

External Evaluation Report

1. Introduction

This report represents an external evaluation forming part of the first periodic programme evaluation of the LL.M. programme in Public International Law (hereafter also “PIL”) of the Faculty of Law of the University of Oslo. The purpose of the evaluation is to provide a foundation for further professional and strategic development of the quality of the programme.

The external panel (hereafter “the Panel”) was composed of Prof. Dr. Jan Wouters, chair (Full Professor of International Law and International Organizations, Director of the Leuven Centre for Global Governance Studies and the Institute for International Law, University of Leuven), Mr. Fredrik Bockman Finstad (Deputy Director General, Norwegian Ministry of Justice and Public security), Mrs. Margit F. Tveiten (Director General, Norwegian Ministry of Foreign Affairs), and Ms. Nina Kolbe (student at the Oslo Public International Law Programme).

The external report was commenced on request of the Faculty of Law of the University of Oslo and is based on

- relevant data material from the period 2010-2015: student administrative data, evaluation reports of courses and of the programme as a whole,
- the internal evaluation report (01 October 2015), and
- interviews with the Programme Director, Faculty, and students.

The report is focused on identifying the strengths, weaknesses, opportunities, and threats to the programme.

2. Structure of the Programme - Comparative Overview

Aiming to reflect the diversification of international law as well as current developments, the Master programme is divided into five programme options (specialisations):

1. LL.M. in Public International Law
2. LL.M. in PIL with programme option in International Criminal and Humanitarian Law
3. LL.M. in PIL with programme option in International Environmental and Energy Law
4. LL.M. in PIL with programme option in International Trade, Investment and Commercial Law
5. LL.M. in PIL with programme option in Human Rights.

Students who are admitted to the programme choose their study option upon start of the programme. It was noted in the internal report that there were trends in LLM specialisation, the most recent one being International Trade, Investment, and Commercial Law. It was suggested that this was a result of the economic crisis and student’s interest in finding relevant careers (p. 17 of the Internal Report).

Students on each programme option are required to take a course on classical public international law as well as a course on legal writing and oral advocacy. All students except those on the general LLM in Public International Law have to attend further mandatory courses which are specific to their chosen programme option. In addition to the mandatory courses students can choose from a wide range of elective courses to supplement their studies.

Courses are divided among two semesters, in each of which students are expected to take three courses (10 credits each). The thesis, which must be written on a topic within their selected specialisation, is to be written during the third semester and amounts to 30 credits.

Courses are held by lecturers working at the Department of Public and International Law and at the Norwegian Centre for Human Rights.

Mandatory courses for all programme options:

- JUS5540 - Public International Law
- JUS5912 – Legal Writing and Oral Advocacy
- PILTHESIS - Master thesis

Elective courses:

- JUS5730 - International Humanitarian Law (The Law of Armed Conflict)
- HUMR5134 The Right to Peace
- HUMR5503 - Human Rights and Counter-Terrorism: Striking a Balance?
- HUMR5502 - Ethnic Challenges to the Nation State: Studying State Responses from a Human Rights Perspective
- JUS5560 - International Constitutional Law and Democracy
- JUS5401 - Maritime Law – Contracts
- JUS5520 - International Environmental Law
- JUS5310 - EC Competition Law
- JUS5850 - International Trade
- JUS5660 - Intellectual Property Law in the Information Society
- JUS5852 – International Commercial Arbitration
- HUMR5140 - Introduction to Human Rights Law
- HUMR5131 - Introduction to the History, Philosophy and Politics of Human Rights
- JUS5910 - Women's Law and Human Rights
- JUS5911 - International Climate Change and Energy Law
- JUS5570 - International Criminal Law
- JUS5530 - Refugee and Asylum Law
- JUS5411 - Petroleum Law
- JUS5230 - International Commercial Law
- JUS5630 – Privacy and Data Protection
- JUS5440 - EC Substantive Law
- JUS5851 – International Investment Law
- JUS5930 - Comparative Public Law (new course from spring 2016)

