

LAW COURSES IN ENGLISH  
DIPLOMA IN LEGAL STUDIES 2019 - 2020  
(subject to modification)

*Quota of 20 places (priority for students enrolled in the Diploma)*

1. **Premier semester (Fall term)**

***Public Law I : Constitutional Law (20 hours):***

This course is the first part of a full-year course, dealing with French Constitutional, Administrative and, in some respects, Political matters. Both semesters can be followed separately. During this first semester, we will focus more on institutional aspects, such as the State organisation (i.e. the process of *regionalisation* and the end of the Unitary State?) or the Separation of Powers and contemporary problems (i.e. the metamorphosis of the *Conseil constitutionnel* into a Supreme Court?). But we'll also deal with some political questions, especially because 2017 will be an election year (both for President and the *Assemblée nationale*).

The methodology will be the same for Public Law I & II: the semester will be divided into topics. Every lecture will start with an oral presentation, made by a group of students, mixing French and Comparative aspects on the specific topic. Then we'll open the discussion to widen the analysis of the topic. Assessment will be based on an oral presentation made in class and an essay (based on the oral presentation).

***French Judicial Institutions (20 hours):***

Judicial system and institutions is a course taught by two different lecturers. Each of them is in charge of different topics: specificities of French justice, French justice organisation, operating principles of the French judicial system, alternative dispute resolution, judicial staff, justice and parliament, the French Cour de cassation, international courts and the way judgements are drafted.

With one of the lecturers, students have to make a presentation about one of the themes. With both lecturers, the students have a short examination about the topics examined during the previous sessions.

***International Relations in a Contentious World (20 hours):***

This course aims at giving the students a wide overview about international relations. We will then analyse both theories and concrete topics as the UN, foreign policy, war or environment for instance. The course is based on the interaction between the professor and the students. Therefore, each student will have to present exposés during the semester and is highly encouraged to participate regularly in the debate following the exposés. Last but not least, each student will participate in a simulation exercise taking place during the last sequence of the course. Each student will represent a member of the UN Security Council and work on his role during the semester. The roles will be chosen not later than the second sequence. The topic will be given during the first sequence.

The aim is for the students to acquire both knowledge in international relations and international law and oral abilities to present their ideas.

### ***The European Union Legal System (20 hours):***

European Union is a complex subject of studies mainly because of its strong dynamic nature. Since the 1957 Treaty of Rome establishing the European Economic Community (EEC), different reform treaties have been contributing to shaping legal and constitutional structure of the European Union and to develop its substantive aims and policies. After a brief presentation of the European construction the course seeks to present European Union Law, as it is stated in the Lisbon Treaty signed in 2007 and entered into force December the 1st 2009, considering its institutional aspects (not considering its substantive aspects which are developed in another course, "European Business Law"):

- Questioning about the legal identity of EU which includes the basic principles of the EU legal order: Competences / Flexibility / Fundamental Human Rights
- The institutional EU framework
- The legislative procedures
- The Effect of EU Law: direct effect
- The relationship between EU Law and national law: supremacy
- The jurisdiction of the European Court of Justice

The methodology of the course will be based on a lecture; interactive courses (guidelines questions to make the students think about the central issues of a topic); student group work including an oral presentation. The evaluation will be based on an oral presentation and a written exam at the end of the course.

### ***A Historical Introduction to French Law (20 hours):***

This course aims at introducing students to French legal culture through the study of French law's main historical stages. It starts with a depiction of the Frankish kingdom's legal diversity (Roman law coexisting with Barbarian laws). Then are presented the confrontation of local customs and "learned laws" (roman law and canon law) in medieval France, the emergence of a unified national law in the early modern period, the influence of the French Revolution, whose ambitious plans were eventually carried out by Bonaparte's dictatorship through the Napoleonic codification. The course then focuses on the evolutions French law underwent during the 19<sup>th</sup> and 20<sup>th</sup> centuries: the progressive adaptation of public law to the republican regime and of private law to social changes. Through this historical introduction, students will discover landmarks texts of French legal history, such as the Salic Law, the ordinance of Villers-Cotterêts, the Declaration of the Rights of Man and the Citizen, the Code Napoléon, etc.

Classes will consist of lecture presentations, with questions and discussions by students strongly encouraged. During each class, a group of students will make a presentation on a topic chosen from a list given by the teacher during the first class. Assessment will be based on an oral presentation made in class (50 %) and a final oral examination on a subject drawn by lot (50 %).

### ***International Contract Law (20 hours):***

The lecture deals with the relevant international conventions and regulations which apply to international contracts. In particular the United Nations Convention on Contracts for the International Sale of Goods (CISG – also called: Vienna Convention) which is in force in nearly 90 states worldwide will be discussed in detail. It will be

analysed in which cases the United Nations Convention applies and which options the parties of a contract have to choose the law for their contract. The students will get to know the requirements that are necessary for a valid contract. Furthermore, the lecture describes the rights and obligations of the seller and the buyer each to the other in international sale contracts as well as the consequences that arise if the seller or buyer does not properly carry out his or her contractual obligations. In order to show the relevance of these legal aspects for the practice, typical clauses of international contracts will be discussed.

