**Slavery and Self-Determination in Anti-Colonial Nationalist Thought**

One of the most important legacies of anti-colonial nationalism and decolonization is the introduction of “a right to self-determination” in international law. While a principle of self-determination emerged in the late 19th century and constituted part of Woodrow Wilson’s and V.I. Lenin’s competing internationalist visions in the aftermath of World War I, only with the decolonization of Asia, Africa and the Caribbean did the principle become a right of international society with universal reach and application. By 1966, Article 1 of the International Covenant of Civil and Political Rights and the International Covenant of Economic, Social and Cultural Rights stated, “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”[[1]](#footnote--1)

Historians often describe the ways in which anti-colonialists appropriated and expanded the principle of self-determination as a process of diffusion, where non-western actors globalized European concepts. Erez Manela, for example, has recently argued for the “international origins of anti-colonial nationalism” by examining how nationalists in Egypt, India, China and Korea appropriated the Wilsonian principle of self-determination. While Wilson did not intend self-determination to apply beyond Europe, anti-colonial nationalists expanded the principle to challenge imperialism and extend sovereignty and equality to colonized peoples.[[2]](#footnote-0) Elizabeth Borgwardt makes a similar argument about the diffusion of self-determination after the Atlantic Charter was signed. The elaboration of a principle of self-determination, while not intended to apply to colonized peoples, would be deployed to make demands for the end of colonial rule throughout Africa and Asia. According to Borgwardt, the abstract ideas of the Charter, which are “not rooted in any particular cultural or political context,” have an internal capacity to travel. Abstract political ideals create a gap between theory and practice that produces “a cognitive dissonance so strong as to induce near vertigo that itself constitutes an engine of historical change in its own right.”[[3]](#footnote-1) The abstract universalism of the Charter and Wilsonian rhetoric (in an earlier moment) entail a globalization of principles.

Manela’s and Borgwardt’s narratives begin with the articulation of the principle of self-determination in the metropole and its appropriation and universalization by colonial subjects. This narrative of diffusion where subaltern actors “fulfill” the universal promise of ideals is often employed to explain instances where principles are universalized even if it was unintended by the actors who initially articulated the principles.[[4]](#footnote-2) The upshot of these narratives is their emphasis on the role that non-Western political actors have played in the emergence of universal norms.[[5]](#footnote-3) However, inclusion of non-Western political actors often does not become an opportunity to reflect on the ways in which principles are transformed in the process of appropriation. Instead, non-Western actors become passive vectors through which the diffusion and universalization of ideals occurs.

This paper and the broader dissertation of which it is a part offer an alternative to a history of diffusion. Anti-colonial nationalists did not simply expand the truncated universals of European principles, but rather they reformulated self-determination offering a new iteration of the ideal. I argue that between 1940-1970 anti-colonial nationalists in what Paul Gilroy has called the black Atlantic improvised an account of the self-determination that could respond to the problem of imperialism which was understood as a form of slavery embedded in a global structure of racial hierarchy. To address the twin problems of ‘slavery’ in the colony and racial hierarchy in the world order, self-determination was reimagined as a right to political autonomy and required the formation of a new world order. Thus, the anti-colonial iteration of self-determination stood at the nexus of a project of nation-building and world-making.

This paper focuses on one strand of this anti-colonial iteration—the account of colonial rule as slavery and the reformulation of self-determination as a right of political autonomy. Analogizing imperialism to slavery highlighted the legal exclusion, political domination and economic exploitation that the colonized were subjected to in the colony and provided an important counter-narrative to empire’s humanitarian self-justifications. At a moment when the United Nations Charter had transformed the League’s mandates into trusteeships and referred to colonies as Non-Self-Governing Territories without any indication of an end to imperial rule, the critique of colonial rule as slavery sought to delegitimize any form of foreign rule. Imperial rule, the argument implied, could not be reformed, but must be abolished. Emancipation was posited as self-determination and reformulated as a right to political autonomy.

Examining how self-determination was refashioned in response to the problem of empire as a form of slavery reveals three anti-colonial innovations that are elided in the diffusion narrative. First, while self-determination in the Wilsonian moment was conceived as the culmination of a process of development, in the anti-colonial iteration, self-determination precedes development and lays its political foundations. This would be critical in responding to arguments for continued trusteeship of backward peoples. The anti-colonial account sought to unbraid self-determination from its entanglements in ideas of tutelage. Second, the principle of self-determination became a right and was included as Article one of the two covenants on human rights (the ICCPR and ICESCR). In refashioning self-determination as the first human right, anti-colonial nationalists insisted the political autonomy was necessary for securing other human rights. Finally the move from a principle to a right made self-determination legally enforceable in international law. The following section describes the critique of colonialism as a form of slavery while the third section details the how self-determination became a human right and what the implications of this transformation are.

II. The Problem of the 20th century

When President Harry Truman opened the United Nations Organization Conference on April 25th 1945 in San Francisco, he established that the fledgling international institution would guarantee peace and justice through a novel form of collaboration among nation-states. Rejecting what he described as the Axis slogan “Might makes right,” Truman called for a new world order where justice could be backed by the power of an international organization (Truman 1945). In an editorial published the same day, the Nigerian nationalist, Nnamdi Azikiwe, disagreed. Having reviewed the Dumbarton Oaks proposals, which set the foundation for the United Nations, Azikiwe argued that in the case of the colonies, imperial might would remain unchallenged despite the pronouncements of the Atlantic Charter. If 1945 marked the beginning of a new world order, and internationalization of the new deal, the “black man” was entirely excluded from the project. According to Azikiwe, “there is no new deal for the black man at San Francisco. We are worried about San Francisco because colonialism and economic enslavement of the Negro are to be maintained…”[[6]](#footnote-4)

Azikiwe was not alone in his prognosis. African-American activists and anti-colonialists participated in the San Francisco conference with the hope that this new platform might bring an end to colonialism and racial discrimination.[[7]](#footnote-5) By the end of the conference, however, many left disappointed. In the United Nations Charter, the League of Nation’s mandates became trusteeships. The aim of the trusteeship system was to develop trust territories for independence, but no specific timelines were offered. Colonies were referred to as “Non-Self-Governing Territories” (NSGTs). Article 73 of the Charter established a set of internationally mandated standards for the administration and oversight of NSGTs, but it did not mention independence or self-determination. Moreover, due to the state-centered membership of the U.N., colonized peoples had no representation and could not petition the new international body.[[8]](#footnote-6)

Reflecting on the newly created United Nations, W.E.B Du Bois noted, “There will be at least 750,000,000 colored and black folk inhabiting colonies owned by white nations, who will have no rights that the white people of the world are bound to respect.”[[9]](#footnote-7) In this statement, Du Bois explicitly draws on the Dred Scott decision of the United States Supreme Court in which Chief Justice Taney concluded that the Negro race was “so far inferior that they had no rights which the white man was bound to respect.”[[10]](#footnote-8) By repeating Justice Taney verbatim, Du Bois intimates a link between the condition of colonialism and the status of enslavement. Moreover, Du Bois suggests that from the perspective of the colonized, 1945 was more like 1857 the year in which the Supreme Court provided a judicial defense of slavery rather than 1863 the year of the Emancipation Proclamation. To put it differently, despite the post-war developments in international politics, 1945 appeared as the continuation of imperialism rather than a break with the past.

