

**Yaroslav Mudryi National Law University**

**Department of International Law**

**S Y L L A B U S**

**of the academic discipline**

**«International law of treaties /**

**Право міжнародних договорів»**

**The level of higher education** – second (master's) level

**The degree of higher education** – a master's degree

**Field of knowledge** – 08 "Law"

**Specialty** – 081 "Law"

**The status of the academic discipline** – Elective

**Recruitment year** – 2021

Kharkiv 2021

**Syllabus of the academic discipline** «International law of treaties / Право міжнародних договорів» for students of the second (master's) level of higher education in the field of knowledge 08 "Law" specialty 081 "Law". Kharkiv: Yaroslav Mudryi National Law University, 2021. 15 p.

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*The head of the department* is Steshenko Volodymyr Mykolayovych,  
PhD, professor

### Data about the teacher

<b>The name of the academic discipline</b>	International law of treaties / Право міжнародних договорів
<b>Status of the academic discipline</b>	Elective
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### *Abstract of the academic discipline*

The essence of the law of international treaties, the understanding of its basic categories is revealed. The content and significance of the principles of the law of international treaties are analyzed. The circle of legal subjects of international treaties is outlined. The process of concluding and entering into force of contracts is being studied. Principles of contract interpretation are studied. The terms of validity, termination and termination of the contracts are disclosed. Issues of legal succession of states in relation to international treaties are studied.

### *The purpose and tasks of the academic discipline*

**Goal academic discipline** – formation of knowledge about the development of the law of international treaties; codification of this industry; description of contracts; understanding the concept of an international agreement; stages of conclusion of the contract, introduction of amendments and reservations; interpretation of contracts; principles of the law of international treaties, in particular pacta sunt servanda; guarantees of contractual obligations and liability for their non-fulfillment.

### **Tasks:**

- providing students with an idea of the contract as the main means of regulating relations in the international arena;
- study of the historical process of formation and codification of the law of international treaties;
- formation of skills and abilities to distinguish contracts from agreements, which is important in terms of the obligation to fulfill obligations by participants in international relations;
- formation of professional qualities and skills of a jurist, taking into account the latest trends in the development of the world practice of contractual relations;
- development of skills and abilities to analyze international treaties and interpret their norms;
- development of fluency in the concepts and categories of the law of international treaties;
- improving the ability to search and process scientific and regulatory information;
- analysis and legal solution of specific practical situations based on legal norms.

***Academic discipline in the structure of the educational and professional program. Interdisciplinary connections***

***Prerequisites:*** "International Law ", "European Convention for the Protection of Human Rights and Fundamental Freedoms and Legal Practice", "Law of the European Union".

***Requirements:*** «Law of international organizations / Право міжнародних організацій», «Universal and regional systems of human rights protection / Універсальні та регіональні системи захисту прав людини».

***Expected learning outcomes of a student of higher education***

As a result of mastering the academic discipline, the student of higher education must demonstrate the following learning outcomes:

LO AD – 1. Demonstrate knowledge of the law of international treaties as a branch of international law.

LO AD – 2. Demonstrate understanding of the formation of the law of international treaties.

LO AD – 3. Demonstrate an understanding of the principles of international treaty law.

LO AD – 4. Characterize the main concepts of the law of international treaties.

LO AD - 5. Characterize the process of concluding international agreements.

LO AD – 6. Demonstrate knowledge and understanding of the form of giving consent to the binding force of an international treaty.

LO AD - 7. Apply the norms of the Vienna Convention on the Law of International Treaties of 1969 regarding reservations to an international treaty.

LO AD – 8. To characterize the procedure and legal consequences of the entry into force of an international treaty.

LO AD - 9. Determine the conditions of validity of an international agreement.

LO AD - 10. To determine the terms of termination and suspension of an international agreement.

LO AD - 11. Apply the principles of interpretation of international treaties.

LO AD - 12. To analyze the peculiarities of the application of international treaties as a source of law in Ukraine.