- JUS5405 - Law of the Sea (new course from spring 2016)
- JUS5240 - Comparative Private Law
- JUS5260 - English Law of Contract
- JUS5450 - Marine Insurance
- JUS5640 - Electronic Communications Law
- HUMR5133 - Business and Human Rights
- HUMR5702 - Human Rights and Development: Interdisciplinary Perspectives on Theory and Practice

Throughout the first semester, students on all programme options are invited to attend five non-compulsory seminars aimed at discussing selected topics of international law in more depth. In the past the seminar's topics have been:

- The Sources of International Law
- Personality and Recognition in International Law
- The Relationship between International Law and National Law
- Dispute Resolution: The Legitimacy of International Courts
- Interpretation of treaties

3. Expectations from Stakeholders and Students

3.1 Stakeholders

The Norwegian Ministries and other public authorities like the police and the courts employ a significant number of candidates with international law degrees from national and foreign universities. There is a clear tendency that Norwegian law students spend some time of their studies in a foreign country, as a part of their degree in Norway or as *post graduate* studies. The Ministries indeed put positive weight on such international studies when hiring staff.

The Ministries would also like to see that Norwegian and foreign students have a viable and strong post graduate or specialized milieu in Oslo that provides a study environment, programmes and courses that meets the expectations and need for their competence build-up in a broad range of public international law subjects in a very challenging period internationally, regionally and nationally.

The general push in the public sector for a competence build-up in international law subjects is firstly a result of general globalization processes, and the interconnectedness of nowadays societies and the legal environment. The current migration situation is an obvious example giving rise to a host of international law issues, international terrorism and data protection matters are others. The Ministries seek for candidates with an understanding of the complex legal and political nature of such questions.

An important factor driving the need for thorough knowledge of international and European law, is the considerable influence on Norway's society and legal system emanating from the United Nations, the Council of Europe, and especially the European Economic Area (EEA) agreement between the EU and the EFTA states Iceland, Liechtenstein and Norway. Furthermore Norway is an associated Schengen member, and is consequently bound by the entire Schengen *acquis*.

Norway and the other EFTA states are also connected to the EU Dublin migration rules, and is even legally and politically tied to other parts of EU justice and home affairs law through a string of agreements, such as to Eurojust, Europol, the European Arrest Warrant, the Mutual Legal Assistance and the Prüm rules. Furthermore Norway partakes in operative actions as the *Triton* operation through the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (*Frontex*) and in joint military EU operations.

Based on an analysis of the political and legal landscape and the current trends that are unfolding, candidates with a LLM in Public International Law, have a competitive advantage.

The Ministry of Justice and Public Security (MJPS)

From a national perspective there is a need for candidates with knowledge of general international law that goes beyond the basic courses in national master of law degrees. From the viewpoint of the Ministry of Justice candidates with a full master in public international law would be very interesting candidates for employment in several of the Ministry's departments. Both international and national candidates may apply for positions at the ministries, but a combination of a national master of law degree (Norwegian: *master i rettsvitenskap*) with an added Master of Public International Law could hit directly at the competences the Ministry seeks to foster.

In this context one could point to the following current PIL LLM *program options* that are particularly interesting for the Ministry of Justice and Public Security:

- International Criminal and Humanitarian Law
- Human Rights
- Public International Law

One could also point to the following highly relevant *courses* for the Ministry of Justice and Public Security that form part of a program, but that are also very interesting as stand-alone courses (Norwegian: *valgfag*):

- JUS5730 - International Humanitarian Law (The Law of Armed Conflict)
- JUS5570 - International Criminal Law
- JUS5530 - Refugee and Asylum Law
- JUS5503 - Human Rights and Counter-Terrorism: Striking a Balance?
- JUS5630 - Privacy and Data Protection

Another option that could be very interesting to develop further, would be an option to combine international law subjects with *e.g.* subjects within political science.

