UČNI NAČRT PREDMETA / COURSE SYLLABUS	
Predmet:	**Diplomatsko pravo in mirno reševanje sporov**
Course title:	**Diplomatic Law and Peaceful Dispute Settlement**

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Pravo - 1. stopnja		3	2
Law – 1st degree		3	2

Vrsta predmeta / Course type	Izbirni/elective
Univerzitetna koda predmeta / University course code:	

Predavanja Lectures	Seminar Seminar	Sem. vaje Tutorial	Lab. vaje Laboratory work	Teren. vaje Field work	Samost. delo Individ. work	ECTS
20	0	10	0	0	120	6

Nosilca predmeta / Lecturers:	prof. dr. Ernest Petrič, doc. dr. Ana Polak Petrič/Prof. Ernest Petrič, PhD, Assist. Prof. Ana Polak Petrič, PhD

Jeziki / Languages:	**Predavanja / Lectures:**	Slovenski jezik/Slovenian
	Vaje / Tutorial:	Slovenski jezik/Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	**Prerequisites:**
Izpolnjeni pogoji za vpis v 3. letnik. Vsaj 80% prisotnost na predavanjih in vajah.	Enrolment into 3rd year At least 80% attendance at lectures and tutorials.

Vsebina:	**Content (Syllabus outline):**
Predmet vključuje dva celovita vsebinska sklopa mednarodnopravne ureditve, in sicer temelje diplomatskega prava ter mirnega reševanja sporov. V okviru **diplomatskega prava** se obravnava mednarodnopravna ureditev vidikov delovanja organov držav v mednarodnih odnosih ter status teh organov. Še posebej delovanje	The course covers two comprehensive areas of international law, namely the foundations of diplomatic law and the peaceful settlement of disputes. **Diplomatic law** deals with the international legal regulation of aspects of the functioning of organs of states in international relations and the status of these organs. In particular, the

diplomacije v dvostranskih in multilateralnih odnosih med državami. Prav tako bodo izpostavljene diplomatske imunitete in privilegiji diplomatov, konzulov, predstavnikov mednarodnih organizacij, članov t.i. posebnih misij pa tudi imunitet visokih državnih funkcionarjev. V okviru predmeta je predstavljena tudi problematika delovanja diplomatskih in konzularnih misij in drugih organov države, ki so pooblaščeni izvajati zunanjo politiko ter mednarodno pravni okviri, sredstva zunanje politike in t.i. diplomatske tehnike. Pomemben del diplomatske dejavnosti je tudi **mirno reševanje sporov**. V okviru predmeta se bo obravnavalo vprašanje pojma mednarodnega spora, obveznost mirnega reševanja sporov ter vrste reševanja mednarodnih sporov. Študenti bodo seznanjeni s posameznimi sredstvi reševanja mednarodnih sporov (diplomatska / pravna sredstva). Spoznali bodo ključne razlike, posebnosti in prednosti posameznih vrst reševanja mednarodnih sporov. Obravnavale se bodo tudi specifike postopkov pred mednarodnimi sodišči. Posebna pozornost bo namenjena postopkom pred Meddržavnim sodiščem v Haagu, ITLOS sodišču v Hamburgu ter Stalnim arbitražnim sodiščem. V izvajanje predmeta se bo skušalo uvesti čim več praktičnih vsebin kot so primeri delovanja slovenske diplomacije, konkretnih pogajanj, problem mirnega reševanja konflikta, ki je posledica agresije Ruske federacije na Ukrajino, ter reševanju sporov Slovenije pred mednarodnimi sodišči.	functioning of diplomacy in bilateral and multilateral relations between states. Diplomatic immunities and privileges of diplomats, consuls, representatives of international organisations, members of so-called special missions, as well as the immunities of high-ranking state officials will also be highlighted. The course also covers the functioning of diplomatic and consular missions and other organs of the state empowered to conduct foreign policy, as well as international legal frameworks, foreign policy tools and diplomatic techniques. An important part of diplomatic activity is also **peaceful settlement of disputes**. The course will also address the concept of international conflict, the obligation to settle disputes peacefully and the types of international dispute settlement. Students will be introduced to the different means of international dispute settlement (diplomatic/legal means). They will learn about the key differences, specificities and advantages of each type of international dispute settlement. The specificities of proceedings before international tribunals will also be discussed. Particular attention will be paid to proceedings before the International Court of Justice in The Hague, the ITLOS Court in Hamburg and the Permanent Court of Arbitration. The course will try to introduce as much practical content as possible, such as examples of Slovenian diplomacy, concrete negotiations, the problem of peaceful settlement of the conflict resulting from the aggression of the Russian Federation against Ukraine, the settlement of Slovenia's disputes before internatio*n*al courts, etc.

