

University of Florida
International Law
EUS 4930
Spring 2020

COURSE INFORMATION:

Instructor: Prof. Alexander Panayotov, Ph.D.

Course Location: TUR 1101

Course Time: Tuesday, 8:30-10:25 AM; Thursday 9:35-10:25 AM

Office Location: Turlington Hall 3343

Office Hours: Office Hours: Tuesday 1:00-2:30 PM, Wednesday 1:00-2:30 PM

“Thoughts without content are empty, intuitions without concepts are blind.”
Immanuel Kant

COURSE DESCRIPTION:

This is an introductory course in public international law. It has three main objectives: 1) to explore the origins of international law (IL) and its relation to international politics; 2) to outline the general principles about the creation, interpretation, and enforcement of international legal rules; and, 3) to provide a broad overview to the main specialized areas of IL.

In this class, we will study public international law. The terms public international law and international law will be used interchangeably. IL is concerned with the relations between states, but in recent years it has become an area of interest for individuals, corporations, and non-governmental organizations. While we will study the evolution of IL at the intersection of legal and political theories, the crux of the class will be a systematic examination of cases decided by international, European, and US courts. You will learn different styles of legal analysis and argumentation. Understanding these styles might prove challenging. Because of this, be prepared to discuss them during the class. The class discussion is a deliberative exercise: you are expected to contribute to it because everyone will benefit from a vigorous exchange of ideas. In order to facilitate this exchange, I will call people in class. Please note that class attendance is mandatory.

In addition, please respect your colleagues' views: IL is a subject open to multiple interpretations and an arena of contentious debates. Don't forget that collegiality and tolerance are virtues not vices.

LEARNING OBJECTIVES:

Students in this course will:

- Explore the foundations of public international law.
- Learn the methodological skills to read, analyze, and understand international legal cases.
- Refine their writing, editing, and presentation skills.

COURSE TEXTS:

1. Valerie Epps, *International Law*”, 6th edn. (Carolina Academic Press, 2019) [hereinafter IL]. Check carefully and don’t buy previous editions of the book.
2. Materials on the Canvas web site.

EXAMINATIONS AND ACADEMIC HONESTY:

- I will not be able to change exams’ parameters and presentation dates except in the following cases: a medical emergency, which must be properly documented, and a death in the immediate family.
- Absences from class must be properly documented. An absence without proper documentation will be counted as an unexcused one. Two or more unexcused absences will result in lowering of your attendance and participation grade.
- Depending on our progress, there might be changes in the schedule. You will be notified of all changes in advance.
- No extra credit assignments will be offered.
- Please note that UF students are bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.” The Honor Code (<http://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor in this class. Please note that this is a research-intensive course. Because of this, plagiarism and other forms of academic dishonesty will not be tolerated. Students are required to read, understand, and abide by the University of Florida Academic Honesty policy. The policy can be found here: <https://sccr.dso.ufl.edu/process/student-conduct-code/> . All violations of the said policy will be reported in accordance with the process outlined in it.
- The requirements in the syllabus are consistent with the UF grading policy. The policy can be found here: <https://catalog.ufl.edu/UGRD/academic-regulations/grades-grading-policies/>

GRADE CONCERNS:

If a student disagrees with her grade, she must outline her concerns in writing within 48 hours of receiving the grade. I will not accept grade concern statements after the expiration of the 48 hour period. The statement must contain a reasoned claim backed by textual evidence. After evaluating the merit of the claim, I will do one of the following: 1) increase the grade; 2) lower the grade; or, 3) leave the grade unchanged. The student will be notified about my decision within a reasonable time frame and the grade will be adjusted accordingly. Please note that this policy will not be applicable to the final paper and the overall final grade.

ATTENDANCE:

- Please be advised that class attendance is mandatory. I reserve the right to revise your grade one grade step down (e.g. B+ to B) for systemic unexcused absences from class (two or more absences).
- Arrive on time. I reserve the right to lower your attention and participation grade in cases of systematic tardiness. I define systematic tardiness as “three or more late arrivals to class.”
- Do not leave early. If you leave early three or more times, I reserve the right to lower your attention and participation grade.
- Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found at: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>

INCOMPLETES:

Incompletes will be granted under exceptional circumstances. A student who wants to receive an incomplete must: (1) inform the professor 10 (ten) days prior to the last day of class and (2) provide a written explanation about the reasons necessitating the incomplete. These reasons must be properly documented. In addition, the student must provide a written plan for finishing the missing work. The student must complete the work during the following semester. Failure to complete the work will result in an E.

COURSE EVALUATIONS:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/> . Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/> . Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

ACCOMMODATIONS:

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the disability Resource Center by visiting disability.ufl.edu/students/get-started. It is important for students to share their accommodation letter with their instructor and discuss their access needs, as early as possible in the semester

Faculty can expect to receive a student’s accommodation letter within the first 3 weeks of classes; however, if a student registers with the DRC later in the semester faculty are still obligated to facilitate accommodations. Neither faculty nor administrators may independently deny a request for accommodation that is approved by the Disability Resource Center.

