

Steven L.B. Jensen

EMBEDDED OR EXCEPTIONAL?

Apartheid and the International Politics of Racial Discrimination

On 2 July 1959, a major news story with international ramifications made the front page of the Jamaican newspaper *The Daily Gleaner*. The headline ran ›Jamaica bans South African goods‹.¹ As the story developed it remained front-page news for almost a week. Explaining the unprecedented decision to introduce trade sanctions against South Africa – unprecedented on a global scale – the Jamaican government stated that apartheid was ›revolting to the conscience of decent people throughout the world‹.²

On 3 July 1959, the front-page headline captured the immediate international reaction to the Jamaican government's decision: ›The Ban: S. Africa Complains – Representations made to British Government‹.³ Governments on three different continents were now involved. The South African government was furious. They described the sanctions as interference in their domestic affairs and demanded that the British government – as the colonial power – should take charge and nullify the Jamaican decision to introduce the sanctions. The South Africans were worried about the precedent that would be set. Their concern was that it would spread from Jamaica across the Caribbean and from there to countries on other continents. Jamaica had been part of the West Indies Federation since 1958, so political ripple effects across the British Caribbean were by no means unlikely.

1 *The Daily Gleaner*, 2 July 1959, front page. Newspaper Archive, National Library of Jamaica. The research carried out by Steven L.B. Jensen is made possible through a postdoc funding grant from The Danish Council for Independent Research (DFF - 4089-00079).

2 Ibid.

3 *The Daily Gleaner*, 3 July 1959, front page.

The Jamaican government's decision was not an impulsive one. Trade sanctions against South Africa had been the subject of internal debate within the governing People's National Party and among the cabinet ministers for almost two years prior to the public announcement in July 1959. The decision had matured within the government ranks and the political reasoning regarding its merits appeared sound. As the Jamaican Prime Minister Norman Manley explained in an official statement on 6 July 1959: 'The ban on trade with South Africa is a logical and proper act done in respect of a country which denies to its own people all the basic human rights and denies to coloured people all over the world every right of human rights intercourse. Since we cannot send a coloured athlete to South Africa, nor even a cricket team, with any pretence of dignity, why should we send our goods?'⁴

It was not a radical measure or a desperate act. The decision reflected a highly discerning reading of international affairs and the remedies that could reasonably be applied in order to counter systemic human rights abuses. South Africa was committing gross violations with an increasingly detrimental impact on global politics. It was a mature and balanced approach to an escalating national and international crisis.

The Jamaican government's sanctions policy took the nascent international Boycott Movement by surprise. The political process leading to the Jamaican decision predated this movement, which first met in London on 26 June 1959 – less than a week before the Jamaican trade sanctions were made public. The Boycott Movement helped to lay the foundations for a wider anti-apartheid movement.⁵

But how should we understand the Jamaican sanctions policy in the wider context of apartheid and global race politics? It is clearly a story that goes beyond the histories of South Africa and of Western perceptions of apartheid published in this journal issue. I would argue that the Jamaica sanctions story is a highly relevant companion to these more traditional approaches because it adds new transnational dimensions to the history of apartheid and anti-apartheid. The story of the Jamaican sanctions policy is significant for three reasons.

Firstly, the Jamaican government's decision deserves a place in the international history of anti-apartheid politics because it is unique in this historical context and as a precedent.⁶ Apart from India's efforts to condemn South Africa at the United Nations in 1946 and 1947, before apartheid was introduced, Jamaica's 1959 decision was the first instance of a country introducing sanctions against South Africa. The Western European sanctions of the 1980s are comparative latecomers to the anti-apartheid story and should be contextualized as such.

4 SA ban decided on last year, in: *The Daily Gleaner*, 7 July 1959, front page and p. 11.

5 Christabel Gurney, 'A Great Cause: The Origins of the Anti-Apartheid Movement, June 1959 – March 1960', in: *Journal of Southern African Studies* 26 (2000), pp. 123-144. Soon after the London meeting, one of the main speakers, Julius Nyerere from Tanganyika, highlighted the significance of the Jamaican initiative. See Julius Nyerere, 'On the Boycott', in: *Africa South* 4 (1959), pp. 7-8. I would like to thank Hanno Plass for bringing this article to my attention.

