

Abstract

The aim of this thesis is to evaluate the lawfulness of the use of force by the United States of America against the so-called Islamic State in the territory of Syria, in terms of *Ius ad bellum*. For this purpose, the thesis is divided into three parts. The first part focuses on assessing the subjectivity of the Islamic State. In particular, the subjectivity is examined with regard to the criteria arising from the Montevideo Convention on the Rights and Duties of States and from professional experience. The Islamic State is assessed in terms of defined territory, permanent population, effective government, capacity to enter into relations with other states, independence and legitimacy. The second part deals with the legal regulation of the use of force in international relations. After the presentation of the historical development, the attention is paid especially to the UN Charter and the ensuing prohibition of the threat or use of force in international relations. In the context of the use of force against the Islamic State, legal exceptions to this prohibition, which could be used in the fight against the Islamic State, are presented. First, attention is paid to the exceptions resulting from the UN Charter, which are self-defense under Article 51 and actions under Chapter VII. Two types of self-defense are also discussed in the context of self-defense, namely individual and collective defense. In addition, the collective actions of the Security Council under Chapter VII and Resolution 2249 are presented. In the last part, the author of the thesis attempted to take his opinion on the legality of American attacks with respect to the rules of the previous section, the decision of the International Court of Justice and the state practice. Unfortunately, the case law of the International Court of Justice is not sufficient to make a clear conclusion. Even among the judges of this institution, there are divergent views on the demands of the initiator of the armed attack. What is more, the court explicitly refused to clarify this issue when it had the opportunity to do so, which unfortunately leads to different interpretation and conclusions on the legality or illegality of actions made in self-defense. On the other hand, the state practice from two recent decades indicates tolerance of such actions. Taking these factors into account and following the application of the rules in part two, the author concluded that American intervention was lawfully based on the right to collective self-defense and therefore conducted in accordance with international law.