***Intellectual Property Law (20 hours):***

The purpose of this unit is to make the students acquire the basic concepts in intellectual property law and the fundamental principles that govern this branch of law. IP Law is generally divided into two main fields: Literary and Artistic Property Law and Industrial Property Law. Following the introduction of the sources of IP Law, the main rights in both domains will be analysed, such as authors' rights, patents and trademarks, industrial designs, IT creations. More specifically, the conditions for obtaining these rights and the prerogatives that the holders are invested will be studied. Case studies will be discussed during the lecture for an active participation of the students.

The first part of the evaluation (70%) will be based on a final written examination. The second part (30%) will be assessed according to the results of the short examination which will be held during the semester, the oral participation in the class and if chosen by the student, homework prepared on the selected topic.

***Legal Writing and Advocacy (20 hours):***

This course is a legal writing and advocacy workshop for students to work individually and in groups on writing and editing assignments, culminating in preparing an appellate brief on a topic selected by the instructor and participating in a "moot court." Students will be graded on their participation in class, written assignments, and on their oral argument at moot court.

**2. Second semester (Spring term)**

***Public Law II: Administrative Law (20 hours):***

This course is the second part of a full-year course, dealing with French Constitutional, Administrative and, in some respects, Political matters. Both semesters can be followed separately. During this second semester, we will focus more on administrative aspects, such as the Administrative organisation of the State, the centrality of the *Conseil d'État* (acting as a judicial institution, but also as a government advisor), the French notion of *Public Service* and its significance in the context of the Europeanization of French Law, or the difficult question of the protection of civil liberties, especially in the context of the 2015 bombings and the state of emergency.

The methodology will be the same for Public Law I & II: the semester will be divided into topics. Every lecture will start with an oral presentation, made by a group of students, mixing French and Comparative aspects on the specific topic. Then we'll open the discussion to widen the analysis of the topic. Assessment will be based on an oral presentation made in class and an essay (based on the oral presentation).

***Criminal Litigation (20 hours):***

This course is dedicated to the presentation of the French characteristics of the body of law that relates to crime and punishment. After a brief presentation of the evolution of criminal law from a historical perspective, the course aims at introducing the principles of criminal law, the specificity of the classification of offenses and its range of penalties in France. It will insist upon the theories of punishment by establishing a comparison with Common Law jurisdictions. A study of the balance between the legal means to maintain public order and the rights of the defence will then be conducted through a presentation of the specificity of the French criminal procedure. As we would like to focus on “law in action” rather than “law in books”, a visit of both the former Parliament and the current criminal Court is programmed. We will attend a criminal trial and interview judges about the specificities of their work.

An active participation of the students is required since the notions will be presented through various role plays including enactment of excerpts of mock trial, embodiment of famous criminal lawyers, debates over restorative justice and performance of cases in order to illustrate substantive law.

Pedagogic supports: Films, TV series and documentary extracts, interviews with judges, translations of criminal code, power point presentations.

Skills assessments: oral (analysis of study case) and written (principles of French criminal law and criminal procedure).

### ***International Protection of Human Rights (20 hours):***

This seminar provides an introduction to the political and legal role of human rights in international relations. Beginning with an exploration of the origins and philosophical underpinnings of the idea of human rights, the seminar will focus on the tangible impact of human rights in international relations and the various mechanisms through which such impact may be achieved. The process of how ‘human rights’ has become increasingly internationalized in order to protect the individual from abuse will be explained. We will then analyze the failures, as well as the successes of how international efforts, at both the universal and regional intergovernmental levels and NGO activity can monitor and control the abuse of sovereign power and at times even provide a remedy to human rights victims. A good part of the class will focus on the legal and especially judicial protection of human rights beyond the state.

The first part of the seminar explain the institutions and mechanisms for the protection and promotion of human rights at universal and regional levels as the second part puts the emphasis on the substantive aspect of human rights by analyzing the main human rights successively.

The course is subject to continuous evaluation which means that attendance is mandatory.

The evaluation is based on the participation to the seminar notably at the occasion of an oral presentation. Furthermore a written evaluation is also consists in a final exam and a paper elaborated in groups of 3 or 4 persons.

### ***History of Human Rights (20 hours):***

This course provides students with basic knowledge about the history of rights protection. It focuses on the following topics: the invention of the concept of “natural rights” in the 17<sup>th</sup> century; the way this concept was used to legitimize political revolutions in England, North American British colonies and France; rights protection in modern constitutions (and the development of different national traditions); the crisis of “domestic rights”; the socialist conception of rights protection; the genesis of international human rights law and of regional human rights systems.

