

Report on the Spring School 2023 in Vietnam

A. Introduction

From 6 March until 15 March 2023 the 10th Spring School took place in Hanoi (Hà Nội) and Cát Bà in Vietnam. The Spring School 2023 was organised by the Friedrich-Ebert-Stiftung in Vietnam (FES Hanoi). In cooperation with HTW Berlin, the University of Regensburg, Hanoi Law University and the Vietnam National University, the topic of the Spring School 2023 was “Fundamental rights and their impact on the civil law system” followed by a final moot court. Six students from HTW Berlin, four from the University of Regensburg and 11 Vietnamese Students came together to discuss human rights during and after each presentation.

B. Preparation

Before the trip to Vietnam started, we had a few meetings where we divided the presentation topics and got together in a group of two. The task was then to prepare a presentation in English about one human right for each group to present it in Vietnam to the German and Vietnamese students.

C. Travel to Vietnam

I. Hanoi

1. First day

After the German students had travelled individually to Vietnam, we German students met each other on Monday, 6 March 2023, to drive to the office of the FES Hanoi. Being one of the first international non-profit organisations to work in Vietnam, the FES Hanoi gave us a warm and interesting welcome by a presentation about foundations and the political situation in Vietnam, held by *Mr Axel Blaschke*, the resident representative of the FES. In that presentation, we could already get a glimpse of human rights, the economic development and economic crises – such as COVID – which was a good basis of content to warm up for the following days. We were also greeted with traditional Vietnamese food. After the presentation by Axel Blaschke, there was a political tour, where we particularly visited the Ho Chi Minh Mausoleum in Hanoi and went to the Temple of Literature where the Vietnamese organizer *Ms Tran Hong Hanh* told us a lot about the culture and the meaning of the temples and some rituals.



The Temple of Literature in Hanoi was built in 1070 and is featured on the back of the 100k đồng banknote. In the Temple of Literature, the first university of Vietnam was established, which is why every year the best graduates are honoured there in front of the stones. The bronze bell was used to demonstrate that someone important was coming through the temple. It was only allowed to be touched by monks. The patterns on the bell include the shape of a phoenix, a representation of beauty but also dragons, representations of power. A German student of ours was thrilled about the colours of the courtyards along the temple and noticed the interplay of the colours. *Ms Tran Hong Hanh* informed her that the colours were always connected to one another as an element. Red for fire, brown and green for earth, water and wood and the grey stones for metal. Unlike our four elements, there are five elements in Vietnamese traditions. Metal represents maturity and detachment and instead of air there is the element of wood, which represents expansion and detachment.

Well prepared in terms of culture, we German students met the Vietnamese students in the evening for the first time, where we got to know each other in a nice atmosphere at a joint welcome dinner in Hanoi.



2. General lectures

The second day started with the actual programme and by an introduction into the legal system and legal education in Vietnam. The introduction was followed by our student presentations about studying business law at HTW Berlin, about studying law at the University of Regensburg and about the studies of the Vietnamese students. Especially concerning the bar exam in Germany in comparison with the Bachelor of Laws, there were a lot of questions by the Vietnamese students which we were pleased to answer in the Question & Answer session afterwards. We German students also showed our interest in the law studies in Vietnam by asking the Vietnamese students some questions about their presentation. After a little break, *Professor Dr. Michael Jaensch* provided us with important information to the relevant institutions in the context of Human Rights protection. Content of his presentation was e.g. the organisation of the UN, the International Court of Justice, which has no jurisdiction in cases between individuals but between states, the Council of Europe, the Human Rights Committee and the European Court of Human Rights.

After lunch, *Ms Nguyễn Minh Oanh* from Hanoi Law University presented Civil rights and mechanisms to protect civil rights under Vietnamese Civil Code 2015. In the afternoon we had a visit from Ms Anne Katharina Zimmermann, the director of international cooperation of the German Federal Ministry of Justice and *Ms Marie Galasch*, a German law clerk at the German Embassy in Hanoi. After introducing themselves and telling us information concerning their work and the possibility of an internship, the FES Hanoi also provided us with information about an internship program at the FES Hanoi Office.

