Teaching and Researching International Law in Vietnam: An Assessment Based on Ho Chi Minh City University of Law's Experience

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September 15, 2020

State of international law in the Vietnamese legal education system

The legal education system in Vietnam is generally oriented towards academic study as graduates do not necessarily become lawyers. Rather the system is oriented to provide the government with a "legally-qualified human resource" (see Resolution 08/NQ-TW issued by the Central Committee of the Vietnamese Communist Party, 2002). Hence, legal education is regarded as a State's concern and strictly managed by the state. This may be considered to be a distinct feature of the Vietnamese legal education system, which is inherited from the Soviet legal education system (Pham Duy Nghia, Do Hai Ha, 2019). The curriculum of law schools was standardized and based on the framework curriculum introduced by the Ministry of Education. Under the framework

curriculum, law subjects are divided into compulsory and elective. The compulsory subjects are targeted at the basic laws, which are an unavoidable component of the legal education in Vietnam. Under the framework curriculum, both public international law and private international law are compulsory subjects. For this reason, law schools are obliged to make these courses available to their students, and students have to take and pass the subjects as a pre-requisite for the successful completion of their legal education.

There are over 70 law schools[i] in Vietnam, including both public and private ones. Due to historical and socio-political reasons, the most established law schools in Vietnam are all public institutions. The two leading law schools in Vietnam are Hanoi Law University (HLU) and Ho Chi Minh City Law University (HCMUL); the latter one was formed on the ground of unification of the southern branch of the former and the law faculty of the Ho Chi Minh City University of Social and Humanitarian Sciences in 1996. These two institutions, together with the Vietnam Diplomatic Academy (DAV) and Law Faculty of Hanoi's Vietnam National University (VNU), play key roles in teaching and researching international law in Vietnam.

The term 'international law' in the curriculum of law schools throughout Vietnam is generally understood as public international law and private international law. The subject 'Public International Law', also called as 'basic of international law', is a general course. At HLU, HCMUL, DAV and VNU, undergraduate students can also take more specialized courses within the ambit of international law, such as the law of treaties, the law of international organization, the law of the sea, aviation law, international law on human rights, international environmental law, diplomatic law, etc. The courses on public international law are taught to second and/or third year law students, who have studied most of the public law subjects, such as constitutional law, theory of state and law, and criminal law. In the course of economic integration, private international law has become an important element of the Vietnamese legal education, and the subjects of private international law and international trade law have been provided in the curriculum of most law schools across the country. Some specialized subjects like international trade dispute settlement, international investment law, international maritime law, law on trade remedies are also taught in some law schools in Hanoi and Ho Chi Minh City.

The abovementioned legal education system has been slightly changed since the introduction by the National Assemblyof the new Higher Education Law in 2018 (Law 34/2018/QH14). Under the new law, law training institutions are entitled to design their own curricula based on their needs (thus they are not required to comply with the framework curriculum anymore). It is observed that most private law faculties started to reduce significantly the time for the teaching of international law, especially public international law.

To date, very few law schools offer post-graduate programs on international law. Only three institutions, including HLU, HCMUL and VNU, offer a specialized Master's program on international law, while only HLU and VNU offer the doctorate program of international law. The PhD candidates at other law training institutions can still conduct research on international law within the PhD programs specializing in economic law or criminal law. As a consequence, the PhD students of those programs must choose research topics related to the respective area of laws to satisfy the requirements of the program.

Challenges in teaching and researching international law

As mentioned above, international law has been considered to be an important subject in the legal education in Vietnam. Along with the process of international integration, society and media seem to appreciate more the role of international law. The paradox, however, is that the teaching and research of international law, especially public international law, is facing increasing challenges.

First, there is the shortage of lecturers who specialized in international law. As mentioned above only three law schools in Vietnam have a specialized division solely devoted to the teaching and research of international law. In most law schools, the lecturers teaching international law are also required to teach other law subjects. The subject of international law is often taught at the introductory level only. This of course hampers the focus of the lecturers on researching international law, and therefore prevent them from strengthening their expertise on the subject matter. Most junior lecturers now also prefer teaching municipal law subjects as they are more attractive for students. As a matter of fact, even a prominent institution like HCMUL also faces a shortage of lecturers of public international law. The number of lecturers of the public

international law division in the international law faculty of HCMUL has been reduced from 10 to 7 in the last 4 years.

