СУЧАСНА СИСТЕМА МІЖНАРОДНОГО ПРАВА

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THE CONCEPT OF JURISDICTION IN INTERNATIONAL LAW

КОНЦЕПЦІЯ ЮРИСДИКЦІЇ У МІЖНАРОДНОМУ ПРАВІ

Medvedieva M.O.
Doctor of Law, Professor at the International Law Chair of the Educational and Scientific Institute of International Relations of Taras Shevchenko National University of Kyiv. E-mail: medvedieva.maryna@gmail.com

Медведєва М.О.
Доктор юридичних наук, професор, професор кафедри міжнародного права Навчально-наукового інституту міжнародних відносин Київського національного університету імені Тараса Шевченка. E-mail: medvedieva.maryna@gmail.com

Abstract. *The article analyzes the notion and types of jurisdiction in the doctrine of international law as well as in treaty law and international court practice. The author considers main restrictions of jurisdiction of a state within national boundaries and in international territories as well as the issue of conflict of jurisdictions from the perspective of Public and Private International Law. The article concludes that modern legal doctrine and treaty law witness that jurisdiction has become an established institute of international law which has its own principles and sources; it embraces all branches of international law and, thus, may be characterized a system-wide institute of international law.*

Key words: *jurisdiction, international law, state, court, restriction, conflict*.

Анотація. *У статті проаналізовано поняття та види юрисдикції в доктрині міжнародного права, а також у договірному праві та міжнародній судовій практиці. Автор розглядає основні обмеження юрисдикції держави в межах національних кордонів і в міжнародних територіях, а також питання конфлікту юрисдикцій з точки зору міжнародного публічного та приватного права. У статті робиться висновок, що сучасна правова доктрина та договірне право свідчать про те, що юрисдикція стала усталеним інститутом міжнародного права, який має власні принципи та джерела; він охоплює всі галузі міжнародного права і тому може бути охарактеризований як загальносистемний інститут міжнародного права.*

Ключові слова: юрисдикція, міжнародне право, держава, суд, обмеження, конфлікт.

Introduction. For every lawyer, regardless of whether he or she is working in domestic or international law, ‘jurisdiction’ is a constant companion [Allen et al, 2019]. The Vienna Convention on the Law of Treaties (1969) is usually called a ‘treaty on treaties’, while the customary rules of international law on jurisdiction are called ‘law on laws’ [Ryngaert, 2015a]. The concept of jurisdiction is one of the fundamental institutes in international law which paves the way for the correct application of other legal rules and principles. That’s why it is important for every lawyer to understand the theoretical basics, features of the jurisdiction of a state and of an international body, and know how to resolve different conflicts of jurisdiction in Public and Private International Law. This topic is of paramount importance for national scholars and experts, given the unprecedented quantity of proceedings instituted by Ukraine against Russia in the aftermath of its aggression before universal and regional courts. Most proceedings are at the preliminary objections’ stage,

thus, the theory of jurisdiction may become a helpful practical instrument in bringing the aggressor to international responsibility.

The purpose of the research is to investigate the notion and types of jurisdiction in the doctrine of international law as well as in treaty law and international court practice; to analyze main restrictions of jurisdiction of a state within national boundaries and in international territories; to consider the issue of conflict of jurisdictions from the perspective of Public and Private International Law.

Recent literature review. The issue of jurisdiction has been duly elaborated in academic literature. It was highlighted in the works of prominent foreign authors, such as M. Evans, M. Shaw, C. Ryngaert, S. Allen, A. Mills, M. Fitzmaurice, D. Costelloe, P. Gragl, E. Guntrip, K. Tuori, S. Beaulac, N. Yahaya, S. Wittich, H. Quane, P. S. Berman, M. Valverde, Sh. McVeigh, D. Kritsiotis, K.N. Trapp, W. Vandenhole, J. Summers, etc. Meanwhile, Ukrainian authors didn't pay enough attention to this question.

Main research results. The term 'jurisdiction' has a lot of different meanings in law and doctrine. One of the meanings of this word, derived from the Latin, is 'to speak the law' (in Latin – *ius dicere*). In Ancient Rome, the word '*jurisdictio*' meant 'justice' or 'judicial proceedings'. It was also interpreted as the magistrate's power 'to determine the law and, in accordance with it, to settle disputes concerning persons and property within his forum (sphere of authority)' [Allen et al, 2019]. For Renaissance jurists in Europe, the concept of jurisdiction related to establishing the authority of a supreme power charged with the obligation of securing justice and equity [McVeigh, 2019].

