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Reaching Out to the Third World:

East Germany's Anti-Apartheid and socialist human rights campaign[*]

In 1985, Desmond Tutu complained in an interview with the West German magazine *Der Spiegel* that 'everyone, who is against Apartheid, is labelled a communist in South Africa'.[1] The Anglican bishop hoped to dispel Western fears of a communist take-over of South Africa in case the African National Congress (ANC) would overthrow the current regime. To make this point, he argued that the US, UK, France and other European countries had also accepted an alliance with the Soviet Union to defeat Nazi Germany. 'The West did not turn communist just because it fought together with Russia against National Socialism. Why is it that it is always claimed that our people would turn communist only because it accepts aid from wherever it comes?' Tutu instead saw the fight against Apartheid as a struggle for human rights. Yet, if the Western world perceived this struggle as a communist endeavour then his people might just have to conclude that 'the enemy of your enemy is your friend'.[2] The ANC had developed strong ties to socialist countries from the 1950s and 60s onwards, among them the German Democratic Republic (GDR). By speaking to a leading West German political magazine, Tutu reached out to a Western audience in advocating the Christian and human rights cause of his personal struggle against Apartheid. Implicitly, he also criticised states such as the Federal Republic, which had left the ANC little choice in choosing its allies by retaining economic ties to the South African regime.

West German suspicions of a close connection of the ANC to the socialist bloc therefore were not unfounded.[3] The anti-Apartheid movement had begun as a rights protest for self-determination. Yet, the ANC's turn to militancy brought their struggle in contact with Third World liberation ideology and socialist bloc countries after the end of the Second World War.[4] In the 1950s and 60s, many Western countries such as the UK and the Federal

Republic refused to endorse the anti-Apartheid struggle openly. The ANC became an attractive partner for East German leaders as their turn to militancy coincided with a fundamental shift in the East Berlin regime's foreign policy. The SED leadership planned to establish East Germany as a sovereign country in international affairs. The right of self-determination, put front and centre by Third World leaders in the 1950s and early 60s had much to offer to bolster East German claims to legal sovereignty over the GDR's territorial integrity and internal affairs.

The building of the Berlin Wall in 1961 marked the official departure of the SED leadership from all-German policies. Party ideologues now prepared the break from German national tradition and the establishment of the GDR as a sovereign socialist country in the international arena.[5] For too long, the SED leadership contended, the West German government had isolated the GDR in international affairs. To break the Hallstein Doctrine, through which the Bonn government threatened countries with the immediate severing of all economic and political ties if they acknowledged the GDR's sovereignty, the SED leaders needed new allies. They decided that they would only find them among newly decolonised countries in Africa, Asia, and the Middle East. In highlighting the anti-fascist foundations of the East German state, the SED leadership courted Third World liberation movements by engaging with international rights debates against racial discrimination. GDR foreign policy experts viewed such international rights activism as a new common anti-imperialist political language, which brought the East German leadership into direct contact with Third World countries and helped SED leaders to bridge the Second-Third World divide.

Apartheid took centre stage in this new East German strategy. From 1960 onwards, the GDR government educated ANC cadres and trained fighters as part of a large-scale reorientation of East German foreign policy towards Africa.[6] With decolonization and the accession to United Nations (UN) membership of formerly colonised countries, the tables

within the UN seemingly began to turn in favour of the socialist bloc during the 1960s. This article traces how GDR legal and foreign policy experts developed a comprehensive legal language of national self-determination, anti-Apartheid, and eventually socialist human rights to demonstrate the moral superiority of the East German socialist state over its West German neighbour. By the mid-1980s, at the time of Tutu's intervention into West German debates, this language of decolonisation and rights debates on self-determination had already been transformed into a conflict over human rights and economic development.

Traditional accounts of the rise of human rights root the breakthrough of human rights language largely in Western discourses. So far, the debate within human rights historiography remains concentrated on the breakthrough of human rights in the second half of the twentieth century based on a *longue durée* genealogy of human rights ideas since the French Revolution.[7] By now, the pivotal role of Third World liberation movements in the rise of a language of national self-determination and the development of human rights discourses has been acknowledged.[8] The role of the socialist bloc in these developments has not been given much attention. Yet, socialist bloc countries such as the GDR, as this article argues, played a crucial role in the dissemination of ideas and international legal norms of human rights.[9]

Conflicts over racial discrimination, Apartheid, and the economic development of former colonies became a vehicle for international coalition building. Rights languages constructed around these conflicts underpinned efforts of the socialist bloc to forge a close alliance to former colonies against the Western Cold War coalition. In the crucial shifts in international law debates from the 1960s to the 70s, socialist bloc countries actively took part in supporting UN initiatives such as the anti-Apartheid convention, human rights language, and a right to development to bolster their alliances with Third World countries. Among them, the GDR government had a special stake in these rights debates. SED leaders tied their quest to gain international recognition for their state's sovereignty and the political

legitimacy for their regime to these conflict-ridden discussions on the development of international law.

The East German Discovery of the Third World

In December 1960, the SED-mouthpiece *Neues Deutschland* ran an eight-page long front-page article outlining the results of the latest debates on communist ideology. On page four of this lengthy piece on the progress of the socialist world revolution, the issue of Apartheid was introduced to East German readers. The SED leadership reacted to the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the UN General Assembly on 14 December. African nationalists and human rights activists had petitioned UN committees since the proclamation of the Universal Declaration of Human Rights in 1948 to end colonial rule in UN Trust Territories.[10] The Algerian war and the Congo conflict had challenged Western definitions of humanitarian crises and international law.[11] But it was the issue of Apartheid that quickly became a linguistic marker for racial inequality and attracted worldwide attention. With the independence of a growing number of colonies, decolonisation now moved to the centre of attention of SED-leaders as the most overt sign for an accelerated downfall of 'the forces of Imperialism'.[12]

This initial East German turn to rights activism centring on racial discrimination was briefly suspended only half a year later when the GDR regime shocked the Western world with the cementing of the German-German border. In the devastating months of summer 1961, West Berlin major Willy Brandt tried to make the Berlin Wall a UN human rights issue. The language of human rights had remained at the fringes of West German politics despite the existence of various human rights groups since the late 1940s.[13] Yet, the power of new Third World rights languages already showed internationally. Regardless of the

aggressive GDR move to close off West Berlin, Vice-President Lyndon B. Johnson and General Lucius D. Clay told Brandt in no uncertain terms that the US had no interest in opening a flank to socialist bloc governments for anti-colonial criticism at the UN. The Allies argued that the socialist bloc would most certainly try to distract from the building of the Berlin Wall by pointing to Western colonies if the Berlin issue would be taken to the UN General Assembly. After a brief phase of interest in Brandt's idea, the British Foreign Office followed suit. In the end, French and British colonial interests prevented the Berlin issue from becoming a topic for the General Assembly.[14]

Despite this failure to involve the UN in protests against the Berlin wall, the Bonn government had successfully used Western majorities in emerging international bodies such as the UN since 1949. The SED leadership found its state cut off from international affairs due to a strict legal non-recognition policy, which the West German government had introduced into international affairs.[15] The Hallstein Doctrine, which outlined that the Federal Republic viewed the international recognition of the GDR by third countries as 'unfriendly act' since the mid-1950s, curtailed the SED leadership even further. When the Yugoslavian government recognised the GDR as a sovereign state on 15 October 1957, West German threats of cutting diplomatic and economic ties with third countries that recognised East German statehood came to a head. The West German government had no other option than following through on its threats and severing official ties with Tito's regime in response. Soon after, the second Berlin Crisis accelerated the conflict between the two German governments.[16] As further successes towards universal recognition of GDR sovereignty within Europe seemed unlikely, the East Berlin leadership now looked beyond Europe in continuing its quest. This East German attempt to form official diplomatic and economic connections to Africa and Asia was thus closely tied to German-German politics (*Deutschlandpolitik*).

Decolonisation fundamentally changed the parameters of German-German diplomatic conflicts. SED foreign policy experts suddenly discovered that forging an alliance with the emerging Third World could prove to be a way out of international isolation. East German foreign policy experts set their eyes on members of the non-alignment movement and decolonising states in Africa. By the end of the 1950s, the GDR had built a network of twenty public relations agents in Egypt, ten in Iraq, ten in Indonesia, eight in Burma, and thirty-five in India. Yet, the non-ideological economic West German approach to foreign policy outside of Europe in Africa and Asia left the East Germans without a rallying cause to break the superior economic position of the Federal Republic towards these countries.[17] Racial discrimination and Apartheid finally provided a new rallying cause. In the years following 1961, the East German state would put considerable resources into the attempt to bridge the Second-Third World divide.[18]

Western security agencies watched these East German efforts to reach out to the Third World with unease. NATO detected an East German 'offensive in the Youth Field' after 13 August 1961. Only a month after East German army and work brigades had moved out to close off the German-German border, the Belgrade Conference of non-aligned countries in September 1961 accelerated this turn to Africa and Asia.[19] As West German delegates reported at secret NATO Council meetings, the SED leadership began to ramp up its contacts to 'Afro-Asian bloc students' currently enrolled at East German universities. SED officials and Free German Youth (FdJ) functionaries had contacted the more than 2,000 African and Asian students currently studying in the GDR. [20] Yet, these SED efforts first backfired.

