

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet: Mirno reševanje sporov
Course title: 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

Nosilec predmeta / Lecturer:

prof. dr. Ernest Petrič

**Jeziki /
Languages:**

**Predavanja /
Lectures:** Slovenski jezik/Slovenian

Vaje / Tutorial: Slovenski jezik/Slovenian

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

Izpolnjeni pogoji za vpis v 3. letnik.

Vsaj 80% prisotnost na predavanjih in vajah.

Prerequisites:

Enrolment into 3rd year

At least 80% attendance at lectures and tutorials.

Vsebina:

Namen predmeta Mirno reševanje sporov je seznaniti študente z obveznostjo držav reševati vse svoje spore na miren način in z možnostmi, ki jih države za mirno reševanje sporov imajo. Posebna pozornost je namenjena pogajanjem, ki so najbolj pogost način reševanja mednarodnih sporov in sodnemu reševanju mednarodnih sporov, ki je zaradi suverenosti držav specifično, saj sodno reševanje sporov pride v poštev, kadar se sprte države same za to odločijo.

Content (Syllabus outline):

The purpose of the course Peaceful Dispute Resolution is to acquaint students with the obligation of states to resolve all their disputes in a peaceful manner and with the possibilities that states have for the peaceful settlement of disputes. Special attention is paid to negotiations, which are the most common way of resolving international disputes, and to judicial settlement of international disputes, which is specific due to the sovereignty of states, as judicial settlement of disputes comes

Glavne obravnavane teme v okviru tega predmeta so:

- Pojem mednarodnega spora in specifičnost mednarodnih sporov in njihovo reševanje.
- Vrste mednarodnih sporov.
- Vsebine in narava mednarodnih sporov.
- Posebna narava ozemeljskih in obmejnih sporov.
- Vsebina načela mednarodnega prava o obveznosti mirnega reševanja mednarodnih sporov
- Načelo proste izbire miroljubnih sredstev za reševanje mednarodnih sporov.
- Vsebina obveznosti držav glede reševanja sporov.
- Izvedene pravne obveznosti iz tega načela.
- Sredstva reševanja mednarodnih sporov.
- Klasifikacija in vrste sredstev.
- Povezljivost in izključevanje sredstev.
- Pogajanja.
- Narava in značilnosti pogajanj. Praktični vidiki meddržavnih pogajanj. Pogajalska taktika in tehnika.
- Vrste pogajanj.
- Posredovanje
- Dobre usluge. Klasična mediacija. Sprava
- Narava in značilnosti sprave. Moderni spravni postopki.
- Arbitraža .
- Praktični vidiki arbitražnega reševanja sporov in mednarodna arbitražna praksa.
- Sodno reševanje mednarodnih sporov. Meddržavno sodišče v Haagu. Hamburški tribunal za pomorsko mednarodno pravo. Pravosodni sistem EU.

into play when conflicting states themselves decide to do so.

The main topics covered in this course are:

- The concept of international conflict and the specificity of international disputes and their resolution.
- Types of international disputes.
- Contents and nature of international disputes. The special nature of territorial and border disputes.
- Content of the principle of international law on the obligation to settle international disputes peacefully.
- The principle of free choice of peaceful means of resolving international disputes.
- Content of States' dispute settlement obligations.
- Derived legal obligations under this principle.
- Means of resolving international disputes.
- Classification and types of means. Connectivity and means exclusion.
- Negotiations.
- Nature and characteristics of negotiations. Practical aspects of interstate negotiations. Negotiation tactics and technique. Types of negotiations.
- "Good offices".
- Mediation.
- Conciliation.
- Nature and characteristics of conciliation. Modern conciliation procedures.
- Arbitration.
- Practical aspects of arbitration and international arbitration practice.
- Judicial settlement of international disputes
- The International Court of Justice in The Hague.

- Reševanje mednarodnih sporov v okviru mednarodnih organizacij.
- Reševanje sporov v OZN.
- Regionalni dogovori in aranžmaji. Reševanje sporov v okviru OVSE in Sveta Evrope.
- Nekateri drugi mednarodni forumi za reševanje sporov (WTO, ILO).
- Stalno arbitražno sodišče v Haagu.
- Republika Slovenija in aktualni mednarodni spori.
- Spor o meji s Hrvaško

- Hamburg Tribunal for the Law of the Sea.
- EU justice system.
- Settlement of international disputes within international organizations.
- Dispute resolution within organs of UN.
- Regional arrangements
- Dispute resolution within the OSCE and the Council of Europe.
- Some other international dispute resolution forums (WTO, ILO).
- Permanent Court of Arbitration in The Hague. Republic of Slovenia and current international disputes.
- Border dispute with Croatia.

Temeljni literatura in viri / Readings:

1. Petrič, E.: Zunanja politika, Ljubljana, 2010 (IV. Del, str. 343 - 443).
2. Pogačnik, M., Petrič, E.: Izbrane teme mednarodnega prava, Nova Gorica, 2010, str. 15 - 81.
3. J. L. Jesus: Law of the Sea Dispute Settlement: The Applicable Law in the Jurisprudence of the
4. Tribunal, v: Challenges of Contemporary International Law and International Relations, ur. Pogačnik, M., Nova Gorica, 2011.
5. Pogačnik, M: Nekaj misli o naravi mednarodnega pravosodja; Zbornik 8. dnevv javnega prava, Portorož, 10. – 12. junij 2002, str. 415 – 420.
6. Pogačnik, M.: Mirno reševanje mednarodnih sporov v okviru konference o varnosti in sodelovanju v Evropi; Pravniki, 1994, letnik 49, št. 10-12, str. 397 - 409.
7. Pogačnik, M.: Arbitraža kot sredstvo mirnega reševanja mednarodnih sporov; Pravniki, 1995, letnik 50, št. 4-5, str. 239 - 249.
8. Pogačnik, M.: Načelo mirnega reševanja mednarodnih sporov v dobi Združenih narodov; Pravniki 1995, letnik 50, št. 6-8, str. 347-356.
9. Petrič, E.: Spomini in spoznanja, Celovec, 2018, poglavje Meja s Hrvaško (str.475-501).
10. Ustanovna listina OZN.
11. Statut Meddržavnega sodišča v Haagu.
12. Merrills, R.: International Dispute Settlement, Cambridge, 2011
13. Konvencija o spravi in arbitraži v okviru OVSE.
14. Konvencija Sveta Evrope o mirnem reševanju mednarodnih sporov.
15. ILC Model Rules on Arbitral Procedure.