Du Bois’s allusion to the Dred Scott decision and Azikiwe’s phrase the “economic enslavement of the Negro” constituted elements in a broader critique of imperialism that understood colonial rule to be a form of slavery. ‘Colonial slavery,’ critics argued involved a structure of legal exclusion, political domination and economic exploitation that denied the colonized personhood.

A. Exclusion

Key to the anti-colonial claim that imperialism constituted a form of slavery that denied personhood was an account of the bifurcated legal structure in the colony. According to Azikiwe, the colonized lived under “special laws” that failed to grant them the full rights and privileges enjoyed by European settlers and metropolitan citizens.[[11]](#footnote-9) While historically in the British Empire the colonized enjoyed the same rights as those born in the metropole, new developments in the late 19th and early 20th centuries challenged the rights claims of the colonized. With the introduction of “protectorates,” a new class of subjects called “British Protected Persons” was created. Protected person could not claim the same rights as persons: “They have no civil liberties, no freedom of the press, no freedom of speech, which, limited as they are in the colonies, do not obtain in the Protectorates.”[[12]](#footnote-10) Moreover by the 1930s, Criminal Codes replaced the British Common Law in many colonies, eroding the subjects’ rights to counsel, jury and appeal and blurring the distinction between subjects and protected persons.[[13]](#footnote-11)

The erosion of rights was accompanied by discriminatory practices that excluded natives from economic advancement and political participation. For example, the civil service of the colonies was often segregated with Africans occupying the junior staff and prevented from advancement. This general structure of discrimination would be replicated in other professional circles and within labor organizations.

Exclusion in the social and economic spheres was replicated in the political realm. For example, in colonial Kenya, where the franchise was organized communally, Africans were denied the right to vote. The council had eleven elected European members to represent twenty thousand settlers, five elected members for over forty thousand Indians descendents, one Arab representative for a population that constituted twelve thousand people and one unelected missionary appointed by the governor to represent three million Africans.[[14]](#footnote-12)

B. Domination

Exclusion from the protection of rights of citizenship, political participation and economic advancement created the condition for an autocratic form of political rule despite the fact that imperial expansion was justified on the ground that it served the interests of the colonized. In both the League of Nations Covenant and the United Nations Charter, colonial rule was described as a sacred trust of civilization where colonial powers protect the native population and oversee their development. The sacred trust account of rule first emerged in Edmund Burke’s critique of British rule in India. Burke argued that “all political power which is set over men and…all privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit. If this is true…rights or privileges or what you choose to call them, are all in the strictest sense a trust.”[[15]](#footnote-13) For Burke, the central problem of British imperialism in India was the absence of bonds of obligation and tradition between the rulers and ruled that could make the powers of the East India Company accountable. Without these ties and unfettered by legal restrictions, imperialism made possible an unprecedented form of power that remained entirely unchecked.

Anti-colonialists explicitly (Azikiwe) and implicitly returned to Burke’s early critique of imperialism by noting the absence of ties between the rulers and the ruled, and describing the ways in which this enabled an expansive and uncontrollable form of power. But while Burke had deployed the language of a sacred trust to demand reforms of colonial rule, 20th century anti-colonialist reject the possibility of reform. The language of a sacred trust amounted to nothing but an ideological gloss intended to mask the true aims of imperialism—domination and exploitation.[[16]](#footnote-14) It was, according to Ralph Bunche, the invention of a “new moral philosophy, which holds that some peoples are naturally backward and therefore properly may be kept in a more or less permanent state of subjection to the advanced peoples.”[[17]](#footnote-15)

Empire constituted a “permanent state of subjection” because imperial rule did not contain any legal or political limits. It was neither harnessed by law nor politically accountable to those it ruled. As Nkrumah put it, “imperialism knows no law beyond its own interests.”[[18]](#footnote-16) Unlike the exercise of political rule in the metropole, which was bound by the law, the separation of powers and operated through democratic processes of consent, the rule of law did not exist in the colony. Without these limits, political rule was arbitrary, functioning on the whims of those with powers.

For anti-colonial critics, two figures, the native authority (endowed with new powers through the institution of indirect rule) and the colonial bureaucrat, epitomized the arbitrary nature of colonial rule. Although presented as the enactment of a principle of non-interference, the practice of indirect rule located all authority in the person of the chief who was subordinated to the colonial power, but whose power relative to his subjects remained unchecked.[[19]](#footnote-17) Accountable only to the colonial power, the chief’s primary role was to collect taxes and supply labor, but he could also deploy his diffuse authority to enact rules and make judgments.[[20]](#footnote-18) In this fusion of legislative, administrative, executive and judicial power in one person, “the power of the chief…increased out of all proportion to his traditional role.”[[21]](#footnote-19) Without counter forces that could check his power and a disempowered population that lost procedures of accountability that had previously existed, colonial rule, Mahmood Mamdani has argued, was a form of decentralized despotism.[[22]](#footnote-20) Although described as a strategy for preserving African traditions and for adjusting rule to the specific needs of different tribes and groups, indirect rule failed to be responsible to the ruled and instead actively detached rulers from process of accountability.

The erosion of relations of accountability between ruler and ruled that characterized indirect rule was exacerbated in the relationship between colonial subjects and European administrators. Not only were administrators unfettered from processes of accountability, but they were also endowed with a sense of racial superiority. In the absence of historically constituted ties between ruler and ruled, this sense of racial superiority functioned as a justification of the administrators’ right to rule. Predicated on a naturalized difference and hierarchy, the administrator’s powers and his actions no longer required justification and could not be challenged. Political rule had in these instances devolved into an “ethics of force.”[[23]](#footnote-21) Like the ideology Truman attributed to Nazi Germany, it was a policy of might makes right.

C. Exploitation

The critique of political domination in the colony countered the account of empire as a sacred trust that served the interests of the ruled. Anti-colonialists argued that imperialism was not undertaken for the sake of native subjects, but rather in the economic interests of European powers. The economic critique of late imperialism had already between established in J.A. Hobson’s 1902 *Impeiralism: A Study* and V.I. Lenin’s 1917 *Imperialism: The Highest Stage of Capitalism.* For Hobson and Lenin, later 19th century imperialism emerged from the rise of monopolies and the need for new sites of investment for surplus capital. Anti-colonialists of the black Atlanticadopted the Hobson/Lenin thesis and argued that colonies and imperial expansion were central to European modernity, but they emphasized the centrality of labor and thus drew an explicit link between slavery in the Americas and 19th century imperial expansion. The economic logic of late imperialism, like transatlantic slavery before it, was a system of extracting black labor. According to Du Bois, “Today instead of removing laborers from Africa to distant slavery, industry built on a new slavery approaches Africa to deprive the natives of their land, to force them to toil, and to reap all the profit for the white world.”[[24]](#footnote-22)

