



SCHOOL OF LAW

HANDBOOK 2010/2011



The University of Zambia

UNZA

Contact: Tel. 291777 or 290733 Email: dean-law@unza.zm

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FOREWORD

This Handbook aims to give the reader essential information about the School and its programmes during the 2010/11 academic year. The Handbook is set out in two Parts. The first presents the current LLB Programme whereas the second introduces something new!

As the School's Alumni have fondly observed, the School has maintained the same curriculum and programme structure since the shift to the semester system was made in the nineties. At the time, the semesterisation of courses was achieved through a simple bisecting and updating of the year courses introduced at the inception of the LLB programme in the late sixties. It has become apparent that the annual updating of the courses to take into account developments in the law can no longer capture the substance of each area of the law nor can it cater for new more specialized areas of the law. For instance the move from a command economy to the free market has meant that some areas of the law have been completely overturned. Substantial revision of some courses was therefore necessary together with the introduction of new more current courses.

This academic year ushers in a new LLB Programme offered by two departments (the Department of Public Law and the Department of Private Law) which will gradually replace the old Programme. The revised programme will therefore apply to the incoming second year class. The change has been necessitated by the need to modernize and broaden the LLB Programme in line with the University vision of introducing more industry driven courses. The Revised Programme ushers in a new teaching methodology, admission criteria and more efficient progression rules. It also seeks to set in motion the identification of the school's niche or area of expertise that can facilitate its evolvement into a centre of excellence.

Care has been taken to ensure that only information relevant to this academic year is included in the Handbook however students are urged to refer to the course outlines provided by the course lecturer for more precise course information. Students are also urged to consult the latest University Calendar for general University rules governing progression. Copies of the Handbook are available at the University of Zambia School of Law webpage and may be downloaded from there.

On behalf of the Faculty of the School of Law at the University of Zambia may I take this opportunity to wish you all a warm WELCOME to the 2010/ 2011 Academic year!

Mulela Margaret Munalula (JSD)

Dean School of Law

21.6.2010

OFFICE OF THE DEAN

Dean:	Dr M M Munalula
Management Secretary:	Ms C Wamulume
Ag Assistant Dean (Undergraduate)	Mr SP Ng'ambi
Secretary:	Ms. M Muzyamba
Ag Assistant Dean (Postgraduate)	Mr F Mudenda
Assistant Registrar	Mr. M Musukwa
Secretary	Ms. C Phiri
Ass. Senior Administrative Officer	Mr. P Daka
Financial Officer	Mr. J. Sitwala
Messenger	Mr. S. Zimba
Driver	Mr Sikazwe

ACADEMIC STAFF

Associate Professor
Prof. P. M. Mvunga PhD (London), LL.M (Harvard), AHCZ, LL.B (Zambia)

Senior Lecturer
Dr M M Munalula JSD Notre Dame IN) MA (ISS The Hague), LLM, LLB (Zambia),AHCZ,

Lecturers

Rtd Jdg. K. Chanda	LLM (London), AHCZ, LL.B (Zambia)
Mr. M. Malila	LL.M (Cambridge), AHCZ, LL.B (Zambia)
Mr. J. Sangwa	LL.M (Zambia), AHCZ, LL.B (Zambia)
Mrs. L. Mushota	LL.M (Birmingham), AHCZ, LL.B (Zambia)
Mr. F. Mudenda	LL.M (American), AHCZ, LL.B (Zambia)
Mrs. A. K. C. Chanda	LL.M (Lund), AHCZ, LL.B (Zambia)
Mrs. C. Nkoloma Tembo	LL.M (Mahatma Gandhi), AHCZ, LL.B (Zambia)
Ms. M. Lwatula	LL.M (Cape Town), LL.B (Cape Town)
Mr SP Ng'ambi	LLM (Cornell) LLB (De Montfort), ACI Arb
Mr M Sakala	LLM(Nottingham), LLB (Zambia), AHCZ
Ms C Chitupila	LLM (Pretoria), LLB (Zambia), AHCZ

Part-time lecturers:

Dr M Sinjela	JSD, LLM (Yale), LLB (Zambia)
Ms T Banda	LLM (Cornell), LLB (Cape Town)

BOARD OF STUDIES OF THE SCHOOL

The Senate is the governing body of the University in academic matters. The Board of Studies of the School of Law is charged by Senate with implementation of its policies and decisions as they affect the School. The Board of Studies is the body with the responsibility for all academic matters. Its functions are performed through a number of Committees.

The Members of the Board

- (i) The Dean of the School (Chairperson)
- (ii) The Vice-Chancellor (Ex-Officio)
- (iii) All Academic Staff of the School of Law
- (iv) All Staff Development Fellows of the School of Law
- (v) Two student representatives elected annually by the students registered in the School.
- (vi) One representative from the School of Humanities and Social Sciences
- (vii) Director of the Centre for Continuing Education or his/her nominee
- (viii) Librarian or his/her nominee

- (ix) The School's Administrative Assistant to the Dean

PROGRAMMES OFFERED BY THE SCHOOL

POSTGRADUATE

1. DOCTOR OF PHILOSOPHY IN LAW (PH.D)

This programme is designed for students who need to acquire specialized knowledge in a particular area of study. It prepares students for senior positions in academia and the ever changing legal profession by focusing on the personal academic development and practical experience of the student. The programme also aims at equipping students with professional skills to anticipate, present, analyze and solve legal problems in the area of study. The Regulations provide for the award of Doctor of Philosophy in Law.

2. MASTER OF LAWS DEGREE (LL.M)

The School of Law offers a Master in Law programme that consists of two tracks of degree programmes. The first track programme consists entirely in research. The second track programme consists of two parts, taught programme (course work) and research work. The taught programme is designed to give students a theoretical background in the traditional courses that are considered relevant to the legal profession and the second part equips students with analytical and practical skills with an in-depth understanding in the proposed area of research.

The Regulations provide for the award of the Master of Laws. The requirements for the LL.M degree are:

- (i) Possession of a good first degree in Law (LL.B) namely at distinction, merit or upper credit levels
- (ii) Satisfactory completion of advanced course work and an examination in two courses (referred to as part 1); and
- (iii) (iii) Research work leading to the presentation of a dissertation (referred to as Part II).

UNDERGRADUATE

BACHELOR OF LAWS (LLB)

ADMISSION INTO THE SCHOOL OF LAW

Undergraduate Entrance Requirements

To qualify for admission to the School of Law a candidate must:

1. Satisfy the General Entrance Requirements of the School of Humanities and Social Sciences or the School of Education.
2. Satisfy the Particular Entrance Requirements of the School of Humanities and Social Sciences or of the School of Education.
3. Pass all courses in the first year of study, which must include English, and otherwise satisfy the requirement for the first year of study in the School of Education and the School of Humanities and Social Sciences.
4. Hold at least three 'A' level passes including 'English'
5. Be selected by the University for admission to the School of Law.

The School also offers the Bachelor of Laws degree through an Evening Programme.

To qualify for admission, a candidate must:

1. Hold a first degree in any field of study
2. Hold at least three A levels including 'English'
3. Hold a professional qualification that is academically equivalent to a degree

REGULATIONS GOVERNING THE AWARD OF THE BACHELOR OF LAWS DEGREE (LL.B)

1. Duration of study

The course of study for the award of the Bachelor of Laws degree shall be completed in a period of:

(i) Not less than three and not more than five academic years in the case of full-time students who have satisfied the requirements of the regulations

(ii) Not less than five and not more than eight academic years in all other cases (from the date of first registration)

For the purpose of computing the maximum period for the course of study where a person undertakes the study for the degree partly as a part-time and partly as a full-time student, ten courses successfully completed by the student shall count as one academic year.

3. Academic Load

- (i) The Programme of study shall be taken in the sequence approved by Senate with lower level foundation courses being undertaken and completed before a student proceeds to higher level and specialized courses of study.
- (ii) A Candidate who passes all the courses taken during the academic year of study shall be allowed to proceed to the next year of study.
- (iii) Every semester a full-time student shall register for and take not less than four and not more than five courses. Registration for year long courses must be done every semester.
- (iv) A part-time student shall register for and take not more than three courses in any semester of the academic year.
- (v) Provided that the Board of Studies may in exceptional circumstances permit a student to take one additional course whether carried over from the previous academic year or additional in any one semester.
- (vi) A student who fails in one course may be permitted by the School Board of Studies to proceed to higher level courses provided he or she repeats the course at the first available opportunity.
- (vii) A student who fails two courses in any academic year will normally proceed to Part-time studies until he or she has cleared the outstanding courses.
- (viii) A student who fails in more than two courses in his or her academic year of study will receive the comment 'Exclude school' on the basis of Senate Regulations regarding the need to pass at least 75% of one's course load in any academic year.
- (ix) Every semester an Evening programme student shall register for and take three courses. Registration for year long courses must be done every semester.
- (x) An Evening programme student who fails two or less courses in any academic year will receive the comment 'Proceed and repeat'
- (xi) A n Evening programme student who fails more than two courses in one academic year will receive the comment 'Exclude school'.
- (xii) A full-time, Part-time or Evening student who fails a course twice is subject to the 'Exclude school' comment but he or she may be permitted by Senate to repeat the course for the third and final time.
- (xiii) The effect of the 'Exclude school' comment is that a student cannot seek re-admission to the School of Law.

- (xiv) The comment 'Exclude school' is applicable in compliance with the preceding regulations in any year of study including the final year.
- (xv) Errors in the Examination results may be brought to the attention of the Dean's office for rectification however a student who is aggrieved by the examination results as published by the University and verified by the School may appeal to the Vice Chancellor citing the details of their grievance. An appeal may be unsuccessful.
- (xvi) The School of Law does not permit change of sponsorship status to GRZ. A self sponsored student who cannot meet his or her financial obligations is advised to withdraw from the School with permission for a reasonable period normally no more than one academic year.

4. Definition of a course and numbering

A course is one semester's study of a subject in accordance with a syllabus prescribed by the Board of Studies. In order to complete a course, a candidate is required to fulfill the following:

- (i) Attend such classes (normally 80%), tutorials, seminars, practical exercises and field work as may be prescribed by the Board of Studies in consultation with the responsible tutor;
- (ii) Perform to the satisfaction of the Board of Studies such prescribed practical written and other work as shall be required; and
- (iii) Pass the prescribed examination.

The courses prescribed shall be numbered in the L200 series for those in the First Examination in law, L300 series for those in the Second Examination I Law and in the L400 series for the remainder.

(A) SECOND YEAR-FIRST SEMESTER

Compulsory

- (i) L211 – Legal Process
- (ii) L221 – The Law of Contract 1
- (iii) L231 – The Law of Torts 1
- (iv) L241 – Criminal Law 1
- (v) L251 – Constitutional Law 1

(B) SECOND YEAR – SECOND SEMESTER

Compulsory

- (i) L222 - The Law of Contract II
- (ii) L232 - The Law of Tort II
- (iii) L242 - Criminal Law and Procedure II
- (iv) L252 - Constitutional Law II
- (v) L262 - Family Law

(C) THIRD YEAR-FIRST SEMESTER

Compulsory

- (i) L311 – Law of Evidence

- (ii) L321 – Land Law and Property
- (iii) L331 – Commercial Law 1: Agency and Sales
- (iv) L341 – Administrative Law: Introduction to concepts and the Zambian Administrative process
- (v) L369 – Moot Court

Elective Course

L351 – International & Regional Human Rights Law
The students must take this course in the absence of other electives.

(D) THIRD YEAR-SECOND SEMESTER

Compulsory Courses

- (i) L322 - Land Law II
- (ii) L342 - Administrative Law II
- (iii) L362 - Civil and Criminal Procedure
- (iv) L369 - Moot Court

Elective Courses

- L332 – Commercial Law II
- L382 – Labor/ Industrial Law
- L352 – National Human Rights Law
- L392 – Gender discrimination and the law

The student must select two of the elective courses in the second semester. Note that some courses require the passing of a pre-requisite course and may have a registration limit in order to ensure that all courses on offer have an adequate number of students.

(E) FOURTH YEAR-FIRST SEMESTER

Compulsory

- (i) L410 – Directed Research
- (ii) L411 – Jurisprudence
- (iii) L421 – Business Associations

Elective

- (i) L431 – International Law
- (ii) L451 – International Trade Law
- (iii) L461 – Intellectual Property Law

The student must select two of the elective courses in the first semester. Note that some courses require the passing of a pre-requisite lower level course and may have a registration limit in order to ensure that all courses on offer have an adequate number of students.

(F) FOURTH YEAR – SECOND SEMESTER

Compulsory

- (i) L410 – Directed Research
- (ii) L452 – Jurisprudence II: Law and Society

(iii) L422 – Company Law

Elective

- (i) L432 – International Law II: Law of International Organisations
- (ii) L452 – International Investment Law
- (iii) L492 – Taxation
- (iv) 482 - Alternative Dispute Resolution
- (v) L472 - Refugee law

The student must select two of the elective courses in the second semester. Note that some courses require the passing of a pre-requisite course and may have a registration limit in order to ensure that all courses on offer have an adequate number of students.

Note generally for all elective courses that some electives may be withdrawn without prior notice in the event that they register inadequate numbers of students.

MOOT COURT

L369 – Moot Court

The Course shall consist of 1 Moot Court appearance and attendance at all moot court sessions.

Performance in L369 shall be graded on a pass/fail basis provided that no student shall proceed to the degree unless he/she obtains a pass grade in the course.

EXAMINATIONS

The examination in law shall consist of one paper in each of the courses listed above and each paper shall be of such duration as the Board of Studies may determine (This is currently three hours in which a student selects and answers 4 questions out of 7).

To be eligible for the award of the LL.B degree, a student must have:

- Completed a total of 30 courses in the School;
- Passed all required courses in the school;
- Adhered to the requisite course combinations in each semester; and
- Completed a Directed Research paper at the standard of C or above.

GRADING

In all courses listed above (except moot court and directed research) the distribution of marks shall be as follows:

Final Examination	60%
One Assignment	20%
One Test	20%
Total	100%

In the grading of final examination results, the following scale will apply as:

Percentage	Letter grade	
86 and above	A+	Distinction
76-85	A	Distinction
66-75	B+	Meritorious
61-65	B	Very Satisfactory
56-60	C+	Definite Pass
50-55	C	Bare Pass

40-49
0-39

D+
D

Bare Fail
Definite Fail

Classification of the degree

- (i) The grading of the Bachelor of Laws degree is based on all grades obtained in all courses in the L300 and L400 series.
- (ii) In calculating the grade of the degree the following formula shall be applied to the grades obtained.

A+ = 5 points

A = 4 points

B+ = 3 points

B = 2 points

C+ = 1 point

C = 0 points

No points are awarded where a course has been repeated. Points will be calculated on the basis of the first 20 courses completed in the L300 and L400 series. The directed research paper carries the same points as any other course.

- (iii) The points for classification of the degree shall be as follows:

Distinction	70 and above
Merit	50-69
Credit	30-49
Pass	Below 30

EXEMPTIONS

(i) A student who has prior to admission to the School of Law attended, whether at the University of Zambia or elsewhere, courses of instruction and passed examinations equivalent in standard to courses and examinations which form part of the programme of studies in the School of Law may, subject to the approval of Senate, be exempted from attendance of classes and examinations in those courses.

- (ii) No candidates shall be awarded exemptions in more than ten courses.

THE REVISED BACHELOR OF LAWS

DEGREE PROGRAMMES Effective 2010

Transitional provisions

Students currently registered in the LLB programme will continue with the programme as is until graduation. Incoming students will follow the revised LLB programme. The courses will therefore be cross-coded to enable the same course to be offered under the revised and current programme simultaneously and cater for students that have to repeat failed courses.

Programme structure and Coding

Course coding retains the same style and format but has where necessary been adjusted to accommodate a Departmental base. It was also considered prudent to use coding that permits the taking of some third and fourth year courses in either year of study or semester. This will make it quicker and easier to repeat courses. It will also facilitate the commencement of programmes in either semester, thus promoting smaller class sizes for easier teaching whilst at the same time meeting the demand for direct entry. As an added bonus it will allow lecturers to specialize in one course thus building up their expertise in a particular area and encourage the production of textbooks and other teaching materials/ publications.

Existing courses have been updated, consolidated and rationalized to take into account new developments in law. Some have been renamed to take into account several factors:

1. Combination of two related semester courses into a one semester course in order to eliminate the problem of prerequisites.
2. A different emphasis/ focus/ approach attributable to a changing socio-economic environment. Examples include international trade and investment law courses that have shifted from the public to the private law status because of economic liberalization, privatization and public/private partnerships.

New courses taking into account substantive emerging fields of law are submitted for Senate's consideration and are presented separately. Apart from L 272 Legal writing which is a compulsory second year course all the new courses are departmental elective courses that may be taken at the third or fourth year level. They are listed in the 900 series.

Under the departmental structure some courses are coded to reflect the department sponsoring the course. Therefore the subject symbol for such courses changes from 'L' to three letters as follows: 'LPU' applies to courses in the Department of Public Law and 'LPR' applies to courses in the Department of Private Law. Existing compulsory courses form the core of the LLB programme in either Public or Private law and are therefore coded as School courses. School courses are coded L XXX and departmental courses are coded LPU XXX or LPR XXX for the Department of Public Law and the Department of Private Law respectively.

All departmental courses are elective and students registering in a particular department are expected to take the majority of their elective courses in that department.

Cross Codes current and revised programme			
<u>Current title</u>	<u>Current code</u>	<u>Equivalent Title</u>	<u>Equivalent Code</u>
Legal Process	L211	Legal Process	L211
Law of Contract I/ II	L221/ L222	Law of Contract	L221
Law of Tort I/II	L231/ L231	Law of Tort	L232
Criminal Law I/II	L241/L242	Criminal law	L241
Constitutional law I/II	L251/L252	Constitutional Law	L251
Family Law	L262	Family Law	L262
Evidence	L311	Evidence	L311
Land Law I/II	L321/L322	Land Law	L321
Commercial Law I/II	L331/L332	Commercial Law	L331
Administrative Law I/II	L341/L342	Administrative Law	L282
Human Rights Law I/II	L351/L352	Human Rights Law	LPU351
Moot Court	L369	Moot Court	L369
Civil/ Criminal Proc	L362	Civil/ Criminal Proc	L362
Labour Law	L382	Labour Law	LPR382
Gender Disc/ Law	L392	Gender Disc/ Law	LPU392
Directed Research	L410	Directed Research	L410
Jurisprudence I/II	L411/L412	Jurisprudence	L411
Business Associations/ company Law	L421/L422	Company Law	L421
International Law	L431	International Law	LPU431
International organiz	L432	International Organiz	LPU432
Conflict of Laws	L441	Conflict of Laws	LPR941
Intl. Trade Law	L451	Intl. Trade Law	LPR451
Intl. Investment Law	L452	Intl. Investment Law	LPR452
Intellectual Property I/II	L461/L462	Intellectual Property	LPR962
Refugee Law	L472	Refugee Law	LPU972
Alternative Dispute Res.	L482	Alternative Dispute Res.	LPR922
Taxation	L492	Taxation	LPU492

Department of Public Law

Taught Masters Programme

A student takes two courses over two semesters and writes a short dissertation during the third semester. Courses are:

L 500 Constitutional, Administrative and Local Government Law

*L 530 International Law and International Trade and Investment Law

L550 Jurisprudence

*Equivalent of two courses therefore course may be taken alone

The Department of Public Law also offers two Postgraduate Diploma Programmes

These are:

Postgraduate Diploma in Human Rights

Postgraduate Diploma in International Law

Bachelor of Laws LLB

School courses

L	211	Legal process
L	221	Law of Contract
L	241	Criminal law
L	251	Constitutional law
L	232	Law of Torts
L	262	Family Law
L	282	Administrative law
L	311	Evidence
L	321	Land law
L	331	Commercial law
L	362	Civil and criminal procedure
L	369	Moot Court
L	410	Directed research
L	411	Jurisprudence
L	422	Company law

New School course

L 272 - Legal Writing

Department of Public Law

Courses and codes

LPU 351 Human Rights law

LPU 972 Refugee law

LPU	392	Gender discrimination and the law
LPU	431	International law
LPU	432	International Organisations
LPU	492	Taxation

New courses

LPU	922	Environmental law
LPU	991	Media Law
LPU	952	International Humanitarian Law

The two sections of this department will be constituted by:

- Public law section
- International law section

Programme structure

Second year of study

First semester

L 211	-	Legal Process	- 3 contact hours per week
L221	-	Law of Contract	- 5 contact hours per week
L241	-	Criminal Law	- 5 contact hours per week
L251	-	Constitutional Law	- 5 contact hours per week

All four First Semester courses are compulsory giving a total of 18 contact hours in a week.

