

The Legitimacy of Non-State Actors in Humanitarian Intervention

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Introduction

The Theoretical Humanitarian Non-State Actor

Let us imagine a humanitarian crisis. A state government is carrying out a genocide on an ethnic minority, take for example the “genocide against the Tutsi” in Rwanda¹. States have to make a decision of whether or not to engage in a humanitarian intervention. If a state does not intervene an IGO such as the UN peacekeepers may be called on for assistance. In the case of Rwanda, the UN intervened but was not able to intervene properly due to the limits of the legal rules of engagement. The international community sat back and watched the violence unfold which resulted in the death of up to 1,000,000 people.² Eventually, the genocide was ended by the Ugandan backed RPF, an internal non-state actor who later became the ruling government of Rwanda. Internal actors can have their own political agenda and in the case of Rwanda, the RPF is accused of carrying out its' own war crimes and killing thousands of Hutu civilians in retaliation to the genocide.³ This case and others like it show that internal non-state actors are not always the best option for an intervention. Thus, when states are unwilling to intervene and IGOs are incapable of providing adequate assistance due to legal restrictions, there must be some other international actor capable of preventing the death toll from rising further by engaging in a humanitarian intervention.

Let us now imagine an adequate third option, an international actor for humanitarian intervention, the self-proclaimed 'humanitarian non-state actor.' This actor would have to only engage in intervention where permissible, as outlined in chapter one. It must be considered a morally legitimate actor, as outlined in chapter two. The intervention must then be carried out in a way that maintains the actor's legitimacy, as outlined in chapter three. Such an actor could be useful when traditional options (states and IGOs) are unwilling to intervene or are restricted from doing so adequately for any number of reasons. By intervening when states cannot, or would not do as well of a job, the humanitarian actor could provide a service for the good of humanity whenever intervention is deemed permissible. Everything may sound well and good but is this actor legitimate, morally or otherwise to carry out such an intervention? Could this institution lend itself to abuse or carry out illegitimate interventions as well? I think a legitimate 'humanitarian non-state actor' is possible, but only within the confines of very strict rules and criteria that must be met before even beginning to consider carrying out a legitimate intervention. Assuming the criteria laid out can be met and that the arguments are sound, it seems as though we could posit a new type of legitimate actor in geopolitics. One of a different nature than anything we have seen before. The role of such an actor would be clear, a last line of defense for civilians who's human rights are being grossly violated. Humanity would no longer have to watch from the sidelines

1 Edmund Kagire, *Genocide Against the Tutsi: It's Now Official*.

2 UN, *Rwanda a Bi ref History of the Country*.

3 Christopher Black, *Kagame's Mass Atrocities in Rwanda and the Congo*.

when states or IGO's are limited by legal or political factors.

Humanitarian intervention

In 1859 John Stuart Mill wrote the seminal paper *A Few Words on Non-intervention* discussing when and what role states should play in enforcing humanitarian rights in other sovereign lands⁴. In recent times, the discussion of humanitarian intervention has become very popular since humanitarian intervention has become an increasingly important factor in global politics. This was made all the more evident when people questioned President Obama's reticence towards sending troops to Syria after President Assad's use of chemical weapons⁵. Humanitarian intervention has become so commonplace that President Obama not engaging in an intervention was seen as atypical behavior from a major world leader, or at least worthy of asking why intervention did not occur. This is important as states are usually the first called on for intervention, and the more powerful states at that. But another equally important question is, if the the US or states (or IGOs) around the world will not help, who *could* help intervene to bring safety to people caught in the crossfire? The first question is very prescient and outlined in President Obama's recent article in *The Atlantic* where he laid out his "Obama Doctrine."⁶ The second question is what is most important to my endeavors, as it would appear there should be *some* sort of body of legitimate actors permitted to intervene on humanitarian grounds when powerful states are not willing to or cannot for political or other reasons.

A loosely defined version of an "international humanitarian intervention force" has been hypothesized by authors Patrick Emerton and Toby Handfield and will be factored in for consideration⁷. Their argument is not fleshed out in its entirety and merely states that there is perhaps an international moral need of such a force, but they do not attempt to show how such an institution would look and operate.⁸ Others have alluded to or mentioned the need of an 'international police force', perhaps an IGO, perhaps an independent worldwide militia or some other formulation.⁹ The need for such an institution is clear, a state-neutral police or intervention force that acts to ensure the rights of people around the world could be a very good thing if created and operated properly¹⁰.

The central question of my paper will therefore be, **could a non-state actor legitimately engage in a humanitarian intervention?** Humanitarian intervention here will be considered the use of military action, for the purposes of securing peace and safety for civilians, against states that commit human right's violations.¹¹

This is in contrast to humanitarian aid which does not provide military defense.

4 Particularly, whether or not states should intervene. John Stuart Mill, *A Few Words on Non-intervention*.

5 Jeffrey Goldberg, *The Obama Doctrine*.

6 Goldberg.

7 Patrick Emerton and Toby Handfield, *Humanitarian Intervention and the Modern State System*, 17.

8 Emerton and Handfield, 17-19.

9 Jonathan Glover, *Ethics and Humanity: Themes from the Philosophy of Jonathan Glover*, 248.

10 Glover, 247-9.

11 When the word intervention is used it will be assumed to be humanitarian intervention unless otherwise noted.

I will be investigating the nature of a non-state version of just such an institution. The focus is to see whether it is even possible for such an institution to exist on a theoretical basis and as such the most plausible form will be imagined. To determine this I will investigate the particular case of whether or not a theoretical 'humanitarian non-state actor' could engage in humanitarian intervention in a legitimate way and what this would look like if possible. If this is possible, there may be room for many other types of non-state actors, but first it is important to see if even one such non-state actor could exist.

Why the focus on non-state actors though? First, there are many complaints of impartiality, such as worries of imperialism or political desires factoring into a state's decisions to intervene (discussed briefly in the first chapter). Because of this, people do not consider major world powers to be legitimate actors for intervention in many particular cases. Hence the desire by many to have an international policing body of some sort (though I am not actually positing a police force but an international humanitarian intervention force), therefore a non-state intervention force could be of practical relevance. Second, there is a gap in the philosophical literature and non-state actors have not been thoroughly considered as possible international intervention forces. The main focus is generally on regional IGOs like NATO or global IGOs like the UN. Much of the discussion surrounding non-state actor's roles in humanitarian intervention in philosophy and political theory deals with violent non-state actors with state-like, criminal or terrorist goals that cause unrest and abuse human rights.¹² I will argue in favor of a different type of non-state actor which is solely concerned with humanitarian rights and intervention and potentially avoids many of the concerns faced by states.