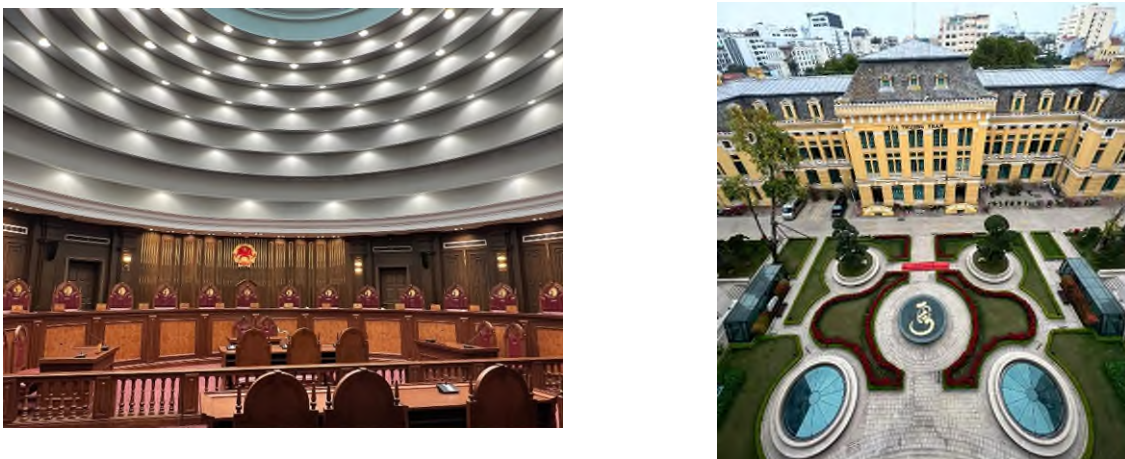
3. Hanoi Law University

On the third day, we went to the Hanoi Law University where we first met the Vice Rector, *Ms Vu Thi Lan Anh* who welcomed us to Vietnam and told us how pleased she is by the long-standing cooperation between Germany and Vietnam within the framework of this Spring School. She also thanked *Professor Dr. Michael Jaensch* for contributing faithfully and consistently to this cooperation after all these years. After that, *Professor Dr. Alexander Tischbirek* introduced us to the terminology and legal sources. First, we had a glimpse into the Constitution of the Socialist Republic of Vietnam as well as into the Basic Law of the Federal Republic of Germany. There, we compared articles in both national laws and discussed the conceptual distinctions between “human, basic and fundamental rights”, which were mentioned in the articles. During the presentation we ran into the obvious conflicts of international law in contrast to domestic law. That was where *Professor Dr. Alexander Tischbirek* showed and told us more about Monism and Dualism.

The lectures at Hanoi Law University ended after a presentation of *Dr. Trần Ngọc Định* from Hanoi Law University about the protection of Fundamental Rights by the Vietnamese Constitution.



After leaving the Hanoi Law University, the Vietnamese students organized a visit to the highest court of the Socialist Republic of Vietnam according to Article 20 of the Law on Organization of People’s Courts 2014, the Supreme People’s Court of Vietnam. We have learned that in Vietnam attempts are made in principle to settle legal disputes out of court if possible. Vietnamese lawyers also use less or even hardly the theory in a court hearing. This means that they almost don’t use the paragraphs and articles of the state’s constitution law but rather act and argue according to and with the practice. Thankfully, the Vietnamese students organized the visit to the Supreme Court in such a way allowing us to enter the building and to see the courtroom, which is usually closed to the public.