Second semester

L 272	-	Legal Writing	- 3 contact hours per week (new course)
L 232	-	The Law of Torts	- 5 contact hours per week
L 262	-	Family Law	- 5 contact hours per week
*L 282	-	Administrative Law	- 3 contact hours per week

*This course was formerly coded L 341 and was offered at Third Year level.

All four Second Semester courses are compulsory giving a total of 16 contact hours per week.

Third year of study

First semester

Compulsory

L311	-	Law of Evidence	- 3 contact hours per week
L321	-	Land Law	- 5 contact hours per week
L331	-	Commercial Law	-3 contact hours per week

L369 - Moot Court – 2 contact hours per week

Optional

LPU 351 - Human Rights law – 3 contact hours per week

Students require 16 contact hours per week so students have to take four courses plus Moot Court.

Second semester

Compulsory

L 362 - Civil and Criminal Procedure - 3 contact hours per week

L 369 - Moot Court -2 contact hours per week

OPTIONAL

Three from

LPU 922 - Environmental Law - 3 contact hours per week

LPU 972 - Refugee Law - 3 contact hours per week

LPU 392 - Gender Discrimination and the Law - 3 contact hours per week

Students require a total of 12 contact hours per week so students have to take a total of four courses plus Moot Court.

Fourth year of study

First semester

Compulsory

L 410 - Directed Research (Project course) - Unspecified contact hours per week

L 411 - Jurisprudence - 5 contact hours per week

L 422 - Company Law – 5 contact hours per week

Optional

LPU 431 - International Law - 3 contact hours per week

LPU 991 - Media Law - 3 contact hours per week

Students require a minimum of 16 contact hours per week and students will have to take 4 courses plus Directed Research L410

Second semester

Compulsory

L 410 - Directed Research (Project course) - Unspecified contact hours per week

Optional

LPU 432 - International Organisations – 3 contact hours per week

LPU 492 - Taxation – 3 contact hours per week

LPU 942 - International Humanitarian Law - 3 contact hours per week

Plus one course from the Department of Private Law carrying 3 contact hours per week

Students require a minimum of 12 contact hours per week so students have to take 4 courses plus Directed Research L 410.

Department of Private Law

Masters Programme - A student takes two courses over two semesters and writes a short dissertation during the third semester. Courses are:

*L510 Private Law

*L520 Business Law

*L 540 Labour Relations

*Equivalent of two courses therefore course may be taken alone

LLB

Department of Private Law

LPR	382	Labour law
LPR	962	Intellectual Property and competition law
LPR	931	Conflict of laws
LPR	451	International Trade Law
LPR	452	International investment law
LPR	922	Alternative Dispute Resolution

New courses

LPR	912	International Commercial arbitration
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The two sections of this department will be constituted by:

- Family law section
- Commercial and intellectual property law section

Programme structure

Second year of study

First semester

L 211	-	Legal Process	- 3 contact hours per week
L221	-	Law of Contract	- 5 contact hours per week
L241	-	Criminal Law	- 5 contact hours per week
L251	-	Constitutional Law	- 5 contact hours per week

All four First Semester courses are compulsory giving a total of 18 contact hours in a week.

Second semester

A new course called Legal Writing is proposed and coded. L272.

L 272	-	Legal Writing	- 3 contact hours per week
L 232	-	The Law of Torts	- 5 contact hours per week
L 262	-	Family Law	- 3 contact hours per week
*L 282	-	Administrative Law	- 3 contact hours per week

*This course was formerly coded L 341 and was offered at Third Year level.

All four Second Semester courses are compulsory giving a total of 16 contact hours per week.

Third year of study

First semester

Compulsory

L311	-	Law of Evidence	- 3 contact hours per week
L321	-	Land Law	- 5 contact hours per week
L331-	-	Commercial law	- 3 contact hours per week
L369	-	Moot Court	- 2 contact hours per week

Optional

LPR 931	-	Conflict of Laws	- 3 contact hours per week
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Students require 16 contact hours per week so students have to take four courses plus Moot Court.

Second semester

Compulsory

L 362	-	Civil and Criminal Procedure	- 3 contact hours per week
L 369	-	Moot Court	- 2 contact hours per week

Optional

Three from

LPR 382	-	Labour Law	- 3 contact Laws per week
LPR 922	-	Alternative Dispute Resolution	- 3 contact hours per week
LPR 962	-	Intellectual Property	- 3 contact hours per week

Students require a total of 14 contact hours per week so students have to take four courses plus Moot Court.

Fourth year of study

First semester

Compulsory

L 410	-	Directed Research (Project course)	- Unspecified contact hours per week
L 411	-	Jurisprudence	- 5 contact hours per week
L 422	-	Company Law	- 5 contact hours per week

Optional

LPR 451 - International Trade Law - 3 contact hours per week
Plus one course from the Department of Public Law carrying 3 contact hours per week

Students require a minimum of 16 contact hours per week so students will have to take 4 courses plus L 410

Second semester

Compulsory

L 410 - Directed Research (Project course) - Unspecified contact hours per week

Optional

LPR 912 - International commercial arbitration - 3 contact hours per week
LPR 452 - International Investment Law - 3 contact hours per week

Plus two courses from the Department of Public Law carrying 3 contact hours per week

Students require a minimum of 12 contact hours per week so students have to take 4 courses plus L 410 Directed Research.

Progression rules and examination

The course of study for the award of the Bachelor of Laws degree will normally be:

(i) Not less than three and not more than five academic years in the case of full-time students who have satisfied the requirements of the regulations

(ii) Not less than five and not more than eight academic years in all other cases (from the date of first registration)

For the purpose of computing the maximum period for the course of study where a person undertakes the study for the degree partly as a part-time and partly as a full-time student, ten courses successfully completed by the student shall count as one academic year.

Examination

The examination in law shall consist of one paper in each of the courses listed above and each paper shall be of such duration as the Board of Studies may determine (This is currently three hours in which a student selects and answers 4 questions out of 7). A student must attend at least 80% of classes in order to qualify for examination.

- A student who fails to pass in 75% of the course load in any one semester shall not be allowed to proceed to the next semester.
- A student who fails to pass in 75% of the year course load as determined at the end of the academic year will be excluded from School.
- A student with arrears that do not qualify him or her for exclusion will be sent to part-time.
- A student who fails a course twice will be excluded from School.
- A student in the final year of study who has arrears from the previous academic year but has not exceeded the maximum period of the programme and has not failed the said arrears more than twice will be sent to part-time.

A student shall not proceed to the next year of study until he or she has successfully completed the current year of study. A student shall not qualify for an overload unless he or she has achieved an average of B+ and above in the

previous semester. An 'overload' means taking more courses than those specified for a particular semester or year of study. The term 'overload' does not include repeating or replacing any course.

Deferred and supplementary examinations

A student who is unable to sit the scheduled examinations and qualifies on compassionate grounds maybe awarded a deferred examination in one or more courses. A deferred examination will be graded normally - between D and A+.

A student who has failed a course in a scheduled examination maybe awarded a supplementary examination in the failed course if he or she meets the following criteria:

Full-time student – The student has passed three courses at the grade of C+ and above and passed the continuous assessment component of the failed course and achieved a D+ in the examination of the said course.

Part-time/ evening student - The student has passed two courses at the grade of C+ and above and passed the continuous assessment component of the failed course and achieved a D+ in the examination of the said course.

A supplementary examination is marked on a pass/fail basis.

Award of degree

To be eligible for the award of the LL.B degree, a student must have:

- o Completed a total of 26 courses in the School;
- o Passed all required courses in the school;
- o Adhered to the requisite course combinations in each semester; and
- o Completed a Directed Research paper at the standard of C or above.

Grading

In all courses listed above (except moot court and directed research) the distribution of marks shall be as follows:

Final Examination	70%
One Assignment	10%
One Test	20%
Total	100%

Classification of the degree

(i) The classification of the Bachelor of Laws degree is based on all grades obtained in all courses taken in the L/LPU/LPR 300, L/LPU/LPR 400 and L/LPU/LPR 900 series. Each course regardless of contact hours shall carry the same amount of credit. A repeated course or supplementary examination carries 0 points. The directed research paper carries the same points as any other course. An overload course shall not be taken into account in calculating the points for degree classification,

(ii) In calculating the class of the degree the following formula shall be applied to the grades obtained.

A+ = 5 points

B = 2 points

A = 4 points

C+= 1 point

B+ = 3 points

C = 0 points

The classification of the degree will be based on points obtained in 18 courses completed at third and fourth year levels of study:

Distinction – 68 points and above

Merit - 54 to 67 points

Credit – 36 to 53 points

Pass – 35 points and below

Where the School Rules do not provide specifically for any situation, the General University Regulations shall apply.

PRIZES AWARDED IN THE SCHOOL OF LAW

Dean's prize for best fourth year student

Dean's prize for best third year student

Dean's prize for best second year student

APPENDIX : COURSES OFFERED UNDER THE BACHELOR OF LAWS DEGREE

Current Programme Course Outlines

L211 – LEGAL PROCESS

Pre-requisite: None

1. Course aim

This course aims to provide a general introduction to the nature of the law, with particular reference to the history, present condition and possible future needs of the legal system in Zambia.

2. Course Objectives

At the end of the course a student should:-

- a. Demonstrate an understanding of the process of law, legal reasoning and issues of legal authority;
- b. Be able to analyze cases and statutes;
- c. Demonstrate an understanding of selected problems of civil and criminal procedure.

3. Course Content

- a. Classification, attributes and purpose of a legal system.
- b. Sources of law.
- c. Role of adjudication.
- d. Meaning and effect of precedent.
- e. Statutory interpretation.
- f. The court system in Zambia.
- g. Problems of interaction between the received English law and the local law.
- h. The impact of equity on the common law.

4. Methods of teaching

Three one hour lectures and one hour tutorial per week.

L221 – LAW OF CONTRACTS: INTRODUCTION TO CONTRACTUAL RELATIONS

Pre-requisite: None

Co-requisite: None

1. Course aim

This course aims to introduce students to the law of contracts by focusing on the English common law of contracts and relevant statutes, where applicable to Zambia.

2. Course Objectives

By the end of this course, students are expected to demonstrate an understanding of the following:

- (a) What is a contract and what are the major themes of contract law;
- (b) Formation of contracts;
- (c) The different types of terms and clauses contained in contracts and how contracts are interpreted by courts, and the concepts of void, voidability and the circumstances which make contracts unenforceable.

3. Course Content

Introduction of Contracts:

- What is a contract?
- Early contract law and causes of action;
- Development of modern contract law;
- Classification of contracts;
- Sources of contract law in Zambia;

Formation of contracts:

- Capacity of parties;
- Offer;
- Termination of offers;
- Consideration;
- Promissory estoppel;
- Intention to create legal relations.

Contents of Contracts:

- Express and implied terms;
- The relative importance of contractual terms;
- Excluding and limiting terms.

4. Methods of teaching

Three one hour lectures and one hour tutorial per week

L222 - LAW OF CONTRACTS: ENFORCEABILITY OF CONTRACTS AND REMEDIES

Pre-requisite: L221

Co-requisite: None

1. Course aims

The aim of this course is to introduce students to the various rules governing enforceability of contracts and the nature and scope of contractual remedies.

2. Course Objective

By the end of this course, students are expected to show an understanding of the following:

- (a) Contracts rendered void or illegal by statute or by the common law;
- (b) Who can sue or be sued under a contract;
- (c) Performance and breach;
- (d) Discharge of agreement;
- (e) Remedies for breach of contract; and
- (f) Quasi-contract.

3. Course Content

(a) Enforceability of Contracts:

- Statute of Frauds;
- Mistakes;
- Misrepresentation;
- Duress and undue influence;

(b) Contracts Rendered Void or Illegal by Statute or by Common Law:

- Privity of contract;
- The voluntary and involuntary assignment of contractual rights and liabilities.

(c) Performance and Breach:

- Fundamental breach;
- Discharge under the doctrine of frustration.

(d) Remedies for Breach of Contract:

- Remoteness of damages;
- Measure of damages;
- Specific performance.

(e) Quasi-Contract.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L231 – LAW OF TORTS I: INTRODUCTION TO THE LAW OF TORTS

Pre-requisite: None

Co-requisite: None

1. Course aims

The course aims at introducing the student to the Law of Torts, its nature, function, the interests it protects, the different principles of tortious liability, defenses to tort actions and the remedies available to the successful claimants.

2. Course Objectives

At the end of the course the student should be able to demonstrate knowledge of the purpose served by the law of torts in human societies and to grasp the meanings of its various concepts and principles.

3. Course Content

- (a) Nature of the law of torts and how a tort differs from a crime and from a contract.
- (b) Principles of tortious liability;

- (i) The fault principle.
- (ii) Damnum sine injuria and Injuria sine damno.
- (iii) Strict liability.
- (iv) Joint and several tort-feasors.

- (c) The place of intention, motive and malice in the law of torts.

- (d) Assault and battery.

- (e) False imprisonment.

- (f) Malicious prosecution.

- (g) The principle of vicarious liability.

- (h) Negligence;

- (i) Causation.
- (ii) Remoteness and foreseeability.
- (iii) Contributory negligence.
- (iv) Nervous shock.
- (v) Res Ipsa Loquitur.
- (vi) Occupier's liability.
- (vii) Liability for animals.

- (i) Defenses and Remedies.

4. Method of Teaching

Three one hour lectures and one tutorial per week.

L232 – LAW OF TORTS II: INTRODUCTION TO THE LAW OF TORTS

Pre-requisite: L231

Co-requisite: None

1. Course aims

This course is a continuation of L231, Law of Torts I. It enables students to understand and analyze the principal nominate torts.

2. Course Objective

At the end of the course students are expected to appreciate the scope and nature of principal nominate torts.

3. Course Content

- (a) Nuisance.
- (b) Breach of statutory duty
- (c) Trespass to land and chattels.
- (d) The Rule in Rylands v. Fletcher.
- (e) Defamation.
- (f) Liability for misstatements (Deceit).
- (g) Defenses and remedies.

4. Method of Teaching

Three one hour lectures and one hour tutorial per week.

L241-CRIMINAL LAW 1: INTRODUCTION TO CRIMINAL LAW

Pre-requisite: None

Co-requisite: None

1. Course aims

This course aims to introduce students to, and explore the concepts related to, criminal law as a means employed to control deviant behavior, and social policy pertaining to the administration of criminal justice.

2. Course Objectives

At the end of the course students would be expected to demonstrate an appreciation of the nature of Criminal law and how criminal proceedings are conducted.

3. Course Content

The specific topics to be covered are:

- (a) Introduction to criminal law and the conflict with traditional legal systems;
- (b) Characteristics of a crime;
- (c) Defences;
- (d) Parties to crime;
- (e) Attempts and conspiracy;
- (f) Institution of criminal proceedings; and
- (g) Theories of punishment and principles of sentencing.

4. Method of Teaching

Three one hour lectures and one hour tutorial per week.

L242 - CRIMINAL LAW II: SPECIFIC OFFENSES

Pre-requisite: L 241-Criminal Law I

Co-requisite: None

1. Course aims

This course aims to introduce students to substantive offenses under the Penal Code, as well as other statutes and to apply the knowledge gained from Criminal Law I (L241).

2. Course Objectives

It is expected that by the end of the course students would be able to distinguish the categories of offenses from one another, and their appropriate defenses.

3. Course Contents

The course will cover the following:

- (a) Offenses against the person;
- (b) Offenses against morality;
- (c) Offenses against property;
- (d) Offenses against public order; and
- (e) Offenses under some other Acts.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L251: CONSTITUTIONAL LAW I

Pre-requisite: None

Co-requisite: None

1. Course aims

The aim of this course is to examine and analyze the recurrent legal problems that arise in the constitutions of states, the generation of political power and the harnessing of such power through governmental institutions that provide for the exercise of such power and the accountability of those who exercise this power.

2. Course Objectives

On completion of the course students should be able to:

- (a) Demonstrate an understanding of key constitutional concepts and principles;
- (b) Explain the importance of a constitution in the legal and political system of a country;
- (c) Identify and analyze the various factors that influenced constitution making in Zambia from independence to the Second Republic;
- (d) Show appreciation of how some countries have used the constitution as a tool to limit government's power and enhance the protection of human rights.

3. Course Content

- (a) What is Constitutional Law and what is a constitution?
- (b) Classification of constitutions.
- (c) Sources of Constitutional Law.
- (d) Modes of adopting a constitution.
- (e) Supremacy of the constitution.
- (f) Judicial review of executive and legislative acts.
- (g) Separation of powers.

- (h) Bicameralism and Unicameralism.
- (i) Constitutionalism.
- (j) Presidentialism.
- (k) Parliamentary system of government.
- (l) Constitutional guarantee of human rights.
- (m) The rule of law.
- (n) Representative democracy.
- (o) The Independence Constitution 1964;
 - The making of the Constitution,
 - Key features of the Constitution,
 - Amendments.
- (p) The One-Party State (1972-1990);
 - Factors that led to the creation of one party rule,
 - Manner of creation,
 - The Chona Constitutional Review Commission,
 - Institutions of government created under the Constitution,
 - The concept of party supremacy and the role of the party in government,
 - Impact of one-party state on human rights and democracy,
 - Failure of constitutionalism,
 - Factors that led to the demise of one-party state.

4. Method of teaching

Three one hour lectures and one hour tutorial per week

L252: CONSTITUTIONAL LAW II

Pre-requisite: L251- Constitutional Law I

Co-requisite: None

1. Course aims

This course aims at introducing students to the way constitutional concepts and principles have been implemented in Zambia since independence.

2. Course Objectives

At the end of the course students should be able to:

- (a) Demonstrate an understanding of the nature and limits of constitutionalism in the context of a developing state;
- (b) Identify the various factors that have undermined and continue to undermine the rule of law;
- (c) Explain why constitutions enacted in Zambia since independence have failed to stand the test of time;

(d) Demonstrate an understanding of human rights and the extent to which they have been protected and enforced in Zambia;

(e) Analyze critically the extent to which the inherited institutions and laws have perpetuated authoritarianism and lack of accountability;

(f) Analyze the nature and extent of emergency powers and their impact on democracy and the rule of law;

(g) Analyze the role of courts in advancing human rights, democracy and the rule of law;

(h) Explain the electoral system and what constitutes a free and fair election.

3. Course Contents

(a) The rise and fall of the one-party state in Zambia;

- Factors that led to the creation of one party rule and mode of adoption.
- Institutions of government created under the Constitution.
- The concept of party supremacy and the role of the party in government.
- Failure of constitutionalism.
- Impact of one-party state on human rights and democracy.
- Factors that led to the demise of one-party state.

