

# Diplomatic Protection (Case Law) - course description

| General information |   |
|---------------------|---|
| Course name         | Diplomatic Protection (Case Law)                  |
| Course ID           | 10.2-WX-E-DP- 16                                  |
| Faculty             | <a href="#">Faculty of Law and Administration</a> |
| Field of study      | WPiA - oferta ERASMUS                             |
| Education profile   | -   |
| Level of studies    | Erasmus programme                                 |
| Beginning semester  | winter term 2020/2021                             |

| Course information  |   |
|---------------------|---|
| Semester            | 2   |
| ECTS credits to win | 6   |
| Course type         | obligatory  |
| Teaching language   | english   |
| Author of syllabus  | <ul style="list-style-type: none"><li>dr hab. Izabela Gawłowicz, prof. UZ</li></ul> |

| Classes forms  |                                |                            |                                |                            |                    |
|----------------|--------------------------------|----------------------------|--------------------------------|----------------------------|--------------------|
| The class form | Hours per semester (full-time) | Hours per week (full-time) | Hours per semester (part-time) | Hours per week (part-time) | Form of assignment |
| Tutorial       | 15                             | 1                          | -                              | -                          | Credit with grade  |

## Aim of the course

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.

## Prerequisites

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

## Scope

### 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.

## Teaching methods

Forms of study: seminars, discussion sessions, case study.

## Learning outcomes and methods of theirs verification

| Outcome description  | Outcome symbols | Methods of verification   | The class form   |
|--|-----------------|---|--|
| By the end of the course students should be able to difference diplomatic protection from consular protection and to predict as well as describe their consequences.         |                 | <ul style="list-style-type: none"><li>activity during the classes</li></ul> | <ul style="list-style-type: none"><li>Tutorial</li></ul> |
| By the end of the course students should be be aware of the significance of international diplomatic law in the conduct of international relations.                          |                 | <ul style="list-style-type: none"><li>activity during the classes</li></ul> | <ul style="list-style-type: none"><li>Tutorial</li></ul> |
| By the end of the course students should be familiar with current theoretical and doctrinal debates within diplomatic protection matter.                                     |                 | <ul style="list-style-type: none"><li>activity during the classes</li></ul> | <ul style="list-style-type: none"><li>Tutorial</li></ul> |
| By the end of the course students should be able to resolve simple cases and analyze some chosen judgments of international tribunals in the field of diplomatic protection. |                 | <ul style="list-style-type: none"><li>activity during the classes</li></ul> | <ul style="list-style-type: none"><li>Tutorial</li></ul> |
| By the end of the course students should be familiar with the concepts, principles and rules of diplomatic protection.   |                 | <ul style="list-style-type: none"><li>activity during the classes</li></ul> | <ul style="list-style-type: none"><li>Tutorial</li></ul> |

## Assignment conditions

Students will be collected in small groups for seminars and discussion session – regular lecture will not be provided. Students will generally need to devote on average about 50-70 hours of their own work per semester to this course.

## Recommended 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.

## Further 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.

## Notes

Modified by dr Justyna Michalska (last modification: 17-11-2020 13:46)

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