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TERRITORIAL SOVEREIGNTY SCHEME I) TERRITORY I (1) CONCEPT I (2) LEGAL NATURE II) TERRITORIAL SOVEREIGNTY II (1) CHARACTERISTICS II (2) MODITA ACQUISITION III) BORDERS AND DISTRICT RELATIONS IV) MODIFICATION OF THE CONTENT OF TERRITORIAL SOVEREIGNTY I) TERRITORY I. 1) CONCEPT - Geographically ▼ Land Surface ▼▼ the Bowels ▼, Inland Waters and Territorial Sea - It is bounded by borders I.2) LEGAL NATURE Theory: 1.- Theory of territory - object Territory is subject to sovereignty by the state just as private property belongs to a person. This concept is interpreted as giving the State exclusive ownership of a piece of land and reflects international law in the sense that the State is free to dispose of its territory (the transfer under the Treaty) and the right to exclude all other States from any interference in its internal affairs. 2. - Theory of territory - the subject of power of the state is carried out not directly on the territory, but on the persons who are in it. There is no special territorial sovereignty other than that exercised over people. 3. - The State Territory's competition theory defines the exercise of state competence. State competence includes a number of rights and powers that form the power of the order and extend to a group of persons and to a particular territory. Therefore, the dual aspect of competition: - personal - territorial Therefore: the state territory is the limit of state competences and the geographical area of its application. II) TERRITORIAL SOVEREIGNTY II (1) FULLNESS It is clear that territorial sovereignty is full and that there are no restrictions on it. The legal framework for such restrictions should be established on a case-by-case basis. (b) The exclusive exercise of territorial powers within one State by another state is not permitted until the consent of the former is measured. To this we must add the obligation of the State not to use its territory for purposes contrary to the rights of other States. (c) It is based on an obligation under international law to respect the sovereignty and territorial integrity of other States. (The Charter of the United Nations, the Declaration of Principles of International Law, which regulates the relationship of friendship and cooperation between states). II.2) ACQUISITION MODES (a) There was a.1) Territory by the origin of the state. a.2) Occupation nullus. a.3) Joining. - Natural - Artificial (b) Derivative b.1) Destination b.2) Conquest b.3) Requirement a.1) Territory at the origins of the State - operates the principle of efficiency in the exercise of public functions, as under it sovereignty is opposed to other States. a.2) The occupation of zero territory is based on the effective ownership of the territory and the intention to acquire territorial competence over it. Thus, there are two ▼: the psychological element or the animus of the occupier, by the authorities of the occupying State. ▼ Material Element or the effectiveness of the class. This is manifested in the effective exercise of State authority over occupied territory on a permanent basis on an infamous basis. a.3) Joining - the emergence of land masses included in existing ones. - Artificially on human work (dikes, docks) - Naturally (deltas, islands) Sovereignty is acquired by the ipso facto sovereign state of the main territory, without the need for proclamation. b) Derivatives b.1) Appointment: 1 - Derivative method of acquiring territories on the basis of an agreement between 2 or more States to conduct territorial transfers. 2 - This transfer is specified: - Resignation by the recipient state - Acceptance by another State 3 - This is not legally clarified until the effective occupation of the territory and the subsequent exercise of the powers of the beneficiary of the state of transfer. 4 - Appointments can be: (a) for free purposes (e.g. transfer of Piedmont from Nice and Savoy to France in 1860) b) for an onerous purpose: swap or sale (e.g., the U.S. bought Louisiana from France in 1803 and Alaska from Russia in 1867; Germany bought in 1899 for 25 million Caroline Islands of Spain) b.2) Conquest 1 - Derivative regime, which involves the transfer of part of the state to the winner of the state. defeated at the end of the war. 2 - Requirements for being considered a valid acquisition title: 1.- That the armed conflict ended. 2.- What is effective occupation. 3.- What animus possidendi (in order to possess) b.3) Buying a recipe is a well-discussed way of purchasing. It consists of: the territory originally and indisputably belonged to one State, and the other State for some time acquired sovereignty as a result of the effective exercise of state functions (bitchit in domestic law). This time span cannot be quantified and should be assessed on the basis of flexible criteria, taking into account the circumstances of the case. In any case, the recipe requires the absence of any protest on the part of the former sovereign. All these names they create many uncertainties, so States tend to be included in an international document, which is usually: an international treaty, notification of other States of recognition or Achilles and judgment. III) BORDERS AND RELATIONS OF VECINDAD 1) The concept of border and delimitation criteria Border is the border of the territory of the state; the defining line in which the territories of neighbouring states or the territory of a zero state and territory begin and end. There are a number of technical procedures for boundary delimitation, which are: (a) natural boundaries or boundaries: they are based on a geographical element (mountain range, dividing line or river slopes). If a river, lake or strait is taken as a reference point, the average line of rivers will follow. b) Based on technical elements: how to take two exact geographical points on the map and draw between them a straight line that serves as a boundary (desert areas). (c) On the basis of pre-existing limits (e.g. Sweden and Norway, when they separated, they accepted restrictions formerly of the EU). In the case of states arising from decolonization, it was common to adopt the principle of uti possidentis, which takes into account the limits of domestic or international administrative differences established by the colonial Power (Hispanoamerica respects the administrative divisions of the Spanish crown). (d) Special river delimitation regimes between the two States. In non-navigable rivers, the border stretches along the middle line of the border. In navigable rivers, over the middle line of the main navigation channel. In the case of border lakes and inland seas, the middle line is also used between the two states. If there are several coastal states, the distribution rule, proportional to the length of expenditure of each of them, is usually used. - SPANISH FRONTIERS - With France: Bayonne Treaties - 1856 - 1862 - 1866 - With Portugal: Lisbon Convention - 1864 - With Gibraltar: Treaty of Utrecht - With Andorra: His delimitation dates back to time immemorial - With Morocco: Treaty on peace and friendship between Spain and Morocco in 1860. 