

Alexander H. E. Morawa, S.J.D.
Professor of Law

Transnational Legal Studies Program

Course Sequence

Spring 2009 – Final List

Civil/Human Rights Workshop

Prof. Alexander H. E. Morawa, S.J.D.
with Peter Coenen, LL.M.
6 ECTS

Few areas of the law are purely domestic any more. The field of civil and human rights is probably the most outstanding example. Not only do the international obligations of states determine, to a considerable extent, the scope and reach of the civil rights guaranteed domestically, but international procedures have become an integral part of the "appeals" process in all matters that affect rights and liberties as well. Students should be aware of these procedures, how they affect and interact with domestic administrative and judicial structures, and how they could be useful to them as legal practitioners.

In this course, we will litigate a (fictitious) human rights case all the way from filing the international complaint to the final judgment or decision of the international court or tribunal. Students will play the various roles of lawyers for the applicants, government agents, and judges/members of the international tribunal(s).

Classes will meet - apart from introductory, mid-semester, and concluding sessions - to conduct conferences, hearings, court deliberations, etc. In between classes, students will have regular team meetings during which strategies are devised and briefs/oral arguments prepared (lawyers' teams), or briefs and arguments studied and decisions/judgments prepared (judges' teams). Students will experience in-depth how international legal standards are applied and interpreted, how lawyers operate in international practice, and how arguments are similar or different depending on the forum. Students will also learn the art of evaluating arguments independently and how the roles of international judges are defined.

Excursion: Participants will also have an opportunity to travel to Strasbourg or Geneva to visit the European Court of Human Rights, the Office of the United Nations High Commissioner for Human Rights, and other international organizations and NGOs.

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Cultural Property in Times of Conflict

Ass.-Prof. Lauren F. Redman, JD, LL.M.
2 ECTS

This course introduces students to the fundamentals of cultural property law as it relates to war. The course will examine looting in three major conflicts: World War II, the Balkan wars, and the Iraq war. Students will examine wartime preservation measures including international legal obligations to preserve cultural heritage during times of war. Relevant treaties will be studied to understand this obligation. In addition, students will learn about post-war restitution efforts, specifically litigation of art restitution cases in domestic courts.

This course is taught as a seminar. The students will learn the importance of cultural property and the right to culture as human right by reading articles and cases and discussing the concepts of cultural property in times of conflict.

European Civil Litigation

Prof. Dr. Stephen Berti
6 ECTS

Taking the revised text of the revised Lugano Convention and the Brussels I Regulation and selected case law as a basis, the participants will be invited to develop an analytical technique for application to practical problems which typically arise in the context of "Euronational" civil litigation.

The course aims at sharpening of awareness of practical problems of civil litigation in an international context.

International Organization

Prof. Mark Wojcik, JD, LL.M.
4 ECTS

This two-part course introduces students to the international law governing international organizations, and to practical aspects of their work.

The first part of the course is part of the curriculum of Stetson University School of Law (Florida) and is open to UNILU students by special agreement.

The course is offered in two parts: Part I involves visits to international organizations in Geneva from Wednesday, March 25 to Thursday, March 27, 2009. The city is home to more than 200 international organizations, including the United Nations, the World Trade Organization, the World Health Organization, the International Committee of the Red Cross, the European Free Trade Association, the International Labour Organization, the International Organization for Migration, and the World Intellectual Property Organization. The group will visit some of these organizations for presentations and discussions of international organizations and their role in the development of international standards and international law.

Part II will be taught in traditional Gastlehrveranstaltung-style later during the Spring 2009 semester.

Introduction to Intellectual Property Law

Prof. Dr. Michael Ritscher
6 ECTS

This class aims at preparing students to resolve practically relevant problems arising under Swiss and international Intellectual Property Law. The method will be a combination of lectures and discussions of presentations prepared by students.

