

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet: Pomorsko mednarodno pravo
Course title: Law of the Sea

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

Nosilec predmeta / Lecturer:

Doc. dr. Ana Polak Petrič / As. Prof. Dr Ana Polak Petrič

Jeziki /

Languages:

Predavanja

Lectures:

Vaje / Tutorial:

/ Slovenski jezik/Slovenian

Slovenski jezik/Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Izpolnjevanje pogojev za vpis v 1. letnik dodiplomskega študija.

Prerequisites:

Fulfilment of requirements to enrol in the 1st year of undergraduate study.

Vsebina:

Izbirni predmet Pomorsko mednarodno pravo na dodiplomski ravni obravnava osnove zgodovinskega razvoja in aktualne ureditve tega mednarodnopravnega področja, s posebnim poudarkom na specifikah ureditve v Sloveniji, tudi v kontekstu urejanja vprašanja meje na morju s Hrvaško.

V uvodnem delu predmet zajema obravnavo pojma in značilnosti pomorskega mednarodnega prava, njegovega razvoja in kodifikacije ter aktualnih virov prava, posebej

Content (Syllabus outline):

Course "Law of the Sea" as a part of undergraduate study includes primarily historical developments and current codification of this international legal area, with a special focus on particularities of Slovenian legislation, also in the context of settling the dispute of the sea border with Croatia.

In the introduction, the course deals with definitions, historical developments and codification of the law of the sea, as well as with existing sources, especially UNCLOS III

UNLOS III konvencije.

Predvidena je natančnejša obravnava mednarodnih režimov na morju, kot so: notranje morske vode, teritorialno morje, zunanji pas, izključna ekonomska cona, epikontinentalni pas, odprto morje ter morske ožine in prekopi.

Na dodiplomski ravni sledi tudi spoznavanje ter obravnava drugih aktualnih vprašanj, na primer položaj ladij na morju, ribolov in izkoriščanje bioloških bogastev, polaganje kablov v morju, preprečevanje onesnaženja morja ter izkoriščanje morskega dna.

Glede na specifične slovenske ureditve se predvideva poglobljena obravnava ureditve na morju z vidike slovenske zakonodaje ter reševanja vprašanja morske meje ter morskih pasov s sosednjo Hrvaško.

V ospredju bodo tudi možnosti mirnega reševanja sporov med državami glede ureditve pomorskega mednarodnega prava, z obravnavo aktualnih primerov v Evropi in v svetu.

Na dodiplomski ravni bo predstavljeno tudi mednarodno sodelovanje med državami na področju pomorskega mednarodnega prava, dejavnosti OZN, Mednarodne pomorske organizacije (IMO) ter drugih pristojnih mednarodnih organizacij.

Convention.

It is envisaged that the course will provide a detailed examination of legal regimes at the sea, such as: Internal waters, the Territorial sea, the Contiguous Zone, the Exclusive Economic Zone, the Continental Shelf, the High Seas and the Straights and canals.

At the undergraduate level students will be acquainted with other topical issues, for example the status of ships at sea, fisheries and conservation of the living resources, cables, prevention of the pollution of the seas, and the International Seabed.

Because of the particularities of Slovenian regulations, a more elaborated examination of Slovenian legislation is foreseen, including the question of settling the dispute of the border at the sea and the legal regimes with neighbouring Croatia.

The course also deals with the mechanisms of peaceful settlement of disputes, taking into account the recent and topical cases between States in Europe and globally.

At the undergraduate level the course will examine possibilities of international cooperation between States in the field of the law of the sea, activities of the UN, International Maritime Organization (IMO), as well as other International Organizations.

Temeljni literatura in viri / Readings:

- D. Türk, Temelji mednarodnega prava, GV 2007, str. 436-463.
- I. Brownlie, Principles of Public International Law, 7th Ed., Oxford UP, 2008, str. 173-275.
- Konvencija Združenih narodov o pomorskem pravu iz leta 1982, Ur.l. SFRJ, Dod. MP, št. 1/86.
- Zakon o obalnem morju RS.
- Zakon o zaščitni ekološki coni in epikontinentalnem pasu RS
- Zakon o morskem ribištvu.
- Sporazum o obmejnem prometu in sodelovanju z Republiko Hrvaško (SOPS).