6 I would like to thank the historian Simon Stevens for helping me clarify the anti-apartheid dimension of my research on Jamaican human rights diplomacy.

Secondly, the outcome of the controversy reveals something very interesting about the changing global politics of the post-1945 era. With the advent of decolonization, a whole range of political and constitutional reforms had taken place that had altered the relationship between the metropole and the colonial territory. Jamaica was still a British colony in 1959, but the meaning of this relationship had changed. During the early 1940s a two-party system had been established in Jamaica, universal suffrage had been introduced and constitutional reforms with significant steps towards self-government had gradually been implemented. This constitutional evolution was significant both in terms of political agency in the colonial context and for how the controversy over Jamaica's sanctions policy found its resolution. The South African government claimed that international sanctions were a matter of foreign policy over which the colonial territory had no authority. The Jamaicans were adamant that they acted in good faith. The authority over Jamaica's trade policies had been devolved to its government, and since trade sanctions were a matter of trade policy, the Jamaicans argued that they had both the power and authority to make the decision. It was a very skilful use of the transitional nature and connotations of the end of colonialism.

Thirdly, the Jamaica story is interesting because it was a precursor to Jamaica's international human rights diplomacy that took shape after the country's independence in 1962. Immediately upon becoming a member of the United Nations, Jamaica set out to transform international human rights work, which had had little to show for itself since the adoption of the 1948 Universal Declaration on Human Rights. By 1964, Jamaica was a recognized leader in the international human rights field and in June 1964 – most probably as the first country ever – it integrated human rights into its official foreign policy strategy. Jamaican diplomacy during this era transformed the status of human rights in international affairs.⁷ Jamaica's concerns were by no means confined to South Africa – its engagement with the Rhodesia problem, racial discrimination, and wider global human rights principles testify to this. Its approach focused on developing a legal order centred on human rights alongside an emphasis on peace-keeping and ensuring collective security through the UN. More than any other actor, Jamaica laid the foundations for what came to be known as the human rights revolution of the 1970s.⁸ The irony is that the Jamaican sanctions policy had little short-term effect on securing sanctions as a strategy against the apartheid regime during the 1960s – because of big-power protection of South Africa – but did have an effect as a precursor to Jamaica's transformative diplomacy that elevated human rights in international relations and saw human rights increasingly asserted against the apartheid state in the decades that followed.

These three factors should inspire us to take a more nuanced look at the intersections between apartheid and racial discrimination in international politics. They

7 See Steven L.B. Jensen, *The Making of International Human Rights. The 1960s, Decolonization, and the Reconstruction of Global Values*, Cambridge 2016. See in particular the chapter entitled 'From Jamaica with Law: UN Diplomacy and the Rekindling of International Human Rights, 1962–1967'.

8 Ibid.

challenge our notions of periodization and representation in writing the history of anti-apartheid politics, and how these stories are narrated in scholarship and in popular culture matters.

1. Apartheid Exceptionalism?

On the evening of 5 December 2013, I walked back to my hotel room in Berlin and turned on the television set. The death of Nelson Mandela was breaking news. The coverage of his passing focused, very reasonably, on Mandela's importance for post-apartheid South Africa and his stature as a global political icon and inspiration. As the coverage continued into the evening and the following day, people were interviewed about their involvement in the international anti-apartheid struggle. It was noteworthy that the coverage revolved around Western perceptions of apartheid. There was no real attention to how deeply embedded in a regional Southern Africa story apartheid had been and how the endurance of apartheid had affected political developments in that region, and indeed the whole continent, since decolonization.

I had a sense of the significance of this as global history since I was, quite literally, watching this unfold while sitting on what had been a fault line between East and West during the Cold War. My hotel was located between Checkpoint Charlie and the *Topography of Terror* exhibition on a spot where the Berlin Wall had once stood. I soon realized that what I was watching was the story of another Cold War fault line, namely between North and South. Only the coverage did not really reflect this.

