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Titles of acquisition of territory: a classical distinction

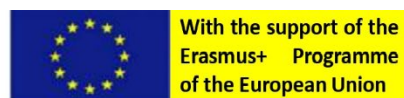
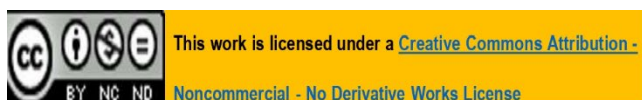
SLIDE 1

Hello, welcome. I'm Maria Carro and in this video, I'm going to talk about the classic distinction of titles of acquisition of territory in Public International Law.

SLIDE 2

The classic classification of acquisition titles divides them into original and derivative titles. Original titles are those by means of which a territory is acquired without owner, *terra nullis*. Derivative titles, on the other hand, transfer title from one State to another.

However, this distinction has been criticised by many authors who consider that today, on the one hand, there are no longer any ownerless territories and that, on the other hand, some of the titles classically considered have either been prohibited (as in the case of conquest) or have disappeared from practice (such as purchase and sale).



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SLIDE 3

There are four original acquisition titles. The first is the formation of the state on a territory. In other words, the acquisition of sovereignty over the territory is concomitant with the formation of the state, so that the territory is at the very origin of the state. This title of acquisition may give rise to disputes over peripheral areas, such as enclaves or islands close to the coast.

The second is the occupation of unowned territory. For this, three requirements must be met: on the one hand, the territory must not have an owner (i.e. it must be *terra nullis*); on the other hand, the occupation of the territory must be effective; and finally, there must be a will to occupy or *animus occupandi*. Traditionally, this unequivocal intention was derived from the private claim of sovereignty made by the discoverer for his State, followed by the endorsement of the authorities of that same State.

The third is territorial accession. This involves the incorporation of new land masses into the territory of a State, either naturally or artificially. Thus, it can take place by natural geological means, such as the appearance of new islands by volcanic eruption or the formation of river deltas; or by human action, as in the case of the Dutch polders. In these cases, the acquisition of sovereignty is de

facto, i.e. without the need for proclamation by the sovereign state of the main territory.

The fourth, which has sometimes been considered, is geographical proximity, evoked on the theories of continuity (i.e. the natural prolongation of the territory) or contiguity (i.e. geographical adjacency). However, this does not constitute a legal title for the acquisition of land territories recognised by international law.

SLIDE 4

There are also four derivative acquisition titles.

The first is voluntary cession, which requires the renunciation of sovereignty over a piece of land by one state in favour of another that accepts it, either free of charge or in return for payment. This title of acquisition requires, in addition to the conclusion of a formal agreement between the two States and the abandonment by the first, the effective exercise of functions by the new sovereign State.

The second was conquest, which is now prohibited by international law.

The third is acquisitive prescription or usucaption. By means of this title, sovereignty is acquired through the effective exercise of state functions for a certain period of time over a territory that belonged to another state, which no longer

exercises its powers over it. It has always been an infrequent and rather controversial title.

The fourth title worth mentioning is that derived from the *uti possidetis iuris* principle, consolidated in the practice of Spanish-American decolonisation. It involved the conversion of the former internal borders of the Spanish Crown into the international borders of the new states that emerged after decolonisation. This principle was applied to the post-colonial situations in the Americas and also in decolonisation in Africa.

I hope you found it interesting to learn more about the classical classification of titles of acquisition of territory in international law.

That is all I had to say.

Thank you very much for your attention.