Introduction

Teaching European Union law in New Zealand is incredibly valuable. New Zealand’s relationship with the European Union is growing strongly. Both are Organisation for Economic Co-operation and Development (OECD) countries, and both pride themselves of good governance structures. They share a growing relationship in trade and economics, have a strong normative partnership, have similar development agendas in the Pacific region, and have continued historical and cultural ties. Currently New Zealand and the European Union share thirteen treaties, mostly bilateral, although two are multilateral, registered with the New Zealand Ministry of Foreign Affairs and Trade. New Zealand values its relationship with the European Union. This is illustrated well by the following statement from the New Zealand Ministry of Foreign Affairs and Trade:

“We have a close and wide-ranging relationship with the EU and its member states, based on shared histories, strong personal and trade connections and a like-mindedness on international issues. We share a deep commitment to democracy, the rule of law, respect for human rights, and a sense of international citizenship—our common values see us working together on many global issues including international security, climate change,

† Kia kaha is a Māori phrase meaning ‘stay strong’, used as an affirmation.

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1 Klaus Bosselman and Anna Grear, New Zealand and the EU: Contested Futures: Sustainability, Governance and International Human Rights (Auckland, New Zealand: The Europe Institute, The University of Auckland, 2010), 6.

2 New Zealand Ministry of Foreign Affairs and Trade, “Registered Treaties List - European Union and New Zealand,” August 1, 2016. Examples include Agreement between New Zealand and the European Union Amending the Agreement on Mutual Recognition in Relation to Conformity Assessment between New Zealand and the European Union (B2012/01), the Agreement between New Zealand and the European Community on Certain Aspects of Air Service (B2006/07), or the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (M2010/01).
and development in the Pacific.\textsuperscript{3} European Union law is first and foremost an internal system, which organises the Internal Market.\textsuperscript{4} However, the European Union also has competences in acting on the international scene, in particular, but not exclusively, in the area of international trade and commerce.\textsuperscript{3} These interactions and implications are huge. Indeed, the European Union is both a model for other legal and political systems as well as having indirect influence on them.\textsuperscript{6}

In particular, the European Union has become a model for international regional integration.\textsuperscript{7} The European regional organisation represents a reference point for other regional organisations. For instance, New Zealand and Australia have a cooperation Treaty which, is arguably based on the European Union regional organisation.\textsuperscript{8} Furthermore, the European Union interacts and represents a potential model to the largest regional integration in Asia; the Association of Southeast Asian Nations (ASEAN), which counts ten countries,\textsuperscript{9} and with whom New Zealand is an economic and trade partner since 2012.\textsuperscript{10} In addition, New Zealand is a member of the Asia-Europe Meeting (ASEM), which is an informal process of dialogue and cooperation between the twenty-eight European Union Member States, the European Union as an entity, as well as Norway, Switzerland, twenty-one Asian Countries (including New Zealand) and the ASEAN Secretariat. The ASEM dialogue addresses political, economic and cultural issues, with the objective of strengthening the relationship between the two regions, in a spirit of mutual respect and equal partnership. In this context, the European Union features strongly as a potential model of regional integration, which is studied by many scholars.\textsuperscript{11}

Will ASEAN use the European Union as a model to follow or not? Does ASEM contribute to diffuse European Union values and organisational model?


\textsuperscript{4} Article 1 of the Treaty on European Union provides: “This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.” Article 3(3) of the Treaty on European Union provides: “The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance. It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child. It shall promote economic, social and territorial cohesion, and solidarity among Member States. It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe’s cultural heritage is safeguarded and enhanced.”

\textsuperscript{5} Article 3(5) of the Treaty on European Union provides: “In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.”


\textsuperscript{9} ASEAN Member States include Indonesia, Malaysia, the Philippines, Singapore, Thailand, Vietnam, Cambodia, Laos and Myanmar (Burma), and Brunei.

\textsuperscript{10} This partnership has taken the form of ASEAN Australia New Zealand FTA (AANZFTA).

Does European Union law have an impact on the legal systems within the Asia-Pacific region?\textsuperscript{12}

Against this background, this article reflects on the importance of teaching and learning about European Union law in New Zealand specifically, and by extension in the Asia-Pacific region. In teaching European Union law in New Zealand we consider the following questions: What are the topics that are important or relevant for the New Zealand students in their Asia-Pacific context? What cases are most relevant or specific to New Zealand and the Asia-Pacific region? Do all Universities in New Zealand teach the same topics of European Union law? In terms of teaching methodology, do New Zealand students need to know the internal legal rules of the European Union before applying it outside of European boundaries? Do we need a textbook for Asia-Pacific students studying European Union law which reflects all of the above considerations? This article further explores many questions from the students’ perspective: How to make it relevant to students? Are students mostly interested in the economics and business side of European law? What are students going to do with European Union law? Why are students interested in European Union law, or why should they be? And, in turn, why are they not? What skills and learning do Asia-Pacific students actually need with regards to European Union law? Ultimately the thesis question of this paper is: how do we, as teachers, make European Union law obviously relevant to students studying at university level?