There was, needless to say, no mention of the Jamaican sanctions – introduced at a decisive moment in global history – nor of the contexts in which they had emerged and the political innovations they had generated. The international news coverage was determined by a different and foreshortened timeline focused on Western engagement in the 1970s and 1980s, including the history of sanctions. This diminishes historical agency by Global South actors. It also affects the historical causalities presented. Apartheid was elevated to a unique place in the Western political imaginary – symbolized by our embrace of Nelson Mandela⁹ – and freed from its embeddedness in a larger story of race and international politics in the middle decades of the twentieth century. The latter story presents a more challenging account of Western engagement and, for that matter, responsibility.

9 This embrace appears to have taken off in 1978. Nelson Mandela was a public figure during his imprisonment and trial in South Africa in the early 1960s. However, his public image faded during his long incarceration, only to return to international prominence following the marking of his sixtieth birthday in 1978 and after the death of other leadership figures such as Steve Biko. See Genevieve Klein, *The British Anti-Apartheid Movement and Political Prisoner Campaigns, 1973–1980*, in: *Journal of Southern African Studies* 35 (2009), pp. 465–469. For an insightful study of the prosecution of Nelson Mandela, see Kenneth S. Broun, *Saving Nelson Mandela. The Rivonia Trial and the Fate of South Africa*, Oxford 2012.

2. The Embedded Nature of Apartheid

There is little doubt that apartheid was a powerful term that came to represent the worst form of racial discrimination. Activist movements were mobilized on the basis of this concept. This overshadowed comparable modes of white-power practice in the neighbouring states. The actual historical dynamics do not, however, operate with such a clear-cut distinction between apartheid and racial discrimination. To position a transnational history beyond a ›South Africa and Western perceptions‹ approach, it may be helpful to operate with four levels of analysis. There was, simultaneously, a national, subregional, regional and global political dimension to apartheid and anti-apartheid politics. The political trajectories of these four levels were to a significant extent intertwined and interdependent.

At the global level, it is important to understand what decolonization meant for the world in the decades after 1948 when apartheid was introduced and expanded. Decolonization was a structural change of the world system from a hierarchical system based on empire to the – in formal terms – more horizontal system of sovereign states that exists today.¹⁰ In the world of empire, race was an important factor in defining and shaping the hierarchies. This underwent changes because of decolonization at a time when South Africa was moving in the opposite direction. As Frederick Cooper has written concerning apartheid, ›South Africa would sustain racial discrimination as a *national* project even when it was being formally abandoned as an *imperial* project by the two leading European powers‹.¹¹ The racially-based political systems in Southern Africa increasingly became a historical anomaly in global politics. This was particularly conspicuous from the 1960s onward – a decade in which the colonial, the anti-colonial and the postcolonial met and overlapped.¹² The United Nations was the most important forum where these currents came together.

At the UN during the 1960s, apartheid did of course appear as a separate subject of debate,¹³ but it was also firmly embedded in debates about racial discrimination, decolonization and international law. Furthermore, while South Africa was the subject of separate criticism, this critique was often embedded in the geographical entities of Southern Africa, Africa or the global Cold War. In the human rights diplomacy of this era, I would argue that apartheid was embedded rather than exceptional. When the UN Commission on Human Rights established its first fact-finding body in 1967, its mandate was focused not only on apartheid in South Africa – as has been misrepresented – but on human rights violations in countries across Southern Africa. When it

10 Susan Pedersen, *The Guardians. The League of Nations and the Crisis of Empire*, Oxford 2015, p. 13.

11 Frederick Cooper, *Africa in the World. Capitalism, Empire, Nation-State*, Cambridge 2014, p. 28.

12 See Jensen, *The Making of International Human Rights* (fn. 7).

13 See e.g. Report from UN Seminar on Apartheid, Brasilia, Brazil, 23 August – 4 September 1966, ST/TAO/HR/27, United Nations Office at Geneva (UNOG) Library.

comes to laying the foundations for investigative mechanisms in the international human rights field, apartheid must be understood as part of a larger story of racial discrimination. It was not a stand-alone driver of progress.

