

Diplomatic & Consular Law & Practice

UGRA_002591

Departments	Department of International, European Union and Comparative Law
Teaching Languages	English
ECTS	5
Teacher responsible	Sellarés Serra Jorge - jorge.sellares@esade.edu

Course Goals

Knowledge of the international legal framework that regulates diplomatic and consular relations and other forms of traditional and contemporary diplomacy. Compare this legal framework with national and international practice in this area. Knowledge of the rules of law in Spain regulating foreign relations.

Recomended courses

Any subject related with international society, such as International Criminal Law, Environmental Law, Human Rights law, Jus in bello, etc.

Description

Course contribution to program

I. General theory of Diplomatic and Consular Law.

1.- **Diplomacy in the World, today.** Concept of diplomacy. Historical evolution of the diplomatic and consular relations: Its codification. New forms of diplomacy. Classification of the organs for international relations.

2.- **Central State organs.** Chief of State and chief of Government. Minister of Foreign Affairs. Others organs in complex States: "Länder", Comunidades Autónomas, federated states, provinces. Action of States abroad.

3.- **Diplomatic relations I.** Right of legation. Establishing a diplomatic mission. Diplomatic agents and the other personnel of diplomatic missions

4.- **Diplomatic relations II.** Functions of diplomatic missions. Limits to diplomatic action. Privileges and immunities: Reason and entitlement. Personal and organic powers. Special reference to the diplomatic bag. Termination of diplomatic functions.

5.- **Diplomatic asylum.** Concept and differences with close institutions. Substantial and process rules.

6.- **Consular relations.** Establishing a consular office. Consular functions. Personnel at the consular office. Consular privileges and immunities. Termination of consular functions.

7.- **Ad hoc diplomacy.** Concept and classes of *ad hoc* diplomacy. Special missions: Characteristics and functions. Privileges and immunities of a special mission.

8.- **Multilateral diplomacy.** Concept and classes. Right of passive legation of international organizations: Member (and non –Member) States representation at international organizations. Right of active representation of international organizations. European External Action Service.

9.- **International agents and staff.** Concept and classification. Legal relationship between the international civil servant and the international administration: legal statute of international staff. Privileges, immunities and facilitations for international staff.

10.- Prevention and repression against crimes onto persons and places enjoying and international status.

Bibliography

- DENZA, Eileen., Diplomatic Law: a commentary on the Vienna Convention on Diplomatic Relations. (Book)
- LEE, Luke T., Consular Law and Practice (Book)
- LEWIS, Charles J., State and Diplomatic Immunity. (Book)
- McCLANAHAN, Grant V., Diplomatic Immunity. Principles, Practices, Problems. (Book)
- MURTY, B.S., The International Law of Diplomacy. The Diplomatic Instrument and the World Public Order. (Book)
- PRZETACZNIK, Fraciszek., Protection of Officials of Foreign States according to International Law. (Book)
- SEN, B., A Diplomat's Handbook of International Law and Practice. (Book)
- SHAW, Malcolm N., International Law. (Book)

Activities

Threads

The final session might consist in an hour selection of scenes from films in which there are diplomatic or consular law aspects at stake. Not always correctly

Case study resolution

A complex case will be handed at the end of the last session to each one of the students, who will have to individually prepare a report, between 15 to 20 pages long, to sort out each one of the legal points raised. They will not only be referred to Diplo

Interaction with visiting guest professionals

There might be visits to Embassies, Consulates and other international institutions to see the real implementation in practice of the issues raised during the course. If they can be arranged, each student should at least have participated in one visit.

Case study analyses

Students will have to have read about real cases related to each of the parts of the course. Each part has several real examples. Debate on these cases will take place after the part has been explained and students have prepared the cases.

Content

#	Topic
1	Session 1. General Presentation. SHAW. Pages 668-693.
2	Session 2. Diplomacy today. McCLANAHAN. Pages 18-41 LEE. Pages 3-23. SEN. Pages. 5-20. DENZA. Pages 1-9.
3	Session 3. Central organs for international relations. MURTY. Pages 18-42, 134-157. SEN. Pages 433-500.
4	Session 4. Diplomatic relations 1. DENZA. Pages 20-29, 38-87, 90-104. SEN. Pages 21-56.
5	Session 5. Diplomatic relations 2. Diplomatic asylum. DENZA. Pages 87-90, 104-357. SEN. Pages 56-199. SEN. Pages 402-433. PRZETACZNIK. Pages. 121-130.
6	Session 6. Consular relations 1. LEE. Pages 45-124. SEN. Pages 241-310.
7	Session 7. Consular relations 2. Ad hoc diplomacy. MURTY. Pages 454-461. PRZETACZNIK. Pages 50-56.
8	Session 8. Multilateral diplomacy. International staff. SEN. Pages 546-574 MURTY. Pages 489-500. LEWIS. Pages. 166-181. McCLANAHAN. Pages 76-84. MURTY. Pages 462-487.
9	Session 9. International Protection to places and persons. PRZETACZNIK. Pages 39-50, 65-80, 103-116.
10	Session 10. Video session. Handing of the case for the report.

Assessment

Tool	Assessment tool	Category	Weight %
Final individual project		Retake and ordinary round	60.00%

PROGRAMS

113-Law Exchange Program (Undergraduates: Law)
113 Year 1 (Optative)

113S-Law Exchange Program (Undergraduates: Law)
113S Year 1 (Optative)

DD05-Double Degree Program (exchange) (Undergraduates: Law)
DD05 Year 1 (Optative)

GDL20-Double Degree in Law and Global Governance, Economics and Legal Order (Undergraduates: Law)
GDL20 Year 5 (Optative)

GED08-Bachelor in Law (Undergraduates: Law)
GED08 Year 6 (Optative)
GED08 Year 4 (Optative)
GED08 Year 5 (Optative)

GED20-Bachelor in Law (Undergraduates: Law)
GED20 Year 4 (Optative)