**Types of educational activities and independent work  
for students of full-time higher education**

No	Classroom classes (contact)		Individual work (in hours)
	Topics of lectures	Topics of practical classes	
1	The history of the formation of the law of international treaties and the process of codification	History of codification of international treaties	8
2	Contractual legal capacity of subjects of international law	Law subjects of international treaties. Their contractual legal capacity.	8

3	Concept, content and types of international agreements	Vienna Convention on the Law of International Treaties of 1969	8
4	Conclusion of an international agreement	Stages of conclusion of an international treaty according to the Vienna Convention on the Law of International Treaties of 1969.	8
5	Peculiarities of the operation of the international agreement	Observance, application of contracts	8
6	Peculiarities of the operation of the international agreement	Reliability, Termination and Suspension	8
7	Interpretation of an international agreement	Principles of international treaty interpretation	8
8	Implementation of international agreements	<i>Pacta sunt servanda</i> . The obligation to refrain from actions that make it impossible to fulfill international obligations under treaties. Reference to the norms of national law as a basis for non-performance of an international agreement. Liability for non-fulfillment of obligations under international agreements.	8
9	Succession in relation to international agreements	Vienna Convention on the Succession of States in Treaties of 1978	8
10	An international agreement as a source of Ukrainian law	The place of international treaties in the legal order of Ukraine. Law of Ukraine "On International Treaties of Ukraine" of 2004	8

**Types of educational activities and independent work  
for students of higher education in the distant form of education**

No	Topics of lectures	Topics of practical classes	Individual work (in hours)
1	Implementation of international agreements	Acta sunt servanda. The obligation to refrain from actions that make it impossible to fulfill international obligations under treaties. Reference to the norms of national law as a basis for non-performance	110

		of an international agreement. Liability for non-fulfillment of obligations under international agreements.	
2	Succession in relation to international agreements	Vienna Convention on the Succession of States in Treaties of 1978	
3	An international agreement as a source of Ukrainian law	The place of international treaties in the legal order of Ukraine. Law of Ukraine "On International Treaties of Ukraine" of 2004	

### **Independent work of students**

Independent work of students is carried out in the following forms:

- preparation of an individual final written work;
- development of new scientific and educational literature, legislative acts of foreign countries;
- work on cases on the conclusion and implementation of international agreements;
- performance of practical tasks, self-testing;
- writing essays and abstracts;
- preparation of reports abstracts for scientific and practical conferences;
- participation in competitions of student scientific works;
- preparation for practical classes, colloquiums and testing.

Tasks and methodical recommendations for independent work are given in Methodical materials for the academic discipline «International law of treaties / Право міжнародних договорів» for students of the second (master's) level of higher education in the field of knowledge 08 "Law" specialty 081 "Law.

## **Educational, methodical and information support academic discipline**

### *Normative and legal acts*

1. Vienna Convention on the Law of International Treaties dated May 23, 1969. URL: [https://zakon.rada.gov.ua/laws/show/995\\_118#Text](https://zakon.rada.gov.ua/laws/show/995_118#Text)
2. Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations dated March 21, 1986. URL: [https://zakon.rada.gov.ua/laws/show/995\\_a04#Text](https://zakon.rada.gov.ua/laws/show/995_a04#Text)
3. Vienna Convention on the Succession of States to Treaties dated August 23, 1978. URL: [https://zakon.rada.gov.ua/laws/show/995\\_185#Text](https://zakon.rada.gov.ua/laws/show/995_185#Text)
4. Vienna Convention on the Succession of States Regarding State Property, State Archives and State Debts dated April 8, 1983. URL: [https://zakon.rada.gov.ua/laws/show/995\\_072#Text](https://zakon.rada.gov.ua/laws/show/995_072#Text)
5. Vienna Convention on Diplomatic Relations dated April 18, 1961. URL: [https://zakon.rada.gov.ua/laws/show/995\\_048#Text](https://zakon.rada.gov.ua/laws/show/995_048#Text)
6. Declaration on the principles of international law relating to friendly relations and cooperation between states in accordance with the UN Charter dated October 24, 1970. URL: [https://zakon.rada.gov.ua/laws/show/995\\_569#Text](https://zakon.rada.gov.ua/laws/show/995_569#Text)
7. European Convention on the Protection of Human Rights and Fundamental Freedoms dated November 4, 1950. URL: [https://zakon.rada.gov.ua/laws/show/995\\_004#Text](https://zakon.rada.gov.ua/laws/show/995_004#Text)
8. Universal Declaration of Human Rights dated December 10, 1948. URL: [https://zakon.rada.gov.ua/laws/show/995\\_015#Text](https://zakon.rada.gov.ua/laws/show/995_015#Text)
9. Convention on the Prevention of the Crime of Genocide and its Punishment dated December 9, 1948. URL: [https://zakon.rada.gov.ua/laws/show/995\\_155#Text](https://zakon.rada.gov.ua/laws/show/995_155#Text)
10. Lisbon Agreement dated 17.12.2007 URL: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12007L/TXT&from=EN>



