UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	**Mednarodno pravo**
Course title:	**International Law**

Študijski program in stopnja **Study programme and level**	**Študijska smer** **Study field**	**Letnik** **Academic year**	**Semester** **Semester**
Pravo - 3. stopnja	Obče pravo	2.	1.
Law - 3rd degree	Common Law	2.	1.

Vrsta predmeta / Course type:	Izbirni/Elective
Koda predmeta /Course code:	

Predavanja **Lectures**	**Seminar** **Seminar**	**Vaje** **Tutorial**	**Druge oblike študija** **Other type study**	**Samost. delo** **Individual work**	**ECTS**
20	0	0	0	230	10

Nosilec predmeta / Lecturer:		Izr. prof. dr. Andraž Zidar/Assoc. Prof. Andraž Zidar, PhD
Jeziki/Languages:	Predavanja / Lectures: Seminar / Seminar:	Slovenski jezik/Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	**Prerequisites:**
Vsaj 80% prisotnost na predavanjih in vajah.	At least 80% attendance at lectures and tutorials.

Vsebina:	**Content (Syllabus outline):**
Razumevanje mednarodnega prava na doktorski stopnji mora presegati klasične teme in probleme, ki se obravnavajo na ravni študija prve ali druge stopnje prava. Namen je dvig razumevanja mednarodnega prava na višjo kognitivno raven, ki spodbuja kritično ter ustvarjalno razmišljanje. Zato se za ta predmet predpostavlja dobro poznavanje temeljev mednarodnega prava, ki so bili spredavani v okviru fakultetnega študija na nižjih ravneh. Mednarodno pravo na doktorski ravni se bo predvsem osredotočilo na teme metodologije in teorije mednarodnega prava, ki kažejo na to, da mednarodno pravo ni »nevtralno« ali »apolitično«, temveč je, nasprotno, v mnogočem odraz določenih preferenc, interesov, vrednot in družbenih dejavnikov na ravni odločevalca ali države, ki mednarodno pravo uporablja. V okviru metodologije mednarodnega prava bodo obravnavana vprašanja: kaj je mednarodno pravo, zakaj je pomembno, ali mednarodno pravo velja in kaj lahko z njim dosežemo?	An understanding of international law at the doctoral level must go beyond the classical topics and problems addressed at the undergraduate or master's level of legal studies. The aim is to advance the understanding of international law to a higher cognitive level that encourages critical and creative thinking. The course therefore presupposes a sound knowledge of the foundations of international law acquired through previous legal studies. International law at the doctoral level will focus primarily on questions of methodology and theory. These perspectives demonstrate that international law is neither "neutral" nor "apolitical"; rather, in many respects, it reflects particular preferences, interests, values and social factors operating at the level of the decision-maker or the state applying international law. Within the methodology of international law, the course will address the following fundamental questions: What is international law? Why does it

Predstavljeni bodo različni teoretični pristopi sodobnega razumevanja mednarodnega prava kot so tradicionalni pristopi, ustavnost in mednarodno pravo, pravni pluralizem, marksizem, pravni realizem in policy-oriented pristop, feminizem, kritične pravne študije, pogledi tretjega sveta, pravo in ekonomija itd.

Posebna tema bo razmerje med (mednarodnim) pravom in močjo, ki je ključno za razumevanje kako mednarodno pravo deluje in kaj je njegov domet. V tem okviru bo obravnavana tudi preobrazba mednarodne skupnosti v multipolarno zasnovo.

Metodološki in teoretični uvidi bodo uporabljeni pri analizi in razpravi o aktualnih mednarodnopravnih primerih, ki bodo obravnavani v vsebinskih diskusijah na pobudo udeležencev.

Cilj predmeta je zainteresiranim predstaviti konceptualna orodja za pomoč pri zasnovi, razmišljanju in pisanju doktorske disertacije na področju mednarodnega prava. Zato bo vsebina programa do določene mere prilagojena individualnim raziskovalnim in poklicnim interesom študentov in temeljil na njihovi aktivni udeležbi v razpravah.

matter? Is international law effective, and what can be achieved through it?

Various theoretical approaches to the contemporary understanding of international law will be presented, including traditional approaches, constitutionalism and international law, legal pluralism, Marxism, legal realism and the policy-oriented approach, feminism, critical legal studies, Third World approaches to international law, law and economics, and others.