Unfortunately, most of the literature regarding the legitimacy of actors in humanitarian intervention is in direct reference to states or intergovernmental organizations (IGOs). Most references to non-state actors in this literature deals with aid groups (non-militant), internal political actors, and violent non-state armed groups. To assess the legitimacy of non-state actors in humanitarian intervention I will have to adapt many of these readings to suit my interests, while keeping in mind their original context. I will not discuss aid groups or violent non-state armed groups, as the former does not engage militarily, and the latter does not meet the moral criteria that is essential to this argument. Some readings of internal political actors will be factored in. Most interpretations will come from discussions of state and IGO legitimacy. For the purposes of determining the legitimacy of humanitarian intervention, the theoretical non-state actor would be most similar to a state or IGO. Of course the differences are immense in terms of structure and purpose but in the specific case of when state's and IGOs are permitted to intervene and what makes their intervention legitimate, there are many corollaries.

To understand the legitimacy of non-state actors in intervention we must first look at the permissibility of intervention and then determine whether non-state actors could be considered legitimate in comparison to

12 Robert O. Keohane, *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, 296.

states. Chapter one offers an analysis into the minimal criteria for permissible intervention in a sovereign territory by appealing to universal human rights. Chapter two looks at what constitutes a legitimate actor for intervention. Chapter three provides a brief investigation into how legitimacy can be maintained when carrying out an intervention given all of the previous conditions. By discussing when intervention is permissible, and which actors can be considered legitimate, we can reach a conclusion on whether non-state actors can be considered as legitimate as state actors. We can then assess how state and non-state actors should potentially intervene in humanitarian crises. I am not trying to argue for the *necessity* of a non-state intervention force, but if all of the legitimacy criteria can be met and there is an adequately human rights preserving method of intervention for non-state actors, then they could legitimately carry out humanitarian intervention in situations where states or IGOs are reluctant to do so.

1. Permissibility to Engage in Intervention

When discussing the legitimacy of humanitarian intervention it is helpful to begin with discussing what makes humanitarian intervention permissible in the first place. In order to ultimately assess the legitimacy of humanitarian interventions, it will only be necessary to show that sovereignty can be lost or impugned (according to a minimally plausible criteria) and that humanitarian intervention is therefore permissible on such states. This is not meant as an attack on sovereignty as sovereignty is a valuable and necessary component of states. Rather, this is meant to probe the moral limits of when a state loses its sovereignty and must face consequences for its actions.

Sovereignty and Non-Intervention

In a humanitarian intervention it is implicit that the state being intervened on has lost its sovereignty. This is due to that fact “the prohibition of intervention 'is a corollary of every state's right to sovereignty.’”¹³ Or put another way, the right to non-intervention comes, by definition, with a state being sovereign, lose your sovereignty and you lose your right to non-intervention. We must first look at what role sovereignty plays in these affairs and then look at human rights to show exactly how sovereignty can be lost and allow for humanitarian intervention.

Sovereignty was originally understood as the *absolute* authority over a state (here referred to as factual sovereignty), but this view is seen as outdated.¹⁴ Sovereignty today is generally understood to be the (politically) *legitimate*¹⁵ authority of a state (here termed legitimate sovereignty or sovereignty as legitimacy). In the 1992 essay *Sovereignty Is No Longer Sacrosanct*, Jarat Chopra and Thomas G. Weiss point out this

13 Sir Michael Wood, *The Principle of Non-Intervention in Contemporary International Law*, 2.

14 Wood, 3. Jarat Chopra and Thomas G. Weiss, *Sovereignty is no Longer Sacrosanct*, 1-5 (my pagination is different from the original print and will assume p1 as p95).

15 Politically legitimate refers to the political theory definition of the word.

modern redefinition of sovereignty; "that a states [political] legitimacy can determine its sovereignty gives this term a completely new meaning."¹⁶ An implication of this is that political legitimacy can be lost. And since modern sovereignty requires political legitimacy, then sovereignty can be lost when a state is not politically legitimate. According to Chopra and Weiss, sovereignty traditionally maintained a more narrow view whereby sovereign states were those that were recognized by other sovereign states (what could be called legal sovereignty, an external reaffirmation of factual sovereignty)¹⁷. Because of this, states historically had the right to non-intervention by virtue of being recognized by other states¹⁸. With the advent of sovereignty as legitimacy (legitimate sovereignty) however, the right to non-intervention is being redefined. The right to non-intervention may still "remain a well established part of international law"¹⁹ but is no longer seen as applicable to all states but only applicable to legitimately sovereign states.

Before the turning point in political theory toward legitimate sovereignty, as noted by Chopra and Weiss, there were questions about whether factual sovereignty was enough to constitute non-intervention. Looking at John Stuart Mill's *A Few Words on Non-Intervention*, Mill cautions against exerting one's own state's beliefs on other states. Yet, he also admits that there is a time to go to war (for the purposes of intervention) even when not provoked and calls on ethical and political philosophers to take up the task of finding a reasonable test to determine when that is²⁰. Over one hundred years later, Michael Walzer took up the call and codified the foundations of Just War Theory in his *Just and Unjust Wars* of 1977. In it he argues that "we praise or don't condemn these violations of the formal rules of sovereignty, because they uphold the values of individual life and communal liberty of which sovereignty itself is merely an expression."²¹ The 'violations of the formal rules of sovereignty' being referred to are interventions.²² This is an early formulation of the modern idea that once a state is no longer considered (politically) legitimate (by his definition, not upholding values of individual life and communal liberty), then it is no longer sovereign, and thus loses its right to non-intervention.²³ Legitimate sovereignty is now considered inextricably linked to non-intervention, this can be seen in humanitarian interventions in the last 25 years as well as in shifting attitudes.²⁴ If it is certainly possible for a state to lose its legitimate sovereignty and its right to non-intervention then the next logical question is, when exactly does a state lose its legitimate sovereignty?²⁵

16 Chopra and Weiss, 6.

17 Ibid., 7.

18 Wood, 1-2. Chopra and Weiss 2-6.

19 Wood, 2.

20 Mill, 3.

21 Michael Walzer, *Just and Unjust Wars*, 108.

22 Ibid.

23 Chopra & Weiss, 8. Dobos, 8. Walzer, xvi.

24 Jane Stromseth, *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, 247-248.

25 Legitimate sovereignty will sometimes be referred to as simply sovereignty to not confuse it with other notions of legitimacy.