To tackle these questions, the article is organised into three main sections. The first section considers the contextual relationship between the European Union and New Zealand. It provides an historical perspective as well as a cultural overview between assessing the normative environment. Section two provides an account of the motivations and challenges in teaching the law of the European Union in New Zealand. This section centres on the experience of the teachers. In order to understand better the other side of the looking glass, the last section provide an analytical report of learning European Union law in New Zealand. This last section focusses on the students’ experience.

### Section One: Context

Before considering seriously the questions relating to teaching and learning, it is important to contextualise the relationship between New Zealand and the European Union. This section considers in turn the cultural and historical ties between the New Zealand and the EU; the trade relationship and the common interest and experience in regional integration.

### History and Culture

The historical and cultural context is a relatively short but powerful aspect of the New Zealand – European Union relationship. The population of New Zealand is mainly European with around 75% of residents designating themselves as being of European descent, 16% as New Zealand Māori, 8% as Pacific Islanders, 12% as Asian, and 1% as other.\textsuperscript{13} A significant portion of New Zealanders trace their ancestral roots back to Europe, especially via the United Kingdom.\textsuperscript{14}

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\textsuperscript{13} The Treasury, \textit{New Zealand: an overview} 2015, 6.

\textsuperscript{14} Natalia Chaban and Martin Holland, \textit{European Union and the Asia-Pacific: Media, Public and Elite Perceptions of the EU}, 1st ed. (Florence: Taylor and Francis, 2008), 106 fn.10.
official language is English and the head of State in New Zealand is the Queen of England, who is represented in New Zealand by the Governor General.

New Zealand’s relationship with Europe has been integral to the country’s political and social development, dating back to the mid-1600s with the Dutch Abel Tasman expeditions, and the late-1700s when Captain Cook. New Zealand’s strongest connection has been with Britain, which continues to contemporary times. Thus, legal agreements reflect these cultural ties with many focusing on arts and culture, research and development, and education. Even the formal relationship between the European Union and New Zealand, based on the Joint Declaration of 2007 (reviewed in 2012), frames the relations in development policy, education, environment, trade and fisheries, and has proven very successful.

New Zealand’s special relationship with the United Kingdom was marked by preferential trade. Up until about the 1960s, New Zealand was mainly trading with the United Kingdom. By way of example is it worth noting that in 1955, Britain took 65.3% of New Zealand’s exports. However, when the United Kingdom joined the European Economic Community (now the European Union) in 1973, that specific relationship was seriously diminished. As a Member State of the European Union, Great Britain could no longer provide special trade treatment to its former partners. New Zealand lost trade advantage, which resulted in economic hardship. The European Union was demonised in New Zealand because it was seen as the cause of the breakdown of the special economic relationship between the United Kingdom and New Zealand. This meant that the relationship between the European Union and New Zealand did not start very well. Nevertheless, New Zealand continued to trade with the United Kingdom and through the European Union to the other Member States. This trade and economic relationship has gone from strength to strength over the past decade.

The political system and love for democracy between New Zealand the European Union is similar, they are traditional allies, and share corresponding histories of colonisation. The European Union – New Zealand relationship has a strong normative focus – especially with regards to the environment, education, development in the Pacific, and multilateralism – with constant fluctuations in emphasis on prioritisation. New Zealand and Europe share and prioritise many of the same or similar norms, such as democracy, the rule of law, human rights, and multilateralism. Climate change, sustainable development, and promoting peace, stability and prosperity in the Asia-Pacific regions are considered immediate and substantive issues to both New Zealand and the European Union. The “a force for liberalization” norms are often credited to the European Union as having shaped the world economy.

16 Serena Kelly, “Clutching at the Apron Strings? New Zealand’s Relationship with the EU and the Possible Consequences for ASEM,” Asia Europe Journal 8, no. 2 (September 11, 2010): 211.
18 Ibid.
21 Winand, Benvenuti, and Guderzo, The External Relations of the European Union: Historical and Contemporary Perspectives, 102.
economic reforms of the 1980-90’s. Moreover, the European Union has been a source of normative influence as has been illustrated in previous research which established that European Union trade mark laws, for example, has come to New Zealand law via the World Trade Organisation agreement on Trade-Related Aspects of Intellectual Property Rights. Moreover, European trade policy can be linked to broader value export.

The European Union provide a great deal of comparative legal value. In order to understand the New Zealand legal system better, it is important to proceed by comparing it with other organisations of a similar kind. As New Zealand’s legal system is historically based on that of the United Kingdom as well as European influences, having a founding knowledge of the European Union’s legal system is integral to creating constructive analysis of the New Zealand’s legal system. A comparative approach can help to reveal both similarities and differences – the two systems are similar in relation to norms and principles, yet present different legal processes and procedures for achieving said norms and principles. Thus, any student learning about European Union law could be able to do comparative law, applying the Most-Similar-Systems design or Most-Different-Systems design analysis.