(b) The 1991 Constitution including the amendments;

- The making of the Constitution.
- The Executive: nature and composition; doctrine of collective responsibility; pre-eminence of the Presidency; the President's powers of appointment and dismissal; other powers of the President.
- The Legislature: membership; powers and functions; subordination of the Legislature to the executive through the party system and partial separation of powers.
- The Judiciary: judicial power and organization; appointment and qualifications of judicial officers; judicial review; autonomy of the judicature; the concept and practice of judicial independence; limitations on judicial power.
- The electoral system: organization of elections; independent electoral commission-powers and functions; the franchise; requirements of a free and fair election.
- Human rights: scope and nature of rights protected under the law; limitations on rights; protection of the law and due process; freedom of expression and assembly; freedom from discrimination on various grounds including gender.
- National security versus human rights: Power of the President to declare an emergency; nature and scope of emergency regulations; constitutional and statutory safeguards for victims of emergency powers.
- Citizenship, naturalization and immigration.

4. Method of teaching

Three lecture hours and one hour of tutorial per week

L. 262 - FAMILY LAW

Pre-requisite: None

Co-requisite: None

1. Course aim

This course aims to provide an integrated study of the legal problems of the family.

2. Course Objectives

At the end of the course students should be able to appreciate and explain:

- The creation and dissolution of the marital status;
- The different kinds of marriages;
- Relations of husband and wife;
- Relations of parent and child;
- The law relating to legitimacy, custody, adoption and affiliation; and
- Problems relating to succession and inheritance.

3. Course Content

Types of marriage and the contract of marriage

- Customary marriage: requirements of valid marriage.
- Statutory marriage: Concept of marriage; capacity to marry; essential requirements; domicile and residence; recognition of polygamous marriages in England.
- Common law marriage.
- Presumption of marriage.
- Nullity of marriage.

The legal effect of marriage - Statutory and Customary

- Right to consortium.
- Property rights during matrimony.

Breakdown of marriage

- Statutory marriages; Separation agreements; judicial separation; grounds for divorce; financial relief for spouses and children; property rights on divorce.
- Customary marriages: grounds of divorce; financial relief and property rights.

Parent and child

- Legitimacy
- Custody
- Guardianship

Effects of socio-economic changes on Family Law

- Property and financial relief after divorce - customary marriage.
- Succession and inheritance - the 1989 Act.

5. Method of teaching

Three one hour lectures and one hour tutorial per week

L311 - LAW OF EVIDENCE

Pre-requisite: None

Co-requisite: None

1. Course aims

The aim of the course is to cover the usual fundamental questions of evidence and the admissibility of evidence in relation to the basic principles of burden of proof and the presumption of innocence.

2. Course Objective

By the end of this course, students are expected to demonstrate knowledge of how relevant and admissible evidence is assessed in litigation in court.

3. Course Content

The area of study will include the following topics:

- (a) Examination, competence and compellability of witnesses;
- (b) Burden of proof and standard of proof;
- (c) Presumptions and judicial notice;
- (d) Character and similar fact evidence;
- (e) Opinion evidence;
- (f) Rule against hearsay and its exceptions;
- (g) Confessions;
- (h) Documentary evidence; and
- (i) Privilege.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L321 - LAND LAW AND PROPERTY RELATIONS

Pre-requisite: None

1. Course aims

The course aims to introduce students to the English concepts and systems of Land Law and Property. It also aims at affording them opportunity and a wider perspective on land law in general so as to develop an analytical approach to the previous system, the current situation and future trends in this field.

2. Course Objectives

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

- (a) Attain capacity to evaluate the English concepts and systems of Land Law and assess their applications in Zambia;
- (b) Suggest the most appropriate approaches to Land Law and Property as they impact on Zambia;
- (c) Critically appraise the current concepts and systems in order to propose improvements; and
- (d) Use the knowledge so acquired for application in courts and private practice.

3. Course Content

- History and evaluation of English Land Law.
- The Doctrine of Tenure.
- The Doctrine of Estates.
- Ownership of land.
- Estates and interests in land.
- Legal and equitable interests.
- Fixtures.
- Concurrent interests.
- The rule against perpetuities.
- The Doctrine in Walsh v. Lonsdale.
- The Doctrine of Part Performance.
- Lease and terms of years.
- Easements and Profits a Prendre.
- Licenses.
- Mortgages.

4. Method of teaching

Three one hour lectures and one hour tutorial per week

L322 - LAND LAW AND CUSTOMARY SYSTEM OF TENURE

Pre-requisite: L321- Land Law I

1. Course aims

This course aims at introducing the student to Land Law in the specific Zambian environment and to the customary systems of tenure both in Zambia and in the African region.

2. Course Objectives

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

- (a) Analyze the concepts and systems of land law as applied in Zambia;
- (b) Define the concept of property in the Zambian context;

(c) Trace the system of land ownership, registration and use in Zambia; and

(d) Analyze the customary system of tenure with a view to suggesting changes to make it more effective.

3. Course content

- The theory of property in African customary systems.
- Varieties of African tenure systems and practices.
- The African concept of land ownership.
- The evolution of colonial land tenure system in Zambia and selected African countries.
- The three categories of tenure, namely, Crown Land (State Land), Reserves and Trust lands.
- Registration, conversion and recognition of customary and formal title in Zambia.
- Memory Registrar.
- The Lands and Deeds Registry Act, 1914.
- The theory of the "Commons" in African systems of tenure.
- Succession and inheritance to customary land.
- Land use and planning law in Zambia.
- The Rent Act.
- The Landlord and Tenant (Business Premises) Act.
- Lands Acquisition Act.
- The Land (Conversion of Titles) Act, 1975.
- The Lands Act, 1995.
- Town and Country Planning Act.
- Housing (Statutory and Improvement Areas) Act.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L331- COMMERCIAL LAW 1: AGENCY AND SALES

Pre-requisite: L221- Contract Law I

Co-requisite: None

1. Course aim

This course aims to introduce students to: agency, which is the most significant legal relationship in commerce and without which, modern commerce cannot exist; the sale of goods, which is the most common commercial transaction; and to the hire purchase transaction, which is a derivative of Sales Law.

2. Course Objectives

By the end of the course the students should be able to:-

- (i) Form and terminate an agency contract;
- (ii) Appreciate the rights, duties and powers of the agent vis-a-vis the principal and third parties;
- (iii) Demonstrate understanding of the relationship between the principal and third parties;
- (iv) Form and terminate a contract for the Sale of Goods;
- (v) Show understanding of the passing of property and risk;
- (vi) Appreciate the rights and obligations of the parties to a contract for the sale of goods;
- (vii) Demonstrate an understanding of the hire purchase contract.

3. Course Content

(a) Agency

- (i) Formation of contracts of agency: formalities and capacity.
- (ii) Authority of the agent.
- (iii) Duties of the agent.
- (iv) The rights of the agent against the principal.
- (v) The principal's relations with third parties.
- (vi) Particular agents.
- (vii) Termination of agency.
- (viii) Miscellaneous contractual matters relating to agency.

(b) Sale of Goods

- (i) Rules of contracts.
- (ii) Formation of the contract.
- (iii) Terms of the contract.
- (iv) Passing of property.
- (v) Risk.
- (vi) Delivery, acceptance and payment.
- (vii) Remedies.

(c) Hire Purchase

- (i) Basis of hire purchase transaction.
- (ii) Hire purchase distinguished from other transactions.
- (iii) Hire purchase at common law.
- (iv) The Hire Purchase Act of Zambia;
 - Definition of the purchase.
 - Formalities.
 - Avoidance of provisions.
 - Purchasers' rights and sellers' obligations.
 - Termination by purchaser or seller.
 - Conditions and warranties.
 - Powers of the court.
 - Bankruptcy, liquidation and death.

4. Method of teaching

Three one hour lectures and one tutorial per week

L332 - COMMERCIAL LAW II: INSURANCE AND NEGOTIABLE INSTRUMENTS

Pre-requisite: L331

Co-requisite: None

1. Course aim

The aim of this course is to give students an appreciation of the issues involved in insurance and negotiable instruments.

2. Course objectives

At the end of the course the student should be able to:

- (a) Demonstrate ability to give advice on the legal requirements of insurance contracts;
- (b) Facilitate the conclusion of valid insurance contracts;
- (c) Have an appreciation of the rules governing negotiable instruments.

3. Course content

(a) Insurance

- Definitions, functions of insurance and the concept of loss.
- Types of insurance.
- The nature of the insurance contract.
- The principle of insurance interest.
- The doctrine of Uberimmae fides.
- The principle of indemnity.
- Assignment and transfer.

(b) Negotiable Instruments

- Nature of the instrument, definition of a bill of exchange.
- Classes of instrument.
- Negotiation.
- Classes of holders.
- The function of signatures.
- Liabilities on a bill.
- Pre-requisites for enforcement.
- Defenses to a claim on a bill.
- Partial autonomy of the bill from the underlying transaction.
- Cheques.
- Promissory notes.

4. Method of teaching

Three one hour lectures and one hour tutorial per week

L341 - ADMINISTRATIVE LAW I: INTRODUCTION TO CONCEPTS AND THE ZAMBIAN ADMINISTRATIVE PROCESS

Pre-requisite: None Co-requisite: None

1. Course aim

The aim of the course is to introduce the students to the legal framework of, and the law relating to the administrative process within a state, and Zambia in particular.

2. Course Objective

On completion of the course the students should demonstrate an understanding of:

- (a) The law concerning the powers and procedures of the executive and administrative organs of the State;
- (b) The law relating to the objectives, problems, methods and jurisprudence of the administrative organs and their relationship to the legislature and Courts;

(c) The law that controls the administration and also the law made by the administration in so far as that relates to the power and procedures of the administrative organs;

(d) The Zambian administrative process.

3. Course Content

Part 1: Introduction and concepts

(a) Definition and Nature of Administrative Law.

(b) Separation of powers.

(c) The rule of law.

(d) The concepts of legislative, administrative, executive and quasi-judicial powers in the context of administrative law.

(e) The concepts of ministerial and discretionary powers.

(f) Administrative discretion:

(i) Need and justification.

(ii) Problems of control.

(g) The development and importance of Administrative Law in a modern state.

Part II: The Zambian Administrative Process

(a) The administrative process.

(b) The Zambian administrative process;

(i) Brief history and development.

(ii) Delegated legislation.

- Need and justification.

- Problems of control.

(iii) Commissions of inquiry.

(iv) Service commissions.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L342: ADMINISTRATIVE LAW II: LEGAL CONTROLS OF ADMINISTRATIVE ACTION

Pre-requisite: L341-Administrative Law I

Co-requisite: None

1. Course aim

The aim of the course is to introduce students to the various legal controls of the administrative process.

2. Course Objective

On completion of the course students should demonstrate knowledge of:-

- (a) Judicial review of administrative action;
- (b) Parliamentary controls of administrative action;
- (c) Constitutional, statutory and common law remedies for abuse of administrative power;
- (d) The work of the Ombudsman and administrative tribunals.

3. Course content

- (i) Administrative Adjudication
 - (a) Definition and rationale.
 - (b) Appeals to ministers.
 - (c) Special tribunals - including two case studies of the Industrial Relations Court and the Town and Country Planning Tribunal.
- (ii) The Ombudsman
 - (a) Definition, origin and development.
 - (b) The (Zambian) Commission for Investigations.
- (iii) Parliamentary Controls
 - (a) Forms of parliamentary controls.
 - (b) Select/Sessional committees.
- (iv) Judicial Control
 - (a) The principle of judicial control of the administrative process.
 - (b) The grounds of judicial control;
 - (i) Unconstitutionality.
 - (ii) Ultra Vires.
 - (c) The Remedies;
 - (i) Constitutional and statutory remedies.
 - (ii) The common law remedies.
 - (d) Exclusion of judicial control.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L351: HUMAN RIGHTS LAW

Pre-requisites: L251 and L252

Co-requisite: None

1. Course aim

This is a course in human rights law which is aimed at preparing students to meet the challenges that lie ahead of them as lawyers in a developing nation, namely, helping to mould and sustain a democratic society based on respect of human rights.

2. Course Objectives

On completion of this course a student should be able:

- (a) To clearly show an understanding of the legal nature of the sustenance of a democratic society, and the problems attendant in its promotion and protection, particularly in a political and economic environment of a new nation such as Zambia;
- (b) To develop his/her own perception regarding appropriate solutions to the problems of democracy and human rights;
- (c) To show knowledge of human rights cases so far decided in Zambia and other Commonwealth courts and how courts have gone about resolving these cases;
- (d) To demonstrate understanding of the role of the judiciary and the legal profession as a whole in promoting the observance of human rights and defending ordinary citizens against invasion of their rights.

3. Course Content

Part I: Introduction to Human Rights Law

- (i) Conceptual analysis of Human Rights Law.
 - (a) The meaning of 'rights' and 'freedoms'.
 - (b) Moral rights, legal rights, constitutional rights, etc.
 - (c) Rights between persons, between individual and God, between individual, society and the State.
 - (d) Influence of natural law in the development of Human Rights law.
 - (e) Influence of legal positivism in the protection of human rights.
 - (f) Rights and constitutionalism.
- (ii) Historical background to the development of the idea of human rights;
 - (a) Rights as 17th-18th century development.
 - (b) International human rights movement.

(c) The United Nations Charter and its concerns about fundamental rights and freedoms.

- The Universal Declaration of Human Rights (1948).
- The universalization of the UN Declaration of 1948.
- UN sponsored human rights covenants and instruments.
- Reference to some important human rights instruments to which Zambia is a party.
- Regional human rights systems: The African Charter on Human and Peoples Rights.

Part II: Constitutional Rights and Freedoms in Zambia

(a) Bill of Rights in post-independent Africa generally.

(b) Constitutional background to the evolution of the Zambian Bill of Rights.

(c) Fundamental rights and freedoms in the 1964 Independence Constitution of Zambia.

(d) Impact of the declaration of the state of emergency on constitutional rights and freedoms.

(e) The One-Party State and human rights.

(f) Fundamental rights and freedoms under the Multi-Party Constitution of 1991: A critique on the scope and range of the rights and freedoms guaranteed and also on the effectiveness of the enforcement procedure of the constitutional rights.

(g) Judicial role in the enforcement of fundamental rights and freedoms in Zambia: a study of cases involving alleged infringement of constitutional rights in Zambia and Commonwealth Africa.

(h) Alternative mechanisms of the protection of human rights: Human Rights Commission; Ombudsman; and the role of Parliament and NGOs.

(i) Human rights, democracy and constitutionalism.

4. Method of teaching

Three one hour lectures and one hour tutorial per week

L352: NATIONAL HUMAN RIGHTS LAW

Pre-requisite L351

Co-requisite: None

1. Course aim

This is a course in human rights law which is aimed at preparing students to meet the challenges that lie ahead of them as lawyers in a developing nation, namely, helping to mould and sustain a democratic society based on respect of human rights.

2. Course Objectives

On completion of this course a student should be able:

- to clearly show an understanding of the legal nature of the sustenance of a democratic society, and the problems attendant in its promotion and protection, particularly in a political and economic environment of a new nation such as Zambia;
- to develop his/her own perception regarding appropriate solutions to the problems and of human rights;
- to show knowledge of human rights cases so far decided in Zambia and other Commonwealth courts and how courts have gone about resolving these cases;
- to demonstrate understanding of the role of the judiciary and the legal profession as a whole in promoting the observance of human rights and defending ordinary citizens against invasion of their rights.

3. Course Content

(a) Human Rights in Africa

- The advent of human rights in Africa.
- Bills of rights in post-independent Africa.
- Zambia and the Independence Constitution.

(b) First and Second Republics

- Impact of the declaration of the state of emergency.
- The One-Party State and human rights.

(c) Third Republic: Multi-Party Constitution

(i) Scope and range of rights and freedoms guaranteed:

- right to life, liberty and security of a person;
- freedom from torture, inhuman or degrading treatment or punishment;
- right to a fair trial;
- property rights, privacy, children's and women's rights;
- freedoms of expression, association and assembly;
- protection of socio-economic rights; etc.

(ii) Enforcement and implementation.

(iii) Judicial role in the promotion, protection and enforcement of human rights.

(d) Alternative Mechanisms

- Human Rights Commission
- Ombudsman
- Parliament
- Non Governmental Organizations

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L362- CIVIL AND CRIMINAL PROCEDURE

Pre-requisite: None

Co-requisite: L360

1. Course aims

This course aims at acquainting students with civil and criminal litigation. The focus is on litigation in Subordinate Courts, from commencement of action through disposition.

2. Course Objectives

By the end of the course students should be able to handle cases in the Subordinate Courts.

3. Course Content

(a) Civil procedure

- Introduction to the courts of civil jurisdiction.
- Introduction to Subordinate Court Rules.
- Commencement of proceedings - from summons to execution.
- Drawing of pleadings and trial without pleadings.
- Interlocutory procedures.
- Assessment of damages.
- Enforcement of judgments and orders.

(b) Criminal procedure

- Introduction to the courts of criminal jurisdiction (functions, jurisdiction and powers).
- Public prosecution.
- Arrests.
- Charges and information.
- Remand, bail, powers in particular cases.
- Summary trial.
- Trials generally.
- Sentencing.
- Procedure on appeals.
- Juveniles: procedure in respect of juveniles.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L 369: MOOT COURT

Pre-requisite: None Co-requisite: None

1. Course aim

This course aims to introduce students to the basic skills of appellate oral argument. Students are required to submit a legal brief on a narrow legal topic and present the brief in a mock appellate court setting. Students are expected to answer and respond to faculty questions which probe the legal and practical basis of that brief.

2. Course Objectives

By the end of the course, students will be expected to be able:

- a) To demonstrate understanding of some of the theoretical and practical aspects of oral argument;
- b) To write a concise and thoughtful legal brief; and
- c) To participate in a mock oral argument; and

3. Course Content

- Lecture on the practical and theoretical aspects of oral argument.
- Assignment of legal topics.
- Writing of legal briefs.
- Oral argument.
- Observation of all other oral arguments.

4. Assessment

Performance in L369 is graded on a pass/fail basis provided that no student shall proceed to the degree in law unless he/she obtains a pass grade in this course.

Legal Brief - 25% of total grade

Oral Argument - 75% of total grade

L382-INDUSTRIAL LAW

Pre-requisite: None

1. Course aim

The course aims to introduce students to the principles and concepts of employment law. A wider perspective of employment relationship is catered for in a component that will specifically deal with collective labour relations through the institutional framework of trade unions. In this context the course also aims at introducing trade union law and development, including the legal framework of collective bargaining.

2. Course Objectives

Upon completion of the course a student should be able to:

- Advise on the legal aspects of industrial relations, labour practices and trade union matters; and
- Advise on the legal content of labour disputes including industrial action, dismissal and employment termination.

3. Course Content

One: The framework

(a) Collective labour relations

1. General features and theories of industrial relations.
2. Employers and their associations.
3. Trade unions: criminal, civil and contractual liabilities at common law.
4. Legal support for collective bargaining.
5. Industrial action.

(b) The individual employment relationship;

1. Sources.
2. The significance of contract.

(c) The contract of employment.

(d) Legal machinery for resolving employment claims.

Two: Terms and condition of employment

(a) The contract and continuity of employment;

- Formation and variation.
- Validity.
- Continuity of employment.
- Fixed term contracts.

(b) Rights to work and organize and the closed shop;

- Against the employer.
- Against the union.
- Trade union security agreements and the law in Zambia.

(c) Proof of terms.

(d) Incorporation of collective terms.

(e) Co-operation, care and fidelity;

- Co-operation.
- Care.
- Fidelity.

(f) Remuneration, hours, holidays and time off

- Remuneration.
- Hours of work.
- Holidays.
- Time off.

(g) Unfair discrimination.

(h) Apprenticeship, training and job security

Three: Discipline and loss of employment

(a) Disciplinary action;

- General aspects.
- Industrial action.