Situated between the global and the regional level, what is at stake here in terms of historiography are different ways of imagining Africa as a historical-political space and the question of how we approach the study of this. There were related stories of racial discrimination on the continent and in the subregion that had real international political significance during the period in question – or at least parts of the period from the 1950s to the late 1980s. As mentioned, they occurred without the strong and captivating ›branding‹ concept of apartheid.

Let me – at least partly – illustrate my point by quoting one contemporary reading of the political developments on the African continent from the mid-1960s. The example comes from the British diplomat and UN ambassador Hugh Foot. He had been a long-standing colonial administrator in countries such as Nigeria, Jamaica and Cyprus before becoming UN ambassador in 1960. Foot resigned in 1961 due to his strong disagreement with the Conservative government's position on Southern Rhodesia, which he could not defend. He returned to the post as UN ambassador when Harold Wilson's Labour government came to power in 1964. In the intervening period, he worked extensively on African issues. He published a memoir in 1964 in which he described the contemporary developments on the African continent as follows: ›When I have been speaking in America and trying to describe modern Africa as I see it, I have spoken about Africa as a great house of many separate rooms. We look into one room and see encouraging constructive work going forward. We look into another room and we are uneasy and disturbed by what we see. In another room what we see going on seems dangerous, misguided, wrong. But in all the separate rooms the effort goes forward. Meanwhile down in the cellars – in the southern states of Africa – the fuses are already lit. They are likely to cause explosions which will blow not only the cellars but the whole house sky high.‹¹⁴

The fuses being lit were caused by apartheid and pervasive racial discrimination across the subregion. In this imagery the South African story is deeply embedded in geographical and political terms in a much larger context. It is clearly acknowledged how this embeddedness has Africa-wide as well as global implications.

These implications were felt strongly in the subregion of Southern Africa because the explosions did materialize and left far-reaching violent conflicts in their trail that lasted until the 1990s. The story of South West Africa – a League of Nations mandate area in the interwar period – was closely linked to the expansion of apartheid in South Africa after 1948. However, it also featured strongly as a separate political entity and issue in international diplomacy. The handling of South West Africa played a pivotal role in the loss of faith in international institutions and international justice that occurred early in the postcolonial era after some promising early developments during the first half of the 1960s. A major culprit here was the International Court of Justice

14 Hugh Foot, *A Start in Freedom*, London 1964, p. 228.

and its controversial 1966 ruling on South West Africa. African states had expected that by using an international court established by Western states they would get a fair hearing and that the expansion of apartheid into South West Africa (Namibia) would be deemed unlawful. After a legal procedure that lasted five years, the Court went rather arbitrarily against its own initial ruling, in which it had agreed to hear the case, by dismissing it. The International Court of Justice thus provided a lifeline to the apartheid regime and compromised international justice in the process.¹⁵ This led to devastating critiques at the United Nations and had a direct, negative impact on international law-making, especially in the human rights field.

Another key player in the subregional story was Portugal. Portugal's dictatorship ignored UN criticism of the country's continued colonial rule. At the same time, it coordinated policy with South Africa so that the colonial territories of Mozambique and Angola could serve as buffer states for the apartheid regime against independent African states. This lasted until the 1974 revolution in Portugal, when the new regime introduced a rapid and chaotic decolonization. The loss of the buffer states and an important neighbouring ally led to increasingly brutal treatment of protesters and dissenters by South African security forces on the domestic front.¹⁶ This contributed to the violent escalation inside the country during the 1970s and 1980s, which again helped mobilize Western activism. It again illustrates the embedded nature of apartheid within other political developments.

