

**Yaroslav Mudryi National Law University**

**Department of International Law**

**S Y L L A B U S**

**of the academic discipline**

**«Diplomatic and consular law /**

**Дипломатичне і консульське право»**

**The level of higher education** is the second (master's) level

**The degree of higher education** is a master 's degree

**Field of knowledge** - 08 "Law"

**Specialty** - 081 "Law"

**The status of the academic discipline** - at the student's choice

**Recruitment year** - 2021

Kharkiv - 2021

**Syllabus of the academic discipline** «Diplomatic and consular law / Дипломатичне і консульське право» for students of the second (master's) level of higher education in the field of knowledge 08 "Law" specialty 081 "Law". Kharkiv: Yaroslav Mudryi National Law University, 2021. 14 p.

Developer:

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Approved at the meeting of the Department of International Law  
(protocol No. 10 dated May 31, 2021)  
updated (protocol no 11 of June 27, 2022)

*The head of the department* is Steshenko Volodymyr Mykolayovych,  
candidate of legal sciences, professor

### Data about the teacher

<b>The name of the academic discipline</b>	Diplomatic and consular law / Diplomatic and consular right
<b>Status of the academic discipline</b>	At the student's choice
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<b>Consultations</b>	in accordance with the developed schedule of individual consultations

### *Abstract of the academic discipline*

The essence of diplomatic and consular law, understanding of its basic categories is revealed. The concept, types and legal nature of the state's foreign relations bodies are analyzed. The procedure for opening diplomatic missions and consular institutions is outlined. The peculiarities of diplomatic and consular privileges and immunities are considered, as well as the concepts of diplomatic protocol, etiquette and ceremonial are analyzed.

### *The purpose and tasks of the educational discipline*

**The purpose of the academic discipline** is to form a system of scientific knowledge about the international legal regulation of the order of formation and activity of diplomatic missions and consular institutions, their privileges and immunities, the study of domestic and foreign approaches to understanding the content of the law of external relations, the development of basic skills and abilities in the use of privileges and immunities by representatives diplomatic missions and consular institutions, intensification of students' analytical activities, conducting scientific research work, as well as practical skills of a lawyer.

**Task :**

- formation of a system of theoretical knowledge about diplomatic and consular law, its content;
- mastering the basic categories of diplomatic and consular law;
- definition of current problems of diplomatic and consular law, directions of modern scientific research in these sub-branches of international law;
- analysis and research of applied problems of the procedure for granting privileges and immunities to personnel of diplomatic missions and consular institutions;
- characterization of types of external communication bodies, analysis of their structure and powers;
- development of skills and abilities to apply the provisions of international treaties in the field of diplomatic and consular law in practical activities.

***Educational discipline in the structure of the educational and professional program. Interdisciplinary connections***

*Prerequisites:* " International law".

*Requirements:* " International law of treaties / Law of international treaties", " Law of international organizations / Law of international organizations", " Universal and regional systems of human rights protection / Universal and regional systems for the protection of human rights".

***Expected learning outcomes of a student of higher education***

As a result of mastering the academic discipline, the student of higher education must demonstrate the following learning outcomes:

RN ND 1 . Analyze the nature and content of diplomatic and consular law.

RN ND 2. Correlate the concepts of diplomacy, foreign policy and international law.

RN ND 3. Discuss complex legal issues that arise during diplomatic and consular service.

RN ND 4. Reasonably formulate one's legal position regarding the person's compliance with the criteria put forward for holding the post of head of a diplomatic mission.

RN ND 5. To carry out a comparative legal analysis of the powers of domestic and foreign bodies of external relations of the state.

RN ND 6. Integrate knowledge about the essence of diplomatic and privileges and immunities, their purpose in international law.

RN ND 7. Analyze the activities, powers and composition of diplomatic missions and consular institutions.

RN ND 8. Demonstrate the skills of performing consular functions within the norms of international and national law.

