



MAX PLANCK INSTITUTE

FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

Nadja Reimold

From Upper Silesia over South Sudan to Brexit

What happens to private rights of individuals in cases of state succession?

MPIL Agora

29 September 2021, 15:00-16:00, via zoom

When the Republic of South Sudan became independent from the Republic of Sudan in 2011 not only a new state came into being, but approximately 10 million people came under the jurisdiction of a new sovereign. At the same time, foreign investors in the territory of South Sudan had to face a new legal environment for their assets vis-a-vis the new state. Sudanese state-owned companies operating in South Sudanese territory formally became foreigners and the state of South Sudan "over night" owned about 75% of the oil resources formerly belonging to the North.

Probably, many individuals will be subject to similar changes in cases of state succession directly or indirectly within the coming decades. Several secessionist movements are currently (still) advocating their cause, some of them in states with a particularly high level of rights protection, such as European Union Member States. Additionally, new forms of change in sovereignty have emerged: For example, in the course of the United Kingdom's withdrawal from the EU treaty, the question of what will happen to rights vested in EU citizens living in that country or UK nationals living abroad, such as their right to residence, became highly debated.

What are the effects of such cases of state succession on domestic rights of private individuals? To what extent there exists a normative rule of public international law "transferring" or "perpetuating" individual rights into the new domestic legal order? The notion of "acquired rights" has served in practice and especially in the jurisprudence of the PCIJ as a vehicle to justify such a rule. Yet, there are few doctrines in international law which are marked by such blatant disparity between being regularly touted as one of the generally recognized principles of international law and the lack of a firm and diligent substantiation of this assertion. To shed more light on this issue will be the task of this presentation.



Nadja Reimold studied law at LMU Munich and McGill University Montréal with a focus on public international and European law and received her second state examination from the Higher Regional Court Munich. She conducted internships inter alia with the German Federal Foreign Office, the International Criminal Court, the European Commission as well as at the German Federal Constitutional Court. Nadja has worked as a Research Fellow at the Universities of Munich, Bonn and Greifswald and participated herself in and coached teams for the Jessup International Law Moot Court. Nadja's PhD thesis deals with acquired rights of individuals and state succession. She is currently a visiting scholar at the Max Planck Institute for Comparative Public Law and International Law.

**Max Planck Institute for Comparative Public Law and International Law
Im Neuenheimer Feld 535
69120 Heidelberg**