Course-Report 2011

Transnational Commercial Law A, JUS279-2-A (General Part)

and B, JUS279-2-B (Specific Instruments)

Responsible for the course:

Andreas Fötschl, Head of Unit at the Swiss Institute of Comparative Law, Lausanne

Practical implementation of the course:

Course A (General Part):

The course was held during one week in May 2011, every day (en bloc) from 10.15 to 12.00. This form of teaching 'en bloc' was mainly chosen for practical reasons (external teacher).

The course is an optional subject for **Norwegian** and **international** students (mainly Erasmus students). There were both, Norwegian and international students.

The course was held in the form of five lectures (topics see last page). The course is meant as an introduction to the relevant topics and concentrates on the **main problems**. Students shall be able to understand the principle questions of the subject matter and the purpose and utility of the relevant instruments. They shall be able to investigate further on their own and their curiosity shall be stimulated for transnational sources.

One of the basic conditions for this course is that the students come from **many different jurisdictions** and have **many different mother tongues**. For many of them it is the first confrontation with **legal English** and with transnational and/or foreign legal sources. The course is in my view rather challenging because we also jump a lot from the **transnational** down to **various national levels** and the interconnectors in Private International Law and International Civil Procedure, again on a national and international level. This method shall enable the student to understand the interplay between the different transnational and national sources which is one of the main objectives of this course. This method enables the students also to understand the origins of their own national law and gives them a better understanding for their national law.

Since the course is an **optional subject**, there were no working-meetings next to the lectures. However, to prepare the exams the students are strongly invited in the course to cooperate and to create learning-groups.

The administrative **services** are performed by Nathalie Gaulier.

There were 26 candidates **registered** for the course. 24 candidates registered for the exams. There were 0 % negative results. Distribution: A: 4, B: 11, C: 6, D: 2, E: 1.

The students get the **original texts** of the international instruments. During the lectures we work mainly with these texts and internet-web-pages of international organizations which produce transnational sources. These texts and additional reading material are also found in the file-storage to the course.

The main course literature is the book Good/Kronke/McKendrick/Wool, Transnational Commercial Law, 2007, Oxford University Press. The new volume of the book is currently prepared.

Course B (Specific insruments):

The course was held during one week in May 2011, every day (en bloc) from 14.00 to 16.00.

The course was held in the form of lectures (topics see last page).

13 students registered. 12 went to the exams. Marks: A: 2, B: 7, C: 2. 1 student failed the exam because the candidate answered only one of five questions which might have been a misunderstanding. The question answered was correctly and thoroughly treated by the candidate but still it was not sufficient to pass the exam.

Teacher's evaluation of framework for teaching:

All the lectures took place in Seminarrom 2, room nr. 408. The room is fine although it was repeatedly not easy to get hold of sponge.

Teacher's comments to evaluation by students:

At the occasion of the last lecture, I normally ask the students what they liked and what they did not like. I got a feed-back already then.

There were only two students who responded in the evaluation of the faculty. I wondered why there were only two.

One student made some personal critics without any soundly based reasoning. If a teacher would take serious such anonymous critics of students, he/she would have misunderstood his job.

Another student criticized that the teaching is too short and to compact in one week and that teaching should be expanded. This is a justified critic. I have seen that weaker students have problems, especially with legal English. But still it is an important to be confronted with English before they enter the job market for the first time.

We are currently trying to react to that.

Teacher's total assessment including measures for improvement :

More and more universities start to offer courses in TCL. I am in contact with many teachers (e.g. Mr. Kronke). Unfortunately, I was not able to attend the teachers-meeting because the faculty of Bergen found it not sufficiently natural to finance my participation in that meeting. All together I think this is a subject of growing importance for the students.

We will try to split up the two subjects (TCL A and B) in two different weeks. In doing so, I would have to come two weeks to Bergen. But the students would have more time to digest the knowledge of part A before we start with part B.

Due to a longer lasting job-assignment, I will not be able to offer the course in spring 2012. Instead I could offer fall 2012.

Transnational Commercial Law I and II

University Bergen, May 2011

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(University Bergen and Swiss Institute of Comparative Law, Lausanne, www.isdc.ch)

Course Schedule:

Day	TCL I	TCL II
Mon, 2.5.	Introduction to Commercial Law and Transnational Commercial Law	The UNCITRAL-Convention on the International Sale of Goods (CISG)
Tue 3.5.	Institutions and Instruments in TCL; Harmonization Process	The UNIDROIT Convention on Int. Financial Leasing
Wend 4.5.	International Private Law and International Civil Procedure	The UNCITRAL Model Law on Int. Commercial Arbitration
Thu 5.6.	International Law and Principles	The UNIDROIT Convention on Mobile Equipment (Cape-Town-Convention)
Fri 6.6.	Comparative Law	The Principles on European Contract Law (PECL), the Common Frame of Reference (CFR) and the UNIDROIT Principles on International Commercial Contracts