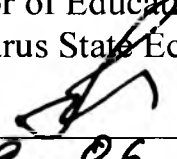


Educational Institution
«Belarus State Economic University»

APPROVED BY
Rector of Educational Institution
«Belarus State Economic University»



29.06 2021
Registration № 4893-21

**IMPLEMENTATION OF INTERNATIONAL TREATIES IN THE
NATIONAL LEGAL SYSTEM**

The Curriculum of the Educational Institution of Higher education in the academic
discipline for the speciality
1-24 80 01 «Jurisprudence»

The curriculum is based on the educational standard of higher education of the second stage in the specialty 1-24 80 01 "Jurisprudence", approved by the decree of the Ministry of Education of the Republic of Belarus from No., the curriculum of the educational institution "Belarusian State University of Economics" in the specialty 1-24 80 01 "Jurisprudence" of the profile "Legal support of economic activity" from No.

COMPILED BY:

N. I. Rudovich, Deputy Dean of the Faculty of Law of the Educational Institution "Belarusian State University of Economics", Candidate of Legal Sciences, Associate Professor.

REVIEWERS:

T. V. Telyatitskaya, Head of the Department of International Economic Law of the Educational Institution "Belarusian State University of Economics", Candidate of Law, Associate Professor;

E. N. Mazanik, Associate Professor of the Department of Constitutional and International Law of the educational institution "Academy of the Ministry of Internal Affairs of the Republic of Belarus", Candidate of Law, Associate Professor.

RECOMMENDED FOR APPROVAL:

Department of Civil Law Disciplines of the Educational Institution "Belarusian State University of Economics "(protocol no. from g.).

Scientific and Methodological Council of the Educational Institution "Belarusian State University of Economics "

(Protocol no. 5 of 22.06 2021);

EXPLANATORY NOTE

Goals and objectives of the discipline

"Implementation of international Treaties in the national legal system" of the module "International Legal Cooperation" is an academic discipline that studies the domestic mechanism for implementing the norms of international law in the Republic of Belarus.

The educational objectives are to master the basics of the theory of the law of international treaties, as well as the legal foundations of the implementation of international obligations by the Republic of Belarus through the implementation of international treaties in the national legal system.

The tasks are:

- study of the basic concepts and categories, the most important institutions, and the principles of modern international treaty law;
- formation of scientific ideas about the mechanisms of conclusion, modification and termination of international treaties;
- developing skills in working with international legal acts, gaining an understanding of their place in the system of national law and their impact on the development of national legislation of the Republic of Belarus;
- study and assimilation of the fundamental international legal acts that ensure the international protection of human rights and freedoms (including in the field of law enforcement and combating crime);
- development of the ability to logically express and justify their point of view on international legal issues, free operation of special terminology.

The place of the academic discipline in the system of specialist training, relations with other academic disciplines

The academic discipline "Implementation of international treaties in the national legal system" of the module "International legal cooperation" belongs to the state component of the curriculum of the educational institution "Belarusian State University of Economics" in the specialty 1-24 80 01 "Jurisprudence". To master the content of the academic discipline, you need knowledge of the academic disciplines "International Law", "General Theory of Law".

Requirements for the development of the academic discipline

The academic discipline "Implementation of international treaties in the national legal system" of the module "International legal cooperation" is aimed at the formation of the following competencies:

CC-1. Be able to identify and analyze problems, patterns and trends in the development of legal science, apply in scientific and practical research the main methods of scientific knowledge (analysis, comparison, systematization,

abstraction, modeling, data validation, decision-making, etc.), in independent research activities, generate and implement innovative ideas.

CC-2. Have a high level of professional legal awareness, legal thinking and legal culture, be able to develop and improve their intellectual and general cultural level, build a trajectory of professional development and career.

CC-3. Be able to use fundamental legal knowledge for analysis, verification, and assessment of the completeness of objective reality in the course of professional activity, if necessary, to fill in and synthesize missing information, to work in conditions of uncertainty, risks, and incompleteness of information.