Rhodesia also featured prominently in international diplomacy both at the United Nations and within the Commonwealth, especially throughout the 1960s. The brutality of the racist Ian Smith regime actually inspired the development of formal linkages between international humanitarian law and international human rights law.¹⁷ The Rhodesia crisis thereby played an important role in a significant innovation in international law and politics and – though rarely acknowledged – in the rise of humanitarianism from the 1970s onward.

The fourth level relates to the national dynamics within South Africa. This was always connected to the dynamics shaping the three other levels. The international Boycott Movement responded to campaigns taking place inside South Africa during the 1950s. As the articles in this journal issue have already reflected on domestic aspects of apartheid, I will not elaborate this further – except to reiterate its interconnectedness to subregional, continent-wide and global developments. These four levels are also reflected in the historical evolution of human rights after 1945. This story shows other forms of embeddedness between apartheid, racial discrimination and international developments.

15 Viktor Kattan, Decolonizing the International Court of Justice: The Experience of Judge Sir Muhammad Zafrulla Khan in the South West Africa Cases, in: *Asian Journal of International Law* 5 (2015), pp. 310-355; Ryan Irwin, Apartheid on Trial: South West Africa and the International Court of Justice, 1960–66, in: *International History Review* 32 (2010), pp. 619-642.

16 Jamie Miller, Things Fall Apart: South Africa and the Collapse of the Portuguese Empire 1973–74, in: *Cold War History* 12 (2011), pp. 183-204.

17 Jensen, *The Making of International Human Rights* (fn. 7).

3. Racial Discrimination, Decolonization and the Emergence of Human Rights

The historiography of human rights has to a very large extent privileged Western perspectives, agency and chronologies.¹⁸ The main emphasis has been on the 1940s with the adoption of the Universal Declaration on Human Rights and on the 1970s with what has come to be known as the human rights revolution. The human rights historiography has for a long time conveniently existed with a large gap of knowledge about the 1950s and 1960s¹⁹ – two crucial decades for the decolonization process that represent that largest transformation of sovereign power in world history. This transformation has not really featured in human rights research until very recently. The histories focusing on the 1940s and the 1970s have operated with some very significant exclusions, and this has distorted our understanding of how human rights rose to prominence in global political discourse.

I have argued that the 1960s was a crucial decade in the evolution of international human rights with 1962 an important turning point. I base this claim on three developments that happened at this time and that would fundamentally change the role of human rights in international affairs.

The first development was that the UN human rights project, which had been faltering for a decade and a half, was fundamentally reorganized in late 1962 around the issues of race and religion. This brought a whole new dynamic to the field. It situated racial discrimination – with apartheid embedded in it – in a wider strategic context that involved religion. At the UN General Assembly in 1962, a group of nine francophone states placed racial discrimination at the top of the international human rights agenda. They wanted a declaration on the matter followed by a binding human rights convention. The race issue was of such great international significance that they easily carried a sizeable majority. Then Liberia entered the fray with a proposal for a declaration and human rights convention on eliminating religious intolerance. The proposal sparked a heated debate. Pressure was put on Liberia to withdraw its proposal, as certain states were very strongly opposed to the idea. Liberia stood firm, against opposition from the communist bloc and from Saudi Arabia.

Race and religion respectively were political Achilles heels for the two superpowers. This was part of the reason that the UN human rights diplomacy achieved political traction during this period. The communist East mobilized on race, apartheid, and anti-colonialism. The Western countries mobilized on religion as a means of attacking

18 The following section also draws on my book.

19 This gap has only recently been addressed, with German historians having been particularly important in remedying it. See Roland Burke, *Decolonization and the Evolution of International Human Rights*, Philadelphia 2010; Daniel R. Maul, *Human Rights, Developments and Decolonization. The International Labour Organization, 1940–1970*, London 2012; Fabian Klose, *Human Rights in the Shadow of Colonial Violence. The Wars of Independence in Kenya and Algeria*, Philadelphia 2013; Jan Eckel, *Die Ambivalenz des Guten. Menschenrechte seit den 1940ern*, Göttingen 2014.

the human rights record in the communist world. This leveraged a change in wider Western policies towards human rights. It was a process, however, that was initiated and brokered by states from the Global South.

