Contents

Acknowledgments	viii
Introduction 1	

PART 1 The Origins of State Formation 7

ml	C4:	- of the State in International Law Historical			
Back	0				
1.1	Criteria	a and Conditions for Statehood 13			
1.2	Emerge	ence of the Modern State System 18			
	1.2.1	The Principle of State Sovereignty 21			
	1.2.2	Principle of Self-Determination 25			
	1.2.3	State Formation 36			
State	e Failure	e—Internal and External Factors 44			
2.1	Definir	ng State Failure 45			
2.2	Causes	and Structural Indicators 62			
	2.2.1	Absence of Rule of Law 67			
	2.2.2	Political Instability—Lack of Legitimacy 74			
	2.2.3	Economic and Social Instability 81			
	2.2.4	Lack of Internal Security 87			
	2.2.5	Authoritarian Rule and Clan Loyalty 94			
	2.2.6	Impunity and Ineffective Justice Systems 99			
	2.2.7	Lack of Territorial Control—jure and de facto			
		Sovereignty Gap 105			
	2.2.8		106		
	2.2.9		111		
	2.2.10				
2.3	The same of the sa				
2.4	•				
2.5	Limita	tions in Measuring State Failure 124			
	Back 1.1 1.2 State 2.1 2.2	Background 1.1 Criteria 1.2 Emerge 1.2.1 1.2.2 1.2.3 State Failure 2.1 Definin 2.2 Causes 2.2.1 2.2.2 2.2.3 2.2.4 2.2.5 2.2.6 2.2.7 2.2.8 2.2.9 2.2.10 2.3 Legacy 2.4 Terrori	1.2 Emergence of the Modern State System 18 1.2.1 The Principle of State Sovereignty 21 1.2.2 Principle of Self-Determination 25 1.2.3 State Formation 36 State Failure—Internal and External Factors 44 2.1 Defining State Failure 45 2.2 Causes and Structural Indicators 62 2.2.1 Absence of Rule of Law 67 2.2.2 Political Instability—Lack of Legitimacy 74 2.2.3 Economic and Social Instability 81 2.2.4 Lack of Internal Security 87 2.2.5 Authoritarian Rule and Clan Loyalty 94 2.2.6 Impunity and Ineffective Justice Systems 99 2.2.7 Lack of Territorial Control—jure and de facto Sovereignty Gap 105 2.2.8 Gross and Systematic Violations of Human Rights 2.2.9 Loss of Social Cohesion and Lack of Development 2.2.10 Corruption and Weak Institutions 113 2.3 Legacy of Colonialism 116		

Lit	PART 2
	State Obligations and the Enforcement of
Sil·	International Law 127
2.1	3 International Human Rights Law 129 3.1 Human Rights Instruments 130 3.1.1 Humanitarian Law 133 3.2 Human Security—An Emerging Paradigm 136 4 State Responsibility—Obligations to Prosecute 138 4.1 Principle of Universal Jurisdiction 140 4.2 Humanitarian Intervention 141 4.2.1 Responsibility to Protect Doctrine 145 4.2.2 Emergence of New Customary Law 153 4.3 Practice of the Security Council—opinio juris 160
_	PART 3
Th	Reconstruction and Mobilizing the International
La Fo	Community 165
IS	5 Prevention and Rehabilitation: Strengthening States Against
IS	Failure 167
IS	5.1 State-Building and Reconstruction 170
	5.2 Building Rule of Law 175
C	5.3 Establishing Accountability—Ending Impunity 180
K	5.4. Palliant and and an army and are
A O	F F 701
N	To a second that be modification to
A	5.6 Economic and Social Reconstruction 190
tl	5.7 Role of Civil Society—Women and Minorities 194
S	5.8 Reconstituting Political Structure and Legitimacy 197
В	5.9 Reconciliation—Transitional Justice 200
Ŀ	5.10 Lessons Learned 205
C	6 Challenges for the International Community 210
C	6.1 Role of United Nations 210
3	6.1.1 Humanitarian Assistance 212
Ī	
	The spring and conflict Prevention 214
ACTIVITY OF THE PROPERTY.	6.1.3 Transitional Occupation 220 6.2 Institutional Reform, Trusteeship—Limited Sovereignty 22

CONTENTS

General	Conclusion 231	
Bibliogra	aphy 234	
I.	Books and Academic Articles 234	
II.	Media Sources 247	
III.	United Nations News Service 248	
IV.	United Nations Resolutions 251	
V.	United Nations Documents 251	
VI.	International Instruments 253	
VII.	Regional Instruments 254	
VIII.	National Legislation, Official Documents and Remarks	255
IX.	Non-Governmental Organizations Publications 25	6
X.	International Court of Justice and other Tribunals 25	7
Index	259	