

## Review

# Steven L. B. Jensen: The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values

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The history of the development and evolution of human rights and their increasing role in international law have been examined and studied by many scholars. The general perspective that is taken on the matter is a European or more Western-centred point of view. This viewpoint considers the UN Charter (1945) and the Universal Declaration of Human Rights (1948) to mark the beginning of the development of human rights and also gives priority of place to the achievements of the 1970s, including diplomatic breakthroughs like the Helsinki Final Act in 1975 and activist work by Non-Governmental Organisations (e.g. Amnesty International's work in the field). Steven L. B. Jensen in his book, *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values*, takes an approach that is complementary to the general view to the evolution of human rights. He places an emphasis on the 1960s and in particular on the effects of decolonisation that lead to the events that are widely seen as ground-breaking during the 1970s. Moreover, he uncovers the key role that actors from the Global South played during this time period in lobbying for the further advancement of the human rights project and asserts that they "made not just an important but a transformative contribution that would influence the shaping of European détente through the Helsinki Final Act."<sup>1</sup> In order to fully examine these events and relations, the book is composed of eight chapters and has two main objectives. On the one hand Jensen aims to reveal and examine the historical and political events that shaped the evolution of human rights during the 1960s, on the other hand he attempts to "integrate the developments of the 1960s into the human rights historiography."<sup>2</sup>

Steven L. B. Jensen is a researcher at the Danish Institute of Human Rights. He has specialized in the link between HIV/AIDS and human rights, human rights education and contemporary history and politics.<sup>3</sup> He has also worked extensively with national human rights institutions. Thanks to his background in research, history and the practical side of human rights,<sup>4</sup> Jensen is an expert on the issue and his work is very promising as a response to the imbalanced historical approach that experts tend to take when analysing the evolution of human rights in the international legal field.

First, Jensen points out that despite the general understanding and statement of the emergence of Human Rights, they did not emerge with the formation of the UN and the UDHR during the 1940s. Jensen

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<sup>1</sup> S. L. B. Jensen, *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values*, Cambridge University Press, Cambridge 2016, pp. 277-278.

<sup>2</sup> *Ibid.*, pp. 16.

<sup>3</sup> S. L. B. Jensen, *The Danish Institute for Human Rights*, 2017, available at: <https://www.humanrights.dk/staff/steven-l-b-jensen> (19 October 2017).

<sup>4</sup> *Ibid.*

concedes that this was significant but argues that the real revolution started during the 1960s when decolonisation occurred. This is because beforehand all Western countries with colonies were against the development of a universal human rights system as they did not want the principle of self-determination to be declared and included into the international legal system. The cause of human rights was highly supported by countries from the Global South and they were the ones who started diplomatic negotiations for their universality. Jensen states that “in the hierarchical world of empire, human rights had only a limited opportunity to shape global politics. The notion of universality was anathema to this world system,”<sup>5</sup> thus putting an emphasis on the importance of this process of decolonisation.

In the second chapter, Jensen draws the reader's attention to the political turmoil that took place during the beginning of the 1960s. On the one hand, the Soviet Union, the US and other European countries appeared to take the lead on more fully integrating human rights into international law but this was largely motivated by Cold War rivalry. In reality the issue was problematic for them as the question of decolonisation and the effective development of human rights “was comparable to debating a new UN Charter outlining the future purpose of the organisation.”<sup>6</sup>

On the other hand, the Global South managed to put forward the Declaration pushing for the decolonisation process. The re-launch of human rights as an international legal issue started again thanks to the diplomatic lead of Jamaica, Ghana, Nigeria, Liberia, and the Philippines as well as other countries, but numerous conflicts reared their heads in Africa (such as the Congo Crisis of 1960-65 and the Algerian War of Independence and its aftermath). The author shows that these events pushed for the diplomatic negotiations about human rights back on the right track as they were previously neglected after the 1940s.

During the 1960s, two critical matters were discussed which pushed the negotiations over human rights forward: race and religion. These issues are described by Jensen as “political Achilles’ heels for the two superpowers,”<sup>7</sup> implying that further development would have been impossible without a shift of power and a change in policy over the course of these debates. Firstly, Jensen examines the debate over race, which was at its peak in the United States. The first three major human rights conventions (The International Convention on Elimination of All Forms of Racial Discrimination [1965], the Covenant on Civil and Political Rights [1966], and the Covenant on Economic, Social and Cultural Rights [1966]) were the result of shifting power struggles during the Cold War and Decolonisation. They adopted to reflect the creation of new legal meaning of race and discrimination which Robert Cover calls *jurisgenesis*.<sup>8</sup> This was the first time the Cold War superpowers realised that these issues could not be ignored anymore.

