

UČNI NAČRT PREDMETA / COURSE SYLLABUS						
<b>Predmet:</b>		Reševanje mednarodnih sporov				
<b>Course title:</b>		Settlement of International Disputes				
<b>Študijski program in stopnja</b> Study programme and level		<b>Študijska smer</b> Study field		<b>Letnik</b> Academic year		<b>Semester</b> Semester
Alternativno reševanje sporov - 2. stopnja				1/2		1/2
Alternative Dispute Resolution - 2nd degree				1/2		1/2
<b>Vrsta predmeta / Course type</b>				Izbirni/ Elective		
<b>Univerzitetna koda predmeta / University course code:</b>						
<b>Predavanja</b> Lectures	<b>Seminar</b> Seminar	<b>Vaje</b> Tutorial	<b>Klinične vaje</b> work	<b>Druge oblike študija</b>	<b>Samost. delo</b> Individ. work	<b>ECTS</b>
25	0	0	0	0	125	6
<b>Nosilec predmeta / Lecturer:</b>				prof. dr. Oliver Ruppel		
<b>Jeziki / Languages:</b>		<b>Predavanja / Lectures:</b>		Slovenski jezik/Slovenian/Angleški jezik/English		
		<b>Vaje / Tutorial:</b>				
<b>Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:</b>				<b>Prerequisites:</b>		
Vpis v prvi ali drugi letnik.  Vsaj 80% prisotnost na predavanjih.				Enrollment in the first or second year.  At least 80% attendance at lectures.		

**Vsebina:**

Predstaviti bistvo mednarodnih sporov in njihov nastanek ter vzroki zanje; sredstva in načine za njihovo razreševanje – od pogajanj do mednarodne sodne poti.

Razreševanje mednarodnih sporov bo konkretizirano na primerih vrste spornih vprašanj Slovenije s sosedi (mejna problematika, manjšinski spori, trgovinski spori idr) in sporov, ki so se razrešili bodisi preko mednarodnih sodišč, arbitraž, posredovanja, mediacij.

V okviru predmeta bodo z aktivno udeležbo študentov obravnavani naslednji spori Slovenije z drugimi državami:

- T. i. Tržaški spor (1947-1954) – mejni spor z Italijo; dokončna rešitev spora z Osimsko pogodbo;
- Spor z Italijo o odškodnini za premoženje optantov rešen s t.i. Španskim kompromisom;
- Reševanje mejnega vprašanja s Hrvaško
  - bilateralna pogajanja
  - Sporazum Drnovšek-Račan
  - Mednarodna arbitraže
- Idr.

Seznani se z vprašanji na področju mednarodne mediacije: od političnih, gospodarskih, tradicionalnih nasprotij, ki izvirajo iz zgodovine itd. Ker so to spori med suverenimi subjekti (državami), nad katerimi ni obvezujoče sodne oblasti, je njihovo razreševanje specifično, različno od razreševanja sporov v državi.

**Content (Syllabus outline):**

This subject will present the essence of international conflicts, their formation and the causes for them; the means and ways to resolve them – from the negotiations to the International Court.

The subject will also present the international dispute resolutions with an emphasis on controversial issues of Slovenia with the neighbors (border issues, minority disputes, trade disputes, etc.) and disputes which were resolved either through international courts, arbitral tribunals or mediation.

The important topic will be the field of international mediation: from the traditional political, economic, contradictions stemming from history, etc. Because these are disputes between sovereign entities (countries) is resolving them specific and depends on the dispute resolution in the country.

