

Summary

The aim of this study is to serve as an introduction to the legal issues dealing with the presence of foreign states' armed forces in the territory of the Czech Republic and in any other receiving states' territory.

Czech Republic has ultimate sovereignty under international law. It has supreme independent authority over her geographic area and is only restricted by the sovereignty of other states, international law itself and by freely accepted commitments.

Chapter One is introductory and defines how as a consequence of its status as a sovereign state, Czech Republic joins international and supranational organisations and is part of many bilateral and multilateral security agreements. Such acts of its free will serve as a complex system of security measures that every state needs to undertake in order to secure its geographic area and its population. National security and safety is linked to international peace and security. One without the other cannot exist.

Due to rapid developments and globalised world, the threats to states' security has changed. Nowadays, states need to face not only military threats, but non-military threats as well, such as economical, environmental, social or political challenges. States use multiple instruments for the purpose of overcoming these threats.

One of the challenges the international community has to deal with are rogue states. It has been proven they possess ballistic missiles and thus endanger democratic western states, Czech Republic included. However, it wasn't in Czech power to secure its territory and inhabitants from such missiles. USA, on the other hand, came up with a plan to build a radar base in the Czech territory in order to prevent missile attacks. The radar would protect not only the US and Czech grounds, but the Euro-Atlantic territory as well. This joint platform would improve and contribute to the system of collective security and collective self-defence.

Building a military base overseas embodies a list of legal issues. A lot of them are connected with the related presence of armed forces of the sending state, here the US, in the territory of the receiving state, here the Czech Republic. Chapter Two deals with the questions how would the presence of foreign base and forces affect Czech sovereignty. Chapter Three focuses on problems with the influence of states' jurisdiction.

The Czech Republic signed both of the agreements founding the project: the agreement on establishing ballistic missile defense radar („agreement“) and the status of forces agreement („SOFA“) as an expression of its external sovereignty and free will. The territory on which the base would stand, would still be part of Czech Republic and therefore the territorial sovereignty would remain unharmed. Czech side would delegate certain rights to the American side as the result of delegated jurisdiction. The amount of rights and obligations delegated to the sending state would be precised in the SOFA agreement. The agreement also stipulated that when no longer in force, the ultimate sovereignty and jurisdiction of the Czech Republic would renew.

Even though the project wasn't carried out, it still finds its place in the theory of international law. It serves as an example of security agreement. It could also can be used as a model for future agreements concerning similar projects.

Besides that, there are many reasons why armed forces can be present in other states' territory. Whether it is for trainings or in order to execute a mission on behalf of the UN. They can also help in recovery operations after an environmental or industrial disaster. All these reasons have a common goal, which is to ensure the security of the country and the international community as well.

For the purposes of friendly relations among states, the legal certainty and finally for the purposes of successful mission of armed forces, it is crucial to precisely establish the legal status of the sending states' forces. In order to avoid the conflict of law, it is necessary to determine which state will exercise jurisdiction and which law would be applied to the case. Whether the one of the sending state or the receiving one. Most of such provisions are to be found in the status of forces agreements. In case of gap in law, the NATO SOFA is usually applied.