



Systemic Racism in Mass Violence and Atrocity Prevention

By Pratima T. Narayan, Ronnate D. Asirwatham,
and Abiola Afolayan



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The Stanley Center for Peace and Security and Women of Color Advancing Peace, Security, and Conflict Transformation (WCAPS) forged a partnership in 2020 to explore the systemic nature of racism in the fields of climate change, nuclear weapons, and mass violence and atrocity prevention. Black and Indigenous People and People of Color have experienced these global challenges on unequal terms and in ways exacerbated by the racism inherent to the institutions and multilateral processes built to address them. The Stanley Center particularly acknowledges that we have contributed to the perpetuation of this systemic racism and that only with intention, continued learning, and action can we become an antiracist part of the solution.

This series of discussion papers coauthored by WCAPS members considers the history of global systemic racism in each of the policy fields, offering specific examples of how racial injustice has manifested in the policies and policymaking processes and the ways Black and Indigenous People and People of Color have been and are subsequently impacted. The papers are part of the 61st Strategy for Peace Conference: Disrupting the History of Racism in Peace and Security and are intended to help ground in historical context needed conversations about more antiracist policy approaches to global peace and security challenges.

Executive Summary

The authors of this paper are three members of the organization Women of Color Advancing Peace, Security, and Conflict Transformation (WCAPS). This paper is a collaboration between the Stanley Center for Peace and Security and WCAPS to amplify the analyses of women of color on global systemic racism and its influence on mass atrocities.

You will read from three different voices as shown in the sections that are geared to challenge your thinking. The authors analyze racism during the time of the founding of the United Nations, as well as in its present-day application in different international mechanisms such as the International Court of Justice (ICJ) and the International Criminal Court (ICC) and domestic mechanisms such as the United States Atrocities Prevention Board and subsequent Atrocity Prevention Task Force. The countries discussed include South Africa, Sri Lanka, Burma, the United States, and Nigeria. The issues discussed include the interplay on the international and domestic levels where there were at times mutual reinforcement of the dynamics of racism and mass atrocities.

The first section of the paper examines the historical underpinnings of systemic racism and the elusive quest for racial equality through the League of Nations and the United Nations. It also considers the role of international justice mechanisms, such as the ICJ and the ICC, which adjudicate atrocities with a specific intent involving race—genocide and the crimes against humanity of persecution and apartheid. It looks at the evolution of racism, its role in how states were created, and how this has informed the development of the modern human rights system, from the international struggle against apartheid in South Africa to the Responsibility to Protect (R2P) doctrine.

The second section of the paper examines the role race played in the formation of the UN Security Council and how the council undermined the principle of sovereign equality of states. Then this section looks at how racism manifested itself in postcolonial countries. It describes how such countries mirrored the governance philosophy and power structures of the Security Council and their colonial masters and how the council exacerbated systematic racism within the newly decolonized countries, which led

to mass atrocities. The section then analyzes the actions of the United Nations and member states within the framework of R2P during the mass atrocities that took place in Sri Lanka in 2009 and Burma in 2017. The section concludes that because the Security Council is structured on the principle of the superiority of a few countries, the UN system and member states do little to prevent or protect against mass atrocities within UN member states and allow the perpetuation of systemic racism.

The third section of the paper looks at systematic racism at the founding of the UN system through the lens of people of African descent in the United States and Africa—specifically, how efforts by intellectuals of African descent in America to get a seat at the table, have their voices heard, and achieve policy change were stymied for political reasons. In various international forums, they drew a parallel between their domestic suffering related to mass atrocities, segregation, Jim Crow, and slavery, and the global clarion for human rights espoused through the creation of international institutions and measures post-World War I and II. These efforts to infuse US foreign policy with equal protection and recognition under the law for people of African descent in America were met with a chilly reception. The failure to implement these critical perspectives produced numerous exclusionary policies and institutions that dehumanized people of African descent in the United States and globally. It enabled continued perpetuation of various wrongs, including mass atrocities, such as the Tulsa Massacre, one of the largest single instances of state-sanctioned violence against African Americans in US history, where an estimated 300 African Americans were killed and nearly 9,000 were left homeless and penniless. The historical disregard, exclusion, and atrocities call into question the relevance of current policies and institutions such as the US Atrocities Prevention Board.

Throughout, all three authors call for change. They share a common hope that renewed opportunity to examine global systemic racism's influence on mass atrocities will manifest policies designed for shared and sustainable peace, leading to greater recognition and dignity for survivors and communities harmed by racial injustice worldwide.



How the Quest for Racial Equality Led to a Modern Human Rights Movement

By Pratima Narayan

When the first institutions dedicated to the promotion of international peace and security were initially forged, the state of the world resembled the situation in which we find ourselves today: amid a global pandemic, on the brink of economic crisis, and at a crossroads in racial divide.¹ With time and through decolonization efforts, international law evolved to provide explicit protection to members of racial groups against discrimination and xenophobia, in addition to atrocity crimes such as genocide, persecution, and apartheid.¹ Yet the international community's systemic failure to confront historical legacies of racism among its member states has undermined these guarantees. Not only have the very institutions, policies, and initiatives introduced to eradicate racism fallen short in consistently providing victims and communities of racially motivated violations adequate redress, but they have arguably perpetuated racial subordination.

From Race to Statehood

Contemporary social constructs and classifications based on racial identity can be traced to the Middle Ages, when authority was determined by lineage and purity of the bloodline.^{ii 2} As Christianity spread throughout Europe, growing anti-Semitism did as well. Discrimination based on the perceived inferiority of Judaism as a religion later transmuted into the demonization of Jewish communities, extrajudicial killing, and mass displacement.³ Though slavery is believed to predate antiquity, it was during the Middle Ages when European conquests spanned continents that it began to adopt blatant racial overtones. By the time of the Enlightenment, social, cultural, and scientific narratives converged as philosophers, scientists, and statesmen claimed natural laws governed the world and informed a universal order that privileged white skin because the “other” groups were degenerates of Caucasians, uncivilized, or barbaric. Several restatements of this ideology paved the way for Scottish jurist James Lorimer's eventual distortion of international law that

tied the concept of statehood to the “quality” of inhabitants' race.⁴ In *The Institutes of the Law of Nations* (1883), Lorimer asserted that the white race's absolute claims of racial superiority would be compromised if other communities, particularly “negros,” were recognized as equals in power.⁵

Since the Spanish conquest of the Western Hemisphere in 1492, an estimated 100 million Indigenous people have been killed or have died prematurely in a series of incidents that has been described as the first modern genocide, involving land clearance, mass killing, and forced displacement.⁶ An estimated 25 million people were forcibly removed from the African continent and transferred to the Americas, Europe, and Asia, which has had lasting consequences for African population growth and economic development.⁷ From 1834 through the end of World War I, Britain also transferred about 2.1 million Indian indentured servants to 19 colonies, including Jamaica, Guadeloupe, Martinique, Grenada, St. Lucia, St. Vincent, St. Kitts, Suriname, Trinidad, Guyana, Sri Lanka, Reunion, Australia, Uganda, Kenya, and South Africa.⁸ By the time intellectuals began to question the moral and humanitarian paradoxes of slavery and servitude, a rebellion led by slaves in the French colony of Saint-Domingue in 1804 resulted in the independent Republic of Haiti.

In the end, the first international body of its kind in the history of the world, aimed at promoting international cooperation, peace, and security, essentially bolstered colonialism and France and Britain's imperial expansion.

The Aftermath of World War I and the League of Nations

Racial animus reached new heights in the period leading up to and during World War I, given the European preoccupation with civilization and race by the end of the 19th century. Steeped in white superiority, the war's protagonists felt entitled to draw on

ⁱ Members of racial groups are entitled to protection under international law against a range of other human rights violations and related crimes. This section of the paper will specifically address provisions and initiatives within international human rights and international criminal law that provide protections to a specific class based on race as reflected in the text of legal instruments, travaux préparatoires, or draft articles of the relevant international agreements.

ⁱⁱ We acknowledge that ancient Greek and Roman empires recognized human variation, but there remain divergent perspectives about whether skin color held the same racial significance in ancient times as in modern times. This is particularly the case where “barbarianism” and slavery were not prescribed according to skin color but also extended to other Europeans. We also note that Muslim Arabs transported Africans to South Asia through the Indian Ocean slave trade as early as the 6th century, but anti-Blackness reportedly did not take root until the 16th century when Portuguese conquerors first categorized people according to skin color and descent by blood or caste.



their colonies for human and material resources to sustain their wartime efforts, which fueled prejudice as people of very diverse racial backgrounds were interacting for the first time. The Allies mobilized 4 million people throughout their colonies to support them. India contributed the most troops at 1.4 million, while over 2 million soldiers and laborers were engaged across Africa.⁹ Thus, at the war's end, people from all over the world traveled to Paris for peace negotiations anticipating changes in the global system that would reflect their sacrifices. As one participant described:

"Chinamen, Japanese, Koreans, Hindus, Kirghizes, Lesghiens, Circassians, Mingrelians, Buryats, Malays and Negroes and Negroids from Africa and America were among the tribes and tongues forgathered to Paris to watch the rebuilding of the political world system and to see where they 'came in.'"¹⁰

However, the lead negotiator to the Paris Peace Conference, US President Woodrow Wilson, immediately extinguished these aspirations when he humiliated the Japanese delegation to the talks by repeatedly rejecting its proposals to include a racial equality clause in the Treaty of Versailles.¹¹ As Japan's bid to abolish racial discrimination was the only provision required to pass by unanimous consent during the talks, it became clear that racial subordination was a mainstay in the Allied and associated powers' vision of the international order.¹² The Covenant of the League of Nations further codified racial inequality by categorizing territories from the former Turkish Empire, Central and South West Africa (present-day Namibia), and South Pacific Islands within a Mandate System of governance with varied levels of control.¹³ The parties to the covenant viewed the communities within the mandates as incapable of maintaining themselves under the "strenuous conditions of the modern world" and in need of tutelage by "advanced nations" that would act on behalf of the league.¹⁴ In the end, the first international body of its kind in the history of the world, aimed at promoting international cooperation, peace, and security, essentially bolstered colonialism and France and Britain's imperial expansion.

These developments and mounting disputes over the concept of slave ownership in different parts of the world prompted the League of Nations to introduce a Temporary Slavery Commission charged with appraising the global prevalence of slavery.^{iv} ¹⁵ As a direct result of the commission's recommendations, the 1926 Convention to Suppress the Slave Trade and Slavery was introduced, which defined contemporary slavery and established the right to be free from enslavement as the first recognized human right.¹⁶ By 1934, the League of Nations introduced the Advisory Committee of Experts on Slavery, a body composed solely of representatives from the seven European colonial powers: the United Kingdom, France, Germany, Belgium, Spain, Portugal, and Italy. Though state parties to the convention agreed to undertake concrete measures to suppress slavery and the slave trade, the measures were not implemented uniformly. Countries such as Nepal and present-day Myanmar abandoned slavery and related practices, Liberia was subjected to an investigation triggered by

By the time the United Nations began its work, there was already a growing tension between the discriminatory paternalism that permeated existing global systems and the spirit of self-determination embodied in the UN Charter.

the United States for forcibly recruiting and selling Indigenous people,^v while the colonial powers went to great lengths to uphold the institution within their territories.^{vi} ¹⁷

Race, Trusteeship, and the Formation of the United Nations

Post-World War II, racial equality and decolonization remained pressing concerns on the United Nations agenda as the General Assembly's complexion became less European and less white—particularly as member states struggled to reconcile the aspirations they articulated internationally with their domestic affairs. The UN Charter introduced an International Trusteeship System for the supervision of certain territories, including the Trust Territories previously established under the Mandate System. In accordance with the charter, the international trusteeship system was intended to promote the development of the

ⁱⁱⁱ The Mandate System represented a compromise between Wilson's vows of self-determination to Congress and the Mandatory Powers' demands for a "civilizing" mission. The Mandatory Powers were Britain, France, New Zealand, Belgium, Australia, and Japan.

^{iv} The commission comprised former colonial governors as well as a member from Haiti and Frederick Lugard from Britain who served on the International Labour Organization's Committee of Experts on Native Labour from 1925 to 1941.

^v Liberia was founded by free people of color from the United States as a sovereign nation in 1847. After Thomas Faulkner lost the 1927 presidential election to incumbent Charles D. B. King, he reported Liberia to the commission for housing slaves for Spain. After the investigation, King was forced to resign.

^{vi} Nepal abolished slavery in 1926, and present-day Myanmar abolished slavery in 1928. The commission opened an investigation against Liberia for its practices related to domestic slavery and forced labor in 1929.



