Saniya Mehmood

"Self-determination did not do any work as a legal right during the 1950s and 1960s". Discuss.

Introduction

'The object is to frighten him with hope: hope that he might get independence'.[1]

At its simplest, self-determination can be defined as the legal legitimisation of '[s]tate patriotism' and the acknowledgement of a peoples' right to carry out functions of state, including political processes.[2] In international law, self-determination *may* be considered *jus cogens*, with Judge Robinson arguing that self-determination was a *jus cogens* norm during the 1960s based on, *inter alia,* the fact that it 'protects … the obligation to respect the inherent dignity and worth of the human person' and was universally applicable to and accepted by states *as a whole*.[3] Yet, the fact that both scholars and states have disagreed over this matter (for example, between 1963 and 1970, whilst Pakistan, Peru, and Iraq supported self-determination as *jus cogens,* Portugal and the Netherlands expressed otherwise) reminds us of the complexities of pinpointing a legal principle which has multiple, sometimes contradictory meanings, used to both support and challenge statehood.[4]

Regardless of its status as an international legal norm, during the 1950s and 1960s, self-determination was conceptualised by the international community (vis-à-vis the United Nations (UN)) as applying only to colonised peoples.[5] During the 1950s and 1960s, then, self-determination and decolonisation were intrinsically linked, with independence being the method through which self-determination was achieved. Thus, if decolonisation represented 'a withdrawal and a dispossession' to the West, then it also meant that those former colonised peoples could now be able to 'freely determine their political status and freely pursue their economic, social and cultural development'.[6]

---

1 Sir Oliver Wright (1965), quoted in *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* (Advisory Opinion) [2019] ICJ Rep 95, para. 105.

2 Martti Koskenniemi, 'National Self-Determination Today: Problems of Legal Theory and Practice' [1994] 43 International and Comparative Law Quarterly 241, 245.

3 *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* (n 1), Separate Opinion of Judge Robinson 294, para. 77.

4 Rhona K. M. Smith, *International Human Rights Law* (9th edn, OUP 2019), 334; Economic and Social Council (ECOSOC) (Sub-Commission) 'The Right to Self-Determination: Implementation of United Nations Resolutions, Study Prepared by Héctor Gros Espiell Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities' (1980) UN Doc E/CN.4/Sub.2/405/Rev.1, paras. 71-75 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL8/005/06/pdf/NL800506.pdf?OpenElement> accessed 14 August 2023; Helen Quane, 'The United Nations and the Evolving Right to Self-Determination' [1998] 57 International and Comparative Law Quarterly 537, 537; Koskenniemi (n 2), 249.

5 Smith (n 4), 334, 337.

6 Els Bogaerts and Remco Raben, 'Beyond empire and nation' in Els Bogaerts and Remco Rabens (eds) *Beyond Empire and Nation: The Decolonization of African and Asian Societies, 1930s-1970s* (Brill 2012), 13; *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art. 1(1); *International Covenant on Economic, Social and Cultural Rights* (adopted 16 December 1966, entered into force 3 January 1976) 999 UNTS 3 (ICESCR), art. 1(1).

"Self-determination did not do any work as a legal right during the 1950s and 1960s". Discuss.

To argue that self-determination *did do* work as a legal right during the 1950s and 1960s, then, is to claim that it was an enforceable right and a primary cause of independence; conversely, to argue that self-determination *did not do* any work is to acknowledge that it had little bearing on the granting of independence. This essay will take the latter view, arguing that self-determination did little work as a legal right in bringing about the independence of various colonies, with special reference to Africa.

