

University of Florida
International Law
EUS 3930/INR 4931
Spring 2024

COURSE INFORMATION:

Instructor: Prof. Alexander Panayotov, Ph.D.

Email: apanayotov@ufl.edu

Course Location: MAT 0102

Course Time: Monday 9:35-10:25AM, Wednesday 9:35-10:25AM, and Friday 9:35-10:25AM

Office Location: Turlington Hall 3343

Office Hours: Friday 10:50-12:50 (in person), Monday 10:45-11:45 PM (Zoom), and by appointment

“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/#> .

COUNSELING AND WELLNESS CENTER:

Contact information for the Counseling and Wellness Center: <http://www.counseling.ufl.edu/cwc/Default.aspx>, 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.

RECORDINGS:

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

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.

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%
09-Feb-2024	Précis	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. 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 15 points for assignments submitted after the deadline and before 11:59 PM on February 10 th . I will not accept submissions after that and no points will be awarded for this assignment.	20%
21-Feb-2024 – 28-Feb-2024 11:59 pm	Midterm (take-home exam)	The midterm will consist of two questions and one short answer. The answer to each essay question should not exceed 5 double-spaced pages. The short answer 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 March 1 st . I will not accept submissions after that and no points will be awarded for this assignment.	30%

24-Apr-2024 – 01-May-2024 11:59 pm	Final Exam (take-home exam)	The final exam will consist of two questions and two short answers. The answer to each essay question should not exceed 5 double-spaced pages. 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. 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. I will deduct 20 points for an answer submitted after the deadline and prior to 11:59 PM on May 3 rd . I will not accept submissions after that and no points will be awarded for this assignment.	40%
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SUBMISSIONS:

All assignments should be submitted via the Canvas course page. Please note that each student is responsible for the timely submission of her assignments. I will not send reminders for overdue assignments.

IMPORTANT DATES:

- **February 9th:** Précis due
- **February 28th:** Midterm due
- **May 1st:** Final Exam due

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
08-Jan-2024	History of IL & Methodology	1. Stephen C. Neff, "A Short History of International Law", pp. 3-31 [Canvas]
10-Jan-2024	Methodology of IL	1. Robert Jackson, "Sovereignty in World Politics: A Glance at the Conceptual and Historical Landscape", pp. 431-456 [Canvas] 2. <i>How to Study International Law?</i> [PP Slides, Canvas]

ORDER AND AUTHORITY IN WORLD POLITICS

"The purpose of law is to prevent the strong always having their way"
Ovid

Date	Subject	Readings
12-Jan-2024	States in IL	1. <i>IL</i> 335-355
17-Jan-2024	States in IL	1. <i>IL</i> 355-361
19-Jan-2024	International Organization	1. <i>IL</i> 361-379
22-Jan-2024	Title to Territory	1. <i>IL</i> 39-69
24-Jan-2024	Sources of IL I	1. <i>IL</i> 3-27
26-Jan-2024	Sources of IL II	1. <i>IL</i> 27-38
29-Jan-2024	Treaties in International Law I	1. <i>IL</i> 71-86
31-Jan-2024	Treaties in IL II	1. <i>IL</i> 86-110 2. <i>IL</i> 110-127 (skim)
02-Feb-2024	Treaties in IL III	1. <i>IL</i> 110-127
05-Feb-2024	Jurisdiction in IL I	1. <i>IL</i> 129-139
07-Feb-2024	Jurisdiction in IL II	1. <i>IL</i> 139-161
09-Feb-2024	Jurisdiction in IL III	1. <i>IL</i> 173-183
12-Feb-2024	Immunities from Jurisdiction in IL I	1. <i>IL</i> 173-188
14-Feb-2024	Immunities from Jurisdiction in IL II	1. <i>IL</i> 189-199
16-Feb-2024	Immunities from Jurisdiction in IL III	1. <i>IL</i> 199-207
19-Feb-2024	Immunities from Jurisdiction in IL IV	1. <i>IL</i> 207-229 2. Case Study: Ingrid (Wuerth) Brunk <i>Countermeasures and the Confiscation of Russian Central Bank Assets</i> , pp. 1-4 [Canvas]

