UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	**Reševanje mednarodnih sporov**
Course title:	**Settlement of International Disputes**

Študijski program in stopnja **Study programme and level**	**Študijska smer** **Study field**	**Letnik** **Academic year**	**Semester** **Semester**
Pravo 2. stopnje		2	1
Law 2nd Degree		2	1

Vrsta predmeta / Course type:	obvezni modularni/mandatory modular
Koda predmeta /Course code:	

Predavanja **Lectures**	**Seminar** **Seminar**	**Vaje** **Tutorial**	**Druge oblike študija** **Other type study**	**Samost. delo** **Individual work**	**ECTS**
30	0	0	0	120	6

Nosilec predmeta / Lecturer:		Doc. dr. Ana Polak Petrič/Assist. Prof. Ana Polak Petrič, PhD
Jeziki/Languages:	Predavanja / Lectures:	slovenski jezik/Slovenian
	Seminar / Seminar:	slovenski jezik/Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	**Prerequisites:**
Zahteva se vsaj 80 % prisotnost na predavanjih.	At least 80% attendance at lectures is required.

Vsebina:	**Content (Syllabus outline):**
V okviru predmeta se bo podrobneje obravnavalo vprašanje pojma mednarodnega spora, obveznost mirnega reševanja sporov ter vrste reševanja mednarodnih sporov, tako preko pravil mednarodnega prava, prakse držav kot tudi odločanja mednarodnih sodišč glede teh vprašanj. Nadalje bodo študenti poglobljeno seznanjeni s posameznimi primeri reševanja mednarodnih sporov, glede na različne vrste (diplomatska / pravna sredstva). Spoznali bodo ključne razlike, posebnosti in prednosti posameznih vrst reševanja mednarodnih sporov. Obravnavale se bodo tudi specifike postopkov pred različnimi mednarodnimi sodišči. Posebna pozornost bo namenjena postopkom pred Meddržavnim sodiščem v Haagu, ITLOS sodišču v Hamburgu ter Stalnim arbitražnim sodiščem, Obravnavali se bodo konkretni mednarodni spori Slovenije, in sicer glede meje, trgovinski in investicijski spori ter spor glede deviznih varčevalcev LB. S sodelovanjem študentov bomo izbrali nekaj najbolj aktualnih primerov mednarodnih sporov (trgovinski spor ZDA/Kitajska, agresija na Ukrajino, tožbe zoper Izrael) in jih bolj podrobno obravnavali.	The course will examine in more detail the concept of international dispute, the obligation to settle disputes peacefully, and the types of international dispute settlement, both through the rules of international law, state practice and the decisions of international courts on these issues. Furthermore, students will be introduced in depth to specific examples of international dispute settlement, according to the different types (diplomatic/legal remedies). They will learn about the key differences, specificities and advantages of each type of international dispute settlement. The specificities of the procedures before the different 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, Specific international disputes of Slovenia will be addressed, namely border, trade and investment disputes and the LB foreign exchange savers dispute. With the participation of students, we will select some of the most topical cases of international disputes (US/China trade dispute, aggression against

Predvidena je celovita obravnava vprašanja učinkovitosti sredstev mirnega reševanja sporov v kontekstu novih geopolitičnih realnosti, politizacije sodnih postopkov ter erozije sistema predvsem zaradi nesodelovanja določenih držav v sodnih postopkih ter pri neizvrševanja sodnih odločb. Na magistrski ravni se predvideva razprava o pomenu vladavine prava na mednarodni ravni ter zaščite obstoječega mednarodnega reda, temelječega na mednarodnem pravu.	Ukraine, lawsuits against Israel) and discuss them in more detail. A comprehensive discussion of the effectiveness of peaceful means of dispute resolution in the context of new geopolitical realities, the politicization of court proceedings and the erosion of the system, mainly due to the non-cooperation of certain states in court proceedings and in the non-enforcement of court decisions, is foreseen. At Master's level, it is envisaged to discuss the importance of the rule of law at international level and the protection of the existing international rules based order.