In modern doctrine of international law, there are several definitions of the term 'jurisdiction'. For example, the Oxford Handbook of Jurisdiction in International Law (2019) defines the jurisdiction as the 'ability (as well as the limits thereof) for a state or other regulatory authority to exert legal power – in making, enforcing and adjudicating normativity – over persons, things, and places' [Beaulac, 2019]. Jurisdiction is described in the 'International Law' book edited by M. Evans (2006) as 'the limits of the legal competence of a State or other regulatory authority (such as the European Community) to make, apply, and enforce rules of conduct upon persons' as well as 'the scope of the right of an international tribunal, such as the International Court of Justice or the International Criminal Court, to adjudicate upon cases and to make orders in respect of the parties to them' [Evans, 2006]. M. Shaw in his 'International Law' book (2008) defines jurisdiction as 'the power of the state under international law to regulate or otherwise impact upon people, property and circumstances and reflects the basic principles of state sovereignty, equality of states and non-interference in domestic affairs' [Shaw, 2008]. Looking through such definitions, we may conclude that legal scholars link the concept of jurisdiction to state sovereignty, from one side, and to international courts, from the other.

The doctrine of international law analyzes the correlation between concepts of 'sovereignty' and 'jurisdiction'. Sovereignty is usually defined as the highest power of a state to be independent in internal and foreign relations as well as full supremacy of a state on its own territory, in relation to its own national natural, legal persons, and independence in international relations. The supremacy of a state within its territory embraces the jurisdiction of that state, thus, jurisdiction stems from the sovereignty or, in other words, sovereignty is primary and jurisdiction is derivative from the sovereignty. If one state exercises its powers beyond its national territory, it may enter into conflict with another state's jurisdiction. Concerning the jurisdiction of international courts, lawyers usually perceive it in relation to subject matter of a case (substantive jurisdiction – *ratione materiae*), persons involved in the case (personal jurisdiction – *ratione personae*), place and time of the events linked to that case (spatial jurisdiction – *ratione loci* and temporary jurisdiction – *ratione temporis*, respectively). Some authors claim that in Public International Law the notion of

'jurisdiction' is usually used in a broader sense than it is used domestically or in Private International Law: in Public International Law, it encompasses any exercise of regulatory power, while in national legal orders and in Private International Law, it relates specifically to the powers of courts and tribunals [Mills, 2014].

The term 'jurisdiction' is not explicitly defined in modern treaty law. In some treaties, the jurisdiction is considered as the exercise of sovereign power of a state over certain territories, persons or objects. For example, the UN Convention on the Law of the Sea (1982) in Article 56 proclaims that in the exclusive economic zone, the coastal state has jurisdiction with regard to the establishment and use of artificial islands, installations and structures; marine scientific research; the protection and preservation of the marine environment [UN Convention, 1982]. Article VIII of the Antarctic Treaty (1959) provides that in order to facilitate the exercise of their functions under the present Treaty, designated observers, scientific personnel and members of the staffs shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect to all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions [Antarctic Treaty, 1959]. Some treaties refer basically to the jurisdiction of a national or international court. For example, the UN Convention on Jurisdictional Immunities of States and Their Property (2004) refers to 'immunity from jurisdiction of the courts of another State', 'immunity from jurisdiction in a proceeding before a court of another State' and 'exercise of jurisdiction by the court' [UN Convention, 2004]. Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (2019) also refers to the jurisdiction of national courts [Convention, 2019]. In some other international agreements, the jurisdiction is applied in relation to criminal matters. For example, Article 5 of the International Convention Against the Taking of Hostages (1979) provides that each State Party shall take such measures as may be necessary to establish its jurisdiction over any of the offences which are committed in its territory or on board a ship or aircraft registered in that State; by any of its nationals or, if that State considers it appropriate, by those stateless persons who have their habitual residence in its territory; in order to compel that State to do or abstain from doing any act; or with respect to a hostage who is a national of that State, if that State considers it appropriate [International Convention, 1979]. Some treaties draw attention to the separation of national jurisdiction of a state and an international body. Article 2(7) of the UN Charter (1945) proclaims that nothing contained in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state [Charter, 1945].