The East Berlin government faced a minor diplomatic incident in response to the SED's first attempt to convince African and Asian students to write petitions to their governments urging them to engage in negotiations over mutual recognition. The SED still focused on sovereignty in these first attempts to convince Third World students of its cause.

Party cadres had not fully considered how students from India and the United Arab Republic

(UAR) would react to such demands in view of their home countries' conflicts with Pakistan

and Israel over state legitimacy and sovereignty. They should have known better as

diplomatic contacts with India and the UAR had remained ambivalent since the late 1950s.[21]

Indian and UAR students rallied other foreign students to reject the SED's propaganda effort

and complained about constant difficulties inflicted on students who were not members of

communist parties in their home countries. The SED's ill-considered strategy quickly led to

violent disputes and riots at universities in Rostock, Halle, and Leipzig. When East German

authorities withheld passports and exit visas of protesting students, quickly labelled

'agitators', and arrested approximately 50 of them, foreign students petitioned the Soviet

ambassador to intervene on their behalf. The Soviet representative refused with the

explanation that the GDR was a sovereign country. Eventually, the UAR's ambassador

stationed in Poland visited Rostock, Leipzig, Halle, and East Berlin to reassure foreign

students.[22] First SED advances thus failed. East German propaganda clearly needed to

change.

Despite these setbacks, GDR government agencies continued to agitate for the East

German cause. They now attempted to recruit Third World students currently matriculated at

West German universities. These activities had caught the attention of the West German press

as an article in *Die Welt* by Rudolf Freund from 2 March 1962 showcased. In the eyes of the

West Germans, the GDR's Committee for Solidarity with the Peoples of Africa under the

leadership of Horst Brasch and Gerhard Dengle as head of the State Secretariat for University

Affairs co-ordinated this infiltration work. They reported directly to the SED Central

Committee and the Africa Division of the Ministry of Foreign Affairs, the Division for

International Relations in the Free German Trade Union (FDGB), the Afro-Asian Division in

the Ministry for Cultural Affairs, and to the Central Council of the FdJ.[23] The West German

press suspected an unfolding GDR plot against the Bonn government.

The East German state now combined efforts at home and abroad. The SED

leadership dispatched delegations to Africa, trained African students and trade union

members at universities at home, and prepared development aid relations. Brasch toured

Africa and announced at official press conferences, such as in Cairo, that two sovereign

German states existed. For the West Germans, the purpose of these activities was obvious.

The GDR regime carefully selected African partners for 'future infiltration of the countries

concerned'.[24] The Bonn government was anxious that the SED leadership could be successful

in forging political ties to the Third World, which might undermine the West German

Hallstein Doctrine. The West German Ministry for Economic Cooperation, founded on 24

November 1961, therefore quickly experimented with the use of development aid as

diplomatic leverage to keep African and Asian governments in need of economic assistance,

financial aid, and credits in the West German Cold War camp.[25]

To bolster the campaign to bridge the divide to Third World activists, East German

experts had to find a different propaganda language. They turned to a new international

strategy built on the idea of a people's right to self-determination. In this move, anti-

Apartheid rights activism played a central role. This shift towards a new language of anti-

Apartheid, support for the independence of colonial peoples, and against racial discrimination

seemed to remedy earlier East German mistakes. First ANC delegations visited the GDR as

the SED leadership began to court South African communists through the Committee for

Solidarity with the Peoples of Africa (later Solidarity Committee of the GDR). From 1961

onwards, leading members of the ANC's armed wing such as Satyandranath 'Mac' Maharaj

trained in East Germany. The Stasi subsequently professionalised this training. From 1967

onwards, the armed wing of the ANC including the later South African Minister of

Intelligence Services Ronnie Kasrils received training in propaganda and underground work, sabotage, and infiltration by Stasi officers, who also provided expertise to the ANC's department of intelligence and security.[26] In December 1963, Duma Nokwe as member of the Central Committee of the South-African Communist Party (SACP) and Secretary-General of the ANC and Moses Kotane, the Secretary-General of the SACP and Treasurer of the ANC, received a first large material aid donation from the GDR government. This high-level political contacts were accompanied by scholarships for South-African students, anti-Apartheid rallies in the GDR, and continued public protests of the GDR leadership against Apartheid in the East German press.[27] Underneath this rhetoric of solidarity, however, the experience of Africans living in the GDR remained conflicted.[28] While thousands of ANC fighters and political activists were trained in a closed facility outside of Teterow in Mecklenburg until the 1980s,[29] East German diplomats and legal experts developed new political languages to join the Third World camp in conflicts over Apartheid at the UN and attack the Bonn government.

The Federal Republic in many ways offered an easy target. It was no accident that the West German government chose South Africa as the first African country to establish official diplomatic ties with after 1949. The West German Foreign Office, still staffed with many diplomats who had begun their careers in the Third Reich, treated Apartheid as an 'internal affair' of South Africa and reduced the West German contacts to a mere trade relationship.[30] Behind closed doors, West German diplomats explained their views less guarded. In 1959, the West German consul in Dakar Walter Reinhold told his colleagues at a meeting of West German diplomats that 'the negro-African is simply indifferent towards individual freedom'. No-one disputed his views.[31] Such racist sympathies with the Apartheid regime remained common in the Foreign Office until the 1960s. The Sharpeville Massacre of 1960, in which the police shot 59 South Africans among them women and children, changed little in the

relationship between both states. Yet, it brought the issue of Apartheid for the first time to the attention of a wider West German public. Constant East German accusations that the Federal Republic supplied the South African state with weapons and the Bonn government's insistence on retaining trade relations soon reinforced a negative image of West Germany among newly independent states in the 1960s. This made Apartheid an effective issue to advance the East German quest for international recognition in Africa.[32]

After the dust on the building of the Berlin Wall had settled, the GDR Ministry of Foreign Affairs began to engage with the UN directly. In February 1964, Deputy Foreign Minister Georg Stibi sent a telegram to the president of the XX. Conference of the Human Rights Commission convened in New York.[33] Human rights language had been firmly associated with anti-racial discrimination activism and decolonisation at this point.[34] Published for a domestic audience in *Neues Deutschland* and *Neue Zeit*, Stibi's message to the UN delegates linked Apartheid directly to the crimes of the Nazi regime. The SED ideologues in the party leadership had decided that rights protests against Apartheid offered an opportunity to taint the West German government as still being dominated by old fascists. To make this claim credibly to African UN delegates, which was not too far from the truth in the early 1960s given the elite continuities from the Third Reich into the Federal Republic,[35] Stibi's telegram declared that the South African Apartheid regime and 'the withholding of human rights from millions of Africans, which rests on the direct application of Hitler-fascist racial laws' still ran deeply in West German politics. In contrast, the GDR represented a law-abiding state worthy of international recognition.[36]

German-German politics underscored this appeal to the UN. The GDR government urged the UN Human Rights Commission to include a ban on fascist and neofascist organisation into the currently debated convention against racial discrimination. Aimed at the Bonn government, Stibi congratulated the commission on the inclusion of a duty to inform on

measures taken against racial discrimination into Article 10 of the convention draft. This provision could be exploited in pointing to personal and institutional continuities from the Third Reich to the Federal Republic. The SED leadership had already attacked Konrad Adenauer's top-aid, the head of the Federal Chancellery Hans Globke, one year earlier for his involvement in the Nazi regime. The only roadblock to give the GDR leadership a chance to engage directly with international rights affairs at the UN remained the exclusion of non-membership states from signing UN conventions. Attacks on West German politicians and leading members of society thus culminated in the publication of the infamous Brown Book listing former Nazi party members in high position in the Federal Republic, which Albert Norden as the chief SED-propagandist presented to the international press on 2 July 1965.[37] These new GDR advances into UN rights debates remained difficult to debunk for the Bonn government.