In conclusion, the Ministry would like to support the efforts of the Faculty in creating a strong and relevant LLM in public international law. There has never before been a more vital need for the competences to be gained from such studies.

The Ministry of Foreign Affairs (MFA)

The overall description of the Masters programme in Public International Law points to the diversification of PIL. This is related to globalisation and a PIL movement from

the initial focus of inter-State relations towards rights and duties of individuals and private actors. According to that introduction, this is the background for a Master programme which aims at reflecting “this broader perspective”, and which includes five main specializations, four of which are *not* among core topics of public international law.

Four of the five programme options, excluding the first one in Public International Law, and the various elective courses, do to a certain extent reflect this overall description. It is positive that the overall description as stated in the introduction fits with the main line of options offered. They include a variety of courses relating to more recent branches of PIL, which to some extent deal with the individual and private actors as subjects of the law, as described in the introduction.

However, from the perspective of the MFA as a prospective employer of Master candidates, these four programme options are relevant, but not necessarily the *most* relevant ones.

From this perspective, more elective courses should be offered in such topics; sources, subjects, international organizations, the relationship between international law and national law, jurisdiction, immunities, dispute resolution, international responsibility, the use of force, law of the sea, law of treaties. In addition, courses on sanctions and on terrorism would be very topical.

A number of the existing elective courses are also of interest to the MFA, in particular those related to human rights, international humanitarian law, international criminal law, EU law, and trade law.

A Norwegian national masters degree in law (“master i rettsvitenskap”) is required in the MFA Legal Department, normally combined with a specialization in a field of international law. The Masters in Public International Law from the University of Oslo would provide a very welcome background.

As for teaching methods, a combination of theoretical studies and practical exercises, including procedure, is useful. However, the contents of the programme and its choice of courses and seminars are much more important than the teaching methods, as students at Masters level should be expected to benefit from most methods offered.

3.2 Students

Due to the upcoming thesis deadline and exams taking place on and around the date set for the interview with current students, only three students, representing both first and second year students on the course, attended the session on 30 November 2015.

All three students agreed that the fact that the programme was for free and the University offered scholarships for students from developing countries was a decisive factor in their decision-making process.

4. Findings

4.1 Faculty

Selection criteria

While staff supervising Master theses of students from different backgrounds admitted that the level among them varies greatly, teaching staff also emphasised that this was not a result of the selection criteria per se. The interviewed students were under the impression that students were selected partly on background and partly on merit. Professors made it clear that the selection criteria are the same for all students and that they all had to have certain minimum grades. Staff acknowledged that the level of English varies among students but did not do so to an extent that would affect efficient teaching and learning. Further, the overall quality of students has increased since the programme was started.

Mix of students in classes

Those modules open to students of the LLM in Public International Law are generally also available for students on other programmes. During the course of the interviews with the teaching staff, it became apparent that the size of the classes and the great heterogeneity among students made it impossible for staff to distinguish between Bachelor and Master students and Norwegian and International students and, in particular, to identify those students of the LLM.

While it was emphasised that the diverse academic backgrounds, knowledge and qualifications constitute a strength that students should and do take advantage of, it was also appreciated that it makes an accurate evaluation of the LLM students' performance in classes or mock exams difficult.

Professors appreciated that the current arrangement has been used multi-purposely to accommodate teaching of various programmes. The "hodge podge" of students in both elective and compulsory modules of the LLM leave PIL students without a core staff. Further, fragmentation within modules was identified as the reason for the great differences in teaching culture and learning environment at departments.

Separating LLM students

In regards to the reasons and constraints that prevent the Law Faculty from offering modules or tutorials (see below) for LLM PIL students exclusively, the panel received somewhat contradictory feedback from teaching staff.

Some professors viewed policy issues relating to English speaking Master courses and lack of support for these courses generally as the primary constraint on greater spending of resources. Others, on the other hand, maintained that the issue was not one of not wanting to help but rather down to resource issues.