Trust Territories toward their eventual self-governance and independence, while encouraging respect for human rights. Eleven Trust Territories were placed into the trusteeship system, with agreements made between the United Nations and the nations that were to serve as their respective administering authorities.^{vii}

^{viii} A Trusteeship Council was also formed to receive updates from the administering authority on the “political, economic, social and educational advancement” of the peoples of the Trust Territories, among other key functions. Thus, by the time the United Nations began its work, there was already a growing tension between the discriminatory paternalism that permeated existing global systems and the spirit of self-determination embodied in the UN Charter. As American diplomat Dr. Ralph Johnson Bunche described, “Ongoing oppression and responses to it, inevitably create[d] racial stereotypes that victimize[d] all sides involved. Regardless of how deplorable their own plight might be, dominant groups [were] ‘placated’ by illusions of their ‘social superiority,’ assuming for themselves political and economic privileges.”^{viii} ¹⁹

One prime example of this tension came in June 1946, when less than a year after it was established, a nascent United Nations was forced to confront racism head-on. The preindependence government of India requested that the issue of the Union of South Africa’s discriminatory treatment of people of Indian descent and breaches of the 1927 Cape Town Agreement be reviewed during

the first session of the General Assembly.^{ix} ²⁰ Specifically, India challenged South Africa’s passage of the Asiatic Land Tenure and Indian Representation Act, No. 28 of 1946 (“Ghetto Act”), which restricted land ownership and representation in Parliament for people of Indian descent.²¹ By this time, South Africa’s elaborate scheme of discrimination extended to all people of color in some form, with Black South African communities being the most disproportionately affected. Still, Black South Africans would not be acknowledged in the resolution proposals submitted to the United Nations until the following year.

Although Jan Christian Smuts, the prime minister of South Africa and first president of the General Assembly, helped pen the UN Charter, he protested this item from India being added to the agenda.^x ²² The South African delegation defended its racial policies, asserting that the United Nations lacked jurisdiction to intervene in its domestic affairs under Article 2.7 of the charter.²³

In a separate resolution that session, the General Assembly also recommended that the Union of South Africa transfer South West Africa into the UN trusteeship system.^{xi} ²⁴ As a former German colony, South West Africa had been assigned a Class C mandate under the League of Nations, with responsibility for its administration falling to the Union of South Africa, a British colony. Indian delegate Sir Maharaj Singh gained the assembly’s support

^{vii} The 11 Trust Territories placed into the system between 1946 and 1950 were Western Samoa, administered by New Zealand; Tanganyika, administered by the United Kingdom; Rwanda-Urundi, administered by Belgium; Cameroons, administered by the British; Cameroons, administered by the French; Togoland, administered by the British; Togoland, administered by the French; New Guinea, administered by Australia; Nauru, administered by Australia; Strategic Trust Territory/Trust Territory of the Pacific Islands, administered by the United States; and Somaliland, administered by Italy. South West Africa was the only one of seven African territories once held in the League of Nations Mandate System that was not placed into the trusteeship.

^{viii} Dr. Ralph Johnson Bunche was a member of the American delegation who helped draft the Universal Declaration of Human Rights. He was also the first African American and person of color awarded the Nobel Peace Prize.

^{ix} India did not gain its independence from Britain until 1947 but had obtained dominion status following its support to the British in World War I. Even as a colony, India was able to leverage this unique position to demand autonomy similar to that of other dominions, like Australia and Canada, which propelled its nationalist campaign and international standing compared to other colonies. India participated in the Paris Peace Conference of 1919 and was one of the signatories to the League of Nations Covenant and the UN Charter.

^x The UN Charter promotes “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.” Smuts participated in the Paris Peace Conference and signed the Treaty of Versailles, which contained the Covenant of the League of Nations. When he returned to South Africa, Smuts encountered a South Africa rife with postwar unrest as Black South Africans, Indian South Africans, and other people of color demanded equal citizenship and recognition of their wartime contributions. Smuts subsequently became prime minister of a South African government determined to institute an elaborate system of racial segregation in citizenship, social services, education, labor, housing, and transportation, among other fundamental rights.

^{xi} South West Africa refers to present-day Namibia, which gained its independence in 1990. In response to the Union of South Africa’s desire to incorporate South West Africa into South Africa, the General Assembly observed that the “African inhabitants of South West Africa have not yet secured political autonomy or reached a stage of political development enabling them to express a considered opinion which the Assembly could recognize on such an important question as incorporation of the territory.” What remains striking is that even in the General Assembly’s purported attempts to promote the independence and self-determination of the territories, it failed to consult those affected by its decisions—in this case African inhabitants of South West Africa. Deeply entrenched racial ideology and bigotry still shrouded the fundamental freedoms that were to be owed to all people during the creation of the United Nations and its Trusteeship System.



to transfer South West Africa into the trusteeship system by highlighting the inequitable treatment of the African majority in South Africa to draw attention to the ways in which the annexation of South West Africa by South Africa would intensify discrimination in the territory. The government of the Union of South Africa rejected the UN-proposed trusteeship agreement and advanced in its plans to incorporate the territory.

In South Africa, the Natal Indian Congress (NIC) led a passive-resistance campaign against the Ghetto Act, which was met with brutal violence at the hands of white South Africans and police inaction for several days. More than 2,000 Indian activists were arrested, along with Black South African, colored,^{xii} and white protestors. The campaign established the foundation for cooperation between African and Indian organizations, namely the NIC, the Transvaal Indian Congress (TIC), and the African National Congress (ANC), and led to Indian support for the African miners' strike in August 1946. A multiracial delegation also traveled from South Africa to New York to support India led by Dr. Alfred Bathini Xuma and including H. A. Naidoo, Sorabjee Rustomjee (who represented the Passive Resistance Councils), and Senator H. Basner. The delegation gained international attention, with Egypt subsequently proposing a resolution calling for an end to all religious and racial discrimination and persecution, which passed the General Assembly by unanimous consent.²⁵ Further General Assembly debates on India's complaint against South Africa concluded with a resolution requesting that the two countries return to report in its next session on measures adopted to ensure South Africa's treatment of Indians conforms to the UN Charter and other agreements between the two countries.²⁶ It is noteworthy, however, that Black South Africans were still not included in the text of the resolution.

When the South African government refused to act on the General Assembly resolution domestically, the NIC, TIC, and ANC entered a Joint Declaration of Co-operation to unify the Indian and African political movements in the fight for equality. This led to the creation of the Congress Alliance, which Smuts repeatedly tried to derail in his effort to uphold a brand of hegemony reminiscent of the League of Nations Mandate System. Internally, race and class divisions between Indians and Black South Africans, which featured prominently in South African society post-World War I, continued to plague the Congress Alliance.^{xiii}

Meanwhile, at the United Nations, the government of India and the Union of South Africa submitted reports to the General Assembly in September 1947 on their previous meetings, which reignited debate in the First and Sixth Committees over the assembly's jurisdiction to decide on Indian rights in South Africa.^{xiv 27} Eastern European countries like the Union of Soviet Socialist Republics (USSR) and Poland^{xv 28} aligned to promote India's position, whereas Western democracies like Great Britain and the United States initially sided with the Union of South Africa—essentially to protect their own claims of sovereignty and treatment of racial minorities. Though Poland's representative to the United Nations proposed the debate extend to include treatment of all non-Europeans in South Africa, the circumstances surrounding the bid seemed to reduce Black South Africans and other people of color to spoils of the Cold War.^{xvi 29} After several modifications to the draft resolution, the General Assembly still failed to secure the two-thirds majority required to pass it.^{xvii}

Back in South Africa, a budding fascist movement, the National Party, ascended to power under Prime Minister Daniel François Malan in May 1948. By many accounts, the National Party's popularity and preoccupation with white supremacy surfaced in response to the United Nations' attention on South Africa and the

xii A person of mixed European ("white") and African ("black") or Asian ancestry, as officially defined by the South African government from 1950 to 1991.

xiii After World War I, Indians in South Africa gained greater privileges than other racial groups, particularly in the areas of trading and housing. Three days of rioting and violent clashes between Black South Africans and Indians in KwaZulu-Natal province in January 1949 left more than 120 people dead, 1,000 injured, and 20,000 homeless. The Congress Alliance's leadership continued to advance an aspirational façade of racial unity, issuing a joint communiqué the following month attributing strife between Indian and Black South Africans to "the political, economic and social structure of [the] country, based on differential and discriminatory treatments of the various racial groups and the preaching in high places of racial hatred and intolerance." Haines, "United Nations Challenge," 186.

xiv There are six main committees of the United Nations General Assembly. The first committee considers disarmament and international security while the sixth committee is the "primary forum for the consideration of legal questions in the General Assembly." For more information, visit: <https://www.un.org/en/ga/maincommittees/index.shtml>.

xv As context, tensions were already mounting between the United States and the USSR due to the Cold War. The Americans sought to isolate the Soviets, which implied aligning with the imperial powers. China, the Philippines, Iran, Ethiopia, Egypt, Colombia, Uruguay, Panama, Mexico, France, the USSR, Ukraine, Yugoslavia, and Byelorussia spoke in support of India's position.

xvi In May 1949, the USSR also introduced a study on "the social problems of aboriginal populations and other under-developed social groups of the American continent."

xvii It is worth noting the drafts and counterresolutions included potential referral to the ICJ.



multiracial coalition that had developed to advocate for equality. As one National Party leader stated, “We say to the United Nations that we shall fight to the last drop of our blood to maintain white supremacy in South Africa.”³⁰ Apartheid’s chief engineer, Hendrik Verwoerd, likened the spirit of “freedom, brotherhood and equality” that emerged post-1945 to the European Enlightenment.³¹ In fact, however, the apartheid regime bore all the hallmarks of the darker side of the Enlightenment period predicated on white superiority. As one National Party leader declared:

“Our policy is that the Europeans must stand their ground and must remain *baas* in South Africa. If we reject the *Herrenvolk* idea and the principle that the white man cannot remain *baas*, if the franchise is to be extended to the non-Europeans, and

disenfranchisement of people of color more generally. The government of India responded immediately in July 1948, reviving the complaint against South Africa and requesting the General Assembly consider the matter again. This time, India expanded its inquiry, arguing that South Africa’s new leadership was committed to an apartheid system premised on European domination of all people of color in South Africa which jeopardized the solidarity of UN member states and, by consequence, world peace.³³

The fight for racial equality spawned a human rights movement that extended to other fundamental rights and resulted in the most far-reaching body of standards of any area of international law.^{xix} 34 Emerging from the Holocaust and World War II, the desire to create stronger, legally binding obligations for member

states inspired the adoption of General Assembly Resolution 260 A (III) on December 9, 1948, on the Convention on the Prevention and Punishment of the Crime of Genocide (“Genocide Convention”).^{xx} A day later, a drafting committee comprising representation from the sovereign regions of

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if the non-Europeans are given representation and the vote and the non-Europeans are developed on the same basis as the Europeans, how can the Europeans remain *baas*? ... [O]ur view is that in every sphere the Europeans must retain the right to rule the country and to keep it a white man’s country.”^{xviii} 32

Once in office, Malan rapidly enacted repressive legislation aimed at curtailing Indians’ right to representation and the

the world produced the Universal Declaration of Human Rights, which enshrined 30 fundamental rights aimed at promoting peace, freedom, and justice for all.³⁵ The General Assembly adopted the declaration in recognition of the “barbarous acts which [...] outraged the conscience of mankind” during the Holocaust.³⁶ The South African government initially refused to sign or observe the ideals embodied in the declaration, which were in direct conflict with the insidious racial oppression it was fighting to preserve.

xviii Baas is a term of Dutch or Afrikaans origins used in the past in South Africa to describe or address a white male, indicating the speaker’s perception or acknowledgment of the other’s superior social status. The *Herrenvolk* idea refers to an ethnocratic system in which democratic participation is only conferred upon the dominant group.

xix Though a Human Rights Covenant was also drafted during this time and eventually tabled in 1951, it met an impasse after Eastern and Western countries failed to agree on the rights that should be included. Led by the United States, Western countries focused on civil and political rights without regard for economic, social, and cultural rights. The US Department of State aimed to protect national laws that upheld the disenfranchisement of people of color, racial segregation, and other forms of inequality. When negotiating the Universal Declaration of Human Rights, the Genocide Convention and the Human Rights Covenant, the American drafters focused on carefully worded language and weak legal enforcement mechanisms, which created some tension. States within the Soviet bloc and allies preferred to focus strictly on labor rights. In 1952, it was decided that two separate treaties should be introduced to cover each category. While negotiations were not finalized for several years, they eventually yielded the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

xx The convention defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; [and] (e) Forcibly transferring children of the group to another group.” Pursuant to the Genocide Convention, member states can bring cases against other member states that have not observed their obligations to prevent or punish perpetrators under the convention. It is also worth recognizing that the legal definition of genocide under the convention is not inclusive of the various acts and behaviors that may be considered genocide. For example, groups that are not listed as protected can still experience genocidal violence directed at them, even if it cannot be prosecuted accordingly.



Still, South Africa was not the only member state resistant to signing or domesticating these key instruments promoting the equality of all people. Some signatories such as Bahrain, Bangladesh, India, Malaysia, the Philippines, Singapore, the United States, Vietnam, Yemen, and the former Yugoslavia also signed with the caveat that no claim of genocide could be brought against them at the ICJ without their consent. In the case of the United States, W. E. B. Du Bois, Paul Robeson, and other leading civil rights activists presented a petition to the United Nations in 1951 seeking redress for lynching in the American South titled *We Charge Genocide: The Crime of Government against the Negro People*. US senators would not ratify the Genocide Convention until 1987, fearing that legalized segregation would be dismantled. This was a source of contestation as the immediate experience of the Holocaust gained attention but failed to stimulate accountability for other racial groups who had experienced colonization, slavery, servitude, segregation, and violence. Though the Genocide Convention has been similarly evoked in other contexts since it was first introduced, it is striking that it has only been applied in two cases, *Bosnia v. Serbia* and more recently *The Gambia v. Myanmar*.