11. International Convention on the Elimination of All Forms of Racial Discrimination dated December 21, 1965. URL: [https://zakon.rada.gov.ua/laws/show/995\\_105#Text](https://zakon.rada.gov.ua/laws/show/995_105#Text)

12. International Covenant on Civil and Political Rights dated December 16, 1966. URL: [https://zakon.rada.gov.ua/laws/show/995\\_043#Text](https://zakon.rada.gov.ua/laws/show/995_043#Text)

13. On international treaties of Ukraine: Law of Ukraine dated June 29, 2004 No. 1906-IV. URL: <https://zakon.rada.gov.ua/laws/show/1906-15#Text>

14. Resolution of the UN General Assembly "Reservations to Multilateral Conventions – Convention on the International Maritime Consultative Organization" No. 1452 (XIV) dated 07.12.1959 URL: [http://legal.un.org/docs/index.asp?symbol=A/RES/1452\(XIV\)&referer=http://legal.un.org/ilc/guide/1\\_6.shtml&Lang=R](http://legal.un.org/docs/index.asp?symbol=A/RES/1452(XIV)&referer=http://legal.un.org/ilc/guide/1_6.shtml&Lang=R)

15. Resolution of the UN General Assembly "Reservations to Multilateral Conventions" No. 598 (VI) dated January 12, 1952. URL: [http://legal.un.org/docs/index.asp?symbol=A/RES/598\(VI\)&referer=http://legal.un.org/ilc/guide/1\\_6.shtml&Lang=R](http://legal.un.org/docs/index.asp?symbol=A/RES/598(VI)&referer=http://legal.un.org/ilc/guide/1_6.shtml&Lang=R)

16. UN General Assembly Resolution A/RES/68/262 "Territorial integrity of Ukraine" dated March 27, 2014. URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/455/19/PDF/N1345519.pdf?OpenElement>

17. The Rome Statute of the International Criminal Court dated July 17, 1998. URL : [https://zakon.rada.gov.ua/laws/show/995\\_588#Text](https://zakon.rada.gov.ua/laws/show/995_588#Text)

18. Charter of the United Nations Organization dated June 26, 1945. URL: [https://zakon.rada.gov.ua/laws/show/%20995\\_010#Text](https://zakon.rada.gov.ua/laws/show/%20995_010#Text)

19. Statute of the Council of Europe dated May 5, 1949. URL: [https://zakon.rada.gov.ua/laws/show/994\\_001#Text](https://zakon.rada.gov.ua/laws/show/994_001#Text)

20. Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand, dated June 27, 2014. URL: [https://zakon.rada.gov.ua/laws/show/984\\_011/paran2820#n2820](https://zakon.rada.gov.ua/laws/show/984_011/paran2820#n2820)

21. Application of the International convention for the suppression of the financing of terrorism and of the International convention on the elimination of all forms of racial discrimination (Ukraine v. Russian Federation). International Court of Justice. Order of 19 April 2017. URL: <http://www.icj-cij.org/docket/files/166/19394.pdf>

22. Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation). International Court of Justice. 12 August 2008. URL: <http://www.icj-cij.org/docket/files/140/14657.pdf>

23. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia). International Court of Justice. 02 July 1999. URL: <http://www.icj-cij.org/docket/files/118/7125.pdf>

24. Maritime Delimitation in the Black Sea (Romania v. Ukraine). International Court of Justice. 16 September 2004. URL: <http://www.icj-cij.org/docket/files/132/1697.pdf>

25. Reservations to the Convention on the prevention and punishment of the crime of genocide. International Court of Justice Advisory Opinion of 28 May 1951. URL: <http://www.icj-cij.org/docket/index.php?sum=276&p1=3&p2=4&case=12&p3=5>

#### *Basic literature*

1. Butkevich V.G. International law. Basics of the theory: tutorial. / V.G. Butkevich, V.V. Mytsyk, O.V. Over-the-road Kyiv: Lybid, 2002. 608 p.

