

**Yaroslav Mudryi National Law University**

**Department of International Law**

**WORKING PROGRAM**  
**of the academic discipline**  
**«Diplomatic and consular law /**  
**Дипломатичне і консульське право»**

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

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

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

**Specialty** - 081 "Law"

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

**The recruitment year** is 2021

Kharkiv 2021

**Working program 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".  
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Developer:

Daryna Vyacheslavivna Abbakumova,  
candidate of legal sciences, associate professor

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***Head of Department*** - Volodymyr Mykolayovych Steshenko,  
candidate of legal sciences, professor

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### 1. Description of the academic discipline

The working program of the educational discipline " " Diplomatic and consular law / Diplomatic and Consular Law" was developed in accordance with the educational and professional program "Law" of the second (master's) level of higher education, field of knowledge 08 "Law", specialty 081 "Law".

Name of indicators	Field of knowledge, specialty, level of education	Didactic structure of the educational discipline	
		full-time education	external form of education
The number of ECTS credits is 4.0	Field of knowledge - 08 "Law"	At the student's choice	At the student's choice
The number of modules is 2	Specialty - 081 "Law"	Year of training: 2021–2022	Year of training: 2021–2022
		semester	semester
The total number of hours is 120		1–2	1–2
	Level of education - second (master's)	<b>Lectures</b>	<b>Lectures</b>
		20 hours	6 hours
		<b>Practical / seminar classes</b>	<b>Practical / seminar classes</b>
		8 p.m.	4 hours
		<b>Individual work</b>	<b>Individual work</b>
		80 hours	110 hours
		Types of control: current control; final control of knowledge (credit)	Types of control: current control; final control of knowledge (credit)
Weekly hours for full-time education: classrooms – 2–4, independent work of the student - 6–8.			

**Goal educational discipline** - formation of a system of scientific knowledge about the international legal regulation of the procedure for the formation and operation 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 communications, the development of basic skills and abilities in the use of privileges and immunities by representatives of diplomatic missions representative offices and consular institutions, activation 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.

***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".

## ***2. Expected learning outcomes***

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

RN-1.	Analyze the nature and content of diplomatic and consular law.
PH 2.	Correlate the concepts of diplomacy, foreign policy and international law.
PH-3.	Discuss complex legal issues arising during diplomatic and consular service.
PH-4	Reasonably formulate your legal position regarding the person's compliance with the criteria put forward for holding the post of head of a diplomatic mission.
PH-5	Carry out a comparative legal analysis of the powers of domestic and foreign bodies of external relations of the state.
PH-6	Integrate knowledge about the essence of diplomatic and privileges and immunities, their purpose in international law.
RN-7	Analyze the activities, powers and composition of diplomatic missions and consular institutions.
RN-8	Demonstrate skills in performing consular functions within the norms of international and national law.
RN-9	Characterize the immunities and privileges of the consular office and personal privileges and immunities.

PH-10	Demonstrate knowledge and understanding of the issue of distinguishing the privileges and immunities of diplomatic missions, consular institutions and their staff.
RN-11	To characterize the composition and functions of special missions.
RN-12	To analyze the activities of permanent representative offices and permanent missions of observers at international organizations.

The teaching of the academic discipline ensures the formation of general and special competences in the student of higher education and the achievement of learning outcomes determined by the standard of higher education of the relevant specialty and the educational and professional program "Law", namely:

***General competencies :***

ZK1. Ability to abstract thinking, analysis and synthesis.

ZK2. Ability to conduct research at an appropriate level.

ZK3. Ability to search, process and analyze information from various sources.

ZK4. Ability to adapt and act in a new situation.

ZK5. The ability to communicate in a foreign language in the professional sphere, both orally and in writing.

ZK6. Ability to generate new ideas (creativity).

ZK7. Ability to make informed decisions.

ZK8. Ability to communicate with representatives of other professional groups at different levels (with experts from other fields of knowledge/types of economic activity).

ZK9. Ability to work in an international environment.

ZK10. Ability to develop and manage projects.

ZK1.3. The ability to formulate a personal opinion and present it with evidence.

ZK1.5. Ability to lead, take responsibility, make unbiased and motivated decisions.

***Special competencies :***

SK6. The ability to justify and motivate legal decisions, to give detailed legal arguments.

SK9. The ability to apply an interdisciplinary approach in the assessment of

legal phenomena and law enforcement activities.

SK10. The ability to make decisions in situations that require a systematic, logical and functional interpretation of legal norms, as well as an understanding of the peculiarities of the practice of their application.

SK12. Ability to develop and approve ethical standards of legal activity, standards of professional independence and responsibility of a lawyer.