The Interplay of International Justice

By December 1949, South Africa's National Party had extended its apartheid system to South West Africa, providing the territory representation in the South African Parliament to extend its reach. The government of South Africa continued to reject the UN General Assembly's request that it submit periodic reports on the territory's status. This prompted the General Assembly to refer the matter to the ICJ in what became one of the most highly contested matters in the court's history.³⁷ When it rendered a decision the following year, the ICJ held that South Africa continued to have international obligations toward South West Africa and that the United Nations should assume the functions of the League of Nations in its administration.³⁸ South Africa refused to

accept the court's opinion and continued to oppose any form of UN supervision over the territory.

By the end of 1950, the General Assembly concluded that South Africa's "policy of 'racial segregation' (apartheid) [was...based] on doctrines of racial discrimination," calling on the South African government to refrain from enforcing the Group Areas Act.³⁹ South Africa once again rebuked the General Assembly, questioning its standing to review the state's domestic matters, and continued to implement discriminatory legislation.^{xxii} The period that followed signaled a breakdown in diplomatic relations.^{xxiii} 40 The case of South West Africa returned to the ICJ in 1955 and 1956 for additional advisory opinions regarding the territory's status and voting rights.⁴¹

Over the course of the United Nations' first 15 years, the General Assembly reviewed the situation in South Africa annually, passing at least 24 resolutions condemning the government's policies toward its people of color.⁴² It was not until April 1, 1960, that the Security Council took its first action on South Africa, demanding the state abandon its policies of apartheid and racial discrimination after 69 peaceful Black South African protesters in Sharpeville were killed in the deadliest massacre witnessed during the apartheid era.⁴³ Concerned the situation in South Africa threatened international peace and security, the Security Council asked the secretary-general to arrange to help bring South Africa into conformity with the UN Charter and provide updates to the Security Council.^{xxiv}

Ethiopia and Liberia also filed a case against South Africa in the ICJ in 1960, alleging that the state had not observed its mandatory duties to South West Africa. However, after Pakistani Judge Sir Muhammad Zafrulla Khan was forced to recuse himself for being "biased" on the matter, the court eventually determined that Ethiopia and Liberia lacked proper standing to bring the case since they did not have a "legal right or interest."^{xxv} 44 As a result of this

xxi Under the Group Areas Act (1950), South African cities and towns were divided into segregated residential and commercial areas. Since the law could be applied retroactively, hundreds of thousands of Blacks, Indians, and colored persons were forcibly removed from areas designated for white occupation.

xxii Malan's administration also enacted a series of laws designed to bolster the racial inferiority of people of color, including the Prohibition of Mixed Marriages Act, the Population Registration Act, the Immorality Amendment Act, the Suppression of Communism Act, the Bantu Authority Act, and the Separate Representation of Voters Act.

xxiii In 1955, South Africa withdrew from the United Nations Educational, Scientific and Cultural Organization in opposition to its campaign against racial discrimination. That year, the South African delegation also downsized its presence at the UN General Assembly. Other controversies around apartheid and the risk of being formally excluded prompted South Africa to withdraw from the International Labor Organization in March 1964.

xxiv While nine members of the Security Council voted in favor of the resolution (China, the United States, the Soviet Union, Argentina, Ceylon, Ecuador, Italy, Poland, and Tunisia), France and Britain abstained.

xxv Documents emerging from several national archives highlight Britain's resistance to endorsing Judge Zafrulla for a position on the ICJ because the Foreign Office did not believe it would be able to influence him on racial matters. It was not until there was greater representation of African and Asian judges on the court and Zafrulla was its president that he was able to deliver the transformative Advisory Opinion he wished on the South West Africa matter in 1970. The court's arguments on standing should also be considered in light of member states' *erga omnes* obligations, or obligations arising from duties to the international community as a whole.



decision, which flouted international protections for crimes so egregious they threaten the international community as a whole, African states avoided the court for the next two decades.⁴⁵

By 1961, the C-24, or Special Committee on Decolonization, was formed within the United Nations to monitor implementation of the previous year's Declaration on the Granting of Independence to colonial powers and peoples.⁴⁶ With more states gaining independence through decolonization efforts, most of the UN system began to pressure South Africa to reform its racial policies, with some member states and labor unions initiating boycotts against the country. As the first director of the UN Human Rights Division, John Humphrey, opined in his diary, "backward countries" were "in revolt" furthering their own ideas about rights, which was made possible by the Western democracies' apathy to human rights.⁴⁷ African and Asian states submitted separate resolutions calling for sanctions against South Africa.⁴⁸ And for the first time in the history of the United Nations, the United Kingdom voted for a resolution against apartheid. Within two months, South Africa withdrew from the Commonwealth, announcing it was now the Republic of South Africa. By 1963, the Security Council adopted stronger measures, extending the sanctions to include an arms embargo.⁴⁹

With increased focus on eradicating racism, the General Assembly requested a declaration and legally binding document that would hold member states specifically accountable for racial discrimination and xenophobia. This led to the introduction of a declaration and the International Convention on the Elimination of All Forms of Racial Discrimination.⁵⁰ Pursuant to the convention, racial discrimination would consist of "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life." The convention's expansive view of racial discrimination sparked some debate, as it extends beyond a particular race and could arguably be applied to all UN member states.⁵¹ The convention also established the first treaty body, the Committee on the Elimination of Racial Discrimination, which inherited functions similar to the Minority Treaties under the League of Nations.⁵² The committee is responsible for issuing general recommendations and reviewing states' progress in the implementation of the convention, in addition to fielding early warning and urgent action requests. Nevertheless, the mechanism could be more efficient

as member states are usually delayed in the submission of their reports by several years.⁵³

Several periods of commemoration have also been introduced, including the International Day for the Elimination of Racial Discrimination, observed annually on March 21 (the anniversary of the Sharpeville massacre); the International Year for Action to Combat Racism and Racial Discrimination, celebrated in 1971; and three Decades for Action to Combat Racism and Racial Discrimination, along with its Programme of Action for the Decade (1973–2003).⁵⁴ Despite all these efforts, reviews of these programs would reveal that they still fell short of accomplishing their mandates, largely due to gaps in legal frameworks, financial constraints, and an absence of political will, which manifest in new forms of discrimination.⁵⁵

In 1971, the ICJ issued its final ruling on the decolonization issue, holding that South Africa unlawfully occupied South West Africa after the UN General Assembly revoked the mandate and that apartheid being imposed on the territory violated South Africa's obligations under the UN Charter.⁵⁶ Despite this ruling, South Africa continued to occupy and administer the territory until its independence in 1990. By then, the General Assembly had also sought to criminalize apartheid through the International Convention on the Suppression and Punishment of the Crime of Apartheid (1974).^{xxvi} Finally, on November 12, 1974, the General Assembly took a hardline position, suspending South Africa from participating in its work altogether. Still, the international body continued to review South Africa's policies, recommending a dedicated year of sanctions in 1982 and providing activists within the antiapartheid regime with protection.⁵⁷ South Africa was not invited to return to the General Assembly until 1994, when it became a democracy and instituted universal suffrage for all South Africans.

The Racialization of Atrocity Crimes

Looking beyond the situation in South Africa, at various points, the African, Asian, Latin American, and Arab blocs, often supported by the Soviet bloc, within the United Nations continued to search for more-effective means of eradicating racial discrimination as it became apparent that systemic racism still flourished around the world. In 1977, the United Nations held a Conference on Discrimination against Indigenous Populations in the Americas, which succeeded in pressuring the United States and other governments to recognize the special status of Indigenous people and led to a regime of related human rights protections. In addition

^{xxvi} While allegations of apartheid have been levied against several states, including China, Israel, Myanmar, North Korea, Saudi Arabia, and Sudan, in addition to South Africa, the crime of apartheid has never been prosecuted under the Apartheid Convention. No special tribunal has been established that would enable states to raise cases under the convention. Rather, states are to adopt legislation that would sanction prosecutions as a form of universal jurisdiction. The crime of apartheid has also been incorporated into the Rome Statute of the ICC as a crime against humanity. It is also worth noting that apartheid is considered to have attained the status of customary international law, which means it is recognized as "a general practice accepted as law" that exists independent of treaty law. Customary international law is particularly important because it strengthens the protections offered to victims where no treaty exists.



to the international human rights treaties, regional human rights mechanisms emerged for Europe, the Americas, and Africa to monitor compliance with regional human rights treaties. A mandate for a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance was created in 1993 to focus entirely on racism and racial discrimination against Africans and people of African descent, Arabs and Muslims, Asians and people of Asian descent, migrants and non-nationals, people belonging to Indigenous groups, and minorities, as well as all other victims.^{xxvii}

Five years later, to replace the ad hoc tribunals established to pursue international criminal accountability for atrocities committed in Yugoslavia and Rwanda, the General Assembly introduced the Rome Statute of the ICC.^{xxviii} Despite efforts to ensure individual criminal liability for racially motivated atrocity crimes through dedicated protections against genocide and the crimes against humanity of apartheid and persecution, the ICC still fell under sharp criticism for institutional policies and practices that many have viewed as Eurocentric or racially unjust. Atrocity crimes and related remedies have been framed in terms of proximate harm to victims but have failed to provide more systemic redress to affected communities. For instance, remedies offered through court programs are offered to individual victims and their families but have demonstrated they cannot be relied on in isolation to prevent further atrocities or offer longer-term community transformation and reconciliation.⁵⁸ Further, the crimes are framed in terms of individual responsibility without acknowledgement of the structural injustice or systems that may have influenced the commission of crimes affecting groups or classes of people. The Rome Statute also framed crimes prospectively but did not allow for review of past atrocities or criminalize conduct perpetrated by Western nations that have been harmful to communities of color, like ecocide or economic crimes.

Moreover, some of the court's critics have argued that African states are disproportionately negatively impacted by the court, which is mired in norms, frameworks, priorities, and perspectives that are "uncompromisingly European" without appreciation

for local or indigenous ideas of justice.⁵⁹ Admittedly, under the complementarity provision, states may refer and have referred themselves to the ICC when they are unable to investigate or prosecute a situation within their territories. However, the two-tiered system of accountability is undeniable, as some of the court's leading proponents, like the United States, Russia, and China, are not parties to the Rome Statute. In fact, late in the negotiating process, Germany reportedly conceded that Western states would not have difficulty carrying out prosecutions.⁶⁰ By 2014, the ICC had issued indictments against 36 African suspects within eight African countries.⁶¹ Seven years later, 10 of the 13 situations under investigation are still within Africa, and the 45 defendants currently before the court are all of African or Arab descent, which has the effect of racializing atrocity crimes, their perpetrators, and victims.⁶²

Despite efforts to ensure individual criminal liability for racially motivated atrocity crimes through dedicated protections against genocide and the crimes against humanity of apartheid and persecution, the ICC still fell under sharp criticism for institutional policies and practices that many have viewed as Eurocentric or racially unjust. Atrocity crimes and related remedies have been framed in terms of proximate harm to victims but have failed to provide more systemic redress to affected communities.

In 2001, the General Assembly hosted the World Conference on Racism in Durban, South Africa, which tackled several controversial issues and acknowledged the role of colonialism in perpetuating racial intolerance, particularly against Africans and people of African descent, Asians and people of Asian descent, Indigenous peoples, migrants, refugees, minorities, the Roma, and other groups. Prior to the World Conference, four preparatory conferences were held in different regions of the world to maximize consultations and identify regional challenges. Once discussions shifted to the question of Palestine, the United States and Israel chose to leave the conference after Zionism was equated with racism. Still, the Durban Declaration and Programme of Action from the conference acknowledged that slavery and the slave trade were crimes against humanity and contributed to racism. It assigned the primary responsibility of combating racism, racial discrimination, xenophobia, and related intolerance to member states and

^{xxvii} Since 2012, the General Assembly has also required the special rapporteur to produce annual reports to it and to the Human Rights Council on the glorification of Nazism and neo-Nazism and other practices that may contribute to racial discrimination.

^{xxviii} The International Criminal Tribunal for Rwanda was progressive on many levels, acknowledging the remnants of colonialism and social constructs that sowed division between Hutu and Tutsi communities.



committed them to combat those forms of racism through ratification of the International Convention on the Elimination of All Forms of Racial Discrimination. The Durban Declaration also encouraged comprehensive national action plans and reinforcement of national institutions toward eradicating all forms of discrimination. Two years later, the UN General Assembly reiterated that implementation of the Durban Declaration provided a strong foundation for a broad-based consensus for further action to eliminate racism.

