

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet: **Diplomatsko in konzularno pravo**
Course title:

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Prvostopenjski UN študij program Pravo	Pravo	četrti	Sedmi
First cycle University Programme in Law (Undergraduate)	Law	Fourth	Seventh

Vrsta predmeta / Course type

Izbirni – širše / Elective

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
30	15			15	60	4

Nosilec predmeta / Lecturer:

prof. dr. Vasilka Sancin

Jeziki /

Predavanja / Lectures: slovenski / Slovenian

Languages:

Vaje / Tutorial: slovenski / Slovenian

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

Za vključitev v predmet mora imeti študent dokončan prvi do šesti semester študija.

Prerequisites:

Completed first to sixth semester.

Vsebina:

1. Uvod
 - 1.1. Pojem diplomacije
 - 1.2. Pojem diplomatskega in konzularnega prava
 - 1.3. Organi za zunanje zastopanje
 - 1.4. Viri diplomatskega in konzularnega prava
 - 1.5. EU in diplomatsko in konzularno pravo
2. Diplomatsko pravo
 - 2.1. Pravica poslanstva
 - 2.2. Vzpostavitev, prekinitev ter prenehanje diplomatskih odnosov
 - 2.3. Naloge diplomatske misije
 - 2.4. Razredi in rang vodij diplomatskih misij in diplomatsko osebje
 - 2.5. Imenovanje in postopek akreditiranja vodje diplomatske misije in imenovanje članov diplomatske misije
 - 2.6. Prenehanje funkcije vodje diplomatske misije in razlogi za prenehanje in postopek
 - 2.7. Privilegiji in imunitete diplomatskih

Content (Syllabus outline):

1. Introduction
 - 1.1. The notion of diplomacy
 - 1.2. The notion of diplomatic and consular law
 - 1.3. Organs of foreign representation
 - 1.4. Sources of diplomatic and consular law
 - 1.5. EU and diplomatic and consular law
2. Diplomatic law
 - 2.1. Right of representation
 - 2.2. Establishment, severance and cessation of diplomatic relations
 - 2.3. Functions of diplomatic missions
 - 2.4. Classes and ranks of Heads of diplomatic missions and diplomatic staff
 - 2.5. The appointment and accreditation of the Head of the diplomatic mission and the appointment of the members of the mission
 - 2.6. Termination of the function of the head of the diplomatic mission, the reasons for termination and the procedure

predstavništev in predstavnikov
 2.8. Dolžnosti in odgovornosti diplomatskih predstavnikov
 2.9. Diplomatski protokol in ceremonial

3. Specialne misije
 3.1. Pojem in funkcije specialnih misij
 3.2. Privilegiji in imunitete specialnih misij in njihovih članov

4. Multilateralna diplomacija
 4.1. Pojem in vrste
 4.2. *Ad hoc* multilateralna diplomacija
 4.3. Stalne misije držav pri mednarodnih organizacijah
 4.4. Akreditiranje, naloge ter privilegiji in imunitete

5. Konzularno pravo
 5.1. Vzpostavitev in prenehanje konzularnih odnosov
 5.2. Konzularne funkcije
 5.3. Razredi in rangi vodij konzulatov
 5.4. Postopek imenovanja vodje in članov konzulata
 5.5. Prenehanje funkcije članu konzulata
 5.6. Privilegiji in imunitete konzulata, konzularnih funkcionarjev in drugih članov konzulata
 5.7. Dolžnosti in odgovornosti konzularnih funkcionarjev
 5.8. Častni konzuli

6. Ekonomska diplomacija

7. Analiza judikature na področju diplomatskega in konzularnega prava

2.7. Privileges and immunities of diplomatic missions and representatives
 2.8. Obligations and duties of diplomatic representatives
 2.9. Diplomatic protocol and ceremonial

3. Special missions
 3.1. The notion and functions of special missions
 3.2. Privileges and immunities of special missions and their members

4. Multilateral diplomacy
 4.1. The notion and types
 4.2. *Ad hoc* multilateral diplomacy
 4.3. Permanent missions of states at international organisations
 4.4. Accreditation, functions and privileges and immunities

5. Consular law
 5.1. The establishment and termination of consular relations
 5.2. Consular functions
 5.3. Classes and ranks of Heads of consular posts
 5.4. Procedure of appointment of the Head and member of a consular post, 5.5. Termination of the function of the member of a consular post
 5.6. Privileges and immunities of the consular post, consular officers and other members of the consular staff
 5.7. Obligations and duties of consular officers
 5.8. Honorary consuls

6. Economic diplomacy

7. Analysis of jurisprudence in the field of diplomatic and consular law

Temeljni literatura in viri / Readings:

BOHTE, B., SANCIN, V.: Diplomatsko in konzularno pravo, Cankarjeva založba, Ljubljana, 2006.
 SANCIN, V.: Diplomatsko in konzularno pravo v teoriji in praksi, Ljubljana: Litteralis, 2021 (v tisku).
 SANCIN, V.: Nekateri izbrani vidiki prakse s področja diplomatskega in konzularnega prava v Sloveniji. Teor. praksa, maj-jun. 2011, letn. 48, št. 3, str. 688-711, 815-816, tabele.
 TÜRK, D.: Pravo in diplomacija, Nova revija, let. XXIV, št. 284, str. 1–11.
 DENZA, E.: Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations, 4th Edition Oxford University Press, 2016.
 FELTHAM, R. G.: Diplomatic Handbook, 8th Edition, Martinus Nijhoff Publishers, Leiden, Boton, 2004.
 SIMONITI, I. (ur.): Diplomatsko pravo, izbrane konvencije, Zbirka Mednarodno pravo, Založba FDV in MZZ, Ljubljana, 2014.
 Zakon o zunanjih zadevah Republike Slovenije, Ur. l. 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 poglobljeno znanje s področja diplomatskega in konzularnega prava, kot ene od pravnih pod-panog mednarodnega prava. Za nadgradnjo teoretičnega znanja slušatelji preko analize relevantne judikature, predvsem Meddržavnega sodišča v Haagu, pridobijo vpogled v reševanje konkretnih vprašanj v praksi.