SK13. The ability to convey information, ideas, the content of problems and the nature of optimal solutions to specialists and non-specialists in the field of law with proper reasoning.

SK1.4. Ability to apply scientific principles of legal management and management decision-making in the field of legal activity.

***Program learning outcomes:***

PRN1. Assess the nature and character of social processes and phenomena, and demonstrate an understanding of the limits and mechanisms of their legal regulation.

PRN3. Conduct collection, integrated analysis and summarization of materials from various sources, including scientific and professional literature, databases, digital, statistical, test, and others, and check them for reliability using modern research methods.

PRN4. Make a presentation of your research on a legal topic, using primary sources and techniques of legal interpretation of complex complex problems arising from this research, argue the conclusions.

PRN5. Communicate freely in a legal foreign language (one of the official languages of the Council of Europe) orally and in writing.

PRN6. Reasonably formulate one's legal position, be able to oppose, evaluate evidence and present convincing arguments.

PRN7. Discuss complex legal problems, propose and justify options for their solution.

PRN8. Assess the reliability of information and the reliability of sources, effectively process and use information for conducting scientific research and

practical activities.

PRN10. To analyze the interaction of international law and international legal systems with the legal system of Ukraine based on the awareness of the main modern legal doctrines, values and principles of the functioning of law.

PRN13. Analyze and evaluate the practice of application of individual legal institutions.

PRN1.3. To analyze the mechanisms of public-law and private-law regulation in legal practice.

### ***3. Contents of the curriculum***

Module 1. General provisions on diplomacy and the law of foreign relations.

*Diplomacy, international law and the law of foreign relations* . The concept and main stages of the development of diplomacy. The concept of foreign policy of the state. Means of implementing the state's foreign policy. Correlation of diplomacy, foreign policy and international law. The history of the formation and development of the law of foreign relations. Sources of the law of external communications. Diplomatic and consular law in the broad and narrow sense.

*The system of bodies of external relations of the state*. General characteristics of state external relations bodies, their classification. Domestic bodies of external relations: concepts, functions and system. Comparative analysis of the powers of internal state bodies of external relations of Ukraine: the President, the Verkhovna Rada, the Cabinet of Ministers, the Ministry of Foreign Affairs. The main tasks, functions and structure of the Ministry of Foreign Affairs. Foreign bodies of foreign relations: concepts, types, functions and system. Comparative analysis of the powers of foreign bodies of external relations: diplomatic missions, consular institutions, special missions, permanent missions to international organizations.

*Establishment of diplomatic relations*. Legal basis for establishment and termination of diplomatic relations. Establishing diplomatic relations as a prerequisite for the establishment of a permanent diplomatic mission. The relationship between the establishment of diplomatic relations and the institution of



state recognition. Establishment of a diplomatic mission. Types and functions of diplomatic missions. The procedure for appointing the head of a permanent diplomatic mission. Agreement request. The concept of " persona grata " and " persona non grata ". Content of the creeds. Classes and ranks of heads of diplomatic missions. Staff of the diplomatic mission. Grounds and consequences of termination of permanent diplomatic representation. Diplomatic passports and diplomatic cards.

*Personal privileges and immunities of diplomatic mission personnel.*

Concepts of diplomatic immunity and privilege in international law, their relationship. Classification of immunities and privileges. Immunities and privileges of a diplomatic mission and personal privileges and immunities. Personal immunity of a diplomatic agent. Immunity of diplomatic agents from the jurisdiction of the receiving state. Inviolability of the private residence of a diplomatic agent. Inviolability of papers, correspondence and property of a diplomatic agent. Customs and tax (fiscal) immunities and privileges of diplomatic agents. Privileges and immunities of family members of a diplomatic agent, members of the administrative and technical staff, members of the representative's service staff and private domestic workers.

*Privileges and immunities of a diplomatic mission as a state body.*

Inviolability of diplomatic mission premises. Provision of diplomatic asylum and shelter in the premises of diplomatic missions. Inviolability of archives, documents and official correspondence of a diplomatic mission. Customs and tax (fiscal) immunities and privileges of diplomatic representation.

Module 2. Characteristics of consular law and other sub-branches of the law of foreign relations.

*Establishment of consular relations.* History of formation of consular relations. Legal basis for establishing consular relations. The concept of a consular institution. Types of consular institutions. Opening of a consular office. Appointment and admission of heads of consular institutions. Consular patent. Exequatur. Classes of heads of consular institutions. Functions of consular

institutions. Difference between embassy and consulate. Staff of the consular institution. Grounds and consequences of closing a consular office.

