

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Mednarodno pravo
Course title:	Public International Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Mednarodne in diplomatske študije – 2. stopnja		1	1
International and Diplomatic Studies – 2nd degree		1	1

Vrsta predmeta / Course type

obvezni / mandatory

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
30	0	0	0	0	170	8

Nosilec predmeta / Lecturer:

red. prof. dr. Ernest Petrič

Jeziki /**Languages:****Predavanja /****Lectures:**

Slovenski jezik /Slovenian, angleščina/english

Vaje / Tutorial:

slovenski jezik /Slovenian, angleščina/english

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:Vpis v 1. letnik magistrskega študija.
Vsaj 80% prisotnost na predavanjih.**Prerequisites:**Enrollment in the 3rd year of post graduate study.
At least 80% attendance at lectures.**Vsebina:****Content (Syllabus outline):**

Študijsko vsebino predmeta predstavljajo poglavja iz mednarodnega javnega prava: Vloga mednarodnega prava v mednarodni skupnosti in v zunanji politiki držav; nastajanje modernega mednarodnega prava; razmerje med mednarodnim, evropskim pravom in nacionalnim pravom; problem suverenosti v sodobni mednarodni skupnosti; sklepanje, izvrševanje in tolmačenje mednarodnih pogodb; sredstva mirnega reševanja sporov (pogajanja, arbitraža, sodna prava; mednarodne obveznosti držav glede uporabe oborožene sile in omejitev oboroževanja; mednarodno nevtralnostno pravo; stalna nevtralnost; mednarodno pravno varstvo človekovih pravic in varstvo manjšin; mednarodne organizacije in drugi subjekti mednarodnega prava. Opomba: problematika diplomatskega in konzularnega prava je obravnavana v posebnem predmetu.

Posebna problematika

1/Mednarodni pravni vidiki nastanka RS

- nastanek države (pravica do samoodločbe);
- priznanje države in priznanje vlade;
- problemi nasledstva s posebnim ozirom na razzdružitve (disolution) bivše države SFRJ;

2/Meje RS:

- problemi Avstrijske državne pogodbe;
- Osimski sporazumi;
- razmejitev s Hrvaško na kopnem in na morju;

3/Inkorporacija mednarodnega in evropskega prava v ustavni red RS in notranjo zakonodajo. poglavja iz mednarodnega javnega prava:

Vloga mednarodnega prava v mednarodni skupnosti in v zunanji politiki držav; nastajanje modernega mednarodnega prava; razmerje med mednarodnim, evropskim pravom in nacionalnim pravom; problem suverenosti v sodobni mednarodni skupnosti; sklepanje, izvrševanje mednarodnih pogodb;

General issues of the content of the course are the following chapters from the international public Law:

The role of international law in international community and in foreign policy of States; the formation of the modern international law; relationship between international law, european law and national law; problem of sovereignty in the modern international community and in modern international law; unilateral acts and treaties in international law; conclusion, enforcement and interpretation of international treaties; means of peaceful dispute resolution (negotiations, arbitration, judicial procedures and other); international courts; problems of »objects« of international law (borders, demarcation of sovereignty, internationalised territories, etc.); basics of international law of the sea; international obligations of states regarding the use of armed force and restrictions of armaments; international neutrality law; permanent neutrality; international legal protection of human rights and the protection of minorities; international organizations and other subjects of international law.

Note: the issue of diplomatic and consular law is addressed in a separate subject.

Special topics

1/International legal aspects of the creation of Republic of Slovenia

- creation of the state (self-determination);
- the problem of recognition of state and government;
- the problem of succession of states, with particular reference to the dissolution of SFRY;

2/International borders of Slovenia;

- problems of the Austrian State Treaty;
- Treaty of Osimo;
- delimitation with Croatia on land and at sea;

reševanja sporov (pogajanja, arbitraža, sodna prava; mednarodne obveznosti držav glede uporabe oborožene sile in omejitev oboroževanja; mednarodno nevtralnostno pravo; stalna nevtralnost; mednarodno pravno varstvo človekovih pravic in varstvo manjšin; mednarodne organizacije in drugi subjekti mednarodnega prava.

