COURSE SHELL)**

<b>Course Title</b>	Visiting Academics Elective (Course Shell)
<b>Course Code</b>	LAW 3XXX
<b>Academic Units to offer Course</b>	Faculty of Law
<b>Level</b>	3
<b>Semester</b>	1, 2 or Summer
<b>Course Credit Load</b>	3
<b>Course Prerequisite</b>	N/A
<b>Course Co-requisite</b>	N/A
<b>Course Post-requisite</b>	N/A
<b>Course Anti-requisite</b>	N/A

**Course Description**

This provision will offer an optional, advanced course in law the content of which will be chosen by the visiting academic who will deliver it. Courses included under this elective must have been approved by the sending foreign institution and receive approval from the Law Faculty Board.

**Course Rationale**

This offering will enable a law student to take a course for which there is no equivalent taught at the Faculty of Law. The range of courses offered to law students will be increased. At the same time, this course will encourage and promote the exchange of academics in accordance with the policies and goals of the Strategic Plan of The UWI, 2012- 17.

**General Goals/Aims**

This course aims to provide an opportunity for students to learn an area of law which they would not otherwise have the opportunity of becoming familiar in the existing context of the Cave Hill Campus' offerings.

**Specific Learning Outcomes/Objectives**

The learning outcomes for each course will depend upon the specific course to be taught by the visiting academic.

**Course Content**

The course content will depend upon the specific course to be delivered by the visiting academic

**Teaching Methodologies**

The teaching methodologies will be determined by the specific course.

**Course Assessment Methods**

The course assessment methods will depend upon the specific course.

**Teaching/Learning Resources including internet sources**

Teaching and learning resources will be specified in advance by the relevant academic who will deliver the course.

**Required/ Recommended Readings**

The course readings will be provided in advance by the relevant academic who will deliver the course.

## **LAW 3901 - VISITING ACADEMICS ELECTIVE: COMPARATIVE CONSTITUTIONAL LAW [APPROVED AB 20150508]**

<b>Course Title</b>	Visiting Academic Elective: Comparative Constitutional Law
<b>Course Code</b>	LAW 3901
<b>Academic Units to offer Course</b>	Faculty of Law (Washburn Summer Program)
<b>Level</b>	3
<b>Semester</b>	1, 2 or Summer
<b>Course Credit Load</b>	3
<b>Course Prerequisite</b>	3rd year Law students, or students who meet the credit requirements to advance to 3rd year can enrol in the course
<b>Course Co-requisite</b>	N/A
<b>Course Post-requisite</b>	N/A
<b>Course Anti-requisite</b>	N/A

### **Course Description**

This course seeks to familiarize the student from a comparative perspective with the constitutions of the United States and Commonwealth Caribbean countries as well as representative constitutions from other countries to determine “best practices” in constitutional law.

### **Course Rationale**

This offering will enable a law student to take a course for which there is no equivalent taught at the Faculty of Law. This course is also aimed at creating a critical and creative thinking student who is well grounded in his/her regional identity; socially, culturally by engaging in comparative constitutional law. At the

same time, this course will encourage and promote the exchange of academics in accordance with the policies and goals of the Strategic Plan of The UWI, 2012- 17.

### **General Goals/Aims**

The goals of this course are to:

- Teach students the skill of using the comparative method in studying and practicing constitutional law.
- Develop in students a deeper understanding of the United States and the Commonwealth Caribbean Constitutions.
- Develop in students the ability to think critically and creatively about law and legal systems.
- Enable students to become globally aware and regionally committed legal professionals.

### **Specific Learning Outcomes/Objectives**

On successful completion of this course, students will be able to:

- a) Examine key aspects of the United States and Commonwealth Caribbean Constitutions and its judicial interpretation.
- b) Analyze and compare the constitutions of the United States and the Commonwealth Caribbean.
- c) Discuss “best practices” in constitutional law; and
- d) Examine the way that each of these constitutions address these practices.

### **Course Content**

The following topics/concepts/theories/issues will be addressed:

1. Introduction to Comparative Constitutional Law
2. Judicial Review
3. Separation of Powers
4. Interpretative Principles & Types of Rights Protected
5. Specific Rights

**Teaching Methodologies**

The course will be delivered utilizing daily face-to-face lecture/seminar for 9 (nine) days over a three-week period. Each lecture/seminar will be of four (4) hour duration. Students will also be required to prepare questions for discussions during the lectures/seminars. This will provide an opportunity for them to apply the information presented during the lecture/seminar, as well as to clarify any issues raised in the lecture.

**Course Assessment Methods**

The course would be assessed by way of a three (3) hour open book final examination at the end of the Semester. Students will be required to answer three (3) essay/problem type questions.

**Teaching/Learning Resources including internet sources**

Teaching and learning resources that will be used in this course include the Constitutions of the United States and Commonwealth Caribbean.