From Sovereignty to Human Rights

The task now is to show *when* a state actually loses their legitimate sovereignty and thus loses their right to non-intervention. In recent history there is only one truly universal criteria for a state to lose their legitimate sovereignty, gross violations of human rights. When discussing humanitarian intervention, Michael Walzer gave an intuitive account that helps lay the foundation for my understanding of permissible intervention:

*Humanitarian intervention is justified when it is a response (with reasonable expectations of success) to acts "that shock the moral conscience of mankind." The old-fashioned language seems to me exactly right. It is not the conscience of political leaders that one refers to in such cases... The reference is to the moral convictions of ordinary men and women, acquired in the course of their everyday activities.*²⁶

The standard of having to shock mankind's moral conscience is quite strict, but in the minimally plausible view I put forward, I think we can agree that *at the very least*, 'acts "that shock the moral conscience of mankind,"' do justify intervention.²⁷ For an act to shock the moral conscience of mankind one must appeal to the moral conscience of mankind, or universal human rights.²⁸ The attempt here is to show that there are minimally plausible criteria, such as the violation of universal human rights, that can be universally agreed upon as impugning a state's legitimate sovereignty by virtue of shocking the moral conscience of mankind. Allen Buchanan argued in his 2008 paper *Human Rights and the Legitimacy of the International Order* that "Only such universal [human] rights could justify the kinds of restraints on sovereignty and even on the self-determination of democratic peoples that the international legal order now attempts to impose."²⁹ And this is where we are today. It seems that only universal human rights violations, alluded to by Mill and Walzer and explicitly stated by Buchanan and others³⁰, are capable of infringing on the sovereignty of states. This was seen in interventions such as Operation Provide comfort which was praised for its success in protecting Kurd's. Expanding this argument to the argument in the last section it can now be said that when a state violates universal human rights, it loses its right to non-intervention. This makes the issue of when it is permissible to intervene on a state a moral concern.

Universal Human Rights

As seen in the last section, violations of universal human rights can lead to state's losing their right to non-

26 Walzer, 107.

27 Walzer, 107. J. L. Holzgrefe, and Robert O. Keohane *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*. Allen Buchanan, *Human Rights and the Legitimacy of the International Order*, 26.

28 Some think sovereignty is lost at much higher levels than this or that the debate is inherently flawed . J. L. Holzgrefe, *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, 50.

29 Buchanan, 72.

30 J. L. Holzgrefe, and Robert O. Keohane, *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*.

intervention. It is therefore important to understand universal human rights. I will try to take the least controversial definition and interpret it into a minimally plausible account for the purposes of determining when the right to non-intervention is lost. Universal human rights can best be summed up by saying, there exists common rights, such as rights to life, security, etc., inherent to all by virtue of being human. However, the concept of universal human rights is quite contentious among philosophers and political theorists and is often criticized as perhaps being too idealistic and for not addressing concerns surrounding cultural relativism. George Cristian Maior mentions the concept of universal human rights has been accused of being "a tool for promoting a type of 'cultural imperialism' outside a cohesive cultural and ideological space, bounded by a particular religion – Christianity – and a specific political ideology - liberalism."³¹ In this conception, universal human rights may just be the product of Western Liberalism and is merely used as a tool to justify intervention, even when Western Liberalism is not accepted universally, a problem also known as the 'parochialism objection'. Alan Buchanan simplifies the 'parochialism objection' as, "the mistake of thinking that what happens to be *valued* from the perspective of some particular culture or type of society is universally *valuable*."³² This is a legitimate concern when dealing with humanitarian intervention as one does not want to see 'cultural imperialism' taking place and if truly universal human rights do not exist then by what measure can a state lose its legitimate sovereignty for purposes of intervention? The answer is there *could* be a truly universal conception of human rights that transcends cultural borders and perhaps avoids the concern that universal human rights is merely an excuse to impose one's values on others. If there exists any view of human rights which can be universally accepted, then humanitarian intervention can be considered permissible in cases where those universal human rights are violated.

The Minimally Plausible Account of Universal Human Rights

Many people have weighed in on this debate but I would like to put forward a minimally plausible view of human rights for the purposes of permitting humanitarian intervention. Historically, gross violations of human rights such as massacres, genocide, and systematic uses of force by states (this term applies to programs such as those enforced by Mao, Pol Pot and others) have been considered "acts 'that shock the moral conscience of mankind'" such that they permit humanitarian intervention. These violations of human rights seem to be uncontroversial enough that I believe they may act as a minimal criteria for universal human rights to permit intervention. This does not mean only genocide and other gross offenses are the only human rights violations worthy of intervention. Lesser violations of human rights may also warrant intervention, but probing these ends is not the main concern of this paper.

Though this is not a very nuanced argument, it should be plausible enough that one could accept this as a very

31 George Cristian Maior, *Human Rights: Political Tool or Universal Ethics*, 6.

32 Buchanan, 72.

minimal account of universal human rights. These gross violations do not necessarily suffer from the critiques of universal human rights as noted by Maier³³ or Buchanan.³⁴ Denouncing genocide, murder, and systematic use of force against a state's own population transcends Christianity and Liberalism and appeals instead to human rights to life and decency. Also, assuming that *all people* denounce these gross violations of human rights, Buchanan's parochialism objection can be avoided, and it does not seem like many people would condone such actions. Therefore, the minimally plausible view of human rights shows that, in some instances, universal human rights *can* exist and if there exists some notion of universal human rights then one can use them as criteria to compare states.³⁵ To build this onto the existing argument, when a state violates the minimally plausible account of universal human rights, it loses its legitimate sovereignty and loses its right to non-intervention. Thus it is *morally* permissible to intervene on a state that has violated the minimally plausible account of universal human rights.

When discussing humanitarian intervention, it should be noted that a less demanding view of human rights can be beneficial to ensure the intervention is permissible in the first place as well as to maintain legitimacy in the intervention while avoiding turning the intervention into a political debate. Humanitarian intervention, is supposed to be about securing the human rights of those whose rights are being violated, it is not meant to be a posturing move to take political stances on issues. Thus humanitarian intervention is by definition carried out on moral grounds but as has now been shown, its permissibility and legitimacy rely on a concept of universal human rights that must be upheld as only appeal to such universal human rights can even allow for a state to lose its legitimate sovereignty for the purposes of intervention.

