

UČNI NAČRT

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Diplomatsko in konzularno pravo
Course title:	Diplomatic and Consular Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Enoviti magistrski študijski program Pravo	/	2., 3.	3., 5.
Integrated master study programme Law	/	second or third	third or fifth

Vrsta predmeta / Course type Izbirni predmet / Elective course

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
45	15				60	4

Nosilec predmeta / Lecturer: prof. dr. Vasilka Sancin

Jeziki / Languages:	Predavanja / Lectures:	slovenski / Slovenian
	Vaje / Tutorial:	

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

Za pristop k izpitu je obvezno obiskovanje predavanj in seminarjev.

Prerequisites:

Attendance at lectures and seminars is an obligatory prerequisite to partake in the exam.

Vsebina: _____

Content (Syllabus outline): _____

1. Uvod
1.1. Pojem diplomacije
1.2. Pojem diplomatskega in konzularnega prava
1.3. Položaj in vloga diplomatskih in konzularnih predstavnikov med organi za zunanje zastopanje države
1.4. Formalni viri diplomatskega in konzularnega prava
2. Diplomatsko pravo
2.1. Pravica države do poslanstva in vzpostavitve, prekinitve ter prenehanje diplomatskih odnosov
2.2. Naloge diplomatske misije
2.3. Razredi in rang vodij diplomatskih misij in diplomatsko osebje
2.4. Imenovanje in postopek akreditiranja vodje diplomatske misije in imenovanje članov diplomatske misije
2.5. Prenehanje funkcije vodje diplomatske misije in razlogi za prenehanje in postopek
2.6. Privilegiji in imunitete diplomatskih predstavništev in predstavnikov
2.7. Dolžnosti in odgovornosti diplomatskih predstavnikov
2.8. 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. <i>Ad hoc</i> 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 konzulata, patentna pisma in eksekvatura, imenovanje članov konzularnega osebja
5.5. Prenehanje funkcije članu konzulata

1. Introduction
1.1. The notion of diplomacy
1.2. The meaning of diplomatic and consular law
1.3. The position and role of diplomatic and consular representatives among the organs of foreign representation
1.4. The formal sources of diplomatic and consular law
2. Diplomatic law
2.1. The right of the state to representation and establishment, severance and cessation of diplomatic relations
2.2. Functions of diplomatic missions
2.3. Classes and ranks of Heads of Diplomatic Missions and diplomatic staff
2.4. Appointment and the procedure of accreditation of Heads of mission and nomination of members of the diplomatic mission
2.5. Termination of the function of Heads of Diplomatic Mission and reasons for termination and the procedure
2.6. Privileges and immunities of diplomatic missions and representatives
2.7. Duties and responsibilities of diplomatic representatives
2.8. Diplomatic protocol and ceremonial
3. Special missions
3.1. The meaning and functions of special missions
3.2. The privileges and immunities of special missions and its members
4. Multilateral diplomacy
4.1. The meaning and types
4.2. <i>Ad hoc</i> multilateral diplomacy
4.3. Permanent missions of states to international organizations
4.4. Accreditation, functions, privileges and immunities
5. Consular law
5.1. Establishment and termination of consular relations
5.2. Consular functions
5.3. Classes and ranks of Heads of consular posts
5.4. The procedure of appointing the Heads of consular post, letters patent

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

and exequatur, appointing the members of consular staff

5.5. Termination of the position of a member of the consular post

5.6. Privileges and immunities of the consular post, consular staff and other members of the consular post

5.7. Duties and responsibilities of consular staff

5.8. Honorary consuls

6. Economic diplomacy

Temeljni literatura in viri / Readings:

BOHTE, B., SANCIN, V.: Diplomatsko in konzularno pravo, Cankarjeva založba, Ljubljana, 2006.

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 podpanog 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 for the students to gain an in-depth knowledge of diplomatic and consular law, as one of the sub-branches of international law. To broaden the theoretical knowledge the students learn to analyse relevant case law, especially the case law of the International Court of Justice, and thus get an insight into solving concrete issues in practice.

Predvideni študijski rezultati:

Znanje in razumevanje:

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. Študent bo pridobil predvsem sposobnosti ustnega in pisnega izražanja o pravnih vprašanjih, sposobnost pravniškega sklepanja, izdelave enostavnejših pravnih mnenj, in uporabe znanja v konkretnih primerih v praksi. Pridobljeno znanje je mogoče neposredno uporabiti pri delu v Ministrstvu za zunanje

Intended learning outcomes:

Knowledge and understanding:

After finishing the course, the student will be able to show an understanding of the international legal regulation of diplomatic and consular relations and the basic skills for diplomatic work. The student will be capable of interpreting specific diplomatic and consular law institutes and using them in practical work. More specifically, the student will gain the skills of both oral and written legal expression of law issues, the skill of legal reasoning, preparation of simple legal opinions and learn to use the knowledge in practical cases.

The student will be able to directly apply the knowledge while working for the Ministry of Foreign Affairs and the diplomatic-consular

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.

network, as well as while facing these issues within the work of other state organs and courts. The knowledge gained is also applicable while working for European and international organizations.

Metode poučevanja in učenja:

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

Learning and teaching methods:

- lectures (fundamental theoretical knowledge)
- seminars (analysis of case law before the courts and arbitration tribunals, and concrete clauses of international treaties)
- study trip

Načini ocenjevanja:

Delež (v %) /
Weight (in %)

Assessment:

<p>Ustni izpit.</p> <p>Izpit se oceni z ocenjevalno lestvico od 5 do 10: od 6 do 10 (pozitivno) oziroma 5 (negativno); ob upoštevanju Statuta UL in pravil Pravne fakultete.</p>	<p>100%</p>	<p>Oral exam.</p> <p>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.</p>
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Reference nosilca / Lecturer's references:

Prof. dr. Vasilka Sancin:

[1.] 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.

[2.] 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.

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

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