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Office Hours:

- ⤴ Tuesday, 11.20 -12.50, room 5.07
- ⤴ Wednesday, 11.20-12.50, room 5.07

Diplomatic and Consular Law

- 2023/2024 -

Field of study: International Relations

Speciality: Economic Diplomacy

Course type: Compulsory Course

Lectures:

1. Diplomacy: Definitions, Evolution, Forms and Characteristics.
2. Relations Between Diplomacy and Foreign Policy.
3. Diplomatic and Consular Law: Definition, Sources and Characteristics.
4. Diplomatic and Consular Relations: Definitions, Functions and Relevance.
5. Recognition of States as an Instrument of Foreign Policy.
6. The Concept of the International Legal Personality.
7. Responsibility of States in International Law.
8. Representatives of States in International Relations.
9. State Immunity
10. Diplomatic Immunity.
11. Right of Legation and its Subjects.
12. Diplomacy without Diplomatic Relations.
13. The Future of Diplomacy.

Lecture-Based Classes:

I. Head of State and Ministry of Foreign Affairs

1. Head of State: Basics Concepts and Problems.
2. International Functions, Attributes, and Powers of Head of State.
3. International Accountability of Heads of State.
4. International Immunities and Privileges of Heads of State.
5. Immunity of a Former Head of State.
6. Origins and Growth of the Ministry of Foreign Affairs.
7. Main Functions of the Ministry of Foreign Affairs:
 - ⤴ Policy-making and Implementation
 - ⤴ Coordination of Foreign Relations
 - ⤴ Dealing with Foreign Diplomats at Home
 - ⤴ Staffing and Supporting Missions Abroad
 - ⤴ Building Support at Home.
 - ⤴ Ministerial Diplomacy Abroad

Literature:

- ⤴ A. Watts, *Heads of State*, “Max Plank Encyclopedia of Public International Law”, Oxford Public International Law.

- ⤴ G.R. Berridge, *Diplomacy. Theory and Practice*, London 2010, pp. 5-21.
- ⤴ J.R. Leguey-Feilleux, *The Dynamics of Diplomacy*, Boulder-London 2009, pp. 316-323.
- ⤴ J. Bröhmer, *Immunity of a Former Head of State General Pinochet and the House of Lords: Part Three*, "Leiden Journal of International Law", 2000 vol. 13 no. 1, pp. 229-237.

II-III. Diplomatic Mission (part 1): Establishment, Staff and Functions of the Resident Mission

1. Origin and Characteristics of the Diplomatic Mission.
2. Establishment of the Diplomatic Mission.
3. Offices Away from the Seat of the Mission.
4. Appointment of the Head of Mission.
5. Multiple Accreditation.
6. Classes of Heads of Mission.
7. Commencement of Functions and Precedence of Heads of Mission.
8. Appointment of the Staff of Mission.
9. Notification of Staff Appointments and Movements.
10. Nationality of Diplomatic Staff.
11. Size of the Diplomatic Mission.
12. Duties of the Mission Towards the Receiving State.
13. Functions of the Diplomatic Mission.
14. Professional and Commercial Activity of the Diplomat.
15. *Persona Non Grata*.
16. End of Diplomatic Functions.

Literature:

- ⤴ E. Denza, *Diplomatic Law. Commentary on the Vienna Convention on Diplomatic Relations*, Oxford 2012, pp. 16-124, 473-480.
- ⤴ *Vienna Convention on Diplomatic Relations, Signed at Vienna, April 18, 1961.*

IV. Diplomatic Mission (part 2): Diplomatic Immunities and Privileges

1. Flag and Emblem of the Sending State.
2. Assistance in Obtaining Accommodation.
3. Inviolability of the Mission Premises.
4. Exemption of Mission Premises from Taxation.
5. Inviolability of the Archives.
6. Facilities for the Mission.
7. Freedom of Movement.
8. Freedom of Communication.
9. Inviolability of Official Correspondence.
10. The Diplomatic Bag.
11. Diplomatic Couriers.
12. Exemption of Official Fees from Taxation.
13. Personal Inviolability.
14. Inviolability of Residence and Property.
15. Immunity from Jurisdiction.
16. Exemption from Giving Evidence.
17. Immunity from Jurisdiction.
18. Jurisdiction of the Sending State and Other Remedies.