**Trade**

Economic, investment and trade relations are the most significant point of interest for New Zealand. The European Union is New Zealand’s third largest trading partner (after Australia and since 2014 China; the United States of America was previously New Zealand’s second trade), accounting for 12.6% of its total trade. New Zealand trade with the European Union is valued at over NZ$19.6 billion for both goods and services for the year to June 2015. As the world’s largest economy, the European Union is described as an “important goods market” for New Zealand, and as a market which, continues to provide a stable demand for high quality products and produces a reliable source of investment. The emphasis in the exchange of goods is reflected in New Zealand’s main goods exports, which include principally sheep meat, followed by wine, fruit, butter and dairy spreads, but also cover the trade of coal and wool. On the flipside, New Zealand is the 54th largest trading partner for the European Union.
accounting for 0.2% of trade in 2012. Moreover, New Zealand’s largest source of goods import is the European Union for cars, aeroplanes, and retail medicine. In addition, the European Union is also New Zealand’s third largest trade in services export, and second-largest for services imports, including a two-way trade in commercial, education, tourism, and transport services.

In terms of investment, European Union – New Zealand relations are also significant. In 2012 the European Union invested NZD$8.8 billion into New Zealand, representing the third larger investor in the country after Australia and the United States of America. During the same year New Zealand invested NZD$2.4 billion in the European Union.

There are numerous bilateral agreements between New Zealand and the European Union which have been negotiated with the objective of facilitating access to each other’s markets and reducing exporters’ costs. Some especially significant examples include agreements on veterinary standards (1999), and mutual recognition of standards and certification (2003). New Zealand and the European Union officials meet annually to consult on trade, agriculture, fisheries and science.

New Zealand and the European Union’s relationships further extents to multilateral agreements. One such multilateral example is the Asia-Europe Meeting which New Zealand joined in 2010. It illustrates the desire for more regularised inter-regionalism and asserts three pillars of cooperation – economic, political and cultural – which is reflective of the current relationship between New Zealand and the European Union. It encompasses an Asia-Europe business forum, a university program for student exchange, a meeting of economic ministers, Asia-Europe Foundational meetings (“vision group”), and an action plan promoting trade and investment.

In the Pacific Region
New Zealand and the European Union are both active actors in the Pacific region. Both have a shared interest in maintaining strong collaborative relationships with the countries of the Pacific. The European Union is the second largest donor in the Pacific region. It is a member of the Pacific Island Forum’s ‘Post-Forum Dialogue’ and participates in the annual European Union-Australia-New Zealand Trilateral Meetings on Pacific issues. New Zealand’s role within the region includes fostering sustainable development, economic growth, regional integration, good governance, democracy and human rights across the Pacific. These norms are shared by the European Union, making it a suitable partner. The European Union ranks as the seventh largest provider of development assistance to the region, and New Zealand coordinates closely to ensure their investments are complementary. The European Union is also New Zealand’s most important partner in the Pacific in the energy sector and they have joint energy projects in Samoa, Kiribati, the Cook Islands and Tuvalu. The Pacific Energy Summit

35 New Zealand Ministry of Foreign Affairs and Trade, “Our Relationship with the EU.”
37 Ibid.
38 Ibid.
41 New Zealand Ministry of Foreign Affairs and Trade, “Our Relationship with the EU.”
co-hosted by the European Union and New Zealand (March 2013, Auckland), attracted $635 million in donor commitments for renewable energy projects in the Pacific.\(^\text{43}\)

The European Union has not only a large geopolitical reach, which extends to the Pacific region but this political ability is reinforced by the European Union’s legally binding capability and its willingness to act as a global actor in areas such as climate change, global biodiversity.\(^\text{44}\) As New Zealand is also committed to the Pacific region due to its geographical location,\(^\text{45}\) it therefore means that both actors in the Pacific region must work together harmoniously. Some understanding of each other and a degree of comparative legal knowledge is necessary to facilitate a successful cooperation with a view to attain similar goals. It is often recommended that one system can learn from the other in creating a more ideal strategy.\(^\text{46}\)

Finally, one common reason for New Zealand to pay attention to the European Union is the model for regional governance that it offers.\(^\text{47}\) New Zealand is firmly based in the Pacific region, which is in a state of political reformation and in search of a viable model of regional integration.\(^\text{48}\) The attraction of the European Union model is important.\(^\text{49}\) Of course the idea of “one-size-fits-all” is unreasonable to presume.