We continue to see perceived legitimate humanitarian intervention in the world, such as efforts against IS, as well as citizens of states in which there are rampant human rights violations asking for intervention. As a result of being faced with this reality, it is crucial that we understand the reality of humanitarian intervention. Intervention *always* undermines sovereignty, that is the entire point.³⁶ That the once sovereign power in a region has lost their authority and needs to be replaced and or defeated, sometimes by force, is a political reality that one wishes avoidable, then need only look at Rwanda or Kosovo and think otherwise. Though the debate rages on about the legal framework of such an intervention I think the reality on the ground of people being massacred, genocide being committed and states using systematic force against their own citizens shows the need for humanitarian intervention at the least in these most dire of circumstances. This is where the invocation of human rights comes into play. If humanitarian intervention is the only justification for a state having its legitimate sovereignty impugned and since we can conceive of a minimally plausible view of human

33 Maier, 6.

34 Buchanan, 75.

35 Martha Nussbaum, *Women And Human Development*, 35.

36 Walzer, 108.

rights violations (that includes massacres, genocide, and systematic use of force against a state's own population), we can then conceive of morally sound justifications for the right of actors to intervene in sovereign territory. Thereby concluding that intervention in defense of universal human rights is certainly permissible in some cases. This moral foundation is what the rest of the arguments will build on. Since humanitarian intervention is permissible only with appeal to morality via universal human rights, then the legitimacy of actors and the way an actor maintains legitimacy in carrying out an intervention, must also appeal morality via universal human rights. So far, there is nothing that requires the actors involved in an intervention to be states. However, as will be seen in the next chapter, while the permissibility in intervention may not differ whether the actor is a state or non-state actor, the notion of whether an actor is legitimate in carrying out an intervention does include differences between states and non-state actors.

2. Determining Legitimacy in Intervention

Having seen that intervention on humanitarian grounds is permissible we now turn to the notion of when the actors in an intervention are considered themselves legitimate. Generally speaking, an actor is considered politically legitimate when it has the right to rule over some population (as political legitimacy is typically applied to states)³⁷. In humanitarian intervention, an intervening party is considered legitimate when it has secured the right to *intervene* (intervention legitimacy or legitimacy in intervention).

Legitimacy in intervention can be broken down in two subgroups. Internal legitimacy, which is primarily a concern for states as will be shown, and external legitimacy, which is a concern for states and non-states alike. Among these external legitimacy worries are legal legitimacy, UN authorization- a subset of legal legitimacy- and moral legitimacy. Following up with the unique roles of states in intervention and the differences between states and non-state actors regarding political legitimacy should exhaust our investigation into the intervention legitimacy of non-state actors.

The internal and external legitimacy criteria presented by various authors are typically in reference to states or IGOs. As will be seen, nothing seems to exclude the possibility of non-state actors as being legitimate for humanitarian intervention. I will argue that a humanitarian non-state actor could be legitimate in intervention by investigating the internal and external means of intervention legitimacy and the differences between states and non-state actors.

Internal Legitimacy

Internal legitimacy is the first pressing concern. The idea behind internal legitimacy is that a government waging a humanitarian intervention cannot unreasonably infringe on its citizens.³⁸ As Buchanan puts it, "How

37 Buchanan, 105.

38 Ned Dobos *Is Unilateral Intervention Always Unethical?*, 4.

can the government of a state morally justify humanitarian intervention to its own citizens? ³⁹ The issue is with the obligation to subject a state's people to all that a humanitarian intervention entails, paying for the intervention, sending troops, dealing with fallout, etc. This presents a large problem for states and has been seen several times in the last few decades when states engage in questionable interventions with a heavy price on their domestic population. States as such have to consider internal legitimacy heavily before waging a humanitarian intervention and before even considering external legitimacy. The idea is more complex when extended to the theoretical idea of a 'humanitarian non-state actor' however. The question at hand is whether the hypothetical non-state actor needs to worry about internal legitimacy in the same manner as states or if this can be got around with other means.

Presumably, the 'humanitarian non-state actor' posited does not have the exact same worries justifying intervention to its members as its membership is explicitly consent based, that is, not based on some social contract theory or tacit consent. The 'humanitarian non-state actor' also has the terms for humanitarian intervention explicitly laid out as this is its primary function, meaning these terms in particular have been consented to. Thus, while the state actor must morally justify interventions to their citizens, the humanitarian non-state actor does not have the same obligation.

There are many other criteria the 'humanitarian non-state actor' must fulfill: it cannot not violate its charter members' human rights, or the human rights of those it is helping through intervention, or its donors rights. Truly, it cannot violate any human rights, as the categorical advocacy of such a position is the only means of providing any notion of intervention legitimacy for the non-state actor.

A large concern over a state's internal legitimacy is whether citizens of the state are obligated specifically to pay for the intervention or not. In fact, this can shake a state's internal legitimacy in intervention if the citizens are not ultimately obligated or willing to pay or if doing so would be too burdensome.⁴⁰ On the other hand, if a non-state actor intervenes there are no citizens required to pay the bill, only parties that have agreed to the tenets of the organization and have agreed to help further those goals with support through membership or donation. Hence, tacit consent and obligation are not issues for the 'humanitarian non-state actor' because people explicitly consent to supporting it.

Internal legitimacy thus seems to be a problem only for states. The hypothetical non-state actor would have a strict charter or constitution relying on the gross violations of human rights as the moral basis for intervention, making it inherently internally legitimate. As well, its founding and continuation would have to be entirely membership based with members explicitly agreeing to support the conditions of the charter and agreeing to

39 Buchanan, 202.

40 Buchanan, 202-6.

donate anonymously⁴¹. Given that the terms of humanitarian intervention are explicitly laid out and consented to before any member joins, a non-state actor will be considered internally legitimate by definition.

Legal Legitimacy and UN authorization

Humanitarian intervention is a moral matter, and supposed to be carried out to help fellow people of the world. The moral component of defending people from human rights violations I believe outweighs authorization from international legal powers. (This will nonetheless be considered, even if it cannot here be exhausted). The idea behind legal legitimacy is that if an actor can work within the confines of international law and the accountability therein, then it is at least legally legitimate⁴² in carrying out an intervention in the eyes of other states and state institutions (that is, externally legitimate). This is important because legal legitimacy can provide accountability for the intervening actor making them more legitimate in intervention. Nonetheless, as will be argued later, legal legitimacy is not the only criteria capable of providing intervention legitimacy for actors.