(b) Termination-general;

- By operation of law.
- By agreement.
- Definition of dismissal.
- Effective date of dismissal.

- (c) Termination without notice;
 - By the employer.
 - By the employee-the doctrine of "Constructive Dismissal."
- (d) Termination by notice;
 - Notice.
 - Remedies for wrongful termination.
- (e) Unfair dismissal;
 - General principles.
 - Potentially fair reasons.
 - Automatically unfair reasons.
 - Remedies on the ladder of priority.
- (f) Redundancy, retrenchment, retirement and forced resignation.
- (g) Unemployment benefits: The law of social security.

Four: Practice and procedure

- (a) The Industrial Relations Court.
- (b) The High Court.
- (c) Some jurisdictional pitfalls.

Five: International aspects

- (a) The International Labor Organization;
 - Conventions.
 - Recommendations.
 - The monitoring mechanism.

4. Method of teaching

Three one hour lectures and one hour tutorial per week

L392 - Gender Discrimination and the Law

Pre-requisite: L351- Human Rights Law

Course aims

To acquaint students with the elements of gender discrimination under the law and to train them in the analysis of gender discrimination cases.

Course objectives

By the end of the course the students should:

1. Demonstrate an understanding of feminist jurisprudence
2. Have a holistic view of the manifestation of gender discrimination under both general and customary law.
3. Be able to identify and analyse instances of gender discrimination.

Course content

1. Theories and concepts:

- Key concept - Epistemological and conceptual deconstruction
 - Gender and law
 - Feminist epistemology
 - Feminist jurisprudence
 - Liberal, Marxist and radical feminism
 - Dominance theory
 - Equality and non-discrimination
 - Formal and substantive equality
 - Difference and sameness debate
 - Androgeny
 - Essentialism
 - Postmodernism
2. International and regional human rights instruments:
 - Key concept – universal equality
 - Universal Declaration Human Rights
 - Convention on the Elimination of All Forms of Discrimination Against Women
 - Southern Africa Development Community Declaration on Gender and Development
 - Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa
 - Overview of other related instruments
 3. National constitution and bill of rights:
 - Key concept- universal/ national standard of justice/citizenship
 - Legal pluralism
 - Public/private divide
 - Customary law
 - Other regulatory social fields
 4. Equality in the family:
 - Key concept –patriarchy
 - Marriage
 - Divorce
 - Inheritance
 - Child custody and maintenance
 - Property rights
 5. Economic discrimination:
 - Key concept - Public and private arenas
 - Paid and unpaid labour
 - Equal pay for equal work
 - Stereotyping

- Glass ceilings
Maternity/paternity rights
Sexual harassment
6. Reproductive rights:
Key concept – bodily autonomy
Reproductive capacity
Sexuality
Heterosexual hegemony vs homosexuality
Abortion and the unborn child's right to life
7. Gender violence:
Key concept - Power relations
Violence as a legal concept
Violence as the ultimate argument
- psychological violence
 - domestic violence
 - sexual violence
 - economic violence
 - physical violence
8. Administration of justice:
Key concept – neutral laws and procedures
Court personnel
Role of a judge
Role of a lawyer
Gendered 'litigants' and 'offenders'
Access to justice
9. Gender law research methodology
Traditional and radical methodologies
Objectivity or relativity
Who are 'knowers'?
Writing styles
Report writing
Finding the 'voices'

Method of teaching:

3 hours of lectures and 1 tutorial hour per week.

Assessment

Continuous assessment: 40% made up of: Assignment 20% Test 20%

Final examination 60%

L410: DIRECTED RESEARCH

1. Introduction

A major component of this course is a field project conducted by students in their fourth year of study. The field project leads to the writing of an LL.B dissertation and all students are required to take this course. Dissertations are prepared under the guidance and supervision of all staff members of the School of Law, who advise on research methods, materials and dissertation writing.

2. Objectives

At the end of the course students should be able to demonstrate the ability to plan and conduct research and analyze research data.

3. Topic

Students are required to identify feasible and acceptable project topics on any branch of law, with the help of supervisors. Once the topic has been approved by the Coordinator of Directed Research, students are expected to meet with their supervisors at regular intervals by mutual arrangement.

4. Project Proposal

Each student is required to submit a research proposal to his/her supervisor and on approval of such proposal, a copy of the proposal must be given to the Directed Research Coordinator. During this process the Supervisor advises the student on areas which need improvement.

Data will be collected during the first semester and the vacation and even in the second semester, depending on the needs of the project.

5. Research Paper

Once the proposal has been approved the student will go ahead with data collection and analysis. He/she will, from time to time, submit a draft Research Paper to his/her Supervisor for comments, as mutually agreed.

Students are expected to submit two copies of the Research Paper for final examination at the end of the Second Semester to the Coordinator.

6. Assessment

The dissertation is assessed as follows:-

- | | |
|-------------------|-----|
| (i) Research | 25% |
| (ii) Presentation | 25% |
| (iii) Analysis | 25% |
| (iv) Content | 25% |

L411 - JURISPRUDENCE (CLASSICAL AND TRADITIONAL THEORIES OF JURISPRUDENCE)

1. Course aim

The aim of this course is to introduce students to the classical theories of law as they evolved through the contribution of the various schools of jurisprudence. The course also aims to enable students understand how the concept of law has

developed under different social, political, economic and cultural conditions, and how these have shaped its content and form at different historical epochs and in different societies of the world.

2. Course Objectives

By the end of the course students should be able to:

- (a) Show appreciation of the fact that law is conditioned by societal values that exist in any given society and that this is demonstrated by the historical development of the idea of law;
- (b) Demonstrate knowledge that law and legal institutions do not operate in a vacuum but in the context of the social, political and cultural forces of any given society;
- (c) Express understanding of the fact that law has always been seen to be a useful instrument in the maintenance of public order and as a conflict-resolution mechanism in any society;
- (d) Appreciate the fact that law as an institution devised by human beings has its drawbacks and is capable of being used to attain undesirable or oppressive ends.

3. Course Content

Topics to be covered will include the following:

- (a) Historical introduction to the philosophy of law;
- (b) Definition of law in the light of the principal schools of jurisprudence;
- (c) Central concepts in jurisprudence which include rights and duties, legal obligations, legal personality, possession and ownership.
- (d) Formal and non formal sources of law,
- (e) The techniques of the judicial process;
- (f) Law as distinguished from other techniques of social control, such as morality, custom, religion, power, etc.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L412 JURISPRUDENCE II (LAW AND SOCIETY)

Pre-requisite: L411 (Jurisprudence I)

1. Course aim

This course aims to introduce students to the philosophy and method of the law as it operates and ought to function in society. The course is designed to challenge law students to understand the role of law in society and of his/her place in society as a lawyer.

2. Course Objectives

At the end of the course students should be able to:

- (a) Demonstrate knowledge of the specific functions of law in society, particularly in a developing society like Zambia;

- (b) Show appreciation of law as an instrument of social change in society;
- (c) Show an understanding of the role of law and of a lawyer in evolving and sustaining a mature legal system capable of nurturing true democracy, the rule of law, and of the protection and promotion of human rights.

3. Course Content

The topics to be discussed are the following:

- (a) The nature and functions of law in society;
- (b) Law as an instrument of social change in a developing society;
- (c) Law as a synthesis of order and justice, i.e., the relation between order and justice, stability and change in law, the validity of unjust laws, justice and equality, justice and freedom, justice and the common good;
- (d) Law as distinguished from other agencies of social control, i.e. law and morals, law and custom, law and religion, law and power, etc;
- (e) The techniques of the judicial process, i.e. the interpretations of constitutions and ordinary statutes, the doctrine of Stare Decisis, and the principle of Ratio Decidendi, on discovery and creation in the judicial process;
- (f) The relation between;
 - (i) Law and democracy.
 - (ii) Law and the promotion and observance of human rights, and
- (g) Law and the problems of obedience and sanctions.

4. Method teaching

Three one hour lectures and one hour tutorial per week.

L421: THE GENERAL PRINCIPLES OF THE LAW OF BUSINESS ASSOCIATIONS

Pre-requisites: (a) L221, L222 Co-requisite: None
(b) L331, L332

1. Course aim

The aim of the course is to introduce students to the general principles of the law of business associations. The course also aims to lay a foundation for subsequent detailed coverage of companies as a form of business association.

2. Course Objective

Upon completion of the course students should be able to:

- (a) Identify the various options available in law in setting up business enterprises and the procedural requirements involved;
- (b) Assess the appropriateness of particular business enterprises vis-a-vis legal requirements, costs, rights and liabilities of the enterprise, the members, etc; and
- (c) Advise on the legal nature of the various business enterprises and trace their legal basis to either statute or common law and also to advise on virtually all legal aspects of these enterprises.

3. Course Content

1. General introduction to business associations
 - 1.1 Trading or carrying on business
 - 1.2 The various forms of business associations
 - 1.3 Establishment of business entities
 - 1.4 Legal nature of business enterprises
2. Sole proprietorship
 - 2.1 Formation
 - 2.2 Legal regulation
 - 2.3 Liability of the business
 - 2.4 Advantages and disadvantages over other business entities
 - 2.5 Termination of business
3. Partnerships
 - 3.1 Law applicable
 - 3.2 Formation
 - 3.3 The partnership deed/agreement
 - 3.4 Rights and duties of partners
 - 3.5 Partnership and third parties
 - 3.6 Advantages and disadvantages
 - 3.7 Winding up
4. Co-operative societies
 - 4.1 Policy and background
 - 4.2 Law applicable
 - 4.3 Formation and registration
 - 4.4 Membership
 - 4.5 Organizational structure and administration
 - 4.6 Financing
 - 4.7 Audit, investigation and inspections

- 4.8 Disputes
- 4.9 Co-operative federation
- 4.10 Advantages and disadvantages
- 4.11 Winding up.
- 5. Statutory corporations
 - 5.1 History of statutory corporations
 - 5.2 Law applicable
 - 5.3 Main features
 - 5.4 Operation
 - 5.5 Methods of public control
 - 5.6 Termination of business

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L422 - COMPANY LAW

Pre-requisite: L421-General Principles of Business Association Co-requisites: None

1. Course aim

The aim of the course is to examine the legal principles of limited liability companies as forms of business enterprises. The course also aims at comparing companies to other forms of business associations.

2. Course Objectives

At the end of the course, students should be able to:

- (a) Demonstrate knowledge of the statutory and common law rules that govern companies; and
- (b) Acquire knowledge of substantive company law.

3. Course Content

- 1. Types of companies
 - 1.1 Limited/unlimited.
 - 1.2 Limited by guarantee/limited by shares.
 - 1.3 Private/public.
 - 1.4 State owned (parastatals) and non-state owned.

- 2.0 Formation and legal personality
 - 2.1 Applicable law.
 - 2.2 Procedure for incorporation.
 - 2.3 Legal personality.
 - 2.4 Lifting the corporate veil.
 - 2.5 The constitution.
- 3.0 Promotion and pre-incorporation contracts
- 4.0 Management and control
 - 4.1 Members.
 - 4.2 Directors.
 - 4.3 Liability of Company for acts of its officers.
- 5.0 Capital/Securities
 - 5.1 Definition, types, raising and maintenance of capital.
 - 5.2 Types of company securities, shares, debentures, etc.
 - 5.3 The stock exchange and its operations.
- 6.0 Winding up/liquidations
- 7.0 Parastatal companies
 - 7.1 Background to parastatal companies.
 - 7.2 Creation.
 - 7.3 Organizational structure.
 - 7.4 Management and control.
 - 7.5 Privatization.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L431 - INTERNATIONAL LAW I: ELEMENTS OF INTERNATIONAL LAW

Pre-requisite: None Co-requisite: None

1. Course aim

The course aims to introduce the student to principles of international law.

2. Course Objectives

It is expected that students who have completed this course will be able to:

- (i) Demonstrate a clear understanding of how rules of International law come into being and of the distinction and interaction between International and municipal law;
- (ii) Show a good knowledge of the norms by which states may achieve tentative reconciliation between their simultaneous urges for freedom of action and for predictable patterns of behavior, for individualist pursuit of national interests and for collective enjoyment of settled relationships; and
- (iii) Apply what he has learnt and also to deepen and widen his knowledge in accordance with his own predilections.

3. Course Content

I. General introduction

Definition, history and nature of international law.

II. A. Treaties: conclusion; validity; modification; termination; interpretation.

B. Other sources: international custom; judicial and arbitral decisions; general principles of law; unilateral acts; juristic works.

III.A The international society of states

International personality: sovereignty; recognition; representation; succession; responsibility.

B. Jurisdiction: forms of state jurisdiction; limits on state jurisdiction.

C. International regime of common amenities: the sea, maritime high ways, the air space and celestial bodies.

D. Individuals in international law; the individual and the state, human rights.

IV. The settlement of disputes and the use of force by states

A. Settlement of disputes: peaceful means; coercive means.

B. Use of force: non-war hostilities; law of war and neutrality disarmament.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L432-INTERNATIONAL LAW II: LAW OF INTERNATIONAL INSTITUTIONS AND ORGANISATIONS

Pre-requisite: L431-International Law I

1. Course aim

The aim of this course is to acquaint the student with the nature and character of international institutions specifying in the process their aims, purposes, functions, powers and set up.

2. Course Objectives

At the end of the course the student should be able to demonstrate:

- (i) Knowledge of the general framework of inter-state institutions;
- (ii) An appreciation of the role and importance of these institutions.

4. Course Content

- (i) Introduction: History, status, classification, common organic structure.
- (ii) Administrative and legislative institutions
 - (a) Administrative institutions: functions, organization, co-ordination of efforts
 - (b) Legislative institutions: classic conference pattern, legislation in organized international society.
- (iii) Judicial institutions
 - (a) Patterns for the peaceful settlement of international disputes: negotiation; good offices; mediation; conciliation; inquiry; arbitration; judicial settlement.
 - (b) The International Court of justice: functions; organization; jurisdiction; procedure; judgments; advisory opinions.
- (iv) Global comprehensive institutions: The United Nations.
 - (a) Origin, purpose and principles, membership.
 - (b) Principal organs: General Assembly; Security Council; Economic and Social Council (ECOSOC); International Court of justice (ICJ); Secretariat.
 - (c) Specialized agencies: World Health Organization (WHO); United Nations Education, Scientific and Cultural Organization (UNESCO); United Nations International Children's Emergency Fund (UNICEF); International Labor Organization (ILO), etc.
- (v) Regional comprehensive institutions
 - (a) History and relationship with the United Nations.
 - (b) The African Union (AU).
 - (c) The Council of Europe.

4. Method of teaching

Three one hour lectures and one hour tutorial per week

L451: INTERNATIONAL TRADE LAW

Pre-requisite: None

Co-requisite: None

1. Course aims

The aim of the course is to familiarize students with the basics of Public International Trade Law.

2. Course Objectives

At the end of the course the students should be able to:

- (a) Demonstrate an appreciation of the international economic framework for handling trade relations;
- (b) Deal with matters related to course disputes.

3. Course Content

- (i) A. Models of trade regulation.
 - (a) Laissez fair model.
 - (b) National control model.
- B. The World Trade Organization.
- C. The General Agreement on Tariffs and Trade (GATT).
 - Historical background.
 - The most favored nation clause.
 - Tariff negotiation.
 - Regulation of quantitative restrictions.
 - International Monetary Fund (IMF) and GATT relationship.
 - Regulation of subsidies.
 - Government assistance to economic development.
 - Balance of payments exceptions.
 - Dispute settlement under GATT.
 - GATT and the future international trade regime.
- (ii) Regional economic integration
 - Conceptual foundations – Art. XXIV of GATT.
 - Free trade areas.
 - Custom unions.
 - Common markets.
 - Southern African Development Community (SADC).
- (iii) International commodity trade law
 - Producer cartels/association.
 - International commodity agreements- multilateral.
 - Contract, quota method, Bufferstock.
 - Lome Conventions.
 - The United Nations Fund.
- (iv) United Nations Conference on Trade and Development (UNCTAD)
 - Historical background.
 - The concept of UNCTAD.
 - Institutional framework.
 - Generalized system of trade preferences (GATT part vi).

4. Method of teaching

Three one hour lectures and one hour tutorial per week

L452: INTERNATIONAL INVESTMENT LAW

Pre-requisite: None

Co-requisite: None

1. Course aims

The aim of the course is to provide an understanding of the legal aspects of international finance and investment, with bias to its relevance for Zambia with a special focus on its implication in Zambia.

2. Course Objective

At the end of the course students should be able to advise on the international financial framework and handle disputes related to investment and international indebtedness.

3. Course Content

- A. - Theoretical conceptualization of foreign direct investment.
- Distinguishing portfolio investment from foreign direct investment.
 - B. - Legal framework for investment in Zambia.
- Constitutional provision on private ownership.
- Investment Act 1993.
- Privatization Act.
- Mines and Minerals Act.
- Securities Act.
 - C. - The concept of good investment climate.
- Political stability.
- Double taxation of agreement.
- Physical infrastructure.
- Legal infrastructure.
- Work ethics, etc.
 - D. - The concept of permanent sovereignty over natural resources
 - (i) Expropriation.
 - (ii) Compensation.
 - (iii) Charter of Rights and Duties of States.
 - (iv) The concept of the international minimum standard and third world response to it.
 - E. - The Multilateral Investment Guarantee Agency.
 - F. - Transactionalisation of the world economy.
- Transactional corporations and national interest.
- (i) International Financial Institutions
- Promoting and creating stability for investment
- A. - The International Monetary Fund (IMF).
- Conceptual justification.

- Historical background and objectives.
 - Institutional set up.
 - Regulating exchange arrangements.
 - Using the fund's resources.
- B. The World Bank.
- Conceptual basis.
 - Objectives.
 - Modes of promoting investment.
- C. The African Development Bank.
- D. The Preferential Trade Area Bank.
- (ii) Legal aspects of transfer of technology
- Definition transfer of technology.
 - Code of conduct on transfer of technology.
 - International patent system.
 - Legal framework and institutions.
 - Features of the Zambian Patent Act.
- (iii) International economic dispute settlement.
- (iv) Sovereign indebtedness.
- Legal aspects of debt management

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L461: INTRODUCTION TO INTELLECTUAL PROPERTY AND COMPETITION LAW

Pre-requisite: None

Co-requisite: None

1. Course aims

The course aims at introducing students to the basic concepts of copy right, patent, trademark and competition law.

2. Course Objective

By the end of the course, students should demonstrate knowledge of the fundamental elements of each category of intellectual property and competition law.

3. Course Content

(a) An overview of Intellectual Property Law

1. Intellectual property v. Industrial Property.

(b) Copyright Law

2. The difference between C/P/T/UC coverage copyright law - Zambian Copyright and Performance Rights Act of 1994 - Ch. 406 of the Laws of Zambia.
3. Historical overview of each area.
4. What is copyrightable subject matter?
5. Determining ownership of copyright.
6. Rights guaranteed by copyright - including term, time and transfer.
7. Exceptions/limitations on rights.
8. Practical considerations, forms, costs and time constraints.
9. Requirements for suit.

(c) Patent Law -Zambian Act

10. Subject matter of patents.
11. Ownership issues.
12. Rights of patent holders, time/term/transfer.
13. Practical considerations.
14. Requirements for suit.

(d) Trademark Law - Zambian Act

15. Requirements for protection: subject matter concerns.
16. Ownership issues.
17. Rights; time/term/transfer.
18. Practical considerations.
19. Requirement for suit.