Jurisdiction has also been defined in the jurisprudence of international courts. For example, in *Territorial Jurisdiction of the International Commission of the River Oder*, the Permanent Court of International Justice observed that '[t]he Court considers that this word [i.e. "jurisdiction"] relates to powers possessed by the Commission under treaties in force; the questions referred to the Court relate to the territorial limits of these powers' [Costelloe, 2019]. In the advisory opinion on *Nationality Decrees Issued in Tunis and Morocco* the same court concentrated over the notion of domestic jurisdiction and observed, in relation to Article 15(8) of the Covenant of the League of Nations, that '[t]he words "solely within the domestic jurisdiction" seem rather to contemplate certain matters which, though they may very closely concern interest of more than one State, are not, in principle, regulated by international law. As regards such matters, each State is sole judge' [Costelloe, 2019]. The question of jurisdiction has arisen between France and Turkey before the Permanent Court of International Justice following the collision between a steamship 'Boz-Kourt' flying the Turkish flag and a steamship 'Lotus' flying the French flag, which occurred in 1926. In its judgment in the *S.S. 'Lotus'* case, the court proclaimed: 'Now the first and foremost restriction imposed by international law upon a State is that – failing the existence of a permissive rule to the contrary – it may not exercise its power in any form in the territory of another State. In this sense jurisdiction is certainly territorial; it cannot be exercised by a State outside its territory except by virtue of a permissive rule derived from international custom or from a convention … It does not,

however, follow that international law prohibits a State from exercising jurisdiction in its own territory, in respect of any case which relates to acts which have taken place abroad, and in which it cannot rely on some permissive rule of international law' [Permanent Court, 1927].

Today, the issues of jurisdiction of international courts are governed by international treaties, in particular their statutes, rules of procedure and customary norms of international law. Such rules define in detail the basis for such jurisdiction which may be realized by different means: by special agreement between states which are parties to the dispute and wish to refer it to the court for consideration, by states' unilateral declarations on the acceptance of compulsory jurisdiction of a court, or by compromissory clauses contained in international treaties. The legal issues concerning jurisdiction of international courts also relate to such important problems, as analysis of the existence of an international dispute as such, reservations of the parties to the dispute excluding the jurisdiction of a court, compliance by the parties with the procedural requirements of international treaties before the referral of a dispute to the court for consideration, admissibility of complaints, bifurcation of the proceedings, etc. These problems were considered by some regional and universal international courts in disputes related to the Russian Federation aggression against Ukraine, for example, in cases on the application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of all Forms of Racial Discrimination (Ukraine v. Russian Federation, International Court of Justice, 2017 and 2019); on the allegations of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation, International Court of Justice, 2022); on the detention of three Ukrainian naval vessels (Ukraine v. Russian Federation, International Tribunal for the Law of the Sea, 2019, and arbitral tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea, 2022); on the coastal state rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. Russian Federation, arbitral tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea, 2020).

Legal scholars classify jurisdiction in accordance with different criteria. For example, by subjects it may be international or national; by content – law-making (legislative, prescriptive), judicial (adjudicative) or executive (enforcing, prerogative); by nature of regulated relations – administrative, civil or criminal; by scope – full or limited; by space – territorial or extraterritorial. Concerning the first classification, we should observe that jurisdiction is inherent to those subjects of international law who have the powers not only to create legal rules, but also to ensure their enforcement, namely, to states, international intergovernmental organizations, international courts. The general rule is that national jurisdiction, i.e. the jurisdiction of a state, is primary, and international jurisdiction, i.e. jurisdiction of intergovernmental bodies including international courts, is secondary and is derived from the national jurisdiction. This is explained by the very nature of international law where the primary subjects are states which create other subjects such as international organizations and empower them with specific functions. Once created, such secondary subjects of international law exercise their jurisdiction which sometimes restricts state sovereignty and collides with national jurisdiction. Meanwhile, such a state of affairs may be explained by the fact that states agreed to transfer some portion of their sovereign powers to international bodies in order to boost international cooperation and solve important problems at the international arena. For example, states have the right – not an obligation – to recognize as compulsory the jurisdiction of the International Court of Justice, but if they accepted such jurisdiction in the settlement of interstate disputes, they have to obey it and execute the judgments delivered by the Court.