RN ND 9. Describe the immunities and privileges of the consular institution and personal privileges and immunities.

RN ND 10. Demonstrate knowledge and understanding of the problem of distinguishing the privileges and immunities of diplomatic missions, consular institutions and their staff.

RN ND 11. Characterize the composition and functions of special missions.

RN ND 12. Analyze the activities of permanent representative offices and permanent missions of observers at international organizations.

**Types of educational activities and independent work  
for students of full-time higher education**

No	Lecture classes (contact)		Individual work (in hours)
	Topics of lectures	Topics of practical classes	
1	Diplomacy, international law and the law of foreign relations.	Diplomacy, international law and the law of foreign relations.	8
2	The system of bodies of external relations of the state.	The system of bodies of external relations of the state.	8
3	Establishment of diplomatic relations.	Establishment of diplomatic relations.	8
4	Personal privileges and immunities of diplomatic	Personal privileges and immunities of diplomatic	8

	mission personnel.	mission personnel.	
5	Privileges and immunities of a diplomatic mission as a state body.	Privileges and immunities of a diplomatic mission as a state body.	8
6	Establishment of consular relations	Establishment of consular relations	8
7	Consular privileges and immunities	Consular privileges and immunities	8
8	Special missions.	Special missions.	8
9	Diplomatic law of international organizations	Diplomatic law of international organizations	8
10	Diplomatic protocol and etiquette.	Diplomatic protocol and etiquette.	8

**Types of educational activities and independent work  
for students of higher education in the correspondence form of education**

No	Topics lectures	Topics practical classes	Individual work (in hours)
1	Diplomacy, international law and the law of foreign relations.	Diplomacy, international law and the law of foreign relations.	110
2	Establishment of diplomatic relations.	Establishment of diplomatic relations.	
3	Establishment of consular relations	—	

**Independent work of students**

Independent work of students is carried out in the following forms:

- preparation of an individual final written work;
- development of new scientific and educational literature, acts of international organizations;
- work on cases related to the activities of diplomatic missions and consular institutions;
- performance of practical tasks, self-testing ;
- preparing a presentation or writing an essay;
- preparation of reports abstracts for scientific and practical conferences;
- participation in competitions of student scientific works;
- preparation for practical classes, colloquiums and testing.

Tasks and methodical recommendations for independent work are given in

Methodical materials for the educational discipline " Diplomatic and consular law / Diplomatic and consular law" for students of the second (master's) level of higher education in the field of knowledge 08 "Law" specialty 081 "Law.

**Educational, methodical and information support  
academic discipline**

*Normative and legal acts*

- 1) Vienna Convention on Diplomatic Relations dated April 18, 1961. URL : [https://zakon.rada.gov.ua/laws/show/995\\_048#Text](https://zakon.rada.gov.ua/laws/show/995_048#Text)
- 2) Vienna Convention on Consular Communications dated April 24, 1963. URL : [https://zakon.rada.gov.ua/laws/show/995\\_047#Text](https://zakon.rada.gov.ua/laws/show/995_047#Text)
- 3) Vienna Convention on Special Missions dated December 8, 1969. URL : [https://zakon.rada.gov.ua/laws/show/995\\_092#Text](https://zakon.rada.gov.ua/laws/show/995_092#Text)
- 4) Convention on Privileges and Immunities of the United Nations dated February 13, 1946. URL : [https://zakon.rada.gov.ua/laws/show/995\\_150#Text](https://zakon.rada.gov.ua/laws/show/995_150#Text)
- 5) Convention on the Privileges and Immunities of Specialized UN Agencies dated November 21, 1947 URL : [https://zakon.rada.gov.ua/laws/show/995\\_170#Text](https://zakon.rada.gov.ua/laws/show/995_170#Text)
- 6) The Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Nature dated March 14, 1975. URL : [https://zakon.rada.gov.ua/laws/show/995\\_254#Text](https://zakon.rada.gov.ua/laws/show/995_254#Text)
- 7) Convention on the Prevention and Punishment of Crimes against Persons Enjoying International Protection, including Diplomatic Agents dated 14.12.1973. URL : [https://zakon.rada.gov.ua/laws/show/995\\_389#Text](https://zakon.rada.gov.ua/laws/show/995_389#Text)
- 8) The Constitution of Ukraine dated June 28, 1996. URL : <https://zakon.rada.gov.ua/laws/show/254к/96-вп#Text>
- 9) On the diplomatic service : Law of Ukraine dated June 7, 2018 No. 2449- V III. URL : <https://zakon.rada.gov.ua/laws/show/2449-19#top>