The idea that the European Union institutional and legal model can be transplanted into the Pacific region needs to be taken with great caution. Nevertheless, the European Union and New Zealand as members of the Pacific region can constructively improve each of their systems by considering them in the context of each other.\(^\text{50}\)

### Section Two: Teaching European Union Law: Challenges and Experiences

Having contextualised the significance of European Union law in New Zealand, it becomes evident that teaching European Union law in New Zealand universities is valuable and integral for law and business graduates as well as for other students. New Zealand lecturers have multiple common motivations for teaching European Union law. The study of European Union law is considered a very useful comparative tool in the context of New Zealand law, as it can be used in both Most-Similar System Design and Most-Different System Design formats. The heritage of the New Zealand legal system connects directly but also indirectly with the European system – especially with the British Common Law tradition. Having knowledge of European Union business

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\(^{43}\) New Zealand Ministry of Foreign Affairs and Trade, “Our Relationship with the EU.”


\(^{47}\) Ibid., 28; Young Jong Choi and James Caporaso, “Comparative Regional Integration,” *Handbook of International Relations*, 2002, 480–99.


\(^{49}\) Winand, Benvenuti, and Guderzo, *The External Relations of the European Union: Historical and Contemporary Perspectives*, 98.

\(^{50}\) Soete, “Comparing the Strategies of the European Union and New Zealand under the Convention on Biodiversity,” 123.
law is economically valuable, given the significant trading partnership between the two entities. This will arguably be an especially useful specialisation to have in the coming years as a negotiation over a New Zealand – Europe Free Trade Agreement will require most legal expertise.\textsuperscript{51}

**European Law Education in New Zealand**

There are eight Universities in New Zealand - Auckland University of technology (AUT); Lincoln University; Massey University; University of Auckland; University of Canterbury; University of Otago; University of Waikato and University of Victoria in Wellington and six of them have a Law School or a Law Faculty – School of Law, AUT; Faculty of Law, University of Auckland; Faculty of Law, University of Otago; University of Waikato; Faculty of Law, University of Victoria in Wellington; School of Law, University of Canterbury; Faculty of Law, University of Otago). All but one (AUT) offer, or have offered recently, European Union law courses. The courses on offer in 2015 included the followings: University of Otago ‘Special Topic 6: European Union Law’ LAWS475; Victoria University ‘Special Topic: Fundamentals of European Union Law’ LAWS434/ LAWS534; University of Canterbury ‘European Business Law’ ACCT656/ EURO456, and University of Canterbury ‘European Union Legal Studies’ LAWS355/EURO311. The University of Canterbury furthermore has offered in previous years LAWS388 ‘European Public Law’ and the University of Auckland has in the past offered LAWPUBL 445 – ‘European Union Law’ as well as LAWENVir 718 - European Union Environmental Law and Governance.

<table>
<thead>
<tr>
<th>Courses</th>
<th>University</th>
<th>Level</th>
<th>Students numbers</th>
</tr>
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<tbody>
<tr>
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<td>Undergraduate</td>
<td>Circa 50</td>
</tr>
<tr>
<td>European Public Law</td>
<td>University of Canterbury (Law School)</td>
<td>Undergraduate Postgraduate</td>
<td>Circa 15</td>
</tr>
<tr>
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<td>University of Canterbury (Business school)</td>
<td>Postgraduate</td>
<td>Circa 10</td>
</tr>
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<td>Auckland University (Law)</td>
<td>Undergraduate</td>
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</tr>
<tr>
<td>European environmental law and governance</td>
<td>Auckland University (Law)</td>
<td>Postgraduate</td>
<td>Not known</td>
</tr>
<tr>
<td>Fundamentals of EU law</td>
<td>Victoria University in Wellington (Law)</td>
<td>Undergraduate</td>
<td>Not known</td>
</tr>
<tr>
<td>EU law</td>
<td>Otago University (Law)</td>
<td>Undergraduate</td>
<td>Circa 15</td>
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The table above shows that the University of Canterbury is leading the European Union law courses in terms of both number of classes offered and number of students attending. This is not happening in a vacuum however. The University of Canterbury is host to the National Centre for Research of Europe (NCRE) and the European Union Centre Network (EUCN). The NCRE is New Zealand’s only research centre devoted to the study of Europe and the European Union. It fosters research on the European Union that is regionally relevant, such as European Union development policy in the Pacific, the European Union’s identity in the Asia-Pacific region and the external consequences of European Union enlargement. The NCRE is firmly established as the focal point for the study of Europe in New Zealand, attracting visiting academics from all over the world. The EUCN is a network of seven New Zealand universities that aims to combine the three elements of research, teaching and outreach under a unique thematic umbrella focused on the impact, role and understanding of the European Union within New Zealand and the wider Pacific region. The Network is multidisciplinary in orientation and open to all New Zealand universities with an interest in European Union Studies. The NCRE and the EUCN are both headed by Professor Martin Holland, who is also a very active member of a number of international EU research networks.

Through the NCRE and the EUCN, Professor Holland and his team foster interdisciplinary research and collaboration across institutions and within the University of Canterbury. In addition to the institutional support, there are at least two European Union law experts, who are employed at the University. Thus, critical mass of expertise together with institutional support and scholarly collaboration benefit the development of European Union law course and raises the interest from students for studies linked to Europe in general and European Union law in particular. In this context, it is hardly surprising that European Union law is doing well at the University of Canterbury.