Yet, a notable exception was when the UN declared that Libya would become independent 'not later than 1 January 1952' via Resolution 289 A (IV).[7] It is a rare example of self-determination working as a legal right during this period, because it is undeniable that the UN was able to transgress the non-binding nature of the resolution to enact its will, as Libya gained independence in 1951. However, the fact that Libya did not become a Trust Territory indicates exactly why it was the exception to the rule: being placed under the direct tutelage of the UN (rather than an Administering Authority), its right to self-determination could be both recognised *and* enforced by an organisation dedicated to the promotion of such a right.[8] By contrast, Italian Somaliland, which *did* become a Trust Territory, had its self-determination recognised, but delayed by ten years in order to be administered by Italy.[9]

Thus, self-determination was largely a passive force, manifesting as a legal byproduct of independence. So, although Turner attributes decolonisation to the 'bi-directional' factors of the political action of colonised peoples and the economic pressure felt by heavily indebted colonial powers, this essay will focus solely on the political factors which brought about independence, including nationalist mobilisation and the actions of the metropole.[10]

Self-determination as a Legal Right

The first international conception of self-determination can be found in Woodrow Wilson's advocacy for the victors of World War One to liberate the populations of the defeated powers.[11] It then gained legitimacy in the international system through the Atlantic Charter, wherein Britain and America expressed their desire 'to see sovereign rights and self-government restored to those who

---

[7] UN General Assembly (UNGA), *Question of the Disposal of the Former Italian Colonies*, UNGA Res 289 A (IV) (21 November 1949) art. 2,< https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/051/08/img/NR005108.pdf?OpenElement> accessed 15 August 2023.

[8] A. J. Christopher, 'Decolonisation without independence' [2002] 56 GeoJournal 213, 216.

[9] UNGA, *Question of the Disposal of the Former Italian Colonies*, UNGA Res 289 B (IV) (21 November 1949) arts. 2 and 3 <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/051/08/img/NR005108.pdf?OpenElement> accessed 15 August 2023.

[10] Oliver Turner, ''Finishing the Job': the UN Special Committee on Decolonization and the politics of self-governance' [2013] 34 Third World Quarterly 1193, 1197.

[11] Smith (n 4), 332.

have been forcibly deprived of them'.[12] However, self-determination came into fruition as a legal principle via articles 1(2) and 55 of the UN Charter, binding Member States to its promotion.[13] However, the fact that the sponsors of the Charter took contention with the original wording of Article 1(2) and the exact meaning of "self-determination" suggests its legal foundations to be fragile, for if there was no agreement on what the self-determination of a "peoples" entailed, it would be difficult to enforce this as a legal right. This interpretation is supported by literature, which agrees that 'there was no legal right to self-determination in the Charter'.[14]

Nevertheless, during the 1950s and 1960s, self-determination was perceived by the international community as a right that colonised peoples (including those in the Non-Self-Governing and Trust Territories) were entitled to, granted through UN instruments such as resolutions 637 (VII) and 1514 (XV) and the twin Covenants, and, more generally, independence.[15] However, although Resolution 1514 (XV), which has been described as 'the Magna Carta of decolonization', affirms that '[a]ll peoples have the right to self-determination' and orders the '[i]mmediate… transfer [of] all powers to the peoples of those territories', it must be remembered that it was not legally binding.[16] Moreover, although it can be said that the resolution still contributed to this area of international law, the fact that the colonial powers abstained from voting suggests that it had little impact on the their decisions to grant independence.[17]

Furthermore, although the Special Committee on Decolonization was formed with the task of enforcing Resolution 1514 (XV), Turner has shown how its embroilment in the 'North-South Theatre' impeded its effectiveness, with sessions often being plagued by a division between the 'Administrative Powers' such as the UK and US, and members from the 'global South', to the extent that the former both withdrew from the Committee in 1971.[18] Similarly, although Chapter XI of the *Charter* required the colonial powers to develop self-government within the Non-Self-Governing Territories, it has been has been noted that there was no infrastructure in place to oversee

---

[12] NATO, ''The Atlantic Charter': Declaration of Principles issued by the President of the United States and the Prime Minister of the United Kingdom' (first published 1941, 2 July 2018) <https://www.nato.int/cps/en/natohq/official_texts_16912.htm> accessed 7 August 2023.

[13] Quane (n 4), 539; Smith (n 4), 333.

[14] Quane (n 4), 541-543, 546.