New Systems, Old Problems

After Omar al-Bashir seized power in Sudan during the 1990s, he launched an ethnic cleansing campaign with Arab militias known as Janjaweed against civilians identified as Black, perpetrating some of the worst atrocities the world has witnessed since World War II.^{xxix} 63 Acknowledging the links between systemic racism and genocide, the Committee on the Elimination of Racial Discrimination adopted the Declaration on the Prevention of Genocide with corresponding indicators for patterns of systemic and racial discrimination in 2005. That same year, the United Nations introduced the Responsibility to Protect to ensure that the international community would never again fail to halt the mass atrocity crimes of genocide, war crimes, and crimes against humanity, in addition to ethnic cleansing. Nevertheless, critics have cited fleeting progress under R2P as governments have failed to protect their own people against atrocity crimes while standing idle in the face of recurrent violence in Sudan, South Sudan, Syria, Myanmar, Palestine, Ethiopia, Sri Lanka, Nigeria, and the United States, among other nations. While one may argue that the fight against racial discrimination is as old as the modern human rights movement,^{xxx} we still find ourselves in a position where global systemic racism is at epic proportions, undermining sustainable development, fueling conflict, and threatening our collective peace and security.⁶⁴

^{xxix} An estimated 400,000 to 480,000 people have been killed in Sudan with 2.5 million internally displaced and more than 1 million refugees or asylum seekers.

^{xxx} The “modern human rights movement” refers to the period after the UN Charter when equal and inalienable rights were acknowledged as the foundation for international peace and security.

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About the Author



Pratima is Deputy Director with the Global Initiative for Justice, Truth, and Reconciliation at the International Coalition of Sites of Conscience where she oversees several programs in transitional justice and atrocity prevention in East Africa, as well as in Bangladesh with Rohingya communities. Prior to this, Narayan served as the Chief of Investigations for the United Nations Commission on Human Rights in South Sudan. In 2018, she was one of 18 investigators selected globally to participate in a US Department of State investigation into atrocities allegedly committed against Rohingya communities in Myanmar.

Narayan has held various other positions with the United Nations peacekeeping mission in Mali (MINUSMA) and with the United Nations Educational, Cultural and Scientific Organization and the United Nations Office of the High Commissioner for Human Rights in Geneva, Switzerland. In addition to working as an attorney with corporate law firms in New York, Narayan has successfully counseled internally displaced persons and asylum-seekers in Greek migrant camps, as well as in South Africa and Japan. A Bronx native, she began her career representing families in eviction prevention cases with the Legal Aid Society in 2002.

Narayan received a Juris Doctor from Boston University School of Law and a Bachelor of Science in Industrial and Labor Relations from Cornell University. She currently serves on the Board of Directors for Women of Color Advancing Peace, Security and Conflict Transformation (WCAPS) and the United Nations Association of the United States of America. From September 2020 to December 2021, Narayan served as cochair of the WCAPS Human Rights Working Group. She also served on the leadership team for the Intersectionality and National Security Sub-Working Group of WCAPS which produced the publication, *A New Normal: Redefining National Security Beyond 2020*. Narayan coordinates the Christine Loudes Mentorship Program for ATLAS women in public international law. She is a member of Delta Sigma Theta Sorority, Inc., the American Society of International Law, and the Justice Rapid Response Expert Roster. Most recently, she was selected as a 2021 International Career Advancement Program Fellow and named to the Diversity in National Security Network as well as the Center for Strategic and International Studies 2021 US National Security & Foreign Affairs Leadership List.



Institutional Racism in the Conceptualization and Implementation of the Principle of Sovereignty

By Ronnate D. Asirwatham

This section will examine dynamics of power and racism in the conceptualization of state sovereignty during the formulative development of the United Nations and the deployment of the principle thereafter. It analyzes:

- The manner whereby state sovereignty and sovereign equality of states were conceptualized leading up to the United Nations Conference on International Organization, known as the San Francisco conference of 1945.
- The way the principle of state sovereignty has been used by the leaders and elites of postcolonial countries to further structural racial injustice, leading to mass atrocities within countries.
- The recent use and application of the sovereignty principle by the United Nations Security Council (UNSC), including through the Responsibility to Protect (R2P) norm for atrocity prevention.

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This section argues that state sovereignty has been defined and implemented by the powerful and has been used as a tool to disenfranchise groups with lesser power from their autonomy to seek and exercise self-determination. This was done first by putting in place the structure of the five permanent members (P5) of the UNSC, who ensured that they would be able to use the institution to defend, maintain, and enhance their own powers by using the principle of state sovereignty. Second, post-1945 and decolonization, newly independent countries also used state sovereignty to perpetuate racism, mainly ethnoracism, within their own borders, and not allow other groups to exercise their

right to self-determination. The elite groups in newly independent countries did not want their power challenged and therefore used the concept and structures of state sovereignty to ignore or perpetrate atrocities within their borders. This has enabled underlying and overt racism to erupt into atrocities within countries. Because the United Nations has sacrificed the protection of ethnic groups and civilians in order to maintain state sovereignty and the structures of power in the institution, it has not prevented mass atrocities from happening.

The Concept of State Sovereignty

The concept of state sovereignty became a factor in relations between states through the Treaty of Westphalia in 1648, where the principle of territorial delimitation of state authority and the principle of nonintervention were formally established. Ian Brownlie, in his seminal work *Principles of Public International Law*, says state sovereignty is “the concept of a legal personality of a certain kind which is statehood.”¹ Article 1 of the Montevideo Convention on the Rights and Duties of States says statehood, or thereby a state, is defined for the purposes of international law as having a permanent population, a defined territory, an effective

government, and the capacity to enter into relations with other states.² The principle of state sovereignty gives a state supreme authority within its territory.³ It is a pivotal principle of modern international law, and today most international relations are based on that principle. Throughout

this section, the term “sovereignty” should be taken to mean state sovereignty as described above and not the sovereignty of the people, which is another doctrine in political theory that government is created by and subject to the will of the people.

The 46 countries that discussed the formation of the United Nations decided that the most effective way such a body would be able to fulfill its purpose was by basing its formation on the principle of sovereign equality for all member states (UN Charter Article 2.1).⁴ In addition to the definition of statehood and state sovereignty detailed in the Montevideo Convention above, the

ⁱ Sovereignty in the sense of contemporary public international law denotes the basic international legal status of a state that is not subject, within its territorial jurisdiction, to the governmental, executive, legislative, or judicial jurisdiction of a foreign state or to foreign law other than public international law.

ⁱⁱ “To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.”



principle of sovereign equality of states requires (a) a duty of non-intervention in the area of exclusive jurisdiction of other states and (b) the dependence upon consent of obligations arising from customary international law or treaties.

Beliefs in Racial Superiority

As World War II was coming to an end, the United States, the United Kingdom, and the Soviet Union began to discuss a system by which they could ensure world peace. They were conscious of the failed League of Nations and did not want to repeat that mistake. They agreed that there would be a new body—the United Nations—similar to the League of Nations, with an important difference being that this new body would have an executive mechanism that would make it more proactive in stemming conflict. The three powers, also known as the “Big Three,” were convinced they needed to be a part of this executive body and, if they controlled and held power in the mechanism, they could ensure peace and security for the world. This belief among the leaders of the Big Three that their countries alone could control war and peace in the world stemmed from a sense of racial superiority. Racial superiority is the belief that a particular group or race is superior to others.⁵ When it came to these three nations, it was not only the individual views and beliefs of the three leaders—Winston Churchill, Franklin D. Roosevelt, and Josef Stalin—but also the social and political institutions of the time that informed and shaped their positions.

In Churchill’s four-volume book, *A History of the English-Speaking Peoples*, which he began in the 1930s and completed in the 1950s, he spoke of an “English Race” and the English nation. In his conceptualization, it is clear he did not mean all the people within England’s borders, but rather white people—mainly men—who spoke English. And that this “nation” needed to “rule less enlightened people” to keep world order.⁶ In the early 1920s, Churchill described his “adventures” in the British wars of pacification and colonization of Egypt, Sudan, and India: “In those days England had a lot of jolly little wars against barbarous peoples that we were endeavoring to help forward to higher things.”⁷ These are clear examples of his belief in racial superiority. However, these views were not Churchill’s alone but those of the ruling elite of the country. The British government’s views on colonialism and its own policies and laws—such as the “color bar,” which prevented “colored people” from obtaining jobs and accommodation⁸ in the United Kingdom, fighting for British boxing titles, and joining the UK armed services or serving as officers in them,⁹ and the racist 1925 Coloured Alien Seamen’s Order—allowed for racial segregation and discrimination to be institutionalized in the United Kingdom.¹⁰

Roosevelt’s words and actions on race were more complicated than Churchill’s outright racism, but historical accounts demonstrate his focus on ensuring segregation and that white or “American or European blood” did not mingle with that of immigrants. In the 1920s, he opposed Japanese immigration on the grounds that “mingling Asiatic blood with European or American blood produces, in nine cases out of ten, the most unfortunate results.” He recommended that future immigration should be limited to

those who had “blood of the right sort.”¹¹ As president he oversaw the imprisonment of 120,000 people of Japanese descent during World War II.

Historians also called Roosevelt “anti-Semitic in a mild way.”¹² In 1934, he appointed Henry Morgenthau Jr. as the first Jewish secretary of the treasury. Yet his anti-Semitism continued, and other historians have argued that it was not mild. In 1942, he told Morgenthau and a Catholic economist, Leo T. Crowley, that the “U.S. was a Protestant country and the Jews and Catholics are here on sufferance. And it is up to you to go along with anything I want at this time.”¹³ Throughout his time in government, Roosevelt seemed obsessed to ensure that Jews didn’t “overcrowd” his Protestant United States. He proudly told Morgenthau how he, as a member of the Harvard University board of directors in 1923, decided there were too many Jewish students at the college and helped institute a quota to limit the number admitted to 15 percent of all admitted. Roosevelt asked Morgenthau to use a similar formula to reduce the numbers of Jews in federal employment so there would be no “overcrowding.” Roosevelt spoke of the “understandable complaints which Germans bore the Jews in Germany,” because although the Jews were a small part of the population, they were the majority in the professions of lawyers, doctors, schoolteachers, and college professors. As president, he neglected to accept the *St. Louis*, a ship carrying Jewish refugees originally intended to disembark in Cuba. Regarding Jewish refugees and displaced persons following the end of the war, he said that if they were to be let in, they must be “thinly spread.”¹⁴ According to the US Holocaust Museum, Roosevelt did not allow the *St. Louis* to dock because it would have taken an executive order or act of Congress.¹⁵ However, other scholars have disputed this, as the immigration quota for people from Germany was only 25 percent filled at the time the ship approached the United States. Filling the quotas did not take an executive order or an act of Congress.¹⁶ Roosevelt also overruled the governor of the US Virgin Islands’ offer to take the ship.¹⁷

Roosevelt did not fare much better when it came to African Americans. He refused to appoint them to his cabinet and to sign an antilynching bill.¹⁸ Although his domestic policies, especially the New Deal, brought some relief to African Americans, some of this same legislation was planned with the destruction of jobs held by African Americans in the South in mind.¹⁹

In 1941, when Roosevelt was thinking of what type of world order would keep the peace in a postwar era, he proposed a trusteeship, which later came to be known as his “Four Policemen” theory. He wrote to the State Department that his vision of the trusteeship was “based on the principle of unselfish service. For a time at least there are many minor children among the peoples of the world who need trustees in their relations with other nations and people, just as there are many adult nations or peoples which must be led back into a spirit of good conduct.” In this statement, there is the sense of superiority of the American “adult” nation, which would need to teach “childlike” nations, and then only when the adult nations decide that the children are ready will they be welcomed



to the world of adult countries. In Roosevelt's view, the United States, the United Kingdom, and any other countries that supported them were deemed to be "adult."²⁰ The Soviet Union was reluctantly let into the adult category because Roosevelt knew he could not win the war or the peace without it.²¹ Because of Roosevelt's policies on interning the Japanese and turning away Jewish and Mexican refugees, and his lukewarm approach to civil rights,²² it is clear that when he envisaged a nation of diverse peoples, Roosevelt did not view them as equal.

Stalin was slightly different. The Soviet Union espoused "a raceless system," and Stalin, as well as those around him, rejected the ideology of race as "zoological thinking."²³ While Stalin could say the Soviet Union and its policies were not racist if strictly defined as black-white relations, when relations between ethnic groups are considered, the country can be deemed as racist as the United States and the United Kingdom. The scholar Eric D. Weitz says, "Under Stalin, the Soviets practiced—intermittently, inconsistently, to be sure—racial politics without the overt concept and ideology of race."²⁴ Stalin's Soviet Union oversaw ethnic cleansing and the massacre of many non-Russian ethnic groups such as Tartars, Crimeans, and Poles. He and the Communist Party believed the Soviet Union was superior to the United Kingdom

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and the United States, as well as other nations, and felt that it deserved an influential place in postwar peace because of its size, military power, and manufacturing prowess.²⁵ But they did not acknowledge this was because the Soviet Union was using ethnic groups other than ethnic Slav-Russians to bolster its war and manufacturing prowess.