Second, with economic integration, international legal issues have been discussed more in society. However, students show more interest in private law areas as they see the working opportunities in private sectors. In HCMUL, around 55% students choose to study at the commercial law faculty and civil law faculty; only about 22% students choose to study at the international law faculty (Report of Academic Affairs Division of HCMUL, 2019). It is quite difficult in engaging students' interest in the subject of public international law, except where the study is compulsory. There might be different reasons for that phenomenon, including the difficulty for students to see the application of public international law in their specific realities and context. They may also find it tough to understand the contents of many legal doctrines originating from Western culture. Most importantly, a large number of law students consider the international law career more difficult and less promising than a career in domestic legal practice.

Third, access to good quality textbooks and materials in international law area is one of the biggest concerns indeed for Vietnamese law schools. Because of the language barriers, lecturers and students in Vietnam usually rely on translated foreign textbooks. A number of these books are also very limited and can only be found in the bookshelves of the libraries. For translated textbooks, there are usually several issues, including the quality of translation (students often encounter difficulties in understanding the context of these translated versions). It is also difficult to access he newer edition of the textbooks. Apart from foreign textbooks, there are several international law textbooks written by Vietnamese academics. However, they mainly deal with general doctrines and concepts of international law, which are not supported by cases and materials. They also have very few references to the practice of developing countries and the practices of Vietnam in international law. Thus, one of the challenges for international law teaching in my view is to develop Vietnamese cases and materials on international law. Actually, there has been substantial research on Vietnamese cases and materials on international trade law in the form of Master's and PhD theses. However, they have not been complied or published as books. Hence, it would be very difficult to attract students in the course when we cannot make them feel they study things related to their country.

Some experiences in promoting international law at HCMUL

The role and significance of international law cannot be denied in the context of current globalization process. Hence, the state of teaching and research of international law at law schools shall depend on the 'demand of the society'. This requires solutions in two respects, namely attracting the interest of students in the subject and improving the quality of teaching.

To increase student interest, my faculty has increased cooperation with law firms and private businesses to engage the private practitioners more in teaching and discussing with students about how knowledge of international law can impact their future careers as lawyers. This could inspire them and explain real-life applications of international law in their daily work. We also try to push students to participate more actively in class discussion by increasing the proportion of grading based on class discussions at the seminars and mid-term assignments. In addition, we also conduct simulations or internal moot court competitions within the class or between the entire cohort. It is observed that the competitive nature of moot court motivates the students to research and study the subject with more enthusiasm. Hence, lecturers must also spend more time to define the areas of interests of local students and design the courses/problems for their discussion. In Ho Chi Minh City students usually express high interest toward international trade and investment law due to the increased international economic activity of the city. It is observed that the top students are determined to apply for law firms with international works. Currently, there are around 20 foreign law firms operating in Vietnam. Local firms YKVN and VILAF are the two largest and highly prominent in Vietnam, with a range of international firms including Allen & Overy, Freshfields Bruckhaus Deringer and Baker McKenzie visible in the legal market. YKVN and VILAF have around 80 lawyers each, while the largest international law firm is Baker & McKenzie, possessing around 50 lawyers. A number of international firms from Australia, Japan, Korea, Hong Kong and Singapore have small teams (around 20-30 lawyers) based either in Hanoi and Ho Chi Minh City to facilitate the cross-border workload. Thus, we have designed and offered a special LLB program focusing on international trade law since 2017. We have mixed international law with international business law; local international lawyers were invited to teach certain courses. This approach proved effective, as students enrolled in the program have been happily studying and researching

international law doctrines as they believe that such knowledge will be helpful for their future careers as international lawyers.

Lack of qualified resources for teaching international law is probably one of the biggest threats for our faculty and other law schools in Vietnam. We are trying to attract qualified lecturers by engaging more in international research and exchange projects. Under the framework of such projects, lecturers could be provided with a greater chance to work with international experts, to travel overseas and present at international conferences. We have step-by-step pushed the lecturers to improve their language skills (especially English) to be able to read online materials. In the last three years, HCMUL has been subsidizing lecturers to study in short-term training courses overseas (such as Singapore, Philippines, Australia). We also give incentives to lecturers by requesting them to take the IELTS/TOEFL test and undertake to achieve certain target marks. The international law lecturers who can teach law in English also can get higher pay. To encourage lecturers to research and publish internationally, we regularly organize conferences and seminars focusing on developing their skills in writing academic papers and provide high reward (up to USD 5,500) for papers published at the Scopus/ISI journals.

The interests toward international law can also be increased when the specialist community increases. One way to promote such community is to develop more forums for academics and practitioners to exchange information. Thus, we have been actively involved in developing some networks, including the Vietnam Society of International Law (VSIL), over the last five years. While it might take time to get a concrete impact from these networks, it is believed that the forum has already provided new windows of opportunity for Vietnamese international legal scholars.

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[i] In Vietnam, legal education can be carried out by a single major law university, law faculty of university, and law research institute for post-graduate level.

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