

Notion of sovereignty of state in current international law

Abstract

This master thesis deals with the Sovereignty of the state from the perspective of current international law. Given the scope of the topic, sovereignty was opposed to selected phenomena of international law and arguments, emphasizing the importance of state sovereignty in the current international legal concept, were built on selected current issues. The author tried to find out whether sovereignty is still present today, or whether it is just an empty concept.

The work is divided into three major chapters. In the first of them, the author deals with the history and development of the concept of sovereignty. Through an extensive analysis, the author shows the changes in the understanding of state sovereignty and the importance of this understanding for the development of the international community and international law, with a help of individual judgments of international courts and in key documents of international law. The opinions of the most important scholars of individual eras and discourse in the current understanding of this concept are not neglected either. The work does not focus only on the Euro-Atlantic understanding of the concept of sovereignty, but also compares it with the concepts present in the Russian Federation and China.

In the second chapter, the author exposes sovereignty, generally speaking, to the obligations of states arising from international law. These are both obligations arising from individual sources of international law, which are analyzed with emphasis on individual distinguishing points of each sources, and obligations arising from membership in international organizations as generally the greatest driving force in acting on the sovereignty of states. Special attention is paid to judicial-type institutions, such as the International Criminal Court, and mainly to the UN and the African Union.

In the last chapter, the author focuses on the effect of the RtoP doctrine on the sovereignty of the state. After the necessary introduction and embedding of this doctrine in international legal doctrine, the author examined the individual parts of the key documents of this doctrine and, in connection with the previous chapters, came to the conclusion that this doctrine constitutes threat to sovereignty even twenty years after its emergence.

Klíčová slova: Sovereignty, State, Responsibility to protect