

The Dickson Poon School of Law

**KING'S**  
*College*  
**LONDON**



# King's LLM

International Dispute Resolution module descriptions for prospective students 2017–18

This document contains module descriptions for modules expected to be offered under the LLM programme starting in 2017-18, to be used as an indication of the programme's options and a way of informing your decision to study at The Dickson Poon School of Law. King's reserves the right to change the content of the modules, as well as whether or not a module is running in any particular year if the circumstances so dictate.

Note that individual terms and conditions for entry onto a module may apply, such as prerequisites or caps on the total number of students. These will be communicated clearly after enrolment onto the programme and before you are asked to make your module selection.

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# King's LLM

**Module descriptions for prospective students 2017–18**

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# King's LLM: International Dispute Resolution modules

7FFLA023

## HUMAN RIGHTS LAW: INTERNATIONAL AND TRANSNATIONAL PERSPECTIVES

40 CREDITS – FULL-YEAR MODULE

This module aims to provide students with a solid foundation in international and transnational human rights law – widely conceived as one of the most important legal fields in a global context today. We cover the core of human rights protected under international law, including civil and political rights such as freedom of speech and religion, political participation, fair trial and the right not to be tortured, and social and economic rights such as health, education, housing and an adequate standard of living. The objective is to develop, over the course of the academic year, an analytical framework for understanding and critically analysing the international and transnational institutions and mechanisms in place for the protection of human rights, and to provide an effective preparation for the real-world challenges of transnational human rights practice.

We begin by offering an overview of the development of the idea of human rights and the international legal institutional framework for its protection, as well as its philosophical and political underpinnings and challenges to the idea of universal human rights. We then cover the practical functioning of selected human rights monitoring mechanisms with particular emphasis on their effectiveness and the political and institutional challenges and obstacles they face. This segment will constitute the core of the course and allow students to explore the foundations of human rights and their significance in concrete interpretive contexts.

7FFLA063

## WORLD TRADE LAW

20 CREDITS – HALF-YEAR MODULE

The premise of this module is that world trade law, as a specific sector of international economic law, is developing so rapidly and is increasingly occupying such a central role in international law that it merits separate treatment in a full LLM subject. The study of the subject will focus on the law of the World Trade Organization, within several contexts: political, economic, other instruments and rules of international law-making, and jurisprudential. As such, the study of world trade law will be a lens through which the role and position of law in the evolution of globalisation can be looked at and analysed. By learning to use that lens you will at once acquire practical legal knowledge and a firm conceptual framework of analysis.

The module looks at the various areas of WTO law, including institutions, dispute settlement, essential GATT principles, the TBT and SPS Agreements, trade protection, trade in services, intellectual property protection, treatment of developing countries, and constitutional issues such as the relationship with other international law and with domestic law.

# King's LLM: International Dispute Resolution modules

7FFLA066

## INTERNATIONAL INVESTMENT LAW

20 CREDITS – HALF-YEAR MODULE

The module covers the key components of the public international law related to the protection of foreign investment. Reference is made to relevant customary and conventional international law (particularly bilateral investment treaties), as well as to relevant regional and municipal law. The module is concerned with the substantive normative framework of the international law relating to foreign investment (procedural aspects are addressed in the course on International Commercial Arbitration). It also addresses the key legal obligations of the host State (MFN, National Treatment, Expropriation, Fair and Equitable Treatment, Transparency) as well as the legal obligations of the foreign investor. Policy considerations underlying this area of the law will also be examined.

7FFLA087

## TRANSNATIONAL AND INTERNATIONAL CRIMINAL LAW

20 CREDITS – HALF-YEAR MODULE

Criminal law is no longer confined to dealing with crime within national borders. Genocide, crimes against humanity, war crimes and the crime of aggression carry individual responsibility under international law. Crimes such as human trafficking, piracy, drug trafficking and terrorism have cross-border effects leading to legal responses at regional and international levels. As a result domestic criminal law must increasingly take account of both international (state-to-state) and transnational (states-and-private-actors) responses to criminal activity. This module provides an in-depth understanding of international and transnational criminal law from institutional, substantive, and comparative perspectives.

