



Lawyers Crossing Borders Transnational Solidarity | Essays

This essay is part of a series that will be included in a Transnational Solidarity Playbook to be published by the US-Africa Bridge Building Project. The series is based on the premise that progressive forces must increase our capacity to join forces across national borders, defeat authoritarian regimes and movements based on hate, and find the strength to build a future based on common humanity and justice for all.

Pan-Africanism and Global Solidarity

Of all the transnational movements first identified with the prefix “pan” in the late 19th and early 20th century, the Pan-African movement has been the one with the greatest impact and the greatest staying power. While the term dates to the Pan-African Conference of 1900 in London, the history it represents dates back to the slave trade and the global racial order established more than 500 years ago.

Within that still-existing order, people of African descent have ranked at or near the bottom in hierarchies of access to human rights, both within borders and across borders. That common fate has inspired common identities. But it has also fostered commitment to universal values of social justice, embodied in the saying “none of us is free until all of us are free.”

This original essay by Meredith Terretta (*below*), accompanied by an excerpt from a review by Adom Getachew of the recent history of Pan-Africanism by Hakim Adi, well illustrates the richness of the Pan-African movement.


So does the global impact of music from the diaspora and the African continent, such as Bob Marley’s *Redemption Song* and Manu Dibango’s *Soul Makossa*.

– William Minter

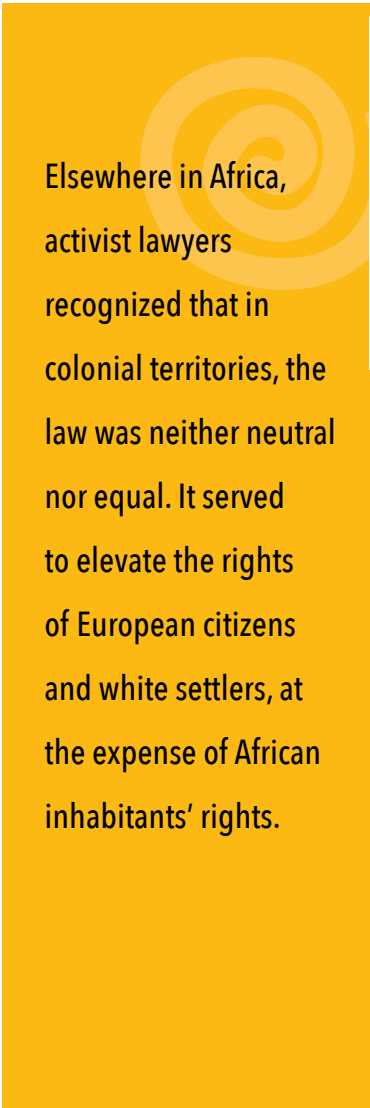
Lawyers Crossing Borders: From Anti-Colonialism to Anti-Apartheid

by Meredith Terretta

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In the twentieth century, as the Pan-African struggle advanced across the continent, lawyers across the diaspora and in imperial capitals found ways to join hands in solidarity across borders. Victories were limited at the height of colonialism. These long-distance solidarities were not only transnational but also transimperial. They connected people not only across territorial boundaries, but across imperial and linguistic boundaries.

One of the pioneers was Trinidad-born **Henry Sylvester Williams**, was most famous for being the organizer of the first Pan-African Congress in 1900. He also was trained as a barrister at Gray's Inn, London. Concerned about the conditions of Black South Africans, he moved to Cape Town in 1903 and became the first Black person to practice as an advocate for the Supreme Court in the Cape Colony, from 1903 to 1905. In **The Land is Ours: South Africa's First Black Lawyers and the Birth of Constitutionalism**, South African lawyer Tembeka Ngcukaitobi recounts how Williams represented Black Africans, particularly on land cases.

Anti-Colonial Strategies

Elsewhere in Africa, activist lawyers recognized that in colonial territories, the law was neither neutral nor equal. It served to elevate the rights of European citizens and white settlers, at the expense of African inhabitants' rights. Anti-colonial lawyers, in solidarity with African political elites, pursued two alternate pathways to promote more equitable rights, with reformist or revolutionary goals.

The first of these pathways led to equal rights via citizenship—imperial citizenship akin to that of white colonial officials and settlers whose metropolitan citizenship afforded them their higher legal status in colonial settings. Following this pathway, the law would be reformed to confer rights of European citizenship to Africans, placing them on par with white settlers in colonial territories. The second pathway aimed at liberation from white rule. In this second, visionary pathway, law would tear down the colonial legal structure and build it anew.

Activist lawyers and political actors drew on legal pluralism in colonial settings to wield the law for reform or for revolution, depending on the time and place. **Cause lawyers** traveled across territories, joining with African actors to expose race-based judicial irregularities that advantaged white settlers, the colonial state, and extractive corporations in mining and agriculture. The cases were diverse, but there were also common elements. Lawyers—usually from afar—represented political defendants in claiming rights before judicial bodies, and very often mobilized public opinion and policy.