Opomba: problematika diplomatskega in konzularnega prava je obravnavana v posebnem predmetu.

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2/Meje RS:

- problemi Avstrijske državne pogodbe;
- Osimski sporazumi;
- razmejitev s Hrvaško na kopnem in na morju;

3/Inkorporacija

mednarodnega in evropskega prava v ustavni red RS in notranjo zakonodajo.

3/Incorporation of international and european law into national law and legislation.

Pogoj za pristop k izpitu:

Vsaj 80% prisotnost na predavanjih in vajah.		At least 80% attendance at lectures and tutorials.
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Temeljni literatura in viri / Readings:

D. Türk, Temelji mednarodnega prava (Fundamentals of International Law), Ljubljana 2007 (ali kasnejše izdaje);
 Slovenske misli o mednarodnih odnosih in pravu, ur. A. Zidar in S. Štiglic, Ljubljana 2016;
 E. Petrič, Foreign policy, Boston Leiden, 2013,
 M.N. Shaw, International law, Cambridge, 2008,
 I. E. Brownlie, Principles of public international law, Oxford, 2003,
 E. Petrič, Pravica narodov do samoodločbe (The Right of Peoples to Selfdetermination), 1984 (tudi v elektronski obliki; also in electronic version, Obzorja 2014);
 E. Petrič, Mednarodno pravno varstvo manjšin (International Legal Protection of Minorities), 1977 (izbrana poglavja);
 E. Petrič, Zunanja politika (Foreign Policy), 2012 (izbrana poglavja);
 M. Pogačnik in E. Petrič, Izbrane teme mednarodnega prava (Selected Topics of International Law), 2010 (izbrana poglavja);
 M. Koskeniemi, Blagi posvetitelj narodov (The Gentle Civilizers of Nations), 2013;

M. Pogačnik, ur. Challenges of Contemporary International Law and International Relations, 2011;
 R. Higgins, Problemi in proces (Mednarodno pravo in kako ga uporabljamo), Ljubljana 2018;
 Izbrana poglavja iz temeljnih del mednarodnega prava: J. Andrassy, Dj, Degan, A. Verdross, I.
 Brownly, M. Shaw, G. Schwarzenberger.

Dokumenti:

Ust. listina OZN; Deklaracija 7. načel;

Washingtonska pogodba o NATO;

Dokumenti o človekovih pravicah;

Avstrijska državna pogodba;

Osimska pogodba;

Cilji in kompetence:

Cilji

Predmet mednarodno pravo obravnava tako vsebinsko kot tudi postopkovno mednarodno pravo, pri čemer se želi študente seznani s temeljnimi inštituti mednarodnega prava in njihovo uporabo v praksi.

Kompetence

Pričujoči predmet prispeva k razvoju naslednjih splošnih in specifičnih kompetenc študentov :

a) Splošne kompetence :

- sposobnost razumevanja temeljnih institutov mednarodnih in diplomatskih študij na ravni magistrskega strokovnega študija,
- poznavanje in razumevanje diplomatskih in mednarodnopravnih pojmov, pravnih pravil, pravnih načel,
- sposobnost in razvoj kritičnega mišljenja pri obravnavi temeljnih vprašanj, procesov in problemov,
- sposobnost poznavanja in izvirnega reševanja konkretnih sodnih, pravnih in drugih družbenih problemov,

Objectives and competences:

Objectives

The course »Public international law« examines the substantive as well as the procedural international law, whereby it acquaints students with basic institutes of international law and their application in practice.