Given the discussion above, the leaders of the United States, the United Kingdom, and the Soviet Union came to negotiations on how to govern the postwar world with a sense of national superiority. They defended existing systems as superior, and their ideas of citizens of the state prioritized dominant racial groups while ignoring the diversity of the countries and empires they governed. It was because of this sense of superiority that they felt "they were entitled to special positions of the council [UNSC] by virtue of their exceptional responsibility of world security."²⁶

The Founding of the UN Security Council

In 1941, the United States and the United Kingdom signed the Atlantic Charter, hailed by the world as a seminal document envisaging a world order that rooted out fascism and was free of want and fear. In it the two nations promised they would not gain territory from victory in World War II. They also declared that all peoples had the right to self-determination.

While espousing these ideals publicly, in their private negotiations leading to the formation of the United Nations, the United States and the United Kingdom did not uphold them. Roosevelt did not insist Churchill decolonize the British Empire.²⁷ Churchill and Roosevelt also agreed to allow Stalin to occupy Poland in the postwar world, despite knowing full well the racial tensions between the Poles and the Russians and that the Soviet Union had been involved in massacres of Poles in Katyn.ⁱⁱⁱ²⁸ They simply discussed these matters and agreed to return to them at a later date, thereby ignoring glaring, immediate issues of racial injustice and human rights abuses. Likewise, neither Churchill nor Stalin ever brought up the issue of the US treatment of African Americans.

After many conversations between the three nations in the years after the Atlantic Charter was signed, representatives

arrived at Dumbarton Oaks in Washington, DC, in 1944 to finalize matters of the United Nations.²⁹ Here the three powers agreed to the executive mechanism that would be called the UNSC. They also decided to include two other countries in this special council: China and France.

From 1941, Roosevelt had wanted to include China in

this group to "manage" world peace, because the United States needed an ally in East Asia to counter Japan. He thought that by propping up China's leader, Chiang Kai-shek, the weak republic would be dependent on the United States and would support its positions without question. The United Kingdom and the Soviet Union protested. They could not believe the United States would call China a "great power" when it "could hardly govern itself." They also knew that with China in lockstep with US positions in international politics, the United States would be able to control the council. The Soviet Union went so far as refusing to be seen in conference with China; as a result, the United States and the United Kingdom had to have a separate Dumbarton Oaks conference with China later in 1944.³⁰

The United States ultimately prevailed by allowing the United Kingdom to bring France into the fold. The United Kingdom knew that it would not be able to keep a permanent army in the

ⁱⁱⁱ This was a massacre of Polish nationals of many ethnic groups, and the Warsaw Institute says it is the first genocide against a nationality massacre.



European continent and wanted an ally with the “same colonial thinking”³¹ to support it in the UNSC. At a subsequent conference in Crimea, the United States and the United Kingdom compromised with the Soviet Union by agreeing to admit Belarus and Ukraine as full members of the UN General Assembly. At the time, the two were vassal states within the Soviet Union. The Soviets knew that with the inclusion of Belarus and Ukraine they would have three votes in the General Assembly instead of one. With this compromise, the P5 was born.

The summit in Crimea in 1945 was known as the Yalta conference and was the last time the three leaders would meet. At this conference, the three powers agreed to a voting formula where the unanimous consent of the five countries would be needed for all “substantive resolutions” to pass, thereby giving each the power of veto over any decisions of the UNSC.³² This ensured that the P5 had overriding power to decide what was “exclusively” in the domain of any sovereign state and what was not. They also had the power to decide when it was necessary to use force and intervene in the affairs of a sovereign state to maintain peace and security as determined in Chapter 7 of the UN Charter.³³ Without their consent, no decision of the UNSC could go forward.^{iv 34}

The Big Three were so focused on ensuring their role in “managing” the world order that they were willing to ignore each other’s perpetuation of racial injustice, despite hypocritically and publicly espousing equality and self-determination as their values. Therefore, at the very outset of the UN system, the victorious nations ensured a power structure that held authority in determining which injustices to ignore and which to act on. The main factors influencing whether to act or ignore injustices would be the degree to which any action enhanced or diminished the Big Three’s (later the P5’s) sovereignty and power. The following parts of this section will discuss how the founding of the UNSC in beliefs of racial superiority continues to enable systemic racism.

The San Francisco Conference 1945 and the Ratification of the UNSC

When the unanimous consent rule and the power of the veto by the executive body of the United Nations was presented to the 46 countries coming together in San Francisco to agree on the UN Charter in 1945, there were protests. Australia, which was a dominion of the United Kingdom but recognized as self-governing and therefore a sovereign state since 1901, opposed it. However,

India, which was not recognized as a sovereign state at the time but had special privileges from the time of the League of Nations because it provided troops to fight in World War I,³⁵ voted in favor of the veto privileges of the five victorious powers.³⁶ Ethiopia also voted in favor of the veto.³⁷ Therefore, although there were protests against veto powers, they were not universal, and there was

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no clear demarcation between what are now known as Western bloc countries and Eastern bloc countries or Global North and Global South countries.

Since there was no single bloc among the other 41 countries that opposed the formation of the exclusive UNSC, it could be argued that the UNSC was born of a democratic process. But this is not true. During the conference, the P5 consistently and effectively protected their interests by defeating all efforts (including other resolutions) to modify their veto privilege or permanent status at the UNSC.³⁸ The five permanent members did this by threatening to leave the United Nations unless the veto was permitted.³⁹ All the delegations knew that without the five powers, the international body would be worthless.

It could also be argued that the UNSC was not formed with racist underpinnings because it was not exclusively voted for by Western states, but rather by a diversity of peoples around the world who were represented by those who supported the P5’s veto powers. Again, this argument is incorrect. While a diverse group of countries did vote in favor of the UNSC with veto powers, that did not mean there was a diversity of representation of peoples and states. For example, India at the time was not an independent, sovereign state. But it signed the Atlantic Charter in 1941 because it had special status in the League of Nations, as mentioned above, and thereafter had a delegation at the San Francisco conference.⁴⁰ That India was able to vote and there was an Indian delegation in San Francisco gives the appearance of diversity in two ways. One, as a state it was a non-Western country, and two, its delegation purportedly represented different ethnoreligious groups in India. The delegation consisted of a Muslim member (who later became the prime minister of Pakistan) and two other members from different Indian ethnic groups.⁴¹ While India was a non-Western country on its way to independence, its vote in the United Nations was

^{iv} At the San Francisco conference, they initially packaged the veto powers as unanimous powers where the five victorious countries would use unanimity between themselves to vote on UNSC resolutions. The “power of veto” is not mentioned by name in the UN Charter. Article 27 requires concurring votes from the permanent members. Hence, the “power of veto” is also referred to as the principle of “great power unanimity,” and the veto itself is sometimes referred to as the “great power veto.” It was only later, when there was a split between the Soviet Union/Russia and the United States, that the council members used it as a veto to stem each other’s power.



very much controlled by its colonial master, the United Kingdom. In fact, its delegation was denounced by certain leaders of the Indian independence movement, such as Vijaya Lakshmi Pandit, as British stooges⁴² because the group was handpicked by the British government and not the Indian people.

Therefore, although there were diverse country delegations to the San Francisco conference, they did not necessarily represent the diversity of peoples in the nations that would become member states of the United Nations. The delegations also did not represent a differentiation of objectives or values from the P5 given their power relationships with those countries. And while it may appear that support for the formulation of the UNSC was diverse, that did not mean the UNSC would be racially diverse or support racial justice.

The UN system envisaged in 1945 was clearly unequal, and at every negotiating point, the P5 used the UNSC to protect their own sovereignty and enhance their power over any country either defeated in World War II or less powerful than themselves at the time. Therefore, the P5 and the UNSC contradicted the principle of sovereign equality as described in the second paragraph of the UN Charter even at the very formation of the UN system.

Self-Determination, Sovereignty, and the Perpetuation of Racism

The P5, through the UNSC, regularly exercises their powers to ensure their sovereign superiority. In more than seven decades of the UNSC's existence, the sovereignty principle has been used as a sword and a shield by the P5—to pierce and attack other sovereign countries and to protect themselves from scrutiny or counteraction. Such misuse of the sovereignty principle has helped perpetuate racism in international relations and is discussed below.

After the UN Charter came into being, state sovereignty was held up as something for an emerging state to aspire to, and achieving

therefore, in need of self-government with free trade. Churchill thought that these “backward” countries needed British support and therefore could not govern themselves. He also assured the British Parliament that the Atlantic Charter was only for Europe.⁴⁶ As discussed earlier, although Roosevelt wanted trade with the British colonies, he did not want to treat all people equally. Despite the racist and hypocritical beliefs of the Atlantic Charter's authors, countries in Africa and Asia seeking sovereignty through independence used the concepts in the charter to push for the formulation of the principle of self-determination. Even so, it was not until 1960 that the right to self-determination was accorded to “all peoples” in the United Nations' Declaration on Colonial Countries.⁴⁷ This right was subsequently enshrined in the International Covenant on Civil and Political Rights and International Covenant on Economic and Social Right.

Most colonized countries used the right to self-determination to gain freedom for themselves, but once they gained independence, they often denied the right to self-determination to ethnoreligious and other groups within their territory, carrying forward the hypocritical trends of the P5 along the lines of various racial or ethnic identities based on power, discrimination, and inequality. One of the reasons self-determination has been denied to groups within independent, postcolonial countries is because those states are governed by political elites who were mostly at the forefront of their country's independence struggle. Postcolonial countries in large measure fought for independence based on the principle of statism—political power defined in terms of existing political and/or territorial boundaries.⁴⁸ Therefore, most postcolonial countries interpreted state sovereignty to be more or less territorial sovereignty, rather than the sovereignty of the different peoples within that territory. Due to this interpretation of sovereignty, many postcolonial, newly independent states replicated the racist structures of governance that existed in the states when ruled by their colonial masters. Groups not in the mainstream of power (mainly minority ethnic, religious, and tribal groups distinct from the dominant group) were not accommodated in the

governing power structures.

For example, after winning independence in 1947, India denied the self-determination of the peoples of Kashmir and many other groups, such as the Nagas or the Mizos, who lived within its territory.

India instead cracked down on these populations with extremely repressive laws that the British had used against those who fought for Indian independence. Ethnoracial tensions have flared between these groups that want self-determination and the Hindi-speaking Hindu elite groups who remain the most powerful in Indian governance.

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it through national independence was the focus. Many countries fought for their independence (in different ways and not always militarily) believing in the Atlantic Charter, which states it is “the right of all peoples to choose the form of government under which they will live”⁴³ and “sovereign rights and self-government [must be] restored to those who have been forcibly deprived of them.”⁴⁴ Churchill and Roosevelt differed on their understanding of what good the self-government clause in the charter could do. Roosevelt thought that British trade agreements with their colonies was what kept “the people of India and Africa, of all the colonial Near East and Far East, ...as backward as they are”⁴⁵ and,

In the postcolonial era, unequal power sharing would be a key driver of mass violence and racial injustice within the newly independent countries. Postcolonial governments, either by omission or commission, propagated racial injustice, which led to mass



violence and human rights violations within their respective territory. History then repeated itself, as the postcolonial countries invoked the principle of sovereignty and territorial integrity to defend themselves from international censure, in the same manner the P5 did at the inception of the UNSC.

Sovereignty and R2P

With the end of the Cold War, the practical application of the sovereignty principle was changing. For example, individual states within the European Union gave up some aspects of their sovereignty for greater collective economic prosperity, security, and governance.⁴⁹ Military interventions such as those in Iraq (1991), Somalia (1992), and Haiti (1994) were agreed to by the UNSC as “necessary incursions on sovereignty for the purpose of peace and security.”⁵⁰ As then UN

Secretary-General Boutros Boutros-Ghali said in 1992, “The time of absolute sovereignty and exclusive sovereignty...has passed; its theory was never matched by reality.”⁵¹

In the decades since the passing of the UN Charter, it is clear that there have been more conflicts within states than between states. The breakup of the Soviet Union saw ethnonationalist groups clamoring for independence. Some countries like Czechoslovakia separated peacefully, while the Balkans War and the resulting genocide shocked Europe and the world. The UN peacekeeping intervention and NATO military mission in the Balkans was cited as an example of the responsibility to protect where international intervention and breach of the sovereignty principle was justified.⁵² The United Nations and member states’ largely noninterventionist strategy in the face of the genocide in Rwanda was cited as an example of the international community upholding the sovereignty principle and breaching its responsibility to protect endangered ethnic minorities. Both examples are cited as failures of the United Nations to ensure peace and security.

The unresolved debate about the limits of national sovereignty when wide-scale human rights violations occurred was split into two camps: those who believed that every government had an untrammelled right to do what it wanted inside its borders and those who argued that the world community had an obligation to step in when needed to prevent mass atrocities. “Those in the second camp insisted that responsible countries could not allow sovereignty to be a shield for rogue governments to slaughter their citizens with impunity.” While this debate was raging, Francis

M. Deng, then the UN secretary-general’s special representative for internally displaced persons, proposed that sovereignty for national governments entails not only rights but also responsibilities.⁵³ From the subsequent debates and discussions⁵⁴ and building on existing law and conventions, like the Convention to Prevent Genocide, the doctrine of R2P was born.