Private Military Companies or PMCs may be the closest existing correlate to my proposed humanitarian non-state actor, and looking into their legal status may shed some light on the intervention legitimacy of the humanitarian non-state actor. P. R. Kalidhass⁴³ looked into the international legal accountability of PMCs and found that they can fall under 3 categories: “combatants, mercenaries, or civilians”⁴⁴. Such a state of affairs can lead to civilian-contractors occupying “a relatively ambiguous legal status, which leads to an almost complete absence of legal prosecution even when the accusations of wrongdoing arguably amounts to international crime.”⁴⁵ This would be a major problem for an actor working under its own directives in an armed conflict, as accountability is a necessary requirement for maintaining legitimacy (see chapter three). Here lies a conceptual issue: any defender of universal human rights must also uphold human rights in the process, but without accountability there is no instrument for ensuring this will happen. Of course, accountability does not prevent human rights violations, but it can prevent future violations by perhaps disbanding imposing limitations, or preventing that institution from engaging in armed conflict. For these purposes, non-state actors would most likely need to fall under the legal definition of combatants for humanitarian intervention, as they are certainly not ordinary civilians. Further, unlike mercenaries, they are not hired, but work under they own directives. and are not hired but operate under their own directives, unlike mercenaries. However, this raises another problem. As Kalidhass states, “a Combatant is someone who is *legally* entitled to take direct part in hostilities during an

41 This would be necessary to help ensure the 'humanitarian non-state actor' could maintain impartiality

42 This says nothing of the moral legitimacy of such an intervention aside from some of the arbitrarily enforced moral requirements of international law.

43 P. R. Kalidhass, *Determining the Status of Private Military Companies*, 2.

44 Kalidhass, 18.

45 Kalidhass, 12.

armed conflict.”⁴⁶ But international law does not necessarily have the mechanisms already in place to adequately recognize non-state actors for the purposes of humanitarian intervention⁴⁷. The fact that there is no law providing legal legitimacy and thus accountability for non-state actors, does not however make the entire institution illegitimate. There is a lack of accountability in place in the international legal framework at present but perhaps that could change. A potential pre-emptive solution to this is to attempt to become party to international human rights and war treaties as well as attempt to be granted UN authorization before intervening in a situation, although these institutions only include states, and their scope should therefore be expanded. Provided states are willing to do such a thing, this could help contribute a good deal of external legitimacy for intervention.

To further investigate legality as a means for intervention we should continue by looking specifically at the most relevant international body for humanitarian intervention, the UN. In *Is Unilateral Intervention Always Unethical?* Ned Dobos investigated the role UN authorization can play in legitimating a humanitarian intervention. He believes that “UN authorisation (or lack thereof) can have some *indirect* bearing on the moral status of a humanitarian intervention. That is, it can affect whether an intervention satisfies other widely accepted justifying conditions, such as proportionality, internal legitimacy, and likelihood of success.”⁴⁸ Internal legitimacy has been looked at and dismissed as a worry for the hypothetical non-state actor, but the criteria of “⁴⁹prudence” he sets forth is worth looking into. The criteria of prudence is similar to Walzer's just war theory,⁵⁰ according to Dobos, “the intervention must stand a reasonable prospect of success at an acceptable cost.”⁵¹ Dobos believes that UN authorization may spell the difference between a prudent and internally legitimate or not intervention. This can make authorization indirectly necessary, although he also states that this does not make it *always* necessary.⁵² Prudence would have to be heavily factored into considerations for a 'humanitarian non-state actor', as not following through on prudence could ultimately lead to the destruction of the non-state actor on the whole. A failed intervention could result in a loss of legitimacy for not upholding the mandates set out in the 'humanitarian non-state actor's' charter, and thus they may never be trusted to intervene again. Not adhering to prudence may even outright decimate the 'humanitarian non-state actor' if enough damage is inflicted, rendering it incapable of further intervention. Thus non-state actors would be much more concerned with notions of prudence than states, as their resources and scope is far more limited than a state. UN authorization therefore does not provide prudence or internal legitimacy as these are importantly figured out

46 Kalidhass, 8.

47 Kalidhass, 19.

48 Dobos, 1.

49 Dobos, 4.

50 Walzer, *Just and Unjust Wars*.

51 Dobos, 4.

52 Dobos, 5.

by the 'humanitarian non-state actor' on its own before intervention even begins.

Legal legitimacy may be difficult to ascertain at present, because it does not provide legal accountability for non-state actors as parties engaging *on behalf* of universal human rights. However, the lack of explicit legal accountability currently in place does not delegitimize intervention, as legal accountability could be adopted through third parties⁵³. UN authorization on the other hand may stand as a larger obstacle. We will now look at whether lack of UN authorization can delegitimize an intervention.⁵⁴

The first concern Dobos addresses with UN authorization is the rights of the target state.⁵⁵ As shown in the section on sovereignty, however, the rights of the target state can easily be questioned if not dismissed in the cases of human rights violations, as their sovereignty has been impugned in some way and the more relevant rights are those of the civilians affected. Dobos then argues that international vigilantism can be wrong not because it violates the target states rights but because it can wrong the international community⁵⁶. The 'humanitarian non-state actor' would operate on behalf of the international community via universal human rights. Assuming the actor is legitimate in intervention and upholds universal human rights, this objection is not a problem. The third issue he advances is that one could argue that contractual rights are being ignored. When UN authorization is denied to a state or IGO can still appeal to the UN charter and claim they were within their rights to carry out an intervention and ultimately get past such contractual worries if the appeal is successful. A non-state actor has no such claim if it is not signatory to the UN charter. It would have to be held accountable in international legal systems if wrong doing is perceived, just as if it were a signatory in that case but then they could appeal to the same aspects of the UN charter states and IGOs do to justify their interventions. As well, the non-state actor should attempt to become members and signatories to international treaties such as the UN. This can help provide further external legitimacy prevent other worries about legitimacy if accepted. There is of course another option and that is to seek external intervention legitimacy elsewhere, namely in the form of moral legitimacy.