Whilst the focus on racial discrimination was considered to be a successful breakthrough in human rights during the 1960s, the focus on religion was equally important. This issue was the so-called Achilles’ heel of the other superpower, the Soviet Union. Global South actors, like Liberia, Pakistan, Sri Lanka, and Venezuela took the lead in negotiations but ultimately the Convention on Elimination of All Forms of Religious Intolerance was not successful. Jensen argues this point to show the escalation and intensity of the human rights debates in the 1960s that led to the success of the 1970s in the field. The Soviet Union reacted to international criticism of its domestic policies on religion with the consolidation and hardening of these views by restraining religious activities. This was the complete opposite of the reaction of the United States to international debates over issues of racial discrimination. The came to a

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<sup>5</sup> Jensen, *i.m.* 1, pp. 3.

<sup>6</sup> *Ibid.*, pp. 51.

<sup>7</sup> *Ibid.*, pp. 138.

<sup>8</sup> *Ibid.*, pp. 136.

head with the Six Day War, where Jensen describes “Jerusalem symboliz[ing] war, religious conflict, Zionism, displacement and battles over sovereignty. These symbolic meanings were exploited by the communist states as an attack on the Convention itself.”<sup>9</sup> By the end of 1967, the question of religion and tolerance was largely removed from the agenda of the international community and defined a limit to the human rights debate as the Convention on Elimination of All Forms of Religious Intolerance had failed to be adopted.

Jensen examines the Tehran International Conference on Human Rights in 1968, which was the first global conference to focus exclusively on human rights. Mrs. Aase Lionaes, the Chairman of the Nobel Committee described the year of 1968 in her nomination speech for the Nobel Peace Prize award as “so bitter a year for human rights.”<sup>10</sup> Jensen takes up the challenge and proves that despite the fact that 1968 was supposed to be the International Human Rights Year due to the political turmoil taking place in the world and the bitter memory of the failed religion debate, the issue of human right was overshadowed. There was, however, one positive outcome in that the Convention on Elimination of All Forms of Racial Discrimination entered into force, meaning that “human rights had formally become international law.”<sup>11</sup>

Finally, Jensen turns towards the events of the 1970s. Firstly, he states that between 1962 and 1968 “the most important foundations were laid for contemporary international human rights work. These foundations did not merely originate with the so-called human rights revolution in the 1970s. While the emphasis on the latter may fit into a Western-oriented historical interpretation, it is a too limit view and interpretation.”<sup>12</sup> This section sheds light on the way we perceive and think about the history of human rights thanks to the significant background history Jensen provides of the Helsinki Final Act that originated in the 1960s. The approach during the 1970s changed and the European détente meant addressing human right internationally,<sup>13</sup> which shifted human rights toward a more central role in global politics.<sup>14</sup> The last chapter feels disconnected from the rest of the book, however, as Jensen examines the impact of the 1960s in events of the late 20th century. He looks at the changing role of the United Nations that has been criticised due to its credibility and selectivity,<sup>15</sup> as NGOs took the leading role in the human rights debates of the 1970s. Jensen claims that the role of NGOs was to bridge the 1960s and 70s as the strategy to give priority to human rights fact-finding developed.<sup>16</sup> Jensen provides insight into the fundamental path of those debates starting in the 1960s and presents them as crucial factors in debates during later international events such as the Vienna Conference and the Programme of Action.

Jensen’s work is pioneering in its approach to how we look at and analyse the development of human rights and has significant potential to reshape the scope of the field and contribute to a better understand to the complexity of international diplomatic relations during the 20th century. It is fascinating to get such a complex description of the “other side of the story” and it is the strongest take-away of the book. However, this is its biggest weakness as well in terms of accessibility as the author assumes that the reader is completely familiar with the general European and Western-centred approach that is usually taken by diplomatic historians. Jensen’s argument about the active role of the Global South is very

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<sup>9</sup> *Ibid.*, pp. 165.

<sup>10</sup> A Lionaes, *Award Ceremony Speech*, available at: [https://www.nobelprize.org/nobel\\_prizes/peace/laureates/1968/press.html](https://www.nobelprize.org/nobel_prizes/peace/laureates/1968/press.html) (19 October 2017).

<sup>11</sup> Jensen, *i.m.* 1, pp. 208.

<sup>12</sup> *Ibid.*, pp. 209.

<sup>13</sup> *Ibid.*, pp. 210.

<sup>14</sup> *Ibid.*, pp. 236.

<sup>15</sup> *Ibid.*, pp. 240.

<sup>16</sup> *Ibid.*, pp. 239.

persuasive due to his usage of archive collections, and its grounding in previous works on the diplomatic history of human rights. By intertwining these elements, Jensen convincingly presents the success of the Global South in using human rights as a tool during international diplomatic negotiations and points out the importance of this as providing a counterbalance to the Cold War and the US-Soviet 'binary' of the period. As was mentioned earlier, Jensen's work requires a certain level of knowledge in order to understand the contrast and his references throughout the book, but it is nonetheless a very interesting read that fosters a lot of thinking and potentially a reevaluation of the way we view the history and evolution of human rights in the international legal sphere. Due to the fact that the book's central focus is not the law itself but the history of it, it raises issues that might be just as interesting and broaden the diplomatic historical spectrum of anyone who is interested in the field of human rights.