10) On the principles of domestic and foreign policy: Law of Ukraine dated July 1, 2010 No. 2411-VI. URL : <https://zakon.rada.gov.ua/laws/show/2411-17#Text>

11) Regulations on the Ministry of Foreign Affairs of Ukraine: approved. Resolution No. 281 of the Cabinet of Ministers of Ukraine dated March 30, 2016. URL : <https://zakon.rada.gov.ua/laws/show/281-2016-п#Text>

12) Regulations on foreign diplomatic institutions of Ukraine: approved. By Decree of the President of Ukraine dated March 15, 2021 No. 99/2021. URL : <https://zakon.rada.gov.ua/laws/show/99/2021#Text>

13) Regulations on diplomatic missions and consular institutions of foreign countries in Ukraine: approved. By Decree of the President of Ukraine dated June 10, 1993 No. 198/93. URL : <https://zakon.rada.gov.ua/laws/show/198/93#Text>

14) Consular statute of Ukraine: signed. By Decree of the President of Ukraine dated April 2, 1994 No. 127/94. URL : <https://zakon.rada.gov.ua/laws/show/127/94#Text>

#### *Basic literature*

Byrkovich T.I. Development of the diplomatic service of Ukraine in the system of international relations: monograph. Donetsk: Yugo-Vostok, Ltd. , 2008. 250 c.

Grinenko O.O. Legal status of the consul when performing notarial functions. Kyiv: KNT, 2005. 352 p.

Humenyuk B. I. Diplomatic service: legal regulation: education. manual Kyiv: Lybid, 2007. 224 p.

Humeniuk B.I. Basics of diplomatic and consular service: education. manual Kyiv: Lybid, 1998. 248 p.

Humeniuk B.I., Shcherba V.I. Modern diplomatic service: education. manual Kyiv: Lybid, 2001. 235 p.

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Marushchak M.Y. History of diplomatic relations in the 20th century. Vinnytsia: New Book, 2008. 365 p.

Nicolson G. Diplomacy / trans. with English Moscow: International Relations, 2000. 210 p.

Popov V.I. Modern diplomacy: theory and practice. Diplomacy is a science and an art. Diplomat. Acad. Ministry of Foreign Affairs of Russia. 2nd ed., add. Moscow: International Relations, 2003. 574 p.

Repetsky V.M. Diplomatic and consular law: textbook. Lviv: Byblos , 2002. 352 p.

Rudenko H.M. Basics of consular communication: to the 15th anniversary of the establishment of the State Security Service. General. Foreign Service Directorate . representative offices Kyiv: GDIP, 2006. 423 p.

Sahaydak O.P. Diplomatic representation: organization and forms of work: education. manual 2nd ed., revision. and additional Kyiv: Znannia, 2006. 380 p.

Sahaydak O.P. Embassy and consulate: organization and forms of work: education. manual Kyiv: Znannia, 2014. 317 p.

Sahaydak O.P., Sardachuk P.D. Diplomatic representation: organization and forms of work: education. manual 2nd edition Kyiv: Knowledge. 2008. 295 p.

Sandrovsky K.K. Special diplomatic missions. International legal issues. Kyiv: Higher School, 1977. 144 p.