[15] Quane (n 4), 549-553, 558-559; Anthony Whelan, 'Self-Determination and Decolonisation: Foundations for the Future' [1992] 3 Irish Studies in International Affairs 25, 29; UNGA, *The Right of Peoples and Nations to Self-Determination,* UNGA Res 637 (VII) (16 December 1952) art. 2 <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/079/80/PDF/NR007980.pdf?OpenElement> accessed 7 August 2023.

[16] ECOSOC (n 4), para. 48; UNGA, *Declaration on the Granting of Independence to Colonial Countries and Peoples*, UN General Assembly Res 1514 (XV) (14 Dec 1960) arts. 2 and 5 <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/152/88/PDF/NR015288.pdf?OpenElement> accessed 7 August 2023.

[17] Quane (n 4), 551.

[18] Turner (n 10), 1195, 1202.

or enforce this granting of self-government; nor does it even call for independence, as evident by the paternalistic language of Article 73(a) and (b).[19]

Moreover, even when self-determination *was* binding upon the colonial powers, it did not greatly influence their decisions to grant independence. Thus, even though both the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) restated the right to self-determination contained in Resolution 1514 (XV), their significance to the colonial powers was minimal.[20] For example, with the exception of Britain's Middle Eastern and Hong Kong colonies and Portugal's Macau colony, the main colonial powers (Britain (1976), Spain (1977), Portugal (1978), France (1980), and Belgium (1983)) had only ratified the treaties *after* they had granted independence to their colonies, indicating that, even when self-determination became binding on states, it still failed to work as a legal right in bringing about independence.[21]

Thus, although there does exist a recognised legal right to self-determination for 'peoples under colonial and alien domination' within UN law, this does not mean that it did much work during this period.[22] The main reason for this is that courts - most notably the International Court of Justice (ICJ) - have generally avoided the recognition of self-determination 'as an enforceable right'.[23] For example, between 1950 and 1971, the ICJ was occupied with determining South West Africa's legal status; whether it could still be considered a Mandate Territory; and of South Africa's international obligations as the Mandatory Power. Although the Court had declared in 1950 that South West Africa was still a Mandate Territory, and that, under Chapter XII of the Charter, it 'may be placed' under the Trusteeship System, thereby implying (but never directly stating) a right to 'self-governance or independence', it ultimately adjudged that South Africa did not have an 'obligation' to make South West Africa a Trust Territory (and, even if it did, its decision would not have been binding).[24] However, when the Court *was* invited by the governments of Ethiopia and Liberia to make a binding judgment on this matter, including to adjudge and declare that South Africa had 'impeded opportunities for self-determination by the inhabitants of the Territory', it declined, choosing instead to adjudge that the Applicants lacked a legal right or interest to submit the case

---

[19] Whelan (n 15), 27; *Charter of the United Nations*, (24 October 1945), 1 UNTS XVI (UN Charter), art. 73.

[20] ICCPR (n 6), art. 1; ICESCR (n 6), art. 1.

[21] United Nations Human Rights Treaty Bodies, 'Ratification Status for CCPR - International Covenant on Civil and Political Rights' <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en> accessed 6 August 2023; United Nations Human Rights Treaty Bodies, 'Ratification Status for CESCR - International Covenant on Economic, Social and Cultural Rights' <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/treaty.aspx?treaty=cescr&lang=en> accessed 7 August 2023.

[22] Koskenniemi (n 2), 257, 265; ECOSOC (n 4), para. 60.

[23] Jan Klabbers, 'The Right to Be Taken Seriously: Self-Determination in International Law' [2006] 28 Human Rights Quarterly 186, 191.

[24] *International Status of South-West Africa* (Advisory Opinion) [1950] ICJ Rep 128, 139-144; UN Charter (n 19), art. 76(b).

(though it is interesting to note that the vote was equally divided).[25] Furthermore, although Klabbers argues that the Court's 1971 Advisory Opinion on the legal consequences of South Africa's presence in Namibia 'stopped short of applying' the right to self-determination, by declaring that such a presence *was* illegal and violated 'the rights of the people of Namibia', the Court, at the very least, implicitly recognised Namibia's right to self-governance (though, again, this was not binding, and is beyond our time frame).[26] Therefore, despite the recognition of a legal right to self-determination, its effectiveness was undermined by the ICJ's inability to enforce it.

