

UČNI NAČRT

UČNI NAČRT PREDMETA / COURSE SYLLABUS	
Predmet: Course title:	Mednarodno pravo International Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Enoviti magistrski študijski program Pravo	/	4.	7., 8.
Integrated master study programme Law	/	fourth	seventh and eighth

Vrsta predmeta / Course type	Obvezni predmet / Obligatory course
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Univerzitetna koda predmeta / University course code:	
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Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
90		60			150	10

Nosilec predmeta / Lecturer:	prof. dr. Vasilka Sancin, doc. dr. Maša Kovič Dine
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Jeziki / Languages:	<table border="1"> <tr> <td>Predavanja / Lectures:</td><td>slovenski / Slovenian</td></tr> <tr> <td>Vaje / Tutorial:</td><td>slovenski / Slovenian</td></tr> </table>	Predavanja / Lectures:	slovenski / Slovenian	Vaje / Tutorial:	slovenski / Slovenian
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Vaje / Tutorial:	slovenski / Slovenian				

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti: Za pristop k izpitu je obvezno obiskovanje predavanj in vaj.	Prerequisites: Attendance at lectures and tutorials is an obligatory prerequisite to partake in the exam.
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Vsebina:	Content (Syllabus outline):
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1. Uvod	
1.1. Pojem mednarodnega prava	1. Introduction
1.2. Zgodovina mednarodnega prava	1.1. The notion of international law
1.3. Formalni viri mednarodnega prava	1.2. The history of international law
1.4. Kodifikacija in progresivni razvoj mednarodnega prava	1.3. Formal sources of international law
1.5. Mednarodno pravo in notranje pravo države	1.4. Codification and progressive development of international law
1.6. Mednarodno pravo in pravo EU	1.5. International law and national law of states
2. Subjekti mednarodnega prava	1.6. International law and EU law
2.1. Pojem	2. Subjects of international law
2.2. Države	2.1. The notion
2.2.1. Nastanek držav	2.2. States
2.2.2. Priznanje države, priznanje vlade ter priznanje vstajnikov in osvobodilnih gibanj	2.2.1. Creation of a state
2.2.3. Temeljne pravice držav	2.2.2. Recognition of a State, recognition of a government, recognition of insurgents and national liberation movements
2.2.4. Suverenost in sodna imuniteta držav	2.2.3. Fundamental rights of states
2.2.5. Sestavljeni države	2.2.4. Sovereignty and jurisdictional immunity of states
2.2.6. Sukcesija držav	2.2.5. Federal states
2.2.7. Trajna nevtralnost	2.2.6. State succession
2.3. Razmerja odvisnosti	2.2.7. Permanent neutrality
2.4. Območja pod upravo mednarodnih organizacij	2.3. Relations of dependence among states
2.5. Sveti sedež	2.4. Territories under administration of international organizations
2.6. Mednarodne organizacije kot subjekti mednarodnega prava	2.5. The Holy Sea
2.7. Posameznik in mednarodno pravo	2.6. International organizations as subjects of international law
3. Položaj človeka kot posameznika v mednarodnem pravu	2.7. Individual and international law
3.1. Temeljni pojmi	3. The position of the individual in international law
3.2. Osebe pod jurisdikcijo suverene države	3.1. Fundamental terms
3.3. Mednarodnopravno varstvo človekovih pravic	3.2. Individuals under jurisdiction of a sovereign state
3.4. Varstvo manjšin	3.3. International human rights law
3.5. Pravica narodov do samoodločbe	3.4. Protection of minorities
3.6. Mednarodna kazenska odgovornost posameznika	3.5. The right of peoples to self-determination
4. Organi za vzdrževanje mednarodnih odnosov	3.6. International criminal responsibility of individuals
4.1. Državni poglavar, predsednik vlade in zunanji minister	4. Organs for maintenance of international relations
4.2. Diplomatski predstavniki	4.1. Head of state, president of the government and minister of foreign affairs
4.3. Konzuli	4.2. Diplomatic representatives
4.4. Mednarodni uslužbenci	4.3. Consuls
5. Mednarodnopravni posli	4.4. Employees of international organizations
5.1. Pojem	5. International legal acts
5.2. Enostranski pravni posli	
5.3. Mednarodne pogodbe	