Competencies

The present subject contributes to the development of following generic and specific competences of students:

a) General competencies:

- ability to understand the fundamental institutes of international and diplomatic studies at the level of the master of professional studies,
- development of knowledge and understanding of concepts of international and diplomatic studies, legal rules and principles,
- ability and development of critical thinking in addressing the fundamental issues, processes and problems,
- ability and knowledge of the original resolution of concrete judicial, legal and other

- sposobnost prehoda od opisnega načina učenja do analitičnega učenja s poudarkom na samokritičnem mišljenju,
- sposobnost izboljšanja izbire in uporabe raziskovalnih metod glede na specifični problem,
- razumevanje nujnosti nevtralnega svetovnonazorskega pristopa pri reševanju problemov v mednarodni skupnosti,
- izboljšanje učinkovitosti in nediskriminatornosti uporabe pridobljenega znanja,
- izboljšanje sposobnosti odločanja o temeljnih dilemah slovenske, evropske in mednarodne družbe v konkretnih primerih,
- vključevanje pridobljenega znanja v delovni proces in reševanje delovnih nalog,
- sposobnost iskanja utemeljenih alternativnih rešitev in njihovo uporabo pri konkretnih problemih,
- sposobnost pridobljenega znanja in veščin v prostovoljno delo,
- sposobnost interdisciplinarnega učenja in uporabe znanj iz različnih strokovnih področij,
- sposobnost predanega samostojnega dela in njegove samorefleksije,
- sposobnost skupinskega dela in odločanje ter mreženja na strokovnem področju,

social problems,

- ability to transition from a descriptive way of learning to analytical learning with an emphasis on self-critical thinking,
- ability to improve the selection and application of research methods depending on the specific problem,
- understanding the necessity of a neutral philosophical approach to resolving problems in international community,

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- sposobnost iskanja rešitev in njihove uporabe v praksi,
- izboljšanje in razvoj govorniških sposobnosti v akademskem svetu in v praksi,
- razvoj sposobnosti pisanja strokovnih prispevkov na visoki strokovni ravni,
- sposobnost pravilnega citiranja v besedilu in na njegovem koncu.

b) Specifične kompetence:

- sposobnost razumevanja in kritične razlage temeljnih institutov mednarodnega javnega prava,
- sposobnost osvojitve temeljnih vprašanj vsebinskega in postopkovnega mednarodnega javnega in njihove uporabe na praktičnih primerih,
- sposobnost umestitve posamičnih institutov v celotni okvir mednarodnega prava,
- sposobnost kritične presoje ter analize in interpretacije aktualnih dogodkov,
- sposobnost kritične presoje sodne prakse Meddržavnega sodišča v Haagu in drugih specializiranih mednarodnih sodišč,
- sposobnost uporabe osnovnih in naprednih metodoloških pristopov pri raziskovanju vprašanj mednarodnega prava,
- sposobnost uporabe pridobljenih znanj pri reševanju konkretnih problemov in v delu z ljudmi v praksi ,
- sposobnost kreativne in izvirne

other social problems,

- ability to transition from a descriptive way of learning to analytical learning with an emphasis on self-critical thinking,
- ability to improve the selection and application of research methods depending on the specific problem,
- understanding the necessity of a neutral philosophical approach to resolving problems in international community,
- improving the efficiency and non-discriminatory use of knowledge gained,
- improving the ability to make decisions about the fundamental dilemmas of Slovenian, European and international society in concrete cases,
- integration of acquired knowledge in the work process and solving tasks,
- ability to search for compelling alternative solutions and their application to concrete problems,
- ability to employ acquired knowledge and skills in voluntary work,
- ability to employ interdisciplinary learning and to apply the knowledge from different areas of expertise,
- ability to work independently and self-reflective,
- ability to work in a team and decision-making and networking in the professional field,
- ability to search for solutions and their

uporabe pridobljenega znanja v navidezno nerešljivih primerih.