R2P has three pillars: (1) the duty of every state to protect its people from genocide, war crimes, ethnic cleansing, and crimes against humanity, (2) a commitment on the part of the international community to assist states in fulfilling their responsibilities,

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and (3) the preparedness of countries to take remedial action under the UN Charter when a state is manifestly failing to protect its populations. This doctrine was reaffirmed in 2005 when it was included in the consensus Outcome Document of the UN World Summit. A US-based working group that tried to further the understanding of R2P in 2015 had this to say about the doctrine: “The concept is designed to reinforce, not undermine, national sovereignty. It places primary emphasis on the duty of states to protect their own people and its complementary focus on helping governments improve their capacity to fulfill their commitments [under international law].”⁵⁵ However, the international order of nation states interprets national sovereignty to be state sovereignty. It is because of this interpretation of sovereignty by the United Nations that there are issues of racism and hierarchies of power within the United Nations and international community. The racism and hierarchies of power have led to the failure to effectively realize R2P and kept the international community from preventing mass atrocities, especially those perpetrated due to race or racism. Sri Lanka and Burma are two examples.

Sovereignty and the Failure to Prevent Atrocities in Sri Lanka and Burma

When the civil war between the Sri Lankan government and the rebel Liberation Tigers of Tamil Eelam^{vi} came to a bloody end in May 2009, the United Nations estimated more than 40,000 people were killed in the last three months of fighting, half a million were displaced, and thousands of enforced disappearances occurred even after the hostilities ended. Yet there was little to no intervention by the international community to protect the civilian population and no accountability or justice in the following 12

^v According to F. Pilch and J. Derdzinski, this intervention was “labeled a tragic failure by some, or a valiant but flawed humanitarian effort that saved thousands, by others.

^{vi} The Tamils’ demand first for greater power sharing and then for internal self-determination gave way to armed conflict for 30 years, with the Liberation Tigers running a de facto Tamil state in the north and east of the country.



years. Sri Lanka remains the country with the second-highest number of enforced disappearances in the world (behind only Iraq), and the main alleged perpetrator of atrocity crimes at the time was elected democratically as the executive president of the country in 2019.

When the worst atrocities happened in the final phase of the fighting, there was a high level of UN engagement, with then UN Secretary-General Ban Ki-moon visiting Sri Lanka five days after the government officially declared victory. In 2010, because of an outcry by international human rights groups and the Tamil diaspora that neither the Sri Lanka government nor the UNSC were willing to act, Ban, with the agreement of the then president of Sri Lanka, announced a panel of experts to advise him on measures to advance accountability.⁵⁶ The panel, led by Marzuki Darusman, found credible allegations of war crimes and crimes against humanity perpetrated by the government and the Liberation Tigers. The report concluded that “conduct of the war represented a grave assault on the entire regime of international law designed to protect individual dignity during both war and peace” and this was “a very different version of the final stages of the war than that maintained to this day by the Government of Sri Lanka.” The report also advised the UN secretary-general to authorize “a comprehensive review of action by the United Nations system during the war in Sri Lanka and the aftermath.”⁵⁷

The structures that emerged because of this desire to maintain their superiority, such as the UNSC, have enabled and perpetuated racism by turning a blind eye to it and resulting mass atrocities happening within states

To fulfill that recommendation, Ban appointed an internal review panel headed by former UN Assistant Secretary-General Charles Petrie. The Petrie Report concluded there had been a “systemic failure” in meeting UN responsibilities to prevent and respond to serious violations of human rights and humanitarian law and to protect people at risk.⁵⁸

The report shows that such an atrocious failure to prevent mass atrocities was largely due to poor UN staff leadership on the ground and some UN member states and the UNSC being focused more on the principle of sovereignty and nonintervention than on the protection of civilians, peace, and security. For example, the report said the UN country team senior staff had received “incontrovertible” evidence from two of its own international team members who had remained inside the war zone that 1,000 civilians had been killed and 3,000 had been injured, including many young children, between January 20 and February 5. “According to the UN’s data most casualties were caused by Government fire and included attacks on UN premises and hospitals.” Despite this evidence, the UN resident coordinator did not present this

information to the diplomatic corps but focused on the atrocities committed by the rebel Liberation Tigers group. According to the Petrie Report, the reason the senior staff did this was because they were afraid that if they angered the government, it would exercise its rights as a sovereign country and not issue visas for the UN staff.⁵⁹

Later, in March 2009, senior members of the UN staff in New York, such as the secretary-general’s chef de cabinet, Vijay Nambiar, and the UN under-secretary-general, John Holmes, tried to pressure the high commissioner for human rights, Navi Pillay, to not reveal the figures nor issue a statement reminding the world “more civilians had been killed in seven weeks in Sri Lanka than in Afghanistan in the whole of last year [2008]” because they feared the government would react “in a counterproductive manner.”⁶⁰ The information blockade imposed by the UN country team and relevant UN staff in New York made many UNSC member states complain that they got no information on the human rights and humanitarian law violations that the government and the rebels were committing and, therefore, could not take concrete action to intervene.⁶¹

In New York, the UNSC was even divided on whether it should have a briefing on Sri Lanka. The Sri Lankan government put pressure on certain members of the council, as well as senior members of the UN staff, indicating that any such briefing would support the

Liberation Tigers rebel group and thereby undermine the sovereignty of Sri Lanka.⁶² Instead of acting, the council members spent a great deal of time debating whether to hold private briefings on Sri Lanka in the United Nations’ basement—which would make the meetings unofficial—or in

regular council rooms. Such procedural wrangling wasted a lot of time in a fast-moving conflict. Other UNSC members, such as the United Kingdom and France, tried to get the information independently and sent envoys to Sri Lanka. Based on information the envoys were able to glean from speaking to civil society groups, their missions in Sri Lanka, and human rights organizations, they made presentations to the UNSC. These presentations occurred outside the council room, as they were not official. However, non-permanent members of the UNSC at the time, like Japan, pushed the council not to take action unless there was unanimous consent, in order to preserve the unity of the body. Such arguments also created indecisiveness among the council members and contributed to the inaction.

The UNSC’s inaction in this instance was not due to racism. However, the deference of a majority of UNSC members to state sovereignty, even in the face of copious evidence of the state not only committing crimes but also clearly being unwilling to take any of the UN recommendations seriously, is astounding.



The UNSC and its focus on state sovereignty and noninterference allowed deadly racism to be perpetrated in Sri Lanka.

After the Petrie Report, Ban started the Rights Up Front Initiative, which was aimed at changing UN structures within countries so they could put human rights at the front and center of their work. However, this initiative was a failure because the United Nations did not meaningfully change its systems to prioritize human rights and protect populations against mass atrocities. In August 2017, in Burma/Myanmar, the Burmese military attacked the Rohingya ethnic group, killing an estimated 24,000 people and forcing a million to be displaced to Bangladesh. The resulting report on the United Nations' performance, this time by Gert Rosenthal, had the same verdict: systemic failure of the United Nations to see the signs of mass atrocities, make public statements about it, and signal to others to take action. Once again, one reason for this failure was that the UN country team wanted to work with the Burmese government so it would not expel staff from the country.⁶³

While the country team in Burma also failed to provide proper information to the UN offices in New York,⁶⁴ because the United Nations did not rely solely on the country team—an independent special rapporteur on Burma/Myanmar had been appointed in 1992 and was still in place—the UNSC acted slightly differently from how it did in Sri Lanka in 2009. Instead of endlessly discussing where they should hold a briefing, its members were briefed in September by the secretary-general and the under-secretary-general for political affairs at a public meeting.

Despite the briefing, the UNSC stalled when it came to intervening, unable to pass censure as a council or impose economic sanctions. China threatened to veto any resolution brought before the council, and the body, preferring unity over decisive action, failed to even bring a resolution to the floor. In a UNSC briefing in 2018, Darusman, head of the Independent Investigation Mechanism for Myanmar,^{vii} described the crimes against the Rohingya people as “ongoing genocide” and urged the UNSC to act, saying, “National sovereignty is not a license to commit crimes against humanity or genocide.”⁶⁵

On February 1, 2021, Burma's military staged a coup and took control of the country. The UNSC response was similar to that of 2018. China and Russia invoked the sovereignty principle of nonintervention and have continued to block meaningful UNSC action.

Conclusion

The creation of the UNSC with permanent members holding veto powers gave the P5 undue and untrammelled power to interpret the concept of sovereignty. What mattered to the victorious World War II powers was their continued control in the emerging post-war international order so they could maintain their dominance of the world, which they achieved through the promotion of state sovereignty. The structures that emerged because of this desire

to maintain their superiority, such as the UNSC, have enabled and perpetuated racism by turning a blind eye to it and resulting mass atrocities happening within states.

Similarly, when former colonies became independent based on the principle of national self-determination, many of them formulated governance and governing power structures based on the philosophy of the superiority of one group or race. Thereby, they, in turn, acted like their previous colonial masters and extended the same denials to other ethnic, religious, tribal, or political groups to control their own affairs based on the right to self-determination. The victorious powers involved in formulating the UNSC and many former colonized states invoked their sovereign right to control all affairs within their state boundaries and refused intervention through the United Nations.

The UN system, founded on the principle of equal, sovereign, and independent nation states to improve the vulnerabilities and aspirations of human beings living within those states, has failed to eradicate racism with its structures and its practices. The UN structures that are in place to uphold international laws and their implementation need to be reformulated in order to have a more equal and peaceful world.

^{vii} The UN Human Rights Council had been engaged in trying to mitigate the atrocity crimes of Burma/Myanmar for years and had already passed a resolution for an investigative mechanism in March 2017.



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About the Author



Ronnate D. Asirwatham is a human rights advocate who focuses on collaborative interventions that center rights and justice for people of color and marginalized ethnic groups. Her practice and academic specialty have been on resolving ethnic conflicts and achieving racial equity through human rights. She works with faith and inter-faith organizations at the nexus of US domestic and foreign policy, advocating for just and humane policies that support immigration, civilian security, and to end mass atrocities. She also serves as the current chair for the Human Rights Working Group, WCAPS, and is on the Advisory Board of Charity and Security Network.

Asirwatham has lived and worked in Sri Lanka, Burma, and South Sudan. She has also worked on human rights issues in Tibet and China. She worked with the UN New York in 2009 and at the UN Committee Against Torture in Geneva in 2001.

She received the Hellman-Hammett award in 2010 for her commitment to free expression and courage when facing political persecution. She received her MA in law and diplomacy from the Fletcher School at Tufts University, Massachusetts, and her LLM in international human rights and humanitarian law from the University of Essex, UK.



Ending Business as Usual: Mass Atrocities of People of African Descent

By Abiola Afolayan

Generally, world history has been articulated and consumed passively through the lens of people not of African descent.ⁱ We see this in the cases of international organizations such as the League of Nations, convened to address the vestiges of World War I, and the United Nations—created to address the atrocities of World War II. Some would argue that the relationship between people of African descent—who themselves were experiencing various forms of atrocities such as slavery and lynching, colonialism, and pillaging across the globe—was complicated as it relates to the League of Nations and United Nations. Indeed, from the vantage point of people of African descent, the Allied nations—which included colonial Great Britain, France, and the United States—the transatlantic slaveholders continued to work to maintain business as usual with a tight grip on their status quo power. They did so by denying people of African descent a seat at the global table at the “golden hours”ⁱⁱ of the creation of the institutions and policies that would govern and direct the world order toward peace and security. In other words, people of African descent were denied the social contract afforded other nations.²

Specifically, in the United States, African Americans were supposed to be citizens pursuant to the equal protection clause of the 14th Amendment to the US Constitution. However, they were treated as slaves even after the end of slavery, at the end of the US Civil War. Therefore, for people of African descent in the United States, the international aspirations of the United States advancing the self-determination of others was incongruent with the daily reprehensible mass atrocities, violence, and contempt they had to endure. In other words, the US efforts to solve the world’s problems, including protecting self-determination and creating peace and security, did

nothing to end the suffering and terrible treatment of people of African descent in the United States.

Some of the global “golden hours” for the US government to address some of its domestic woes as relates to race in America—where it had a prominent seat at the table—were at the convening of the League of Nations, the formation of the United Nations, the drafting of the UN Charter, and the creation of the UN Security Council—the key and foundational instruments and institutions that sought to maintain world peace and security in the aftermath of multiple wars, tempered by nuclear ambitions by various nations. Events such as the 16th Street Baptist Church bombing that killed four African American schoolgirls in Birmingham, Alabama, in 1963, the mass atrocity and use of nuclear weapons that killed over 200,000 Japanese civilians in Hiroshima and Nagasaki, and the internment of Japanese Americansⁱⁱⁱ in the United States were bifocals that sharpened the lens through which African Americans viewed global racial inequality and led them to form transnational alliances in derogation of US government policy.³

Unequivocally, the UN-formation era was a watershed moment when the United States established its foreign policy might, with an Achilles heel of domestic mass atrocities suffered by people of African descent. Indeed, Black intellectuals argued that colonialism and slavery were morally reprehensible and a human rights violation, and the international community such as the United Nations needed to take action. Unfortunately, the United States and other permanent members of the UN Security Council failed to push for concrete actions to move the needle dramatically against racial inequality and violence. Instead, they crystalized the “domestic jurisdiction” clause of the UN Charter,

ⁱ Throughout this section, the terms “African American,” “Black,” and “people of African descent” may be used interchangeably out of respect for the various ways individuals from this group identify and as used by various sources from different eras. The word “Negro” will be used if used by the historian or subject, even though the author rejects its use for personal reasons.