1. Introduction	
1.1. The notion of international law	1.1. The notion of international law
1.2. The history of international law	1.2. The history of international law
1.3. Formal sources of international law	1.3. Formal sources of international law
1.4. Codification and progressive development of international law	1.4. Codification and progressive development of international law
1.5. International law and national law of states	1.5. International law and national law of states
1.6. International law and EU law	1.6. International law and EU law
2. Subjects of international law	2. Subjects of international law
2.1. The notion	2.1. The notion
2.2. States	2.2. States
2.2.1. Creation of a state	2.2.1. Creation of a state
2.2.2. Recognition of a State, recognition of a government, recognition of insurgents and national liberation movements	2.2.2. Recognition of a State, recognition of a government, recognition of insurgents and national liberation movements
2.2.3. Fundamental rights of states	2.2.3. Fundamental rights of states
2.2.4. Sovereignty and jurisdictional immunity of states	2.2.4. Sovereignty and jurisdictional immunity of states
2.2.5. Federal states	2.2.5. Federal states
2.2.6. State succession	2.2.6. State succession
2.2.7. Permanent neutrality	2.2.7. Permanent neutrality
2.3. Relations of dependence among states	2.3. Relations of dependence among states
2.4. Territories under administration of international organizations	2.4. Territories under administration of international organizations
2.5. The Holy Sea	2.5. The Holy Sea
2.6. International organizations as subjects of international law	2.6. International organizations as subjects of international law
2.7. Individual and international law	2.7. Individual and international law
3. The position of the individual in international law	3. The position of the individual in international law
3.1. Fundamental terms	3.1. Fundamental terms
3.2. Individuals under jurisdiction of a sovereign state	3.2. Individuals under jurisdiction of a sovereign state
3.3. International human rights law	3.3. International human rights law
3.4. Protection of minorities	3.4. Protection of minorities
3.5. The right of peoples to self-determination	3.5. The right of peoples to self-determination
3.6. International criminal responsibility of individuals	3.6. International criminal responsibility of individuals
4. Organs for maintenance of international relations	4. Organs for maintenance of international relations
4.1. Head of state, president of the government and minister of foreign affairs	4.1. Head of state, president of the government and minister of foreign affairs
4.2. Diplomatic representatives	4.2. Diplomatic representatives
4.3. Consuls	4.3. Consuls
4.4. Employees of international organizations	4.4. Employees of international organizations
5. International legal acts	5. International legal acts

5.3.1. Pojem in vrste
5.3.2. Sklepanje
5.3.3. Pridržki
5.3.4. Spoštovanje, razлага in uporaba
5.3.5. Mednarodne pogodbe in tretje države
5.3.6. Spremembe mednarodnih pogodb
5.3.7. Ničnost, prenehanje in suspenzija mednarodnih pogodb
6. Mednarodna odgovornost držav
6.1. Pojem
6.2. Splošna načela o mednarodni odgovornosti
6.3. Elementi mednarodne odgovornosti
6.4. Okoliščine, ki izključujejo protipravnost
6.5. Vsebina mednarodne odgovornosti in pravne posledice
6.6. Protiukrepi
6.7. Diplomatska zaščita
7. Mednarodne organizacije
7.1. Pojem in zgodovinsko poreklo
7.2. Vrste mednarodnih organizacij
7.3. Združeni narodi
7.3.1. Nastanek, cilji in načela
7.3.2. Položaj Ustanovne listine OZN v sistemu sodobnega mednarodnega prava
7.3.3. Držav članice OZN in posebni položaj stalnih članov Varnostnega sveta
7.3.4. Poglavitni organi OZN
7.3.5. Združeni narodi kot sistem
7.3.5.1. Specializirane agencije OZN
7.3.6. Mednarodne organizacije na globalni ravni, ki niso v sistemu OZN
7.3.7. Regionalne organizacije
8. Objekti mednarodnega prava
8.1. Pojem in kategorije
8.2. Državno ozemlje in državne meje
8.3. Mednarodne reke
8.4. Zračni prostor
8.5. Morski prostor
8.6. Pravni položaj Antarktike in Arktike
8.7. Vesolje
8.8. Mednarodnopravno varstvo okolja
9. Mirno reševanje sporov
9.1. Pojem
9.2. Diplomatska sredstva za mirno reševanje mednarodnih sporov:

5.1. The notion of international legal acts
5.2. Unilateral legal acts
5.3. International Treaties
5.3.1. The notion and types
5.3.2. Adoption of treaties
5.3.3. Reservations
5.3.4. Respect, interpretation and application
5.3.5. International treaties and third states
5.3.6. Amendments and modification of treaties
5.3.7. Invalidity, termination and suspension of treaties
6. State responsibility
6.1. The notion of state responsibility
6.2. General principles of state responsibility
6.3. Elements of state responsibility
6.4. Circumstances precluding wrongfulness
6.5. State responsibility and legal consequences
6.6. Countermeasures
6.7. Diplomatic protection
7. International organizations
7.1. The notion and historical background
7.2. Types of international organizations
7.3. The United Nations (UN)
7.3.1. Establishment, purposes and principles
7.3.2. The position of the UN Charter in the contemporary international law system
7.3.3. UN member states and the special position of the permanent members of the UN Security Council
7.3.4. Main organs of the UN
7.3.5. United Nations as a system
7.3.5.1. UN specialized agencies
7.3.6. International organizations at the global level that are not in the UN system
7.3.7. Regional organizations
8. Objects of international law
8.1. The notion and categories
8.2. State territory and state borders
8.3. International watercourses
8.4. Air space

pogajanja, dobre usluge, posredovanje, anketa in sprava (konciliacija)
9.3. Arbitraža
9.3.1. Meddržavna arbitraža
9.3.2. Mednarodna investicijska arbitraža
9.4. Meddržavno sodišče
9.4.1. Meddržavni spori
9.4.2. Svetovalna mnenja
9.5. Regionalni mehanizmi za mirno reševanje sporov
10. Kolektivna varnost: prepoved uporabe sile in ukrepi za ohranitev mednarodnega miru in varnosti
10.1. Pojem in razvoj kolektivne varnosti
10.2. Prepoved uporabe sile in pravno dopustne oblike uporabe sile
10.3. Prisilni ukrepi Varnostnega sveta OZN, ki ne vsebujejo uporabe oborožene sile
10.4. Mirovne operacije
10.5. Ukrepi na področju nadzora oboroževanja in vprašanje razorožitve
10.6. Ukrepi proti terorizmu in proti širjenju orožij za množično uničevanje
10.7. Odgovornost zaščititi
11. Mednarodno pravo oboroženih spopadov
11.1. Pojem in zgodovinski razvoj
11.2. Formalni viri
11.3. Položaj in zaščita oseb v mednarodnih oboroženih spopadih
11.3.1. Borci
11.3.2. Položaj ranjencev, bolnikov in brodolomcev
11.3.3. Vojni ujetniki
11.3.4. Položaj civilnega prebivalstva
11.3.5. Vojaška okupacija
11.4. Položaj in zaščite oseb v ne-mednarodnih oboroženih spopadih
11.5. Sredstva za uveljavljanje mednarodnega humanitarnega prava
11.6. Pravila vojskovanja in omejitve glede metod in načinov vojskovanja, glede vojaških ciljev in glede sredstev

