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The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values

By Steven Jensen, Cambridge: Cambridge University Press, 2017. Pp. 313, Paperback £22.99, ISBN: 978-1107531079

REVIEWED BY PHILIPP KANDLER

Since Samuel Moyn's *The Last Utopia* (2010),¹ the "breakthrough of human rights" has been a major point of debate in the fairly recent and still growing historiography on human rights. It is also the starting point for *The Making of International Human Rights* by Steven Jensen, a researcher at the Danish Institute for Human Rights. Whereas the main debate about the "breakthrough" has centred either on the 1940s or the 1970s, Jensen declares the 1960s a "forgotten decade" of human rights (p.6). His main argument is that the debates that took place in the UN—mainly on racial or religious discrimination—"established human rights as a field of international politics and international law" (pp.11–12). This became a foundation for human rights activism in the 1970s. Jensen pursues two aims: to include the 1960s into the historiography on human rights and to highlight the contributions made by a number of states from the Global South, especially Jamaica and Liberia.

Jensen starts with an overview of the development of human rights in the UN up to the 1960s. The author subscribes to the standard argument that human rights were for the first time discussed on an international level during the Second World War and became part of international conventions through the 1948 Universal Declaration of Human Rights. However, the breakdown of Great Power cooperation with the onset of the Cold War put an end to this development. The second chapter marks the transition from the contextual to the analytical part, giving an overview on how Soviet support for decolonization—specifically in the form of a (human) right to self-determination—brought human rights back into debates in the UN.

Chapters three to six are central for Jensen's analysis. Each one focuses on one aspect that was important for human rights debates in the 1960s. Chapter three traces the role of Jamaica in the re-emergence of human rights debates in the UN using material from the country's archives. Jensen shows how the newly independent country became a major proponent for human rights in the UN with Jamaican representatives drawing on their own experiences from their struggle for independence. The remaining three chapters describe in detail the debates within the UN concerning the Conventions on the Elimination of All Forms of Racial Discrimination and of All Forms of Religious Intolerance as well as the prepa-

¹ Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2010).

rations made for the International Year of Human Rights in 1968. According to Jensen, the forms of human rights violations addressed in these two conventions were the “Achilles’ heels” of the Great Powers (p.138). Even though only one of the Conventions was successfully agreed upon, these debates changed the “legal imagination” related to international human rights law in important ways (p.12). Additionally, they paved the way for the International Human Rights Covenants of 1966 and placed the USSR and the USA in the spotlight of international human rights criticism. Despite having been declared the International Year of Human Rights, 1968 marked the end of this process as many countries from the Global South became disenchanted with the UN following the Six-Day War which caused the promotion of human rights norms to subside.

The last two chapters focus on how these foundations were used by Western actors from the 1970s onwards. Chapter seven explores the effects that the advances in the “legal imagination” regarding human rights had on the Helsinki Conference (CSCE) in the early 1970s. Jensen argues that the establishment of a connection between religious discrimination and human rights in the UN opened the door for the inclusion of this issue in the Helsinki Final Act of 1975. The last chapter is more of an epilogue, where the author traces the development of the UN human rights regime from the mid-1970s, when the process was reinvigorated by investigations into human rights violations in South America and the ratification of the Helsinki Final Act, up to the 1993 Vienna World Conference on Human Rights. The different case studies are only loosely connected, however, and the chapter contains factual errors, e.g. on who led the Chilean *Dirección Nacional de Inteligencia* (it was Manuel Contreras and not Osvaldo Romo who was one of its most infamous torturers). Since the chapter is not essential for Jensen’s argument, it would have been better if he had stopped with the events in 1975.

The rupture in his argument that the last chapter represents might be a result of the fact that Jensen does not define what he means when he talks about human rights. Mostly, he is concerned with the evolution of the legal human rights regime in the UN. However, when he discusses the appropriation of human rights by dissidents in Eastern Europe and Western NGOs in the mid 1970s, his point is much more about human rights as a political language. Obviously, there are connections between human rights as an international legal regime and as a political language, however the author does not delve into them, but rather jumps from one to the other, as if they were the same.

Jensen has written a well researched and solid book. The main problem, however, is that several of the author’s grand promises remain unfulfilled. The author claims in the introduction that he uses archival material from 10 countries (p.15). This is factually true; however, he fails to mention that half of them belong to international organizations and therefore do not provide the perspective of national actors. More problematically, the book falls short of fulfilling the promise for

“groundbreaking research,” that “fundamentally reinterprets the history of international human rights,” made in the abstract (p.i). Without doubt, Jensen succeeds in showing how human rights norms were evoked during the debates on racial and religious discrimination and does it in unprecedented detail. However, the argument in itself is not as new as he claims it to be as it can already be found in Roland Burke’s² and Jan Eckel’s³ works, among others. Crucially, Jensen is not able to convincingly show that these references to human rights were not made for political reasons by the majority of UN member states; Jamaica and Liberia not being the rule but rather isolated exceptions. In this sense, it is probably not a coincidence that the Convention against Racial Discrimination—where stakes were high for African countries—came about, whereas the one against Religious Discrimination appeared only much later and in a weaker form. In his zeal to uncover contributions by non-western states to the UN-human rights regime—and therefore refute relativist arguments—Jensen is too readily willing to accept political rhetoric as proof for motives.

Nonetheless, Jensen addresses two important issues—and omissions—in the present historiography on human rights. The first one is when the “breakthrough of human rights” happened. Jensen’s study shows that the answer depends on how we interpret this “breakthrough.” Even if we follow Moyn, and define it as references to human rights in public debates, Jensen shows that a foundation had to already be in present in order for the “breakthrough” to take place. Unfortunately, the author still insists on the idea of a single “breakthrough” by locating it in the 1960s. The second point addressed by Jensen is the role played by states from the Global South. Up to now, most scholarship on human rights has focused on Western state and non-state actors. Jensen does a good job of showing that non-Western countries were not merely reacting to human rights norms diffused and imposed on them by Western states. Even though a couple of countries from the Global South lobbying for human rights principles was not crucial for the international conventions to come about, it provided an important catalyst and helped frame the debate in terms of human rights. Jensen’s focus on these often overlooked actors and their role in framing the international human rights debates is the strongest point of the book. Our understanding of this process is far from complete and Jensen offers an important perspective from Jamaica, and several other states from the Global South, including archival material at least from the first one. That the changes in the “legal imagination” that took place in the 1960s would allow for the inclusion of a paragraph on religious discrimination in the 1975 Helsinki Final Act, is an example of unintended consequences, but also of an important connection that Jensen uncovers. In this sense, instead of making grand claims which

² Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010).

³ Jan Eckel, *Die Ambivalenz des Guten. Menschenrechte in der internationalen Politik seit den 1940ern* (Göttingen: Vandenhoeck & Ruprecht, 2014).

are difficult to sustain, the author should have stressed the important, though less “groundbreaking” findings that he contributes to the debate on when, how, and thanks to whom human rights became a central part of international debates.