

# STATE'S TERRITORY



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# TERRITORY - DEFINITION



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## subject-matter theory

territory as a subject matter of the State's power

## subjective theory

if we consider State as a biological organism, territory plays role of the body

## spatial theory

territory is not subject-matter of the State's power, but a space where it is exercised

## competence theory

scope of the State's legal order



# TYPES OF TERRITORIES



## TYPES OF TERRITORIES

STATES' TERRITORIES

OTHER



# TYPES OF TERRITORIES

STATES' TERRITORIES

OTHER

*RES COMMUNIS*

*RES NULLIS*



# IMPORTANCE OF THE STATE'S TERRITORY



# STATE'S BORDERS





# STATE'S BORDERS

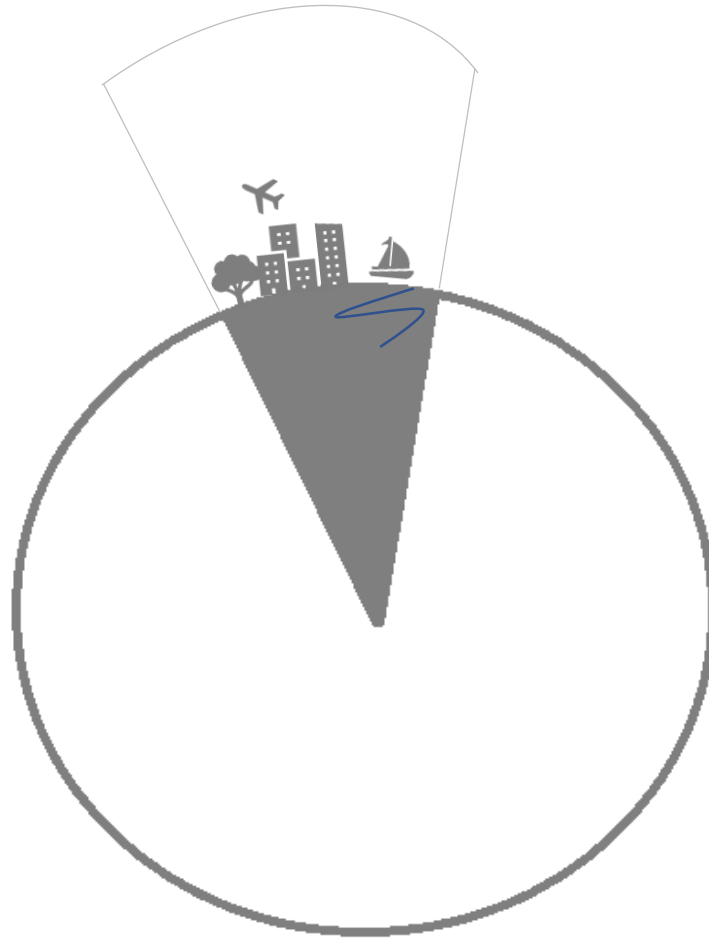
BORDER – surface circulating a State and delimitating its territory from the territories of other States

natural borders

aritifical borders



# STATE'S BORDERS



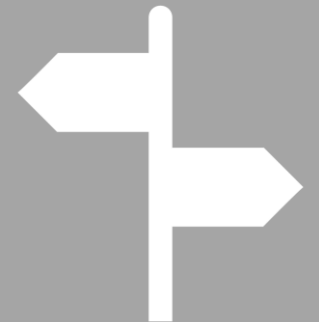


# STATE'S BORDERS

DELIMITATION



DEMARCATATION





# AQUISITION



# AQUISITION

*acquisitio  
originaria*

*acquisitio  
derivativa*



# AQUISITION

effective  
occupation

annexation

accertion

cession

prescription

conquest and  
the use of  
force



# INTERNATIONAL RIVERS



# TYPES OF INTERNATIONAL RIVERS

successive  
river

contiguous  
river





# INTERNATIONAL RIVERS

- principle of free navigation on international rivers
  - Final Act of the Congress of Vienna (1815)
  - Paris Peace Treaty (1856)
  - Barcelona Convention and the Statute on the Regime of Navigable Waterways of International Concern (1921)
- obligation to prevent the forming of new water pollution
- right to *reasonable* and *equitable* share in the beneficial uses of the waters by the basin States