By linking slavery in the Americas with the expansion of empire in Africa, Du Bois and others rejected an account of late imperialism that understood it as an abolitionist and humanitarian project. Following the abolition movement of the 19th century and the emancipation of slaves throughout the Americas, European expansion in Africa at the turn of the 20th century was increasingly justified as an effort to end slavery and the slave trade within the continent. Article 6 of the General Act signed during the 1884-1885 Berlin Conference declared that European colonial powers would “care for the conditions of [the native’s] moral and material well-being and help in suppressing slavery, and especially the slave trade.”[[25]](#footnote-23) Yet despite the commitment to emancipation, anti-colonialists argued that European rule generated new forms of coercive labor that were akin to slavery. As in the Americas where emancipation was followed by coercive strategies that returned free black laborers to the plantations of the West Indies and the U.S. South, emancipation in the new colonies of Africa was accompanied by efforts to enlist African laborers in the production of cash crops, mining and the development of infrastructure projects.[[26]](#footnote-24)

According to George Padmore, in the British case, expulsion from land and taxation were the primary means by which colonial subjects in Africa would be forced into production for export.[[27]](#footnote-25) Having lost lands formerly used for subsistence farming and now required to pay taxes, colonial subjects were forced to take employment in mines and plantations of Europeans. Together, landlessness and taxation made the colonized vulnerable to whims of European employees. For example, in Nyasaland (currently Malawi), Padmore notes landless natives lease lands from European plantation owners and the law requires them to pay 4-8 shilling in rent per month. In contravention of the law, however, landowners require tenants to provide up to six months of labor in lieu of rent. When tenants refuse this arrangement they are evicted. Those natives who are able to secure some land avoid this “indirect form of forced labor,” but high tax burdens require that they grow cash crops such as tobacco and coffee and travel to the Belgian Congo, the Rhodesias and South Africa to work in mines and related service industries.[[28]](#footnote-26)

Taxation and the expropriation of land were indirect forms of coercion that denied Africans economic autonomy by redirecting their labor towards exports for international markets. A largely independent and autonomous peasantry became dependent on wage labor through out much of the African continent. But unlike their counterparts in Europe, their rights as workers would not be protected. According to Nkrumah, trade unions were often illegal, and where they were allowed, most African workers remained unorganized. “They have either to accept the pitifully low wages offered to them or suffer the consequences of being without work, which in certain regimes, makes them liable to a variety of punishments.”[[29]](#footnote-27) This was not modern free labor with legal and political protection but a form of enslavement and serfdom. Du Bois would argued that under imperial rule, “there will be no voice of law or custom to protect labor, no trade unions, no eight-hour laws, no factory legislation, —nothing of that great body of legislation built up in modern days to protect mankind from sinking to the level of beasts of burden.”[[30]](#footnote-28)

In addition to practices of indirect coercion, forced labor was legally deployed throughout Africa. The Belgian Congo would be targeted by humanitarians and anti-slavery activists for practices akin to slavery, but forced labor for public works such as the building of roads and railroads was used in British and French territories. According to its advocates, forced labor was not slavery because it did not entail ownership of laborers and it contributed to the development of the colonies as opposed to contributing to the profits of private interests.[[31]](#footnote-29) However, even with these limitations, forced labor was a practice akin to slavery. “Men are not treated as men, but as chattels, to be pushed around from place to place at the whim of the district officer.”[[32]](#footnote-30)

The coercive exploitation of labor brought the colonial condition closest to the status of enslavement. While emancipation was thought to have ended “the slave status of the African,” imperial expansion in Africa “forced the Natives into wage-slavery.”[[33]](#footnote-31) Through the question of black labor, anti-colonialists sought to tie transatlantic slavery and imperialism through a linear narrative. In doing so they sought to undo a narrative that positioned European expansion in Africa during the 19th century as a sharp break from the transatlantic slave trade that would bring emancipation to Africa. Through continuity of the exploitation of black labor, anti-colonialists insisted on the persistence of relations of exploitation and domination between African and Europe.

Moreover, in linking the exploitation of labor to questions of exclusion and domination, anti-colonialists broadened the definition of slavery. In key documents including the League of Nations’ 1926 Convention on Slavery, slavery was reduced to the problem of ownership where one person assumes “all of the powers attaching to the right of ownership” over another.[[34]](#footnote-32) From the anti-colonial position, however, one could be reduced to the status of a slave without becoming property. To be a colonial subject involved a similar process of dehumanization and violation. The colonized were “treated as an inferior people fit only to provide cheap labor for foreign employers.”[[35]](#footnote-33) Under the arbitrary rule of administrators, native authorities and employers, colonized subjects were denied the rights and protections of personhood and citizenship.

This anti-colonial critique of colonial rule as a form of enslavement that entailed legal exclusion, political domination and economic exploitation operated within a broader critique of international racial hierarchy. Anti-colonial nationalists argued that colonial slavery required the institutional and legal constitution of Western hegemony on a global scale, which was made possible through the incorporation of non-Europeans into international society on unequal terms. The experience of the colony thus had an international counterpart where a global structure of exclusion and subordination facilitated the domination of the colonized. I will not detail the critique of international hierarchy central to anti-colonial nationalism in this paper because the emphasis here is on how colonial slavery and self-determination were imagined together. However it is important to at least note this international critique as it helps to explain why anti-colonialists privileged internationalist institutions, particularly the United Nations, in their efforts to overcome imperialism. Due to the constitutive nature of international hierarchy, the end of imperial rule could not simply be accomplished in the overthrowing of particular colonial powers within a national context, but required the dismantling of the international hierarchy and the reconstruction of international society.[[36]](#footnote-34)

II. The Answer of Self-Determination

Beginning in the 1940s, anti-colonialists on both sides of the Atlantic began to employ self-determination as an answer to the problem of the 20th century—the problem of colonial slavery. In 1940 the West Indies National Emergency Committee put forward the “Declaration of Rights of the Caribbean Peoples to Self-determination and Self-government” calling for the recognition of West Indian peoples’ “inalienable human and democratic right of self-determination.”[[37]](#footnote-35) What is striking about this 1940 declaration is that it precedes the Atlantic Charter (what Borgwardt identifies as original articulation of human rights and self-determination for the post-War period) and already describes self-determination as an inalienable human right. The United Nations Charter signed in 1945 included self-determination as a principle. Article 1 and 55 of the Charter state that the United Nation seeks to develop friendly relations among nations “based on respect for the principle of equal rights and self-determination of peoples.”[[38]](#footnote-36) In the Charter, self-determination is a secondary principle, which supports the broader aim of developing friendly relations among nations. It occupies a subsidiary place in the two articles. Moreover, the designation of self-determination as a principle meant that it would not be included in the 1948 Universal Declaration of Human Rights. Contrary to the UN Charter and the Declaration, the rights claim articulated by the West Indian National Emergency Committee grants self-determination primacy as a human right. According to their declaration, the denial of self-determination constituted a fundamental violation of justice and democracy and should “be opposed by every legitimate means.”[[39]](#footnote-37)