7FFLA527

## GLOBAL LAW OF CLIMATE CHANGE

20 CREDITS – HALF-YEAR MODULE

This module is a survey course in the law of climate change with a global focus. There is no single body of law that applies to the global problem of climate change. On the one hand, existing legal principles and frameworks apply to aspects of climate change; on the other hand, bespoke regulatory regimes are being created at various jurisdictional levels to deal with the detrimental features of climate change. Furthermore, courts and other adjudicative bodies are places in which social conflicts caused by climate change surface and manifest as legal problems. As a lawyer, this situation can be hard to get to grips with. The course aims to meet that challenge by appraising the multi-level governance, laws and disputes that relate to climate change, and by exploring the methodologies that lawyers can use in critically analysing different but intersecting regimes. The course will consider selective domestic, regional and international laws and governance frameworks that apply to the problem of climate change and the disputes it generates. These will include a focus on the UN Framework Convention on Climate Change and Rio Principles at the public international law level, as well as judicial decisions and regulatory approaches from various jurisdictions around the world, and informal governance mechanisms that operate transnationally. Students will be involved in debates and case studies throughout the module, acting in teams or firms to become familiar with and apply the diverse body of law that relates to climate change problems across legal cultures.

# King's LLM: International Dispute Resolution modules

7FFLA530

## CURRENT DEVELOPMENTS IN INTERNATIONAL DISPUTE RESOLUTION

20 CREDITS – HALF-YEAR MODULE

Few areas of the law develop as quickly as international dispute resolution. International arbitration tribunals, international courts, European courts and national courts hand down hundreds of awards and judgments a year that push the field forward. It has become both increasingly important and increasingly difficult to stay on top of the recent case law. This module will ensure that students are informed about the most significant developments in the case law in this area. At the same time they will learn how to present cases in a concise and meaningful manner to inform colleagues about recent developments, a skill that will be vital for their future work, whether in law firms, courts, or governments. In every session, students will present three cases selected by the module organisers. No presentation should be longer than 10 minutes and students will have to answer the questions posed by the module organisers and their colleagues. The sessions will be filmed and eventually put on the Internet.

7FFLA534

## INTRODUCTION TO INTERNATIONAL DISPUTE RESOLUTION: MECHANISMS BETWEEN PRIVATE PARTIES

20 CREDITS – HALF-YEAR MODULE

This half-module, which students take together with the half-module on mechanisms under international and European law, will be dedicated to mechanisms that are traditionally considered to be part of 'private' law. This will entail a review of the dispute resolution mechanisms that are used internationally in order to solve 'private' disputes, typically those arising in the business world: negotiation, mediation, arbitration and litigation. Focus will be placed on the use by international private actors of these different modes of dispute settlement. A comparative approach will be adopted with respect to international litigation in order to contrast differences and highlight common features.

7FFLA538

## INTRODUCTION TO INTERNATIONAL DISPUTE RESOLUTION: MECHANISMS UNDER INTERNATIONAL AND EUROPEAN LAW

20 CREDITS – HALF-YEAR MODULE

A thorough knowledge of national laws and procedures is no longer sufficient to competently counsel clients in the globalised world of the XXIst Century. Practitioners need to be aware of the tools that international dispute resolution puts at their disposal. This class provides students with a basic knowledge of the law and mechanisms in the field.

In this half-module, which students take together with the half-module on mechanisms between private parties, students will learn about the 'public' side of international dispute resolution, comprising diplomatic means of dispute settlement and legal means, such as European Courts, the International Court of Justice, the International Tribunal for the Law of the Sea, the World Trade Organisation dispute settlement system and arbitration.

7FFLA545

## ORAL ADVOCACY IN INTERNATIONAL DISPUTE RESOLUTION

20 CREDITS – HALF-YEAR MODULE

Oral advocacy plays an important role in international dispute resolution. Nevertheless, it is rarely taught and few professionals outside of the British bar can claim significant expertise.

During this half-module, which will be taught as an intensive seminar during the reading week with a 2-hour preparatory session before, students will learn about the role of oral advocacy in international dispute resolution using an international arbitration as an example. Following the structure of an international arbitration, they will learn about advocacy in the different stages of a dispute (jurisdiction, opening submissions, interim measures, witness and expert cross-examination, closing submissions), watch and discuss performances available on the internet and practice their own advocacy skills. Participation is limited to 20 participants. In case of over-subscription places will be assigned on the basis of students' CVs. Pleadings of participants will be filmed.

# King's LLM: International Dispute Resolution modules

7FFLA553

## **INTRODUCTION TO TRANSNATIONAL LITIGATION**

20 CREDITS – HALF-YEAR MODULE

This module tracks the process of transnational litigation from initiation to enforcement. It indirectly provides an introduction to the structure of, and the demand for, international arbitration. The angle of study will be comparative, with examples and cases drawn from common law and civil law systems, particularly the United States and France. Subjects such as jurisdiction, forum non conveniens, anti-suit injunctions, forum selection clauses and choice of law clauses will be investigated. Particular attention will be given to the procedural and substantive challenges raised by transnational litigation from a practical standpoint. The module will therefore seek to initiate students to the complexities of transnational litigation from a comparative standpoint.