The notion of UN authorization concludes in much the same way as Dobos concluded it: UN authorization may not *always* be necessary but it can be beneficial for securing legitimacy in intervention. In the case of non-state actors it may even be wholly necessary if the non-state actor is not considered morally legitimate as will be discussed in the next section. However, legal legitimacy (a la UN authorization) only serves to show that external legitimacy can be extended to actors and implies that moral legitimacy and other criteria have been met.⁵⁷ Because of this, moral legitimacy can be seen as more foundational as long as the other relevant criteria

53 Third-party oversights on accountability are necessary to ensure the non-state actor is following the criteria it claims.

54 Dobos, 7.

55 Dobos, 5.

56 Dobos, 6 In the case of the 'humanitarian non-state actor' it is hopefully above such wrongs to the international community.

57 Dobos, 1.

have been met.

Moral Legitimacy

Moral legitimacy and internal legitimacy seem the most important of the legitimacy criteria because they could provide an adequate framework for what constitutes a legitimate intervening actor. Internal legitimacy and its importance has been discussed, while legal legitimacy has been shown to only be useful insofar as it confers moral legitimacy. If an actor is morally legitimate, legal legitimacy may not be completely necessary. As Chopra and Weiss note, the intervention to protect Kurds after the Gulf War was a watershed moment as the intervention was itself unauthorized yet played an important role in successfully protecting Kurdish citizens.⁵⁸⁵⁹

Whether the legal framework permits humanitarian intervention is thus irrelevant from a moral standpoint, as long as the actors are legitimate in other ways. If an intervening actor is morally legitimate and internally legitimate, legal legitimacy would only serve to codify such forms of legitimacy to the international powers that be. As such, legal legitimacy is not what does the actual work of making the institution externally legitimate, but can be advantageous for conferring external legitimacy in a codified way.

Dobos advocated that UN authorization can be beneficial. However, he also gives this quote from Charles Krauthammer "By what possible moral calculus does an American intervention to liberate 25 million people forfeit moral legitimacy because it lacks the blessing of the butchers of Tiananmen Square or the cynics of the Quai d'Orsay?"⁶⁰ And goes to say that "lack of approval from the UN does not always cast doubt on the moral credentials of an intervention in the way described earlier." This is because of the major flaw of the veto power from the 5 permanent members of the UN security council. According to this rule, an almost unanimously decided and morally justified intervention can be vetoed by one of these 5 members and not be authorized despite being morally justified. Thus he concludes that "deadlock in international institutions seems inevitable. When it does arise...and authorisation for humanitarian intervention is withheld, this ought not be treated as a moral barrier to military action."⁶¹ Implicit in this statement and others like it is the idea that lack of UN authorization does not prohibit military intervention from a moral standpoint. This is because, as noted before, intervention is itself carried out on moral grounds. Legal legitimacy can help secure an actors' right to intervene, but the intervention itself does not stem from legal obligations. Humanitarian intervention stems from perceived moral obligations; if these can be upheld and the intervention is morally legitimate both in cause and action, then there is no reason why legal legitimacy must be fundamentally necessary (though it may be a sufficient criteria in its own right).

One glaring issue with using these arguments in favor of non-state actors is that they were designed and

58 David E. Clary Lieutenant Colonel USAF, *Operation Provide Comfort-- A Strategic Analysis*.

59 Chopra and Weiss, 6.

60 Dobos, 10.

61 Dobos, 12.

articulated with states in mind as the actors of intervention. However, as the arguments have noted, moral legitimacy can be enough to make an intervention legitimate and legal authorization does not change that legitimacy. Provided the non-state actor intervenes in human rights preserving ways and has a legitimate right to intervention, it seems reasonable to ascribe the same notion of moral legitimacy to non-state actors as Dobos and the authors he mentions believe should be extended to states. The major difference between them is the function of political legitimacy and the ways in which external legitimacy can be achieved.

What Makes States So Special?

When looking at the legitimacy of institutions involved in humanitarian intervention it is important to look at a large difference between state and non-state actors; the notion of political legitimacy as conferred by citizens of a state to that state in order to govern. There is a special relation between citizens of a state and their government, and as long as the government maintains its sovereignty, as outlined in the first chapter, this special relation has many implications. This could make non-state actors not seem politically legitimate. I will argue that this is not the case.

In a democracy, there is a transfer of power through consent (tacit or explicit, social contract theory debates this via Rousseau, Locke, Hobbes and their contemporaries) that legitimates the government of such a state. But regardless of whether a state is democratic or not, as long as the state is sovereign there is some, albeit loose, conference of political legitimacy to said state as well as external legitimacy by definition of its sovereignty. As well, there are principles of protection, adherence to law, etc. that bind both the state to the people and the people to the state, whether democratic or not. If the state is sovereign, the political legitimacy conferred by the citizens gives the government certain rights and obligations. States are obligated to protect their own citizens and their interests.⁶² This is what makes the issue of internal legitimacy so contentious for humanitarian intervention. In trying to help internationally, the state may take resources away from its own domestic population.⁶³ Appealing to a natural duty of Justice, Allen Buchanan puts forth a solution to this issue.

The classical view is that states are beholden only to their own people. Buchanan by contrast posits that states, like all people, have some sort of a natural duty to justice that can provide a moral framework for protecting the rights of *all* citizens of the world.⁶⁴ Buchanan's solution seems to have a clear intuitive moral basis for the protection of people. With regards to states that maintain sovereignty there seems to be an intuitive moral imperative for them to not allow gross violations of human rights as preserving human rights across the world is in their interest to uphold a natural duty of justice.⁶⁵ Couple this with the political legitimacy conferred to states by their citizens, and this makes states legitimate actors internally and externally for the purposes of

62 Locke, *Second Treatise of Government*.

63 Buchanan, 212.

64 Buchanan, 213-5.

65 Buchanan, 212.

humanitarian intervention. This conference of political legitimacy to the state and the states obligations to its own citizens and citizens of the world (by Buchanan's view) proves a different type of legitimacy from that of non-state actors in intervention.