Temeljna literatura in viri / Readings:

Merrills, J. G., International Dispute Settlement, Cambridge Univ. Press, 2011.
Brownly, I., Principles of Public International Law, 7. izdaja, Oxford 2008.
Petrič, E., Zunanja politika – Osnove teorije in praksa, Ljubljana 2010 (izbrana poglavja).
Arbitražni sporazum med Republiko Slovenijo in Republiko Hrvaško.
Izbrane sodbe Meddržavnega sodišča v Haagu, Evropskega sodišča za človekove pravice, Mednarodnega kazenskega sodišča ter arbitražne odločbe (izbira primerov bo določena glede na aktualnost)

Cilji in kompetence:	**Objectives and competences:**
Študentje bodo razvili **splošne kompetence**: • učinkovito ustno in pisno komuniciranje, • sposobnost reševanja konkretnih problemov v praksi, • kritično in analitično mišljenje, • timsko delo.	Students will develop the following **general competences**: • communicate effectively orally and in writing, • the ability to solve concrete problems in practice, • critical and analytical thinking, • teamwork.
Študentje bodo razvili **predmetno-specifične kompetence**: • sposobnost analize, sinteze in predvidevanja rešitev ter posledic pojavov na področju reševanja sporov in konfliktov, • sposobnost uporabe znanj s področja konfliktov, reševanja konfliktov in sporov, postopkov alternativnega reševanja sporov, mediacije, arbitraže in pogajanj, • nadgradnja znanj in sposobnost uporabe pravne teorije in drugih interdisciplinarnih znanj v konkretnih situacijah reševanja sporov, • razumevanje in obvladovanje pravnih znanj, ki so tesno povezana s področjem reševanja konfliktov in pogajanj na različnih področjih (sodno reševanje sporov, reševanje sporov pred ESČP, reševanje civilnih, gospodarskih, delovnih sporov, gospodarska arbitraža).	Students will develop the following **course-specific competences:** • the ability to analyze, synthesize and predict solutions and consequences in the field of dispute and conflict resolution, • the ability to apply knowledge of conflict, conflict and dispute resolution, alternative dispute resolution, mediation, arbitration and negotiation, • building on knowledge and ability to apply legal theory and other interdisciplinary knowledge to concrete dispute resolution situations, • understanding and mastery of legal skills closely related to the field of conflict resolution and negotiation in various areas (judicial dispute resolution, dispute resolution before the ECtHR, civil, commercial, labour dispute resolution, commercial arbitration),

Predvideni študijski rezultati:
Znanje in razumevanje:

Intended learning outcomes:
Knowledge and understanding:

Študent bo:	**Students will:**
- pridobljeno znanje, skladno z vsemi opisanimi cilji predmeta; - razumevanje pomena mirnega reševanja sporov v mednarodnem okolju ter sredstva, ki so za to na voljo; - obdelava aktualnih primerov meddržavnih sporov na različnih področjih; - sposobnost sodelovanja pri razreševanju mednarodnih sporov.	- the knowledge acquired, in line with all the objectives described in the course; - understanding of the importance of peaceful settlement of disputes in the international environment and the means available for this purpose; - the processing of actual cases of inter-state disputes in various fields; - the ability to participate in the resolution of international disputes.

Metode poučevanja in učenja:

Oblike dela:	**Types of learning/teaching:**
☒ Frontalna oblika poučevanja	☒ Frontal teaching
☒ Delo v manjših skupinah oz. individualno	☒ Work in smaller groups or individual work
☒ Samostojno delo študentov	☒ Independent students work
☒ študij s pomočjo IKT tehnologije	☒ studies using ICT technology
☐ drugo (vpišite) _____	☐ other _____
Metode (načini) dela:	**Teaching methods:**
☒ Razlaga	☒ Explanation
☒ Razgovor/ diskusija/debata	☒ Conversation/discussion/debate
☒ Delo z besedilom	☒ Work with texts
☒ Proučevanje primerov raziskav	☒ Research case studies
☐ Igra vlog	☐ Role-play
☐ Druge vrste nastopov študentov	☐ Different presentation
☐ Reševanje nalog/vaje	☐ Solving exercises/study exercises
☐ Študijski obiski podjetij ipd.)	☐ Field work (e.g. company visits)
☐ Vključevanje gostov iz prakse	☐ Inviting guests from companies
☐ Udeležba na okrogli mizi, na konferenci	☐ 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		Final examination (oral)
Končni pisni izpit	**80**	Final examination (written)
Drugo: predstavitev sodnega primera	**20**	Other: Presentation of a court case

Reference nosilca / Lecture'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.