Methodology
This next section aims to offer some insight into the New Zealand teaching experience and challenges. This research is qualitative and based on the answers to a questionnaire sent to tertiary lecturers in European Law in New Zealand Universities. These lecturers were found through the webpage of their respective Universities. As a result, five lecturers were contacted via e-mail and asked a series of questions relating to their motivations for teaching European Union law, the teaching methodologies that they adopted, and the challenges that they encounter in teaching such topic. The questionnaire can be found in Appendix Two. Three lecturers replied and their answers are kept anonymous.

Motivations in Teaching European Union Law
All the European Union courses are optional in New Zealand Universities because they are not part of the compulsory courses for legal qualification. Lecturers had numerous motivations for setting up and subsequently teaching European Union law in New Zealand. The most obvious motivation concerned the strong ties in trade between the European Union and New Zealand. One lecturer explained that it made economic sense for New Zealand students to understand the European Union legal system as Europe is one of the largest trading partners of New Zealand, and the European Union (not the Member States of the European Union) is negotiating significant trade agreements and New Zealand’s negotiating lawyers will need to understand the context from which European lawyers will be coming from.

Lecturers also expected that many students would work in Europe or with European companies under European rules. There were two main reasons
explaining why students in New Zealand were expected to end up working in Europe in the future. First, it is expected that New Zealand Students will at some point work abroad. It is indeed very common for New Zealanders to travel and stay abroad for a substantial period after they have finished their studies. This is commonly referred to in New Zealand as the “OE” (the overseas experience) and it refers to an extended overseas working period or holiday, typically lasting one year or more. It is generally expected that the person returns after a few years armed with the work experience obtained overseas. Such “OE” is seen in New Zealand as an important milestone in one’s career. The majority of New Zealanders do their “OE” in the United Kingdom and specifically in London. Law and Commerce graduates from New Zealand are therefore likely to encounter European Union law in the course of their “OE”. In particular, in order to practice law in the United Kingdom, lawyers are expected to have undertaken European Union law training. Second, large numbers of international students are enrolled in New Zealand Universities. It is therefore likely that many European students studying in New Zealand University either for their degree or for an exchange period will be required to take a course in European Union law before they return to Europe. In addition, other international students might be interested in studying European Union law, which impacts on many international levels. As the world’s largest economy and an important global player, European Union law is attractive for many foreign students. Therefore, offering a course on European Union law is compelling with reference to the global context.

“Interestingly, in my class I have a majority of non-Kiwi students. These students appear to be motivated to study EU law because it is a significant globally meaningful legal system which impacts on other legal systems.”

Many lecturers acknowledged that on a comparative level studying the European Union is interesting because it is not completely different to New Zealand law. The study of European Union law offers comparative experience over similar issues. This means that legal experiences can be transferred (“legal transplant”), or indeed avoided if it is felt that it is considered not to be working or not to be a model. One lecturer illustrated this by explaining,

“NZ has a legal system which is based on a European legal system. It is also a country which has gone through the European colonisation. Historically, New Zealand has strong ties with Europe. Even though there is the tyranny of distances, in reality NZ is culturally closer to Europe than some of its neighbours (Asia-Pacific). That culture includes legal cultures. Hence it is relevant from a general cultural point of view to know about the European legal system.”

Challenges in Teaching European Union Law

The main challenge in teaching European Union law is the lack of motivation that teachers find from the average student. There is a lack of underlying knowledge of students on the relevance of European Union law to New Zealand law, on top of a lack of appreciation for its relevance to New Zealand lawyers. The European Union legal system is novel and extremely complex with multilevel decision making.

52It is believed to have been coined by New Zealand cartoonist and columnist Tom Scott: Jude Wilson, “‘Unpacking’ the OE: An Exploration of the New Zealand ‘Overseas Experience’” (Ph.D., Lincoln University, 2006).

and evolving rules. Furthermore, European Union law is a mix of international and *sui generis* rules. These make it a difficult topic to teach. The complexity of European Union law acts as a repellent to students. As a result, European Union law is not well known or understood, not even by the average European citizen – this means that it is hard to understand, especially for those who have not experienced the way it works. For instance, many European citizens experience their rights to free movement every time they cross borders within the Member States of the European Union.

Understanding the rules to free movement of persons in the European Union is easier to comprehend once one has crossed the border between say, Germany and France without stopping or having to show an identification document. Thus, understanding such rules from New Zealand, which does not even have any borders, can represent a conceptual challenge.

