

Lecturer: Izabela Gawłowicz, Ph.D. holder

Subject: Diplomatic Protection (case law), 6 ECTS

Period: summer semester preferred, but both semesters available once agreed with the teacher

The field of Diplomatic Law adopts a broad view of the diplomacy as the legal tool in creation of the international relations. International Diplomatic Law includes various aspects of such topics like: sovereign immunity, the establishment and conduct of diplomatic relations, the categories of diplomatic missions, the legal position in international law of Heads of State, Heads of Government, Ministers and diplomatic agents, the diplomatic corps, status and functions of diplomatic missions, duties of diplomatic missions, diplomatic asylum, members of the diplomatic mission, diplomatic inviolability, diplomatic privileges and immunities.

Learning Outcomes

- introduce the basic concepts and terminology of diplomatic protection,
- introduce the establishment and conduct of diplomatic relations and the legal position in international law of those state's organ, which carry international affairs,
- introduce the sources in the field of international diplomatic law with special regard to the custom and its role in this field,
- introduce the law of diplomatic asylum,
introduce diplomatic privileges and immunities,
- introduce the methods of international dispute resolution with special regard to the diplomatic methods,
- introduce the concept and the meaning of the jurisdictional immunity of the State.

By the end of the course students should:

- Be familiar with current theoretical and doctrinal debates within diplomatic protection matter;
- Be aware of the significance of international diplomatic law in the conduct of international relations;
- Be familiar with the concepts, principles and rules of diplomatic protection;
- Be able to difference diplomatic protection from consular protection and to predict as well as describe their consequences,

- Be able to resolve simple cases and analyze some chosen judgments of international tribunals in the field of diplomatic protection.

Workload

Students will be collected in small groups for seminars and discussion session – regular lecture will not be provided. Students will generally need to devote about 20-30 hours on average per semester to this course. Forms of study: seminars, discussion sessions, case study.

Requisite and Incompatibility

General knowledge in the scope of lawmaking, principles of law, civil law, constitutional law and international relations.

Obligatory Reading

1. E. M. Borchard, *The Diplomatic Protection of Citizens Abroad*, Buffalo, New York 2003.
2. E. Denza, *Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations*, Oxford University Press, 2008.
3. A. Aust, *Handbook of International Law*, Cambridge 2009,

Additionally reading:

1. J. L. Kunz., *The Nottebohm Judgment*, “*The American Journal of International Law*”, Vol. 54, No. 3 (Jul., 1960).
2. S. Zappala, *Do Heads of State in Office Enjoy Immunity from Jurisdiction for International Crimes? The Gaddafi Case Before the French Cour de Cassation*, “*European Journal of International Law*” 12/2001.

Preliminary Reading

The preliminary reading required for this course will be available from the course (teacher) home page at least one week prior to every meeting with the teacher. The preliminary reading covers Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws (1930), Vienna Convention of the Law of Treaties (1969), Vienna Convention on Diplomatic Relations (1961), UN Convention on Jurisdictional Immunities of States and Their Property (2004), UN Draft Articles of Diplomatic Protection with Commentaries (2006).

Examination

Students in small groups (2-3 persons) work on a task to solve “the problem” (which is legal situation of given subjects - States or others - of public international law described by the teacher).