After World War II

These long-distance advocacy connections persisted and expanded after the upheavals of WWII. One prominent case from that period was recently documented by **Lessie B. Tate and Jackson de Carvalho**, faculty members at Prairie View A & M University in Texas, an historically Black university founded

in 1876. In 1948, two graduates of Howard University (see sidebar), African American Alberta Seaton and British Bermudan Earle Seaton, met East African students in London. The couple later traveled to East Africa where they made further links with African nationalists, and Earle established a law practice at Moshi in northern Tanganyika (now Tanzania). In 1950, Seaton became lead counsel on a land case brought by some three thousand African farmers displaced from their farms by thirteen white planters. Seaton took the case to the United Nations in 1952, where it was heard before the Trusteeship Council of the United Nations. Kirilo Japhet, Secretary of the Arusha Branch of the Tanganyika African Association provided oral testimony.

Seaton's efforts signaled the widening reach of cause lawyers in the international arena. Like Seaton, other lawyers from across the African diaspora set up law offices in African countries, using their legal knowledge and international contacts to advance the anti-colonial cause. One prominent example was Richard Danglemont, from Guadeloupe in the French Antilles, who practiced in Cameroon from 1953 to 1974.

After World War II, white lawyers joined the ranks of advocate lawyers who defended political actors and trade unionists in African territories. The French Communist Jewish lawyer, **Pierre Kaldor**, himself imprisoned under German occupation of France, chaired the Democratic Liberties Defense Committee of Black Africa, which defended African rights throughout French Africa. From February 1949 to October 1950, **Henry Douzon** and colleagues represented the leaders of the Democratic Party of Côte d'Ivoire, who were arrested on charges of "accessory to organized violence and looting" after popular uprisings and strikes in Grand Bassam.

In 1948, in neighboring Gold Coast, Ralph Millner, senior advocate of the British Haldane Society, defended Kwame Nkrumah and five of his colleagues for their alleged instigation of protests throughout the colony. In preparing for Ghana's independence, Nkrumah hired British senior advocate **Geoffrey Bing** to provide legal counsel, and Bing served as Attorney General from 1957-1961.

In Kenya, during the revolt from 1952-1956, called "Mau Mau" by white settlers, the British detained over a million Kikuyu in camps or resettled them in "emergency villages." Official records showed only 32 white civilians were killed, as well as 1,819 Africans loyal to the government and 63 whites and 101 Africans in the counterinsurgency forces. The government recorded 11,503 insurgents killed, as well as 1,015 legally executed under Emergency regulations, 432 for unlawful possession of arms and ammunition and 222 for "consorting with terrorists."

British trial lawyer **Denis Nowell Pritt** represented the Kenya African Union leadership as well as Kikuyu suspected of leading the revolt in appealing their death sentences. African barristers from Gold Coast, Nigeria, and India, including the diplomat **Diwan Chaman Lall**, joined the defense team of arrested political leaders.



After Independence

After independence, African lawyers continued to cross borders to represent oppositionists and defend their rights. In 1958, **E.N.P. Sowah** of Ghana was declared a prohibited immigrant when he attempted to enter Kenya, still a British colony, to join the legal defense of labor leader **Tom Mboya** and six African legislators accused of conspiracy. The denial of entry to the foreign lawyers of political defendants became common practice across late colonial African territories. It also became commonplace in a majority of post-independence African states, revealing how colonial the law remained after political independence.

In December 1970, Fadilou Diop, president of the Senegalese Bar Association, parliamentarian, and human rights lawyer in Dakar, was deported from Cameroon where he had traveled to represent the detained revolutionary, Ernest Ouandié, slated for trial before the Military Tribunal. After Diop's expulsion, in violation of a bilateral judicial agreement between Cameroon and Senegal that authorized Diop to practice there, in the absence of his choice of legal counsel, Ouandié was condemned to death and executed on 15 January 1971.

In the second half of the twentieth century, support for African rights, through legal channels at both national and international levels, expanded dramatically with a focus on the white-minority-ruled and colonial states in Southern Africa. Liberation movements built linkages to the United Nations, to governments in Africa and around the world, and to global solidarity movements. That history, with ramifications in almost every country around the world, is far too rich to summarize in this short essay. It includes individual lawyers (such as Elizabeth Landis, who advised the UN Commission on Namibia) as well as specialist legal organizations, such as the International Defense and Aid Fund (which defended Nelson Mandela and his colleagues in the Treason Trial in South Africa) and the Southern Africa Project of the Lawyers' Committee for Civil Rights under Law (which played a key role from its founding in 1967 to the end of political apartheid in the 1990s). [See sidebar for a sample of sources to begin with.]