Law-making (legislative, prescriptive) jurisdiction is sometimes called 'the jurisdiction to prescribe', or 'jurisdiction to legislate', which means the limits on the law-making powers of the government, in other words, the power of a state to establish mandatory rules for individuals and legal entities, and the permissible scope of application of the laws of each state [Mills, 2014].

Judicial (adjudicative) jurisdiction is referred to as 'the jurisdiction to adjudicate', which means the power of a state to subordinate individuals and legal entities to judgments of its courts and other decision-making bodies, and the limits on the powers of the judicial branch of government [Mills, 2014]. Executive (enforcing, prerogative) jurisdiction is called 'the jurisdiction to enforce', which means the power of a state to enforce its legal rules, including through detention, arrest, investigation, trial and punishment for violating such rules, and the limits on the executive branch of government responsible for implementing law [Mills, 2014]. The Council of Europe Amended Model Plan for the Classification of Documents Concerning State Practice in the Field of Public International Law (1997) upholds the same classification of jurisdiction of states: jurisdiction to prescribe, jurisdiction to adjudicate and jurisdiction to enforce [The Council of Europe, 1997]. Some scholars question the above classification of jurisdiction: they argue that sometimes the conduct of the judiciary may be characterized as either prescriptive (when the judge from a 'common law' system is participating in law-making) or enforcing (when the judge is ordering the seizure of a person or assets) [Mills, 2014]. Some authors argue that jurisdiction to adjudicate and jurisdiction to enforce have common features, since both are targeted at the application and enforcement of the law.

It is a general rule that states enjoy full sovereignty and exercise full jurisdiction over all persons and objects within their national territories. It follows from the nature of the sovereignty of states that while a state is supreme internally, that is within its own territorial frontiers, it must not intervene in the domestic affairs of another nation [Shaw, 2008]. Meanwhile, states also exercise jurisdiction over their own nationals in foreign and international territories. Thus, full civil, criminal and administrative jurisdiction of a state over all persons and objects within its national boundaries may be restricted under international law. First, the head of state or government, the minister of foreign affairs and other high state officials visiting another state enjoy immunity from the jurisdiction of the host state. States' representatives in international intergovernmental organizations as well as officials of such organizations also enjoy immunity from jurisdiction of the host state where the organizations have their headquarters. Diplomatic agents and consular offices enjoy immunity from the criminal, civil and administrative jurisdiction of the receiving state except in some cases. The premises of diplomatic missions, consular offices, international intergovernmental organizations, special missions, as well as the land on which they are located, are also exempted from such jurisdiction. Second, aircraft and maritime vessels when located within the territory of a foreign state are under the jurisdiction of that state. Meanwhile, these aircrafts and vessels continue to remain under the jurisdiction of the state of registration of the aircraft or the flag state of the vessel. The receiving state shall not, as a general rule, interfere in events on board a foreign aircraft or vessel unless the offense affects the interests and security of that state. Third, countries that have military forces or military bases abroad have the right to exercise their jurisdiction over relevant personnel and objects situated in foreign states. Fourth, the jurisdictional issues concerning some water objects like international rivers, international channels and straits, are decided on the basis of international agreements between the riparian or coastal states, but the general rule is that such states operate within their own territorial jurisdiction which may be subject to the restrictions established by international law. The right of innocent passage of ships through the territorial sea of other states is another restriction of the coastal state's jurisdiction within its own boarders. Fifth, there may be some restrictions of a state's criminal jurisdiction in relation to criminal offenses conducted by foreigners on its own territory due to the established principles of international criminal law. Sixth, the immunity of a foreign state's property from the jurisdiction of other states' courts is well established principle of international law.