CPC-4. Be able to use knowledge about the mechanisms of implementation of international law at the international and domestic level, to solve theoretical and practical problems related to the implementation and application of international treaties.

As a result of studying the academic discipline, the student must:

to know:

doctrinal approaches to the essence and content of the law of international treaties, trends in its development, the relationship with national law;

basic definitions of the law of international treaties;
actual problems of the law of international treaties;

mechanism of implementation of international obligations by the Republic of Belarus;

be able to:

compare different international treaties by their legal force;

determine the meaning and place of an international treaty in the national legal system;

interpret the provisions of the sources of the law of international treaties;

analyze legal situations by applying the norms of the law of international treaties;

apply the rule of international treaties to resolve disputes;

use the acquired skills in solving theoretical and practical issues in the application of the norms of international treaties;

use the knowledge of the law of international treaties in professional activities;

possess:

industry terminology and skills in the interpretation and application of international legal norms;

forms and methods of rule-making techniques in the field of the law of international treaties;

the ability to use international treaties to solve problems in practice;

skills of conducting discussions on topical issues of the law of international treaties;

the necessary amount of knowledge for the implementation of international cooperation in the field of criminal law.

The total number of hours and the number of classroom hours allocated to the study of the academic discipline in accordance with the curriculum of the institution of higher education in the specialty

To study the academic discipline "Implementation of international treaties in the national legal system" of the module "International legal cooperation" in accordance with the curriculum of the BSEU in the specialty 1-24 80 01 "jurisprudence", specialization "Legal support of economic activity" provides 90 hours, including: Full-time higher education The duration of education is 1 year-the total number of hours-90, classroom hours-36, of which 18 hours-lectures, 18 hours-seminars.

The form of the current certification in the academic discipline: credit, the number of credit units – 3.

CONTENT OF THE TRAINING MATERIAL

Topic 1. The legal nature and subjects of the law of international treaties.

The legal nature of the law of international treaties. Vienna Convention on the Law of Treaties, 1969, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986 Legal basis for the conclusion of international treaties. Features of subjects of the law of international treaties. The form, structure, language and name of the contract. Classification of international treaties. The importance of international treaties for the law-making and law-enforcement activities of States.

Topic 2. Conclusion, entry into force, and operation of international treaties

Development and conclusion of international agreements: the main stages. Contractual initiative. Rules for the development and adoption of the text of an international treaty. Development of the text of multilateral treaties within the framework and under the auspices of international organizations. Establishing the authenticity of the text of an international treaty. Legal consequences of expressing consent to be bound by an international treaty. Institutions of reservations and amendments to international treaties. Registration of international treaties in international organizations. Functions of the depositary of international treaties. Entry into force of international treaties. The effect of treaties in time and space, as well as in relation to third States.

Interpretation of international treaties. Types, methods and means of interpretation of international treaties. Basic approaches to the interpretation of international treaties.

Topic 3. The mechanism of changing international treaties and its impact on the implementation of treaties

Changes, amendments, revision of international treaties within the framework of international organizations and conferences, as well as their legal consequences. Negotiations and decision-making on amendments. Agreements on amendments intended to modify the treaty between all its parties, and agreements on the modification of multilateral treaties only in the relations between certain parties. The process of reviewing international treaties.

Implementation of contracts subject to changes and amendments.

Topic 4. Validity of international treaties as a basis for its implementation

Validity of an international treaty. The grounds, forms and legal consequences of the invalidity of international treaties. Divisibility of an international treaty.

The main ways to terminate contracts. Legal consequences of termination and suspension of contracts. Absolutely invalid and relatively invalid contracts.

Denunciation of international treaties and annulment of international treaties.

Topic 5. The relationship between international and national law. Definition of applicable standards

Doctrinal approaches to the relationship between international and national law: Dualistic and monistic theories.