Like the West Indian National Emergency Committee, anti-colonialists in other venues such as the 1945 Fifth Pan-African Congress, the 1955 Afro-Asian Conference at Bandung, and the 1958 All-African Peoples Conference claimed self-determination and self-government to be a human right. These declarations and resolutions ran parallel to the debates at the United Nations about whether self-determination constituted a human right. During the 1950s, the Commission on Human Rights along with the Third Committee of the General Assembly was charged with developing a binding covenant on human rights from the 1948 Declaration on Human Rights. Through the General Assembly, a coalition that included the Soviet Union, India, Pakistan and other Asian and Middle Eastern States used the Assembly’s resolutions to insist that self-determination was indeed a human right and urged the Commission on Human Rights to include it in the covenant. In 1950, when a draft covenant on human rights did not include self-determination, the Assembly passed Resolution 421, which insisted that self-determination be included as a human right.[[40]](#footnote-38) This request was reiterated again in 1952 with Resolution 545 which requested that the Commission on Human rights and the Economic and Social Council study “ways and means which would ensure the [right of self-determination] because the violation of this right has resulted in bloodshed and war in the past and is considered a continuous threat to peace.”[[41]](#footnote-39) That same year, Resolution 637, which would again request the inclusion of self-determination in the covenant on human rights, stated that the right to self-determination was not only a human right, but a “prerequisite to the full enjoyment of all fundamental human rights.”[[42]](#footnote-40)

These early resolutions on self-determination indicate the significance of the anti-colonial reformulation of self-determination at the United Nations. Not only was self-determination now conceived as a human right, but it was also granted a privileged position in the enumeration of rights as a prerequisite for other rights. Having passed these resolutions in the United Nations assembly the coalition of states led by the Soviet Union, India, Pakistan and Lebanon would takes these claims to the Commission on Human Rights where the covenants would be drafted and the Third Committee of the General Assembly which had to approve the Commission’s work. In the Commission, the anti-colonial position was challenged on two fronts. First opponents of a human right to self-determination argued that rights accrued to individuals and not collectivities. A people’s right to self-determination was thus an erroneous application of a right to groups. Second, self-determination, critics argued, was not a right but a principle. According to Great Britain’s representative, self-determination was a principle that was subsidiary to the project of maintaining international peace instead of a right that could trump other political and security questions.[[43]](#footnote-41)

Despite these objections, the Commission included a right to self-determination in its draft covenants and sent it for review to the Third Committee in 1956. Twenty-six meetings were dedicated to discussing the right to self-determination and the debate created a political impasse in the committee’s tenth session.[[44]](#footnote-42) Given the deep disagreements, Secretary General Dag Hammarskjöld recommended that that Third Committee leave self-determination out of the Covenants. In place of an article in the Covenants, he suggested that the General Assembly create an ad hoc committee that would prepare a separate declaration on self-determination. Proponents of a right to self-determination rejected the suggestion because such a declaration, unlike the Covenants, would not be a legally binding document. Recalling previous General Assembly resolutions, they argued that the Covenants would be incomplete without a right to self-determination, which was essential for the enjoyment of the other rights.[[45]](#footnote-43) After revising the article and dropping the most controversial claim that peoples had permanent sovereignty over their natural resources, Article 1 was adopted with 33 yes votes, 12 no votes and 13 abstentions.[[46]](#footnote-44)

The prominent inclusion of self-determination as Article one in the two covenants on human rights was an important victory for anti-colonial nationalists. In 1960, with a growing number of African states now in the General Assembly, post-colonial states sought to consolidate this victory and create mechanisms for the application of the right to self-determination to trusteeships and colonies. The expanded bloc of newly independent and non-aligned states passed the General Assembly Resolution 1514 known as the “Declaration on the Granting of Independence to Colonial Countries and Peoples.” Passed with 89 votes and 9 abstentions that included the United States, United Kingdom, France, Union of South Africa, Portugal and Spain, the resolution repeats verbatim the first paragraph of Article 1 of the Covenants. It further elaborates the right to self-determination by stating, “all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory.”[[47]](#footnote-45)

Resolution 1514 positioned the right of self-determination against all forms of “alien subjugation, domination and exploitation” which constitute “a denial of fundamental human rights.” Alien subjugation included trusteeships and colonies referred to as Non-Self-Governing Territories (NSGTs) in the UN Charter and the resolution. The claim here was that any form of alien rule—even when there was UN oversight as in the case of the trusteeships—entailed a denial of fundamental human rights. The absence of structures of accountability between colonial ruler and the ruled and the lack of enforceable legal and political limits on the exercise of colonial power denied the colonized their humanity. Echoing the critique of colonial slavery discussed above, alien subjugation was understood as a form of enslavement. During the debates that led to the resolution, the Soviet Union introduced a version of the resolution the conceived of colonial rule as a form of bondage that had to be abolished.[[48]](#footnote-46) When the Afro-Asian version of the resolution (the one that was voted on) was discussed, these metaphors of slavery (bondage and abolition) continued to structure the debate. As a system of total domination, colonialism relied on racial discrimination and segregation in order to justify and exercise the exploitation of colonial subjects. The colonial system’s racial logic denied the humanity of the colonized.[[49]](#footnote-47)

The 1960 debate about colonial bondage echoed earlier discussions about the injustice of colonialism that had been crucial to reformulating self-determination as a right. During the 1950s, proponents of Article 1 had argued that self-determination was necessary to protect against colonial enslavement. When colonial powers opposed the analogy to slavery, India and Poland insisted that while colonialism did not involve ownership of one human being by another as slavery is defined in the Slavery Convention of 1926, the arbitrary nature of colonial power, the denial of human dignity to colonized peoples and the exploitation of labor was similar to the experience of enslavement.[[50]](#footnote-48)

The argument that colonial rule constituted a form of enslavement that denied the colonized rights was essential in formulating self-determination as a precursor to other human rights. Article 2 of the 1948 Universal Declaration of Human Rights claimed all are entitled the rights and freedoms set forth in the UDHR regardless of the political and international status of the territory in which individuals reside. While part of the aim in Article 2 was to extend human rights to individuals in trusteeships and non-self-governing territories, the account of colonial rule during the 1950s and in Resolution 1514 argues that any territory in which a people’s right to self-determination is denied cannot be a space in which human rights are protected. If the colony is necessarily a space characterized by the absence of processes of accountability, instituted by lawless and arbitrary rule and marked by forms of economic exploitation and violence, it was entirely incompatible with the protection of human rights. Only when a people’s right to self-determination had been secured could other fundamental human rights be realized. This was the sense in which self-determination constituted a prerequisite of fundamental human rights.

Azikiwe and Nkrumah explained the primacy of self-determination by insisting that political autonomy was primary and prior to rights. As early as 1943, Aizkiwe had argued for the right to self-determination, claiming that “political autonomy is the *summum bonum* of political existence.”[[51]](#footnote-49) Nkrumah famously encouraged fellow nationalists to “seek ye first the political kingdom,” indicating a similar emphasis on political autonomy.[[52]](#footnote-50) Nkrumah’s privileging of the political kingdom emerged from his critique of the hypocrisy of human rights discourse. He critiqued Western politicians who “broadcast the need to respect fundamental freedoms, the right of men to live free from the shadow of fears, proclaimed the Atlantic Charter and the Charter of the United Nations, and then said that all these had no reference to the enslaved world.”[[53]](#footnote-51) Without a right to self-determination, human rights could not be protected in the colonies.