2) The neighboring relationship and border regimes border is ambivalent: - is the line that separates, which separates. it is also a transitional zone, a link between the two states. The boundary zone of the depression serves to distinguish the geographical contours of the sector in which the neighborhood relations occur. The neighbourhood relations between neighbouring states are not only aimed at preventing conflicts specific to geographical in the protection of common interests that the same situation generates. Thus, it is necessary to study the relationship of the Wesind from a dual point of view: (a) on the one hand, the relationship of good neighbourliness creates a number of restrictions on territorial sovereignty. (b) On the other hand, good-neighbourliness relations evoke cross-border cooperative relations. With regard to the former, it is clear and logical that the State should refrain from committing acts in the territory of which it is sovereign, which may cause damage in the territory of a neighbouring State. The question arises, for example, with industrial activities with the effect of pollution or improper and offensive use and use of resources of the border zone (border rivers or lakes), etc. As far as cross-border cooperation is concerned, we can talk about some material areas of cross-border cooperation, such as: 1 Customs cooperation (e.g., simplification of customs formalities; removal of passports) 2 communication routes (creation of international bridges, roads, railway lines) 3 Mutual assistance and management of public services (in terms of hygiene) 4 General use and use of border areas with their respective resources. 5 Environmental Protection (river, sea, air pollution) 6 Collaboration in culture, education, research and research, etc. ... 7 Regional development and land use (global and general border management policy). In terms of cross-border cooperation, it is also necessary to mention the levels of its actions and progressive institutionalization. In this sense, we can say that trans-phonerism cooperation, which usually materializes conditionally, can be carried out both at the interstate level, i.e. the central organs of the state, and at the regional or municipal level. A State, through an international hedging convention or through its own domestic legislation, may allow intermediate territorial structures to enter into agreements with other States or foreign territorial entities. In this regard, it should be noted that the adoption of the Convention, the European basis for cross-border cooperation between communities or territorial authorities of 21 May 198, also heralds the establishment of intergovernmental governance commissions to ensure a certain permanence and greater cooperation, as well as solutions to both general and specific issues. IV) CONTENT CONTENT TERRITORIAL (a) Military bases b) Neutralized Territories (v) Territories under international control (a) Military bases 1) CONCEPT type, established under the agreement, to amend the territorial competence of the state. (2) THE ICISSY to its usual base ▼ the fact that it does not in principle entail any territorial transfer, but only the provision of some strategic sites functionally connected to the parking lot for security and defence purposes in the context of military cooperation, the armed forces ▼ one State in the territory of another. 3) TREATY CLASSES The parking of foreign troops and facilities provided to the state to which they belong may be based on: ▼ the multilateral treaties of the alliance, institutionalized self-defense systems (North Atlantic Treaty, Warsaw Treaty) ▼ bilateral treaties: they can operate autonomously or in close functional relations with the membership of the two states in the multilateral alliance : Thus, and in order to strengthen their military objectives in the Mediterranean region. The U.S. uses various defense facilities and devices in this region through successive bilateral concerts with 5 states (Spain, Greece, Italy, Portugal and Turkey) territories and neutralized areas These are real restrictions of territorial sovereignty. the intensity of which will depend, in particular, on where they are stimulated. This neutralization does not concern a State that retains full freedom of action, but a part of its territory to which a certain regime is subject to, and which usually is to prohibit all hostilities there. Usually, the neutralization of the territory also implies the demilitarization of the territory (the ban on the construction and maintenance of military facilities, the presence of garrisons and the implementation of military exercises), although it can also be neutralized without demilitarization. For example: Border area between Sweden and Norway (Stockholm Treaty of 1905) (c) Territories charged with international governance - Restrictions on Territorial Sovereignty 1 Concept This is a transitional regime under which some Territories are under an international regime of governance, which is carried out by an international organization or a group of States because they are territories claimed by several States, or because of the special characteristics of its population or geographical location, which could create international tensions. 2 Examples: - Tangier (1907 - 1940, 1945 - 1956) - The Free City of Danzig, placed by the Treaty of Versailles under the auspices of the League of Nations and administered by the High Commissioner. The international regime lasted from 1919 to 1939, when it was occupied by German troops. The International Administration has not been re-established The Second World War and the former Danzig - now Gdansk - joined Poland. - Saarland was also the subject of the internationalization of the Treaty of Versailles, for which it was between 1919 and 1935 under the rule of the International Commission. This regime was terminated as a result of the 1935 plebiscite, during which the population decided to join Germany in the main. - Trieste territory was also under international control from 1947 to 1954, because the Trist was the subject of tension between Italy and Yugoslavia. 3 Conclusion: It is therefore a temporary institution and has completed important peacekeeping missions in places of apparent international tension. The United Nations tried unsuccessfully to establish an international regime in the city of Jerusalem. 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