(e) Unfair Competition Law - Fair Trading and Competition Act of 1994

20. Importance of competition on free market economy.
21. When does competition become unfair?
22. Interference; tortious and contractual.
23. Scope of the Act.
24. Practical considerations.
25. Overview of the free market enterprise system and the role of legal regulation.
26. The role of the Zambian competition commission.
27. Predatory pricing.
28. Illegal tie-ins, promotions and discounts.
29. Mergers, monopolies, trademarks and joint ventures.
30. Advertising practices.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L472 – REFUGEE LAW

Pre-requisite: L351-Human Rights Law I

Co-requisite: None

1. Course aim

This course aims to provide a comprehensive overview of the international law governing refugees, asylum seekers, and stateless persons with emphasis on the application of the international law of refugees in Zambia.

2. Course Objectives

At the end of the course a student should be able to:

- (a) Demonstrate a clear understanding of the differences between refugees, displaced persons, stateless persons, asylum seekers, and other migrants:
- (b) Demonstrate an understanding of the rights of refugees, stateless persons, and asylum seekers under international and Zambian law; and
- (c) Demonstrate an understanding of the processes of law involved in the international and national protection of refugees.

3. Course Content

Overview

- (i) The scope of refugee law.
 - (ii) International instruments.
 - (iii) The role of UNHCR in protecting refugees and other persons in need.
 - (iv) Durable solutions: repatriation, local integration, and resettlement.
 - (v) Regional instruments.
 - (vi) Zambian law governing refugees.
 - (vii) Zambian immigration law as it concerns refugees.
 - (viii) Administrative practice of refugee law in Zambia.
-
- (a) Historical background of Refugee Law.
 - An introduction to the international protection of refugees.
 - (b) Legal definitions of refugee law (Inclusion).
 - (c) Procedures for determining refugee status.
 - (d) Other persons in need of international protection and persons excluded from refugee status.
 - (e) Right to asylum and related rights.
 - (f) Freedom of movement in the refugee context (urban refugees and irregular movement) and second generation rights.
 - (g) Finding durable solutions for refugees (local integration, repatriation, and resettlement).
 - (h) Cessation of refugee status.

(i) Special issues of refugee women and children.

- UNHCR policy on refugee women.
- UNHCR position paper on gender-related persecution.
- Guidelines on policies and procedures in dealing with unaccompanied children seeking asylum.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L482 - ALTERNATIVE DISPUTE RESOLUTION

Pre-requisite: None

Co-requisite: None

1. Course aim

The aim of the course is to introduce students to Alternative Dispute Resolution (ADR) and arbitration. The course is structured as a survey and overview of the ADR and arbitration processes. The primary focus is on the theory and law of negotiation, mediation and arbitration. Substantial time will be devoted to the practical application of these processes.

2. Course Objectives

On completion of the course students should be able to:

- a) Demonstrate an understanding of the various processes known as alternative dispute resolution or ADR;
- b) Demonstrate an understanding of the theory and practice of both negotiation and mediation;
- c) Demonstrate an understanding of the various court rules relating to mediation; and
- d) Contrast mediation with litigation. Demonstrate an understanding of the theory and practice of arbitration;
- e) Demonstrate an understanding of the various court rules relating to arbitration; Contrast arbitration with litigation and mediation.

3. Course Content

- (a) The panoply of ADR methods.
- (b) Historical background to the development of ADR in Zambia.
- (c) Introduction to negotiation theory and strategy.
- (d) Mediation and law.

- (e) Differences between mediation and litigation.
- (f) Mediation principles.
 - The mediation process.
 - Styles of mediation.
 - Ethical and professionalism issues in mediation.

Introduction to arbitration.

- (a) concepts
- (b) Relevant arbitration law (Arbitration Act and UNICTRAL Model arbitration law and rules).

- (c) Composition of the arbitral tribunal.
- (d) Powers and jurisdiction of the tribunal.
- (e) Submissions to the arbitral tribunal.
- (f) Statement of claim and defense.
- (g) Preliminary meeting.
- (h) Procedure and conduct of a hearing.**
- (i) Costs and interests.
- (j) Essentials of an award.
- (k) Enforcement of an award.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

L492: TAXATION

Pre-requisite: None

1. Course aim

This course aims at acquainting students with the concept of income and capital for tax purposes. It also acquaints them with the tax regime governing income derived from a business enterprise.

2. Course Objectives

At the end of the course a student should be able to:

- Explain what constitutes income and how it is subjected to tax;
- Explain how income generated from business activities is taxed;
- Show appreciation for the fiscal policies that are aimed at stimulating both foreign and local investment through taxation.

3. Course Content

- (a) Basis of income taxation.
- (b) Definition of income.
- (c) Exemptions and deductions.
- (d) Losses.
- (e) Assessment and collection.
- (f) Tax treatment of the family.
- (g) Enforcement.
- (h) Business associations.
- (i) Global and scheduler systems.
- (j) Allowable deductions.
- (k) Inventories.
- (l) Depreciation.
- (m) Company tax systems.
- (n) Double taxation agreements.

4. Method of teaching

Three one hour lectures and one hour tutorial per week.

Revised Programme Course outlines

L211 – LEGAL PROCESS

Pre-requisite: None

1. Course aim

This course aims to provide a general introduction to the nature and process of the law, with particular reference to the history, present condition and possible future needs of the legal system in Zambia.

2. Course Objectives

At the end of the course a student should:-

- a. Demonstrate an understanding of the Zambian legal system within the context of world legal systems
- b. Demonstrate an understanding of the concept and process of law, legal reasoning and issues of legal authority;
- c. Be able to analyze cases and statutes;

3. Course Content

Concepts

Law

The legal system

Classification

Attributes

Purpose of legal system

World legal systems

Common law system

Civil law system

Roman-Dutch law system

Customary law system

Religious legal systems

Sources of law in Zambia:

Legislation

Case law

English common law and equity

The impact of equity on the common law.

Problems of interaction between the received English law and the local law

Statutory guidance

Repugnancy clause

Dispute resolution

Adjudication:

Alternative dispute resolution

Civil

Criminal

Doctrine of precedent
Meaning
Effect of precedent
Stare decisis

Statutory interpretation
Canons of interpretation
Statutory aids

The court system in Zambia
Hierarchy
Structure
Powers

Legal profession
Ethics
Officers of the court

Future of the legal system
Unification through law reform
Unification through practice

4. Method of teaching

Three hours of lectures per week.

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed Reading

M M Munalula, Legal Process: Zambian Cases, Legislation and Commentaries, UNZAPRESS, Lusaka, 2004

L Church Introduction to Law in Zambia (unpublished)

G. Williams, Learning the Law, 11th edn. Stevens and Sons, London, 1982

Recommended Reading

Burke, J Osborn's Concise Law Dictionary, 6th edn., Sweet and Maxwell, London, 1976

L221 – LAW OF CONTRACT

Pre-requisites: None Co-requisites: None

Course Aims

The aim of this course is to introduce students to the Law of Contract by focusing on the English Common Law of Contract and relevant statutes, where applicable to Zambia, to introduce students to the various rules governing enforceability of contracts and the nature and scope of contractual remedies.

Course Objectives

By the end of this course, students are expected to demonstrate an understanding of the following:

What is a Contract and the major themes of Contract Law

Formation of Contracts

The different types of terms and clauses contained in contracts and how contracts are interpreted by courts

Concepts of enforceability and illegality of contract, and a void contract;

Performance and Breach;

Discharge of Agreement;

Remedies for Breach of Contract

Course Content

Introduction to Contracts

Definition of a Contract

Definition of quasi-contractual obligations

Development of Modern Law of Contract

Classification of Contracts

Sources of Contract Law in Zambia

Formation of contracts:

Capacity of Parties

Offer

Termination of Offers

Consideration

Intention to create legal relations

Quasi Contractual Obligation

Promissory Estoppel

Quantum Meruit

Privities of Contract

Who can sue or be sued under a contract

Novation

The voluntary and involuntary assignment of contractual rights and liabilities

Content of Contracts

Express and implies terms

The relative importance of contractual terms

Excluding and limiting terms

Enforceability of Contract

Meaning of enforceability

Statute of Frauds

Mistakes

Misrepresentation

Duress and Undue influence

Consumer protection – Zambia Competition Commission Act.

Invalidity – Void and Illegal Contracts

Meaning of void and illegal contract
The concept of void and illegality
Contracts illegal by statute or by Common Law

Performance and Breach

Discharge by performance
Discharge under the doctrine of frustration
Fundamental Breach

Remedies for Breach of Contract

Damages – remoteness and Measure of Damages
Specific performance
Rescission

Method Of Teaching

Five hours of lectures per week

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed Reading

1. Cheshire and Fifoot (1978), Law of Contract, edition, Sweet & Maxwell :London: .
2. Atiyah P.S. (1981), The Law of Contract, 3rd edition, Oxford: Clarendon Press.

Recommended Reading

Pool, J. (2006) Law of Contracts Oxford: Oxford University Press.

L232 – LAW OF TORTS

Pre-requisite: None

Co-requisite: None

Course Aims:

The Course aims at introducing the student to the Law of Torts, its nature, function the interests it protects, the different principles of tortious liability, defenses to tort actions and the remedies available to the successful claimants.

Course Objectives:

At the end of the Course the student should be able to demonstrate knowledge of the purpose served by the Law of Torts in human societies and to grasp the various concepts and principles of tortious liability.

Course Content:

Is it a Law of Torts or Law of Tort?

Scope of interests protected

Intentional invasion of personal and proprietary interests

Economic interest

Interests in intellectual property

Interference with personal and proprietary interests arising from negligence

Reputation

Malicious prosecution and abuse of process

Strict liability

Residual Torts

The basis of tortious Liability – Duty, breach and damages as proximate result.

Tort distinguished from crime and contract.

Basic principles of tortious liability

The fault principle - the place of intention motive and malice

Damnum sine injuria and injuria sine damno

Strict liability

Vicarious liability

Joint and several tort feasons

Nominate Torts illustrating Basic principles of tortious liability.

Battery

Assault

False imprisonment

Trespass to goods

Trespass to land

Strict liability

Ryland's v Fletcher

Defences

Nominate Torts

Negligence

Causation and Remoteness of Damage, Res ipsa Loquitur as proof Defences.

Nuisance, Private and Public

Occupiers Liability

Malicious Prosecution

Defamation

Economic Interests

Deceit

Passing Off

Interference with contractual relations

Conspiracy

Intimidation

Interests In Intellectual Property

Intellectual Property in

Copy right

Patents and similar interests

Confidential information

Method of Teaching

Five hours of lectures per week.

Assessment

Assignment 10%

Test 20%

Examination 70%

Prescribed Reading:

E.W. Rogers (1989), Winfield and Jolowicz on Tort, 13th edn, London, Sweet and Maxwell

Recommended Reading:

C.A. Wright (1967) , Cases on the Law of Torts, London, Butterworths

L 241 - CRIMINAL LAW

Pre-requisite :None

Co-requisite: None

Course Aims

- This course aims to introduce students to the general principles of criminal Law and the various substantive offences under the Penal code and other statutes. It further introduces the students to concepts that relate to control of anti-social conducts.
- The course also aims to enable students to apply specific techniques of criminal Law provide for the correction and punishment of offenders and social policy norms that pertain to administration of criminal justice.

Course Objectives

By the end of the course students should be able to:

- Understand the nature and function of criminal Law
- Analyze the general concepts of actus reus and mens rea
- Distinguish offences in their various categories.
- Comprehend the elements of attempts and conspiracies as special types of criminal offences.
- Enable the students to apply the principles and concepts to any given factual situations.

Course Content

The Nature and Function of the criminal Law

Criminal Law and the rights of the accused

definition of a Crime:

Actus reus

Mens rea

Causation

Legal Burden and standard of proof

Courts of Criminal Jurisdiction in Zambia

Criminal Liability parties to Crimes

Parties to Crimes

Attempts and conspiracies

Offences against the Person;

Offences against Morality; (should include sub-topics on domestic violence against women, child abuse and defilement).

offences against property;

offences against Public Order; and

Offences under some other Acts,

Narcotics and Psychotropic substances Act NO. 13 of 1994, Cap.96

Prohibition and prevention of Money Laundering Act NO. 14 of 2001.

Anti-corruption Commission Act NO. 42 of 1996

Method Of Teaching

Five hours lectures per week

Assessment

Assignment 10%

Test 20%

Examination 70%

Prescribed Reading

Hatchard, J, and Ndulo, M. (1994), Criminal Law and Criminology in Zambia, Lusaka: Multimedia Publications.

Hatchard, J. and Ndulo, M. (1993), Case Book on Criminal Law, Lusaka: government Printers

Smith. J. C. and Hogan, B (1996). Criminal Law. London: Butterworths.

Statutes: Penal code, Cap 87; Criminal Procedure Code, Cap 88; ACC Act 1996; NPS Act 1994; PPML Act 2001.

Recommended Reading

Williams, G. (1983), Textbook of Criminal Law, London: Stevens and Sons

Smith, J.C, and Hogan, B.(1996). Criminal Law Cases and materials, London Butterworths.

L 251 - CONSTITUTIONAL LAW

Pre-Requisite: None

Co-requisite: None

Course Aim

The aim of the Course is to introduce students to the history of the current constitutional order. In order to accomplish that goal students are first introduced to the principles and concepts frequently used and widely acknowledged in this area of law and the extent to which they have found expression in past constitutional arrangements. In the second part of the course the aim is to introduce the students to the law that is founded on the Constitution of 1991 as amended in 1996

Course objectives

At the end of the first part of the course students are expected to have an understanding of these concepts and principles and above all understand and appreciate that the current Constitution is a product of the country's constitutional history informed by economic, social and political forces.

At the end of the course students should be able to:

Demonstrate an understanding of the nature and limits of constitutionalism in the context of a developing state;

Identify the various factors that have undermined and continue to undermine the rule of law;

Explain why constitutions enacted in Zambia since independence have failed to stand the test of time;

Demonstrate an understanding of human rights and the extent to which they have been protected and enforced in Zambia;

Analyze critically the extent to which the inherited institutions and laws have perpetuated authoritarianism and lack of accountability;

Analyze the nature and extent of emergency powers and their impact on democracy and the rule of law;

Analyze the role of courts in advancing human rights, democracy and the rule of law;

Explain the electoral system and what constitutes a free and fair election.

On completion of the second part of the course students are expected to know:

the various institutions, which derive their existence from the Constitution their powers and how they relate to each other;

what can be done to keep these institutions in check;

remedies available to those aggrieved by actions of public officers and institutions; and

procedure for obtaining the remedies.

Course Content

Constitutional Principles

What Is Constitutional Law?

Classification Of Constitutions

Sources Of Constitutional Law:

Fundamental Organs Of The State

The Doctrine Of The Separation Of Powers:

Checks And Balances

Judicial Review Of Executive And Legislative Acts

The Supremacy Of The Constitution And The Sovereignty Of The Legislature

Constitutional Guarantee Of Human Rights

The Rule Of Law:

Constitutionalism

Representative Democracy:

Constitutional Development 1890 – 1964

Company Rule 1899 – 1924

Crown Rule 1924 –1964:

Federation Of Rhodesia And Nyasaland 1953 – 1963

Constitutional Change In Northern Rhodesia During The Federation

The Independence Constitution 1964 - 1972

The Settlement Of The Independence Constitution

The One-Party Constitution 1972 - 1991

The One-Party Constitution:

The 1991 Constitution

The End Of One-Party Rule

Government Institutions and Their Relations

The Legislature

The Executive

The Judicature

Other Constitutional Institutions and Offices

Independent Constitutional Institutions and Offices

Access to The Courts And Justiciability Of Issues

Judicial Remedies

Operational Provisions of The Fundamental Human Rights

Interpretation Of The Constitution

Constitutional Limitations

Constitutional Law And Public International Law

Bill Of Rights: Specific Protections

Method of Teaching

Five hours of lectures per week

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed Reading

1. A.C Chanda Constitutional Law: Cases and Materials 2007 (Unpublished)
2. K. C. Wheare, Modern Constitution (London: Oxford University Press: 1966)

Recommended Reading

1. Baylies, Carolyn and Szeftel, Morris. The Dynamic of Zambia's One-Party State. Edited by Gertzel, Cherry. Manchester: Manchester University Press, 1984.
2. Davidson, J. W. The Northern Rhodesia Legislative Council. London: Faber & Faber, 1948.
3. de Smith, S.A. The Commonwealth and its Constitution. London: Stevens & Sons, 1964.
4. Dicey, A. V. Introduction to the Study of the Law of the Constitution. London: Macmillan & Company Limited, 1952.

L. 262 - FAMILY LAW

Pre-requisite: None

Co-requisite: None

Course aim

This course aims to provide an integrated study of the legal problems of the family.

Course Objectives

At the end of the course students should be able to appreciate and explain:

- The creation and dissolution of the marital status;
- The different kinds of marriages;
- Relations of husband and wife;
- Relations of parent and child;
- The law relating to legitimacy, custody, adoption and affiliation; and
- Problems relating to succession and inheritance.

Course Content

Types of marriage and the contract of marriage

- Customary marriage: requirements of valid marriage.
- Statutory marriage: Concept of marriage; capacity to marry; essential requirements; domicile and residence; recognition of polygamous marriages in England.
- Common law marriage.

Presumption of marriage.
Nullity of marriage.

The legal effect of marriage - Statutory and Customary

Right to consortium.
Property rights during matrimony.

Breakdown of marriage

Statutory marriages; Separation agreements; judicial separation; grounds for divorce; financial relief for spouses and children; property rights on divorce.
Customary marriages: grounds of divorce; financial relief and property rights.

Parent and child

Legitimacy
Custody
Guardianship

Effects of socio-economic changes on Family Law

Property and financial relief after divorce - customary marriage.
Succession and inheritance - the 1989 Act.

Method of teaching

Five hours lectures per week

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed Reading

Lowe NV Bromley, Family Law (2007) 9th Edn Oxford, Oxford University Press
Mushota L Family Law in Zambia: Cases and Materials, (2005) Lusaka, UNZAPRESS,

Recommended Reading

Passingham, Divorce Reform Act

L311 - LAW OF EVIDENCE

Pre-requisites: None Co-requisites: None

Course Aims

The aim of the course is to cover the usual fundamental questions of evidence and the admissibility of evidence in relation to the basic principles of burden of proof and the presumption of innocence.

Course Objectives

By the end of this course, students are expected to demonstrate knowledge of how relevant and admissible evidence is assessed in court

Course Content

Introduction

Sources of the Law of Evidence in Zambia

Scope and Functions of the Law of Evidence

Procedural and Evidential systems and some Principles of Universal, Principles of fact finding.

Basic Concepts and Distinctions

Evidence and Arguments

Evidence and proof

Facts in issue and facts relevant to the facts in issue

Evidence and probative material

Conclusive proof and prima facie proof

Admissibility and weight of evidence

Accomplice evidence

Circumstantial and direct evidence

Competence and Compellability

Hearsay

Relevance

Privilege

Formal and Informal Admissions

Confessions

Corroboration

Judicial Notice

Presumptions

Burden/Standard of Proof

(Legal burden, evidential burden, onus of proof)

Admissibility of Relevant Evidence

Rationale for the exclusion of irrelevant evidence

Competence and Compellability of a Witness

The Competence of a Witness

The Compellability of a Witness

The Privilege of a Witness
The Credibility of a Witness

Special Rules

Persons of Unsound Mind
Children of Tender Age
The Accused
The Co Accused
The Accused's spouse

Character Evidence

Character in civil Cases
Character in Criminal Cases

Similar Fact Evidence

Opinion Evidence

Lay person

Experts

Hearsay and expert opinion

Rationale for excluding hearsay evidence

Statements by deceased persons

Statement concerning pedigree

Statement against public policy

Dying declarations

Exclamations

Confessions

Rational for excluding involuntary admissions and confessions

Trial within a trial

Methods of Teaching

Three hours lectures per week

Assessment

Assignment 10%

Test 20%

Examination 70%

Prescribed Reading

R. Cross & C. Tapper (1985), Evidence, 6th Edition. London: Butterworths & Co.

Cross & Wilkins & C. Tapper (1986), Outline of the Law of Evidence, 6th Edition. London: Butterworths.

