

LEGALITY OF THE INTERVENTION DURING LIBYAN CIVIL WAR

Abstract

The main purpose of this paper is to answer the question, if the NATO intervention in Libya during Libyan civil war in 2011 was in accordance with the international law. To achieve this purpose, the paper is divided into three parts.

The first one, represented by chapters 1-5, describes self-defence and armed actions of the Security Council under the chap. VII of the UN Charter, which are legal and quite controversial concept of the humanitarian intervention and *R2P* concept. The role of regional arrangements in peacekeeping is also mentioned.

The second part, represented by chap. 6, contains a case study whose object is the Libyan civil war in 2011 between col. Gaddafi's forces and the rebels supported by the NATO. The chapter 6 contains a detailed summary of various demonstrations, battles and campaigns, including the operation *Unified Protector*.

The third part, chap. 7, is pointed on the question of legality of the NATO intervention. Albeit authorisation by the Resolution 1973, the legality of the intervention is questionable. The first air strikes, of 19 March, aimed on Libyan armed forces attacking Benghazi, can be classified as protection of civilians mentioned by the Resolution 1973. Following NATO air strikes supported the rebels in a government overthrow thus NATO became a party of the conflict. This action can be classified as an overstep of the authorisation and a breach of the international law.

Another question still remains. The libyan intervention could be a proof of *R2P* concept's viability and rationality; the role of the UN and the Security Council as peace keepers could be also enforced. However, by overstepping the authorisation, NATO possibly discredited itself again and bolstered the

conviction of the developing countries, that the UN and NATO ignore everyone, unless it comes to their own interests.

Key words: intervention, resolution, legality