



Ordine internazionale e diritti umani

International Legal Order and Human Rights
Ordenamiento Jurídico Internacional y Derechos Humanos
Ordre juridique international et Droits de l'Homme

OF AUTHORITY, SOVEREIGN POWERS AND JURISDICTION: THE UNCERTAIN SITUATION OF CRIMEA IN PROCEEDINGS BEFORE INTERNATIONAL, REGIONAL AND ARBITRATION COURTS

This contribution focuses specifically on the approach followed (or likely to follow) by the courts - international and regional - on the one hand, and by the arbitration tribunals, on the other, on the question of sovereignty and jurisdiction in the “disputed territory” (Possession contestée) of Crimea. It illustrates how, while some courts and arbitration tribunals have omitted the question of sovereignty, focusing on the exercise of jurisdiction by the Russian Federation over the disputed territory to protect the rights of individuals, an arbitration tribunal established under the United Nations Convention on the Law of the Sea, in the recent award on preliminary objections to the case of Ukraine v. Russian Federation, declared that many of the Ukrainian claims were inadmissible *ratione materiae*, as their examination would have required a court ruling on the preliminary issue of sovereignty over the peninsula. The contribution demonstrated how the plurality of meanings that can be associated with the term “jurisdiction” is particularly relevant in cases of disputed territories, whose legal analysis opens up multiple prospects for investigation. The Crimean case was used as an opportunity to fully reflect on ancient but highly modern notions.