However, the complexity of European Union law provides an opportunity for students to study multiple legal techniques encompassing comparative law, international law, as well as private and/or public law. One of the more important aspects of European Union law which lecturers must make sure students understand is the moving boundaries between the European Union and the Member States. Sometimes the European Union has power, sometimes the Member States do and sometimes both the European Union and the Member States share power. Even when the European Union has power, its ability to legislate or harmonise in the member States is limited to a basic standard which Member States can implement above and beyond the basis. This means that the law of the European Union is made of multiple levels which include the law of the Member States. For example, aiming to provide students with an understanding of the operation of the constitutional law of the European Union and the Member States within it is important for realising that, in the European Union at least, public law can no longer be defined purely along national lines. The existence of the European Union means that national constitutions of the 28 Member States now work within a wider European framework. Studying public law in these countries is therefore a matter of understanding both the domestic systems and the European ones. This is what makes the European Union unique. The *sui generis* approach to Public Law in the European Union means that it does not neatly fall into a single category – so it is appropriate to teach part comparative public law, part international law and part European Union law, in order to give students both a flavour of constitutional systems in the European Union and an introduction into how public decision making operates in the European Union.

It should further be added that European Union law is more than a legal system. Understanding European Union law means that students must also master a level of political sciences. The European Union legal system is a system deeply influenced by politics both at national, European and international levels. Soft policy (not-legally binding law) adopted by institutions of the European Union can sometimes have just as much force as law adopted by the European Union.

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54 The two core functional treaties, the *Treaty on European Union* and the *Treaty on the Functioning of the European Union* lay out how the EU operates, and have been repeatedly amended by other treaties over the 65 years since they were first signed.


European Union law is a legal system influenced by society. As such teachers must be able to teach beyond legal rule, to a form of law and society.

In the same vein, students must come to grips with the fluctuating boundaries between the institutional powers, the so-called “variable geometry”. The traditional division of power between the legislative (The Council and the European Parliament), the executive (the Council and the Commission), and the judicial (the European Court of the Justice of the European Union) are not always strictly respected. The European Union’s Court of Justice for instance established rules which neither the founding fathers of the Treaty nor the Member States had envisaged. The most famous example is the decision of the Court of Justice in the case of Van Gend en Loos, where the Court of Justice of the European Union established the doctrine of direct effect. Such judicial created rules, such as the supremacy of European Union law, or the principle of direct effect, have deeply affected the shape the European Union resulting in a new legal order. In teaching European Union law, one must remain flexible with the legal approach.

Finally, lecturers have also found a lack of access to relevant textbooks and material that are adapted to the Asia-Pacific region. By contrast to the developments in South Korea and Japan, where European Union professors have written textbooks, none has been published in New Zealand. Lecturers in New Zealand rely on existing English language textbooks published in Europe for the benefits of students studying within the European Union. The lack of specific textbook for New Zealand can be explained by three main reasons. First, writing textbooks is not encouraged in the academic system in New Zealand. Scholars are instead Led to publish journal articles. Second, very few students take European Union law courses and therefore publishers might be reluctant to invest into the publication of a new textbook. Finally, the existence of English textbook, especially those which are about providing text and materials, appear to be sufficient if not adequate. Nevertheless, it has been suggested that appropriate teaching materials could be produced in order to be more relevant to the Asia-Pacific region.

Section Three: Learning European Union Law: Challenges and Experiences

Methodology

This last section focuses on the learning experience of the students. In order to understand better the motivation and the challenges of learning European Union in New Zealand, this paper takes a qualitative perspective. This research is based on the answers
to a questionnaire sent to past tertiary students of European Union Law in New Zealand Universities. These students had done a course in EU law in the past but had finished their studies and had already received their marks, some have graduated. The students contacted were obtained through their previous respective lecturers. As a result, 25 students were contacted via e-mail and asked a series of questions relating to their motivations for learning European Union law, the course logistics, and the challenges that they encounter in learning such a topic. Eight students replied. Their responses have been kept anonymous in this article. The questionnaire can be found in Appendix One.

Motivations for Learning European Union Law

Before taking the course students provided numerous reasons for undertaking the signing up to European Union law. Reasons ranged from being interested in Europe or the European Union, to being interested in international law, to broadening their general knowledge. As discussed earlier, New Zealanders see economic value, especially in the agricultural sector, as the dominant reason to pay attention to European Union.

Students felt that it was important to learn European Union business law as the European Union is a major trading partner of New Zealand. Not only that, but the fact that students get an insight into how one of the major economies operate and coordinate with its Member States; an insight other courses fail to provide. It was recognised by many students that the European Union has important political and trade implications for New Zealand. Probably relatively important, at least from a trade perspective and human rights jurisprudence in the European Union is making a mark internationally. In addition, as an example/lesson for other international regional governance arrangements (some of which, New Zealand is involved in) and because of the activity of the European Union in the Pacific.