Objectives and competences:

The objective of the course is to provide students with an in depth understanding of diplomatic and consular law as one of the branches of international law. To augment the theoretical knowledge, students obtain an insight into the resolution of concrete practical issues through the analysis of international jurisprudence, especially before the International Court of Justice.

Predvideni študijski rezultati:

Po opravljenih obveznostih bo študent sposoben izkazati poznavanje mednarodnopravne ureditve diplomatskih in konzularnih odnosov ter osnovne spretnosti in veščine diplomatskega dela. Študent bo sposoben posamezne diplomatske in konzularne institute ustrezno razlagati ter jih pri praktičnem delu tudi korektno uporabljati. Pridobljeno znanje je mogoče neposredno uporabiti pri delu v Ministrstvu za zunanje zadeve ter diplomatsko-konzularni mreži, kot tudi pri srečevanju s temi vprašanji pri delu drugih državnih organov, vključno s sodišči. Osvojeno znanje se lahko uporabi tudi pri delu v različnih evropskih in mednarodnih institucijah. Študenti s pridobljenim znanjem nadgrajujejo predvsem osvojeno znanje pri obveznem predmetu Mednarodno javno pravo. Ustno in pisno izražanje o pravnih vprašanjih, sposobnost pravniškega sklepanja, izdelava enostavnejših pravnih mnenj, uporaba znanja v konkretnih primerih v praksi.

Intended learning outcomes:

Knowledge and understanding:
After obtaining the required ECTS, the student will be able to showcase an understanding of the international regulation of diplomatic and consular relations and the basic skillset of diplomatic work. The student will be able to interpret the relevant diplomatic and consular legal notions and properly use them in practice. The acquired knowledge can be directly utilised in working at the Ministry of Foreign Affairs and the diplomatic-consular network as well as in tackling these issues while working at other state organs, including courts. The acquired knowledge can also be utilised while working at different European and international institutions. With the acquired knowledge, students augment their knowledge obtained at the obligatory course Public international law. Discussing legal issues both orally and in writing, the ability of making legal inferences, the ability of creating basic legal opinions, the ability to use the acquired knowledge in practice.

Metode poučevanja in učenja:

- predavanja (posredovanje temeljnih teoretičnih znanj)
- seminar (analiza sodne in arbitražne prakse ter konkretnih določb mednarodnih pogodb)
- strokovna ekskurzija na Dunaj

Learning and teaching methods:

- lectures (basic theoretical concepts)
- seminars (analysis of judicial and arbitral practice and concrete treaty provisions)
- study visit to Vienna

Delež (v %) /

Weight (in %)

Načini ocenjevanja:

Način (ustno izpraševanje, naloge, projekt)
Ustni izpit. Izpit se oceni z ocenjevalno lestvico od 1 - 10: od 6-10 (pozitivno) oziroma 1-5 (negativno); ob upoštevanju Statuta UL in pravil Pravne fakultete.

100% USTNI /
100% ORAL**Assessment:**

Type (examination, oral, coursework, project):
Final oral exam. The exam is graded on a scale of 1-10: 6-10 (pass) and 1-5 (fail); according to the Statute and Rules of the

Za pristop k izpitu je obvezno obiskovanje predavanj in seminarjev.		Faculty of Law. Attending lectures and seminars is obligatory in order to take the exam.
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Reference nosilca / Lecturer's references:

BOHTE, Borut, SANCIN, Vasilka. *Diplomatsko in konzularno pravo*, (Zbirka Pravna obzorja, 29). Ljubljana: Cankarjeva založba, 2006. 460 str., zvd., graf. prikazi. ISBN 961-231-561-2. ISBN 978-961-231-561-0.

SANCIN, Vasilka. Nekateri izbrani vidiki prakse s področja diplomatskega in konzularnega prava v Sloveniji. *Teor. praksa*, maj-jun. 2011, letn. 48, št. 3, str. 688-711, 815-816, tabele. http://dk.fdv.uni-lj.si/db/pdfs/tip2011_3_Sancin.pdf.

BOHTE, Borut, SANCIN, Vasilka. *E drejta diplomatike dhe konsullore*. Prishtinë: Kolegji Universitar Victory, 2011. [463] str., ilustr. ISBN 978-9951-495-35-6.

SANCIN, Vasilka. *Slovenia : [a report on consular and diplomatic protection legal framework and practice]*. Florence: [European Commission, DG Justice], 2009/2010. 1 vol.

SANCIN, Vasilka. *Diplomatsko in konzularno pravo v teoriji in praksi*, Ljubljana: Litteralis, 2021 (v tisku).