

Jurisdiction of territorial non-state entities in international law

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IMPACT PARAGRAPH

1 Research Objectives

This research aims to discuss territorial non-state entities as the holders of jurisdiction under public international law and private international law frameworks. It analyses the main characteristics of territorial non-state entities' jurisdiction and to what extent those entities' jurisdiction may have an extraterritorial reach, issues which have been so far overlooked in academic literature. It is argued in this thesis that territorial non-state entities may represent a valid challenge to the 'state' uniqueness of jurisdiction in international law. In a broader picture, this thesis argues that jurisdiction (and extraterritoriality) in international law can be exercised in a non-statehood-related context, and thus invites one to reconsider the concept(s) of jurisdiction (and extraterritoriality) in international law.

2 Relevance and Addressees

This research is of relevance to the academic community, as well as to practitioners and policymakers at national and international levels.

This thesis, designed as a comparative and interdisciplinary research, is of equal relevance for legal and non-legal researchers. Territorial non-state entities' jurisdiction is discussed under both public international law and private international law. This approach broadens the group of legal researchers who may have an interest in the topic, including international law scholars and scholars who deal with national and comparative law issues. Non-legal scholars, especially political science researchers, may get further inspiration from this thesis's findings and further develop an already extensive scholarship on territorial non-state entities.

This research is of relevance for legal and non-legal practitioners at international and national levels. This stems from the fact that the territorial non-state entity(ies) phenomenon is a challenging one for both international and national legal orders. The situation is not a hypothetical one; with the rise of separatism movements and the increase in the number of territorial non-state entities, national judiciaries become more exposed to cases where issues related to territorial non-state entities are invoked. This thesis is also an invitation for international law practitioners and judges to have more thoughtful consideration on private international law and national judicial decisions. The result may be a

better understanding and application of the international law of jurisdiction (and extraterritoriality) in concrete cases.

This research is also of interest to non-legal practitioners such as political and social actors. In general, the territorial non-state entity(ies) phenomenon brings many questions and uncertainties. A better understanding of the jurisdictional entitlement of these entities may help in crafting more fact-based policies and approaches to the issues that their existence raises.

3 Dissemination

This research should serve as a starting point for further discussions regarding the nature of jurisdiction (and extraterritoriality) in international law, questioning even more the mainstream statehood-centred approach to jurisdiction in international law. It is foreseen that this research will be published as a monograph with a leading academic publisher. Apart from this, its content may constitute the basis for academic articles and opinion pieces. To date, a peer-reviewed research article on the subject was published in the research collection of the *Centre for Studies and Research of The Hague Academy of International Law*. A further publication is expected in 2023. Moreover, my edited book entitled *National Approaches to Extraterritoriality. Political and Policy Drivers Around the World* will be published in 2024 by Routledge. Further work, building upon theoretical and practical aspects, is envisaged. The work could analyse, in a more systemic way, the role of national judiciaries in reframing international law of jurisdiction.