The West German government soon faced greater problems than East German telegrams. By January 1965, the SED leadership had convinced the Soviet Union and other socialist bloc countries to circulate East German policy statements within the UN.[38] This marked the breach of the institutional barrier, the UN bureaucracy had built to prevent non-member states from interfering with UN matters. The GDR's first circulated statements continued to concentrate on Apartheid and racial discrimination. With the adoption of the UN International Convention on the Elimination of All Forms of Racial Discrimination on 21 December 1965, the international rights debates connected to decolonisation reached a new high. Since the affirmation of the right to self-determination and independence of colonial peoples in 1960, UN debates had moved on first to a declaration against all forms of racial discrimination signed on 20 November 1963. Now, the convention codified legal principles to prevent racial discrimination. As the GDR press did not fail to mention, this happened against the votes of the US, UK, Portugal, Australia, New Zealand, and South Africa. The

GDR Foreign Ministry spokesperson Ernst Otto Schwabe used this opportunity to reiterate the GDR's long-standing commitment to anti-Apartheid and anti-discrimination legislation. Referring to the telegram sent to the XX. Conference of the Human Rights Commission by Stibi in 1964, Schwabe renewed the charge against the Bonn government aiding 'white racists and co-operation with colonial masters'.[39]

The SED leadership formed ever-closer ties with the Arab world in the same year. The Egyptian regime abandoned its cautious position towards the German-German conflict and in January 1965 invited Walter Ulbricht for an official visit. When the Bonn Foreign Office inquired whether this invitation equalled the diplomatic recognition of the GDR, General Nasser saw an opportunity to pressure the West German government. He claimed that Ulbricht's visit would not immediately imply the official endorsement of Egyptian-East German diplomatic relations. Yet, his position could change quickly if the Federal Republic continued to export weapons to Israel. In response to this threat, Chancellor Ludwig Erhard decided to exchange ambassadors with Israel. In turn, the Egyptian government proclaimed it would rescind their diplomatic relations with the government in Bonn.[40] Ulbricht meanwhile visited Algeria, Lebanon, Jordan, Syria, Saudi Arabia, Yemen, Iraq, Kuwait, and Sudan. Erhard's rash response solidified Arab support for East German foreign policy agendas in the following months and years. The SED leadership now hoped that a coalition of African and Arab states might swing the voting balance in the General Assembly to support for East German sovereignty in the UN.

The year 1966 marked a watershed date in UN affairs. With the opening of the human rights covenants for signature, new forms of human rights language began to overtake the UN's focus on national self-determination, sovereignty, and racial discrimination. In this transition phase between the mid-1960s and late 1970s, when the human rights conventions took effect in 1976, the GDR leadership merged its own agenda of international recognition

as a sovereign state with Third World demands. This was reflected in the GDR government's official application for UN membership. Dated 28 February 1966, Walter Ulbricht petitioned the UN Secretary-General Thant to support the admission of the GDR as a sovereign country. The text of the application, based on the assumption that two sovereign German states separated by ideology had come into existence in 1949, drew legitimacy from constant East German support for the independence of colonial peoples, anti-racial discrimination legislation, and debates over nuclear disarmament.[41] The Ministry of Foreign Affairs' policy experts attempted to address the rights catalogue of their African allies front and centre.

'It should also be mentioned that the German Democratic Republic, proceeding from the resolution of the General Assembly and the decisions of the Security Council on the apartheid policy of the Republic of South Africa, broke off all trade and shipping relations with the Republic of South Africa as early as June 1963 and has most resolutely condemned the policy of apartheid. Similarly, on 12 November 1965, the Government of the German Democratic Republic most sharply denounced the illegal seizing of power of the racist regime in Rhodesia, backing the decisions of the United Nations Organisation on this matter.'[42]

Emphasising GDR compliance with UN conventions, the SED leadership clearly hoped that African states together with the socialist bloc countries would make its case for membership in the corridors of the UN headquarters in New York and Geneva from now on.

For domestic audiences, the SED staged a debate of its UN membership application in the People's Chamber soon after on 17 March 1966. The language of human rights occupied a prominent place in statements made by leading party members. Herman Axen, the editor-in-chief of *Neues Deutschland* until 1966 and leading party expert on international relations, based his public support for Ulbricht's UN application on the assertion that the socialist East

German state had already realised human rights for its citizens. Immediately following this statement, Axen turned to the GDR's endorsement of the right of self-determination of colonies and anti-Apartheid activism. He used these two main themes to discredit the Bonn government.

Axen laid bare the immense difficulties of the West German government to engage with UN debates. Since 1949, the raison d'état of the Bonn Republic rested on the assumption that the sovereignty of the German Reich continued to exist after the end of the Second World War. This argument had facilitated a non-recognition policy of the GDR under international law during the 1950s.[43] Yet, decolonisation fundamentally transformed the legal parameters of sovereignty and self-determination from 1960 onwards. What used to be seen as a contest over the legal representation of German sovereignty by the international community now appeared to a growing number of international observers as a West German 'intervention into internal affairs' of the GDR.

Combined with the continued West German trade relations to South Africa, Axen forged a powerful argument against the Federal Republic within the UN.[44] He accused the Bonn government of being part of a Western coalition which obstructed the abolition of Apartheid. Only months after the GDR's application for UN membership, the International Court of Justice (ICJ) failed to in a rule against South Africa's expansion of Apartheid laws to South West Africa. In a split decision of seven against seven judges, the ICJ's president Sir Percy Spender's (Australia) casting vote overruled seven judges including the court's vice-president Wellington Koo (Republic of China), Vladimir M. Koretsky (USSR), Kotaro Tanaka (Japan), Philip C. Jessup (US), Luis Padilla-Nervo (Mexico), Isaac Forster (Senegal), and ad-hoc judge Sir Louis Mbanefo (Eastern Nigeria).[45] The ICJ's failure to oppose the expansion of Apartheid and enforce UN Trust Territory rules further fuelled the GDR government's campaign in establishing direct ideological links to African socialist parties.

From Apartheid to Socialist Human Rights and Ostpolitik

For 1968, UNESCO announced an International Year of Human Rights. The *UNESCO Courier*'s January issue prominently introduced this theme to a wide international readership. René Cassin, hailed as the author of its first draft, explained the origins of the Declaration of Human Rights to readers.[46] UNESCO's public relations efforts were meant to draw attention of the global public to the human rights covenants. Later in the year, a large conference should mark the peak of these UNESCO activities. In an ironic twist, this international congress was scheduled to take place in Tehran. The Shah's country seemed an unlikely choice for this prominent international meeting. The conference quickly descended into open ideological conflict. Against the UN's intention, the first UN-led world congress on human rights thus exposed the absence of international institutions to enforce UN conventions.[47] The only issue, which merited widespread consensus amongst delegates at Teheran, remained the human rights situation in Southern Africa.

Debates at Teheran showed that the Declaration on the Granting of Independence to Colonial Countries and Peoples from 1960 had been insufficient to end Apartheid. The demand for a UN convention condemning the crime of Apartheid grew louder. It resulted in an important shift in UN discussions during the 1968 human rights conference: the establishment of a link between international human rights norms and humanitarian law.[48] This change in emphasis of UN debates came to the fore after the long struggle over the drafting of the human rights covenants had reached its end. At the same time, decolonised states pushed for a continued emphasis on human rights after they had gained independence and secured their national self-determination. This Third World rights diplomacy reached new

heights at the Tehran conference.[49] The GDR consequently had to adapt the emphasis of its

rights diplomacy with Third World countries in the late 1960s.

Human rights now began to overtake the right of self-determination and anti-

Apartheid protests in East German propaganda. Hermann Klenner had put forward the first

significant theoretical treatment of socialist human rights in the GDR in 1964. Socialist

human rights, following Klenner, were secured by active participation of the East German

citizen in socialist society. Klenner posited that the social and economic order of the GDR

secured human rights for its citizens through its mere existence.[50] In the years from 1964 to

1968, the SED leadership oversaw a large-scale legal reform era. East German governmental

experts drafted a new citizenship law, criminal code, and constitution in this period. This turn

to socialist legality at home marked an ideological turnaround. In April 1958, party leaders

had infamously demanded the primacy of the party over law and control over the legal

profession at the Babelsberg Conference.[51] By the late 1960s, the domestic return to socialist

legality merged with East German UN rights propaganda. Armed with this new legal

language, and heavily drawing on the now well-established demands for a right of self-

determination, anti-Apartheid activism, and socialist human rights, the GDR government sent

envoys to the Tehran conference.[52]

The year 1968 marked the beginning of East German propaganda efforts to popularise

the SED's demand for the recognition of the GDR as a sovereign state based on socialist

legality. In April 1968, the SED politburo discussed the 'worldwide campaign for the

popularisation of the socialist constitution of the GDR' alongside the official statement of the

GDR government to the Tehran human rights conference. The initial GDR campaign to

connect to African and Asian states via a shared advocacy of self-determination and anti-

Apartheid now transformed into a rights language guided by socialist human rights and

constitutionalism. The goal, however, remained the same. The SED leadership planned to

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rally enough Third World and socialist bloc countries behind its demand of being recognised internationally as a fully sovereign state. The politburo ordered that the GDR constitution draft was sent to foreign governments, parliaments, UN bodies, and socialist parties to promote this new agenda. Dedicating a 5, 10, and 25 Pfennig stamp to the International Year of Human Rights, East German mail was supposed to carry the SED's human rights pledge into the world. The Ministry of Foreign Affairs was tasked with drafting a declaration to the Tehran conference which took the socialist constitution as the basis and benchmark to discuss the human rights situation in both German states. SED ideologues hoped to discredit further the West German government's ongoing effort to implement emergency laws as a return to 'fascist' practices by promoting socialist rights.[53] Despite the rhetoric of connecting to the Third World, and Africa in particular, the West German state remained the main target of these SED efforts.

