

Responsibility of a State in International Public Law

Abstract

The thesis deals with the history of the responsibility of states in international law, it describes the actions of the UN Security Council in this area. The thesis also focuses on the rules of the existence of international responsibility and their implementation. It describes the relationship between the contractual law and the law of state responsibility, the circumstances excluding wrongfulness, namely *vis maior*, distress, justification, excuse, error. The thesis also explores the overstepping of competence and the relation of this institute to the responsibility of states in international law. The works of the UN International Law Commission in the area of the responsibility of states for other than unlawful conduct are also among the topics of the thesis. Other phenomena described in this paper are reparation, compensation and responsibility of states in the international law in the context of conduct of individual persons. We also present an overview of the legal frame of the state responsibility and the migrant smuggling, law of responsibility at the open sea, space law and responsibility of states and intelligence gathering.

An important insight is dedicated to the question of the state succession into the responsibility for internationally unlawful conduct. The problem of the transfer of the responsibility of the unlawful conduct of the predecessor state to the successor state serves as a basis for the examination of the legal frame for the state responsibility in international law. The thesis further deals with the regime of succession of the new state in relation to the responsibility as regards the legal documents covering this area, we also look at the court decisions and the scholars' works. These sources help to establish a picture regarding the theory which supports state succession into international responsibility as well as the reasons for the opposing of this theory.

We have offered a comparison of the succession into the contractual relations of the predecessor and succession into the responsibility for the unlawful conduct of the predecessor. These two types of succession have both a different logic; upon closer examination we may observe that literature and the works of special commissions display mirror-like opposite *de lege ferenda* solutions and proposals for each of these successions. The thesis elaborates on the topic of the application of universal succession and when to apply it with the possibility of a state to refuse the transfer of certain right or obligations. We also examine when it is preferred that succession does not occur as a general rule except strictly set situations (the

results of the unlawful conduct are tied to the territory of the successor state; successor state has declared the acceptance of the responsibility for the conduct of the predecessor...).

The subject is relevant up to this day in spite of the fact that the era of the formation of new states which brought a lot of question marks and challenges in the area of succession, is more or less over according to some. State succession is an occurrence that may be observed until today.

The thesis uses comparative method, it examines the current state of knowledge in the problematics and by means of accumulation, organisation and useful interpretation of the known facts it attempts to reach a new insight into the discovered knowledge.

Key words:

Succession, responsibility, international law