2. Lukashuk I.I. Modern law of international treaties. In 2 volumes, Volume I. Conclusion of international agreements; Russia Acad. Sciences, Institute of State and Law. Moscow: Walters Kluwer, 2004. 672 p.

I.I. Lukashuk Modern law of international treaties. In 2 vols. Volume II. Effect of international agreements: Russia. Acad. Sciences, Institute of State and Law. Moscow: Walters Kluwer, 2006. 496 p.

4. Merezhko O.O. Law of international treaties: modern problems of theory and practice: monograph. Kyiv: Takson, 2002. 344 p.

5. International law: education. manual / edited by M.V. Buromenskyi. Kyiv: Yurinkom Inter, 2005. 336 p.
6. Perevezentsev O.Yu. International legal regulation of the institute of legal succession of states in relation to international treaties. Kyiv: Znannia, 2007. 262 p.
7. Guide to international agreements. URL: [http://www.un.org/ru/documents/decl\\_conv/treaty\\_handbook.pdf](http://www.un.org/ru/documents/decl_conv/treaty_handbook.pdf)
8. Dorr, Oliver. Vienna Convention on the Law of Treaties: A Commentary. Berlin: Springer, 2012. 1423 p.
9. Draft Articles on the Law of Treaties with commentaries, 1966. URL: [http://legal.un.org/ilc/texts/instruments/english/commentaries/1\\_1\\_1966.pdf](http://legal.un.org/ilc/texts/instruments/english/commentaries/1_1_1966.pdf)
10. Draft articles on the law of treaties between States and international organizations or between international organizations with commentaries, 1982. URL: [http://legal.un.org/ilc/texts/instruments/english/commentaries/1\\_2\\_1982.pdf](http://legal.un.org/ilc/texts/instruments/english/commentaries/1_2_1982.pdf)
11. Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, 2001. URL: [http://legal.un.org/ilc/texts/instruments/english/commentaries/9\\_6\\_2001.pdf](http://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf)
12. Final Clauses to Multilateral Treaties: Handbook, 2003. URL: <https://treaties.un.org/doc/source/publications/fc/english.pdf>
13. Fitzmaurice, Malgosia. Third Parties and the Law of Treaties, 2002. URL: [http://www.mpil.de/files/pdf1/mpunyb\\_fitzmaurice\\_6.pdf](http://www.mpil.de/files/pdf1/mpunyb_fitzmaurice_6.pdf)
14. Villiger, Mark E. Commentary on the 1969 Vienna Convention on the Law of Treaties. Netherlands: Brill – Nijhoff, 2009. 1058 p.

#### *Additional literature*

1. Sorokun V.M. International legal protection of the right to freedom of conscience and religion: monograph. Kharkiv: Constanta, 2010. 252 p. (Series "Library of the Department of International Law and State Law of Foreign Countries of the Yaroslav Mudryi National Law Academy, edited by Professor M. V. Buromenskyi").

2. Sorokun V.M. General principles of the right to freedom of thought, conscience and religion in accordance with the decision "S.A.S. v. France" of the European Court of Human Rights. *Problems of legality*. Kharkiv, 2016. Issue 132. P. 186–196.

3. Tarasov O.V. Subject of international law: problems of modern theory: monograph. Kharkiv: Pravo, 2014. 512 p.

4. Shkokin Yu.V. International legal custom: problems of theory and practice: monograph. Kharkiv: Pravo, 2012. 456 p.

5. Yakovyuk I.V., Sorokun V.M. Freedom of thought, conscience and religion // Theory and practice of application of the Convention on the Protection of Human Rights and Fundamental Freedoms: Compendium / by General ed.: O.V. Serdyuka, I.V. Yakovyuk; Yaroslav Mudryi National Law University. 2nd edition, supplement. Kharkiv: Pravo, 2019. P. 228–251.