However, the GDR government's official statement to the international human rights conference in Tehran struck a different cord. The document opened with the East German government expressing the hope that the conference would contribute to the global implementation of human rights. Based on its previous engagement with UN rights debates, the GDR leadership pledged that the socialist Germany would immediately accede to UN conventions on the rights of self-determination of colonial peoples, the anti-racial discrimination convention, and affirmed its 'willingness of a constructive cooperation with activities of the UN in the field of human rights'. The declaration then went on to argue for a direct link between socialist constitutionalism and human rights. In the eyes of the SED, the drafting of a new GDR constitution in fact manifested the main East German contribution to the International Year of Human Rights. The turn to socialist constitutionalism in fact SED had already secured human rights in the GDR in the eyes of the SED leadership.

Underneath this confident rhetoric, the GDR government tried to conceal its own rights violations. The text then ran through the issues currently debated within the UN: the right of self-determination, the protection of international peace with reference to the Vietnam War, Apartheid, and the regime in Rhodesia, the prosecution of war crimes, and the manifestation of human rights in the basic rights provisions of the GDR constitution. The guarantee of free movement, which the SED claimed was secured according to the human rights covenants in domestic legislation, led the GDR regime's legal experts on ever-thinner ice.[54] Since the proclamation of the GDR citizenship law in 1967, the SED regime tied the right to free movement and rescinding GDR citizenship to state approval.[55] While this provision consequently only merited one small paragraph in the GDR memorandum, SED foreign policy experts hoped to distract from the curtailing of free movement by concentrating on social rights such as a right to education and work. The last passages of the GDR's message to the Tehran delegates returned to the special German responsibility to respect the territorial integrity of states - a concern very much shared by Third World countries - and painted the Federal Republic as being in open violation of these international legal norms. The GDR depicted West German police violence, emergency law legislation, and the suppression of communists in the Federal Republic in analogy to the experience of South Africans and other members of liberation movements in the attempt to garner further support for the East German position on state sovereignty.[56]

From 1968 to 1973, GDR's Third World agenda facilitated growing support within the UN for East German membership.[57] The SED regime actively supported the anti-Apartheid struggle and organised the printing of the ANC's main press organs *Sechaba* and *ANC Speaks* by the East German Erich Weinert publishing house.[58] The Federal Republic's reluctance to cut off economic and trade relations with the South African state in compliance with UN resolutions opened up the Bonn government to constant East German propaganda attacks.

This did not change with the conclusion of Ostpolitik treaty negotiations in 1972.[59] Once the two German states had ratified the Basic Treaty, which normalised their bilateral relations, their diplomatic battle moved to the hallways of the UN. The Bonn government's fear of a communist take-over under the ANC and vested economic interests continued to hamper the Federal Republic's attempts to counter the GDR's anti-Apartheid agenda.[60]

When the voting balance in the General Assembly tilted in favour of the socialist bloc and Third World countries, the Convention on the Suppression and Punishment of the Crime of Apartheid finally passed in the General Assembly on 30 November 1973. Alongside other Western countries, the West German UN representative Dietrich von Kyaw abstained from the vote on behalf of the Federal Republic. In his brief statement of about one minute during the conclusion of the discussion on the draft convention on 26 October 1973, Kyaw stressed chancellor Willy Brandt's condemnation of colonialism and racial discrimination. Brandt had made this point during his speech before the twenty-eighth General Assembly. Kyaw highlighted existing domestic legislation that ensured compliance with UN legal norms. The Federal Republic had ratified the genocide and anti-racial discrimination conventions. Yet, due to 'unresolved legal problems', the West German government had to 'generally abstain' from the vote.[61]

The convention put Western countries into a difficult position. The draft convention dubbed Apartheid a crime against humanity and demanded a new international prosecution regime. Perpetrators against the convention's terms should be prosecuted worldwide. For many Western legal experts, the convention thus raised fundamental problems of international criminal law. The US representative Clarence Clyde Ferguson, Jr. made Western concerns plain in in the final debate on the draft convention on 30 November 1973. The rights regime demanded by the Apartheid convention called for the authority of the UN's Human Rights Committee to override the sovereign

powers of national governments over their domestic jurisdiction. Ferguson demanded a return to the Nuremberg Tribunal's legal principles in prosecuting crimes against humanity. Only the 'clearly defined' Nuremberg regulations seemed appropriate in the eyes of the US delegation in prosecuting Apartheid. The convention to outlaw racial discrimination, which explicitly referenced Apartheid, would moreover cover all necessary legal provisions to fight Apartheid. In short, there was no need for a separate convention.

Ferguson continued with arguing that the demanded enlargement of a global jurisdiction regime undercut the legal safeguards of citizens travelling outside their home countries. In contrast to Kyaw's brief and abstract statement, Ferguson chose to expand on concrete legal scenarios to showcase the transformation of global rights regimes outlined in the convention. 'We do not for example accept that an American citizen vacationing in a foreign country could be extradited to another foreign country and tried in that third foreign country for something that he has said on the territory of the United States. A result which would flow quite clearly from the provisions of this convention.' While the Apartheid convention called for an enlargement of the human rights regime, 'the elaboration of rules for the protection of human rights cannot be done in such a manner as to ignore the very fabric of the rules of law. Efforts to protect human rights, Ferguson closed, which ignore the rule of law can only lead to chaos'.[62] As the Apartheid convention marked 'a step backwards to the protection of the individual', the US delegation did not just abstain from the vote, but voted no.[63] The British representative Mackenzie changed the UK's vote to no in the eleventh hour citing the same legal concerns.[64] The Bonn government in particular had some recent experience with such unwanted legal prosecution of its citizens by another country. Since 1967, the GDR had levelled its new citizenship law against former GDR citizens who had fled the country after 1949. The new law threatened to

repatriate them against their will.[65] For Western governments, the preservation of national sovereignty trumped international legal norms once again.

The GDR won another propaganda victory along with socialist states and members of the Asian-African bloc by passing the Apartheid convention on 30 November 1973. While most of these governments had no intention to relinquish any part of their national sovereignty - the socialist bloc countries actually pushed very hard for the territorial integrity and non-interference in internal affairs as part of the emerging Helsinki Accords negotiations -,[66] East German media could once more paint the Federal Republic as part of a still-exiting fascist alliance. The SED leadership decided to accede to the convention for this purpose. On 18 August 1974, the GDR joined the Apartheid convention, which was scheduled to take legal effect on 18 July 1976. The Federal Republic conversely never signed the convention due to the concerns over the transformation of the international criminal law regime outlined in its articles.

Apartheid thus remained a frequent topic in East German domestic media as it offered the possibility to criticise the West German government, which had only acceded to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 June 1969. Consequently, articles on Apartheid and the UN convention reached a new high in East German newspapers such as *Neues Deutschland*, *Neue Zeit*, and *Berliner Zeitung* during the years 1973 and 1974. The GDR's Committee for Human Rights continued to tout the party line and followed the shift from interpreting Apartheid as a matter of self-determination to a human rights issue.[67] Until 1989, East German state media reported frequently on the crimes of the Apartheid regime.

From Rights to Aid: East German UN politics in the 1980s

The battle for influence in developing countries continued after the UN admission of both German states in 1973. Hermann Klenner went on to tour the globe promoting the East German version of human rights. With the end of the Ulbricht era in 1971, East German legal scholars like Klenner, who had been singled out and severely attacked by Ulbricht at the Babelsberg Conference in 1958, were again allowed to discuss the nature of law more independently from Ulbricht's dogma of the party's primacy over law. In Klenner's work on human rights, the right of self-determination lost its once central place.[68] While Klenner returned to philosophical aspects of human rights law and discussed them at international venues such as the World Congress on Philosophy of Law and Social Philosophy,[69] a new generation of West German legal scholars and judges such as Martin Kriele realised that the legal profession in the Federal Republic needed an answer to the GDR's international rights language. Early on in his academic career, Kriele pushed for a much more open academic debate on the political nature of law. He acted as one of the legal experts for the federal government in the case against the Basic Treaty between the two German states brought before the West German Federal Constitutional Court by the Bavarian government, and went on to serve as judge on the bench of the Constitutional Court of North Rhine Westphalia.[70] In 1977, Kriele published a critical appraisal of the German-German competition over human rights, in which he hoped to expose the hypocrisy of East German international law propaganda.

Kriele diagnosed a growing tendency among West German politicians, parties, and NGOs of reducing the human rights debate to a political language game. He criticised a conflation of socialist and Western understandings in international debates on human rights after the Helsinki Accord negotiations had been concluded in 1975. The shared semantics of

human rights had blurred crucial political and ideological differences in the legal manifestations of human rights in both German states. Kriele called for a determined exposure of the rights violations in everyday East German legal culture. This return to legal realities in the GDR should discredit the SED's international legal politics.

