

REPORT OF THE SUPERVISORS OF THE EXAMINERS

1. *Background information*

I have been asked to supervise the quality and examinations in the LLM programme in Public International Law at the Faculty of Law of the University of Oslo during the period 2010-2011.

2. *The evaluation process*

2.1. Examinations evaluated

I have been asked to evaluate examinations in two of the modules JUR 5911, International Climate Change and Energy Law and JUR 5910, Women's Law and Human Rights.

The following has been provided

examination papers for the two courses

six student answers for each course

other relevant material (description of the programme, course descriptions, reading lists) for the LL.M. programme for the academic year 2010-11.

In addition, I have consulted the materials available at the faculty website.

2.2. Principles for any possible selection of students' individual examinations regarding grading

The students examination papers represent different grades of the grading scale invited to comment upon or describe. These appear to be sufficient to determine the internal consistency of grading and other evaluation issues required (below p.3).

2.3. Meetings with the Department/institute (number of meetings, number of participants, main themes).

No meeting has taken place.

3. *Evaluation of the grading of individual performances of the students and the form of evaluation in question.*

I make a number of general points under section 3.1 on the course International Climate Change and Energy Law which are also applicable mutatis mutandis to the course Women's Law and Human Rights.

3. 1 JUR 5911, International Climate Change and Energy Law

The examination consists of one obligatory question and two alternative questions, of which one is formulated as a hypothetical scenario. The questions posed fall within the learning goals of the course as set out at

<http://www.uio.no/studier/emner/jus/jus/JUS5911/v12/pensumliste.xml> 3.1.

Syllabus and reading lists are extensive, consisting partly of printed compendia and partly of official and other publications available on the net, <http://www.uio.no/studier/emner/-jus/jus/JUS5911/v12/undervisningsmateriale/International%20Climate%20and%20Energy%20Law%20Course%20Plan%20and%20Reading%20V.12.pdf>

According to the teaching schedule <http://www.uio.no/studier/emner/jus/jus/JUS5911/v12/tid-og-sted.html> there are 12 two-hour lectures. Although the word “lecture” is used, obligatory reading is required for each lecture. Lectures have an important place in any legal education where there is too little printed material available (e.g. a practitioner’s perspective is necessary), or there is too much, and the complexity of the material means that students need a guide to prioritize among issues and structure their learning. To generalize and simplify, interactive teaching methods are usually pedagogically superior in stimulating critical thinking to passive methods of teaching.¹ In other words, other things being equal, seminars requiring students to prepare answers to questions, or to analyse problems, and present (and defend) their views/solutions before the class are better teaching methods than lectures. A lecture to a small group may have an interactive component. The classes labelled “lectures” on the schedule may, in practice, be seminars – although, in this case, without set questions or problems it is more difficult for the students to prepare for them. A combination of lecture/seminar tends not to work very well in my experience: students tend to “wait out” the lecturer, knowing that s/he will eventually deliver the “answers”. However, this naturally depends upon the skill of the lecturer and her/his ability to stimulate useful discussions. Without attending the lectures or talking to the teachers, it is not possible for me to determine how interactive the lectures on this course are. Although there are undoubtedly cost-factors involved for courses with many students, for courses with only 20-25 students, a general recommendation I would make as regards teaching on the LLM in public international law is that courses presently taught only by lecture should move to replace these largely with seminars, with prepared (though not necessarily exhaustive) questions and/or with problem scenarios.

Basic information is given to students regarding the grading of exams.

<http://www.uio.no/english/studies/about/academic-system/grading-system/> The grading information is general, i.e. it is not linked to the learning outcomes, indicating more specifically what knowledge is required, and at what proficiency, for what grade. While a faithful implementation of the Bologna process means that this is desirable, it involves a considerable expenditure of effort (effort which in my view could probably better be devoted to pedagogical quality assurance). Besides, it is a major task for the faculty as a whole, and not to be undertaken lightly.

