

# Between Accountability and Denial: The U.S., South Africa, and Their Divergent Paths in Domestic and Global Human Rights



Daniella Scott  
Faculty Advisor: Professor Deepa Iyer, J.D.  
Georgetown University



GEORGETOWN UNIVERSITY  
Center for Research & Fellowships

## INTRODUCTION

South Africa and the U.S. stand in stark contrast in how they reckon with that past and how they fight for the human rights of others. The key difference lies in the relationship between the state and public: in the U.S., exemplified by the inaction following the Tulsa Race Massacre, racial injustice persists in a self-perpetuating cycle in which historical erasure has weakened public calls for justice, allowing the government to evade domestic and international accountability. In contrast, as seen in the response to the Sharpeville Massacre, South Africa's public demands for justice and accountability have pressured the state to engage with and embrace international human rights law.

## THE UNITED STATES

### I. THE TULSA RACE MASSACRE

Following the massacre of 300 Black residents in Tulsa, Oklahoma from May 31 to June 1, 1921, the U.S. began its century of neglect reflecting a historic silence on racial injustices. Local authorities' initial dismissal of the event as a "riot" provided impunity for perpetrators and injustice for victims. In the decades after, the city constructed a highway that completely obscured Greenwood, physically burying the neighborhood and its history, hindering any chance of completely rebuilding. Limited knowledge of the massacre, compounded by increasing censorship of race discussions and failed legal efforts for reparations, has fostered a national culture of ignorance, allowing the U.S. to evade domestic accountability.

### II. CIRCUMVENTING INTERNATIONAL LAW

Despite the U.S.'s post-World War II commitment to international human rights, its recent engagement with international law has become selective and increasingly symbolic of its cycle of denial. The U.S. has only ratified five of the eighteen UN human rights treaties, often attaching reservations that declare them "non self-executing", rendering these commitments hollow. Even as the international community has demanded adherence to international human rights norms, the U.S. frequently notes recommendations rather than accepting them. Ultimately, this behavior reflects a broader pattern: just as the U.S. has struggled to reckon with its legacy of domestic racial violence, it has also resisted international mechanisms requiring such a reckoning. Internally and internationally, this cycle of denial enables the U.S. to evade responsibility and has prevented opportunities for meaningful redress.

## SOUTH AFRICA

### I. THE SHARPEVILLE MASSACRE

In protest of one of apartheid's most oppressive laws, the pass laws, Black South Africans mobilized at the local police station in Sharpeville on May 21, 1960. The peaceful protest quickly turned into a massacre as police opened fire on the crowd, killing 69 civilians. The massacre sparked domestic and global condemnation, leading to large-scale internal protests and international sanctions that eventually synergized apartheid's demise. This pivotal moment remains central to South Africa's legal and moral rebuilding beginning with the election of leaders rooted in the liberation movement and the adoption of a constitution enshrining values of dignity and equality. Globally, the anniversary of the Sharpeville Massacre has been commemorated as International Day for the Elimination of Racial Discrimination since 1967, cementing its place in the worldwide fight against racism. International pressure against apartheid has also instilled a lasting belief in the power of global human rights law. Today, that legacy continues to shape South Africa's pursuit of justice as the country turns both to international norms and collective memory to reckon with the past.

### II. A WAVERING COMMITMENT TO INTERNATIONAL LAW

South Africa has positioned itself as a global leader in championing human rights, grounding its domestic and international policy in the language and tools of international law. Since the end of apartheid, South Africa has signed and ratified 15 of 18 international human rights treaties, and Section 39(1) of their constitution explicitly requires courts to consider international law when interpreting domestic law. This commitment is born from South Africa's struggle during and following apartheid, making it attuned to issues of racial injustice and state violence. Despite moments of disillusionment (such as its 2016 near withdrawal from the Rome Statute) South Africa's broader legal and societal commitment to international human rights norms remains firm. The legacy of anti-apartheid struggle has instilled a generational belief in the power of international law— not just as an abstract ideal, but as a living tool for justice and accountability.



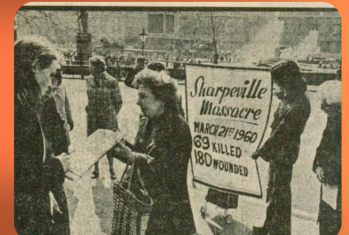
C. B. Clark Photograph Collection, University of Oklahoma Libraries



Black Tulsans stand together in the street, observing the smoke from burning homes and buildings filling the air in the Greenwood District, Beryl D. Ford Collection, Tulsa Historical Society and Museum



Police at Sharpeville Massacre, March 21, 1960, African National Congress Archives / UWC Robben Island Museum Mayibuye Archives. In Divestment for Humanity: The Anti-Apartheid Movement at the University of Michigan.



Sharpeville Massacre Protest Sign Reading "Sharpeville Massacre, March 21st 1960, 69 Killed, 180 Wounded," African Activist Archive, University Archives, Michigan State University.

## CONCLUSION

South Africa and the United States' divergent paths to racial justice reflect the difference between fighting for a national reckoning and intentional erasure. Patterns such as failed accountability and contested memory help explain each state's position on international human rights law. Patterns such as failed accountability and contested memory help explain each state's position on international human rights law. From the refusal to join or recognize the International Criminal Court to its human rights abuses in Abu Ghraib, the U.S. has demonstrated that these choices are not simply political decisions, but symptoms of a longstanding national unwillingness to confront its own past. Meanwhile, South Africa's largely consistent engagement with international human rights law reflects the political will of a majority that demanded— and still demands— accountability, both at home and abroad. International legal frameworks cannot enforce justice alone, but they reveal a deeper truth: justice is only possible when nations are willing to reckon with the systems they have built, the violence they have condoned, and the histories they have tried to forget.

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