Non-state actors do not have the same obligations as states: there are no conferences of power, no domestic citizens, and no moral obligations to protect the interests of said citizens. The basic tenets of states and non-states *are* inherently different. However, it does not seem this difference changes the legitimacy of non-state actors. Though there is no proper citizenry, the non-state actor is still obligated to uphold the rights of all people of the world (where prudent) in the same way as states. In the absence of a domestic citizenry their members and donors support can act as a sort of 'citizenry' for the purposes of conferring some political legitimacy.⁶⁶ The non-state actor's right to exist/intervene would also be upheld until legal or moral convictions arise from other actors and deem the non-state actor's 'sovereignty'⁶⁷ impugned. Political legitimacy is therefore conferred to the non-state actor by its members because it upholds its founding charter (which is founded on protecting universal human rights) and it can maintain such political legitimacy as long as it upholds its obligations to universal human rights to the people of the world (where prudent). Hence, political legitimacy for the non-state actor is different than for the state actor but in terms of the obligations a state has to its citizenry and the people of the world there is no large difference.

There are beneficial differences between states and non-state actors as well. For one, there is more explicit consent on part of the non-state actor to its members such that internal legitimacy for the purposes of intervention is maybe even more morally justified than state actors. Also, since the scope of the non-state actor is all citizens of the world, then the actor does not need to be seen as legally legitimate by all states but by all people via universal human rights. The gulf between states and non-states in intervention is not as wide as may have been previously believed. Both can be considered legitimate actors in intervention provided they are internally and morally legitimate. There are other differences and potential benefits to consider but that is too much to get into for these purposes.

3. How to Engage in Intervention

Having demonstrated that humanitarian intervention is permissible and that non-state actors could be legitimate in intervention, we now turn to the question of how an actor should conduct a humanitarian intervention so as to maintain that legitimacy. Of course in humanitarian intervention, rules of conduct are necessary as securing human rights is the main objective. Thus the actors must not commit any human rights

66 It does not seem political legitimacy as conferred by citizens to their state is necessary or applicable to non-state actors, and though this may be an incomplete thought, the analogy can still be beneficial for comparison.

67 'Sovereignty' is used here to reflect the role sovereignty plays in state actions and is not meant to be taken as literally applying, it refers to the non-state actors right to exist and perform the functions necessary for achieving their goals.

violation, or else they may lose their moral legitimacy. As Walzer said “war is distinguishable from murder and massacre only when restrictions are established on the reach of battle.”⁶⁸ Of course, he was referring specifically to wars between states and this essay is neither about wars or state nor on state conflict. However, he was also referring to 'just wars', and a conflict over preserving human rights based on the definition he gives of humanitarian intervention can be considered in some ways a 'just war'.⁶⁹ There are still a few main questions that need to be answered to show that an intervention can be carried out in a legitimate way by a non-state actor, though they cannot be given as full attention as they need. Is it permissible for a non-state actor to attack and kill defending soldiers of a state? Is it permissible for a non-state actor to initiate defensive violence against defending soldiers? And what role should non-state actors play after the conflict? More importantly, do the answers to these questions change if the actor is a state or non-state? When it comes to how to maintain legitimacy in intervention there certainly are differences between state and non-state actors, but nothing prohibits non-state actors from maintaining legitimacy in intervention.

Right to Self-Defense

The first concern for carrying out a morally legitimate humanitarian intervention is the inevitable reality of killing. Regrettably, armed actors in interventions - even those with the explicit condition of non-aggression - may still need to defend themselves or local populations with force. Can a non-state actor attack defending soldiers to secure protection of civilians whose human rights are being violated? This is a largely important question, as without an affirmative answer to this and the questions that follow, there is no reason for a non-state actor to carry out an intervention in the first place, if doing so would make the actor lose its legitimacy in intervention and therefore be unable to provide any military assistance. The civilians affected in such situations are being protected by the intervening actor and their defense is the primary objective in an intervention. Therefore, self-defense in humanitarian intervention does not simply fall under the scope of self-defense of the intervening actor but includes self-defense of the civilians affected and intervening actor itself. In instances such as the UN peacekeeping mission in Rwanda (UNAMIR) this right to self-defense, in order to protect civilians, was not adequately carried out leading to the deaths of hundreds of thousands under the UN's watch.⁷⁰ As such we must establish clear rights to self-defense of not just the actor itself but on behalf of the civilians being protected as well.

On traditional views, actors have the right to protect themselves for self-defense, but this can apply to either side of a conflict (though perhaps in different proportions)⁷¹. One assumption often made in this reasoning is

68 Walzer, 42.

69 Although quoting and agreeing with many of the ideas Walzer puts forth in *Just and Unjust Wars*, the topic of Just War Theory has been avoided as it does not seem *fully* applicable to non-state actors.

70 Human Rights Watch, *Ignoring Genocide*.

71 Walzer, 37-41. Emerton and Handfield, 10-11.

that the soldiers defending a state committing human rights violations are implicit legitimate targets.⁷² Emerton and Handfield find this notion slightly more complicated. Rather than agreeing that “soldiers of the perpetrating state become liable to attack because they have a distinct causal connection to wrongdoing within [the state]”⁷³, they believe; “A soldier who commits acts of violence in defense of a state whose sovereignty is impugned by serious wrongdoing is committing impermissible acts of violence, and hence is liable to defensive violence from the intervening soldiers.”⁷⁴ This seems to be a good justification for attacking defending soldiers, and seems to provide an adequate moral framework upon which a non-state actor may create a code of conduct.

If a soldier defends a state that has lost its legitimate sovereignty and the soldiers commit impermissible acts of violence, then they are no longer just tacitly responsible for their government's atrocities. They are then also committing their own impermissible acts of violence. Humanitarian intervention is meant to protect people against exactly such “impermissible acts of violence” (or gross violations of human rights as spelled out above). With this in mind, an intervening actor has the right to defend itself against defending soldiers of a state, as protecting itself and the civilians affected is its primary objective in an intervention.

If the intervention is permissible against a state that has committed such acts of impermissible violence (grossly violated human rights), then the actor is permitted to be present to help secure the safety of civilians. Thus, the defense of themselves and the civilians they are protecting falls under the notion of self-defense from a purely defensive and non-aggressive standpoint, and allows for self-defense against defending soldiers of a state. And if non-state actors are permitted to engage in the intervention and are morally legitimate, they, like any other actor as noted above, are also permitted to defend themselves and civilians to carry out their goals. There is *much* more literature on the permissibility of killing enemy combatants, but for the strict purposes of intervention this seems the best iteration of moral values that should theoretically be both applicable to states and non-states alike. This is an extremely minimal view but aims to show that self-defense against defending soldiers of an illegitimate state is permissible, and that the protection of civilians falls under the scope of self-defense as the intervening actor is acting on behalf of the civilians affected and as such is responsible for their protection.