Course material will be given to students for the duration of the course. These resources will also provide students with a framework for thinking about and resolving issues related to the various topics.

**Required/ Recommended Readings**Required

An updated hard copy of the Constitution of the United States and a Commonwealth country. Students would be provided with all material relevant to the course.

**LAW 3902 - VISITING ACADEMICS ELECTIVE: COMPARATIVE LEGAL SYSTEMS: ALTERNATIVE DISPUTE RESOLUTION [APPROVED AB 20150508]**

<b>Course Title</b>	Visiting Academic Elective: Comparative Legal Systems: Alternative Dispute Resolution
<b>Course Code</b>	LAW 3902
<b>Academic Units to offer Course</b>	Faculty of Law (Washburn Summer Program)
<b>Level</b>	3
<b>Semester</b>	Summer 2015
<b>Course Credit Load</b>	3
<b>Course Prerequisite</b>	3rd year Law students, or students who meet the credit requirements to advance to 3rd year can enroll in the course
<b>Course Co-requisite</b>	None
<b>Course Post-requisite</b>	None
<b>Course Anti-requisite</b>	None

**Course Description**

This course will be co-taught by Curtis Waugh, Professor of Law, Washburn University School of Law, and Calvin A. Hamilton, Senior Lecturer in Law, University of the West Indies, Faculty of Law, Cave Hill Campus.

The course will provide a unique blend of doctrine and skills, including the theory and practice of international alternative dispute resolution. Topics will include client interviewing, client counselling, negotiation, mediation, arbitration and hybrid dispute resolution processes. In addition to learning the theory and law of alternative dispute resolution, students will engage in simulated exercises that will

highlight the distinctions between the various alternative dispute resolution techniques. Special attention will be paid to alternative dispute resolution within an international/Caribbean context.

### **Course Rationale**

This course will enable law students to take a course for which there is no equivalent taught at the Faculty of Law. It will provide additional enrichment in the theory and law of Alternative Dispute Resolution at the Washburn University School of Law and Faculty of Law, Cave Hill. At the same time, this course will encourage and promote the exchange of academics in accordance with the policies and goals of Strategic Plan of The UWI.

### **General Goals/Aims**

The goals of the course are to:

1. Provide students with the basic knowledge, skills, competencies and tools needed for the practice of international alternative dispute resolution.
2. Promote understanding of client counselling, negotiation, mediation, arbitration.
3. Foster awareness of alternative dispute resolution within a U.S., international and Caribbean context.

### **Specific Learning Outcomes/Objectives**

On successful completion, students will be able to:

1. Articulate the different disciplines that make up alternative dispute resolution.
2. Discuss issues related to theory and practice of international dispute resolution.
3. Summarize the main characteristics of the civil, common law approaches to alternative dispute resolution.
4. Critically discuss the use of alternative dispute resolution in the U.S. and the Commonwealth Caribbean.
5. Describe the role of the court systems in the U.S. and the Commonwealth Caribbean.

6. Identify the legal framework that support alternative dispute resolution the U.S. and the Commonwealth Caribbean.

### **Course Content**

The following topics/issues/theories/issues will be addressed:

1. The legal framework in alternative dispute resolution.
2. Theory and practice of international dispute resolution.
3. The techniques associated with client interviewing, client counselling, negotiation, mediation, arbitration and hybrid dispute resolution.
4. The practice of dispute resolution in the U.S. and in the Caribbean.
5. Court systems in aid of alternative dispute resolution.

### **Teaching Methodologies**

This course will be co-taught by Curtis Waugh, Professor of Law at Washburn University School of Law and Calvin A. Hamilton, Senior Lecturer, University of the West Indies, Faculty of Law, Cave Hill Campus.

The Course will be taught daily from 9 a.m. to 1 p.m. over a 2 week period from June 15th to June 30th, 2015, by way of lectures and simulated exercises that will highlight the distinctions between the various alternative dispute resolution techniques.

Students will be required to participate actively during lectures. In addition, they will participate in simulated exercises that distinguish the various methods of alternative dispute resolution.

Also, they may be asked to prepare and discuss responses to questions or hypothetical situations, which will be set on a daily basis. As a result, prior preparation will be necessary. In answering questions students will be required to think about and discuss their course responses critically, in public.

### **Course Assessment Methods**

The assessment of this course will be as follows:

Participation in role plays and simulations which is worth 20% of the final grade.

Periodic exams that, all together, will account for 80% of the final grade; the final of which will be given on the last day of the course.

### **Teaching/Learning Resources including internet sources**

Teaching and learning resources to be used in this course include internet and other relevant research resources as are relevant and available. Lexis Nexis and Westlaw. Readings will be assigned.