Temeljni literatura in viri / Readings:

Obvezna literatura (Mandatory reading):

- Petrič, E., Zunanja politika: Osnove teorije in praksa, druga dopolnjena izdaja. Zbirka mednarodno pravo, Ljubljana, 2022 (ustrezna poglavja).
- D. Türk, Temelji mednarodnega prava, Ljubljana 2009 (ustrezna poglavja).
- B.Bohte/V.Sancin, Diplomatsko in konzularno pravo, Ljubljana 2006.
- I. Brownly, Principles of Public International Law, 7. izdaja, Oxford 2008, str. 701-729.
- Dunajska konvencija o diplomatskih odnosih (1961).
- Dunajska konvencija o konzularnih odnosih (1963).
- Dunajska konvencija o posebnih misijah.
- Konvencija o predstavnikih držav pri univerzalnih mednarodnih organizacijah.
- Zakon o zunanjih zadevah RS.
- Ustanovna listina OZN in Statut Meddržavnega sodišča v Haagu.
- Arbitražni sporazum med Republiko Slovenijo in Republiko Hrvaško.

Priporočena literatura (Recommended reading):

- Handbook on the Peaceful Settlement of Disputes between States, New York : UN, 1992.
- ILC Model Rules on Arbitral Procedure.
- M. Pogačnik, Arbitraža kot sredstvo mirnega reševanja mednarodnih sporov. V: Pravnik. - ISSN 0032-6976. - Letn. 50, št. 4/5 (1995), str. 239-249.
- Merrills, R.: International Dispute Settlement, Cambridge, 2011 (ustrezna poglavja).

Cilji in kompetence:

Cilj je prenesti študentom temeljno razumevanje specifičnosti diplomatske dejavnosti, ki izhajajo iz dejstva, da gre za delovanje organov države na območju druge države. To delovanje mora biti urejeno z mednarodnim pravom, saj gre pri njem za odnos dveh suverenosti. Mora pa biti glede naravo in posebnosti vrsta vprašanj diplomacije urejena tudi z notranjim pravom držav. Pomemben cilj predmeta je tudi razumevanje aktualnih sprememb , ki postavljajo v ospredje nova področja diplomacije - gospodarsko, vojaško, kulturno itd., nove, bolj transparentne oblike delovanja diplomacije, s tem pa tudi spremembe zlasti pri uporabi diplomatskega in konzularnega prava v sodobnih mednarodnih okoliščinah.

Objectives and Competences:

The aim is to give students a basic understanding of the specificities of diplomatic activity, which arise from the fact that it is the action of the authorities of a state on the territory of another state. This action must be governed by international law, since it involves a relationship between two sovereignties. However, given the nature and specificity of diplomacy, a number of issues must also be regulated by the internal law of States. Another important objective of the course is to understand the current changes which are bringing to the fore new areas of diplomacy - economic, military, cultural, etc., new, more transparent forms of diplomatic activity, and thus changes, in particular in the application of diplomatic and consular law in contemporary international circumstances.

Nadalje predmet seznanja študente s sistemom sredstev in postopkov mirnega reševanja mednarodnih sporov v sodobni mednarodni skupnosti. Problemska in praktična naravnanost predmeta poudarja uporabno vrednost pravil mednarodnega prava pri reševanju konkretnih sporov, ki nastajajo med državami in drugimi subjekti mednarodnega prava, s poudarkom na mednarodnih sporih, v katerih je (bila) angažirana Slovenija. Posebej poudarek bo na reševanju mejnega spora, skladno z Arbitražnim sporazumom med Slovenijo in Hrvaško.

Študenti bodo pridobili naslednje splošne in posebne kompetence ter dosegli naslednje cilje:

- sposobnost analize, sinteze in predvidevanja rešitev ter posledic pojavov na področjih diplomatskega prava in mirnega reševanja sporov,
- sposobnost uporabe znanj s področij diplomatskega prava in mirnega reševanja konfliktov in sporov,
- nadgradnja znanj in sposobnost uporabe pravne teorije in drugih interdisciplinarnih znanj v konkretnih situacijah,
- razumevanje in obvladovanje pravnih znanj, ki so tesno povezana s področjem diplomacije in reševanja konfliktov ter pogajanj na različnih področjih.

Predmet je povezan zlasti s temeljnim predmetom mednarodno (javno) pravo.

The course also introduces students to the system of means and procedures for the peaceful settlement of international disputes in the contemporary international community. The problem and practical orientation of the course emphasises the applied value of the rules of international law in the settlement of concrete disputes arising between states and other subjects of international law, with an emphasis on international disputes in which Slovenia is (or has been) involved. Special focus will be on the boundary dispute between Slovenia and Croatia.