An Unfinished Journey

Decolonization and the end of legalized white-minority rule, however, did not overturn the fundamental order of colonial law. Emergency legislation, justified as a way to “maintain public order,” or “keep the peace” allowed states to circumvent regular judicial processes, enabling them to target oppositionists, trade unionists, and their legal advocates. In some countries, there have been closed-door military tribunals, off limits to trial observers. African governments often invoked state sovereignty to reject foreign observers at political trials.

Legal systems, in Africa as around the world, have thus left fundamental issues of democracy and human rights unresolved, including land distribution and labor rights. While international human rights agreements have proliferated, so have multilateral agreements that privilege the rights of corporations and foster economic inequality.



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Howard University

Since its founding in 1867, Howard University in Washington, DC has **served as an incubator of Pan-African connections**. Faculty, students, and graduates come not only from the United States but from the Caribbean, Africa, and around the world.

Prominent Pan-African scholar and activist C.L.R. James, although not officially on the faculty, had **major influence on Howard students and other activists** while living in Washington in the 1960s and 1970s. So did Caribbean political leader and scholar Eric Williams, who taught political science at Howard University before returning to Trinidad in 1948. The 6th Pan-African Congress in Tanzania in 1974 **emerged in this milieu from dialogue with Tanzanian diplomats**.

In addition to the Meru Land Case described in this essay, Howard connections included faculty who played prominent roles in U.S. Africa policy, such as Law School Dean **C. Clyde Ferguson**. Particularly prominent for their direct links to

African freedom struggles were Goler Butcher, Pauli Murray, and Leslie Rubin.

Both in her capacity as professor in international law and on the staff of the House Subcommittee on Africa, **Goler Butcher** played a leading role in the campaign against apartheid in South Africa.

Pauli Murray, whose central role in legal progress against both racial and gender injustice is only now beginning to be acknowledged, also taught law in Ghana in the early 1960s, co-authoring a book on the constitution of Ghana with exiled white South African lawyer Leslie Rubin.

Rubin himself later moved to Washington **to take up a post at Howard Law School**, where he continued active in the campaign against apartheid both in the USA and at the United Nations.

Thanks to Myra Ann Houser and Lisa Crooms Robinson for contributing background for this sidebar.

Selected Background Readings

For additional contextual background, readers may find these diverse sources of interest:

On the independence of Ghana: a paper based on oral sources by an exchange student in Ghana from the United States.

On the independence of Cameroon: article by Meredith Terretta on the concept of human rights and the failures of the United Nations.

On the independence of Guinea (Conakry): review of books by Elizabeth Schmidt

Kenya – a brief summary of British counter-insurgency in Kenya against “Mau Mau”. Also the book by Caroline Elkins: Imperial Reckoning.

Namibia – an analysis by Elizabeth Landis from 1971 of the legal status of Namibia.

Southern Africa – South Africa History Online article on the International Defence and Aid Fund.

Southern Africa – Gay McDougall and the Lawyers’ Committee for Civil Rights under Law. Also the book by Myra Ann Houser: Bureaucrats of Liberation.



About The US-Africa Bridge Building Project

Crossing Borders, Building Power for Economic and Social Justice

Vision

A world in which everyone pays their fair share to solve common problems.

Mission

Build powerful transnational alliances between local economic justice activists in the United States and Africans working to achieve this common vision.

Description

Communities in Africa and the U.S. share many things in common, from struggles for human and civil rights to the central importance of family and culture. But they also share a common experience of financial exploitation, as governments and businesses find ways to extract resources from communities of color. Estimates of the money diverted from health, education, jobs and infrastructure in both Africa and the United States through corruption, tax evasion and outright theft run as high as \$500 billion a year and contribute to the current historic levels of income and social inequality. The few transnational bodies charged with monitoring and curbing these abuses frequently lack both the authority and the political will to do so effectively.

As a result, affected communities and grassroots social justice campaigners, themselves often the victims of racial and political marginalization at home, find themselves without the resources and information they need to forge strong global alliances for change.

The US-Africa Bridge Building Project is an initiative to catalyze engagement between local struggles and global problems and promote mutual solidarity between Africans and Americans working to end corruption and tax injustice. The Bridge Building Project will draw on the strategies developed by the African liberation solidarity movement to facilitate international links between community-based advocates in Africa and the United States fighting to end racism and economic exploitation.

In the months ahead the project will publish the first of a series of resources, a Playbook for Transnational Solidarity, for use by grassroots groups that will highlight successful strategies and approaches to cross border collaboration, and provide information about ongoing campaigns and initiatives in the U.S. and Africa. Project staff will also facilitate engagement between community-based economic justice activists in select cities and African social movements to share analysis, strategies, and to assist in developing common campaigns and mutually beneficial relationships. In addition, the Project will seek to engage the growing Diaspora community in these efforts, seeing it as a critical and underutilized source of knowledge and experience.

The US-Africa Bridge Building initiative is a project of the Fund for Constitutional Government, a non-profit 501(c)3 organization. Contributions to the US-Africa Bridge Building Project are tax deductible to the full extent allowed by law.



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