That human rights could not be extended to the “enslaved world” of the colonies and trusteeships revealed an ambiguity in the language of rights that Hannah Arendt explored in *Origins of Totalitarianism.* According to Arendt, the significance of the Declaration of the Rights of Man and Citizen, which inaugurated the French Revolution, was its claims that rights are inalienable and did not depend on any authority for their establishment. “Man himself was their source as well as their ultimate goal.”[[54]](#footnote-52) The crisis of the interwar period, however, demonstrated that although the rights of man were inalienable because they were guaranteed independent of government, statelessness—the absence of government and political community—entailed the loss of human rights. Without an authority that could protect and guarantee rights, the stateless lost both national and human rights.[[55]](#footnote-53)

Arendt likens the condition of statelessness in Europe to that of the colonial context. “A growing number of people and peoples suddenly appeared whose elementary rights were as little safeguarded by the ordinary functioning of the nation-state in the middle of Europe as they had been in the heart of Africa.”[[56]](#footnote-54) Like the anti-colonialist position examined in this paper, the stateless responded to the loss of rights not by claiming the inalienable rights of man, but arguing for rights as a national community. In this context of mass statelessness in Europe, Arendt argues that “we became aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one’s actions and opinions) and a right to belong to some kind of organized community”[[57]](#footnote-55) For Arendt, it is “the loss of a community willing and able to guarantee any rights whatsoever” and “not the loss of specific rights” that constitutes the crisis of statelessness.[[58]](#footnote-56)

Like the stateless, the imposition of colonial rule had denied the colonies a right to a political community and this denial had in turn reduced the colonized to a form of slavery. According to Seyla Benhabib, “human rights cannot be separated from the right to self-government, because when they are, they no longer are ‘rights’ but ‘privileges’ granted to one by some higher authority.”[[59]](#footnote-57) For this reason, the claim in Article 2 of the 1948 UDHR that human rights extended to all peoples regardless of whether they lived in independent states or colonies and trusteeships failed to consider the ways in which the absence of political autonomy made the rights of colonized subjects vulnerable to the whims of the higher authority of the colonial power. Because this authority was not accountable to the peoples it ruled, colonial power could and did violate the human rights of colonized subjects.[[60]](#footnote-58)

If one meaning of the priority of self-determination can be understood as what Arendt called the “right to have rights”—the right to political community—another meaning rests in the claim that no political, social, economic evaluations of a society’s level of development can be deployed to deny self-determination. According to Resolution 1514, “inadequacy of political, economic social or educational preparedness should never serve as a pretext for delaying independence.”[[61]](#footnote-59) That colonized areas were backward and in need for tutelage was a central part of 19th century imperial ideology the remained in the both League of Nations mandate system and the UN’s trusteeships. Article 22 of the League of Nations covenant spoke of the mandated territories as “inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world.”[[62]](#footnote-60) The trusteeship system of the United Nations reiterated the tutelary model of colonial rule. Article 76 states that the aim of trusteeship was “to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence.”[[63]](#footnote-61)

As I illustrated above, the critique of colonial rule rejected the tutelary justification as an ideological masking of domination and exploration. Armed with what Ralph Bunche called the “new moral philosophy” of the civilizing mission, the colonial powers justified a permanent state of subjection.[[64]](#footnote-62) Independence and self-government could always be deferred to the distant future, as the colonized, it seemed, could never shed their status as backward peoples. While linked to the eventual achievement of independence, the language of trusteeship fixed colonized subjects as permanently in need of paternalistic rule.

By insisting on the priority of the right to self-determination and insisting that it constituted a human right, anti-colonialists sought to unbraid its dependence on a prior evaluation of whether a society was ‘ready’ for independence. Such an evaluation, if and when it happened, would depend on a set of standards developed by the colonial powers and would exclude the colonized in designing a process toward independence.[[65]](#footnote-63) The anti-colonial insistence on the priority of self-determination claimed that if self-determination was a human right and a right which was prerequisite of a other human rights, then it could not be delayed or denied based on specific features of a society. To claim self-determination as the first right was to insist on its independence and its inviolability.

The significance of this claim should not be underestimated. Delinking sovereignty from preconditions such as the standard of civilization in the 19th century and the discourse of development in the 20th century constituted a revolution in how membership in international society was imagined.[[66]](#footnote-64) As Robert Jackson has argued, this entailed a novel framework for international politics in which self-determination constituted a “categorical imperative” that allowed all former colonies to achieve sovereignty. For the first time, the recognition of formal sovereignty was detached from an evaluation of the characteristics and attributes of the state in question.[[67]](#footnote-65) This universalization of self-determination implied that in so far as their place in international society was concerned, all political communities were equal. They could no longer be ranked hierarchically according to political and economic conditions. Thus while earlier iterations of the concept of self-determination entailed an evaluation of society’s level of civilization or developed and plotted self-determination as culminating project of development, in positing self-determination as a right and a ‘categorical imperative,’ anti-colonialists sought to overturn a long standing understanding of independence and membership in international society.

Thus far, I have argued that the anti-colonial reclassification of the self-determination from a principle to a right and its redefinition as the first right establishes the priority or primacy of self-determination in two ways. First, self-determination was understood to be prior to other rights in the sense that political autonomy and self-government were necessary preconditions for the recognition and protection of other rights. Second, the right of self-determination was primary in the sense that it could not be said to depend on evaluations of a sociological kind. The transformation of self-determination to a right now codified in the Covenants on Human Rights and restated in the 1960 Resolution 1514 had one more significance. Rights, unlike principles, created obligations on states and created an opportunity to refashion international organizations as enforcers of rights.[[68]](#footnote-66)

By constituting self-determination as a human right to be protected by a legally binding document, the realization of this right was now explicitly defined as the end aim of foreign rule in both trust and non-self-governing territories (NSGTs). The Charter had separated these territories and did not mention the realization of independence in its discussion of NSGTs. This distinction was no longer tenable as the right to self-determination had to be applied equally in all dependent territories.[[69]](#footnote-67) According to Resolution 1514, “Immediate steps shall be taken in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the people of those territories….”[[70]](#footnote-68)

To ensure equal application of this resolution the General Assembly created the Special Committee on Decolonization to oversee the process of decolonization. This committee of 24 states had broad capacities and had oversight over both trusts and NSGTs. Unlike the Committee on Information, which only had oversight over trusts and received reports from the states in charge of trusteeships, the Committee of 24, as it came to be known, welcomed petitions and requests for investigation from colonized peoples, sent missions to investigate colonial rule or trusteeship and made recommendations in the case of specific territories.[[71]](#footnote-69) Colonial powers critiqued the Committee of 24 as a violation of Article 2 (7), which protected states from interference in their domestic matters. However, the Committee justified its oversight power by insisting on the priority of self-determination and the need to secure this right for all peoples. Colonial rule was thus no longer a question of “domestic jurisdiction” that could be shielded from international oversight because the right of self-determination was now enshrined in binding legal documents.