Predvideni študijski rezultati:

Znanje in razumevanje:

- Seznanitev študentov s pojmom in razvojem in vlogo mednarodnega prava ter njegovimi temeljnimi inštituti
- Osvojitev temeljnih vprašanj vsebinskega in postopkovnega mednarodnega prava
- razvije zanimanje in znanje o mednarodnem pravu
- razvije kritično razumevanje mednarodnega prava
- zmožen/na je ustrezno umestiti posamične institute v splošni okvir mednarodnega prava
- zmožen/na je kritične presoje ter analize in interpretacije aktualnih dogodkov
- poznavanje in kritična presoja sodne prakse mednarodnih sodišč
- pozna in uporablja osnovne in napredne metodološke pristope pri raziskovanju vprašanj mednarodnega prava

application in practice,

- Improvement and development of oral and presentation skills in the academic world and in practice
- develop the ability to write professional articles on a high professional level,
- ability to cite sources correctly in the text and at its end.

a) **Specific competencies**

- ability to understand and critical interpret the main institutes of constitutional and international human rights law,
- ability to understand and critical interpretation of the main institutes of public international law,
- ability to conquer the fundamental questions of substantive and procedural international public and their use in practical situations,
- ability to placement of individual institutes in the overall framework of international law,
- development of critical thinking and analysis and interpretation of current international events,
- ability to critically judge the jurisprudence of the International Court of Justice in the Hague and other specialized international tribunals,
- ability to use basic and advanced methodological approaches in exploring issues of international law,

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- ability to use the acquired knowledge for solving specific problems and working with people in practice,
- ability to use of knowledge gained creatively and inventively in the seemingly unsolvable cases.

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Znanje in razumevanje:

- Seznanitev študentov s pojmom in razvojem in vlogo mednarodnega prava ter njegovimi temeljnimi inštituti
- Osvojitev temeljnih vprašanj vsebinskega in postopkovnega mednarodnega prava
- razvije zanimanje in znanje o mednarodnem pravu
- razvije kritično razumevanje mednarodnega prava
- zmožen/na je ustrezno umestiti posamične institute v splošni okvir mednarodnega prava
- zmožen/na je kritične presoje ter analize in interpretacije aktualnih dogodkov
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Intended learning outcomes:

Knowledge and understanding:

- To introduce students to the concept and development and role of international law and its basic institutes.
- Acquisition of the fundamental questions of substantive and procedural dimensions of international law
- Develop an interest in, and knowledge of international law
- Develop a critical understanding of international law
- able to the appropriately place individual institutes in the general framework of international law
- Able to the critical assess and analyse the current affairs
- Knowledge and critical assessment of the jurisprudence of international courts
- Knows and applies basic and advanced methodological approaches in exploring issues of international law

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Metode poučevanja in učenja:

- Frontalna predavanja
- Predavanja z uporabe sokratske metode in vključevanjem primerov
- Proučevanje sodnih in drugih družbenih primerov na področju mednarodnega prava
- Kritična razlaga in refleksija besedil
- Skupinska diskusija o izbranih temah
- Seminarsko in samostojno delo
- e-študij

študentov (eseji in ustni nastopi)

Learning and teaching methods:

- Frontal teaching
- Lectures with the use of the Socratic method and integration of examples
- Teaching of the judicial and other social cases in the field of international law
- critical interpretation and reflections on texts
- Joint discussion of selected topics
- Seminar and individual work of students
- e-learning

Načini ocenjevanja:

Pisni izpit. 90%
Udeležba pri predmetu (esej, ustni nastop) 10%

Delež (v %) /
Weight (in %)

Assessment:

Written examination 90%
Participation (essay, oral presentation) 10%

Reference nosilca / Lecturer's references:
Prof. dr. Ernest Petrič

Prof. dr. Ernest Petrič je redni profesor mednarodnega prava in mednarodnih odnosov. Diplomiral je na Univerzi v Ljubljani (1960, Univerzitetna Prešernova nagrada), doktoriral leta 1965 na Univerzi v Ljubljani in bil habilitiran za rednega profesorja 15.4. 1982; dodatno se je izobraževal na Univerzi v Lundu (Švedska), na Dunaju pri prof. A. Verdrossu (1963-64), Univerzi v Solunu, na Akademiji za mednarodno pravo v Haagu, na Max Plank inštitutu v Heidelbergu idr.

