



UNIVERSITY of
RWANDA

COLLEGE OF BUSINESS AND ECONOMICS

**COURSE TITLE : DRAFTING AND INTERPRETATION OF TREATIES
AND AGREEMENTS**

COURSE DESCRIPTION FORM

October, 2023

Course Title: Drafting and Interpretation of Treaties and Agreements

1. Credits: 10

2. First year of presentation: 2024 Administering -CBE

3. Core course (Yes or No): Yes

4. Elective course (Yes or No): No

5. Pre-requisite course(s): Foundational courses

6. Co-requisite course(s):

7. Prohibited combinations:

(See definitions in the General Academic Regulations)

8. Allocation of study and teaching hours (See Notes of Guidance)

Total participants Hours:	Participants Hours
Lectures	40
Seminars/Workshops	20
Structured Exercises	10
Set Reading etc.	10
Self-directed study	5
Assignments-Preparation& writing	5
Summative Assessment	10
Total	100

9. Brief description of aims and content:

The aim of this course is to expose and orient the participants to the rules, principles and skills of treaty drafting and interpretation. It is expected that at the end of the course, participants will acquire both a practical and theoretical appreciation of interpretative issues in the international legal system.

10. Graduate Attributes & Learning Outcomes

Knowledge and Understanding

Having successfully completed this course, participants should be able to demonstrate knowledge and understanding of:

1. The principles and rules governing the drafting and interpretation of trade treaties and agreements.
2. The techniques and best practices in the drafting and interpretation of trade agreements.
3. The legal language and terminology used in treaty interpretation.

Cognitive/Intellectual skills/Application of Knowledge

Having successfully completed this course, participants should be able to:

4. Discuss and apply the principles of treaty interpretation in international law.
5. Practice drafting of key provisions of treaties and related instruments.
6. Evaluate and interpret various provisions and clauses within international treaties.

7. Apply legal principles to resolve ambiguities and conflicts in treaty interpretation.
8. Examine some case studies of interpretation of trade agreement by the Panels of the Dispute Settlement Body, the Appellate Body and other international courts and tribunals.

Communication/ICT/Numeracy/Analytic Techniques/Practical Skills/Information
Literacy

Having successfully completed this course, participants should be able to:

9. Communicate complex legal ideas and arguments effectively in oral and written forms.
10. Draft treaty provisions and agreements with precision and clarity
11. Collaborate effectively in negotiating and drafting international agreements.

General Transferable Skills

- Personal, Intellectual, and Professional Autonomy

Having successfully completed the course, participants should be able to:

12. Cultivate negotiation skills applicable to the drafting and interpretation of treaties.
13. Synthesize and apply knowledge to effectively draft and negotiate international agreements

11. Indicative Content

- Introduction to drafting of treaties (parties, nature and types of trade agreements, form, and format of trade agreements)
- Context and dynamics of bilateral, regional, and multilateral treaty making skills and techniques of drafting.
- Drafting EPA agreements
- Infusing Non-Discrimination in trade agreements; Infusing other basic principles of international trade in trade agreements.
- Professional responsibilities of the drafter; treaty-interpretation in international law.
- Principles of Treaty Interpretation (Vienna Convention on the Law of Treaties (VCLT), Rules and methods of treaty interpretation; Role of context and subsequent practice in interpretation)
- trends in treaty-making; mock drafting and interpretation exercises.
- Implementation and Application of Treaties (Case studies of interpretation of trade agreement by the Panels of the Dispute Settlement Body, the Appellate Body and other international courts and tribunal).
- Monitoring and enforcement mechanisms.

12. Learning and Teaching Strategy

- Lectures and seminars for theoretical understanding.

- Case studies and group discussions for practical applications.
- Workshops focusing on treaty drafting exercises.
- Guest lectures by legal experts in international treaty law.

13. Assessment Pattern

Component	Weighting (%)	Graduate Attributes & Learning outcomes to be covered
In-course assessment:	60	1-8
Final assessment:	40	1-12

14. Strategy for feedback and participant support during course

- Timely and constructive feedback from the course tutor
- Pee-to-peer learning and support

15. Indicative Resources

Background Texts (include number in library or URL) (inc ISBN)

- Edward W. Daigneault (2005) *Drafting International Agreements in Legal English* Wein: Law Publishers in Europe (LPE)
- Simon Lester & Bryan Mercurio (eds) (2008) *Bilateral and Regional Trade Agreements: Commentaries and Analysis* Cambridge University Press
- Jo-Ann Crawford & Sam Laird (2000) "Regional Trade Agreements and the WTO"
Edward W. Daigneault (2005) *Drafting International Agreements in Legal English* Wein: Law Publishers in Europe (LPE)
- Richard Gardiner (2008) *Treaty Interpretation* Oxford: OUP
- Bortolotti, F. (2013). *Drafting and Negotiating International Commercial Contracts: A Practical Guide*. ICC Services SAS-Publishing Department.
- Corten, O., & Klein, P. (Eds.). (2011). *The Vienna Conventions on the Law of Treaties: a commentary* (Vol. 1). Oxford Commentaries on Interna.
- Gardiner, R. K. (2015). *Treaty interpretation*. Oxford University Press, USA.

Web sites

Journals

- Jacobs, F. G. (1969). Varieties of approach to treaty interpretation: with special reference to the Draft Convention on the Law of Treaties before the Vienna diplomatic conference. *International & Comparative Law Quarterly*, 18(2), 318-346.
- Schwarzenberger, G. (1968). Myths and realities of treaty interpretation: Articles 27-29 of the Vienna draft convention on the law of treaties. *Va. J. Int'l L.*, 9, 1.
- Fitzmaurice, M. (2014). The practical working of the law of treaties. *International law*, 2, 187-213.
- Tomažič, L. M. (2022). Best Available Techniques Principle: International Treaties and Drafting in National Legislation. *LeXonomica*, 14(2), 153-172.
- European Journal of International Law
- American Journal of International Law
- The Law and Practice of International Courts and Tribunals

Key websites and on-line resources

- United Nations Treaty Collection - treaties.un.org
- International Court of Justice . www.icj.org
- Oxford Public International Law - opil.ouplaw.com

Teaching/Technical Assistance: ICT facilities

Laboratory space and equipment: Computer lab Available