

Summer School and Moot Court Vietnam

30 July to 8 August 2015

This year, six business law students from HTW Berlin and two law students from Humboldt University as well as twelve Vietnamese Students from Hanoi Law University were given the opportunity to participate in the third summer school on "Human Rights and Fundamental Rights and their Impact on the Civil Law System". The summer school was held in Hanoi and Sapa, Vietnam.

I. Introduction

Being part of the German-Vietnamese Dialogue on the rule of law, this year's summer school was organized by Professor Michael Jaensch from HTW Berlin in cooperation with Alexander Tischbirek from Humboldt-University as well as the Vietnam office of Friedrich Ebert Foundation (FES) and Hanoi Law University (HLU).

Two preparation meetings in Berlin preceded the participant's arrival in Hanoi. The German participants received a very warm welcome by Erwin Schweisshelm, head of Friedrich Ebert Foundation's Office in Hanoi. He and his Vietnamese staff gave a profound introduction to the political and economic situation in Vietnam and also went a political sightseeing tour with their German guests. During the stay in Vietnam, the staff of Friedrich Ebert Foundation was at all times dedicated to create a perfect environment for the summer school.



On the second day in Vietnam, the German students met their Vietnamese colleagues at Hanoi Law University where they attended general introductory lectures by their German and Vietnamese Professors before they all went to Sapa in the Lào Cai Province north of Hanoi for the actual conference and moot court.

II. Lectures during the Conference

The first days of the summer school began with an „Introduction to the legal system and legal education in Vietnam and Germany“ and included lectures by Alexander Tischbirek on „Terminology and Legal Sources“ as well as by Prof. Dr. Michael Jaensch on „Institutions“ serving as the basis for the students' presentations in the following days. On the second day, we gained an insight into the Vietnamese legal system. After an in-depth look into the „Protection of Fundamental Rights by the Vietnamese Constitution“, a talk given by Mr. Dr. Trần Ngọc Đĩnh, Ms. Nguyen Minh Oanh was focusing on „General personal rights as protected by the Civil Code of Vietnam“ in her lecture.

After our arrival in Sapa, Mr Alexander Tischbirek highlighted the distinction between Human Rights and Fundamental Rights, which also served as a preparation for the students' presentations on current and controversial human rights issues. The discussions that followed were at all times vivid and of high value, not only comparing the countries legal systems but also opening up new and interesting debates.



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III. Moot Court

Once every participant had given his or her presentation, it was time for the Moot Court Competition. Prof. Dr. Jaensch and Alexander Tischbirek introduced the case *Tierbefreier e.V. v. Germany (Application 45192/09)* to the audience. It did not come as a surprise to the participants that this case dealt with the violation of human rights and its impact on the civil law applicable in this case.

The participants were then divided up into four groups, each consisting of three Vietnamese students and two German students. Two groups represented the applicant and two groups the defendant. The rest of the day, the groups had time to prepare their arguments and to write two memorials, one for each party. While some teams stayed up late to complete their memorials, all groups managed to hand in their memorials the next day. It then came to the actual pleadings in front of a panel of judges. The panel was composed of Prof. Dr. Jaensch, Alexander Tischbirek, Martin Krings and Professor Nguyen Minh Oanh from Hanoi Law University.

Both rounds started with pleadings of each party and ended with very lively legal debates. At the end of the day, the judges had to decide upon the winning team which was then awarded a price.



Although every group had to overcome minor difficulties during its team sessions, the students enjoyed taking part in the Moot Court and were glad about the new experiences they made when reflecting on legal issues and reasoning from different perspectives and cultural backgrounds.

IV. Sapa

This year, Prof. Jaensch and FES office Hanoi chose the town of Sapa for the summer school. Sapa is located high in the mountains in a magnificent landscape. The French originally built the town in 1922 as a hill station retreat from the summer heat of Hanoi. It is one of the biggest towns in the area where several ethnic minority groups live. The scenery along the way of the famous Sapa green terraces was magnificent. Unfortunately, we encountered a week of rainy weather during our stay in Sapa. But nevertheless the landscape was still impressing.

For lunch and dinner, we mostly had joint group dinners. The variety of different Vietnamese food was stunning. In the evenings, several bars gave lots of opportunities for gathering in smaller groups, enjoying local beers and get to know each other better. The most fun event was definitely when the entire group went to a karaoke bar one night.

The last day in Sapa, the participants had an excursion to ethnic minorities in the surroundings. The group was brought to a little village in the



mountains and then continued its tour walking through rice fields. The tour also included a cultural market where handmade products from the region were offered. Most important, everybody was finally able to enjoy the beautiful landscape as the weather was getting really sunny which even caused heavy sun burns - something almost nobody had expected after a week of monsoon rain.



It was then finally time to go back to Hanoi where our summer school had once started. Looking back on the ten days of our summer school, we can say that we not only had the great opportunity to learn a lot about the Vietnamese legal system, but also had the pleasure to teach our Vietnamese friends the principles of the German legal system. Furthermore, it was a unique event that gave us a good understanding of the culture and the history of Vietnam. Certainly, we will come back to this amazing country one day and until then, we will tell anyone the mesmerising stories we experienced.

Therefore, we are very grateful to Friedrich Ebert Foundation, HTW Berlin and the German Academic Exchange Service (DAAD) for their generous funding that made our summer school possible.

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| Carolin Köhler | Marlene Teichmann | André von Horn | Denise Klatt |
| Sarah Griesche | Maria Supranowitz | Andre Becker | Jack Tinker |