Many students expressed a desire to broaden their knowledge of both international and regional integration law in preparation for further study. It could complement other courses in European Union studies and political science, but also expand the knowledge of those studying international law. This was both expressed in terms of its relation to globalisation, as well as to New Zealand and the Asia-Pacific region. One student illustrated this point explaining that:

“It is useful for those studying European studies or comparative politics to have a better understanding of how decisions are made in different levels of governance, and what led to those levels of governance being formed, as this could occur regionally (e.g. ASEAN).”

In addition, many students aligned taking European Union law with supporting their career objectives – understanding of European Union law was understood to better enable them to work overseas, in an international organisation, or for the New Zealand government. It was especially attractive for those intending to live and work in Europe.

“When considering the elective courses to complete my law degree, it seemed sensible to include any such courses that might improve my chances of employment in Europe. European Union Law and European Public Law appear to be among the best possible choices in this regard, that the UC law school has to offer. I have been a keen student of European history and the courses offered by the law school provided an opportunity to research in-depth the current operations of Europe which I hoped to compound with my knowledge Europe’s past.”

With many lecturers themselves being European,

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65 Chaban and Holland, European Union and the Asia-Pacific, 109.
and many students being international students, it is important to recognise that providing European Union law to university students goes beyond its applicability to New Zealand. Some students explained that their motivation from taking the course stemmed from the rarity of providing an undergraduate programme that offers material regarding European Union business law. Some students saw the comparative legal value, particularly as it is different from the British legal system, and it is an interesting topic given European Union integration.

There were also other more miscellaneous reasons that students provided for undertaking the courses. Often students end up taking a European Law course “by chance”, or on the advice of a friend or of another lecturer.

**Resources for Learning European Union Law in New Zealand**

European Union law appears to not necessarily require a textbook as such. Countless resources were used by students. In particular, it must be noted that the European Union material are accessible online. The ones that stand out are EUR-Lex, europa.eu, ECLAS, many case texts from the Court of Justice of the European Union, the European Public Law Journal and many other journal articles and texts. Many of the materials were required to be sought out by the students themselves, although (at least at the University of Canterbury), one lecture in each course was dedicated to ensuring that students were familiar with how to research information on the European Union. This proved to be valuable – expanding student research skills beyond frequently used New Zealand (and sometimes other commonwealth) databases. In many cases journal articles and readings were posted on online student forums by the lecturers: “We didn’t need to source them ourselves which made it easier for us to learn as we all have the same material and were on the same page.” When a textbook was available many students did use it, although most used the internet – European Union documents and other resources are easily accessible which was considered to be very useful.

At the University of Canterbury, lecturers in European Union law team up with librarians, who offer at least one hour of training in European Union resource and research at the library. It is an integral part of the European Union law curriculum. At the University of Canterbury, at least one librarian has expertise in the resources of the European Union and is always able to provide training for law students in the area of European Union resources. Given that many of the assessment in the European Union law courses are research based, these sessions are viewed both by the lecturers and the students as a valuable teaching and training time.

**The Challenges of Learning European Union Law in New Zealand**

Many students encountered numerous challenges in learning European Union law in New Zealand. Many had a lack of knowledge about the European Union (and its members and trading laws): “I didn’t think it was important and we’ve never mentioned the European Union or how the impact they have on New Zealand in the accounting programme.” There is a strong focus on New Zealand, Australian, and United Kingdom in New Zealand, so the thinking scope becomes quite narrow. Students taking the course admitted that they considered European Union law to be more important only after taking the course.

Further pragmatic challenges face students when European Union law. As students have to rely on a textbook which is European-centered, it means that hardcopy resources are harder to source. As explained earlier, many used the internet to find news articles and journal articles that were most useful. However, textbooks can often be very broad and the relevance to a New Zealand audience is less clear. Therefore,
many suggested that if a European-centric textbook is to be provided then, certain areas of the book need to be highlighted (specific chapters) to ensure students do not lose interest.

As a final challenge, only a few students admitted that, before taking the course, they saw little applicability of the course to New Zealand law. Students admitted that they thought they would use the course content seldom if at all, especially those who chose to undertake a career in domestic New Zealand law. One student admitted, 

“Unless a student intended to pursue employment in Europe, or in the course of his/her employment the student saw themselves in contact with international organisations or companies, taking a European Union Law paper would appear less beneficial than taking another paper concerning NZ law.”

Post-Learning Relevance of European Union Law for New Zealand Students

Although there is a lack of clear visible relevance of European Union law in New Zealand, in reality, many students who undertook the course have found that they have used the knowledge since – albeit with various degrees. One reported to have used it in recent employment when providing legal advice. While the specifics of the legal question were new to them, the general understanding that they gained from the course was useful. One student explained that the course enabled them to obtain an internship at the European Parliament. Further, as they understood the role of the institutions better and they utilised facilities such as the Ombudsman because they knew they were available and understood how they worked. Another student explained that they recently worked in Switzerland, and despite this not being part of the European Union, there is a lot of European business done there. Thus, having a board understanding of the Union was very valuable to them. They were aspirational in that they appreciated that having a good knowledge base for future business opportunities in the European Union was important.

