**DIPLOMATIC AND CONSULAR RELATIONS**

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**Course Description**

This course covers the main functions and procedures of diplomatic and consular services. The diplomatic laws and practices that govern diplomatic and consular relations are examined in detail, covering a wide range of topics and concepts including: 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, consular status and functions, and consular privileges and immunities, and the law of treaties between nations. Both old and new case studies will be used as examples to illustrate the application or misapplication of various concepts and laws.

**Course Outline**

1. **History of diplomacy (Sen, p.3-7+ Eileen Denza “Vienna Convention On Diplomatic Relations)**
2. **Diplomacy in General**

* Privileges and immunities of the head of a foreign state (Satow, pp.9-11 + “Immunity for International Crimes?”)
* The minister for foreign affairs (Satow, pp.12-19)
* The language and forms of diplomatic intercourse (Satow, pp.40-41; 49-52)

1. **Establishment and Conduct of Diplomatic Relations (Sen, pp.15-45)**

* Opening of diplomatic relations
* Classes of diplomatic agents
* Concurrent accreditation of diplomatic agents
* Appointment of the head of mission
* Agrément
* Appointment of a national of the receiving state
* Size of diplomatic mission
* Appointment of the staff of the mission.
* Non-diplomatic staff
* Attaches
* Offices of the diplomatic mission.
* Diplomatic agent proceeding to his post
* Presentation of credentials and calls
* The diplomatic corps and their precedence
* Persona grata

1. **Functions of a Diplomatic Agent** **(Sen, p.47-79)**

* Representation and negotiation
* Reporting on the conditions and developments in the  
  receiving state
* Protection of the interests of the sending state and its  
  nationals
* Promotion of friendly relations
* Looking after the interests of minorities
* Miscellaneous duties and notarial functions
* Duty of non-interference in the internal affairs of the  
  receiving state

1. **V. Diplomatic Immunities And Privileges (Sen, pp.80-170)**

* Theoretical basis of diplomatic immunities
* Basis for grant of diplomatic immunities in municipal law
* Steps towards codification and uniformity
* Reciprocity and discrimination
* Immunities and privileges
* Inviolability
* Freedom of movement
* Freedom of communication
* Exemption from local jurisdiction
* Giving of testimony
* Waiver of immunity
* Method of claiming immunity
* Immunity from taxation
* Exemption from payment of customs duties
* Other immunities and privileges
* Persons entitled to immunities and privileges
* Non-diplomatic staff
* Private servants
* Duration of immunity
* Attacks on embassies (Satow, pp. 197-198)
* Kidnappings (Satow, pp.199-203)

1. **Position in Third States (Sen, pp. 171-181)**

* Diplomatic agents
* Non-diplomatic staff
* Diplomatic couriers

1. **Termination of a Mission (Sen, pp.182-197)**
2. **The appointment of Consuls (Satow, pp.211-215)**
3. **Functions, privileges and immunities of Consuls (Satow, pp.216-225)**
4. **Nationality, Aliens and Refugees (Aust, pp.179-195)**
5. **Asylum and Extradition (Sen, pp.351-368+ select readings)**
6. **The Law of Treaties (Aust, pp.51-116)**

**Sources**

* B. Sen, A Diplomat's Handbook Of International Law and Practice, 3rd edition, The Hague, 1988
* Lord Gore-Booth, ed**,** Satow's Guide to Diplomatic Practice, 7th edition, London, Longman House, 1993
* Anthony Aust, Handbook of International Law, 2nd edition, Cambridge University Press, 2010