The influence of national law on the process of formation and development of international law. The decisive impact of international law on domestic law in modern conditions. The concept of the primacy of international law in international relations and its evolution.

The place and role of international legal norms in the legal system of the Republic of Belarus. The ratio of the legal force of the norms of international and national law in the legislation of the Republic of Belarus.

Topic 6. National mechanism for implementing the norms of international treaties in the national legal system

The concept and forms of implementation of the norms of international treaties: compliance, execution, use, application.

Features of the implementation of the norms of international law. Ways of implementing the norms of international law at the national level. Types and forms of implementation of the norms of international law in the constitutions and legislation of States: reference, incorporation, transformation, reception. Self-executing and non-self-executing norms of international law, their implementation in the law enforcement practice of States.

The constitutional and legislative mechanism for the implementation of the norms of international law in the domestic law of the Republic of Belarus.

Domestic regulatory and organizational-legal measures for the implementation of the norms of international law in the Republic of Belarus.

Topic 7. Identification of the content of an international treaty for its implementation in the national legal system

Judicial review of compliance with national and international law. The practice of applying the norms of international law by the Constitutional Court and other judicial bodies of the Republic of Belarus. International legal norms in the law enforcement activities of the Prosecutor's Office and internal affairs bodies.

Implementation of international obligations by the Republic of Belarus. The competence of the Council of Ministers, the Ministry of Foreign Affairs. The

Ministry of Justice and other public administration bodies of the Republic of Belarus in this area.

Topic 8. International mechanisms for ensuring the implementation of international treaties at the national level

International legal forms of ensuring the implementation of international obligations. International guarantees: concept and types. International legal framework for ensuring the performance of contractual obligations. The procedure for the implementation of international control within the framework of universal and regional international organizations. Certain aspects of the functioning of special bodies in the field of enforcement of international treaties.

Mutual inspections. International legal liability for non-performance of international obligations.

**EDUCATIONAL AND METHODOLOGICAL MAP OF THE
ACADEMIC DISCIPLINE**

"Implementation of international Treaties in the national legal system"
"module" International legal cooperation "in the specialty 1-24 80 01
"Jurisprudence" in the specialization " Legal support of economic activity» ((the
term of education is 1 year)

Topic number	Title of the section, topic; list of issues under study	Number of classroom hours		managed independent work	Forms of knowledge control
		lectures	workshop sessions		
1	The legal nature and subjects of the law of international treaties.	4	4		
		4	4		Written or oral survey, testing.
2	Conclusion, entry into force, and operation of international treaties	2	2		
		2	2		Written or oral survey, testing.
3	The mechanism of changing international treaties and its impact on the implementation of treaties	2	2		
		2	2		Written or oral survey, testing.

Topic number	Title of the section, topic; list of issues under study	Number of classroom hours		managed independent work	Forms of knowledge control
		lectures	workshop sessions		
4	Validity of international treaties as a basis for its implementation	2	4		
		2	4		Written or oral survey, testing.
5	The relationship between international and national law. Definition of applicable standards	2	4		
		2	4		Written or oral survey, testing.
6	National mechanism for implementing the norms of international treaties in the national legal system	2	2		
		2	2		Written or oral survey, testing.
7	Identification of the content of an international treaty for its implementation in the national legal system	2	2		
		2	2		Written or oral survey, testing.
8	International mechanisms for ensuring the implementation of international treaties at the national level	2	2		
		2	2		Written or oral survey, testing.
	Total	18	18		
	The form of the current certification in the 2nd semester				Test (oral)
	Total number by academic discipline	18	18		

INFORMATION AND METHODOLOGICAL PART LITERATURE

Basic:

1. Avkhadeev, V. R. The contract as a general legal value: a monograph / V. R. Avkhadeev, V. S. Astashova [et al.]. - Moscow: Statute, 2018. - 381 p.
2. Lukashov, A. I., Lukashova, P. A. Problems of implementation of the norms of international law in national legislation / A. I. Lukashov, P. A. Lukashova // ConsultantPlus. Belarus / LLC "YurSpektr", National Center for Legal Information. Rep. Belarus. - Minsk, 2019.
3. Osminin, B. I. Priority application of international treaties in the national legal system: conditions and consequences // Journal of Russian Law. - 2017. - No. 12. - pp. 160-173.