Students are also advised to explore the opportunities offered by the UF Disability Resource Center. The Center is located at 001 Reid Hall, web page: <https://disability.ufl.edu/#> .

RESPONSIBILITIES:

- Ensure that you have a reliable access to Canvas because it will be used extensively throughout the semester. Note that you will be responsible for printing or viewing the assigned material.
- Read the materials in advance and in the order indicated in the syllabus.
- Turn off your cell phones **before** coming to class.
- Restrict the use of electronic devices to class-related activities, e.g., note-taking or article reading.
- Please do not eat in class. Drinks in closed containers are permitted.
- Please note that I will call people in class. This means that it's your responsibility to be prepared at all times. I reserve the right to lower your participation grade if you are unprepared.

RECORDINGS: No recording of the class discussion is permitted.

GRADE SCALE:

A	94-100
A-	90-93
B+	87-89
B	84-86
B-	80-83
C+	77-79
C	74-76
C-	70-73
D+	67-69
D	64-66
D-	60-63
E	0-59

ASSIGNMENTS AND DEADLINES:

DUE DATE	ASSIGNMENT	DESCRIPTION	WEIGHT
	Attendance and participation	Please note that attendance is mandatory. Participation is an essential ingredient for your success in the course. I reserve the right to revise your grade one grade step up (e.g. A- to A) to reward your class participation. I also reserve the right to revise your grade one grade step down (e.g. B+ to B) for systemic unexcused absences from class (two or more absences). I will consider revising the grade one grade step down (e.g. B+ to B) for systemic tardiness (three or more late arrivals). I will not revise grades upwards to reward regular attendance. Do not leave early. If you leave early three or more times, I reserve the right to lower your attention and participation grade.	10%

6-Feb-2020	Précis	<p>The précis is a one-page summary of an important IL concept. I will post three concepts on Canvas and you will have to select one of them.</p> <p>The précis will have to be 1'' margin all around, Times New Roman font, size 12, single line spacing. You may cite course materials or external sources — books, articles, judicial decisions or primary documents — related to the concept. All sources must be properly cited in a bibliography, which will not be counted toward the page requirement. Please submit the assignment by using the Canvas web site. I will deduct 20 points for assignments submitted after the deadline and before 11:59 PM on February 8th. I will not accept submissions after that and no points will be awarded for this assignment.</p>	20%
20-Feb-2020 – 27-Feb-2020 11:59 pm	Midterm (take-home exam)	<p>The midterm will consist of two questions and two short answers. The answer to each essay question should not exceed 5 double-spaced pages. The short answers should not exceed five sentences. The additional requirements for the essay questions and the short answers are: 1'' margin all around, Times New Roman font, size 12. Your answers should reflect the assigned readings and the class discussions. I will deduct 15 points if an exam is submitted after the deadline and prior to 11:59 PM on February 29th. I will not accept submissions after that and no points will be awarded for this assignment.</p>	30%
29-Apr-2020 10 am – 12 pm	Final Exam (in-class)	<p>The final exam will consist of two questions and two short answers. The short answers should not exceed five sentences. The answers to the essay questions are not limited. The exam will be open-book based on the lectures, assigned reading, and the class discussions. The final exam will cover all materials studied throughout the semester.</p>	40%

SUBMISSIONS: All assignments should be submitted by using the class Canvas web site unless otherwise noted in the syllabus.

IMPORTANT DATES:

- **February 6th:** Précis due
- **February 27th:** Midterm due
- **April 29th 10am – 12pm:** Final Exam

TOPICS AND READINGS:

INTRODUCTION

“History is a guide to navigation in perilous times. History is who we are and why we are the way we are.”

David McCullough

Date	Subject	Readings
07-Jan-2020	History of IL & Methodology	1. Stephen C. Neff, <i>“A Short History of International Law”</i> , pp. 3-31 [Canvas] 2. Robert Jackson, <i>“Sovereignty in World Politics: A Glance at the Conceptual and Historical Landscape”</i> , pp. 431-456 [Canvas] (skim)

ORDER AND AUTHORITY IN WORLD POLITICS

“The purpose of law is to prevent the strong always having their way”

Ovid

Date	Subject	Readings
09-Jan-2020	States in IL	1. <i>IL</i> 335-361
14-Jan-2020	Title to Territory	1. <i>IL</i> 39-69
16-Jan-2020	Sources of IL	1. <i>IL</i> 3-27
21-Jan-2020	Sources of IL	1. <i>IL</i> 27-38
23-Jan-2020	Treaties in International Law	1. <i>IL</i> 71-86
28-Jan-2020	Treaties in IL	1. <i>IL</i> 86-110 2. <i>IL</i> 110-127 (skim)
30-Jan-2020	Jurisdiction in IL	1. <i>IL</i> 129-161
04-Feb-2020	Jurisdiction in IL	1. <i>IL</i> 161-173
06-Feb-2020	Jurisdiction in IL	1. <i>IL</i> 173-188
11-Feb-2020	Immunities from Jurisdiction in IL	1. <i>IL</i> 189-199
13-Feb-2020	Immunities from Jurisdiction in IL	1. <i>IL</i> 199-207 (skim) 2. <i>IL</i> 207-229

DISPUTE RESOLUTION IN INTERNATIONAL AND EUROPEAN LAW

“Right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must.”