Classes will consist of lecture presentations, with questions and discussions by students strongly encouraged. During each class, a group of students will make an oral presentation on a topic chosen from a list given by the teacher during the first class.

Assessment will be based on an oral presentation made in class (50 %) and a final oral examination on a subject drawn by lot (50 %).

***European Business Law (20 hours):***

This course will cover markets, including the general internal market and the so-called special markets (agriculture, transport, etc.) as they relate to European Business Law. It will include coverage of the single currency and the four freedoms - free movement of goods, capital, persons and services.<sup>[1]</sup> Over time, the four freedoms have coherently and compellingly crept into the same matrix, and European construction is characterized by an overall vision of these freedoms. These four freedoms are clearly articulated and there is no overlap between them. Furthermore, these concepts have been subjected to a common legal system, derived from the GATT.

***Private International Law (20 hours):***

This course will begin with a general presentation on concepts of Private International Law. It will first explain both the history and sources of this peculiar branch of law, and then present its methods, as well as its role and importance in today's fast evolving European market. Afterwards it will focus on conflict of laws theory, which aims to determine how courts determine what national laws are applicable to international disputes. All mechanisms involved in the resolution of such matters will be defined before examining various detailed rules of Private International Law related to specific areas such as family law, contracts and torts. The European Union's action in this field will be particularly stressed. In conclusion, the course will give an overview of the European Regulations on Conflicts of Jurisdiction, as this knowledge is vital to anybody intending to understand the ins and outs of private international law in Europe.

***Public Contract Law in a Comparative approach (20 hours)***

Following a comparative approach, this course will provide an understanding of public contracts both under civil law, using the French experience, and common law, using the UK experience. The core specifics of public contracts regarding their elements of definition and the regime of public procurement and concession contracts will be especially emphasized.

The course will be divided into three parts. After acknowledging the unity of principles applying both to private and public contracts, the specific rules applying to the latter will be studied in depth. The second part will address the issue of the place of public contracts in the common law legal system, while the last part will broaden the perspective through a quick overview of public contracts in an international context.

### ***Agrobiodiversity and the Law. The International Regime for Plant Genetic Resources (20 hours)***

Crop genetic resources are vital for food security and nutrition, and also play a crucial role in relation to health, environmental sustainability and climate change. Loss of agricultural biodiversity (or agrobiodiversity) increases the risk of relying on a limited number of staple food crops and therefore limit human's ability to meet the projected increases in global demand for food and to deal with climate change. Many laws, such as procedures for official seed certification, plant breeders' rights, patent on biotechnology, as well as Access and Benefit-Sharing (ABS) laws, have direct impacts on agrobiodiversity. Overlooked or underestimated for many decades, these effects are now a matter of concern not only to those few academics and lawyers who vowed to battle biodiversity loss, but also to agronomists, biologists, anthropologists and sociologists, all of whom have been at the forefront of global efforts to conserve biodiversity.

After a brief overview of the major issues relating to the conservation of agrobiodiversity in the field (in situ) and on the farm (e.g., climate change adaptation and food security), this course analyses the impact of the legal system (both domestic law – in a comparative perspective – and international law) on agrobiodiversity over a period of about 70 years. It shows how a conjunction of technological breakthroughs (Mendelian genetics, discovery of DNA) and political decisions (mainly in Europe and in the United States) have triggered the process of crop and plant germplasm commodification on a globalized supply and production market through the recognition and strengthening of intellectual property rights on plant varieties, genetically modified crops, processes and DNA sequences.

In a second part, this course strives to show the main consequences of the process of commodification, namely: (i) tensions between advancements in biotechnology led by mega-agri-businesses and small-scale farmers and farmers' seed networks, detrimentally affected by "over-regulation<sup>3</sup> on seeds, even though it has been shown that family farmers still constitute the basis for producing about 53% to 70% of the world's food; (ii) the North/South divide, illustrating tensions between the biodiversity-rich "South" and the technology-rich "North", which has sparked "seed wars", or at least a tendency towards "hyperownership", the negative impact of which on the flows of genetic resources is now being documented; (iii) entanglement of property rights on resources and the development of patent thickets in plant breeding, described as likely to lead to "a tragedy of the anti-commons" and, according to some studies, already responsible for the slowdown in innovation for certain crops.

In a last part, the course addresses how to find a way out of the current political and legal impasse. It first reviews key international legal instruments, such as the Convention on Biological Diversity and the Nagoya Protocol, as well as the International Treaty on Plant Genetic Resources for Food and Agriculture. It also discusses the interfaces between the free software movement (and proposals for "open source" licences for seed), the "commons" movement and seeds. Last but not least, it analyses new and innovative approaches to conservation, such as "biocultural approaches" and assesses the relevance and effectiveness of "biocultural rights" as a way to promote and protect indigenous peoples and local communities as nature's stewards.

**Assessment:** 1 x essay (5 pages) (70%) and 1 x oral presentation based on this essay (30%).

