

PRACTICUM: TREATY NEGOTIATIONS

LAW 6930

2/3 CREDIT HOURS

SPRING 2023

ROOM 284

TUE. / W. 13:45-15:10

INSTRUCTOR: *Berta Hernández-Truyol & Yariv Brauner*

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OFFICE HOURS: 12:45-1:45 T, W.

COURSE COMMUNICATIONS: via email.

REQUIRED TEXT: NONE

ADDITIONAL RESOURCES:

UN Treaty Handbook -

https://treaties.un.org/Pages/Resource.aspx?path=Publication/TH/Page1_en.xml

UN Model Treaty Instruments -

https://treaties.un.org/Pages/Resource.aspx?path=Publication/ModelInstruments/Page1_en.xml

COURSE DESCRIPTION: The course will provide students with a hands-on familiarity with treaties, the primary international law instrument, in their core context: negotiation. Students will mock negotiate a myriad of treaties that facilitate international commerce (in this case, a U.S. multinational that wishes to invest in a newly opening market), such as trade, investment, labor, cultural, educational, human rights, transportation, SOFA, and tax agreements. The course exposes the complexity of international relations and its reflection on the law and its interpretation in domestic and international courts and other dispute resolution fora.

PREREQUISITE KNOWLEDGE AND SKILLS: International Law.

PURPOSE OF COURSE: Deeper acquaintance with treaties.

COURSE GOALS AND/OR OBJECTIVES: *By the end of this course, students will apply the laws embedded in international conventions.*

TEACHING PHILOSOPHY: Practicum, Problem based instruction. Preparation ahead of class and participation is mandatory in this class.

INSTRUCTIONAL METHODS: PROBLEM BASED, CLASS DISCUSSION.

COURSE POLICIES:

ATTENDANCE POLICY: ATTENDANCE IS MANADATORY.

NO FINAL EXAM.

ASSIGNMENT POLICY: all class assignments are mandatory. It is anticipated that you will spend at least 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

UF POLICIES:

UNIVERSITY POLICY ON ACCOMMODATING STUDENTS WITH DISABILITIES: Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide

documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

UNIVERSITY POLICY ON ACADEMIC MISCONDUCT: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

NETIQUETTE: COMMUNICATION COURTESY: All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats. [Describe what is expected and what will occur as a result of improper behavior]
<http://teach.ufl.edu/docs/NetiquetteGuideforOnlineCourses.pdf>

GRADING POLICIES:

The final grade will be comprised of the grades awarded to the assigned paper (each 66% of the final grade) and a grade assigned for contribution to the class discussion (34%).

GRADING SCALE: *[List the specific grading scale for this course. For more information, see: <http://www.isis.ufl.edu/minusgrades.html>]*

Other information about **UF LEVIN COLLEGE OF LAW POLICIES**, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link:

<https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

Tentative Course Schedule:

Week 1

*Introduction to treaties and the Vienna Convention on the Law of Treaties, 1969.

*Introduction to treaty negotiations: the U.N. manual and relevant U.S. Constitutional law.

Week 2

*Background on the countries involved and their relations: we propose to do the first installment of the course in the U.S.-Cuba context.

*Dissemination of the investment proposal

Week 3

* Politics and foreign policy: how negotiations start

* Domestic law hurdles: The Embargo

* Potential economic benefits of treaties: general evidence

* WTO

Week 4

* Investment treaties and domestic law incentives.

* Contextualizing the investment proposal.

Week 5

* Negotiation of the investment agreement (selected scope).

Week 6

- * Labor and related treaties.
- * NAFTA

Week 7

- * Human Rights treaties.
- * Negotiation of Labor agreements (selected scope).

Week 8

- * Negotiation of Labor agreement (selected scope), and dispute resolution.

Week 9

- * More on jurisdiction, choice of law and dispute resolution
- * Negotiation in the shadow of domestic law (embargo, sanctions...)
- * Conflicts, SOFA, alliance and end of conflict agreements

Week 10

- * Commercial dispute resolution
- * Negotiating Cultural, Education and related treaties.
- * Negotiation of end of conflict agreement (U.S. - Cuba)

Week 11

- * Tax, Transportation and related economic agreements.

- * Continue negotiation of end of conflict agreement (U.S. - Cuba)

Week 12

- * Negotiation of end of conflict agreement (U.S. - Cuba)
- * Negotiation of advanced investment issues: Currency and exchange issues

Week 13

- * Conclusion of Negotiations & debriefing
- * Presentation by actual treaty negotiators (may be anytime during the course, depending on scheduling)