7FFLA567

## **ADVANCED SEMINAR ON SELECTED TOPICS IN INTERNATIONAL ARBITRATION**

20 CREDITS – HALF-YEAR MODULE

Students may enrol in this module only if they have prior knowledge of arbitration. Students registered for this module may not be registered simultaneously in International Commercial Arbitration.

Subjects that will be studied are: the delocalisation of international arbitration and its meaning, is there a new transnational arbitral order?; why want parties procedural flexibility and the elimination of appeals, consequences for the applicable law, its transnationalisation; where does it leave public order requirements, how do they interact at the national and transnational or EU level in Europe, powers of adjudication of international arbitrators in this area; the operation of parallel legal orders; differences between commercial, financial and foreign investment arbitrations; reasoning of international arbitrators; the issue of independence and impartiality of party appointed arbitrators, legitimacy, transparency and accountability; the problems with private dispute resolution in investment arbitrations, the discussions in the TTIP, supervision of international arbitrators and preliminary opinions in public policy matters; arbitration as a business, consequences for its credibility, types or arbitrators, skills and integrity, reputation, does it matter.

# King's LLM: International Dispute Resolution modules

7FFLA572

## NEGOTIATION

20 CREDITS – HALF-YEAR MODULE

The module draws upon thirty years of interdisciplinary research in negotiation from the perspectives of law, economics, game theory, and social and cognitive-behavioural psychology.

It provides comprehensive theoretical background as well as training in analytical and interpersonal aspects of negotiation. It aims to address the requirements of modern legal practice, where effective legal work often entails negotiations in complex interpersonal settings involving multiple parties and multiple issues, and where deal-making, consensus building, and problem-solving frequently take the central stage.

The module explores the Principled negotiation model developed at Harvard Law School, as well as advanced interdisciplinary theory on negotiation, including the Three Tensions model and the insights from modern social, cognitive-behavioural and psychodynamic psychology.

In addition to the intensive reading, the students are expected to negotiate complex proprietary negotiation cases on a weekly basis. Case experience is used as material for class discussion and for explication of the relevant theory.

Attendance of the enrolled students will be mandatory.

7FFLA591

## INTERNATIONAL MOOTING

20 CREDITS – HALF-YEAR MODULE

The International Mooting Module (IMM) is a 20 credit module offered to LLM students of all pathways at the Dickson Poon School of Law. The IMM is essentially a unique mode of delivery of principle substantive knowledge areas in international dispute resolution and relevant advocacy skills. The IMM syllabus covers key skills in oral and written advocacy in international and transnational arbitration and adjudication, while adopting a holistic approach to the analysis of international and transnational dispute resolution.

7FFLA599

## INTERNATIONAL INVESTMENT ARBITRATION

20 CREDITS – HALF-YEAR MODULE

This course is intended for students who are interested in pursuing a career in an international arena with a specialisation in international dispute resolution mechanisms in private practice, in house or in the public sector. The module gives students a firm grounding in international investment arbitration covering international investment disputes under ICSID, NAFTA and the ECT from a procedural as well as a substantive standpoint. The course also gives the students an overview of bilateral and multilateral Investment treaties, their structure and content.

7FFLA600

## INTERNATIONAL COMMERCIAL ARBITRATION

20 CREDITS – HALF-YEAR MODULE

This course is intended for students who are interested in pursuing a career in an international arena with a specialisation in international dispute resolution mechanisms in private practice, in house or in the public sector. The module gives students a firm grounding in international commercial arbitration covering all of the stages of international commercial arbitration proceedings from drafting arbitration agreements through to enforcement and recognition of arbitral awards under the New York Convention.



# King's LLM: International Dispute Resolution modules

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## **TRANSNATIONAL HUMAN RIGHTS LITIGATION**

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20 CREDITS – HALF-YEAR MODULE

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Modern transnational human rights litigation cuts across traditional distinctions between jurisdictions and between national, European and international sources of the law and presents a number of challenges, pitfalls and opportunities to the practitioner. Strategic litigation of human rights violations plays a crucial role not only in ensuring that victims of human rights abuses obtain redress for the harm they have suffered, but also in ensuring that governments are held accountable for their actions and that the 'right to the truth' of victims and society at large is effectively realised. The class will present students with case studies, including cases as diverse as the 'war on terror', human rights claims arising out of conflicts in Chechnya and Iraq, constitutional challenges to the criminalisation of homosexual conduct, and challenges to criminalization of human rights defenders in Latin America. Students will study how these cases were litigated and why they were litigated in a particular way, developing an understanding of the practical aspects of transnational human rights litigation.

The module will draw on the experience of the instructors, who are, respectively, a leading human rights barrister with extensive experience of litigating international human rights cases in a variety of fora, and an academic specialising in international human rights law who has extensive practical experience in assisting human rights NGOs in strategic human rights litigation.



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