# LAW OF THE SEA



# LAW OF THE SEA

**UNITED NATIONS CONVENTION ON THE LAW OF THE SEA**

Montego Bay, 1982



# LAW OF THE SEA

## **I. AREA OF WATER OVER WHICH A STATE HAS JURISDICTION**

- INTERNAL WATERS
- ARCHIPELAGIC WATERS
- TERRITORIAL SEA

## **II. AREA OF WATER OVER WHICH A STATE HAS A LIMITED JURISDICTION**

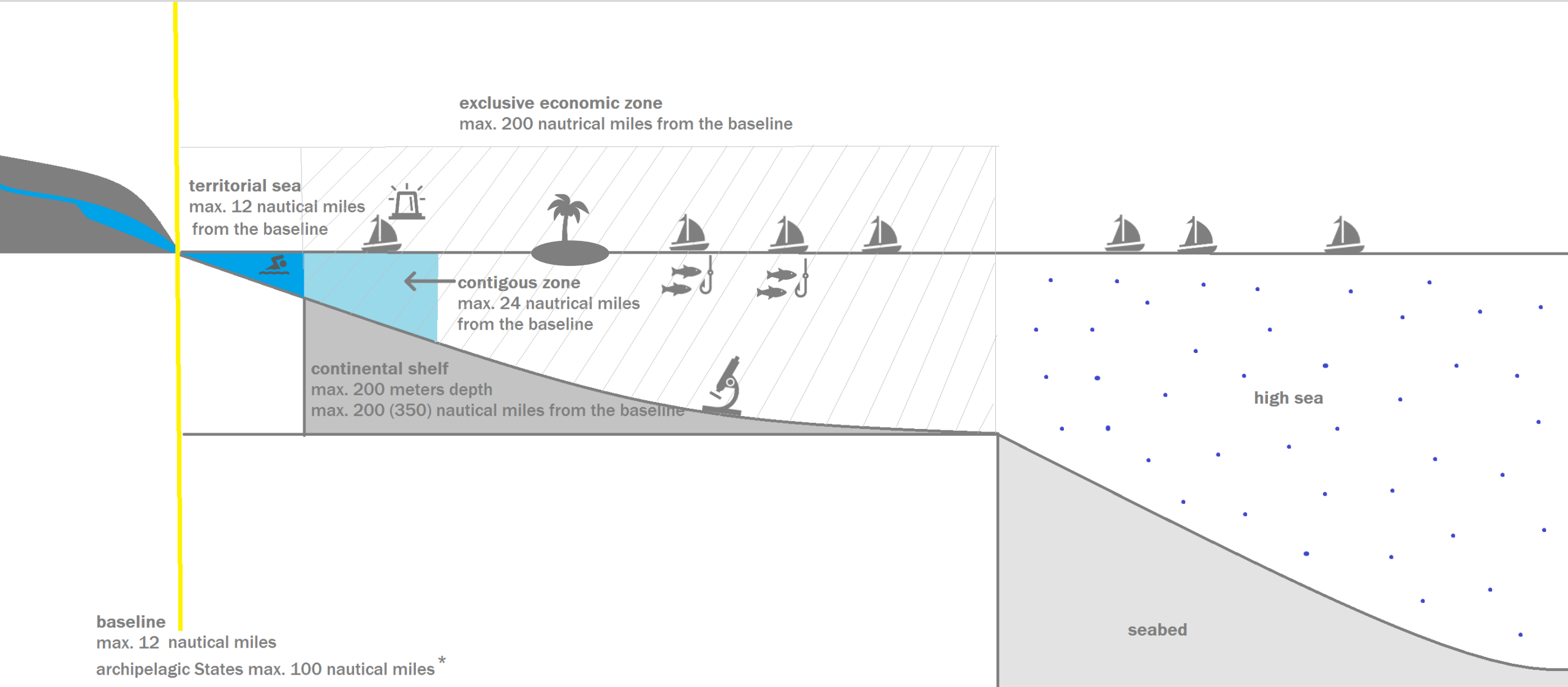
- CONTINGOUS ZONE
- EXCLUSIVE ECONOMIC ZONE
- CONTINENTAL SHELF

## **III. AREA OF WATER OUTSIDE A JURISDICTION OF A STATE**

- HIGH SEA
- SEABED



# LAW OF THE SEA



**baseline**  
max. 12 nautical miles  
archipelagic States max. 100 nautical miles \*



# LAW OF THE SEA





# LAW OF THE SEA

## FREEDOM OF HIGH SEAS

freedom of fishing



freedom to lay submarine  
cables and pipelines



freedom of overflight



freedom to construct  
artificial islands and other  
installations permitted by  
international law



freedom of scientific  
research





AIR SPACE





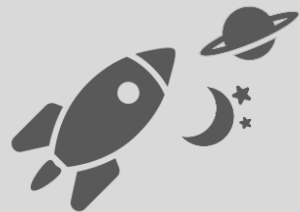
# AIR SPACE

- the Convention Relating to the Regulation of Aerial Navigation (Paris Convention) of 1919
- the Chicago Convention on International Civil Aviation of 1944
  - I. State's sovereignty over the airspace above its territory (land and waters)**
- International Air Services Transit Agreement („Two Freedoms Agreement”) – each contracting State must grant to all other contracting States in respect of scheduled international air services
  - I. privilege of flying across its territory without landing**
  - II. privilege of landing for non-traffic purposes**