II. Cát Bà

1. Students' presentation

On Thursday, we went to an Island called Cát Bà where we were supposed to hold presentations about one human right for each group. The trip to the island was by bus and ferry. More important than the presentations were the discussion rounds afterwards where each of us had the chance to contribute. One of the biggest discussions was about the right to freedom of expression, because we were discussing an interesting and recent case in Germany. The case was about the climate activists in Germany (also called “Last Generation”) who were arrested by the police officers in some areas before they had committed an act like blocking the streets.

As this was a legal event, we were careful to discuss legal and not political issues. Even if it was not always easy to distinguish the political from the legal discussion, we still got into deep and very interesting topics.



We also listened to the presentation of *Professor Dr. Alexander Tischbirek* who discussed the GDR Border-Shooting case with us and surprised us with the East-German law which was applicable back then. In the following days we listened to the presentations and discussed the presented human rights. After the student presentations, *Professor Dr. Michael Jaensch* had a presentation about how Fundamental Rights radiate into the Civil Law System which was a good basis for the following moot court case.



2. Moot Court

The second part of the Spring School included the moot court. After the presentations about human rights, every student was assigned to a group, with a mix of Vietnamese and German students. In the end, four groups were formed. We got a case about a multi-millionaire F who was mentioned in the newspaper for having ties with Russian organized crime and who was called a smuggler and embezzler in that newspaper. The question was if the state failed to provide legal protection and if the state had disrespected F's human right to the protection of private life according to Article 8 European Convention on Human Rights (ECHR). Within the balancing of interests, Article 8 ECHR and Article 10 ECHR (the freedom of expression) faced each other. For this case, we had to prepare written memorials for the applicant and respondent. To prepare the case, it was important to work as a team and to research the actual problem.



It was also helpful to summarize the case for the team so that the team members could identify the problem(s). After identifying the problem(s), we had easily figured out the solutions for the applicant and respondent. The good thing about preparing two memorials – one for the applicant, the other for the respondent – was that we always had arguments for both sides and were therefore always able to respond to the counterpart. It also makes sense not to use all the arguments in the first round of the pleading. It is much more effective to leave some arguments to the rebuttal (and surrebuttal).

On the penultimate day, every group pleaded against one other group and in the end, the judges chose one winner team after they had given us precious and individual feedback on the pleadings.

After the pleadings, we had one last joint dinner together and talked about the interesting case of the moot court.



"Hot Pot" in Vietnam.



On the last day, we went on a boat trip and kayaked with a beautiful view. The fact that some families live on the water was very shocking for us. But on the boat trip we had also seen people fishing and how they keep the fish next to their homes in the water.

On the boat, the German and Vietnamese students reviewed the last few days and talked about the good and some challenging times – a great ending! After arriving in Hanoi, the Spring School came to an end and we had to say goodbye to each other.



D. Last words

All in all, the Spring School 2023 in Vietnam was an unforgettable and instructive excursion. You not only get to know a totally new culture and different behaviours, such as the fact that in Vietnam you always – but especially by taking or giving food – accept the things with both hands, but you also learn a lot about a completely different legal system than the German one. In addition to that, you gain an important skill which is how to approach people you’ve never met before and who usually have a very different approach to how to prepare and solve a law case.



The complex topic of human rights is also an interesting and increasingly important topic, which makes it very worthwhile to take part in this Spring School – not to be forgotten are also the beautiful landscape, the food and people.

We would like to thank *Professor Dr. Michael Jaensch* and *Professor Dr. Alexander Tischbirek* for giving us the opportunity to participate in this Spring School. We also thank the FES, HTW Berlin, the University of Regensburg and the German Academic Exchange Service (DAAD) for the funding. And a special thank you goes to *Ms Tran Hong Hanh* from FES Hanoi who organized this Spring School so well and flawlessly.

During our time in Vietnam, we’ve made many experiences and learned a lot about international law. We have also noticed how great and rare the given possibility of participating is. Therefore, we truly recommend everyone to apply for the Spring School.

In the end, we only regret the chances we didn’t take, right?



Goodbye Vietnam!

Tạm biệt Việt Nam!



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