

Jurisdiction of territorial non-state entities in international law

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Propositions accompanying the thesis

Jurisdiction of Territorial Non-State Entities in International Law

Lucia Leontiev

1. Jurisdiction in international law is a concept closely related to statehood. It is generally accepted that jurisdiction is an aspect of states' sovereignty which concerns their legislative, judicial and administrative or executive competencies, and it is regulated by public international law.
2. Territorial non-state entities are generally defined as polities that display state-like features and act accordingly but lack actual statehood status in international law.
3. Territorial non-state entities' jurisdiction, called in this thesis 'factual jurisdiction', is grounded in the effective control exercised by these entities over territory and population.
4. The jurisdiction of territorial non-state entities can be acknowledged and recognised in the extraterritorial domain and there is enough case-law to confirm this. Thus it follows that jurisdiction in international law can be exercised outside the statehood framework.
5. International legal research may be enriched by adopting a comparative approach. Comparative legal research can introduce new legal tools, thus having the potential for developing and expanding the lenses through which the law is observed.
6. Territorial non-state entity(ies) phenomenon raises many challenges for both international and national legal orders, including in matters of jurisdiction. This thesis attempts to offer a better understanding of the jurisdictional entitlement of these entities, which may help legal and non-legal practitioners in addressing issues related to territorial non-state entities.
7. International law should evolve toward a more result-oriented approach. This can be done without harming or rocking its foundations or nature.
8. Categorising a situation as being *sui generis* is dangerous in international law. Even if it does not change a rule, it may weaken it.