Besides, there may be some restrictions of jurisdiction of a state in international territories. According to international law, the jurisdiction of a state extends to objects located outside the state territory: aircraft in international airspace, maritime ships on the high seas; space objects in the outer space; artificial islands and installations on the high seas and in the International Seabed Area;

scientific stations in Antarctica. Meanwhile, there are some exceptions to this rule. The principle of exclusive jurisdiction of the flag state is important to ensure safe navigation on the high seas for all states. It means that a vessel on the high seas is subject to the exclusive jurisdiction of the flag state, and no state has the right to interfere in its activities, except as provided by international treaties, in particular the UN Convention on the Law of the Sea. The Convention provides the following exceptions to this rule: right to visit under Article 110, hot pursuit under Article 111, pollution under Article 221, collisions under Article 97 [UN Convention, 1982], straddling and highly migratory fish stocks under Article 21 of the Fish Stocks Agreement (1995) [Agreement, 1995]. The restrictions to the principle of exclusive jurisdiction of the flag state on the high seas is linked to the so called 'functional jurisdiction', which refers to coastal states' limited jurisdiction over the activities in their maritime zones (the territorial sea, the contiguous zone, the exclusive economic zone, and the continental shelf), and, to a limited extent, to any state's jurisdiction over certain activities on the high seas, such as piracy and the trade in slaves [Ryngaert, 2015b].

In other international areas, like Antarctica, International Seabed Area, outer space or celestial bodies, states retain their exclusive right to exercise their jurisdiction over persons and objects there. For example, Article VIII of the Outer Space Treaty (1967) proclaims that a State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body [Treaty, 1967]. Article 12 of the Moon Agreement (1979) envisages that States Parties shall retain jurisdiction and control over their personnel, vehicles, equipment, facilities, stations and installations on the moon [Agreement, 1979]. The only exception exists in relation to the International Seabed Area: while states retain their jurisdiction over their nationals, entities and objects in the Area, the regulation and monitoring of compliance with rules on mineral exploration and exploitation activities in the Area falls under International Seabed Authority jurisdiction.

One of the urgent problems discussed in modern academic literature is the conflict of jurisdictions. In Public International Law, competition (conflict) of jurisdictions of states may be defined as the simultaneous establishment of the jurisdiction of different states over the same person (persons) or object (objects), as well as the exercise or attempt to exercise their jurisdiction over them. For example, when a vessel of one state is in the territorial waters of another state, it is subject to competing civil, administrative and criminal jurisdiction of the territorial state and of its flag state, because both can exercise it. Such competition may also be called competition between full and limited jurisdiction. The increase in cross-border (transnational) crimes has led to a growing number of cases in which multiple states have jurisdiction to prosecute and to take such cases to trial [European Union Agency]. In certain situations, the parallel progression of cases in separate jurisdictions can compromise the outcome of investigations, eventually resulting in what is known as a violation of the *ne bis in idem* principle, also known as *double jeopardy* [European Union Agency]. Such a principle ensures that no individual is prosecuted for the same act in different states. In such situations, a decision must be made regarding which state is better placed to prosecute and ultimately bring the case to trial, but conflicts of jurisdiction may arise from parallel investigations without any coordination between the different Member States' national authorities involved [European Union Agency]. In the absence of a treaty, different models to avoid or settle the conflict of criminal jurisdictions are used in the practice of states. For example, if a crime occurred on the territory of State A by its national, and if State A is willing and able to prosecute the suspected perpetrator, then no other state should exercise extraterritorial criminal jurisdiction. But if a crime occurred on the territory of State A by a national of State B against a national of State C, all three states are entitled to exercise jurisdiction but within the limits of international law. Thus, State D could exercise universal jurisdiction only when State A (exercising territorial jurisdiction), State B (exercising active personality jurisdiction) and State C (exercising passive personality jurisdiction) were unwilling or unable to prosecute the crime. The principle of subsidiarity, or complementarity, is the cornerstone in the resolution of conflict of jurisdictions between national

criminal courts and the International Criminal Court: Article 1 of the Rome Statute (2002) provides that the Court shall be complementary to national criminal jurisdictions [Rome Statute, 2002].

Some international conventions stipulate that states must cooperate in determining the priority of jurisdictions. For example, Article 42(5) of the UN Convention Against Corruption (2003) stipulates that if a State Party exercising its jurisdiction has been notified, or has otherwise learned, that any other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions [UN Convention, 2003]. Article 22(5) of the Council of Europe Convention on Cybercrime (2001) provides that when more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution [Council of Europe Convention, 2001]. In its judgments in *Nottebohm* and *Barcelona Traction* cases, the International Court of Justice emphasized that in the particular fields of diplomatic protection, nationality, status of legal entities there must be the 'genuine connection' between natural or legal persons and a state entitled to exercise its jurisdiction. The concept of 'effective' or 'genuine link' has since been generalized as a precondition for the exercise of a state's jurisdiction in almost all branches of Public International Law such as law of the sea, air and outer space law, etc.

