

Abstract

The aim of the bachelor thesis is to assess the NATO military intervention in Kosovo from the spring 1999 in terms of international law and – first of all – the western just war theory. The thesis first focuses on the genesis of just war theory in the political philosophy of European Antiquity, Middle Ages and early Modern Age, which provides better understanding of the meaning of certain conditions which are necessary to fulfill in order to use force legitimately. The thesis further comes to conclusion that humanitarian intervention forms a legitimate part of contemporary just war theory. The theoretical part of thesis ends with definition of necessary and auxiliary just war criteria applicable to humanitarian intervention; there is also described the regulation of the use of force in international law. The thesis then proceeds to proper case study. After the history of conflict is briefly addressed, international law norms and just war criteria are applied to the NATO military intervention. The thesis concludes that the intervention was illegal: the conditions set by the UN Charter were not met nor was there to be found any customary norm which would provide the action of Alliance with a legal basis. On the other hand, the intervention proved to be legitimate in terms of just war theory: all of its criteria were fulfilled. This contradiction between requirements of law and ethical theory is somewhat alarming and represents an interesting challenge for the international community.