Additional:

1. Vienna Convention on the Law of Treaties. Comment / author and comp. A. N. Talalaev. - M.: Yurid. lit., 1997.
2. Zybailo, A. I. Implementation of the norms of international law in the Republic of Belarus: abstract of the dissertation of the Candidate of Legal Sciences. jurid. sciences': 12.00.10 / A. I. Zybailo. - Minsk: Belorussky State University, 1999. - 22 p.
3. Zybailo, A. I. Correlation of international and domestic law: monograph / A. I. Zybailo. - Minsk: Law and Economics, 2007. - 175 p.
4. Lukashuk, I. I. Modern law of international treaties: in 2 vols. / I. I. Lukashuk. - M.: Volters Kluwer, 2004. - Vol. 1: Conclusion of international treaties. - 672 p.
5. Lukashuk, I. I. Modern law of international treaties: in 2 vols. / I. I. Lukashuk. - M.: Volters Kluwer, 2006. - Vol. 2: The effect of international treaties. - 496 p.
6. Scientific and practical commentary to the Law of the Republic of Belarus of July 23, 2008 No. 421-Z "On international treaties of the Republic of Belarus" [Electronic resource] // ConsultantPlus. Belarus / LLC "YurSpektr", National Center for Legal Information. Rep. Belarus. - Minsk, 2019.
7. Pavlova, L. V. Implementation of the norms of international law in domestic law / L. V. Pavlova [et al.]; edited by L. V. Pavlova. - Minsk: BSU, 2001. - 148 p.

Regulatory legal acts:

1. The Vienna Convention of the United Nations on the Law of treaties between States and international organizations or between international organizations [Electronic resource]: [concluded in Vienna on 21.03.1986] // ConsultantPlus. Belarus / LLC "YurSpektr", National Center for Legal Information. Rep. Belarus. - Minsk, 2021.
2. The Vienna Convention of the United Nations on the law of international treaties [Electronic resource] : [concluded in Vienna on 23.05.1969] //

ConsultantPlus. Belarus / LLC "YurSpektr", National Center for Legal Information. Rep. Belarus. - Minsk, 2021.

3. The Constitution of the Republic of Belarus : with amendments and additions adopted at the Republic referendums of November 24, 1996 and October 17, 2004 // National Register of Legal Acts of the Republic of Belarus. Belarus. – 1999. – № 1. – 1/0 ; 2004. – № 188. – 1/6032.

4. On international treaties of the Republic of Belarus [Electronic resource] : Law of the Republic of Belarus. Belarus, July 27, 2008, No. 421-Z: ed. The Law of Rep. Belarus from 11.05.01.2018 // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Rep. Belarus. - Minsk, 2021.

5. On normative legal acts [Electronic resource]: Law of the Republic of Belarus. Belarus, July 17, 2018, No. 130-Z // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Rep. Belarus. - Minsk, 2021.

Methodological recommendations for the organization and implementation of independent work on the academic discipline

The number of academic hours allocated for independent work on the academic discipline "Implementation of international treaties in the national legal system" of the module "International legal cooperation" in accordance with the curriculum of the BSEU is 90 hours. The procedure for organizing independent work on the academic discipline "Implementation of international treaties in the national legal system" is contained in the methodological recommendations for the study of the academic discipline.

List of used diagnostic tools for learning outcomes

To diagnose students' competencies, the following oral and written forms are used:

oral survey;

written survey;

testing;

the exam is in oral form.

Criteria for evaluating the results of educational activities

The criteria recommended by the Ministry of Education of the Republic of Belarus are used to evaluate students' academic achievements.