Lack of tutorials

There was a consensus among teaching staff that the allocation of only 20 teaching hours per module was the main reason for the lack of compulsory tutorials for LLM students. While staff said there were sufficient PhD students who were willing to teach tutorials for Masters students and they could in theory do so, any hours they spend on

tutorials will be deduced from the allocated 20 hours for a given module. This would result in module leaders having less time to prepare for and give classes or correct mock exams. Professors said they were not even allowed to accept PhD students teaching for free as the Faculty would have to pay overtime.

In this regard, the student-teacher ratio was also repeatedly mentioned as unsatisfactory due to the low number of permanent staff.

While the lack of tutorials was acknowledged, teaching staff did not seem to consider it as much of a problem as students did. It was suggested that group work for presentations in class and study groups made up for the lack of tutorials. Further, the Nordic tradition of viewing law as a subject that could be studied independently was emphasised as a constraint.

Staff did not think that the tutorials necessarily needed to be made compulsory either as the possibility to deepen knowledge and prepare for exams should provide sufficient incentives to attend any non-compulsory seminars offered.

4.2 Students

4.2.1 Strengths

Students praised the great emphasis that is put on independent thinking at the Faculty and the value that is given to every individual's opinion.

They further appreciated the international nature of the student body of the LLM Programme. Students felt that the great diversity of backgrounds was beneficial to their studies as different points of view instigated debates in classes on multiple occasions.

Students agreed that the open-door policy at both the Faculty of Law and the Norwegian Human Rights Centre was a major strength of the programme and enriched their experience at Oslo University.

4.2.2 Weaknesses

Selection criteria

Students got the impression that the selection criteria for students was partly based on merit and partly based on background due to the different levels of substantive knowledge and learning methods used.

Standard, substance and methods of teaching

The students attending the interview perceived the level of teaching differently. Whereas one described certain classes as too basic as a result of having to bring non-law students up to speed, the other two students were overall happy with the standard of teaching.

In regards to teaching in particular, students expressed the wish for module specific compulsory tutorials. They also stressed that those tutorials should directly relate to lectures and be relevant to the exam rather than stand independently.

Students also suggested that more practitioners teach classes or give guest lectures.

In contrast to the opinions expressed by professors, students viewed the mix of law and non-law students, International and Norwegian students, and Bachelor and Master students as a problem. Due to the different level of understanding of the international legal system generally the modules open to all students progressed only slowly and they did not feel the content was appropriate for Masters level or that they were challenged.

Students also noted that allowing all students to take certain modules led to big classes that were unmanageable for professors and did not allow for any meaningful group work or discussions.

Moot courts

The students mentioned various moot court competitions, including the FDI moot court, Telders International Law Moot Court and the WTO moot court at which students of the LLM Programme have successfully participated. They criticised the inadequate financial support and the lack of recognition of the participation in terms of credits for them or the teachers coaching the team.

Organisational difficulties

In interviews students brought up various organisational issues which they felt impacted on how they engaged with academics. These included the lack of information provided relating to the course as such, living arrangements and working conditions in Oslo generally as well as access to online portals.

In regards to the latter, students' opinion of the access to and structure of the online portals contradicts with the perception the panel gained from staff which, when referring to *Fronter*, the main online portal, did so in a way that suggested it helped students to find relevant resources and guides as to structure and content of the course. Students on the other hand, stressed that these are spread out over a variety of services including *Fronter* as well as *Studentweb* or *DUO*, for example. They also said that *Fronter* appeared outdated and was hard to navigate around.

Language courses

Students complained that international full-time Master students rank lowest in terms of access to Norwegian language courses at the university. This is viewed as particularly problematic because full-time students are in greater need to learn Norwegian than Erasmus students as the latter do not usually have to support themselves by working on the side and spend less time overall in the country.

Social aspects of the course

Lastly, students expressed disappointment at the lack of encouragement to form or maintain student initiatives generally and pointed towards the lack of social events for LLM students in particular. They met only once in the beginning of the programme. Due to the fragmentation of the programme, some LLM students will never meet again.