## Temeljna literatura in viri / Readings:

### Obvezna literatura:

- E. Petrič, Zunanja politika – Osnove teorije in praksa, Ljubljana 2010, str. 307-443.
- D. Türk, Temelji mednarodnega prava, Ljubljana 2008, str. 476 id.
- J. G. Merrills, International Dispute Settlement, Cambridge Univ. Press, 2011.
- M. Pogačnik, Diplomatska sredstva mirnega reševanja mednarodnih sporov. V: Pravniki. - ISSN 0032-6976. - Letn. 55, št. 9-10 (2000), str. 663-675.
- Isti: Temeljne značilnosti meddržavne arbitraže, oboje v: M. Pogačnik in E. Petrič, Izbrane teme mednarodnega prava, Nova Gorica 2010.
- Sporazum Drnovšek-Račan.
- Arbitražni sporazum med Republiko Slovenijo in Republiko Hrvaško.
- Zakon o zunanjih zadevah RS.
- Pariška mirovna pogodba iz l. 1947.
- Memorandum o soglasju iz l. 1954.
- I. Brownly, Principles of Public International Law, 7. izdaja, Oxford 2008, str. 701-729.

### Priporočena literatura:

- Handbook on the Peaceful Settlement of Disputes between States, New York : UN, 1992.
- V. Dj. Degan, Medjunarodno pravo, Rijeka 2002, str. 729 id.
- F. Ikle, How Nations Negotiate, New York 1964.
- M. Pogačnik, Arbitraža kot sredstvo mirnega reševanja mednarodnih sporov. V: Pravniki. - ISSN 0032-6976. - Letn. 50, št. 4/5 (1995), str. 239-249.

## Cilji in kompetence:

### Študentje se bodo:

- seznanili z bistvom in specifikami mednarodnih sporov in njihovega razreševanja
- seznanili s položajem Slovenije v sistemih mirnega reševanja mednarodnih sporov s poudarkom na konkretnih sporih Slovenije z drugimi državami.

## Objectives and competences:

### Students will:

- be able to demonstrate the ability to think critically and reason effectively about settlement of international disputes
- be able to demonstrate competency in ethical decision making

## Predvideni študijski rezultati:

## Intended learning outcomes:

<p>Znanje in razumevanje:</p> <p>Študentje bodo:</p> <ul style="list-style-type: none"> <li>- razumeli problematiko razreševanja mednarodnih sporov in pridobili sposobnost sodelovanja pri njihovem razreševanju</li> <li>- kritično ovrednotili pomen mednarodnih konfliktov</li> </ul>	<p>Knowledge and understanding:</p> <p>Students will:</p> <ul style="list-style-type: none"> <li>- be familiar with ethical awareness and ethical decision-making framework in a »international conflict« analysis context.</li> <li>- understand international concepts and relationships.</li> <li>- be able to identify and evaluate ethical issues related to international conflicts</li> </ul>
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<p><b>Metode poučevanja in učenja:</b></p> <p><b>Oblike dela:</b></p> <p><input checked="" type="checkbox"/> Frontalna oblika poučevanja</p> <p><input checked="" type="checkbox"/> Delo v manjših skupinah oz. v dvojicah</p> <p><input checked="" type="checkbox"/> Samostojno delo študentov</p> <p><input checked="" type="checkbox"/> e-učenje</p> <p><input type="checkbox"/> drugo (vpišite): IKT</p> <p><b>Metode (načini) dela:</b></p> <p><input checked="" type="checkbox"/> Razlaga</p> <p><input checked="" type="checkbox"/> Razgovor/ diskusija/debata</p> <p><input checked="" type="checkbox"/> Delo z besedilom</p> <p><input checked="" type="checkbox"/> Proučevanje primera</p> <p><input type="checkbox"/> Igra vlog</p> <p><input type="checkbox"/> Druge vrste nastopov študentov</p> <p><input type="checkbox"/> Reševanje nalog</p> <p><input type="checkbox"/> Študijski obiski podjetij ipd.)</p> <p><input type="checkbox"/> Vključevanje gostov iz prakse</p> <p><input type="checkbox"/> Udeležba na okrogli mizi, na konferenci</p>	<p><b>Learning and teaching methods:</b></p> <p><b>Types of learning/teaching:</b></p> <p><input checked="" type="checkbox"/> <b>Frontal</b> teaching</p> <p><input checked="" type="checkbox"/> Work in smaller groups or pair work</p> <p><input checked="" type="checkbox"/> Independent students work</p> <p><input checked="" type="checkbox"/> e-learning</p> <p><input type="checkbox"/> other: ICT</p> <p><b>Teaching methods:</b></p> <p><input checked="" type="checkbox"/> Explanation</p> <p><input checked="" type="checkbox"/> Conversation/discussion/debate</p> <p><input checked="" type="checkbox"/> Work with texts</p> <p><input checked="" type="checkbox"/> Case studies</p> <p><input type="checkbox"/> Role-play</p> <p><input type="checkbox"/> Different presentation</p> <p><input type="checkbox"/> Solving exercises</p> <p><input type="checkbox"/> Field work (e.g. company visits)</p> <p><input type="checkbox"/> Inviting guests from companies</p> <p><input type="checkbox"/> Attending round table and conference</p>
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Delež (v %) /