J. Hatchard and M. Ndulo (1991), The Law of Evidence in Zambia: Cases and Materials. Lusaka: Multimedia Publications.

Chris Carr and John Beaumont (1996) Law of Evidence (4th Edition) Swort

Recommended Reading

G.D. Nokes (1962), Introduction to Evidence, 3rd ed. London: Sweet & Maxwell.

Statutes: Criminal Procedure Code, Cap. 160; Evidence Act, Cap. 170 and Cap. 171

Simon Cooper (Edition) 1994) Cases and Materials in Evidence (International Student Edition)

Schwikhard Van Der Merwe (2002) Principles of Evidence (Juta) (2nd Edition)

L321 - LAND LAW AND PROPERTY RELATIONS

Pre-requisite: L221

C0-requisite: None

Course aims

The course aims to introduce students to the English concepts and systems of Land Law and Property. It aims at introducing the student to Land Law in the specific Zambian environment and to the customary systems of tenure both in Zambia and in the African region.

It also aims at affording them opportunity and a wider perspective on land law in general so as to develop an analytical approach to the previous system, the current situation and future trends in this field.

Course Objectives

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

Attain capacity to evaluate the English concepts and systems of Land Law and assess their applications in Zambia;

Suggest the most appropriate approaches to Land Law and Property as they impact on Zambia;
Analyze the concepts and systems of land law as applied in Zambia;

Define the concept of property in the Zambian context;

Trace the system of land ownership, registration and use in Zambia; and

Analyze the customary system of tenure with a view to suggesting changes to make it more effective.

Critically appraise the current concepts and systems in order to propose improvements; and

Use the knowledge so acquired for application in courts and private practice.

Course Content

History and evaluation of English Land Law.
The Doctrine of Tenure.
The Doctrine of Estates.
Ownership of land.
Estates and interests in land.
Legal and equitable interests.
Fixtures.
Concurrent interests.
The rule against perpetuities.
The Doctrine in Walsh v. Lonsdale.
The Doctrine of Part Performance.
Lease and terms of years.
Easements and Profits a Prendre.
Licenses.
Mortgages.
The theory of property in African customary systems.
Varieties of African tenure systems and practices.
The African concept of land ownership.
The evolution of colonial land tenure system in Zambia and selected African countries.
The three categories of tenure, namely, Crown Land (State Land), Reserves and Trust lands.
Registration, conversion and recognition of customary and formal title in Zambia.
Memory Registrar.
The Lands and Deeds Registry Act, 1914.
The theory of the "Commons" in African systems of tenure.
Succession and inheritance to customary land.
Land use and planning law in Zambia.
The Rent Act.
The Landlord and Tenant (Business Premises) Act.
Lands Acquisition Act.
The Land (Conversion of Titles) Act, 1975.
The Lands Act, 1995.
Town and Country Planning Act.
Housing (Statutory and Improvement Areas) Act.

Method of teaching

Five hours of lectures per week

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed reading

F Mudenda, (2007) Land Law in Zambia: Cases and Materials, UNZAPRESS, 2007

Recommended reading

Megarry, (1982) R A Manual of Real Property, London, Stephens

L331- COMMERCIAL LAW

Pre-requisite: L221

Co-requisite: None

Course aim

This course aims to introduce students to: agency, which is the most significant legal relationship in commerce and without which, modern commerce cannot exist; the sale of goods, which is the most common commercial transaction; and to the hire purchase transaction, which is a derivative of Sales Law. In addition, the aim of this course is to give students an appreciation of the issues involved in insurance and negotiable instruments.

Course Objectives

By the end of the course the students should be able to:-

- Form and terminate an agency contract;
- Appreciate the rights, duties and powers of the agent vis-a-vis the principal and third parties;
- Demonstrate understanding of the relationship between the principal and third parties;
- Form and terminate a contract for the Sale of Goods;
- Show understanding of the passing of property and risk;
- Appreciate the rights and obligations of the parties to a contract for the sale of goods;
- Demonstrate an understanding of the hire purchase contract.
- Demonstrate ability to give advice on the legal requirements of insurance contracts;
- Facilitate the conclusion of valid insurance contracts;
- Have an appreciation of the rules governing negotiable instruments.

Course Content

Agency

- Formation of contracts of agency: formalities and capacity.
- Authority of the agent.
- Duties of the agent.
- The rights of the agent against the principal.
- The principal's relations with third parties.
- Particular agents.
- Termination of agency.
- Miscellaneous contractual matters relating to agency.

Sale of Goods

- Rules of contracts.
- Formation of the contract.
- Terms of the contract.
- Passing of property.
- Risk.
- Delivery, acceptance and payment.
- Remedies.

Hire Purchase

- Basis of hire purchase transaction.
- Hire purchase distinguished from other transactions.
- Hire purchase at common law.
- The Hire Purchase Act of Zambia;
 - Definition of the purchase.
 - Formalities.
 - Avoidance of provisions.
 - Purchasers' rights and sellers' obligations.
 - Termination by purchaser or seller.
 - Conditions and warranties.
 - Powers of the court.
 - Bankruptcy, liquidation and death.

Insurance

- Definitions, functions of insurance and the concept of loss.
- Types of insurance.
- The nature of the insurance contract.
- The principle of insurance interest.
- The doctrine of Uberimmae fides.
- The principle of indemnity.
- Assignment and transfer.

Instruments

- Nature of the instrument, definition of a bill of exchange.
- Classes of instrument.
- Negotiation.
- Classes of holders.
- The function of signatures.
- Liabilities on a bill.
- Pre-requisites for enforcement.
- Defenses to a claim on a bill.
- Partial autonomy of the bill from the underlying transaction.
- Cheques.
- Promissory notes.

Method of teaching

Five hours lectures per week

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed reading

M Malila Commercial Law, Cases and Materials, UNZAPRESS, 2006
M Malila, Commercial, Essential Texts, UNZAPRESS, 2005
Lowe, R Commercial Law, London, Sweet and Maxwell, 1967

Recommended reading
Atiyah, PS Sale of Goods 11th edn.

L282 (Previously coded as L341 and L342) - ADMINISTRATIVE LAW

Pre-requisite: L251 Co-requisite: None

Course aim

The aim of the course is to introduce the students to the legal framework of, and the law relating to the administrative process within a state, and Zambia in particular. The aim of the course is also to introduce students to the various legal controls of the administrative process.

Course Objective

On completion of the course the students should demonstrate an understanding of:

The law concerning the powers and procedures of the executive and administrative organs of the State;

The law relating to the objectives, problems, methods and jurisprudence of the administrative organs and their relationship to the legislature and Courts;

The law that controls the administration and also the law made by the administration in so far as that relates to the power and procedures of the administrative organs;

The Zambian administrative process.

Judicial review of administrative action;

Parliamentary controls of administrative action;

Constitutional, statutory and common law remedies for abuse of administrative power;

The work of the Ombudsman and administrative tribunals.

Course Content

Introduction and concepts

Definition and Nature of Administrative Law.

Separation of powers.

The rule of law.

The concepts of legislative, administrative, executive and quasi-judicial powers in the context of administrative law.

The concepts of ministerial and discretionary powers.

Administrative discretion:

Need and justification.

Problems of control.

The development and importance of Administrative Law in a modern state.

The Zambian Administrative Process

The administrative process.

The Zambian administrative process;

Brief history and development.

Delegated legislation.

Need and justification.

Problems of control.

Commissions of inquiry

Service commissions

Administrative Adjudication

Definition and rationale

Appeals to ministers

Special tribunals - including two case studies of the Industrial Relations Court and the Town and Country Planning

Tribunal

The Ombudsman

Definition, origin and development.

The (Zambian) Commission for Investigations.

Parliamentary Controls

Forms of parliamentary controls

Select/ Sessional committees

Judicial Control

The principle of judicial control of the administrative process.

The grounds of judicial control;

Unconstitutionality.

Ultra Vires.

The Remedies;

Constitutional and statutory remedies.

The common law remedies.

Exclusion of judicial control.

Method of teaching

Three hours lectures per week.

Assessment

Assignment 10%

Test 20%

Examination 70%

Prescribed reading

Garner, Administrative Law

Recommended reading

Basu, Comparative Administrative Law

Wade, Administrative Law

De Smith, Judicial Review of Administrative Action

LPU 351 - HUMAN RIGHTS LAW

Pre-requisite: L251

Co-requisite: None

Introduction to Human Rights Law

Human rights concepts

International Human Rights and their Jurisdiction

Categories and Beneficiaries of Human Rights

Civil and political rights,

Economic, social and cultural rights,

New or 'third Generation' rights.

Vertical Dimension of human rights (application of human rights between the states and the individual)

Horizontal dimension / third-party application (application of human rights between individuals or other private subjects).

The United Nations Charter-based and treaty-Based Procedures

The United Nations Charter: Human Right Provisions of the UN charter; Legal Character and Significance of the UN charter Human Rights Provisions.

The Universal Declaration of Human Rights: Adoption and Content; Legal and Political Status and Significance of the Declaration.

The International Covenant in civil and Political Rights

Substantive provisions; An Overview

Obligations of states Parties

Human Rights Committee

The substantive Provisions

The four pillars of the convention

The supervisory Mechanism; state reporting

Extra-conventional standard-Setting and Implementation in the Field of Human Rights

Extra-conventional Standard-setting

Charter-based procedures: the Public 1235 Procedure and the confidential 1503 procedure

Regional Human rights systems

Promotion and protection of Human Rights within the European Arrangement

Organization of American states system for the protection of Human Rights

The African Charter on Human and Peoples' Rights

National Human Rights

Advent of Human Rights in Africa

The protection of Human Rights During the Colonial Period

The Constitutional Background to the Evolution of the Zambia of the Zambia Bill of Rights

Form and Content of the Zambia Bill of Rights

Judicial Role in the Enforcement of Fundamental Rights and Freedoms in Zambia

Human Rights and the One-Party State

Human Rights and the Third Republic

Alternative Modes for the protection of Human Rights and Fundamental Freedoms in Zambia

New Developments Concerning the Zambian Bill Rights

Minorities:

Rights of persons with disabilities

Method of Teaching:

Three hours of lectures per week

Assessment

Assignment 10%

Test 20%

Examination 70%

Prescribed Reading

A.W. Chanda Human Rights in Zambia, 2007 (Unpublished)

Anyangwe, C. Introduction to Human Rights. Lusaka: UNZA Press

Recommended Reading

Ndulo, M. and Turner K (1983) Civil Rights and Liberties in Zambia

1. G. Melander and G. Alfredson – the Raoul Wallenberg Compilation of Human Rights Instruments (Martinus Nijhoff Publishers) 1997.

L362- CIVIL AND CRIMINAL PROCEDURE

Pre-requisite: None

Co-requisite: None

Course aims

This course aims at acquainting students with civil and criminal litigation. The focus is on litigation in Subordinate Courts, from commencement of action through disposition.

Course Objectives

By the end of the course students should be able to handle cases in the Subordinate Courts.

Course Content

Civil procedure

- Introduction to the courts of civil jurisdiction.
- Introduction to Subordinate Court Rules.
- Commencement of proceedings - from summons to execution.
- Drawing of pleadings and trial without pleadings.
- Interlocutory procedures.
- Assessment of damages.
- Enforcement of judgments and orders.

Criminal procedure

- Introduction to the courts of criminal jurisdiction (functions, jurisdiction and powers)
- Public prosecution
- Arrests
- Charges and information
- Remand, bail, powers in particular cases
- Summary trial
- Trials generally
- Sentencing
- Procedure on appeals
- Juveniles: procedure in respect of juveniles

Method of teaching

Three hours of lectures per week.

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed reading

1. Criminal Procedure Code
2. White Book: Rules of the Supreme Court
3. High Court Rules
4. Subordinate Court Rules

Recommended reading

White Book (Supreme Court Practice, 1973)
Blackstone's Civil Practice, 2001
Magistrate's Handbook 2003
Halsbury's Laws of England

L 369: MOOT COURT (Project course)

Pre-requisite: None Co-requisite: None

Course aim

This course aims to introduce students to the basic skills of appellate oral argument. Students are required to submit a legal brief on a narrow legal topic and present the brief in a mock appellate court setting. Students are expected to answer and respond to faculty questions which probe the legal and practical basis of that brief.

Course Objectives

By the end of the course, students will be expected to be able:

To demonstrate understanding of some of the theoretical and practical aspects of oral argument;

To write a concise and thoughtful legal brief; and

To participate in a mock oral argument; and

Course Content

Lecture on the practical and theoretical aspects of oral argument

Assignment of legal topics

Writing of legal briefs

Oral argument

Observation of all other oral arguments

Assessment

Performance in L369 is graded on a pass/fail basis provided that no student shall proceed to the degree in law unless he/she obtains a pass grade in this course.

Legal Brief - 25% of total grade

Oral Argument - 75% of total grade

Prescribed Reading

L.N. Kalinde 'Legal Methods/Moot Court" in MMunalula, Legal Process: Cases, Legislation and Commentaries, UNZAPRESS, 2004

Recommended reading
Annotated Model Rules of Professional Conduct 3rd edn 1996

LPR 382 – LABOUR LAW

Pre-requisites: None

C0-requisite: None

Course Aims

The course aims to introduce students to the first principles and concepts of employment law from the point of creation of the employment relationship to its termination. It looks at employment relationships as individual contracts as well as collective labour relations through the institutional framework of trade unions. In this context the course also aims at introducing trade union law and development including the legal framework of collective bargaining. The course also looks at how statutory terms can be imputed into an individual and collective employment relationship.

Course Objectives

Upon completion of the course a student should be able to-

Fully articulate the principles and concepts relating to the creation of the employment relationships:

Fully articulate the terms of contract of employment, actual or implied, by practice, common law and statutory law;

Fully articulate the process relating to the termination of employment relationships;
Fully articulate the general legal aspects of industrial relations, labour practices and trade union matters;

Fully articulate the relationship between international and domestic labour standards;
Appreciate the dispute resolution process for employment and industrial relations dispute; and

Appreciate all contemporary domestic and international labour law developments.

Course Content

Nature Of Contract Employment

Source of labour

Contract of service against contract for services;

Forms of the contract of employment (individual and collective; implied and express, fixed and permanent, oral and written contracts of employment)

Two; Formation, Terms and Conditions of Employment

Formation

Formation

Capacity of the parties

Disability and capacity

The subject matter of the contract

Incorporation of collective terms into an individual contract

Apprenticeship and Training

Incidents of Employment

- Minimum contractual age;
- Hours of work;
- Remuneration
- Medical provision and sick leave;
- Maternity leave
- Annual leave
- Incidental benefit (housing, transport, water, funeral etc allowances)
- Benefits at termination (retirement, death, redundancy, termination, dismissal)

Termination of Employment

Voluntary termination

- Resignation
- Termination
- Repudiation

Termination by Agreement

- Fixed term contracts;
- Mutual separation

Termination by Operation of Law

- Frustration
- Liquidation of the employer or dissolution of a partnership
- Death of employer or employee
- Redundancy
- Retirement

Termination for Disciplinary Reasons

- Procedurally and summary dismissal
- Wrongful dismissal
- Unlawful dismissal
- Discrimination and unfair dismissal
- Construction dismissal

Remedies for improper Termination

- General Principles
- Specific performance
- Damages

Collective Labour Relations

- General Features and Theories of industrial Relations
- Employers and their Associations
- Trade Unions; Criminal, Civil and Contractual liabilities at common law
- Legal support for collective Bargaining
- The law on Trade Union in Zambia
- The right to organize a closed shop against the employer or the union

Enforcement and Jurisdictional Issues of Labour Matters

The jurisprudence of the Local Court, Subordinate Court, Industrial Relations Court, High Court and Supreme Court
Some Jurisprudence pitfalls

Social Security and Employment

Public Pension System
Private Pension System

International Aspects of Labour

The International Labour Organization and Labour Standards

Conventions;
Recommendations
The Monitoring Mechanism

Other International Covenants and Labour Standards

Contemporary Developments In Labour Law

Jurisprudential
Statutory Law
International Law
Employment of Persons with Disabilities

Method of Teaching

Three hours of lectures per week

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed Reading

1. Grunfeld, Cyril, Modern Trade Union Law. London: Sweet and Maxwell, 1966.
2. Smith, T.S. and Wood, J.C, Industrial Law, 2nd edition. Butterworths, London 1983
3. Otto-Kahn Freund Labour and the Law , 2nd edition Stevens, London, 1977
4. W.S Mwenda, Employment Law in Zambia: Cases and material, UNZA Press, Lusaka, 2007
5. Deborah J Lockton, Employment Law, 4th Ed []

Recommended Reading

1. Farnham, D et al Understanding Industrial Relations 3rd edition Cassel Educational Limited, London, 1988.

2. Herbert Jauch, et al Export Processing Zones in Southern Africa: Economic, Social and Political Implications University of Cape Town, 1996
3. Standing Guy, et al (eds), Towards Social Adjustment. ILO: 1991
4. Windmuller, J., et al, Collective Bargaining in Industrialized Market Economies: An Appraisal. ILO: 1988

LPU 392 - GENDER DISCRIMINATION AND THE LAW

Pre-requisite: L351- Human Rights Law

Course aims

To acquaint students with the elements of gender discrimination under the law and to train them in the analysis of gender discrimination cases

Course objectives

By the end of the course the students should:

- Demonstrate an understanding of feminist jurisprudence
- Have a holistic view of the manifestation of gender discrimination under both general and customary law
- Be able to identify and analyse instances of gender discrimination.

Course Content

Theories and concepts:

Key concept - Epistemological and conceptual deconstruction

Gender and law

Feminist epistemology

Feminist jurisprudence

Liberal, Marxist and radical feminism

Dominance theory

Equality and non-discrimination

Formal and substantive equality

Difference and sameness debate

Androgeny

Essentialism

Postmodernism

International and regional human rights instruments:

Key concept – universal equality

Universal Declaration Human Rights

Convention on the Elimination of All Forms of Discrimination Against Women

Southern Africa Development Community Declaration on Gender and Development

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

Overview of other related instruments

National constitution and bill of rights:

Key concept- universal/ national standard of justice/citizenship

Legal pluralism

Public/private divide

Customary law

Other regulatory social fields

Equality in the family:

Key concept –patriarchy

Marriage

Divorce

Inheritance

Child custody and maintenance

Property rights

Economic discrimination:

Key concept - Public and private arenas

Paid and unpaid labour

Equal pay for equal work

Stereotyping

Glass ceilings

Maternity/paternity rights

Sexual harassment

Reproductive rights:

Key concept – bodily autonomy

Reproductive capacity

Sexuality

Heterosexual hegemony vs homosexuality

Abortion and the unborn child's right to life

Gender violence:

Key concept - Power relations

Violence as a legal concept

Violence as the ultimate argument

psychological violence

domestic violence

sexual violence

economic violence

physical violence

Administration of justice:

Key concept – neutral laws and procedures

Court personnel

Role of a judge
Role of a lawyer
Gendered 'litigants' and 'offenders'
Access to justice
Gender law research methodology
Traditional and radical methodologies
Objectivity or relativity
Who are 'knowers'?
Writing styles
Report writing
Finding the 'voices'

Method of teaching:

Three hours of lectures per week.

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed reading

M Munalula, *Women, Gender Discrimination and the Law, Cases and Materials*, UNZA, 2005

Recommended reading

Kay H K and West M S, 1996, *Sex-Based Discrimination: Text, Cases and Materials*, (4th edn.) West Group, St Paul Minn.