The second major development was that Jamaica joined the United Nations in 1962 and immediately initiated a process that provided a new framework for the 1960s human rights diplomacy to evolve and expand. During the 1960s, Jamaica influenced the emergence of international NGO work on human rights, energized the regional human rights system in Europe, inspired Soviet dissidents in their adoption of human rights, and initiated significant innovations in international law.

The third major development was a new relationship between human rights and broader international norm-making through a broader turn towards international law. The geography of international law had changed, one diplomatic observer noted in the significant 1962 UN debate on the future of law and international relations. Many new subjects of international law had emerged with the creation of a large number of new states. Universality became a key concept in UN diplomacy. Cold War ideological battles intersected with North-South debates and extended to the spheres of international law and politics. This strengthens the case for looking more systematically at the impact of the decolonization process.

Race was the great precedent-setter that secured the breakthrough for human rights as international law featuring measures of implementation – one of the most significant hurdles in the emergence of human rights politics since transcending sovereignty. The convention on racial discrimination from 1965 enabled the completion of the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights in 1966, which had been dragging on for 18 years. The communist bloc could curtail some of the measures of implementation but they could not prevent the Covenants from being completed. At the same time, Western powers changed their stance on human rights from profound scepticism to gradual acceptance and ultimately embrace. An important factor was the dual emphasis encompassing religion as well as race. The aspect of religion had a very different and less successful trajectory but it was an important part of the political transformations concerning international human rights in the 1960s.

4. Concluding Remarks

My main argument here is that the story seen from the perspective of the influential year of 1962 reveals a very different historical context, with a different set of actors and a different trajectory and causalities regarding the human rights breakthrough, from those stories focusing on Western agency in the 1940s and the 1970s. It repositions the history of human rights in significant ways and makes apartheid and racial discrimination more crucial to the human rights story than has hitherto been acknowledged.

It is also important to emphasize that the positions and arguments presented by countries from the Global South in these UN debates were richly nuanced. These nuances are important if we are to fully appreciate the dynamics during these years. Tanzania differed significantly from, for instance, Senegal in the way it envisaged the scope and applicability of international human rights law and investigatory measures. Tanzania wanted a sole focus on Southern Africa and not beyond; Senegal had a wider perspective. This should remind us that when we are imagining Africa as a historical-political space, we need to allow for diversity, individual histories and agency, aspects that cannot be adequately captured by labels such as ›The Third World‹, ›Global South‹ or indeed even ›Africa‹.

The same dynamics apply to the story of apartheid and global race politics. How we construct and narrate our histories matters. An interesting set of questions may therefore be: How, when and why did apartheid and South Africa become so disembedded from the political entanglements related to the transnational politics of racial discrimination and become an exceptional story? What processes in Western Europe – and elsewhere – dictated such an outcome? And how did apartheid South Africa become such a prominent way of ›seeing Africa‹ for so many in the Western world, when the realities and challenges of the continent – including the far-reaching impact of apartheid on the whole continent – were so deeply embedded?

To answer the first question, we may need to consider the nexus between Western anti-apartheid activism and the emergence of Western scholarship on apartheid, and how the former may have defined some parameters for the latter and unwittingly influenced the disembeddedness of the transnational apartheid story. This relates to the ways we in the West imagine ›Africa‹ as a historical-political space. Beyond the field of specialized Africanists, it is important to consider how richer accounts may be nurtured in the histories in which Africa features. It may be that the pitfalls and opportunities are best uncovered by looking at historicizing contemporary Western perceptions of apartheid not just through the case histories so interestingly presented in this journal issue, but also by developing in parallel a more systematic historiography that contextualizes with greater depth the evolution of these perceptions. This may provide important new insights into a more embedded narrative about the dynamics between apartheid and international race politics in the post-1945 world.

Steven L.B. Jensen, Ph.D.

The Danish Institute for Human Rights
Wilders Plads 8K | DK-1403 Copenhagen K
E-mail: sje@humanrights.dk