A conflation of human rights languages of individual and collective rights concepts had indeed occurred since the early 1970s. In 1972, Kéba Mbaye first suggested that a right to development constituted a human right. Mbaye, at the time a member of the UN Human Rights Commission, served as president of the Senegalese Supreme Court and the ICJ. From a perspective of decolonised states, the right to development should entail economic and financial compensation of former colonial powers. Developing countries hoped that such a right would overcome the historically inbuilt inequalities of the UN Charter and Universal Declaration of Human Rights and ensure their economic self-determination. The demand for reparations for colonialism led to an immediate Western rejection of the very existence of any right to development. Beyond this post-colonial conflict, the right to development proposed a link between civil and political with social and economic rights. Mbaye's idea demanded nothing less than the merging of the two human rights covenants.[71]

The emerging debate on a human right to development again conflated discussions over individual civil and political rights and collective norms such as self-determination and national rights to economic development. With this shift, as Kriele had argued, East German rights language towards African and Asian countries was changing in nature. By the late 1970s, he saw the main attraction for Third World leaders to engage with socialist visions of human rights and international law in their assumption that only a socialist economic order could facilitate the end of hunger in former colonial countries.[72] Crisis-ridden Western economies and the accelerated financial demands on developing states by Western countries increased the attraction of socialist economic visions to overcome the development crisis of

decolonised states through 'solidarity rights'.[73] Kriele predicted a diplomatic shift in the relations between the GDR and African and Asian countries. He believed that ideology and socialist rights language stood at the beginning of the East German encounter of the Third World. Economic development and aid, Kriele concluded, would structure the political language of leading SED officials in the 1980s.[74]

This shift in GDR rhetoric to 'development' as a guiding paradigm had initially been forced by the competition for ideological leadership among socialist countries. Since the Sino-Soviet split, the People's Republic of China (PRC) made inroads into Africa. Mao's accusation of social imperialism against the Soviet Union was accompanied by the linkage of race and ideology in his appeal to African countries. Soon, the SED leadership had to defend itself against Chinese accusations as well.[75] The PRC's Third World campaign poisoned the relationship of many socialist countries to Africa from the mid-1960s onwards. The Chinese model of development attracted more and more attention and seemed much closer to African needs than Eastern European visions of socialist modernity and economic development. The PRC's campaign culminated in Deng Xiaoping's famous speech before the UN General Assembly in 1974, when he announced the Three-World theory. This ideological competition within the socialist camp put the SED ideologically under pressure.[76]

Non-aligned visions of a New International Economic Order, Chinese Three-World rhetoric, and Western debates on development converged with human rights language from the mid-1970s onwards. After the proclamation of the anti-Apartheid convention in 1973, questions of economic and social development began to overtake rights conflicts tied to racial discrimination. The SED leadership had difficulties adapting to this shift and continued to concentrate on Apartheid. The GDR government hosted the Anti-Apartheid Conference in 1974 and ran a publicity campaign to mark the UN's International Anti-Apartheid Year in 1978.[77] Underneath this rights language, the GDR government's support for the ANC and the

South West Africa People's Organisation (SWAPO) turned more and more into a military alliance. By 1980, South African sources reported that GDR military instructors were killed during raids of insurgency camps in Angola and rumours persisted that an East German parachute battalion operated out of a base in South Angola. The GDR turned into the key-player together with Cuban and Soviet officers in helping military insurgency groups to pose a credible military threat to South Africa.[78]

East German diplomats simultaneously attempted to remain in line with ongoing Third World legal debates. The individual and collective right to development rose to prominence as part of contentious global debates on economic justice. Western governments denied any existence of a collective right to development. There may existed moral obligations for aid, but Western leaders were very clear that they rejected any legal obligations. Yet, the two-third majority of developing countries in the UN's Commission on Human Rights since ECOSOC's expansion in 1967 allowed for the passing of a Charter on the Economic Rights and Duties of States in 1974.[79] On 10 February 1975, only months before the Helsinki Accords were signed, the UN Human Right Commission officially adopted the right to development to its agenda. The right to development now structured much of the rights controversies within the UN.

The US human rights offensive was a major component in the push-back against non-aligned efforts to pass a binding UN resolution on a collective right to development.[80] Western countries and especially the US administration put a new spin on the right to development. For them, such a right described the right of citizens to democratic participation. Otherwise, Western leaders feared, their understanding of a human rights regime focused on individual rights might collapse. In response, the Organisation of African Unity (later the African Union) enshrined an individual and collective right to development into the African Charter of Human and Peoples' Rights in 1981. African states followed the

example of the European and American Convention on Human Rights and established a regional human rights regime. The Chinese turn to Deng's policies of economic reform and opening since 1978 simultaneously allowed for renewed alliances between the socialist bloc and developing countries in the struggle for the recognition of a legal right to development at the turn to the 1980s.

Military, educational, and medical assistance redirected the SED's focus in its official human rights language by the 1980s. In 1982, the East German Deputy Foreign Minister Harry Ott boasted about the successes of East German support for developing countries and national liberation movements in a conversation with UN Secretary-General Javier Perez de Cuellar. He rooted this success no longer in questions of national sovereignty and self-determination, but in the fight for a new structure of the global economy. The rhetoric developed in the 1960s had nonetheless not entirely vanished. The GDR, Ott remarked, actively assisted 'developing countries in their striving to rid themselves ultimately and completely from all forms of dependence, to overcome unjust division of labour bequeathed by colonialism, and to counteract neo-colonialist practices. Full equality of rights, respect of sovereignty, non-discrimination, mutual benefit and non-interference in internal affairs are the principles that distinguish the GDR's relations with developing countries'.[81] Ott mechanically summarised here the milestone conventions, the GDR regime had engaged with in its campaign to be internationally recognised as a sovereign state.

Yet, what Ott really wanted to stress was GDR development aid. This was the real shift in emphasis underneath a well-rehearsed rhetoric of self-determination. The German-German development aid race had already begun in the 1960s, yet it only began to dominate East German UN language by the 1980s.[82] The East German budget for these tasks had risen to more than 1.5 billion marks by 1981. This still only remained a fraction of West German financial power. At the time, a sizable part of this East German aid went to South African

groups. In 1978, the ANC, SWAPO, and other anti-Apartheid organisations had received 40-50 million marks worth of 'solidarity donations'. These funds allowed for vocational training of South Africans, medical treatment of ANC and SWAPO fighters in East German hospitals, military assistance and weapons, and ideological training.[83]

Ott tried to distract from this fact by focussing on the education sector to prove East German accomplishments. In 1981, another 12,827 persons from across Latin America, Africa, and Asia had been trained at East German universities and technical schools. The GDR helped with the training of 'national cadres' to ensure developing countries' independence in 'determining their own political destiny'. Since 1970, this effort had brought the total number of cadres from such countries trained in the GDR to over 50,000. At the same time, 954 GDR experts - economists, medical doctors, engineers, teachers, and vocational instructors - were stationed in developing countries in 1981.

In contrast to Western powers, Ott stressed, the GDR would not encourage a brain drain from developing countries, but rather help in their economic and social development. 750 projects in developing countries had been completed while another 67 project were underway. These projects had covered plant and equipment transport, communications, electrification, building materials, installations for livestock breeding, farm product processing, equipment for hospitals, schools and universities.[84] Ott hoped these figures would impress the incoming new Secretary-General Cuellar. Yet, the days of major East German successes in the UN had long passed. In the game of financial developing aid, the GDR simply could not compete by the 1980s.

Until 1986, UN bodies went to work and argued over the scope and content of a new convention on a right to development. As Western countries held all the chips in international financial and economic organisations, the eventual non-binding declaration draft included ten contradictory articles. On 4 December 1986, Resolution 41/128 passed in the General

Assembly. The Declaration on the Right to Development enshrined in Article 1 'an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development'. This right should encompass 'the full realisation of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.'[85] Yet, none of this was a legal right and thus not enforceable.

The debate on the right to development allowed for the continuation of conflicts over decolonisation on a new plane and opened new spaces to put human rights at the centre of economic debates. The declaration included language, the East German leadership could still very much identify with as it stressed their key-concerns of sovereignty and the protection of internal affairs that had guided SED approaches to UN politics from the 1960s onwards. Yet, the inability of the coalition between the socialist bloc and developing countries to introduce a link between development and human rights as a legal right, as Mbaye had envisaged, allowed for little more than a publicity success. The West German abstention from the vote on the declaration – together with Denmark, Finland, Iceland, Israel, Japan, Sweden, and the UK – and the US vote in opposition against an overwhelming majority of 146 states once more symbolically put the GDR on the right side of an international law debate.[86] Yet, growing protests at home soon turned rights languages against the SED regime in the late 1980s and helped formulate a fundamental critique of the political situation within the GDR, which would eventually bring down the Berlin Wall in 1989.

Conclusion

International rights languages formed an important part of the SED's foreign policy and international public relation campaigns. From the days of East German anti-Apartheid and national self-determination rhetoric in the 1960s, the German-German competition for influence in the Third World moved away from legal rights languages towards economic rights and development aid. In this process, the Federal Republic recaptured political influence in Africa and Asia through economic aid policies by the 1980s, which had shortly been jeopardised by the GDR's rights campaigns against Apartheid and for national sovereignty in the late 1960s and early 1970s. With the admission of both German states to the UN in 1973, the German-German competition over international legal legitimacy returned to a focus on the domestic political systems of both states in the relations between the two German governments. At the same time, the SED's continued engagement with international rights debates could not stop the growing discontent within East German society in the 1980s and ultimately failed to lend the regime renewed legitimacy at home.