ⁱⁱ Dr. Kathleen Kuehnast, director of gender policy and strategy at the US Institute of Peace, and Dr. Nora Dudwick, director, gender and social inclusion at the Millennium Challenge Corporation, both cultural anthropologists, argue that the golden hour for gender is not after the peace treaties have been signed but before the signatures take place. They posit that the social contract on gender equality must be conceived before the crisis has ended, then written into any new constitution, implemented in the reconfigured institutions, and prioritized in newly developed education textbooks. In the case of gender inclusion in the United States, the suffragists, including the late Supreme Court Justice Ruth Bader Ginsburg, sought to amend the due process provisions of the US Constitution, which excluded women, through movement for the ratification of the Equal Rights Amendment.

ⁱⁱⁱ See *Korematsu v. United States*, 323 U.S. 214, majority opinion by Hugo Black, Supreme Court of the United States, 1944. Fred Korematsu was an American civil rights activist who objected to the internment of Japanese Americans during World War II. Shortly after the Imperial Japanese Navy launched its attack on Pearl Harbor, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the removal of individuals of Japanese ancestry living on the West Coast from their homes and their mandatory imprisonment in internment camps, but Korematsu instead challenged the orders and became a fugitive. He was later honored at the ACLU-Northern California’s annual Bill of Rights Day celebration. With the theme of “Freedom Detained: Yesterday and Today,” the event highlighted the connections between the internment of Japanese Americans during World War II and the targeting of Arab, Muslim, and South Asian immigrants after 9/11.



which precluded other nation states from intervening in domestic activities of other countries, even if wrong.

The clause in Article 2, Section 7 of the UN Charter states: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.”^{iv}

This “domestic jurisdiction” exception arguably precluded issues such as slavery, lynching, colonialism, and domestic mass atrocities from the purview of the United Nations, appeasing the local

Great Britain and others maintained control over colonies empowered by [the domestic jurisdiction clause], other unenumerated powers they laid claim to, and the “mandate” and “trusteeship” scheme, among other powers.

views on these human rights violations by key figures in Allied nations and the UN Security Council, whether in the colonies or in the United States.

In other words, Great Britain and others maintained control over colonies empowered by this clause, other unenumerated powers they laid claim to, and the “mandate” and “trusteeship” scheme, among other powers. Meanwhile, in the United States, President Harry Truman sought to appease racist southern politicians in the Senate to ratify the UN Charter by ascertaining that the domestic jurisdiction provision would insulate the nation’s controversial history of slavery, lynching, and continued racism from any sanctions by the United Nations. He also appointed a segregationist secretary of state, James Francis Byrnes.⁵ Therefore, it is no surprise that systemic racism, the grandchild of colonialism and slavery, continues to tarnish US credibility in international relations and capability to engage through its superpower: diversity.

The question remains regarding the legitimacy of international organizations that were instituted and their failure of “responsibility to protect” and be the watchdogs of the moral arc of the universe tipping toward the side of justice.⁶

W. E. B. Du Bois and Mary McLeod Bethune of the National Association for the Advancement of Colored People and the National Association of Colored Women at the League of Nations and United Nations

Because of his renowned sharp mind, international exposure, and knowledge of the Allies’ peace proposals, in 1944, African American scholar Dr. W. E. B Du Bois was retained by the National Association for the Advancement of Colored People (NAACP), an organization he previously cofounded, to engage world leaders convening in San Francisco during the drafting of the UN Charter with the objective of advancing economic and racial justice for people of African descent globally.⁷ As the backdrop of the historical creation of the United Nations and its charter were domestic mass atrocities by way of lynchings, which were prevalent in the United States and an issue the NAACP addressed by lobbying President Truman. One of the triggering events was an upsurge of mob violence against Blacks. For example, the summer 1946 killing of two young African

American couples in Georgia by a white mob was shocking to the conscience. According to the coroner’s estimate, 60 shots were fired at close range at them, and the fetus of one of the women who was pregnant was ripped out of her womb by the mob. One of the victims, George W. Dorsey,

was a World War II veteran who had fought on behalf of the same mob that attacked him, his wife, and friends. This atrocity led the NAACP to organize the National Emergency Committee Against Mob Violence (NEC). After an NEC delegation met with Truman, he launched the Presidential Commission on Civil Rights.⁸ The violence in and around 1946 was similar to the spate of atrocity crimes that occurred in the United States during the Red Summer of 1919–1921 on the heels of the creation of the League of Nations.⁹

According to reports, it was a reign of terror that engulfed at least 26 cities, including Washington, DC; Chicago; Omaha, Nebraska; Elaine, Arkansas; Charleston, South Carolina; Knoxville, Tennessee; and Houston—all setting the stage for the 1921 Tulsa Race Massacre.¹⁰ The Tulsa Massacre was dubbed one of the largest single instances of state-sanctioned violence against Black people in American history. An estimated 300 Black people were killed and nearly 9,000 were left homeless and penniless. This year, 2021, marked the centennial of the atrocity suffered by this former economically thriving community deemed “Black Wall Street.” Another example from the Red Summer came in Elaine, Arkansas, when a white mob responded to Black sharecroppers seeking to organize a union by murdering 800 Black community members, with the local sheriff leading a white posse that burned houses and schools and shot their Black neighbors at random.^{iv 11}

According to Mary McLeod Bethune, of the National Association of Colored Women (NACW), race is linked to international security and, by extension, US national security. In 1904, McLeod Bethune founded the historically Black college Bethune-Cookman College,

^{iv} The United States was gripped by a reign of racial terror after World War I, when whites rose up to quash prosperous Black communities.



formerly the Daytona Normal and Industrial Institute. She also served as the eighth president of the NACW.¹² She worked to transform the international scope of the organization as a multilateral entity by making it a clearinghouse that would speak as one voice for the interests of all Black women across the globe. As a result, she became friends with first lady Eleanor Roosevelt.

Through her friendship with Eleanor Roosevelt, McLeod Bethune lobbied the State Department to allow her presence at the UN founding conference in 1945, so she was one of the three representatives and people of African descent out of the 126 consultants selected by the State Department to advise the seven-member American delegation. Indeed, this made her the only dark woman of the world who was an official representative.¹³ Clearly, she and the other two NAACP representatives were outnumbered in pushing forth issues related to racism, colonialism, and the need for inclusion of all people and all sexes regardless of race or economic standing. This appeared to be no easy task and explains why the outcome of the 1945 meetings were not necessarily favorable toward people of African descent.¹⁴

Understanding the historical weight of her presence in San Francisco and perhaps concerned that her voice and presence may not have been sufficient to advance the cause of people of African descent, she made a historical record of her concerns: “I’m here as one of the three Negro consultants to the US delegations to the UN conference, appointed by the US department of State...channeling to the delegates of every nation the wishes and aspirations of the masses in order that they may be inculcated into the structure of international planning.”¹⁵

To the US government, her admonishment was: “America itself must do a great deal of housecleaning in its treatment of the Negro here within its own borders before democratic ideals of human rights can be adequately projected from our viewpoint into this world program of freedom and brotherhood.”¹⁶

Indeed, the spate of atrocities was the weight of history with which Du Bois evaluated the proposals previously drawn up by the Allied nations in 1944 at the Dumbarton Oaks Conference in preparation for his engagement for policy reform in the UN Charter discussions in 1945. Du Bois was alarmed that the proposal delineating the structure of world security excluded over “750 million colored people who lived in the colonial world.”¹⁷

The Allies’ proposals asserted that only “states” could join the United Nations, bring a complaint before the Security Council, or appeal to the International Court of Justice.¹⁸ Since most African countries were not recognized as states but existed under mandates or trusteeships of the UN members/Allied nations, they were not to be afforded the benefits of the new world order for security and economic opportunity. Indeed, the fate of African

Americans was similar in that the UN Charter’s “domestic jurisdiction” exception sheltered the United States from being held accountable by the United Nations to address domestic mass atrocities such as the lynchings across the country at the time the UN Charter was being drafted.

Du Bois recognized that there was a nexus between the suffering of people of African descent whether in the continent or in the Americas and approached the UN discussions with the frame of mind that if human rights were denied in colonized African countries, civil rights could not exist at home in the United States and that since civil rights were human rights, surely the United Nations should be an equitable forum to settle this matter.¹⁹ Ever an eternal optimist in the human ability to let the better angels rule, this was not the first time Du Bois had advanced this argument. In 1919, he had succeeded in representing the NAACP at the first conference of the League of Nations. However, his visionary ideas met with a chilly reception.²⁰ Learning from history, in 1944, in preparation for the United Nations Conference on International Organizations, for which he was certified as a delegate on behalf of the NAACP, Du Bois’s first action item was organizing a colonial conference that convened scholars from Africa, Asia, the Caribbean, and India to identify the needs of the colonies and how the United Nations was positioned to address the fact that there could be no peace, security, or democracy if colonialism was not fully grappled with.²¹ Indeed, this was an amplified version of his prior efforts of the 1919 Pan-African Conference to influence the Versailles Peace Conference.²²

Domestically, in his efforts to represent the interests of 13 million African Americans, Du Bois surveyed 151 African American organizations for their views on the agenda items for San Francisco. Resoundingly, the groups—which ranged from the National Urban League to the Negro Ministers of New Haven, Connecticut—articulated an agenda for an end to racial discrimination and the abolition of colonialism.²³ The African American groups believed that what happened to other people of color outside of the United States had

What happened to other people of color outside of the United States had a bearing on what happened to African Americans in the United States and vice versa.

a bearing on what happened to African Americans in the United States and vice versa. Notwithstanding his fierce advocacy beginning as early as the 1900 London Conference,²⁴ Du Bois’s efforts to address the exclusion of people of African descent from the League of Nations, the United Nations, and the UN Charter were clamped down by fierce opposition from the US government and by domestic concerns faced by the NAACP. It appeared that the Allied nations wished to maintain and expand territory through exclusion and even atrocities. Still, leaders of African descent remained vigilant and recognized the nexus between their exclusion from the global world order, their security, and political autonomy.



The African Group at the United Nations

Emperor Haile Selassie was the emperor of Ethiopia from 1930 to 1974, and his internationalist views facilitated and saw to fruition Ethiopia becoming a charter member of the United Nations. In 1963, he presided over the formation of the Organisation of African Unity, which later became the African Union, which he served as its first chairman.

At the gathering of African heads of state in Addis Ababa, Ethiopia, in 1963, he gave his chairmanship acceptance speech, titled “Towards African Unity.” His eight-page speech covered many issues impacting people of African descent globally and encapsulated the position of many intellectuals of African descent who advocated global recognition of colonialism and slavery as human rights violations within the United Nations:

“We Africans occupy a different—indeed unique—position among the nations of this century. Having for so long known oppression, tyranny, and subjugation, who with better right can claim for all the opportunity and the right to grow as free men? ... We demand an end to colonialism because the domination of one people by another is wrong. ... We demand an end to racial segregation as an affront to a man’s dignity which is wrong. We act in these matters in the right, as a matter of high principle. We act out of the integrity and conviction of our most deep-founded beliefs.”²⁵

Ethiopia, South Africa, Liberia, and Egypt were part of the original members of the United Nations, with other African nations being deemed Trust Territories under colonial domination.²⁶ In addition to colonialism, Africans suffered mass atrocities at the hands of the colonizers. For example, in the central part of Africa, King Leopold II wreaked violence and havoc on the locals with atrocities carried out under his rule, resulting in the maiming and mass murder of more than 10 million people in the Congo Free State, known today as the Democratic Republic of Congo. According to historians, the carnage and brutality shocked the conscience of even other colonizers.²⁷ Thus, while colonialists were committing mass atrocities in Africa, racists and segregationists were committing mass atrocities in the United States.

Another mass atrocity occurred from November to December 1929 in the Calabar and Owerri provinces of Nigeria, then under British colonial rule. Part of the colonial presence on the land of the natives were the Native Administration Centers. The Wall Street crash occurred in 1929, triggering the worst slump in the palm produce trade since the beginning of British rule. This trade was part of the mainstay of the cash economy, which was predominantly in the hands of the local Nigerian women. According to historians, part of the strategy of the British colonialist recovering from the economic stress was to tighten their grip on the natives through arbitrary taxation of market women—a new practice. The women sought to reject this arbitrary taxation without political power or representation, and they were met with brutality from the British.²⁸ Thousands of market women, who were tired of economic disenfranchisement and the new unfair taxation, convened at the Native Administration Centers to lodge their protest and grievance. Some of their protest

activities included dancing and singing songs of ridicule about their oppressors. The British district officers responded by instructing police to fire indiscriminately into the crowd, massacring 50 women and injuring 50 others, with no reported serious harm done to the police or the British district officers.²⁹

Post-World War II and in the 1950s–1960s, 34 African countries with independence from colonialism became members of the United Nations. In 1958, the first Conference of Independent African States convened in Accra, Ghana, and for one of the first times, Africans articulated their right to self-determination, independence from colonialism, elimination of racial discrimination policies, and more importantly, the necessity of having the voices of people of African descent heard and heeded in the United Nations.³⁰ This was indeed the objective of Du Bois, McLeod Bethune, and earlier advocates of self-determination, an end to racial discrimination, and economic empowerment for people of African descent globally. It was also at the Accra meeting of 1958 when the African Group was formed with the objective of coordinating policies, recommendations, and implementation of issues of importance to people of African descent. Through a series of iterations and subgroups, the Africa Group became the Organisation of African Unity, today referred to as the African Union. Indeed, the African states entered the United Nations after the “golden hours” of the formation of this institution and policies that now govern the world order. The charge for them was to acquire important seats at various tables, such as the UN Security Council and the Economic and Social Council, among others, which in some regard they have succeeded at.³¹

Where Do We Go from Here?