8.5. The seas
8.6. The legal positions of Antarctica and the Arctic
8.7. Outer space
8.8. International Legal protection of the environment
9. Peaceful settlement of disputes
9.1. The notion
9.2. Diplomatic methods of dispute settlement: negotiations, good offices, mediation, inquiry and conciliation
9.3. Arbitration
9.3.1. Inter-State Arbitration
9.3.2. International investment arbitration
9.4. International Court of Justice
9.4.1. Inter-State Disputes
9.4.2. Advisory Opinions
9.5. Regional mechanisms for peaceful dispute settlement
10. Collective security: prohibition of use of force and measures for maintenance of international peace and security
10.1. The notion and development of collective security
10.2. Prohibition of the use of force and legally permitted options of use of force
10.3. UN Security Council's forceless coercive measures
10.4. Peace operations
10.5. Measures controlling armament and the issues of disarmament
10.6. Measures against terrorism and proliferation of weapons of mass destruction
10.7. Responsibility to protect
11. International humanitarian law
11.1. The notion and historical development
11.2. Formal sources
11.3. The position and protection of persons in international armed conflicts
11.3.1. Combatants
11.3.2. The position of the wounded, sick and shipwrecked
11.3.3. Prisoners of war
11.3.4. The position of civilians
11.3.5. Military occupation
11.4. The position and protection of persons in non-international armed conflicts

	<p>11.5. Means for implementation of international humanitarian law</p> <p>11.6. The rules of warfare and limitations regarding the methods and means of warfare concerning military objectives and concerning the means used</p>
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Temeljni literatura in viri / Readings:

- TÜRK, D.: Temelji mednarodnega prava, 2., pregledana in dopolnjena izdaja, IUS SOFTWARE, GV Založba, Ljubljana, 2015.
- SANCIN, V., KOVIČ DINE, M.: Mednarodno pravo v praksi mednarodnih sodišč, tribunalov in strokovnih odborov, Ljubljana: Litteralis, 2019.
- SHAW, M.: International Law, 9th Edition, Cambridge University Press, 2021.
- SANCIN, V. (ur.), Lokalni zločinci - univerzalni zločini : Odgovornost zaščititi. 1. natis. Ljubljana: GV založba, 2010.
- Ustanovna listina Organizacije združenih narodov in Statut Meddržavnega sodišča, Ur. I. RS, št. 2 – MP št. 1/14.
- Ustava Republike Slovenije, , Ur. I. RS, št. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121,140,143, 47/13 – UZ148 in 47/13 – UZ90,97,99.
- Zakon o zunanjih zadevah Republike Slovenije, Ur. I. RS, št. 113/03 - UPB1, 20/06 – ZNOMCMO, 76/08, 108/09, 80/10 – ZUTD in 31/15.

Cilji in kompetence:

Cilj predmeta je, da slušatelj pridobi temeljno znanje s področja mednarodnega prava, ki ureja odnose in razmerja med njegovimi subjekti. Za nadgradnjo teoretičnega znanja slušatelji preko analize relevantne judikature pridobijo vpogled v reševanje konkretnih vprašanj z mednarodnopravnega področja v praksi.

Objectives and competences:

The objective of the course is for the students to gain the fundamental knowledge of international law, which regulates the relations between its subjects. To broaden their theoretical knowledge, the students learn to analyse the relevant case law and thus get an insight into solving concrete international law issues in practice.

Predvideni študijski rezultati:

Znanje in razumevanje:
Po opravljenih obveznostih bo študent sposoben izkazati poznavanje temeljev mednarodnega prava ter različne mednarodnopravne institute pravilno razumeti glede na okoliščine posamičnega primera. Študent bo sposoben posamezna mednarodnopravna vprašanja ustrezno razlagati ter jih pri praktičnem delu tudi korektno uporabljati.
Študent bo pridobil predvsem spodbognost ustnega in pisnega izražanja o pravnih vprašanjih, sposobnost pravnškega sklepanja,

Intended learning outcomes:

Knowledge and understanding:
After finishing the course, the student will be able to show an understanding of the fundamentals of international law and apply different international law institutes to the circumstances of particular cases. The student will be capable of interpreting individual international law issues and use them through the practical work.
More specifically, the student will gain the skill of both oral and written legal expression of international law issues, the skill of legal reasoning, preparation of simple legal opinions

izdelave enostavnejših pravnih mnenj in uporabe znanja v konkretnih primerih v praksi. Pridobljeno znanje je mogoče neposredno uporabiti pri srečevanju z mednarodnopravno problematiko tako v pravosodju, kot v državni upravi ter tudi pri delu gospodarskih družb. Osvojeno znanje se lahko uporabi tudi pri delu v različnih evropskih in mednarodnih institucijah.

