

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		Gentjan Skara, PhD					
Assistant							
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		Treaty Fullpower Reservation Adoption Interpretation Deposition					
Course Outline							
Week	Topic						
1	Vienna convention on the Law of Treaties 1969 - The Convention and customary international law - Bilateral and multilateral treaties Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 1-14 Vienna Convention on Law of Treaty 1969						
2	What is a treaty? - Definition of ‘treaty’ - Memorandum of Understanding - Exchange of notes - Protocol Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 16-31						
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 Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 32- 55						
4	Capacity to conclude treaties - Odd cases Federations (and analogous entities) - Overseas territories Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 58-74						
5	Full powers - Credentials General rule - Bilateral treaties - Multilateral treaties - Invalid acts Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 75-83						
6	Adoption and authentication - Adoption Bilateral treaties - Treaties adopted at international conferences - Consensus Authentication - Treaties adopted within an international organisation - Final Act Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 84-92						

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 Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 94-124
8	Midterm Exam
9	Reservations Interpretative declarations - Political declarations - Disguised reservations - Reservations generally not prohibited Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 125-160
10	Entry into force Express provisions - No provision or agreement on entry into force - Ratification after the treaty has entered into force Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 162-177
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 Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 178-199
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 Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 200-213
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 Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 215-227
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 Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 230-250
15	Amendment Automatically and comprehensively binding amendment mechanisms - No effective amendment procedure Proposal 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 Duration and termination Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) pp 262-308
16	Final Exam
Prerequisites	
The student must attend the course at a minimum rate of 75%.	
Literature	
• Anthony Aust, Modern Treaty Law and Practice (2nd edition, Cambridge University Press 2007) • Vienna Convention on Law of the Treaties 1969	
References	
Course Outcome	
1	Upon completion of this course, students will be able to understand the importance of the law of the treaties.
2	Upon completion of this course, students will be able to understand the relationship between international law and domestic law.
3	Upon completion of this course, students will be able to understand the instruments used in law of the treaties and the legal consequences in domestic law.
4	Upon completion of this course, students will be introduced to cases of invalidity of treaties
5	Upon completion of this course, students will be introduced to the notion of reserve and its importance in law of the treaties.

Course Evaluation			
In-term Studies	Quantity	Percentage	
Midterms	1	50	
Quizzes	0	0	
Projects	0	0	
Term Projects	0	0	
Laboratory	0	0	
Class Participation	0	0	
Total in-term evaluation percent			50
Final exam percent			50
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	0	0
Midterms	1	15	15
Final Exam	1	15	15
Other	0	0	0
Total Work Load			150
Total Work Load / 25 (hours)			6.00
ECTS			6.00