The significance of classifying self-determination as a legally binding right went beyond the General Assembly of the United Nations and informed jurisprudence of the International Court of Justice (ICJ). In 1960, the same year resolution 1514 was passed by the General Assembly, African states with Ethiopia and Liberia as their representatives brought an ICJ case against South Africa’s continued rule of South West Africa (Namibia) despite the dissolution of the League’s mandates system and the transfer of all mandates to UN trusteeships. Through the ICJ case, anti-colonialists sought to realize their vision of a right to self-determination. They argued following the critique of colonial rule outlined above that South African rule in South West Africa constituted a denial of human rights because it was a structure of racial exclusion, domination and exploitation. The case sought to make the argument that the only possible remedy was the dissolution of South African rule and the recognition of Namibia’s right to self-determination.[[72]](#footnote-70) Moreover, if victorious at the ICJ, anti-colonialists would then push for UN intervention or sanctions against South Africa thereby strengthening the international organization’s role in decolonization. On July 1966, anti-colonialists were defeated at the court not on the question of self-determination’s applicability, but rather on a technicality. The court ruled that Ethiopia and Liberia did not have “legal interest or standing” in the South West Africa mandate and thus could not bring the case.[[73]](#footnote-71)

The ICJ decision was a major setback for the anti-colonial position. An ICJ decision against South African rule in Namibia would have created an important legal precedent in subsequent efforts to extend the right to self-determination to other colonies. Despite this, ICJ would affirm the right of self-determination in 1971 in Namibia and in 1972 in the case of Western Sahara. In it advisory opinion on both these cases, the Court affirmed that the principle of self-determination constituted a legal right which following Resolution 1541 applied to both territories. More recently, in its opinion on East Timor the Court affirmed that the “right of peoples to self-determination is one of the essential principles of contemporary international law.” According to the ruling, self-determination has an *erga omnes* character making it applicable to all peoples and enforceable against those who violate the right.[[74]](#footnote-72)

IV. Conclusion

In 1945, the United Nations constituted a new world order in which as Du Bois had noted, “at least 750,000,000 colored and black folk inhabiting colonies owned by white nations will have no rights that the white people of the world are bound to respect.”[[75]](#footnote-73) By returning to the language of the Dred Scott decision, Du Bois hinted at the connection between colonialism and enslavement. Anti-colonialists made this link explicit in their critique of colonial rule. They argued that as a system of exclusion, domination and exploitation, colonial rule denied the colonized subjects rights and protections. Without political and legal restraints necessary to limit the excesses of rule, colonial power was a structure of arbitrary rule and violence that had as its ultimate aim the economic exploitation of resources and peoples. Under these conditions, colonial subjects were akin to slaves: they were without legal protection, did not exercise political power and were vulnerable to the capricious wills of administrators, native authorities and employers. For Du Bois and Padmore, imperial expansion particularly in Africa was “a new slavery”—one that sought to exploit black labor without transporting Africans to the Americas.

It was against a system of colonial rule as a structure of total domination that anti-colonialists improvised a right to self-determination as a right to political autonomy. During the 1950s and 60s, the reclassification of self-determination from a principle to a right transformed the United Nations and its relationship to decolonization. The right to self-determination became the first human right in the sense that it was thought to be a precursor to other rights because political autonomy created the conditions in which human rights could be protected. It was also granted a priority because it could not depend on evaluations about readiness or claims of backwardness. Finally, as a right included in the legally binding human rights covenants, self-determination became enforceable and the UN itself became a key site for the extension and application of the right to the remaining colonies. Through the UN, anti-colonialists had successfully created a right that applied to the “750,000,000 colored and black folk inhabiting colonies,” which the “white people of the world were bound to respect.”

The transformation in two short decades was stark. In 1945, the United Nations, like the League of Nations before it, appeared to be an international organization that would largely maintain the imperial status quo. With the efforts of the new post-colonial states and their allies beyond the walls of the UN, the United Nations became the site of the politics of decolonization. In 1970, when the UN celebrated the 10th anniversary of Resolution 1541, the institutionalization of self-determination as a human right was a fait accompli—taken for granted and largely accepted. On this occasion, Secretary-General U Thant released a statement that linked the 1960 Declaration to the Universal Declaration of Human Rights, noting that both are concerned with the principle of equal rights and the self-determination of all peoples. In linking self-determination to the UDHR, despite the absence of the former in the 1948 Declaration, the Secretary General insisted that self-determination constituted “an inalienable right” that the UN had the obligation to promote and protect.[[76]](#footnote-74)

I do not meant to suggest the designation of self-determination as a human right is without important political and conceptual contradictions. Questions about what a collective rights entails, who the collective ought to be and what happens when individual and collective rights are in conflict continue to plague contemporary debates about human rights and are, in part, a legacy of the anti-colonial project. I also do not mean to imply that reclassifying the self-determination as right was sufficient to transform an imperial world order. In my broader dissertation project, I situate this formal/legal strategy in a broader anti-colonial project of creating a new world order—one premised on political and economic independence, equality and internationalism.

That aim of this paper, however, has been more limited. It seeks to account for the important ways in which slavery and self-determination constituted a pair of problem and answer in anti-colonial nationalist thought. In examining this pairing, I have sought to illustrate the limitations of a diffusion narrative of anti-colonialism and suggested instead that we pay attention to the remarkable transformation of the principle of self-determination. When the anti-colonialist appropriation of self-determination is told through a narrative of diffusion, we miss the significance of this transformation. In linking future developments to an original instantiation of universal principles such as the ‘Wilsonian moment’ or the Atlantic charter, the reinvention and reimagining of political ideas is lost. It appears as if Article 1 of the human rights covenants and resolution 1514 are merely extensions and applications of prior articulations. My reconstruction of the debates at the UN and the implications of the reclassification of self-determination as a right suggest that what we have by the 1960s is a new iteration of self-determination. An iteration is not merely a repetition or a mirror image of an original. Instead, it involves a process of resignification that changes the meaning of the concept.[[77]](#footnote-75) The appropriation of self-determination in the anti-colonial thought and practice involved this process of resignification.