#### *Internet resources*

Almanac of International Law – <http://www.intlawalmanac.net>

TWIRPX electronic library – <http://www.twirpx.com/>

V.I. Vernadsky National Library of Ukraine – <http://www.nbuv.gov.ua/>

The official website of the Verkhovna Rada of Ukraine is – <http://rada.gov.ua/main/c/stru3/spi>

The official website of the European Union is <http://europa.eu/>

The official website of the European Court of Human Rights – <http://www.echr.coe.int/Pages/home.aspx?p=home>

The official website of the UN International Court of Justice – <http://www.icj-cij.org>

The official website of the Organization for Security and Cooperation in Europe – <http://www.osce.org/>

The official website of the United Nations is <http://www.un.org/>

The official website of the North Atlantic Treaty Organization is <http://www.nato.int/>

The official website of the Council of Europe – <http://hub.coe.int/ru/>

"Project Avalon" – Yale University's collection of international treaties – <http://avalon.law.yale.edu>

Ukrainian journal of international law – <http://jusintergentes.com.ua/index.php?lang=uk>

European Journal of International Law – <http://www.ejil.org/archives.php>

Glossary of terms relating to Treaty actions – [https://treaties.un.org/pages/overview.aspx?path=overview/glossary/page1\\_en.xml](https://treaties.un.org/pages/overview.aspx?path=overview/glossary/page1_en.xml)

UN Treaty Collection – <https://treaties.un.org/pages/Home.aspx?clang=en>

### *SEEMK*

Standardized electronic educational and methodological complex of the Department of International Law. URL:

[http://library.nlu.edu.ua/index.php?option=com\\_k2&view=itemlist&task=category&id=217:kafedra-mizhnarodnoho-prava&Itemid=151](http://library.nlu.edu.ua/index.php?option=com_k2&view=itemlist&task=category&id=217:kafedra-mizhnarodnoho-prava&Itemid=151)

### **Requirements of the teacher**

Those seeking higher education *must*: regularly attend lectures and practical classes; systematically and actively work on them; convincingly present arguments when solving tasks; qualitatively perform written tasks, control and independent work, etc. Practical classes missed for valid reasons can be made up after prior agreement with the teacher.

For higher education students *it is recommended*: to participate in scientific conferences, competitions of scientific works, the work of the scientific circle of the department, to prepare theses of scientific reports, etc.

*A mandatory requirement* is that students of higher education comply with the norms of the "Code of Academic Ethics of the Yaroslav Mudryi National Law University" ([https://nlu.edu.ua/wp-content/uploads/2020/02/kodeks\\_academichnoyi\\_etyky.pdf](https://nlu.edu.ua/wp-content/uploads/2020/02/kodeks_academichnoyi_etyky.pdf)).

During classroom classes, it is allowed to use gadgets only for educational

purposes (for example, to view lecture presentations). It is allowed to use laptops and tablets for keeping lecture notes and tracking the necessary information.

### **Control measures**

Evaluation of the results of mastering the academic discipline «International law of treaties / Право міжнародних договорів» provides for current and final control and is carried out on the basis of a cumulative point-rating system.

*Current* knowledge control includes:

– quality control of the students' assimilation of the program material of the academic discipline in practical classes using the following tools: oral/written survey, express survey, solving practical tasks, participation in the development of a case, preparation of a presentation, essay, etc. The current control is aimed at checking the level of the student's preparation in studying the material. In the course of the practical session, the student can receive an assessment on a four-point scale (0, 3, 4, 5);

– quality control of the students' assimilation of the program material of the academic discipline, which is carried out at the end of the modules in the form of testing.

The mandatory form of independent work of students is the preparation of an individual final written work. The maximum number of points based on the results of the defense of an individual final written work is 20 points.

The form of *final control of the* knowledge of higher education students in an academic discipline is a differentiated assessment. The minimum number of points to receive a differentiated credit is 60.

*Scale of final pedagogical control:*

<b>Rating according to the ECTS scale</b>	<b>Definition</b>	<b>Rating on a national scale for for medicine</b>	<b>Rating on a 100-point scale used at NYU</b>
<b>A</b>	<b>Excellent</b> - Excellent execution, with only a small number of errors	counted	90 - 100
<b>B</b>	<b>Very good</b> - above average with a few errors		80-89
<b>C</b>	<b>Good</b> - generally correct work with a number of minor errors		75-79
<b>D</b>	<b>Satisfactory</b> - not bad, but with a significant number of shortcomings		70-74
<b>E</b>	<b>Sufficient</b> – performance meets minimum criteria		60-69
<b>FX</b>	<b>Unsatisfactory</b> - work needs to be done before rewriting	not counted	35-59
<b>F</b>	<b>Unsatisfactory</b> - serious further work is required, a mandatory repeat course		0 - 34