19. Waiver of Immunity.
20. Exemption from Social Security Provisions.
21. Exemption from Taxation.
22. Exemption from Personal Services.
23. Exemption from Custom Duties and Inspection.
24. Members of the Family of a Diplomatic Agent.
25. Junior Staff of the Mission and Private Servants.
26. Nationals and Permanent Residents of the Receiving State.
27. Commencement of Privileges and Immunities.
28. Termination of Privileges and Immunities.
29. Property of the Deceased Member of Mission.
30. Duties of Third States.
31. Breach of Relations and Protection of Interests.
32. Facilities for Departure.
33. Non-Discrimination and Reciprocity.

Literature:

- ♣ E. Denza, *Diplomatic Law. Commentary on the Vienna Convention on Diplomatic Relations*, Oxford 2012, pp.125-472, 481-502.
- ♣ *Vienna Convention on Diplomatic Relations, April 18, 1961.*

V. Special Mission

1. Origins and Characteristics.
2. Variety of the Special Missions.
3. Appointment of the Members of the Special Mission.
4. Composition of the Special Mission.
5. Nationality of the Members of the Special Mission.
6. Sending of a Special Mission.
7. Commencement of the Functions of a Special Mission.
8. Functions of a Special Mission.
9. End of the Functions of the Special Mission.
10. Rules Concerning Precedence of the Special Missions.
11. Privileges and Immunities of the Special Mission.
12. Status of the Head of State and Persons of the High Rank.
13. Duties of Third States.
14. Advantages and Relevance of the Special Mission.

Literature:

- ♣ G.R. Berridge, *Diplomacy. Theory and Practice*, London 2010, pp. 223-234.
- ♣ *Convention on Special Missions, December 8, 1969.*

VI. International Organization Diplomacy, Conferences and Summits

1. Multilateral Dimension of Diplomacy.
2. Functions of International Organization Diplomacy.
3. Institutional Structure of International Organization Diplomacy.
4. Procedures of International Organization Diplomacy.
5. Channels of Diplomatic Activity.
6. Diplomatic Role of the International Organization Bureaucracy.
7. Peacekeeping Diplomacy.
8. Conference Diplomacy: Origins and Characteristics.
9. Procedure of the Conference.

10. Serial Summits.
11. Advantages, Disadvantages and Relevance of the Multilateral Diplomacy.

Literature:

- ♣ J.R. Leguey-Feilleux, *The Dynamics of Diplomacy*, Boulder-London 2009, pp. 217-237.
- ♣ G.R. Berridge, *Diplomacy. Theory and Practice*, London 2010, pp. 223-234.

VII. Consular Post (part 1): Establishment, Staff, Privileges and Immunities of the Consular Post

1. Origin and Characteristics of the Consular Post.
2. Classifications of the Consular Posts.
3. Establishment of a Consular Post.
4. Consular District.
5. Members of the Consular Post.
6. Classes of Heads of Consular Posts.
7. Appointment and Admission of Heads of Consular Posts.
8. Precedence as Between Heads of Consular Posts.
9. Appointment of Members of Consular Staff.
10. Size of the Consular Staff.
11. Nationality of Consular Staff.
12. Privileges and Immunities Relating to a Consular Post.
13. Privileges and Immunities Relating to Members of the Consular Post.
14. Regime Relating to the Honorary Consular Officers.

Literature:

- ♣ L.T. Lee, J. Quigley, *Consular Law and Practice*, Oxford 2008, pp. 26-103.
- ♣ *Vienna Convention on Consular Relations, April 24, 1963.*

VIII. Consular Post (part 2): Main Consular Functions

1. Exercise of Consular Functions: General Provisions.
2. Protections of Nationals.
3. Nationals Charged with Criminal offences.
4. Passport and Visa.
5. Notarial and Registration Services.
6. Marriage and Divorce.
7. Informational, Cultural, Scientific, and Tourist Functions.
8. Shipping and Aviation.
9. Promotion and Protection of Trade.
10. Performance of Diplomatic Acts by Consular Officers.

Literature:

- ♣ L.T. Lee, J. Quigley, *Consular Law and Practice*, Oxford 2008, pp. 107-185, 210-257, 288-338.
- ♣ *Vienna Convention on Consular Relations, April 24, 1963.*