A particular topic will be the relationship between (international) law and power, which is crucial to understanding how international law operates and the limits of its reach. In this context, the transformation of the international community towards a multipolar configuration will also be examined.

Methodological and theoretical insights will be applied to the analysis and discussion of current issues and cases in international law. These will be explored through substantive discussions initiated by the participants.

The aim of the course is to provide interested students with conceptual tools that can assist them in designing, conceptualising and writing a doctoral dissertation in the field of international law. Accordingly, the course content will, to a certain extent, be tailored to the individual research and professional interests of the students and will require their active participation in the course.

Temeljna literatura in viri / Readings:

Obvezna / Compulsory:

M. Koskenniemi, Blagi prosvetitelj narodov (vzpon in padec mednarodnega prava 1870-1960), Ljubljana: MZEZ-FDV, 2012.

M. Koskenniemi, Methodology of International Law, Oxford Public International Law, 2011.

A. Bianchi, International Law Theories – An Inquiry into Different Ways of Thinking , Oxford: Oxford University Press, 2016 - Introduction

R. Cryer et al., Research Methodologies in EU and International Law:

- Introduction

- Part I

- Part II

- Part III Chayes, A., The Cuban Missile Crisis, London: Oxford University Press, 1962. Petrič, E., Zunanja politika: Osnove teorije in praksa, dopolnjena izdaja. Ljubljana: MZEZ, FDV in ZRC SAZU. Ljubljana, 2022. Higgins R., Problemi in proces: Mednarodno pravo in kako se ga uporablja, Ljubljana: MZEZ in FDV, Ljubljana 2018 (na voljo v spletni učilnici). H. Grotious, Svobodno morje, Ljubljana: MZEZ-FDV 2011.

Cilji in kompetence:	**Objectives and competences:**
Študentje bodo razvili **splošne kompetence**: – Kritično analizo kompleksnih problemov – sposobnost samostojnega analiziranja kompleksnih teoretičnih in praktičnih problemov, prepoznavanja njihovih ključnih elementov, predpostavk in medsebojnih povezav. – Kritično vrednotenje znanja in argumentov – sposobnost kritične presoje obstoječih teorij, raziskovalnih pristopov, argumentov in ugotovitev ter njihovega vrednotenja na podlagi ustreznih znanstvenih meril. – Sintezo znanja in interdisciplinarno povezovanje – sposobnost povezovanja spoznanj, konceptov in metod iz različnih področij ter njihove uporabe pri obravnavi novih in kompleksnih raziskovalnih vprašanj. – Ustvarjanje novega znanja in inovativnih rešitev – sposobnost oblikovanja izvirnih raziskovalnih vprašanj, hipotez, konceptov in metodoloških pristopov ter razvijanja novih znanstvenih spoznanj in rešitev. – Samostojno znanstveno argumentiranje in komuniciranje – sposobnost oblikovanja, utemeljevanja in zagovarjanja lastnih znanstvenih stališč ter jasnega in prepričljivega posredovanja kompleksnih spoznanj strokovni, znanstveni in širši javnosti.	Students will develop the following **general competences**: – Critical analysis of complex problems – the ability to independently analyse complex theoretical and practical problems, identify their key elements and underlying assumptions, and understand the relationships between them. – Critical evaluation of knowledge and arguments – the ability to critically assess existing theories, research approaches, arguments and findings, and to evaluate them on the basis of appropriate academic and scientific criteria. – Synthesis of knowledge and interdisciplinary integration – the ability to integrate insights, concepts and methods from different fields and apply them to new and complex research questions. – Creation of new knowledge and innovative solutions – the ability to formulate original research questions, hypotheses, concepts and methodological approaches, and to develop new scholarly insights and innovative solutions. – Independent scholarly argumentation and communication – the ability to formulate, substantiate and defend one's own scholarly positions and to communicate complex findings clearly and persuasively to academic, professional and wider audiences.
Študentje bodo razvili **predmetno-specifične kompetence**: – Razumevanje in tudi raziskovanje teoretskih in praktičnih problemov prava in še posebej mednarodnega prava. – Razumevanje temeljnih značilnosti in posebnosti sodobnega mednarodnega reda in njegovih mednarodno pravnih temeljev. – Sposobnost najti relevantne vire mednarodnega prava ter jih analizirati in uporabiti.	Students will develop the following **course-specific competences:** – Understanding of theoretical and practical problems of law and in particular of international law.. – Understanding of fundamental characteristics and specifics of modern international order and its legal foundations. – Ability to identify relevant sources of international law, analyze them and use them properly..