Bartlett K T and Harris A P, 1998, *Gender and Law: Theory, Doctrine, Commentary*, (2nd edn.) Aspen Law and Business, New York.

L410: DIRECTED RESEARCH (Project course)

Pre-requisite: All compulsory second and third year courses

Introduction

A major component of this course is a field project conducted by students in their fourth year of study. The field project leads to the writing of an LL.B dissertation and all students are required to take this course. Dissertations are prepared under the guidance and supervision of all staff members of the School of Law, who advise on research methods, materials and dissertation writing.

Objectives

At the end of the course students should be able to demonstrate the ability to plan and conduct research and analyze research data.

Topic

Students are required to identify feasible and acceptable project topics on any branch of law, with the help of supervisors. Once the topic has been approved by the Coordinator of Directed Research, students are expected to meet with their supervisors at regular intervals by mutual arrangement.

Project Proposal

Each student is required to submit a research proposal to his/her supervisor and on approval of such proposal, a copy of the proposal must be given to the Directed Research Coordinator. During this process the Supervisor advises the student on areas which need improvement.

Data will be collected during the first semester and the vacation and even in the second semester, depending on the needs of the project.

Research Paper

Once the proposal has been approved the student will go ahead with data collection and analysis. He/she will, from time to time, submit a draft Research Paper to his/her Supervisor for comments, as mutually agreed.

Students are expected to submit two copies of the Research Paper for final examination at the end of the Second Semester to the Coordinator.

Assessment

The dissertation is assessed as follows:-

- (i) Research 25%
- (ii) Presentation 25%
- (iii) Analysis 25%
- (iv) Content 25%

Prescribed reading

M Munalula, Student Directed Research Guidelines (Unpublished)

Recommended reading

K. Turabian, Manual for Writers of Term Papers, Theses and Dissertations, Chicago Press, revised edn.

L411 - JURISPRUDENCE

Course aim

The aim of this course is to introduce students to the classical theories of law as they evolved through the contribution of the various schools of jurisprudence. The course also aims to enable students understand how the concept of law has developed under different social, political, economic and cultural conditions, and how these have shaped its content and form at different historical epochs and in different societies of the world. Finally the course aims to introduce students to the philosophy and method of the law as it operates and ought to function in society. The course is designed to challenge law students to understand the role of law in society and of his/her place in society as a lawyer.

Course Objectives

By the end of the course students should be able to:

Show appreciation of the fact that law is conditioned by societal values that exist in any given society and that this is demonstrated by the historical development of the idea of law;

Demonstrate knowledge that law and legal institutions do not operate in a vacuum but in the context of the social, political and cultural forces of any given society;

Express understanding of the fact that law has always been seen to be a useful instrument in the maintenance of public order and as a conflict-resolution mechanism in any society;

Appreciate the fact that law as an institution devised by human beings has its drawbacks and is capable of being used to attain undesirable or oppressive ends.

Demonstrate knowledge of the specific functions of law in society, particularly in a developing society like Zambia;

Show appreciation of law as an instrument of social change in society;

Show an understanding of the role of law and of a lawyer in evolving and sustaining a mature legal system capable of nurturing true democracy, the rule of law, and of the protection and promotion of human rights.

Course Content

Topics to be covered will include the following:

Historical introduction to the philosophy of law;

Definition of law in the light of the principal schools of jurisprudence;

Central concepts in jurisprudence which include rights and duties, legal obligations, legal personality, possession and ownership.

Formal and non formal sources of law,

The techniques of the judicial process;

Law as distinguished from other techniques of social control, such as morality, custom, religion, power, etc.

The nature and functions of law in society;

Law as an instrument of social change in a developing society;

Law as a synthesis of order and justice, i.e., the relation between order and justice, stability and change in law, the validity of unjust laws, justice and equality, justice and freedom, justice and the common good;

Law as distinguished from other agencies of social control, i.e. law and morals, law and custom, law and religion, law and power, etc;

The techniques of the judicial process, i.e. the interpretations of constitutions and ordinary statutes, the doctrine of Stare Decisis, and the principle of Ratio Decidendi, on discovery and creation in the judicial process;

The relation between;

Law and democracy.

Law and the promotion and observance of human rights, and

Law and the problems of obedience and sanctions.

Method of teaching

Five hours of lectures per week.

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed reading

Friedman W Law in a Changing Society 2nd edn Universal Law Publishing Delhi 2003

Freeman MDA Lloyd's Introduction to Jurisprudence 7th edn Sweet and Maxwell London 2001

Seidman, Law and Development (unpublished)

Recommended reading

Dias, Jurisprudence 4th edn

L421 - COMPANY LAW

Pre-requisites: L221, L331

Co-requisite: None

Course aim

The aim of the course is to introduce students to the general principles of the law of business associations. The course also aims to examine the legal principles of limited liability companies as forms of business enterprises. It compares companies to other forms of business associations.

Course Objectives

Upon completion of the course students should be able to:

Identify the various options available in law in setting up business enterprises and the procedural requirements involved;

Assess the appropriateness of particular business enterprises vis-a-vis legal requirements, costs, rights and liabilities of the enterprise, the members, etc; and

Advise on the legal nature of the various business enterprises and trace their legal basis to either statute or common law and also to advise on virtually all legal aspects of these enterprises.

Demonstrate knowledge of the statutory and common law rules that govern companies; and

Show knowledge of substantive company law

Course Content

General introduction to business associations

- Trading or carrying on business
- The various forms of business associations
- Establishment of business entities
- Legal nature of business enterprises

Sole proprietorship

- Formation
- Legal regulation
- Liability of the business
- Advantages and disadvantages over other business entities
- Termination of business

Partnerships

- Law applicable
- Formation
- The partnership deed/agreement
- Rights and duties of partners
- Partnership and third parties
- Advantages and disadvantages
- Winding up

Co-operative societies

- Policy and background
- Law applicable
- Formation and registration
- Membership
- Organizational structure and administration
- Financing
- Audit, investigation and inspections
- Disputes
- Co-operative federation

- Advantages and disadvantages
- Winding up
- Statutory corporations
 - History of statutory corporations
 - Law applicable
 - Main features
 - Operation
 - Methods of public control
 - Termination of business
- Types of companies
 - Limited/ unlimited
 - Limited by guarantee/ limited by shares
 - Private/public
 - State owned (parastatals) and non-state owned
- Formation and legal personality
 - Applicable law
 - Procedure for incorporation
 - Legal personality
 - Lifting the corporate veil
 - The constitution
- Promotion and pre-incorporation contracts
- Management and control
 - Members
 - Directors
 - Liability of Company for acts of its officers
- Capital/Securities
 - Definition, types, raising and maintenance of capital
 - Types of company securities, shares, debentures, etc.

The stock exchange and its operations

Winding up /liquidations

Parastatal companies

Background to parastatal companies

Creation

Organizational structure

Management and control

Privatization

Method of teaching

Five hours of lectures per week.

Assessment

Assignment 10%

Test 20%

Examination 70%

Prescribed reading

Gower LCB, Principles of Modern Company Law, 4th edn., 1979

Hahlo, Casebook on Company Law, (latest edn.)

Recommended reading

Pennington, Company Law, (latest edn.)

Palmer, Company Law (latest edn.)

LPU 431 - INTERNATIONAL LAW

Pre-requisites: None

Co-requisites: None

Course Objectives

It is expected that the student who has gone through this course will-

demonstrate a clear understanding of how rules of International law come into being and of the distinction and interaction between International and municipal law;

show a good knowledge of the norms by which states may achieve tentative reconciliation between their simultaneous urges for freedom of action and for predictable patterns of behaviour, for individualist pursuit of national interests and for collective enjoyment of settled relationships; and

be able to apply what he has learnt.

Course Content

General Introduction

- Definition;
- History
- Nature of international law.

Source Of International Law

- Treaties
- International Custom
- Judicial and arbitral decisions
- General principles of law
- Unilateral acts
- Juristic works.

The International Society of States

- International personality:
- Sovereignty
- Recognition
- Representation
- Succession
- Responsibility

Jurisdiction:

- Forms of state jurisdiction
- Limits on state jurisdiction

International Regime of Common Amenities

- The sea
- Maritime high ways
- Air space and celestial bodies.

Individuals in International Law

- The individual and the state

Human Rights

The Settlement of Disputes and the Use of Force by States

Peaceful means
Coercive means
Non-war hostilities
Law of war and neutrality disarmament

International Crimes

Genocide
Crime against Humanity

Method of Teaching

Three hours of lectures per week

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed Reading

J.G. Starke (1989), Introduction to International Law, 10th edition. London: Butterworths.

D.J. Harris International Law. (latest edition)

Recommended Reading

M. Shaw (1986), International Law, 2nd edition. Cambridge: Grotius Publications Ltd.

M. Soransen (ed), Manual of Public International Law

Henkin, et al. (1987), International Law: Cases and Materials. New York: Columbia University Press.

LPU 432-INTERNATIONAL LAW II: LAW OF INTERNATIONAL INSTITUTIONS AND ORGANISATIONS

Pre-requisite: L431-International Law I

Course aim

The aim of this course is to acquaint the student with the nature and character of international institutions specifying in the process their aims, purposes, functions, powers and set up.

Course Objectives

At the end of the course the student should be able to demonstrate:

Knowledge of the general framework of inter-state institutions;

An appreciation of the role and importance of these institutions.

Course Content

Introduction: History, status, classification, common organic structure.

Administrative and legislative institutions

Administrative institutions: functions, organization, co-ordination of efforts

Legislative institutions: classic conference pattern, legislation in organized international society.

Judicial institutions

Patterns for the peaceful settlement of international disputes: negotiation; good offices; mediation; conciliation; inquiry; arbitration; judicial settlement.

The International Court of justice: functions; organization; jurisdiction; procedure; judgments; advisory opinions.

Global comprehensive institutions: The United Nations.

Origin, purpose and principles, membership.

Principal organs: General Assembly; Security Council; Economic and Social Council (ECOSOC); International Court of justice (ICJ); Secretariat.

Specialized agencies: World Health Organization (WHO); United Nations Education, Scientific and Cultural Organization (UNESCO); United Nations International Children's Emergency Fund (UNICEF); International Labor Organization (ILO), etc.

Regional comprehensive institutions

History and relationship with the United Nations

The African Union (AU)

The Council of Europe

Method of teaching

Three hours of lectures per week

Assessment

Assignment 10%

Test 20%

Examination 70%

Prescribed reading

Starke, Introduction to International Law

Bowett, Law of International Institutions 5th edn., Sweet and Maxwell 2001

Bowett, Basic Documents in International Law

Recommended reading

Brownlie, Principles of International Law
Sorenson, Manual of Public International Law

LPR 841 - CONFLICT OF LAWS

Pre-requisites: None Co-requisites: None

Course Aim

The aim of the course is to introduce students to the special problems which arise when the significant facts of a case are connected with more than one jurisdiction.

Course Objectives

On completion of the course students should be able to:-

Understand the general principles of jurisdiction;

Identify the rules of choice of law and of jurisdiction;

Identify the most common areas of law where conflict is likely to occur; and

To advise clients about matters involving more than one jurisdiction and also to advise on Zambia's internal conflict of laws.

Course Content

General Principles

Introduction to the Conflict of Laws- origins, development, choice of Law.

The problem of classification.

The Doctrine of Renvoi.

General principles of Jurisdiction

Rules of Choice of Law and of Jurisdiction

Domicile

Status

The Contract and Status of Marriage

Matrimonial cause

Assignment of Property

Particular Forms of Status

Contracts

Negotiable Instruments

Wills

Administration and Succession

Trusts

Bankruptcy and Winding up

Tort

Procedure

Recognition and Enforcement of Foreign Judgments

Method of Teaching

Three hours of lectures per week.

Assessment

Assignment 10%

Test 20%

Examination 70%

Prescribed Reading

1. R.E. Graveson (1988), The Conflict of Laws, 10th Edition. London: Sweet and Maxwell.
2. Cheshire and North (1989), Private International Law, 12th Edition. London: Butterworths.

Recommended Reading

Mclean, D. And beavers k. (2005) The conflict of laws: sixth edition. London: sweet and Maxwell

LPR 451: INTERNATIONAL TRADE LAW

Prerequisite: None

Co-requisite: None

Course Aim

The aim of the course is to provide students with an overview of International Trade Law.

Course Objectives

At the end of the course the students should be able to:

Demonstrate an appreciation of the international economic framework for handling trade relations.

Deal with matters related to trade disputes.

Course Content

Introduction

Introduction to International Law
Laissez faire Economic Model
National Control model

The World Trade Organization (WTO)

The WTO Agreement
Membership of the WTO
Structure of the WTO
Decision Making within the WTO
Waivers
Dispute settlement
Trade Policy Review

The General Agreement on Tariffs and Trade (GATT)

Direct Effect
Non- Discrimination
Protection Through Tariffs
Transparency
Regional Integration
Commodity Arrangements
Escape Clause
Exceptions
Export Controls

United Nations Convention On Contracts For The International Sale Of Goods (CISG)

Transactions covered
Contractual Issues Excluded from the coverage of CISG
Interpreting CISG
Interpreting Sales Contracts
Formation of the Contract
General Standards for performance
Seller's Obligations
Buyer's Obligations
The Passing of Risks
Remedies
Excuses for Non-Performance

Transportation of Goods

Trade Terms
Transportation
Inland Carriage
Carriage of Goods by Sea
Charter parties
Maritime Liens
Maritime Insurance

Carriage of Goods by Air

Financing

Financing Foreign Trade
Bill of Lading
Bills of Exchange
Promissory Notes
Negotiability of Bills and Notes
Letters of Credit
Financing Foreign Operations
Countertrade

International Commercial Dispute Resolution

Litigation
Negotiation
Mediation
Conciliation
Arbitration

United Nations Conference on Trade and Development (UNCTAD)

Historical background
The concept of UNCTAD
Institutional framework
General system of trade preference (GATT part vi)

Method of Teaching

Three hours of lectures per week

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed Reading

1. Murray, C. (2008) Schmitthoff's Export Trade: The Law Practice of International Trade: 11th Edition. London: Sweet & Maxwell.
2. August, R. (2004) International Business Law: Text Cases and Readings: 4th Edition. New Jersey: Pearson.

Recommended Reading

1. Jackson, J.H (1995) Legal Problems of International Economic Relation: cases, Materials and Text , 3rd Ed. St Paul, west Publishing Company.
2. Document Supplement to Factor

LPR 452: INTERNATIONAL INVESTMENT LAW

Pre-requisite: None

Course Aims

The aim of the course is to provide an understanding of the legal aspects of international Law concerning Foreign Direct Investment. Although the course will still focus primarily on Zambia; it will take a more transnational approach than it has in previous years.

Course Objective

At the end of the course the students should be able to advise on the International legal framework and handle disputes related to investment and international indebtedness.

Course Content

Introduction

- General Introduction
- Definition of foreign Direct Investment
- History of International Investment law
- The source of International Law on foreign Investment

Foreign Direct Investment and Economic Development

- The correlation between foreign Direct Investment and Development.
- Conflicting Theories about Foreign Direct Investment
- Risks in foreign Direct Investment and the importance of creating a good investment climate.

The Multinational Enterprise

- The Business Forms in Civil and common Law Jurisdictions
- The Multinational Organization
- International Regulation of Multinational Enterprises
- Home State Regulation of Multinational Enterprises
- Host State Regulation of Multinational Enterprises
- Investment codes and the Zambia Development Agency Act

Bilateral Investment Treaties

- Reasons for Bilateral Investment Treaties (BITs)
- General Provisions Contained in BITs
- New Concern on Bilateral Investment

Nationalization

- Defining Nationalization
- The legality of Nationalization
- Compensation: clash between the constitution and the Zambia Development Agency act
- The concept of creeping Expropriation

The Multilateral Investment Guarantee Agency (MIGA)

Introduction
Eligibility Requirements
Modest Recommendations for Reform

International Dispute Resolution

Litigation
Mediation
International Commercial Arbitration

Legal Aspects of Transfer of Technology

Introduction to Patent Law
Paris Convention
TRIPS
Public Health Debate under TRIPS
Patent Protection of Indigenous Medicines

International Finance Institutions

World Bank
International Monetary Fund
African Development Bank

Method of Teaching

Three hours lectures per week

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed Reading

1. Sornarajah, M. (2004) The International Law on Foreign Direct Investment: 2nd Edition. Cambridge University Press

Recommended Reading

2. Dozler, R. and Screuer, C. (2008) Principles of International Investment Law. New York: Oxford University Press.

Treaties and Legislation

1. Zambia Development Agency Act
2. Constitution of Zambia
3. Paris Convention
4. MIGA convention
5. TRIPS
6. New York convention on the recognition and Enforcement of Foreign Arbitral Awards

7. Washington Convention
8. UNCITRAL Model Law
9. UNCITRAL Rules
10. Arbitration
11. Patent Act (Zambian)
12. Vienna Convention on the Law of Treaties

LPR 862: INTRODUCTION TO INTELLECTUAL PROPERTY AND COMPETITION LAW

Pre-requisite: None

Co-requisite: None

Course aims

The course aims at introducing students to the basic concepts of copy right, patent, trademark and competition law.

Course Objective

By the end of the course, students should demonstrate knowledge of the fundamental elements of each category of intellectual property and competition law.

Course Content

An overview of Intellectual Property Law

Intellectual property v. Industrial Property.

Copyright Law

The difference between C/P/T/UC coverage copyright law - Zambian Copyright and Performance Rights Act of 1994 - Ch. 406 of the Laws of Zambia.

Historical overview of each area.

What is copyrightable subject matter?

Determining ownership of copyright.

Rights guaranteed by copyright - including term, time and transfer.

Exceptions/limitations on rights.

Practical considerations, forms, costs and time constraints.

Requirements for suit.

Patent Law -Zambian Act

Subject matter of patents.

Ownership issues.

Rights of patent holders, time/term/transfer.

Practical considerations.

Requirements for suit.

Trademark Law - Zambian Act

Requirements for protection: subject matter concerns.

Ownership issues.
Rights; time/term/transfer.
Practical considerations.
Requirement for suit.

Unfair Competition Law - Fair Trading and Competition Act of 1994

Importance of competition on free market economy.
When does competition become unfair?
Interference; tortious and contractual.
Scope of the Act.
Practical considerations.
Overview of the free market enterprise system and the role of legal regulation.
The role of the Zambian competition commission.
Predatory pricing.
Illegal tie-ins, promotions and discounts.
Mergers, monopolies, trademarks and joint ventures
Advertising practices

Method of teaching

Three hours of lectures per week.

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed reading

GM Kanja, Intellectual Property Law, UNZAPRESS, 2006
WIPO Intellectual Property Handbook 2nd edn., 2004

Recommended reading

Cornish WR Intellectual Property Sweet and Maxwell 4th edn., 1999

LPU 872 – REFUGEE LAW

Pre-requisite: L351-Human Rights Law I

Co-requisite: None

Course aim

This course aims to provide a comprehensive overview of the international law governing refugees, asylum seekers, and stateless persons with emphasis on the application of the international law of refugees in Zambia.

Course Objectives

At the end of the course a student should be able to:

Demonstrate a clear understanding of the differences between refugees, displaced persons, stateless persons, asylum seekers, and other migrants:

Demonstrate an understanding of the rights of refugees, stateless persons, and asylum seekers under international and Zambian law; and

Demonstrate an understanding of the processes of law involved in the international and national protection of refugees.