4.3 SWOT

The External Evaluation Panel has been able to identify a number of aspects that can impact upon the further development of the LLM Programme in Public International Law at the University of Oslo. These are grouped together under “strengths”, “weaknesses”, “opportunities”, and “threats” in the following sections.

4.3.1 Strengths

1. Teaching staff is interested and engaged. Great emphasis is put on encouraging students to share their points of view and any opinions expressed are valued.
2. The student body making up the LLM is very diverse which is beneficial to instigating discussion and debate in classes.
3. There is a wide range of elective modules for students to choose from.
4. The Faculty offers progressive modules that are not available at other universities, for example, the Right to Peace.
5. Education is free in Norway.
6. Exams are written on computers.
7. Both the Law Faculty and the Norwegian Centre for Human Rights have an open door policy that students can take advantage of.
8. There is considerable cooperation with PluriCourts and the Norwegian Centre for Human Rights in terms of organisation of events such as free lunch seminars. Students as well as staff are welcome to attend these.
9. Students coming from developing countries receive financial support and guidance by the Ministry of Foreign Affairs.

4.3.2 Weaknesses

1. There is no or little support for moot court competitions despite the recent success of the Norwegian team at the Telders International Law Moot Court Competition (placing 4th in the finals at The Hague in May 2015) as well as teams at other moot courts. The establishment of a Working Group to examine the possibility of supporting moot courts was noted as a positive development in this regard.
2. There are no mandatory seminars accompanying lectures. The five tutorials that do take place within the Public International Law Module are very general, not mandatory and not explicitly relevant to the exam at the end of the course. The short duration of these tutorials combined with their generality and great number of attendees cannot, as suggested, contribute to the deepening of the knowledge acquired in lectures or through reading.
3. There is inadequate cooperation between different departments of the Faculty of Law. This point was illustrated to the Panel by the example of issues with the issuing of student cards. Due to the majority of students being international, they do not have a Norwegian ID number upon arrival. Therefore, they do not get a student card straight away. With the key card students are given, they have access to the buildings but cannot borrow books from the library. This presented major difficulties as the process for obtaining an ID number can take several months depending on the country of origin of a student. The administration had

not made any arrangements relating to this issue, therefore students had to bring it to the attention of the administration.

4. There is insufficient information provided to students at the beginning of the course and a more detailed account of the process of the thesis component is needed. The accompanying module to the master thesis students were told about in the beginning of the programme, turned out to be merely a two hour lecture on how to write a Master's thesis at the end of semester two. For some, this might have been insufficient.
5. In many modules assessments are not broken down. The internal report suggested presentations and group work as well as online tests as alternative forms of assessment. However, two or more essays forming the basis of assessment for a module seems more appropriate for Masters' level teaching.

4.3.3 Opportunities

1. Tutorials for all core modules could be introduced. Tutorials are a central and invaluable aspect of students' educational experience that allows them to exchange ideas through debate, present and substantiate opinions, accept criticism, listen to others and to further develop their capacity to think independently. Weekly tutorials would be of great benefit to the students.
2. A permanent commitment to participation in several moot courts should be considered. The Panel believes that such would make the programme more attractive to ambitious students who are keen to develop the skills that practising lawyers must have.
3. The duration of the programme could be shortened or extended to either one year or two years.
4. For those students starting the course as a general LLM in Public International Law there could be an option to add a specialisation following the start of the programme but prior to choosing the topic of their master thesis if they happen to take the mandatory courses of a specialised LLM.
5. Various courses could be added to the programme to make it more relevant to certain prospective employers. These include, for example, History and Theory of International Law and new approaches to International Law (Jurisprudence) or International Institutional Law. Recent additions (Comparative Public Law, Law of the Sea, and International and Comparative Labour Law) to the LLM programme are a positive development.
6. The mandatory Public International Law module could be extended to stretch over two semesters to cover topics such as territory, law of treaties, law of the sea, and terrorism.

