

Public International Law

LAW 6260, Spring 2022

Professor: Maryam Jamshidi

Class Hours: Mon., Tues. 3-4:25 pm

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Course Description:

This course examines contemporary problems in the legal aspects of international relations, with attention to the nature and sources of international law and the role of international law in international affairs, the law of treaties, recognition of states, self-determination, human rights, the application of international law in domestic courts, and other issues. Throughout this course, we will interrogate the promise and shortcomings of international law, the role of power and politics in shaping the discipline, and explore critiques, especially from non-Western countries and peoples, about international law's content and function.

Required Course Materials:

Damrosch, Henkin, Pugh, Murphy & Smit, International Law: Cases and Materials (7th ed. 2019)

Course Units/Readings Assignments:

A reading map/list of topics is included at the end of this syllabus. I will post reading assignments on Canvas, generally 5-7 days in advance. This procedure allows me to adjust the pace of the class, depending on how much ground we've covered each week. If our classroom pace requires changes to assignments after posting, I will let you know. Consistent with ABA Standard 310, you should expect to spend approximately 6 hours per week preparing for this 170-minute course.

Learning Objectives:

By the end of this course, you will have developed the following competencies:

- Knowledge of the nature of public international law and the structure of the international legal system
- Familiarity with the constitutive elements of public international law, including the sources of international law, the subjects of international law, the recognition and jurisdiction of states in public international law, and the principle of state responsibility

- Knowledge of several key areas of public international law, including treaty interpretation, humanitarian law, and human rights law.
- A critical understanding of international law's role in current affairs
- An understanding of how international law influences domestic U.S. law
- The ability to craft legal arguments on international law issues.

Class Preparation and Participation:

I expect each of you to attend every class prepared to participate in the discussion. Preparation includes completing the assigned reading, reviewing notes and/or reading material from prior classes, and reflecting on issues and questions those materials raise.

To ensure meaningful participation from all class members and help you build lawyering skills, I use the Socratic-method in the classroom. This means I call on students, without advance notice. I may call on one student to dialogue with me on one case or jump around from student to student. This means you should always come prepared to dialogue. You do not have to have perfect or correct answers to my questions, but you must be willing to work through those questions with me and your classmates.

In addition to this, I may occasionally take volunteers. Sometimes you will work together in groups to brainstorm responses to hypotheticals or case studies I pose in class.

Attendance:

To the best of their abilities, each student that enrolls in this course should be committed to attending every class, on time. Class attendance is also required by both the ABA and the law school. To allow for exigencies in life, **students are permitted three unexcused absences during the semester** without impacting their final grade. This allowance is designed to accommodate illness that is not documented by a doctor's note, job interviews, family emergencies, and life, and do not require advanced notification to me. These absences are separate from excused absences. Excused absences, including illness confirmed by a doctor's note and observance of religious holidays, are consistent with University policies, <https://catalog.ufl.edu/ugrad/1617/regulations/info/attendance.aspx>. If you have a religious holiday or exceptional illness, like COVID-19, you must contact me at least 24-hours prior to class, during regular business hours. In extreme circumstances, I may accept notification immediately before or after class in order to excuse your absence.

For observance of a University-recognized religious holiday, you do not need to provide any documentation to justify such absences though you do need to let me know of your absence, as described above. If the absence is illness related, I will expect to receive a doctor's note in a reasonable amount of time.

Please budget accordingly so that you are not left at the end of the semester with a needed, unexcused absence but depleted allotment. For each unexcused absence beyond three, a student's final exam grade will be reduced by one-third of a grade (e.g., A- to B+). If students are late more than three times in a semester, their grade will be reduced by one-fourth for every three

instances of lateness thereafter, in addition to any reduction for unexcused absences exceeding three.

COVID-19:

Over the past two years, we have had to adjust to address the public health issues associated with COVID-19. The UF Student Health Center offers Covid-19 vaccines to students at no charge and the school encourages all students to become vaccinated and to wear masks indoors regardless of vaccinated status. All members of the community should stay abreast of any changes and comply with the current COVID-related public health and safety rules. A failure to comply may be considered an Honor Code violation and result in a failing grade.

Electronic Devices:

Generally, laptop and cell phone usage is strictly prohibited in this class.

Under a new state law, 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.

Exam & Grading:

Your course grade will be based primarily on a blindly graded final examination and preparation and participation in class. I will give you detailed information about the exam later in the

semester. In evaluating class preparation and participation, I think about the *quality* of the student's engagement with the material, as opposed to the number of times the student has spoken. Non-compliance with COVID-19 guidelines, as outlined above, will also factor into this evaluation.

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

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

The law school's grading policy is available here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

The law school policy on exam delays and accommodations can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

Office Hours and Email Policy:

I will hold office hours on Tuesdays from 4:30-6:30 pm. You do not need to have a class-related question to meet with me. If I need to reschedule my office hours for any reason, I will make an announcement in class and/or email the group. Outside of office hours, I am happy to meet by appointment; please email me to arrange.

You may also ask questions over email. If the question requires a particularly substantive response, I may ask to discuss in-person or via Zoom. If the question relates to a class policy or in-class procedure noted in this syllabus, then I will refer you to that document for the answer, whether or not the question is asked over email.

Accommodations:

I am committed to making our classroom accessible to all members of our community. Reasonable accommodations ensure equal opportunity for students with disabilities. Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter, which must be presented to Dean Mitchell, the Assistant Dean for Student Affairs. Students with disabilities should follow this procedure as early as possible in the semester.

If a student is required to miss classes because of illness, they may contact Dean Inman for access to a recording of the class. Generally, this class will not be recorded.

Student Course Evaluations:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online at 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/>.

Academic Honesty:

Academic honesty and integrity are fundamental values of the UF Law School community. You should be sure you understand and comply with the UF Student Honor Code, available at <https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>, and the Law School's application of it, available at <https://www.law.ufl.edu/life-at-uf-law/officeof-student-affairs/additional-information/honor-code-and-committee/honor-code>.

Mental Health & Wellness:

Law school can be very stressful. If you are struggling, please know that you are not expected to deal with issues on your own—indeed, an important part of professionalism is knowing when to ask for help. The Office of Student Affairs is an excellent resource. The university provides many other resources to help you through law school, including several options through its Counseling & Wellness Center.

Reading Map/General Topics Covered:

- I. Introduction: The Nature of International Law
- II. Sources of International Law
 - A. General Sources of Law (including *jus cogens* and customary international law)
 - B. Treatise
 - C. Other Sources of Law
- III. Subjects of International Law and the Question of Jurisdiction
 - A. Statehood and Recognition

- B. Self-Determination
- C. Individuals, Organizations, and Corporations
- D. Jurisdiction at the National-Level
- IV. Responsibility; Remedies & Enforcement; Dispute Settlement
 - A. Responsibilities
 - B. Remedies & Enforcement
 - C. Dispute Settlement
- V. Special Topics in International Law
 - A. International Law and U.S. Law
 - B. Human Rights
 - C. Use of Force