

TERRITORY

- Territory is the basic characteristic of a state and one most widely accepted and understood. The principle whereby a state is deemed to exercise exclusive power over its territory can be regarded as a fundamental axiom of classical international law. Shaw: 'perhaps the fundamental concept of international law'
- A state will not constitute a state unless it has a defined territory and the extent of a state's sovereignty or jurisdiction will in most cases be limited to the extent of its territory.
- Forms of territory such as sea, sea-bed, airspace and outer space either fall under the exclusive jurisdiction of states or of *res communes* i.e: territory for communal use
- Previously large portions of the globe were uninhabited, unclaimed or inhabited by political communities characterized as "unorganised" and "primitive". This territory was designated as *terra nullius* - land belonging to no-one that might be acquired by original title – occupation.
- Terra nullius does not exist today. States can only come into existence by recognition, with jurisdiction over a defined territory that previously belonged to another (decolonisation)
- Therefore the acquisition of territory today is largely governed by recognition but in terms of boundary disputes earlier law can be relevant
- In the formative years of int law jurists viewed sovereignty as being similar to ownership in private law therefore methods of acquiring property were adapted to int law. Therefore modes of acquisition of territory were discovery, occupation, accretion, cession, conquest and prescription.
- Today claims to territory are based on traditional methods of acquisition and new expectations based on the right to self-determination.

INTERTEMPORAL LAW

- Discovery and conquest are no longer accepted as modes of acquisition of territory.
- In 1928 the Kellogg-Briand Pact or the Pact of Paris outlawed war as did the Charter of the UN, which prohibited the use of force in int relations, and thus conquest was outlawed as a means of achieving territory.
- No rights arise from a wrong and title acquired by force can no longer be recognized
- Titles are to be judged by the law in force at the time the title was first asserted and not by the law of today – the intertemporal law principle

Island of Palmas Case:

- Spain ceded the Philippines to US by treaty after the war in 1898. US official visited the Island of Palmas in 1906 believing it to be part of the ceded territory and found that the Dutch had administration of the Island.
- The US claimed that Spain had acquired the territory by discovery in 16th and it had been lawfully ceded to the US, while the Netherlands based its claim on the continuous and peaceful display of state authority over the island since 1700.
- Max Huber as the arbitrator expounded 2 principles of intertemporal law:
 1. A juridical fact must be appreciated in the light of the law contemporary with it, and not the law in force at the time when the dispute in regard to it arises or falls to be settled.

Claims To Territory In International Law And Relations

Gleider Hernández



Claims To Territory In International Law And Relations:

International Law Malcolm N. Shaw, 2003-09-25 This fifth edition of Malcolm Shaw's bestselling textbook on international law provides a clear authoritative and comprehensive introduction to the subject fully revised and updated to Spring 2003. Basically preserving the structure which made the previous edition so successful, a new chapter on Inter state Courts and Tribunals considers the role of the International Court of Justice and the International Tribunal on the Law of the Sea and there is a new chapter on international humanitarian law. Also examined are arbitration tribunals and the role of international institutions such as the WTO in resolving conflicts. The prosecution of individuals for violations of international law is examined. Additional coverage of events in Kosovo and Iraq analyses the questions of humanitarian intervention and the role of the UN. Written in a clear and accessible style setting the subject firmly in the context of world politics and the economic and cultural influences affecting it, this book remains a highly readable and invaluable resource for students and practitioners alike. The scope of the text makes this essential reading for students of international law, international relations and the political sciences. The book is also valuable to professionals and governmental and international civil servants.

Claims to Territory International Law Norman Llewellyn Hill, 1976-03-03 *Toward a New Framework for Peaceful Settlement of China's Territorial and Boundary Disputes* Junwu Pan, 2009 As China becomes more integrated in global economic and political systems it has become inevitable that it engages fully and actively in the international legal system. Notably missing in China's international engagement is its participation in international institutions on third party settlement of disputes including territorial and boundary disputes. This work argues that contrary to conventional understanding much could be gained by China if it were to have a more positive attitude towards third party settlement of its territorial and boundary disputes. This volume examines both the problems and opportunities China is confronting within the changing international context and offers new frameworks for settlement of China's major territorial and boundary disputes. **The**

Acquisition of Territory in International Law Robert Yewdall Jennings, 1963 Claims to Territory in International Law and Relations Norman Llewellyn Hill, 1945 *Race and Racism in International Relations* Alexander Anievas, Nivi Manchanda, Robbie Shilliam, 2014-10-30 International Relations as a discipline does not grant race and racism explanatory agency in its conventional analyses despite such issues being integral to the birth of the discipline. *Race and Racism in International Relations* seeks to remedy this oversight by acting as a catalyst for remembering, exposing and critically re-articulating the central importance of race and racism in International Relations. Focusing especially on the theoretical and political legacy of W. E. B. Du Bois's concept of the colour line, the cutting edge contributions in this text provide an accessible entry point for both International Relations students and scholars into the literature and debates on race and racism by borrowing insights from disciplines such as history, anthropology and sociology where race and race theory figures more prominently yet they also suggest that the field of IR is itself an intellectually and strategically rich field through which to further

confront the global colour line Drawing together a wide range of contributors this much needed text will be essential reading for students and scholars in a range of areas including Postcolonial studies race racism in world politics and international relations theory