<b>Načini ocenjevanja:</b>	<b>Weight (in %)</b>	<b>Assessment:</b>
Pisni izpit	80	Written exam
Zagovor izpita	20	Oral exam

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## Reference nosilca / Lecturer's references:

**Prof. Dr. Oliver C. Ruppel** is a full Professor of Law at the University of Stellenbosch (South Africa) and the Director of the Development and Rule of Law Programme (DROP), likewise at the University of Stellenbosch. He also lectures as a Professor Extraordinaire at various institutions in Africa and around the world.

He graduated in law after studies of law, political sciences, philosophy and languages at the Universities of Lausanne and Munich, before being trained as legal practitioner. He obtained his LL.M. in public law from the University of Stellenbosch and his doctorate from the University of Bratislava. He also holds the academic degree Master of Mediation from the University of Hagen; a postgraduate diploma in international human rights law from the Finnish Åbo Akademi University; and a postgraduate diploma from the Munich School of Philosophy S.J., where he also taught as a lecturer at a later stage in his career.

Before transferring to the University of Stellenbosch in 2010, he taught at the University of Namibia where he also established one of the worldwide 14 Chairs in the Academic Programme of the World Trade Organisation (WTO). Prior to this he served as Director of the Human Rights and Documentation Centre in Windhoek, a national institute established by statute under the Namibian Ministry of Justice.

Ruppel is an International Arbitrator (FA Arb) with the Association of Arbitrators of Southern Africa and the Swiss Chamber for Commercial Mediation (SCCM). He is a Member of various legal associations such as the Society of International Economic Law (SIEL), the International Conservation Union (IUCN) World Commission (WCEL), the Swiss and the South African Branches of the Association for International Law. He is a Member of the Board of the African Law Association (Gesellschaft für Afrikanisches Recht); a Council Member of the Centre for International Studies at the European Law Faculty, Ljubljana; and a Member of the International Consortium for Geopolitical Studies of the Sahel, Cornell.

Ruppel serves as Coordinating Lead Author (CLA) for the Chapter on Africa in the 5<sup>th</sup> Assessment of the United Nations Intergovernmental Panel on Climate Change (IPCC), Working Group II. Moreover, he is a Member of the Editorial Board of the *Journal of African Foreign Affairs* (JoAFA); a Member of the Editorial Board of the *NIELS Journal of Environmental Law* at the Nigerian Institute of Advanced Legal Studies; a Member of the Editorial Board of the *Legal Perspectives on Global Challenges Series in The Hague*; and a Member of the Editorial Board of the *Publication Series Law and Constitution in Africa*, NOMOS Publishers (Germany).

As the author of 17 books, more than 70 articles in international journals and other academic writings his professional focus lies on public international law and diplomacy, with a particular focus on world trade law, regional integration policy, climate change and

investment, alternative dispute resolution, sustainable development and the rule of law.

Latest publications: OC Ruppel / B Althusmann (2015) *Perspectives on Energy Security and Renewable Energies in Sub-Sahara Africa - Practical Opportunities and Regulatory Challenges*. Windhoek: MacMillan Publishers; C Elkemann / OC Ruppel (2015) "Chinese Foreign Direct Investment into Africa in the context of BRICS and Sino-African Bilateral Investment Treaties", *Richmond Journal of Global Law and Business*.