4.3.4 Threats

1. Competing programmes have more tutorials and generally more hours in class.
2. Competing programmes in other countries of different length offer either a faster completion of the same degree (one year) or a more in-depth study of the same or similar subjects (two year degrees).

5. Recommendations

Subjects taught and their relevance to prospective employers

There seems to be a particular weight put on certain more specialised parts of public international law which have attracted some attention in the most recent years. This has apparently led to a lack of focus on the more classical core topics of public international law. It is generally positive to aim at being topical in the choice of topics offered, but from the perspective of a prospective employer (e.g. MFA) it would be useful to include more of the traditional public international law topics in the curriculum and in the five options, as only one of these options and too few elective courses are dedicated to such topics.

Students have indicated among the weaknesses that the five tutorials in the Public International Law Module were very general, not mandatory and not explicitly relevant to the exam. It seems important to change this to make these topics seem relevant and interesting to the students. Maybe the lack of separation of students in groups of varying background and levels (mixing masters and bachelor students, and lawyers and non-lawyers) contributes to this weakness. If possible, within the available resources, this should be addressed, too.

The mandatory course in public international law should include a section on the law of the sea. Territory/jurisdiction and law of the sea are core topics of PIL. In a Norwegian context and in the MFA law of the sea is always an important topic. Furthermore, some major law of the sea developments are expected to take place in the forthcoming years within the framework of the UN, making it very topical at the international arena with particular relevance to Norwegian interests.

Furthermore, migration, sanctions and terrorism are topics which could be usefully added. A course on history, nature and origins of international law, or a more theoretical one, for example related to politics and international law, or the context of international law, could also be considered as an elective course for master students.

Contact hours

During the course of the interview, Ole Kristian Fauchald said that he believed the Faculty needed to allocate more hours to English-spoken courses. He acknowledged that the policy issue of appearing to give English-spoken modules and courses preferential treatment over Norwegian courses, which are allocated the same amount of contact hours, was a problem that needed to be overcome.

Tutorials and moot courts

Upon allocation of more contact hours these should be used for both the introduction of mandatory tutorials accompanying core modules and a permanent commitment to moot courts in terms of recognised teaching hours. Both the tutorials and moot courts will allow students to participate in different forms of learning and enable them to acquire and improve skills they would not normally be required to demonstrate in lectures.

Length of the programme

In order to compete with similar programmes in other countries, it might be beneficial to consider shortening the programme to one year so that students would write their thesis during the time currently set apart as “summer break”. Alternatively, the programme could be extended to two years with three semesters allocated to teaching and one semester designated to writing the master thesis.

Administrative

An improvement of the inter-departmental co-operation within the Faculty of Law itself as well as with the International Student Office seems to be necessary to ensure that students are comfortable with the information provided and to enable them to start with their substantive studies with the start of the semester.

6. Conclusion

The Masters programme in Public International Law is currently the most developed and largest of its kind in Norway. The only competitor is The University of Tromsø, which offers a LLM programme in the Law of the Sea.

Due to the ongoing fragmentation and diversification of international law there seems to be a demand for more specialised academic education. With its five strands, the Master in Public International Law at Oslo University has proven to be responsive to the realities of international law today. Nevertheless, it is important not to lose sight of the traditional international law topics of which a thorough understanding is necessary in order to become competent in any specialisation. This has in particular been highlighted by stakeholders who need students to have a thorough understanding of traditional topics of international law in combination with other relevant subjects as much as current political situations. Ideally, a combination should be pursued of a thorough grounding in public international law generally with other highly relevant subjects such as human rights, migration and anti-terrorism law.

In terms of shortcomings and possible improvements of the programme, the Panel finds that the introduction of tutorials and a permanent commitment to moot court competitions should be highlighted. These changes would make the programme more attractive to students, make graduates more attractive to prospective employers and increase the University’s standing in the academic community.