Thucydides “History of the Peloponnesian War”, 4th ct. BC

“Ius est ars boni et aequi”

(Law is the art of the good and the equitable)

Celsus, “Digests”, 2nd ct. AD

Date	Subject	Readings
18-Feb-2020	Dispute resolution in IL	1. <i>IL 473-497</i>
20-Feb-2020	REVIEW SESSION	1. Midterm to be posted on-line. 2. Midterm due on February 27 th at 11:59 pm. 3. There are no readings for this class. Please prepare your questions for the review session.
25-Feb-2020	Dispute resolution in European Law (The Court of Justice of the European Union)	1. The Court of Justice of the European Union [Canvas] 2. The General Court [Canvas] 3. The CJEU (Direct Effect): <i>van Gend & Loos v Netherlands Inland Revenue Administration</i> [Canvas]
27-Feb-2020	Dispute resolution in European Law (The Court of Justice of the European Union)	1. The CJEU (Supremacy): <i>Costa v E.N.E.L</i> [Canvas] 2. The CJEU (Mutual Recognition): <i>Cassis de Dijon</i> [Canvas] 3. Midterm due on February 27 th at 11:59 pm.
10-Mar-2020	Dispute resolution in European Human Rights Law (The European Court of Human Rights)	1. <i>The ECHR in 50 Questions</i> [Canvas] 2. The ECHR (Extradition): <i>Soering vs. The United Kingdom</i>

SPECIALIZED AREAS OF INTERNATIONAL LAW

“Revolt and terror pay a price. Order and law have a cost.”

Carl Sandburg

Date	Subject	Readings
12-Mar-2020	Use of Force	1. <i>IL</i> 503-531
17-Mar-2020	Use of Force	1. <i>IL</i> 532-550 2. <i>IL</i> 550-554 3. John Richardson, “ <i>Stuxnet as Cyberwarfare: Applying the Law of War to the Virtual Battlefield</i> ”, pp. 1-27 [Canvas]
19-Mar-2020	International Criminal Law	1. <i>General Principles of International Criminal Law</i> [Canvas]
24-Mar-2020	International Criminal Law	1. <i>International, Hybrid and National Courts Trying International Crimes</i> [Canvas] 2. <i>IL</i> 554-572 (skim)
26-Mar-2020	Human Rights	1. <i>IL</i> 381-387 2. <i>IL</i> 401-406
31-Mar-2020	Human Rights	1. <i>IL</i> 431-437 2. <i>IL</i> 463-472 3. Thomas M. Franck, “ <i>Are Human Rights Universal</i> ”, pp. 191-204 [Canvas] (optional)
02-Apr-2020	International Environmental Law	1. <i>IL</i> 328-334
07-Apr-2020	International Environmental Law	1. <i>IL</i> 311-328
09-Apr-2020	The Law of the Sea	1. <i>IL</i> 231-263
14-Apr-2020	The Law of the Sea	1. <i>IL</i> 263-284 2. <i>IL</i> 284-310 (skim)
16-Apr-2020	Trade and Finance	1. The CJEU (the European financial crisis): <i>Gauweiler</i> [Canvas] 2. Understanding the WTO Dispute Settlement Procedure [Canvas]
21-Apr-2020	REVIEW SESSION & CONCLUSION	There are no readings for this class. Please prepare your questions for the review session.

USEFUL LINKS:

1. The United Nations: <http://www.un.org/en/> (English version)
2. The World Bank: <http://www.worldbank.org/>
3. The International Monetary Fund: <http://www.imf.org/external/index.htm>
4. The International Court of Justice (English version): <http://www.icj-cij.org/homepage/index.php?lang=en>
5. The American Society of International Law: www.asil.org
6. The EISIL (Electronic Information System for International Law): <http://www.eisil.org/>
7. The Avalon Project at Yale Law School: <http://avalon.law.yale.edu/>
8. Research Guides at NYU School of Law
<https://www.law.nyu.edu/library/research/researchguides>
9. UN IL audiovisual library:
<http://legal.un.org/avl/lectureseries.html>
10. The Vienna Convention on the Law of Treaties:
http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf
11. UN Charter and the Statue of the International Court of Justice:
<https://treaties.un.org/doc/Publication/CTC/uncharter.pdf>

A (VERY) SHORT DICTIONARY OF FOREIGN PHRASES:

A contrario: “from a contrary position”

A fortiori: “for a still stronger reason”

Ad hoc: “for this; for the specific purpose”

Contra legem: “against the law” (often used in the context of legal interpretation)

De jure: “according to law”

De facto: “in reality; in fact”

Erga omnes: “toward all” (often used in relation to obligations)

De lege ferenda: “law as it should be”

De lege lata: “law as it is”

Opinio juris: “opinion of the law”

Rebus sic stantibus: “things standing thus” (doctrine used to describe fundamental change of circumstances in international law, Art.62 of the VCLT)

Travaux préparatoires: “preparatory work” (often used for interpreting international treaties in accordance with Art. 32 of the VCLT)