Študent bo pridobljeno znanje lahko dopolnil predvsem s posameznimi izbirnimi predmeti s področja mednarodnega prava (Diplomatsko in konzularno pravo, Pravo morja in Mednarodno pravo oboroženih spopadov).

and learn to use the knowledge in practical cases.

The student will be able to directly apply the knowledge received whenever faced with any international law issue before the courts, in state administration, as well as working for private companies. The knowledge gained is also applicable while working for European and international organizations.

The student will be able to connect the received knowledge with other individual selective courses from the international law field (like Diplomatic and Consular Law, Law of the Sea and International Humanitarian Law).

Metode poučevanja in učenja:

- predavanja (posredovanje temeljnih teoretičnih znanj)
- vaje (analiza sodne in arbitražne prakse, reševanje hipotetičnih problemov, obravnavo izdelkov samostojnega dela)
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Learning and teaching methods:

- lectures (fundamental theoretical knowledge)
- tutorials (analysis of case law before the courts and arbitration tribunals, solving hypothetical cases, addressing individual student work)
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Načini ocenjevanja:

Delež (v %) /
Weight (in %)

Assessment:

Pisni izpit. Izpit se oceni z ocenjevalno lestvico od 5 - 10: od 6-10 (pozitivno) oziroma 5 (negativno); ob upoštevanju Statuta UL in pravil Pravne fakultete.	100%	Written exam. The exam is graded on the grading scale 5-10: 6-10 (passing grades) and 5 (fail), in accordance with the Statute of the University of Ljubljana and the Rules of the Faculty of Law.
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Reference nosilca / Lecturer's references:

Prof. dr. Vasilka Sancin:

- [1.] Sancin, V.: Mednarodno pravo v hierarhiji pravnih virov EU in njenih članic, Uradni list Republike Slovenije, Ljubljana, 2008.
- [2.] Sancin, V. (ur.), Lokalni zločinci - univerzalni zločini : Odgovornost zaščititi. 1. natis. Ljubljana: GV založba, 2010.
- [3.] Sancin, V. (ur.): Responsibility to Protect: Where Do We Stand Ten Years After?, Pravna fakulteta, Ljubljana, 2015.
- [4.] Sancin, V.: Mednarodno pravo in človekove pravice pred slovenskimi sodišči. Pravnik: revija za pravno teorijo in prakso, 2020, letn. 75, št. 11/12, str. 831-851, 951-952..
- [5.] Sancin, V., Grünfeld, K., Ramuš Cvetkovič, I.: Sodobni izzivi mednarodnopravnega urejanja vesolja. Pravnik: revija za pravno teorijo in prakso, 2021, letn. 76, št. 1/2, str. 45-84, 99-100.

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- [1.] Sancin, V., Kovič Dine, M.: Ensuing Access to Safe Drinking Water as an Imperative of Sustainable Development, v: Mauerhofer, V. (ur.): Legal Aspects of Sustainable Development: Horizontal and Sectorial Policy Issues, Springer, 2016, str. 95-108.
- [2.] Kovič Dine, M., Right to development : driver for extraterritorial application of economic, social and cultural rights. V: LORENZMEIER, Stefan (ur.), SANCIN, Vasilka (ur.). *Contemporary issues of human rights protection in international and national settings*. 1. Aufl. Baden-Baden: Nomos; [Oxford]: Hart. 2018, str. 253-266, 310.
- [3.] Kovič Dine, M., Regulating economic cyber-espionage among states under international law. V: SVANTESSON, Dan Jerker Börje (ur.), KLOZA, Dariusz (ur.). *Trans-Atlantic data privacy relations as a challenge for democracy*, (European integration and democracy series, 4). Cambridge: Intersentia. cop. 2017, str. 263-286.