The GDR's international rights activism via socialist brother states – which submitted East German policy papers to the General Assembly long before official GDR membership in 1973 – showcases how Third World revolutionary agendas of national self-determination and against racial discrimination also reshaped European Cold War debates.[87] The long-term conflicts over the drafting of an UN Apartheid Convention, which eventually was adopted on 23 October 1973, a month after both German states had gained full UN membership, fostered East German ties to African and Asian states. Together with the GDR's international human rights offensive, socialist leaders in East Berlin were finally able to create sufficient pressure to attack the West German Hallstein Doctrine. UN rights discourses therefore served East Germany better than the Federal Republic in the late 1960s and early 70s. At least in the case of Cold War Germany, international rights languages centred on self-determination, Apartheid and racial discrimination, and human rights had their public breakthrough largely

due to socialist initiative. With German unification in 1990, the history of international socialist rights languages was no longer given much attention when GDR historiography was engulfed in heated debates on the nature of the East German *Unrechtsstaat*.[88] If we want to understand the genesis of post-Cold War conflicts over human rights, however, it remains important to recover state-mandated socialist rights activism during the Cold War and its impact on international legal developments.

The adoption of the Helsinki Accords forced both German governments to engage in a new inward-looking battle over the question which political system was better suited to implement and adhere to UN human rights norms. Yet, there was no immediate 'Helsinki effect' in the GDR.[89] This was due to the fact that socialist governments did not merely accepted new international legal norms in the 1960s and 70s, but took an active part in shaping human rights language. West German legal politics still structured by the idea that the German Reich's sovereignty continued to exist, the US government's stern opposition to any social and economic human rights such as a right to development, and a rights talk offensive across the socialist bloc postponed the subversive effects of human rights language in the GDR.[90] The intense state-led turn to international legal vocabulary only turned against the SED regime in the mid-1980s, when East German dissidents began to criticise the government more and more confidently. Once Eastern European dissidents such as Vaclav Havel had provided a language to attack socialist legality at home, the SED leadership had ever-greater difficulties to legitimise its rule in the accelerating economic crisis of state socialism in the 1980s.[91] By the late 1980s, the days of confident state-led East German rights activism on behalf of South Africans, against racial discrimination, and for socialist human rights were long gone. It was nonetheless this East German state-led propaganda effort from the 1960s onwards that introduced international rights languages as a major field of ideological conflict to German-German Cold War politics.

[1] '"Unser Land brennt, es blutet zu Tode": Der anglikanische Bischof von Johannesburg, Desmond Tutu, über den Kampf gegen die Apartheid', *Der Spiegel*, 49 (1985), pp. 148-57.

[2] Ibid., p. 152.

[3] South African analyses conducted in the late 1980s document that Eastern European support for the ANC and SWAPO had created a potent military and ideological threat. They also point to the GDR as a key-player in the fight against the Apartheid regime. See: Peter Costea, 'Easter Europe's Relations with the Insurgencies of South Africa (SWAPO and the ANC) 1972-1988', *Eastern European Quarterly*, 24, 3 (1990), pp. 393-406.

[4] See chapters in Sue Onslow (ed.), *Cold War in Southern Africa: White Power, Black Liberation* (London, 2009). For a broader perspective on African leaders' engagement with human rights see: Andreas Eckert, 'African Nationalist and Human Rights, 1940s-1970s', in Stefan-Ludwig Hoffmann (ed.), *Human Rights in the Twentieth Century* (Cambridge, 2011), pp. 283-300.

[5] Despite a Cold War bias, still the most comprehensive account on legal debates on German post-war sovereignty: Jens Hacker, *Der Rechtsstatus Deutschlands aus Sicht der DDR* (Köln, 1974), pp. 226-79.

[6] The GDR turned into the second-largest training ground behind the Soviet Union for ANC fighters. A Chinese-backed group trained in North Korea. See: Jens Gieseke, *The History of the Stasi: East Germany's Secret Police, 1945-1990* (New York, 2014), p. 182. See also: Gareth M. Winrow, *The Foreign Policy of the GDR in Africa* (Cambridge, 2009), p. 206; Ulrich van der Heyden, *GDR Development Policy in Africa: Doctrine and Strategies between Illusions and Reality, 1960-1990. The Example (South) Africa* (Münster, 2013); Simon Stevens, 'Bloke Modisane in East Germany', in Quinn Slobodan (ed.), *Comrades of Color: East Germany in the Cold War World* (New York, 2015), pp. 121-30, 124; Scott M. Thomas, *The Diplomacy of Liberation: The Foreign Relations of the ANC since 1960* (London, 1996), pp. 149-72.

[7] As a summary of the state of the art and for the most recent debate on human rights historiography see the discussion between Stefan-Ludwig Hoffmann, Samuel Moyn, and Lynn Hunt in *Past and Present*. See: Stefan-Ludwig Hoffmann, 'Viewpoint: Human Rights and History', *Past and Present*, 232 (2016), pp. 279-310;

Samuel Moyn, 'Response to Viewpoint: The End of Human Rights History', *Past and Present*, 233 (2016), pp. 307-22; Lynn Hunt, 'Response to Viewpoint: The Long and the Short of the History of Human Rights', *Past and Present*, 233 (2016), pp. 323-31.

[8] Steven L.B. Jensen, *The Making of International Human Rights. The 1960s, Decolonization, and the Reconstruction of Global Values* (Cambridge, 2016); Roland Burke, *Decolonisation and the Evolution of International Human Rights* (Philadelphia, 2010); Erez Manela, *The Wilsonian Moment. Self-determination and the International Origins of Anticolonial Nationalism* (Oxford, 2007); Jörg Fisch, *The Right of Self-determination of Peoples. The Domestication of an Illusion* (Cambridge, 2015), pp. 190-217.

[9] A rare exception for the case of East Germany are: Ned Richardson-Little, 'Dictatorship and Dissent: Human Rights in East Germany in the 1970s', in Jan Eckel and Samuel Moyn (eds), *The Breakthrough: Human Rights in the 1970s* (Philadelphia, 2013), pp. 49-67; Paul Betts, 'Socialism, Social Rights, Human Rights: The Case of East Germany', *Humanity*, 3, 3 (2011), pp. 407-26.

[10] See: Meredith Terretta, '"We Had Been Fooled Into Thinking that the UN Watches Over the Entire World": Human Rights, UN Trust Territories, and Africa's Decolonization,' *Human Rights Quarterly*, 34 (2012): 329-60.

[11] Young-sun Hong, *Cold War Germany, the Third World, and the Global Humanitarian Regime* (Cambridge, 2015), 132-73.

[12] 'Erklärung der Beratung von Vertretern der kommunistischen und Arbeiterparteien', *Neues Deutschland*, 15, 337 (1960), pp. 1-8.

[13] Rights activists and lawyers' associations focused on uncovering rights violations in the GDR and insisted on a right to *Heimat* of German expellees. For the development of a right to *Heimat* framed in human rights language see: Lora Wildenthal, *The Language of Human Rights in West Germany* (Philadelphia, 2013). Early Cold War front organisations such as the *Kampfgruppe gegen Unmenschlichkeit* (KgU) and the lawyers' association *Untersuchungsausschuß freiheitlicher Juristen* focused on rights violations in the GDR. See: Enrico Heitzer, *Die Kampfgruppe gegen Unmenschlichkeit (KgU): Widerstand und Spionage im Kalten Krieg, 1948-1959* (Cologne, 2015). For GDR repression of the *Untersuchungsausschuß freiheitlicher Juristen*'s work see: Roger Engelmann and Karl Wilhelm Fricke, *Konzentrierte Schläge: Staatssicherheitsaktionen und politische Prozesse in der DDR 1953-1956* (Berlin, 2006), pp. 89-97.

[14] Jensen, *The Making of International Human Rights*, pp. 48-50.

[15] For the development of this legal strategy see: Sebastian Gehrig, 'Recht im Kalten Krieg. Das Bundesverfassungsgericht, die deutsche Teilung und die politische Kultur der Bundesrepublik', *Historische Zeitschrift*, 303, 1 (2016), pp. 64-97, here pp. 66-73.

[16] Patrick Major, 'Innenpolitische Aspekte der zweiten Berlinkrise (1958-1961)', in Hans-Hermann Hertle, Konrad Jarausch, and Christoph Kleßmann (eds), *Mauerbau und Mauerfall: Ursachen, Verlauf, Auswirkungen*, (Berlin, 2002), pp. 97-110; Patrick Major, *Behind the Berlin Wall: East Germany and the Frontiers of Power* (Oxford, 2010), pp. 23-116.

[17] William Glenn Gray, *Germany's Cold War. The Global Campaign to Isolate East Germany, 1949-69* (Chapel Hill, 2003), pp. 58-115. Ulf Engel and Hans-Georg Schleicher, *Die beiden deutschen Staaten in Afrika. Zwischen Konkurrenz und Koexistenz 1949-1990* (Hamburg, 1998), pp. 89-103.

[18] For the GDR's use of development aid policy as foreign policy and the German-German conflict in Africa see: Hong, *Cold War Germany, the Third World, and the Global Humanitarian Regime*; Gray, *Germany's Cold War*; Ulf Engel and Hans-Georg Schleicher, *Die beiden deutschen Staaten in Afrika.*

[19] Gray, *Germany's Cold War*, pp. 123-31. The German-German conflict over sovereignty and self-determination crystallised in vying for support of the Non-Alignment leader Kwame Nkrumah. See: Matteo Landricina, 'Deutsch-deutscher Gegensatz am Volta. Kwame Nkrumahs Ghana aus der Sicht der Bundesrepublik', *Historische Zeitschrift*, 304, 2 (2017), pp. 370-97.

[20] NATO Archives, AC 52-WP(62)07, NATO Confidential Working Paper, Committee on Information and Cultural Relations, 'The Situation of Afro-Asian Students in the Soviet Zone – Note by the German Delegation', 25 January 1962.

[21] Gray, *Germany's Cold War*, pp. 88-95.

[22] NATO Archives, AC 52-WP(62)07, NATO Confidential Working Paper, Committee on Information and Cultural Relations, 'The Situation of Afro-Asian Students in the Soviet Zone – Note by the German Delegation', 25 January 1962.

[23] NATO Archives, AC 52-WP(62)53, 'Committee on Information and Cultural Relations, 'Activities of the Authorities of the Soviet Zone of Germany among Students from Developing Countries', 28 December 1962.

[24] Ibid.

[25] Gray, *Germany's Cold War*, pp. 131-39.

[26] Gieseke, *The History of the Stasi*, p. 182.

[27] See: Stevens, 'Bloke Modisane in East Germany', p. 124.

[28] Stevens, 'Bloke Modisane in East Germany'; Sara Pugach, 'African Students and the Politics of Race and Gender in the German Democratic Republic', in Quinn Slobodian (ed.), *Comrades of Color: East Germany in the Cold War World* (New York, 2015), pp. 131-56.

[29] Gieseke, *The History of the Stasi*, p. 182.

[30] For the Foreign Office's role in the Third Reich see: Eckart Conze, Norbert Frei, Peter Hayes, Moshe Zimmermann, *Das Amt und die Vergangenheit. Deutsche Diplomaten im Dritten Reich und in der Bundesrepublik* (Munich, 2010) and its controversial academic and public reception.

[31] Philipp Rock, *Macht, Märkte und Moral: zur Rolle der Menschenrechte in der Außenpolitik der Bundesrepublik Deutschland in den sechziger und siebziger Jahren* (Frankfurt/M., 2009), p. 122. West German Africa policies remained trade-oriented during their initial phase until the 1950s. See: Ulf Engel, *Die Afrikapolitik der Bundesrepublik Deutschland 1949-1999. Rollen und Identitäten* (Hamburg, 2000), pp. 35-41. After 1959, the Bonn Foreign Office hoped to secure a special mediator role for the Federal Republic in the relations between African and Western states. This ambitious goal ended in failure by the late 1960s. See: Matteo Landricina, 'From Natural Mediator to Junior Partner: Perceptions in West Germany's Diplomatic Conferences on Africa, 1959-1968', *Diplomacy & Statecraft*, 27, 3 (2016), pp. 453-72.

[32] Ibid., pp. 126-52.

[33] Published as: 'Gegen jede Rassendiskriminierung: Stibi: Menschenrechtskonvention sollte allen Staaten zur Unterzeichnung offenstehen', *Neue Zeit*, 20, 49 (1964), pp. 1-2.

[34] See: Jensen, *The Making of International Human Rights*, pp. 48-173.

[35] Norbert Frei, *Karrieren im Zwielicht. Hitlers Eliten nach 1945* (Frankfurt/M., 2001); Norbert Frei, *Vergangenheitspolitik. Die Anfänge der Bundesrepublik und die NS-Vergangenheit* (München, 2003).

[36] See: 'DDR-Telegramm an Uno-Komission: Konvention gegen Rassismus befürwortet', *Neues Deutschland*, 19, 58 (1964), p. 1; 'Gegen jede Rassendiskriminierung: Stibi: Menschenrechtskonvention sollte allen Staaten zur Unterzeichnung offenstehen', *Neue Zeit*, 20, 49 (1964), pp. 1-2.

[37] Nationalrat der Nationalen Front (ed.), *Braunbuch: Kriegs- und Naziverbrecher in der Bundesrepublik und Berlin (West)* (Ost-Berlin, 1965).

[38] 'DDR-Erklärung zirkuliert', *Neue Zeit*, 20, 25 (1965), p. 2.

[39] 'DDR unterstützt UNO-Resolution gegen Apartheid-Politik und Militärstützpunkte', *Neues Deutschland*, 21, 351 (1965), p. 1.

[40] Gray, *Germany's Cold War*, pp. 174-82.

[41] UN ARMS, S-0884-0008-06, GDR application for UN membership, 28 February 1966.

[42] Ibid.

[43] Gehrig, 'Recht im Kalten Krieg', pp. 66-73.

[44] 'DDR-Antrag entspricht den Interessen beider deutscher Staaten', *Neues Deutschland*, 21, 76 (1966), p. 4. See also: 'Die DDR hat ein Recht auf Mitgliedschaft in der UNO', *Neues Deutschland*, 21, 76 (1966), p. 1.

[45] 'Summary of the Judgement of 18 July 1966: South-West Africa Cases (second phase)', International Court of Justice, The Registry, Contentious Cases, South West Africa (Liberia v. South Africa), Summary of Judgement of 18 July 1966 [http://www.icj-cij.org/docket/files/47/4957.pdf, last accessed: 18 January 2017].

[46] René Cassin, 'How the Charter of Human Rights was born', *UNESCO Courier*, 21, 1 (1968), pp. 4-6. For Cassin see: Jay Winter, Antoine Prost, *René Cassin and Human Rights: From the Great War to the Universal Declaration* (Cambridge, 2013).

[47] Burke, *Decolonisation and the Evolution of International Human Rights*, pp. 92-111.

[48] Jensen, *The Making of International Human Rights*, pp. 196-208.

[49] Burke, *Decolonisation and the Evolution of International Human Rights*, pp. 92-111.

[50] Richardson-Little, 'Dictatorship and Dissent', pp. 54-5.

[51] Jörn Eckart, 'Die Babelsberger Konferenz vom 2. und 3. April 1958 - Legende und Wirklichkeit', *Der Staat*, 33, 1 (1994), pp. 59-75. For a detailed analysis of the effects of the Babelsberg Conference see: Stefan Güpping, *Die Bedeutung der "Babelsberger Konferenz" von 1958 für die Verfassungs- und Wissenschaftsgeschichte der DDR* (Berlin: Berlin Verlag Arno Spitz, 1997), 99-174.

[52] Ibid., p. 56.

[53] German Federal Archives (BArch), DY30/J IV 2/2/1165, Protokoll Nr. 16/68, Sitzung des Politbüros des Zentralkomitees am 23. April 1968, Anlage Nr. 4: Maßnahmenplan zur Popularisierung der Verfassung der DDR und der Ergebnisse des Volksentscheids'.

[54] BArch, DY30/J IV 2/2/1165, Protokoll Nr. 16/68, Sitzung des Politbüros des Zentralkomitees am 23. April 1968, Anlage Nr. 11: Erklärung der Regierung der DDR an die Internationale Konferenz für Menschenrechte in Teheran'.

[55] Sebastian Gehrig, 'Cold War Identities: Citizenship, Constitutional Reform, and International Law between East and West Germany, 1967-75', *Journal of Contemporary History*, 49, 4 (2014), pp. 794-814.

[56] BArch, DY30/J IV 2/2/1165, Protokoll Nr. 16/68, Sitzung des Politbüros des Zentralkomitees am 23. April 1968, Anlage Nr. 11: Erklärung der Regierung der DDR an die Internationale Konferenz für Menschenrechte in Teheran'.

[57] Richardson-Little, 'Dictatorship and Dissent'.

[58] Costea, 'Easter Europe's Relations with the Insurgencies of South Africa (SWAPO and the ANC) 1972-1988', 402.

[59] For the global dimensions of Ostpolitik see: Carole Fink and Bernd Greiner (ed.), *Ostpolitik, 1969-1974. European and Global Responses* (Cambridge, 2009). For the growing isolation of South Africa and West German attempts to distance itself from Apartheid see: Tilman Dedering, 'Ostpolitik and the Relations between West Germany and South Africa', in Carole Fink and Bernd Greiner (ed.), *Ostpolitik, 1969-1974. European and Global Responses* (Cambridge, 2009), pp. 206-31.

[60] Rock, *Macht, Märkte und Moral*, pp. 121-82.

[61] United Nations, Audiovisual Library of International Law, Convention on the Suppression and Punishment of the Crime of Apartheid, New York, Section 'Audio', Twenty-eighth Session of the General Assembly, Third Committee, 2008th meeting, 26 October 1973, Statement by Mr. von Kyaw (Federal Republic of Germany): Explanation of vote [http://legal.un.org/avl/ha/cspca/cspca.html#, last accessed: 15 January 2017].

[62] United Nations, Audiovisual Library of International Law, Convention on the Suppression and Punishment of the Crime of Apartheid, New York, Section 'Audio', Twenty-eighth Session of the General Assembly, 2185th Plenary Meeting, 30 November 1973, Statement by Mr. Ferguson (the United States of America): Explanation of vote [http://legal.un.org/avl/ha/cspca/cspca.html#, last accessed: 15 January 2017].

[63] Ibid.

[64] United Nations, Audiovisual Library of International Law, Convention on the Suppression and Punishment of the Crime of Apartheid, New York, Section 'Audio', Twenty-eighth Session of the General Assembly, 2185th Plenary Meeting, 30 November 1973, Statement by Mr. Mackenzie (United Kingdom): Explanation of vote [http://legal.un.org/avl/ha/cspca/cspca.html#, last accessed: 15 January 2017].

[65] Gehrig, 'Cold War Identities'.

[66] See: Sarah B. Snyder, *Human Rights Activism and the End of the Cold War: A Transnational History of The Helsinki Network* (Cambridge, 2013).

[67] E.g. 'DDR-Komitee verurteilt Apartheid in Südafrika, *Berliner Zeitung*, 29, 281 (1973), p. 2; 'Solidaritätserklärungen', *Neues Deutschland*, 28, 281 (1973), p. 6; 'Ein Betrag zum Schutz der

Menschenrechte. Zur 29. Tagung der Menschenrechtskommission in Genf', *Neues Deutschland*, 28, 112 (1973), p. 6; 'Vollversammlung der Vereinten Nationen faßte weitreichende Beschlüsse. Sechs Entschließungen fordern energische Maßnahmen gegen Apartheid - Konstruktive Mitarbeit der DDR', *Neue Zeit*, 29, 297 (1973), p. 2; 'DDR wirkt für Ausbau der Menschenrechte', *Berliner Zeitung*, 29, 342 (1973), p. 4.

[68] The shift from Ulbricht's tight control of the legal sector to the Honecker era is discussed in: Ralf Dreier, Jörn Eckert, Karl. A. Mollnau, Hubert Rottleuthner (eds.), *Rechtswissenschaft in der DDR 1949-1971* (Baden-Baden: Nomos, 1996), 15-32.

[69] E.g. Klenner's paper delivered at the Becker Hall of the Academy of Science during the formal opening of the World Congress on Philosophy of Law and Social Philosophy in Canberra on 19 August 1977. Later published in a West German law journal as: Hermann Klenner, 'Human Rights: A Battle Cry for Social Change or a Challenge to Philosophy of Law?', *Archiv für Rechts- und Sozialphilosophie*, 64, 4 (1978), pp. 465-77.

[70] For the Basic Treaty case see: Klaus Joachim Grigoleit, *Bundesverfassungsgericht und deutsche Frage. Eine dogmatische und historische Untersuchung zum Judikativen Anteil an der Staatenlenkung* (Tübingen, 2004), pp. 271-89.

[71] Roger Normand and Sarah Zaidi, *Human Rights at the UN. The Political History of Universal Justice* (Bloomington, 2008), p. 289 and 300.

[72] Martin Kriele, *Die Menschenrechte zwischen Ost und West* (Cologne, 1977), p. 49.

[73] Normand and Sarah Zaidi, *Human Rights at the UN*, pp. 298-303.

[74] Kriele's assessment stands in contrast to Young-Sun Hong's findings on the humanitarian aid race between the two German states since the 1950s. See: Hong, *Cold War Germany, the Third World, and the Global Humanitarian Regime*.

[75] Young-Sun Hong has explored the influence of Chinese policies on the German-German competition in Africa. See: Ibid., pp. 287-316.

[76] For Deng Xiaoping's speech see: Jennifer Altehenger, 'Social Imperialism and Mao's Three Worlds: Deng Xiaoping's Speech to the U.N. General Assembly, 1974', in Rachel Hammersley (ed.), *Revolutionary Moments: Reading Revolutionary Texts* (London, 2015), pp. 175-82. For the PRC's complicated engagement with African states during the 1960s see: Priya Lal, 'Maoism in Tanzania: material connections and shared imaginaries', in Alexander Cook (ed.), *Mao's Little Red Book. A Global History* (Cambridge, 2014), pp. 96-116.

[77] The GDR participated in the annual Week of Solidarity with the Peoples of South Africa during which Eastern European countries hosted members of the UN's Special Committee Against Apartheid and raised funds

for the ANC and SWAPO by organising Peace and Solidarity Concerts. See: Costea, 'Easter Europe's Relations with the Insurgencies of South Africa (SWAPO and the ANC) 1972-1988', p. 396 and 401.

[78] Ibid., pp. 399-403.

[79] Ibid., pp. 291-95.

[80] For the US human rights campaign of the 1970s see: Barbara J. Keys, *Reclaiming American Virtue. The Human Rights Revolution of the 1970s* (Cambridge, MA, 2014) and Mark Philip Bradley, *The World Reimagined. Americans and Human Rights in the Twentieth Century* (Cambridge, 2017).

[81] UN ARMS, S-1024-0032-05, 'Assistance of the German Democratic Republic to Developing Countries and National Liberation Movements', statement of Ministry of Foreign Affairs in observation of the UN Day and World Development Information Day, 20 October 1982.

[82] Hong, *Cold War Germany, the Third World, and the Global Humanitarian Regime*, pp. 215-49.

[83] Costea, 'Easter Europe's Relations with the Insurgencies of South Africa (SWAPO and the ANC) 1972-1988', p. 402.

[84] UN ARMS, S-1024-0032-05, 'Assistance of the German Democratic Republic to Developing Countries and National Liberation Movements', statement of Ministry of Foreign Affairs in observation of the UN Day and World Development Information Day, 20 October 1982.

[85] United Nations, Audiovisual Library of International Law, Declaration on the Right to Development, New York, 4 December 1986, Section 'Documents' [http://legal.un.org/avl/ha/drd/drd.html, last accessed 15 January 2017].

[86] Normand and Sarah Zaidi, *Human Rights at the UN*, pp. 289-314.

[87] Mathias Stein pointed to this in his study on German-German relations within the UN. See: Mathias Stein, *Der Konflikt um Alleinvertretung und Anerkennung in der UNO: die deutsch-deutschen Beziehungen zu den Vereinten Nationen von 1949 bis 1973* (Göttingen, 2011), pp. 69-76.

[88] After 1990, legal scholars and historians hotly debated the nature of the GDR's political system. Scholars disagreed over the question whether the GDR could be labelled an *Unrechtsstaat* (unlawful state) and represented a totalitarian system. Some critics suggested that such frameworks unjustly equated the GDR with the Third Reich, while others supported these analytical concepts. See: Volkmar Schöneburg, 'Recht im nazifaschistischen und im "realsozialistischen" deutschen Staat – Diskontinuitäten und Kontinuitäten', *Neue Justiz*, 2 (1992), pp. 49-54; Ingo Müller, 'Die DDR – ein Unrechtsstaat?', *Neue Justiz*, 46 (1992), pp. 281-83; Detlef Joseph, 'Der "DDR-Unrechtsstaat" und die Vergangenheitsbewältigung', in Gregor Gysi, Uwe-Jens

Heuer, Michael Schumann (eds), *Zweigeteilt. Über den Umgang mit der SED-Vergangenheit* (Hamburg, 1992), pp. 95-119; Hubert Rottleuthner, 'Das Ende der Fassadenforschung: Recht in der DDR', *Zeitschrift für Rechtssoziologie*, 16 (1995), pp. 30-64; Horst Sendler, 'Die DDR – ein Unrechtsstaat – ja oder nein?', *Zeitschrift für Rechtspolitik*, 26 (1993), pp. 1-5. The public debate on the East German state's political nature is still ongoing. In January 2017, the leader of the parliamentary group of *Die Linke* Dietmar Bartsch answered in an interview when prompted to state his opinion on the GDR's political system that he refused to use the term *Unrechtsstaat*. See: 'Ich wende den Begriff Unrechtsstaat auf die DDR nicht an', *Berliner Morgenpost (online)* [https://www.morgenpost.de/politik/article209335063/Ich-wende-den-Begriff-Unrechtsstaat-auf-die-DDR-nicht-an.html, last accessed: 18 August 2017].

[89] Daniel Thomas has argued that the Helsinki Final Act fundamentally transformed East-West relations. See: Daniel C. Thomas, *International Norms, Human Rights, and the Demise of Communism* (Princeton, 2001).

[90] For the West German focus on the German Reich's sovereignty as an argument against GDR statehood see: Gehrig, 'Recht im Kalten Krieg'. The Soviet-led turn rights talk as part of the new Soviet constitution of 1977 is discussed in: Benjamin Nathans, 'Soviet Rights-Talk in the Post-Stalin Era', in Stefan-Ludwig Hoffmann (ed.), *Human Rights in the Twentieth Century* (Cambridge, 2011), 166-90.

[91] See: Vaclav Havel, 'The Power of the Powerless', in Vaclav Havel, *Open Letters. Selected Writings 1965-1990*, ed. by Paul Wilson (New York, 1992), 125-214.