A further hindrance to the enforcement of self-determination was its limited scope of application. As Whelan notes, when self-determination was applied outside of the colonial context during this time period, the UN was even more reluctant to enforce this legal right, as its passivity in the face of the Biafran War indicates.[27] This can be explained by the international community's decision to define self-determination broadly in terms of the creation of states, and its condemnation of the 'partial or total disruption of the … territorial integrity of a country'.[28] As a result, self-determination has historically been applied only to those peoples subjected to colonial rule by an overseas empire (the "Salt-Water Thesis") which, as Musafiri highlights, excludes those minorities which seek internal self-determination.[29] By contrast, the "Belgian Thesis" insists that self-determination can be applied internally to indigenous and minority groups. Yet, the fact that the UN reacted negatively to this alternative thesis demonstrates how the international community sought to undermine the effectiveness of self-determination by limiting its scope of application to decolonisation.[30]

Therefore, although self-determination existed as a legal right during this time period, it failed to work as one. Despite being accepted as applicable to colonial peoples, its lack of enforcement by the ICJ, UN, and even the colonial powers themselves means that it had little impact on the granting of independence.

Self-determination as a Legal Byproduct

Thus, rather than working as a legal right during this time period, self-determination materialised as a legal byproduct of independence, ridding the coattails of factors such as nationalist mobilisation and the political work of the metropole.

---

[25] *South West Africa Cases (Ethiopia v South Africa; Liberia v South Africa)* (Judgment) [1966] ICJ Rep 6, 12, 15, 18, 22, 31, 51.

[26] *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970)* (Advisory Opinion) [1971] ICJ Rep 16, 54-56; Klabbers (n 23), 191-192.

[27] Whelan (n 15), 41.

[28] Prosper Nobirabo Musafiri, 'Right to Self-Determination in International Law: Towards Theorisation of the Concept of Indigenous Peoples/National Minority?' [2012] 19 International Journal on Minority and Group Rights 481, 502; ECOSOC (n 4), para. 60.

[29] Musafiri (n 28), 503-504.

[30] Smith (n 4), 335.

However, before analysing such factors, we must acknowledge that, for some, decolonisation did not result in the sovereignty associated with self-determination. As Christopher has shown, between 1950 and 1969, twenty colonies failed to gain independence as a sovereign state in their own right, instead being subsumed by a larger state, such as when Singapore, Sarawak, and North Borneo were incorporated into the Federation of Malaysia in 1963; when Spanish Morocco was amalgamated with Morocco in 1958; or when the five settlements of French India merged with the sovereign state of India by 1954.[31] Such a fact exemplifies how self-determination could fail to manifest itself even as a legal byproduct.

Likewise, self-determination as a legal byproduct could also be hindered by the outright denial of independence to a people. Take, for example, the case of Southern Rhodesia which, following its Unilateral Declaration of Independence in 1965, founds its sovereignty undermined by the international community, which failed to recognise it as a state and targeted it through UN-supported sanctions.[32] In declaring Rhodesia's secession illegal, the international community denied its right to self-determination via independence, and the fact that Červenka argues that, had this independence been declared by the Black majority, 'she would have won recognition as a new State', reinforces the primacy of the UN's conception of self-determination.[33]

Nevertheless, in the cases where independence meant the creation of a sovereign state, such fulfilment of self-determination came about as a result of political factors. The following section does not seek to rank the following factors nor perform a full survey of independence: rather, it intends to show how independence was multi-faceted, self-determination manifesting as a legal byproduct of such elements.