Initiating Defense

Having established that it is morally permissible for actors to attack defending soldiers in self-defense, Emerton and Handfield move to the next question which occupies a moral gray area. Is it permissible to *initiate* defensive violence? They noted of state's carrying out humanitarian intervention that

“were they to attempt to peacefully enter the state and take control of its buildings, imprison

72 Emerton and Handfield, 10.

73 Ibid.

74 Ibid.

its leaders and so on (which they are entitled to do, the state's sovereignty being impugned), they would be subjected to impermissible violence by the defending soldiers. Hence, they enjoy some degree of privilege to *initiate* defensive violence against those defending soldiers."⁷⁵

While I do not necessarily agree with the exact phrasing used, I do agree that the actions of an intervening actor make it "subject to impermissible violence by the defending soldiers" and I also agree that the intervening actor has some right to initiate defensive violence in such situations. This is not to outright condone actions of a morally questionable character. But in the instance of 'sufficient threat',⁷⁶ the intervening party would have *some* right to initiate defensive violence against defending soldiers, though as with all things in war, there are many contingencies on this. 'Sufficient threat' such as that faced by Israel leading up to the six-day war was enough to justify Israel initiating self-defense according to Walzer.⁷⁷ This is an intuitive account. If an actor is legitimate in its existence and permitted to be present in a conflict (or conflict is imminent), then the actor has the right to not be obliterated by an attacking force. If there is ample evidence of an imminent and 'sufficient' threat, then the actor may be permitted to initiate violence in order to defend itself.

If an actor is permitted to legitimately intervene and able to defend themselves and the civilians they are protecting, as seen in the last section, then they must also be able to initiate attacks when under a 'sufficient threat.' The idea of self-defense is considered a morally sound concept by most if not all people when discussing war. There does not seem to be a qualitative difference between state and non-states for the purposes of self-defense if both have the right to be present in a situation where self-defense is justified (e.g. a morally legitimate humanitarian intervention). And if the notion of 'sufficient threat' is enough to justify preemptive attack for states, there is no reason it should not hold for non-states as well.

State Building

While states (or sometimes IGO's) may be in the business of state-building post-conflict, this would not necessarily be the case for a non-state actor. States that intervene have the mechanisms in place to defend, secure, and help provide aid to states that they occupy. Non-state actors do not have the same resources and it therefore seems the two have different duties post-conflict. Non-state actors are in the business of defense and protection, not state-building. The role a non-state actor *should* have in such an intervention is eloquently stated by Emerton and Handfield; "a properly constituted international force, however, should be a force that is understood on all sides to be limited in its ambitions. Like the police officer, it will enter the territory to try to stop violence, but it will not seek any ongoing control, nor will it seek to appropriate property."⁷⁸ Understanding

75 Emerton and Handfield, 11.

76 Walzer, 81.

77 Walzer, 81-83.

78 Emerton and Handfield, 16.

this limitation means understanding the true role of the humanitarian non-state actor, pure defense and protection of affected civilians. Rebuilding simply does not pertain to the non-state actor's role. This does perhaps hinder its efficacy as state-building is a large part of what states offer to a humanitarian intervention. Unfortunately, the way states often act does not seem to uphold universal human rights as much as it does Liberalism and personal political goals. Not participating in the restructuring of a post-conflict state can certainly be a gamble. But if the non-state actors' actions only helped prevent more destruction, then one could argue their actions are net positive, even if they are called back to that country three years later to suppress a genocide from the new regime. Perhaps occupation from the non-state actor could occur in a way that secures the autonomy of the people but the non-state actor could not be involved in the rebuilding process itself as states tend to want to do. Occupation may be necessary to prevent further atrocities from taking place until a legitimate government can be setup but the non-state actor should not actively help to restructure the government. If autonomy of individuals is to be respected, and it is, then we should let people freely create the government they see fit for themselves. If in the process they create a despotic regime, then occupation until the recreation of a legitimate state occurs may be necessary to quell such despots.

Again, the point is not to state if and how a non-state actor should occupy, as this is far too much to get into for these purposes. I will only quickly note that a non-state actor should be able to occupy a state as long as its within the confines of protecting civilians. On the other hand, state-building does not seem to be a reasonable power for the non-state actor to hold, to the extent that it might make it lose its legitimacy in intervention.

Conclusion

Patrick Emerton and Toby Handfield note the advantages that an 'international humanitarian intervention force' may have. For instance they could avoid many of the issues state or regional alliance forces typically have and they could act alongside but more prudently than UN peacekeepers.⁷⁹ They did not specify which form such an intervention force should take but I believe a non-state version of an 'international humanitarian intervention force' could be the best iteration of such an institution. IGO or quasi-state equivalents may have more political matters at stake making them more inclined to power gains of their own. On the other hand, becoming a despotic or domineering world police force is one considerable worry with their proposed institution.⁸⁰ Hopefully this can be avoided by making the intervention force a non-state actor and subject to international accountability.

In this paper it has been shown that sovereignty can be lost if one uses a minimal notion of universal human rights (gross violations of human rights). It has also been shown that the moral legitimacy of the actors in a

79 Emerton and Handfield, 18-19.

80 Emerton and Handfield, 18.

humanitarian intervention is not dependent on their being states or non-states but by virtue of other criteria, namely internal and external legitimacy, and how the two types of actors can have internal and external legitimacy conferred. Lastly, there are proper ways of an actor maintaining legitimacy while carrying out an intervention by following rules of conduct in a conflict. Permissibility to intervene is not determined based on the actor being a state or non-state, but by virtue of the state being intervened on losing its legitimate sovereignty. As well, nothing excludes the non-state actor from being legitimate in intervention, whereas there are differences between a state and a non-state in how to maintain it. The nuance inherent in these arguments shapes what type of 'international humanitarian intervention force' such a non-state actor may be, and we are left with a clear picture of what the humanitarian non-state actor may look like. Hopefully the possible drawbacks of such an institution can be avoided by adhering to strict moral standards and acting in line with international legal institutions where possible (while maintaining a willingness to comply). There might be other problems than those mentioned in this paper, and these will need to be addressed with further research. But the benefits of a 'humanitarian non-state actor' could be immense and could possibly outweigh many of the drawbacks. Having a last line of defense for civilians whose human rights are being grossly violated could provide the world the global police force we have needed for decades or millenia.

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