1. ICCPR, ICESCR [↑](#footnote-ref--1)
2. Erez Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism,* (New York: Oxford University Press, 2007), 61. [↑](#footnote-ref-0)
3. Elizabeth Borgwardt, “‘When You State a Moral Principle, You are Stuck with It’: The 1941 Atlantic Charter a Human Rights Instrument,” *Virginia Journal of International Law,* 46 (2004-2006): 501-562, 546. Elizabeth Borgwardt, *A New Deal for the World: America’s Vision of Human Rights,* (Cambridge, MA: Belknap Press of Harvard University Press, 2005),29-30. [↑](#footnote-ref-1)
4. Describing a similar process by which abstract ideas, in this case human rights, were globalized after the French Revolution, Lynn Hunt argues that there is a “logic of rights” that enables their globalization. As with the Atlantic Charter, the abstract universalism of the Declaration of the Rights of Man magnified the incommensurability between principles and political practices creating a cascading effect whereby rights would be claimed by previously excluded groups. Lynn Hunt, *Inventing Human Rights: A History,* (New York: W.W. Norton & Company, 2007), 147, 162. In David Armitage’s global history of the American Declaration of Independence relies on a similar model of the diffusion of ideas. According to Armitage, 1776 marks the beginning of the “contagion of sovereignty” that infects the Americas in the 19th century and reaches its height in the years after World War II when colonies in Africa, Asia and the Caribbean gained independence. As a symptom of that contagion, the Declaration of Independence became a model through which later anti-colonialists constituted their claims. David Armitage, *The Declaration of Independence: A Global History,* (Cambridge, MA: Harvard University Press, 2007). [↑](#footnote-ref-2)
5. Cemil Aydin, *The Politics of Anti-Westernism in Asia: Visions of World Order in Pan-Islamic and Pan-Asian Thought*, (New York: Columbia University Press, 2007), 160. [↑](#footnote-ref-3)
6. Nnamdi Azikiwe was one of the leading figures of the Nigerian nationalist movement and would become the country’s first president in 1960. During the 1930s, he founded and edited the *West African Pilot.* The above comments appeared in April 25, 1945 editorial of the paper and are quoted in Marika Sherwood, “‘There is No New Deal for the Blackman in San Francisco’: African Attempts to Influence the Founding Conference of the United Nations, April-July, 1945.” *The International Journal of Africa Historical Studies* 29 (1): 71-94. [↑](#footnote-ref-4)
7. Marika Sherwood, “‘There is No New Deal for the Blackman in San Francisco’: African Attempts to Influence the Founding Conference of the United Nations, April-July, 1945.” Carol Anderson, *Eyes off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955,* (New York: Cambridge University, 2003). [↑](#footnote-ref-5)
8. Yassin El-Ayouty, *The United Nations and Decolonization: The Role of Afro-Asia,* (The Hague: Matinus Nijhoff, 1971), 30. [↑](#footnote-ref-6)
9. Du Bois *Colonies and Peace, Color and Democracy.* In *The World in Africa and Color and Democracy,* ed. Henry Louis Gates, (New York: Oxford University Press, 2007), 248-9. [↑](#footnote-ref-7)
10. Roger B Taney, “Opinion of the Court.” In Scott v. Sandford, 60. U.S. 393. March 6, 1957, Accessed October 31, 2012. <http://www.law.cornell.edu/supct/html/historics/USSC_CR_0060_0393_ZO.html> [↑](#footnote-ref-8)
11. Nnamdi Azikiwe, *Renascent Africa,* (London: Frank, Cass and Company, Ltd, 1968), 63. [↑](#footnote-ref-9)
12. George Padmore, *How Britain Rules Africa.* (London: Wishart Books, 1936), 314. [↑](#footnote-ref-10)
13. Ibid, 314-315. [↑](#footnote-ref-11)
14. Ibid, 311-312. [↑](#footnote-ref-12)
15. Edmund Burke, “Speech on Mr. Fox’s East India Bill.” *The Works of Edmund Burke, Volume 1,* (New York: Harper and Brothers Publishers, 1860,) 332. [↑](#footnote-ref-13)
16. Kwame Nkrumah *Towards Colonial Freedom: Africa in the Struggle against World Imperialism,* (London: Heinemann,1962), 26-7. [↑](#footnote-ref-14)
17. Ralph Bunche, *A Worldview of Race,* (Washington, DC: The Associates in Negro Folk Education, 1936,) 38. [↑](#footnote-ref-15)
18. Kwame Nkrumah, *Towards Colonial Freedom*, xiv [↑](#footnote-ref-16)
19. Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism,* (Princeton: Princeton University Press, 2010),174. [↑](#footnote-ref-17)
20. George Padmore *How Britain Ruled Africa*, 317; Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism,* (Princeton: Princeton University Press, 1996), 53. [↑](#footnote-ref-18)
21. Alex Quaison-Sackey, *Africa Unbound: Reflections of an African Statesman,* (New York: Frederick A. Praeger, 1963,) 7. [↑](#footnote-ref-19)
22. Mahmood Mamdani, *Citizen and Subject*. Alex Quaison-Sackey argues that historically in the Gold Coast (i.e. Ghana), “the people exercised their ancient prerogative of destooling” or removing a chief. In the colonial context, the Governor could reserve the people’s right to remove an unpopular chief. Alternatively, the Governor may also choose to remove a popular chief who falls short of the requirements of the colonial state. Alex Quaison-Sackey, *Africa Unbound*, 7. Mahmood Mamdani’s study of indirect rule points to similar processes of accountability. The administrative chief was not entirely the invention of colonial rule, but in its pre-colonial iteration, the chief was restrained by mechanisms of accountability. Both the people and fellow chiefs of a kingdom could check and curb the excesses of a chef’s authority. Mahmood Mamdani, *Citizen and Subject,* 43. [↑](#footnote-ref-20)
23. Nnamdi Azikiwe, *Renascent Africa,* 68. [↑](#footnote-ref-21)
24. W.E.B Du Bois, “The Hands of Ethiopia,” *Darkwater: Voices within the Veil,* (Mineola, NY: Dover Publications, 1999), 33. [↑](#footnote-ref-22)
25. Berlin Conference General Act [↑](#footnote-ref-23)
26. For a study of post-emancipation Jamaica, see Thomas Holt, *The Problem of Freedom: Race, Labor and Politics in Jamaica and Britain, 1832-1938,* (Baltimore: The Johns Hopkins University Press, 1992)*.* For an examination of the United States, see Saidiya Hartman, *Scenes of Subjection: Terror, Slavery and Self-Making in Nineteenth Century America,* (New York: Oxford University Press, 1997)*.* A comparative lens that examines post-emancipation developments on both sides of the Atlantic can be found in Frederick Cooper et. al, *Beyond Slavery: Explorations of Race, Labor and Citizenship in Postemancipation Societies,* (Chapel Hill: The University of North Carolina Press, 2000). [↑](#footnote-ref-24)
27. George Padmore, *How Britain Rules Africa,* 3. [↑](#footnote-ref-25)
28. George Padmore, *How Britain Rules Africa,* 53-54. [↑](#footnote-ref-26)
29. Kwame Nkrumah, *Africa Must Unite,* (New York: International Publishers, 1963), 37. [↑](#footnote-ref-27)
30. W.E.B Du Bois, “The Hands of Ethiopia,” *Darkwater: Voices within the Veil,* 36. [↑](#footnote-ref-28)
31. John Harris, (*Dawn in Darkest Africa,* London: Smith, Elder&Co, 1912),153*.* Frederick Cooper, *Decolonization and African Society: The Labor Question in French and British Africa.* (New York: Cambridge University Press*,* 1996),27-28. [↑](#footnote-ref-29)
32. Kwame Nkrumah, *Africa Must Unite,* 12. [↑](#footnote-ref-30)
33. George Padmore, *How Britain Rules Africa,* 386. [↑](#footnote-ref-31)
34. 1926 Slavery Convention [↑](#footnote-ref-32)
35. Kwame Nkrumah, *Africa Must Unite,* 33 [↑](#footnote-ref-33)
36. The dissertation chapter from which this is excerpted details how anti-colonial nationalists understood the problem of international hierarchy. It goes on to argue that self-determination (as right to autonomy) was coupled with the principles of sovereign equality and non-intervention. These two principles were meant to guard against forms of international inequality and hierarchy that could encroach on the independence and autonomy of political communities. [↑](#footnote-ref-34)
37. # “Declaration of Rights of the Caribbean Peoples to Self-determination and Self-government,” *Richard B. Moore, Caribbean Militant in Harlem: Collected Writings, 1920-1972*, eds. W. Burghardt Turner and Joyce Moore Turner, (Bloomington, IN: Indiana University Press, 1992), 264.

