

International Legal Aspects of Rebuilding State Structures in Post-Conflict Areas

Abstract

The dissertation thesis International Legal Aspects of Rebuilding State Structures in Post-Conflict Areas deals with creation, acceptance and implementation of peace agreements. The emphasis is on nature, functions and status of the peace agreements within international law. The second major area of research is a legislation of the implementation of peace agreements in the period between the termination of armed conflict and rebuilding a just and sustainable peace in the country when the armed conflict was undergoing. The implementation process is extremely complex and fragmented, which requires major efforts to ensure an effective and efficient outcome of the process. In a specific section we are focusing on case studies of implementation processes (i.e. solution of legal relations between Sudan and South Sudan). The concept of *jus post bellum*, which seeks to build on the law of armed conflict, is used for the legislation of the implementation in the doctrine of international law. In addition to *jus post bellum* we will mention also new approaches to international mediation, Responsibility to Protect, Transitional Justice and *lex pacificatoria*. As results of the work are findings that the peace agreement, excluding rare exceptions, is not a formal source of international law. On the other hand, it has an enormous impact on the development and stabilization of hypotheses of trichotomy of legal norms applicable in the implementation process. Successful implementation process requires necessary conditions and sufficient coherence between the implementing mechanisms that form it for its implementation.

Key words: peace agreement, peace process, implementation process, international mediation, *ius post bellum*, Sudan and South Sudan.