Bil l. 1978 nagrajen z nagrado sklada Borisa Kidriča za izvirnost in kvaliteto raziskovalnega dela; opravljal med drugim funkcijo dekana (1986-87) na Fakulteti za družbene vede; predaval kot gost na številnih tujih univerzah, in redno na Univerzi v Addis Abebi (1983-86) in Diplomatski akademiji na Dunaju (2008-09). Predava mednarodno pravo na Evropski pravni fakulteti (vključno z doktorskim študijem) in na Fakulteti za evropske in državne študije in je mentor pri diplomskih, magistrskih in doktorskih nalogah (disertacijah).

Bil je član republiške vlade S. R. Slovenije, odgovoren za probleme znanosti, državni sekretar v ministrstvu za zunanje zadeve, veleposlanik v Indiji, ZDA, Avstriji in stalni predstavnik (ambasador) pri OZN (New York, Dunaj) in pri OVSE in IAEA (tudi član sveta guvernerjev in njegov predsednik); član IPSA in ILA, član svetov in odborov številnih akademskih in raziskovalnih institucij, je član (in bivši predsednik) Komisije za mednarodno pravo (ILA) in bivši član Posvetovalnega odbora za nominacijo sodnikov (ACN) Stalnega mednarodnega kazenskega sodišča (ICC) v Haagu; bivši sodnik in predsednik Ustavnega sodišča Republike Slovenije; je višji svetovalec za ustavno pravna in mednarodna vprašanja Predsednika Republike Slovenije; je član Komisije Sveta Evrope za vprašanja vladavine prava (t.i. Beneška komisija).

Je avtor 6 knjig o problematiki mednarodnega prava in mednarodnih odnosov, ki so izšle v slovenskem jeziku in (v po) ena v angleškem, italijanskem in albanskem prevodu. Znanstvena in strokovna bibliografija obsega cca. 350 enot (podrobno glej Cobis).

Dr. Ernest Petrič is professor of international law and international relations since 1982. He graduated from University of Ljubljana (1960) with distinction (University Prešern Award); has completed his Ph.d. at the same university (1965), and acquired the academic level of full professorship in 1982. He has acquired his additional education at the Universities of Lund and Vienna (by prof. A. Verdross and K. Zemanek), Institut for International Law in Thessaloniki, at The Hague Academy of International Law, and the Max Plank Institute in Heidelberg. In 1978 he was by the Boris Kidrič awarded for the excellency of his research. He has inter alia served as director of research programmes and as dean at the Faculty for Social Sciences in Ljubljana; he lectured as guest professor at several foreign universities and had regular assignments at the University of Addis Abeba (1983 - 86) and at Viena Diplomatic Accademy (2008-2009); Currently he also teaches international law at the European Law Faculty in Ljubljana including Ph.D. courses.

Dr. Petrič was member of the government of S R Slovenia with portfolio of science policy; he represented Yugoslavia at the OECD Committee for Science and Technology; he was State Secretary in the Ministry of Foreign Affairs of Republik of Slovenia and served as ambassador to India (Nepal), USA (Mexico and Brasil), Austria, and as permanent representative (ambassador) to UN (New York and Viena), to the OSCE, to UNDP and to IAEA (where he served as member and chairman of the Board of Governors); he was or is member of ILA and member of boards and councils of several academic and research institutions in Slovenia and abroad; he is member (and former Chairman) of the International Law Commission (ILC), and is member of the Advisory Committee on Nomination for judges of the ICC; he is judge and former President of the Constitutional Court of Republic of Slovenia.

He is author of 6 books on topics of international law and international relations in slovene whereby some have been translated and professional bibliography includes ca. 350 titles (see his bibliography in Cobis).

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