Sivash O.M. The origin of the consular institute (Ancient times). *Legal scientific electronic journal*. 2020. No. 7. P. 418–420.

Sivash O.M. International legal regulation of the inviolability of the premises of diplomatic missions. *Scientific Bulletin of the Uzhhorod National University. "Law" series*. 2019. No. 59. P. 215-219 .

S.A. Fedchyshyn Diplomatic representation of Ukraine abroad: modern problems of organization and legal support: monograph. Kharkiv: FINN, 2011. 264 p.

Feltham R. J. Diplomat's Desk Book: trans. with English 4th ed. Minsk: Novoe znanie, 2004. 298 p.

*Additional literature*

Abbakumova D. V. Diplomatic law and the European Union: main challenges. *Legal scientific electronic journal* . 2022. No 7. C. \_ 451–454. URL : [http://lsey.org.ua/7\\_2022/109.pdf](http://lsey.org.ua/7_2022/109.pdf)

Abbakumova D. V. Peculiarities of diplomatic law of international organizations. *Legal scientific electronic journal* . 2022. No. 8.

Diplomatic Law. Commentary on the Vienna Convention on Diplomatic Relations / Professor Eileen Denza . 3rd<sup>ed.</sup>., 2008. 578 p.

Diplomatic Law. Commentary on the Vienna Convention on Diplomatic Relations / Professor Eileen Denza . 4<sup>th</sup> ed., 2016. 472 p.

Charles Chatterjee. International Law and Diplomacy. London: Routledge, 2013. 440 p.

Kenneth K. Mwenda. Public International Law and the Regulation of Diplomatic Immunity in the Fight Against Corruption. PULP, 2011. 218 p.

Diplomatic Protection / Chittharanjan F. Amerasinghe. Oxford Monographs in International Law, 2008. 378 p.

Barker, J. Craig. The protection of diplomatic personnel. Ashgate Pub Co, 2006. 180 p.

Baumann , Carol Edler . The Diplomatic Kidnappings: A Revolutionary Tactic of Urban Terrorism. Netherlands: Springer, 1973. 182 p.

Feltham , Ralph George. Diplomatic handbook. 2005.

Jan Wouters and Sanderijn Duquet . The EU and International Diplomatic Law: New Horizons? *The Hague Journal of Diplomacy* . 2012. Vol. 7, Iss. 1. P. 31–49.

URL:

<http://booksandjournals.brillonline.com/content/journals/10.1163/187119112x609185>

Ruxandra Laura Boșilcă . The European Union – A 'Sui Generis' International Diplomatic Actor: Challenges Posed to the International Diplomatic Law. *Romanian*

*Journal of European Affairs* . Vol. 14, No. 1, March 2014. URL:  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2406850](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2406850)

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[http://cadmus.eui.eu/bitstream/handle/1814/14354/LAW\\_2010\\_11.pdf?sequence=1&isAllowed=y](http://cadmus.eui.eu/bitstream/handle/1814/14354/LAW_2010_11.pdf?sequence=1&isAllowed=y)

Christine M. Nelson. "Opening " Pandora's Box: The Status of the Diplomatic Bag in International Relations. *Fordham International Law Journal* . 1988. Vol. 12, Iss. 3. URL:  
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Diplomatic Protocol / Manual. 2015. URL: <http://www.eadsociety.com/wp-content/uploads/2015/02/9.-Diplomatic-Protocol-Manual.pdf>

Protocol for the Modern Diplomat / Foreign Service Institute. US Department of the State. URL : <http://www.state.gov/documents/organization/176174.pdf>

#### *Internet resources*

The UN website is <https://www.un.org>

Representation of the UN in Ukraine - <http://www.un.org.ua/ua/>

The website of the Council of Europe is <https://www.coe.int>

Office of the Council of Europe in Ukraine - <https://www.coe.int/uk/web/kyiv>

The OSCE website is <https://www.osce.org>

OSCE Special Monitoring Mission to Ukraine - <https://www.osce.org/uk/special-monitoring-mission-to-ukraine>