Particularly for international students unfamiliar with the exam system, it is useful first to give easy access to past exams, which are available on-line,

<http://www.uio.no/studier/emner/jus/jus/JUR5911/oppgaver/index.html>

and secondly to provide some sort of feedback. Commentary to previous exam papers can be published, or even “model answers”. I was not able to find former exam papers commented on the net. An oral commentary opportunity can be given after the exam. Or a “training

¹ See e.g. Rapport 2007:18 R Utvärdering av juris kandidat-utbildningar samt grund- och forskarutbildningar i juridik, rättsvetenskap, handelsrätt och affärsrätt vid svenska universitet och högskolor <http://www.hsv.se/download/18.5b73fe55111705-b51fd80002115/0718R.pdf#search='juridik'> regarding teaching through lectures p. 43 ”a general problem with this teaching is at the room for critical analysis and discussion appears limited (”Ett generellt problem med den undervisning som ges är att utrymmet för kritisk analys och diskussion förefaller begränsat”).

exam” opportunity can be given. As far as I can see, it is only this third option which has been used. I do not know the practice here as regards the training exam. Is there an oral or written commentary of the issues which should have been taken up and the ways in which the marking corresponds to the grading criteria? Does the examiner comment on each individual paper submitted? A written commentary is probably the best way of ensuring feedback. But I assume that at least one of these three ways of providing feedback is used for the training exam. As such, students should have some idea, before they sit the exam, of how the grading criteria will be applied. This should serve the useful purpose of minimizing stress for students.

A traditional examination is one method of testing ability. Others are some form of continuous assessment (oral and/or written, i.e the submission of essays) or a “take-home” examination (giving the student a day, or days, in which to answer). The information on the Masters in PIL indicates that some courses are examined by a combination of written assignments and a written exam. Neither of the two courses I was asked to look at are examined in this way. A written examination in which the student has four hours in which to answer one or more questions with access only to treaty/statute collections is not the only way of equipping a student for a life as a judge, academic or practicing lawyer in government or private service. As all students do not perform well in traditional examinations, ideally, during the course of their studies, students should meet all these different forms of assessment. Having made this general point regarding examination, I should add that the exam I read for the course JUR 5911, International Climate Change and Energy Law meets good standards. It is not clear from the paper how much of the grade is obtainable from each of the two questions answered. Some students devoted considerably fewer pages to the second question. The paper graded “A” devoted roughly the same amount of pages to both questions. The examiner might consider specifying this on the paper.

The questions are well formulated to allow the testing of a range of abilities in line with the grading system. I consider that there has been an impartial and professional evaluation of the students’ knowledge and skills. The examination is marked anonymously, which strengthens the likelihood that the impartiality requirement is fulfilled. As regards professionalism, the paper graded “A” is indeed an example of good independent thinking. The two “B” grades are good, but clearly not as good as the “A” paper in terms of their discussion of the legal challenges. The “E” paper might just as easily have been graded “F”, but this is not a criticism. My own approach to marking is that only a very basic understanding will suffice for a pass, and thereafter grades should become successively more difficult.

The spread of the grades – three As, nine Bs, one C, two Ds and three Es – means a relatively large number of high grades, but this may correspond to normal grading practice for optional courses in Oslo. By way of comparison, ECTS grading is only given for ERASMUS students in Uppsala optional courses. Relatively few ECTS “A” grades are awarded to ERASMUS students. For Swedish students, the amount of AB grades (which can be subdivided into A and B) varies enormously from year to year and from course to course, from around 40% to 90% (although the Uppsala teaching –quality assurance – committee asks for a motivation where the percentage of AB grades exceeds 65%). This, again, is not a criticism: the A grade I evaluated was in my view definitely an A, and the examiner has set high standards (see, in comparison, my comments on the grading in JUR 5910 below).

I have not received any information on the process behind devising the exam questions. I assume that each person responsible for the course devises his or her own questions. In optional courses this is the easiest method. If an additional element of quality control is desired, then one could require the draft exam to be circulated to a colleague for comments.

3. 2 JUR 5910, Women's Law and Human Rights.

The examination consists of one obligatory question. The question posed fall within the learning outcomes of the course as set out at

<http://www.uio.no/studier/emner/jus/jus/JUS5910/>

The reading lists consists of two printed compendia and treaty/documents collections.