Cilji in kompetence:

Predmet seznanja študenta s sistemom sredstev in postopkov mirnega reševanja mednarodnih sporov v sodobni mednarodni skupnosti. Problemska in praktična naravnost predmeta poudarja uporabno vrednost pravil mednarodnega prava pri reševanju konkretnih sporov, ki nastajajo med državami in drugimi subjekti mednarodnega prava, s poudarkom na mednarodne spore, v katerih je angažirana Republika Slovenija.

Predmet je povezan zlasti s temeljnim predmetom mednarodno pravo.

Študenti bodo, v povezanosti s predmetom Mednarodno pravo pridobili predvsem naslednje splošne in specifične kompetence:

- sposobnost uporabe metod pravnega razlogovanja, raziskovanja analize ter pravnih postopkov v mednarodnem pa tudi državnem pravu;
- sposobnost razumeti specifiko reševanja sporov na mednarodni ravni, kar v sodobnem globaliziranem svetu postaja vse pomembnejše;
- sposobnost sodelovati pri reševanju mednarodnih sporov, če bodo z njimi poklicno soočeni;
- uporabiti znanje o reševanju mednarodnih sporov tudi pri reševanju sporov v državi, kar posebej velja za pogajanja;

Objectives and Competences:

To enable the students to understand the concept and use of peaceful settlement of international disputes and of importance of international law in settlement of disputes.

The course acquaints the student with the system of means and procedures for the peaceful settlement of international disputes in the modern international community. The problematic and practical orientation of the course emphasizes the useful value of the rules of international law in resolving specific disputes arising between states and other subjects of international law, with an emphasis on international disputes in which the Republic of Slovenia is involved.

The subject is related in particular to the fundamental subject of international law.

In connection with the subject International Law, students will acquire the following general and specific competencies:

- ability to use methods of legal reasoning, research analysis and understanding of legal procedures in international as well as in national law;
- ability to understand the specifics of dispute resolution at the international level, which is becoming increasingly important in today's globalized world;
- ability to cooperate in resolving international disputes if they are to be involved professionally;
- apply knowledge of the settlement of international disputes also in the settlement of disputes in the country, which is especially true for negotiations;

Predvideni študijski rezultati:

Znanje in razumevanje reševanja sporov v mednarodni skupnosti in razumevanje specifičnosti teh sporov, zlasti pa:

- osvojitve 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;
- poznavanje metodološki pristopov v pogajanjih, ki so pomembni tako v mednarodnih pogajanjih in pri drugih pogajanjih.

Intended learning outcomes:

Knowledge and understanding of dispute resolution in the international community and understanding of the specifics of such disputes, in particular:

- acquisition of basic knowledge on resolving international disputes as well as disputes in the country;
- deepening knowledge and awareness of the meaning and role of international law in the modern international order;
- the ability to critically evaluate contemporary international disputes and look for opportunities for their peaceful resolution;
- understanding the role of international courts and arbitration;
- understanding the essence of some international disputes of our country and the possibilities for their peaceful settlement; -ability to critically assess specific international disputes and resolve them;
- knowledge of methodological approaches in negotiations, which are important both in international negotiations and in other negotiations.

Metode poučevanja in učenja:**Oblike dela:**

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

Metode (načini) dela:**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:

<input checked="" type="checkbox"/> Razlaga	<input checked="" type="checkbox"/> Explanation
<input checked="" type="checkbox"/> Razgovor/ diskusija/debata	<input checked="" type="checkbox"/> Conversation/discussion/debate
<input checked="" type="checkbox"/> Delo z besedilom	<input checked="" type="checkbox"/> Work with texts
<input checked="" type="checkbox"/> Proučevanje primera	<input checked="" type="checkbox"/> Case studies
<input type="checkbox"/> Igra vlog	<input type="checkbox"/> Role-play
<input type="checkbox"/> Druge vrste nastopov študentov	<input type="checkbox"/> Different presentation
<input type="checkbox"/> Reševanje nalog	<input type="checkbox"/> Solving exercises
<input type="checkbox"/> Študijski obiski podjetij ipd.)	<input type="checkbox"/> Field work (e.g. company visits)
<input checked="" type="checkbox"/> Vključevanje gostov iz prakse	<input checked="" type="checkbox"/> Inviting guests from companies
<input checked="" type="checkbox"/> Udeležba na okrogli mizi, na konferenci	<input checked="" type="checkbox"/> Attending round table and conference

Delež (v %) /

Načini ocenjevanja:

Weight (in %)

Assessment:

Pisni izpit (80%). Sodelovanje , esej, ustni nastop (20%).	80% : 20%	Written exam (80%) Participation, essay, presentation (20%)
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Reference nosilca / Lecturer's references:

Prof. dr. Petrič Ernest, 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 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.

Prof. dr. Petrič Ernest, professor emeritus, has been teaching international law as a full professor since 1982 in Ljubljana , as well as at many foreign universities; he was awarded for a 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.