

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet: Diplomatsko in konzularno pravo
Course title: Diplomatic and Consular Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Pravo 1. stopnja	Pravo	3	2
I. level	Law	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		10			120	6

Nosilec predmeta / Lecturer:

prof. dr. Ernest Petrič

Jeziki / Predavanja
slovenski Lectures:

slovenski

Languages: Vaje / Tutorial:

slovenski

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

Vpis v 3. letnik dodiplomskega študijskega programa Pravo 1. stopnja.

Prerequisites:

Enrolment into 3rd year of undergraduate studies of law.

Vsebina:

Temeljna vsebina predmeta Diplomatsko in konzularno pravo je mednarodno pravna ureditev vseh vidikov delovanja organov držav v mednarodnih odnosih ter mednarodno pravni status organov držav za mednarodne odnose. Še posebej pa tudi delovanje diplomacije v dvostranskih in multilateralnih odnosih med državami. Prav tako je posebej izpostavljen problem diplomatskih imunitet in privilegijev diplomatov, konzulov, predstavnikov držav pri mednarodnih organizacijah, predstavnikov mednarodnih

Content (Syllabus outline):

The basic content of the course Diplomatic and Consular Law is the international legal regulation of all aspects of the operation of state bodies in international relations and the international legal status of state bodies for international relations. In particular, the functioning of diplomacy in bilateral and multilateral relations between countries. The problem of diplomatic immunities and privileges of diplomats, consuls, representatives of countries at international organizations, representatives of international organizations,

organizacij, članov t.i. posebnih misij (special missions) pa tudi imunitet bodisi *ratione personae* ali *ratione materiae* visokih državnih funkcionarjev pred pristojnostjo tujih sodišč.

V okviru predmeta je predstavljena tudi problematika delovanja diplomatskih in konzularnih misij, in drugih organov države, ki so pooblaščenim izvajati zunanjo politiko ter mednarodno pravni okviri, sredstva zunanje politike in t.i. diplomatske tehnike.

Vsebina tega izbirnega predmeta je dopolnilo k predmetu Mednarodno pravo.

members of special missions as well as immunity either *ratione personae* or *ratione materiae* of high state officials from the jurisdiction of foreign courts.

The course also involves the issue of the functioning of diplomatic and consular missions, and other state bodies authorized to implement foreign policy and international legal frameworks, foreign policy means and instruments and diplomatic techniques.

The content of this elective course is connected to the basic course International Law.

Temeljni literatura in viri / Readings:

- E. Petrič, Zunanja politika, Ljubljana, Založba ZRC SAZU, 2009.
- B.Bohte/V.Sancin, Diplomatsko in konzularno pravo, Ljubljana 2006.
- D. Türk, Temelji mednarodnega prava, Ljubljana 2009 (ustrezna poglavja)
- M. Jazbec, Osnove diplomacije, Ljubljana 2009.
- 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 RS o zunanjih zadevah.
- L. Marc

Cilji in kompetence:

Dati diplomantom osnovna znanja in kompetence o vprašanih diplomaciji v najširšem smislu, zlasti mednarodno pravno problematiko te dejavnosti ter razumevanje zunanje politike kot dejavnosti države pri uresničevanju njenih interesov v mednarodnem okolju. Dati študentom temeljno razumevanje specifičnosti diplomatske dejavnosti, to je specifičnosti, ki izhajajo iz dejstva, da gre pri tej dejavnosti za delovanje organov države na območju druge države. To delovanje seveda mora biti urejeno z mednarodnim pravom, saj gre pri njem za odnos dveh suverenosti. Mora pa biti glede narave in posebnosti tega dela vrsta vprašanj diplomacije urejena tudi z notranjim pravom držav.

Ker se je močno in marsikaj spremenilo v

Objectives and competences:

To provide graduates with basic knowledge and competencies on issues of diplomacy in the broadest sense, especially the international legal issues of this activity and also understanding of foreign policy as an activity of the state in the realization of its interests in the international environment. To give students a basic understanding of the specifics of diplomatic activity, that is, the specifics arising from the fact that this activity involves the operation of state organs. i.e. diplomacy in the sovereign realm of another state. This operation, of course, must be regulated by international law, since it involves a relationship of two sovereignties. However, regarding the nature and specificity of this work, a number of issues of diplomacy must also be regulated by the domestic law of states.

delovanju diplomacije, je pomemben cilj tega predmeta tudi razumevanje teh sprememb, ki jih 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.

As a lot has changed in the functioning of contemporary diplomacy, an important goal of this course is to understand these changes, which bring to the fore new areas of diplomacy, economic, military, cultural, etc., new, more transparent forms of diplomatic activity (public diplomacy), and thus also changes particularly in the application of diplomatic and consular law in modern international circumstances.