According to the teaching schedule

<http://www.uio.no/studier/emner/jus/jus/JUS5910/v12/undervisningsmateriale/Women5-2.pdf>

there are 11 two-hour sessions. Reading is required for each of these. No questions or problem scenarios are linked to the reading, so it is difficult to know if the teaching sessions are meant as lectures or as seminars, or a combination of both. If the teaching sessions are seminars, I would advise supplementing the required reading with questions and/or problem scenarios to focus the students' attention better. If the sessions are lectures, then the same general remarks I have made above (section 3.1) on the desirability of more seminar teaching are relevant here. Past exams are available at

<http://www.uio.no/studier/emner/jus/jus/JUR5910/oppgaver/index.html>. The exams for this course tend to be formulated in the same way (at least since 2007). A particular treaty obligation under the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is identified and the students are asked to discuss it, giving examples from the CEDAW committee general comments and case law and then to compare/contrast this with national laws/practices.

Basic information is given to students regarding the grading of exams.

<http://www.uio.no/english/studies/about/academic-system/grading-system/>

As regards evaluation of the exam, I would begin with making the obvious point that, with a single question, even one taking up a very general issue such as direct/indirect discrimination it is obviously difficult to cover all, or even several of, the learning outcomes of the course.

The grades were distributed in the following way, 4 As, 6 Bs, 9 Cs, 1 E and 1 F.

The examination is marked anonymously, which strengthens the likelihood that the impartiality requirement is fulfilled. As regards professionalism, I was asked to look at six papers, an A, two Bs, a C and E and an F. I agree with the grading of the C, E and the F paper but on the basis of the exam criteria I would have been less generous with the A and the two Bs. I would have given the "A" a "B" instead, and I would have given Cs instead to the two Bs. The "A" paper was undoubtedly better than the two B papers. One of the two B papers amounted to only 7 pages, the other to 13 pages. This can be compared with the papers with good grades in JUR 5911, International Climate Change and Energy which usually were over 20 pages in length. There was no difference in the time students had at their disposal: both exams lasted four hours. Of course quantity is much less important than quality. However, one has to be outstanding to be able to take up and treat properly all the issues raised by this exam question in the scope of 7 pages. There was, perhaps, "sound judgment" in both "B" papers, but little or no evidence of "a very good degree of independent thinking".

As regards the paper graded "A", there was some degree of independent thinking, evidenced, in particular by the fact that the author problematized rights clashes. But I would not have described it as "an excellent performance, clearly outstanding...excellent judgment and a high degree of independent thinking".

One can ask whether the formulation of the exam for JUR 5910 Women's Law and Human Rights for spring term 2011 allowed the testing of a range of abilities in line with the grading system, or rather contributed to the degree of inflation in grades. The subject of the extent of the positive duty on states under CEDAW to combat violence against women is complicated. As such it is a very appropriate subject for an exam question. However, the exam was easy in the sense that the students were told very clearly what to they had to do. The same can be said

as regards the formulation of all the exams in this course since 2007. Based on the six papers I looked at for the spring term 2011, it seems that, if the students did what was expected of them, i.e. discussed the given concept or obligation, cited the relevant parts of the general comments and one or other cases and mentioned some example from national law or practice, and in the course of doing so displayed even a small amount of independent thinking and analytical ability, then they were quickly up at a “B”. If this is the case, then it obviously has a knock on effect for a student who can give more evidence of independent thinking in his/her answers.

Marking is a subjective process. I would have been a bit less generous in these specific cases, but I do not mean to suggest that the responsible marker was not “impartial” or “professional”. The spread of the grades for this course means that just under 50% received the two higher grades, a less good result compared with the course JUR 5911, International Climate Change and Energy Law, but one, I think, which corresponds with the quality of the students reading the two courses, at least during spring term 2011.

As mentioned before in section 3. 1, I have not received any information on the process behind devising the exam questions. I assume that each person responsible for the course devises his or her own questions. In optional courses this is the easiest method. I would nonetheless recommend that the draft exam in future could be circulated to a colleague for comments.