

ABSTRACT IN ENGLISH

THESIS TITLE:

Military Intervention Upon Invitation or with Consent of the State

ABSTRACT:

The aim of this thesis is to (i) define reasonably general criteria for an intervention by invitation to be lawful, and (ii) analyze two recent cases of intervention by invitation. Based on an examination of state practice, legal documents and expert opinions, the theoretical part of the thesis concludes that only government can be allowed to invite intervention, and that the intervener's rights are defined by the intersection of what the invitation allows and what is allowed by other rules of international law. Even though the so-called effective control theory still significantly impacts both state practice and expert opinions, there is an apparent shift towards accounting for democratic legitimacy of the inviter, which often causes more harm than good in practice. In this part, the author also explains why only governments should be allowed to ask for intervention, and why broadening the group of possible inviters might destabilize international community.

The practical part examines whether Russian interventions in Ukraine and Syria were justified by respective invitations. When the Ukrainian president Viktor Yanukovich invited Russia to intervene, he was already removed from power and forced to flee abroad. The parliament had not complied with the constitutional impeachment procedure while impeaching Yanukovich, and he was, therefore, still president at the time. Nevertheless, he did not ask for intervention against unlawful rebels who have forcibly seized state institutions but against elected parliamentarians. Moreover, according to the Ukrainian constitution, only the parliament can allow foreign troops to enter Ukrainian territory. Thus, the intervention could not be justified by Yanukovich's invitation.

Syrian president Bashar al-Assad had the right to invite Russian intervention according to the Syrian law, even though his legitimacy was questionable. Numerous Russian operations had indiscriminate effect or targeted civilians in violation of the international humanitarian law. In addition to that, it was apparent that Assad intends to violate basic human rights of both rebels and non-fighting inhabitants of rebel-controlled areas, and Russian intervention gave Assad fighting advantage, which made it possible to conquer those areas. The invitation could

justify only attacks against international terrorists (Islamic State, Jabhat an-Nusra), among other reasons, because they prevented even worse atrocities than those committed by the Assad regime.

KEYWORDS:

military intervention, intervention by invitation, government legitimacy, non-interference in internal affairs, state sovereignty, Russia, Ukraine, Syria