*Consular privileges and immunities.* Concepts and categories of consular privileges and immunities. Consular Immunities and Privileges and Personal Privileges and Immunities. Inviolability of the consular institution: concept, content, limits. Customs and fiscal privileges. Inviolability of mail, archives and documents of the consular institution. Inviolability of official correspondence. Immunities and privileges of consular officials. Immunities and privileges of consular officers and service personnel.

*Special missions.* The concept and functions of a special mission. Direction of a special mission. Location of the special mission. Members of the special mission, the procedure for their appointment. Grounds and consequences of the end of the functions of a special mission. Features of special mission immunities and privileges. Peculiarities of personal diplomatic immunities and privileges of members of special missions.

*Diplomatic law of international organizations.* Legal status of international organizations on the territory of states. The concept of permanent representation of states at international organizations, its features. Types of representation: permanent representation and permanent observer mission; their composition, functions, status; privileges and immunities.

*Diplomatic protocol and etiquette.* The concept of diplomatic protocol, etiquette and ceremonial. Elements of diplomatic protocol. Participation of the diplomatic corps in ceremonies, processions, official visits. Concept and role of correspondence in diplomatic practice. Diplomatic documents. Diplomatic techniques. Clothing in diplomatic practice.

#### ***4. Scope and structure of the academic discipline***

##### ***4.1. For students of full-time higher education***

No	Date (according	Subjects of the	Volume in hours	
			That's	Including

	to the schedule)	training course	all	Lectures	Practical classes, seminars, colloquiums, etc	Individual work
		<b>Module 1. General provisions on diplomacy and the law of foreign relations.</b>				
		<b>Topic 1.</b> Diplomacy, international law and the law of foreign relations.	12	2	2	8
		<b>Topic 2 .</b> The system of bodies of external relations of the state.	12	2	2	8
		<b>Topic 3.</b> Establishment of diplomatic relations.	12	2	2	8
		<b>Topic 4 .</b> Personal privileges and immunities of diplomatic mission personnel.	12	2	2	8
		<b>Topic 5 .</b> Privileges and immunities of a diplomatic mission as a state body.	12	2	2	8
		<i>Together</i>	60	10	10	40
		<b>Module 2 Characteristics of consular law and other sub-branches of the law of foreign relations.</b>				
		<b>Topic 1.</b> Establishment of consular relations	12	2	2	8
		<b>Topic 2.</b> Consular privileges and immunities	12	2	2	8
		<b>Topic 3.</b> Special missions.	12	2	2	8
		<b>Topic 4.</b> Diplomatic law of international organizations	12	2	2	8
		<b>Topic 5.</b> Diplomatic protocol and etiquette.	12	2	2	8

		<i>Together</i>	60	10	10	40
		<b>Total hours / ECTS credits</b>	<b>120/4.0</b>	<b>20</b>	<b>20</b>	<b>80</b>

**4.2. For applicants of higher education in correspondence form of education**

No	Date (according to the schedule)	Subjects of the training course	Volume in hours			
			That's all	Including		
				Lectures	Practical classes, seminars, colloquiums, etc	Individual work
		<b>Module 1. General provisions on diplomacy and the law of foreign relations.</b>				
		<b>Topic 1.</b> Diplomacy, international law and the law of foreign relations.	15	2	2	11
		<b>Topic 2 .</b> The system of bodies of external relations of the state.	11	-	-	11
		<b>Topic 3.</b> Establishment of diplomatic relations.	15	2	2	11
		<b>Topic 4 .</b> Personal privileges and immunities of diplomatic mission personnel.	11	-	-	11
		<b>Topic 5 .</b> Privileges and immunities of a diplomatic mission as a state body.	11	-	-	11
		<i>Together</i>	63	4	4	55
		<b>Module 2 Characteristics of consular law and other sub-branches of the law of foreign relations.</b>				
		<b>Topic 1.</b> Establishment of consular relations	thirteen	2	-	11
		<b>Topic 2.</b> Consular	11	-	-	11

		privileges and immunities				
		<b>Topic 3.</b> Special missions.	11	-	-	11
		<b>Topic 4.</b> Diplomatic law of international organizations	11	-	-	11
		<b>Topic 5.</b> Diplomatic protocol and etiquette.	11	-	-	11
		<i>Together</i>	57	2	-	55
		<b>Total hours / ECTS credits</b>	<b>120/4.0</b>	<b>6</b>	<b>4</b>	<b>110</b>

### ***5. Forms of pedagogical control and means of evaluating learning results***

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 current 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.

An obligatory form of independent work of students is the preparation of a final written work. The maximum number of points based on the results of the defense of the 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.