### **Required/ Recommended Readings**

#### Required

Riskin L.R, Westbrook J.E, Guthrie C, Reuben R.C, Robbennolt J.K, Welsh N.A, Dispute Resolution and Lawyers, West Academic Publishing, Abridged 5th Edition  
Course Reader with relevant articles and cases.

**LAW 3906 - VISITING ACADEMICS ELECTIVE: COMPARATIVE TRADE LAW [APPROVED AB 20170601]**

<b>Course Title:</b>	Comparative Trade Law
<b>Course Code:</b>	LAW 3906
<b>Academic Units to offer Course:</b>	University of the West Indies, Faculty of Law, Cave Hill Washburn University School of Law Summer Program
<b>Level:</b>	3
<b>Semester:</b>	Summer
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	3rd year Law students, or students who meet the credit requirements to advance to 3rd year can enrol in the course
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course is offered as part of the Washburn University Summer Programme at Cave Hill. It provides a comparative legal perspective on international trade and finance law. The course introduces students to the trade and finance law regimes of the United States and of the Commonwealth Caribbean, as well as representative legal regimes from other parts of the world. In as far as these regimes are based on international agreements or model laws (e.g. the WTO agreements and UNCITRAL Model Laws), the course examines commonalities and differences in how these agreements are interpreted and implemented in the United States, the Commonwealth Caribbean and other representative jurisdictions. The course also introduces students to dispute settlement in the areas of international trade and finance law.

**Course Rationale:**

This course provides unique insights into the history, design, purpose and functioning of trade and finance law regimes in the Commonwealth Caribbean, the United States and other jurisdictions. It is also aimed at creating a critical and creative thinking student who is well grounded in his/her regional identity; socially, culturally by engaging in comparative legal analysis. The offering will enable a law student to take a course for which there is no equivalent taught at the Faculty of Law, Cave Hill. At the same time, this course will encourage and promote scholarly exchanges in accordance with the policies and goals of the Strategic Plan of the University of the West Indies.

**General Goals/Aims:**

The goals of this course are to:

- Teach students the skill of using the comparative method in studying and practicing trade and finance law.
- Develop in students a deeper understanding of international trade and finance law in the United States, the Commonwealth Caribbean and other representative jurisdictions.
- Nurture an understanding in students on the operation of the international legal framework that enables parties in different jurisdictions to exchange goods and services across borders.

**Specific Learning Outcomes/Objectives:**

On successful completion of this course, students will be able to:

- (i) Explain key aspects of trade and finance law regimes in the United States, the Commonwealth Caribbean and other representative jurisdictions.
- (2) Interpret the international regimes and model laws that foster international trade and finance laws.
- (2i) Describe the bi- and multilateral negotiation settings in which international trade and finance law agreements are created.
- (iv) Explain how international trade and finance law agreements are interpreted and implemented in the United States, the Commonwealth Caribbean and other representative jurisdictions.

- (v) Analyse and compare trade and finance law regimes in the United States, the Commonwealth Caribbean and other representative jurisdictions.
- (vi) Describe the interaction, friction and competition between the various trade and finance law regimes in the United States, the Commonwealth Caribbean and other representative jurisdictions.
- (v2) Apply the mechanisms of settling trade and finance law disputes between the United States, the Commonwealth Caribbean and other representative jurisdictions.

**Course Content:**

The following topics/concepts/theories/issues will be addressed:

1. Introduction to Comparative Trade and Finance Law.
2. Legal aspects of international trade.
3. The WTO Agreements and other international trade agreements with specific application to the United States, the Commonwealth Caribbean and other relevant jurisdictions.
4. The UNCITRAL Model Law on Electronic Commerce.
5. Legal Aspects of International Finance and the International Financial Market.
6. Finance law regimes in the United States, the Commonwealth Caribbean and other relevant jurisdictions.
7. Trade and Finance law dispute settlement mechanisms and case studies related to the United States and the Commonwealth Caribbean.

**Teaching Methodologies:**

The course will be delivered utilizing daily face-to-face lecture/seminar for 9 (nine) days over a three-week period.

Each lecture/seminar will be of four (4) hours duration.

Students will also be required to prepare questions for discussions during the lectures/seminars. This will provide an opportunity for them to apply the information presented during the lecture/seminar, as well as to clarify any issues raised in the lecture.

**Course Assessment Methods:**

The course is assessed by way of a three (3) hour open book final examination at the end of the Semester. Students will be required to answer three (3) essay and/or problem type questions.

Final Examination: 100%

**Teaching/Learning Resources including internet sources:**

Teaching and learning resources to be used in this course include international agreements and model laws related to trade and finance law concerning the United States and Commonwealth Caribbean. These primary sources will be supplemented by book chapters and journal articles.

Additionally, course material will be given to students for the duration of the course. These resources will also provide students with a framework for thinking about and resolving issues related to the various course topics.