Research Handbook on Territorial Disputes in International Law Marcelo G. Kohen, Mamadou Hébié, 2018-10-26 Territorial disputes remain a significant source of tension in international relations representing an important share of interstate cases brought before international tribunals and courts Analysing the international law applicable to the assessment of territorial claims and the settlement of related disputes this Research Handbook provides a systematic exposition and in depth discussions of the relevant key concepts principles rules and techniques Combining extensive knowledge from across international law Marcelo Kohen and Mamadou H bi expertly unite a multinational group of contributors to provide a go to resource for the settlement of territorial disputes The different chapters discuss the process through which states establish sovereignty over a territory and review the different titles of territorial sovereignty the relation between titles and effectivités as well as the relevance of state conduct Select chapters focus on the impact of foundational principles of international law such as the principle of territorial integrity the right of self determination and the prohibition of the threat or use of force on territorial disputes Finally technical rules that are crucial for the assessment of territorial claims especially the techniques of intertemporal law and critical date as well as evidentiary rules are presented An essential resource for practitioners international law academics and public officials including judges and arbitrators this Research Handbook is a highly original collection of scholarship and research on territorial disputes and their settlement Contributors include M J Aznar T Christakis A Constantinides K Del Mar G Distefano M H bi P Klein M Kohen V Koutroulis S Lee G Nesi K Parlett

The U.S.-Taiwan-China Relationship in International Law and Policy Lung-chu Chen, 2016 This volume describes the central issues animating the dynamic U S Taiwan China relationship and the salient international and domestic legal issues shaping U S policy in the Asia Pacific region Lung Chu Chen gives particular attention Taiwan's status under international law and the role of the U S Taiwan Relations Act TRA in the formulation and execution of U S policy toward Taiwan

The Indian Journal of International Law, 1988 Issues for 1960 include a section of official documents

International Law Gleider Hernández, 2022 International Law presents a comprehensive approach to the subject providing a contemporary account of international law The text offers critical and stimulating coverage of the central issues in public international law introducing the key areas of debate It encourages readers to engage with areas of legal debate and controversy and consider how they affect the world today Topics covered include the structure of international law the subjects within the field of international law international law in operation international disputes and responses to breaches in international law and specialized regimes which include the law of armed conflict refugee law international criminal law the law of the sea the environment and protection and international economic law

The Brunei-Malaysia Dispute Over Territorial and Maritime Claims in International Law R. Haller-Trost, 1994 *Hearings, Reports and Prints of the*

House Committee on International Relations United States. Congress. House. Committee on International Relations,1977

Digest of International Law Marjorie Millace Whiteman,1973 The International Law of Occupation Eyal

Benvenisti,2012-02-23 This is the long awaited second edition of a landmark book on the law of occupation Covering developments since 1992 including the case of Iraq and recent developments in the Middle East this book will include new chapters on the historical evolution of the concept of occupation collective occupations and ending occupations *Report to Congress of the U. S. -China Economic and Security Review Commission* Larry M. Wortzel,2009-02 This report responds to the mandate for the Committee to monitor investigate and report on the national security implications of the bilateral trade and economic relationship between the U S and the People s Republic of China Includes detailed treatment of investigations of the following areas proliferation practices economic transfers energy U S capital markets regional economic and security impacts U S China bilateral programs World Trade Organization compliance and freedom of expression The Committee conducted its work through a comprehensive set of 9 public hearings taking testimony from over 92 witnesses from Congress the executive branch industry academia policy groups and other experts Ill **International Law Reports: Volume 6** H.

Lauterpacht,1986-06 **Greece** ,1996 Statehood and the State-like in International Law Rowan Nicholson,2019 This book sets out to answer the question of when a political entity becomes a state in international law one of the foundational questions of the discipline **Climate Change, Forced Migration, and International Law** Jane McAdam,2012-02-23 This is a key study into whether climate change refugees are protected by international law It examines the reasons why people do or do not move how far climate change is a trigger for movement and whether traditional international responses such as creating new treaties and new institutions are appropriate solutions in this context Territorial Status in International Law

Jure Vidmar,2024-01-11 This book develops a new theory of territorialism and international legal status of territories It i defines the concept of territory explaining how territories are created ii redefines the concept of statehood illustrating that statehood rather than the statehood criteria is territorial legal status established in the formal sources of international law and iii grounds non state territorial entities in the sources of international law to explain their international legal status This fresh new theoretical perspective has both scholarly and practical importance providing a tool helping decision makers and judges in the practical application of international law both internationally and domestically

Unveiling the Magic of Words: A Report on "**Claims To Territory In International Law And Relations**"

In a world defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their power to kindle emotions, provoke contemplation, and ignite transformative change is really awe-inspiring. Enter the realm of "**Claims To Territory In International Law And Relations**," a mesmerizing literary masterpiece penned by a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve to the book is central themes, examine its distinctive writing style, and assess its profound affect the souls of its readers.

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