

**International Law**  
**LAW 6260**  
**Fall 2022**

**COURSE INFORMATION:**

Instructor: Prof. Alexander Panayotov

Email: [apanayotov@ufl.edu](mailto:apanayotov@ufl.edu)

Course Location: Holland Hall 382

Course Time: Monday, Wednesday 3:00-4:25 PM

Office Location: Holland Hall 323

Office Hours: Wednesday 1:45-2:45 PM (in person) and Thursday 1:45-2:45 PM (Zoom)

**COURSE DESCRIPTION:**

This is an introductory course in public international law (IL). It will explore IL foundational concepts: sources, subjects, jurisdiction, immunities, and dispute settlement. The course will also provide a broad overview of the main specialized areas of IL: use of force and human rights. 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 course will be a systematic examination of cases decided by international 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.

**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.
- Apply the legal concepts to novel fact patterns.

**COURSE TEXTS:**

1. Lori Fisler Damrosch and Sean D. Murphy, *“International Law: Cases and Materials”* (7<sup>th</sup> ed. 2019) [hereinafter “Casebook”]. Check carefully and don’t buy previous editions of the book.
2. Materials on the Canvas web site.

**CLASS PREPARATION:**

I expect regular attendance and participation. You will have to read the assigned materials in advance. Consistent with the requirements of ABA standard 310, you should devote approximately six hours per week for out-of-class preparation. This also means that you will have

to reflect on the legal problems and prepare yourself for the discussion. I will call students without advanced notice. This means that it's your responsibility to be prepared at all times. We will work together on legal problems to understand the conceptual structure of IL. Some of these concepts might prove challenging because of their civil law origin. Do not hesitate to ask if you encounter linguistic/conceptual problems. A dictionary of foreign phrases is provided at the end of the syllabus.

#### **ACADEMIC HONESTY:**

- Please note that UF law students are bound by UF Law Honor Code. The Honor Code can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>

#### **ATTENDANCE:**

- Please be advised that class attendance is mandatory. Both the ABA and the UF Law School require regular attendance. Students are permitted three unexcused absences to accommodate job interviews, family emergencies, and other contingencies. They will not impact their final grade. Four or more unexcused absences will result in one grade step down (e.g., A- to B+). These absences are different from the excused absences. To be excused, absences for illness must be documented with appropriate documents consistent with UF attendance policies (the web link is provided at the end of this section).
- Absences for observance of religious holidays must be consistent with the UF attendance policy. The policy can be found here: <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/#religiousholidaystext>
- Arrive on time. I will lower your attendance and participation grade in cases of systematic tardiness: three or more late arrivals. Three late arrivals will be equivalent to one unexcused absence.
- 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://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>. Please also consult the policy regarding exam delays and accommodations here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>

#### **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/#>

### **COVID-19:**

In response to COVID-19, the following recommendations are in place to maintain your learning environment, to enhance the safety of our in-classroom interactions, and to further the health and safety of ourselves, our neighbors, and our loved ones. If you are not vaccinated, get vaccinated. Vaccines are readily available and have been demonstrated to be safe and effective against the COVID-19 virus. Visit one.ufl.edu for screening / testing and vaccination opportunities. If you are sick, stay home. Please call your primary care provider if you are ill and need immediate care or the UF Student Health Care Center at 352-392-1161 to be evaluated. Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work.

### **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.

**ELECTRONIC DEVICES:**

Cellphone usage is prohibited. Please turn off your cell phones before coming to class. You are allowed to use laptops and tablets, but you must restrict their use to class-related activities, e.g., note-taking or article reading. Failure to abide by this policy will be taken into account in evaluating your participation.

**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.
- Please do not eat in class. Drinks in closed containers are permitted.

**EXAMS AND GRADING:**

The final grade will be based on 1) a blindly graded final exam and class participation (90%) and 2) attendance and participation (10%). I will assess class participation in terms of its meaningful contribution to the class discussion. The number of unexcused absences will also be taken into account in calculating the attendance and participation grade. The information about the final exam will be provided later in the semester.