One political factor responsible for independence was the work of nationalist movements. Most notably, Schmidt has shown how, in French West Africa, Guinea's decision to vote "No" in the 1958 referendum, opting for immediate independence rather than membership of a French Community — which would be subordinate to the French Republic in foreign, economic, defence, and higher education policies and reverse African political representation in the metropole — was the result of a highly developed nationalist movement.[34] Years before Resolution 1514 (XV) and the ICCPR/ICESCR, Guineans had declared independence as a result of the efforts of the Rassemblement Démocratique Africain which, under the leadership of trade unionists and teachers, mobilised the masses on the basis of its 'grassroots ethnic, class, regional, and gender alliances'.[35] Though Guinea was the outlier, the only French West African colony to have voted for immediate independence, it

---

[31] Christopher (n 8), 214-217.

[32] Koskenniemi (n 2), 247; Zdenek Červenka, 'Rhodesia Five Years After the Unilateral Delcaration of Independence' [1971] 4 Verfassung und Recht in Übersee 9, 22-24, 27.

[33] Červenka (n 32), 21.

[34] Elizabeth Schmidt, 'Anticolonial Nationalism in French West Africa: What Made Guinea Unique?' [2009] 52 African Studies Review 1, 5-6.

[35] Schmidt (n 34), 8, 23.

exemplifies the power of a strong, developed nationalist movement in the achieving of independence at a time before the UN declared self-determination a right of all colonised peoples.

Adjacent to this factor was the waging of independence wars, which can be viewed as the violent pinnacle of nationalist mobilisation. For example, Fois has shown how the Algerian War was the culmination of the decades-long development of Algerian nationalism, with the nationalist parties rejecting assimilation in favour of independence.[36] And, although she suggests that self-determination 'contributed to an increased awareness of the cause of Algerian independence', it is clear that this legal right contributed little to the actual granting of independence.[37] Rather, it was the National Liberation Front's (FLN) commitment to guerrilla warfare that forced France's hand, so that, while France may have been militarily dominant, its brutal response to FLN terrorism resulted in the alienation of not only Algerians, but the French public and international community. Thus, it was not out of a commitment to self-determination that Charles de Gaulle, following his military successes against the FLN, acknowledged 'the possibility of self-determination … and majority rule within four years', but out of political embarrassment.[38] Self-determination therefore manifested as a legal byproduct of Algerian independence (1962), the cause of which was nationalist mobilisation.

Moreover, the fulfilment of self-determination during this period can also be attributed to the actions of the metropole. This is not to undermine the agency of the anti-colonial leaders and their peoples, but rather to exemplify how the colonial powers overlooked international law in favour of political work. For example, although Britain had agreed to Premier Ramgoolam's demand for Mauritian independence (to be effected in 1968) during negotiations in 1965, this was only because of its desire to 'get out' of an overpopulated and unprofitable colony and, more importantly, to detach the Chagos Archipelago for military use (permission for which was exchanged for independence), not out of a sense of duty to complete Mauritian self-determination.[39] Likewise, in the Belgian Congo, Weiss attributes Belgium's quick accession to demands for immediate independence (achieved in 1960) to a general apathy on the part of the metropole to its colony, which meant that it was intent on avoiding 'an Algeria-like war' in response to the Leopoldville riots of 1959.[40] It was because of such political considerations, then, that Belgium agreed to independence, relegating Congolese self-determination to a mere legal byproduct.

---

[36] Marisa Foi, 'Algerian Nationalism' [2017] 97 Oriente Moderno 89, 92-107.

[37] Foi (n 36), 92.

[38] Christopher Paul, Colin P. Clarke, Beth Grill, and Molly Dunigan, *Paths to Victory: Detailed Insurgency Case Studies* (RAND Corporation, 2013) 82, 86, 89-91.

[39] *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* (n 1) paras. 100-109; Jean Houbert, 'Mauritius: Independence and Dependence' [1981] 19 Journal of Modern African Studies 75, 83-84.

[40] Herbert Weiss, 'The Congo's Independence Struggle Viewed Fifty Years Later' [2012] 55 African Studies Review 109, 111-112.