OSCE Project Coordinator in Ukraine - <https://www.osce.org/uk/project-coordinator-in-ukraine>

The NATO website is <https://www.nato.int>

NATO Representation in Ukraine -

<https://www.nato.int/cps/uk/natohq/172885.htm>

The EU website is <https://eeas.europa.eu>

Representation of the EU in Ukraine -

[https://eeas.europa.eu/delegations/ukraine\\_uk](https://eeas.europa.eu/delegations/ukraine_uk)

### *SENMK*

Standardized electronic educational and methodological complex of the Department of International Law. URL:

[http://library.nlu.edu.ua/index.php?option=com\\_k2&view=itemlist&task=category&id=217:kafedra-mizhnarodnoho-prava&Itemid=151](http://library.nlu.edu.ua/index.php?option=com_k2&view=itemlist&task=category&id=217:kafedra-mizhnarodnoho-prava&Itemid=151)

### **Requirements of the teacher**

Those seeking higher education *must* : regularly attend lectures and practical classes; systematically and actively work on them; convincingly present arguments when solving tasks; qualitatively perform written tasks, control and independent work, etc. Practical classes missed for valid reasons can be made up after prior agreement with the teacher.

Applicants of higher education *are recommended* to: participate in scientific conferences, competitions of scientific works, the work of the scientific circle of the department, prepare theses of scientific reports, etc.

*A mandatory requirement* is that students of higher education comply with the norms of **the** " Code of Academic Ethics of the National Law University named after Yaroslav the Wise" ( [https://nlu.edu.ua/wp-content/uploads/2020/02/kodeks\\_academichnoyi\\_etyky.pdf](https://nlu.edu.ua/wp-content/uploads/2020/02/kodeks_academichnoyi_etyky.pdf) ).

During classroom classes, it is allowed to use gadgets only for educational purposes (for example, to view lecture presentations). It is allowed to use laptops and tablets for keeping lecture notes and tracking the necessary information.

### **Control measures**

Evaluation of the results of mastering the academic discipline " Diplomatic and consular law / Diplomatic and consular law" provides for current and final control and is carried out on the basis of a cumulative point-rating system.

*Current* knowledge control includes:

- quality control of the students' assimilation of the program material of the educational discipline in practical classes using the following tools: oral/written survey, express survey, solving practical tasks, participation in the development of a case, preparation of a presentation, essay, essay, etc. The current control is aimed at checking the level of the student's preparation in studying the material. In the course of the practical session, the student can receive an assessment on a four-point scale (0, 3, 4, 5);

- quality control of the students' assimilation of the program material of the educational discipline, which is conducted at the end of the modules in the form of colloquiums.

The mandatory form of independent work of students is the preparation of an individual final written work. The maximum number of points based on the results of the defense of an individual final written work is 20 points.

The form of *final control of the* knowledge of higher education students in an academic discipline is a differentiated assessment. The minimum number of points to receive a differentiated credit is 60.

*Scale of final pedagogical control :*

Rating according to the ECTS scale	Definition	Rating on a national scale for credit	Rating on a 100-point scale used at NYU
<b>AND</b>	<b>Excellent</b> - Excellent execution, with only a small number of errors	counted	90 - 100
<b>IN</b>	<b>Very good</b> - above average with a few errors		80-89
<b>WITH</b>	<b>Good</b> - generally correct work with a number of minor errors		75-79
<b>D</b>	<b>Satisfactory</b> - not bad, but with a significant number of shortcomings		70-74
<b>IS</b>	<b>Sufficient</b> – performance meets minimum criteria		60-69
<b>FX</b>	<b>Unsatisfactory</b> - work needs to be done before rewriting	not counted	35-59
<b>F</b>	<b>Unsatisfactory</b> - serious further work is required, a mandatory repeat course		0 - 34