Distribution of points between forms of organization of the educational process  
and types of control measures:

Current control					Final knowledge assessment (differentiated credit)
Module No. 1		Module No. 2		Independent work of students	
p/z	Colloquium	p/z	Colloquium		
max 30	max 10	max 30	max 10	max 20	max 100

**6. Criteria for evaluating learning outcomes**

type of control	Scores	Criteria (for each assessment)
Current control in a practical session	Max 5	Excellent assimilation of educational material on the topic, some minor shortcomings are possible.
	4	Good assimilation of the material on the topic, but there are some mistakes.
	3	Satisfactory level of assimilation of the material, a significant number of errors.
	Min 0	Unsatisfactory level of assimilation of the material.
Colloquium	Max 10	The results of processing the material are high, a small number of insignificant errors are possible.
	5	Satisfactory level of assimilation of the material, a significant number of errors.
	Minimum 0	Unsatisfactory level of assimilation of the material.
Individual final written work	Max 20	The work is designed in accordance with the requirements of the department. The work does not contain methodological errors, there are references to sources and own conclusions. In the defense, in-depth knowledge of the topic is demonstrated, as well as proof of conclusions, positions, classifications, etc.
	15	The work is designed in accordance with the requirements of the department. The work contains minor methodological errors, there are references to sources, there are own conclusions. During the defense, sufficient knowledge of the topic is demonstrated, as well as proof of conclusions, positions, classifications, etc.
	10	The work is designed in accordance with the requirements of the department, but with minor errors. The work contains methodological and content errors, there are references to sources, there are own conclusions. During the defense, sufficient knowledge of the topic was demonstrated, but there were problems with the argumentation of individual concepts and judgments in the work, the proof of conclusions.

	5	<p>The work was prepared with errors and violations of cathedral requirements regarding the form of work.</p> <p>The work contains methodological and substantive errors, an insufficient number of sources were used to substantiate the research and conclusions.</p> <p>During the defense, difficulties arose regarding the disclosure of the content of the topic, providing arguments regarding individual provisions of the work and the validity and provenance of the conclusions.</p>
	Minimum 0	<p>The work is improperly designed, without references to sources, and contains methodological errors.</p> <p>During the defense, the author of the work cannot demonstrate knowledge of the chosen topic, provide arguments for concepts and perform information analysis.</p> <p>The work was performed in violation of the requirements of academic integrity.</p>
Differentiated scoring	100	<ol style="list-style-type: none"> <li>1. Comprehensive, systematic and deep knowledge of the material provided by the curriculum of the academic discipline, including orientation in the main scientific doctrines and concepts of the academic discipline.</li> <li>2. Learning the main and additional literature recommended by the department.</li> <li>3. Ability to independently replenish knowledge of the academic discipline and use the acquired knowledge in practical work. .</li> </ol>
	90	<ol style="list-style-type: none"> <li>1. Complete knowledge of the material provided by the curriculum of the academic discipline.</li> <li>2. Mastering the basic literature and getting to know the additional literature recommended by the department.</li> <li>3. Ability to independently replenish knowledge of the discipline, understanding its importance for practical work.</li> </ol>
	85	<ol style="list-style-type: none"> <li>1. Sufficiently complete knowledge of the material provided by the program of the educational discipline, in the absence of significant errors in the answer.</li> <li>2. Learning the basic literature recommended by the department.</li> <li>3. Ability to independently replenish knowledge of the discipline, understanding its importance for practical work.</li> </ol>
	75	<ol style="list-style-type: none"> <li>1. Knowledge of the basic material provided by the curriculum of the academic discipline, in an amount sufficient for further study and future work in the profession.</li> <li>2. Learning the basic literature recommended by the department.</li> <li>3. Errors and significant inconsistencies in the answer to the assessment if there is knowledge to eliminate them independently or with the help of the teacher.</li> </ol>
	70	<ol style="list-style-type: none"> <li>1. Knowledge of the basic material provided by the curriculum of the academic discipline, in an amount sufficient for further study and future work in the profession.</li> <li>2. Acquaintance with the basic literature recommended by the department.</li> <li>3. Errors in the answer to the test in the presence of knowledge to eliminate the most significant errors with the help of the teacher.</li> </ol>
	60	<ol style="list-style-type: none"> <li>1. Gaps in knowledge of certain parts of the main material provided by the curriculum of the academic discipline.</li> <li>2. The presence of errors in answering questions on the test.</li> </ol>



Not counted	55	1. Lack of knowledge of a significant part of the main material provided by the program of the academic discipline. 2. Impossibility to continue studying or carry out professional activities without passing a repeated course in this discipline.
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### ***7. Pedagogical control for students of higher education full-time/ part-time teaching***

#### **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

### ***8. Educational, methodical and information support of the educational 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-вр#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>
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Representation of the UN in Ukraine - <http://www.un.org.ua/ua/>

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

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

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

NATO Representation in Ukraine -

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

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