The UF Law Student Handbook and Academic Policies can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>

**GRADE SCALE:**

LETTER GRADE	POINT EQUIVALENT
A (Excellent)	4.0
A-	3.67
B+	3.33
B (Average)	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (failure)	0.0

## TOPICS AND READINGS: (SUBJECT TO CHANGE)

### INTRODUCTION

Date	Subject	Readings
22-Aug-2022	History of IL & Methodology	1. Casebook xv-xvii 2. Casebook xix-xxx 3. Casebook 1-23 4. Casebook 30-39 5. Casebook 39-50

### SOURCES OF INTERNATIONAL LAW

Date	Subject	Readings
24-Aug-2022	Sources and Evidence (General Introduction) Customary International Law	1. Casebook 51-54 2. Casebook 54-75
07-Sep-2022	Customary International Law: Effect of Treaties and UN GA Resolutions Non-consenting States; Peremptory Norms Relations of Customs and Treaties	1. Casebook 76-95 2. Casebook 95-111 3. Casebook 111-112
12-Sep-2022	Treaties: Definition, Entry into Force Treaties: Obligation not to Defeat the Object	1. Casebook 113-130 2. VCLT Art. 1-80 (skim) [Canvas] 3. VCLT, Art.1-18 [Canvas] 4. Casebook 130-133 5. VCLT, Art. 24 [Canvas]
14-Sep-2022	Treaties: Reservations Treaties: Observance and Interpretation	1. Casebook 134-158 2. VCLT, Art.2(d), 18-23 3. Casebook 158-171 4. VCLT Art. 26-38
19-Sep-2022	Treaties: Invalidity Treaties: Termination and Suspension	1. Casebook 171-180 2. Casebook 180-191, 198-207 3. VCLT Art. 46-64
21-Sep-2022	Other Sources of Law: Principles Judicial Decisions and Publicists Resolutions and Declarations Soft Law and Unilateral Acts	1. Casebook 211-233 2. Casebook 233-241 3. Casebook 241-253 4. Casebook 253-276

**SUBJECTS OF INTERNATIONAL LAW**

<b>Date</b>	<b>Subject</b>	<b>Readings</b>
26-Sep-2022	States: Recognition  States: Self-Determination Entities with Special Status	1. The Convention on the Rights and Duties of States (Montevideo Convention) [Canvas] 2. Casebook 277-304 3. Casebook 304-318 4. Casebook 318-238
28-Sep-2022	Governments: Recognition  Acquisition of Territory	1. Casebook 330-336, 343-351, 356-357 2. Casebook 357-363, 365-379
03-Oct-2022	International Organizations Non-Governmental Organizations	1. Casebook 383-398 2. Casebook 419-426
05-Oct-2022	Individuals Nationality Corporations	1. Casebook 427-436 2. Casebook 437-448 3. Casebook 459-471

**US LAW AND INTERNATIONAL LAW**

<b>Date</b>	<b>Subject</b>	<b>Readings</b>
10-Oct-2022	Customary International Law in U.S. Law Treaties in U.S. Law	1. Casebook 615-627, 633-636 2. Casebook 652-677
12-Oct-2022	International Law Before U.S. Courts International Law in U.S. Constitutional Interpretation and National Law of Other States	1. Casebook 695-706 2. Casebook 706-724

**DISPUTE SETTLEMENT**

<b>Date</b>	<b>Subject</b>	<b>Readings</b>
17-Oct-2022	Overview The International Court of Justice (ICJ)	1. Casebook 525-529 2. Statue of the International Course of Justice [Canvas] 3. Casebook 546-578
19-Oct-2022	ICJ Provisional Measures Compliance ICJ Advisory Opinions Other International Courts and Tribunals	1. Casebook 578-587 2. Casebook 590-592 3. Casebook 592-603 4. Casebook 603-614

**JURISDICTION IN INTERNATIONAL LAW**  
**IMMUNITIES IN INTERNATIONAL LAW**

<b>Date</b>	<b>Subject</b>	<b>Readings</b>
24-Oct-2022	Jurisdiction Jurisdiction to Enforce	1. Casebook 725-739, 744-757, 776-789 2. Casebook 791-794
26-Oct-2022	Immunities of Foreign States  FSIA Exceptions  Immunities under Multilateral Conventions and the Customary International Law	1. Foreign Sovereign Immunities Act (FSIA) (skim) [Canvas] 2. Casebook 801-818 3. Casebook 820-827, 832-835, 837-840, 840-842 4. Casebook 848-855

**RESPONSIBILITIES, REMEDIES AND ENFORCEMENT**

<b>Date</b>	<b>Subject</b>	<b>Readings</b>
31-Oct-2022	Reparations  Countermeasures Countermeasures	1. Casebook 479-508 2. ILC Articles on State Responsibility [Canvas] 3. Casebook 512-515 4. Casebook 515-523

