



Seminar

"Sharing Knowledge on Particular Cross-Border Issues: Regional Level of Governance and Euroregions"

SEMINAR

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Seminar Topic 1

**" Regional Territorial Units and
International Law "**



Regional Territorial Units and International Law

- State sovereignty tends towards the transfer of parts of state competencies on regional governing bodies within the state.
- Regional entities within state decide and agree on a number of questions that arise among themselves.
- They do not stop here but more and more often enter into relationship with regional territorial units from other states.
- How far is that in accordance with the international law, which only in states and international organizations sees real subjects of international law?

Regional Territorial Units and International Law

- State is basic subject of international law and represent organization of power which independently on other states rule over inhabitants on the particular territory.
 - In international traffic we often see composing parts of particular states, acting in frames defined by the state. For decades it occurs with Swiss cantons and German Lands.

Regional Territorial Units and International Law

- Nowadays many states have regional territorial units disposing with particular entitlements in international legal traffic. Expressly we can here mention Argentina, Austria, Belgium, Bosna and Herzegovina, Germany and Switzerland. In limited measures such entitlements are present in Denmark (limited to certain territories) and United States. In Canada, Portugal, Ukraina and Finland there are no such entitlements of regional territorial units. U Italy, although regional territorial units in principle can not participate in international legal traffic, they can undertake certain developmental initiatives abroad.

Regional Territorial Units and International Law

- In most states that allow their regional territorial units to participate in international legal traffic authority for that spring directly from the constitution (as in Belgium and Denmark).
- Elsewhere their powers to conclude international agreements depend on the extent to which it is compatible with national interests (Argentina), or it is limited to the matter in which the regional territorial units have legislative powers according to national laws (Belgium).
- In third countries, regional territorial units are authorized to establish a special bilateral relations with neighboring countries, taking into account the territorial integrity of countries. They may enter into certain agreements with the permission of the central parliament (B&H).

Regional Territorial Units and International Law

- There are examples where the involvement of regional territorial units is reduced to participate in negotiations in matters that are within their jurisdiction, while they can not enter into contracts or implement them independently (Denmark).
- In certain countries it is possible that regional territorial units conclude multilateral international agreements (Argentina, Austria, Belgium, Bosnia & Herzegovina, Germany and Switzerland).
- In some countries there is the possibility regional territorial units to be represented in international organizations (Germany).

Regional Territorial Units and International Law

- Undoubtedly it can be argued that regional territorial units are not subjects of international law with full active legitimation. Subjects of international law are states in which they are composed.
- How, then, regional territorial units appear more and more frequently in broader international relations, and make certain legal documents, which can typically be conclude only by subjects of international law?
- This can be put in the frame of the basic provisions of internal legal acts of the state and international agreements that other countries conclude with the state on whose territory there are regional territorial units.
When the constitution of State permits limited performance of regional territorial units internationally, it creates a legal basis and defines the responsibilities and procedures in which they can undertake activities in international legal transactions.

Regional Territorial Units and International Law

• The question is, can it also be said that regional territorial units have become a nucleus of the subject of international law or the subject of international law of a limited extent? The correct response is closer to the latter claim. It is a very limited range of activities related to the international legal transactions that can take such regional territorial units. Generally, these activities relate to matters which are otherwise under the jurisdiction of the regional territorial units by internal laws. Thus, regional territorial units are the subjects of international law with very limited activity.

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