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
21-Feb-2024	REVIEW SESSION	There are no readings for this class. Please prepare your questions for the review session. Midterm to be posted on-line. Midterm due on February 28 th at 11:59 PM
23-Feb-2024	Dispute resolution in IL I	1. <i>IL</i> 473-481
26-Feb-2024	Dispute resolution in IL II	1. <i>IL</i> 484-497
28-Feb-2024	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 & Loose Netherlands Inland Revenue Administration</i> [Canvas]
01-Mar-2024	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
04-Mar-2024	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
06-Mar-2024	Use of Force I: <i>Jus ad bellum</i>	1. <i>IL</i> 503-523
08-Mar-2024	Use of Force II: <i>Jus ad bellum</i>	1. Case Study: Ukraine, Adil Ahmad Haque , “ <i>Symposium on Ukraine and the International Order : An Unlawful War</i> ”, pp.1-5 [Canvas]
18-Mar-2024	Use of Force III: <i>Jus ad bellum</i>	1. Case Study: Sean D. Murphy, “ <i>Assessing the Legality of Invading Iraq</i> ” (173-179, 180-203, 228-229, 256-257) [Canvas]. This is a long article and you are not required to read it in its totality. However, it is a good example of how to conduct a comprehensive legal analysis of complex international legal problems.
20-Mar-2024	Use of Force IV: <i>Jus in bello & Cyberwarfare</i>	1. <i>IL</i> 550-554 2. Case Study: John Richardson, “ <i>Stuxnet as Cyberwarfare: Applying the Law of War to the Virtual Battlefield</i> ”, pp. 1-27 [Canvas]
22-Mar-2024	Use of Force V: Drones & Targeted Killings	1. Case Study: The American Journal of International Law, Contemporary Practice of the United States, “ <i>U.S. Drone Strike in Iraq Kills Iranian Military Leader Quasem Soleimani</i> ”, pp.1-11 [Canvas] 2. Gabriella Blum & Philip Heymann, “ <i>Law and Policy of Targeted Killings</i> ”, pp.145-170 [Canvas]
25-Mar-2024	International Criminal Law I	1. <i>General Principles of International Criminal Law</i> , pp.1-19 [Canvas]
27-Mar-2024	International Criminal Law II	1. <i>International, Hybrid and National Courts Trying International Crimes</i> , pp.1-22 [Canvas] 2. <i>IL</i> 554-572 (skim)
29-Mar-2024	International Criminal Law III	1. Case Study: Sergey Vasiliev, “ <i>Aggression Against Ukraine: Avenues for Accountability for Core Crimes</i> ”, pp.1-7 (EJIL blog, 2022) [Canvas]

01-Apr-2024	Human Rights I	1. <i>IL</i> 401-406 2. <i>IL</i> 431-437
03-Apr-2024	Human Rights II	1. <i>IL</i> 463-472 2. Thomas M. Franck, “ <i>Are Human Rights Universal</i> ”, pp. 191-204 [Canvas] (optional)
05-Apr-2024	International Environmental Law I	1. <i>IL</i> 328-334
08-Apr-2024	International Environmental Law II	1. <i>IL</i> 311-328
10-Apr-2024	The Law of the Sea I	1. <i>IL</i> 231-263
12-Apr-2024	The Law of the Sea II	1. <i>IL</i> 263-284 2. <i>IL</i> 284-310 (skim)
15-Apr-2024	Economic Warfare	1. Vaughan Lowe & Antonios Tzanakopoulos, “ <i>Economic Warfare</i> ”, pp. 1-14 [Canvas] 2. Elena Chachko & J. Benton Heath, “ <i>A Watershed Moment for Sanctions? Russia, Ukraine and the Economic Battlefield</i> ”, pp. 135-139 [Canvas]
17-Apr-2024	Secondary Boycotts	1. Cedric Ryngaert, “ <i>Extraterritorial Export Controls (Secondary Boycotts)</i> ”, pp. 625-658 [Canvas]
19-Apr-2024	Economic Sanctions and Human Rights	1. Congressional Research Service, “ <i>The Global Magnitsky Human Rights Accountability Act</i> ”, pp.1-3 [Canvas] 2. Congressional Research Service, “ <i>Enforcement of Economic Sanctions</i> ”, pp. 1-3 [Canvas]
22-Apr-2024	Lawfare	1. Joel Trachtman “ <i>Integrating Warfare and Lawfare</i> ”, pp.1-17 [Canvas]
24-Apr-2024	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)

FURTHER READING (OPTIONAL):

History of International Law	Stephen C. Neff, “ <i>Justice Among Nations: A History of International Law</i> ” (Harvard University Press, 2014)
Reference	Anthony Aust, “ <i>Handbook of International Law</i> ” (Cambridge University Press, 2010) [2 nd ed.]
Treatises	Macolm N.Shaw, “ International Law” (Cambridge University Press, 2017) [8 th ed.).
Dispute Settlement	John Merrills & Eric de Brabandere, “ <i>Merrills’ International Dispute Settlement</i> ” (Cambridge University Press, 2022) [7 th ed.)
International Adjudication	Cesare Romano, Karen Alter, and Yuval Shany, “ <i>The Oxford Handbook of International Adjudication</i> ” (Oxford University Press, 2014)
Jurisdiction in International Law	Cedric Ryngaert , “ <i>Jurisdiction in International Law</i> ” (Oxford University Press, 2015) [2 nd ed.]
Immunities in International Law	Tom Ruys and Nicolas Angelet, “ <i>The Cambridge Handbook of Immunities and International Law</i> ” (Cambridge University Press, 2019)
State Responsibility	James Crawford , “ <i>State Responsibility: The General Part</i> ” (Cambridge University Press, 2013)
<i>Jus ad bellum</i> <i>Jus in bello</i>	Yoram Dinstein, “War, Aggression and Self-Defense” (Cambridge University Press, 2017) [6 th ed.] Gary D.Solis, <i>The Law of Armed Conflict: International Humanitarian Law in War</i> (Cambridge University Press, 2022) [3 rd ed.]
Alternative Voices	Martti Koskeniemi, “ <i>From Apology to Utopia: The Structure of International Legal Argument</i> ” (Cambridge University Press, 2006)
Journals	<i>American Journal of International Law</i> <i>European Journal of International Law</i> <i>International and Comparative Law Quarterly</i>
Careers in International Law	American Society of International Law, “ <i>ASIL Careers in International Law: A Guide to Career Paths in International Law</i> ” (Hein &Co, 2013)