Notwithstanding the success gained with African Americans assuming prominent roles and representing US foreign policy in positions such as president, vice president, secretary of state, representative of the United States to the United Nations, and national security adviser, as well as Africans assuming prominent roles such as secretary-general and under secretary-general in the United Nations,³² there is a lack of the disciplined reckoning of systemic change. Indeed, when institutions address global systemic racism in general, they are in a position to specifically address the atrocities seen in the past and seen today vis-a-vis the killings of Trayvon Martin, George Floyd, Breonna Taylor, and many others who have lost their lives to institutional violence on the basis of their skin color.

Du Bois and McLeod Bethune sought to address similar issues. However, in the period following the founding of the United Nations, there have not been any effective Security Council resolutions to address these wrongs from a multilateral vantage point. The mandate and moral duty are in the United Nations’ purview to defend and preserve the peace and security of people of African descent globally, for the sake of its legacy, posterity, and standing in the world.

The ball now is in the UN and the US courts to let their better angels prevail and face this heart- and gut-wrenching issue head on and thus show the world their leadership by example.



Movements also matter in the discourse toward resilient and systemic change.

Indeed, owing to the US constitutional DNA of upholding justice and the rule of law, it is not surprising that movements and civil society in the United States have always taken a seat at the table of justice, connecting with the humanity of everyday Americans to organize for change, as we have seen in the mobilizing efforts of the global, women-led group Black Lives Matter (BLM) and their work around ending systemic racism. We also see this in the work of investigative reporter Ida B. Wells in her mobilization of people of all colors in the antilynching movement of the late 1800s.

The work of Black Lives Matter is so important for global racial equality.

Based on its activities, it appears that the objective of the BLM movement is to question the status quo, set in motion a movement for change, set in motion policy change, and serve as the watchdog of effective change implementation. BLM, through its global and local community organizing and power sharing, is redefining what it means to end systemic racism globally.³³ BLM shows us—just as we saw with the civil rights and women’s rights movements—that movements are core to our social fabric as we seek an equitable world where we not only survive but thrive.

BLM symbolizes the intellectual agility of Du Bois and the fierce multilateral and community organizing of McLeod Bethune and the Nigerian market women, as embodied in its proposed “Breathe Act,” named in honor of the late Eric Garner and thousands of others who have died at the hands of law enforcement—acts of mass atrocities. Garner was a Black American killed by police officers who restrained him while he pleaded for his life; he stated over 10 times that he could not breathe, until he died due to his lack of breath.³⁴

The issue that BLM champions, and that resonates, is its use of words to state the obvious but often ignored fact of Black lives mattering; and indeed, the psychological impact of this linguistic exercise on the global society is striking. Words are powerful and are at the very essence of the human experience. For instance, when we hear the words “education,” “taxation,” “mass atrocities,” “climate change,” “criminal justice reform,” “colonialism,” “slavery,” “Constitution,” “human rights,” and “civil rights” certain images are conjured in our hearts and minds, for better or worse. Words affirm who we are in whatever context we find ourselves. As also seen in the UN Charter and other global documents, words can also

serve to exclude and even sanction human rights violations. Words are a form of self-care when used positively because they nurture, encourage, and spark human hope and resilience and healing from decades of trauma of atrocity crimes.³⁵ Thus, social justice movements ought to be celebrated as the conscience of the body politic.

The United States Atrocities Prevention Board

Atrocity crimes fall under the legally defined international crimes of genocide, crimes against humanity, and war crimes, among others. Systemic racism against people of African descent can be viewed as an atrocity crime since owing to their history in the world, people of African descent should be “protected groups, populations or individuals.” Specifically, the United Nations defines “crimes against humanity [as] encompass[ing] acts that are part of a widespread or systematic attack directed against any civilian population. Even if noncivilians might also become victims of the attack, for an act to be considered a crime against humanity, the ultimate target of the attack must be the civilian population.” Additionally, pursuant to international human rights law, state parties have the responsibility for prevention and the protection of their populations from atrocity crimes domestically. Citing the UN Framework for Analysis of Atrocities Crimes, then-UN Secretary-General Ban Ki-moon urged the widest possible use of the framework at the national, regional, and international levels.³⁶

In 2012, the US Atrocities Prevention Board was created as an inter-agency committee consisting of some officials from the National Security Council: the Departments of State, Defense, Justice, and Treasury; the US Agency for International Development; and the US intelligence community.³⁶ The board’s mandate was external facing. According to the US government:

“[P]reventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States. Our security is affected when masses of civilians are slaughtered, refugees flow across borders, and murderers wreak havoc on regional stability and livelihoods. America’s reputation suffers, and our ability to bring about change is constrained, when we are perceived as idle in the face of mass atrocities and genocide. Unfortunately, history has taught us that our pursuit of a world where states do not systematically slaughter civilians will not come to fruition without concerted and coordinated effort.”³⁷

The board has since been replaced by an Atrocities Prevention Task Force, which was statutorily established through the Elie Wiesel Genocide and Atrocities Prevention Act and the Global

³³ See the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Conventions and their 1977 Additional Protocols, and the 1998 Rome Statute of the International Criminal Court, among other treaties. The Geneva Conventions comprise the 1949 Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; the 1949 Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; the 1949 Geneva Convention (III) relative to the Treatment of Prisoners of War; and the 1949 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. The Additional Protocols comprise the 1977 Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); and the 1977 Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).



Fragility Act. The task force is also external facing as indicated in its report in 2020. Section 5 of the report, titled “U.S. Government and Civil Society Recommendations to Improve Atrocity Prevention, Mitigation and Response Efforts,” included three recommendations, none of which offered clarity on whether race-related atrocities in the United States would be addressed. However, the report had numerous examples from around the world highlighting US global efforts to address mass atrocities against ethnic and religious minority groups.³⁸

Prior to and since the creation of the US Atrocities Prevention Board, there has been global outcry over the numerous killings of people of African descent in the United States and across the globe, in this International Decade for People of African Descent as declared by the United Nations.³⁹ Some civil society organizations have questioned whether the spate of killings of people of African descent, particularly in the United States, are forms of mass atrocities.⁴⁰ Indeed, in the report *Big Events on a Small Scale: Exploring Identity-Based Mass Violence in Cities*,⁴¹ an example is raised of how civil society organizations are grappling with the issue of ongoing atrocities in the United States. A key point articulated is that atrocities could happen in cities, and in fact, scaling atrocity

It is time to end mass atrocities against people of African descent and the business as usual of not righting wrongs. This moment in history provides us all the opportunity to uphold the rule of law procedurally and substantively.

prevention on the city level, for instance in the United States, can enable the implementation of the Responsibility to Protect doctrine.⁴² The report provides a framework that can inform efforts around US domestic atrocity prevention. Specifically, it highlights nine case studies from across the globe, including the United States, with the eye toward developing an urban atrocities typology that will enable identification of risks and protective measures cities can take in their local contexts, which can help build effective national efforts to address atrocities.

History has proven the success of civil society organizations’ efforts around systemic change yielding resilient change related to mass atrocities, which often have elements of political and violent ideologies. Indeed, this is underscored in a report by Over Zero and New America, *Building U.S. Resilience to Political Violence: A (Globally-Informed) Framework for Analysis and Action*. The report cites the work of African American author and investigative reporter Ida B. Wells, from the late 1800s to the early 1900s, who stirred and mobilized a constellation of reformers against lynching, including northern whites, southern Blacks, and white southern liberals. According to the report, for example, through the Commission on Interracial Cooperation (CIC), Black women mobilized white women—whose security and purity was used to justify lynching—around a shared Evangelical identity.⁴³

Indeed, this led to the founding of the Association of Southern Women for the Prevention of Lynching (ASWPL). An offshoot of the CIC, the ASWPL comprised white southern women who used their unique role in their communities to stop lynchings and change minds. Consequently, this constellation of actors, born of the work of Black researchers, journalists, and activists, moved the needle on social norms by changing the acceptance of the perception and practice of lynching. The efforts of Wells and others across racial lines embodied a “resilience-based strategy to counter political violence” like mass atrocities and is, by definition, a whole-of-society strategy that leaders and funders can help implement, the Over Zero and New America report said. Such a strategy will “strengthen, not just resistance to violence, but national institutions and civic fabric, the twin pillars of the American experiment.”⁴⁴

May 31, 2021, marked the 100-year commemoration of the Tulsa Massacre, and on May 19, 2021, the last three known survivors of the massacre, aged 107, 106, and 100, testified before the US House of Representatives, demanding justice as they recounted the horror that they, their families, and their community suffered as a result of the atrocity that ensued over 24 hours from

May 30–31, when a white mob looted, damaged, burned, and destroyed approximately 40 square blocks of the Greenwood district in Tulsa, including an estimated 1,256 homes of Black residents, essential structures such as churches, schools, businesses, a hospital, and a library, dec-

imating hundreds of lives and tens of millions of dollars in Black prosperity and wealth in Tulsa.⁴⁵

Instances such as the Tulsa mass atrocity, which President Joseph Biden called a “massacre,”⁴⁶ is evidence of the need for a national atrocity prevention strategy drawing on the antilynching strategies of the 1890s and a board in the United States. It is time to end mass atrocities against people of African descent and the business as usual of not righting wrongs. This moment in history provides us all the opportunity to uphold the rule of law procedurally and substantively.



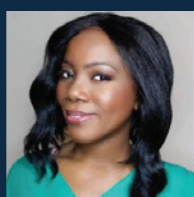
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About the Author

Abiola Afolayan is an international lawyer and a member of the bar of the Supreme Court of the United States. Her policy focus is on the humanitarian-development-peace-security nexus, human rights, the rule of law, and the empowerment of women and girls.

She is the author of the book *A Seat at the Table for Women, Girls and Movements: A Manifesto on Peace and Security* (March 2021), framed around UN Security Council Resolution 1325 on Women, Peace and Security.

Her portfolio includes work with the Nobel Peace Prize-winning UN World Food Programme, and on Capitol Hill with field missions to the Syria/Jordan border, northeastern Nigeria, the disputed Western Sahara region of Africa, Algeria, Turkey, and Taiwan, where she saw firsthand how women were taking on leadership roles and enormous risks in telling their stories of triumph and dignity even in the eye of the storm in the context of violent extremism and all manner of atrocities that threatened their livelihoods.

Afolayan was also guest lecturer at Temple University School of Law International Law Program in Rome, where she has discussed UN Security Council Resolution 1325 on Women, Peace and Security.

She is former foreign affairs adviser for a senior member of the US Congress who is the first woman ranking member on the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. Upon the request of the member, Afolayan worked on legislative measures and initiatives on women, peace, and security, including a Capitol Hill Congressional Briefing Series that earned the member of Congress the Charles T. Manatt Democracy Award.

She has been an active member of the American Bar Association (ABA) with appointments and service in various capacities: Young Lawyers Division Scholar, Chairwoman of the Young Lawyers Division International Committee, Council Member of the Rule of Law Initiative for Africa, ABA Presidential Appointee to the Center for Children and the Law and Taskforce for Unaccompanied Minors, and with the Section of Environment, Energy, and Resources-Congressional Relations Committee.

Within the ABA, she coauthored various measures, including resolutions that passed in the Young Lawyers Division General Assembly on the due process rights of unaccompanied minors and the Convention on the Rights of the Child.

Afolayan is active in various organizations: Women of Color Advancing Peace Security and Conflict Transformation (WCAPS), as a National Endowment for Democracy Penn Kemble Democracy Forum Fellow, Center for Strategic and International Studies (CSIS) Africa Policy Accelerator and Partnership for a Secure America cohort member and advisory committee member for the Women and Girls Africa Summit (WAGS) Friends of Africa. She can be reached at abiolaafolayan@gmail.com.





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Women of Color Advancing Peace, Security, and Conflict Transformation (WCAPS) is a nonprofit organization founded by US Ambassador Bonnie Jenkins to advance the leadership and professional development of women of color in these fields. At WCAPS, we believe global issues demand a variety of perspectives. Our platform devoted to women of color cultivates a strong voice and network for our members, while encouraging dialogue and strategies for engaging in policy discussions on an international scale. When there is a failure on issues of peace and security, women and girls of color suffer the most long-term impact, whether the issue is global health, climate change and its environmental effects, human trafficking, cybersecurity, national security, or the use of weapons of mass destruction. Through our passion for changing the global community landscape and our dedication to leadership, mentorship, and partnership, we remain committed to achieving our vision.