Preconditions: Basic knowledge of Commercial and of Civil Procedure Law; willingness to make a short presentation. Oral examination; limited to 30 students. Languages of instruction are English and German (please contact lecturer for details: Michael.Ritscher@ml-law.ch).

Law of the World Trade Organization

Prof. Dr. Peter van den Bossche
2 ECTS

- course description to follow -

Modern Foreign Relations Law and Diplomacy

Prof. Alexander H. E. Morawa, S.J.D.
with Kyriaki Topidi, Ph.D.
6 ECTS

This course firstly introduces students to the basic concepts of diplomacy and how law (international and domestic) governs the conduct of foreign affairs. It then looks at case studies and current events to examine the practice of diplomacy and foreign relations law today. We will see how and why traditional forms of inter-state relations have changed in recent times and which new actors take part in, and in part dominate "diplomacy" and the formulation of foreign relations in law and practice (international organizations, popular movements, domestic stakeholders, multi-national corporations, etc.). We will also contemplate the question of the "use of force" by governments and nations when pursuing their foreign policy objectives, and how the current climate in international relations has affected the legal standards that govern them.

This course constitutes not only an introduction to the development of the law of diplomatic relations but also proposes a more contemporary and contextualized perspective on the current challenges that this area of domestic and international law faces today. Through the study of this evolution from traditional forms of diplomacy to the current structures of diplomatic action, students will enhance their comparative skills as well as acquire a critical appraisal of the application of the normative framework in this area.

The Quest for Justice: The Transition to a Democratic Society

Prof. Alexander H. E. Morawa, S.J.D.
with Xiaolu Zhang, JD and Tadas Zukas, LL.M.
6 ECTS

This course will be taught in part as a Block Seminar, followed by three meetings throughout the semester to discuss progress on the papers. The block part will take place in a lovely Swiss ski village (two nights' stay, with the opportunity to ski when class does not meet). Costs to students for the stay are estimated at CHF 160-180 [lodging and three meals per day]).

In this course, we will take a closer look at two elements of justice that define, as it were, a democracy:

- (1) transitional justice, which in a new democracy aims at correcting past wrongs while at the same time fostering reconciliation, and
- (2) distributive justice, which aims at securing social equality by striking a fair balance between individual and community rights and entitlements.

We will consider, in particular, which remedies – or tools – a democratic legal system must make available to individuals (and, in turn, decision-makers) to advance justice. In transitional situations, that will be remedies such as criminal prosecutions; the discovery, disclosure, and correction of past abuses (corrective justice), as well as prevention through safeguards against future challenges to the new democracy from within as well as from outside. Distributive, or social, justice will hinge upon the regulatory power of the state on one hand and the strength and efficiency of an individual rights regime on the other.

This course is taught as a seminar and, in part, as a workshop. The students will participate in practical exercises and learn concepts by experience. Each student is also required to conduct an individual project and present it in class

This course is limited to 12 participants (on a first-come first-served basis, including a waiting list). Please pre-register by sending an e-mail to transnational-program@unilu.ch.

Transnational Litigation (Human Rights)

Ass.-Prof. Lauren F. Redman, JD, LL.M. and
Prof. Alexander H. E. Morawa, S.J.D.
6 ECTS

This course introduces students to the fundamentals of transnational litigation in domestic courts. The focus of the course is on individual v. state and human rights litigation. In exploring these concepts, the course will focus on jurisdiction to adjudicate, including subject matter jurisdiction, jurisdiction over parties and issues of immunity; choice of forum and parallel proceedings; choice of law; international judicial assistance, and possibilities and limits of enforcing foreign judgments. The course will address matters that are of interest to lawyers who intend to operate in a modern, international environment where pursuing a client's interests will at least occasionally require a look at litigation strategies that cross jurisdictional lines.

This course is an interactive lecture course and requires student participation throughout. In addition, there is a practical component which is a small moot court exercise by which students can put the concepts they have learned into practice and gain oral advocacy and brief writing experience.