Furthermore, Babou has shown how, in Africa during the postwar period, Britain's political and economic reforms, including the *Colonial Development and Welfare Acts* (1945, 1950, and 1955); the creation of an African elite; and the manifestation of indirect rule through the development of local government, were co-opted by nationalists in order to advance independence. Here, it is clear that such reforms were not enacted for the sake of self-determination, but rather to preserve colonial rule by embroiling 'radical nationalists' in local politics, so as to "distract" them from the greater goal of self-governance, which the Colonial Office believed was at least 'decades away'.[41] Thus, although a significant role was played by nationalist leaders such as Kwame Nkrumah in the Gold Coast (Ghana, 1957) and Julius Nyerere in Tanganyika (Tanzania, 1961), who used their electoral victories to force the British to concede independence, we must also acknowledge it was Britain's desire to maintain empire in Africa through political work that, ironically, saw the granting of independence to such colonies, with self-determination being the legal byproduct.[42]

Thus, as Babou notes, while the UN's 'emphasis on … the rights of self-determination … helped to build an international consensus against colonial rule' during this period, this does not mean that it effected any meaningful work in regards to this legal right.[43] Rather, more important were factors such as nationalist mobilisation and the political work of the metropole.

Conclusion

Although self-determination may be regarded as a *jus cogens* norm of international law, it had little impact on the independence of nations during the wave of decolonisation in the 1950s and 1960s. Rather, what granted these peoples their independence was, *inter alia,* their mass, nationalist mobilisation and the political machinations of the metropole, not because self-determination was their legal right.

However, although this essay has focused on self-determination strictly in the context of independence, it would be a disservice to the realities of postcolonialism if we were to overlook the question of whether self-determination *was* really achieved. For, if we are to accept that art. 1(1) of the ICCPR/ICESCR is a true representation of self-determination, we must question whether postcolonial states have been able to 'maintain, assure and perfect their full legal, political, economic, social and cultural sovereignty'.[44] Just a cursory glance at the history of the international system in the past sixty years reveals the presence of neocolonialism, whether that be in the overt form of France's policy of *Françafrique*, or the more subtle structures of the world economy which

---

[41] Cheikh Anta Babou, 'Decolonization or National Liberation: Debating the End of British Colonial Rule in Africa' [2010] 632 The Annals of the American Academy of Political and Social Science 41, 45-46.

[42] Babou (n 41), 47-50.

[43] *Ibid.*, 43.

[44] ECOSOC (n 4), para. 47.

form the crux of dependency theory.[45] Therefore, although self-determination existed as a legal right during the 1950s and 1960s, and while it may have manifested as a legal byproduct of formal independence, whether it has succeeded as a norm of international law is another question entirely, the answer to which has important implications for its legitimacy.

[45] Victor-Manuel Vallin, 'France as the Gendarme of Africa, 1960-2014' [2015] 130 Political Science Quarterly 79; Nagesh Rao, '"Neocolonialism" or "Globalization"?: Postcolonial Theory and the Demands of Political Economy' [2000] 1 Interdisciplinary Literary Studies 165, 168-170.

"Self-determination did not do any work as a legal right during the 1950s and 1960s". Discuss.

Bibliography

Primary Sources

Treaties

Charter of the United Nations, (24 October 1945), 1 UNTS XVI.

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 999 UNTS 3.

ICJ Cases

International Status of South-West Africa (Advisory Opinion) [1950] ICJ Rep 128.

South West Africa Cases (Ethiopia v South Africa; Liberia v South Africa) (Judgment) [1966] ICJ Rep 6.

Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970) (Advisory Opinion) [1971] ICJ Rep 16.

Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965 (Advisory Opinion) [2019] ICJ Rep 95.

— Separate Opinion of Judge Robinson 294.

UN Documents

UN General Assembly, *Question of the Disposal of the Former Italian Colonies*, UNGA Res 289 A (IV) (21 November 1949) < https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/051/08/img/NR005108.pdf?OpenElement> accessed 15 August 2023.

— *Question of the Disposal of the Former Italian Colonies*, UNGA Res 289 B (IV) (21 November 1949) <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/051/08/img/NR005108.pdf?OpenElement> accessed 15 August 2023.

— *The Right of Peoples and Nations to Self-Determination,* UNGA Res 637 (VII) (16 December 1952) <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/079/80/PDF/NR007980.pdf?OpenElement> accessed 7 August 2023.