Online resources:

- WTO Agreements: [https://www.wto.org/english/docs\\_e/legal\\_e/final\\_e.htm](https://www.wto.org/english/docs_e/legal_e/final_e.htm)
- UNCITRAL Model Law on Electronic Commerce:
- [https://www.uncitral.org/pdf/english/texts/electcom/05-89450\\_Ebook.pdf](https://www.uncitral.org/pdf/english/texts/electcom/05-89450_Ebook.pdf)

**Required/ Recommended Readings:**

Required

- A copy of the WTO Agreements of the UNCITRAL Model Laws on Electronic Commerce and other relevant trade and finance law agreements.

Students will be provided with additional material relevant to the course.

**LAW 3908 - COMPARATIVE TORT LAW [APPROVED AB 20190913]**

<b>Course Title:</b>	Comparative Tort Law
<b>Course Code:</b>	LAW 3908
<b>Academic Units to offer Course:</b>	University of the West Indies, Faculty of Law, Cave Hill Washburn University School of Law Summer Program
<b>Level:</b>	3
<b>Semester:</b>	1, 2 or Summer
<b>Course Credit Load:</b>	3
<b>Course Prerequisite:</b>	Law of Tort I
<b>Course Co-requisite:</b>	None
<b>Course Post-requisite:</b>	None
<b>Course Anti-requisite:</b>	None

**Course Description:**

This course will be initially offered as an accelerated course in the 2019 Washburn University Summer Programme at Cave Hill.

This course will explore the comparative law of tort through the protection of legally recognized interests by the use of legal remedies. It introduces students to the basic rules of that law within the US and the Commonwealth Caribbean.

The course is relevant to any student interested in practicing Human Rights Law, Tort Law or Property Law, as a great portion of human rights claims involve resolution of disputes concerning the protection of the legally recognised interests of the individual.

**Course Rationale:**

The course helps to fulfil the Mission and Vision of The UWI by requiring students to critically compare models of regional and US protection of legally recognized interests, such as the rights of dependants upon the victim of a wrongful death; the rights of property owners to the peaceful enjoyment of the comfort and convenience

of their properties; the rights of entrants onto premises and the liability of employers for the wrongful acts of their employees. By specifically focusing on the diverse legal aspects of these frequently occurring problems, it prepares students for the practice of law in the field.

**General Goals/Aims:**

The goals of this course are to:

- Foster students' appreciation of how the comparator jurisdictions treat issues arising in the areas under analysis.

**Specific Learning Outcomes/Objectives:**

On successful completion of this course, students will be able to:

- Explain the modes by which US and Caribbean law compensate those who have suffered financial and other loss as a consequence of the wrongful death of another;
- Explain how US and Caribbean law balance the competing interests of neighbouring land owners;
- Describe the manner in which US and Caribbean law protect the public interest in a healthy, quiet, and peaceful co-existence;
- Critically assess the liability of business entities for the acts of those employed by them.

**Course Content:**

The following topics/concepts/theories/issues will be addressed:

1. Introduction to Law of Tort
2. Wrongful Death
3. Private Nuisance
4. Public Nuisance
5. Vicarious Liability

**Teaching Methodologies:**

Semester I or 2

The course will be delivered through a combination of interactive lectures, seminars, and workshops that may involve role-playing exercises, group and individual presentations, for three (3) hours each week for the twelve (12) weeks during Semester I or 2.

#### UWI-Washburn Summer Programme

During the summer, the course will be delivered utilising an intensive class format for ten (10) days from 9:00 am – 1:00 pm with a 30 minute break each day.

Teaching sessions also will integrate problem solving exercises and general discussions.

#### **Course Assessment Methods:**

Students will be assessed as follows:

##### Semester I or 2:

The course will be assessed by means of class participation and a final examination, as follows:

- **Class participation** – 50% – students are required to respond to in-class questions, resolve assigned problems and quizzes, and/or make formal oral group or individual presentations on an assigned hypothetical scenario.
- **Final examination** – 50% – students are required to write a two-hour final exam comprising a mixture of multiple choice questions, short answer questions and problem-solving questions.

##### Summer

During the summer session the course will be assessed by means of class participation and a final exam, as follows:

- **Class participation** – 50% – students are required to respond to in-class questions, prepare and make group and individual presentations and resolve assigned problems.
- **Final examination** – 50% – students are required to write a two-hour final examination comprising a mixture of multiple choice questions, short answer questions and problem-solving questions.

**Teaching/Learning Resources including internet sources:**

The lecturer(s) will provide materials prepared for the course which may include a Comparative Tort Law Reader and Commonwealth Caribbean teaching materials.

**Required/ Recommended Readings:**Required Readings

- Course Reader

Recommended Readings

- Gilbert Kodilinye, *Commonwealth Caribbean Tort Law* (Cavendish Publishing, 2003).

Commonwealth Caribbean teaching materials supplied

*Updated: 20 August 2025*