

Abstract

International Legal Aspects of State Failure

The phenomenon of failed states is one of the great issues in our contemporary world. International public law does not take it into consideration and still, it exists. Whether the phenomenon is designated as a collapse of a state, collapse of a state authority, state failure, or as a collapsed, failed, failing state or otherwise, there is nowadays much more attention attached to it from the ranks of statesmen and representatives of international organizations. That is why I chose to deal with this issue.

The content of this work is structured from the most general topic regarding this issue, which means from general definition of the term, characteristics of a failed state as a phenomenon in expert, not only legal, discussion and it's difference from similiar phenomenons towards particular aspects arising from public international law and summarization of a situation in some of real failed or failing states.

In second chapter, there is a general characterization of the phenomenon itself, mostly from the factual perspective with use of mostly international law and political science literature. There is also defined, which approach has been taken regarding the issue.

In third chapter, the work is dedicated purely to international law aspects of state failure. It means their basic delimitation in a system of international law subjects., delimitation against regular states, how the international law guarantees right to exist of these units, basic questions of their sovereignty and their legal responsibility.

In fourth chapter, the issue of failed states is briefly analyzed from the perspective of partial branches of international law, which could represent potential tool to deal with failed states issue. Among them, human rights, international humanitarian law and international criminal law. Attention is also devoted to the koncept of Responsibility to protect.

Fifth chapter is devoted to international legal instrument of international community, which are eligible to be applied to this situation and potentialy to solve it.