— *Declaration on the Granting of Independence to Colonial Countries and Peoples*, UN General Assembly Res 1514 (XV) (14 Dec 1960) <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/152/88/PDF/NR015288.pdf?OpenElement> accessed 7 August 2023.

Economic and Social Council (ECOSOC) (Sub-Commission) 'The Right to Self-Determination: Implementation of United Nations Resolutions, Study Prepared by Héctor Gros Espiell Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities' (1980) UN Doc E/CN.4/Sub.2/405/Rev.1 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL8/005/06/pdf/NL800506.pdf?OpenElement> accessed 14 August 2023.

Websites

NATO, ''The Atlantic Charter': Declaration of Principles issued by the President of the United States and the Prime Minister of the United Kingdom' (first published 1941, 2 July 2018) <https://www.nato.int/cps/en/natohq/official_texts_16912.htm> accessed 7 August 2023.

United Nations Human Rights Treaty Bodies, 'Ratification Status for CCPR - International Covenant on Civil and Political Rights' <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en> accessed 6 August 2023.

— 'Ratification Status for CESCR - International Covenant on Economic, Social and Cultural Rights' <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/treaty.aspx?treaty=cescr&lang=en> accessed 7 August 2023.

Secondary sources

Babou, Cheikh Anta, 'Decolonization or National Liberation: Debating the End of British Colonial Rule in Africa' [2010] 632 The Annals of the American Academy of Political and Social Science 41.

Bogaerts, Els and Remco Raben, 'Beyond empire and nation' in Els Bogaerts and Remco Rabens (eds) *Beyond Empire and Nation: The Decolonization of African and Asian Societies, 1930s-1970s* (Brill 2012) 7-21.

Červenka, Zdenek, 'Rhodesia Five Years After the Unilateral Delcaration of Independence' [1971] 4 Verfassung und Recht in Übersee 9.

Christopher, A. J., 'Decolonisation without independence' [2002] 56 GeoJournal 213.

Houbert, Jean, 'Mauritius: Independence and Dependence' [1981] 19 Journal of Modern African Studies 75.

Klabbers, Jan, 'The Right to Be Taken Seriously: Self-Determination in International Law' [2006] 28 Human Rights Quarterly 186.

Koskenniemi, Martti, 'National Self-Determination Today: Problems of Legal Theory and Practice' [1994] 43 International and Comparative Law Quarterly 241.

Musafiri, Prosper Nobirabo, 'Right to Self-Determination in International Law: Towards Theorisation of the Concept of Indigenous Peoples/National Minority?' [2012] 19 International Journal on Minority and Group Rights 481.

Paul, Christopher, Colin P. Clarke, Beth Grill, and Molly Dunigan, *Paths to Victory: Detailed Insurgency Case Studies* (RAND Corporation, 2013).

Quane, Helen, 'The United Nations and the Evolving Right to Self-Determination' [1998] 57 International and Comparative Law Quarterly 537.

Rao, Nagesh, '"Neocolonialism" or "Globalization"?: Postcolonial Theory and the Demands of Political Economy' [2000] 1 Interdisciplinary Literary Studies 165.

Schmidt, Elizabeth, 'Anticolonial Nationalism in French West Africa: What Made Guinea Unique?' [2009] 52 African Studies Review 1.

Smith, Rhona K. M., *International Human Rights Law* (9th edn, OUP 2019).

Turner, Oliver, ''Finishing the Job': the UN Special Committee on Decolonization and the politics of self-governance' [2013] 34 Third World Quarterly 1193.

Weiss, Herbert, 'The Congo's Independence Struggle Viewed Fifty Years Later' [2012] 55 African Studies Review 109.

Whelan, Anthony, 'Self-Determination and Decolonisation: Foundations for the Future' [1992] 3 Irish Studies in International Affairs 25.

Vallin, Victor-Manuel, 'France as the Gendarme of Africa, 1960-2014' [2015] 130 Political Science Quarterly 79.