Students will acquire the following general and specific competences and achieve the following objectives:

- the ability to analyse, synthesise and predict solutions and consequences of phenomena in the fields of diplomatic law and peaceful settlement of disputes,
- the ability to apply knowledge in the fields of diplomatic law and the peaceful settlement of conflicts and disputes,
- building on and applying legal theory and other interdisciplinary knowledge to concrete situations,
- understanding and mastery of legal skills closely related to the field of diplomacy and conflict resolution and negotiation in various fields.

The course is linked in particular to the core subject of international (public) law.

Predvideni študijski rezultati:

Na področju **diplomatskega prava**. Ob splošnih in posebnih kompetencah, zlasti sposobnost uporabe pravnih metod in razvoj etičnih osnov pri uporabi prava. Med specifičnimi cilji so zlasti:

- Razumeti pravne probleme diplomacije v najširšem smislu.
- Razumeti in s pravnimi sredstvi urejati vprašanja, ki nastajajo kot posledica delovanja

Intended learning outcomes:

In the field of **diplomatic law**. Alongside general and specific competences, in particular the ability to apply legal methods and to develop ethical foundations in the application of law. Specific objectives include in particular:

- Understand the legal problems of diplomacy in the broadest sense.
- Understand and deal with legal issues arising as a result of the action of the authorities of the

organov države pošiljateljice na območju države sprejemnice. – Razumeti spremembe in njihovo mednarodno pravno urejanje pri delovanju diplomacije v sodobni globalizirani mednarodni skupnosti. – Razumevanje vloge mednarodnega običajnega prava pri urejanju diplomatske problematike. – Razumevanje vloge pravil kurtuazije in protokola v sodobnem mednarodnem življenju. – Razumevanje in upoštevanje razlik med bilateralno in multilateralno diplomacijo glede mednarodnega pravnega urejanja njune vloge. – Razumevanje mednarodno pravnega statusa častnih konzulov. – Poznavanje naše pravne ureditve diplomatske dejavnosti in razporeditev pristojnosti med organi države na tem področju.	sending State in the territory of the receiving State. - Understand the changes and their international legal regulation in the conduct of diplomacy in the contemporary globalised international community. - Understand the role of customary international law in the regulation of diplomatic issues. - Understand the role of rules of courtesy and protocol in contemporary international life. - Understanding and appreciation of the differences between bilateral and multilateral diplomacy with regard to the international legal regulation of their respective roles. - Understand the international legal status of Honorary Consuls. - Understanding of our legal regime of diplomatic activity and the distribution of competences between the organs of state in this field.
Na področju **mirnega reševanja sporov**. Znanje in razumevanje reševanja sporov v mednarodni skupnosti in razumevanje specifičnosti teh sporov, zlasti pa: – osvojitev temeljnih znanj o reševanju mednarodnih sporov pa tudi sporov v državi; – poglobitev znanja in zavedanja o pomenu in vlogi mednarodnega prava v sodobnem mednarodnem redu; – sposobnost kritično ovrednotiti sodobne mednarodne spore in iskati možnost za njihovo mirno razrešitev; – razumevanje vloge meddržavnih sodišč in arbitraž; – razumevanje bistva nekaterih mednarodnih sporov naše države in možnosti za njihovo mirno reševanje; – sposobnost kritično presojati konkretne mednarodne spore in njihovo reševanje; - obdelava aktualnih primerov meddržavnih sporov na različnih področjih; - sposobnost sodelovanja pri razreševanju mednarodnih sporov.	In the field of **peaceful settlement of disputes**. knowledge and understanding of dispute settlement in the international community and the specificities of these disputes, in particular: - acquisition of basic knowledge of international dispute resolution as well as domestic dispute resolution; - a deeper knowledge and awareness of the importance and role of international law in the contemporary international order; - the ability to critically evaluate contemporary international disputes and to seek a peaceful solution to them; - an understanding of the role of inter-State courts and arbitration; - an understanding of the nature of some of our country's international disputes and the prospects for their peaceful settlement; - the ability to critically assess specific international disputes and their resolution; - processing of actual cases of inter-state disputes in various fields; - Ability to participate in the resolution of international disputes.

