

Introduction

After a century-long struggle, the idea of human rights has finally found worldwide acceptance. A government claiming to be regarded as respectable by the international community will usually adhere to the idea of human rights, at least symbolically, although not always without reservations. As experience has proven, words and deeds need not to be mutually compatible. Thus, the acknowledgement of the existence of legally binding human rights norms should not be equated with their observance.

If compliance with a legal order is left to the discretion of the parties concerned, law degenerates to a farce. For this reason the question of the existence of mechanisms and instruments for the protection of human rights, respectively their non-violent or even forcible implementation, gains fundamental importance. The contributions to this anthology try to give answers to this question.

The first part of this volume focuses not only on the political and diplomatic instruments for the protection of human rights with regard to the activities of international governmental organizations, but gives proper attention to the work of non-governmental organizations of civil societies as well.

UN Secretary-General *Kofi Annan's* reflections center on the ideal of the rule of law, that implies i.a. the respect for human rights and their protection. He criticizes his own organization, primarily the passivity of the Security Council of the United Nations when faced with gross violations of human rights or even genocide.

Anja Jetschke's article presents a concept for the implementation of international human rights standards, based on a coordinated exertion of pressure on repressive regimes by international and domestic non-governmental organizations.

Nils Geißler's essay deals with the general role of non-governmental organizations in the human rights sector. They often constitute the last hope for the victims of human rights violations, if the efforts of international governmental organizations and institutions have failed due to their insufficient competences in human rights protection.

In *Mark Freeman's* article we are informed about these competences and their main deficits as far as the system of the United Nations is concerned: An impressive variety of institutions contributes to the implementation of human rights norms, but reaches the limits of its scope of action all too soon. The next contribution focuses on one of the most prominent of these institutions, the Human Rights Commission of the United Nations. *Wolfgang S. Heinz* describes and analyses the work of the Commission, which over the years has gained more competences through a couple of reforms. He also

points out, however, that it is still in need of the allocation of more extensive rights to be capable to fulfill its tasks in an adequate manner.

The efforts of another international institution in the area of human rights, i.e. the OSCE (“human dimension”) are outlined by *Randolf Oberschmidt*. His article shows the developments of the last quarter of the century and describes the mechanisms and instruments available to the OSCE in this specific sector.

Christa Stolle explains the relevancy of women’s rights as an element of human rights. After a long and hard struggle, these rights have come to be acknowledged internationally, which is, however, not to be equated with their implementation. Concerning the improvement of women’s rights, further efforts are necessary, e.g. those made by organizations like “Terre des femmes”, whose activities are outlined in detail.

The close relationship that exists between human rights as individual rights and minority rights as collective rights is demonstrated by *Kinga Gál*. Her article gives insight into this topic, which is an indispensable supplement to individual rights on a national, regional and global level.

The second part of the volume is dedicated to the specific dimension of human rights protection by force, i.e. “humanitarian interventions” as a special type of “continuation of politics by other means” in favor of human rights.

Birthe Ankenbrand discusses the criteria for armed humanitarian interventions, established by protagonists of such political and legally highly controversial missions, in order to prevent, as far as possible, action taken arbitrarily or governed by selfish interests of the intervening states.

Rudolf Schüßler’s article outlines the historical connections between the concept of humanitarian interventions and the medieval doctrine of “just wars”, whose criteria concerning the legitimate use of armed force are going to see the day of their renaissance in the context of current policies of intervention. One question seems of greatest importance: Which institutions or entities could nowadays possess the moral or legal right to order, or respectively carry out acts of violence of this type for this special purpose?

Reinhard Marx gives a description of the assessment of humanitarian interventions by human rights organizations. The essay demonstrates the existence of a dilemma: The ideal of non-violence collides with the duty to save victims of serious human rights violations, if necessary even through the use of force.

The next two contributions illustrate the fact that the necessity and the legitimacy of humanitarian interventions have to be communicated to the public.

Kirsten Sparre analyses the historical and current experiences with the role of mass media in reporting about armed conflicts and missions. She pleads for more intensive critical analyses of official statements as well as stronger commitment in favor of peaceful conflict solutions.

Jamie Shea's deliberations provide for an interesting contrast. As the main NATO-spokes-person, he had the unpleasant task of explaining, as plausible as possible, the purposes of the alliance's air attacks on targets in Yugoslavia. He reports about the troubles he had to face as well as the substance of "lessons learned".

The Kosovo-conflict issue is also dealt with in the following articles. *Matthias Z. Karádi* investigates the rationality and the legitimacy of that war. His contribution reminds us of the dubious arguments of German protagonists of force and shows the dilemmas political decision-makers are confronted with when public opinion demands an adequate reaction to massive human rights violations.

Elke Steven reports on some instructive experiences by opponents of the Kosovo intervention made before German criminal tribunals – information that may trigger some reflections on parts of the domestic judicial system.

Mark Manger's article deals with a special case concerning the contradictory relationship between national interests and human rights protection, proving the fact that the latter may prevail, if the risks of humanitarian missions are calculable and limited.

As an epilogue, *Patricia Schneider's* article gives an assessment of the state of human rights legislation and protection, points to the milestones and benchmarks of their history as well as to the long way ahead before the goal of full implementation of human rights is achieved. The article deals especially with the problem of strengthening international human rights jurisdiction.

In addition to the usual appendices, the anthology concludes with a bibliography, which is designed to facilitate a more profound study of the subject.

* * *

The editors would like to thank the authors of this anthology for their excellent cooperation in preparing the book. They would also like to thank the persons and institutions that made its publication possible. It is part of the research project "Peace through Law", conducted at the Institute for Peace Research and Security Policy at the University of Hamburg. This project was made possible through funding by the Federal Ministry for Education and Research. For their support in the editorial work, we would like to thank our undergraduate assistants and student trainees. A very special mention goes to *Kim Bennett* and *Susanne Bund*.