

Course Name : The Law of Treaties							
Course Code	Course Type	Regular Semester	Lecture (hours/week)	Seminar (hours/week)	Lab. (hours/week)	Credits	ECTS
LAW 411	C	Fall	3.00	1.00	0.00	3.50	6.00
Lecturer		Ferdinand Xhaferaj, PhD					
Assistant		Gentjan Skara, PhD					
Course language		Albanian					
Course level		Master					
Description		Treaties are the foundation of public and private international law and national foreign affairs law. This course examines: historical development of law of treaties; concept of treaty; treaty as source of international and national law; stages of concluding treaty; reservations; accession to treaties, functions of depositary; publication of treaties; breach of treaty obligations; invalidity, termination, and suspension of treaties; denunciation and other withdrawal from treaties; treaties and jus cogens; treaties and customary rules of international law; treaties and third States; treaties and municipal law; interpretation of treaties; languages and authentic texts of treaties.					
Objectives		The course aims to offer thorough instruction on the foundations and sources of the law of treaties, the role of treaties as a source of international law, the procedures of treaty-making, the relationship between treaties and customary international law and rules just cogens, and the role of language in treaty-formation					
Core Concepts							
Course Outline							
Week	Topic						
1	Vienna convention on the Law of Treaties 1969 - The Convention and customary international law - Bilateral and multilateral treaties						
2	What is a treaty? - Definition of ‘treaty’ - Memorandum of Understanding - Exchange of notes - Protocol						
3	MOUs - Evidence of intention to conclude (or not conclude) a treaty - The practice of states - How and why MOUs are used rather than treaties - The possible legal consequences of MOUs - MOUs in domestic courts						
4	Capacity to conclude treaties - Odd casesFederations (and analogous entities) - Overseas territories						
5	Full powers - Credentials General rule - Bilateral treaties - Multilateral treaties - Invalid acts						
6	Adoption and authentication - Adoption Bilateral treaties - Treaties adopted at international conferences - Consensus Authentication - Treaties adopted within an international organisation - Final Act						
7	Consent to be bound - Participation in a treaty - Signature ‘Open for signature’ - Signature ad referendum - Place of signature - Doubt about signature - The Dayton Agreement - Witnessing Ratification						
8	Midterm Exam						
9	Reservations Interpretative declarations - Political declarations - Disguised reservations - Reservations generally not prohibited						
10	Entry into force Express provisions - No provision or agreement on entry into force - Ratification after the treaty has entered into force						

11	Treaties and domestic law - Duty to perform treaties - Constitutional provisions - Monism Dualism Interpretation and application of treaties by UK courts - EU law and the United Kingdom Treaties as the law of the land - Hierarchy of norms Interpretation of treaties by US courts	
12	Territorial application - Territorial extension clauses 202 - Transfer of an overseas territory - Declaration on signature or ratification UK practice - Application of a treaty to an overseas territory alone - Objections to territorial extensions - Political sub-divisions of metropolitan territory	
13	Successive treaties - The treaty prevails over all other treaties, past and future - The treaty is subordinate to an earlier one - The parties shall not enter into later inconsistent treaties - An existing treaty shall not be affected - For parties to the treaty it prevails over earlier treaties - Compatible supplementary treaties are permitted - Comprehensive provisions - The best of both worlds	
14	Interpretation Article 31 (General rule of interpretation) - Article 32 (Supplementary means of interpretation) - Subsequent agreements - Subsequent practice - Relevant rules of international law Article 32 (Supplementary means of interpretation) - Interpretation of treaties in more than one language	
15	Amendment Automatically and comprehensively binding amendment mechanisms - No effective amendment procedureProposal to amend a treaty as between all the parties - Supplementary treaties - Agreement to modify a multilateral treaty between certain parties only - Amendment before entry into force	
16	Final Exam	
Prerequisites		The student must attend the course at a minimum rate of 75%.
Literature		• Anthony Aust, "Modern treaty law and practice" (Cambridge: Cambridge University Press 2007) • Ulf Linderfalk, "On the Interpretation of Treaties: The Modern International Law as Expressed in the 1969 Vienna Convention on the Law of Treaties" (Netherland: Springer 2007)
References		• Jan Klabbers, "Developments in International Law" (vol:22, Martinus Nijhoff Publishers 1996)
Course Outcome		
1	Upon the completion of the course the students should be able to understand the relevance of the law of the treaty.	
2	Upon the completion of the course the students should be able to understand the difference between domestic and international law.	
3	Upon the completion of the course the students should be able to understand the legal effects of the treaties in the domestic law.	

Course Evaluation			
In-term Studies	Quantity	Percentage	
Midterms	1	40	
Quizzes	0	0	
Projects	0	0	
Term Projects	0	0	
Laboratory	0	0	
Class Participation	0	0	
Total in-term evaluation percent			40
Final exam percent			60
Total			100
ECTS Workload (Based on Student Workload)			
Activities	Quantity	Duration (hours)	Total (hours)
Course duration (Including the exam week: 16x Total hours of the course)	16	4	64
Study hours outside the classroom (Preparation, Practice, etc.)	14	4	56
Duties	0	5	0
Midterms	1	10	10
Final Exam	1	20	20
Other	0	0	0
Total Work Load			150
Total Work Load / 25 (hours)			6.00
ECTS			6.00