Course Content

Overview

- The scope of refugee law

- International instruments

- The role of UNHCR in protecting refugees and other persons in need

- Durable solutions: repatriation, local integration, and resettlement

- Regional instruments

- Zambian law governing refugees

- Zambian immigration law as it concerns refugees

- Administrative practice of refugee law in Zambia

Historical background of Refugee Law

- An introduction to the international protection of refugees

Legal definitions of refugee law (Inclusion)

Procedures for determining refugee status

Other persons in need of international protection and persons excluded from refugee status

Right to asylum and related rights

Freedom of movement in the refugee context (urban refugees and irregular movement) and second generation rights

Finding durable solutions for refugees (local integration, repatriation, and resettlement)

Cessation of refugee status

Special issues of refugee women and children

UNHCR policy on refugee women

- UNHCR position paper on gender-related persecution

Guidelines on policies and procedures in dealing with unaccompanied children seeking asylum

Method of teaching

Three hours of lectures per week.

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed Reading

Refugee Protection in International Law, UNHCR Cambridge University Press, 2003

Recommended Reading

Human Rights and Forced Displacement, London, Martinus Nijhof, 2000

LPR 481 - ALTERNATIVE DISPUTE RESOLUTION

Pre-requisite: None

Co-requisite: None

Course aim

The aim of the course is to introduce students to Alternative Dispute Resolution (ADR) and arbitration. The course is structured as a survey and overview of the ADR and arbitration processes. The primary focus is on the theory and law of negotiation, mediation and arbitration. Substantial time will be devoted to the practical application of these processes.

Course Objectives

On completion of the course students should be able to:

Demonstrate an understanding of the various processes known as alternative dispute resolution or ADR;

Demonstrate an understanding of the theory and practice of both negotiation and mediation;

Demonstrate an understanding of the various court rules relating to mediation; and

Contrast mediation with litigation. Demonstrate an understanding of the theory and practice of arbitration;

Demonstration an understanding of the various court rules relating to arbitration; Contrast arbitration with litigation and mediation.

Course Content

The panoply of ADR methods

Historical background to the development of ADR in Zambia

Introduction to negotiation theory and strategy

Mediation and law

Differences between mediation and litigation

Mediation principles

The mediation process

Styles of mediation

Ethical and professionalism issues in mediation

Introduction to arbitration

Concepts

Relevant arbitration law (Arbitration Act and UNICTRAL Model arbitration law and rules)

Composition of the arbitral tribunal

Powers and jurisdiction of the tribunal

Submissions to the arbitral tribunal

Statement of claim and defense

Preliminary meeting

Procedure and conduct of a hearing

Costs and interests

Essentials of an award

Enforcement of an award

Method of teaching

Three hours of lectures per week.

Assessment

Assignment 10%

Test 20%

Examination 70%

Prescribed reading

UNIDROIT ADR Principles and Procedures Sweet and Maxwell 2nd edn 1999

Recommended reading

WIPO ADR Procedures

Beer JE Mediator's Handbook

LPU 492: TAXATION

Pre-requisite: None

Course aim

This course aims at acquainting students with the concept of income and capital for tax purposes. It also acquaints them with the tax regime governing income derived from a business enterprise.

Course Objectives

At the end of the course a student should be able to:

Explain what constitutes income and how it is subjected to tax

Explain how income generated from business activities is taxed

Show appreciation for the fiscal policies that are aimed at stimulating both foreign and local investment through taxation

Course Content

Basis of income taxation.
Definition of income.
Exemptions and deductions.
Losses.
Assessment and collection.
Tax treatment of the family.
Enforcement.
Business associations.
Global and scheduler systems.
Allowable deductions.
Inventories.
Depreciation.
Company tax systems.
Double taxation agreements.

Method of teaching

Three hours of lectures per week.

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed reading

Donnelly S A History of Taxes and Taxation in England Vols 1-4 Routledge 1965
Melville A Taxation in the UK 14th edn

Recommended reading
Barry Pinsen, Revenue Law
Raabe [Outlines & Highlights for West's Federal Tax Research](#)

NEW COURSES

LPU 822 - ENVIRONMENTAL LAW

Pre-requisite: L321

Co-requisite: None

COURSE RATIONALE

Environmental Law is a comparatively new branch of Law and has evolved mainly over thirty years or so. By reason of its comparatively recent emergency, Environmental Law was not generally taught as a subject in law schools. Most universities now offer Environmental Law as a distinct and separate Law discipline at undergraduate and/or post graduate levels. The usual syllabus covers national and international Environmental Law. This is the approach proposed here as per the content of the proposed course.

COURSE AIMS

1. To introduce students to Environmental Law in General.
2. To examine the existing institutional and legislative frameworks for the protection of the Zambian Environment.
3. To equip students with analytical tools with which they may understand the national and international legal framework for Environmental Law and protection.

COURSE OBJECTIVES

On completion of the course students should be able to:-

1. Demonstrate knowledge and understanding of National and global Environmental problems and the legal responses thereto.

2. Demonstrate in the Zambian and International context an understanding of the National and International legal framework for Environmental Law and Protection.
3. Demonstrate an understanding of the basic concepts, principles, norms and mechanisms of Zambian and International Environmental Law.

COURSE CONTENT

- I. Introduction To Environmental Law
 - The Concept of Environment and Environmental Law
 - Sources of Environmental Law
 - (I) National (II) International

- II. International Environmental Law
 - Sources - See generally Sources of International law listed in article 38 of the Statute of International Court of Justice
 - Leading Global Environmental Problems.
 - Tracing the History of International Environmental Law – [From Stockholm to Rio]

- III. General Principles Of Environmental Law

- IV. Principle Areas of International Environmental Law
 - a. Water
 - Trans boundary Water Resources
 - Marine Ecosystems and Pollution
 - United Nations Conventions on the Law of the Sea
 - SADC Protocols

 - b. Air
 - Stratospheric Ozone
 - Vienna Convention for the Protection of the Ozone Layer
 - Montreal Protocol on Substances that Deplete the Ozone Layer

 - c. Global Climatic Change
 - United Nations Framework Convention on Climate Change
 - Kyoto Protocol to the United Nations Framework Convention on Climate Change

 - d. Soil
 - Desertification
 - United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa.

 - e. Biological Diversity and Nature Conservation
 - UN Convention on Biological Diversity
 - Habitat Protection [including wetlands] Ramsar Convention on wetland of International importance

- Trade in Endangered Species [International Convention on Trade in Endangered Species]
- f. Toxic and Hazardous Substances and Waste
 - Solid and Hazardous Waste
 - The Basel Convention for the Control of Trans Boundary Movement of Hazardous Waste
 - Bamako Convention on the Ban of Import into Africa and the Control of Trans Boundary Movement and Management of Hazardous Wastes within Africa
- V. Environmental Law and Human Rights
 - Linkage between Human Rights and Environmental Protection
 - The right to clean and healthy environment
- VI. The Legal Framework for the Protection and Management of the Environment In Zambia.
 - Leading Environmental Problems and their causes in Zambia
 - Selected statutes

METHOD OF TEACHING

Three hours of Lectures per week

Assessment

Assignment	10%
Test	20%
Examination	70%

PRESCRIBED READING

1. P. Sands, Principles of International Environmental Law (Manchester University Press, 2004.)
2. Hunter Salzman, International Environmental Law and Policy, 2nd edition, 2002.
3. Birnie, P.W. and Boyle, A. International Law and the Environment, Oxford 2002
4. P. Sands and P. Gallizi, Documents in International Environmental Law, 2nd Ed (Cambridge 2004) (Documents)

RECOMMENDED READING

1. Alexandre Kiss, Dinah Shelton, International Environmental Law, Transnational Publishers Inc. 3rd edition, 2004
2. Compendium of Summaries of Judicial Decisions in Environmental – Related Cases. UNEP 2005
3. Starke, J. Introduction to International Law, Butterworths, 1995
4. Alan Boyle and Michael Anderson (eds): Human Rights Approaches to Environmental Protection (Oxford, 1998).

LPR 812- INTERNATIONAL COMMERCIAL ARBITRATION

Introduction

This course examines the sources and hierarchy of norms which govern international arbitration. It will particularly focus on the New York Convention, UNCITRAL Model Law and the UNCITRAL Rules.

Rationale

A direct consequence of a more integrated economic system is an increase in international business transactions. With an increase in trade however comes an increase in disputes. A general mistrust of the national court systems around the world has led to Arbitration becoming the preferred form of dispute resolution in international commercial disputes. As an emerging economy, Zambia is not immune from these sorts of disputes and it is therefore essential that Zambian lawyers are given a deepened understanding of International Commercial Arbitration and jurisprudence from both Civil and Common Law jurisdictions.

Course Aim

This course aims to provide students with a deepened understanding of International Commercial Arbitration.

Course Objectives

Upon completion of the course a student should be able to understand various aspects of International Commercial Arbitration. Particularly the UNCITRAL Model Law and the New York Convention. In addition, students should have a detailed understanding of the jurisprudence pertaining to Arbitration from both Civil and Common Law Jurisdictions.

Course Content

Introduction

- Approaches to Dispute Resolution
- On the Evolution of the Standing of Arbitration Within the Legal System.
- The Sources of Relevant Norms and Possible Conflicts Between Various Sources

On the Authority of Arbitral Tribunals

- The Arbitration Agreement as the Cornerstone of the Arbitration Process
- Limits on Arbitrability

The Arbitrators

- The Arbitrators – Qualifications, Rights and Responsibilities
- Appointment and Appointing Authorities
- Challenges

Focal Points in the Arbitration Process

- Selected Elements of Procedure Before Arbitration Tribunals
- The Award
- Choice of Law Issues Before the Arbitrators

The Effects and Limits of Awards Rendered In International Commercial Arbitration

- Confirmation, Merger into Judgment, Concurrent and Consecutive Proceedings
- Judicial Control Over the Award: Setting Aside
- Judicial Control Over the Award: Recognition and Enforcement

Method of Teaching

Three hours of lectures per week

Assessment

Assignment 10%

Test 20%

Examination 70%

Prescribed Reading

Varady, T., Barceló, J.J. and Von Mehren, A.T. (2006) International Commercial Arbitration, A Transnational Perspective: 3rd Edition. St Paul: Thomson/West.

Varady, T., Barceló, J.J. and Von Mehren, A.T. (2006) International Commercial Arbitration, A Transnational Perspective: Documents Supplement. St Paul: Thomson/West.

Recommended Reading

Hunter, M. and Refern, A. (2004) Law and Practice of International Commercial Arbitration: 4th Edition. London: Sweet & Maxwell.

Moses, M.L. (2008) The Principles and Practice of International Commercial Arbitration. Cambridge: Cambridge University Press.

Treaties/Conventions and Statutes

ICSID Convention (Washington Convention)

New York Convention

UNCITRAL Model Law

UNCITRAL Rules on Arbitration

The Arbitration Act, Act No. 19, 2000

L272- LEGAL WRITING

Introduction

This course aims to introduce students to the basics of legal writing and assist students in tackling problem scenarios.

Rationale

One of biggest challenges in Law School lies not in assimilating the information presented but in regurgitating it. Whenever I read an essay it is clear that the student has the head knowledge however struggles to apply that to the question presented. Some students eventually overcome this problem however a vast majority struggle throughout their scholastic career. This course will ensure from the very outset that students are on a level playing field, know how to tackle both problem scenarios and essay questions.

Course Aim

This course aims to teach students how to conduct legal research, reference and write essays in a manner that is clear, concise and above all coherent.

Course Objectives

By the end of this course students should be able to write their legal essays with ease and to the acceptable standards.

Course Content

Interpretation of The Question

Revealing the Structure

Learning to Analyse

Research and Planning

- Reading Purposefully
- Note Taking
- Time Management
- Essay Structure
- Briefing a Case

Writing

- Referencing: The Chicago System of Referencing
- Plagiarism and how to avoid it
- Answering Problem Type Questions
- Answering Essay Type Questions

Method of Teaching

Three hours of seminars per week

Course Assessment

500 Word Précis	20%
2000 Word Short Essay	20%
5000 Word Long Essay	50%
500 Word Reflective Critique	10%

Prescribed Reading

Greetham, B. (2001) How to Write Better Essays. Basingstoke: Palgrave
Williams, G. and Smith, A.T.H. (2006) Learning the Law: 13th Edition. London: Sweet & Maxwell.

Recommended Reading

Garner, B.A. (2001) Legal Writing in Plain English: A Text With Exercises (Chicago Guides to Writing, Editing and Publishing). Chicago: Chicago University Press.
Webley, L. (2005) Legal Writing. New York: Routledge-Cavendish.

LPU 891: MEDIA LAW

RATIONALE: Media law is currently taught in the department of Mass Communication of the School of the School of humanities and Social Sciences. The course is styled as "Introduction to Media Law" and is coded as MC 312. It is taught in the second year. There is attached appendix (i) hereto an outline of the course. It is proposed to introduce a similar course in the school of law. The initial draft of the proposed course is attached hereto as appendix (ii). Clearly, the content of MC 312 can and should be reconciled with the proposed "media law" course to be introduced in the school of law. It is proposed that the reconciled that the reconciled course should be offered I the school of law as an elective or 3rd and 4th year students and as a compulsory course fro students of Mass Communication, at the 2nd year level. There is attached hereto and marked appendix (iii) a course outline of the reconciled and proposed course.

Pre-requisite: None

Co-requisite: None

Course Aims

The course aims to achieve the following:

- To introduce students to media law in general
- To acquaint students to the different themes and issues in Media Law
- To set out with particular reference to Zambia, the various laws that govern the media

Course Objectives

On completion of the course students should be able to.

- Demonstrate an understanding of the various themes and issues relating to the media.
- Demonstrate in the Zambia context, an understanding of Media Law.
- Demonstrate an understanding of the various international and regional conventions governing the media.

Course Content

- Introduction to Media Law (Defamation, copyright and contempt of court);
- Principles of freedom of expression.
- Freedom of information Law
- Broadcasting, theatre and cinematography Law;
- State Security and Freedom of expression;
- Public complaints (state v self-regulation);
- Law relating to licensing, publication and registration of media;
- Reporting on courts and parliament;
- Convergence of media; and
- Media policies and development

Method of Teaching

Three hours of lectures per week

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed Reading

1. G. Robertson and C.L Nico – Media Law (London Sweet and Maxwell) 2003
2. Chanda A.W and Liswaniso M Handbook of Media Law in Zambia (Terisianum Press, Lusaka) 1999.
3. P. Matibini – the Struggle for media Law Reforms in Zambia (Mission Press Ndola) 2006.

Recommended Reading

2. Beatson J, and Cripps, - Freedom of Expression and Freedom of Information Essays (Honour of Sir David Williams (Oxford University Press) 2000.
3. Article 19, Broadcasting Policy and Practice in Africa (article 19) 2003.

4. G. Melander and G. Alfredson – the Raoul Wallenberg Compilation of Human Rights Instruments (Martinus Nijhoff Publishers) 1997.

LPU 952 - INTERNATIONAL HUMANITARIAN LAW

Rationale:

There are a number of reasons that go to justify the introduction of International Humanitarian Law in the school of law at the University of Zambia. These include the urgent need to widen the scope of legal knowledge acquired by students, training future lawyers in legal thinking and setting the basis for their career development. It is also important so as to promote and encourage justice in armed conflict especially in a world gripped by strife. As such there is need to revive the diminishing existence of this important subject.

Course Aims:

The aim of the course is to help students attain a high level of understanding of the practical uses of international humanitarian law and its relevance in offering realistic solutions to problems that arise in armed conflicts worldwide.

Course Objectives:

At the end of the course, a student must demonstrate a clear understanding of:

- (a) International Humanitarian Law, its origins and importance especially in armed conflict.
- (b) The implementation mechanisms of international Humanitarian Law.
- (c) The relationship between International Humanitarian Law and International Human Rights Law.
- (d) The different categories of conflicts and of persons to whom different protective regimes apply under International Humanitarian Law.
- (e) The distinction between *ius ad bellum* and *ius in bello*.

Course Content

- 1 Introduction to IHL
 - 1.1 Definition of International Humanitarian Law
 - 1.2 Concept and Philosophy (nature and character of IHL)
 - 1.3 Historical Development of IHL
 - 1.4 Sources of IHL
 - 1.5 Contemporary efforts and future direction of IHL
- 2 Classification of Armed Conflicts
 - 2.1 Armed Conflict (definition)
 - 2.2 International Armed Conflict
 - 2.3 Non-International Armed Conflict
 - 2.4 Civil war and civil disturbances
 - 2.5 Consequences of classification
 - 2.6 Distinction between *ius ad bellum* and *ius in bello*
- 3 The Protective Regime and its Relevance (The Four Geneva Conventions and their Optional Protocols)

- 4 Combatant Status and POWs
 - 4.1 Fundamental Distinction between Combatant and Civilian
 - 4.2 Who is a Combatant?
 - 4.3 POWs and their treatment

- 5 Protection of the Wounded, Sick and Shipwrecked
 - 5.1 Generally
 - 5.2 Medical and Religious Personnel
 - 5.3 Emblem of Protection

- 6 Protection of the Civilian Population
 - 6.1 Generally
 - 6.2 Special protections for certain categories of civilians
 - 6.3 Civilians in occupied territory

- 7 Means and Methods of Warfare
 - 7.1 Fundamental Principles
(military necessity, proportionality, superfluous injury and unnecessary suffering)
 - 7.2 Means of Warfare
 - 7.3 Methods of Warfare
 - 7.4 Weapons Conventions

- 8 International Humanitarian Law and International Human Rights Regimes: Competition or Complimentarity?
 - 8.1 Moral Issues: rape, human shields, gender (women and children)
 - 8.2 Torture
 - 8.3 Refugees and Internally Displaced Persons

- 9 Implementation of International Humanitarian Law: The Law and The Actors
 - 9.1 National measures in peace time
 - 9.2 Creation and Dissemination of legislation and other necessary materials
 - 9.3 Monitoring and Control by the Protecting power and the ICRC.
 - 9.4 The International Fact Finding Commission
 - 9.5 Humanitarian Agencies: NGOs and the ICRC.
 - 9.6 The Role of the United Nations Security Council: Conflict resolution and humanitarian action.

- 10 Implementation of International Humanitarian Law: Prosecution for Breaches
 - 10.1 Definition of Breaches of IHL
 - 10.2 National and International Legal Frameworks on penal responsibility
 - 10.3 State Responsibility for Breaches of IHL
 - 10.4 Individual Responsibility for breaches of IHL
 - 10.5 Sanctions for Breach
 - 10.6 National and International Criminal jurisdiction to prosecute
 - 10.6.1 Generally
 - 10.6.2 The ad hoc tribunals
 - 10.6.3 The International Criminal Court

Prerequisite: None

Duration: One semester

Method of teaching

Three hours of lectures per week

Assessment

Assignment	10%
Test	20%
Examination	70%

Prescribed Reading

1. The Four Geneva Conventions of August, 1949
2. Protocols Additional to the Four Geneva Conventions
3. Kalshoven F & Zegveld L, Constraints on the Waging of War: An Introduction to International Humanitarian Law, ICRC, 2001
4. Rover, De C, To Serve and to Protect: Human Rights and Humanitarian law for Police and Security Forces, ICRC, 2005
5. Frederic de Mulinen, Handbook on the Law of War for Armed Forces, ICRC, 1987
6. Charlotte Lindsey, Women Facing War: an ICRC study on the Impact of Armed Conflict on Women, ICRC, 2001

Recommended Reading

1. Jean S Pictet, Commentaries to the four Geneva Conventions and their Optional Protocols
2. Caverzasio S G, Strengthening protection in War, ICRC, 2001
3. Segall A, Punishing Violations of International Humanitarian Law at the National Level, ICRC, 2001
4. Jean-Marie Henckaerts and Louise Doswald-Beck, Customary International Humanitarian Law, Volumes I and II, ICRC, 2001
5. Sassoli Marco and Antoine A Bouvier, How Does Law Protect in War? Volume I and II, ICRC, 2006