In Private International Law, the problem of the conflict of jurisdictions concerns the power of a certain national court to adjudicate the matter (jurisdiction to adjudicate). The conflict of substantive law of different countries on civil, family or commercial matters is inevitably accompanied by a conflict of jurisdictions. A court of State A first determines whether it or the court of State B has jurisdiction, and then determines which state's law will be applied in resolving a particular case. Thus, prescriptive jurisdiction relates to the law of a particular state which must be applied, and judicial (adjudicative) jurisdiction relates to the court of a particular state which must hear and resolve the case. The EU Regulation 44/2001 on Jurisdiction, Recognition and Enforcement of Judgments in Civil and Commercial Matters recognizes that certain differences between national rules governing jurisdiction and recognition of judgments hamper the sound operation of the internal market, that's why provisions to unify the rules of conflict of jurisdiction in civil and commercial matters, and to ensure rapid and simple recognition and enforcement of judgments given in a Member State, are essential [The EU Regulation, 2001]. The Regulation stipulates the basic principle for the resolution of the conflict of jurisdictions: jurisdiction is to be exercised by the court of the EU country in which the defendant is domiciled, regardless of his/her nationality [The EU Regulation, 2001]. One of the goals of the Convention on Choice of Court Agreements (2005) is to enhance inter-state judicial co-operation by establishing uniform rules on jurisdiction in civil or commercial matters. It provides in Article 5 that the court or courts of a Contracting State designated in an exclusive choice of court agreement shall have jurisdiction to decide a dispute to which the agreement applies, unless the agreement is null and void under the law of that State [Convention, 2005]. There is plenty of sources of Private International Law governing the conflict of jurisdictions, e.g., Brussels Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (1968), Lugano Conventions on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (1988 and 2007), Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (2019). In addition to the rules of national legislation and international treaties which help states to avoid the conflict of jurisdictions, there are some legal doctrines used in court practice for this purpose, such as *forum non conveniens, lis pendes*, international comity, etc. which should become the subject matter of a separate scientific article.

Some authors draw to the conclusion that one of the main distinctions between the principles of jurisdiction in Public and Private International Law is that in the former the connecting

factors leading to the exercise of jurisdiction of a state are territoriality and nationality, while in the latter – domicile (residence, habitual residence) which, unlike the concept of nationality, is not based on a legal connection between a person and a state but rather on the territorial connections of the person with a state [Mills, 2019]. The exact definitions of domicile, residence, or habitual residence may vary between legal systems, but they generally involve an examination of the factual connections between the person and territory (such as the duration of physical presence) [Mills, 2019].

Conclusions. The term 'jurisdiction' doesn't have a unified meaning in international law and legal doctrine. Scientists and treaties give their own interpretations of this concept, meanwhile we may draw to some general conclusions that jurisdiction is the ability and the limits thereof for a state or other regulatory authority to make, apply, and enforce rules of conduct over persons, things, and territories as well as the scope of the right of an international tribunal to adjudicate upon contentious cases. It is a general rule that states enjoy full sovereignty and exercise full jurisdiction over all persons and objects within their national territories as well as are entitled to apply and enforce legal rules beyond their national borders, with due regard to the restrictions imposed by international law. Meanwhile, one of the urgent problems in Public and Private International Law – conflict of jurisdictions – deserves a special attention.

The jurisdiction of international courts is governed by international treaties, in particular their statutes, rules of procedure and customary norms of international law. A lot of important questions of jurisdiction were considered by some regional and universal international courts in disputes related to the Russian Federation aggression against Ukraine, in cases decided by the International Court of Justice, International Tribunal for the Law of the Sea, arbitral tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea, European Court on Human Rights, etc. That's why the issues of jurisdiction are very important for national scholars and experts.

To sum up, we may conclude that modern legal doctrine and treaty law witness that jurisdiction has become an established institute of international law which has its own principles and sources. Alongside with such institutes as international legal personality, international recognition, international responsibility, etc. it embraces all branches of international law and, thus, may be characterized a system-wide institute of international law.

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