Metode poučevanja in učenja:	**Learning and teaching methods:**
Oblike dela: ☒ Frontalna oblika poučevanja ☐ Delo v manjših skupinah oz. v dvojicah ☒ Samostojno delo študentov ☒ e-učenje ☐ drugo (vpišite): pisanje esejev **Metode (načini) dela:** ☒ Razlaga ☒ Razgovor/ diskusija/debata ☒ Delo z besedilom ☒ Proučevanje primera ☐ Igra vlog ☐ Druge vrste nastopov študentov ☐ Reševanje nalog ☐ Študijski obiski podjetij ipd.) ☒ Vključevanje gostov iz prakse ☐ Udeležba na okrogli mizi, na konferenci	**Types of learning/teaching:** ☒ Frontal teaching ☐ Work in smaller groups or pair work ☒ Independent students work ☒ e-learning ☐ other _____ **Teaching methods:** ☒ Explanation ☒ Conversation/discussion/debate ☒ Work with texts ☒ Case studies ☐ Role-play ☐ Different presentation ☐ Solving exercises ☐ Field work (e.g. company visits) ☒ Inviting guests from companies ☐ Attending round table and conference

Načini ocenjevanja:	Delež (v %) / Weight (in %)	**Assessment:**
Pisni ustni izpit (Upoštevano tudi sodelovanje pri predmetu, zlasti ustni nastopi)	**100%**	Written examination (Taking into account participation in the subject, particularly oral presentations)

Reference nosilca / Lecturer's references:

Dr. Ernest Petrič, zaslužni profesor uči mednarodno pravo kot redni profesor od leta 1982, v Ljubljani pa tudi na številnih tujih univerzah; nagrajen je bil za znanstveno delo in knjigo o problematiki mednarodno pravnega varstva manjšin; je avtor desetih knjig o problematiki mednarodnega prava, mednarodnih odnosov in zunanje politike in več kot 350 znanstvenih in strokovnih člankov o tej problematiki; je član Komisije za mednarodno pravo in njen bivši predsednik; je bil kot veleposlanik akreditiran v Indiji in Nepalu, ZDA, Mehiki, Braziliji, Avstriji, in bil stalni predstavnik/veleposlanik Republike Slovenije pri OZN New York in Dunaj, pri OVSE in IAEA; je bivši član in predsednik Ustavnega sodišča Republike Slovenije ; je član t.i. Beneške komisije Sveta Evrope in višji svetovalec predsednika Republike Slovenije.

Full Professor; former member of the UN International Law Commission (3 mandates) and its past President; former member of the Advisory Committee on the Nomination of Judges of the

International Criminal Court; member of the Venice Commission of the Council of Europe; author of 8 books on international law, international relations, and foreign policy, as well as over 250 scholarly papers and articles on these issues; former judge and President of the Constitutional Court of the Republic of Slovenia; former Ambassador to the United States, the United Nations (New York), India, and Austria; Senior Advisor to the President of the Republic of Slovenia for International Relations and Law; recipient of the Slada B. Kidrič Award for research work; member of the European Academy of Sciences and Arts and member of advisory boards of some international institutes.

Dr. Ana Polak Petrič je docentka za področje mednarodnega prava in diplomacije ter Evropskega prava na Novi Univerzi. Diplomirala je na Pravni fakulteti Univerze v Ljubljani (2002), magistrirala s področja mednarodnih odnosov na Diplomatski akademiji in Univerzi na Dunaju (2007) ter doktorirala iz mednarodnega prava na Evropski pravni fakulteti. Od leta 2003 je zaposlena na Ministrstvu za zunanje zadeve, kjer se ukvarja z vprašanji mednarodnega in evropskega prava ter prava človekovih pravic. Več let je bila visoka predstavnica Republike Slovenije za nasledstvo, od 2019-2022 veleposlanica Republike Slovenije na Japonskem (nerezidenčno tudi v Koreji in na Filipinih), od leta 2022 je veleposlanica Republike Slovenije v Nemčiji. Je odgovorna urednica zbirke Mednarodno pravo ter avtorica publikacij in člankov s področja mednarodnega prava in človekovih pravic.

Assistant professor of international law and diplomacy and European law at the New University. She graduated from the Faculty of Law, University of Ljubljana (2002), holds a master's degree in advanced international studies from the Diplomatic Academy of Vienna and University of Vienna (2007), and a PhD in law from the European Faculty of Law (2014). Since 2003, she has worked as a diplomat and a legal expert in the Ministry of Foreign Affairs of Slovenia, where she is dealing mostly with international law, EU law and humans rights law. For several years she was appointed as a High Representative of the Republic of Slovenia for Succession Issues, 2019-2022 she was Ambassador of the Republic of Slovenia to Japan (non-residential also to Korea and the Philippines), since 2022 she serves as Ambassador of the Republic of Slovenia to Germany. She is the editor of the International Law Series and author of several publications are articles in the field of international law and human rights.