- Sposobnost kritično ocenjevati z vidikov mednarodnega prava aktualna mednarodna dogajanja.
- Sposobnost spremljati judikaturo relevantnih mednarodnih sodišč.
- Sposobnost spremljati razvoj mednarodnega prava in njegovo transplantacijo v naš pravni red.
- Sposobnost razumeti in vnašati mednarodne pravne vidike in obveznosti v razreševanje notranje pravne, zlasti ustavno pravne problematike.
- Sposobnost identificirati in uporabiti mednarodno pravo pri odnosih z drugimi subjekti mednarodnega prava.

- Ability to critically assess current international events from the perspective of international law.
- Ability to identify and analize cases of jurisprudence of relevant international courts:
- Ability to follow development of international law and its transplantation in our domestic legal order.
- Ability to understand international legal aspects in resolving legal issues in domestic law, in particular constitutional aspects.
- Ability to identify and use international law in relations with other subjects of international law.

Predvideni študijski rezultati:
Znanje in razumevanje:

Intended learning outcomes:
Knowledge and understanding:

Študent bo:
- Razumevanje mednarodnega prava in njegove vloge pri zagotavljanju vladavine prava v sodobni mednarodni skupnosti.
- Seznanitev doktorskih kandidatov-študentov z vsebino in razvojem temeljnih konceptov sodobnega mednarodnega prava, tistega, kar je navedeno kot vsebina predmeta.
- Usposobiti bodoče doktorje prava za:
- kritično razumevanje in interpretiranje mednarodnega prava;
- kritično presojo aktualnih dogajanj v mednarodni skupnosti z vidika mednarodnega prava;
- poznati in razumeti posebnosti položaja naše države z vidika mednarodnega prava, ki našo državo zavezuje;
- Usposobiti študente, da bodo na področjih kjer delujejo razumeli in upoštevali mednarodno pravne vidike problematike.

Students will:
- Understanding international law and its role in ensuring the rule of law in the modern international community.
- Acquaintance of doctoral candidates-students with the content and development of basic concepts of modern international law, what is stated above as the content of this course.
- Train students of this cource to:
- critically understand and interpret international law;
- asses current events in the international community from the point of view of international law;
- know and understand the specifics of the position of our country from the point of view of international law, which binds our country;
- train to understand and take into account the international legal aspects of the issues in the areas where they work.

Metode poučevanja in učenja:

Learning and teaching methods:

Oblike dela:
☒ Frontalna oblika poučevanja
☒ Delo v manjših skupinah oz. individualno
☒ Samostojno delo študentov
☒ študij s pomočjo IKT tehnologije
☐ drugo (vpišite) _____

Metode (načini) dela:
☒ Razlaga
☒ Razgovor/ diskusija/debata
☐ Delo z besedilom
☒ Proučevanje primerov raziskav
☐ Igra vlog
☒ Druge vrste nastopov študentov
☐ Reševanje nalog/vaje
☐ 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 individual work
☒ Independent students work
☒ studies using ICT technology
☐ other _____

Teaching methods:
☒ Explanation
☒ Conversation/discussion/debate
☐ Work with texts
☒ Research case studies
☐ Role-play
☒ Different presentation
☐ Solving exercises/study exercises
☐ Field work (e.g. company visits)
☐ Inviting guests from companies
☒ Attending round table and conference

Načini ocenjevanja: Način (pisni izpit, ustno izpraševanje, naloge, projekt)	Teža (v %) / Weight (in %)	Assessment: Type (examination, oral, coursework, project)
Sprotno ustno (aktivno sodelovanje pri kontaktnih urah in pri raziskavah)		Oral verification and assessment of knowledge
Sprotno pisno preverjanje znanja (krajši pisni izdelki)		Written verification and assessment of knowledge (short written casework)
Daljši pisni izdelki (seminarska naloga, projektna naloga, raziskovalna poročila)		Longer written casework
Javni nastop in predstavitev lastnega raziskovalnega dela		Public presentation of one's research
Končni ustni izpit	**100**	Final examination (oral)
Končni pisni izpit		Final examination (written)
Drugo (vpišite)		Other:
