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Racial Injustice and Systematic Discrimination in South Africa during the Apartheid Era that Lasted for more than Four Decades

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ABSTRACT

For four decades, South Africa experienced human rights violations related to the apartheid policy implemented in the country. This policy separated the races and resulted in systematic discrimination against black people. Human rights violations that occurred during this period included political repression, violence, discrimination in education, housing, and access to adequate health services. Apartheid policies in South Africa have caused deep suffering for many people and given rise to widespread injustice in society. Although this policy was officially abolished in 1994, its impact is still felt today and efforts to repair the damage caused by apartheid continue. Human rights violations during the apartheid period in South Africa reflected systemic injustices that damaged and caused suffering for many people. Remedial measures and justice continue to be needed to ensure that past mistakes are not repeated and to build a society that is inclusive and fair for all its citizens.

Keywords: *Injustice, discrimination, apartheid.*

I. INTRODUCTION

Article 1 of the Universal Declaration of Human Rights ("UDHR") states: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. The article, if interpreted, means that all human beings are born free and have the same dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Which means, human rights are not given by the state or government but human rights have existed since we were born because of our existence as human beings and human rights will disappear when the human being dies. Different race, ethnicity, skin colour are not differences in the applicability of human rights.

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South Africa or the African Union is a country in the Southern African part of the country. South Africa is also the oldest country on the African continent so, many tribes are residents in this country including the Khoi, Bushmen, Xhosa and Zulu tribes. South Africa also neighbours Botswana and Zimbabwe to the north, Mozambique and Swaziland to the northeast and Namibia. The country was of interest to the British due to the discovery of abundant diamond reserves, which was at the root of the Anglo-Dutch wars and the two Boer Wars. The four main republics were merged into the Union of South Africa in 1910 and in 1931 the country was made a full British colony.

We are familiar with South Africa and its Apartheid politics. Which means this case has violated human rights and harmed many parties. It all started with South Africa having to share power with the Afrikaner party (Dutch colonisers) which continued until the 1940s when the pro-Afrikaner party, the National Party (NP), had the majority of votes in parliament and this was a party strategy that created the basis for Apartheid. Apartheid had the effect of dividing society by colour and race, and in this case blacks were disenfranchised from voting in elections in their own country, black and white neighbourhoods were segregated and the judiciary was controlled by whites.

(A) Research Method

This research uses a qualitative approach method that refers to literacy. Make in-depth observations related to the discussion to be discussed. This qualitative method aims to explain the phenomenon in depth by collecting data from both reading and observation media. This research is included in the type of normative research which means not conducting research in the field but based on the literacy of journals, books and laws that apply and are binding.

(B) Problem Formulation

How was racial injustice and systematic discrimination in South Africa during the Apartheid era?

II. RESULTS AND DISCUSSION

The early history of apartheid in South Africa began in the early 20th century and lasted until 1990. Apartheid was a system of racial segregation implemented by the white government in South Africa. This system separated the rights and obligations between the white and black races through policies passed through legislation. Apartheid was first launched in South Africa which in the 1930s was ruled by two white nations, namely the British colonies in Cape Town and Namibia, and the Afrikaner Boers who sought gold in the empty lands of eastern South

Africa or Transvaal (now the city of Pretoria). (Auli S.H, Renata, 2022: 20)

In 1948 when the Nationalist Party, a white-led party, won the general election in South Africa and began to implement apartheid policies. The indigenous tribe that inhabited South Africa, the Bantu, received poor treatment from the British. Through Prime Minister Daniel Francois Malan, racism against black people was legalised. The reason for the implementation of this policy is because white people are a superior nation (master race). Black people did not remain silent, they fought back by forming a modern organisation, the African National Congress (ANC). The ANC is a political party formed to defeat white political domination in 1952 under the leadership of Nelson Mandela. In 1955, the ANC formed a coalition of coloured people (yellow people) with the aim of collaborating with other oppositions to make it stronger. The coalition successfully launched a freedom charter which later became the ANC's next struggle programme. (Agus Budiman, 2013: 19)

The National Party's victory was not a coincidence, but a result of the South African situation itself. The apartheid political system was initiated by Hendrik Frensch Verwoerd of the National Party. Verwoerd was a South African politician who served as Prime Minister of South Africa from 1958 to 1966. He is known as the main architect of his government's apartheid policy. Apartheid politics is the politics of separating the population based on the white and black races. Apartheid politics in South Africa was strictly implemented after the National Party won the general election in 1948. (Rio Fernandes, 2024: 12)

Some of the discriminatory laws passed included the Racial Segregation Act in 1950, which forced blacks and mixed-race people to live separately from whites. There was also the Internal Security Act of 1950, which gave the government sweeping powers to suppress political resistance to apartheid. For decades, the South African government implemented harsh discriminatory policies against black and mixed-race people, including restrictions on access to education, employment, housing and other public facilities. Black and mixed-race people were also denied voting rights and restricted in their freedom of speech, assembly and expression.

Black people who initially did not understand the government's policies gradually understood that the real purpose was racial discrimination (difference in skin colour). They therefore rose up in resistance, but Pieter Botha's government ruthlessly suppressed any resistance that occurred. Many black figures were thrown into prison, such as the charismatic Nelson Mandela who was forced to languish in prison for 27 years. In addition to armed resistance, efforts to end apartheid politics were also carried out through political struggle. Well-known parties include the Nelson Mandela-led Congress Party (ANC) and the Inkatha Freedom Party led by

Mongosuthu Buthulesi. A well-known figure in the South African movement is Archbishop Desmond Tutu. (Rio Fernandes, 2024: 20)

The implementation of apartheid politics had a major impact on South Africa. The originator of apartheid politics was the National Party, which began to revise the law after the party won the general election in 1948. The impact felt was that apartheid caused inefficiencies in economic activity and socio-economic order, welfare and access to public services to be unbalanced, so that most black people were trapped in prolonged structural poverty. (Superadmin, 2023: 24)

Apartheid has the meaning of the official South African language, namely *Aparte Ontwikkeling* which means separate development, in terms of its meaning it sounds good because every class of society, whether white or black, must develop together. However, this development must be based on social levels in society, which in practice is a separation of skin colour and there is white-on-black oppression. The major impact was that every black person in South Africa had to become a citizen of one homeland based on their place of birth. To stabilise the homeland project, financial aid was issued for stimulation, including stimulation of external capital inflows to the homeland. The politics of apartheid left South Africa internationally isolated. Many countries around the world condemned and boycotted products from South Africa in protest against these discriminatory policies. This worsened the country's economic and political conditions. (Syaiful Nazrul, 2020: 21)

On the other hand, we also have to know and even know who struggled in this Apartheid case, one of which is Nelson Mandela. Nelson Mandela is a great statesman of South Africa and even the world who is consistent in his struggle against the racist Apartheid regime. Born on 18 July 1918, the original name given by his parents was Rolihlala Mandela. Nelson was the first in his family to attend school. Growing up Nelson was a lawyer, before he entered politics and became chairman of the ANC, a forum for black Africans to fight for equal rights, where Nelson staunchly opposed the Apartheid regime.

In 1961, he led a march by South Africans to stay indoors. The Apartheid government responded by arresting and then throwing Mandela into Pretoria prison in 1962. Mandela was only released on 11 February 1990 during the reign of Fredik Williem de Klerk. Nelson Mandela's release after 27 years of imprisonment and unconditional release had a positive impact on the struggle of the South African people in fighting for the abolition of the Apartheid government. Nelson Mandela himself continued to launch a protest movement organised through the ANC that he led, which later also became a mass demonstration movement.

According to Lynne Rienner in *Negotiating Apartheid* (1995), Mandela's release was the result

of secret negotiations between Mandela and the government, which showed the seriousness of both parties to change South Africa. The talks involved various parties, including the African National Congress (ANC) led by Mandela, the National Party represented by President FW de Klerk, and various other groups representing the country's political and racial spectrum. The negotiation process was fraught with challenges, characterised by mistrust and continued violence, but a strong desire to achieve peace pushed the parties forward. The role of Nelson Mandela and FW de Klerk in the transition to democracy cannot be underestimated. Both symbolised the possibility of reconciliation and change. Mandela, with his charisma and wisdom, was able to convince his supporters that peace and co-operation with former enemies was the best path for the future of South Africa. boycotts, strikes, and burning of black passports. (Superadmin, 2023: 28)

On the other hand, de Klerk played a key role in convincing the white minority to accept the inevitability of change. They were both awarded the Nobel Peace Prize in 1993 in recognition of their efforts to peacefully end the long-standing policy of segregation. The April 1994 elections became a crucial moment in South Africa's history, marking the end of the apartheid era. For the first time, all South Africans, regardless of race, were granted the right to vote in free and fair elections. Nelson Mandela was elected as the first President of post-apartheid South Africa. He led a government of national unity that also included FW de Klerk as one of the Vice Presidents.

Another figure who helped Nelson Mandela in fighting for the abolition of Apartheid was Archbishop Desmond Tutu, in short he was a highly respected and appreciated figure in the struggle against apartheid in South Africa. Tutu was elected and ordained as the first black bishop in the Anglican Church. He was known as a figure who was never afraid to give voice to "the voiceless". Desmond Tutu is also known as a Nobel Peace Laureate who championed non-violent resistance to apartheid.

Not only helped by Nelson Mandela and other figures, one of those who helped this case was Human Rights Watch. Human Rights Watch works in nearly 100 countries. Our work involves documenting the facts and applying the law to expose abuses and press for change, including in situations where state officials are significantly implicated in serious international crimes. Our mandate is grounded in international law, particularly international human rights law, international humanitarian law and international refugee law, as well as international criminal law. Human Rights Watch played a significant role in exposing human rights abuses that occurred during the apartheid regime in South Africa. The organisation consistently monitored and documented human rights violations committed by the apartheid regime, including

discriminatory acts, racial segregation, repression, and violations of basic individual rights. Human Rights Watch has also been instrumental in speaking out against apartheid policies and fighting for justice for victims of human rights violations.

Through reports, advocacy, and campaigns, Human Rights Watch helped strengthen international pressure on the apartheid regime and promote global awareness of the crimes and injustices committed in South Africa. With these efforts, Human Rights Watch contributed to ending the apartheid regime and championing universal and inclusive human rights in South Africa. Through advocacy and rigorous monitoring, Human Rights Watch continues to play an important role in ensuring respect for human rights around the world. The case of apartheid has undoubtedly caused great harm, not only domestically but also internationally and is a clear violation of International Law. apartheid is codified in the Rome Statute as a crime against humanity. This declaration is itself a strong indication of the customary status of the crime. There is general academic support for the proposition that the crime of apartheid has customary status. In support of this, authors usually refer to the international condemnation, through United Nations resolutions, of South Africa's apartheid policies.

The acceptance of international instruments, notably the International Convention on the Elimination of All Forms of Racial Discrimination, the Apartheid Convention, the Rome Statute of the International Criminal Court, and the Convention on the Non-Applicability of Legal Limitations to War Crimes and Crimes against Humanity, should be seen as further evidence not only of the international condemnation of apartheid but also the criminalisation of the norm. Article 2 of the Apartheid Convention clearly defines apartheid as a crime. Miles Jackson, in a comprehensive analysis of the customary and ICERC definitions of apartheid, argues that the definition in Article 2 of the Apartheid Convention gives content to the customary prohibition against apartheid (and the rule in ICERC Article 3). Not only that, it violates International Law because the international Convention that specifically recognises that apartheid violates human rights is the International Convention on the Elimination of All Forms of Discrimination. (Rio Fernandes, 2024: 18)

This racial convention, which was adopted by the United Nations in 1965, affirms that racial discrimination in any form is a violation of human rights. The Convention expressly condemns the practice of apartheid as a form of racial discrimination that violates human rights. The Convention establishes an obligation for states parties to eliminate all forms of racial discrimination, including the practice of apartheid, and to ensure equal rights for all individuals regardless of race. Thus, the International Convention on the Elimination of All Forms of Racial Discrimination became an important legal instrument that affirmed that apartheid was an

unacceptable violation of human rights in the international community. (Veygi Yusna, 2013: 25)

Various efforts to abolish the apartheid system have been made, one of which was by the United Nations (UN) in 1973. Furthermore, the UN passed an international convention on the suppression and punishment of apartheid, the convention was ratified by one hundred and one countries. The convention states that apartheid is an offence for which individuals can be held accountable. The international convention also describes apartheid as an inhumane act and a violation of human rights, committed only to establish and maintain the dominance of a particular race.

After decades of apartheid in South Africa from 1948-1994, apartheid finally found its resolution. This tribal segregation received an international response. After his release from prison in the 1990s, Nelson Mandela negotiated with President F. W. de Klerk to end apartheid in South Africa, bringing peace to the racially divided country and leading the fight for human rights around the world. President Frederik Willem de Klerk sought total reform and negotiations with the ANC and would hold free elections in 1994, after which the party led by Mandela won the election, and he became the first black President of South Africa, His initial tasks were to seek national reconciliation so that there would be no more conflict between races, especially mutual resentment, in turn a commission was formed, namely the truth and reconciliation commission.

In the end, a more fundamental policy change, the government of South African President FW de Klerk on 21 February 1991 repealed 3 laws that strengthened Apartheid power. Among them were the Land Act (a law that prohibited blacks from owning land outside their designated residential areas) Group Areas Act (a law that regulated the separation of white and black residences) Population Registration Act (a law that required blacks to register themselves according to their respective groups). A new constitution granting voting rights to blacks and other racial groups was adopted in 1993 and came into force in 1994. All-race national elections without racial restrictions, also in 1994, produced a coalition government with a black majority led by anti-apartheid (ANC) activist Nelson Mandela, the country's first black president. Since the end of apartheid, South Africa began to build its own country to be equal to other countries. The settlement marked the end of apartheid laws but not the end of the deep-rooted social and economic impacts and legacy.

Thirty years since the end of Apartheid, South Africa is still grappling with its legacy. Inequality of access to education, unequal wages, segregated communities, and huge economic disparities

persist, much of which is compounded by the fact that the South African economy is still very much in a state of flux.

III. CONCLUSION

South Africa in 1948 was a country that implemented a system of discrimination and racial separation (apartheid). The discrimination system was abolished in the 1990s. The system implemented at that time was a system created to protect the interests of white people. In the apartheid system, black people did not have the right to vote in elections, black and white housing had to be separated, and the judicial system was controlled by white people. South Africa was proclaimed a white country and other racial groups, other than whites, did not have full political rights. By law, all races have separate spaces and separate facilities, there is no mixing. The education provided would also be tailored to the person's status role in society. The Apartheid case also leaves a legacy to this day, so any violence and discrimination that occurs is attributed to black people.

(A) Suggestion

The apartheid case in South Africa was a dark period in the country's history where there was systematic racial discrimination against the non-White population. So here are the author's suggestions related to this case, Justice and Reconciliation which means the process of reconciliation between various ethnic and racial groups in South Africa is very important to heal past trauma and build an inclusive society. then strengthening democratic institutions by upholding democratic principles, the rule of law, and the protection of human rights must be a priority in ensuring that events like apartheid are not repeated.

International Engagement as international co-operation in combating racial discrimination and protecting human rights around the world is essential. Other countries should continue to support efforts to prevent apartheid practices everywhere. And inclusive economic development means that ensuring that economic development in South Africa is inclusive and empowers all levels of society, regardless of racial background, is crucial to creating equality and social justice.

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