Some students explained that they used European Union law in a general sense when understanding the relationship between European countries and how this impacts on decision making in international affairs. The world is becoming increasingly global and it is important to have some understanding of European Union law when conducting business internationally. One student explained that their current job involves economic development in the Pacific through the private sector meeting international standards and the course. “I have used the materials that were used in the courses to aid in research with other courses where they would overlap.” This illustrates the use of European Union law to understand the world, and in particular, Europe.

Overall all students have valued the education and skills they have gained through the European Union courses. Students’ perspective on the “usability” and the value of the course changed as they went through the course. They all commented positively on the value of learning European Union law.

Recommendations and Conclusion

How do we as teachers make European Union law obviously relevant to students studying at a university level in New Zealand? The relationship between New Zealand and the European Union is strong and important – from our trade relations to our partnership in the Pacific; it is not hard to see a space for teaching European Union law in New Zealand. Yet, the question of how we improve students’ interest in this topic is vital and difficult. There needs to be a balance between teaching European Union law as something in and of itself (the core content – the laws and processes), and teaching the context for which it is useful to New
Zealand law students. Integrating European Union law with specific Asia-Pacific contextual issues such as climate change, trade or regional integration has to be the way forward.

One recommendation is to produce a New Zealand student textbook or some European Union law teaching materials relevant to New Zealand students. Having resources which emphasise the New Zealand (or even with the broader ambit of Asia-Pacific) context is a current gap. A legal textbook for New Zealand students learning European Union law would be valuable and should highlight the context and relevance of learning it. This would of course include core content, but perhaps illustrate it with a New Zealand themed example. For example, a New Zealand company or government finance agency working in the European Union. Further recommendations are broader. The lack of motivation that lecturers find in their students appears to be linked to a limited foundational knowledge on the European Union, its relationship to New Zealand, and thus influences the attitude a student has towards a course. It is difficult to recommend a way in which this might be mitigated. However, it might be wise to consider providing more elementary level courses, inviting recognised guest lecturers, or undertaking a more flexible and adaptive course model.

Teaching European Union law in New Zealand is incredibly valuable. New Zealand’s relations with the European Union are increasing in importance, and it is vital that European Union law is thus understood by New Zealanders.

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Appendix One: Previous Student Questionnaire

EU law in New Zealand

These are questions we would like for you to answer in relation to the EU law course you have previously undertaken. There are five main questions, four smaller questions, and a space for further comments.

Please answer in as much detail as you can.

If you do not wish to answer a question for whatever reason please indicate accordingly. (i.e. ‘N/A’, ‘intentionally unanswered’, or ‘I do not remember’ etc.)

QUESTION ONE:

What motivated you to take an EU law Course? Why did you take it? What interested you about EU law?
Answer:

QUESTION TWO:
Before taking the course, did you consider EU law to be important for New Zealand students? Why or why not?
Answer:

QUESTION THREE:
After taking the course, did you consider EU law to be important for New Zealand students? Why or why not?
Answer:

QUESTION FOUR:
What resources did you use in the course? Which were the most useful and which were not? Were you able to source them yourself easily or did you rely on the lecturer providing them? (i.e. journal articles, textbook etc.)
Answer:

QUESTION FIVE:
How have you used what you learnt during the course since finishing it (or finishing your degree)?
Answer:

FURTHER QUESTIONS
In what year did you take the EU law course?
Answer:

Which academic institution did you study? (i.e. the University of Canterbury - Christchurch)
Answer:

What was the course title? Or what kind of EU law course was it? (i.e. EU public law, New Zealand and EU law, or EU business law etc.)
Answer:

What degree were you taking? (i.e. LLB, or BA Honours majoring in Political Science etc.)
Answer:

Any further comments:
Answer:

DIVERSITY QUESTIONS (OPTIONAL):
What year were you born?
Answer:

What gender do you identify with?
Answer:

What ethnicity do you identify with?
Answer:

Do you have any disability or health related issue that has affected your education or made access to education difficult?
Answer: (Yes or No)

Thank you!

APPENDIX TWO: LECTURER QUESTIONS
I am currently undertaking research on teaching EU law in New Zealand and I thought you might have some valuable insights.

I wondered if you could answer the following questions:
- Why do you think EU law is relevant for New Zealand students to learn?
- What are the biggest challenges you face when teaching EU law in New Zealand?
- What resources are you relying on when teaching EU law?
- What teaching methodology do you use when teaching EU law to New Zealand students? i.e. Do you have external people help you teach the course? Do you take an interdisciplinary approach? Do you incorporate seminars, tutorials, research projects, or exams?
- What are the core topics that you focus on?

Please feel free to answer these questions in as much detail, or as briefly as you like. If you could also send through a syllabus for your course, that would be incredibly useful as well. Also, if there are materials that you think I might find helpful I would greatly appreciate any suggestions you have.

Ngā mihi nui kia koe,