- Arbitražni sporazum med Vlado RS in Vlado RH
- Konvencija o teritorialnem morju in zunanjem pasu iz leta 1958
- Konvencija o odprtem morju iz leta 1958 (Dokumentacija IMPMO št. 2).
- Konvencija o epikontinentalnem pasu iz leta 1958.

Cilji in kompetence:

Študenti/ke bodo pridobili naslednje predmetno specifične kompetence:

- poznavanje in razumevanje razvoja, pomena in značilnosti pomorskega mednarodnega prava ter njegovih virov; osvojitve znanja o različnih morskih režimih –vrste režimov, njihovo ureditev ter pravice in obveznosti, ki tam veljajo;
- sposobnost kritične analize možnosti reševanja mednarodnih sporov na področju prava morja, posebej preko razumevanja reševanja spora glede meje na morju in morskih režimov med Slovenijo in Hrvaško;
- razumevanje povezljivosti vprašanj prava morja s temeljnimi načeli mednarodnega prava, posebej glede izvajanja suverenih pravic in oblasti posameznih držav;
- sposobnost samostojnega in avtonomnega študijskega dela;
- razvoj sposobnosti kritično analizirati pravne vire, posebej določila UNCLOS konvencije III;
- kritična refleksija obstoječih pravnih virov in ocena njihove potrebnosti in kakovosti, posebej v luči aktualnih problemov kot so zaščita okolja, preprečevanje onesnaževanja morja in nekontroliranega izkoriščanja morskih bogastev;
- sposobnost ustreznega navajanja domačih in mednarodnih pravnih virov, domače in mednarodne sodne prakse in elektronskih virov.

Študenti/ke bodo pridobili naslednje splošne kompetence:

- uporaba ustreznih metod pravnega raziskovanja, njihovih postopkov, analize in

Objectives and competences:

Students will gain the following subject specific competences:

- knowledge and understanding the development, importance and characteristics of the law of the sea and its sources; to gain knowledge on legal regimes at sea – the types of the regimes, as well as the regulation and the rights and obligations pertaining to each of them;
- ability to critically analyse the methods of peaceful settlement of disputes in this field of international law, especially by understanding the importance of the dispute with Croatia on the delimitation at sea and legal regimes;
- understanding the interconnectivity of questions in the law of the sea with basic principles of international public law, especially as regards the sovereign rights and authority of relevant States;
- ability to study independently and autonomously;
- developing the ability to critically analyse legal sources and legal texts, particularly the UN Law of the Sea Convention from 1982 (UNCLOS III);
- a critical reflection on existing legal sources and an assessment of their need and quality, especially in the context of important emerging questions- prevention of the pollution of the sea and excessive exploitation of living resources and seabed;
- ability to properly cite domestic and international legal sources, domestic and international jurisprudence and electronic resources;

Students will gain the following general competences:

sinteze;

- razvoj komunikacijskih sposobnosti in veščin pri obravnavi mednarodnega prava, ob tem tudi pomorskega mednarodnega prava;
- razvoj ustvarjalnosti in sposobnosti kritične obravnave problemov v luči aktualnih tem (zaščita okolja in morij);
- razvoj sposobnosti uporabe interdisciplinarnih znanj.

- the use of appropriate methods of legal research, their procedures, analysis and synthesis;

- development of communication skills and competences in the implementation of international law and the law of the sea;
- developing creativity and the ability to critically assess the emerging problems pertaining to the protection of environment and the sea;
- developing the ability to use interdisciplinary knowledge.

Predvideni študijski rezultati:

- pridobljeno znanje, skladno z vsemi opisanimi cilji predmeta;
- razumevanje pomena pomorskega mednarodnega prava v kontekstu sobivanja držav v mednarodni skupnosti;
- obdelava aktualnih primerov meddržavnih sporov s področja pomorskega mednarodnega prava.

Intended learning outcomes:

- knowledge gained in accordance with all objectives listed above;
- understanding the importance and relevance of the law of the sea in the context of interstate relations in contemporary international community;
- analysing topical interstate disputes in the field of the law of the sea.

Metode poučevanja in učenja:

Oblike dela:

- Frontalna oblika poučevanja
- Delo v manjših skupinah oz. v dvojicah
- Samostojno delo študentov
- e-učenje
- drugo (vpišite) _____

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

Learning and teaching methods:

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 izpit	100%	- written exam

Reference nosilca / Lecturer's references:

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.

ANA POLAK PETRIČ is an 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.