Predvideni študijski rezultati:

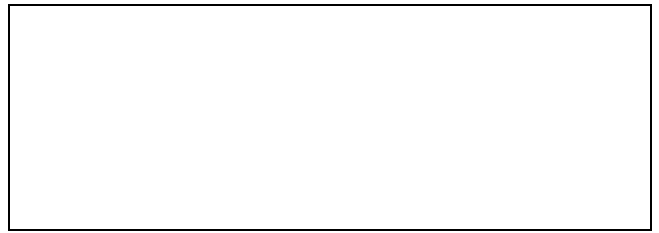
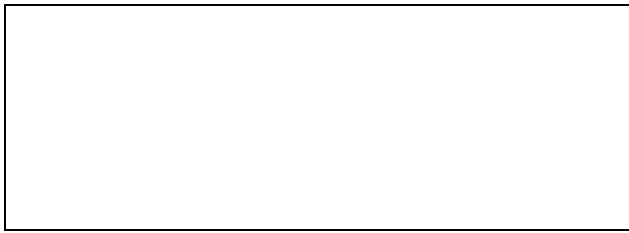
Ob splošnih in posebnih kompetencah, ki naj bi jih zagotavljal študij tega predmeta, zlasti sposobnost uporabe pravnih metod in razvoj etičnih osnov pri uporabi prava, velja med specifičnimi cilji tega predmeta izpostaviti:

- Usposobljenost razumeti pravne probleme diplomacije v najširšem smislu.
- Usposobljenost razumeti in s pravnimi sredstvi urejati vprašanja, ki nastajajo kot posledica delovanja organov države pošiljateljice na območju države sprejemnice.
- Usposobljenost 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.

Intended learning outcomes:

In addition to the general and specific competencies that should be provided to students by the study of this subject, in particular the ability to use legal methods and the development of ethical bases in the application of law, among the specific objectives of this subject are:

- Ability to understand the legal problems of diplomacy in the broadest sense.
- Ability to understand and regulate issues arising from the operation of the authorities of the sending State in the territory of the receiving State.
- Ability to understand changes and their international legal regulation in the functioning of diplomacy in the modern globalized international community.
- Understanding the role of customary international law in regulating diplomatic issues.
- Understanding the role of courtesy rules and protocol in modern international life.
- Understanding and taking into account the differences between bilateral and multilateral diplomacy regarding the international legal regulation of their role. -Understanding the international legal status of honorary consuls.
- Knowledge of our legal regulation of diplomatic activity and distribution of competencies between state bodies in this field.

**Metode poučevanja in učenja:**

Predavanja, aktivna udeležba (ustni nastopi).

Oblike dela:

- Frontalna oblika poučevanja
- Samostojno delo študentov
- e-učenje

Metode (načini) dela:

- Razlaga
- Diskusija
- Proučevanje primera
- Ustni nastopi študentov
- Eseji
- Vključevanje gostov iz prakse

Learning and teaching methods:

Lectures, active participation (oral presentations).

Forms of work:

- Frontal form of teaching
- Independent work of students
- e-learning

Methods (ways) of work:

- Explanation
- Discussion
- Case study
- Oral presentations by students
- Essays
- Involvement of guests from practice

Delež (v %) /

Načini ocenjevanja:

Weight (in %)

Assessment:

Pisni izpit	80%	80% : 20%	Written exam	80%
Ostalo (sodelovanje, ustni nastopi, eseji)	20%		Other (participation, oral reports, essays)	20%

Reference nosilca / Lecturer's references:

Prof. dr. Petrič Ernest, zaslužni profesor, uči mednarodno pravo vključno z diplomatskim in konzularnim pravom 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 OZN za mednarodno pravo in njen bivši predsednik; je bil kot veleposlanik akreditiran v Indiji in Nepal, 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 za pravna in mednarodna vprašanja.

Prof. dr. Petrič Ernest, professor emeritus, has been teaching international law , including diplomatic and consular law as a full professor since 1982 in Ljubljana , as well as at many foreign universities; he was awarded for scientific work and a book published on the issues of

international legal protection of minorities; he is the author of ten books on international law, international relations and foreign policy and more than 350 scientific and professional articles on this issues; is a member of the UN International Law Commission and is its former chairman; he was accredited as Ambassador to India and Nepal, the USA, Mexico, Brazil, Austria, and was the Permanent Representative / Ambassador of the Republic of Slovenia to the UN New York and UN Vienna, the OSCE and the IAEA; he is a former member and President of the Constitutional Court of the Republic of Slovenia; is a member of the Venice Commission of the Council of Europe and is Senior Adviser to the President of the Republic of Slovenia for international and legal matters.