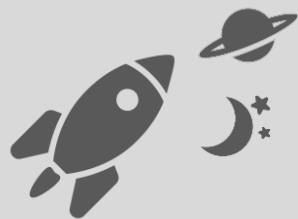


# AIR SPACE

- International Air Transport Agreement („Five Freedoms Agreement”) – each contracting State must grant to all other contracting States in respect of scheduled international air services
  - I. privilege of flying across its territory without landing**
  - II. privilege of landing for non-traffic purposes**
  - III. privilege of putting down passengers, mail and cargo taking in on the territory of the State whose nationality the aircraft possesses**
  - IV. privilege of taking on passengers, mail and cargo destined for the territory of the State whose nationality aircraft possesses**
  - V. privilege of taking on passengers, mail and cargo destined for the territory of any other contracting State and the privilege of putting down passengers, mail and cargo from any such territory**



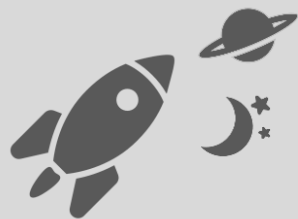
# OUTER SPACE



# OUTER SPACE

is to be used for  
the peacefull  
means

is the common  
heritage of  
mankind



# OUTER SPACE

**1967** - the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (the Outer Space Treaty)

- **strict prohibition of any installment of nuclear and mass-destruction weapons**
- **conduct of exploration must not contribute to any harmful contamination**

**1968** - The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (the Rescue Agreement)

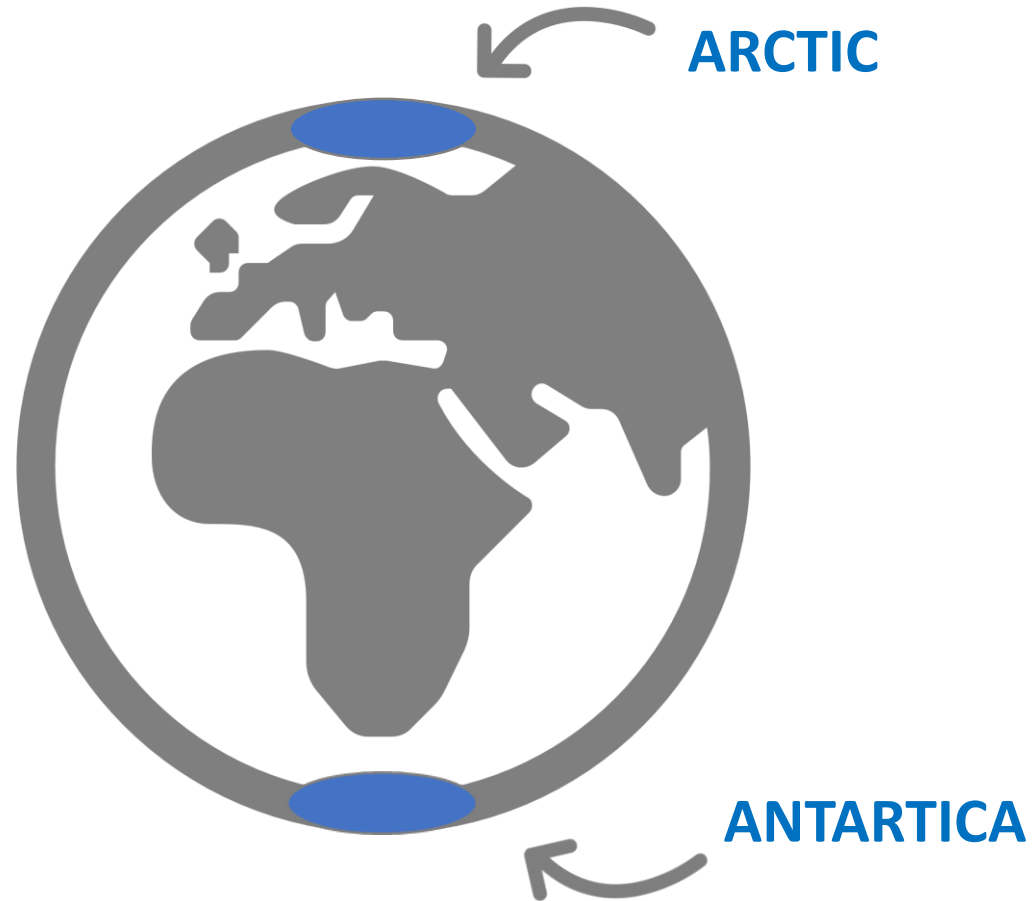
- **cooperation between the contracting parties**



# LEGAL STATUS OF POLAR REGIONS



# LEGAL STATUS OF POLAR REGIONS





# LEGAL STATUS OF POLAR REGIONS

theory of open sea

**ARCTIC**

theory of sectors: *Canada, United States (Alaska),  
Russia, Denmark (Greenland), Norway*



**ANTARTICA**

theory of sectors: *Argentina, Australia, Chile,  
France, Norway, New Zealand, United Kingdom*