    [↑](#footnote-ref-35)
38. UN Charter, https://www.un.org/en/documents/charter/index.shtml [↑](#footnote-ref-36)
39. “Declaration of Rights of the Caribbean Peoples to Self-determination and Self-government,” *Richard B. Moore, Caribbean Militant in Harlem: Collected Writings, 1920-1972*, 264. [↑](#footnote-ref-37)
40. Resolution 421 [↑](#footnote-ref-38)
41. Resolution 545 [↑](#footnote-ref-39)
42. Resolution 637 [↑](#footnote-ref-40)
43. *Yearbook of the United Nations* 1952, 441, 445. [↑](#footnote-ref-41)
44. Daniel J. Whelan, *Indivisible Human Rights: A History,* (Philadelphia: University of Pennsylvania Press), 139 [↑](#footnote-ref-42)
45. “Social, Humanitarian, and Cultural Matters” 1956, 94 [↑](#footnote-ref-43)
46. Daniel J. Whelan, *Indivisible Human Rights*, 140. [↑](#footnote-ref-44)
47. Resolution 1514. [↑](#footnote-ref-45)
48. *Yearbook of the United Nations* 1960, 45 [↑](#footnote-ref-46)
49. *Yearbook of the United Nations* 1960, 47 [↑](#footnote-ref-47)
50. *Yearbook of the United Nations* 1952, 442 [↑](#footnote-ref-48)
51. Nnamdi Azikiwe, *Political Blueprint of Nigeria,* (Lagos: African Books Company, 1943), 56 [↑](#footnote-ref-49)
52. Kwame Nkrumah, *Africa Must Unite,* 50 [↑](#footnote-ref-50)
53. Ibid, ix [↑](#footnote-ref-51)
54. Hannah Arendt, *Origins of Totalitarianism,* (New York: Harcourt, 1968), 291. [↑](#footnote-ref-52)
55. Ibid, 292. [↑](#footnote-ref-53)
56. Ibid, 291 [↑](#footnote-ref-54)
57. Ibid, 296-297 [↑](#footnote-ref-55)
58. Ibid, 297 [↑](#footnote-ref-56)
59. Seyla Benhabib, “Democratic Sovereignty and Transnational Law: On Legal Utopianism and Democratic Skepticism,” Paper presented at the Yale Political Theory Workshop, February 26, 2014. [↑](#footnote-ref-57)
60. In the 1950s, the violation of human rights in the colonies was magnified as colonies powers responded to liberation movements. In French Algeria and the British Kenya, the suppression of liberation movement deployed torture and committed various war crimes in violation of international law. In the colonies, an unchecked form of violence was possible precisely because the colonized—like the stateless---did not have a political authority that could protect their human rights. For a comparative study of the two colonies war in the context of international debates about decolonization and human rights, see Fabian Klose, *Human Rights in the Shadow of Colonial Violence,* trans. Dona Geyer, (Philadelphia: University of Pennsylvania Press, 2013).  [↑](#footnote-ref-58)
61. Resolution 1514. [↑](#footnote-ref-59)
62. League of Nations Covenant [↑](#footnote-ref-60)
63. United Nations Charter [↑](#footnote-ref-61)
64. Ralph Bunche, *Race: A Worldview,* 38. [↑](#footnote-ref-62)
65. The story of Iraq’s admission to membership in the League of Nations is instructive here. Iraq was the first and only mandatory territory that would come a member of the League. In 1932, Britain the mandatory power for Iraq petitioned for its membership to the League, but this membership was conditioned on the new states’ commitment to protecting European economic interests (particularly British oil monopolies) and meeting standards of government set by the League of Nation. This kind of independence was only independence in name as the imperial power and the international organization continued to exercise a great degree of the economic and political power in Iraq. Historian Susan Pederson has argued, “Britain’s campaign for Iraq’s admission to the League of Nations aimed to win international legitimacy for a particular neo-imperial definition of independence, one that would reconcile its imperial interests with a global order composed of formally sovereign nation-states.” Susan Pederson, “Getting out of Iraq—in 1932: The League of Nations and the Road to Normative Statehood,” *The American Historical Review,* 115 (October 2010): 975-1000, 999. [↑](#footnote-ref-63)
66. Daniel Philpott, *Revolutions in Sovereignty: How ideas shaped modern international relations,* (Princeton: Princeton University Press, 2001). [↑](#footnote-ref-64)
67. Robert Jackson, *Quasi-states: Sovereignty, International Relations and the Third World,* (Cambridge: Cambridge University Press, 1990) 40-47. [↑](#footnote-ref-65)
68. Malcolm N. Shaw, *International Law, Sixth Edition,* (New York: Cambridge University Press, 2008), 252. [↑](#footnote-ref-66)
69. Yassin El-Ayouty, *The United Nations and Decolonization: The Role of Afro-Asia,* 211. [↑](#footnote-ref-67)
70. Resolution 1514 [↑](#footnote-ref-68)
71. Yassin El-Ayouty, *The United Nations and Decolonization: The Role of Afro-Asia,* 217. [↑](#footnote-ref-69)
72. Ryan Irwin, “Apartheid on Trial: South West-Africa and the International Court of Justice, 1960-1966, *The International History Review* 32 (December): 619-642, 625 [↑](#footnote-ref-70)
73. Ibid, 635 [↑](#footnote-ref-71)
74. Although in the East Timor case (*Portugal v. Australia*), the Court ruled that it was unable to exercise its jurisdiction, it affirmed that the “right of peoples to self-determination is one of the essential principles of contemporary international law.” Malcolm N. Shaw, *International Law, Sixth Edition*, 255. [↑](#footnote-ref-72)
75. W.E.B Du Bois, *Colonies and Peace, Color and Democracy,* 248-9. [↑](#footnote-ref-73)
76. U Thant, “Statement by the Secretary General U Thant at the special committee meeting to celebrate the tenth anniversary of the Declaration of the Granting of Independence to Colonial Countries and Peoples.” *Operation Files of the Secretary General: U Thant: Speeches, Messages, Statement and Addresses, 1961-1971.* [↑](#footnote-ref-74)
77. Seyla Benhabib, “Democratic Sovereignty and Transnational Law: On Legal Utopianism and Democratic Skepticism,” 46. [↑](#footnote-ref-75)