

(vi) Until now, the acceptance of an obligation rather than a right to intervene has been resisted because it would imply that states would have no choice but to intervene whenever and wherever violations are being, or are about to be, committed. It can be safely assumed that there is not a single government in the world today that would be prepared to accept such an open ended commitment. At first sight, therefore, there seems no point whatsoever in imposing jurisprudential logic on this particular international political and legal conundrum. To do so would force a wedge between strict legal logic and political reality. This would have the undoubted effect of bringing the law into disrepute, with states failing, in the main to meet their legal obligations. This would undermine international law in general and provide ammunition to those who are cynical as to its purpose and utility.

(vii) On the other hand, not to apply strict jurisprudential logic to this vitally important issue would mean that the so-called doctrine of humanitarian intervention, as it is currently emerging, will necessarily be constructed on seriously flawed legal, moral and ethical foundations. It is at best a denial of the need for intellectual rigour and at worst a cynical distortion and manipulation of moral and ethical imperatives, to deploy an argument based on an acceptance of *jus cogens* while denying the existence of the obligations that flow from it.

(vii) There is another very important political reason why any perceived tendency to intervene must be based on some degree of obligation, rather than on a right. The claim to a right to intervene implies a much greater freedom of choice than would be the case with an obligation. Notwithstanding what has already been said about national interest above, to claim such a right and then to act upon it may well create the impression of an act taken in pure self-interest. A justification for intervention by reference to a legal obligation to protect individual rights is likely to be more persuasive on a moral or ethical level than one couched purely in terms of states rights - especially when the right to intervene goes against the long-standing principle of non-intervention.