**SPECIALIZED AREAS OF INTERNATIONAL LAW**

<b>Date</b>	<b>Subject</b>	<b>Readings</b>
02-Nov-2022	Use of Force: Pre-UN Charter Use of Force: The U.N. Charter Self-Defense	1. Casebook 1059-1073 2. Casebook 1073-1094 3. Casebook 1094-1123, 1127-1129
07-Nov-2022	Use of Force: Intervention and Responsibility to Protect Law of Armed Conflict Arms Control and Disarmament	1. Casebook 1129-1154 2. Casebook 1187-1198, 1204-1215 3. Casebook 1221-1228

Date	Subject	Readings
09-Nov-2022	<p>Lawfare</p> <p>Economic Warfare</p> <p>Economic Sanctions</p> <p>Cyberwarfare</p>	<ol style="list-style-type: none"> <li>1. Charles Dunlap, <i>Lawfare 101: A Primer</i>", pp. 8-17 [Canvas]</li> <li>2. Vaughan Lowe &amp; Antonios Tzanakopoulos, "<i>Economic Warfare</i>", pp. 1-14 [Canvas]</li> <li>3. Congressional Research Service, "<i>Enforcement of Economic Sanctions</i>", pp. 1-3 [Canvas]</li> <li>4. Cedric Ryngaert, "<i>Extraterritorial Export Controls (Secondary Boycotts)</i>", pp. 625-658 [Canvas]</li> <li>5. Congressional Research Service, "<i>The Global Magnitsky Human Rights Accountability Act</i>", pp.1-3 [Canvas]</li> <li>6. Elena Chachko &amp;J. Benton Heath, "<i>A Watershed Moment for Sanctions? Russia, Ukraine and the Economic Battlefield</i>", pp. 135-139 [Canvas]</li> <li>7. John Richardson, "<i>Stuxnet as Cyberwarfare: Applying the Law of War to the Virtual Battlefield</i>" [Canvas]</li> </ol>
14-Nov-2022	<p>Human Rights: Foundations</p> <p>Global Norms and Institutions</p> <p>Customary International Law of Human Rights</p> <p>Compliance</p>	<ol style="list-style-type: none"> <li>1. Casebook 887-893</li> <li>2. Casebook 901-915</li> <li>3. Casebook 944-949</li> <li>4. Casebook 963-970</li> </ol>
16-Nov-2022	<p>International Criminal Law: Transnational Cooperation in Prosecuting National Crimes</p> <p>International Criminal Law: Prosecution of International Crimes Before International Tribunals</p>	<ol style="list-style-type: none"> <li>1. Casebook 1229-1252</li> <li>2. Casebook 1256-1264</li> <li>3. Casebook 1271-1290</li> <li>4. Casebook 1297-1310</li> </ol>
21-Nov-2022	Conclusion	1. Casebook 1-48 (re-read)



## 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](http://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](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”

*Jure gestionis*: acts of a sovereign that are commercial in nature

*Jure imperii*: sovereign acts

*Jus ad bellum*: law governing states’ resort to force

*Jus in bello*: law governing conduct after the beginning of an armed conflict

*Jus cogens*: peremptory norms of international law

*Opinio juris*: “opinion of the law”

*Pacta sunt servanda*: “agreements must be kept” (Art.26 of the Vienna Convention on the Law of Treaties)

*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 <sup>nd</sup> ed.]
Treatises	Macolm N.Shaw, “ <i>International Law</i> ” (Cambridge University Press, 2017) [8 <sup>th</sup> ed.).
Dispute Settlement	John Merrills & Eric de Brabandere, “ <i>Merrills’ International Dispute Settlement</i> ” (Cambridge University Press, 2022) [7 <sup>th</sup> ed.)
International Adjudication	Cesare Romano, Karen Alter, and Yuval Shany, “ <i>The Oxford Handbook of International Adjudication</i> ” (Oxford University Press, 2014)
International Law and U.S. Law	David L. Slosss, Michael D. Ramsey, and William S. Dodge, “ <i>International Law in the U.S. Supreme Court</i> ” (Cambridge University Press, 2011)
Jurisdiction in International Law	Cedric Ryngaert , “ <i>Jurisdiction in International Law</i> ” (Oxford University Press, 2015) [2 <sup>nd</sup> 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 <sup>th</sup> ed.] Gary D.Solis, <i>The Law of Armed Conflict: International Humanitarian Law in War</i> (Cambridge University Press, 2022) [3 <sup>rd</sup> ed.]
Alternative Voices	Martti Koskenniemi, “ <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)